



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, PORTLAND DISTRICT  
PO BOX 2946  
PORTLAND OR 97208-2946

REPLY TO  
ATTENTION OF

Hydroelectric Design Center

21 DEC 2009

Mr. Douglas J. Albright  
Actuation Test Equipment Company  
3393 Eddie Road  
Winnebago, Illinois 61088

Dear Mr. Albright:

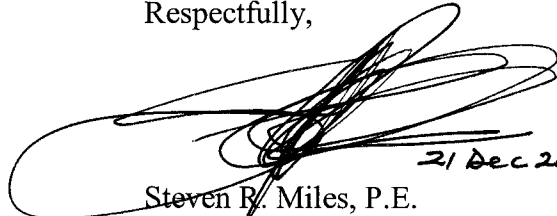
In accordance with EP 715-1-7, Procurement - Architect-Engineer Contracting, you were afforded a hearing before me on November 17, 2009. The purpose of this hearing was to provide you with an opportunity to present facts and evidence which would support altering the "Marginal" performance evaluation you received for Contract No. W9127N-04-D-0009. I also acknowledge receipt of your email dated December 8, 2009, providing additional information for my consideration.

During the hearing you requested that I consider affording your company additional consultant opportunities with the Hydroelectric Design Center. After further discussion with my technical offices, my decision is that the Government declines the opportunity to continue a consultant relationship with your company.

I have made inquiries into the allegations you presented related to misappropriation of intellectual property and consulted with my Office of Counsel. These allegations have not been substantiated and no further action will be taken by the Government on that matter. Review of the contract files confirmed that all invoices submitted by you have been paid in full, and you have submitted a signed release of claims.

After careful consideration, I find the "Marginal" rating to be justified, accurate, and sustained. I have directed my staff to finalize your performance evaluation and close this contract.

Respectfully,



21 Dec 2009.

Steven R. Miles, P.E.  
Colonel, Corps of Engineers  
District Commander