

**CYRUS E. PHILLIPS IV**

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VIA REGULAR AND ELECTRONIC MAIL

October 17<sup>th</sup>, 2008

David A. Ashen, Esq.  
Deputy Assistant General Counsel  
U.S. Government Accountability Office—PLCG  
441 G Street, N.W.  
Washington, D.C. 20548

Re: B-400660.1, Protest of PWC Logistics Services Company K.S.C.(c) Under  
Defense Supply Center Philadelphia Solicitation No. SPM300-08-R-0061

Dear Mr. Ashen:

I am representing Bahrain Maritime and Mercantile International B.S.C. (dba BMMI) in this Pre-Award Procurement Protest. BMMI is located 812 Shaikh Jaber Al Ahmed Al Subah Highway, Post Office Box 828, Sitra, Kingdom of Bahrain. With this letter I am responding to your telephone inquiry last evening asking about the nature of BMMI's "interest" in these proceedings.

I wrote you on October 9<sup>th</sup> that with respect to the challenged Solicitation, BMMI is an "interested party" just as that term is defined in 31 U.S.C. § 3551(2)(A). I made this assertion because BMMI has timely submitted an initial Competitive Proposal in response to Defense Supply Center Philadelphia Solicitation Number SPM300-08-R-0061. On October 8<sup>th</sup>, 2008 the Defense Supply Center Philadelphia Contracting Officer has confirmed by letter to BMMI, 4 C.F.R. § 21.3(a), that BMMI is an appropriate "interested party" in these proceedings, 4 C.F.R. § 21.0(a). A copy of this letter is enclosed.

BMMI has operated continuously in the Arabian Gulf for 125 years. BMMI specializes in the distribution, wholesaling and retailing of food and beverages. BMMI's roots go back to 1883 when Gray Paul, a British-owned merchant company operating in the Arabian Gulf, established a local branch in Bahrain. Following a merger in 1936, the company was renamed Gray MacKenzie, and in 1955 became part of the Inchcape Group. In 1980, the Group formed a joint venture with local shareholders to form Bahrain Maritime & Mercantile International (BMMI). The new company was later listed on the Bahrain Stock Exchange. When Inchcape divested its shareholding in 1999, BMMI became a wholly Bahrain-owned

public shareholding company (closed). In 2003, BMMI widened its shareholding base, with shares becoming available to investors across the countries of the Gulf Cooperation Council (GCC).

BMMI has successfully expanded its business operations outside the Kingdom of Bahrain. BMMI's overseas presence now covers seven countries across three continents, with a presence in Bahrain, Dubai, Kuwait, Qatar, Saudi Arabia, Djibouti and North America. BMMI's traditional operating activities (food and beverages, logistics and shipping) are now complemented by contract-based supply services (consumables and non-consumables) for overseas governments, non-governmental organizations and industrial concerns.

BMMI holds current Contracts with the United States Agency for International Development providing logistics support services in Djibouti, East Africa; with Defense Supply Center Philadelphia providing Prime Vendor food and consumables supply for the Middle East Zone 4; and with the United States Navy's Fifth Fleet providing Port husbandry for naval vessels based at Bahrain.

Likewise, BMMI holds Contracts for a comprehensive range of camp and facility support services for military clients in the GCC, Middle East, and East Africa; Contracts for non-consumables procurement and supply services for overseas governments, non-government organizations, militaries and industrial concerns in the GCC, Middle East, and East Africa; and Contracts for project management and supply services for large and complex industrial and commercial projects in the GCC region.

The GCC comprises the Persian Gulf states of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. The GCC is a regional bloc with a common market. The GCC common market grants national treatment to all GCC firms and citizens in any other GCC country, and in doing so removes all barriers to cross-country investment and services trade.

BMMI opposes PWC Logistics Services Company K.S.C.(c) Pre-Award Procurement Protest grounds concerning commercial practice, product pricing, discount restrictions, most-favored customer pricing, and discounts and rebates. BMMI's opposition to these Protest grounds is founded on BMMI's experiences in the distribution, wholesaling and retailing of food and beverages in the GCC, Middle East, and East Africa, and on BMMI's experiences in Contracts for support services, project management, and supply services in the GCC, Middle East, and East Africa. BMMI will oppose these Protest grounds with its Comments on the Agency Report.

BMMI understands that its participation in this matter is limited by the conditions set out in your electronic message of October 15<sup>th</sup>.

Sincerely,

/s/ Cyrus E. Phillips IV

Cyrus E. Phillips IV

Cc:

Michael R. Charness, Esq.  
Vinson & Elkins  
The Willard Office Building  
1455 Pennsylvania Avenue, N.W., Suite 600  
Washington, D.C. 20004-1008  
(via regular and electronic mail)

Linda L. Ford  
Contracting Officer DSCP-FTAH  
Defense Logistics Agency  
Defense Supply Center Philadelphia  
700 Robbins Avenue  
Philadelphia, Pennsylvania 19111-5092  
(via regular and electronic mail)

Robert Smith  
Chief Operating Officer,  
Logistics and Supply Chain  
Bahrain Maritime and Mercantile International B.S.C. (dba BMMI)  
Post Office Box 828  
812 Shaikh Jaber Al Ahmed Al Subah Highway  
Sitra, Kingdom of Bahrain  
(via electronic mail)

ENCLOSURE



DEFENSE LOGISTICS AGENCY  
DEFENSE SUPPLY CENTER PHILADELPHIA  
700 ROBBINS AVENUE  
PHILADELPHIA, PENNSYLVANIA 19111-5092

IN REPLY  
REFER TO

DSCP-FTAH (Linda L. Ford/215-737-7804)

October 8, 2008

Mr. Robert Smith  
Bahrain Maritime & Mercantile Int'l.  
P.O. Box 828  
Skh Jaber AlAhmed AlSabah H'way  
Sitra Bahrain


Dear Mr. Smith:

Please be advised that PWC Logistics Services Company K.S.C. (C) has formally lodged a protest before closing to the Government Accountability Office (GAO) regarding Solicitation SPM300-08-R-0061 for full line food distribution for authorized customers in Kuwait, Iraq and Jordan. A copy of the redacted protest is enclosed.

If you are interested in becoming an intervener regarding this protest, you should send a letter to that effect directly to the GAO with a copy to the undersigned. The address and name of the GAO attorney handling this matter is:

General Counsel  
Government Accountability Office - PLCG  
441 G. Street NW  
Washington, DC 20548  
ATTN: David A. Ashen  
Procurement Law Control Group

Sincerely,

  
LINDA L. FORD  
Contracting Officer

Encl