

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

CASE NO. 6:05-cr-172-ORL-18KRS

v.

15 U.S.C. § 1

Filed: 9/29/2005

WOODSON & ASSOCIATES, INC.,

Defendant.

INFORMATION

The United States, through its attorneys, charges:

COUNT ONE

A. DESCRIPTION OF THE OFFENSE

1. WOODSON & ASSOCIATES, INC. is hereby made a defendant on the charges contained in this Information.

2. Beginning at least as early as March 1998 and continuing until as late as June 2002, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by rigging bids on construction contracts with respect to the Evolved Expendable Launch Vehicle (EELV) program at Space Launch Complex 37 at Cape Canaveral Air Force Station (CCAFS). The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of § 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to rig bids on construction contracts with respect to the EELV program at Space Launch Complex 37 at CCAFS.

B. MEANS AND METHODS OF THE CONSPIRACY

4. For purposes of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) attending meetings and engaging in telephone conversations during which they discussed the submission of prospective bids on construction contracts with respect to the EELV program at Space Launch Complex 37 at CCAFS;
- (b) agreeing during those meetings and telephone conversations not to compete on certain projects at Space Launch Complex 37, specifically Raytheon Engineers and Constructors, Inc. (Raytheon) Project 7158 (Underground Duct Bank), and Project 7501 (Fire Alarm and Smoke Detection Systems);

- (c) agreeing during those meetings and telephone conversations not to compete by designating the defendant to be the successful bidder on Projects 7158 and 7501;
- (d) agreeing during the meetings and telephone conversations that the other corporate co-conspirator would submit intentionally high bids to Raytheon with respect to Projects 7158 and 7501;
- (e) submitting bids to Raytheon on Projects 7158 and 7501 which contained false, fictitious, and fraudulent statements and entries; and
- (f) the defendant accepting payments of \$2,526,329.00 and \$1,246,013.00 from Raytheon on Projects 7158 and 7501, respectively.

C. BACKGROUND

5. In the mid-1990s, the United States Air Force (USAF) began to develop a program to create a new family of EELVs to replace the aging rockets then being used to launch satellites. The goal of the project was to create a cost-efficient and reliable family of rockets to launch payloads into space by building on the existing hardware found in the current generation of rockets, including the DELTA II, ATLAS II/CENTAUR, and TITAN IV rockets.

6. In 1998, Boeing, pursuant to its EELV contract, retained Raytheon

to provide design and construction services at Space Launch Complex 37. Pursuant to the contract, Raytheon solicited bids from contractors to provide construction services with respect to Space Launch Complex 37, including Projects 7158 and 7501. Project 7158 consisted of the construction of duct banks, which consist of trenches in which electrical wiring encased in conduit are placed and then filled with concrete. Project 7501 consisted of the installation of a fire alarm system at Space Launch Complex 37.

D. DEFENDANT AND CO-CONSPIRATORS

7. During the period covered by this Information, the defendant was a Florida corporation located in Titusville, Florida, and was engaged in providing electrical contracting services to a variety of persons, including Raytheon at Space Launch Complex 37 for the EELV program.

8. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

9. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

E. TRADE AND COMMERCE

10. During the period covered by this Information, substantial quantities of essential materials and equipment were transported across state lines in a continuous and uninterrupted flow of interstate commerce and in a manner substantially affecting interstate commerce, for use in Raytheon projects 7158 and 7501. In addition, substantial amounts of funds to pay for the aforementioned projects were transferred from outside of the State of Florida into the State of Florida.

11. During the period covered by this Information, the business activities of the defendant and its co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate commerce.

F. JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Information was carried out, in part, within the Middle District of Florida within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, § 1.

Dated this 29 day of SEPTEMBER, 2005.

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