TSA Needs to Improve Its Oversight for Human Capital Contracts

June 1, 2021

MEMORANDUM FOR: Stacey Fitzmaurice
Senior Official Performing the Duties of the
Deputy Administrator
Transportation Security Administration

FROM: Joseph V. Cuffari, Ph.D.
Inspector General

JOSEPH V CUFFARI   Digitally signed by JOSEPH V CUFFARI
Date: 2021.05.28 17:41:32 -04'00'

SUBJECT: *TSA Needs to Improve Its Oversight for Human Capital Contracts*

For your action is our final report, *TSA Needs to Improve Its Oversight for Human Capital Contracts.* We incorporated the formal comments provided by your office.

The report contains two recommendations aimed at improving TSA's contract management. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider recommendation 1 open and resolved and recommendation 2 resolved and closed. Once your office has fully implemented recommendation 1, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act,* we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Bruce Miller, Deputy Inspector General for Audits, at (202) 981-6000.

Attachment

June 1, 2021

Why We Did This Audit

In 2016, the Transportation Security Administration (TSA) awarded a contract to Accenture, with a maximum value of $290 million, for recruitment and hiring to build up TSA's workforce. We conducted this audit to determine whether TSA is managing its Recruitment and Hiring (R&H) contract in a fiscally responsible manner according to Federal, departmental, and component requirements.

What We Recommend

We made two recommendations to improve TSA's contract management.

For Further Information:
Contact our Office of Public Affairs at (202) 981-6000, or email us at
DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

TSA did not manage the Accenture R&H contract in a fiscally responsible manner. Specifically, TSA did not properly plan contract requirements prior to awarding the contract and did not develop accurate cost estimates for all contract modifications.

This occurred because TSA did not:
- provide effective contract oversight;
- develop an acquisition strategy to coordinate the needs of multiple offices; and
- have the expertise to ensure cost estimates were accurate and realistic.

As a result, TSA incurred approximately $91.8 million in unplanned costs on the R&H contract.

As of January 2021, TSA obligated $287 million of the $290 million ceiling on the R&H contract and must reallocate limited resources from other critical mission areas to raise the contract ceiling. Further, TSA has continued to rely on the prior human capital contract, costing the taxpayers an additional $129 million since January 2017.

TSA Response

TSA concurred with both recommendations.
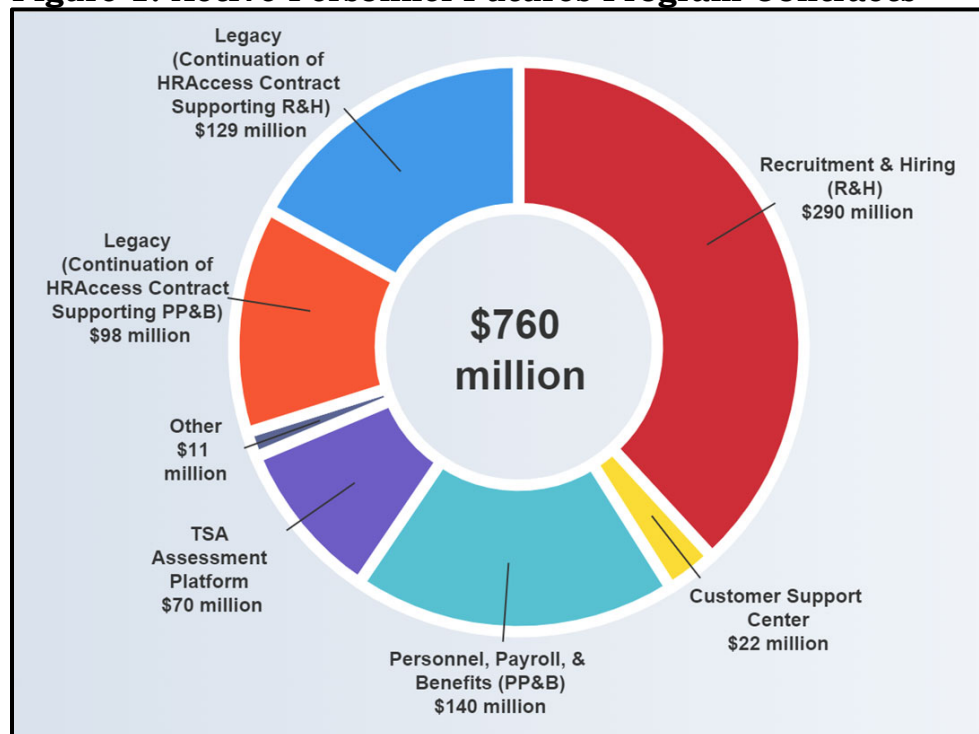
Background

The Transportation Security Administration (TSA) workforce comprises nearly 66,000 employees, including Transportation Security Officers (TSO), Federal Air Marshals, and Management Administrative Professionals (MAP), whose mission is to protect the Nation's transportation systems to ensure the freedom of movement for people and commerce. TSA's Office of Human Capital (OHC) is responsible for recruiting and hiring a qualified workforce to meet the component's mission.

In the past, TSA used a human capital contract to support multiple human resource functions for its large workforce. Specifically, in 2008, TSA awarded an 8.5-year, $1.2 billion human capital services contract (HRAccess) to support recruitment and hiring and other TSA human resource functions, including personnel and payroll processing, employee benefits, workforce management, and help desk services. However, in May 2013, OHC established the Personnel Futures Program (PFP) to split the 2008 HRAccess contract into multiple contracts to diversify the risk and reduce reliance on a single vendor. Figure 1 includes a chart of all active contracts under PFP, as of December 2020.

Figure 1. Active Personnel Futures Program Contracts

Source: Office of Inspector General (OIG) analysis of TSA data

In August 2016, OHC awarded a 5-year, $290 million Recruitment and Hiring (R&H) contract to Accenture. In addition to recruitment and hiring, the contract included applicant background checks, medical evaluations, information technology (IT) system security, applicant tracking system, and overall hiring support. From 2017 through 2019, TSA hired on average 10,000 TSOs and 4,260 MAPs per year. In 2020, due to the pandemic, TSA hired approximately 3,269 TSOs and 2,362 MAPs. The R&H contract accounts for about 40 percent of the $760 million in active PFP contracts.

In 2016, we reviewed TSA's effectiveness in monitoring and enforcing terms and conditions on the HRAccess contract.[1] We found that, although TSA ensured the contractor met the terms and conditions of the human capital services contract, its oversight could be more effective. The report included five recommendations to address TSA's contractor oversight. TSA concurred with all five recommendations, which are resolved and closed. We conducted this audit to determine whether TSA is managing its R&H contract in a fiscally responsible manner according to Federal, departmental, and component requirements.

Results of Audit

TSA Did Not Manage Its Recruitment and Hiring Contract in a Fiscally Responsible Manner

To protect the Government's interests, the Federal Acquisition Regulation[2] (FAR) places responsibility on Federal agencies to make fiscally responsible business decisions for their acquisitions. The DHS *Homeland Security Acquisition Manual* supplements the FAR requirements by emphasizing the importance of early acquisition planning to ensure components procure mission needs at a reasonable price. However, we determined TSA did not properly plan the R&H contract requirements prior to awarding the contract. Instead, TSA used old requirements from the HRAccess contract for the new R&H contract. TSA also did not develop accurate cost estimates for all contract modifications. We identified three instances in which TSA had to modify the contract because the initial contract requirements were not properly defined. In addition, the final prices for these modifications differed significantly from TSA's initial cost estimates.

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[1] *TSA's Human Capital Services Contract Terms and Oversight Need Strengthening*, OIG-16-32, January 29, 2016.

[2] FAR § 7.102(b) requires components to perform acquisition planning to ensure that the Government meets its needs in the most effective, economical, and timely manner.

IT System Security Requirements

TSA modified the IT system's security requirements 7 months after initial award. According to TSA, the decision to increase the security was made to safeguard the high volume of personally identifiable information in light of the June 2015 Office of Personnel Management[3] (OPM) data breach.

Additionally, although TSA initially anticipated the cost for increasing security requirements to be about $5 million, the first modification was awarded at $21.7 million. In a subsequent modification, TSA determined the initial modification was "no longer affordable or in the best interest of the government," and reduced the system requirements by half to cut costs from $21.7 to $17.3 million. However, due to government delays inhibiting completion of the system security updates, TSA added two more modifications for an additional $20.9 million. Overall, the R&H system security update took 23 months to complete, rather than the anticipated 9 months, and resulted in a total of $38.2 million[4] in unplanned costs, more than twice the revised cost estimate of $17.3 million.

Color Vision Testing

TSA modified the requirements for TSO applicants' color vision test and medical evaluations. According to TSA, these decisions were made as a result of weaknesses identified by the Office of Inspector General (OIG)[5] and by the TSA's Chief Medical Officer. However, not until November 2016, almost 3 months after the contract award, did TSA hire an optometry consultant to re-evaluate the vision requirements necessary to perform essential TSO tasks. In addition, OHC developed a $39.4 million cost estimate for updates to the color vision testing, without details to support the underlying assumptions and calculations required by the *Homeland Security Acquisition Manual* § 3007.104(d)(1)(ii). Specifically, OHC's independent government cost estimate and other contract documentation did not include sufficient detail fully describing the underlying assumptions for TSA's pre-negotiation position[6] and final negotiated price. In this case, the cost estimate of $39.4 million was more

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[3] In June 2015, OPM discovered that the background investigation records of current, former, and prospective Federal employees and contractors had been stolen. OPM announced the cybersecurity incident at https://www.opm.gov/cybersecurity/cybersecurity-incidents/.
[4] The $38.2 million includes $10.9 million of blended costs TSA would have potentially incurred as a result of other system security requirements, excluding the increased security categorization costs.
[5] *Covert Testing of TSA's Screening Checkpoint Effectiveness*, OIG-17-112, September 27, 2017.
[6] The pre-negotiation position is established by the Contracting Officer prior to negotiations using the analysis of the offeror's proposal, pricing information, cost estimates, and other pertinent information.

than double the actual cost of the updates to the R&H contract, approximately $16.5 million.[7]

Candidates Cloud[8]

TSA modified the R&H contract to add the Candidates Cloud requirement. According to TSA, the purpose of this change was to address IT modernization initiatives and complete the transition away from its legacy systems. TSA awarded the R&H contract intending to replace the recruiting and hiring functions and systems from the HRAccess contract. However, TSA did not add the Candidates Cloud requirement to the R&H contract until almost 3 years after contract award. As of December 2020, due to schedule delays, TSA had not implemented the Candidates Cloud, which caused continued reliance on legacy systems.

Further, TSA's Office of Information Technology (OIT) developed a $19.7 million cost estimate without detailed technical specifications outlining the necessary efforts. According to supporting contract documentation, this occurred because OIT was not aware of all technical factors impacting TSA's ability to define the requirements and time needed to complete the effort. As a result, TSA determined that this independent government cost estimate was not useful for negotiations. The modification resulted in a final negotiated price of $37.1 million, which was almost twice the $19.7 million cost estimate.

TSA Did Not Provide Effective Contract Oversight

As part of its oversight responsibility, component leadership should ensure acquisition planners identify contract needs and develop specifications, aligning the statements of work closely with performance outcomes and cost estimates. However, TSA management did not validate the needs and requirements during the planning phase of the R&H contract. Additionally, TSA did not ensure it had the staff with the required skillset to develop cost estimates. During interviews, TSA officials said TSA's OHC and OIT did not always have the expertise available to ensure cost estimates were accurate and realistic. TSA also did not develop an acquisition strategy to balance the operational needs of OHC with the OIT system modernization priorities. OHC operations inherently rely on IT systems, making collaboration between the program offices crucial to accurately define contract requirements and efficiently manage contract costs.

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[7] The $16.5 million represents actual and projected costs for the remainder of the contract.
[8] The Candidates Cloud is part of the IT modernization effort that provides virtual access to human capital data via the internet with the goal of achieving efficient human capital operations.

TSA is currently in the acquisition-planning phase for competing the follow-on contract for multiple PFP contracts. Therefore, it is imperative that TSA improves contract management activities and coordination between key Enterprise Support offices to ensure new PFP contracts will be properly planned and managed in a fiscally responsible manner.

We acknowledge that TSA has taken steps to improve OHC's management of program needs. Specifically, TSA commissioned independent reviews of human capital operations, brought on an external IT expert to oversee modernization efforts, and expanded OIT involvement to lead the cloud environment development and actively participate in the R&H re-compete efforts. Additionally, TSA objectively conducted its PFP Post Implementation Review to identify potential areas of improvement for this major acquisition program.

Conclusion

TSA incurred approximately $91.8 million of unplanned costs on the R&H contract and, since January 2017, has spent an additional $129 million by continuing to rely on the prior HRAccess contract. As of January 2021, TSA obligated $287 million of the $290 million ceiling on the R&H contract and must reallocate limited resources from other critical mission areas to raise the contract ceiling. Because the R&H contract expires in August 2021 and TSA has not awarded the follow-on contract, TSA may have to establish an interim contract to ensure continuity of hiring activities, resulting in additional unforeseen taxpayer costs.

Recommendations

Recommendation 1: We recommend the TSA Executive Assistant Administrator of Enterprise Support establish a cross-functional requirements working group with appropriate Enterprise Support program offices for planning and awarding the Recruitment and Hiring re-compete efforts as well as other Personnel Futures Program contract requirements to:

- develop a holistic and forward-thinking acquisition strategy that balances the Office of Human Capital's operational needs with Office of Information Technology's system modernization priorities; and
- implement a comprehensive process for reviewing and determining requirements.

Recommendation 2: We recommend the TSA Executive Assistant Administrator of Enterprise Support ensure Human Capital improves contract management activities including, but not limited to, requirements planning and

realistic cost estimate development by obtaining additional expert resources or leveraging Acquisition Program Management's existing expertise.

Management Comments and OIG Analysis

TSA concurred with both recommendations. We included a copy of TSA's management comments in their entirety in Appendix A. We also received technical comments on the draft report and revised the report as appropriate.

A summary of TSA's management responses and our analysis follow.

TSA Comments to Recommendation 1: Concur. Effective January 25, 2021, TSA has centralized the decision making of all modernization and contractual matters to the OHC Assistant Administrator, resulting in greater transparency, cooperation, and accountability. Additionally, TSA has established a Modernization Integrated Program Team comprised of experts from OHC, OIT, Office of Contracting and Procurement, and Acquisition Program Management. TSA has also reorganized human capital operations to create three new divisions, including a Modernization Center to develop, govern, test, pilot, and rollout new technologies; a HC Services Delivery Division to oversee day-to-day operations for hiring and benefits activities; and a HC Systems, Services, and Data Analytics Division to oversee all human capital technology and data analytics capabilities. Estimated Completion Date: January 31, 2022.

OIG Analysis of TSA's Response: TSA's proposed actions are responsive to the recommendation. We consider the recommendation open and resolved until TSA provides documentation showing the following:
- OHC's implementation of the new governance structure;
- Modernization Integrated Program Team's establishment of a holistic acquisition strategy for transitioning away from legacy systems; and
- Modernization Center's improved resource management for human capital IT systems and/or solutions.

TSA Comments to Recommendation 2: Concur. OHC has begun to improve contract management activities by hiring a Branch Manager, System Integration expert, and Program Integrator. The Branch Manager oversees all OHC contracts and interagency agreements, as well as serving as a Portfolio Manager to ensure a holistic approach to contract management. TSA is hiring a Systems Integration Expert to integrate new systems within the TSA environment. Additionally, TSA created and hired a new Program Integrator position, which reports directly to the Executive Director of Human Capital Operations. TSA has also cultivated a collaborative relationship with Acquisition Program Management to leverage its capabilities on all acquisition projects. The human capital operation reorganization being executed is

facilitating contributions to the acquisition process from across the TSA enterprise. Estimated Completion Date: April 30, 2021.

OIG Analysis of TSA's Response: TSA has established integrated program teams for three acquisition activities with a governance framework that leverages the expertise from OHC, OIT, Office of Contracting and Procurement, and Acquisition Program Management. TSA also filled the vacant position of a Branch Manager and a newly created position of Program Integrator. The System Integration Expert is currently onboarding. The collaboration between TSA program offices and hiring for vacant positions are responsive to the recommendation. We consider the recommendation closed and resolved.

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107−296) by amendment to the *Inspector General Act of 1978*.

The objective of this review was to determine whether TSA is managing its R&H contract in a fiscally responsible manner according to Federal, departmental, and component requirements. To achieve our objective we obtained, reviewed, and analyzed:

- Federal and departmental laws and regulations;
- DHS acquisition procedures and guidance;
- TSA acquisition and contracting policies and procedures;
- Key contract documentation, including statement of work, modifications, task orders, and relevant support; and
- Relevant acquisition program documents.

We interviewed officials from DHS' Office of Chief Procurement Officer, DHS' Office of Chief of Human Capital Officer, and Comprehensive Health Services (medical provider subcontractor). We also interviewed officials from TSA OHC, OIT, Office of Contracting and Procurement, Law Enforcement/Federal Air Marshal Service, Office of Finance and Administration, and Office of Security Operations. Additionally, we obtained documentation from Acquisition Program Management.

Due to the COVID-19 pandemic, we conducted all audit steps via telephone, email, or video communication. Although the team did not physically travel for meetings or site visits, we believe that these restrictions did not impair our ability to gather sufficient evidence to support audit conclusions.

We conducted our review of key contracting decisions on the R&H contract based on our judgmental selection. The population consisted of contract actions under the R&H contract and our selection was based on the significant changes to the contract. We evaluated the data reliability for the R&H contract transactions by verifying the details of the contract detail report obtained from the Federal Procurement Data System to source documents such as executed contract modifications and task orders.

We obtained and evaluated the R&H contract data to determine TSA's unplanned contract costs. Specifically, we verified the unplanned contract cost data to contract documentation, contractor invoices, and a TSA-provided system report, as appropriate. Additionally, we obtained and evaluated legacy contract information by verifying each legacy contract to the details we obtained from USASpending.gov, which is the official source for spending data for the U.S. Government. Overall, we determined the contract detail report, data used to calculate the unplanned contract costs, and legacy contract amounts were sufficiently reliable to support our findings and conclusions in our audit report.

We conducted this performance audit between May 2020 and December 2020 pursuant to the *Inspector General Act of 1978, as amended,* and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

The Office of Audit major contributors to this report are Shelley Howes, Director; Bradley Mosher, Audit Manager; Jacklyn Pham, Auditor-in-Charge; Melissa Brown, Program Analyst; Michael Brunelle, Program Analyst; Hope Wright, Auditor; Lindsey Koch, Communications Analyst; Lauren Moore, Independent Referencer.

Appendix A
TSA Comments to the Draft Report

U.S. Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive
Springfield, Virginia 20598

April 23, 2021

MEMORANDUM FOR: Joseph V. Cuffari Ph.D.
                            Inspector General

FROM: Stacey Fitzmaurice
                            Senior Official Performing the
                            Duties of the Deputy Administrator
                            Transportation Security Administration

SUBJECT: Management Response to Draft Report: "TSA Needs to Improve
                            Its Oversight for Human Capital Contracts"
                            (Project No. 20-034-AUD-TSA)

Thank you for the opportunity to comment on this draft report. The Transportation
Security Administration (TSA) appreciates the work of the Office of Inspector General
(OIG) in planning and conducting its review and issuing this report.

TSA appreciates OIG's recognition of the steps TSA has taken to improve management
of program needs. Specifically, TSA commissioned independent reviews of human
capital operations, brought on an external information technology expert to oversee
modernization efforts, and objectively conducted its Post Implementation Review to
identify potential areas of improvement for this major acquisition program. TSA remains
committed to meeting our mission of protecting the Nation's transportation infrastructure
while also providing current and prospective employees with the tools to excel. This
commitment to excellence is balanced with protecting the public's trust in our institution
by seeking cost effective means of achieving these goals. For example, the independent
review of our operations helped identify specific requirements that we used to build our
candidate cloud portal. This modernization allows us to more efficiently maintain our
system.

The draft report contained two recommendations with which TSA concurs. Please find
our attached detailed response to each recommendation. TSA previously submitted
technical comments addressing several accuracy, contextual, and other issues under a
separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please
feel free to contact me if you have any questions. We look forward to working with you
again in the future.

Attachment

**Attachment: Management Response to Recommendations
Contained in OIG Project No. 20-034-AUD-TSA**

OIG made the following recommendations for the TSA Executive Assistant
Administrator of Enterprise Support:

Recommendation 1: Establish a cross-functional requirements working group with
appropriate Enterprise Support program offices for planning and awarding the
Recruitment and Hiring re-compete efforts as well as other Personnel Futures Program
contract requirements to:
- develop a holistic and forward-thinking acquisition strategy that balances the
Office of Human Capital's operational needs with Office of Information
Technology's system modernization; and
- implement a comprehensive process for reviewing and determining requirements.

Response: Concur. To implement a more comprehensive process for reviewing and
determining requirements, Enterprise Support (ES) empowered Human Capital (HC) to
develop a governance structure for oversight of all HC Modernization efforts, effective
January 25, 2021. This governance structure provides greater oversight by centralizing
decision making with the HC Assistant Administrator for all modernization and
contractual matters.

To support the decision making process, a Modernization Integrated Program Team (IPT)
was established. This team is comprised of experts from Human Capital, Information
Technology (IT), Contracting and Procurement (C&P), and Acquisition Program
Management (APM). This IPT reports bi-weekly to ES regarding all matters related to
HC Modernization, to include system and service modernization. The consolidation of
decision making within HC, with HC still working closely with impacted TSA offices
and leveraging expertise from across TSA, has resulted in greater transparency,
cooperation, accountability, and effectiveness, while enabling all stakeholders to be
involved in this comprehensive approach. This new governance structure has been
applied to the ongoing transition from legacy systems to the new ServeU Human Capital
Hub and is already being utilized for the transition from the legacy Case Management
System (CMS) to the new Enterprise CMS in August 2021.

The governance structure, while a critical first step to greater integration of all
stakeholder input, is only one step already taken by ES and HC to resolve the concerns of
this recommendation. To create a more holistic and forward-thinking acquisition strategy,
HC reorganized its Operations Division to more effectively meet current mission
requirements while also preparing for the future. Effective March 3, 2021, HC Operations
reorganized to create a new Modernization Center to develop, govern, test, pilot, and
rollout new technologies to support HC efforts across the enterprise. This same

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reorganization also resulted in the creation of the HC Services Delivery Division to oversee day-to-day HC operations for Recruitment and Hiring, as well as Personnel and Benefits activities. A third division was created, the HC Systems, Services, and Data Analytics Division, which is responsible for overseeing all HC technology and data analytics capabilities. The Modernization Center specifically addresses concerns raised in the OIG report by closely examining how best to use resources, acquisition being a key part of that. The Modernization Center's focus is on activating four HC Strategic Enablers: (1) Develop Competencies for the Future, (2) Harness the Power of Data, (3) Government Leading the Way, and (4) Technology Augmented Human Resources. These Strategic Enablers act as guiding principles for the Modernization Center, which will realize the intent of each through IPTs comprised of experts from HC, IT, C&P, and APM. Working with stakeholders to explore new opportunities for improvement will result in a forward-thinking, holistic approach to modernization contracting.

The governance structure is in place and is being executed as described. HC is operating under the new organizational structure, with the formal realignment package and all required supporting documentation being drafted. The Estimated Completion Date (ECD) is January 31, 2022.

Recommendation 2: Ensure HC improves contract management activities including, but not limited to, requirements planning and realistic cost estimate development by obtaining additional expert resources or leveraging APM's existing expertise.

Response: Concur. HC has already begun improving contract management activities with the hiring of a new Branch Manager at the end of March 2021., the Branch Manager is responsible for overseeing all HC contracts and interagency agreements. The Branch Manager also serves as a Portfolio Manager to ensure a holistic approach to contract management, including leveraging all available TSA and external resources for accurate planning and cost estimating required to ensure HC maximizes the return on investment for all contracts. This Branch Manager brings decades of experience modernizing the United States Army, with experience managing portfolios over $600 million. HC is also hiring a systems integration expert to integrate new systems within the TSA environment. The Portfolio Management Office will leverage this expertise when developing cost estimates and developing acquisition plans.

Additionally, HC has cultivated a collaborative relationship with APM and leverages their capabilities on all acquisition projects, including the service contract re-compete projected to be awarded by the third quarter of fiscal year (FY) 2022. The reorganization within the HC Operations Division is, in part, being executed to improve oversight of the acquisition process, improve transparency of acquisition activities, and facilitate contributions to the acquisition process from all experts within HC and across the TSA enterprise.

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Additionally, early this year HC created and hired a new Program Integrator position which reports directly to the Executive Director of Human Capital Operations. The Program Integrator has been instrumental in coordinating requirements planning and development both within HC and with external stakeholders, including IT and C&P.

Based on the actions taken above, HC requests this recommendation be considered closed with an ECD of April 30, 2021.

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Appendix B
Report Distribution

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