



# OFFICE OF INSPECTOR GENERAL

## *2020-00013-INVI-P – Architect of the Capitol (AOC) Senior Manager Accused of Negotiating With Vendors and Obligating Funds in Violation of the Antideficiency Act and AOC Policy*

**Suspected Violations of the AOC “Contracting Manual” and “Government Ethics” Policy: **Substantiated.****

**Suspected Violations of the AOC “Standards of Conduct” Policy, Title 31 U.S.C. § 1341 and 2 CFR § 200.320: **Not Substantiated.****

On August 25, 2020, the AOC Office of Inspector General (OIG) received a complaint from an AOC employee who wished to keep their identity confidential. The confidential source (CS) stated they were in fear of retaliation as an AOC senior manager, responsible for one of the AOC Avenues of Assistance, would seek retribution if they found out a complaint was filed with the OIG. The CS reported that on more than one occasion, the senior manager had negotiated with vendors and obligated government funds without the training or credentials to be a Contracting Officer’s Representative (COR). The CS indicated that the senior manager had directed staff to complete transactions that were not in accordance with Federal Acquisition Regulations, the AOC Contracting Manual and Appropriations Law. The CS was concerned that the senior manager had abused their authority by placing subordinates in uncomfortable positions and described one specific contract acquired by the AOC pertaining to Agency wide training.

The OIG’s investigation focused solely on the allegations of violations of law and AOC policy, not the interoffice relationships or management style within the division. The CS had already brought their additional concerns to the AOC Office of General Counsel (OGC).

On October 28, 2021, in an interview with the OIG, the senior manager described that a portion of their job was to obtain and schedule training for the entire AOC workforce. To accomplish this, they often had to reach out to vendors and gather preliminary information. In addition to obtaining the specific training course information, the senior manager also needed to ensure they did not exceed their allotted budget. It was not uncommon to request ballpark figures or estimates while conducting market research. The senior manager told agents they had never received COR training and it was common practice to ask Supplies, Services & Material Management Division (SSMMD) for advice on how to proceed with procuring training and government contracts. E-mails obtained by our office between the senior manager and the specific vendor confirmed communication in reference to training proposals (including price) and authoring a sole source justification. The senior manager was unaware that communicating directly with a vendor prior to contract award, having not completed the COR training course, was in violation of the AOC Contracting Manual.

In their interview, the senior manager explained that they attempted to obtain specific vendors via sole source justification due to a skill set or quality they felt would translate well to the employees at the AOC. The senior manager stated there were likely hundreds of companies similar to the vendor contracted that offered the specific category of training; however, not all companies or trainers would be



# Investigative Summary

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able to relate to the blue collar employees of the AOC. When directly asked about their attempt to sole source the training, the senior manager told agents that they had observed previous courses taught by the vendor and the vendor was able to engage and relate to all AOC employees. During the process of attempting to obtain a sole source contract award, SSMMD advised the senior manager that the contract was not eligible for a sole source award and would have to be offered to multiple vendors prior to selection. At that point, the senior manager passed all information to the Management and Program Analyst responsible for overseeing contracts within their division to handle the contract moving forward. The senior manager also explained that because they often initiated conversations and training outreach, the vendors would occasionally communicate with them directly throughout the process. Both the senior manager's testimony and e-mail documentation confirmed they would then forward the information received directly to the COR working on the contract.

Although market research and communication with vendors is encouraged and can add significant value to contract development and award, every effort should be taken to avoid communication in violation of Procurement Integrity, Order 34-2 Section 1.11. Due to the mere appearance of impropriety by the senior manager, the OIG referred all ethical concerns to the OGC for their awareness and action (if any) they deem appropriate.

The investigation substantiated through testimony and review of documentation that the senior manager had never received the appropriate COR training required or letter of appointment from the Chief of SSMMD authorizing approved equivalencies or substitutions to the training requirements to negotiate contracts on behalf of the AOC. They were in violation of the AOC's Contracting Manual when they attempted to coordinate a sole source contract with the vendor. The OIG did not however, find any evidence of standards of conduct or criminal violations associated with the senior manager.

**Final Management Action:** The OIG substantiated that the AOC senior manager violated AOC Policy when they communicated directly with the vendor throughout the acquisition process without the proper authority or training required of a COR. The administrative violations were submitted to the jurisdiction head for action deemed appropriate, if any. The OIG referred all ethical concerns or violations to the OGC for their awareness and action deemed appropriate, if any. The case is closed and management action is pending.