



**Homeland
Security**

May 21, 2013

VIA ELECTRONIC DELIVERY

Ms. Carolyn Lerner
Special Counsel
Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Re: OSC File No. DI-11-3547

Dear Ms. Lerner:

The information below is sent as supplemental information to the February 1, 2013, report in response to the referral of the above-captioned matter regarding allegations that a Federal Protective Service Regional Director (RD) was involved with a procurement fraud scheme concerning the purchase of surveillance equipment. This letter supplements the earlier report as it relates to both disciplinary and corrective action taken by the Agency as a result of the findings in the investigation. The information contained in this letter may be made available to the public.

Introduction

The initial investigation in this matter was completed by the DHS Office of the Inspector General (OIG) on November 26, 2012. A brief supplemental investigation was completed by OIG on or around May 7, 2013.

Disciplinary Action

Based on the results of the above-mentioned investigations, the Agency is considering charging the RD with Conduct Unbecoming a Federal Employee and imposing a period of suspension. The RD's proposed discipline is currently awaiting a final review by an Employee Labor Relations Specialist. Once this review is finished, this draft discipline will be provided to the Proposing Official for discussion and issuance.

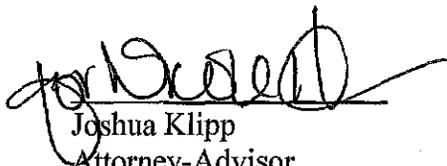
Corrective Action

While a first-instance and external view of this situation may seem to indicate nefarious conduct, there lacks any evidence that the RD (1) knew what he was doing was wrong (2) took the actions knowing they were wrong and/or (3) subsequently lied to the investigator about it. In fact, the evidence shows that at the time the RD received the proposal from Quigley, he forwarded it on to his management without any attempt to hide the fact that it came from his neighbor. Further, there is no evidence that, after forwarding it on, the RD had any input into the SOW ultimately forwarded on to procurement, or in the procurement process whatsoever. In fact, the SOW was later the subject of two bidding periods: in the first, Quigley and one other contractor submitted bids, but there were insufficient bidders for the contract to be awarded (minimum 3), and Quigley wasn't on the GSA schedule; in the second bidding period, (when Quigley was ultimately awarded the bid), Quigley was now on the GSA schedule, but the bid was put to open market, meaning potential bidders need not be GSA approved.

This said, the Agency notes failures along the way which may have enabled this situation, and further failed to correct it. Specifically, the Agency has recognized a general need to provide support to all field (i.e. regional) management who are tasked with creating technical statements of work, such as the SOW at issue here. To that end, FPS' headquarters office has created and filled a role for a "Technical Advisor" who is responsible for assisting field management in the creation of technical SOW's, as well as review of those technical SOW's prior to their submission to the Office of Procurement.

If you have any questions, do not hesitate to contact me at the email and phone number below.

Sincerely,



Joshua Klipp
Attorney-Advisor
(415) 436-8103
Joshua.Klipp@hq.dhs.gov