



U.S. OFFICE OF SPECIAL COUNSEL

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Washington, D.C. 20036-4505

The Special Counsel

March 27, 2018

The President
The White House
Washington, D.C. 20500

VIA ELECTRONIC MAIL

Re: OSC File No. DI-16-1436

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), I am forwarding to you a report from the Department of Transportation based on disclosures of wrongdoing at the Federal Aviation Administration (FAA), College Park, Georgia. The whistleblower, who chose to remain anonymous, disclosed that his manager mishandled contracting activities for a design and construction project at the Key West International Airport, Key West, Florida. The whistleblower asserted that the manager generated a Purchase Request (PR) using the name of the contracting official for the project, without consent. By generating the falsified PR, the whistleblower contended that the manager failed to properly compete the construction portion of the project, in violation of the Federal Acquisition Regulations (FAR). OSC has reviewed the agency report and, in accordance with 5 U.S.C. § 1213(e), provides the following summary of the report and my findings. The whistleblower chose not to comment on the agency report.

The whistleblower's allegations were referred to Secretary Elaine L. Chao for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Office of Inspector General (OIG) investigated the allegations, and Secretary Chao reviewed and signed the report.

The agency did not substantiate the whistleblower's allegations, concluding that the project engineer's name was listed as a contact person, the project engineer was not a contracting official, and the name was not forged. The investigation did not find any other contracting violation. The report indicated that while the FAR does not apply to FAA operations, OIG investigated the allegations as possible violations of the FAA Acquisition Management System, but did not find violations.

I have reviewed the original disclosure and the agency report, and determined that the report meets all statutory requirements and the findings appear reasonable. As required by 5 U.S.C. § 1213(e)(3), OSC has sent a copy of this letter and the agency report to the Chairman and Ranking Member of the Senate Committee on Commerce,

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Science, and Transportation and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure. I have also filed copies of this letter and the redacted agency report in our public file, which is available at www.osc.gov. This matter is now closed.

Respectfully,

A handwritten signature in blue ink, appearing to read "H. J. Kerner".

Henry J. Kerner
Special Counsel

Enclosure