# NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE



### **INSPECTOR GENERAL**

### REPORT OF INVESTIGATION

15 February 2013

IV-12-0113

### Alleged Submission of a Forged Document

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#### (U) OFFICE OF THE INSPECTOR GENERAL

(U) Chartered by the NSA Director and by statute, the Office of the Inspector General conducts audits, investigations, inspections, and special studies. Its mission is to ensure the integrity, efficiency, and effectiveness of NSA operations, provide intelligence oversight, protect against fraud, waste, and mismanagement of resources by the Agency and its affiliates, and ensure that NSA activities comply with the law. The OIG also serves as an ombudsman, assisting NSA/CSS employees, civilian and military.

#### (U) AUDITS

(U) The audit function provides independent assessments of programs and organizations. Performance audits evaluate the effectiveness and efficiency of entities and programs and their internal controls. Financial audits determine the accuracy of the Agency's financial statements. All audits are conducted in accordance with standards established by the Comptroller General of the United States.

#### (U) INVESTIGATIONS

(U) The OIG administers a system for receiving complaints (including anonymous tips) about fraud, waste, and mismanagement. Investigations may be undertaken in response to those complaints, at the request of management, as the result of irregularities that surface during inspections and audits, or at the initiative of the Inspector General.

#### (U) INTELLIGENCE OVERSIGHT

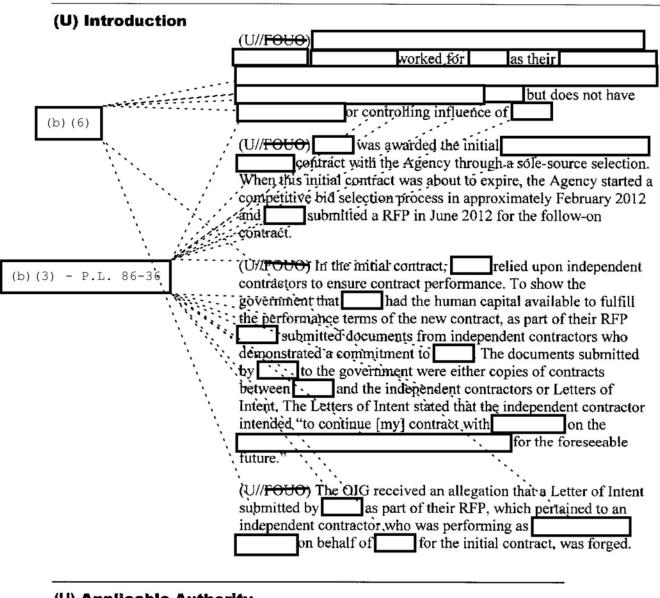
(U) Intelligence oversight is designed to insure that Agency intelligence functions comply with federal law, executive orders, and DoD and NSA policies. The IO mission is grounded in Executive Order 12333, which establishes broad principles under which IC components must accomplish their missions.

#### (U) FIELD INSPECTIONS

(U) Inspections are organizational reviews that assess the effectiveness and efficiency of Agency components. The Field Inspections Division also partners with Inspectors General of the Service Cryptologic Elements and other IC entities to jointly inspect consolidated cryptologic facilities.

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#### II. (U) BACKGROUND



#### (U) Applicable Authority

(U) The investigation looked at a possible violation of the Federal Acquisition Regulation, Subsection 3.1002 (a). See Appendix A for the full citation.

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### III. (U) FINDINGS

Request for Pr		orged Letter of Intent as part nt?
(U//FOUO) CONCL evidence supports t forged Letter of Inte	LUSION: Substantiated. the conclusion that Reque	The preponderance of the created and submitted a est-for Proposal to the
cumentary Evid	ence	(b) (6)
L. 86-36	This letter is dated 26 June 2 estensibly belonging to  (U//FOUO) This document a submitted as part of the Intent stipulates that the indehis contractual relationship value (Appendix B).  (U//FOUO) Maryland Product on 22 June 2012 the Maryla stating that was commitment by independent new contract. was inferior in the form of a Letter of I consider other evidence as loagreement by independent congregation.	acknowledges that "this form will be proposal for the continuation of "The Letter of in support of the contract for the foreseeable curement Office letter to a contractor to be available for the that this documentation usually intent but that the Agency would ong as that evidence showed an explicit contractor personnel to be available for
	(U//FOUO) CONC evidence supports forged Letter of Inte government, in viola 3.1002 (a).	Government, in violation of the Federal Acquis 3.1002 (a).  (U//FOUO) Letter of Intent The Agency received a Letter an independent contractor, a This letter is dated 26 June 2 estensibly belonging to  (U//FOUO) This document submitted as part of the Intent stipulates that the individual relationship of the Intent stipulates that the individual relationship of 22 June 2012 the Maryland Stating that was commitment by independent new contract. was infinite in the form of a Letter of I consider other evidence as letter of the c

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### (U) Testimonial Evidence

	(U// <del>POUO)</del>	
	(U//FOUO) was interviewed on 14 September 2012.  He agreed to provide voluntary, sworn testimony and was represented by private counsel during the interview.  provided the following sworn testimony:	
	Agency contracting officials that RFP should include documentation showing that had the personnel resources to fulfill the terms of the contract. thought it essential for RFP to have a Letter of Intent from for the contract.	
ر مر بر مرمر	ongoing contract.  thought that RFP would be rated lower by the Agency if it did not contain a Letter of Intent from signature on a Letter of Intent and then submitted this document as part of	
(b)(3) - P.L. 86-36		(b) (6)
	thought that stood to lose a large contract, employees, and revenue if was not awarded the new contract.  (U//FOUO) It was idea to forge	
	signature and he acted without the knowledge of any other official. This was the first time he forged any documents associated with an Agency contract.	
	forging signature. He told in early July 2012 that he had forged his signature and submitted the document as part of RFP. was fired from on after officials became aware of his	
	actions.	

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	(U// <del>FOUO)</del>	
	(U// <del>FOUO)</del> was interviewed on 22 Augus 18 September 2012 and provided the following sworn	t and testimony:
	(U//FOUO) is an independent contractor a employee of He has had a business relationship as a sub contractor	nd is not an
	for the si	nce
	did not sign a Letter of Intent use as part of their RFR for the new contract.  give perinission to  to sign his name to th He said he did not plan to sign a Letter of Intent with	did not
(b)(3) - P.L. 86-36	(U/ <del>/TOUO)</del> recalled that on 10 July 2012, visiting the	while ld him that
	he had created the forged Letter of Intent and included  RFP to the government.	it as part of
		(b) (6)
(U) Analysis	was clear in his testimony that signature to a Letter of Intent document. I acted alone and without the knowledge of any other His motivation was to put in a better position to the next contract which result in profits for the contract which is a second of the next contract which is a secon	He said he official. be awarded
	(UWFOGO) actions provide adequate evidence be considered for debarment from government contractivities pursuant to Subsection 9.406-2(c) of the Feder Acquisition Regulation. By his own testimony, he admit forging and submitting a Letter of Intent document in a help obtain a contract with the government while official with	acting ral ítted to n attempt to
	(U//FOUQ) In view of the above, we find that the prepo of the evidence supports the conclusion that and submitted a forged document to the government, in of the Federal Acquisition Regulation	created

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# V. (U) RESPONSE TO TENTATIVE CONCLUSION

(U// <del>FOUO)</del>	through representation, was provided pond to the OIG's tentative conclusion. He
chose not to respond	to the OIG's tentative conclusion.
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	(b) (6)

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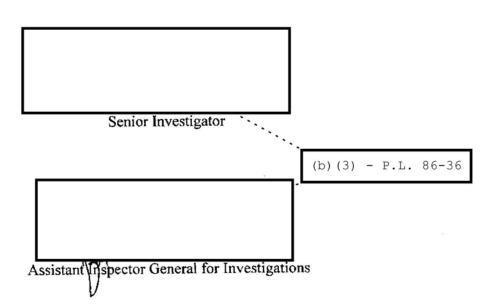
### VI. (U) CONCLUSION

behalf of	he preponderance of the evidence supports the conclusion that created and submitted a forged Letter of Intent to the government in violation of the Federal Acquisition Regulation, Subsection	or
3.1002 (a).		
	(b)(3) - P.L. 86-36	,
(b) (6)		

## VII. (U) DISTRIBUTION OF RESULTS

(U/<del>/FOUO</del>) A copy of this report of investigation will be provided to:

- A. Associate Directorate for Security and Counterintelligence, Special Actions, Q234
- B. Office of General Counsel, Acquisition, Technology and Research Law, D25
- C. Senior Acquisition Executive, NSA



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### **APPENDIX A**

(U) Applicable Authorities

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### (U) Federal Acquisition Regulation

(U) Subpart 3.10 - Contractor Code of Business Ethics and Conduct, Subsection 3.1002, Policy (a):

Government contractors must conduct themselves with the highest degree of integrity and honesty.

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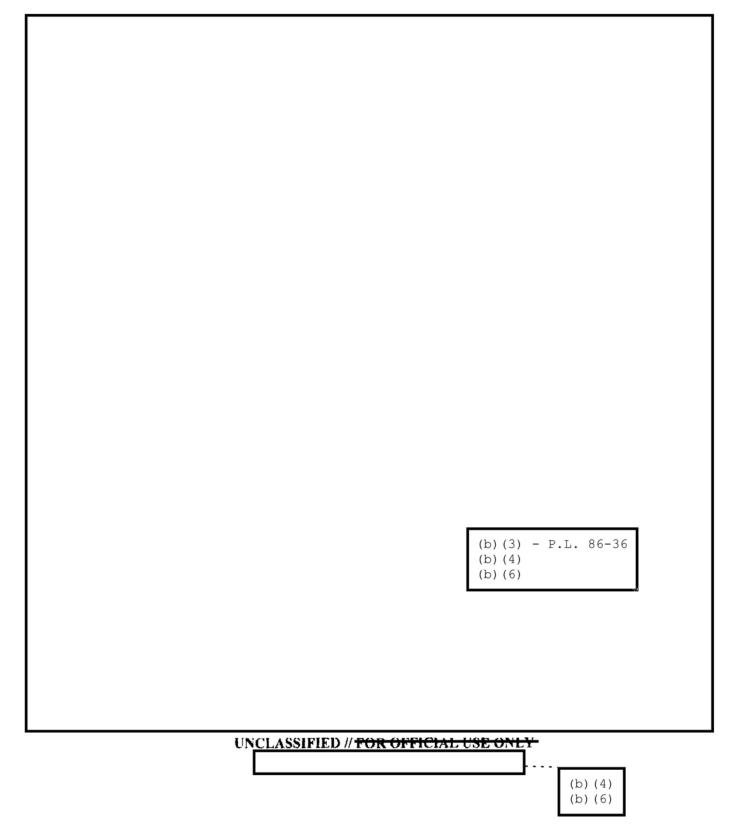
#### **APPENDIX B**

(U) Letter of Intent

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### **LETTER OF INTENT**



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### APPENDIX C

(U) Maryland Procurement Office Letter

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	MARYLAND PROCUREMENT OFFICE  9800 SAVAGE ROAD Suite 6288  FORT GEORGE G, MEADE, MD 20755-6626
	in Reply Refer to  DATE: 22 June 2012
	Attention
· · · · · · · · · · · · · · · · · · ·	- Reference: Request for Proposal (RFP)
(b) (6)	Subject: Discussions (b) (3) - P.L. 86-36
	Dear
	The Government appreciates the time and effort spent to attend the discussions that were held on 22 June 2012, as it provides an opportunity to ensure that the Government will receive the best possible proposals for this effort. As a result of these discussions, the Government concludes that there are not any further questions/clarifications resulting from your submitted proposal, dated 27. February 2012, and your change pages, dated 19 March 2012.  Pursuant to FAR 15.307, the Government requests the submission of Final Proposal Revisions from
	7 days a week for any possible contract issues that may arise, however, the expected to work those billable hours 365 days a year.

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As discussed in the meeting on 22 June 2012, is expected to demonstrate
commitment by independent contractors to be available for the new contract. This
generally is in the form of a Letter of Intent to perform under the new contract. However
other evidence will be considered provided that it shows explicit agreement by
independent contractor personnel to be available for the new contract.
independent contractor personner to be available for the new contract.
The Government requests that five (5) hard copies and two (2) disks of Final Proposal
Revisions be submitted by the closing time and date referenced above.
permitted to submit as many change pages as appropriate to respond to the discussion
items provided on 19 June 2012 as well as what was discussed on 22 June 2012.
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Should you have any questions regarding this request, please submit them in writing to
or the undersigned by 26 June 2012. If the
Government receives any questions regarding this request, we will respond by 27 June
2012. All correspondence to this office concerning this procurement should reference the
solicitation number
(b)(3) - P.L. 86-36
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Contracting Officer