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OFFICE OF THE INSPECTOR GENERAL
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE

To: Chief, D14 Date: 23 February 2016

From: for [redacted] Investigator [redacted]

Subject: [redacted] and [redacted]
[redacted]

File No: IV-14-0088

(b) (3) - P.L. 86-36

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Precedence: Routine

Purpose: To provide a summary report of investigation, and to recommend that this case be closed.

Details:

I. (U) Background

(U//FOUO) [redacted] is the Chief Operations Officer and [redacted] is the President and Chief Executive Officer of [redacted] provides System Engineering, Software Engineering, and Information Technology services specializing in support to the Intelligence Community (IC) and associated Prime Contractors.

(U//FOUO) [redacted] subcontracted to [redacted] on NSA contract [redacted] and [redacted] had access to NSA facilities and information systems by virtue of [redacted] employment on this NSA contract. [redacted] worked on government site on this contract and was specifically assigned to [redacted]

II. (U) Issue(s)

(U//FOUO) The OIG received an allegation that NSA contractors [redacted] and [redacted] solicited business on behalf of an unrelated private company called [redacted] In so doing, they may have violated federal acquisition regulations and NSA policy.

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III. (U) Applicable Standard(s)

(U//FOUO) Contract Clause [redacted]

(b) General Prohibitions. Contractor personnel under this contract shall not:

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(5) Represent their relationship with the Government as other than that detailed in this clause. (e) Non-Recruitment and Non-Interference. Contractor personnel shall not recruit Government or other Contractors' personnel on Government premises, nor otherwise act to disrupt official Government business. Access to and use of Government-furnished facilities, services, resources, and equipment (e.g., computers, telephones, portable computing devices, etc.) are for contract performance purposes only.

~~(U//FOUO)~~ NSA/CSS Policy 6-4, Contractor Use of NSA/CSS Information Systems and Resources:

- 1. Contractor shall only use NSA/CSS ISs to perform tasks that are authorized by contract, approved by the CO and permitted by this policy.
- 6. Contractor shall not use NSA/CSS IS and ITI resources to solicit business; advertise products or services; or otherwise seek to obtain an unfair competitive advantage.

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~~(U)~~ Investigative Activity

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~~(U//FOUO)~~ The OIG obtained sworn testimony from [redacted] and [redacted]. Their testimony confirmed that they made attempts via phone, in person, and through email to generate business for [redacted] between March-April 2014. A government witness to their attempts to market [redacted] products confirmed this information. The OIG also obtained copies of the literature and sample products that [redacted] distributed to NSA personnel on behalf of [redacted]. Finally, the OIG obtained copies of email correspondence between [redacted] and government representatives discussing [redacted] attempts to market [redacted] and its products. These email exchanges took place via NSA's internal email system using government information systems. The OIG has no evidence that these attempts to solicit NSA personnel for business successfully resulted in a contract award.

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~~(U//FOUO)~~ On February 5, 2016, [redacted] attorney for [redacted] provided email correspondence that [redacted] and [redacted] received from [redacted] owner of [redacted]. On or around December 3, 2013, [redacted] met with [redacted] Program Executive Officer, NSA Directorate of Acquisitions and several other NSA officials - no [redacted] representatives were present. [redacted] expressed interest in [redacted] services for a partnership with NSA, and supplied [redacted] with additional contacts within NSA.

~~(U//FOUO)~~ Email string dated December 3, 2013, from [redacted] to [redacted] and [redacted]. "I had a solid session with [redacted] today. She was briefed, too, on the fact that she can utilize [redacted] as well. She started by calling [redacted] the [redacted] and then [redacted] at FAD..."

~~(U//FOUO)~~ According to [redacted] following the initial 3 December 2013 meeting, [redacted] was explicitly invited by [redacted] to meet further with specific NSA officials about [redacted] services.

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V. (U) Analysis and Conclusion

(U//~~FOUO~~) [redacted] and [redacted] access to NSA facilities was predicated upon their subcontract with [redacted] to support NSA. Although they did use Government-furnished telephones and information systems for purposes not authorized under their contract, the fact that they were expressly invited to discuss these [redacted] services by NSA acquisition personnel mitigates the misuse. Furthermore, although [redacted] and [redacted] were soliciting business and advertising products and services, we have no information to suggest that they used NSA information systems to identify potential contacts/customers or to investigate pending acquisitions. Therefore, it is reasonable to conclude that they did not wittingly violate NSA policy when they discussed, via email and telephone, services in which NSA officials had expressed interest.

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VI. (U) Recommendation(s)

(U//~~FOUO~~) Recommend that this case be closed with no further action.
Concur with recommendation:

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[redacted]

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