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NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE



INSPECTOR GENERAL

REPORT OF INVESTIGATION

10 March 2014

IV-13-0032

Failure to Act Impartially in Development of Government Task Order

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(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.

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(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.

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(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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I. (U) SUMMARY

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(U//~~FOUO~~) This investigation was conducted in response to a complaint alleging that unduly influenced the award of a Technical Task Order (TTO) under the Contract to subcontractor

(U//~~FOUO~~) is professionally acquainted with the owner of which has done contract work for the NSA communicated with between January 2012 and May 2012 regarding the effort was added to the contract as a TTO. is the prime contractor for

(U//~~FOUO~~)

(U//~~FOUO~~)

demonstrate a lack of impartiality.

(U//~~FOUO~~) Based on the preponderance of the evidence, we conclude that failed to act impartially in developing a government Task Order. Her actions violated 5 C.F.R. § 2635.101 (b) Basic Obligation of Public Service; Federal Acquisition Regulation (FAR) 3.101 Standards of Conduct; and NSA/CSS PMM Chapter 366 § 1-3 (g) General Principles for On-The-Job Conduct.

(U//~~FOUO~~) A copy of the OIG report will be forwarded to the Office of General Counsel for information. A summary of the investigative findings will be provided to Q234, the Office of Personnel Security, for information, as well as to Employee Relations for appropriate action.

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II. (U) BACKGROUND

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(U) Introduction

(U//~~FOUO~~) retired from NSA in . At the time of this investigation, she was a employed as the entered on duty at NSA in .

(U//~~FOUO~~) In August 2012, the OIG received an anonymous complaint that chose to place on an contract TTO, based on their personal relationship. The OIG determined that the complaint referenced the contract, and that performed work on is the prime contractor for this effort. The TTO was awarded and the work on the TTO was completed in The total TTO value was

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(b)(4)

(U) Applicable Authorities

(U//~~FOUO~~) The investigation examined possible violations of the following authorities. Full citations are contained in Appendix A.

- (U) 5 C.F.R. § 2635.101 Basic Obligation of Public Service

- (U) Federal Acquisition Regulation 3.101 Standards of Conduct

- (U//~~FOUO~~) NSA/CSS PMM Chapter 366 § 1-3 (g) General Principles for On-The-Job Conduct

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III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] unduly influence a TTO award to a subcontractor?

(U//~~FOUO~~) CONCLUSION: Substantiated. Based on the preponderance of the evidence, we conclude that [redacted] failed to act impartially in developing a government Task Order. Her actions violated 5 C.F.R. § 2635.101 (b) Basic Obligation of Public Service; FAR 3.101 Standards of Conduct; and NSA/CSS PMM Chapter 366 § 1-3 (g) General Principles for On-The-Job Conduct.

(U) Evidence

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1. (U//~~FOUO~~) Documentary Evidence

(U//~~FOUO~~) The following documents were obtained and reviewed: [redacted] contract [redacted] Statement of Work, and [redacted] TTO [redacted]. These documents describe the [redacted] contract and outline the requirements of the task staffed by [redacted]

(U//~~FOUO~~) NSA Outlook E-mail Files

(U//~~FOUO~~) The OIG reviewed [redacted] NSA classified and unclassified e-mail files and obtained e-mail from individuals who provided testimony. The following exchanges (Appendix B 1-13) were relevant to the investigation:

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1. (U//~~FOUO~~) *January 5, 2012:* [redacted] sent [redacted] an e-mail with holiday greetings, discussion of professional articles, updates on professional endeavors, NSA and non-NSA related, and wrote: "Wish we could find a way to get you on-site… however, money is very tight right now… cutting way back. Have you [redacted]

2. (U//~~FOUO~~) *January 26, 2012:* [redacted] asked [redacted] whether she would have time to [redacted] replied that she looked forward to speaking to [redacted] about the opportunity by telephone the following week.

3. (U//~~FOUO~~) *March 14, 2012:* [redacted] provided [redacted] an outline to [redacted] This outline included a cost estimate of [redacted] for the work.

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4. (U//~~FOUO~~) *March 16-18, 2012:* informed of resistance by from the expanded her initial outline and cost estimate, changing the proposal from to address some concerns of the and to determine what the really were.

5. (U//~~FOUO~~) *March 28, 2012, 9:16 a.m.:* replied to a message, "Subject: RE: (U) RE: proposal," to and stated that funding had been approved, "but need to resolve the task order which would need to be placed on unless has a contract under staff and faculty."

6. (U//~~FOUO~~) *March 28, 2012, 1:18 p.m.:* wrote to and included as a CC recipient: "We are aware that you would prefer that this task be written as part of a larger contract so that you don't have to deal with the administrative burden." *1:30 p.m.,* responded to that funding cannot be used because

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7. (U//~~FOUO~~) *April 5, 2012:* submitted a revised proposal outline and cost estimate of to based on information provided by in her March 16-18 emails.

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8. (U//~~FOUO~~) *April 9, 2012:* responded to about her proposal and stated: "this [proposal] is great…working on the contract now. May have with you." expressed interest in making travel arrangements. cautioned about doing so before the contract is in place but promised to "rush this." responded: "Remember, we are going to sub to one of your larger contractors. Please pick somebody who is nice to work with." agreed to wait to make travel arrangements until the contract was awarded. responded: "I will do my best to push the contract process so that you can make your arrangements…for early May." She concluded: "I plan to push a document to the contracting folks tomorrow so that we can get this on our existing work order with .. have already spoke [sic] to the program manager about the tasking… so have set the stage."

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9. (U//~~FOUO~~) *April 10, 2012:* replied to a message, "Subject: RE: (U) Doc," and informed recipients that she took responsibility "for the action to write the TTO for

10. (U//~~FOUO~~) *April 10, 2012:* sent a message to various recipients, including the Contracting Officer's Representatives (CORs), and attached the "TTO for that I have discussed with you." is not mentioned in the e-mail. wrote: "To expedite this I've proposed that it go on – rather than do a sole source."

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11. (U//~~FOUO~~) *May 1, 2012:* E-mail between [redacted] CORs, [redacted] and [redacted] and Contracting Officers, [redacted] and [redacted] and various [redacted] personnel: [redacted] inquired about the status of the TTO and [redacted] responded that they were waiting for an explanation of the travel funding on the TTO. [redacted] later advised, "per my meeting with contractor PM & BA3 a few moments ago, please hold off on creating verbiage for this TTO." [redacted] provided the TTO "verbiage" for [redacted] to "keep in your back pocket for now": "Travel to [redacted] locations is required to allow full enterprise interaction with [redacted] and workforce. [redacted] will be traveling from her home office in [redacted] to NSAW to complete [redacted] Contracting Specialist, [redacted] advised that during a [redacted] status update meeting the COs learned that the proposed travel funding was going to be used for a contractor to travel from her home to complete the work, and that this type of travel cost was not allowed under the contract.

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12. (U//~~FOUO~~) *May 2-3, 2012:* After being notified that the travel funding had to be removed, [redacted] asked the CORs how the subcontractor would bill for travel. The message was forwarded to the CO, [redacted] responded that there is no means within the contract to reimburse someone for travel expenses from her home in [redacted] to work on the contract. She reminded the recipients that the TTO is issued to the prime contractor, who makes all staffing decisions. The government does not get involved in the prime/sub relationship and cannot dictate the use of particular individuals to perform the work. If [redacted] chooses to fill the position with a person residing out of state, it is responsible for bearing the cost of that person's travel.

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13. (U//~~FOUO~~) *May 12, 2012:* [redacted] informed [redacted] that she had signed the contract with [redacted] and they were ready to "get the show on the road."

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2. (U//~~FOUO~~) Testimonial Evidence

(U//~~FOUO~~) [redacted] Technical Director, [redacted]

(U//~~FOUO~~) On December17, 2012, [redacted] provided the following sworn testimony.

(U//~~FOUO~~) [redacted] is the [redacted] Technical Director and has been involved in the development of dozens of TTOs under the [redacted] contract.

(U//~~FOUO~~) [redacted] has a strictly professional relationship with [redacted] has done work with NSA since the mid-1980s and is world renowned in her field. [redacted] initially contacted [redacted] with the hope of having her [redacted] through the

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NSA and conducted a teleconference with exploring the possibility of characterized her communications with as "market research" because she believes it is her responsibility to know who has "the right capabilities to do the work we need." did not contact any other vendors regarding this task. office secured funding and later learned that funding could not be used because was not providing an

(U//~~FOUO~~) After discovering that funding could not be used, stated that two options existed: sole source the task to who is world-renowned in her field or add it to the existing contract as a TTO. They decided to put the task on the contract. was involved in a conversation with the Program Manager, in which they discussed the history of the task and the conversations with on developing the told that she thought that would be a good candidate for the work. She believes that it is part of her responsibilities to make recommendations as to who would be best suited to perform work for denied directing to hire and noted: could have feasibly went [sic] to her, regardless of her recommendations. She's the master."

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(U//~~FOUO~~) stated that she stopped communicating with after the decision had been made to place the TTO on the contract. She stated she was unaware that the TTO was going to be awarded to until the beginning of May when an issue arose regarding travel funding for the TTO.

(U//~~FOUO~~) When shown her e-mail correspondence with from April 9, 2012, in which they discuss beginning the task and subcontracting the effort on an existing contract vehicle with denied wrongdoing.

(U//~~FOUO~~) thought that she did what was best for and is saddened that her actions have been misconstrued by an anonymous IG Hotline complaint. She stated that ultimately it was decision to staff She participated in an NSA Contracting Officer's Representative course approximately five years ago and considers herself knowledgeable on ethical standards in government contracting.

(U//~~FOUO~~) 2nd Interview, Technical Director,

(U//~~FOUO~~) On May 22, 2013, provided the following sworn testimony.

(U//~~FOUO~~) explained that her initial contact with regarded a which was supposed to be paid for through funding. Through the discussion and development process with Once it

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was determined that [redacted] funding could not be used, [redacted] still wanted to "find a way" to get [redacted] on contract to do the work. While [redacted] admits that she recommended [redacted] in a meeting with the [redacted] Program Manager, she denies that she directed [redacted] to staff [redacted] on the TTO. She stated that she did not make the determination independently and worked with [redacted] and [redacted] to develop the task and write the TTO. She stated that it "never crossed my mind that I was doing anything inappropriate by trying to get the best asset to work an important project."

(U//~~FOUO~~) [redacted] Contracting Specialist, [redacted]

(U//~~FOUO~~) On December 6, 2012, [redacted] provided the following sworn testimony:

(U//~~FOUO~~) [redacted] has served as the Contracting Specialist for the [redacted] contract from approximately October 2011 to the present. [redacted] signed the TTO as the customer point of contact.

(U//~~FOUO~~) [redacted] was not involved in the development of TTO [redacted] When the TTO was sent to the Contracting Office for approval, [redacted] and the Contracting Officer, [redacted] noted that travel funding was included. Upon further inquiry, [redacted] was informed by [redacted] that the travel funding was to allow for a subcontractor to travel from her home in [redacted] to NSA to perform the work. [redacted] notified the customers that travel funding on the [redacted] contract was not authorized to be used in this manner. [redacted] stated that it was unusual that the customer knew before the TTO award which subcontractor the prime planned to retain. After conversations with the [redacted] PM and the customers, the travel funding was removed and the TTO was awarded.

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(U//~~FOUO~~) [redacted] Contracting Officer, [redacted]

(U//~~FOUO~~) On December 5, 2012, [redacted] provided the following sworn testimony:

(U//~~FOUO~~) [redacted] served as the Contracting Officer for the [redacted] contract from the award in [redacted] until October 2012.

(U//~~FOUO~~) [redacted] identified [redacted] as the [redacted] Program Manager responsible for staffing the TTOs. [redacted] has previously worked on NSA [redacted] and would have been professionally acquainted with some [redacted] staff.

(U//~~FOUO~~) [redacted] was not involved in the development of TTO [redacted] When the TTO was sent to her for approval, she noted a "red flag" because travel funding was included. [redacted] communicated with the CORs and the customer organization and was told the person chosen for the TTO lived in [redacted] notified them that travel funding for this effort was not authorized to

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allow for a subcontractor to travel from her home in [redacted] to NSA to perform the work. After conversations with the [redacted] PM and the customers, the travel funding was removed and the TTO was awarded. Based on the removal of funding, [redacted] assumed that the previously identified subcontractor in [redacted] was not staffed on the TTO.

(U//~~FOUO~~) [redacted] Business Manager/Administrative COR, [redacted]

(U//~~FOUO~~) On December 6, 2012, [redacted] provided the following sworn testimony.

(U//~~FOUO~~) [redacted] has been the Administrative COR for the [redacted] contract from approximately November 2011 to the present. As the Administrative COR, [redacted] was responsible for the financial aspects of the TTO and was not aware of the details surrounding the development of the task.

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(U//~~FOUO~~) [redacted] Technical COR, [redacted]

(U//~~FOUO~~) On December 13, 2012, [redacted] provided the following sworn testimony.

(U//~~FOUO~~) [redacted] has been the Technical COR for the [redacted] contract from approximately November 2011 to the present. She was not involved in the early stages of developing TTO [redacted] She reviewed the task to ensure that it fit within the scope of the [redacted] contract. During the review of the TTO, [redacted] became concerned regarding travel funding listed on the TTO and that the task appeared geared specifically to [redacted] based on funding provided for her to travel from her home in [redacted] [redacted] forwarded e-mails to the Contracting Officers, [redacted] and [redacted] raising the issue. They responded by clarifying that the government could not direct [redacted] to staff anyone in particular and that the travel funding should be removed.

(U//~~FOUO~~) [redacted] Program Manager, [redacted]

(U//~~FOUO~~) On December 20, 2012, [redacted] provided the following sworn testimony.

(U//~~FOUO~~) [redacted] is the Program Manager for the [redacted] contract. He is responsible for all aspects of the contract and has served in this role since the contract award in [redacted]

(U//~~FOUO~~) [redacted] was not involved in the development of TTO [redacted] and first became aware of the task when it was sent to [redacted] for a cost estimate. [redacted] usually asks the COR or others in the customer organization, possibly [redacted] in this case, whether there was anyone working on the task previously. [redacted] was aware that [redacted] had performed work for NSA in the past and that she is well known in her field. He could not recall how he became aware

that [redacted] had been involved in the task before it was submitted to [redacted] for a cost estimate. He did not contact anyone else for the work. He did not have local staffing available and there was a sense of urgency from the government to begin work on the task as soon as possible. [redacted] made the decision to hire [redacted] for the TTO and never felt obligated or pressured by any government personnel, including [redacted] to staff [redacted] on this effort. He was aware that [redacted] had previously worked with NSA.

(U//~~FOUO~~) [redacted]

(U//~~FOUO~~) On January 16, 2013, [redacted] provided the following sworn testimony, via telephone:

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(U//~~FOUO~~) [redacted] has worked in the field of [redacted] for NSA for more than 20 years. [redacted] was a subcontractor to [redacted] from May 2012 to October 2012 on TTO [redacted] under the [redacted] contract.

(U//~~FOUO~~) [redacted] has known [redacted] professionally for over 15 years and considers her a friend. [redacted] contacted [redacted] in early January 2012 and expressed interest in having [redacted] at NSA. They corresponded via e-mail and discussed the [redacted] periodically through early 2012. On March 9 and April 4, 2012, [redacted] participated in teleconferences with [redacted] and other [redacted] personnel, including [redacted] and [redacted] was given copies of the [redacted] On or about April 12, 2012, [redacted] became involved in the process, and in early May 2012, TTO [redacted] was awarded to [redacted] was hired by [redacted] as a subcontractor on the task. [redacted] noted that the NSA contract award process is very time consuming and her small company does not have the resources to be a prime contractor. [redacted] was unable to articulate why [redacted] became involved in the middle of the process and was unaware of contracting regulations that allowed or prohibited this sequence of events. Despite having submitted a proposal to [redacted] in March 2012 and a revised proposal in April 2012, [redacted] did not feel that the work was promised to her at any time. She understands that funding can be an issue and "nothing is certain until it is certain." She believed that she was the best qualified to perform the work and would have been disappointed had [redacted] not hired her. [redacted] was contacted by [redacted] regarding the work on April 12, 2012. She could not elaborate on how [redacted] became involved in the process, but believed that it was because the Agency had a standing contract with [redacted] and "they have to have a way to pay." The contract was not directly awarded to [redacted] company because of the administrative burden of the contracting process. She could provide no insight as to whether [redacted] influenced [redacted] to hire her.

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(U//~~FOUO~~)

(U//~~FOUO~~) On January 31, 2013, provided the following sworn testimony.

(U//~~FOUO~~) first heard name associated with the task through and are acquainted professionally. participated in two or three teleconferences which included before the beginning of TTO During the teleconferences, the representatives talked to about they expected from her. characterized the calls as could provide no additional information about the award of TTO

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(U//~~FOUO~~)

(U//~~FOUO~~) On January 30, 2013, provided the following sworn testimony.

(U//~~FOUO~~) In approximately January 2012, spoke at a monthly meeting and suggested The pushed back and did not want idea morphed into a task which became TTO participated in two or three short planning teleconferences including before the beginning of the formal task. was unaware of the nature of the relationship between and before the TTO award. could not provide any insight as to how was chosen for the task or how the task was added to the contract, but she said that she had the impression from the beginning that would perform the work. was the main driver behind the effort.

(U//~~FOUO~~)

(U//~~FOUO~~) On March 14, 2013, provided the following sworn testimony.

(U//~~FOUO~~) wanted to use to participated in teleconferences, which included and in March and April 2012. asked if funding was available for the task, but no funds were available. The task was not an appropriate use of funding. For administrative convenience, rather than going through the time-consuming sole source procurement process, determined that would be a subcontractor on the contract. It was understanding that was selected for the TTO, before the TTO being awarded. He does not know whether this practice would be allowable. knew that and were acquainted professionally.

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(U//~~FOUO~~) Former

(U//~~FOUO~~) On June 6, 2013, provided the following testimony.

(U//~~FOUO~~) served as the She was tasked with She worked that task with They were tasked with coming up with There were two funding choices: or managed both pots of money. He was used to bringing in which you can easily procure through an with funding.

(U//~~FOUO~~) During a monthly meeting with she and reviewed the options for the was not convinced that there were any COTS options available, so they decided to do As part of their market research, and contacted for a quote. does not know the details of what the market research produced, and does not know whether other vendors were contacted. There are two existing contracts for The contract does not have the but the course design, including a fits the scope of the contract.

(U//~~FOUO~~) did not know the process by which selected to fulfill this task. She felt that identified and with the best of intentions for the She believes what they did was "pretty honest. I think they said, 'we could sole source this or we could put it on We have a vehicle here to put it on,' so they thought the easier solution was to put it on the vehicle they had. Knowing that could say, 'yes we will take or not take So I think that was the intent. I don't think it was the 'we don't want to do work for sole source,' or anything like that."

(U//~~FOUO~~) is aware that has a professional relationship with who has previously done work for the NSA. could provide no additional information about communication with or the ~~Program Manager~~.

(U//~~FOUO~~) (b)(3) - P.L. 86-36

(U//~~FOUO~~) On June 13, 2013, provided the following sworn testimony.

(U//~~FOUO~~) and sought to have a completed through They determined that was not appropriate for the effort because of the nature of the task. They came to to help write the TTO for the contract because she has written most of the TTOs on the contract. and discussed the effort with when they thought was a viable option, but once the decision was made to put the TTO on made the staffing decisions. Before writing

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the TTO, followed her standard practice. She spoke to the customers, and for clarity on their expectations from the TTO, and she spoke to the Contractor PM to ensure that he understood the expectations. met with and the PM once during the development of the TTO. was mentioned during that meeting because she had been contacted by and during the initial process. stated that did not endorse to and would not need an endorsement for because he is in the industry and is aware of her skills.

(U//~~FOUO~~) did not know the extent of the contact had with before entered the process, but she did know that had been identified for the task when they were pursuing the process. stated that when the TTO was brought to her, the "pool of talent" for this type of work was significantly depleted and is very well known in the field. was not aware that was staffed on the effort until after the TTO award. She may have received e-mails regarding the progress of the TTO after she assisted in drafting it, but she did not follow the progression because the TTO did not fall under her organization.

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(U) Analysis and Conclusions

(U//~~FOUO~~) 5 C.F.R. § 2635.101 and the NSA/CSS PMM Chapter 366 Section 1-3 (g) state that employees are expected to act "impartially and not give preferential treatment to any private organization or individual." Furthermore, F.A.R. 3.101 Standards of Conduct states: "government business shall be conducted in a manner above reproach and… with complete impartiality and with preferential treatment for none."

(U//~~FOUO~~) admitted that it was her intention to "find a way" to get on contract after the option fell through. She also admitted that she recommended to the Program Manager. The correspondence between and clearly demonstrates from the onset that intended for to complete work for the Agency and the work itself was developed secondarily. In their first communication in January 2012, states: "If you have time to fit us in, we'd like to If you think you can do this, I'll work with you From that time, and her team worked with to define the task. After provided two increasingly detailed proposals and cost estimates was the decision made to place the task on the contract. This decision was made on March 28, 2012. continued to communicate with after the

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[redacted] funding and the commensurate simplified acquisition process was no longer an option. These exchanges show that [redacted] intended to have [redacted] perform the work and manipulated the acquisition process by placing a TTO on an existing contract vehicle to avoid the lengthy and burdensome process required for sole source acquisition. She wrote to [redacted] "We are aware that you would prefer that this task be written as part of a larger contract so that you don't have to deal with the administrative burden." She updated [redacted] on the progress of the contracting documents and cautioned her against making travel arrangements before the contract was signed. On April 9, 2012, [redacted] told [redacted] "we are working on the contract now. May have [redacted] with you." This shows that [redacted] expected [redacted] to perform the work. According to [redacted] testimony, she was not contacted by [redacted] about the work until April 12, 2012.

(U//~~FOUO~~) [redacted] also wrote that she would "push the contract process so that you can make your arrangements in early May," which again indicates [redacted] belief that [redacted] would ultimately be staffed on the effort. [redacted] also appeared to believe that she would be brought on, as evidenced by her statement: "Remember, we are going to sub to one of your larger contractors. Please pick somebody who is nice to deal with." [redacted] actions and, more tellingly, her written words demonstrate that she intended for [redacted] to be staffed on the task.

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(U//~~FOUO~~) [redacted] asserted that she did not act alone in the decision to move the effort from [redacted] to [redacted]; however, she alone maintained communication with [redacted] after the [redacted] option fell through. There is no indication in their conversations that there is a chance that [redacted] would not select [redacted] or even a mention that the staffing decision would be made by the prime contractor. The other individuals who participated in the teleconferences with [redacted] were not privy to all the steps to transfer the task to [redacted], were not involved in writing the TTO, were not signatories on the task order, and did not recommend [redacted] as a resource to [redacted] was the driving factor behind writing the TTO and completing all of the steps to ensure the TTO was awarded.

(U//~~FOUO~~) By continuing to communicate with [redacted] about the progress of the TTO development and documents and by recommending that [redacted] be staffed for the work, [redacted] gave preferential treatment to [redacted] in violation of 5 C.F.R. § 2635.101 and the NSA/CSS PMM Chapter 366 Section 1-3 (g), which state that employees are expected to act "impartially and not give preferential treatment to any private organization or individual." F.A.R. 3.101 Standards of Conduct states: "government business shall be conducted in a manner above reproach and… with complete impartiality and with preferential treatment for none." 5 C.F.R. § 2635.101 states that: "employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part." [redacted] communications, at the very least, give the appearance that she provided information to a subcontractor regarding status of contract award for a task with a prime contractor.

(b) (3) - P.L. 86-36
(b) (6)

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] failed to act impartially in developing a government Task Order. Her actions violated 5 C.F.R. § 2635.101 (b) Basic Obligation of Public Service; F.A.R. 3.101 (Standards of Conduct); and NSA/CSS PMM Chapter 366 § 1-3 (g) (General Principles for On-The-Job Conduct).

(b)(3) - P.L. 86-36
(b)(6)

Release: 2018-08
NSA: 04289

Doc ID: 6629992

IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) On March 6, 2014, [redacted] sent the OIG her response to the tentative conclusion. The information provided by [redacted] does not impact the findings of the OIG investigation. [redacted] full response is included in Appendix C.

(b)(3) - P.L. 86-36
(b)(6)

Release: 2018-08
NSA: 04290

Doc ID: 6629992

V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] failed to act impartially in the development of a government contract TTO. Her actions violated 5 C.F.R. § 2635.101 (b) Basic Obligation of Public Service; F.A.R. 3.101 Standards of Conduct; and NSA/CSS PMM Chapter 366 § 1-3 (g) General Principles for On-The-Job Conduct.

(b)(3) - P.L. 86-36
(b)(6)

Release: 2018-08
NSA: 04291

Doc ID: 6629992

VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy or summary of this report of investigation will be provided to:

1. M/ER for information and any appropriate action.
1. OGC, Administrative Law, D23, for information, and;
2. Q234, Special Actions, for information and any appropriate action.

[redacted]

Investigator

Concurred by:

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

[redacted]

Assistant Inspector General
for
Investigations

Release: 2018-08
NSA: 04292

Doc ID: 6629992

APPENDIX A

(U) Applicable Authorities

Release: 2018-08
NSA: 04293

(U) 5 CFR, § 2635.101 (a,b), Basic Obligation of Public Service, General Provisions

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

... (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

... (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

(U) Federal Acquisition Regulation 3.101 Standards of conduct, General

(U) Government business shall be conducted in a manner above reproach and, except as authorized by statute or regulation, with complete impartiality and with preferential treatment for none. Transactions relating to the expenditure of public funds require the highest degree of public trust and an impeccable standard of conduct. The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships. While many Federal laws and regulations place restrictions on the actions of Government personnel, their official conduct must, in addition, be such that they would have no reluctance to make a full public disclosure of their actions.

(U//~~FOUO~~) NSA/CSS PMM, Chapter 366, Section 1-3, (G), General Principles for On-The-Job Conduct

1-3. (U//~~FOUO~~) Generally, every employee is expected to:

...

G. (U//~~FOUO~~) Act impartially and not give preferential treatment to any private organization or individual;

Release: 2018-08
NSA: 04294

Doc ID: 6629992

APPENDIX B

(U//~~FOUO~~) Outlook E-mails

Release: 2018-08
NSA: 04295

1

From:
Sent: Thursday January 26 2012 8 02 AM
To:
Cc:
Subject: Re Are you interested in this year

Hi

(b) (6)

Sure. let's talk. look forward to it.

Can talk on Monday or Friday next week. I am in the middle of the week.

Monday: 11. noon or 1 pm Friday: 11 or noon. Do one of those work for you?

Soon.

(b) (3) - P.L. 86-36
(b) (6)

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

Sent from my iPad

On Jan 26, 2012, at 2:48 AM, wrote:

Hi

If you have time to fit us in, we'd like to If you think you can do this, I'll work with you on the content.

I can send you the don't have them here at home...but content might be focused on something like Since these folks are subject matter experts in something

If you want to discuss this more on the phone...can we talk early next week?

Hope we can work together on this--it will also afford you an opportunity to spend a little time with us-to see where we are with our I stopped calling it

Release: 2018-08
NSA: 04296

On Jan 6, 2012, at 7:42 AM, [redacted] wrote:

So glad your work is exciting....

[redacted]

Sad no funding to [redacted]. Curious about where you are now, really.

[redacted] (b) (3) - P.L. 86-36 (b) (6)

From: [redacted]
Date: Thu, 5 Jan 2012 22:27:23 0500
To: [redacted]
Subject: Re: miss you, how are you?

Hi there...Happy New Year!

thank you for the article. Looking forward to reading it...very busy time right now, getting ready [redacted]

[redacted]

Work is still exciting: [redacted]

[redacted]

Wish we could find a way to get you onsite...however, money is very tight right now ... cutting way back. Have you [redacted]

[redacted]

Spent a few hours [redacted] with [redacted] today...I think she is still motivated and enjoying herself.

[redacted]

(b) (3) - P.L. 86-36
(b) (6)

take care!

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

On Jan 4, 2012, at 1:49 PM [redacted] wrote:

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

This came out today.

[redacted]

Enjoy!

[redacted]

(b)(6)

Begin forwarded message:

[redacted]

Re: miss you, how are you?
January 6, 2012 7:42:51 AM EST

[redacted]

So glad your work is exciting....

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

From:
Sent: Wednesday, March 14, 2012 9:48 PM
To:
Cc:
Subject: Fwd:
Attachments:

can you please help me *It will need to be sent to* *thank you.*

Begin forwarded message:

From: >
Subject:
Date: March 14, 2012 10:50:45 AM EDT
To: >

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

Hi

Here is what I came up with.

As you can see, it involves

Then it involves as you would expect.

Make sense?

Let me know if you and your team have questions, of course.

Best,

Release: 2018-08
NSA: 04299

Doc ID: 6629992

(b)(3) - P.L. 86-36
(b)(4)

Release: 2018-08
NSA: 04300

Doc ID: 6629992

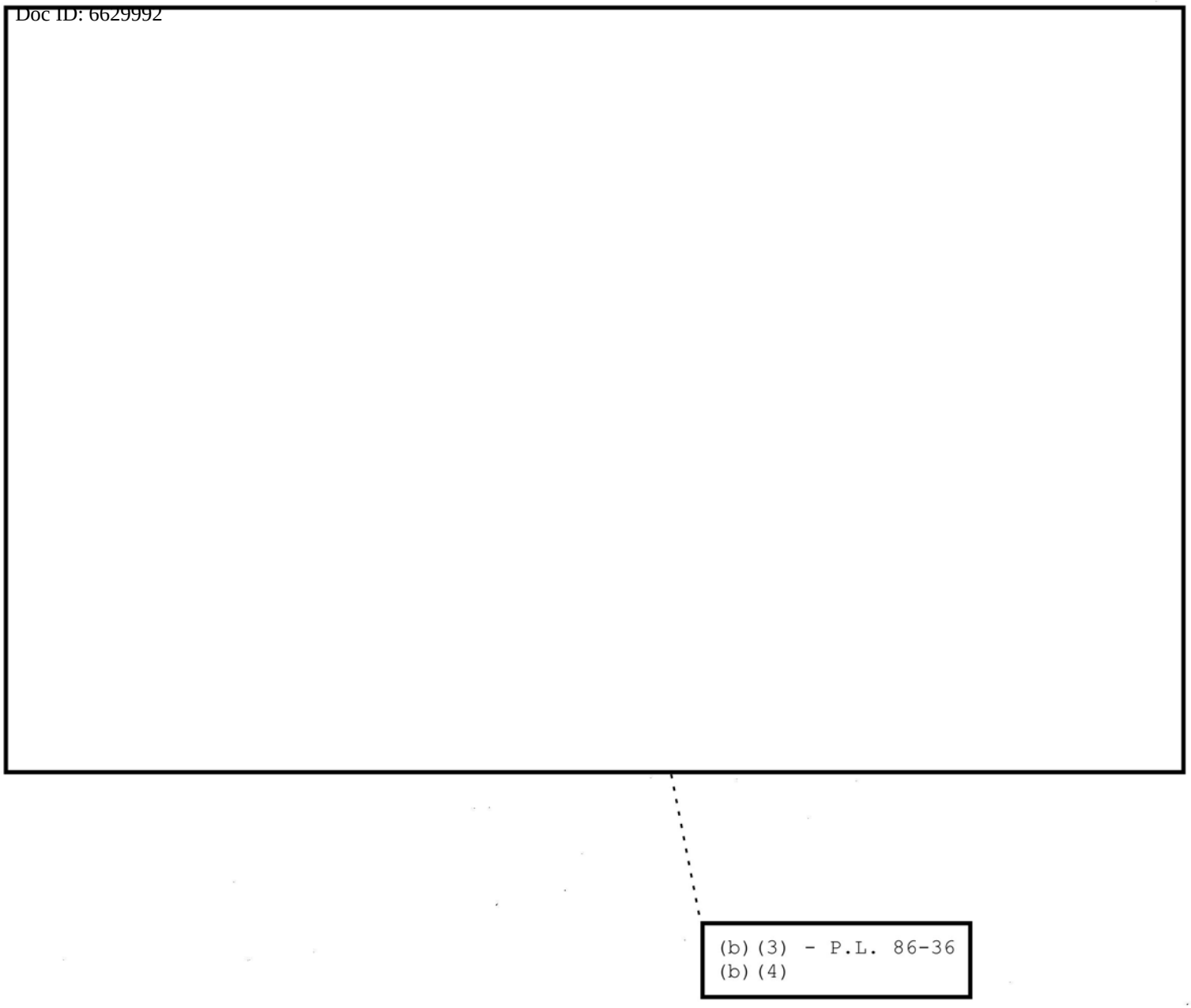
(b)(3) - P.L. 86-36
(b)(4)

Release: 2018-08
NSA: 04301

Doc ID: 6629992

(b)(3) - P.L. 86-36
(b)(4)

Release: 2018-08
NSA: 04302



(b)(3) - P.L. 86-36
(b)(4)

B-4

From: [redacted]
Sent: Sunday, March 18, 2012 8:51 PM
To: [redacted]
Cc: [redacted]
Subject: Re: [redacted]

(b)(3) - P.L. 86-36
(b)(6)

Hi [redacted]

I will think more deeply about your proposal, and and answer your questions early next week. Right now what you lay out seems logical and feasible...so, yes, let's discuss week of 25 March. [redacted] and I are planning to meet with [redacted] and [redacted] this week so that we'll be prepared to finalize our strategy. Meanwhile, I'll add more to your initial estimate so that we have some "wiggle room" since this is more work than we originally thought.

[redacted]

[redacted]

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

On Mar 16, 2012, at 11:17 AM, [redacted] wrote:

Hi [redacted]

OK, let's figure out what to do.

(b)(3) - P.L. 86-36
(b)(4)

A few questions:

[redacted]

[redacted]

Shall I revise the proposal? Want to chat about it? Can't next week, could week of March 25.

(b)(3) - P.L. 86-36
(b)(4)

[redacted]

From [redacted] > (b)(3) - P.L. 86-36
Date: Fri, 16 Mar 2012 00:10:34 -0400
To: [redacted] >
Cc: [redacted] <
Subject: Re: [redacted]

[redacted]

this is great..and [redacted] approved the funding.

Minor issue...we met with [redacted] today and wow...were we surprised by their reaction -- bottom line -- they said: [redacted]

...so [redacted] and I want to talk with you about a [redacted]

What do you think? Should we schedule another conference call?

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

[redacted]

Release: 2018-08
NSA: 04305

(b) (3) - P.L. 86-36
(b) (6)

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

On Mar 14, 2012, at 10:50 AM [redacted] wrote:

Hi [redacted]

Here is what I came up with.

As you can see, it involves [redacted]

Then it involves [redacted] as you would expect.

Make sense?

Let me know if your and your team have questions, of course.

Best,

[redacted]

Release: 2018-08
NSA: 04306

(b) (3) - P.L. 86-36
(b) (6)

B-5

RE: (U) RE: proposal

Item ID:
From:
To:
Cc:

Subject: RE: (U) RE: proposal
Sent: March 28, 2012 9:16 AM
Received: March 28, 2012 9:16 AM

Subject: RE: (U) RE: proposal
Size: 32 KB (33,452 bytes)

Content Created: March 28, 2012 9:13 AM
Content Last Modified: March 28, 2012 9:16 AM

MIME Type: message/rfc822
Content MIME Type: text/plain
Character Set: iso-8859-1
MD5 Hash:
Message Hash:

Source:
Location:

My tags: Pre-award

Good morning
Yes, we are to work with to get the money obligated but need to resolve the task order which would need to be placed on unless has a contract under . I will need help from to work out the details. Who should I work with?

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

From:
Sent: Tuesday, March 27, 2012 5:39 PM
To:
Subject: RE: (U) RE: proposal
Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

I think you told me approved to fund- correct?

(U//~~FOUO~~

[redacted]

From: [redacted]
Sent: Thursday, March 15, 2012 12:52 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) RE: [redacted] proposal

Dear All,

I have submitted to [redacted] for her review/approval. Not sure if she will have an opportunity to decide before she leaves for the day (in about 10 minutes). She will have the package for her review over the weekend. She returns on the 21st.

[redacted]

From: [redacted]
Sent: Thursday, March 15, 2012 12:42 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) RE: [redacted] proposal
Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

I agree

[redacted]

++

(U//~~FOUO~~)

[redacted]

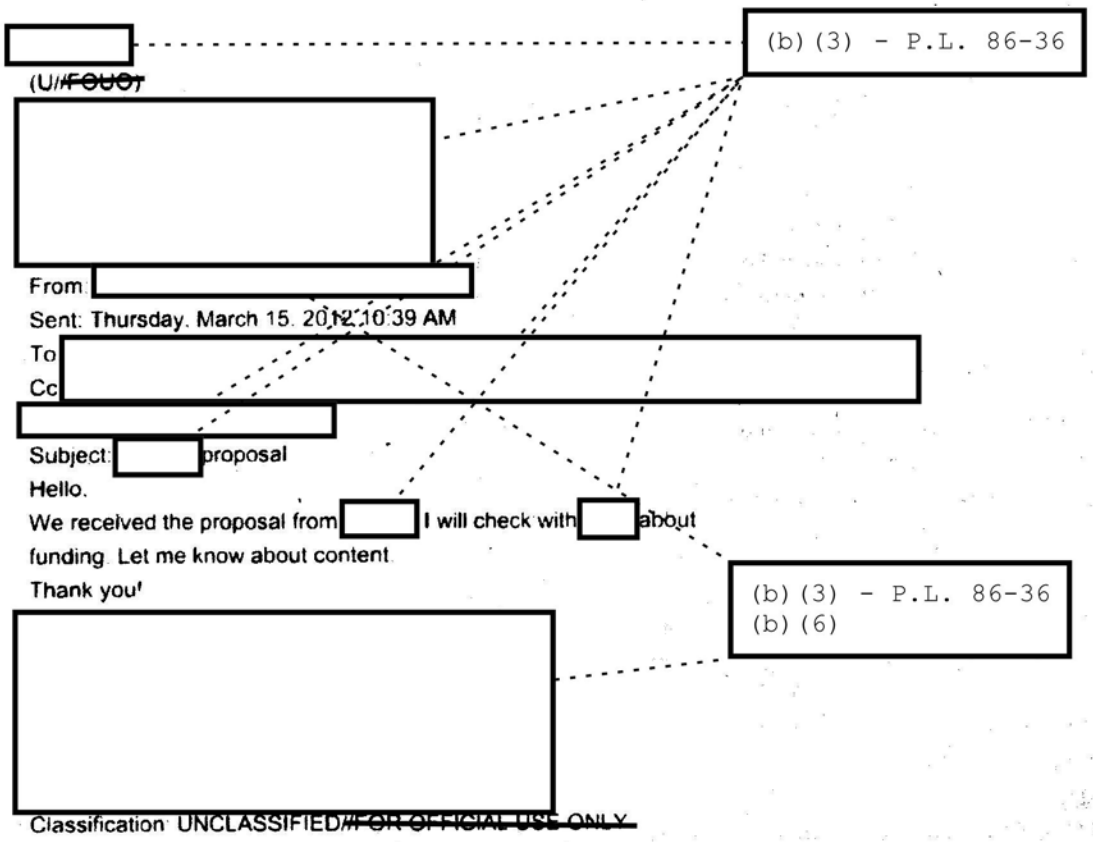
++

From: [redacted]
Sent: Thursday, March 15, 2012 12:41 PM
To: [redacted]
Cc: [redacted]
Subject: (U) RE: [redacted] proposal
Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted] effectively captured the major points of our discussion last week. I think the proposal looks good.

(b)(3) - P.L. 86-36
(b)(6)

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


(b) (3) - P.L. 86-36
(U//FOUO)
From:
Sent: Thursday, March 15, 2012 10:39 AM
To:
Cc:
Subject: proposal
Hello.
We received the proposal from I will check with about
funding. Let me know about content.
Thank you!
(b) (3) - P.L. 86-36
(b) (6)
Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Doc ID: 6629992

b-6

From:
Sent: Wednesday, March 28, 2012 1:30 PM
To:
Subject: RE: to be in touch with you

It looks like we can't use I just spoke to and the rules state that has to be off-the-shelf, not something specifically created for the organization.

From:
Sent: Wednesday, March 28, 2012 1:21 PM
To:
Subject: RE: to be in touch with you

So is the process relatively easy on

From:
Sent: Wednesday, March 28, 2012 1:20 PM
To:
Subject: RE: to be in touch with you

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

I was able to get funding for this. I'm filling out the request and then I will do an

From:
Sent: Wednesday, March 28, 2012 1:18 PM
To:
Cc:
Subject: to be in touch with you

(b) (3) - P.L. 86-36
(b) (6)

Hi

Good.

needs to contact you to get some information from you -- probably related to contractual issues...

We are aware that you would prefer that this task be written as part of a larger contract so that you don't have to deal with the administrative burden.

Release: 2018-08
NSA: 04310

[redacted]

From: [redacted]
Sent: Wednesday, March 28, 2012 1:13 PM
To: [redacted]
Subject: Re: Scanned Doc

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

Ah, that's good.

Thanks.

[redacted]

From [redacted]
Date: Wed, 28 Mar 2012 13:00:28 -0400
To: [redacted]
Subject: FW: Scanned Doc

Hi [redacted]
One more document as background information – very brief descriptions of [redacted]

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

[redacted]

From: [redacted]
Sent: Wednesday, March 28, 2012 11:28 AM
To [redacted]
Subject: Scanned Doc

[redacted] here is the doc you wanted scanned to send to [redacted] I did not send this time.

V/R.. [redacted]

[redacted]

Occasionally, some of my email correspondance may contain informatiom that requires protection under the Privacy Act Law. As per the Privacy Act of 1974 (5 U.S.C. 552a), please handle and store this information accordingly.

Release: 2018-08
NSA: 04311

3-7

From: [redacted]
Sent: Thursday, April 05, 2012 5:28 PM
To: [redacted]
Subject: how about this?
Attachments: [redacted]

(b) (3) - P.L. 86-36
(b) (6)

Hi [redacted]

Hope you are looking forward to a lovely holiday weekend. I know we are.

I think I've got this in shape now.

(b) (3) - P.L. 86-36
(b) (4)

As you can see, it does cost more, but not a lot more.

Note, we are also doing more:

[redacted]

We're ready to go, if you are.

You can reach me April 9-11 in [redacted] Shall we talk?

Best,

(b) (6)

[redacted]

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

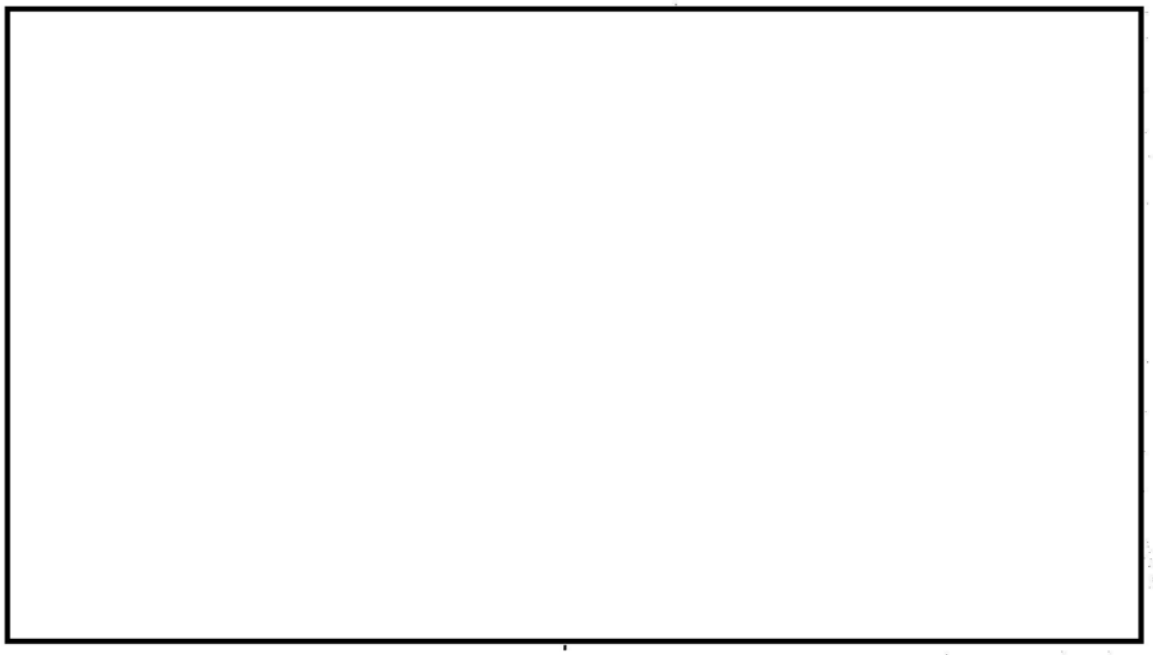
Doc ID: 6629992

(b)(3) - P.L. 86-36
(b)(4)

Release: 2018-08
NSA: 04313

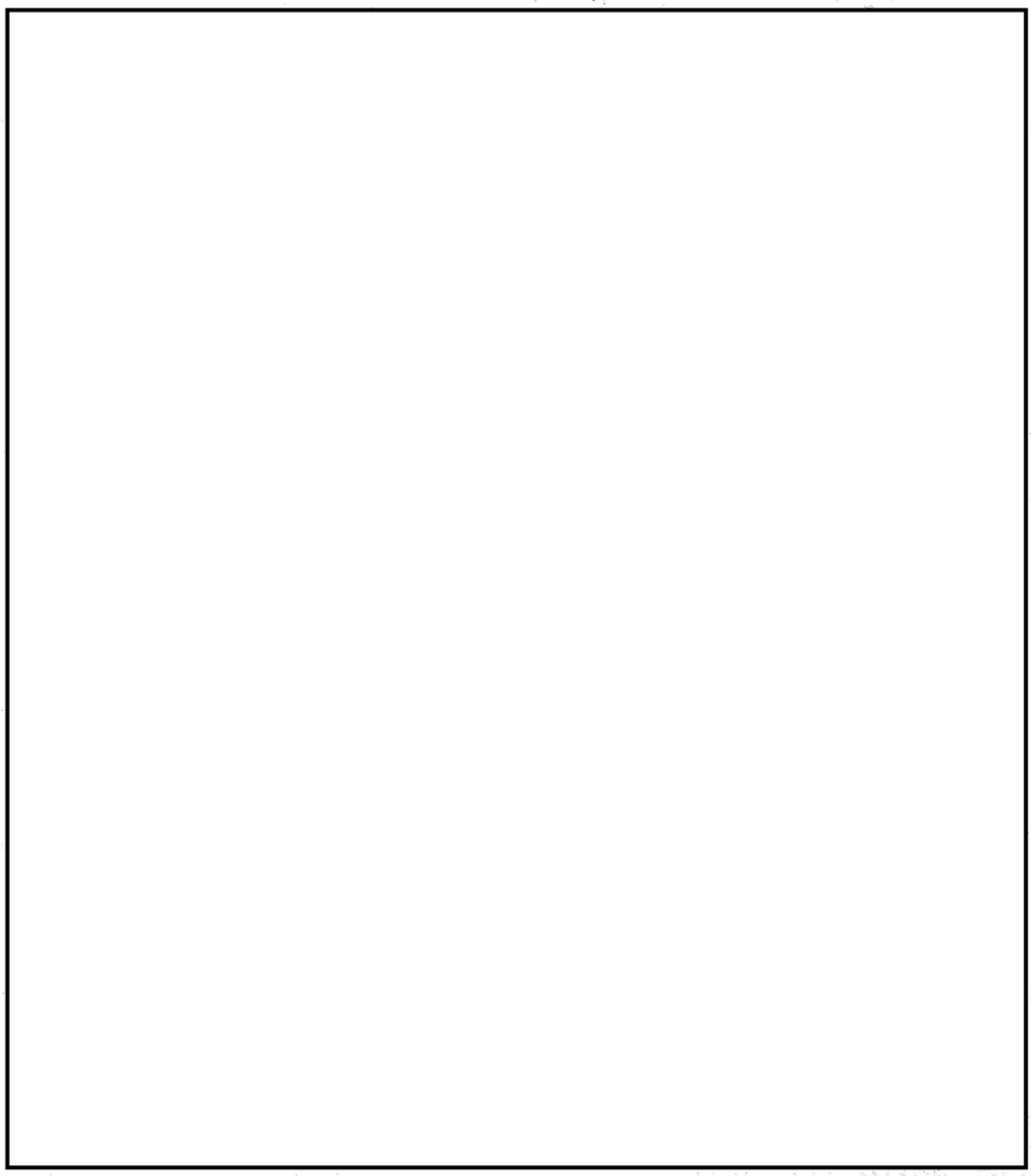
(b)(3) - P.L. 86-36
(b)(4)

(b)(3) - P.L. 86-36
(b)(4)



(b)(3) - P.L. 86-36
(b)(4)

(b)(3) - P.L. 86-36
(b)(4)



Release: 2018-08
NSA: 04317

B-8

From:
Sent: Monday, April 09, 2012 5:45 PM
To:
Subject: Re: how about this?

Remember, we are going to a sub to one of your larger contractors. Please pick somebody who is nice to deal with.

OK, I'll wait to hear from you or about when we can get this show on the road.

From:
Date: Mon, 9 Apr 2012 17:20:36 -0400
To:
Subject: RE: how about this?

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

Hi.. need to check with our contracting folks.. would not want to have you make a flight and not get reimbursed. Will try to rush this.

she participated in the first conference call and will be working closely with you (along with

From:
Sent: Monday, April 09, 2012 4:56 PM
To:
Subject: Re: how about this?

(b) (3) - P.L. 86-36
(b) (6)

Who is

Can we get a stake in the ground about when I will come there to get this kicked off? I want to book now, when I can get a cheap flight, and I like to

From:
Date: Mon, 9 Apr 2012 16:49:22 -0400
To:
Subject: RE: how about this?

(b) (6)

Hi.. this is great.. we're working the contract now. May have with you.

[redacted]

(b) (3) - P.L. 86-36
(b) (6)

From: [redacted]
Sent: Thursday, April 05, 2012 5:28 PM
To: [redacted]
Subject: how about this?

Hi [redacted]

Hope you are looking forward to a lovely holiday weekend. I know we are.

I think I've got this in shape now.

(b) (3) - P.L. 86-36
(b) (4)

As you can see, it does cost more, but not a lot more.

Note, we are also doing more:

[redacted]

We're ready to go, if you are.

You can reach me April 9-11 [redacted] Shall we talk?

(b) (6)

Best,

[redacted]

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

Release: 2018-08
NSA: 04319

From:
Sent: Monday, April 09, 2012 6:57 PM
To:
Cc:
Subject: Re: good morning

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

hi...just seeing this now...don't have access to my home account at work. Good day to you!

I will do my best to push the contract process so that you can make your arrangements for a trip to maryland in early may. I would suggest that you do pencil in the time in May and give us a target date span...or options.

although you may want to save the govt money in flights etc...we may need to wait until the contract is in place before you make flight arrangements--especially if they cannot be cancelled without penalty-- in other words, after you are on contract, if the government forces you to change your flights, the cost is on us. So ultimately we have to pay the price of scheduling your flights when it's convenient for the government.

I plan to push a document to the contracting folks tomorrow so that we can get this on our existing work order with [redacted]..have already spoke to the program manager about the tasking...so have set the stage. i just need to get my act together after being off friday sick, still recovering...too much stress, i think.

do you want to talk more on the phone about this tomorrow? i have time (EDST) between 10 and 11.

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

[redacted]

On Apr 9, 2012, at 11:57 AM, [redacted] wrote:

Well, it is probably evening when you are reading this, but still, top of the day to you.

[redacted]

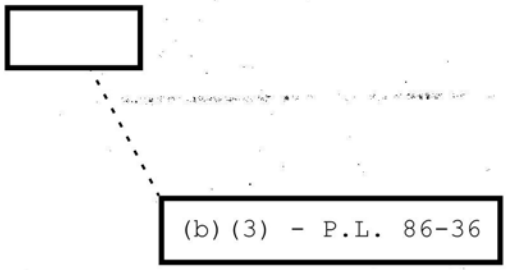
You want the event in September. That means [redacted] in May. Can we get this going? My calendar is an issue, what else is new. And I'm sure yours, too, has its challenges. Bet you are going to [redacted] Love to do some

[redacted]

So?

I am around through Thursday this week. Shall we chat? Maybe [redacted] too? Do I have that name right?

Release: 2018-08
NSA: 04320



Release: 2018-08
NSA: 04321

B-9

RE: (U) Doc

Item ID:
From:
To:
Cc:
Subject: RE: (U) Doc
Sent: April 10, 2012 11:15 AM
Received: April 10, 2012 11:15 AM

Subject: RE: (U Doc
Size: 1 KB (1,607 bytes)

Content Created: April 10, 2012 11:15 AM
Content Last Modified: April 10, 2012 11:15 AM

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

MIME Type: message/rfc822
Content MIME Type: text/plain
Character Set: utf8
MD5 Hash:
Message Hash:

Source: Mail Sent 2012.pst
Location:

My tags: Pre-award

Dear Colleagues,
As a follow up- I have taken the action to write the TTO for and to work on the funding details with No action on anyone' s part right now. Unless, of course, has decided not to support this effort. In that case, please advise immediately.

(b) (3) - P.L. 86-36
(b) (6)

From:
Sent: Tuesday, April 10, 2012 10:17 AM
To:

Subject: (U) Doc
Classification: UNCLASSIFIED/~~FOR OFFICIAL USE ONLY~~

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

Morning all,
Attached are the docs requested
V/R

[redacted]

[redacted]

Occasionally, some of my e-mail correspondence may contain information that requires protection under the Privacy Act Law. As per the Privacy Act of 1974 (5 U.S.C. 552a) please handle and store this information accordingly
Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

(b)(3) - P.L. 86-36
(b)(6)

(b)(3) - P.L. 86-36
(b)(6)

Headers

Date:	Tue, 10 Apr 2012 15:15:07 +0000 (UTC)
From:	[redacted]
To:	[redacted]
Cc:	
Subject:	RE: (U) [redacted] Doc
MIME-Version:	1.0
Content-Type:	text/plain; charset=utf-8
Content-Transfer-Encoding:	quoted-printable

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

[redacted] informed me that the deliverables need to be changed. We need the deliverables to be [redacted] and any other deliverables that are standard for the [redacted] process.

Thank you.

[redacted]

(b) (3) - P.L. 86-36
(b) (6)

[redacted]

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

B-10

From: [redacted]
Sent: Tuesday, April 10, 2012 2:56 PM
To: [redacted]
Cc: [redacted]

Subject: New [redacted] TTO

[redacted]

Attached is the TTO for [redacted] work that I have discussed with you. [redacted] advised me to work with [redacted] on the funding. To expedite this I've proposed that it go on [redacted] –rather than do a sole source. Please help me expedite this action...thank you!

[redacted] as I mentioned...we think this might cost about [redacted] give or take some depending on the plus up that [redacted] would have.

[redacted]

(b) (3) - P.L. 86-36
(b) (4)

[redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Release: 2018-08
NSA: 04325

B-11

From:
To:
Cc:

Subject: RE: (U) TTO
Date: Tuesday, May 01, 2012 4:39:25 PM

(b) (3) - P.L. 86-36
(b) (6)

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good Afternoon All

During today's State Update meeting, it was revealed that funding in the amount of was provided by the program office to pay for the travel of a proposed Contractor from their home to NSAW in order to provide support to the new TTO. Travel funds cannot be provided under this TTO to pay for these expenses. If would like to put this Contractor forward to fill the Government's requirement any travel cost incurred is not the responsibility of the Government and can't be paid under this TTO. The reimbursable travel CLIN is utilized when the Governments' tasking requires the contractor staff to travel to satisfy the Government's requirement.

Thanks,

Contracting Specialist, BA323
968-8124 (Secure)

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

From:
Sent: Tuesday, May 01, 2012 11:44 AM
To:
Cc:

Subject: RE: (U) TTO

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good afternoon

Per my meeting with contractor PM & BA3 a few moments ago, please hold off on creating verbiage on this TTO. BA3 will be sending guidance regarding this TTO within the hour. Thanks.

V/R,

[redacted]

From: [redacted]
Sent: Tuesday, May 01, 2012 11:04 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] TTO [redacted]

Classification UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted]

In process of finalizing verbiage - will provide within hour -

[redacted]

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

(b)(3) - P.L. 86-36
(b)(6)

From: [redacted]
Sent: Tuesday, May 01, 2012 10:20 AM
To: [redacted]
Cc: [redacted]
Subject: (U) [redacted] TTO [redacted]

Classification UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good morning [redacted]

After speaking with BA3, this TTO cannot push forward until I receive the travel verbiage.

Thank you.

V/R,

[redacted]

(b) (3) - P.L. 86-36
(b) (6)

[redacted]

From: [redacted]
Sent: Tuesday, May 01, 2012 7:49 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Needed Please [redacted] ITO [redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good morning [redacted]

No, it has not been awarded yet. It's still in process at BA323.

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

But we need a brief explanation regarding the travel (why).

Once I receive this brief verbiage, and add it into the ITO, we can continue processing.

This explanation is a BA3 request.

Thanks.

V/R,

[redacted]

Doc ID: 6629992

From:
To:
Cc:

Subject: RE: (U) Needed Please TTO
Date: Thursday, May 03, 2012 8:07:44 AM

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

(b) (3) - P.L. 86-36
(b) (6)

The contract has fixed billing rates and the travel line is designed for use when a contractor who is already working on the contract needs to travel to perform their assigned duties (Example PM has to travel to Hawaii location for occasional meeting with staff who are located in Hawaii). There is no means within the contract to reimburse someone to fly from their home in to work on this contract.

(b) (6)

As a reminder, when we issue a TTO under or any contract, it is issued to the prime contractor. The prime may choose to perform the work, or they may choose to assign the work to one of their subcontractors. The Government's concern is that the individual who fills the position possesses the skills required by the SOW for their labor category as well as any clearances needed, etc. We don't get involved in the relationship between the prime and the subcontractors, as it is the prime's job to manage their subs. We also are not allowed to dictate the use of particular prime or subcontractor individuals to perform the work as that would be an inappropriate use of "personal services". If chooses not to fill this requirement with a local prime or subcontractor individual and instead brings in someone from then is going to have to bear the cost of this person's travel, it will not be reimbursable under the contract. I hope this information is helpful. Thanks and please let me know if you have further questions.

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

From:
Sent: Thursday, May 03, 2012 6:27 AM
To:
Cc:
Subject: FW: (U) Needed Please TTO

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Release: 2018-08
NSA: 04329

(U//~~FOUO~~)

Very Respectfully,

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

(U//~~FOUO~~)

3-12

From: [redacted]
Sent: Wednesday, May 02, 2012 4:33 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Needed Please [redacted] TTQ [redacted]

[redacted]

How will the sub contractor bill for the travel? Do we add that into the total cost of the services?

[redacted]

[redacted]

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

From: [redacted]
Sent: Wednesday, May 02, 2012 2:44 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Needed Please [redacted] TTQ [redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good afternoon [redacted]

Nothing is needed from your department. I have submitted the revised TTQ(removed travel costs) to [redacted]

[redacted] is pushing forward to award.

Thanks.

V/R,

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, May 02, 2012 2:29 PM
To: [redacted]
Cc: [redacted]

Subject: RE: (U) [redacted] Needed Please [redacted] TTO [redacted]

[redacted]

What do I need to do to get this moved through the process? We need this work started.

[redacted]

[redacted]

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

From: [redacted]
Sent: Tuesday, May 01, 2012 7:49 AM
To: [redacted]
Cc: [redacted]

Subject: RE: (U) [redacted] Needed Please [redacted] TTO [redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

(b) (3) - P.L. 86-36
(b) (6)

Good morning [redacted]

No, it has not been awarded yet. It's still in process at BA323.

But we need a brief explanation regarding the travel (why).

Once I receive this brief verbiage, and add it into the TTO, we can continue processing.

This explanation is a BA3 request.

Thanks.

V/R,

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, May 01, 2012 7:45 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Needed Please [redacted] TTO [redacted]

[redacted]

Can you provide a status update on this TTO – has it been awarded to [redacted] yet? We would like to get [redacted] underway.

Thank you.

[redacted]

(b) (3) - P.L. 86-36
(b) (6)

[redacted]

From: [redacted]
Sent: Monday, April 23, 2012 9:11 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Needed Please [redacted] TTO [redacted]

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

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Morning [redacted]

Per your request, attached is the draft copy of TTO [redacted] pending fundcite.

Thanks.

V/R,

[redacted]

From: [redacted]

Release: 2018-08
NSA: 04332

Sent: Monday, April 23, 2012 9:07 AM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Needed Please [redacted] TTO [redacted]

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[redacted]

Can you please send me the TTO. I would like to determine where the funding should reside prior to sending for the funds ite.

TES'

[redacted]

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

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

From: [redacted]
Sent: Friday, April 20, 2012 12:50 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) [redacted] Needed Please [redacted] TTO [redacted]

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Good morning [redacted]

Just wanted to follow up with you.

I'd like to process this TTO/Req today if possible so it can all go on the next [redacted] contract mod.

Thanks.

V/R,

[redacted]

From: [redacted]
Sent: Friday, April 20, 2012 7:55 AM

To:
Cc:
Subject: RE: (U) Needed Please TTO
Importance: High

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good morning

I have received final cost back from the contractor.

The total cost for TTO will be Can you please send me the fundcite?

Thank you.

(b) (3) - P.L. 86-36
(b) (4)

V/R,

(b) (3) - P.L. 86-36
(b) (6)

From:
Sent: Monday, April 16, 2012 1:22 PM
To:
Cc:
Subject: RE: (U) Needed Please

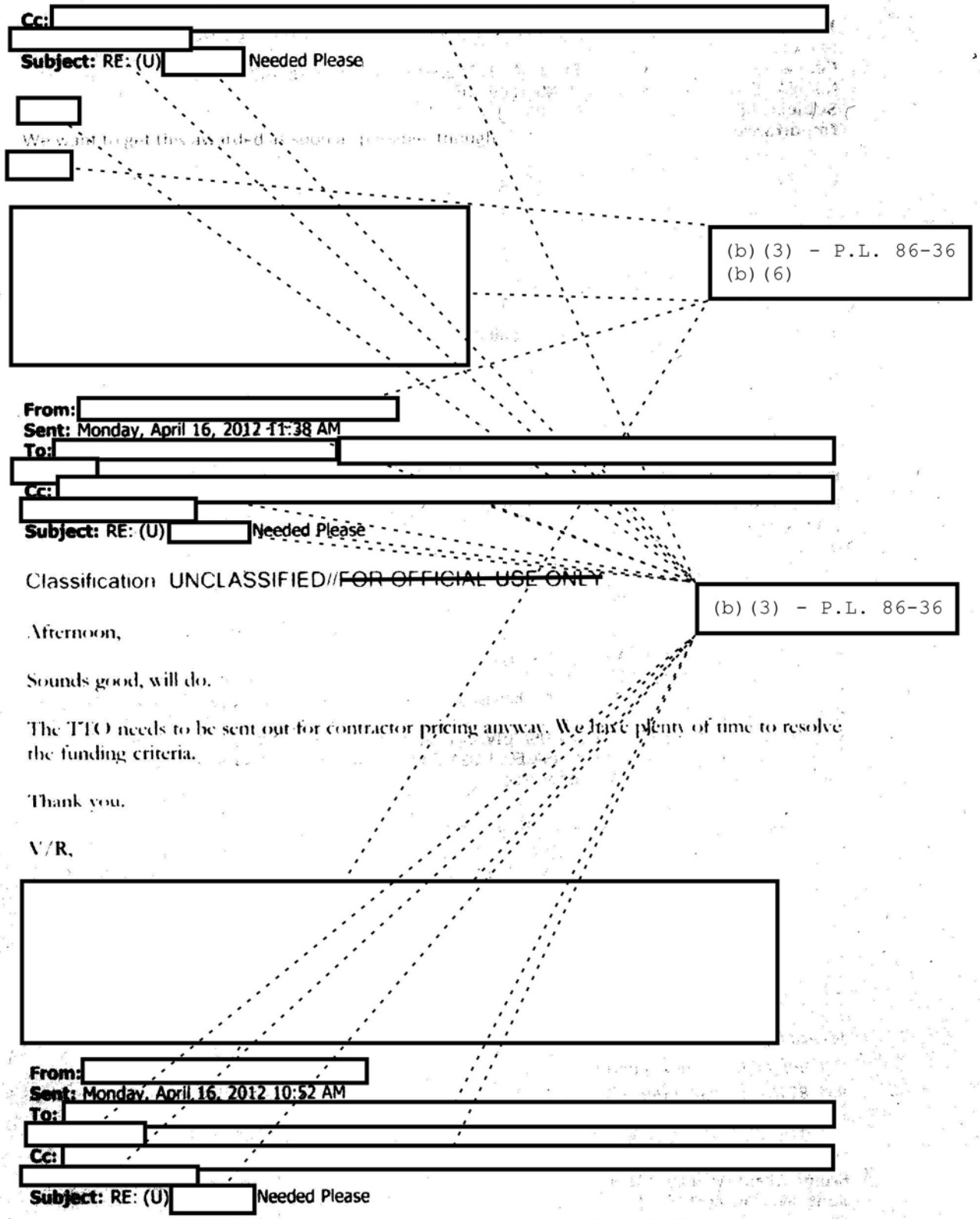
Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

As soon as you costing - I will get the fundcite to you

Thanks.

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

From:
Sent: Monday, April 16, 2012 12:48 PM
To:



Cc:

Subject: RE: (U) Needed Please

We will get this designated as source protection [redacted]

(b)(3) - P.L. 86-36
(b)(6)

From:
Sent: Monday, April 16, 2012 11:38 AM
To:
Cc:
Subject: RE: (U) Needed Please

Classification UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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

Afternoon,

Sounds good, will do.

The TTO needs to be sent out for contractor pricing anyway. We have plenty of time to resolve the funding criteria.

Thank you.

V/R,

From:
Sent: Monday, April 16, 2012 10:52 AM
To:
Cc:
Subject: RE: (U) Needed Please

[redacted]

[redacted]

(b) (3) - P.L. 86-36
(b) (6)

From: [redacted]
Sent: Monday, April 16, 2012 6:57 AM
To: [redacted]
Cc: [redacted]
Subject: (U) [redacted] Needed Please

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

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Good morning,

In order to expedite the TTO/Req process, can you please provide me the full fundcite this TTO will be funded from? Without this # I can't process anything.

Below are the fields I need:

[redacted]

Thank you.

V/R,

[redacted]

From [redacted]
Sent: Friday, April 13, 2012 4:50 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) RE: New [redacted] TTO

Here is my edited version

(b) (3) - P.L. 86-36
(b) (6)

From:
Sent: Thursday, April 12, 2012 7:37 AM
To:
Cc:
Subject: RE: (U) RE: New TTO

Classification: UNCLASSIFIED ~~FOR OFFICIAL USE ONLY~~

First (before I forget), I did NOT cc the group on this email (very sensitive to blowing up in boxes with attachments). Only sent it to the four of you. Once approves, the closer to final version of the TTO can go back out to the original full distro (my thoughts).

Attached is my revised version. I highlighted the changes I made. Of note, I added

If you think you'll need more than you'll want to modify the TTO

Hope I made sense (kinda rushed it).

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

From:
Sent: Thursday, April 12, 2012 7:03 AM
To:
Cc:

[redacted]

Subject: (U) RE: New [redacted] TTO

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good morning [redacted]

Please add any additional deliverables you would like to the TTO and resend for review. Just a reminder, adding more deliverables will increase the total cost.

Thanks.

V/R,

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

[redacted]

From: [redacted]
Sent: Wednesday, April 11, 2012 12:34 PM
To: [redacted]
Cc: [redacted]
Subject: RE: New [redacted] TTO

(b)(3) - P.L. 86-36
(b)(6)

[redacted] informed me that the deliverables need to be changed. We need the deliverables to be [redacted] and any other deliverables that are standard for the [redacted] process.

Thank you,

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, April 10, 2012 2:56 PM
To: [redacted]

Cc:

Subject: New [redacted] TTO

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

Attached is the TTO for the [redacted] work that I have discussed with you. [redacted] advised me to work with [redacted] on the funding. To expedite this I've proposed that it go on [redacted] rather than do a sole source. Please help me expedite this action...thank you!

[redacted] as I mentioned, we think this might cost about [redacted] give or take some depending on the plus up that [redacted] would have.

(b) (3) - P.L. 86-36
(b) (4)

[redacted]

(b) (3) - P.L. 86-36
(b) (6)

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Classification UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

B-12_2

RE: (U) [redacted] TTO [redacted]

Item ID:
From:
To
Cc:

Subject: RE: (U) [redacted] TTO [redacted]
Sent: May 1, 2012 12:20 PM
Received: May 1, 2012 12:20 PM

Subject: RE: (U) [redacted] TTO [redacted]
Size: 2 KB (2,799 bytes)

Content Created: May 1, 2012 12:20 PM
Content Last Modified: May 1, 2012 12:20 PM

MIME Type: message/rfc822
Content MIME Type: text/plain
Character Set: utf8
MD5 Hash:
Message Hash:
Message ID:

Source:
Location:

My tags: Pre-award

(b) (3) - P.L. 86-36
(b) (6)

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

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[redacted]

I had written this so you can just keep in your back pocket for now.

TTO [redacted]

Travel Required:

" Travel to training locations is required to allow full enterprise interaction with [redacted] and workforce [redacted] will be traveling from her home office in [redacted] to NSAW to [redacted]

(b) (6)

[redacted]

From: [redacted]
Sent: Tuesday, May 01, 2012 10:20 AM
To [redacted]

Cc

Subject: (U) TTO

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good morning

After speaking with BA3, this TTO cannot push forward until I receive the travel verbiage

Thank you

V/R,

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

(b)(3) - P.L. 86-36
(b)(6)

From:

Sent: Tuesday, May 01, 2012 7:49 AM

To

Cc

Subject: RE: (U) Needed Please TTO

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Good morning

No, it has not been awarded yet. It's still in process at BA323.

But we need a brief explanation regarding the travel (why)

Once I receive this brief verbiage, and add it into the TTO, we can continue processing.

This explanation is a BA3 request.

Thanks.

V/R,

Doc ID: 6629992

B-13

From: [redacted]
Sent: Saturday, May 12, 2012 8:29 PM
To: [redacted]
Subject: Fwd: let's rock and roll

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

Begin forwarded message:

From: [redacted]
Subject: let's rock and roll
Date: May 12, 2012 9:49:32 AM EDT
To: [redacted]
Cc: [redacted]

Hi [redacted]

I think it's time to get the show on the road. I got the contract from [redacted] signed it and it's winging its way back to them. I think we can now begin to plot.

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

Here is what is on our immediate agenda:

1. Introduce [redacted] to you and to [redacted] is the project manager on this and she's already up to speed on what we are doing. More about [redacted] who I have known for 20 years.....

[redacted]

(b)(3) - P.L. 86-36
(b)(4)

Release: 2018-08
NSA: 04342

(b)(3) - P.L. 86-36
(b)(4)

2. Set my date to be with you all at the agency. [redacted] will work with [redacted] on this. I am hoping for June 5 or 6. If not one of those, then June 11. What do you think?

3 [redacted] We are already on draft 2, so will have something for you in a week. [redacted] must start [redacted] by May 22nd. We are three weeks behind, no surprise to any of us.

4. [redacted] I'll do several when I am in MD. [redacted] will do most of them in latter part of May and first few weeks of June. If there is somebody you want me to talk to and that can't happen when I am on site, just say the word and [redacted]

5. Schedule the [redacted] and tentatively pick my date to be on site for the event in September.....

That's enough for now.

Of we go....

(I don't have [redacted] contact info. May I have it? [redacted] needs it too, of course, since they will be holding hands on all this.)

thanks.

(b)(6)

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

[redacted]

Release: 2018-08
NSA: 04343

Doc ID: 6629992

APPENDIX C

(U//~~FOUO~~) Response to Tentative Conclusion

Release: 2018-08
NSA: 04344

Doc ID: 6629992

(b)(3) - P.L. 86-36
(b)(6)

Date: 6 March 2014

TO: NSA/CSS Office of the Investigator General
FM:
RE: Response to the allegations that I failed to act impartially in the development of a government task order.

I take full accountability for actions that were under my sole managerial control. As the I was performing my job responsibilities and duties, and responding to request to seek services of an outside expert. Based on my credentials and expertise in I was considered qualified to provide a professional judgment about the technical qualifications of There was no personal motivation, personal reward, personal benefit, or personal gain to pursue a contract with My motive was to identify the most qualified professional to provide services to the government.

In this situation, I was not accountable for the final decision to:

1) approve a government task order.
2) choose a contract vehicle.
3) select a prime contractor or sub-contractor.
4) award the task order to a contractor.
5) authorize payment for deliverables.

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

I identified as an external expert who could provide services for the government and therefore was authorized by my superior to contact her. My rationale for recommending was that she had a long-standing history with NSA in delivering quality services and was knowledgeable of the NSA, and was a recognized I do not recall before or during the development of the task order that anyone involved in the development of the task order requested more than one name of potential resources to satisfy this government requirement.

I did not knowingly attempt to circumvent the contracting process. I acted in good faith, based on prior experience with the contracting practices of and what was expected of me in my role I was authorized by management to contact I ensured that personnel and managers involved in the development of the task order were aware of my contact with her. Personnel and managers participated in conference calls with they were included on distribution of email correspondence with and they were kept informed of conversations with No one advised me that I should not contact or continue communications with in the development of the task order, nor did anyone advise me that the nature of my communications or actions were inappropriate or demonstrated failure to be impartial. Had someone

Release: 2018-08
NSA: 04345

told me that I was behaving in a wrongful or inappropriate manner, I would have altered or stopped my behavior immediately.

Based on my recollection, the Contracting Officer, [redacted] in a 3 May 2012 email, was the only individual to provide detailed and authoritative guidance and direction in support of the development of the government task order, in accordance with the [redacted] contract statement of work. Following [redacted] email, I recall having no further personal communications with [redacted]

As for recommending [redacted] as a resource to the prime contractor – it was general practice in [redacted] that I provide technical guidance and names of potential resources to the government [redacted] task order lead, and when requested, to the prime contractor. At least one or more government personnel with contracting expertise in the development of the task order was in attendance during my discussions with the prime contractor. Based on my recollection, during these discussions, I was not advised that it was inappropriate to provide the name of only one potential resource to the prime contractor, nor did I think I was putting pressure on the prime contractor to select a particular resource.

There was no intent to unduly influence the process. I thought I was following the rules for the benefit of the government. As a result, it is my understanding that the government obtained their stated deliverables and the task order was fulfilled to the satisfaction of the government.

[redacted]

(b)(3) - P.L. 86-36
(b)(6)

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