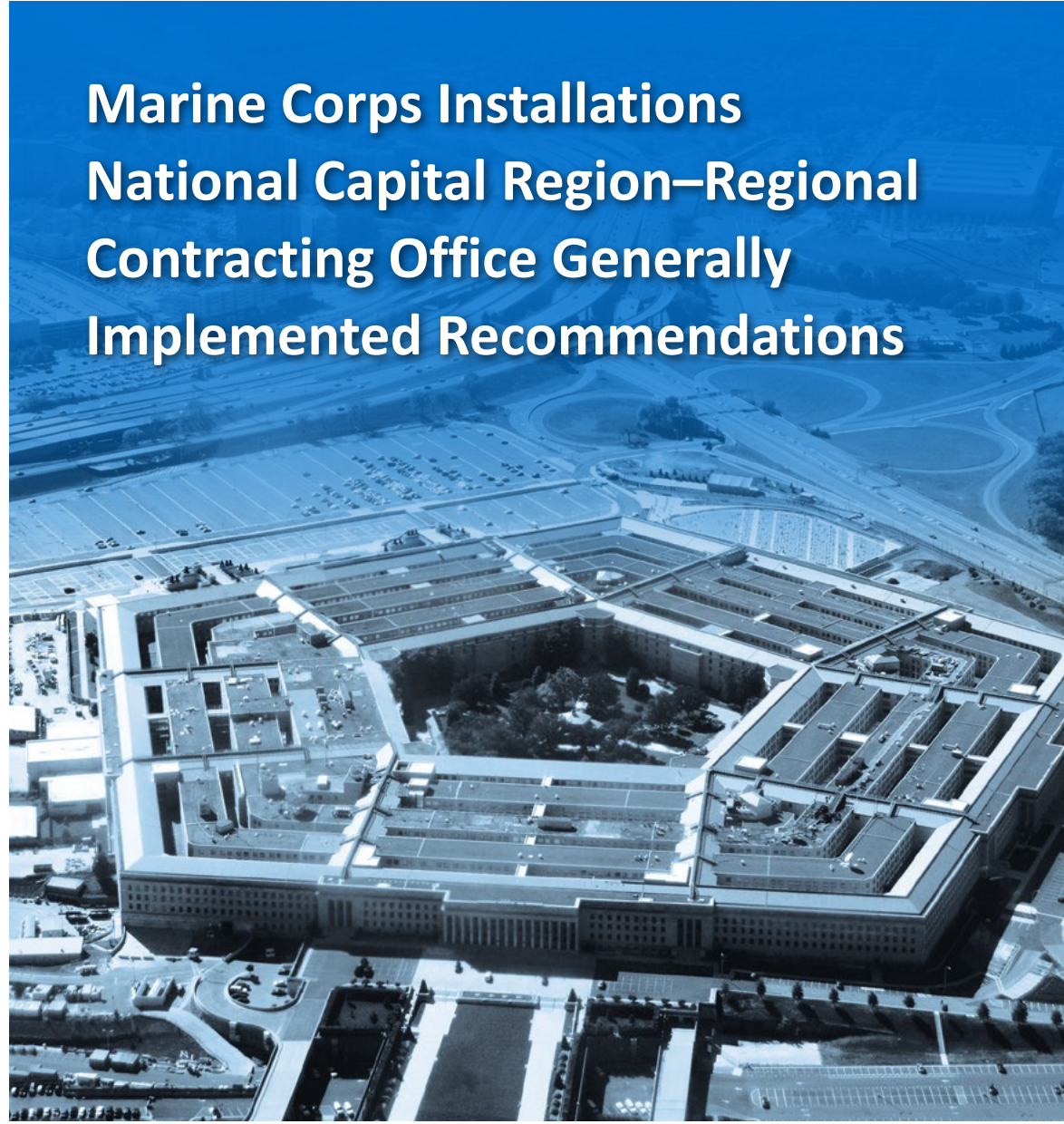




INSPECTOR GENERAL

U.S. Department of Defense

JULY 29, 2016



Marine Corps Installations National Capital Region—Regional Contracting Office Generally Implemented Recommendations

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Results in Brief

Marine Corps Installations National Capital Region–Regional Contracting Office Generally Implemented Recommendations

July 29, 2016

Objective

We determined whether the Marine Corps Regional Contracting Office–National Capital Region implemented the recommendations in Report No. DODIG-2015-095, “Small Business Contracting at Regional Contracting Office–National Capital Region Needs Improvement,” March 20, 2015. On October 6, 2015, the Marine Corps Regional Contracting Office–National Capital Region was renamed as Marine Corps Installations National Capital Region–Regional Contracting Office (MCINCR-RCO). We will use the new name throughout the report.

Finding

In Report No. DODIG-2015-095, we determined that MCINCR-RCO generally provided small businesses with the opportunity to compete for prime contracts; however, contracting officials did not ensure that prime contractors provided small businesses adequate subcontracting opportunities. We made four recommendations to the Director, MCINCR-RCO, to address deficiencies in overseeing contractors’ subcontracting goals and ensuring there are no missed opportunities to recoup damages when subcontracting goals are not met.

MCINCR-RCO contracting officials addressed all four recommendations in Report No. DODIG-2015-095 and, therefore, those recommendations will be closed.

Finding (cont’d)

Specifically, for three recommendations, MCINCR-RCO contracting officials:

- established policy requiring contracting officials to obtain adequate subcontracting plans from contractors when the Federal Acquisition Regulation requires subcontracting plans (Recommendation 1);
- established policy requiring contracting officials to verify that contractors submit the required subcontracting reports to the Electronic Subcontracting Reporting System (Recommendation 2); and
- provided training to ensure that contracting officials understand their Federal Acquisition Regulation subpart 19.7 responsibilities for evaluating and administering subcontracting plans (Recommendation 3).

For Recommendation 4, MCINCR-RCO contracting officials determined that the contractors for contracts M00264-08-D-0001 and M00264-13-C-0019 made good faith efforts to meet the small business subcontracting goals in their subcontracting plans; however, they did not support their good faith effort determination.

We obtained information directly from the Electronic Subcontracting Reporting System for contract M00264-13-C-0019 and from the contractor for contract M00264-08-D-0001 through MCINCR-RCO contracting officials. We determined that both contractors met their small business subcontracting goals. Therefore, no liquidated damages were due, and Recommendation 4 will be closed.

Management Comments

We provided a discussion draft of this report on July 14, 2016. No written response to this report was required, and none was received. Therefore, we are publishing this report in final form.

Recommendations Table

Management	Recommendations Requiring Comment
Director, Marine Corps Installations National Capital Region– Regional Contracting Office	None



**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

July 29, 2016

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION,
TECHNOLOGY, AND LOGISTICS
COMMANDANT OF THE Marine Corps
NAVAL INSPECTOR GENERAL

SUBJECT: Marine Corps Installations National Capital Region–Regional Contracting Office
Generally Implemented Recommendations (Report No. DODIG-2016-117)

We are providing this report for information and use. Marine Corps Installations National Capital Region–Regional Contracting Office contracting officials generally implemented recommendations in Report No. DODIG-2015-095, “Small Business Contracting at Regional Contracting Office–National Capital Region Needs Improvement,” March 20, 2015. We conducted this audit in accordance with generally accepted government auditing standards.

We provided a discussion draft of this report on July 14, 2016. No written response to this report was required, and none was received. Therefore, we are publishing this report in final form.

We appreciate the courtesies extended to the staff. Please direct questions to me at (703) 604-9187 (DSN 664-9187).

A handwritten signature in black ink, appearing to read "M. Roark", is positioned above the name of the signatory.

Michael J. Roark
Assistant Inspector General
Contract Management and Payments



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Introduction

Objective

We determined whether the Marine Corps Regional Contracting Office–National Capital Region implemented the recommendations in Report No. DODIG-2015-095, “Small Business Contracting at Regional Contracting Office–National Capital Region Needs Improvement,” March 20, 2015. On October 6, 2015, the Marine Corps Regional Contracting Office–National Capital Region was renamed as Marine Corps Installations National Capital Region–Regional Contracting Office (MCINCR-RCO). We will use the new name throughout the report.

Marine Corps Installations National Capital Region–Regional Contracting Office

The mission of MCINCR-RCO is to provide ethical, quality, and responsive contracting support for the acquisition of supplies and services for the U.S Marine Corps. MCINCR-RCO is organized into six branches—four contract branches and two other branches. Each contract branch handles contract activity for its assigned customers. For example, the Red Branch handles all contract activity for the Training and Education Command and its subordinate organizations. A fifth branch supports the Government-wide Commercial Purchase Card Program, and a sixth manages production, policy, quality, and metrics.

Electronic Subcontracting Reporting System

The Electronic Subcontracting Reporting System (eSRS) is a Government-wide, electronic, web-based system for small business subcontracting program reporting. Contractors are required to submit their subcontracting accomplishments for Federal contracts in eSRS rather than submitting the information to the contracting officer.

Summary of Report No. DODIG-2015-095

In Report No. DODIG-2015-095, we determined that MCINCR-RCO generally provided small businesses with the opportunity to compete for prime contracts; however, contracting officials did not ensure that prime contractors provided small businesses adequate subcontracting opportunities. We made

four recommendations to the Director, MCINCR-RCO, to address deficiencies in overseeing contractors' subcontracting goals and ensuring there are no missed opportunities to recoup damages when subcontracting goals are not met.

1. Establish policy requiring contracting officials to obtain adequate subcontracting plans from contractors when the Federal Acquisition Regulation (FAR) requires subcontracting plans (Recommendation 1).
2. Establish policy requiring contracting officials to verify that contractors submit the required subcontracting reports to eSRS (Recommendation 2).
3. Implement training to ensure that contracting officials understand their FAR subpart 19.7, "The Small Business Subcontracting Program," responsibilities for evaluating and administering subcontracting plans (Recommendation 3).
4. Determine whether the contractors for contracts M00264-08-D-0001 and M00264-13-C-0019 made a good faith effort to meet the small business subcontracting goals in their subcontracting plans and, if not, determine whether liquidated damages may be imposed against the contractor (Recommendation 4).

Review of Internal Controls

DoD Instruction 5010.40¹ requires DoD organizations to implement a comprehensive system of internal controls that provides reasonable assurance that programs are operating as intended and to evaluate the effectiveness of the controls. For Recommendation 4, MCINCR-RCO contracting officials determined that the contractors for two contracts made good faith efforts to meet the small business subcontracting goals in their subcontracting plans; however, they did not support their good faith effort determination. We performed additional audit work and determined that Recommendation 4 has been resolved and will be closed. However, we are not making a recommendation to MCINCR-RCO because we do not believe that not documenting actions taken in response to Recommendation 4 is a systemic weakness. MCINCR-RCO contracting officials documented the corrective actions taken to resolve the other three recommendations and provided that documentation to the DoD Office of Inspector General (DoD OIG). We will provide a copy of the report to the senior official responsible for internal controls at MCINCR-RCO.

¹ DoD Instruction 5010.40, "Managers' Internal Control Program Procedures," May 30, 2013.

Finding

MCINCR-RCO Generally Implemented Recommendations As Agreed

MCINCR-RCO contracting officials addressed all four recommendations in Report No. DODIG-2015-095 and, therefore, those recommendations will be closed. Specifically, for three recommendations MCINCR-RCO contracting officials:

- established policy requiring contracting officials to obtain adequate subcontracting plans from contractors when the FAR requires subcontracting plans (Recommendation 1);
- established policy requiring contracting officials to verify that contractors submit the required subcontracting reports to eSRS (Recommendation 2);
- provided training to ensure that contracting officials understand their FAR subpart 19.7 responsibilities for evaluating and administering subcontracting plans (Recommendation 3).

For Recommendation 4, MCINCR-RCO contracting officials determined that the contractors for contracts M00264-08-D-0001 and M00264-13-C-0019 made good faith efforts to meet the small business subcontracting goals in their subcontracting plans; however, they did not support their good faith effort determination.

We obtained information directly from eSRS for contract M00264-13-C-0019, and from the contractor for contract M00264-08-D-0001 through MCINCR-RCO contracting officials. We determined that both contractors met their small business subcontracting goals. Therefore, no liquidated damages were due, and Recommendation 4 will be closed.

Policy for Obtaining Adequate Subcontracting Plans Was Established

The Director, MCINCR-RCO, implemented the recommendation to establish policy requiring contracting officials to obtain adequate subcontracting plans from contractors when the FAR requires subcontracting plans (Recommendation 1). In response to a draft of Report No. DODIG-2015-095, the Head, Audit Coordination, Office of the Director, Marine Corps Staff, responding for the Director, MCINCR-RCO, agreed with our recommendation, stating that MCINCR-RCO planned to publish a standard operating procedure for subcontracting plans by May 31, 2015. On August 26, 2015, the Director, MCINCR-RCO, issued RCO-NCR-SOP-15-004,

“Standard Operating Procedure (SOP) for Subcontracting Plans,” which includes requirements for the contracting officer and contracting specialist when reviewing requirements packages and subcontracting plans. The Standard Operating Procedure applies to all requirements greater than \$650,000 that are not set-aside for small businesses or covered by an exemption.² The Director’s actions met the intent of the recommendation, and the recommendation will be closed.

Policy for Verifying Contractors are Submitting Reports Was Established

The Director, MCINCR-RCO, implemented the recommendation to establish policy requiring contracting officials to verify that contractors submit the required subcontracting reports to eSRS (Recommendation 2). In response to a draft of Report No. DODIG-2015-095, the Head, Audit Coordination, Office of the Director, Marine Corps Staff, responding for the Director, MCINCR-RCO, agreed with our recommendation, stating that MCINCR-RCO planned to publish a standard operating procedure that requires contracting officer oversight to ensure that the approved subcontracting reports are uploaded to eSRS by May 31, 2015. On August 26, 2015, the Director, MCINCR-RCO, issued RCO-NCR-SOP-15-004, which requires the contracting officer to:



The Director, MCINCR-RCO, implemented the recommendation to establish policy.

- ensure reports are submitted to eSRS when due, regardless of whether there has been any subcontracting activity since the inception of the contract or since the last reporting period; and
- review the subcontract reports submitted to eSRS within 60 days of the contractor’s submittal.

The Director’s actions met the intent of the recommendation, and the recommendation will be closed.

² Exemptions include small business set-asides; personal service contracts; contracts or modifications performed entirely outside the United States and its outlying areas; and modifications to contracts within the general scope of the contract that do not contain the clause at FAR 52.219-8, “Utilization of Small Business Concerns.”

Training for Contracting Officials Was Provided

The Director, MCINCR-RCO, implemented the recommendation to provide training to ensure that contracting personnel understand their FAR subpart 19.7 responsibilities³ for evaluating and administering subcontracting plans (Recommendation 3). In response to a draft of Report No. DODIG-2015-095, the Head, Audit Coordination, Office of the Director, Marine Corps Staff, responding for the Director, MCINCR-RCO, agreed with our recommendation, stating that the MCINCR-RCO Office of Production, Policy, Quality, and Metrics (PPQM) and the Small Business Specialist will conduct training for contracting officers on their responsibilities for subcontracting plans in accordance with FAR subpart 19.7. MCINCR-RCO planned to complete the training by May 31, 2015. In April 2015, MCINCR-RCO PPQM conducted internal subcontracting plan training for contracting personnel, which included contracting officer post-award responsibilities required by FAR subpart 19.7. In addition, the Director, MCINCR-RCO, required all contracting specialists and contracting officers to complete Defense Acquisition University course CLC-054, “Electronic Subcontract Reporting System.”

The Director, MCINCR-RCO, implemented the recommendation to provide training.

We verified that the required personnel completed the training. In addition, the MCINCR-RCO Deputy for Small Business Programs stated that new employees are given hardcopy training slides and that the internal training will be provided annually. The Director’s actions met the intent of the recommendation, and the recommendation will be closed.

MCINCR-RCO Good Faith Effort Determination Was Not Supported

MCINCR-RCO contracting officials did not support their determination that the contractors made good faith efforts to meet the small business subcontracting goals.


MCINCR-RCO contracting officials did not support their determination that the contractors for contracts M00264-08-D-0001 and M00264-13-C-0019 made good faith efforts to meet the small business subcontracting goals in their subcontracting plans (Recommendation 4). In response to a draft of Report No. DODIG-2015-095, the Head, Audit Coordination, Office of the Director, Marine Corps Staff, responding for the Director, MCINCR-RCO,

³ FAR subpart 19.7 contracting officer responsibilities include determining whether the contract requires a subcontracting plan, reviewing the subcontracting plan for adequacy, acknowledging receipt of subcontracting reports in eSRS, and determining whether the contractor made a good faith effort to meet its subcontracting goals.

agreed with our recommendation, stating that MCINCR-RCO will conduct in-depth assessments of the two contracts to determine whether the contractors made a good faith effort to meet the small business subcontracting goals. In a September 24, 2015, memorandum to the DoD OIG, MCINCR-RCO contracting officials stated that they determined the contractors for both contracts made good faith efforts to fulfill their subcontracting goals. In that memorandum, the MCINCR-RCO contracting officials stated that they based their determination on updated information provided by the contractors. However, when we requested the assessment and the updated information in May 2016, MCINCR-RCO contracting officials were unable to provide either the assessment or the updated information obtained from the contractors when they made their determination in September 2015. See Appendix B for chronology of events occurring between issuance of the draft report in March 2015 and our meeting with MCINCR-RCO contracting personnel in May 2016.

Contractors Met Small Business Subcontracting Goals

We determined that both contractors met their small business subcontracting goals. We independently performed an analysis to determine whether the contractors met their small business subcontracting goals for contracts M00264-08-D-0001 and M00264-13-C-0019 because MCINCR-RCO contracting officials did not support their good faith effort determination. We analyzed subcontracting plans and individual subcontracting reports to determine whether the contractors met their small business subcontracting goals for contracts M00264-08-D-0001 and M00264-13-C-0019, and whether liquidated damages were due. Specifically, we obtained information directly from eSRS for contract M00264-13-C-0019 and from the contractor for contract M00264-08-D-0001 through MCINCR-RCO contracting officials. We reviewed:



We determined that both contractors met their small business subcontracting goals.

- subcontracting plans for contracts M00264-08-D-0001 and M00264-13-C-0019 obtained during the prior audit;
- individual subcontracting reports and e-mail submissions for contract M00264-08-D-0001 provided by MCINCR-RCO on May 20, 2016; and
- individual subcontracting reports for contract M00264-13-C-0019 we identified in our May 5, 2016, eSRS query.

We compared the contractors' achievements in the individual subcontracting reports to their small business subcontracting plans and determined that both contractors met their small business subcontracting goals. Therefore, no liquidated damages were due, we are not making a recommendation, and Recommendation 4 will be closed.

Contract M00264-08-D-0001

The contractor met its subcontracting goals for contract M00264-08-D-0001, according to the final individual subcontracting report. MCINCR-RCO awarded contract M00264-08-D-0001, with a not-to-exceed value of \$750 million, on December 20, 2007. The contractor prepared a subcontracting plan with subcontracting goals. Based on the plan, the contractor intended to subcontract \$637.5 million of work. Of that amount, the contractor intended to subcontract 23 percent to small businesses over the 5-year life of the contract.

An MCINCR-RCO contracting officer provided e-mails and supporting documents from the contractor on May 20, 2016. The contractor's e-mails stated that the contractor provided individual subcontracting reports to an MCINCR-RCO contracting officer as early as April 2012. In addition, the contractor sent e-mails stating that they were unable to upload individual subcontracting reports to eSRS. The contracting officer did not indicate that a subcontracting plan was required in the Federal Procurement Data System-Next Generation; therefore, the contractor could not upload information to eSRS.

The contractor's final individual subcontracting report provided to the MCINCR-RCO contracting officer stated that the contractor awarded 23 percent of its total subcontracting dollars to small businesses. Based on that report, the contractor met its small business subcontracting goal of 23 percent in its small business subcontracting plan.

Contract M00264-13-C-0019

The contractor met its subcontracting goals for contract M00264-13-C-0019, according to the most recent individual subcontracting report. MCINCR-RCO awarded contract M00264-13-C-0019, valued at \$40 million, on June 20, 2013. The contractor's proposal included a subcontracting plan, which stated that the contractor intended to award 35 percent of subcontracts to small businesses during the performance of the contract. There were no individual subcontracting reports in eSRS when the audit team queried the system during the prior audit on August 2, 2014. In addition, the MCINCR-RCO PPQM team lead's August 2015 review notes stated that there was no information in eSRS for contract M00264-13-C-0019.

We searched eSRS on May 9, 2016, and found several individual subcontracting reports for contract M00264-13-C-0019 as recently as March 2016. The contractor's most recent report, submitted on April 25, 2016, stated that the contractor awarded 59.9 percent of its total subcontracting dollars to small businesses. Although this contract is still ongoing, the report stated that the contractor exceeded its small business subcontracting goal of 35 percent in its small business subcontracting plan.

Conclusion

MCINCR-RCO contracting officials addressed all four recommendations in Report No. DODIG-2015-095. However, for Recommendation 4, MCINCR-RCO contracting officials did not support their good faith effort determination for contracts M00264-08-D-0001 and M00264-13-C-0019. We performed an analysis to determine whether the contractors met their small business subcontracting goals for contracts M00264-08-D-0001 and M00264-13-C-0019, and whether liquidated damages were due. We determined that both contractors met their small business subcontracting goals. Therefore, no liquidated damages were due, and all recommendations will be closed.

Appendix A

Scope and Methodology

We conducted this performance audit from May 2016, through July 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our objective was to determine whether MCINCR-RCO implemented the recommendations in Report No. DODIG-2015-095.

Work Performed

Review of Recommendation Implementation

To determine whether MCINCR-RCO implemented the four recommendations in Report No. DODIG-2015-095, we reviewed documentation from DoD OIG files and documentation provided by MCINCR-RCO contracting personnel. The documentation included:

- standard operating procedures;
- training rosters and slides; and
- memorandums and e-mails.

In addition, we interviewed key MCINCR-RCO personnel, including the Director, a contracting officer, and the Deputy for Small Business Programs.

Review of Small Business Subcontracting

To determine whether the contractors for contracts M00264-08-D-0001 and M00264-13-C-0019 met their small business subcontracting goals, we reviewed:

- subcontracting plans for contracts M00264-08-D-0001 and M00264-13-C-0019 obtained during the prior audit;
- individual subcontracting reports and e-mail submissions for contract M00264-08-D-0001 provided by MCINCR-RCO in May 2016; and
- individual subcontracting reports for contract M00264-13-C-0019 we identified in our May 2016, eSRS query.

We reviewed documentation dated between May 2007 and June 2016.

Use of Computer-Processed Data

We used computer-processed data from eSRS to determine whether the contractor uploaded subcontracting reports into the system for contracts M00264-08-D-0001 and M00264-13-C-0019. We reviewed individual subcontracting reports from eSRS to identify whether the contractor met its subcontracting goals for contract M00264-13-C-0019. We compared the individual subcontracting reports to the subcontracting plan we obtained from the contract file. Therefore, we determined that the data obtained from eSRS were sufficiently reliable to accomplish our audit objectives.

Prior Coverage

During the last 5 years, the Department of Defense Inspector General (DoD IG) issued one report discussing small business contracting at MCINCR-RCO.

DoD IG

Report No. DODIG-2015-095, "Small Business Contracting at Regional Contracting Office–National Capital Region Needs Improvement," March 20, 2015

Appendix B

Chronology of Followup Actions

The following actions took place since we issued a draft of Report No. DODIG-2015-095.

- In the March 9, 2015, response to a draft of Report No. DODIG-2015-095, the Head, Audit Coordination, Office of the Director, Marine Corps Staff, responding for the Director, MCINCR-RCO, stated that MCINCR-RCO would, “conduct in-depth assessments of contracts M00264-08-D-0001 and M00264-13-C-0019 to determine whether the contractors made a good faith effort to meet the small business subcontracting goals.”
- In a July 29, 2015, memorandum, DoD OIG personnel requested MCINCR-RCO contracting officials provide copies of the assessments referred to in the March 2015 response.
- In August 2015, an MCINCR-RCO PPQM team lead prepared notes of his review of the contract files for contracts M00264-08-D-0001 and M00264-13-C-0019. In those notes, the team lead stated that he could not ascertain whether either contractor had made a good faith effort to meet their small business goals in their subcontracting plans and suggested obtaining additional information from the contractors. He provided his review notes to the PPQM Branch Chief on August 26, 2015.
- In a September 16, 2015, e-mail to the Director, Marine Corps Office of Small Business Programs, the PPQM Branch Chief stated, “We went back, relooked at the files, and feel that based on the subcontracting data that was provided by the contractors that they did make a good faith effort to fulfill the subcontracting goals.”
- In a September 24, 2015, memorandum to the DoD OIG, MCINCR-RCO contracting officials stated, “it was evident that both contractors did make a good faith effort to fulfill their subcontracting goals,” based on updated information provided by the contractors. However, MCINCR-RCO contracting officials did not provide the assessments to the DoD OIG at that time.
- On May 9, 2016, we queried eSRS and found subcontracting reports for contract M00264-13-C-0019; however, we did not find any reports for contract M00264-08-D-0001. The information for contract M00264-13-C-0019 was not in eSRS at the time we performed the audit work for Report No. DODIG-2015-095. In addition, the MCINCR-RCO PPQM team lead’s review notes stated that no information was in eSRS for contract M00264-13-C-0019.

- On May 13, 2016, we requested MCINCR-RCO contracting officials provide the assessments they stated they performed to conclude that the contractors made a good faith effort to meet the goals in their plans, including all documentation supporting the assessments.
- On May 20, 2016, an MCINCR-RCO contracting officer stated that MCINCR-RCO did not receive any updated information from the contractors before the September 24, 2015, memorandum to the DoD OIG. We asked the contracting officer to contact the contractor to obtain subcontracting reports for contract M00264-08-D-0001 and correspondence between the contracting officials and the contractor. We stated that we already had enough information from eSRS for M00264-13-C-0019 to determine whether the contractor met its goals.
- On May 20, 2016, the MCINCR-RCO contracting officer provided subcontracting reports and e-mails from the contractor for contract M00264-08-D-0001. The contracting officer explained that he called the contractor and the contractor provided the requested information in about an hour. The information from the contractor indicated that the contractor had been submitting individual subcontracting reports directly to the contracting officer as early as April 2012 because they could not enter the information into eSRS.

Acronyms and Abbreviations

- eSRS** Electronic Subcontracting Reporting System
- FAR** Federal Acquisition Regulation
- MCINCR-RCO** Marine Corps Installations National Capital Region–
Regional Contracting Office
- PPQM** Production, Policy, Quality, and Metrics



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