

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of the Inspector General

Inspector General



Executive Summary Concerning the Results of an Office of the Inspector General Investigation Into Misconduct Violations by an Employee of the District of Columbia Department of Health

2011-0338 (S)

INVESTIGATIVE SYNOPSIS

The District of Columbia Office of the Inspector General (OIG) initiated an investigation after receiving an allegation that a D.C. Department of Health (DOH) employee, while temporarily assigned to the Office of Contracting and Procurement (OCP) as a Technical Evaluation (T&E) team member, inappropriately contacted and provided confidential information to a respondent to an OCP Request for Proposal (RFP).

OIG investigators interviewed the respondent to the OCP RFP, whose office is located outside the District of Columbia, a personal friend of the DOH employee, and the DOH employee. OIG investigators also reviewed OCP Solicitation DCFL-2011-R-1001 and the DOH employee's personal cell phone records.

The OIG investigation revealed that the DOH employee inappropriately initiated contact with the respondent, informed him of the results of the T&E review, and offered to improve his written proposal, all in violation of both the written T&E team member agreement that the DOH employee had signed and five sections of the DPM.

In an interview with OIG investigators, the respondent explained that on January 3, 2011, he submitted to OCP a response to OCP Solicitation DCFL-2011-R-1001. On March 31, 2011, the respondent received in his office, the D.C. Department of Health business card of the DOH employee. The handwritten message on the reverse side of the card included the DOH employee's personal cell phone number and the notation: "regarding D C Proposal." The respondent determined that the DOH employee's business card had been delivered to his office by the personal friend of the DOH employee. The respondent then called the DOH employee who stated that she was the Chairman of the Selection Committee and that her telephone conversation with him was inappropriate. During the conversation, the DOH employee informed the respondent that his OCP submission was not as good as the other three submissions and that he would be receiving a letter that would identify areas of weakness and provide him an opportunity to respond to OCP. The DOH employee told the respondent that she wanted to enter into a contract with him

to help him put together a better proposal. The respondent concluded the telephone call saying that he would decide what he would do after he received and reviewed the OCP deficiency letter. The respondent told OIG investigators that when he ended the telephone conversation, it was his understanding that the consideration for the DOH employee's offer was money.

In an interview with OIG investigators, the personal friend of the DOH employee explained that he previously worked with the DOH employee at DOH and they have become personal friends. He also said that they both worked together in another state from 2001-2003. The personal friend said that in late March 2011, he mentioned to the DOH employee that he was relocating back to his hometown and that he had a doctor's appointment at the respondent's office. At that time, the DOH employee requested that he deliver her D.C. government business card to the respondent. The personal friend told OIG investigators that he looked at the reverse side of the DOH employee's business card and observed the notation, but felt that it related to the DOH employee and the respondent working on a grant or project together.

The OCP General Counsel told OIG investigators that the DOH employee was the Chairperson of the T&E team for Solicitation DCFL-2011-R-1001, which was moving toward the final evaluation process. The OCP General Counsel explained that all respondents would receive written notification regarding areas of their proposals that needed clarification and each would be given an opportunity to provide a best and final offer to OCP. Of the four RFP bidders, the respondent's bid rated the lowest.

OIG investigators interviewed the DOH employee. She initially told investigators that she only provided her business card to her personal friend so that he would have her contact information and that she did not ask her personal friend to deliver her business card to the respondent. The DOH employee, however, then admitted that she spoke to the respondent in the evening on March 31, 2011, and that she knew the call was inappropriate. The DOH employee said that she told the respondent that his proposal was weak. The respondent asked her how to make the proposal better. She told him that she would think about helping him with his proposal. The DOH employee said that although they never had a specific discussion regarding money, if she had helped the respondent, she acknowledged that the help would not have been for free. The DOH employee further acknowledged that she signed the Evaluation Panel Member Certification and Disclosures Form, which requires that District employees maintain a high level of ethical conduct; prohibits District employees from using their official positions to obtain financial gain; requires that information in proposals remain confidential; and requires that panel members notify the Contracting Officer of any conflicts of interest and or any failure to comply with the requirements.

The DOH employee also told investigators that prior to working for DOH, she worked in the public health field in her hometown and had heard of the respondent, a doctor in that city, but did not know him personally. The DOH employee explained that in November

2009, a dentist she knows in Washington, D.C., requested that she call the respondent to help him write a proposal. The DOH employee told OIG investigators that she called the respondent, but he never responded.

ANALYSIS AND CONCLUSIONS

In sum, the DOH employee, a T&E team member, violated the District's standards of conduct by communicating with the respondent outside of the T&E process, while the solicitation process was ongoing.

Although the OIG investigation revealed no evidence that the DOH employee received anything of value from her contact with the respondent, her conduct violated five sections of DPM § 1803.1. The DOH employee's conduct gave the appearance that she was giving preferential treatment to the respondent and impeded government efficiency or economy in that the solicitation had to be cancelled because of her conduct. She also made a government decision outside official channels by deciding to make unauthorized/inappropriate contact with the respondent. The DOH employee lost her independence or impartiality by contacting the respondent and offering to assist him. Consequently, the DOH employee's conduct affected adversely the confidence of the public in the integrity of government.

Accordingly, the issue of whether the DOH employee violated DPM § 1803.1 (a) (2) (Giving preferential treatment to any person); § 1803.1 (a) (3) (Impeding government efficiency or economy); § 1803.1 (a) (4) (Losing complete independence or impartiality); § 1803.1 (a) (5) (Making a government decision outside official channels); and § 1803.1 (a) (6) (Affecting adversely the confidence of the public in the integrity of government); is **substantiated**.

RECOMMENDATIONS

Based on the results of this investigation, the OIG recommends that DOH:

- Address the DOH employee's conduct with appropriate administrative action; and
- Ensure that all DOH employees are trained appropriately regarding the District's standards of conduct and the administrative requirements governing technical evaluation members and confidential disclosures.

Dated: January 6, 2012