

Transcript: "Podcast: Audit of the Drug Enforcement Administration's Regional Linguist Contract Awarded to Conduit Language Specialists, Inc." January 2018

Stephanie Logan (SL): Welcome to the latest podcast from the Department of Justice Office of the Inspector General. My name is Stephanie Logan and I'm a Public Affairs Specialist in our office.

Today we released a report on the Drug Enforcement Administration's contract awarded to Conduit Language Specialists, Incorporated. The contract was for analytic linguist services to support Title III wiretaps used in drug investigations for the DEA's Denver and Phoenix field divisions. Our audit found that the DEA failed to provide adequate administration and oversight over the contract. Among other things, we found that Conduit did not follow contract requirements to ensure that its linguists had valid language proficiency results, and the DEA allowed some linguists to work under the contract without completed background investigations or signed non-disclosure forms. The report also identified additional concerns with Conduit's performance and compliance with the contract, which we'll discuss today. In total, the report identified nearly \$2.9 million in questioned costs.

I'll be talking with Amanda Abraham, an Auditor in our Denver Regional Audit Office, to discuss the audit findings in greater depth. Thanks for joining me, Amanda.

Amanda Abraham (AA): Thanks for having me, Stephanie.

SL: Amanda, I understand that this report was initiated because of some of the OIG's previous work in this area. A February 2012 OIG report looked at a similar contract, is that correct?

AA: Yes, that's correct. The review was initiated not only because translations in drug investigations are really important, but the OIG has also looked at this issue in the past. Our February 2012 report reviewed a contract the DEA awarded for linguist services to another contractor, and revealed important concerns with the DEA's contract administration and oversight, as well as compliance with language proficiency and security contract requirements.

Unfortunately, we found many of the same problems continued to occur under the DEA's contract with Conduit.

SL: Many of the findings of this report are concerning, particularly your findings relating to language proficiency and security. Can you describe in greater detail what your team found?

AA: Yes, absolutely. The contract required all linguists to complete language proficiency testing. There are several organizations listed in the contract which Conduit should have used to complete the testing. But we found that Conduit didn't ensure linguists completed their testing before working under the contract, nor did DEA enforce this requirement.

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- SL: So, help me understand, Conduit didn't ensure that its linguists were tested for language proficiency?
- AA: Well actually, Conduit developed its *own* tests to test for things such as slang and colloquialisms, which it believed was more important than just testing for proper grammar and language skills. However, Conduit only used its testing for Spanish linguists. And DEA hasn't reviewed or approved Conduit's testing. So therefore, we found that 29 of 35 linguists we sampled didn't have valid language proficiency testing results. Also, DEA didn't start requesting these results until *after* we started our audit work.
- SL: And after the DEA requested proficiency test results from Conduit, did they find that the linguists were proficient?
- AA: Well, there's not a simple answer to your question. During our audit, DEA's Contracting Officer issued waivers for a large portion of the linguists working under the contract. So, many of the linguists have not been properly evaluated for language proficiency, as required by the contract—instead, DEA just waived the requirement. In fact, we were so concerned about this issue that we issued a Management Advisory Memorandum to the DEA in February 2017 to promptly alert the DEA of this problem. The report issued today recommended that the DEA remedy nearly \$2 and a half million dollars paid for linguists without valid language proficiency results.
- SL: Can you talk about what your report found regarding security requirements for linguists?
- AA: Yes. Linguists are required to have a valid background investigation or a waiver while their background investigation was being conducted due to the sensitive nature of the work. Going back to the sample of 35 linguists that I mentioned earlier, we found 4 who did not have completed background investigations or who had lapsed waivers while working on the contract. It's also worth noting that 13 of the 35 linguists didn't have signed non-disclosure forms on file—forms which were also required under the terms of the contract.
- SL: Relating to Conduit's performance as a contractor, there were some deficiencies identified by your team. One of those was an issue of scheduling linguists and case assignments. So what were the issues you identified?
- AA: Well, Conduit classified linguists as either employees, or independent contractors. Some DEA agents reported encountering issues with Conduit replacing linguists on their cases, sometimes only to ensure that employee linguists were working 40 hours per week. The agents

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also reported that these replacements sometimes would occur without consulting them or DEA Task Monitors. Conduit officials explained to us that replacing linguists is a last resort and based on multiple factors, such as linguist availability, reassignments, and logistics, among other things.

SL: Why were the replacements a problem for some agents?

AA: Well, when linguists are replaced in the middle of a case, the incoming linguist does not have the aggregate, historical knowledge of the case, and it creates a learning curve and increased risk of negatively impacting an investigation. According to some agents we spoke to, it's important for linguists to know the details of cases, and when linguists are replaced in the middle of cases, that knowledge can be lost. We believe that increased coordination between the DEA and Conduit will help reduce disruption to a case.

SL: Another finding that your report made related to non-compliance with the Service Contract Labor Standards. What specifically did you find?

AA: First, we found that Conduit was not paying some fringe benefits correctly to its linguists, specifically for vacation and holidays.

Second, we found that DEA contracting personnel approved and paid price adjustments for the contract without properly reviewing them. The price adjustments included increases to profit and general administrative expenses, which are both prohibited by federal law. Our report goes into much greater detail on this issue of price adjustments, but I'll just add that we believe this happened because of a lack of guidance from the Department or the DEA, and lack of adequate training for the DEA staff responsible for reviewing the price adjustments.

SL: Your report made several other findings and recommendations. Briefly, what were some of the issues you identified?

AA: We found that the DEA relied on Conduit to perform the majority of the quality assurance responsibilities for the contract, when, in fact, the DEA was also required to perform quality assurance. Further, we found that Conduit was not enforcing its quality assurance plan nor was it completing all the quality assurance procedures. The DEA also did not have its own Quality Assurance Surveillance Plan, which is required by the Federal Acquisition Regulations.

Finally, we looked at how the DEA developed the requirements for the contract and we identified areas the DEA should review and consider before awarding the next contracts.

Transcript: "Podcast: Audit of the Drug Enforcement Administration's Regional Linguist Contract Awarded to Conduit Language Specialists, Inc." January 2018

SL: So what does this all mean?

AA: Well, Conduit's contract was one of eight contracts that DEA awarded to various contractors for analytic linguist services at DEA field divisions nationwide. The eight contracts are scheduled to end in 2018. We believe the issues we've identified with Conduit's contract may affect the other seven contracts as well. Our audit report helps identify areas where the DEA and potentially the Department need to improve its administration and oversight of its contracts.

SL: Amanda, thanks so much for taking the time to speak with me today.

AA: Thanks, Stephanie. I really enjoyed getting to talk about our report with you.

SL: That's it for today. To read the report, please visit our website, oig.justice.gov, or the newly created oversight.gov. Also, follow us on twitter @JusticeOIG and you can find us on YouTube to find out more about our OIG reports. Thanks for joining us.