



Office of the Inspector General  
U.S. Department of Justice



# **Audit of the Federal Bureau of Investigation's Fuel Procurement Contracts Awarded to the Petroleum Traders Corporation**

# **AUDIT OF THE FEDERAL BUREAU OF INVESTIGATION'S FUEL PROCUREMENT CONTRACTS AWARDED TO THE PETROLEUM TRADERS CORPORATION**

## **EXECUTIVE SUMMARY**

The Federal Bureau of Investigation (FBI) reported that it expended approximately \$2 million in fiscal year (FY) 2015 for bulk fuel purchases. The Department of Justice Office of the Inspector General (OIG) audited the two fiscal year (FY) 2015 contract actions between the FBI and Petroleum Traders Corporation (PTC), a wholesale supplier of gasoline and fuel products, to purchase bulk automotive fuel for fleet vehicle use. One of the contract actions was for the FBI Miami Field Office (FBI Miami) and the other was for the FBI Northern Virginia Resident Agency (FBI NVRA). The total amount expended by the FBI was \$460,084.

The objectives of this audit were to: (1) determine whether the FBI adhered to federal regulations during the contract award and administration processes, (2) assess the adequacy of FBI's contract oversight, and (3) determine if PTC properly invoiced the government and complied with the terms and conditions of the contract awards.

We identified deficiencies with the FBI's contract award and administration processes that prevented the FBI from ensuring that it received the best fuel prices, received the proper amount of fuel at the agreed upon prices, and used the fuel in the most efficient manner. Specifically, the FBI did not award the FBI Miami contract action in accordance with the Federal Acquisition Regulation (FAR) that identifies the mandatory source to use for bulk contract actions. Further, FBI Miami purchased a premium fuel, but the FBI could not support the need for this more costly fuel. We found that the FBI spent approximately \$57,000 more on the premium fuel than it would have spent on regular fuel.

In addition, FBI contracting officers did not comply with the FAR in that they did not adequately review invoices or ensure the timely payment of invoices, and they did not maintain complete contract files and accurately input information into the Federal Procurement Data System. Moreover, FBI contracting officers did not adequately verify the amount of fuel received as required by FBI policy. Accordingly, we conducted our own review of invoice and delivery documentation and found that PTC properly billed the FBI for the bulk fuel procured on the two contract actions, and that PTC complied with the terms and conditions of both actions. Nevertheless, given the risks associated with contract compliance, the FBI needs to establish procedures to ensure that fuel invoices and deliveries are properly reviewed.

We also identified concerns about the location of the FBI Miami fuel pump and its security. The fuel pump, located in Pembroke Pines, is a 12-mile roundtrip from the field office, which we found takes about 30 minutes. Additionally, the audit team observed that the fuel pump and above-ground tank were not

adequately secured. While use of the pump was controlled by key fobs, the fence surrounding the fuel tank and fuel pump was kept unlocked and lacked additional security features that could prevent tampering. In addition, FBI Miami placed a sign on the fuel pump identifying it as an FBI pump. A Physical Security Specialist at FBI headquarters expressed concern with each of these circumstances.

While the deficiencies we identified were limited to the PTC contract actions that we audited, we believe some of the issues could occur in other contract actions in which the FBI purchases fuel in bulk. Therefore, we believe that the FBI should ensure that it awards all bulk fuel procurements in accordance with the FAR. Our report contains a total of 10 recommendations that address the deficiencies we identified. We discuss our findings in detail in the Findings and Recommendations section of the report. The audit objectives, scope, and methodology are more fully described in Appendix 1.

We discussed the results of our audit with FBI and PTC officials and included their comments in the report, as applicable. Additionally, we requested a response to our draft report from the FBI and PTC. The FBI's response is appended to this report as Appendix 2. PTC did not submit a response to the draft report and none of our recommendations were directed to PTC. In its response, the FBI discussed actions it has taken or plans to take as a result of our audit. For example, the FBI stated that it consolidated its bulk fuel requirements and updated its fleet policy to require bulk fuel purchases to be made through a mandatory source (as defined by the FAR) and to be for non-premium fuel. Appendix 3 contains our analysis of the FBI's response and a summary of actions necessary to close the recommendations.

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# AUDIT OF THE FEDERAL BUREAU OF INVESTIGATION'S FUEL PROCUREMENT CONTRACTS AWARDED TO THE PETROLEUM TRADERS CORPORATION

## INTRODUCTION

The Federal Bureau of Investigation (FBI) purchases automotive fuel for its vehicle fleet either in bulk or by using FBI-issued credit cards at commercial gas stations.<sup>1</sup> According to the FBI, in FY 2015 it expended a total of \$2 million on bulk fuel purchases, \$460,084 of which was paid to Petroleum Traders Corporation (PTC). The Department of Justice Office of the Inspector General (OIG) audited the two fiscal year (FY) 2015 contract actions between the FBI and PTC for bulk automotive fuel, as described in Table 1. PTC is a privately held corporation headquartered in Fort Wayne, Indiana, and a supplier of wholesale gasoline and diesel sourced from the United States. For the year ending June 30, 2015, PTC's sales were \$2.1 billion.

**Table 1**  
**Summary of FY 2015 Contract Actions between the FBI and PTC**

Contract Action ID	Place of Performance	Amount Expended
DJF-15-1200-P-0000902	Pembroke Pines, Florida	\$248,422
DJF-15-1200-E-0000356	Manassas, Virginia	211,662
<b>Total</b>		<b>\$460,084</b>

Source: FBI contract files and Federal Procurement Data System (FPDS)

In August 2014, the FBI Miami Field Office (FBI Miami), which is located in Miramar, Florida, entered into an agreement with Pembroke Pines, a neighboring city. This agreement allowed FBI Miami to have sole use of a designated, above ground 10,000-gallon fuel tank and pump on the city of Pembroke Pines' property. FBI Miami purchased bulk fuel that it stored in the tank. FBI Miami employees must have a key fob to use the fuel pump, and the city of Pembroke Pines maintains the computer software to program the key fobs. Personnel from different units within the FBI Miami office order fuel, accept delivery of the fuel, and approve invoices for payment. Once approved, FBI Miami forwards the invoices to the FBI contracting officer for payment.

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<sup>1</sup> Bulk fuel is purchased for storage within above ground or underground storage tanks with capacity for thousands of gallons. At the FBI, bulk fuel is delivered to either an on-site pump or an off-site pump for FBI vehicle use.

The FBI Northern Virginia Resident Agency (FBI NVRA), which is located in Manassas, Virginia, also purchased bulk fuel during the period of our review.<sup>2</sup> Unlike FBI Miami, FBI NVRA has an onsite, underground fuel tank with a 12,000-gallon capacity. FBI NVRA employees must use a unique card at the fuel pump, and FBI NVRA maintains the computer software that records fuel pump usage by assigned fuel pump cards. FBI NVRA informs an FBI Headquarters contracting officer when additional fuel is needed, and the FBI contracting officer orders the fuel, reviews the invoice, and processes the invoices for payment. FBI NVRA facilities personnel handle the receipt and delivery of the fuel.

The FBI Finance Division's Procurement Section is an FBI Headquarters component responsible for contracting activities. In FY 2015, the Procurement Section's Operational Support Contracts Unit handled bulk fuel procurements. Different contracting officers within the unit awarded and administered the FBI Miami and FBI NVRA contract actions. Contracting officers can perform different roles depending upon the delegation of responsibilities that the contracting officers authorize, and we found that the contracting officers performed different roles on the two contract actions. For example, the contracting officer for FBI Miami did not order fuel or review the invoices because FBI Miami employees performed those functions. In contrast, the contracting officer for FBI NVRA ordered the fuel and reviewed the invoices.

## **OIG Audit Approach**

Our audit objectives were to: (1) determine whether the FBI adhered to federal regulations during the contract award and administration processes, (2) assess the adequacy of the FBI's contract oversight, and (3) determine if PTC properly invoiced the government and complied with the terms and conditions of the contract awards.

In conducting our audit, we tested compliance with what we consider to be the most important conditions of these contract actions. Unless otherwise stated in our report, the criteria we used to evaluate compliance are contained in the Code of Federal Regulation (CFR), the Federal Acquisition Regulation (FAR), the Department of Justice Acquisition Regulation (JAR), the Department of Justice Procurement Guidance Documents (PGD), and internal FBI policies and procedures. We interviewed key FBI employees at FBI Headquarters, FBI Miami, and FBI NVRA, as well as PTC employees involved with these two contract actions. We also reviewed contract documentation, including award documents, invoices, and bills of lading.

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<sup>2</sup> FBI NVRA is part of the FBI Washington Field Office.

## FINDINGS AND RECOMMENDATIONS

The FBI did not comply with the FAR in the award and administration of the bulk fuel contract actions we audited. Specifically, the FBI contracting officer for the FBI Miami contract action did not award the bulk fuel procurement through the FAR-identified mandatory source and did not establish a requirement for the specific fuel type. During FY 2015 FBI Miami purchased a premium fuel that cost approximately \$57,000 more than regular automotive fuel, and the FBI was unable to support the need for the premium fuel. Additionally, the FBI did not adequately review invoices and ensure invoices were paid on time. We found that the FBI paid a few invoices late and incurred a small amount of interest penalties. We also found that FBI Miami and FBI NVRA personnel did not ensure that the amount of fuel delivered matched the amount billed on the invoices. In addition, FBI contracting officers did not maintain complete contract files and did not input accurate contract information into the Federal Procurement Data System. Finally, we identified security concerns regarding the FBI Miami's off-site fuel pump, as well as concerns with inefficiencies associated with the location of the off-site pump.

### **Improperly Awarded Fuel Purchase Order**

We found that the FBI did not comply with the FAR when procuring bulk fuel for FBI Miami. According to the FAR, federal agencies must procure bulk fuel through a Defense Logistics Agency (DLA) contract.<sup>3</sup> Although e-mails between FBI headquarters and FBI Miami indicated awareness of the DLA requirement, the contracting officer for FBI Miami did not use a DLA contract to procure bulk fuel. Instead, the contracting officer awarded a purchase order that authorized FBI Miami to order bulk fuel from PTC. In contrast, we found that the FBI complied with the FAR requirement to use a DLA contract when purchasing bulk fuel for FBI NVRA.

FBI Miami personnel told us that it purchased bulk fuel from PTC by means of a direct purchase order because PTC was the vendor it used during the previous year. According to the FBI contracting officer and contract specialist responsible for the FBI Miami contract action, the FBI did not use a DLA contract for FBI Miami because they believed the tank-usage agreement between FBI Miami and the city of Pembroke Pines took precedence and precluded the use of DLA and the possibility of obtaining fuel from a vendor other than PTC. However, by its terms, the

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<sup>3</sup> FAR 8.002(a)(1)(v) cites 41 CFR 101-26.6, which states that the DLA is responsible for satisfying requirements for coal, natural gas from sources other than a public utility, petroleum fuels, and certain petroleum products. According to the DLA, using a DLA contract is more beneficial because it combines several federal agencies' needs that, in turn, generate more vendor interest, greater competition, and better prices.

agreement did not prohibit the FBI from using a different vendor. The August 2014 agreement stated that FBI Miami would purchase fuel from PTC, FBI Miami's current vendor. The agreement indicates, however, that the FBI could purchase fuel from any vendor, as long as both parties mutually agreed with the modification. According to the DLA, PTC was not the vendor associated with the DLA contract for the Miami region. As a result, we believe the FBI should have used a DLA contract, as required by the FAR, and modified its agreement with Pembroke Pines to reflect the vendor selected.

During our audit, an official from the FBI's Fleet Management Unit stated that the FBI previously had an internal policy addressing the FAR requirements for bulk fuel procurements. However, this official said that during revisions to FBI administrative policies in FY 2011, the FBI had inadvertently removed this particular language. Still, following the OIG's inquiries, the FBI Miami contracting officer informed us that FBI Miami used a DLA contract delivery order to procure its bulk fuel for FY 2016. We recommend that the FBI ensure that its internal policies address the FAR requirements for bulk fuel purchases, and that future bulk fuel purchases are executed in compliance with them.

### **Inadequately Defined Fuel Requirement and the Purchase of Premium Fuel**

We determined that while FBI NVRA properly defined the fuel requirement in its requisition, FBI Miami did not. According to the FAR, acquisition officials should identify the essential characteristics of the supplies being purchased.<sup>4</sup> FBI Miami's requisition did not define the grade of fuel, which we believe is an essential physical characteristic of fuel. Instead, the requirement stated that the city of Pembroke Pines will operate and maintain the fueling facility and provide the FBI access and use of the facility for the purpose of fueling services. Given this description, it is unclear that fuel is the requirement. We asked FBI Miami personnel about this description, and they stated the requirement was taken from the 2014 agreement between FBI Miami and the city of Pembroke Pines for the use of their fueling facility to fuel the FBI's vehicle fleet.

Based upon our review of the invoices, we found that FBI Miami purchased a premium grade fuel, specifically Recreational 90 (Rec 90), which we confirmed during our interviews with FBI Miami and PTC personnel. FBI Miami personnel cited a number of possible benefits of using this premium grade fuel. For example, one FBI Miami employee said that using Rec 90 reduces vehicle maintenance costs because it is better for the vehicles' engines. Another FBI Miami employee stated that the premium fuel increases the fuel efficiency of the vehicles. However, FBI Miami could not substantiate any of the benefits.

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<sup>4</sup> FAR 11.002(a)(2) Describing Agency Needs – Policy.



In addition to the perceived benefits not being supported, a PTC official, with over 20 years of fuel industry expertise, told us that using Rec 90 rather than 87 octane does not provide any added benefits to a vehicle's performance and life. This official further said that it was very rare for people to use Rec 90 for anything other than boats and lawnmowers. Moreover, an official from the FBI's Fleet Management Unit stated that most FBI vehicles only require 87 octane per manufacturer specifications, and that the FBI previously had a policy requiring all bulk fuel to be 87 octane.<sup>5</sup> In addition, FBI NVRA purchased 87 octane for its fuel tank.

When we inquired why FBI Miami needed a premium fuel, we found that the FBI Headquarters contracting official for FBI Miami was unaware of the type of fuel ordered. Although FBI Miami did not adequately define the fuel grade it requested to purchase, we believe the FBI contracting official should have required this information from FBI Miami. In addition, we believe the FBI contracting official should have detected from the invoices that FBI Miami was buying a premium grade fuel and asked FBI Miami why this type of fuel was necessary for its vehicle fleet.

We then examined the cost per gallon of using premium fuel versus 87 octane fuel and found that FBI Miami spent considerably more using premium fuel than it would have using 87 octane. Using the bulk fuel delivery dates for FBI Miami during FY 2015 and fuel pricing information from PTC for those dates, we compared the cost per gallon of Rec 90 to 87 octane for each delivery date, as shown in Table 2.<sup>6</sup> We determined that the difference between Rec 90 and 87 octane varied significantly, ranging from \$0.27 to \$0.76 during the 10 months that we reviewed. Table 2 also shows the number of gallons purchased throughout FY 2015, and the additional costs incurred because FBI Miami purchased a premium fuel rather than regular 87 octane. In total, FBI Miami spent approximately \$57,000 more on fuel for FY 2015 than necessary.

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<sup>5</sup> The policy requiring bulk fuel to be 87 octane was unintentionally superseded in July 2011 when the FBI updated its administrative policies.

<sup>6</sup> The pricing information provided by PTC was the accepted industry standard pricing index.

**Table 2**  
**OIG Analysis of Excess Costs Incurred Using Rec 90**

Date	Cost per Gallon		Per Gallon Difference	Number of Rec 90 Gallons Purchased	Additional Costs Incurred
	90 Rec	87 Octane			
12/16/2014	\$1.9908	\$1.7188	\$0.2720	7,947	\$2,161.58
01/15/2015	\$1.8667	\$1.5029	\$0.3638	8,431	\$3,067.20
02/11/2015	\$2.0988	\$1.6866	\$0.4122	8,559	\$3,528.02
03/09/2015	\$2.2939	\$1.8169	\$0.4770	7,930	\$3,782.61
04/02/2015	\$2.4674	\$1.8212	\$0.6462	7,913	\$5,113.38
04/29/2015	\$2.6609	\$1.9590	\$0.7019	8,500	\$5,966.15
05/28/2015	\$2.6559	\$1.9177	\$0.7382	8,467	\$6,250.34
06/19/2015	\$2.7749	\$2.0137	\$0.7612	7,852	\$5,976.94
07/13/2015	\$2.7116	\$1.9590	\$0.7526	7,353	\$5,533.87
08/14/2015	\$2.5086	\$1.7572	\$0.7514	8,338	\$6,265.17
08/28/2015	\$2.1961	\$1.4322	\$0.7639	5,889	\$4,498.61
09/25/2015	\$2.1721	\$1.5013	\$0.6708	7,875	\$5,282.55
<b>Totals</b>				95,054	\$57,426.42

Source: OIG analysis of pricing information provided by PTC and PTC invoices.

We believe the FBI failed to establish the reasonableness of these higher costs as required in the FAR.<sup>7</sup> According to the FBI, FBI Miami is procuring 87 octane for FY 2016 through a DLA contract. To ensure the FBI avoids imprudent spending in the future, we recommend the FBI ensure that all procurements of bulk fuel specifically identify the fuel grade within the requirement and justify any use of premium fuel.

### **Fuel Contract Administration Needs Improvement**

Additionally, we identified weaknesses with the FBI's performance of other contract administration responsibilities for both FBI Miami and FBI NVRA contract actions. In particular, the FBI did not perform an adequate review of invoices, including ensuring timely payment. We also identified areas of improvement in the FBI Miami and FBI NVRA's performance of their bulk fuel procurement responsibilities. Finally, the FBI contracting officials did not maintain complete contract files or accurately input information into the Federal Procurement Data System (FPDS) for either contract action.

#### *Inadequate Review and Payment of Invoices*

According to FBI policy, contracting officers may delegate authority to Contracting Officer's Representatives (COR) or technical Points of Contact (POC) to review invoices, verify the existence of adequate funding, and ensure the goods or services have been obtained. For both contract actions we reviewed, the FBI did

<sup>7</sup> FAR 31.201-3 defines a cost as being reasonable if it does not exceed the amount incurred by a prudent person given the nature of the item purchased.

not provide evidence that the contracting officers delegated invoice approval authority.

We found that the FBI contracting officer for the FBI NVRA contract action performed a cursory review of the invoices from PTC, but he did not properly review the price per gallon on the invoices. DLA maintains a website that shows the daily contract price for a gallon of fuel that takes into account the economic price adjustments according to the applicable contract. The FBI contracting officer stated that he did not use this tool for invoice review. As a result, the contracting officer was not ensuring the price charged per gallon on invoices received from PTC was in accordance with the DLA contract.

The contracting officer and contract specialist for the FBI Miami contract action stated that they did not review the invoices received from PTC. Instead, they stated that the technical POC at FBI Miami was responsible for completing this review. The technical POC at FBI Miami told us that he was unaware of this responsibility and, therefore, did not review the PTC invoices. He stated that after a different FBI employee notified him that fuel was delivered, he signed off on the invoices without any additional review. Because neither FBI headquarters nor FBI Miami reviewed the invoices, the FBI did not ensure that it was billed the appropriate price per gallon on the bulk fuel purchases.

We conducted our own review of invoice and delivery documentation and found that PTC properly billed the FBI for the bulk fuel procured on the two contract actions, and that PTC complied with the terms and conditions of both actions. Specifically, we reviewed all of the invoices totaling \$460,084 for the FBI Miami and FBI NVRA contract actions with PTC for fuel delivery in FY 2015. We determined that the fuel type billed was consistent with the fuel type ordered by FBI Miami and FBI NVRA, and that the amount of fuel delivered as recorded on the PTC bills of lading reconciled to the invoices. We also found that the taxes included on the invoices were appropriate. Finally, we determined that the unit price per gallon of gasoline on the invoices agreed to the supporting documentation provided by PTC and were reasonable. However, we found that the FBI did not pay all invoices within the 30-day required timeframe. Specifically, we noted a total of 3 of the combined 25 invoices for fuel delivered at FBI NVRA and FBI Miami were paid late, ranging from 2 to 10 days after the due date. Although the amount of the late payment penalties in this instance was small, the FBI needs to ensure that it makes payments to contractors in a timely manner to avoid paying unnecessary penalties. In this regard, the FBI Chief Acquisition Officer stated that the FBI has its own goal of paying vendors within 15 days of receiving the invoice. We found that the FBI did not pay 12 of the 25 invoices, including the 3 invoices previously mentioned, for fuel delivered at FBI NVRA and FBI Miami within the FBI's 15-day goal.

The FBI needs to establish procedures to ensure that fuel invoices are properly reviewed, and reiterate to contracting and payment personnel the importance of making payments to contractors in a timely manner to avoid late payment penalties. These procedures should require personnel to use the DLA

website to determine whether the invoiced price per gallon is in accordance with the DLA contract.

### *Inadequate Fuel Delivery Oversight*

According to FBI policy, the CORs should verify that the goods or services were received in accordance with the contract requirements. As discussed above, for the FBI Miami and FBI NVRA fuel contract actions, the FBI contracting officials retained the COR responsibilities. However, the FBI contracting officials relied upon technical POCs at FBI Miami and FBI NVRA to oversee the fuel deliveries. For these contract actions, the technical POCs at FBI Miami and FBI NVRA each should have physically observed the fuel deliveries and confirmed that the proper amount of fuel was delivered.

We determined that both FBI Miami and FBI NVRA had not performed proper fuel delivery oversight. Although personnel at both sites reported having physically observed the fuel deliveries, we found that they had not adequately confirmed the amount of fuel delivered. Specifically, we noted that FBI Miami personnel did not document that it had taken measurements of the fuel delivered for 4 of the 12 fuel deliveries so that FBI Miami personnel could, in turn, compare those measurements to the amount of fuel billed on the invoices.

FBI NVRA personnel stated that they compare the amount of gallons recorded on each bill of lading to a reading from the FBI NVRA's fuel pump system showing the amount of fuel in the tank; the reading is obtained the morning after fuel is delivered. Because these readings do not occur immediately after fuel delivery and FBI NVRA employees would have used the fuel during that time, FBI NVRA ensures that the amount delivered according to the invoice is within several hundred gallons of the amount billed. Thus, FBI NVRA's review is an estimation, rather than an actual determination of accuracy. From its fuel pump system, FBI NVRA can determine the precise number of gallons used from the time of delivery to the time of the reading taken the following morning; however, FBI NVRA personnel did not use this information and relied upon the estimation instead. We performed our own analysis and found that the invoices accurately reflected the number of gallons of fuel delivered during FY 2015. Although the FBI was appropriately billed for the number of gallons it received, the FBI did not have adequate assurance that the amount of fuel billed for was actually received without doing a similar analysis. We believe the fuel delivery monitoring at FBI NVRA could be more accurate if measured immediately before and after delivery. After our site visit, the FBI contracting officer for the FBI NVRA contract action stated that FBI NVRA is now required to provide him the fuel measurements immediately before and after delivery.

We believe that these weaknesses occurred, in part, because FBI contracting officials did not provide sufficient guidance to FBI Miami and FBI NVRA employees. Although the FBI contracting officials relied upon technical POCs at FBI Miami and FBI NVRA to physically observe the fuel deliveries and confirm that the proper amount of fuel was delivered, they did not provide FBI Miami and FBI NVRA with

any written procedures or guidelines to accomplish this. Therefore, we recommend that FBI contracting officers, in coordination with the FBI Fleet Office, provide written guidance to technical POCs regarding fuel measurements and delivery oversight.

### *Incomplete Contract Files*

According to the FAR, contracting officers should keep contract files that contain sufficient documentation to constitute a complete history of the contract action.<sup>8</sup> In addition, the contract file should include documentation of discussions with potential vendors.

We determined that the FBI contract files pertaining to the award of contract actions to PTC for both FBI Miami and FBI NVRA did not comply with the FAR requirement. The FBI contract specialist who maintained the contract file for the FBI Miami contract action did not include documentation to adequately support the selection of PTC as opposed to using a DLA contract, as discussed earlier. During our audit, we received correspondence between an FBI Headquarters contracting officer and FBI Miami employees from April 2014. According to the correspondence, FBI Headquarters informed FBI Miami that the FBI may be required to use a DLA contract for fuel purchases in FY 2015.

We also examined the contract file from FBI NVRA and noted that the file did not contain any information regarding the FBI's decisions or actions taken in obtaining fuel for FBI NVRA, including contact with DLA-approved vendors to confirm pricing and ability to provide the fuel in accordance with the FBI's needs. We believe that both contract files were missing supporting documentation for significant actions, judgments, or conclusions made by contracting personnel in the FBI Finance Division. Additionally, the FBI NVRA contract file did not contain the completed acquisition security checklist.<sup>9</sup> Without complete contract files, we were unable to examine a complete history of the decisions made and subsequent transactions executed with PTC.

### *Inaccurate FPDS Entries*

According to the FAR, contracting officers are responsible for the completion and accuracy of individual contract action reports in FPDS.<sup>10</sup> We found that the

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<sup>8</sup> FAR 4.801(b).

<sup>9</sup> Acquisition Policy Manual 11.002-70 states that contracting officers shall verify that the Security Division has completed any required security reviews, which is documented on an acquisition security checklist.

<sup>10</sup> FAR 4.604(b)(1), Contract Reporting Responsibilities states that the responsibility for the completion and accuracy of the individual contract action report resides with the contracting officer who awarded the contract action.

FPDS entries for the FBI Miami and FBI NVRA contract actions with PTC were inaccurate. The contracting officer for the FBI Miami contract action did not ensure that the contract specialist who prepared the FPDS entries did so accurately. For example, the FPDS entry listed the purchase order as firm-fixed-price even though the fuel purchases were made at spot (or current) prices when ordered. Additionally, the contract specialist listed the place of performance in FPDS as Fort Wayne, Indiana. While that was where PTC was headquartered, the place of performance under the contract was Pembroke Pines, Florida, where the fuel was actually delivered. Finally, the contract specialist categorized the purchase order in FPDS as “not competed, only one source.” While the purchase order was executed without competition, there were other vendors in the region who might have been able to provide fuel and therefore this type of sole source justification should not have been used.

The contracting officer for the FBI NVRA contract action relied on incorrect DLA information in FPDS for the delivery order award.<sup>11</sup> Because of this, the FPDS entry for the delivery order had inaccurate information regarding the number of bids received, the contractor industry type, and the length of the contract. The incorrect industry type, which listed PTC as a petroleum refinery instead of a fuel wholesaler, resulted in PTC being classified as a small business for this procurement. The FBI utilizes FPDS entries to determine small business award percentages; as a result, the FBI may have overstated their percentage of awards to small businesses in FY 2015.<sup>12</sup> The FBI needs to reiterate to contracting officials the importance of accurate completion of FPDS entries and to contact DLA about any DLA-input information that is inaccurate. Additionally, the FBI should correct its small business award percentages for FY 2015, if necessary.

### **Fuel Site Location and Security**

As mentioned, FBI Miami uses an off-site fuel tank located in Pembroke Pines, Florida. Because FBI NVRA has a pump on-site, we asked officials at both FBI headquarters and FBI Miami why a fuel pump was not placed on FBI Miami’s property when it was constructed in 2014. While we received multiple answers, none of them were substantiated by corroborating evidence. For example, a few FBI officials told us that the Environmental Protection Agency (EPA) would not allow an on-site fuel tank, but these officials did not provide any documentation supporting that conclusion. Other FBI officials stated that putting a fuel pump on-site would be too costly. However, these officials did not have any information supporting how much it would have cost to place a fuel pump on-site.

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<sup>11</sup> According to the FBI, FBI contracting officers cannot alter information input into FPDS by DLA.

<sup>12</sup> Determining if the inaccurate categorization of PTC as a small business overstated the FBI’s percentage of awards to small businesses was beyond the scope of this audit.

We found both the distance and the amount of time it took to get to the fuel pump to be inefficient for FBI Miami personnel. Traveling roundtrip between the main FBI Miami office in Miramar, Florida, and the fuel pump site is 12 miles, and we found that this takes about 30 minutes. Based upon the monthly usage reports for FBI Miami, from August 16, 2014, to December 10, 2015, FBI Miami personnel may have spent as many as 4,472 hours traveling to and from FBI Miami and the fuel pump and may have accumulated an additional 104,726 miles on their FBI vehicles in doing so.<sup>13</sup> We believe the FBI should examine its use of the off-site location at Pembroke Pines to determine if it is an appropriately efficient method of fueling FBI vehicles.

Additionally, we identified several security concerns with the fuel pump at Pembroke Pines. The audit team observed that the fuel pump and above-ground tank, including the valves and hatches, were not adequately secured. While use of the pump was controlled by issuance of key fobs, the fence surrounding the fuel tank and fuel pump was kept unlocked and lacked additional security features, such as barbed wire, that could prevent tampering. Also, FBI Miami did not have any security cameras to monitor the fuel tank. FBI Miami officials said that the city of Pembroke Pines had a security camera monitoring FBI Miami's fuel tank and pump. In addition, FBI Miami placed a sign on the fuel pump that stated it was for FBI official use only. A Physical Security Specialist at FBI headquarters expressed concern with each of these circumstances; stating that he would like to see a more substantial anti-climb fence in place and adequate lighting on all four sides of the fueling area. Also, we believe that operational security could be compromised by distinctly marking the pump as belonging to the FBI. We recommend that the FBI review the security at the fuel pump site and make any necessary improvements to increase security.

## **Recommendations**

We recommend that the FBI:

1. Award bulk fuel procurements in accordance with the FAR, which states that DLA is a mandatory source, and modify existing contract actions for bulk fuel to incorporate DLA awards.
2. Ensure its policies specify that bulk fuel purchases must be 87 octane unless there is justification for a higher grade, and that fuel must be procured using DLA contracts.

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<sup>13</sup> It appears that some FBI officials have multiple transactions per single fuel pump visits due to voided transactions, which would affect the calculation if factored. Additionally, we assumed that the FBI officials are traveling from FBI Miami to the fuel pump at Pembroke Pines roundtrip, and that they did not have other business reasons to be in the vicinity of the fuel pump. Because of these two items, the auditor calculation is the "at most" numbers for time spent and distance traveled between FBI Miami and Pembroke Pines.

3. Ensure that bulk fuel procurements include specific requirements as to fuel type to avoid imprudent spending that resulted in FBI Miami overpaying in bulk fuel for FY 2015.
4. Require responsible FBI NVRA and FBI Miami personnel to use the DLA website to determine whether the invoiced price per gallon is in accordance with the DLA contract.
5. Reiterate to payment officials the importance of paying contractors in a timely manner so that the FBI does not incur interest penalties.
6. Ensure contracting officers ensure that contract oversight responsibilities and the delegation thereof are clearly and formally established and communicated.
7. Reiterate to contracting officials the importance of maintaining complete contract files and the importance of accurate and complete FPDS data.
8. Review small business award percentages for FY 2015 to determine if PTC was incorrectly included and remediate this issue if necessary.
9. Perform a review of the offsite Pembroke Pines location to determine if it is an appropriately efficient method of refueling for FBI personnel.
10. Implement a review of the security measures in place at the FBI Miami fueling station and correct any security shortfalls.



## STATEMENT ON INTERNAL CONTROLS

As required by *Government Auditing Standards*, we tested, as appropriate, internal controls significant within the context of our audit objectives. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect in a timely manner: (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations. Our audit of contract actions DJF-15-1200-P-0000902 and DJF-1200-E-0000356 awarded to Petroleum Traders Corporation for delivery of bulk fuel to the Federal Bureau of Investigation (FBI) Northern Virginia Resident Agency and FBI Miami Field Office was *not* made for the purpose of providing assurance on the entities' internal control structures as a whole. FBI management is responsible for the establishment and maintenance of internal controls.

As noted in the Findings and Recommendations section of the report, the FBI needs to improve its internal controls to ensure compliance with all rules, regulations, and guidelines related to the award, administration, and oversight of contract actions DJF-15-1200-P-0000902 and DJF-1200-E-0000356. Specifically, the FBI needs to: (1) ensure that its contracting officials properly award contract actions through Defense Logistics Agency as required by the Federal Acquisition Regulation, (2) adequately define requirements in its contract actions to ensure the FBI is receiving the appropriate grade of fuel, (3) maintain complete contract files and input correct contract information into Federal Procurement Data System, and (4) perform proper fuel delivery oversight and invoice reviews. The internal control deficiencies noted in the report prevent the FBI from ensuring that it receives the best fuel prices, receives the proper amount of fuel at the agreed upon prices, and uses the fuel in the most efficient manner. As a result, the FBI procured a premium fuel grade and incurred approximately \$57,000 more in fuel expense than what was necessary.

Because we are not expressing an opinion on the FBI's internal control structure as a whole, this statement is intended solely for the information and use of the FBI. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

## **STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS**

As required by the *Government Auditing Standards*, we tested, as appropriate given our audit scope and objectives, selected transactions, records, procedures, and practices to obtain reasonable assurance that the Federal Bureau of Investigation (FBI) and Petroleum Traders Corporation (PTC) management complied with federal laws and regulations for which noncompliance, in our judgment, could have a material effect on the results of our audit. FBI and PTC's management is responsible for ensuring compliance with applicable federal laws and regulations. In planning our audit, we identified the following laws and regulations that concerned the operations of the auditees and that were significant within the context of the audit objectives:

- Federal Acquisition Regulation (FAR) 4.604(b)(1)
- FAR 4.801(b)
- FAR 8.002(a)(1)(v)
- FAR 11.002(a)(2)
- FAR 31.201-3

Our audit included examining, on a test basis, FBI and PTC's compliance with the aforementioned laws and regulations that could have a material effect on the FBI's, and PTC's operations. We interviewed auditee personnel, assessed internal control procedures, and examined contract award and administration records.

As noted in the Findings and Recommendations section of this report, we found instances where the FBI did not have controls in place to ensure compliance with the FAR. Specifically, we noted that the FBI did not properly award a fuel contract using a Defense Logistics Agency contract vehicle and FBI Miami did not adequately define its fuel requirement.

## OBJECTIVES, SCOPE, AND METHODOLOGY

### Objectives

The objectives of this audit were to: (1) determine whether the Federal Bureau of Investigation (FBI) adhered to federal regulations during the contract award and administration processes, (2) assess the adequacy of FBI's contract oversight, and (3) determine if Petroleum Traders Corporation (PTC) properly invoiced the government and complied with the terms and conditions of the contract awards.

### Scope and Methodology

We conducted this performance audit 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 on our audit objectives.

To accomplish the audit objectives, we reviewed various federal regulations and policies including the Code of Federal Regulation, Federal Acquisition Regulation (FAR), Justice Acquisition Regulation, and FBI policies that involved contracting award, administration, and oversight.<sup>14</sup> We also interviewed approximately 20 FBI employees, including the Chief Acquisition Officer, contracting officials in the Finance Division, and personnel at the FBI Northern Virginia Resident Agency (FBI NVRA) and FBI Miami Field Office (FBI Miami) who participated in fuel ordering, acceptance, invoice processing, and management decisions affecting the award of the contract actions. Additionally, we interviewed five PTC employees involved in the awarding, ordering, and billing of these contract actions. Finally, we interviewed two Defense Logistics Agency (DLA) contracting officers who were responsible for fuel contracts in the customer organized group regions responsible for FBI NVRA and FBI Miami.

We determined if FBI contracting officials properly awarded and administered the two contract actions in accordance with federal regulations and internal policies. Specifically, we determined if the FBI:

- Awarded the contract actions in accordance with FAR 8.002(a)(1)(v) which states that the DLA should be used as a mandatory source to procure fuel.

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<sup>14</sup> The applicable criteria for purposes of this audit were the same in the JAR as in the FAR. Therefore, we only refer to the specific FAR requirements throughout the report.

- Properly defined the requirements for fuel in accordance with FAR 11.002(a)(2), which states that the essential physical characteristics of a requirement should be defined in the contract award.
- Determined the reasonableness of premium fuel costs as required in FAR 31.201-3.
- Maintained complete contract files in accordance with FAR 4.801(b), which states that the documentation in the files shall be sufficient to constitute a complete history of the transaction.
- Accurately entered information into the Federal Procurement Data System in accordance with FAR 4.604(b)(1), which states that the responsibility for the completion and accuracy of the individual contract action report resides with the contracting officer who awarded the contract action.
- Adhered to internal FBI policies; including the FBI Invoice Approval Process for Contracts, Purchase Orders, Delivery Orders, and Task Orders to ensure that FBI personnel were adequately reviewing invoices.

We reviewed all invoices the FBI received from PTC for fuel delivery in FY 2015 for the FBI Miami and FBI NVRA contract actions. As part of our invoice review, we determined if the fuel type billed by PTC complied with the FBI required type of fuel; the amount of fuel delivered reconciled to the invoice; the cost per gallon was fair, reasonable, and agreed with the contract agreed upon rate; and the taxes billed to the FBI were appropriate. We also assessed whether the FBI paid the invoices in a timely manner.

THE FEDERAL BUREAU OF INVESTIGATIONS'  
RESPONSE TO THE DRAFT REPORT



U.S. Department of Justice  
Federal Bureau of Investigation

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Washington, D. C. 20535-0001

August 15, 2016

The Honorable Michael E. Horowitz  
Inspector General  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Mr. Horowitz:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your office's report entitled, *Audit of the Federal Bureau of Investigation's Fuel Procurement Contracts Awarded to the Petroleum Traders Corporation*.

We agree that it is imperative to follow all applicable regulations regarding the procurement of bulk fuel as well as strengthen the performance of fuel contract administration. In that regard, we concur with your ten recommendations for the FBI.

Should you have any questions, feel free to contact me. We greatly appreciate the professionalism of your audit staff throughout this matter.

Sincerely,

A handwritten signature in black ink that reads "James C. Langenberg". The signature is fluid and cursive, with the first name being the most prominent.

James C. Langenberg  
Section Chief  
External Audit and Compliance Section  
Inspection Division

Enclosure

**The Federal Bureau of Investigation's Response to the Office of the Inspector General's  
Audit of the FBI's Fuel Procurement Contracts Awarded to the Petroleum Traders  
Corporation**

**Report Recommendation #1:** Award bulk fuel procurements in accordance with the FAR, which states that DLA is a mandatory source, and modify existing contract actions for bulk fuel to incorporate DLA awards.

**FBI Response to Recommendation #1:** Concur. In February 2016, the FBI took action to consolidate bulk fuel requirements and establish an overarching Interagency Agreement with DLA.

**Report Recommendation #2:** Ensure its policies specify that bulk fuel purchases must be 87 octane unless there is justification for a higher grade, and that fuel must be procured using DLA contracts.

**FBI Response to Recommendation #2:** Concur. In February 2016, the Facilities and Logistics Services Division's Government Vehicle Maintenance Policy Guide (0855PG) was updated with the following language... "For offices with bulk fuel facilities, all purchases should be made through Defense Logistics Agency contracts, where available. Bulk fuel purchases should be of 87 octane."

**Report Recommendation #3:** Ensure that bulk fuel procurements include specific requirements as to fuel type to avoid imprudent spending that resulted in FBI Miami overpaying in bulk fuel for FY 2015.

**FBI Response to Recommendation #3:** Concur. Based on the updated policy guidelines, fuel type shall be at 87 octane and will be delineated as such in the interagency documents, unless otherwise justified.

**Report Recommendation #4:** Require responsible FBI NVRA and FBI Miami personnel to use the DLA website to determine whether the invoiced price per gallon is in accordance with the DLA contract.

**FBI Response to Recommendation #4:** Concur. The technical points of contact will be directed to review the DLA site to ensure the invoiced price per gallon matches the contract price.

**Report Recommendation #5:** Reiterate to payment officials the importance of paying contractors in a timely manner so that the FBI does not incur interest penalties.

**FBI Response to Recommendation #5:** Concur. Technical points of contacts and contracting representatives will be reminded of the importance of paying contractors timely.

**Report Recommendation #6:** Ensure contracting officers ensure that contract oversight responsibilities and the delegation thereof are clearly and formally established and communicated.

**FBI Response to Recommendation #6:** Concur. The Procurement Section will ensure oversight responsibilities and the delegation thereof are clearly and formally established and communicated.

**Report Recommendation #7:** Reiterate to contracting officials the importance of maintaining complete contract files and the importance of accurate and complete FPDS data.

**FBI Response to Recommendation #7:** Concur. Contracting officials will be reminded of the importance of maintaining complete contract files and the importance of FPDS accuracy.

**Report Recommendation #8:** Review small business award percentages for FY 2015 to determine if PTC was incorrectly included and remediate this issue if necessary.

**FBI Response to Recommendation #8:** Concur. The Procurement Section reviewed the FY2015 small business award percentages and has concluded that any change to the small business percentage would be immaterial (0.02% difference). As discussed, the Petroleum Refinery designation was established by DLA and is a field in FPDS that is not editable. At the task order level, that is not a field that would be reviewed by the Task Order Level Contracting Officer as only the DLA Contracting Officer would and could make that change.

**Report Recommendation #9.** Perform a review of the offsite Pembroke Pines location to determine if it is an appropriately efficient method of refueling for FBI personnel.

**FBI Response to Recommendation #9:** Concur. Fleet Management, FLSD, will direct the Miami Field Office to review the offsite Pembroke Pines location to determine if it is an appropriately efficient method of refueling for FBI personnel.

**Report Recommendation #10.** Implement a review of the security measures in place at the FBI Miami fueling station and correct any security shortfalls.

**FBI Response to Recommendation #10:** Concur. The Fleet Management Unit, FLSD, will direct the Field Operations Support Section (FOSS), FLSD, and the Miami Chief Security Officer to coordinate with Security Division to review the security measures in place at the FBI Miami fueling station and correct any security shortfalls.

**OFFICE OF THE INSPECTOR GENERAL  
ANALYSIS AND SUMMARY OF ACTIONS  
NECESSARY TO CLOSE THE REPORT**

The Office of the Inspector General (OIG) provided a draft of this audit report to the Federal Bureau of Investigation (FBI) and Petroleum Traders Corporation (PTC). The FBI's response is incorporated in Appendix 2 of this final report. PTC did not submit a response and none of our recommendations were directed to PTC. The following provides the OIG analysis of the FBI's response and summary of actions necessary to resolve and close the report.

**Recommendations:**

- 1. Award bulk fuel procurements in accordance with the FAR, which states that DLA is a mandatory source, and modify existing contract actions for bulk fuel to incorporate DLA awards.**

Closed. This recommendation is closed. The FBI concurred with the recommendation. In its response, the FBI stated that in February 2016, the FBI established an overarching Interagency Agreement with the Defense Logistics Agency (DLA) to consolidate bulk fuel requirements. The FBI provided us with evidence of the overarching Interagency Agreement with DLA and contract documentation supporting the purchase of fuel through a DLA vendor.

We reviewed the information and evidence provided and determined that these documented actions adequately address our recommendation.

- 2. Ensure its policies specify that bulk fuel purchases must be 87 octane unless there is justification for a higher grade, and that fuel must be procured using DLA contracts.**

Closed. This recommendation is closed. The FBI concurred with the recommendation. In its response, the FBI stated that in February 2016, the FBI Facilities and Logistics Service Division updated the Government Vehicle Maintenance Policy Guide with the following language, "For offices with bulk fuel facilities, all purchases should be made through Defense Logistics Agency contracts, where available. Bulk fuel purchases should be of 87 octane."

We reviewed the updated Government Vehicle Maintenance Policy Guide and determined that the FBI's actions adequately address our recommendation.



**3. Ensure that bulk fuel procurements include specific requirements as to fuel type to avoid imprudent spending that resulted in FBI Miami overpaying in bulk fuel for FY 2015.**

Closed. This recommendation is closed. The FBI concurred with the recommendation. In its response, the FBI stated that the updated policy guidelines referenced in response to Recommendation Number 2 require bulk fuel to be 87 octane. The FBI also said that requiring use of 87 octane will be delineated in the interagency documents, unless the need for a different type of fuel is justified.

We reviewed the FBI's updated policy and confirmed the requirement that bulk fuel purchases should be 87 octane. We also reviewed the contract documentation for the FBI Miami fuel delivery order for the remainder of FY 2016, which indicates the fuel requirement is 87 octane. Therefore, we determined that the FBI's actions adequately address our recommendation.

**4. Require responsible FBI NVRA and FBI Miami personnel to use the DLA website to determine whether the invoiced price per gallon is in accordance with the DLA contract.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that the technical points of contact at FBI NVRA and FBI Miami will be directed to review the DLA website to ensure the invoiced price per gallon matches the contract price.

This recommendation can be closed when we receive evidence that the technical points of contract were directed to use the DLA website to determine whether the invoiced price per gallon is in accordance with the DLA contract, as well as evidence that the technical points of contact are checking the invoiced price during their invoice review.

**5. Reiterate to payment officials the importance of paying contractors in a timely manner so that the FBI does not incur interest penalties.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it will remind the technical points of contact and contracting representatives of the importance of paying contractors in a timely manner.

This recommendation can be closed when we receive evidence that the responsible parties have been reminded about the importance of paying contractors in a timely manner.

**6. Ensure contracting officers ensure that contract oversight responsibilities and the delegation thereof are clearly and formally established and communicated.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that the Procurement Section will ensure oversight responsibilities and the delegation thereof are clearly and formally established and communicated.

This recommendation can be closed when we receive documentation that contract oversight responsibilities and the delegation thereof have been established and communicated.

**7. Reiterate to contracting officials the importance of maintaining complete contract files and the importance of accurate and complete FPDS data.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that contracting officials will be reminded of the importance of maintaining complete contract files and the importance of Federal Procurement Data System (FPDS) accuracy.

This recommendation can be closed when we receive evidence that contracting officials have been reminded of the importance of maintaining complete contract files and accurately entering information into FPDS.

**8. Review small business award percentages for FY 2015 to determine if PTC was incorrectly included and remediate this issue if necessary.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that the Procurement Section reviewed the FY 2015 small business award percentages and concluded that the misclassification of PTC as a small business did not materially affect the FBI's overall percentage of small business awards. The FBI further stated that the Petroleum Refinery designation in FPDS, which resulted in PTC being incorrectly categorized as a small business, was established by DLA, and as a result, the FBI was unable to edit that information.

We believe that the FBI adequately addressed the recommendation related to its determination that the FY 2015 small business award percentage was not significantly affected. However, we believe that the FBI should consider our recommendation in a broader context. Although some FPDS information that feeds performance measurement may be entered by other entities, the FBI should ensure that it is using accurate data in its performance analysis to achieve results that can be relied upon.

This recommendation can be closed when the FBI provides evidence that it has taken steps to ensure that its analysis and reporting of procurement performance metric data is based upon accurate data.

**9. Perform a review of the offsite Pembroke Pines location to determine if it is an appropriately efficient method of refueling for FBI personnel.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that the FBI's Fleet Management Unit will direct FBI Miami to review the offsite Pembroke Pines location to determine if it is an appropriately efficient method of refueling for FBI personnel.

This recommendation can be closed when we receive evidence that FBI Miami performed a review of the efficiency of using the offsite Pembroke Pines location.

**10. Implement a review of the security measures in place at the FBI Miami fueling station and correct any security shortfalls.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that the FBI's Fleet Management Unit will direct the Field Operations Support Section and the FBI Miami's Chief Security Officer, in coordination with the Security Division, to review the security measures in place at the FBI Miami fueling station and correct any security shortfalls.

This recommendation can be closed when we receive evidence of the security review conducted at the FBI Miami fueling station and that any security shortfalls identified have been corrected.

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