



FOR IMMEDIATE RELEASE
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DOJ OIG Releases Report on the ENRD's Procurement and Administration of Expert Witness Contracts

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report examining the Environment and Natural Resources Division's (ENRD) procurement and administration of its expert witness contracts, including the review of eight sole-source expert witness contracts totaling approximately \$52 million. ENRD's expert witness contracts are funded through the Fees and Expenses of Witnesses (FEW) Appropriation, which is administered by the DOJ's Justice Management Division (JMD). The FEW Appropriation provides funding for expenses related to the provision of testimony in federal court.

The DOJ Office of the Inspector General (OIG) generally found that each expert witness completed the deliverables under each contract. However, we identified significant concerns related to the delegation of contracting duties to ENRD attorneys and litigation staff. This contributed to numerous areas of non-compliance with the Federal Acquisition Regulation (FAR) and internal ENRD and JMD guidance. The OIG's specific findings in the report released today include:

- **Acquisition and Procurement:** We determined that ENRD did not complete significant acquisition planning steps required by the FAR. Specifically, we determined that the ENRD contracting office did not adequately evaluate the reasonableness of contractor pay rates prior to the acquisition of each contract. As a result, we identified extreme inconsistencies in contractor pay rates. Further, ENRD did not complete written acquisition plans, justifications for the use of sole source contracting, evaluations of past performance, or required whistleblower protection clauses.
- **Billings and Payments:** We determined that ENRD did not complete a sufficient review and approval of expert witness contract invoices. This resulted in \$71,815 in unallowable personnel costs that were not authorized in the contractors' Statement of Work (SOW).
- **Contract Oversight, Monitoring, and Administration:** We determined that ENRD did not adequately conduct contractor oversight and monitoring activities as required by the FAR.
- **Contractor Performance:** We determined that three contractors conducted work not approved in the SOW and determined that ENRD's internal controls related to compliance with each SOW could be improved.

Today's report makes eight recommendations to ENRD and one recommendation to JMD to improve the procurement and administration of ENRD's expert witness contracts. ENRD and JMD concurred with all nine recommendations.

Report: Today's report is available on our website at: <https://oig.justice.gov/reports/audit-environment-and-natural-resources-divisions-procurement-and-administration-expert>