



FOR IMMEDIATE RELEASE

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DOJ OIG Releases Report on EOIR's Electronic Case Management System Awards

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release [of a report on the Executive Office for Immigration Review's \(EOIR\) electronic case management system \(ECMS\) awards](#). In September 2020, EOIR worked with the Justice Management Division's Procurement Services Staff (JMD PSS) to competitively award a \$35-million, 5-year Blanket Purchase Agreement (2020 BPA) to NTT DATA Federal Services, Inc. (NTT DATA) to design, configure, implement, and support a new ECMS using primary subcontractor Thomson Reuters' commercial product. EOIR's goals for updating its ECMS were to improve case scheduling, increase adjudication efficiency, and reduce the pending case backlog. The DOJ Office of the Inspector General (OIG) identified several concerns that negatively affected the software development team's capacity to adapt to planned and unplanned work, time, and budgeting constraints, thereby jeopardizing EOIR's ability to meet these goals. Some of these concerns relate to:

- **Acquisition Planning Techniques:** JMD and EOIR's acquisition planning documents lacked multiple components required by the Federal Acquisition Regulation (FAR). We believe that an adequate oversight framework developed before awarding the BPA would have likely addressed some of the issues we found in EOIR's and JMD's post-award administration and oversight.
 - **Pricing Analysis:** We found that JMD's and EOIR's pre-award price analysis did not consider the entire project lifecycle. For example, JMD PSS based the total award cost on NTT DATA's estimate for only one of three ECMS project phases. As a result, 79 percent of the budget was allocated to the first phase of the BPA. The impact of the inadequate acquisition planning and price analysis is illustrated by the fact that the contractors encountered numerous challenges in the first phase that added at least 14 months to the overall project timeline, which we believe correlate to acquisition planning tenets that JMD PSS and EOIR did not sufficiently complete or document.
 - **Subcontracting:** JMD PSS and EOIR did not require NTT DATA to identify in its proposal the division of labor and costs attributed to it, Thomson Reuters, and any other subcontractors, which we believe hindered JMD PSS and EOIR contracting officials' ability to recognize that NTT DATA had used more subcontractors than initially thought to perform the work, which could impact the quality of deliverables.
 - **Personnel Oversight Roles:** We identified issues with properly designated oversight roles. For example, an EOIR official without contracting authority for the 2020 BPA regularly bypassed properly designated contracting officials to instruct the contractors' personnel on software configurations
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and milestone prioritization, which placed the government at risk of costly miscommunications and legal disputes.

- **Billings and Payments:** We found one instance where EOIR paid NTT DATA \$79,848, before it rendered all agreed-to services. Additionally, we found invoices with over \$18,000 in overtime charges that did not receive required EOIR pre-approval.

Many of these and other deficiencies outlined in the report reflect concerns the OIG highlighted in DOJ-wide management advisory memoranda concerning: [\(1\) contract administration and \(2\) compliance with laws and regulations that protect the whistleblower rights of those who support federal contracts.](#)

Today's report makes 13 recommendations to EOIR and JMD PSS that will improve their case management system acquisitions. EOIR and JMD PSS agreed with all 13 recommendations. NTT DATA did not provide a written response to the report.

Report: Today's report is available on our website at the following link: <https://oig.justice.gov/reports/audit-executive-office-immigration-reviews-electronic-case-management-system-awards>.

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