

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

July 17, 2014

The Honorable Jeh Johnson  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Mr. Secretary:

We are writing to request information about the process used by U.S. Citizenship and Immigration Services (USCIS) to award a contract on July 1, 2014, worth up to \$190 million to USIS, a federal government contractor, to provide field office support services related to the operation of the Department's immigration system.

The Federal Acquisition Regulations (FAR) require federal agencies to ensure that companies applying for government contracts have a "satisfactory performance record" and a "satisfactory record of integrity and business ethics."<sup>1</sup> The FAR also requires agencies to evaluate the "past performance" of prospective contractors.<sup>2</sup>

In this case, the Department has stated that it conducted an evaluation of USIS's past performance under other government contracts and determined that USIS met these requirements:

The past performance evaluation consisted of a risk assessment of an offeror's potential performance based on the offeror's and major subcontractors' or teaming partner's past performance. Past performance evaluation will consider whether the offeror's (and major subcontractors') relevant and recent past performance shows a pattern of consistency in: Corporate Commitment, Quality of Service, Timeliness of Performance and effective Teaming Arrangements. USCIS evaluated USIS' initial proposal submission as "Low Risk" in this factor in accordance with the requirements of the solicitation and evaluation plan.<sup>3</sup>

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<sup>1</sup> 48 C.F.R. § 9.104-1.

<sup>2</sup> 48 C.F.R. § 15.304.

<sup>3</sup> Email from Director, Office of Legislative Affairs, Department of Homeland Security (July 3, 2014).

On January 22, 2014, however, the Department of Justice filed a civil action against USIS seeking more than \$1 billion for alleged fraudulent activity committed over a four-year period under contracts with the Office of Personnel Management. In its filing, the Justice Department alleged that top USIS management devised a scheme of “dumping” incomplete background investigation reports without performing quality reviews required under its contracts. According to the Department of Justice complaint in the case:

Beginning in at least March 2008 and continuing through at least September 2012, USIS management devised and executed a scheme to deliberately circumvent contractually required quality reviews of completed background investigations in order to increase the company’s revenues and profits.<sup>4</sup>

According to the Department, USIS “dumped” at least 665,000 background investigations, comprising 40% of the total background investigations conducted by the company.<sup>5</sup>

Since the Department of Justice filed this fraud case against USIS in January, we request your assistance in understanding the process used by your Department when making this new award to USIS. We request that you provide copies of all documents used to evaluate offers for the field office support services contract, including the following:

- (1) the acquisition plan;
- (2) the independent government cost estimate;
- (3) the complete and final request for proposals;
- (4) the complete proposals and all supporting information provided by each offeror;
- (5) any additional information used to evaluate vendors, including copies of all documents related to past performance (such as those taken from other sources, such as the Past Performance Information Retrieval System, and/or the Contractor Performance Assessment Reporting System (CPARS), as well as those submitted by the companies themselves);
- (6) all documents completed by the technical evaluation panel to evaluate the offers received;
- (7) all documents completed by the contracting officer and/or contract specialists to summarize the evaluation of offers and the final award decision; and
- (8) all documents related to reviews of the final award decision.

Please provide the requested documents by July 21, 2014. We also request that your staff provide a briefing, to be scheduled during the week of July 28 to answer questions relating to the documents provided and the process used to award this contract.

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<sup>4</sup> United States’ Complaint, ¶ 42 (Jan. 22, 2014), United States of America ex rel. Blake Percival v. U.S. Investigations Services, Inc., M.D. Ala. (No. 11-CV-527-WKW).

<sup>5</sup> *Id.* at ¶ 57.

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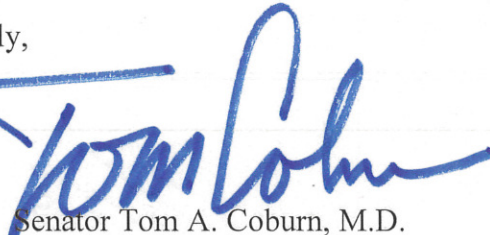
Sincerely,



Rep. Elijah E. Cummings

Ranking Member

House Committee on Oversight and  
Government Reform



Senator Tom A. Coburn, M.D.

Ranking Member

Senate Committee on Homeland  
Security and Governmental Affairs

cc: The Honorable Darrell E. Issa  
Chairman, House Committee on Oversight and Government Reform

The Honorable Tom Carper  
Chairman, Senate Committee on Homeland Security and Governmental Affairs