



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

The Honorable Carolyn Lerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW
Washington, D.C. 20036

OCT 19 2011

Dear Ms. Lerner,

This letter is pursuant to your staff's request for additional information regarding the report provided on July 29, 2011, in response to Office of Special Counsel (OSC) file number DI-11-1098. Secretary Vilsack has asked me to respond on behalf of the Department of Agriculture (USDA). Below, please find answers to a number of questions provided to us.

Why was a 7-day suspension issued?

The Forest Service Employee Relations staff felt that while the Contracting Officer's Representative (COR) acted inappropriately, he did not do it maliciously or willfully, nor did he receive any personal gain from incident. Moreover, in two previous cases with similar types of inappropriate disclosures a comparable penalty was approved (in one case 7-day suspension, and in the other a 3-day suspension).

Was the action illegal or just incorrect?

The action was not illegal under the Small Business Administration's 8(a) program (13 CFR 124). The Contracting Officer (CO) is allowed to negotiate the bid, including sharing the government's estimate. The COR was not authorized to disclose the information. This action violated current policy and procedures; however, it was not a violation of the law.

What is the status of the contract?

The contract was awarded in USDA's Integrated Acquisition System to the sole bidder. The CO has not issued the start work order.

If you have any further questions regarding this case, please feel free to have your staff contact Ms. Lenise Lago, the Forest Service's Deputy Chief for Business Operations, at (202) 205-1707.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Heard", written over a white background.

Robin Heard
Deputy Assistant Secretary
for Administration