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Closure Recommendation Memorandum

Case Number: 20-0069-C	Date of Entry: 19 August 2020
Primary Investigator: [REDACTED]	(b)(3)

Allegation Information

Narrative:
 (U//~~FOUO~~) A National Reconnaissance Office (NRO) Mission Integration Directorate (MID) [REDACTED] reported that several [REDACTED] contractors with access to Government sensitive and contractual information may have released interim award fee information to a third party prematurely. (b)(3)

Last Investigative Step:
 (U) Interview of [REDACTED] (b)(3)

Resolution:
 (U) Unsubstantiated

Case Closure Recommendation Justification

Additional Information:
 (U//~~FOUO~~) The NRO Office of Inspector General opened this inquiry to determine if [REDACTED] contractors in MID violated their Non-Disclosure Agreements (NDAs) with respect to sensitive Government contract information. Specifically, the [REDACTED] contractors in question were party to a request for comments for an upcoming interim award fee briefing to an MID contractor. Every six months NRO contractors who have award fee provisions in their contracts are subject to an evaluation against a set of criteria in order to receive a predetermined fee amount awarded them for the prior six month period. Around the three to four month mark, the Government routinely provides the contractor feedback on how it is performing against the criteria to give it time to correct any deficiencies. Specifically, this is the interim award fee feedback and is generally provided to the contractor by the [REDACTED] or [REDACTED] [REDACTED] (b)(3)

(U//~~FOUO~~) On or around 9 January 2020 the [REDACTED] overseeing the [REDACTED] [REDACTED] contract in MID solicited comments from the [REDACTED] officers overseeing the contractor on its performance during the current award fee period to date. Once the comments were compiled they were discussed at three separate meetings among [REDACTED] officials between 30 January and 3 February 2020 at which all [REDACTED] contractors attended at least one. The FDO was scheduled to brief the [REDACTED] contractor on or around 4 February 2020. One of the deficiencies documented in the solicitation for comments was in regards to poor performance on a task for software scanning. On 3 February 2020, [REDACTED] contractor commented to a MID official that he [REDACTED] heard the government was disappointed with the contractor's progress on the scanning task. This lead MID officials to believe that [REDACTED] had been told this information by [REDACTED] contractors as they were involved in the collection of the comments and in the [REDACTED] internal discussions. (b)(3)

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(U//~~FOUO~~) OIG reviewed the email accounts of all [redacted] contractors who were involved in this process. The contractors' inbox, sent items and conversation history were reviewed utilizing specific search terms (see IARs 1-5). There were very few email messages containing information related to the compilation of the interim award fee comments and none documenting the discussions between 30 January and 3 February 2020 in any of the contractors' accounts. OIG also found no emails sent from any of the [redacted] contractors to anyone at the [redacted] contractor, to include [redacted] where the interim award fee process was discussed. Finally, OIG found no conversations in any of the contractors' accounts wherein interim award fee comments were discussed. (b)(3)

(U//~~FOUO~~) OIG interviewed [redacted] and he stated he could not recall who specifically told him about the scanning tasks concerns. He stated on several occasions Government employees from the [redacted] expressed concerns about the scanning and opined that his discussion on 3 February 2020 resulted from those and not one specific conversation. He did not recall ever discussing scanning concerns with any of the [redacted] contractors. (b)(3)

(U//~~FOUO~~) Based on the aforementioned, this case is recommended for closure as unsubstantiated. There is no evidence to show the [redacted] contractors violated any NDAs.

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