

Department of Veterans Affairs

Memorandum

Date: November 19, 2013

From: Assistant Inspector General for Investigations (51)

Subj: Administrative Investigation, Failure to Obtain Federal Acquisition Certification in Contracting Program, Service Area Office West, Desert Pacific Healthcare Network, Long Beach, California (2012-01841-IQ-0086)

To: Director, Service Area Office West

1. The VA Office of Inspector General Administrative Investigations Division investigated an allegation that Mr. Kevin Blanchard, Network Contract Manager, Service Area Office (SAO) West, Desert Pacific Healthcare Network, Long Beach, CA, did not meet all of the eligibility requirements to receive and maintain a Level III Federal Acquisition Certification in the Contracting Program (FAC-C). To assess this allegation, we interviewed Mr. Blanchard; Mr. Aaron Villalpando, former Deputy Network Contract Manager; Mr. (b) (7)(C); Ms. Beda Tupay, Acquisition Career Manager; other VA employees; and you. We also reviewed personnel, email, and other relevant records, as well as Federal laws, regulations, and VA policy. We addressed an unsubstantiated allegation in a separate memorandum, and it will not be discussed in this memorandum.

2. We found that when Mr. Blanchard began working for VA in January 2011 as a GS-1102-15 Supervisory Contract Specialist, he did not meet all of the eligibility requirements to receive and maintain a Level III FAC-C certification, which was required prior to placement in his position; however, we found no evidence that this was an intentional act to circumvent the FAC-C process. We suggest that you ensure that Mr. Blanchard's FAC-C certification eligibility is promptly reassessed, an accurate and complete FAC-C certification packet is submitted to the Acquisition Career Manager for consideration, and Mr. Blanchard complete any necessary currency training. We are providing this memorandum to you for your information and official use and whatever action you deem appropriate. No response is necessary.

3. The Defense Acquisition Workforce Improvement Act (DAWIA) of November 1990 professionalized the Department of Defense (DoD) acquisition workforce. The act established a management and career development structure with specific education, training, experience, and other qualification requirements for the acquisition workforce. (General Accounting Office/National Security and International Affairs Division-92-97, Implementation of the DAWIA, January 1992). In April 2005, the Office of Federal Procurement Policy (OFPP) published Policy Letter 05-01, *Developing and Managing the Acquisition Workforce*, which required a certification program for contracting professionals in civilian agencies. The goal of the certification program was to standardize the education, training, and experience requirements for contracting professionals. Consequently, the FAC-C program was approved in December 2005.

FAC-C mirrored, as closely as possible, the requirements that DoD established for its contracting workforce under DAWIA. Office of Management and Budget (OMB) Memorandum, January 20, 2006, (Revised December 2008), and OMB Policy Letter 05-01, April 15, 2005.

4. In accordance with a January 20, 2006, OMB Memorandum, the FAC-C program guidelines were revised and made effective on December 1, 2008. Based on the revised guidelines, a valid, current DAWIA certification in contracting was equivalent to a FAC-C at the same certification level, provided the education criteria for the FAC-C were satisfied. The guidelines reflected that the employee remained responsible for providing the necessary documentation of the DAWIA certification and the appropriate continuous learning history to ensure validity and currency of their DAWIA certification. The memorandum reflected the specific requirements for a Level III FAC-C certification:

- Education – Baccalaureate degree AND at least 24 semester hours in a discipline such as accounting, finance, contracts, etc.
- Training – CON 353 and 2 electives
- Experience – 4 years of contracting experience

5. The guidelines reflected that an individual meeting the FAC-C requirements shall request certification through their immediate supervisor, and provide certificates, transcripts, and records as evidence that they satisfied the requirements for the program. They also reflected that to maintain a FAC-C acquisition professionals were required to earn 80 continuous learning points (CLP) of skills currency training every 2 years, beginning on October 1, 2007. Further, the guidelines reflected that a FAC-C would expire if the 80 CLPs were not earned every 2 years, and the appropriate warranting authority may revoke or modify a warrant if this condition was not met. VA Acquisition Regulations defined skills currency as the level of knowledge and abilities that a Level I warrant or higher level warrant contracting officer attained as the result of completing a minimum of 80 CLPs of continuing education or training every 2 years. VAAR 801.690-1.

6. Personnel records reflected that during a 20-year career in the U.S. Air Force, Mr. Blanchard held a variety of contract related positions, and that prior to working at VA, he worked with the Defense Contract Management Agency from November 2008 to January 2011. Mr. Blanchard's academic records reflected that he received a Bachelor of Business Administration in 1978 and a Masters in Business Administration in 1987. On an October 2008 Defense Acquisition Corps application, Mr. Blanchard disclosed that he received a baccalaureate degree; completed at least 24 semester hours of study from an accredited institution from the required disciplines (i.e. accounting, business, contracts); had 4 years of acquisition experience with DoD or in a comparable position outside DoD; and was certified at Level II or Level III in an acquisition career field. A Department of the Air Force certificate, dated August 2, 1993, reflected that Mr. Blanchard fulfilled the requirements for professional certification at Level III in the functional specialty of contracting, and a DoD certificate, dated October 10, 2008, reflected that he received membership in the Defense Acquisition Corps.

7. The position description (PD) for Mr. Blanchard reflected that the Network Contract Manager/Program Contract Manager (NCM/PCM) supervised the Network Contract/Program Contract Office and managed the acquisition operations that supported, advanced, and accomplished the patient care mission of the Network/Program. The PD also reflected that the NCM/PCM directed all contracting activities conducted throughout their assigned Network/Program area, and reported to the SAO Director. The PD identified the Director as a Senior Executive Service position, aligned to the VHA Chief Procurement Officer through the Deputy Chief Procurement Officer under the Office of the Deputy under Secretary for Health for Operations and Management. The PD further reflected that the NCM/PCM must meet all eligibility requirements to receive and maintain a Level III FAC-C certification prior to placement in the position, which you and Mr. Blanchard confirmed. Mr. Blanchard said that based on his understanding, as a member of the Defense Acquisition Corps, he met all the requirements to receive and maintain a Level III FAC-C certification.

8. Mr. (b) (7) told us that as the (b) (7)(C), he assisted the staff to obtain their FAC-C and warrant credentials. Ms. Tupay told us that she served as the Acquisition Career Manager (ACM), and her duties involved the management of the Acquisition Workforce Certification Program. The Federal Acquisition Institute homepage reflected that the ACM was responsible to ensure that the agency's acquisition workforce met the requirements of OMB/OFPP Policy Letter 05-01 and related guidance. Ms. Tupay said that she did not know who made the decision that Mr. Blanchard did or did not meet all the eligibility requirements to receive and maintain a Level III FAC-C certification, as that decision was part of the hiring process and fell upon human resources. She said that she only processed FAC-C certification applications after VA hired an individual. Our efforts to locate records for Mr. Blanchard's merit promotion for Supervisory Contract Specialist (GS-1102-15) were unsuccessful.

9. In a December 2011 email, Mr. (b) (7) told Ms. Tupay, "(b) (7)(C) [Mr. Blanchard] has asked that I assist him in applying for a VA Warrant – Level III. His request is based upon the fact that he held a Level III Warrant from the Department of the Air Force – in 1993. He has been with the VA for a little under a year and has not taken any of the VA Contracting Courses. I have attached a copy of his training certificates. Can you tell me if there is anything there that we can work with to get him to a Level III FAC-C, (and by virtue of the fact that he is an NCM) or do I need to work with him to start all over again?" Ms. Tupay replied, "Based on the information you forwarded we can transfer the DAWIA Level III subject to obtaining currency training and meeting the education requirement." Ms. Tupay told us that Mr. Blanchard's certificates of training in support of the continuous learning requirement must be submitted to transfer the DAWIA to VA; in order to maintain DAWIA currency, he must have completed 80 hours of CLPs between August 1993 and August 2011, equated to 720 hours; and her reply to Mr. (b) (7) served only as an informal review of Mr. Blanchard's DAWIA.

10. Mr. Blanchard told us that Ms. Tupay's analysis was inaccurate, as it included the 1998 to 2008 time period when he worked in private industry, so those CLPs should not be included in her analysis. Ms. Tupay told us that if Mr. Blanchard had a break in

service and claimed not to have currency due to his not working in the Federal sector contracting field, those currencies could be reduced if he produced evidence of it. Mr. Blanchard told us that he believed he provided VA with everything related to being with the Defense Acquisition Corps, which included his DAWIA certifications and the courses taken throughout his career. In an August 30, 2013, email, Mr. Blanchard sent us all the documents that he said were submitted with his VA job application and to the interview panel; however, we do not possess the expertise to determine the merits of this documentation.

11. Ms. Tupay told us that Mr. Blanchard created a profile in VA's FAC-C Warrant Management System; however, the application transfer did not indicate that he actually applied for FAC-C certification. She said that she was confident that if Mr. Blanchard had the proper supporting documentation, he could be FAC-C certified. Mr. (b) (7) told us that, in his opinion, Mr. Blanchard did not qualify for a FAC-C Level III, because he failed to provide credentialing that showed he was current with his training and met all the requirements. He said that Mr. Blanchard presented Level III credentials from 1993; however, for VA to accept those credentials remained dependent upon Mr. Blanchard's continued training from 1993 forward, which was not done. Mr. Blanchard told us that if he needed additional training, no one notified him of it and that he would make a good faith effort to ensure that he met all eligibility requirements to receive and maintain a Level III FAC-C certification. He said that if it required him to take additional training courses, he would be happy to do so.

12. We found that when Mr. Blanchard began working for VA in January 2011 as a GS-1102-15 Supervisory Contract Specialist, he did not meet all of the eligibility requirements to receive and maintain a Level III FAC-C certification, which was required prior to placement in his position; however, we found no evidence that this was an intentional act to circumvent the FAC-C process. We suggest that you ensure that Mr. Blanchard's FAC-C certification eligibility is promptly reassessed, an accurate and complete FAC-C certification packet is submitted to the Acquisition Career Manager for consideration, and Mr. Blanchard complete any necessary currency training.

13. We are providing this memorandum to you for your information and official use and whatever action you deem appropriate. It is subject to the provisions of the Privacy Act of 1974 (5 USC § 552a). You may discuss the contents of this memorandum with those named within it, within the bounds of the Privacy Act; however, it may not be released to them. If you have any questions, please contact [REDACTED]

[REDACTED]

[REDACTED]

WARNING
5 USC § 552A, PRIVACY ACT STATEMENT

This memorandum contains information subject to the provisions of the Privacy Act of 1974 (5 USC § 552a). Such information may be disclosed only as authorized by this statute. Questions concerning release of this memorandum should be coordinated with the Department of Veterans Affairs, Office of Inspector General. The contents of this memorandum must be safeguarded from unauthorized disclosure and may be shared within the Department of Veterans Affairs on a need-to-know basis only.