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TO: H/Associate Administrator for Procurement
J/Associate Administrator for Management Systems
Johnson Space Center
Attn: AA/Director

FROM: W/Assistant Inspector General for Inspections, Administrative
Investigations, and Assessments

SUBJECT: Contractor Use of General Services Administration Vehicles
at the Goldstone Deep Space Communications Complex

The Office of Inspector General (OIG) has completed an inspection of contractor use of General Services Administration (GSA) vehicles at the Goldstone Deep Space Communications Complex (Goldstone). The inspection was initiated based on a complaint we received alleging the misuse of government vehicles at the complex. Our objective was to determine whether Goldstone's use of GSA vehicles complied with contract provisions and applicable Federal regulations. In particular, we focused on the long-standing practice at Goldstone permitting contractor employees to use GSA vehicles for home-to-work commuting purposes. We found this practice to be in accordance with collective bargaining agreements, but contrary to NASA policy and Federal regulations.

BACKGROUND

NASA's Jet Propulsion Laboratory (JPL) has program responsibility for the Deep Space Network (DSN), the largest scientific telecommunications and radio navigation system in the world. DSN consists of three deep-space communications facilities placed approximately 120 degrees apart around the world, including sites at Goldstone, in California's Mojave Desert; near Madrid, Spain; and near Canberra, Australia. This strategic placement permits constant observation of spacecraft as the Earth rotates. Its principal purpose is to support unmanned interplanetary spacecraft missions and to support radio and radar astronomy observations in the exploration of the solar system and the universe. Goldstone is located approximately 45 miles north of Barstow, California, in the Mojave Desert.

The California Institute of Technology (CalTech), located in Pasadena, California, is responsible for management and operation of JPL, which includes the DSN at Goldstone.

Prior to 1999, CalTech subcontracted with AlliedSignal Technical Services Corporation (AlliedSignal) for management and operation of the Goldstone complex. That contract was subsequently recompleted. As a result, on January 1, 1999, Lockheed-Martin (Lockheed) assumed operational responsibility, with AlliedSignal remaining as a subcontractor. With this award, contract management responsibilities shifted to the Johnson Space Center (Johnson).

Prior to 1967, Goldstone contractors used Hertz rental cars to provide home-to-work transportation. However, in 1967 a review by GSA determined that use of government vehicles for the commuter service would save approximately \$291,000 annually. As a result, a GSA motor pool was established at Goldstone and the home-to-work commuter service for contractor employees continued.

Subsequent to 1967, two operations contractors, Philco-Ford Corporation Communication Systems and Bendix Corporation, became responsible for operating separate, but interrelated, tracking stations at Goldstone. Although both contractors had collective bargaining agreements with the International Brotherhood of Electrical Workers, AFL-CIO Local Union No. 543 (Local 543), only the Bendix agreement provided for commuter transportation services for employees.

RECENT PRACTICE

During AlliedSignal's tenure as contractor at the Goldstone Complex, it entered into agreements with Local 543 for the provision of home-to-work transportation services. At that time, approximately 120 GSA vehicles were assigned to the Goldstone complex, 36 of which were used for employee commuting purposes. About 217 employees utilized the service, which provided for employees being picked up and returned to their individual residences.

When Lockheed-Martin took over contract responsibilities on January 1, 1999, its contract intentionally omitted any provision for using GSA vehicles to provide commuter transportation. However, JPL management became concerned that a labor strike might result from terminating the benefit. As a result, the practice changed so that participating contractor employees now meet at a designated location in Barstow (usually a "park-n-ride") where GSA vehicles meet the workers for their 45 mile commute to Goldstone. We maintain the purpose and use of the vehicles remains essentially the same, to provide home-to-work commuter transportation services to contractor employees living in the Barstow area. Goldstone's vehicle fleet now consists of 93 GSA vehicles, 21 of which provide this commuter transportation service for approximately 145 employees. The lease cost of operating these 21 vehicles in support of employee commuting is approximately \$250,000 annually.

FEDERAL LAW, FEDERAL REGULATION AND NASA POLICY

Federal law, the Code of Federal Regulations (CFR) and NASA policy limit the use of government vehicles for home-to-work commuting purposes. In general, Government vehicles are to be used for official purposes only. As defined in 31 USC 1344, official

business specifically excludes transporting individuals between their homes and places of employment except in rare circumstances. Exceptions to the general prohibition require written approval of the NASA Administrator. According to the CFR, a contractor may use Government vehicles for home-to-work transportation only if such use is specified in the NASA contract and approved in writing by the Agency contracting officer. Moreover, NASA Policy Directive 6000.1, "Transportation Management," states that the use of Government motor vehicles for the transportation of employees between their residences and work is not authorized, except in specific circumstances,¹ none of which apply to transportation uses at Goldstone.

When we questioned AlliedSignal, Lockheed management and the Johnson contracting officer about the authority to use GSA vehicles for home-to-work commuting purposes, management was unable to produce any documentation authorizing this practice. Instead, they cited long-standing practice and a collective bargaining agreement with union employees as justification for the service.

OIG RECOMMENDATIONS FOR CORRECTIVE ACTION

Recommendation 1: Unless clear and convincing justification is presented, and authorized approval is granted by the Administrator, the contracting officer should discontinue the practice of providing government vehicles to employees for commuting to and from work as soon as possible. Appropriate reductions to the size and cost of the Goldstone government vehicle fleet should be made accordingly.²

Recommendation 2: The Associate Administrator for Management Systems and the Associate Administrator for Procurement should jointly determine whether other NASA contractors are using GSA vehicles for commuter transportation purposes similar to those described in this report. If so, we recommend the practice be discontinued unless appropriate justification is provided and proper authorization is obtained from the NASA Administrator.

¹ NASA Policy Directive 6000.1, Section 1.h., states, "The use of Government motor vehicles for the transportation of employees between their residences and places of work is not authorized except for incumbents assigned as Station Director in Bermuda or Guam, or as NASA representative to Madrid, Spain; Canberra, Australia; or Moscow, Russia."

² The NASA OIG March 1999 audit report, *Final Report on Home-to-Work Use of Government Vehicles*, recommended with NASA management's concurrence that NASA support GSA's efforts to amend the law governing home-to-work use of vehicles and that the Centers revise policies and establish procedures to ensure compliance with Federal law and regulations.

SUMMARY AND EVALUATION OF NASA MANAGEMENT RESPONSE

NASA concurred with both of our recommendations (See Appendix A), and provided planned action and completion dates. In addition, as suggested in the management response, we amended the final report to more accurately describe the current practice and basis for home-to-work commuting at the Goldstone site. We will follow-up on our recommendations in accordance with the completion dates specified by NASA management.

CONCLUSION

For over 30 years Goldstone has allowed contractor employees to use GSA vehicles for home-to-work transportation purposes. In the absence of proper justification and required authorization, this practice should be discontinued as soon as possible. Moreover, other NASA contracts should be reviewed to determine if similar circumstances exist and corrective actions are warranted.

David M. Cushing

Enclosures

Appendix A: Management Response

Appendix B: Report Distribution

MAJOR CONTRIBUTORS TO THIS REPORT

Teresa Bryant, Program Assistant

Bruce Schmidt, Auditor

Patricia Stone, Administrative Investigations Manager

Connia Webb, Auditor

APPENDIX A
Management Response

APPENDIX B
Report Distribution

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