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DEFENSE CONTRACT MANAGEMENT AGENCY
DCMA IRAQ/AFGHANISTAN
MNC-L AMC LOGCAP
C-MAIN UNIT 91400
APO AE 09342-1400



IN REPLY

REFER TO: COMMANDER, DCMA – IRAQ/AFGHANISTAN

6 March 2008

MEMORANDUM FOR COMMANDER, 11th MP BN (CID), ATTN: LTC Carter Oates

SUBJECT: CID MFR Inconsistencies and Factual Misrepresentations

REFERENCES:

- a. DCMA – I/A Memorandum for the Commander, 11th Military Police Battalion, ATTN: CW4 Dipple and CW3 O’Conner, Subject: Electrocution Incident of 2 January 2008 at RPC and correction of Inaccurate Information Provided to Next of Kin, dated 25 February 2008
- b. Memorandum for Record, 11th Military Police Battalion, Subject: Response to Primary Next of Kin Questions (0004-08-CID259-52146), dated 21 January 2008
- c. Criminal Investigation Division Sworn Statement from Mr. Mirsad Husic, Kellogg Brown & Root Contractor, Subject: RPC Electrocution, dated 8 January 2008
- d. Criminal Investigation Division Sworn Statement from Mr. Paul W. Hardin, Subject: Radwaniyah Palace Complex (RPC) Electrocution, Kellogg Brown & Root Contractor, dated 8 January 2008
- e. Criminal Investigation Division Sworn Statement from Ms. Susan L. Taunton, DCMA-I/A Civilian, Subject: RPC Electrocution, dated 10 January 2008
- f. Criminal Investigation Division Sworn Statement from Ms. Susan L. Taunton, DCMA-I/A Civilian, Subject: RPC Electrocution, dated 26 January 2008
- g. Email from Ms. Ingrid Harrison, DCMA-I/A Civilian, Subject: Summary of Investigation Regarding Incident 02 January 2008, dated 5 January 2005

1. **Purpose:** To correct the recorded information in sworn statements taken by CID Agents regarding contract administration roles and responsibilities of DCMA-I/A under the Logistics Civil Augmentation Program (LOGCAP III) contract and address the inclusion of erroneous information written into the above referenced CID Memorandum for Record (MFR) dated 21 January 2008.

2. **Background:** CID conducted a criminal investigation into the 2 January 2008 electrocution and death of a soldier at RPC. In an MFR dated 21 January 2008, CID recorded incorrect information regarding the role of DCMA-I/A and its delegated responsibility to provide post award contract administration on the LOGCAP III contract and Task Order 139. The MFR included inaccurate and misleading information extracted from the sworn statements of the above referenced individuals. CID made no attempt to contact the Commander, DCMA-I/A to either question or verify the accuracy of the aforementioned contractual information provided by the persons interviewed. DCMA-I/A obtained the statements from CID in order to respond to a Congressional Inquiry.

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3. KBR Sworn Statements:

- a. *Mr. Mirsad Husic, KBR Electrician Technician.* No comment.
- b. *Mr. Paul Hardin, KBR Site Manager for RPC.* Mr. Hardin provided a statement on 8 January 2008 in response to CID's inquiry about who establishes what building is at what level of maintenance. He states it is "the Defense Contract Management Agency." This is an incorrect statement. The Defense Contract Management Agency neither defines the customer's requirements nor establishes their priorities for repairs. It is the responsibility of the mayor cell to determine the level of maintenance and prioritize projects to work in accordance with the LOGCAP III contract and Statement of Work (SOW) under Task Order 139 (excerpt attached).

4. DCMA-I/A (Southern Iraq) Administrative Contracting Officer (ACO) Sworn Statements to CID:

- a. *Ms. Susan L. Taunton, DCMA-I/A ACO, Sworn Statement #1 (10 January 2008).* Ms. Taunton stated that KBR did a "technical assessment" after the ACL of 23 February 2007. This is inaccurate. A complete Technical Inspection (TI) of each building was waived by the ACO Change Letter dated 23 February 2007, which was signed by Army Sustainment Command (ASC) Procurement Contracting Officer (PCO). KBR performed a "limited technical inspection" on 10 February 2007 and prior to the ACL award date. The "limited technical inspection" performed by KBR was qualified, and it did not meet the statement of work requirements of the LOGCAP III contract, (change #1), paragraph 8.1.2. KBR accepted the facilities/property under the stated assumption in its 23 February 2007 Project Planning Estimate (PPE) that the "buildings are up to the quality standards of LOGCAP..." Ms. Taunton provided a copy of the limited TI with the incorrect date of 10 February 2006. KBR later confirmed in writing that the date should have read 10 February 2007.
- b. On the second page of her sworn statement, Ms. Taunton states that a DCMA-I/A quality assurance person performed an assessment that found three safety features had failed in the building. Specifically, Ms. Taunton states that the "breaker switch, COR cap, and pump internal fuse were the three safety features that failed." She also stated that "these items were Iraqi standards and that on this particular one, repairs on the roof were done before the Army moved into the RPC and the tar on the roof from those repairs melted down into the breaker box." Neither the QAR nor Ms. Taunton have any level of facilities maintenance, electrical, or plumbing expertise; neither individual had access to any official reports or validated findings as a basis for their statements. Additionally, Ms. Taunton was in no position to have knowledge or records indicating that repairs were made before the Army moved into the site.
- c. The questions and answers on page 2 of Ms. Taunton's statement suggested that KBR had a requirement under Level B service to tell the unit/mayor what was wrong. However, in reality and based on the findings of the limited TI, KBR was not in a position to go back to either the unit or mayor cell to tell them what was wrong. All GP items are maintained in accordance with the manufacturer's requirements (e.g. HVACs). The water pump in question was not a GP item.

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d. *Ms. Susan L. Taunton, ACO, Second Sworn Statement (26 January 2008).* Although this was post release of the 21 January 2008 CID MFR, Ms. Susan Taunton, ACO, DCMA-I/A gave a second statement to CID Special Agent Isaac A. Farley on 26 January 2008. In her written statement, Ms. Taunton quotes information she received from another source, which is hearsay and not factual.

5. Email between KBR Personnel and DCMA-I/A QAR (5 Jan 08):

a. CID has in its possession an email from Ms. Harrison, DCMA-I/A QAR that quotes discussions she had with the KBR representatives noted above. We are not in possession of an official AR 15-6 or other formal or final investigative findings that would validate such statements. As such, it should not have been relied upon as fact in the CID MFR. Again, Ms. Harrison, DCMA-I/A QAR, does not have facilities management, electrical, or plumbing expertise to state such findings in her email.

6. Your point of contact for this matter is the undersigned at [REDACTED], DSN [REDACTED]

1 Attachment (electronic)
1 – Prioritization of Facility
Levels


KIRK F. VOLLMECKE
COL, USA
Commanding

CC: CAPT David Graff, Commander, DCMA International
Paul Hadjiyane, Chief Counsel, DCMA International
Madison Parker, Associate Counsel, DCMA International

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