

# Inspector General

United States  
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Better Contract Oversight Could Have Prevented  
Deficiencies in the Detention Facility in  
Parwan, Afghanistan

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## Acronyms and Abbreviations

ANDF	Afghanistan National Defense Facility
DFIP	Detention Facility in Parwan
FAR	Federal Acquisition Regulation
JV	Ihsan Qudrat and Prime Projects Imram Butt International LTD, Joint Venture
PPI	Prime Projects International General Trading Company, LLC
TAN	Afghanistan Engineer District-North
USACE	U.S. Army Corps of Engineers
USFOR-A	U.S. Forces-Afghanistan



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**DEPARTMENT OF DEFENSE**  
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May 17, 2012

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Better Contract Oversight Could Have Prevented Deficiencies in the Detention Facility in Parwan, Afghanistan (Report No. DODIG-2012-089)

We are providing this report for review and comment. We initiated this audit in response to a concern from the Commander, Task Force Protector. In May 2010, the Commander identified deficiencies that existed within the Detention Facility in Parwan, Afghanistan, including major infrastructure systems. U.S. Army Corps of Engineers officials accepted the detention facility, valued at about \$60.2 million, from the contractor in September 2009, although major deficiencies existed. U.S. Army Corps of Engineers officials did not provide adequate oversight over the construction of the detention facility and did not comply with their internal policies regarding the contract's warranty. The contractor used materials that did not conform to the contract specifications, which caused four major infrastructure systems to have recurring deficiencies requiring replacement or repair. These deficiencies increased safety and security risks to DoD personnel and detainees.

We considered management comments on a draft of this report when preparing the final report. DoD Directive 7650.3 requires that recommendations be resolved promptly. The comments received from the Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs were partially responsive. We request the Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North, provide additional comments on Recommendations 1, 2 and 3 by June 22, 2012.

If possible, send a portable document format (.pdf) file containing your comments to [audjsao@dodig.mil](mailto:audjsao@dodig.mil). Portable document format (.pdf) copies of your comments must have the actual signature of the authorizing official for your organization. We are unable to accept the /Signed/ symbol in place of the actual signature. If you arrange to send classified comments electronically, you must send them over the SECRET Internet Protocol Router Network (SIPRNET).

We appreciate the courtesies extended to the staff. Please direct questions to Michael J. Roark at (703) 604-9187 (DSN 664-9187).

A handwritten signature in cursive script, reading "Amy J. Frontz".

Amy J. Frontz  
Principal Assistant Inspector General  
for Auditing

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# Results in Brief: Better Contract Oversight Could Have Prevented Deficiencies in the Detention Facility in Parwan, Afghanistan

## What We Did

We initiated this audit in response to a concern from the Commander, Task Force Protector. In May 2010, the Commander identified deficiencies that existed within the Detention Facility in Parwan, Afghanistan, including major infrastructure systems (for example, sewage and fire suppression systems). Our objective was to determine whether U.S. Army Corps of Engineers Afghanistan Engineer District-North officials properly monitored the contractor's performance during construction of the detention facilities and took recourse against contractors because of potential latent defects, negligence, or fraud.

## What We Found

The U.S. Army Corps of Engineers Afghanistan Engineer District-North officials accepted the detention facility from the contractor in September 2009, although major deficiencies existed. Specifically, the contractor used materials in major infrastructure systems that did not conform to the contract specifications. This occurred because U.S. Army Corps of Engineers Afghanistan Engineer District-North officials did not provide adequate oversight over the construction of the detention facility and did not comply with their internal policies regarding oversight of the contractor's warranty. As a result, major infrastructure systems had recurring deficiencies requiring replacement or repair. These deficiencies increased safety and security risks to DoD personnel and detainees.

The Commander, Combined Joint Interagency Task Force-435 stated the sewage system and the fire suppression system have not been a problem since the 43<sup>rd</sup> Military Police Brigade took command in April 2011. However, he also stated that the access doors are in disrepair and will be replaced as soon as new, prison grade doors arrive from the United States; and that a change order is pending to have the Operation and Maintenance contractor to upgrade the electrical system so that it will be to U.S. electrical code standards.

## What We Recommend

Among other recommendations, we recommend that the Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North, identify and perform a review of personnel responsible for the inadequate oversight of the construction and initiate administrative action if deemed appropriate; direct the contracting officer to maintain copies of all acceptance-testing results in the official contract file and train personnel on the need to adhere to formal warranty procedures.

## Management Comments and Our Response

The comments received from the Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs were partially responsive. We request that the Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North, provide additional comments by June 22, 2012. Please see the recommendations table on the back of this page.

## Recommendations Table

<b>Management</b>	<b>Recommendations Requiring Comment</b>	<b>No Additional Comments Required</b>
Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North	1., 2., 3.	4 a –d.

**Please provide comments by June 22, 2012.**

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# Introduction

## Objective

Our overall objective was to determine whether the U.S. Army Corps of Engineers (USACE) Afghanistan Engineer District-North (TAN) and U.S. Forces-Afghanistan (USFOR-A) officials procured construction services and administered the construction contract for the Detention Facility in Parwan, Afghanistan, (DFIP) and the Afghanistan National Detention Facility (ANDF) in accordance with the Federal Acquisition Regulation (FAR) and other applicable laws and regulations. Specifically, we determined whether USACE TAN officials properly monitored the contractor's performance during DFIP construction and took recourse against the contractor because of potential latent defects, negligence, or fraud. Since the DFIP was under warranty at the time of our review, we did not address pre-award and award procedures. We did not determine whether USACE TAN officials properly monitored contractor performance for the construction of the ANDF because construction was not complete at the time of our site visits. See Appendix A for scope, methodology, and prior coverage related to the audit objectives.

## Background

We initiated this audit in response to a concern from the Commander, Task Force Protector. In May 2010, the Commander identified deficiencies that existed within the DFIP, including major infrastructure systems (for example, sewage and fire suppression systems).

### ***Detention Facility in Parwan***

The DFIP is located at Bagram Airfield, Afghanistan. The DFIP was built to replace the Bagram Theatre Internment Facility, which was housed in a temporary facility that had rapidly deteriorated and could not be expanded or renovated. In April 2008, the Deputy Secretary of Defense, authorized the immediate construction of the DFIP, stating that the new facility would increase the safety of the guards and detainees, improve structural conditions, and provide infrastructure supporting enhanced programs for the detainees. The DFIP is on a 40-acre campus and consists of 14 primary buildings, including the detainee housing units, medical facilities, a visitation center, a water treatment plant, and vocational buildings where detainees can learn carpentry and culinary skills. The facility also has outdoor recreation areas, guard towers, and containment fences.

DFIP command and control is the responsibility of Combined Joint Interagency Task Force-435 (Joint Task Force-435) and its subordinate commands. Joint Task Force-435 is responsible for the day-to-day DFIP operations and focuses its efforts on the care and custody of detainees, implementation of the detainee review procedures, and establishment of vocational and educational programs designed to facilitate the peaceful reintegration of detainees into society. Joint Task Force-435's subordinate commands are responsible for training the Afghanistan National Army guard force in military police



operations and the care and custody of the DFIP detainees. The 16<sup>th</sup> Military Police Brigade (TF Protector) was the brigade in command of the DFIP in 2009-2010. The 46<sup>th</sup> Military Police Brigade (TF Peacekeeper) replaced the 16<sup>th</sup> Military Police Brigade. In April 2011, the 43<sup>rd</sup> Military Police Brigade (TF Protector) assumed command.

### ***Construction Contract***

USACE TAN officials issued a request for proposal for the DFIP design and construction in June 2008. The scope of work included all electrical, structural, water, wastewater, sewer, communications, metalwork, and other work required the DFIP to be a fully functional compound. On July 31, 2008, USACE TAN officials awarded contract W912ER-08-C-0040, valued at about \$50 million, to Prime Projects International General Trading Company, LLC (PPI) for the DFIP design and construction.

USACE TAN officials issued the notice to proceed on August 14, 2008, giving the contractor 400 days to complete construction of the DFIP. USACE TAN officials issued 20 modifications to the contract, with the last one issued in September 2009. The modifications added approximately \$10.2 million to the contract, for a total value of about \$60.2 million. USACE TAN personnel made achieving the 400-day goal for construction a top priority and took pride that the DFIP was delivered on schedule.

### ***Afghan National Defense Facility in Parwan***

The ANDF is located adjacent to the DFIP at Bagram Airfield, Afghanistan. The ANDF was an expansion of the DFIP to provide space for an additional 950 detainees. The ANDF was justified based on the DFIP operating at capacity. On June 15, 2010, USACE TAN officials issued a sole source firm fixed price, design-build contract (contract number W5J9JE-10-C-0047) to Ihsan Qudrat & Prime Projects Imram Butt International LTD, Joint Venture (JV), valued at about \$26.5 million. USACE TAN officials selected JV as the contractor and did not conduct market research because JV was an Afghan source and successfully built the DFIP. Because JV built the DFIP, it had the unique knowledge about the design and integration of the ANDF expansion project with the existing complex. The scope of work included site preparation, utility installations, construction of one special housing unit and two detention-housing units, and an exterior security infrastructure.

### ***U.S. National Electrical Code***

The U.S. National Electric Code, 2008 (NEC) Article 90.1(A) states that the code provides practical safeguarding from hazards arising from the use of electricity. The NEC states that hazards often occur because of overloading of wiring systems by methods or usage not in compliance with the code and because initial wiring did not provide for the increases in the use of electricity. The NEC addresses the fundamental principles of protection for safety contained in section 131 of International Electrotechnical Commission Standard 60364-1, Electrical Installation of Buildings. According to the NEC, the International Electrotechnical Commission Standard 60364-1

contains fundamental principles of protection for safety that encompass protection against electric shock, thermal effects, overcurrent, and overvoltage. The requirements in the NEC address all of the potential hazards.

### **Warranty Requirements**

USACE TAN officials included warranty requirements in the contract. The contract contained FAR clause 52.246-21, “Warranty of Construction - Alternate I (April 1984).” By accepting the contract, the contractor warrants that work performed under the contract is free from any defect in equipment, material, or design furnished or workmanship performed. The warranty period is 1 year from the date of final acceptance of the work or 1 year from the date that the Government takes possession of any part of the work

*The warranty period is 1 year from the date of final acceptance of the work or 1 year from the date that the Government takes possession of any part of the work before final acceptance.*

before final acceptance. The warranty clause requires the contracting officer to notify the construction contractor, in writing, within a reasonable time after the discovery of any failure, defect, or damage. Additionally, if the construction

contractor fails to remedy any failure, defect, or damage within a reasonable time after receipt of notice, the U.S. Government has the right to replace, repair, or otherwise remedy the failure, defect, or damage at the contractor’s expense.

USACE Engineer Regulation (ER) 415-345-38, “Construction Transfer and Warranties,” June 30, 2000, requires USACE to notify the contractor immediately on defects of a critical nature that affect operations, habitability of living spaces, life/safety, or the physical security of the property. The regulation requires warranty inspections to be conducted approximately 4 months and 9 months after transfer. The regulation states that a USACE construction agent, the customer, and if possible, the contractor should participate in these inspections. To provide a smoother transfer of real property to the facilities manager, Appendix B of the ER regulation lists the specifics of the inspection process. These inspections are critical because they ensure that the customer understands the implications of each step in the warranty process and outlines the continuing support of USACE during the warranty period.

### **Review of Internal Controls**

DoD Instruction 5010.40, “Managers’ Internal Control Program (MICP) Procedures,” July 29, 2010, requires DoD organizations to implement a comprehensive system of internal controls that provides reasonable assurance that programs are operating as intended and to evaluate the effectiveness of the controls. We identified internal control weaknesses caused by officials not effectively documenting construction quality measures to ensure construction products met the contract specifications. We will provide a copy of the report to the senior officials responsible for internal controls at USACE-TAN.

# Finding. Inadequate Oversight Led to Recurring Deficiencies in DFIP Infrastructure Systems

USACE TAN officials accepted the DFIP from the contractor in September 2009, although major deficiencies existed. Specifically, the contractor used materials in major infrastructure systems that did not conform to the contract specifications. This occurred because USACE TAN officials did not provide adequate oversight over the construction of the detention facility and did not comply with their internal policies regarding oversight of the contractor's warranty. As a result, the following four major infrastructure systems had recurring deficiencies requiring replacement or repair:

- cell doors were poorly constructed, hung with incorrect hinges, and access doors were missing the magnetic sensors and electronic locks;
- sewage system was inoperable because the contractor did not install grinders in the system to break down sewage resulting in sewage pump failure;
- electrical system was built to British standards without approval, was wired incorrectly, and not properly grounded; and
- fire suppression system was built with pipes that could not sustain the force of the water flow resulting in broken pipes and leaks in the system.

These deficiencies increased safety and security risks to DoD personnel and detainees.

We issued a memorandum to the Commander, USACE TAN, on November 19, 2010, requesting the safety and security implications associated with the sewage and fire suppression systems deficiencies be corrected on an expedited basis. The Commander USACE TAN, responded on November 24, 2010, stating, "our ongoing aggressive corrective actions will result in the quickest approach that we can take that make safety and security operational sense." Further, the deficiencies were "well known, hard worked, and [were] being resolved." Our memorandum and USACE TAN's response are included in Appendix C of this report.

## DFIP Acceptance

Task Force Protector (16<sup>th</sup> Military Police Brigade) officials accepted the DFIP from USACE TAN on September 26, 2009, subsequent to USACE TAN's acceptance from the contractor on the same date.<sup>1</sup> According to FAR Subpart 46.5, acceptance is defined as:

acknowledgment that the supplies or services conform with applicable contract quality and quantity requirements, except as

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<sup>1</sup> When a DoD activity engages USACE to provide contracting services, USACE officials first accept the facility from the contractor and, then, the DoD activity accepts the facility from USACE.

provided in this subpart and subject to other terms and conditions of the contract. Acceptance may take place before delivery, or after delivery, depending on the provisions of the contract. Supplies or services shall ordinarily not be accepted before completion of Government contract quality assurance actions.

USACE Engineer Regulation 415-345-38, "Construction Transfer and Warranties," June 30, 2000, states that USACE should only accept facilities with minor deficiencies when deficiencies do not interfere with the facilities designed use. The DFIP design and construction contract required that USACE conduct a "final acceptance inspection" before acceptance. Although USACE TAN officials stated that a final acceptance inspection occurred on September 17, 2009, they could not provide any documentation to show that this inspection actually occurred. However, based on the DD Form 1354<sup>2</sup>, "Transfer and Acceptance of Military Real Property," prepared on September 26, 2009, the facility had uncorrected deficiencies in the sewage system, electrical panels, the fire alarm/fire sprinkler system, and the building integration system. None of these systems constituted "minor deficiencies" because of their impact on health and safety issues. The Commander, USACE TAN, should direct officials to provide continuous oversight and perform acceptance testing until the satisfactory completion of the sewage system, electrical panels, the fire alarm/fire sprinkler system, and the building integration system. Additionally, the Commander, USACE TAN, should direct the contracting officer to maintain copies of all acceptance-testing results in the official contract file.

*The facility had uncorrected deficiencies in the sewage system, electrical panels, the fire alarm/fire sprinkler system, and the building integration system.*

## **Inadequate Oversight of Portions of the DFIP Construction**

USACE TAN officials did not provide the necessary oversight over the construction contractor to ensure that materials used conformed to the contract specification. This led to recurring problems with cell doors, the sewage systems, the electrical system, and the fire suppression system. To ensure that future detention facilities receive the proper oversight, USACE TAN officials should receive training on the need to review detention facility specific infrastructures during the request for proposal process; verify that all statement of work requirements and technical specification documents are compliant with applicable American National Standards Institute standards and the needs of the ultimate user; and verify that the contractor complies with all technical specifications in the contract so that all infrastructure systems are operable before acceptance of the facility.

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<sup>2</sup> A DD Form 1354 is prepared when military real property is transferred between the Military Departments and other Government agencies.

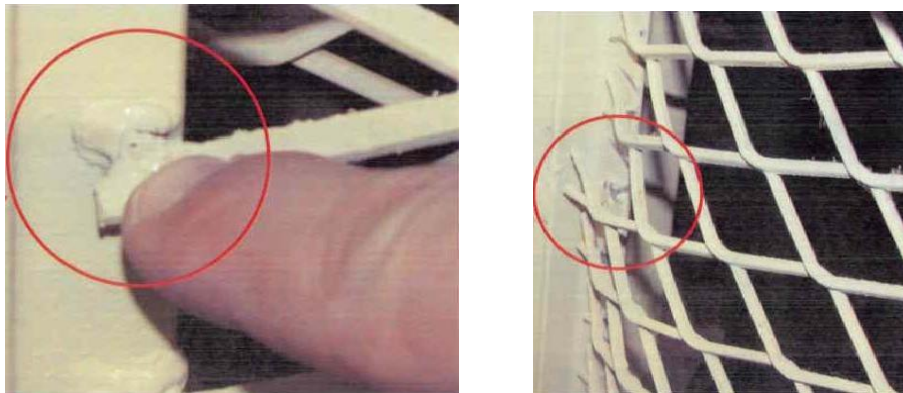
## ***Doors Not Properly Constructed***

Cell doors were poorly constructed and hung with incorrect hinges, and access doors were missing the magnetic sensors and electronic locks. The contract called for the cell doors to be extra heavy duty, factory fabricated in accordance with American National Standard Institute A250.8 and National Association of Architectural Metal Manufacturers/Hollow Metal Manufacturers Association standards. Based on those standards the cell doors should have had welded frames and full-mortise heavy duty hinges complying with American National Standard Institute/Builders Hardware Manufacturer Association 156.1, spaced appropriately with a minimum of three hinges per door. The cells were to have a wire cage on the front and the doors equipped with all required commercial quality tamper proof hardware complying with applicable portions of American National Standard Institute /Builders Hardware Manufacturer Association standards A156 through A156.24 including closers on personnel doors of Series C02000, Grade 1 adjustable surface mounted type in accordance with American National Standard Institute /Builders Hardware Manufacturer Association Standards A156.4.

In a Construction Quality Presentation in July 2010, Task Force Rocky Mountain officials stated that the construction quality was not up to the standard suitable for a detention facility, and that the quality of construction of greatest interest was the areas where the detainees spent most of their time such as detention cells and the recreation yard. The presentation went on to say that the poorly constructed cell doors allowed detainees to damage the doors easily by repeated kicking. Figure 1 shows examples of the poor welding and Figure 2 shows the damage to the cell doors caused by the detainees because of the poor construction.

*The poorly constructed cell doors allowed detainees to damage the doors easily by repeated kicking.*

**Figure 1. Examples of Poorly Welded Cell Grates**



Source: Task Force Rocky Mountain, Construction Quality Presentation, July 17, 2010

**Figure 2. Examples of Cell Damage**



Source: Task Force Rocky Mountain, Construction Quality Presentation, July 17, 2010

According to the Task Force Rocky Mountain presentation, the quality of welding required the facility engineers to do extensive rework. Figure 3 shows the rework that DoD OIG engineers inspected in July 2010.

**Figure 3. Re-Welded Cell Doors**



Source: DoD OIG engineers, July 2010

The DFIP cell door hinges were not adequate to hold the weight of the cell doors and required re-welding and replacement. The technical specifications required that each door have full-mortise, heavy-duty hinges that complied with ANSI/BHMA A156.1. To fulfill that standard, the door should have had 1 ½ pairs butt hinges with rectangular leaves welded to both the door and the transom bar. According to the American National

Standard Institute,<sup>3</sup> a butt hinge is defined as a hinge with rectangular leaves, usually of the same size, and multiple bearing contacts. Figure 4 shows original hinges installed by the DFIP contractor.

**Figure 4. DFIP Hinge**



Source: DoD OIG engineers in July 2010

The hinges used did not meet the American National Standard Institute definition of a butt hinge because they did not have rectangular leaves or multiple bearing contacts. The original hinges also do not meet the definition of a 1 ½ pair's butt hinge as required by the statement of work, as the hinges do not have multiple bearings. As a result, some of the doors had broken hinges and other door hinges showed signs of stress from carrying the full load of the door. DFIP authorities were aware of the situation from the time the facility was accepted. USACE TAN engineers stated that the contractor acknowledged the problem and indicated that it was a systemic issue and would replace the doors before the end of the warranty period. However, the doors continued to remain an issue 9 months after acceptance when DoD OIG engineers conducted their inspection in July 2010.

*Some of the doors had broken hinges and other door hinges showed signs of stress from carrying the full load of the door.*

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<sup>3</sup> American National Standard Institute, National Association of Architectural Metal Manufacturers, Hollow Metal Manufacturers Association, 801-05, 8d, "Glossary of Terms for Hollow Metal Doors and Frames," April 8, 2005.

**Figure 5. Subsequent Welding to the Cell Door**



Source: DoD OIG engineers, July 2010

To properly secure the cell doors, until they could be replaced, Task Force 435 personnel and the Logistics Civil Augmentation Program contractor re-welded the hinges. As shown in Figure 5, those re-welded hinges have the rectangular leaves required by the American National Standard Institute definition. Because Task Force 435 personnel did not maintain the work orders for the re-welding, we could not determine the number of doors re-welded by Task Force 435 and the Logistics Civil Augmentation Program contractor or the specific costs to the Government for that work. However, the DFIP maintenance contractor provided documentation that showed that 57 door hinges were replaced.

Additionally, access doors were missing the magnetic sensors and electronic locks. As a result, the doors were inoperable and incapable of locking either manually or electronically. According to personnel responsible for maintaining the DFIP, they removed the locks from the doors because they were defective.

*The doors were inoperable and incapable of locking either manually or electronically.*

The lack of magnetic sensors and electronic locks also caused the building integration system to be ineffective. The integration system was supposed to monitor the status of all doors with electronic locks and magnetic sensors, thereby electronically monitoring the status of all detainees entering and exiting the secured areas.

The lack of a final functional test on the building integration system was considered a deficiency when the building was accepted. However, DoD OIG engineers noted during their inspection in July 2010 that the integration system was still not functioning. Instead



of ensuring that the doors had magnetic sensors and locks so that the Integration System would work properly, a soldier was required to stand and guard the door, as a means of securing the rooms.

### ***Sewage System Lacked Grinders for Solid Materials***

The DFIP sewage system required multiple repairs because the detainees flushed non-organic material down the toilets, which caused the lift station sewage pumps to fail. The contract stated that the sewage system should be constructed in accordance with Unified Facilities Guide Specifications Section 33 32 16.13. Those specifications required submersible sewage pumps that could grind all materials found in normal domestic sewage, including plastics, rubber, sanitary napkins, disposable diapers, and wooden articles. The specifications did not require sewage pumps that could grind materials found in normal “detention” facility sewage.

The contractor built the sewage system with two lift stations designed to allow sewage to pass from the detention facility to the two lift stations located in the DFIP secure courtyard. The two lift stations located in the courtyard would then pump the sewage uphill through transfer lines to a collection point located outside the detention facility. Once at the collection point, sewage trucks collect the sewage for disposal, as shown Figure 6.

**Figure 6. Trucks Collect Sewage**



Source: DoD OIG engineers, July 2010

According to DoD OIG engineers, who inspected the sewage system in July 2010, the two lift station pumps located in the DFIP courtyard were not built with grinders and were not operational. The lack of grinders caused the sewage to solidify because of the non-organic materials, such as uniforms, being flushed down the toilets by the detainees. Once the sewage hardened inside the lift station, the waste level began to rise above the sewage lines

leading from the DFIP buildings as well as the outlet lines that should have transferred the sewage to the collection point outside the detention facility.

DFIP authorities were aware of the situation from the acceptance date and allowed sewage trucks inside the secure DFIP courtyard to remove the sewage to prevent the lift stations from overflowing. To make the system work as designed, USACE TAN officials stated that “Muffin Grinders,” or grinder pumps, needed to be installed in the sewage system so they could ensure that any obstruction in the flow of the sewage waste does not prevent the system from working properly. The use of these grinders should allow all waste to pass seamlessly throughout the sewage system instead of entering the lift station pump impellers and disabling the pump. However, this installation came with an added expense to DoD of more than \$45,000 for the purchase of the Muffin Grinders and an undeterminable amount for cleaning the solidified waste from the bottom of the lift station.

In April 2010, Joint Task Force 435 personnel justified purchasing the sewage material grinders by stating that the two lift station pumps were replaced at a considerable cost, and the system was being pumped out from the lift station holding tanks. The justification also stated that the continued operation without the grinders could result in the having to remove, rebuild, or replace the pumps at an even greater cost.

### ***Electrical System Not Built to U.S. National Electric Code***

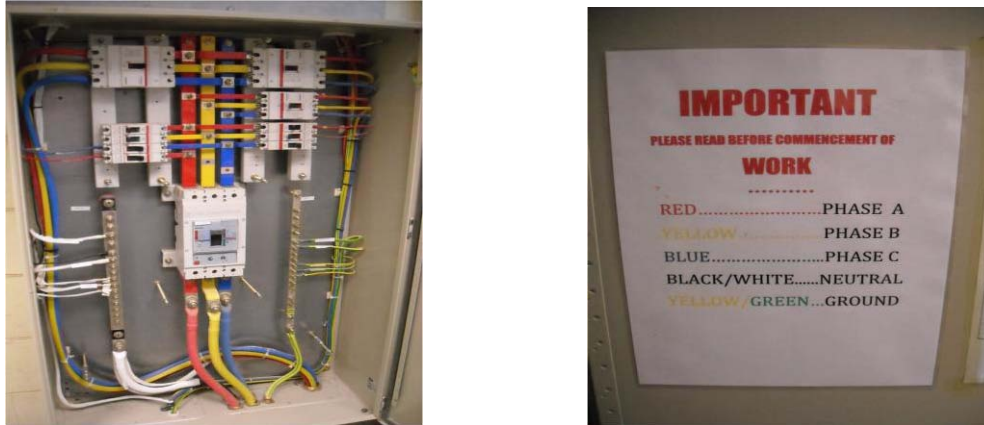
The DFIP electrical system was primarily built to British standards. The contract stated that the electrical system should be built to U.S. National Electric Code standards or equivalent standards, if approved by the contracting officer. However, there is no evidence that the use of British standards was approved. According to an USACE TAN official, American made washers and dryers arrived at the DFIP for the Votech laundry room, but could not be installed because the laundry room was wired to the British standard.

Distinct differences exist between the U.S. and British standards, especially regarding grounding, bonding, and wiring conventions. U.S. standards use a four-wire cable configuration to distribute voltage levels of 208 and 120 volts. The British standard uses a five-wire cable configuration to distribute voltage levels of 250 and 220 volts.

*Distinct differences exist between the U.S. and British standards, especially regarding grounding, bonding, and wiring conventions.*

Personnel who had experience with the British Standard installed the British Standard electrical system during construction, and posted the explanation of the British Standard inside the electrical panels (see figure 7 [right]).

**Figure 7. The Electrical System Panel (left) and Explanation of the System (right)**



Source: DoD OIG engineers, July 2010

Contractors, once U.S. personnel started operating the facility, made changes to the British Standard wiring convention so that it conforms as close as possible to the American Standard. According to DoD OIG and USACE TAN engineers, an experienced electrician should know the difference between the two standards before performing maintenance. However, our engineers concluded that personnel who work with or around the electrical equipment at the DFIP were not safeguarded from electrical safety hazards.

A USACE TAN deficiency report dated June 25, 2010, stated that the detention facility had the following U.S. National Electrical Code violations:

- Color coding for electrical conductors;
- Grounding on all transformers; and
- Electrical equipment clearances.

Continued failure to correct the electrical code violations increases the risk of loss of service and the potential of the loss of life for anyone attempting repairs.

### ***Fire Suppression System Pipes Could Not Withstand Pressure***

The DFIP fire suppression system was built with piping that was not strong enough to sustain the force of water flow resulting in leaks in the system. A Task Force Peacekeeper official stated that there were three sets of pipes delivered for the fire suppression system. USACE TAN officials stated that the reason the

*A Task Force Peacekeeper official stated that there were three sets of pipes delivered for the fire suppression system.*

pipes leaked was possibly because of faulty welding in the pipe connections. The initial leaks caused a drop in water pressure, which then caused the booster pumps to increase the pressure back to its original state and further aggravated the leaks. The three types of piping purchased for the DFIP were:

- HDPE [High Density Polyethylene] (installed)
- Schedule 80 (never installed – failed testing prior to installation)
- Fiber Glass (installation completion scheduled for February 2011)

According to the same official, the three sets of pipes did not require additional expenses because the pipes were covered under the contractor’s warranty. As of January 10, 2011,

*As of January 10, 2011, the fire suppression system was still inoperable.*

the fire suppression system was still inoperable. USACE TAN officials stated that the contractor was scheduled to install the third set of piping by February 2011. As an interim fix, U.S. Government personnel at the DFIP stated that they had installed

garden hoses above some of the detainee cells to help fight a fire should one occur. Figure 8 shows a garden hose located above the detainee cells.

**Figure 8. Interim Fix to Fire Suppression System**



Source: DoD OIG engineers, July 2010

However, the garden hose was not attached to a water source and would be useless in the event of a fire. The lack of a fire suppression system not only puts the detainees at risk, but also the soldiers who guard them.

## **Warranty Requirements Were Not Followed**

USACE TAN officials did not comply with all requirements of the warranty clause in the contract or the warranty requirements contained in USACE ER 415-345-38. Specifically, USACE TAN officials did not perform a 4-month warranty inspection after the DFIP was

accepted and allowed the 1-year warranty to expire before formally notifying the contractor of the continued deficiencies.

### ***Four-Month Warranty Inspection Not Conducted***

USACE TAN officials did not conduct a 4-month warranty inspection in accordance with ER 415-345-38. The regulation states that USACE will conduct the 4-month inspection to identify defects and plan corrective actions. When USACE TAN officials did not conduct a 4-month warranty inspection, they allowed items (such as the inoperable fire suppression system, electrical code violations, and sewage system issues) to remain unaddressed for an additional 5 months until the 9-month warranty inspection occurred. When we asked USACE TAN officials why they did not complete the 4-month inspection, they stated that once the DFIP was turned over to the customer, the project manager assigned to the DFIP had been removed and the inspection must have been overlooked. By failing to comply with the regulation, USACE TAN officials delayed developing a plan for corrective actions to correct deficiencies until the 9-month warranty inspection, conducted on June 18, 2010.

### ***Warranty Issues Reported After Warranty Expired***

USACE TAN officials allowed the 1-year warranty period to expire before notifying the construction contractor in writing of the existing construction deficiencies. According to FAR clause 52.246-21 (b) included in contract W912ER-08-C0040, the warranty period expires 1-year after the date of the final acceptance of the work. USACE TAN officials accepted the facilities from the construction contractor on September 26, 2009, which started the 1-year warranty period. Thus, the 1-year warranty period ended on September 25, 2010. However, it was not until October 18, 2010, (22 days after the 1-year period expired) that the USACE TAN administrative contracting officer provided the contractor with a memorandum listing the warranty items that needed repair.

USACE TAN officials identified 119 items on the punch list provided with the memorandum where the contractor was responsible for providing both labor and materials and an additional 41 items where the contractor was to provide materials only (see Appendix B for both punch lists). The items identified by USACE TAN officials included life health and safety items, such as the fire suppression system and fire alarm systems, needing to be re-commissioned. Additionally, USACE TAN officials listed the sewage lift station, an inoperable heating, ventilation, and air conditioning unit (HVAC), numerous inoperable door latches, broken door hinges, and exposed rebar in addition to minor issues such as surface cracks, chipping paint, and missing sealant. In the memorandum, USACE TAN officials stated that although the warranty period for the DFIP ended on September 26, 2010, they still expected the contractor to complete the required corrections because the items were identified before the expiration of the warranty period. However, since written notice was not delivered to the contractor before the end of the warranty period, the Government may not have recourse against the

*The items identified by USACE officials included life health and safety items such as the fire suppression system and fire alarm systems needing to be re-commissioned.*

contractor. To ensure that the Government’s warranty rights are protected, the Commander, USACE TAN, should provide training to personnel on the need to adhere to USACE ER 415-345-38, that requires contractors comply with FAR 52.246-21, “Warranty of Construction (March 1994) - Alternate I (April 1984).”

## Increased Risks and Cost

The recurring deficiencies resulted in increased safety and security risks to DoD personnel and detainees, and DoD incurred additional expenses to upgrade the sewage system to the contract specifications and for sewage removal. We could not determine the costs incurred to repair the cell doors, the cost of the sewage removal, or the cost to repair the fire-suppression system because various parties responsible for making repairs to the facility did not maintain appropriate documentation.

## DFIP Status Update

In response to a discussion draft of this report, the Commander, Combined Joint Interagency Task Force-435, Task Force Protector, provided a memorandum stating the cell doors were repaired before the 43<sup>rd</sup> Military Police Brigade (Task Force Protector) took command and they did not encounter problems with cell doors. The access doors are still in disrepair and will be replaced as soon as new prison grade doors arrive in theater from the United States. Additionally, he stated that grinders were installed in both lift stations of the sewage system and the fire suppression system was repaired before the 43<sup>rd</sup> Military Police Brigade took command in April 2011. The Commander stated that there is currently a change order pending to have the Operation and Maintenance contractor upgrade the electrical system, so it will comply with U.S. electrical code standards.

## Conclusion

The deficiencies in the construction of the DFIP occurred because USACE TAN officials did not provide adequate oversight over the construction of the DFIP or follow its internal policies regarding the warranty period. The contractor ordered and used inappropriate materials that created safety and health risks for the population of the facility. In their haste to accept the facility within 400 days, USACE TAN officials accepted the facility before correcting deficiencies in the major infrastructure systems. USACE TAN officials considered the deficiencies nothing outside the level that would normally be expected. More aggressive contractor oversight could have prevented some of the deficiencies discussed in this report. The Commander, USACE TAN, should identify the personnel responsible for the inadequate oversight of the construction of the cell doors, sewage system, electrical system, and the fire suppression system under contract W912ER-08-C-0040, perform a review of their actions, and initiate appropriate administrative action.

*In their haste to accept the facility within 400 days, USACE TAN officials accepted the facility before correcting deficiencies in the major infrastructure systems.*

## **Management Comments on the Finding and Our Response**

The Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs (the Chief), responded for the Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North and provided additional comments regarding cell doors and personnel doors, the electrical system, the fire suppression system, and the warranty period. Specifically, regarding the doors, the Chief stated that the building was turned over with magnetic sensors and electronic locks in place. He also stated that personnel doors were required to be ANSI A250.8 rather than the cell doors and personnel doors were installed per the Statement of Work with all hardware being of commercial grade. The Chief also stated that detainee or cell doors were fabricated on site.

Regarding the electrical system, the Chief stated that USACE previously advised that the electrical system was built to U.S. standards with some British equipment. Further, he commented that the report states the system is built “primarily to British standards” without approval. The Chief also stated that even if the system were built to British standards, this would still be in accordance with USFOR-A policy and USACE Transatlantic Division guidance.

Concerning the fire suppression system, the Chief stated that the contractor fixed the pipes on May 1, 2011, with fiberglass reinforced pipes, under warranty and at no cost to the Government. Further, the system was completed and accepted on May 3, 2011. He also commented that the garden hoses and hose bibs were installed in the cell areas for cleaning purposes.

Regarding the warranty period, the Chief stated that the warranty inspection was conducted in September 2010 and a list of noted deficiencies was compiled. He also stated that upon final compilation of the deficiency list, the letter was issued, and the timing of the letter notified the contractor in writing within a reasonable period in accordance with the warranty clause.

### ***Our Response***

To obtain information in this report, we coordinated visual inspections of the DFIP with DoD OIG engineers, USACE engineers, and military personnel as well as interviewed appropriate personnel and reviewed applicable documents. For specific scope and methodology, see Appendix A. In the report, we discuss both cell doors and access doors. As discussed in the report, Task Force Rocky Mountain personnel in their Construction Quality Presentation in July 2010, stated that the construction quality was not suitable for a detention facility and the greatest interest was the areas where the detainees spent most of their time, such as their cells. In our discussion of the access doors (referred as personnel doors by the Chief), we state that the defective locks were removed from the access doors by personnel responsible for maintaining the DFIP. However, we also discuss in the report that when the building was accepted, USACE

TAN officials considered the building integration system a deficiency. The integration system requires the magnetic sensors and electronic locks on the doors to function properly. The DFIP contract required the contractor to build the electrical system to U.S. National Electric Code or equivalent standards, if approved by the contracting officer. However, the contractor did not build the electrical system to U.S. National Electric Code as required by the DFIP contract. Additionally, the contractor did not request a waiver from the contracting officer to build the electrical system to the British standards or a hybrid of the two systems as required by the DFIP contract. As discussed in the report, DoD OIG engineers concluded, based on their observations and conversations during their site visit, that personnel who work with or around the electrical equipment at the DFIP were not safeguarded from electrical safety hazards because of the mixed system.

We appreciate USACE TAN officials updating the status of the fire suppression system and request the Commander, USACE TAN provide a copy of the Fire Marshal's approval of the system. In response to the discussion draft, USACE TAN officials provided testing documents for the expansion of the DFIP signed by the contractor and USACE personnel, but did not provide the certificate from the fire marshal indicating approval of the fire suppression system. As discussed in the report, the warranty period for the DFIP expired on September 25, 2010. However, the administrative contracting officer did not provide the contractor with a memorandum listing the warranty items needing repair until October 18, 2010. In a letter to the contractor on May 3, 2011, the administrative contracting officer acknowledged that the warranty period expired on September 26, 2010, and that the Government made official notice of the warranty work required on October 18, 2010.

## **Recommendations, Management Comments and Our Response**

**We recommend the Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North:**

**1. Direct officials to provide continuous oversight and perform acceptance testing until the satisfactory completion of the sewage system, electrical panels, the fire alarm/fire sprinkler system, and the building integration system at the Detention Facility in Parwan.**

### ***U.S. Army Corps of Engineers Afghanistan Engineer District-North Comments***

The Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, responding for the Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North, agreed stating that testing was completed successfully and the facility was accepted. Specifically, the contractor corrected the electrical grounding and bonding issues and the fire suppression piping under warranty. In addition, the sewage system and the fire suppression system were repaired before April 2011. The magnetic sensors and electronic locks installed by the contractor are working as designed.



Additionally, the Chief stated the Operation and Maintenance contractor will upgrade the electrical system.

### ***Our Response***

Comments from the Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, were partially responsive. As discussed in the report, USACE TAN accepted the DFIP although major deficiencies existed resulting in potential health and safety issues. We appreciate that USACE TAN ensured the deficiencies were corrected. We request the Commander, USACE TAN, provide comments to the final report by June 22, 2012, and provide copies of the final acceptance testing reports indicating the satisfactory completion of the fire suppressions system, the sewage system, and the door repairs. Additionally, we request the Commander, USACE TAN, provide the acceptance testing plan for the upgrade of the electrical system and the final acceptance testing report when completed.

**2. Identify the personnel responsible for inadequate oversight over the construction of the cell doors, sewage system, electrical system, and the fire suppression system under contract W912ER-08-C-0040, perform a review of their actions and if appropriate initiate administrative action.**

### ***U.S. Army Corps of Engineers Afghanistan Engineer District-North Comments***

The Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, responding for the Commander, USACE TAN, did not agree stating that clear evidence of inadequate oversight was not provided in the report and because of the amount of time that has passed, personnel involved are no longer assigned to the organization.

### ***Our Response***

Comments from the Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, were nonresponsive. The report discusses several construction deficiencies that would not have existed had there been proper oversight. For example, the contractor did not build the electrical system according to the contract requirements. Had there been proper oversight, the contractor would have been required to either follow U.S. Electric Code or request a wavier as indicated in contract W912ER-08-C-0040. The amount of time that passed should not preclude a review of the contract files since the contract should still be active. We request that the Commander, USACE TAN, reconsider his position on the recommendation and provide comments in response to the final report by June 22, 2012.

**3. Direct the contracting officer to maintain copies of all acceptance-testing results in the official contract file.**

## ***U.S. Army Corps of Engineers Afghanistan Engineer District-North Comments***

The Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, responding for the Commander, USACE TAN, agreed with the recommendation stating that it is standard USACE TAN practice to treat acceptance-testing results as contract submittals. The Chief stated that the construction office maintains contract submittals in the contract files until project completion when the contracting officer provides direction for archiving the files.

### ***Our Response***

Comments from the Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, were partially responsive. USACE TAN officials could not provide documentation of a final acceptance inspection, evidence of a final functional test on the building integration system, a waiver for the contractor not building the electrical system to U.S. Electrical Code, or evidence of a 4-month warranty inspection. Therefore, we request the Commander, USACE TAN, provide additional comments in response to the final report by June 22, 2012.

#### **4. Provide training to U.S. Army Corps of Engineers Afghanistan Engineer District-North personnel on the need to:**

- a. Adhere to Engineer Regulation 415-345-38, “Transfer and Warranty’s,” June 30, 2002 which will ensure contractors comply with FAR 52.246-21, “Warranty of Construction (Mar 1994) - Alternate I (APR 1984).”**
- b. Review American National Standard Institute standards for detention facility specific infrastructures during the request for proposal process.**
- c. Verify all statement of work requirements are compliant with applicable American National Standard Institute standards and the needs of the ultimate user.**
- d. Verify contractors comply with all technical specifications in the contract so that all infrastructure systems are operable prior to the acceptance of the facility.**

## ***U.S. Army Corps of Engineers Afghanistan Engineer District-North Comments***

The Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, responding for the Commander, USACE TAN, agreed and stated that Transfer and Warranty are covered as part of USACE’s Area Office University training provided by the USACE Deployment Center in Winchester, Virginia for personnel, before their deployment to Afghanistan.

### ***Our Response***

Comments from the Chief, Transatlantic Division Regional Integration Team, Directorate of Military Programs, were responsive, and no further comments are required.

## **Appendix A. Scope and Methodology**

We conducted this performance audit from June 2010 through March 2012 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit scope encompassed acquisition of construction services for the DFIP contract W912ER-08-C-0040 and ANDF contract W5J9E-10-C-0047 construction projects. For the DFIP project, we only reviewed data available and conducted inspections during the warranty period. The ANDF project was in the early contract award phase during our review. We reviewed contract files obtained from USACE Transatlantic Program Center located in Winchester, Virginia, for information related to pre-solicitation, solicitation, and award planning and execution. We reviewed contract files obtained from USACE TAN for information related to post-award execution, quality oversight, and contract administration. We coordinated visual inspections of the DFIP with DoD OIG engineers, USACE engineers, and military personnel. We reviewed the FAR, relevant USACE guidance, including ER 415-345-38, "Construction Transfer and Warranties," June 30, 2000, as well as other published guidance from DoD. We interviewed appropriate military, civil service, and contractor personnel, including USACE engineers, contracting personnel and quality assurance personnel, as well as, personnel who occupied or operated the DFIP from Task Force Rocky Mountain, Task Force Protector, Task Force Peacekeeper, and Combined Joint Interagency Task Force 435. We followed up with the Commander, Combined Joint Interagency Task Force 435 to obtain the current status of the DFIP.

### **Use of Computer-Processed Data**

We did not use computer-processed data to perform this audit.

### **Use of Technical Assistance**

Engineers from the DoD OIG, Technical Assistance Division, provided expert judgment concerning facility construction and deficient systems. The engineers assisted with visual inspections of construction deficiencies related to DFIP systems from July 19, 2010 through July 21, 2010.

### **Prior Coverage**

During the last 5 years, the Department of Defense Office of Inspector General (DoD OIG), and the Special Inspector General for Afghanistan Reconstruction (SIGAR) have issued seven reports discussing USACE contracting oversight of construction projects in Afghanistan or Iraq.

## **DoD IG**

DoD IG Report No. D-2010-083 “Construction of the New Kabul Compound Lacked Planning and Coordination,” September 30, 2010

DoD IG Report No. D-2010-049, “U.S. Army Corps of Engineers’ Use of Award Fees on Contracts in Iraq and Afghanistan,” April 1, 2010

DoD IG Report No. D-2009-076, “Afghanistan Security Forces Fund Phase III-U.S. Army Corps of Engineers Real Property Accountability,” April 14, 2009

DoD IG Report No. D-2006-007, “Contracts Awarded to Assist the Global War on Terrorism by the U.S. Army Corps of Engineers,” October 14, 2005

## **SIGAR**

SIGAR Audit-10-14, “ANA Garrison at Farah Appeared Well Built Overall but Some Construction Issues Should Be Addressed,” July 30, 2010

SIGAR Audit-10-12, “ANP Compound at Kandahar Generally Met Contract Terms but Has Project Planning, Oversight, and Sustainability Issues,” July 22, 2010

SIGAR Audit-10-09, “ANA Garrison at Kunduz Does Not Meet All Quality and Oversight Requirements; Serious Soil Issues Need to Be Addressed,” April 30, 2010

# Appendix B. DFIP Warranty Punch List

On October 18, 2010, USACE TAN officials provided the contractor this punch list of 119 items where the contractor was responsible for providing both labor and an additional 41 items where the contractor was to provide materials only.

Current as of:10/14/2010

BTIF PUNCH LIST

#	ITEM	LOCATION	COMMENT
1	Support Bracket fire suppression system not secured and no strap	DHU A	PPI will bolt support to the floor and provide strap.
2	North side maintenance room wall cracking	DHU A	PPI will patch-up the crack
3	Hot water heater area ground loose, paint not chipped/double logged	DHU A	PPI will scratch paint and tighten
4	drain on east side of DHU A is separating from the building	DHU A	Drain is still functioning, PPI will backfill and compact soil
5	drain on west side of DHU A not properly aligned	DHU A	PPI will align the drain
6	rebar protruding from slabs for rec yards	DHU A	PPI will cut
7	pipes protruding from building not sealed throughout	DHU A	PPI will seal penetration
8	Foam missing where the wall meets ceiling	DHU A	Will replace with new foam
9	Door 1 will not shut completely	DHU A Doors	PPI
10	exposed wires above east ECP (see from catwalk)	DHU B	PPI
11	flex has no straps above ECP	DHU B	PPI
12	no down spout extension to drain	DHU B	PPI will extend downspout
13	pipes protruding through building not sealed throughout	DHU B	PPI will seal penetration
14	Floor paint is coming off	DHU B	Masonry - Thin set
15	Sewage Manhole continuously blocked, Rough surface	DHU B	Check after sewage grinder install
16	Lighting in Bathroom not functioning properly	DHU B	PPI
17	loose ground west classroom	DHU B	PPI
18	Loose ground in east classroom	DHU B	PPI
19	east side above classroom, unistrap bolts hanging out	DHU B	PPI
20	wire tray backside of catwalk improper 90 degree installed	DHU B	PPI to determine if fix is possible w/o power shutdown
21	Drain between cell 7 & 8 is blocked and needs to be cleared	DHU B	PPI to investigate with R&U Plumber
22	Door 15 latch not aligned properly	DHU B Doors	PPI
23	Door 7 latch INOP	DHU B Doors	PPI
24	Door 25 latch will not engage	DHU B Doors	PPI REPLACE
25	back catwalk wire tray 90 degree wires exposed	DHU C	PPI
26	connectors not in box, wires exposed, no cover plate west side above ECP	DHU C	PPI
27	Mechanical room cover off of box above exterior door	DHU C	PPI
28	no straps on flex conduit above left ECP	DHU C	PPI
29	west side ECP no fitting on flex, wires exposed	DHU C	PPI
30	no disconnect for recirculation pump	DHU C	PPI to provide and install disconnect
31	rebar protruding from concrete slabs both rec yards	DHU C	PPI will cut
32	pipes protruding through building not sealed throughout	DHU C	PPI will seal penetration
33	Thinset coming off floor	DHU C	Will repair and re paint

PPI PROVIDE LABOR & MATERIAL			
#	ITEM	LOCATION	COMMENT
34	Thinset coming off floor	DHU C	Will repair and re paint
35	concrete cracked at C13	DHU C	Will Secure Cracks add more concrete and Epoxy
36	paint coming off at c9	DHU C	will re-paint
37	water leak at wall	DHU C	will repair leak
38	Door 5 latch INOP	DHU C Doors	ON ORDER - DAVID
39	Door 16 set screw for cylinder broken	DHU C Doors	PPI
40	Door 7 latch INOP	DHU C Doors	PPI
41	Door 9 latch INOP	DHU C Doors	PPI
42	Inadequate drainage of rainwater from downspouts	DHU/SHU corridor	PPI
43	Door 9 hinge brackets breaking	Doors (PSB/DSB)	PPI
44	Floor cracked in DRB file room	DRB	PPI THINSET
45	floor cracked in interview hallway	DRB	PPI THINSET
46	Floor cracking down entry hallway	DRB	PPI THINSET
47	paint not chipped way for grounding wire TDRC office	DSB	PPI will chip paint and refix grounding
48	female latrine tile grout falling out	DSB	PPI will replace grout
49	Hinge on cell 3 broken	DSB	PPI
50	HVAC duct slants down letting water in.	DSB	PPI to fix
51	Hinge cracked on holding shower cell door	DSB	PPI WELD HINGE
52	floor in front of cell 2 cracked	DSB	PPI THINSET
53	floor in front of screening rooms cracked	DSB	PPI THINSET
54	hallway outside of NCOIC office floor cracking	DSB	PPI THINSET
55	paint not adhering properly to service	DSB	Will Check and repair
56	Fire Suppression System	External	Fire Suppression System is being repaired
57	Cinder block chipping at top right corner of door 18	F2F	PPI will patch up blockwork
58	outside north middle pillar cracking at the base	F2F	PPI will patch-up the crack
59	outside wall cracking right side of detainee door 1	F2F	PPI will patch-up the crack
60	wall cracking above door 4	F2F	PPI will patch-up the crack
61	outside main water shutoff leaking	F2F	PPI / DAVID
62	floor cracked by door 6	F2F	PPI THINSET
63	paint coming off roof	F2F	will re-paint
64	Floor cracking in hallway by orthopedics	MED/DEN	PPI THINSET
65	Paint in Health office coming up	MED/DEN	will re-paint
66	Door 11 Latch INOP	MED/DEN Doors	PPI

PPI PROVIDE LABOR & MATERIAL			
#	ITEM	LOCATION	COMMENT
67	Conduit to light in M8 exposed electrical wires	MHU	PPI
68	Connector above electrical room not connected	MHU	PPI
69	DCID HVAC unit is inoperable	MI DAB	PPI has ordered parts and will fix when it arrives
70	Access broken to VCD for AC	MI DAB	Will repair
71	concrete floor needs patching	MI DAB	Will repair and paint
72	Lights not working properly in toilet	MI DAB	will repair
73	Floor cracked by front door	MPB	PPI THINSET
74	S-6 office floor cracked	MPB	PPI THINSET
75	conduit cut in comms closet	OPS/Break Room	PPI
76	outside drain pipe not lined up with drain in front	OPS/Break Room	PPI will align drain pipe
77	paint not chipped way for grounding wire	OPS/Break Room	PPI will chip paint and refix grounding
78	welds on supply cage cracked	OPS/Break Room	PPI will reweld
79	floor cracking	OPS/Break Room	PPI THINSET
80	Door 17 latch INOP	OPS/Break Room Doors	PPI
81	Door 8 magnetic lock INOP	OPS/Break Room Doors	PPI
82	Door 15 latch INOP	PSB/DSB Doors	PPI (HAS LOCKSET)
83	Door 16 latch INOP	PSB/DSB Doors	PPI
84	pipes protruding through building not sealed throughout	SHU	PPI will seal penetration
85	Compression fittings blowing out when flushed	SHU	Have ordered parts
86	all the intercoms have plugs missing	SHU	will replace with new plug
87	back wall cracking below vent	SHU Communal	PPI to patchup crack
88	wall cracked above room at Rec. Yard ECP both sides	SHU Communal	PPI to patchup crack
89	wires exposed in break room latrine	SHU Communal	PPI to patchup crack
90	wires exposed on catwalk next to class room beside air ducting	SHU Communal	PPI
91	wall cracking around pipes back of seg	SHU Segregation	PPI to patchup crack
92	Seg 7c bottom left bolt on frame pulling out of floor	SHU Segregation	PPI will grout around gap (doublet that bolt is pulling out)
93	Seg 7L bottom left bolt on frame pulling out of floor	SHU Segregation	PPI will grout around gap (doublet that bolt is pulling out)
94	elec. junction boxes on catwalk missing screws	SHU Segregation	PPI will provide screws R & U to replace
95	sink hole at Man hole behind DRB	Site	PPI will backfill and compact
96	rebar protruding from drain DHU C drain	Site	PPI will cut
97	concrete slabs at votech bakery mech/elec rooms cracked/heaved	Site	PPI will replace
98	Gate across from BN Ops on covered corridor has a broken hinge	Site	PPI WELD HINGE
99	Gate adjacent to break rm bldg covered corridor has broken hinge	Site	PPI WELD HINGE

BTIF PUNCH LIST

PPI PROVIDE LABOR & MATERIAL			
#	ITEM	LOCATION	COMMENT
100	possible leaks at manhole behind DSB	Site	PPI to investigate after sewer re-commissioning.
101	Recommission Fire Suppression	Site	PPI
102	Recommission Fire alarm	Site	PPI
103	TVSS installation in Kiosks 1-5	Site	PPI
104	Repair Pump in Lift Station #1	Site	PPI
105	recomission WTP	Site	PPI
106	broken hinge top door tower 6	Towers	PPI REPLACE & INSTALL
107	tower 1 entry door not aligned/does not close properly	Towers	PPI REPLACE & INSTALL
108	Fuel tank is leaking and fuel berm not sealed	VLB	PPI will seal tank and seal fuel berm.
109	Door 6 pushbar INOP	VOTECH (Laundry/COIN)	PPI
110	Wires in Electric Room are exposed	Votech Bakery	PPI
111	paint not chipped away for grounding wire	Votech Carpentry	PPI will chip paint and refix grounding
112	double logged grounds in comms closet	Votech Carpentry	PPI
113	Flex conduit has no straps above office	Votech Carpentry	PPI
114	ground wire not connected to comms system	Votech Carpentry	PPI
115	hole in floor is not filled exposing wires to 480 panel	Votech Carpentry	PPI
116	floor cracking by front door	Votech Carpentry	PPI THINSET
117	Recirculation pump has no disconnect	Votech Laundry	PPI to provide and install disconnect
118	Door 4 latch INOP	Warehouse Doors	PPI
119	Alarm on system	WTP	Ordered new PLC for the panel



BTIF PUNCH LIST

PPI PROVIDE MATERIAL ONLY		
#	ITEM	LOCATION COMMENT
1	East side ECP Hallway missing screws on conduit strap	DHU A PPI will provide 1 hole strap
2	East side escort room missing screws on conduit strap	DHU A PPI will provide 1 hole strap
3	East side OPS light switch missing knock outs	DHU A PPI will provide knockouts
4	Back East side catwalk cover plate falling off	DHU A PPI to provide screws if necessary
5	Door 10 door rubs/frame not square	DHU A Doors PPI PARTS / R & U INSTALL
6	Door 8 no magnet for door	DHU A Doors PPI PARTS / R & U INSTALL
7	Door 9 hinge brackets loose	DHU A Doors PPI PARTS / R & U INSTALL
8	no disconnect for recirculation pump	DHU B PPI will provide and install disconnect
9	east side above classroom needs knock outs filled in box	DHU B PPI will provide knockouts
10	tape covering holes in wire tray back west side of catwalk	DHU B PPI will provide knockouts
11	east escort room LB cover missing	DHU B PPI to provide Cover Plate
12	east back stairway missing screws on conduit straps	DHU B PPI will provide 1 hole strap
13	east escort room conduit straps missing screws	DHU B PPI will provide 1 hole strap
14	missing screw on box on west wall by the west classroom	DHU B PPI to provide screws if necessary
15	loose HVAC supports above west classroom	DHU B R & U to tighten
16	Support braces for HVAC loose back of catwalk	DHU B R & U to tighten
17	west side straps and box loose	DHU B R & U to tighten
18	missing and loose catwalk grate clamps	DHU B R & U to tighten (all were installed at handover)
19	missing screw east classroom conduit strap	DHU C PPI will provide 1 hole strap
20	east side HVAC tape falling off in multiple areas	DHU C PPI will provide HVAC tape
21	back east knock outs missing below window	DHU C PPI will provide knockouts
22	east side ECP from catwalk, no cover plate	DHU C PPI will provide cover plate
23	Door 10 latch INOP	DHU C Doors PPI PARTS / R & U INSTALL
24	interview observation room LB cover hanging off	DRB PPI to provide screws if necessary
25	File Room door stop broken/missing	D5B PPI will provide a new door stop
26	Door stop in TDRC office missing	D5B PPI will provide a new door stop
27	floor stop in office pulling out of floor	F2F PPI will provide a new door stop
28	Screws missing on conduit in middle dental office	MED/DEN PPI will provide screws
29	Doors (MHU)	MED/DEN Doors PPI PARTS / R & U INSTALL
30	Conduit strap by M6 pulling out	MHU PPI to provide straps/screws as necessary
31	LR cover falling off	MHU PPI to provide screws if necessary
32	conduit strap pulling out of wall by desk	OPS/Break Room PPI to provide screws if necessary
33	conduit in male restroom separating from wall	OPS/Break Room PPI to provide straps/screws as necessary

BTIF PUNCH LIST

PPI PROVIDE MATERIAL ONLY		
#	ITEM	LOCATION COMMENT
34	Electrical LT cover missing in front of S2	SHU Communal PPI will provide cover
35	elec. 3/4 con coupling unsecure	SHU Segregation R & U to tighten coupling
36	tower 7 hinge bracket broken entry door	Towers PPI PART / R & U INSTALL
37	DHU B east rec yard tower upper door no properly aligned	Towers PPI PARTS / R & U INSTALL
38	SHU Rec Yard towers broken closer mis-aligned latches	Towers PPI PARTS / R & U INSTALL
39	Door 9 latch INOP	VOTECH (laundry/coin) PPI PART / R & U INSTALL
40	Knock out missing above cleaning closet	Votech Bakery PPI PARTS / R & U INSTALL
41	Light fixture base fell off of ballast (had not been tampered with at all)	Warehouse PPI will provide replacement fixture. Provide part number

# Appendix C. Health and Safety Risks Memorandum Issued to USACE TAN and Management Response



INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE  
400 ARMY NAVY DRIVE  
ARLINGTON, VIRGINIA 22202-4704

NOV 19 2010

MEMORANDUM FOR COMMANDING GENERAL, 435<sup>th</sup> JOINT TASK FORCE  
COMMANDER, UNITED STATES ARMY CORPS OF  
ENGINEERS, AFGHANISTAN ENGINEER DISTRICT – NORTH

SUBJECT: Health and Safety Risks Identified During Fieldwork for the Audit of the  
Construction of the Detention Facility in Parwan Afghanistan  
(Project No. D2010-D000JO-0229.000)

During our recurrent site visits to the Detention Facility in Parwan (DFIP) on Bagram Airfield, Afghanistan, we identified significant issues with the fire suppression, fire alarm, and sewage systems that pose health and safety risks to the personnel working at the DFIP and the detainees housed there. Specifically, we identified that the DFIP's automatic fire suppression system was not operational, the fire alarm transmitter and some fire alarm panels had been disconnected, and the sewage lift stations were not pushing sewage outside the DFIP perimeter for collection as designed.

To mitigate the increased health, safety, and security risks associated with these issues, we request that the Commander, United States Army Corps of Engineers Afghanistan Engineer District - North (USACE AED-N), require the contractor to expedite repairs of the fire suppression system and the sewage lift stations. In addition, we request the Commanding General, Joint Task Force (TF) 435<sup>th</sup>, require that the fire alarm transmitter and fire alarm panels be properly maintained and operated, and provide the Bagram Fire Department with standard operating procedures concerning access to the facilities and location of the fire fighting utilities. We also request that the Commander, JTF 435<sup>th</sup>, issue guidance to prohibit personnel from disabling the fire alarm system.

## **Background**

The DFIP is a detention facility located on Bagram Airfield, Afghanistan, that is operated by U.S. security forces. USACE-AED-N awarded contract W912ER-08-C-0040, on July 31, 2008, to Prime Projects International (PPI) to build the DFIP. PPI began construction on August 14, 2008, and TF Protector accepted the facility from USACE AED-N on September 26, 2009. As of August 1, 2010, approximately 1,400 DOD personnel and contractors were working at the DFIP and approximately 900 detainees were housed at the facility.

Since July 2010, command and control of the DFIP is the responsibility of Joint TF 435<sup>th</sup> at the Division level, TF Peacekeeper at the Brigade level, and TF Rocky Mountain at the Battalion level. JTF 435<sup>th</sup> is to provide command, control, oversight, and responsibility for U.S. detainee and correction operations in Afghanistan. JTF 435<sup>th</sup> focuses its efforts on the humane care and custody of detainees, full implementation of detainee review procedures, and establishment of vocational and educational programs designed to facilitate the peaceful reintegration of detainees into society. At the Brigade level, TF Peacekeeper serves as the Deputy Commander of the DFIP and has custody, care, and control of the DFIP and its day-to-day operations. Similarly, TF Rocky Mountain at the Battalion level serves as the command and control element of a multi-

component element comprised of Army and Navy personnel tasked with providing care and custody with dignity and respect of detainees at the DFIP in support of Operation Enduring Freedom in Afghanistan.

#### **DFIP Fire Suppression System**

The audit team was initially notified by TF Protector on May 24, 2010, that the DFIP fire suppression system was not operational and had not worked properly since at least March 2010. During our walk through on July 19 and 20, 2010, we confirmed that the system was not operational and that PPI needed to repair the system in accordance with the contract warranty.

The DFIP construction contract required that the contractor install an automated fire suppression system that complied with the following criteria.

- International Building Code, 2006 edition , which establishes the definition of an automatic fire protection device as a device or system providing an emergency function without the necessity for human intervention and activated as a result of a predetermined temperature rise, rate of temperature rise or combustion products.
- UFC 3-600-01, "Fire Protection Engineering for Facilities," September, 26, 2006, which states that a properly engineered and installed automatic sprinkler system is designed to detect the presence of fire, activate both local and remote (fire department) alarms, and distribute water in sufficient quantity to either control or extinguish the fire.
- Codes and Standards of the National Fire Protection Association (NFPA) 2007 edition.

USACE AED-N personnel provided documentation showing that on March 14, 2010, the fire suppression system was disabled. On March 14, 2010, PPI in an email to JTF-435<sup>th</sup> personnel outlined their process to identify and correct the issues with the sprinkler lines. However, during a walk through of the DFIP on July 19, 2010, we determined that the fire suppression system was still disabled in all buildings on the compound. For example, Figure 1 shows the fire suppression valve in the Medical Holding Unit turned to the closed position.

**Figure 1. Fire suppression valve turned off in Medical Holding Unit at DFIP**



During the same walk through, we also observed that the main water lines for the fire suppression system leading from the pump house had been shut off and dug up for repair by PPI as shown in Figure 2.

**Figure 2. Main fire suppression lines being repaired.**



On June 20, 2010, USACE AED-N provided a letter to PPI requesting that the fire suppression system be repaired in accordance with the construction warranty. USACE AED-N also requested that PPI submit a detailed repair plan by June 25, 2010. On June 30, 2010, the contractor provided a response with plans to fix the fire suppression system. However, as of October 25, 2010, the fire suppression system was still inoperable.

Without an operational fire suppression system the safety of the 1,400 DOD personnel working and the 900 detainees billeted at the DFIP is at an increased risk. USACE AED-N should require the contractor expedite repairs of the fire suppression system.

#### **DFIP Fire Alarm System**

During a July 31, 2010, test of the DFIP fire alarm system, it was determined that the system had been shut off and was not transmitting a fire alarm notification to the Bagram fire station. The fire alarm system, is configured to transmit a fire alarm from the 17 DFIP buildings to the DFIP main control panel, which is located in the Operations Center. Once the fire alarm is received at the main control panel, the fire alarm system then transmits the fire alarm and other system trouble notifications to the Bagram fire station. To determine whether the fire alarm system worked, we conducted a fire alarm test with personnel from the Bagram fire department and TF Peacekeeper. We performed the test in 7 of the 17 DFIP buildings.

The fire alarm test was designed to determine whether the alarm signal was relayed to the Bagram Fire Station, the siren and lights were operational, and the fire alarm signal was transmitted to the DFIP main control panel. The test results are summarized in Table 3.

**Table 3. Results of July 31, 2010 Fire Alarm Test**

<b>Building Tested</b>	<b>Signal Relayed to the Bagram Fire Station</b>	<b>Siren &amp; Lights Operational</b>	<b>Signal Received at DFIP Main Control Panel</b>
Warehouse	No	No	No
Dining Facility	No	Yes	No
Access Control Point	No	Yes	No
Multi Purpose Bldg	No	No	Yes
Votech Carpentry	No	Yes	No
DHU A	No	Yes	Yes
DHU B	No	Yes	Yes

Once we determined that the fire alarm signal was not being relayed to the Bagram fire station from any of the seven buildings, the test was stopped to determine why. The fire alarm technician determined that the transmitter from the main control panel had been disconnected and therefore, no alarm information was being relayed to the Bagram fire station. The fire alarm technician reconnected the transmitter and reset the control panel.

For the two buildings where the siren and lights were not operational (the warehouse and the multipurpose building), the technician determined that the wiring from those buildings had been disconnected from their respective control panels. The fire alarm technician reconnected the building and transmission lines to reset the sirens and alarms. For the four buildings that the signal was not being relayed to the DFIP control panel, (the warehouse, dining facility, access control point and Votech Carpentry buildings), the fire alarm technician determined that a previous fire alarm had registered in the system, from the Votech Carpentry, was causing a block in the transmission between the panels and the main control panel. The fire alarm technician reset the control panels so that the signal would transmit to the DFIP main control panel.

At the Bagram Fire Marshal's request, we accompanied him on a fire alarm retest on August 2, 2010. During the retest, it was determined that the transmitter on the main control panel was again disconnected and therefore, could not relay a fire alarm signal to the fire station. According to the fire alarm technician, the lack of operations and maintenance on the fire alarm system caused numerous false fire alarms to sound within the DFIP buildings and rather than contacting the Bagram fire department to reset the system, DFIP personnel simply unplugged the system (including the main transmitter, sirens, and lights). Because inoperable fire alarms increase the risk of injury to the facilities and personnel due to additional response time to the fire department, the TF Peacekeeper Inspector General, who accompanied us on the inspection, stated that they would recommend that the Commander issue policy that called for Uniformed Code of Military Justice action against any unauthorized personnel who are found to have tampered with the fire alarm or fire sprinkler system.

During the initial fire alarm test, the Fire Marshal stated that the DFIP had failed to provide the fire department with a standard operating procedure (fire plan). The fire plan explains how the fire department should access the facilities in case of emergency and the location of the fire

hydrants and other firefighting equipment within the facility. Without a fire plan, the fire department does not know what equipment and personnel are needed to control and extinguish a fire. In addition, because the DFIP is a secure location and houses detainees, a fire plan is essential for eliminating confusion about security and access to the facility during an emergency. Therefore, to help preserve the safety of all personnel at the DFIP, the JTF 435<sup>th</sup> needs to establish a fire plan and provide a copy of the plan to the Bagram fire department.

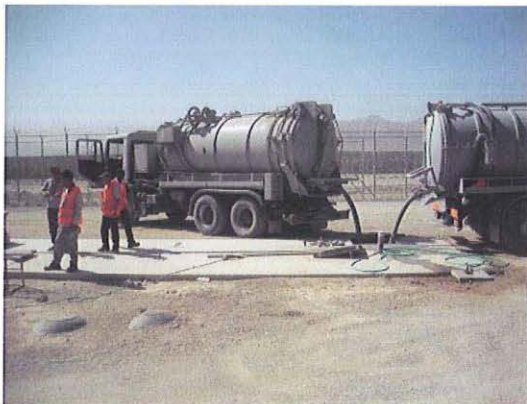
#### **DFIP Sewage System**

According to Fluor, the DFIP operation and maintenance contractor, the two sewage lift stations have never worked properly. The two lift stations were designed to allow sewage to pass from the detention facility to the two lift stations located in the DFIP secure courtyard. The two lift stations would then pump the sewage uphill via transfer lines to a collection point located outside the detention facility. Once at the collection point, the sewage would be collected by sewage trucks for disposal. Fluor personnel stated that the two lift stations are inoperable because the control panels do not work and that foreign objects were clogging the lift station pumps, causing them to fail. The DFIP construction contract required that the two lift stations undergo operational testing prior to DFIP acceptance. However, as of October 25, 2010, USACE AED-N has not provided the audit team with evidence that the operational testing occurred.

Since the two lift stations are inoperable the sewage began to solidify because the non-waste-related materials flushed down the sewage system are too large and cannot pass through the lift station pumps. With the solid sewage and other items remaining in the two lift stations, the sewage begins to harden. Once the sewage hardens inside the lift station, it causes the waste level to rise above the sewage lines leading from the DFIP buildings as well as the outlet lines that should be used to transfer the sewage to the collection point. On September 3, 2010, Fluor notified TF Peacekeeper that the underground sewage system was rapidly approaching the point to where it will need to be shut down. As of October 25, 2010, lift station number 1 is back online. USACE and PPI are working on a temporary solution for lift station 2. According to USACE personnel the corrections to the two lift stations will help eliminate the need for pump trucks.

To prevent the two sewage lift stations from overflowing, Fluor must bring four sewage removal trucks (see Figure 4) a day into the compound. Because the DFIP is a secure location, every time the trucks have to enter the facility the risk of a security incident increases.

**Figure 4. Contractor trucks removing sewage from DFIP lift stations.**



To maintain the health and security of the individuals working and housed at the DFIP, USACE AED-N should require the contractor to immediately repair the lift stations in accordance with the warranty provisions in the contract and ensure the lift stations meet the requirements set forth in the contract.

**Management Requests**

To improve the life, health, and safety of the 1,400 DOD personnel working and the 900 detainees billeted at the detention facilities we request that the Commander, USACE AED-N require that the contractor expedite repairs of the fire suppression system and the sewage lift stations. We also request that the Commanding General JTF 435<sup>th</sup> require immediate repair and/or maintenance to the fire alarm system to ensure it is fully operational and provide the Bagram Fire Marshall with a standard operating procedure for the detention facility. Further we request that the Commanding General JTF 435<sup>th</sup> issue policy to prohibit personnel from tampering with the system.

We appreciate your immediate action and request comments on the actions taken or to be taken by November 20, 2010. Please address those comments to me at [REDACTED]

  
Carol N. Gorman  
Director  
Joint and Southwest Asia Operations





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS-NORTH  
AFGHANISTAN ENGINEER DISTRICT  
APO AE 09356

CETAN-IR

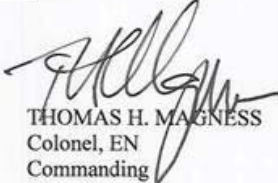
24 November 2010

MEMORANDUM FOR Inspector General, Department of Defense, ATTN: Ms. Carol N. Gorman,  
Director, Joint and Southwest Asia Operations, 400 Army Navy Drive, Arlington, Virginia 22201-  
4704,

SUBJECT: AED-N Response to DODIG Interim Report, "Health and Safety Risks Identified During  
Fieldwork for the Audit of the Construction of the Detection Facility in Parwan, Afghanistan (Project  
No. D2010-DOOOJO-0229.000)"

1. Reference DODIG report, SAB, 19 November 2010.
2. We non-concur with the premise of the report that quicker actions could be undertaken other than what the DODIG staff has been briefed on several times. Our ongoing, aggressive corrective actions will result in the quickest approach that we can take that make safety and security operational sense. The enclosed document contains our comments.
3. If you have any questions contact [REDACTED]

Encl

  
THOMAS H. MAGNESS  
Colonel, EN  
Commanding

“Health and Safety Risks Identified During Fieldwork for the Audit of the Construction of the Detention Facility in Parwan, Afghanistan”

DODIG Recommendation: We request that the Commander, USACE AED-N require that the contractor expedite repairs of the fire suppression system and the sewage lift stations.

AED-N RESPONSE: Non-concur that additional actions beyond those already briefed to the DODIG Team several times could be undertaken. We are pushing the contractor as hard as we can. The following comments are provided:

Both of these issues are well known, hard worked, and being resolved. The fire suppression system requires an entire re-laying of the fire main (1.7km). New pipe that can with stand the forces of the fire pump (up to 250psi) has been identified and is being delivered. We anticipate the entire line to be replaced by end of Dec 2010. A re-commissioning of the system will immediately follow.

The repairs to sewage lift stations were severely delayed due the promise of government ordered material (CJTF 435th said they ordered the muffin monsters (sewage grinders) and they would supply these as Government Furnished Equipment for contractor installation). We found out last month that the order was never completed. We are re-engaged with the contractor and will have them order the grinders, along with a redesign of the system. We anticipate that this work, to allow the pump stations to be operational, to be completed by Dec 31, 2010.

In addition to briefings by the AED-N Bagram Area Office staff members, the Auditors also attended at least one recent Warranty Team meeting in which the needed contractor actions were discussed so they are well-aware of our responsive actions to these problems.

Encl 1

# Department of the Army Comments



**DEPARTMENT OF THE ARMY**  
U.S. Army Corps of Engineers  
441 G Street, NW  
Washington DC 20314-1000

APR 02 2012

REPLY TO  
ATTENTION OF:


CEMP-TAD

MEMORANDUM FOR Department of Defense Inspector General (DODIG)

SUBJECT: U.S. Army Corps of Engineers (USACE) Response to DODIG Draft Report -  
Deficiencies in the Detention Facility in Parwan, Afghanistan Project No. D2010-  
D000JO-0229.000

1. The U.S. Army Corps of Engineers (USACE) welcomes the opportunity to review the draft report.
2. USACE has concerns with some aspects of the report. The main field work for the report was conducted well over a year ago. As a result, certain information included in the report is not reflective of details provided to the DODIG. In addition, a number of issues raised in the report were fully addressed previously.
3. USACE concurs with all but one recommendation in the report. Specific responses to each recommendation are provided in Enclosure 1. Technical comments have been provided separately.
4. My point of contact for these comments is [REDACTED].

Enclosures

  
James B. Balocki, P.E., SES,  
Chief, Transatlantic Division Regional  
Integration Team,  
Directorate of Military Programs

ENCLOSURE 1

**U.S. Army Corps of Engineers  
Response to DODIG Draft Report  
-Deficiencies in the Detention Facility in Parwan, Afghanistan**

**RECOMMENDATIONS**

**We recommend the Commander, U.S. Army Corps of Engineers Afghanistan Engineer District-North:**

**1. Direct officials to provide continuous oversight and perform acceptance testing until the satisfactory completion of the sewage system, electrical panels, the fire alarm/fire sprinkler system, and the building integration system at the Detention Facility in Parwan.**

**Response:** Concur with Comment. Testing was completed successfully on the systems and the facility was accepted. The electrical grounding and bonding issues and the fire suppression piping were corrected by the contractor under warranty. The sewage system and the fire suppression system were repaired prior to April 2011 as indicated in the report. The Operation and Maintenance contractor will be upgrading the electrical system. Magnetic sensors and electronic locks were installed by the contractor and are working as designed.

**2. Identify the personnel responsible for inadequate oversight over the construction of the cell doors, sewage system, electrical system, and the fire suppression system under contract W912ER-08-C-0040, perform a review of their actions and if appropriate initiate administrative action.**

**Response:** Non-Concur. It is not clear from the evidence presented the issues were a result of inadequate oversight. A substantial amount of time has elapsed since the project was constructed and the personnel involved are no longer assigned to the organization.

**3. Direct the contracting officer to maintain copies of all acceptance-testing results in the official contract file.**

**Response:** Concur. It is standard USACE practice to treat acceptance-testing results as contract submittals, just like other typical design and engineering submittals. All submittals are maintained by the construction office, and when the project is completed, project and contract files, specifically contract submittals, are packaged and archived as directed by the Contracting Officer.

**4. Provide training to U.S. Army Corps of Engineers Afghanistan Engineering District-North personnel on the need to:**

- a. Adhere to Engineering Regulation 415-345-38, "Transfer and Warranties," June 30, 2002 which will ensure contractors comply with FAR 52.246-21, "Warranty of Construction (Mar 1994) - Alternate I (APR 1984)."**

**Response:** Concur. Transfer and warranty is covered as part of USACE's Area Office University (AOU) training for personnel prior to their deployment to Afghanistan. The training is provided by the USACE Deployment Center in Winchester, VA.

- b. Review American National Standard Institute standards for detention facility specific infrastructures during the request for proposal process.**

**Response:** Concur.

- c. Verify all statement of work requirements are compliant with applicable American National Standards Institute standards and the needs of the ultimate user.**

**Response:** Concur.

- d. Verify contractors comply with all technical specifications in the contract so that all infrastructure systems are operable prior to the acceptance of the facility.**

**Response:** Concur.

### ADDITIONAL COMMENTS

**Page 6: Cell doors were poorly constructed and hung with incorrect hinges, and access doors were missing the magnetic sensors and electronic locks. The contract called for the cell doors to be extra heavy duty, factory fabricated in accordance with American National Standard Institute A250.8 and National Association of Architectural Metal Manufacturers/Hollow Metal Manufacturers Association standards.**

Comment: The building was turned over with magnetic sensors and electronic locks in place. The personnel doors were required to be ANSI A250.8 rather than the cell doors as cited above. The personnel doors were installed per the Statement of Work with all hardware being of commercial grade. Detainee or cell doors were fabricated on site.

#### **Electrical System**

Comment: USACE has previously advised that the electrical system was built to US standards with some British equipment. However, the report states that the system is built "primarily to British standards" and that this was done without approval. The voltage system for the DFIP is US (60 Hz) while the color coding in place is British due to the British materials used for this project. It should also be pointed out that even if the system were built to British standards, this would still be in accordance with USFOR-A policy and USACE Transatlantic Division guidance.

**Page 11: "However, our engineers concluded that personnel who work with or around the electrical equipment at the DFIP were not safeguarded from electrical safety hazards."**

Comment: This statement appears to be based on a USACE deficiency report from June 25, 2010, however all grounding and bonding issues were subsequently corrected under warranty.

**Page 13: "According to the same official, the three sets of pipes did not require additional expenses because the pipes were covered under the contractor's warranty. As of January 10, 2011, the fire suppression system was still inoperable. USACE TAN officials stated that the contractor was scheduled to install the third set of piping by February 2011. As an interim fix, U.S. Government personnel at the DFIP stated that they had installed garden hoses above some of the detainee cells to help fight a fire should one occur. Figure 8 shows a garden hose located above the detainee cells.**

Comment: The contractor fixed the pipes 1 May 2011 with fiberglass reinforced pipes, under warranty and at no cost to the government. The system was completed and accepted May 2011.

**Page 13: "As of January 10, 2011, the fire suppression system was still inoperable."**

Comment: As previously advised by USACE, the contractor fixed the pipes with fiberglass reinforced pipes, under warranty and at no cost to the government. System was completed and accepted on 03 May 2011. The report should also note that during previous attempts to work on the piping, the contractor was denied the access due to operational concerns even though the work was in the common exterior areas.

**Page 13 "As an interim fix, U.S. Government personnel at the DFIP installed garden hoses above some of the detainee cells to help fight a fire should one occur. Figure 10 shows a garden hose located above the detainee cells."**

Comment: Garden hoses and hose bibs were installed in these areas to spray down the cells for cleaning purposes.

**Page 13: USACE TAN officials allowed the 1-year warranty period to expire before notifying the construction contractor in writing of the existing construction deficiencies. According to FAR clause 52.246-21 (b) included in contract W912ER-08-C0040, the warranty period expires 1-year after the date of the final acceptance of the work. USACE TAN officials accepted the facilities from the construction contractor on September 26, 2009, which started the 1-year warranty period. Thus, the 1-year warranty period ended on September 25, 2010. However, it was not until October 18, 2010, (22 days after the 1-year period expired) that the USACE TAN administrative contracting officer provided the contractor with a memorandum listing the warranty items that needed repair.**

Comment: The warranty inspection was conducted in September 2010. Following the inspection, the list of noted deficiencies were compiled. USACE then worked with both the contractor and TF Rocky Mountain to determine which deficiencies were warranty issues. Upon final compilation of the deficiency list, the letter was issued. The timing of the letter notified the contractor in writing within a reasonable period of time per the warranty clause.

The report should reflect that USACE had been holding weekly meetings with the contractor to discuss items for correction and their status. The audit team was invited to attend these meetings.



# Inspector General Department of Defense

