

The Role of Independent Private Sector Monitors in Federal Contracts

Sponsored by the Federal Bar Association, Government Contracts Section

Thursday, Apr 28, 2011 -- 6:00 pm to 8:00.

Navigant Consulting, 1801 K St NW (500), Washington DC 20006

The New York State Organized Crime Task Force recommended creation of an Independent Private Sector Inspector General (“IPSIG”) in its 1989 Report on Corruption and Racketeering in the New York City Construction Industry. An IPSIG would be an independent, private sector individual or a firm with legal, auditing, investigative, and loss prevention skills. The government contracting agency could require a contractor or an organization to ensure compliance with regulations and to deter, prevent, uncover and report unethical and illegal conduct.

The concept was adopted by several agencies including the NYC School Construction Authority, Port Authority NY/NJ, Lower Manhattan Development Corp., and the Government of Northern Ireland. The Port Authority is currently using Independent Monitors in World Trade Center rebuilding projects such as the Freedom Tower and the Sept 11 Memorial Museum. These Independent Monitors report to the agency IG with ongoing evaluations of a contractor’s existing internal controls, and recommendations to minimize corruption and fraud risks in a project.

The distinguished Panel for this program will review the impact of IPSIG in ensuring compliance by questionable contractors and unions in major construction projects, and discuss whether the principle and practice has applicability in Federal contracts and grant programs. Specific issues to be considered include:

- Whether an agency with large scale, highly complex technology projects should consider incorporating independent and technically proficient consultation at all stages of a project.
- Is the Independent Private Sector IG program an option for a government agency working with contractors or grant recipients that have compliance issues, but are “Too Big to Debar?”
- Can an agency require a contractor or grant recipient to cover the cost of independent oversight when the agency determines it would benefit from ongoing independent compliance monitoring due to the nature and size of the project or the provider?
- Can real IGs live with Independent Private Sector IGs?
- Can a monitorship on ongoing projects be structured and limited to minimize “inherently governmental” concerns, but still be effective?

Panel:



Ronald Goldstock , New York Commissioner, NY/NJ Waterfront Commission.

Ron Goldstock served for thirteen years as Director of the New York State Organized Crime Task Force where he designed and developed the Independent Private-Sector Inspector General (IPSIG) program. In addition to currently providing IPSIG services to a number of corporate clients, Mr. Goldstock is on the faculties of the Cornell, Columbia and New York University Law Schools. Mr. Goldstock is a graduate of Cornell University and Harvard Law School, has served as Inspector General of the U.S. Department of Labor, Director of the Cornell Institute on Organized Crime, and Chief of the Rackets Bureau in the New York County District Attorney's office. He is a Past Chair of the ABA Criminal Justice Section, Past Chair of the ABA Criminal Justice Standards Committee, and Chair of the Investigative Function of the Prosecutor Task Force. Mr. Goldstock is a Director of the New York Convention ("Javits") Center Operating Corporation and was a member of the Advisory Board of Project Rise of the International Brotherhood of Teamsters. He has recently served three Northern Ireland Secretaries of State as advisor on matters relating to international organized crime.



Rafael Roman, Director, U.S. Department of Homeland Security's Information Technology Acquisition Center (ITAC)

Prior to leading the DHS ITAC, Rafael Roman served as Director of Contracts and Chief of Individual Assistance and Housing for the Federal Emergency Management Agency's (FEMA) Gulf Coast Recovery Office in Louisiana. In his support roles with FEMA, he assisted in establishing communications with the most remote and devastated of wards and parishes. He quickly devised provisioning strategies to ensure that appropriate materials, equipment and services were in critical locations, at the right time and in the hands of individuals who could maximize their benefit to the public's safety and well being, while protecting private property and the public infrastructure. Mr. Roman also developed, managed and implemented plans to build and populate self-contained temporary communities that served the victims of hurricanes Katrina, Rita and Gustav. Earlier federal positions held by Mr. Roman include his being a former bureau Procurement Chief and an Environmental Executive. His private sector experience spans executive positions in small, mid-size and large companies. His functional areas included significant works in contracts, project/program management, proposal development, regulatory compliance, business development and operation management.

Rafael Roman has served as advisor the the Office of Federal Procurement Policy and the Federal Acquisition Institute. He is a published author, and has been a guest speaker at law schools, business schools, and state and local governments. He holds a Juris Doctor and a Masters of Business degree, as well as a Federal Acquisition Contracts Level III and a Program Manager Level III professional designation. He is a Fellow of the National Contract Management Association, the Industry Advisory Council and the Consejo Inter-Americano de Seguridad.



David Williams, Inspector General for the U.S. Postal Service.

David C. Williams was sworn in as the second independent Inspector General (IG) for the U.S. Postal Service on August 20, 2003. Williams is responsible for a staff of more than 1,100 employees — located in major offices nationwide — that conducts independent audits and investigations for the largest civilian federal agency that has \$67.1 billion in annual revenues, a workforce of 671,687 employees and contractors and nearly 32,528 facilities.

In his last position, Williams served as the Deputy Assistant Administrator for Aviation Operations at the Transportation Security Administration (TSA) from August 2002 until August 2003, where he managed the Aviation Inspection Program at federalized airports.

Williams has served as IG for five federal agencies. He was first appointed by President George Bush to serve as IG for the U.S. Nuclear Regulatory Commission from 1989 to 1996. President William Clinton next appointed him IG for the Social Security Administration from 1996 to 1998, and then as IG for of the Department of the Treasury in 1998. In 1999, President Clinton named him as the first IG for Tax Administration of the Department of Treasury, where he directed a staff of 1,050 to detect fraud, waste and abuse. In 2001 President George W. Bush named Williams the Acting IG for HUD, while he was also serving at the Department of the Treasury.

Williams served in the U.S. Army Military Intelligence and began his civilian federal career as a special agent with the U.S. Secret Service. Moving up the career ladder, he served as Director of Operations in the Office of Labor Racketeering at the Department of Labor; the President's Commission on Organized Crime; and as Director of the Office of Special Investigations at the U.S. General Accounting Office. Williams is the recipient of the U.S. Bronze Star and the Vietnamese Medal of Honor for service in Vietnam. A native of Illinois, Williams graduated from Southern Illinois University, Edwardsville, Ill., and received his Advanced Degree in Education and a Masters in Education from the University of Illinois in Champaign, Ill. He also attended the U.S. Military Intelligence Academy, the Federal Law Enforcement Training Center and the U.S. Secret Service Training Academy.



Allison C. Lerner, Inspector General, National Science Foundation; and Chair, IG Community's Suspension and Debarment Working Group.

Allison C. Lerner assumed the duties as Inspector General (IG) of the National Science Foundation (NSF) in April 2009, reporting to the National Science Board and the Congress. As head of the Office of Inspector General (OIG) she recommends policies for promoting economy, efficiency and effectiveness of NSF programs and operations. She leads efforts to prevent and detect fraud, waste, and abuse, improving the integrity of NSF programs and operations and investigating allegations of misconduct in science.

Ms. Lerner was appointed in November 2005 as Counsel to the Inspector General at the Department of Commerce, a position through which she acted as the IG's principal legal advisor and managed the office's staff attorneys and legal services.

Ms. Lerner began her federal career in 1991, joining the Office of Inspector General at Commerce as assistant counsel, and has been a member of the senior executive service since 2005. During her tenure at Commerce she served as special assistant to the IG, Deputy Assistant Inspector General for Auditing, and Acting Assistant Inspector General for Auditing. Prior to joining the federal government, she was an associate at the law firm of Foster, Lewis, Langley, Gardner & Banack in San Antonio, Texas.

Ms. Lerner has been honored by the President's Council on Integrity and Efficiency (PCIE) with three awards for excellence: in 2001, for her work reviewing the Department of Commerce's management of 5,000 intra-agency and special agreements worth over \$1 billion; in 2002, for her assistance in a complex investigation of false claims submitted under a financial award from the National Institute of Standards and Technology; and in 2005, for her review of a controversial Booz-Allen Hamilton study that recommended significant structural changes to the National Oceanic and Atmospheric Administration's Office of Finance and Administrative Services.

Ms. Lerner received her law degree from the University of Texas School of Law and a B.A. in liberal arts from the University of Texas. She is admitted to the bar in both Texas and the District of Columbia.

**Moderator, John D. Lenoir, Managing Director, Investigative Services Group
KeyPoint Government Solutions.**

John Lenoir has over thirty years experience as a prosecutor in the Manhattan District Attorneys Office, the Department of Justice's Organized Crime Drug Enforcement Task Force, and United States Attorneys offices for the Southern District of Texas and the Eastern District of New York. As Managing Director with KeyPoint, he has served on the Consent Decree Monitor Team for the Los Angeles Police Department, conducted independent reviews of officer-involved shootings for the City of Austin, Texas, and managed audit and investigation projects for federal agencies. He is a Fellow of the Federal Bar Association, and Chair of the Homeland Security Committee of the FBA's Federal Contracts Section.

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