



OFFICE OF INSPECTOR GENERAL

2023-0012-INVI-P – Alleged Violations of Contract Protocol in Hiring of Yoga Instructor

Suspected Violations of the Architect of the Capitol (AOC) “Standards of Conduct” and “Government Ethics” policies; and the AOC Contracting Manual. **Not Substantiated.**

The AOC Office of Inspector General (OIG), received multiple allegations that claimed the Senate Office Buildings jurisdiction was funding yoga classes at the Senate Health and Fitness Facility at no cost to congressional staff. Further, these allegations claimed that proper contracting protocol had not been followed when hiring an instructor. An initial review of the information revealed that the Senate Office Buildings proactively placed a hold on the yoga classes once senior leadership had been made aware of concerns surrounding the program.

The OIG initiated an investigation into violations of AOC policy, including Order 752-2, Standards of Conduct, April 25, 2014; Order 34-1, Contracting Manual, July 14, 2022; and Order 38-1, Government Ethics, November 1, 2018.

Multiple interviews conducted by the OIG determined that prior to the COVID-19 Pandemic, the Senate Office Buildings had maintained a contract for ongoing yoga instruction at the Senate Health and Fitness Facility. Once the pandemic concluded, the former instructor was unable to return to their previous class schedule and the AOC needed a new instructor. The Senate Supervisor tasked with the project conducted market research and contacted multiple vendors within the area but was unsuccessful at finding a replacement instructor. The candidate pool for yoga instructors was limited due to the specific requirement of teaching class onsite twice a week and during the middle of the day. Eventually, an instructor was found who agreed to these requirements and entered into a semiformal agreement (via e-mail) with the AOC to teach yoga twice a week on site. The Supervisor did not have a previous relationship with the yoga instructor, nor had they taken any yoga classes taught by this instructor. Initially, they agreed that the instructor would be paid via government purchase card while the AOC worked to obtain a long-term contract. Throughout the process, the Supervisor coordinated with staff from the United States Senate Committee on Appropriations as well as the AOC Supplies, Services and Material Management Division (SSMMD) to ensure the yoga classes were being funded properly. To ensure there was no lapse in service, the Supervisor agreed to multiple short-term extensions with the yoga instructor that were paid by purchase card. During this time, the Supervisor worked with SSMMD and the AOC to request bids for a yoga contract and received zero responses to requests for quotes.

Documentary evidence obtained from the AOC displayed six processed credit card orders paid to a private yoga instructor from May 17, 2022, to March 24, 2023, for \$2,400.00 each, totaling \$14,400.00.

Further review of AOC documentation revealed that the AOC had also paid \$771.63 in 2021 for an AOC employee of the Senate Health and Fitness Facility to obtain the proper certification to provide



Investigative Summary

yoga instruction to congressional staff instead of contracting out this function. As of October 2023, the employee was still employed with the AOC and had not completed the required course hours nor obtained their certification.

The OIG's investigation did not substantiate administrative violations of AOC policy against the Supervisor or find that the Senate Office Buildings split a larger purchase into several smaller purchases to avoid transaction purchase card limits – known as a split purchase, which is a prohibited practice. The OIG did determine, however, that the acquisitions processes employed by the Senate Office Buildings to obtain and pay for outside yoga instruction appear wasteful. The Senate Office Buildings, Health and Fitness Facility Branch, employs six full time individuals, none of whom are certified to teach yoga. Records indicate that only one employee of the Health and Fitness Facility has attempted to obtain yoga certification, funded by the AOC, and after approximately two years, the employee has not successfully completed the course. Although managed differently and funded from separate appropriations, the House Office Buildings, AOC, offers individual and group yoga instruction provided by full-time AOC employees (Health and Fitness Specialists) at the U.S. House of Representatives Members' Wellness Center. The OIG has identified both the multiple payments associated with the yoga instructor and the unfinished training certification amounting to \$15,171.63, as Funds for Better Use¹.

The investigation also revealed that the yoga instructor was employed full-time at another government agency and all potential violations regarding the instructor were referred to that agency's OIG for review and follow-up as deemed appropriate.

Final Management Action: The OIG did not find sufficient evidence to substantiate the alleged administrative violations. The case is closed.

¹ As defined in Section 5(f)(4) of the IG Act, the term "recommendation that funds be put to better use" means a recommendation by the Office that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation, including (A) reductions in outlays; (B) deobligation of funds from programs or operations; (C) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds; (D) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor or grantee; (E) avoidance of unnecessary expenditures noted in preaward reviews of contract or grant agreements; (F) any other savings which are specifically identified.