

OFFICE OF INSPECTOR GENERAL

U.S. Election Assistance Commission

AUDIT OF THE U.S. ELECTION ASSISTANCE COMMISSION'S INTERNAL PROCUREMENTS

Report No. P23HQ0025-24-05
January 26, 2024



HIGHLIGHTS

AUDIT OF EAC'S INTERNAL PROCUREMENTS

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What OIG Audited

The Office of Inspector General (OIG) audited the U.S. Election Assistance Commission's (EAC's) procurements from October 1, 2019, through May 1, 2023, which were executed with internal resources and exceeded the micro-purchase threshold. This included 65 procurements totaling \$14.7 million.

The **objectives** of the audit were to determine whether EAC:

- (1) Complied with selected requirements of the Federal Acquisition Regulation (FAR).
- (2) Complied with selected provisions of the Digital Accountability and Transparency Act of 2014 (DATA Act).

What OIG Found

OIG found that EAC's internal procurements did not comply with selected FAR requirements. Primarily, this was due to EAC not having a contracting officer on staff and using individuals untrained and inexperienced with FAR, rather than a service provider, to carry out contracting duties quickly. EAC officials noted historical uncertainty around EAC's continuing funding levels, which caused staffing challenges and led to a need for employees to fill multiple roles within the Commission rather than being dedicated to procurement.

Specifically, EAC did not comply with FAR by allowing employees to perform contracting officer duties and related functions without authority, experience, and/or training; by failing to have an acquisition planning process; and by lacking an effective system of internal control. Additionally, EAC did not have proper contracts to support obligations, did not justify sole-sourced procurements, did not complete required contractor performance evaluations, and did not set aside contracts for small businesses.

Moreover, EAC did not post procurement information to USASpending.gov as required by the DATA Act.

What OIG Recommended

OIG made 13 recommendations to address the issues identified. EAC has already taken action to fully address one of them.



**U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL**

January 26, 2024

TO: U.S. Election Assistance Commission, Chair, Christy McCormick
U.S. Election Assistance Commission, Acting Executive Director, Jessica Bowers

FROM: U.S. Election Assistance Commission, Inspector General, Brianna Schletz

SUBJECT: Audit of the U.S. Election Assistance Commission's Internal Procurements (Report No. P23HQ0025-24-05)

This memorandum transmits the final report for the *Audit of the U.S. Election Assistance Commission's Internal Procurements*. Our audit objectives were to determine whether EAC, when performing procurements internally, complied with selected FAR requirements and selected provisions of the DATA Act. In finalizing the report, we considered your comments on the draft and included them in their entirety in Appendix B.

The report contains 13 recommendations. After reviewing your response to the draft report, we agree with the management decisions on all 13 recommendations. Recommendation 1 is closed upon report issuance and the remainder are open pending completed action. Please keep us informed on progress, as we will track the status of implementation.

We appreciate the assistance you and your staff provided to us during this audit.

cc: Commissioner Benjamin W. Hovland, Vice Chair
Commissioner Donald L. Palmer
Commissioner Thomas Hicks

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Background

The U.S. Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA).¹ EAC is an independent, bipartisan commission with three main functions: (1) testing and certifying voting systems, (2) providing a clearinghouse of information for election officials and the public, and (3) distributing grants to states and territories. To carry out this mission, EAC procures a variety of goods and services from many different sources. For example, during the last several fiscal years (FYs), EAC had contracts with hotels to host events, with IT vendors for software products, and with a technical assistance contractor for grants management services.

EAC's larger procurements, generally those over \$10,000, are done in one of two ways. The first method takes advantage of an interagency agreement that EAC has in place with the U.S. Department of the Treasury Bureau of the Fiscal Service (BFS). BFS' Administrative Resource Center offers procurement services to EAC, which include a procurement system platform and use of BFS' contracting officers and specialists. Alternatively, EAC procures goods and services using internal resources. EAC's Commissioners have delegated the management of administrative matters—to include broad authority to manage EAC's contracting functions—to the position of the executive director.

Regardless of whether EAC uses BFS resources or internal resources to execute contracts, the Commission is required to adhere to the Federal Acquisition Regulation (FAR),² which codifies uniform policies and procedures for acquisition by executive agencies. Likewise, EAC must adhere to the Digital Accountability and Transparency Act of 2014 (DATA Act),³ which was enacted to increase accountability and transparency in federal spending.

Audit Objectives

Building upon previous oversight work,⁴ the Office of Inspector General (OIG) conducted this audit to determine whether EAC, when performing procurements internally:

1. Complied with selected FAR requirements.
2. Complied with selected provisions of the DATA Act.

¹ Public Law 107-252.

² FAR 1.101.

³ Public Law 113-101.

⁴ *Audit of U.S. Election Assistance Commission's Acquisition and Procurement of Goods and Services* ([I-PA-EAC-03-12](#), September 2013); *Management Advisory 23-02: Procurement and Contracting Practices* (December 2022); and *Summary of Investigation: Alleged Contract Fraud* ([OI-VA-22-0967-I](#), January 2023).

EAC Did Not Comply with the Federal Acquisition Regulation

As of November 2023, EAC had 83 employees, none of whom were trained contracting officers. Officials report that the Commission grew to this size only recently and has not had a contracting officer for many years. With uncertainty around EAC's continuing funding levels causing staffing challenges and leading to a need for employees to fill multiple roles within the Commission, officials said that it has not been feasible to employ dedicated procurement resources. However, rather than make use of its service provider, EAC used individuals untrained and inexperienced with FAR to carry out contracting duties. This included the administrative officer who signed almost \$9.6 million in contracts without authority (page 2), other EAC employees who performed contracting officer duties without authority (page 3), and EAC executive directors who signed almost \$3.4 million in contracts without experience and training (page 5). Officials said that they used internal resources to expedite the procurement process.

As a result, EAC did not conduct its internal procurements consistent with FAR. Specifically, EAC did not:

- Properly delegate responsibility to its contracting officer's representatives (CORs) or train them to perform their technical monitoring and contract administration duties. (page 6)
- Adequately plan its acquisitions. (page 7)
- Implement an effective system of internal control. (page 8)
- Have proper contracts to support procurement-related obligations. (page 9)
- Justify sole-sourced procurements. (page 10)
- Complete required contractor performance evaluations. (page 11)
- Set aside contracts for small business concerns. (page 12)

The vision of the Federal Acquisition System, which includes FAR, is to "deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives." By circumventing these regulations, EAC has failed to achieve these objectives. Specifically, by removing trained contracting officers from the contractor selection process, EAC has eliminated an important system of checks and balances in the functioning of the Commission.

Furthermore, if a company or individual wants to challenge the terms of a solicitation or the award of a federal contract, it can file a bid protest. By circumventing FAR and signing contracts without competition, EAC has increased its risk of protest, which can be a lengthy and resource-intensive process. With the lack of transparency caused by EAC's failure to comply with the DATA Act (page 15), potential protesters would not have knowledge that EAC awards exist. However, there is a significant risk that protests will occur if EAC does not improve its practices.

EAC Administrative Officer Signed Almost \$9.6 Million in Contracts Without Authority

Under FAR 1.602-1, contracting officers "may bind the Government only to the extent of the authority delegated to them." But almost 50 contracts totaling about \$9.6 million were signed by the

administrative officer, an EAC employee who functioned as the head of procurement but had not been delegated contracting authority and was not properly trained to perform contracting duties.⁵

Because this employee did not have contracting authority, these contracts represent unauthorized commitments. Such commitments are not binding for the government and must be ratified through a process, or they may become the financial responsibility of the employee. FAR 1.602-3 defines the ratification process. Among other things, it requires that the resulting contract would otherwise have been proper if overseen by an appropriate contracting officer and that the price was fair and reasonable.

OIG initially alerted EAC management to this issue in December 2022 via Management Advisory 23-02, though at that time the extent of the issue was not known. In the advisory, OIG suggested that EAC take steps to ratify any unauthorized commitments. In the almost 5 months from the issuance of the advisory and the beginning of the audit, EAC had not identified the full population of contracts signed by the unauthorized employee. When EAC did provide a list of its internal procurements, it included only 20, while OIG's independent assessment identified 65. As of December 2023, EAC had ratified only one unauthorized commitment—for a FY 2020 contract worth \$100,000.

OIG believes that the remaining population of unauthorized commitments will be difficult to ratify because EAC has not finalized its standard operating procedure for the ratification of contracts. Also, the internal contracts were riddled with other issues, as discussed elsewhere in this report. Specifically, the use of noncompetitive awards (page 10) will make it difficult to assert that the contract prices were fair and reasonable.

OIG investigated this matter in January 2023 and found that the administrative officer signed the contracts because she thought she had the authority, given that the executive directors to which she reported had knowledge of the actions.⁶

The employee is no longer signing contracts. However, she maintains her role as the head of procurement and still performs many contracting functions, such as serving as COR on 68 percent of internal awards and preparing contracts for the executive director's signature.

Other EAC Employees Performed Contracting Officer Duties Without Authority

Under FAR 1.602-1, only contracting officers "have authority to enter into, administer, or terminate contracts and make related determinations and findings." However, EAC employees—who had not been delegated contracting authority and were not properly trained—performed contracting duties and presented themselves as contracting officers to EAC's vendors.

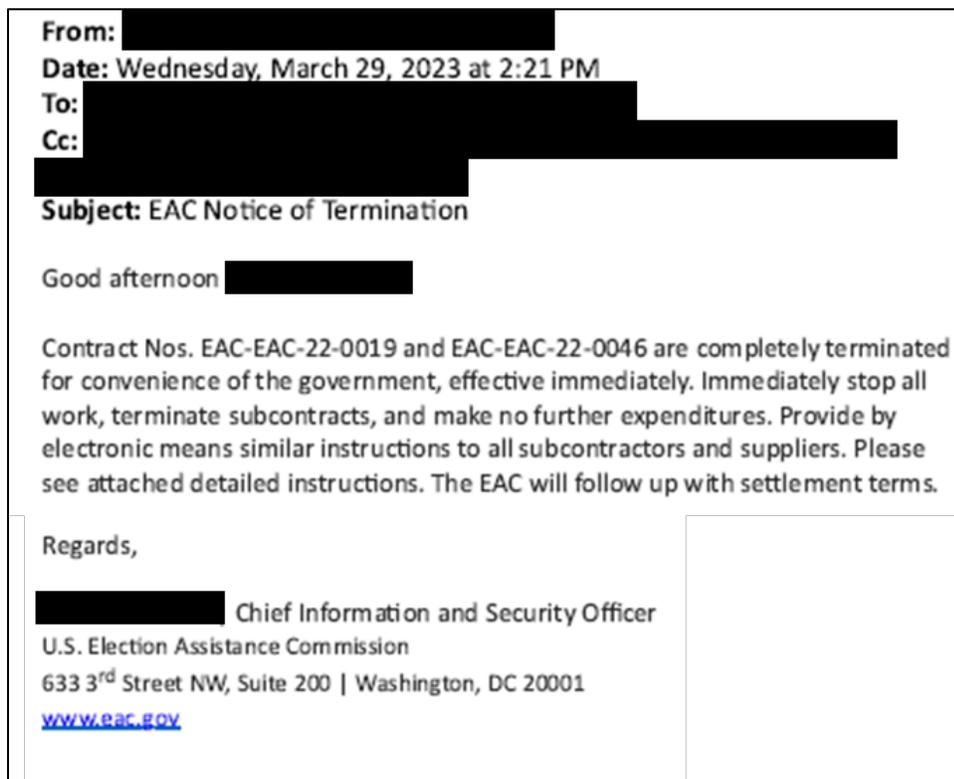
For example, in March 2023, the finance director signed a 6-month extension of a contract that provided EAC assistance with the administration of risk assessments and compliance with the Payment Integrity Information Act of 2019. Likewise, the chief information officer/chief information security officer

⁵ Training records indicate that this individual was trained only as a Level II contracting officer's representative and had not received required refresher training for that role. See additional discussion in the finding beginning on page 6.

⁶ [Summary of Investigation: Alleged Contract Fraud](#), January 10, 2023.

(CIO/CISO) accepted vendor quotes and emailed vendors to notify them that their contracts were terminated (as shown in Figure 1 below).

Figure 1. CIO/CISO’s notification to a vendor of contract terminations



These actions are problematic because they expose EAC and its employees to the risk of legal action from affected vendors. Furthermore, they may create a disconnect between the procurement and accounting processes that could lead to violations of the Antideficiency Act.⁷ For example, in November 2020, an employee in the IT department signed a purchase agreement for security services, while the related obligation of \$40,623 was not approved and made until July 2021. Had this delay crossed fiscal years or had the amount exceeded EAC’s available funds, an Antideficiency Act violation could have occurred.

EAC’s general lack of knowledge about federal acquisition regulations led to these faults. To its credit, EAC’s Office of General Counsel, on July 12, 2023, addressed this knowledge gap by putting forth a reminder to EAC staff members that they do not have contracting authority.

⁷ 31 United States Code, § 1341.

EAC Executive Directors Signed Almost \$3.4 Million In Contracts Without Experience and Training

The “authority and responsibility to contract for authorized supplies and services are vested in the agency head,”⁸ which for EAC is the chairperson.⁹ EAC’s chairperson, through its adoption of the *Election Assistance Commission Organization Management Policy Statement* on February 24, 2015, delegated the management of administrative matters—to include broad authority to manage EAC’s contracting functions—to the position of the executive director. And, high-level officials, such as the executive director, can be designated as a contracting officer solely by virtue of the position.¹⁰ With this authority—between October 1, 2019, and May 1, 2023—two of EAC’s executive directors signed contracts for internal procurements totaling almost \$3.4 million.

However, FAR 1.602-1(b) states that “[n]o contract shall be entered into unless the contracting officer ensures that all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances and approvals, have been met.” And, the contracts signed by the executive directors did not always meet these requirements. Figure 4, which begins on page 13, illustrates some of the issues identified.

The most recent executive director, who held the position from January 2023 to December 2023, said that he decided to sign contracts, rather than utilize BFS’ procurement services, because he wanted to execute them quickly, and BFS requires lead times ranging from 40 business days for a simplified acquisition up to 120 business days for a complex contract. When asked specifically about a \$1.5 million contract signed in May 2023, which was planned and executed in less than 3 months, the Office of the Executive Director responded in a 1-page memo that EAC did not use BFS’ procurement services, “primarily due to the time-sensitive and cost-saving nature of processing the action as soon as practical.”

FAR 7.104(b) warns officials to “avoid issuing requirements on an urgent basis or with unrealistic delivery or performance schedules, since it generally restricts competition and increases prices.”

Meanwhile, the executive director did not have the experience and training required of a federal contracting officer. The Office of Federal Procurement Policy (OFPP) within the Office of Management and Budget (OMB) sets the governmentwide standards for contracting officers, and FAR 1.603-1 requires that the appointment of contracting officers be done consistent with those standards. They currently require that a contracting officer have a minimum of 12 months of experience related to contracting, complete four core courses, receive a passing score on a contracting exam, and get 100 hours of continuous learning every 2 years.¹¹

During the audit, EAC’s executive director was in the process of trying to obtain procurement-related training; however, he noted that in his previous roles, he did not have much experience with contracting. He further explained that the contracts he signed were prepared by the administrative

⁸ FAR 1.601(a).

⁹ FAR 2.101 defines the head of the agency as “the Secretary, Attorney General, Administrator, Governor, Chairperson, or other chief official of an executive agency, unless otherwise indicated, including any deputy or assistant chief official of an executive agency.”

¹⁰ FAR 1.601(a).

¹¹ [Federal Acquisition Certification in Contracting \(FAC-C\) Modernization, January 19, 2023.](#)

officer, who functions as the head of procurement, and he signed them on her recommendation. The administrative officer lacks the experience and training required of a federal contracting officer, and OIG previously alerted EAC management to deficiencies in her work.¹²

A May 2023 memorandum from the acting general counsel, signed by the executive director, recommended that “No new contracting should occur until issues surrounding the process have been addressed and progress made to prevent . . . deficiencies.” However, EAC subsequently obligated over \$5.8 million in FY 2023 funds to internal procurements.

EAC Did Not Properly Designate or Train Contracting Officer’s Representatives

Contracting officers have authority to enter into, administer, or terminate contracts. They are responsible for ensuring compliance with the terms of the contract and safeguarding the interests of the federal government. CORs assist the contracting officers with the technical monitoring or administration of a contract.¹³ Commonly, they are responsible for monitoring contractor performance, serving as a technical liaison between the contractor and the contracting officer, and providing technical direction to the contractor. Duties include, but are not limited to, ensuring that deliverables are submitted as required and approving invoices for payment.

FAR requires contracting officers to designate and authorize a COR for contracts, in writing and in accordance with agency procedures, unless the contracting officer retains and executes the COR duties.¹⁴ This is done, in writing, using a COR Memo that details the role, specific authorities, responsibilities, and limitations required of the appointment. The EAC Procurement Handbook includes this requirement, along with a process for how CORs are chosen.

OIG reviewed the supporting documentation available for 65 internal procurements and found that EAC failed to provide evidence that it had designated a COR for 18 (28 percent) of the procurements. This is problematic because it leaves the contracting officer with all the technical monitoring and contract administration responsibilities, and it is unlikely that the same individual would possess both a sufficient level of FAR knowledge and technical competency in the contracted subject area, whether it is election-specific or not.

In the remaining 47 instances (72 percent), EAC designated a COR, but failed to utilize a COR Memo to provide authorization. COR Memos are important to ensure that CORs are aware of their responsibilities. For example, one EAC COR who was designated as COR on three internal procurements reported that she did not know which ones she was officially assigned to, given the ad hoc requests coming from the administrative officer that touched upon a much wider set of procurements.

OIG also found that EAC did not formally reassign alternate COR (ACOR) duties on most contracts when the designated ACOR resigned from the Commission. This is an issue because contractors need to have accurate contact information to discuss technical or administrative matters.

¹² [Management Advisory 23-02: Procurement and Contracting Practices, December 21, 2022.](#)

¹³ FAR 1.604.

¹⁴ FAR 1.602-2(d) does not require a COR assignment for firm-fixed price contracts unless it would be appropriate to do so. While most EAC contracts are firm-fixed price, OIG concludes that assignment of a COR is appropriate for most EAC contracts given factors such as the specialized nature of the deliverables and the lengthy periods of performance.

Additionally, OIG found that EAC named the same individual as the COR on 44 of 65 internal procurements (68 percent). This individual also served as the administrative officer, acting as head of procurement, human resources, travel, and other functions. It is improbable that she would have had the time and knowledge to complete COR duties effectively. For example, it is unlikely that she would know which deliverables to accept from a technical standpoint or have time to monitor contractors' performance.

Moreover, individuals acting in the COR capacity were not properly trained. FAR 1.602-2(d)(3) states that CORs must have "experience commensurate with the responsibilities to be delegated." OFPP sets the governmentwide standards for CORs. Those standards define three levels of CORs—Level I for low-risk contracts such as supply contracts and orders, Level II for contracts of moderate to high complexity, and Level III for contracts of moderate to high complexity that require significant acquisition investment.¹⁵ EAC does not have criteria to determine the level of COR that should be assigned to each contract, but OIG assessed most EAC contracts as Level I or Level II, with all CORs assigned to what would be Level II contracts. OFPP's Level II requirements include 40 hours of training and 1 year of experience at Level I. Also, every 2 years, 40 hours of refresher training are required.

A review of training records showed that the administrative officer, acting as head of procurement, had not received her 40 hours of COR refresher training in the last 2 years, and that another COR had been denied Level II training by her supervisor. A COR who recently departed the Commission was only certified to work on Level I contracts.

Strengthening the COR function is critical to ensure that contractors are fulfilling their commitments. It will require training, selecting the right individuals, ensuring the individuals understand the importance of their role, providing individuals adequate time and resources to perform their COR duties, and building a culture of effective collaboration and communication for all those involved in EAC's internal procurement process.

EAC Does Not Have an Acquisition Planning Process

FAR Subpart 7.1 outlines agencies' responsibilities for acquisition planning. It says that acquisition planning should begin "as soon as the agency need is identified, preferably well in advance of the fiscal year in which contract award or order placement is necessary" and include a team from across business units like procurement, finance, legal, and program.¹⁶ It goes on to say that officials "should avoid issuing requirements on an urgent basis or with unrealistic delivery or performance schedules, since it generally restricts competition and increases prices."¹⁷

EAC does not have such an acquisition planning process. While EAC officials said funds for projects are allocated in advance, the administrative officer said that the procurement process is initiated when someone, primarily the executive director or an employee from a program office, approaches her with a request.

¹⁵ [Revisions to the Federal Acquisition Certification for Contracting Officer's Representatives \(FAC-COR\), September 6, 2011.](#)

¹⁶ FAR 7.104(a).

¹⁷ FAR 7.104(b).

This lack of acquisition planning makes it difficult to execute proper contracts in the timeframe needed. In fact, over half of EAC's internal procurements occurred in the last month of the fiscal year, presumably to make use of expiring funds. The lack of a planning process is also the likely reason that EAC officials place such an emphasis on the speed of a procurement—their reason for executing contracts internally in the first place.

In response to OIG's prior oversight work, EAC has started to use BFS for procurements that were historically conducted internally. However, this has not resolved EAC's need for better acquisition planning. Many procurement requirements, such as those for telecommunications services, are known to the Commission at the outset of the fiscal year, and program staff report that other FY 2023 requirements were given to the administrative officer by spring. However, procurement staff reported that the department head asked them to draft and submit 12 statements of work in a single day in July to meet BFS' fiscal year-end deadline. Reportedly, to meet the quick deadline, staff were directed to use vendor quotes to prepare statements of work for these solicitations, which could lead to the undue selection of a particular bidder. Then, because of the volume and late timing of the requisitions, program staff were urged to hold a dozen award kick-off meetings in the last 2 weeks of the fiscal year. In another example, staff reported that poor planning resulted in a lapse in website support services. And, in another instance, EAC staff were incorrectly told by the administrative officer that they could continue using a vendor for needed services even though the period of performance for that vendor's contract had ended.

EAC Lacked an Effective System of Internal Control

According to federal standards for internal control in the government, management is responsible for designing policies and procedures to fit an entity's circumstances and for integrating them into the entity's operations. Management must also monitor the design and effectiveness of its internal controls to identify issues and remediate deficiencies on a timely basis.

Policies and Procedures. The EAC Procurement Handbook has not been updated in over 5 years—since March 2018. Procurement staff proposed changes to the handbook in October 2022, but did not receive a response after it was sent to the administrative officer for review.

As such, the handbook contains outdated information. For example, it references outdated thresholds for micro-purchases and simplified acquisitions. However, the handbook requires more than just a refresh. It is also missing key elements that EAC officials need to handle contracting actions effectively. For example, it does not include policy language related to contract execution items like ensuring the appropriate clauses are included in the contract. It also fails to address the accounting for and reporting of internal procurements.

EAC's Compliance Officer reports that he is currently working on handbook updates.

Monitoring. EAC officials did not maintain contract or COR files to allow for the monitoring of acquisition activity. According to the administrative officer, most contract files were kept in her email inbox.

In addition to being a poor internal control practice, this also violates FAR Subpart 4.8, which states that contract files should be maintained at organizational levels that ensure "[r]eady accessibility to principal users" and with sufficient documentation "to constitute a complete history of the transaction." Records

normally contained in the file include justifications and approvals, government estimates, evidence of the availability of funds, and more. FAR 1.604 contains an additional requirement for CORs—to maintain a file for each assigned contract that includes documentation of any related actions they have taken.

The lack of contract and COR files also impacted the audit, with EAC taking months to provide requested documentation to OIG. Excessive delays in auditors' access to relevant documentation leads to incomplete, inaccurate, or delayed reporting. This deprives stakeholders of timely information about EAC's performance and limits EAC's ability to address serious problems in a timely manner.

Similar internal control deficiencies were identified in *Audit of U.S. Election Assistance Commission's Acquisition and Procurement of Goods and Services*,¹⁸ published in September 2013. The report concludes that EAC had failed to assess procurement risks and conduct periodic internal control reviews of the procurement process, as required by the Federal Managers Financial Integrity Act of 1982. At that time, EAC agreed to create a repository of internal control review documentation that would reside outside of individual staff files, but there was no evidence of such a system in place during the scope of the current audit. However, we acknowledge that EAC did recently hire a specialist to assist with records management.

EAC Did Not Have Proper Contracts to Support Obligations

When EAC uses internal resources to execute a contract, it must manually obligate the funds via a manual obligation request (MOR) to BFS, whose finance team records the transaction in EAC's accounting system. The MOR must be signed by an authorized individual, such as the executive director or the finance director, and be supported by a contractual obligating document that EAC retains.

OIG identified a total of 65 procurement-related obligations made by EAC from October 1, 2019, to May 1, 2023, and asked EAC to provide contractual documents supporting those obligations. EAC was able to provide at least one document to support all 65 obligations. However, the support provided was not always appropriate for the type of procurement. Specifically:

- 3 of 65 MORs were supported only by invoices. This is problematic because all expenditures, no matter the value, should be approved in advance to ensure that funds are available. In an egregious example of this, EAC supported a \$116,302 obligation for internet services with a \$90,594 invoice. The invoice was dated August 2022 and included past due amounts dating back to the previous January.
- 20 of 65 MORs were supported by Optional Form 347 – Order for Supplies and Services, and either a contractor proposal or estimate, or a simple statement of work. Using this form as a contractual obligating document is problematic because it does not require a contractor's signature. In one example, a \$563,655 obligation for a portal, business analytics, and intelligence data project had no evidence of the contractor's acceptance of the terms. Under FAR 13.004, a quotation is not an offer and, consequently, cannot be accepted by the government to form a binding contract. Therefore, issuance of an order in response to a quotation does not establish a contract. The order is an offer by the government to the supplier to buy certain supplies or services upon specified terms and conditions. A contract is established when the supplier accepts the offer.

¹⁸ *Audit of U.S. Election Assistance Commission's Acquisition and Procurement of Goods and Services* ([I-PA-EAC-03-12](#), September 2013).

- 14 of 65 MORs were supported by only contractor proposals or estimates, or a simple statement of work. In addition to failing to meet the definition of a contract under FAR 13.004, these documents were often not signed or complete. For example, a \$345,000 obligation for election cybersecurity training was supported by a statement of work that was not signed by either party and failed to include contract clauses required under FAR.
- 1 of 65 MORs was supported by a nonstandard contract that was not appropriately thorough. For example, the \$81,000, March 2020, contract for grant technical assistance said that payment would be made “upon the completion and submission of each pre-approved deliverable” and then failed to list any deliverables.

Additionally, while 27 of 65 MORs were supported by forms prescribed for use in FAR—either Standard Form 1449 – Solicitation/Contract/Order for Commercial Products and Commercial Services or Standard Form 30 – Amendment of Solicitation/Modification of Contract—EAC did not provide evidence that the contracts were based on market research, or that they met the Commission’s needs in terms of functions to be performed, performance required, or essential physical characteristics.

Additionally, the contracts often failed to include the appropriate FAR provisions and clauses. OIG evaluated 15 contracts, 9 of which were executed using a proper form, to see if they included 7 required clauses, and found:

- All 15 were missing clause FAR 52.204-24, *Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment*.
- All 15 were missing clause FAR 52.204-26, *Covered Telecommunications Equipment or Services-Representation*.
- All 15 were missing clause FAR 52.216-24, *Limitation of Government Liability*.
- All 15 were missing clause FAR 52.225-25, *Prohibition on Contracting With Entities Engaging in Certain Activities or Transactions Relating to Iran – Representation and Certifications*.
- 12 of 15 (80 percent) were missing clause FAR 52.223-18, *Encouraging Contractor Policies to Ban Text Messaging While Driving*.
- 12 of 15 (80 percent) were missing clause FAR 52.225-13, *Restrictions on Certain Foreign Purchases*.
- 6 of 15 contracts (40 percent) were missing clause FAR 52.204-25, *Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment*.

Contract clauses are important because they define the rights and obligations of the parties in a contract.

EAC Did Not Justify Sole-sourced Procurements

While Section 205(e) of HAVA exempts the Commission from having to advertise its purchases, EAC’s procurement policy states that the Commission will follow FAR for its acquisitions. FAR Subpart 6.1

prescribes that agencies promote and provide for full and open competition, except in certain limited exceptions. Circumstances that could allow for an exception include, for example, when the required supplies or services are available from only one source, when the source is required by statute, or when national security would be compromised by not limiting the sources. When an exception is invoked, it needs to be justified, in accordance with FAR 6.303-6.305. At minimum, the justification needs to be in writing, accurately and completely describe the reason for the sole source, and be approved by a contracting officer. To that end, the EAC Procurement Handbook requires some level of competition, or justification for use of a sole source, for any procurement over \$3,500.

OIG asked EAC’s administrative officer if the Commission uses full and open competition for its internal procurements, and she responded that program offices were responsible for performing market research and justifying any reasons to limit competition. Primarily, she said, the support would be found via email. To test the accuracy of these statements, OIG judgmentally selected eight recent, high-value procurements (see Figure 2 below) and requested the support. EAC did not provide any responsive documents.

Figure 2. Procurements sole-sourced without justification

#	Description of Goods/Services Procured	Award Date	Total Value
1	Series of three voting-related studies	September 27, 2022	\$353,220
2	Development of a resource and collaboration clearinghouse	March 9, 2023	\$968,000
3	Update of human resources and records management policies and procedures	September 30, 2022	\$100,733
4	Hotel and meeting space for a Standards Board Meeting	April 16, 2023	\$198,924
5	Hotel and meeting space for a Board of Advisors Meeting	April 23, 2023	\$120,198
6	Communications consulting services	March 10, 2023	\$660,000
7	Website design, hosting, and server support	September 30, 2022	\$574,854
8	Development of an election management portal	September 30, 2021	\$563,655

According to the Procurement Handbook, the goal of the Commission’s procurement process is to “deliver the best value product or service to the customer, while maintaining the public’s trust.” However, EAC officials provided no evidence that they assessed whether the Commission’s requirements could be met by another source, justified the need to use a particular contractor, or identified an unusual or compelling urgency.

EAC Did Not Complete Required Contractor Performance Evaluations

FAR Subpart 42.15 provides policies and establishes responsibilities for recording and maintaining contractor performance information, such as whether a contractor conformed to the standards of good workmanship and adhered to schedules. Past performance evaluations must be prepared at least annually and when work is completed, and evaluations should be entered into the government’s Contractor Performance Assessment Reporting System (CPARS).¹⁹ When procurements are done through BFS, the responsible parties are notified when performance information is due.

¹⁹ FAR 42.1502(a).

However, EAC officials failed to complete past performance evaluations for contractors associated with internal procurements or keep any notes on contractor performance. Since officials throughout the government are instructed to use multiple sources of information, including CPARS, when making award decisions, the quality and timely reporting of performance information is vital.

Additionally, the lack of documented performance evaluations—coupled with insufficiently detailed contract deliverables—has hampered the Commission’s ability to hold contractors accountable. When asked if EAC had ever experienced poor performance on any of its internal contracts, the administrative officer said they had experienced performance issues with a contractor tasked with creating an election management portal. EAC ultimately terminated two of the contractor’s three awards, but had to do so for the government’s convenience rather than for cause because the threshold for cause could not be met. The resulting settlement included \$262,732 for the termination of the contracts, which could have been put to better use.

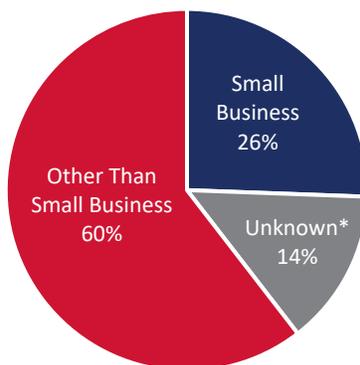
A \$262,732 settlement for the termination of two contracts could have been put to better use.

EAC Did Not Set Aside Contracts for Small Businesses

It is the policy of the federal government “to provide maximum practicable opportunities in its acquisitions to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.”²⁰ In line with this, FAR 13.003 generally requires that acquisitions of supplies or services that have an anticipated dollar value under \$250,000 are set aside for small business concerns. The EAC Procurement Handbook, referring to older versions of FAR, requires EAC to set aside purchases from \$3,500 to \$150,000.

EAC officials, meanwhile, did not set aside any of its internal acquisitions for these groups. OIG reviewed the vendors with whom EAC had done business and found low usage of these groups, as shown in Figure 3 below. Meanwhile, as of August 1, 2023, over 75 percent of EAC’s contracts awarded through BFS were awarded to small businesses.²¹

Figure 3. EAC’s Use of Small Business Vendors for Internal Procurements



* OIG could not determine whether these vendors were small businesses because it was not always provided with contracts that list vendors’ NAICS codes. The NAICS is needed to accurately look up a vendor’s registration information.

²⁰ FAR 19.201.

²¹ This figure includes procurements done by BFS on behalf of the Office of Inspector General.

Figure 4. Examples of Contracts Signed by the EAC Executive Directors That Did Not Comply with FAR

\$1.5 MILLION CONTRACT FOR THE IMPLEMENTATION OF A CASE MANAGEMENT SYSTEM (APRIL 2023)

During the audit, the EAC Office of the Executive Director provided a memorandum to OIG to explain that this contract for a case management system was done internally “primarily due to the time-sensitive and cost-saving nature of processing the action as soon as practical.” In fact, the executive director identified the need for this system and executed the contract in less than 3 months. This quick acquisition timeframe is a likely reason that OIG identified several issues with the resulting project.

Specifically, key stakeholders were excluded from the acquisition planning process and, as a result, the executive director failed to identify that the system, which would be used to manage grants, was not approved by the Grants Quality Service Management Office as a federal grant management system. The approval process is taking time and resources from an already understaffed EAC grants team. Additionally, the excluded stakeholders did not find the executive director’s system implementation timeframe reasonable when they learned of it. While the system was ultimately implemented on the executive director’s schedule—by October 1, 2023—officials report that the system continues to lack key functionality required to administer grants efficiently and effectively. And, because the contract is not sufficiently detailed, EAC has little recourse to require improvements or request ongoing support.

OIG also notes that the project was awarded as a sole-sourced contract, without written justification, to a vendor with whom the executive director had worked in a previous role; the contract did not include 6 of 7 required clauses for which OIG tested; and a COR Memo was not used to delegate technical and administrative responsibilities for the award, with the assigned COR telling OIG she knows very little about the project and has no point of contact with the vendor.

\$81,000 CONTRACT FOR TECHNICAL ASSISTANCE FOR GRANTS (MARCH 2020)

This March 2020 contract was awarded to a small business for grant technical assistance. However, there is no evidence that EAC performed market research, set aside the contract for a small business, or solicited proposals to identify the most qualified contractor.

Moreover, the contract failed to identify a COR, meaning that the executive director would have been responsible for assessing the contractor’s performance and approving invoices. The contract did not include any clauses or provisions required by FAR. And, the contract said that payment would be made “upon the completion and submission of each pre-approved deliverable” while failing to list any deliverables.

\$198,924 CONTRACT FOR THE STANDARDS BOARD MEETING HELD IN PHOENIX, ARIZONA (MARCH 2023)

EAC did not plan appropriately for the procurement of hotel rooms, event space, refreshments, and other support. Despite knowing the date of the planned Standards Board meeting well in advance, EAC's administrative officer created a procurement requisition with BFS for this contract on February 24, 2023, which was less than 2 months before the period of performance began. Since this was not a reasonable amount of time to perform a proper procurement that also met EAC's specifications, the administrative officer cancelled the requisition, and the executive director procured the goods and services using internal processes that violated FAR:

- The contract was sole sourced without justification.
- The contract did not include 5 of 7 required clauses for which OIG tested.
- The contract was not set aside for a small business, as it should have been based on the dollar value.
- A COR Memo was not used to delegate technical and administrative responsibilities.

Additionally, costs were incurred under this contract without appropriate policies and procedures to ensure the federal regulations were followed and costs were minimized. Refer to OIG's *Management Advisory 23-03: FACA Board Spending* for additional discussion.

\$330,000 TO EXTEND PREVIOUSLY CONTRACTED COMMUNICATIONS CONSULTING SERVICES (MARCH 2023)

This contract modification continued use of a sole-sourced, communications contractor that was in place prior to the most recent executive director's arrival. However, the modification did materially increase the total contract value, and therefore a competitive process for obtaining these services should have been considered. A competitive process was likely prudent given that the contract is with a firm led by a politically-connected individual—which opens EAC to scrutiny and has potentially limited the ability to reach media outlets associated with the other party, in addition to complicating efforts to ensure the Commission's work products are nonpartisan.

Additionally, this contract is fixed price but fails to list specific deliverables that the contractor is required to complete. This makes it impossible to assess whether the government is receiving the best value from this contract. And, while the contract lists a COR, there is no COR Memo to delegate the related technical and administrative responsibilities.

\$2,488 TO MODIFY A CONTRACT FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT IN EAC'S NEW OFFICE (JUNE 2023)

This June 2023 modification to a contract for the purchase and installation of equipment in EAC's new office was written to revise the bill of materials, provide additional funding, and raise the total contract value. However, the period of performance for the original firm, fixed-price contract had ended in September 2022—almost 6 months earlier. As such, there was not a valid contract to extend.

EAC Did Not Comply with The Digital Accountability and Transparency Act of 2014

The DATA Act was enacted to increase accountability and transparency in federal spending. Sections 2, 3(a), and 3(b) of the DATA Act require that funds made available to a federal agency be posted to USASpending.gov.

Procurement data is fed to USASpending.gov by a system called the Federal Procurement Data System (FPDS). FPDS is the federal government's repository for information on contracts. It collects contract data from executive branch agencies and can be used to track small business goals, report numbers, amounts of contracts, geographical locations of contracts, and contract data for each contractor, among other things.

Under FAR 4.604, the senior procurement executive, in coordination with the head of procurement, is responsible for developing and monitoring a process to ensure timely and accurate reporting of contractual obligations to FPDS. When asked, EAC's administrative officer, who functions as the head of procurement, did not know what FPDS was. When provided a description, she said she thought BFS would report procurement information for EAC, until the finance director recently told her otherwise.

When OIG searched USASpending.gov, none of EAC's internal procurement information was included. The amount reported for the period under audit should have included at least \$14.7 million in obligations.

With the lack of transparency caused by EAC's failure to record internal procurement data, EAC has protected itself from the scrutiny of stakeholders but does not meet the goals of good government and transparency.

Recommendations

In November 2023, *Audit of the U.S. Election Assistance Commission's Financial Statements for Fiscal Year 2023* identified a significant deficiency in EAC's internal controls related to procurement.²² In response, three recommendations were made to EAC management:

1. Utilize a contracting officer(s), such as their designated service provider, to enter into all new contracts on behalf of EAC.
2. Review all current open obligations and identify all contracts entered into without proper authorization and have the EAC and/or service provider contracting officer ratify the contracts. Ensure that the authorization is properly documented.
3. Ensure that all signed contracts are appropriately retained by EAC and or their service provider.

These recommendations remain open. As the result of additional work performed in this audit, OIG recommends that EAC management:

1. Assess the risk associated with executing procurements over \$10,000 internally and determine if the Commission will continue the practice currently in place.
2. Separate the head of procurement position from human resources and administration and fill the position with an individual who has the appropriate knowledge, skills, and experience for the role, if EAC determines that they will continue the practice of executing procurements internally.
3. Perform a risk assessment of all nonexpired internal procurements and determine which, if any, should be re-awarded using competitive procedures.
4. Update the EAC Procurement Handbook to reflect current requirements in the Federal Acquisition Regulation.
5. For EAC program offices that routinely contract for goods or services, designate one or more contracting officer's representatives, and provide training to them that meets the requirements set forth by the Office of Federal Procurement Policy.
6. Issue letters of delegation to contracting officer's representatives assigned to work on all nonexpired internal contracts.
7. For each nonexpired internal contract that names a former employee as the alternate contracting officer's representative, modify the contract to name a current contracting officer's representative.
8. Implement an acquisition planning process for the Commission.
9. Create contract files containing required information for all nonexpired internal contracts.

²² *Audit of U.S. Election Assistance Commission's Financial Statements for Fiscal Year 2023* ([F23HQ0044-24-02](#), November 2013).

10. Complete contractor performance evaluations for all nonexpired internal contracts.
11. Record the required procurement information for all nonexpired internal contracts in the Federal Procurement Data System.
12. Implement a process to ensure timely and accurate reporting of contractual obligations to the Federal Procurement Data System.

OIG additionally recommends that the EAC chairperson:

13. Rescind contracting authority from the executive director position until the individual in the position meets the requirements of the Federal Acquisition Certification in Contracting (FAC-C) Program set by the Office of Federal Procurement Policy.

Evaluation of Management Comments

We provided our draft report to EAC on December 20, 2023. On January 22, 2024, we received their response, which is included in Appendix B of this report.

The report included 13 recommendations, and we acknowledge management decisions on all of them. Recommendation 1 is closed upon report issuance and the remainder are open pending completion of planned activities. Our detailed evaluation of management comments follows.

Recommendation 1. EAC agreed with this recommendation and, after assessing the risk associated with executing procurements over \$10,000 internally, has determined that the practice is necessary. EAC will hire a full-time Procurement Manager to mitigate identified risks. OIG considers this recommendation closed upon issuance of the report.

Recommendation 2. EAC agreed with this recommendation and will hire a Procurement Manager that is supervised by the General Counsel to lead procurement activities. Target date for completion is March 2024.

Recommendation 3. EAC agreed with this recommendation and will review and re-award contracts, as necessary. Target date for completion is December 2024.

Recommendation 4. EAC agreed with this recommendation and will update the EAC Procurement Handbook. Target date for completion is September 2024.

Recommendation 5. EAC agreed with this recommendation and will designate contracting officer's representatives for program offices that routinely contract for goods and services. Target date for completion is June 2024.

Recommendation 6. EAC agreed with this recommendation and will issue letters of delegation to contracting officer's representatives assigned to work on all nonexpired internal contracts. Target date for completion is June 2024.

Recommendation 7. EAC agreed with this recommendation and will modify contracts, as necessary, to name a current contracting officer's representative. Target date for completion is June 2024.

Recommendation 8. EAC agreed with this recommendation and is working to implement an acquisition planning process. Target date for completion is September 2024.

Recommendation 9. EAC agreed with this recommendation and will create contract files containing required information for all nonexpired internal contracts. Target date for completion is June 2024.

Recommendation 10. EAC agreed with this recommendation and will complete contractor performance evaluations for all nonexpired internal contracts. Target date for completion is September 2024.

Recommendation 11. EAC agreed with this recommendation and will record the required procurement information for all nonexpired internal contracts in FPDS. Target date for completion is December 2024.

Recommendation 12. EAC agreed with this recommendation and will implement a process to ensure timely and accurate reporting of contractual obligations to FPDS. Target date for completion is December 2024.

Recommendation 13. EAC has had turnover in the executive director position since the issuance of the draft report. Accordingly, OIG has updated references to this position throughout the report, including the language in Recommendation 13. EAC agreed with the recommendation in the draft report and will delegate contracting authority to a Procurement Manager. With this planned action, as well as other planned actions outlined by EAC, OIG agrees with management's decision. Target date for completion is March 2024.

The report also referenced three open recommendations from the *Audit of the U.S. Election Assistance Commission's Financial Statements for Fiscal Year 2023*. We acknowledge the updated management decisions on these recommendations.

Appendix A. Scope and Methodology

Scope

The objectives of the audit were to determine whether EAC complied with selected requirements of the Federal Acquisition Regulation and selected provisions of the Digital Accountability and Transparency Act of 2014. Audit fieldwork was conducted from May 2023 to December 2023.

The audit scope focused on procurements where EAC obligated funds from FY 2020 to May 1, 2023, which exceeded FAR's micro-purchase threshold (\$10,000) and were not executed by a contracting officer from the U.S. Department of the Treasury's Bureau of the Fiscal Service (BFS). This included 65 procurements, totaling \$14.7 million.

OIG initially focused its audit on the following FAR parts and subparts:

- Subpart 1.6 – Career Development, Contracting Authority, and Responsibilities
- Subpart 4.1 – Contract Execution
- Subpart 4.8 – Government Contract Files
- Part 6 – Competition Requirements
- Part 7 – Acquisition Planning
- Part 11 – Describing Agency Needs

These regulations were selected because they represent requirements that cut across a wide variety of procurements. OIG consulted additional parts and subparts of FAR as the need arose.

The selected provisions of the Digital Accountability and Transparency Act of 2014 were 2, 3a, and 3b. These were selected because they lay forth the requirements for disclosing expenditures and linking contract spending to programs to enable taxpayers and policy makers to track spending effectively.

We also considered the extent to which internal controls impacted EAC's procurement activities and followed up on the recommendations made in the September 2013 report *Audit of U.S. Election Assistance Commission's Acquisition and Procurement of Goods and Services*.²³

Methodology

EAC OIG conducted this performance audit 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 in accordance with our audit objective. We believe that the evidence obtained provides that reasonable basis.

In planning and performing the audit, we first obtained an understanding of EAC's procurement processes and history by reviewing the EAC Procurement Handbook and conducting interviews with EAC officials. We compared EAC's handbook to FAR and identified discrepancies between the handbook and common practice.

²³ *Audit of U.S. Election Assistance Commission's Acquisition and Procurement of Goods and Services* ([I-PA-EAC-03-12](#), September 2013).

We then used accounting records to identify the population of internal procurements and requested supporting documentation regarding those officials who worked on the procurement and the solicitation, execution, and administration of the award. Using that population, we tested the selected provisions of FAR and the DATA Act.

Most tests were conducted on 100 percent of the population. However, as necessary, we used judgmental sampling to support our conclusions. Therefore, we do not extrapolate the results of these samples to the total population.

Appendix B. Management Comments



U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

DATE: January 22, 2024
TO: Brianna Schletz, U.S. EAC Inspector General
FROM: Jessica Bowers, U.S. EAC Acting Executive Director
RE: Response to Inspector General’s Audit of the U.S. Election Assistance Commission’s Internal Procurements

The Commission is thankful to the Inspector General for this review. The Inspector General has effectively identified areas for the Commission to strengthen operations. The Help America Vote Act provides the Commission the ability to process contracts internally, which has allowed the Commission to better serve stakeholders and meet its mission of providing assistance to election officials and voters. As the audit report notes, the Commission has added staff over the past several years. This staff includes a Field Services Program staff, Election Supporting Technology Evaluation Program (ESTEP) staff, Grants staff, and additional Subject Matter Experts. These additions were made with the intent of providing further assistance to stakeholders during the COVID-19 Pandemic, during the 2020 Presidential Election Cycle, and in preparation for the 2024 Election Cycle.

The Commission agrees that additional skilled staff are needed to ensure procurement operations comply with federal regulations. Previously, the Commission prioritized staffing to support the clearinghouse, certification, and grants resources. As noted in the audit report, the Commission has experienced fluctuations in funding levels. The Commission has also experienced delays in annual funding based on Continuing Resolutions, leaving limited time to execute spending. Finally, increased interest in the integrity and security of elections and election technology requires that the EAC be agile and produce resources as required. The Commission has experienced difficulties in utilizing its contracted federal service providers fully given the necessary timelines for procurements. To address these difficulties, the Commission is posting a position for a Procurement Manager with a contract officer warrant and hopes to fill that position soon.

This memorandum provides written responses to the draft report for the Office of the Inspector General’s Audit of the U.S. Election Assistance Commission’s Internal Procurements. Each recommendation is individually addressed, and the Commission is actively working to close each recommendation.

Recommendations from the Audit of the U.S. Election Assistance Commission’s Financial Statements for Fiscal Year 2023

1. Utilize a contracting officer(s), such as their designated service provider, to enter into all new contracts on behalf of EAC.

The Commission is posting a position for, and intends to hire, a Procurement Manager with a contract officer warrant. The Commission expects this to be completed by the end of Q1, CY2024. Contract activities that exceed the capacity of the EAC's internal resources will make use of its contracted federal service provider.

2. Review all current open obligations and identify all contracts entered into without proper authorization and have the EAC and/or service provider contracting officer ratify the contracts.

The Office of General Counsel (OGC) will undertake a review of contracts and ensure that necessary contracts are ratified by the onboarded Procurement Manager. OGC has also prepared a draft Standard Operating Procedure (SOP) for the ratification of contracts. The SOP will be finalized with the onboarded Procurement Manager and prior to ratification of contracts. The Commission expects to have a final Standard Operating Procedure by the close of Q2, CY2024. The Commission expects to have contracts reviewed and ratified by the close of Q4, CY2024.

3. Ensure that all signed contracts are appropriately retained by EAC and or their service provider.

The EAC Records Management Specialist will work with the onboarded Procurement Manager to ensure contracts are appropriately retained.

Recommendations from the Audit of the U.S. Election Assistance Commission's Internal Procurements

1. Assess the risk associated with executing procurements over \$10,000 internally and determine if the Commission will continue the practice currently in place.

The Commission, in consultation with OGC and the Acting Executive Director, has assessed the risk of continuing internal procurements. The Commission has determined that this practice is necessary to maintain the flexibility provided by the Help America Vote Act. The Commission has determined that, with a full-time Procurement Manager and updated operating procedures, identified risks can be effectively mitigated.

2. Separate the head of procurement position from human resources and administration and fill the position with an individual who has the appropriate knowledge, skills, and experience for the role, if EAC determines that they will continue the practice of executing procurements internally.

The Procurement Manager will lead procurement activities and personnel once onboarded. The Procurement Manager will be supervised by the General Counsel but will not need General Counsel approval on procurement decisions.

3. Perform a risk assessment of all nonexpired internal procurements and determine which, if any, should be re-awarded using competitive procedures.

OGC will undertake a review of contracts and provide a report to the onboarded Procurement Manager for further disposition. The Commission expects to have contracts reviewed and re-awarded, as necessary, by the end of Q4, CY2024.

4. Update the EAC Procurement Handbook to reflect current requirements in the Federal Acquisition Regulation.

OGC has initiated a draft update to the EAC Procurement Handbook. The Commission expects to have a revised Handbook reviewed and approved no later than Q3, CY2024.

5. For EAC program offices that routinely contract for goods or services, designate one or more contracting officer's representatives, and provide training to them that meets the requirements set forth by the Office of Federal Procurement Policy.

The EAC Procurement Manager shall supervise contracting officer representatives and assign them to program offices that routinely contract for goods or services. The Commission expects that these designations will be made by the close of Q2, CY2024.

6. Issue letters of delegation to contracting officer's representatives assigned to work on all nonexpired internal contracts.

The EAC Procurement Manager shall supervise contracting officer representatives. The Commission expects that these delegations will be made by the close of Q2, CY2024.

7. For each nonexpired internal contract that names a former employee as the alternate contracting officer's representative, modify the contract to name a current contracting officer's representative.

The Commission expects that these modifications will be made by the close of Q2, CY2024.

8. Implement an acquisition planning process for the Commission.

The Commission has undertaken a consultation with the Office of Personnel Management (OPM) Process & Performance Improvement Program to map out an acquisition planning process for Federal Advisory Committee meetings. The Commission expects to have a draft process by April 2024. The Commission will update that planning process for all acquisitions made by the Commission and incorporate changes to the Procurement Handbook by the end of Q3, CY2024.

9. Create contract files containing required information for all nonexpired internal contracts.

The Commission expects that this process will be completed by the close of Q2, CY2024.

10. Complete contractor performance evaluations for all nonexpired internal contracts.

The Commission expects that this process will be completed by the end of Q3, CY2024.

11. Record the required procurement information for all nonexpired internal contracts in the Federal Procurement Data System.

The Commission expects that this process will be completed by Q4, CY2024.

12. Implement a process to ensure timely and accurate reporting of contractual obligations to the Federal Procurement Data System.

The Commission expects that this process will be completed by Q4, CY2024.

13. Rescind the executive director's contracting authority until s/he meets the requirements of the Federal Acquisition Certification in Contracting (FAC-C) Program set by the Office of Federal Procurement Policy.

The Commission intends to delegate contracting authority to the onboarded Procurement Manager by the end of Q1, CY2024.

The Commission is grateful for the work of the Inspector General in identifying necessary areas of improvement as the EAC continues to add capacity to strengthen its support to the critical work of the election community. As noted in the responses to each recommendation, the Commission is implementing plans to establish a formalized procurement division, headed by a warranted contracting officer and to add further structure and standardization to its operating procedures. With the assistance of the audit finding recommendations, the Commission looks forward to improving its operations.

Sincerely,



Jessica Bowers

EAC Acting Executive Director



Visit our website at oig.eac.gov.

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Office of Inspector General
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Report Waste, Fraud, and Abuse
eacoig@eac.gov | [Online Complaint Form](#)