



441 G St. N.W.  
Washington, DC 20548

October 17, 2016

The Honorable Ron Johnson  
Chairman  
The Honorable Thomas R. Carper  
Ranking Member  
Committee on Homeland Security  
And Governmental Affairs  
United States Senate

The Honorable Michael McCaul  
Chairman  
The Honorable Bennie G. Thompson  
Ranking Member  
Committee on Homeland Security  
House of Representatives

## **U.S. Customs and Border Protection: Contracting for Transportation and Guard Services for Detainees**

The Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) is the lead federal agency charged with keeping terrorists and their weapons, criminals and their contraband, and inadmissible aliens out of the country. Within CBP, the Office of Field Operations (OFO) inspects individuals at designated U.S. ports of entry (ports) to determine their admissibility to the country and the U.S. Border Patrol (Border Patrol) interdicts and apprehends aliens between ports.<sup>1</sup> During fiscal year 2015, Border Patrol apprehended 331,333 aliens across its nine southwest border sectors, accounting for 98 percent of Border Patrol's total apprehensions in all 20 of its sectors.<sup>2</sup>

Border Patrol and OFO can detain apprehended or inadmissible aliens at Border Patrol stations and ports in order to process them and determine additional courses of action, such as transfers to a court, a local jail, or U.S. Immigrations and Customs Enforcement (ICE) detention facilities, or for release or admission. Thus, CBP coordinates the security, monitoring and movement of apprehended individuals to or from several locations within and across

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<sup>1</sup> Ports of entry are facilities that provide for the controlled entry into or departure from the United States. Specifically, a port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers and merchandise, collect duties, and enforce customs laws, and where a person may apply for admission into the United States pursuant to U.S. immigration laws.

<sup>2</sup> Each of the nine southwest Border Patrol sectors has a headquarters with management personnel and these sectors are further divided geographically into varying numbers of stations, with agents assigned to patrol defined geographic areas.

Border Patrol sectors and ports while in CBP's custody.

Under the former Immigration and Naturalization Service (INS), Detention Enforcement Officers (DEOs) performed transportation duties, including medical escort, facilities guard, and transport services at Border Patrol stations and ports. However, following the establishment of DHS, Border Patrol and the Inspections Branch, now the Office of Field Operations, moved from INS into CBP, while the responsibility for enforcement and removal operations, including transportation services, and DEOs moved to ICE. As a result of the reorganization, CBP noted that it did not have sufficient resources to efficiently transport individuals apprehended at and between ports, and Border Patrol agents and CBP officers began performing these guard and transportation duties.

In 2006, in order to meet the need for transporting individuals apprehended along the southwest border and to minimize the use of agents and officers performing guard and transportation duties, CBP began contracting for these services. CBP's current transportation services contract, awarded in August 2013, covers the transportation service needs for seven of the nine southwest border sectors, and is valued at approximately \$285 million over five fiscal years. As of June 2016, CBP had obligated approximately \$133 million and expended about \$119 million.

The Trade Facilitation and Trade Enforcement Act of 2015 contains a provision for GAO to submit a report to the Senate Committee on Homeland Security and Governmental Affairs and the House Homeland Security Committee on CBP's procurement process and standards for entities it contracts with for the transportation and detention of individuals apprehended by CBP officers, as well as the operational efficiency of its contracting.<sup>3</sup> This report transmits, in the form of the enclosed briefing, our assessment of CBP's contracting for transportation services and our findings. The briefing examines to what extent CBP (1) manages its existing transportation services contract to meet its needs and (2) assesses the performance of the contractor responsible for transporting detained individuals. We provided the enclosed briefing slides to you electronically on August 19, 2016, along with an in-person briefing on August 31, 2016.

To determine how CBP manages its existing transportation services contract, we reviewed CBP's contract documents and contract management tools, including the work statement, monthly transportation plans and task orders to identify the contract's scope, mechanics, and Border Patrol sectors' needs assessments. We also interviewed CBP officials to discuss roles and responsibilities of each agency component responsible for overseeing the contract, including the Contracting Officer's Representative (COR), and Border Patrol officials who help to manage the contract at the sector level. To identify how CBP assesses the performance of its contractor, we reviewed contract and other relevant documentation to identify CBP's performance standards and quality assurance framework. We also assessed CBP's framework against applicable Federal Acquisition Regulation provisions and Office of Management and Budget (OMB) guidance for contract quality assurance and administration.<sup>4</sup> In addition, we

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<sup>3</sup> Pub. L. No. 114-125, tit. VIII, § 802, 130 Stat. 122, 208 (2016).

<sup>4</sup> Federal Acquisition Regulation, 48 C.F.R. §§ 42.1502(a), 46.401(a); Homeland Security Acquisition Regulation, 48 C.F.R. §§ 3042.1502(a), 3042.7000; OMB, Office of Federal Procurement Policy, *A Guide to Best Practices for Contract Administration* (Washington, D.C.: October 1994); Office of Federal Procurement Policy, *Best Practices for Performance-Based Contracts* (Washington, D.C., October 1998) (this document has been rescinded, but OMB continues to make it publicly available for informational purposes).

reviewed CBP reports and evaluations to determine CBP's contract monitoring activities, and interviewed CBP officials responsible for conducting oversight activities under the contract. We did not however, independently assess CBP's evaluations of its contractor's performance.

We conducted this performance audit from April 2016 to September 2016 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.

In summary, we found that CBP has assigned roles and responsibilities to manage the contract at the CBP headquarters and sector levels and has the flexibility to reallocate contractor resources where necessary. Headquarters program management officials, the COR and the assigned Border Patrol official for each of the seven sectors (the Sector Task Order Monitor or TOM) coordinate with one another in the day-to-day oversight and management of the contract. CBP allocates resources across the sectors based on mission needs and sector capabilities, and flexibility is built into the contract to allow each sector to shift contract resources where necessary to meet its transportation service needs. For example, on a month to month basis, the sector TOMs and the contractor coordinate to adjust or shift routes based on changes in the sector. The contract also allows the sectors to implement day-to-day changes, if needed.

We also found that CBP's quality assurance surveillance plan includes elements that OMB guidance identifies for adequate quality surveillance. CBP's plan helps guide oversight of its contractor's performance. In addition, CBP conducts a range of monitoring activities to make sure the contractor meets contract requirements, and assesses contractor performance to identify efficiencies. Specifically, CBP's quality assurance plan identifies contractor performance requirements and standards, and the surveillance activities that should be conducted to assess contractor performance and compliance. We found that the COR and sector TOMs conduct surveillance activities such as on-site inspections and reviewing incident investigations and other status reports to ensure that the contractor meets the measures outlined in the contract. Further, the sector TOMs, the COR and headquarters program officials use formal and informal reviews to monitor, assess, and rate contractor performance. CBP uses the information from monitoring activities to assess and rate contractor performance on a monthly basis, and the COR evaluates contractor performance yearly. Headquarters program officials, sector TOMs and the contractor participate in semi-annual program management reviews to discuss contractor performance, areas for improvement, and any lessons learned. CBP's 2014 and 2015 contractor evaluations found that the contractor performed at satisfactory or higher levels in all performance areas.

### **Agency Comments**

We provided a draft of this product to DHS for comment. DHS provided technical comments, which were incorporated, as appropriate.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of Homeland Security, and the Commissioner of the U.S. Customs and Border Protection. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or [GamblerR@gao.gov](mailto:GamblerR@gao.gov). Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report include Kirk Kiester (Assistant Director), Tonnye' Conner-White, Jennifer Dougherty, Jamarla Edwards, Michele Fejfar, Eric Hauswirth, Brian Lipman, Amanda Miller, Heidi Nielson, and Adam Vogt.

A handwritten signature in black ink that reads "Rebecca Gambler". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Rebecca Gambler  
Director, Homeland Security and Justice

Enclosure – 1



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# **U.S. Customs and Border Protection Contracting for Transportation and Guard Services for Detainees**

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**Information Provided to the Staff of Senate  
Homeland Security and Governmental Affairs  
and House Homeland Security Committees**

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# Introduction

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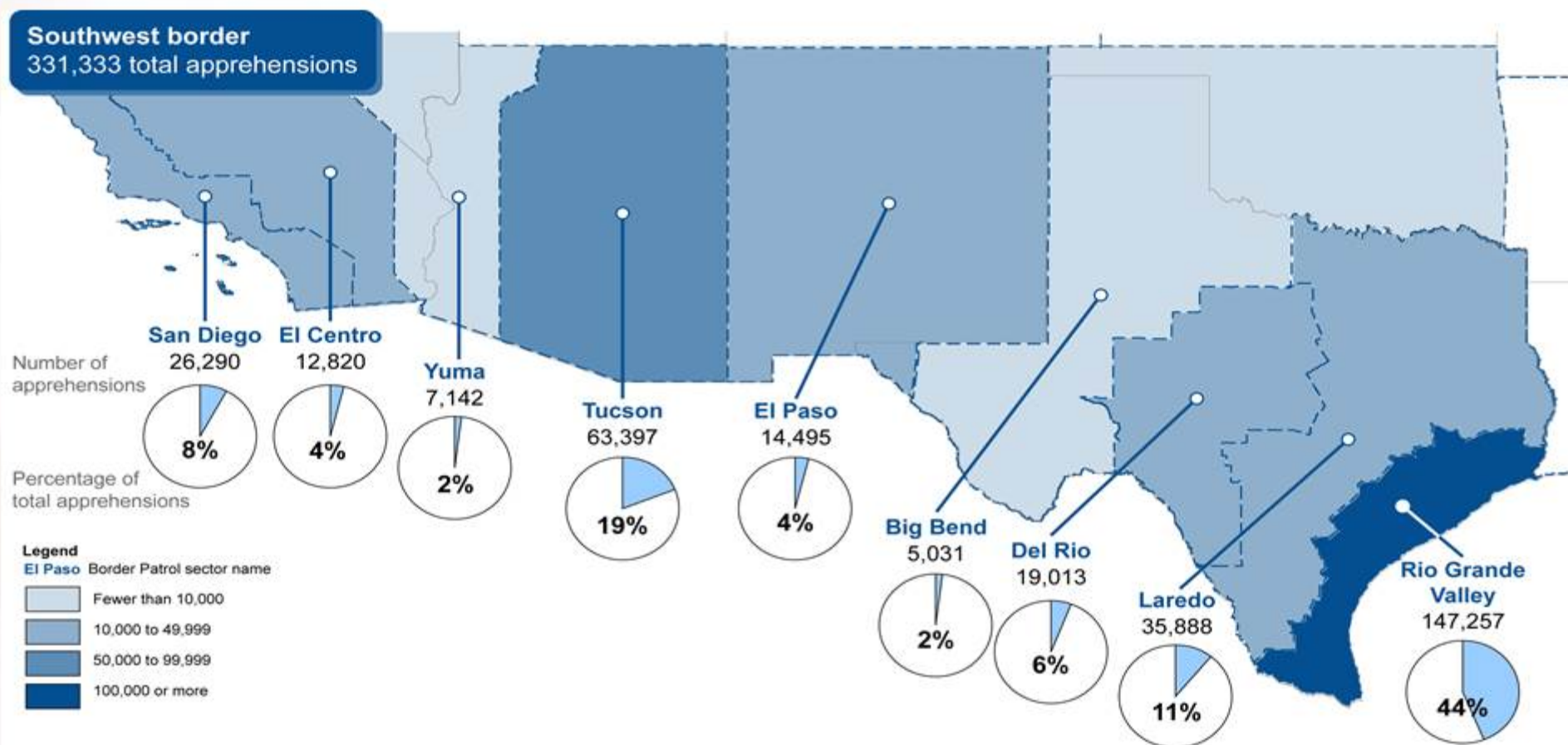
- Within the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) is responsible for apprehending aliens illegally entering the United States. Within CBP, the Office of Field Operations (OFO) inspects individuals at designated U.S. ports of entry (ports) and U.S. Border Patrol (Border Patrol) interdicts and apprehends aliens between ports.<sup>1</sup>
- CBP uses a private contractor to primarily assist Border Patrol with transportation and guard services for aliens apprehended at or between ports on the southwest border.
- During fiscal year 2015, the Border Patrol apprehended 331,333 aliens along the southwest border. CBP has divided geographic responsibility for border security operations along the southwest border among nine Border Patrol sectors.<sup>2</sup> See Figure 1 for a further breakout of fiscal year 2015 apprehensions by Border Patrol sector.

<sup>1</sup>Ports of entry are facilities that provide for the controlled entry into or departure from the United States. Specifically, a port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers and merchandise, collect duties, and enforce customs laws, and where a person may apply for admission into the United States pursuant to U.S. immigration law.

<sup>2</sup>Each of the nine Border Patrol sectors has a headquarters with management personnel and these sectors are further divided geographically into varying numbers of stations, with agents assigned to patrol defined geographic areas.

# Introduction (cont.)

Figure 1: Border Patrol Apprehensions along the Southwest Border, Fiscal Year 2015



Source: GAO analysis of U.S. Customs and Border Protection data; MapInfo (map). | GAO-17-89R



## Introduction (cont.)

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- Since 2006, CBP has contracted to help meet its ground transportation and guard services needs (transportation services) for apprehended individuals along the southwest border.
- CBP contracted with G4S, the private contractor that was awarded the contract in 2013, to provide transportation services for seven of the nine CBP southwest border sectors.<sup>3</sup> The contract is currently valued at approximately \$285 million over five fiscal years.

<sup>3</sup>The remaining two sectors along the southwest border, El Centro and Big Bend, are not covered under the contract. According to CBP officials, this is due to funding limitations and mission needs. The two sectors share transportation services resources with adjacent sectors covered under the contract.

## Objectives

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- The Trade Facilitation and Trade Enforcement Act of 2015 contains a provision that GAO submit a report to the Senate Committee on Homeland Security and Governmental Affairs and the House Homeland Security Committee on the CBP procurement process and standards for entities with which it has contracted for transportation and detention of individuals apprehended by CBP officers, as well as the operational efficiency of such contracting.<sup>4</sup>
- This briefing examines to what extent CBP 1) manages its existing transportation services contract to meet its needs and 2) assesses the performance of the contractor responsible for transporting detained individuals.

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<sup>4</sup>Pub. L. No. 114-125, tit. VIII, § 802, 130 Stat. 122, 208 (2016).



## Scope and Methodology

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- To determine how CBP manages its current transportation services contract, we
  - reviewed contract documents and contract management tools, such as the Performance Work Statement, task orders, contract modifications, and monthly transportation plans for each sector to identify contract scope, mechanics, and sector needs;
  - reviewed summaries and attendee lists from program management reviews CBP holds with its contractor and covered sectors to identify coordination efforts and best practices for managing the contract;
  - interviewed officials from CBP's Program Management Office responsible for overseeing the contract, including the Contracting Officer's Representative (COR), the Contracting Officer, as well as Border Patrol officials to discuss their roles in managing the contract; and
  - interviewed cognizant Border Patrol sector officials for each of the seven Southwest border sectors covered under the contract to determine how they coordinate and manage the contract at the sector level.



## Scope and Methodology (cont.)

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- To determine how CBP assesses the performance of its contractor, we
  - reviewed the contract and other relevant documentation to identify CBP's performance standards and determine CBP's framework for assessing the quality of contractor's efforts in delivering the results specified in the contract;
  - assessed CBP's quality assurance framework against applicable Federal Acquisition Regulation provisions, the Homeland Security Acquisition Regulations, and Office of Management and Budget (OMB) guidance, which identify requirements and characteristics for contract administration;<sup>5</sup>
  - reviewed documentation such as monthly quality assurance check results, the annual Contract Performance Assessment Reporting System (CPARS) report, and incident investigation results to identify CBP's monitoring activities and performance evaluations; and
  - interviewed the COR and Border Patrol sector officials responsible for oversight of the contract to discuss monitoring activities and other mechanisms for contractor performance evaluations.
  - We did not independently assess CBP evaluations of its contractor's performance.
- DHS provided technical comments for this briefing, which we have incorporated, as appropriate.

<sup>5</sup>Federal Acquisition Regulation, 48 C.F.R. §§ 42.1502(a), 46.401(a); Homeland Security Acquisition Regulation, 48 C.F.R. §§ 3042.1502(a), 3042.7000; OMB, Office of Federal Procurement Policy, *A Guide to Best Practices for Contract Administration* (Washington, D.C.: October 1994); Office of Federal Procurement Policy, *Best Practices for Performance-Based Contracts* (Washington, D.C., October 1998) (this document has been rescinded, but OMB continues to make it publicly available for informational purposes).



## Summary

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### CBP Manages the Contract at Both Headquarters and Sector Levels and Exercises Flexibility to Meet Its Transportation Services Needs

- CBP has assigned roles and responsibilities to manage contractor performance at both CBP headquarters and sector levels.
- CBP allocates contract resources according to mission needs.
- CBP coordinates between its headquarters and sectors, as well as between the sectors and the contractor to determine needs and meet requirements.
- CBP sectors exercise flexibility in reallocating Border Patrol and contractor resources to meet sector transportation services needs.

## Summary (cont.)

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### CBP Has an Oversight Framework to Monitor Contractor Activities and Assess Performance

- CBP has implemented an oversight framework for its transportation contract to help guide the agency's assessment of its contractor's services.
- CBP conducts a variety of monitoring activities to ensure that the contractor meets the measures and requirements outlined in the contract.
- CBP assesses its transportation contractor's performance to identify and improve efficiencies.



## Background: CBP Movement of Apprehended Individuals

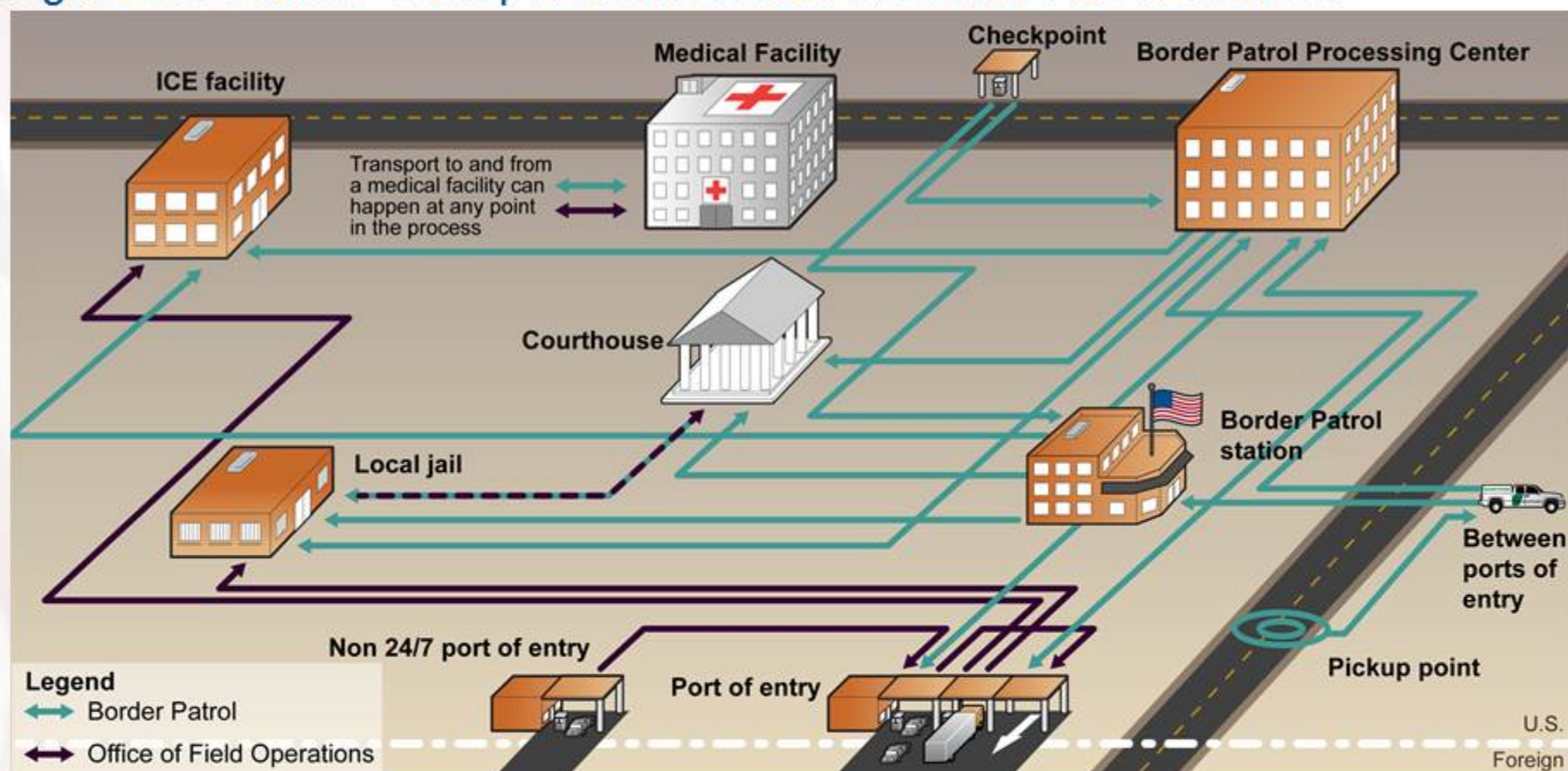
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- Every apprehension made between ports by Border Patrol agents or every individual deemed inadmissible by OFO officers at ports establishes a need to detain, transport, and process these individuals.
- DHS components, including Border Patrol and OFO can detain aliens entering the United States at various facilities (such as ports and Border Patrol stations) nationwide in order to process them and determine additional courses of action, such as transfers to a court, a local jail, another agency such as U.S. Immigration and Customs Enforcement (ICE), or for release or admission.
- CBP coordinates the movement, security, and monitoring of its detained or inadmissible individuals, who can be moved to or from several locations within and across Border Patrol sectors while in CBP's custody. See figure 2 for possible transportation routes an individual may travel within a Border Patrol sector while in CBP custody.



## Background: CBP Movement of Apprehended Individuals (cont.)

Figure 2: Possible Transportation Routes in Border Patrol Sectors



Source: U.S. Customs and Border Protection documentation. | GAO-17-89R



## Background: CBP's Impetus for Contracting Transportation Services

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- Under the former Immigration and Naturalization Service (INS), Detention Enforcement Officers performed transportation duties, including medical escort, facilities guard, and transport services at Border Patrol stations and ports.
  - Following the establishment of DHS, the Border Patrol and the Inspections Branch, now the Office of Field Operations, moved from INS into CBP, while enforcement operations, including transportation duties, later moved into ICE. As a result of the reorganization, CBP noted that it did not have sufficient resources to efficiently transport individuals apprehended at and between ports.
  - In 2006, CBP awarded its first contract for transportation services to minimize the use of Border Patrol agents and officers performing guard and transportation duties and to redirect them to traditional law enforcement duties.
  - In preparation for the close of the 2006 contract, CBP conducted an analysis to determine how best to meet its transportation services need, and found that continuing a contract solution was the optimal method. CBP also completed an assessment on how to maximize the efficiency of contract resources.
  - In 2011, DHS reviewed CBP's procurement approach for transportation services, and approved the agency's acquisition plans. Factoring into the decision were CBP analyses that showed a 30 percent cost reduction through using contractors over Border Patrol Agents.
  - In August 2013, CBP awarded the current contract for southwest border transportation services.
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## Background: CBP's Current Transportation Services Contract

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- CBP's current transportation services contract is a fixed price, 5-year performance based contract to provide service for a base year and four option years, and a 6-month extension beginning on September 4, 2013, to expire on or around March 3, 2019. The contract covers transportation services, which include medical escort, facilities guard, and transport services for detainees in DHS custody.
- The contract scope supports operational transportation mission requirements established by the Border Patrol and OFO, which are both within CBP. However, according to CBP officials, Border Patrol fully funds the contract, but shares any resources it may have with OFO for its mission needs, if available.
  - The contract was not intended to cover all of CBP's transportation needs along the southwest border; however, for fiscal year 2016, as of June, the contractor has transported between 75 and 79 percent of detainees in the southwest sectors, while Border Patrol has transported the remainder.<sup>6</sup>

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<sup>6</sup>While these percentages represent all nine sectors, only seven sectors are covered by the contract, as we have previously mentioned. The remaining two share resources as needed with neighboring southwest border sectors.



## Background: CBP's Current Transportation Services Contract (cont.)

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- Contract requirements include securing detainee land transportation from point of apprehension, station to station, station to port of entry for removal, detainee escort services, court security transportation, medical escort and guard services of detainees in DHS custody while at a medical treatment facility, and other detainee monitoring duties in an effective, efficient, and flexible manner to meet CBP's operational requirements throughout the southwest border.
- The required services supporting CBP are performed in seven of the nine southwest border sectors of San Diego, Yuma, Tucson, El Paso, Del Rio, Laredo and Rio Grande Valley and within their areas of responsibility to include Border Patrol stations, OFO field offices, ports, highway checkpoints, processing centers, hospitals, courts and detention centers.
- As of June 2016, CBP had obligated approximately \$133 million and expended approximately \$119 million on this contract.



## CBP Manages the Contract at Both Headquarters and Sector Levels and Exercises Flexibility to Meet Its Transportation Services Needs

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### CBP Has Assigned Roles and Responsibilities to Manage the Contract at CBP Headquarters and Sector Levels

- **Headquarters**: Though the Contracting Officer has overall authority over the contract, the COR administers the contract through field Task Order Monitors (TOMs) assigned to each sector. The COR is responsible for monitoring the contractor's adherence to performance standards and oversees the services of the contract.
- **Border Patrol Sector**: The TOM is the designated Border Patrol person in the field who coordinates with the COR and the contractor to manage the contract. According to Border Patrol sector officials, TOMs rotate every 2-3 years, except in the Del Rio and Tucson sectors, where the TOM is a permanent position.
- **Contractor**: In each sector, there is a sector manager responsible for providing input and information related to the contractor's performance. This information is provided directly to the Border Patrol Sector TOM. Depending on the size of the sector and its apprehensions, the contractor also has a number of lieutenants assigned in each sector, or Senior Transportation Officers. Table 1 provides detail on the structure of the sector and the contractor's management structure in each sector.



## CBP Manages the Contract at Both Headquarters and Sector Levels and Exercises Flexibility to Meet Its Transportation Services Needs

Table 1: Description of Border Patrol Sectors along the Southwest Border including Contractor Operational Structure as of June/July, 2016

Border Patrol Sector	Border Patrol Sector Overview	Contractor Management Structure	Contractor Operational Structure
San Diego	8 stations and 6 checkpoints	1 Sector Manager and 1 Senior Transportation Officer	7 (4 full-time and 3 part-time) Transportation Officers
Yuma	3 stations (all do processing) and 3 checkpoints	1 Sector Manager	10 Transportation Officers
Tucson	9 stations (6 do processing); 11 checkpoints; and 1 processing center	1 Sector Manager; 2 Lieutenants; and 11 Senior Transportation Officers	130 (97 full-time and 33 part-time) Transportation Officers
El Paso	10 stations; 3 checkpoints; and 1 processing center	1 Sector Manager and 1 Senior Transportation Officer	17 Transportation Officers
Del Rio	10 stations (all but one does processing); and 5 checkpoints	1 Sector Manager and 2 Senior Transportation Officers	21 Transportation Officers
Laredo	7 stations; 6 checkpoints; and 1 processing center	1 Sector Manager and 1 Lieutenant	33 Transportation Officers
Rio Grande Valley	9 stations (all do processing); 3 checkpoints (2 do processing); 1 temporary holding facility; and 1 centralized processing center	1 Sector Manager; 6 Lieutenants; and 11 Senior Transportation Officers	166 Transportation Officers

Source: Border Patrol. | GAO-17-89R

## CBP Manages the Contract at Both Headquarters and Sector Levels and Exercises Flexibility to Meet Its Transportation Services Needs

### CBP Allocates Contract Resources to Border Patrol Sectors According to Mission Needs

- CBP officials told us that resource allocation (labor and vehicle hours) for each Border Patrol sector is determined by mission needs to guard and transport detainees, and sector capabilities, i.e., Border Patrol agents and vehicles, as well as budgetary considerations. See Table 2 for the allocation of contractor vehicle and labor hours across the Border Patrol sectors.

Table 2: Estimated Contractor Weekly Required Vehicle and Labor Operational Hours along the Southwest Border as of June 2015

Border Patrol Sector	Vehicle Hours	Labor Hours
San Diego	168	224
Yuma	236	472
Tucson	2,584	4,750
El Paso	196	392
Del Rio	540	788
Laredo	618	1,206
Rio Grande Valley	2,646	6,300
Totals	6,988	14,132

Source: U.S. Customs and Border Protection documentation. | GAO-17-89R



## CBP Manages the Contract at Both Headquarters and Sector Levels and Exercises Flexibility to Meet Its Transportation Services Needs

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### Border Patrol Sectors and CBP Headquarters Coordinate with Each Other and the Contractor to Meet Needs

- The COR, sector TOMs and contract officials adjust sectors' allocated resources—labor and vehicle hours—to meet the upcoming month's transportation needs.<sup>7</sup> CBP officials stated that Border Patrol's operational decisions and priorities impact monthly transportation requirements within existing resources.
- The sector TOMs are involved in the day-to-day management and oversight of, and communication with, the contractor.
- Contractor sector managers and sector TOMs coordinate to determine how to meet monthly transportation needs as well as adjust routes and missions to accommodate changes in the sector.
  - Most (5 of 7) sector officials said that they also coordinate with contractor sector leads on a daily basis to shift resources as needed. For example, according to one TOM, if there is a surge in apprehension numbers, the sector may require the use of more buses than vans to transport apprehended individuals for more efficient operation.

<sup>7</sup>The Monthly Transportation Plan is the tool that provides details on contractor resources and schedules needed to meet required performance requirements. These plans are produced on a monthly basis to update the previous month's plan to account for adjustments based on Border Patrol operational decisions and priorities while keeping within the allotted labor and vehicle hours. All adjustments or changes must remain within the total labor and vehicle operational hours allotted to each sector.



## **CBP Manages the Contract at Both Headquarters and Sector Levels and Exercises Flexibility to Meet Its Transportation Services Needs**

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- Contract mechanisms allow the sectors and contractor to reallocate resources, such as through Mission Support Surge Capability or Mobile Transport Response Team requirements. Sectors also reallocate resources on a yearly basis and reassess these needs.
  - The contract allows up to a 25 percent planned surge in mission support over the Mission Support Base in a given sector in any given month. A surge may be ordered in one or more sectors at a time and for one or more months. For example, one sector needed a 12 percent increase in weekly labor operational hours in May 2016 to account for the transport of unaccompanied alien children, juveniles and family units.
  - In addition, Mobile Transport Response Team capability utilizes existing base contract Transportation Officers and vehicles that can rapidly deploy outside of their base sector to support enhanced CBP operations.



## **CBP Manages the Contract at Both Headquarters and Sector Levels and Exercises Flexibility to Meet Its Transportation Services Needs**

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### Border Patrol Sectors Exercise Flexibility to Meet Sector Transportation Services Needs

- The contract allows Border Patrol sectors to implement day-to-day changes.
  - All sector TOMs indicated that the contractor is flexible in its ability to change transportation routes and vehicles used in order to achieve sector transportation services needs. According to one sector TOM, the contractor has adjusted routes by, for example, driving 4 hours and exchanging with another van or set of officers at points along the route.
- Border Patrol sectors can reallocate labor and vehicle hours to meet the variations in medical escort, facilities guard, and transport services needs at different points in time.
  - All sectors identified the need for medical/hospital watch guard services, however each sector determines when and how to use contractor resources to meet this need. For example, all sectors expressed a need to have additional contractor resources for these services, but only one sector uses contractor resources for medical/hospital watch guard services.
- CBP officials highlighted the importance of contracting for transportation services as it allows agents to focus on traditional law enforcement activities.



## CBP Has An Oversight Framework Used to Monitor Contractor Activities and Assess Performance

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### CBP Has an Oversight Framework to Help Guide the Agency's Assessment of Its Contractor

- CBP has a quality assurance plan that directs contract oversight at both the headquarters and sector levels. The Federal Acquisition Regulation directs that contracts include a quality assurance surveillance plan to ensure that the contractor's service meets contract requirements.<sup>8</sup> Further, OMB guidance indicates that a quality assurance surveillance plan help guide CORs and others in assessing the quality and timeliness of the products and services provided by the contractor.
- We reviewed CBP's quality assurance surveillance plan and found that it includes elements that OMB guidance identifies for adequate quality surveillance. The plan identifies performance requirements, technical and data standards that align with contract requirements, and the surveillance activities that should be conducted by the agency. CBP's quality assurance plan includes defined roles of government resources responsible for conducting quality surveillance.
- At the headquarters level, the Contracting Officer is responsible for determining the adequacy of the contractor's performance and the COR assures the proper surveillance of the contractor performance to meet contract standards. At the sector level, the TOMs provide direct surveillance of contractor performance and feedback to the agency for the quality assurance reporting. Additionally, the plan provides the TOMs with a monthly surveillance activity checklist that allows the TOMs to evaluate and rate contractor performance.

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<sup>8</sup>Federal Acquisition Regulation, 48 C.F.R. § 46.401(a).



## CBP Has An Oversight Framework Used to Monitor Contractor Activities and Assess Performance

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### CBP Conducts Monitoring Activities to Ensure that the Contractor Meets Requirements

- CBP conducts a variety of oversight activities at the sector and headquarters level to ensure that measures outlined by the contract are met. The Program Management Office—COR—and the sectors conduct monitoring activities including:

**Inspections:** As part of the quality assurance plan, each sector TOM is to perform on-the-spot, weekly, and monthly checks to ensure the contractor's compliance with state and federal transportation regulations, personnel licensing and certification, and CBP requirements as outlined in the contractor's Performance Work Statement.

- Our review found that six of the seven sector TOMs recently performed the routine monthly and weekly inspections. Although one sector TOM does perform the monthly inspections, he does not perform weekly inspections. However, the sector TOM noted that he does have daily contact with the contractor and conducts frequent reviews and inspections of contractor personnel and vehicles.
- Additionally, the Program Management Office (PMO) conducted on-the-spot inspections of contractor's compliance for three sectors in 2015.



## CBP Has An Oversight Framework Used to Monitor Contractor Activities and Assess Performance

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**Incident investigations and follow-ups:** To ensure the contractor has complied with procedures and requirements during the occurrence of a reportable incident, CBP officials said that they review contract incident and investigation reports. Further, Border Patrol sector officials said that they conduct parallel investigations of certain incidents.

- The contractor is required to immediately report all incidents to both headquarters and sector TOMs, to provide a written report, and to conduct an investigation to determine if contractor personnel have complied with all management policies and procedures.
- Sector TOMs said sector Managers inform them immediately after an incident occurs. Further, according to TOMs and the COR, they receive incident and investigation reports with status updates detailing the actions taken in response to the incident until an incident is closed.
- 6 sector TOMs said that their sectors conduct parallel investigations for incidents that involve the bodily harm of detainees, loss of detainees' property, or detainee escapes. One sector TOM said that while there has been no incident that required a parallel investigation, he would conduct one if the need arose.



## CBP Has An Oversight Framework Used to Monitor Contractor Activities and Assess Performance

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- **Reviewing status and progress reports:** We found that the COR and sector TOMs review reports provided by the contractor. For example, the contractor must provide a weekly status report on contract performance and related issues to respective TOMs for each sector and to the COR. According to officials, they access this contractor performance information through the contractor's metric reporting system.
  - 6 of 7 sector TOMs said that they review this performance information. TOMs that manage sectors with large apprehension numbers stated that they use the trip log status report not only to monitor trip loads but also to determine how effectively the sector is using contractor resources.
- **Informal communication:** Several TOMs also noted that having close communication with the contractor—through emails, phone calls, and visits—is key to successful contract administration. Further, two sector TOMs said these informal communications help CBP to identify and address any problems early on and three TOMs recently provided periodic notices to remind the contractor of requirements for contract compliance.



## CBP Has An Oversight Framework Used to Monitor Contractor Activities and Assess Performance

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### CBP Assesses the Contractor's Performance to Identify Efficiencies

- Sector TOMs assess contractor performance monthly according to the contract's quality assurance plan. For these monthly quality checks, TOMs rate contractor performance and compliance against 10 performance standards and metrics.<sup>9</sup>
  - For example, for the performance standard of operational responsiveness, TOMs determine if the contractor began on time and completed at least 95 percent of the routes identified in sectors' monthly transportation plans.
  - For April 2016, the COR aggregated each sectors' monthly performance evaluation and determined that the contractor performed at a satisfactory or higher level.

<sup>9</sup>The 10 performance standards of the monthly quality assurance plan are: operational responsiveness, route change implementation, personnel qualification compliance, policies and procedures compliance, safety record, professionalism, vehicle operating conditions and cleanliness, monthly transportation plans, weekly status reports, and notification reports.



## CBP Has An Oversight Framework Used to Monitor Contractor Activities and Assess Performance

- As directed by the Federal Acquisition Regulation, and according to CBP's quality surveillance plan, CBP must conduct yearly assessments of contractor performance to help it identify and rate contractor performance in four areas: quality of service, schedule, cost control, management, and business relations.<sup>10</sup>
  - According to PMO officials, they aggregate the results of the TOMs' monthly quality assurance ratings to evaluate and report out yearly on the contractor's performance.
- CBP conducted and submitted the contractor evaluation into CPARS for fiscal year 2014 and according to the COR, CBP is finalizing the FY 2015 CPARS evaluation.<sup>11</sup>
  - For the fiscal year 2014 evaluation, the contractor performed at least at the satisfactory level or higher in the four areas noted above.
    - This assessment noted that the contractor had some minor problems meeting contractual requirements. For example, the contractor had a 9-month delay in implementing the metric reporting system, which impacted Border Patrol officials' access to historical transportation data in their sectors.
    - In May 2016, Laredo and Tucson sector TOMs stated that the contractor metric reporting system has improved; the Del Rio sector TOM, however, suggested improvements to the system, such as an improved layout or ability to create ad hoc queries or custom reports.

<sup>10</sup>Federal agencies shall prepare past performance evaluations at least annually and at the time the work under a contract or order is completed. Past performance information shall be entered into the Contractor Performance Assessment Reporting System (CPARS). Federal Acquisition Regulation, 48 C.F.R. § 42.1502(a). GAO has previously reported on the importance of issuing CPARS evaluations in a timely manner. GAO, *Contractor Performance: Actions Taken to Improve Reporting of Past Performance Information*, GAO-14-707 (Washington, D.C.: August 7, 2014).

<sup>11</sup>The CPARS evaluation provides a "score" of exceptional, very good, satisfactory, marginal or unsatisfactory for each of the four areas.



## CBP Has An Oversight Framework Used to Monitor Contractor Activities and Assess Performance

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- The contract states that the Program Management Office will conduct quarterly program management reviews (PMR) on contractor performance. According to the COR, PMO held quarterly meetings, but due to travel costs, has held semi-annual meetings since fiscal year 2014.
  - Our review of May 2016 PMR documents found that PMO officials, all seven sector TOMs, the contractor, and other Border Patrol officials discussed contractor performance, areas for improvement, and identified future requirements as well as any lessons learned. According to all seven Border Patrol sector TOMs, the PMRs are a key program and contracting management tool that provide opportunities for the information sharing and lessons learned between Border Patrol sectors, and the TOMs' interaction with the contractor.
- CBP's Operational Evaluation Branch surveyed CBP sector officials and analyzed quality assurance ratings to conduct an annual operational analysis of its contractor's performance effectiveness, suitability, and customer (CBP) satisfaction. The 2015 analysis found that CBP officials' satisfaction is at an acceptable level and the contractor is operating at an acceptable level, for the period of September 2014 through August 2015.





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U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

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## Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
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