

**U.S. Immigration and
Customs Enforcement's
Award of the Family Case
Management Program
Contract (Redacted)**





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DHS OIG HIGHLIGHTS

U.S. Immigration and Customs Enforcement's Award of the Family Case Management Program Contract

November 30, 2017

Why We Did This Audit

Representative Raúl M. Grijalva requested that we review U.S. Immigration and Customs Enforcement's (ICE) decision to award GEO Care, LLC a contract to establish a Family Case Management Program (FCMP). We sought to determine whether ICE awarded the FCMP contract in accordance with laws, regulations, and guidance. We also conducted a limited review of post-award contract modifications.

What We Recommend

We did not make any recommendations in this report.

For Further Information:

Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

FCMP is an alternative to detention that uses case managers to ensure participants comply with their release conditions, such as attending court hearings, while allowing them to remain in their community as they move through immigration proceedings. In September 2015, ICE awarded the first contracts for case management services in five cities to GEO Care, LLC, a subsidiary of The GEO Group, Inc.

We determined that ICE properly awarded FCMP contracts. Specifically, ICE complied with Federal requirements for open competition; evaluated each vendor's proposal based on technical capabilities, past performance, and price; and supported its determination that GEO Care's proposals represented the best value for the Government.

Price was the determining factor in this acquisition, which is consistent with the evaluation methodology established in ICE's request for proposals.

Losing bidders' pricing was redacted from the report to protect proprietary information pursuant to FAR 3.104-4.



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Washington, DC 20528 / www.oig.dhs.gov

NOV 30 2107

MEMORANDUM FOR: Matthew Albence
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

Bill Weinberg
Chief Acquisition Officer
U.S. Immigration and Customs Enforcement

FROM: John E. McCoy II 
Acting Assistant Inspector General for Audits

SUBJECT: *U.S. Immigration and Customs Enforcement's
Award of the Family Case Management
Program Contract*

Attached for your information is our final report, *U.S. Immigration and Customs Enforcement's Award of the Family Case Management Program Contract*. ICE provided technical comments, which we incorporated into the report as appropriate. The report contains no recommendations.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.

You may call me with any questions, or your staff may contact Donald Bumgardner, Deputy Assistant Inspector General for Audits, at (202) 254-4100.

Attachment



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Background

The Family Case Management Program (FCMP) is an alternative to detention that uses case managers to ensure participants comply with immigration obligations, such as check-ins with U.S. Immigration and Customs Enforcement (ICE) and attendance at immigration court hearings, while allowing them to remain in their community as they move through immigration proceedings. FCMP facilitates access to holistic community-based services tailored to each family's needs, including:

- orientation and education about participants' rights and responsibilities;
- individualized family service plans;
- assistance with transportation logistics; and
- safe repatriation and reintegration planning for participants who are returning to their home countries.

In September 2015, ICE awarded five indefinite delivery indefinite quantity (IDIQ)¹ contracts to establish the Family Case Management Program. The contracts were awarded to GEO Care, LLC (GEO Care), a division of The GEO Group, Inc. The GEO Group is a provider of correctional, detention, and community re-entry services, which operates several detention centers under separate ICE contracts.

During the early stages of the acquisition, ICE Enforcement and Removal Operations planned to enroll a maximum of 1,500 families (300 families per location) in each of five targeted metropolitan locations: Baltimore, MD/Washington, DC; Los Angeles, CA; New York City, NY/Newark, NJ; Miami, FL; and Chicago, IL. Enforcement Removal Operations later modified the contract to reflect the maximum enrollment of 800 families in total, approximately 160 families in each of the five locations.

We initiated this audit at the request of Representative Raúl M. Grijalva, who was concerned that the FCMP contract may have been improperly awarded to GEO Care. This report presents the results of our audit, which we conducted to determine whether ICE awarded the FCMP contracts in accordance with laws, regulations, and guidance.

¹ According to the Federal Acquisition Regulation (FAR), an indefinite-quantity contract provides for an indefinite quantity, within stated limits, of supplies or services during a fixed period. The Government places orders for individual requirements. See 48 CFR 16.504.
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Results of Audit

ICE properly awarded the FCMP contracts and complied with applicable laws, regulations, and guidance during the acquisition process. Specifically, ICE promoted open vendor competition during the family case management services solicitation process by publicly issuing notices and requests for proposals (RFP). In addition, ICE evaluated vendor proposals in accordance with established criteria and selected the vendor based on a comparative evaluation of proposals, which were adequately documented in the contract file.

Solicitation and RFP

ICE's Office of Acquisition Management adequately promoted vendor competition by publicly posting solicitations and allowing sufficient response time. ICE posted pre-solicitation notices on February 4, 2015, and 15 days later it issued five RFPs² for the provision of family case management services in the following metropolitan locations: Baltimore, MD/Washington, DC; Los Angeles, CA; New York City, NY/Newark, NJ; Miami, FL; and Chicago, IL. Four vendors submitted proposals: GEO Care; Lutheran Immigration and Refugee Service (LIRS); MVM, Inc.; and Baptist Child Family Services. Each vendor had prior experience in providing services either for immigrants or for non-profit organizations.

Evaluation of Vendor Proposals and Selection

ICE evaluated the vendor proposals according to applicable guidelines and regulations.³ ICE established two separate committees that independently evaluated each vendor proposal (see appendix A for evaluation factors and ratings). One committee evaluated the proposals for technical and management capabilities without any knowledge of the proposed cost or vendors' past performance. The other committee reviewed only the vendors' past performance and the cost proposals. ICE's ultimate goal was to select a vendor that represented the overall best value for the Government.

LIRS received the highest technical rating (excellent), as well as the highest rating for past performance (substantial confidence). According to the evaluation committee reports, the LIRS proposal demonstrated "excellent"

² The RFP included information such as the instructions, the Government's requirement based on statement of objectives, seven evaluation factors, and the evaluation methodology. Vendors were required to submit their proposals in three volumes with each volume relating to a specific evaluation factor(s) as shown in appendix A.

³ FAR, 48 C.F.R. part 15.



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capabilities in the areas of case management and had established community ties.

GEO Care received the second highest technical rating of “good” and the highest rating of “substantial confidence” for past performance. The evaluation committee concluded that GEO Care demonstrated case management capability through its work experience from other contracts and “clearly demonstrated that it has the resources to take on a project of this size, scope and complexity.” According to the committee report, GEO Care’s Quality Control Plan helped mitigate the committee’s concerns about GEO Care’s limited experience in the field of social services.

ICE fully documented the independent government cost estimate for the acquisition of family case management services, as required by the *Homeland Security Acquisition Manual*. The independent government cost estimate determined a cost of \$17.3 million per location and \$86.7 million for all five locations for the full performance period. As shown in table 1, all the vendors’ proposals were less than the independent government cost estimate, except for LIRS, which was [REDACTED]⁴ million more than the independent government cost estimate.

As required by FAR 15.304 and 15.305, ICE’s evaluation of proposals included a documented review of a cost price analysis to establish price reasonableness. ICE compared the prices proposed by GEO Care, LIRS, MVM, and Baptist Child Family Services for all five program location sites for the full period of performance. Although Baptist Child Family Services proposed the lowest price of [REDACTED] million, it was ineligible for the award because its technical proposal was rated “unacceptable.” Of the remaining vendors, GEO Care was priced the lowest at \$72.7 million, followed by MVM at [REDACTED] million, and LIRS at [REDACTED] million.

Table 1. Vendor Evaluation Ratings and Proposed Price

Vendor	Technical Rating	Past Performance	Price for Full Performance Period (in millions)
LIRS	Excellent	Substantial confidence	[REDACTED]
GEO Care	Good	Substantial confidence	\$72.7
MVM	Acceptable	Satisfactory confidence	[REDACTED]
BCFS	Unacceptable	Satisfactory confidence	[REDACTED]

Source: ICE

⁴ Losing bidders’ pricing was redacted to protect proprietary information pursuant to FAR 3.104-4.



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Price was the determining factor in this acquisition, which is consistent with the evaluation methodology established in the RFP. Although LIRS received a technical rating of “excellent,” its price proposal was ■ percent more than GEO Care’s, which was the second highest rated proposal and the lowest priced. According to the RFP, the combination of technical capability and past performance “are more important than price.... However, the Government will not make an award at a significantly higher overall cost to the Government to achieve only slightly superior technical capability.” As such, ICE could not justify the substantially higher proposal cost over a slightly higher technical rating.

ICE’s Office of Acquisition Management documented its determination that GEO Care’s proposals represented the best value for the government. On September 16, 2015, ICE awarded all five IDIQ contracts in the amount of \$72.7 million to GEO Care to establish the FCMP. Each contract has a total potential performance period of 5 years and 6 months.

Contract Modifications

We reviewed five contract modifications that occurred between November 2015 and May 2016, which were properly documented and justified. Reasons for the contract modifications included:

- incorporation of a 5 percent discount offered by GEO Care if the company was awarded four or more of the contracts, which decreased the contract price by \$3.6 million to \$69.1 million;
- a change in the maximum number of participants to be enrolled; and
- accommodation for community-based organization subcontractor participation. (ICE directed GEO Care to partner with various community-based organizations to maximize local faith-based provider participation in FCMP services.)

Program Costs and Performance Metrics

As of March 30, 2017, ICE reported that it expended \$17.5 million in program costs to enroll 781 active participants in FCMP across all five locations. According to ICE, overall program compliance for all five regions is an average of 99 percent for ICE check-ins and appointments, as well as 100 percent attendance at court hearings. Since the inception of FCMP, 23 out of 954 participants (2 percent) were reported as absconders.



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Objective, Scope, and Methodology

We conducted this audit to determine whether ICE awarded the FCMP contract in accordance with laws, regulations, and guidance.

To accomplish our objective we reviewed laws, regulations, and guidance applicable to the contract pre-award and award processes. We interviewed ICE personnel from Enforcement and Removal Operations and the Office of Acquisition Management to obtain an understanding of the program and the acquisition process for the FCMP. In addition, we reviewed contract file documentation, including acquisition planning documents, contract solicitations, vendor requests for proposals, and ICE evaluation reports to determine whether contract pre-award and award procedures were conducted in accordance with laws, regulations, and guidance. We also conducted a limited review of post-award contract modifications and performance metrics. We did not rely on computer-processed data to materially support findings, conclusions, or recommendations in this report.

We conducted this performance audit between January 2016 and April 2017 pursuant to the *Inspector General Act of 1978*, as amended, and according to 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 upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objective.

Office of Audits major contributors to this report are: Lisa Vonder Haar, Audit Director; Modupe Ogunduyile, Audit Manager; Gloria Medina-Ortiz, Auditor-in-Charge; Garrick Greer, Auditor; Jason Kim, Auditor; Nedra Rucker, Auditor; Kevin Dolloson, Communications Analyst; and Jeffrey Wilson, Independent Referencer.



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Appendix A
Evaluation Factors and Ratings

Exhibit 1. Proposals by Volume and Evaluation Factors

Volume	Evaluation Factors
I. Demonstrated Technical/ Management Capabilities Proposal	1. Performance work statement
	2. Key personnel and staffing plan
	3. Corporate experience
	4. Quality control plan
	5. Management plan
II. Past Performance	6. Past performance
III. Price/Cost Proposal	7. Price

Source: ICE

Exhibit 2. Proposal Ratings for Technical and Past Performance

Volume I Technical	Volume II Past Performance
Excellent	Substantial confidence
Good	Satisfactory confidence
Acceptable	Limited confidence
Marginal	No confidence
Unacceptable	Unknown confidence (Neutral)

Source: ICE



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Appendix B
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