

**Statement of William J. McGlynn,
Principal Deputy Assistant Secretary of State
for International Narcotics and Law Enforcement Affairs,
before the Commission on Wartime Contracting in Iraq and Afghanistan,
hearing to examine “Recurring Problems in Afghan Construction”
January 24, 2011**

Co-Chair Thibault and Members of the Commission, I’m grateful for the opportunity to appear before you today. As you kindly noted in your introduction, I have the honor to serve as the Principal Deputy Assistant Secretary for the State Department’s Bureau of International Narcotics and Law Enforcement Affairs, commonly referred to by the initials INL, and as a career member of our government’s Senior Foreign Service.

This hearing marks INL’s fifth engagement with the Commission since 2008, and our Bureau is grateful for the strong working relationship we’ve benefitted from with you and the Commission’s staff. We remain equally committed to assisting your efforts in the year ahead.

I understand from the Commission’s staff that you would like me to discuss two specific U.S. foreign assistance projects that relate to Afghanistan’s corrections and police training sites: the Pol-i-Charkhi Prison on the outskirts of Kabul, which is under renovation, and the Central Training Center (CTC) for Afghan National Police, located in Kabul.

INL began its foreign assistance programs in Afghanistan in 2002 in the form of police and rule of law advising and training. Since the inception, INL’s programs have helped to support the Government of Afghanistan’s efforts to build governmental mechanisms and agencies to support justice reform. In 2005, after being approached by the Government of Afghanistan for assistance, the State Department undertook an effort with the Ministry of Justice to develop and reform the Afghan corrections system, which was critically deficient in terms of secure and humane facilities as well as capable corrections personnel. At the Government of Afghanistan’s request, INL’s corrections system development program has since assessed and undertaken to renovate the Ministry of Justice’s Pol-i-Charkhi prison.

POL-I-CHARKHI PRISON RENOVATION

Built in 1974 by the Government of India, Pol-i-Charkhi is Afghanistan's central prison facility responsible for the detention of just under 30% of the country's entire prison population, including many of its most dangerous criminals. Prior to the inception of INL's corrections system support program, the facility was decaying, conditions were overcrowded and inhumane, and large portions of the prison were controlled from within by insurgent inmates. The pressing need, as expressed by the Ministry of Justice in 2008, was to train Afghan corrections officials to retake and maintain control of their prison facility and to renovate the decaying facility to seal security vulnerabilities and alleviate the inhumane conditions that led to prisoner unrest. We have helped Afghanistan achieve much in both regards.

Our training program empowered the Afghan Central Prison Directorate (CPD) to form and qualify an Emergency Response Team and train corrections staff to retake control of the prison in December 2008. INL also developed a facility renovation project to address the facility shortcomings identified at the prison. In conjunction with the Director General of Afghanistan's CPD and Pol-i-Charkhi's warden, the Department of State awarded a contract to meet renovation objectives in June 2009. As a matter of practice for contracts in Afghanistan, the Department utilizes Afghan companies whenever possible to ensure that projects can be sustained and replicated locally in the future. In this case, an Afghan company, Al Watan Construction Company (AWCC) was awarded the contract for prison renovation, following a comprehensive review of 5 technical proposals and projected costs that had been submitted in response to a pre-solicitation notice. This notice had been distributed to 8 Afghan companies identified by Embassy Kabul. Another Afghan company, Basirat Construction Company, was awarded the architecture and engineering contract. Since the contract award, renovation of the kitchen, existing staff barracks, prison industries, and several cell blocks are all nearing completion.

These accomplishments, while significant, have not materialized without challenge and some delay. As a matter of policy, anytime a problem, or even the appearance of a possible problem, is identified, INL acts swiftly to determine what problem or abuse might exist and to involve the relevant oversight and law enforcement agencies to remedy them and any underlying issues that permitted them to occur. INL's own engineering team comprised of Americans and foreign service nationals, was responsible for identifying problems with the quality of work AWCC and Basirat were performing and the quality of oversight being

provided by a Contracting Officer's Representative assigned to the renovation project. Following an OIG investigation, the Department's Office of Procurement Executive suspended AWCC and Basirat on August 26, 2010. On November 4, 2010 AWCC was issued a stop work order for Pol-i-Charkhi, and on November 12, 2010, Basirat was issued a stop work order. INL also acted promptly to terminate the services of the Contracting Officer's Representative (COR) involved.

Currently, an Afghan firm, Batoor, is assessing the progress on the Pol-i-Charkhi renovation and will complete designs for the remaining work. After the INL COR reviews and accepts those plans, the State Department's Regional Procurement Support Office (RPSO) will put out a new solicitation for the completion of the Pol-i-Charkhi renovation.

CENTRAL TRAINING CENTER

In February 2002, INL deployed an international assessment team to Kabul to examine the Afghan Government's existing capacity and infrastructure to train civilian police. At the time, our priority was to train 20,000 Afghan National Police (ANP) with basic policing skills necessary to provide security and extend the reach of law and order in advance of Afghanistan's October 2004 Presidential Elections. INL promptly deployed civilian police advisors to work with coalition partners to prepare for the development of a Central Training Center (CTC) in Kabul. The coalition and Afghanistan's Ministry of Interior envisioned the CTC to provide a single training site for entry level ANP recruits. The first class of Afghan students graduated from the CTC in May 2003, and the CTC continues today to be a core training facility for the ANP.

Since 2005, INL has implemented the training program under the directive authority of – and with funding from – the Defense Department, and the efforts at the CTC have been closely coordinated. As Afghanistan's police training program further developed, so too have the requirements for the CTC's capacity evolved. In response to requirements from the Ministry of Interior, over the years the Department of State has modified CTC capacity through its contract task orders supporting State's Afghan Police Program. The first task order, Number 4305, provided for limited enhancements to the CTC site such as additional storage, barracks, and generator capacity. The second and larger task order, Number 5375 which was awarded in 2008, provided for integration of a police facility in close proximity to the CTC, known as Police District 9, to allow for increased training capacity and enhanced security at the CTC site. The contractor, DynCorp, developed cost and technical proposals for each task order, which were reviewed

and accepted by the State Department. DynCorp's proposal included subcontracts for minor renovations and the integration project.

In March 2010, one of the two project sub-contractors working for DynCorp, Bennett Fouch Associates, was terminated by DynCorp for lack of performance, which has pushed the initial project completion goal from the end of July 2010 to February 2011.

As the Commission is well aware, development projects in war zones are complex and somewhat risky undertakings that present a host of challenges unique to the local environment. Our program oversight professionals and program officers in Washington and in Afghanistan work very hard every day to prevent foreseeable problems and to mitigate unforeseen difficulties as soon as they arise. In December 2009 for example, an Afghan official notified CTC program implementers that a structure designated to be razed to allow for new construction was in fact an historical structure. While this had not been previously identified as an issue in prior consultations with Afghan officials, INL program implementers froze further action and, after discussing further with Afghan officials, ensured that the structure would remain in place. Plans were then re-developed to accommodate this change.

As managers of foreign assistance programs, our aim is always to apply lessons learned from past engagements and strong oversight to best empower program success and mitigate challenges. INL's contract oversight and evaluation program in Afghanistan and Washington is among the most capable in the United States Government and works to augment centrally managed contracting actions administered by the Department of State.

INL CONTRACT OVERSIGHT

The Department of State utilizes an array of contract options for meeting program requirements in an effective, efficient, and timely manner. As a result, the Department also has several contract oversight processes that can be applied as circumstances warrant. Contract management for the Pol-i-Charkhi prison and the CTC are similar; each program operates with a proficient oversight application from the Department's toolbox that meets the program requirements.

The CTC project is one of several projects managed by INL's integrated contract management and oversight process. Under this model, a COR in Washington is supported by a contract administrative support team of 28 staff

experts located in INL's Afghanistan, Iraq, and Jordan Support Division (AIJS). The AIJS Washington staff works closely with eight In-country Contracting Officer Representatives (ICORs) in Afghanistan, 38 program officers in Washington and at our Embassy abroad. They also work with the Department's Contracting Officer located in the Office of Acquisitions Management (AQM). Program staff provide subject matter expertise, while ICORs monitor technical progress and expenditures relating to contractor performance. Their responsibilities also include the inspection and acceptance of work on behalf of the U.S. Government. This work is similar in nature to that which a Contracting Officer's Technical Representatives (COTRs) might carryout.

Because the Pol-i-Charkhi renovation is an individual contract with an Afghan construction company, it is managed through a separate, but similarly well-established contracting mechanism. The Department of State routinely uses the Office of Acquisitions Management's Regional Procurement Support Office (RPSO) in Frankfurt to manage small overseas construction and reconstruction contracts. INL uses this well-established mechanism to oversee the Pol-i-Charkhi renovation. Under this model, the Contracting Officer is located in Frankfurt and the COR is the INL/Kabul Management Officer, which allows for consistent, on-sight supervision of the contract by the COR. INL has a team of seven program officers in Washington and Kabul focused on oversight of our corrections support program.

Among INL's continuous efforts to enhance our oversight capacity and expertise is an effort to more than double the number of engineers, including both American and host country professionals, enlarging the total number from five in 2009 to 11 by mid-2012.

For both models, all staff work hand-in-hand to provide policy and contracting counsel to the INL Kabul and Washington Director and Deputy Director and assist with development of procurement strategies. ICORs and engineers also assist program officers with their development of contract requirements and deliverables. The team works together seamlessly to evaluate the performance or failures by the contractor; identify needed changes in the Performance Work Statement and specifications; and resolve technical issues arising under the contract. They make frequent visits to program construction sites and prepare site visit reports documenting the progress to identify, resolve, and prevent project problems and issues. They meet weekly with the prime contractor to discuss and resolve any issues and problems and to ensure that each project is meeting requirements, especially in terms of engineering, quality assurance,

staffing, and programmatic matters so that they can be dealt with properly, and in a timely manner. The prime contractor also provides weekly progress reports.

Both approaches have proven favorable for providing contract management and oversight for INL's construction projects.

CONCLUSION

Commissioners, the INL Bureau takes very seriously the need to safeguard the public's trust in managing programs and contracts that support our national security and foreign policy objectives around the world. It is, after all, through our programs that our partners are able to develop the bedrock of civil society, a safe and secure place where people can live free from fear. In Afghanistan, however, our programmatic objectives have certainly been challenged by the high tempo of military operations, a challenging and evolving security environment, and limitations on the size of our staff on the ground. I offer this candid assessment in service to the importance of our work, the challenges we have faced, the successes we have had, and our commitment to always do as best we can. As stewards of increasingly more taxpayer dollars for critical national security objectives, we need consistently to review, adapt, and improve our programmatic contract management, and oversight. We have made this reality a core focus within our Bureau and have, over the past two years increased our financial and program oversight staffing substantially, to better meet the growth in resources that have been entrusted to us.

Thank you for the opportunity to discuss a couple of our critical assistance programs in Afghanistan and our oversight of them. I will do my best to answer any questions you may have.