

To: Dan Brown, SAC, U.S. Department of Interior Office of Inspector General
From: Dr. Charles Monnett (through counsel)
Date: September 8, 2011

RE: Supplemental Materials Requested in August 9 Interview

During the interview of August 9, 2011, Dr. Monnett was questioned by agents for the Interior Department Office of Inspector General (IG) for the first time about aspects of the “Populations and Sources of Recruitment in Polar Bears” study conducted by the University of Alberta in conjunction with the Minerals Management Service (MMS) and its successor agency, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEM).

During the interview, Dr. Monnett volunteered to provide information which would –

- 1) Demonstrate his compliance with applicable rules;
- 2) Document that he was acting under appropriate agency direction at all times; and
- 3) Show that the practices highlighted in questioning are commonplace and reflect standard agency operating procedure.

In a letter dated August 15, 2011, the IG confirmed its interest in receiving such supplemental information which is hereby provided.

I. No Connection between *Polar Biology* Paper and University of Alberta Study

The July 29, 2011 IG “Notification of Investigations [sic] Issues” raised concerns about “disclosure of personal relationships” between Dr. Monnett and the Principal Investigator of the University of Alberta study, Dr. Andrew Derocher. In the August 9 interview, IG agents intimated that they thought there was some connection between the University of Alberta study and the 2006 note authored by Drs. Monnett and Gleason published in the peer-reviewed journal *Polar Biology* which reported sightings of drowned polar bears in open waters following a storm.

Specifically, the IG agents laid out their theory that Dr. Monnett created the study that was eventually awarded to the University of Alberta on behalf of the Principal Investigator Dr. Derocher in return for a favorable peer review that assisted Dr. Monnett and Dr. Gleason with gaining publication of their paper in the journal *Polar Biology*. The agents also asserted that Dr. Monnett “helped” Dr. Derocher write his proposal and chaired the Proposal Examining Committee, in order to assure that the study would be awarded to Dr. Derocher.

As explained below, any assertion of a connection between the *Polar Biology* article and the University of Alberta study is unsupportable and absurd:

A. Study was slated more than a year before drowned polar bears were sighted – no quid pro quo possible.

Drs. Monnett and Derocher first met in September 2003 at a polar bear monitoring workshop being hosted by the USFWS in Anchorage, Alaska. At that time, Dr. Monnett became aware that the University of Alberta and the Canadian Wildlife Service were beginning a massive capture effort of polar bears that offered an unprecedented opportunity to select young animals for collaring to study their dispersive movements.

A draft study profile describing a study to be supported by MMS and awarded to the University of Alberta was drafted in October 2003 and published in the Alaska Studies Development Plan for FY2005 - 2007 that was released in February, 2004. The final Alaska Annual Studies Plan included the profile and was published in September, 2004. The following are excerpts from the original profile as drafted in 2003:

"Type: Intra-agency"

"The purpose of this study is to create a collaborative study of polar bear dispersal and population structure between University/Government researchers and Native subsistence hunters in villages along the Canadian Beaufort Sea, and adjacent coastlines. It will be complementary with previous and ongoing studies conducted in the Alaskan Beaufort Sea Region, but will add new insights because of the emphasis on population genetical mechanisms, particularly dispersal. Approximately 200 polar bears are expected to be captured in the Canadian Beaufort Region, each year for the next 3 years. This study is timed to take advantage of considerable savings in logistics by partnering with that ongoing study."

"Revised date: October, 2003"

Shortly thereafter, an estimated budget was developed (See November 2003 email from Derocher to Monnett) for use in planning. This budget reflected significant cost sharing by the Canadians.

The dead bears were not seen by Drs. Monnett and Gleason until September, 2004, nearly a year after the original study profile was written and the approval process was well underway. In short, the study was first described in October 2003 before the bears drowned and key elements of the Canadian study remained essentially unchanged until present.

B. Intent for cooperative jointly-funded study with Canadians was explicit from the first profile draft and unchanged to present.

The 2003 profile makes it clear that the purpose of the University of Alberta study is to create a collaborative study of polar bear dispersal and population structure between University/Government researchers and Native subsistence hunters in villages along the Canadian Beaufort Sea, and adjacent coastlines. Approximately 200 polar bears were expected to be captured in the Canadian Beaufort Region, each year for 3 years. The

MMS study was timed to take advantage of considerable savings in logistics by partnering with that ongoing study.

C. Drs. Monnett and Derocher were professional colleagues—not personal friends.

The two first met at the Beaufort Sea Polar Bear Monitoring Workshop held September 3-5, 2003 in Anchorage, hosted by the U. S. Fish and Wildlife Service USFWS). They have been physically at the same location on a handful of other occasions for scientific meetings that included polar bear issues on the agenda.

Dr. Monnett has not been to Canada in decades, and neither has met the others' family or visited their personal residence or offices. During the development of the study Dr. Monnett and Dr. Derocher exchanged a number of related email messages and had several telephone conversations on professional business.

Dr. Monnett has similar relationships with nearly all of the other Principal Investigators in studies that he, until recently, oversaw.

D. Dr. Derocher was one of several peers to whom Drs. Monnett and Gleason sent a draft of their polar bear observational paper.

Prior to seeking MMS agency approval to submit their paper for publication in a peer review journal, Drs. Monnett and Gleason disseminated drafts to a number of fellow scientists, including to Dr. Derocher and other polar bear experts. The authors were seeking both editorial feedback but also a sense as to how noteworthy their observations were. This should be clear from reading the "Acknowledgements" of the published paper that states:

"This paper benefited greatly from reviews by, and discussions with, Andrew Derocher, Lisa Rotterman, Richard Shideler, Ian Stirling and Cleveland Cowles."

These informal reviews and discussions are a normal collegial courtesy among scientists – nothing more.

E. Polar Biology is a respected international journal which submitted the manuscript to formal peer review by top experts (not an old boys' network). Dr. Derocher was not one of the journal reviewers.

The formal peer review was managed by Journal editor, Dr. Rolf Gradinger. Again, as the "Acknowledgements" states:

"This paper was improved by useful comments from Rolf Gradinger and three anonymous reviewers."

Dr. Derocher was not a peer reviewer for the Journal, as the IG asserted – a fact that would be clear to any one versed in the peer review process from reading the Acknowledgement and confirmed by the current Journal Editor who, after querying Dr. Gradinger, responded to Dr. Derocher in the email below:

From: Polar Biology Chief Editor <polarbiol@ipoe.uni-kiel.de>
Date: August 12, 2011 1:57:37 AM MDT
To: Andrew Derocher <derocher@me.com>
Subject: Re: Publication in Polar Biology

Dear Andrew,

You're right, all this fuss seems to be a bit "bizarre" and - from an outsider's perspective - somewhat overacted.

I've got news from Rolf now, and I can assure you that you were NOT among the peer reviewers of Monnett's manuscript.

According to Rolf's information, the review process went as usual. The ms was evaluated by three peer reviewers. All of these are internationally acknowledged polar bear researchers from both North America and Europe, all with a proven record of scientific expertise and experience in evaluating manuscripts for Polar Biology. The referees unanimously recommended publication of the ms after revision. Based on the reviews at hand and the response of the authors to the reviewers' comments, there was, to my opinion, no other reasonable decision than to accept the revised and resubmitted ms for publication.

I hope this information is what you need.

Best regards,
Dieter

II. U. Alberta Study Approval Violated No Laws or Regulations – Approval Followed MMS Standard Procedure

The study was developed following the standard operating procedure for the development and procurement of such studies. This involved:

- Identification of the research need;
- Identification of a potential vendor having the capability to successfully address the need;
- Market research to determine costs and appropriate methodology;
- Development of a study profile;
- Vetting by MMS Headquarters professionals and the OCS Scientific Committee;
- Approval of funding;
- Discussions with the Contracting Officer to determine the type of procurement;
- Development of sole-source documentation;
- Development of a statement of work;
- Exchange of information with the sole-source contractor;
- Publication of a FedBizOps notice of intent to procure the study sole-source;

- Issuance of a Request for a Proposal;
- Electronic submission of a proposal and supporting documents by the Investigator;
- Review of the proposal by a Technical Proposal Examining Committee (TPEC) for completeness and responsiveness to the RFP;
- Recommendation of award by the TPEC; and finally
- Award of the contract by the Contracting Officer.

A close examination of the record indicates that the University of Alberta study was approved through proper channels, under the supervision of a series of contracting officers and did not violate any applicable procedures, policies, or regulations:

A. Dr. Monnett did not become a COTR until AFTER study contract was executed.

During the August 9th IG interview, Dr. Monnett stated that he served as the Contracting Officers Technical Representative (COTR) for the University of Alberta study. This is correct but it was not until he was reinstated from administrative leave and had a chance to study his e-mails from this period six years ago that he found that his COTR appointment was not made until September 24, 2005 – after the final contract had been signed (see Attachment II).

Thus, during the contract approval process, which is the focus of the IG inquiry, Dr. Monnett had no responsibilities with respect to the Federal Acquisition Regulations. During this period, his role was to serve as the designated Point of Contact between the Alaska Region, and the Procurement Operations Branch and the University of Alberta.

In fulfilling this liaison function, as detailed below, Dr. Monnett acted as an advisor on request of the CO and served as Chair of the Technical Proposal Examining Committee (TPEC) – a role in a sole-source contract, as explained below, which is ministerial with little discretion.

As a result, this entire line of inquiry by the IG is based upon a fallacious premise. Dr. Monnett was not a COTR with the assigned responsibility to protect the Government's interest during the procurement process for this contract.

B. Dr. Monnett developed idea of partnership with Canadians but full agency approval and support were required to move forward.

When Dr. Monnett first envisioned partnering with ongoing Canadian studies, the initial model was as an interagency agreement. It was clearly identified as a “partnership” between the U. S. Government, University of Alberta and the Canadian Wildlife Service (CWS) in various planning documents.

The decision to move forward with this study was not made by any one scientist or even by the Alaska Regional Office alone, however. It was an agency-wide decision, requiring approval from the highest levels. The MMS study planning process begins with a call for information needs that stakeholders respond to by submitting two-page study profiles

describing the background, objectives and methods to be used in a responsive research study. At the same time, MMS research scientists and analysts develop similar profiles on topics that they have identified within their disciplines.

These profiles are then all reviewed by regional staff and are ranked. Upper management within the region reviews the profiles and in consideration of both management and political objectives, produces a list of the most compelling studies that is forwarded to MMS Headquarters by the Regional Director. The proposed studies are reviewed each year at the OCS Scientific Committee meeting that lasts for three days and leads to comments and recommendations about the scientific merits of each study. Study profiles are modified in response to the Scientific Committee. A National Studies List is generated for final approval by the Director.

The proposed University of Alberta study was reviewed by the OCS Scientific Committee in April 2004 and recommended for approval. Final approval was given and funds were allocated for procurement at the beginning of FY-2005.

The study was only possible because the Canadians provided more than \$800,000 towards the cost of the \$2,000,000 study.

C. Study originally modeled as agreement but evolved into sole-source contract.

Accomplishing this study was detailed in the official 2005 MMS Annual Study Plan [<http://alaska.boemre.gov/ess/essp/sp2005.pdf>]. The first goal under “Methods” was to:

“1. Develop a partnership between University and Canadian Government polar bear biologists, and Canadian Natives to implement a study of juvenile polar bears using long-lived satellite transmitters for monitoring.” (Emphasis added)

That goal was to be accomplished by the University of Alberta study and that goal has been repeated in agency planning documents to the present (see the Annual Study Plan for 2010 pages 109-110 where essentially the same language continues to be used in the introduction and methods: <http://alaska.boemre.gov/ess/essp/sp2010.pdf>). These goals and methods in the profile are clearly reflected in the Statement of Work submitted to the MMS Headquarters on December 20, 2004 (see Appendix III). As described, the study is suffused with partnerships and collaborations.

The type of study was shown as an “Intra-agency” Agreement because when the study was conceived it was expected to be an “partnership” rather than a contract since, among other reasons, the University and CWS would provide nearly \$1 million funds toward the objectives.

Due to difficulties with creating such agreements that span international boundaries, the MMS Contracting Officer (CO) for the study, Jane Carlson, recommended the study be prepared as a sole-source procurement.

At her direction, Dr. Monnett drafted and submitted a sole-source justification to Ms. Carlson for review on December 9, 2004 (See Appendix II).

After Ms. Carlson retired at the beginning of January, 2005, Debra Bridge took over as CO in late-February 2005. One of Ms. Bridge's first actions upon taking charge of the procurement was to inquire of Dr. Monnett whether a proposal had already been submitted to him and request that he forward a copy if he had one. From the emails below, it is clear that Ms. Bridge anticipated the Dr. Monnett would already have the completed proposal, but that was not the case. It was also clear that she was untroubled by the possibility that a proposal already would have been prepared and be in hand.

From: Bridge, Debra
Sent: Wednesday, March 02, 2005 1:50 PM
To: Cowles, Cleveland; Monnett, Charles
Subject: Sole Source Justification - Polar Bears

Re: *Populations and Sources of Recruitment in Polar Bears*

Hi – I've attached your Justification to sole source this project to University of Alberta. We need both your signatures. Please send an original back to me and I'll have Celeste sign it as C.O. (She's already reviewed it). I'm sure you're aware this needs to be posted in FedBizOpps (as a sole source) before we can proceed. Has a proposal already been submitted? (If so, could you forward me a copy)? Thanks. Debbie (Procurement)
703-787-1814

Dr. Monnett responded that he did not have a copy and Ms. Bridge responded that she would move the procurement forward as quickly as possible.

From: Bridge, Debra
Sent: Thursday, March 03, 2005 4:43 AM
To: Monnett, Charles
Subject: RE: Sole Source Justification - Polar Bears

I'm happy to take on this "baggage" and will move it forward ASAP. Yes, the CO is supposed to obtain the proposal but many times this is already done by the time we get the procurement package (funny how that happens!). Anyway, I'll move it forward just as quickly as possible. I'll send you a copy of the FBO announcement as an FYI. My intent is to get it posted today. Anything else, let me know. Thanks.
Debbie

D. Dr. Monnett was assigned to work with Dr. Derocher.

Contact and sharing of information between Dr. Monnett and Dr. Derocher during the development of the University of Alberta proposal were encouraged by the senior CO as well as by the Chief Scientist of the agency, Dr. James Kendall, now the Director of the Alaska Outer Continental Shelf Region of BOEM. In the email below, Dr. Kendall directs Dr. Monnett to forward the Statement of Work to Dr. Derocher and indicates that this action has the approval of the CO, Jane Carlson. At that time, Dr. Monnett was told

that publication of the intention to procure the study sole-source in FedBizOps was not necessary. Dr. Kendall copied numerous other high level MMS managers on this email, including Dr. Monnett's immediate supervisor (who was then the head of Environmental Studies for the Alaska Region) and the Chief of the Environmental Studies Branch for the entire agency. Dr. Monnett's role quite clearly had full official approval.

From: Kendall, James [mailto:James.Kendall@boemre.gov]
Sent: Tuesday, December 21, 2004 9:38 AM
To: Monnett, Charles
Cc: Benner, Lee; Carlson, Jane; Cimato, James M; Cowles, Cleveland; Wallace, Barbara; Hargrove, Michael
Subject: FW:
Importance: High

Hi Chuck:

As you discussed yesterday with Jim Cimato, Lee Benner is out for the rest of the year. However, to help keep this on schedule, I reviewed the dSOW myself this A.M. and added just a couple of edits:

- 1) I included Chief ESB as a recipient of the quarterly reports – I really do need my staff up to speed on all our studies efforts. Often our fire drills do not allow enough time to coordinate with the Regional Programs.
- 2) I beefed up the verbiage regarding “Draft peer-reviewed journal article”. We recently had a very, very public “flare-up” regarding the perception that MMS has to give permission to scientists to publish --- ---- then, it was misconstrued as “censorship.” See my suggested verbiage.

Also, do you want to require the Contractor to have a website for the project?????

Finally, while I do want Lee to look over the dSOW, I understand that since this will be conducted by the Canadian Wildlife Service and/or U.Alberta (please clarify) in Canada, a Fed Bis-Ops announcement, etc. is not necessary. As such, Jane Carlson has informed us that it is OK for you to send the draft SOW to them so they can start thinking about how to prepare their proposal. I'll have Lee look at it as soon as she gets back (around January 10th); any comments she has can be incorporated into the Final SOW that will be officially sent to through the procurement process to the Canadians.

Cheers,

jjk

As illustrated by the chain of emails displayed in Attachment 1, communications between Dr. Monnett and various management and contracting officials demonstrate that there were no mysteries about Dr. Monnett's communications with Dr. Derocher.

What is also illustrated by these emails is the inconsistent approach within the MMS procurement operations branch with respect to this study. For a period of several months, there was no CO for the study. From its inception to present, this study has had involvement by four different COs (Carlson, Bridge, Rueffert, and Bennett), who gave conflicting directions as to how the study was to be handled. Initially, it would be procured as an agreement and then it was decided it would be sole-source; it was not to be published in FedBizOps and later it was necessary for it to be published. These types of decisions and changes in plans are normal to contracting environmental studies in MMS/BOEM.

Nonetheless, this turnover and resultant inconsistencies led to needless delays and confusion. This confusion was regarded by the Environmental Studies units in all regions and at Headquarters as creating obstacles in developing and managing critical studies needed for the agency to exercise its responsibility for NEPA and ESA documentation and related mitigation. See Attachment V for communications during this time period evidencing concerns by staff in the Alaska office and elsewhere about delays in awarding planned studies due to contracting difficulties.

Despite this judgment call by the CO, it should be pointed out that a sole-source procurement is a poor fit for a study that required negotiation of objectives and details about cost-sharing so that funds could be requested through the study planning system at MMS.

E. Dr. Monnett's involvement with draft proposal was negligible. He directed substantive inquiries by Dr. Derocher to CO.

After Dr. Monnett sent Dr. Derocher the Statement of Work as directed by Dr. Kendall, Drs. Monnett and Derocher exchanged emails on January 10, 2005. In his message Dr. Monnett tells Dr. Derocher:

“Email the draft to me when you are happy with it and together we can work out any rough spots. You will get the official RFP from the Contracting Officer after everyone is happy with the SOW. Your proposal will respond to that official contact when it occurs. Hope you had a great holiday. cm” (Full email text in Attachment I)

By mid-April, no proposal had been developed. On April 11th, Dr. Derocher sent Dr. Monnett a proposal outline:

From: Andrew Derocher [mailto:derocher@ualberta.ca]
Sent: Monday, April 11, 2005 6:12 PM
To: Monnett, Charles
Subject: draft of proposal

Hi Chuck,

I am still working through the proposal but I must confess the contract material sent to me by the Virginia office is taking some time to figure out. I have a meeting with our contract people tomorrow to try and figure it out.

What I have attached is a bit of the science side of things. I haven't gone into great detail as this will be developed over time. If I am at all close to the sorts of information that you require it would be useful input to hear. If I am way off, that too would be useful.

Best regards,

Andy

On April 14th, Dr. Monnett responded with the email message below:

“Sorry to take so long to reply...bit distracting around here. I'm headed to Wash DC area for next two weeks but will monitor my email and try to move your proposal along when I see it. What you have seems on target. The most important thing is that objectives and methodology conform to the statement of work, and that seems to be the case. Put in what details you can and if we have further questions we won't be shy. Hope the bureaucracy doesn't get you down. You or your bean counters should get back to the MMS Contracting Officer if you have questions on that side.”

This is apparently the evidence the IG has that Dr. Monnett helped “draft” the Derocher proposal. In fact, by this point Dr. Monnett’s role was minimal because the science of this study was not at issue in the proposal. The hold-up was the contracting particulars – matters not within Dr. Monnett’s expertise.

Yet, as the weeks wore on, there was still no proposal from Dr. Derocher. By late July, the new CO was concerned that the process would go beyond the fiscal year and she reached out to Dr. Monnett to help speed the proposal along.

From: Bridge, Debra [mailto:debra.bridge@boemre.gov]
Sent: Friday, July 29, 2005 3:47 PM
To: Monnett, Charles
Subject: FW: Follow up

Re: Populations & Sources of Recruitment in Polar Bears
Sole Source to University of Alberta

Hi - Just following up. We're getting too close to the end of the FY and still no proposal from Dr. DeRocher. What do you think is the best way to proceed? Are you in touch with Dr. DeRocher? If there is anything I can do to move this along, please let me know. Thanks. Debbie -
Procurement - 703-787-1814

Two points need to be emphasized here:

1. Dr. Monnett provided no substantive help or guidance on the drafting of the proposal. Merely telling the Principal Investigator that the proposal should track the statement of work is simply restating the obvious.

2. Dr. Derocher (whom the IG neglected to contact, let alone interview) states that Dr. Monnett did not provide, and was not expected to provide, feedback on the proposal itself. Instead, he looked to and had several exchanges with the CO, Ms. Bridge for the guidance he needed (see emails at end of Attachment 1).

F. Integrity of Technical Proposal Examining Committee (TPEC) process not compromised.

The IG appears to fail to grasp the different roles of the TPEC in a competitive-source versus a sole-source study. In a competitive-source situation, it is important to keep at arms length so that no unfair competitive advantage is gained by *ex parte* contact with scientific reviewers.

For a sole-source study, there is no competition and no mystery as to who will be selected to conduct the study. As the SOW has already been approved, the sole question is whether the proposal and the implementation of the study itself meet the SOW. This is a relatively straightforward and usually quite short (one to two pages) evaluation. The full TPEC report for this study can be found as Attachment II.

In the single-source environment, this evaluation requires direct communication with the Principal Investigator if a question arises. When the element of cost-sharing is added, the level of technical cooperation required grows even greater.

In short, the TPEC review of the University of Alberta study was not compromised in the least. Dr. Monnett certainly had no financial stake in the completion of the study. He also had no professional stake, other than a belief that it would result in important scientific data – a belief shared by the entire agency as a predicate for justifying allocation of funding for it.

Finally and most significantly, the IG has not pointed to a word in the TPEC evaluation which is in any manner slanted, unprofessional or inappropriate. The TPEC report is displayed in Attachment III. This very short document closely tracks descriptions of the study given in a long chain of agency documents describing the study over the preceding months, including the statement of work.

G. No Federal Acquisition Regulations violated.

Despite repeated requests, the IG has refused to identify which Federal Acquisition Regulation (FAR) was or were allegedly violated in this instance. A review of the FAR does not make it clear on what basis the IG could believe there was a possible impropriety, let alone one that would justify a criminal referral to the Department of Justice.

As has been pointed out earlier, Dr. Monnett did not become the COTR until after the procurement process was over. But even if he had been functioning as the COTR, he would have had no authority to commit the Government to contractual relationships to

commit funds or modify a contract. That is the sole domain of the CO is who is responsible for oversight of compliance with procurement rules.

The COTR serves at the pleasure the CO. The "T" in "COTR" is for Technical. He advises on the science and related technical matters, not on procurement issues. His contract-related training is about broad procedures and personal ethics. Dr Monnett is a marine ecologist, not an acquisition professional.

Significantly, no CO who worked directly with Dr. Monnett has ever made her displeasure or disapproval known. As the IG has admitted, this area of investigation was developed by its investigators, not as the result of any allegation from an outside source.

Disturbingly, the IG has declined to interview Ms. Carlson, the CO during the relevant periods of this study approval process. The COs identified by the IG as the ones they quoted did not have direct knowledge of the events related to this study. Of course when confronted by an IG investigation, these officials would seek to distance themselves from the focus of investigation as quickly as possible. Unfortunately, the IG took these expressions of self-interested denial as a basis for proceeding in lieu of more diligent inquiry.

Moreover, the relevant FAR regulations appear to approve, even encourage, the approach employed by Dr. Monnett and his colleagues (assuming these regulations even apply to Dr. Monnett in the non-COTR role he occupied). For example, for sole-source contracts, FAR 15.201 encourages contact and exchange with interested parties until the solicitation is issued; at which time, further exchange of information must start going through the CO. Once the decision to sole-source has made it past the Fed Biz Opps notification period without comment, the language in FAR 15.201 suggests sharing of draft RFPs, one-on-one meetings, etc. with the one potential Offeror (see FAR 15.201(c)) is appropriate and encouraged.

The language in FAR15.201 further suggests that discussion of a pre-solicitation draft proposal based on a draft RFP could be appropriate in a sole-source contract.

Further, there is nothing in FAR that states even if a COTR participates “in the acquisition process” that individual is barred from serving on the TPEC or as TPEC Chair for that study.

When the University of Alberta proposal was under consideration, the purpose of the TPEC involved no competitive elements, but was simply to ensure that the proposal met the “...requirements of the Statement of Work...” and was “... responsive to the Request for Proposal.” Those purposes were properly served in this instance.

As Dr. Monnett repeatedly pointed out during the August 9th interview, many of the federal acquisition procedures are designed for purchase of products or for competitive bidding – not scientific research, especially in a collaborative joint-study.

H. Method of U. Alberta proposal approval was standard operating procedure.

As catalogued in Appendix IV, several of Dr. Monnett's colleagues have been involved in negotiated sole-source studies/contracts. Several other high profile studies with high involvement by Native hunters or whalers or which require formal approval by their organizations for permits to be issued have been similarly negotiated.

These studies involve contracts with the Alaska Department of Fish and Game including the award-winning Bowhead Whale Satellite Tracking Study, and the recently organized Village-based Walrus Monitoring study. A third study of ringed-seal biology was developed by Dr. Gleason and awarded to the Canadian Department of Fisheries and Oceans. These studies were funded through sole-source procurements that involved active collaboration between the Investigators and COTRs before the contract was awarded.

In addition, virtually every one of the numerous inter- or intra- agency agreements with which Dr. Monnett has been involved has been developed by close collaborations at all phases. This approach is well known to agency senior contracting officers and management officials and is fully sanctioned.

As illustrated in Attachment IV, BOEM colleagues (some with substantially more experience than Dr. Monnett) serving as COTRs see nothing untoward in the manner the University of Alberta study was handled and state that they engage in similar practices on their studies. If there is some policy to the contrary, they are not aware of it from the training provided to them.

I. Agency now eschews sole source process, rendering IG review moot.

In response to a 2009 Presidential directive (see Attachment VI), BOEM is now apparently moving away from sole-source contracting and is moving toward greater reliance on a "cooperative agreement" model. In his directive the President expresses concern about risks of over-reliance on sole-source contracting.

However, the President also cautions that in some cases agencies may need to have that flexibility to carry out their missions:

"When awarding Government contracts, the Federal Government must strive for an open and competitive process. However, executive agencies must have the flexibility to tailor contracts to carry out their missions and achieve the policy goals of the Government. In certain exigent circumstances, agencies may need to consider whether a competitive process will not accomplish the agency's mission. In such cases, the agency must ensure that the risks associated with noncompetitive contracts are minimized."

Most government contracting involves acquisition of materials or non-creative products that are suitably acquired by competitive processes. By contrast, the MMS/BOEM Environmental Studies units are mostly involved in acquisition of intellectual property. For those types of acquisitions, especially when the goal is to access the expertise of

specific individuals and often to gain the use of data and other products they hold, clearly competitive processes are inappropriate and it is in the best interest of the Government to target the best experts having the most relevant experience and holding the most complete and useful databases.

This is even truer when field activities require the investigator to have or obtain scarce permits to disturb and handle protected species such as marine mammals and species classified as threatened or endangered under the Endangered Species Act.

Thus, if the University of Alberta study were to be approved today, it would likely be approved as a cooperative agreement rather than a sole-source contract. Two points should be made here:

1. This shift away from using sole-source contracts makes the current IG investigation moot as it is reviewing actions under procedures that are being largely abandoned. In other words, there would be no basis (assuming there was ever any) to find fault with the approval process for this study if it was approved today under current procedures as a cooperative agreement; and
2. The cooperative agreement model requires even more negotiation and less arms-length dealing than a sole-source contract. To the extent that these features are of concern to the IG, it should be looking at the entire MMS planning and approval process for extramural research rather than retrospectively and selectively nit-picking one study approved six years ago.

J. Singular focus on Dr. Monnett is inappropriate.

If the IG still wishes to fault the approval process with the University of Alberta study, its inquiry should not be limited to Dr. Monnett but should include the procurement professionals and managers who all approved it. Moreover, if other studies were handled in the same fashion, then Dr. Monnett should not be singled out for an apparently meritless criminal referral or placement on administrative leave or loss of duties.

Instead, the IG should look at the entire process by which BOEM now procures scientific work to determine if it is appropriate, effective and efficient.

III. Interests of United States Were Well Served

A. Unique opportunity to cooperate with Canadians and free polar bear research from artificial national and political boundaries.

During the past few years over 60 polar bears have been instrumented by the Canadian team and their behavior monitored as they moved between land and sea ice, often traveling distances of 1000 or more kilometers in a year. Among the important findings of the study is the dramatic expansion of the home ranges of individual polar bears as they have been forced to cope with diminished sea ice in their primary habitat.

A number of bears have made movements between Canada and Siberia as they have responded to record summer ice melt. The results of the study have strong implications to a key management requirement-- definition of population boundaries -- that also has distinct political implications for Arctic nations. Data and results from the study will be used by polar bear managers for many years to come.

The question of paramount interest was whether existing politically-based (*i.e.*, limited by national or regional boundaries) stock designations masked biological realities. Thus, the study results will have profound consequences for interpreting prior attempts at modeling the recovery of the Southern Beaufort Sea population from various oil-spill scenarios which could not fully consider transnational effects.

Through strong communication, Drs. Monnett and Derocher created a highly successful, cutting-edge study of polar bears involving international cooperation between three Governmental Organizations and with approval of Native subsistence user groups. Without this partnership, this important research could not have been accomplished.

B. Cost share made study extremely cost effective for taxpayers.

In these fiscally-pressured times, there is a need to stretch federal research dollars. One way to accomplish that is to find compatible research “partners” who will help share the costs of research. In this study, MMS found the perfect partner in the Canadians who are sharing nearly half of the study costs (over \$800,000 out the total \$2 million study cost).

Further, the partnership produced considerable savings because it took advantage of an ongoing study by the Canadians. This arrangement also gives U.S. researchers access to Canadian polar bear research. This type of cooperative trans-national effort should be encouraged rather than inhibited by misguided criminal-style probes.

C. Rescission of stop work order is official concession of the value of the study.

On July 13, 2011, in the wake of IG procurement-related allegations surfacing, BOEM issued a stop-work order to the University of Alberta. This action needlessly disrupted an important study, prevented research results from being reported to BOEM (even though BOEM had already paid for them) and jeopardized hard-won cooperative relationships with key players on the Canadian side.

BOEM took this action even though IG has dredged up not a scintilla of evidence that the study itself was conducted to less than the highest standards of scientific integrity and professionalism.

Perhaps recognizing these factors, BOEM rescinded its stop-work order on August 1, 2011. Nonetheless, the ham-handed IG investigation and criminal referral strained the international relations which made the study possible and raised doubts in the minds of other potential international research partners of the risks of dealing with American scientific agencies which may find themselves subjected to similar disruptive inquiries out of right field.

D. Criminal-style investigation creates needless career and personal damage.

The IG investigation has inappropriately damaged the credibility of federal climate change science. The IG pursuit of insinuations without proof is providing fodder for climate skeptics across the globe.

In addition, this inquiry has also damaged the reputations not only of Dr. Monnett but also Drs. Rotterman, Gleason, and Derocher, as well as any other scientist with whom Dr. Monnett has collaborated. Because there is no due process accorded in the IG process and Dr. Monnett is not allowed to see the evidence against him, let alone learn what the allegations precisely are, the IG investigation leaves an amorphous cloud of doubt that is difficult to dispel with facts.

Further, there has been damage to government science by removing Dr. Monnett from his role working with these studies at the beginning of field work for a number of important studies. (Dr. Monnett is now on a detail with duties unrelated to his previous work.)

Finally, the fact of the investigation has subjected Dr. Monnett's family to harassment, especially from climate-change skeptics who have, for example, posted his wife's work email address on the web and invited readers to flood her inbox at her workplace which lead to a number of hateful and threatening messages.

###

Attachment I -- Emails on University of Alberta Proposal

From: Andrew E. Derocher [mailto:derocher@ualberta.ca]
Sent: Monday, November 24, 2003 1:02 PM
To: Monnett, Charles
Subject: RE: polar bears

Hi Charles,

Here is a rough cut at a yearly budget. The numbers you have in place look good but possibly just a bit high. However, there are some additional costs in those years where the number of collars running exceed the 15 from the first year and this part of the column would take another 20-30 k per year in years 2, 3, and 4 and push the number up to ca. 250. There are means of going somewhat cheaper if need be.

I don't think I have missed any major items. I worked in some helicopter time to allow specific checks on individual bears to verify collar fit, drop off function, and collar pick up. Let me know if there is anything else but from what I read, the proposal looks good.

Cheers,

Andy

Andrew E. Derocher, Ph.D.
Professor, Department of Biological Sciences
University of Alberta, Edmonton, Alberta
Canada T6G 2E9

Phone: 1-780-492-5570 Fax: 1-780-492-9234

derocher@ualberta.ca

http://www.biology.ualberta.ca/faculty/andrew_derocher/

From: Monnett, Charles [mailto:Charles.Monnett@boemre.gov]
Sent: Monday, December 20, 2004 7:06 PM
To: derocher@ualberta.ca
Cc: Monnett, Charles; Carlson, Jane
Subject: Draft Statement of Work for Polar Bear Tagging Study

Dear Dr. Derocher,

MMS is considering funding a research project that involves tagging polar bears in western Canada with satellite transmitters to study natal dispersal and population delineation. Attached as a courtesy, is a **DRAFT** of a Statement of Work that is under development. At this time, we anticipate funding this as a sole-source procurement to your organization. However, this communication does not represent a formal offer from the U. S. Government to fund your services. All formal offers/communication must come directly from the MMS Contracting Officer (currently Jane Carlson) based in Herndon, VA. In the interest of saving time, it might be to your advantage to begin work on a proposal in response to the attached SOW. However, please understand that some changes may yet be made to the SOW before it is finalized. Moreover, if for some reason the study were not funded, the U. S. Government would accept no responsibility for reimbursing you for your time, or any expenses related to creation of the proposal.

Thank you for your cooperation on developing this study. Please feel free to contact me by return e-mail or at 907-334-5282 if you have any questions.

Best Regards

Charles Monnett, Ph.D.
Contracting Officers Technical Representative

From: Monnett, Charles [mailto:Charles.Monnett@boemre.gov]
Sent: Monday, December 20, 2004 1:03 PM
To: Benner, Lee; Carlson, Jane
Cc: Cowles, Cleveland; Kendall, James; Monnett, Charles
Subject:

Seasons Greetings. In accordance with our FY 2005 Alaska Annual Studies Plan and the approved 2005 National Studies List (NSL), the Alaska Region has developed the following dSOW that is ready for review: NSL # AK-05-02, "Populations and Sources of Recruitment in Polar Bears". We have reviewed the proposal locally. We believe this study is an excellent opportunity to take advantage of CWS and University of Alberta cost-sharing in order to address a high priority information need of the Alaska OCS Region. This study is to be a Sole-Source procurement, and the respective "Justification

and Approval for Other than Full and Open Competition” is attached. It has been reviewed by the CO (Jane Carlson) and she has recommended approval with a few modifications to the format.

We would appreciate any comment you might have on his draft by 27 December as we are trying to meet deadlines for required purchases of PTTs for a March field season. We also are being helped considerably by Jane Carlson and would like to take this as far as possible before her retirement. Please contact me if you have any questions. I will be in the office through the holidays. Thanks for your assistance. Best Regards.

To which Dr. Monnett received this approval to proceed with minor changes:

From: Kendall, James [mailto:James.Kendall@boemre.gov]

Sent: Tuesday, December 21, 2004 9:38 AM

To: Monnett, Charles

Cc: Benner, Lee; Carlson, Jane; Cimato, James M; Cowles, Cleveland; Wallace, Barbara; Hargrove, Michael

Subject: FW:

Importance: High

Hi Chuck:

As you discussed yesterday with Jim Cimato, Lee Benner is out for the rest of the year. However, to help keep this on schedule, I reviewed the dSOW myself this A.M. and added just a couple of edits:

- 1) I included Chief ESB as a recipient of the quarterly reports – I really do need my staff up to speed on all our studies efforts. Often our fire drills do not allow enough time to coordinate with the Regional Programs.
- 2) I beefed up the verbiage regarding “Draft peer-reviewed journal article”. We recently had a very, very public “flare-up” regarding the perception that MMS has to give permission to scientists to publish ----- then, it was misconstrued as “censorship.” See my suggested verbiage.

Also, do you want to require the Contractor to have a website for the project?????

Finally, while I do want Lee to look over the dSOW, I understand that since this will be conducted by the Canadian Wildlife Service and/or U.Alberta (please clarify) in Canada, a Fed Bis-Ops announcement, etc. is not necessary. As such, Jane Carlson has informed us that it is OK for you to send the draft SOW to them so they can start thinking about how to prepare their proposal. I’ll have Lee look at it as soon as she gets back (around January 10th); any comments she has can be incorporated into the Final SOW that will be officially sent to through the procurement process to the Canadians.

Cheers,

jjk

From: Andrew Derocher [mailto:derocher@ualberta.ca]
Sent: Monday, January 10, 2005 1:13 PM
To: Monnett, Charles
Subject: RE: Draft Statement of Work for Polar Bear Tagging Study

Dear Chuck,

Happy New Year. I just thought I would touch bases with you to see how things stand on your side. Here, I have a draft proposal done and I just need to work through the science issues a bit more. I have structured the document closely to the SOW and have tried to focus on the key issues. The budget is worked through in some detail now.

I will be sending up a condensed version of the proposal to the permitting agencies this week. This will be a necessary hurdle to work through but I think we can do it. It may take some work but that is nothing new.

Let me know what our next move is. I will have a refined version later this week if you would like to see where I'm at.

Cheers,

Andy

Andrew E. Derocher, Ph.D.
Professor
Department of Biological Sciences
University of Alberta
Edmonton, AB
T6G 2E9
Phone: (780) 492-5570 Fax: (780) 492-9234

To which Dr. Monnett replied:

From: Monnett, Charles [mailto:Charles.Monnett@boemre.gov]
Sent: Monday, January 10, 2005 1:24 PM
To: Andrew Derocher
Subject: RE: Draft Statement of Work for Polar Bear Tagging Study

Excellent! I was thinking about you this AM. At this end, I am waiting for a HQ reviewer of the SOW to return from holiday so that I can satisfy all the channels. I believe she is back today so things should start to move at our end, shortly. Email the draft to me when you are happy with it and together we can work out any rough spots. You will get the official RFP from the Contracting Officer after everyone is happy with the SOW. Your proposal will respond to that official contact when it occurs. Hope you had a great holiday. cm

-----Original Message-----

From: Benner, Lee
Sent: Thursday, February 17, 2005 11:27 AM
To: Monnett, Charles
Subject: Hey

The polar bear package arrived – need a couple things:

- 1) Copy of sole source. **Since Jane is gone and what she has left behind and where is still not clear it is best if you provide me with a signed copy**
- 2) Jim Cimato is asking us to request of the COTR's electronic copies of the GANTT sheets (milestone charts) for each effort. So please send me an electronic copy of whatever you – if it is available yet. If not please send it when it when it is.

Thank you.

Lee

From: Monnett, Charles
Sent: Thursday, February 17, 2005 12:02 PM
To: Benner, Lee
Subject: RE: Hey

This is what I sent to Jane 21/2 months ago but I believe that she changed the J&A because she did not think that Cleve and I should be the signatories. cm

By early March, there was still no proposal.

-----Original Message-----

From: Monnett, Charles
Sent: Wednesday, March 02, 2005 7:43 PM
To: Bridge, Debra
Subject: RE: Sole Source Justification - Polar Bears

Hi Debra,

The signed J&A will go out in tomorrows Overnight FedEx. A proposal has not been submitted but has been mostly completed according to the PI. I was told the CO would make the contact requesting the proposal. Can you request the proposal and let us review it while we await the FedBizOpps review period. This needs to get in FedBizOpps ASAP. We were in a hurry last December when Jane had said that it would not need to be advertised. It was held up waiting for comments from Lee Benner who was on Christmas leave. I know that this is not your baggage, but the paperwork needs to move so the PI can order custom equipment for a May field season. Regards. cm

On February 23, 2005, MMS issued a signed requisition order for the study naming the University of Alberta. On February 25, 2005, Debra Bridge is assigned as the new CO for this study.

From: Bridge, Debra [mailto:debra.bridge@boemre.gov]
Sent: Thursday, March 03, 2005 8:43 AM
To: Monnett, Charles
Subject: RE: Sole Source Justification - Polar Bears

I'm happy to take on this "baggage" and will move it forward ASAP. Yes, the CO is supposed to obtain the proposal but many times this is already done by the time we get the procurement package (funny how that happens!). Anyway, I'll move it

forward just as quickly as possible. I'll send you a copy of the FBO announcement as an FYI. My intent is to get it posted today. Anything else, let me know. Thanks.
Debbie

March 7, 2005 notice of intent to issue sole source contract published in Fed Business opportunities ("Fed Biz Ops") with a protest period closing March 25th. No protest was filed. At that point, the sole-source nature of the arrangement was presumptively approved.

In early April, the MMS Contracting Officer sent the University of Alberta a formal Request for Proposal (RFP):

-----Original Message-----

From: Bridge, Debra [mailto:Debra.Bridge@mms.gov]

Sent: Monday, April 04, 2005 3:46 PM

To: derocher@ualberta.ca

Subject: Request for Proposal

Hello Dr. Derocher – Attached to this email is the RFP for the study entitled "*Populations and Sources of Recruitment in Polar Bears.*" I will Fed'Ex the original out tonight which (FedEx informed me) you should have it by Noon on Tuesday 4/5, but just in case it is a little late in arriving, I wanted to email you a copy.

If you have any questions, please let me know.

Thank you.

Debbie Bridge

Ph: 703-787-1814

Minerals Management Service

-----Original Message-----

From: Andrew Derocher [mailto:derocher@ualberta.ca]

Sent: Monday, April 11, 2005 6:31 PM

To: 'Bridge, Debra'

Cc: Elsie Mahe

Subject: RE: Request for Proposal

Dear Ms Bridge,

I have been working through the request for proposal and while I have completed an outline of the scientific side of the study and have a budget itemised, I am still progressing through the forms that are required for submission.

I am leaving for field studies on polar bears next week and I am wondering it is possible to have an extension on the submission date. I return to Edmonton ca. June 2 and if the contract could be set for submission thereafter, it would greatly expedite the completion of the forms. I believe that the short timeframe was set to facilitate study initiation in spring 2005 which is no longer possible given the required permitting from government agencies.

Should submission in June not be possible could you please inform me of the latest date of submission of an offer?

Further, it unclear to me what the term "fixed fee" refers to in both Section B and Section J. Clarification would assist the process.

I have copied this mail to Elsie Mahe who is the contract officer at the University that assists with processing these contracts through the University system.

Thank-you for your time and assistance.

Sincerely yours,

Andrew Derocher

Andrew E. Derocher, Ph.D.
Professor
Department of Biological Sciences
University of Alberta
Edmonton, AB
T6G 2E9
Phone: (780) 492-5570 Fax: (780) 492-9234
http://www.biology.ualberta.ca/faculty/andrew_derocher/

During the ensuing two weeks, the CO twice reached out to Dr. Monnett for assistance in moving the proposal along:

From: Bridge, Debra [mailto:debra.bridge@boemre.gov]
Sent: Tuesday, April 05, 2005 9:11 AM
To: Monnett, Charles
Subject: Polar Bear Study - AK-05002

To update you, Dr. Deroucher at the University of Alberta received the RFP yesterday. He has until 4/15 to send his proposal. I asked that you receive two copies directly from him so we can speed this along. Debbie 703-787-1814

From: Bridge, Debra [mailto:debra.bridge@boemre.gov]
Sent: Tuesday, April 19, 2005 12:11 PM
To: Monnett, Charles
Subject: FW: Request for Proposal

Re: Populations & Sources of Recruitment in Polar Bears

As you know, this proposal was due to us last Friday, 4/20. I was away at a conference last week and this week in oral presentations and I apologize for the delay in getting this email to you. I realize you've been trying to get this completed since December. Please see Dr. Derocher's email below and let me know how best to proceed. Although I'll not be at my desk much this week, if you call I will return the call, or email if that is better. Thank you. Debbie 703-787-1814

Separately; Dr. Derocher apprised Dr. Monnett on progress:

From: Andrew Derocher [mailto:derocher@ualberta.ca]
Sent: Monday, April 11, 2005 6:12 PM
To: Monnett, Charles
Subject: draft of proposal

Hi Chuck,

I am still working through the proposal but I must confess the contract material sent to me by the Virginia office is taking some time to figure out. I have a meeting with our contract people tomorrow to try and figure it out.

What I have attached is a bit of the science side of things. I haven't gone into great detail as this will be developed over time. If I am at all close to the sorts of information that you require it would be useful input to hear. If I am way off, that too would be useful.

Best regards,

Andy

Andrew E. Derocher, Ph.D.
Professor
Department of Biological Sciences
University of Alberta
Edmonton, AB
T6G 2E9
Phone: (780) 492-5570 Fax: (780) 492-9234
http://www.biology.ualberta.ca/faculty/andrew_derocher/

-----Original Message-----

From: Monnett, Charles [mailto:Charles.Monnett@mms.gov]
Sent: Thursday, April 14, 2005 8:49 PM
To: 'Andrew Derocher'
Subject: RE: draft of proposal

Andy,

Sorry to take so long to reply...bit distracting around here. I'm headed to Wash DC area for next two weeks but will monitor my email and try to move your proposal along when I see it. What you have seems on target. The most important thing is that objectives and methodology conform to the statement of work, and that seems to be the case. Put in what details you can and if we have further questions we won't be shy. Hope the bureaucracy doesn't get you down. You or your bean counters should get back to the MMS Contracting Officer if you have questions on that side.

Regards.

Chuck

The University of Alberta ran into technical snags in composing the proposal and worked with CO Bridge through August to resolve them:

From: Bridge, Debra [mailto:debra.bridge@boemre.gov]
Sent: Wednesday, July 06, 2005 11:32 AM

To: derocher@ualberta.ca
Cc: Monnett, Charles
Subject: Follow up

Re: *Populations & Sources of Recruitment in Polar Bears*

Hello Dr. DeRocher- As a follow up to my most recent phone message left for you on June 20th, please give me a call to discuss the University's proposal on the above subject project. If I need to be speaking with someone other than yourself, please let me know. I look forward to speaking with you.

Thanks.

Debbie Bridge
Minerals Management Service

>Debra Bridge
>Contract Specialist
>Minerals Management Service

-----Original Message-----

From: derocher [<mailto:derocher@ualberta.ca>]
Sent: Wednesday, July 06, 2005 4:02 PM
To: Bridge, Debra
Subject: RE: Follow up

Dear Debbie,

Sorry for the delays but I have been at the IUCN/SSC Polar Bear Specialist Group meetings in Seattle and then on holidays for a week. I will attend to this shortly.

Sincerely yours,

Andrew Derocher

The Contracting Officer then reached out to Dr. Monnett for help in moving the proposal along:

From: Bridge, Debra [<mailto:debra.bridge@boemre.gov>]
Sent: Friday, July 29, 2005 3:47 PM
To: Monnett, Charles
Subject: FW: Follow up

Re: *Populations & Sources of Recruitment in Polar Bears*
Sole Source to University of Alberta

Hi - Just following up. We're getting too close to the end of the FY and still no proposal from Dr. DeRocher. What do you think is the best way to proceed? Are you in touch with Dr. DeRocher? If there is anything I can do to move this along, please let me know. Thanks. Debbie - Procurement - 703-787-1814

-----Original Message-----

From: Andrew Derocher [mailto:derocher@ualberta.ca]

Sent: Tuesday, August 02, 2005 5:23 PM

To: Bridge, Debra

Subject: RE: Follow up

Dear Debbie,

Sorry for the long delay in getting back to you. I am now trying to finish off this proposal. I am trying to work through the 55 pages that you sent to me and from what I can determine, there are only a few items from this that need to be returned at this time.

I have attached the proposal that I have written for this with a budget attached. Could you let me know if I am close to the format that you are expecting for the proposal section? I haven't worked through a US Government grant before and the documents are daunting to say the least.

I am trying to ascertain which of the documents that were sent need to be included in the proposal. It seems to me that Attachment 9, Summary of Total Proposed Costs needs to be included. Am I correct on this.

There is a document 1435-01-05-RP-39151 called "Section B Supplies or Services and Price/Costs". Does this need to be submitted at this time? If so, could you clarify the term "Fixed Fee".

I am committed to getting this done as soon as possible. I know I am very late on moving this along and I do apologise.

Sincerely yours,

Andrew

Andrew E. Derocher, Ph.D.

Professor

Department of Biological Sciences

University of Alberta

Edmonton, AB

T6G 2E9

Phone: (780) 492-5570 Fax: (780) 492-9234

http://www.biology.ualberta.ca/faculty/andrew_derocher/

-----Original Message-----

From: Bridge, Debra [mailto:Debra.Bridge@mms.gov]

Sent: Wednesday, August 24, 2005 3:46 PM

To: Andrew Derocher

Cc: Elsie.mahe@ualberta.ca

Subject: Populations & Sources of Recruit. in Polar Bears-MMS

Dr. Derocher – Thanks for submitting this proposal to the MMS. You mentioned Section B in your earlier email sent with the proposal. I've attached a draft of the Contract's Section B for your completion. From the budget you submitted, it appears a Cost Reimbursement type contract is appropriate, where the University will be reimbursed for its costs in the performance of this study. Fee is considered profit in a Cost Reimbursement Contract. Please edit/complete and return back to me. You also mentioned Attachment 9-Summary of Total Proposed Costs. This form *may* be completed as well, but basically it is a budget. Whatever works best and whatever you're used to submitting will be fine, as long as we obtain all the information

regarding the budget for the study. I know all this paperwork can be “daunting,” but we’ll be able to work through it! Thanks. Any questions, please let me know.
Debbie Bridge, Minerals Management Service, Ph: 703-787-1814

ATTACHMENT II – COTR Appointment Letter



United States Department of the Interior
MINERALS MANAGEMENT SERVICE
Washington, DC 20240



MEMORANDUM

DATE: **SEP 24 2005**

To: Dr. Charles Monnett, Marine Ecologist, Offshore Minerals Management

From: Celeste H. Rueffert, Contracting Officer, Procurement Operations Branch

Subject: Appointment of Contracting Officer's Technical Representative
Contract No 1435-01-05-CT-39151 – Contractor: **University of Alberta**
"Populations and Sources of Recruitment in Polar Bears – NSL # AK-05-02"

You are hereby designated as a Contracting Officer's Technical Representative (COTR) for the above subject contract.

Acting in the capacity of COTR, you are authorized to perform the tasks listed below:

- a. Inspect and monitor the Contractor's performance to assure technical compliance with the Agreement. You shall immediately notify the Contracting Officer of any noncompliance issue, failure to make satisfactory progress, or dispute. You shall defer all discussions concerning disputed matters to the Contracting Officer.
- b. Inspect and verify satisfactory delivery of all items, including the Contractor's reports.
- c. Verify efficient and satisfactory performance of work for payment purposes. When Orders contain a warranty or maintenance clause, immediately and concurrently notify the Contracting Officer and the Contractor of any deficiencies and monitor the Contractor's response time. You shall notify the Contracting Officer if the Contractor fails to comply with the Agreement requirements.
- d. Within three calendar days of receipt of an invoice, note on the first page of the invoice either your recommendation for payment or reason for disapproval, then submit to the Contracting Officer.
- e. Attach any supporting documentation to the invoice as applicable.
- e. Provide the Contracting Officer with copies of any correspondence regarding the Agreement.



Under this appointment, you may not:

- a. modify the stated terms and conditions of the Agreement or the scope of work in any manner. All such changes must be made in writing by the Contracting Officer.
- b. award, agree to, or execute any Agreement, Agreement modification, or notice of intent;
- c. obligate, in any way, the payment of money by the Government;
- d. make a final decision on any Agreement matter which is subject to FAR 52.233-1, Disputes or other disputes or claims provision; or
- e. terminate, for any cause, the Contractor's right to proceed.

In exercising this appointment, when applicable, you are responsible, as applicable, for:

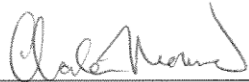
- a. Knowing and understanding the terms and conditions of the Agreement. Immediately discuss any unclear areas with the Contracting Officer.
- b. Knowing the scope and limitations of your authority and using good judgment, skill, and reasonable care in exercising it.
- c. Protecting privileged and sensitive procurement information.
- d. Periodically visiting the Contractor's place of performance to verify progress and informing the Contracting Officer of your findings concerning (1) actual performance vs. scheduled performance and (2) action needed to restore Agreement to schedule.
- e. Implementing the Government Furnished Property/Materials (GFP/M) Agreement provisions. Your responsibilities for GFP/M include: providing the Contracting Officer any proposed changes, additions, or deletions to GFP/M; insuring that delivery is made on time; and inspecting each unit upon its return and notifying the Contracting Officer of any deficiencies.
- f. Performing all required tests within the stated time limitations. The results must be promptly forwarded to the Contracting Officer. When equipment is delivered to more than one site, assuring that acceptance is not certified by anyone other than the Contracting Officer. Insuring that equipment is not installed or repaired by Government personnel when the responsibility lies with the Contractor.

You may not delegate the duties or responsibilities assigned to you under this appointment. Your designation as COTR will end upon (a) Agreement completion, (b) Agreement termination, (c) departure from your present position, or (d) termination of this appointment.

When performing your duties under this appointment you shall constantly stress protection of the Government's interests. You should be particularly attentive to suspected violations of the Program Fraud Civil Remedies Act (PFCRA) consisting of the submission of false claims or the making of false statements. Similarly, you shall avoid any act which may tend to compromise the position of the Minerals Management Service or any individual member, impair confidence in the Government's integrity, or interfere with the Contractor's right to perform. In addition, DIAR 1403.203-70(b) requires that a contractor's offer of a gratuity intended to obtain an Agreement or favorable treatment under an Agreement must be reported. In your capacity as Contracting Officer's Technical Representative, you are responsible for promptly reporting any suspected violations of this to the Contracting Officer. Copies of the above documents will be provided at the COTR's request.

Receipt

Acknowledged:



Date:

10/4/05

cc: Dr. Andrew Derocher, University of Alberta, Biological Sciences

ATTACHMENT III -- TPEC REPORT ON University of Alberta Study

The following is the text of the TPEC report on the Derocher proposal sent by Dr. Monnett to the contracting officer (Deborah Bridge) on August 9, 2005:

"Technical Proposal Examining Committee (TPEC) Report

Proposal for "Populations and Sources of Recruitment in Polar Bears"

Submitted By: Andrew E. Derocher, Ph.D.
Department of Biological Sciences
University of Alberta
Edmonton, Alberta
Canada T6G 2E9

TPEC: Charles Monnett, Ph.D. (chair), Jeffrey Gleason, Ph.D.
Minerals Management Service
Alaska OCS Region/Leasing and Environment
3800 Centerpoint Drive, Ste. 500
Anchorage, AK 99503

Recommendation

This proposal was submitted by the University of Alberta in response to RFP # 0105CT39151 for sole-source procurement of the study entitled: *Populations and Sources of Recruitment in Polar Bears* (NSL AK 05-02). The TPEC has reviewed the Proposal for technical content and finds that it meets the requirements of the Statement of Work and is responsive to the Request for Proposal. The investigator has requested funding of \$254,838 during FY-2005 (\$1,139,137 Total for 5 years). However, only \$250,000 is available for FY-2005 under Requisition No. 5-4043-0045. The TPEC recommends that the University of Alberta be awarded the contract, in the amount of \$250,000 for FY-2005, with the balance of the funding requested for FY-2005 (\$4,838) to be added to FY-2006 incremental funding.

Summary

This study calls for the instrumentation of juvenile polar bears with satellite transmitters along the Canadian Beaufort Sea and monitoring of their movements for a minimum of 5 years. Findings of this study, together with findings from previous studies, are to be analyzed and used by the Investigator to provide a more ecologically rigorous interpretation of biological population boundaries for polar bears than is currently used for management decision-making. This study is to be coordinated with ongoing work by Derocher and Dr. Ian Sterling, Canadian Wildlife Service, Polar Bear Biologist. As part of those activities, Canadian polar bear biologists are capturing and examining approximately 200 polar bears each year. Bears to be instrumented in the proposed study are to be selected from those being captured. This work is also to be closely coordinated with remote villages and subsistence Natives near the study site.

The University of Alberta proposal clearly satisfies the above requirements. Dr. Derocher is a well published, renowned polar bear expert who has conducted research on polar bears in Norway and Canada. He will be conducting this study in collaboration with the internationally acclaimed polar bear biologist, Dr. Ian Stirling of the Canadian Wildlife Service (CWS), also based in Alberta. Although this contract is with the University of Alberta (UA), MMS funds are leveraged by cost-sharing from the UA and CWS collaboration. Those organizations will provide personnel, permits and much of the logistical resources needed to capture approximately 200 polar bears each year from which subjects will be selected for this project. During the subsequent monitoring/analytical phases, additional cost-share funding will be provided including the PI's salary, a significant portion of the travel budget, and certain expenses for analysis and field work.

A research permit will be obtained from the Government of the Northwest Territories to apply the satellite collars. In order to obtain this permit, the investigators will be required to consult with various local Hunters and Trappers Committees. Consultation and annual reporting to the Inuvialuit Game Council will be a required part of program management. Dr. Derocher and Dr. Stirling are well experienced and ideally suited to accomplish these activities and to carryout the overall objectives of this study because of their extensive experience working with the people and wildlife in the proposed study area."

ATTACHMENT IV- Memos Indicating Lack of Pertinent Guidance to COTRs

From: Epperson, Deborah
Sent: Monday, August 29, 2011 6:32 AM
To: Roscigno, Pasquale; Gambino, Stephanie
Subject: FW: Request for additional needed COR training

FYI – don't know if you have seen this...but in light of what is happening to a scientist in AK on procurement issues, we really are in the same boat here. Particularly important in a post-DWH environment I believe.

*Deborah M. Epperson, Ph.D.
Protected Species Biologist
Bureau of Ocean Energy Management, Regulation and Enforcement
1201 Elmwood Park Blvd.
New Orleans, LA 70123
Phone: 504-736-3257
Fax: 504-736-2901
Email: deborah.epperson@boemre.gov*

From: Prentki, Richard
Sent: Friday, August 19, 2011 2:35 PM
To: Rueffert, Celeste; Hobbs, Marianne
Cc: Campbell, Chris; Coon, Catherine; Crowley, Heather A; Horowitz, Warren; Monnett, Charles; Raymond, Richard L; Wedemeyer, Kate; Williams, Dee; Cody, Mary B; Denton, Jeffrey W; Holiday, Dan M; Kendall, James; Cluck, Rodney

Subject: Request for additional needed COR training

United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT

Alaska Outer Continental Shelf Region

3801 Centerpoint Drive, Suite 500

Anchorage, Alaska 99503-5823

August 19, 2011

Subject: Request for additional needed COR training

To: Chief Procurement Operations Branch
Bureau Acquisition Career Coordinator

From: Richard Prentki, Ph.D.
BOEMRE Alaska OCS Region
Oceanographer/COR

Although I have been on Agency Technical Proposal Evaluation Committees (TPECs) for 30 years and a Contracting Officer's Representative/Contracting Officer's Technical Representative/Project Officer (COR/COTR/PO) for over 20 years, the issues being raised by Office of Inspector General (OIG) in regard to Dr. Monnett (<http://www.globalwarming.org/wp-content/uploads/2011/08/IG-Letter-to-Charles-Monnett-Aug-15-2011.pdf>) demonstrate that my COR training is incomplete. I therefore request that BOEMRE provide me and other CORs additional training in appropriate COR/pre-COR appointment/potential contractor/grantee interactions. I recommend that such training be the focus of COR certification renewal training that is required during the current 2-year recertification period. This may be particularly important training for the inexperienced, first-time CORs who have taken over most of Dr. Monnett's contracts.

The training should cover all types of Agency contracting: open competition; sole-source contracts; unsolicited proposals; Cooperative Agreements (Co-ops), including Coastal Marine Institute (CMI) and Cooperative Ecosystem Studies Units (CESU); and Interagency Agreements (IAs).

Proposed Studies for which contracting mechanism not yet established or study not yet approved for procurement

State of Understanding:

- We can share published study abstracts, FedBiz notices, etc. with likely interested parties

- We can solicit and help develop detailed study ideas, including budgets and tasks, at public meetings such as done at the 2006 COMIDA and NAB workshops as per FAR 15.201(c).
- We can contact knowledgeable scientists/contractors about likely cost of research efforts as long as the information we provide is not detailed and is clearly identified as not leading to currently approved procurement
- FAR Subpart 15.201(a) states that “exchange of information among all interested parties, from the earliest identification of a requirement through receipt of proposals are encouraged.”

Open Competition

State of Understanding:

- We can share published study abstracts, FedBiz notices, etc. with likely interested parties as per FAR 15.201.
- Any other contact with potential bidders should go through CO (although FAR Subpart 15.201(f) appears to require this only after the solicitation is issued).
- Question: What information can we share with cooperating Federal or State agencies (who are not expected to be bidders)? If we can share, what safeguards need to be taken?

Sole-Source Contracts

State of Understanding:

- I am unclear what I can share in a proposed sole-source contract. Obviously we need to find out whether the proposed sole-source “contractor” is interested and available before it makes sense to try to establish the Solicitation. FAR 15.201 encourages contact and exchange with interested parties until the solicitation is issued; at which time, further exchange of information must start going through the CO. Once the decision to sole-source has made past the FedBiz notification period without comment, the language in FAR 15.201 suggests sharing of draft RFPs, one-on-one meetings, etc. with the **one** potential Offeror (see FAR 15.201(c)) is appropriate and encouraged. The language in FAR 15.201 suggests that discussion of a presolicitation draft proposal based on a draft RFP could be appropriate in a sole-source contract for agency “participants in the acquisition process.” However, if the COR participates in any of these presolicitation, encouraged contacts and exchanges and then as usual serves as the TPEC Chair for the subsequent proposal, has the COR, in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft?” **Detailed training should be provided on the application of FAR 15.201 in sole-source procurement.**

Unsolicited Proposals

State of Understanding:

- Such proposals must be truly unsolicited.
- Unsolicited proposals are normally forwarded to POB with or without a Regional Recommendation, for a POB-assigned TPEC.
- Study ideas/proposals submitted in response to a Studies Plan call may be considered and processed as part of Study Plan development

CMI Proposals

State of Understanding:

- The CMI Program Announcement
<http://www.grants.gov/search/search.do?jsessionid=Gzh2Nh1YPJpMvGmykGJv1NX6LP>

[n1WL2qW2Dt9Q6hpvnLGyjr424S!-1834076665?oppId=94393&mode=VIEW](https://www.federalregister.gov/public-comments/comment/2017/04/24/2017-04-24-1834076665?oppId=94393&mode=VIEW) suggests that “Proposals for topics that may be highly relevant...should be discussed with the CMI Director and BOEMRE contracts in advance of proposal development.” The BOEMRE contact is the PO and in the language of the OIG the PO would have “assisted...in preparing...Proposal.” The PO manages the review of the initial submitted Proposal. Authors of proposals which make it through the subsequent Technical Steering Committee review are told to contact the PO to discuss changes the PO wants in the proposal, including providing a meaningful participation role of the PO in the project. The PO then reviews the revised proposal and has in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing proposals and then reviewing them is okay for CMI proposals.**

CESU

State of Understanding:

- We can chose a specific CESU public member of an affected State to do a research project we design. We can request them to use specific subcontractors. We negotiate research design and budget directly with the chosen CESU member, including a required meaningful participation role of the PO. The TPEC-chair PO then reviews the revised proposal and in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing Proposals and then reviewing them is okay for CESU proposals.**

Other Cooperative Agreements

State of Understanding:

- I am unclear what I can share in a proposed cooperative agreement. We can have competitive contracting or a sole-source co-op. Obviously, for the latter, we need to find out whether the co-op “contractor” is interested and available before it makes sense to try to establish the co-op. In either case, the meaningful participation role of the PO in the co-op has to be established before the Proposal can be approved. The TPEC-chair PO then reviews the revised proposal and in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing Proposals and then reviewing them is okay for co-op proposals.**

Interagency agreements

State of Understanding:

- We can discuss and co-design a research project with another Federal agency. We negotiate draft research design and budget directly with the other Federal agency. An agreement proposal is then submitted and reviewed by the COR who co-designed the project. In OIG words this would appear to fall into “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing proposals and then reviewing them is okay for interagency agreements.**

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Attachment V – Emails indicating contracting inconsistencies and delays

-----Original Message-----

From: Goll, John

Sent: Tuesday, July 27, 2004 1:13 PM

To: Cowles, Cleveland; Stang, Paul; Wall, Rance; Walker, Jeffrey; Alexander, John; Hinnah, Dennis

Subject: procurement issues

At last week's XT meeting, other Offshore offices are having problems with the Procurement Branch -- of getting Offshore work done in a timely manner. Are we experiencing such problems?

If so, could you let John Alexander (or designee) know to keep track of.

thanks

jpg

Alaska Regional Director

907-271-6010

-----Original Message-----

From: Cowles, Cleveland

Sent: Tuesday, July 27, 2004 1:39 PM

To: Williams, Dee; Gleason, Jeff; Holder, Tim; Horowitz, Warren; Monnett, Charles; Newman, Richard; Prentki, Richard; Tremont, John; Wedemeyer, Kate

Subject: Please provide Chief ESS pertinent information on procurement issues - see below eMail

To: ESS COTR's/COTR designees

There is a possibility that we are having a few problems but to verify same, I will need brief summaries and back-up from you related to problem projects.

"Problems" would be awards, solicitations, modifications, or other procurement actions that have taken longer than reasonably expected and for which the reason of the problem is verifiable to the POB. Verifiable to the POB would be things for which an eMail or dated Memo requesting action can be produced and for which a date of "inaction" or eventual action can also be produced, by the COTR. Any award that is delayed until next FY or likely to be delayed would definitely be a high potential for "problem" status.

Recent awards which were inexplicably delayed from FY 03 would also likely qualify.

Please provide information **to me** on any candidate problems for my consideration and determination of relevance.

Thanks

Cleve

Attachment VI -- Executive Order on Sole-Source Procurement

[Federal Register: March 6, 2009 (Volume 74, Number 43)]

[Presidential Documents]

[Page 9755-9757]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID:fr06mr09-79]

Presidential Documents

Memorandum of March 4, 2009

Government Contracting

Memorandum for the Heads of Executive Departments and Agencies

The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while ensuring that its actions result in the best value for the taxpayers.

Since 2001, spending on Government contracts has more than doubled, reaching over \$500 billion in 2008. During this same period, there has been a significant increase in the dollars awarded without full and open competition and an increase in the dollars obligated through cost-reimbursement contracts. Between fiscal years 2000 and 2008, for example, dollars obligated under cost-reimbursement contracts nearly doubled, from \$71 billion in 2000 to \$135 billion in 2008. Reversing these trends away from full and open competition and toward cost-reimbursement contracts could result in savings of billions of dollars each year for the American taxpayer.

Excessive reliance by executive agencies on sole-source contracts (or contracts with a limited number of sources) and cost-reimbursement contracts creates a risk that taxpayer funds will be spent on contracts that are wasteful, inefficient, subject to misuse, or otherwise not well designed to serve the needs of the Federal Government or the interests of the American taxpayer. Reports by agency Inspectors General, the Government Accountability Office (GAO), and other independent reviewing bodies have shown that noncompetitive and cost-reimbursement contracts have been misused, resulting in wasted taxpayer resources, poor contractor performance, and inadequate accountability for results.

When awarding Government contracts, the Federal Government must strive for an open and competitive

process. However, executive agencies must have the flexibility to tailor contracts to carry out their missions and achieve the policy goals of the Government. In certain exigent circumstances, agencies may need to consider whether a competitive process will not accomplish the agency's mission. In such cases, the agency must ensure that the risks associated with noncompetitive contracts are minimized.

Moreover, it is essential that the Federal Government have the capacity to carry out robust and thorough management and oversight of its contracts in order to achieve programmatic goals, avoid significant overcharges, and curb wasteful spending. A GAO study last year of 95 major defense acquisitions projects found cost overruns of 26 percent, totaling \$295 billion over the life of the projects. Improved contract oversight could reduce such sums significantly.

Government outsourcing for services also raises special concerns. For decades, the Federal Government has relied on the private sector for necessary commercial services used by the Government, such as transportation, food, and maintenance. Office of Management and Budget Circular A-76, first issued in 1966, was based on the reasonable premise that while inherently governmental activities should be performed by Government employees, taxpayers may receive more value for their dollars if non-inherently governmental activities that can be provided commercially are subject to the forces of competition.

However, the line between inherently governmental activities that should not be outsourced and commercial activities that may be subject to private sector competition has been blurred and inadequately defined. As a result, contractors may be performing inherently governmental functions. Agencies and departments must operate under clear rules prescribing when outsourcing is and is not appropriate.

It is the policy of the Federal Government that executive agencies shall not engage in noncompetitive contracts except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer. In addition, there shall be a preference for fixed-price type contracts. Cost-reimbursement contracts shall be used only when circumstances do not allow the agency to define its requirements sufficiently to allow for a fixed-price type contract. Moreover, the Federal Government shall ensure that taxpayer dollars are not spent on contracts that are wasteful, inefficient, subject to misuse, or otherwise not well designed to serve the Federal Government's needs and to manage the risk associated with the goods and services being

procured. The Federal Government must have sufficient capacity to manage and oversee the contracting process from start to finish, so as to ensure that taxpayer funds are spent wisely and are not subject to excessive risk. Finally, the Federal Government must ensure that those functions that are inherently governmental in nature are performed by executive agencies and are not outsourced.

I hereby direct the Director of the Office of Management and Budget (OMB), in collaboration with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Administrator of General Services, the Director of the Office of Personnel Management, and the heads of such other agencies as the Director of OMB determines to be appropriate, and with the participation of appropriate management councils and program management officials, to develop and issue by July 1, 2009, Government-wide guidance to assist agencies in reviewing, and creating processes for ongoing review of, existing contracts in order to identify contracts that are wasteful, inefficient, or not otherwise likely to meet the agency's needs, and to formulate appropriate corrective action in a timely manner. Such corrective action may include modifying or canceling such contracts in a manner and to the extent consistent with applicable laws, regulations, and policy.

I further direct the Director of OMB, in collaboration with the aforementioned officials and councils, and with input from the public, to develop and issue by September 30, 2009, Government-wide guidance to:

- (1) govern the appropriate use and oversight of sole-source and other types of noncompetitive contracts and to maximize the use of full and open competition and other competitive procurement processes;

- (2) govern the appropriate use and oversight of all contract types, in full consideration of the agency's needs, and to minimize risk and maximize the value of Government contracts generally, consistent with the regulations to be promulgated pursuant to section 864 of Public Law 110-417;

- (3) assist agencies in assessing the capacity and ability of the Federal acquisition workforce to develop, manage, and oversee acquisitions appropriately; and

- (4) clarify when governmental outsourcing for services is and is not appropriate, consistent with section 321 of Public Law 110-417 (31 U.S.C. 501 note).

Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law. This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any

party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

(Presidential Sig.)

THE WHITE HOUSE,

Washington, March 4, 2009