

Congress of the United States
Washington, DC 20515

September 11, 2012

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G St., N.W.
Washington, D.C. 20548

Dear Comptroller General Dodaro:

We write to express our concern with federal contract award number N0018912C0009.¹ We are aware that Naval Supply Systems Command awarded a contract on May 21, 2012, in the amount of \$1,733,623.20, to Tier 1 Group (DUNS 189040186), to conduct 24 iterations of live tissue training using pigs for 360 total U.S. Navy personnel. Given new recent revelations about Tier 1 Group's repeated failure to comply with federal animal welfare laws, military regulations, and local zoning ordinances, we ask you to investigate the propriety of this new contract and the government's ongoing business relationship with this company.

Prior to the awarding of its new live tissue training contract, Tier 1 Group was cited by the U.S. Department of Agriculture (USDA) on May 17, 2012 for a serious repeat violation of the federal Animal Welfare Act for providing inadequate anesthesia to live goats during invasive live tissue training for the U.S. Coast Guard (USCG).² This citation was prompted by a complaint to USDA from an animal protection organization that released troubling video footage in April of 2012 showing a live tissue training exercise apparently conducted by Tier 1 Group for the USCG in Virginia Beach, VA, earlier this year. In the video, goats are seen moaning and kicking their legs during invasive surgical procedures when the animals should have been fully anesthetized.³ USDA previously cited Tier 1 Group on September 1, 2011 for a similar violation after discovering that inadequate anesthesia oversight was provided to "at least 50" goats used in live tissue training.⁴ It is possible that some of these previous violations took place during military-contracted activities as well.

Evidence has also come to light that the training Tier 1 Group conducted for the USCG in Virginia Beach earlier this year took place on property that was not zoned for such an activity. This has now resulted in the Virginia Beach Zoning Administration issuing a formal warning letter to the property owner where the live tissue training reportedly took place, stating that live tissue training is not permitted at this site.⁵

¹https://www.fbo.gov/index?s=opportunity&mode=form&id=b590c76aece941dcf139fe69845ca6d&tab=core&_cview=1.

²http://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=138121101160314.

³<http://www.govexec.com/defense/2012/06/coast-guard-investigates-animal-testing-video/56153/?oref=dropdown>.

⁴http://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=244111439560745.

⁵<http://hamptonroads.com/2012/06/military-contractor-cited-treatment-goats>.




Given this information, and federal requirements described below governing the behavior of federal contractors, we were troubled to learn that the Navy has just awarded a nearly \$2 million contract to Tier 1 Group. As section 4.a.(2) of Department of Defense Instruction (DoDI) 3216.01, which covers the use of animals in medical training exercises by the military and its contractors, states, "Activities subject to this Instruction shall also comply with all other applicable Federal, State, and local statutes and regulations ..."⁶

Defense Federal Acquisition Regulation (FAR) Supplement 252.235-7002 (c) also requires federal contractors to agree that "the care and use of animals will conform with the pertinent laws of the United States and regulations of the Department of Agriculture,"⁷ and gives the government the ability to terminate contracts—and disqualify from future contracts—for failure to comply with the contract requirements. Similarly, FAR 52.212-4 (q) states, "[t]he Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract."⁸ FAR 52.212-4 (l) and (m) permit the government to terminate a contract for convenience or cause, respectively.

We ask the U.S. Government Accountability Office to investigate this matter because we believe that Tier 1 Group may have violated the terms of previous military contracts and that there may be enough evidence to warrant the termination of federal contract award number N0018912C0009—and permanently disqualify Tier 1 Group from receiving taxpayer funds—since this company has repeatedly failed to abide by pertinent laws in performance of its federal contracts for live tissue training on animals.

We look forward to receiving your response to our concerns.

Sincerely,


Jared Polis
Member of Congress
Edolphus Towns
Member of Congress
Sam Farr
Member of Congress
Fortney Pete Stark
Member of Congress

⁶<http://www.dtic.mil/whs/directives/corres/pdf/321601p.pdf>

⁷<http://www.acq.osd.mil/dpap/dfars/pdf/r20041110/252235.pdf>

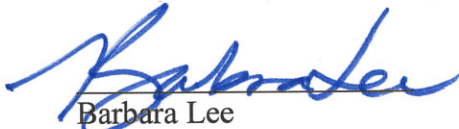
⁸https://www.acquisition.gov/far/current/html/52_212_213.html



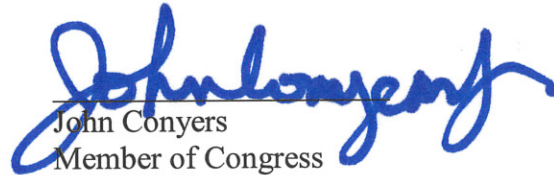
Bob Filner
Member of Congress



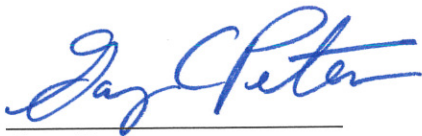
Raúl Grijalva
Member of Congress



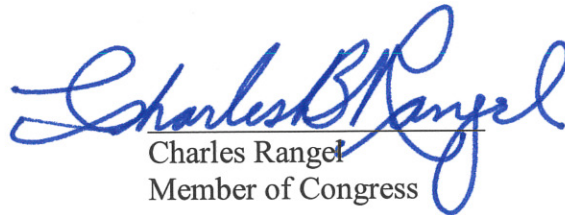
Barbara Lee
Member of Congress



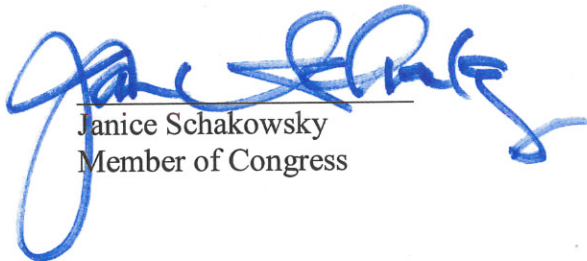
John Conyers
Member of Congress



Gary Peters
Member of Congress



Charles Rangel
Member of Congress



Janice Schakowsky
Member of Congress