



Highlights of [GAO-05-436T](#), a testimony to the Airland Subcommittee, Senate Committee on Armed Services

## Why GAO Did This Study

Darlene Druyun, a former high-ranking Air Force procurement official convicted of violating a conflict of interest statute, admitted to bias in favor of The Boeing Company on various procurements. GAO subsequently received protests from other firms challenging the alleged improper influence of Mrs. Druyun regarding contracts awarded by the Air Force under the small diameter bomb program and the C-130 avionics modernization upgrade program.

The Competition in Contracting Act of 1984 provides statutory authority for GAO's bid protest function. Consistent with standard practices, GAO reviewed all available documentation, held hearings to receive testimony from witnesses, considered arguments from all interested parties, and issued decisions on each of the protests.

## What GAO Recommends

GAO recommended that the Air Force recompetete the installation phase of the C-130 contract. GAO also recommended that the Air Force conduct a thorough analysis of the possibility of recompeteting the entire contract effort.

As to the small diameter bomb, GAO recommended that the Air Force conduct a competitive procurement for its moving target requirement.

[www.gao.gov/cgi-bin/getrpt?GAO-05-436T](http://www.gao.gov/cgi-bin/getrpt?GAO-05-436T).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Daniel I. Gordon at 202-512- 8219 or [gordond@gao.gov](mailto:gordond@gao.gov)

# AIR FORCE PROCUREMENT:

## Protests Challenging Role of Biased Official Sustained

### What GAO Found

The Federal Acquisition Regulation (FAR) provides that government business shall be conducted in a manner above reproach and, except as authorized by statute or regulation, with complete impartiality and with preferential treatment for none. The documents supporting Mrs. Druyun's criminal conviction establish that she was biased in favor of Boeing. Where, as here, the record establishes that a procurement official was biased in favor of one offeror, the need to maintain the integrity of the procurement process requires that GAO sustain the protests unless there is compelling evidence that the bias did not prejudice the protesters.

In light of the admission by Mrs. Druyun that she was biased in favor of Boeing, we sustained the protests challenging the C-130 contract award and the protest challenging the small diameter bomb because the Air Force failed to show that her bias did not affect the contract award decisions, or otherwise prejudice the protesters.

In the case of the C-130, the record established that Mrs. Druyun functioned as the lead procurement official throughout the procurement. GAO rejected the Air Force's assertion that there was no evidence that Mrs. Druyun influenced the source selection evaluation team. Similarly, in light of the failure to treat offerors fairly during contract negotiations, GAO rejected the Air Force's assertion that the evaluation process had been conducted properly. Finally, because (1) the contracting officer directed the evaluators to destroy portions of the evaluation record, (2) the agency failed to have meaningful discussions with all of the offerors, and (3) the evidence showed Druyun's biased influence throughout the source selection process, GAO could not reasonably determine which of the four proposals should have been selected for award. The record therefore failed to establish that any one of the protesters was not prejudiced as a result of the various procurement flaws. Accordingly, GAO sustained the C-130 protests.

In the case of the small diameter bomb protest, the position of the Air Force was that the protester was not prejudiced by Mrs. Druyun's acknowledged bias in favor of Boeing because she "did not play a significant role" in the decision to change technical requirements. Contrary to the position of the Air Force, however, the record showed that Mrs. Druyun was significantly involved in the decisionmaking process that culminated in changes to technical requirements and the deletion of related evaluation criteria. In light of Mrs. Druyun's acknowledged bias in favor of Boeing and GAO's conclusion that she was materially involved in the decisionmaking process, GAO concluded that the record failed to establish that Druyun's bias did not prejudice the protester. Accordingly, GAO sustained the protest.