SIGAR

Special Inspector General for Afghanistan Reconstruction

SIGAR 17-36 Inspection Report

Baghlan Prison: After More Than 3 Years, Structurally Damaged Buildings Have Not Been Repaired, and New Construction Deficiencies Have Been Identified

APRIL

2017

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Special Inspector General for Afghanistan Reconstruction

WHAT SIGAR REVIEWED

On September 28, 2010, the Department of State's (State) Bureau of International Narcotics and Law Enforcement Affairs (INL) awarded an $8.8 million contract to Omran Holding Group (OHG), an Afghan firm, to build a 495-inmate prison in Baghlan province. State later modified the contract, increasing its cost to $11.3 million. OHG completed construction on November 8, 2012.

In May 2014, SIGAR reported on its first inspection of the Baghlan prison. In that report, SIGAR identified serious structural damage to three prison buildings and made four recommendations to State, two of which were directed at addressing the construction deficiencies. One recommendation was to ensure that any rebuilding at the prison comply with International Building Code and American Concrete Institute requirements regarding the use of steel-reinforced masonry walls. The other was to determine the structural adequacy of the buildings constructed under the contract and take action to repair or replace those found structurally inadequate.

Based on the structural damage to several prison buildings, and SIGAR's concerns that the prison was not constructed properly to withstand earthquakes and that the Afghan government lacks the capacity to maintain the prison, SIGAR initiated a follow-up inspection in August 2015. The objectives were to assess whether (1) the prison's structurally damaged buildings have been repaired or rebuilt, and (2) the issues previously raised about whether the prison is structurally adequate to withstand earthquakes and the prison's maintenance have been addressed.

April 2017

Baghlan Prison: After More Than 3 Years, Structurally Damaged Buildings Have Not Been Repaired, and New Construction Deficiencies Have Been Identified

SIGAR 17-36 INSPECTION REPORT

WHAT SIGAR FOUND

Although OHG informed State about the structural damage to Baghlan prison buildings more than 3 years ago, SIGAR found that the damaged buildings have not been repaired or rebuilt. According to State, no action has been taken for two reasons: (1) State's contracting officer in the Regional Procurement Support Office in Frankfurt, Germany, has not drawn any definitive conclusions as to who is at fault for the structural damage or made a final determination about repairing or rebuilding the damaged buildings; and (2) SIGAR and State's Office of Inspector General (OIG) have an ongoing joint investigation into the Baghlan prison project.

In May 2014, INL contracted with Hask Engineering Services (Hask), an Afghan firm, to conduct a geotechnical and materials study of the prison's soil conditions and the materials that OHG used in its construction. Hask completed its study in July 2014 and concluded that the soil conditions under the three damaged buildings were severe and had the potential to collapse. In a December 2014 response to State's October 2013 cure notice to OHG, the contracting officer said Hask's findings support the conclusion that OHG contributed to the damage and was therefore responsible for making repairs. The study stated that OHG did not identify the soil's potential to collapse, install a water drainage system, and used plumbing materials that INL had rejected. OHG's negligence resulted in liquid infiltrating the subsoil, creating soil instability that may have caused the damage to three prison buildings, with one building eventually collapsing. The Hask study said that failed concrete tests and photos provide evidence that OHG did not construct the prison according to approved plans and contract specifications. The contracting officer concluded that all of these construction deficiencies reduced the ability of the buildings to withstand the soil settlement.

OHG disagreed with Hask's findings. In a February 2015 letter to the contracting officer, OHG stated that its work was done properly and did not cause the problems identified, and it provided a detailed rebuttal to Hask's study. OHG stated that Hask made noticeable errors in its measurements, calculations, and analyses, which undermined the study's validity and findings. OHG added that INL's 1-year delay in executing OHG's corrective action plan caused the damaged buildings to deteriorate further.

In February 2015, INL issued a final engineering response to OHG's rebuttal of the Hask study. However, as of March 2017, the contracting officer had still not drawn any definitive conclusions of fault or made a final determination about repairing or rebuilding the damaged buildings based on INL's engineering response or OHG's critique. In May and October 2015, State OIG asked the contracting officer not to issue a final decision regarding the damaged buildings that would absolve OHG or bind State, pending the outcome of a joint SIGAR and State OIG investigation. However, in March 2016, the contracting officer said State OIG's request should be viewed as separate from the need for INL to provide a detailed rebuttal to OHG's critique of the Hask study. The contracting officer added that a rebuttal would have allowed any outstanding cure notices or specific issues to be addressed while waiting for final instructions from State OIG. In March 2017, a State OIG

investigator advised the contracting officer that the implementation of any outstanding cure notices or other means of remedying the prison's health and safety issues should still be addressed. In August 2016, the contracting officer's representative (COR) and OHG told SIGAR that they were waiting for the contracting officer's guidance on how to proceed.

Although OHG maintained that it was not responsible for any structural damage, it agreed to correct five items identified in the cure notice during the contract's warranty period. The COR told us that OHG successfully installed a storm water management system, replaced waste collection plumbing lines with approved lines, replaced electrical junction boxes in inmate living areas, and refinished bathroom walls that had cracking or loose finishes. The COR added that he is unsure whether OHG ever completed the fifth item: the submission of a corrective action plan to correct deficiencies associated with control and isolation joints.

During its November 2015 site visit, SIGAR identified 10 construction deficiencies that INL did not identify before it transferred the prison to the Afghan government, including 5 deficiencies with safety implications. Although the warranty period expired in November 2013, INL officials told SIGAR they were concerned about these newly found deficiencies and were exploring options for correcting them. In December 2016, State officials told SIGAR that no work has been done at the prison since the November 2015 site visit.

Despite the structural damage to 3 prison buildings, the remaining 16 buildings are being used. However, SIGAR has several safety concerns. For example, SIGAR's May 2014 report noted that at least one of the detention center's concrete support columns was not constructed properly to withstand an earthquake. The November 2015 site visit confirmed that improperly constructed concrete support columns are still a concern. During the visit, SIGAR identified an additional structural concern pertaining to a lack of isolation joints and connectors between masonry infill walls and structural columns and beams, which help prevent damage during an earthquake. In addition, INL estimated that the prison can accommodate fewer than 350 inmates reasonably in its current damaged state. Yet INL officials said that as of April 2016, the prison housed 371 inmates. Although this number was close to what the Ministry of Interior's General Directorate of Prisons and Detention Centers determined was acceptable for the prison, SIGAR found some cells designed to hold 8 inmates were holding 15.

SIGAR also found that the Baghlan prison continues to have maintenance problems. First, the diesel generators that were not functioning during SIGAR's initial inspection were still not functioning as of December 2016. As a result, the prison continues to rely on a generator purchased with International Red Cross assistance. Second, the leach field, designed to absorb septic system runoff, that was clogged and not functioning during SIGAR's initial inspection was still not functioning. Third, SIGAR found that the sink and shower drainage system was backed up and not functioning. INL and OHG said Afghan authorities were not devoting sufficient attention to operating and maintaining the prison.

WHAT SIGAR RECOMMENDS

To improve security and prisoner safety, and to ensure that the U.S. government receives the highest value for the money spent on the Baghlan prison, SIGAR recommends that the Secretary of State direct the Regional Procurement Support Office in Frankfurt, Germany, to, within 90 days from the issuance of this report: (1) resolve the issue of responsibility and make a final determination for repairing or rebuilding the damaged buildings, and determine whether further analysis is required to establish the full extent of construction deficiencies; and (2) in coordination with INL, use all reasonable means available to require OHG to correct, at minimum, the construction deficiencies identified in this report that have safety implications associated with them, specifically the installation of (a) lightning protection systems on all building roofs; (b) door closers and panic bars where appropriate; (c) fire extinguishers, smoke and heat detectors, and fire alarms that were missing in several buildings; (d) electrical grounding pits; and (e) double-glazed glass in the guard towers. SIGAR also recommends that the Assistant Secretary of INL, within 90 days from the issuance of this report: (3) prepare or commission a study of the concrete support column and infill wall construction deficiencies to determine the extent of those problems and submit the results to the contracting officer to consider when making the final decision on whether to take any action against OHG; and (4) immediately work with the Afghan government and prison authorities to determine what steps can be taken to repair the nonfunctioning diesel generators, the backed-up sewer system, and the nonfunctioning sink and shower drainage system, and assist the Afghans in acquiring adequate long-term operation and maintenance services for the prison.

INL generally agreed with our recommendations, but requested that the first two recommendations be combined. Although we did not combine those recommendations, we did modify them to be more responsive to INL's comments.

April 12, 2017

The Honorable Rex W. Tillerson
Secretary of State

The Honorable William R. Brownfield
Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs

The Honorable Hugo Llorens
Special Chargé d'Affaires to Afghanistan

This report discusses the results of SIGAR's follow-up inspection of the approximately $11.3 million Baghlan prison, which was funded by the Department of State's (State) Bureau of International Narcotics and Law Enforcement Affairs (INL) and constructed by Omran Holding Group (OHG). As we reported in May 2014, the prison experienced soil/building settlement after it was constructed, resulting in structural damage to at least three buildings. OHG demolished one building, and the two other buildings had collapsed walls that will likely need to be rebuilt.

During this follow-up inspection, we also identified other deficiencies, such as the lack of fire extinguishers, smoke and heat detectors, and fire alarms in several buildings. We continue to have concerns about whether the prison is able to withstand earthquakes and whether the Afghan government has adequately maintained the buildings.

We are making four recommendations to State. We recommend that the Secretary of State direct the Regional Procurement Support Office in Frankfurt, Germany, to, within 90 days from the issuance of this report: (1) resolve the issue of responsibility and make a final determination for repairing or rebuilding the damaged buildings, and determine whether further analysis is required to establish the full extent of construction deficiencies; and (2) in coordination with INL, use all reasonable means available to require OHG to correct, at minimum, the construction deficiencies identified in this report that have safety implications associated with them, specifically the installation of (a) lightning protection systems on all building roofs; (b) door closers and panic bars where appropriate; (c) fire extinguishers, smoke and heat detectors, and fire alarms that were missing in several buildings; (d) electrical grounding pits; and (e) double-glazed glass in the guard towers. We also recommend that the Assistant Secretary of INL, within 90 days from the issuance of this report: (3) prepare or commission a study of the concrete support column and infill wall construction deficiencies to determine the extent of those problems and submit the results to the contracting officer to consider when making the final decision on whether to take any action against OHG; and (4) immediately work with the Afghan government and prison authorities to determine what steps can be taken to repair the nonfunctioning diesel generators, the backed-up sewer system, and the nonfunctioning sink and shower drainage system, and assist the Afghans to acquire adequate long-term operation and maintenance services for the prison.

We received written comments on a draft of this report from INL. INL generally agreed with our recommendations, but requested that the first two recommendations be combined. Although we did not combine those recommendations, we did modify them to be more responsive to the bureau's comments. INL's comments are reproduced in appendix III.

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SIGAR conducted this work under the authority of Public Law No. 110-181, as amended, and the Inspector General Act of 1978, as amended; and in accordance with the *Quality Standards for Inspection and Evaluation*, published by the Council of the Inspectors General on Integrity and Efficiency.

John F. Sopko
Special Inspector General
for Afghanistan Reconstruction

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ABBREVIATIONS

COR	contracting officer's representative
FMT	Facility Maintenance Team
Hask	Hask Engineering Services
INL	Bureau of International Narcotics and Law Enforcement Affairs
O&M	operation and maintenance
OHG	Omran Holding Group
OIG	Office of Inspector General
State	Department of State
Suraya	Suraya Construction and Production Company

On September 28, 2010, the Department of State's (State) Bureau of International Narcotics and Law Enforcement Affairs (INL), through State's Regional Procurement Support Office in Frankfurt, Germany, awarded an $8.8 million contract to Omran Holding Group (OHG), an Afghan firm, to build a 495-inmate prison in Baghlan province.[1] Under a separate contract, Suraya Construction and Production Company (Suraya) was responsible for the prison's design, which included separate detention buildings for men and women, a kitchen and dining hall, a detention center, a maximum security barrack, visitation areas, perimeter walls, entry control points, guard towers, and supporting infrastructure such as roads and utilities.

By the time the facility was finished, the cost had increased to $11.3 million because of 11 modifications to address multiple items such as a new site location and implementing a flood mitigation project.[2] OHG completed construction on November 11, 2012, and INL transferred the prison to the Afghan General Directorate of Prisons and Detention Centers that same month, starting the contract's 1-year warranty period.

We issued our first inspection report on the Baghlan prison in May 2014. In that report, we identified serious structural damage to three prison buildings.[3] Based on that damage, as well as our concerns about whether the prison was built to withstand earthquakes and whether the Afghan government had the capacity to maintain it, we initiated a follow-up inspection. Our objectives for this inspection were to assess whether (1) the prison's structurally damaged buildings have been repaired or rebuilt, and (2) the issues we previously raised about whether the prison is structurally adequate to withstand earthquakes and the prison's maintenance have been addressed.

We conducted our work in Kabul, Afghanistan, and at the prison in Baghlan province from August 2015 through April 2017, in accordance with the *Quality Standards for Inspection and Evaluation*, published by the Council of the Inspectors General on Integrity and Efficiency. The engineering assessment was conducted by our professional engineer in accordance with the National Society of Professional Engineer's *Code of Ethics for Engineers*. Appendix I has a detailed discussion of our scope and methodology.

BACKGROUND

In May 2014, we reported that after the Baghlan prison was completed, the settlement of soil underneath the facility caused structural damage to three buildings. As a result, OHG demolished one building and indicated that the two others with collapsing walls would likely need to be rebuilt. Photo 1 shows an aerial view of the prison and identifies the most seriously damaged buildings—the detention center (17), men's barrack (18), and maximum security barrack (19). Photo 2 shows some of the damage to the detention center, which OHG mostly demolished in January 2014 due to safety concerns.[4]

[1] The contract number is SFE500-10-C-0029.

[2] The Afghan government selected an alternative site after INL awarded the contract, and all plans had to be adapted. INL appointed a contracting officer's representative (COR) based in Kabul to help the contracting officer, who was based in State's Regional Procurement Support Office in Frankfurt, Germany, and managed the contract's award and implementation, with assistance from a contracting specialist.

[3] See SIGAR, *Baghlan Prison: Severe Damage to $11.3 Million Facility Requires Extensive Remedial Action*, SIGAR 14-62-IP, May 27, 2014. We could not conduct a site visit to the Baghlan prison before issuing our May 2014 report because of security conditions. However, we reviewed site visit reports and photos that INL staff and contractors filed between December 2011 and January 2014 to obtain information for the report.

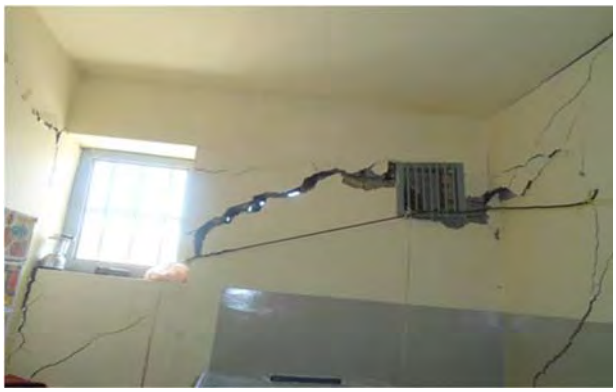
[4] The portion of the detention center that was demolished had six normal cells, four high-security cells, five toilets, five showers, and a laundry room.

Photo 1 - Baghlan Prison's Most Damaged Buildings

Source: INL, August 18, 2013

Notes: Building 17 is the detention center, building 18 is the men's barrack, and building 19 is the maximum security barrack.

Photo 2 - Example of Structural Damage to the Detention Center



Source: INL, August 18, 2013

INL and OHG did not agree on what caused the building settlement and, at the time of our May 2014 report, the two parties were in negotiations regarding OHG's responsibility for the repairs. Since then, the two parties have agreed that OHG did not comply with all contract requirements. For example, OHG did not construct a storm water management system and substituted lower-grade plumbing materials that INL had prohibited.

OHG also did not deduct 10 percent from its billed invoices, as the contract required, to create a retainage fund. This led to an $807,254 shortfall in funds, which should have been retained to protect INL in the event of a contract dispute. After we issued our May 2014 report, State's Office of Inspector General (OIG) and SIGAR initiated an investigation into the Baghlan prison project.

In May 2014, INL contracted with Hask Engineering Services (Hask), an Afghan firm, to conduct a geotechnical and materials study to document the existing soil conditions at the facility and the materials that OHG used in its construction. INL believed that the study would allow it to determine the underlying causes of building settlement and to identify any further actions that may be required to address existing soil conditions. Hask completed the study in July 2014 and concluded that severe collapsible soils were identified under damaged buildings 17, 18, and 19.

Despite structural damage to those 3 buildings, we found that the remaining 16 buildings were being used at the time our first inspection report was issued in May 2014.[5] Although the prison was designed for 495 inmates, INL told us the facility housed 777 inmates at that time. We also found that the prison was experiencing two major maintenance issues, which INL and OHG officials attributed to the poor or nonexistent maintenance being performed by the Afghan government. First, the two diesel generators, which were designed to be the exclusive source of power, were not working. Second, the sewer system was backed up with waste and not functioning

In our May 2014 report, we recommended that the Secretary of State direct INL to (1) recoup the $807,254 in invoice charges paid to OHG that State should have retained to protect INL in the event of a contract dispute; (2) require that any rebuilding at Baghlan prison comply with International Building Code and American Concrete Institute requirements regarding the use of steel-reinforced masonry walls; (3) determine the structural adequacy of the other buildings constructed under the contract and take action to repair or replace those found structurally inadequate; and (4) require the contractor to follow an INL-approved demolition safety plan.

[5] For this report, we could not conduct a site visit to the prison due to security conditions. However, we reviewed site visit reports INL and contractor staff filed between December 11, 2011, and January 22, 2014, including reports of the INL COR's and engineering staff's site visits on August 18, 22, and 28, 2013, to examine the structural damage of the three buildings.

In May 2014, in response to our first report on the Baghlan prison, INL generally agreed with all four recommendations. In response to our first recommendation, INL commented that State should have withheld an amount equal to 10 percent of the contract amount for the duration of the 1-year warranty in the event of a contract dispute. According to INL, State intended to pursue all available remedies to protect the U.S. government's interests. However, as part of this follow-up inspection, INL told us it did not plan to take action to recoup the $807,254 in payments to OHG that it should have withheld as retainage. INL stated that it did not have legal or contractual authority to recoup the retainage that was not withheld throughout the life of the contract. INL reiterated its commitment to pursue all remedies available to receive restitution from OHG related to deficiencies in the execution of the contract. Therefore, we concluded that INL was not going to make any further attempt to recoup the $807,254. However, responsibility for addressing State's October 2, 2013, cure notice is still not resolved.[6]

In response to our second recommendation, INL commented that it did adhere to the requirements for construction in an earthquake zone in its initial design and planning. However, INL acknowledged that OHG did not follow the contract specifications, and said it would continue to hold the contractor accountable for correcting deficient construction and ensure that reinforced masonry compliant with International Building Code standards is used in any future reconstruction projects.

In response to our third recommendation, INL commented that it awarded a contract to Hask on May 8, 2014, to conduct soil and construction materials testing at the Baghlan prison. The tests would enable State to identify any further issues that might compromise the integrity of any of the prison structures. The Hask report covered the entire prison but only sited deficiencies at buildings 17, 18, and 19.

In response to our fourth recommendation, INL commented that if and when OHG is authorized to perform any further work at the site, it will require the contractor to submit a demolition safety plan. We consider this recommendation to be closed.

We have determined that INL's actions are partially responsive to our recommendations. However, as of the date of this report, our first, second, and third recommendations remain open.

BAGHLAN PRISON'S STRUCTURALLY DAMAGED BUILDINGS HAVE NOT BEEN REPAIRED OR REBUILT, AND SOME NEW DEFICIENCIES HAVE BEEN IDENTIFIED

The Prison's Structurally Damaged Buildings Have Not Been Fixed

Although OHG first told State about the problems involving structural damage to the three Baghlan prison buildings in July 2013, none of them have been repaired or rebuilt. State officials told us that no action has been taken because the contracting officer has not issued a final decision regarding whether OHG is liable for the repairs and demolishing and rebuilding unsound structures.[7] According to State records and our discussions with INL and State contracting officials, a final decision has not been made for two reasons: (1) State's contracting officer in the Regional Procurement Support Office in Frankfurt, Germany, had not drawn any definitive conclusions as to who is at fault for the structural damage or made a final determination about repairing or rebuilding the damaged buildings based on the Hask study and INL's engineering technical response; and (2) SIGAR and State OIG have an ongoing joint investigation into the prison although no work had been done since December 2014.

[6] A cure notice is issued by the contracting officer before a termination for default (see Federal Acquisition Regulation 49.402-3). It notifies a contractor of its failure to make progress and provides a deadline for it to "cure" or fix the problems or be terminated for default (see Federal Acquisition Regulation 49.607).

[7] A contracting officer's final decision is used to record the government's final position on disputes between the government and a contractor (see Federal Acquisition Regulation 33.211).

OHG Challenged Hask's Geotechnical Study Results, and the Contracting Officer's Determination Is Still Pending

In May 2014, INL hired Hask to determine the underlying causes for the soil settlement that resulted in the structural damage to three buildings at Baghlan prison. Hask issued the results of its geotechnical study in July 2014. In a December 2014 response to the cure notice State sent to OHG, the contracting officer said Hask's findings supported the conclusion that OHG contributed to the damage and therefore was responsible for making repairs. According to the cure notice, Hask's study confirmed that OHG's failures and oversights caused the soil to collapse underneath the detention center, men's barrack, and maximum security barrack. The Hask study noted that OHG's negligence in identifying the soil's severe collapse potential, combined with OHG's failure to install a surface water drainage/diversion system and the installation of INL-rejected plumbing materials, allowed excessive amounts of liquid to infiltrate the subsoil. Hask concluded that this created soil instability and led to the eventual damage or collapse of certain prison structures. Hask also noted that failed concrete core tests and photographic evidence of poorly constructed support columns provided additional support that OHG took shortcuts and did not construct the prison according to approved plans and specifications. As a result, the construction deficiencies and use of substandard materials reduced the ability of the prison's buildings to withstand the soil settlement, thereby increasing the extent of structural failures.

OHG took exception to the study's findings and testing methodology, and it questioned Hask's competency to conduct such a review and the conclusions the contracting officer drew from the study. In OHG's February 4, 2015, response to the contracting officer, it stated that its work was done properly and did not cause the problems Hask identified. OHG stated that Hask made noticeable errors in its measurements, calculations, and analyses that undermined the validity of the study and its findings, and that INL's 1-year delay in executing OHG's corrective action plan caused the damaged buildings to deteriorate further. OHG asked INL to hire an independent, international geotechnical firm and inspectors. Although OHG is an Afghan firm, the letter stated that it did not believe an Afghan firm would have the technical capabilities and competencies to perform such a complex review. OHG also had concerns that it would become the victim of what it perceived as a common problem in Afghanistan—that a local firm might provide biased reporting about another Afghan firm for ethnic, tribal, or religious reasons.

In an e-mail from the INL COR to the supervisory procurement specialist, the COR recommended that the contracting officer and INL stand behind the results of Hask's geotechnical and material test results, and request a response from OHG regarding whether it intended to pursue the remedies the contracting officer directed in the October 2013 cure notice. According to the COR, the contracting officer has not responded or directed the COR to take any further action. In February 2015, INL issued a final engineering response to the INL COR and procurement specialist on OHG's rebuttal to the Hask study and concluded that OHG was responsible for making all necessary repairs to the Baghlan prison. INL's conclusion was based on the bureau's technical response and Hask study. In March 2016, the COR told us he was waiting for instructions from the contracting officer on what to do next. OHG officials also told us that they are still waiting for instructions from either INL or the contracting officer.

SIGAR and State's OIG Have an Ongoing Investigation of the Baghlan Prison Construction

According to State officials, the second factor contributing to the delay in resolving the dispute between INL and OHG is State OIG's request to delay a final determination until its joint investigation with SIGAR into the Baghlan prison project is concluded. In May 2015, State OIG requested that the contracting officer not issue a final decision that might absolve OHG or bind the department for structural damage, pending the investigation's outcome.

In March 2016, the contracting officer told us she was still honoring the OIG's May 2015 request to not issue a final decision and had not heard of any change in its status. In March 2017, a State OIG investigator acknowledged that there had been a delay in reaching a final resolution between INL and OHG due to the ongoing investigation, and reiterated State OIG's request that the contracting officer not issue a final decision that might absolve OHG or bind State until the investigation is completed.

However, in March 2016, the contracting officer said State OIG's request should be viewed as separate from the need for INL to provide a detailed rebuttal to OHG's critique of the Hask study. The contracting officer added that a rebuttal would have allowed any outstanding cure notices or specific issues to be addressed, while waiting for final instructions from State OIG. In March 2017, the State OIG investigator advised the contracting officer that the implementation of any outstanding issues from the cure notice or other means of remedying the prison's health and safety issues should still be addressed.

OHG Corrected Some Construction Deficiencies, but We Found New Deficiencies During Our Follow-up Inspection

Although OHG maintains it is not responsible for the structural damage to the three buildings at Baghlan prison, it agreed to correct five items during the 1-year warranty period in response to the cure notice:

1. install a storm water management system;
2. replace waste collection plumbing lines with approved lines under the floors;
3. refinish bathroom walls that had cracking or loose finishes;
4. replace and/or secure electrical junction boxes in inmate living areas; and
5. develop a corrective action plan to address deficiencies associated with the control and isolation joints.

The COR told us he believes OHG successfully completed the first four of these items, but did not submit the corrective action plan described in the fifth item. OHG noted specific corrective actions and made recommendations to repair the deficiencies in the three damaged buildings. However, OHG did not agree that the structural damage caused by soil settlement and the required repairs were covered under the warranty. OHG asserted that the deficiencies were caused by factors beyond its control, not caused by its work or negligence.

Unlike our first inspection of the Baghlan prison, when we could not visit the site for security reasons, we were able to visit the site for the follow-up inspection. During our November 2015 inspection, we found 10 construction deficiencies that INL did not identify in its September 2013 structural damage assessment. This raises concerns about INL's oversight, acceptance, and transfer of the prison without identifying construction deficiencies, and OHG's noncompliance with the contract. At least five of the deficiencies we found could affect the safety of prison inmates and employees:

1. lack of lightning protection systems on building roofs;
2. lack of door closers and panic bars where appropriate;
3. lack of fire extinguishers, smoke and heat detectors, and fire alarms in several buildings;
4. lack of electrical grounding pits; and
5. lack of double-glazed glass in the guard towers.

Although the contract's warranty period expired in November 2013, INL officials told us they are concerned about these new deficiencies and are exploring options for correcting them. Table 1 in appendix II provides more detailed information about each of the 10 deficiencies we identified during our November 2015 site visit. In December 2016, State officials informed SIGAR that no work has been done at the prison since the November 2015 site visit.

Baghlan Prison Continues to House Inmates Despite Damage to Some Buildings

In our May 2014 report, we noted that despite the structural damage to three buildings, the Baghlan prison was being used, but was overcrowded. It was built to hold 495 inmates and was housing 777. INL officials told

us the total number of inmates had dropped to 371 as of April 2016, even though INL officials estimated the prison had the capacity to accommodate about 340 prisoners reasonably in its current damaged state.

We found some cells designed to hold 8 prisoners were holding 15. According to INL staff, although there are no accurate records, the Afghan General Directorate of Prisons and Detention Centers estimates that several hundred inmates were relocated from the damaged buildings to other buildings within the prison and to other facilities in Afghanistan.[8] INL officials also noted that conditions at the prison further deteriorated after a June 2014 prisoner protest—sparked by Afghan prison authorities sending in a search squad to look for contraband and weapons—turned into a riot. This confrontation resulted in the death of 1 prisoner, injuries to 29 others, and fire damage to portions of the clinic building, industrial building, vocational building, and detention center.

THE STRUCTURAL ADEQUACY OF BAGHLAN PRISON TO WITHSTAND EARTHQUAKES AND MAINTENANCE ISSUES ARE STILL CONCERNS

OHG Did Not Construct the Baghlan Prison According to Contract Requirements for Withstanding Earthquakes

In our May 2014 report, we identified a safety concern relating to the use of unreinforced brick walls between support columns and evidence that at least one of the detention center's concrete support columns was not constructed properly to withstand an earthquake. We pointed out that these defects created a safety hazard in a country like Afghanistan, which is in a geologically active region of the world where there is a continuous threat of strong earthquakes.

Based on new information that INL provided, we no longer believe the use of unreinforced brick walls is a concern. However, our November 2015 site visit confirmed that improperly constructed concrete support columns remain concerns. We also identified a structural concern pertaining to a lack of isolation joints and connectors between masonry infill walls and structural columns and beams.[9]

Improperly Cast Concrete Support Columns Could Compromise Buildings' Structural Integrity

Suraya's design drawings for the Baghlan prison called for concrete moment frame construction throughout the facility.[10] Under this type of construction, beam-column joints are designed to resist the flexing, axial, and shearing actions that result as a building sways during an earthquake. One industry standard for this form of construction requires concrete support columns to be cast in a manner that results in a solid fill with no gaps or loose aggregate.[11] Based on photos of the detention center that INL gave us in April 2014, it is evident that the concrete for at least one support column was not cast properly, thereby potentially compromising the structural integrity of the building. The column in question had large voids because the concrete did not fill the spaces around the vertical reinforcing bars, stirrups, and aggregate. This effect is referred to as "honeycombing," which is generally caused by using improper or faulty concrete vibrators, improper placement procedures, poor vibration procedures, inappropriate concrete mixtures, or congested reinforcement. Photo 3 shows a concrete column in the Baghlan prison's detention center before it was demolished, and photo 4 shows an example of a properly cast column at Herat University.

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[8] The Ministry of Interior's General Directorate of Prisons and Detention Centers is responsible for prison administration and to determining the prison's maximum population.

[9] An isolation joint is a separation between adjoining parts of a concrete structure to allow movement in different directions to help prevent walls from cracking or collapsing in an earthquake or some other force that causes a building to move.

[10] Reinforced concrete moment frame construction is a type of building system designed to resist the effects of an earthquake.

[11] Aggregate is granular material, such as sand, gravel, or crushed stone, which is mixed with cement to make concrete.

Photo 3 - Improperly Cast Concrete Support Column at the Detention Center Before Demolition

Source: INL, January 22, 2014

Photo 4 - Properly Cast Column at Herat University Women's Dormitory Building

Source: U.S. Army Corps of Engineers, December 11, 2013

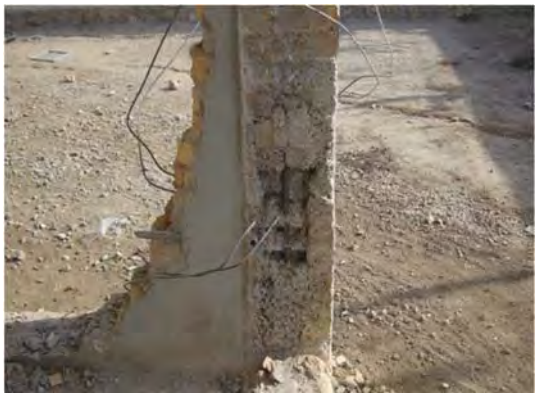
In a written response to us, INL agreed that photo 3 indicates a significant amount of unacceptable material and honeycombing within the column. INL further noted that State made this point explicit in its January 2015 response to the cure notice, which stated, "Failed concrete core tests and photographic evidence of poorly constructed support columns supports the opinion that OMRAN Holding Group took shortcuts and did not construct the prison according to approved plans and specifications." In its response, OHG did not accept responsibility for the defective workmanship.

Building Infill Walls Lack the Required Isolation and Connector Joints to Help Withstand Earthquakes

We found a second construction defect related to the infill walls between columns. Most masonry buildings use masonry "shear walls" to provide lateral force-resisting strength in the event of an earthquake.[12] However, shear walls are not required when concrete moment frame construction is used. American Concrete Institute standards instead require that masonry infill walls—which are not designed to resist vertical and lateral loads—be isolated from the structure by isolation joints between the structural columns and beams so that vertical and lateral forces are not transferred from the building frame to the infill wall, which could collapse and harm building occupants.

Based on demolition photos for the detention center, it is clear that the masonry infill walls were not isolated, through the use of isolation joints, from vertical and lateral loads of the moment frame. Photo 5 shows an example of

Photo 5 - Demolished Detention Center Wall with No Isolation and Connector Joints



Source: INL, January 22, 2014

[12] A shear wall is a structural system composed of braced panels to counter the effects of lateral load acting on a structure. Wind and seismic loads are the most common loads that shear walls are designed to carry.

where the walls were not isolated.

INL agreed that by not following American Concrete Institute specifications for the separation of the columns and infill walls, OHG produced a structurally deficient wall. This has created the potential for structural failure of the brick infill walls. INL recorded this deficiency in its September 2013 structural damage report and notified OHG of its responsibility to take corrective action in the October 2013 cure notice. According to INL officials, OHG has not accepted responsibility for this defective workmanship.

Baghlan Prison Has Some Longstanding Maintenance Issues, and Its Overall Maintenance Program Is Inadequate

In our May 2014 report, we identified two major maintenance issues, one involving the prison's diesel generators and the other involving the prison's sewer system. Specifically, we found that:

- Both of the diesel generators were not functioning due to improper operation and a lack of maintenance. We noted that the prison's power needs were being met by a diesel generator purchased with International Red Cross assistance.
- The leach field attached to the septic system was backed up with waste and was not functioning. We thought that one possible cause might be the lack of a grease interceptor tank to catch kitchen grease before it could move to the septic tank and out into the drain field. Grease can cool in the septic tank, thereby clogging filters and the holes in the drainpipes and stopping the system from flowing and causing backups.

During our November 2015 and January 30, 2017, inspections, we found that the prison's two main generators were still not functioning and the sewer system was still backing up. In addition, we found that the prison's sink and shower drainage system was backed up and not functioning.[13] Both INL and OHG officials blamed the Afghan government and prison authorities for not devoting enough attention to operation and maintenance (O&M) of the prison in general and to these issues specifically.

As noted in our May 2014 report, INL officials explained that they intended to implement a nationwide prison O&M program called the Facility Maintenance Team (FMT) training initiative, which was being implemented through its existing Correction System Support Program.[14] During our November 2015 site visit, we noted that the prison had one O&M staff manager, and he was not trained to perform any particular maintenance functions. At times, the manager said, he received assistance in making repairs from inmates who are familiar with electrical or mechanical systems. He also told us that he receives O&M funding from the Afghan Ministry of Interior.

An INL official told us that the FMT initiative continues to train O&M staff but no longer sends mobile maintenance teams to service prisons within a particular province. According to INL officials, the mobile maintenance team approach was abandoned because of security conditions in Afghanistan that make travel problematic, as well as a tendency on the part of prison commanders to appropriate O&M staff to work exclusively at their prisons. The INL officials added that two O&M employees trained under the FMT were initially assigned to Baghlan prison in 2015 and performed maintenance services for approximately 5 to 6 months before Afghan prison authorities reassigned the employees to other prisons and did not replace them.

[13] During a December 15, 2016, meeting, INL officials told us that no construction has taken place at the prison, and no renovation contracts have been awarded to address the deficiencies due to the volatile security situation throughout Afghanistan that has prevented INL from initiating any new construction activity.

[14] INL approved the FMT initiative in spring 2012. The initiative was designed to enhance the Afghan General Director of Prisons and Detention Center's capacity to perform basic maintenance at prisons nationwide. Mobile maintenance teams—consisting of electricians, plumbers, masons, carpenters, and painters—were to be placed in seven regions, including one in the northeast region that would provide facility maintenance services for the Baghlan prison. INL's goal was to promote the use of regional maintenance teams so the Afghan government could better manage its limited resources for prison maintenance.

CONCLUSION

Although it has been more than 3 years since OHG informed State about the structural damage to three Baghlan prison buildings, none has been repaired or rebuilt. INL states that the delay is partially due to a request from State OIG that the contracting officer not make a final decision on who is responsible for making the repairs until the completion of the joint SIGAR and State OIG investigation into the Baghlan prison project. However, in March 2017, a State OIG investigator told us he advised the contracting officer that the implementation of any outstanding issues from State's cure notice or other means of remedying the health and safety issues at the prison should still be addressed.

Although OHG addressed the plumbing, electric, and drainage problems identified in the cure notice, the health and safety issues that we found during this follow-up inspection have not been corrected. Furthermore, regardless of the status of the investigation, it appears that State is still not prepared to make a final decision on who will repair the structural damage to the prison. Until the contracting officer, who has sole responsibility for enforcing a cure notice, resolves the contract dispute and makes a final decision, both the COR and OHG will continue to wait for guidance on how to proceed with repairing or rebuilding the damaged buildings, and the Afghan government will not be able use the prison fully.

Despite the Baghlan prison's damaged buildings, the Afghan government continues to use the remaining buildings. While we continue to be concerned about the structural integrity of those buildings, we are equally concerned that the prison was not constructed to the standards required to withstand earthquakes. This is especially troubling because the prison is located in a highly active seismic zone in Afghanistan. INL spent more than $11 million to build the facility, and serious deficiencies remain uncorrected. The potential for further damage and possible loss of life exists because of these construction deficiencies that should never have occurred.

RECOMMENDATIONS

To improve security and prisoner safety, and to ensure that the U.S. government receives the highest value for the money spent on the Baghlan prison, SIGAR recommends that the Secretary of State direct the Regional Procurement Support Office in Frankfurt, Germany, to, within 90 days from the issuance of the report:

1. **Resolve the issue of responsibility and make a final determination for repairing or rebuilding the damaged buildings, and determine whether further analysis is required to establish the full extent of construction deficiencies.**
2. **In coordination with INL, use all reasonable means available to require OHG to correct, at minimum, the construction deficiencies identified in this report that have safety implications associated with them, specifically the installation of (a) lightning protection systems on all building roofs; (b) door closers and panic bars where appropriate; (c) fire extinguishers, smoke and heat detectors, and fire alarms that were missing in several buildings; (d) electrical grounding pits; and (e) double-glazed glass in the guard towers.**

To improve security and prisoner safety, and to ensure that the U.S. government receives the highest value for the money spent on the Baghlan prison, SIGAR recommends that the Assistant Secretary of INL, within 90 days from the issuance of this report:

3. **Prepare or commission a study of the concrete support column and infill wall construction deficiencies to determine the extent of those problems and submit the results to the contracting officer to consider when making the final decision on whether to take any action against OHG.**

4. **Immediately work with the Afghan government and prison authorities to determine what steps can be taken to repair the nonfunctioning diesel generators, the backed-up sewer system, and the nonfunctioning sink and shower drainage system, and assist the Afghans in acquiring adequate long-term O&M services for the prison.**

AGENCY COMMENTS

We provided a draft of the report to State for review and comment. INL provided written comments, which are reproduced in appendix III. INL also provided technical comments, which we incorporated into this report, as appropriate.

In the draft report, we recommended that the Assistant Secretary of INL:

1. Prepare or commission an engineering response to OHG's critique of the Hask geotechnical study so the State contracting officer can issue a final decision on who is responsible for making repairs or rebuilding the prison's damaged buildings.
2. Prepare or commission a study of the concrete support column and infill wall construction deficiencies to determine the extent of those problems and what action should be taken against OHG to correct them, and include the results of this study in the contracting officer's final decision.
3. Use all reasonable means available to get OHG to correct, at minimum, the construction deficiencies identified in this report that have safety implications associated with them, specifically the installation of (a) lightning protection systems on all building roofs; (b) door closers and panic bars on all doors throughout the prison facility; (c) fire extinguishers, smoke and heat detectors, and fire alarms that were missing in several buildings; (d) electrical grounding pits; and (e) double-glazed glass in the guard towers.
4. Immediately work with the Afghan government and prison authorities to determine what steps can be taken to repair the nonfunctioning diesel generators, the backed-up sewer system, and the nonfunctioning sink and shower drainage system, and to provide adequate long-term O&M services for the prison.

In its comments, INL generally agreed with all four recommendations but requested that the first two be combined. Although we did not combine the two recommendations, we did modify them to be more responsive to INL's comments, as discussed below.

INL partially agreed with our first and second recommendations, stating that the bureau needs clear guidance from the contracting officer to identify the information necessary to make a final determination. With this guidance, INL stated that it can commission another engineering response, including a study of the concrete support column and infill wall construction deficiencies, to OHG's rebuttal of the Hask study. Our view is that State management needs to resolve this issue immediately, as it has now been pending without any apparent action for 3 years.

INL agreed with our third recommendation, noting that safety is paramount. However, the bureau stated that the contracting officer shares responsibility for this recommendation, since only the contracting officer can direct the contractor to take action to correct the deficiencies. We revised the recommendation to direct the Regional Procurement Support Office contracting officer to coordinate with INL to complete this action. However, it is not enough for INL to simply state that someone else in the department is not taking action. INL has a responsibility to take this issue to senior management at State to get this resolved.

INL partially agreed with our fourth recommendation, stating that the responsibility for providing long-term O&M for the prison moved from INL to the Ministry of Interior's General Directorate of Prisons and Detention Centers in 2014. However, INL agreed that it will work with the Afghan government and through established

maintenance mechanisms to address repairs to the diesel generator, sewer, and drainage systems. Alternatively, INL stated that it could work with the General Directorate of Prisons and Detention Centers to supplement FMT training and equipment, as necessary, to bolster proper system-wide facilities maintenance. We revised the recommendation to indicate that INL should assist the Afghan government in repairing the diesel generator, sewer, and drainage systems, and acquire long-term O&M services, instead of the bureau doing these tasks itself.

In addition to these comments, INL referenced and provided documentation of its February 2015 engineering response to OHG's rebuttal of the Hask report, and an August 27, 2012, OHG letter to INL regarding the deteriorating conditions of prison buildings 17, 18, and 19. The February 2015 response indicates that INL did submit to the contracting officer an engineering response to OHG's rebuttal. The August 2012 OHG letter shows that OHG accepted responsibility for the demolition, excavation, backfilling, soil compaction, reconstruction, and finished work related to the three damaged buildings, as well as the cost of the emergency repair work and transfer of prison inmates. OHG also requested further instructions on how to proceed with the emergency repair work. Based on this documentation, we revised the report to reflect INL's response to the contracting officer, added language to reflect that the contracting officer has not drawn any definitive conclusion of fault or made a final determination for repairing or rebuilding the damaged buildings, and OHG's acceptance of responsibility.

APPENDIX I - SCOPE AND METHODOLOGY

This report provides the results of SIGAR's follow-up inspection of the Baghlan prison. To determine whether (1) repairs and any additional construction have been or are being completed in accordance with contract requirements, any subsequent agreements between OHG and INL, and applicable construction standards, and (2) the prison is being used as intended and maintained, we:

- reviewed contract documents, design submittals, site visit reports, and other relevant project documentation;
- conducted an engineering assessment of the project drawings and construction methods used;
- interviewed U.S. and Afghan government officials about the repair and maintenance issues and the status of reconstructing the prison's damaged buildings; and
- conducted site inspections from November 17 to 19, 2015, and on January 30, 2017.

We did not rely on computer-processed data in conducting this inspection. We assessed the impact of compliance with laws and fraud risk.

In December 2014, SIGAR entered into a cooperative agreement with Afghan civil society partners. Under this agreement, our Afghan partners conduct specific inspections, evaluations, and other analyses. In this regard, Afghan inspectors visited the Baghlan prison in November 2015 and January 2017, to follow up on the findings from our May 2014 inspection report, and evaluate the prison's construction since then.[15] We developed a standardized engineering evaluation checklist covering items required by the contract and design/specification documents for the facility. Our checklist required our partners to analyze the contract documents, scope of work, technical specifications, and design drawings.

We compared the information our Afghan civil society partners provided to accepted engineering practices, relevant standards, regulations, laws, and codes for quality and accuracy. In addition, as part of our monitoring and quality control process, we:

- met with the Afghan engineer to ensure that the inspection's approach and planning were consistent with the objectives of our inspection and the terms of our cooperative agreement;
- attended periodic meetings with our partners, and conducted our normal entrance and exit conferences with agency officials;
- discussed significant inspection issues with them;
- referred any potential fraud or illegal acts to SIGAR's Investigations Directorate, as appropriate;
- monitored our partners' progress in meeting milestones and revised contract delivery dates as needed; and
- conducted oversight of them in accordance with SIGAR's policies and procedures to ensure their work resulted in impartial, credible, and reliable information.

We conducted our audit work in Kabul, Afghanistan, and at the Baghlan prison in Baghlan province from August 2015 through April 2017. This work was conducted in accordance with the *Quality Standards for Inspection and Evaluation*, published by the Council of the Inspectors General on Integrity and Efficiency. The engineering assessment was conducted by a professional engineer in accordance with the National Society of Professional Engineers' *Code of Ethics for Engineers*. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our inspection objectives. We conducted this inspection under the authority of Public Law No. 110-181, as amended, and the Inspector General Act of 1978, as amended.

[15] See SIGAR, *Baghlan Prison: Severe Damage to $11.3 Million Facility Requires Extensive Remedial Action*, SIGAR 14-62-IP, May 27, 2014.

APPENDIX II - CONSTRUCTION DEFICIENCIES FOUND DURING SIGAR'S NOVEMBER 2015 SITE VISIT TO BAGHLAN PRISON

During our November 2015 site visit to the Baghlan prison, we found 10 construction deficiencies that the Bureau of International Narcotics and Law Enforcement (INL) did not identify in its September 2013 structural damage assessment report. Table 1 provides a description of each deficiency that still existed at the time of our January 2017 site visit.

Table 1 - Construction Deficiencies Found During SIGAR's November 2015 Site Visit That Were Still Present in January 2017

Deficiency	Description
1. One of four septic tanks was built	The contract's scope of work required Omran Holding Group (OHG) to construct two black water systems for sewage and two gray water systems for non-sewage wastewater, with a total capacity of 1,200 cubic meters. However, we found that OHG constructed only one septic tank with a capacity of 200 cubic meters. OHG told us a four-tank system was designed for the original project site. However, OHG noted that at INL's request, it adapted the one septic tank design when the project location changed. OHG said the redesigned system was more costly than the system in the original design. INL officials told us the former contracting officer's representative (COR) approved OHG's redesign without notifying the contracting officer, in violation of the Federal Acquisition Regulation, Subpart 1.602-2(d)(5).[16] The prison's operation and maintenance (O&M) manager told us one tank can accommodate the prison's sewage and wastewater outputs, but due to its limited capacity, the tank needs to be emptied every 10 to 15 days instead of every 3 to 5 years for a properly designed system. This could lead to higher operating expenses to keep the system functioning.
2. Lack of lightning protection systems	OHG did not install rooftop lightning protection systems on any of the prison's buildings, even though the contract's technical specifications required them. The lack of lightning protection increases the risk of fire and possible damage to electrical systems. OHG told us this requirement was not a contract deliverable because it was referenced only in the technical specifications and not the statement of work, design drawings, or bid bill of quantity. According to INL officials, OHG noted the lack of design drawings for the lightning protection systems. In response, INL directed OHG to install the lightning protection systems in accordance with required codes and standards. The officials said OHG agreed to submit a cost proposal for the systems, but never did. INL officials added that OHG is responsible for installing the lightning protection systems.
3. Lack of protective corner beads	OHG only installed corner beads, which protect wall edges from damage, only in the guard houses and guard towers. However, the contract's technical specifications required the installation of corner beads on external plastered corners throughout the prison facility.

[16] The COR has no authority to make a commitment or change to a contract that affects price, quality, quantity, delivery, or other terms and conditions.

4.	Lack of door closers and panic bars	The prison's design drawings required door closers and panic bars to be installed on all steel doors. However, we did not find any throughout the facility. OHG stated that its records show purchase orders and site storekeeper-signed delivery receipts for 167 sets of door closers for this project. OHG also said the door technician confirmed that the closers were installed. OHG said it would look for site photos and construction logs for proof of installation, and, if circumstances warranted, investigate the possibility of theft or vandalism. INL officials obtained photos confirming that door closers and panic bars were not on the doors.
5.	Missing expansion tanks for water heaters	OHG did not install expansion tanks for Baghlan prison's water heaters. The contract's technical specifications required the installation of "a pre-charged expansion tank on the cold water supply between each water heater inlet and the cold water supply shut-off valve" for all water heaters throughout the prison facility. Because the volume of water expands when it is heated, the expansion tanks, which contain pressurized air bladders, absorb the expanded water and protect the plumbing system from increased pressure.
6.	Fire extinguishers installed in only two buildings, and entire facility missing smoke detectors and fire alarms	OHG installed fire extinguishers in only two buildings: the industrial building and the fuel tank canopy. It did not install smoke detectors or fire alarms in any of the buildings. Although the design drawings did not specify installing this equipment in each building, the contract's scope of work required it. INL officials told us existing records do not confirm whether OHG installed the required equipment and systems. However, the officials added that if OHG did not install the required equipment and systems, the company must credit the U.S. government for the equipment and systems not provided.
7.	Lack of an emergency pump and pipe in the well house	The emergency pump and pipe in the well house were not installed. INL officials said their project manager, an Afghan, approved an OHG request for information that eliminated the design requirement for the pump and pipe, and substituted a secondary submersible pump. According to INL, the project manager's actions violated Federal Acquisition Regulation, Subpart 1.602-2(d)(5).
8.	Lack of electrical grounding pits	None of the buildings had electrical grounding pits, which limit the damage to a building's electrical system caused by voltage and power surges from a lightning strike. However, OHG did construct one for the prison's exterior lighting. The contract's scope of work required all power panels, circuit breakers, circuits, and exposed noncurrent-carrying metallic parts of electrical equipment to be grounded, in accordance with the design drawings.

9.	Installation of single-glazed glass instead of double-glazed glass in the guard towers	The windows installed in the guard towers contained 6-millimeter single-glazed glass, while the design drawings called for 6-millimeter double-glazed glass. INL agreed and noted that the COR approved a material substitution request from OHG that changed the glass material in the guard towers to Plexiglas. However, the contracting officer is the only one who can authorize this type of request. As a result, according to INL, the COR's approval was not valid and violated the Federal Acquisition Regulation, Subpart 1.602-2(d)(5).
10.	Lack of suspended ceiling for the generator canopy	OHG did not install a suspended ceiling for the generator canopy. The design drawings for the generator room required a suspended ceiling or painted wooden board for the generator canopy's ceiling.

Source: SIGAR, November 18, 2015

United States Department of State

Washington, D.C. 20520

February 8, 2017

Ms. Gabriele A. Tonsil
Assistant Inspector General for Audits and Inspections
Special Inspector General for Afghanistan Reconstruction
1550 Crystal Drive, Suite 900
Arlington, VA 22202

Dear Ms. Tonsil:

The Department of State welcomes the opportunity to comment on this draft Special Inspector General for Afghanistan Reconstruction (SIGAR) report entitled, "Baghlan Prison: After More Than 3 Years, Structurally Damaged Buildings Have Not Been Repaired, and New Construction Deficiencies Have Been Identified" (dated January 2017). The Department respects SIGAR's role in safeguarding U.S. taxpayer investment, and we share your goals of implementing programs free from waste, fraud, and abuse.

The Bureau of International Narcotics and Law Enforcement Affairs (INL) would like to bring to your attention a number of concerns, including factual updates that are not included in the current draft report. Updates and corrections are specifically delineated in the attached technical comments. Most importantly, we would like to emphasize that INL responded to the OHG rebuttal of the Hask report in February 2015. However, the Regional Procurement Support Office (RPSO) contracting officer (CO) was unable to draw any definitive conclusions of fault or make a final determination for repairing or rebuilding the damaged buildings based on either the INL engineering response or the OHG critique. Clear guidance is needed from the CO that specifies appropriate information for making a final determination. As recently as August 2016 during the course of the SIGAR review, the INL contracting officer's representative (COR) and OHG advised SIGAR that they were awaiting guidance or a decision from the RPSO CO on how to proceed. That remains the current status. As a result of this draft report, INL is reaching out to the RPSO CO to negotiate next steps toward resolution.

Responses to Recommendations

Recommendations 1 and 2: (1) Prepare or commission an engineering response to OHG's critique of the Hask geotechnical study, so the State contracting officer

can issue a final decision on who is responsible for making repairs or rebuilding the prison's damaged buildings; (2) Prepare or commission a study of the concrete support column and infill wall construction deficiencies to determine the extent of the problems and what action should be taken against OHG to correct them, and include the results of this study in the contracting officer's final decision;

INL Response (February 2017): As noted in the enclosed technical corrections, INL believes these two recommendations should be combined, but the Department agrees with these recommendations in part. INL engineers submitted a response to the contracting officer (CO) on OHG's critique of the Hask geotechnical survey in February 2015. However, the CO was unable to draw any definitive conclusions of fault or make a final determination based on either the INL engineering response or the OHG critique. Clear guidance is needed from the CO identifying the necessary information for making a final determination. Upon receipt of this guidance, INL will commission another engineering response (including recommendation two which calls for a study of the concrete support column and infill wall construction deficiencies) to OHG's critique of the Hask geotechnical survey.

Recommendation 3: Use all reasonable means available to get OHG to correct, at minimum, the construction deficiencies identified in this report that have safety implications associated with them, specifically the installation of (a) lightning protection systems on all building roofs; (b) door closers and panic bars on all doors throughout the prison facility; (c) fire extinguishers, smoke and heat detectors, and fire alarms that were missing in several buildings; (d) electrical grounding pits; and (e) double-glazed glass in the guard towers.

INL Response (February 2017): The Department agrees with this recommendation and agrees safety is paramount. However, it should also be noted that responsibility for this recommendation shouldn't lie solely with INL. Only the RPSO CO can direct the contractor to take action for correcting the construction deficiencies that are identified in the report, including action on associated safety implications and installation of items A-E. To that end, INL, at the direction of the contracting officer, will use all reasonable means available to get OHG to make corrections to the referenced deficiencies.

Recommendation 4: Immediately work with the Afghan government and prison authorities to determine what steps can be taken to repair the nonfunctioning diesel generators, the backed-up sewer system, and the nonfunctioning sink and shower

drainage system, and to provide adequate long-term operation and maintenance services for the prison.

INL Response (February 2017): The Department agrees with this recommendation in part. INL is committed to working with the Afghan government on appropriate maintenance practices and will work through established facilities maintenance mechanisms to address repairs to the diesel generator, sewer, and drainage systems. However, the provision of long-term operation and maintenance services is a practice that the INL corrections program ended in 2014, owing to Afghan ownership over its corrections program and increased capacity. Alternatively, INL can work with the General Directorate of Prisons and Detention Centers to supplement facilities maintenance team staff training and equipment as necessary to bolster proper system wide facilities maintenance.

The Department of State appreciates SIGAR's thorough examination of U.S. foreign assistance programming in Afghanistan's corrections sector. INL looks forward to continuing to work with SIGAR and other relevant authorities on these issues.

Sincerely,

Mary Pat Hayes-Crow
Executive Director
Bureau of International
Narcotics and Law
Enforcement Affairs

Attachment:
Technical Comments

APPENDIX IV - ACKNOWLEDGEMENTS

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This inspection was conducted
under project code SIGAR-I-038.

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The mission of the Special Inspector General for Afghanistan Reconstruction (SIGAR) is to enhance oversight of programs for the reconstruction of Afghanistan by conducting independent and objective audits, inspections, and investigations on the use of taxpayer dollars and related funds. SIGAR works to provide accurate and balanced information, evaluations, analysis, and recommendations to help the U.S. Congress, U.S. agencies, and other decision-makers to make informed oversight, policy, and funding decisions to:

- improve effectiveness of the overall reconstruction strategy and its component programs;
- improve management and accountability over funds administered by U.S. and Afghan agencies and their contractors;
- improve contracting and contract management processes;
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- advance U.S. interests in reconstructing Afghanistan.

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