

You're the Judge

See no evil, hear no evil, speak no evil

The cast of characters: Michael Rzeplinski served as a programs director for the General Services Administration and as a supervisory engineer for the U.S. Army. Connie Davidson was a GSA employee who lived with Rzeplinski. Kirsten Davidson is Connie's daughter.

Rzeplinski recommended that a GSA IT-related services task order be awarded to PCC Technology Group, Inc. He asked PCC Technology Group to hire Kirsten to perform computer-related work under his direction. Connie Davidson was appointed to be the assistant contracting officer's representative on the task order awarded to PCC.

The company did hire Kirsten, but she performed no work. Between January 2003 and October 2005, PCC was paid approximately \$555,710 on this contract and on a separate GSA contract as a subcontractor for work that Kirsten never performed.

Rzeplinski caused PCC to hire a company called RZED Engineering Services (ZED) as a subcontractor. ZED was a sole proprietorship controlled by Rzeplinski. From June 2002 to October 2005, PCC mailed monthly checks in the amounts of \$4,000 to \$4,500 to Rzeplinski, who received a total of \$151,500; however, ZED never performed any work as a subcontractor.

If, like Sgt. Schultz in the TV series *Hogan's Heroes*, whose refrain was "I see nothing," you turn your back on a crime, do you get a free pass when the crime is discovered? Is there a crime involved if you do not perform any work?

Clearly Rzeplinski violated several laws, and he was sentenced to 46 months in prison and ordered to pay \$862,710 in restitution.

Did Connie Davidson (assigned as assistant contracting officer's representative, whose duties include verifying vouchers) and Kirsten Davidson (who received payment but did not actually perform any work) commit any crimes?

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short-term blip over the long-term breakthrough, and as the axiom goes, "You get what you reward."

The exploits and accomplishments Chanute documents in *Progress In Flying Machines* include not only the bold and foolish but also the timid and inactive. One such is Count D'Esterno of France, who, despite being quite intelligent and accomplished, put forward a proposal that "was generally laughed at as an evidence of mild lunacy."

Chanute goes on to explain that the count, apparently taking the mockery to heart, did not build the apparatus he proposed, and wistfully concludes, "He might have tried a number of valuable experiments which, if they did not result in success (as they probably would not), might yet have greatly advanced the fund of knowledge upon this intricate subject." We advance through failure as well as success, and if we are not willing to risk, then we neither fail in the short term nor succeed in the long term.

Making a mistake as a leader is hard. A leader making any decision and making it quickly may indeed fail spectacularly, but one who doesn't make a decision because of analysis paralysis doesn't accomplish success or failure—and that is its own type of failure. If we want to enjoy long-term success, we should expect to fail on a regular basis, whether using intuitive decision-making or not.

Despite Gladwell's popularity, intuitive decision-making is not likely to be widely accepted within our formal organizations any time soon, at least not to the same degree as traditional, formal, rationalistic, and slow decision processes (however flawed). In fact, *Blink* itself illustrates many of the pitfalls and shortcomings inherent in intuitive decision-making and doesn't deny the existence of intuitive errors.

However, we are content to make intuitive errors anyway in the comfort and knowledge that mistakes would have been made in any case, and by using intuition, we are saving both time and money while advancing our technical and operational capability advantage in the long term.

The bottom line: Decision making is messy and uncertain, regardless of the approach or process. It requires creativity, courage, and intuition, along with solid math skills. With all the Weird Leonards throughout history, we seek to press forward and determine, in the words of Octave Chanute, "in what manner if any the many failures which I have described can be made to subserve eventual success."

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The Verdict

Connie Davidson admitted to federal officials that in her capacity as a GSA employee, she was aware that Rzeplinski had recommended the award of the task order to PCC and that he intended to have PCC hire her daughter Kirsten to perform work on the contract. Connie Davidson also knew that PCC was paying her daughter and that her daughter did not perform any work for PCC. For her failure to act, Connie Davidson was found guilty of aiding and abetting the submission of false claims. She was sentenced to 12 months in prison and ordered to pay \$395,710 in restitution.

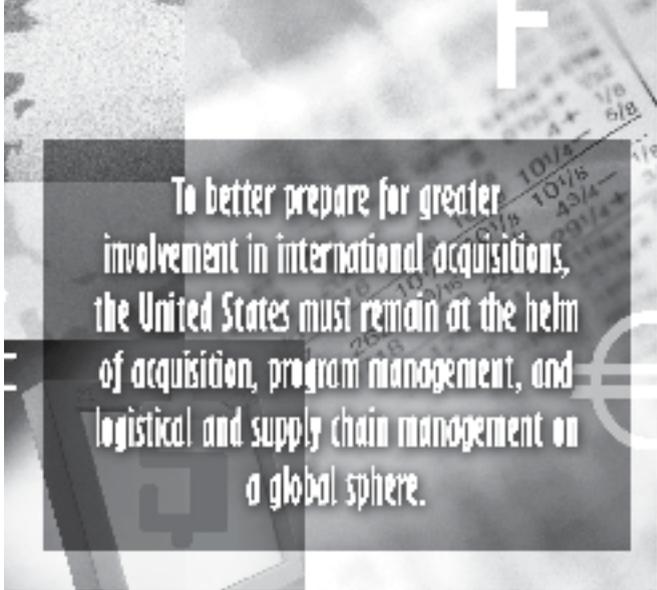
As part of the billing process, contractors submit time sheets with the number of hours worked by each employee. In this case, Kirsten claimed hours without actually performing any work. She was found guilty of conspiracy to defraud the United States by making false claims and was sentenced to 18 months in prison and ordered to pay \$290,647 in restitution.

(United States v. Michael Rzeplinski; United States v. Connie Davidson; and United States v. Kirsten Davidson.)

- Total competency, integrity, and trust of all parties involved
- Contracting clarity in all acquisition documentation and purpose
- Qualified technical and managerial personnel expertise
- Unwavering cooperative effort in supporting the host country.

There are also conventional and traditional skills that should entail a refined acquisition methodology and ensure that qualified personnel execute the contract. The requirements for Defense Acquisition Workforce Improvement Act certification are extremely valuable when you are seeking to be recognized as an expert in your chosen field. Merging formal education, practical experience, and federal government certification(s) equips you to continue in your field(s) of knowledge and experience.

Additionally, achieving experience in cooperative engagement- and international-related programs would most certainly enhance a career in international acquisitions. A strong, positive client relationship and sustained superior performance in an international venue also rank as



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qualifications for those who may be assigned or request assignments in the international acquisition arena.

What Rules Do We Follow?

Consortium contracts help establish the business foundation, but for the federal government acquisition workforce, there's the question of what rules apply on this international playing field. What guidelines or policies should we follow? Should worldwide acquisition guidelines rest upon DoD's 5000 series acquisition policies; the International Standards Organization rules such as the venerable ISO 9000; the American National Standards Institute; or perhaps a portion of each of these authorities? While each of these respected organizations conveys the proper guidelines to follow for the type of goods or service to acquire, the umbrella authority to direct the applicability of these rules has not been identified as yet. It remains the preference and responsibility of the host country to identify the laws that apply and the obligation of the contracting ensemble to adhere to those laws and cultural parameters.

What We Need to Do

International acquisition is becoming more important in the global business world, and preparing for it is essential. To better prepare for greater involvement in international acquisitions, the United States must first remain at the helm of acquisition, program management, and logistical and supply chain management on a global sphere through constant training, education, professional, and practical challenges, and continuing our pursuit of the most challenging assignments for the most demanding jobs that are available. Second, the United States must strive to support our allies, whether they be established industrial nations or emerging markets.

The author welcomes comments and questions and can be contacted at rex.reagan@bearingpoint.com.