

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF YOUTH SERVICES
FILE ID NO.: 2016-CA00034
DATE OF REPORT: MAY 23, 2019

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Randall J. Meyer
Ohio Inspector General



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OFFICE OF THE INSPECTOR GENERAL

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REPORT OF INVESTIGATION

FILE ID NUMBER: 2016-CA00034

SUBJECT NAME: Vincent Corcoran

POSITION: Administrative Officer 2

AGENCY: Ohio Department of Youth Services

BASIS FOR INVESTIGATION: Agency Referral

ALLEGATIONS: Impropriety Involving Bid Processes

INITIATED: August 24, 2016

DATE OF REPORT: May 23, 2019

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On August 19, 2016, the Office of the Ohio Inspector General received a complaint from officials at the Ohio Department of Youth Services (ODYS) alleging questionable activity related to the bidding and awarding of construction contracts by ODYS Administrative Officer 2 Vincent Corcoran. ODYS alleged:

Corcoran may have awarded contracts improperly by failing to bid construction contracts, may have misstated or mischaracterized information in capital funding requests to the Controlling Board on 5/22/16 (sic) and 10/19/15, may have changed project specifications to justify the selection of a particular vendor in August of this year and may have advised other county and local governmental entities to utilize a particular vendor without bidding the project in August of this year.

On August 23, 2016, the Office of the Ohio Inspector General contacted ODYS to obtain additional information regarding the alleged activities. ODYS provided copies of two Controlling Board requests (CBRs) seeking the release of capital funding to replace door control systems at the Circleville Juvenile Correctional and Cuyahoga Hills Juvenile Correctional facilities. The vendor named in both requests was Advanced Systems Technology Inc. (AST) and the total amount requested was \$300,642.60. ODYS representatives explained that in a subsequent meeting after the CBRs had been submitted and approved that it was determined comments made by Corcoran in the requests were inaccurate or incorrect.

Additionally, ODYS provided two email strings where officials alleged Corcoran appeared to be favoring a vendor, Crowder Detention Equipment, over other vendors. In the first email exchange, Corcoran requested changes to specifications for a particular project that would ensure Crowder Detention would be designated as a sole source provider¹ of the item. In the second exchange, Corcoran informed a county facility how to circumvent bidding and Controlling Board requirements, and directly contract with Crowder Detention Equipment.

¹ Sole source provider means only one vendor can provide the item or service based on exact specifications as required by the agency.

An investigation was opened upon review of the additional information from ODYS.

BACKGROUND

Ohio Department of Youth Services

The Ohio Department of Youth Services is responsible for the confinement of juvenile felony offenders and to aid in the rehabilitation of delinquent juveniles. This is accomplished through the operation of juvenile correctional facilities, regional parole offices, community correctional facilities, and support for community-based programs. The director of ODYS is appointed by the governor and confirmed by the Ohio Senate. Funding is provided through general revenue funds, federal funding, and transfers from the Ohio Department of Education.²

ODYS currently maintains three facilities – Circleville Juvenile Correctional Facility, Cuyahoga Hills Juvenile Correctional Facility, and Indian River Juvenile Correctional Facility. The agency also provides 100 percent of funding to 12 community correctional facilities that are administered through the counties. ODYS likewise can request and receive capital funding for other locally administered juvenile facilities throughout the state. Typically, the funding provides for 60 percent of costs related to capital projects paid on a reimbursement basis.

Ohio Facilities Construction Commission

The Ohio Facilities Construction Commission (OFCC) was established under House Bill 487 of the 129th General Assembly by combining the former State Architect’s Office, the Office of Energy Services, and the Ohio School Facilities Commission. The commission provides oversight and guidelines for capital projects for state agencies, boards and commissions, state-supported colleges and universities, including community colleges, and public K-12 schools. OFCC is governed by three members consisting of the directors of the Ohio Office of Budget and Management and Ohio Department of Administrative Services, and a member appointed by the governor. Daily operations are overseen by an executive director appointed by the commission members.³

² Source: Biennial budget documents.

³ Source: Ohio Revised Code (ORC) §123.20, *Ohio facilities construction commission*.

Controlling Board - Ohio

The Controlling Board is a legislative body created under Chapter 127 of the Ohio Revised Code (ORC). The seven-member board includes the president of the controlling board who is the director of the Ohio Office of Budget and Management or their designee, the chair or vice-chair of the finance appropriations committee of the Ohio House of Representatives, the chair or vice-chair of the finance committee of the Ohio Senate, two members of the Ohio House of Representatives as appointed by the speaker – one from the majority party and one from the minority party – and two members of the Ohio Senate as appointed by the president – one from the majority party and one from the minority party.

The board provides legislative oversight of certain operating and capital expenditures by state agencies, boards and commissions, and has approval authority over various fiscal activities including: waivers of competitive selection when an agency's purchases or leases from a particular vendor exceed amounts specified in law; release of appropriations for capital construction projects; loans and grants made through the Development Services Agency; loans and subsidies made through the Ohio Department of Education; and the transfer of funds between agency line items.

Capital Funding

According to the Ohio Office of Budget and Management (OBM) website, capital funding is appropriated in each even-numbered year to provide for the repair, reconstruction, and construction of capital assets of state agencies, colleges, universities, school districts, and in some years for local community projects. Funding is mostly provided through long-term debt issued by the state or various cash funds. Agencies submit project funding requests to OBM which submits recommendations to the governor. Final recommendations are then submitted to the General Assembly for its review and consideration. Once the General Assembly approves the plan through the capital appropriations bill, agencies must seek Controlling Board approval for release of the funds once contractors are selected for the various projects.

State Term Schedules

State of Ohio Procurement Handbook for Supplies and Services Section 3.2.2 describes state term schedules (STS) as “price solicitations that include multiple suppliers for similar types of supplies or services.” STS are “based upon most favored pricing for customers” and in some cases, the pricing “may be based upon the federal government’s Supply Schedule Contract Program, administered by the General Services Administration.”

When using the STS, Section 3.2.2 further provides:

Agencies are encouraged to compare the offerings of multiple manufacturers or their named distributors on similar items. Agencies are encouraged to request quotations and/or negotiate to obtain the most favorable pricing on these schedules. In particular, discounts may be obtained for major purchases exceeding the maximum order limitation (MOL). DAS will assist the agency in securing additional discounts for these purchases. Depending upon the size of the purchase, DAS may recommend issuance of a special bid to take advantage of potential lower pricing due to market conditions.

Relevant Policies and Procedures

During the course of the investigation, investigators reviewed the following relevant policies, procedures, and sections of the Ohio Revised Code and the Ohio Administrative Code:

- Ohio Revised Code §127.162, regarding the Controlling Board requirements to use one of the identified competitive selection or evaluation processes;
- Ohio Revised Code §153.55 which provides guidance on the calculation of the costs for a public improvement project and provides that “no officer, board, or other authority of the state or any institution supported by the state shall subdivide a public improvement into component parts or separate projects in order to avoid the threshold of that section ...;
- The 2013 edition of the Ohio Facilities Construction Manual which, ... outlines the procedures used by the Ohio Facilities Construction Commission (“OFCC”) to manage capital improvement projects ... Each section of the Manual describes the current practices and procedures required to undertake and successfully complete capital projects for Ohio agencies.

- OFCC Small Capital Project Administration guidance which describes when an agency is required to submit a capital or maintenance and repair project to OFCC and/or the Ohio Department of Administrative Services, and when ODAS or OFCC will administer the project.

ODYS representatives informed investigators that ODYS did not institute and issue policies and procedures for the capital project process during the period under review.

Vince Corcoran

On August 2, 2009, Vince Corcoran was promoted to the ODYS contract administrator position. Corcoran's job duties included visiting the juvenile correctional facilities; determining what the facilities' needs were; meeting with architects; preparing the capital plan for ODYS; and managing projects performed at the ODYS juvenile correctional facilities, including both capital and maintenance projects. Corcoran was also responsible for preparing the requests submitted by ODYS to the Controlling Board for approval and working with the Ohio Facilities Construction Commission (OFCC), when required.

On August 17, 2016, ODYS placed Corcoran on administrative leave. On November 26, 2016, Corcoran resigned from his position.

INVESTIGATIVE SUMMARY

On August 24, 2016, the Office of the Ohio Inspector General spoke to ODYS Special Project Manager David Blackburn⁴ via telephone to gain a better understanding of ODYS' concerns about the contracts awarded to Crowder Detention Equipment (Crowder) and Advanced Systems Technology, Inc. (AST).

⁴ Blackburn served as acting chief fiscal officer for several months during the time period under investigation. Corcoran's department reported to Blackburn during this time.

Crowder Detention Equipment

Blackburn told investigators that he was concerned that Corcoran was working with Crowder Detention Equipment (Crowder Detention) to tailor bids to benefit Crowder Detention. He stated that, based on direction from Toby Crowder, the owner of Crowder Detention, the specifications for door manufacturers were changed from citing multiple manufacturers to listing exclusively one manufacturer, Habersham Metal Products Company (Habersham). While reviewing Corcoran's electronic project files, investigators identified an ODYS work order that specified "Habersham steel security doors" were to be utilized. Further research of the project files found a letter from Habersham stating Crowder Detention is the sole source provider of Habersham products in the state of Ohio. Blackburn explained that this would likely ensure Crowder Detention would be the only vendor able to meet the specifications, thus eliminating other vendors from bidding. Blackburn also stated that bid quotes were similarly changed from 2-inch-thick doors to 1 ¾-inch-thick doors, and that this specification change would also exclusively benefit Crowder Detention, because they are the only manufacturer of 1 ¾-inch security grade doors.

On September 25, 2016, the Office of the Ohio Inspector General issued a subpoena or records from Crowder Detention. Among other documents such as communications and bid packages, Crowder Detention was asked to provide records related to any officer or employee providing anything of value (monetary or otherwise)⁵ to Corcoran or any other representative of ODYS. Crowder Detention responded that they had no responsive records to this last request.

In response to the subpoena, Crowder Detention provided several emails sent between Corcoran, Toby Crowder, and the architectural firm, Karl R. Rohrer and Associates, Inc. (Karl Rohrer), in preparing specifications for DYS-140117. In one email, Crowder communicated with Karl Rohrer, and directed them to list four specific manufacturers in the bid.

⁵ Included in this request were any gifts, gratuities, loans, entertainment items, or other items of value.

From: Toby Crowder <[REDACTED]>
Sent: Tuesday, May 17, 2016 10:33 AM
To: John Origlio
Subject: RE: Indian River, OH, Revised Hardware Schedule

You can still use HABERSHAM, TRUSSBILT, FORDERER AND AMERICAN STEEL. Habersham will still look at it possibility since they did original doors.

From: John Origlio [REDACTED]
Sent: Tuesday, May 17, 2016 10:32 AM
To: Toby Crowder
Subject: RE: Indian River, OH, Revised Hardware Schedule

Hi Toby

I attached a 3-part spec that I started for Security Doors and Frames. It was started from standard Hollow Metal Doors so it needs edited. If you can mark it up and send me a pdf I can complete it.
I ideals need three manufacturers for doors for bidding. Is Forderer an equal to Trussbuilt?

Later, Corcoran emailed Crowder directly and asked for his advice. Crowder advised removing the other three vendors – the same ones he provided to the architect – leaving Habersham as the sole manufacturer, and provided a justification for the change as a desire to match the previously installed doors.

From: Toby Crowder [mailto:[REDACTED]]
Sent: Tuesday, June 28, 2016 9:45 AM
To: Corcoran, Vincent <Vincent.Corcoran@dys.ohio.gov>
Subject: RE: Hollow Metal Section Pages from IRJCF PREA Restroom and Laundry Project Technical Specs Binder1-2

Frames are 12 gauge and Doors appear to be 14 gauge minimum and really spec says 13 gauge .093in and 2.37mm with galvanized so per galv chart:

We helped with the spec. My suggestions is take all the manufacturers out but Habersham and say must match previous grade 1 doors supplied for this facility.

When presented with an opportunity to edit the specification package language, Crowder again made changes (in red) to specify that 1 ¾-inch-thick doors must be used, and stating that Habersham was the only vendor who manufactured the doors.

From: [Toby Crowder](#)
To: [Corcoran, Vincent](#)
Subject: RE: Hollow Metal Section Pages from IRJCF PREA Restroom and Laundry Project Technical Specs Binder1-2
Date: Tuesday, June 28, 2016 11:15:47 AM
Attachments: [image001.png](#)

Here you go see red comments below.

From: Vincent.Corcoran@dys.ohio.gov [mailto:Vincent.Corcoran@dys.ohio.gov]
Sent: Tuesday, June 28, 2016 10:50 AM
To: Toby Crowder
Subject: RE: Hollow Metal Section Pages from IRJCF PREA Restroom and Laundry Project Technical Specs Binder1-2

Toby:

How does this look to you?

2.0 PRODUCTS

2.01 MANUFACTURERS

A. Manufacturer: Subject to compliance with requirements, the provider must match previously installed **GRADE 1 - 1.75" 14 gauge steel doors and 12 gauge frames** by the following:

1. Habersham.

BTW: You didn't see wire glazing in the specifications, did you? **Let me re-check I didn't look at the glass.**

Vince

On July 7, 2016, Corcoran sent an email to the architectural firm asking that they update the specification language, and as a result, the changes proposed by Crowder were incorporated into the specification language.

From: [Corcoran, Vincent](#)
To: [John Sweeney](#); [John Origlio](#)
Cc: [McCoy, Heath](#)
Subject: IRJCF Restroom & Laundry Room Renovations DYS-140117
Date: Thursday, July 07, 2016 2:13:00 PM

John:

After further review I believe the following change should be submitted as Addendum #1. Please revise following:

SECTION 08 34 53 SECURITY DOORS AND FRAMES

2.0 PRODUCTS

2.01 MANUFACTURERS

A. Manufacturer: ~~Subject to compliance with requirements, provide standard steel doors and frames by one of the following:~~

- ~~1. American Steel Products~~
- ~~2. TrussBuilt~~
- ~~2. Forderer~~
- ~~3. Habersham~~

Replace with:

- A. Manufacturer: **Subject to compliance with requirements, the provider must match previously installed GRADE 1, 1.75" 14 gauge steel doors and 12 gauge frames by the following:**
- 1. Habersham**

Let me know if you find any other issues that should be addressed with the first addendum. Thanks!

Respectfully,
Vince Corcoran, Administrator
~ ~ ~ ~ ~

These emails show that Corcoran directed the architect to change the bid to specify 1 ¾-inch-thick doors, and to exclusively list Habersham as the vendor who could provide the doors. The emails also show Corcoran did this at the direction of Crowder, the sole provider of Habersham products in Ohio.

Investigators identified another project where Crowder was communicating with the architect regarding replacement doors at IRJCF. The project involving design work by Schorr Architects was identified as DYS-130103, which was jointly administered by ODYS and OFCC. Due to various complications, OFCC and ODYS changed the scope of this project numerous times, continuing the project from 2013 through 2017.

In January 2017, OFCC revived the project at IRJCF to replace all doors throughout the facility utilizing the same project number. The project was split into two phases. The first phase was for 13 doors that needed to be replaced immediately. The project specifications listed no manufacturers and stated, “Provide flush-design detention doors of seamless hollow construction, 1-3/4 inch [sic] thick unless otherwise indicated.” Cornerstone Detention Products Inc. was the sole bidder and stated they would be utilizing 2-inch-thick American Steel Products doors and new frames for the project.

Phase 2 of the project was sent out for bid by OFCC but listed three acceptable manufacturers: American Steel Products, Habersham Metal Products Company, and Trussbilt. The architect’s estimate for this project was \$770,115. Giant Design LLC won the bid with a cost of \$737,000, and stated they would be utilizing Crowder Detention as a subcontractor to install 1 ¾-inch-thick Habersham doors, and reusing the pre-existing frames. Cornerstone also bid on the Phase 2 project but submitted a quote of \$1.09 million dollars, more than 10 percent higher than the estimated project costs. Officials from OFCC stated that even if Cornerstone had been the lone bid on Phase 2, the project would need to be rebid because the first bid’s best quote was too high.

On December 6, 2018, investigators interviewed Michael Bielenberg, the OFCC employee who was project manager for DYS-130103 during 2016. Bielenberg stated that IRJCF was an “old facility,” and as such, it was originally fitted with 1 ¾-inch-thick detention doors, as was industry standard at the time the facility was built.⁶ Bielenberg also stated that conversations regarding the thickness of the doors were common for projects at IRJCF, because the detention industry standard currently was 2-inch-thick doors, and most manufacturers could only provide that thickness.⁷ Each project involving doors had to be assessed for cost, because converting a door to 2-inches-thick requires retrofitting the entire entryway, including frame and how the

⁶ Blueprint records show IRJCF was designed and built in 1971.

⁷ Investigators confirmed that the American National Standard (ANSI) approved National Association of Architectural Metal Manufacturers (NAAMM) and Hollow Metal Manufacturers Association (HMMA) Guide Specifications for Detention Security Hollow Metal Doors and Frames (HMMA 863-14) currently recommends 2-inch-thick detention doors. Investigators contacted NAAMM but were unable to confirm that previous standards recommended 1 ¾-inch-thick doors.

frame is attached into the concrete wall. In order to save on costs, many projects specified 1 ¾-inch-thick doors to fit existing frames and hardware.

On May 10, 2017, investigators interviewed Corcoran and asked about the changes suggested by Crowder regarding DYS-140117 where three manufacturers were removed from the specifications. Corcoran stated he did not know why he had directed the architect to make the changes and said potential vendors could list an alternate manufacturer if they met the specifications. However, investigators noted to Corcoran that the work order did not state equivalents would be allowed and clearly specified only Habersham doors. Corcoran noted that if another vendor submitted an equivalent product, he would have accepted it. Corcoran stated he did not receive anything from Crowder for making the changes and just wanted to ensure ODYS purchased detention-grade doors and not steel doors.

On November 18, 2017, Crowder explained to investigators that for project DYS-140117, he helped the architect prepare the specifications. Crowder confirmed that he recommended the four manufacturers. Crowder explained this was a new construction project and that the plan was to tear down the existing walls. When asked why he removed three of the manufacturers after initially recommending them, Crowder replied it was because Corcoran wanted the doors to match the existing doors throughout the facility.

Crowder further explained that, at the time of the project, Habersham was the only manufacturer that could provide Grade/Level 1, 1¾-inch-thick doors. Habersham added the other three manufacturers could only provide 2-inch-thick doors to meet the Grade/Level 1 requirement. Investigators asked why the 1¾-inch was a specified requirement since the building was a new construction and any door sizes could be used. Crowder again stated it was because ODYS wanted to match the existing doors. Email records show that it was Crowder who provided the justification of matching the existing doors, not Corcoran.

When questioned on the DYS-130103 project, Crowder again stated that he provided assistance to the architect on the specifications. When interviewed on October 25, 2016, Schorr Architects

confirmed that they often work with vendors like Crowder to draft bids specifications since they are able to provide estimated costs on supplies, which is a requirement for any bid package. For Phase 1, no manufacturers were listed on the specifications. As a result, Crowder stated the winning bid was for 2-inch doors. When investigators asked why manufacturers were listed on the specifications for Phase 2, Crowder said it was because he wanted to generate competition. He also pointed out section 2.4(A) of the specifications, which read: "... 1-3/4 inch [sic] thick unless otherwise indicated." This allowed the bidders to provide either 1³/₄-inch-thick doors or 2-inch-thick doors. Crowder noted that by listing the manufacturers, it created a "proof of quality" so the bidders would have a better understanding as to what the agency needed. Crowder also stated that Habersham was the only manufacturer who could provide Grade/Level 1, 1³/₄-inch-thick security doors.

On January 22, 2018, the Office of the Ohio Inspector General contacted three of the manufacturers listed in the various specifications to ask if they provided similar doors. Two of the vendors stated that they did not sell 1³/₄- inch-thick doors and to meet the Grade/Level 1 requirement, they could only offer 2-inch-thick doors. The third vendor did not respond.

Section 200 of the Ohio Facilities Construction Manual outlines the general design requirements of a capital project utilizing an architect/engineer (A/E). Relevant requirements reviewed by investigators included:

- The A/E is required to create specifications such that a minimum of three manufacturers are named. If less than three are named, a waiver request must be submitted. The waiver is submitted to the contracting authority for review. The project manager/administrator will review the request and approve or deny the requirement variance.
- During the bid process, a bidder may propose another manufacturer that provides the same or superior function, performance, and quality level. The bidder must indicate why their proposal meets or exceeds those as outlined in the A/E specifications.
- A sole source specification for manufacturers may be utilized "... only when it is clearly in the public interest to do so, after carefully considering the serviceability and cost of the material or article for which the contract is made." Instances in which this may be

allowable is when "... a specified material must match an existing material in appearance or a system or component must match an existing system or components for functional reasons."

When a specification sheet lists fewer than three manufacturers, the architect is required to obtain a waiver from the project manager, in this case Corcoran. There was no documentation in the files reviewed that indicated the architects ever requested, or Corcoran ever approved, a waiver for naming only one vendor in DYS-140117.

"During the bidding period, the Bidder may propose another manufacturer or competing product giving the same superior function, performance and quality level." When submitting a bid with a manufacturer not listed in the specifications, the bidder would have to demonstrate that their quality standards met or exceeded those listed. This occurred in Phase 1 of DYS-130103, as American Steel Products was the manufacturer used.

It was determined that IRJCF originally had been built with 1 ¾-inch-thick doors and upgrading doors to the new industry standard doors is evaluated on a project-by-project basis in order to save capital funds. It was further determined that architects often work with vendors on developing specifications in order to have the most accurate agency cost estimate for which to evaluate bid responses. The changing of a specification from 2-inch-thick doors to 1 ¾-inch-thick doors favored a specific vendor, but only in cases where upgrading the door to 2-inch-thick doors was cost prohibitive. In other cases, even though the specification was for 1 ¾ inch-thick doors, lower costs allowed for other manufacturers to be used, even when they could only supply 2-inch-thick doors.

Investigators acknowledged that Corcoran's application of the sole source vendor designation to specifically purchase Habersham doors, or 1 ¾-inch-thick doors, was proper in certain projects. However, investigators concluded Crowder exerted excessive influence in both writing and providing to Corcoran specifications to warrant a sole source vendor designation for the DYS-140117 project. Corcoran used Crowder's specifications to justify to his supervisors the

project's requirement for installing only Habersham doors. Crowder was the only vendor who could financially benefit from the changes to the DYS-140117 project's specifications.

Montgomery Technology, Inc. (MTI)/Advanced Systems Technology, Inc. (AST)

On August 24, 2016, ODYS Special Project Manager David Blackburn told investigators that Corcoran reported in two separate Controlling Board requests (CBRs) (DYS0100589 [\(Exhibit 1\)](#) dated October 15, 2015, and DYS0100614 [\(Exhibit 2\)](#) dated May 2, 2016) that security assessments were conducted at the Cuyahoga Hills Juvenile Correctional Facility (CHJCF) and Circleville Juvenile Correctional Facility (CJCF). According to the CBRs, Corcoran explained that both assessments had concluded there was an emergency need to replace the door control systems at each location. Attached to both requests was a quote from AST and a letter stating AST was a sole source installer for MTI.

Both CBRs contained references to a security vulnerability assessment conducted at each facility which cited, the "... door control system as a serious and critical area of concern, and further researched [SIC] indicated a need for immediate and swift action for replacement." However, Blackburn told investigators that Corcoran's written comments in the CBRs citing an emergency need to replace the door control systems at the two facilities were incorrect. Investigators found an October 6, 2015, email that was sent from Ohio Office of Budget and Management (OBM), Budget Management Analyst Dex Stanger to Corcoran and ODYS Financial Manager Steve Hrinko. In this email, Stanger provided the following guidance:

- **DYS0100589** – Please change this request to a waiver of competitive selection, and describe in greater detail why such a waiver is necessary. More detail is needed about the nature of the exigent circumstances and why this project precludes a competitive bidding process. Information should include, but not limited to: when the security vulnerability assessment occurred, how long the door control problems have existed, why the project can't be bid with a single bid package, and the process by which the vendors were evaluated.

Vulnerability Assessment Report

On October 31, 2016, the Office of the Ohio Inspector General interviewed former ODYS Facility Operation Bureau Chief Amy Ast.⁸ When questioned whether these reports identified issues requiring immediate attention, Ast did not recall in any of the reports where there was “such a vulnerability” that the staff needed to discuss acquiring emergency funding with the director in order to address the issue. This was contrary to Corcoran’s statements in the Controlling Board request (CBR) ([Exhibits 1 and 2](#)) that “The Department considered requesting public exigency but believes a waiver of competition would be sufficient.”

Ast then stated that she “... knew Vince had not seen those [vulnerability assessment] reports.” Ast stated that Corcoran did not participate in the CJCF vulnerability assessment. Ast acknowledged that she had invited Corcoran to participate in the remaining two assessments conducted at CHJCF and IRJCF. By participating in the assessment, Ast indicated that Corcoran would have been present during the daily briefings and would have learned of the vulnerabilities identified during the assessment. However, Corcoran would not have been involved in making the determination of whether an issue was deemed critical and required immediate attention or what items were included in the final report. In addition, Corcoran was not included in the distribution list of staff-members who had received the final report.

Ast believed that after Corcoran had attended the assessment CHJCF and IRJCF daily briefings, “... he [Corcoran] felt he needed to act on ...” the issues that were discussed. However, Ast noted that she and Blackburn had been trying to convince Corcoran that the decision on how to resolve the issues should involve several other people and not just him. After the assessments were completed, Ast stated no conclusion had been reached that an emergency existed, nor had a decision been made to replace the door control system. However, Ast acknowledged that there were some remaining concerns and that there should be discussions of how to address them along with upcoming projects. Investigators reviewed the CHJCF vulnerability assessment report referenced by AST and confirmed Corcoran participated in the assessment, and noted the report did not discuss the door control system.

⁸ Ms. Ast resigned her position with ODYS on December 9, 2017.

On January 17, 2017, investigators interviewed ODYS Construction Manager Edwin Stoner.⁹ Stoner stated that CHJCF facility management decided to replace the door control system and that the decision was related to the vulnerability assessment performed at CHJCF. Although he was not part of the assessment, Stoner recalled Corcoran stating, “Look, we gotta get door controls in here ... because according to the, you know, assessment they’re failing, we’ve gotta get them replaced.”

On May 10, 2017, Corcoran told investigators that the CHJCF door control system replacement was related to an ODRC security audit. Corcoran explained that when the head of security (Amy Ast) found out there were major issues with the system, she told Corcoran that it had to be fixed immediately, “... or the both of us will be looking for work.” Corcoran stated that the project had been planned prior to the security assessment; however, it had been designated as an “emergency” after the assessment was completed.

Corcoran was informed by investigators that Ast and the two facility maintenance management staff stated that he would not have been told the door control system replacement was an emergency fix. Corcoran responded by suggesting that the investigators needed to speak with his then-supervisor, Heath McCoy.¹⁰ Corcoran explained that McCoy was notified of the steps being taken by Corcoran and reiterated the door control system was identified as an emergency when he was there. Corcoran further recalled discussing Ast’s direction with his supervisor Heath McCoy and that McCoy told him to “take care of it now.” Corcoran said he told McCoy that it would require several months for the project to move forward. Based on this conversation, Corcoran recalled McCoy telling him that he (McCoy) had approached ODYS Assistant Director Linda Janes and that Janes had directed McCoy to complete the project immediately. Corcoran then commented to investigators that he “got it fixed right away.”

Contrary to Corcoran’s recollection, interviews and email correspondence reviewed by investigators determined that prior to the security vulnerability assessment, this project was

⁹ During the period under review, Stoner was supervised by Corcoran.

¹⁰ McCoy transferred to the Ohio Department of Rehabilitations and Corrections on February 5, 2017.

slated to take place sometime in the future, and was not specified as an emergency. Furthermore, when investigators reviewed the Vulnerability Assessment Report, they learned that the door control system was not identified as an area of immediate concern.

Vendor Selection

On August 24, 2015, Blackburn told investigators that during a July 27, 2016, meeting with Amy Ast, the project architect, Corcoran, and himself, that Corcoran was questioned about the selection of Advanced Systems Technology, Inc. (AST) as the vendor. Blackburn recalled Corcoran telling the attendees that they did not need to include the drawings or specifications for the doors as he had addressed this issue when submitting the CBRs. Blackburn stated that when Corcoran was questioned further at the meeting about vendor selection, he responded with vague answers. Corcoran then stated that the vendor had been used in other institutions and that their product was of good quality. Lastly, Blackburn stated that no evidence could be found in ODYS files that Corcoran had requested quotes from other vendors listed in the CBRs for the door system replacements at CHJCF and CJFC. Although the CBRs cited that reviews were conducted on three companies providing comparable security systems, Blackburn stated ODYS found no evidence that these reviews had, in fact, been conducted for the two companies who were not awarded the contract.

Both CBRs noted the contract was awarded to AST who was identified as the sole source installer for systems manufactured by Montgomery Technology, Inc. (MTI). Corcoran stated in both CBRs that the vendor selection was made in accordance with Ohio Revised Code §127.162. In CBR 589, Corcoran further explained that the CHJCF door control system was not competitively bid as it was ready to fail. In CBR 614, Corcoran explained the CJCF door control system project was not competitively bid because ODYS didn't "... believe we have the time to make such preparations because of the system's [sic] current condition."

According to Ohio Revised Code §127.162 (1)(e), the Controlling Board can approve an agency's purchase provided the agency has met two requirements: 1) using one of the identified competitive selection or evaluation and selection processes, and 2) providing a detailed

explanation in the CBR of which process was used. Both CBRs indicated that ODYS had reviewed three door control systems from three separate out of state manufacturers. Investigators found a file ([Exhibit 3](#)) titled Criteria Section Scores in the ODYS electronic CHJCF FY 2016 Door Controls project folder, identifying the criteria selection which had been modified by Corcoran. The file contained three separate evaluation sheets and a summary sheet documenting the evaluator’s scores for four categories for door control systems offered by Stanley Convergent Security; Security Automation Systems, Inc; and AST and a quote of \$159,766 for AST. None of the evaluator forms were signed by the individual evaluator. Investigators analyzed Corcoran’s emails and found the following email sent two days after the Controlling Board approved the request for CHJCF:

From: [Corcoran, Vincent](#)
To: [Schultz, Gary](#)
Subject: CHJCF Door Control System
Date: Wednesday, October 21, 2015 4:08:00 PM
Attachments: [Criteria Selection Scores CHJCF Door Control System Replacement.pdf](#)
[Selection Criteria - Access Control Systems CHJCF Door Controls Replacement.docx](#)

Gary:

Attached you will find the results of our criteria selection process for the new door control system at CHJCF. I need your initials alongside your name on two pages; (the summary and the individual scoring sheet). The results will be filed for future use, if needed. Thanks!

Moreover, investigators found that the CJCF FY2016 Security Upgrades project folder contained a similar file titled “Criteria Selection Scores” ([Exhibit 4](#)) which was also last modified by Corcoran. These evaluator sheets reflected the same scores by each evaluator for each category as the CHJCF project and a summary sheet, but with a different description names and quote amounts provided by AST.

ODYS Construction Manager Stoner confirmed to investigators that he was one of the three evaluators of the MTI/AST projects at CHJCF and CJCF. Stoner commented, “I think I kind of brought them into DYS.” Stoner explained that ODYS was looking for new door control systems; that he was unhappy with the three or four vendors they had used in the past; and that he started contacting other institutions to obtain feedback on their existing door control systems.

After researching, conversing with vendors at trade shows, reviewing local county bids that were submitted, obtaining feedback on MTI's services, and a demo provided by AST at ODYS' Central Office, Stoner stated that ODYS chose to use MTI/AST at CHJCF.

Stoner confirmed the evaluation sheets for the door replacement system were the Criteria Selection Scores PDFs. Stoner explained that a significant part of the evaluation was based on past performance and that "more than likely the facility would have had them come in and get quotes." Stoner was unable to recall whether he or the other evaluator Gary Schultz, CHJCF maintenance superintendent, had obtained quotes from the other companies or just relied on past experience. When questioned why only the amount for the MTI/AST quote were listed, Stoner replied that often only the winning bid was noted and could not explain why this was. Since there were no installations of the MTI/AST door control system at ODYS facilities prior to CHJCF, Stoner was also questioned why MTI/AST received scores for maintenance responsiveness when the criteria required scoring if the vendor had previous experience with ODYS. Like Corcoran, Stoner replied that he had "always counted our counties as DYS facilities."

Stoner was shown the Criteria Selection Score PDF for CJCF and noted that Schultz, a CHJCF employee, was identified as an evaluator. Stoner stated that the PDF files were created by Corcoran. When questioned why Schultz evaluated bids for CJCF, Stoner replied, "basically what happened was these were both being done about the same time." Stoner admitted that the evaluators used a lot of the documents produced during the CHJCF project for the CJCF evaluation except for the price. Stoner was asked why the two evaluations and the selection scoring results were exactly the same for both projects. Stoner stated, "the one evaluation was kind of used for both places because they were done really close to the same amount of time."

Corcoran documented in CBR 589 [\(Exhibit 1\)](#) that ODYS selected "Montgomery Technology Inc. (MTI) because of their superior performance on other projects, past pricing comparisons on other projects, the speed of manufacturing to final installation, and the responsiveness for the

service calls.” Whereas in CBR 614 ([Exhibit 2](#)), Corcoran documented the same explanation with the exception that he added, “... their many years in the controls business.”

Further review of the electronic project files for both projects found no quotes from the other two manufacturers listed on the evaluation sheets. On February 14, 2017, the Office of the Ohio Inspector General sent an email request to Security Automation Systems, Inc. (SAS) and a letter to Stanley Convergent Security (Stanley) requesting copies of quotes provided to ODYS for the replacement of the door control systems at CHJCF and CJCF. SAS responded the same day stating that “... we don’t have any quotes that we sent out or purchase orders that we received in the timeframe you are asking about.” On March 7, Stanley responded by email, “... we are not aware of any quotes or bids provided by Stanley CSS or Corrections relating to the projects listed in the letter.”

Corcoran confirmed that the criteria selection sheet that he had created was produced with assistance from ODYS Financial Manager Steven Hrinko. Corcoran insisted that he had followed the steps listed when evaluating the vendors and that he had obtained specifications for each of the companies. Corcoran admitted that he did not request specifications from the vendors as he had this information available to him within ODYS. Corcoran believed that this information was stored on ODYS’ server for other evaluators to access.

The criteria for selection sheet directions ([Exhibits 3 and 4](#)) instructed the evaluator to “score up to 25 points for past performance” and to “score up to 25 points for maintenance responsiveness (if the company has a previous record with DYS.)” In his selection justification to the Controlling Board, Corcoran referenced MTI’s “... superior performance on other projects ...” and their “... responsiveness for the service calls ...” as reasons for their selection.

Corcoran was shown the following email documenting that the Oakview Juvenile Residential Center was the first facility in Ohio to have the system installed:

From: [Corcoran, Vincent](#)
To: [John Rowan](#)
Subject: Oakview JRC - MTI Door Control System
Date: Thursday, August 20, 2015 7:04:00 AM

John:

I was hoping to come by your place tomorrow to see the new door control system. Your facility is the first to get the new MTI equipment and I'd like to see it in operation. Let me know if that can be arranged. I would be there around 11:00 or so. Thanks!

Corcoran was questioned as to why MTI/AST earned such high scores when the company did not meet the maintenance and past performance criteria. Corcoran acknowledged that MTI had not been installed at any of the ODYS facilities prior to being evaluated for projects at CHJCF and CJCF. Instead, Corcoran stated that he awarded points based on MTI/AST's record with the county facilities. Corcoran failed to provide any additional justification for his selection after being reminded that MTI had not been installed at ODYS facilities.

The criteria for selection sheet directions [\(Exhibits 3 and 4\)](#) also instructed the evaluator to "... score up to 25 points for price comparison on projects where multiple bids were obtained." When asked why there was only a price listed for AST on the form, Corcoran replied, "... because they didn't bid it." When questioned how he could evaluate a bid if no information was received, Corcoran replied that, "... we evaluated bids from other projects." When questioned further about his price comparison evaluation, Corcoran explained his evaluation was based on bids from county juvenile correctional facility projects where three vendors had submitted bids.

When pressed further about how he scored the price comparison category, Corcoran claimed both SAS and Stanley had provided him with information for CJCF and that he was unable to determine from the information what the two companies were providing. When investigators informed Corcoran that two vendors had stated that they did not provide quotes to him for these projects, Corcoran replied, "... that's not true ... I had quotes." After further questioning about how he obtained these quotes, Corcoran amended his statement, saying, "I'm pretty sure I had a quote." However, Corcoran finally admitted the quote that he had was for a different project

completed in prior years. Corcoran admitted one of the quotes was from Stanley for a project completed in 2014.

Finally, investigators told Corcoran that the scoring sheets minus the quote amount and description reflected the same evaluation results for the proposed projects at CHJCF and CJCF. Corcoran acknowledged that this was the case. Corcoran then commented, "... what was the point in redoing them as it would have been the same." When questioned further about why he selected MTI, Corcoran replied that they were "new blood" and had a better product. Corcoran could not recall obtaining referrals from MTI's clients and added that he had seen MTI's products at various trade shows.

After the Controlling Board approved CBR 614 on May 2, 2016, for the replacement of the door control system at CJCF, investigators noted that Corcoran sent the following email to MTI representatives on July 27, 2016:

From: [Corcoran, Vincent](#)
To: [Thomas, Jerry](#)
Cc: [Tim Skipper](#)
Subject: MTI Installation
Date: Wednesday, July 27, 2016 7:21:00 AM

Jerry:

I being asked to defend my decision for choosing MTI/AST and I really need your help. Please email a list of the projects in Ohio that you installed the MTI door controls, and I need it for a meeting today at 10:30 a. If you include the cost of the project it would be a great help but it is not absolutely necessary. Let me know. Thanks!

Corcoran sent this email prior to a meeting scheduled between Ast, Blackburn, the project architect, and himself about the CJCF project. When asked why he sent this email, Corcoran told investigators that he was being questioned on his selection of MTI/AST and was not prepared for questions from his supervisors even though he believed MTI/AST was the best choice. Later that morning, MTI representatives responded to Corcoran by email commenting that their competition tries to "... tag us as proprietary, and claim they are not. In fact all manufactures [sic] OMRON, Allen Bradley, MTI are proprietary. As is all software, including

windows.” The email also discussed how MTI’s system was non-proprietary, citing several reasons why the system was unique. In addition, MTI provided additional reasons “for choosing MTI as sole source provider” including unlimited free technical training, free phone support, and hardware and software backwards compatibility which means the system will never have to be replaced. Lastly, MTI stated, “... backwards compatibility equates to very large savings to the owner over the life of the facility.”

The Office of the Ohio Inspector General determined that the explanations provided by Corcoran in the Controlling Board requests to justify the request contained incorrect, inaccurate, or misleading information. In addition, investigators determined that Corcoran failed to either competitively bid or obtain responses to a request for proposal, request for quote, or request for information from vendors to replace the door control systems as required by Ohio Revised Code §127.162.

Other Issues

As part of the investigation, the Office of the Ohio Inspector General reviewed the available electronic¹¹ capital project files and email correspondence for certain projects completed at the Circleville Juvenile Correctional Facility (CJCF), Cuyahoga Hills Juvenile Correctional Facility (CHJCF), and Indian River Juvenile Correctional Facility (IRJCF). Investigators also reviewed Corcoran’s email box and records maintained by the Controlling Board for documents associated with the capital projects being reviewed as part of this investigation.

The Office of the Ohio Inspector General identified 19 separate capital projects using the ODYS-assigned project number obtained from the Controlling Board requests for fiscal years 2015 and 2016.¹² Investigators noted that four projects involved multiple contractors and five projects involved the submission of multiple requests to the Controlling Board. Investigators conducted an initial analysis of the 19 separate capital projects and determined 16 separate capital projects warranted further review.

¹¹ ODYS does not maintain paper copies of documents associated with each project. Documents are instead scanned in and maintained in an electronic file.

¹² A fiscal year recognized by state government runs from July 1st through June 30th of the following year.

Quotes

The Office of the Ohio Inspector General determined ODYS used state term schedule (STS) vendors for eight of the 16 projects under review. ODAS State of Ohio Procurement Handbook for Supplies and Services Section 3.2.2 describes state term schedules (STS) as "... price solicitations that include multiple suppliers for similar types of supplies or services." STS are "based upon most favored pricing for customers" and in some cases, the pricing "may be based upon the federal government's Supply Schedule Contract Program, administered by the General Services Administration."

On December 18, 2017, the Office of the Ohio Inspector General released Report of Investigation 2017-CA00014B,¹³ which involved an investigation into the state of Ohio IT procurement processes. The investigation, which included a review of numerous procurement issues, identified inconsistencies between the State of Ohio Procurement Manual and DAS Directive No. GS-D-12. It was noted that the procurement manual "... encourages comparing offerings from multiple STS contractors," whereas DAS Directive GS-D-12 (effective date: 09-01-2008) requires agencies to obtain a minimum of three quotes from various STS suppliers offering similar or like items."

OFCC 2013 Ohio Facilities Construction Manual Section 240, *Activities to Prepare for Bidding*¹⁴ provided that public improvements which, "... do not exceed \$200,000 in aggregate cost may be awarded in a manner other than competitive bidding or competitive selection." The manual further provided that the following contract award process was to be used in these situations: "Identify at least 3 Contractors, *when possible*, [emphasis added] who can perform the work and seek proposals from those entities."

On September 25, 2018, OFCC representatives told investigators that a vendor having a STS contract does not exempt the agency from this requirement. OFCC explained that the agency can in many instances, obtain better pricing by competitively bidding a project than using the price

¹³ This investigation can be found at <http://watchdog.ohio.gov/Portals/0/pdf/investigations/2017-CA00014B.pdf>.

¹⁴ These provisions are found on pages 112 and 113 of the OFCC 2013 Construction Manual.

list attached to the STS contract. ODYS issued 14 purchase orders involving eight projects to vendors who were awarded a STS contract by the Ohio Department of Administrative Services. Of those 14 purchase orders, investigators found no evidence that Corcoran had obtained multiple quotes prior to awarding the contract and issuing the purchase order for three of the contracts awarded involving three different ODYS projects.

Corcoran explained that he relied on the state term schedule contracts, maintenance agreements, as well as the Gordian/IAP¹⁵ contract. Corcoran stated that he selected vendors based on the vendor having a STS contract with the state of Ohio. Corcoran said that he used the same vendors as those used in past projects. Corcoran stated that he did not search the ODAS website to find other vendors offering the same or similar services at possible lower prices. Instead, Corcoran said he believed that:

- ODAS completed all the vendor evaluation work, which is why STS contracts were available for agency use;
- When ODAS approved vendors for agency use on STS contracts, ODAS had been given the best price by the vendors; and
- If the cost exceeded \$200,000, he was required contact ODAS to obtain permission to proceed.

When considering ODAS' responsibility of evaluating vendors for use on STS contracts, Corcoran added that he did not believe another vendor would be available that could provide a similar product for lower prices. Corcoran acknowledged that he was familiar with the OFCC Construction Manual but commented that the manual was only for "big" jobs and was unrelated to the projects he was responsible for completing. After investigators cited the provisions of OFCC Construction Manual Section 240, Corcoran admitted that he did not obtain quotes from three vendors before he chose a vendor connected to an STS contract.

¹⁵ The state of Ohio awarded a Request for Proposal for a third-party administrator for facility maintenance, repair, and minor construction projects in state buildings.

Competitive Bidding

Section 11.1 of the State of Ohio Procurement Handbook for Supplies and Services provides that, "... the governmental entity may use STS Contractors as a pre-qualified list. The entity (and the construction general contractor, etc.) must comply with OFCC bidding requirements." OFCC 2013 Ohio Facilities Construction Manual Section 240, *Activities to Prepare for Bidding*¹⁶ provides that public improvements that "... exceed \$200,000 in aggregate cost must be competitively bid per ORC Chapter 153 ..."

Corcoran submitted two Controlling Board requests for ODYS Project No. 130093 at the Circleville Juvenile Correctional Facility requesting a release of capital funds. Controlling Board request (CBR) nos. 580 and 574 were approved on August 3, 2015, for \$246,889 and on October 19, 2015, for \$270,732, respectively. No evidence was found in the ODYS project file that these two contracts were competitively bid or that Corcoran had obtained quotes from multiple vendors to find the lowest and best cost prior to submitting the Controlling Board request for approval.

Investigators analyzed ODYS' electronic files related to projects exceeding the total cost of \$200,000. For ODYS Project No. 130093, investigators discovered ODYS had submitted to the Controlling Board the following two requests containing quotes received from Schneider Electric Buildings Americas, Inc. for HVAC controls and air handling unit replacements to be installed at CJCF:

¹⁶ These provisions are found on pages 112 and 113 of the OFCC 2013 Construction Manual.

CBR 580 (PO No. 16078)		CBR 574 (PO No. 15878)	
Quoted on June 16, 2015		Quoted on July 13, 2015	
For	Amount	For	Amount
Digital Controls Upgrade - Education Building	\$60,133	Digital Controls at Housing Unit 1 (x3)	\$139,842
HVAC Unit & Ductwork Equip Proposal - Education Building	\$74,080	Digital Controls at Administration Building	\$33,077
HVAC Unit & Ductwork Labor Proposal - Education Building	\$39,670	HVAC Unit & Ductwork at Administration Building	\$25,015
Digital Controls Upgrade - Maintenance Building	\$34,342	Digital Controls at Food Service Building	\$18,906
HVAC RTU's, VAV's, and Ductwork Upgrade – Maintenance Building	\$62,507	HVAC Unit & Ductwork at Food Service Building	\$30,049
	\$270,732		\$246,889

The State of Ohio Procurement Handbook for Supplies and Services Section 11.6 provides that a repair may be considered “minor” when it “... does not replace or relocate any standpipe, water supply, sewer, drainage, drain leader, gas, vent or similar piping, electrical wiring or other mechanical or other work affecting public health or safety.” In addition, Ohio Revised Code §153.55 provides:

... no officer, board, or other authority of the state or any institution supported by the state shall subdivide a public improvement project into component parts or separate projects in order to avoid the threshold of that section, unless the component parts or separate projects thus created are conceptually separate and unrelated to each other, or encompass independent or unrelated needs.”

Investigators determined that the items described in the quotes involved the replacement of the mechanical system and as such, was not considered to be a minor repair, thereby subjecting the purchase to compliance with OFCC bidding requirements. Investigators determined that this project should have been competitively bid as a whole as required by OFCC 2013 Ohio Facilities Construction Manual Section 240 and Ohio Revised Code §153.55.

Further review of the STS contract awarded to Schneider Electric Buildings Americas, Inc. by the Ohio Department of Administrative Services contained basic order limitations with a maximum purchase of \$75,000 with a statement that, “Agencies should contact Procurement Services when they expect to exceed the Maximum Order Limitation.” Investigators noted that one of the individual quotes exceeded this limitation. No evidence was found in the ODYS electronic file indicating that Corcoran had obtained ODAS approval to exceed this limitation as provided for in the STS contract.

Corcoran stated that he was familiar with the OFCC Construction Manual; that this manual was only for “big” jobs; and was unrelated to the projects he dealt with. However, Corcoran acknowledged that this manual required projects in excess of \$200,000 to be competitively bid. When questioned whether certain projects exceeding \$200,000 were competitively bid, Corcoran admitted they were not. Corcoran explained that this was because he had selected a vendor with an STS contract for the project. When reminded by investigators that the OFCC Construction Manual Section 240 required projects in excess of \$200,000 to be competitively bid, Corcoran replied, “I didn’t know that.”

Contracts for Architect or Engineering Services

State of Ohio Procurement Handbook Section 11.2 provides that, “... the agency must refer their project to OFCC for review and approval” when the project requires design services which are estimated to exceed \$25,000. This section further provides that, “OFCC may permit the agency to contract for these services under their local administration authority or may elect to contract for these services on behalf of the agency” On November 3, 2015, OFCC Project Coordinator Tasheena Duresky had emailed guidance to Corcoran on the process to use in order to contract with a firm listed on the OFCC’s “Shortlist”.¹⁷

Investigators found that the Controlling Board approved two requests submitted by ODYS to release capital funds for the following professional design services:

¹⁷ The “Shortlist” is the OFCC Architect and Landscape list which is a listing of firms approved by OFCC for professional design services. OFCC enters into a contract for services with the selected firm and then invoices the agency requesting use of these services.

- \$49,908 (CBR DYS0100615) for services provided by Glaus Pyle Schomer Burns & DeHaven. ODYS selected this firm using the OFCC’s “Shortlist”:
- \$19,907 (CBR DYS0100618) for services provided by Shokalook & Associates, Inc. ODYS selected this firm using the OFCC’s “Shortlist”.

On October 7, 2016, Blackburn notified the Office of the Ohio Inspector General that OFCC had advised ODYS to cancel the above two contracts. Blackburn stated in the email that OFCC “... did not believe that they were properly selected and awarded.” Contrary to State of Ohio Procurement Handbook Section 11.2, ODYS entered into a contract directly with the firm instead of OFCC entering into the contract with the professional design firm specified on the OFCC’s “Shortlist”. ODYS documented in the Controlling Board request that the services were competitively bid by OFCC, and not ODYS.

It was further noted that the Controlling Board approved a third request (CBR DYS0100617) submitted by ODYS for professional design services on June 6, 2016, for architectural services from Karl R. Rohrer Associates, Inc. The request stated that the firm was selected from a previously submitted statement of qualifications in accordance with Ohio Revised Code §153.71(A) and Ohio Administrative Code §153:1-1-02. However, Corcoran made the following request to Karl R. Rohrer Associates, Inc. regarding the statement of qualifications:

From:	Corcoran, Vincent
To:	John Sweany [REDACTED]
Cc:	Harris, Patrick
Subject:	IRJCF PREA Restroom Renovations & Medical Area Renovations
Date:	Tuesday, February 02, 2016 9:18:00 AM

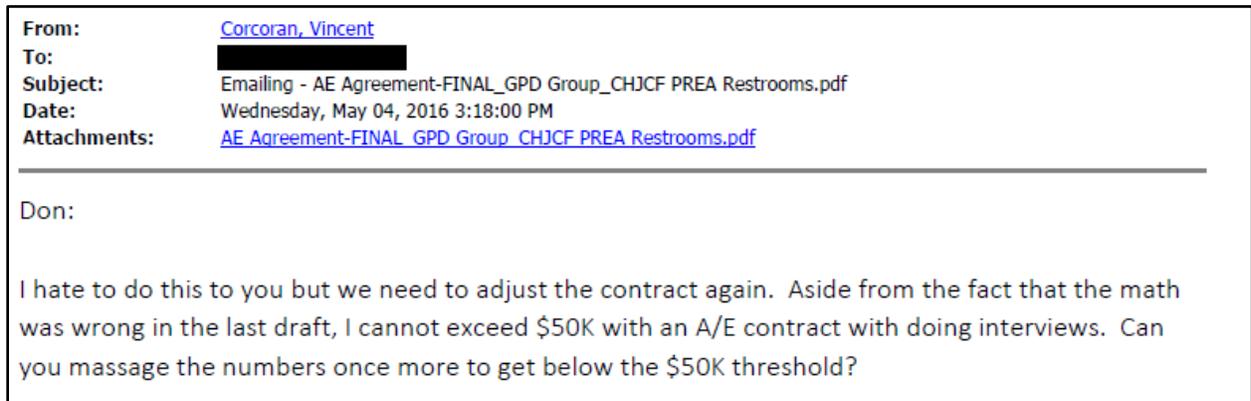
John:

Patrick Harris (DYS Project Manager) will be emailing the front-end documentation to you. Please work with him on the specifications to prepare for a bid. We plan to bid the project through Bid Express. Also, I need your “330” (Statement of Qualifications) on file at my office. Please complete the attached form and forward it to my attention. Thanks!

No evidence was found in the project file that ODYS had engaged in a process as described in Ohio Revised Code §153.67 or §153.71. Similar to the two previously discussed professional design contracts, Blackburn notified investigators on October 7, 2016, that OFCC had advised ODYS to cancel the above two contracts. Blackburn stated in the email that OFCC “... did not

believe that they were properly selected and awarded.” This contract was subsequently cancelled and only fees incurred to date were paid.

Furthermore, Corcoran provided instruction to professional design firms to adjust the contract to be below the \$50,000 threshold identified in Ohio Revised Code §153.71. For example:



Investigators found that Corcoran failed to enter into contracts for professional design services in accordance with Ohio Revised Code §153.67, §153.71, and State of Ohio Procurement Handbook Section 11.2 which provides that “... the agency must refer their project to OFCC for review and approval ...” when the project requires design services which are estimated to exceed \$25,000.

State Term Schedule Invoicing

On November 17, 2014, the Office of the Ohio Inspector General released Report of Investigation 2013-CA00047 which involved an investigation of a STS vendor who billed a state agency for the estimated number of labor hours to install equipment instead of the actual number of labor hours worked to install the equipment. This investigation determined that for the projects reviewed, the vendor had improperly billed and was subsequently paid by the agency for more hours than the actual labor hours worked to install project equipment. As a result of the investigation, ODAS amended all STS contracts on April 1, 2015, to include the following provision:

04/01/2015 This amendment is issued to clarify that this is a time and materials contract and invoices should reflect actual hours worked and materials used and not estimates. Contractor is responsible for substantiating any hours/materials billed.

Investigators reviewed 32 invoices associated with eight projects and found the following companies submitted invoices totaling the amount quoted to ODYS for the projects:

Project Number	Vendor	Quote Amount	Total Paid by ODYS
130093	Schneider Electric Buildings America	\$270,732.00	\$270,732.00
130093	Schneider Electric Buildings America	\$246,889.00	\$246,889.00
150134	National Safe & Security	\$137,090.00	\$137,090.00
150134	National Safe & Security	\$125,100.00	\$125,100.00
150134	National Safe & Security	\$125,700.00	\$125,700.00
150140	National Safe & Security	\$20,027.50	\$20,027.50
160148	Crowder Detention Equipment	\$17,450.00	\$17,450.00
160149	National Safe & Security	\$70,264.10	\$70,264.10
160149	National Safe & Security	\$30,612.50	\$30,612.50
160154	National Safe & Security	\$238,634.05	\$238,634.05
160154	National Safe & Security	\$96,420.45	\$96,420.45

Contrary to the April 1, 2015, amendment to the STS contract, investigators noted that the above vendors failed to include on their invoices the actual hours worked. Instead, the invoices reported the total labor costs. While investigators noted that Corcoran divided the costs between material and labor on internal ODYS forms or added the information on the invoice received, no evidence was found that Corcoran requested these vendors to resubmit their invoices reflecting the “actual hours worked” on the projects as required by this amendment.

Corcoran acknowledged that he reviewed the vendor invoices received for ODYS projects. When questioned how often the vendor invoiced ODYS for the same amount that was quoted for the project, Corcoran replied “always.” Corcoran commented that he would not pay vendors for more hours than they worked. Investigators questioned Corcoran how he would know when vendors worked more hours than what they had quoted. Corcoran said, “... it’s how most construction happens ...” and “... it would always take longer.” Corcoran commented to investigators that he could not confirm that what was billed was accurate. However, Corcoran

stated he approved the invoices because he believed the invoices were “fair” and the work had been completed.

Contrary to the April 1, 2015, STS contract amendment, the Office of the Ohio Inspector General determined that STS contract vendors routinely submitted invoices for work performed equaling the total amount quoted to ODYS for projects. Specifically, on invoices submitted to ODYS for payment, STS contract vendors did not specify the actual number of hours worked on projects. Instead, the invoices only reflected the total labor costs and referenced the purchase order associated with the invoice. The Office of the Ohio Inspector General is referring this matter to the Ohio Auditor of State for determination of whether ODYS was charged for more hours than were actually worked by the vendors completing the projects.

Local Administration/Threshold Limits

2013 OFCC Ohio Facilities Construction Manual Section 070 details the procedures to be used when an agency is requesting “Local Administration” of a project. Local administration allows the agency to manage the project utilizing its own staff. According to OFCC Small Capital Project Administration guidance, construction projects estimated to cost between \$200,000 and \$1.5 million may be administered by the agency or OFCC. Ohio Revised Code §153.55 provides guidance on the calculation of the public improvement project costs including the expenses to be included in the total project costs to determine whether the project is subject to Ohio Revised Code §153.01.

On December 15, 2016, OFCC told investigators that the funding source is not taken into consideration when determining the total estimated project cost. Using this guidance, investigators reviewed electronic project file documentation, the payments made using OAKS,¹⁸ and then calculated the total project cost including both capital and non-capital funds¹⁹ for each of the 16 ODYS projects under review. Investigators found the total projects costs²⁰ for six

¹⁸ OAKS (Ohio Administrative Knowledge System) is the state’s computerized accounting system containing both fiscal and payroll records.

¹⁹ An agency’s use of capital funds requires the approval of the Controlling Board whereas non-capital funds do not require such an approval.

²⁰ Total project costs included both non-capital and capital funds.

projects exceeded \$200,000. No evidence was found supporting ODYS had submitted a request to OFCC for local administration for these six projects exceeding \$200,000 as required by OFCC Small Capital Project Administration guidance.

On September 25, 2018, investigators met with OFCC representatives to discuss the six projects and determined that five of the six projects involved maintenance and repair that did not require local administration approval. However, the sixth project, DYS-130093 for the CJCF HVAC Controls and Air Handling Unit Replacements, was determined to be a construction project requiring approval from OFCC to locally administer the project. OFCC did not have any record that ODYS requested approval to locally administer project DYS-130093.

Investigators further noted that Corcoran had sent the following two emails regarding projects at IRJCF and the CJCF to avoid having to request local administration from OFCC:

From: [Corcoran, Vincent](#)
To: [Marty Beckler](#)
Cc: [Mark Sweany](#); [Darnell, James](#); [Lane, Brian](#); [Glennon, Edward](#); [Harter, Eric](#); [Ast, Amy](#); [McCoy, Heath](#); [Harris, Patrick](#)
Subject: RE: WOP - IRJCF Exterior Lighting Upgrades
Date: Wednesday, October 14, 2015 2:20:00 PM
Attachments: [ODYS IRJCF Site Lighting Layout.pdf](#)
[WOP - ODYS IRJCF Exterior Lighting Upgrades.pdf](#)
[image001.png](#)

Marty:

I cannot prepare this attached quote for Controlling Board approval because it greatly exceeds the spending threshold for local administration projects (and use of the JOC). Please resubmit the project scope as two quotes, (Phases 1 & 2), and make sure neither quote exceeds \$200K. I'll leave the division of the project scope to McDaniel's. If necessary, Mark can work it out with the facility staff and/or Patrick Harris.

From: [Corcoran, Vincent](#)
To: [Jonathan Schlesselman](#)
Cc: [Ken Jones](#) [REDACTED]; [Elms, Phillip](#); [King, Ann](#); [Bowens, Adrian](#); [Zinn, Elizabeth](#); [Hamric, James](#); [Ast, Amy](#); [McCoy, Heath](#); [Stoner, Edwin](#)
Subject: RE: WOP - CJCF Exterior Lighting Project DYS-160144
Date: Wednesday, October 14, 2015 2:24:00 PM
Attachments: [image001.png](#)
[DYS CJCF DYS-160144 Exterior Lighting Project WorkOrderPackage.pdf](#)

Jonathan:

I cannot prepare this attached quote for Controlling Board approval because it greatly exceeds the spending threshold for local administration projects (and use of the JOC). Please resubmit the project scope as two quotes, (Phases 1 & 2), and make sure neither quote exceeds \$200K. I'll leave the division of the project scope to McDaniel's. If necessary, Ken can work it out with the facility staff and/or Ed Stoner.

Lastly, investigators noted that on June 9, 2016, CHJCF Maintenance Superintendent Schultz had emailed ODYS staff that he had spoken with Corcoran "... detailing our desired plan to utilize this years [sic] GRF funding to purchase the materials and supplies" Later in the email, Schultz stated:

Another potential benefit to purchasing the supplies and materials now would be the overall project cost would decrease below \$200,000.00 and the department could administer the project locally without utilizing the OFCC.

On May 10, 2017, Corcoran told investigators that he was "... very good about requesting local administration." Corcoran acknowledged that any amount over \$200,000 required the agency to submit a request to OFCC. Corcoran then commented, "... and I stuck to that, to the letter" When confronted that OFCC had no record of Corcoran requesting local administration approval on the identified projects, Corcoran told investigators, "well I probably didn't." Corcoran was unable to explain why he failed to request approval from OFCC for local administration.

Investigators then confronted Corcoran with his earlier statement that he contacted OFCC to obtain local administration approval even if the total project costs were under \$200,000.

Corcoran told investigators that he believed that if he was using a vendor from a STS contract, he did not need to obtain approval from OFCC for local administration. When reminded again that

these projects were capital projects and OFCC oversees those projects, Corcoran replied, “I don’t know what to tell you ... there was no mal-intent I can tell you that.”

Corcoran denied asking a vendor to split the costs of a project into phases to avoid obtaining approval from the OFCC for local administration. When confronted with the two October 14, 2015, emails where he had instructed the project to be split into two phases to avoid exceeding the \$200,000 threshold, Corcoran replied, “oh, there you go ... I didn’t know you couldn’t do that, I didn’t know about that.” Corcoran believed if it was two different phases that it was two different projects. Corcoran acknowledged to investigators that that he did not want to go to OFCC for the projects in question, did not want to exceed the STS maximum contract level, and that he did not attempt to obtain approval from ODAS.

Lastly, Corcoran acknowledged to investigators that he had seen Ohio Revised Code §153.55 referenced on documents but was unable to explain what this section entailed. When questioned whether he had split the costs of projects into phases to avoid requesting local administration approval from OFCC, Corcoran replied, “apparently, yes.” Corcoran then commented that this was probably not the only occasion he had split the costs of a project into phases but was unable to recall specifics. Corcoran defended his actions by explaining that splitting a project into phases allowed separate areas of the facility to be completed at different times. Corcoran commented that he did this to “... get it off my plate and get on with life.”

Contrary to Ohio Revised Code §153.55, the OFCC 2013 Ohio Facilities Construction Manual, and the OFCC Small Capital Project Administration Guidance, the Office of the Ohio Inspector General determined Corcoran failed to request and obtain approval to locally administer one project. Additionally, the Office of the Ohio Inspector General identified three instances²¹ Corcoran provided instruction or guidance to ODYS staff or vendors to split a project into phases in an effort to avoid the local administration threshold requirements.

²¹ These instances include the direction provided by Corcoran in the October 14, 2015, emails for projects at Indian River Juvenile Correctional Facility and the Circleville Juvenile Correctional Facility and the splitting of quotes for two contracts awarded to Schneider Electric Buildings Americas, Inc. for ODYS Project No. 130093.

ODYS Management of Capital Projects

The Office of the Ohio Inspector General met with Corcoran’s then-supervisor Heath McCoy²² on September 19, 2016. McCoy stated he was not familiar with the capital project process and had asked Corcoran to include him in the process several times, but Corcoran resisted. McCoy also stated he did not have access to the project files until after Corcoran was placed on leave and did not even know what projects were being completed at various facilities.

Corcoran told investigators that everything he did was with the knowledge and approval of his supervisors, specifically Heath McCoy. Corcoran explained ODYS treated every project as an emergency and that he was directed by different administrators at different times to resolve matters of concern immediately “... or the both of us will be looking for work.” Corcoran said he would do as instructed but “... I was starting to have a hard time with that.” He also stated he had never been trained in his job and added that as a “nonfiduciary” employee, everything he completed had to be evaluated and approved by a staff-member with “fiduciary duty.” Corcoran confirmed ODYS did not have a policy and procedures manual related to capital projects. Regarding his knowledge of the Ohio Facilities Construction Commission policy manual, he said he had “... seen it but never read it.”

CONCLUSION

On August 19, 2016, the Office of the Ohio Inspector General received a complaint from the Ohio Department of Youth Services (ODYS) regarding concerns about the actions of Vincent Corcoran and his transactions with several private companies – Crowder Detention Equipment, Montgomery Technology, Inc., and Advanced Systems Technology, Inc. The Office of the Ohio Inspector General opened an investigation to determine whether any bidding and purchasing irregularities had occurred at the Ohio Department of Youth Services.

The Office of the Ohio Inspector General identified multiple issues with ODYS regarding compliance with Ohio Facilities Construction Commission policies and procedures, state purchasing guidelines, and the Ohio Revised Code rules with respect to the Controlling Board.

²² McCoy transferred to the Ohio Department of Rehabilitation and Correction on February 5, 2017.

Corcoran was placed on administrative leave by ODYS on August 17, 2016, and resigned from his position on November 26, 2016.

Investigators determined that in projects involving replacement detention-grade security doors at Indian River Juvenile Correctional Facility, Corcoran had allowed a vendor, Crowder Detention Equipment, to exert influence in the project specification process to create specifications that would benefit the vendor.

Specifically, Corcoran sought the opinions and advice of Crowder Equipment owner Toby Crowder, who made changes to the specifications to request only 1 ¾-inch-thick doors be used, manufactured by Habersham Metal Products Company. Crowder Detention was the sole source provider of Habersham products in Ohio and would be the only company capable of supplying Habersham doors.

Corcoran did not question the changes made by Crowder and allowed Crowder to even provide a justification for Corcoran to take to his supervisor if questioned about the change. Crowder made changes to projects DYS-130103 and DYS-140117 to ensure both specifications called for 1 ¾-inch-thick-doors when the more common 2-inch-thick doors would also be allowable.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in these instances.

The Office of the Ohio Inspector General determined that Corcoran had provided misleading information to the Controlling Board in two requests, DYS0100589 and DYS0100614, when he submitted requests for waivers of competitive bidding requirements due to “emergency,” and were necessary projects based on a security vulnerability assessment of Cuyahoga Hills Juvenile Corrections Facility and Circleville Juvenile Correctional Facility.

Interviews with ODYS Facility Operations Chief Amy Ast revealed that the two projects were not identified as emergency needs in the vulnerability assessment report. Ast stated that

Corcoran was not involved in the CJCF vulnerability assessment but was part of the CHJCF vulnerability assessment team. Ast further stated that Corcoran would not have been privy to the final reports drafted by ODRC and approved by ODYS. Investigators obtained and reviewed the CHJCF vulnerability assessment report, confirmed that Corcoran participated in the assessment, and determined the door control system was not identified in the report as an area of immediate concern.

Additionally, investigators determined the two controlling board waiver requests included misleading information with regard to quotes from three possible vendors. It was determined that Corcoran did not receive the necessary quotes, but instead had used old quotes from other projects to ensure that his selected vendor received the waiver.

The Office of the Ohio Inspector General determined that the explanations provided by Corcoran in the Controlling Board requests to justify the requests contained incorrect, inaccurate, or misleading information. In addition, investigators determined that Corcoran failed to either competitively bid or obtain responses to a request for proposal, request for quote, or request for information from vendors to replace the door control systems as required by Ohio Revised Code §127.162.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in these instances.

The OFCC 2013 Ohio Facilities Construction Manual Section 240 requires state procurement officers obtain quotes from three different vendors, when possible, when purchasing goods or services from the state term schedule.

Investigators reviewed 16 projects at ODYS and determined that in eight instances, Corcoran sought vendors from the state term schedule. In all eight instances, Corcoran only engaged with one vendor and did not obtain quotes from other vendors to ensure he was purchasing at the

lowest rate. Corcoran admitted to investigators that he never sought out three quotes when the selected vendor for the purchase had a state term schedule contract.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in these instances.

Investigators determined that in two instances, Corcoran submitted requests to the Controlling Board, CBR 580 for \$270,732 and CBR 574 for \$246,889, which replaced major venting and machine systems at CJCF.

OFCC 2013 Ohio Facilities Construction Manual Section 240, *Activities to Prepare for Bidding* provides that public improvements which "... exceed \$200,000 in aggregate cost must be competitively bid per ORC Chapter 153 ...". In addition, Ohio Revised Code §153.55 provides, ... no officer, board, or other authority of the state or any institution supported by the state shall subdivide a public improvement project into component parts or separate projects in order to avoid the threshold of that section, unless the component parts or separate projects thus created are conceptually separate and unrelated to each other, or encompass independent or unrelated needs.

The OFCC Manual applies to all construction projects at state-owned facilities, except those projects that are considered "minor." The ODAS State of Ohio Procurement Handbook for Supplies and Services Section 11.6 provides that a repair may be considered "minor" when it "... does not replace or relocate any standpipe, water supply, sewer, drainage, drain leader, gas, vent or similar piping, electrical wiring or other mechanical or other work affecting public health or safety."

The Office of the Ohio Inspector General determined these two projects could not be considered "minor" and should have been competitively bid. Instead, Corcoran admitted to not bidding these projects because he had selected a vendor with an STS contract for the project.

In addition, the STS contract awarded to Schneider Electric Buildings Americas, Inc. contained a provision limiting the maximum purchase under the contract to \$75,000. Purchases in excess of this amount directed the agency (ODYS) to contact the Ohio Department of Administrative Services' Procurement Services. Investigators noted Corcoran obtained a quote exceeding this limitation. No evidence was found in the ODYS electronic files indicating that Corcoran had obtained ODAS approval to exceed this limitation prior to making this purchase.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in these instances.

ODAS State of Ohio Procurement Handbook Section 11.2 provides that "... the agency must refer their project to OFCC for review and approval" when the project requires design services which are estimated to exceed \$25,000." This investigation determined that ODYS entered into a contract directly with two vendors for professional design services instead of OFCC entering into the contract with the professional design firm reflected on the OFCC's "Shortlist". Additionally, ODYS documented in the CBRs that the services were competitively bid by OFCC, and not by ODYS.

Furthermore, investigators determined that ODYS submitted a third CBR on June 6, 2016, stating the vendor was selected from a previously submitted statement of qualifications in accordance with Ohio Revised Code §153.71(A) and Ohio Administrative Code §153:1-1-02. However, Corcoran made a request to Karl R. Rohrer Associates, Inc. on February 2, 2016, for a statement of qualifications. No evidence was found in the project file that ODYS had engaged in the process described either in Ohio Revised Code §153.67 or §153.71.

Lastly, investigators found Corcoran provided instruction or guidance to a professional design firm to restructure their contract to remain under the \$50,000 threshold contained in Ohio Revised Code §153.71 to avoid OFCC review.

The Office of the Ohio Inspector General found that Corcoran failed to enter into contracts for professional design services in accordance with Ohio Revised Code §153.67, §153.71, and ODAS State of Ohio Procurement Handbook Section 11.2.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in these instances.

On April 1, 2015, ODAS issued a statement clarifying that all state term schedule contracts were “Time and Materials” contracts. This means that initial quotes for work provided by state term schedule vendors are estimates and the vendor is responsible for validating the hours and cost of materials used in the project.

Investigators determined that for six projects, the state term schedule vendors to ODYS were simply billing the agency the amount which was initially quoted, failed to invoice the actual hours or materials utilized in the project, and instead reported total labor cost as a flat rate.

No evidence was found to support Corcoran having ever questioned the vendors on time and material costs, and Corcoran admitted that in his experience, the invoices for contracts “always” matched the initial quotes. This matter is being referred to the Ohio Auditor of State for determination as to whether ODYS was overcharged by vendors.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in these instances.

OFCC Small Capital Projects Administration guidance allows state agencies to locally administer their own construction projects if those projects are between \$200,000 and \$1.5 million. To be allowed to locally administer the projects, state agencies must apply through OFCC for a waiver.

Investigators determined that for one project, DYS-130093, Corcoran proceeded to locally administer the project without having applied for a waiver through OFCC. Furthermore, investigators determined that in two ODYS projects, Corcoran advised vendors not to provide quotes in excess of \$200,000, and to split projects into “phases” and submit quotes making them look like multiple projects. This action would specifically avoid OFCC involvement in the project, and avoid having to apply for local administration.

On May 10, 2017, Corcoran initially told investigators that he was “... very good about requesting local administration.” However, after being confronted with OFCC not having a record that he requested local administration on certain projects, Corcoran told investigators, “well, I probably didn’t.” Corcoran then stated that he did not know he needed to obtain approval from OFCC for local administration when using a vendor with a state term schedule contract. Corcoran further stated that he did not know that he could not split a project into separate phases to avoid the \$200,000 local administration threshold. Lastly, Corcoran commented that this was probably not the only occasion he had split a project into phases but was unable to recall specifics.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in these instances.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Youth Services to respond within 60 days with a plan detailing how the recommendations will be implemented. The department should:

- 1) Implement policies and procedures to ensure compliance with the various purchasing and capital project rules and regulations as issued by the Ohio Department of Administrative Services and the Ohio Facilities Construction Committee; and those contained in the Ohio Revised and Administrative Codes.

- 2) Develop and implement a process to identify, evaluate, and approve requested capital projects at each ODYS facility to ensure all aspects of the project have been reviewed by the appropriate departments and that required internal departmental approvals are obtained prior to the selection of a vendor to provide professional design services or the identified construction, maintenance, or repair services.
- 3) Develop and implement a process to monitor estimated project costs to ensure the appropriate approvals from the Ohio Facilities Construction Commission are obtained.
- 4) Develop and implement a process to obtain statement of qualifications from professional design firms in accordance with Ohio Revised Code §153.71 for use when contracting directly with a professional design firm.
- 5) Consider the benefits of cross-training personnel on the construction process used by ODYS to bid, award, and manage contracts to avoid delays in meeting timelines or processing payments.
- 6) Develop and implement a formalized process in conjunction with the Ohio Facilities Construction Commission documenting the steps to be completed in order to engage the professional design services from firms shown on the OFCC Architect and Landscape Consultant List.
- 7) Work with either the Ohio Auditor of State or the Ohio Department of Administrative Services to obtain the supporting documentation from the state term schedule contract vendors documenting actual hours worked, the hourly pay rates approved as part of the state term schedule contract for each position invoiced, and the actual material costs as required to be made available by the April 1, 2015, amendment. Upon receipt of this information, calculations should be completed to determine whether the vendor billed ODYS for more hours actually spent or materials actually used on the project.

REFERRALS

The Office of the Ohio Inspector General has determined that no referrals are warranted for this report of investigation.



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Youth Services

FILE ID #: 2016-CA00034

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
May 23, 2019

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