

# SIGAR

**Special Inspector General for  
Afghanistan Reconstruction**

**SIGAR 15-70 Inspection Report**

Detention Center at the Counter Narcotics  
Judicial Center: Project Construction  
Mostly Met Contract Requirements, but  
Two Deficiencies Need to Be Addressed



JULY  
2015



**SIGAR**

Office of the Special Inspector General  
for Afghanistan Reconstruction

July 13, 2015

The Honorable John F. Kerry  
Secretary of State

The Honorable P. Michael McKinley  
U.S. Ambassador to Afghanistan

This report discusses the results of SIGAR's inspection of the new detention center constructed at the Counter Narcotics Judicial Center in Kabul, Afghanistan. The Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) funded construction of this facility. We conducted two site inspections—September 14, 2014, and January 26, 2015—and found that project construction mostly met contract requirements and that the detention center was being used as intended. We also found two construction deficiencies—lack of lightning rods on the roof and some improper metal welds in the roof's support system—that need to be addressed by INL. These deficiencies present possible life and safety issues requiring immediate attention.

We recommend that the Secretary of State direct INL to take immediate action to correct the two construction deficiencies: (1) a lack of lightning rods; and (2) improper metal welds in the roof support system. INL should determine the number of improper welds, determine the impact on the roof's structural integrity, and develop a corrective action plan to ensure the safety of the roof support system.

In commenting on a draft of this report, INL concurred with the report's recommendation and stated that it is working to correct both deficiencies by the end of fiscal year 2015. INL's comments are reproduced in appendix II.

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

John F. Sopko  
Special Inspector General  
for Afghanistan Reconstruction

On April 12, 2012, the Department of State's (State) Regional Procurement Support Office<sup>1</sup> awarded a \$2 million firm-fixed-price contract to Zia Ahmadzai Construction Company (ZACC), an Afghan firm, to construct a new detention center to supplement an existing detention center at the Counter Narcotics Judicial Center (CNJC) in Kabul.<sup>2,3</sup> State's Bureau of International Narcotics and Law Enforcement Affairs (INL) funded construction of the new detention center, which was built to hold about 300 detainees while they await trial. The CNJC compound consists of multiple buildings within a gated and guarded perimeter and is co-located within a larger, heavily guarded compound in central Kabul, just north of the international airport. This larger compound is home to other U.S. and Afghan agencies, such as the U.S. Drug Enforcement Administration and the Counter Narcotics Police of Afghanistan, respectively. Photo 1 shows the completed new detention center.

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### Photo 1 - New Detention Center



Source: SIGAR, January 26, 2015

ZACC was required to build a T-shaped two-story building with holding cells on both floors, a visitation area, an exercise yard, fencing, as well as power, water, and sewage systems with connections to existing systems. ZACC was given 365 days from receipt of the Notice to Proceed on June 18, 2012, to construct the facility. Two contract modifications increased the contract price to \$2.1 million and extended the performance period to December 16, 2013.<sup>4</sup> The facility was completed and officially transferred to the Afghan government on December 23, 2013.<sup>5</sup>

The objectives of this inspection were to determine whether (1) work was completed in accordance with contract requirements and applicable construction standards, and (2) the new detention center was being used as intended and maintained.

We conducted our work in Kabul, Afghanistan, from June 2014 through July 2015, in accordance with the *Quality Standards for Inspection and Evaluation*, published by the Council of the Inspectors General on Integrity and Efficiency. The engineering assessment was conducted by our professional engineer in accordance with the National Society of Professional Engineers' *Code of Ethics for Engineers*. Appendix I provide additional details on our scope and methodology.

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<sup>1</sup> State's Regional Procurement Support Office is located in Frankfurt, Germany, and is staffed with contracting officers who award, oversee, and close-out contracts for embassies in the region.

<sup>2</sup> The contract number is SGE500-12-C-0015.

<sup>3</sup> Under a May 2007 interagency agreement with the U.S. Army Corps of Engineers, State's Bureau of International Narcotics and Law Enforcement Affairs funded construction of the original detention center, a water well, pumps and underground pipe distribution systems, septic tanks and sewage pipe systems, and diesel generators and fuel tanks.

<sup>4</sup> One modification funded design work to correct final design drawings that Basirat Construction Firm (Basirat), an Afghan architectural and engineering company, had delivered in September 2010. However, before corrections could be made, Basirat was suspended from receiving any U.S. contracts, and at a later date, a U.S. employee was convicted and sentenced by a U.S. District Court for accepting illegal gratuities from Basirat in a project unrelated to the new detention center.

<sup>5</sup> The new detention center's one-year warranty period expired on December 22, 2014.

## PROJECT CONSTRUCTION MOSTLY MET CONTRACT REQUIREMENTS, BUT TWO CONSTRUCTION DEFICIENCIES RAISE CONCERNS

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We conducted site inspections at the new detention center on September 14, 2014, and January 26, 2015, and found that construction of all major infrastructure components had been completed. The facility was generally well built, fulfilling most contract requirements, and the operating systems were fully functional. The T-shaped two-story new detention center included the 53 detainee cells, health unit, dining facility, and administrative offices called for in the contract. Our inspections also found that lighting, electrical, plumbing, sewage, and diesel power generation systems were working properly. We found that the concrete exterior had no evidence of cracks, and the exercise area and perimeter fence with razor wire were properly built. INL officials told us that the location and security of the facility, within the heavily guarded compound in Kabul, allowed them to routinely visit the site resulting in robust oversight throughout the contract period of performance. Photos 2 and 3 show the interior and exterior of the new detention center, respectively.

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**Photo 2 - Interior View**



Source: SIGAR, January 26, 2015

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**Photo 3 - Exterior Rear View of Detention Center**



Source: SIGAR, January 26, 2015

Our engineering assessment identified two issues with the detention center’s roof that raise the risk of a fire or partial roof collapse:

- **No lightning rods installed.** National Electrical Code standards—required under the terms of the contract—call for the installation of lightning rods on the roof. We found that lightning rods had not been installed because the design drawings prepared by Basirat, finalized by ZACC, and approved by INL omitted the lightning rods. In the absence of such lightning rods, a heavy lightning strike could damage the detention center’s electrical systems and possibly create a fire in the roof’s interior space, which is filled with flammable material such as wood planking.
- **Some roof welding was not done properly.** The American Institute of Steel Construction and American Society for Testing of Materials standards referenced in the design specification provided welding standards. We observed several cases where welds were done improperly.<sup>6</sup> See Photo 4 for an example of improper welds.

**Photo 4 - Improper Welds**



Source: SIGAR, January 26, 2015

## DETENTION CENTER IS BEING USED AS INTENDED AND IS BEING WELL MAINTAINED

Our site inspections found that the new detention center was being used as intended and has been well maintained. For example, INL officials noted that the facility was designed to hold up to 308 detainees, and that the facility has, on average, housed from 190 to 210 detainees. During our two site visits, we noted that the entire first floor of the building was occupied with detainees. In addition, with the exception of degraded silicone seals on the roof’s gutter system, we found no instances of poor maintenance. Currently, the detention center is operated and maintained through an INL-funded contract at a monthly cost of about \$100,000. INL officials stated that they are holding discussions with the Ministry of Interior, the Supreme Court, and the Office of the Attorney General regarding the turnover of all operating and maintenance expenses at the CNJC compound. INL officials stated that they are in the process of defining the operating and maintenance staffing requirements for the detention center and plan to work with their contractor to train the staff prior to turning-over responsibilities to the Afghan government. INL officials expect these discussions to conclude by the end of December 2015.

<sup>6</sup> Due to time limitations during our site visit, we did not have the opportunity to inspect the entire roof support system.

## CONCLUSION

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The new detention center at the CNJC in Kabul represents an example of good contractor performance and good oversight resulting in a generally well built facility, and one that is being used as intended. We noted only two construction deficiencies which require INL's attention. The two deficiencies—lack of lightning rods on the roof and some improper metal welds in the roof support system—need to be addressed by INL. These deficiencies present possible life and safety issues requiring immediate attention.

## RECOMMENDATIONS

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To minimize the risk of a fire and ensure the integrity of the roof, we recommend that the Secretary of State direct INL to:

- 1. Take immediate action to correct the two construction deficiencies: (1) a lack of lightning rods; and (2) improper metal welds in the roof support system. INL should determine the number of the improper welds, determine the impact on the roof's structural integrity, and develop a corrective action plan to ensure the safety of the roof support system. Because this involves possible life and safety issues, report back to SIGAR within 90 days on actions taken.**

## AGENCY COMMENTS

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We provided a draft of this report to State INL. INL provided written comments, which are reproduced in appendix II.

In its comments, INL stated that it concurred with the report's recommendation. INL noted that it will instruct its operations and maintenance contractor to procure and install lightning rods. In addition, it will request the construction company (ZACC) to correct improper roof support system welds at the detention center. INL also noted that it is working to have both actions completed by the end of fiscal year 2015. In our view, INL's ongoing and planned actions are generally responsive to our recommendation. We will monitor its implementation of these actions as part of our regular recommendation follow-up activities.

## APPENDIX I - SCOPE AND METHODOLOGY

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This report provides the results of SIGAR's inspection of the new detention center constructed at the Counter Narcotics Judicial Center in Kabul, Afghanistan. To determine whether work was completed in accordance with contract requirements and applicable construction standards, and the new detention center was being used as intended and maintained, we:

- reviewed contract documents, design submittals, site visit reports, and other relevant project documentation;
- conducted an engineering assessment of the project drawings and construction methods used;
- interviewed U.S. government officials concerning the project's construction; and
- conducted site inspections on September 14, 2014, and January 26, 2015.

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

We conducted our audit work in Kabul, Afghanistan, from June 2014 through July 2015. This work was conducted in accordance with the *Quality Standards for Inspection and Evaluation*, published by the Council of the Inspectors General on Integrity and Efficiency. The engineering assessment was conducted by our professional engineer in accordance with the National Society of Professional Engineers' *Code of Ethics for Engineers*. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our inspection objectives. We conducted this inspection under the authority of Public Law No. 110-181, as amended, and the Inspector General Act of 1978, as amended.

## APPENDIX II - COMMENTS FROM THE DEPARTMENT OF STATE

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United States Department of State

Washington, D.C. 20520

JUL - 6 2015

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

Dear Ms. Tonsil:

This letter conveys comments from the U.S. Department of State's Bureau of International Narcotics and Law Enforcement (INL) in response to the Special Inspector General for Afghanistan Reconstruction's (SIGAR) draft inspection report titled *Detention Center at the Counter Narcotics Justice Center; Project Construction Mostly Met Contract Requirements, but Two Deficiencies Need to Be Addressed* (dated July 2015). The Department respects SIGAR's role in safeguarding U.S. taxpayer investment, and we share your goals of implementing programs free from waste, fraud, and abuse.

As the draft report highlights, SIGAR found that project construction mostly met contract requirements, is an example of good contractor performance and oversight, and the detention center at the Counter Narcotics Justice Center was being used as intended. INL appreciates the positive comments made by SIGAR regarding this project, an important contribution to Afghanistan's judicial system.

### **Department of State Responses to SIGAR's Recommendations**

**SIGAR Recommendation 1:** Take immediate action to correct the two construction deficiencies: (1) a lack of lightning rods; and (2) improper metal welds in the roof support system. INL should determine the number of the improper welds, determine the impact on the roof's structural integrity, and develop a corrective action plan to ensure the safety of the roof support system. Because this involves possible life and safety issues, report back to SIGAR within 90 days on actions taken.

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INL concurs with this recommendation. INL will instruct its operations and maintenance contractor to procure and install lightning rods at the Detention Center. INL will also request that the construction company correct the improper welds. We are working to have both actions completed by the end of the fiscal year.

We appreciate the opportunity to comment on this draft report.

Sincerely,



Max Aguilar  
Acting Executive Director  
Bureau of International Narcotics and  
Law Enforcement Affairs

## APPENDIX III - ACKNOWLEDGMENTS

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Scott Harmon, Senior Inspections Manager

Michael ten Kate, Inspector-in-Charge

Melissa McAllister, Professional Engineer

Ahmad Javed Khairandish, Engineer

Hasibullah Zeer, Program Analyst

This inspection was conducted  
under project code SIGAR-I-021a.

## SIGAR's Mission

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

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

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