

CLOSEOUT FOR M93060033

On July 21, 1993, OIG was contacted by the complainant, [REDACTED], a faculty member at the [REDACTED] (the institution). The complainant is the principal investigator of NSF award [REDACTED] entitled, [REDACTED]. The complainant said that [REDACTED] a co-investigator on the award, who was also a faculty member at the institution, had, with institutional approval, used \$35,000 of award funds to purchase a [REDACTED] over the complainant's objections and without obtaining the required number of competitive bids. The [REDACTED] was to be used as an instructional tool in undergraduate courses. The complainant listed several safety concerns related to the use of the [REDACTED] in those courses and indicated that the institution's decision to purchase the equipment without her signature on the purchase order might have been influenced by her gender.

OIG was aware that the Grant General Conditions state that it is the responsibility of the institution to take steps to protect itself, its employees, and its property from any accidents, illnesses, or claims arising from work supported by NSF awards. NSF is not liable. However, in view of the alleged safety problems associated with the use of the [REDACTED] in undergraduate courses, we felt it was appropriate to find out how these program-related issues were being addressed by the institution. With the co-operation of the NSF program, OIG sent the institution a letter identifying the issues and asking for further information. The institution was asked to respond directly to the NSF program officer, [REDACTED].

On August 23, 1993, the program officer received a response from two administration officials, [REDACTED], Vice President for Business Affairs, and [REDACTED] Provost and Vice President for Academic Affairs. The two officials acknowledged that there was a "poor working relationship" between the complainant and the co-investigator which stemmed from incompatible communication styles. They stated that gender issues did not enter into the institution's decision to purchase the [REDACTED] without the complainant's approval and that the complainant has not registered a complaint with the institution office established to handle such allegations.

The administration officials stated that the NSF award described four separate projects by four separate individuals who have different professional expertises. Unlike most awards where the principal investigator coordinates the activities of other investigators, or co-PIs, listed on the award, the institution felt that the investigators' responsibilities in this award were so different and the interpersonal problems were such that there was no need for consensus among them prior to proceeding with the purchase of the equipment to be used in the co-investigator's project.

The administration officials stated that the co-investigator had difficulty finding a company selling the particular [REDACTED] specified in the award. Most firms had long waiting lists for such equipment and they did not want to provide the warranty, maintenance, and service support specified by the institution. Eventually a firm contacted the co-investigator with an offer for a [REDACTED] that also met the institution's requirements. However, the firm required a purchase order within thirty days or it would sell the equipment to another interested party. When presented with the purchase order, the complainant refused to sign it and proposed a meeting

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in two months to discuss the purchase. The long delay before the meeting was attributed to injuries the complainant had sustained in an auto accident; however, the officials noted that the complainant was teaching and attending other meetings at the time. OIG found information in memos addressing the purchase which had been supplied by the complainant that confirmed the proposal to meet in two months.

In meetings with a number of administration officials, the co-investigator, and the institution's purchasing staff it was decided to proceed with the purchase without the complainant's signature. The administrators stated that the purchase of the [REDACTED] was consistent with institutional policies and procedures. Competitive bids were not obtained because, to the institution's knowledge, there was only one company offering the equipment with the required warranty and service support.

These officials stated that the complainant's safety concerns were studied carefully. The students and faculty will operate a controller that guides the [REDACTED]. The controller will be located outside of the [REDACTED] work envelope. A separator will be installed to physically separate the [REDACTED] work envelope from other space while the [REDACTED] is in operation. The institution's safety officials will inspect the installed [REDACTED].

The NSF program officer informed OIG that the program was generally satisfied with the institution's response and that it did not intend to pursue these issues further. OIG concluded that institution's response adequately addressed our concerns and that it had satisfied the NSF program's concerns as well. OIG closed this case.

[REDACTED]

9/22/93

Staff Scientist, Oversight

Concurrence:

[REDACTED]

9/22/93

[REDACTED]

[REDACTED]

cc: Signatories
Inspector General