

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	Criminal No.
)	
v.)	<u>Count One</u> : 18 U.S.C. § 371
)	(Conspiracy)
)	
LEVONDA J. SELPH)	<u>Count Two</u> : 18 U.S.C. § 201
)	(Bribery)
Defendant.)	
)	

INFORMATION

The United States charges:

COUNT ONE
18 U.S.C. § 371
(Conspiracy)

At all relevant times:

1. Beginning at least in or about April 2004 and continuing until at least in or about December 2005, the exact dates being unknown, in Iraq and elsewhere, Defendant

Levonda J. Selph

and others did knowingly, willfully, and unlawfully combine, conspire, confederate, and agree with others known and unknown to violate a statute of the United States, namely 18 U.S.C. § 201 (bribery), by, among other things, directly and indirectly, corruptly demanding, seeking, receiving, accepting, and agreeing to receive and accept items of value in return for being influenced in the performance of official acts, in return for being influenced to commit, aid in committing, collude in, and allow fraud on the United States, and in return for being induced to do and omit to do any act in violation of her official duty, including influencing the award and

administration of Department of Defense (“DoD”) warehousing contracts to a co-conspirator government contractor.

BACKGROUND

2. For the purposes of this Criminal Information, the “relevant period” is that period from at least in or about April 2004 until at least in or about December 2005. During the relevant period, SELPH was employed as a Lieutenant Colonel in the United States Army National Guard. From in or about January 2004 through in or about October 2004, and from in or about January 2005 through in or about October 2005, SELPH was deployed to Baghdad, Iraq, as a Contracting Officer's Representative (“COR”) with the Multinational Security Transitional Command–Iraq (“MNSTC-I”), a branch of the DoD. As an Army officer, SELPH was a public official within the meaning of 18 U.S.C. § 201(a)(1).

3. SELPH served as a member of the Source Selection Evaluation Team for the DoD warehousing contract DABV01-04-C-0082. The warehousing contract called for the construction, maintenance, and operation of several warehouses around Iraq. As the COR responsible for the warehousing contract, SELPH was expected to monitor the contractor’s performance and ensure that the contractor was complying with the terms of the contract. DoD regulations required SELPH to sign and certify that the United States received the contracted services prior to the contractor receiving payment or to notify the contracting officer if the contractor failed to meet any of the contract requirements or perform them in a timely manner.

4. Contractor A, a Kuwait-based contracting company doing business with the United States military, was awarded the original one-year warehousing contract on or about May 12, 2004. Co-conspirator One was the president of Contractor A. Contractor A performed work

under the contract, under SELPH's supervision, for approximately one year. In or about April 2005, as the warehousing contract came up for re-solicitation, Co-conspirator One began to sever his ties to Contractor A. In or about April 2005, Contractor A's warehousing contract was extended for an additional three months, under contract number W914NS-05-M-1170, thereby providing Co-conspirator One the opportunity to establish his own company, Co-conspirator Contractor B, and prepare a bid before the full 12-month renewal of the warehousing contract. Co-conspirator Contractor B bid for the 12-month renewal and was awarded the contract on or about July 20, 2005.

THE CONSPIRACY AND ITS OBJECTS

5. Beginning at least in or about April 2004, and continuing until at least in or about December 2005, in Iraq, Kuwait, and elsewhere, SELPH did knowingly, willfully, and unlawfully combine, conspire, confederate, and agree with others known and unknown to, directly and indirectly, corruptly demand, seek, receive, accept, and agree to receive and accept something of value from Co-conspirator Contractor B, Co-conspirator One, and others, in return for being influenced in the performance of official acts, in return for being influenced to commit, aid in committing, collude in, and allow fraud on the United States, and in return for being induced to do and omit to do acts in violation of her official duty; that is SELPH agreed to accept items of value totaling approximately \$9,000 from Co-conspirator One and Co-conspirator Contractor B in return for using her official position to award DoD contracts to Co-conspirator One and Co-conspirator Contractor B in violation of 18 U.S.C. § 201.

MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that SELPH and her co-conspirators would, among other

things, do the following:

6. Arrange for the award of DoD contracts to Co-conspirator One and Co-conspirator Contractor B, including the 12-month renewal of the warehousing contract, awarded on or about July 20, 2005, through a rigged selection process, by which SELPH guaranteed that Co-conspirator Contractor B would receive the contract.

7. Knowingly submit and accept fraudulent bids submitted by Co-conspirator Contractor B using the names of other DoD contractors, in order to create the appearance of competitive bidding processes when in fact no competition existed.

8. Invoice DoD for services performed under the warehousing contracts.

9. Remit payments, in the form of goods and other things of value, to SELPH, in return for her official acts influencing the award of contracts to and authorizing payment to Co-conspirator One and Co-conspirator Contractor B.

OVERT ACTS

In furtherance of the conspiracy and in order to accomplish its objects, the following overt acts, among others, were committed by SELPH or one or more of her co-conspirators in Iraq, Kuwait, and elsewhere:

10. On or about April 11, 2005, SELPH notified co-conspirators, including Co-conspirator One and others, that she had successfully secured from DoD \$10 million to fund the warehouse renewal contract. On or about April 17, 2005, SELPH emailed Co-conspirator One the draft Statement of Work describing DoD's requirements for the second warehousing contract. The information SELPH provided was confidential government procurement information not released to the public or to competitors of Co-conspirator Contractor B.

11. On or about April 28, 2005, SELPH notified Co-conspirator One that Contractor A's warehousing contract would be extended for three additional months. DoD notified Contractor A of the extension on or about April 30, 2005, and issued a new three-month contract, W914NS-05-M-1170, on or about May 10, 2005, for \$1,146,728.57.

12. On or about April 2005, SELPH arranged with Co-conspirator One to receive fraudulent bid packages for the warehousing renewal contract, which Co-conspirator One planned to fraudulently create on behalf of six separate companies he controlled in order to create the appearance of competition when, in fact, no competition existed.

13. SELPH served as Chair of the selection board that selected the winning proposal for the warehousing renewal contract. On or about July 20, 2005, Co-conspirator Contractor B's bid was accepted and the company was awarded the renewal warehouse contract, W914NS-06-C-9065, for a total of \$11,770,224.00. On or about July 21, 2005, SELPH and Co-conspirator One made arrangements to celebrate over a glass of champagne.

14. In or around February 2005, SELPH received a trailer, valued at approximately \$20,000, from a representative of Co-conspirator Contractor B. In or around September 2005, SELPH returned the trailer to Co-conspirator Contractor B. In return for her official acts assisting Co-conspirator Contractor B to win the warehouse renewal contract, Co-conspirator Contractor B paid SELPH \$4,000 in cash upon her return of the trailer.

15. In or around October 2005, SELPH traveled to Thailand with Co-conspirator One's wife. In return for her official acts assisting Co-conspirator Contractor B to win the warehouse renewal contract, Co-conspirator One paid for SELPH's airfare and hotel accommodations for the duration of the trip, valued at approximately \$5,000.

(All in violation of Title 18, United States Code, Section 371, and pursuant to the extraterritorial venue provision, Title 18, United States Code, Section 3238.)

COUNT TWO
18 U.S.C. § 201
(Bribery)

Paragraphs 2 through 15 of this Information are incorporated by reference as if fully stated herein, and the following is further alleged:

16. Beginning at least in or about April 2004 and continuing until at least in or about December 2005, the exact dates being unknown, in Iraq and elsewhere, Defendant


Levonda J. Selph


a public official, directly and indirectly did corruptly demand, seek, receive, accept, and agree to receive and accept something of value in return for being influenced in the performance of official acts, in return for being influenced to commit, aid in committing, collude in, and allow fraud on the United States, and in return for being induced to do and omit to do acts in violation of her official duty; that is SELPH solicited and received items of value totaling approximately \$9,000 in return for the award of DoD contracts to Co-conspirator One and Co-conspirator Contractor B.

(All in violation of Title 18, United States Code, Section 201(b)(2), and pursuant to the extraterritorial venue provision, Title 18, United States Code, Section 3238.)

DATED: 10/30, 2007, at Washington, D.C.

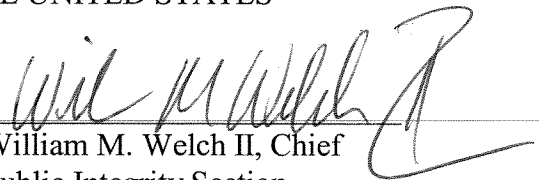
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