

CLIENT ALERT

DOJ Antitrust Division Assistant Criminal Chief and USPS IG Special Agent Talk Procurement Collusion Strike Force

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On Tuesday, the ABA's Antitrust and Public Contract Law Sections held a panel discussion with DOJ and other government enforcers to provide an update regarding the PCSF's most recent activities. According to Mark Grundvig, Assistant Chief of Washington Criminal II at the U.S. Department of Justice, Antitrust Division and Marcus Mills, Special Agent of Major Fraud Investigations Division at the United States Postal Service Office of Inspector General, in addition to broad outreach and training activities across the country, the PCSF has been focused on leveraging data analytics, for both case development (as it has been historically used), as well as to detect potential misconduct and determine where to focus their resources. As a result of these and other efforts, including a significant number of tips from complainants, the PCSF has recently opened several new grand jury investigations into public procurement collusion.

Consistent with Assistant Attorney General Delrahim's comments in connection with the announcement of the PCSF, Mr. Grundvig reiterated that there are characteristics of the public procurement industry that DOJ believes makes it particularly susceptible to collusion, particularly in connection with disaster or emergency funded procurements.

Throughout the panel, both officials explained that since the announcement of the strike force in November, the multi-agency effort has been training procurement officials and field agents on how to recognize suspicious conduct and potential antitrust violations. Importantly, both officials expressed an interest, if not an eagerness, to engage with industry during trade shows and other types of industry conferences to provide insight into potentially problematic behavior and the specific activities that the PCSF is dedicated to deterring, detecting and prosecuting.

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