



U.S. Department
Of Transportation
**Federal Transit
Administration**

Chief Counsel

1200 New Jersey Avenue S.E.
Washington DC 20590

JUL 22 2010

Paula J. Alexander, Esq.
General Counsel
Metropolitan Transit Authority of Harris County
1900 Main
P.O. Box 61429
Houston, Texas 77208-1429

Subject: Buy America Investigation – Request for Attestation

Dear Ms. Alexander:

Thank you for your letter dated July 15, 2010. I assure you that my staff is working diligently to conclude its investigation as soon as possible. However, before we can complete our work and issue a decision, I need one additional piece of information—a copy of METRO's procurement manual—and METRO's formal assurance that you have provided the Federal Transit Administration ("FTA") with copies of any and all communications and documents related to this investigation.

I have enclosed a formal Attestation for the METRO Chairman or President to sign and have notarized. Please return the original to me by July 30, 2010.

Feel free to contact Jayme L. Blakesley at jayme.blakesley@dot.gov with questions.

Sincerely,

Dorval R. Carter, Jr.
Chief Counsel

cc: Gilbert A. Garcia, Chairman, METRO Board of Directors
Carrin Patman, Esq., Member, METRO Board of Directors
George Greanias, Acting President & CEO, METRO
Annise Parker, Mayor of Houston

Affidavit

I, _____, hereby affirm and attest to the following of my own free will and choice:

1. I am an adult resident of the State of Texas.
2. I have personal knowledge of the facts stated herein.
3. I am employed by the Metropolitan Transit Authority ("METRO") located in Houston, Texas.
4. My title at METRO is _____.
5. As _____, I am authorized to make this attestation on METRO's behalf.
6. I am familiar with the investigation that the Federal Transit Administration ("FTA") initiated on April 23, 2010, into METRO's compliance with FTA's Buy America rules.
7. I understand that the scope of FTA's investigation includes all contracts and subcontracts relating to METRO's North and Southeast Corridor projects, including but not limited to contracts with METRO's Facility Providers Washington Group and Parsons Transportation Group, and Light Rail Vehicle manufacturer Construcciones y Auxiliar de Ferrocarriles ("CAF").
8. On several occasions leading up to the present date, FTA has asked for copies of documents and communications related to the investigation. I have reviewed METRO's responses to these requests.
9. I am familiar with the broad meaning of the terms "document" and "communication" defined by FTA in its letter dated May 27, 2010.

Affidavit of Paula J. Alexander

10. METRO has provided FTA with copies of any and all documents and communications related to FTA's investigation into METRO's compliance with its Buy America rules.

11. FTA can rely on the documents and communications provided by METRO as a full and complete record for purposes of issuing a final decision in its investigation.

12. I understand that making a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal government may result in civil and criminal penalties pursuant to the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 et seq., and implementing U.S. Department of Transportation regulations, "Program Fraud Civil Remedies," 49 CFR part 31, or the penalties of 49 U.S.C. 5323(l), the criminal provisions of 18 U.S.C. 1001, or other applicable Federal law to the extent the Federal government deems appropriate.

Name:
Title:
Organization: Metropolitan Transit Authority

Date

STATE OF: TEXAS

CITY OF: HOUSTON

On this _____ day of November 2009, before me personally appeared _____, to me known (or proved to me on the basis of satisfactory evidence), to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his own free act and deed.

NOTARY PUBLIC

My Commission Expires: _____

From: Jayme.Blakesley@dot.gov [mailto:Jayme.Blakesley@dot.gov]
Sent: Thursday, July 22, 2010 3:22 PM
To: Paula Alexander
Cc: dorval.carter@dot.gov; Scott.Biehl@dot.gov; kerry.miller@dot.gov
Subject: Letter from FTA Chief Counsel Dorval Carter
Importance: High

Ms. Alexander:

Thank you for your letter dated July 15, 2010, and the additional documents you sent via Federal Express. Also, thank you for returning my call and for discussing these matters over the phone. As discussed, here are my follow-up questions about the search METRO performed of its e-mail system:

1. The list of domain names at Attachment D to your July 15, 2010, letter does not include @comcast.net. The meeting attendee list at Attachment A to the same letter includes an email address for Mr. Chakraborty with the suffix @comcast.net. Did your e-mail search include Mr. Chakraborty's Comcast e-mail address?
2. I have noticed that many METRO employees use different e-mail addresses. For example, I believe you use one address with a prefix formed by your initials followed by a number, and another with a prefix of your firstname.lastname. Did your e-mail search include all prefixes used by METRO employees?
3. I have received e-mail messages from METRO Board Member Carrin Patman using an a domain name belonging to her law firm. Did your e-mail search include messages to and from board members who may have been using personal e-mail accounts?

Along with my request for answers to the above questions, I called to explain to you the attached letter from FTA Chief Counsel Dorval R. Carter, Jr. A hard copy will follow via U.S. Mail. In the letter, Mr. Carter expresses his desire to conclude our investigation as quickly as possible. Before we can conclude the investigation, however, we need a formal assurance that METRO has provided FTA with any and all documents related to the investigation. The assurance should take the form of the attached Affidavit, to be completed and executed by METRO's Board Chairman or Acting President. I have attached the Affidavit in MS Word format so you can easily input the name of the person signing the document.

Feel free to contact me if you have any questions.

Sincerely,

Jayme Blakesley
Attorney-Advisor
Federal Transit Administration.

Metropolitan Transit Authority

1900 Main
P.O. Box 61429
Houston, Texas 77208-1429

713-739-4000

www.ridemetro.org

METRO Board of Directors

Gilbert Andrew Garcia, CFA, Chairman
Allen D. Watson, Vice Chairman
Jackie L. Freeman, Secretary
Burt Ballanfant
Honorable Dwight Jefferson
Carrin Palman
Trinidad Mendenhall Sosa
Christof Spieler
C. Jim Stewart, III



July 26, 2010

Acting President & Chief Executive Officer
George Greanias

Mr. Jayme Blakesley
Office of Chief Counsel
U. S. Dept. of Transportation, FTA
East Building, 5th Floor
1200 New Jersey Ave., S. E.
Washington, D. C. 20590

RE: Buy America Investigation

Dear Mr. Blakesley:

We really appreciate your call and your sharing with us the status of the FTA's Buy America investigation. We are hopeful that the information submitted herein will move us closer to the ultimate goal of a quick and final resolution of all Buy America issues.

During our July 22, 2010 telephone conversation, and in your subsequent e-mail, you requested clarification of our e-mail search. Specifically, as to Mr. Dhiren Chakraborty, we identified Mr. Chakraborty as one of the persons included in our e-mail reach. However, one of his domains, i.e. "@comcast.net", was not referenced on Attachment D. You have asked if our search included Mr. Chakraborty's "Comcast domain." Yes. Our search of the name "Chakraborty", included "DK Chakraborty", "Dhiren K. Chakraborty" and any other name or reference to "Chakraborty" if that surname was in the e-mail, notwithstanding the domain name. However, to ensure that we have provided all e-mails which included his name, we conducted a new search for the name "Chakraborty" to include all known external accounts, i.e. Comcast.net and hotmail.com. These e-mails are contained on the enclosed thumb drive.

You have asked for clarification of the different names or e-mail addresses used on the METRO domain. For example, my e-mail address has been pa04@ridemetro.org, for several years. My e-mail address is also paula.alexander@ridemetro.org. Employees' e-mail addresses have typically been identified with the employee's initial and 2 numbers. The numbers identify the number

Mr. Jayme Blakesley

July 26, 2010

Page Two

of similar initials in the METRO domain. I am the 4th person in the domain with the initials "pa". The e-mail system was upgraded to include the full name of the employee as a part of the e-mail address. Both addresses are used interchangeably and either e-mail address will permit METRO employees to send and receive electronic messages. Thus, our e-mail search gathered e-mails from both METRO employee addresses.

You have asked if our e-mail search included the personal accounts of any Board Members. Our e-mail search included some forty (40) key words, as identified on the Clearwell Search report, forwarded as Attachment E on our July 15, 2010 response. That search was intended to gather all of the e-mails in which those words appeared, sent to or from any person involved in the procurement. No Board Members were involved in the actual procurement process so their names were not included in the initial search. However, we did conduct a new search of current and former Board Members using the key words employed for our previous email searches. Those e-mails are included on the enclosed thumb drive with the Chakraborty e-mails referenced above.

METRO has made an exhaustive search of its records and files, both hard copy and electronic, for materials related to this procurement. We have gathered thousands of e-mails; we have compiled hundreds of documents; we have provided draft agreements in addition to final executed contracts; we have provided materials from our outside counsel, third-party consultants, vendors and Board Members, in addition to current and former employees. We thus feel confident that all materials related to this matter have been submitted. Given our diligence in responding to your requests, METRO's Acting President & CEO, George Greanias, has signed the affidavit submitted with your previous correspondence.

By letter from Mr. Dorval Carter dated July 22, 2010, you have requested a copy of METRO's Procurement Manual. The enclosed thumb drive contains a copy of METRO's 2004 Procurement Manual that was in use at the time of the procurement made the subject of this investigation. This Procurement Manual was recently revised to enhance existing practices following a system review conducted in April 2010 by the Calyptus Consulting Group. METRO's current Procurement Manual is also included on the enclosed thumb drive.

Thank you again for your prompt review of the materials that have been forwarded. We know that the FTA has been working hard to complete this investigation and we appreciate those efforts.

Mr. Jayme Blakesley
July 26, 2010
Page Three

Sincerely,



Paula J. Alexander
General Counsel

PJA/pd
Enclosures

cc: Dorval R. Carter, Jr.
Chief Counsel
U. S. Dept. of Transportation, FTA

Robert Patrick
Regional VI Administrator/FTA

Chairman Gilbert A. Garcia
METRO Board of Directors

George Greanias
Acting President & CEO of METRO

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Affidavit

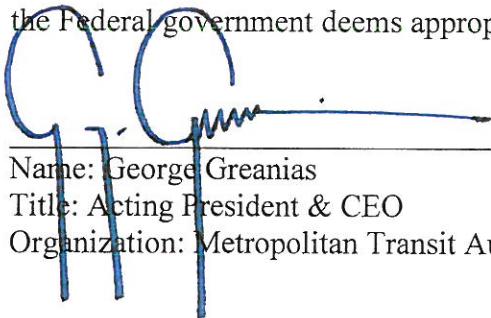
I, George Greanias, hereby affirm and attest to the following of my own free will and choice:

1. I am an adult resident of the State of Texas.
2. I have personal knowledge of the facts stated herein.
3. I serve as Acting President & CEO of the Metropolitan Transit Authority (“METRO”) located in Houston, Texas.
4. My title at METRO is Acting President & CEO.
5. As Acting President & CEO, I am authorized to make this attestation on METRO’s behalf.
6. I am familiar with the investigation that the Federal Transit Administration (“FTA”) initiated on April 23, 2010, into METRO’s compliance with FTA’s Buy America rules.
7. I understand that the scope of FTA’s investigation includes all contracts and subcontracts relating to METRO’s North and Southeast Corridor projects, including but not limited to contracts with METRO’s Facility Providers Washington Group and Parsons Transportation Group, and Light Rail Vehicle manufacturer Construcciones y Auxiliar de Ferrocarriles (“CAF”).
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12. I understand that making a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal government may result in civil and criminal penalties pursuant to the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 et seq., and implementing U.S. Department of Transportation regulations, "Program Fraud Civil Remedies," 49 CFR part 31, or the penalties of 49 U.S.C. 5323(l), the criminal provisions of 18 U.S.C. 1001, or other applicable Federal law to the extent the Federal government deems appropriate.


Name: George Greanias
Title: Acting President & CEO
Organization: Metropolitan Transit Authority

26-July-10

Date

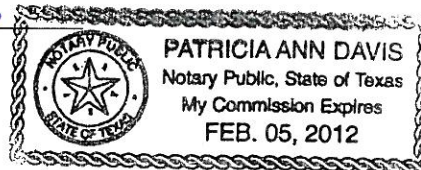
STATE OF: TEXAS

CITY OF: HOUSTON

On this 26 day of July 2010, before me personally appeared George Greanias, to me known (or proved to me on the basis of satisfactory evidence), to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his own free act and deed.



NOTARY PUBLIC



My Commission Expires: _____