

Inspector General

United States
Department of Defense



Recovery Act Projects at Fort Eustis, Virginia
Projects 2146 and 619

Report Documentation Page				Form Approved OMB No. 0704-0188	
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1. REPORT DATE 07 JUN 2010		2. REPORT TYPE		3. DATES COVERED 00-00-2010 to 00-00-2010	
4. TITLE AND SUBTITLE Recovery Act Projects at Fort Eustis, Virginia Projects 2146 and 619				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Department of Defense Inspector General, 400 Army Navy Drive (Room 801), Arlington, VA, 22202-4704				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 38	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

June 7, 2010

MEMORANDUM FOR AUDITOR GENERAL, DEPARTMENT OF THE ARMY
COMMANDER, 733rd MISSION SUPPORT GROUP

SUBJECT: Recovery Act Projects at Fort Eustis, Virginia- Projects 2146 and 619
(Memorandum No. D-2010-RAM-009)

We are providing this report for your information and use. We conducted this audit pursuant to Public Law 111-5, "American Recovery and Reinvestment Act of 2009," February 17, 2009. We considered management comments on a discussion draft of the report when preparing the final report. No additional comments are required.

We appreciate the courtesies extended to the staff. Please direct questions to Mr. Michael Joseph at (757) 872-4698.

A handwritten signature in cursive script, reading "Alice F. Carey", is positioned above the printed name and title.

Alice F. Carey
Acting Assistant Inspector General
Readiness, Operations, and Support



Recovery Act Projects at Fort Eustis, Virginia Projects 2146 and 619

(Memorandum No. D-2010-RAM-009)

June 7, 2010



Results in Brief

What We Did

Our overall objective was to determine whether DOD appropriately planned and implemented Public Law 111-5, “American Recovery and Reinvestment Act of 2009 (Recovery Act),” February 17, 2009, projects. Specifically, we reviewed the planning, funding, execution, and reporting of two Recovery Act projects at Fort Eustis, Virginia, to determine whether the efforts of the Mission and Installation Contracting Command (MICC) and Fort Eustis Directorate of Public Works (DPW) complied with Recovery Act requirements, Office of Management and Budget (OMB) guidance, the Federal Acquisition Regulation (FAR), and DOD implementing guidance.

What We Found

Fort Eustis DPW personnel properly planned and supported Project 619, “Mill, Resurface & Restrip Runway, FAAF,” and Project 2146 “Replace Disabled Access/Wheelchair Ramp, Bldg 643,” which ensured appropriate use of Recovery Act funds. Additionally, Fort Eustis DPW received Recovery Act funds consistent with OMB guidance. Finally, Fort Eustis DPW personnel used Recovery Act funding for authorized purposes and the projects avoided unnecessary delays and cost overruns. However, MICC personnel did not include all of the required Recovery Act

FAR clauses and contract reporting requirements in the Recovery Act-awarded task orders. MICC contracting personnel also ensured that the contractor met the FAR 52.204-11 reporting requirements. For Project 2146, MICC personnel used Army Operations and Maintenance (O&M) funds instead of Army Recovery Act O&M funds. As a result, DOD did not have reasonable assurance that Recovery Act-fund use was clear and transparent to the public. Additionally, for Project 619 the MICC personnel did not post pre-solicitation and award contract notices to the Federal Business Opportunities (FBO) or include the correct treasury accounting symbol in the Federal Procurement Data System (FPDS). As a result, DOD did not have reasonable assurance that Recovery Act-fund use was clear and transparent to the public.

What We Recommend

MICC personnel at Fort Eustis corrected all identified deficiencies during the course of our review. Thus, this report contains no recommendations.

Management Comments

Both the MICC personnel and the Fort Eustis DPW personnel agreed with our results and conclusions in the discussion draft report. We do not require any additional comments.



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Objective

- The primary objective of the audit was to determine whether DOD and its Components were planning and implementing the Recovery Act by meeting the requirements in the Recovery Act, OMB Memorandum M-09-10, "Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009," February 18, 2009, and subsequent related guidance.
- The Recovery Act and implementing OMB guidance require projects to be monitored and reviewed. We grouped these requirements in the following four phases: (1) planning, (2) funding, (3) execution, and (4) tracking and reporting. For this audit, we reviewed all phases for both Recovery Act projects at Fort Eustis, Virginia, to determine whether the efforts of MICC and Fort Eustis DPW personnel complied with Recovery Act requirements, OMB guidance, the FAR, and DOD implementing guidance. See page 23 for a discussion of our scope and methodology.



Recovery Act Background

The President signed the Recovery Act into law on February 17, 2009. It is an unprecedented effort to jump-start the economy and create or save jobs.

The purposes of this Act include the following:

- 1) To preserve and create jobs and promote economic recovery.
- 2) To assist those most impacted by the recession.
- 3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.
- 4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
- 5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

“ . . . the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified . . . including commencing expenditures and activities as quickly as possible consistent with prudent management.”



Project Background

- This report addresses:
 - ✓ FSRM Project 2146, "Replace Disabled Access/Wheelchair Ramp, Bldg 643," valued at \$10,000
 - ✓ FSRM Project 619, "Mill, Resurface & Restrip Runway, FAAF," valued at \$1.6 million.
- The team is also reviewing a military construction Child Development Center project at Ft. Eustis. The results of this project will be addressed in a separate DOD OIG report.
- U.S. Army Audit Agency is also reviewing three Recovery Act projects at Ft. Eustis and will issue a report when results are finalized.



Project 2146

“Replace Disabled Access/Wheelchair Ramp, Bldg 643”



New Wheelchair Ramp





Results-Planning Project 2146

Fort Eustis DPW personnel properly planned and supported Project 2146, “Replace Disabled Access/Wheelchair Ramp, Building 643,” which ensured appropriate use of Recovery Act funds.

- Fort Eustis DPW submitted a DA Form 4283, “Facilities Engineering Work Request,” to upgrade the Anderson Field House ramp.
 - ✓ The project corrects deficiencies in egress requirements in the National Fire Protection Association’s “Life Safety Code.”
 - ✓ An independent Government estimated supported costs.



Results-Funding Project 2146

Fort Eustis DPW personnel received Recovery Act funds consistent with OMB guidance.

- Fort Eustis DPW personnel received the FAD 0004 for \$5.38 million on June 19, 2009. This allocation included funds for Project 2146.
 - ✓ The FAD properly identified the Recovery Act appropriation.
 - ✓ The funding authorization document was consistent with the project estimates reported in the Recovery Act DOD Expenditure Plans, April 28, 2009.



Results-Project Execution

Project 2146

MICC personnel did not include the Recovery Act reporting requirements clause (FAR 52.204-11) in the delivery order.

- MICC contracting officer issued delivery order 0093 against existing contract W91QF104D0005 to Pembroke Construction Company, Inc. on May 21, 2009, on a firm-fixed price basis.
- MICC personnel competed the original contract and awarded the contract on September 28, 2004, prior to the implementation of the Recovery Act.
- MICC personnel did not include the reporting requirements clause FAR 52.204-11 in delivery order 0093. The MICC contracting officer was unaware of the required Recovery Act FAR clauses.

As a result, the contractor was not fully informed of the Recovery Act requirements; and may not have been aware of, or required to adhere to Recovery Act specific requirements.

Management corrective action:

- As a result of the audit, on February 17, 2010, MICC personnel modified the contract to include the contractor reporting requirements FAR clause.



Results-Project Execution

Project 2146 (continued)

Fort Eustis DPW personnel used Recovery Act-funding for authorized purposes, and the project avoided unnecessary delays and cost overruns.

- MICC contracting officer issued delivery order 0093 against existing contract W91QF104D0005 to Pembroke Construction Company, Inc. on May 21, 2009.
- Fort Eustis DPW personnel accepted Recovery Act Project 2146 on July 8, 2009.
- Because the project was under the \$25,000 pre-award and \$500,000 post-award reporting thresholds, the FAR did not require MICC contracting personnel to report pre-award or post-award actions to FBO.



Results-Project Execution Project 2146 (continued)

MICC personnel used Army O&M funds instead of Army Recovery Act O&M funds for Project 2146.

- Delivery order 0093 cited a non-Recovery Act O&M Army appropriation (2020) in the accounting line.
- Director of Resource Management stated that this was an oversight and Fort Eustis DPW should have used Recovery Act funds.
- Payment voucher shows payment on July 14, 2009, using non-Recovery Act (2020) appropriation.

As a result, DOD did not have reasonable assurance that Recovery Act-fund use was clear and transparent to the public.

Management corrective action:

- The Director of Resource Management and Fort Eustis DPW requested that MICC personnel modify the accounting line of the contract to a Recovery Act appropriation.
- The effective date of the modification was July 16, 2009.
- FPDS showed the modification.
- Payment voucher shows the reverse payment from non-Recovery Act (2020) appropriation to Recovery Act (2022) appropriation on July 21, 2009.



Results-Tracking and Reporting Project 2146

MICC contracting personnel ensured that the Pembroke Construction Company, Inc. (contractor) complied with reporting requirements prescribed in the FAR 52.204-11.

- Pembroke Construction Company, Incorporated, posted the number of jobs and total dollar value for the project to the www.federalreporting.gov Web site.



Conclusions Project 2146

- Fort Eustis DPW personnel ensured that Project 2146 to “Replace Disabled Access/Wheelchair Ramp, Bldg 643” was properly planned and supported.
- Fort Eustis DPW personnel received Recovery Act funds consistent with OMB guidance.
- MICC personnel did not include the Recovery Act reporting requirements clause (FAR 52.204-11) in the delivery order. However, MICC contracting personnel took corrective action.
- Fort Eustis DPW personnel used Recovery Act-funding for authorized purposes and the project avoided unnecessary delays and cost overruns.
- MICC personnel used Army O&M funds instead of Army Recovery Act funds on Project 2146; however, MICC contracting and resource management personnel took corrective action.
- MICC contracting personnel ensured that the contractor, Pembroke Construction Company, Inc., met the FAR 52.204-11 reporting requirements.



Project 619

“Mill, Resurface & Restrip Runway, FAAF”



Felker Army Airfield (newly paved)



Results-Planning Project 619

Fort Eustis DPW personnel ensured that Project 619 “Mill, Resurface & Restrip Runway, FAAF,” was properly planned and supported to ensure appropriate use of Recovery Act funds.

- Fort Eustis DPW personnel prepared a DA Form 4283, “Facilities Engineering Work Request,” October 8, 2008, to mill, resurface and restrip, and add new shoulders to Felker Army Airfield.
- Fort Eustis DPW personnel provided a copy of the December 2007, Engineer Research and Development Center/Geotechnical and Structures Laboratory report that included a pavement condition survey. The report cited the current condition of the runway and made recommendations to correct the deficiencies. The report findings justified the project.
- An independent Government estimate supported costs.
- On May 7, 2009, contracting personnel issued delivery order 0091 for the planned work against contract W91QF104D0005.



Results-Funding Project 619

Fort Eustis DPW personnel received Recovery Act funds consistent with OMB guidance.

- Fort Eustis DPW personnel received the FAD 0004 for \$5.38 million on June 19, 2009. This allocation included funds for Project 619.
 - ✓ The FAD properly identified the Recovery Act appropriation.
 - ✓ The funding authorization document was consistent with the project estimates reported in the Recovery Act DOD Expenditure Plans, March 20, 2009.



Results-Project Execution

Project 619

MICC personnel only included one of the required Recovery Act FAR clauses (FAR 52.222-6 Davis Bacon Act) in the contract or delivery order.

- The MICC contracting officer issued delivery order 0091 against existing contract W91QF104D0005 to Pembroke Construction Company, Incorporated, on May 7, 2009, on a firm-fixed price basis.
- MICC personnel competed the original contract and awarded it on September 28, 2004, prior to the implementation of the Recovery Act.
- The DOD OIG identified several clauses that were missing in the contract and discussed this issue with the MICC contracting officer during June 2009 site visit.
- The MICC contracting officer was unaware of the required Recovery Act FAR clauses.



Results-Project Execution Project 619 (continued)

As a result, the contractor was not fully informed of the Recovery Act requirements and may not have been aware of, or required to adhere to, Recovery Act specific requirements.

Management Corrective Action

- As a result of the audit, on July 10, 2009, MICC personnel modified the contract and added the following FAR clauses in full text:
 - ✓ FAR 52.203-15, Whistleblower Protection Under the American Recovery and Reinvestment Act of 2009
 - ✓ FAR 52.204-11, Recovery Act Reporting Requirements
 - ✓ FAR 52.214-26, Audit and Records – Negotiation (or Sealed Bidding)
 - ✓ FAR 52.225-21/22/23/24, Required Use of American Iron, Steel, and Manufactured Goods
 - ✓ Buy American Act – Construction Materials/Trade Agreements



Results- Project Execution Project 619 (continued)

MICC personnel did not post a pre-solicitation and award contract notice to the FBO Web site for informational purposes or include the treasury accounting symbol in the “Description of Requirements” field when posting award data to the FPDS.

- No pre-solicitation and award notices were found on the FBO Web site.
- However, the contract obligation was posted to the FPDS Web site and showed “RECOVERY” in the description of requirement, but did not include the required treasury accounting symbol.

As a result, DOD did not have reasonable assurance that Recovery Act-fund use was clear and transparent to the public.

Management corrective action:

- As a result of the audit, on November 19, 2009, MICC personnel at Fort Eustis posted the award notice on FBO Web site. The contracting office also revised the description posted on the FPDS Web site to include the treasury accounting symbol.



Results-Project Execution Project 619 (continued)

Fort Eustis DPW personnel used Recovery Act-funding for authorized purposes and the project avoided unnecessary delays and cost overruns.

- The Recovery Act DOD Expenditure Plans, March 20, 2009, estimated Project 619 at \$1.67 million.
- MICC contracting officer issued delivery order 0091 against existing contract W91QF104D0005 to Pembroke Construction Company, Incorporated, on May 7, 2009.
- Fort Eustis DPW personnel completed and accepted Recovery Act Project 619 on October 14, 2009, at a total cost of \$1.67 million.



Results-Tracking and Reporting Project 619

MICC contracting personnel ensured that the Pembroke Construction Company, Incorporated, (contractor) complied with reporting requirements prescribed in the FAR 52.204-11.

- The contractor, Pembroke Construction Company, Inc., posted the number of jobs and total dollar value for the project to the www.federalreporting.gov Web site.



Conclusions

Project 619

- Fort Eustis DPW personnel properly planned and supported Project 619 “Mill, Resurface & Restrip Runway, FAAF.”
- Fort Eustis DPW personnel received Recovery Act funds consistent with OMB guidance.
- MICC personnel only included one of the required Recovery Act FAR clauses (FAR 52.222-6 Davis Bacon Act) in the contract or delivery order. However, MICC personnel took corrective action.
- MICC personnel did not post a pre-solicitation and award contract notices to the FBO Web site or include the treasury accounting symbol in the “Description of Requirements” field when posting award data to the FPDS. However, MICC personnel took corrective action.
- Fort Eustis DPW personnel used Recovery Act funding for authorized purposes and the project avoided unnecessary delays and cost overruns.
- MICC contracting personnel ensured that the Pembroke Construction Company, Incorporated, (contractor) complied with reporting requirements prescribed in the FAR 52.204-11.
- Because MICC personnel took corrective action during the audit ,we are not making any recommendations.



Scope and Methodology

- We conducted this audit from June 2009 through April 2010 in accordance with generally accepted government auditing standards. Generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our conclusions based on our audit objectives.



Scope and Methodology (continued)

To review DOD's implementation of the plans and implementation of the Recovery Act, we audited the planning, funding, project execution, and reporting of Recovery Act projects to ensure MICC and Fort Eustis DPW's efforts complied with Recovery Act requirements, OMB guidance, the FAR, and DOD implementing guidance. Specifically, we determined whether:

- the selected projects were adequately planned to ensure the appropriate use of Recovery Act funds (Planning);
- funds were awarded and distributed in a prompt, fair, and reasonable manner (Funding);
- contracts awarded were transparent, competed, and contained required Recovery Act FAR clauses (Project Execution); and
- recipients' use of funds was transparent to the public and the benefits of the funds were clearly, accurately, and timely reported (Reporting).



Scope and Methodology (continued)

- Congress appropriated approximately \$12 billion of Recovery Act funds to DOD. The DOD manages \$7.4 billion in the following programs: Energy Conservation Investment; Facilities Sustainment, Restoration, and Modernization; Homeowners Assistance; Military Construction; Near-Term Energy-Efficient Technologies. The U.S. Army Corps of Engineers manages \$4.6 billion for civil and water projects.
- The Recovery Act divided the approximately \$12 billion among 32 DOD and USACE line items of appropriations. OMB Memorandum M-09-10 required the DOD to develop program plans for each of the six programs listed above. Each plan identifies the projects funded by the Recovery Act within that program.
- The Army received \$1.5 billion for Recovery Act FSRM projects.
- This report addresses:
 - ✓ FSRM Project 2146, "Replace Disabled Access/Wheelchair Ramp, Bldg 643," valued at \$10,000.
 - ✓ FSRM Project 619, "Mill, Resurface & Restrip Runway, FAAF," valued at \$1.6 million.



Scope and Methodology (continued)

- Locations contacted or visited:
 - ✓ DPW – Fort Eustis, Virginia
 - ✓ MICC – Fort Eustis, Virginia
- Documents/records reviewed:
 - ✓ Army Regulation 420-1, “Army Facilities Management,” March 28, 2009
 - ✓ DA Form 4283, “Facilities Engineering Work Request”
 - ✓ DD Form 1155, “Order for Supplies or Services”
 - ✓ Cost Estimates
 - ✓ Funding Authorization Documents
 - ✓ Engineering Division Project Management Standard Operating Procedures
 - ✓ Project files for requirements, justifications, and funding documentation
 - ✓ Contracting documentation for:
 - Project 2146 contract W91QF104D0005 delivery order 0093
 - Project 619 contract W91QF104D0005 delivery order 0091
- Made observations at the project sites



Scope and Methodology (continued)

Use of Computer-Processed Data

We relied on computer-processed data from the FBO Web site, the FPDS – Next Generation, the Central Contractor Registration, and the Recovery Act FY 2009 Status of Funds Worksheet. FBO is a single, Government-wide point-of-entry for Federal Government procurement opportunities. FPDS-next generation is a dynamic, real-time database where contracting officers can update data, to include new actions, modifications, and corrections. The central contractor registration is the primary registrant database for the U.S. Federal Government that collects, validates, stores, and disseminates data in support of agency acquisition missions. The Recovery Act FY 2009 Status of Funds Worksheet is an internally generated excel spreadsheet by the Garrison Resource Manager at Fort Eustis to track commitments and obligations for projects funded by the Recovery Act. We compared data generated by each system with the DOD Expenditure Plans, FAD, and contracting documentation to support the audit conclusions. We determined that the data were sufficiently reliable for the purposes of our report.

Prior Coverage

The Government Accountability Office, the Department of Defense Inspector General, and the Military Departments have issued reports and memoranda discussing DOD projects funded by the Recovery Act. You can access unrestricted reports at <http://www.recovery.gov/accountability>.



Criteria

Criteria for planning and implementing the Recovery Act continue to change as OMB issues additional guidance, and DOD and the Components issue their implementation guidance.

- U.S. House of Representatives Conference Committee Report 111-16, “Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for Other Purposes,” February 12, 2009
- Public Law 111-5, “American Recovery and Reinvestment Act of 2009,” February 17, 2009
- OMB Memorandum M-09-10, “Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009,” February 18, 2009
- OMB Bulletin No. 09-02, “Budget Execution of the American Recovery and Investment Act of 2009 Appropriations,” February 25, 2009
- White House Memorandum, “Government Contracting,” March 4, 2009
- White House Memorandum, “Ensuring Responsible Spending of Recovery Act Funds,” March 20, 2009



Criteria (continued)

- Federal Acquisition Circular 2005-32, March 31, 2009
- OMB Memorandum M-09-15, "Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009," April 3, 2009 ¹
- OMB Memorandum M-09-16, "Interim Guidance Regarding Communications With Registered Lobbyists About Recovery Act Funds," April 7, 2009
- OMB Memorandum M-09-19, "Guidance on Data Submission under the Federal Funding Accountability and Transparency Act (FFATA)," June 1, 2009
- OMB Memorandum M-09-21, "Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009," June 22, 2009 ²
- OMB Memorandum M-09-24, "Updated Guidance Regarding Communications with Registered Lobbyists About Recovery Act Funds," July 24, 2009

¹ Document provides Government-wide guidance for carrying out programs and activities enacted in the Recovery Act. The guidance states that the President's commitment is to ensure that public funds are expended responsibly and in a transparent manner to further job creation, economic recovery, and other purposes of the Recovery Act.

² Document provides Government-wide guidance for carrying out the reporting requirements included in section 1512 of the Recovery Act. The reports will be submitted by recipients beginning in October 2009 and will contain detailed information on the projects and activities funded by the Recovery Act.



Criteria (continued)

- OMB Memorandum M-09-30, "Improving Recovery Act Recipient Reporting," September 11, 2009
- OMB Office of Federal Procurement Policy, "Interim Guidance on Reviewing Contractor Reports on the Use of Recovery Act Funds in Accordance with FAR Clause 52.204-11," September 30, 2009 ²
- OMB Memorandum M-10-08, "Updated Guidance on the American Recovery and Reinvestment Act – Data Quality, Non-Reporting Recipients, Reporting of Job Estimates," December 18, 2009 ²
- OMB Memorandum M-10-14, "Updated Guidance on the American Recovery and Reinvestment Act," March 22, 2010 ²

² Document provides Government-wide guidance for carrying out the reporting requirements included in section 1512 of the Recovery Act. The reports will be submitted by recipients beginning in October 2009 and will contain detailed information on the projects and activities funded by the Recovery Act.



Acronyms

DPW	Directorate of Public Works
FAD	Funding Authorization Document
FAR	Federal Acquisition Regulation
FBO	Federal Business Opportunities
FPDS	Federal Procurement Data System
FSRM	Facilities Sustainment, Restoration, and Modernization
MICC	Mission and Installation Contracting Command
O&M	Operations & Maintenance
OMB	Office of Management and Budget
Recovery Act	American Recovery and Reinvestment Act of 2009



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