

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCUMENT
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UNITED STATES OF AMERICA : Criminal No.

v. : Filed:

FREDDY DEOLIVEIRA

Violates C. § 027
10 CRIM 027

Defendant.

INFORMATION

The United States of America, acting through its attorneys, charges:

1. Freddy Deoliveira ("Deoliveira") is hereby made a Defendant on the charge stated below.

COUNT ONE -- SHERMAN ACT CONSPIRACY
(15 U.S.C. § 1)

I. THE RELEVANT PARTIES AND ENTITIES

During the period covered by this Information:

2. Deoliveira held various supervisory positions at the New York Presbyterian Hospital's uptown Facilities Operations department ("NYPH") located at 627 West 165th Street, New York, New York. As a supervisor for NYPH, Deoliveira was instrumental in the award of contracts for vendors to perform various services, including re-insulation services.

3. "CC-1" was a co-conspirator who supervised purchasing officials at NYPH,

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including Deoliveira.

4. "CC-2" was a co-conspirator who was an officer of a corporation that provided re-insulation services to NYPH. This corporation was located in New York, New York.
5. "CC-3" was a co-conspirator who was an officer of two corporations that provided re-insulation services to NYPH. These corporations were located at the same address in Long Island City, New York.
6. Various other persons and firms, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in

in furtherance thereof:

7. NYPH maintains a bidding policy to the effect that three bids shall be obtained for all purchases (a) where the value of a single item is over \$5,000, (b) the value of a single purchase is over \$10,000, (c) the annual value of a product, product line, or service is over \$50,000, or (d) otherwise where competitive bidding would be advantageous. Specific exclusions to this policy are those instances where (a) an item is purchased through an available group purchasing agreement or contract/pricing agreement, (b) where an item is deemed to be a sole source purchase and there is adequate justification to be a sole source purchase, and (c) where there is no known alternate source.

8. The defendant and co-conspirators attempted to create the appearance that

contracts for re-insulation services were awarded by NYPH in compliance with its competitive bidding policy when, in fact, many were not.

9. Beginning in and around October 2000 and continuing until approximately March 2005, Deoliveira and CC-1 steered contracts for re-insulation services at NYPH to CC-2's company. In order to make it appear that contracts for re-insulation services had been awarded based on competitive bids, CC-2 and CC-3 arranged for CC-2 to submit bids with intentionally high prices on the letterheads of CC-3's companies. In return for steering contracts to CC-2's company, CC-2 provided kickbacks in the form of cash and gifts to Deoliveira. CC-2 also subcontracted a substantial portion of the contracts it was awarded at NYPH through the bid rigging scheme to CC-3's companies.

III. INTERSTATE TRADE AND COMMERCE

10. Beginning in and around October 2000 and continuing until approximately March 2005, NYPH awarded numerous contracts for re-insulation services to CC-2's company, many of which were subcontracted to CC-3's companies. CC-3 purchased substantial quantities of materials and equipment that were transported across state lines for use in performing some of these subcontracts.

11. During the period covered by this Information, CC-3's companies as subcontractors performed re-insulation services pursuant to contracts that are the subject of this Information. The supplies that were used in performing these re-insulation services for NYPH were produced in states other than New York and shipped across state lines in a

continuous and uninterrupted flow of interstate commerce.

IV. DESCRIPTION OF THE OFFENSE

12. Beginning in and around October 2000 and continuing until approximately March 2005, the exact dates being unknown to the United States, the defendant and co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

13. The aforesaid combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial term of which was to rig bids for re-insulation services contracts at NYPH.

14. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do, including, among other things:

a) at the request of CC-1, Deoliveira steered contracts for re-insulation services to CC-2 at NYPH;

b) in order to create the illusion that these contracts were awarded to CC-2's company in compliance with NYPH's competitive bidding policy, Deoliveira told CC-2 to obtain high, non-competitive complementary bids from two other vendors;

c) thereafter, CC-2 and CC-3 agreed that CC-3 would give CC-2 blank

letterheads of his companies in order for CC-2 to intentionally prepare and submit high, non-competitive complementary bids on behalf of CC-3's companies which created the illusion of a competitive bidding process at NYPH;

d) in return for CC-3 providing blank letterheads of his companies, CC-2 and his company subcontracted a substantial portion of the re-insulation services contracts to CC-3's companies; and

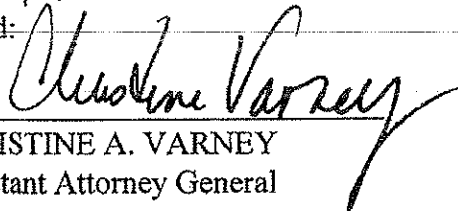
(e) Deoliveira received kickbacks in the form of cash and gifts from CC-2 for his role in steering contracts to CC-2's company.

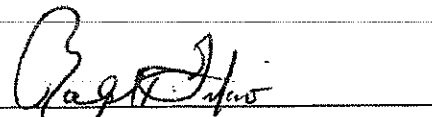
V. JURISDICTION AND VENUE


15: The aforesaid combination and conspiracy was formed and carried out, in part, within the Southern District of New York within the five years preceding the filing of this Information.

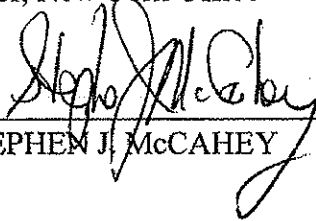
IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1


Dated: 1/10/10


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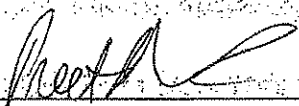

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