

U. S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED 9-12-07

LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA)

v.)

RAUL JORGE MIRANDA,)

Defendant.)

Criminal No.

07-313-L

Filed

Violation: 18 U.S.C. § 201(b)(2)(B)

FACTUAL BASIS

If this matter would have gone to trial, the Government would have proven the following through competent documentary evidence and testimony, beyond a reasonable doubt:

Hurricane Katrina struck New Orleans in August 2005 causing extensive damage to the levee systems. In August 2006, the United States Army Corps of Engineers (hereinafter "USACE") solicited bids for the reconstruction and enlargement of the Lake Cataouatche Levee, south of New Orleans, Louisiana, a Hurricane Protection Project, solicitation No. W912P8-06-R0194. The value of this contract was in excess of \$15 million. Lake Cataouatche is located in St. Charles and Jefferson Parishes.

At all times relevant to the Information, the defendant was a public official, as defined in Title 18, United States Code, Section 201(a)(1), that is, he was a contractor consultant for the USACE, and as such an employee or person acting for or on behalf of the United States, or any department or agency or branch of Government thereof,

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in any official function, under or by the authority of any such department or agency or branch of Government. From June 2006 until October 5, 2006 the defendant worked in the USACE New Orleans headquarters office in Orleans Parish. His specialty was scheduling and sequencing of construction contracts.

Beginning on or about August 1, 2006, and continuing thereafter through October 25, 2006, the exact dates being unknown to the United States, in the Eastern District of Louisiana, and elsewhere, in connection with the foregoing procurement the defendant met with Subcontractor A, a sand and gravel subcontractor, and others, and discussed various USACE projects. The defendant, directly and indirectly, did corruptly demand, seek, and agree to accept something of value, that is, money in the amount of approximately \$299,000, from Subcontractor A, in return for, and with the intent of being influenced to commit or aid in committing, or to collude in, or allow, a fraud, or make opportunity for the commission of a fraud, on the United States.

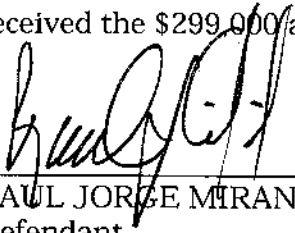
Specifically, the defendant disclosed confidential bid, proposal, and source selection information, to Subcontractor A, before the award of the contract. In return, the defendant demanded, sought, and agreed to accept, 25 cents per cubic yard of sand and gravel sold under the contract. The contract called for approximately 1,197,500 cubic yards, which would have resulted in a kickback of approximately \$299,375 to the defendant on the first phase or "reach" of the levee reconstruction project.

When the Lake Cataouatche levee bids were received by the USACE, the defendant was assigned to the source selection board on the project. He was given copies of all the bids to evaluate and was asked to conduct a technical review of all of the proposals for the board. The defendant downloaded several documents, including

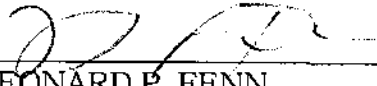
his technical evaluation of a prime contractor's bid, on to a memory stick and gave it to another USACE employee with the knowledge it would be given to Subcontractor A. Subcontractor A then faxed and e-mailed all the documents

received from the defendant to the USACE prime contractor.


The prime contractor contacted USACE after receiving the confidential bid, proposal, and source selection information from Subcontractor A. Federal agents from the United States Army Criminal Investigation Division and the Department of Defense's Criminal Investigative Service interviewed the defendant on October 5, 2006. The defendant immediately resigned from his position at the USACE, and never received the \$299,000 as he had anticipated.


RAUL JORGE MIRANDA
Defendant


8/20/07
Date


LEONARD P. FENN
Attorney for the Defendant Raul Jorge Miranda

8/16/07
Date


JOAN E. MARSHALL
Trial Attorney
U.S. Department of Justice Antitrust Division

8/21/07
Date


STEPHEN BOOKER
Trial Attorney
U.S. Department of Justice Antitrust Division

8/21/07
Date