

## REPORT OF INVESTIGATION

K #: 09-166 Calixto Calderon MD

Date Opened: Dec. 9, 2009

Date Closed: Feb. 26, 2010

Name of investigator: Karl Ross  
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**Allegation:** On Dec. 9, 2009, COE received a referral from the Office of the Inspector General concerning possible misconduct involving Dr. Calixto Calderon, in connection with an RFP for the awarding of a contract for healthcare services at the Miami-Dade County Jail System. Calderon has been medical director for Corrections Health at Jackson Health System (JHS) since 2008. The letter states OIG received a tip Calderon was to serve as the “contract manager” for said procurement and that, by doing so, Calderon would incur in a conflict as a result of his relationship with “several of the vendors.” The referral included a copy of an anonymous letter received Nov. 23, 2009, in which allegations are raised concerning Calderon and his purported role in overseeing RFP 095254 for medical, dental and mental health services at the jails. The letter – from “a concerned professional” – does not identify the vendors allegedly linked to Calderon, but states his involvement in the RFP process “needs to be investigated carefully as this poses a gross violation to the code of employee ethics.”

**Investigation:** On Dec. 21, 2009, COE contacted Ted Lucas, chief procurement officer for Jackson Health System (JHS), to request information concerning the RFP in question and the alleged role of Dr. Calderon. Lucas subsequently provided the requested information, including a copy of Dr. Calderon’s résumé.

A review of Calderon’s professional history showed that from 2002 to 2008 he worked as a region medical director for Prison Health Service (PHS) – one of the respondents to the RFP. On Jan. 11, COE received a copy of an e-mail from Lucas to

JHS officials stating that “effective immediately,” Calderon would be replaced by Dr. Mercy Gonzalez “for the purposes of the Corrections Health RFP and all procurement-related support on behalf of JHS.” In a separate e-mail that same day to COE and OIG, Lucas states Calderon “will no longer have a role in the RFP process.”

On Feb. 1, COE received an e-mail response from Lucas advising that PHS – Calderon’s previous employer – “is a major player in the industry and had attended both of the public RFP vendor conferences so far.” Lucas included a copy of the RFP timeline, showing that Feb. 5 was the deadline for the receipt of vendor questions and that proposals in response to the RFP are due by March 1. The selection committee is scheduled to convene between March 3 and March 19.

In a follow-up interview on Feb. 25, Mr. Lucas advised that the RFP is being subject to “major revisions” at the request of Miami-Dade County officials. The county’s Department of Corrections is the primary user agency, and the procurement has become a “hot potato” as a result of budgetary problems at both Jackson, which is facing widespread layoffs, and at Miami-Dade County, which unlike most other Florida counties has not been paying for healthcare services at its jails.

Lucas stated that Dr. Calderon is no longer involved in crafting the contract and bid documents because of concerns raised about his alleged conflict with PHS. He said Calderon previously served as a “technical assistant,” given his expertise in the subject area, but that he was replaced by Dr. Gonzalez about six weeks ago and he has had no involvement with the RFP since that time.

Lucas stated that neither his staff nor anybody else involved with the RFP has suggested Calderon attempted to tailor the bid documents to give an unfair advantage to PHS or any other vendor. “I’ve heard nothing to suggest any impropriety ... There’s no evidence of a conflict or any malice that I know,” Lucas stated. “But out of caution and prudence we have to take him off the procurement process.”

Lucas advised that the only other way Calderon could influence the awarding of the contract would be by serving on the selection panel. He said no selection panel has been named as of this time and that he does not envision – given the heightened concerns about an alleged conflict – that Calderon would serve on said panel. He said it is possible his replacement, Dr. Gonzalez, could serve on the five- to seven-member panel, but that determination has not yet been made.

At this point in the process, Lucas advised that five or six major correctional health firms attended the last pre-bid conference, including PHS. He said that a third pre-bid conference will be held as a result of the overhaul of the bidding documents. He said Calderon will have no involvement whatsoever in that process. He said the RFP is likely to be highly contested, with prominent lobbyists having been retained, and JHS is taking every precaution to avoid a lengthy and litigious procurement and possible bid protests.

Lucas stated that he is not aware of any past employment or links between Calderon and any other vendor besides PHS. (Most of his other previous employment was for public agencies, not private companies.) He noted it is difficult to find any experts in the industry who have not, at one time or another, worked for one or more of the major correctional health firms presently vying for the contract with JHS.

If PHS were to be awarded the contract, it is possible but not altogether certain that Calderon would oversee or manage the contract. Lucas said he has no reason to believe Calderon would be incurring in a conflict if this were the case. He said it is also very possible that the county's Department of Corrections will be asked to manage the contract since Corrections and not JHS is the end-user of the services.

**CONCLUSION:** After reviewing Dr. Calderon's role in the ongoing process to award a contract for inmate healthcare services, it does not appear that there is any substance to the allegations made anonymously this past November. No member of the JHS

procurement staff has raised concerns about Calderon's involvement in the preparation of bid documents for RFP No. 095354 or suggested any "impropriety" on his part. In an abundance of caution and to inoculate itself against vendor challenges, JHS removed Calderon from the process all together, effective Jan. 11, 2010. JHS' chief procurement officer, Ted Lucas, has assured COE that Calderon will not be serving on the selection panel, once it is created. He has also been replaced as a "technical advisor" in the preparation of contract documents by Dr. Mercedes Gonzalez. Also it remains to be seen whether Calderon would, in fact, manage or oversee the contract once it is awarded. If the contract is, in fact, awarded to his former employer (PHS), it might be appropriate at that time to re-visit whether Dr. Calderon's past association with PHS could unduly influence his ability to administer the contract. Lucas advised that, since assuming his post with JHS in 2008, Calderon has been credited with improving the quality of healthcare for the county's jails and in implementing reforms mandated by the U.S. Department of Justice for the local inmate population. Accordingly, it does not appear further investigation is warranted and the case should be closed.

