



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
DEFENSE CRIMINAL INVESTIGATIVE SERVICE
NORTHERN VIRGINIA RESIDENT AGENCY
4800 MARK CENTER DRIVE – SUITE 10D25-04
ALEXANDRIA, VIRGINIA 22350

2019000746-60NV-

April 5, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

INTERVIEW OF (b) (6), (b) (7)(C): On April 4, 2019, DCIS SAs (b) (6), (b) (7)(C) Cyber East, Alexandria, VA, and (b) (6), (b) (7)(C), Intelligence Community Resident Agency, Alexandria, VA, interviewed (b) (6), (b) (7)(C), Defense Digital Service (DDS), Pentagon, Washington, DC. Prior to the execution of the interview, agents identified themselves as SAs with DCIS and displayed their credentials to (b) (6), (b) (7)(C). The interview took place at the Pentagon in suite no. (b) (6), (b) (7)(C) from approximately 1:00 p.m. to 1:50 p.m. He provided the following information:

BACKGROUND

(b) (6), (b) (7)(C)

He explained that DDS employees are hired from industry with the expectation that they will support the DoD for a short period of time. He said employees typically have a four-year tour with DDS. He said the DDS workforce consists of approximately 35 employees and they are assigned to support numerous projects and initiatives across the DoD.

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

(b) (6), (b) (7)(C) reported that he has been involved with the Joint Enterprise Defense Infrastructure (JEDI) Cloud since its inception around September of 2017. He reported that he assisted Sharon Woods, Program Manager for JEDI, and Chris Lynch, Director, DDS, in writing the memorandum issued in September 2017, by the Former Deputy Secretary of Defense, Patrick Shanahan, directing the DoD to undertake a new initiative to accelerate adoption of cloud computing technologies through the acquisition of a modern enterprise cloud services solution that could support all classification levels. (b) (6), (b) (7)(C) reported that Woods and Lynch had seen a draft version of the cloud memorandum and they believed the previous version of the memorandum did not capture how the DoD should procure commercial cloud services. He also explained (b) (6), (b) (7)(C), DDS, participated in the early stage of the JEDI program and provided logistics support.

JEDI GOOGLE DRIVE

He said DDS uses Google Cloud services to manage its projects. He explained that DDS was already using Google services in the normal course of business; therefore, it was a natural progression to use the Google Drive to collaborate and store documents, due to its flexibility and permission settings. Agents inquired if a DoD Notice and Consent Banner is prompted when you access the DDS Google Drive; he said no. He said that DDS received a waiver from the Office of the Secretary of Defense. He explained that adding a DoD banner to the Google drive would require significant enhancements and configurations to the Google Drive.

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According to (b) (6), (b) (7)(C) the JEDI Google Drive folder was converted to Team Drives to facilitate the exchange of information among authorized users. At the time of the conversion, Google did not have a way to convert the data, and therefore it was simply imported. He said that the following three Team Drives were created:

1. Cloud Executive Steering Group (CESG): contained the original files that were stored on the Google drive. (b) (6), (b) (7)(C) said approximately 30 – 40 people have access to the CESG Drive.
2. JEDI Government Only: contained files restricted for US Government (USG) personnel.
3. JEDI Procurement: contained files that could be accessed by authorized DoD contractors.

(b) (6), (b) (7)(C) stated that there were only a few “Super Admin” on the JEDI Google Driver, (b) (6), (b) (7)(C), himself, and maybe two others. These users has access to all records being used by DDS to include: Gmail, Google Docs, etc. (b) (6), (b) (7)(C) explained that in (b) (6), (b) (7)(C) user name and a password which included multi factor authentication such as a USB, RSA Token or Google Authenticate.

(b) (6), (b) (7)(C) stated that the JEDI’s Source Selection files are storage on a separate Drive with in the JEDI Google Drive. (b) (6), (b) (7)(C).” The JEDI Source Selection has an account that is only viewable by specify people, with very explicit instructions on how to use the drive, for example syncing and downloading are disabled. This drive can only be accessed on DDS laptops.

(b) (6), (b) (7)(C) said DDS employees are issued a Government owned laptop and all DoD work should be conducted on this laptop. (b) (6), (b) (7)(C) stated that he did not remember signing any user agreement. According to (b) (6), (b) (7)(C) employees can bring their own phone but it should have a segregated folder for work items. He also explained that the practice of syncing documents from the Google Cloud to the USG laptop is common. When items are synced, the data is maintain on the media (computer) to which the data was saved.

DEAP UBHI

He reported Ubhi worked as a Product Manager for DDS. He said Ubhi did not write the technical requirements for the JEDI program. He explained Ubhi possessed some technical knowledge, but he was primarily a manager of established tasks. He stated Ubhi supported the JEDI program from approximately September 2017 to November 2017.

(b) (6), (b) (7)(C) stated that at first he believed Ubhi recused himself because Amazon was interested in buying his startup company known as “Tablehero.” According to (b) (6), (b) (7)(C) Ubhi mentioned this startup sometime around October 2017. (b) (6), (b) (7)(C) commented that he later received information that Ubhi did not leave because of the Startup.

(b) (6), (b) (7)(C) said that he personally removed Ubhi’s access to the Team Drive when Ubhi left the JEDI project. He explained that Ubhi’s access was removed, Ubhi would no longer have access

to any revisions made on the Cloud. (b) (6), (b) (7)(C) added that there was no JEDI's Source Selection or procurement sensitive data on the Google drives when Ubhi was assigned to the program.

(b) (6), (b) (7)(C) said Ubhi returned his USG laptop to DDS when he departed the DSS. (b) (6), (b) (7)(C) further added that there is no way that Ubhi had access to the items on the JEDI Cloud Drive once he recused himself. In order for Ubhi to have a copy of the files, he would have to sync the items data locally or print the files. (b) (6), (b) (7)(C) added that Ubhi could have logged in from any computer and there are many ways to copy documents.

(b) (6), (b) (7)(C) emphasized that the Team Drives were created after Deep Ubhi recused himself in November 2017, therefore he never had access to the Team Drives. (b) (6), (b) (7)(C) stated that he is unaware of what happened after Ubhi recused himself, further adding that Ubhi worked in California.

(b) (6), (b) (7)(C) said Ubhi did not have multiple accounts and could not create accounts as he was not a "Super User." He further added that User account creation would be tracked. (b) (6), (b) (7)(C) stated that audit logs do not exist for a Deleted User. Therefore, DDS cannot use Google Vault to search for an access when it has been deleted. As a result, Admins lose the ability to scan for changes made by a specific use.

(b) (6), (b) (7)(C) noted that Ubhi was the only deleted user that ever had access to the Google Drive. To date (b) (6), (b) (7)(C) has not manually indexed or created an Application Programming Interface (API) in an attempt to create the index requested by Oracle. According to (b) (6), (b) (7)(C) this would be time consumer to determine what changes were made by Ubhi and it must be done individually for every existing document. According to (b) (6), (b) (7)(C) what Oracle wants would be difficult and time consumer at best, with an uncertain outcome.

(b) (6), (b) (7)(C) stated that he made two public statements. Agents showed (b) (6), (b) (7)(C) a copy of the Declaration of (b) (6), (b) (7)(C) dated January 10, 2019, to which he replied that there was another document concerning the issue. He said that he submitted the second statements to (b) (6), (b) (7)(C), Acquisition Law, Washington Headquarters Services (WHS) and Pentagon Force Protection Agency, Office of General Counsel (OGC), Pentagon, Washington, DC.

CONFLICT OF INTEREST

Agents inquired if the following individuals had access to the Google Drive: Sally Donnelly, Former Senior Advisor to Secretary of Defense and Special Assistant, Office of the Secretary of Defense, and Anthony DeMartino, Chief of Staff, Office of the Secretary of Defense; he said "no." Agents inquired if he has been asked by unauthorized sources to disclose nonpublic information pertaining to the JEDI program; he said no. Agents inquired if he has a financial interest in any of the potential contractors for the JEDI program; he said "no."

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Prepared by: (b)(6), (b)(7)(C) 70CE
(b)(6), (b)(7)(C)

Approved by (b)(6), (b)(7)(C) 60FO
(b)(6), (b)(7)(C)

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NORTHERN VIRGINIA RESIDENT AGENCY
4800 MARK CENTER DRIVE – SUITE 10D25-04
ALEXANDRIA, VIRGINIA 22350

2019000746-60NV-(b) (7)(C)

April 12, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

INTERVIEW OF (b) (6), (b) (7)(C) On April 11, 2019, Special Agents (b) (6), (b) (7)(C), DCIS, Washington D.C. Resident Agency and (b) (6), (b) (7)(C), DCIS, Northern Virginia Resident Agency, interviewed (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), DoD Defense Digital Service (DDS), (b) (6), (b) (7)(C), Pentagon, Washington, D.C. regarding his participation in the acquisition process for the Joint Enterprise Defense Infrastructure (JEDI) Cloud Program acquisition. During this process, (b) (6), (b) (7)(C) was assigned as a (b) (6), (b) (7)(C) for a total of three weeks to the initial Cloud Steering Group. (b) (6), (b) (7)(C) advised he can be reached via email at (b) (6), (b) (7)(C).

For background, JEDI is a single-award, Indefinite Delivery Indefinite Quantity (IDIQ), Firm Fixed Price (FFP) contract valued at not to exceed \$10 billion dollars. The JEDI procurement is currently in the evaluation and award phase of the acquisition cycle. As such, no contract or task orders have been awarded to date. In late 2018, Oracle Corporation (Oracle) filed multiple pre-award bid protests challenging the DoD JEDI procurement with the U.S. Government Accountability Office (GAO), Washington, D.C. and U.S. Court of Federal Claims, Washington, D.C. Of the complaints lodged by Oracle, this investigation concerns the allegations of potential conflicts of interest posed by Anthony DeMartino, Chief of Staff, Office of the Secretary of Defense; Deap Ubhi, Technical Expert, Product Manager, DDS; and Sally Donnelly, Senior Advisor to Secretary of Defense.

(b) (6), (b) (7)(C) was assigned to the initial Cloud Steering Group on June 24, 2017 by Christopher Lynch the Director of DDS due to his knowledge of cloud infrastructure and system administration experience. At that time, no market research had been developed and no technical documents were yet created. (b) (6), (b) (7)(C) provided technical advice to the group and after three weeks he moved on to another unrelated project. Upon assignment, (b) (6), (b) (7)(C) was provided an ethics brief including a full acquisition, legal and ethics advisement by (b) (6), (b) (7)(C), DDS (b) (6), (b) (7)(C). In addition to the briefing (b) (6), (b) (7)(C) was required to sign a nondisclosure agreement and financial conflict disclosure. Later in 2018, when the RFP was announced, an additional briefing and round of required forms were presented to everyone who had participated in JEDI.

(b) (6), (b) (7)(C) did not have experience related to the traditional Federal Acquisition Regulation (FAR) based acquisition process. He was familiar with the process for Other Transaction Authority (OTA) purchases and believe the process for the JEDI acquisition was much more involved than an OTA. (b) (6), (b) (7)(C) did not have discussions with anyone related to choosing one company over the other or receive pressure from anyone to supply procurement sensitive data. (b) (6), (b) (7)(C) said the team was regularly reminded not to talk to anyone outside of the organization and not to advertise their involvement with JEDI or DDS. (b) (6), (b) (7)(C) had some minor discussions with

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interested companies during an industry day in late summer 2018, however he always based his answers to them on publicly available reference material.

(b) (6), (b) (7)(C) did not know Sally Donnelly or Anthony DeMartino. He met Deap Ubhi (Ubhi) twice remotely during a Cloud Steering Group meeting. Ubhi participated remotely as he was located on the west coast. (b) (6), (b) (7)(C) said Ubhi would only have had access to the JEDI team drives of which he was approved. Any actions Ubhi made in the drive would have been noted in an audit log. (b) (6), (b) (7)(C) opined Ubhi most likely only had access to a very early version of the business development plan and initial vendor interviews for market research. (b) (6), (b) (7)(C) said the vendor interviews intentionally did not include proprietary information. Ubhi's access to the JEDI team drives was terminated when Ubhi recused himself from JEDI due to his potential employment with Amazon.

Prepared by: SA

(b) (6), (b) (7)(C)

60DC

Approved by:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

60NV

(b) (6), (b) (7)(C)

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ALEXANDRIA, VIRGINIA 22350

2019000746-60NV- (b) (7)(E)

April 18, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE
Alexandria, VA 22311

INTERVIEW OF (b) (6), (b) (7)(C) : On Thursday, April 11, 2019, Special Agent (SA) (b) (6), (b) (7)(C) DCIS, Northern Virginia, Resident Agency (RA) and SA (b) (6), (b) (7)(C), DCIS, Washington, D.C., RA, interviewed (b) (6), (b) (7)(C), Digital Service Expert, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Defense Digital Service (DDS), (b) (6), (b) (7)(C), Pentagon, Washington, D.C. (b) (6), (b) (7)(C) was identified as a DDS Subject Matter Expert who worked directly on the Joint Enterprise Defense Infrastructure (JEDI) Cloud Program acquisition. As background, JEDI was a single-award, Indefinite Delivery Indefinite Quantity, Firm Fixed Price contract valued at and not to exceed \$10 billion dollars. (b) (6), (b) (7)(C) advised he can be reached via email at (b) (6), (b) (7)(C) [REDACTED].

(b) (6), (b) (7)(C) originally worked on the Defense Media Activity cloud projects from January 2017 to October 2017 due to his expertise in information security and policy accreditation insight. On October 10, 2017, (b) (6), (b) (7)(C) was assigned to the JEDI Cloud Program by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) DDS to provide insight and apply his expertise in developing a cloud network for the Department of Defense (DoD). (b) (6), (b) (7)(C) also assisted (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), another DDS employee, in conducting interviews of cloud private industry leaders. Upon assignment to the JEDI initiative, (b) (6), (b) (7)(C) recalled meeting with and being asked to sign a Non-Disclosure Agreement by (b) (6), (b) (7)(C), Washington Headquarters Service, Office of General Counsel (WHS-OGC). During this meeting with (b) (6), (b) (7)(C) was also asked financial disclosure questions to determine if he had any potential conflict of interest issues that could restrict his assignment to the JEDI initiative. According to (b) (6), (b) (7)(C) in late 2017, he was also given ethics training by (b) (6), (b) (7)(C) and DDS Attorney Sharon Woods. During the ethics training, (b) (6), (b) (7)(C) recalled discussions on financial conflicts, and what to do if approached to disclose information on DoD projects. (b) (6), (b) (7)(C) emphasized this information was “hit hard”.

(b) (6), (b) (7)(C) was asked to explain the procurement process associated with the JEDI initiative and if he considered the process normal. (b) (6), (b) (7)(C) explained the process was on a much larger, more serious scale, and entailed a rigorous security and documentation requirement for those assigned. (b) (6), (b) (7)(C) further explained the security requirements were emphasized within DDS. He explained that unless someone was associated with the JEDI initiative procurement, it was not discussed. (b) (6), (b) (7)(C) was never approached by anyone either within the Government or outside of the Government to provide proprietary information on the JEDI initiative nor was he pressured by anyone to use one company over another. (b) (6), (b) (7)(C) explained as a member of the JEDI procurement team, they developed the requirements for the DoD cloud based on a previous memorandum signed by then Deputy Secretary of Defense Patrick Shanahan (Attachment 1). According to (b) (6), (b) (7)(C) the memorandum gave DDS guidance on what was needed for the DoD

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regarding the cloud and nothing was written to favor one vendor over another. He believed those assigned to the JEDI initiative simply wanted what was best for the DoD.

(b) (6), (b) (7)(C) was then asked if he knew former DoD employees, Deep Ubhi (Ubhi), Sally Donnelly (Donnelly), and Anthony DeMartino (DeMartino). (b) (6), (b) (7)(C) did not know Donnelly or DeMartino, but knew Ubhi from DDS. According to (b) (6), (b) (7)(C) Ubhi was a DDS engineer who primarily worked remotely from California and was assigned to conduct market research for the JEDI initiative. (b) (6), (b) (7)(C) recalled conducting vendor interviews with Ubhi and explained the questions were scripted and limited in scope. The questions, asked during this early stage of the JEDI initiative, only required those interested in providing publicly available company information and did not require vendors to provide their company's proprietary information. (b) (6), (b) (7)(C) provided a copy of the questions used by DDS to ask potential vendors common industry questions in an attempt to determine a company's capabilities and potential capabilities to support the DoD cloud initiative (Attachment 2). (b) (6), (b) (7)(C) explained they were given a very specific timeline and during the questioning, they kept notes down to the minute and always had at least three DDS employees present participating in the interviews. When interviewing Amazon Web Services (AWS), (b) (6), (b) (7)(C) was asked if Ubhi seemed to know the individuals from AWS. (b) (6), (b) (7)(C) recalled nothing strange or different with the representatives from AWS and Ubhi did not seem to know them. (b) (6), (b) (7)(C) emphasized everyone associated with the JEDI initiative was very cautious because they knew the process would be scrutinized due to the dollar amount involved. (b) (6), (b) (7)(C) believed everything was fair and even for all vendors during all associated processes with the JEDI initiative.

Attachments:

1. Memorandum from former Deputy Director Patrick Shanahan given to DDS discussing the need for accelerating the enterprise cloud adoption.
2. Common industry question set used by DDS during potential vendor interviews.

Prepared by: SA (b) (6), (b) (7)(C), 60NV

Approved by: (b) (6), (b) (7) (b) (6), (b) (7)(C), 60NV

(b) (6), (b) (7)(C)

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2019000746-60NV-(b) (7)(F)

April 18, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

INTERVIEW OF (b) (6), (b) (7)(C): On April 11, 2019, Special Agents (b) (6), (b) (7)(C), DCIS, Washington D.C. Resident Agency and (b) (6), (b) (7)(C), DCIS, Northern Virginia Resident Agency, interviewed (b) (6), (b) (7)(C), USMC, (b) (6), (b) (7)(C) Defense Advanced Research Projects Agency (DARPA), Arlington, Virginia, detailed to the Strategic Capabilities Office (SCO), Pentagon, Washington, D.C. (b) (6), (b) (7)(C) advised he can be reached via email at (b) (6), (b) (7)(C).

(b) (6), (b) (7)(F) was assigned as (b) (6), (b) (7)(C) to the DoD Defense Digital Service (DDS), Cloud Computing Program Office, Joint Enterprise Defense Infrastructure (JEDI) Cloud Program acquisition to complete the Statement of Objectives (SOO). As background, JEDI is a single-award, Indefinite Delivery Indefinite Quantity (IDIQ), Firm Fixed Price (FFP) contract valued at not to exceed \$10 billion dollars. The JEDI procurement is currently in the evaluation and award phase of the acquisition cycle. As such, no contract or task orders have been awarded to date. In late 2018, Oracle Corporation (Oracle) filed multiple pre-award bid protests challenging the DoD JEDI procurement with the U.S. Government Accountability Office (GAO), Washington, D.C. and U.S. Court of Federal Claims, Washington, D.C. Of the complaints lodged by Oracle, this investigation concerns the allegations of potential conflicts of interest posed by Anthony DeMartino, Chief of Staff, Office of the Secretary of Defense; Deap Ubhi, Technical Expert, Product Manager, DDS; and Sally Donnelly, Senior Advisor to Secretary of Defense.

(b) (6), (b) (7)(F) was assigned to JEDI in October 2017 by (b) (6), (b) (7)(C) via a Memorandum of Agreement (MOA) signed by (b) (6), (b) (7)(C), USMC HQ. (b) (6), (b) (7)(F) is a (b) (6), (b) (7)(C) and was requested to specifically support Phase II, Proof of Principles. Upon assignment (b) (6), (b) (7)(F) was provided an ethics brief including a full acquisition advisement by Sharon Woods (Woods), then (b) (6), (b) (7)(C) for DDS. Woods required (b) (6), (b) (7)(F) to sign a nondisclosure agreement and financial conflict disclosure.

(b) (6), (b) (7)(F) has no previous acquisition experience and could not opine as to if the JEDI acquisition was normal. (b) (6), (b) (7)(F) did not have discussions with anyone related to choosing one company over the other, supply information to interested parties or receive pressure from anyone to supply procurement sensitive data. (b) (6), (b) (7)(F) said he did not care what company was chosen, he only cared about the warfighter having the right tools and services so badly needed.

(b) (6), (b) (7)(F) did not know or ever meet Deap Ubhi (Ubhi) or Sally Donnelly (Donnelly). (b) (6), (b) (7)(F) knew Anthony DeMartino (DeMartino) but has not had any interaction with him related to JEDI. (b) (6), (b) (7)(F) stated he was the owner of the SOO and at no time did Ubhi, Donnelly or DeMartino have access to the document or supporting files.

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Prepared by: SA (b) (6), (b) (7)(C), 60DC

Approved by: (b) (6), (b) (7)(C), 60NV

(b) (6), (b) (7)(C)

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April 18, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

Alexandria, VA 22311

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(b) (6), (b) (7)(C) is a National Security Agency employee who is detailed to DDS. Prior to being assigned to DDS, (b) (6), (b) (7)(C) worked at the White House. On October 1, 2017, (b) (6), (b) (7)(C) was assigned as the (b) (6), (b) (7)(C) of DDS by Chris Lynch, Director, DDS. (b) (6), (b) (7)(C) explained that his role regarding the JEDI initiative was derived from a memorandum issued by former Deputy Secretary of Defense Patrick Shanahan to develop an accelerated cloud adoption program for the Department of Defense (DoD). Once assigned to the JEDI initiative, (b) (6), (b) (7)(C) was counselled by DDS Attorney Sharon Woods (Woods). Woods discussions with (b) (6), (b) (7)(C) included financial disclosures as well as any potential conflicts of interest he may have had now or in the future. (b) (6), (b) (7)(C) further added he received quarterly ethics training from (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) Standards of Conduct Office, DoD.

(b) (6), (b) (7)(C) considered the acquisition process associated with the JEDI initiative to be normal with the exception of the capabilities and scale of the contract. If (b) (6), (b) (7)(C) was contacted by any companies interested in the JEDI contract, he recalled consulting with Woods on how to handle the response. When he was contacted, (b) (6), (b) (7)(C) would provide the interested companies with a formal response. (b) (6), (b) (7)(C) was never pressured to provide any procurement sensitive data by anyone during these discussions.

When asked about what role former DoD employees Deap Ubhi (Ubhi), Sally Donnelly (Donnelly) and Anthony DeMartino (DeMartino) played in the acquisition process of the JEDI initiative, (b) (6), (b) (7)(C) provided the following information; in regards to Donnelly, she was not involved in developing the request for proposal (RFP). She only assisted in developing an article regarding the memorandum issued by Deputy Secretary Shanahan in order to get companies excited and interested in the upcoming JEDI cloud initiative. DeMartino was not involved in the RFP. He sat in on some JEDI cloud initiative conversations and was aware of the intent on how the JEDI team was going to acquire the needed information to make the best decision for DoD. He was not involved with any aspect of the procurement process other than taking some

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notes during a few of the initial meetings which were all in the scope of his duties. Ubhi provided market research in order for them to understand what was available in the private sector. The industry day for the cloud initiative had not even taken place while he was there. Ubhi only provided facts of what was currently available within the market. He originally wrote the business case with (b) (6), (b) (7)(C) which did include potential cost. However after Ubhi left DoD in November of 2017 (b) (6), (b) (7)(C) and Woods re-wrote the business case. He explained some of the ideas provided by Ubhi were the same, but in no way did Ubhi shape the final acquisition requirements. (b) (6), (b) (7)(C) further explained Ubhi was only assigned to JEDI for 42 days before he left Government service in November 2017. (b) (6), (b) (7)(C) believed none of the individuals named attempted to influence the acquisitions process. The requirements of the RFP were written to fit the actual needs of DoD. According to (b) (6), (b) (7)(C), he signed off on the technical requirements of the JEDI initiative so if there were any issues with these requirements that was on him. While working on the JEDI initiative, (b) (6), (b) (7)(C) was never influenced by anyone to favor one vendor over another. (b) (6), (b) (7)(C) explained there was no way Ubhi could have influenced the procurement because the Joint Staff requirement was released in December 2017 after Ubhi left and the first RFP was not released until 2018.

Prepared by: SA (b) (6), (b) (7)(C) 60NV

Approved by: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), 60NV

(b) (6), (b) (7)(C)

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NORTHERN VIRGINIA RESIDENT AGENCY
4800 MARK CENTER DRIVE – SUITE 10D25-04
ALEXANDRIA, VIRGINIA 22350

2019000746-60NV-(b) (7)(C)

April 30, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

FOLLOW-UP INTERVIEW OF (b) (6), (b) (7)(C): On April 30, 2019, SAs (b) (6), (b) (7)(C), DCIS, Intelligence Community Resident Agency, and (b) (6), (b) (7)(C), DCIS, Northern Virginia Resident Agency, conducted a follow-up interview with (b) (6), (b) (7)(C), Defense Digital Service (DDS), Pentagon, Washington, DC. DCIS agents previously interviewed (b) (6), (b) (7)(C) on April 11, 2019. (b) (6), (b) (7)(C) provided the following information:

On October 1, 2017, (b) (6), (b) (7)(C) joined DDS as the (b) (6), (b) (7)(C). He stated he had (b) (6), (b) (7)(C) over Deap Ubhi, former DDS employee, and he was Ubhi's (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) explained Ubhi was already working on the Joint Enterprise Defense Infrastructure (JEDI) Cloud acquisition when he started at DDS. He stated Chris Lynch, Director, DDS, assigned Ubhi to the JEDI Cloud acquisition sometime around September 2017.

Agents asked (b) (6), (b) (7)(C) to identify the members of the JEDI Cloud acquisition when Ubhi was still working for DDS. (b) (6), (b) (7)(C) believed the following individuals were the initial members of the JEDI Cloud acquisition: Chris Lynch, Director of DDS; (b) (6), (b) (7)(C) of DDS; Sharon Woods, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) DDS; (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), DDS.

Agents questioned how much time Ubhi spent on matters pertaining to the JEDI Cloud acquisition. (b) (6), (b) (7)(C) indicated Ubhi devoted around 98 percent of his time to activities related to the JEDI Cloud acquisition. He stated Ubhi worked on the JEDI from approximately September 13, 2017 until October 31, 2017, when Ubhi recused himself from the acquisition. The remaining percentage of his time was spent on a project involving the Army Digital Service.

Agents asked (b) (6), (b) (7)(C) whether Ubhi participated in discussions with the JEDI Cloud acquisition team regarding the single-source award strategy versus the multiple award strategy; he said yes. He explained Lynch tasked DDS to benchmark how the private sector procured cloud technology and services. According to (b) (6), (b) (7)(C), it is typical for the private sector to use a single-vendor cloud provider.

He stated Ubhi advocated for a single-source award strategy. However, he opined Ubhi's rationale for a single-source award was based on Ubhi's professional experience in dealings with cloud technology as an entrepreneur and business owner. (b) (6), (b) (7)(C) also explained that the JEDI Cloud acquisition team conducted numerous meetings regarding the single-source award approach after Ubhi left DDS. (b) (6), (b) (7)(C) said Ubhi's opinions or inputs did not influence their decision to select a single-source award strategy. He also said that other members of the JEDI Cloud acquisition including himself favored a single-source award strategy.

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He said Ubhi did not attempt to steer the acquisition in favor of Amazon Web Services (AWS). Agents asked (b) (6), (b) (7)(C) which documents Ubhi authored, edited, or reviewed when he was assigned to the acquisition. He did not recall which specific documents Ubhi created from September 2017 to October 2017. (b) (6), (b) (7)(C) stated Ubhi participated in market research activities in support of the acquisition.

He said Ubhi was involved in writing the market research report. As part of the market research, Ubhi conducted research and outreach activities to determine which cloud technologies were suitable to support the warfighter's needs. (b) (6), (b) (7)(C) believed Ubhi attended around five meetings with vendors to get information about market capabilities that could meet the DoD's requirements. (b) (6), (b) (7)(C) emphasized other members of the acquisition team attended these meetings and Ubhi never met alone with vendors' representatives.

(b) (6), (b) (7)(C) also explained they asked the same list questions during these meetings and allocated the same amount of time during all vendor meetings. He stated that Ubhi did not write the final version of the market research report. He said the market research report was the only document incorporated into the JEDI Cloud acquisition that contained information provided by Ubhi.

Agents inquired whether Ubhi was responsible for writing the Business Case Analysis (BCA)/Problem Statement document. He believed Woods may have tasked Ubhi to start working on the BCA. (b) (6), (b) (7)(C) said Ubhi was replaced by (b) (6), (b) (7)(C) who ultimately finished the BCA. (b) (6), (b) (7)(C) did not use Ubhi's BCA instead he started a new BCA.

Agents asked (b) (6), (b) (7)(C) why Ubhi misrepresented the facts about his recusal from the acquisition; he did not know. He opined Ubhi chose to lie for two reasons. The first reason might be because Ubhi "did not want to hurt his co-workers feelings" by telling them that he was going back to Amazon as an AWS employee. (b) (6), (b) (7)(C) believed Ubhi's decision to leave DDS was not based on financial considerations. The second reason could be because Ubhi thought the JEDI Cloud acquisition would fail. (b) (6), (b) (7)(C) thought Ubhi recused from the acquisition and resigned from DDS because Ubhi was negotiating the sell of his company to Amazon.

Prepared by: SA (b) (6), (b) (7)(C), 60IC

Approved by: (b) (6), (b) (7)(C), 60FO

(b) (6), (b) (7)(C)

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4800 MARK CENTER DRIVE – SUITE 10D25-04
ALEXANDRIA, VIRGINIA 22350

2019000746-60NV-

May 13, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

Alexandria, VA 22311

INTERVIEW OF (b) (6), (b) (7)(C): On May 8, 2019, Special Agent (SA) (b) (6), (b) (7)(C), DCIS, Northern Virginia Resident Agency (RA) and SA (b) (6), (b) (7)(C) DCIS, Intelligence Community, RA, interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Defense Digital Service (DDS), (b) (6), (b) (7)(C) Pentagon, Washington, D.C. (b) (6), (b) (7)(C) was identified as a DDS employee who worked directly with the individuals involved on the Joint Enterprise Defense Infrastructure (JEDI) Cloud Program acquisition. As background, JEDI was a single-source award, Indefinite Delivery Indefinite Quantity, Firm Fixed Price contract, valued at and not to exceed \$10 billion dollars. (b) (6), (b) (7)(C) provided the following information:

In May 2017, (b) (6), (b) (7)(C) and joined DDS in June 2017, as the (b) (6), (b) (7)(C). In his role, (b) (6), (b) (7)(C) handled DDS Human Resource issues as well as the day to day administrative needs of DDS employees. Chris Lynch, Director, DDS, was (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) In December 2017 or around January 2018, (b) (6), (b) (7)(C) became the (b) (6), (b) (7)(C) of DDS.

In September or around October 2017, (b) (6), (b) (7)(C) was assigned to work on the JEDI initiative, at which time, he signed a Non-Disclosure Agreement (NDA) due to his status as a super user to the Slack Communications program used by the “JEDI Thought Group”. As background, the Slack Communications tool was a private communications program used by the JEDI team to communicate on anything regarding JEDI. (b) (6), (b) (7)(C) role regarding JEDI was to coordinate meetings of the JEDI Thought Group with interested companies who wanted to meet with DDS to discuss the DoD Cloud. (b) (6), (b) (7)(C) advised the JEDI Thought Group included (b) (6), (b) (7)(C), Defense Innovation Board, Office of the Secretary of Defense, (b) (6), (b) (7)(C), Acquisitions Technology and Logistics (AT&L), (b) (6), (b) (7)(C) (LNU), AT&L, (b) (6), (b) (7)(C) Chief Information Office, DoD, Sharon Woods, Attorney, DDS, and Deap Ubhi (Ubhi), Digital Services Expert, DDS. According to (b) (6), (b) (7)(C) all members of the JEDI Thought Group were required to sign NDAs. (b) (6), (b) (7)(C) had no access to JEDI’s source selection proprietary information and was not actively involved in any award type decisions that had been or would be made regarding JEDI.

(b) (6), (b) (7)(C) was asked if he ever saw or heard of Ubhi steering the JEDI team towards only using the Amazon Web Services (AWS) Cloud. (b) (6), (b) (7)(C) affirmed that had never happened while Ubhi worked at DDS. He only recalled discussions amongst the team regarding whether to use a single or multi source award approach. (b) (6), (b) (7)(C) also confirmed he had no contact with Sally Donnelly, former Senior Advisor to the Secretary of Defense or Anthony Demartino, former Deputy Chief of Staff, Office of the Secretary of Defense, at any time while working with the JEDI group. He also confirmed Ubhi’s access to Slack’s messages and JEDI’s documents was

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no longer active and removed. (b) (6), (b) (7)(C) believed Ubhi left DDS to work for AWS because of the sale of his company, Tablehero. However, he was recently told the sale of Ubhi's company was lie Ubhi portrayed to DDS and that Tablehero was never purchased by AWS. (b) (6), (b) (7)(C) did not know why Ubhi lied to DDS.

Prepared by: SA (b) (6), (b) (7)(C), 60NV

Approved by: (b) (6), (b) (7)(C), 60NV

(b) (6), (b) (7)(C)

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4800 MARK CENTER DRIVE, SUITE 10D25-04
ALEXANDRIA, VIRGINIA 22350-1500

2019000746-60NV- (b) (7)(C)

August 6, 2019

UBHI, DEAP (et al.)

INTERVIEW OF (b) (6), (b) (7)(C): On August 6, 2019, SA (b) (6), (b) (7)(C), DCIS Washington, D.C. Resident Agency, and SA (b) (6), (b) (7)(C), DCIS Intelligence Community Resident Agency, interviewed (b) (6), (b) (7)(C), Assistant Secretary of the Navy (ASN) for Research, Development and Acquisition (RDA), regarding legal guidance she provided to Victor Gavin. (b) (6), (b) (7)(C) requested (b) (6), (b) (7)(C) ASN (RDA), sit in the interview which took place in their office located in room (b) (6), (b) (7)(C) of the Pentagon.

(b) (6), (b) (7)(C) has been employed by the ASN (RDA) (b) (6), (b) (7)(C). In October 2016, when Gavin was appointed Deputy Assistant Secretary of the Navy (DASN) for Command, Control, Communications, Computers and Intelligence (C4I), (b) (6), (b) (7)(C) was assigned as a (b) (6), (b) (7)(C) to his program. In this role, she (b) (6), (b) (7)(C) for acquisition and contracting actions by Navy RDA.

(b) (6), (b) (7)(C) did not recall providing (b) (6), (b) (7)(C) to Gavin relating to the April 5, 2018, meeting he attended which was noted as an alleged Federal Acquisition Regulation (FAR) violation by (b) (6), (b) (7)(C), in her April 2019 procurement impact reassessment report. After reviewing a copy of the April 5, 2018, email chain which included (b) (6), (b) (7)(C) approval for Gavin to attend said meeting (Attachment), (b) (6), (b) (7)(C) reaffirmed her (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) ASN C4I. In the email, (b) (6), (b) (7)(C) stated the subject of the meeting was acquisition strategy for the JEDI cloud contract and therefore (b) (6), (b) (7)(C) believed no particular company had yet been identified.

(b) (6), (b) (7)(C) was not familiar with the JEDI acquisition as it was a DoD acquisition program. (b) (6), (b) (7)(C) was never contacted by anyone from the JEDI acquisition team nor their legal counsel. (b) (6), (b) (7)(C) was not familiar with Gavin's role in the JEDI acquisition, but did not believe he had much of a role since it was a DoD acquisition.

(b) (6), (b) (7)(C) acknowledged Gavin requested post-government employment (PGE) advice from her office first from (b) (6), (b) (7)(C) and after (b) (6), (b) (7)(C) resigned, from (b) (6), (b) (7)(C) knew of Gavin's disqualification from matters related to Amazon, however she could not recall when Gavin submitted said memorandum. (b) (6), (b) (7)(C) was not sure if she knew of the recusal prior to providing the legal opinion on the April 2018 meeting. (b) (6), (b) (7)(C) opined based on the current facts she would still have provided the same answer. (b) (6), (b) (7)(C) added that a conflict of interest could

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not occur prior to proposals being submitted, as there is no way to determine what companies would actually submit bids.

(b) (6), (b) (7)(C) explained since their office was made aware of the allegations against Gavin, they have been reviewing their interactions and advice provided to Gavin. The prevailing opinion is that Gavin's duties as DASN did not include any participation which would be considered "personally or substantially" involved in any acquisitions. Gavin's role as DASN was to provide broad strategic direction for Navy C4I programs, therefore, Gavin was not subject to Section 847 of the National Defense Authorization Act (NDAA) of 2008 and was not required to request a Post Government Employment (PGE) opinion. (b) (6), (b) (7)(C) added that after conversations he had with Gavin in the past, it was his impression Gavin was against a single award contract for JEDI and was vocal about the need for a multiple contractor award.

Attachment:

E-mail chain including (b)(6), (b)(7)(C) approval to attend meeting, April 5, 2018

Prepared by: SA (b)(6), (b)(7)(C) 60DC

(b)(6), (b)(7)(C)

X

Approved by: (b)(6), (b)(7)(C) 60NV

(b)(6), (b)(7)(C)

X

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DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

(b) (6), (b) (7)(C)

January 27, 2020

ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C) Today is January 27, 2020. The time is now
3 11:05. I am (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C)

4 [REDACTED]. We are investigators and auditors
5 from the DoD OIG. We are interviewing the witness (b) (6), (b) (7)(C)
6 [REDACTED]. We are located at the Mark Center and the witness is
7 located at the Pentagon. We are conducting an investigation of
8 the JEDI Cloud Services Procurement Contract. Specifically our
9 investigation pertains to the disclosure of Microsoft's
10 proprietary information to Amazon. In addition, we are
11 investigating an allegation that Ms. Stacy A. Cummings violated
12 Title 18 U.S.C. Section 208 and the JER by participating
13 personally and substantial in a particular matter involving
14 specific parties that had a direct and predictable effect on her
15 financial interest. At this time I ask that you to acknowledge
16 that this interview is being recorded.

17 (b) (6), (b) (7)(C) I acknowledge that.

18 [REDACTED] Please acknowledge that I provided you a copy
19 of the DoD OIG Privacy Act Statement.

20 (b) (6), (b) (7)(C) You did.

21 [REDACTED] I will administer you the oath. Please raise
22 your right hand.

23 (b) (6), (b) (7)(C) It is raised.

24 Whereupon:

25 (b) (6), (b) (7)(C)

1 was called as a witness, placed under oath, and provided the
2 following testimony:

3 E X A M I N A T I O N

4 BY (b) (6), (b) (7)(C) :

5 Q: Please state your name and spell your last name.

6 A: (b) (6), (b) (7)(C)

7 Q: And what is your grade?

8 A: (b) (6), (b) (7)(C)

9 Q: And what is your current position and organization?

10 A: I am (b) (6), (b) (7)(C) at WHS.

11 Q: And how long have you been there?

12 A: Three years and a few months. Since November '16.

13 Q: November 16, what year?

14 A: 2016 I apologize.

15 Q: And give us a brief description of your current duties
16 and responsibilities.

17 A: As (b) (6), (b) (7)(C) I review solicitations,
18 evaluations, and other procurement related documents for legal
19 sufficiently. I also defend WHS AD and PFDA on bid protests at
20 the GAO, Court of Federal Claims, and Court of Appeals for the
21 federal circuit. The latter two I do with, in coordination with
22 the Department of Justice.

23 Q: And when did you become involved in the JEDI Cloud
24 Procurement, or the acquisition?

25 A: Middle of last year, maybe the summer time.

1 Q: Can you give me an approximate date?

2 A: That's hard to say just because I was aware of it
3 before. I'm just going to look at my e-mails to see if I can find
4 something a little more solid.

5 Q: Was it before Ms. Lord signed the ADM in July of 2019?

6 A: It would have been after.

7 Q: Okay.

8 A: So, I'd say late-August/early-September is a good
9 guess, but that is simply a guess at this point. I could get you
10 a more concrete date but it would take too long I think.

11 Q: Okay. What was your involvement in Secretary Esper's
12 review of the JEDI Cloud?

13 A: No involvement at all.

14 Q: And do you know who Ms. Stacy Cummings is and what is
15 her role?

16 A: I know I've heard the name. I've never met her, and I
17 don't know her title, and I don't know her role. I know just very
18 second-hand broad strokes but nothing solid.

19 Q: So since your involvement in the JEDI Cloud do you
20 recall her ever being on any e-mails or any discussions involving
21 her?

22 A: I to the best of my knowledge I don't think I've ever
23 been on an e-mail with her. She may be on a cc line or something
24 but I don't think I've ever received or sent an e-mail to her. I
25 don't remember any involvement that I've had with her.

1 Q: You mentioned that you heard something about her. What
2 did you hear?

3 A: What the allegation is basically that this is my own
4 recollection, is that she was in a meeting and while we, during
5 the JEDI procurement, had try to keep anybody who has any
6 holdings whatsoever even below the reporting threshold outside of
7 JEDI. That she has holdings that she claimed she was unaware of
8 at the time she attended the meeting.

9 Q: Okay. And who do you hear this from?

10 A: I believe it was (b) (6), (b) (7)(C)
11 [REDACTED] for this procurement.

12 Q: But after that you had no further interactions or never
13 met Ms. Cummings?

14 A: No, I've never met with her before or after that I'm
15 aware of. I mean we might have been the same room but I don't
16 remember ever meeting her.

17 Q: Were you advised at any time by (b) (6), (b) (7)(C) not to
18 discuss any matters with Ms. Cummings?

19 A: Not directly but that's you know, that might just be
20 because were lawyers and we don't do that sort of thing anyway.

21 Q: Okay. Thank you. (b) (6), (b) (7)(C) .

22 BY (b) (6), (b) (7)(C) :

23 Q: Good morning (b) (6), (b) (7)(C) , how are you?

24 A: Good. How are you?

25 Q: Good. So you mentioned that you were aware of JEDI

1 before you were assigned to JEDI. Can you expand on what was your
2 knowledge or awareness of the project?

3 A: Sure. So (b) (6), (b) (7)(C) was the lead JEDI attorney
4 before myself. She sits, she sat, she had an office a couple of
5 doors down from me so she would often talk about it in our
6 meetings with our colleagues. Obviously she was very involved so
7 she would tell us a little about it and I was aware that Oracle
8 had a protest and I was aware that an award would be made and
9 that we would see heavy litigation so then I became involved to
10 assist on that litigation.

11 Q: So you were assigned just to help with the litigation?

12 A: Yeah, I mean so I was assigned, that's primary the
13 purpose, yes. And in doing so I was involved with the award and
14 evaluations. In our role like I said in my role is I reviewed
15 solicitations, evaluations to make sure that they're legally
16 sufficient. So in reviewing the evaluations and the award of this
17 contract that part of readying for litigation is one aspect. The
18 other aspect is just making sure if done legally, make sure were
19 all set for audit, etcetera.

20 Q: Do you remember when you were assigned to JEDI?

21 A: No. As I previously stated I can't give you the time
22 without actually looking it out is and of August, early
23 September.

24 Q: So I want to touch based on (b) (6), (b) (7)(C). We know
25 that she left on October 15th of 2019, but since then she still

1 been consulting. Is that correct?

2 A: Yes.

3 Q: Can you explain your understanding of her agreement
4 with DoD?

5 A: That is as far as my understanding of how the agreement
6 goes I know she is assisting up in litigation tasks. She has a
7 great deal of knowledge that she has been involved with us since
8 the beginning. So, she's acting as a consultant for us because of
9 her great knowledge.

10 BY (b) (6), (b) (7)(C) :

11 Q: Is this agreement in writing somewhere?

12 A: I don't know.

13 Q: So how do you know -- so she's no longer -- we're just
14 trying to understand what's her relationship right? Maybe you can
15 help us out. She's no longer a government employee, correct?

16 A: I don't know.

17 Q: So, are you aware, has anybody made you aware the
18 boundaries in terms of what can you cannot consult with (b) (6), (b) (7)(C)

19 (b) (6), (b) (7)(C) Hello?

20 A: I'm thinking about the answer, sorry. I think that
21 question is assuming too many different parts. I think it's
22 better understood if you know her role and that answers more
23 clear.

24 Q: I'm sorry, could you repeat that?

25 A: Sure. I think that your question assumes too many facts

1 that aren't there. It's too soon to assume.

2 Q: No, I mean I think it's pretty direct like what have
3 you been told that you can and cannot do discuss with (b) (6), (b) (7)(C)?
4 Since she left the government, have you received any direction
5 that states you allowed to discuss X, Y, and Z, or there are no
6 boundaries? Or, you have not been informed about any? There's no
7 assumptions in that, sir

8 A: I don't know if there's any -- I can't recall a formal
9 discussion of what the boundaries are. I know that (b) (6), (b) (7)(C) had
10 an arrangement that we could still discuss JEDI and she would be
11 able to assist me and our office in litigation. So --

12 Q: Who would be a good person that we can talk to in terms
13 of obtaining more information about her current agreement with
14 the government?

15 A: (b) (6), (b) (7)(C) .

16 Q: No, but within WHS? Who will be a good point of contact
17 for us to discuss that? (b) (6), (b) (7)(C) is not a government employee to
18 the best of our knowledge so who within your office would be a
19 good POC?

20 A: (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
21 (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C)

22 Q: Perfect. So those two would be good points of contact
23 for that?

24 A: Yes.

25 Q: All right. Perfect.

1 BY (b) (6), (b) (7)(C) :

2 Q: Okay, (b) (6), (b) (7)(C) how did you get up to speed on JEDI
3 when you joined?

4 A: I had many conversations with (b) (6), (b) (7)(C) She debriefed
5 me on where we were. I read solicitation documents, evaluation
6 documents, and then I attended meetings.

7 Q: What kind of meetings?

8 A: I attended meetings with people in the Cloud Computing
9 Program Office, CCPO who is in charge of the JEDI procurement,
10 and then I attended some of the source selection meetings, the
11 SSEB presentation, the SSAC meetings, and then I think that's
12 majority of them. The SSA meetings too, but I could defined
13 those. SSCEB is Source Selection Evaluation Board. SSAC is Source
14 Selection Advisory Committee I think, not Counsel, it's one of
15 those two. And SSA is Source Selection Authority.

16 Q: So just briefly because we'll get into detail later,
17 what was your role and responsibility related to the award
18 notification?

19 A: My role was legal advisor.

20 Q: What did that entail?

21 A: I reviewed the document to make sure that it was legal.
22 There were no legal issues.

23 Q: What is your role regarding the post award debrief?

24 A: The same. Legal advisor to make sure we followed the
25 law.

1 Q: And the redactions of those documents, what were your
2 responsibilities?

3 A: The same.

4 Q: What policies and procedures do you follow regarding
5 post award debriefs?

6 A: The Federal Acquisition Regulation, the FAR.

7 Q: Anything else?

8 A: That's the big one. That's what I followed.

9 Q: Are there any WHS supplemental policies to the FAR?

10 A: The WHS is not in the DFARS, the DoD Federal
11 Acquisition Regulation Supplement. I don't believe WHS have its
12 own supplement. They do have a what's called ADS I don't recall
13 what it stands for. That's an Acquisition Directorate Supplement
14 where they have some high level policies and procedures.

15 BY (b) (6), (b) (7)(C) :

16 Q: Just to clarify you said you also followed the DFARS?

17 A: Yes.

18 Q: Okay.

19 BY (b) (6), (b) (7)(C) :

20 Q: So, are you aware DFARS 215.3 that requires following
21 the DoD source selection procedures?

22 A: Yes.

23 Q: Are you familiar with the source selection procedures?

24 A: Yes.

25 Q: How are the WHS contracting officials trained on these

1 policies?

2 A: I don't know.

3 Q: How were you trying to the policies?

4 A: Trained on the policies?

5 Q: Uh, huh [affirmative response].

6 A: I reviewed the policies on my own when I first started.
7 I reviewed the policies and I continue to use them throughout my
8 giving of legal advice.

9 Q: All right. So who made the decision to conduct a
10 written debrief versus an oral debrief?

11 A: All decisions in the procurement related matters are
12 the KO's decision.

13 Q: Were you involved in any conversations?

14 A: As counsel yes I was.

15 Q: So we have an e-mail from you to Ms. Sharon Woods on
16 October 25, 2019 that states that, "We, (b) (6), (b) (7)(C) ,
17 and myself discuss the possibility of an oral debrief weeks ago
18 and after consideration we decided against it." Can you expand on
19 that?

20 A: Sure. Debriefs can be done orally or written. Based on
21 my experience and as I said in talking with other (b) (6), (b) (7)(C)
22 we advised and the KO agreed that oral
23 debriefs were not appropriate in this circumstance, and we
24 informed Sharon Woods who's the PM at CCPO, Program Manager, of
25 that -- of our advice.

1 Q: So we understand that Sharon Woods was in favor of an
2 oral debrief. What is your opinion of her argument in favor of an
3 oral debrief?

4 A: So in answering I'm only in general talking about the
5 oral debrief. I don't remember exactly the nature of her
6 argument. My argument against oral debriefs in general are that
7 they are a bad idea, and this is mainly because of how parties in
8 procurements of this size, magnitude, and publicity the parties
9 don't tend to use it in the manner in which its intended. They
10 tried to trick the KO and the government in the saying something
11 they don't mean that they can then use against them in
12 litigation. So my experience is that written debriefs are much
13 easier to convey what we mean to convey where there's no
14 possibility of a misunderstanding.

15 Q: In that same e-mail you stated, "Our office has
16 consistently advised against conducting any oral communications
17 to include oral debriefs as it increases in litigation risks. The
18 chance for misunderstanding is high." Is this WHS' position, or
19 your position?

20 A: So this might have to have some clarity. So my office
21 we don't work for WHS. WHS is our client so saying WHS's position
22 could you clarify which do you mean? Do you mean the agency, the
23 field activity WHS or do you mean my office supporting WHS?

24 Q: OGC please.

25 A: So, it is my personal position we don't have

1 necessarily formal positions written down that might answer that,
2 but like I said I talked to (b) (6), (b) (7)(C) I talked to other people
3 within our organization and we all agreed that oral debriefings
4 are -- written debriefings are better than oral debriefings.

5 BY (b) (6), (b) (7)(C)

6 Q: So, just for clarification (b) (6), (b) (7)(C), in that same
7 e-mail you concluded saying, "This office is vehemently component
8 opposed to any oral communications with the unsuccessful offer."
9 Which office were you referring to?

10 A: OGC.

11 Q: Which OGC, DoD OGC?

12 A: WHS the DFDA, OGC.

13 BY (b) (6), (b) (7)(C) :

14 Q: So you just said that these opinions are not written
15 down so this is not a formal position for WHS OGC?

16 A: Sure. Yeah, we don't tend to have formal positions in
17 that way. This is just our standard legal advice. This is what we
18 have advise our clients since I've been here what I have advise
19 them.

20 Q: Give me just one second.

21 A: Sure.

22 Q: So we have the results of the internal review conducted
23 by (b) (6), (b) (7)(C) who
24 investigated the disclosure afterwards. (b) (6), (b) (7)(C)
25 recommended that the use of default virtual debriefings should be

1 re-examined by WHS contracting leadership. What's your opinion on
2 that?

3 A: Whether it should be re-examined?

4 Q: Yes.

5 A: I don't really have an opinion. That seems like fine
6 advice. They can re-examine if they want.

7 Q: Has WHS his OGC position on oral debriefs change since
8 that? Investigation?

9 A: So when you -- so (b)(6), (b)(7)(C) ants WHS-AD to
10 re-examine have we re-examined?

11 Q: Sure.

12 A: We thought about it and I don't think my position has
13 changed, no.

14 Q: Okay.

15 A: That said the next time we have a procurement that
16 comes up and those there is an oral debriefing this procurement
17 and what has happened here obviously so will be considered in my
18 legal opinion is now a factor that I will consider every time I
19 give legal advice, much is the same is all my advice is an
20 accumulation of experience and is one data point in my experience
21 to which I will give advice from.

22 Q: Okay. So I want to move on a little bit. Who made the
23 decision to conduct the debrief simultaneously with the
24 unsuccessful offeror notification?

25 A: The KO makes all procurement related decisions.

1 Q: Do you know when she decided that?

2 A: No.

3 Q: Do you know the reason for doing it?

4 A: Why? I can't comment on what the KO's decision-making
5 was and the reasons thereof.

6 BY (b) (6), (b) (7)(C)

7 Q: Did you advise the KO on doing the debrief
8 simultaneously or not?

9 A: I believe so, yes.

10 Q: What was your advice?

11 A: What was my - I'm sorry?

12 Q: What was your advice? What did you advise her?

13 A: I don't recall specifically. I think in general it was
14 to do the debriefings at the same time as the notification.

15 BY (b) (6), (b) (7)(C) :

16 Q: And what was your reason for that?

17 A: My general advice when conducting debriefings in
18 accordance with the FAR, DFARS and class deviation 2018.11 is
19 that the requirements are that we have to do it and it'ss best
20 for us to get out immediately. We have all the information. We
21 have the evaluations. We have everything that an offeror could
22 need and ask about in debriefings so it's better for them to have
23 all the information up front. We have nothing to hide. We have
24 good procurements. So the sooner they have that information we
25 feel that's better for the disappointed offerors as well as the

1 successful offerors.

2 Q: Do you know who made the decision that AWS would
3 receive a simultaneous debriefing but Microsoft would receive
4 their briefing upon request?

5 A: I don't know specifically but the KO makes all
6 decisions in the procurement.

7 BY (b) (6), (b) (7)(C)

8 Q: Did you advise her on this decision?

9 A: Not to my knowledge.

10 BY (b) (6), (b) (7)(C)

11 Q: Who decided what documents would be included in the
12 debrief to AWS?

13 A: The KO makes all decisions with procurement related
14 matters.

15 BY (b) (6), (b) (7)(C):

16 Q: Did you provide any advice on what documents should be
17 included as part of the debrief?

18 A: Yes.

19 Q: What was your advice?

20 A: I don't remember specifically. My advice in general
21 when giving debriefs is to give as much information as possible.
22 For example, in debriefs we generally give the full evaluation to
23 unsuccessful offerors. We try to give as much information as
24 possible in line with the FAR, DFARS, and the spirit thereof.

25 BY (b) (6), (b) (7)(C):

1 Q: When did you give her this advice?

2 A: I don't remember.

3 Q: Who decided to add the TEB reports to the debrief?

4 A: The KO makes all procurement related decisions.

5 Q: I'm sorry, can you say that again?

6 A: The KO, the Contracting Officer makes all procurement
7 related decisions.

8 Q: Did you advise her on which reports to include?

9 A: Likely, yes.

10 Q: What was your advice to her regarding the Technical
11 Evaluation Board reports?

12 A: I don't remember specifically. In general I say that
13 all disappointed offerors for example should get their full
14 technical evaluation.

15 Q: How has the debrief process for JEDI compared to other
16 major procurement that you have participated in?

17 A: What do you mean by how, was it compared?

18 Q: Is more complicated? Less complicated?

19 A: JEDI itself is more complicated. There are more factors
20 than I usually deal with. So that in itself makes it more
21 complicated, but generally speaking the process is much the same.
22 There is more paperwork for certain. There's more factors. So
23 there's more, and there's more steps. Usually we don't have three
24 layers of review after the evaluation. It's usually just one
25 layer of the Source Selection Authority. So that makes it a

1 little more complicated. So that is more in general indicative of
2 the complexity of JEDI then the debrief, but one doesn't form the
3 other.

4 Q: So, according to the timeline, the chronology that we
5 were provided, did you participate in writing that up?

6 A: I don't know what's which chronology you're speaking
7 of.

8 Q: We received a chronology --

9 BY (b) (6), (b) (7)(C):

10 Q: Of the events leading to the disclosure, on the
11 activities that occurred on the 25th October and in that
12 chronology it states that there was a list of enclosures that
13 were initially expected to be provided to the unsuccessful offer.
14 On October 9 WHS OGC included the TEBs, the Technical Evaluation
15 Boards, for the record, as part of those enclosure. Were you
16 involved in that?

17 A: What you mean by "that"?

18 Q: In the decision to add the TEB reports?

19 A: I don't remember. I assume so but I can't say for
20 certain.

21 BY (b) (6), (b) (7)(C):

22 Q: So do you remember speaking with Special Agent (b) (6), (b) (7)(C)
23 (b) (6), (b) (7)(C) on December 16th of last year?

24 A: Yes.

25 Q: We understand from their report that it was your

1 decision to include the AWS Technical Evaluation Board reports in
2 the debrief. Do remember stating that?

3 A: I don't remember stating that directly. Again, I don't
4 make any decisions with the procurement that is the KO's
5 determination. I provide advice, and likely that my advice was to
6 include the AWS TEB reports in AWS' debrief but, again it is not
7 my decision. That is the KOs decision. I don't have any authority
8 to make that decision.

9 Q: Okay. So I want to move on to the redactions. What
10 policies are you required to follow regarding the redactions of
11 those reports?

12 A: The FAR and DFARS is what we normally do and courts
13 rules that we need to generally speaking we try to provide
14 information that offerors are allowed to have and we keep out any
15 information that would be prohibited such as source selection
16 kinds of information that they are not privy to.

17 Q: So you mentioned earlier that you are aware of the DoD
18 source selection procedures.

19 A: Yes.

20 Q: So are you aware of Appendix A, the Debriefing Guide?

21 A: In general but I don't have it opened in front of me.

22 Q: So I'm just going to read you a little bit. Section
23 A.8.3, Information Not Appropriate for Disclosure states that,
24 "The names of individuals on the Source Selection Team not
25 participating in the debriefing should not be disclosed." Are you

1 aware of that?

2 A: I am now, yes from your reading.

3 Q: Were you aware of it before?

4 A: Yes.

5 Q: Okay.

6 BY (b) (6), (b) (7)(C):

7 Q: So, were you aware of this part of the source
8 selection, DoD source selection procedures when you did the
9 revisions to, I mean the redactions to the documents that were
10 going to be included as part of the debrief?

11 A: [No audible response.]

12 BY (b) (6), (b) (7)(C):

13 Q: (b) (6), (b) (7)(C), =?

14 A: Yes.

15 Q: Are you thinking, sir?

16 A: Yes, I am.

17 Q: Okay. Thank you.

18 A: Yeah, we provided legal advice on what to redact. I
19 provided it with a conversation with the other lawyers on what to
20 redact based on all of our collective experience and our
21 knowledge of policy and laws of what we could redact and what we
22 should we redact.

23 BY (b) (6), (b) (7)(C):

24 Q: All right. So to my question were you aware that under
25 DFARS, the DoD source selection procedures stated that the names

1 of the individuals in the Source Selection Team that did not
2 participate in the debrief are not allowed to be disclosed?

3 A: Again we made all of our advice based on our
4 understandings of all policies and procedures and laws when we
5 made it.

6 Q: All right. So what was the understanding on following
7 DoD source selection procedures in the DFARS?

8 A: I think I've answered that question.

9 Q: No, I don't believe so. I guess I -- let me rephrase
10 it. If the advice is to follow DFARS and the DFARS source
11 selection procedures had a requirement the advice that was
12 provided to the contracting team was not in accordance with the
13 requirements of the DoD source selection procedures. I would like
14 to understand what was the position of OGC and recommending
15 something that was not in accordance with the policy?

16 A: I'm sorry, I'm bringing up this guide so I can better
17 answer your question. It may take me a second to find what you're
18 talking about.

19 Q: Sure. (b) (6), (b) (7)(C): Do you have the page and the Section that
20 you can give him?)

21 (b) (6), (b) (7)(C): Its Page A3 of Appendix A when you get
22 there.

23 A: Thank you. So, looking at A, A33 as you stated in
24 addition to the individuals on the SST not participating in the
25 debriefings should not be disclosed. However, the names of the

1 SSA may be revealed in both offerors debriefing.

2 BY (b) (6), (b) (7)(C):

3 Q: Correct.

4 A: I cannot speak to the thoughts I had in the moment as I
5 didn't write them down. I can give you in general answers that
6 we're looking at now which is generally what I would say my
7 advice is. In this case, in JEDI there were allegations that the
8 President influenced parties of the Source Selection Team to be
9 as open and transparent as possible by, this is me talking in the
10 present, not what I said in the past. To be as transparent as
11 possible. We thought, I thought it was appropriate to have the
12 names unredacted. I don't believe that is negated by policy. I
13 don't think it's against policy it is. a recommendation that I
14 made that may not be in line with what we should do being the
15 operative word, but it is a chance, it is a choice that we made.

16 Q: So, typically when there is a deviation from a DFARS,
17 there's a waiver with that. Is there such a document or an
18 exception --

19 A: Not to my knowledge.

20 Q: So in talking to the contracting officer she stated
21 that she relied on your advice when making the -- when receiving
22 the redacted documents that she had relied on your advice that
23 you had stated that it was legally sufficient.

24 A: Okay.

25 Q: Did you make her aware of the decision that was made of

1 their deliberately releasing the name of the Source Selection
2 Team which is contrary to the requirements in the DFARS?

3 A: We don't get into details with the KO of every single
4 decision we make on the advice we give her. We give her advice
5 that she can take and ask questions as necessary.

6 Q: Who did you discuss the decision to not abide by what
7 is written in the DFARS?

8 A: That's very leading. I, the decisions on the reductions
9 was a collective decision including myself, (b) (6), (b) (7)(C)
10 as well as the WHS-AD.

11 Q: Who is that?

12 A: Who is what?

13 Q: You say the WHS? I couldn't understand what --

14 A: AD. Acquisition Directorate.

15 BY (b) (6), (b) (7)(C) :

16 Q: Who specifically within the Acquisition Directorate did
17 you speak with?

18 A: I'm sure you have e-mails. I think it's -- I'm certain
19 that's the KO's line, (b) (6), (b) (7)(C) . So the KO, (b) (6), (b) (7)(C)
20 (b) (6), (b) (7)(C) might have been there,
21 (b) (6), (b) (7)(C) , I think.

22 BY (b) (6), (b) (7)(C) :

23 Q: Right. And in all the e-mails that we have seen just to
24 be general about it most of them are either from (b) (6), (b) (7)(C) or from
25 (b) (6), (b) (7)(C) expressing their concern about releasing these names, but we

1 have not seen any explanation as to why it was okay to not follow
2 the DFARS for this particular procurement. So that's why we're
3 asking you in terms of what was the -- where's the waiver? Kind
4 of an explanation to understand why was it okay to not follow DoD
5 policy in the DFARS.

6 Q: Is that a question?

7 Q: Yeah.

8 A: I think I provided you that answer.

9 Q: Okay so just to recap there is no written document,
10 there is no waiver, there is nothing that OGC produced regarding
11 --

12 A: I'm sorry you just cut out -- I miss part of that. So
13 can you start over?

14 Q: Sure, sure. Absolutely. I just want to make sure that
15 we are understanding what you're saying that the WHS OGC, your
16 office, or yourself did not produce or request any waiver to the
17 DFARS that required the names of the individual on the SST to not
18 be disclosed. Is that accurate?

19 A: That is, I understand how you came to that conclusion.

20 Q: I'm sorry. Can you repeat that again?

21 A: I would say that your characterization seems accurate.

22 Q: All right. Thank you.

23 A: I don't know if I necessary -- okay. I'll leave it at
24 that.

25 Q: If you would like to add something for the record

1 please do so.

2 A: I don't, thank you.

3 BY (b) (6), (b) (7)(C)

4 Q: When did you become aware of the argument that there
5 would be -- that there were White House influences on the Source
6 Selection Team?

7 A: I don't know.

8 BY (b) (6), (b) (7)(C) :

9 Q: Can you give an estimated time frame on when did you
10 become aware of it?

11 A: No.

12 Q: Can you please state who told you about those
13 allegations?

14 A: I don't recall.

15 A: Can you please tell us what else who else did you
16 discuss this with? The White House allegations on source
17 selection members just to be specific.

18 A: I'm sure I spoke with (b) (6), (b) (7)(C) among others.

19 BY (b) (6), (b) (7)(C) :

20 Q: Before or after (b) (6), (b) (7)(C) left?

21 A: Both.

22 Q: Was (b) (6), (b) (7)(C) instructed not to mark the Source
23 Selection Team names for redaction?

24 A: I don't know.

25 Q: Continuing on this topic. So after the award on October

1 30th (b) (6), (b) (7)(C) sent an e-mail to (b) (6), (b) (7)(C) in which
2 you were CCed regarding the reports to be sent to Microsoft as
3 part of their written debrief. (b) (6), (b) (7)(C) wrote, "(b) (6), (b) (7)(C)
4 provided (b) (6), (b) (7)(C) with marked for redaction versions of the
5 TEB, TEP, SSAC, and SSDD reports. These documents need the
6 reductions to be finalized by (b) (6), (b) (7)(C) and we recommend that the
7 names of the TEB, SSAC, and SSA be redacted also." What was the
8 reason for reversing the decision to release the Source Selection
9 Team names to Microsoft?

10 A: As you said (b) (6), (b) (7)(C) wrote that e-mail so I can't comment
11 on what his thought process was.

12 Q: So we were told by (b) (6), (b) (7)(C) that some officials in
13 the CIOs Office were concerned about the fact that the Source
14 Selection Team names had been released. Can you elaborate on
15 that?

16 A: No.

17 Q: Are you aware of who and CIOs office was concerned?

18 A: I don't recall.

19 BY (b) (6), (b) (7)(C):

20 Q: So going back to the kind of how the events happened in
21 terms of the redactions. Why was not the documents marked for
22 redactions not delivered to the team until the day of award?

23 A: Can you say that again?

24 Q: Yeah. I mean we understand that you sent the documents,
25 the redacted documents on the day of award even though they were

1 expecting those to be provided before. Can you please explain the
2 reasoning of why the delay in providing these documents?

3 A: I don't know what you mean before.

4 Q: Before the day of award.

5 A: The documents were due? How do you know the documents
6 were due the day before award? I'm trying to parse. You seem to
7 have a multilayered question there and I'm trying to get at the
8 heart of it. So what is your assumption of the redactions were
9 due?

10 BY (b) (6), (b) (7)(C) :

11 Q: So we spoke with the PCO and Sharon woods who were both
12 expecting the reductions on the reports to have been done weeks
13 prior to the day of award, yet you didn't get the final
14 reductions to (b) (6), (b) (7)(C) until the morning of the day of award on
15 October 25. So we're asking what was, why the delay? Why did it
16 take so long?

17 A: That's almost impossible to answer just on
18 recollection. I'm sure there were other issues we had going on in
19 our office. We were still working through the actual award and
20 getting all of the ducks in a row. So I can't answer that
21 question with any other decision.

22 BY (b) (6), (b) (7)(C) :

23 Q: Did you face any issues or challenges in conducting the
24 redaction prior to the day of award?

25 A: What you mean issues and challenges?

1 Q: If there was anything in particular you had technical
2 issues? Did you have to consult with other people? Those are
3 hypothetical so I'm asking if there was anything that occurred
4 that delayed you from providing those final redacted reports
5 prior to the day of award?

6 A: It's possible, yes. I don't know for sure but that is
7 possible.

8 Q: Were you contacted by Ms. Woods or (b) (6), (b) (7)(C)
9 expressing concern about not having those redacted documents?

10 Q: I don't remember but that question being leading as I'm
11 sure you're going to tell me that they did do that. So I don't
12 recall, but it won't surprise me when you tell me they did.

13 Q: No, it was actually for awareness. I just wanted to
14 know if they ever contacted you to ask the status of these
15 redacted documents.

16 A: I mean I still don't recall but your question was
17 phrased in such a way that it was leading to you telling me
18 there's another e-mail where they did do just that. So I don't
19 recall.

20 BY (b) (6), (b) (7)(C) :

21 Q: Can you just walk me through what's the typical process
22 for WHS when redacting these reports?

23 A: What you mean by WHS? Do you mean WHS-AD or do you --

24 Q: Your office.

25 A: Okay. And again we don't work for WHS. They are merely

1 our clients.

2 BY (b) (6), (b) (7)(C) :

3 Q: Okay. So what is your office, office's process for
4 redactions?

5 A: Our office's processes to look at documents and
6 determine what information is source selection sensitive or
7 otherwise should not being available to the public or other
8 offerors. And either we take the first try in OGC or the Program
9 Office does, or WHS-AD does, and then we all confirm that we are
10 seeing the same thing and not missing anything.

11 BY (b) (6), (b) (7)(C) :

12 Q: Is the Defense Pricing and Contracting Office expected
13 to review the reports at all?

14 A: I don't know.

15 Q: So before (b) (6), (b) (7)(C) left did she discuss the reductions
16 of the reports with you? Did she give you any -- ?

17 A: I don't recall the timeline. I know we discussed
18 redacting reports, yes.

19 Q: Did she give you any specific instruction?

20 A: Instruction seems to carry probably too much weight
21 than what you're implying. I don't know. We had discussions about
22 it.

23 Q: Who made the final decision on what would and would not
24 be redacted?

25 A: The KO makes all the final procurement decision.

1 Q: But you didn't get those reports to her until the day
2 of award.

3 Q: Is that question?

4 Q: Can you confirm that you didn't get the reports to her
5 until the day of award?

6 A: That sounds right, yes.

7 Q: So I guess my question is how did you expect her on the
8 day of award to review your recommendations for redaction?

9 A: That's very pointed. That implies maliciousness that I
10 am not comfortable responding to.

11 BY (b) (6), (b) (7)(C):

12 Q: It's not necessarily maliciousness what we're trying to
13 ask. What we're trying to understand is given the documents to
14 her so late on the day of award what was, I mean was the
15 expectation at that point from your office that she will have
16 enough time to validate that everything that the Office of the
17 OGC was redacting was accurate?

18 A: I don't enjoy the implications of that question.

19 Q: Okay.

20 A: My advice is given as appropriate with so that all
21 decisions can be made. Whether or not decisions can be made in
22 the timelines someone had in their own mind of when they needed
23 when things need to happen that's the KO's ultimate decision. If
24 she did not have enough time to review as you're implying that I
25 was trying to hide something from her or something like that I

1 think that's totally false and somewhat insulting, quite
2 insulting. That's not true. We, this is a big requirement. We
3 were trying to do a lot of things on a short deadline and do
4 everything correctly. So the ultimate decision is made by the KO.
5 That's all I can tell you and if she did not have enough time to
6 review then she didn't need to do what we recommended. Our office
7 only provides advice. The KO makes the final determination.

8 Q: (b) (6), (b) (7)(C), just to clarify we are not implying like
9 (b) (6), (b) (7)(C) explained at the beginning we are factfinders and we don't
10 want to assume anything. We have to ask you pointed questions to
11 get explicit answers and we are not in a position to assume what
12 was your -- what was going through your mind that day or before
13 the award. We have to ask you those questions because that --

14 A: I was aware that you have to ask me and I'm just saying
15 I understand your role and I appreciate your role, and I respect
16 what you're doing, but you have to understand that the questions
17 you ask, the implications there are insulting and they do assume
18 certain things. I know you are factfinders and you have to
19 determine whether your assumptions are right or not but you have
20 to admit that the implications of your questions can be
21 insulting.

22 Q: We understand that. We will proceed to the next area
23 that we want to discuss unless you had something additional.

24 BY (b) (6), (b) (7)(C) :

25 Q: So we have an e-mail from (b) (6), (b) (7)(C) dated October 24,

1 2019 to you regarding his concerns that we were releasing too
2 much information in violation of FAR 15.506.e. You responded to
3 this e-mail saying, "We'll look tonight and get back to you." Did
4 you ever get back to (b) (6), (b) (7)(C) regarding his concerns?

5 A: I assume so.

6 Q: What did you discuss with him?

7 A: I don't recall

8 Q: Do you remember if you e-mailed him or had a formal
9 conversation?

10 A: No, I don't recall.

11 Q: Were you at all concerned about violating FAR 15.506?

12 A: Yeah. I mean there's that and I know it's not you
13 personally, but yeah that's another insulting question. Of course
14 I'm concerned with violating the law.

15 Q: Did you take (b) (6), (b) (7)(C) concerns seriously?

16 A: Yes.

17 Q: Was the first time that (b) (6), (b) (7)(C) had expressed his
18 concerns about FAR 15.506 to you?

19 A: I don't recall.

20 BY (b) (6), (b) (7)(C):

21 Q: Just to make sure you say you don't recall multiple
22 discussions with (b) (6), (b) (7)(C)?

23 A: No. I said I don't recall if we had other discussions.

24 Q: Okay. So you do recall the discussions about his
25 concerns with the redactions?

1 A: So I'll put it this way. I think you tried to imply
2 that we had multiple discussions specifically stating the FAR
3 provision that (b) (6), (b) (7)(C) sent in an e-mail. I will say that I
4 had multiple discussions with (b) (6), (b) (7)(C) We went back and forth about
5 what to redact and how much, and whether it actually should be
6 leading up to the award.

7 Q: When did you, I mean did you and (b) (6), (b) (7)(C) ever got to an
8 agreement?

9 A: So I am the legal advisor to WHS-AD. There is no
10 agreement as in we both have equal stakes in the outcome. I am
11 the legal advisor the procurement KO makes the final decisions on
12 all procurement related matters.

13 (b) (6), (b) (7)(C): Stand by please.

14 BY (b) (6), (b) (7)(C):

15 Q: So I want to kind of go to the e-mail that you sent
16 responding to Mr. Sanders on November 6th. He asked, "Was it our
17 intention to leave the names unredacted?" And in your response
18 back to him and I quote, it says, "It was my intention to leave
19 the names of the evaluators unredacted. I do not recall any
20 objection to this aspect of the redactions from the PM." And you
21 further state that, "We did not redact the names because there
22 was no reason to redact." Can you elaborate on what you meant by
23 that?

24 A: No.

25 Q: So when you state that there was no reason to redact,

1 even though there was a source selection document that states
2 that those documents needed to be redacted, what was your answer
3 to the Director of AD saying that there was no reason to redact?

4 A: That answer is my answer.

5 BY (b) (6), (b) (7)(C) :

6 Q: Do you recall if anybody else responded to Mr. Sanders
7 on that e-mail?

8 A: I don't recall.

9 BY (b) (6), (b) (7)(C) :

10 Q: So, earlier you mentioned that one of the reasons that
11 you decided to leave the names unredacted was because of the
12 White House influence. But at no point in your e-mail to the
13 Director of AD do you explained that rational. Is there a reason
14 for that?

15 A: My answer previously as I mentioned was my present
16 impression. It was not my impression at that time.

17 Q: Okay. So, this was your impression now not at the time
18 that the redactions occurred?

19 A: No, that is -- as I was saying I don't recall reasons
20 when I sent the e-mail. I don't remember in specificity enough to
21 answer your question, but I said, "This is one of the things we
22 would have looked at."

23 BY (b) (6), (b) (7)(C) :

24 Q: So in that e-mail you state that you don't recall any
25 objection from the PM. Did you discuss the release of the Source

1 Selection Team names with Ms. Woods?

2 A: That is the implication of the e-mail. I don't have any
3 knowledge outside of that.

4 BY (b) (6), (b) (7)(C) :

5 Q: Is that what you were implying in the e-mail that you
6 had discussed it?

7 A: That is -- that is the inference I would make on
8 reading that e-mail.

9 Q: But you were the author of the e-mail, so what did you
10 mean?

11 A: You're right I was.

12 Q: So what did you mean, sir?

13 A: I think the e-mail speaks for itself.

14 BY (b) (6), (b) (7)(C) :

15 Q: Did you consider any other reasons for protecting the
16 Source Selection Team names beside undue influence?

17 A: Can you repeat the question? I think you might have it
18 backwards?

19 Q: Did you consider any other reasons for protecting the
20 Source Selection Team names other than, according to your e-mail,
21 protecting them against undue influence direct to the Source
22 Selection Team?

23 A: I don't.

24 Q: So, I want to move onto assembling the debrief
25 documents.

1 A: Okay.

2 Q: What instruction did you give (b) (6), (b) (7)(C) regarding
3 inclusion of the Technical Evaluation Board reports?

4 A: I don't recall. Generally speaking our instruction on
5 debriefs are to include, for example the unsuccessful offerors.
6 We have offeror ABC. We instruct that ABC Company's technical
7 evaluations are submitted to them. They get their own, and we
8 often say we have a best value determination document that
9 includes both offeror's information. If we're giving it to ABC
10 Company we redact XYZ Company's information so that no SSI is
11 disclosed.

12 Q: So, did you tell (b) (6), (b) (7)(C) to include AWS' TEB
13 reports?

14 A: That is too broad of a question. I don't have exactly
15 what I told him in front of me. I would have told him consistent
16 with what I tell all my clients that for example if we use this
17 case that Amazon should receive Amazon's TEB reports.

18 Q: So you said you don't have it in front of you. Did you
19 e-mail it to him? Did you e-mail the instructions?

20 A: I don't know. I don't have it in front of me.

21 Q: What would you have in front of you?

22 A: My computer with my Outlook. I don't have the e-mail in
23 front of me. I am not looking at the e-mail that I sent him, and
24 I haven't looked for it to confirm.

25 Q: Okay. Were there any follow-up conversations with (b) (6),
(b) (7)(C)

1 (b)(6), (b)
7(C) about what should be included in the debrief documents?

2 A: I don't know. That assumes that there was an original
3 e-mail and we didn't just speak on the phone, but I can't recall.

4 Q: Were you aware of the folder that (b)(6), (b)(7)(C) created on
5 the Google Drive titled "Unsuccessful Offeror Notification
6 Debriefing?"

7 A: I don't recall.

8 Q: Do you have access to the Google Drive?

9 A: Yes.

10 Q: Did you ever access that folder?

11 A: I don't recall.

12 Q: At any time prior to October 25th did you review the
13 documents that (b)(6), (b)(7)(C) had assembled as part of the debrief?

14 A: So (b)(6), (b)(7)(C) and I went back and forth on redactions
15 specifically on the SSEB report, SSAC report, and SSDD, the
16 Source Selection, I forget what the Ds are. Decision
17 determination or something like that. So, we reviewed those. It's
18 my recollection that (b)(6), (b)(7)(C) was to send me a ghost e-mail, or
19 send me among others a ghost e-mail if you will, an e-mail not to
20 AWS that included all of AWS' the unsuccessful letter, the
21 unsuccessful e-mails, and all the attachments. While I received
22 that ghost e-mail it did not have any attachments thereto. So, I
23 was unable to review what would be provided to AWS before it went
24 out.

25 Q: Do you remember what time of the day you received that

1 ghost e-mail?

2 A: No.

3 Q: So I want to move onto award day. Do you know who
4 decided that the award would be announced at 4:45 on October
5 25th, and why that day in particular?

6 A: The procurement KO makes all determinations. My
7 understanding was it was going to happen on that day because that
8 is the first day we were able to award.

9 Q: We have an e-mail to Sharon Woods explaining the
10 rational for awarding on -- before October 28th from Mr. Sanders.
11 Mr. Sanders wrote, (b) (5)

12 (b) (5)

13

14 (b) (5) an you elaborate on that?

15 A: No.

16 (b) (6), (b) (7)(C): I don't think he knows this is from him.

17 (b) (6), (b) (7)(C): I think that's an error.

18 BY (b) (6), (b) (7)(C):

19 Q: Can you walk us through the events of October 25th
20 specifically your actions and what you're responsibilities were
21 that day?

22 A: Not with any specificity. Not off the top of my head. I
23 can look at my calendar right now. It looks like I had a meeting
24 at 11:30 to 12:30, and then nothing on my calendar. I know the
25 afternoon I was in my office by myself of that day. I was

1 anticipating the, an e-mail saying we had awarded and so that I
2 could tell DOJ specifically (b)(6), (b)(7) who's handling the Oracle
3 protest, and now appeal that we had awarded. So for his use that
4 protest he would know when we awarded. I didn't get that go ahead
5 and I was hesitant to tell (b)(6), I think after what I had assumed
6 an award had been made. So, it was later than I expected to make
7 that but I was generally speaking, in my office the whole day all
8 day.

9 Q: So you were not in the CCPO office or with (b)(6), (b)(7)(C)

10 A: No.

11 Q: Was that the only thing you needed to do that day
12 regarding the award was e-mail DOJ?

13 A: To the best of my recollection that is the only thing.
14 I think I told (b)(6), (b)(7)(C) too but that's more of a nicety than a
15 requirement.

16 Q: Is there any reason that you didn't feel the need to be
17 in the CCPO Office that day?

18 A: I'm just the legal advisor. It's their procurement. If
19 they needed me they had my phone number, but it would be me just
20 standing around not doing anything if I was in the CCPO Office,
21 and I had other tasks and other procurements that I, legal advice
22 I needed to give. So it would have been a waste of my time.

23 Q: Were you aware of the technical issues that were going
24 on in CCPO Office that day?

25 A: I think only subsequently.

1 Q: So (b) (6), (b) (7)(C) never notified you that they were having
2 issues?

3 A: Not to my knowledge but she may have.

4 Q: So according to the chronology that we were provided
5 (b)(6), sent a slack message stating, "A lawyer needs to call into
6 CCPO." And you offered to call in. What is (b) (6), (b) (7)(C) tell you at
7 that time?

8 A: I don't recall.

9 (b) (6), (b) (7)(C) : Do you have anything?

10 (b) (6), (b) (7)(C) : No, I'll wait for the end.

11 BY (b) (6), (b) (7)(C) :

12 Q: So after award can you walk us through the events
13 after receiving AWS' post-award enhanced debrief questions?

14 A: I'm afraid I'm not going to have the kind of
15 specificity. I know we receive them. We reviewed them. I don't
16 know who but the questions were to the best of our abilities
17 played out among the factor chairs so that we can get high-level
18 answers to them as much as possible and see what we could answer,
19 what was appropriate to answer, and then we discussed how to
20 answer them, and then eventually we got down to a document that I
21 believe (b) (6), (b) (7)(C) sent back to Amazon within the timelines
22 of cross deviation.

23 Q: Were you on the phone call that Sharon Woods had
24 organized to discuss the debrief questions on the day that they
25 were received?

1 A: I don't recall. It sounds likely but I don't recall.

2 Q: Do not remember who identified that Microsoft, or I'm
3 sorry that AWS must have Microsoft proprietary information?

4 A: Oh yeah. Okay. I was on this call. I don't remember
5 exactly. It may, I don't know who said that. I just remember it
6 was (b) (6), (b) (7)(C) who confirmed that Amazon did in fact have
7 Microsoft's information.

8 Q: Who notified Microsoft?

9 A: Of what?

10 Q: Of the disclosure.

11 A: I believe I did.

12 Q: Were you -- did Ms. Woods participate in that call?

13 A: Oh, you're talking about phone call, okay. I did not, I
14 wrote a letter to Microsoft I believe it must have been -- I did
15 not participate on a phone call with Microsoft. It must have been
16 just Ms. Woods. I'm sorry that first question was ambiguous.

17 Q: So regarding the phone call that Ms. Woods had with
18 Microsoft, did she consult with you before making the phone call?

19 A: I don't recall.

20 Q: Do you know if she had any subsequent conversations
21 with Microsoft?

22 A: I think that question is overbroad. Microsoft is the
23 awardee on JEDI and they had been working --

24 Q: Regarding disclosures specifically.

25 A: I don't know.

1 Q: So Ms. Woods told us that there was a meeting with
2 senior leadership, DoD senior leadership to discuss the
3 disclosure. She stated that, "Senior leaders including Ms. Lord
4 agreed that there should have been an oral debrief. Did you
5 participate in that meeting?

6 A: No.

7 Q: What corrective actions have been taken within WHS OGC
8 since the disclosure if any?

9 A: That sounds like you're implying that corrective
10 actions within OGC on OGC's conduct. Do you mean that or do you
11 mean corrective actions on the procurement to mitigate the effect
12 of the disclosure?

13 BY (b) (6), (b) (7)(C):

14 Q: If any actions have been taken as a result of what
15 occurred with Amazon and Microsoft. We're not implying anything
16 was right or wrong. We're were just asking if any actions changes
17 in procedure any action has happened since then? If nothing
18 happened in the answer is no.

19 A: Okay. We wrote to Amazon to tell them of the
20 inadvertent disclosure. We had a couple of asks including telling
21 us every single person who received that disclosure and asking
22 Amazon to ensure that all that information is deleted and not
23 used ever again by Amazon and they have come back and they
24 confirmed that they had a list of 72 some odd names of people
25 who received the inadvertent disclosure. I realized that name,

1 that list was incomplete so we went back and asked Amazon to
2 confirm the completeness. They added an additional name and I
3 believe we've had letters from Microsoft asking us to do a bit
4 more.

5 BY (b) (6), (b) (7)(C) :

6 Q: So regarding this list of names I have two versions.
7 One with 69 names on it and one with 71 names on it. Is 71
8 complete, or is it 71 plus one?

9 A: I don't know. I'm trying to remember that guy's name.
10 There's one particular name that the original e-mail that had the
11 Microsoft reports went to four people and on its original list
12 only listed three of those people. So the fourth person on the
13 e-mail I think the guys name started with (b) (6), (b) (7)(C) Last name with a
14 (b) (6). If that's on the list then that is a complete one.

15 BY (b) (6), (b) (7)(C) :

16 Q: We just put it as a due out (b) (6), (b) (7)(C). If you could
17 find, identify the latest list and provide us that. You can send
18 it to (b) (6), (b) (7)(C)

19 A: Sure.

20 Q: Thank you.

21 BY (b) (6), (b) (7)(C) :

22 Q: Did you write a formal letter to Microsoft or was it
23 just a phone call and an e-mail? Is there a letter on letterhead
24 is my question?

25 A: Yes.

1 Q: Could you provide that as well?

2 A: Sure. Can you provide me a list of everything you need
3 for me?

4 Q: Yeah, I'll send you an e-mail. But I'm specifically
5 asking was there a formal letter on letterhead to Microsoft
6 regarding the disclosure or notifying them of this disclosure? I
7 have an e-mail. I was just wondering if there was a letter.

8 A: I don't recall specifically. I think there was. I think
9 we tried to do as much as possible. Again either (b) (6), (b) (7)(C) or
10 (b) (6), (b) (7)(C) is the one person that Amazon forgot to include in its
11 original list of people who received the document.

12 Q: Okay. So we have a letter from (b) (6), (b) (7)(C)
13 Microsoft's outside counsel to, a letter to AWS dated December 3
14 in which (b) (6), (b) (7)(C) states that, "The Microsoft reports and SSI
15 contain and represent Microsoft's trade secrets and confidential
16 proprietary and competition sensitive business and technical
17 information." Do you agree with that statement?

18 A: I don't know enough about Microsoft internal
19 procedures. I take (b) (6), (b) (7)(C) at his word.

20 Q: We also have a letter from Microsoft to you dated
21 December 3. In the letter Microsoft states that, "It has
22 conducted analysis of the extent to which information from the
23 Microsoft reports and source selection information can be used
24 against Microsoft in the JEDI procurement should there be a
25 re-compete and in other federal procurements. We request an

1 opportunity debrief your office on these impacts." Did you accept
2 Microsoft's offer for briefing?

3 A: Not yet.

4 Q: Not yet?

5 A: Not yet.

6 Q: Do you intend to?

7 A: The decision has not been made.

8 BY (b) (6), (b) (7)(C) :

9 Q: Who's responsible for making that decision?

10 A: I don't know.

11 BY (b) (6), (b) (7)(C)

12 Q: So in that letter Microsoft also provides four pages of
13 suggested requests and questions for Amazon. Has WHS OGC or
14 anyone else made these suggested requests for question?

15 A: Not yet.

16 Q: Can you say that again?

17 A: Not yet.

18 BY (b) (6), (b) (7)(C) :

19 Q: So who will be the decision making authority for the
20 acceptance of the briefing or the acceptance of the questions?

21 A: I don't know.

22 Q: Who would know?

23 A: I don't know.

24 Q: All right. Perhaps you could help us a little bit here
25 because when we started you said you are (b)(6), (b)(7)(C) .

1 A: Sure.

2 Q: Right? So, if you're not in the position to make the
3 decision who is then?

4 A: I think it's a decision that needed to be made by a lot
5 of people. I don't know who the ultimate person who will end up
6 making the decision. I need to collect advice from my superiors
7 and people within DOD, I'll call it big OGC.

8 Q: Okay. Who has been involved in the discussion about
9 this from your office or from DoD OGC?

10 A: I discussed this with, and this list is not exhaustive.
11 It's to the best of my knowledge. I know I discussed it with (b) (6), (b) (7)(C)
12 (b) (6), (b) (7)(C) (b)(6), (b) of this office, and (b) (6), (b) (7)(C).
13 (b) (6), (b) (7)(C).

14 Q: Okay. Do you have any --

15 A: It would be --

16 Q: I'm sorry, yeah.

17 A: No, go ahead.

18 Q: I was just going to ask, do you know when this decision
19 is expected to be made?

20 A: No, I don't. And to your earlier question about whether
21 or not we had a formal letter to Microsoft telling them of the
22 issues, I don't think it's a formal letter. I see an e-mail that
23 I sent to our contact at Microsoft on October 30th, 4:44.

24 BY (b) (6), (b) (7)(C) :

25 Q: Has WHS OGC or anyone else responded to either of these

1 December 3rd letters?

2 A: Not to my knowledge.

3 Q: Is there an expectation to respond?

4 A: If you're Microsoft I'm sure there is.

5 Q: Is there a plan to respond?

6 A: Yes. Well, there's a plan to have a plan to respond.

7 There's nothing formal. It's just one of those things I know I
8 have to do, but there's nothing formal of when.

9 Q: Has Microsoft taken any action against DoD as a result
10 of the disclosure?

11 A: Not to my knowledge.

12 Q: Have they taken any action against AWS?

13 A: Not to my knowledge.

14 BY (b) (6), (b) (7)(C) :

15 Q: Do you have anything else? BY (b) (6), (b) (7)(C) :

16 A: No. Just finish your questions.

17 BY (b) (6), (b) (7)(C) :

18 Q: So on the first page of the AWS protest as a footnote
19 that says, "The defendant has represented that DoD will not
20 proceed with performance of the JEDI contract beyond initial
21 preparatory activities until at least February 11, 2020." Who was
22 involved in that decision?

23 A: I don't recall.

24 Q: Do you know what the basis of the decision was?

25 A: I can't speak to the decision itself. I can speak to

1 why that date and I think that is the date that CCPO said that
2 they would be able to. That is the first date they just went a
3 large which they have done. That's first date that they could
4 actually start with, I don't know what's the right word,
5 Migrating people to JEDI. That people could start placing task
6 orders on JEDI.

7 Q: Okay.

8 A: We don't necessarily always agree Amazon's phrasing of
9 agreements or anything. There is not a "you give us something we
10 give you something." This is what specifically what we told the
11 parties. This is a date and they went from there.

12 Q: Are you saying that AWS implied?

13 A: I'm saying in other filings AWS has made they imply
14 there's been an agreement, a meeting of the minds between AWS and
15 DoD. There's not been agreement. DoD has a position, and that is
16 February 11 is the first day we can place task orders on JEDI.
17 Amazon had no bearing on that date.

18 Q: Okay. But there was -- so you're saying there was no
19 actual conversation with AWS or agreement with AWS about not
20 filing an injunction?

21 A: So we told AWS that that is the first day we know live.
22 They chose to take that how they took it and I think they took a
23 very self-servingly to bring it as a -- that we agreed to stay.
24 That is not what happened. I think they're disingenuous in some
25 of their filing.

1 BY (b) (6), (b) (7)(C) :

2 Q: So what you're stating is that AWS misrepresented DoD's
3 position with that statement then?

4 A: I think they were mistaken, yes. And on this I don't
5 mean just this footnote, I mean holistically in all of their
6 filings, what they put forth. They seem to imply that we had an
7 agreement and now we are backing off that agreement. What I am
8 saying is from the beginning we have said that we can't place
9 task orders until February 11 and that is when we first will
10 start placing task orders. It's been a one-sided conversation.

11 BY (b) (6), (b) (7)(C) :

12 Q: I just had two questions and I apologize it's going
13 back to almost beginning of the interview. Just to get an idea
14 you said you started working at that office in November 2016,
15 correct?

16 A: Yes.

17 Q: And I'm not asking for specific number but ballpark how
18 many debrief documents have you reviewed? Like for how many
19 procurements? Not page by page let me state that.

20 A: Yeah, I know. Dozens.

21 Q: Dozens?

22 A: Yes.

23 Q: Oh, okay. I can barely hear you I'm sorry.

24 BY (b) (6), (b) (7)(C) :

25 Q: Dozens of documents or dozens of procurements?

1 A: I thought we were talking about procurements. I thought
2 that's what you said.

3 Q: Yeah, yeah. I just wanted to, I'm sorry, I needed
4 clarification.

5 BY (b) (6), (b) (7)(C)

6 Q: Generally when do you, the reduction process is always
7 like this? Like it went for JEDI like it was back and forth
8 between the contracting team and the OGC? And generally when do
9 you try to get these documents back to the Contracting Officer or
10 the Contracting Team? I'm just trying to get, let me preface
11 that.

12 A: Yeah.

13 Q: I'm just trying to get an idea of what a normal
14 procedure looks for you guys.

15 A: Sure. So is this redaction process different than what
16 we do normally or on other ones? That's hard to say. Generally
17 speaking, yes. It is. Broad strokes the same, obviously this
18 being JEDI and a more complex procurement the redaction process
19 was more complex and more time-consuming. So you could say it's
20 different in that regard, but generally speaking it's what we
21 usually do. As for what we do and how much time we provide that
22 sort of thing we have always told AD, WHS-AD that is, the
23 Acquisition Directorate on, and I'm speaking on all procurements
24 that anything they want our legal advice on we need at least a
25 week to look at it. Obviously that is impossible for high, quick

1 turnarounds and stuff that is urgent, and compelling, and that
2 sort of thing, and we try to accommodate quick turnarounds much
3 as possible to give people the documents, legal sufficiency by
4 the time they need them done. So, it's hard to say, how much
5 time we normally get with redaction. AD under Mr. Sanders has
6 been very slow and they file a lot of things at the last minute.
7 They wait until things are very urgent to get them done which
8 creates urgency for us to turn around things quickly, that would
9 have been endemic in his Acquisition Directorate.

10 Q: I appreciate the perspective, Sir. It's very helpful.
11 Have one last question if that's okay.

12 A: Sure.

13 Q: This morning I wanted to clarify, when you talked to
14 our criminal investigator asked you a question related to 18 USC,
15 and whether you thought that 18 USC statute was applicable to
16 this incident, and I guess my question is, when Microsoft asserts
17 in their letter that there were trade secrets in the documents
18 that were mistakenly released to AWS. What was your -- what was
19 your understanding of 18 U.S.C. applying to this particular
20 incident?

21 A: You're going to have to give me a section to go to
22 because Title 18 is very broad.

23 Q: Sure. It was section, I'm sorry.

24 BY (b) (6), (b) (7)(C) :

25 Q: So the investigators asked you about 18, U.S.C. 1832.

1 Theft of Trade Secrets.

2 (b) (6), (b) (7)(C): Right, but I was asking about that. I was
3 asking about the one --.

4 BY (b) (6), (b) (7)(C):

5 Q: And we're interested on 1905, Disclosure of
6 Confidential Information. 18 U.S.C. 1905.

7 A: Okay.

8 Q: And I, yeah.

9 A: I have it up right now I'm reading it.

10 Q: That's okay.

11 A: So it is my recollection that my discussion with (b) (6), (b) (7)(C)
12 (b) (6), (b) (7)(C), was that it was their opinion that there had
13 been no criminal law broken.

14 Q: Okay so what you're saying is that our agents stated
15 that there was no criminal law broken. Is that was you said?

16 A: Yes.

17 Q: Okay. I guess our question is, what was your take --
18 what is your take on 18 U.S.C. 1905 related to the disclosure of
19 confidential information?

20 A: I don't have a--

21 Q: And it's applicability to this particular incident
22 where we having Microsoft saying that there were trade secrets
23 included in the information that was released.

24 A: I don't have enough information in front of me just
25 reading to have an opinion on that.

1 Q: Alright. Has it been discussed within your office at
all?

2 A: Has this?

A: The 18 U.S.C. 1905 in relation to the disclosure?

3 A: I can't recall.

Q: Okay. Thank you. I don't have anything else.

4 BY (b) (6), (b) (7)(C) :

Q: Is there any additional information you'd like to
5 provide to us?

A: Not this time, no.

6 Q: Who else should we talk to and why?

A: I don't know who you have talked to so that's hard for
7 me. My understanding is you've talk to pretty much everybody. So
aside, I think there is one thing you wanted to confirm with me
8 and maybe (b) (6), (b) (7)(C) can confirm I believe it
was related to (b) (6), (b) (7)(C) employment as a special
9 government something or other consultant. They are the better
ones to talk on that. Otherwise I don't know who you talk to and
10 what you talked about so that's almost impossible for me to
answer.

11 Q: Do you have any questions for us?

A: When do you think you will finish your investigation?

12 Q: That all depends and we are not at liberty to tell you
when it will be complete. It just depends on the information that
13 we find to make these conclusions.

A: Okay.

14 Q: And do you have any comments or concerns about the way
we did conducted the interview with you today?

15 A: No not that I haven't already expressed. I know it's
not you guys personally, but some of the questions are very
16 pointed and it may be necessary, but it is what it is.

(b) (6), (b) (7)(C): And if you remember anything that you believe
17 may be relevant to our investigation you can contact me. Finally,
in order to protect the integrity of this investigation we ask
18 that you do not discuss the matters under investigation with
anyone other than your personal attorney should you choose to
19 consult with one. This does not apply to or restrict you of your
right to contact an IG or a Member of Congress. If anyone asks
20 you about your testimony or about the investigation please inform
them that the DoD OIG has asked you not to discuss the matter,
21 and if anyone persists in asking you about your testimony or
about the investigation, or if you feel threatened in any manner
22 because you provided testimony please contact me. The time is now

23 12:37 this concludes our interview.

24 [The interview terminated at 12:37 p.m., January 27, 2020.]

25 [END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

(b) (6), (b) (7)(C)

October 29, 2019

ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is October 29, 2019, and the time is
3 now 1006, as you were, 1306 Eastern Standard Time. It is 10:06
4 Pacific Time. I am (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C) We are
6 interviewing the witness, (b) (6), (b) (7)(C), who is located in San
7 Francisco. We are located at the Mark Center in Alexandria,
8 Virginia. We are conducting this interview as part of our review
9 of the JEDI Cloud Procurement. Specifically our review pertains
10 to several former DoD official's involvement in the JEDI Cloud
11 Procurement and whether their activities violated any ethics or
12 conflicts of interest standards. These DoD officials include:
13 Former Secretary of Defense, James Mattis; former Special
14 Assistant to the Secretary of Defense, Ms. Sally Donnelly; former
15 Chief of Staff to the Deputy Secretary of Defense, Mr. Anthony
16 DeMartino; former Cost Assessment and Program Evaluation, Mr.
17 Robert Daigle; former Deputy Assistant Secretary of the Navy for
18 Command, Control, Communications, Communications, Intelligence,
19 Information, Operations, and Space, Mr. Victor Gavin; and former
20 DDS Product Manager, Mr. Deap Ubhi. At this time, I ask that you
21 to acknowledge this interview is being recorded.

22 (b) (6), (b) (7)(C): Yep.

23 (b) (6), (b) (7)(C): Please acknowledge that I previously provided
24 you a copy of the DoD OIG Privacy Act Notice.

25 (b) (6), (b) (7)(C): Yep, I have it.

1 (b) (6), (b) (7)(C): Please raise your right hand and I'll
2 administer the oath.

3 (b) (6), (b) (7)(C): Okay.

4 (b) (6), (b) (7)(C)

5 was called as a witness, placed under oath, and provided the
6 following testimony:

7 E X A M I N A T I O N

8 BY (b) (6), (b) (7)(C)

9 Q: Please state your name and spell your last name please.

10 A: My name is (b) (6), (b) (7)(C). Last name is (b) (6), (b) (7)(C).

11 Q: Please tell me about your current position and
12 organization.

13 A: I am a (b) (6), (b) (7)(C) for the Defense Digital Service,
14 DDS. I have been a part of DDS since May of 2017, and I am
15 currently working on the Hack the Pentagon Program for DDS.

16 Q: Describe your primary duties and responsibilities as a
17 (b) (6), (b) (7)(C) for DDS.

18 A: So it depends on the nature of the project. As a
19 (b) (6), (b) (7)(C) I am responsible for basically it's helping to
20 establish a division of a product, helping establish the
21 requirements for product, taking input from the user research
22 that we do with our Design Team and Engineering Team to then
23 develop requirements which are then used to develop products or,
24 if we're working with a vendor, pass it on to a vendor to develop
25 the product, and then also responsible for sort of managing the

1 day-to-day development of that product and meeting the results
2 that have been established, or the objectives that had been
3 established for at the end of the products, or the end of the
4 projects.

5 Q: Can you describe your duties and responsibilities with
6 DDS as Product Manager from May of 2017 working with the JEDI
7 Cloud procurement?

8 A: Yeah. So I did not, was not working on JEDI Cloud
9 procurement in May. I was initially working on the Defense Travel
10 System, DTS. It was towards sometimes in October of 2017, if I
11 have my dates correct, I believe I do, it's somewhere in October
12 2017, I was asked to, if I would like to join the JEDI effort
13 because my work, my support might be needed for it, and so that,
14 so pretty much towards the last, I think it was either the last
15 week in October or the beginning of November and after I had
16 talked to Deap Ubhi briefly, and then talked to Sharon Woods that
17 I agreed to specifically, help write the business case for JEDI,
18 and that was the scope of it. I was not part of the initial
19 research that was done, and I was not part of the procurement
20 effort afterwards. I just wrote the business case.

21 Q: Who asked you to become a member on the JEDI Team?

22 A: So initially, the first conversation actually came from
23 Deap Ubhi who had casually mentioned to me and asked me if I was
24 interested in joining the JEDI Cloud procurement effort, and I
25 was not interested at the time because I felt that maybe it was

1 -- I was involved in the Defense Travel System, but later he
2 asked me again saying that he might have to step away from the
3 project, and then really DDS needed a product manager to help
4 meet this procurement, and, that's when I sort of -- that's not
5 the conversation. I don't remember the exact date. So, I said to
6 him that I would talk to Sharon about it was in D.C. next, which
7 I did, and when I talked to Sharon Woods basically because I did
8 not want to get involved in any extended drawn out procurement
9 effort like something this big, I basically agreed with Sharon
10 that my role would only be to develop the business case. And so I
11 met with Sharon Woods in D.C. at the Pentagon. We agreed that
12 would be what I would do, and sometime in November is when I
13 actually started working on the business case.

14 Q: Do you remember recall when Mr. Ubhi first asked you to
15 join the JEDI Team? How many months before November 2017?

16 A: Oh, it was weeks. It was sometime in October, like
17 mid-October maybe but not earlier than that.

18 Q: Can you describe for us the composition of the DDS
19 Office prior to the SECDEF's accelerating the cloud initiative
20 which is September 13, 2017?

21 A: The composition of the DDS Team?

22 A: Yes. Just the makeup of the office, what positions were
23 there at the time?

24 A: We had Chris Lynch who was our Director of DDS. (b) (6), (b) (7)(C)
25 (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C). We had Sharon Woods who was

1 Counsel at the time, and then we had a mix of product managers,
2 designers, engineers, and strategy operation folks, and a couple
3 of admin people, admin support people.

4 Q: So, at that time was a project manager assigned within
5 DDS? And this would be --

6 A: To JEDI?

7 Q: Well, this would be before JEDI. September 13, from May
8 through September 13, 2017.

9 A: Well, so the product managers generally also end up
10 being the for project managers. There was no -- we don't have a
11 specific separable for project managers. So, the project managers
12 kind of serve in the dual role. Sometimes people involved in the
13 strategy operation's role also become project managers. We're a
14 pretty fluid office and so as a small team that has a lot of
15 projects going we can step into multiple roles as needed. So,
16 there was no like a specific project manager. Our Director and
17 Deputy Director basically worked with the team to manage project.

18 Q: Okay. Can you describe for us your involvement in the
19 JEDI Cloud procurement? You mentioned that you wrote the business
20 case analysis for JEDI, but did you do anything else?

21 A: I did not.

22 Q: Okay. And that was at the request of Ms. Woods and Mr.
23 Ubhi or the request for Mr. Ubhi was just for you to join the
24 team?

25 A: The request for Mr. Ubhi was to just join the team, and

1 maybe step in as role of product manager that he was doing, but
2 my response back to -- well my response to him was, I don't think
3 so essentially, and then when I talked to Sharon and realized
4 that there really was a need within the DDS Team to support an
5 effort what I, in my conversation with Sharon Woods that the
6 business case was a priority and was something that really needed
7 to support. So, I specifically agreed to just do that in my
8 conversation with her and that's what I agreed to do and yeah.

9 Q: Are you still involved in the JEDI Cloud procurement in
10 any way?

11 A: No. I was not involved in the procurement in any way
12 beyond writing the business case. I was also, being in San
13 Francisco like I was also potentially kind of, for the most part
14 I did travel to D.C. maybe once a month on average. Mostly with
15 my efforts on the Defense Travel System, but when I was writing
16 the business case between November and I think it was November
17 2017 into April, I want to say of 2018, most of my time was in
18 San Francisco. So I was really just focused on writing the
19 business case. I was not involved in any conversations or
20 meetings that were happening at the Pentagon at the time, and I
21 was not really involved in any procurement after the business
22 case was completed.

23 Q: What can you tell us about Mr. Deep Ubhi as it relates
24 to his role within DDS?

25 A: Well, what I know is that he was at DDS before I

1 started because he was also here in Northern California when I
2 first joined, or I was thinking about joining DDS Chris Lynch our
3 Director said talk to Deap about just what the role involves and
4 how the travel can be, and if this would be doable or not. I did,
5 and after my conversations with Chris and Deap about the fact
6 that a remote roll like this could work. I agreed to join DDS. We
7 didn't really have much interaction for most of the time. I
8 understand that he was involved in various projects at DDS, but
9 we did not intersect really in those roles and all, and really I
10 only became aware of his involvement I think maybe through like
11 team standup meetings or something around September October, and
12 my first real engagement with him on the project came around when
13 we had this conversation about me joining JEDI.

14 Q: Okay. Do you know what type of projects Mr. Ubhi worked
15 on?

16 A: Prior to that?

17 Q: Yes. Prior to JEDI.

18 A: I do not remember. Yeah, I do not remember. I don't
19 know, it seems like he was involved in several projects, but I
20 couldn't really keep track of that.

21 Q: Do you know if he was involved in the Army MIRS
22 project?

23 A: I don't recall. I don't remember if I -- like if that
24 had come up in any of the team meetings, but nothing comes to
25 mind.

1 Q: Do you know who selected Mr. Ubhi to become a member of
2 the JEDI Cloud Team?

3 A: I do not. I do not.

4 Q: Okay. So, you filled out and signed a form for us that
5 we asked you to describe the role that Mr. Deap Ubhi played in
6 the procurement activities. On the form you indicated that Mr.
7 Ubhi's role in the problem statement was that he attended
8 meetings and conducted research. Can you please explain that in
9 more length?

10 A: Yeah. So, when I took over the business case I was told
11 by Sharon Woods that Deap Ubhi had started a document, and since
12 I, at that point I'd become aware that he was involved in the
13 JEDI effort. I assumed since he had started the problem statement
14 that he was involved in some initial meetings within DDS, and
15 that he had done some research into actually writing the problem
16 -- the initial part of the problem statement. However, when I dug
17 into what the workload that he had done I think it was maybe a
18 one, no, it was maybe like a roughly two page document, plus or
19 minus where he had sort of quote unquote "started the business
20 case," but it was really a very general document with some
21 background info, and some fairly broad language to describing
22 what the potential needs within DoD might be for cloud -- for
23 commercial cloud system, or commercial cloud capability and it
24 wasn't very useful in my mind. There were some useful language
25 there specifically that I -- so we come from commercial industry.

1 So, using words like warfighter and tactical edge, and things
2 like that are not really in my vocabulary to start with, but I
3 found the document useful in terms of starting to understand sort
4 of like what the language was that was being used in that sense
5 like within the DoD, how you refer to these things. So I used the
6 document to understand that, but essentially the business case
7 that I wrote, really started from scratch basically, based upon
8 some initial -- based upon that initial document that Deap did,
9 but we started a whole new document and that was the work that
10 was done.

11 BY (b) (6), (b) (7)(C) :

12 Q: When you, this is (b) (6), (b) (7)(C), when you say initial
13 document that Deap did, are you talking about the draft problem
14 statement?

15 A: Yeah.

16 Q: I noticed the BCA includes a problem statement, does it
17 not?

18 A: It does. Yeah.

19 Q: Okay, how much of the -- we have a copy of the BCA, how
20 much of the problem statement that we see in that approved BCA
21 reflects the inputs that Mr. Ubhi gave to you?

22 A: So I haven't actually compared the two documents
23 side-by-side. It was like I said sort of, I looked at his
24 document. I'm pretty sure I pulled a couple of things off of it
25 and then the rest of it was all done by me.

1 Q: Okay.

2 BY (b) (6), (b) (7)(C) :

3 Q: Also you mentioned that once you finished writing the
4 problem statement in the business case analysis, was there
5 someone else working on that with you?

6 A: Yeah, so the two people -- so I did -- I started the
7 business case analysis, I did maybe, had an initial draft that
8 was maybe about halfway done at which point I involved (b) (6), (b) (7)(C)
9 (b) (6), (b) (7)(C) and Sharon Woods to help iterate on that draft. We went
10 through several cycles of iterating on the language and the
11 content, and then once we sort of established, so the key here
12 was that there was the eight objectives sort of which established
13 a framework for what we thought was needed. The three of us
14 iterated a lot on that. So, I develop those initial objectives.
15 That framework, and then (b) (6), (b) (7)(C) and Sharon and I went in several
16 iterations to really focus those objectives on exactly what we
17 were trying to accomplish, and then as those objectives became
18 refined I continued to then develop the rest of the document in a
19 very iterative cyclical way with (b) (6), (b) (7)(C) and Sharon. And so those
20 were the only two people that I worked with on this, nobody else
21 looked at it or read it, or saw it as far as I know. Basically
22 until the draft was completed at which point, and (b) (6), (b) (7)(C) and Sharon
23 because they were essentially the people that I was reporting to
24 on this project were satisfied with the state of that draft at
25 which point (b) (6), (b) (7)(C) and Sharon basically took it over and were -- and

1 then got the approval on that, and I don't know what the process
2 was. I only heard after the fact that it had been approved.

3 Q: Okay. Thank you for that.

4 A: Uh, huh [affirmative response].

5 Q: Also, DDS hosted a number of one-on-one meetings with
6 vendors to learn about their commercial cloud services. You
7 mentioned that you came on board sometime late October or
8 November 2017. One of the first sessions that DDS held was on
9 October 12. What can you tell us about the one-on-one sessions,
10 or meetings with vendors?

11 A: I had only heard that they it happened but I wasn't
12 part of any of them.

13 Q: Do you know how the questions were developed for them?

14 A: I do not.

15 Q: Can you tell me if the results of the feedback that you
16 received from these one-on-one vendor meetings if they were
17 maintained either on one of the Google drives or Slack drives
18 within DDS?

19 A: I believe they were maintained on a Google drive
20 somewhere but I don't know where, and I don't remember seeing
21 them.

22 Q: So, I'd like to discuss any other information you may
23 have about Mr. Ubhi's participation in either writing any other
24 document for the JEDI Cloud.

25 A: Okay.

1 Q: Did he provide any input for the statement of
2 objectives or do you know if he participated in any of those
3 one-on-one meetings with vendors?

4 A: I do not know. I do not know. I mean I actually really
5 -- yeah. For me the starting point really was when I was given
6 that draft problem statement by Sharon once I agreed to do the
7 business case, and it was really important that we develop this
8 business case, so I'm speaking personally for myself, really from
9 a point of like what exactly does the DoD needs. And so it was
10 not based on sort of external information coming in from
11 different people or anything like that. It was a very focused
12 effort to sort of understand what it was that we thought we
13 needed and then validating that with like (b) (6), (b) (7)(C) and Sharon in terms
14 of how we were thinking about what was needed. And, I don't know
15 where their information was coming from but I trusted their
16 inputs and that was the group. So, I didn't really refer to any
17 of the market research documents, or asked for minutes from the
18 meetings. I didn't talk to any of the other DDS folks that were
19 involved in the effort at the time.

20 Q: Okay. What can you tell us about Mr. Ubhi's recusal
21 from working on the JEDI Cloud procurement?

22 A: So, like I said I think Mr. Ubhi mentioned to me that
23 he might need to be stepping off the cloud effort, and this area,
24 this part is a little bit fuzzy. He made of either said, and I'm
25 sure I asked him why, and I think that he either mentioned that

1 he had a conflict or he was leaving. I'm not exactly sure which
2 it was in that initial conversation, and then at some point right
3 towards the end of October Deap said to me, "I am -- I need to
4 step off." Like I got a text message from him basically at some
5 point I think it was saying, "Hey, I really need to step off of
6 the product right now, can you step in?" And I asked him why and
7 he said, "I have a conflict. My company has been bought back --
8 has been bought by Amazon. And so now I can no longer be on this
9 effort." And I was like, "Oh, okay. Will that -- that's obvious a
10 conflict." So at that point, that is basically when I said,
11 "Okay. Well let me talk to Sharon and let me figure out what's
12 needed and what my role could be on it." So, that was the initial
13 bit that I heard. I don't think I realized at that point that
14 that meant that he was going to leave DDS. I just thought he was
15 just stepping off of this, and then it became apparent to me
16 after like maybe a week later or something like that that he was
17 actually leaving DDS, and, that was pretty much it. So, in my
18 mind his recusal from JEDI came because his company had been
19 acquired by Amazon, and then I realized that he was leaving DDS
20 so part of this quote unquote acquisition by Amazon, and then I
21 realized that his recusal was not just that he was a conflict but
22 that he was also leaving DDS because he was going back to Amazon.

23 Q: And what was the name of his business that he relayed
24 to you that was being acquired by Amazon?

25 A: Table Hero.

1 Q: And, do you know what Table Hero is or what that
2 business is that he has?

3 A: My -- yeah, I mean I just understood it to be some sort
4 of like an Open Table kind of application. Basically one that
5 allowed people to make reservations and restaurants I think it's
6 sort of what I understood and that was the extent of what I
7 understood about it. I didn't really look into it all.

8 Q: So, I want to ask you a couple of questions about the
9 Google drive. We understand that Mr. Ubhi had access to the
10 Google drive which had some information on there. Can you tell us
11 or share with us what was on the Google drive once you became
12 part of the team for JEDI?

13 A: I don't really remember. I mean I had a directory there
14 for the business case analysis which had some draft, maybe Deap's
15 initial problem statement's in that. There was a drive that had
16 multiple folders. I don't really remember. There may have been a
17 directory that had market research in it that sort of rings a bit
18 of a bell and I believe that's all I really remember about it. I
19 don't remember if there is any other -- I mean I'm sure there was
20 other directories, but I don't remember what they were.

21 Q: Can you access the Google drive from a personal
22 computer?

23 A: No. I just have my -- I have my DDS laptop that's the
24 one I use.

25 Q: Can anyone within DDS access the Google drive from a

1 personal computer? Any other system administrators?

2 A: So you can use different computers to access it but you
3 have to have your DDS.mil account to access it. So, I exclusively
4 use my DDS laptop for my work, but the access is tied to my
5 e-mail address, it's not tied to our laptops because it's Google
6 drive. So it works pretty much in any platform that you have, but
7 you have to have a valid e-mail address that you authenticate in
8 order to access it like a DDS.mil e-mail address to access it.

9 Q: Okay. Do you know if Mr. Ubhi disclosed to you or
10 anyone else within DDS Office such as the DDS General Counsel,
11 his supervisor, or the SOCO DAEO about him pursuing a job with
12 Amazon?

13 A: I do not know. He did not disclose it to me, but I
14 don't know if he disclosed it to anyone else.

15 Q: Did you ever hear or were you aware of Mr. Ubhi
16 pursuing employment with Amazon before he became a member of
17 Amazon -- of JEDI Cloud procurement, I'm sorry.

18 A: No.

19 BY (b) (6), (b) (7)(C) :

20 Q: (b) (6), (b) (7)(C) again (b) (6). Do you a copy of the original
21 draft problem statement that Deap gave to you?

22 A: Like right now in front of me?

23 Q: Oh, not -- do you have it somewhere -- is it still
24 there? Can you still access it?

25 A: I may have. Let me see if I can access it on the drive

1 here. Should I look if I can access it on the drive?

2 Q: Sure. What I'm interested is if you can still get it if
3 you could send us a copy of it.

4 A: I'll have to check. I don't -- I'll have to check
5 because right now I don't see any of the JEDI stuff.

6 BY (b) (6), (b) (7)(C) :

7 Q: Okay. We can revisit that after the --

8 A: Okay.

9 BY (b) (6), (b) (7)(C) :

10 Q: Other than that draft problem statement, what other
11 inputs did you get as you begin your work on the BCA? Anything
12 else?

13 A: There was just inputs from (b) (6), (b) (7)(C) and Sharon that was it.
14 So, like I said it was -- sorry, go ahead.

15 Q: Well, how about the -- you said you developed the
16 initial eight objectives, I've heard you on that, how about the
17 different alternatives that the BCA evaluated? Did you do those
18 independently or did you do those in conjunction with (b) (6), (b) (7)(C) or
19 Sharon, or did they provide those to you?

20 A: I did those. I feel like that was probably some of my
21 best work at DDS so far because we were very, very clear in
22 actually laying out those alternatives. So, I did the initial
23 draft of it based upon the eight objectives, I did the initial
24 analysis of alternatives, and then shared that with (b) (6), (b) (7)(C) and
25 Sharon, and then we iterated on it fairly extensively to get to

1 where we were, or to what is currently in the document.

2 Q: What guidance did you receive, guidance or direction
3 did you receive as you begin your work on developing the
4 alternatives as far as what the award approach might be, or the
5 division of percentages that were evaluated between on premise
6 versus cloud, and what percentages would be migrated? Are those
7 different things that differentiated the different alternatives?
8 What was the guidance or direction that you received going in?

9 A: Yeah, so there was -- nobody gave me any those numbers.
10 I'm think, I'm trying to remember now that I think maybe (b) (6), (b) (7)(C) and
11 I and Sharon, well (b) (6), (b) (7)(C) and I feel like maybe have some
12 conversations back and forth on it. I think that -- I think that
13 input really came from (b) (6), (b) (7)(C) because I was very unfamiliar with the
14 actual infrastructure the DoD had, and so there was some back and
15 forth around like what was on PRIM versus what was off of PRIM,
16 and how would we define that. So there's some conversations
17 around that.

18 Q: Did any particular one of the alternatives have any
19 more momentum than the others if you will for lack of a better
20 term?

21 A: No.

22 Q: How about specifically in the alternatives that
23 included the eight, what would become a decision to award only a
24 single contract, IDIQ contract?

25 Q: So, I think that based upon my experience, technical

1 experience, and conversations that I had had with Sharon and [REDACTED]
2 because I felt very strongly personally that it should -- again
3 based upon experience and the security posture that having
4 multiple vendors create, that a single award was still from a
5 security standpoint, and capability standpoint, and a time
6 standpoint the best way to go.

7 Q: That was your opinion?

8 A: And so those were -- those were -- those were -- that
9 was a perspective that I had and that was also seen shared with
10 in my conversations with [REDACTED] and Sharon around those.

11 Q: You mention the started work in November on the BCA I
12 believe.

13 A: Yeah.

14 Q: And when did you finish working on it?

15 A: I think I had a draft completed I want to say by either
16 March or April 2018, and by that I mean it was like a draft that
17 we had already iterated upon with Sharon and [REDACTED] quite a bit at
18 which point, it was done and it was going to be socialized within
19 DoD, and that was it. After that I was not really involved in it.
20 I feel like I may have done some final clean -- final formatting
21 and cleanup, and then I didn't hear anything about it for quite a
22 while, and found out really only after the fact that it had
23 actually been signed an approved.

24 Q: Was there a BCA template or anything like that that you
25 were given the start off with?

1 A: Yeah, there was one template that was shared by Sharon
2 Woods early on and I had not developed a case like this before, I
3 believe there was one around health records, a project that
4 she had been involved with, and then there was one more which I
5 also -- I don't remember.

6 Q: So that sounds like an example. Is it -- would you call
7 it an example or a template?

8 A: I'm sorry?

9 Q: Would you call that an example template that you were
10 given?

11 A: An example.

12 Q: Okay. So, as you're working on the starting in November
13 and then through the winter and into the spring, what did you
14 learn about deliberations in DDS or in other parts of OSD about
15 -- and then eventually a decision to go with a single award
16 strategy for the contract?

17 A: Honestly nothing. I mean you know, so, because of the
18 fact that I was in San Francisco, like I was kind of operating in
19 a bit of a vacuum. My feedback really was I knew that there was a
20 lot of activity happening with the DDS team and with [REDACTED] and
21 Sharon on it. I was mostly just focused on developing the
22 business case so as they reviewed the draft, if they gave input
23 on something and change things like edited something or clarified
24 the objectives, or whatever, like that was a back and forth, but
25 it wasn't -- there wasn't really any regular reporting that was

1 happening where people were just like, "We just had this meeting
2 and you need to change this or we need to change this, or
3 whatever." It very much, I was leading it, I was writing it based
4 upon, like I said what I thought the DoD needed independent of
5 all the meetings and stuff that were happening at the DoD, and
6 then I think (b) (6), (b) (7)(C) and Sharon maybe that some of that perspective
7 to it as edits were made and suggested. But, I was not involved
8 directly involved in any of those meetings.

9 Q: Did you have to go brief anybody about your work on the
10 BCA?

11 A: I did not. (b) (6), (b) (7)(C) and Sharon did that.

12 Q: And who did they brief about the BCA?

13 A: I don't know. Some of the names on that spreadsheet, I
14 mean I think that Bob Daigle's name, rings a bell and that's
15 about it. I think maybe Anthony DeMartino sort of kind of rings a
16 bell, but at this point it's kind of fuzzy. I don't know if
17 that's because it's just what I heard and maybe back and forth
18 the stuff that's been going on or whatever, but Bob Daigle's name
19 definitely rings a bell, and I'm assuming maybe I spoke to him
20 about him.

21 Q: Okay. Before we move on I'll ask (b) (6), (b) (7)(C) if she has
22 any questions about that BCA.

23 BY (b) (6), (b) (7)(C) :

24 Q: Hi, this is (b) (6), (b) (7)(C)

25 A: Hi.

1 Q: When you were asked to join the JEDI Team did they have
2 you sign an NDA?

3 A: Yes.

4 Q: And then when you were --

5 A: And asked about conflicts and stuff like that by Sharon
6 too.

7 Q: When you are in town did you ever attend any meetings
8 about JEDI?

9 A: I met with Sharon and (b) (6), (b) (7)(C) I feel like there was one
10 larger team meeting at DDS that I attended, and that one --
11 that's the only one that comes to mind.

12 Q: So, did you attend any of the Cloud Executive Steering
13 Group meetings?

14 A: I did not.

15 Q: I want to ask a little bit more about the Google drive.

16 A: Sure.

17 Q: So you said that if I access it from a personal
18 computer I would just have to authenticate my DDS.mil e-mail
19 address?

20 A: Yeah.

21 Q: How do you guys authenticate?

22 A: What?

23 Q: How do you authenticate?

24 A: Well, it's two factor. So, you have to put in your
25 password. That sends a text message. You authenticate the text

1 message with -- it gives you a code, and that gets you access
2 into the Google drive.

3 Q: But you don't have to authenticate with your CAC?

4 A: Google drive? No.

5 Q: Okay. So, since I can access it --

6 A: But I say it real it is real-time of vacation, right?
7 So, as soon as -- if your e-mail is not valid or anything like
8 that or you're signed out of your e-mail address then it won't --
9 it will let you enter.

10 Q: But since I can access it from say a personal laptop
11 and I don't have to use my CAC to get it I could download files
12 from the JEDI Google drive on to my personal laptop?

13 A: Yes.

14 BY (b) (6), (b) (7)(C):

15 Q: All right, this is (b) (6), (b) (7)(C) again. So, you said that
16 you develop the BCA without a lot of input from other DDS
17 employees minus the moderate input that Sharon Woods and (b) (6), (b) (7)(C)
18 (b) (6), (b) (7)(C) provided. So, how did you determine DoD's needs from San
19 Francisco minus those tiny inputs from others?

20 A: Well, so the inputs from (b) (6), (b) (7)(C) and Sharon were not minor.
21 I mean they helped -- I developed the initial statement of
22 objectives. We iterated on that fairly significantly on what the
23 objectives were for DoD, and then once we do that then the rest
24 of it is a little more technical exercise and sort of
25 understanding like, "Here's the different options that are

1 available. You have ONPRIM, you have a high bid approach, you
2 have multiple -- multiple services approach, and you have a
3 single service approach. I believe those were like the four
4 dominant solutions that are just kind of apparent, and so really
5 the rest of the analysis really flows from understanding well,
6 these are the eight objectives that you are trying to meet and
7 these are your four alternatives, which one's actually -- you
8 know which ones flows into which part of the matrix? And then the
9 coding, the color coding around that was something that I
10 initially took a cut at then went back to work on it, thought
11 about it some more talk to (b) (6), (b) (7)(C) and Sharon, and then developed it.
12 So, I think the two things here is that I was relying on my sort
13 of systemic knowledge. So I have a technical background but not a
14 deep, deep, deep technical background. So, it was sort of like
15 being a product person, really understanding from a systemic
16 standpoint what actually -- with the factors were that we should
17 be considering. What the objectives were that DoD is looking for,
18 what the options were, and then relying on on (b) (6), (b) (7)(C) probably more
19 than Sharon, but also Sharon to sort of then provide input onto
20 exactly what where those slot in based upon their DoD expertise,
21 and then (b) (6), (b) (7)(C) additional technical expertise, he's deeply
22 technical, his technical expertise as well. So it's kind of
23 combination of the three of us doing that. So like my focus is
24 systems, intercepting with business potentially what a product
25 person does. (b) (6), (b) (7)(C) had the DoD knowledge as well as what was

1 happening in the DoD with me being in San Francisco. So his
2 technical expertise, and then Sharon's visibility into everything
3 that she was involved in and her feedback.

4 Q: All right. Did you have any communications with any DDS
5 employees including Deap Ubhi even after he left, or anyone from
6 the CESG and informal communication about the BCA?

7 A: I did not.

8 (b) (6), (b) (7)(C): Okay. I don't have any other questions right
9 now.

10 BY (b) (6), (b) (7)(C)

11 Q: Okay. So, I want to go back to Mr. Ubhi and based upon
12 your knowledge of the input and contributions he made prior to
13 his recusal in October 2017, in your opinion what impact did his
14 work have on the procurement?

15 A: See, you know, I think it was like minimal. Like I just
16 don't -- it seems like he was so early in the process, and based
17 upon what I saw as the output which was that draft problem
18 statement, like it just seems like his input was minimal, and
19 then he was gone. And, as you know this process has lasted two
20 years. I think our initial thought was this is going to be like a
21 six to nine month effort. And like there are many, many super
22 smart people at DDS that are extremely, extremely knowledgeable,
23 and many people within DoD that are extremely knowledgeable, and
24 Deap Ubhi was a flash in the pan and then he was gone. So like
25 his input, and effect on that was honestly minimal. There's just

1 -- it just makes -- there is just no value in terms of what I
2 think he provided to the procurement effort.

3 Q: Okay.

4 BY (b) (6), (b) (7)(C) :

5 Q: And recognizing this is a hypothetical, (b) (6), but given
6 your answer to the question about you can access the Google drive
7 from pretty much any device, what documents were in there by the
8 end of October 2017 that he theoretically could have done in
9 shared with say Amazon and what value might that have had?

10 A: I mean I can't answer that. I have no idea. Like he
11 could have downloaded his own problem statement and shared that,
12 but you can print that and share it, right? Like I said I feel
13 like maybe there was a market research folder there, but that's
14 all that I remember.

15 Q: Okay.

16 BY (b) (6), (b) (7)(C) :

17 Q: So, now I'd like to talk about the other individuals,
18 and on this form you filled out for us we -- you indicated that
19 Secretary Mattis did not play any role in the problem statement,
20 business case analysis, and functional requirements. Do you
21 confirm this?

22 A: Yes. So just to clarify the, I think the instruction
23 said first-hand, first-hand knowledge. So, I received no input
24 from any of these folks on the problem statement that was written
25 in this case.

1 Q: Okay. You also indicated that you did not know if
2 Secretary Mattis played in any other type of JEDI activity that
3 we listed on this for. Do you confirm this?

4 A: Correct.

5 Q: And also I'd like to ask if you are aware if Secretary
6 Mattis played any role in the JEDI Cloud acquisition? It doesn't
7 have to be firsthand knowledge. Just hearsay or he participated
8 in something where information was provided to you, or anyone on the
9 DDS team.

10 A: I'm not aware. I don't have any recollection of
11 somebody saying Secretary Mattis said this, or Secretary Mattis
12 said that specifically.

13 Q: Did anyone internal to DoD attempt to influence you
14 regarding the JEDI Cloud procurement?

15 A: No.

16 Q: What about external members?

17 A: No.

18 Q: Are you aware of anyone at DoD being influenced to
19 steer the JEDI Cloud procurement to a particular contractor or
20 vendor?

21 A: No.

22 Q: And do you have any information that you can share with
23 us about Secretary Mattis being influenced to favor one vendor
24 over another?

25 A: I do not.

1 Q: And how do you respond to the statement that Secretary
2 Mattis should have disqualified himself from participating in the
3 JEDI Cloud procurement?

4 A: I have no response because I have no visibility into
5 any of that.

6 Q: Okay. How do you respond to the statement that
7 Secretary Mattis failed to disclose a prior commercial
8 relationship with Amazon and its commercial partner C5 Capital?

9 A: Again I, you know, that knowledge I think I may have
10 read it in a news article, maybe just even maybe a only a couple
11 of months ago, but again I have no knowledge of it so I don't
12 know if it's real or not.

13 Q: So, how do you respond to the statement that Secretary
14 Mattis provided preferential treatment to Amazon by granting
15 Amazon officials access to him?

16 A: I have no knowledge of that.

17 Q: Okay. So now let's talk about Mr. Anthony DeMartino. On
18 the form you indicated that Mr. DeMartino played no role in the
19 problem statement, business state case analysis, and functional
20 requirements, nor in the statement of objective. Do you confirm
21 that?

22 A: Yes. So, his name does seem to ring a bit of a bell.
23 Like I said not as much as Bob Daigle does. So, if any of this
24 was shared by (b) (6), (b) (7)(C) or Sharon with Anthony DeMartino and the
25 feedback that they been provided came from him I am not aware of

1 that, but I was not told that it came from him or that there was
2 anything that came from him. So, again I'm just responding
3 specifically to the fact that like he never came to me in an
4 e-mail conversation, or anything and said, "Hey, don't say that."

5 Q: You also indicated that you did not know if Mr.
6 DeMartino played a role in any other type of JEDI activity that
7 we listed on the form. Do you confirm that?

8 A: That is correct. Yes.

9 Q: And, do you know if Mr. DeMartino was influence to
10 favor one vendor over another?

11 A: I do not.

12 Q: How do you respond to the statement that Mr. Anthony
13 DeMartino should have disqualified himself from participating in
14 the JEDI Cloud procurement?

15 A: I mean I have again no response to that because I have
16 no information one way or the other.

17 Q: And how do you respond to the statement that Mr.
18 DeMartino allegedly ignored a clear directive not to participate
19 in the matters related to Amazon without SOCO clearance?

20 A: I have not heard of that.

21 Q: And how do you respond to the statement that Mr.
22 DeMartino influenced key JEDI Cloud procurement decisions in a
23 manner that favored Amazon?

24 A: He did not influence the business case. That is all I
25 know.

1 Q: Why do you say that?

2 A: Well, we -- I wrote it. Again, if it came from
3 secondhand knowledge through (b) (6), (b) (7)(C) or Sharon I'm not aware of it,
4 but I assume the business case is part of the overall procurement
5 effort, I mean it is. So the business case as I wrote it was not
6 influenced by him. Outside of that effort I have no idea what his
7 role was.

8 Q: Okay. So we'll move over to Ms. Sally Donnelly.

9 A: Yes.

10 Q: Also on the form you indicated that Ms. Donnelly did
11 not play a role in the problem statement, business case analysis,
12 and functional requirement. And you also indicated that you did
13 not know if Ms. Donnelly played a role in any other type of JEDI
14 activities that we listed on the form. Can you explain this?

15 A: Yeah. Same explanation as with Anthony DeMartino and
16 Secretary Mattis. Basically I wrote the business case. (b) (6), (b) (7)(C) and
17 Sharon were involved in providing feedback and iterating on it
18 with me. If they receive feedback from any of these folks and
19 edited the business case based upon that I am not aware of it,
20 and outside of that I do not have any conversations, meetings, or
21 contact with Ms. Donnelly.

22 Q: So, how do you respond to the statement that Ms.
23 Donnelly influenced a key JEDI Cloud procurement decision in a
24 manner that favored Amazon?

25 A: I have no response to that. I have no information on

1 it.

2 Q: Have you respond to the statement that Ms. Donnelly
3 provided preferential treatment to Amazon by granting Amazon
4 officials access to meetings with Secretary Mattis?

5 A: I have no response because I have no knowledge of that.

6 Q: Okay. We'll move over to Mr. Robert Daigle. On the form
7 you also indicated that Mr. Daigle did not play a role in any of
8 the problem statement, BCA, and functional requirements.

9 A: Correct.

10 Q: And you indicated I don't know for all of the other
11 activities listed on the matrix. Do you want to confirm your
12 response?

13 A: Yeah. So I will say that I know that like his name is
14 mentioned several times. Like Sharon was maybe meeting with him
15 or there were meetings with him happening around JEDI. So, I know
16 his name definitely stands out as somebody that was involved in
17 the process, that the JEDI sort of team that was meeting --
18 leadership team was meeting with him, but beyond that I don't
19 know exactly in what capacity and what his role was.

20 Q: Well, what can you share with us about Mr. Daigle being
21 influenced to favor one vendor over another?

22 A: I have no information on that.

23 Q: So, how do you respond to the statement that it was
24 improper for Mr. Daigle who was instrumental in the JEDI Cloud
25 procurement to lead the DoD and accept a position working for

1 Pallas Advisors? Pallas Advisors is a company that was founded by
2 Ms. Sally Donnelly and Mr. Anthony DeMartino.

3 A: Yeah, I have no response. As you're saying this I think
4 I remember reading a news article about it not too long ago, but
5 that's the extent of my knowledge.

6 Q: And, lastly how do you respond to the statement that
7 Mr. Daigle influence the JEDI Cloud procurement in a manner that
8 favored Amazon?

9 A: Again, if there was feedback that was given the (b) (6), (b) (7)(C) or
10 Sharon on the business case that was probably -- there might have
11 been -- if there's input there I'm not aware of it, and outside
12 of that I have no information.

13 Q: And you know who Mr. Gavin is?

14 A: I do not.

15 Q: Have you had any interaction with Mr. Victor Gavin or
16 heard anything about Mr. Victor Gavin?

17 A: I have not.

18 Q: And I'd like to respond to the statement that Mr. Gavin
19 influence the JEDI Cloud procurement decisions in a manner that
20 favored Amazon.

21 A: I have no response. I don't even know who he is.

22 Q: Okay. And, are you aware of anyone attempting to steer
23 this procurement towards Amazon?

24 A: I have none.

25 Q: What about any other vendors competing for the

1 contract?

2 A: Steering towards any other vendor?

3 Q: Yes.

4 A: No, I do not know.

5 Q: Okay. Anyone have any follow-up questions?

6 BY (b) (6), (b) (7)(C) :

7 Q: Yes. Have you heard about President Trump or any member
8 of President Trump's Staff trying to influence the procurement?

9 A: I only heard about what I read on Twitter and on the
10 news media, but it's very peripheral. I think that once the
11 business case was done I moved on to other projects and I've not
12 really been engaged in JEDI. So, I don't -- I'm up on the news
13 but frankly I'm not super up on being said on Twitter all the
14 time and, you know, I just know whatever's in the news media, but
15 I have really gone in depth in the article.

16 Q: Did a member of the DDS or the Cloud Computing Program
17 Office or any other program management official ever say anything
18 to you, or did you hear anything about President Trump or any
19 member of his staff trying to influence over the procurement?

20 A: I did not.

21 Q: Same question for any person in another part of OSD,
22 hear anything, any talk about other people in OSD being
23 influenced?

24 A: No. Not that I know of.

25 Q: Same question for any DoD senior level executive such

1 as the Secretary Defense or the Deputy Secretary, any of the
2 undersecretaries such as Mr. Deasy, ever hear anything about any
3 Presidential, or White House, or staff attempts to influence
4 those individuals?

5 A: I have not.

6 Q: Earlier in the interview today you talked about Mr.
7 Ubhi telling you that he might have to leave and you talked about
8 Table Hero, and so on, and so forth. What specificity can you
9 give us as to dates on that? Was that all verbal, or do you have
10 any e-mails that you can access for us?

11 A: I think that it was -- I don't believe it was e-mail. I
12 believe it was either Slack or text messaging and the best
13 timeframe that I can think of was -- I feel like all of this
14 activity happened from middle of October to the -- middle of
15 October to like maybe Halloween or something like that.

16 Q: Okay. And the best --

17 A: So it was really like within a two-week, approximately
18 a two-week period.

19 Q: Okay. And the last question I have is really kind of a
20 follow-up. If you could check in your records, see if you could
21 have the original draft problem statement that Mr. Ubhi gave to
22 you, if you could send that to (b) (6), (b) (7)(C) we would appreciate it.

23 A: Okay. I think I shared that with (b) (6), (b) (7)(C) at one
24 point. So I'm sure I could find it.

25 Q: Okay. And we can check with (b) (6), (b) (7)(C) Thank you.

1 Q: Yeah, sure.

2 BY (b) (6), (b) (7)(C):

3 Q: And why do you believe this matter has surfaced to the
4 DoD IG?

5 A: I'm sorry, say that again, what was the question?

6 Q: Why do you believe this matter has surfaced to the DoD
7 IG?

8 A: Because my belief is just that there seems to be
9 questions of conflict of interest, and questions about this
10 procurement being directed towards a particular solution or a
11 particular vendor. And I think that's the reason why, and I know
12 that there's been some appeals by some companies, so I believe
13 that this investigation is a result of that. I think maybe
14 Congress has asked for it as well, I'm not sure.

15 Q: And who else should we talk to about this inquiry?

16 (b) (6), (b) (7)(C): The time is now 2:05 Eastern standard Time.
17 Please stand by.

18 [The interview paused at 2:05 p.m., October 29, 2019.]

19 [The interview resumed at 2:07 p.m., October 29, 2019.]

20 (b) (6), (b) (7)(C): Okay. So the time is now 207 Eastern Standard
21 Time. We are now back on the record with (b) (6), (b) (7)(C) and
22 please respond to our last question, sir.

23 A: Can you please repeat the question please?

24 Q: Who else should we speak with and why?

25 A: Oh, I did not hear that. So I mean, you know, I would

1 say I'm sure you've already spoken to this person, but probably
2 the three people that I said were really key and Chris Lynch,
3 (b) (6), (b) (7)(C) and Sharon, and I don't -- beyond that I don't know -- I
4 think there was a woman by the name of (b) (6), (b) (7)(C) who is heading
5 up at some point and then she left and Sharon Woods took over. I
6 know here were some DDS engineers involved but I don't know what
7 capacity on the procurement efforts so if you've spoken -- you've
8 probably spoken to them as well.

9 BY (b) (6), (b) (7)(C) :

10 Q: This is (b) (6), (b) (7)(C) one more time. So, mu last question
11 is going to be we understand that you were not involved with
12 anything other than the BCA and that you haven't been involved in
13 JEDI for a while, but as remember DDS, do you know why Microsoft
14 was selected to be awarded the JEDI contract?

15 A: No, I do not.

16 Q: All right. Thank you.

17 BY (b) (6), (b) (7)(C) :

18 Q: Do you have any questions of us?

19 A: No. I mean I would just -- hopefully I've answer the
20 questions. I don't know if there's going to be more involved. I
21 honestly thought I was done initially when I talked to (b) (6), (b) (7)(C) And
22 I'm happy to talk to you guys as well. I mean obviously this is
23 kind of a crazy time for us, but outside of that, no. I mean I
24 just hope they were able to get to the bottom of this and get it
25 solved.

1 Q: Do you have any comments or concerns about the way we
conducted this interview today?

2 A: No.

3 (b) (6), (b) (7)(C): And if you remember anything else that you
believe may be relevant to our investigation please contact
myself or (b) (6), (b) (7)(C), as well as (b) (6), (b) (7)(C), or (b) (6), (b) (7)(C)

4 (b) (6), (b) (7)(C) Finally, in order to protect the integrity of this
5 investigation, we ask that you do not discuss the matters under
6 investigations or the questions we've asked you during this
7 interview with anyone other than your attorney, should you choose
8 to consult one. This does not apply to or restrict your right to
9 contact an IG or Member of Congress. If anyone asks you about
10 your testimony or about this investigation please inform them
11 that the DoD OIG has asked you not to discuss this matter. If
12 anyone persists in asking you about your testimony, or our
13 investigation, or if you feel threatened in any manner because
14 you provided testimony, please contact me. The time is now 2:10
15 Eastern Standard Time. This interview is concluded.

16 [The interview terminated at 2:10 p.m., October 29, 2019.]

17 [END OF PAGE]

18 ~~//FOR OFFICIAL USE ONLY//~~

19 21

20 ~~//FOR OFFICIAL USE ONLY//~~

21 (b) (6), (b) (7)(C) - October 29, 2019

22 ~~//FOR OFFICIAL USE ONLY//~~

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24 ~~//FOR OFFICIAL USE ONLY//~~

25 (b) (6), (b) (7)(C) - October 29, 2019

PAUL HASTINGS

(b) (6), (b) (7)(C)

September 5, 2019

VIA ELECTRONIC DELIVERY

(b) (6), (b) (7)(C)

United States Department of Defense
Office of Inspector General
4800 Mark Center Drive
Alexandria, VA 22350

Re: SBD Advisors LLC Purchase and Sale Agreement

Dear (b) (6), (b) (7)(C):

We write on behalf of our client Sally Donnelly in response to the request in your September 5, 2019 email that Ms. Donnelly voluntarily provide the Department of Defense Office of the Inspector General a copy of the sales agreement for the sale of her interest in SBD Advisors LLC in January 2017. In response to your request, enclosed please find a copy of that agreement. Please note that the agreement has been redacted to protect certain confidential information.

We have bates labeled the enclosed document SD_DODOIG_000001 through SD_DODOIG_000005. This production is labeled "FOIA Exempt" and "Confidential and Protected Material," contains financial information that is privileged and confidential and information compiled for law enforcement purposes that would constitute an unwarranted invasion of personal privacy, and is exempt from disclosure under the U.S. Freedom of Information Act, 5 U.S.C. § 552, including but not limited to 5 U.S.C. § 552(b), Exemptions 4 and 7. Moreover, Ms. Donnelly has not authorized us to waive any applicable privilege or other legal basis under which this information may be exempt from disclosure. Accordingly, this letter and the enclosed materials are not intended to, and do not, waive any such privilege or legal basis. We ask that you provide us with a reasonable opportunity to object to any subsequent disclosure to a third-party.


PAUL
HASTINGS

Letter to DOD OIG
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Please feel free to contact me if you have any questions.

Regards,

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the signature and any text that might have been below it.

Enclosures

PURCHASE AND SALE AGREEMENT

SBD ADVISORS LLC

This Unit Purchase Agreement ("Agreement") is entered into as of January 19, 2017 by and between [REDACTED] ("Purchaser") and Sally Donnelly ("Seller"). Purchaser and Seller may collectively be referred to as the "Parties."

WHEREAS, Seller is the record owner and holder of membership units of SBD Advisors LLC (the "Company"), a District of Columbia Limited Liability Company; and

WHEREAS, the Parties desire to enter into this Agreement pursuant to which Purchaser will purchase from Seller her membership units in the Company.

NOW, THEREFORE, in consideration for the promises set forth in this Agreement, the Parties agree as follows:

PURCHASE AND SALE: Subject to the terms and conditions set forth in this Agreement and in reliance on the representations, warranties and covenants contained herein, Purchaser hereby agrees to purchase from Seller, and Seller hereby agrees to sell, transfer and convey to the Purchaser eighty (80) percent of the membership units of the Company (the "Units") currently owned by Seller, in two installments ("Purchase and Sale").

1. **PURCHASE PRICE:** The total purchase price for the Units sold by Seller shall be US\$1,560,000.00 to be paid to the Purchaser in two installments: (a) US\$780,000.00 within two (2) weeks of execution of this Agreement, and (b) US\$780,000.00 within six (6) months of the first payment on a mutually agreed date.
2. **CLOSING PROCEDURES:** The conveyance of the ownership of and title in and to the Units shall occur automatically upon the execution of this Agreement by the Parties.
3. (b) (4) [REDACTED]
4. (b) (4) [REDACTED]
5. **REPRESENTATIONS AND WARRANTIES OF THE PARTIES:** Seller and Purchaser, as applicable, hereby warrant and represent that:

(a) **Seller Restrictions on Units.** Seller is not a party to, nor aware of, any agreements that create rights or obligations in the Units relating to any third party including voting or unit holder agreements that would restrict the sale and purchase effected herein. The Seller is the lawful owner of the Units, free and clear of any encumbrances, security interests or liens of any kind and has full power and authority to sell and transfer the Units as contemplated in this Agreement.

(b) (b) (4)

(c) **Organization and Standing.** The Company is duly organized, validly existing and in good standing under the laws of the District of Columbia and has full power and authority to own and operate its property and assets and to carry on its business as presently conducted.

(d) **Power and Authority.** Each Party has all requisite power and authority to enter into and perform its obligations under this Agreement.

(e) **Capitalization.** Seller represents and warrants that the Units, together with the remaining twenty (20) percent of the membership units in the Company held in the name of [REDACTED] constitute all of the issued and outstanding membership units in the Company, and no other shares, membership units, equity interests, or other securities of or direct, indirect or derivative ownership interests in the Company, including any options, warrants, or other rights with respect thereto (including conversion or preemptive rights and rights of first refusal or similar rights) are outstanding, nor is the Company or any other person obligated to issue any of the foregoing. (b) (4)

(b) (4)

(f) (b) (4)

The foregoing representations and warranties shall survive the closing of the transactions contemplated hereby.

6. **SEVERABILITY:** If any part or parts of this Agreement shall be held unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect. If any provision of this Agreement is deemed invalid or unenforceable by any court of competent jurisdiction, and if limiting such provision would make the provision valid, then such provision shall be deemed to be construed as so limited.

7. **BINDING EFFECT:** The covenants and conditions contained in this Agreement shall apply to and bind the parties and the heirs, legal representatives, successors and permitted assigns of the Parties.

8. (b) (4)

9. **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the Parties and supersedes any prior understanding or representation of any kind preceding the date of this Agreement. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Agreement. This Agreement may be modified in writing and must be signed by both the Seller and Purchaser.

10. (b) (4)

11. **NOTICE:** Any notice required or otherwise given pursuant to this Agreement shall be in writing and mailed through registered courier services:

(a) **If to Purchaser:**

(b) **If to Seller:**

Sally Donnelly,

12. **WAIVER:** The failure of either party to enforce any provisions of this Agreement shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

13. (b) (4)

14. **WITHDRAWAL AND RESIGNATION:** Concurrently with the execution of this Agreement, Seller hereby irrevocably withdraws from being a Member (as defined in the Operating Agreement of the Company) and resigns from any and all positions with the Company, including, but not limited to, Manager of the Company.

[Signatures appear on following page(s)]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

PURCHASER:

[REDACTED]

By: [REDACTED]
Name: [REDACTED]
Title: Authorized Person

SELLER:

Sally Donnelly

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

PURCHASER:

[REDACTED]

By: _____

Name: [REDACTED]

Title: Authorized Person

SELLER:


Sally Donnelly

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Admiral Craig Faller
January 30, 2020
ISO Interview

X - - - - - X

~~**THIS IS A PRIVILEGED DOCUMENT. Neither this document nor information contained in this document will be disclosed outside the Office of Inspector General, Department of Defense, without the approval of the Deputy Inspector General for Administrative Investigations, Office of Inspector General, Department of Defense.**~~

1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is January 30, 2020. The time is 1437.
3 I'm (b) (6), (b) (7)(C) with the Department of Defense Office of
4 Inspector General. With me are my colleagues (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C), and our witness Admiral Craig
6 Faller. Did I pronounce your name correctly, sir?

7 ADM FALLER: Yes, sir.

8 (b) (6), (b) (7)(C): Also present is (b) (6), (b) (7)(C) of the DoD
9 Office of General Counsel. We're conducting this interview in the
10 Pentagon in room (b)(6), as part of our review of certain aspects
11 of the JEDI Cloud Procurement. At this time, Admiral Faller, I
12 ask you to acknowledge that this interview is being recorded.

13 ADM FALLER: I acknowledge that.

14 (b) (6), (b) (7)(C): Would you please raise your right hand for
15 the oath?

16 Whereupon:

17 ADMIRAL CRAIG S. FALLER

18 was called as a witness, placed under oath, and provided the
19 following testimony:

20 E X A M I N A T I O N

21 BY (b) (6), (b) (7)(C):

22 Q: Would you please state your name and spell out your
23 last name?

24 A: Craig Steven Faller, F-A-L-L-E-R.

25 Q: And what is your grade, sir?

1 A: I'm an admiral, O-10.

2 Q: What is your current duty position and organization?

3 A: Commander of the United States Southern Command.

4 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

5 (b)(6), (b)(7)(C): Thank you, (b)(6), (b)(7)(C). This is (b)(6), (b)

6 (b)(6), (b) from the Office of General Counsel, Department of
7 Defense. I'm here for the sole and express purpose to assert the
8 Presidential Communications Privilege. This privilege extends to
9 communications between the President of the United States and
10 individuals at the Department of Defense. The White House Staff
11 and individuals at the Department of Defense. It also concerns
12 conversations internal to the Department of Defense about White
13 House conversations. It also goes to the existence of meetings.
14 All other privileges which may be asserted or expressly
15 reserves[DoD1] specifically the Deliberative[DoD2] Process
16 Privilege. We note that this matter is in litigation both with
17 Amazon and with Oracle. We'd ask to review a transcript of the
18 recording of this interview before that transcript is used
19 outside of the building. This is to ward off any type of
20 inadvertent disclosure of Presidential Communications and to
21 assert previously un-asserted privileges that might be available
22 to the Department. Thank you, (b)(6), (b)(7)(C).

23 (b)(6), (b)(7)(C): Thank you.

24 BY (b)(6), (b)(7)(C):

25 Q: Sir, what were Secretary Mattis' so called small group

1 meetings and did you attend those?

2 A: So, what time of the day are you talking about because
3 we had a whole series of meetings and the names are not always,
4 they're sort of not written down?

5 Q: We've gathered information that references something
6 called "small group" meetings that we believe took place first
7 thing in the morning.

8 A: So, there were a series of morning meetings, and there
9 was an 8:00 o'clock stand-up meeting that included generally
10 General Counsel, and PA, and that was what I think is referred to
11 as small group.

12 Q: And that's, I believe that's consistent with what we've
13 heard.

14 A: Okay.

15 Q: Who else attended the small group meetings? You
16 mentioned Public Affairs and --

17 A: Public Affairs, General Counsel, Leg Affairs, Dep Sec
18 Def and/or Dep Sec Def's military assistant, Chief of Staff,
19 Deputy Chief of Staff, my principle military assistant.

20 Q: And did you?

21 A: I generally did. Usually did.

22 Q: Okay. What did Secretary Mattis ever say that you
23 recall at any of these small group meetings about either the DoD
24 Enterprise Cloud Initiative writ large or more narrowly the
25 contract that was going to follow that to support that larger

1 effort?

2 A: I don't recall any discussions at those meetings about
3 either.

4 Q: If not any discussion did he ever make any comments
5 that you recall about those things?

6 A: Not that I recall.

7 Q: What did you ever hear him say about those things,
8 again, the notion of an Enterprise Cloud Initiative, that the DoD
9 should adopt Cloud Technology, or again, following onto that more
10 narrowly a contract that would support that?

11 A: I don't recall any on that specific, either of those
12 specific bundles of topics.

13 Q: What did Secretary Mattis ever say about Amazon, or
14 Amazon Web Services, or Jeff Bezos, the CEO of Amazon?

15 A: I recall a meeting during his either West Coast trip or
16 when Mr. Bezos was in town he tried to meet with heads of
17 industry particularly high-tech, forward leaning industries. I
18 don't recall any discussion specific to those other topics with
19 respect to that. I did not attend them and have never met Mr.
20 Bezos.

21 Q: Well, yes we'll ask you a few questions in a little
22 while about Secretary Mattis and meetings with Mr. Bezos. What do
23 you recall as the topics of those meetings generally or even more
24 specifically?

25 A: Can you repeat the question?

1 Q: What was the topic of those meetings between Secretary
2 Mattis or Mr. Bezos? Was it about cloud or was it about something
3 else?

4 A: I don't recall what the topics were.

5 Q: We've had some information that Secretary Mattis was
6 interested in learning from Mr. Bezos about things like corporate
7 culture, the culture that existed within some of these high-tech
8 companies, how to recruit the best people into the DoD, and
9 incentivize them to stay, or reward them for good behavior. Do
10 you recall anything like that?

11 A: No I don't recall any specifics on those themes tied to
12 Mr. Bezos, but I do know in general that my boss, I worked for
13 him three times, was very curious about learning--culture was a
14 big thing in his kind of, so those, it wouldn't be inconsistent
15 with how he learned to ask questions like that of a wide variety
16 of leaders.

17 Q: Do you recall any specific discussions between
18 Secretary Mattis and Mr. Bezos, or any of the other industry
19 leaders about those topics?

20 A: None specifically that I would be able to map.

21 Q: Who's Mr. Guy Snodgrass?

22 A: He was a speechwriter. He was a commander at the time
23 on the staff.

24 Q: And did he attend small group meetings?

25 A: To the best of my recollection he usually did.

1 Q: And the timeframe I'm speaking of is the spring and
2 summer of 2018.

3 A: Yes. He retired or left probably summer of '18. I don't
4 remember a specific date but that would be consistent. At least
5 one, we had three speechwriters and we tried to ensure that at
6 least one of them was there in case some aspect of a future
7 engagement on the Hill.

8 Q: Mr. Snodgrass authored a book called, "Holding the
9 line. Inside Trump's Pentagon with Secretary Mattis." Are you
10 familiar with that book?

11 A: I'm familiar with it.

12 Q: Have you read the book?

13 A: No, sir.

14 Q: Okay. There's a certain passage in there that I'm going
15 to read it to you, a passage, then I'll ask you if you're
16 familiar with that passage --

17 A: Okay.

18 Q: -- of the book. Mr. Snodgrass wrote that quote, "In the
19 summer of 2018 Trump called and directed Mattis to screw Amazon
20 by locking them out of a chance to bid for the \$10 billion
21 networking contract known as JEDI. Mattis demurred relaying that
22 story to us during small group Mattis said, quote, 'We're not
23 going to do that. This will be done by the book both legally and
24 ethically.'" End quote. My question to you, sir, is did you hear
25 Secretary Mattis say those things or words to that effect?

1 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.
2 Presidential Communications Privilege.

3 Q: Did Secretary Mattis ever talk in small group about
4 JEDI?

5 A: Not that I recall. I do know that the contracts in
6 general, and so I would of feared, [DoD3]think that this might be
7 included or delegated down to the Dep Sec Def level. So, it just
8 wouldn't have been the norm to have that a contractual discussion
9 at that meeting.

10 Q: Did he say, "We're not going to do that. This will be
11 done by the book both legally and ethically?" Or words to that
12 effect?

13 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

14 Q: If not at a small group meeting did Secretary Mattis
15 ever talk about or write about this supposed phone call that Mr.
16 Snodgrass wrote about?

17 A: Not that I recall. I just-- it would have been really
18 unusual for the Secretary in any setting to talk about any
19 conversation he had with anybody. So, you know, just add that as
20 a matter of his value proposition and my interaction with him.

21 Q: Did he ever talk about in any setting about any
22 communications he had with the President?

23 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

24 Q: With the White House?

25 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

1 Q: We've been told that you sometimes either stayed behind
2 after small group or met with a smaller group if you will after
3 Secretary Mattis was finished with the stand up to discuss the
4 business of the upcoming day. Does that sound right?

5 A: Again in reference to the 0800 meeting, once we get
6 done that meeting we were usually moving out, so a that -- it
7 wasn't - it was no norm after that, and we may have been
8 occasional where we stayed around but, we were pretty tight in
9 moving out on other targets.

10 Q: Well in such a huddle if you will, after small group or
11 maybe at some other time it's hard to say when, did you ever
12 mention about pressure from the White House coming down to the
13 Pentagon about the JEDI procurement?

14 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

15 Q: Did you ever talk to the staff about any communications
16 with the White House or the President about JEDI?

17 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

18 Q: Did you ever talk to the staff about public statements
19 that President Trump made about JEDI or other statements that the
20 media attributed to President Trump about this cloud initiative
21 or procurement?

22 A: I don't recall any public statements the President made
23 or media about JEDI. It just wasn't something in my gun target
24 line that I can recall.

25 Q: Okay I'll ask. That was another question I had. Were

1 you aware of public statements he made about the procurement?
2 There was one in which I saw it on television where he said,
3 "We're getting a lot of complaints about this contract and we're
4 going to take a look at this." Words to that effect.

5 A: I am not aware of that.

6 Q: Were you aware of any criticisms in the media that
7 either came from President Trump or were attributed to President
8 Trump that were against either JEDI, or Amazon, or Jeff Bezos in
9 particular?

10 A: No.

11 Q: How about the Washington Post?

12 A: No. No, I'm just thinking in general there's criticism
13 about everything. I'm racking my brain here to think if there's
14 anything that fit that bill, but no.

15 Q: How did the White House influence your actions as they
16 related to the JEDI procurement?

17 A: I wasn't involved and I don't recall any influence.

18 Q: Did you have any -- what was your role in JEDI
19 procurement?

20 A: None.

21 Q: Did you ever take any action in?

22 A: None.

23 Q: Did you ever pass any guidance to the staff, to anybody
24 in the staff from the Secretary in regards to this--

25 A: Not that I recall.

1 Q: To the procurement? Secretary Mattis ever give you
2 instructions to pass to others about the acquisition program or
3 the procurement itself?

4 A: Not that I recall.

5 Q: What did Secretary Mattis ever say to you regarding his
6 communications with the White House on JEDI?

7 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

8 Q: What did Secretary Mattis ever say to other DoD
9 officials are have relate to other DoD officials about
10 communications with the White House on JEDI?

11 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

12 Q: Sir, do you remember Sharon Woods?

13 A: I do not.

14 Q: Do you remember Mr. Chris Lynch?

15 A: I do. I believe he had ran some digital innovative --

16 Q: DDS.

17 A: Yes, sir.

18 Q: The Digital Defense. He was the former Director --

19 A: Yes, sir.

20 Q: of Digital Defense --

21 A: Yeah.

22 Q: Service. And Ms. Woods worked for him. She was the
23 General Counsel in the DDS and then later on -- later on she
24 became the Program Manager, the Cloud Computing Program Manager.

25 A: Yeah I don't remember her --

1 Q: I don't know if --

2 A: -- but I do remember Chris.

3 Q: -- that rings a bell.

4 A: No, sir.

5 Q: Okay. We understand that in August or September 2018
6 Ms. Woods and Mr. Lynch reported to Mr. Sweeny that an attorney
7 from the National Security Council had contacted Ms. Woods. What
8 did you ever hear about that?

9 (b) (6), (b) (7)(C): Objection. Instruct the witness not to answer.

10 Q: We've heard that an attorney from the NSE contacted Ms.
11 Woods and Mr. Ellis and supposedly offered the President's help
12 with -- to negotiate the contract and that they brought that
13 issue to Mr. Sweeny basically said, "Can you please help us make
14 this stop?" What can you tell us about that?

15 (b) (6), (b) (7)(C): Objection. Instruct the witness not to answer.

16 Q: What would be your comment or response to media reports
17 that President Trump influenced the JEDI Cloud contract source
18 selection in a way that disadvantaged Amazon?

19 A: I - I mean - I, if there was media - I mean I just - I
20 just wasn't tracking the issue. So, in general it would surprise
21 me if a media report would influence a contract. But I'm not
22 tracking that issue.

23 Q: I need to kind of flip that around and ask the question
24 another way. Given that, basically the timeframe that you worked
25 for Secretary Mattis because the original complaints that came

1 into our office which were consistent with some of the noise in
2 the media, was that everything was fixed to favor Amazon at that
3 time, and then after the announcement was for Microsoft it kind
4 of flipped and the narrative became, oh the White House helped to
5 make sure that Amazon didn't get it. So, but during that time
6 that you're here, did you ever hear him say anything about -- did
7 you ever see him do anything that might be construed as somehow
8 giving Amazon a competitive advantage in any forthcoming
9 procurement, Secretary Mattis I mean.

10 (b) (6), (b) (7)(C) : Objection. To the extent that the question is
11 asking about presidential communications with the Department of
12 Defense.

13 Q: I did a lot of talking there. I'm going to rephrase the
14 question.

15 A: Sure.

16 Q: Did you ever see or hear Secretary Mattis --

17 A: I wish the Senators would do that one in the SASC
18 hearings, it would help me.

19 Q: Did you ever see or hear Secretary Mattis say or do
20 anything that might be construed as giving Amazon a leg up in the
21 cloud competition?

22 A: No, sir. And it would be consistent -- very
23 inconsistent with the value system for someone I've worked for,
24 for three different tours about anything, but no on that
25 particular subject.

1 Q: Okay. I'm switching gears a little bit. I want to talk
2 to you about the scheduling process that the front office used to
3 get people on to Secretary Mattis' calendar. Who is in charge of
4 the schedule?

5 A: It went from (b) (6), (b) (7)(C) to Chief of Staff.

6 Q: Mr. Sweeny?

7 A: That's right.

8 Q: Okay. And, how did that process work? And let's focus
9 on - let's say someone from industry wants to come in and let's
10 say whether it's Amazon, or Microsoft, or Oracle, or any of those
11 players and want to get in to see Mr. Mattis.

12 A: Pretty detailed process. Sheets were written and things
13 were vetted and decisions were made by Mr. Sweeny and if there
14 was a need for bringing the boss in he came in.

15 Q: Who did the final approving of whether something
16 somebody got on or not got on the calendar?

17 A: That was always generally the boss. His schedule.

18 Q: Who was the one that worked most closely with him to
19 review those things?

20 A: That would be (b) (6), (b) (7)(C) or Chief of Staff.

21 Q: What was your role in all of that?

22 A: If I -- I tend to do the mil the mil relation,
23 generally as the senior military assistant, and so whether there
24 were requests from combatant commanders or requests for specific
25 briefs on the military then I would insert and try to work with

1 the two of them to figure out how, and then on trips, Mr. Sweeny
2 didn't usually travel, so on trips I was usually, the kind of a
3 lead planner so we'd shape the trips and then we would take it to
4 Mr. Sweeny to go over the contours and take it into the boss.

5 Q: Okay. Was it either (b)(6), (b) or Mr. Sweeny that also
6 worked the -- let's say that some research needed to be done or
7 some background work to support the decision on whether it gets
8 on the calendar or not, or was that an action officer?

9 A: It would vary on the issue so, as you can imagine there
10 was always 100 things to fill a schedule that would support ten
11 so there would always be a lot of requests for information and
12 depending on who was asking to get on the schedule.

13 Q: Was there a central person that ultimately decided
14 which opportunities if you will to present to the boss?

15 A: The Chief of Staffs. The chief for a reason -- he was
16 the chief.

17 Q: We've heard some -- we've heard the term the machine
18 with respect to -- what was the machine?

19 A: Well you know at a combatant command you have a
20 commander's action group so, the Sec Def had been in a combatant
21 commander role[DoD4] but you can't call it that. A commander's
22 action group when you're the Sec Def. So, we just played around
23 with what - what a name we should call it, an advisory group,
24 action group, and somebody - somebody came up with that name. I
25 don't know, so it stuck but it was a small group, three or four

1 people that would help look at products as they came in and make
2 sure they were well staffed for the boss or write thought papers.

3 Q: So the machine was not involved totally by the
4 scheduling, it was about something that CAG might, akin to what a
5 CAG might do?

6 A: It could run from A to Z.

7 Q: Okay. Did they sometimes get involved in scheduling
8 issues?

9 A: Not usually get in on the schedule but once it was on
10 there then they would be involved in putting down talking points
11 and things like that.

12 Q: Okay. Yeah, I ask because we've seen where the machine
13 may have been involved in vetting schedule requests or providing
14 and going out and getting background information. [DoD5]

15 A: Yeah there was a detailed sheet with sign offs and I
16 think there was a place on them for sign offs on schedule
17 requests or at least an opinion on them.

18 Q: Okay. Who were the members of the machine?

19 A: Oh it varies. So, during what time frame?

20 A: They were in and out. We had people there of six
21 months [DoD6], we had Army interns, we had detailees. We usually
22 had between two to four people there.

23 Q: Is it - maybe we can go by position? Where there
24 certain positions or was it more of an individual skill set that
25 you were looking for?

1 A: No. Somebody would be the lead and the rest of the
2 people would do -- it was a very much functional project
3 space. [DoD7]

4 Q: Okay. And what was Sally Donnelly's role in these task
5 areas that had to do with scheduling whether it was intake of an
6 opportunity, or reviewing and approving it, or developing topics
7 or orchestrating logistics, any of those things?

8 A: If I recall her title was Special Advisor and she would
9 get -- so I stuck to my military lane. She would get involved in
10 functional issues, I can't think of one in particular. She as I
11 recall had a background in media. So if there was media or
12 speaking requests she'd get involved in those but it was not --
13 there was not a consistency to it. It was selected.

14 Q: Did she get involved when members of industry, captains
15 of industry if you will wanted to see the Secretary?

16 A: I actually don't know. I'm sure she did from time to
17 time. I just don't know. I can't ---I wouldn't.

18 Q: What guidance did Secretary Mattis give to you, or
19 maybe to the Chief of Staff when industry submitted invitational
20 request to meet with him? What do you recall about that?

21 A: As I recall he signed out a memo while he was Sec Def
22 that encouraged the Department to, using your counsel, to have a
23 dialogue with industry because the importance that they bring to
24 o the future fight. And that's what I recall so that didn't mean
25 just open the doors. There had to be a reason and it had to be

1 vetted, so he encouraged proper engagement. I remember a memo.
2 And I know why I remember it because when I got to my present job
3 I asked what's our relation to industry and to SJA at proper
4 residence. [DoD8] We dusted off that memo because Secretary Mattis
5 was still the boss and we kind of said, hey we ought to use this
6 - as our - let's make sure we're using this as our guide post
7 moving forward.

8 Q: Have [DoD9] we've seen the memo. I think it was called
9 engaging with industry. Our information is that he may have gone
10 to an industry conference where the attendees was showing, "Hey,
11 your senior officials are scared talk to us." Do you remember
12 anything like that?

13 A: I don't remember that but I do remember the memo then a
14 lot of reason I remember that memo is because I dusted it off and
15 used it in my current job.

16 Q: Did Sally Donnelly often propose or relay invitations
17 to Secretary Mattis to meet with senior officials from industry?

18 A: I don't know.

19 Q: What was the Standard of Conducts Office's role in
20 vetting invitations from industry?

21 A: Is that -- I mean I don't remember an office by that
22 name but if that would have been (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)
23 then they were really involved with a lot of requests and
24 frequent at least sat down with the Chief of Staff to go through
25 a variety items and so I'm.

1 Q: Those two were part of the --

2 A: Yeah, yeah.

3 Q: -- SOCO.

4 A: I would recall that they were involved in a lot of
5 range. I don't specifically recall how they were involved with
6 scheduling requests for industry but given their high level of
7 involvement with the front office there may have been a
8 connection. I do need to just say this. I went on a speaking
9 engagement and I - while I was the senior military assistant with
10 a guy I graduated from high school with and he's a firefighter
11 and he's a Pennsylvania Firefighters Association, and I took him
12 to the chief and he said, "Go see, (b) (6) (b) (7)(C) So she said, "Okay.
13 This is what you can do." And she wrote out a one-page memo for
14 me to go speak to the Pennsylvania Firefighters Association. So I
15 -- it was a high level of sensitivity to that and that was just -
16 I didn't usually get out to speak much. I was generally working.

17 Q: The complaints that our office received and reviewed
18 allege that Secretary Mattis, as you were, sir, alleged that
19 Secretary Mattis' staff and specifically Ms. Donnelly gave
20 preferential treatment to Amazon officials by basically giving
21 them more meetings, and dinners, and face time with the Secretary
22 than Amazon's competitors were given. What could you tell us to
23 help us understand either support or deflect that?

24 A: Yeah I don't recall that being a pattern or an issue.

25 Q: Is there any information that you can provide to us

1 that would support that it was or wasn't true?

2 A: No.

3 Q: The complaints also alleged that Secretary Mattis gave
4 preferential treatment to Amazon officials by granting them more
5 access and meeting with them more, basically the same question
6 but directed at Secretary Mattis. What would be your comment or
7 what could you tell us about that allegation?

8 A: Yeah I don't recall any such preferential treatment. He
9 really truly didn't do a whole lot of meetings outside of work.
10 So it was work, and work, and travel.

11 Q: Okay. Sir, may I hand you a document here. This is
12 aimed at jogging your memory. It says for the record I handed
13 Admiral Faller an e-mail string from February 2017 it's all about
14 putting Mr. Sweeny together with a woman named Teresa Carlson
15 from Amazon Web Services for a meeting. Do you happen to know
16 what that meeting was about?

17 A: No, sir.

18 Q: We've heard that it was--so that Mr. Sweeny could
19 interview Ms. Carlson as a candidate for a DoD job as Principal
20 Deputy Under Secretary of Defense for Research and Engineering.
21 Were you aware of that?

22 A: No, sir.

23 Q: Do you know Ms. Carlson?

24 A: I did meet her.

25 Q: Okay. I think that was -- was that in London?

1 A: It was.

2 Q: Or was it some other -

3 A: London.

4 Q: Okay. Did Ms. Donnelly suggest to Mr. Sweeny that Mr.
5 Sweeny should interview Ms. Carlson for this job?

6 A: I don't know. I was - I was in, and I'm so thankful for
7 this, but on day one the Secretary said to me, "You will not be
8 involved in any hiring decisions except military folks for
9 military positions." So I was intentionally out of that and it
10 bought me a lot of time and I didn't need to be involved.

11 Q: Okay. Speaking of London, sir. I'm going to give you a
12 couple of other things to jog your memories. These are documents
13 that had to do with the trip. I'll give you a moment to look
14 through those at least scan them.

15 A: It's making me tired just looking at it.

16 Q: Did you travel with Secretary Mattis to the UK on this
17 particular trip?

18 A: I did.

19 Q: What was the purpose of the trip? Is there anything
20 that's not indicated on the itinerary that we need to know?

21 A: Well, he was going to New York City. Yeah I think we
22 went to see Ambassador Haley and probably Henry Kissinger
23 although I'm not seeing that. He consulted -- anyway and then in
24 London was I think -- [DoD10]the primary person was that I
25 remember, was (b) (6), (b) (7)(C) a strategist. He was a former

1 strategist. I don't know whether it was that trip or another
2 trip.

3 Q: Okay. I wanted to ask you more specifically about the
4 dinner that shown at the tail end with Teresa Carlson who is the
5 Amazon Worldwide Public Business Sector, and the Vice President
6 of that business sector and Mr. Andrew Pinar who is the CEO of an
7 outfit called C5 Capital and there were some other attendees at
8 this dinner as well. What can you tell us about that dinner and
9 why it was put it together and why?

10 A: Well Graham Lamb is a good friend of the Secretary's
11 and I don't remember why it was put together or why that group of
12 people came together but I do know there was that connection and
13 Sir David was a former COD. I remember it because I sat beside
14 him and I've never met him before.

15 Q: I'm sorry I don't know what a COD is.

16 A: Chief of Defense. General Richards.

17 Q: Do you recall who requested the dinner or wanted to put
18 it together?

19 A: No I don't.

20 Q: Do you recall who was in charge of it from the
21 Secretary side orchestrating --

22 A: No I don't.

23 Q: -- and logistics?

24 A: No I don't.

25 Q: What did the group discuss at the dinner?

1 A: There was -- It was - I talked to S -- I just remember
2 talking to Sir David the COD almost the entire time.

3 Q: Okay.

4 A: So I don't ever - other than a thank you maybe at the
5 beginning I don't really remember any overriding group
6 conversation.

7 Q: Was Secretary Mattis friends with any of the other
8 attendees?

9 A: Beyond Graham Lamb I think he might have known -- I'm
10 not sure maybe (b) (6), (b) (7)(C) , but other than that I'm not sure.

11 Q: Who invited Teresa Carlson and Andrew Pinar to the
12 dinner?

13 A: I don't know.

14 Q: Did you hear any of the conversation that included Ms.
15 Carlson and Mr. Pinar?

16 A: No, sir.

17 Q: Did you hear any conversation about cloud computing
18 technology, cloud business?

19 A: No, sir.

20 A: Amazon Web Services business?

21 A: No. Not that I recall.

22 Q: Did SOCO review this trip itinerary?

23 A: I - I don't know.

24 Q: Were any decisions or commitments made at this dinner

25 --

1 A: No.

2 Q: -- that related to Amazon?

3 A: None that I recall.

4 Q: Okay. The last document -- I have a couple of documents
5 I'm going to pass to you sir. These are two e-mail strings
6 dealing with putting together a dinner that we believe took place
7 on January 17, 2018 between Secretary Mattis and Mr. Jeff Bezos
8 the CEO of Amazon. So I'll give you a second to look at those and
9 then I'll ask a few questions and what the purpose of this
10 dinner. [DoD11]

11 A: I don't know.

12 Q: Did you attend the dinner?

13 A: No, sir.

14 A: What can you tell us about why Mrs. Donnelly is
15 involved in putting this dinner together with--and here see you
16 can see that she's coordinating with --

17 A: Yeah, I don't --

18 Q: -- with Ms. Carlson.

19 A: I - I don't know. As special advisor like I said she
20 episodically did things, set up things, worked on things but I
21 don't know in this case.

22 Q: After the dinner did Secretary Mattis come back to you
23 with any homework, any actions?

24 A: Not that I recall.

25 Q: Or information?

1 A: No, sir.

2 Q: What can you tell us about any other meetings or
3 dinners that Secretary held with Amazon officials that we haven't
4 discussed?

5 A: I mentioned -- none that I recall specifically. There
6 was a West Coast one.

7 Q: There was a West Coast one?

8 A: Yeah, I think he was included in the tech of the visit
9 to Silicon Valley, and they went up to Seattle as I recall. I
10 don't remember who all but I think Bezos was on that trip.

11 Q: He was. He was.

12 A: I didn't go on that trip so I wasn't, I don't recall
13 the meetings. Probably the only trip in the 22 months I didn't go
14 on and I don't recall why I didn't go on it.

15 Q: Did Secretary Mattis express to anyone a personal
16 preference for any specific vendor to get the JEDI Cloud
17 contract?

18 A: I don't recall any conversations about JEDI contract.

19 Q: Did anyone attempt to influence Secretary Mattis to
20 favor Amazon or other vendors competing for the JEDI Cloud
21 contract?

22 (b) (6), (b) (7)(C) : Objection. You can answer to the extent it
23 doesn't involve White House communications.

24 A: I don't - I don't know.

25 Q: Given everything we've discussed, sir, what comments

1 did Secretary Mattis ever make about Amazon in meetings either
2 publicly or privately that could be construed as giving Amazon a
3 competitive advantage?

4 A: None that I recall, and again it wouldn't be consistent
5 with the way he operated to do that about anything in public or
6 private.

7 Q: Same questions, what about any other vendors that
8 either competed for, could have been potential proposers for the
9 contract?

10 A: None that I recall.

11 Q: What has Secretary Mattis ever said or done that would
12 cause you to question his impartiality or ethics concerning
13 Amazon?

14 A: Nothing. He's the most ethical person I've ever worked
15 for or with.

16 Q: What has Secretary Mattis ever done that could cause
17 you to question his impartiality or ethics concerning the JEDI
18 Cloud Procurement?

19 A: Same, same answer.

20 Q: How would you respond to any assertion that Secretary
21 Mattis favored Amazon over other vendors for the JEDI Cloud
22 contract?

23 A: It sounds like nonsense to me.

24 Q: How would you respond to assertions that Secretary
25 Mattis' meetings with Amazon personnel somehow showed favoritism

1 towards them?

2 A: It sounds like unfounded.

3 Q: Given this line of questioning, sir, is there anything
4 else that you'd like to say or add to the record?

5 A: No. We tried from the get go to run a very ethical ship
6 and express an ethical midfield defines how we tried to run
7 things and in every aspect of the complex operating space that
8 that job entails for the secretary and our assistance to him, and
9 I felt like everybody came to work every day rowing in that
10 direction.

11 Q: Why do you think somebody would make all these
12 allegations?

13 A: I don't know, sir.

14 (b) (6), (b) (7)(C) [REDACTED], any questions?

15 (b) (6), (b) (7)(C) No.

16 [REDACTED]: (b) (6), (b) (7)(C), anything for clarification?

17 (b) (6), (b) (7)(C) : (b)(6), (b)(7)(C)

18 BY (b) (6), (b) (7)(C) :

19 Q: Any additional information you'd like to provide?

20 Anything that we're missing or failed to ask?

21 A: No, sir.

22 Q: Do you have any questions of us?

23 A: No. No, I don't.

24 Q: Do you have any comments or concerns about the way we
25 conducted this interview?

1 A: No, sir.

2 Q: If you remember anything else that you believe may be
3 relevant please contact our office.

4 A: Absolutely.

5 (b) (6), (b) (7)(C): Finally, in order to protect the integrity
6 of this investigation we ask that you not discuss the matters
7 under investigation or the questions we've asked you during this
8 interview with anyone other than your attorney should you chose
9 to consult one, but you're a witness here. You're not a subject
10 in any of these matters.

11 ADM FALLER: I understand. Thank you.

12 (b) (6), (b) (7)(C): This does not apply to or restrict your
13 right to contact an Inspector General or a Member of Congress. If
14 anyone asks you about your testimony or this investigation please
15 inform them that DoD OIG asked you not to discuss the matter. If
16 anyone persists in asking you about your testimony, our
17 investigation, or if you feel threatened in any matter because
18 you provided testimony please let us know.

19 ADM FALLER: Okay.

20 (b) (6), (b) (7)(C): The time is 1518 and this interview is
21 concluded.

22 [The interview terminated at 3:18 p.m., January 30, 2020.]
23 [END OF PAGE]

24 [DoD1]1:56 not sure if he said reserved or reserves

25 [DoD2]1:57 Deliberative? Is this correct?

[DoD3]8:22 unclear to me please listen.

[DoD4]20:17 is it 'role'?

[DoD5]21:16 please check to make sure what is written is correct.

[DoD6]21:34 please check this.

[DoD7]21:52 is this correct.

[DoD8]23:44 not sure if this Is correct please verify.

[DoD9]23:56 which is correct have or and?

22 [DoD10]29:58 was this Faller or (b) (6), (b) speaking softly...Please
23 review Im unsure who was speaking.

24 [DoD11]33:30 it was unclear...please review to make sure this is
25 correct.

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Ms. Ellen Lord
August 1, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is August 1, 2019. The time is 0841. My
3 name is (b) (6), (b) (7)(C) and with me today are (b) (6), (b) (7)(C),
4 (b) (6), (b) (7)(C). We
5 are investigators and auditors with the Department of Defense,
6 Office of the Inspector General. With us today is Ms. Ellen Lord,
7 Under Secretary of Defense for Acquisition and Sustainment. As we
8 discussed before going on tape we are conducting a review of the
9 development of the Department of Defense Joint Enterprise Defense
10 Infrastructure, or JEDI Cloud acquisition. We are reviewing
11 whether several former DoD official's participation in certain
12 JEDI Cloud acquisition activities may have violated ethics
13 standards because of potential conflicting financial interests or
14 interests that may impact impartiality. We also want to clarify
15 the actions of certain former DoD officials as they related to
16 JEDI Cloud acquisition activities, or relationships with Amazon
17 that may have prohibited their substantial participation in the
18 acquisition. These former DoD officials include: Mr. James M.
19 Mattis, Mr. Anthony DeMartino, Ms. Sally Donnelly, Mr. Victor
20 Gavin, Mr. Robert Daigle, and Mr. Deap Ubhi. Additionally, this
21 review will also focus on specific acquisition management and
22 contracting matters. We are conducting this interview at the
23 Pentagon in Room 3E1010. Ms. Lord, please acknowledge that you're
24 aware we're recording this interview.

25 MS. LORD: I'm aware.

1 (b) (6), (b) (7)(C): Also, please acknowledge you received a copy of
2 the DoD Privacy Act Notice.

3 MS. LORD: I did.

4 (b) (6), (b) (7)(C): I will now administer you the oath. Please
5 raise your right hand.

6 ELLEN M. LORD

7 was called as a witness, placed under oath, and provided
8 the following testimony:

9 E X A M I N A T I O N

10 BY (b) (6), (b) (7)(C):

11 Q: We're going to start with some background questions.
12 Please state your name and spell out your last name.

13 A: Ellen M. Lord, L-O-R-D.

14 Q: And what is your rank, ma'am?

15 A: I am Under Secretary of Acquisition and Sustainment.

16 Q: And when were you appointed as the Under Secretary of
17 Defense for Acquisition and Sustainment?

18 A: In August of 2017.

19 Q: Would you please briefly describe your duties and
20 responsibilities?

21 A: I have responsibility for all the acquisitions across
22 the Department of Defense and making sure that we sustain those
23 for the warfighter. In addition I have responsibility for about
24 38 bilateral agreements with partners and allies, both from an
25 overall arrangement that we have certain names we call these so

1 that we can discuss acquisition and technology. Then a variety of
2 specifics underneath all of that.

3 Q: All right, ma'am.

4 A: Reporting to the Secretary of Defense.

5 Q: Please describe the relationship between USD A&S and
6 the Defense Digital Service if there is one.

7 A: There is no formal organizational relationship,
8 however, they are a resource for us that we utilize from time to
9 time.

10 Q: Can you give us an example of how you may utilize them?

11 A: Certainly. Right now they have a new leader with Brett
12 Goldstein and he is interested in helping us as we come up with
13 the transition from waterfall software development to agile and
14 Dev Ops and particularly Dev Sec ops. So, he is now sitting in
15 some routine meetings. I help him, in fact yesterday I just had
16 an e-mail exchange about the workforce and, I'm trying to help
17 him give awards to people because I'm trying to motivate the
18 right behaviors and so forth, that type of thing, but early on I
19 first knew them because of some work they had done down downrange
20 looking at how to deploy aircraft out of UAE, but then also when
21 I was first here I got asked to be involved in JEDI and they were
22 really the subject matter experts.

23 Q: Briefly describe the impetus for the JEDI Cloud
24 acquisition.

25 A: When I arrived in August 2017 Chris Lynch was very

1 involved talking with then Dep Sec Def Shanahan about software
2 initiatives and particularly going to the cloud. So there was an
3 enormous amount of dialogue between the two of them and I
4 initially got pulled in asking to work with this Cloud Executive
5 Steering Group, and in fact there's a memo dated September 13,
6 2017 that the Deputy put out at the urging of Chris Lynch to kind
7 of pull all of this together. So, I initially was part of that.

8 Q: Okay. And the memo you referenced would be from the
9 Deputy Secretary of Defense Mr. Shanahan?

10 A: Correct.

11 Q: And Mr. Chris Lynch at the time, what was his position?

12 A: It was the Director of the Defense Digital Service.

13 Q: You've spoken a little bit about it the Cloud Executive
14 Steering Group that you were part of. Please describe your
15 involvement in the JEDI Cloud initiative acquisition going a
16 little bit more in depth I guess into the Cloud Executive
17 Steering Group.

18 A: Well, I was only involved with it for a couple of
19 months because the Deputy asked me to stand down on it and get
20 some other people involved. I'm trying to find a subsequent memo
21 that was issued to that effect. And, I'm supposed to be getting
22 that. I had asked Sharon Woods for that and she's -- is that?

23 BY (b) (6), (b) (7)(C) :

24 Q: The January 4th one?

25 A: Yeah, that sounds right. Yep. Yep. And, I have some

1 e-mail background on that, but initially it was getting a team
2 together to talk about the purpose of doing this, and I'd say at
3 a high level the concern was that the Department of Defense was
4 not using best commercial practices where applicable for software
5 development and execution, and there was particularly a concern
6 that relevant data needed to be in one place that could be
7 utilized for a variety of different operational applications, and
8 I think the overarching premise was that if we were going to do
9 artificial intelligence we would need all of that aggregated.

10 BY (b) (6), (b) (7)(C) :

11 Q: Speaking to that memo that we showed you, why did Dep
12 Sec Def, Mr. Shanahan reorganize the Cloud Executive Steering
13 Group and replace you as the executive chair and put you in an
14 advisor role?

15 A: Because Bob Daigle had joined the team, and I think had
16 intense interest in it, and was working himself with the Deputy,
17 and I know he was holding a lot of meetings outside of the
18 standard meetings I had, and apparently they decided to move
19 forward with it themselves, and I think Jay Gibson coming on
20 board as well, he joined a little bit later. The idea was I think
21 this was somewhat of a reform effort and Bob being somewhat of a
22 subject matter expert given his background was pretty passionate
23 about it.

24 Q: Staying with the meetings that you held, can you
25 describe them? When did you hold them, how long were they?

1 A: We can go back and get the data, but I think it was
2 only for perhaps six to eight weeks, and it was -- of regular
3 meetings and there was a group from DDS. Chris initially was a
4 little bit involved, but it was really Tim Van Dame, something
5 like that.

6 Q: Van Name?

7 A: Yes, and his Deputy and Sharon Woods who were there
8 most of the time. I had Jane Rathbone on who was then part of
9 A&S. She has since moved on to the Navy. In fact, I think that
10 was in early '18 she did. From CIO I can't remember his name.
11 John, I could get name. He now I think it's working for CMO, or
12 at least he detailed to CMO, and then Bob Daigle started joining,
13 but the whole idea was trying to scope out the project. I was
14 trying to move this towards a well thought out acquisition plan
15 where you could start engaging with industry and explaining the
16 objectives, and the time frames, and so forth.

17 Q: Do you think you met those objectives?

18 A: I exited way before that was really codified. I know
19 some of my team, I think Kevin Fahey and perhaps Shay Assad were
20 involved with it to some degree, at key decision points.

21 Q: Where there by chance meeting minute notes?

22 A: I can go back and see. It wasn't -- Jane might have
23 done something. I am particularly big on keeping minutes of these
24 types of things, but it transitioned kind of away from me pretty
25 quickly. So, I'm not sure. I can go and look for those. I think I

1 asked my Chief of Staff to search my e-mail to see whatever we
2 came up with it. She didn't come up with too much. So, we'll see.
3 We can ask Jane Rathbone though she may well have had some.

4 Q: Thank you. Moving on. Please describe the relationship
5 between DDS and the Cloud Computing CPO.

6 A: CCPO standing for?

7 Q: For the Cloud Computing Program Office.

8 A: The cloud -- of DDS and the CPO?

9 Q: Yes.

10 A: I'm not sure because that program office was stood up
11 after I was no longer involved. We had conversations about
12 getting -- there was a female Air Force Program Manager that I
13 know was being brought on board, but the last interaction I
14 really had was I was asked to speak briefly at I don't even know
15 if you call it an industry day, but there was an event and I met
16 her there just as I was going on stage.

17 Q: What ethics training and education have you received
18 since assuming your current duties?

19 A: Once a year we have a town hall meeting where we go
20 over all of the ethics training and so forth.

21 Q: Okay. What ethics training did you receive regarding
22 the JEDI Cloud acquisition? Was there any specific ethics
23 training for that?

24 A: No specific training.

25 Q: Did you sign a nondisclosure agreement form?

1 A: Not that I recall. However, I sign an enormous number
2 of document so I'm not positive.

3 Q: Do you by chance know what ethics training DDS
4 employees received concerning the JEDI Cloud acquisition?

5 A: I have no idea.

6 Q: Ma'am, what is your knowledge of SBD Advisors?

7 A: None. It doesn't ring a bell with me. What does that
8 stand for?

9 Q: It stands for Sally B. Donnelly Advisors. It was a
10 company that she --

11 A: Oh, I know Sally. I know Sally from when she was here
12 and was that her company before she joined?

13 Q: Yes.

14 A: Okay.

15 Q: And we'll talk about that.

16 A: Okay.

17 Q: Are you familiar with the company C5 Capital?

18 A: No. What did C5 stand for?

19 Q: Is a --

20 A: I just want to make sure that I'm answering this
21 correctly.

22 Q: Can you help me out with that?

23 (b) (6), (b) (7)(C) : I don't think C5 stands for anything.

24 A: Okay. It's just a --

25 (b) (6), (b) (7)(C) : Yes it's just the C and the number five.

1 A: Okay. I don't think I know that.

2 BY (b) (6), (b) (7)(C):

3 Q: It deals with consulting though. So that --

4 A: Say that again.

5 Q: It deals with consulting.

6 A: Yeah.

7 Q: It was a consulting company.

8 A: Okay. I may know some of the people but I don't know
9 that name in particular. I will say I see an incredible number of
10 documents with a lot of things. So I could have seen something go
11 by, but that's not a company that I'm aware that I ever engaged
12 with.

13 Q: Okay. Do you know what the company SBD had any interest
14 in the JEDI Cloud acquisition?

15 A: I have no idea.

16 Q: Okay. We're going to move on to Mr. Mattis. What were
17 your interactions with former Secretary of Defense James Mattis
18 that related to your role as the chair for the CESG and the JEDI
19 Cloud acquisition?

20 A: None.

21 Q: Do you have an understanding if Mr. Mattis had a
22 relationship with or interest with SBD Advisors?

23 A: I don't know.

24 Q: How about Amazon?

25 A: Now I know he did one West Coast trip where he went out

1 to Silicon Valley and visited a number of people, but I don't
2 know any of the specifics.

3 Q: Did Mr. Mattis need to disqualify himself from
4 participating in the JEDI Cloud acquisition because of any
5 relationships or interests with outside companies?

6 A: I have no idea. I never saw his recusal list.

7 Q: Did you ever hear Mr. Mattis say anything about Amazon?

8 A: Not that I recall.

9 Q: How about any of the other competitors for the JEDI
10 Cloud contract?

11 A: I was never in any meetings with Secretary Mattis about
12 that, and I don't recall that coming up in large group which is
13 the one place, Tuesday morning meetings which is -- which was his
14 staff meeting where I don't recall this ever coming up for
15 discussion.

16 Q: We're going to move on to the matrix that you provided
17 us.

18 A: A very comprehensive matrix.

19 Q: For the purpose of recording you filled out and signed
20 a JEDI Cloud acquisition matrix form for us on which we asked you
21 to indicate your first-hand knowledge of whether certain former
22 DoD officials played a role in various JEDI Cloud acquisition
23 activities. The form lists 27 activities meant to cover the full
24 range of JEDI Cloud acquisition matters including, but not
25 limited to executive steering, requirements development, market

1 research, acquisition strategy, and the request for and
2 evaluation for proposals. We also included a space for other to
3 cover any relevant activity we did not list. Also, for any yes
4 answer we asked you to describe the role that former DoD
5 officials played in those activities. We defined a "role" as
6 issuing guidance, or direction, attending related meetings,
7 conducting research, providing data or other decision support
8 information, providing opinions or recommendations, writing or
9 helping to write, reviewing, approving, or signing a draft or
10 final version of a document. There's also a space for you to
11 indicate some other type of role or participation that we did not
12 list. On the form you indicated that you did not know if
13 Secretary Mattis played a role in any of the program or
14 contracting activities listed on the matrix. Do you confirm this?

15 A: Correct.

16 Q: Can you please explain why or how you ended up marking
17 you did not know for the 27 activities that we provided you?

18 A: I wrote I did not know if I had no interaction on that
19 specific point, or knowledge of interaction of the individual.

20 Q: What nonpublic procurement information did Mr. Mattis
21 have to access prior to the selection?

22 A: I have no idea, but typically the Secretary of Defense
23 or the Deputy Secretary of Defense is not involved in specific
24 acquisition activities.

25 Q: How did Mr. Mattis influence the JEDI Cloud

1 acquisition?

2 A: I have no idea. All I know is that he wanted to
3 modernize the Department and the way we did things, and having
4 lived in Silicon Valley he was aware I think of how some
5 commercial providers did things and wanted to make sure that we
6 were moving, as he would say at the speed of relevance. So I
7 think he generally wanted to make sure that we were delivering
8 capability to the warfighter.

9 Q: What has Mr. Mattis ever said or done that would cause
10 you to question his ethics or impartiality concerning Amazon?

11 A: Nothing.

12 Q: Same question but concerning the JEDI Cloud
13 acquisition?

14 A: Nothing.

15 Q: We're going to move on to Ms. Sally Donnelly.

16 A: Uh, huh [affirmative response].

17 Q: Ma'am, who is Ms. Sally Donnelly?

18 A: She was a Special Assistant in Secretary Mattis'
19 Office.

20 Q: What were your interactions with Ms. Donnelly that
21 related to the JEDI Cloud acquisition?

22 A: Only tangentially that I went on one trip to Silicon
23 Valley with her where we were talking about software, but not
24 particularly JEDI that I recall.

25 Q: Do you remember when about that trip was?

1 A: I can find out but it was probably late 2017 or early
2 2018. It was really about DIU and the Defense Innovation Board,
3 and that type of thing, and I was trying to get spun out on what
4 DIU was doing and trying to understand who we could get for
5 consultants to help us with some things and so forth. I shouldn't
6 say consultants. I think we were just getting going on the
7 software acquisition and practices study and we were looking for
8 people to augment the Defense Innovation Board to do that. So
9 (b) (6), (b) (7)(C) for instance was on that trip as well.

10 Q: Did Ms. Donnelly need to disqualify herself from
11 participating in the JEDI Cloud acquisition because of any
12 outside business relationships or interest?

13 A: I don't know.

14 Q: What did you ever hear Ms. Donnelly say about Amazon?

15 A: I don't recall her saying anything specific about
16 Amazon.

17 Q: About any of the other competitors for the JEDI Cloud
18 contract?

19 A: I never had any of those types of conversations with
20 her.

21 Q: Moving back to the matrix. On the form you indicated I
22 do not know if Ms. Donnelly played a role in any of the program
23 or contracting activities listed on the matrix. Do you confirm
24 this?

25 A: I confirm that.

1 Q: And we did with Mr. Mattis, can you please explain your
2 reasoning for marking I don't know for Ms. Donnelly?

3 A: Because most of these items I was not involved with
4 some of them but most of them and Sally Donnelly wasn't a part of
5 our JEDI meetings that I was involved with.

6 Q: What nonpublic procurement information did Ms. Donnelly
7 have access to prior to the source selection?

8 A: I have no idea.

9 Q: How did Ms. Donnelly influence the JEDI Cloud
10 acquisition?

11 A: I have no idea.

12 Q: Did Ms. Donnelly have any conflicting interest that
13 should have disqualified her from participating in the JEDI Cloud
14 acquisition?

15 A: I'm not aware of. Again, I never saw her recusals.

16 Q: Has Ms. Donnelly ever said or done anything that would
17 cause you to question her ethics or impartiality concerning
18 Amazon?

19 A: No.

20 Q: Same question concerning the JEDI Cloud acquisition?

21 A: No.

22 Q: Okay ma'am. Moving onto Mr. DeMartino. Who is Mr.
23 Anthony DeMartino?

24 A: He, when I first met Tony he was working in the
25 Secretary's Office underneath of Kevin Sweeney who was the Chief

1 of Staff to Secretary Mattis, and he was helping get political
2 in and I came in as a political. So that's how I first met him.
3 He then transitioned to be Chief of Staff for the Deputy,
4 Shanahan, and then he left the Department.

5 Q: What were your interactions with him that related to
6 the JEDI Cloud acquisition?

7 A: Early on it would have been setting up meetings and
8 trying to understand the scope of what we were doing.

9 Q: Do you have an understanding of Mr. DeMartino's
10 relationship or interest with outside companies such as what
11 we've spoken about, SBD, C5, or Amazon?

12 A: My only knowledge is that he worked with Sally Donnelly
13 before coming to the Department, and when he left the Department
14 went to back to work with her.

15 Q: Since he's left, do you know how he went back to work
16 for her? In what capacity or what he was doing?

17 A: I don't know what the specific relationship is.

18 Q: Did Mr. DeMartino need to disqualify himself from
19 participating in the JEDI Cloud acquisition because of any
20 outside relationships or interests with businesses?

21 A: I don't know.

22 Q: Did you ever hear Mr. DeMartino say anything about
23 Amazon?

24 A: Not that I recall.

25 Q: Did you ever hear him say anything about the other

1 competitors for the JEDI contract?

2 A: No.

3 Q: Moving back to the matrix, ma'am. On the form you
4 indicated I don't know if Mr. DeMartino played a role in any of
5 the program or contracting activities listed on the matrix. Do
6 you confirm this?

7 A: Yes, other than problem statement I said provided
8 opinions or recommendations.

9 Q: Okay. What specifically opinion or recommendations did
10 he provide for the problem statement?

11 A: I'm not sure other than he worked very closely with the
12 Deputy on it at the time. So I know that this was something that
13 he was following as one of the priorities. So he would have been
14 the one that organized these memos that came out under the
15 Deputy's signature.

16 Q: Are you aware of Mr. DeMartino coordinating travel for
17 then Sec Def Mattis to meet with industry specifically Amazon to
18 discuss the cloud?

19 A: No.

20 Q: What nonpublic procurement information did Mr.
21 DeMartino have access to for the source selection?

22 A: I do not know.

23 Q: How did Mr. DeMartino influence the JEDI Cloud
24 acquisition?

25 A: I don't know.

1 Q: What had Mr. DeMartino said or done that would cause
2 you to question his ethics or impartiality concerning Amazon?

3 A: Nothing that I'm aware of.

4 Q: Concerning the other JEDI Cloud acquisition
5 competitors?

6 A: None that I'm aware.

7 Q: Moving onto Mr. Gavin.

8 A: Uh, huh [affirmative response].

9 Q: Ma'am, who is Mr. Victor Gavin?

10 A: I believe he is an individual that worked with the
11 Navy. I had to think about that name for a while because it
12 sounded vaguely familiar but then a lot of things sounds vaguely
13 familiar. So, I asked someone if he -- who he was in was told
14 that he did work with the Navy and I believe I might have taken
15 one or two meetings with him on some business systems that the
16 Navy was putting in.

17 Q: Do you recall if any of those business systems may have
18 included Amazon?

19 A: I don't. I'm not sure at that point. I think the Navy
20 was putting together an RFP. I'm not sure that they were at
21 source selection.

22 Q: And just for your information, ma'am, Mr. Victor Gavin
23 is former Deputy Assistant Secretary of the Navy for C4I, IO,
24 Space.

25 A: Okay.

1 Q: What were your interactions with him, Mr. Gavin that
2 related to the JEDI Cloud acquisition?

3 A: None. I don't recall him ever being in the meetings we
4 had.

5 Q: Do you have an understanding if Mr. Gavin had a
6 relationship or an interest in Amazon?

7 A: No.

8 Q: Do you know if Mr. Gavin needed to disqualify himself
9 from participating in the JEDI Cloud acquisition?

10 A: No.

11 Q: Did you ever hear anything Mr. Gavin may have said
12 about Amazon?

13 A: No.

14 Q: About any of the other competitors for the JEDI Cloud
15 contract?

16 A: No.

17 Q: Moving back to the matrix, ma'am. On the form you
18 indicated I don't know if Mr. Gavin played a role in any of the
19 program or contracting activities listed on the matrix. Do you
20 confirm this?

21 A: Yes.

22 Q: And once again can you expound on your answer for I
23 don't know for Mr. Gavin?

24 A: I was never in any meetings with him about JEDI nor do
25 I recall his name ever coming up with respect to that. Or he

1 never brought it up when I was around.

2 Q: What nonpublic procurement information did Mr. Gavin
3 have access to for the source selection?

4 A: I don't know.

5 Q: How did Mr. Gavin influence the JEDI Cloud acquisition?

6 A: I don't know.

7 Q: Did Mr. Gavin have any conflicting interest that should
8 have disqualified him from participating in the JEDI Cloud
9 acquisition?

10 A: I don't know.

11 Q: Had Mr. Gavin ever said or done anything that would
12 cause you to question his ethics or impartiality concerning
13 Amazon?

14 A: No.

15 Q: Concerning the JEDI Cloud acquisition?

16 A: No.

17 Q: Okay ma'am. Moving on to Mr. Daigle. Who is Mr. Robert
18 Daigle?

19 A: He was the Director of CAPE.

20 Q: And what were your interactions with Mr. Robert Daigle
21 that related to the JEDI Cloud acquisition?

22 A: He joined meetings early on and was very interested
23 because of his background. I think he considered himself somewhat
24 of a software expert.

25 Q: And when you state that he joined meetings early on,

1 about when would he have started joining those meetings?

2 A: Probably the second or third meeting I had. I could go
3 back and look. I would assume that would be in the September
4 timeframe. September 2017.

5 Q: And those meetings that you had would be with the
6 Executive Steering Group?

7 A: Correct.

8 Q: What was your understanding of Mr. Daigle's
9 relationship or interest in SBD Advisors Company?

10 A: No idea.

11 Q: C5 Capital Company?

12 A: No idea.

13 Q: Your understanding of Mr. Daigle's relationship or
14 interest with Amazon?

15 A: No idea.

16 Q: Did Mr. Daigle need to disqualify himself from
17 participating in the JEDI Cloud acquisition because of any
18 outside relationships or interests with business?

19 A: I don't know. Again I never saw his recusal sheet.

20 Q: Did you ever hear any -- Mr. Daigle say anything about
21 Amazon?

22 A: Not that I recall.

23 Q: About any of the other competitors for the JEDI
24 contract?

25 A: No.

1 Q: Moving back to the matrix, ma'am.

2 A: Uh, huh [affirmative response].

3 Q: On the form you indicated that Mr. Daigle played a role
4 or participated in six of our listed activities and the activity
5 'other' program or contracting activities. Do you confirm this?

6 A: Yes.

7 Q: Please explain your answer for Mr. Daigle's involvement
8 in activity number one, Cloud Executive Steering Group meetings
9 or engagements, and you indicated that he gave guidance and
10 direction, attended meetings, and opinions or recommendations.

11 A: He had very strong recommendations, and I can't
12 remember at this point as to exactly what that was, but I know
13 that he was pulling various members of the team in for one-on-one
14 meetings and so forth. So, I particularly know this because Jane
15 Rathbun worked for me and he was asking her to go to a number of
16 meetings.

17 Q: Do you know the nature of those one-on-one meetings?

18 A: I don't know the specifics. You would have to ask Jane.
19 At the time I think he was trying to understand the direction and
20 had opinions on how this should go.

21 Q: Did he ever express those opinions on how they should
22 go with you?

23 A: No because I think he wanted to work that directly with
24 the Deputy.

25 Q: Moving onto activity number two Cloud Computing Program

1 Office. Once again you stated that there was guidance and
2 direction, attended meetings, and opinion and recommendations.
3 Can you expound on that?

4 A: Bob continued working I think pretty aggressively with
5 that team and with DDS, and there were lots of discussions at the
6 time I left work that program office should look like, and who
7 should be in it, and so forth.

8 Q: Do you remember what his vision for that office was or
9 who should be part of it?

10 A: I don't -- we didn't get in -- no because we didn't get
11 into a lot of details beyond getting a program manager and having
12 some of the DDS individuals involved because of their subject
13 matter expertise.

14 Q: Moving onto activity number five business case
15 analysis. You indicated the same with that guidance, meeting, and
16 opinions, recommendations. Please expound on that.

17 A: That was I think what Bob in his role as CAPE really
18 looked at as to how programs should be structured to make sure
19 that they were delivering. So, that's the direction I think he
20 was going. We didn't get into a lot of specifics other than
21 discussing one cloud versus multiple clouds for this award and so
22 forth.

23 Q: Activity number six, ma'am, functional business
24 requirements. Again you indicated guidance, meetings, and opinion
25 recommendations.

1 A: Exactly. That's where Bob was meeting with the subject
2 matter experts quite a bit and that's where they were focused as
3 I left the group.

4 Q: Activity number 15, ma'am. Acquisition strategy. On
5 there you indicated a number five only which is opinion and
6 recommendations.

7 A: Again that's where I know that the whole team was going
8 and Bob was working very closely with the Dep Sec Def at that
9 point.

10 Q: Do you know what part he played in defining the
11 acquisition strategy?

12 A: I think it was this decision of a single award versus
13 multiple awards, and the Deputy came out very, very strongly on
14 only having one award and that is something that DDS and Bob
15 spent a lot of time talking about.

16 Q: Which leads us to activity 21, the single award
17 decision. What was your view or rationale for the single award
18 decision?

19 A: OSD/JS (b)(5)

20 OSD/JS (b)(5)

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25 Q: And moving onto activity number 27, other program or

1 contracting activities. Please tell us about that.

2 A: Again, this is what the team was working on how to go
3 about all of this and there were lots of discussions, and I know
4 that Bob was right in the middle of those and driving a lot of
5 that, had a keen interest in it.

6 Q: For all other activities listed on the matrix form for
7 Mr. Daigle that we did not just discuss you indicated an I do not
8 know if Mr. Daigle played a role in the activity. Do you confirm
9 this?

10 A: Yes.

11 Q: Did Mr. Daigle's participation in these activities as
12 the CAPE Director mean that his participation in the JEDI Cloud
13 acquisition was substantial?

14 A: Yes.

15 Q: How so?

16 A: Because it was something he was keenly interested in
17 and working very, very closely with the Deputy on.

18 Q: Would you perhaps describe him as a major influence in
19 the JEDI Cloud acquisition?

20 A: I would believe so.

21 Q: Was there any reason why Mr. Daigle should not have
22 participated in the JEDI Cloud acquisition activities we
23 discussed?

24 A: It's a little bit odd as Director of CAPE to be so
25 intimately involved in an acquisition.

1 Q: How so, can you expound on that?

2 A: That typically, not that it's right or wrong, it's just
3 unusual in that role where you're doing a lot of analysis to be
4 driving the early part of an acquisition, and intimately working
5 with the group and almost running the group.

6 Q: Did you work with the previous CAPE Director before Mr.
7 Daigle?

8 A: Only when I was in industry, and that was very little,
9 so not inside of the building so to speak.

10 Q: How did Mr. Daigle influence the JEDI Cloud
11 acquisition? You've spoken a little bit about that as far as he
12 held lots of meetings and had his idea of the way it should go.
13 Was there anything specific that he did that may have caught your
14 attention as odd or out of the ordinary?

15 A: I'm not aware of any of the specifics after I was no
16 longer involved in the meetings which was somewhat before the
17 actual memos came out saying that they were transitioning. So, I
18 really don't have any insight because I wasn't there during most
19 of these discussions.

20 Q: Has Mr. Daigle said or done anything that would cause
21 you to question his ethics or impartiality concerning Amazon?

22 A: No.

23 Q: Concerning the JEDI Cloud acquisition?

24 A: No.

25 Q: Okay, ma'am. Moving onto Mr. Ubhi. Who is Mr. Deap

1 Ubhi?

2 A: I am told that he was with DDS. I don't believe I ever
3 met him. I might have at one point been in a meeting or run into
4 him, but I did not recognize that name. Other than in the media
5 and so forth, but not from his time here.

6 Q: What is your understanding of Mr. Ubhi's relationship
7 with or interest in Amazon?

8 A: I don't know anything firsthand. I've only read things
9 in the media. I never interacted with him or heard him spoken
10 about by any other person.

11 Q: Moving back to the matrix, ma'am. On the form you
12 indicated I do not know if Mr. Ubhi played a role in any of the
13 program or contracting activities listed on the matrix. Do you
14 confirm this?

15 A: Yes.

16 Q: Do you know how or if Mr. Ubhi influenced the JEDI
17 Cloud acquisition?

18 A: No.

19 Q: We understand that Mr. Ubhi may have attended an
20 Executive Cloud Steering Group meeting. What information can you
21 provide us about his attendance?

22 A: I don't recall. Early on there were a number of DDS
23 people that came in and out. I'm just not sure I would either
24 recognize them or remember their names, but I don't recall ever
25 being introduced to him, or I didn't recognize that name.

1 Q: Moving on to competitive advantage and favoritism. Were
2 you ever in a meeting at which anyone either one, change the
3 subject, or two, excused him or herself because he, she, or
4 someone close to them had a conflicting financial interest that
5 may be impacted by the JEDI Cloud acquisition?

6 A: Not that I recall.

7 Q: Did anyone attempt to write JEDI Cloud requirements,
8 and by this I mean the JROC-M, gating requirements, technical
9 requirements, or any other requirement in a way that favored
10 Amazon over its competitors?

11 A: I don't know because I wasn't involved in the drafting
12 of any of those documents or involved in the meetings.

13 Q: Did anyone attempt to include or exclude anything in
14 the RFP that would serve to advantage Amazon or disadvantage its
15 competitors?

16 A: Not that I'm aware of.

17 Q: Did anyone attempt to influence your actions or
18 participation in the JEDI Cloud acquisition to favor one vendor
19 over another?

20 A: Not that I'm aware of.

21 Q: Ma'am, how do you respond to somebody telling you not
22 to put all your eggs in one basket?

23 A: I can't respond to that with no context.

24 Q: Okay. How would you respond to that with the context
25 relative to the JEDI Cloud acquisition and a single source

1 sole-source contract?

2 A: Well, it's always a trade-off. You have finite
3 resources and often we have one award because it's the most
4 efficient and effective way to go.

5 Q: At this time I am going to transition to (b) (6), (b) (7)(C) and
6 her team for questions specific to acquisition management and
7 contracting matters.

8 A: Okay.

9 BY (b) (6), (b) (7)(C) :

10 Q: Good morning, ma'am. I'm (b)(6), (b)(7)(C)
11 Cyberspace Operations for the DoD OIG, Audit Component. We'll go
12 over some questions now to discuss your involvement and rationale
13 behind the decision making for the JEDI acquisition.

14 A: Uh, huh [affirmative response].

15 Q: (b) (6), (b) (7)(C) do you want to?

16 BY (b) (6), (b) (7)(C) :

17 Q: (b) (6), (b) (7)(C) , I'm an auditor on the team. So, I
18 want to ask you some questions about the acquisition strategy
19 that you signed in July 2018.

20 A: Uh, huh [affirmative response].

21 Q: On page 19 it states that the JEDI Cloud is a heavily
22 tailored acquisition from existing defense acquisition
23 instructions. Can you explain more about what that means?

24 A: We always ask our acquisition professionals to look at
25 what we have for policy and instructions and tailor it to the

1 actual capability we're trying to acquire. So, if they're not
2 doing that typically they're really not doing their job.

3 Q: Does tailoring include exceptions to the rules or
4 inclusions of new standards, I mean, new paragraphs in the
5 contract, or what does tailored mean?

6 A: Tailored means that there's a vast amount of policy and
7 mechanisms to do things within the instructions, and a lot of
8 other documents that are referred to and sort of tools in a
9 toolkit and we expect the acquisition professionals to understand
10 what all those tools are available to them and only use the ones
11 required, and to be as specific as possible.

12 Q: Are there any established parameters when tailoring an
13 acquisition?

14 A: Well, quite a bit. I mean we teach whole courses at DAU
15 on this. So, and we're just rewriting 5,000 right now, so yes
16 absolutely there are all kinds of things.

17 Q: Moving on. The acquisition strategy says that the CIO
18 will continue to work with you to ensure an efficient but
19 rigorous process is observed throughout the JEDI acquisition. Can
20 you explain what that means?

21 A: The CIO is obviously not an acquisition professional
22 yet, the CIO has been given the mandate to modernize the
23 Department, ensure readiness along the way. So, I think they want
24 to make use of modern commercial technology to the greatest
25 degree possible, but obviously they want to be compliant with our

1 acquisition requirements.

2 BY (b) (6), (b) (7)(C) :

3 Q: Did you have any concerns about how the acquisition
4 strategy was developed, like the process? Did you have any at the
5 time? Do you have any now?

6 A: No. They went through a pretty rigorous process. People
7 from my Department were involved. When we came to do the D&F the
8 lawyers, the acquisition professional lawyers were heavily,
9 heavily involved in it. So, I think that there was as much if not
10 more rigor put into this acquisition than any I have seen since
11 I've been around.

12 BY (b) (6), (b) (7)(C) :

13 Q: So moving on to the rationale for single award. At the
14 beginning you mentioned that we don't have quite the whole
15 picture. To that point, when we look at the documentation that we
16 have on its face it looks like the decision to go single award
17 was made very early and we kind of backed into the justification
18 in those documents later. Can you walk us through like when, who,
19 how was the decision to go single award made?

20 A: The single award was actually an enormous topic of
21 conversation when I was involved in the procurement, OSD/JS (b)(5)

22 OSD/JS (b)(5)

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25 OSD/JS (b)(5)

So, I

OSD/JS (b)(5)



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16 Q: Do you remember who or when it was just kind of settled
17 that it would be a single award?

18 A: When I left the group that was not totally settled. It
19 was a huge amount of debate about that. The pros and cons.

20 Q: Okay. Can we talk about the D&F?

21 A: Sure.

22 Q: So, in the D&F you cite the use of the term fixed price
23 task order as the exception. Can you tell us how you came about
24 to choose that of the four exceptions?

25 A: OSD/JS (b)(5)



OSD/JS (b)(5)

Q: Do you remember who those --

A: Mike Glennon was very involved with that.

Q: Did they advise you as to why the other exceptions did not apply?

A: OSD/JS (b)(5)

OSD/JS (b)(5)

BY (b) (6), (b) (7)(C) :

Q: Did he ever provide any analysis for you to review on the other reasons? Is there any documentation that the lawyers may have provided you as information for you to make a decision?

A: We typically talk about all of those things, so I don't believe so. We go through them in depth, and again I'm not trying to be evasive, but I go through a lot of different contracts and I just can't remember the details,

OSD/JS (b)(5)

BY (b) (6), (b) (7)(C) :

Q: So, there's a special H2 new services clause otherwise known as the Tech Refresh Provision.

A: Uh, huh [affirmative response].

1 Q: Can you explain how the Tech Refresh Provision which
2 includes putting new services and offerings into the catalog and
3 therefore into the contract complies with --

4 A: Well it's fairly --

5 Q: -- the exception?

6 A: -- typical in that if circumstances change you have to
7 update the environment or whatever it is. So, I look at that as a
8 typical exception if you will. Again, we -- I tell our team I
9 want them to be creatively compliant. One of the biggest concerns
10 we have in the Department is people are so risk-averse that they
11 put in everything and then some in terms of contracts without
12 really thinking what is the capability we're trying to deliver to
13 the warfighter and then what's the best way to get at that? So, I
14 task the team to think through those very, very carefully and I
15 am not a contract lawyer yet I depend on my contracts lawyer. So
16 we talked -- I talk more about what I'm trying to achieve and
17 they tell me the best way to get there.

18 Q: Okay. Are you aware in the Court of Federal Claims the
19 most recent litigation on JEDI that the judge had an opinion
20 about that?

21 A: I do. I do. I actually -- I am not a lawyer. I am not a
22 judge. I thought from my non-professional point of view it was
23 somewhat unusual that she ruled for us, but then went to cite
24 some weaknesses. That seems like a strange professional posture
25 if you will because that will just invite, you know were in a

1 very litigious situation. You know overall in Department of
2 Defense we also know that it is very uncomfortable when we're
3 trying to do things differently. We know that the incumbents are
4 very well schooled at how to cast any types of doubt whether it
5 be sending people all over the Hill, getting people to write
6 articles, and this seems to just feed into that. Let's not make
7 any changes, and let's just keep with the status quo because
8 that's what we're comfortable with. So, unfortunately we see this
9 in many, many areas. When we try to modernize the way we are
10 doing business often those companies and we have many examples of
11 this who have been successful with the old ways of doing business
12 when they find they are not competitive in a new situation
13 there's an enormous amount of time and money and personal
14 relationships leveraged to go and try to discredit the new way of
15 doing business. So, I thought it was interesting that the judge
16 put that there because that will probably fuel an enormous amount
17 of questions and concerns from those who either chose not to bid
18 or will not be successful in this.

19 Q: Do you feel that the opinion about the timing of the --
20 so, essentially in summary the judge said that the prices must be
21 set at the time the contract. Do you feel that this is going to
22 -- do you feel that you have to go back and change your D&F or
23 will have to revise anything at this point?

24 A: OSD/JS (b)(5)

25 Q: Okay.

1 BY (b) (6), (b) (7)(C) :

2 Q: Have you discussed the ruling of the judge with your
3 lawyers already?

4 A: OSD/JS (b)(5)

5 OSD/JS (b)(5)

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8 BY (b) (6), (b) (7)(C) :

9 Q: I want to move on to the migration into JEDI.

10 A: Uh, huh [affirmative response].

11 Q: Does the Department have any plans at this point for
12 like an enterprise sourcing plan to move for JEDI? Are we going
13 to --

14 A: In terms of what content would go in there?

15 A: No, in terms of are we going to contract at an
16 enterprise level to migrate, for migration services into JEDI?

17 A: OSD/JS (b)(5)

18 OSD/JS (b)(5)

OSD/JS (b)(5)



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6 Q: Okay. Are you aware about the acquisitions, the new
7 acquisition strategy that the intelligence community is using for
8 their new cloud?

9 A: I know that we hired the guy that set up that, and is
10 the CIO now, and I think -- I don't know the details but we were
11 just discussing this the other day that they are way ahead of us
12 in their maturation process, and it's the same kind of thing. The
13 first step informs the second step. And I think we want to learn
14 from that.

15 Q: Absolutely, yes.

16 BY (b) (6), (b) (7)(C) :

17 Q: Ma'am, is there anything looking back that today you
18 would have changed for any of your decisions regarding the JEDI
19 acquisition?

20 A: No.

21 Q: Are there any concerns of how the acquisition process
22 went about for the JEDI cloud?

23 A: Only that this was a bizarrely outside influenced
24 acquisition with so much involvement from different companies
25 going to Congress, going to the White House, talking to the media

1 early and often. We typically don't like to talk about
2 procurements as they're going through because we want to preserve
3 our decision space, and the general public often believes that we
4 have all the answers and we're fitting something to that, whereas
5 truly it's a discovery process and we don't want to make a lot of
6 decisions early on and perhaps take the wrong path. So, we're
7 trying to preserve decision space versus narrow it down which is
8 what it feels like an enormous number of people think we're
9 doing.

10 Q: Is there anything else that you think we should be
11 aware of as we continue our review?

12 A: Not that I can think of. I'm curious, just from my
13 perspective and maybe you can't share this with me in terms of
14 for the investigation, I don't know what the correct terminology,
15 the review that you are doing who the people are you are talking
16 to, and if you're talking to some of those people that were
17 involved in all of those early meetings because they would have
18 and then continued on, they would have many more specifics than I
19 do on many of the things that you're asking me about that
20 unfortunately I just don't know.

21 Q: Is there anybody in particular that you feel would be
22 relevant for us to talk to?

23 A: Well, from A&S I think Jane Rathbun would be a really
24 important person. Now, she was A&S. She's Navy now, but I think
25 she would have much more insight to some of these things than I

1 do in terms of specifics if you will.

2 Q: Okay. Anybody else that you feel would be?

3 A: No, well she was the one from my group, so the things
4 that you're honing in on. I don't know what I don't know. So
5 maybe there are, but Jane's the one person.

6 Q: Is there any document, or any e-mails, or any
7 communications that you think would be beneficial for us to
8 obtain that will help us kind of better understand the process?

9 A: Well that's what I was looking, that's what asked Karen
10 Saunders to go back and look and she didn't find a whole lot.
11 When I was asking for that second document that I think you have
12 and we were trying to get that from Sharon Woods and she's trying
13 to dig it up, but what she did send me which was just kind of
14 interesting is an e-mail that went out before it was actually
15 issued talking about it, and I wasn't on the distribution so that
16 shows you that I'm not -- I don't have selective amnesia here I
17 just really wasn't a part of a lot of this stuff. So, that might
18 be --

19 Q: Thank you.

20 A: -- of interest to you for what it's worth. I think, and
21 that's, I mean we can give you some meeting dates and things like
22 that if that's of use. I don't know.

23 BY (b) (6), (b) (7)(C):

24 Q: If you can find them, the meeting notes or minutes if
25 there are any from the Executive Steering Group.

1 A: Yeah, yeah.

2 Q: That would be helpful.

3 A: I would have gotten those in e-mail I would have
4 thought, but yeah, I'll go back and see if I have any old files.
5 We keep everything. So, and Karen is very organized. So, yeah.
6 I'll look for that and see.

7 BY (b) (6), (b) (7)(C) :

8 Q: I do have one final question because you mentioned this
9 earlier when Mr. Daigle was directly with Mr. Shanahan even
10 though you were the person assigned for the CESG how unusual that
11 was, is there a particular reason why you think this happened
12 that way?

13 A: I think it was really Secretary Shanahan's management
14 style.

15 Q: And did Secretary Shanahan have any particular
16 preference for how the JEDI Cloud acquisition should have gone?

17 A: He was very much in favor of a sole-source.

18 Q: Did he ever explain why he would prefer it that way?

19 A: OSD/JS (b)(5)

20 OSD/JS (b)(5)

21
22 Q: Did he ever express any interest for a particular
23 company like Amazon?

24 A: No. I'm not aware of ever -- when I was involved we
25 really weren't talking about who the providers were. We were

1 talking about what we were trying to do and how to do it and it
2 was really the multiple versus one.

3 (b) (6), (b) (7)(C): Okay. I don't have any other questions,

4 (b) (6), (b) (7)(C)

5 BY (b) (6), (b) (7)(C):

6 Q: Okay, ma'am. We're going to start the official readout
7 and conclude our interview today.

8 A: Okay.

9 Q: The first question I do have for you though is why do
10 you believe this matter has surfaced to the DoD OIG?

11 A: Because I think Oracle is incredibly concerned about
12 losing business and they do not have the technical capability to
13 compete and they know that is very effective working with the
14 U.S. Government to go and ask many, many questions, and try to
15 influence people who are in a position to ask questions that have
16 to be answered.

17 Q: Thank you. Do you have any questions of us today?

18 A: No. I think I've asked them all. Thanks.

19 Q: Do you have any comments or concerns about the way we
20 conducted this interview?

21 A: No.

22 Q: If you remember anything else that you believe may be
23 relevant to our review please contact me --

24 A: Absolutely.

25 Q: Or (b) (6), (b) (7)(C).

1 A: Absolutely.

2 (b) (6), (b) (7)(C): Finally in order to protect the integrity of
3 this review we ask that you not discuss the matters under review
4 or the questions we have asked you during the interview with
5 anyone other than an attorney should you choose to consult one.
6 This does not apply to or restrict your right to contact an IG or
7 a Member of Congress. Do you understand that?

8 MS. LORD: It's interesting. The congressional part.

9 (b) (6), (b) (7)(C): If anyone asks you about your testimony or this
10 review please inform them that the DoD OIG has asked you not to
11 discuss the matter.

12 MS. LORD: Understood.

13 (b) (6), (b) (7)(C): If anyone persists in asking you about your
14 testimony, our review, or if you feel threatened in any manner
15 because you provided testimony please contact me.

16 MS. LORD: Will do.

17 (b) (6), (b) (7)(C): The time is now 0946 and this interview is
18 concluded.

19 [The interview terminated at 9:46 a.m., August 1, 2019.]

20 [END OF PAGE]

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22 2

23 ~~//FOR OFFICIAL USE ONLY//~~

24 LORD - August 1, 2019

25 ~~//FOR OFFICIAL USE ONLY//~~

1

~~//FOR OFFICIAL USE ONLY//~~

LORD - August 1, 2019

From: [Lord, Ellen M HON OSD OUSD A-S \(USA\)](#)
To: (b) (6), (b) (7)(C) [Lord, Ellen M HON OSD OUSD A-S \(USA\)](#)
Cc: (b) (6), (b) (7)(C)
Subject: RE: DoD OIG Matter
Date: Tuesday, September 17, 2019 3:37:55 PM

(b) (6), (b) (7)(C) —

Please see my responses below in RED.

1. During your interview on August 1, 2019, you were asked about the Determination and Findings (D&F) for Authority to Award a Task Order Contract to a Single Source, signed July 19, 2018, and your selection of the firm fixed price task order exception under 10 U.S.C. § 2304a(d)(3)(B). You responded, in part, by stating that “Our lawyers recommended that so I leaned heavily.” What advice did you receive or what discussions did you have (from anyone, legal or otherwise) regarding the D&F?

- a. Who provided the advice? Or who participated in the discussions? **I remember only speaking with Mr. Mike Glennon and Ms. Sharon Woods.**
- b. What were your thoughts and opinions on that advice? **I concurred.**
- c. How heavily did this advice inform your decision? Could you have made an informed decision without this advice? **I relied on legal contracting advice.**
- d. What did you mean by your statement that you “leaned heavily”? **I depend on legal contracting advice.**
- e. Please explain your reasoning for selecting the firm, fixed price task order exception to 10 U.S.C. § 2304a(d)(3). What was your assessment as to why the other exceptions did or did not apply? **I decided on the clearest exception out of the four alternatives.**

2. During your interview on August 1, 2019, you stated that you did not believe you were provided with any documentation or written analysis to review regarding the D&F. Please search your records and confirm the accuracy of this statement. If during the course of your search you identify records (hardcopy or electronic) that relate to your D&F decision, please provide those records to us and summarize here what you found and what those records reflect. **We searched our records and did not find any documents.**

3. Prior to signing the D&F in this matter, were you provided with a staffing package? Please describe the contents of this package and provide us with a complete copy of the entire package. Did you review any drafts of the D&F, and if yes, what was your assessment of those drafts? Please also provide us with any drafts you reviewed. **No, the legal team came to my office with a folder containing the D&F for signature.**

4. Are you aware of any other procurements that use the firm, fixed price exception to 10 U.S.C. § 2304a(d)(3) and allow for the addition of new services, after contract award, which are capped at a value not to exceed commercially available prices? If so, please provide the names of those programs. **No, I am not aware of any procurements.**

Best,
Ellen

Ellen M. Lord
USD(A&S)
Pentagon (b) (6), (b) (7)(C)

[REDACTED]
[REDACTED]
[REDACTED]

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 11, 2019 2:11 PM
To: Lord, Ellen M HON OSD OUSD A-S (USA) (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: DoD OIG Matter
Importance: High

Honorable Lord,

On August 1, 2019, members of the Department of Defense Office of Inspector General interviewed you as a witness regarding the JEDI Cloud acquisition. Again, we thank you for your time.

Since that interview, several additional questions have surfaced that we request you answer. These questions are a continuation of your August 1, 2019, interview. During that interview you were put under oath before giving testimony. Please be reminded you are still under oath.

We request you provide written answer to the below question **no later than Friday, September 13, 2019.**

Follow-up questions for Hon. Ellen Lord, Undersecretary of Defense for Acquisition and Sustainment

1. During your interview on August 1, 2019, you were asked about the Determination and Findings (D&F) for Authority to Award a Task Order Contract to a Single Source, signed July 19, 2018, and your selection of the firm fixed price task order exception under 10 U.S.C. §

2304a(d)(3)(B). You responded, in part, by stating that “Our lawyers recommended that so I leaned heavily.” What advice did you receive or what discussions did you have (from anyone, legal or otherwise) regarding the D&F?

- a. Who provided the advice? Or who participated in the discussions?
- b. What were your thoughts and opinions on that advice?
- c. How heavily did this advice inform your decision? Could you have made an informed decision without this advice?
- d. What did you mean by your statement that you “leaned heavily”?
- e. Please explain your reasoning for selecting the firm, fixed price task order exception to 10 U.S.C. § 2304a(d)(3). What was your assessment as to why the other exceptions did or did not apply?

2. During your interview on August 1, 2019, you stated that you did not believe you were provided with any documentation or written analysis to review regarding the D&F. Please search your records and confirm the accuracy of this statement. If during the course of your search you identify records (hardcopy or electronic) that relate to your D&F decision, please provide those records to us and summarize here what you found and what those records reflect.

3. Prior to signing the D&F in this matter, were you provided with a staffing package? Please describe the contents of this package and provide us with a complete copy of the entire package. Did you review any drafts of the D&F, and if yes, what was your assessment of those drafts? Please also provide us with any drafts you reviewed.

4. Are you aware of any other procurements that use the firm, fixed price exception to 10 U.S.C. § 2304a(d)(3) and allow for the addition of new services, after contract award, which are capped at a value not to exceed commercially available prices? If so, please provide the names of those programs.

Point of contact for this request is (b) (6), (b) (7)(C)

[REDACTED]

v/r,

(b) (6), (b) (7)(C)

Supervisory Investigator – Team B

Investigations of Senior Officials

Department of Defense Office of Inspector General

4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

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INTERVIEW OF

Mr. Christopher Lynch
May 14, 2019
DCIS Interview

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2019000746-60NV- B1

May 30, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

Alexandria, VA 22311

INTERVIEW OF CHRISTOPHER LYNCH: On May 14, 2019, Special Agent (SA) [REDACTED], DCIS, Northern Virginia, Resident Agency (RA), and SA [REDACTED], DCIS, Intelligence Community RA, interviewed Christopher Lynch (Lynch), Director, Defense Digital Service (DDS), Pentagon, Washington, DC. Lynch was identified as a DDS employee who worked directly on the Joint Enterprise Defense Infrastructure's (JEDI) Cloud Program acquisition. As background, JEDI was a single-award, Indefinite Delivery Indefinite Quantity, Firm Fixed Price contract, valued at and not to exceed \$10 billion dollars. After being advised of the nature of the interview and the identities of the interviewing Agents, Lynch provided the following information: Lynch can be reached at [REDACTED].

Lynch started his Government service with the U.S. Digital Service at the White House sometime in mid-2015. Prior to working for the Government, Lynch worked at several Information Technology (IT) start-ups to include Thoughtful, Daptive, Flypaper and Spark Radius (TDFSR). In November 2015, Lynch was asked to start a team at DDS for Ashton Carter, former Secretary of Defense, to help with implementation and modernization of DoD IT systems.

Lynch was asked when he first met Deap Ubhi (Ubhi), former Digital Services Expert, DDS. According to Lynch, he first met Ubhi sometime while working in the private sector. Lynch recalled Ubhi to be a competent and capable entrepreneur within the IT business community. In mid-2017, when Lynch was looking to recruit new DDS employees, he contacted Ubhi and convinced him to start working at DDS. Lynch explained, Ubhi's recruitment started well before DoD's Cloud initiative was even considered. When asked how DDS employees were tasked or assigned to projects, Lynch explained, within DDS, many employees assist with projects and help out when needed. In regards to the JEDI's initiative, once the memorandum was issued by Patrick Shanahan, former Deputy Secretary of Defense, to develop an accelerated cloud adoption program for the DoD, Lynch assigned Ubhi to work on the Strategy Document and Business Case Analysis for JEDI sometime in September of 2017. Once a DDS employee was assigned to JEDI, they were required to sign a Non-Disclosure Agreement (NDA) and were asked financial disclosure questions by an attorney from the Standards of Conduct Office (SOCO) within DoD. Lynch did not recall hearing of any conflicts regarding Ubhi during the onboarding. Since Ubhi lived in California, he was only in the DDS office at the Pentagon approximately two weeks a month.

Lynch explained further how JEDI's initiative began and what they needed to do regarding cloud technology. According to Lynch, the only requirement for DoD's Cloud was for it to work and

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run across multiple classification levels from any and everywhere in the world. Lynch was fervent in stating that, at no time, did anyone on his team at DDS had discussions on having to use any one particular cloud provider. Regarding the single-source strategy, Lynch explained this was his vision of what he believed would be best for this type of service. He explained that the DoD requirements would be too complicated and complex to move the magnitude of information along a system with a variety of classification levels for a multi-source award contract. Lynch believed multiple systems did not work well together.

With regard to Ubhi's recusal in October 2017, Lynch was told by Ubhi that his company Tablehero may be bought by Amazon and because of this, he would need to recuse himself from all things associated or potentially associated with Amazon. Once Ubhi notified Lynch, Ubhi was removed from all JEDI's document access. Lynch also advised that Ubhi believed if he told SOCO's Attorney his true intent about his interest in pursuing employment elsewhere, then SOCO would have told Lynch of his interest in seeking outside employment. Lynch advised the last time he met with Ubhi was at the end of 2018. When they met, they never discussed JEDI; however, Ubhi made a comment that Lynch found interesting. During a meeting in 2018, Ubhi told Lynch that Amazon's lawyers advised Ubhi that he needed to represent himself if anything was to ever be filed in the future. Lynch thought that was odd, and still believed, at the time, the reason he left DDS was because of the sale of his company to Amazon. It was not until recently that Lynch found out that was a lie. Lynch was angered and disgusted to find out that Ubhi lied to him. He believed Ubhi may have lied because he did not want to hurt Lynch or other DDS employees' feelings for leaving the team. Lynch also believed (b) (6), (b) (7)(C) with Ubhi looking to leave DDS in order to work closer to his home in California.

When asked about what role former DoD employees Sally Donnelly (Donnelly), former Senior Advisor to the Secretary of Defense and Anthony DeMartino (DeMartino), former Chief of Staff, Deputy Secretary of Defense, played in the acquisition process of the JEDI's initiative, Lynch explained their involvement was peripheral. They knew nothing about the commercial cloud and how it worked. Lynch explained he does not respect non-technical people's opinions on technical matters and Donnelly and DeMartino were non-technical people. Regarding DeMartino, Lynch explained he may have attended a few meetings Lynch had with the Secretary of Defense as a note taker for the Secretary, as DeMartino was his Chief of Staff. However, he never worked on any JEDI's documents and did not have access to anything associated with JEDI. Lynch never recalled DeMartino providing any input during his cloud meetings with the Secretary.

Lynch was asked about a JEDI meeting in early April 2018 JEDI where Victor Gavin (Gavin), former Deputy Assistant Secretary of the Navy for C4I and Space Programs, may have attended. Lynch adamantly stated that he has never met or even heard of Gavin. The only reason Lynch could think as to why Gavin may have attended the meeting was to see how DDS could work a cloud strategy in to the Navy's systems. Lynch advised Gavin has never had anything to do with JEDI.

Prepared by: SA (b)(6), (b)(7)(C) 60NV
(b)(6), (b)(7)(C)
X

Approved by: (b)(6), (b)(7)(C) 60N
(b)(6), (b)(7)(C)
X

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INTERVIEW OF

Mr. Christopher Lynch
July 24, 2019
ISO Interview

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is July 24, 2019. The time is now 1417
3 hours. I am (b) (6), (b) (7)(C) and with me today are (b) (6), (b) (7)(C) .
4 We are interviewing the witness, Mr. Christopher Lynch. We are
5 conducting this interview in the Pentagon, in Room (b) (6), (b) (7)(C) We are
6 conducting a review of the acquisition of the DoD Joint
7 Enterprise Defense Infrastructure Cloud Acquisition. We also want
8 to clarify the actions of certain former DoD officials as they
9 related to the JEDI Cloud acquisition activities, or
10 relationships with Amazon that have prohibited their substantial
11 participation in the acquisition. These DoD officials include:
12 Former Secretary of Defense, James Mattis; former Chief of Staff
13 to the Deputy Secretary of Defense, Mr. Anthony DeMartino; former
14 Special Assistant to the Secretary of Defense, Ms. Sally
15 Donnelly; former Deputy Assistant Secretary of the Navy for
16 Command, Control, Communications, Computers, Intelligence,
17 Information, Operations, and Space, Mr. Victor Gavin; former
18 Director of Cost Assessment and Program Evaluation, CAPE, Mr.
19 Robert Daigle; and former DDS Product Manager, Deep Ubhi. At this
20 time I ask you that you acknowledge that this interview is being
21 recorded.

22 MR. LYNCH: It is being recorded. There are multiple
23 recorders going.

24 (b) (6), (b) (7)(C): Also please acknowledge that I provided you a
25 copy of the DoD OIG Privacy Act Notice.

1 MR. LYNCH: Yes.

2 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
3 your right hand.

4 CHRISTOPHER LYNCH

5 was called as a witness, placed under oath, and provided
6 the following testimony:

7 E X A M I N A T I O N

8 BY (b) (6), (b) (7)(C):

9 Q: Please state your name and spell your last name.

10 A: Chris Lynch, or Christopher Lynch, C-H-R-I-S L-Y-N-C-H,
11 or C-H-R-I-S-T-O-P-H-E-R L-Y-N-C-H.

12 Q: And what is your current position?

13 A: I am not at the Department of Defense. I am the CEO of
14 a start-up called Rebellion Defense, Incorporated, and I'm the
15 former Director and founder of Defense Digital Service.

16 Q: And how long did you work as the Director for DDS?

17 A: I think like three and a half years. Somewhere around
18 there.

19 Q: Can you give me the timeframe of those years?

20 A: Yeah, it was like from the end of 2015 to middle of
21 2019.

22 Q: And briefly describe your duties and responsibilities
23 as the DDS Director.

24 A: Bring in the top technical talent from across the
25 United States at companies in which the best software engineers,

1 product managers, and designers work that would normally never
2 come be federal employees. Convince them to come to the
3 Department of Defense to work on problems of impact and things
4 that matter. Generally functioning as a SWAT Team of nerds going
5 into projects in which things are not going well.

6 Q: And can you tell me what the impotence was for the
7 whole JEDI acquisition?

8 A: The impotence? Well, I mean that's a pretty broad
9 question. I'll give a simple answer which I think is maybe what
10 is being asked. I believe that Mattis went out on a trip and was
11 blown away by how the cloud is impacting commercial business and
12 making it not suck at technology, and he got all excited about
13 it. I think the longer answer is that the Department of Defense
14 runs the most technical mission set in the entire world. None of
15 our technology works super well. Most the systems are not
16 interconnected. They are at high security risks. They are not
17 patched maintained or effectively managed, and there is a deep
18 fear that these things cannot be fixed in their current state,
19 and over a decade of these systems being built and operated
20 through data centers and all these things that are happening
21 across the Department, we have ended up in a place where quite
22 honestly I just don't think that there's any other way unless we
23 were to turn to what industry has adopted as being the way to do
24 things and that is about as positive as I can make it.

25 Q: Okay. Can you please describe the relationship between

1 DDS and CCPO?

2 A: CCPO is run by Sharon Woods. Sharon was the General
3 Counsel for Defense Digital Service and we knew that we needed to
4 -- well, we basically, they used a lot of our infrastructure at
5 the beginning. We helped stand it up, and we helped get it going.
6 I think that's probably the easier answer.

7 Q: Now when you say "get it going" what are you referring
8 to?

9 A: Well we knew that we needed a program office to put
10 JEDI into if it was going to be a serious thing, so we envisioned
11 what was originally called the C3PO to be the program office that
12 would run the JEDI Program. So, we helped stand that up.

13 Q: What education or training did you receive concerning
14 ethics rules?

15 A: A bunch. I don't know. A billion times over the time
16 that I've been here. Unfortunately I can go to any particular
17 list but I feel like I've had nothing but ethics training since
18 I've been here.

19 Q: What about training or ethics training that you
20 received once you stood up this office here that was tied --

21 A: DDS?

22 Q: Yes. That was tied to the JEDI acquisition?

23 A: I mean Sharon would constantly brief us on different
24 things about ethics. That was very common, and we would also have
25 talks about things we couldn't do in our weekly staff meetings.

1 Q: What were some of the things that she provided you?

2 A: I don't recall. To be honest, it was constant though.

3 Yeah, can't talk about these things, can't -- stuff like that.

4 Well here can't talk to these companies. Can't do these things.

5 It was a lot. I feel like it was constant, plus we had done other

6 acquisitions, right? So I was -- it wasn't the first acquisition

7 that we had been participating in.

8 Q: And you mentioned staff, was it all of the DDS

9 employees here --

10 A: Yeah.

11 Q: Was it a briefing that Ms. Woods provided? What did she

12 do as far as ensuring that they had some type of ethical

13 training?

14 A: Yeah. It would sometimes be in the staff for everybody.

15 I know that she also did for the individual members who would be

16 participating in things. I didn't participate in those so I'm

17 probably not the best person to ask about those sessions. But

18 yeah, it would be, I believe that Sharon did individuals ones for

19 members especially if they were coming on, including they did

20 things with like going -- make sure that people didn't have any

21 conflicts in their investments and things like that. I don't know

22 the exact checklist because I'm not the person who did that.

23 Q: Okay. Did anyone else provide training, ethics training

24 decides Ms. Woods?

25 A: I don't know. Maybe. Possibly.

1 Q: And you mentioned the sign-on sheet when they came in.
2 Who would maintain the sign-on sheet for attendance for this
3 ethics training that Mrs. Woods --

4 A: I said that? I don't think I said that there was a
5 sign-on sheet.

6 Q: Okay.

7 A: Did I say that there was a sign-on sheet? I don't know
8 that I did.

9 Q: I believe that you did. But that's okay if you don't
10 remember.

11 A: Oh, I said that when people sign-on to the thing.
12 Sorry.

13 Q: Coming on board.

14 A: You took that as a sheet. I don't mean it as a sheet. I
15 meant coming on to the project.

16 Q: Got it.

17 A: I don't know. I'm not the right person for that.

18 Q: And what is SBD Advisors?

19 A: Sally's company before the DoD I believe.

20 Q: What can you tell me about that company?

21 A: I don't know literally nothing besides what I have read
22 on the Internet. I have no idea. I don't. I honestly have no
23 idea. I mean I've read stuff on the Internet. I just be reciting
24 things that read.

25 Q: Okay. Do you know who C5 Capital firm is?

1 A: I've learned what C5 Capital is from the Internet. And
2 from a dossier going on around about JEDI Cloud in which it had
3 lots of things about C5's and people that I've never heard of
4 inmy entire life.

5 Q: Can you tell me what the relationship is between SBD
6 and Amazon?

7 A: I have read that Amazon is a customer, or was a
8 customer of SBD. I would have no -- honestly I don't know that I
9 would have a way to know that besides that if I hadn't read on
10 the Internet.

11 Q: And what interest would SBD have in the JEDI Cloud
12 acquisition?

13 A: SBD?

14 Q: Yes.

15 A: I don't know. It would be a guess I mean to -- if
16 they're customer to help them. I don't know. I never interacted
17 with -- there was never an interaction with, I think maybe the
18 better answer there is as far as I know I've never had any
19 interaction. Well, I met Sally once at which she was running SBD.
20 I met Sally once, I think once. Maybe twice. Maybe once or twice.
21 And I don't -- and she came in and she cussed a lot, and I
22 thought that she was great.

23 Q: Do you recall what year that was?

24 A: I don't. And she -- I don't. There was nothing like
25 interesting beside that she came in, and she talked about

1 general's and some of the people. And I was like, "Wow. Sally
2 cusses like I do. She's great. That's awesome." And that was it.

3 Q: Nothing related to the JEDI acquisition?

4 A: There was no JEDI. No. JEDI didn't exist. This was like
5 she had been someplace and somebody on my team gave her a ride
6 someplace and then he was like, "Oh, you should come meet my
7 boss." And then she showed up.

8 Q: And speaking of interactions, what was your interaction
9 with Ms., as you were, Secretary of Defense Mattis?

10 A: About JEDI?

11 Q: Well, just in general. What interactions did you have
12 with him on a day-to-day basis?

13 A: I mean I saw him a lot. You know I don't know. That's a
14 very broad question. I think that the Department of Defense is a
15 very strange thing. There are very few technical people in
16 positions of leadership here. Me being an exception to that,
17 right? So, I look at my role as being very honest and direct
18 about how good, bad, or whatever things are with technology. So
19 I'd fill him in, especially when we were doing like bug bounties.
20 That's actually where I think he became very interested in just
21 some of the things we were doing because we had done Hack the
22 Pentagon if you're familiar with that. I don't know, but I would
23 just run into him and sometimes like in my entire life he
24 probably asked me to do one thing that was to go work on the
25 medical record system with (b) (6), (b) (7)(C) and a few other people

1 that are with the VA and Shulkin at the time over there.

2 Interactions? Mostly telling him how tough things are here, and I
3 don't mean tough from a bureaucratic, but like we need a lot of
4 help. Technology is very, very -- we're in a very precarious
5 place.

6 Q: Okay. So, you mentioned Secretary Mattis going on a
7 trip and coming back and pretty much saying we need help getting
8 to the cloud in short. So, is this a conversation you had with
9 him?

10 A: Yeah, I think at one point he was like we need to
11 figure out how to do the cloud. And then I took that as an okay.
12 This might be our moment.

13 Q: And that was the only time information was relayed back
14 to Secretary Mattis from your foxhole?

15 A: The only that -- that was him saying it to me. I didn't
16 go on the trip. Is that the only time that people brought up JEDI
17 to him? I mean I have no idea to know that. I have no idea to
18 know that. Maybe. I doubt it. I mean, I think I escalated to him
19 that I felt like things were slowing down and that we needed to
20 move fast meaning that we were kind of pushing things along at
21 that point.

22 Q: And how did you communicate that to him? Did you go
23 through any type of screening to get the message to him?

24 A: Oh, never. His front office staff was -- no. I would
25 just run into him. I'm very good at hunting people down and then

1 talking to them directly.

2 Q: Okay. We have information that states that there was a
3 one pager prepared for Secretary Mattis and drafted here within
4 DDS. Can you talk to us about that?

5 A: Maybe. I mean, oh. I think I know what you are talking
6 about. That's the escalation, right? Maybe? I have no idea.

7 Q: I'm trying to figure it out.

8 A: I think that there was an escalation. Okay. So this is
9 -- okay. Can I ask you a question about where these -- are these
10 recordings going to be public? Because that will change my answer
11 I'm about to give you on something. I make it less colorful how
12 about that?

13 Q: Okay.

14 A: Here's what I'll say. I'll answer your question. It's
15 the truth. We needed help. I felt like things were very slow. We
16 drafted everything and I felt like things were not moving along.
17 I sent it to Kevin Sweeney. Kevin Sweeney I think is the one that
18 you're referring to, and then it got I think derailed by the
19 Secretary's Office who were like, oh. No. We'll take it and will
20 work with Chris and the team. And I don't know that it ever went
21 to Mattis.

22 Q: Okay.

23 A: But it was an escalation. Kevin like -- Kevin had no
24 interest in technology as best as I can tell. Like literally did
25 not care. And he was like, oh, technology? That goes down to the

1 Deputy's Office. I think that's what you're referring to, but
2 without seeing it I don't know.

3 Q: Was there a one pager provided for the Deputy Secretary
4 of Defense which was Patrick Shanahan maybe?

5 A: That was for Shanahan, yeah. But I think it just
6 redirected. I think it was the same thing. Honestly I don't, I
7 mean, my memory on this is not super acute but I know that it was
8 like an escalation or something.

9 Q: Okay. And do you know if a one here still has that
10 memo?

11 A: I have no idea. I'm sorry.

12 Q: That's okay. What is your understanding of Mr. Mattis'
13 relationship with or interest in SBD?

14 A: I have no idea. I have read on the Internet. I have no
15 idea.

16 Q: What about in C5 Capital?

17 A: Since, I mean literally you guys I literally never even
18 heard of something called C5 in my entire life before I started
19 reading all of these stories. So I have no idea. I've read on the
20 Internet but I have no idea. I don't know. I would just be
21 reciting a rumor that I read someplace, and I have no idea.

22 Q: Okay. Same question for Amazon.

23 A: I have no idea. I literally have no idea. It doesn't
24 really matter. He never mentioned it to me. I've met him. Like
25 Mattis never once mentioned Amazon to me in his entire time that

1 he was here.

2 Q: Okay. Did Mr. Mattis need to disqualify himself from
3 participating in the JEDI cloud acquisition because of any of the
4 relationships we just discussed or interest in those companies?

5 A: I have no idea if he excluded himself. However, I will
6 say this. I don't believe that he was involved. Like he said,
7 "Hey were going to do cloud. Deputy's going to do it."

8 Q: So there was no involvement after his publication of
9 the September 2017 memorandum accelerating the cloud?

10 A: Yeah. I mean look, we did the majority of the work for
11 the JEDI stuff. No. It wouldn't make sense anyway. I don't know
12 that you notice any different -- like he knows it's important. I
13 don't know that he knows the difference between what all these
14 things do and how they work and why they're important. He's not a
15 technologist, right?

16 Q: Okay. What have you ever heard Mr. Mattis say about any
17 of the other competitors for the JEDI Cloud contract?

18 A: I've never heard him say a thing about any competitor.
19 Zero.

20 Q: Okay. So you filled out a form for us.

21 A: Yeah.

22 Q: Just a while ago, and I'll take a minute to kind of go
23 over this form for all of the players that we discuss. On the
24 form we asked you to indicate your first-hand knowledge of
25 whether Secretary Mattis played a role in various JEDI Cloud

1 acquisition activities. The activities we listed are -- there's a
2 list of 26, actually 27 items that are listed there. And are
3 meant to cover the full range of the JEDI Cloud and the
4 acquisition, from executive steering, to requirements
5 development, market research, acquisition strategy, request for
6 proposals, and the evaluation of proposal. We include a space for
7 other to cover any other relevant activities we did not list.
8 Also for any yes answer we asked you describe the role that
9 Secretary Mattis played in those activities you marked with a
10 "yes." We said that the role could mean anything issuing
11 guidance, or direction, attending related meetings, conducting
12 research, providing data or other decision support information,
13 providing opinions or recommendations, writing, helping to write
14 a draft or final version of the document. Reviewing of the draft
15 or final version of the document, or approving or signing a final
16 version of the document. There's also a space to indicate for you
17 to indicate some other type of role or participation that we did
18 not list. On the form you indicated that Secretary Mattis did not
19 participate in any of the activities that we listed. However, you
20 did, I just want to confirm the Cloud Executive Steering Group.
21 You had a no and then you lined it out.

22 A: No, I had something else then I changed it to a no. So
23 he didn't ask to set up the Cloud Executive Steering Group. I
24 don't seem to remember that that was ever the thing. I, I, So,
25 there was the memo that went out and then I think that somebody

1 else was drafting. So, from my perspective there may have been
2 other things that I am not privy to that were done or said, but I
3 found out there was a memo that was being drafted by a whole
4 different group of individuals about doing cloud, and I got that
5 memo and we rewrote it, and we created the Cloud Executive
6 Steering Group. Right? And, but he wasn't involved in any of
7 that. I don't even think they -- so, in other words when we
8 created the thing that went out and said we were going to do,
9 which I don't think was in the race of the cloud, right? That
10 wasn't in that. I don't remember it being quite honest. Maybe if
11 it was I don't think it was called Cloud Executive Steering
12 Group. Maybe it was. I don't know, but when the thing went out
13 and said, "Hey we're going to do this in here are the people that
14 are on this thing." Like that was me and a few people. We're like
15 oh, let's pick a bunch of nontraditional people who will be in
16 this thing, nontraditional being the thing because we didn't want
17 people who had big industry ties, and.

18 Q: So who identified those key players that would serve as
19 that steering group? You said yourself and --

20 A: It was me and a few other people, yeah.

21 Q: Can you name them?

22 A: I don't remember. Maybe it was like me, Sharon, (b) (6), (b) (7)(C) I
23 think. Maybe (b) (6), (b) (7)(C). There was
24 a group like that. It was something like that.

25 Q: Okay. What nonpublic procurement information did Mr.

1 Mattis have access to?

2 A: I have no idea.

3 Q: How did Mr. Mattis influence the JEDI Cloud
4 acquisition?

5 A: Beside saying hey, this cloud thing seems important. I
6 don't believe that -- like from my perspective, I mean -- very
7 little.

8 Q: Did Mr. Mattis have any conflicting interest that
9 should have disqualified him from participating in the JEDI Cloud
10 acquisition?

11 A: I have no idea.

12 Q: What has Mr. Mattis ever said or done that would cause
13 you to question his ethics or impartiality concerning Amazon?

14 A: I have never under any situation questioned his ethics
15 on any subject at all. I would actually say that he's a, somebody
16 said this to me which I totally agree with that he's like a once
17 in a century type person. I believe he is an impeccable human
18 being, and I never use this word, an honorable person.

19 (b) (6), (b) (7)(C) , do you have any questions
20 regarding Mr. Mattis?

21 (b) (6), (b) (7)(C): No questions.

22 BY (b) (6), (b) (7)(C) :

23 Q: Okay. Now I'd like to move on to Mrs. Donnelly. Can you
24 tell me, you talked about her little bit earlier. Can you tell me
25 a little bit more about Ms. Donnelly?

1 A: I think Sally's great. She's a doer, networker, she
2 knows how to get things done.

3 Q: Okay. And what were your interactions with Ms.
4 Donnelly?

5 A: I mean I used to see Sally every day because I knew she
6 was somebody that I could trust. But, obviously this office we
7 have 12, well at the time we had like 12 or 14 projects, right?
8 So JEDI was just one and at the beginning it was very tiny. So,
9 there's always tons of things going on here. In full disclosure I
10 work with Sally now. She's at a different company but we employ
11 her new company. So, I just want to make sure that's on the
12 record.

13 Q: And you said you met with her every day. How often did
14 you talk to her about JEDI as a starting to evolve?

15 A: I have no idea. She -- I don't know. You know, Sally --
16 I have no idea. It was so long ago. I mean I think that Sally
17 wanted, so forgetting acquisitions and vendors, and all that kind
18 of stuff. When you look at what JEDI is and going back to why I
19 told you that JEDI is important, you know, this team crafted this
20 vision based off of the, this team, this team here at DDS crafted
21 a vision of what we saw JEDI as based off of the absolute
22 terrible reality of much of how our systems work, in which case
23 sometimes people use their lives because of it. I think that she
24 bought into that, right? I think that she believed in that. How
25 often I discuss that I don't know. And maybe what's weird of how

1 I interact with people, which you're probably putting together, I
2 think a lot of times in this building everybody tries to like
3 work through staff and front office stuff. I don't do that. Like
4 I don't have enough time in my life to wait for people to put me
5 on the calendar. So, it's hard for me to be like oh, I scheduled
6 a meeting a month in advance. Like, if I wanted to go talk to
7 somebody I'd talk to them, right? So that's why it's super hard
8 for me to like narrow down time frames.

9 Q: Also you mentioned, can you tell me what the
10 composition of your staff was when you first started this DDS,
11 when it first formed? Because you mentioned, I want to say you
12 said technical individuals. I just want to know what was the
13 construct of your team that was here?

14 A: Sure. So the very first, it was all either -- so when
15 we started we had (b) (6), (b) (7)(C) was a White House fellow.
16 I mean this was all long before JEDI of course, but I think you
17 know that.

18 Q: Well, I want to focus on JEDI, so your team there.

19 A: Oh, this is about when JEDI, not at the start of my
20 team.

21 Q: Okay.

22 A: Well, I'm just asking for the question, is that
23 correct?

24 Q: Right, I just want to make sure we -- I did ask for
25 previous, or prior to JEDI, but I would like to know what the

1 composition of DDS was when JEDI came into play here.

2 A: Oh, okay. So you don't care about before. Well, before,
3 you know it was a very small team. So, we had like I don't know.
4 I think it was like three people only started three or four
5 people, but when JEDI started I don't know it was maybe 40, 50
6 people. Twelve different projects, 14 different projects. Mostly
7 software engineers. A few product managers, a handful of
8 designers. Some bureaucracy hackers. Sharon, bureaucracy hacker,
9 lawyer, extraordinaire. Does that answer your question?

10 Q: It does.

11 A: Okay. Sorry.

12 Q: And do you know if Mrs. Donnelly needed to disqualify
13 herself from participating in the JEDI Cloud acquisition because
14 of her relationship with SBD?

15 A: I mean I have read the stories. I don't know. I have no
16 knowledge. I never -- I never -- I have no idea what Sally's
17 holdings are, or benefits are of things in her business. I have
18 no idea. And I would have no way to know that.

19 Q: Okay. What about Amazon? Same question about Amazon.

20 A: For Sally?

21 Q: Yes.

22 A: I have no idea. I mean I assume, I don't know. It would
23 be conjecture, but I've read that they were customer of hers
24 before. I don't know.

25 Q: What have you ever heard Ms. Donnelly say about Amazon?

1 A: You know when -- I think when she was planning the trip
2 that Mattis went on she mentioned some of the companies that they
3 were going to go to. I mean she mentioned Google, Microsoft, and
4 Amazon, maybe Facebook. I don't remember. There might have been
5 somebody else, I don't recall. I think that I did have a
6 conversation with her about a person, Teresa Carlson who had sort
7 of gotten in trouble with the previous Secretary and the previous
8 Secretary didn't really like Teresa.

9 Q: So would this be the West Coast trip you're referring
10 to?

11 A: Yeah, yeah.

12 Q: Secretary Mattis, August 10?

13 A: Yeah.

14 Q: Around the timeframe of 2017?

15 A: Yeah, and I don't remember where all they went, but I
16 know I saw or she asked me if there was anybody else that he
17 should go visit and I, you know, it's the standard Pentagon
18 tourism of West Coast tech companies.

19 Q: And he met, because you mentioned Teresa Carlson.

20 A: I don't know if he met her. I'm just saying that I had
21 a conversation with Sally about Teresa.

22 Q: And what was that conversation about?

23 A: About the previous Secretary. This was unrelated. I
24 mean I this was, I don't even think that there was a lot going on
25 at that time, but I mentioned Teresa Carlson.

1 Q: Okay. So, going back to the form and Sally Donnelly.
2 You indicated, did she participate in the CESG meetings?

3 A: I think that -- I don't recall Sally after being in
4 those. I recall there was (b)(6), (b)(7)(C) from the Deputy's
5 office he used to sit in them. Maybe Tony sat in some of those,
6 but I don't recall Sally's name. Maybe she was at one, I don't
7 recall. But like I'm going to use the fuzziest definition of
8 maybe with that. Maybe, I'm trying to think. Maybe there was a --
9 when, you know what? Actually I think I did talk to her when we
10 moved it from Ellen to Jay Gibson. But maybe not. I don't know.

11 Q: Okay. So I just want to confirm your response.

12 A: Yeah.

13 Q: It is a written response so I just want to make sure --

14 A: Yeah.

15 Q: -- that this mark here --

16 A: Seven.

17 Q: -- for CESG is a no.

18 A: No, no. I think I have it is a seven -- reviewed.

19 Q: Reviewed. So that's a seven.

20 A: Sorry. I have shitty handwriting.

21 Q: Thank you.

22 A: I was trying to be expedient.

23 Q: What have you ever heard Ms. Donnelly say about Amazon?

24 A: I'm sure I've heard Sally say at some point things
25 about -- I don't know. Now, I don't think anything about for, now

1 I'll tell you an interesting thing. Actually has nothing to do
2 with this.

3 Q: Okay.

4 A: Can I give you a different answer than what you're
5 asking?

6 Q: Sure.

7 A: Can I answer a different question?

8 Q: Sure.

9 A: So, the question that I would actually, that I'll give
10 an answer to which has nothing to do with Sally. At the beginning
11 there were lots of people who just said, "Oh, we should just use
12 Amazon." There were lots of people in the building. You talk
13 about you were going to do cloud and they would say, "Oh,
14 Amazon." Then we were like, "No, no, no. You can't say that. We
15 can't say that. That's not the case." So around the building
16 there was this constant thing we would be like, actually there is
17 more than just cloud providers and just Amazon, and there are
18 some pretty good ones. So, at the beginning of this thing we used
19 to constantly have to battle people to stop saying a vendor. But
20 that was like a building thing, and I think it was mostly because
21 of the building, again, going back to my problem, here's a
22 technical institution that has very few technical people. I don't
23 even think that they knew in some cases that there were other
24 providers. That is a different question and it's a different
25 answer. Now, going back to your question, I don't know. Sure I

1 talked about it with -- talked about Amazon with Sally. We had
2 other projects and products that were on top of AWS from DDS. I
3 have no idea. I'm sure that I did. I mean it would be -- that
4 wouldn't be uncommon. We had many different things that some of
5 them were going to be cloud deployed. Does that make sense?

6 Q: Uh, huh [affirmative response].

7 A: So, I'm sure that we did. I don't -- if the question
8 is, hey, did you guys ever talk about Amazon as being like a
9 reason to do JEDI? The answer is no, not that I would care what
10 she thought anyway, right? I mean Sally is also not technical.
11 Why would we listen to her? So, but yeah. I'm sure we talked
12 about Amazon. I don't know why, but we had a bunch of projects
13 that we were really on top of, you know, a variety of different
14 things.

15 Q: Okay - So when Amazon was brought up here, within DDS,
16 what were the conversations focused on?

17 A: Mostly about projects.

18 Q: Projects?

19 A: Yeah. I mean we have tons of different projects and we
20 write software, right? So, it's got to be deployed someplace. And
21 we had Amazon as one of our cloud providers that we have access
22 to here at DDS, and we work with TRANSCOM. TRANSCOM has Amazon,
23 right? So of course we would talk about it.

24 Q: Okay. and I'll circle back to that question a little
25 later on --

1 A: Sure.

2 Q: -- in the evening.

3 A: Sure.

4 Q: Ms. Donnelly --

5 A: You just use the word "evening" there.

6 Q: We're getting there. Has Ms. Donnelly said or done
7 anything that would cause you to question her ethics or
8 impartiality concerning Amazon?

9 A: No. But I never talked about -- I don't -- you have to
10 understand at least for me, I literally could care less what
11 somebody thinks as to how to do an acquisition if they're not
12 technical. I literally just don't care what they think. Like it's
13 so irrelevant to me if you are not technical why would I
14 possibly, that would be like Special Forces asking me how to do a
15 raid, right? Like that's absurd. I would never --nobody is ever
16 going to be like, Chris, tell us how to run a mission. Like
17 nobody would ever do that. I feel the same way. I just don't
18 care. No, I don't think so, but then again I also couldn't give a
19 shit what somebody, pardon my language, but I literally couldn't
20 care what non-technical person thinks on highly technical -- this
21 is a highly technical product, and so that is very important to
22 me. It was important from the beginning.

23 Q: So, if you could simplify it for the non-technical
24 people how would you shape it so that they could understand how
25 --

1 A: JEDI?

2 Q: Yes.

3 A: JEDI is a platform that we can write and deploy
4 software that runs the mission of the national defense, and we
5 can write it once and deploy it any place at any classification
6 across the entire world all the way to the tactical edge. That is
7 it. We don't have that today. It doesn't exist. It's a fantasy.
8 That to me was always the beginning.

9 Q: Okay. Thank you for that.

10 A: And that you will see what obviously shape a lot of how
11 we viewed multiple providers, right? It's awfully hard to have a
12 thing that I write one place if it's not going to work someplace
13 else.

14 Q: Okay. So, also we talked -- I would like to talk about
15 Mr. Anthony DeMartino.

16 A: Yeah.

17 Q: What were your interactions with him?

18 A: I mean I saw Tony a ton. Tony's a doer. He is leg work
19 for getting people together, running things back and forth. I
20 used to see Tony all the time. I like him a lot.

21 Q: What about your interactions with him as it related to
22 JEDI?

23 A: He would sit in a lot of those meetings. He definitely
24 sat in on the meetings.

25 Q: Did he provide any input during those meetings?

1 A: No. He would only provide input to like, at least as I
2 remember, like process shit, like oh, you've got to put this in
3 front of the Deputy. The Deputy is going to have to take a look
4 at this. Like those types of things. Very process type things.
5 Again, I literally couldn't care what Tony thought about the
6 thing. Tony's great, but I would never ask him how to do a cloud
7 platform for the DoD. It wouldn't make any sense.

8 Q: Okay. And what is your understanding of Mr. DeMartino's
9 relationship or interest in SBD?

10 A: I have no idea. And obviously we, again because I have
11 a -- I'm a customer of Palace today, that includes Tony today,
12 just to be clear.

13 Q: Okay. What about his relationship with Amazon?

14 A: No idea. Besides if there was one. The answer's are the
15 same for him. I mean I know you have to ask, but I have no idea.
16 I've read it, I saw a dossier.

17 Q: And once again do you think that Mr. DeMartino needed
18 to disqualify himself from participating in a JEDI Cloud
19 acquisition because of his relationship with SBD, or Palace?

20 A: I don't know that he was involved. I mean I don't know
21 if -- neither he nor Sally I don't know that I would say were
22 involved. I don't know if he were allowed to -- I don't know.
23 Maybe, I have no idea.

24 Q: And what have you ever heard Mr. DeMartino say about
25 Amazon?

1 A: Wait a second I have to look these things up. I have no
2 idea. I don't know. I don't have any recollection of him talking
3 about -- I know, you know, I have this really weird thing where
4 we stopped talking about any vendor names. Like literally we just
5 got to the place where I was like, do not refer to a single
6 vendor. Like, that's ridiculous. We will own it. Even now, even
7 today I have a hard time saying Amazon. Like, I'm afraid even say
8 the word Amazon now.

9 Q: Okay. Have you ever heard Mr. DeMartino say anything
10 else about any of the other competitors for the JEDI Cloud
11 contract?

12 A: I mean it's possible as all this stuff is going on with
13 Oracle that he might have mentioned Oracle, but that's because of
14 what they were saying.

15 Q: What were they saying?

16 A: It's on the Internet. I don't think that Oracle says
17 anything directly.

18 Q: So on, going back to the form for Mr. DeMartino you
19 indicated that he attended related meetings for CESG, the C3PO
20 Office.

21 A: Yeah, I remember him being at those, yeah.

22 Q: Problem statement, business case analysis, functional
23 business requirements, the RFI, and Industry Day.

24 A: And to be clear of what those are, those are mostly
25 when we took them to Pat. So, like he would sit in those meetings

1 with Pat because he was Pat's Chief of Staff or at the time if I
2 remember right. It wasn't like if we had a meeting and we were
3 going through those, it was I think he was ever in any of those.
4 It was mostly the (b) (6), (b) (7)(C), I don't
5 remember. But it was never Tony. Does that help? Just to break it
6 up. Maybe he sat in one of the ones that we had with Ellen or
7 with Jay, but I don't -- he may have said in on those. I would
8 put it as a likelihood that maybe he sat in on, but really the
9 majority of like where you go through that list of like hey,
10 let's talk about, like let's talk about why we're doing this.
11 Like, he would be sitting there and we would be talking to Pat
12 about how we're going to do the JEDI acquisition right? How it
13 would come together.

14 Q: So, did Mr. DeMartino provided any input, asking
15 questions that you recall?

16 A: Again, mostly probably process things like did you run
17 it through this person or did you talk to this person? I feel
18 like Tony was always keyed off of like keeping people inclusive
19 almost procedural type things. That's most of my recollection of
20 that stuff.

21 Q: Okay. And what nonpublic procurement information did
22 Mr. DeMartino have access to?

23 A: I don't think he had access to anything. I don't know
24 if you asked me about that on Sally, but I don't think she had
25 anything either because we -- I think we've and

1 password-protected it. Like we came up with this thing to
2 lockdown -- view. My memory is fuzzy on this, but I think we
3 locked down certain things so people couldn't even view it. They
4 would have to like, we use their CAC and they would have to have
5 like CAC authentication to be able to get into the documents. We
6 did that because we were so worried about people sharing shit.

7 Q: Got you. And going back to Mr. DeMartino's attendance
8 and these meetings with Mr. Shanahan, where you were I assume
9 briefing him and providing him with updates regarding the cloud.
10 Was his attendance in these meetings did it mean that his
11 participation in the JEDI acquisition was substantial?

12 A: No. There is no way that Tony had a substantial portion
13 of involvement with JEDI. If that is considered substantial then
14 we are screwed. That is not substantial. Tony we never had a
15 single decision that he could do around JEDI, nor would we have
16 given him the opportunity to. I mean, I'm an asshole, right?. I
17 literally don't care about somebody's opinion on this stuff. Like
18 I literally do not care. Good or bad. I would never ask Tony
19 about doing commercial cloud. That would be so antithetical to my
20 beliefs of why I am here and this team's here.

21 Q: So how did Mr. DeMartino influence the JEDI
22 acquisition?

23 A: I don't think that he did. He was just there. I mean,
24 He definitely helped run some process stuff. But the procedural
25 things. He would say did you talk to this person. You need to go

1 talk to that person. Like, he would say things like that. I don't
2 consider that to be, but I don't think he's, "A", I never would,
3 I would never characterized Tony as having any input or
4 decision-making, or influence on the thing itself, zero.

5 Q: And given the fact that Mr. DeMartino now works with
6 Sally Donnelly --

7 A: He does.

8 Q: -- and we understand that he had previous employment
9 with SBD.

10 A: Yep.

11 Q: Okay. Would he have any conflicting interest that would
12 disqualify him from participating in the JEDI Cloud acquisition?

13 A: I don't know the answer to that. You remember the
14 meeting I told you about where I met Sally the first time? Tony
15 was there as well I believe. I'm just thinking about that. No, I
16 don't know. I don't know if -- I don't know anything about Tony's
17 holdings for us, we're like hey, do you stock? Do you have any
18 gains you are going to get? I have no way to know that. Even now
19 even with all the stuff I've read on the Internet I still don't
20 even know if he did or didn't. I have no way to know that.

21 Q: What has Mr. DeMartino said or done that would cause
22 you to question his ethics or impartiality concerning Amazon?

23 A: Nothing. Nothing.

24 Q: Concerning JEDI Cloud acquisition?

25 A: I mean he really wasn't involved in the acquisition, so

1 I don't think anything really. He wasn't really involved, right?
2 He's definitely sat in on some meetings and maybe he reviewed --
3 he might have reviewed that original CESG document. The CSG
4 document when we wrote it -- I'll give you a funny story, like.
5 Even that one with C3PO and all of that, and JEDI, like the
6 original one that went out with C3PO and JEDI, like I don't even
7 think I asked him. I walked it into Shanahan and we got Shanahan
8 to sign it, and he was actually pissed because I didn't even ask
9 about it and he was like, so much Star Wars in this, right?
10 They're all acronyms. They're not actually really related to Star
11 Wars, but and that's when it became CCPO, right. So, I don't
12 think Tony, nothing.

13 Q: So you had direct access to --

14 A: Pat?

15 Q: Yes.

16 A: Yeah.

17 Q: So is staff didn't -- did they view any of the
18 documents that you prepared when you went in to meet with Mr.
19 Shanahan, or?

20 A: I have no way to know that. Sometimes I would just walk
21 in. I really don't like scheduling meetings with people. I mean I
22 have like the worst ADHD, and OCD, and like it's just so yeah, I
23 would just show up sometimes.

24 Q: You were always welcome?

25 A: That's my job.

1 Q: Okay. And while we were off of the tape you mentioned
2 that you did not know who Mr. Victor Gavin was.

3 A: Oh, Victor. I have no idea who he is, but he has a very
4 impressive title (laughing).

5 Q: So, I just want to confirm for the record do you know
6 who Mr. Victor Gavin is?

7 A: I have no idea who this person is. I literally I have
8 no idea who this person is. I even searched all my e-mail before
9 I left here to see and the best I could come up with he was CCed
10 on some email once. I literally have no idea who this person is.
11 This person was in no way substantial, important, or involved in,
12 or in any way meaningful in JEDI, at least in the part that I
13 think anybody cares about because I've never heard of this
14 person.

15 Q: Okay. So I'm going to ask the question.

16 A: Go ahead. (Laughing)

17 Q: Did Mr. Gavin have any procurement information or
18 access to any source selection activities?

19 A: I don't know. Because I don't know who he is. I don't
20 even think I met him.

21 Q: And how has Mr. Gavin influenced the JEDI Cloud
22 acquisition?

23 A: I mean less than zero. (Laughing)

24 Q: Okay. You also mentioned Mr. Robert Daigle. So what
25 were your interactions --

1 A: Oh Bob.

2 Q: -- with Mr. Robert Daigle?

3 A: Yeah. So I actually worked a lot with Bob on -- JEDI.
4 Bob, -- a lot of interactions, and as I think I mentioned before
5 Bob is an employee at my new startup. I would talk to Bob a lot.

6 Q: What would you and Bob talk about?

7 A: Everything in the world.

8 Q: As it related to JEDI.

9 A: Oh, and the related to JEDI. Like such a broad topic.
10 Sometimes we talked about whiskey. When it came to JEDI how to do
11 it, single versus multiple quite a lot. We tons, and tons, and
12 tons of those discussions, how to work the process once we felt
13 we had enough. Hill strategy. Executive ownership strategy.
14 Shanahan strategy. Bob is quite good at that, right.

15 Q: And what was his opinion, and that would be Mr.
16 Daigle's opinion, on the single versus multiple cloud?

17 A: I think at the beginning he had no opinion. Maybe he
18 had a preference towards multiple, and then we started our
19 meetings with him and then we went through why, and I think that
20 he realized that any strategy in much multiple cloud providers
21 were picked would actually continue to result in the death of our
22 Servicemembers, and the failure of our mission because that's
23 what we have right now. So, I think that over time he understood
24 why it mattered.

25 Q: And, I wouldn't like to use the word convince, so how

1 would you demonstrate that the single cloud would be better for
2 the warfighter's?

3 A: Yeah, we went through a tons of things like how did how
4 to do integration to multiple cloud providers. The security
5 implications of multiple cloud providers, the incompatibility of
6 software that is written on one platform that is not in an
7 infrastructure layer. So, we had to go through, like in the early
8 days we had all this stuff that explained infrastructure and
9 platform as a service versus software as a service. Like we had
10 to educate everybody on like the nuts and bolts, and the creation
11 of the universe in the Big Bang theory, right. It was like we
12 were going back to the beginning of the universe in time, right.
13 It was like literally going back to that, and I think it was you
14 work people through it and you're like, okay. I deploy a piece of
15 software and I have this server-less infrastructure. I write code
16 that is specifically on top of this API. That API is not
17 available over here so that means the code over here won't work
18 here. That means I need to have something that bridges those two
19 things. This doesn't exist for this type of products. Like just
20 going through like everyone ends up in they're like shit. We know
21 what the department is not really good at integrating things.
22 Like, have you ever seen us integrate anything that's good? We
23 can't even get DTS to work and that's used by 3 million people.
24 It still sucks, right? Like, we can't do the simple things right.
25 So, let me get this straight. You're going to run mission level

1 software that literally people are going to live and die by the
2 results of this thing and we're going to do all of the
3 integration, no way. So, anyway just going through that stuff,
4 right. I get super passionate about that.

5 Q: What is your understanding of Mr. Daigle's relationship
6 with, or interest in SBD?

7 A: I know of none.

8 Q: Okay. In Amazon?

9 A: I know of none.

10 Q: Did Mr. Daigle need to disqualify himself from
11 participating in the JEDI Cloud acquisition because of his, any
12 of his relationships?

13 A: I don't think so.

14 Q: What have you ever heard Mr. Daigle say about Amazon?

15 A: Nothing. I don't think he even knows anything about the
16 products.

17 Q: What have you heard him say about any of the other
18 competitors for the JEDI contract?

19 A: Nothing. Literally I don't think he knows anything
20 about any of the products. Maybe did, maybe we talked about like,
21 is there enough, I think that one of the things that people like
22 Bob are concerned with are hey, what is the spectrum of
23 competitors look like. That was probably the extent of it. Who
24 are the types of companies that could compete? But, I don't think
25 Bob knows anything about any of the different providers like, I

1 don't think he knows at all. Even today I don't think that he
2 does,

3 Q: Okay.

4 A: and I don't know of any connection that he has to any of
5 them, or SBD, or any of that stuff, and I don't think I've even
6 read that on the Internet.

7 Q: Okay. So, I want to go over the form again and under
8 Mr. Daigle's column you stated that he attended the CESG
9 meetings, C3PO meetings, -- do you know if he provided input for
10 the JROC memorandum?

11 A: Maybe. I don't remember.

12 Q: Okay. And is this a five or two?

13 A: Which one? These are mostly five's,

14 Q: Okay.

15 A: and the reason I gave that is my recollection is Bob
16 would opine and throw out his thoughts. Often not on the
17 technology side, but on like the how you do it, or how it works,
18 or what does it look like? What are the things we need? That type
19 of an input. Does that make sense?

20 Q: Uh, huh [affirmative response].

21 A: So he would do a lot. I mean, and also given what he
22 does I think that makes sense.

23 Q: Okay. So you stated for the JROC memorandum he would
24 provide opinion or recommendation?

25 A: Yeah, I think so.

1 Q: He would provide opinion or recommendation --

2 A: I don't remember the specifics but yeah.

3 Q: -- for the business case analysis, the functional
4 business requirements, the RFI, market research report,
5 acquisition strategy, acquisition plan, statement of objective,

6 A: And just to be very clear here, I have no idea if he
7 actually did have an opinion on those. I just know that like if
8 you were to call the package known as JEDI, Bob was - he was --
9 he was at a lot of meetings. He would say things. I would call
10 that an opinion. So, I'm guessing some of these are very
11 acquisition specificity sort of words, and so at some point I lose
12 the fidelity of where those words map to exact meetings, because
13 it's not a one-to-one mapping for me. But, I think that he was,
14 you know, substantially present or opining on things if that
15 makes sense. So,

16 Q: Okay.

17 A: that is a general -- that is the gist of why I
18 answered the way that I did.

19 Q: Okay.

20 A: And then as it started to go lower, I you know, like
21 Bob's not going to be on selection teams and shit like that, or
22 at least I don't think he was. I don't know.

23 Q: Okay. So, do you confirm that the answers that you
24 indicated on this form are accurate?

25 A: To the best of my knowledge. I am doing the best that I

1 can for someone who doesn't remember dates hardly ever, or exact
2 specifics of events. They're the best way that I think about them,
3 yes.

4 Q: And, how did Mr. Daigle influence the JEDI acquisition?

5 A: Influence? I think that Bob had a lot of the strategic
6 things on how to get it over the hurdles to success. It's -- the
7 strategy of the acquisition if that makes sense. I think of him
8 as sort of an ally of the rebel alliance, right?. He's a -- he
9 knows this side and he believed so deeply in our technical
10 understanding that I think he just took it sort of like Mattis.
11 Like I think that Mattis would look at me and say oh, Chris knows
12 his shit. Like I don't know that shit, right? So I'm just going
13 to trust him on that, right? I think that Bob he was the same
14 way, and that I have the utmost respect and trust in his
15 understanding of how to do complex, very large things. Obviously
16 we've done acquisitions, but we've never done something so big.
17 So, I think that Bob was very helpful on the strategy, if that
18 makes sense.

19 Q: Okay. And, what has Mr. Daigle said or done that would
20 cause you to question his ethics or impartiality?

21 A: Nothing. Nothing ever.

22 Q: What about concerning Amazon?

23 A: No, again I don't even think he knows anything about
24 Amazon's product line.

25 (b) (6), (b) (7)(C): Okay. (b) (6), (b) (7)(C), do you have any follow-up

1 questions for Mattis, DeMartino, or Daigle?

2 BY (b) (6), (b) (7)(C):

3 Q: Just going back to -- to starting with Ms. Donnelly.

4 A: Yeah.

5 Q: How does she fit in the DDS supervisory chain? Or did
6 she?

7 A: No, didn't.

8 Q: Okay. So it was just a part of the acquisition process
9 where she worked with the JEDI and DDS?

10 A: I don't think she actually worked, I don't consider her
11 part of the acquisition chain on JEDI at all.

12 Q: Okay

13 A: I want to make -- I mean I didn't specifically say that.
14 I wouldn't have ever, like if somebody was like hey, tell me key
15 people in JEDI I wouldn't have said Sally, not for the
16 acquisition. Like Bob I would have said. Like actually when I do
17 an introduction now I'm like, Bob and I work on JEDI. And then
18 supervisory, she was not my supervisor.

19 Q: And Mr. DeMartino?

20 A: Again, I wouldn't say that he was on the acquisition
21 side, but and he didn't supervise me either.

22 Q: Okay. And, how did Mr. Daigle fit in as far as CAPE?

23 A: Strategy for JEDI, and I did not report to Bob.

24 Q: Okay. You mentioned several times that the Department
25 of Defense is not run by technical experts.

1 A: Yep.

2 Q: You've also mentioned that you don't listen, or
3 wouldn't value necessarily someone's opinion if they weren't a
4 technical expert.

5 A: On technical matters.

6 Q: On technical matters.

7 Q: So whose opinion on technical matters would you seek
8 advice and value from within the Pentagon?

9 A: This team behind me. That's why they're here.

10 Q: And how about outside the Pentagon?

11 A: I don't know that were allowed to do that except for
12 when we do the -- but I didn't participate in the vendors
13 meetings.

14 Q: Why didn't you participate in the vendors meetings?

15 A: You know, a couple of things. I think I run this group
16 very different from how most people here run things. You probably
17 sense that when you're here, but I have a belief that we put
18 together teams that are fairly -- that are incredibly strong,
19 have strong leadership within them, and I am the escalation
20 point, but I am not - my -- you don't have a team that's running
21 the size and scope, and the scale, and the types of projects that
22 we run if I'm the central critical path on all of them. So, that
23 was for me, I think that's a failure in leadership

24 Q: Okay.

25 A: if you don't have your teams do it.

1 Q: And, to be clear, I'm not questioning your leadership
2 or your structure.

3 A: Oh, no, no.

4 Q: I'm just trying to understand how.

5 A: Yeah, I'm not giving you a defensive answer actually.

6 Q: Oh,. And I didn't take it that. I just wanted to be
7 clear.

8 A: I feel like this is -- this is this point that you're
9 asking is actually the single greatest failure that everyone has
10 missed and all the conjecture, the rumor, and everything about
11 how you end up with something like JEDI, how that happens. See, I
12 believe that I hired the single greatest technical talent in the
13 United States, and they have built software companies. They have
14 built products that run the Internet, and I don't need to go to
15 anybody else to ask them, right? Now, when we have the
16 requirements we can have people tell us how they're doing, and if
17 they think they could meet them, or if they think that were
18 missing the mark, right?

19 Q: Right.

20 A: But, I hired the best, and also I have built software
21 companies and built them to run on all of these things and I've
22 been doing it for a very, very long time. And what's -- and the
23 reason I'm giving you this long drawn out answer for what I
24 think you may seem to think like is a simple question, my job is
25 to enable that team. So, why am I not on -- why didn't I do the

1 vendors meetings, why did I not go? I don't wanna be in the
2 acquisition details. I don't think that I need to. My goal is to
3 put together the greatest team in the world to make sure that it
4 successful. I'm neither an acquisition expert, and to be honest I
5 have better engineering talent than me. I'm an engineer, but they
6 better engineers on my team right? far better than me. Far
7 smarter than me. So, why would I not have them do that, right?
8 And then that way we can find the other things, and then I can
9 run block and tackle for them. I describe myself as a shit
10 umbrella. That's literally, you'd probably see pictures of shit
11 umbrellas around here someplace. That's the title that I
12 constantly use, right? I'm here for them. That's the answer.

13 Q: Thank you. Mr. Robert Daigle start working for you?

14 A: July 1st.

15 Q: Okay.

16 BY (b) (6), (b) (7)(C) :

17 Q: Year?

18 A: No, this year.

19 Q: Oh, okay.

20 BY (b) (6), (b) (7)(C) :

21 Q: How would you respond to somebody that says don't put
22 all your eggs in one basket?

23 A: I think that that person is ill-informed.

24 Q: How so?

25 A: The Department has how many cloud providers right now?

1 Hundreds? Yeah, so I think we're already doing a multi-cloud
2 strategy. I think we do it every day. So cool, we've already
3 given them what they want. JEDI is a product. JEDI is a product.
4 I write software for JEDI. I don't want write, I don't want
5 anybody to write software for a cloud provider. I want them to
6 write it for JEDI. We already have tons and tons of cloud
7 instances and providers and, we're not lacking for that. How's
8 that working for us? Last time I checked it doesn't.

9 Q: Now, my last question is your company, Rebellion
10 Defense --

11 A: Yep.

12 Q: -- Is there a potential in the future to support a JEDI
13 contract should it come to fruition?

14 A: I am not going to start a commercial cloud product. I
15 am not going to. (Laughing) One of the best most favorite
16 everything that I have in JEDI, one of the best most favorite
17 things, the thing that I love the most is that some yahoo is not
18 going to just go start a company and be like oh, I can support
19 the mission of national defense. I'm going to go start my own
20 commercial cloud company. It is not going to happen. I'm
21 including myself in the yahoo by the way in that, right? So, no.

22 Q: Okay. Thank you. That's all.

23 A: We the write things that run on top of JEDI, but this
24 -- but there are, how many - literally, this is, the thing I love
25 when I read. I just read it again. I just read it in an article

1 the other day it's like, the Department of Defense should have
2 multiple cloud providers. I'm like, what are you talking about?
3 We already have like 600 you idiot. Like literally, how does it
4 even make sense? Did we just forget the other ones? Do they not
5 exist? It's like insanity. I'm like, what are you even talking
6 about? Do you know anything that's going on here? We already do
7 it. It's not working. I'm very passionate about this.

8 (b) (6), (b) (7)(C): It shows. That's all, thank you.

9 BY (b) (6), (b) (7)(C):

10 Q: Okay, sure. So, Mr. Lynch, you stated that you hired
11 the best and didn't think you needed to attend the vendor
12 meetings.

13 A: Yeah.

14 Q: So, how did you select the members of your team? What
15 were the qualifications that they needed to have to become part
16 of this unique team?

17 A: Sure. So, when we do -- so one is, I'll just give a
18 very, the highest possible thing. One is called recent and
19 relevant tactical experience. Recent and relevant. What I mean
20 behind that is you weren't to engineer 10 years ago. You are an
21 engineer 10 minutes ago, right? You are using technologies that
22 are where we need to be, not where we were. Meaning, I don't
23 really want to have an Ada engineer here. Don't care. I don't
24 think we should be using it. We have -- you know how to use
25 modern tools and frameworks. You probably written things that run

1 on one or more commercial cloud providers so that you understand
2 trade-offs and benefits. You know that one place has an FPGA, you
3 know that one place has a TPU. You understand how those things
4 come together. You are then interviewed on two different tracks.
5 One is you do multiple technical qualification interviews, which
6 means that you, in the case of writing code you actually write
7 code, and then you do EQ which is emotional intelligence which
8 means that you can sort through multiple different paths to get
9 to success. You both work here. So I'm sure you're also aware
10 that is a very frustrating place sometimes, and it doesn't help
11 if people get frustrated, right? And they give up. And then
12 lastly I do mostly every single person, well, I shouldn't say
13 mostly. I think every single person I do the final fit to make
14 sure that I believe that they will fit in culture wise and all
15 the other things. Does that answer your question?

16 Q: It does.

17 A: Okay.

18 Q: Thank you for that. I want to talk about Mr. Deap Ubhi.
19 You hired him as --

20 A: I did.

21 Q: -- an employee. So, what was his skills that you
22 identified that you felt that he would become an effective part
23 of your team?

24 A: So Deap has a couple of things that I felt were very
25 unique and important for a team like this. One, Deap has had

1 entrepreneurial experience. He's built software companies. Deap
2 is a passionate product manager. Deap has had exits which is also
3 important. He's well respected in the community, and you know
4 what I mean by exits, right?

5 Q: Please clarify.

6 A: So, Exits being sold a company. Started a company. Sold
7 a company. Having an exit is considered as kind of a little bit
8 of a badge of honor, right?

9 Q: Right.

10 A: I like to hire beacons, people who like to work with
11 another person because they think that they have an interesting
12 experience or background, or history. That draws other talent to
13 them. Deap is well respected, well known. Great product manager,
14 entrepreneur. Yeah, that's why.

15 Q: Okay, and in his role --

16 A: And he also knew -

17 Q: I'm sorry.

18 A: Sorry. I'm sorry.

19 Q: No, go ahead.

20 A: I didn't mean to interrupt. He also had a really good
21 reference from a common person that we both knew.

22 Q: A common person you knew -- reference?

23 A: Somebody said that he was really good. I don't want
24 this person's name in a bunch of other things. They're not
25 related to this in any way.

1 Q: Okay.

2 A: This is somebody I knew from Seattle.

3 Q: Okay. That's fine.

4 A: (Laughing) I don't want to drama drag some rando into
5 the mud.

6 Q: Okay. And in his role as Product Manager, can you
7 please describe what his responsibility was on this team?

8 A: On this team? On the JEDI team?

9 Q: Yes.

10 A: Yeah, Deap was supposed to help figure out you know
11 what would, you know I talk about JEDI as the product, so this
12 and it is an interesting thing. You'll hear me, like I don't
13 care. It's funny that this is here. This matrix of things here,
14 and just for the recording, I'm looking at a thing that says on
15 the wall behind me infrastructure is service platform, is service
16 software, is a service. One, what is the right, how far to the
17 right to we go, right? How do we go out -- how far we go towards
18 SAS? What makes JEDI run? That vision that I laid out. What are
19 the things that are going to be required? Is it possible that we
20 could actually have a product like this support things out of the
21 kind of the more austere environments? What are the types of
22 things that people would be looking for? So, a lot of times, you
23 know I mean those are very generic product manager type of
24 functions, but those were the types of things that I wanted Deap
25 to help us figure out.

1 Q: And what solutions did he provide to you to bridge
2 those items together?

3 A: Yeah, he, I think that you know we were debating if it
4 was possible that we could have a device that could sit outside
5 of the compute environment that we could embed in other like
6 unmanned aerial systems. Like those are the types of things that
7 we would talk about. And we were trying to make sure that hey, is
8 that to - you know, are there multiple ways that that could be
9 done in industry, that kind of stuff. I believe he looked at that.
10 Of course he did look at some of the single versus multiple
11 provider stuff. I think that Deap, like me was, you know, I'm
12 just going to say it. You heard my vision and I, there's nobody
13 in the world is going to shut -- there's not a product that
14 provides the vision that I laid out with multiple cloud
15 providers. Anybody who says that is full of caca. So like - so,
16 but we talked about both sides. Deap prepared I think a lot of
17 products around the single versus multiple, maybe it's not a lot
18 of products but I think he prepared products for that, and he was
19 definitely in meetings around those discussions, but he was not
20 the decision maker in any way. If anything unfortunately that,
21 that I think comes down a lot towards just my attitude about how
22 that environment works and functions in the state-of-the-art
23 today. Does that answer your question?

24 Q: Yes. So, did he provide any input or feedback because
25 earlier you stated if he wasn't a tech guy "I didn't listen to

1 it?"

2 A: So he's in tech. I would consider he's in tech. He's a
3 technical product manager. But, let me give you a good example of
4 where -- I care a lot about when products people tell me that
5 this is something that's important, that's like a -- we talked
6 about like you know what would end up becoming ATAT, you're
7 tracking ATAT.

8 Q: You can define it for us please.

9 A: Ah, shit. It's the account automation -- Account
10 Tracking and Automation Tool I think. It's the provisioning tool
11 for users to come on JEDI. So, we talked about stuff like that
12 very early, right? Like what would the experience be? I care a
13 lot about stuff like that. Deap is, he's part of this team so
14 course I'm going to listen to him, right? Is he the person who
15 we're going to turn to for like the security requirements of
16 JEDI? No. I mean we have [REDACTED] We have people like (b) (6), (b) (7)(C) [REDACTED]
17 tech. We had tons of people who were spec spectacular at that,
18 Harland. Yeah, no. I mean I don't want to downplay it. Deap was
19 definitely in those discussions and he would have opinions. Deap
20 is very opinionated like I'm sure you've read things from Deap
21 that are like super opinionated. So, yeah. He did. But he wasn't
22 just the decision maker for sure.

23 Q: So who was the decision-maker?

24 A: On all of that, that was me like without a doubt. Like,
25 there is -- unless somebody could show me a way to do it with

1 that vision that I laid out, then if you bought into that vision
2 build me that product. I want that product. We don't have that
3 product today. I want it, right?

4 Q: So, was Mr. Ubhi physically located here, or how often
5 was he present here in D.C.?

6 A: On and off. Sometimes half the month, sometimes once a
7 month, sometimes three weeks in a month. At the beginning he was
8 here. Long before JEDI he was -- he had an apartment here, and
9 then towards the end he didn't.

10 Q: So, how does that work if he's not here? How is he
11 providing information that's beneficial for DDS?

12 A: Sure. We work unlike any place at the Department of
13 Defense we use modern tools and modern collaboration tools allow
14 a person to work from anywhere. They can collaborate on documents
15 in real time, which is very unusual for the Department. And we
16 have slack, which I'm sure you're already well aware of.

17 Q: Okay.

18 A: Which is a collaboration tool for chat.

19 Q: Okay. Do you know what Mr. Ubhi's relationship was with
20 Amazon?

21 A: I knew he worked in Amazon before coming here.

22 Q: Did he talk about Amazon?

23 A: Yeah, sure.

24 Q: What did he say?

25 A: That he loved working at Amazon and he loved it. He

1 thought it was a great company.

2 Q: Did he,

3 A: He talked about it sometimes like you know you talk
4 about like leadership principles like the whole Bezos, no
5 PowerPoint presentations, stuff like that. So, maybe you were
6 asking about JEDI, I don't know.

7 Q: It's okay.

8 A: But I think that Deap also very quickly ended up in the
9 world of like don't mention vendors because we just, you know we
10 don't talk about vendors.

11 Q: Okay. Did, in your opinion, Mr. Ubhi ever, or did you
12 ever feel like he was trying to promote Amazon within DDS?

13 A: AWS or Amazon?

14 Q: Amazon.

15 A: Promote? I don't know. It is a hard. I mean Deap would
16 talk about Amazon. I don't think that Deap hated Amazon. I think
17 that he enjoyed his time working there. But I think about it like
18 he would talk about it like that. Do I think that he promoted it
19 at all with regards to JEDI? No.

20 Q: So, let me rephrase it. Do you -- what is your opinion?
21 Do you feel as though he made have steered?

22 A: No. No,

23 Q: Okay.

24 A: We actually one of the things we were always acutely
25 aware of is there need to be people who are competing with this

1 and they all have to be real providers.

2 Q: Okay.

3 A: No. I'm actually curious if somebody thinks that I'm
4 steerable. That would be an inter --another interesting set of
5 discussions, but no, I don't think so.

6 Q: Okay. Did Mr. Ubhi receive any type of ethics training
7 from Mrs. Woods?

8 A: I think so. I believe so. I have heard so. I wasn't
9 there.

10 Q: Okay. And since he's only here a couple of times out of
11 the month -- how --

12 A: He's was still at those all hands. People do it
13 remotely. And we have video and everything.

14 Q: Do you know if Mr. Ubhi signed any type of financial
15 disclosure form or if Ms. Woods had them to sign one?

16 A: I believe so. I believe everybody almost everybody on
17 the team has to do them. I had to do them. I'm sure others do
18 them. I believe others do them. I've seen others -- from other
19 people on the team go through them, so I have no reason to
20 believe that he did not.

21 Q: And did any of the members here receive any
22 supplemental ethics briefings, or training from any other
23 external designated ethics officer?

24 A: I don't. That's the part that I don't remember. Like,
25 I'm sure maybe WHS did some things on, -- it's possible. I don't

1 know. Maybe.

2 Q: What have you ever heard Mr. Ubhi say about any of the
3 competitors for the JEDI Cloud contract?

4 A: (Laughing) Deap did make comments about other. I
5 believe Oracle. I don't remember what he said, but it, I believe
6 it was on slack, and it was -- I think it was as they were -- as
7 things were starting to be slung around. And then all of the
8 other stuff started happening where Saffra did the dinner in
9 town, and all that good stuff. So, I have no doubt there was a
10 discussion about, that he brought up Oracle.

11 Q: Okay.

12 A: With that being said, like I'll say this. Oracle showed
13 up so It never of -- I don't that that mattered at all for
14 anyone.

15 Q: Okay. And do you know if Mr. Ubhi had an opinion
16 regarding single or multiple cloud?

17 A: Yeah, I think that Deap like me believed that there
18 was, it was the Department of Defense is generally a shitty place
19 to do integration between systems. I know it probably will be
20 very hard for us to do a multiple. I do believe he shared that
21 opinion with me.

22 Q: So, I want to go back to the form that you filled out
23 and just indicated, or just talk about the things that you
24 mention here. You stated that Mr. Ubhi attended meetings related
25 to the CESG, CP, C3PO meetings as well. The functional business

1 requirements, technical requirements, and

2 A: I make --

3 Q: the RFI?

4 A: I think, I think so. I don't remember when Deap left
5 and when those documents were, I'm somewhat guessing on the
6 specifics because they're very acquisitional. Again but you know,
7 Deap was in the meetings until he told me that he was going to
8 have to recuse himself, right?

9 Q: And, what type of input did he provide to you, if you
10 can recall any information he shared with you, any information
11 any opinions he may have had regarding the RFI, or?

12 A: I mean Deap wrote some drafts on, I'm gonna to get all
13 of these words wrong, but I think you know what they are. Like, I
14 think there was a document called a strategy document, which is a
15 very acquisitional name for the thing, you know. I think that he,
16 and if that's not the right document it's whatever the one is he
17 worked on. Like he worked on a couple of drafts and then (b)
18 ended up rewriting them, right? You know, but he was in meetings,
19 I mean, you know. He would talk about things that products that
20 users would want. Like, he was talking to users to understand.
21 Here's the reality. Look, even for all this where we're headed
22 towards which is the actual absolute train wreck of what Deap did
23 as a human being and the stupid shit that he made up. Like, let's
24 be very clear, like. He still actually really did care about what
25 it did and why, and going back to that story, like he is still

1 met with users and talked to people about why it mattered and how
2 to do it, and what would they need. It's not irrelevant, right?
3 it's important. It has nothing to do with single versus multiple.
4 It's not tied to that at all, but it's what are the things we're
5 going to need? Like what's it going to do? So, for that, you
6 know, I don't think that he did a bad job.

7 Q: Okay. Do you think that based upon all of the
8 activities that you indicated here that Mr. DeMartino, as you
9 were, Mr. Ubhi participated in, do you believe that his
10 participation in the JEDI acquisition was substantial?

11 A: No. (yawning)

12 Q: Why?

13 A: Because he left. There was nothing. We didn't even have
14 the -- I don't even think there was an RFP or anything like that.
15 I mean he never got any of that. I mean it was like, "Hey, let's
16 talk about." I'm going to use an odd example. You know, if Deap
17 had been there until earlier, and, or a little bit later, I think
18 that it would have been meaningful, but we pretty much rewrote
19 almost everything and I don't think that, -- you know, we -- I
20 went out with a belief that it was supercritical that somebody
21 writes a piece of software that runs on a JEDI. It's literally
22 how I would add it. I was like what if we did this? That's the
23 thing. That's the magic. That's JEDI. Anything less than that we
24 failed, and I don't want to be involved. I've actually said that,
25 I don't want to be involved. This team is not going to do

1 something if this is going to be another caca system that people
2 can't use that sucks. I have zero interest in that.

3 Q: Okay. So, you mentioned that Mr. Ubhi went out before
4 the first draft of the RFP, and you stated that you changed
5 things that he wrote. What were some of the changes that - (b) (6), (b) (7)(C)

6 A: (b) (6), (b) (7)(C) wrote it. (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) did?

7 Q: Yes.

8 A: I think that (b) (6), (b) (7)(C) rewrote almost every single thing
9 that he did because he didn't think it was good, but you'd have
10 to ask (b) (6), (b) (7)(C)

11 Q: Okay.

12 A: But my understanding is that (b) (6), (b) (7)(C) rewrote everything,
13 and actually funny enough not just because of -- of (b) (6), (b) (7)(C) is
14 another product person and he probably had a different way that
15 he wanted to go about, you know, telling the story. And I don't
16 think that Deap informed any decisions. Like, I mean I think he
17 had an opinion, but I think if you would walk through this team
18 and ask people about opinions on the single versus multiple,
19 people will tell you how hard it would do - it would be to do.
20 And you know what? You know what's amazing about the JEDI RFI? We
21 actually opened the door for multiple people to pair together.
22 It's weird that nobody actually came up with a solution like
23 that. I wonder why. I'm trying to think. Probably because it's
24 nearly impossible.

25 Q: And now I would like to ask a ethics question. Do you

1 feel as though Mr. Ubhi may have said anything or done anything,
2 or do you feel as though there's a reason to question Mr. Ubhi's
3 ethics?

4 A: I mean that's a loaded question. Deap lied to me as to
5 why he left, and I actually didn't even know until fairly, like
6 just earlier this year. I actually thought that Deap's company
7 had been bought by Amazon (laughing). So, you know that's shitty.
8 So, yeah, sure. I wish that I didn't have to say that, but it's
9 the truth. (b) (6), (b) (7)(C) who's the (b) (6), (b) (7)(C) here, I called, once I
10 found out I was like, "Did you know that Deap didn't sell his
11 company to Amazon?" She had no idea. Nobody had any idea. His
12 resignation letter to me was like, "Hey, I sold my company." I'm
13 like, "Great. That's awesome. Congratulations." So yeah, sure.
14 (sighing)

15 Q: Okay. I'm not going to ask you motive questions or
16 anything like that.

17 A: I wish you could ask him. I would like to know. I have
18 theories. I actually, can I comment on that?

19 Q: Sure.

20 A: I don't know. I really want to know. I really, really
21 want to know. I think that he picked the most stupid, bullshit
22 reason to give people a reason to leave. I think that he was
23 having probably problems at home with traveling so much. He
24 probably did not think that this thing was ever going to go
25 anywhere. He thought it was doomed to failure. Didn't think it

1 was a big deal. Made up a story about how his company got bought,
2 and that it was fiduciary responsibility and had to leave. Who
3 could argue with that? And then he didn't have to deal with hell
4 "Deap's leaving." What if we come up with a thing for you to
5 stay? I think he came up with it because he was chicken shit.
6 That's what I think.

7 Q: Okay. Were you ever in a meeting where anyone either
8 changed the subject or excused themselves because he or she, or
9 someone else close to them had a conflicting financial interest
10 that might be impacted by the JEDI Cloud acquisition?

11 A: We had people who recused themselves, yeah, sure. I
12 think (b) (6), (b) (7)(C) I don't know about others. We had others on the team
13 who I think - and I think, was it the case that there was
14 somebody who couldn't maybe it was -- I don't remember. I think
15 it was somebody maybe. Somebody had like some ethics thing that
16 they had to go through. Maybe it was Shanahan. Maybe it was Jay
17 Gibson, I don't know. Somebody - somebody did. I don't remember
18 who. Yeah, sure. There were numerous times it would come up.

19 Q: So what happened after the members here recused
20 themselves?

21 A: We became very, very sectioned off about all of the
22 information and the sharing. And then we broke things up.

23 Q: Did anyone attempt to write JEDI Cloud requirements,
24 and by this, I mean the JROC memorandum, the gating requirements,
25 the technical requirements, and a statement of objective, or any

1 other requirement in a way that favored Amazon over its
2 competitors?

3 A: No.

4 Q: Why do you say that?

5 A: Because they didn't. They wrote it for having a
6 platform that would do what I've been saying here. I want
7 somebody to write that document, show me the document that gives
8 me the thing that I set out as the vision for JEDI. It's not
9 possible. Because it's the right solution.

10 Q: Did anyone attempt to include or exclude anything in
11 the RFP that would serve to advantage Amazon or disadvantage its
12 competitors?

13 A: No. No, and I'm only laughing because I read a thing
14 and -- no. I read a thing in a Vanity Fair article which was a
15 great article written by a person who knows nothing about
16 technology. They claimed that we had a requirement for 32 gigs of
17 RAM, and only Amazon had that. That's like literally the silliest
18 thing I've ever heard in my entire life. Like what makes JEDI so
19 easy to confuse and fool people on is that it's actually very
20 technical and most people don't want to know how those details
21 work. It's literally like going back to the nuts and bolts of the
22 universe and, no. Absolutely not. At least not that I'm aware of.

23 (b) (6), (b) (7)(C) [REDACTED], do you have any questions?

24 BY (b) (6), (b) (7)(C)

25 Q: Sir, I've just got one follow-up clarification

1 question. Earlier you stated that you hired the smartest people
2 to be able to attend meetings such as vendor meetings for you
3 which allows you time to be, what you described yourself as a
4 shit umbrella.

5 A: I love that that's in there. Yeah, this is awesome.
6 Keep going.

7 Q: You also stated that meetings that Mr. Ubhi attended --
8 he was not a decision maker.

9 A: Uh, huh [affirmative response].

10 Q: That you were the decision maker.

11 A: Yep. Oh, that's a good question.

12 Q: How does that --

13 A: Yeah, how does that gel?

14 Q: Contrast and compare?

15 A: Yeah, actually it's a really good thing. So every one
16 of our projects, so let me describe how a DDS project comes
17 together. At the beginning of a DDS project I'm very heavily
18 involved, and part of it is that I want to figure out who the
19 team is and who's going to ultimately be the lead on the team,
20 and over time you'd see that that would become Sharon. But, at
21 the beginning I'm heavily involved in every single project. So,
22 that is true. What I said is once we have things going, because
23 at that point I know what the team is, but I didn't give you that
24 breakdown of how I see the phases of a project. I don't know how
25 they're doing it now, but you'd have to ask (b) , but at least

1 for me every project I'm putting my name, reputation, and
2 everything on the line, right? And also I had an extremely strong
3 vision for what JEDI would be, and so at the beginning it's sort
4 of primordial soup. Like, It's like everybody's coming together.
5 We're trying to figure out who the team is. We're trying to
6 figure out who's going to work together really well, who's not
7 going to work really well together, and at some point as things
8 are getting to the right place I shift out and I'm only in the
9 support function role. I think that you would find that if you
10 were to go out there and talk to anybody they would say that that
11 is how every single project is evolved. We had -- we've done
12 multiple projects in Afghanistan. I take the team out myself to
13 Afghanistan. I'm going to put them out there. I'm going to go
14 with them, and I'm going to put my own life out there it's the
15 same time. Over time, once I feel like we've secured an easy way
16 for them to have the proper security to be safe as reasonable,
17 after that then they can go and do things themselves. I go out
18 every single time at the beginning. Every project I do the
19 initial pieces. So, I'm heavily involved at the beginning and
20 then that trials off. JEDI is no different than any other
21 project.

22 Q: At any time did Mr. Ubhi have the authority to speak
23 for you in your absence as the project manager for JEDI?

24 A: Product manager.

25 Q: Product manager.

1 A: Authority to speak for me? I don't think anybody speaks
2 for me. I'm always -- I don't think that I've ever told anybody.
3 The only person here that I believe what have you ever felt like
4 they could speak on behalf of DDS would have been (b)(6), (b)(7)(C)
5 (b)(6). Sorry. I don't think so. I don't think that he would. Deap
6 will say whatever, right I mean let's be honest. Deap's a fairly
7 senior person. Like, he's going to say whatever he wants, that
8 doesn't mean that he speaking for me, and I don't think that
9 anybody ever would confuse that, and also there was never an
10 expectation that somebody would speak for me. And it was Sharon's
11 project. Like, right? Like this is Sharon's baby, like, and it
12 became very clear that this thing was going to be like the key to
13 this thing which was very different than a traditional DDS
14 project. So, actually this is an interesting thing that we're
15 talking about. A traditional DDS project, a product manager
16 actually would run the team. So, this is what's unique and
17 interesting about this one. One which is also true on Hack the
18 Pentagon though. So, it's not unique -- I shouldn't say it's
19 unique. When it's a program meaning we're not physically
20 developing something, generally a bureaucracy hacker runs it.
21 Sharon being a bureaucracy hacker, lawyer, acquisition expert. It
22 was very clear that that was the case. When we did Hack the
23 Pentagon (b)(6), (b)(7)(C) was the first person who did it, and then
24 (b)(6), (b)(7)(C) ran it, right? Bureaucracy hacker's. If were
25 developing a product, a product manager generally runs the teams.

1 I don't know that I've ever quite gone through that, but it's, I
2 think it's important here, because that maybe will give you an
3 idea of why Deap's authority wasn't as critical in that way as it
4 would have been on a different thing where he was the product
5 manager who is running the team. Does that make sense?

6 Q: Yes.

7 A: Okay, cool.

8 Q: All right. That was it. Thank you.

9 A: I don't know that I've ever told anybody that, but this
10 is how we do it.

11 Q: That's good information, thank you.

12 A: Sure.

13 BY (b) (6), (b) (7)(C) :

14 Q: And why do you believe this matter has surfaced to the
15 DoD OIG?

16 A: (Laughing) I mean, I have a picture on my phone of
17 somebody who created a slide to try to slander me because, and my
18 team, and we've had tons of shitty things written about us. I've
19 had people send rumors that I have been fired for ethics reasons.
20 I've had people, why do I think that this is? Because I think
21 that people believe that business as usual applies here, and that
22 they're very disappointed that you actually have to just have a
23 really fucking good product in order to win the mission of
24 national defense. Guess what? If you want to run a workload in
25 which people fucking die, if it doesn't work, you're going to

1 step up and is actually going to work. And I think that this
2 particular building tends to work very favorably to how it's
3 always done business, which doesn't require technical competence
4 to do the mission that we have here. That is bullshit. That's why
5 I think that we're here.

6 Q: So, if you were to provide an end statement for the
7 end, or impact, or end result that JEDI would achieve for the
8 Defense what would it be?

9 A: I tell you the thing that I tell this team. I'm going
10 to answer in a couple of different parts, because I think this is
11 really important. I've mentioned several times and I believe this
12 to be the case. There is no success for product like JEDI. If we
13 cannot write a piece of software that can run at every point
14 across the world in which our mission exists at every
15 classification and it just works. And it is available when I need
16 it right away. There's no alternative. There's no other thing.
17 Today, I think I talked about this at Industry Day. I did a talk
18 there, and I think I told the story, look. I was in Iraq. I walk
19 into a closet and a guy shows me a server that it took him like a
20 year to get, and the rotations there are three, four months. The
21 person who ordered the server was several generations of that
22 person ago. Now nobody knows what the server is for. It's not
23 even plugged in. I have news for anybody who thinks that we've
24 got this dialed down. We do not. We do not have an ability to
25 share information. I am watching people out at our task forces

1 who are hunting terrorists, who are dropping things into shared
2 drives, and then burning them to DVDs and then putting them on
3 planes to ship them back to a place to do analysis. This is the
4 world of the Department of Defense today, and right now, right
5 now I watch people literally screw up hunting terrorists and then
6 fucking killing people. That I'm done with. What is JEDI change?
7 That. JEDI is the ability to have the instantaneous access to
8 compute and storage, in a way that just resembles the norm of
9 even any commonplace software company in the world. Anyplace in
10 the world. It is not intended to be driven by the Department's
11 requirements. It is intended to be driven by the requirements of
12 a much broader community. It is heartbreaking to me that we are
13 here in 2019, and we look like we are an operation from the early
14 '90s, and it isn't just restricted to JEDI, but you can go to the
15 F-35, the processor in the F-35 is far less powerful than your
16 phone. That's a joke. We deserve better. That's what JEDI is.
17 What will it do? It redu..If I could take that 12 months, and I
18 could turn that into 12 minutes, What does that change? It
19 changes everything, that's why it matters. Its minutes. When we
20 were doing the atat requirements it was like, guess what? If you
21 take a month to get somebody on this fucking platform you failed.
22 No, that's not good enough. I don't accept that. I don't believe
23 that that's good enough. I...It drives me insane when I hear people
24 talk about the technology that we have here and we just accept
25 the mediocrity of it. No. We deserve better, and I... the last trip

1 that we took out to Afghanistan three Marines died with an IED
2 and there was a car bombing a half a mile from us. We miss this
3 stuff all the time. We have no access to technology. We found --
4 I can't even tell you the story. We used Excel to find somebody
5 who's a terrorist working in -- with us on this stuff. Excel
6 because it's the best tool that they had. If that doesn't drive
7 you nuts, then I don't know what does. We deserve better. It
8 makes me really upset. This thing, JEDI, the ability to have that
9 -- who gives a shit if they're multiple providers. We've lost the
10 narrative. I don't even care. That's an acquisition thing.
11 Doesn't it bother anybody that literally takes people 12 months
12 to get a computer, and then they don't even know what to do with
13 it? I think it's wrong. I mean it's absolutely wrong. So, I think
14 that answers your question.

15 Q: Okay. Is there any other additional information you
16 would like to provide?

17 A: No, Deap, you know what, Deap did something wrong, and
18 I'm super pissed. I hope that God you find out what was going to
19 his mind. It doesn't mean that he mattered.

20 Q: Okay. Who else do you believe we should speak with?

21 A: Well, I mentioned (b)(6), I don't know if you talk to
22 (b)(6), And I'm sure you've talked to Sharon, but (b)(6), (b)(7)(C) Maybe (b)(6), (b)(7)(C)
23 I don't know. (b)(6), (b)(7)(C).

24 Q: And do you have any questions for us?

25 A: I don't. I don't. Sorry.

1 Q: Do you have any comments or concerns about the way we
conducted the interview today?

2 A: I don't.

3 Q: Okay. If you anything else that you believe may be
relevant to our review please contact myself or (b) (6), (b) (7)(C). I

4 believe (b) (6), (b) (7)(C) also has contacted you. So, you can reply
5 to her as well.

6 A: Cool.

7 (b) (6), (b) (7)(C): And once again in order to protect the
8 integrity of this review we ask that you do not discuss the
9 matters under review or the questions we've asked you during this
10 review with anyone other than your attorney if you choose to
11 consult with one. This does not prohibit or restrict your right
12 to contact a Member of Congress or Inspector General. If anyone
13 asks you about your testimony or this review, please inform them
14 that the DoD OIG has asked you not to discuss the matter. The
15 time is now 1607, this ends our interview.

16 [The interview terminated at 4:07 p.m., July 24, 2019.]

17 [END OF PAGE]

18 ~~//FOR OFFICIAL USE ONLY//~~

19 2

20 ~~//FOR OFFICIAL USE ONLY//~~

21 LYNCH - July 24, 2019

22 ~~//FOR OFFICIAL USE ONLY//~~

23 1

24 ~~//FOR OFFICIAL USE ONLY//~~

25 LYNCH - July 24, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

*Mr. Chris Lynch
November 1, 2019
ISO Recall Interview*

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is November 1, 2019, and the time is
3 now 2:31 p.m. I am (b) (6), (b) (7)(C) with the DoD, Office of Inspector
4 General. With me is my colleagues (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C). On the phone with us is our
6 witness Mr. Chris Lynch. Mr. Lynch, what is your present
7 location?

8 MR. LYNCH: I am, like where am I right now? Like actual
9 full address?

10 (b) (6), (b) (7)(C): No, just the city.

11 MR. LYNCH: Yeah, I'm downtown Washington D.C.

12 (b) (6), (b) (7)(C): Okay. That works. We're continuing by
13 telephone an interview that we conducted on July 24th, 2019, and
14 we're continuing this interview for the purpose of clarifying
15 certain details in media reports that we read about the JEDI
16 Cloud procurement. At this time I ask you to acknowledge that
17 this interview is being recorded.

18 MR. LYNCH: I acknowledge this interview is being recorded.

19 (b) (6), (b) (7)(C): And do you understand that you remain under
20 oath to provide truthful testimony?

21 MR. LYNCH: I do.

22 CHRISTOPHER LYNCH

23 was recalled as a witness, reminded of her previous oath, and
24 provided the following testimony:

25 E X A M I N A T I O N

1 BY (b) (6), (b) (7)(C) :

2 Q: Ms. Lynch, the media has reported on a book by Mr. Guy
3 Snodgrass who was a member of former Secretary Mattis' staff. Mr.
4 Snodgrass reportedly stated that President Trump, "Personally got
5 involved in who would win" the JEDI contract. What is your
6 reaction to that statement attributed to Mr. Snodgrass?

7 A: What is my reaction? I believe that he is correct that
8 the President would have liked to have gotten involved somehow if
9 he was not rebuffed or kept out of it.

10 Q: Please tell us --

11 A: If that makes sense.

12 Q: Could you please tell us what you know about President
13 Trump's involvement or attempts to become involved in the JEDI
14 procurement?

15 A: The, I only have probably one. So, you know, so I read
16 it in Cloud Digital Defense. We were doing the pretty much
17 everything around the technical portion of the acquisition and
18 then most of running a lot of the acquisition pieces, and then a
19 lot of those people were involved once it got spun out. So, just
20 to provide a little bit of context to I was not on selection
21 teams or anything like that, but I can at least talk to any
22 activities that went on before. We got an outreach from I think a
23 lawyer at the National -- I think this person was at National
24 Security Council and they were -- they had read about JEDI. So,
25 this was very early on. I don't even think we had the RFP out,

1 and I don't think that we had even -- so, I don't know the timing
2 on this. Sadly you're probably going to want to know the timing,
3 but I don't know the timing. And it was a lawyer whose name I
4 think was (b)(6), (b)(7)(C) I don't
5 know the person's -- I don't know if that's their first or last
6 name, and they were asking about the acquisition, and said that
7 they wanted -- the President would like to help negotiate the
8 final deal. I think that they thought it was awarded, and I
9 basically, the response said when that came to me I took it down
10 to the Secretary's Office and I said, "I don't think that the
11 White House should be involved in any way, and I'm not going to
12 do anything with these people, and I don't care what their
13 opinion is in any way whatsoever." And I gave that to Kevin
14 Sweeny and then I never worried about it again because I don't
15 really give a shit what somebody at the White House thinks about
16 a piece of technology.

17 Q: You mentioned this was prior to the RFP being released.
18 Was it after the draft RFP came out?

19 A: And I think that this was after the -- I think this was
20 --

21 Q: The initial draft was March of '18.

22 A: -- as best -- I think this is when the full page -- I
23 think this is when the full page ad went into whatever, like the
24 New York Post that was like famous for the 100 billion dollar
25 contract, and then people were getting on Fox and Friends saying

1 that we had already awarded a contract. It was like unbelievably
2 early. Like I don't even know if the RFI was out.

3 Q: Okay. The RFI was out in October, the end of October of
4 2017. Do you think it was 2017 when this happened?

5 A: Let me see. This is probably, no, this is in 2018. This
6 was probably in 2018, maybe 2018.

7 Q: How did this inquiry reach you, and by what means, and
8 from whom?

9 A: So, they called I think as a random friendly outreach.
10 They came in like, "Hey, we want to be helpful." To Sharon Woods.

11 Q: And "they" meaning did somebody in the NSE contact her
12 directly?

13 A: This [REDACTED] person whoever that is and then I just --
14 and then Sharon told me, and I went to Kevin.

15 Q: Did you have anything in your hand, was it an -- did
16 she e-mail you? Was this all verbal?

17 A: All verbal.

18 Q: Did you get a letter?

19 A: No, all verbal. I think that they are too smart to send
20 an e-mail.

21 Q: So, if I have it right this [REDACTED] calls Charon and says
22 that the POTUS would like to help negotiate the final deal?

23 A: Yep, it wasn't about any particular vendor. So, I don't
24 have anything about that. I mean I like as best as I can tell
25 there was literally nothing about a vendor. I think that they

1 already thought it was awarded. Like, I don't think that they
2 quite understood how the acquisition was working, but it felt
3 completely inappropriate for them to call. So, that's when I --
4 when Sharon told I was like, "Don't get involved. I'll just take
5 it down to Kevin's office."

6 Q: And then you went to see Mr. Sweeny and talk to him
7 about it?

8 A: Yep. Yep, that's right.

9 Q: And did -- how did Sharon characterize anything else
10 about what she said? Was there any request for action, any
11 request for decision? Any other additional requests for
12 information?

13 A: They just said that they would like to help. I again,
14 I'm reporting like tertiary information here, but she came to me
15 and she said that this happened. I thought that it felt
16 inappropriate for somebody from the White House to be calling.
17 So, and I think that they were trying to do it on a lawyer to
18 lawyer channel, and so that's -- but as best as I can tell it was
19 asking about the acquisition and they were -- they had a
20 misunderstanding of where it was. I definitely am sure that they
21 felt that it was already awarded.

22 Q: Okay, bear with me. What did Mr. Sweeny say?

23 A: That he didn't care what the White House thought. I
24 think he had other words for it, but he didn't care and he would
25 take care of it.

1 Q: Did he -- was there ever any discussion about this
2 after you talked to Mr. Sweeny?

3 A: No, I just -- no, I handed it off like a grenade.

4 Q: What other communications reached to you or anybody on
5 your staff from the White House, from the President or the
6 President's staff, somebody in the White House?

7 A: No, nothing that I'm aware of.

8 Q: Nothing else that you're aware of?

9 A: That was the one time that I took it down to Kevin.

10 Q: What else can you tell us about any involvement in the
11 procurement or attempted involvement by President Trump or his
12 staff?

13 A: Nothing in particular. I probably, I mean, the only
14 other thing that I know of is probably things that have already
15 been reported, which I know that Sapir Katz did a dinner with
16 him, and I know that she asked for some things around the -- I
17 only know of the dinner and I know that she made her quests of
18 him about JEDI, but that is -- that has been reported in the news
19 for a long time.

20 Q: Is that how you learned of that by reading it in the
21 news?

22 A: I learned of it from the news, yes, that's right.

23 Q: Has anyone ever told you that members of President
24 Trump's staff were involved in the JEDI procurement other than
25 that matter that we've just discussed?

1 A: No. No.

2 Q: Getting back to Mr. Sweeny --

3 A: No, it felt like there were -- it felt like -- I mean,
4 I can answer a slightly different question which you didn't ask.
5 Do I feel like there were other side activities that were going
6 on? I mean, I feel like everybody was being lobbied. So, I don't,
7 not that I'm aware of anything from the White House. Like the one
8 that I gave you is the one that I know of. Like that one
9 definitely happened, but it didn't influence any part of decision
10 making.

11 Q: Well, can you please talk to us about the side
12 activities you just mentioned?

13 A: I know that people from Oracle were at meetings around
14 budget with OFCIO, and OMB discussing federal cloud and if -- and
15 things like that. I mean, I -- those are, I can say they're
16 unrelated but I don't feel like they were related, but I feel
17 like the -- there was a lot of lobbying that was going on. You've
18 probably are well aware of that.

19 Q: Any other, and you said OFCIO? I know what CIO is.

20 A: Office of CIO.

21 Q: Office, okay.

22 A: Federal CIO.

23 Q: Okay. Any other examples or things that you are aware
24 of or maybe know something about that might be relevant to this
25 line of inquiry?

1 A: I mean that was the one. Like I and then everything
2 else is not have been my story. It's somebody else's story, but I
3 feel like that was the one. The one that I told you where this
4 person called and was he was like, "Hey, we want to be helpful in
5 negotiating this deal. You know, how do we get involved? What can
6 we do? We are really good at negotiating." And things like that,
7 but I was like, "What? There's no deal to negotiate. We're not
8 even -- there's nothing here."

9 Q: I'm going to go back to a specific question and that
10 has to do with Mr. Snodgrass' book. In the book --

11 A: Okay.

12 Q: In the book he wrote, "In the summer of 2018 Trump
13 called and directed Mattis to screw Amazon by locking them out of
14 a chance to bid." On JEDI. Snodgrass then wrote that, "Relaying
15 the story to us during small group Mattis said, we're not going
16 to do that. This will be done by the book both legally and
17 ethically." What is your reaction --

18 A: [Inaudible.]

19 Q: Would you have any knowledge about that exchange either
20 between Mr. Trump and Mr. Mattis or at the small group?

21 A: No, I don't have anything about that, but I can
22 absolutely assure you that the -- I just -- I think I told this
23 last time that we talked, Mattis asked me to figure out how to do
24 cloud and then the last one was that he -- I talked to him and he
25 said, "You know, Chris, just keep doing the right thing. I know

1 ''-- I'm going to paraphrase. I would love to say it like he does
2 but he's like Christopher Watkin of Secretaries of Defense. It's
3 hard to get his phrasing exactly right, but he said, "You know,
4 Chris, just keep doing the right thing. That's all that matters,
5 and that's why you're team is doing this." Or something like
6 that, and there was -- and I was telling him that it was just
7 very hard. There was no comment or discussion about any
8 particular vendor, or the President. I don't think that that was
9 really of his character to talk about, you know talk about a
10 specific call -- I just was limiting that it was very hard and a
11 lot of pressure was coming in on us. So, but no I have no comment
12 about the specific thing other than it is in line with how he,
13 anything that he ever said after he asked me originally to figure
14 out how to do JEDI, and it was that he was like, "Just keep doing
15 the right thing."

16 Q: Do you have any knowledge of this alleged conversation
17 between POTUS and Secretary Mattis, and the statement of --

18 A: I don't.

19 Q: -- screwing Amazon? Do you have --

20 A: I don't.

21 Q: Did you ever hear anybody talking about that particular
22 exchange?

23 A: No.

24 Q: Did you --

25 A: I mean I wouldn't be surprised if it happened, but I

1 have -- I wouldn't be surprised but nobody, no, there was never
2 anything that came up.

3 Q: Did you ever hear anybody talking about or see anything
4 written about this small group meeting that Mr. Snodgrass talked
5 about at which Mattis had said -- Mattis reported his
6 conversation and said, "We're not going to do it that way?"

7 A: No unfortunately.

8 Q: You mentioned a pressure. From what sources or quarters
9 was the pressure coming from? Can you expand on that just a
10 little bit so we don't get that wrong?

11 A: Sure. So, yeah, I think that I mentioned that, so not
12 long after I read the thing about Safra having dinner with Trump,
13 Oracle started showing up and providing opinions. There was a
14 person from USDS who was in the meeting for OMB and Budget.
15 Weirdly enough USDS's budget ended up getting reduced by OMB. I
16 think that, if I'm reading between the lines I would have assumed
17 that Oracle accidentally tried to cut digital services budget to
18 thinking that it would affect my team even though I got no budget
19 from them.

20 Q: I'm sorry, whose budget was that?

21 A: There was --

22 Q: US?

23 A: What's that?

24 Q: whose budget was it?

25 A: United States Digital Service, the White House version

1 of -- if you think of DDS is like the DoD there's a White House
2 version of team called United States Digital Service. Completely
3 unrelated but their budget got cut. My guess is that somebody
4 thought that the two were related.

5 Q: Understand.

6 A: That's my guess. That's always been my take. And then
7 yeah, like I got a -- well, there were articles that went in
8 about a transgendered person of my team into Breitbart and
9 Redstate and then I got word that the Freedom Caucus was asking
10 around us being involved on this, and that it didn't seem like we
11 should -- it felt like there were a lot of pressures to try to
12 get my team, the technical teams out of the acquisition, and at
13 that point I stopped doing any public interviews or even
14 acknowledging that our team was working on JEDI. So, it literally
15 if you look at the moment at which every interview ever that DDS
16 did about JEDI or any public discussions, was around the time the
17 time that I started getting word that the Freedom Caucus was
18 trying to figure out who we were and all that kind of stuff. I
19 was like I'm just not going to wind it if we're in the public.
20 So, we're going to go very, very quiet and be shadow.

21 Q: Okay. I've got a few direct questions and I'm going to
22 ask something a little bit more generally, but for starters what
23 communications did you have with President Trump about JEDI?

24 A: Zero.

25 Q: What communications did you have with anyone from

1 President Trump's staff about JEDI?

2 A: Man, probably zero. The only person I can -- so I'll
3 give you two things. Just an example of how spiraled I think it
4 was for the most part. I tried to get Chris Liddell to come do a
5 visit about something, and Chris was like, "I don't even think
6 that we should talk because I'm too afraid." Because he was
7 primarily at Microsoft so he didn't want to discuss anything.

8 Q: Can you spell his last name please?

9 A: Liddell, Chris Liddell, he's the Deputy Chief of Staff
10 over there. I know him from, a little bit from a long time ago,
11 but he wouldn't even -- he didn't even want to come down and
12 visit DDS because it was unrelated to JEDI. I reached out, I
13 don't even remember why I reached out to him. So, like I consider
14 that to be good behavior. And then maybe (b) (6), (b) (7)(C) who is in the
15 Office of American Innovation, and I don't think, but never
16 anything, maybe I went and talked about it with him, right? But
17 nothing was substantive. Nothing stuck out to me ever, like
18 anybody was trying to anything other than that person who reached
19 out from the NSE.

20 Q: Okay.

21 A: Meaning I think that everybody did all the right
22 things, if that makes sense.

23 Q: Have you ever personally heard President Trump say --
24 or what have you ever heard President Trump say that was about or
25 related to the JEDI Cloud procurement?

1 A: Just the things that I've read on the internet.

2 Q: What have you ever personally heard President Trump say
3 that was about Amazon, Amazon Web Services, or Jeff Bezos?

4 A: Just all the myriad of really great comments on the
5 internet.

6 Q: What has anyone ever told you that they heard President
7 Trump say that was about or related to the JEDI Cloud
8 procurement?

9 A: That is around the internet as well.

10 Q: What has anyone ever told you --

11 A: I try to stick away from the White House just to be 100
12 percent clear.

13 Q: What has anyone ever told you that they heard President
14 Trump say that was about Amazon, Amazon Web Services, or Mr. Jeff
15 Bezos?

16 A: Only the internet, anything I've ever read, and most of
17 those are public.

18 Q: How did President Trump's or President Trump's staff
19 communications with you or your staff about the JEDI procurement
20 influence your actions?

21 A: None. None at all. I couldn't give a shit.

22 Q: How did President Trump's public statements about the
23 JEDI procurement influence your actions?

24 A: I literally could not give a shit.

25 Q: How did President Trump's or President Trump's staff's

1 communications or public statements about the JEDI procurement
2 influence senior DoD executives like Mattis, or Shanahan, or
3 Norquist?

4 A: I believe that they also did not give a shit. I mean
5 Kevin's reaction was any indicator he was like, "I don't care
6 what they say and use. I'll take care of this."

7 Q: Do you have any information that would indicate that
8 had some sort of influence, their public statements or direct
9 communications?

10 A: No. I -- no. I don't think that it did. Maybe the one
11 nice thing about DoD and the majority of all the things that were
12 going through on the acquisition, and the RFP, and the RFIs that
13 nobody -- I had very much instructed everybody that this would
14 done -- this was the moto of the technical people, we're going to
15 find the technical product and we would -- I would rather not
16 even have the acquisition go through than have a piece of shit
17 formed by the clinical imagination of uninformed individuals in
18 the United States Government. I do not care, and I made sure that
19 my team did not care.

20 Q: How did President Trump's or his staff's communications
21 or public statements about the JEDI procurement influence your
22 staff or anybody in the Cloud Computing Program Office or WHS
23 Acquisition Directorate?

24 A: I mean, I can't speak for WHS, but we had the
25 acquisition people that we had. None of them cared either. I

1 mean, they were all -- everybody was aligned on this. This was an
2 incredibly technical need to solve very, very serious problems
3 and if we compromised on that end it would be -- it would be
4 useless.

5 Q: I think you left in, I think you told us on July 24th
6 that you left in the middle of 2019. Did you leave before
7 Secretary Esper became Acting? He became Acting on June 24th.

8 A: Yeah, I think it was right around there. I was like
9 June 23rd or something like that.

10 Q: Had the Source Selection Team been informed yet when
11 you left?

12 A: Yeah. It had been yeah.

13 Q: It had. So, I'm going to ask the question, how did
14 President Trump's or his staff's communications and public
15 statements about JEDI influence to your knowledge anybody on the
16 Source Selection Team including the Source Selection Authority?

17 A: Zero.

18 Q: What pressure did President Trump or anyone on his
19 staff put on anybody associated with the JEDI?

20 A: To my knowledge none, but I mean the majority of the
21 people who were involved again wanted to do something that felt
22 enduring, and important, and not political, and also deeply
23 technical. So, thankfully that had been the rigor behind all the
24 people who went into source selection.

25 Q: Did you or anybody document this matter with this

1 inquiry from whether it's (b) (6), (b) (7)(C) first name, or (b) (6), (b) (7)(C) last name?

2 A: I don't know. I went down to see Kevin and I don't know
3 if it got documented. I don't know the answer to that question. I
4 don't think that I did, but perhaps Kevin did, I don't know.

5 Q: What was the impact of President Trump or his staff on
6 the JEDI Cloud source selection?

7 A: Absolute fucking zero. I couldn't have cared at all
8 what any of them thought.

9 Q: What is your response to the assertion that President
10 Trump influenced the JEDI Cloud procurement in a way that
11 disadvantaged Amazon?

12 A: Well up until two months ago everybody was telling me
13 that my team was influenced by Amazon to pick Amazon. So I guess
14 the damned if you do, damned if you don't. I don't know. It's
15 just another -- look somebody's always -- there are winners and
16 losers and people are going to be upset and here's a different
17 group that wants to look for something. So, I mean, whatever.
18 Literally a week and a half ago somebody would ask me a different
19 question.

20 Q: How and when did you learn that Microsoft won or would
21 win the contract?

22 A: I read it at 5:00 something on the internet on the day
23 that it was announced.

24 Q: What was your reaction? Were you surprised?

25 A: I think that I told you this the last time and I mean

1 it and I hope that everybody understands because it's really
2 important. I didn't give a shit who won. I couldn't care at all.
3 Let's say that Amazon -- let's follow this through. Let's say
4 Amazon is technically -- let's say that they're 30 percent better
5 than Azure from Microsoft. Wow, 30 percent that actually sounds
6 like a lot until you realize that both Azure and Amazon are 7,000
7 percent better than where the Department of Defense is right now,
8 and once you actually look at the delta there what you realize
9 what we're getting it's an irrelevant thing. I am super excited.
10 I am unbelievably excited I could not care less who won. I do not
11 care because the Department of Defense is languishing within the
12 poverty of technology. It is preventing us from doing our mission
13 day in and day out and having Amazon or Microsoft is such an
14 order of magnitude almost like 2001 a Space Odyssey and a bunch
15 of people running around, or an obelisk moment it's amazing.

16 Q: What question did I not ask that I should have asked to
17 get to the bottom of this line of inquiry, or what additional
18 information do you have on that?

19 A: Look, I'll just make a statement. Like I have no doubt
20 because the White House tried to call us one time, but do you
21 know how many other people really wanted to influence this whole
22 thing from the very beginning? The whole thing has had a lot of
23 people who believe that it should be done a different way.
24 Thankfully we both had a team of people who were just
25 institutionally picked not because of the fact that they knew how

1 to do their job but because they didn't give a fuck if they lost
2 their job by doing the right thing. We picked the people who
3 would be willing to give up everything in order to do the right
4 thing. That's the right team. That is the team. That's the one
5 that's selected, and they would be written up in terrible places,
6 writing shit articles about people on my team, threatening to
7 fire them, making up lies and all the shit that went on in JEDI,
8 but you know what? How amazing that it didn't even matter that
9 the President of the United States has publically said that they
10 don't particularly like an individual and nobody on that team
11 cared. That's the team that's in place.

12 Q: Did you or your office get a lot of inquiries, or OSD
13 from Members of Congress about this?

14 A: Yeah, a lot, a ton. Like a bunch, and then somebody
15 over at I think a Senator tried to pull my private ethical
16 filings. There was all kinds of stuff that happened. Somebody
17 made up lies about me. Look I mean, yes, tons. Lots of
18 Congressional things, weird Congressional things like that. I
19 don't even know if they can pull my confidential ethics filings
20 but they tried to.

21 Q: I'm going to ask my colleagues in the room here if they
22 have any questions that I left off on this part of it, and then
23 they have a few questions for you that are kind of follow-ups to
24 your earlier interview.

25 (b) (6), (b) (7)(C): None for me.

1 (b) (6), (b) (7)(C) None, I'm good.

2 (b) (6), (b) (7)(C) Okay other discussions?

3 BY (b) (6), (b) (7)(C) :

4 Q: Mr. Lynch, I'm going to ask you just a couple of
5 questions about how JEDI evolved. Do you remember about what time
6 JEDI turned from just the Shanahan's memo into JEDI, somewhere
7 between September of '17 and Industry Day?

8 A: You mean, when did I name it JEDI?

9 Q: Yeah, kind of when did the idea coalesce into JEDI?

10 A: So, let's see. I mean, not, I don't know, Mattis went
11 on that trip and then he asked me to figure out how to do cloud.
12 There was a memo that was being written. I rewrote the memo and
13 then created this Cloud Executive Steering. I don't know
14 someplace in there and then I kind of set out the vision for
15 JEDI. I don't know timelines very well. I'm terrible with dates.
16 I apologize.

17 Q: So it was kind of from the beginning would you say?

18 A: Yeah. I mean, look I've been thinking about doing
19 commercial cloud at DoD since the day I started. I mean literally
20 one of the first things I wanted to figure out how to do, I just
21 didn't know how to do acquisitions or security compliance stuff,
22 I didn't know how to do any of that. So, it just kind of sat on
23 the back burner.

24 BY (b) (6), (b) (7)(C) :

25 Q: And then we have a question about the cloud focus

1 sessions, those were the ones with the DoD components.

2 A: Uh, huh [affirmative response].

3 Q: Can you give us some idea of what was discussed during
4 those meetings?

5 A: I mean I'm going to blur together a bunch of meetings,
6 but we would have like a lot of times we were interested in
7 specific things they would want to move over, and understanding
8 the types of workloads and the security requirements of those.
9 You know especially as we were with the whole J-ROC thing it was
10 very important that we felt like we had the ability to move the
11 military workloads over and not just the business systems. That
12 was incredibly important. That was part of the vision. You know
13 there was kind of a fragment. There was a dissenting incorrect
14 view that you had, and I stand corrected because I think that
15 that would have been a terrible path that you could have two
16 different clouds, you could have a business cloud and a military
17 cloud. I think that that's a stupid, just an unbelievably poor
18 way to look at it. And so we tried to like figure out workloads,
19 figure out the need that would help us figure out like offline
20 and sort of edge capability. Online/offline was a big thing. How
21 to do thinking, how to do especially the platform services off
22 line. Those were important parts of the JEDI vision and strategy
23 and so a lot of it was trying to have us make sure that we
24 understand -- understood some real use cases so that we could
25 speak intelligently to their needs.

1 Q: Okay. That helps a lot. And then kind of just jumping
2 around, were you involved in the decision to award JEDI to a
3 single source?

4 A: Was I involved? I set the -- I don't -- is it --
5 there's many ways to interpret the question that you just asked.
6 Do you mean did I pick Microsoft? Or did I -- or the pick that we
7 would have one cloud vendor?

8 Q: That you would have one cloud vendor?

9 A: So we never actually wrote it like that. I just want to
10 be clear. The requirement wasn't that there was one cloud vendor.
11 It was that there was one cloud that people would build on top
12 of. Any number of vendors could have partnered together to create
13 JEDI. So, in a different universe Google and Amazon could have
14 partnered together on a new thing called JEDI that would have
15 allowed seamless integration between the two and presented it as
16 a single thing people could write software off of. The vision
17 that I laid out for JEDI which I think is very important and then
18 I worked on with my team, and that we ultimately went with and
19 would lead to the single award was that you could create a
20 capability at any time, at any classification, and deploy it
21 anywhere around the world all the way to the tactical edge, with
22 the same ease that any 15 year old with a credit card has when
23 they go home and they want to write software because you and I
24 have access to that capability but the Department of Defense does
25 not, and that seems like a very unfair world. As a matter of fact

1 China has that capability. So that was the vision.

2 Q: Okay. Do you remember --

3 A: Did I answer your question, sorry?

4 Q: Do you remember what --

5 A: So, yes, I think.

6 BY (b) (6), (b) (7)(C):

7 Q: Single award, I mean, what was your -- who did you have
8 to go to to get a thumbs up on, "Okay. It's going to be a single
9 award?"

10 A: Ultimately we needed Pat to agree, Shanahan.

11 Q: Is he the one that made the final decision then?

12 A: He gave it a thumbs up. He was, I mean, we had already
13 decided. He had to agree with it, right?

14 Q: When did he make --

15 A: We had lots of --

16 Q: When did you get the thumbs up?

17 A: When did he give it?

18 Q: Yeah, when did you get the thumbs up?

19 A: Maybe -- I don't -- I mean, you guys would know that
20 because right when he gave the thumbs up we were ready to go. It
21 wasn't too much long after that that we, I don't -- I'm so
22 terrible on timelines, but I feel like it was towards the end of
23 2018ish, or so. Right around there. I might be wrong with that.
24 It could be the beginning of 2019, but it was right around there.

25 Q: Well, the draft RFP that came out on March 7, 2018 said

1 that it was --

2 A: Yeah.

3 Q: -- visioning that single award. So, we think it
4 probably happened --

5 A: Yeah.

6 Q: -- before that.

7 A: Yeah.

8 Q: We've seen in the business case analysis approved in
9 April of 2018 it analyzed different alternatives and the one that
10 was -- the pilot last --

11 A: Okay. So, there you go. Don't ask me here.

12 Q: So, we're just trying to --

13 A: I am a terrible with dates and time.

14 Q: We're just trying to nail down, okay, because that's
15 what we do. We nail down who made decisions and when.

16 A: Yeah. I'm sorry. I'm terrible with those, but whatever
17 it was. It was like in the end of the year of whatever year. So,
18 before that yeah. So, it was we -- so maybe it was, yeah. I don't
19 know.

20 BY (b) (6), (b) (7)(C) :

21 Q: Would you say what was the decision -- did you get to
22 receive the green light before or after Ms. Lord signed off on
23 that decision?

24 A: I have no idea.

25 BY (b) (6), (b) (7)(C) :

1 Q: Who was the we that made the decision before Shanahan
2 gave the thumbs up?

3 A: So, me and my team went with, it was me, Bob Daigle, my
4 team they got sort of a lot of security discussions going. We had
5 discussions with NSA. I don't know, there was a whole cast of
6 characters, but probably the biggest one that we ended up having
7 endless amounts of discussions would be finally with Pat.

8 Q: Okay.

9 BY (b) (6), (b) (7)(C) :

10 Q: And were -- I'm sorry (b) (6), (b) (7)(C) These discussions were
11 these at a part of a regular staff meeting, or were they
12 impromptu meetings in Secretary Shanahan's office?

13 A: Almost always impromptu. Sometimes we would come in on
14 the weekends into the building, I mean they were like whenever
15 because we were trying to move quickly.

16 BY (b) (6), (b) (7)(C) :

17 Q: Did you assist in the development of the factor 1
18 gating criteria, and if so which sub factors did you assist with?

19 A: I never had anything to do with any of those things.

20 Q: Okay. And then did you assist in development of the
21 other eight factors, and if so which factors?

22 A: I never had any, literally anything that you're going
23 to ask about a factor I never touched any of them.

24 Q: Okay. And then our last question is, what does
25 Rebellion Defense do?

1 A: We build products for national defense. So, we have one
2 that's like a -- one line of business that's round, image and
3 video categorization. So, like using computer vision. We have
4 another line of business around like cross-domain type stuff I
5 guess you could think of it, moving information between networks
6 and classification, and then some cyber shit. Does that answer
7 your question?

8 Q: Yes. Okay. That concludes Audit's questions.

9 (b) (6), (b) (7)(C): Okay. Grace anything?

10 (b) (6), (b) (7)(C): No follow-up for me.

11 BY (b) (6), (b) (7)(C):

12 Q: Okay. Given the questions we've asked, is there any
13 additional information you think we ought to have that you can
14 provide?

15 A: No. I'm sorry I'm terrible on dates. I'm really, really
16 the worst like dates and sequencing is just not how my mind
17 works.

18 Q: Who else should we talk to?

19 A: I mean, I'm guessing you're talking to the most
20 important ones. Sharon. Sharon is great. She's probably more
21 detailed on time than I am. She's a lawyer so she -- that's how
22 her mind works. Oh, I mean, you could talk to Kevin. I have no
23 idea what he's doing these days, but he can probably tell you
24 what he did with that whole thing that came in. I'm trying to
25 think of anybody else. Again, I kept the whole thing really,

1 really quiet. When it happened I didn't want the team to know so
2 I didn't even tell the team that it happened because I was like I
3 just want these chunks off of our back.

4 BY (b) (6), (b) (7)(C) :

5 Q: Earlier you mentioned in regards to the White House
6 kind of contacting you that you could only speak from what you
7 know, but there were instances of other things that you knew
8 about that, but you only knew about it through somebody else.

9 A: Uh, huh [affirmative response].

10 Q: Who were those persons that you were referring to then?

11 A: Shit. I have no idea. I mean, somebody told me about
12 that Freedom Caucus thing that was right after the article. I
13 went into Breitbart and RedState around a person on my team whose
14 name was (b) (6), (b) (7)(C) who is transgendered. I don't remember. (b) (6), (b) (7)(C)
15 (b) (6), (b) (7)(C) over at USDS was in a meeting with some -- another CIO
16 thing where there was like an Oracle person in there. He can
17 probably go into more detail about that, but that's more about
18 budget. It hadn't -- it wasn't -- I don't believe there was
19 anything specific about JEDI in that particular thing, but
20 there's definitely a lot of discussion around some technology,
21 and cloud at the federal level. That one was -- with (b) (6), (b) (7)(C) that I
22 heard about that from, no.

23 Q: Okay.

24 BY (b) (6), (b) (7)(C) :

25 Q: Do you have any questions of us?

1 A: I don't -- I mean, I don't think so. I mean, I'm just
2 trying to think if there's anything else that I can think of.
3 Actually I thought this -- I'm going to be honest like I just
4 thought that the majority of them, like I thought it was
5 interesting that Chris Liddell didn't even want to talk to me
6 because he thought it might be construed around JEDI which I
7 actually really appreciated even though what I needed to talk to
8 him about wasn't related to JEDI. So that was cool, like that was
9 good. So I actually think that the majority of people actually
10 behaved very well.

11 Q: Do you have any comments or concerns about the way we
12 conducted this interview?

13 A: No, it was great. Thanks for letting me do it on the
14 phone.

15 Q: No problem. If you remember anything else that you
16 believe may be relevant to the review, would you please contact
17 me or (b) (6), (b) (7)(C)

18 A: I will absolutely do that.

19 (b) (6), (b) (7)(C): Finally, in order to protect the integrity
20 of this review we ask that you not discuss the matter under
21 review or the questions we asked you during this interview with
22 anyone other than an attorney, should you choose to consult one.

23 MR. LYNCH: Okay.

24 (b) (6), (b) (7)(C): This does not apply to or restrict your right
25 to contact an Inspector General or a Member of Congress. If
26 anyone asks you about your testimony, or the review, or our
27 questions please inform them that the DoD OIG has asked you not
28 to discuss this matter, and if anyone persists in asking you
29 about your testimony, or the review, or if you feel threatened in
30 any way because you provided testimony, please contact us. The
31 time is now 3:15 p.m. and this interview is concluded.

32 [The interview terminated at 3:15 p.m., November 1, 2019.]

33 [END OF PAGE]

34 21

35 ~~//FOR OFFICIAL USE ONLY//~~

36 LYNCH - November 1, 2019

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39 ~~//FOR OFFICIAL USE ONLY//~~

40 LYNCH - November 1, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Kevin Sweeney
January 29, 2020
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is January 29, 2020. The time is 10:04
3 a.m. I am (b) (6), (b) (7)(C) with the Department of Defense Office of
4 Inspector General. With me are my colleagues (b) (6), (b) (7)(C)
5 and (b) (6), (b) (7)(C), and our witness Mr. Kevin Sweeney. Also present
6 is (b) (6), (b) (7)(C) from the DoD Office of General Counsel.
7 We're conducting this interview in the Pentagon in room (b) (6), (b) (7)(C) as
8 part of our review of certain aspects of the JEDI Cloud
9 Procurement. At this time, sir, I ask you to acknowledge that
10 this interview is being recorded.

11 MR. SWEENEY: It's being recorded.

12 (b) (6), (b) (7)(C): Please raise your right hand?

13 Whereupon:

14 KEVIN M. SWEENEY

15 was called as a witness, placed under oath, and provided the
16 following testimony:

17 E X A M I N A T I O N

18 BY (b) (6), (b) (7)(C):

19 Q: Would you please state your full name and spell your
20 last name?

21 A: Kevin M. Sweeny, S-W-E-E-N-E-Y

22 Q: And what is your job at this time?

23 A: I'm a retired Navy rear admiral. I am a consultant for
24 McKenzie and Company for their Aerospace and Defense practice.
25 I'm on the Board of Directors for Marinette Marine which is a

1 ship builder up in Wisconsin for the LCS ship, and I do some
2 other one-all type personal advising, things like that.

3 Q: And when did you retire from your work in the DoD?

4 A: So I retired as a rear admiral in October, October 1 of
5 2014. I came up here and started work in the building with
6 Secretary Mattis on January 20th of '17. I left the SecDef
7 Office, whatever that Saturday was, January 5th or 6th of 2019,
8 and I left federal government service officially on February 16th
9 of 2019.

10 Q: And our understanding is you worked as Secretary
11 Mattis' Chief of Staff?

12 A: I was the Chief of Staff, correct.

13 Q: Before I ask any non-administrative questions --

14 A: Yeah.

15 Q: -- I'd like to invite (b) (6), (b) (7)(C) to make a statement.

16 (b) (6), (b) (7)(C): Thank you, (b) (6), (b) (7)(C). Pursuant to the
17 agreement reached between the Office of General Counsel and the
18 Inspector General Office of General Counsel I have authorization
19 to be here today as Agency Counsel to assert the Presidential
20 Communications Privilege. This privilege will extend to
21 communications between the President of the United States and
22 officials at the Department of Defense. The President's staff at
23 the White House and the officials at the Department of Defense,
24 and any internal conversations at the Department of Defense about
25 White House conversations. The privilege will extend to the very

1 existence of meetings and telephone conversations. All other
2 privileges are expressly reserved such as Attorney/Client
3 Privilege and Deliberative Process Privilege. We note that the
4 matter is an ongoing litigation with Amazon and Oracle, and we
5 would ask that the Inspector General allow us to review the
6 transcript of this proceeding before it is used in any reports so
7 that we may be able to assert those other privileges which are
8 not being asserted today. Should any time during this interview
9 Admiral Sweeny make an inadvertent disclosure of Presidential
10 Communication Privileged information, we reserve the right also
11 to assert that privilege retroactively. With that I'll turn the
12 questioning over to you.

13 (b) (6), (b) (7)(C): Thank you.

14 BY (b) (6), (b) (7)(C):

15 Q: Can you please just briefly describe your duties and
16 responsibilities as Secretary Mattis' Chief of Staff?

17 A: Overall responsible for the personal staff, Office of
18 the Secretary Defense, schedule priorities. Essentially
19 everything quite frankly.

20 Q: What were Secretary Mattis' so called small group
21 meetings?

22 A: We had daily meetings in the morning with usually the
23 Public Affairs Team, GC, LA, myself, the senior military
24 assistant, maybe a special assistant, and some of the other
25 people but it was a small group. It would start the day off.

1 Q: How long did these meetings usually last?

2 A: Ten minutes maybe 15.

3 Q: And you said you attended those regularly?

4 A: Uh, huh [affirmative response].

5 Q: What did Secretary Mattis ever say at any small group
6 meeting about the JEDI Program or the broader DoD enterprise wide
7 initiative to adopt cloud technology?

8 A: I don't recall anything specific.

9 Q: Do you recall anything in general that he said?

10 A: No.

11 Q: At a small group meeting, what did Secretary Mattis
12 ever say at any time about Amazon, Amazon Web Services, Jeff
13 Bezos, or the Washington Post?

14 A: I don't recall anything.

15 Q: How about outside the small group forum about Jeff
16 Bezos, Amazon, Amazon Web Services, or the Washington Post?

17 A: I don't recall anything particular from that
18 perspective. He met with folks over time from industry,
19 particularly technology industry to discuss about culture,
20 initiative, transformation, how do you run a world-wide
21 organization and keep a culture of innovation? So whether it was
22 with Jeff Bezos perhaps at time, or Eric Schmidt, or other
23 leaders with industry.

24 Q: One of the allegations that our office is looking at is
25 the allegation that Secretary Mattis provided improper advantage

1 or provided preferential treatment to Amazon. So, we do have some
2 specific questions --

3 A: Sure.

4 Q: -- for you in a little while --

5 A: Yeah.

6 Q: -- about meetings with Mr. Bezos.

7 A: Sure.

8 Q: With that previous question I was getting more at a --

9 A: Yeah.

10 Q: -- book written by a guy named Mr. Guy Snodgrass. Do
11 you know Mr. Snodgrass?

12 A: I do.

13 Q: He wrote a book in which he described a small group
14 meeting with Secretary Mattis that reportedly happened in the
15 spring or summer of 2018.

16 A: Okay.

17 Q: Mr. Snodgrass wrote that, "Secretary Mattis told the
18 small group attendees that President Trump told him," Secretary
19 Mattis, to "screw Amazon by locking them out of a chance to
20 compete for the JEDI contract." Did Secretary Mattis say that?

21 (b) (6), (b) (7)(C): Objection. Presidential Communications
22 Privilege. Instruct the witness not to answer.

23 Q: Mr. Snodgrass also wrote in his book that at the same
24 meeting, Secretary Mattis said, with respect to JEDI, or Amazon,
25 "We're not going to do that. We're going to do this thing by the

1 book both legally and ethically." Did Secretary Mattis say that?

2 (b) (6), (b) (7)(C) : Same objection. Instruct the witness not to
3 answer.

4 Q: If not at a small group meeting did Secretary Mattis
5 ever have or talk about, or write about any communications with
6 POTUS or anyone at the White House regarding this particular
7 phone call that Mr. Snodgrass wrote about?

8 (b) (6), (b) (7)(C) : Objection.

9 Q: Did you hear anything about that?

10 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

11 Q: Did Secretary Mattis ever receive, or talk about, or
12 write about any direction, guidance, or other communication with
13 POTUS or the White House that pertained to Amazon or the
14 procurement itself?

15 (b) (6), (b) (7)(C) : Objection. Instruct the witness not to answer.

16 Q: What were Secretary Mattis' instructions to you, or the
17 staff, or others about the JEDI acquisition itself in general?

18 A: Early on in the administration, Secretary Mattis was
19 convinced that it was important for the Department of Defense to
20 transition to the cloud, if you will, and JEDI I think is an
21 acronym that came later, somewhere along a childish way. He was
22 also, and once he was convinced it was appropriate to get that
23 out, CIA had done it a couple years previously successfully. The
24 second concern he had was simply will it be secured? I mean can
25 we have the assurances that when we put sort of the crown jewels

1 into that environment that they'll be secured The answer was yes,
2 and that's about it. The oversight of the enterprise or program
3 somewhat from a senior perspective was delegated to Deputy
4 Secretary of Defense. We were not provided in any shape, or form
5 any updates or we were not involved in the process to define
6 language, to define requirements. I don't know who did it. We
7 weren't involved ever, and of course all of this happened long
8 after we both left the administration as well.

9 Q: Well that's a good comment. We had some information
10 that once Secretary Mattis decided that the -- on the strategic
11 level --

12 A: Yeah.

13 Q: -- that it was a good idea for the Department to adopt
14 cloud technology --

15 A: Actually necessary, yeah.

16 Q: -- necessary?

17 A: Yeah. Yeah.

18 Q: Necessary to turn it over to Deputy Secretary Shanahan
19 to go run with that --

20 A: Yes.

21 Q: -- and operationalize it and then execute that.

22 A: Yeah.

23 Q: Is that a fair characterization?

24 A: Yeah, absolutely. Absolutely.

25 Q: Following that, what was Secretary Mattis' role in the

1 cloud initiative as it were - well let's keep it at broad level.

2 A: Sure.

3 Q: On the cloud initiative?

4 A: None. I mean except for the fact that it was important
5 issue that had to be tracked in a sense. I mean there was a few
6 key issues over time that we cared about and as the Department.
7 As we were trying to -- remember we had three lines of effort and
8 one of them was lethality, and the other one is partnerships, and
9 the other one was transformation reform, and that certainly kind
10 of fell into the both transformation reform priority as well as
11 lethality priority.

12 Q: More narrowly though with respect to the procurement
13 that was going to support this broader effort --

14 A: Yeah.

15 Q: -- i.e. which became the JEDI solicitation and
16 contract.

17 A: Yeah.

18 Q: What was his involvement in the --

19 A: None.

20 Q: -- mechanics of that?

21 A: None. Zip, zilch.

22 Q: Other than what you just said a minute ago --

23 A: Sure.

24 Q: -- what others instructions did Secretary Mattis issue
25 to anybody in the DoD with respect to the initiative or more

1 narrowly the procurement?

2 A: None.

3 Q: Do you remember Sharon Woods?

4 A: I don't.

5 Q: Sharon was the -- well she was the General Counsel at
6 Defense Digital Service, worked for Chris Lynch --

7 A: Okay.

8 Q: -- the DDS Director.

9 A: Yeah.

10 Q: And later on she became the Cloud Computing Program
11 Manager, and that's the position she holds now. Do you recall
12 Sharon Woods?

13 A: I don't. No.

14 Q: Do you recall Mr. Lynch?

15 A: Yeah.

16 Q: The Director of DDS?

17 A: Yeah.

18 Q: We understand, or we've heard that in August or
19 September 2018, Mr. Lynch and Ms. Woods came to you with the
20 problem that related to JEDI. Do you remember anything about
21 that?

22 A: I don't.

23 Q: What we've heard is that an attorney from the National
24 Security Council, (b) (6), (b) (7)(C), had contacted Sharon Woods and
25 that (b) (6), (b) (7)(C) had supposedly offered the President or the White

1 House is help to negotiate the contract. Would you please tell us
2 about that?

3 (b) (6), (b) (7)(C) : Objection. Presidential Communication
4 Privilege. Instruct the witness not to answer.

5 Q: Different question.

6 A: Yeah.

7 Q: What is your response to media reports that President
8 Trump influenced or attempted to influence the procurement in a
9 way that disadvantaged Amazon?

10 A: What's my response to that?

11 Q: Do you have any comment about that?

12 A: I think it's nearly impossible.

13 Q: Can you help us - expand?

14 A: Well, you know again, I don't know the process
15 internally in a sense that who does what, but the procurement
16 process, the definition requirements, the review process, the
17 selection process, the individuals I assume, I will assume did
18 their job and I don't know the review process, how you got to a
19 point where it finally got approved by David Norquist, but I just
20 -- I find it highly improbable. You asked my opinion, it's highly
21 improbable.

22 Q: A little bit more narrow.

23 A: Sure.

24 Q: What would be your comment or response to media reports
25 that President Trump influenced or tried to influence Secretary

1 Mattis specifically as it related to the JEDI Cloud procurement?

2 Again focusing on things the media reported.

3 A: Yeah, I'll be honest a couple of things. Even when I
4 was here, but since I've left I really haven't tracked the media
5 and the salacious stories, and innuendo in the media. So I
6 believe they wrote it, that's all I can tell you, but I don't,
7 honestly I really don't -- I don't know what else to tell you.

8 Q: We've heard you described as a gatekeeper for Secretary
9 Mattis when it came to reviewing the request to get on his
10 calendar. You mentioned a few minutes ago that you were
11 responsible for his schedule.

12 A: Sure. Yeah.

13 Q: Can you please tell us about the calendar and requests
14 in the vetting and in screening?

15 A: It's at all different levels, but there was a formal
16 process as well as an informal process of standard meetings and
17 based on priorities who we -- who we engaged with both here in
18 the building, overseas, travel. I mean it's a very complex
19 pulling together of the various demands and needs for SecDef to
20 interact with people.

21 Q: Specific to request by contractors and members of
22 industry, other nonfederal entities to get on Secretary Mattis'
23 calendar?

24 A: There would be times when it happens. Everything that
25 we also put on the calendar, any engagement he had was always

1 reviewed by SOCO for any kind of ethics issues or anything like
2 that. If you go back and look at, I think one of the first memos
3 Jim Mattis signed out back in the spring of '17, one of the first
4 three or four, it was actually directing leadership within the
5 building to engage with leadership within industry. It's a
6 responsibility to do that.

7 Q: We reviewed the memo that he signed.

8 A: Ethically, yeah ethically and all --

9 Q: -- related to industry

10 Q: But we have too many folks in this building, in
11 particular in the services, who are running scared for many years
12 and there's a lack of understanding of the responsibility for
13 leadership in the building to define requirements and needs in
14 broad sense. But no, we never held meetings that had anything to
15 do with contracts. He wasn't a contract officer. That's the
16 bottom line here I guess with JEDI in particular. Not involved in
17 the definition of contract, review the contract, the moving the
18 contract, and obviously months later the approval of a particular
19 contractor.

20 Q: Did anything or anybody get on his calendar with that
21 you looking at it first?

22 A: Sadly yes. If I wasn't around. Yeah. I mean two things,
23 one is I wasn't here 24 hours 365 days a year, but I was here
24 most of the time. But yeah, it would -- and if for some reason it
25 happened and it was for the right reason I would assume, yeah.

1 Q: What would be a normal way for that to work if it was,
2 say if it was Amazon or Microsoft?

3 A: Let's see you have --

4 Q: -- or somebody who wanted to see him?

5 A: Yeah see that wouldn't have happen. I mean if he's --
6 he took a West Coast trip early in his tenure to engage with what
7 I'll call Silicon Valley and technical leadership. Nobody just
8 called up and would just kind of walk in the building and come
9 see him from out of industry side and come see Jim Mattis.

10 Q: That would be subject to the process?

11 A: Yeah, exactly. Exactly. And remember we also had folks
12 in the Defense Innovation Board. He spent time with Eric Schmidt
13 in particular again the particular focus there was innovation,
14 technology, culture of transformation within large worldwide
15 organization.

16 Q: What was Secretary Mattis' role? Did he look at
17 everything or was it --

18 A: Look at it as far as what?

19 Q: -- delegated the -- I mean I once worked as an SGS.

20 A: Sure.

21 Q: And for a while the CG had to look at everything, but
22 then after a while, he didn't. He delegated and he said okay, you
23 need to make a decision.-

24 A: We have a whole process. You know the entire staff sec
25 process. It just depends. It depends on what particular piece of

1 paper or issue was I guess. If you have something specific I'll
2 try to --

3 Q: Let's say if Mr. Bezos wanted to see him.

4 A: Yeah.

5 Q: How would such a request work?

6 A: You know probably come into the schedulers and they
7 would figure out if it made sense and talk to me and the question
8 would be, "For what reason? Etcetera, etcetera," and then if we
9 decide to do it or not to do.

10 Q: What was Ms. Sally Donnelly's role in the scheduling?

11 A: She, well I mean she was, what was her title? Not
12 special assistant. She was --

13 Q: Special advisor?

14 A: Special advisor, yeah. She was one of the senior folks
15 within the personal staff. She was one of her quote unquote
16 responsibilities was to be an external conduit if you will, a
17 sensing individual with sort of what's going on, sort of
18 sometimes outside the beltway or certainly outside the building.
19 She made recommendations for engagements, and meetings, and
20 things, without question.

21 Q: Was she a decision maker on engagements and meetings?

22 A: Well she could be I guess. I don't know if that's the
23 right way to put it but she was not a decision maker on anything,
24 but she could make recommendation and have influence for sure.

25 Q: Once something up put on the Secretary's calendar --

1 A: Uh, huh [affirmative response].

2 Q: -- and let's say it was a meeting with a captain of
3 industry.

4 A: Okay.

5 Q: Who actually planned the events --

6 A: It depends.

7 Q: -- or the schedule?

8 A: It's truly depended on what the individual meeting was.
9 It was an information meeting? It just truly depends.

10 Q: Did Ms. Donnelly sometimes plan or orchestrate or
11 facilitate?

12 A: Yes. Yeah.

13 Q: Is it fair to distinguish between meetings and dinners?
14 We have some information about a dinner that for example
15 Secretary Mattis had with Mr. Bezos, because obviously the
16 dinners aren't just always purely social.

17 A: Distinguish from a perspective. The fact that he's
18 having dinner?

19 Q: As far as it being put on the calendar.

20 A: Again, yeah sure.

21 Q: Dinners were on the calendar?

22 A: It would be on the calendar. Everything he did was
23 reviewed by SOCO and if it had a --

24 Q: Including dinners?

25 A: Oh, absolutely.

1 Q: Switching gears a little bit.

2 A: Sure.

3 Q: You were Ms. Donnelly's supervisor?

4 A: That's a good question. I don't know. Good question.

5 Q: I asked --

6 A: That's a good question.

7 A: I asked because I got her 278 right here and you signed
8 as her supervisor.

9 A: Oh yeah, I mean technically I signed it, but as far as
10 - honestly she worked for the Sec Def alone. She didn't work for
11 me. Yeah, yeah.

12 Q: You described her as kind of an external conduit. What
13 else can you tell us that would help us understand what her role
14 was for the Secretary?

15 A: If I knew that - honestly, she sort of had an undefined
16 portfolio. She's had a relationship with Jim Mattis for a long
17 time. She was a - during the transition to confirmation to
18 inauguration, a key coordinator for all the press for Jim Mattis,
19 and I got brought in along the way there before 20 Jan. She was a
20 special advisor, kind of with, her own I think sort of a
21 technology focus. I think that was an interest for her as well,
22 and some of her professional connections I suspect, led to that
23 as well.

24 Q: Here's a -- you signed I mentioned her 278.

25 A: Sure.

1 Q: Here's her 278 you signed there --

2 A: Uh, huh [affirmative response]. Sure, sure.

3 Q: You signed there as her supervisor. It was her new
4 entrant. What did you do before signing that? I mean did you go
5 over the form with her, or discuss it with her, or something
6 else?

7 A: Oh I don't usually discuss with individuals. I sat
8 down, and every time I signed any 278, I did it with the SOCO
9 representative, either (b) (6), (b) (7)(C) or later on (b) (6), (b) (7)(C) I can't
10 remember her last name.

11 (b) (6), (b) (7)(C) ?

12 A: Yeah, yeah. And did all the preliminary. They would sit
13 with me and we walked through each and every one every time.

14 Q: So with this particular one --

15 A: Sure.

16 Q: Did you - it's got Mr., it looks like (b)(6), (b)(7)
17 (b)(6), (b)(7)(C) signature on it. Did you sign this one after
18 consulting with (b)(6), (b)(7)(C) ?

19 A: I have no idea. I don't know who (b)(6), (b)(7)(C) is.

20 Q: He was an (b)(6), (b)(7)(C) detailed in the beginning
21 of the administration when there was a lot of this work going on
22 with financial disclosures and people coming into the Department.

23 A: Okay.

24 Q: Do you remember (b)(6), (b)(7)(C) ?

25 A: I don't.

1 Q: Do you remember meeting with him?

2 A: I have no idea. Honestly I don't recall.

3 Q: What was your understanding of Ms. Donnelly's financial
4 relationship or interest in an outfit called C5 Capital?

5 A: I don't recall. I don't know if that was her partner.
6 She had a partner and then she sold the company she owned. SB
7 Donnelly Associates. I don't know if C5 Capital was owned by the
8 partner that bought her out. I don't recall.

9 Q: She listed C5 as a source of, on line five I think it
10 is.

11 A: Yeah, I see it.

12 Q: As a source of income.

13 A: Sure.

14 Q: What is your knowledge of what C5 is?

15 A: I have no knowledge. I mean, I don't. She was a
16 consulting firm.

17 Q: Did you have any conversations with Ms. Donnelly about
18 her work as a consultant for C5?

19 A: No. Not that I recall.

20 Q: Before Ms. Donnelly accepted her position as Secretary
21 Mattis' senior advisor, she sold her company Sally B. Donnelly
22 Advisors, SBD Advisors. What can you tell us about the sale of
23 that? She's made disclosures about the sale on her 278.

24 A: Whatever's on there. I mean I didn't --

25 Q: Did you discuss the sale with her? All of the terms of

1 --

2 A: Personally, no.

3 Q: -- of the sale?

4 A: No.

5 Q: Or any payments?

6 A: No.

7 Q: What is your understanding, or was is your
8 understanding, of Ms. Donnelly's business relationships with or
9 possible financial interest in Amazon or its affiliates?

10 A: I don't know if she had any financial interest. I knew
11 she was a -- she was a client at some point.

12 Q: And that's what -- business relationship --

13 A: Yeah.

14 Q: -- would be that and any financial interest would be
15 something else.

16 A: Yeah, I don't know.

17 Q: Did you ever have any conversations about her business
18 relationship or consulting work for Amazon?

19 A: No.

20 Q: Did she ever talk to you about her work with Amazon or
21 for Amazon?

22 A: No but I interviewed an Amazon employee for a potential
23 job in the building early on that she wasn't qualified for, and
24 that was a recommendation of Sally Donnelly, yeah.

25 Q: In August 2018 Ms. Donnelly founded a new firm called

1 Palace Advisors. What is your awareness of that?

2 A: That's all I know is right there. I have had no
3 interaction with Sally Donnelly except to say hello once at a
4 book signing in the fall since we left.

5 Q: What role did Ms. Donnelly play in the DoD enterprise
6 cloud initiative?

7 A: I don't know.

8 Q: What role did she play more narrowly in the JEDI Cloud
9 procurement?

10 A: I don't know.

11 Q: The complaints that our office received alleged that
12 Ms. Donnelly gave preferential treatment to Amazon officials by
13 giving them more access to attend meetings and dinners with
14 Secretary Mattis than other vendors who were competing or
15 potentially going to compete for this contract. What can you tell
16 us about that?

17 A: I guess just the way the question is read there, I
18 don't know if any preferential treatment was given to anybody. I
19 don't know. I don't understand really the -- the innuendo there
20 was that she was trying to support a particular contractor.

21 Q: No innuendo from me.

22 A: Yeah, yeah.

23 Q: I'm repeating the allegation.

24 A: Yeah, I couldn't tell you. I couldn't tell you at the
25 time who all the contractors who were competing for the contract

1 quite frankly.

2 Q: The basics is that the allegation is "Hey, Donnelly
3 gave Amazon - took action to give Amazon a leg up." The innuendo
4 there is that she had, Amazon -- she had a client consultant
5 relationship with Amazon before she came in.

6 A: Yeah.

7 Q: What can you tell us about any of that?

8 A: That she had a relationship obviously. I don't know
9 what her, any motivation she had or didn't have quite frankly. I
10 don't believe that she was in any way, shape, or form involved in
11 the procurement process, the review. I don't know, but she left I
12 think the building in March timeframe of 2018. This all happened
13 in what, the fall of '19, year and a half later. So I don't know.

14 Q: Do you know Anthony DeMartino?

15 A: I do.

16 Q: I'm going to hand you an e-mail string here. I'll turn
17 to the right page and let you read backwards. It starts on the
18 bottom. Here.

19 A: Here?

20 Q: Yeah. And it's dated in February 2017.

21 A: Okay.

22 Q: From Mr. DeMartino to Ms. Teresa Carlson

23 A: Yep.

24 Q: Who's the Amazon Vice President for the worldwide
25 public sector.

1 A: Yeah.

2 Q: The e-mail read, "Hello. The Chief of Staff Kevin
3 Sweeney wanted me to contact you and coordinate a meeting the
4 next time that you're in the D.C. area."

5 A: Yeah.

6 Q: Again this is --

7 A: Yep, yep, yep.

8 Q: -- a meeting between - with Ms. Carlson.

9 A: Right.

10 Q: Can you please tell us about this e-mail string? The
11 reason you wanted to meet with Ms. Carlson?

12 A: (b) (6), (b) (7)(C) . At this point it was, we
13 were establishing the Under Secretary of Defense for Research and
14 Engineering as a new entity directed by Congress, and I mean I
15 interviewed people, hundreds of people, in these first months. [REDACTED]

16 (b) (6), (b) (7)(C)

17 (b) (6), (b) (7)(C)

18 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

19 (b) (6), (b) (7)(C) We were looking at
20 obviously - ultimate Mike Griffin to be the Under Secretary and
21 ultimately we selected him. He got nominated and confirmed. [REDACTED]

22 (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C)

24 (b) (6), (b) (7) I think that's the only time I ever met her.

25 Q: I'm familiar with the Under Secretary for R&E.

1 A: Yeah.

2 Q: And I confess I'm not that familiar with below that.

3 A: Yeah.

4 Q: But DUSD's got DUSDs, is there one for R and one for E?

5 A: Well no. Actually it was AT&L.

6 Q: Which one --

7 A: It was AT&L no, no, no, no. Yeah, so AT&L split off.

8 Q: Split out?

9 A: A&S, Ellen Lord, R&E Mike Griffin.

10 Q: Mike Griffin?

11 A: Right. And quite frankly, I can't tell you how they
12 ultimately broke down further, I don't recall. But each one of
13 our under secretaries has a principal deputy. This would be
14 number two, and that was the position I think --

15 Q: Oh that was the one a principal?

16 A: Yeah, yeah. I think so. And I would tell you, I'm
17 guessing this is February, I don't think the word cloud even came
18 into our vocabulary yet as a priority one month into this
19 administration. But this was, of course I interviewed her, I
20 remember clearly this is the one time I met her.

21 Q: Is this person that you mentioned a minute ago that Ms.
22 Donnelly recommended?

23 A: Yeah, yeah.

24 Q: Did you do the interview in person or over the phone?

25 A: I do know it was in my office.

1 Q: In your office?

2 A: I did it with PPO or not, their rep here in D.C. and
3 whoever else. I mean I conduct interviews all day long.

4 Q: Did this happen shortly after?

5 A: Yeah. I mean I --

6 Q: Shortly after this?

7 A: Yes, yeah. I would say February/March timeframe yeah.

8 Q: And you decided not to -- were there any interactions
9 after the interview?

10 A: With me?

11 Q: With you about the job?

12 A: There might have been a follow-up that said no, but
13 yeah.

14 Q: Did Secretary Mattis ask you to contact her? Did he
15 have any role in this string at all?

16 A: No.

17 Q: For the purpose of that?

18 A: Not that I recall, no. I mean I talked to him every day
19 about various people looking at for different jobs, but nobody
20 interviewed with Jim Mattis for any job until I sort of gave the
21 thumbs up this is somebody we're seriously looking at.

22 Q: And did you do that was in this case with Ms. Carlson
23 case?

24 A: No. No.

25 Q: Did you discuss with Ms. Carlson at that meeting

1 anything else other than (b) (6), (b)

2 A: No. I have no idea. I don't recall. (b) (6), (b) (7)(C)

3 (b) (6), (b) (7)(C) Yeah, yeah.

4 Q: So Secretary Mattis travel to the United Kingdom - and
5 at the end of March beginning of April 2017.

6 A: Yeah.

7 Q: Do recall that?

8 A: I remember that timeframe, yeah.

9 Q: I believe you were not on the trip.

10 A: No, I didn't usually do travel, correct.

11 Q: The itinerary shows that the Secretary having dinner
12 with Teresa Carlson.

13 A: Okay.

14 Q: And Mr. Andre Pinar, who was the CAO of C5 Capital, and
15 some others during this trip to London. What can you tell us
16 about the purpose of that dinner or how that dinner came about?

17 A: I believe it was private dinner in a sense that it was
18 not focused on a particular business event. My recall like I
19 don't -- as I recall, I don't really think that Teresa Carlson
20 was on the original planning list if you will, as I recall. I
21 wasn't there obviously.

22 Q: How was it that she came to be invited to the dinner?

23 A: Well I suspect through Sally Donnelly. Sally Donnelly
24 was I think on the trip, right?

25 Q: Yes.

1 A: Yeah, okay.

2 Q: What other information can you provide to --

3 A: Who else was? I haven't seen this in probably three
4 years.

5 Q: Well when I asked about how she got --

6 A: Sure.

7 Q: -- how Ms. Carlson came to go, you said it you thought
8 it might be have been from Sally Donnelly. What other information
9 can you provide that would establish that it was Ms. Donnelly's
10 invitation?

11 A: Oh you'd have to ask her. Ask Admiral Faller perhaps.
12 On trips Admiral Faller sort of played a role that I would play
13 in the office in the sense that he was sort of the Chief of Staff
14 on the road for, and of course on trips, the plan is when you
15 leave, but things evolve hourly when you're overseas or traveling
16 throughout the country, but I don't recall. I mean the dinner was
17 which night? Because when the Secretary would travel, he would do
18 work function dinners, and as it said here, "formal working
19 lunch, dinner," and then he would do private as well.

20 Q: Here it is.

21 A: Okay. I'm sorry. I was looking at the wrong one, I see.
22 Graham Lamb a good old friend, retire three star general of
23 Secretary Mattis. General David Richards, I don't know Rich well.
24 Tobias Elwood, III is a Member of Parliament at the time. He's a
25 good friends of Jim Mattis. Sheryl Plumbridge, an old friend of

1 Jim Mattis, and Carlson, and Pinar. I mean Andre is the business
2 partner I believe of Sally Donnelly. I think he's the one bought
3 out her, right?

4 Q: That is correct.

5 A: Right. And then Teresa Carlson. This was a - this is
6 what I would call a private meal, personal dinner.

7 Q: Did you say General Lamb and Secretary Mattis were old
8 friends as well?

9 A: Oh yeah, yeah. I mean he's --

10 Q: How far back to they go?

11 A: I first met General Graham Lamb probably, I met him
12 through Jim Mattis probably back in 2008 timeframe. They fought
13 together in Iraq and perhaps in Afghanistan. I can't recall. But
14 it goes back dozens of years.

15 Q: These things obviously don't just kind of fall
16 together. Who was the orchestrator - facilitator for this
17 particular dinner?

18 A: Yeah, my guess was Sally Donnelly. Yeah.

19 Q: Why would it --

20 A: And it might be --

21 Q: Why would it have been Sally?

22 A: Well because two reasons. I mean and that's part of a
23 role she would play, but when Jim Mattis would travel there would
24 be a balance of personal time, private time, and work time. When
25 he went to places like London in particular, he would go see old

1 friends, and that was a group of old friends.

2 Q: Would Secretary Mattis have had any interest that you
3 know of inviting Mr. Pinar and Ms. Carlson to this?

4 A: Himself? No. No, I'm sure it was a neat idea, good,
5 active conversation.

6 Q: What advice did SOCO provide to Secretary Mattis
7 regarding the particular dinner?

8 A: I don't recall, but I will -- these were all approved
9 and reviewed, and approved by SOCO. So, and just like any -- I
10 mean, just let's take a second here. Every day I would meet with
11 people. If it's somebody who is associated with Industry or
12 something else, or I had dinners and things you'd talk to SOCO
13 and there's absolutely nothing wrong with meeting with people.
14 It's just you need to be aware if you have a potential
15 restrictions or any potential areas that are -- should be off
16 limits. That was just their job and we interacted with SOCO
17 continuously.

18 Q: It's not my purpose to insinuate there's anything
19 improper there.

20 A: Oh, no I know you're not. No, no, no. Oh, no exactly.

21 Q: It's just this is one of the things that's been --

22 A: No, I understand.

23 Q: -- pointed out --

24 A: No, no. yep.

25 Q: -- in the matters referred to us.

1 A: No, no absolutely. Absolutely.

2 Q: We understand that Mr. Mattis met with Mr. Tim Cook,
3 the Apple CEO in August of 2017 during his West Coast trip.

4 A: Okay. I believe so.

5 Q: What can you tell us about that? Is there any
6 information that you can think of?

7 A: No anything that I would recall again the thrust would
8 have been running a worldwide international company, culture,
9 transformation, technology, innovation.

10 Q: Who coordinated the meeting between Secretary Mattis
11 and Mr. Cook?

12 A: I don't recall that specifically.

13 Q: What was Ms. Donnelly's role in arranging for this
14 meeting between Mr. --

15 A: I don't recall, yeah.

16 Q: -- Cook and Secretary Mattis?

17 A: I don't recall. I would assume she was involved for
18 sure. Again, that was sort of one of the things she had, again
19 that sort of Silicon Valley technology interest if you will, as
20 well as Jim Mattis. I mean, again for the reason we just talked
21 about. Also the break over many years where we had a problem with
22 Silicon Valley not wanting to interact with DoD to the point
23 where we had Google walk away from a rather important contract a
24 couple of years back called Raven, because the -- their employees
25 didn't want to interact with DoD because --

1 Q: Project Raven?

2 A: Yeah, yeah. Remember that? So, I mean and that was just
3 an example a concern about the lack of communication,
4 understanding I think between industry, particularly the generic
5 Silicone Valley industry and DoD. So, it was one of the concerns
6 we had in general.

7 Q: I'm going to hand you a couple of e-mail strings that
8 deal with putting together a January 17, 2018 dinner that
9 Secretary Mattis had with Mr. Bezos.

10 A: Okay. Is that here in town?

11 Q: Yes.

12 A: Yeah.

13 Q: There's one, and here's another string. I'm going to
14 give you a minute to look at those and then I'll ask you about
15 them.

16 A: Okay. Okay. And this one here?

17 Q: Yes.

18 A: Okay.

19 Q: What can you tell us, sir, about the dinner? The
20 purpose, the putting it together?

21 A: Yeah, I mean I don't recall from these e-mails alone,
22 but again, it would have been a similar line.

23 Q: What was the purpose of the dinner?

24 A: Yeah. As I was saying it would have been a continuing
25 theme of engaging with senior leadership from industry,

1 particularly high tech.

2 Q: Is there a relationship between this particular dinner,
3 and any due outs, or invitations, or action items coming out of
4 the dinner in the U.K. that involved Ms. Carlson?

5 A: Well, I would suggest not. I mean quite frankly this is
6 from -- that was, what did you say February/March of --

7 Q: Uh, huh [affirmative response].

8 A: -- this is November?

9 Q: Oh, actually the beginning of April of 2017.

10 A: I would not think so. I would not think so.

11 Q: This is several months later.

12 A: Yeah.

13 Q: What can you tell us about what was discussed at this?

14 A: I didn't go to the dinner so I don't know. I couldn't
15 tell you.

16 Q: What was Ms. Donnelley's role in putting the dinner
17 together?

18 A: Well I think she was the coordinator and facilitator.
19 Yeah.

20 Q: Again, this is a dinner --

21 A: Yeah.

22 Q: -- as I said, there's nothing in itself improper about
23 having dinner with --

24 A: Correct.

25 Q: -- members of industry. We're aware that as Secretary

1 Mattis actually put out a note to every, I don't want to say
2 everybody, but --

3 A: Yeah. Leadership.

4 Q: You know how those go.

5 A: Yeah.

6 Q: about engaging with industry --

7 A: Yep.

8 Q: -- but given the allegation of, okay, he provided
9 preferential treatment to Amazon versus others that somehow
10 influenced those who were putting together this acquisition.

11 A: Yeah. I could not --

12 Q: What are your comments about that?

13 A: I don't know how you would connect those dots.

14 Q: Connecting --

15 A: Yeah, I don't know how you could do that.

16 Q: -- is a good way to put it. Connecting those dots.

17 A: Yeah, again the individuals responsible for requirement
18 definition and acquisition review, and all that process, one; I
19 suspect they wouldn't even know what Jim Mattis' schedule is, or
20 care quite frankly. So, no, I see no connection.

21 Q: What can you tell us about any other meetings or
22 dinners that Secretary Mattis had with Amazon officials that we
23 haven't discussed?

24 A: I'm not aware of any that we haven't discussed. I mean
25 I'm not saying there could not have been, but I'm not aware of

1 any.

2 Q: Did Oracle ever try to - Ms. Safra Catz was, at that
3 time co-CEO of Oracle. Did she ever try to get in to see
4 Secretary Mattis?

5 A: I don't recall.

6 Q: We understand that she did, but she --

7 A: Yes.

8 Q: -- that it didn't happen due to scheduling conflicts.
9 What's your --

10 A: I believe that could be. I mean you saw in that one,
11 sometimes it takes months to get senior leaders together in the
12 same place, same time. Senior leaders from --

13 Q: Do you have any recollection of --

14 A: I really don't but I mean --

15 Q: -- attempts to orchestrate such a meeting?

16 A: No, but I don't have recollection, but I'm not
17 surprised if she wanted to come.

18 Q: We've seen that Deputy Secretary Shanahan --

19 A: One other thing I think a note here is we also
20 purposely, and if you notice we're talking about technology
21 companies. Traditionally, secretaries if you think about, usually
22 were much more involved with what I would say the legacy
23 companies, the Lockheed Martin's, the General Dynamics, the
24 Raytheon's and things like that. If you notice, and this was also
25 a thrust in a sense that Jim Mattis was focused on innovation and

1 technology transformation, and much less so he thought he could
2 gain knowledge for himself than say from a what they're called a
3 legacy contractor. So, whether it was General Dynamics, so I just
4 -- that is a consistent theme here. It has nothing to do again
5 with JEDI or Cloud or anything else like that. It actually goes
6 back and if you think about it when we were together in 2008/09
7 timeframe when he was the Commander of Joint Forces Command, but
8 also the NATO Command for Transformation, Allied Command for
9 Transformation down in Norfolk. I mean, we went out and visited
10 Microsoft and a guy named Mark Ballmer at the time the CEO of
11 Microsoft. Same thing. How are they dealing with, at that point,
12 cyber security and things like that? He came and visited the
13 Command in Norfolk. So, this is again reaching out to world
14 leaders in sort of world class organizations.

15 Q: We understand that Deputy Secretary Shanahan did meet
16 with Ms. Catz. What's your knowledge of that --

17 A: I don't know if he did or not.

18 Q: -- meeting or whether that occurred?

19 A: I don't.

20 Q: The complaints we received in our office alleged that
21 Secretary Mattis gave preferential treatment to Amazon officials
22 by meeting with them more frequently than he met with other
23 industry vendors competing, or that would compete, or that might
24 possibly complete for this cloud contract. What can you tell us
25 about that? Anything other than what you've already told us?

1 A: Yeah, exactly. I mean, there's none of the meetings he
2 had had anything to do with the cloud contract.

3 Q: Well, as a west coast trip he did discuss -- he came
4 back from that --

5 A: Well, that was certainly a catalyst. Oh, yeah, with an
6 appreciation of the --

7 Q: -- an understanding of the cloud.

8 A: -- importance, yeah, without question, but again you're
9 talking about a difference of the idea versus now a contract, and
10 a vehicle, and things like that.

11 Q: After meeting with various officials from vendors that
12 competed for the JEDI Cloud contract, did Secretary Mattis
13 express to anyone his personal -- his preference for a specific
14 vendor?

15 A: Not that I know of, no.

16 Q: Did anyone --

17 A: I mean, not any of that. I mean let's -- I mean the
18 answer is no because he's never once. I'll be honest, it's
19 unimportant to us. The requirement, the need was there, then you
20 let the system kind of work it through to the best company that
21 meets all the requirements. I mean this plus 100 other contracts
22 that were important to the Department at the time. So it would be
23 ludicrous for him to do that from an ethics perspective, from an
24 individual who's been in government service on Active Duty and as
25 the Secretary. We know that. It's just -- there was no

1 involvement. There was no involvement from the office quite
2 frankly. We delegated this to the Deputy Secretary. This is an
3 important issue for the Department and off you go. So, I mean --

4 Q: Did anyone attempt to influence Secretary Mattis to
5 favor Amazon over other vendors?

6 A: Not to my knowledge.

7 Q: What comments did Secretary Mattis ever make about
8 Amazon in meetings?

9 A: I am not aware of any particular comment.

10 Q: What comments did Secretary Mattis ever make about
11 other potential competitors, or competitors for the cloud
12 business?

13 A: I'm not aware.

14 Q: How would you respond to any assertion that Secretary
15 Mattis played a key role in the JEDI Cloud acquisition itself?

16 A: He played no role in it.

17 Q: How would you respond to an assertion that he had a
18 conflict of interest that should prevent him from playing any
19 role in the procurement?

20 A: Well, if he had any conflict of interest, he didn't
21 play a role. I mean, he left in December of '18. So, there was no
22 conflict.

23 Q: What has Secretary Mattis ever said or done that would
24 cause you to question his impartiality or ethics concerning
25 Amazon?

1 A: Absolutely nothing.

2 Q: What has Secretary Mattis ever said or done that would
3 cause you to question his impartiality concerning the cloud
4 acquisition, or procurement?

5 A: Absolutely none. Just for the record, perhaps the most
6 ethical person I've ever met, and I've been by his side for 7
7 years.

8 Q: We've talked about several things this morning.

9 A: Yeah.

10 Q: Is there anything else that I didn't ask you, anything
11 else you'd like to share that --

12 A: Yeah, the only think I'll say again is I think there
13 needs to be an understanding our office, Secretary of Defense,
14 myself, etcetera, we weren't involved with the JEDI Cloud
15 contract process, etcetera, period. And of course it all happened
16 long after we left, but even separate from the time line, the
17 only involvement was setting the requirement. It's important for
18 the enterprise to transition to the cloud as a Department of
19 Defense priority. How, who, when, why, how much money, etcetera?
20 Well below us, and rightly so.

21 (b) (6), (b) (7)(C) , any questions for Mr. Sweeny?

22 (b) (6), (b) (7)(C) : No.

23 BY (b) (6), (b) (7)(C) :

24 Q: Do you have any questions of us?

25 A: I don't, no.

Q: Do you have any comments or concerns about the way we
conducted the interview?

A: Absolutely not. No, very fair.

Q: If you remember anything else that may be relevant to
the review please contact us.

A: I will.

(b) (6), (b) (7)(C) : In order to protect the integrity of the
review we that you not discuss the matters under the review or
the questions we've asked you during the interview with anyone
other than an attorney should you chose to consult one.

MR. SWEENEY: Okay.

(b) (6), (b) (7)(C) : This does not apply to or restrict your
right to contact an Inspector General or a Member of Congress.

MR. SWEENEY: Okay.

(b) (6), (b) (7)(C) If anyone asks you about your testimony or
the review please inform them that DoD IG has asked you not to
discuss the matter.

MR. SWEENEY: Absolutely.

(b) (6), (b) (7)(C) : The time is 10:55 and this interview is
concluded.

[The interview terminated at 10:55 a.m., January 29, 2020.]

[END OF PAGE]