

From: [Ranks, Peter T CIV \(USA\)](#)
To: (b) (6), (b) (7)(C)
Subject: RE: DoD OIG - Request for Briefings
Date: Wednesday, November 13, 2019 7:50:39 PM
Attachments: [SD RAH for JEDI Brief.dotx](#)
[Session 1 v14.pptx](#)
[Cloud Session 1 Read Ahead v3.docx](#)

Reconstructing these is taking me some time, so I will begin sending them as I get them assembled.

The material from the 1st education session on 23 August is attached. Note that the 23 July meeting was prior to the start of the SD's review of JEDI and was intended as a single informational brief. I believe we had a brief for that meeting, but it would be on SIPR and I don't have access from this location. 23 August marked the start of the formal information sessions.

-----Original Message-----

From: [REDACTED] >
Sent: Wednesday, November 13, 2019 7:24 AM
To: Ranks, Peter T CIV (USA) [REDACTED]
Cc: [REDACTED] >
Subject: DoD OIG - Request for Briefings

Good morning Mr. Ranks,

Just following up on our previous request. Were you able to retrieve the briefings that were presented to Secretary Esper and Deputy Secretary Norquist as part of their, "educational sessions" on the JEDI Cloud? The dates for the sessions took place on: July 23; Aug 23; Aug 27; and Sep 10, 2019? If so, please provide us a copy of those briefings.

Respectfully,

(b) (6), (b) (7)(C)
[REDACTED]

Investigations of Senior Officials
Department of Defense, Office of Inspector General
[REDACTED]

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-----Original Message-----

From: (b) (6), (b) (7)(C) [REDACTED]
Sent: Friday, November 8, 2019 8:00 AM
To: 'Ranks, Peter T CIV (USA)' [REDACTED]

Cc: [REDACTED]

Subject: RE: DoD OIG - Supplemental Questions

Mr. Ranks,

Thank you for responding. I will follow-up with you next week to check on the documents.

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

Investigations of Senior Officials
Department of Defense, Office of Inspector General
[REDACTED]

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-----Original Message-----

From: Ranks, Peter T CIV (USA) [REDACTED]@mail.mil>

Sent: Friday, November 8, 2019 7:57 AM

To: [REDACTED]

Subject: RE: DoD OIG - Supplemental Questions

(b) (6), (b) (7)(C) - I have access to most of this material, but I will need to work with both the DoD CIO front office and the Cloud Computing Program Office to compile it. I am on Capitol Hill most of the afternoon today, but I will begin pulling this together early next week. \\Pete

-----Original Message-----

From: [REDACTED] >

Sent: Thursday, November 7, 2019 3:48 PM

To: Ranks, Peter T CIV (USA) [REDACTED]@mail.mil>

Cc: [REDACTED]

Subject: DoD OIG - Supplemental Questions

Mr. Ranks,

Do you have an available copy of the briefings that were presented to Secretary Esper and Deputy Secretary Norquist as part of their, "educational sessions" on the JEDI Cloud? The dates for the sessions took place on: July 23; Aug 23; Aug 27; and Sep 10, 2019.

Thank you.

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Investigations of Senior Officials
Department of Defense, Office of Inspector General
[REDACTED] (office)

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From: [Ranks, Peter T CIV \(USA\)](#)
To: (b) (6), (b) (7)(C)
Subject: RE: DoD OIG - Request for Briefings
Date: Wednesday, November 13, 2019 7:54:55 PM
Attachments: [Cloud Placemat -- Vendor Update.pptx](#)
[SECDEF Action Memo CIO JEDI Education Session 2.docx](#)

Material for session 2 (27 August) attached. Based on feedback from the 1st meeting in which we did not use the prepared material we did not present a slide deck, but used the attached placemat as a backdrop for discussing the cloud strategy. John Sherman (IC CIO) attended and spoke to the IC experience adopting cloud. He did not use slides.

\\Pete

-----Original Message-----

From: (b) (6), (b) (7)(C)
Sent: Wednesday, November 13, 2019 7:24 AM
To: Ranks, Peter T CIV (USA) (b)(6) (b)(7)(C)
Cc: (b) (6), (b) (7)(C) >
Subject: DoD OIG - Request for Briefings

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Department of Defense, Office of Inspector General

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From: (b) (6), (b) (7)(C)
Sent: Friday, November 8, 2019 8:00 AM
To: 'Ranks, Peter T CIV (USA)' (b)(6) (b)(7)(C) @mail.mil>
Cc: (b) (6), (b) (7)(C)

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

Subject: RE: DoD OIG - Supplemental Questions

Mr. Ranks,

Thank you for responding. I will follow-up with you next week to check on the documents.

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Department of Defense, Office of Inspector General

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From: Ranks, Peter T CIV (USA) (b)(6) (b)(7)(C)

Sent: Friday, November 8, 2019 7:57 AM

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

Subject: RE: DoD OIG - Supplemental Questions

(b) (6), (b) (7)(C) - I have access to most of this material, but I will need to work with both the DoD CIO front office and the Cloud Computing Program Office to compile it. I am on Capitol Hill most of the afternoon today, but I will begin pulling this together early next week. \\Pete

-----Original Message-----

From: (b) (6), (b) (7)(C) >

Sent: Thursday, November 7, 2019 3:48 PM

To: Ranks, Peter T CIV (USA) (b)(6) (b)(7)(C)

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

Subject: DoD OIG - Supplemental Questions

Mr. Ranks,

Do you have an available copy of the briefings that were presented to Secretary Esper and Deputy Secretary Norquist as part of their "educational sessions" on the JEDI Cloud? The dates for the sessions took place on: July 23; Aug 23; Aug 27; and Sep 10, 2019.

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From: [Ranks, Peter T CIV \(USA\)](#)
To: [REDACTED]
Cc: (b) (6), (b) (7)(C)
Subject: RE: DoD OIG - Request for Briefings
Date: Wednesday, November 13, 2019 7:59:48 PM
Attachments: [SD Read Ahead Memo - JEDI CCPO Brief 3 v3.docx](#)
[Cloud Placemat revised - v10.pptx](#)
[TAB A Analysis of Oracle Letter.pdf](#)
[TAB B Oracle Letter - CrossReferenced.pdf](#)

Material from session 3 (10 Sept) attached. \\Pete

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From: (b) (6), (b) (7)(C)
Sent: Friday, November 8, 2019 8:00 AM
To: 'Ranks, Peter T CIV (USA)' (b)(6) (b)(7)(C) >
Cc: (b) (6), (b) (7)(C)

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

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Investigations of Senior Officials
Department of Defense, Office of Inspector General
(b) (6) office)

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To: Ranks, Peter T CIV (USA) (b)(6) (b)(7)(C)

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

Subject: DoD OIG - Supplemental Questions

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From: [Ranks, Peter T CIV \(USA\)](#)
To: (b) (6), (b) (7)(C)
Subject: RE: DoD OIG - Request for Briefings
Date: Wednesday, November 13, 2019 8:06:09 PM
Attachments: [JEDI timeline - v9 TAB B.pptx](#)
[TAB A - Info Paper-Cloud Session 4 v4.1.docx](#)
[SD Read Ahead Memo - JEDI CCPO Brief 4 v2.docx](#)
[Session 4 - TAB C.pptx](#)

Session 4 (16 Sept) material attached. \Pete

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Department of Defense, Office of Inspector General
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Investigations of Senior Officials
Department of Defense, Office of Inspector General

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Sent: Thursday, November 7, 2019 3:48 PM

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

Subject: DoD OIG - Supplemental Questions

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Investigations of Senior Officials
Department of Defense, Office of Inspector General

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From: (b)(6) (b)(7)(C) OSD OASD LA (USA)
To: (b) (6), (b) (7)(C)
Subject: RE: Request For DoD Records
Date: Friday, November 8, 2019 10:14:52 AM
Attachments: SecDef Roundtable Attendance List V8.xlsx

Sir,

Attached is the tracker I created prior to the meeting to keep track of who replied to the invitation. I blanked out the notes column because it had personal information for access to the Pentagon (car make, model, year, license plate numbers). The columns are pretty self-explanatory. The column with header Ind/Mass refers to how the member was invited. Individual letters were sent to the Chair and Rankings of the HASC/SASC/HAC-D/SAC-D as well as anyone who had sent DoD a letter about the JEDI program, whether pro or con. Mass invitations were sent to the committees to invite members who hadn't sent an individual letter.

- A. The meeting did occur.
- B. 26 Sep 19 from 12:30pm to 1:30pm
- C. Congressional Attendees: Rep Jim Langevin, Rep Michael Turner, Rep Jim Banks, Rep Steve Womack. Each rep also brought a +1: Ms. Lindsay Markle, Mr. Josh Stiefel, Mr. Adam Howard, Mr. Nicolas Runkel. DoD Attendees: Secretary Esper, Dir Dana Deasy (DoD CIO), Ms. Jamie Miller (PDASD OSD LA). I was not present in the room so I cannot confirm if any other DoD staff were in attendance.
- D. The meeting was meant to be a discussion for Secretary Esper to get the perspectives from members of the House and Senate on the JEDI program. I am not aware of any prepared briefing material and I am pretty sure no formalized brief was provided. Again, I was not in the meeting so I can speak to the content or discussion.

Let me know if you have any questions.

V/r,

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

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

Special Assistant
Office of the Assistant Secretary of Defense - Legislative Affairs
Office: (703) (b)(6) (b)
UNCLASS: (b)(6) (b)(7)(C)
SIPR: (b)(6) (b)(7)(C)

-----Original Message-----

From: (b) (6), (b) (7)(C) >
Sent: Wednesday, November 6, 2019 3:47 PM
To: (b)(6) (b)(7)(C) OSD OASD LA (USA) (b)(6) (b)(7)(C)
Subject: Request For DoD Records

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

We just spoke on the phone. My office is conducting a review of the JEDI Cloud procurement. It includes an investigation of allegations that former DoD officials engaged in misconduct related to the procurement. Neither you nor anyone in your office is the subject of any unfavorable info in our review. Request that you provide documentation related to the September 26, 2019 meeting referenced in the attachment. To fully present the facts relevant to our review, I need to know:

- A. Confirmation the meeting did/did not occur.
- B. Confirmation of the date of the meeting.
- C. Confirmation of the attendees, both DoD and from the legislative branch.
- D. Content of any briefing / material presented.

If you have an attendee list, slide deck, etc., please send those. I appreciate your help. Please call me if you have any questions.

V/r,

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

Investigations of Senior Officials

Administrative Investigations

Office of the Inspector General

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

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From: [Thompson, Scott F SES OSD OGC \(USA\)](#)
To: [REDACTED]
Cc: (b) (6), (b) (7)(C) [REDACTED] (b)(6) (b)(7)(C) [REDACTED] [CIV OSD OGC \(USA\)](#)
Subject: RE: Department of Defense, Office of Inspector General - Request for Document
Date: Monday, November 18, 2019 4:47:02 PM
Attachments: [JEDI Recusal - SD to DSD delegation OSD010803-19 FOD Final.pdf](#)

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

[REDACTED] (b) (5)

[REDACTED] (b) (5)

Hope this helps.

V/r

(b)(6)

(b)

(7)(C)

Scott F. Thompson

Director

Standards of Conduct Office

DoD Office of General Counsel

703

(b)(6) (b)

(7)(C)

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-----Original Message-----

From: (b) (6), (b) (7)(C) >

Sent: Monday, November 18, 2019 2:41 PM

To: Thompson, Scott F SES OSD OGC (USA) <(b)(6) (b)(7)(C)>

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

Subject: Department of Defense, Office of Inspector General - Request for Document

Good afternoon Mr. Thompson,

As you are aware, multiple components from the Department of Defense Office of Inspector General (DoD OIG) are currently conducting the review and investigation of the Joint Enterprise Defense Infrastructure (JEDI) Cloud procurement in response to concerns from Members of Congress. Specifically, the Members of Congress expressed concerns regarding the JEDI procurement and potential ethics and conflicts of interest matters involving several former DoD officials. Additionally, we are addressing recently released media articles asserting influence of the JEDI award. We understand that Secretary Esper announced his recusal from further participation in any decision making involvement in the JEDI in late October 2019. As such, we respectfully request a copy of Secretary Esper's recusal letter.

We also understand that further discussions between the Principle Deputy Inspector General, Honorable Mark Esper, Honorable David Norquist, and the Office of General Counsel are ongoing regarding our review and investigation. Please contact me if you have any question regarding this inquiry.

Respectfully,

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

Investigations of Senior Officials
Department of Defense, Office of Inspector General

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

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From: (b)(6) (b)(7)(C)
To: (b) (6), (b) (7)(C)
Subject: Re: EMAIL #3: JEDI - DoDIG Docs/ Info Request
Date: Friday, August 2, 2019 4:21:40 PM

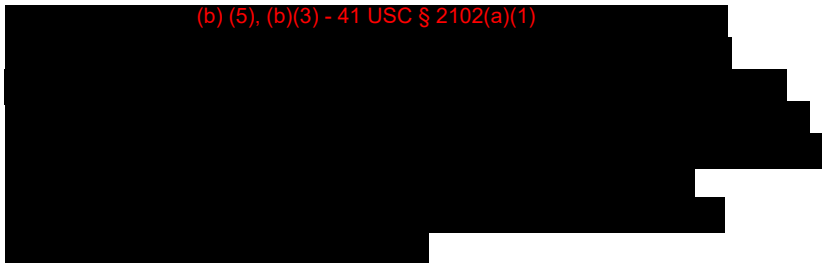
6. Referencing the July 17, 2018 Justification for Single Award memo, please provide the sources, documentation, and research in supporting the:

- a. estimated numbers and cost of task orders for multiple and single award
- b. the conclusion that multiple awards increase security risks

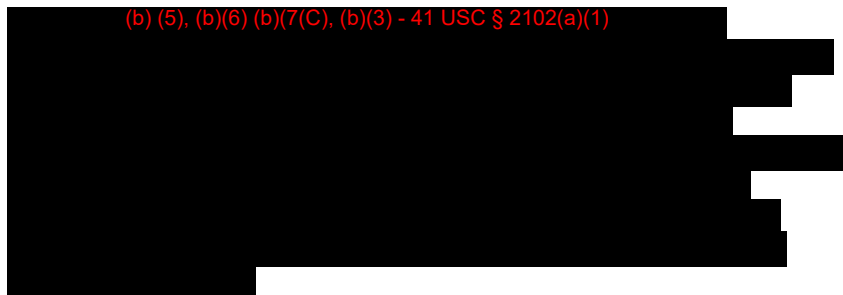
The explicit purpose of the July 17 Memo is to provide documentation of the rationale and deliberative process for the PCO recommendation of a single-award IDIQ. To the extent that the OIG requests more information, I offer the following:

1.

(b) (5), (b)(3) - 41 USC § 2102(a)(1)

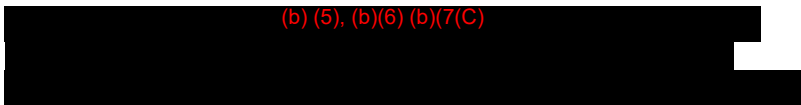


(b) (5), (b)(6) (b)(7)(C), (b)(3) - 41 USC § 2102(a)(1)



1.

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



(b) (7)(C)

(b) (7)(C)

On Fri, Aug 2, 2019 at 2:08 PM (b)(6) (b)(7)(C) <(b)(6) (b)(7)(C)> wrote:

> I just heard back from the team member that i tapped to send this over to
> you in my absence. I didn't realize that they still needed more

> information from me. I'll have it over to you shortly. Standby.

>

> (b)(6)
> (b)(7)(C)

> On Fri, Aug 2, 2019 at 1:19 PM (b)(6) (b)(7)(C) <(b)(6) (b)(7)(C)>

> wrote:

>

>> Thought that response was sent, I'll check on it and get back to you.

>>

>> (b)(6)
>> (b)(7)(C)

>> On Fri, Aug 2, 2019 at 1:18 PM (b) (6), (b) (7)(C)

>> wrote:

>>

>>> (b)(6) (b)
>>> (7)(C)

>>> I'm cleaning up my list of document requests and I still have this
>>> request as outstanding:

>>>

>>> 6. Referencing the July 17, 2018 Justification for Single Award memo,
>>> please provide the sources, documentation, and research in supporting the:

>>> a. estimated numbers and cost of task orders for multiple and single
>>> award

>>> b. the conclusion that multiple awards increase security risks

>>>

>>> Question #6: Forthcoming

>>>

>>> Can you let me know when we can expect those documents?

>>>

>>> Thanks!

>>>

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

>>> Cyberspace Operations

>>> Department of Defense Office of the Inspector General

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

>>>

>>>

>>> -----Original Message-----

>>> From: (b)(6) (b)(7)(C)

>>> Sent: Wednesday, July 24, 2019 3:59 PM

>>> To: (b) (6), (b) (7)(C)

>>> Cc: (b) (6), (b) (7)(C)

>>> Subject: EMAIL #3: JEDI - DoDIG Docs/ Info Request

>>>

>>> ~~SOURCE SELECTION INFORMATION – SOURCE SELECTION SENSITIVE~~

>>>

>>> As requested.

>>>

>>> Attachments in this email are relative to questions 5, 6, 7, 8 below.

>>>

>>> Question #5: I performed a Google Drive Search from a computer for

>>> relevant documents from the List sent by (b) (6), (b) (7)(C)

>>>

>>> Question #6: Forthcoming

>>>

>>> Question #7:

>>> Pre Release QA: These questions are a combination of questions from the Q/A periods prior to final RFP release.

>>>

>>> Post Release: These questions are a combination of Industry feedback received in response to the final RFP and Amendment 0001 Q/A periods within the Q/A deadlines of 8/16/18 at 11:00 AM ET and 8/28/18 at 9:00 AM ET.

>>>

>>> After Deadline #1: These questions were received from Industry after the Draft RFP #1 Q/A deadline of 3/21/18 at 4:00 PM ET.

>>>

>>> After Deadline #2: These questions were received from Industry after the Draft RFP #2 Q/A deadline of 4/30/18 at 11:00 AM ET.

>>>

>>> Which tab shows the QA for the final RFP that closed on August 16, 2018? The final RFP Q/A feedback in question are represented by Question #1 through #218 in the "Post Release" tab of the spreadsheet. These were combined with Amendment 0001 in this sheet to reflect the post final RFP question set.

>>>

>>> Question #8: See Attachments.

>>>

>>> (b)(6)
(b)(7)(C)

>>> >

>>> >

>>> > On Mon, Jul 22, 2019 at 12:38 PM (b) (6), (b) (7)(C) > wrote:

>>> >

>>> >> Hi (b)(6) (b)(7)(C)

>>> >>

>>> >> I included your other email address on it too. Last week I emailed you a request of documents/clarifying information as mentioned in our meeting.

>>> >> Based upon our ongoing JEDI review, my email today was adding documents to the list.

>>> >>

>>> >> 1. Acquisition Plan (signed by PM(s) and KO)

>>> >>

>>> >> 2. Competitive Range Determination

>>> >>

>>> >> 3. Source Selection Plan and any documents related to source selection training, briefings to Source Selection Authority/Board and an updated list of the document titled "Source Selection Teams - Sheet 5" (if changed).

>>> >>

>>> >> 4. Earlier drafts of the Market Research report (specifically October 2017 and Feb 26, 2018)

>>> >>

>>> >> 5. Listing of documents and events that you used to find documents and dates during the July 11, 2019 meeting with DoD OIG.

>>> >>

>>> >> 6. Referencing the July 17, 2018 Justification for Single Award memo, please provide the sources, documentation, and research in supporting the:

>>> >> a. estimated numbers and cost of task orders for multiple and single

>>>> award b. the conclusion that multiple awards increase security risks
>>>>
>>>> 7. Referencing the excel spreadsheet "MASTER JEDI Cloud Industry QA, "
>>>> could you please clarify what information is shown in the following
>>>> tabs and associated dates: Pre Release QA, Post Release, After
>>>> Deadline #1, and After Deadline #2? Which tab shows the QA for the
>>>> final RFP that closed on August 16, 2018?

>>>> 8. IBM Exclusion and debrief docs
>>>>
>>>> 9. Microsoft, Amazon, and IBM's Volume II - Gating Criteria sections
>>>> from their bid proposals

>>>> V/r,

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

>>>> Cyberspace Operations
>>>> DoD Office of Inspector General

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

>>>> -----Original Message-----

>>>> From: (b)(6) (b)(7)(C) <(b)(6) (b)(7)(C)>

>>>> Sent: Monday, July 22, 2019 12:20 PM

>>>> To: (b) (6), (b) (7)(C) >

>>>> Subject: Re: JEDI - DoDIG Docs/ Info Request

>>>> Hi (b)(6), (b)(7)(C)

>>>> i just returned to the office this week. This email is encrypted and
>>>> I can't read it. What is it referring to?

>>>> (b)(6)
>>>> (b)(7)(C)

>>>> On Wed, Jul 17, 2019 at 12:25 PM (b) (6), (b) (7)(C)
>>>> > wrote:

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>>>> of Defense, and may contain information that is "Law Enforcement
>>>> Sensitive"~~

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>>>> appropriate legal authority.~~

>>>>
>>>>

From: (b)(6) (b)(7)(C)
To: (b) (6), (b) (7)(C)
Subject: Re: JEDI document request
Date: Thursday, January 16, 2020 4:26:29 PM

No, the Peer Review team sat in a room with us and just made verbal recommendations and signed the form I sent you. There was no formal request like in Phase 1 or formal response required by the CO.

So glad it all came through and you got what you needed. :-)

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

On Thu, Jan 16, 2020 at 4:01 PM [REDACTED]
[REDACTED] > wrote:

> Hi (b)(6)
> (b)
> (7)(C)
> Can you confirm that the Phase III peer review documentation? Is there
> formal memo to the KO for Phase III?
>
> (b) (6), (b) (7)(C)
> [REDACTED] Cyberspace Operations
> Department of Defense Office of the Inspector General

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

>
>
> -----Original Message-----
> From: (b)(6) (b)(7)(C) <(b)(6) (b)(7)(C)>
> Sent: Thursday, January 16, 2020 2:43 PM
> To: (b) (6), (b) (7)(C)
> Subject: Re: JEDI document request

>
> Okay... I received an e-mail that said it was locked. I'll try to request
> a password again. Thanks!

> (b)(6)
> (b)
> (7)(C)

> On Thu, Jan 16, 2020 at 2:36 PM [REDACTED]
[REDACTED] > wrote:

>> IT help desk said your account is not locked.

>>

>> (b) (6), (b) (7)(C)
>> [REDACTED] Cyberspace Operations

>> Department of Defense Office of the Inspector General

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

>>

>>

From: (b)(6) (b)(7)(C) CIV OSD OGC (USA)
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: DoD OIG follow-up
Date: Wednesday, February 12, 2020 5:37:45 PM

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

No, I did not.

Best,

(b)(6)

(b)

(7)(C)

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

Washington Headquarters Services &
Pentagon Force Protection Agency
Office of General Counsel
Department of Defense

(703) (b)(6) (b)

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

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-----Original Message-----

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

Sent: Wednesday, February 12, 2020 5:35 PM

To: (b)(6) (b)(7)(C) CIV OSD OGC (USA) (b)(6) (b)(7)(C)

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

Subject: RE: DoD OIG follow-up

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

Yes, did you receive any ghost/test emails from (b)(6) (b)(7)(C) with the attachments?

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

Cyberspace Operations
Department of Defense Office of the Inspector General

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

-----Original Message-----

From: (b)(6) (b)(7)(C) CIV OSD OGC (USA)

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

Sent: Wednesday, February 12, 2020 5:32 PM

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

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

Subject: RE: DoD OIG follow-up

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

I received two "GHOST" emails. The one for Microsoft was sent on October 21, 2019 at 1:47pm. The one for AWS was sent that same day at 1:54pm. Neither contained attachments.

From a quick review of my emails, my only question to [REDACTED] was sent at 1:53pm on October 21, 2019, in a reply to the Microsoft "GHOST" email to confirm that he would be "including Microsoft's debriefing (TEB reports, SSEB, SSAC, SSDD, etc)" in Microsoft's notification. [REDACTED] replied that "We only will provide if they request it. We started to prepare it just in case."

I'm a bit unclear on how to answer your last question ("Did you receive any additional emails with attachments?"). Do you want to know if I received any "GHOST" emails from [REDACTED] with attachments (other than the two mentioned above)?

Please let me know if I can be of any further assistance.

Best,

(b)(6)

(b)

(7)(C)

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

Washington Headquarters Services &
Pentagon Force Protection Agency
Office of General Counsel
Department of Defense

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

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

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-----Original Message-----

From: [REDACTED] >

Sent: Wednesday, February 12, 2020 4:59 PM

To: [REDACTED] CIV OSD OGC (USA)

Cc: [REDACTED]

[REDACTED]

Subject: DoD OIG follow-up

Good afternoon, [REDACTED],

Thank you for speaking with us on January 27, 2019. We have a follow-up question regarding the "ghost email" that you were supposed to receive as a test prior to the PCO sending the debriefing emails. You stated that you received ghost one email, but it only contained the unsuccessful offeror notification letter and none of the required attachments. Did you ask [REDACTED]

[REDACTED] to send you another email with the attachments? If not, why not? If

(b)

(7)(C)

(b)

(7)

(C)

yes, what was [REDACTED] response? Did you receive any additional emails with attachments?

Please let me know if you have any questions. We appreciate your assistance.

V/r,

[REDACTED]
Cyberspace Operations
Department of Defense Office of the Inspector General

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

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From: [Deasy, Dana S SES OSD DOD CIO \(USA\)](#)
To: [REDACTED]
[OSD DOD CIO \(USA\)](#)
Subject: RE: JEDI Review: Additional Questions
Date: Wednesday, January 29, 2020 6:04:40 PM
Attachments: [Options Decision Memo -- DSD Signed 18 Oct 19.PDF](#)
[options_v2.6ccpo_092319.pptx](#)

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

Here are the responses to your specific questions from last week. Please let me know if there are any additional questions.

1. The Options Decision paper references an October 7, 2019 meeting that DSD Norquist convened. Please provide meeting minutes and a list of attendees. Was Secretary Esper at the meeting? If yes, what role did he play in the meeting?

Response: The outcome of this meeting is summarized in the attached document (Options Decision Memo) which was later signed by DSD to formalize the decision. Attendees were DoD CIO Dana Deasy, Deputy DoD CIO Peter Ranks, Under Secretary of Defense for Acquisition and Sustainment Ellen Lord, OGC REP [REDACTED] CCPO Manager Sharon Woods, DSD staff members. Secretary Esper did not attend or participate in the meeting.

2. We have been told that there was an email to the DSD that you or someone from your office used to convey the Options Decision paper to the DSD. Please provide a copy of that e-mail.

Response: The attached Options Decision Memo served as the record of that meeting. It was hand-delivered to OGC and DSD for review on 18 October.

3. The paper mentions the status quo and five potential options for moving forward, but describes the options very broadly. What documents show more fully what the options were, the risks associated with them, and recommendation? Please provide.

Response: The attached briefing (options_v2.6ccpo) is a more detailed version of the options briefing that weighed pros and cons along several axis. This document was used to facilitate discussion around the feasibility of the various options under consideration. Specifically, conversations with acquisition and legal professionals during preparation for the options briefing to DSD [REDACTED]

[REDACTED] The more detailed slide deck was used to inform the summary briefing provided to DSD, but the detailed deck was not provided to DSD. Note that the attached brief represents the last substantive version of the working level deck prior to summarizing it for executive review, but the deck itself was developed iteratively and there are multiple earlier versions. Only the final summary was provided to DSD.

4. We have been told that the DSD's decision was to proceed with the procurement as planned; to not make any changes. In other words, stick with the status quo and not select one of the five other options evaluated. Is this correct? I ask because the decision paragraph at the bottom of the page does not explicit state which of the six options the DSD selected. Please clarify/expand on this.

Response: [REDACTED]

5. Finally, you previously sent me agendas, read-aheads, and briefing materials for the education sessions that constituted Secretary Esper's review of the JEDI Cloud acquisition. Those materials indicated the sessions with Secretary Esper took place on July 23, August 23, August 27, September 10, and September 16, 2019. I noted that the Options Decision paper states that the meetings were on July 29, August 23, August 29, September 10, and September 16, 2019. So that we are accurate, please clarify whether the first session was July 23 or July 29, and whether the third session was August 27 or August 29. Also, please clarify whether the remaining dates are accurate.

Response: To the best of our knowledge, based on the records we have, indicate that briefings to Secretary Esper took place on July 23, August 23, August 29, September 10, and September 16.

Best,
Dana

HON Dana Deasy
DOD CIO
Office of the Secretary of Defense

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, January 21, 2020 9:14 AM
To: Deasy, Dana S SES OSD DOD CIO (USA) <[REDACTED]>
Cc: [REDACTED]
>
Subject: JEDI Review: Additional Questions

Mr. Deasy,

We obtained the attached one-page "Options Decision" paper, and have been told that you can provide the answers to a couple of questions associated with it.

1. The Options Decision paper references an October 7, 2019 meeting that DSD Norquist convened. Please provide meeting minutes and a list of attendees. Was Secretary Esper at the meeting? If yes, what role did he play in the meeting?

2. We have been told that there was an email to the DSD that you or someone from your office used to convey the Options Decision paper to the DSD. Please provide a copy of that e-mail.
3. The paper mentions the status quo and five potential options for moving forward, but describes the options very broadly. What documents show more fully what the options were, the risks associated with them, and recommendation? Please provide.
4. We have been told that the DSD's decision was to proceed with the procurement as planned; to not make any changes. In other words, stick with the status quo and not select one of the five other options evaluated. Is this correct? I ask because the decision paragraph at the bottom of the page does not explicit state which of the six options the DSD selected. Please clarify/expand on this.
5. Finally, you previously sent me agendas, read-aheads, and briefing materials for the education sessions that constituted Secretary Esper's review of the JEDI Cloud acquisition. Those materials indicated the sessions with Secretary Esper took place on July 23, August 23, August 27, September 10, and September 16, 2019. I noted that the Options Decision paper states that the meetings were on July 29, August 23, August 29, September 10, and September 16, 2019. So that we are accurate, please clarify whether the first session was July 23 or July 29, and whether the third session was August 27 or August 29. Also, please clarify whether the remaining dates are accurate.

Again, thank you for your assistance.

V/r,

 (b)(7)(C)





Administrative Investigations

Office of the Inspector General



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From: [REDACTED] [DC \(USA\)](#)
To: [REDACTED]
Subject: RE: DoD OIG Investigative Matter
Date: Tuesday, December 17, 2019 11:17:13 AM

Good morning,

Regarding your first question, [REDACTED]

Regards,
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, December 17, 2019 10:20 AM
To: [REDACTED] [DC \(USA\)](#) [REDACTED]
Cc: [REDACTED] >
Subject: RE: DoD OIG Investigative Matter

Good Morning, [REDACTED]. Thank you for returning my call. As discussed, please answer the questions I will ask you below. Also as discussed, consider your answers to be an official statement, provided under oath as a continuation of your August 6, 2019 interview with DoD OIG investigators.

[REDACTED] (b) (5), (b)(6) (b)(7)(C)

Thank you,
[REDACTED]

Administrative Investigations
Office of the Inspector General
[REDACTED]

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-----Original Message-----

From: [REDACTED]
Sent: Monday, December 16, 2019 5:16 PM
To: [REDACTED] DC (USA) <[REDACTED]>
Cc: [REDACTED] >
Subject: DoD OIG Investigative Matter

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

I just left you a voice mail. I am an administrative investigator in the DoD OIG. Would you please call me at the number below as soon as possible tomorrow morning? I have reviewed the summary of your August 6, 2019 interview with my DCIS colleagues, and I need to ask you a quick question to clarify a particular point. It has to do with Mr. Gavin's request for advice (see attachments).

Regards,

[REDACTED]
Administrative Investigations
Office of the Inspector General
[REDACTED]

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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), (b)(3) (IG Act of 1978, Sec 7(b),
P.L. 95-452)

U.S Army
November 7, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 [REDACTED]: Today is November 7, 2019. The time is 7:05
3 a.m. I'm [REDACTED] with the DoD, Office of Inspector General.
4 With me are my colleagues [REDACTED],
5 [REDACTED]. With us
6 on the telephone is the witness [REDACTED]
7 [REDACTED]. We OIG personnel are in the Mark Center in Alexandria,
8 Virginia. [REDACTED] is, please tell us where you are,
9 ma'am.

10 [REDACTED]: I am at [REDACTED] Fort
11 Belvoir, Virginia.

12 [REDACTED]: Thank you. We're continuing a review of the
13 development of the DoD JEDI Cloud Services contract to include
14 the source selection -- review of the source selection process.
15 We also want to clarify some information that's been reported in
16 the news media. At this time I ask you, ma'am, to acknowledge
17 that this interview is being recorded.

18 [REDACTED]: I acknowledge it's being recorded.

19 [REDACTED] Also please acknowledge that I previously
20 provided you a copy of the DoD OIG Privacy Act Notice.

21 [REDACTED]: Yes, I have reviewed that.

22 (b)(6), (b)(7)(C) [REDACTED] I will now administer you the oath. Will you
23 please raise your right hand?

24 (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452)

25 was called as a witness, sworn, and provided the following

1 testimony:

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

3 BY [REDACTED]:

4 Q: Would you please state your full name and spell out
5 your last name?

6 A: (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452).

7 Q: And would you please spell your middle name for us too?

8 A: (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b)).

9 Q: And what is your rank and component?

10 A: (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452) U.S. Army.

11 Q: What is your duty position and organization?

12 A: I am [REDACTED]
13 [REDACTED] at Fort Huachuca, Arizona, and I report to [REDACTED]
14 [REDACTED].

15 Q: Okay. And please describe your duties as they related
16 to [REDACTED] for the JEDI Cloud
17 services contract.

18 A: [REDACTED] (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452)

19 (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452)
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

(b)(6), (b)(7)(C), (b)(3) (IG Act of 1974)

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Q: I am going to hand off to [REDACTED].

A: Okay.

BY [REDACTED]

Q: Good morning. This is [REDACTED] speaking. Just to go into a little more detail about what you just discussed, how and when did you actually come to work on the JEDI Cloud procurement?

A: So I probably, I know you want to talk about JEDI, but in my position at U.S. cyber command there were earlier efforts by DoD CIO to start to take a look at cyber security requirements associated with cloud. And so the Cyber Security Office at DoD CIO, Cyber Command, DISA, and a number of other organizations were trying to work through how we would do this, could we use a conventional cyber security approach? So that was my initial involvement. Then DDS launched a big JEDI announcement. I was not part of that. At some juncture DDS and DoD CIO began working more closely together, and I think at some point there was a decision that DoD CIO would take lead on it, but DDS was still a significant component. I don't remember what date that was. I'm still pretty focused on cyber security part and just providing input [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] So I think that

1 was based on some of the work I'd already done on the cyber
2 security portions of it. At that point I started attending some
3 of the meetings before the proposal was released, and finalizing
4 the cyber security plan for it.

5 Q: All right. Given that timeframe was that early 2018 or
6 late 2017 that you begin working with this procurement, as a
7 range since I know you can't remember the exact date or anything?

8 A: Yeah, I'm going to say it was probably early 2018. Let
9 me think about this. Because General Nakasone had taken command,
10 but again I was already sitting in the room with [REDACTED],
11 a representative from NSA and myself kind of representing on the
12 cyber security side of the house when we were murder boarding why
13 certain requirements should or should not be in the cyber
14 security plan relative to the announcement, what they were trying
15 to draft as the requirements for proposals.

16 Q: So what was your involvement with the solicitation
17 other than the cyber security plan prior to the source selection
18 process?

19 A: At some point where, again probably in that timeframe
20 of spring of 2018 as we went through several revisions of the RFP
21 I was reviewing those documents as well, and providing input.
22 [A fire alarm activated.]

23 Q: When you say "those documents" could you be more
24 specific about which documents within the solicitation?

25 A: So it would have been the -- we were looking at the,

1 I'm sorry there's a fire alarm here. I don't know -- they make
2 come in and tell me it's a false alarm. Hopefully.

3 [REDACTED]: Just let us know if you need to evacuate and
4 will reconvene hopefully.

5 A: So this would have been the actual, I'm sorry I haven't
6 had my cup of coffee yet. This would have been the actual
7 document that went out to the vendors explaining what the gate
8 criteria were, and then what the other criteria were, for the
9 factors that that document was the one that I was reviewing along
10 with several other people.

11 Q: Is a fair to interpret that it's the request for
12 proposal?

13 A: Yes.

14 Q: All right. Were there any other documents that you
15 reviewed from the business case analysis, the acquisition
16 strategy, acquisition plan, anything else in the RFP and the
17 cyber security plan?

18 A: I don't recall a business case analysis so I'm going to
19 say no. The majority of my focus were on those two documents, the
20 cyber security plan and the RFP.

21 Q: All right. Could you describe your role and your
22 responsibilities [REDACTED]?

23 A: My role and responsibilities as [REDACTED] were to [REDACTED]
24 [REDACTED] (C), (b)(3), (IG) (b)(7)
Act of 1978, (C), (b)
95-452) Act of
1978

25 I [REDACTED]

7(b),
P.L.
95-452

1 [REDACTED] (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452)

2 [REDACTED] (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452)

3 [REDACTED] (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452) ,

4 [REDACTED] (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452)

5 [REDACTED] (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452)

6 [REDACTED] (b)(6), (b)(7)(C), (b)(3) (IG Act of 1978, Sec 7(b), P.L. 95-452) .

7 BY [REDACTED] :

8 Q: Ma'am, this is [REDACTED] interjecting here. This is
9 -- obviously the fire alarm is coming through on the recorders
10 here. It must be even louder in your AO. Would you like to pause
11 and check out the situation or would you prefer to carry on?

12 A: I'm okay carrying on. They know I'm here. So I think if
13 we actually have to evacuate the building they'll poke their head
14 in and tell me to leave.

15 Q: Would you want to pause until the fire alarm stops
16 alarming just let us know.

17 A: Hold on just a minute. Let find out if they know it's
18 going to stop soon.

19 [REDACTED] The time is 7:15. We're going to pause the
20 recorders.

21 [The interview paused at 7:15 a.m., November 7, 2019.]

22 [The interview resumed at 7:16 a.m., November 7, 2019.]

23 [REDACTED] : The time is 7:16 the recorders are back on.

24 [REDACTED] Okay.

25 BY [REDACTED] :

1 Q: All right, ma'am. Did you have anything else to add as
2 far as your responsibilities as [REDACTED]

3 A: I don't think so. Unless you have follow-up questions.

4 Q: All right. So you've discussed about, before you left
5 Cyber Com, you were approached [REDACTED]

6 [REDACTED]. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A: I don't remember the exact date. He, I knew that I was
10 going to be departing in some months. Again, I'm going to say
11 this is about early 2018. Again he had taken command, so that's
12 not a difficult date to figure out. I think that was roughly the
13 spring of 2018. He had come to me and said, "Hey, [REDACTED] we want
14 you to do this. We know that this will probably extend into your
15 tenure in your next assignment." But that they didn't think that
16 the time commitment to come back to D.C. would be -- it would be
17 manageable with my current duties. And I understood it to be a
18 discussion between him and Mr. Deasy that I don't know if there
19 was anybody else involved in that decision. Perhaps [REDACTED], I
20 don't know that for sure, because she and I had been working
21 closely on the cyber security plan.

22 Q: All right. [REDACTED]

23 [REDACTED]? Who essentially
24 was giving you guidance about your initial responsibilities?

25 A: I think the first thing that occurred was that there

1 was a vetting by Sharon Woods. I was asked to give her background
2 on my financials, did I have any family members that worked in
3 IT, things like that, looking for conflicts of interest. So, that
4 was step one. Then there was signing associated paperwork,
5 nondisclosure agreements, etcetera. And then it was actually
6 forming the team who was going to be on the evaluation boards and
7 the different committees, and then getting them vetted. And then
8 having the initial meeting where we [REDACTED]
9 [REDACTED]
10 discussion about how the boards would be conducted. The Program
11 Office went to some lengths to ensure that the way that we
12 communicated was protected. And so those types of things that
13 occurred with the kickoff meeting. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]. Once the proposals were received the boards
17 went to work. [REDACTED] to review what they found in
18 the first stage which was getting the evaluation of which
19 proposals met the gate criteria. [REDACTED]
20 [REDACTED]. There were periodic phone calls and
21 updates that I received, [REDACTED]
22 [REDACTED]
23 [REDACTED].

24 Q: Could you describe the purpose of [REDACTED]

25 [REDACTED]

1 A: I'm sorry. Can you say that again?

2 Q: I'm sorry. Can you describe to us the purpose of [REDACTED] (b) (6),
3 [REDACTED] ? (b) (7)
(C)

4 A: The purpose of that [REDACTED]
5 [REDACTED]
6 [REDACTED] . [REDACTED] (C)
7 [REDACTED]
8 [REDACTED] .

9 Q: So were you -- it sounds like you were presented
10 information, [REDACTED]
11 [REDACTED] ?

12 A: So I did -- so what happened was, [REDACTED]
13 [REDACTED]
14 [REDACTED] , [REDACTED] , [REDACTED] (b) (7)(C)
15 [REDACTED]
16 [REDACTED] . [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED] . So for example,
23 somebody might have asked a question about, [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED] (b)(3), (b) (6), (b) (7)(C) ? We want to
2 really understand what that means. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

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

8 [REDACTED]

9 [REDACTED].

10 Q: At that point you're referring to the technical
11 evaluation board member specifically for each factor?

12 A: Correct. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [The fire alarm stopped.]

22 Q: All right, just to make sure I'm understanding this
23 correctly, [REDACTED]

24 [REDACTED]

25 [REDACTED] ?

1 A: Correct.

2 Q: Do you remember the date that [REDACTED]
3 [REDACTED]?

4 A: I don't have my calendar in front of me. No. Can I get
5 that for you?

6 Q: Sure. I'll also give you a little bit of context.

7 A: It was the week that the memos were signed. So we
8 started on Monday and finished on Friday. [REDACTED]

9 [REDACTED]

10 -- it was that whole week.

11 Q: Referring to the SSAC memo it says that they met from
12 September 30 through October 3. Their document is signed on
13 October 3. I believe --

14 A: That is -- yeah, so they signed before, obviously
15 [REDACTED] if that was a
16 Friday.

17 Q: Because on your document [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED].

22 A: Correct. That sounds correct and I apologize because I
23 did not walk out of there with any documents.

24 Q: [REDACTED]
25 [REDACTED].

1 [REDACTED] (b)(3)

2 [REDACTED] (b)(3)

3 [REDACTED] (b)(3) . [REDACTED] (b)(3) ,

4 [REDACTED] (b)(3) .

5 [REDACTED] (b)(3)

6 [REDACTED] (b)(3)

7 [REDACTED] (b)(3) ? [REDACTED] (b)(3)

8 A: [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] we were

12 [REDACTED] could say that again the team's knowledge of some

13 unique capabilities does it mean to give special consideration to

14 [REDACTED] ?

15 A: [REDACTED]

16 [REDACTED]

17 [REDACTED] . [REDACTED]

18 [REDACTED] ff

19 [REDACTED] i [REDACTED] did,

20 [REDACTED] n' [REDACTED]

21 [REDACTED]

22 [REDACTED] . [REDACTED]

23 [REDACTED] .

24 Q: [REDACTED]

25 [REDACTED]

1 [REDACTED] (b)(3)

2 [REDACTED] (b)(3)

3 [REDACTED]

4 [REDACTED] (b)(3)

5 [REDACTED] (b)(3)

6 [REDACTED] (b)(3)

7 [REDACTED] (b)(3)

8 [REDACTED] (b)(3)

9 [REDACTED]

10 [REDACTED] (b)(3)

11 A: [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED] (b)(3) [REDACTED].

2 Q: [REDACTED]

3 [REDACTED]

4 [REDACTED] ?

5 A: [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED].

9 Q: All right. Shifting gears a bit here, who was aware of

10 [REDACTED]

11 [REDACTED]

12 A: Prior to October?

13 Q: October 25th was the Friday that the award was
14 announced, or at least announced to -- well yes announced to
15 Amazon and Microsoft along with I believe it hit the news media
16 that evening.

17 A: Yeah. [REDACTED],
18 and the final decision; well Sharon Woods, the lawyers, they were
19 bringing in a new legal team and transitioning her. [REDACTED]

20 [REDACTED]. [REDACTED]. I do
21 think he was aware of what the decision was. Beyond that I don't
22 think anybody else knew what the decision was, but I mean from my
23 perspective, from my seat.

24 Q: When you said -- you said Sharon Woods and the lawyers.
25 When you say the lawyers are you referring to any specific

1 lawyers, or groups of lawyers, WHS counsel, Cloud Computing
2 Office counsel, and others -- DDS counsel?

3 A: The lawyers associated with the Program Office.

4 Q: Thank you.

5 A: Not OGC or anybody else.

6 BY [REDACTED]:

7 Q: Was that [REDACTED], ma'am?

8 A: [REDACTED], yes.

9 Q: You mentioned they were bringing on a new team, was
10 that [REDACTED]?

11 A: Yes, [REDACTED].

12 BY [REDACTED]:

13 Q: [REDACTED]
14 [REDACTED]? If
15 yes, then why?

16 A: I'm going to say no. The big question that [REDACTED] had
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]?

25 Q: All right.

1 A: [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] made the
5 determination that Microsoft was the best choice.

6 Q: Could you walk us through the process of how things
7 worked [REDACTED]
8 [REDACTED],
9 and anyone else who may have found out, and then kind of go down
10 the path of once [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 A: I can only talk to what my interactions were with them
14 through the 4th of October [REDACTED], [REDACTED]
15 [REDACTED]. Obviously they were there for consult and
16 guidance and to make sure [REDACTED] doing things right. So
17 there was no notification needed to be made to [REDACTED] or Sharon,
18 or anybody else that was in the -- at that level of the Program
19 Office because they were there. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] how
24 they did Congressional notification, if they did Congressional
25 notification; I was not a party to that.

1 Q: Were you given an opportunity to review the reactions

2 [REDACTED]

3 [REDACTED]?

4 A: No. I did not see -- I never saw a redacted version of

5 [REDACTED]

6 Q: Is that normal for you to not to be given an

7 opportunity to see a redacted version?

8 A: [REDACTED]

9 [REDACTED].

10 Q: Was [REDACTED] given any assurances from

11 the Program Office, WHS, DoD, OCIO, or anyone else that [REDACTED]

12 [REDACTED] would remain confidential?

13 A: I think it was -- [REDACTED]

14 [REDACTED]

15 [REDACTED] My understanding

16 was that -- I'm trying to think if they ever told me that [REDACTED]

17 [REDACTED]

18 [REDACTED] My assumption was at some point everything is FOIA-able

19 and somebody will figure it out.

20 Q: So what was your reaction when you learn the names of

21 the Source Selection Team had been disclosed?

22 A: So I didn't know that they had. I'm sorry.

23 BY [REDACTED]

24 Q: Hi, [REDACTED] here. It is our understanding that

25 the CCPOP issued an e-mail the same day that this information was

1 found, and it was sent out [REDACTED]

2 [REDACTED]. Did you not receive this e-mail?

3 A: I remember getting an e-mail saying that they would
4 make the award the next day. I don't -- again sorry, I don't have
5 my e-mail up. I probably would not have -- but it was all within
6 the -- [REDACTED]

7 [REDACTED]. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] So when they sent us that note telling us that
11 the award announcement would come out the next day, honestly I'd
12 have to go back and take a look at it and see. I was probably
13 traveling and didn't pay attention if there were [REDACTED]

14 [REDACTED]

15 [REDACTED].

16 Q: Okay. So this e-mail if I can recall correctly came
17 from Ms. Woods. Could we take it -- could you take it as a due
18 out to check your e-mail to let us know if you received an e-mail
19 from here after the contract had been awarded?

20 A: After the contract had been awarded?

21 A: Yes, ma'am.

22 A: Okay.

23 BY [REDACTED]:

24 Q: Have you -- this is [REDACTED] again. Have you been
25 contacted by anyone from Microsoft, or Amazon, or anyone else on

1 their behalf regarding your participation in JEDI?

2 A: No, negative. I would have remembered that.

3 Q: And have you or do you know of anyone [REDACTED]
4 [REDACTED] that has been contacted by anyone that I
5 just mentioned?

6 A: No.

7 Q: All right. Thank you, that's all I've got.

8 BY [REDACTED]:

9 Q: [REDACTED] here again, ma'am. [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 A: He never wrote to me. He, most of our conversations
13 were more actually appreciative of the fact that I had taken this
14 on.

15 Q: I guess I'm getting at any instructions or guidance,
16 and things like that.

17 A: Oh, no. No. We were actually pretty careful about --
18 pretty careful about fire walling him, or for actually probably
19 fire walling ourselves, not putting him in that position to do
20 that. Even if he were to ask a question that could be construed
21 as guidance, and it could be misinterpreted too as guidance, "oh,
22 he's asking a lot of questions about that." [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 tell you quite honestly it was usually -- it's my understanding

1 it was usually Sharon giving him the update, but because Sharon
2 wasn't actually part of the SSAC, or the SSEB, she wasn't part of
3 the decision-making in the evaluation process from that
4 standpoint, she was to give us some guidance that we would then
5 not be affected by anything that Mr. Deasy might say or ask, and
6 so in my opinion there was very little guidance, directive, or
7 anything like that from Mr. Deasy.

8 Q: Same question for Ms. Lord, the Under Secretary for
9 Acquisition and Sustainment.

10 A: I'm sorry.

11 Q: Did you have any communications with Ms. Lord, Under
12 Secretary for Acquisition and Sustainment about the source
13 selection?

14 A: No, I did not.

15 Q: Same question for Mr. Norquist or Mr. Esper?

16 A: No, none.

17 Q: How about Deputy Secretary Shanahan or Secretary
18 Mattis?

19 A: No.

20 Q: What communications did you have the President Trump
21 about JEDI?

22 A: None.

23 Q: How about anybody from President Trump's staff or
24 anybody associated with the White House about JEDI?

25 A: None.

1 Q: What communications that others may have had with
2 President Trump or anybody on his staff or associated with him,
3 that may have trickled down to you or anybody else on your team?

4 A: I am not aware of any conversations by senior leaders
5 that they might have had with Trump that came into the room while
6 we were deliberating.

7 Q: Were you aware of media reports or public statements
8 attributed to President Trump about the JEDI requirement, or
9 contract, or RFP, or Amazon itself?

10 A: Yes, I was aware.

11 Q: Please describe what your awareness was, what had you
12 read or heard?

13 A: I understood that there is some drama between him and
14 Mr. Bezos, who obviously has an interest in AWS, and that he
15 didn't -- generally speaking we would take AWS he didn't look at
16 AWS as favorable, in a favorable light. I think that's probably
17 the best general statement I could make.

18 Q: Did anybody from the White House ever reach out to you
19 or anybody on your team that you're aware of?

20 A: Negative.

21 Q: What have you ever personally heard President Trump say
22 that was about or related to JEDI?

23 A: What have I personally heard?

24 Q: And that could be on the news or you've already
25 testified --

1 A: Oh, yeah. No. Other than the general statement that he
2 -- about JEDI itself?

3 Q: Uh, huh [affirmative response].

4 A: I don't -- I only recall the Amazon components of it.

5 Q: Well, that was my next question, have you personally
6 heard either on the news or from him, anything he said about
7 Amazon or Mr. Bezos?

8 A: Yeah, there was so much out there I just kind of put it
9 in the bucket of he generally would not -- doesn't favor that
10 COA, course of action. If I were to recall every article I've
11 ever read that referenced this we'd be here for a while.

12 Q: Did anybody ever talk to you, or write to you about
13 things they heard from President Trump or the White House about,
14 from direct communications with somebody over there? In other
15 words about things other than what they read in the media or
16 heard in the media?

17 A: No. No. And again, nobody really knew, very few people
18 knew I was involved in this.

19 Q: How did President Trump's public statements about JEDI
20 or Amazon, or Mr. Bezos influence your actions as they related to
21 the procurement?

22 A: They did not. So, I think the process that I saw was
23 fair. I looked around the table and there were people who are
24 subject matter experts in their particular field who were brought
25 together. There was a significant amount of continuity on the

1 team which I think is probably unusual, and we wanted the best
2 solution for the government, and as a senior leader that's what
3 you do. We were given a task to -- it was a single award. We
4 didn't pick the strategy, but we did -- once the strategy was
5 selected our job was to pick the best vendor.

6 Q: How did President Trump or anybody on his staff
7 communications or public statements about JEDI or Amazon
8 influence DoD senior executives, I'm talking about Secretary,
9 Deputy Secretary, or undersecretaries?

10 A: I don't think that I could talk to their mental state.

11 Q: Same question for President Trump's or any of his
12 staff's communications and public statements have any influence
13 that you're aware of anybody in the Defense Digital Service or
14 the Cloud Computing Program Office, or on your Source Selection
15 Team?

16 A: I don't think that they did.

17 Q: Do you have any -- are there -- did you develop or
18 receive any indicators that there was any type of impact that
19 those public statements may have had?

20 A: No.

21 Q: What pressure did President Trump or anyone from this
22 staff exert on you regarding the JEDI contract?

23 A: None.

24 Q: On Secretary Esper or other senior DoD executives?

25 A: None.

1 Q: On DDS, the Cloud Computing Program Office, or WHS
2 Acquisition Directorate officials?

3 A: None.

4 Q: On members of the Source Selection Team?

5 A: None to my knowledge.

6 Q: What is your response to the assertion the President
7 Trump influence the JEDI Cloud procurement in a way that
8 disadvantaged Amazon?

9 A: Based on the deliberation that I saw [REDACTED]
10 [REDACTED] I would say that is -- that his position on this
11 had nothing to do with [REDACTED]

12 Q: Shortly after Secretary Esper was confirmed as the
13 Secretary of Defense he conducted a review of the procurement
14 that kind of ran from what's cloud, to requirements, to some
15 specifics on the procurement itself, what is your knowledge of
16 that review?

17 A: I was aware that they were -- that he had decided to
18 conduct a review, that it was -- because [REDACTED] had just
19 started to try to initiate, do some initiatives along with
20 commercial vendors along these lines. So, we had some
21 understanding of what [REDACTED] was doing, which was a different
22 strategy than he assumes the role of Secretary Defense and he
23 sees the single award strategy, and so he endeavored to
24 understand what it was. So I wasn't part of that but I understood
25 that Sharon Woods and I don't know if anybody else was with her,

1 provided some background briefings to him, and then he recused
2 himself from making any decisions about the strategy, and then
3 that went to the DEP SECDEF, and the decision was to let JEDI run
4 and make the award.

5 Q: Did you have to go brief anybody

6 A: No.

7 Q: As part of the review?

8 A: Negative.

9 Q: Did you have to provide information that would support
10 the review?

11 A: No. Because in my opinion the reason why I wasn't asked
12 is because really what we were focused on was the initial task of

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 acquisition itself.

2 Q: [REDACTED] did you have to get an approval or anything that
(b), (b) (7)
(C)
3 could be construed as a thumbs up from anybody in the White House
4 before you made [REDACTED]

5 A: No.

6 Q: Did anybody above you have to do that before making --
7 before awarding the contract?

8 A: Not to my knowledge.

9 [REDACTED]: Does anybody else have any other questions
10 for [REDACTED]?

11 [No audible response.]

12 BY [REDACTED]:

13 Q: [REDACTED] around this issue of any specific communications
(b), (b) (7)
(C)
14 between the President or anybody in the White House, [REDACTED]
(b) (7)(C)
15 [REDACTED] or anybody else on up to the Secretary of Defense, and
(b) (b),
(b) (7)(C)
16 then, so that's kind of one part, and the second part is given
17 any communications like that, any impact or influence about the
18 procurement itself, what other additional information do we need
19 to understand as we in this office address those matters?

20 A: So I think that we were all generally aware of what was
21 being played out in the news. Certainly there were people who
22 were more having to respond to perhaps Congressman, or retired
23 folks who were writing reports saying that this was wrong -- we
24 weren't part, I was not part of that. [REDACTED]
25 not part of that because we were clearly focused on just

1 (b)(3), (b) (6), (b) (7)(C) . They were fairly substantial proposals
2 with a lot of technical pieces to them, and so that in and of
3 itself kept us pretty busy. So no, in my opinion the
4 deliberations of what the technical evaluation boards did, or the
5 price evaluation board, and then the SSAC was not influenced by
6 anything they saw in the news, and again I don't think that they
7 were tasked with participating in any prep for any of these
8 briefings to senior leaders.

9 Q: Okay. Do you have any questions of us?

10 A: I do want to clarify something where you talked about
11 were we surprised with the outcome?

12 Q: Go ahead.

13 A: The SSAC members again I can't over emphasize the
14 amount of experience they have especially on the cyber security
15 field, and so what I want to describe [REDACTED]
16 with this. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED].

24 [REDACTED]

25 [REDACTED]

1 [REDACTED] (b)(3) [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]

10 [REDACTED] So, again you mentioned
11 the word were we surprised? I'm not going to say that we were
12 surprised. I would say that again the team's knowledge of some
13 unique capabilities [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED].

17 And so, that is my -- that is how I would describe the
18 deliberation. And so, even though there was all this other stuff
19 going on in the news we really were going to be damned if we did,
20 damned if we didn't. So, we just didn't factor it in to tell you
21 quite honestly.

22 Q: Okay. Do you have any comments or concerns about the
23 way we conducted this interview?

24 A: No, I don't think so.

25 Q: Okay. I'm getting ahead of myself a little bit here.

1 [REDACTED] has one other question.

2 BY [REDACTED]:

3 Q: Yeah, considering all of the members of the SSAC and
4 their background like you mentioned in cyber security, along with
5 your background [REDACTED], because it sounds like with

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]. So, to you all, did it come up, [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A: So, without getting into anything classified, [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED] she was

17 helpful from that standpoint. I want to make sure I answer your

18 question. I may not answer it is directly as you'd like. I think

19 our approach -- I would characterize our approach to it as again

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED] (b)(3)
 [REDACTED]
 2 [REDACTED] (b)(3)
 [REDACTED]
 3 [REDACTED] (b)(3)
 [REDACTED].

4 Q: Thank you.

BY [REDACTED]:

5 Q: Okay, ma'am, if you remember anything else that you
6 believe may be relevant to this review would you please contact
us?

7 A: I will, and I understand I have a due out to check the
e-mail post-award from [REDACTED]

[REDACTED]: That is correct.

8 A: I will try to get that to you. If I'm able to login
9 tonight I'll try to get that to you tonight, if not I'll have it
to you, is Monday okay?

Q: Yes.

10 A: Monday is a holiday, right?

[REDACTED]: Yes, it is. Tuesday.

11 A: Okay.

12 Q: Are there any other do out's that would necessitate an
e-mail or anything like that, or is that just the one that anyone
remembers? Just one, okay. Good.

13 A: And should I just respond back to [REDACTED]

[REDACTED]: That's fine.

14 [REDACTED]: Finally, in order to protect the integrity
15 of this review we ask that you not discuss the matter under
16 review or the questions we've asked you during this interview
17 with anyone other than an attorney, should you choose to consult
18 one. This does not apply to or restrict your right to contact an
19 Inspector General or a Member of Congress. If anyone asks you
20 about your testimony, or the review please inform them that the
21 DoD OIG has asked you not to discuss the matter, and if anyone
22 persists in asking you about your testimony, or the review, or if
23 you feel threatened in any way because you provided testimony,
24 please contact us. The time is now 8:11 a.m. and this interview
25 is concluded.

[The interview terminated at 8:11 a.m., November 7, 2019.]

[END OF PAGE]

25 [REDACTED] (b)(3), (b)
(6), (b) (7)
(C) - November 7, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X ----- X

INTERVIEW OF



July 11, 2019
ISO Interview

X ----- X

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1 P R O C E E D I N G

2 [REDACTED]: Today is July 11, 2019, and the time is 2:14
3 p.m. I am [REDACTED] and with me today is [REDACTED],
4 [REDACTED], and
5 [REDACTED]. We are interviewing the
6 witness, [REDACTED] is on the telephone with
7 us. We are in the Mark Center and [REDACTED] is located in
8 Alexandria, Virginia. Is that correct, or Arlington, Virginia,
9 sorry?

10 [REDACTED]: Oh, you're right. Arlington, Virginia not
11 Alexandria.

12 [REDACTED]: Thank you. We're conducting a review of the
13 acquisition of the DoD Joint Enterprise Defense Infrastructure or
14 JEDI, Cloud Services Program. We also want to clarify the
15 actions of certain former and current DoD officials as they
16 related to JEDI Cloud acquisition activities. At this time, I ask
17 that you to acknowledge this interview is being recorded.

18 [REDACTED] I do.

19 [REDACTED] Also, please acknowledge that I previously
20 provided you a copy of the DoD OIG Privacy Act notice.

21 [REDACTED] You have, yes.

22 [REDACTED] I will now administer you the oath. Will you
23 please raise your right hand?

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

25 was called as a witness, placed under oath, and provided

1 the following testimony:

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

3 BY [REDACTED]:

4 Q: You may lower your hand. Please state your full name
5 and spell out your last name.

6 A: [REDACTED]

7 Q: What is your grade and component?

8 A: I am an [REDACTED] (7)(C) with WHS Acquisition Directorate.

9 Q: What is your current duty position within the WHS
10 Acquisition Directorate?

11 A: I am a [REDACTED].

12 Q: When did you begin working for WHS?

13 A: [REDACTED].

14 Q: When did you begin supporting the Defense Digital
15 Service?

16 A: Soon after, I joined WHS. So, I would say [REDACTED] I think
17 it coincided with their -- we were their first contracting shop.
18 We did their first acquisition. I think it did coincide
19 [REDACTED] I can't be sure of the actual month.

20 Q: Okay. So you were there before the whole genius of the
21 JEDI Cloud acquisition.

22 A: Yes.

23 Q: Can you please briefly describe your duties and
24 responsibilities there as a, I believe you're a [REDACTED]
25 [REDACTED]?

1 A: At WHS?

2 Q: Yes, ma'am.

3 A: Okay. So, when I came in [REDACTED] I was a [REDACTED]

4 [REDACTED]. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11 Q: How did you come to be the [REDACTED] for the JEDI Cloud
12 acquisition?

13 A: I was asked to be the [REDACTED] for the JEDI Cloud
14 acquisition from DDS and -- through DDS at the time.

15 Q: And who in DDS was that? Or who was that --

16 A: [REDACTED] and Sharon Woods approached
17 me at the time. Sharon Woods was Legal Counsel for DDS and [REDACTED]
18 [REDACTED] of DDS.

19 Q: And in performing -- and when did that occur? When they
20 asked you?

21 A: They approached -- it was 2000 -- it was shortly after
22 the Secretary, Memo, and that was September 2017.

23 Q: In your duties as the [REDACTED], or
24 [REDACTED] what was your involvement with former Secretary of Defense
25 James Mattis?

1 A: I didn't have any involvement with Secretary Mattis
2 directly.

3 Q: What was your involvement as you carried out your
4 duties as ██████████ for JEDI with Mr. Tony DeMartino?

5 A: Mr. DeMartino served as Deputy Secretary of Defense's
6 Chief of Staff I believe. I think at one point he had worked in
7 the Secretary's front office, and then he transitioned to support
8 Deputy Secretary Shanahan once his, I think his appointment was
9 made, and at that time he was in the front office and did some
10 administrative duties for the Deputy Secretary of Defense. Hang
11 on a second I have, I knew that you guys were going to ask me so
12 I wrote something down. Let's see if I can pull my notes. Mr.
13 DeMartino, but by and large he served in a ministerial capacity.
14 He attended some meetings to take some notes, but he didn't
15 actively participate or make any decisions on anything JEDI.

16 Q: What were your direct interactions with him?

17 A: Only when -- I didn't have any direct interactions with
18 Mr. DeMartino. I needed to vet -- I needed to vet his involvement
19 once it became known to me that there was some conflicts that had
20 arisen regarding him, but really it was second-hand information
21 that came through the DDS General Counsel in coordination with
22 the Standards of Conduct Office and that's how some of the
23 information was relayed to me regarding senior officials in the
24 DoD. I'm still looking for it, just a second. I'm looking for my
25 notes here. But anyway go ahead. You can ask me if you have a

1 question to ask.

2 Q: What about interaction that you just mentioned with Mr.
3 DeMartino? Was that as a result of your work on making
4 determinations with respect with organizational conflict of
5 interests and/or procurement integrity?

6 A: Yes. And just -- I have an ongoing responsibility to
7 ensure the integrity of the procurement. And so when things are
8 brought to my attention and they are brought to my attention in a
9 number of different ways. You don't know something until it is
10 brought to your attention. At that point in time I am always in
11 an ongoing investigation mode. So, when something is brought to
12 my attention I do my due diligence and I document the information
13 that I have at the time just in order to keep a running count of
14 the things that are going on, and to make an initial
15 determination on impact in conjunction with my leadership.

16 Q: Outside your work specifically to gather information in
17 order to make those determinations, what interactions did you
18 have with Mr. DeMartino on contracting or programmatic?

19 A: I didn't have any. I didn't have any. I didn't have any
20 real interaction with Mr. DeMartino.

21 Q: Same question for Ms. Sally Donnelly?

22 A: Yeah, I did not have any interaction with Sally
23 Donnelly either.

24 Q: Same question for Mr. Victor Gavin?

25 A: I didn't have any interaction with Mr. Victor Gavin.

1 Q: Same question for Mr. Robert Daigle?

2 A: I didn't have any -- so I didn't have any first-hand
3 interaction with Mr. Daigle. To the extent that he was involved
4 in some of our early-on meetings he did provide us with some
5 opinions and things like that, but as far as conversation and
6 things like he -- I know that he chaired or he facilitated some
7 discussions for us in the beginning before the JEDI Cloud
8 requirement became the JEDI Cloud requirement. More talking about
9 facilitating discussions between -- he facilitated discussions
10 between people if they called us in the Pentagon, across programs
11 to just talk about cloud in general, and it wasn't the JEDI Cloud
12 then because the actual requirement had not been defined for the
13 DoD. It was debating, not actually debating, but having a
14 conversation around the finer points of what is out there, and
15 the capabilities, and single versus multiple awards, multiple
16 vendors and how that would work in a DoD environment, and how,
17 you know, just getting the conversation started. So, I was at a
18 meeting where he facilitated a discussion between many parties
19 and that was largely the extent of my interaction with him
20 besides perhaps getting his opinion on certain things, certain
21 documents. I think that there was one document I know that we
22 circulated through his office just to get an opinion, but again
23 he wasn't a decision maker and that was the extent of my
24 involvement with Mr. Daigle.

25 Q: And the last person we're interested in, but I'm going

1 to get into some specifics later, and that's Mr. Deap Ubhi.

2 A: Okay.

3 Q: So my next question is, what is your understanding of
4 former Secretary Mattis' ethical obligations as they pertained to
5 Amazon?

6 A: Ethical obligations in what way?

7 Q: As to whether he would have been required, whether he
8 held any conflicting financial interests in Amazon that would
9 have prevented his participation in any way in the personally
10 and/or substantially in the JEDI Cloud acquisition, or whether
11 someone close to him --

12 A: Got it.

13 Q: -- had any conflicting interest that might cause
14 someone to question his impartiality?

15 A: Okay. So, to my knowledge Secretary Mattis is not
16 listed as a person that is personally and substantially involved
17 in this procurement. It came to us through the Deputy. So, I'm
18 not really sure if, again, I never interacted with him. To my
19 knowledge as far as Amazon is concerned everybody including
20 senior officials have a responsibility to be vetted just because
21 of the nature of their position. It is my understanding that on
22 an ongoing basis they report to Standards of Conduct Office or
23 whatever the natural chain is through their particular office.
24 Because a lot of times these people do come in from industry and
25 they have held other positions that they are financially vetted

1 and an assessment is done to see if they're conflicted, but I
2 don't know that -- I don't think that Secretary Mattis really had
3 an iatrical role in the JEDI Cloud in its development, in its
4 foundation, or anything of that type. Coming up and saying with a
5 memo that said, "The DoD will accelerate the cloud." Is largely
6 different from being instrumental, and fundamentally making that
7 constant come to fruition. He wasn't involved in that level. So,
8 in my opinion because of the level of involvement that he had or
9 didn't have Secretary Mattis I would gander to say that he, I
10 mean, of course by nature of his position he is the Secretary of
11 Defense. So, you know, he is the highest office in the DoD. That
12 aside the level of minutia that he would have had to involve
13 himself in in order to significantly influence the procurement
14 process or the requirement development process for the JEDI
15 Cloud, he just wasn't involved in that way. So, his financial --
16 his financial background, whether or not he had or didn't have
17 let's say stock or something in Amazon I don't know personally
18 that it would have mattered other than what the law says. Now if
19 the law says that he needs to disclose that stuff it is my
20 understanding that that is something that he would have done,
21 because that process is naturally built into those positions and
22 those offices. That is the way the DDS works. That is the way
23 other senior officials have operated, and so I would think that
24 the process naturally would lend to that. And yeah, that's just
25 what I think about it.

1 Q: What, if anything, did Secretary Mattis ever say or do
2 that might cause you to question his ethics or impartiality
3 concerning Amazon or the JEDI Cloud acquisition?

4 A: I don't think he's ever said or done anything that
5 would cause me to question his ethics relative to Amazon, and I
6 know things are said in the atmosphere about some early trips
7 that he made to the west coast in order to meet with cloud
8 vendors, but really that is an expeditionary trip to see what
9 capabilities are even out there. From a procurement standpoint we
10 don't typically do business directly with large companies such as
11 Microsoft and Amazon. Usually what happens is you go through an
12 authorized retailer and we do business with that company, and
13 that company does business with the big company. Well, the JEDI
14 Cloud is different. The DoD has a very hard requirement because
15 of its tactical leg requirement, because of the warfighter,
16 because of their need for the type of capability that we have.
17 So, to an extent him making early outreach, not just Amazon, but
18 the companies that the DoD wanted to blaze trails with perhaps
19 seeing if the capability existed, seeing if the market would bear
20 something that the DoD could leverage. I think that those types
21 of interactions are par for the course when you're the Secretary
22 of Defense and your organization wants to do something this big.
23 I don't see that as unusual. I see that as part of early outreach
24 and market research, and he would have had to have a level of
25 technical expertise in order to make it anything more than that,

1 and I don't think that he has a level of technical expertise that
2 would be required in order to make something more of that type of
3 trip.

4 Q: What have you personally ever heard Mr. Mattis say
5 about Amazon?

6 A: I haven't personally heard him say anything about
7 Amazon.

8 Q: What have you personally ever heard Mr. Mattis say
9 about any of the other participants in the JEDI competition?

10 A: I have not personally heard MR. Mattis say anything
11 about anyone.

12 Q: I'm going to jump back and ask you some of the same
13 questions but about Ms. Donnelly. What is your understanding of
14 whether or not Ms. Donnelly could or should have had to
15 disqualify herself from participating in the JEDI Cloud
16 acquisition?

17 A: I don't think that she was participating in the JEDI
18 Cloud acquisition. I don't think that she had any impact. She
19 couldn't have made any impact on the JEDI Cloud acquisition at
20 all.

21 Q: Is there anything that Ms. Donnelly has said or done
22 that would cause you to question her ethics or impartiality
23 concerning Amazon or the acquisition?

24 A: No, nothing that she said to me. The thing is that with
25 Ms. Donnelly it's my understanding that when you have a -- when

1 you are being confirmed for an appointment you typically have a
2 transition team that helps you to go through those types of
3 instances, goes through the -- jumps through all the hoops that
4 you need to in order to get to the confirmation and you pick that
5 team, and this was a person that the Secretary, in my
6 understanding, this was a person that he had known from prior
7 service and this is the person that he selected to be a part of
8 the team. Ms. Donnelly didn't have anything to do with the JEDI
9 Cloud.

10 Q: What have you personally --

11 A: In a significant --

12 Q: What have you personally ever heard Ms. Donnelly say
13 about Amazon or any other participants in the competition?

14 A: I haven't heard her say anything.

15 Q: I'm going to move onto Mr. DeMartino. Is there -- what
16 is your understanding of whether or not he should have, or did or
17 did not disqualify himself from the participation in the
18 acquisition?

19 A: Can you say that again? I'm sorry.

20 Q: What is your understanding of Mr. DeMartino's ethical
21 obligations with respect to the Amazon and any financial
22 interests he might hold as they relate to the JEDI Cloud
23 acquisition?

24 A: The same. He would have had the -- he wasn't involved
25 in the JEDI Cloud acquisition. So, I don't think that it would

1 have been a conflict for him not to report anything because he
2 wasn't involved. If at a certain time he felt like his
3 administrative duties were in his mind crossing some kind line,
4 he would have been required to seek his -- to report that to his
5 ethics officer and for them to make a determination on whether
6 some conflict did exist. I think that that is an ongoing thing
7 that the executives are. They are aware that they should do.

8 Q: What if anything did Mr. DeMartino say or do that could
9 cause -- that would cause you to question his ethics or
10 impartiality concerning Amazon or the acquisition?

11 A: He didn't say or do anything that brings his ethics
12 into question from me. From our standpoint he wasn't involved.
13 From my standpoint he wasn't involved with the JEDI Cloud
14 activity.

15 Q: What have you personally ever heard Mr. DeMartino say
16 about Amazon or other participants in the competition?

17 A: I haven't heard him say anything about Amazon or other
18 participation in the competition.

19 Q: Same question for -- same questions for Mr. Gavin.

20 A: Okay. I haven't heard Mr. Gavin say anything to anyone
21 about JEDI Cloud, about anybody in the competition, about Amazon,
22 about anybody else in the JEDI Cloud competition.

23 Q: Same questions for Mr. Daigle.

24 A: I have not heard him talk specifically about any
25 offeror, anybody involved, any vender involved with the JEDI

1 Cloud procurement.

2 Q: Is there anything that Mr. Daigle ever said or did that
3 would cause you to question his ethics or impartiality concerning
4 Amazon and the acquisition?

5 A: No.

6 Q: Same question for Mr. Gavin.

7 A: No.

8 Q: We're going to get to Mr. Ubhi momentarily. Was there
9 any current or former DoD official about whom you were informed
10 that was disqualified from participating in the acquisition?

11 A: I heard that Mr. Gavin had signed a -- I heard that Mr.
12 Gavin signed a -- some kind of recusal for Amazon prior to going
13 -- prior to leaving the DoD and going from -- accepting a job
14 with them.

15 Q: How about Mr. Ubhi?

16 A: Yeah, same thing. Well, so Mr. Ubhi is a whole
17 integrity thing surrounding Mr. Ubhi. I can get into the finer
18 points of that if you'd like, but I don't know if you've seen my
19 --

20 Q: Right. We've read through your investigations and
21 determinations, and a little bit later one we'll have a couple
22 clarifying questions about those.

23 A: Okay, sure. Yeah, so Deap Ubhi was a little bit
24 different. He was actually working for DDS. He actually had
25 worked for AWS in industry some years ago, and then before

1 working for DDS, spent some time actually when Deap Ubhi
2 transitioned to DDS I think he was either coming from, and I get
3 this one mixed up, but he was either coming from Army DDS or Air
4 Force DDS, and then he came to work for, which are offshoots of
5 Defense Digital Service, but they are specifically for those
6 services and then he came over to DDS to help them do some things
7 and he ended up working with us shortly on JEDI, really before it
8 was JEDI but the requirements, market research.

9 Q: [REDACTED] were you ever in a meeting at which anyone
10 either changed the subject, or excused himself or herself because
11 they couldn't talk about the topic at hand because of their
12 conflicting financial interest that might be impacted by the
13 acquisition?

14 A: No.

15 Q: What interest did SBD have in the company called C5?

16 A: Say that again?

17 A: What interest did, or relationship did the company
18 known as SBD have with the company known as C5?

19 A: I'm not -- I am not 100 percent on the specifics of
20 that. I know that, are you talking about the company that Sally
21 Donnelly used to work for?

22 Q: Yes.

23 A: Okay. So, my understanding of that was that was an
24 independent firm that had AWS as one of its clients at one point
25 in time. I hope I'm not misspeaking there. But I'm unsure of what

1 their affiliation to C5 was.

2 Q: And how did you come by that information?

3 A: Just in because I had to -- because I had to
4 investigate. So, in my investigation I came by that there were
5 some early ties to a previous employment, but I think that, if I
6 can find my -- I wrote a memo up about it. So, let me get that
7 instead of just shooting from the top of my head. You might have
8 my memo on Sally Donnelly as well, but it seems that she followed
9 guidelines as far as maybe how long it -- let me just find it
10 again. Let me find this Sally Donnelly thing.

11 Q: [REDACTED] I have something called your JEDI [REDACTED]
12 [REDACTED] Investigative Review Highlights, in which you describe
13 Sally Donnelly against the topic of impartiality in performing
14 official duties. Is that the memo you're talking about or are you
15 speaking about a different memo?

16 A: It may have been an offshoot of that one. Let me just
17 check. I should have -- even though I pulled all of these
18 documents, they're titled so close together I feel like I'm
19 looking at the same document over and over. Okay. All right.
20 Okay. I think this is it. Sally, so, yeah. So, Sally previously
21 provided consulting services to AWS while she was with SBD
22 Advisors. She terminated her affiliation with SBD Advisors in
23 January 2017. That's what I had on her, but again Ms. Donnelly
24 also wasn't involved in the JEDI Cloud either. So, I feel like
25 because you worked with a company that worked with AWS with some

1 degree of separation doesn't necessarily necessitate a conflict
2 in you helping transition a DoD official. I think a lot of times
3 there are a lot of grey areas and I understand the need to
4 clarify those areas, but I also have been working this since
5 September of 2017, and Sally Donnelly came across my radar, you
6 know, once the media started to kind of pick apart, try to
7 portray her role. And I don't know Sally Donnelly by the way on a
8 personal level. So, tried to portray her role. Tried to make
9 something look as if an impropriety was done. Now, I will say
10 that I feel like a senior official should know what their
11 obligation is to disclose, whether they have any financial
12 interest to disclose, you know, have an ethical obligation to
13 disclose these things to the Ethics Office. However, I also feel
14 like she wasn't involved in JEDI Cloud, not the procurement. So,
15 to the extent that she helped the Secretary with whatever he was
16 doing you know, I don't know where that line lays between --

17 Q: What interest did SBD then have in the cloud
18 acquisition?

19 A: Say that again?

20 A: What interest did the company SBD have in the cloud
21 acquisition or action?

22 A: I don't think they had any. I think that that was a
23 company that she worked for before coming to the DoD.

24 Q: What interest did the company C5 have in the cloud
25 acquisition or in Amazon?

1 A: I don't know the C5 record. So, I'm not really sure
2 what. Can you tell me what affiliation that has with Sonny
3 Donnelly or if it does?

4 Q: All I will say is ask you whether you have any
5 knowledge regarding interests --

6 A: Yeah, I don't have knowledge of the --

7 Q: -- that company has in the acquisition?

8 A: -- C5. I know -- I know the SBD, but I'm drawing a blank
9 on the C5 reference.

10 Q: I'm going to move on. What can you tell us about
11 whether Mr. DeMartino, Ms. Donnelly, Mr. Daigle, Mr. Gavin, or
12 Mr. Ubhi having a financial interest in Amazon? Let's separate
13 Mr. Gavin and Mr. Ubhi from that.

14 A: Okay.

15 Q: And rephrase to say DeMartino, Donnelly, and Daigle.

16 A: DeMartino, Donnelly, and Daigle? It has not been
17 brought to my attention, let me make sure about Ms. Donnelly.
18 Where is that? What page was I just on? Okay. Martino, Mr.
19 DeMartino I don't know him as having any financial conflicts. Ms.
20 Donnelly, I don't know her to have any financial conflicts. Mr.
21 Daigle, I don't know of any financial conflicts with him either.
22 And who was the last one? Gavin?

23 Q: Well, we're aware that Mr. Gavin disqualified himself
24 and then eventually became an Amazon employee.

25 A: Right.

1 Q: Same for Mr. Ubhi. What I wanted to move to was the
2 spreadsheet that you filled out for us, and I'm going to take a
3 second to explain that. You filled out and signed a form for us,
4 and I'm now going to take a minute to describe that for the
5 record. On the form we ask you to indicate your first-hand
6 knowledge of whether six named individuals played a role and what
7 we listed as 26 different JEDI Cloud acquisition activities, or
8 whether those individuals played a role in any other JEDI Cloud
9 activity that was not among the 26 that we came up with and
10 listed on the form. Now, these 26 activities range from being --
11 basically from being part of the Cloud Executive Steering Group
12 all the way at the top at the beginning, through requirements
13 development, and market research, acquisition strategy decisions,
14 all the way to the request for proposals, and subsequent
15 evaluation. [REDACTED] we also asked you to describe the role the
16 individuals played in those activities. And on the form it said
17 that "role" could mean issuing guidance or direction, attending
18 related meetings, conducting research, providing data or other
19 decision support information, providing opinions or
20 recommendations, writing or helping to write a draft or final
21 version of a document, reviewing a draft or final version of a
22 document, or approving or signing a final version of a document.
23 There was also a space for you to indicate some other type of
24 role or participation that we did not list. Now, thanks for your
25 patience in that. I just basically, you already knew that because

1 you read the form, but I needed to introduce that to the record.
2 Now, on the form, you indicated that Secretary Mattis did not
3 play any role in any JEDI Cloud acquisition activity we listed.
4 You also indicated that he did not play any role in any other
5 type of JEDI activity that we did not list. Do you confirm this?

6 A: Yes.

7 Q: On the form, you indicated that Ms. Sally Donnelly did
8 not play any role in any JEDI Cloud acquisition activity listed.
9 You also indicated that she did not play any role in any other
10 type of JEDI activity that we did not list. Do you confirm this?

11 A: Yes.

12 Q: On the form, you indicated that Mr. Anthony DeMartino
13 only participated in JEDI Cloud acquisition activities in that he
14 attended one or more Cloud Executive Steering Group meetings.
15 Were you at those meetings?

16 A: I think that I may have been at one of them, but that
17 one that I was at one of them that he did attend.

18 Q: Please describe Mr. DeMartino's participation in that
19 meeting, just the who, what, when, where and how of the meeting.

20 A: So, the one that I remember it was very early on in the
21 process. The CESG in general was a very early on group that had
22 since disbanded. It has since turned into something else, but
23 initially the CESG was stood up to do a number of things to get
24 this thing down, and when it stood up rolling Mr. DeMartino
25 attended one of the CESG meetings, one of the early CESG meetings

1 that was a foundational meeting where we were still forming the
2 group and things like that, he did so as a note taker because he
3 could take notes and then for the Deputy Secretary of Defense. He
4 never attended any meetings just to give him an update on what
5 was, you know, how everything was going, but again this was very,
6 very preliminary and early on where the CESG was newly formed and
7 was just getting its marching orders on how to form a team, not
8 even do any work, but to form a team.

9 Q: What was the date of the meeting that you attended, and
10 if you don't remember the date try to give us the month?

11 A: I have no -- it was a long time ago. I would say, if I
12 had to guess I came on this in September. I would say it
13 definitely was in 2017 some period of time between I would say --
14 I would -- if I had to guess I would say October or November of
15 2017.

16 Q: What did he say or do at the meetings you've mentioned
17 him taking notes then he would go back, but what did he say?

18 A: Yeah, he didn't say anything. He just sat in the back
19 and took --

20 Q: Did he do anything else that you noticed?

21 A: Nope.

22 Q: You also indicated on the form that Mr. DeMartino did
23 not play any role in any JEDI Cloud acquisition activity other
24 than the Cloud Executive Steering Group meetings we just
25 discussed. Do you confirm this?

1 A: I do.

2 Q: On the form, you indicated that Mr. Victor Gavin only
3 participated in JEDI Cloud acquisition activities in that he
4 attended one or more Cloud Focus Sessions. Were you at the
5 session or sessions that Mr. Gavin attended?

6 A: No.

7 Q: How did you come to know that Mr. Gavin attended one or
8 more Cloud Focus Sessions?

9 A: Because his name came up in a conflict investigation. A
10 conflict -- a conflicted individual that I needed to investigate
11 and it was during that investigation I found out what the premise
12 of the conflict was, and it was that after he had recused he
13 attended a Cloud Focus Session where he attested to the Navy in
14 general their experience with cloud. But that was something that
15 he should not have done after he recused, and that is how I came
16 to know his activity because this was a person from the Navy and
17 they were unrelated to the core JEDI Cloud Group. But, during
18 the, as one of the ongoing efforts to wrap our minds around the
19 cloud needs of the DoD focus sessions were held with technical
20 experts, and they would go around to have these conversations
21 with representatives from across the services, and enterprise
22 wide DoD.

23 Q: We have some information that Mr. Gavin may have given
24 a briefing at one or more of those sessions about the Navy's
25 experience with cloud computing. Please tell us about that.

1 A: I don't have first-hand knowledge of it. I just know
2 that he attended, and he discussed the Navy's experience in
3 general with cloud. I did not know that it was like a
4 presentation briefing, or anything formal of that nature. I had
5 just heard that he discussed the Navy's experience in general
6 with cloud, and I don't know what was in that presentation or
7 anything like that.

8 Q: You indicated that Mr. Gavin did not play any role in
9 any JEDI Cloud acquisition activity other than the matters we
10 just discussed a second ago. Do you confirm this?

11 A: Uh, huh [affirmative response]. That's correct. I don't
12 have first-hand knowledge of anything else that he's done. That
13 would have had to be brought to my attention.

14 Q: On the form you indicated that Mr. Robert Daigle
15 participated in Cloud Executive Steering Group meetings and also
16 provided opinions or recommendations related to the Problem
17 Statement.

18 A: Uh, huh [affirmative response].

19 Q: Would you please describe Mr. Daigle's participation in
20 the Cloud Executive Steering Group?

21 A: He wasn't an active participant. He would drop in to
22 occasional meetings. I was only at one meeting where Mr. Daigle
23 was there, but I do know that where he facilitated -- well, I
24 guess it's not true. Because the one meeting I talked about is
25 him facilitating the conversation could be, I guess considered a

1 CESG meeting. So, I was there at that meeting. He kind of served
2 as facilitator. The conversation was kind of a Switzerland of
3 sort as an impartial person that wanted to have an important
4 discussion amongst people that had strong opinions, and that was
5 what I witnessed during that meeting and then as far as the
6 Problem Statement, I'm giving an opinion of the recommendations
7 it would have been because we took a draft that we had and asked
8 for his opinion or recommendation specifically and sent it
9 through his boss at which point he would have responded back with
10 some comments.

11 Q: What was the discussion and opinions that you mentioned
12 a second ago around at the Cloud Executive Steering Group meeting
13 that Mr. Daigle was facilitating and providing impartial?

14 A: So, there were, as it relates to Mr. Daigle, he didn't
15 provide any opinion. He facilitated the conversation. As far as
16 the contents of that actual meeting that would be not really
17 relevant to Mr. Daigle but there were all kinds of opinions. This
18 is very early on before we knew what the JEDI Cloud would look
19 like. It was, you know, like I said prior to when I brought this
20 up there were people who thought a single cloud would be more
21 important. People that thought, you know, there would be no harm
22 in having a multiple cloud approach, but there were no decisions
23 made. It was a facilitation of a conversation that was being had
24 surrounding what would work best for the DoD. It was one of many
25 conversations that were had particularly about that.

1 Q: And what was the date or month that this meeting
2 occurred?

3 A: I would be guessing, but I would say October of 2017.

4 Q: What was the impetus for the Problem Statement? Or why
5 do a Problem Statement?

6 A: We were doing a statement of JEDI -- so, I think that,
7 and I have -- it was the DoD way of doing things. It was part of
8 a template that we had gotten that said we needed to start from a
9 Problem Statement, and so we did. Without doing further research
10 into the genesis of the Problem Statement, which I could probably
11 find conditioning factors, but if I remember correctly it was as
12 we were beginning this process, nobody knew exactly what to do,
13 and it was, after doing some research we found a format that
14 said, or asking some people, we found a format that said, "Okay.
15 What we need to do is to define the problem." And that form, that
16 created the requirement for us to do a Problem Statement.

17 Q: Was the Problem Statement ever finalized? We've seen a
18 draft, but I've never seen a signed version.

19 A: It might have. It might have turned into something
20 else. It may have began as a Problem Statement, and ended up
21 something else. I would have to actually go and actually do some
22 research to see what the disposition of the actual Problem
23 Statement was. I can only tell you that you have ideas and they
24 seem good at the time, but then you turn to something different.
25 So, I can only attest to what the final draft of anything is, and

1 what you see is the final draft is the R -- the final draft RFP
2 which contains our statement of objectives, and everything. So, I
3 think that everything is a building block and you have to look at
4 everything in conjunction one with the other, and to separate one
5 single element out may not give you a realistic picture of what
6 things actually were because it's an element of a system of
7 things that was done in order to get to the final RFP which is
8 the major milestone.

9 Q: Was there a relationship between --

10 A: and it --

11 Q: -- the Problem Statement and the Business Case
12 Analysis, or BCA?

13 A: He said -- so, the Problem Statement may have been a
14 component of the BCA actually and it may have been, maybe, it may
15 have been extracted from that and separated at some point before
16 adding it back in, but let me take a look at the Business Case
17 Analysis.

18 Q: Did Mr. --

19 A: So I and speak --

20 Q: -- Daigle play a role in the Business Case Analysis?

21 A: Let me -- Mr. Daigle's role in the Business Case
22 Analysis? I don't think so. I don't think he did. Like I can only
23 Mr. Daigle wasn't a person that was involved in much from my
24 perspective, from a procurement perspective. If he did things in
25 the atmosphere surrounding, in the JEDI Cloud atmosphere, not

1 specifically germane to the actual procurement. I wouldn't be
2 able to attest to that because I don't really know. I know that
3 he, in his capacity as the Director of CAPE, at the time, I'm not
4 sure what his role is now, was a very useful person in that he
5 helped us to -- he is a person that if we didn't know something
6 and you asked him, usually he would be like the program reaching
7 out to ask him or DDS or , whomever, but he would know who to ask
8 because he was an institutional person. And so I think in that
9 aspect he was very helpful, but as far as giving advice and
10 executing things in the weeds at the JEDI Cloud Procurement or
11 Requirement, he just didn't do that. I didn't see him do that,
12 and there's no evidence of him doing that. So, I think with a
13 person like him he is a high-level person, but I think if we got
14 stuck or we needed to know institutionally, you know, where do we
15 go to find this, or who does this? He could be very helpful in
16 that way. As far as rolling the sleeves up and doing procurement
17 documents, I can't attest he did any of that with the exception
18 of when asked a question.

19 Q: How about the Acquisition Strategy? Did he have a role
20 in that?

21 A: No, not to my knowledge. If he did I'm not aware of it.

22 Q: What were your personal interactions with Mr. Daigle?

23 A: I didn't have any personal interactions with Mr. Daigle
24 outside of being physically present at a meeting that he was
25 facilitating, but I don't know him personally.

1 Q: The last person I listed on this form here that we
2 haven't talked about is Mr. Deap Ubhi and I kind of saved him
3 because there's been a lot of discussions about him, and you
4 probably -- you had yes answers for more activities about him
5 than about any other. The first one was the Cloud Executive
6 Steering Group. Please describe his participation in the Cloud
7 Executive Steering Group.

8 A: So the Cloud Executive Steering Group was -- is a group
9 that is/was larger than the core JEDI Cloud Working Group. Okay
10 CESG were filled with high-level DoD official. I want to say most
11 of them if not all of them were DoD officials from different
12 functional disciplines and across representing different
13 stakeholders, and everybody that was on the JEDI Cloud core
14 Working Group was also a part of the larger CESG. So, it was
15 really drilled down from executives that had a need to know and
16 people actually doing their work, like the worker bees. So, the
17 CESG would initially just keep, you know, want an update, what's
18 the progress? Any blockers? That kind of thing, and if they could
19 help us with any impediments to getting it going, or they could
20 help to point us in the right direction that they would, but it
21 really was a high-level briefing of what the JEDI core Working
22 Group is doing, and being that Deap was part of the JEDI Cloud
23 core Working Group, he automatically was part of the CESG as
24 well. So, the role, you know, kind of distinct that way.

25 Q: You indicated also that Mr. Ubhi wrote or helped write

1 a draft or final version of the Problem Statement and also
2 conducted some research for. Is there anything else you'd like to
3 add to that statement about Mr. Ubhi's participation in the
4 Problem Statement?

5 A: I think he helped to work on the draft Problem
6 Statement an early on version, and I don't even think it was a
7 draft problem statement. I really think it was a template for the
8 Problem Statement that he helped with, and that's about all he --
9 and he did some research. He helped us with some early market
10 research and that was about it.

11 Q: You indicated that Mr. Ubhi wrote or helped write a
12 draft or final version, and also did some research for the
13 Business Case Analysis. Is there anything that you'd like to add
14 to that statement?

15 A: So working on this for as long as I have what happens
16 is that people come and go. Mr. Ubhi left the DoD very early on
17 in the process, and so he had started -- there was no definitive
18 way of doing certain things relative to the JEDI Cloud, and so a
19 lot of it was, you know, somebody would be -- take on a
20 responsibility and say, "Hey, these are the list of things that
21 we have to do. I guess I'll start this." And he started working
22 on the Business Case Analysis, but really what he was doing was
23 adopting a tone to the document, and also developing maybe the
24 organization or the outline for the document of what it could
25 possibly entail, but he really hadn't gotten very far on it

1 before he left the DoD and another person came in and took over,
2 and basically started over. So, it was a very iterative process.

3 Q: You indicated also that Mr. Ubhi either wrote, or
4 helped write, or reviewed a draft, or the final version of the
5 request for information that went out to industry. Is there
6 anything that you'd like to add to that statement regarding his
7 participation in those activities?

8 A: So, Mr. Ubhi upon, and I've investigated this at
9 length, he was more of a business operations type person, versus
10 a technical engineer. So he knew the business side of things and
11 the RFI really did consist of truly, no kidding, technical
12 questions. So what Mr. Ubhi helped us with because me [REDACTED]
13 [REDACTED], activities
14 on my end as well is the program being responsible for their
15 outreach, I asked him, you know, "What is it? What type of
16 questions do we ask the public in order to ascertain what
17 capabilities exist in the commercial market place?" Because
18 something like cloud in a non-technical person like me I wouldn't
19 even begin to know what questions to ask that might garner a
20 response that might be useful to us technically that would mean
21 something. And so what Mr. Ubhi did for the team was he would
22 liaison back to the DDS engineers that would know the answers to
23 those questions and to help us to cobble together the RFI. So, in
24 that respect he did help with the draft and even review our
25 finalized version before we sent it out.

1 Q: You indicated Mr. Ubhi participated in one-on-one
2 meetings with industry and did some related research. Is there
3 anything you'd like to add to that statement?

4 A: Sure. Vendor one-on-one meetings were held as a part of
5 early market research prior to the release of the RFI, and they
6 were attended by two engineers and Mr. Ubhi who is a business
7 person, and they worked from a script and the questions that were
8 asked were pre-vetted and the technical questions were asked by
9 the technical engineers and if Deap had any, Deap Ubhi had any
10 business questions that he would ask he would add those
11 questions, but everything on the JEDI Cloud procurement has been
12 completely collaborative with not one person over another having
13 sole input on things.

14 Q: Same question for Cloud Focus Sessions. You indicated
15 that he attended those meetings and conducted some related
16 research. Is there anything else you'd like to add to that?

17 A: That actually is my second-hand knowledge so maybe I
18 should have said no, but I came to or recognized that the same
19 kind of -- same kind of thing with the vendor one-on-one meetings
20 applied here because Cloud Focused Sessions were also a form of
21 market research to see what the services were doing, to see
22 things like that. So, they would have, much like the vender
23 one-on-one meetings have collaborative questions that they intend
24 to ask and with no one person having any sole control over the
25 questions or the flow of the meeting, but he was in attendance of

1 some of those.

2 Q: You indicated that Mr. Ubhi did research related to the
3 -- that went into the publication of the market research report.
4 Please describe Mr. Ubhi's efforts related to market research.

5 A: So the extent of Mr. Ubhi's efforts were the help he
6 gave us was the RFI, and also the vendor one-on-one meetings, and
7 drafting up those. The market research report wasn't actually
8 finalized before Mr. Ubhi left. The market research report
9 actually wasn't finalized until the end of October sometime. So
10 market research kind of like how my investigations on an ongoing
11 matter, anytime market research activities occur they would be
12 added to the report, but the final report wasn't even actually
13 done until the end of October and Mr. Ubhi had left before then.

14 Q: We'll make a note here to request a copy of that market
15 research report from you from October or any subsequent versions.
16 The reason I ask that is we have a version of the market research
17 report but its dated March 27th, 2018, and I think that must be
18 an updated version.

19 A: Well, yours might be. Yeah, yours might be an updated
20 one. I might have this timelines I'm looking for. Maybe it's
21 telling me October 30th for some reason. Let me see. And this
22 could be outdated and I could be wrong. So let me go back and
23 recheck that because your date actually sounds more in alignment
24 with what I feel like is right.

25 Q: We'll take a note --

1 A: But that's not what the --

2 Q: -- to circle back on that.

3 A: -- timeline is saying. Yeah, well, I can tell you
4 because I can pull the final market research report from the
5 contract file and see what date is on it.

6 Q: Perfect.

7 A: Let's see. Let me do that right now.

8 Q: While you're doing that you indicated that Mr. Ubhi did
9 not participate in any other JEDI Cloud acquisition activity that
10 we had listed on this form to include the "other" block. Do you
11 confirm that?

12 A: I do. Okay. I think this is the -- did you say the
13 28th/27 March 2018?

14 Q: Yes.

15 A: Yep, that's the one I see in the contract file. So, I
16 don't know where the October 30th date came from. I had a
17 snapshot of a PowerPoint that shows me the timeline of things,
18 but I guess their dates are off so maybe I won't use that
19 spreadsheet, because the actual market research report in the
20 contracting file is dated 27 March 2018. So that must have been
21 an earlier version of something I was looking at. I must have
22 pulled the wrong line.

23 Q: If you should come across any previous version would
24 you please send that to me please?

25 A: If you need that I will, but that wasn't even a -- that

1 wasn't even a document I was looking at. It was actually a chart,
2 a flow chart that had documents and dates on, document names and
3 dates on it. But yeah, if I find an earlier version of the market
4 research report, which I don't know if I will because they
5 typically overwrite them I'll send them over.

6 Q: Okay. Would you agree or disagree with the statement
7 that Mr. Deap Ubhi participated personally and substantially in
8 the JEDI Cloud acquisition, or in activities that led to the
9 solicitation?

10 A: Yes, I would. I think he was personally and
11 substantially involved because of the market research activities
12 that he did conduct. I just don't think his lasting impact was a
13 lot because he left so early in the process and so much had
14 changed after he left. But while he was here I definitely think
15 that he contributed to market research and helping us to get
16 requirements, to ask the questions that we needed to ask. I just
17 don't think that he could have impacted the procurement because
18 it was, I mean, you can't receive the timeline. He just left so
19 earlier before any decisions were even close to being made that
20 he would be able to influence anything one way or the other.

21 Q: Did any of the other persons listed on that matrix
22 participate personally and substantially in the JEDI Cloud
23 acquisition, and the persons are Mr. Mattis, Mr. DeMartino, Ms.
24 Donnelly, Mr. Gavin, and Mr. Daigle?

25 A: I would say not. No.

1 Q: You had one "I don't know" indication on the matrix and
2 that was to any other program, activity, or contracting activity
3 with respect to Mr. Daigle and tell me if you agree with this
4 statement. This indicates that you don't know -- you do not have
5 first-hand knowledge of whether Mr. Daigle participated in any
6 other activity not listed on the matrix?

7 A: Yes, that's correct.

8 [REDACTED], do you have any questions on this and
9 the participation of these individuals before I move on?

10 [REDACTED] I do want to ask her a question if she can
11 clarify.

12 BY [REDACTED]:

13 Q: You mentioned earlier that someone brought it to your
14 attention that there may be a potential conflict of interest for
15 Mr. DeMartino. Do you recall the timeframe that took [DoD
16 OIG1] [GAJ2]place?

17 A: Hold on one sec. Let me see what I've got on that.
18 DeMartino. Okay. So, let me see if I can find this. So, September
19 of, no, no. July 23rd of 2018 I signed this memo but this had
20 been ongoing, and I wrote up, well before that. I wrote up and I
21 think I could maybe run down when -- okay. So, I wrote up, "it
22 was brought to my attention that Mr. DeMartino previously
23 provided consulting services to AWS while employed with SBD
24 Advisors. Mr. DeMartino indicated advising employment in 2017 in
25 January. Mr. DeMartino worked as a Chief of Staff, Deputy Chief

1 of Staff, for Deputy Secretary and Secretary respectively. In his
2 capacity to schedule, and attend meetings relative to the JEDI
3 Cloud procurement. Mr. DeMartino recorded meetings and had no
4 input or involvement in the drafting of the package and that he
5 worked with SOCO throughout his DoD employment to ensure
6 compliance with ethical rules." And I concluded that "his
7 involvement was ministerial and prefectural in nature." So, if
8 there were -- if I said that there were conflicts what I was
9 probably referring to is when I had to address him in a memo.
10 Regardless of whether or not there was an actual conflict found
11 or not would have been done through the Ethics Office, but I did
12 not find him as having negatively impacted the integrity of the
13 JEDI Cloud acquisition, but that's not withstanding. That's
14 basically with the information that I had been given on him at
15 the time and I just don't see him as being involved. So, as far
16 as a violation of procurement and integrity I didn't find him to
17 be in violation of that. If there were any ethical violations
18 that would have -- that should have come to my attention but I'm
19 not aware of anything like that. So, when I was talking about
20 when it came up in conflict it's because I had to do a conflict
21 of interest memo where he had to be included, which he was but I
22 didn't actually find him to be in conflict.

23 Q: Okay. Thank you.

24 BY [REDACTED] :

25 Q: [REDACTED] you wrote a, what you called JEDI [REDACTED]

1 (b) (6), (b) (7)(C) Investigative Review Highlights. It's a, looks like a
2 six-pager where you described event one, event two, event three,
3 event four, and event five.

4 A: Oh, yeah.

5 Q: Do you know which documents I'm talking about where you
6 detailed --

7 A: I, so when you say event one, two, three, four, and
8 five, I do remember that. I need to find it to follow along with
9 you because that's --

10 Q: Right.

11 A: -- not one of the ones I downloaded.

12 Q: I don't want to go through all the each's in that. You
13 wrote what you wrote but I do have a couple clarifying question I
14 want to ask you.

15 A: Okay.

16 Q: Event one was Stiglich to help you find it. Event Two
17 was Moony, and then there was DeMartino, Donnelly --

18 A: I think I'm -- I'm looking at that now.

19 Q: -- and Ubhi. What's the date of that document?

20 A: I did not -- this was an ongoing investigation day and
21 I did not stipulate a beginning date because this was -- these
22 were cobbled together from things that I made a note of over
23 time, and then it was signed when it was finished in July of
24 2018, and if I had to guess the timeframe, this had been ongoing
25 from the beginning when I took, I would say probably, I'll relook

1 at these things. I think all of these things happened prior to
2 the RFP release.

3 Q: You completed work on it in July of '18, or didn't do
4 any further work on it? When was --

5 A: No, I closed it out in July of '18 and other things
6 came up and I started a new memo.

7 Q: When did you first start working on this one?

8 A: So, this, that's why I'm trying to figure out what the
9 top date is. This would have been relatively early on that I
10 started working on this, but because it wasn't a single date and
11 I didn't put period covered this through that, I only signed it
12 is when I considered it complete but based on the information
13 that I see in the document I am reporting stuff as early as,
14 let's see Anthony DeMartino. I'm trying to figure out when the
15 first thing came to my attention. I may be able to ascertain that
16 through e-mail. Let's see, 16.

17 Q: We can circle back to that. You did put dates on the
18 events --

19 A: Yeah. I don't --

20 Q: -- you described in the document, and you've indicated
21 that -- you stated that you finished working on it in July of
22 2018. What I wanted to ask you is --

23 A: Right.

24 Q: -- is in the document you wrote, "Agency ethics
25 personnel concluded no violation." You're talking about Stiglich,

1 Mooney, DeMartino, and Donnelly. My question is which ethics
2 personnel are you talking about?

3 A: I think it was the Standards of Conduct Office, but
4 I'll need to go back and make sure.

5 Q: Did you get anything -- what did you get in writing
6 from the Standards of Conduct Office?

7 A: I don't think that I got anything in writing from them.
8 I will go back and a lot of the information they didn't -- they
9 did not render decisions in writing. It could have come from my
10 procurement attorney who talked to SOCO. It could have come from
11 the DDS General Counsel who talked SOCO. I talked to SOCO myself
12 a few times personally, but usually it will be a result of an
13 oral conversation that I would be documenting in writing, which
14 is why I have like this memo because I didn't have every decision
15 that they made come from them in writing, but it came out of a
16 series of conversations held with the attorney -- held between
17 the attorney regarding the people and [REDACTED]
18 [REDACTED] I would then brief and wrote a memo about it. That was
19 primarily some of the problems I experienced with the process
20 itself. To know that the decision was made and the information
21 was given but not having everything distinctly and separate in
22 writing, and then having to go back and document these things
23 myself.

24 Q: You determined Mr. DeMartino did not have a negative
25 impact because his participation was not personal and

1 substantial. Is there an opinion from ethics personnel on this?

2 A: DeMartino? Meaning for his financial vetting? So --

3 Q: Regarding your determination that he didn't have a
4 negative impact?

5 A: The ethics it was, when I talk about a negative impact
6 I'm talking about through the procurement. If there is an ethics
7 negative impact that would have been separately documented. I am,
8 for this, I'm talking about in accordance with the Federal
9 Procurement Integrity Act. So, that is separate from ethics.

10 Q: So SOCO -- I think what you're saying is SOCO did not
11 -- you coordinated with SOCO as you went about your work there,
12 but SOCO did not perform a legal review of this document?

13 A: SOCO didn't perform a legal review of this document.
14 Well, they may have seen it but we have our own attorneys that
15 review these documents.

16 Q: Did your own attorney review this document?

17 A: Yes.

18 Q: Which attorney was that?

19 A: So that would be [REDACTED], and at the time
20 Sharon Woods was not the PM, she was the Defense Digital Service
21 General Counsel, and also assigned to JEDI Cloud. They both
22 looked at it and they may have sent it through SOCO, but I don't
23 have a formal routing sheet that says SOCO saw it and concurred.
24 Like I don't have that.

25 Q: Did [REDACTED] or Ms. Woods give you anything in

1 writing regarding their concurrence, non-concurrence opinion
2 about this document?

3 A: No.

4 Q: You wrote that Mr. DeMartino --

5 A: Well what happened, I'll tell you this. That's not
6 unlike everything else that's happened on JEDI. Every single
7 thing that I do we have a lawyer embedded, we have lawyers, a
8 team of lawyers embedded on the team. There is not, for every
9 single paper that requires legal review, there isn't a sheet of
10 paper that says, "I approve." What is going to happen is at the
11 end of this procurement there's a memo that is written up that
12 will detail everything in it and it will be signed by the team of
13 lawyers. That is the procedure that we came up with early on, but
14 they have -- that does not mean that they haven't seen everything
15 that goes through here.

16 Q: I don't want you to interpret my questions as saying if
17 there's no legal review that this is not a valid document. What I
18 am aiming at is if there is a legal review that's relevant
19 information to us.

20 A: Yes. If there is -- there is a legal review on
21 everything.

22 Q: And it's relevant information to us if there's a
23 written legal review also. I'm trying to determine whether or not
24 that exists.

25 A: Yeah. I think that what happens is things that come up

1 that we feel like are high risk there will be -- we will be extra
2 careful about documenting the legal review maybe right then and
3 there, but I haven't, I can't even imagine -- I can't even say
4 that there has been anything that outside of maybe e-mails where
5 the lawyers have said, "Yeah, I've seen this, or whatever." They
6 have actually written up a formal position on anything on JEDI
7 yet, but that's not withstanding them giving it a full legal
8 review. I have seen where they made comments, but as far as
9 signing off on something saying, "Yes, this is legally
10 sufficient." We're not doing that with every single thing with
11 JEDI, but it will be done at the end.

12 Q: There's a second document I need to you ask you about
13 that that is your Organizational Conflict of Interest
14 Determination. It's a nine-pager that bears your signature at the
15 end of it, and at the end of it you made a determination that
16 none of the information described in the document leads you to
17 conclude that Amazon Web Services has been rendered an unfair
18 competitive advantage. I read that out to you so you know which
19 document I am speaking of.

20 A: Yeah, I have a lot of those. Let me just see if I have.
21 Okay. Nine pages you said?

22 Q: The first date referenced in this document is 23 July
23 2018, so it would be sometime after that.

24 A: Okay. Actually because I had that one up somewhere.
25 Okay I see it.

1 Q: What's the date --

2 A: Oh, wait. Did you say -- is it the organizational
3 conflict of interest determination? Is that what you said is the
4 title?

5 A: Correct. Correct.

6 A: Okay, yeah.

7 Q: What is the date that you signed that document?

8 A: The one that I have is not signed. I must have it
9 somewhere though let me check. OCI determination on litigation.
10 Let me see if I can find the final signed one because I do have
11 it somewhere. Organizational conflict of interest determination.
12 This shouldn't have been marked final without being signed. It
13 says draft. Why is my signature -- oh wait.

14 Q: I have a wet signature. The copy of a wet signature.

15 A: Oh, okay.

16 Q: But it's not dated.

17 A: So that doesn't -- okay. You have -- maybe I'm not
18 looking -- oh, wait. Okay. Organizational conflict of interest.
19 Okay.

20 Q: While you're looking for that, the question that I want
21 to ask you is similar to the questions I just asked you regarding
22 consultations and advice from counsel as you worked on your OCI
23 determination. Did that occur? Did you do that?

24 A: Yes. For sure.

25 Q: And did counsel put anything in writing? I mean is

1 there a written legal opinion on this?

2 A: I think that [REDACTED] would be better to -- I
3 haven't seen anything. That doesn't mean she hasn't done it. I
4 would ask her because I'm not really sure. I just know that I
5 will get -- the way we kind of communicate on these things I'll
6 say, "Okay. I wrote this. This is ready for your review." And
7 she'll either e-mail me back or ping me, because we work in a
8 collaborative, on Collaborative Google Suite. Organizational
9 conflict of interest. Isn't that what we said that document was
10 name?

11 Q: Yes.

12 A: Okay. OCI determination on litigation. Organizational
13 conflict of interest. So, the way we work is in a collaborative
14 Google right environment where she can ping me when she done
15 reviewing something. And she can say, "Okay. I put my comments
16 in." And I will go through, look at her comments, and adjudicate
17 the ones that I agree with, and if there's something that we need
18 to have some conversation on we will have that conversation and
19 then once both we're both okay with it I'll finalize it and do
20 what I need to do with it and I think it's just because of the
21 environment that we're in, but we fully recognize that all of
22 this stuff we're building a contracting file, and all of this
23 will need to be memorialized in writing, but we just haven't done
24 that yet.

25 Q: Did you go through that process with Ms. --

1 A: I mean if I need to -- if I needed to -- I'm sorry, go
2 ahead.

3 Q: Was it Ms. Woods that you said reviewed that?

4 A: No. That would have been [REDACTED].

5 Q: [REDACTED], sorry.

6 A: Yes.

7 Q: Any luck with determining the date that you sign that?

8 A: I am still looking for it. I will have to -- I'm pretty
9 sure I have the copy that you have somewhere, the one that I had
10 online digitally was not signed. So I'm assuming I downloaded it
11 and signed it. I just have to find that. Now that would be a
12 scanned and uploaded copy, and I have to find where that is,
13 because there is, as you can imagine a ton of documents relevant
14 to this procurement and I'm trying to find it based on a word
15 search and that doesn't seem to be the best way to do it.

16 Q: The next document that I wanted to ask you about is a
17 memorandum for the record. The subject is, "[REDACTED]
18 assessment of Mr. Gavin's no impact." That one has your signature
19 and [REDACTED]?

20 A: [REDACTED]

21 Q: [REDACTED] signature on it that he had indicated his
22 concurrence with your determination about Mr. Gavin's no impact.
23 Same question. Is there a date for that?

24 A: Okay. I know I just had that. We did not put dates on
25 there. I don't know if we planned to digitally sign it and then

1 didn't or what. But I could maybe go back and see when we drafted
2 it. That could probably help. It would have coincided, let's see.

3 Q: I think when we finished today and as far as actions
4 items goes we'll record that as an action item to ask you to help
5 us determine the dates of all these documents.

6 A: I could do that. Go ahead.

7 Q: I noted that in Paragraph 22 of that document you wrote
8 that Mr. Gavin's attendance at a meeting may have violated 18
9 U.S.C. Section 208, and that, "This issue has been referred to
10 ethics counsel for further review and action under ethics laws."
11 Which ethics counsel?

12 A: Okay. So that one's a weird one because Mr. Gavin is
13 Navy and so we had to refer that back to the Navy Ethics Counsel
14 and they needed to determine whether they needed to report it to
15 the IG because it was their person. Like he wasn't working with
16 us. He showed up randomly in the meeting and things happening,
17 and [REDACTED] sent it back to the Navy ethics person from my
18 understanding of what happened, and they reviewed it and made the
19 determination. So, that conversation may, and I don't have
20 contact with that person, but she should have it.

21 Q: So [REDACTED] referred it to the Navy?

22 A: Navy Ethics, uh, huh [affirmative response].

23 Q: What information you have that indicates what the
24 Navy's response was?

25 A: I don't have it. She might, but what happened was what

1 came out of that what [REDACTED] told me was the appropriate
2 process is for her to report it to the Navy and for them to make
3 a determination. Now, I don't know if the Navy reported back to
4 her what their finding was, but she told me it was the process
5 for them to deal with it, and then that's what she did. And, as
6 far as we're concerned we documented that we reported that
7 incident to Navy Ethics, and they were making the determination.

8 Q: Who alleged that Mr. Gavin disclosed nonpublic
9 procurement information to Amazon?

10 A: Say that again.

11 Q: Who alleged that Mr. Gavin --You made a -- how did you
12 come -- you made a determination that Mr. Gavin did not disclose
13 any nonpublic procurement information. My question is who alleged
14 that? Or, how did you come by information?

15 A: Oh no, it was a determination -- it was a process where
16 whatever briefing material, or whatever information they talked
17 about during that meeting there was a process where we determine.
18 So the process was a lot of the investigation where anything that
19 is any information that can be obtained by a public website or
20 any public information printed. So maybe if he used that
21 information or even if it's information that could have been
22 reasonably obtained about whatever he was talking about, was
23 reasonably obtained via public sources. It was considered
24 nondisclosure of nonpublic information. So it was a very -- the
25 term means something specific.

1 Q: Did you look into whether or not Mr. Gavin had access
2 to nonpublic procurement information, and whether he may have
3 provided -- improperly disclose that information?

4 A: Of course. He did not have access to any procurement
5 information. So he could not have disclosed. We have a very tight
6 system for safeguarding procurement information, and he is not on
7 any of the drives for any of the procurement information is
8 accessible and anybody with access to that information would not
9 -- would have not -- would not have disclosed selection
10 information to Mr. Gavin. He was not an interested party. He was
11 not cleared for the JEDI Cloud. He was a person that worked for
12 the Navy that showed up to talk about the Navy's experience. He
13 would not have had information to JEDI Cloud procurement
14 information specifically.

15 Q: Did the cloud focus sessions include any source
16 selection information?

17 A: No.

18 Q: Did the cloud focus sessions include any contractors or
19 vendors?

20 A: I take that back. I think that they, acquisition
21 strategy the draft acquisition strategy, I think that was talked
22 about at in one of the cloud focused information, but he would
23 not have had input on the actual strategy, and he would not have
24 had impact on the final acquisition strategy.

25 Q: Did he have access to a copy, a draft, or the final?

1 A: I think I want to say he -- I think he had access. I'll
2 have to go back and look. Let me see. I think he had access to
3 the, I don't see when the acquisition strategy, my timeline it
4 looks like it's off, but I want to say the acquisition strategy
5 was not finalized until July, and in April it would have been a
6 draft acquisition strategy. So he would have had access to -- he
7 would have seen the draft acquisition strategy.

8 Q: What information if any do you have that might indicate
9 that he shared that draft acquisition strategy with Amazon?

10 A: You say what information do I have that he -- I don't
11 have any information that he did or did not share that
12 information with Amazon.

13 Q: Did anyone make such an allegation?

14 A: I need to go back to my notes because I don't remember
15 the specifics of everything off my old memory. So let me see what
16 I might have written up about Mr. Gavin about what he did or did
17 not know. Okay, let's see. April 2018 draft acquisition strategy
18 of core selection information but because it includes such
19 information such as JEDI Cloud profile. Which is just a profile.
20 There will be enough potential to have not publically provide any
21 estimates. The draft acquisition strategy subsequently revised
22 after 2018. He was not provided a revised version. April draft
23 acquisition strategy is nonpublic. Mr. Gavin did not provide any
24 input or have access to nonpublic JEDI Cloud. Okay. So nobody
25 alleged that he had done it. It was just him having the conflict

1 that he had we would have wanted statements that he did not
2 disclose any nonpublic source selection information. And to that
3 end the April draft acquisition strategy which wasn't finalized
4 until months later. The document in and of itself -- the document
5 in and of itself would not have -- I can't project how an
6 organization might have used the draft acquisition strategy to
7 their advantage. I mean it was a draft document. It's an
8 acquisition strategy but it's not all inclusive, and then it's a
9 strategy that changes over time and it's subject to a lot of
10 environmental factors. So, what he saw was a snapshot in time and
11 it really is updated in real time as influences change the
12 direction of the draft RFP at which point he had one data point.
13 So, I mean I can't even imagine what a person would do with that
14 and consideration of how complex the actual JEDI Cloud RFP is. I
15 mean to be honest we're in evaluations right now and these
16 evaluations just keep going around, and around, and around
17 because the requirement is so hard and we're still trying to get
18 to a point where the responses that we got back from vendors are
19 at a place where we can do something with them. So, it's beyond
20 that, and that's too small to think that even having access to a
21 draft document at one point in time. He has a source selection
22 information and he should not have had access to it. We did, it
23 looks like, and this is refreshing my memory.

24 Q: He had already disqualified himself by that point.

25 A: I'm sorry?

1 Q: I believe he'd already disqualified himself by that
2 point.

3 A: Yes. And so that in and of itself made it a conflict
4 for him to be involved in that meeting. To that end, I don't
5 think because a person disqualifies themselves or goes to work
6 for somebody else, I mean the guy was from the Navy. I don't
7 think that all of a sudden people become traders and start
8 stealing information and start taking it to their new company. We
9 did have them sign affidavits that say that they did not --
10 Amazon that is has said that he didn't provide any nonpublic
11 information to AWS. At that point all you can do is have them
12 stipulate that that didn't occur. But, beyond that I know the
13 actual impact to, based on what I'm seeing in real time, based on
14 what I know the RFP and the stringent requirements to be, you
15 know, it takes a lot of different elements to comply with JEDI
16 Cloud solicitation, and there are such stringent requirements
17 that you have to be able to be able to meet the bar, and the true
18 technical superiority will basically come out through the
19 responses that we're getting from the vendors and I'm finding
20 that to be true. But, with regard to Mr. Gavin himself, once he
21 recused he should have stayed far away from that meeting. He
22 didn't. It did put me in a position to where I had to address him
23 being at a meeting that he shouldn't be at, and I had to look
24 into what -- I can only project with the possible adverse outcome
25 would be if he were -- if I were to assume that he just took the

1 information and gave it to them. I have to assume that, assuming
2 that what kind of impact could it possibly be with the
3 information contained in that document of April 2018? And a lot
4 of it is a guess but because so many -- so many factors go into
5 the JEDI Cloud RFP, no one single data point is going to
6 massively sway advantage in my opinion. But, that's based on a
7 collection of factors not just this acquisition strategy that
8 we're talking. The draft acquisition strategy that we're talking
9 about here.

10 Q: Thank you. The last document I want to ask you about
11 was, this subject of it is, "[REDACTED] reassessment
12 of potential Procurement Integrity Act violations and impact." I
13 think that's probably the most recent one.

14 A: Okay. That's the one long one, right?

15 Q: That's the long one, 28 pages and it's got, it looks
16 like it's got a 20-page attachment. You signed it with a wet
17 signature and so did [REDACTED]. But again --

18 A: No date?

19 Q: No date. I want to say from looking at other documents
20 that this was April 2019, and correct me if I'm wrong about that.

21 A: Reassessment. I'll have to go and track down the dates
22 for you because sometimes they put dates -- you put dates on top
23 of the documents and all you need to do is sign, and sometimes we
24 anticipated that we're going to digitally sign and that doesn't
25 work out, so we have to wet sign and we forget put the dates on

1 them. So, we have to go back and see. The name of that you said
2 reinvestigation?

3 Q: This is a [REDACTED] reassessment of
4 potential Procurement Integrity Act violation and impact, and
5 you're correct that's the longer one. It references, it says
6 "reassessment." My question is where's the original assessment?
7 It references [REDACTED] assessment of no impact to
8 under 48 C.F.R.

9 A: So I think that the initial no impact assessment is one
10 of the documents we talked about earlier.

11 Q: The first one that talks about Stiglich, and Donnelly,
12 and Mooney I believe.

13 A: Yes there were -- if I would have said no impact that
14 would have been my initial no impact assessment, and then I think
15 at passing we figured, oh. We might need to expand the scope of
16 what we're looking at, and how we're documenting things, and
17 things like that. And so that's why you'll see the shift in
18 documentation. As things got more stringent in the environment,
19 yeah. So, I think that that would have been the first one and
20 this would have been the reassessment because I had already
21 issued an assessment of no impact for the prior people, and then
22 when I did the reassessment Deap Ubhi was included in the initial
23 one where I said no impact, right? Based on what I know today,
24 based on the information that I have, no impact. Now, the other
25 things pop up with Mr. Ubhi and he needs to be re-included in

1 another investigation where I had to reassess my initial finding,
2 because you have the same person and here this person cropping up
3 again, with more things that we found and then that's why it's
4 labeled reassessment.

5 Q: List reassessment --

6 A: But I'll have to get you to --

7 Q: Well this may help. This may help.

8 A: Sir?

9 Q: This reassessment though it's undated references the
10 original assessment and it states the original assessment was
11 dated 23 July, 2017. So that may help.

12 A: Okay. Yeah, that does.

13 Q: For the reassessment what advice did counsel provide
14 you on this reassessment?

15 A: Legal counsel? Okay. So, I wrote up the assessment,
16 sent it over to legal counsel who read through it, asked me some
17 questions. Gave me some advice such as, [REDACTED]

18 [REDACTED]

19 [REDACTED] She would breakdown to me what certain things
20 meant so that they could be included in the actual memo. Broke
21 down a lot of the legal terms, a lot of the legalese that you see
22 in there, this is what this means. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 more of like verbal conversations so that I could feel
2 comfortable signing the reassessment. So, that's the kind of
3 input that the attorney gave me. I did the investigation so
4 really around format and around the statutes that would apply to
5 an investigation such as this, and in accordance with my
6 information that we have in here it looks like this statute
7 applies, but it was me writing it first, and then legal going
8 back and looking at it and saying, "Okay. Based on the
9 information you have in here, these are what statutes apply to
10 this kind of investigation." And kind of gave me counsel in that
11 manner.

12 Q: Who gave you legal advice on this one?

13 A: So, this one I know that [REDACTED] looked at it
14 and I think SOCO looked at it as well.

15 Q: Who in SOCO would that be?

16 A: I know that we, and this is the one where I interviewed
17 [REDACTED], is that right? Are we talking about the right one?
18 So, because we included his -- my interview with him in there we
19 had to look at it.

20 Q: [REDACTED]

21 A: Uh, huh [affirmative response].

22 Q: Can you spell [REDACTED] for us?

23 A: [REDACTED]

24 Q: Thank you. Who determined that there were more than 70
25 people who participated personally and substantially in the JEDI

1 Cloud acquisition prior to receiving proposals? You mentioned
2 that in your reassessment.

3 A: Right. There is a list of people that we have of all
4 the CESG members and all of the people that are on the core JEDI
5 Cloud Working Group, and evaluators list of evaluators. It was
6 cobbled together from different lists of people that are involved
7 in the JEDI Cloud requirement. So, I didn't coble all the lists
8 together, but I wrote it in my documentation because it's a sum
9 of all of the people that are involved with.

10 Q: Would you send us the list please?

11 A: If I can find it. Actually no because it includes
12 current evaluation chairs, and current evaluation people, and I
13 don't know that I can disclose those people during ongoing
14 evaluations. We work very hard to safeguard the identities of
15 those people including the SSA and the SSAC and a lot of those
16 people. So, I could --

17 Q: That's okay.

18 A: -- remove their names.

19 Q: We'll move on. We'll move on. Who basically said, okay
20 this is the list, and approved the list, this is it?

21 A: So, I wrote the documentation and it was vetted, it was
22 reviewed, and as far as each list is concerned lists change
23 depending on who was involved and who wasn't, but if you go back
24 to see how many people were ever involved that's different from
25 who is involved today. It really depends on what you're asking,

1 and so those things changed. Like my team went from two people to
2 five people. We're all personally and substantially involved in
3 this being that we're contracting. The evaluation team
4 fluctuates, so it just really depends on what point in time
5 you're making that determination.

6 Q: Was there a certain office that produced the list, that
7 was the keeper of the list?

8 A: No. There's not a certain office. So, what the JEDI
9 Cloud and maybe I'm not doing it justice is a large collaborative
10 piece made up of engineers --

11 Q: Well, I understand --

12 A: -- of legal --

13 Q: -- that, [REDACTED] I'm just trying to determine if
14 there's a particular person we could or should talk to about this
15 list.

16 A: After I'll extract the list -- is becoming -- the list
17 is like one of many documents. Not one, several of many documents
18 that are in the whole drive where it could be that's part of the
19 source selection plan. It could be that is part of the CESG
20 roster. It's a culmination of different lists that we have kept
21 track of over time, and they I think the list has become like a
22 buzzword in this conversation all of a sudden, but I don't want
23 you to misconstrue what I'm trying to say here. We know whose
24 working on the procurement. We have to know in what capacity
25 they're working on, and those people were counted up and that's

1 how we got the number in this report.

2 Q: And so the last question I want to ask you about the
3 reassessment was the statement you made -- the question is what
4 were Mr. Ubhi's "actual attempts to influence" requirements? And
5 "actual attempts to influence" is in quotes because you wrote
6 those words. What were his actual attempts?

7 A: I still have not found -- I need to see exactly what
8 you're asking me --

9 Q: Try Paragraph 90.

10 A: Okay. Right. I haven't even pulled that actual
11 document. The reassessment. I still I know I downloaded that, but
12 I don't think it's called reassessment on my screen for whatever
13 reason. Okay, 128 that's not it.

14 Q: You said -- you were making a point that Mr. Ubhi's
15 "actual attempts to influence the JEDI Cloud requirement were
16 limited." And so my question is --

17 A: I -- that's Paragraph 90 of a document that I wrote a
18 long time ago. So I really need to pull that document up to see.
19 I don't -- I'm not saying I didn't write it, clearly I did, but I
20 really need to see it. Let me type in OCI. Maybe that's it. Let
21 me find it. OCI on the -- OCI determination on litigation plan.
22 That's not it. Let me try that. Is that hyphenated? Probably not.
23 Oh, that might be it. Okay. Okay. You said Paragraph 90?

24 Q: Yes, ma'am.

25 A: Okay. "I find Mr. Ubhi did not introduce fire power in

1 the data for JEDI Cloud acquisition. Even if Mr. Ubhi was biased
2 in seeking to steer JEDI Cloud contract be awarded to AWS, I find
3 there is no impact to the procurement." I don't see the quote
4 you're talking about.

5 Q: Midway, it's your second -- It's your second point in
6 Paragraph 90.

7 A: Okay. Second. Okay, first Mr. Ubhi did not have
8 selection -- Second, Mr. Ubhi's actual attempts to influence Jedi
9 Cloud requirements were limited. That's all I see here, were
10 limited period. Third, and most importantly all of the key
11 decisions for the JEDI Cloud procurement such as the actual.
12 That's all I see here. So, I don't know what version you have,
13 but the final one, I really think mine is the final. Maybe I'm
14 looking at the wrong version, but it's not there in my version.

15 Q: Well, really what I'm getting at as doing a review of
16 these documents, given the subject matter we're talking about I
17 come across a statement that you wrote that says there were
18 actual attempts to influence, albeit limited attempts, that
19 stands out to me as something I need to ask you to clarify what
20 were those attempts?

21 A: Right.

22 Q: I understand what you wrote there that his attempts did
23 not have a negative impact that should stop the procurement
24 action, but I would like to know what you were talking about when
25 you wrote that there were attempts.

1 A: I don't know. Is that version signed?

2 Q: Yes. [REDACTED] signed it also.

3 Q: Because on this one I don't see that. Okay.

4 Q: Well, you just read it.

5 A: This one says final. Oh, wait. Oh, yeah, reassessment

6 --

7 Q: The second, yeah.

8 A: -- impact final.

9 Q: You just read the sentence I'm talking about.

10 A: Yeah, but I don't see in my sentence where it says
11 actual attempts and the -- I just read Paragraph 90. The second
12 point says -- oh, are you saying -- so mine -- It says, "Second,
13 Mr. Ubhi's actual attempts to influence JEDI Cloud requirement
14 were limited."

15 Q: Yes.

16 A: That's -- okay. I don't know if we're taking that out
17 of context because it could be a culmination or roll-up of what I
18 talked about above because this is a conclusory section, and --

19 Q: I do not wish to assign any context to that from my
20 seat here.

21 A: Yeah.

22 Q: I'd ask you to please clarify your statement.

23 A: Okay. So, I -- yeah, so this is let's see. Actual
24 attempt. Actual attempts to influence JEDI.

25 Q: Let me ask you this, [REDACTED] What information do you

1 have that indicates Mr. Ubhi attempted to influence the
2 requirements in any way?

3 A: So, I don't think he did, and I don't think he tried.
4 So, that's why I'm trying to figure out what I meant by this, and
5 I have to actually pair it with what I wrote above to see if
6 there's some buzz word somewhere else that I'm actually trying to
7 link it to. So, that's the problem with reading in hindsight.

8 Q: We'll go ahead and move on, [REDACTED] What information do
9 you have, or are you aware of anyone attempting to steer the JEDI
10 Cloud acquisition to Amazon?

11 A: I don't think that anyone has tried to steer this
12 acquisition toward Amazon. I think that there is a perception
13 surrounding this procurement that Amazon is a favorite of the
14 Department, and I don't think that that is true. And as a matter
15 of fact I have gone out of my way to ensure that that is not the
16 case that, and what I mean by that is because I've been involved
17 in this since September of 2017, even during the requirement
18 development phase and how we were writing the evaluation
19 criteria, and the gating I asked all of the hard questions
20 because I did not want for there to be inequitable, favoritism
21 either subconsciously or consciously to come out during this
22 procurement. And I feel like we've done as a group a very good
23 job of ensuring that things are vendor agnostic, and not slanted
24 to favor one vendor or another.

25 Q: Are you aware of any conversations that former

1 Secretary of Defense Mattis had that involved Amazon that could
2 have had an impact on the JEDI acquisition?

3 A: I don't think he's had anything that could have
4 impacted the acquisition.

5 Q: Are you aware of any conversations that Mr. DeMartino
6 had that involved Amazon that could have had an impact on the
7 acquisition?

8 A: No.

9 Q: Same question for Ms. Donnelly.

10 A: Nope.

11 Q: Mr. Gavin?

12 A: No.

13 Q: What conversations did Mr. Ubhi have that could have
14 impacted the acquisition?

15 A: I don't think that he has had any conversations that
16 could have impacted this acquisition because he lacked the level
17 of technical expertise, and he left very, very, very early in the
18 infancy of the JEDI Cloud procurement.

19 Q: Same question for Mr. Daigle.

20 A: No. I don't think that -- Mr. Daigle in my opinion has
21 not been involved enough to steer this procurement in one way or
22 another.

23 Q: Are you aware of any conversations, statements, or
24 actions that indicate former Secretary Mattis did or tried to
25 give Amazon a competitive advantage?

1 A: I am not aware of anything.

2 Q: Same question for Mr. DeMartino.

3 A: No.

4 Q: Same question for Ms. Donnelly?

5 A: No.

6 Q: Mr. Daigle?

7 A: No.

8 Q: Mr. Gavin?

9 A: No.

10 Q: And Mr. Ubhi?

11 A: No.

12 Q: You wrote in one of your determinations that Mr. Gavin
13 may have had a problem with 18.U.S.C 208 in that he attended an
14 April 5th, 2018, meeting. Did you attend that meeting?

15 A: No.

16 Q: What was reported to you that Mr. Gavin did or said at
17 the meeting?

18 A: So, 208 violation is I believe a conflict because of
19 his recusal, in that fact that he was even there. And not so much
20 of what he said, but the information that was shared at that
21 meeting and him not -- he should not have been -- he shouldn't
22 have been privy to the information.

23 Q: How do you respond to the statement that Mr. Mattis
24 improperly participated in the JEDI Cloud acquisition?

25 A: I think that's absolutely ridiculous.

1 Q: How do you respond to the statement that Ms. Donnelly
2 improperly participated in the JEDI Cloud acquisition?

3 A: I think it's untrue.

4 Q: How do you respond to the statement that Mr. Daigle
5 improperly participated in the JEDI Cloud acquisition?

6 A: Also untrue.

7 Q: Same question for Mr. DeMartino.

8 A: Untrue as well.

9 Q: How do you respond to that statement as it applies to
10 Mr. Gavin?

11 A: I think Mr. Gavin shouldn't have been at that meeting,
12 but outside of that meeting he has not had access to any JEDI
13 information and wasn't involved. So, I think it's untrue.

14 Q: How do you respond to the statement that Mr. Ubhi
15 improperly participated in the JEDI Cloud acquisition?

16 A: I think that Mr. Ubhi ran into difficulty because his
17 recusal wasn't timely and I think that he didn't do things right,
18 but I also feel like his impact and his presence were so early on
19 in the process that he didn't have substantial, and he couldn't
20 have had substantial impact on the JEDI Cloud procurement. So,
21 improperly, I think it's untrue.

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

23 [REDACTED]: No, questions.

24 BY [REDACTED]:

25 Q: [REDACTED], is there anything regarding this line of

1 questioning that you'd like to add something that we should --
2 anything I left out we ought to know?

3 A: Can you scope it tightly? Because I want to help you
4 but it's so much information to this JEDI that I don't know
5 what's helpful and what's not.

6 Q: With respect to reviewing Mr. Mattis', Mr. DeMartino's,
7 and the other officials we've been talking about, their
8 participation in the acquisition, and whether such participation
9 was improper either because of financial interests, or
10 impartiality or even appearance. Anything else we should know?

11 A: I will say -- I will just say that I think that the
12 media coverage that we've been getting, I think these
13 individuals, like I've had articles maligning me, and berating me
14 because I'm not doing the job right, and things like that. I
15 think that you can't separate -- you can't separate motive from
16 why things could be happening. I think that we are obvious
17 spotter to the press. I think that we are obvious targets for
18 people that are not getting what they want. I think that certain
19 people just don't like it and they're going to try to pull up the
20 strings to see if they can uncover something, but the people that
21 we have discussed today they are, they have not been involved in
22 the minutia of the JEDI Cloud Procurement to an extent that they
23 would know anything that could essentially influence it in one
24 way or the other because I have had control of this procurement
25 and I understand what goes behind the documents written, and how

1 things are being compiled, and this is not being done by just me.
2 I have a whole team of people and I have a whole team of lawyers,
3 and it's preposterous to think that out of all those people
4 nobody would notice anything wrong going on. I'll just say that.

5 Q: Thank you. I'm going to turn it over to our Audit Team
6 Members, but I want to first ask if anybody needs a break.

7 A: Can I take a five-minute break?

8 [The interview paused at 4:17 p.m., July 11, 2019.]

9 [The interview resumed at an unknown time, July 11, 2019.]

10 [REDACTED]: Okay. [REDACTED], you may proceed.

11 BY [REDACTED]:

12 Q: [REDACTED], this is [REDACTED]. I am an
13 Auditor with the Audit Division of the OIG. I want to ask you
14 some questions about the rational for the single source award.
15 I'm referencing a memo that you wrote dated July 17th, 2018,
16 rational for using a single award, indefinite, delivery
17 indefinite, and definite quantity contract. My first question is
18 about the number of task orders that you referenced, and some of
19 the financial figures that you used. So, on Page 2 you estimate
20 the total number of task orders would be 4,032, but later on Page
21 6 in the paragraph, in the second paragraph you switch to 4,122,
22 and then back to 4,032. Can you explain that discrepancy?

23 A: It's not a discrepancy. It is because you can't
24 anticipate if -- actually, maybe before I say that let me make
25 sure I am tracking fully what you're saying. I don't think it is

1 a discrepancy, but let me see. I really haven't looked at this in
2 a while, and I don't even remember looking at the final one.
3 Let's see. Okay. Give me the pages again of the numbers you think
4 are wrong.

5 Q: Sure. Just on Page 2 and under Table 1.0 you say,
6 "Total orders 4,032." Later on Page 6, second paragraph, second
7 sentence, "With an estimated 4,122 task orders." And then later
8 below Table 1.1 you switch back to 4,032.

9 A: All right. Let me I think that the version that I'm
10 looking at is not the version you're looking at. So, let me see.
11 Okay. Let me just pull it all over again. Single award. Okay. I
12 was just trying to read the .PDF that I did not -- that wasn't
13 signed because this is grainy. So, I'll just go to the signed
14 version. Okay. "Estimated 4,032." And then 4,032, Page 6, and
15 then it's just an estimated for single awards, and then with an
16 estimated 4,122 task orders, execution, administrator. I wonder
17 when they -- estimated cost of execution and administrative.
18 Okay. So, 4,032. Let's see what it says above that. Did you look
19 at Appendix A, because I don't want to say it's a typo? I am
20 pretty sure we vetted this thing forward and backwards. So, let's
21 look.

22 Q: My next question is really about Table 1.1 because I'm
23 wondering if they're related because some of the calculations in
24 Table 1.1 don't quite match up with if we do the multiplication.
25 They're not off by much, but they are off.

1 A: Yes. So, instead of being -- whatever questions you
2 have about this document specifically, like I feel like we spent
3 -- I wrote it. My team spent a significant amount of time vetting
4 it. If calculations are off it could be that we were rounding.
5 Like I have to go back to see what the basis for these things
6 are, and I don't want to on the record say this or that whereas
7 you guys have had time pouring over it and picking it apart. I
8 need to have time to see what you're saying. I wrote this
9 document such a long time ago that yes, I understand generally
10 what's in the document. I understand what argument was. I
11 understand what's the basis of us -- me coming to the conclusion
12 is, but as far as the minutia of why this says 4,122 versus
13 4,032, why it appears that the calculations are off, I need to go
14 back and dig deeper. So, if you could send me a list of your
15 questions regarding this document I can hunt down the answers and
16 get them back to you.

17 Q: Okay. My question ultimately is, can you speak to where
18 some of this data, the basis of the data came from? What research
19 was --

20 A: It's an estimate. It's an estimate. Just like
21 everything is an estimate regardless of whether its a GSA survey
22 that they're taking from maybe under the most preferable
23 circumstances. My estimates come from a culmination of
24 experience. Not only that we, the task order estimates came from
25 earlier adopters. There is equally a phase II operation going on

1 simultaneously with the compilation of the JEDI Cloud -- the JEDI
2 Cloud solicitation where we had already -- the program, or not
3 the program, the VDS in conjunction with now the CP30 had already
4 identified its outreach efforts, identified earlier adopters that
5 were going to roll onto the JEDI Cloud once awarded. Those people
6 were polled. Nobody knows for certain. Everybody is projecting.
7 They are projecting how many task orders that they anticipate
8 that their activities might place under JEDI Cloud for a
9 hypothetical. But it is based and spoke in something real. So,
10 everything that you see are projections based on the time it
11 takes to execute against the multiple awards contract. The time
12 it takes to cut a single award task order. The mechanics of it
13 from the disparity between having someone take -- dose it
14 actually take 30 days? Does it actually take longer? These
15 estimates were vetted by my contracting team as well. We sat
16 down. We looked at them, at the numbers in depth and we came to a
17 realization, even down to we don't know if people are going to
18 exercise options. So, the number the task orders and the dates
19 that are awarded in the base year, some of them might exercise
20 options. Some of them might not. So, the number of task orders
21 might drop off in the second year. So, all of these things were
22 taken into consideration, but at the end of the day all of it is
23 an estimate.

24 Q: I'd like to ask you about Page 8 under the security
25 risks. You make a conclusion that "despite claims that multiple

1 awards is more secure, I find that multiple awards increase
2 security risks." Can you tell us more about how you came to that
3 determination and what research or data supported that
4 conclusion.

5 A: Right. So I am involve in a program -- in a project
6 that has numerous technical experts. I had the best experience
7 working with this because I do have access to a cadre of
8 technical experts more than one, a whole team of technical
9 experts that can attest to what the security risks are here. So,
10 I did not make this up. This is not me saying, "Oh, in my
11 opinion, in my expertise." No, this is came from the DDS and
12 other technical experts across the DoD who talked about the
13 information in this section, and I think it details pretty good
14 why we feel like there is an increase in security, and I think
15 that it makes sense when you talk about multiple cloud versus
16 single cloud, in the seams, and increasing security, creating
17 vulnerability points at each of those seams where multiple clouds
18 connect. It seems viable to me in my conversations with the
19 technical experts that I consulted.

20 BY [REDACTED]:

21 Q: [REDACTED] here. As you consulted with the technical
22 experts were there any criteria? Were there any regulations? Any
23 policies or things like that that they referred back to help with
24 this determination in here in the security risk section?

25 A: I don't know about policy but that's practice. I think

1 that it boiled down to whether it's true or not. Whether or not
2 connecting multiple clouds actually create seams and whether or
3 not those seams that are created take extra people to monitor
4 security at those vulnerability points. So, I don't think it was
5 a policy that they're looking for. I think that it is whether
6 it's a reality that this is a condition or if it isn't.

7 Q: So, would you say that for the vetting of the security
8 risk section it was more of testimonial evidence?

9 A: Well, what does that mean?

10 Q: Just as far as it was more of a verbal --

11 A: I don't have -- I'm not an engineer, but I did consult
12 with engineers.

13 Q: Correct. So, in your meeting that you had with the
14 technical analysts and technical specialists on this section was
15 just more so of a informal discussion that was had, or did they
16 come with actual data to support their conclusions?

17 A: I think that they are experts. I think that they are
18 experts in their own right, and being that I -- being that I
19 talked to not just one, a team of experts that are all saying the
20 same thing is where the validity of this information came from

21 BY [REDACTED]

22 Q: So, I'd like to talk about the firm-fixed price
23 exception in order to comply with 10 U.S.C 2304(a), you needed to
24 make an exception and the choice was made for firm-fixed price.
25 Can you speak about that decision making process and how you were

1 going to justify that?

2 A: I don't think I understand the premise of your
3 question.

4 Q: Sure. So, in order to comply with 10 U.S.C 2304(a)
5 which is the hundred million-dollar exception for a single source
6 you had to pick one for one of four exceptions. One being the
7 task orders would be firm-fixed price. Can you speak --

8 A: What pages are you -- are you talking about the -- so
9 are we on the same document, what page if you can --

10 Q: No, I'm sorry. I'm no longer speaking about your
11 document. This is just in general. So, if anything I'm speaking
12 to Ms. Lord's document, the determination and findings for
13 authority to award a task order contract to a single source.

14 A: [REDACTED] document you said?

15 Q: Ms. Lord. Ellen Lord.

16 A: Ms. Lord's okay. Single source, if I can look at what
17 you're -- yeah. So, hold on a second. I keep losing my place.
18 Okay. Sorry about that. Where is the exception? I know, okay.
19 Firm-fixed price. You're asking me about justifying a firm-fixed
20 price. Can you repeat your question?

21 Q: Sure. My question is really about how did you come to
22 the conclusion that firm-fixed price task orders would be the
23 exception to 10 U.S.C. 2304(a)?

24 A: So, 10 U.S.C 2304(a) it doesn't establish a preference
25 for multiple awards, ID/IQ contracts, but I needed to document

1 whether or not multiple awards considering the scope and
2 complexity of the contract requirement. The expected duration and
3 frequency, make the resource's ability, maintain competition
4 amongst the awardees and that basically really is the crux of all
5 of this. So, a firm-fixed price task order, the fact of the
6 matter is that we are going to have firm-fixed price task orders.
7 It is not an exception that I -- it is an exception to this. It's
8 not an exception that I made up. It is an exception to this, and
9 I still don't have what you're looking at in front of me so I'm
10 kind of like freestyling here, but at the same time, I mean it's
11 true, and so that was the decision process. We were trying to
12 make this as simplistic as possible for inputting a pricing
13 structure that will allow for DoD activities to award firm-fixed
14 price task orders underneath this ID/IQ. And so I mean, it is a
15 natural -- it is a natural exception underneath the JEDI Cloud
16 requirement because that is what we intended to do. So, I mean, I
17 don't know how -- that's why I'm not understanding exactly what
18 your question is. It's not to circumvent anything. This is what
19 is easiest, and it is going to allow the DoD to order more or
20 less from a list of services that are pre-priced and you just go
21 on there and you pick what you want, and a combination of what
22 you want, and you know how much you're going to pay. You know how
23 much it's going to cost, and you're able to do it -- and you're
24 able to do it in an environment where you cut one task order and
25 then you're done. So, I mean, if they are all going to be

1 firm-fixed price task orders because everything is going to be
2 pre-priced.

3 Q: Along that same line, can you explain how the
4 firm-fixed price task orders will work for new services,
5 especially services we don't know that we need, or that don't
6 even exist yet?

7 A: So, there are clauses that are naturally built into the
8 RFP that will deal with new services. And some of those are
9 specialized clauses under talk about new services and there is a
10 lot of thought process around how we intend to do that and not
11 violate procurement laws. So, that information is there. Let me
12 look at the RFP.

13 Q: Can you tell me how would it work for non-commercial
14 services, services where DoD is the only purchaser?

15 A: This is a commercial contract. We're not having any
16 non-commercial services. The term of commercial service can be
17 applied largely and it's varied, because it doesn't have to just
18 be sold to the DoD. It has to be available to the commercial
19 market regardless of whether or not it appears on a price list on
20 somebody's website or not. If another company can go to that
21 company and procure it, it's still considered a commercial
22 service. So, I don't anticipate there being any non-commercial
23 services under foundational cloud service contract.

24 Q: What about classified environments?

25 A: It doesn't, in and of itself make it non-commercial.

1 Q: Who else would be purchasing them?

2 A: You're asking me every eventuality as if I have a list
3 of answers for every question you could possibly come up with. If
4 you give me a list of questions I will do the research for you,
5 and I will return it to you.

6 BY [REDACTED]:

7 Q: Can I ask a quick question. Oh, sorry, [REDACTED], this
8 is [REDACTED]. Sorry for that. The question that I have just to
9 follow-up on that one point, in Section H2, under new services,
10 on Page 23 of Amendment 2 of the RFP, it's talking about new
11 services and it says if a new service is not a commercial item
12 and no other exception or waiver applies. The JEDI Cloud
13 [REDACTED] may require a certified cost and pricing
14 data, yada, yada, yada. The point I'm trying to make is that in
15 this little section it does mention that essentially if a new
16 service is offered to DoD and it's not yet available in the
17 commercial market then it will be looked at as non-commercial
18 here. So, I think that's kind of where the line of questioning
19 was going to as far as if we're talking non-commercial items.

20 A: I see. I see, but the fact of the matter is those are
21 not services that are available today, and those are not services
22 that are going to be awarded under the JEDI Cloud contract, and
23 so any service that is offered to the DoD has to meet certain
24 criteria and is going to be considered on a case-by-case basis
25 and go through a thorough vetting process before. So, I think

1 that when you deal with large ID/IQ contracts you build in for
2 the eventuality of anything to happen because you don't want to
3 back yourself into a corner. Special H clauses are designed to do
4 that and that is a clause that was written by our procurement
5 attorneys taken into consideration the unique needs of the DoD.
6 That does not in and of itself make this a non-commercial
7 requirement, and it doesn't make it in and of itself a violation
8 of commercial terms and conditions.

9 Q: All right. Are you saying that it is --

10 A: I believe we're -- I really would suggest that you talk
11 to the attorneys about special clauses that they draft on Section
12 H because they really did feel like it was for the protection of
13 the DoD, and all of these clauses were included in the JEDI Cloud
14 RFP. They were synopsisized to the public. Everybody knows about
15 them. We have vetted, you know, so many questions from industry.
16 I apologize if I don't have all of the answers off of the top of
17 my head, and I'm not being snarky when I say write them down and
18 get them back to me, because this is a very big procurement and
19 to fair it out specific information items especially if you're
20 doing re-direct for clarification, you can send me those
21 clarification items and I can give you the information if what
22 you really want is the information. I just don't know off the top
23 of my head every minute detail backwards and forwards because
24 this is so big, and so much thought went into this whole thing,
25 but I can get you an answer if that's what you need for your

1 investigation.

2 BY [REDACTED]:

3 Q: I think the concern is around a statement in the RFP
4 that says, hey, you've got new services. You're telling the
5 potential offerers here, and there were no services that you
6 might propose to include under this ID/IQ contract umbrella, but
7 if they're not available to the commercial market place, they may
8 potentially be considered a non-commercial item. In that language
9 are you basically telling the potential offerers that you might
10 not be able to put that service under the JEDI Cloud acquisition?
11 Under this ID/IQ? You may have to use a different --

12 A: I don't think that that is what that says and I am sure
13 that we have some MFR somewhere on those Special H clauses. As I
14 said they are drafted by -- they were drafted by the legal team,
15 and I don't think that the way that it's being read is exactly
16 what that means. So, barring me having insight into, or I have
17 insight into it, but barring me having the expertise to vocalize
18 to you specifically what the intent, because there is some
19 legalese and nuances to that special Section H clause that makes
20 it a viable solution for the JEDI Cloud. I am just not saying the
21 magic words to you to make you -- to allow you to understand it,
22 which is why I think the clarification questions should be --
23 should be brought up when you talk to [REDACTED] who has worked on
24 the Section H clauses for a long time.

25 Q: So, again, this is [REDACTED]. I'll kind of resume

1 with some different questions. All right. So, concerning
2 Sub-factor 1.1 on elastic usage. I'm wondering how was the amount
3 of data that will be measured by vendors between January 2018 and
4 February 2018, how was that decided or determined?

5 A: This is a large collaborative team, and I don't want to
6 get this wrong. I know that there is a gate criteria memorandum
7 that was written to, and I don't know if you have that. There is
8 a gate criteria memorandum that was written, that goes into
9 technical detail of why the gate criteria itself was derived as
10 it was. Do you have the gate criteria memorandum?

11 [REDACTED]: We do.

12 Q: Yes, actually I'm looking at it right now. So, I guess
13 I'll kind of fast forward a little bit. So, the initial concern
14 is that, and this is, you know, just a real question. That the
15 data that was measured from DoD for what the competing need may
16 be may not -- this is simply an estimate it seems like because
17 the DoD has struggled to identify exactly what applications that
18 it actually has and still seems to be doing that. So, I was
19 trying to identify how you all actually determined that.

20 A: So, I can tell you, because this is on the record I am
21 hesitant to even voice my opinion on this matter because I'm not
22 an engineer, right? But I know that there were specific reasons
23 for structuring the gate criteria as it was, and I don't -- I can
24 pull up the gate criteria memorandum. I think, if I'm not
25 remembering wrong, I thought they went into detail behind the

1 rational of some of that unless they cut that information out.
2 So, let's see. Right. So it goes into all of that in the gate
3 criteria memorandum and it goes down if you read the bottom of
4 the elastic usage it says requirement for offerors to present
5 summary reports based on data from January 18th to February 18,
6 2018. It's to facilitate fair competition and prevent potential
7 offerors from taking measures to change their numbers once they
8 became aware of the sub-factor requirement. I think what it was
9 is that -- I think that beyond that the rational was that the DoD
10 has a very difficult requirement and it requires service to all
11 classification levels, and so the rational, further rational
12 behind that was that if businesses were not already in the market
13 doing this work they didn't want, once the public saw the DoD's
14 requirement for them automatically to try to set up shop
15 overnight without having had that prior business experience doing
16 something of this scale. I think that that's not written here,
17 but I think that in the atmosphere of the discussions I kind of
18 have this feeling that that's what drove some of that.

19 Q: All right. So, follow-on question. So, as far as the
20 sub-factor 1.2 on high availability and failover, are you
21 familiar with why the requirement for cloud service providers or
22 vendors to be FEDRAMP moderate authorized at the time of
23 submission of their proposal why that was decided upon?

24 A: Okay. FEDRAMP? I do. Let me think. Federate/moderate at
25 the time of submission?

1 Q: And just to give a little bit more clarity --

2 A: I think -- okay. So I think it is. I think I remember
3 this right, okay? Forgive me if I'm getting something wrong
4 because this is not my core area of expertise, but what I think
5 it was is that the cyber security plan for JEDI requires a much
6 higher level and that FEDRAMP moderate was already a lower, much
7 lower bar than the vendor would have to operate at. And so it
8 really and truly was a minimum requirement to be FEDRAMP
9 moderate. That wasn't something to aspire to. That was something
10 that you had to come in the door having because you need to
11 really be at the top FEDRAMP level in order to fulfil the
12 requirements of the JEDI Cloud, you know, with the JEDI Cloud
13 procurement. And I think that that was the reason -- I'm sorry.

14 Q: Sorry. So I'm tracking that it's the minimum
15 requirement. I guess more specifically the timing goes -- of the
16 compliance with that requirement. So, rather than having a --

17 A: Right.

18 Q: -- Core requirement of --

19 A: Because, because you burn out of fire in the FEDRAMP
20 moderate. If you must be FEDRAMP moderate by the time that you
21 submit your package because the actual requirement is so much
22 higher you need to be at least FEDRAMP moderate in order to
23 apply. It's kind of like you need a doctorate degree to do this
24 job, but we're accepting people with bachelor's and you're
25 saying, "Why can't I have the GHD and aspire to a bachelor's

1 degree?" A GED and aspire and that's not what this was. Because
2 the cyber security plan requires for such a high FEDRAMP this is
3 not like a race to get to the top. That really was significantly
4 under what is even required to do this work.

5 Q: So, I guess from you all's perspective at the time it
6 was unreasonable to require FEDRAMP -- before requiring a FEDRAMP
7 moderate authorization at the time of award or anytime
8 afterwards, or even at the time of award since that's a year
9 later?

10 A: Right because at execution you need well beyond a
11 moderate. And again, I'm not an engineer so I would, if you
12 really want to dive deep into, and there is significant, I'm sure
13 you have the GAO transcript where [REDACTED] spoke in depth
14 about the gate criteria, and what went into it, and things like
15 that. I'm sure that your office has that information. So, I don't
16 know if you questioned me to see if I know, or what it is, but
17 these things have been talked about in depth. I really don't
18 think that this criteria was developed to exclude anybody. I
19 think the criteria was developed to support what it is. The DoD,
20 see I don't think that you appreciate how hard this DoD
21 requirement is considering everything that it is needs to
22 encompass from, you know, the tactical edge all the way, from
23 unclassified all the way to classified. That is something that
24 nobody that I have seen, nobody else has. And the person, or the
25 successful company that is able to do this for the DoD even if

1 they have experience in doing it there's so many unknowns with
2 the DoD requirement that you can't afford to relax all of your
3 standards because somebody is not -- there's always going to be
4 somebody that's not going to make the cut. You have to do it
5 based on what the requirement actually is, and I think that is
6 what we have done.

7 Q: I'm just going to provide you with the little bit of
8 context that I'm using for why I'm asking the question. So, we
9 noticed a, and really this came up with some of the protests, we
10 noticed that there was a FEDRAMP tips and cues copulation that
11 was issued by FEDRAMP back in January 2018, and so it essentially
12 Q and A, and we're trying to follow up more with FEDRAMP on this,
13 but essentially what it is Federal Agencies cannot require CSPs
14 to be FEDRAMP authorized as part of their RFP but can state CSPs
15 be FEDRAMP authorized once federal data is placed in their
16 system. So, that's kind of why I'm asking the question and again
17 it's more about the timing and not about the requirement of, or
18 the need for a CSP to be FEDRAMP moderate authorized, but more so
19 again the timing of when that should be met. So, that's why I was
20 asking the question.

21 BY [REDACTED]:

22 Q: [REDACTED] here. At the time when you all were having
23 a discussion about FEDRAMP compliance and the authorization did
24 you all consult at that time with any FEDRAMP personnel, and if
25 so who?

1 A: So a lot of these things were done in teams. I am sure,
2 well, I'll put it like this. I suspect that we did talk to. I did
3 not personally. I do not have first-hand knowledge. I don't have
4 first-hand knowledge of what the FEDRAMP people told us, but I
5 know that we talked to a lot of different people. I am sure that
6 we consulted people outside of this. I can't tell you right now
7 who all was involved in that conversation, but I know that these
8 decisions were not made in a vacuum. The amount of people that we
9 have cross agency alone on the JEDI Cloud Team would have made
10 that an impossibility. I can't imagine that they did not talk to
11 FEDRAMP when compiling this information.

12 Q: Is there anyone that you know on your team that would
13 have participated in those meetings?

14 A: Probably, you mean my contracting team, or the JEDI
15 Cloud Team?

16 Q: Both.

17 A: Yeah, sure. So I'm pretty sure that ██████████ would
18 have been involved in that. Some of the DDS people that were here
19 then are not here now but ██████████^{(b)(7)(C)} is still around. So, I think he
20 would be more than happy to talk to you about it. ██████████.
21 We're talking security so ██████████ he's another
22 person. He's another DDS'er that deals with the security. I'm
23 trying to think, I think those are two good places to start. I
24 don't know where ██████████^{(b)(7)(C)} is right now. I do know that ██████████ is
25 around and I think that he would really be a good witness.

1 BY [REDACTED]:

2 Q: All right. Also, so in the cyber security plan it
3 mentioned FEDRAMP compliance, that providers would need to be
4 FEDRAMP compliant. Now, I know what FEDRAMP ready means, and I
5 know what FEDRAMP authorized means. FEDRAMP compliance I haven't
6 been able to find any actual official reference defining that
7 term. So, I was wondering is that really supposed to be FEDRAMP
8 authorized, or FEDRAMP ready, or is there a third definition
9 there?

10 A: I think that if you were going to get into technical
11 details you really do need to talk to a technical engineer. As
12 far as I know all of the documents from the JEDI Cloud RFP which
13 has a lot of different attachments, DSP is a really technical
14 document, and it has a lot of technical things in it, and I'm not
15 an engineer so I can't speak to some of the minutia of the
16 rational or the -- in there, and I had this -- and part of it is
17 because a lot of time has passed. When I was speaking to this a
18 lot I had it more current in my memory, but let me just check out
19 something for you. I do think that the quicker questions
20 regarding the FEDRAMP terminology and the moderate now versus
21 moderate at the time of award, the nuances of that would be best
22 relayed to you through a cross-functional team instead of me
23 trying to fumble through an explanation of why they -- why the
24 engineers wrote it up that way. Okay. Let's see. It's not the
25 gate MFR. I did think that there was something else that talked

1 about that. Because you're talking about the cyber security plan
2 specifically?

3 Q: Correct.

4 A: Okay. And your question, hold on I think I may be able
5 to -- let's see. Your question is? I think that might be able to
6 -- that might be something that was defined for the JEDI Cloud
7 RFP. If you have gist -- if you have the definition attachment of
8 the RFP it might even be in there. Let me just -- there's so many
9 documents and so many things that are explained in different
10 documents that I need a road map to tell where everything is. The
11 definition attachment of the RFP might define that term.

12 Q: We can look for that definition in the definition's
13 attachment. All right. Now here's another general question. So,
14 at the time when the RFP was issued, I know you had already done
15 a lot of work and gone through the market research, gone through
16 the BCA, you know, industry dates, talks with everybody, and
17 thought things through. So, how many vendors were you all
18 expecting to submit proposals at that time?

19 A: We didn't -- you said after the industry day? At what
20 particular point?

21 Q: When the final RFP was issued?

22 A: Okay. Right. So we didn't know exactly who would submit
23 proposals because the RFP allows you to partner with anybody you
24 want. So, if you have peanut butter and somebody else has jelly,
25 there is nothing stopping you from partnering with that person to

1 provide a total solution. We didn't describe how the vendor will
2 provide it, just that it would be one complete solution.

3 BY [REDACTED]:

4 Q: At a minimum about how many vendors were you all
5 expecting to submit a proposal?

6 A: Well, that is what I just said. We didn't have an
7 expectation because of the -- how the RFP is written it doesn't
8 preclude you from partnering with one or more vendors in a joint
9 venture or whatever, and unless they expressed interest ahead of
10 time which you never know who is going to submit until they
11 submit, then you don't really know who is going to respond. You
12 have your -- you have your inclination but you don't know until
13 you actually get proposals in. We know what market research
14 showed us where the capabilities lied in the commercial market
15 place, but we can't forecast how many people are actually going
16 to respond to your RFP.

17 BY [REDACTED]:

18 Q: All right. Let me rephrase the question slightly. Of
19 course companies can do joint ventures and partnerships, but if
20 you were to exclude joint ventures and partnerships, at the time
21 of the issuance of the final RFP how many vendors did you all
22 expect were capable of issuing a solo proposal?

23 A: I think you're trying to get me to give you a number,
24 and I don't know. I think that people are capable of doing it. It
25 could have ranged from three to four companies maybe, but at the

1 end of the day that didn't preclude anybody from getting
2 together. So, it could have been, you know, we could have gotten
3 eight proposals, like we don't know. That's why we built this
4 flexibility.

5 BY [REDACTED]

6 Q: Okay. So, going back towards, well, we still aren't
7 getting criteria, just an overall question here. When you all
8 were developing the RFP did you use any model to help with the
9 gating criteria?

10 A: Model?

11 Q: Yeah, like an example of another RFP that might have
12 been similar to this one?

13 A: I don't think so. We did have templates from other
14 RFPs, several other ones that we consulted because you don't want
15 to recreate the wheel when you don't have to, but I would say
16 that our gate criteria is unique to the requirement of the DoD.
17 Certain things that we would use from maybe other RFPs might be
18 format or we like the way they phrase, you know, they organize
19 something or phrasing, how they're phrasing certain questions, or
20 the appendices, or different aspect of maybe how -- maybe they
21 had a Special H clause that this might be good here, or slightly
22 tweaked it could work for us, but we don't ever take anything
23 just willy nilly because somebody else did it, and feel like it
24 applies to what we're doing here. We didn't do that.

25 Q: And because this is recorded I'm going to kind of ask a

1 clarification with your answer. So, just as far as when it comes
2 down to the gating criteria are you saying that you all use other
3 RFPs for examples of everything else but the gating criteria or
4 were other RFPs used as examples to help you all kind of shape
5 and develop your gating criteria?

6 A: So, I didn't develop the gating criteria, right? So, I
7 can't say if somebody on the team looked at a sample RFP and
8 said, "I'm going to steal that." I don't think that that was the
9 case. I think that that was the case. I think every gating
10 criteria is unique to the DoD's requirement, but I would talk to
11 either [REDACTED] or, well, [REDACTED] didn't help. [REDACTED] wasn't here to
12 develop the gating criteria but he could talk to you about the
13 CSP, but [REDACTED] was here at that time and could give you insight
14 more into their process for developing that criteria. The things
15 that I look for [REDACTED] are what does this
16 criteria mean, and what impact does it have on the proposals that
17 I might see? Is it overly restrictive? Convince me that it's not,
18 that kind of thing. I'm not an engineer, I can't say definitively
19 everything that they looked at to develop that gate criteria.
20 That would be disingenuous so I can't speak to that. And as far
21 as me saying "template" I am not saying that we use this template
22 on everything other than a gating criteria. I can only tell you
23 how I use the template, and some of the conversations that I have
24 seen, I will say that this development of the draft RFP down to
25 the final RFP was an iterative process and that it changed and

1 changed again over time. It changed as a result of industry day,
2 and all of the industry comments. We fielded like over 1,000
3 comments from industry at large. Some of our draft requirements
4 were influenced by that. The RFP changed for a many number of
5 reasons. It changed as a result of in-person Q and A discussions
6 with vendors. It changed, you know, there were certain, several
7 instances where conversations that we had with people, interested
8 parties, and market research that helped to shape and refine what
9 became the final JEDI Cloud RFP. As you can see the JEDI Cloud
10 RFP is still the same amendment. So it's always in flux to a
11 degree.

12 Q: And then how did you determine -- how did you all
13 determine that the gating criteria were not qualification
14 requirements under 10 U.S. Code 2319?

15 A: Say that again, I'm sorry.

16 Q: How did you all determine that the gating criteria were
17 not qualification requirements under 10 U.S. Code 2319?

18 A: I don't know off the top of my head. So, is that
19 something that you're referring to in the gating memo?

20 Q: Yes. Wait no, excuse me.

21 BY [REDACTED]:

22 Q: So, this is [REDACTED] So 10 U.S.C. 2319 goes into
23 detail about the use of qualification requirements in an RFP and
24 if you add qualification requirements there are I think 10 things
25 you have to do in order to use them. So, how did you determine

1 that the gating requirements were not actually qualification
2 requirements?

3 A: Okay. So, I do remember having this conversation early
4 on, and I don't remember if we actually wrote a memo about it
5 because we do have a full team of lawyers that work with us and
6 that did come up earlier on. So, a lot of what we do and continue
7 to do on the JEDI Cloud -- on the JEDI Cloud Team is work in a
8 collaborative format. It is the quickest way to get something
9 done. We don't do a lot of documenting for the file unless we
10 have to, unless it's something that needs to be documented in
11 writing, and I will look to see if we actually. My guess is that
12 if you don't have it we don't have an MFR written, but it doesn't
13 mean that that it wasn't taken into consideration. I talked about
14 before the collaborative nature of this team. It is a
15 cross-functional team, because this is a large ACAT I type of
16 procurement. It's even larger than that actually, and we have a
17 cross-functional team with experts across the board. So, we have
18 the team of lawyers. We have the team of engineers. We have our
19 contracting people. We have budget people, and we are all
20 embedded with each other, and if it falls in your domain you are
21 responsible for making sure that particular thing gets done. So,
22 the lawyers and the engineers would have worked together to make
23 sure, which I remember the evaluation gate criteria was bandied
24 about at length to ensure, and refine, and changed over time to
25 ensure that we were on the right side when it came to gate versus

1 qualification concerns in accordance with the statute that you
2 just talked about. It could be something that you bring up with
3 [REDACTED] when you talk to her because she and Sharon at the
4 time, maybe not Sharon now, but at that time when you go back in
5 talking about the development of gate criteria, which was all the
6 way back at the beginning would have had that conversation and
7 would have done the refinement on those until they were legally
8 sufficient. None of this is done in a vacuum. No one person has
9 any undo influence over any specific aspect of the JEDI Cloud
10 procurement, not even me.

11 BY [REDACTED]

12 Q: Just to follow up you mentioned earlier that for other
13 questions regarding FEDRAMP and what not, we did probably ask
14 those to [REDACTED], but I'm not sure who [REDACTED] is.

15 A: Okay. So, [REDACTED] right now works on the JEDI Cloud as
16 one of the team members. [REDACTED] in DDS, and his name
17 is [REDACTED] A
18 lot of the DDSer's are not on -- he might have a NIPR address. He
19 might, but they are on their own domain, and --

20 Q: So dash [REDACTED]

21 A: [REDACTED] And his e-mail address -- so he is on NIPR but
22 he -- so he is in the GAL, but I don't know if he answers that
23 address, but he is also, you can reach him at [REDACTED]

24 Q: All right. [REDACTED] Got it. Thank you very much
25 for clearing that up.

1 A: And then you know how to reach [REDACTED] I'm
2 assuming?

3 Q: Yeah, we have his information.

4 BY [REDACTED]

5 Q: Okay. So, our last question that we have here is
6 dealing with the market place and we do recognize as you have
7 mentioned before that you are not a technical SME. The question
8 is, what was DoD's vision for the Market Place?

9 A: So, the market place is, and I don't really want to get
10 this wrong either, but the market place is something that is done
11 in the commercial sector where it's kind of like Apple Music but
12 for cloud. And what it is, is you have third-party vendors in
13 there that develop tools, and these tools are available in the
14 Market Place, and what it is they're developer tools. So, if you
15 are, and confirm this with an engineer, but they're developer
16 tools and it's not application to help the software development
17 which you would be doing in the cloud. So, you could be -- and
18 those applications in the Market Place would be pre-vetted by a
19 process that the DoD puts in place to see whether or not the
20 organization as a whole wants to assume the risk of making those
21 particular developer tools available to DoD assets for use in the
22 cloud environment, and it was mainly to assist developers who
23 wouldn't have to go out and figure out, you know, give them some
24 flexibility in the tools that they use inside the cloud
25 environment, and this is something that I have found through

1 market research that cloud service providers offer. So, it will
2 be a little bit different for the DoD because the DoD actually
3 won't offer all of the tools that you might find in the
4 commercial sector just because the DoD has unique security
5 requirements, and they're only willing to accept a certain level
6 of risk.

7 BY [REDACTED]:

8 Q: Just to follow up and clarify. So, the analogy that
9 that makes me think of is its' development tools so that
10 developers can make applications on the JEDI platform as a
11 service part of the cloud, versus pulling in an already made SAS
12 say from a different company that's existing elsewhere and trying
13 to pull it in so that it can work with JEDI. I'm guessing it's
14 just literally allowing --

15 A: I think, and I think that it is tools that organically
16 work with the platform that you're on. But again, verify that
17 with somebody that knows more than me about it.

18 [REDACTED]: Okay. At this time Audit has no further
19 questions.

20 BY [REDACTED]:

21 Q: [REDACTED], why --

22 A: Okay. So, I'll be -- go ahead.

23 Q: I was going to do the read-out but to preface that -- I
24 was going to say, is there any additional information you would
25 like to provide?

1 A: I don't have any additional information, but I am -- I
2 am open to like if you -- I don't know if you can or not, but I
3 am open to like I don't know if you can or not, but I am open to
4 like if you have follow-up questions that you want to send to me
5 that kind of takes some time to research, I am open to doing that
6 research and getting you the answers that you need so that you
7 can have them for your knowledge, and sign something that says,
8 "Okay, this is what we did." I don't mind doing that. I just
9 don't -- it is just so much information all these documents. I
10 thought I pulled the right documents and then as you're asking
11 your questions I realized that it's another document, and it's
12 similar, and I don't know where it is. So, if I have like -- if
13 you have follow-up questions as you're going through this and
14 after you talk to [REDACTED] or whomever and your questions are
15 not answered definitely feel free to shoot me and I will try to
16 dig up for you whatever it is you need.

17 Q: And we may have a document request for you also, but I
18 will say that before we would send you any type of document
19 request we as the members of our team will get together and do a
20 head nod as if, "Do you have that? Don't have that?" To make sure
21 that --

22 A: Okay. Yeah, and the [REDACTED] memo I didn't know what
23 that was and I thought that that was the Gate MFR. If that is
24 something different I think I need more than the name.

25 [REDACTED]: Okay. I understand what that means.

1 Q: Okay. [REDACTED], why do you believe that this matter
2 ended up with the DoD OIG to review?

3 A: I, my gut feeling tells me that the Oracle protest are
4 driving a lot of this. Oracle has done a significant amount of
5 business with the DoD, and I think that the arrival of the JEDI
6 Cloud RFP didn't match really place them as a fore, frontrunner,
7 and that wasn't on any intentional part of the DoD, just how the
8 RFP is written. It just didn't naturally place them as the
9 frontrunner to meet all of the requirements such as they were
10 laid out, and I think that honestly they didn't want to partner,
11 which they could have, and then said they wanted to try to stop
12 this. And I think that this is such an important capability to
13 deliver to the warfighter I am not getting anything out of this
14 except for come to work and do my job, and getting my name
15 dragged through the mud in the public, and that's okay because
16 this train is still moving. I think that they have enough time
17 and money to throw at it to cast disparage to make it look like
18 we're doing something wrong, and fighting it in court as we
19 speak, dividing our resources trying to kill us by 1,000 paper
20 cuts and we're still moving. That's what I think. I think that's
21 why it's at the IG. I think that they're lobbying Congress people
22 and they're trying to make it seem like we are just riddled with
23 all of these organizational conflict of interest and integrity
24 couldn't possibly not be impacted, and it's just not true. It's
25 not true just because they say it is, and they have to prove that

1 it is and they can't, and that's what they're in court trying to
2 do now, and I don't think that they'll be successful. You never
3 know. We're waiting to see what the outcome of that is and I
4 think there should be a deliberation shortly. But I think that's
5 what it is, and I'm not saying that we're perfect. I'm pretty
6 sure that there are lots of things we could have done better, but
7 I don't think that we did anything wrong, and that's what it is.
8 I think they are trying to make it look however they're trying to
9 make it look because it suits them better if this doesn't happen.

10 Q: Is there anybody that we haven't already mentioned and
11 talked about that to whom we should talk and why?

12 A: I think maybe talking to [REDACTED] if you haven't
13 talked to him already because he is, when I was testifying at the
14 GAO he was [REDACTED] that [REDACTED] And so
15 we have a unique perspective having been on this for such a long
16 time. Definitely [REDACTED] and I'm naming these people
17 because historically they have the breadth of time on this
18 procurement to have seen it from nothing to come to this point.
19 And I think people have sacrificed for this, and if you haven't
20 talked to Sharon Woods definitely talk to her.

21 Q: Okay. Anyone else?

22 A: I think that those are the major people. If I think of
23 anybody else I'll definitely shoot over a name to you.

24 Q: Certainly. Do you have any questions?

25 A: No, I don't. I hope that I was helpful in whatever I

1 could be, and again, if you have follow up let me know.

2 Q: Thank you. Do you have any comments or concerns about
the way we conducted this interview?

3 A: No, I don't. I think it was a bit long but I think that
4 it was necessary and hopefully you were able to get at least some
5 insight. I apologize for not being able to provide you with all
6 of the information you asked, where some of it admittedly is
7 outside of my realm of [REDACTED] expertise, but I do try to point you
8 in a direction where you may get some of those more definitive
9 answers that you're looking for.

10 [REDACTED]: Thank you. If you remember anything else
11 that you believe may be relevant to our review, please contact
12 us. Finally, in order to protect the integrity of this review, we
13 ask that you not discuss the matters under review or the
14 questions we've asked you during this interview with anyone other
15 than an attorney, should you choose to consult one. And by
16 attorney I mean a personal attorney not government counsel like
17 [REDACTED], okay?

18 [REDACTED]: Okay.

19 [REDACTED]: And as we said before we turned the
20 recorders on there would be issues with that. This does not apply
21 to or restrict your right to contact an IG or a Member of
22 Congress. In other words we ask you not to discuss the review or
23 the questions we asked with anybody, but you have the right to
24 contact an IG or a Member of Congress about anything you want to.

25 [REDACTED]: Okay.

1 [REDACTED]: If anyone asks you about your testimony or
2 this matter, please inform them that the DoD OIG has asked you
3 not to discuss this matter, and if anyone persists in asking you
4 about your testimony, or our review, or if you feel threatened in
5 any manner because you provided testimony, please contact me. The
6 time is now 5:28 p.m. This interview is concluded.

7 [The interview terminated at 5:28 p.m., July 11, 2019.]

8 [DoD OIG1]1 04 55

9 [GAJ2R1]I'll check it on my other recorder, but I think that is
10 correct. GJ

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12 2

13 ~~//FOR OFFICIAL USE ONLY//~~

14 [REDACTED]

15 ~~//FOR OFFICIAL USE ONLY//~~

16 1

17 ~~//FOR OFFICIAL USE ONLY//~~

18 [REDACTED] - July 11, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X ----- X

INTERVIEW OF


October 23, 2019
DCIS Recall Interview

X ----- X

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2 DEPARTMENT OF DEFENSE

3 DEFENSE CRIMINAL INVESTIGATIVE SERVICE WASHINGTON, D.C. RESIDENT

4 AGENCY 4800 MARK CENTER DRIVE, SUITE 10D25-04 ALEXANDRIA,

5 VIRGINIA 22350-1500

6 2020000063-60DC-██████████ October 30, 2019

7 CUMMINGS, STACY A.

8 TELEPHONIC INTERVIEW OF ██████████: On October 23, 2019, SA

9 ██████████, DCIS, Alexandria, VA, telephonically interviewed

10 ██████████, ██████████ for the Joint

11 Enterprise Defense Infrastructure (JEDI) Cloud and Branch Chief

12 for the Enterprise Office of the Secretary of Defense, Washington

13 Headquarters Services (WHS), Acquisition Directorate, via

14 telephone number ██████████. ██████████ was interviewed pertaining

15 to a referral submitted to the DoD OIG Hotline dated October 3,

16 2019, by ██████████, DoD Office of General

17 Counsel, Standards of Conduct Office (SOCO), Pentagon,

18 Washington, DC. ██████████ reported a potential violation of 18

19 U.S.C. § 208 (Acts affecting a personal interest) by Stacy

20 Cummings, Principal Deputy Assistant Secretary of Defense,

21 Acquisition Enablers (PDASD(AE)), Pentagon, Washington, DC.

22 ██████████ provided the following information:

23 Upon assuming leadership of the DoD, the newly appointed

24 Secretary of Defense (SECDEF) Dr. Mark Esper requested a review

25 of the JEDI Cloud acquisition. ██████████ stated members of Congress

1 asked Dr. Esper to conduct an analysis of the JEDI Cloud
2 acquisition. [REDACTED] explained Cummings was tasked to review the
3 JEDI Cloud acquisition and participate in discussions pertaining
4 to strategies and options on how the DoD will execute the
5 implementation of the JEDI Cloud acquisition.

6 She stated Cummings and senior DoD officials assigned to the DoD
7 Chief Information Officer and the Office of the Under Secretary
8 of Defense for Acquisition and Sustainment conducted a "deep dive
9 analysis" on how the DoD intends to implement the JEDI Cloud
10 acquisition. She reported they developed and presented a series
11 of options and scenarios for the SECDEF and the Deputy Secretary
12 of Defense (DepSecDef) David Norquist to explore and implement.

13 [REDACTED] stated Cummings owned Microsoft stock when she attended
14 meetings and discussions pertaining to the JEDI Cloud acquisition
15 from approximately August 2019 to September 2019. [REDACTED] was
16 asked if Cummings signed a Nondisclosure Agreement/Conflict of
17 Interest (COI) pertaining to the JEDI Cloud source selection
18 evaluation; she said no. [REDACTED] reported Microsoft submitted a
19 proposal in the response to the JEDI Request for Proposal (RFP)
20 issued on July 26, 2018. However, [REDACTED] said Cummings should
21 have known Microsoft was included the in the competitive range
22 for the JEDI Cloud procurement. According to [REDACTED] Cummings'
23 OGE 278 [Executive Branch Personnel Public Financial Disclosure
24 Report (OGE Form 278e)]

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15 2020000063-60DC-██████████

16 2

17 are filled out by ██████████ based on second hand information.

18 ██████████ was asked if she talked to Cummings; she said no.

19 ██████████ was asked if Cummings had access to information marked
20 "source selection information" or proposal information; she said
21 no. She stated Cummings participated in "high level" meetings
22 and discussions. ██████████ explained they discussed issues related
23 to the acquisition strategy. She said they did not talk about
24 the offerors. She explained that Cummings' participation
25 occurred at the very end stages of the pre-award phase of the

1 JEDI Cloud acquisition. [REDACTED] also stated that the option
2 proposed by Cummings was not briefed to DepSecDef Norquist.
3 [REDACTED] was asked if Cummings participated personally and
4 substantially in the JEDI Cloud acquisition; she said no. [REDACTED]
5 was asked if she conducted a review to determine whether
6 Cummings' actions may have impacted the acquisition. [REDACTED]
7 opined that it would seem "impossible" her limited participation
8 may have compromised the acquisition. [REDACTED] stated she
9 conducted an assessment of Cummings' actions and found no
10 evidence that Cummings provided any input impacting the JEDI
11 Cloud acquisition decisions or documents. [REDACTED] said the
12 assessment was documented in a Memorandum for the Record (MFR).
13 She said [REDACTED], Office of
14 General Counsel, Pentagon, Washington, DC, would release a copy
15 of the MFR to DCIS.

9 Prepared by: SA [REDACTED], 80SI Approved by: [REDACTED]

10 (b) (6), (b) (7)(C) 60DC

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INSPECTOR GENERAL
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TRANSNATIONAL OPERATIONS FIELD OFFICE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

2020000765-80SI- [REDACTED]

January 15, 2020

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE CLOUD

INTERVIEW OF [REDACTED]: On January 14, 2020, DCIS Special Agents [REDACTED], Sensitive Investigations Unit, Alexandria, Virginia, interviewed [REDACTED], Washington Headquarters Services, Acquisition Directorate (WHS/AD), Alexandria, Virginia. [REDACTED] was interviewed at her office located at 4800 Mark Center Drive, [REDACTED], Alexandria, Virginia. Agents interviewed [REDACTED] pertaining to the alleged disclosure of Microsoft Corporations (Microsoft) technical information to Amazon Web Service (AWS). [REDACTED] provided the following information:

DISCLOSURE OF MICROSOFT TECHNICAL EVALUATION REPORTS TO AMAZON WEB SERVICES

[REDACTED] reported she is the Procuring Contracting Officer of record for the JEDI Cloud. Agents asked [REDACTED] what information the Joint Enterprise Defense Infrastructure (JEDI) Cloud Contracting Team released to AWS as part of the JEDI Cloud contract post-award notification. [REDACTED] said the DoD awarded the JEDI Cloud contract to Microsoft on October 25, 2019. She explained that under the Federal Acquisition Regulation (FAR) Part 15 - Contracting by Negotiation, [REDACTED] was required to provide written notification to the successful offeror and the unsuccessful offeror once an award decision was made. [REDACTED] reported the JEDI Cloud Contracting Team agreed to conduct simultaneous post-award notification and post-award debriefings.

[REDACTED] reported [REDACTED], WHS/AD, was a member of the JEDI Cloud Contracting Team. [REDACTED] is a very experienced [REDACTED] with DoD cloud computing acquisition experience and a valued team member. [REDACTED] explained [REDACTED] served as [REDACTED] during the JEDI Cloud source selection evaluation. [REDACTED] said [REDACTED] did a great job leading the evaluation of the price proposals.

[REDACTED] explained that upon completion of the JEDI Cloud source selection evaluation, she tasked [REDACTED] to gather all the reports the DoD intended to release to AWS as part of the post-award debriefing. [REDACTED] said she, in concurrence with the WHS, Office of General Counsel (WHS/OGC) [REDACTED] determined that the following documents would be included and released to AWS as part of the debriefing package:

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1. Technical Evaluation Board (TEB) Reports (IPR [Initial Proposal Revisions] Factors 2-7 & FPR [Final Proposal Revisions] 2-8);
2. Final Price Evaluation Board Report;
3. Source Selection Evaluation Board Report;
4. Source Selection Advisory Council Report; and
5. Source Selection Decision Document.

(b) (6), (b) (7)(C) made the ultimate decision on what documents should be released. She took the recommendations of the attorney's into account and agreed with their recommendation to release the aforementioned documents.

(b) (6), (b) (7)(C) to draft WHS/AD's AWS's and Microsoft's JEDI Cloud award and unsuccessful offeror email notifications. (b) (6), (b) (7)(C) was responsible for coordinating and seeking legal advice from WHS/OGC of the debriefing package. (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) reviewed the proposed debriefing package and the award notifications. They also provided legal advice as to which reports should be added into the debriefing package.

(b) (6), (b) (7)(C) recommended incorporating AWS's TEB Reports into the AWS debriefing package. (b) (6), (b) (7)(C) stated she did not challenge WHS/OGC's recommendation. (b) (6), (b) (7)(C) stated that she deferred to WHS/OGC as to which reports should be included as part of the debriefing package. She stated that WHS/OGC in coordination with the Department of Justice would ultimately be responsible for defending their rationale for providing TEB Reports during any subsequent bid protest.

(b) (6), (b) (7)(C) stated the DoD, expecting a bid protest from AWS, decided to include in the debriefing package certain reports and information they would not otherwise release in a normal acquisition. (b) (6), (b) (7)(C) explained the JEDI program was not a "usual" acquisition because of the size, scope, value, complexity, congressional scrutiny, public interest, and on-going litigation. Because of this, (b) (6), (b) (7)(C) decided to give "everything up front" to the unsuccessful offeror - AWS. They determined that by providing everything at once, AWS would have sufficient information to understand why the DoD did not select their proposal as the winner. Although they provided more information than usual, it was compliant with the FAR.

Furthermore, (b) (6), (b) (7)(C) said the debriefing package would demonstrate that the JEDI Team assessed the content of AWS's proposal against the established evaluation criteria stated in the JEDI Cloud RFP. (b) (6), (b) (7)(C) said JEDI Cloud evaluators did not conduct a comparative analysis of AWS's and Microsoft's proposals.

She emphasized the DoD never intended to release or include U.S. Government authored Microsoft TEB Reports in the AWS debriefing package/unsuccessful offeror notification. She said neither she nor WHS/OGC authorized the release of Microsoft's TEB Reports to AWS. She stated (b) (6), (b) (7)(C) inadvertently attached and sent Microsoft's TEB Reports to AWS.

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On October 25, 2019, [REDACTED] said the JEDI Contracting Team consisting of herself, [REDACTED] and [REDACTED], met in the Cloud Computing Program Office (CCPO) located in the Pentagon, Washington, DC, to execute the activities outlined in the integrated JEDI Cloud contract award and media roll out plan. Agents showed [REDACTED] a copy of a document entitled “Enterprise Cloud: Contract Award Roll-Out Schedule v2.6, Updated as of 1456 hrs 25Oct19” (Attachment 1). [REDACTED] acknowledged the document accurately outlined the activities that took place the day of contract award.

[REDACTED] stated she tasked [REDACTED] to prepare the successful and the unsuccessful award notification emails and attach the agreed upon attachments. Agents asked [REDACTED] if she reviewed the content of the AWS’s emails before [REDACTED] sent them to AWS. [REDACTED] conducted a cursory review of the emails for verbiage; however, she did not open up any of the email attachments to ensure they were the correct attachments. [REDACTED] acknowledged she did not have sufficient time to thoroughly review each email and double check each of the attachments as she normally does. In her previous acquisitions, [REDACTED] carefully reviews each email and attachment for accuracy prior to release. Because of time restraints and pressure to meet the 4:45 P.M. award notification, she did not do this.

Contributing to the error in sending the Microsoft TEB Reports to AWS was the screen size of the laptop she and [REDACTED] used to construct the emails. The computer’s small screen size did not allow them to easily see and read the full title of each of the attached files. Because there were so many attachments in the email, the last part of the attachment file name was unreadable. The file naming convention delineated the difference between documents related to AWS and Microsoft; however, the file name included AWS and Microsoft at the very end of the file name - “TEB F8 Report AWS.pdf” and “TEB F8 Report Microsoft.pdf.” [REDACTED] explained that because of the large number of attachments in the email, the last part of the file name was not visible in the email attachment section of the draft email. [REDACTED] could see the first part of the email confirming the type of document attached; however, she could not see if the attachment was for AWS or Microsoft. [REDACTED] erroneously assumed all the attachments in the AWS notification were AWS documents because the notification was being made to AWS. [REDACTED] reported that [REDACTED] used her laptop and Defense Digital Service (DDS) Google Gmail account to send the award notifications to both of offerors, AWS and Microsoft.

Adding to further stress were the numerous activities pertaining to the JEDI Cloud contract-taking place throughout the Pentagon on the day of contract award. She said the JEDI Contracting Team dealt with numerous issues leading up to the contract award notifications. Based on the agenda, the successful and unsuccessful award notification emails had to be sent by 4:45 P.M. [REDACTED] said they encountered issues with the contract system [PD2] and IT [Information Technology] issues when [REDACTED] started emailing the award notifications. [REDACTED] explained the aforementioned issues caused undue delays and extreme stress on award day.

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(b) (6), (b) (7)(C) before he started sending the successful and unsuccessful offeror emails, “Are you sure all of the attachments are here?” and [REDACTED] responded, “Everything on that enclosure list is attached to the emails.” In hindsight, [REDACTED] erroneously assumed that [REDACTED] would have known to only include the AWS’s TEB Reports in the AWS unsuccessful offeror notification and not include the Microsoft’s TEB Reports. [REDACTED] only knew to include “Technical Evaluation Board Reports (Interim Proposal Revisions Factors 2-7 & Final Proposal Revisions Factors 2-8” reports)” as stated in the AWS notification letter. Agents showed [REDACTED] a copy of the original notification email sent to AWS from [REDACTED] email account (Attachment 2). [REDACTED] sent the shown document and enclosures to AWS.

She explained this set of emails bounced back as undeliverable due to email size restrictions. [REDACTED] conducted a test email to ensure the award notification and all the enclosures went through properly. However, [REDACTED] conducted the successful test email from his DDS Gmail account to his own account. She said Gmail allows you to attach and to send larger file sizes. [REDACTED] did not know [REDACTED] conducted the test from a Gmail account.

(b) (6), (b) (7)(C) assumed [REDACTED] conducted the test email from his NIPRNet [Non-classified Internet Protocol Router Network] account. She said NIPRNet has more restrictive email file size limits. [REDACTED] explained that in previous occasions she and [REDACTED] conducted “dry-run” test emails before sending critical emails. [REDACTED] said they did not have enough time to conduct a second dry-run test.

(b) (6), (b) (7)(C) initially prepared the emails with attachments to go out in batches of 25 Megabytes (MB). However, AWS’s server limit was 20MB. [REDACTED] had to prepare a new set of email notifications. She said Sharon Woods, Program Manager, CCPO, and [REDACTED], [REDACTED] CCPO, had departed the CCPO room. WHS OGC was not present in the room the day of these events. [REDACTED] said [REDACTED] departed WHS/OGC on October 15, 2019, and [REDACTED] became the [REDACTED] for the JEDI Cloud Source Selection. [REDACTED] said the members of the JEDI Leadership team were not immediately reachable to ask for additional time to release the notifications or to ask about consequences if they did not meet the 4:45 P.M. deadline.

(b) (6), (b) (7)(C) conducted a risk analysis and decided to move forward with the notifications and the dissemination of the emails and attachments as scheduled. [REDACTED] stated she wanted to adhere and meet the schedule. [REDACTED] stated the DoD had planned a series of activities that hinged on the award notification and cited several examples to include, but not limited to, public posting of the JEDI award to the Defense.gov website and notifications to Congress and Senior Defense Officials.

The simultaneous JEDI activities were to occur per the schedule upon contract award at 4:45 P.M. Because she was not in telephonic contact with the various parties who were going to execute their post contract award activities, any delay on her part in sending the notifications at

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4:45 P.M., would not be communicated to the other JEDI team members. █ was concerned her JEDI teammates would execute their assigned duties after 4:45 P.M. even if █ was unable to execute the contract award at 4:45 P.M. █ was fearful that if she did not make the Microsoft and AWS notifications on time, it would create unforeseen problems when the other parties completed their assigned tasks – public posting of the award, Congressional and senior DoD official notifications, etc. Because of this, she made the fateful decision to send the Microsoft and AWS notifications without conducting the detailed review she should have. In hindsight, █ believes if she had taken the time to review the email and the attachments as she had done previously, she would have realized █ attached Microsoft TEB reports to the AWS emails.

In hindsight, █ said she would not have included the attachments in the AWS unsuccessful offeror notification emails. █ opined she would have just sent the Unsuccessful Awardee Letters to AWS. If she had done this, █ would have had more time to conduct a more thorough review of all the debriefing package attachments. █ explained that the number of emails, the number of attachments, the email transmission problems, miscommunication, and the stress of meeting the timeline contributed to the mistake.

Agents showed █ a copy of one of the three emails sent to Microsoft from █ email address (Attachment 3). █ acknowledged the following email and attachments were sent to Microsoft:

1. “Award Notification // HQ0034-18-R-0077 JEDI Cloud Solicitation // Email 1 of 3” with the following enclosures:
 - 1) JEDI Cloud ID/IQ Contract
 - 2) Two Task Orders (TO 001 & TO 002)
 - 3) J-1: Price Catalogs
 - 4) J-2: PWS for ID/IQ
 - 5) J-3: Contractor Discounts, Premiums, and Fees
 - 6) J-4: Small Business Subcontracting Plan
 - 7) J-5: Licenses and Service Level Agreements
 - 8) J-6: JEDI Cloud Cyber Security Plan
 - 9) J-8: Definitions
 - 10) J-9: Contract Data Requirements Lists (CDRLs)
 - 11) J-10: Small Business Participation Commitment Document
2. “Award Notification // HQ0034-18-R-0077 JEDI Cloud Solicitation // Email 2 of 3” with the following enclosures:
 - 1) JEDI Cloud ID/IQ Contract
 - 2) Two Task Orders (TO 001 & TO 002)
 - 3) J-1: Price Catalogs
 - 4) J-2: PWS for ID/IQ

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- 5) J-3: Contractor Discounts, Premiums, and Fees
 - 6) J-4: Small Business Subcontracting Plan
 - 7) J-5: Licenses and Service Level Agreements
 - 8) J-6: JEDI Cloud Cyber Security Plan
 - 9) J-8: Definitions
 - 10) J-9: Contract Data Requirements Lists (CDRLs)
 - 11) J-10: Small Business Participation Commitment Document
3. "Award Notification // HQ0034-18-R-0077 JEDI Cloud Solicitation // Email 3 of 3" with the following enclosures:
- 1) JEDI Cloud ID/IQ Contract
 - 2) Two Task Orders (TO 001 & TO 002)
 - 3) J-1: Price Catalogs
 - 4) J-2: PWS for ID/IQ
 - 5) J-3: Contractor Discounts, Premiums, and Fees
 - 6) J-4: Small Business Subcontracting Plan
 - 7) J-5: Licenses and Service Level Agreements
 - 8) J-6: JEDI Cloud Cyber Security Plan
 - 9) J-8: Definitions
 - 10) J-9: Contract Data Requirements Lists (CDRLs)
 - 11) J-10: Small Business Participation Commitment Document

[REDACTED] confirmed Microsoft was notified first of their contract award followed by AWS's notification of their unsuccessful offer.

DEBRIEFING QUESTIONS - AMAZON WEB SERVICES

On October 29, 2019, [REDACTED], AWS, submitted a list of debriefing questions to the DoD. According to the FAR 15.506(d) - Post-Award Debriefing of Offerors, the DoD must provide an unsuccessful offeror an opportunity to submit additional questions related to the debriefing within two business days after receiving the proposal. [REDACTED] stated this process is known as "Enhanced Post-Award Briefing Rights."

Agents showed [REDACTED] a copy of a document entitled "AWS Questions re: Notification // HQ0034-18-R-0077 JEDI Cloud Solicitation," dated October 29, 2019(Attachment 4). [REDACTED] confirmed the document contained the debriefing questions AWS sent the DoD. [REDACTED] said that upon reading the document they concluded AWS had received Microsoft's TEB Reports.

Agents asked [REDACTED] how they knew AWS's debriefing questions were derived from Microsoft TEB Reports. [REDACTED] referenced question no. 181 of the document:

[REDACTED]

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[REDACTED] (b)(3) [REDACTED] AWS should not have known this information if they had only access to their AWS TEB Reports.

(b) (6), (b) (7)(C) [REDACTED] said WHS/AD, WHS/OGC, and CCPO personnel conducted a conference call immediately after receiving AWS's debriefing questions. The following individuals participated in the conference call: [REDACTED] Woods, [REDACTED] [REDACTED] said that they were shocked with AWS's questions. During the conference call, [REDACTED] said he believed AWS received copies of Microsoft's TEB Reports.

(b) (6), (b) (7)(C) [REDACTED] was asked to verify the notification emails he sent to AWS on October 25, 2019. [REDACTED] confirmed that he had accidentally included Microsoft TEB Reports with AWS's debriefing package. [REDACTED] verified the [REDACTED]@dss.mil's" inbox and found Microsoft's TEB Reports has been included in the debriefing package. [REDACTED] said everybody remained silent for a moment after he confirmed that AWS received Microsoft TEB Reports. During the conference call, Woods stated they would have to notify the appropriate DoD activities as well as AWS and Microsoft.

DOD DEFENSE PRICING & CONTRACTING INDEPENDENT REVIEW

(b) (6), (b) (7)(C) [REDACTED] said WHS/AD and CCPO met with DoD officials assigned to DoD Defense Pricing and Contracting (DPC). [REDACTED] said Thomas Muir, Director, WHS, requested an independent review of the release of Microsoft TEB Reports to AWS. DPC found no evidence that there was deliberate intent to release Microsoft information to AWS. [REDACTED] provided agents with a copy of the Memorandum for the Record (MFR), Subject: "Independent Review of Disclosure to Amazon of Microsoft Technical Information" (Attachment 5).

Review of the MFR revealed that the assessment was conducted by the following DoD officials:

- [REDACTED], [REDACTED] Contracting eBusiness, DPC, Under Secretary of Defense, Acquisition & Sustainment;
- [REDACTED], Under Secretary of Defense, Acquisition and Logistics;
- [REDACTED], Senior Advisor to DPC.

According to the review, the JEDI team was asked to do too much in a compressed time period for the strategic purpose of starting a protest clock earlier than would have been the case had a proper amount of time been allotted for the tasks at hand. The compressed time available was not a result of any legal requirement. They also found the JEDI team produced a large volume of information that demanded a more rigorous review prior to release. The team should have staged, by way of a "dry run," the email to AWS and reviewed each document attached to ensure an inadvertent release did not occur.

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The DPC also recommended that the JEDI Team should have considered conducting a face-to-face debriefing rather than virtual/written debriefing. They explained that if the JEDI Cloud Contracting Team had been allotted the time to release the award information without the pressure of the simultaneous virtual debriefing, and to schedule an in person debriefing, the disclosure of information would likely not have occurred.

According to the DPC, if Microsoft information had been included in a face-to-face debriefing, it is highly likely that the inclusion of such information would have been noted in real time, and the matter could have been addressed at the debriefing before the materials landed on AWS networks and were disseminated throughout the company. DPC also recommended that the use of default virtual debriefings should be reexamined by WHS/AD leadership.

TRADE SECRET INFORMATION

Agents asked [REDACTED] if the Microsoft TEB Reports contained information deemed as Trade Secret information. [REDACTED] opined the Microsoft’s TEB reports did not include Trade Secret information. [REDACTED] said that if Microsoft’s proposal had been marked as containing Trade Secret information, the DoD would have been required to protect and safeguard the Microsoft proposal differently. Agents asked [REDACTED] if the DoD provided AWS with copies of Microsoft’s JEDI Cloud proposals; she said no.

[REDACTED] opined Microsoft’s pricing information is the only data she considered Microsoft proprietary information. This data was not released to AWS. [REDACTED] stated AWS did not have access to Microsoft’s price proposal or rates. AWS did not have access to Microsoft’s price build-ups or price scenarios.

Agents showed [REDACTED] a copy of the Microsoft’s Volume I - Contract Documentation, dated September 5, 2019 (Attachment 6). [REDACTED] was asked to explain the following statement: “This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of—or in connection with—the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government’s right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets marked with the following legend: Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.” [REDACTED] opined that based on the aforementioned statement, the data Microsoft included in its proposal was not considered a Trade Secret. She believed Microsoft would have included a different statement in the proposal indicating that the DoD was in possession of Trade Secret material.

Agents asked [REDACTED] if she has talked to Microsoft’s representatives about the inadvertently disclosed Microsoft TEB Reports to AWS; she said no. [REDACTED] said Woods discussed this

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matter with [REDACTED], U.S. Regulated Industries, Microsoft, Reston, Virginia. According to [REDACTED], Microsoft determined the information released in the Microsoft TEB did not cause undue harm to Microsoft's business and operations. [REDACTED] reported that Microsoft did not have plans to sue the DoD for the inadvertently released of the TEB reports.

REDACTIONS OF DEBRIEFING DOCUMENTS

Agents asked [REDACTED] if she was concerned with the amount of redactions made to the debriefing reports; she said no. [REDACTED] said she and [REDACTED] consulted with WHS/OGC [REDACTED] and [REDACTED] about the proposed redactions. [REDACTED] advocated more redactions to the reports; whereas, [REDACTED] advocated less redactions and more transparency.

(b) (6), (b) (7)(C) [REDACTED] were in agreement about the redactions they made to the debriefing package. As [REDACTED] [REDACTED] felt comfortable with the legal recommendations and she opined the redactions were made within the confines of the law and the FAR. She had no reason to question the level of redactions, or lack thereof, in the debriefing package and agreed to release the documents as recommended by WHS/OGC.

Agents asked if (b) (6), (b) (7)(C) [REDACTED] if [REDACTED] is still affiliated with the DoD; she said yes. [REDACTED] reported [REDACTED] departed the DoD sometime around October 15, 2019; however, she was retained as a consultant supporting the JEDI Cloud contract. [REDACTED] provided input and recommendations for the redacted documents as late as October 23, 2019 (Attachment 7).

(b) (6), (b) (7)(C) [REDACTED] challenged [REDACTED] on how much information should be released to AWS, the unsuccessful offeror, and cited the FAR [FAR 15.506(e)]. [REDACTED] had their differences in opinion on this matter. [REDACTED] said that [REDACTED], she relied and deferred to legal counsel to determine the appropriate redactions in the reports. The ultimate decision on what information was and was not redacted, and what to provide to Microsoft and AWS was hers. [REDACTED] made the final decision after consultation with [REDACTED].

PERSONAL FINANCIAL INTEREST

Agents asked [REDACTED] if she or [REDACTED] had any personal financial interest in Microsoft or AWS. She stated that did not own Microsoft or AWS stock. [REDACTED] were required to file the OGE Form 450: Confidential Financial Disclosure Report. [REDACTED] said she did not own stock of any JEDI Cloud offerors.

OTHER MATTERS TO REPORT

Agents asked [REDACTED] if White House staff contacted her in an attempt to influence the procurement; she said no. [REDACTED] had no knowledge of any communication between President Donald Trump and members of his staff with personnel assigned to the JEDI Cloud Source Selection Team pertaining to the award decision.

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Agents asked [REDACTED] if anyone, to include DoD officials, instructed her to include Microsoft’s TEB Reports in the debriefing package in an attempt to disrupt the procurement; she said no. Agents asked [REDACTED] deliberately released Microsoft TEB Reports to AWS; she said no. [REDACTED] release of the Microsoft TEB Reports to AWS was an “honest mistake.”

Attachments:

1. Enterprise Cloud: Contract Award Roll-Out Schedule v2.6, Updated as of 1456 hrs 25Oct19, undated
2. WHS AD’s Contract Award Notification, dated October 25, 2019
3. WHS AD’s Notice to Unsuccessful Offeror and Debriefing Package Notifications, dated October 25, 2019
4. Email - AWS JEDI Debrief Questions, October 29, 2019
5. Memorandum for Record, Subject: Independent Review of Disclosure to Amazon of Microsoft Technical Information, undated
6. Microsoft’s Volume I Contract Documentation, dated September 5, 2019
7. Email Chain, Entitled “Re: FW: Redactions,” dated October 24, 2019

Prepared by: SA [REDACTED], 80SI

Approved by: [REDACTED] 80FO

DISTR: 80FO/AUD/ISO

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DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X ----- X

INTERVIEW OF


January 21, 2020
DCIS Recall Interview

X ----- X

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1 INSPECTOR GENERAL

2 DEPARTMENT OF DEFENSE

3 DEFENSE CRIMINAL INVESTIGATIVE SERVICE WASHINGTON, D.C. RESIDENT

4 AGENCY 4800 MARK CENTER DRIVE, SUITE 10D25-04 ALEXANDRIA,

5 VIRGINIA 22350-1500

6 2020000063-60DC-█ January 22, 2020

7 CUMMINGS, STACY A.

8 INTERVIEW OF █: On January 21, 2020, SA █,

9 DCIS, Washington, D.C. Resident Agency, interviewed █

10 █, Washington Headquarters Services (WHS),

11 Acquisition Directorate, Enterprise Office of the Secretary of

12 Defense, █, regarding her involvement with the Joint

13 Enterprise Defense Infrastructure (JEDI) procurement process.

14 Additionally, █ provided information related to Stacy

15 Cummings, Principal Deputy Assistant Secretary of Defense, Office

16 of the Under Secretary of Defense for Acquisition & Sustainment,

17 Office of Acquisition Enablers. Specifically, it was alleged

18 that Cummings' involvement with JEDI may have constituted a

19 violation of Title 18 United States Code (U.S.C.) § 208, Acts

20 Affecting a Personal Interest.

21 After being advised as to the identity of SA █ and the nature

22 of the interview, █ voluntarily provided the following

23 information:

24 █ (b) (6), (b) (7)(C) stated that from October 2017 through October 2019, she

25 was detailed from WHS Acquisition Directorate to serve as the

1 [REDACTED] for JEDI. Prior to this
2 detail, (b) (6), (b) (7)(C) served as [REDACTED]

3 [REDACTED] WHS' Acquisition Directorate. As the JEDI [REDACTED]
4 (b) (6), (b) (7)(C) was responsible for [REDACTED] (b) (7)(C)

5 [REDACTED]
6 (b) (6), (b) (7)(C) stated that the JEDI acquisition related to an enterprise
7 wide DoD procurement for general cloud computing and storage
8 services. During the development phase for the JEDI acquisition,
9 it was determined the contract would be for 10 years, and the
10 contract vehicle used would be an Indefinite Delivery/Indefinite
11 Quantity (IDIQ) single vendor award. The monetary ceiling for
12 this contract was \$10 Billion.

13 There were multiple criteria areas a vendor would have to meet in
14 order to be considered for being awarded the JEDI contract. Some
15 of the criteria included: (1) An established infrastructure on
16 all continents, except Antarctica; (2) Elastic usage - network
17 computing storage and traffic management; (3) technical expertise
18 regarding cloud services; (4) network failure and redundancy
19 processes and procedures; and (5) a variety of other similar
20 requirements.

21 [REDACTED] stated that on 19 March 2018, the JEDI procurement team held
22 an Industry Day. During this event, a draft version of the JEDI
23 Request for Proposal (RFP) was released to all interested

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14 2020000063-60DC-(b) (6), (b) (7)(C)

15 2

16 vendors. At the conclusion, vendors were asked to provide
17 feedback to the JEDI procurement team regarding the draft RFP.
18 (b) (6), (b) (7)(C) advised her team received over 1,000 comments and
19 suggestions from vendors. After reviewing all of the
20 comments/suggestions, some changes were made to the RFP in order
21 to make some areas of the requirements clear. On July 25/26,
22 2018, the final JEDI Solicitation was issued and available for
23 any interested vendor.
24 When asked to provide the oversight structure regarding the JEDI
25 procurement, (b) (6), (b) (7)(C) stated that in October 2017, at the start of

1 the JEDI procurement process, the Defense Digital Services (DDS)
2 was responsible for developing the requirements for JEDI. [REDACTED]
3 advised that sometime after the Industry Day and before the
4 issuance of the final solicitation, oversight for the JEDI
5 procurement was transferred to Dana Deasey, DoD Chief Information
6 Officer (CIO); additionally, due to this matter being a DoD
7 acquisition, Ellen Lord, Under Secretary of Defense for
8 Acquisition & Sustainment, was also involved in this oversight.
9 In mid/late 2019, the Cloud Computing Program Office was stood
10 up, and it became the office in which JEDI's program management
11 would be housed. [REDACTED] indicated that Sharon Woods was named
12 the Program Manager (PM) for JEDI. Prior to the implementation
13 of the Cloud Computing Program Office, there was no program
14 office for JEDI. [REDACTED] stated that normally, a program office
15 exists before a procurement is requested; however, in this case,
16 the procurement of JEDI was initiated prior to the existence of
17 the program office.

18 When asked about Cummings' involvement with JEDI, [REDACTED] provided
19 the following information: [REDACTED] stated that over the
20 approximate 2 years in which JEDI was going through the
21 procurement process, the DoD experienced changes of multiple
22 Secretaries of Defense. During Secretary of Defense Mark Esper's
23 tenure with DoD, he informed the United States Congress that he
24 would look into matters related to the JEDI procurement. In
25 order to bring Esper "up to speed" on matters involving JEDI, a

1 series of "Educational Sessions" were implemented in order to
2 brief Esper. [REDACTED] advised that these sessions, in which there
3 were approximately five (5) or six (6), were designed to provide
4 Esper with a complete overview of JEDI and issues encountered
5 during the procurement process (i.e. allegations of wrongdoing,
6 referrals from congress, ongoing court hearings, and a variety of
7 other matters). Additionally, [REDACTED] stated these sessions were
8 initiated at the "spur of the moment." [REDACTED] recalled that
9 Deasey, Woods, and Deputy DoD CIO Peter Ranks developed and
10 attended many of these sessions. [REDACTED] indicated she attended
11 one session in order to provide information regarding JEDI's
12 procurement process. [REDACTED] stated that due to this matter being
13 related to a DoD acquisition, Ranks believed it was prudent to
14 invite someone from Lord's office to attend/be involved in these
15 sessions. As a result, in September 2019, Cummings attended
16 several sessions as a representative from the Office of the Under
17 Secretary of Defense for Acquisition & Sustainment. [REDACTED]
18 stated that initial discussions during the sessions did not
19 involve the mention of vendors who were competing to win the JEDI
20 contract. [REDACTED] advised she "heard second hand," a review of
21 Cummings' Office of Government Ethics (OGE) Form 278, Executive
22 Branch Personnel Public Financial Disclosure Report, by [REDACTED]
23 [REDACTED] for JEDI, revealed that Cummings
24 maintained stocks (NFI) with Microsoft. When

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16 3

17 confronted with this matter, Cummings stated █ fills
18 out the OGE 278, she does not look at the form, and she just
19 signs it.

20 When asked to provide information regarding the award of the JEDI
21 contract, █ stated the award came down to two (2) vendors,
22 Microsoft and Amazon Web Services (AWS). On September 27, 2019,
23 the Source Selection Evaluation Board Chair (SSEB) signed the
24 final technical report regarding the JEDI procurement. █
25 explained that approximately one week before signing the report,

1 the SSEB would have had the report for review. On October 3,
2019, the Source Selection Authority Counsel (SSAC) [REDACTED]
[REDACTED]. On October 17, 2019, [REDACTED]
[REDACTED]
3 [REDACTED] agreed with the recommendations and signed
the final report as the Source Selection Authority (SSA). On
4 October 25, 2019, the JEDI contract was awarded to Microsoft.
[REDACTED] advised once the JEDI contract was awarded, the duties of
5 managing the contract were turned over to [REDACTED],
Acquisition Contracting Officer (ACO).
6 When asked about Cummings' involvement with JEDI, [REDACTED] stated
Cummings participated in high level meetings related to
7 acquisition strategy, and these activities all occurred at the
very end stages of the JEDI procurement process.

8 Prepared By: [REDACTED], 60DC Approved
by: RAC [REDACTED], 60DC

9 X

X

10 DISTR: [REDACTED] (DoDIG ISO); [REDACTED] (DoDIG Audit)

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DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X ----- X

INTERVIEW OF

*Mr. Peter Ranks
November 5, 2019
ISO Interview*

X ----- X

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1 P R O C E E D I N G

2 [REDACTED]: Today is November 5, 2019, and the time is
3 now 12:07 p.m. I am [REDACTED] with the Department of Defense
4 Office of Inspector General. With me are my colleagues [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 With us on the telephone is Mr. Peter Ranks. We OIG personnel are
8 at the Mark Center in Alexandria. Mr. Ranks are you in your
9 office in the Pentagon?

10 MR. RANKS: That's correct. I'm in my office in the
11 Pentagon.

12 [REDACTED]: And as I mentioned, Mr. Ranks is on the
13 telephone with us. We are conducting a review of the development
14 of the Department of Defense JEDI Cloud services procurement, and
15 we also want to ask Mr. Ranks some questions in order to clarify
16 some information that's been reported in the news media about
17 possible external influence on the procurement. At this time, Mr.
18 Ranks, I ask that you to acknowledge this interview is being
19 recorded.

20 MR. RANKS: Yes, I acknowledge.

21 [REDACTED]: Also please acknowledge that I previously
22 provided you a copy of the DoD OIG Privacy Act Notice.

23 MR. RANKS: Yes, you did.

24 [REDACTED]: I will now administer the oath. Will you
25 please raise your right hand?

1 MR. RANKS: Yes.

2 [END OF PAGE]

3 PETER RANKS

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

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

7 BY [REDACTED]:

8 Q: Will you please state your full name and spell out your
9 last name?

10 A: My name is Peter Ranks. Last name spelled R-A-N-K-S.

11 Q: What is your rank or grade, sir?

12 A: I am [REDACTED], so
13 that's an SES equivalent. I'm a [REDACTED] on detail to DoD.

14 Q: And tell us about your detail, your duty position and
15 organization.

16 A: I am a Deputy CIO for the Department of Defense
17 responsible for information enterprise, which includes their
18 cloud portfolio.

19 Q: How and when did you come to be detailed over to the
20 DoD OCIO?

21 A: "When" is straight forward. That began on the 18th of
22 April 2019. Actually 18th of March 2019. The "how," I think, was
23 in agreement between [REDACTED] and the DoD Chief
24 Information Officer.

25 Q: And what are your duties there if you can -- you said

1 what the position is, but can you please give us a brief
2 description?

3 A: Sure, I'm responsible for a portion of the CIO's
4 portfolio that is relative to the information technology
5 infrastructure of the Department. This includes desktops,
6 networks, and compute systems. It includes the delivery of
7 certain software tools, as well as software development
8 methodology. Included in that portfolio is both policy and
9 implementation of a number of enterprise services, which include
10 our major cloud platforms.

11 Q: And how does management and/or oversight of the JEDI
12 Cloud procurement fit up under -- in that portfolio?

13 A: So the JEDI Cloud procurement has been run by a group
14 called the Cloud Computing Program Office, and that group is
15 subordinate to my organization.

16 Q: Can you please tell us about what your duties were
17 before you began this detail?

18 A: I could tell you at eye --

19 Q: To the extent that you can.

20 A: -- level one unless you want some classified
21 information, that I was --

22 Q: Eye level is good.

23 A: I worked in (b)(6), (b)(7)(C)

24

25 Q: Now, bear with us a moment please. First question is,

1 do you know President Trump?

2 A: I do not.

3 Q: What communications did you have at all with President
4 Trump about JEDI?

5 A: I have not had any communications with President Trump
6 about JEDI.

7 Q: What communications did you have with anyone from
8 President Trump's staff about JEDI, and I'm going to ask you some
9 questions about it. We have some information that you attended a
10 meeting with Mr. Mulvaney on July 10, 2019 with Mr. Deasy.

11 A: Yeah, so I just -- is it fair for me to say President
12 Trump's staff includes any White House officials or members of
13 the Office of the President, Executive Office of the President?
14 Is that a good interpretation of staff?

15 Q: Yes it is. I didn't phrase it is anybody from the White
16 House because I wanted to make sure we include anybody that's
17 associated with President Trump whether they're permanently
18 working at the White House, or whether they're temporary.

19 A: Okay. So I participated in a number of actions with
20 we'll call it staff under that definition, including two visits to
21 the White House in which we provided some overview material on
22 the cloud strategy and one phone call, one visit from members of
23 the White House, Office of Science and Technology Policy when
24 they came through and got a briefing on artificial intelligence
25 that I participated in that session as well. So a total of four

1 interactions with various members of the staff.

2 Q: Was one of those interactions the briefing from Mr.
3 Mulvaney on July 10, 2019?

4 A: I would have to check my answer on the date, but that
5 sounds about right, and yes I went down with Mr. Deasy and Eric
6 Chewning and we briefed both Mr. Mulvaney and Rob Blair.

7 Q: Tell us about your recollection of where that mission
8 or that ask came from?

9 A: I don't know the origin story of the ask because I
10 heard from -- I kind of heard it from Mr. Deasy, "Hey we've got
11 to go to the White House tomorrow." I think - I believe it
12 originated with a call. Actually I guess I don't know beyond my
13 boss saying, "We're going down to the White House. Get your brief
14 together."

15 Q: Is that Mr. Deasy?

16 A: Mr. Deasy, that's correct.

17 Q: Okay. We've obtained a copy of a briefing, the date on
18 the briefing deck is June 28 and the title is JEDI, Understanding
19 the Warfighting Requirements for DoD Enterprises Cloud, and this
20 is purported to be the briefing presented to Mr. Mulvaney. Did
21 you put that briefing together?

22 A: Myself and members of my staff put that brief together,
23 that's correct.

24 Q: Okay. There's some information on there about a few
25 slides about criticisms or concerns that your office has received

1 about the procurement itself, myth versus fact and things like
2 that. Did you present those slides?

3 A: We presented some of the briefing material. I don't
4 think we got through the entire deck. Our intent was to brief all
5 of it, but I think we presented some of those certainly. We
6 certainly presented the ones about that JEDI was described in
7 media as a sole-source award that locked the Department in for
8 \$10 billion in 10 years. I know we discuss that with Mr.
9 Mulvaney, and I think we got through some of the additional
10 slides.

11 Q: How long was the briefing in total? How much time did
12 you have?

13 A: I believe we had about 45 minutes.

14 Q: Okay. What kind of questions did Mr. Mulvaney or
15 anybody present in the room from the White House ask you? And I'm
16 interested in the tone and tenure of the questions, any action
17 items that they might have had for you, or feedback requested.

18 A: We receive no action items. I'm starting with the parts
19 I remember best. We received no action items. My recollection of
20 the tone and tenure was that Mr. Mulvaney and Mr. Blair were not
21 really familiar with the JEDI issue that we were bringing to
22 them. By this point the President had engaged, and clearly did
23 not have all of the information that we consider to be factual.
24 So I think we wanted to take the opportunity to provide a more
25 factual view of what the JEDI procurement was and how it fit into

1 the strategy, but Mr. Mulvaney did not seem to have kind of any
2 prior familiarity with it, so he was mostly in receive mode.
3 There were a couple of questions when we talked about
4 Congressional interest in JEDI about who had reached out, who was
5 on which side of this topic, and then probably some -- because we
6 were technical people briefing to an audience without a deep
7 background in technology, probably a couple of what do you mean
8 clarification questions. But there was rarely nothing pointed and
9 they didn't give us anything to leave with. I think our take away
10 was if the President or a senior member of the administration
11 turned around and said, "Do you know anything about this?" then
12 most people would say, "Yes, we got a brief." But that was about
13 all we got. And I don't know if I covered all parts of your
14 question.

15 Q: Well, you mentioned that the President had engaged, can
16 you please explain that piece of it for us?

17 A: And I would have to go and do some Googling to find the
18 dates, but I think we had on one occasion or two occasions the
19 President Tweeted or re-Tweeted stories about JEDI, and then
20 another occasions he made comments in the Oval Office while he
21 was meeting with the Dutch Prime Minister. I think he was asked a
22 question about by a reporter about JEDI, and he gave an answer
23 which showed that he had a perspective on JEDI that came from
24 lobbying activities that didn't reflect DoD strategy or position.
25 It was those kind of, the President is hearing from this but he's

1 not hearing from his own Department which was our -- we wanted to
2 make sure he's got the Department side of the story on the
3 activity I think was the impetus for the discussions.

4 Q: Are you saying that when you say the President engaged
5 that this has to do with Tweets, or public statements, or things
6 reported in the media and not about direct engagement from
7 President Trump over to the Pentagon?

8 A: That's correct. From my perspective what I was aware of
9 coming from the White House was when he would engage in public,
10 either he re-Tweeted a Fox News story, or obviously he spoke
11 about it on TV one time which generated a lot of news here.

12 Q: And the briefing from Mr. Mulvaney, was that a result
13 of them wanting to pull information from the DoD, or was the DoD
14 trying to push information over to the White House about the
15 procurement?

16 A: Again, I don't actually know how the meeting was born.
17 I'll tell you that my objective in that meeting and I believe Mr.
18 Deasy's was to push information that says these are the -- it's
19 in that kind of myth versus fact. This is the reality of this
20 organization, of this program. It is different from what -- it's
21 different from what he might have been hearing from lobbyists, or
22 industry, or even concerned Members of Congress and we wanted to
23 make sure that he had a factual grounding in the program.

24 Q: And, did you have to provide any information back to
25 Mr. Mulvaney or anybody in the room after that briefing

1 concluded?

2 A: I did not.

3 Q: You mentioned that there were four engagements with the
4 White House, that's just -- we just talked about one of those.
5 Was another one a briefing from Mr. Kupperman on July 18, 2019?

6 A: Yes, that's correct.

7 Q: Can you please tell us about that engagement?

8 A: So we brought -- I believe the identical deck to that
9 engagement, once again Mr. Kupperman was not -- did not did not
10 seem to have been engaged in the topic previously. In that
11 session we actually got through very little of the briefing
12 material, and once again we received no actions. My perspective
13 was there was a fairly low interest engagement from Mr.
14 Kupperman, he was not -- I'm not sure he knew why we were there.
15 About the same briefing material that I think we just got through
16 less of it.

17 Q: What's Mr. Kupperman's job?

18 A: He was the Deputy National Security Advisor. And I'm
19 not clear if he was The Deputy National Security Advisor or a
20 Deputy National Security Advisor, and my understanding is he's no
21 longer with the White House.

22 Q: Okay. And what was the origin of that particular
23 briefing? Again was it a push or pull thing, or a response to an
24 ask?

25 A: Yeah, unfortunately I have the same answer there that I

1 was kind of two steps down the chain from where it started. So I
2 don't know exactly where it originated from. I mean I'll tell you
3 that from my experience I don't think it was an ask from Mr.
4 Kupperman because he didn't have any particular -- we started
5 with JEDI 101 in our discussion. This is what the program is. He
6 didn't seem to have any pre-existing knowledge of the program.

7 Q: Why go see the Deputy National Security Advisor about
8 this information --

9 A: Again, I don't know exactly --

10 Q: -- or a Deputy National Security Advisor?

11 A: -- how we were -- we were responding to - was trying to
12 get the White House educated, and to some extent I think we were
13 looking for advisors who were knowledgeable about technology and
14 Mr. Kupperman was reported to be knowledgeable about technology,
15 and that would potentially be able to have the President's ear or
16 would be in the room if he decided to ask someone about this
17 program.

18 Q: Okay. And how did you learn about the, "Okay it's time
19 to go over. We need to go over and present this briefing?"

20 A: Almost exactly like that. We're going to go to the
21 White House tomorrow or the next day and we'll brief Mr.
22 Kupperman.

23 Q: Any follow-ups coming out of that meeting, do outs, no
24 actions?

25 A: No. No follow-ups.

1 Q: So that's two of four that you mentioned. I think you
2 also mentioned a visit to the Joint AI Center. We have some --
3 our information is that occurred on or about August 21, 2019 and
4 it was for, one of the attendees was Mr. Chris Liddell Assistant
5 to the President, and Deputy Chief of Staff for Policy
6 Coordination. What can you tell us about that meeting?

7 A: So the meeting was -- that was a two or three-hour
8 engagement and Mr. Liddell was there as well as some folks from
9 OSTP, and it was largely focused on the stand up and progress of
10 the Joint Artificial Intelligence Center. The majority of the
11 brief was directed towards "this was what the JAIC is doing" and
12 "this is how we are fielding AI." The last session we had I
13 briefed and what we attempted to do is link the progress on AI
14 and they're going to move forward in AI to a requirement for an
15 enterprise cloud. It's important that we have an enterprise cloud
16 as an enabler, all of this great AI work that they had just seen.
17 That was the -- I provided that briefing and that was the tenure
18 of it was this AI work really requires a modern infrastructure in
19 order to proceed.

20 Q: Sir, let me ask you. There's some noise in the
21 background it seems to have stopped.

22 A: Yeah, it's, unfortunately it is the -- that's the
23 heating system in my office.

24 Q: Oh, okay.

25 A: I agree it's annoying. I don't know what I can do about

1 it.

2 Q: Okay. We'll proceed. Yes, we obtained some briefing
3 slides that supposedly went with that and one of them was about
4 enterprise cloud. Did you get into the -- some of the same areas
5 about myths and concerns, and myth versus fact that you had with
6 your other engagements, or was it strictly about why do we need
7 the cloud?

8 A: Yeah, we actually did not in that brief, at least to my
9 recollection get into any myth versus facts. We were pressed for
10 time there. So we really focused on it was kind of one slide in
11 that brief that just had a picture of where we were and where
12 we're trying to go with cloud, and we really spent the entire
13 time on that talking about cloud as an enabler for AI.

14 Q: What was the origin or impetus for that briefing,
15 visit?

16 A: I don't know the origin for the whole AI day. The
17 origin for including cloud in the AI day was, "Hey, we've got
18 folks coming over from the White House. Let's take it advantage
19 of the opportunity to impress upon them the urgency of getting an
20 enterprise cloud deployed to support these other high-profile
21 efforts to fully support the warfighter, to fully support AI." So
22 we were trying to take advantage of the opportunity to link
23 things that clearly are high-interest items like artificial
24 intelligence, but that fundamentally depend on the enterprise
25 cloud and we wanted them to make that connection. So, we added

1 that to the agenda. I don't actually know who initiated the White
2 House visit to the AI Center.

3 Q: What did the AI Center visit have to do with any of
4 President Trump's Tweets or public statements about JEDI?

5 A: Nothing apart from the fact that we were aware of the
6 need to try and build awareness and support, for not so much JEDI
7 specifically, but the idea of an enterprise cloud approach at the
8 Department of Defense with the White House.

9 Q: Did you take any questions or have any action items
10 related to the JEDI procurement?

11 A: Questions, yes. Again, I think I don't have records of
12 them. I think they were more of, "just kind of help me understand
13 what it is you're trying to build here" and no actions.

14 Q: You mentioned there were four engagements with members
15 of the White House staff. We covered three of them, what was a
16 fourth one?

17 A: The fourth was a call to Chris Liddell the same folks
18 who was at that brief, and I think it was a question to him about
19 who we should, again with the same goal of we want to make sure
20 that White House personnel understand how DoD views the cloud
21 strategy and this acquisition's role within the cloud strategy,
22 that DoD personnel have access to the factual counterparts to
23 some of what the media narrative was, and we were asking him who
24 in the White House should we engage on that topic?

25 Q: And you say "we were," was that you or somebody else?

1 A: Mr. Deasy was on the call. I can't say for certain no
2 one else was on the call. That's all I remember.

3 Q: Were you on the call?

4 A: I was. Oh, yeah, I was on the call.

5 Q: Did you initiate the call?

6 A: I didn't, but I believe our office did specifically to
7 say hey or to address that question, who do we need to get this
8 in front of, who would the President turned to on this topic? Was
9 kind of our question.

10 Q: And why did you decide that this call is necessary?

11 A: Again, I don't know exactly the sequencing, but there
12 was the general -- the general sense here that the President,
13 based on the information he had, was viewed our cloud effort very
14 negatively, but that the information that he had was not factual.
15 So, we were very concerned that he would potentially make a
16 decision, or provide some direction based on information that was
17 not factual. More specifically information that was provided by
18 lobbyists. So, we were interested in trying to get the factual
19 information in front of him.

20 Q: That's a segue to my next question. What information
21 was -- upon what information was President Trump operating at
22 this time, and where were his sources of information?

23 A: I mean I have very little insight into who he spoke
24 with outside of what's in the media. I know that the information
25 he used publicly mirrored talking points that had been shopped

1 around town by Oracle who was fighting hard against the program,
2 and we know that he received letters from Members of Congress,
3 and he received letters from various, you know we call them
4 groups, industry associations, and groups. So, where we had
5 access to those letters we could see what was in there. Those
6 letters were typically were not factual or had many factual
7 problems with them, and [REDACTED] received a letter which may
8 have been to -- as I talked through this that may have been why
9 we engaged the Deputy at the National Security Council because
10 [REDACTED] had received a letter from one of these groups. So, we
11 knew that the President was getting all this information and we
12 were looking to balance that with some actual facts about the
13 contract, and we could tell from the President's public
14 statements that all he had was one side of the story, and it was
15 the side of the story that was -- that didn't have its facts
16 correct.

17 Q: When was the call to Mr. Liddell?

18 A: I don't know. I would have to dig through my records to
19 find that.

20 Q: Can we take an action item for that I guess. So, what
21 happened after these four engagements?

22 A: At some point in the process the Secretary initiated
23 his review and at that point I don't think that we had any
24 further engagements with the White House because the Secretary,
25 Secretary Esper had taken on a thorough review of the JEDI

1 program, and I think that our hope was that his review would then
2 satisfy any concern that the White House had.

3 Q: Okay. If you'll bear with me, I'm going to have a
4 couple of questions for you about the review momentarily. What
5 other communications did you have with anyone on the President's
6 staff regarding JEDI?

7 A: None. That's the whole list.

8 Q: What have you ever personally heard President Trump say
9 that was about or related to the JEDI procurement?

10 A: I have never personally heard him say anything.

11 Q: Does that include that you -- are you saying that
12 you've never personally heard President Trump say anything that
13 was about Amazon, Amazon Web Services, or Mr. Jeff Bezos?

14 A: I mean I've seen media reports of what he said, but
15 I've never been -- I have never personally heard him say
16 something about Amazon, Amazon Web Services, or Jeff Bezos. I
17 mean I can see what he says on TV or what he Tweets.

18 Q: Okay. What has anyone ever told you that they heard
19 President Trump say that was about or related to the JEDI Cloud
20 procurement?

21 A: Again outside of what's in the media I've never heard
22 anyone communicate to me that the President has said anything
23 about the cloud procurement or Amazon in general.

24 Q: Please tell us what you know about, or help us to
25 clarify what we read in the media about President Trump's

1 influence or attempts to influence the JEDI Cloud procurement. I
2 guess anything we haven't talked about yet, and again I'm going
3 to ask you about Secretary Esper's review momentarily. What other
4 -- is there any other information that you can share with us to
5 help us clarify these matters?

6 A: No. I think we have talked about -- I think we've
7 talked about everything. I don't think that we've even
8 necessarily as an attempt to influence, as much as he had a bunch
9 of bad information and we wanted to get him better information,
10 but I've talked you through all of the interactions that we had
11 with White House staff.

12 Q: We saw a media report from July 2019 that stated that
13 President Trump said, "Companies complained about the planned
14 JEDI contract and he would be looking at the contract." They also
15 reported that President Trump said, "We'll take a very strong
16 look at it." Meaning JEDI, and then he asked aides to investigate
17 the contract. This was July 2019. I don't have the exact dates,
18 but this is just before Secretary Esper began his review and
19 right around the time that you had some of these engagements with
20 the White House. Is there a connection between some of these
21 media reports?

22 A: Sure. So that statement he said on television and so we
23 were certainly aware of it, and that informed -- I think that
24 informed our desire. There were several statements even in that
25 public statement there were several things that were incorrect

1 and that informed our interest in trying to make sure that the
2 White House was prepared with better facts about the acquisition.

3 Q: Did you see that on television where President Trump's
4 making these statements?

5 A: I did.

6 Q: What did President Trump do after he made those
7 statements?

8 A: I'm not aware that he did anything, and I can tell you
9 that in our conversations with White House staff, none of them
10 indicated that he had raised the issue with them.

11 Q: Did they offer that information, did you ask that, or
12 how did that come up?

13 A: No. It goes back to they seemed a little unclear as to
14 why we were there and I'm just trying not to stretch my memory
15 too much on this, but I feel like we had an indication that --
16 from Mr. Mulvaney that the President had never raised the topic
17 with him.

18 Q: Okay so that's Mr. Mulvaney, did Mr. Liddell make the
19 same statement?

20 A: Mr. Liddell, this was in our phone call, not in the
21 meeting at the JAIC where this didn't come up. He basically said
22 the President was not engaging his advisors. Because our question
23 was "who would we talk to in order to get factual information in
24 front of the President," and he said the President to his
25 knowledge was not engaging his advisors on this topic.

1 Q: Did Mr. Kupperman say anything like that or on that
2 subject?

3 A: Not that I recall.

4 Q: The media also reported that, and this was August 2019
5 that, "The White House has instructed" Secretary Esper to
6 re-examine the awarding of the JEDI contract because of,
7 "Concerns that the deal will go to Amazon," and then said that
8 this report that we saw quoted Secretary Esper as saying, "I've
9 heard from the folks in the administration." What can you tell us
10 about those reports?

11 A: I don't have any knowledge of what contact the
12 Secretary had with the White House. We know that the Secretary
13 heard from many corridors including Members of Congress, letters
14 that were written to him because we -- those letters would come
15 to our office, and it was my understanding that he had received a
16 phone call from the White House with questions, but I don't have
17 the personal knowledge of that.

18 Q: Who were the folks in the administration who contacted
19 Secretary Esper?

20 A: I don't know.

21 Q: What can you tell us about any directive or
22 instructions came from either the President or the White House to
23 Secretary Esper?

24 A: I don't have any knowledge of that. I know that no
25 directive or instructions was ever passed to us.

1 Q: How about of any requests to Secretary Esper?

2 A: Again I don't have knowledge of what -- Secretary
3 Esper's conversations were going upward, but he never passed us
4 any requests other than when we kicked off the review we brought
5 him a plan for the review and he made several requests in the
6 course of that, but he didn't -- he certainly didn't ask for any
7 particular set of outcomes or anything else.

8 Q: What did you hear others say about this matter of
9 President Trump or somebody else at the White House asking
10 Secretary Esper to, "re-examine the JEDI procurement?"

11 A: I'm not quite sure I understand the question.

12 Q: Did you hear anybody talking about any requests or
13 direction from the White House to Secretary Esper to re-examine
14 the procurement?

15 A: I did not.

16 Q: Did you see any emails that anybody had written or any
17 other type of communication about any direction or request from
18 the White House to re-examine the procurement?

19 A: No.

20 Q: We do understand that in July 2019 Secretary Esper did
21 initiate a review of the procurement. What was your role in the
22 review?

23 A: I participated in, as far as I know, every session of
24 that review. There were other participants individually, but
25 myself or Mr. Deasy were the -- I think were the regular

1 participants in that review.

2 Q: Why did Secretary Esper initiate that review?

3 A: So I think, and this is my understanding of that is
4 upon coming into his role he heard from a number of Members from
5 Congress which we have their letters, he heard from various
6 industry and advocacy groups, and he heard from members from the
7 administration, all of them complaining about the procurement.
8 And so he undertook to initiate a review of that.

9 Q: Was it solely in response to the White House or
10 President Trump?

11 A: Not that I'm aware of.

12 Q: Is "review" the right word for what you guys did? Or is
13 there something, a better way to describe that?

14 A: I guess I'm comfortable with the word "review." What we
15 did was, first of all much like the President, all of the initial
16 information he received was from sources with very -- were
17 basically trying to undermine the program. So most of the review
18 was focused on helping him understand the need for, the urgency
19 of, the structure of the acquisition and why it was important to
20 the warfighter. So, I know Mr. Deasy had called them education
21 sessions but unless review has a meaning that I'm not familiar
22 with, I think review is a fair term for it.

23 Q: Okay. And you got into a little bit about the purpose
24 and scope of it just a second ago. Is there anything you'd like
25 to add, or what was the objective?

1 A: So, certainly our objective was to convince the
2 Secretary first and foremost that this was important and in the
3 best interest of the warfighter and the Department of Defense.
4 That the strategy was sound and made sense for the Department,
5 and that the acquisition itself had been conducted with
6 integrity. The heating system has started beeping again so I'm
7 going to take you off speaker so it doesn't --

8 Q: Okay.

9 A: Okay.

10 Q: Thank you.

11 A: So it doesn't mess with your recording. So I think that
12 was our -- that was our intent. In fact that's how we talked
13 through it and ended up structuring some of the sessions that
14 way.

15 Q: Who was in charge of the review or the education
16 sessions that made up the review?

17 A: DoD CIO. I mean I would say the Secretary was in charge
18 of the review in a sense that he could bring in whoever he
19 wanted, but DoD CIO essentially proposed the agendas for each
20 meeting, and we invited participants and that during each meeting
21 we would get -- we would get some direction from the Secretary on
22 the questions that he wanted us to address in the next -- in
23 subsequent rounds and then we would correct fire as we went
24 through the process, but overall I would say DoD CIO set the
25 agenda and the topics for each stage of the review.

1 Q: What were Secretary Esper's decisions based on the
2 information he received?

3 A: As I'm sure you guys have been tracking the Secretary
4 recused himself before we got to any decision -- any decision
5 point in the review. So, he did not direct or make any decisions
6 based on the review itself. It was a process to help him
7 understand the Department's cloud strategy, how JEDI fit within
8 the strategy, to feel comfortable as he sat in one of our
9 meetings, that the facts were on our side so that if we were
10 going to take some knocks from the media or Members of Congress
11 that he would feel like we were defending something worthwhile,
12 but he did not make any decisions regarding the program.

13 Q: Did he issue any -- what were his instructions that he
14 issued based on information he received?

15 A: The only instructions he issued were about for the next
16 review "I'd like you tell me about X." But he did not issue any
17 instructions related to how we would execute the program, no.
18 Period.

19 Q: Why did he recuse himself?

20 A: So my understanding is because his adult son has a job
21 with IBM who was one of the original bidders on the program, and
22 although that is not a direct conflict of interest that the
23 Standards of Conduct folks advised him that given the high
24 visibility of this program that he should recuse himself and then
25 he did.

1 Q: Do you know who advised him to do that?

2 A: It was SOCO. I don't know which attorneys in SOCO did
3 that.

4 Q: What about the timing of it though? Why did he do that
5 when he did that?

6 A: I don't know the answer to that. He recused himself
7 prior to any decision-making I think. In a large controversial
8 acquisition just understanding that within an organization, he
9 may have wanted to receive all that information up front, but I
10 didn't learn about the issue until essentially when the recusal
11 took place. So I don't understand any -- obviously he knew where
12 his son worked before that but I don't know what his thinking was
13 on that.

14 Q: Getting back to Secretary Esper's review my question
15 is, what information about the review, its results, or the
16 information, was relayed then to the President or anybody on the
17 staff?

18 A: None during the review. After the decision was made,
19 both after our source selection decision which was separate from
20 the review, and after the decision was made by the Deputy
21 essentially to proceed with the source selection, as originally
22 drawn up in the source selection plan, the White House was
23 informed, I think, prior to our award announcement, but I'm not
24 aware of any conversation that took place with the White House
25 during the review.

1 Q: Who would have informed the White House about the
2 decision? Are you saying that this information to the White House
3 about the source selection authority's decision, or the decision
4 to award the contract to Microsoft?

5 A: Sure. There are two separate -- there are two separate
6 decisions here. One was within the space of the source selection
7 activity, right where we had a team of evaluators and the source
8 selection authority. None of that -- this is who do we want to
9 award the contract to? Does go to Microsoft or Amazon? None of
10 that was ever a topic of the Secretary's review. That process was
11 kept independent. Once that decision was made we told the Deputy,
12 "we have made our decision." We did not tell him what the
13 decision was. We said we have made our decision. And he relayed
14 that to the White House. He also relayed to the White House,
15 "Hey, we've reviewed the JEDI Program and basically think we
16 should let it proceed." Again this wasn't about who it should go
17 to. It was whether or not the program itself was in the best
18 interest of the Department. And so those two points, one is we've
19 decided to -- we decided that the JEDI activity makes sense and
20 is in the best interest of the Department, and we have decided
21 who are vendor is, but I don't know who it is yet, and we're
22 about to award. Those were relayed to the White House also
23 immediately prior to our public announcement.

24 Q: Relayed by Secretary Esper?

25 A: By Deputy Secretary Norquist is my understanding.

1 Q: We'll have a few more questions about source selection
2 process. I'm getting ahead of myself a little bit. I'm going to
3 ask you a few more questions, and then I'm going to hand off to
4 my friends from Audit who will have some more questions about the
5 source selection.

6 A: Okay.

7 Q: How did President Trump's or President Trump's staff's
8 communications with you about the JEDI procurement influence your
9 actions as they related to the procurement?

10 A: They did not influence my actions related to the
11 procurement in any way.

12 Q: How did President Trump's public statements about the
13 JEDI procurement influence your actions as it related to the
14 procurement?

15 A: It did not influence my actions related to the
16 procurement in any way.

17 Q: How did President Trump's or President Trump's staff's
18 communications or public statements about the JEDI procurement
19 influence, to your knowledge, senior DoD executive such as
20 Secretary Esper, Deputy Secretary Norquist, Ms. Lord, or Mr.
21 Deasy?

22 A: I think that it contributed to the decision by the
23 Secretary to undertake a review of the cloud program. I'm
24 separating that from the source selection itself of which most of
25 those officials weren't a part, but I believe it influenced their

1 decision undertake the review.

2 Q: What other influences, if any, were there on Secretary
3 Esper's decision to undertake the review?

4 A: I don't know exactly what influence him, I do know that
5 he received information from Members of Congress in both the
6 House and Senate. He received information from industry groups,
7 and he received information from Oracle directly who wrote him a
8 letter.

9 Q: We've reviewed copies of letters to -- one letter to
10 the House Committee on Armed Services, one letter to the Senate
11 Committee on Armed Services, one letter to Senator Inhofe. These
12 are all dated September 19 inviting Members of Congress to a
13 September 26th meeting about the procurement. What can you tell
14 us about those letters?

15 A: Well I don't have the actual letters in front of me. I
16 could talk about the meeting if that's helpful.

17 Q: Yes.

18 A: Yeah, so the -- as part of the review I think the,
19 again Secretary had heard from all these Members of Congress. He
20 wanted to make sure that those Members of Congress felt heard and
21 had a chance to express their concerns and make sure that they
22 had been able to voice those concerns directly to him. So, at
23 some point during our review process he said, "Eventually I'm
24 going to want to hear from Congress." So, CIO worked with
25 Legislative Affairs to compile the list of interested parties.

1 So, basically members of our oversight as well as anybody in
2 Congress who had expressed opinions about the contract for or
3 against, and gave them an opportunity to come meet with the
4 Secretary and express their views.

5 Q: Did the meeting take place on September 26th?

6 A: The meeting took place. I don't know that I've got the
7 date in front of me.

8 Q: Who showed up?

9 A: There were four people that showed up. I remember for
10 sure that Womack was there. We have this in our records I just
11 don't have the rest of them --

12 Q: Understand.

13 A: I know we have that written down. We had four people
14 show up and I took the one opportunity I remember his
15 Representative Womack from HASC-D.

16 Q: When you say "people," were these four Members of
17 Congress or are some of those --

18 A: Yes. Yes, I'm sorry. Four Members --

19 Q: -- four staff members?

20 A: -- of Congress. The way the invite was structured was,
21 they could bring a "plus one" but they could just send their
22 PSM's to meet with the Secretary. They had to show. So, we had I
23 would say modest turnout which is about what I expected.

24 Q: Can you please clarify just what a PSM is?

25 A: So that's the senior staff for the Members of Congress.

1 Q: How did President Trump's or his staff's communications
2 and public statements about the JEDI procurement influence, I'll
3 call this "people at the working level," like in the DDS, or the
4 Cloud Computing Program Office, or WHS Acquisition Directorate?

5 A: I don't have any -- I can't speak to kind of what
6 people saw and what they heard. I expect that some of them were
7 aware of his statements, but they had strict instructions to
8 confine their evaluation to the material that was in the
9 proposal, and that predated even the President getting involved
10 because there were lots and lots of media noise about JEDI
11 throughout the process. And so they had repeated instructions to
12 focus on the written words in the proposals.

13 Q: What information do you have that might indicate that
14 any of those folks were influenced in any way by the, what you
15 termed/called "media noise"?

16 A: None. I don't believe any of them were.

17 Q: How did President Trump's or his staff's communications
18 or public statements about the JEDI procurement influence the
19 source selection authority or any members of the source selection
20 team?

21 A: To my knowledge it did not influence any of them in any
22 way.

23 Q: What pressure did President Trump or anyone from his
24 staff exert on you regarding the JEDI contract?

25 A: None.

1 Q: On Secretary Esper or on other senior DoD executives?

2 A: I am not aware of any conversations with Secretary
3 Esper or other DoD executives outside of what's been reported
4 publicly.

5 Q: Same question about pressure on anybody in the DDS, the
6 Program Office, WHS, or the Source Selection Team?

7 A: I am not aware of any communications that White House
8 staff had with any of those folks.

9 Q: Okay. More of a general question, what was the impact
10 of President Trump or his staff on the JEDI Cloud source
11 selection?

12 A: Ultimately nothing.

13 Q: What is your response to the assertion that President
14 Trump influenced the JEDI Cloud procurement in a way the
15 disadvantage Amazon?

16 A: I believe that that is untrue. I'm going to revisit the
17 prior answer to "what was the influence." We - I do think it
18 contributed to us spinning up the review process. So, we devoted
19 time and energy to ensuring that the White House had good factual
20 information so that they would not be tempted to interfere in a
21 program based on bad information. It didn't have any impact on
22 the source selection itself and how the decision was made. It
23 certainly had an impact on kind of DoD senior staff who, you
24 know, we decided it was important to respond to that.

25 Q: Okay. Thank you. I'm going to hand off to [REDACTED]

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

2 BY [REDACTED]:

3 Q: Hi.

4 A: Hi, [REDACTED]

5 Q: Could you please describe your roles and duties of as a
6 [REDACTED]?

7 A: Sure. And I joined midway through the acquisition after
8 the down select was complete but I took over the role as the
9 [REDACTED], and my role in that job
10 was to pull together all of the technical evaluation reports for
11 each of the factors for both offerors, and basically to put them
12 together in a summary report that was then shared with the SSAC,
13 the Source Selection Advisory Committee I think, the next level
14 up. In my role I saw all of the technical reports, the technical
15 evaluation of both offerors. I did not see price. So, I gave a
16 recommendation based on, absent price, this is where I think the
17 best technical offers is.

18 Q: Okay. And during this you mentioned just as far as you
19 pulled together the TEBs and you kind of evaluated everything
20 except for the price. How did you ensure that you were applying
21 the ratings process fairly and consistently?

22 A: Well, I got out briefs from each of the TEBs where I
23 had an opportunity to ask questions related to "why did you score
24 something this way? What did the team think about this?" And I
25 did ask a number of those questions. In a couple of instances

1 where I felt like my perspective differed from the teams I
2 documented that in my report, but for the most part I concurred
3 with the TEBs, the individual factor teams' evaluations of
4 reports, but I had meetings with each factor chair where I was
5 able to ask any questions I had about the reports.

6 BY [REDACTED]:

7 Q: Sir, this is [REDACTED]. I've got a
8 quick question on your prior answer. You said you provided
9 recommendations to the SSAC. I'm just wondering as [REDACTED]
10 [REDACTED], when you say recommendations were you
11 saying ratings or actual recommendations on who to select?

12 A: Yeah, no, sir. That's you've caught me in imprecise use
13 of language, right? I provided a summary and a -- I provided a
14 summary to the SSAC Chair. I did not make a recommendation in the
15 sense of "I believe we should go this way or that way." I think
16 my overall report said "I believe that one of these offers is
17 slightly stronger, technically, than the other." I'm trying to
18 remember exactly what was in the report. I did not make a
19 recommendation for award.

20 Q: Okay. Thank you, sir.

21 A: Yes.

22 BY [REDACTED]:

23 Q: And how did you balance the strengths and the
24 weaknesses? So just how did you determine how one strength was
25 more or less significant than the other?

1 A: So, that relies heavily on subject matter expertise. I
2 think the members of the Source Selection Team who I could ask
3 about, as well as myself, and I have some prior experience in
4 this space. Somehow it's not a math problem. Two strengths does
5 not cancel out two weaknesses automatically. Some things are much
6 more important to the source selection and so that basically has
7 to be case-by-case evaluation and that is exactly the types of
8 questions we would ask in our reviews: for example if there are
9 12 strengths and five weaknesses we could say "what's the
10 relative merit of these things." There were a couple of cases
11 where I actually documented in my report where I felt certain
12 strengths were more impactful, or more predictive of overall
13 contract performance than others, and where I made those
14 judgments I documented them in my report. In some acquisitions we
15 actually assigned a weight to strengths and weaknesses. That was
16 not part of the source selection plan in this one, but we still
17 needed to balance those. Again, it can't be a math problem.

18 Q: So you mentioned that at some point in time you met
19 with each chair, did you revisit or reevaluate any other factors
20 after your initial rating, and if so: why?

21 A: I did not. Again, I didn't have access to price
22 information and so I think the SSAC when they were able to bring
23 price into the equation, reevaluated some of my scores, but I did
24 not have a reason to go back and, reevaluate my ratings after the
25 first review with the factor chairs.

1 Q: Okay. With the Source Selection Advisory Council
2 Report, it shows that they did not necessarily agree with your
3 factor two recommendation or summary. Were you consulted with
4 that at all?

5 A: They had brought me in to ask some additional questions
6 about factor two and why I made those judgments, but I was not
7 part of that decision making process. So, they basically bought
8 me in, had me answer some -- the way it goes down is I went in
9 and briefed my report start to finish for the whole board. I left
10 and as they deliberated over the next couple of days - there's a
11 point where they brought me in for some additional questions, but
12 they didn't -- because I didn't have access to price, they didn't
13 lay out all their concerns, and I wasn't part of the decisional
14 on that.

15 Q: Okay. By chance do you know the dates of when they were
16 deliberating and having those types of discussions?

17 A: I don't. It's easily discoverable but I don't have it
18 in front of me.

19 Q: And then were you give the opportunity to review any of
20 the redactions to your report prior to the awarding of the
21 contract?

22 A: I did not see any of those prior to the awarding.

23 Q: And then according to the source selection decision
24 document and in your report as well as mentions that the RFP had
25 two additional amendments. One was on May 21, 2019, and then

1 again on August 28, 2019. Could you please let us know what were
2 the reasons for those two additional amendments?

3 A: I think the contracting officer would be better
4 positioned answer that. I don't have the history on those
5 amendments.

6 Q: Okay. And what about any changes that were made to
7 Section M?

8 A: Not that I'm aware of., I know we had to do the demos
9 twice and so I know we had to make some changes to account for
10 the fact that we were going to do the demos in two parts and that
11 impacted, I think, the way we decided -- we had to explain how we
12 were going to evaluate results of the first demonstration and
13 results of the second demonstration. Because I had to understand
14 that what I was going through the report for that factor, but any
15 other specific changes again -- I'm not -- I personally don't
16 know what was driving those.

17 Q: Okay. And what about the change to the Attachment L,
18 Price Scenarios?

19 A: Yeah, I'm not aware of any of the details behind that.

20 Q: And then I kind of want to go back to one of questions
21 that you answered earlier. So, you mentioned just as far as about
22 the White House being notified that a decision had been made, not
23 necessarily who was going to be awarded the contract. What day
24 was that -- what day did that occur?

25 A: So let's say we awarded on the 25th so I believe that

1 was on 23 October.

2 Q: Okay.

3 BY [REDACTED]:

4 Q: How and when did you personally learn that Microsoft
5 won or would win the contract?

6 A: After the SSAC had concluded their deliberations and
7 the Source Selection Authority had signed or agreed to their
8 paperwork then I believe our acquisition attorney said, "now it's
9 done I can tell you how played out." I don't know the date but it
10 was after the paperwork was closed.

11 Q: Was it before the 23rd or the 25th?

12 A: It was before the 23rd. I think we were closed out from
13 a decision standpoint. There were a number of other kind of
14 administrative things that we had to do to prepare for award and
15 I had to send a report to Congress, but I think we were closed
16 out several days before that. So it was several days before that.

17 Q: What was your reaction when you heard that?

18 A: So I knew it was a horse race. I knew that we had two
19 very competitive proposals because I had reviewed them. Because
20 we had two very competitive proposals I knew that price was
21 likely to become a more important factor in making a decision and
22 when they told me what the price delta between the two was I have
23 to say I wasn't -- I was not surprised. I think because I had
24 seen the technical proposals and I knew that we had two tech
25 proposals that were very close, I basically knew it was going to

1 come down to price.

2 BY ██████████:

3 Q: This is ██████████. So you said the
4 acquisition attorney informed every body once the SSA had signed
5 her paperwork?

6 A: I don't think informed everybody. She informed me.

7 Q: Okay. That was my question, who did she informed?

8 A: Yeah, yeah. She informed me, and I mean she informed --
9 so I don't know. So Dana for example, just knew who the --
10 because Dana was an advisor to the source selection team, so Dana
11 was aware. None of the other senior officials, in fact we briefed
12 Ms. Lord on program readiness, but she was never briefed on who
13 the awardee was going to be. I know for a fact that we did not
14 brief the Deputy on who the awardee was going to be. So, it was
15 essentially members of the Source Selection Team who are aware
16 once the paperwork was signed.

17 Q: Was that ██████████?

18 A: ██████████ was ██████████ at that time, yeah.

19 BY ██████████:

20 Q: Did you help out with kind of the media rollout plan or
21 the communications plan?

22 A: I did.

23 Q: can you tell us about what were the plans, sequence, or
24 the elements of the plan?

25 A: I think sequence was to start with notification to the

1 vendors, to immediately follow that -- like within the minute --
2 with notifying the Deputy and Secretary of Defense as well as the
3 Assistant Secretary for Legislative Affairs so those were the
4 three stops. Mr. Deasy made those notifications to be followed
5 shortly thereafter by a call to the professional staff members
6 from our oversight committees which was arranged earlier in the
7 day, and then followed up by a press release all within about an
8 hour's time.

9 Q: And the notification to the proposers, or to the
10 offerors, what was the plan for what information would be
11 provided at that time to the offerors?

12 A: Well I think it was at 4:45. I guess I don't know the
13 contract mechanics, but that they would get a phone call.
14 Microsoft hears that they been selected and Amazon hears that
15 they weren't selected.

16 Q: Any other details beyond that was part of the plan?

17 A: Not that we discussed in our plan, no.

18 Q: Any other details that you're aware of that weren't
19 discussed necessarily laid out in the plan but that you were
20 aware was going to be communicated to either the successful or
21 the unsuccessful offer?

22 A: No. At some point we really didn't discuss the
23 mechanics of this. At some point thereafter we were going to have
24 written debriefings provided and during the written debriefings
25 they receive a whole bunch of information. As part of that

1 process we had some information that was improperly disclosed to
2 Amazon in particular. I don't think that happened -- I don't
3 actually know the day if that happened on the day or concurrent
4 with the award notification or the day after. That was just part
5 of the debriefing process.

6 BY [REDACTED]:

7 Q: Sir, this is [REDACTED], are you involved in
8 responding to Amazon questions?

9 A: I am not.

10 Q: Are you aware of who is involved in responding to those
11 questions?

12 A: Yeah. Our contracting officer, the legal team, Sharon
13 Woods our Program Manager, and then technical subject matter
14 experts as needed depending on the question.

15 Q: When was Secretary Esper notified that Microsoft was
16 the awardee?

17 A: Immediately after the phone call was made to Microsoft
18 and Amazon. Mr. Deasy made that notification. He was traveling at
19 the time so he -- it was his first opportunity from Afghanistan
20 or wherever to take a phone call he was notified.

21 Q: I'm going to go back to two statements you made earlier
22 and I would like a little bit more information on. You talked
23 about when you receive the out brief from the TEBs and you ask
24 questions, you said you were in agreement for most of them. What
25 were you not in agreement with?

1 A: There was one area where they had assigned a number of,
2 they assigned a couple of weaknesses to Amazon because they had
3 proposed a range of solutions in order to address one
4 requirement, but no single solution met all the requirements. So
5 they viewed that as an inconvenience for the government because
6 you couldn't have one piece of equipment, to simplify the
7 conversation, that would satisfy the full range of requirements.
8 I viewed it a little bit more as they were offering choice where
9 we could fit the best thing. So I noted that in my report. I
10 think it was also --

11 Q: Was that the tactical edge?

12 A: That was tactical edge, yes. Yeah, that's correct. So
13 that's factor three I think, and so that may be the only place
14 where I documented. The other place where I had a conversation
15 was about on factor two, I believe, whether or not we should be
16 awarding outstanding ratings rather than good ratings, which came
17 down to a relative weighting on the strengths and weaknesses in
18 that proposal, and ultimately after some discussion I agreed with
19 the way that the factor chair had done it because he had been
20 consistent between the two offerors.

21 Q: Was there any, at any point was there any drastic
22 change from one factor tipping one way or the other?

23 A: I'm not sure if I understand your question. So the
24 factor reports were actually signed before I reviewed them. So I

25 --

1 Q: So, was there any change?

2 A: I couldn't change the factor reports. If I disagreed
3 with the factor report I would have to note that in my report,
4 but the factor reports were actually that of the opinion of the
5 factor chairs before they talk to me and, just like my report was
6 my opinion before the SSAC talked to me, and then if they want to
7 differ from it they can note that in the next report up.

8 Q: Were you consulted by any of the factor members before
9 you had -- before they completed their report and you had those
10 meetings, were you consulted before that?

11 A: I was not.

12 Q: Okay. And then at the beginning of our meeting you
13 mentioned that there had been some issues with not vetting people
14 before providing source selection information.

15 A: Yes.

16 Q: Can you expand a little bit about that?

17 A: Sure. The first of them is the Secretary of Defense and
18 we didn't have a -- I think we assumed by the virtue of his
19 position that he would be entitled to all of the information. I
20 think he was, but SOCO had a recommendation to be involved. The
21 second one is the Senior Acquisition executive named Stacy
22 Cummings who, at one point, we had engaged in a conversation
23 about in preparation for the Secretary's review what possible
24 courses of action were available to us with the contract and she
25 ended up having a conflict of interest.

1 Q: What source of source selection information was the
2 Secretary given?

3 A: None.

4 Q: Then what is the issue?

5 A: So the issue is even without access to source selection
6 information if he makes a decision about the direction of the
7 contract itself, for example, we should proceed with JEDI or we
8 should not proceed with JEDI, even without access to the source
9 selection information, if that could potentially benefit his
10 son's company that was the concern that SOCO expressed. Again, it
11 was a perception issue rather than a criminal [HTLOD1] conflict.

12 Q: Besides Secretary Esper and Ms. Cummings was there any
13 other person who was disclosed any source selection information
14 that you are aware of?

15 A: No, Ms. Cummings was also not provide any source
16 selection information that was similar. She was looking at the
17 externals of the program. She didn't actually have any source
18 selection information.

19 BY [REDACTED]:

20 Q: All right, sir. This is [REDACTED] speaking. You said
21 earlier that you thought that, or you were not surprised that it
22 would come down to price since a lot of the other factors were
23 pretty close, and so after the award was done did you actually
24 find out about any of the price information?

25 A: Actually I still don't have details on the price

1 information. I have the total evaluated price of the scenarios
2 and people gave me some insights on the percentage lower but I
3 still have not seen the full price work-up.

4 Q: Okay.

5 BY [REDACTED]:

6 Q: Can you get us a copy of the comms or the rollout plan?

7 A: I could, yes.

8 Q: Thank you. I think you [REDACTED] e-mail address. The only
9 other action item that I took down was if you could please try to
10 find the date of the call to Mr. Liddell.

11 A: Sure, yeah. So, let me clarify on the rollout plan. We
12 had something that was called our tick-tock which is a "who is
13 notified when." Is that what you're looking for?

14 Q: Yes that would include that.

15 A: So, there are two elements -- one was just a timeline
16 that basically said at 4:45 we're going to call the offerors and
17 then we're going to do these things. That was our script for the
18 afternoon. Our comms rollout plan was the press release which is
19 essentially our public press release and Q&As that we had
20 prepared to respond to media inquiries.

21 Q: Both of those would be helpful.

22 A: Okay.

23 [REDACTED] [REDACTED] anything else that you want to ask?

24 [REDACTED] I don't have anything.

25 [REDACTED] Anybody else?

1 BY [REDACTED]:

2 Q: Just one final general question. Is there anything
3 that, from the source selection process or from the JEDI contract
4 or the way that was handled that makes you question or that you
5 are concerned about that you would like to share with us?

6 A: No. In fact, I think the opposite. I came into this in
7 the middle and there had been a lot of noise about it from the
8 outside. We had some individuals who had not disclosed conflicts
9 of interest earlier on, but my experience with the way that the
10 acquisition itself was run and how the team source set up and
11 compartmentalize, and the care that was taken was among the best
12 acquisition I've seen.

13 Q: What was your involvement with [REDACTED]

14 A: I was the overall Program Manager for [REDACTED] back in 2000
15 -- I ran [REDACTED] from 2011 to 2015.

16 BY [REDACTED]:

17 Q: Sir, what other relevant information do you have or do
18 you think or you think that might be relevant to this line of
19 inquiry that you could share with us that either I missed asking
20 about it or I phrase the question in a particular way that I
21 didn't get the information.

22 A: Nothing comes to mind I hope that I've answered your
23 questions.

24 Q: Is there any additional information you'd like to
25 provide?

1 A: No.

2 Q: Do you have any questions of us?

3 A: I don't.

4 BY [REDACTED]:

5 Q: Sir, have you been contacted by Amazon, Microsoft, or
6 any of the other competitors at any point during this
7 acquisition?

8 A: No I have not been contacted by any of them at any
9 point during the acquisition. I do have contact with Microsoft.
10 Microsoft is our largest software supplier. There are several
11 other activities in my portfolio that involve Microsoft including
12 another major award that we did at DEOS and a renewal of
13 licensing. So I have I would say fairly regular contact with some
14 Microsoft personnel, but it's always -- we've never had any
15 conversation about this acquisition. I haven't had contact with
16 any of the other participants during the acquisition. After the
17 acquisition closed I had a meeting with Oracle. Again, they're
18 our second-largest software service supplier so we have a set of
19 relationships that we maintain there and that was after the award
20 decision was made.

21 Q: Was JEDI discussed in this meeting?

22 A: JEDI, I made the point to them that there was more in
23 the DoD cloud strategy than just JEDI. So JEDI the acquisition
24 wasn't discussed. I think I obliquely reference that "hey,
25 there's kind of an ongoing corporate level conflict we still do,

1 however much business we do with them several hundred million
2 dollars a year and we need to be able to have a relationship that
3 compartmentalizes that noise and we'll deal with all our other
4 issues. But we did not talk about the acquisition itself.

5 Q: Any members from Amazon or Microsoft contact you after
6 award?

7 A: No. I do expect to have a meeting with Microsoft soon,
8 but I have not been in touch with them yet.

9 Q: Thank you.

10 A: Yep.

11 BY [REDACTED]:

12 Q: Mr. Ranks, do you have any comments or concerns about
13 the way we conducted this interview?

14 A: No. I think you guys are pros.

15 Q: If you remember anything else that you believe may be
16 relevant to this review would you please contact [REDACTED] or me?

17 A: Yes.

18 [REDACTED]: Finally, in order to protect the integrity
19 of this review, we ask that you not discuss the matters under
20 review or the questions we asked you during this interview with
21 anyone other than your attorney, should you choose to consult
22 one. This does not apply to or restrict your right to contact an
23 Inspector General or a Member of Congress. If anyone asks you

24 about your testimony or the review please inform them that the

25 DoD OIG has asked you not to discuss the matter and if anyone

persists in asking you about your testimony, or the review, or if

you feel threatened in any manner because you provided testimony,

please contact us.

MR. RANKS: Understand.

[REDACTED]: The time is now 1:21 p.m. This interview is
concluded.

[The interview terminated at 1:21 p.m., November 5, 2019.]

[END OF PAGE]

[HTLOD1]No idea what this word is, but it's not "criminal"

@1:07:29 - has to be something like "conflict of interest,

conflict"



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
DEFENSE CRIMINAL INVESTIGATIVE SERVICE
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2019000746-60NV- B1

April 5, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

INTERVIEW OF SHARON WOODS: On April 1, 2019, SA [REDACTED] DCIS, Intelligence Community Resident Agency, and [REDACTED], Resident Agent in Charge, Northern Virginia Resident Agency, interviewed Sharron Woods, Program Manager (PM) for the Joint Enterprise Defense Infrastructure (JEDI) Cloud acquisition, Pentagon, Washington, DC. Woods provided the following information:

BACKGROUND

Woods reported that she started her federal service in [REDACTED]. In 2008, she joined the Department of Navy (DON) Office of General Counsel (OGC) as an attorney and provided legal assistance on DON's information technology (IT) acquisitions. In September 2016, she became the General Counsel (GC) for the Defense Digital Service (DDS) and served as the DDS GC until October 2018. As the DDS GC, Woods provide legal guidance regarding cyber law and IT matters. Woods currently serves as the PM for the JEDI Cloud acquisition. She reported the JEDI Cloud acquisition falls under DoD Chief Information Office (CIO). In June 2018, the JEDI acquisition was transferred from the CIO to the DoD Chief Management Office.

DDS WORKFORCE AND ETHICS REQUIREMENTS

Woods explained DDS employees are hired under a special hiring authority known as the "Schedule A" under the expected service appointments. She said they are hired with the expectation that they will support the DoD for a short period of time. They usually stay with the DoD for approximately two years and then they would go back to the private sector. DDS employees are hired to work on a variety of complex IT projects and issues affecting the DoD. They do not serve in a covered positions such as contracting officer (CO), PM, or the source selection authority nor they have the authority to award a contract.

Woods said these individuals are not subject to the Office of Government Ethics (OGE) Form 450 (Confidential Financial Disclosure) or the OGE Form 278e (Public Financial Disclosure Report) financial reports requirements. She explained DDS employees are hired from industry with a complex financial portfolio when compared to traditional DoD's OGE 450 filers. She reported it would not be uncommon for a DDS employee to buy or sell over \$1 million dollars worth of stocks.

As the DDS GC, she took the initiative to have one-on-one meetings with DDS employees to discuss their financial situation and deter any potential conflict of interest. During these meetings she would discuss the purpose of the OGE 450 and 287e Forms and inquire about the employee's finances. She asked questions similar to the questions provided on the OGE 450 and

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278e Forms. Woods also provided guidance regarding the restrictions on receiving gifts from sources outside the DoD. Based on the information disclosed by the employee, she would determine whether the employee should contact the DoD OGC Standards of Conduct Office (SOCO) for further ethics opinion. Woods did not render legal opinions subject to safe harbor protections during these meetings.

DEAP UBHI

She reported Ubhi started working for DDS sometime in August of 2016. She reported she met with Ubhi to discuss his investments and whether a conflict of interest existed.

She stated [REDACTED]

Woods said that they assigned Ubhi to the JEDI acquisition circa September 2017 after the one-year “cooling off” period of working as an Amazon employee had lapsed. Ubhi left Amazon sometime around January 2016. Prior to joining to the JEDI program, Ubhi had been assigned to support various IT projects involving the Army Digital Service.

Woods explained she and Ubhi were assigned to the JEDI acquisition since its inception in September 2017 when the former Deputy Secretary of Defense, Acting Secretary of Defense Patrick Shanahan, directed 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. She stated that DDS was asked to take the lead in the JEDI acquisition.

Woods was responsible for assembling the JEDI acquisition team. She said (b) (6), (b) (7)(C), [REDACTED] Washington Headquarters Service (WHS), Acquisitions Directorate, and [REDACTED] Acquisition Law, WHS, were selected to provide contracting support to the acquisition. She explained Ubhi was tasked to conduct market research and gather information on potential technologies, products, and industries providing cloud services.

Woods reported that Ubhi worked as Product Manager and only assisted in the initial market research. Agents asked if Ubhi had supervisory responsibilities; she said no. Agents asked Wood whether Ubhi participated personally and substantially in the JEDI acquisition; she said yes. However, she explained that Ubhi left DDS before the JEDI acquisition team generated and received data marked as “Source Selection Information.” She said that Ubhi supported the JEDI acquisition from approximately September 2017 to October 2017. Woods emphasized Ubhi did not have access to information that would have given Amazon a competitive advantage in the source selection process.

RECUSAL FROM THE JEDI ACQUISITION

Ubhi contacted Woods in October 2017, and said that Amazon wanted to buy his start-up company identified as “Tablehero.” Woods referred Ubhi to SOCO and they directed him to recuse himself from the JEDI acquisition. Based on SOCO’s guidance, Ubhi e-mailed Chris Lynch, Director of DSS, and his [REDACTED]. Ubhi told them he

needed to recuse himself from the JEDI acquisition due to a conflict of interest involving due to the selling of his company to Amazon. On November 13, 2017, Ubhi submitted his resignation letter and departed DDS on November 24, 2017.

Agents inquired if she knew Ubhi was seeking and negotiating employment with Amazon when he was still assigned to the JEDI acquisition; she said no. Woods explained the DoD discovered that Ubhi had accepted a position as an Amazon employee in February 2019, when they received a copy of the letter that Amazon had mailed to the CO. Based on the letter, she opined that Ubhi lied and omitted key facts regarding his post-government job at Amazon.

Agents inquired if Ubhi was asked to sign a Nondisclosure and Conflict of Interest (NDA/COI) Form; she said yes. Woods explained the NDAs were signed before the issuance of the Request for Proposal (RFP). She opined some of the signed NDAs were not a legal bidding document. She said they were signed before the completion of the market research. Additionally, Woods said the interested parties had not responded to the JEDI's Sources Sought Notice when they signed their initial NDAs.

Agents inquired if DDS employees assigned to the JEDI acquisition have received training or guidance regarding the implications of violating the NDA terms and conditions; she said yes. Woods explained SOCO held two training sessions and they provided guidance on how to handle information subject to the Procurement Integrity Act and the criminal consequences of violating ethics law.

Woods said DDS employees asked numerous questions to SOCO attorneys during the ethics briefing. Agents inquired if Ubhi attended the ethics training; Woods said she believed he did. She agreed to review her records to determine if she kept a copy of the attendance sheet and the ethics training slides.

JEDI GOOGLE DRIVE

The JEDI Google Drive (Google Drive) was created in September 2017. The Google Drive is a personal cloud storage service from Google that enable the JEDI acquisition team to store and synchronize digital content across computers, laptops, and mobile devices. Woods and Ubhi had administrator rights to the Google Drive. Ubhi's administrator's accounts was disabled by either Lynch, [REDACTED], as soon as Ubhi recused himself from the acquisition.

Agents inquired if Ubhi was issued multiple "DDS" accounts; she said no. [REDACTED] stated that Ubhi only used one account to access the Google Drive. She also explained that if Ubhi had created an authorized or an alternate account, Lynch or [REDACTED] would have been able to identify it.

[REDACTED] explained the Google Drive contained numerous files and folders. [REDACTED] stated Lynch and [REDACTED] have "super user" rights to the Google Drive and they have the ability to monitor all accounts with access to the Google Drive. She explained Google Drive's users must have an active a "dds.mil" account to access the content in the Google Drive. Users also need to follow a two-step authentication process to access the drive and its folders.

DDS created various folders and domains to restrict access to JEDI's records such as proposals and the Source Selection Plan (SSP). She explained that around 25 people currently have access to the offerors' proposals. Woods reported that access to the folder containing the JEDI's SSP is limited to the CO and a handful number of DoD personnel. Furthermore, even the individuals assigned to evaluate the offerors' proposals are firewalled from certain folders in the Google Drive. For example, Woods explained evaluators assigned to evaluate the JEDI's technical factors did not have access to the folders containing the offerors' proposals. DDS created the aforementioned folders after Ubhi resigned from DDS.

Agents inquired if DDS maintained audit logs of the files and folders that Ubhi accessed when assigned to the JEDI acquisition. Woods also reported that DDS was able to determine the number of files and folders the DDS team created when Ubhi was still assigned to DDS. Woods agreed to provide DCIS with an overview of the different folder they created in support of the JEDI acquisition.

Woods explained [REDACTED] conducted an in-depth COI and Organizational Conflict of Interest (OCI) investigation to determine whether Ubhi's actions compromised the JEDI acquisition. [REDACTED] initiated the investigation in response to an ongoing bid protest that Oracle America, Inc. (Oracle) filed in the Court of Federal Claims. In support of the investigation and the bid protest, Woods explained DDS produced audit logs and historical JEDI records. She stated the [REDACTED] has completed her COI and OCI evaluation and the report will be due sometime in April 2019.

Agents inquired whether 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, had access to the Google Drive folder; she said no. Woods explained that neither Donnelly nor DeMartino were issued "dds.mil" accounts; thus, they would have not been able to access nonpublic information pertaining to the JEDI acquisition.

Woods said DeMartino attended two or three meetings between Shanahan and senior DoD personnel assigned to the JEDI acquisition. DeMartino did not have a seat in the conference room table. He sat in one of the seats along the wall and took notes during the meeting.

She said DeMartino did not have an active role during these meetings. Woods knew DeMartino had consulted for Amazon and had sought ethics guidance from SOCO. However, she said that they did not discuss source selection information in those meetings. Woods described the meetings as high-level briefings on the JEDI acquisition.

Agents inquired if he participated personally and substantially in the JEDI acquisition; she said no. DeMartino was not involved in drafting the source selection information documents nor other pre-decisional sensitive documents related to the JEDI acquisition.

Regarding Donnelly, Woods explained Donnelly did not participate in JEDI meetings nor have access to source selection information pertaining to the JEDI acquisition. Woods emphasized that neither Ubhi, Donnelly nor DeMartino had the ability to influence the JEDI acquisition or the individuals assigned to the JEDI's source selection team. They were not involved in crafting the technical requirements for the JEDI. Woods explained they assembled the source selection

team after they left the DoD and only a few employees know the individuals assigned to the source selection evaluation, including the location where the source selection is being conducted.

Prepared by: SA [REDACTED], 60IC

Approved by: [REDACTED], 60FO

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DEPARTMENT OF DEFENSE
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October 16, 2019

MEMORANDUM FOR Ms. Sharon Woods

SUBJECT: Continuation of DoD OIG Interview - Follow-up Questions regarding Mr. Ubhi

1. Listed below are a series of questions related to your knowledge of Mr. Deap Ubhi's involvement in the JEDI Cloud procurement. Please provide your responses below to each of the questions and sign the memorandum acknowledging your responses.

2. Mr. Ubhi became a member of DDS on August 22, 2016; please describe the project(s) that Mr. Ubhi worked on before he became involved in the JEDI Cloud procurement.

Mr. Ubhi worked on a USMEPCOM project called MIRS. It is the entrance processing tool for new military members. Army is the executive agent for MIRS. In December 2016, the Army funded an Army Digital Service within DDS that focused on Army projects. Mr. Ubhi was the head of ADS and worked on several Army-related projects, but I cannot provide any details.

3. Did Mr. Ubhi need to disqualify himself from working on any project before the JEDI Cloud procurement? If so, why?

Based on Mr. Ubhi's previous employment with Amazon before starting with DDS, the 1-year regulatory cooling off period was applicable. Mr. Ubhi had been advised that he could not work on particular matters involving Amazon until the 1-year ended.

4. When did Mr. Ubhi receive his initial ethics briefing? Who provided the initial ethics briefing and what was discussed?

I provided Mr. Ubhi's initial ethics briefing, which is something I did with all DDS employees as their embedded General Counsel. We discussed financial conflicts of interest, gift rules, contractor-federal interactions, and post-employment.

5. Mr. Ubhi declined attending the DDS Joint ethics training provided by the SOCO DAEO on February 13, 2017. Can you tell us the reason why he declined to attend the DDS Ethics training? Did he attend any additional ethics training opportunities?

My recollection is that he had intended to participate, but ended up traveling that day by plane.

6. Please describe Mr. Ubhi's roles and responsibilities as the Product Manager for JEDI Cloud?

Mr. Ubhi was responsible for facilitating the technical aspects of the "product" (JEDI). As he was only on the program for 7 weeks, he didn't do much, but he had started market research activities.

7. What is the difference between a DDS Product Manager and Program Manager?

Generally speaking, a Program Manager is responsible for all aspects of a program – staffing, budget, contracting, acquisition, delivery of services, etc. A Product Manager is only responsible for overseeing the technical development of a particular product. A Program Office can have many Product Managers (which is the case with DDS), but there is only one Program Manager. Mr. Ubhi had no responsibilities relative to budget, staffing, acquisition, and other programmatic functions that DoD Program Managers perform.

8. Who is responsible for leading the team (Product Manager or Program Manager)?

The Program Manager leads the team.

9. What are the dates that DDS held the one-on-one vendor meetings?

Nutanix Oct 12, 2017

Microsoft Oct 19, 2017

VMware Oct 24, 2017

Google Oct 26, 2017

There were four additional meetings, but I don't have the dates.

There were 8 total sessions. Here is an excerpt from the final Market Research Report about the one-on-one meetings.

From October 12, 2017 to January 26, 2018, DDS conducted one-on-one vendor meetings. Vendor meetings followed a consistent format of sessions lasting anywhere from 60 to 90 minutes, with up to three vendor attendees, up to four DDS participants, using a standard set of questions (Appendix A), and an opportunity for the vendor to share whatever information it wanted. Each session followed a very similar pattern: introductions, vendor product and service overview, questions from DDS, and final thoughts or questions from the vendor. Some vendors provided website addresses or digital documents after their session. DDS personnel took notes during each of the vendor sessions. Vendors were asked to bring technical, and not just corporate or sales/business personnel, as the questions sought technical information about commercial cloud service offerings

10. What role did Mr. Ubhi have during the one-on-one vendor meetings?

For any sessions he attended, he would have been one of at least two DDS employees asking questions and taking notes.

11. What are the dates of Mr. Ubhi's participation in the one-on-one meetings?

I do not know. My understanding is that JEDI legal already provided this information.

12. What was Mr. Ubhi's input or contribution for the RFI? Please provide any work product he provided, if available.

Mr. Ubhi assisted in drafting the comment along with [REDACTED], and me. [REDACTED] did the contracts review and [REDACTED] did the legal review.

13. What was Mr. Ubhi's input or contribution into the Market Research? Please provide any work product he provided, if available.

The market research report did not start in earnest until the RFI responses were received in November. He attended some one-on-one meetings and contributed to the RFI, but he did not work on the Market Research Report.

14. What was Mr. Ubhi's input or contribution into BCA? Do you have a copy of the Draft BCA, the one before Mr. Ubhi's disqualification? Please provide any work product he provided, if available.

Mr. Ubhi had developed a table of contents for the BCA, but when he recused and [REDACTED] took over the [REDACTED] role, [REDACTED] discarded it and started from scratch.

15. What was Mr. Ubhi's requirements for collecting NDA's for DDS Employees?

He sent emails reminding folks to send their NDAs.

16. Did he sign an NDA? If so, when?

He submitted an unsigned NDA that had his name filled out in typing.

17. Mr. Ubhi's NDA is not signed; did he ever provide a signed copy? "Why didn't he sign the NDA? Please provide any documentation regarding this, if available.

He did not provide a signed NDA to my knowledge.

18. Did Mr. Ubhi inform you or any other DDS Supervisor or team member that he was pursuing a job(s) with Amazon?

To my knowledge, no one, including myself, was notified about Mr. Ubhi pursuing employment from Amazon until the date he recused saying that Amazon was going to buy his start-up company, Tablehero.

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

Sharon Woods

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Phonecon with Sharon Woods 9 Jan 20
Date: Thursday, January 9, 2020 10:34:59 AM

I had a telephone conversation with Sharon Woods this morning in which she said the following statement regarding Mr. Gavin is "100% correct:"

The CESG never appointed representatives from the Military Services to be CESG members. Deputy Secretary Shanahan's memo directing CESG establishment identified "core membership" and one advisor. All core members and the advisor were officials in OSD. The memo did not mention military service membership. Mr. Gavin simply got tasked to go brief Navy lessons learned in October, then tasked again in April to represent Navy equities in the Acquisition Strategy meeting. He did not become a member of the CESG.

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

Investigations of Senior Officials
Administrative Investigations
Office of the Inspector General
[REDACTED]

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From: [Sharon Woods](#)
To: [REDACTED]
Cc: [Woods, Sharon CIV \(USA\)](#); [REDACTED]
Subject: Re: DoD OIG - Investigative Inquiry Concerning (DDS Product Manager) - HOT
Date: Monday, February 3, 2020 5:59:59 PM

(b) (6), (b) (7)(C)
[REDACTED]

Question #1. Please identify which cloud focus meetings Mr. Ubhi participated in and what was his role in participating in those meetings.

I can confirm that he attended the Army, Navy, DISA, and DLA focus sessions. I am unable to confirm either way about attending the remaining ones. In the meetings, he listened to the material being presented and asked questions to seek additional information or clarification.

Question #2. How did Mr. Ubhi's participation in the focus session meetings contribute to the market research?

The market research was aimed at understanding the marketplace's ability to meet DoD's cloud requirements. The Cloud Focus Sessions gave military components an opportunity to explain their experience, lessons learned, and future needs about cloud, to include their use of vendors to meet any of those requirements.

Question #3. Who asked Mr. Ubhi to attend the focus session meetings? Why?

The CESG membership at the time had "working level" individuals to conduct research and provide information to CESG for their consideration. Deap Ubhi was one of Chris Lynch's working level individuals doing that.

Question #4. What did you mean when you told us that you and Mr. Ubhi "just attended in sort of receive mode to see -- to hear what they had to say." Please expand our this comment? Did Mr. Ubhi have any deliverables?

Please see answers to questions 1 and 2 above. Deap Ubhi did not have any deliverables specific to the cloud focus sessions.

Question #4. Please provide any documentation or email that you have concerning Mr. Ubhi's involvement or attendance at the cloud one-on-one sessions with industry and thought leaders.

Deap attended the following sessions to my knowledge:

VMware
Nutanix
Microsoft
Google

v/r,
Sharon

On Mon, Feb 3, 2020 at 2:37 PM [REDACTED]

[REDACTED] > wrote:

> Ms. Woods,

> We are nearing completion of our investigation and need your help
> in clarifying responses that you provided to us during your testimony on
> July 29, 2019, regarding Mr. Deap Ubhi. I remind you that you remain under
> oath.

>

> During our interview we asked you about Mr. Ubhi's participation
> in meetings, specifically cloud focus session meetings and one-one meetings
> with vendors. However, our questions pertains to Mr. Ubhi's participation
> in the cloud focus sessions with service components and industry thought
> leaders.

>

> You testified about his attendance at cloud focus sessions and stated, "
> Yeah, so between the two of us at least one of us attended one of the cloud
> focus sessions. So, it was all of the services and DISA, and DLA, and I'm
> trying to think if any other
> components came in. I don't think so. But yeah, we just attended in sort
> of receive mode to see -- to hear what they had to say."

>

> Question #1. Please identify which cloud focus meetings Mr. Ubhi
> participated in and what was his role in participating in those meetings.

> Question #2. How did Mr. Ubhi's participation in the focus session
> meetings contribute to the market research?

> Question #3. Who asked Mr. Ubhi to attend the focus session meetings?
> Why?

> Question #4. What did you mean when you told us that you and Mr. Ubhi
> "just attended in sort of receive mode to see -- to hear what they had to
> say." Please expand our this comment? Did Mr. Ubhi have any deliverables?

> Question #4. Please provide any documentation or email that you have
> concerning Mr. Ubhi's involvement or attendance at the cloud one-on-one
> sessions with industry and thought leaders.

>

> We kindly ask that you respond NLT COB tomorrow, Feb 4, 2020 or sooner.
> We understand the tight suspense, but we need to clarify your response to
> ensure accuracy and thoroughness regarding this investigation.

>

> Given your testimony above, I have listed the dates of the cloud focus
> session meetings below.

> Sep 29: USMC

> Oct 5: NAVY and IDA -- YES

> Oct 10: MITRE

> Oct 12: USAF

> Oct 13: DISA -- YES

> Oct 16: DLA -- YES

> Oct 17: ARMY -- YES

> Oct 20: IT-AAC

> Oct 28: USAF

> Nov 8: Gartner

>

> Respectfully,

>

> [REDACTED]
> [REDACTED] Investigator

> Investigations of Senior Officials

> Department of Defense, Office of Inspector General

> [REDACTED] (office)

>

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Sharon Woods

Program Manager, Cloud Computing Program Office, OCIO

Pentagon, Room [REDACTED]

