

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

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INTERVIEW OF

(b) (6), (b) (7)(C)
February 4, 2020
ISO Interview

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is February 4, 2020. The time is 8:35.
3 I'm (b) (6), (b) (7)(C). With me today is (b) (6), (b) (7)(C).
4 I'm an investigator and (b) (6), (b) (7)(C) is an auditor from the DoD OIG.
5 We are interviewing our witness (b) (6), (b) (7)(C). Did I
6 pronounce your name correctly, sir?

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

8 (b) (6), (b) (7)(C): And we're located in the Pentagon Room
9 (b) (6), (b) (7)(C) We're conducting an investigation of the Defense Joint
10 Enterprise Infrastructure Cloud Services Procurement.
11 Specifically our investigation pertains to the disclosure of
12 Microsoft proprietary information to Amazon. In addition we're
13 investigating an allegation that Ms. Stacy A. Cummings violated
14 Title 18 of the United States Code, Section 208, and the Joint
15 Ethics Regulation by participating personally and substantially
16 in a particular matter involving specific parties that had a
17 direct and predictable effect on her financial interest. Sir, at
18 this time I ask you to acknowledge that this interview is being
19 recorded.

20 (b) (6), (b) (7)(C): I understand, yes.

21 (b) (6), (b) (7)(C): Would you also please acknowledge that we
22 provided you a copy of the DoD IG Privacy Act Notice?

23 (b) (6), (b) (7)(C): You did.

24 (b) (6), (b) (7)(C): Would you please raise your right hand?
25 Whereupon:

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

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

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

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

6 Q: Would you please state your full name and spell out
7 your last name?

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

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

10 A: Yes.

11 Q: What's your current position and organization?

12 A: I am (b) (6), (b) (7)(C) for Washington Headquarters
13 Services and the Pentagon Force Protection Agency.

14 Q: And how long have you been (b) (6), (b) (7)(C) ?

15 A: Since (b) (6),
(b) (7)

16 Q: And to (C) whom do you report?

17 A: I report to Mr. Paul Koffsky who's the Senior Deputy
18 General Counsel in DoD General Counsel.

19 Q: Can you please give us a brief description of your
20 duties and responsibilities, and we basically know what that is.

21 A: Yeah.

22 Q: Kind of the set up with OGC and then legal support for
23 the WHS and the Pentagon Force Protection Agency?

24 A: Sure. So I'll just ramble for a minute.

25 Q: Okay.

1 A: So each of the DAFAs, the Defense Agencies and Field
2 Activities, have a general counsel and a general counsel office
3 assigned to them unless they're really small. And all of the
4 lawyers in DoD report to the DoD General Counsel, and the reason
5 for that is so that we can be truthful with our clients and not
6 fear that they're not going to like our answer, and perhaps treat
7 us not well because of the answers that we're giving them. So we
8 report to the DoD General Counsel and serve our clients. In my
9 case my clients are the Washington Headquarters Services which is
10 an organization that provides administrative support to the
11 Secretary of Defense, the Office of the Secretary of Defense, and
12 various agencies in the -- basically in the National Capital
13 although their arms are stretching wider these days, and as such
14 they have a Human Resources Directorate. They have an Acquisition
15 Directorate which is the one that we're going to talk about
16 today. They have a Financial Management Directorate, and various
17 other services directorates that help their clients, and we serve
18 as the General Counsel to the Director of Washington Headquarters
19 Services and the directors of each of those directorates to help
20 them to perform their duties in a legally defensible manner and
21 makes sure that they're in accordance with the law. My other
22 client is the Pentagon Force Protection Agency which I won't talk
23 about unless you think that that is important to what we're
24 talking about today.

25 Q: No, sir. And please help us understand how the orbits

1 if you will of you and the attorneys that you supervise here as
2 you provide support to the Acquisition Directorate may intersect
3 with the attorneys who provide advice to, and their clients, over
4 in the Under Secretary for A&S.

5 A: Okay. So, basically that's (b) (6), (b) (7)(C) shop. He's
6 (b) (6), (b) (7)(C) of the, or he is the (b) (6), (b) (7)(C) for
7 Acquisition and Logistics. And he is Dr. Lord, Mrs. Lord's
8 (b) (6), (b) (7)(C), and his shop basically advises on policy. We
9 basically advise on operations. Now, there's some cross over but
10 I don't report to (b) (6), (b) (7)(C). He is not my supervisor, and he
11 gives his advice to Ms. Lord and we give our advice to our client
12 which in this case is the Acquisition Directorate.

13 Q: Do you or your attorneys ever find yourselves on the
14 operation side of a particular acquisition providing advice to
15 the policy people over in A&S?

16 A: Yes.

17 Q: And I'm thinking in particular for, in this case the
18 JEDI. We're aware that Ms. Lord had retained decision authority
19 for certain gates in the acquisition. So, something --

20 A: Yeah. And obviously the CIO as well.

21 Q: -- similar to the operational. Yes.

22 A: Yeah, and so yes because our Acquisition Directorate is
23 performing the acquisition or doing the acquisition our advice to
24 the Acquisition Directorate often entails us also advising their
25 customer as to the best way to go forward to again make sure

1 they're doing everything in accordance with the law.

2 Q: And as you mentioned in this situation you've got the
3 CIO supervising the Cloud Computing Program Office where the --

4 A: Yes.

5 Q: -- program --

6 A: Yes.

7 Q: -- sits and they're obviously responsible for the
8 delivering?

9 A: Yes. Yes.

10 Q: And they need the Acquisition Directorate's help for
11 that?

12 A: Yeah. And that Cloud Office has its own attorney who
13 actually is a DISA attorney. He works with us quite frequently,
14 collegially, and it gives him an opportunity to bounce things off
15 other attorneys because he's kind of an island there advising
16 that shop. So we see him quite a bit. Yeah, yeah.

17 Q: Sir, do you know Ms. Stacy Cummings?

18 A: I don't.

19 Q: You don't know her at all?

20 A: No.

21 Q: She is the Principle Deputy Assistant Secretary of
22 Defense for Acquisition Enablers. She works over in Mrs. Lord's
23 shop, or Ms. Lord's shop.

24 A: Yeah.

25 Q: Are you aware of who she is?

1 A: I know she has that position. I don't even know what
2 that means, Position Enablers. I know there's a Head of
3 Procurement who works for Ms. Lord and I don't know where Ms.
4 Cummings fits in there.

5 Q: It is on the Acquisition side.

6 A: Yes.

7 Q: So, and she works for (b) (6), (b) (7)(C). What can you tell us
8 about Ms. Cummings' involvement in the JEDI Cloud acquisition or
9 more narrowly the procurement itself?

10 A: I know nothing at all. The first time I ever heard her
11 name actually was when I got your e-mail.

12 Q: Okay.

13 A: So I just wasn't even aware of who she was.

14 Q: Were you or your attorneys involved in any way in
15 Secretary Esper's review of the JEDI Cloud procurement that
16 occurred late-July to middle-September prior to the -- there was
17 a decision by Secretary Norquist, Deputy Secretary Norquist
18 following this review to go ahead and proceed to award.

19 A: Yeah. So I wasn't. Whether any of my attorneys advised
20 him or advised his advisors I have no specific knowledge of that.
21 I don't know. I know that (b) (6), (b) (7)(C) particularly before
22 she went away on a very long vacation was (b) (6), (b) (7)(C)
23 to Sharon who's the head of the Cloud Office there, and when she
24 announced that she was actually going to back off of that with my
25 approval and go on vacation and then come back, and I know she's

1 looking for another job just because she's burned out quite
2 frankly with this procurement. I know that she attended lots of
3 meetings whether she met with Dr. Esper or his staff I don't
4 know.

5 Q: Are you familiar with the development of what I'll call
6 an Options Briefing? And what I mean by that is our information
7 is that following a series of sessions for Secretary Esper where
8 Mr. Deasy and others briefed him about cloud strategy, the
9 procurement itself they developed there was a set of options for
10 moving forward kind of variations on contract structure, option
11 periods, pricing matters and things like that. Are you familiar
12 at all with the development of those options?

13 A: No. I mean I know that eventually they -- I want to say
14 they had this big meeting. I don't know if it was one meeting or
15 lots of meetings where they discussed options and eventually,
16 obviously decided on moving forward as they move forward, but I
17 don't know anything about it.

18 Q: How did you come to know about the meeting, or hear
19 about the meeting?

20 A: I mean, I'm assuming there was a meeting. I don't even
21 know that I know there was a meeting. I know that they were
22 considering options. Let's say that. In my position I generally
23 know what my attorneys are doing, and when I say generally I mean
24 very generally because I can't have my fingers in the specifics
25 of what they're doing or I really couldn't perform my job. I am

1 actually (b) (6), (b) (7)(C) so they often come to me with
2 questions to bounce things off of me, and so I'm sure at one
3 point, again, I have no specific recollection but I know that I
4 knew they were considering how to go forward.

5 Q: What can you tell us about Ms. Cummings' involvement in
6 the development or evaluation of any of the so-called options?

7 A: As I said I never heard the name until I saw your
8 e-mail.

9 Q: What can you tell us about any of the financial
10 interests that Ms. Cummings holds or held?

11 A: I know nothing.

12 Q: What can you tell us about any disclosures that Ms.
13 Cummings may have made on her OGE Form 278?

14 A: I know knowledge.

15 Q: What can you tell us about any involvement that Ms.
16 Cummings may have had in preparing responses to Senator Warner
17 and Senator Reed to answer their questions about JEDI
18 procurement?

19 A: I have no idea.

20 Q: What can you tell us about Ms. Cummings' recusal on
21 October 3rd from matters involving Microsoft?

22 A: Nothing.

23 Q: Disqualification more properly?

24 A: Yeah, I don't know anything about it.

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

1 Q: Thank you.

2 A: You're welcome.

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

4 Q: Can you explain your role and responsibility as it
5 relates to JEDI?

6 A: I really have none except in assisting my attorneys in
7 doing their job and again from a high level.

8 Q: So you were not involved in anything related to the
9 award notification?

10 A: Except that I knew it was imminent. I knew that a
11 decision had been made and we were all kind of anxiously awaiting
12 for something to happen, but yeah.

13 Q: I want to ask you about WHS policy.

14 A: Okay.

15 Q: What policy and procedures do you follow regarding post
16 award debriefs?

17 A: What I do know is each acquisition is different and the
18 attorneys and the acquisition directorate and the customers, so
19 there are parties, often decide how to go forward, what makes
20 sense based on all of the particulars. So I don't know we always
21 give oral debriefs or we always give written debriefs. I know
22 we've had acquisitions where we've done either, or, or both and
23 it just really depends on the circumstances and, yeah, I don't
24 know what else to say about it except it's not uniformed. It just
25 depends.

1 Q: What policies and procedures does WHS OGC follow
2 regarding the redactions the source selection and proprietary
3 information from reports?

4 A: Well again we assist whoever it is who's asking for it
5 whether it be the Acquisition Directorate, or the customer, or
6 sometimes if it's in response to a FOIA the FOIA Office, and we
7 apply the law as we understand it regarding proprietary
8 information. We are careful to try to safeguard proprietary
9 information, but again we advise. We don't make any decision
10 although we jump up and down if we're not being listened to. So
11 does the IG.

12 Q: How WHS OGC train their lawyers on these policies and
13 procedures?

14 A: Well we attend CLE, continuing legal education. We talk
15 about it amongst ourselves, but we do formal training in every
16 area of the law we go to the U.S. Army JAG School, the Air Force
17 JAG School, Judge Advocate General and attend courses there, and
18 we often go to courses that industry gives and pay for that
19 separately.

20 Q: Were you involved in the decision to conduct a written
21 debrief versus an oral debrief for JEDI?

22 A: No.

23 Q: No?

24 A: In fact I heard about it after the fact that they had
25 made a decision.

1 Q: Are you aware of why WHS OGC advised against an oral
2 debrief?

3 A: You know anecdotally I heard that they thought the best
4 way to do it was to get all of the paper out there so that it
5 would be clear from the paper and that often times when you say
6 something it's not understood, but if we just gave them all the
7 paper and they could see it would be clear on its face. But again
8 that's just anecdotally and after the fact.

9 Q: We understand that Ms. Lord, Mr. Deasy, Mr. Ranks, Mr.
10 Woods, expected that the debrief would be conducted orally. Was
11 the Office of the Under Secretary of Defense for A&S or the
12 Office of the CIOs opinion included in discussions regarding oral
13 debrief?

14 A: I have no idea. I have heard that (b) (6), (b) (7)(C) thought
15 it should have been oral as well and he's (b) (6), (b) (7)(C)
16 (b) (6), (b) (7)(C) but again I heard that after the fact that he disagreed
17 with the decision that had been made.

18 Q: So we have an e-mail. Take a look at that. That's from
19 (b) (6), (b) (7)(C) --

20 A: Yeah, (b) (6), (b) (7)(C) works for me.

21 Q: -- to Sharon Woods dated October 25, 2019 regarding her
22 request for a five-minute conversation with the unsuccessful
23 offeror. (b) (6), (b) (7)(C) states, "Our office has consistently
24 advised against conducting any oral communications to include
25 oral debriefs as it increases in litigation risks. The chance for

1 misunderstanding is high."

2 A: Yeah, and that's basically what I just said.

3 Q: Yeah. He concluded, "This office vehemently opposes --
4 is vehemently opposed to any oral communication with the
5 unsuccessful offer. Is WHS OGC's position against oral debriefs
6 documented in a memo, or directive, or is that standard practice?

7 A: Well it sound -- know it's not standard practice and
8 sounds to me like he's talking about this particular procurement
9 because that is when he was talking about.

10 Q: Does is WHS OGC ever advise in favor of oral debriefs?

11 A: In favor of oral debriefs?

12 Q: Uh, huh [affirmative response].

13 A: Oh, yeah. Yeah. Because I know we've had that many of
14 times, many times, but for whatever reason, and again I'm not
15 involved in the particulars (b) (6), (b) (7)(C) and I believe some of the other
16 attorneys here like (b) (6), (b) (7)(C) whose CCed on there. (b) (6), (b) (7)(C) is
17 (b) (6), (b) (7)(C) agreed that
18 there should not be oral debriefs in this case.

19 Q: Thank you.

20 Q: So this is the report from the independent review of
21 the disclosure conducted by Defense Pricing and Contracting in
22 DoD OGC. Are you familiar with this?

23 A: I knew it took place, yeah.

24 Q: Okay. So the review notes that WHS's preference for
25 virtual or written debriefs and states, "With the procurement as

1 highly visible as the JEDI award this preference should have been
2 reconsidered." So it sounds like according to this they felt that
3 there was a standard practice amongst WHS OGC against oral
4 debriefs and in favor of written. Would you agree with that
5 statement?

6 A: No. Because I know that we don't -- we do oral
7 debriefings.

8 Q: Okay. The report goes on to recommend that the use of
9 default virtual debriefings should be re-examined by WHS
10 contracting leadership.

11 A: Yeah, I see that to the extent there is a default
12 virtual debriefing. I'm not sure there is but I would say there
13 isn't.

14 Q: I was about to ask, have you re-examined the default
15 use of written debriefs?

16 A: I don't know what's been done with regard to that.

17 Q: Okay. Do you have any plans to examine?

18 A: I personally don't and I have not been asked about it.

19 Q: Okay. Thank you. So I'm going to ask about the
20 documents that were put together for the AWS debrief. What
21 documents does WHS OGC typically advise be released as part of a
22 debrief, written debrief?

23 A: That is such a general question, because again it
24 depends on the determined.

25 Q: Okay.

1 Q: Who advised the Contracting Team to release the Source
2 Selection Advisory Council, Source Selection Evaluation Board,
3 and the Price Evaluation Board reports in addition to the Source
4 Selection Decision document?

5 A: I would (b) (6), (b) (7)(C) did but I don't know that. He was the
6 (b) (6), (b) (7)(C) on the ground. And (b) (6), (b) (7)(C)
7 (b) (6), (b) (7)(C). I don't know if you've heard that name. (b) (6), (b) (7)(C) is the
8 (b) (6), (b) (7)(C) but I know that he was involved in lots
9 of discussions with (b) (6), (b) (7)(C) and you know (b) (6), (b) (7)(C) two layers down
10 below me.

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

12 Q: Well you mentioned that you're an (b) (6), (b) (7)(C) .

13 A: Yeah.

14 Q: Did any of this come up? Did anybody come to you for
15 advice or counsel?

16 A: Not in any -- I don't recall ever discussing this
17 before the fact.

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

19 Q: Does WHS OGC have any internal policies or procedures
20 regarding redacting of these documents?

21 A: Any written policies? No.

22 Q: Do you offer any training on redactions for these
23 documents?

24 A: I don't know that we offer formal training on that
25 particular subject.

1 Q: What is the WHS OGC process for reviewing and advising
2 on redactions?

3 A: In my experience we ask the customer to do a first stab
4 at it and then we review, and if we don't agree with it we asked
5 them to justify why something should or should not be redacted.
6 If we see something we think should be redacted we point it out
7 and asked them to redact that as well.

8 Q: So who makes the decisions regarding what information
9 should or should not be redacted?

10 A: Ultimately it's the Contracting Officers if we're
11 talking about something that's going to be released in
12 conjunction with the procurement.

13 Q: So if the Contracting Officer disagrees with the advice
14 from your office what are those repercussions?

15 A: Well if we know going forward that that's happening I
16 would be brought into the conversation. I'd discuss it with Dave
17 Sanders who is the Head of the Contracting Office and hopefully
18 we would arrive at a joint decision as to what makes sense. I
19 don't recall like anything that happened in this case though.

20 Q: So if the PCO's decision to go against your advice say
21 that was situation, is that documented somewhere? Is it elevated
22 to leadership?

23 A: Well as I just discussed --

24 Q: Right.

25 Q: -- it would be elevated, yes.

1 Q: And how would that affect your defense of the decision
2 if they went against your advice?

3 A: Well, as I said ultimately the decision is the
4 contracting officers. So, how would it affect our defense? We
5 always vehemently defend our client but of course hold to a very
6 high ethical standard. If it were part of the bid protest then,
7 again even in that situation our legal advice is privileged, so
8 it puts us, as you can imagine in a difficult position. If we're
9 defending a position that we didn't agree with and we would
10 always make sure that our client in any questioning told the
11 truth and we would be ethically bound to make sure that somebody
12 knew about it if they weren't telling the truth. I don't know if
13 I'm answering your question. I don't know that it's ever really
14 happened that we in advance knew that they were disagree with
15 something that we did, and then later had to go back and deal
16 with that situation.

17 Q: Okay. During the week leading up to the JEDI contract
18 award were you aware that there was disagreement between (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C) and the contract specialist over what should and should
20 not be released during debrief?

21 A: No.

22 Q: Did you having conversations with (b) (6), (b) (7)(C)
23 regarding the amount of information that should be removed during
24 JEDI debrief?

25 A: He may have talked to me about it. I don't have any

1 recollection of it, but if he did I did not know, or I was not
2 aware, and I'm still not sure that there was a disagreement among
3 the two of them, or between the two of them. I know that
4 ultimately obviously a great deal of information was released
5 that we never would have agreed to but my understanding is that
6 that was inadvertent on the part of the folks in the Contracting
7 Shop.

8 Q: Right. But specifically about the redactions of those
9 four documents that I mentioned earlier.

10 A: Yeah.

11 Q: I have an e-mail from (b) (6), (b) (7)(C) dated
12 October 24 in which he states, "I'm concerned were releasing too
13 much information." And he cites FAR 15.506.

14 A: Uh, huh [affirmative response].

15 Q: (b) (6), (b) (7)(C) states, "I believe we have several instances
16 in these documents where we say that Microsoft is superior. One
17 example is on Page 9, etcetera. Previously it was marked for
18 redaction in final versions you sent over do not have this marked
19 for redaction." You were not aware of this issue at all?

20 A: I don't believe I was. I don't see my name on here so
21 that's good but I have to tell you I am CCed on lots and lots of
22 e-mails. I can tell you there is no way I could ever read every
23 one and I don't. I review them. See if there's anything -- but I
24 don't believe I've ever seen this. I wasn't aware that there was
25 a disagreement.

1 Q: During the weekly the week leading up to the JEDI
2 contract award were you aware that (b) (6), (b) (7)(C) had missed
3 deadlines set by the PCO for reviewing the redactions?

4 A: Not specifically but that's not unusual because they
5 often set deadlines that are their deadlines but not necessarily
6 our deadline. If we need more time to adequately review we're not
7 going to push it out if we can't do it properly. So that doesn't
8 surprise me that I was not aware of it.

9 Q: Did anyone express any concern to you that the reports
10 had not been finalized as award day approached?

11 A: No.

12 Q: Are you aware of why (b) (6), (b) (7)(C) took two weeks to
13 finish the redactions and provided them on the morning of award
14 day of?

15 A: I would say probably because he needed it and I don't
16 know anything more than that.

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

18 Q: He needed the time?

19 A: Yes. I just hope you understand. We've had a history of
20 them taking whatever time they need to get things done and then
21 unrealistically saying I need this by 5:00 o'clock or need this
22 by 3:00 o'clock, and to understand why we took two weeks we'd
23 have to know what we're being asked to review and how we had been
24 involved in it before hand and the volume and complexity of what
25 we were being asked to review. So it, to say our review should

1 only take 24 hours it's just not true.

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

3 Q: Okay. So I want to move on to the release of the Source
4 Selection Team names.

5 A: Yes. Yes.

6 Q: What is the WHS OGC practice regarding redacting Source
7 Selection Team names from the debrief documents?

8 A: Again. I'm not involved right now and haven't been for
9 years in a specific acquisitions, but in my practice I would
10 always try to protect those names.

11 Q: Are you aware of the DoD Source Selection Procedures
12 Debrief Guide?

13 A: I'm aware that it exists but I certainly don't have it
14 memorized.

15 Q: It states in Section A.8.3 --

16 A: Information not appropriate for disclosures.

17 Q: That individuals on the Source Selection Team not
18 participating in the debrief should not be disclosed.

19 Q: That doesn't surprise me.

20 Q: Okay. But you're aware of the document but not aware of
21 that section?

22 A: You know my, what I said to you earlier in practice I
23 would protect that information.

24 Q: Right.

25 A: Where I got that from or why hold that belief it may be

1 from here.

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

3 Q: Is there a WHS OGC policy about protecting?

4 A: Our policy is to follow the instructions but we don't
5 have our own if that's what you're asking.

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

7 Q: Were you involved in any discussions regarding release
8 of the Source Selection Team names?

9 A: No.

10 Q: Do you know if (b) (6), (b) (7)(C) consulted with anyone with
11 more knowledge about JEDI before making the decision to release
12 the Source Selection Team names?

13 A: I don't. He may have spoken with (b) (6), (b) (7)(C) but I
14 just don't know.

15 Q: So Ms. Woods make statements to the Source Selection
16 Team and Mr. Deasy had made public statements regarding
17 safeguarding the names of the Source Selection Team. Do you know
18 why these statements were seemingly disregarded?

19 A: I don't.

20 Q: Do you know what the reason was for releasing the
21 Source Selection Team?

22 A: I don't. And I wasn't even aware that it was released.

23 Q: Okay.

24 Q: So I'll move onto contract award day. What were your
25 duties, or what was your involvement if any on award day?

1 A: Except for knowingly that it was imminent I was not
2 involved.

3 Q: Okay. You had no responsibilities?

4 A: No.

5 Q: Were you aware of any of the issues happening in the
6 Cloud Computing Program Office on award day as far as like
7 technical issues or --

8 A: No.

9 Q: No? No one brought it anything to your attention that
10 there were any problems?

11 A: Not that I recall.

12 Q: What can you tell us about the events immediately
13 happening after the discovery of the disclosure of the Microsoft
14 Technical Evaluation Board reports to AWS?

15 A: I remember that everyone was appalled. How could this
16 have happen? Because we were not aware that it happened until we
17 heard that it happened and --

18 Q: When did you find out about it?

19 A: I don't remember if it was that night, that day. I may
20 have got a phone call I just don't recall but I know that (b) (6), (b) (7)(C) in
21 particular was just, he couldn't believe it. How could this
22 happen?

23 Q: So we understand that Ms. Woods notified Microsoft of
24 the disclosure on October 29 and had a number of conversation
25 with Microsoft regarding the disclosure in the days immediately

1 following. Did Ms. Woods consult with you or anyone at WHS OGC
2 before contacting Microsoft?

3 A: All I would say is I would hope so but I don't know
4 that.

5 Q: Were you briefed on any of those conversations?

6 A: No, not particularly.

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

8 Q: Generally?

9 A: I seem to remember someone telling me that she had
10 spoken with them but I just I have no real recollection of it.

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

12 Q: So we understand that there was a meeting with DoD
13 senior leadership to discuss the disclosure. Did you participate
14 in that meeting?

15 A: I participated in at least one meeting as an observer
16 than anything with General Counsel folks. But I don't recall that
17 I ever met with the Program Office, or CIO, or anybody else.

18 Q: Yeah, this meeting would have included involved Ms.
19 Lord, Mr. Ranks.

20 A: No, I was never in those meetings.

21 Q: So we understand that during that meeting Ms. Lord, Mr.
22 Ranks, agreed that there should have been an oral debrief. What
23 is your reaction to that statement from senior leadership that
24 there should have been an oral debrief?

25 A: Again I don't know that senior leadership, similar to

1 the way that I am not aware of all the particulars. I'm not sure
2 that they're aware of all the particulars and know why the
3 decision was made. There is a, this is just kind of like that
4 people especially in high places believe, "Oh, if we can only sit
5 down and look face-to-face with somebody and discuss it with them
6 they'll go away happy." And although there may be some truth to
7 that that can't be the basis for making a decision because I'm
8 skilled at talking with somebody and convincing them you ought to
9 let me talk to them. Or you ought to talk to them. That's only
10 one data point. It can't be the deciding data point. That's just
11 my belief.

12 Q: What actions if any have been taken within WHS OGC
13 since the disclosure as far as practices, policies?

14 A: I know we've told our client if we had had time it
15 would have been nice for us to review what was being sent, but my
16 understanding was someone said okay you can release everything or
17 something vague like that, and whoever it was released as the
18 contract specialist or whoever it was understood that to mean
19 everything and what it meant was, again this is anecdotal.
20 Everything that should have been released and that -- my
21 understanding is that's happened but again that's just anecdotal.

22 Q: Do you know who that person was?

23 A: I don't.

24 Q: What actions if any have you taken against your staff
25 as a result of the disclosure?

1 A: None.

2 Q: None?

3 A: None.

4 Q: What's your involvement in the communications among
5 Microsoft, AWS, and WHS OGC?

6 A: Just knowing about it. I haven't been in any meetings
7 or participated.

8 Q: So we are aware of a letter from (b) (6), (b) (7)(C)
9 [REDACTED] to WHS OGC.

10 A: Yeah, I remember seeing it. I don't recall or know
11 anything about it.

12 Q: Dated December 3, 2019 in which (b) (6), (b) (7)(C) --

13 A: No this is November 1.

14 Q: Oh, I'm sorry.

15 A: Do I have the wrong one?

16 (b) (6), (b) (7)(C) That's on AWS letterhead.

17 [REDACTED] I'm sorry.

18 [REDACTED] That's dated December 3.

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

20 Q: This line I'm sorry.

21 A: Okay. So this is December 3 to --

22 Q: From (b) (6), (b) (7)(C) to WHS OGC. (b) (6), (b) (7)(C) states --

23 A: No, this is not to WHS OGC. This to (b) (6), (b) (7)(C). Okay so
24 this is to (b) (6), (b) (7)(C) from [REDACTED] okay. [Reading
25 document to himself.]

1 Q: He states that Microsoft reports in the -- he states
2 that, "The Microsoft reports and source selection information
3 contained or represent Microsoft's trade secrets and confidential
4 proprietary and competition sensitive business and technical
5 information." Would you agree with that?

6 A: You know I have no opinion as to whether it really does
7 or not. I know that that's what they're alleging but I don't know
8 that. I remember when this letter came in that we were not
9 surprised bias. This is what we had anticipated would say.

10 Q: So in that same letter he offers to -- he states, "We
11 request an opportunity debrief your office on the impacts of the
12 disclosure."

13 A: Uh, huh [affirmative response].

14 Q: Do you know if WHS OGC accepted the offer?

15 A: I don't. I just don't know what happened after this
16 whether there was a specific meeting.

17 Q: Do you know if there have been any follow-ups
18 correspondence or meetings?

19 A: No. Because you know we're in litigation now. So I
20 don't know exactly what is happened.

21 Q: Okay.

22 Q: So I want to ask you about (b) (6), (b) (7)(C) .

23 A: Yes.

24 Q: So we understand that she left federal employment on
25 October 15. Is that correct?

1 A: No. She still employed. She still on my roster. She's
2 on leave. And she'll be coming back sometime this month now. I
3 think towards the end of the month, and she intends to resign but
4 she's currently still on leave. Now it could be that people who
5 are not in my office thinks that she has already resign.

6 Q: Right.

7 A: But I'm just telling you what the real facts are.

8 Q: Sure, sure. So we understand that she's traveling the
9 world, is that correct?

10 A: South America, Central America, yeah.

11 Q: But she's still consulting on JEDI on occasion?

12 A: Occasion, yes.

13 Q: Does she have her laptop with her? Like how is she
14 communicating?

15 A: I know she's communicating by phone. I don't know that
16 she has a laptop. I just don't know but I know that she is
17 consulting. That's absolutely true.

18 Q: Are there any boundaries with what anyone can ask her
19 because she's in a foreign country? Or because she's on leave as
20 far as the sensitivity of the information?

21 A: Well now I mean I would expect that she's being careful
22 where she is and when she's -- what she's saying. But if you ask
23 whether there is any specific written boundaries?

24 A: Yeah.

25 A: No.

1 Q: Okay. So the first -- the last thing I want to ask
2 about the AWS protest. The first page of the AWS protest has a
3 footnote that states that, "The defendant," meaning DoD, "has
4 represented that DoD will not proceed with performance on the
5 JEDI contract beyond the initial preparatory activities at least
6 until February 11, 2020. Accordingly, AWS and the defendant have
7 agreed that a temporary restraining order and preliminary
8 injunction are not necessary at this time."

9 A: Yes, and that was true on the date this is filed.

10 Q: Okay.

11 A: On December 9.

12 Q: Is it no longer true?

13 A: I understand that they have now asked for a preliminary
14 injunction and that we are defending against that.

15 Q: So that was an accurate statement?

16 A: It was accurate when made, yes.

17 Q: Were you part of that conversation?

18 A: No. Except to know that it happened.

19 Q: Okay.

20 A: Yeah, because there was much discussion about why can't
21 we just do preparatory work and not award any work particularly
22 but there's a lot we can be doing in the interim and quite
23 frankly AWS agreed with that and said okay. Just so you don't
24 taking firm steps to do work.

25 Q: Do you know who was involved in making this decision or

1 in these conversations with AWS?

2 A: I'm sure the Program Office was. I'm absolutely sure
3 and our attorneys I'm sure advised on that as well and (b) (6), (b) (7)(C)
4 particularly.

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

6 Q: And when you say the Program Office do you mean Ms.
7 Woods?

8 A: Yes.

9 Q: Do you also mean Mr. Deasy?

10 A: Perhaps. Perhaps. Whether it went right up to the CIO I
11 don't know. I'm sure that's what he wanted because I know -- I'm
12 sure. Not because I talked to him or heard it but I know that it
13 just made sense and everyone agreed, "Look. There's so much we
14 can do given the opportunity."

15 (b) (6), (b) (7)(C) : Okay. I'm done.

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

17 Q: Sir, is there any additional information you'd like to
18 provide to help us understand something we just forgot to ask,
19 failed to ask?

20 A: No I think we've covered it. I mean we all agree and
21 understand that the disclosure of the information was terrible. I
22 don't know what other word to use. It never should have happened.

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

24 A: No.

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

A: Not at all. Thank you.

Q: If you remember anything else you believe may be
relevant which please contact us?

A: Sure.

(b) (6), (b) (7)(C) : Finally, in order the protect the integrity
of this investigation we that you not discuss the matters under
investigation or the questions we asked you during this interview
with anyone other than an attorney should you chose to consult an
attorney. Of course this does not apply to or restrict your right
to contact an Inspector General or a Member of Congress.

(b) (6), (b) (7)(C) I got it.

So, there is no restriction there.

Yeah, of course.

(b) (6), (b) (7)(C) But we ask you not to discuss these things.

Sure.

If anyone asks you about your testimony or
the review please inform them that DoD OIG has asked you not to
discuss the matter, and if anyone persists in asking you about
that please contact us.

(b) (6), (b) (7)(C) : I will.

(b) (6), (b) (7)(C) : The time is 9:16 and this interview is
concluded.

[The interview terminated at 9:16 a.m., February 4, 2020.]

[END OF PAGE]

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OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

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INTERVIEW OF

(b) (6), (b) (7)(C)
January 8, 2020
DCIS Interview

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2020000765-80SI-Z0 January 8, 2020

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE CLOUD

INTERVIEW OF (b) (6), (b) (7)(C) : On January 8, 2020, DCIS Special Agent (b) (6), (b) (7)(C), Sensitive Investigations Unit, interviewed (b) (6), (b) (7)(C), Washington Headquarters Service (WHS), Acquisition Directorate (AD), Alexandria, Virginia. (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) assigned to WHS AD. In January 2019, he was assigned to the Cloud Computing Program Office DoD Joint Enterprise Defense Infrastructure (JEDI) Cloud Program to provide acquisition support as a (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) was assigned to provide acquisition support to the JEDI evaluation teams assigned to evaluate "Factor 3 - Tactical Edge" and "Factor 7 - Small Business Participation Approach." In this role, he provided the subject matter/technical experts with acquisition guidance. Specifically, he ensured they evaluated the proposals in accordance to the evaluation criteria established in the solicitation. He provided acquisition support while a DoD attorney provided legal guidance.

Reporting Agent asked him if he was involved in the planning, strategy, discussions, decisions, or redacted documents related to contract award and unsuccessful offeror debriefing notifications; he was not. He reported that he was not involved in this aspect of the acquisition and could not provide any amplifying information.

1 (b) (6), (b) (7)(C) was asked what his duties were on contract award day –
2 October 25, 2019. He reported that he reported to the CCP0 for
3 award activities. Personnel were assigned specific duties to
4 accomplish; however, he was in a stand-by mode to provide
5 assistance as directed. From his perspective, everything was
6 going as planned. Reporting Agent asked him about delays with PD2
7 and DAI [Defense Agencies Initiative]. He noted there were delays
8 related to the WHS contract writing system PD2; however, he felt
9 this was normal because the system routinely malfunctioned. He
10 had no information on DAI and reported he did not work on PD2 and
11 did not know of any specific problems.

12 He overheard (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

13 [REDACTED] discussing problems they were having in
14 sending emails. He recalled they were having problems

15 2020000765-80SI - (b) (6), (b) (7)(C) 2

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9 ~~or unclassified network.~~
10 ~~sending emails because the attachments were too large.~~ They had
11 to execute a work around and downsize the files and send them via
12 multiple emails. Although he overheard their discussions, he did
13 not have any firsthand knowledge of the problems they were
14 experiencing. Whatever issues they experienced were resolved
15 because at the end of the day, the JEDI contract was successfully
16 awarded. As far as he knew, contract award day was successful.

17 After the contract was awarded, his assignment to the CCPO JEDI
18 program ended and he returned to WHS AD. He returned to WHS AD in
19 late October 2019. He heard that (b) (6), (b) (7)(C) accidentally sent
20 Microsoft reports to AWS; however, he did not have any firsthand
21 knowledge and did not know specifics.

22 Reporting Agent asked (b) (6), (b) (7)(C) if he knew or thought (b) (6), (b) (7)(C) sent
23 Microsoft reports to AWS deliberately and/or for some nefarious
24 purpose; he did not. From his limited time with (b) (6), (b) (7)(C) he
25 considered him competent and there was nothing he saw that would
lead him to believe he released the information deliberately. He
believes (b) (6), (b) (7)(C) release of the reports to AWS to be an honest
accident. He had no derogatory information to report about

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

Prepared by: SA (b) (6), (b) (7)(C), 80SI

Approved by: (b) (6), (b) (7)(C), 80FO

DISTR: 80FO/Audit/ISO

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

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INTERVIEW OF

(b) (6), (b) (7)(C)
February 4, 2019
DCIS Interview

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

February 11, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE

INTERVIEW OF (b) (6), (b) (7)(C) [REDACTED]: On February 4, 2019, Special Agent (b) (6), (b) (7)(C) [REDACTED], DCIS, Northern Virginia Resident Agency, and Special Agent (b) (6), (b) (7)(C) [REDACTED], DCIS, Sensitive Investigations Unit, interviewed (b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] Washington Headquarters Services (WHS) and Pentagon Force Protection Agency, Office of General Counsel (OGC), Pentagon, Washington D.C.

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE BACKGROUND

(b) (6), (b) (7)(C) [REDACTED] assigned to the DoD Defense Digital Service (DDS), Cloud Computing Program Office, Joint Enterprise Defense Infrastructure (JEDI) Cloud Program acquisition. JEDI is a single-award, Indefinite Delivery Indefinite Quantity (IDIQ), Firm Fixed Price (FFP) contract valued at not to exceed \$10 billion dollars. The period of performance of the resulting IDIQ contract is structured as one continuous two-year base ordering period, two continuous three-year option ordering periods, and one continuous two-year option ordering period for a potential total of 10 years.

On July 26, 2018, the WHS, Acquisition Directorate, Alexandria, Virginia, released the JEDI combined synopsis/solicitation for commercial items Request for Proposal (RFP) via RFP Solicitation #: HQ0034-18-R-0077 via the Federal Business Opportunities website as a full and open competition set aside. Offeror proposal submissions were required to be submitted to WHS no later than September 18, 2018. The JEDI procurement is currently in the evaluation and award phase of the acquisition cycle. As such, no contract or task orders have been awarded to date.

ORACLE AMERICA - GOVERNMENT ACCOUNTABILITY OFFICE BID PROTEST

(b) (6), (b) (7)(C) [REDACTED] was questioned about Oracle America, Incorporated (Oracle), Reston, Virginia, allegation of alleged improprieties involving the DoD JEDI procurement that allegedly gives Amazon Web Services, Incorporated (AWS), a subsidiary of Amazon.com, Incorporated (Amazon), an unfair competitive advantage to win the JEDI Cloud Program contract. To this end, in September and October 2018, Oracle filed multiple pre-award bid protest challenging the following aspects of the DoD JEDI procurement with the U.S. Government Accountability Office (GAO), Washington, D.C.:

1. JEDI RFP provisions leading to a single-award IDIQ contract were contrary to statute and regulation;
2. The terms of the solicitation exceeded the agency's needs;
3. The agency failed to properly consider potential conflicts of interest posed by the following DoD federal civilian employees:

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- a. Anthony DeMartino, Chief of Staff, Office of the Secretary of Defense
- b. Deep Ubhi, Technical Expert, Product Manager, DDS

After holding a hearing on the aforementioned matter, GAO issued a final decision regarding Oracle's pre-award protests. On November 14, 2018, the GAO issued a final decision denying Oracle's protest.

ORACLE AMERICA - BID PROTEST U.S. COURT OF FEDERAL CLAIMS

On December 10, 2018, Oracle filed a bid protest with the U.S. Court of Federal Claims, Washington, D.C. The bid protest expanded upon challenges Oracle previously filed with the GAO in September and October 2018. In their federal bid protest filing, Oracle claimed the contracting process was flawed and unfair for the following reasons:

1. The awarding of a single award IDIQ contract was contrary to statute and regulation stated within the Federal Acquisitions Regulations (FAR) of Government contracting;
2. The terms/requirements of the solicitation exceeded the agency's needs;
3. DeMartino and Ubhi's were personally and substantially involved in the JEDI procurement and had underlying relationships, prejudices, that caused conflicts of interest that tainted the acquisition;
4. The contracting officer's investigation into the aforementioned conflicts of interest was inadequate.

WHS and the U.S. Department of Justice, Commercial Litigation Branch, Washington, D.C. are currently litigating this bid protest. (b) (6), (b) (7)(C) expects a hearing on this matter to take place sometime in May 2019.

JEDI - U.S. GOVERNMENT'S DUE DILIGENCE

(b) (6), (b) (7)(C) emphasized that the review and decision making process used throughout the JEDI cloud acquisition cycle was a collaborative effort at the highest levels of the DoD. Because of the complexity, very large contract value, and potential controversy the JEDI cloud acquisition might cause, multiple reviews were conducted at senior levels of DoD. No one person had the ability to influence the many decisions that went into the JEDI cloud acquisition. As such, no single person could have had influenced or directed the acquisition to proceed in a certain direction without supporting background information, collaboration among the many people involved in the procurement, and approvals at multiple levels. (b) (6), (b) (7)(C) stated that DeMartino and Ubhi did not influence the JEDI procurement as alleged by Oracle.

To illustrate her position and to demonstrate the multiple levels of approval, she highlighted the following: In September 2017, the Deputy 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.

As a result, DDS participated in multiple types of market research activities in support of the JEDI Cloud acquisition. The DoD Chief Information Officer, Dana Deasy, as well as the then

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Under Secretary of Defense for Acquisition, Technology, and Logistics, Ellen Lord, also attended market research activity meetings.

Further, as part of the drafting of the solicitation, in April 2018, the JEDI Cloud Draft RFP package, included documents such as the Business Case Analysis, Acquisition Strategy, and Single Source Determination and Finding, and went through a multi-day Office of the Secretary of Defense (OSD) peer review process led by the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) An OSD Peer Review was standard DoD practice for any acquisition over \$1 billion dollars. Once these steps were taken, the JEDI Cloud Program Manager, Sharon Woods, released the RFP on July 26, 2018.

Oracle's first allegation, that the Agency's determination to make an IDIQ single-award for the JEDI Cloud, violated federal law and the FAR. Regarding this allegation, (b) (6), (b) (7)(C) provided a July 19, 2018, Determination and Findings for Authority to Award a Task Order Contract to a Single Source executed by the Under Secretary of Defense for Acquisition and Sustainment, Lord (Attachment 1). The Determination and Findings justified a single-award IDIQ contract pursuant to the provisions of 10 U.S.C. § 2304a(d)(3) based on the Under Secretary's determination that the JEDI Cloud IDIQ contract will provide only for FFP task orders for services for which prices are established in the contract for the specific tasks to be performed. The Determination identified various factual findings to support the Under Secretary's official determination.

According to (b) (6), (b) (7)(C) the JEDI Cloud Contracting Officer, (b) (6), (b) (7)(C) WHS, Acquisitions Directorate, used Lord's Determination and Findings justification as well as the Business Case Analysis to approve the IDIQ single-source award.

(b) (6), (b) (7)(C) explained that the Business Case Analysis was developed by a team of approximately 30 people which included, but not limited to, technical experts in cloud computing as well as Agency attorneys. The group was developed to ensure the Agency was getting what was needed and required in the JEDI Cloud. Decisions were made collaboratively as a group.

(b) (6), (b) (7)(C) also provided further justification for the single-source award decision via a 13 page Memorandum for the Contracting Officer File, titled "Rationale for Using a Single-Award Indefinite Delivery/Indefinite Quantity (ID/IQ) contract." (Attachment 2). The document, dated July 17, 2018, was signed by both (b) (6), (b) (7)(C) DDS. It was used to document the rationale required by 48 Code of Federal Regulations 16.504(c)(1)(ii)(C) for the award of an IDIQ contract to a single-source. (b) (6), (b) (7)(C) reported that the decision to use a single-source award versus a multiple source award was briefed to Deputy Secretary of Defense Patrick Shanahan; he concurred with their decision.

Oracle's second allegation pertained to the solicitations "Gate Criteria." The "Gate Criteria" required offerors to pass the various "gates" in order to be accepted into the competitive range determination and continue into source selection. Oracle believed these "Gate Criteria" exceeded DoD's minimum needs and thus unduly restricted competition. This concern was previously addressed by Van Name.

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On July 23, 2018, (b) (6), (b) (7)(C) executed an official justification for requiring an offeror to receive an "Acceptable" rating for each of the solicitation's "Gate Criteria." (b) (6), (b) (7)(C) justification explained in detail why all sub-factors under "Factor 1 - Gate Criteria" was necessary and reflected the minimum requirements for JEDI Cloud. (b) (6), (b) (7)(C) was asked to provide a copy of this justification. She advised this document was highly sensitive and was protected from disclosure because of current litigation with Oracle and would not release it. Although she could not release the aforementioned document, she further explained the DoD's justification for the "Gate Criteria" had been vetted and justified through a Market Research Report dated March 27, 2018 (Attachment 4).

CONTRACTING OFFICER'S CONFLICT OF INTEREST INVESTIGATION

The third allegation in Oracle's complaint was that the (b) (6), (b) (7)(C), failed to investigate conflicts of interest involving U.S. Government officials involved in the JEDI Cloud project. Specifically, Oracle took issue with the participation of Anthony DeMartino, Chief of Staff, Office of the Secretary of Defense and Deap Ubhi, Technical Expert, Product Manager, DDS.

Prior to the issues raised by Oracle, (b) (6), (b) (7)(C) Pursuant to FAR Part § 3.104-7, conducted an investigation into potential conflicts of interest concerns related to five USG employees. She documented her findings in a Memorandum for the Record, "Contracting Officer's Assessment of No Impact Under 48 CFR § 3.104-7," dated July 23, 2018 (Attachment 3). She evaluated the following five people for potential conflicts of interest:

- Anthony DeMartino, Office of the Secretary of Defense, Deputy Chief of Staff and Deputy Secretary of Defense, Chief of Staff – Impartiality in Performing Official Duties;
- Sally Donnelly, Office of the Secretary of Defense, Special Assistant – Impartiality in Performing Official Duties;
- Thomas Mooney, Office of the Deputy Chief Management Officer, Senior Executive Service, Deputy White House Liaison – Financial Conflict of Interest;
- Jill Stiglich, Defense Procurement Acquisition Policy, Senior Executive Service, Deputy Director of Contract Policy and International Contracting – Financial Conflict of Interest;
- Deap Ubhi, Defense Digital Service, Expert – Impartiality in Performing Official Duties.

(b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) recognized that DeMartino had previously provided consulting services to AWS and further noted his role as the Deputy Chief of Staff, Office of the Secretary of Defense, and Chief of Staff, Deputy Secretary of Defense, respectively, and that he had consulted with DoD Standards of Conduct Office (SOCO) regarding this information. In the July 23, 2018, MFR provided by (b) (6), (b) (7)(C) the Contracting Officer concluded that the JEDI Cloud acquisition was not tainted by DeMartino's involvement given that his involvement was ministerial and perfunctory in nature and he provided no input into the JEDI Cloud acquisition documents and did not participate personally and substantially in the procurement.

The MFR provided by (b) (6), (b) (7)(C) also covered the alleged OCI committed by Sally Donnelly, Former Senior Advisor to Secretary of Defense and Special Assistant, Office of the Secretary of Defense. (b) (6), (b) (7)(C) advised that during Donnelly's tenure with the DoD she did not serve in a covered position such as contracting officer, source selection authority, or

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as member of the source selection evaluation board. She did not make covered procurement-related decisions such as approving the acquisition plan, developing the statement of work, and developing technical requirements for the JEDI contract. Furthermore, Donnelly disclosed on her OGE Form 278 – Public Financial Disclosure Report, that she had previously provided consulting services to AWS prior to working for the Government. (b) (6), (b) (7)(C) concluded Donnelly did not participate personally or substantially in the procurement process.

(b) (6), (b) (7)(C) was asked if DeMartino and Donnelly's work met the DoD Office of General Counsel, Memorandum, Updated Guidance on Application of the Procurement Integrity Act and Regulations, dated July 12, 2011 definition of not having participated personally and substantially in a procurement. Specifically that an individual will not be considered to have participated personally and substantially in a procurement solely by participating in the following:

- Agency level boards, panels, or other advisory committees that review program milestones or evaluate and make recommendations regarding alternative technologies or approaches for satisfying broad agency level missions or objectives.

(b) (6), (b) (7)(C) considered the work that DeMartino and Donnelly did during their tenure at the DoD to fit into this category and therefore they did not participate personally and substantially which would trigger conflict of interest concerns.

(b) (6), (b) (7)(C) determined that none of the individuals, to include DeMartino and Ubhi, had involvement in drafting the source selection information documents or other pre-decisional sensitive documents related to the JEDI Cloud acquisition, and the events and circumstances did not impact the pending award or selection of the contractor. (b) (6), (b) (7)(C) assessment illustrated she was keenly aware of her responsibility for considering a wide range of potential conduct that could arguably impact the integrity of the procurement long before Oracle raised their concerns.

DEAP UBHI – JEDI PARTICIPATION

With respect to Ubhi, she reported he was a former Amazon employee who joined DDS as a Technical Expert. (b) (6), (b) (7)(C) explained that Ubhi left Amazon in January 2016 and began work with the U.S. Digital Service and specifically the DDS, on August 22, 2016. His (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) and he was initially assigned to work on a U.S. Air Force project.

(b) (6), (b) (7)(C) explained that on September 13, 2017, 21 months after leaving Amazon, Ubhi was assigned to work on the DDS JEDI Cloud acquisition. Because greater than one-year had lapsed between when Ubhi's Amazon employment ended and when his participation in the JEDI Cloud acquisition started, no restrictions attached to Ubhi's participation in the procurement.

Ubhi was vetted for any conflicts of interest by the DDS Attorney, Sharon Woods. During the financial vetting process, she asked Ubhi to disclose his and his spouse's financial interest so she could determine if those financial interest posed an actual or perceived financial conflict of interest. (b) (6), (b) (7)(C) explained that the interview with Woods was verbal and he did not fill out an OGE-450 - Confidential Financial Disclosure Report. (b) (6), (b) (7)(C) explained that it was common practice to vet JEDI Cloud participants verbally vice having them fill out the OGE-450.

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Although the OGE-450 was not used, Woods asked the same questions that are listed on the form: Assets, income, liabilities, outside positions, etc. Woods did not identify any information provided by Ubhi that posed any financial conflicts of interest that would disqualify his participation in the JEDI Cloud acquisition.

(b) (6), (b) (7)(C) was asked if Ubhi disclosed owning any Amazon stock he may have acquired by virtue of the Amazon Employee Stock Purchase Plan when he was previously employed by Amazon. To (b) (6), (b) (7)(C) knowledge, Ubhi never disclosed owning any Amazon stock and if he had, she would have disqualified him from participating the JEDI Cloud acquisition. Disclosure of personal financial interest is based solely on the disclosure by the filer.

(b) (6), (b) (7)(C) explained that Ubhi was hired by DDS as a Product Manager and not a Program Manager. In Oracles' bid protest they identified Ubhi as a Program Manager, she said this is incorrect, Ubhi was a Product Manager. As a Product Manager, Ubhi's only responsibility was to research the best cloud computing products for the needs of the DoD. According to (b) (6), the position of the JEDI Program Manager was not even in existence during Ubhi's assignment (b) (7)(C) to the JEDI Cloud acquisition. Ubhi's work on the JEDI Cloud acquisition was limited (C) JEDI Cloud market research.

While assigned to market research activities, Ubhi's role was to conduct research and outreach to determine if commercial items or non-developmental items were available to meet the Government's needs. Market research involved contacting subject matter experts and people knowledgeable to provide information about market capabilities to meet the Government's requirements. Ubhi's market research activities were conducted before other critical steps of the acquisition cycle began.

Specifically, Ubhi had early meetings with cloud providers and cloud focus sessions with groups involving the military and industry. Ubhi's market research work allowed him to participate in helping draft the DoD's October 30, 2017 Request for Information (RFI), which sought information from industry. Ubhi drafted a table of contents for the DOD Business Case Analysis and participated in the drafting of a "problem statement." In all, Ubhi participated on the JEDI Cloud acquisition for approximately 44 days – September 2017 to October 31, 2017.

DEAP UBHI – POTENTIAL CONFLICT OF INTEREST NOTIFICATION & RECUSAL

Ubhi only worked on the JEDI Cloud acquisition for approximately 44 days because he was removed from JEDI as a result of a potential conflict of interest he voluntarily raised to Woods. On October 30, 2017, Ubhi contacted Woods to inform her that Amazon had approached him and was interested in purchasing his start-up company "Tablehero." Ubhi explained that he was the founder of Tablehero and that as the founder, he would soon be engaging in discussions with Amazon, the parent company of AWS. Woods immediately advised Ubhi to stop all work on the JEDI Cloud acquisition and contact the DoD SOCO for further guidance.

Ubhi heeded Woods advice and contacted SOCO (b) (6), (b) (7)(C) and told her of Amazon's interest in purchasing his company Tablehero. Vetter directed Ubhi to immediately recuse himself from any further JEDI Cloud acquisition activity; Ubhi complied with her guidance.

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On October 31, 2017, Ubhi notified the Director of DDS, Chris Lynch; (b) (6), (b) (7)(C); and Woods that he was recusing himself from any further participation in the JEDI Cloud procurement process due to Amazon's interest in purchasing his company (Attachment 5). Ubhi was removed from the JEDI Cloud program re-assigned to another DSS project under the supervision of (b) (6), (b) (7)(C).

After receiving the recusal from Ubhi, Lynch immediately removed Ubhi's access to all systems that the JEDI Cloud acquisition team used to store and communicate with. Lynch removed Ubhi from the JEDI Cloud "Google Drive," "Slack," a computer-based instant messaging communications program, and their email communications systems (Attachment 6).

On November 6, 2017, Ubhi notified Lynch and (b) (6), (b) (7)(C) that he would become a full time employee of Amazon, Inc. (b) (6), (b) (7)(C) explained that as part of Amazon Inc.'s proposed purchase of Tablehero Ubhi would have to become a full time employee of Amazon Inc. as well. (b) (6), (b) (7)(C) explained that this was quite normal in the information technology startup industry. As such, the purchase of Tablehero and his full time employment by Amazon Inc. was one deal.

On November 13, 2017, Ubhi officially resigned from Government service and provided his resignation letter to Lynch, (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C); DDS, (b) (6), (b) (7)(C) (Attachment 7).

Following Ubhi's resignation from Government service, Ubhi was immediately replaced by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) took over Ubhi's position and continued market research for the JEDI Cloud acquisition. (b) (6), (b) (7)(C) explained that work Ubhi had started was assumed by (b) (6), (b) (7)(C). For example, (b) (6), (b) (7)(C) was provided the table of contents project for the DOD Business Case Analysis started by Ubhi to complete as part of his market research. (b) (6), (b) (7)(C) explained (b) (6), (b) (7)(C) did not use Ubhi's table of contents and started his own from scratch.

(b) (6), (b) (7)(C) reiterated that Ubhi did not participate personally and substantially in the JEDI Cloud acquisition as defined in FAR 3.104.1. Ubhi's did not have "active and significant involvement" in any of the following activities directly related to the JEDI Cloud procurement:

- Drafting, reviewing, or approving the specification or statement of work for the procurement.
- Preparing or developing the solicitation.
- Evaluating bids or proposals, or selecting a source.
- Negotiating price or terms and conditions of the contract.
- Reviewing and approving the award of the contract.

According to (b) (6), (b) (7)(C), the business case for the JEDI Cloud program was published in January 2018 after Ubhi had left the Government. (b) (6), (b) (7)(C) believed this showed that Ubhi truly had no idea what the contract was worth or any of the details the DoD agreed upon regarding what they needed to support JEDI. (b) (6), (b) (7)(C) further emphasized this point by explaining that Ubhi never saw the 64 RFI submission that where submitted because he had already resigned from the Government and thus would have made it impossible for him to have influenced the DoD's decision or officially known who interested parties were.

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When asked about Ubhi's current position with Amazon, she reported that Amazon notified her that Ubhi is not involved in any USG contracting actions. She explained that as a precaution, Amazon set up a firewall that restricted his access to any Government contract information. Additionally, he works for Amazon Inc. in their commercial division working on Tablehero. Ubhi is not assigned to and does not do work with Amazon Web Services.

JEDI PROCUREMENT ACTIVITIES - POST DEAP UBHI

After Ubhi's recusal, the bulk of the procurement activity began after he left the program. Ubhi did not participate in any of the following JEDI Cloud acquisition activities:

(b) (6), (b) (7)(C) explained that in November 2017, DoD received 64 responses to its RFI from a variety of sources. Not only did these arrive after Ubhi left, he was not involved in the review of the RFI's and did not know who potential offerors were. The Market Research report was started after the results of the RFI were received by the Government in late November or early December 2017.

On December 22, 2017, the Joint Requirements Oversight Council, led by General Paul Selva, Vice Chairman of the Joint Chiefs of Staff, established the Defense Cloud Warfighting Requirements Council. The Council; recognized that "efforts for accelerating to the cloud are critical in creating a global, resilient, and secure information environment that enables warfighting and mission command, resulting in improved agility, greater lethality, and improved decision-making at all levels." (b) (6), (b) (7)(C) explained that this was an important milestone in the JEDI Cloud acquisition.
(b) (7)
(C)

The JEDI Cloud acquisition team began drafting its Business Case Analysis, in earnest, in approximately November 2017 and they did not begin drafting its acquisition strategy document no earlier than December 2017. Additionally, they did not begin the solicitation until 2018.

In March 2018, DoD held an Industry Day and issued a draft solicitation. The draft solicitation included an intent to award a single contract and include "Gate Criteria." It was during the Industry Day event when vendors asked questions and raised issues. It was during this event that industry attendees raised concerns about the DoD's planned decision to make a single-source IDIQ contract award. (b) (6), (b) (7)(C) said that based on this feedback she realized this could continue to be a concern later down the line in the procurement.

DoD issued a second draft solicitation in April 2018, along with answers to more than 1,000 questions in response to the first draft solicitation. The second draft solicitation generated hundreds more questions, which were answered when the JEDI solicitation was released in July 2018. Prior to the solicitation release, solicitation terms were reviewed in detail by the DoD's Defense Procurement and Acquisition Policy group, as well other components of DoD.

On July 26, 2018, the WHS, Acquisition Directorate, Alexandria, Virginia, released the JEDI combined synopsis/solicitation for commercial RFP.

Through August 13-15, 2018, DoD held In-Person Question and Answer Sessions with Offerors another critical phase of the acquisition.

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Offeror proposal submissions were submitted to WHS no later than September 18, 2018. Offers are being evaluated by the Source Selection Team for competitive determination range and eventual contract award.

(b) (6), (b) (7)(C) reiterated that the above referenced activities were conducted after Ubhi left the JEDI Cloud procurement and did not participate in these activities.

(b) (6), (b) (7)(C) also provided a document comprised of 72 names titled "FOUO//Source Selection Sensitive Information (Attachment 8)". She explained this document contained a list of all the people who worked on the JEDI Cloud procurement which included their role and the approximate timeframe they worked on the program. As previously stated, it listed Ubhi as having participated personally and substantially in the JEDI Cloud procurement in market research only.

(b) (6), (b) (7)(C) was asked about where her office was in the process regarding Oracle's bid protest. (b) (6), (b) (7)(C) explained that the GAO denied Oracle's motion in its entirety. (b) (6), (b) (7)(C) also made reference to an allegation made by Oracle in their complaint that Ubhi had access to restricted non-public and procurement sensitive information. (b) (6), (b) (7)(C) explained that this misunderstanding resulted from an error committed by a DDS (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) erroneously labelled a draft pre-decision document as "acquisition sensitive" when he sent it to an OSD office. She explained the document was not "acquisition sensitive" and did not meet the definition of Procurement Sensitive Information as defined in the Procurement Integrity Act and FAR. (b) (6), (b) (7)(C) labeled the document "acquisition sensitive" in an overabundance of caution. She believes that because Ubhi had access to this mismarked document, Oracle drew the conclusion he had access to Procurement Sensitive Information. (b) (6), (b) (7)(C) further explained that at the time Ubhi worked on the JEDI Cloud acquisition they had not created any procurement sensitive documents such as the RFP, independent government cost estimate, source selection criteria, etc. These procurement sensitive information documents were created after Ubhi left USG service.

As a final check and balance, (b) (6), (b) (7)(C) provided the JEDI Cloud solicitation to the Department of Justice, (b) (6), (b) (7)(C) as a courtesy given the complexity of the contract and in anticipation of industry protest and associated potential future litigation. The DOJ reviewed the solicitation and supporting documents. The DOJ did not identify any issues with the solicitation or the justifications behind the DoD's JEDI Cloud procurement strategy.

(b) (6), (b) (7)(C) was also asked about a media outlet who reported the Pentagon was investigating Oracle's alleged claims in their bid protest. (b) (6), (b) (7)(C) confirmed the article was referencing her office's current investigation of the alleged organizational conflict of interest and confirmed there were no additional investigations into the matter. (b) (6), (b) (7)(C) provided no further information.

Attachments:

1. Determination and Findings for Authority to Award a Task Order Contract to a Single Source, dated July 19, 2018.
2. Memorandum for the Contracting Officer File, titled "Rationale for Using a Single-Award Indefinite Delivery/Indefinite Quantity (ID/IQ) contract." dated July 17, 2018.

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3. Memorandum for the Record entitled "Contracting Officer's Assessment of No Impact Under 48 CFR § 3.104-7," dated July 23, 2018.
4. DoD JEDI Cloud Market Research Report, dated March 27, 2018.
5. Voluntarily recusal written by Deap Ubhi, dated October 31, 2017.
6. Lynch notification of Deap Ubhi's pulled access to Slack, Google drive access, and any emails associated with the JEDI program, dated October 31, 2017.
7. Deap Ubhi resignation letter to DDS, dated November 13, 2017.
8. Personally and Substantially Individuals with JEDI Requirements, Source Selection Sensitive Information, undated

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

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

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

DISTR: 03RO (b) (6), (b) (7)(C)

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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)

July 16, 2019

ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): The time is 0907, Eastern Standard Time, and
3 the date is July 16th, 2019. I am (b) (6), (b) (7)(C) and with me
4 today is (b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C) We are interviewing the witness, (b) (6), (b) (7)(C)
6 who's located at 700 7th Street Southwest, D.C., 20024. We are
7 located at the Mark Center in Alexandria, Virginia. We are
8 conducting a review of the acquisition of the Department of
9 Defense Joint Enterprise Defense Infrastructure Cloud
10 Acquisition. We also want to clarify the actions of certain
11 former DoD officials as they related to JEDI Cloud acquisition
12 activities, or relationships with Amazon that should have
13 prohibited or prevented from their participation in the
14 acquisition. These DoD officials include: Former Secretary of
15 Defense, James Mattis; former Chief of Staff to the Deputy or to
16 the Secretary of Defense, Anthony DeMartino; former Special
17 Assistant to the Secretary of Defense, Ms. Sally Donnelly; former
18 Deputy Assistant Secretary of the Navy for Command, Control,
19 Communications, Computers, Intelligence, Information, Operations,
20 and Space, Mr. Victor Gavin; and former Director of Cost
21 Assessment and Program Evaluation also known as CAPE, Mr. Robert
22 Daigle; as well as former DDS Product Manager, Mr. Deap Ubhi. At
23 this time I ask you that you acknowledge that this interview is
24 being recorded.

25 (b) (6), (b) (7)(C): I acknowledge.

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

3 (b) (6), (b) (7)(C): I acknowledge.

4 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
5 your right hand?

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

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

8 was called as a witness, placed under oath, and provided
9 the following testimony:

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

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

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

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

14 Q: And what is your grade?

15 A: I'm a (b) (6), (b) (7)(C)

16 Q: And what is your current duty position and
17 organization?

18 A: I am with the WHS-NPFPFA, Office of General Counsel. I
19 am an attorney.

20 Q: Okay. And can you briefly describe your role or your
21 duties as an attorney, and sort of like the Reader's Digest?

22 A: Yes. Before I begin that though, I do want to state for
23 the record that I have -- it is my understanding that based on
24 discussions between the DoD General Counsel and the DoD IG that
25 the IG may receive communications or oral representations from me

1 that may include attorney/client privileged information, and that
2 the IG will not share that privileged material outside of DoD
3 without a SECDEF waiver, and would not include any of the
4 privileged materials in any published report. So, I have been
5 told that I can have full candor with the IG but that I needed to
6 let you know that is my understanding of the understanding -- of
7 the agreement between IG and General Counsel. Is that okay?

8 Q: That is correct, ma'am.

9 A: Okay. With that in mind I was asked to be the
10 (b) (6), (b) (7)(C) for JEDI and I was originally told of the
11 opportunity shortly after the Deputy SECDEF memo that started the
12 JEDI Initiative, but it was not called JEDI at that time. It was
13 Cloud Initiative. I was brought onboard shortly thereafter, and I
14 have been with the acquisition since then. I have been
15 practically embedded with the team of experts and individuals
16 throughout the Department starting with assist with the RFI and
17 the market research, going through writing the requirements, and
18 then issuing the solicitation, defending the solicitation at both
19 the GAO and at Court of Federal Claims, I was assisting DOJ in
20 their defense of the solicitation at the Court of Federal Claims.
21 So, I have been in daily communication with team members about
22 JEDI for almost two years now.

23 Q: So, would that -- you come on board, that would have
24 been around September of 2017?

25 A: That's correct.

1 Q: Thank you.

2 A: So either the last week of September or possibly the
3 first week of October is when I was officially brought on board.
4 I was asked about it but the CESG had not determined if this
5 would be awarded through WHS/AD or not immediately. So, I was
6 asked if I would be interested and then once that decision was
7 made then I was fully brought on board.

8 Q: And please describe the process you use to determine
9 whether people who worked on the JEDI Cloud acquisition had any
10 conflicts of interest.

11 A: Sure. Initially because this was primarily led by DDS I
12 relied upon Ms. Woods to do the vetting because she was
13 intimately familiar with both members of the CESG as she often
14 attended those meetings as well as the DDS officials who were
15 asked early on to assist in this effort. And so it is my
16 understanding what she represented to me while I was doing the
17 representations in front of the GAO and Court of Federal Claims
18 is that she had sat down and individually discussed with
19 individuals who were not 450 filers what potential financial or
20 other conflict of interests they may have, and discussed their
21 obligations before asking them to sign a NDA and OCI Form. For
22 those who were 450 filers she, it's my understanding that she
23 relied upon those to have had opinions from their appropriate
24 ethics counselors about what matters they need to avoid and
25 discuss with them how they needed to be very careful, any

1 potential acquisition of this size because we knew it would
2 always be a large acquisition knowing that it was an
3 enterprise-wide acquisition to ensure that we avoided even the
4 appearance of conflict of interest and asking individuals to sign
5 NDAs and OCI Form. Later on in the process when Sharon was no
6 longer in an attorney billet but made the Program Manager I have
7 taken over all vetting and I have requested that special 450
8 forms be provided to me such that, and what I mean by special is
9 I would use the 450 form generally, but it did not -- I did not
10 ask them to provide an electronic filing and each individual was
11 notified that this did not trigger their annual filing report,
12 but that they were filling out the form specific to JEDI and that
13 they must fill out the form for any and all financial holdings
14 they may have, even under the demines amount that is listed in
15 the 450 form. For those individuals who are annual filers I asked
16 them to send me a copy of their filing either of the 278 or the
17 450s and confirm that they had no other holdings that were below
18 the reporting threshold. If they did I would look at those
19 specifically for the majority of individuals the items that they
20 held were not relevant to this JEDI acquisition. In the few
21 instances where individuals held assets that were either sector
22 funds or specific stocks in potential vendors or actual vendors,
23 actual bidders then I did not have them sign the NDA or OCS form
24 until they had disposed of those assets such that the conflict of
25 interest form would be valid and that they have no financial

1 conflicts of interest. And so, no one was supposed to sign the
2 form until they were cleared of all financial conflicts of
3 interest. They were in most instances those in particular who
4 were on the Source Selection Team were then given additional
5 ethics training and reminded that they have an affirmative duty
6 to contact me if anything had changed or if they were ever
7 contacted by a vendor potential jobs or whatnot, job offers, or
8 whatnot.

9 Q: Okay. So, I want to go back to Mrs. Woods. Do you know
10 when she provided this briefing or any type of vetting to the
11 members there?

12 A: I believe it was on an ongoing basis, but I don't want
13 to misspeak for her.

14 Q: Also, you mentioned that you requested the 450s as a
15 special request for all personnel involved in the JEDI Program
16 there. Who would those members include?

17 A: So I made that request when I took that over after
18 Sharon was made Program Manager, and so those -- I'm sorry and I
19 also asked for anyone on the Source Selection Team before they
20 received their overall ethics training. So, the individuals 450s
21 that I have are specific to either the either the Source
22 Selection Members which happened. All of those would have been
23 around September of 2018 given that we still hadn't received any
24 proposals yet, but were anticipating them soon, so that is when I
25 collected the information, so starting in September, and then any

1 member who needed access to the proposal material or who were
2 potentially going to overhear source selection sensitive
3 conversations in the C3PO Office I had also asked for 450s for
4 them as well. So, it's all starting around September 2018 for the
5 most part for the 450s that I got.

6 Q: And did everyone complete it to your standards or were
7 there any issues that you identified from the filers?

8 A: So, for the very few people that I identified potential
9 or actual financial holdings those individuals were dealt with on
10 a case-by-case basis, and they were not given any access to the
11 JEDI materials until they dispose of their financial conflicts.

12 Q: And can you please me tell me how did you document any
13 conflict of interest matters that you received from Ms. Woods
14 let's say?

15 A: I'm sorry. I don't understand the question.

16 Q: How did you document any conflict of interest matters
17 that you may have received or been made aware of?

18 A: So, Ms. Woods had told (b) (6), (b) (7)(C) and myself typically at
19 the same time so that we were often made aware and that the
20 documentation could be started and the investigation could start
21 regarding potential conflicts of interest that needed to be
22 looked at.

23 Q: Were you involved in the contracting officer's conflict
24 of interest or the Procurement Integrity Act investigation?

25 A: Yes.

1 Q: Okay. And what did you do? How were you involved?

2 A: I worked with (b) (6), (b) (7)(C) regarding some of the steps that I
3 thought it would be prudent for her to take in order to
4 investigate or document the findings. I reviewed drafts of her
5 findings and suggested additional input or information she may
6 want to consider or include, or at least documents at least
7 document that she's considered. When I was present during some of
8 the interviews she did I provided information regarding
9 conversations I had with SOCO attorneys concerning certain
10 individuals so that she was made aware of some of the
11 considerations from a legal perspective. I was available to -- I
12 didn't end up briefing her. (b) (6), (b) (7)(C) who signed off on the
13 findings, but I was available to him in order to answer any
14 questions he may have had.

15 Q: Were there any referrals to any other designated agency
16 ethics office? Let's say for instance we identified Mr. Victor
17 Gavin as having a potential conflict of interest. Do you know if
18 anything was provided to his ethics office since he work for the
19 Navy?

20 A: Yes. So I -- during the course of the investigation I
21 was not initially cleared that SOCO didn't advise the Navy
22 through a subgroup, and when I was asked about it when I they
23 said, "Well, if you provide us the paperwork we'll make sure that
24 our Navy counterparts, the appropriate Navy become counterparts
25 receive the documentation for the referral." So, I did rely on

1 several attorneys to ensure that that referral would make it to
2 the appropriate ethics officials.

3 Q: Do you know what happened after you referred that
4 matter?

5 A: I followed up and said that they were still looking
6 into it, but I never heard anything beyond that.

7 Q: There's a company and it's called SBD. Are you familiar
8 with that name?

9 A: Yes.

10 Q: Can you tell me a little bit about what you know about
11 SBD Advisors?

12 A: That it was a company that Sally and Tony worked at
13 prior to working at DoD. That Sally sold the company at some
14 point and that I know from the media quite frankly more about her
15 selling it and that as a result of SBD giving, or consulting with
16 AWS that both Sally and Tony were precluded on personally and
17 substantially working on matters involving AWS.

18 Q: Okay. And when you say Tony, who are you referring to?

19 A: I'm sorry. Anthony DeMartino.

20 Q: Okay. Thank you. What about the company called C5
21 Capital?

22 A: The only knowledge I have of that is secondhand because
23 the media reports. It was not part of the original materials that
24 I had seen during (b) (6), (b) (7)(C) investigation, and if I remember
25 correctly they bought out SBD and there's other allegations in

1 the European press about ties to different international entities
2 but I don't know the validity of those claims at all.

3 Q: Do you know if SBD and C5 have a relationship with
4 Amazon?

5 A: It is my understanding that SBD no longer exists or
6 that it was renamed, or something. I don't know the current
7 status of their relationship, if they have an ongoing
8 relationship, or if it was only while Sally and or wall Tony was
9 present there.

10 Q: In your opinion what interest did have SBD have in the
11 JEDI acquisition?

12 A: None. They did not provide any response to an RFI. My
13 only understanding is that the tie-in is simply because Sally and
14 Tony worked there before, and the allegation is because they
15 consulted for Amazon that they were somehow trying to undermine
16 the integrity of this acquisition which I just don't find valid.

17 Q: Same question. What about the C5 Capital? What interest
18 they have in the JEDI acquisition?

19 A: To my knowledge none.

20 Q: Did you have any interactions with former Secretary of
21 Defense James Mattis as it related to --

22 A: Not directly.

23 Q: Okay. Well what interactions did you have?

24 A: I was asked on the different acquisition just to review
25 a document for him. I also dealt with Secretary Mattis' travel

1 arrangers from a contractual concern, but nothing related to
2 JEDI.

3 Q: Are you familiar with Mr. Mattis' screening
4 arrangements?

5 A: I am not personally aware of those.

6 Q: Were you ever advised on any businesses or company he
7 may need to steer away from or involve himself with?

8 A: No.

9 Q: And do you know what his under -- or what is your
10 understanding of Mr. Mattis' relationship with SBD?

11 A: I am not aware of one.

12 Q: What about C5 Capital?

13 A: I'm not aware of one.

14 Q: And did Mr. Mattis need to disqualify himself from
15 participating in the JEDI Cloud acquisition because any of those
16 relationships or interest?

17 A: It's my understanding that Mr. Mattis was not involved
18 in JEDI Acquisition.

19 Q: What have you ever heard Mr. Mattis say about Amazon?

20 A: I never personally heard him say anything.

21 Q: What about any other competitors that were competing
22 for the JEDI Cloud contract?

23 A: I never heard him personally say anything.

24 Q: Okay. So now I would like to turn to your -- the JEDI
25 Cloud Acquisition matrix that you filled out for us.

1 A: Uh, huh [affirmative response].

2 Q: And on the front of the matrix there's a -- there are
3 instructions and numbered one through nine it gives you a list of
4 some of those topics, or involvement that the members, we have
5 James Mattis, Anthony DeMartino, Deap Ubhi, Sally Donnelly,
6 Victor Gavin, and Robert Daigle, based upon your knowledge that
7 they may or may not have participated in, either meeting, so on
8 and so forth.

9 A: Uh, huh [affirmative response].

10 Q: Do you have a document in front of you?

11 A: Yes, I do.

12 Q: So I would like to start with the first line number,
13 and that would be the Cloud Executive Steering Group. You
14 indicated on the form that Mr. Mattis, Sally Donnelly, and Victor
15 Gavin did not participate in any Cloud Executive Steering Group
16 meetings. Is that correct?

17 A: That's correct.

18 Q: Okay. However --

19 A: It was a Deputy SECDEF initiative.

20 Q: Okay. So, for your yes answers you have a yes for Mr.
21 Anthony DeMartino, and a yes for Mr. Ubhi stating that they
22 reviewed a draft version and that Mr. Ubhi attended a meeting.
23 Can you tell me a little bit more about those?

24 A: So, Mr. DeMartino had reviewed a draft of the Deputy's
25 memo that established the CESG, and that's what I was referring

1 to with Mr. DeMartino, and Mr. Ubhi attended a CESG meeting where
2 in the single versus multiple awards discussion occurred,
3 however, Honorable Lord was not present at that meeting. So it
4 was not a full CESG meeting.

5 Q: Do you know when those meetings took place on or about?

6 A: Mid-October, but it would take me some time to find the
7 exact date of that meeting.

8 Q: Okay. I'd like to go to item number two it talks about
9 the cloud --

10 A: Did you want to me to talk about Mr. Daigle or no?

11 Q: Oh, yes. Because you did indicate yes for Mr. Daigle
12 participating in these related meetings as well as providing data
13 or other decision and support information. So, yes.

14 A: So I know that Mr. Daigle was at the same meeting as
15 Mr. Ubhi, and that Mr. Daigle had provided documentation that was
16 used as part of the market research, internal market research for
17 the CESG.

18 Q: Any other information that you can recall?

19 A: Also he has provided other information, I just don't
20 recall it right now, and I didn't look at that part extensively
21 in preparing for this call. So for Mr. Mattis you indicated that
22 he did not participate in any of the 27 items that we listed on
23 the forms which would include gating, the request, RFI, Industry
24 Day, any of the meetings, Cloud Focus Sessions, and it goes on to
25 list a number of events. Do you support what you indicated on

1 your form regarding Mr. Mattis' involvement?

2 A: I genuinely believe Mr. Mattis was not involved in any
3 of those items.

4 Q: Okay. Thank you. So I'd like to move to Mr. DeMartino's
5 column. You mentioned that he did participate in Industry Day,
6 and you mentioned that it was other. Can you please describe what
7 you mean by other?

8 A: Yes. He was given a draft of the Industry Day
9 announcement so that he could share it with the Deputy Secretary,
10 but he was not -- he did not provide comments and he -- the
11 Industry Day announcement was subsequently changed before he was
12 able to provide comments I should say. So, I know he -- that was
13 his interaction was just providing, or being a liaison to the
14 Deputy and given a draft of that document that was not actually
15 useful nor used, but nonetheless it was e-mail to him.

16 Q: Also you indicated that other participation for Intel
17 community meetings.

18 A: He was requested to send an e-mail to the CIA to help
19 facilitate a meeting between those of us working on the JEDI
20 acquisition. So, that's the other. He was asked to send an e-mail
21 to help facilitate that meeting.

22 Q: Do you know who asked him to send the e-mail?

23 A: It was either Chris Lynch himself, or possibly Ms.
24 Woods, or (b) (6), (b) (7)(C). One of those individuals would have done
25 the actual asking. I know that he was asked, but I don't know who

1 asked for it.

2 Q: And so that would have been in an e-mail request that
3 he submitted that request?

4 A: What I can't recall is if it was orally stated and then
5 followed up with an e-mail, or if it was e-mailed and then they
6 mentioned it again during an oral meeting because they had a
7 quick meeting about that but I just don't recall.

8 Q: Also you mentioned that he participated in other
9 contracting activities, reviewing drafts or final versions. Can
10 you please explain?

11 A: It's related to JEDI so I put it in here. There was the
12 op-ed that he helped edit that the Deputy put out around the time
13 of the RFI. I believe this was published in early November.

14 Q: Okay. What year?

15 A: 2017.

16 Q: Okay just to clarify. Thank you.

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

18 Q: What publication did the op-ed appear in?

19 A: I believe it was Defense One but I -- or something
20 similar. I know it was published as an RFI before we received RFI
21 responses and it was to help drum up basically media support as
22 we were getting more responses and more input from the potential
23 vendors.

24 Q: Thank you.

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

1 Q: So on the form you mentioned that Sally Donnelly did
2 not participate in any role in the JEDI acquisition. Do you
3 affirm that is an accurate response?

4 A: I affirm that is an accurate response.

5 Q: Okay. Now I'd like to move over to Mr. Daigle.

6 A: Okay.

7 Q: You indicated that Mr. Daigle was involved in the
8 problem statement, he attended meetings. Do you know how many
9 meetings he attended in what those meetings were about?

10 A: I do not know how many meetings he attended. I was not
11 present at all of the CESG meetings or working group. I know it
12 was -- the problem statement was something used as a talking
13 point at those meetings when discussing these single versus
14 multiple. So, it could have just been that one meeting that Deap
15 attended, or it could have been another one around that same
16 time. The problem statement was only drafted and then discarded
17 in late October. So, that's what I was referencing there.

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

19 Q: We saw that the problem statement was actually included
20 in the final case business case analysis. Is that correct?

21 A: No. So parts of it were used, but not in its entirety.
22 It was not a copy and paste.

23 Q: Okay. The business case analysis does have a section in
24 there called problem statement. Is that basically what was
25 finally agreed to as the statement of the problem to be solved?

1 A: Yes.

2 Q: Thank you.

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

4 Q: Okay. Also let's discuss Mr. Ubhi. If you go to the
5 column where it mentions Mr. Ubhi. We talked about his
6 involvement in the Cloud Executive Steering Group.

7 A: Uh, huh [affirmative response].

8 Q: So I'd like to move, and you just mentioned his
9 involvement in the problem statement. Can you please explain
10 exactly what you recall his involvement was?

11 A: So initially he was tasked as being the Product Manager
12 for the business case analysis, and the problem statement was, as
13 I said a talking point that was used to start formulating ideas
14 both on the single versus the multiple, and he was using it as an
15 idea of how to structure the business case analysis. So, he was
16 involved in writing that. However, after he recused, the problem
17 statement that he drafted was no longer used or edited. And (b) (6), (b) (7)(C)

18 (b) (6), (b) (7)(C) will and I always forget how to pronounce his last name. I
19 will have to look at (b) (6), (b) (7)(C) last name I apologize. I know that's
20 very informative, but (b) (6), (b) (7)(C) took over, he was then assigned to the
21 business case analysis (C) and he decided to start from scratch and
22 he had used some of the concept from the problem statement, but
23 he really took it in a fully new direction to start from scratch.
24 And he confirmed that during his interview with (b) (6), (b) (7)(C) and my
25 understanding, like I recall that happening at the time, but he

1 reconfirmed that in his interview with (b) (6), (b) (7)(C) that she did during
2 her investigation which I was present.

3 Q: Okay. Lastly on the matrix is Mr. Victor Gavin.

4 A: Uh, huh [affirmative response].

5 Q: You mentioned that he participated in the Cloud Focus
6 Sessions.

7 A: Yes.

8 Q: And can you tell me what kind of data he provided for
9 that meeting?

10 A: Sure. He provided a PowerPoint presentation that I've
11 given to your office in talking about the Navy's experiences in
12 general about cloud migration.

13 Q: Also you indicated that he attended related meetings
14 and provided opinions or recommendations, as well as reviewed a
15 draft or final version of the acquisition strategy. Can you
16 please --

17 A: Yes. In April 2018 he was invited by the Office of
18 Under Secretary of Acquisition and Sustainment to a meeting to
19 discuss the draft acquisition strategy. He never had access to
20 review a draft of that document. At that meeting he strongly
21 advocated for multiple awards. Ultimately his decision or opinion
22 was not accepted by the group, and that is the only access that
23 he would have had access to that document.

24 Q: Did he mentioned any vendors who could provide this
25 type of service if he chose -- if he felt strongly about multiple

1 awards? Did he mention any names during that briefing?

2 A: I don't recall him talking about any specific vendors
3 at that meeting.

4 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) do you have anything?

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

6 Q: Who else was at that meeting and would have heard him
7 advocating for multiple award strategy?

8 A: I know (b) (6), (b) (7)(C), and Sharon. I know, I believe
9 (b) (6), (b) (7)(C) may have been present. I'm not 100 percent sure of
10 that. I believe (b) (6), (b) (7)(C) who was a contractor was at that
11 meeting. I know that there was a number of attorneys present at
12 that meeting. For example, (b) (6), (b) (7)(C). I can picture the room.
13 There was a number of people there. I believe it was about 25 to
14 30 people there, but I'm having a hard time. I know (b) (6), (b) (7)(C)
15 who was the (b) (6), (b) (7)(C) at that time was there. I'm sorry, I
16 didn't look at the attendance list and that's just off the top of
17 my head who I can recall being there.

18 Q: Who would have the minutes for that?

19 A: I don't believe minutes were taken per se, but because
20 I believe it was we were discussing the draft and any formal
21 feedback was requested, or any changes to the draft was requested
22 to be e-mailed. So, it was more of a discussion session and then
23 asking to have materials e-mailed back. But that Mr. Gavin did
24 not e-mail or suggest any edits during that meeting, any specific
25 formal edits.

1 Q: Thank you.

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

3 Q: and what nonpublic procurement information did Mr.
4 Mattis have access to?

5 A: Mr. Mattis?

6 Q: Yes.

7 A: None that I'm aware of.

8 Q: Okay. And, can you please tell me what your
9 interactions were with Ms. Sally Donnelly?

10 A: I personally had no interactions with Ms. Donnelly.

11 Q: And do you know what her relationship was with SBD and
12 C5?

13 A: I believe she was the owner of SBD.

14 Q: And did Ms. Donnelly need to recuse herself from
15 participating in the JEDI Cloud acquisition because of any of
16 those relationships with C5 or SBD?

17 A: Sally had the same restriction that Tony had in not
18 involving herself personally and substantially involving matters
19 involving Amazon that during that time, but Sally was not
20 personally or substantially involved in the JEDI acquisition.

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

22 Q: Why would Ms. Donnelly be prohibited in participating
23 in personally and substantially in matters involving Amazon?

24 A: Because SBD had consulted for Amazon.

25 Q: Thank you.

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

2 Q: Did you ever hear Ms. Donnelly say anything about
3 Amazon?

4 A: Not directly.

5 Q: Well what do you recall hearing, or overhearing?

6 A: That the e-mails between her and the Amazon official
7 that came up during the GEO Hearing about her receiving an
8 article, and her not responding. Like, so I know that she
9 communicated with Amazon, but I don't have any recollection of
10 hearing directly or indirectly about her commenting on Amazon
11 particularly.

12 Q: Would her e-mail and communication to Amazon impact the
13 JEDI acquisition for them, or did look like she was trying to
14 assist them in any way?

15 A: No. She did not respond to their e-mails. She received
16 e-mails but she did not respond to them to my recollection. From
17 others when it was being investigated it was understood that
18 Sally had no input or no comments and was not trying to become
19 personally or substantially involved and that's why (b) (6), (b) (7)(C)
20 conveyed that finding.

21 Q: Same question. What nonpublic procurement information
22 did Ms. Donnelly have access to?

23 A: My recollection none. The clause was just in case she
24 received a draft of anything, but the more I think about it no,
25 she not given even a draft of the RFI.

1 Q: Okay. And I want to ask this question for Mr. Mattis
2 and Sally Donnelly. Can you tell me how they, and that would be
3 Mr. Mattis and Ms. Donnelly influenced the JEDI Cloud
4 acquisition?

5 A: They had no direct influence on the JEDI acquisition
6 because it was after -- it was probably after acquisition. I am
7 aware that they visited the West Coast in August of 2017 and that
8 upon return Mr. Mattis asked Mr. Shanahan to start a cloud
9 initiative, and that is the extent of Mr. Mattis' impact
10 essentially on this, but it was a Deputy-led matter and that Mr.
11 Mattis simply wasn't involved. And Ms. Donnelly was present
12 during that same West Coast trip, but again didn't really
13 influence anything thereafter.

14 Q: Is there anything that Mrs. Donnelly would have said or
15 done that would cause you to question her ethics or impartiality
16 concerning Amazon?

17 A: No.

18 Q: Same question for Mr. Mattis.

19 A: No.

20 Q: And once again I'd like to move on to the next
21 individual which would be Mr. DeMartino. What were your
22 interaction interactions with Mr. DeMartino as it related to the
23 JEDI Cloud acquisition?

24 A: I had very limited direct interaction with him in
25 response to a request for information that the Deputy had asked

1 for. I am aware that he had another interactions with DDS members
2 and a number of DDS official such as (b) (6), (b) (7)(C) who not a part
3 of the CESG. So, I'm aware that he requested information on
4 behalf of the Secretary, but not that he was seeking information
5 for seeking information sake.

6 Q: Okay. And what is your understanding of Mr. DeMartino's
7 relationship or interest in SBD and C5?

8 A: That he was an employee of SBD and that because SBD
9 consulted with AWS he was prohibited as we've discussed
10 previously, and I'm not aware of his involvement with C5.

11 Q: What did you ever hear Mr. DeMartino say about Amazon?

12 A: Nothing personally.

13 Q: What about any of the other competitors for the JEDI
14 contract?

15 A: Nothing.

16 Q: And what nonpublic information procurement information
17 did Mr. DeMartino have access to?

18 A: He was given a copy of the draft RFI which was marked
19 as source selection sensitive and that's it.

20 Q: And why was he provided a copy of the RFI?

21 A: The Deputy had asked for as part of his writing the
22 op-ed is my understanding.

23 Q: Can you tell me how Mr. DeMartino may have influenced
24 the JEDI Cloud acquisition?

25 A: I don't believe he had any influence over the JEDI

1 Cloud acquisition.

2 Q: And, what has Mr. DeMartino said or done that would
3 have caused you to question his ethics or impartiality concerning
4 Amazon?

5 A: Nothing, but I want to give a fuller answer on that.

6 Q: Okay.

7 A: And much was made of he should have recused himself
8 earlier, but again I don't believe he was personally and
9 substantially involved in JEDI. I believe he was acting as a
10 liaison. I believe he, it's based on my conversations with SOCO
11 attorneys that he came to ask questions on a number of different
12 matters and was genuinely trying to avoid the appearance of
13 conflict of interest, and even when he finally did formally quote
14 unquote formally recuse from any involvement in any JEDI related
15 meetings it was again SOCO's opinion as relayed to me that that
16 was done in an abundance of caution and he hadn't -- like they
17 asked me a number of questions to make sure I didn't feel he had
18 stepped over the line, but that while much of them made in the
19 media about he shouldn't have participated in JEDI. I don't
20 believe he actually did, and I don't believe that violated any of
21 his prohibition on personally and substantially involving himself
22 in matters that could be impacted by Amazon.

23 Q: Thank you. And, we're going to move on to Mr. Gavin and
24 you talked a little bit earlier about him participating in a
25 meeting. What were your interactions directly with Mr. Gavin?

1 A: That was it.

2 Q: That was it, okay. And what was your understanding of
3 Mr. Gavin relationship with Amazon?

4 A: That he is employed by their public-sector group.

5 Q: And we know this because of what?

6 A: Amazon disclosed it in their proposal.

7 Q: We understand that Mr. Gavin after his recusal attended
8 another meeting. What can you tell me about that?

9 A: Not another meeting, it's the same April meeting. So,
10 there was a meeting in the fall when it was the Cloud Focus
11 Session, and there was the meeting in April after his not only
12 recusal, but after his job acceptance. He had actually accepted a
13 position with Amazon and then attended the meeting where we
14 talked about the draft acquisition strategy.

15 Q: Okay. What happened after he attended that meeting? Did
16 anyone get involved such as the contracting officer?

17 A: Get involved what you mean? I'm sorry.

18 Q: Well, after they learned that he attended a meeting
19 after he recused himself what took place?

20 A: So as I said Mr. Gavin employment by AWS was brought to
21 the contracting officer's attention in the Amazon proposal. She
22 was investigating that as well as a number of other individuals
23 that she mentions in her organizational conflict of interest memo
24 that you also have a copy of. During that time she recalled him
25 attending the August, or April meeting and asked if anyone else

1 had any other interactions with him. I know I also asked a number
2 of individuals if they had any other interactions that I should
3 be made aware of from a litigation perspective as well as
4 assisting (b) (6), (b) (7)(C) with her investigation, and when we could not
5 find any other meetings or interactions he had we -- she made her
6 findings. Or not we, she made her findings but I again I asked
7 around on her behalf as well as listened to her ask others about
8 his role.

9 Q: What have you ever heard Mr. Gavin say about Amazon?

10 A: Nothing that I recall.

11 Q: What about any of the other competitors for the JEDI
12 Cloud contract?

13 A: Nothing that I recall.

14 Q: Did Mr. Gavin's work on any of these activities mean
15 that his participation in the JEDI Cloud acquisition was
16 substantial?

17 A: In my opinion, no.

18 Q: Why do you say no?

19 A: Attending two meetings and not providing any
20 substantive input does not rise to the level of substantial
21 involvement.

22 Q: Okay.

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

24 Q: You indicated on the Cloud Focus Sessions that he
25 provided some kind of decision support for the session. What was

1 that?

2 A: Oh, not decision support but that was the briefing, and
3 that was used as part of the market research like as a whole. The
4 CESG was tasked not only with finding market research about the
5 industry but also about DoD's migration efforts, and so it was
6 that -- those materials were considered as part of that.

7 Q: Thank you.

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

9 Q: And once again I'd like to ask the question, how did
10 Mr. Gavin influence the JEDI Cloud acquisition?

11 A: I don't think he had any influence on it other than
12 being a distraction because of the length of time of the
13 investigation. Sorry, that was a joke. I shouldn't joke during an
14 interview, but I don't think he directly impacted the JEDI
15 acquisition at all.

16 Q: And what has Mr. Gavin said or done that would cause
17 you to question his ethics or impartiality concerning Amazon?

18 A: His ethics in general or his impartiality -- ethics
19 concerning Amazon? I want to be clear on that question.

20 Q: Both.

21 A: He lied in his declaration that was provided as part of
22 the investigation. He said he only attended one meeting when in
23 fact he attended two. He attended a meeting after he had already
24 accepted the job with Amazon and had been made aware that he was
25 recused from all matters potentially involving Amazon, and with

1 an enterprise-led contract it was assumed that Amazon and other
2 major cloud service providers were interested parties and
3 therefore he should not have attended the April 2018 meeting. So,
4 ethically that caused me to question his truthfulness. As far as
5 his bias towards Amazon I have no knowledge of him showing any
6 bias towards Amazon especially given that I do recall him
7 advocating for multiple awards which Amazon had publically been
8 in favor of a single award.

9 Q: And what were your interactions with Mr. Daigle?

10 A: I was present with him at at least two meetings that I
11 immediately recall and I believe it's possible he was at another
12 meeting, but I can't remember if he was just invited to that
13 meeting or if actually attended that meeting all related in the
14 early part of the CESG and Market Research Activity.

15 Q: And what is your understanding of Mr. Daigle's interest
16 or relationship with SBD and C5?

17 A: My understanding that he did not have any relationship
18 with SBD. I read recently in the press that he may have been
19 hired to work with Ms. Donnelly. I don't know if that's at C5 or
20 elsewhere. So, I'm not clear.

21 Q: Okay.

22 A: In fact I don't think Ms. Donnelly is working for C5
23 now, but again I'm not clear. I just read the media stories. I
24 have no direct knowledge.

25 Q: Okay. And did Mr. Daigle need to disqualify himself

1 from participating in JEDI?

2 A: No.

3 Q: Why not?

4 A: My understanding from Ms. Woods is that he had no
5 prohibition on being involved in JEDI.

6 Q: Did you ever hear Mr. Daigle say anything about Amazon?

7 A: Not that I recall.

8 Q: Do you ever recall him saying anything about any of the
9 other competitors for the JEDI contract?

10 A: I do not recall.

11 Q: And was there any reason why Mr. Daigle should not have
12 participated in the JEDI Cloud acquisition activities?

13 A: Not to my knowledge.

14 Q: And what has Mr. Daigle said or done that would cause
15 you to question his ethics or impartiality concerning Amazon?

16 A: Nothing.

17 Q: What about the JEDI Cloud acquisition?

18 A: Nothing.

19 Q: Mr. Ubhi, Mr. Deap Ubhi. What have you --

20 A: [Laughing.]

21 Q: What were your interactions with Mr. Ubhi?

22 A: I worked with him on a fairly consistent basis during
23 October of 2017.

24 Q: And what was the timeframe that you worked with Mr.
25 Ubhi?

1 A: So whenever I started the JEDI effort be that in the
2 last week of September, the first week of October, and then I
3 worked with him until he recused.

4 Q: And what were your interactions with him? When you said
5 "worked" what do you mean by that? What did you share with him?
6 What did he share with you?

7 A: So at that time we were strategizing about what we
8 needed to ask in the RFI. So, I remember having meetings about
9 what should be in the RFI. I recall having conversations with him
10 and others about what would need to be captured in the vendor
11 meeting notes. If he had questions about the business case
12 analysis he asked either Sharon or myself about how to start to
13 formulate ideas of how to draft that. So, they're all very
14 initial how do we go about drafting these documents that are
15 needed for an acquisition of this size?

16 Q: Did he ever steer or push you towards either Amazon or
17 any other company?

18 A: That was not my impression at all. He seemed open to
19 just a major cloud service provider that could do this on a
20 global scale. He was not interested in working with any of the
21 integrators.

22 Q: And what was his relationship with Amazon?

23 A: I now know that he was in negotiations with prior to
24 the starting JEDI and that he had accepted a position with them
25 prior to recusing himself. I was not aware of that when I was

1 working with him.

2 Q: So you never heard him mention or say anything related
3 to Amazon? That he was a former employee? Or any information that
4 would suggest that he had interest in Amazon?

5 A: Not that I recall. Is it possible that he mentioned
6 while I was at Amazon before? I just don't recall that and it's
7 hard for me to separate in my mind statements that I know now
8 versus at that time frame of two years, nearly 2 years ago.

9 Q: And this may be a redundant question but if you could
10 please explain with Mr. Ubhi did or did not do to comply with the
11 ethics standards that related to his interest or his dealings in
12 Amazon.

13 A: Mr. Ubhi was wholly unethical and that he was
14 negotiating for a position before he even started with the JEDI
15 acquisition. He should have recused from all matters involving
16 Amazon while he was in discussions about possible employment. He
17 indicated that he had signed his NDA and encouraged others to do
18 so, and the NDA also included a conflict of interest language and
19 that was not valid. He did in fact have a conflict of interest
20 because he was actively seeking employment with Amazon in late
21 September. He did not recuse himself promptly upon receiving a
22 job offer or accepting the job offer, and then he actively
23 concealed why he was going out and leaving the DoD employment and
24 lied to from what I could tell everyone and continue to lie long
25 after he left the Department about why he was hired by Amazon.

1 Q: You mentioned earlier that Ms. Woods provided some
2 briefing in training. Was Mr. Ubhi a part of that training as it
3 related to ethics as what they could do, what they could not do
4 and their involvement?

5 A: That is my understanding.

6 Q: And did you receive any information from Mr. Ubhi
7 regarding his disclosure other than what you stated earlier from
8 Amazon what they identified it?

9 A: No I did not. Oh, I'm sorry. I was made aware that he
10 recused and it was potentially because of Amazon, but I was
11 previously made aware that it was potentially involving Amazon
12 because he was in potential discussions with Amazon about Table
13 Hero which is simply not true. I also, I do recall specifically
14 talking to (b) (6), (b) (7)(C) about his ethics briefing and he said
15 that Deap Ubhi was present and actually added to the conversation
16 and training materials like orally that Ms. Woods was given. So,
17 (b) was shocked that Mr. Ubhi had violated the rules so profusely
18 given that he was well aware of these rules in his opinion, and
19 that just struck me as a very odd thing that he was still
20 knowledgeable in the area and yet lied so profusely.

21 Q: And how did Mr. Ubhi influence the JEDI Cloud
22 acquisition?

23 A: In the long run he had no influence over the cloud
24 acquisition. He had influence over what we asked in the RFI, but
25 that was just an RFI. He was just only there for seven weeks. He

1 could not have possibly had an actual influence in something that
2 has taken almost 2 years to do. It was just too early in the
3 process for him to have any substantial input.

4 Q: Were you ever in a meeting where anyone may have excuse
5 themselves because someone close to them had a conflicting
6 financial interests might impact the JEDI Cloud acquisition?

7 A: Not that I recall.

8 Q: Did anyone attempt to write JEDI Cloud requirements in
9 a way that had favored Amazon over its competitors?

10 A: No. And then I feel very strongly about because I was
11 intimately involved in the writing process and asking detailed
12 questions to ensure that it wasn't even an inadvertent skew
13 towards one vendor or the other. Both in terminology, and
14 technology, and our overall needs of just familiarity. Like I
15 feel very strongly that we worked very hard to ensure that this
16 was in no way skewed towards any vendor. I knew it would
17 undermined everything that we had done and I couldn't defend it
18 if that was the case.

19 Q: Did anyone attempt to include or exclude anything in
20 the RFP that would serve to advantage Amazon, or disadvantages
21 competitors?

22 A: Not to my knowledge.

23 (b) (6), (b) (7)(C) [REDACTED], do you have any questions?

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

25 Q: Yes. Regarding Mr. Ubhi did the activities that he was

1 involved in mean that his participation in the acquisition was
2 substantial?

3 A: Yes. I think under the definition in both FAR and the
4 ethics regulation participation was substantial. Even though it
5 was only for seven weeks his input into the market research was
6 substantial.

7 Q: Okay. Mr. DeMartino you mentioned that he had a duty to
8 disqualify himself from participation. Did he accomplish that
9 such disqualification and how?

10 A: So I said that didn't have a duty, but that SOCO
11 advised him out of an abundance of caution to avoid further JEDI
12 meetings. And so he then told Ms. Woods and others and SOCO told
13 Ms. Woods that he would not be participating in other JEDI
14 related meetings and I'm not to e-mail him on JEDI related
15 matters anymore. There may have been other stuff taking with
16 that, but that's to my knowledge what has happened.

17 Q: Okay. Please correct me if your understanding is
18 different than mine. One way to accomplish disqualification is
19 simply by not participating in matters.

20 A: That's correct. Yeah, so he didn't participate anymore.

21 Q: The same for Ms. Donnelly. Did she disqualify her --
22 did she accomplish disqualification in any way, and in what way
23 does she accomplish disqualification?

24 A: Because she didn't participate. I would say she was de
25 facto disqualified.

1 Q: Okay. You mentioned in SOCO's opinion that Mr.
2 DeMartino's participation was not substantial. Who was that in
3 SOCO that you talked to?

4 A: I remember speaking to -- I'm sorry. I'm just trying to
5 remember if I spoke to (b) (6), (b) (7) (C) directly about this question
6 because I believe I did. I spoke to (b) (6), (b) (7)(C) and probably
7 (b) (6), (b) (7)(C) as well. I know I've had a number of conversations about
8 Mr. DeMartino throughout all of the both and as part of the
9 initial investigation and that was concluded in the July document
10 as well as I've gone back to SOCO to discuss different
11 allegations or different claims that were made during the
12 litigation. So it's hard for me to piece together exactly when I
13 talked to them about which part.

14 Q: Is (b) (6), (b) (7)(C) ?

15 A: Yes.

16 Q: You told us that Mr. Gavin lied in his declaration.

17 A: Yes.

18 Q: Was that part of the PCO's investigation? Is that what
19 you're referring to?

20 A: Yes. Yes.

21 Q: To whom did he lie and was this verbally or in writing?

22 A: In writing. It said signed under penalty of perjury his
23 declaration provided to the contracting officer says that he only
24 attended one meeting, and that is not true.

25 Q: Thank you.

1 (b) (6), (b) (7)(C): Okay. I'll be followed by (b) (6), (b) (7)(C).

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

3 Q: Hi (b) (6), (b) (7)(C)

4 A: Good morning.

5 Q: So, back in the fall when we met with you all there was
6 discussion just as far as how the RFP was provided to DOJ. Who
7 exactly was it that provided that copy to DOJ?

8 A: The RFP was provided to DOJ?

9 Q: Yes.

10 A: I provided them a copy.

11 Q: Okay.

12 A: It was also publicly available depending on the timing.

13 Q: Okay. And then around what time frame was that that it
14 was provided?

15 A: I would have to look at my notes as to when I started
16 engaging with them about this process. So, it's possible that I
17 sent them a link to the draft RFP and said we're going to publish
18 the RFP soon. I apologize. I don't recall off of the top of my
19 head.

20 Q: Okay. And then at that time that you provided that to
21 them did you request an opinion on it, and DoD's justification?

22 A: On the RFP or on the justification? I'm sorry. I just
23 want to make sure I'm understanding your question.

24 Q: For both.

25 A: So, they were not provided a copy of the special clause

1 justification to my recollection I don't ever recall sending that
2 to them. That was an internal document. For the RFP it's possible
3 that I asked if they had any overarching concerns with it and I
4 don't recall receiving any feedback for the single award
5 justification I recall that they called me and had one question
6 just to make sure that we clarified a point, and thereafter I
7 believe I made a subsequent edit before it was finalized and
8 signed.

9 Q: All right. And then I'm going to hand it over to
10 (b) (6), (b) (7)(C) so she can kind of talk about the rationale
11 for the single award. So, if you could pull up that MFR.

12 A: Okay. The MFR, okay.

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

14 Q: And I'm sorry I didn't ask for this earlier, but 10
15 U.S.C. 2304(a), the exception for single award over 112 million.

16 A: Okay.

17 Q: So my question is for those H2 special clauses, 10
18 U.S.C. 20 --

19 A: I'm sorry you want the MFR under special clauses or you
20 want the MFR under single award? I just want to make sure I'm on
21 the correct document.

22 Q: The special use contract requirements clauses MFR.

23 A: Okay, sorry. All right go ahead.

24 Q: So in order to award a single award over 112 under 10
25 U.S.C. 2304(a) you must meet one of the exceptions being the firm

1 fixed price task orders exception, correct?

2 A: Uh, huh [affirmative response].

3 Q: Okay. Which states that firm fixed price taxed orders
4 for products and services for which prices are established in the
5 contract.

6 A: Uh, huh [affirmative response].

7 Q: Can you explain like the link between the new service
8 clauses or the H2 clauses and how that might fulfill this
9 requirement that the prices be established in the contract?

10 A: Sure. First before we get to the H clauses it's
11 important that the B structure indicates that every single line
12 item is firm fixed price, and then in F the solicitation and the
13 resulting contract specifically states that every single task
14 order must be firm fixed price, and it's also important before I
15 get to H, but this is important background that in Section O,
16 each offeror is required to offer a firm fixed price for every
17 single service for all 10 years, and the catalog price must be
18 established for all 10 years at fixed prices. So, at the time of
19 award every single service that can be ordered under a task order
20 is firm fixed price for the entire period of performance. Section
21 H2 provide a mechanism where in the offeror has to offer, or the
22 awardee has to offer new services to the government, but the
23 government is under no obligation to modify the contract to
24 include these new services for multiple and a variety of reasons,
25 and that's why it's not an automatic or unilateral modification

1 upon new services being offered in the commercial catalog, or
2 non-JEDI catalog. I should say, the JEDI catalog. Like any
3 changed clause any contract is always able to be modified to
4 provide in the scope changes which include in scope new services.
5 This is under a normal change clause or the special H2clause in
6 the way that we wrote it, and the exception works because before
7 anything can be ordered the prices are established in the
8 contract. So the exception says where the prices have to be firm
9 fixed price, not when. So every single service that is in a
10 contract upon the award is firm fixed price. Anything that is
11 added thereafter it's firm fixed price for the remainder of the
12 time and cannot be only negotiated into a certain task order
13 which is part of why this provision was originally enacted is to
14 avoid cost reimbursement, IDIQ's that are large and very risky
15 for the government and the finances, and it was also to ensure
16 that contracting officers weren't in an unfortunate position of
17 negotiating prices at a task order. So, as long as they are
18 established in the base contract it still meets a succession.

19 Q: Okay. Thank you that confirms my understanding as well.
20 My next question is about noncommercial services. There's a
21 clause in the RFP that talks about the possibility of services
22 being offered by the cloud service provider that are not yet
23 offered to the public.

24 A: Uh, huh [affirmative response].

25 Q: Can you explain how the firm fixed price task order

1 would work for the noncommercial services?

2 A: Of course. So, in the same thing if it's in the
3 commercial catalog or not the offeror may make it available for
4 us to modify and into the award, but again the government is
5 under no obligation to do so. The offeror, or the awardee at that
6 time when making these noncommercial items available would have
7 to offer a firm fixed price for the duration of the remaining 10
8 years on the contract and before it could be modified into the
9 contract the contracting officer would have to make a price
10 determination, just like you have to do for commercial items as
11 well, and there may be some negotiation concerning the
12 noncommercial item, and if and only if the item and the price are
13 accepted than it would be modified into the contract in the same
14 analysis that I just walked you through why it's established in
15 the base contract and a firm fixed price apply.

16 Q: Okay. When you were working on this contract did you
17 anticipate there ever being a service that would only be offered
18 to DoD and not the public?

19 A: So, that's a complicated person because commercial in
20 the FAR is a little broader than the word commercial pin notes of
21 public versus just DoD. So like it could be just still be
22 commercial if it's offered to other government agencies, which is
23 highly likely. It is also, we envision that it's possible to have
24 a new service offer that isn't in the commercial guide catalog
25 yet. That would be offered first under JEDI, but then eventually

1 would become public, and that's more of what we envisioned is
2 that it would just be in advance of it being offered to the
3 public at large, but it would still be a mostly commercial item.

4 Q: Okay. I'm going to move on to the gating criteria

5 A: Uh, huh [affirmative response].

6 Q: So when you were working on the gating criteria did you
7 look to any other contracts that use gating criteria as a model?
8 Maybe other contracts that were successfully using gating
9 criteria, not necessarily these gating criteria but gating
10 criteria is a concept?

11 A: I have used other contracts that have gating criteria,
12 so I just specifically look up one. I just have personal
13 knowledge of them.

14 Q: How did you determine that gating criteria are not
15 qualification requirements under 10 U.S.C. 2319?

16 A: So qualification requirements aren't overarching system
17 of having those like prequalified list that it's on ongoing for
18 multiple acquisitions and that is not the case with the gating
19 criteria used in the solicitation. It wasn't attuned to a
20 prequalification, or a bidders list, or anything like that.

21 Q: Can you explain a little bit more about that?

22 A: Is there a specific case that you're interested in?

23 Q: I'm sorry. You said qualification requirements are part
24 of ongoing?

25 A: So, the qualification requirements are often part of an

1 ongoing certification and quality controlled mechanism such that
2 bidders can be on the list or removed from the list at any time
3 and that these lists are maintained for multiple acquisitions for
4 specific services or parts. And that is just simply how not how
5 our gate factors work. They were specific to the JEDI
6 acquisition, not for multiple acquisitions, and they're not a,
7 typically what a pre-qualification list is established, and
8 that's not what we have in these evaluation required criteria.

9 Q: Okay. Thank you. My last question is about the
10 Congressional report, or report requested in the continuing
11 appropriation for 2019. This is the one that says you can't have
12 any money until 90 days after you provide the report.

13 A: Yes.

14 Q: Can you give us an update on where that report is or
15 where it's been issued?

16 A: We provided that report earlier this year.

17 Q: Oh, okay. I'm sorry.

18 A: And you have a copy of that. So, I believe, I could
19 look up the exact date, but I believe it was made. So the DoD
20 issued -- published is cloud strategy in February, and I believe
21 it issued a report in response to the NDA request in May.

22 Q: Okay. Do you know who you provided that report to?

23 A: I believe it went to all of the committee chairs of
24 HASC-D or SASC-D, but I can confirm. I know it's a public report.

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

1 Q: (b) (6), (b) (7)(C) this is (b) (6), (b) (7)(C) here again. I wanted to know,
2 were you involved in any of the FEDRAMP discussions?

3 A: So that's a very broad, like I talked about FEDRAMP
4 extensively throughout this. Is there a particular part of this
5 about FEDRAMP discussions that you want to know about?

6 A: Just as far as what was the deciding factor for FEDRAMP
7 moderate authorized to be put into the solicitation prior to
8 submission of proposals?

9 A: So, it was my contention the FEDRAMP high would have
10 been overly restrictive, and as Tim wrote in his memo justifying
11 the sub-factors that moderate gave us enough insurance without
12 being overly restrictive.

13 Q: Okay. And at the time of those discussions did you all
14 consult with any FEDRAMP officials?

15 A: I didn't directly. I know that we has individuals who
16 are intimately familiar with the FEDRAMP process, and it possible
17 that someone reached out to the FEDRAMP official, but I was not
18 privy to that if it happened. I know I spoke with individuals who
19 are very knowledgeable on the process, but I was not privy to if
20 there was a FEDRAMP official consultant.

21 Q: Okay. Who were those FEDRAMP experts so to say?

22 A: So for example (b) (6), (b) (7)(C) had a lot of detailed
23 knowledge on FEDRAMP and was able to answer a lot of my questions
24 or get the materials that I needed to understand the question I
25 had what we were crafting that part of the evaluation criteria.

1 Q: All right. I have no further questions.

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

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

4 Q: Yes, I had a couple. (b) (6), (b) (7)(C) was asking about
5 qualification requirements. Is that more on the line of where
6 contractors or vendors purchasing system may have been inspected
7 and qualified, or the quality assurance system, something like
8 that? Or is that something else?

9 A: I have to admit I don't know if it goes to their
10 quality assurance system or not.

11 Q: I'm just thinking back -- I'm just thinking back from
12 previous experience where vendors they have their systems qualify
13 whether it be the purchasing system or the quality assurance
14 system, or the maturity of the software development processes and
15 they get the certification, then they make those representations
16 and proposals. I don't know if that was the type of thing that
17 Stephanie was asking you about or not.

18 A: I'm not sure.

19 Q: Versus the gating requirements which was for this
20 particular acquisition.

21 A: I have to admit that normally I have heard of the
22 qualification requirements truly being applicable to parts. I
23 know that he can apply to services. Obviously the statute is
24 written, and statutes and regulations are written to services,
25 but that generally I'm familiar with it for actual parts.

1 Q: The next thing I want to ask, this is in reference to
2 (b) (6), (b) (7)(C), the several different investigations regarding
3 procurement integrity and OCI's, and whatnot. Did you concur --
4 you told us that she consulted with you as she went about this
5 work. Did you concur with her final findings, determinations, and
6 conclusions?

7 A: I didn't sign off on them, but I do agree with them.
8 Meaning I didn't formally sign the document, I did agree with all
9 of it before she signed it. Did you review her final products?

10 A: Yes.

11 Q: And the last question is, Ms. Woods, she's an attorney
12 is she not?

13 A: She is barred in the state of Virginia. She is not
14 currently in a billeted position. I'm sorry. She may will be an
15 attorney position billet, but she's acting as the Program Manager
16 and therefore is not able to offer legal advice to the
17 Department. But, she was an attorney beginning portion of this
18 acquisition.

19 Q: How did she come to be the PM?

20 A: (b) (6), (b) (7)(C) was asked to leave and there was a search
21 for a new program manager, and the CIO selected Mr. Woods.

22 Q: Who decided to ask (b) (6), (b) (7)(C) to leave, and then who
23 selected Ms. Woods?

24 A: I don't recall specifically who asked (b) (6), (b) (7)(C) to
25 leave.

1 Q: Who selected Ms. Woods?

2 A: Dana Deasy.

3 Q: This CIO?

4 A: Yes.

5 Q: Okay.

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

7 Q: So, (b) (6), (b) (7)(C), why do you believe this matter has
8 surfaced to the Department of Defense IG?

9 A: I believe it initiated from the letter from Congress
10 last fall.

11 Q: Is there any other additional information you would
12 like to provide to us?

13 A: No, I'm a happy to answer any other questions you have,
14 but I can't think of anything I haven't shared with you.

15 Q: And is there anyone else that you recommend we speak
16 with, and why?

17 A: Well, I know you spoke a (b) (6), (b) (7)(C) just because I was
18 invited to that. I believe you should probably speak with (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C) as he is very familiar with all of the individuals and the
20 interactions that you asked me about, also Ms. Woods. Those are
21 the ones that come to mind the most.

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

24 A: My only question is, obviously you cannot comment on
25 when you will issue a report. Is there any point at which you may

1 decide if this is a formal investigation versus just an inquiry?

2 Q: We are not at liberty to say that at this time.

3 A: Okay. Do you have any information that I should be
4 concerned about proceeding to work this time. I know you will
5 comments, but is there any information that you may have
6 discovered that I might should be aware, or should have (b) (6), (b) (7)(C)
7 start to investigate involving the integrity such that we are
8 ensuring she is complying with her obligations for the
9 acquisitions?

10 Q: No. And we're not looking at the conduct of her
11 investigation or how she completed the investigation. We just
12 wanted to clarify a couple of questions and get answers to some
13 of her findings So --

14 A: Okay.

15 Q: -- we're not reinvestigating her investigation, if that
16 makes sense.

17 A: Well, I'm sorry. So, for instance she did not formally
18 investigate Mr. Daigle. Is there anything you can share with me
19 such that should she investigate Mr. Daigle?

20 A: I'm not at liberty to provide that recommendation.

21 A: Okay. Well just trying to cover all bases on the
22 integrity of the acquisition because I am not aware of anything
23 that you can share for that you can. While you can't commit to
24 anything, is it possible that a report would be issued before our
25 intended award date of August 23?

1 Q: I can't respond to that either, ma'am.

A: Oh, even in general, okay. Those are my questions.

2 (b) (6), (b) (7)(C): Thank you. If you remember anything else that
3 you believe may be relevant to our review please contact myself
or (b) (6), (b) (7)(C). Finally, in order to protect the integrity of

4 this review we ask that you do not discuss any matter that we've
5 discussed that's under review, or questions we have asked you
6 during this interview in any way with anyone other than an
7 attorney should you choose to consult with one. This does not
8 apply or restrict you to your right to speak to an IG or a Member
9 of Congress. If anyone asks you about your testimony or about
10 this review, please inform them that the DoD OIG has asked you
11 not to discuss the matter. If anyone persists in asking you about
12 your testimony, or our review, or if you feel threatened in any
13 manner because you provided testimony, please contact myself or
14 Mr. Campbell. The time is now 10:34, Eastern Standard Time. This
15 interview is concluded.

16 [The interview terminated at 10:23 a.m., July 16, 2019.]

17 [END OF PAGE]

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

19 2

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

21 (b) (6), (b) (7)(C) - July 16, 2019

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

23 1

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

25 (b) (6), (b) (7)(C) - July 16, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

(b) (6), (b) (7)(C)
February 12, 2020
ISO Recall Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is February 12, 2020. The time is now
3 12:34. I'm (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C). We
4 are investigators and auditors with the DoD IG. We are
5 interviewing the witness (b) (6), (b) (7)(C). We are located in
6 the Mark Center and talking to (b) (6), (b) (7)(C) over the speaker phone.
7 (b) (6), (b) (7)(C) is located in California. Can you give me the exact
8 location?

9 (b) (6), (b) (7)(C): I'm in (b) (6), (b) (7)(C) California.

10 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) Thank you. This is a continuation of
11 your interview we conducted with you on July 16th, 2019. We are
12 continuing the interview to address the disclosure of Microsoft's
13 proprietary information to Amazon. In addition we are
14 investigating Ms. Stacy A. Cummings' potential senior misconduct
15 concerning potential violations of 18 U.S.C. by her participating
16 personally and substantial in a particular matter, having a
17 direct and predictable effect on her actual imputed financial
18 interest. We are at the Mark Center, and the witness once again
19 is located in (b) (6), (b) (7)(C) California. At this time I ask that you to
20 acknowledge that this interview is being recorded.

21 (b) (6), (b) (7)(C): I acknowledge.

22 (b) (6), (b) (7)(C): Do you understand that you remain under oath
23 to provide truthful testimony?

24 (b) (6), (b) (7)(C): I do.

25 (b) (6), (b) (7)(C): Also I want to make a correction. It is

1 (b) (6), (b) (7)(C) here with me today.

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

3 Whereupon:

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

5 was recalled as a witness, reminded of her previous oath,
6 and provided the following testimony:

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

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

9 Q: So, right now, ma'am, what is your current position and
10 organization?

11 A: I'm an (b) (6), (b) (7)(C) with the Office of
12 General Counsel for WHS, NPFPA.

13 Q: And when did you go on leave?

14 A: My last day in the office I believe was either October
15 15th or October 17th, and I've been mostly on annual leave but I
16 have worked periodically with the JEDI litigation since that
17 time.

18 Q: Okay. So, you're still a government employee. Is that
19 correct?

20 A: That's correct.

21 Q: You've just been on extended leave?

22 A: Yes.

23 Q: And when will you return back to OGC?

24 A: What do you mean by return --

25 Q: Well return back to DoD for work?

1 A: So, I returned back to regular status I believe on
2 February 6th.

3 Q: Okay. And do you know Ms. Stacy Cummings?

4 A: Yes.

5 Q: How do you know her?

6 A: I met her at JEDI meetings and then I saw her in the
7 hallways at the Pentagon.

8 Q: Okay. Do you recall when you first met Ms. Cummings in
9 a JEDI meeting?

10 A: I remember the context of the meeting, but I don't
11 remember the exact date. I'd have to look it up. It was the
12 meeting where we were discussing alternative options for the
13 Deputy Secretary of Defense briefing on the options requested by
14 the Secretary, and I recall who was in the room, but that was my
15 first time meeting her. I had heard her name before, but that was
16 my first time meeting her.

17 Q: Okay. And who was in the room with you during this
18 meeting?

19 A: (b) (6), (b) (7)(C) was there. (b) (6), (b) (7)(C) was there. Sharon
20 Woods was there. (b) (6), (b) (7)(C) was there. (b) (6), (b) (7)(C) was
21 there. I believe (b) (6), (b) (7)(C) was there, or was he on the phone,
22 but I think he was there. That's who I recall being in the room
23 off the top of my head. I do have notes on there.

24 Q: What was the other gentlemen's name that you mentioned
25 that was present?

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

2 Q: No, was it (b)(6), (b)

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

4 Q: Yes.

5 A: Oh, no. he wasn't at that one. He was talking -- I'm
6 sorry. He was not at that one. We talked about needing to have
7 him at the next one. Sorry. He was not at that first meeting. I
8 apologize. I don't believe he was at that first one. It's the
9 names that were in (b) (6), (b) (7)(C) report on that meeting that she
10 discusses like I also confirmed with my notes before she signed
11 that memo. I just -- I haven't risked to the best of my
12 recollection and it has been several months a lot has happened in
13 between, but those names that are in that memo I do recall
14 distinctly, like that was double test and those are the names.

15 Q: Okay. I'm looking at an e-mail and it's dated September
16 the 13th.

17 A: Uh, huh [affirmative response].

18 Q: And on the e-mail it's from Ms. Cummings to Ms. Woods.
19 She CCs Mr. Fehey, (b) (6), (b) (7)(C), yourself, (b) (6), (b) (7)(C).

20 A: I'm not familiar with how to pronounce (b) (6), last
21 name. I've seen the name before but again I don't (b) (7)
(C) --

22 Q: Well, I'll spell it for the record. It's
23 (b) (6), (b) (7)(C).

24 A: Uh, huh [affirmative response].

25 Q: There's a (b) (6), (b) (7)(C)

1 (b) (6), (b) (7)(C) . And the subject is: JEDI Next Steps. And it
2 reads, "Sharon, thanks for reaching out. Mr. Fehey and I would
3 like to set up regular engagements with you and your team to keep
4 you up to date on programs, projects, and so we can keep Ms. Lord
5 informed." What was discussed during the meeting on the 13th of
6 September?

7 A: The names on the CC because I don't have that e-mail up
8 in front of me lead me to believe that that was in relation to
9 the ADM discussion that Sharon and Ms. Lord's office in General
10 were having, and I was CCed just to be informed, but because
11 there's others not on that list I'm not sure that was the date of
12 the meeting. Is it possible that you could refresh my
13 recollection of what the date of the meeting that is referenced
14 in (b) (6), (b) (7)(C) MFR just so I can set my timeframe better? I didn't
15 refresh my recollection on anything because when I asked if there
16 was any documents or anything to look at I wasn't sent anything
17 so I didn't look over my calendar or anything, and again this has
18 been -- I have been on leave for some time.

19 Q: Okay. You're referring to (b) (6), (b) (7)(C)' investigation?

20 A: Yes.

21 Q: Okay. Just a second. And you said the meeting was
22 regarding the ADM?

23 A: Yes.

24 Q: So, that was September the 11th.

25 A: September the 11th is the date that we discussed the

1 alternative options for the Secretary, or the Deputy Secretary,
2 or September 11th is the meeting for the ADM? I'm sorry. I just
3 want to make sure I'm clear.

4 Q: Right. So, I'll read to you -- go ahead.

5 (b) (6), (b) (7)(C) : No, go ahead.

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

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

8 Q: It says, "Since September 11th Ms. Woods contacted Ms.
9 Cummings concerning the CCPO coordination with USD (A&S)
10 concerning the July 19, 2019 JEDI Cloud Acquisition Decision
11 Memorandum signed by Ms. Lord."

12 A: Okay. And then what was the date of the meeting with
13 the other individuals that I listed to an earlier question?

14 Q: I'm not finding that date. The next date I have is
15 September the 13th with those individuals on there. So I'm trying
16 to find out which meetings Mrs. Cummings attended and what dates.
17 I see the September 11 meeting where they discuss the ADM.

18 A: So I wasn't present where they discussed the ADM and
19 I'm not sure it was a meeting so much as discussing that an
20 e-mail discussing that they needed to discuss. I was present at
21 the meeting where we discussed options which may have been the
22 September 13 but if that is the meeting that it was discussed.

23 Q: That's September the -- okay. September 23. That's Mr.
24 Ranks, Ms. Woods, (b) (6), (b) (7)(C), yourself who were present to
25 discuss the options.

1 A: Okay.

2 Q: So that would have been the --

3 A: Much later in the month. That actually comports. That
4 makes more sense with my timeline.

5 Q: Okay. So that was the first time you met her?

6 A: Yes.

7 Q: And what did she say during that meeting?

8 A: We went through and discussed so that everyone was on
9 the same page of some of the options that were being internally
10 discussed what we wanted to present and we also described why
11 some of those options were viable or should be combined to make
12 the presentation more concise because some of the options were
13 actually duplicitous and just nuances and so you could voice over
14 the nuance rather than having entire, I much longer, lengthier
15 presentation. And, she also provided one new option for us to
16 consider and discuss.

17 Q: And what option was that?

18 A: For that I would have to go over my notes because again
19 it has been so long. I recall distinctly that she presented a new
20 option that was part of a huge determining factor in the need to
21 write the memo, but I do not recall the specific of what her
22 option was.

23 Q: Okay. Actually I have an e-mail where Mrs. Woods CCs
24 everyone and discusses the option that was presented by Mrs.
25 Cummings and its Option 11. And it reads, "Keep JEDI but add a

1 performance requirement that must be met prior to exercising the
2 IDIQ options.

3 A: Yes.

4 Q: What did Ms. Cummings mean by that?

5 A: That before we exercised it we would modify the
6 contract -- or we would modify the solicitation and therefore the
7 contract award. No option would be exercised prior to certain
8 metrics being exceeded. So they wouldn't just meet their contract
9 performance. They would actually have to do something before we
10 could execute the new option.

11 Q: Do you recall her providing any other additional advice
12 during that meeting?

13 A: General acquisition considerations in the same way that
14 many people were. So nothing specific that was attributed to just
15 her but either concurring with other individuals or adding on
16 kind of the evolving conversations part.

17 Q: Are you aware of any conversation going back to May
18 2019 for recommendation that the CIO hire a deputy CCPM and they
19 were looking for candidates for that position?

20 A: I was aware that they were seeking candidates. I was
21 not aware of any of the details of who they were considering or
22 how they even went about that process. I was just aware generally
23 that there was a need for a deputy.

24 Q: Do you know if Mrs. Cummings was involved in assisting
25 Ms. Woods with that?

1 A: I have no knowledge of that.

2 Q: Do you know how Ms. Cummings became involved in
3 general? Was she directed? Did she take it upon herself? Was an
4 independent decision, or why did she become involved in any of
5 the meetings?

6 A: So for the ADM meeting I -- for the contract that was
7 done because due to her position and Mr. Fahey, Sharon would
8 often contact one or both of them in order to see what Ms. Lord's
9 office was thinking in general and how to proceed. So, that was
10 kind of, kind of her practice just given her position. And for
11 the specific meeting regarding the options she was invited based
12 on an earlier conversation that she and Mr. Ranks had. They were
13 talking about something else and then this conversation as she
14 relayed to me, the conversation at an earlier meeting or a phone
15 call. I can't recall if it was an in person meeting or a phone
16 call, but they were talking about something JEDI related but not
17 the option. The conversation evolved and he said, "Oh, we're
18 going to have a meeting about the options. You should come." And
19 so he was invited to that meeting on his behalf knowing that she
20 was involved in A&S she thought that she would be the appropriate
21 and before we presented it to Ms. Lord of what we wanted to
22 present to the Secretary and the Deputy Secretary.

23 Q: When you say "he" are you referring to Mr. Ranks or Mr.
24 Fahey?

25 A: That's correct. No, Mr. Ranks.

1 Q: Do you know if Mr. Ranks provided Ms. Cummings with any
2 briefing on the JEDI Cloud procurement prior to her being asked
3 to provide advice on the options?

4 A: From what I recall he was talking in a very general,
5 public, high level almost the same things that were being said by
6 Public Affairs in terms of we're still in the decision process.
7 We still haven't -- here are the period of performance in vision
8 but nothing more specific. He did not go into source selection
9 information with her prior to that meeting.

10 Q: And was that during the September 23rd meeting that you
11 referenced earlier?

12 A: Yes.

13 Q: Did he bring in any slides or was it just more --

14 A: Sharon briefed some options and some slides but did not
15 send them beforehand I don't believe. She might, and that's
16 really where we got into the more in depth discussion of the
17 options and the product and how it can impact the procurement and
18 then ultimately the potential finances of the company, because
19 any of the decisions could have an impact on the companies
20 involved.

21 Q: Okay. So, based on your knowledge how many times did
22 Ms. Cummings meet with members from the CCPO Office or Mr. Ranks
23 to discuss options?

24 A: Based on my knowledge it would be twice. The initial
25 meeting where they didn't get into Mr. Ranks and she did not get

1 into very many specifics but he thought she would be a good
2 participant in the following meeting, and then the meeting that I
3 was present at. And then shortly thereafter is when I had the
4 opportunity to look at her financial disclosure and knew that she
5 had to be recused from JEDI.

6 Q: And did Ms. Cummings participate in any way in any
7 earlier phases of the procurement? We know she arrived in March
8 2019. So was she involved in anything from that time going
9 forward?

10 A: If she was I was not aware and her name and come up
11 only in passing of the importance of her position of Ms. Lord but
12 I am not aware of other things that she substantially
13 participated in, no. For JEDI. She might have helped with the
14 CCPO but I'm not aware of JEDI specifically.

15 Q: Okay. We understand that there was another meeting that
16 Ms. Cummings attended and Ms. Woods talked about an NDA. Were you
17 present during that?

18 A: I would probably need a little bit more. The NDA was at
19 the same meeting that I recall discussing NDAs at the meeting I
20 was talking about with Mr. Ranks and Sharon, and (b) (6), (b) (7)(C) and
21 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), and whatnot, but I don't recall Ms. Lord
22 being at a meeting with Stacy Cummings.

23 Q: So, when did you retrieve Ms. Cummings' 278?

24 A: I received it either the same day or the next morning
25 after the September 23.

1 Q: And what was the trigger to cause you to retrieve it or
2 did you obtain it from someone else?

3 A: I retrieved it from someone at SOCO. I sent the request
4 in immediately after the meeting because the other gentleman, now
5 that I'm saying it there was another gentleman from Ms. Lord's
6 office and is one of the names that I don't -- I don't recall who
7 was there but I know it's -- I would have to look at my list. So,
8 at the meeting we were discussing items and someone said offhand
9 to the gentleman, "Oh, if you haven't signed an NDA we'll have to
10 get one for you. (b) (6), (b) (7)(C) will have to vet you." And I do recall
11 should Sharon saying to Stacy, "I'm sure you've been vetted
12 before." And I recall my notes putting a question mark like check
13 those because I didn't know when Stacy had come on board. I know
14 Sharon had done a number of checks before I took over that --
15 before I took over financially betting everyone and so in my mind
16 it made me think maybe Stacy had been there longer. Maybe Sharon
17 had vetted her but I knew that I had not personally vetted her,
18 and I talked to Sharon afterwards and I said, "Did you vet
19 Stacy?" And she said, "No. I just assumed that you had. And I
20 said, "No I haven't." So I then asked for both of the
21 individual's financial information since they report to SOCO. I
22 was sent that information and that's when I opened it up and
23 realized that there was an issue with Stacy.

24 Q: And what did you discover was the issue?

25 A: That she owed more than \$15,000.00 worth of stock.

1 Q: How much did you learn that she owed?

2 A: If I recall correctly it's around 50,000 but there
3 could have been -- there was something in my mind that was
4 confusing because she had sold some but we didn't know how much.
5 And so I didn't know immediately. I actually had to have SOCO
6 look into look further into a later disclosure about how much had
7 been owed because I recalled talking to (b) (6), (b) (7)(C) about, "Well,
8 maybe it's not a problem because maybe she sold enough forces or
9 she's under the threshold and then we'll write the waiver. But
10 then we looked at how much she sold and she still owned enough
11 that was over the threshold to make it a violation.

12 Q: Do you recall what time frame she sold the Microsoft
13 stock?

14 A: July.

15 Q: July of 2019?

16 A: That's correct, but she still owned a substantial
17 amount as of September.

18 Q: And do you have any e-mails regarding your conversation
19 with (b) (6), (b) (7)(C) discussing Ms. Cummings ownership in Microsoft
20 stock?

21 A: I believe I have e-mails discussing, and again I would
22 have to look. I have e-mails requesting 278 and then I believe I
23 sent an e-mail saying we need to talk. There's a problem. And so
24 she was on leave and so she called me and she said, "Well, let me
25 look into it just in case there's anything else in the file." So

1 this is a phone call. She had someone else look into it and she
2 called me back saying she did sell some she owns enough to where
3 the problem. So it was a phone call. I distinctly remember (b) (6), (b) (7)(D)
4 being on vacation and calling me.

5 Q: Did Ms. Cummings --

6 A: Maybe she wasn't on vacation she was out of the office
7 at some speaking, but something. But I remember being a phone
8 call.

9 Q: Okay. So what happened after you spoke to Ms. Cumming
10 about her ownership in Microsoft? Did she ask you any follow-up
11 questions regarding should she continue to sell it or anything of
12 that nature?

13 A: I didn't speak to her about that because that time her
14 ethics advisor is SOCO. I could only relay to (b) (6), (b) (7)(C) as something
15 that needed to be addressed because it's a violation. I spoke to
16 (b) (6), (b) (7)(C) about it as well and I also called (b) (6), (b) (7)(C) and in
17 light of the fact that Ms. Cummings does report directly to Ms.
18 Lord and Ms. Lord was likely to want to rely on her. And so I had
19 indicated to Mike that there was going to be a problem and that
20 likely she was going to be advised that she needed to be recused
21 just to make him aware of the situation. But I did not speak to
22 Stacy directly because I did not feel that was my place.

23 Q: Okay. And what did Ms. Cummings, or not Ms. Cummings,
24 (b) (6), (b) (7)(C) to following your notification to her? Was that the
25 same day that you spoke to Ms. Cummings which would have been the

1 24th September?

2 A: Again I didn't speak to Ms. Cummings directly. I spoke
3 to individuals in SOCO and (b) (6), (b) (7)(C) and Sharon Woods, but
4 yeah I told (b) (6), (b) (7)(C) the same day.

5 Q: Okay. And what was (b) (6), (b) (7)(C) reaction?

6 A: She was disappointed and said, "What do you advise, or
7 what do you think we need to do at this point?" I said, "I think
8 we need to investigate to find out the extent of her personal and
9 substantial participation and if this has any impact. My initial
10 reaction was it likely did not because otherwise I would have
11 known of more of Ms. Cummings interactions with JEDI, but
12 nonetheless it needed to be investigated so tha (b) (6), (b)
(7)(C) ould
13 make a determination.

14 Q: And did you receive a copy of Ms. Cummings
15 disqualification letter?

16 A: Either I did or (b) (6), (b) (7)(C) received it. I don't recall. I
17 know I've seen it I just don't know if I was personally sent it
18 or if it was something that I knew she had signed it and then it
19 was part (b) (6), (b) (7)(C) record.

20 Q: Do you know if she worked, and that means Ms. Cummings,
21 worked on any additional JEDI related information following her
22 disqualification?

23 A: Not to my knowledge.

24 Q: And how do you respond to the assertion that Ms.
25 Cummings played a substantial role in the JEDI Cloud acquisition?

1 A: I think that is nuanced based on the definition. If I
2 were to do the layman's substantial I would say not at all, but
3 under the FAR definition given that her options would have
4 substantially changed how we directed the procurement, and
5 changed the contract it is substantial in a legal sense. So I do
6 want to make that distinction that under normal conversation I
7 would not say her participation was substantial at all, but from
8 a legal standpoint it was substantial for that meeting.

9 Q: Anything else you want to add to that?

10 A: No.

11 Q: Do you know if Ms. Cummings was aware that Microsoft
12 was one of the competitors for the contract?

13 A: She was absolutely aware of the names. Both were
14 publicized and we discussed the actual names of the two companies
15 in the competitive range during the meeting.

16 Q: And that would have been the first meeting that you
17 attended with her, right?

18 A: That's correct.

19 Q: September 23?

20 A: Yes.

21 Q: How do you know, how are you so sure that she was aware
22 other than you stating that right now?

23 A: I recall at one point in the meeting we were discussing
24 whether or not the options and some of the options would
25 potentially change the total evaluated price, and without getting

1 into the actual details of the total evaluated price (b) checked
2 the proposals and said if we were to do it that way absolutely
3 would flip who has the lowest total evaluated price. And again he
4 did mention names, but he said Microsoft or Amazon selection
5 could depend on that option. And so because I remember so
6 distinctly how that option could have no kidding change the
7 potential awardee I am very confident that we mentioned both
8 names in that meeting in that there was no way she could not be
9 informed of who the two remaining offerors were.

10 Q: So was Ms. Cummings aware that Mr. Ranks and (b) (6), (b) (7)(C)
11 were part of the Source Selection Team?

12 A: Not to my knowledge.

13 Q: Okay. So no one challenged --

14 A: Mr. Ranks and who? Oh and (b) (6), (b) (7)(C), yeah. No (b) (6), (b) (7)(C) was
15 -- (b) (6), (b) (7)(C) was representative just representing contracts.

16 Q: So why would he say the numbers would flip?

17 A: I had asked him to look at the proposals which as a
18 contracting team member he would have access to just to
19 facilitate the conversation.

20 Q: Okay. Anything else you recall regarding anything that
21 Ms. Cummings may have said during that meeting?

22 A: Not in particular.

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

24 Q: Good morning (b) (6), (b) (7)(C) My questions are going to be
25 about the AWS debriefing and the disclosures that happened

1 afterwards.

2 A: Okay. Before we start I should say upfront that I had
3 advised what should go into the debriefing. I had advised how the
4 checks should be done prior to the debriefing, but that I was not
5 made aware of the debriefing. I was not copied on the debriefing.
6 I did not find out that there had been an improper disclosure
7 until I believe January. So my knowledge on the subject is going
8 to be extremely limited.

9 Q: Okay, fair enough. So just for context while we're on
10 that subject. So you said you went on leave October 15th or
11 October 17th. When did you actually leave the country?

12 A: October, the Friday the 21st or 23rd. I'd have to look
13 at the calendar.

14 Q: And were they still consulting, I mean they being JEDI
15 Team where they still consulting with you between your last name
16 the day you left for leave out of country?

17 A: I received a phone call here and there but they were
18 trying to let me be on leave and tidy up my affairs in D.C.
19 before I left for such an extended trip. So I was consulting a
20 very, very limited manner.

21 Q: Okay. And after you left we understand that you are
22 still consulting. How often were they reaching out to you?

23 A: It was intermittent. So when a briefing happened or
24 when they had a question concerning the legal case I would be
25 reached, but that's what I was consulting on the legal case and

1 not on the contract or the debriefing.

2 Q: All right. So briefly what was your role and
3 responsibility related to the award notification before you left?

4 A: I helped draft the letters, the debrief letter and
5 indicated what should be attached as I indicated previously I
6 also recommended steps to be taken to check all the debrief
7 e-mails prior which is how we had done the standard operating
8 procedure of how we had done other notifications for such as
9 competitive range. And I was trying to put everything in place so
10 that once all of the documentation is finalized and that it would
11 be ready to go better than waiting until the last minute.

12 Q: And what was your role related to the redactions of
13 those debriefing documents?

14 A: I recall advising on some of the generalities of what
15 should be redacted from the SSEB and SSAC, but I did not
16 personally redact or check the redactions.

17 Q: What policies were you following regarding the
18 redactions?

19 A: Advice that I had been given in the passing from DOJ
20 regarding the redactions and general practices from just
21 experiences of redacting.

22 Q: Were you following the DoD Source Selection Procedures
23 during the source selection process?

24 A: Yes, but I didn't have them open per se.

25 Q: So I want to move onto the decision to do a written

1 debrief versus an oral debrief. Who made the decision to conduct
2 a written debrief?

3 A: Ultimately (b) (6), (b) (7)(C) but she was advised by multiple
4 people.

5 Q: Who was advising her?

6 A: She sought advice from others in AD and her team,
7 myself and other attorneys in my office. I know she consulted
8 with Sharon and a couple of people in CCPO for what they
9 recommended. I believe she even discussed with the peer review
10 teams.

11 Q: And what was -- were you in favor of conducting an oral
12 or written debrief?

13 A: Written.

14 Q: Why?

15 A: I knew that this was going to be litigated. If it was
16 in writing we had an exact record of what was said between the
17 parties, if it was oral then something could be misconstrued, or
18 taken out of context, or at the end of a long day people could
19 say things in a flippant matter that can be used against you in
20 litigation. I just thought the litigation risk of doing an oral
21 debrief in this case was too much. Especially considering that
22 (b) (6), (b) (7)(C) was not as comfortable with some of the technical nuances
23 of the questions that they may ask, and whilst (b) (6), (b) (7)(C) is very,
24 very capable of giving an oral debrief it just did not seem
25 prudent in this particular acquisition.

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

4 A: I believe she was in favor of an oral debrief because
5 she thought there was a chance that an oral debrief would
6 mitigate the litigation risk or that there was a chance that the
7 non-awardee wouldn't protest. I just thought that while that's
8 impressive that she had avoided them in the past with highly
9 contentious acquisitions but it wasn't going to be possible in
10 this case. So I disagreed with her reason for wanting an oral
11 debrief.

12 Q: So we have an e-mail from (b) (6), (b) (7)(C) to Sharon Woods
13 dated October 25th. Sharon had requested a five-minute interview,
14 or a five-minute conversation with the unsuccessful offeror and
15 (b) (6), (b) (7)(C) replied, "I strongly discourage any oral
16 communication with the unsuccessful offeror." He goes on to say,
17 "Our office has consistently advised against conducting any oral
18 communications to include oral debriefs as it increases
19 litigation risks. The chance for misunderstanding is high." He
20 concludes, "This office is vehemently opposed to any oral
21 communications with the unsuccessful offeror." Do you agree that
22 WHS OGC vehemently opposes oral debriefs?

23 A: No, not oral debriefs in general in this particular
24 instance.

25 Q: Okay. So now that it's been decided to conduct a

1 written debrief, what documents are typically released as part of
2 a debrief?

3 A: Typically it is, well there is no typical because
4 there's so many different types of acquisitions and I've seen
5 debriefs be as simple as the diminimus answers to the mandatory
6 debriefing questions that are in the FAR. I often recommend that
7 we give redacted source selection decision documents but in other
8 cases I have recommended that we give the non-successful offeror
9 the evaluation documents so that -- it's almost case dependent on
10 what is typical depending on the actual acquisition.

11 Q: Is it, so was it unusual to also release the Source
12 Selection Advisory Council Evaluation Board and the price
13 evaluation reports?

14 A: It is not unheard of, but it's not typical, but it was
15 my recommendation that we do that.

16 Q: And what was your reason for it?

17 A: In the same spirit of Sharon thinking that an oral
18 debrief would help clear the air and make the unsuccessful
19 offeror feel like they had gotten a fair evaluation and we knew
20 that they were -- if they were going to litigate they'd have a
21 lot of the material in writing. It just felt like after such an
22 extensive process and such extensive discussions and whatnot it
23 felt like the more prudent thing to do to show that we had really
24 fairly considered their proposal. It was also what we did during
25 the competitive range and there were a number of reasons for

1 that, but to make it parallel it seem like the appropriate thing
2 to do.

3 Q: So who decided to also include the Technical Evaluation
4 Board reports to the debrief?

5 A: That was also my recommendation.

6 Q: Do you know when you made that recommendation?

7 A: No.

8 Q: So I want to move on to the redactions of those
9 reports. Could you walk me through what is the typical WHS OGC
10 process for redacting those reports?

11 A: I've seen it where I've had the contract team do it and
12 then send me their proposal. I've had it where I've done the
13 redactions myself. It again depends on a number of factors.

14 Q: Okay. Is it normally collaborative process or is it
15 just once back and forth and that's pretty much it?

16 A: It's typically back and forth and that's in. It doesn't
17 tend to have a number of iterations. I guess it could but it just
18 doesn't tend to.

19 Q: Okay. So what type of information do you typically
20 redact?

21 A: The price is proprietary information. The competitively
22 or things that may appear competitively sensitive.

23 Q: Do you typically redact the Source Selection Team
24 names?

25 A: I have done that before.

1 Q: But not always?

2 A: I'd have to think about that. I'm not sure.

3 Q: Okay. I'll come back to that a little bit later. So you
4 had mentioned earlier that your typical standard operating
5 procedure is that you had laid out some steps for your subsequent
6 attorneys to follow in advance of the debriefing. Can you walk me
7 through what kind of what you laid out?

8 A: So typically all of the redactions would be reviewed,
9 and filenames, and stripping the information of any of the
10 metadata, and --

11 Q: Reviewed by whom?

12 A: I didn't care who did it as long as the version that
13 came to me has it all stripped typically. And then I would ask
14 for an exact copy of what was to be sent a day in advance so that
15 I could look at it because sometimes when it's transmitted from
16 Gmail to Microsoft Outlook there would be formatting issues, or
17 an attachment would be stripped, and then we would learn that we
18 would need four out of four e-mails rather than three out of
19 three e-mails or how the attachments would go through. So I
20 always asked for practice e-mails to be sent so that I could go
21 through the rest and then make any corrections and if we needed
22 to send a second draft with those questions may have that done.

23 Q: That's done at least a day in advance.

24 Q: That was what I had asked for. I know in one case that
25 was done with one of the, or a couple of the discussion e-mail,

1 but that is what I asked to be done typically.

2 Q: So in a more typical acquisition how far in advance of
3 award day are these redactions normally finalized?

4 A: The day before.

5 Q: So before you left did you discuss in detail the
6 redactions that should have happened with Mr. Anderson?

7 A: In a way yes, but again because I didn't have the files

8 open I knew he was familiar with what needed to be redacted and I

9 was relying on his judgment and I know that I discussed with (b) (6), (b) (7)
(C)

10 (b) (6), (b) (7)(C) had had some questions about what should be redacted in

11 the price like to answer specific answer questions like what

12 about this type of extension? But I didn't -- I don't know how

13 detail the conversations were.

14 Q: Okay. You so you had said just to reiterate so you were

15 relying on his judgment because you discuss in general because

16 you didn't have the reports that at that point. Do you remember

17 when --

18 A: We did have reports. I didn't have the redacted reports

19 to review with him.

20 Q: Okay.

21 A: It was an ongoing process.

22 Q: Give me just one second. So we have an e-mail from

23 October 23 where you responded to a chain about the redacted

24 reports, "Small, minor, additional redactions. I think these are

25 good and ready to send. Good luck (b) (6), (b) (7)(C) So at that point

1 had you reviewed the redacted reports?

2 A: I spot checked it. I didn't go into detail.

3 Q: Okay. And at this time was the disagreement between (b) (6), (b) (7)(C)

4 (b) (6), (b) (7)(C) n (b) (6), (b) (7)(C) about what should or should not or how
5 much information should be redacted?

6 A: Actually I wasn't made aware.

7 Q: Okay.

8 A: Or if I was on an e-mail I don't recall it being like a
9 dispute as much as I just I don't. I don't remember whatever --

10 Q: Yeah, there are subsequent e-mails about, and (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C) going back and forth but you've been

12 dropped off of the chain at that point. So are you aware of why

13 (b) (6), (b) (7)(C) did not provide the final redacted reports until the
14 day of award. Have you had conversations with him about issues
15 with redactions or anything --

16 A: No.

17 Q: -- up to that point? Is it reasonable to expect the PCO
18 to review the redactions on the day of award?

19 A: That's a complicated question because sometimes when
20 you're talking about simple reports or simple things. Yes that's
21 very reasonable. On something like that with so many different
22 moving parts yes because some of that should have been checked
23 prior and so in a way reasonable, in a way unreasonable. I don't
24 know how much was changed between the day before versus the day
25 of. I don't even know what time she got them versus what time

1 they were sent. I can answer that properly.

2 Q: Okay. So I want to go back to the topic of releasing
3 the Source Selection Team names. So before you left what
4 discussions did you and (b) (6), (b) (7)(C) have regarding the redaction
5 of the Source Selection Team names?

6 A: I don't remember discussing that either way. It's
7 possible we did I just don't recall it.

8 Q: So were you in favor or oppose to releasing the Source
9 Selection Team names for JEDI?

10 A: At the time I don't recall my reaction now because I'm
11 not sure what happened. Like honestly I would have been
12 ambivalent because the source selection was done. So you could
13 redact or you could not redact them. I could see arguments for
14 both sides and it would be one of those, "(b) (6), (b) (7)(C)" what would do
15 you want to do?"

16 Q: Okay. So you mentioned earlier that you were following
17 the DoD Source Selection Procedures. Are you aware that there's
18 the debriefing guide in the back of the Source Selection
19 Procedures that states that individuals on the Source Selection
20 Team should not be disclosed?

21 A: I don't have that in front of me. It's the debriefing
22 for all required debriefs?

23 Q: Yes.

24 A: This is not a required debrief.

25 Q: This is not a required debrief?

1 A: No. We voluntarily did the debrief in a more detailed
2 manner but under 12 this wouldn't have been a requirement for
3 that level. So I'm not sure that that would have necessarily
4 applied. But again I'd have to look at it and I'd have to look at
5 the documents again and the DFARS, based on the debriefing
6 rights. I'm getting an answer off-the-cuff without having all the
7 information in front of me, and I haven't been doing this in a
8 while and I realize that answer could be wrong and that maybe it
9 is. I seem to recall that these were not required in the same
10 manner, but we had said in the RFP that we would do it but that
11 does not necessarily mean that it's legally mandated.

12 Q: Okay. All right. So you stated that you don't recall
13 there being a specific decision about whether or not to release
14 the Source Selection Team names, correct?

15 A: Correct. Yes.

16 Q: Were you at all concerned about the assurances that Ms.
17 Woods given to the Source Selection Team names or the statements
18 that Mr. Deasy Monday during his confirmation hearing about
19 maintaining the Source Selection Team anonymity?

20 A: I remain very concerned about it until the time of
21 award, and once the award was signed then I was not concerned.

22 Q: So we have an e-mail dated November 6 from (b) (6), (b) (7)(C)
23 to David Sanders explaining why the Source Selection Team names
24 were not redacted. (b) (6), (b) (7)(C) states, "It was my intention to
25 leave the names of the evaluators unredacted. I do not recall any

1 objection to this aspect of the redactions from the PM. Three
2 (b) (6), (b) (7)(C) , (b) (6), (b) (7)(C) and myself reviewed the redactions and
3 none of us propose redacting names. We did not redact the names
4 because there was no reason to redact. My understanding is that
5 the names were kept private during evaluation to minimize the
6 chance of improper external influence. After the evaluation was
7 complete this was no longer an issue." Would you say that was an
8 accurate statement?

9 A: Again I spot checked the redactions but I don't recall
10 even looking to the back page to see the redactions so much but
11 in general that sounds accurate to me.

12 Q: Okay. So I want to move on to assembling the actual
13 debrief documents. Can you walk us through the decision to
14 include the Technical Evaluation Board reports? So we understand
15 that the first version of the letter to AWS that only included
16 the decision document, the Advisory Council Evaluation Board and
17 the Price Evaluation Board reports, and then there's a second
18 version that also included the Technical Evaluation Board
19 reports. Was there a decision in there or how did that come
20 about?

21 A: In like we had given the full technical evaluation
22 reports as part of the competitive range it seemed appropriate to
23 let them see the final evaluation, technical evaluation that was
24 the foundation and the detailed analysis that are sometimes
25 included in the source selection decision document that were not

1 in this case. And that they were supposed to be -- because they
2 were so easily extractable because they were separated by name
3 and there was a PDF with all of the technical evaluation reports
4 created before I left so that no redactions were needed on the
5 Technical Evaluation Board documents. It just seemed again in
6 that fair, open, and transparent process that they should be
7 included and I believe (b) (6), (b) (7)(C) was in favor of also putting
8 including the technical evaluation reports.

9 Q: So were they just errantly left office first version of
10 the report or was that decision made between version 1 and
11 version 2?

12 A: I don't recall which one was made first. I know that
13 there was ongoing discussion for some time that when I left I
14 thought the technical evaluation reports were absolutely being
15 included. So I don't know how to answer that.

16 Q: You sure. Did you instruct (b) (6), (b) (7)(C) to gather up the
17 Technical Evaluation Board reports?

18 A: I don't know if it was him or someone else in the
19 contracting team register them where the PDFs were of the
20 combined because they were combined into one PDF. I don't recall
21 the specific on that.

22 Q: So let's go back to that. You said there was a combined
23 document with like all 13 reports into one?

24 A: No, with all of Microsoft reports and one and all of
25 the Amazon reports into one, and that was part of what had been

1 given to Mr. Ranks so that it was easy. I believe I printed also
2 one. So that what I'm referring to.

3 Q: And you showed (b) (6), (b) (7)(C) where that was?

4 A: Again I can't recall if it was (b) (6), (b) (7)(C) or if it was
5 another -- because (b) (6), (b) (7)(C) had taken the lead on the
6 redactions and on putting together, but I believe others may have
7 been helping him and I don't know if I showed him or just voice
8 over or recall, said what was sent to Pete should be the one that
9 should be -- I don't recall the specifics on that. I recall
10 mentioning it but I don't recall the specifics of how, like if I
11 actually sat down and said, "Here's the link to the Google drive.
12 Where the file is at."

13 Q: Right. Did you make any explicit instructions that AWS
14 should, like which reports AWS should receive?

15 A: Yes.

16 Q: And do you remember what you said?

17 A: I said that they should only receive their technical
18 evaluation, the redacted portions removing all Microsoft
19 information and so for the Microsoft I actually called an oral
20 conversation of people taking notes and I believe there were
21 several people that were there, where I listed off all the things
22 that would go into the debrief.

23 Q: Do you remember who those people were?

24 A: No I don't unfortunately.

25 Q: Did anyone in that conversation where you were listing

1 off everything have any questions or clarification?

2 A: No. It seems so obvious.

3 Q: So were you aware of a folder created by (b) (6), (b) (7)(C) on
4 the Google drive titled, "unsuccessful offeror notification
5 debriefing?"

6 A: I don't know if I was aware of that. I remember seeing
7 drafts of the letter but I don't recall where it was stored, what
8 folder was in.

9 Q: Would you have ever accessed the folder?

10 A: Would I have ever accessed it?

11 Q: Yeah.

12 A: If I did it wasn't knowingly. Like I don't recall
13 pulling up that folder specifically. It's possible I did. I
14 honestly don't recall.

15 Q: Okay. At any time prior to your departure did you
16 review the documents that (b) (6), (b) (7)(C) assembled for the debrief?

17 A: From my recollection I remember looking at the draft
18 and making tweaks to the draft on Google drive. I remember --

19 Q: You mean the draft letter?

20 A: Like I said -- the draft notification letter like the
21 cover transmittal letter. I recall getting e-mails and spot
22 checking redactions but when you said that there was one in later
23 October like I don't remember that but I must have. So I looked
24 at the different pieces that I never looked at it in its
25 entirety.

1 Q: Okay. So then on contract award day we you in contact
2 with the JEDI Team at all?

3 A: No I got a text after it was awarded.

4 Q: So if you would had been here would you have been in
5 the room with the JEDI Team that day?

6 A: Either in the room with them or in the past on other
7 days I was with Mr. Deasy. So I would have checked everything and
8 then going to Mr. Deasy do know that it was about to happen, or
9 after it happened depending on what was in the timing and his
10 full at that specific time and then he would often then call the
11 Secretary. We would have an exact timetable but he would tell me
12 where (b) (6), (b) (7)(C) was and tell me where I needed to be. The timetable
13 never said (b) (6), (b) (7)(C) here, (b) (6), (b) (7)(C) there. But (b) (6), (b) (7)(C) and I
14 would have a discussion of like, "(b) (6), (b) (7)(C) I will be with you
15 until this point and then we will be in separate physical
16 locations and we can communicate this way." That's how it would
17 typically happen.

18 Q: Was that part of one of the things that you had asked
19 be done before you left?

20 A: Yes. But it wasn't finalized when I left because it was
21 still ongoing discussion the order of notification. So it was not
22 completes, the tick-tock was not complete when I left the office.

23 Q: Clarify. Not finish the tick-tock but asked that an
24 attorney fee in the room with (b) (6), (b) (7)(C) throughout the day?

25 A: No, I had gone over like I had discussed, here's the

1 point that I normally was (b) (6), (b) (7)(C) and then (b) (6), (b) (7)(C) and I had a
2 discussion before that date to kind of say like, "Okay are you
3 comfortable if I leave now?" So I had a general discussion but I
4 didn't -- like it wasn't laid out in that way because the
5 tick-tock wasn't done.

6 Q: Okay. But your expectation was that your replacement
7 would be with (b) (6), (b) (7)(C) on that day?

8 A: Say that again?

9 Q: But your expectation would be that your replacement
10 would have been with (b) (6), (b) (7)(C) up until whenever up until whenever
11 and then gone to Mr. Deasy's office?

12 A: Or working -- like when I say was (b) (6), (b) (7)(C) because they
13 were working remotely. Like sometimes I will physically be in the
14 room with her but I would be almost like on call. So with (b) (6), (b) (7)(C)
15 I don't want to make it sound like -- I know one time she even
16 sent out the things from her home. She was working from home that
17 day because of a snowstorm or something. So it was never always
18 physically present but I was with (b) (6), (b) (7)(C) the whole way until I
19 went to be with Mr. Deasy.

20 Q: So either remotely or physically?

21 A: I expect that there would be something similar but I
22 wasn't so micromanaging like you need to be with (b) (6), (b) (7)(C) up until
23 30 minutes before. That wasn't the thing.

24 Q: So has anyone on the JEDI Team consulted you regarding
25 the disclosure?

1 A: They told me that it happened and I said that is really
2 unfortunate because there's nothing that you can do to change
3 that. Don't worry about it and they were trying to minimize what
4 I was actually consulting on.

5 Q: Okay. So I want to ask about how you've been
6 communicating with the JEDI Team since you left. Do you have a
7 Blackberry? Do you have your laptop with you? Like how do you
8 keep in touch?

9 A: I have a Mobi key and I have my iPhone.

10 Q: Okay.

11 A: The work issued iPhone/Blackberry.

12 Q: Were there any restrictions put in place on what kind
13 of documents you could review from your iPhone?

14 A: No. Most of the documents are too difficult to download
15 to my iPhone anyway so I would have to log on.

16 Q: Okay. And you are capable of logging on or not capable?

17 A: Yes. As long as I had good Internet connection. There
18 is one place where it was hard and I just wrote back that it
19 would be trickier this week, that week, but otherwise I haven't
20 had any problems.

21 Q: okay. Are you involved in the AWS protest and all?

22 A: In a very limited manner.

23 (b) (6), (b) (7)(C) : I think I'm done. Do you have anything?

24 (b) (6), (b) (7)(C) : No follow-ups?

25 (b) (6), (b) (7)(C) No. I'm good.

1 A: They would ask me very discrete questions about on the
2 AWS manner like can you look at this one page? That would be a
3 pointed question.

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

5 Q: Okay (b) (6), (b) (7)(C), I just want to clarify a couple of
6 things that you stated to me earlier. You told me that you
7 learned during the meeting on the 23rd September that Ms.
8 Cummings was brought into the discussion with JEDI regarding the
9 options and following that meeting someone recommended that you
10 check or you vet her as well is another individual. Who is the
11 other individual --

12 A: I just --

13 Q: -- you mentioned?

14 A: If you have (b) (6), (b) (7)(C) investigation report I believe
15 all of the attendees of the 23rd meeting are listed in there.

16 Q: Okay. I do but I'm trying to figure out what other
17 individual were you screening during that time?

18 A: Right, and I'm saying if you've read me the list of
19 names I should be able to -- that should help my recollection.

20 Q: Okay. Hold on. Okay so it says during that day the 23rd
21 of September Ms. Cummings met with Mr. Ranks, Ms. Woods, (b) (6), (b) (7)(C)
22 (b) (6), (b) (7)(C). That's what's in (b) (6), (b) (7)(C) report. Now I
23 have an e-mail that is dated the 23rd and this is where Sharon
24 mentions to everyone Ms. Cummings comment about keeping JEDI but
25 adding a performance. Now who's on the e-mail is (b) (6), (b) (7)(C) .

1 (b) (6), (b) (7)(C), yourself, and Mr. Peter Ranks.

2 A: Then I would have to go back and see who the other
3 representative. It was a gentleman from Ms. Lord's office but I
4 don't recall. I know I eventually got an NDA from him but I just
5 don't recall who that was.

6 Q: Was it a military member or a civilian?

7 A: I believe it was a civilian. And I the reason I say
8 believe is because there's a number of times that I thought
9 someone working with DDS was a civilian and it turned out they
10 were military. So in my mind they were civilians. I don't have
11 100 percent confident in that.

12 Q: Okay. Yeah, if you could just give me the name of the
13 other individual that you requested information on that will be
14 helpful. I just want to make sure that the dates of the meeting
15 that your discussion is the same date where the options were
16 discussed and Ms. Cummings --

17 A: I will.

18 Q: Why do you believe this matter has surfaced to the DoD
19 OIG?

20 A: The Stacy Cummings aspect? The debriefing aspect? All
21 of it? I'm sorry, I'm not sure your question.

22 Q: All of it.

23 A: Ms. Cummings because your office has been involved in
24 reviewing all of the -- because of the potential violations in
25 the debriefs because your office hasn't concluded its review of

1 the JEDI award.

2 Q: Okay. Is there anyone else you think we should speak
3 with?

4 A: Assuming that you spoke to Mr. Ranks, and Sharon Woods,
5 and (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) regarding the meeting
6 is that a valid assumption? If not then them to see if they have
7 any different recollections from myself.

8 Q: Okay. Do you have any comments or questions about the
9 way we conducted the interview today?

10 A: I think it might have been helpful if I had been told
11 to review my notes regarding Stacy Cummings just so I could have
12 had a better recollection. Not that that would have shaded it but
13 it could have made it a little smoother for me in my recollection
14 system to completely without even access to a computer right this
15 very moment which is why I wasn't checking the dates while we
16 were talking. But otherwise no.

17 Q: Okay. And if you remember anything else or if you do
18 gain access to your computer later today and you find some
19 information that you feel may be valuable to us please send that
20 to me.

21 A: Okay.

22 (b) (6), (b) (7)(C): So, in order to protect the integrity of this
23 investigation we ask that you do not discuss the matters under
24 investigation or the questions we've asked you during our
25 interview with anyone other than your personal attorney should

1 you chose to consult with one. This does not apply to or restrict
2 you of your right to contact an IG or a Member of. If anyone asks
3 you about your testimony or about the investigation please inform
4 them that the DoD OIG has asked you not to discuss the matter, and
5 if anyone persists in asking you about your testimony or the
6 investigation, or if you feel threatened in any manner please we
7 ask that you do not discuss the matter further. The time is now
8 1:42 Eastern Time. Please stand by.

9 [The interview terminated at 1:42 p.m., February 12, 2020.]

10 [The interview resumed at 1:53 p.m., February 12, 2020.]

11 (b) (6), (b) (7)(C): Today is February 12, 2020 and this is a
12 continuation of our interview with (b) (6), (b) (7)(C). The time
13 is now 1:53 p.m. (b) (6), (b) (7)(C)?

14 (b) (6), (b) (7)(C): Yes, thank you for letting me continue. After
15 I hung up the phone I looked at my calendar to see if I could
16 figure out who the other individual was. That was (b) (6), (b) (7)(C)
17 was the name of the individual who prompted me to seek both his
18 and Stacy Cummings' financial disclosure to have the NDA signed.
19 And I also want to correct that there were two meetings and I --
20 there was the 23rd and we kept referring to the 23rd as the
21 meeting with individuals but I believe the meeting in fact was on
22 the 26th, not the 23rd that I was recalling where Ms. Cummings
23 really, substantially participated and provided, and where we
24 discussed Microsoft and Amazon being in the competitive range of
25 how different options presented could have a direct financial

1 impact on their total evaluated price without bringing in the
2 specifics. There was a meeting on the 23rd, and I can't recall if
3 either I was on the phone or Stacy was on the phone, but I don't
4 recall meeting her in person that day. I recall it was a very
5 brief meeting and at that meeting we discussed that we needed to
6 have another meeting with [inaudible] and (b) (6), (b) (7)(C), and
7 like I said at the meeting that really sticks out in my mind is
8 the one on the 26th that while there was a meeting on the 23rd I
9 just didn't recall that there was a pre-meeting to the bigger
10 meeting. So I wanted to correct the record now that I've seen my
11 calendar on that and I apologize that I didn't look at my
12 calendar before. I just didn't know what the interview was going
13 to be about so I didn't refresh my recollection prior to our
14 earlier interview.

15 (b) (6), (b) (7)(C): Okay. So, just to clarify the meeting on the
16 23rd was the initial meeting with you, Mr. Ranks, Ms. Woods, and
17 (b) (6), (b) (7)(C) --

18 (b) (6), (b) (7)(C): Uh, huh [affirmative response].

19 (b) (6), (b) (7)(C) -- to discuss the options that DoD CIO will
20 present or was preparing to present to the Secretary.

21 (b) (6), (b) (7)(C): Uh, huh [affirmative response].

22 (b) (6), (b) (7)(C): Then on the 26th of September 2019 Ms.
23 Cummings met yourself, (b) (6), (b) (7)(C), Ms. Woods, (b) (6), (b) (7)(C),
24 (b) (6), (b) (7)(C), and this is where Mrs. Cummings
25 presents option number 11 to --

(b) (6), (b) (7)(C): This is --

(b) (6), (b) (7)(C): Go ahead.

(b) (6), (b) (7)(C): Yeah, to the bigger group and we had a more in
depth discussion about yeah.

(b) (6), (b) (7)(C): So, this was the day that you actually
requested from SOCO their 278s?

(b) (6), (b) (7)(C): Yes. And then I would have done it either
later that day or the next morning, and then I let (b) (6), (b) (7)(C) know as
so as I reviewed it that Ms. Cummings had an issue.

(b) (6), (b) (7)(C): Okay. Well thank you for clarifying that. I
really appreciate it.

(b) (6), (b) (7)(C): And I apologize for my confusion. I just truly
had forgotten about the other meeting taking place. It was just a
not meeting.

(b) (6), (b) (7)(C): No worries. Okay. Well thank you for calling
me back and letting us get this on the record to make sure it's
accurate.

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

(b) (6), (b) (7)(C): Okay. Well, this concludes our interview. The
time is now 1:57.

[The interview terminated at 1:57 p.m., February 12, 2020.]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. John M. Bergin
July 24, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C) Today is July 24, 2019. The time is 0850. I'm
3 (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C). We are
4 interviewing Mr. John M. Bergin, and we are conducting the
5 interview in his office in the Pentagon Room (b) (6), (b) (7)(C). We are
6 conducting a review of the acquisition of the Department of
7 Defense Joint Enterprise Defense Infrastructure Cloud
8 Acquisition. We also want to clarify the actions of certain
9 former DoD officials as they related to JEDI Cloud acquisition
10 activities, or relationships with Amazon that may have prohibited
11 their substantial participation in the acquisition. The DoD
12 officials include: Former SECDEF James M. Mattis; former Chief
13 of Staff to the DSD, Mr. Anthony DeMartino; former Special
14 Assistant to the SECDEF, Ms. Sally Donnelly; former Deputy
15 Assistant Secretary of the Navy for Command, Control,
16 Communications, Computers, Intelligence, Information, Operations,
17 and Space, Mr. Gavin, Victor Gavin; former Director of Cost
18 Assessment and Program Evaluations, Mr. Robert Daigle; and former
19 DDS Product Manager, Mr. Deap Ubhi. At this time I ask you to
20 acknowledge that this interview is being recorded.

21 MR. BERGIN: Absolutely understood.

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

24 MR. BERGIN: Yes.

25 (b) (6), (b) (7)(C): And did you have any questions?

1 MR. BERGIN: No.

2 (b) (6), (b) (7)(C): I will now administer the oath. Please raise
3 your right hand.

4 JOHN M. BERGIN

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

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

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

9 Q: Thank you. Sir, please state your name and spell your
10 last name for the record.

11 A: Sure. It's John Bergin, B-E-R-G-I-N, Bergin,

12 Q: And your current rank and component, or position?

13 A: I am the Deputy Assistant Secretary for the Army, or of
14 the Army, for Financial Information Management, and I am a senior
15 executive.

16 Q: When did you begin working as the Deputy Assistant?

17 A: Three months ago. Three and a half months ago,
18 something like that, April 1st, which easy to remember.

19 Q: And what was your position prior to that?

20 A: I was the -- so I had two, my official billet was the
21 Business Technology Officer for the Office of the Secretary of
22 Defense, Chief Information Officer. So I was the BTO. Long funny
23 story about why that title, and I was on detail since the end of
24 the Ash Carter era working for the Deputy Secretary of Defense on
25 IT and Business and System Reform. Looking for ways to change

1 LOE3, Line of Effort 3, reform the business Operations through
2 the Department of Defense. So, I had all business systems and
3 core IT infrastructure as my scope. So that was, my billet was
4 this, my job was this, and for the period of time on which I
5 served on the Cloud Executive Steering Group, I was assigned and
6 working for the Chief Management Officer who at the time was Jay
7 Gibson. So, detailed assignment but OPCON/ADCON kind of situation
8 but still very much in both organizations. It was a mostly
9 functional situation.

10 Q: So, for the billet of BTO when did you start that?

11 A: I don't know. Five years ago something like that. I'd
12 go back, I'm sorry it would have to go back and check. A number
13 of years ago. More than three.

14 Q: When did you leave that position?

15 A: April 1.

16 Q: Do you remember when your detail started?

17 A: It depends if you count the cross functional team
18 assignment that Mattis signed out in January 2017 when he came
19 in, or if you count October/November memo, and I can get you the
20 appoint -- the formal appointment memo that was by name was
21 October/November of the same year. Signed it with the Deputy
22 Secretary, and then the cross functional team just had a number
23 of cross functional teams, and I had one of them, the Defense
24 Travel Team which is where I had met Deap beforehand. And
25 obviously the DDS folks we were involved in under Carter with the

1 stand-up of that whole organization. So I've worked with them
2 since they -- since inception if you will.

3 Q: So the October/November memo that would be 2017?

4 A: Yep.

5 Q: And if we could get a copy of that that would be great.

6 A: Yeah, absolutely. I had to find it for my ethics. They
7 were like you have to have this. I was like okay. Apparently the
8 change in duties impacted what I could or couldn't do and I was
9 like no I understand I really can't own stocks, but the ethics
10 folks here in the Army really wanted to see it. So I found it.
11 Happy to send it.

12 Q: And your appointment to the, your third position that
13 you said the --

14 A: The assignment of the five of us listed Cloud Executive
15 Steering Group memo?

16 Q: Yes.

17 A: That was again a Shanahan, let's call it
18 October/November 2017-ish timeline, but again we can, I'm sure
19 you have that memo. It was myself, (b) (6), (b) (7)(C), Chris Lynch,
20 (b) (6), (b) (7)(C) and Ellen Lord. Those are the only six of us
21 that were assigned. Ellen Lord was the Chair, five members of the
22 party, and, if you'll notice on the form you guys sent I was out
23 of the discussion however technically I'm still part of the Cloud
24 Executive Steering Group because the memo that was supposed to
25 supersede it was rescinded because it was not properly vetted and

1 was not legal. So, it's never been updated. So, unfortunately I'm
2 still a member of the Cloud Executive Steering Group, but I do
3 not attend, and have not been a part of the solicitation,
4 thankfully.

5 Q: What did you do while you were a member?

6 A: We would wait with Ellen Lord, and then Jay Gibson, but
7 mostly Ellen. Probably two to three times a week, 5:00 to 7:00
8 o'clock at night. It was a late-night meeting because her
9 schedule just, this is where she could fit it in. She was
10 phenomenal about learning through, talking to the questions,
11 asking about what the options were. Chris had a certain opinion,
12 the Defense Digital Service team had a very strong opinion. Chris
13 was backed up by (b) (6), (b) (7)(C) and Sharon Woods, the OGC for them
14 who then became the Program Manager, and a lot of those
15 discussions I had myself and we had very differing opinions on
16 how we would go about fair and full and open procurement. So
17 during those meetings we had a clear discussion starting truly
18 from day one about should we have one cloud or many. And by one
19 cloud or many I mean explicitly should it be a single award for
20 the full scope of product, or should we have multiple providers
21 on an IDIQ or a bulk purchasing agreement type structure. I very
22 clearly on the latter as like brought in industry experts all
23 this kind of stuff so, I was very loud voice on one side. Chris
24 was very loud voice on the other side. I lost, and I did not
25 participate in the formulation of the selection. However, we did

1 brief the team on cost modeling, etcetera because I have broad
2 experience with that. And so we'd gone in and given a number of
3 facts about cloud migrations to date in the Department, the cost
4 basis for it, how we estimate these things, how we would do
5 future planning to build the business case. I was ineffective and
6 failed to be persuasive that they should listen to the prior
7 experience we had, and so we provided many, many hours of the
8 most frustrating briefings I have ever been in. That was not
9 accepted and right, you're not always right. I had an opinion. He
10 had an opinion. In this case it's chocolate and vanilla. I think
11 there's an honest side you can be on both. I just liked side that
12 I was on. Based on experience, market force, yada, yada. And also
13 because the CIA was rewriting a contract at the time and he told
14 us, don't go to single awardee. But you know, these are things we
15 know.

16 Q: And who was CIO at the time?

17 A: The CIA.

18 Q: CIA, I'm sorry.

19 A: So (b) (6), (b) (7)(C) was the CIO of the CIA. In
20 conversations with them they had already talked that C2S was not
21 going to be replaced with a single award contractor. They're
22 going to a multi-award vehicle. I think it's called C2E now
23 something like that., But again, that was just a series of
24 discussions that we had and I would say if you were to go back
25 and I were to, I don't know if I have calendars this far back,

1 but if we were to look we're talking 20, 30, 40 percent of labor
2 time during a lot of those weeks were associated with JEDI work,
3 but not JEDI then, it was just the CESG. Remember we talked about
4 everything is JEDI is the acquisition, but technically during
5 these discussions it was Department policy formulation, and it's
6 an interesting IG level question of when it becomes an
7 acquisition and when it becomes policy discussions, and I am not
8 an expert on that. I am a cloud expert, but I'm not an expert on
9 that.

10 Q: So, in your opinion why do you believe or what
11 indications did Mr. Lynch give that he was pro-sole-source?

12 A: Beyond explicitly stating that no other option was
13 viable and it had to go to single award, and the part that's
14 challenging for me is while I remember very clearly Amazon
15 specific conversations and a series of counseling sessions we all
16 had to stop using vendor names. There was a clear bias towards
17 Amazon as the preferred favorite. Now, in fairness, they were the
18 predominant market leader and as you talk about Kleenex is the
19 facial tissue the brand is almost synonymous with the work effort
20 because they were such a market leader at that time. So, again
21 I'm very hesitant to say that it was a pejorative's preselect but
22 there was a very clear discussion about this is the market leader
23 and this is how you do it, and it's the only way to do it. And,
24 the discussions we would have with Ellen were one cloud versus
25 many, one cloud versus many, one cloud versus many for months.

1 And repeatedly I went up and down the halls try to get people to
2 be on my side. I lost because Chris had more access with the
3 Deputy Secretary, not with Tony, not with anybody else. That's
4 not, like the Deputy made the call to support Chris, and so
5 again, Chris made the call. The Deputy supported his subject
6 matter expert who was designed and structured to run
7 organizations that was full of quote unquote the smartest people
8 on cloud in the building.

9 Q: And the Deputy would be who?

10 A: Shanahan. During this time period. Again, somebody's
11 got to make the call. Tony doesn't make the call. Chris made the
12 advice, and Chris was backed, and that was the play.

13 Q: What information or what knowledge do you have that Mr.
14 Shanahan backed Mr. Lynch?

15 A: The outcome. Chris had clear voice. We had meetings
16 with him.

17 Q: With Mr. Shanahan?

18 A: Yeah. Three, four something like that. So when you
19 asked like was Tony was in the meeting? Yes. Tony was in the
20 meeting. Was Bob Daigle in the meetings? Yes. Even when Bob, not
21 all of them at the beginning but towards the middle, and then he
22 kind of phased out after Jay Gibson picked it out. So, this is
23 the -- and then as soon as CIO took it over Daigle was out. It's
24 why I was a little confused by some of the folks you're asking
25 questions about. Yeah, they attended meetings. There were five

1 people in the room arguing about the topic. Ellen didn't really
2 argue. She's wonderful. Jay didn't really argue, he just
3 listened, but the Deputy had made it clear by the time Jay took
4 it over -- by the time Jay Gibson was assigned you guys have the
5 dates on all of that as the updated lead from Ellen Lord the
6 decision had been made. And then it was just a formulation and
7 continuation of how we go about executing it?

8 A: So for the Executive Steering Group meetings, and Ms.
9 Lord was?

10 A: Chair.

11 Q: Chair?

12 A: Formerly.

13 Q: How did she run those meetings? Did she have input? Did
14 she guide the discussion?

15 A: Oh, yeah.

16 Q: Did she let it just free wheel?

17 A: Chris is very hard to guide. He's just a strong
18 personality. He had very strong opinions. She'd opened up the
19 discussion, go back and forth. (b) (6), (b) (7)(C) who was running DIU at
20 the time in California, so we had the VTC. We would always do it
21 in her conference room. She would guide the discussion as much as
22 possible and then at the end of the day the goal was to convince
23 her and Chris was able to do that. Again, I say a person because
24 no one else had a voice that mattered. I pissed in the wind said
25 we shouldn't do this. (b) (6), (b) (7)(C) really didn't care that much. He

1 really didn't have a horse in the fight. (b) (6), (b) (7)(C) was, he was
2 there. Not a bad guy but didn't drive it. But Chris and his team,
3 and Sharon and (b) (6), (b) (7)(C)

4 Q: So, for this Executive Steering Group meeting do you
5 believe there is any outside influences?

6 A: No. I mean, Chris has opinions. I don't think he was
7 getting paid for them. I have opinions. I wasn't getting paid for
8 them. Ellen Lord has opinions. She wasn't getting paid for them,
9 no. Like absolutely not. I think it was a bunch of very
10 strong-willed senior level folks arguing with each other about
11 chocolate and vanilla. Both opinions were reasonable and could be
12 argued well. It was a debate. A high school debate topic, you
13 know what I mean?

14 Q: Right.

15 A: You could be on both sides of this issue and not be
16 wrong.

17 Q: What was a charter for the Executive Steering Group?
18 Was there one?

19 A: Yeah get the Department to the cloud quickly. Go fast.
20 Get there quickly. Get it done. Do it within the baseline spend,
21 and find the way ahead to do that. And it's written up in the
22 standup document. It's a paragraph and a half of it's effectively
23 get to the cloud fast, which by the way we have failed at doing.

24 Q: Why you say that?

25 A: Because it's two years later and we haven't made

1 appreciable progress and we still don't have a contract. Because
2 we failed at doing it. The Deputy wanted us to be done in two
3 years. We haven't started so we failed.

4 Q: So being done was actually having a cloud and having it
5 operational?

6 A: Yeah. Accredited, operational, workloads moving. I mean
7 not 100 percent of our workload would move, but having it
8 started. And now we have hundreds of clouds, although we started
9 with hundreds of clouds and we still have hundreds of clouds. So,
10 I think that's a fair answer. We failed the deputy.

11 Q: Please describe your relationship between the
12 Headquarters Department of the Army, ASA FM, and WHS, and Defense
13 Digital Services. Do you still have -- is there a relationship
14 there?

15 A: Beyond personal friendships and ongoing work
16 relationships, we talk about technical problems and projects but
17 just a reasonable, you work with people they go to different
18 jobs. You stay friends. The Digital Services Team has, so WHS is
19 the parent organization for DDS they pay the bills. That's that
20 tie, and DDS has an Army offshoot that participates with Army
21 progress. (b) (6), (b) (7)(C) and others are very helpful in that, but we
22 collaborate and work well together. This is why I say it's like
23 the chocolate and vanilla fight. Like, we fought, but it wasn't I
24 hate cloud and I want to own all my data centers. It was
25 approaches to getting there. So, I would say the ASA-FMC doesn't

1 have a formal relationship with DDS. It's just I have a
2 relationship because I have a relationship. We have no formal
3 business ties, no MIPRS, no recurring actions, no ongoing work
4 product or effort, but I led the Defense Travel Modernization
5 effort, the replacement for DTS, which is actually working.
6 Hopefully you guys will be on it by the end of the calendar year,
7 and DDS was part of that discussions since we started under Bob
8 Work. So, we started all these things a long, long time ago. Does
9 that make sense?

10 Q: Yes it does.

11 A: Okay.

12 Q: Now, in your current position as of today do you have
13 any responsibilities or duties, or interactions with the JEDI
14 Cloud contract acquisition?

15 A: So, not directly. However, as an Army proponent who has
16 a large IT infrastructure running the Army financial systems, so
17 my current role is responsible for all financial systems and
18 financial information across the Army. As part of that, we use
19 Amazon Web services as our primary cloud data provider. Separate
20 contract, nothing to do with JEDI, but obviously JEDI is going to
21 impact it if they pick Microsoft or Amazon. So, yes, but no. And
22 then you have the G6, the Army CIO who has an opinion and a path
23 forward for cloud migration that is both part of JEDI but
24 completely separate from JEDI. And so yes, JEDI is part of my
25 life but only in the if it's available I would use it, but quite

1 frankly I argued two years ago and I will continue to argue there
2 are available whole government GSA purchasing vehicles, and it
3 was idiotic for the Department to pursue an independent
4 acquisition strategy for a commodity provider, but again, this is
5 why I got voted off the island because I have very strong
6 opinions about how stupid it was to go down this road and get
7 protested to high heaven. Because we knew this would happen. We
8 knew this would happen.

9 Q: Did you have any other involvement in the JEDI Cloud
10 acquisition other than being on the Steering Group?

11 A: No. So, right. The formulation of the business process
12 up through the issuance of the second memo, and at that point in
13 time (b) (6), (b) (7)(C) started to personally attend those discussions
14 and participate. I attended a number of group discussions which
15 would be like where Victor Gavin came in where we started to
16 bring JEDI out of the secrets. Remember this is a small group of
17 maybe five or 10 people that were working on this, and then we
18 started to broaden the audience and include the services, and
19 Victor was a strong member for the service side that participated
20 in those discussions. But, he wouldn't have been part of the
21 original. Like he wasn't a part of the Cloud Executive Steering
22 Group, but as we started to out brief those answers and ways
23 ahead there were large group discussions were many of us
24 participated. And that's where he would have gotten to
25 participate in those. And so that's why I said he participated in

1 the meetings.

2 Q: So, in these group discussions was there a name for
3 them, or was it a particular part of the acquisition process?

4 A: No. I think that point we're probably calling it JEDI.
5 Also, lesson learned. Don't ever named it cute things. Like,
6 never have a program with a cute name.

7 Q: Why is that? What lesson is that?

8 A: Because it draws attention. During this acquisition the
9 Navy was competing Engine R. Engine R is a \$14 billion services
10 contract that will actually hit the ceiling. Have you seen a
11 single article about Engine R? Nobody's excited about the Engine
12 R. It's a much more important, much more important, much more
13 meaningful and profitable services contract and yet it's not in
14 the press. So, because they -- it's not about the cloud, like
15 it's a cute name, it's catchy. People remember it. They ask about
16 it. It's not the most important IT acquisition we have going, but
17 because they picked a cute name. I know that sounds silly, but
18 it's completely true. Like the Hill remembers it, the public
19 remembers it. Don't pick cute names. Lesson learned. Terrible
20 acronyms are good.

21 Q: Okay. Staying with Mr. Gavin for a minute here. On your
22 sheet here that you gave us you indicated, and we're just
23 verifying this information, that Victor Gavin was a part of the
24 Cloud Executive Steering Group in that he attended meetings.

25 A: So when we did the out brief, and this is where the

1 questions that you're asking becomes kind of challenging, right?
2 So, yeah, he attended out briefs to the Cloud Executive Steering
3 Group. Does that mean he was part of it? I don't know. That's a
4 question you guys can answer for me. (b) (6), (b) (7)(C) was at those
5 meetings from the Air Force. All the services had representation,
6 the Marine Corps sent folks. They were -- it was in the Director
7 of CAPE's conference room. I can remember the meetings. Sharon
8 Woods did the briefing. In addition to that we did a number of
9 vendor inbriefs that Sharon Woods led in the DoD CIO conference
10 room where Amazon, Microsoft, and others came in, (b) (6), (b) (7)(C) came in
11 and briefed and all of the services participated in those. So, I
12 think Victor went to some of those, but I would have to go back
13 and check the attendance roster. You have to remember that at
14 this time this was the cloud way ahead, and everybody who was in
15 the service had a huge equity and interest because they all had
16 their own cloud projects, and so if OSD is doing something crazy
17 you participate. And Victor as the senior most acquisition
18 official for IT in the Navy, it's very reasonable that he would
19 have made every effort to be at these meetings to express Navy
20 interest. In fact, he attended more of these meetings than say
21 the Navy CIO, the N2/N6 CIO did, because it was an acquisition
22 effort, and this is kind of how the Department approaches things
23 in a broken way. They had the acquisition IT guy, but not the
24 actual person who's going to use the product long-term having the
25 strongest voice in the meeting. It's just how we work. But that's

1 why your question is hard to answer, and that's why I went yes
2 versus -- Tony DeMartino didn't come to any of those meetings.
3 The only meetings the that Tony were the ones with the Deputy
4 Secretary and a couple of one off one on ones that I had with him
5 on other things where he was just - his concern, I think this is
6 a fair concern. To be clear Tony never -- like Sally wasn't
7 involved in any of that I'm aware of, but Tony when I interacted
8 with him was always above board and very clear and direct, and
9 the only thing he wanted to protect was there was a number of
10 things going to the media and when Tony talked he was like, "Hey,
11 how is it getting out there and what's going on?" And that's a,
12 "I'm the Chief of Staff for the Deputy Secretary and I want to
13 control the messaging," not a, I want you to make an outcome that
14 I agree with. I think that that guidance was always very clear.
15 He was like, "We want to get to an outcome." We want to meet the
16 Deputy Secretary's objective. He wrote a thing saying get to the
17 cloud sooner. How do we get there faster? I have only respect for
18 Tony. Not in like Bob Daigle is an amazing human being. Tony is a
19 good guy, but he was very clearly working for his boss to keep
20 the message clean, to keep everything inside of the building. To
21 make sure that we're especially not going to talk to Hill
22 staffers. He was like, no that's just not my style.

23 Q: I just want to reiterate with you that the information
24 you gave us on this preliminary sheet. Let's just kind of try to
25 focus our interview --

1 A: Sure.

2 Q: -- it's not necessarily binding or that --

3 A: And that's how I understood it.

4 Q: -- if you had confusions.

5 A: That's how I understood we would talk about it, but I
6 wanted to make sure that we are being clear with any -- it's just
7 -- so yeah, Gavin was at a lot of meetings, but you have to
8 remember he also had a separate meetings with Amazon because they
9 knew he was pursuing separate contracting actions that did
10 complete. This is the problem. JEDI is not the only cloud
11 contract. JEDI is not even one of 50 cloud contracts. JEDI is one
12 of 100 cloud actions in process at any point in time during that
13 two year window. So, Victor had lots of actions going. I was out
14 of Microsoft having lots of meetings that had nothing to do with
15 cloud. But if you were to say well I was out at Microsoft just
16 like they gave Mattis grief for being out of Amazon. We do a
17 billion plus dollars a year with Microsoft. I was a major CIO
18 person, of course I'm going to meet with my vendors who we do \$1
19 billion a year business with. That's my job to protect the
20 government money. That's just fiscal stewardship.

21 Q: Now, you said there were attendance rosters, was it a
22 single attendance roster for the Steering Group out brief, or
23 were there multiple?

24 A: So clarity on this, yes. For many of these discussions
25 there were attendance rosters at all times the attendance was

1 maintained by DDS and Sharon Woods. I never saw them. I certainly
2 like, sorry. I never manage them. I saw them, especially when we
3 did the vendor meetings. We kept who was there.

4 Q: So would you have any copies of them?

5 A: No. No. Happily I'm like the least administratively
6 able person you're ever going to meet. Yeah, Sharon was in charge
7 of setting up all those commercial meetings, because any meeting
8 with a commercial entity at that point in time was determined to
9 be potentially impacting on the acquisition. All meetings with
10 vendors were coordinated only Sharon Woods as the OGC for DDS.
11 So, she ran the meetings. She kept things in scope. She played
12 referee. Any questions or decisions about that, I'm not a lawyer.
13 I fall back on Sharon's better judgment.

14 Q: Please describe the relationship between DDS and the
15 JEDI Cloud Program Office.

16 A: They're the same thing. The incestuous self-licking ice
17 cream cone that people came out of DDS to run it. It was their
18 idea. Everything was their idea. Their staffing, I mean Sharon
19 left being OGC of DDS to be the Program Manager for it after they
20 fired what's her name because she was just not a nice person,

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

22 I think is her name. She was just not very nice, just a
23 mean person. So, they pushed her off of the project and replaced
24 her with Sharon.

25 Q: And, what was (b) (6), (b) (7)(C) duties with

1 the project?

2 A: She was the PM through the acquisition. A number of us
3 had offered different candidates who had more experience and we
4 were rebuffed because DDS wanted to pick a person they liked.

5 Q: Who specifically rebuffed if anyone?

6 A: Chris, (b) (6), (b) (7)(C) Sharon. Leadership team at DDS, there's
7 only three people that mattered. Sharon followed the instructions
8 Chris and (b) (6), (b) (7)(C) gave. I think sometimes they probably should have
9 sought outside counsel, but that's a whole separate conversation
10 that again, I'm not a lawyer so I don't know that she was wrong.
11 I just disagreed with some of her decisions.

12 Q: And (b) (6), (b) (7)(C) is being who?

13 A: (b) (6), (b) (7)(C) at DDS.

14 Q: What training or education did you receive concerning
15 ethics rules relative to the Executive Steering Group and the
16 JEDI project?

17 A: None. I mean standard ethics training every year that I
18 get. That's the hour of don't take money, don't take bribes. The
19 normal ethics training. The CBT's you take. No, there was no
20 clear ethics separation or read in that I was aware of. For
21 anybody who participated. One of my contractors participated in
22 the discussions because I just, like I had a day job and this, so
23 (b) (6), (b) (7)(C) was in a lot of the meetings also, and I don't think that
24 she got anything special as a contractor. We'd have to make sure
25 that she was available to be part of the source selection. Not

1 the source selection, the RFI's, all that kind of stuff. So we
2 worked with that. So, I guess there were some ethics review
3 there. Which is why I bring it up. But not with me.

4 Q: Did you sign a nondisclosure agreement form?

5 A: No. Why would you sign it? That's completely
6 ridiculous. Any civilian employee handling FOUO information is
7 expected to handle FOUO information. No, she did have us sign one
8 of those stupid forms which is completely a I don't trust you to
9 do your job and handle FOUO information appropriately. I think it
10 was for the vendor meetings so, we couldn't talk between vendors.
11 We're talking two years ago, so my memory, again, --

12 Q: And we understand that.

13 A: Like I didn't file it away because it's literally in my
14 job description to handle government information appropriately. I
15 care about my security clearance. So I look at these and then
16 argue with the procurement person and say you're an idiot. And I
17 use very direct language because they're wasting the government's
18 time, money, and effort. It's FOUO information. Handle it
19 appropriately. So, I get very frustrated about that because it's
20 a lot of paperwork, and in the Army I found that they have even
21 more paperwork.

22 Q: So, who had you sign a nondisclosure agreement?

23 A: Sharon runs all of that. She was in charge of anything
24 she thought she could be in charge of.

25 Q: Do you know if DDS employees received any ethics

1 training? Concerning the JEDI Cloud acquisition?

2 A: I mean none in my staff did and we were directly
3 involved and were doing the cost modeling and IGCE build up. So,
4 I have to have a feeling that if the folks doing IGCE build up
5 didn't nobody did. Maybe she gave them something special, but I
6 don't remember anything. Again, that would have been a Sharon
7 determining it was needed. Sharon delivering it, Sharon, Sharon,
8 Sharon. She made all those decisions.

9 Q: Are you familiar with the SBD Advisors?

10 A: Yeah, but only because I read the news. Sorry. Like I
11 never knew who SBD was until I read all the articles about JEDI,
12 but obviously having been involved it's kind of fascinating to
13 keep up on all of the fun news stories of like this is
14 ridiculous.

15 Q: So now that you've read the news, and now that you've
16 been through this process with JEDI, looking hindsight, are there
17 any connections between SBD Advisors and the JEDI project?

18 A: So, the company as a whole I don't know. Let's talk
19 about the people you ask questions about. Do I think Tony asked
20 any -- Tony DeMartino asked anything inappropriate ever pushed me
21 in a way that was inappropriate? Hell no. Hell no. Tony was
22 crystal. You knew what Tony wanted. There wasn't innuendo. He
23 wasn't one of these passive-aggressive people, absolutely not.
24 Like at no point in time would I ever say he did. My interactions
25 with Sally during the whole time she was in the Department were

1 maybe a couple of hallway conversations and I might have gone and
2 seen her in her office once on a totally unrelated topic, so, I
3 would obviously say no I don't believe so, and then I don't know
4 who else was in the organization. And I know Bob has gone to join
5 them now in their new venture, but no. Bob is motivated only by
6 the public interest and fiscal stewardship. He absolutely would
7 never work on behalf of a company. So, no. I mean just like I
8 can't be more emphatically clear that every conversation I had
9 was what's the benefit to the Department? How can we go faster?
10 How do we get what the Deputy Secretary wants? How do we make
11 sure that were not conveying weirdness to the Hill? That's all
12 perfectly in line in scope and very clean. And it's offensive to
13 me that somebody would kind of push it in a different direction
14 for any of those three people. And for Sally I don't know very
15 well, but the other two, and Bob I know very well.

16 Q: Same question but for C5 Capital.

17 A: I don't even know who they. Sorry.

18 Q: What was your understanding of the relationship between
19 SBD Advisors and Amazon?

20 A: I mean I've read the news that they were a prior client
21 and that they were continuing payments, to Sally for work she'd
22 done but that's very normal. So, I read in the news.

23 Q: So no firsthand knowledge?

24 A: No.

25 Q: Now we're going to move on to Mr. Mattis. General

1 Mattis. What were your interactions with former Secretary Defense
2 James Mattis that were related to the JEDI Cloud acquisition?

3 A: None; immaterial. So, I know that Chris had met with
4 him in person, so the DDS team had some in person meetings. We
5 met with the Deputy Secretary a number of times, but I never
6 participated in any Mattis meeting on this topic. We had a number
7 of out briefs where Mattis asked for X, or like we saw hey, this,
8 that, that or the other. Like nothing. I had no interaction with
9 him on this topic.

10 Q: On your chart that you gave us you indicated only that
11 there was a yes in number 20, full and open competition
12 discussions. Can you explain that?

13 A: General feedback both that he gave on the Hill in
14 testimony, and internally was that we're going to follow the
15 acquisition rules. So, when pressure was applied, hey, we're
16 going to follow the acquisition rules. Mattis testified to it so,
17 he's just that guy. I don't think he was faking it on the Hill.

18 Q: Did you have any participation in prepping him for his
19 congressional testimonies?

20 A: Not related to this, but yes I've replied to taskers
21 that have become Secretary testimony and it's always exciting
22 when he read that sentence you wrote, but --

23 Q: Not for JEDI?

24 A: No. I'm like a bureaucrat in the building at that
25 point. It's just exciting when he reads and you're like, I wrote

1 that sentence. I was excited.

2 Q: What's your understanding of Mr. Mattis' relationship
3 or interest with SBD?

4 A: I have no idea.

5 Q: Have you ever read anything in the news?

6 A: About his relationship I don't think there was a direct
7 tie there. It was a lot of like oh you went to meetings with
8 Teresa Carlson and all those things that the meetings were
9 arranged, but I always look at that as pretty much par for the
10 course. I've done a number of things with the MOD UK. When you're
11 over visiting with our counterparts across the pond you attend
12 formal functions with the Brits. People are there, and people,
13 like people pay to be at those things, but it's a British event.
14 We just go. That's kind of expected in my mind. I don't feel like
15 that's nefarious. Now, knowing Teresa Carlson, she probably
16 talked his ear off, but she's just a really effective
17 salesperson. She's a really good salesperson.

18 Q: And Teresa Carlson is who? For the record?

19 A: The CEO of Amazon Federal Web Services, Amazon Web
20 Services Federal. She's been that for probably six or seven
21 years. Almost since I started out. She's a very good salesperson.

22 Q: Same question with your understanding of Mr. Mattis'
23 relationship to C5.

24 A: I have no -- I don't even know who C5 is. Now I'm going
25 to have to go Google them when you leave.

1 Q: Your understanding of Mr. Mattis' relationship with
2 Amazon?

3 A: I'm sure he orders things to get delivered to his
4 house.

5 Q: Did Mr. Mattis need to disqualify himself from
6 participating in the JEDI Cloud acquisition because of any of
7 those relationships or interest?

8 A: I don't really think he was involved in the
9 acquisition. The Secretary of Defense doesn't get involved in an
10 acquisition. That's a nefarious question. Now, if you said the
11 Deputy Secretary of Defense that's a different problem, but this
12 was assigned to Shanahan, and Shanahan was told to run with it. I
13 mean I'm sure it was included in the quarterly briefings as a
14 major acquisition program as something the Hill's interested in,
15 but the Secretary has wars to fight. He had real work to do. Keep
16 NATO alive. He was not to all intents and conversations that I
17 had with focused on this. This is something that came became a
18 slide in the quarterly report. I could be completely wrong but
19 that's how I understand it.

20 Q: And that's what we're looking for. We're looking for
21 your understanding. Did you ever hear Mr. Mattis say anything
22 about Amazon as far as the JEDI project goes?

23 A: No.

24 Q: Now we have on the chart here but I'll ask you
25 directly. Did Secretary Mattis play a role in the problem

1 statement, business case analysis, final RFP evaluation, and
2 proposals?

3 A: Well, since they're still doing final RFP evaluations
4 and proposals now obviously not. I mean that's just a time based.
5 He's not here. Problem statement, did the Secretary provide a
6 broad problem statement of what a tactical edge means at some
7 point in some conversation? Probably. Does that drive the RFI or
8 RFP? I would say in the broad sense of the Secretary's describing
9 global needs for computing capabilities and where he wants to go,
10 and any contract is designed to meet the Secretary's intent yes,
11 but the National Defense Strategy did it better so yes. Obviously
12 the Secretary set the intent for the Department. Yes, we all
13 followed with the intent to deliver to the Secretary what he
14 needs to prosecute and protect America. But no he didn't sit down
15 and like write something. It wasn't like the National Defense
16 Strategy where he had actual pen and paper. That would just be
17 ludicrous. I guess it could happen but it didn't here.

18 Q: Do you know if Mr. Mattis had any nonpublic procurement
19 information access relative to the source selection of the JEDI
20 acquisition project?

21 A: So none of that would happen until, like what are you
22 talking November of last year maybe that that would start to
23 happen, right that responses were due if I remember correctly the
24 timeline, and he resigns a month later. So no. We take
25 procurement -- sorry. Most of the Department takes procurement

1 pretty seriously. I have no idea how DDS approached it. And it
2 wasn't run by a mature programmatically driven procurement
3 organization, so I have no idea how they handled the information,
4 and if you notice on the last set of questions I put I don't know
5 because by the time we were into procurement, source selection,
6 and evaluation I had left working with that project as they had
7 gone down the single source selection path and my opinion of
8 needing multiple cloud providers was widely disdained and
9 rejected, and my voice was not needed. So, while I participated
10 in a different role as a consumer of what the cloud would be I
11 did not participate in that source selection, any of that
12 material. I was not part of that. I did not do any of it. I don't
13 want any part of it because fundamentally I think it's a flawed
14 approach, and is anti-competitive. So that's why I just wouldn't
15 be able to answer that. Really I was absolutely not part of that
16 discussion.

17 (b) (6), (b) (7)(C) [REDACTED], do you have a questions on Mr. Mattis?

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

19 Q: I do. I just want to capture the dates that you
20 participated.

21 A: Okay.

22 Q: From the beginning to the last date that you
23 participated in the cloud initiative.

24 A: Well, I mean that's a problem. I mean technically I
25 still participate in the cloud initiative because I still have

1 cloud contracts, and we're part of it.

2 Q: Under the CESG. Your role when you were under CMA and
3 the CESG.

4 A: I don't know. I'd have to go back and look at the
5 signed out memos where it was restructured, but there's a series
6 of issued memos that said that they were going to restructure it
7 and then once that memo where (b) (6), (b) (7)(C) was appointed, but the
8 thing got pulled back so she wasn't actually, but at that point
9 in time I started spending dramatically less time working the
10 effort because they had made the decision and they didn't want
11 our pricing help or anything else. So, we moved on to other, more
12 productive activities. Does that make sense? But there is a memo
13 published so it's not, it's a clear date, I just don't remember
14 what day it was.

15 Q: Okay. Thank you.

16 A: That's why we make memos. It makes it much easier to
17 substantiate like this happen then.

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

19 Q: Moving onto Ms. Sally Donnelly. We've already spoken of
20 her quite a bit, but once again, who is Ms. Sally Donnelly?

21 A: An advisor to the Secretary of Defense.

22 Q: And once again what were your interactions with Ms.
23 Donnelly related to the JEDI Cloud acquisition?

24 A: I think making maybe walked down the hallway once in
25 the Deputy's corridor. I mean truly nothing. Trivial to nothing.

1 Q: What is --

2 A: And that would have been a group conversation. It
3 wasn't like, "Hey, Sally, how's it going?" It was, I don't know
4 maybe talking to Tony or somebody out of a JEDI meeting that we
5 left and so, truly I don't have much input on her.

6 Q: Do you know if Ms. Sally Donnelly needed to disqualify
7 herself from participating in the JEDI Cloud acquisition because
8 of her relationships or interests with SBD, C5, or Amazon?

9 A: Happily I'm not aware so I don't make those
10 determinations. But I would say that she never participated in
11 anything meaningful during my entire time doing the CESG. No, she
12 wouldn't because she wasn't there.

13 Q: Did you ever hear Ms. Donnelly talk about Amazon?

14 A: No.

15 Q: Or any of the other competitors? For the JEDI Cloud
16 contract?

17 A: No.

18 Q: Okay. Looking at the form that you provided us on Ms.
19 Donnelly all of your answers are no and I don't know for events
20 one through 27. Do you confirm that?

21 A: Uh, huh [affirmative response]. Again, obviously I
22 wasn't a part of every meeting, but in my participation that's
23 where I would put it, and I don't even remember any conversations
24 about Sally having an opinion. Truly, this is always that weird I
25 don't how it got in the news. Maybe you determine something that

1 I don't know about, but I never saw anything happen.

2 Q: What if any nonpublic procurement information did Ms.
3 Sally Donnelly have access to?

4 A: Well, given that she left before procurement
5 information started, none. But that's a timeline issue that's not
6 me having any knowledge. It's just she literally didn't work
7 here.

8 Q: Do you know when she left?

9 A: No, but I can go back and look, but it was, I don't
10 know. Maybe after the RFI but not -- before the RFP.

11 Q: Did Ms. Donnelly have any influence the JEDI Cloud
12 acquisition?

13 A: Not that I know of.

14 Q: In the few interactions that you had with Ms. Donnelly
15 did she ever say or do anything that would cause you to question
16 her ethics or impartiality concerning Amazon?

17 A: No.

18 Q: Concerning the JEDI Cloud acquisition?

19 A: Absolutely not.

20 (b) (6), (b) (7)(C) , any questions on Ms. Donnelly?

21 (b) (6), (b) (7)(C): No.

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

23 Q: Moving onto Mr. DeMartino. Once again we've spoke about
24 him quite a bit. For the record we'll just go through a couple
25 questions here again.

1 A: Okay.

2 Q: What position did Mr. Anthony DeMartino hold in the
3 Department of Defense?

4 A: Chief of Staff for the Deputy Secretary of Defense.

5 Q: And what were your interactions with him related to the
6 JEDI Cloud acquisition?

7 A: As I discussed it was about making sure we delivered
8 the Deputy's objective of getting the cloud faster per the
9 direction of the National Defense Strategy and all that. I'm just
10 thinking through if there was anything more than, I mean and to
11 keep everything right. Don't go to the Hill and have those
12 conversations, right? Everything stays managed out of the
13 Department. We're going to make our decisions. We will manage the
14 messaging, and I think a number of us who were kind of principles
15 in the action had a conversation with him. I promise if you have
16 that conversation with Tony once and you remember it, but no,
17 there was nothing.

18 Q: And how is the conversation take place? Was it a
19 one-on-one? Was a group sessions?

20 A: In his office a couple of times, and I want to say one
21 of his support staff like his deputy was there. I always forget
22 the deputy's name. I don't know if he still with the Department,
23 but the conversations never had anything to do with Amazon,
24 competitors, or anything else. It had to do with messaging,
25 direction, focus, timelines. Occasionally he would have a

1 technical question where he'd want to sanity check something
2 maybe it's a back brief for the Deputy and get a different
3 opinion from Chris, but nothing was about vendors.

4 Q: What is your understanding of Mr. DeMartino's
5 relationship with, or interest in the SBD Advisors?

6 A: I understand he was employed by them and was. He and
7 Sally worked together before.

8 Q: And you know that how?

9 A: He told me. It's a pretty reasonable thing.

10 Q: Same question for the company C5.

11 A: Yeah, again I still would have to look up who they are,
12 and I'm sure it's something I probably should know, but.

13 Q: And same question for Amazon.

14 A: Tony's relationships with Amazon?

15 Q: Yes.

16 A: I have no idea. But it was never a.

17 Q: Did Mr. DeMartino need to disqualify himself from
18 participating in the JEDI Cloud acquisition because of any of
19 those relationships or interest?

20 A: Not to my knowledge. I mean I don't know if he owns
21 shares or anything like that. That's a whole different question.

22 Q: Did you ever hear Mr. DeMartino say anything about
23 Amazon? Speak about Amazon?

24 A: Well, we'd have meetings about the primary cloud
25 vendors, right? Again let's be honest that we're talking about

1 there's six or seven major vendors and we talked about all six or
2 seven of them. Yes discussions at some point, at some point in
3 time in the room happened. I don't remember Tony participating or
4 driving an outcome, but probably because how else can you market
5 research if you don't talk about vendors? It's impossible to do
6 your job if we're not talking about vendors. By and probably
7 talked about Lockheed Martin and Boeing in their equivalent
8 quality assurance capabilities. That's reasonable, but I don't
9 remember anything specific that jumps out, but most likely it
10 happened.

11 Q: So I guess probably a more direct question is did Mr.
12 DeMartino ever showed any favoritism towards --

13 A: Absolutely not. And there are people who did. He
14 didn't.

15 Q: So since we're on that, who were the people that would
16 have shown favoritism towards Amazon?

17 A: The DDS staff.

18 Q: And we've spoken about that is what far as wanting a
19 sole-source procurement.

20 A: And a directed outcome, meaning there was discussion
21 about can we do a J&A and go down that road? The answer was no
22 you can't. You've got a full and open competition. But yeah we do
23 all of the cost modeling and whatnot, and I couldn't give you all
24 the DDS staff that were participating. The rest of us who brought
25 people in and out of the project really had to kind of sign in,

1 sign out but all of the DDS staff was assumed to be part of the
2 larger JEDI project so they had staff in all the conversations
3 all the time.

4 Q: And J&A?

5 A: Justification and I don't know what the A stands for
6 but it's a sole-source document. I can only do this if because
7 these following reasons. Maybe justification assumptions. I don't
8 know what the A stands for. I apologize. It's an acquisition
9 term.

10 Q: Looking at the form for Mr. DeMartino that you provided
11 us in event number one, Cloud Executive Steering Group you have a
12 yes and that he attended meetings and/other. Can you explain
13 that?

14 A: Yes. He attended meetings and occasionally he would ask
15 for additional information to make sure that the Deputy Secretary
16 was clear like we just discussed. He'd say occasionally there
17 would be a technical question. So, I know I discussed with Tony
18 and I think once or twice with Chris in the room why one cloud
19 versus many.

20 Q: And this would be during the Executive Steering Group?

21 A: Yes, it would have been meetings around that time. So
22 during that timeframe but not in those meetings.

23 Q: Not in the meeting. Okay.

24 A: I mean yes we had those in those meetings but Tony also
25 wanted to know the two opinions and occasionally he would ask me

1 in the room I think just to piss Chris off and make Chris give
2 better answers. Totally reasonable leadership technique and again
3 I was completely not as persuasive as Chris and he won, and it
4 still irks the hell out of me but it's all good. Eventually we'll
5 have a contract maybe.

6 Q: Do you remember approximate number of how many times
7 Mr. DeMartino --

8 A: Once or twice. I mean material technical aspects at
9 that time of -- at that discussion are should we include foxhole
10 to garrison, unclassified to JWICS, right? Scoping conversations,
11 that kind of stuff. Should be one provider or many? That's really
12 high level.

13 Q: For event number four the problem statement. You
14 indicated a yes with a number 2 which is attended meetings. Can
15 you explain that? Expound on that?

16 A: So, the answer on that one would be as we went through,
17 if I remember correctly we brief the Deputy Secretary on progress
18 towards getting the problem statement and the foundational
19 document of what the RFI was going to be which is single source,
20 foxhole to garrison. Unclassified to TS, right? These are, in my
21 mind that is the core of the problem. You're going to go buy
22 these things on behalf of the Department, so Tony would have been
23 involved in the meetings or had feedback on that. I feel like
24 that was the output product of the CESG. The CESG was stood up in
25 order to build the, "What do we need? And how should we get it?"

1 And then JEDI is the execution of that strategy as it went
2 forward. That's just how I would interpret it. Other people might
3 tell it differently, but I feel like that was the outcome of the
4 CESG was to get that outcome. And, we did that before I departed
5 the pattern.

6 Q: And did you attend any of the meetings that were
7 briefing the DEPSECDEF Mr. Shanahan?

8 A: Uh, huh [affirmative response].

9 Q: Did Mr. Shanahan ever ask any questions concerning
10 sole-source versus --

11 A: Oh, yeah. They were sporty. Yeah. I don't know. Now
12 you're in a world of like two years ago in a meeting where the
13 Deputy Secretary was cranky. It was interesting. He just pushes.
14 He wants to know, so he asked a lot of questions. Some of them
15 were directed and pointed. None of them were vendor specific, but
16 it was, "Why would I go to one for commodity provider?" Pat
17 Shanahan made his career on managing Boeing supply chain. He
18 squeezed the hell out of his suppliers. So he did the best he
19 could to make sure he understood that the Department wasn't
20 walking into a bear trap. So the discussion was generally around
21 if I go to one which he wasn't won over on but he got to
22 eventually the longest conversation I remember was I need outs. I
23 don't want to write a 10 year contract for a commodity good
24 provider. I want to write a two-year contract. He really wanted a
25 shorter contract. The DDS team and I both agreed that a five-year

1 contract is the minimum capitalization time for our commercial
2 industry because just the physics and the economics of it. So we,
3 again, I agree with a lot of stuff that DDS is doing, journey to
4 the cloud, etcetera where it's the how not the what or the why,
5 and Shanahan wanted the exit strategy on contracts. He wanted
6 option years. He wanted to have clear understanding that they
7 could get out, that he was getting locked into a vendor, that
8 this wasn't a purchasing of say Oracle in the late 90s where once
9 you get Oracle you can never get out and we're still paying those
10 fees. So he was very, very, very focused on making sure he
11 understood that and that the Department wasn't walking into a 10
12 year agreement for commodity services that we're going to get
13 gouged on. Very much fiscal stewardship focused. Does that make
14 sense?

15 Q: Yes. Now, --

16 A: In every conversation the Deputy's ever had that I've
17 been in whether it's about the F-35 or anything else he's
18 completely consistent in his approach to these situations and
19 problem analysis. So there was nothing special about what he did
20 here for JEDI. It was always the same line of questioning. The
21 man just thinks in one way, which was a great learning
22 opportunity for me.

23 Q: Now, you use the term several times commodity service
24 contract. What is that?

25 A: So the government does a couple of things. So we

1 generally procure in three buckets. There is services, buying
2 access to people, support. Then there are product things like
3 this block in my hand, and then there are utilities like water,
4 power, electricity, water, sewage, electricity. Those
5 consumption-based items which are utility contracts form a
6 separate category of acquisitions approaches. They are the
7 definition of a commodity good. You pay by the gallon out of your
8 faucet. Very straightforward people understand it. Utility
9 computing is priced along the same way that utility services
10 offer power and sewage. Explicitly the business and operating
11 model are structured the same way. Our approach to buying cloud
12 computing has followed a services model where there's nuance,
13 lack of comparison, lack of portability, lack of, you know, if
14 you go by a can from Kirkland, or can of Pepsi or Coke a 12-ounce
15 is effectively the same thing. They can talk to each other and
16 they're multimodal transport if you will of beverages. The
17 utility model gets you to multimodal where you can go from
18 Provider A to Provider B. When you're in a services contract you
19 end up in customs services no matter what you do, they're going
20 to do some special for you that will make it harder for you to
21 get out because it's good business. The Deputy Secretary called
22 them moats. So they're, a standard business term, how hard is it
23 to get in and get out? Once you're in, can you leave? How easy is
24 it for competitors to steal your workload? So, utility computing
25 assumes commodity, however you lose, you lose some of the

1 capabilities because it's not ubiquitous. So, it's a trade. You
2 get portability but you are never going to be at 100 percent
3 efficiency.

4 Q: So, what is the commodity involved with the JEDI?

5 A: Cloud computing. The only involvement in JEDI is a
6 commodity. Explicitly the only involvement in JEDI is commodity.
7 That's it. Everything is pay by the drink. Everything is exactly
8 like how you consume it at home in your faucet.

9 Q: Right. So, like electricity is in kilowatt hours.
10 Waters in gallons. Is the --

11 A: Five second intervals.

12 Q: -- commodity -- what?

13 A: Utilization by five second intervals or by specific
14 discrete events. So, no. You pay for your water there's water. If
15 you paid for water that had more or less chlorine, or these other
16 things you can do -- cloud computing is more complex than your
17 water bill because there's more to it, and there's more options.
18 But everything is in a discreet element, did you turn it on?
19 Leave it on? Turn it off? You pay for what you use. Did you I/O,
20 input/output of the computer to the hard drive, is a specific
21 event. You pay a fraction of a cent per event. The databases,
22 instead of paying for software licenses, etcetera, you pay for
23 utilization of the database. So, how many transactions did you
24 run? So, it is explicitly utility. However, we're contracting it
25 like it the service or a product, which is very, very different

1 and very different rules in the federal acquisition guidelines,
2 but again Sharon made that decision and not my call.

3 Q: And last column you have marked here under the number
4 five, business case analysis for Mr. DeMartino you have a yes.
5 Can you explain --

6 A: Which is all would have been out briefed to the Deputy
7 and anything that went to the Deputy went to Tony. So, there's
8 probably more yeses for Tony as the Deputy stayed involved, but
9 where I remember Tony being involved or discussions where he was
10 in the room, but again, let's be clear. There is the principals
11 at the table and Tony would generally sit at the back wall with
12 the window in the conference room for the Deputy, or behind the
13 Deputy. Tony would sit at the table and have a conversation with
14 everybody. Tony was in the room but he was the Chief of Staff
15 doing Chief of Staff job.

16 Q: For event number 20 full and open competition
17 discussion. What meetings were those as you indicated a yes?

18 A: Again, the Deputy Secretary very clearly said, "I want
19 to make sure that we compete this. I want to make sure we do
20 these things." Tony was in the room for those. Again, any meeting
21 where the Deputy was in the room the expectation is that in some
22 of these meetings Tony was acting as the Deputy on his behalf if
23 he covered something. So, there's a lot of discussions that Tony
24 was probably a part of that I didn't have visibility to, but his
25 participation in every meeting discussion was completely

1 consistent.

2 Q: Same question for event number 21, the single award
3 decision. Would that also be the meeting with the DEPSECDEF?

4 A: Yes. Sorry, I was nodding. I need to speak. Yes.

5 Q: And, your last yes in Mr. DeMartino's column is event
6 number 22, evaluation criteria. Can you expand on that?

7 A: Deputy Secretary meetings. Again this is where it gets
8 -- that's why the criteria is a little bit challenging because if
9 you said, hey, if you had and substantive feedback versus who was
10 in the room, it's a different outcome. I would say no, Tony
11 didn't have a substantive opinion on those topics but he was in
12 the room. And so that's why said yes.

13 Q: Now, you pretty much answered this but a direct
14 question for you. Mr. DeMartino's attendance at those meetings
15 with the DEPSECDEF mean that his participation in the JEDI Cloud
16 acquisition was substantial?

17 A: I don't believe so. I mean if Tony had said something
18 everybody listens, but yes his participation was important
19 because he kept everybody on track and was a good Chief of Staff.
20 It depends on what you mean by substantial. I valued his input
21 and feedback on all of the projects that we had to work for Tony,
22 and then for (b) (6), (b) (7)(C), his replacement, but I don't think it was
23 material to the decision. He didn't change course for anybody.

24 Q: What nonpublic procurement information did Mr.
25 DeMartino have access to as far as the source selection that you

1 know?

2 A: I forget when Tony left, but I don't think he had any.
3 I think he was gone.

4 Q: Once again being a timeline --

5 A: Yeah.

6 Q: -- solution problem?

7 A: Yeah, but I'm just going to trust that my colleagues in
8 the Department of Defense don't share with people who left the
9 Department of Defense source selection material. But, to be
10 perfectly honest, right the Chief of Staff for the Deputy
11 Secretary asks for something you're probably going to give it to
12 him because he can get read in on anything he wants, but you have
13 to go back to Sharon and see if he was read into the program or
14 not as part of the source selection. He might have been, I don't
15 know. I was not. So again those parts in those questions I
16 generally had less visibility because I was not doing it.

17 (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) any questions on Mr. DeMartino?

18 No.

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

20 Q: All right. Moving on to Mr. Gavin who we've also spoken
21 about. Once again, what were your interactions with Mr. Gavin
22 related to the JEDI Cloud acquisition?

23 A: So, I've known Victor a long time. So, I had lots of
24 interactions with Victor on what he knew about cloud -- he was
25 interested. So we had some discussions about hey, what you guys

1 going to do? What are you doing? He wanted to talk about what he
2 was doing the Navy with Amazon. But again, that's not a JEDI
3 discussion, that's a my path forward for the Navy is X. Don't
4 screw it up. And we use very clear terms like don't screw it up
5 because you're going to break my way to move the Navy forward. He
6 wanted to help the Navy achieve the same goal the Secretary had.
7 The meetings would have been attending discussions and group
8 sessions about the Cloud Executive Steering Group, the way ahead,
9 kind of those group meetings.

10 Q: And how did you first --

11 A: Vendor meetings. And the vendor meetings I'm sorry.
12 That we discussed.

13 Q: Now, how did you first come to know Mr. Gavin?

14 A: I worked for the department of the Navy CIO when Victor
15 Gavin was the Program Executive Officer. So, he was the senior
16 PEO official in the Navy, and as the DON CIO staff we did a lot
17 with the IT system at PEOEIS. So, you're going back almost 7
18 years, and during that seven years we worked cloud migration,
19 data center consolidation, topics that are explicitly and
20 implicitly involved in what JEDI is meant to solve. So in 2012 we
21 started these conversations.

22 Q: With the Navy?

23 A: Yeah. My team, me partially, moved the first system of
24 Amazon Web Services for the Department of Defense. The first
25 accredited system in AWS was the Secretary of the Navy's public

1 facing website. That move was done by people who worked for me.
2 That doesn't mean I love Amazon, it just means they were the ones
3 who were available and we could get accredited at the time.

4 Q: And that was my next question. So, what's your opinion
5 of the Amazon Web services?

6 A: It's great. So is the Oracle one. So is the Microsoft
7 one. The IBM one I've met extensively with the company they
8 bought, again, we've been doing this a long time. Like I've met
9 with all the providers the senior leadership folks at all the
10 organizations. We've met with Google. We've done all of those
11 things. That was a different role than JEDI or CESG work. That's
12 part of why I was selected. I just had the background of we've
13 been there, done that. None of this was new. The Cloud Executive
14 Steering Group was not solving a new problem. It was solving a
15 2012 problem maybe in 2020.

16 Q: So, how did the security requirements for the cloud
17 play into the selection of a vendor that can provide the
18 services?

19 A: I don't know. I'm sorry, the question is a little and
20 ambiguous. I don't know what you're trying to get at.

21 Q: The gating criteria, the left and right limits of --

22 A: It was selected after I left. I have no idea about how
23 they made those determinations. I know that I would not have made
24 those determinations, but I was not part of that discussion.
25 Again, like there's some happy joy in my life of having, to have

1 got out of this when I did because there's decisions that were
2 made that were interesting, but I don't know about the
3 deliberations because I wasn't there. I just know that I would
4 not have gotten the same outcome.

5 Q: What is your understanding of Mr. Gavin's relationship
6 with or interest in Amazon?

7 A: That -- I believe he works for them now, or is a
8 consultant for them. He's involved with them currently so he left
9 government and went to work for them.

10 Q: How do you know that?

11 A: Facebook, LinkedIn, something like that. Some social
12 media answer. Having talk to Victor that it. No, I talked to
13 Victor. So his retirement, (b) (6), (b) (7)(C) who worked for me
14 when she retired. Anyway at one of those retirement functions and
15 Victor's a great guy. Super nice, super friendly. I have no idea
16 about his acquisition approaches or any potential issues there,
17 but as a person he's very nice to get along with. Not technical
18 at all. So it was just surprise in my mind that he went Amazon,
19 but he has connections.

20 Q: How would you describe Mr. Gavin's ethical standing?

21 A: Oh I don't have an opinion on that. I don't know. I
22 wasn't involved in any of the acquisitions that he was doing
23 besides the beginning of Engine R. I just don't have a basis.
24 He's a social friend and acquaintance and somebody I worked with,
25 but we never did any acquisition work together.

1 Q: Did you ever hear Mr. Gavin talk about Amazon before he
2 departed the Department of Defense?

3 A: Absolutely, all the time.

4 Q: What would he say?

5 A: "The Navy has to move forward with the cloud decision
6 and they're moving into Amazon." He did a number of small pilot
7 projects with the Navy using Amazon's Snoball which I think is
8 spelled SNOBALL, but it might be spelled correctly. I kind of
9 forget which is little tactical systems they're deploying on the
10 ships to potentially offset the investment in CANE which is the
11 Common Afloat Naval Enterprise which is a large conglomerate of
12 system of how you do IT on a ship in a distributed requirement.
13 So, he did major projects. That's a major project. The PNW160 all
14 they do is manage CANEs. I guess the question would be is I don't
15 know how to answer other than we do business with technology
16 companies. So if you were to come to me and say do you have an
17 opinion about Oracle? I'm sure on record I've had many opinions
18 about Oracle. I've had many opinions about Microsoft. I don't
19 necessarily know that any of those would color his judgment on an
20 acquisition, but I also know that he wasn't in the source
21 selection and he was expressing the Department of the Navy's
22 viewpoint which was functionally his as the senior acquisition
23 official for IT for the Department of the Navy. How much input
24 that actually had on DDS is something that I wouldn't be able to
25 fathom. And I don't know that anybody could. Like he had a voice.

1 He had an important seat in the room. He was heard. Was driving
2 his opinion is something that I think you'd have to ask him
3 about.

4 Q: Did he give equal time or did he talk about any of the
5 other competitors for the JEDI Cloud contract?

6 A: I would say he probably spent the majority of his time
7 talking about Amazon if I were to remember, but 80 percent market
8 leader, yada, yada. There was a lot of justification for that.

9 Q: Looking at the form you provided us with a column for
10 Mr. Victor Gavin. In event number 1 the Cloud Executive Steering
11 Group you've indicated a yes and attended meetings, data
12 decision, and nine other. Can you expand on that place?

13 A: Attended the out briefs of what the CESG did. And then
14 as we started to bring the services then participated in those
15 discussions, provided data and output on the Navy's approach as
16 to they're doing. Recommendations on path ahead, potential
17 forecast of demand which, by the way (b) (6), (b) (7)(C), who is his
18 counterpart on, not really. (b) (6), (b) (7)(C) is the CIO on the Air
19 Force side, but the Air Force acquisition didn't really
20 participate. They provided the same feedback. So, the questions
21 you ask could sound nefarious, but the reality is we said, "Hey,
22 Navy. Are you going to use this?" They said, "This is what we'd
23 use." This is kind of pretty much his job.

24 Q: Staying with Mr. Victor Gavin column of event number 5,
25 business case analysis, you indicated yes, attended meetings and

1 other.

2 A: Would have provided data, and support. Attended
3 discussions about it, potentially technical advice from his work
4 staff about how they go through the business case. Again, if you
5 were to read the JEDI business case is not exactly the best piece
6 of art we've ever done. So, a lot of people provided input only
7 DDS wrote it. So, no one, this is the challenge, right? Nobody
8 else really had any impact but them. Again, that's my perception,
9 but a number of us had opinions that differed and the only
10 difference opinions that made it into the writing were DDS
11 opinions.

12 Q: So, from your perspective, your standpoint, your
13 opinion, what was the business case analysis lacking?

14 A: Rigor, merit, quality, feasibility, like
15 executeability, you know, the basics. I mean compared to what we
16 did for Engine R, an equivalent size acquisition.

17 Q: Event number 6, functional business requirements, for
18 Mr. Gavin. You indicated also again a two and a 9 for meetings
19 and other.

20 A: He managed the Navy's response and submission.

21 Q: And event number 7, technical requirements,
22 security/others?

23 A: He managed the Navy's requirements and submission. I
24 everything from the Navy would have gone through Victor and he
25 would have applied his filter to it, but at OSD you just receive

1 what you get from the services. You don't get to necessarily see
2 the filter, the pre-filtered product.

3 Q: Okay. And for the record all the other events where
4 either an N no or and I do not know.

5 A: Correct. Especially towards the bottom, and what I want
6 to do is make sure I was fair about whether or not I had direct
7 knowledge of the situation.

8 Q: Did Mr. Gavin's participation in these activities mean
9 that his participation in the JEDI Cloud acquisition was
10 substantial?

11 A: I don't know how to determine that.

12 Q: Earlier you, when we talked about substantial you said
13 influencing, I'm paraphrasing it. Influencing the decision-making
14 where we were driving for --

15 A: Victor Gavin could not have derailed Chris Lynch at all
16 ever. The DDS team set the tone. The fact that he might have been
17 reinforcing fire I just -- I don't -- if that's a determination
18 the only people who were substantial in the conversation were,
19 once the decisions was made to go to single source, Chris, and he
20 just drove it. And Sharon carried his religion forward. Sharon
21 executed the vision as Chris outlined it. I guess if we're going
22 to go down that road then no one had a substantial impact except
23 for Chris. Chris, (b) (6) (b) (7)(D) Sharon, and Deap as part of their team,
24 but again there's the leadership team, and then there's the staff
25 that work for Chris. I don't care about the staff. I'm sorry. I

1 don't know them. I don't interact with them, I don't have those
2 relationships, that's just not my role in life. And then all of
3 the senior level meetings Chris would carry forward the message
4 and the answers. That's why I would say he's the one who made the
5 decision. Who influenced him is a different question.

6 Q: Do you believe he was influenced?

7 A: Do I believe that on his staff he had a number of
8 former Amazon employees working for him who had a strong bias an
9 opinion towards Amazon? Yes. Do I believe that that influenced
10 Chris? That's a different problem. I actually don't know that
11 anyone influences Chris, but he's a character. I don't know. Do I
12 know that they had strong viewpoints that were very much like we
13 need Amazon, we need Amazon? Yes. I hear that conversation? Yes.
14 Did it get to the point where Sharon had to tell them to not say
15 things like that? Yes. And then, but is that in market research
16 and not acquisition development, and is it okay market research?
17 Is it not? I don't know. I don't care. I viewed it as a utility.
18 So my argument was always have many. Pick the right one.

19 Q: So, who Mr. Lynch's staff did you hear advocating for
20 Amazon?

21 A: No. Now you're into like it's a group with 10 people in
22 a little conference room, and I don't know. Like I don't know all
23 their names. Again like we're -- the same answers we'll give when
24 you get to Deap if you were to ask, the answer would be did he
25 want a single provider? Yes. Did he prefer Amazon? Yes. Did he

1 drive the outcome? I don't know. I feel like Chris was already
2 there, and I don't feel like Chris had any vested interest in
3 Amazon that was financial. I think he just thought they were the
4 best solution and didn't want to risk multiple providers which
5 would introduce additional risk and deployment schedule slow
6 down. So, I mean you can get to the same outcome without being
7 nefarious.

8 Q: What nonpublic procurement information did Mr. Gavin
9 have access to as far as the source selection?

10 A: I would bet nothing. Maybe the RFI responses, maybe as
11 the Navy reviewed them or provided feedback, maybe. The Navy
12 assigned a woman named (b) (6), (b) (7) (C) to be part of the source
13 selection for the program office. (b) (6), (b) (7)(C) So, the Navy has
14 source selection people involved, but and again during this time
15 period the Navy completed at least three separate cloud
16 contracts. So, he probably had lots of procurement sensitive
17 information about the cloud from lots of procurement actions
18 underway.

19 Q: How did Mr. Gavin influence the JEDI Cloud acquisition?

20 A: I don't know that he did in the word of did he
21 materially influence it? Did he have an opinion? Sure. I don't
22 know if he influenced it. He was in the room. He was part of the
23 conversation. He would be supporting fire, but nobody moved DDS
24 off the starting point. That's kind of where this whole argument
25 hinges on because nobody moved DDS. They started at a position.

1 They ended at a position, and they didn't deviate at all.

2 Q: Do you know if Mr. Gavin had any conflicting interest
3 that should have disqualified him from participating in --

4 A: I don't.

5 Q: -- the JEDI Cloud acquisition?

6 A: I don't know anything.

7 Q: What if anything has Mr. Gavin said or done that would
8 cause you to question his ethics or impartiality concerning
9 Amazon?

10 A: Nothing with me. I mean besides going to work for them.
11 Sorry, but that's an obvious one. But, if I think he went back
12 and talked to his legal team and recusals I'm sure he probably
13 recused himself from internal Navy cloud decisions, but if you
14 were to say materially was he part of the acquisition? I don't
15 think there is any grounds to say if Victor Gavin was a part of
16 the OSD acquisition.

17 Q: Same question, ethics or impartiality concerning the
18 JEDI Cloud acquisition?

19 A: I don't know of anything.

20 (b) (6), (b) (7)(C) any questions on Mr. Gavin?

21 (b) (6), (b) (7)(C): No.

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

23 Q: We're going to move on to Mr. Daigle.

24 A: Okay.

25 Q: What were your interactions with Mr. Robert Daigle that

1 related to the JEDI Cloud acquisition?

2 A: I attempted to persuade Bob to be on my side about
3 multiple cloud versus single, and to go to a multi-cloud award
4 winner and Bob was the voice of reason that I tried to win over
5 to my side. I failed. I spent lots of time trying to get Bob
6 there and Chris spent lots of time getting Bob on his side. Chris
7 won. Someday Bob will tell me why it was. So, fundamentally Bob
8 had a -- so Chris won because Bob believe's the Department can't
9 do complex things and that more service providers would mean more
10 complexity. Fundamentally he agreed with Chris that more service
11 providers meant more complexity. More complexity meant slower
12 deployment, and then slower success meant we weren't achieving
13 the Deputy's mission which again clearly has nothing to do with
14 picking a single provider or any specific single provider. It has
15 to do with the Department's behavior on past major large
16 projects. So, I can tell you we spent hours. He was kind of done
17 with me on the topic. Because I don't give up and he sided with
18 Chris because he understood the Department doesn't do complex
19 things well.

20 Q: What is your understanding of Mr. Daigle's relationship
21 with or interest in SBD Advisors?

22 A: I understand he works there now.

23 Q: And, how do you understand that?

24 A: Their website. And I was at Chris Lynch's new startup
25 and SBD is an advisor to Chris Lynch's new startup.

1 Q: What's Mr. Lynch's new startup?

2 A: Rebellion Defense doing capture computer vision.

3 Q: And is that an entity separate from the Department of
4 Defense?

5 A: Yeah, Chris doesn't work here anymore. He took a bunch
6 of his employees and went there. Which is, that's what you do.

7 Q: Okay. Same question your understanding of Mr. Daigle's
8 relationship or interest in C5?

9 A: I don't know anything.

10 Q: And understanding of Mr. Daigle's relationship with or
11 interest in Amazon?

12 A: I don't think there's any relationship.

13 Q: Did Mr. Daigle need to disqualify himself from
14 participating in the JEDI Cloud acquisition because of any of his
15 relations or interests?

16 A: No. God he was the only sane person in the room.

17 Q: Did you ever hear Mr. Daigle talk about Amazon?

18 A: Outside of meetings where we were explicitly talking
19 about the market forces and capabilities in the market. So, yes.
20 We have lots of meetings. We talked about all the vendors. It's
21 market research. No, I never heard Bob Daigle say anything that
22 said, I need Amazon. It has to be Amazon, it has to be. There was
23 no non-market research type questions. Which I couldn't say for
24 DDS. I can say explicitly for Bob.

25 Q: Moving on to the form that you provided us and looking

1 at Mr. Daigle's column. In the first one, the Cloud Executive
2 Steering Group you indicated a yes and all.

3 A: Yep.

4 Q: Can you explain that one, or expound on it?

5 A: He was pulled in the help wrangle. So the one cloud
6 versus many cloud conversations started going poorly and the
7 Deputy Secretary started pulling Bob in to get to an answer
8 because Ellen wasn't getting to an answer. Ellen was letting
9 Chris and I argue and she was wonderful about it and super nice,
10 but, at some point you have to make a decision and move forward.
11 Bob was told to get to a decision, whatever the decision is and
12 move forward. You know, provide reasonable recommendations to the
13 Deputy Secretary to make a decision, but at some point a grown-up
14 have to sit down and say, okay children. Give me your answers.
15 Here's the decision and we're going to carry this recommendation
16 forward to the Deputy Secretary because he does not have time for
17 this noise. And you just, three meetings with the Deputy
18 Secretary talking about one cloud versus many and he's like why
19 is this happening? Maybe it was two, but it was one meeting is
20 probably one too many.

21 Q: So, just for clarification was Mr. Daigle ever part of
22 the Cloud Executive Steering Group?

23 A: I think he was in the follow on write ups, but I don't
24 remember if it was formal. Yes he was, like yes he was in the
25 room with Ellen and us at night for a number of those

1 discussions. Yes he was. Was it formal? Is a question I would
2 have to go back and read the memos. But functionally, yes.
3 Towards the tail end. So he didn't start involved, and in fact in
4 the beginning he said this isn't worth his time and it just
5 became noise and he needed to save the noise. The Deputy was
6 getting distracted because there were no decisions being made. He
7 wanted answers quick, quick, quick, quick, quick. Quick, quick,
8 quick, quick, quick. The Deputy was not patient. He is not
9 patient, just not his style. And we were not going fast enough.

10 Q: For event number 3, on the J-R-O-C-M.

11 A: The JROC-M?

12 A: Yes. You indicated yes for Mr. Daigle. Can you please
13 expound on that?

14 A: I think, so DDS wrote it. DDS ran the process. I
15 believe they briefed Bob on the process as they went through. It
16 was terrible. The quality work product was awful. We need a
17 cloud, cool. The JROC-M is not a high-quality JROC-M, but the
18 JROC-M process and the JCIDS process does not often deliver
19 phenomenal quality out-brief product.

20 Q: And why you believe that DDS briefed Mr. Daigle?

21 A: Because he would have been the senior civilian
22 involved. Just hey, you've got to have a political involved at
23 some point for this level stuff. I mean they might have briefed
24 Tony on that but the JROC-M doesn't really matter. But I think I
25 remember a discussion with Bob joking about the quality of the

1 JROC-M, but that's, you just brief senior leadership and they
2 were having regular touch points with Bob knowing how intimate he
3 is on everything he's working on just Bob would have been
4 involved in everything. Not to decide everything but certainly to
5 make sure a sanity check and to make sure that he could explain
6 to the Deputy Secretary.

7 Q: For event number 4, the problem statement you indicated
8 a yes for Mr. Daigle. You indicated a yes for Mr. Daigle. Can you
9 expound on that please?

10 A: Bob is involved in everything that happens and would
11 have had a yes/no vote on most things. Now, some of this
12 discussion I think Chris Lynch and team went around and went
13 directly to Deputy Secretary to like cut people out and I know
14 that happened a few times, but yes, I would expect that Bob would
15 have been involved in everything because he was the senior
16 civilian who actually was involved. Ellen took meetings but
17 wasn't driving. Bob was told to finish the outcome which is what
18 he did for Shanahan. This is a problem, go resolve it. This is a
19 problem, go resolve it. This was a problem. He was assigned to it
20 and he took personal action.

21 Q: And for event number 5, the business case analysis you
22 indicated a yes for Mr. Daigle. Can you expound on that?

23 A: The director of CAPE would have been involved in this
24 regardless of it being Bob Daigle or not. Just positionally.

25 Q: Okay. And for the last one event number 20, full and

1 open competition decision. You indicated yes for Mr. Daigle.

2 A: Yes.

3 Q: Expound on that.

4 Q: Bob was all for full and open competition and fiscal
5 stewardship in line with the Deputy Secretary's goals, And
6 honestly, all the rest of those questions you ask there you can
7 put yes because once Bob was involved which wasn't from day one,
8 but what have been when it started to get to material acquisition
9 discussions. He was involved, and then he left probably around
10 the time it got to acquisition, actual stuff like the RFP,
11 etcetera because Jay Gibson had then handed it over to Dana Deasy
12 about that time and so the CIO team took over the RFP release. So
13 all of the RFP decisions and discussions, sorry, let me be clear
14 on this. The only individual with material ability to change the
15 RFP is Dana Deasy, (b) (6), (b) (7)(C), and the core CIO staff who
16 completed the source selection review before the RFP was released
17 under the auspices of the DoD CIO. Every other individual you've
18 mentioned, every other individual you mentioned did not have the
19 material ability to make changes or edits. They'd have had to
20 convince a whole group of people and do a whole bunch of things.
21 The only person who could make changes was Dana Deasy after he
22 had come in and (b) (6), (b) (7)(C) on his behalf who'd done the review
23 for them. So, the only people who really could change it apart
24 from DDS who wrote it all was the DoD CIO team. So everybody else
25 that you just talked about had opinions along the way and might

1 have nuanced or asked different questions. They did not have a
2 material impact on it, because only Dana Deasy had the authority
3 to say I'm not releasing the contract short of the Deputy
4 Secretary, and he released the contract with no material changes
5 even though price realism and a number of other normal
6 acquisition approaches were excluded from the contract, and it is
7 a fundamentally flawed document that materially positions the
8 Department for failure. But, you know, I don't have any axes to
9 grind.

10 Q: Did Mr. Gavin's participation in these activities mean
11 that his participation in the JEDI Cloud acquisition was
12 substantial --

13 A: Gavin or Daigle?

14 Q: Daigle. I'm sorry. You are correct. Mr. Daigle.

15 A: I'm just paying attention.

16 Q: You are. Very good.

17 A: Yes, his participation was substantial as the senior
18 leader who was brief on all the outcome, but we always have to
19 remember that senior leadership is involved in making the
20 sausage. They're given one or two options and have to make the
21 decision based on those one or two options. I mean that happens
22 to me all the time.

23 Q: Was there any reason why Mr. Daigle should not have
24 participated in the JEDI Cloud acquisition activities that we
25 discussed today?

1 A: Not that I'm aware of.

2 Q: Is there anything that Mr. Daigle has said or done that
3 would cause you to question his ethics or impartiality concerning
4 Amazon?

5 A: Never. Never regarding a single topic. He is a standard
6 to live by.

7 (b) (6), (b) (7)(C) , any questions on Mr. Daigle?

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

9 Q: I just want to clarify one. You mentioned earlier about
10 the JROC memo that DDS briefed Mr. Daigle as he presented that
11 information to Mr. Shanahan. Do you know if Mr. Daigle provided
12 any input to DDS?

13 A: No.

14 Q: Okay. Thank you.

15 A: I mean I know Bob. He would have provided some like
16 change like format or something, but I don't know if it was
17 substantive. I want to see it delivered and looking like this is
18 not substantive, it's constructive. So, I don't know. But he
19 generally provides feedback on everything because he cares and
20 takes his job very seriously.

21 (b) (6), (b) (7)(C) Okay. Thank you. That's it.

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

23 Q: All right, sir. We're making good time. We're going to
24 move on to Mr. Ubhi. Do you know who Mr. Deap Ubhi is?

25 A: Yes.

1 Q: Who is he?

2 A: The DDS employee who worked with us on a number of
3 projects, across a couple of things including the cloud
4 conversations. But, this is the part where I'll get. So, the
5 construct in which we're operating is very important to
6 understand. So the DDS team has a door now, two or three doors
7 down from mine, big logo on it, and that team works in that
8 space. And anytime you go to a meeting in that space, two or
9 three guys are going to show up in T-shirts and they're going to
10 sit down in a meeting and participate. A couple of them I know.
11 Some of them have moved on, but Deap was just one of the rotating
12 faces that would come into the meetings and participate. What
13 they did, no one outside of DDS sat in their spaces and
14 collaborated with them, or helped them while they were building a
15 product or while they were working remotely. We would generally
16 just see things from over the fence or often walk down to the
17 Deputy's front office and surprise us. So, I think my challenge
18 with that is while I gave you answers that are my best
19 recollection. They're almost a cast of characters in my mind of
20 which one is participating, which ones not. We talk about the
21 themes of when we're sitting on the couches themes they were
22 hitting, but ascribing to a single individual I'm just, terrible
23 answer, I just didn't care about any of them individually that
24 much because they're the team. The DDS team had a face. The face
25 is Chris. His (b) (6), (b) (7)(C) and his principal follow-up

1 Sharon Woods. Those are the people who had the voice and
2 participated. So, unfortunately I don't want to guess. So I'll
3 answer your questions, but in terms of Deap I didn't have a lot
4 of, we're not friends. I don't have a deep personal interaction.
5 I haven't spent seven years working with him. So I always want to
6 caveat with I think, but he's the one who had the least, maybe
7 the most impact in reality writing work products and doing
8 things, but it was always briefed as Chris's work product. Does
9 that make sense?

10 Q: Yes.

11 A: Just makes it very hard for me to give you a very fair
12 and accurate answer that would be anything other than a best
13 guess with what Deap is saying because he just wasn't a
14 substantive player at the senior level meetings.

15 Q: Understand. Now, given that clarification once again we
16 have questions that we need to ask and if you have no knowledge
17 then that's what we'd like to capture.

18 A: Check.

19 Q: So, what were your interactions with Mr. Ubhi relating
20 to the JEDI Cloud acquisition?

21 A: You know, that's the part where I just don't remember
22 anything specific or one-on-ones. And I would hazard to guess and
23 that there were no one-on-one interactions but there were a
24 number of group meetings with the full working group from the
25 CESG. So the Defense Innovation Board folks, (b) (6), (b) (7)(C)

1 people, (b) (6), (b) (7)(C) people from DIU, the DDS team, a lot of
2 discussions in their office and on the couch space in DDS talking
3 to challenges and opportunities and preferences.

4 Q: Which he, Mr. Ubhi would have been present, is that
5 what you're --

6 A: In a number of those, but ascribing any individual
7 specific answer is very challenging.

8 Q: What is your understanding of Mr. Ubhi's relationship
9 with or interest in Amazon?

10 A: Apart from press articles I had none. Per the press I
11 believe he's working there now as an employee. With a potential
12 financial interest that overlaps, but none of that was apparent
13 at the time or was known to any of us involved. So, his failure
14 to disclose that is in my mind a challenge, but that's a personal
15 ethics failure.

16 Q: Do you have any first-hand knowledge of his ethics
17 failure or failure to disclose about his interactions with
18 Amazon?

19 A: Apart from press articles absolutely none. And there is
20 no inkling at the time because we probably would have -- I'm
21 sorry. Had we known at the time given the high scrutiny this was
22 under even then immediate action would have been taken. I think
23 all of us understood. All of us prior non-new hires clearly
24 understood the implications that we were under, and the ethics
25 challenges that would be highlighted. I don't know that the DDS

1 team had the same ethics briefings that we did, or understood how
2 critically important it was to stay above board.

3 Q: Did you ever hear Mr. Ubhi say anything about Amazon or
4 any of the other competitors for JEDI Cloud contract?

5 A: Again, individual ascribing, individuals would be very
6 challenging. Did we have conversations about Amazon being the
7 preferred vendor the only one that can actually deliver it? Yes.
8 Those sentiments were had and that was a frequent topic of
9 conversation that we have to stay focused in. Don't talk about
10 vendors.

11 Q: Moving onto the form that you provided us specifically
12 Mr. Deap Ubhi's column. Now, for events 1 through 9 the Cloud
13 Executive Steering Group, the Computing Program Office, the
14 JROC-M, problem statement, business case analysis, the functional
15 business requirements, technical requirements, and gating, you
16 indicated a yes for Mr. Ubhi. Can you expound on that?

17 A: The DDS team is the core product who did the
18 development all of the products going to the JROC-M, the business
19 case analysis, the every artifact that was developed came out of
20 DDS. Deap was part of that team and was deeply involved in the
21 conversations along with many of the members of the DDS squad. So
22 the answer is yes, not at the big meetings, but people have to do
23 work to prepare all these documents and that work gets done by
24 smart people behind the scenes and he was part of that team.

25 Q: And the last yes would be for column 12, the Cloud

1 Focus Sessions. Can you expound on that please?

2 A: I believe those were the, in this articulation would be
3 the meetings with the vendors, or with the services about their
4 needs, and then the team was there to participate in those
5 meetings and whether he made all five or six of them, that we
6 had, or how many we had, and some.

7 Q: And all the others were either not sure or I don't
8 know.

9 A: Correct, but I think that the reason I put yes is for
10 the group discussions where DDS. Like you never went into that
11 room, everybody who worked for DDS at that point participated in
12 the JEDI project. It wasn't if we're going to talk about JEDI go
13 off into a closed room. It was everybody who was in the room.
14 It's a big open workplace. It's not even that big. It's a small,
15 open workspace where any conversation is an open conversation.

16 Q: Did Mr. Ubhi's activities mean that his participation
17 in the JEDI Cloud acquisition was substantial?

18 A: I don't know.

19 Q: Do you know if Mr. Ubhi influenced the JEDI Cloud
20 acquisition?

21 A: I don't know. I mean again building a work product is
22 influential more so than almost anything else. Especially if
23 you're building a work product that's not really getting external
24 vetting which is what happened here. So, I would say I don't
25 know, but I would lean towards if we had to put an answer on it

1 yes, most likely. DDS team built a work product the issue was
2 ascribing to an individual rather than the team.

3 (b) (6), (b) (7)(C) [REDACTED], any questions on Mr. Ubhi?

4 (b) (6), (b) (7)(C): No follow-up questions on him.

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

6 Q: And we're going to hit our last section here. We're
7 going to move on to competitive advantage favoritism. Were you
8 ever in a meeting in which anyone either changed the subject or
9 excused him or herself because he, she, or someone close to them
10 had conflicting financial interest that might be impacted by the
11 JEDI Cloud acquisition?

12 A: No.

13 Q: Did anyone attempt to write JEDI Cloud requirements,
14 and by this I mean the JROC-M, gating requirements, technical
15 requirements, the SOO, or any other requirement in a way that
16 favored Amazon over its competitors?

17 A: That's a very hard question to answer.

18 Q: Let's take a piece by piece then. Did anyone attempt to
19 write JEDI Cloud requirements --

20 A: Sorry. The issue here is you're asking me to describe
21 motive to an action. And I don't think I can describe motive to
22 an action. So, if you would ask the question, let me take a shot.
23 Mr. Bergin, do you feel that the selection and gating criteria
24 favored a single provider versus the available market? With the
25 market research available, was the gating requirement criteria

1 done in a way that it would exclude the vast majority of
2 potential competitors? Yes. That's what gating criteria is for.
3 Yes. Mr. Bergin, do you believe that it was done in the way that
4 would make it most likely one provider would win? Yes. I do but
5 it would be for a single -- Amazon would be the preferred winner.
6 They were the preponderant likelihood, and it's about when people
7 were going to get there IL 6 accreditation, the fact that price
8 realism wasn't allowed. Beyond gating criteria there were other
9 aspects that made this very challenging to move forward. What
10 you're going to end up here with is a low-priced technically
11 acceptable outcome. Now, Microsoft understands how to bid
12 government contracts, and I think that they're fully capable of
13 delivering outcomes, but again I wasn't part of that. After
14 reading it do I feel as if? Yeah. They absolutely did it to
15 exclude people from market. So gating criteria 4, fine. Did they
16 do it in a way that is preferential to one vendor? Yes. Is there
17 a reasonable fig leaf to hide behind? Probably but it's because
18 of the approach that they took to acquiring the outcome which is
19 services, which is something special. Your unique value is the
20 thing, not utility which is my approach to it. I don't know that
21 they're wrong which is why I won't ascribe motive, however the
22 outcome could be misinterpreted. Is that a fair answer? I want to
23 be very careful with that one because motive is somebody took a
24 bad action and I don't know why they did it. I think they did it
25 for reasonable reasons because of what they thought they were

1 trying to buy. I just fundamentally think they were trying to buy
2 it in the wrong style.

3 Q: Yes, that's a fair answer, but let me take motive out
4 of it.

5 A: Okay.

6 Q: Because what I'm more so asking is do you have any
7 direct knowledge of anyone --

8 A: No, I have no direct knowledge for any RFP formulation
9 period. End stop. So, I've read it and having taken other
10 experience together, yeah, I think it was targeted, but that's
11 reasonable if you're buying services and you want a specific
12 outcome, and it's not if you're buying a utility.

13 Q: So, for the JROC-M did you have any participation in
14 writing those requirements?

15 A: No. I saw them after they were done.

16 Q: Same question for the gating requirements, did you have
17 any participation in that?

18 A: Part of the conversation. No specific -- yes I
19 participate in the conversation, no I didn't write them.

20 Q: So, during that conversation for the gating
21 requirements, did anyone attempt to favor Amazon over its
22 competitors.

23 A: I saw a finished product. I didn't see the negotiation
24 on what it was going to be.

25 Q: Did you participate in the technical requirements?

1 A: Some of the discussion around what they would be but
2 not the final ones. And again, in that case we saw a work product
3 from DDS. It literally is a little white walled room that all
4 this came out of.

5 Q: So, once again just to encapsulate it. Do you have any
6 first-hand knowledge of anyone attempting to write cloud
7 requirements that favored Amazon over its competitors?

8 A: No. Absolutely not. I do not have first-hand knowledge
9 of that.

10 Q: And, my last question here. Did anyone attempt to
11 include or exclude anything in the RFP that would serve to
12 advantage Amazon or disadvantage its competitors?

13 A: You're back to the problem with the gating criteria and
14 technical criteria explicitly. They really do pre-position Amazon
15 to be the only provider that has proven track record, yada, yada,
16 but I don't know any person that did that. I know the outcome but
17 I wasn't part of that conversation. So I don't know who made
18 those decisions or how they got there. It could be perfectly
19 fine, it could be nefarious. I don't know. But, yes that outcome
20 did happen. I don't know who did it.

21 Q: And just for clarification, what role, what
22 participation did you have in the request for proposal?

23 A: None. I was in a room, lots of meetings, but at that
24 point I was a consumer of the final service as a member of OSD
25 senior staff, yada, yada. I watched the train wreck from -- I'd

1 get called in for questions occasionally like, "Hey, feedback.
2 Blah, blah, blah." But that as a functional consumer because I
3 had a large portfolio of cloud ready systems. Does that make
4 sense?

5 (b) (6), (b) (7)(C): Yes. (b) (6), (b) (7)(C) any questions on the competitive
6 advantage?

7 (b) (6), (b) (7)(C) No, I don't.

8 Any follow-up questions at all?

9 No.

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

11 Q: Okay, sir. We're going to start to read out. A formal
12 conclusion to this interview today. Why you believe this matter
13 has surfaced to the DoD IG?

14 A: Because there's a strong a strong public perception of
15 favoritism. Because they were explicit taskers from the White
16 House over to the DoD asking about the situation requiring
17 responses about one cloud versus many. Because Larry Ellison
18 personally called the President and then Safra Catz had dinner
19 with him and all these things have happened. This is a political
20 topic now. This is not about the acquisition.

21 Q: And Larry Ellis is who?

22 A: Larry Ellison, founder and CEO of Oracle. Safra Catz,
23 co-CEO of Oracle. Larry is kind of the emeritus, more money than
24 God kind of guy.

25 Q: Is there any additional information that you would like

1 to provide today?

2 A: My answer is always no. My only question is it seems
3 like the selected list of people who you're interested in are not
4 the drivers of JEDI and that's where it got interesting to me.
5 Like the conversation I hope I have been clear, that Chris drove
6 the conversation, that Sharon Woods was his principal executor,
7 and that any issue that happened along the way was driven very
8 closely out of that relationship and they were the decision
9 authority for most of the outcomes and work product. It just
10 seems like it's an odd -- it's an odd gap. Oh, sorry. When you
11 ask question about WHS, of course they also, the acquisition, the
12 KO is from WHS for this effort, but that part -- she's a very --
13 she was a good add. She should have been part of the process
14 sooner, and she changed some behavior.

15 Q: And who is that?

16 A: I forget her name. (b) (6), (b) (7)(C) Very
17 confident, very directive of stop having these conversations.
18 Like, "Be careful with what you're doing. Be conscious of
19 perception." She very much brought some adult supervision that
20 was lacking from Sharon Woods and the other folks doing it. So, I
21 can only speak positively about her direct involvement, and I can
22 promise you that any time she was in the room it was a clean and
23 kosher conversation. It's just a lot of the technical discussions
24 happened without the KO in the room as you're prepping these
25 things. So, anyway, it's a weird subset of people with like an ax

1 to grind. But Sally had nothing to do with any of this stuff, and
2 Tony was in the room as the Chief of Staff because that's what
3 Chief of Staff's do, and Bob was cleaning up what the Deputy
4 Secretary told him to do. It's just an interesting subset of
5 people that are being singled out, arguably for very bad press
6 that's not fair to them. So, that's my only comment is why these
7 people, but why not who responded to the White House. Who wrote
8 the one page response that went over to the White House to
9 answer? Mattis did sign off on that I would assume if it went to
10 the White House, but the (inaudible) he requested about this
11 thing. That's a more reasonable interesting conversation, but
12 it's not directly RFP related. Does that make sense?

13 Q: Yes.

14 A: Anyway, that's it.

15 Q: Okay. Who else should we talk to and why?

16 A: No, I don't know. I mean I'm assuming you talk to
17 everybody who's on the Cloud Executive Steering Group. So (b) (6), (b) (7)(C)
18 myself, (b) (6), (b) (7)(C), the normal crew, but there are five main
19 people on it. There's a follow-up memo was another three main
20 people on it. I assume you've talk to those people, beyond that I
21 don't know, and I would, all the DDS staff but I don't think
22 you'll get much out of that conversation. Not necessarily that
23 there's anything to get there.

24 Q: Once again, do you have any questions of us?

25 A: No.

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

2 A: No. I hope my questions were full, or my answers were
3 full and open and you guys are happy with them. But if you have
anything you need, I serve at the pleasure.

4 Q: Okay. If you remember anything else that you believe to
be relevant to our review please contact me.

A: Of course.

5 (b) (6), (b) (7)(C): Finally, in order to protect the integrity of
this review we ask that you not discuss the matters under review
6 or the questions we've asked you during this during this
interview with anyone other than an attorney should you choose to
7 consult one.

MR. BERGIN: Okay,

8 (b) (6), (b) (7)(C): This does not apply to nor restrict your
right to contact an IG or a Member of Congress. Do you understand
9 that?

MR. BERGIN: Yes.

10 (b) (6), (b) (7)(C): If anyone asks you about this your testimony
11 for this review please inform them that the DoD OIG has asked you
12 not to discuss the matter. If anyone persists on asking you about
13 your testimony, or our review, or if you feel threatened in any
14 manner because you provided testimony today please contact me,
15 and the time is now 10:43 and this interview is concluded.

16 [The interview terminated at 10:43 a.m., July 24, 2019.]

17 [END OF PAGE]

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

19 2

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

21 BERGIN - July 24, 2019

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

23 1

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

25 BERGIN - July 24, 2019

Statement of Teresa Carlson

The events described below are to the best of my recollection and responsive to your October 22, 2019 request for information regarding the two dinners that I attended with Secretary James Mattis in March 2017 and January 2018:

March 31, 2017 Dinner

On March 31, 2017, I participated in a dinner in the United Kingdom in honor of Secretary of Defense James Mattis. The dinner was held at a private club at 5 Hertford Street in London. The other individuals in attendance at the dinner were: Secretary Mattis; Lt. General (Rtd) Graeme Lamb (UK); General (Rtd) Sir David Richards (UK); Major General James Chiswell (UK); Tobias Ellwood, the British Minister for the Middle East, North Africa and Central Asia; Cheryl Plumridge, General Manager, Government Services Division of International SOS Government Services, Inc.; Andre Pienaar, the founder of C5, a specialist technology investment group; Sally Donnelly, Senior Advisor to Secretary Mattis; and Rear Admiral Craig S. Faller, Secretary Mattis's attaché. Over the course of approximately two hours, there was a reception and then dinner.

I sat during the dinner between Minister Ellwood and General Richards and talked primarily with them. While there were discussions about a number of topics, one area of focus was whether the United Kingdom and the United States were doing enough work together on veterans' care issues. I did not discuss any Department of Defense ("DoD") procurements with any of the attendees.

My understanding is that I was invited to this dinner because of my involvement in veteran wellness initiatives, which I learned was a topic of interest to a number of the attendees.

Beyond this dinner I had no involvement or knowledge of Secretary Mattis's trip to the United Kingdom from March 29, 2017 through April 1, 2017.

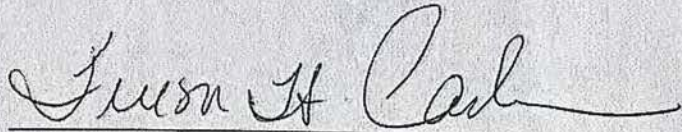
January 17, 2018 Dinner

On January 17, 2018, I participated in a dinner with Jeff Bezos, Secretary Mattis, and Ms. Donnelly. The dinner was held at DBGB restaurant in Washington, D.C. No other individuals attended. The event lasted approximately two hours.

During this dinner, Secretary Mattis and Mr. Bezos discussed leadership, decision making, and innovation. Ms. Donnelly and I largely observed the conversation and were not active participants. There was no discussion of any DoD procurements.

The dinner conversation between Secretary Mattis and Mr. Bezos was a continuation of a dialogue that Secretary Mattis and Mr. Bezos began in August 2017 when Secretary Mattis visited Amazon, among other technology hubs on the West Coast, and met Mr. Bezos. The dinner at DBGB was initiated by the Secretary's office, which had contacted me to help with scheduling. My staff and I coordinated with Secretary Mattis's office, including Ms. Donnelly, on selecting the date and location of the dinner.

December 4, 2019

A handwritten signature in dark ink, appearing to read "Teresa H. Carlson", written over a horizontal line.

Teresa Carlson
Vice President, Worldwide Public Sector
Amazon Web Services, Inc.

Supplemental Statement of Teresa Carlson

The information provided below supplements my December 4, 2019 written statement to the Department of Defense (“DoD”) Office of Inspector General regarding the two dinners I attended with Secretary James Mattis in March 2017 and January 2018. The information is responsive to 12 follow-up questions posed on December 6, 2019, and is to the best of my recollection:

March 31, 2017 Dinner

- 1. Who invited you to this dinner? How did you receive the invitation (written or verbally)?**

I do not recall who invited me to this dinner. However, I recall receiving details about the dinner via email from (b) (6), (b) (7)(C), Mr. Pienaar’s (b) (6), (b) (7)(C).

- 2. What role did Mr. Pienaar play in the dinner?**

I am not aware of what role Mr. Pienaar played in setting up the dinner, but his staff helped coordinate logistics for the dinner and, as previously indicated, he attended the dinner.

- 3. You mentioned that discussions during the dinner were “about a number of topics” including veteran wellness initiatives. What were the other topics that were discussed?**

The other discussion comprised of small talk, including participants sharing their past experiences serving in the military. I do not recall the details of those discussions.

- 4. Was there an agenda for the dinner? If so, do you have a copy of this agenda you can share with us? If not, please explain what were the specific topics outlined on the agenda?**

I do not recall there being an agenda for the dinner.

- 5. What was said during the dinner about DoD and/or cloud computing?**

I do not remember whether DoD was referenced during the dinner.

I remember only one reference to cloud computing that occurred when I was first introduced to Secretary Mattis as “Teresa Carlson of AWS.” Secretary Mattis asked what AWS was and I explained that it meant Amazon Web Services, where I was a part of the cloud computing team. I recall Secretary Mattis said something in response about not having much familiarity with cloud computing and that he could not envision DoD moving to the cloud because of potential security issues. I do not remember responding to that comment.

January 17, 2018 Dinner

6. Who invited you to this meeting/dinner? How did you receive the invitation (written or verbally)?

Following the August 2017 meeting between Secretary Mattis and Mr. Bezos in Seattle, someone from the Secretary’s office contacted me about scheduling a dinner between Secretary Mattis and Mr. Bezos so that they could continue their discussion. I do not recall who contacted me, when contact was made, or whether it was done in writing or verbally. I do not recall receiving a formal invitation to the dinner.

7. Who from Secretary Mattis’ office did you coordinate with to arrange the meeting/dinner? When did this coordination happen?

My office and I coordinated with Ms. Donnelly as well as Secretary Mattis’ (b) (6), (b) (7)(C) including (b) (6), (b) (7)(C). This coordination started in September 2017 and lasted through January 2018, when the dinner occurred. We worked to identify a date when both Mr. Bezos and Secretary Mattis were in Washington, D.C., and available. We later worked to select a restaurant.

- 8. You wrote that you and your staff coordinated with Secretary Mattis' office and Ms. Donnelly on selecting the date and location for the dinner. What other coordination(s) did you or your staff have with Ms. Sally Donnelly? What about with Mr. Anthony DeMartino?**

I do not recall other coordination with Ms. Donnelly beyond selecting the date, location for the dinner, and attendee list. I do not recall coordination with Anthony DeMartino with regard to this dinner.

- 9. You indicated Secretary Mattis and Mr. Bezos discussed leadership, decision-making and innovation during the dinner. What other topics did they discuss? What was said or discussed during the dinner about DoD and/or cloud computing? Was there an agenda for the meeting/dinner? If so, do you have a copy of this agenda you can share with us? If not, please explain what were the specific topics outlined on the agenda?**

As stated previously, the topics discussed included decision-making, leadership, and innovation. I also recall discussion about the current global landscape, with focus on China and India. Mr. Bezos also talked about the concept of failure and how to "fail fast," and he gave the example of Amazon's Fire phone.

DoD was discussed in the context of the topics referenced above. For example, in the context of innovation, there was a high-level discussion about how future trends in technology can contribute to the warfighter mission. I recall that there was brief mention of artificial intelligence, machine learning, and the cloud as examples of where DoD could improve training and aid in decision making for troops on the ground.

I do not recall whether there was an agenda for this dinner.

- 10. What did you discuss with Ms. Donnelly during this dinner?**

Ms. Donnelly and I engaged in small talk, the details of which I do not remember. Ms. Donnelly and I spoke little during this dinner as the purpose was to allow Secretary Mattis and Mr. Bezos to continue their discussion from their August 2017 meeting in Seattle.

AFCEA Meeting between Secretary Mattis and Mr. Bezos on April 27, 2017

- 11. Did Secretary Mattis and Mr. Jeff Bezos meet during the AFCEA event in DC? If so, what was the purpose of their meeting? What did they discuss? What was said about DoD and/or cloud computing?**

I am aware that Mr. Bezos spoke at the AFCEA event in DC in April 2017 but I do not know whether Secretary Mattis and Mr. Bezos met during this event.

- 12. Who coordinated or arranged this meeting? When did these coordination's start?**

As indicated above, I do not know whether Secretary Mattis and Mr. Bezos met during the AFCEA event. I also do not know who coordinated or arranged any such meeting, or when any coordination started.

December 30, 2019

/s/

Teresa Carlson
Vice President, Worldwide Public Sector
Amazon Web Services, Inc.

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Ms. Stacy A. Cummings
January 31, 2020
ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is January 31, 2020. The time is now 0930. I'm (b) (6), (b) (7)(C) with the DoD Office of the Inspector General. With me are investigators (b) (6), (b) (7)(C) and Auditors from the DoD OIG Audit Division, (b) (6), (b) (7)(C). Also present with me is Special Agent (b) (6), (b) (7)(C) from Defense Criminal Investigative Division. We are interviewing the subject, Ms. Stacy A. Cummings, and we are located at the Mark Center in Alexandria, Virginia. The DoD OIG is conducting an investigation of the Joint Enterprise Defense Infrastructure Cloud Procurement. This investigation involves several DoD officials including yourself that are alleged to have violated conflicts of interest laws and other ethical standards while involved in the JEDI Cloud acquisition. We are investigating the following allegation against you, Ms. Cummings. That while a DoD employee, you had a financial interest in Microsoft that you failed to timely disclose to DoD officials. That this financial interest conflicted with the duties in which you were engaged. That you improperly participated personally, and substantially in a particular matter having a direct and predictable effect on your actual or imputed financial interest with Microsoft. Before we turned on the records we explained to you that this is a voluntary interview. We also explained the warnings and insurances to government employees requested to provide information on a volunteer basis, also known as the Garrity

1 Warning. Do you now voluntarily consent to be interviewed today
2 by the DoD IG?

3 MS. CUMMINGS: Yes.

4 (b) (6), (b) (7)(C): Please acknowledge that this interview is
5 being recorded.

6 MS. CUMMINGS: I so acknowledge.

7 (b) (6), (b) (7)(C): Please acknowledge that we provided you a
8 copy of the DoD OIG Privacy Act Notice.

9 MS. CUMMINGS: I acknowledge.

10 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
11 your right hand?

12 Whereupon:

13 STACY A. CUMMINGS

14 was called as a witness, placed under oath, and provided the
15 following testimony:

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

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

18 Q: Please state your name and spell out your last name?

19 A: Stacy Ann Cummings, C-U-M-M-I-N-G-S.

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

21 A: The Principal Deputy Assistant Secretary of Defense for
22 Acquisition Enablers.

23 Q: That's a long title.

24 A: Yes.

25 Q: And give us a brief description of your current duties

1 and responsibilities?

2 A: I am responsible for acquisition policy, and
3 acquisition data, and in general my task is to help programs be
4 successful, and I do that on behalf of Mr. Fehey who is the
5 Assistant Secretary, and Ms. Lord who is the Under Secretary.

6 Q: And when did you start that position?

7 A: March of 2019.

8 Q: March. And please tell us about your duties and
9 responsibilities within your organization before you began your
10 efforts on the JEDI Cloud Acquisition.

11 A: So, I guess I would question the question. So, my roles
12 and responsibilities have not changed from March of '19 until
13 today. In general, like I said, I am responsible for policy,
14 process, helping programs get through processes, and making sure
15 that anything that they need in order to get to decision makers
16 is available to them. So, I don't see that there's any sort of
17 difference from March until today.

18 Q: What did you do before then?

19 A: Oh before I came in this job?

20 Q: Yes.

21 A: I was the Program Executive Officer for Defense
22 healthcare management systems.

23 Q: And what were those responsibilities?

24 A: I oversaw three program offices. One program office
25 that was deploying the electronic health record. One that was

1 deploying the operational medicine electronic health record, and
2 one that was a joint office between the DoD and the VA to support
3 the exchange of health data.

4 Q: And did you work on any other acquisitions during that
5 tenure?

6 A: No.

7 Q: Tell me about your initial ethics training that you
8 received in your current organization.

9 A: In my current organization I took online training as
10 was directed, along with my OGE, is it 450?

11 Q: 278?

12 A: 270, 450 is the --

13 Q: 278.

14 A: Okay. 278, okay. 278 disclosures of my financial
15 holdings. I've been a financial disclosure for a very, very long
16 time.

17 Q: How long?

18 A: For 278 since 2011. Prior to that it would have been
19 450 for as long as I can recall.

20 Q: And when you completed your 278, who provided you or
21 who did you receive it from?

22 A: I received it from OGE.

23 Q: And I'm going to hand you a copy of your 278.

24 A: Okay.

25 Q: So we can go over it briefly, just to make sure this is

1 what you recall filling out.

2 A: Uh, huh [affirmative response]. It is.

3 Q: Thank you. What about ethics training you received
4 regarding conflicts of interest?

5 A: I have received training regarding conflicts of
6 interest.

7 Q: You have or have not?

8 A: I have.

9 Q: Was that training that coincided with you filling out
10 your 278?

11 A: Correct.

12 Q: And who provided that to you?

13 A: I don't recall.

14 Q: Do you remember signing anything concerning your
15 training, receiving a certificate?

16 A: No. I don't recall that.

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

18 Q: Do you remember the person who provided the ethics
19 training at that time? Was it somebody within AT, or A&S, or was
20 it somebody from DoD OGC, Standards of Conduct Office? Do you
21 remember anything like that?

22 A: No. When I was at the Defense Health Agency, (b) (6), (b) (7)(C)
23 (b) (6), (b) (7)(C) provided ethics training on an annual basis. That was
24 usually conducted by a phone meeting. But no, I don't recall an
25 actual training for me given by A&S.

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

2 Q: Anything online? Like any of the online training that
3 we all take?

4 A: Yes.

5 Q: Did that cover conflicts of interest and other ethics
6 related --

7 A: I believe it did.

8 Q: -- issues?

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

10 Q: So on your 278 it indicates that (b) (6), (b) (7)(C) --

11 A: Uh, huh [affirmative response].

12 Q: -- from the Standards of Conduct Office is the agency
13 ethics official who reviewed your 278.

14 A: Correct.

15 Q: Did she provide you any ethics slides? We have a slide
16 deck here that was provided from their office regarding what they
17 cover and what they talk about.

18 A: Uh, huh [affirmative response].

19 Q: So, do you recall receiving this particular slide deck?

20 A: If I did, it would have been online.

21 Q: Either e-mail or it would have been online training
22 through their portal?

23 A: Correct.

24 Q: Through the OGE portal?

25 A: Correct.

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

2 Q: But do you recall reviewing a slide deck like that
3 slide deck or a slide deck similar to that?

4 A: I do.

5 Q: You do? And when was that?

6 A: I believe it would have been in the spring.

7 Q: Of 2019?

8 A: Of 2019.

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

10 Q: So, in the slide deck I have a couple of highlights on
11 Page 20, 21, and 47. If you could take a look at that, I just
12 wanted to know if you recall reviewing the matters concerning
13 conflicts of interest.

14 A: I do.

15 Q: And you don't recall who provided you your ethics
16 briefing when you arrived?

17 A: I don't.

18 Q: Also attached was a summary of key ethic statutes,
19 regulations, and ethical principles along with a statement from
20 the former Secretary of Defense and former Deputy Secretary of
21 Defense Patrick Shanahan. Do you recall reviewing this document?

22 A: I do recall having seen this document and reading it,
23 yes.

24 Q: So during our review of your 278e which I provided to
25 you, specifically in Section 6, on Line 7, other assets and

1 income, you listed Microsoft Corporation value of \$15,001.00 to
2 \$50,000.00, and income from this asset to be \$5,001.00 to
3 \$15,000.00. What can you tell us about that?

4 A: I disclosed that I owned, that my spouse and I owned
5 Microsoft stock we had for well over a decade. I've reported it
6 for well over a decade.

7 Q: And you stated over a decade you've owned this stock.
8 Can you give me a specific date or general date of?

9 A: I am certain that it has been approximately or longer
10 than 10 years. What I don't -- I don't recall that we bought it
11 together. I believe he may have inherited it, or already had said
12 stock when we got married. I believe that's the case, and I can
13 tell you that the, I believe if my recollection is correct, that
14 the income amount generally includes both capital gains and
15 interest so if there had been sales that would have been included
16 in that. So, I believe that our holdings were higher and that
17 they have gotten smaller over time, but I don't recall the exact
18 date.

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

20 Q: Well there's other section on the 278 for transactions.

21 A: Uh, huh [affirmative response].

22 Q: And we notices that there was -- that particular filing
23 did not list any transactions in Microsoft stock.

24 A: Okay.

25 Q: That says nothing about any other filings previously.

1 A: Right.

2 Q: So we were interested in when those shares were
3 acquired, was it a one-time buy, or was it multiple purchases
4 over time, when you had transactions of those Microsoft shares
5 and whatnot, and things like whose name was on the share
6 certificate, who made the purchases? Was it you or your husband?

7 A: Uh, huh [affirmative response].

8 Q: Please tell us, help us explain all of that.

9 A: I can certainly do my research and find the answer to
10 that question. I believe it was 2012 when the law changed, and
11 I'm sure I have the year wrong. It's in that timeframe that we
12 needed to do monthly filings. As an executive I do monthly
13 filings, so all of that would be filed every time there was a
14 purchase or sale of anything over \$1,000.00. I've been doing
15 those filings since the law was enacted. I was at the Department
16 of Transportation at that time, and I moved to the Department of
17 Defense later. But I can certainly do research. In general, I can
18 tell you our financial goals are to reduce our stock holdings and
19 move more into bonds based on our age. And so we've been -- so
20 we've been looking at over time reducing our exposure to stocks,
21 and so if you checked my monthly filings, we have sold Microsoft
22 out this year in conjunction with selling all 10 or however many
23 holdings that we have in small amounts.

24 Q: I put a lot of things in the one sentence. I think
25 Grace wanted to ask you some individual questions.

1 A: Sure.

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

3 Q: I know you talked about the 10 year, going back to
4 about 10 years from the date that you owned shares of Microsoft
5 and I'll send you an email and ask you specific questions
6 regarding --

7 A: Sure.

8 Q: -- if there was one purchaser multiple purchases, and
9 if the shares are in your name, your spouse's name, so on, and so
10 forth.

11 A: Sure.

12 Q: So I will follow up with that. And do you recall having
13 a discussion with the DAO who signed your OGE 278?

14 A: No. There was no discussion.

15 AGENT (b) (6), (b) (7)(C) Can I just add one thing real quick?

16 (b) (6), (b) (7)(C) Sure.

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

18 Q: Real quick Ms. Cummings. I just want to clarify one
19 piece. So you said you so sold Microsoft along with some other
20 stocks this year. Do you remember when?

21 A: Maybe August. I'm sorry, I certain certainly shouldn't
22 speculate. I have --

23 Q: No, you can, I mean yeah,

24 A: I have all of it documented. I can easily give you the
25 actual answer.

1 Q: So roughly in the late summer of '19?

2 A: Yes, and I believe before the end of December, again
3 tax year was about to end, so that would make logical sense to me
4 that we would have done that.

5 Q: And you sold Microsoft. And what other stocks do you
6 think you may have sold?

7 A: I believe 3M, Coca-Cola, Johnson & Johnson.

8 Q: Completely sold?

9 A: No. Sold probably \$5000.00 of each to reduce our
10 exposure. Probably Wells Fargo as well, and perhaps Starbucks I
11 think.

12 Q: You said Wells Fargo and Starbucks?

13 A: Uh, huh [affirmative response].

14 Q: And that's over that late summer 2019 and December --

15 A: Uh, huh [affirmative response]. And then near the end
16 of the year.

17 Q: 2019?

18 A: '19.

19 Q: And Starbucks. And that was to reduce your stock you
20 guys had so you could move more into --

21 A: Bonds.

22 Q: -- bonds and things because you are trying to get more
23 towards retirement time?

24 A: As we get older.

25 Q: Did anyone outside of your husband and yourself have

1 any conversations - tell you that you need to sell Microsoft?

2 A: No. I had a conversation with (b) (6), (b) (7)(C) who works at OGC,
3 and I asked her if I should sell when she brought up the fact
4 that I needed to recuse myself. I said, I offered to sell it all
5 instead of, or in addition to recusing myself. I offered to do
6 either one of those, and she said I should recuse myself, and she
7 said that there was an option of getting a certificate of
8 divestiture. I've never done that before in the government, and
9 so she gave me the advice that I should hold off on that. And so
10 I didn't wholesale sell which clearly I could have done on the
11 App, but I chose not to do that because that was her advice to
12 me.

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

14 Q: And that is (b) (6), (b) (7)(C) over in the SOCO Office?

15 A: Yes.

16 Q: And can you tell me the approximate time frame that
17 that conversation took place?

18 A: Uh, huh [affirmative response].

19 Q: You mentioned when you disqualified yourself we have a
20 date but we want to know from you.

21 A: Yes.

22 Q: When did you have this conversation with her?

23 A: The same day. It was either the last day of September,
24 or the first day of October. I know it was a Friday because I
25 recall where I was. I was in Pittsburgh traveling for work at the

1 University of Pittsburgh.

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

3 Q: Do you mean the same day that you signed the
4 disqualification letter?

5 A: Correct.

6 Q: It was September 27.

7 A: Okay. So, I apologize it wasn't the last day of
8 September. It was the last Friday.

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

10 Q: And that was - you said that was the same day that you
11 signed the letter?

12 A: Correct.

13 Q: That you had a conversation with her?

14 A: Correct.

15 Q: Got you.

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

17 Q: So who's responsible for ensuring that the information
18 on the OGE 278E is accurate?

19 A: I am.

20 Q: You are. Were there any assets that you needed to
21 divest your financial interest in because of your duties and the
22 acquisition field?

23 A: With the Department of Defense, no.

24 Q: Why do you say no, not within DoD?

25 A: I have divested previously at the Department of

1 Transportation when I was a regulator. I was temporarily asked to
2 fill the position of the administrator for the Pipeline and
3 Hazardous Materials Safety Administration, and an ethics lawyer
4 and myself went over all of my holdings and it was recommended
5 that I divest stock we had in oil and pipelines, which makes
6 sense. And so as requested by them I did so.

7 Q: And we understand that you work for Ms. Ellen Lord who
8 is the Undersecretary of Defense, Acquisition and Sustainment.

9 A: Uh, huh [affirmative response].

10 Q: Would you please tell us about that?

11 A: I work for Mr. Kevin Fahey who is the Assistant
12 Secretary. He works for Ms. Lord who is the Under Secretary. I
13 generally, most of my interactions are with or through Mr. Fahey,
14 with the exception of meetings. I have monthly meetings that Ms.
15 Lord and Mr. Fahey both participate in regarding the acquisition
16 policies that I'm responsible for. I attend strategic off-sites.
17 I generally don't attend staff meetings or senior leadership
18 meetings. Mr. Fahey attends those.

19 Q: Please tell us how you became involved in the JEDI
20 Cloud Acquisition.

21 A: So, I guess again going back to mind questioning of the
22 question. I don't believe I was involved in the JEDI Acquisition.

23 Q: Or the program, how did you become involved? How did
24 someone, or how did you reach out to someone who's involved in
25 the action actual procurement with JEDI?

1 A: Uh, huh [affirmative response].

2 Q: How did you become involved just in general with this
3 matter?

4 A: So Peter Ranks and I had an update meeting so that I
5 could let Mr. Fahey know when he could expect decisions to be
6 coming up either to Ms. Lord or Dana Deasy. I think at the time,
7 it had already been announced that Secretary Esper in the news
8 said he was going to be the decision-maker on the JEDI contract.
9 So I knew that from reading the news. He told me that he could
10 use some help vetting different COAs.

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

12 Q: Courses of action?

13 A: Thank you. Courses of action.

14 Q: Mr. Ranks told you that?

15 A: Yes. And so he asked me if I would look at his courses
16 of action and provide any sort of, from an acquisition policy
17 perspective, what advice would I have for them in them briefing
18 decision-makers on different courses of action. I advised that we
19 should bring in a contracts expert, because I am not a contract
20 expert, and I advised that I thought that they needed a good
21 communication strategy, and I believe I asked that (b) (6), (b) (7)(C)
22 be involved because I knew that she would have more information
23 than me. I also - well I'll wait until you ask another question,
24 sorry.

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

1 Q: No, go ahead. Continue.

2 A: I don't believe that in any documentation which I
3 didn't take away. It was all put up on the screen. Nothing was
4 marked source selection sensitive. I did not believe that I was
5 at all involved in any source selection aspects. I also didn't
6 believe that anybody was purposefully sharing any information
7 that may have been source selection sensitive. It was all
8 anonymized and similar to how I might help other programs get
9 through the process. I believed that I was there to help get them
10 through the process, help them get to the decision-makers. In no
11 way do I feel like I am a decision maker. On any acquisition
12 program. It's just not my role.

13 Q: And when you say, "get them through the process."

14 A: Uh, huh [affirmative response].

15 Q: Please elaborate on what you mean by that.

16 A: In general, once a program has an ADM, an Acquisition
17 Decision Memorandum, they can go through the rest of the process.
18 They don't need to come back and ask for permission. In this case
19 it was publicly said that Esper was going to do some sort of
20 decision that would be sort of outside of the process, and so I
21 knew from Mr. Ranks that they were looking to provide a series of
22 options so that Secretary Esper could make an informed decision.

23 Q: Do you recall what time frame you Mr. Ranks had this
24 conversation?

25 A: I believe September, but I can't be certain. But I

1 believe it was September.

2 Q: So I have an e-mail here from Ms. Sharon Woods, who is
3 the Program Management, or the Program Manager for the JEDI
4 Cloud, dated September 11, and she's sending you an e-mail to you
5 and Mr. Fahey.

6 A: Uh, huh [affirmative response].

7 Q: Stating that she wanted to reach out and make sure that
8 the Program Office is properly coordinating with A&S, and she
9 provided you a copy of ADM.

10 A: Uh, huh [affirmative response].

11 Q: In there she also sort of talks about a briefing or
12 discussions that you had and Mr. Fahey had. Can you please share
13 with us what those conversations were?

14 A: We had a meeting and Mr. Fahey's office to talk about
15 scheduling updates with Ms. Lord, along with the CIO. And, I
16 believe after that I sent an e-mail to Mr. Fahey's MA asking him
17 to coordinate with the front office to let Sharon Woods have an
18 opportunity to talk with Ms. Lord.

19 Q: And the first communication I see - I'm just looking at
20 the e-mails here in the September 13, 2019 and it's from Mr.
21 Peter Ranks. In that e-mail, it says, "Stacy, we have been
22 holding regular meetings with the Sec Def as part of the review
23 of the JEDI Cloud program. We are nearing a point where we will
24 present him with the range of options for the strategy moving
25 forward. I'd like to run through this list with you to get our

1 inside and prepare for an eventual prebrief with Ms. Lord before
2 we bring the full list to the Secretary." And once again, why did
3 Mr. Ranks want you to review the list of options and briefing
4 slides?

5 A: There in the Office of the Secretary of Defense, or I'm
6 sorry, Assistant Secretary of Defense for Acquisition, we had
7 divested through the reorg most of our acquisition services and
8 business systems expert and so I am one of the few people in the
9 office who has some knowledge about acquisition services,
10 acquisition business systems. I suspect he reached out to me
11 because he knows me and he knows I worked for Mr. Fahey, and that
12 I can provide him access to Mr. Fahey. Organizationally, there is
13 no other place in - unlike an airplane or a ship, there is no
14 other sort of place where a deputy assistant secretary is aligned
15 to this type of acquisition approach.

16 Q: So he reached out to you first. You did not contact him
17 and inquire or become involved?

18 A: I think I reached out one time and said, "Hey, I saw in
19 the news that Dana Deasy said something. It appeared to be
20 incorrect." And I said, "If you want to run things through our
21 office to make sure it's correct, I can help you do that."

22 BY AGENT [REDACTED]

23 Q: Correct in like an acquisition term?

24 A: The term, yeah. So the use the term final RFP to be
25 released, and based on the news we knew that that was incorrect.

1 So I reached out and said, "I think whoever prepped him probably
2 gave him the incorrect terms to use and we'd be happy to help you
3 to make sure you're using the correct terms."

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

5 Q: What was it to be released?

6 A: So, when the RFP had been released well, well
7 previously, and the RFP of course is publicly available. I
8 believe what he meant, based on the rest of his words, was that
9 the final opportunity for bidders to give their best and final
10 response. And in the rest of the words, he said that, but when he
11 said final RFP, that was just an inappropriate use of the
12 terminology and we wanted to make sure that Mr. Deasy didn't
13 accidentally say something in public domain that was incorrect. I
14 believe that perhaps Mr. Fahey was the one that mentioned it to
15 me but I can't be sure. I know that I didn't read it and see it
16 myself. Somebody said "hey did you?" And pointed it out to me,
17 which is why I reached out to Peter to say can we just help you
18 out here if we can.

19 Q: Right. You mentioned you knew Mr. Ranks?

20 A: Uh, huh [affirmative response].

21 Q: Was that from before you started your current duties or
22 - how do you know Mr. Ranks?

23 A: Certainly in - no, I don't believe he started until
24 after I changed jobs. I had dealt with his predecessor because I
25 was deploying an electronic health record, which was going to be

1 on the DoD network, and that position has an oversight of the DoD
2 network. And so when - and (b) (6), (b) (7)(F) I believe was the name of his
3 predecessor left, I met Peter through regular duties,
4 interactions with the CIO.

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

6 Q: And what time frame was that?

7 A: That he arrived?

8 A: Yes, if you recall.

9 A: I'm sorry, I don't recall. I believe it was after
10 March.

11 Q: And what was your role in developing the options?

12 A: I had no role in developing the options.

13 Q: So here's a copy of the options brief where it lists 10
14 options that Mr. Deasy requested you review.

15 A: I don't think Mr. Deasy requested that I review.

16 Q: Or Mr. Ranks, as you were. Mr. Ranks asked you to
17 review.

18 A: Uh, huh [affirmative response].

19 Q: What advice did you provide after you reviewed those
20 options?

21 A: I, to the best of my knowledge, I advised that some of
22 the options were not different in either communication or
23 outcome. And so it probably made sense to collapse those options
24 because I didn't see as what they were doing would have any
25 different ability to communicate with the public or the

1 President. Which I think was the driver at least based on the
2 news, is that the President was Tweeting about the outcome, and
3 so my advice was collapse some of the options. My other advice
4 was to have a more robust communication strategy. And that
5 perhaps communicating differently would help them to meet their
6 principles here. That was on Page 2, and so they presented what
7 they were trying to achieve, and I thought a communications
8 strategy would be something that they should consider.

9 Q: And what was Mr. Fahey's role in this process?

10 A: I don't think he has a role other than helping to make
11 sure that the schedules are aligned if there needed to be a
12 prebrief with Ms. Lord, and when I say Mr. Fahey, I mean his
13 staff would do the scheduling. I believe he attended some
14 meetings along with Ms. Lord, but I can't be sure. When I recused
15 myself, I stopped being aware of whatever he might be doing. Up
16 until this point, I'm not aware of any real involvement.

17 Q: And did Mr. Ranks tell you that Microsoft and Amazon
18 were the two final competitors?

19 A: I don't believe he told me that.

20 Q: Did he talk to you about Microsoft or Amazon?

21 A: I suspect. I believe there was discussion specifically
22 about Amazon and the President's Tweet. I think there was, at
23 some point the President had Tweeted recently. So I'm certain
24 that Amazon was mentioned because there was a Tweet. I'm not
25 certain whether there was discussion of Amazon/Microsoft because

1 in general we were talking offeror A, offeror B, I believe is the
2 terminology is that, not wanting to but A and B.

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

4 Q: What about that first meeting where Mr. Ranks was
5 giving you an update for Ms. Lord? Did he discuss whether or not,
6 or did he reveal that Microsoft and Amazon were the final two
7 competitors during that meeting?

8 A: I mean, I would expect that that when he was talking he
9 might have said that. I know he mentioned specifically Oracle
10 being one of the competitors that was not -- that had not made it
11 to the final two. I know from reading in the news who the last
12 two were. So, I just can't recall whether the words.

13 Q: At the time of that August meeting for the update you
14 knew who the --

15 A: Right.

16 Q: -- final competitors were?

17 A: I think it was in the news, yeah. And I believe that
18 the news also had been around an Oracle protest. I don't know,
19 even having read the news, I don't know any other bidders.

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

21 Q: When did you first learn which two competitors were the
22 last two standing in the competitive range there?

23 A: Whenever it was announced in the news.

24 Q: At the time of the competitive range announcement?

25 A: Right. I get a daily news update from Public Affairs,

1 and we get one in the morning, one in the afternoon. The one in
2 the afternoon is specific around acquisitions. And I generally
3 read all of the headlines.

4 Q: Was this before you assumed your duties as the PDASD
5 for Acquisition Enablers?

6 A: I don't know.

7 Q: Because I'm trying to think of when that --

8 A: I think it was.

9 Q: -- competitive range determination was made. Before.

10 AGENT (b) (6), (b) (7)(C) April 20018

11 A: Then that would have been -- no, that wouldn't -- April
12 29. So that would have been after.

13 Q: After, all right.

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

15 Q: I'm also handling you an email and this e-mail is dated
16 September 23, 2019. From Ms. Woods to (b) (6), (b) (7)(C) . Also on
17 the e-mail is (b) (6), (b) (7)(C) Mr. Ranks, (b) (6), (b) (7)(C) , and
18 (b) (6), (b) (7)(C) , that reads, "One additional option that was
19 suggested today by Stacy Cummings, it is not in the attached deck
20 so I'm adding it here, Number 11, and it reads keep JEDI but add
21 a performance requirement that must be met prior to the existing,
22 or prior to exercising the IDIQ options." So, can you please
23 explain the rationale for your recommendation that you provided
24 to Ms. Woods for Option 11?

25 A: Sure. So, my understanding was that the Secretary was

1 looking for a communication to the public that would be in line
2 with the concern again raised, I guess raised by the President or
3 Congressman as was again publicly available in the news, around
4 awarding a single cloud contract. I had also read in the news
5 that Dana Deasy had expressed that there wasn't a single cloud.
6 There was a broad cloud strategy. He had talked about that in the
7 same public speaking event that he mentioned the RFP, the final
8 RFP. So, one of my thoughts was, as a communications strategy -
9 so, the way that options work, the government can exercise an
10 option or not exercise an option. That is within the government's
11 purview, but you don't enter into a contract knowing that you're
12 not going to exercise an option because that would be
13 disingenuous to the bidder. So, my thought was that if the
14 Secretary was concerned that whoever was the successful bidder -
15 was kind of guaranteed options, that a performance requirement,
16 meaning that he could publicly say that we only will award
17 options if the performance is at a high level. Which is not
18 really any different than any other, I mean that's how you decide
19 options, but you don't generally say that when you announce a
20 contract. And so my thought was that if the Secretary could say,
21 "We have very strong performance requirements." Which we always
22 put in our contracts, and I know Sharon Woods is an experienced
23 program person. So, I said, "Why don't we just make sure that any
24 options are exercised based on good performance, and if we can
25 measure that, then you can actually say that in a press

1 conference, and then you then you -- then you didn't have change
2 anything." I mean, you just say, "I have very strong performance
3 requirements, and I will guarantee, or I will personally review."
4 That was my idea that the Secretary could actually say, "I will
5 personally review and make the decision." As opposed to - in
6 general a lot of times a contract will exercise the next option
7 as long as there isn't negative. As long as you haven't
8 terminated for cause or had a reason to terminate. So, when I
9 said, I suggested a communications strategy, that was what I
10 meant is that the communication of - to the best of my knowledge,
11 the source selection time had, they did all that work. What could
12 we do to help Program Office convince the Secretary that they did
13 a good job, and I said that I thought a communication strategy
14 was really the most important thing they could do.

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

16 Q: Two questions. Did you offer any suggestions on what
17 the performance requirements might be?

18 A: No.

19 Q: And at that time what was your understanding of how far
20 along in the source selection process the Source Selection Team
21 was?

22 A: I probably shouldn't say I assume, but I assumed it was
23 very, very far. Because of what I had read in the --

24 Q: No let me rephrase that.

25 A: Okay.

1 Q: Rather than assume what was your knowledge of how far
2 along the source selection was at that time?

3 A: I don't believe I had any knowledge specifically about
4 how long far along the source selection was.

5 Q: Did you know - well obviously you knew that the
6 proposals had been turned in for quite some time because --

7 A: Uh, huh [affirmative response].

8 Q: -- you were aware of the competitive range
9 determination.

10 A: Uh, huh [affirmative response].

11 Q: You were also aware of that best and final offer or
12 whatever Mr. Deasy --

13 A: Whatever Mr. Deasy was talking about.

14 Q: -- was talking about at that time had been in, so you
15 would have known it was --

16 A: Pretty far along.

17 Q: -- pretty far along. We're trying to see if there's any
18 additional detail that you could add to that, to your knowledge.
19 It's possibly an important question.

20 A: I believed it was completed and that they would be
21 ready to move onto the next step. I believed that that would have
22 been within the purview of the CIO to make that decision. And
23 then I believed that the Secretary put that decision on hold, and
24 so it would be my belief that the source selection was completed,
25 that the Source Selection Committee had already submitted all of

1 their documents, and that is what I believed where they were in
2 the process. I don't recall anyone telling me that. But I believe
3 that that is, based on everything I read in the news, and knowing
4 that Ms. Woods had an interest in briefing Ms. Lord, then that
5 logically made sense that the source selection was complete and
6 there is no additional decision-making with regards to the source
7 selection as it was completed within the years, I guess that it
8 was going on.

9 Q: And you may have answered this, but when was it that
10 Mr. Deasy was making a statement that you wanted help correct --

11 A: I think it was in August.

12 Q: August?

13 A: Or maybe July.

14 Q: And he was referring to proposal amendments?

15 A: Uh, huh [affirmative response].

16 Q: Which would indicate that there may be some more work
17 to be done by the Source Selection Team?

18 A: I don't know that he was talking about proposal
19 amendments. Again, like I said, I recognize the final RFP was
20 incorrect because the final RFP was put well prior. Like I said,
21 reading the article it appeared to me as if he was talking about
22 the best and final so that, which usually happens after the
23 source selection is complete and they're looking to get pricing
24 data, final pricing data. So that would lead one to believe that
25 all of that work that had nothing to do with that final pricing

1 data had been complete, and all of the technical evaluations were
2 complete, based on what I read in the newspaper again.

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

4 Q: So can you explain how the options shrunk from 11,
5 which included yours, down to six which was what was actually
6 presented to Secretary Esper?

7 A: I cannot. I had to recuse myself by that point. I don't
8 recall them being shrunk while I was there.

9 Q: And did your work, or your advice and your input into
10 the 10 or 11 options have any impact on the final six options
11 that they briefed to Secretary Esper?

12 A: I'm not aware. I left a meeting early, and that may
13 have happened after I left.

14 Q: And when did you leave?

15 A: I think it was scheduled to be a couple hour meeting. I
16 had another meeting I had to go to. I think I was there for an
17 hour of the meeting. That was not, well I guess I should look at
18 dates.

19 Q: And this is the final options that shows it was
20 prepared on the 9th of October. And that's the final six.

21 A: I never saw this. And I'm not on this e-mail so -- am
22 I? I don't recall seeing this. No, I'm not.

23 Q: There's an e-mail in there where they mentioned
24 discussions or meetings October 9, October 7 meeting?

25 A: I was not in any of those meetings.

1 Q: Thank you. And can you tell me if there was any effect
2 based on your actions for the decision to award the contract?

3 A: No. And what affect did your actions have on the
4 decision to select Microsoft as a winner for the JEDI Cloud
5 contract?

6 A: None.

7 Q: And why do you say that?

8 A: I had no knowledge of who had -- I had no knowledge of
9 the proposals. I had no knowledge of the source selection
10 criteria other than what would have been available in the
11 publicly released our RFP, but I didn't read the L and M section
12 so no. I have no knowledge of the - how performance was being
13 evaluated, or sorry not performance. How proposals were being
14 evaluated. I had no knowledge of who was on the Source Selection
15 Committee, and I do not know who the Source Selection Authority
16 is or was.

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

18 Q: You mean Sections L and M of the -

19 A: Of the RFP.

20 Q: -- RFP.

21 A: But I did not read sections L and M, so I do not
22 actually know it was in that section.

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

24 Q: Here is a letter where Senator Warner and Senator Reid
25 sent an inquiry to DoD and asked three specific questions. I'm

1 handing you the letter so that you can read. The first question
2 they asked was, "Did anyone outside of the DoD direct Mr. Deasy
3 to delay or cancel the JEDI Program or the award of this
4 contract?"

5 A: Uh, huh [affirmative response].

6 Q: Two, "Had the DoD you obtain new information relative
7 to the program that was not available to the IG, to the court of
8 federal claims, or to the GAO, or provided relevant information
9 that existed for each review?" And three, "What prompted the new
10 examination of the JEDI initiative?" What can you tell us about
11 that memorandum from those two Senators?

12 A: I don't recall ever seeing memorandum from Senators to
13 my knowledge. I again believe that they issued press releases
14 when they did it, but I don't -- I don't recall having any
15 knowledge of this.

16 Q: Who issued press releases?

17 A: I think the Senator's offices. I recall reading that
18 there was pressure from Congressional members, again in the
19 media, but I don't recall ever being given those.

20 Q: We have information that said that you were involved in
21 providing a response or reviewing the response, and that's the
22 final response letter from Mr. Deasy, and I believe that's what I
23 gave you. This is a draft response that Mr. Deasy prepared, and
24 this is the final response that Secretary Esper prepared. So we
25 have information that says that you were involved in helping to

1 draft some of the language for Mr. Deasy's letter to Secretary
2 Esper.

3 A: I don't recall that. Yeah, I don't recall that.

4 Q: Did you talk to Mr. Ranks, or did Mr. Ranks talk to you
5 about any responses to Members of Congress?

6 A: No. Sorry, I shook my head.

7 Q: And what can you tell us about disqualifying yourself
8 from the matters related to JEDI?

9 A: I attended the meeting that you have already brought to
10 my attention. At that meeting, Ms. Woods said, "I'm going to ask
11 you to sign nondisclosure agreements so not to share any
12 information." And said, "We are going to do checks of your
13 financials." At which point she turned to me and said, "I have
14 already checked Stacy Cummings," to which that was when I thought
15 to myself, "Oh, she checked my financials already and I thought
16 to myself, I own Microsoft stock." Which of course I have
17 disclosed every year, as well as any buying or selling as per the
18 law, and I thought to myself, "Oh, okay. She checked me. That's
19 great." When I left, I was thinking to myself, "That doesn't make
20 a lot of sense." But I knew that I was traveling and I was going
21 to go check. I didn't as quickly as in retrospect, now I feel
22 like I should have done this much quicker. I got a phone call
23 while I was on travel from (b) (6), (b) (7)(C) I called her back and she asked
24 me to check what my stock value was. And I had to log into my
25 system because I, again, I disclosed that I had sold to Microsoft

1 stock, because of the way the system is, it doesn't give dollar
2 amounts. It ranges and so from a math perspective, I had to go
3 check. Realized that I was above the de minimis and I asked her
4 what I should do, and she said, "You should recuse yourself." And
5 then I hung up. I was putting the documentation together to
6 recuse myself. It occurred to me, "Why don't I just sell it?" So,
7 I called her back and I said, "Should I just sell the stock
8 because I'd be happy to do that." To the extent that I felt like
9 it was a small amount to begin with, I was happy to no longer
10 have it and she recommended against that and said, that I may
11 want to request a divestiture instead. And so I said, "Okay. I'll
12 hold off. I do this recusal." I immediately scanned it, sent it
13 to both Sharon Woods and to Kevin Fahey, and then I let my admin
14 know not to send me any more information and Mr. Fahey not to
15 invite me to any meetings.

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

17 Q: And what prompted Ms. Woods to ask you to sign the NDA?

18 A: I don't know. She asked everybody in the room. I don't
19 know why it was prompted at that moment, I should say why it was
20 -- what was going to change in the dynamic of the meetings that
21 caused her to want to request that, and same with the financial.
22 She had not brought that up prior to that meeting. It was brought
23 up to that meeting, and again I explained my understanding.

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

25 Q: And in that meeting Ms. Woods stated that she had

1 already checked your financials?

2 A: Uh, huh [affirmative response].

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

4 Q: What does that mean? She checked her 278 or something
5 else?

6 A: I believe she meant she checked the 278. And I don't
7 know if she meant she personally, but she said that had already
8 occurred, and so I believe that that was the case.

9 Q: I'm sorry you may establish this already, but what was
10 the date of that meeting?

11 A: I believe you might have an e-mail that states the
12 date. This it was 20 something.

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

14 Q: This is the e-mail that we had where you sent the
15 letter to Mr. Fahey.

16 A: And that was on the 27th. I had traveled the day
17 before, or maybe even the Wednesday. So I would have to check my
18 records for the exact day, but I believe it was maybe the
19 Wednesday because I think I traveled Wednesday evening but it was
20 in - it was the same week. It was within days.

21 Q: And did you have a conversation with (b) (6), (b) (7)(C) as
22 well?

23 A: Who's (b) (6), (b) (7)(C) ?

24 Q: (b) (6), (b) (7)(C) , (b) (6), (b) (7)(C) there at
25 WHS.

1 A: (b) (6), (b) (7)(C) Was she in the meeting?

2 Q: I don't know if she was.

3 A: If she was in the meeting? Then no, I don't believe so.

4 Q: So you only talk to talk to Ms. Woods, Sharon Woods
5 about your disqualification?

6 A: I did not talk to her about that. I talked to (b) (6), (b) (7)(C)

7 Q: (b) (6), (b) (7)(C) okay.

8 A: In the Office of Ethics. But I did send the e-mail with
9 my recusal directly to Sharon.

10 Q: Thank you.

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

12 Q: So you get the information from (b) (6), (b) (7)(C) that your
13 financials were checked?

14 A: No. Ms. Sharon Woods, in the meeting, said that my
15 financials were checked. She turned to the others in the room and
16 said, "We'll have to check yours as well." And then subsequent to
17 that was when I was contacted by (b) (6), (b) (7)(C)

18 Q: By (b) (6), (b) (7)(C) Got you.

19 A: Yes.

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

21 Q: And why didn't you disqualify yourself earlier?

22 A: I didn't believe that I would have any impact on the
23 source selection or -- and I was not a decision maker, or in the
24 chain of command of the decision-maker compared to the Program
25 Office.

1 Q: Did you disqualify yourself from any other matter?

2 A: No.

3 Q: And what direction did you get on further
4 participation?

5 A: I recused myself. I didn't get further direction. I let
6 it be known that I wouldn't be participating any further.

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

8 Q: Did you ever talk to anybody or think about talking
9 with anybody about obtaining a waiver to continue to participate?
10 I noticed that the standard language in the disqualification
11 letter, "don't continue unless there's a waiver." Was there any
12 discussion of a waiver?

13 A: I asked about a divestiture so that I could continue to
14 help out wherever I could, and again it was recommended that I
15 not do that, and I chose to follow the recommendation. I wanted
16 to make sure I was --

17 Q: A waiver like you needed if there was no divestiture?

18 A: Uh, huh [affirmative response].

19 Q: Another basically it's a permission slip to carry on.

20 A: Right.

21 Q: Was there ever any of discussion like that?

22 A: No, and I didn't feel, and neither did Kevin Fahey my
23 boss feel like my participation was so critical that we would
24 need me to continue to participate, so a recusal was perfectly
25 appropriate because there was no need for me to be part of the

1 team moving forward.

2 Q: Was the meeting with Mr. Ranks the first time that
3 anything JEDI - you participated in anything having to do with
4 JEDI?

5 A: Correct.

6 Q: That was?

7 A: It was.

8 Q: Was it the last thing that you participated in with
9 JEDI?

10 A: No, the meeting that we referenced earlier, the one
11 that Sharon Woods --

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

13 Q: September 11, I want to say.

14 A: No I thought that was much later.

15 AGENT (b) (6), (b) (7)(C) No, the later where you talked about the NDA.
16 Where she talked about the NDA?

17 A: Yes, yes. That was the last meeting.

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

19 Q: And also Ms. Cummings, just to clarify just one piece.
20 So, you continued dealing with the JEDI stuff because you didn't
21 believe you were a decision maker --

22 A: Uh, huh [affirmative response].

23 Q: -- and you didn't participate in source selection.

24 A: Uh, huh [affirmative response].

25 Q: But the entire time you did realize you had Microsoft

1 stock?

2 A: I did.

3 Q: All right. That's all.

4 A: I did not actively think about having it. I knew,
5 because I disclosed it and I do that myself. So, I know I typed
6 it in. But no I didn't believe that it was connected because I
7 didn't believe I was in any way --

8 Q: In that --

9 A: -- in a capacity that was a decision maker or
10 participate in the outcome of the source selection.

11 Q: Got you.

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

13 Q: So how do you respond to the assertion that you played
14 a substantial role in the JEDI Cloud Acquisition?

15 A: I disagree that I played a substantial role.

16 Q: Why?

17 A: Because I had no knowledge of the source selection at
18 all, and I was not at all a decision maker. I was multiple layers
19 away from any decision makers, and I believed that I was
20 providing assistance to a program just like any other program
21 that my assistance could be disregarding or helpful, but not in
22 any way influence the outcome.

23 Q: And how do you respond to the allegation that you
24 failed to timely disqualify yourself from participating in the
25 JEDI Cloud?

1 A: I have freely, and openly, and within the law disclosed
2 all of my holdings. I believed that the process that I was
3 operating under was valid. I believed that I didn't have a need
4 to disqualify myself, and the moment it was brought to my
5 attention that someone else believed I should disqualify myself,
6 I disqualified myself.

7 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) do you have any questions?

8 (b) (6), (b) (7)(C) : Yes.

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

10 Q: You described for us that Mr. Ranks came to you with
11 the slide deck and asked you to review the options and asked for
12 any advice. You said that your advice was to perhaps reduce the
13 number of options, improve the communications strategy and what
14 not. Help us understand --

15 A: I just want to be clear. I don't believe I brought up
16 -- I suggested reducing the options to Mr. Ranks in that meeting.
17 I think the only thing that I talked about was the need to have
18 more expert people participating, and that would be (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C) is who I was thinking of, and but I did talk about
20 communication strategy, yeah.

21 Q: Advice regarding (b) (6), (b) (7)(C), the communication
22 strategy, the number of options, then review.

23 A: Uh, huh [affirmative response].

24 Q: Help us to understand how that is either consistent
25 with your duties and responsibilities as PDASD, or outside the

1 box of those responsibilities.

2 A: So if I look at the breadth of what I do in my
3 position, I have the occasional Program Office that will come and
4 ask me, with regard to policy, is this a good idea? Should we
5 head in that direction so, I would say it was not common but
6 consistent. So it's not out of line with some of the other
7 interactions that I've had with individual offices, but it's not
8 the primary duty that I perform on a daily basis.

9 Q: Okay because acquisition enablers is a new term for me.

10 A: It's a new office as well. It was just established
11 recently.

12 Q: Because what I getting at is the participation is that
13 you did have, how was that consistent with what you described as
14 my job is to help programs to get from point A to point B?

15 A: Right.

16 Q: Is there anything else that you would want to add about
17 that?

18 A: Again, I believe that I help make sure that programs
19 can get to the decision-makers through the existing process with
20 the congressional direction to delegate most programs to
21 services. There's not a lot of defense acquisition boards
22 anymore. Ms. Lord is not the milestone decision authority for
23 very many programs. I don't think there are many -- there aren't
24 a ton of programs that have to talk to Ms. Lord about their
25 programs, and I don't generally go to any of the meetings with

1 Ms. Lord. I will sometimes go to meetings with Mr. Fahey, or the
2 Program Office will seek me out before, again, advice on how to
3 get through the process and using the different pathways. So like
4 the software pathway, if you're a software program, the services
5 program pathway if you're a services program.

6 Q: Thank you.

7 A: Sure.

8 (b) (6), (b) (7)(C), you have a question?

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

10 Q: I have a question about, going back to kind of the very
11 beginning. You mentioned that you fill out monthly forms now.

12 A: Uh, huh [affirmative response].

13 Q: Is it a monthly 278 or?

14 A: It's a within 30 days. So the OGC, or sorry OGE sends a
15 little calendar invitation to remind you for your monthly
16 filings, and you only file if you have bought or sold.

17 Q: Got you.

18 A: An equity stock more than \$1,000.00.

19 Q: And when you first came on board and you did your
20 ethics training, did you receive a letter when you reviewed your
21 278 that advised you to avoid procurements involving these
22 companies?

23 A: No.

24 (b) (6), (b) (7)(C): Agent (b) (6), (b) (7)(C) do you have anything?

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

1 Q: During your conversation with (b) (6), (b) (7)(C) did you ever
2 make mentioned that you don't fill out your 278, and that your
3 husband does or anything like that?

4 A: No, and who is (b) (6), (b) (7)(C)

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

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

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

8 A: I'm sorry.

9 Q: (b) (6), (b) (7)(C) I was like is that not her name?

10 A: No. I fill out my 278. I fill out my monthly forms. My
11 husband does all of the buying and selling, and he sends me an
12 e-mail and tells me that he has bought or sold. And what I
13 probably told (b) (6), (b) (7)(C) she asked me exactly how much stock, and I
14 said, "I don't keep track of that. My husband is the person." And
15 so I told her I needed to get onto my app. My app had logged
16 itself out, so I had to log into my app, and so while I was doing
17 that, I mentioned that I didn't know off the top of my head and I
18 had to look it up. And again, I didn't know it off the top of my
19 head because generally this is my husband's role in our marriage.

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

21 Q: Is there any additional information you would like to
22 provide to us?

23 A: I would just like to reiterate that I in no way thought
24 or even, and certainly no way intended, but I in no way thought
25 that I was having any sort of substantial or real impact on any

1 procurement. I don't believe I have that impact in my job at all.
2 I'm not a decision maker. My role as the Principle Deputy for
3 Acquisition Enablers is to help programs and to write policy. I
4 truly believe that I was doing that, helping a program with their
5 decision-making and their decision-makers, and I did not believe
6 that I was privy to any source selection information, and
7 certainly not any influence on the outcome. And so I appreciate
8 you taking the time to ask all these very detailed questions, and
9 I genuinely am very, I'm a very strict rule follower and I
10 thought I was following the rules, and so I hope that you also
11 find that I was following the rules. Or that I at least very much
12 intended to follow the rules and the process. As I am used to it
13 being which, as I pointed out that the Department of
14 Transportation, I freely divested or, and in this case, I
15 immediately disqualified myself, and was happy to do so because
16 that was the best, the advice I was given and I followed it.

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

18 A: You could talk to Mr. Fahey. He is my supervisor. He
19 knows that - how everything came about and what I believed I was
20 doing and how he believed that it was - at least not to speak for
21 him, that he didn't think that there was anything inappropriate.
22 He agrees that I fully disclosed and that I was in no way trying
23 to keep anything from anybody, and the process, I believe I
24 follow the process and he is knowledgeable about that. My admin,
25 (b) (6), (b) (7)(C) is who I asked to not send any documentation, and made

1 sure that she helped me with the scanning and moving of the
2 disclosure letter that I sent. Other than that, I am certain you
3 have e-mails from, and you see (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) around
4 there.

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

6 Q: I have one question.

7 A: Sure.

8 Q: How do you make sure that you have any conflicts on the
9 projects that you're working on?

10 A: So, the first step is the process by which I disclose
11 and my supervisor reviews that and the ethics, Office of Ethics
12 reviews that.

13 Q: Do you ask for an opinion every time you're starting on
14 a new project or --

15 A: I don't --

16 Q: -- you're participating in the program?

17 A: So if I were participating in a program, then
18 absolutely. So if I, like when I went to, just I can give the
19 example of when I was going to be a regulator. I went to a new
20 job. We reviewed it and asked for advice. There were a series of
21 divestitures and a series of recusals, and a series of nothings,
22 of it's fine. When I went over to the Defense Health Care
23 Management System, did the same thing, the ethics of - I send all
24 of my information to her, she comes back to me and asks me
25 questions and we agree that it's not within the program. When I

1 came to this job, did the same thing. I didn't actually get any
2 calls for anything from anybody, to the best of my recollection.
3 I put all of my information in the system. It was reviewed by my
4 supervisor, it was reviewed by an ethics I believe attorney or
5 expert. I sign other peoples. I look for traditional defense
6 contractors, people that we do business with, things like,
7 companies like Booz Allen or Deloitte, and then I do rely on the
8 ethics counselor to review them and to bring up any potential
9 conflicts. If I had been part of the Program Office or had I been
10 in any way involved in the source selection, at that point is
11 when there would have been a review of the financial holdings at
12 which time again divest, recuse, or waive would have been a
13 decision. And so I do, I have always believed that there's a very
14 strong process around that and that is how I have guided my
15 decisions.

16 Q: So you rely on the ethics office to bring it to your
17 attention, or do you proactively go to them and say, "I've been
18 asked to do, X, Y, Z for this program can you -"

19 A: If I had, again I if I had been asked to do something
20 that I felt was in the decision sphere, or in the influence
21 sphere, I would have yes brought it to probably (b) (6), (b) (7)(C) or actually
22 it probably would have been (b) (6), (b) (7)(C) but I did not believe that
23 that was the case in this case, so, yes.

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

25 Q: Kind of along the same lines, what would you do now?

1 A: I will certainly be far more critical in my thinking
2 about what may be a perceived influence by somebody else, even if
3 I don't perceive it. And I certainly, in light of this
4 investigation and thinking back, I certainly do wish that my
5 critical thinking had led me down that path instead of it being
6 brought to my attention. And so yes in the future I would
7 probably, not probably, I would definitely apply a different
8 level of critical thinking to any programs. I will also say that
9 I would divest this stock immediately, if it was advised to me.
10 Again, I followed the advice because I felt like it would be
11 inappropriate for me to not do so within the realm of either
12 being recommended as a divestiture or, in case there was any
question of my intent, and so if you tell me today go sell the
stock, I will go do it. I have no connections. I have no
emotional attachment to it. It's kind of sat there for 10 or
maybe even longer years, and so I would be happy to do that and
any other stock which - my critical look was, is this is
traditional defense stock? I looked at that when I moved here.
Just like when I moved to FRA, I looked at rail stock. Just like
when I moved to pipeline, hazardous material, I ed for oil stock,
I looked for defense stock. And recognizing in retrospect that
this is a high profile program, I certainly -- I certainly wish
that my critical thinking had let me down a different path here.

Q: That's all I have.

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

Q: Do you have any comments or concerns about the way we
14 conducted our interview with you today?

A: I don't believe I have any concerns about the way you
15 conducted the interview.

Q: If you remember anything, or if you believe you have
16 information relevant to our investigation you can contact me.

A: Okay.

17 (b) (6), (b) (7)(C): Also, to ensure that we protect the integrity
18 of this investigation we ask that you do not discuss the matters
19 under investigation or the questions we've asked you during this
20 interview with anyone except your personal attorney, should you
21 choose to consult with one. This does not apply to or restrict
22 you of your right to contact an IG or a Member of Congress. And
if anyone asks you about your testimony or about this
investigation, please inform them that the DoD OIG has asked you
not to discuss the matter. If anyone persists in asking you about
your testimony or the investigation, or if you feel threatened in
any manner because you provided testimony you may contact me. The
time is now 10:40 and this concludes our interview.

23 [The interview terminated at 10:40 a.m., January 31, 2020.]

24 [END OF PAGE]

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

25 CUMMINGS - January 31, 2020

From: [Cummings, Stacy A SES OSD OUSD A-S \(USA\)](#)
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: DoD OIG Interview - Request for Information
Date: Tuesday, February 4, 2020 5:03:25 PM

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

I maintain professional liability insurance and, pursuant to that policy, have been assigned professional liability counsel regarding this matter. Upon the advice of counsel, I respectfully decline to provide any further statements at this time regarding this matter, particularly given my counsel's recent retention. His contact information is:

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

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

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

If you have any questions, please contact (b) (6), (b) (7)(C) directly.

Respectfully,

Stacy A. Cummings
Principal Deputy Assistant Secretary of Defense, Acquisition Enablers
Pentagon Roo (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Acquisition Enablers: Empower, Analyze, Innovate

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

From: (b) (6), (b) (7)(C) >
Sent: Friday, January 31, 2020 3:40 PM
To: Cummings, Stacy A SES OSD OUSD A-S (USA) (b) (6), (b) (7)(C) >
Cc: (b) (6), (b) (7)(C) >
Subject: DoD OIG Interview - Request for Information

Ms. Cummings,

Thank you for speaking with us today. During our interview, we discussed your stock in Microsoft and ethics advice that you received. We would like to ask you additional follow-up questions. We advise you that you are still under oath.

Please provide the requested documents and respond to the following questions. We kindly request that you reply NLT February 4, 2020, or sooner. You may provide respond to the email or attach a document with your responses.

Question 1 - Did you purchase Microsoft shares in your name? What about your family members name? When? Explain?

Question 2 - During your interview with us today, you told us that you owned stock in Microsoft for over 10 years and that you were aware that Microsoft was one of the final competitors for the JEDI Cloud contract from the Defense Public Announcements that you receive daily. Please explain your reason for accepting to meet with Mr. Ranks on September 13, 2019 and discuss JEDI Cloud options and information, given the fact that you owned

Microsoft stock and knew that Microsoft was one of two contractors remaining in the competition.

Question 3 - As a financial disclosure filer you are required to receive annual ethics training which includes notice of the 14 Ethical Principles, specifically Principle #14, "Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in the Standards of Ethical Conduct.

Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts." Please explain whether you believe your participation in the JEDI activities we discussed created the appearance of a possible impropriety, and why.

Question 4 - Please tell us the date that Ms. Sharon Woods (Program Manager) asked you to sign a Nondisclosure Agreement (NDA)?

Question 5 - Did Ms. Woods ask other attendees that were present in the meeting with you to sign an NDA? If so, who were the other attendees?

Question 6 - What reason did Ms. Woods provide to you about signing an NDA? Please Explain.

DoD OIG Document Request:

7. Please provide copies of your ethics certificate of training that you completed online.

8. Please provide transaction details (date, shares, share price, amount, etc.) for any sale or purchase of Microsoft stock after April 30, 2018 until present date.

9. Please review your calendar and provide us with the name of the person who provided your ethics training and review.

v/r

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

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

Investigations of Senior Officials

Department of Defense, Office of Inspector General

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

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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)
November 14, 2019
ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is November 14, 2019, and the time is 12:50 p.m. I am (b) (6), (b) (7)(C) with the DoD Office of Inspector General. With me are my colleagues (b) (6), (b) (7)(C). Today with us are the -- is our witness (b) (6), (b) (7)(C). We, OIG personnel and the witness, (b) (6), (b) (7)(C) are in the Mark Center in Alexandria, Virginia. We're conducting a review of the DoD JEDI Cloud Services procurement. We also want to clarify some information that's been reported in the news media. At this time, (b) (6), (b) (7)(C), I ask you to acknowledge this interview is being recorded.

(b) (6), (b) (7)(C) I acknowledge it's being recorded.

Also please acknowledge that you don't have any questions about the Privacy Act Notice.

(b) (6), (b) (7)(C): I do not have any questions about the Privacy Act Notice.

(b) (6), (b) (7)(C): Okay. I will now administer you the oath. Please raise your right hand?

Whereupon:

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

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

E X A M I N A T I O N

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

1 Q: Please state your full name and spell out your last
2 name.

3 A: Sure. (b) (6), (b) (7)(C). Last name spelled (b) (6), (b) (7)(C) as
4 in (b) (6), (b) (7)(C)

5 Q: Thank you.

6 A: Yep.

7 Q: What is your grade and where do you work?

8 A: I'm an NH4 in academe so that's equivalent of a
9 GS14/15, and I work at Washington Headquarters Services in the
10 Acquisition Directorate.

11 Q: And what is your function there?

12 A: I'm a (b) (6), (b) (7)(C).

13 Q: Okay.

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

15 Q: For the record this is (b) (6), (b) (7)(C). How and when did
16 you come to work on JEDI?

17 A: Oh, that was a long time ago. So, (b) (6), (b) (7)(C) was
18 the (b) (6), (b) (7)(C) of SSB which was next to the branch that I was
19 supporting. She had mentioned that she was working on the JEDI
20 Cloud Contract, not by name JEDI just quote/unquote "the Cloud
21 Contract." At that time I had prior experience working on large
22 cloud acquisitions so I offered to advise where I could if my
23 supervisor were okay with that, and I was pulled into it
24 immediately. That was back in - when I officially went on the
25 team it was March 2000, it's been that long, '18. Yeah March

1 2018 because I had joined WHS-AD back in September of 2017. So
2 that works, yeah.

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

4 Q: What other large cloud contracts did you work on?

5 A: The United States Census Bureau had a cloud acquisition
6 but it was a different scope. So the cloud acquisition at Census
7 was for an integrator to come in and transition the Census Bureau
8 over to the cloud infrastructure. Whereas JEDI was strictly a
9 catalogue basis of IS and PaaS offerings and subsequent support.

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

11 Q: And then for JEDI what was your involvement?

12 A: It evolved. So, initially I was pulled on as a contract
13 specialist to support the contracting officer in any and all
14 needs that arise in the contracts lane. From there they
15 recognized that I had a unique ability for pricing so I became
16 the "price guy" quote unquote and then eventually that evolved
17 into building a team for the Price Factor. So that's where I was
18 that selected as the Price Chair.

19 Q: By chance you know when exactly did you become the
20 Price Chair?

21 A: We established our source selection teams, again I'm
22 trying to remember this is many, many, many rounds of, or
23 iterations of the solicitation ago. We're talking the last two
24 years. So I can say approximately it was when we had the space at
25 the Pentagon, right when we got the space the Pentagon. I can't

1 attribute, I can't identify what it was. It was rather early in
2 the project. I would say the summer time following. So the summer
3 of 2018 is really when I started to fall into the price area for
4 JEDI Cloud.

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

6 Q: What experience did you have that made you the price
7 guy? Like what qualified you as the price guy?

8 A: Sure. So the prior acquisitions that I've been on I was
9 always involved in the price analysis. So the Air Force Office of
10 Special Investigations we had an IT acquisition for providing all
11 their specialized services, and this was back in 2015, and that
12 was really my first jump into supporting the whole price analysis
13 because they really didn't have anybody to do price. It's kind of
14 one of those there's a need so fill it situations. From there
15 when I did the U.S. Census Bureau I was a contractor, but I was
16 supporting the price chair throughout the entire duration because
17 they did not understand the scope and breath of cloud pricing
18 because their unique catalogs it's firm fixed price but it's an
19 on-demand basis. So it's a very gray space especially with the
20 FAR. But based on that experience when any of the price came up
21 about JEDI Cloud the talk of it being firm fixed price. A lot of
22 people just that and kind of pondered how is that possible? And
23 then by sitting down and speaking with the attorney she realized
24 that I do grasp the concept that it's a firm fixed price catalog
25 and there is a selection of items and then how that's compiled.

1 And then along with that I have some technical expertise too.

2 Q: Okay. Thank you.

3 A: Yeah.

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

5 Q: Any particular, and this is (b) (6), (b) (7)(C) , any
6 particular training specifically in pricing either from DAU or --

7 A: Uh, huh [affirmative response].

8 Q: Okay.

9 A: Yes. I'll a DAWIA Level III certified contracts
10 professional and in that we had a number of Level II classes
11 around price analysis and cost analysis.

12 Q: Okay.

13 A: I did fairly well in the class and it was go/no go but
14 I still have the binders. It's just always been a part of me. You
15 always have to evaluate price in contracts.

16 Q: Sure. Okay, thank you.

17 A: Yeah, of course.

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

19 Q: what guidance were you provided on evaluating Factor 9?

20 A: Could you please clarify what you mean by that?

21 A: So, just in regards to where you provided information
22 from WHS, from OGC, did any other price techs come in or anything
23 like that to kind of say, "Hey, this is how you should evaluate
24 this factor?"

25 A: I'd say it was mostly from WHS-OGC as well as my prior

1 experience in the templates I had had at my disposal. I don't
2 particularly recall anybody from WHS-AD providing guidance on
3 that. It was the question of how are we going to do this? And
4 between myself, the contracting officer, she mostly stayed out of
5 it, but OGC, which was (b) (6), (b) (7)(C), we sat and came up
6 with the basis and we also had acquisition support contractors
7 there with Eagle Harbor - Eagle Harbor Solutions was the
8 contractor. They were involved here and there with discussions of
9 how to evaluate enterprise massive IDIQ's, but didn't provide any
10 direction. They just advised that they had seen this in the past
11 on some other acquisitions they had done. So we developed a -- we
12 actually developed the quote process ourselves. We created the
13 entire Microsoft Excel spreadsheet top to bottom. Everything from
14 drop downs, to instructions, to selections, and then it was
15 vetted - by let's see. We had the PM look at it, we had DDS
16 attorney, Sharon Woods look at it who is now the PM. We also had
17 OGC review it, and then we actually pointed out to industry as
18 well to see, "Hey, did you did we miss anything? Does this make
19 mark? Does this capture? Can you actually provide us your
20 presence in this?" And that was the evolution of our pricing
21 quote which was attached to the RFP.

22 Q: How did Factor 9 Tech Evaluation Board come to its
23 rating?

24 A: So the Factor 9 is not a technical factor. Factor 9 is
25 a price factor.

1 Q: Price, excuse me, yes.

2 A: So we had a very clear distinction that price was kept
3 separate from technical and technical was kept separate from
4 price. We had the basis of acceptability I think is, let me
5 retract that. Not necessarily acceptability. Completeness and
6 accuracy. It's been about a month since I've actually had to look
7 at this stuff. So we had completeness and accuracy and that was
8 the founding basis for price. All of the things have to be
9 complete so they have to provide prices for everything they say
10 that they can give us, and of course it has to be accurate. Once
11 we determine that the prices were complaint and accurate we had
12 given them the table to fill out. So they gave us the prices. We
13 didn't adjust prices, we didn't have to calculate anything. All
14 that we did was have to go in and make sure that it was all
15 there. Through coordination with technical we had to determine if
16 it was technically feasible but that was enough price thing. That
17 was the technical factors. Factors 2, Factor 3, and Factor 5,
18 yes, were the ones that had the technical feasibility checks on
19 them and they had specific price areas scenarios that they had to
20 look at and that was our completeness and accuracy check as well.
21 Did you actually propose the right amount of storage? So they
22 went in and they looked un-price basis of estimate to ensure that
23 they were technically feasible which supported the completed this
24 and accuracy. At that point it was whose price is higher or
25 lower? There was no adjectival rating. It was just is a complete

1 and accurate? Yes. What's your total evaluator price?

2 Q: So we happened to notice just as far as like the shift
3 in some of the pricing more for both offers.

4 A: Yes.

5 Q: Could you kind of explain some of that just as far as
6 the initial, interim, and final?

7 A: Sure, sure. So, this is a long story I'll try --

8 Q: It was a big TIF.

9 A: Yes it was. I'll try to talk through it. If anything is
10 unclear please stop me at that time because I'm going to move
11 from one subject to the next in trying to explain the story.

12 A: Okay.

13 Q: So, we knew going and we had six price scenarios. We
14 also had CLINs 5, 6, and 7, all which were priced as part of the
15 total evaluation price. So, the price scenarios were a big
16 concern for everybody because we knew that we were going to get
17 unique solutions to our problems. So we had these price scenarios
18 that had to be priced, and we allowed them to give us a basis of
19 estimate which could be anything. We gave minimal requirements
20 for that and then we said, "Okay, take that and also place that
21 in our price quote so we have traceability and we can actually do
22 an apples to apples comparison." One of the big things that we
23 recognized was that vendors are very optimistic when trying to
24 price these things. So optimistic that they may forget to include
25 things like storage. They may make assumptions where they could

1 rotate storage to a lower classification. They believe that they
2 were able to compress data and while we didn't explicitly
3 prohibit that we also could not accept that is an assumption
4 because there was not enough detail provided in these price
5 scenarios for them to identify a proper mechanism for
6 compression. So we address their assumptions and said, "These are
7 not acceptable. The numbers given were to be taken as is provider
8 solution." And that was a big one. So, can I speak about each
9 vendor specifically?

10 Q: Uh, huh [affirmative response] absolutely.

11 A: Okay. AWS came in at 300 million. Microsoft was in the
12 500's .

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

14 Q: At their initial?

15 A: Yes. And then it flipped. If flipped really quick. AWS
16 took one statement very much out of hand. We said, "Price these
17 tactical edge devices as if they were to be destroyed." And they
18 said, "Sure. Here's the price." But did not included in their
19 total evaluated price. We said, "We said to price it so that
20 means if it's in the price scenario it shall be included." So
21 that's \$100 million shift in their price immediately. In addition
22 the classification of storage as well as the compression of
23 storage relative to price scenario six. That was another large
24 shift in pricing. So we saw a jump from 300 up to close to \$800
25 million and that was a large basis for that shift. They made an

1 assumption without foundational data or financial basis. We
2 addressed that. They talked to us about it in discussion and we
3 said, "If you can provide a rational basis for that go ahead and
4 tell us." And they came back and they said, "Instead of
5 compression that they're using the extract, transform, and load
6 process, the ETL process" and tried to justify their compression
7 that way but we did notice that the number change from a 90
8 percent compression right down to 75 percent. So they understood
9 that the 90 percent was too aggressive. So we still allowed it.
10 We said, "Okay. You can do that but there were some cost
11 implications. In order for them to do ETL to run the workload in
12 - for nightly analysis it had to remain in a higher level of
13 classification for storage. They could not rotate it lower. We
14 verified this. We went in and talk to some technical folks and
15 said, "Hey, is this true? Does it have to stay in their S3 IA or
16 S3 bucket in order for this which is their highly available data
17 buckets for this to actually work?" And they said, "Yes. Even if
18 they stored in the lower glacier storage they still have to
19 retrieve it, put it in the upper echelon of storage with a higher
20 classification of storage just to run it." So, we verified
21 technically that their solution was acceptable even though they
22 still pushed the idea of minimizing the size of the data in
23 there. So we understood that. We said, "That's an assumption that
24 founded and we accepted it and we had a very well documented in
25 the file as well.

1 Q: So when you're talking about classifications of data
2 you don't mean security classifications, these are availability?

3 A: Correct.

4 Q: How quickly the data is available?

5 A: Yes. Yes. So those were the major contributors to the
6 price changes that occurred. Microsoft? Microsoft had a couple
7 stumbling blocks. We actually got a little aggressive in the room
8 from time to time because the "That's not how math works" was
9 thrown across the table. Because they kept telling us well this
10 is our story, these are our numbers, and we had kind of jokingly
11 asked about it, "Well how many days are in a year?" And they
12 said, "365." I said, "Okay. I know there are 365 how many of
13 those months if we take 12 times 30 does that equal 365? Because
14 if you go to Bing you can see that that's not true." So we had
15 again some kind of joking but entertaining moments and
16 discussions. Eventually they saw what we were asking for and it
17 was a storage table. When we needed a daily storage table with
18 Price Scenario 6. So they took that and put that into all of
19 them. We notice that all their prices slightly increased because
20 they're actually able to account for their daily storage and
21 demonstrate how they're averaging method was applied to their
22 monthly bill. So, our goal was to get what those monthly bills
23 looked like so that we could build up. So if a period of
24 performance is 12 months we would like to see what 12 months of
25 support would look like and what we can estimate on this usage,

1 and the details in our price scenarios we believe were enough to
2 do so. And after having discussions with them they came to see
3 that not all months have 30 days. They came to see that that
4 impacts the amount of data in the system. It impacts the number
5 of analyses especially if they're done on a nightly basis or if
6 they're done on a weekly basis. Just those little nuances change
7 the prices dramatically. Sometimes in the thousands, to hundreds
8 of thousands of dollars.

9 Q: So I know that AWS only had three interims.

10 A: Yes.

11 Q: And Microsoft had five. They have five versions, no?

12 A: They should have IPR one, IPR two, and IPR three for
13 price, and then there was the initial and then the final. So I
14 can see how that could be five, but it wasn't five interims. It
15 was five complete.

16 Q: Okay. That I was mistaken.

17 A: Yet. But I think we're leading to is that AWS --

18 Q: It seemed like Microsoft came back and like there were
19 more discussions with Microsoft is what is what I guess I'm
20 getting at.

21 A: Yes, there was. The - not necessarily more in a
22 quantitative matter, but there was an additional set of
23 questions, right? So, in the source selection process our goal is
24 to have a meaningful discussions with both offerors. If we
25 recognize that something is deficient and wrong, it is our

1 obligation to notify them of that. We did such. We talked to them
2 and we said, "Your prices are still not reflective of your
3 technical solutions because your storage is off." Your storage is
4 off we had that conversation multiple times with them.

5 Q: Got you. Okay.

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

7 Q: So on September the 29th there was the final proposal
8 revision price evaluation board memo from Factor 9 members to (b) (6), (b) (7)(C)
9 (b) (6), (b) (7)(C) And in it - it happened to mention about price realism
10 and how it was not considered.

11 A: Yes.

12 Q: Could you kind of give us some details on that of what
13 it was not consider, evaluated, or analyzed?

14 A: Sure. Price realism was not considered because the
15 analysis of price realism would make us, ask them, "Are your
16 prices unrealistically low?" That's what we would be looking at.
17 We did not see a meaningful way to do such an analysis, therefore
18 we explicitly stated in the report that we did not do it.

19 Q: And is this typically common in such acquisitions?

20 A: Oh, yes. I've done it in the past. I've either said I
21 am or I am not doing it. It became a hot topic for GAO about cost
22 and price realism. The two are very different from one another.
23 In a cost environment I have no problem doing a cost realism
24 analysis because I'm able to be afforded access to data that
25 helps me in that analysis. Now, when it comes to doing a price

1 analysis, price realism is a, in my opinion, in my professional
2 opinion a slippery slope. So if you're trying to say that
3 something does not cost enough I need to explain why I think it
4 doesn't cost enough, and it can always be -- it's a very
5 subjective opinion in my professional experience.

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

7 Q: Since their catalogs were based on their commercial
8 pricing would that commercial pricing be your basis of data?

9 A: Yes to determine if the prices were fair and
10 reasonable. But realism is separate. Realism is am I paying too
11 little for something? And price fair and reasonable is, am I
12 paying too much for something?

13 Q: Okay.

14 A: In order to do a true realism analysis there is a
15 significantly larger amounts of technical support in that
16 process.

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

18 Q: Could you explain why AWS had significantly more
19 catalog offerings than Microsoft?

20 A: Yes, yes I can. So there are on both offers a reason
21 for that. The easiest answer is Microsoft provides a unified
22 pricelist for every data center in every region. So I don't have
23 to go to a specific region to pull down to see if this service is
24 available to see if it costs this much and in AWS it didn't. So I
25 have 10 regions that I needed to check when I was doing that. I'm

1 sorry, I'm getting too far into what I did again. The reason that
2 they had 279,000 versus 3500 is because Microsoft just said "Hey,
3 this is a unified pricelist for everything" versus Amazon's very,
4 very, very particular and parsed out versions for each region. In
5 addition to that Amazon's pricing, their catalog offerings were
6 more unique because they offered more iterations of specific
7 instances and all of them would have different prices. Microsoft
8 on the other hand had groupings. So for example if I had a
9 tactical edge device, right?

10 Q: Uh, huh [affirmative response].

11 A: Microsoft would tell me that we have -- Microsoft, or
12 we have tactical edge device and let's talk about the TCA, so one
13 category of that. They would say, "You can have up to this
14 capability for this price." Amazon would like to parse it out and
15 say every small iteration had a different pricing unit as well.
16 And that's just one example of the thousands of different
17 offerings that they gave us.

18 Q: Did the SSAC or SSA ask additional questions of Factor
19 9 during the reviews? And if so what if they have questions
20 about?

21 A: So we had to situations where we would have had that
22 opportunity arise. The first was when we made the competitive
23 range determination and the second was at the final determination
24 of who the awardee would be. In the initial there were questions
25 regarding my methodology. How do I do this? How did I come up

1 with this idea? It was very much focused on my framework and my
2 methodology as a Price Chair. The later was I gave a very brief
3 presentation and they understood that the total evaluated price
4 was the number that was going to be used for comparison. They did
5 not ask many more questions about price, and you have that
6 presentation.

7 Q: We have some information that the SSAC debated whether
8 the security features from AWS for Factor 2 were worth the
9 additional cost. Did the SSAC ask you about this?

10 A: Not to my knowledge, not to my recollection, no.

11 Q: Okay. We understand that all the factors were separated
12 during the evaluation.

13 A: Yes.

14 Q: Could you tell us more about this type of separation
15 and what guidance you all were provided about it?

16 Q: I'm sorry, what was that?

17 Q: Just as far as like what guidance you all were provided
18 in regards to keeping the separation.

19 A: Sure. It is a common practice to keep price from
20 technical, and then in our RFP we state that, maybe not the RFP.
21 Generally we evaluate factors individually. There is no
22 cumulative 2 and 3 being evaluated together. We do evaluation
23 criteria that is relative to Factor 2 and they are to evaluate
24 what they receive in their specific part of the proposal. In
25 order for this to remain as close to objective as possible we

1 isolated them from each of them. We made sure that Factor 2 did
2 Factor 2 stuff. Now if and when communications did flow across
3 factors that was controlled by the SSEB Chair as well as myself
4 when I had the interface with technical assets that was part of
5 my control and I had to interface with the contracting officer,
6 and legal, and the SSEB just have a conversation with them.

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

8 Q: Did you speak directly with the factors then or did you

9 --

10 A: Yes.

11 Q: -- subtle messages between all those parties?

12 A: No, I would speak directly with them. Generally each of
13 the factors would have a point of contact identified who was
14 looking at the price scenarios, and they were generally the
15 people I would go to on these topics unless they were
16 unavailable.

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

18 Q: For price did you need to consult with any of the other
19 factors?

20 A: Yes.

21 Q: Which ones?

22 A: Specifically?

23 Q: Uh, huh [affirmative response].

24 A: Factor 2, Factor 3, Factor 5.

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

1 Q: And was that due to the completeness review you talked
2 to earlier?

3 A: There was a component of that. However, the primary
4 reason by communications with those individuals or the teams was
5 because their factors were directly tied to the price scenarios
6 assigned in sections L and M of the RFP.

7 Q: Okay.

8 A: Yep.

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

10 Q: Did you assist in responding to the AWS debriefing
11 questions? And if so was there anything in their questions
12 concerning to you?

13 A: The debriefing questions that occurred, I'm asking a
14 clarifying question. The debriefings questions that occurred
15 after award?

16 Q: Yes.

17 A: Yes I did participate. As far as concerning, well first
18 let me explain my role. My role in response was only for price
19 related questions. I did assist with getting the right people in
20 the room to have a conversation with the people who put together
21 the answers and the responses, but that's my extent of that. Now
22 as far as concerns with their questions yes, I had access to the
23 document and they had a lot to very specific questions. Very
24 detailed that it led me to believe that they had access to the
25 Microsoft reports.

1 Q: Did you find any validity in their questions?

2 A: No.

3 Q: And how did you relay your answers mentioned that you
4 handle for pricing. How did you relay your answers to the
5 attorneys?

6 A: There were two ways. So the first was face-to-face. We
7 would talk about it, and seconds was I gave them copies of the
8 memorandums for record that were completed in the course of this
9 evaluation that supported my answers. They were very specific in
10 answering asking about why did we change the assumptions and how
11 was that founded? And I had very detailed documentation
12 supporting why we made that decision.

13 Q: Did you brief anyone other than the SSEB, SSAC, or SSA
14 about Factor 9? And if so who and what was the reason for the
15 briefing?

16 A: Let's see. Can you repeat the list of people that you
17 stated?

18 A: Yes. The SSEB, the SSAC, and the SSA.

19 A: So the SSEB was one individual. The SSEB was, I can't
20 even recall if I personally brief the SSEB. There was no need for
21 me to brief the SSEB so that's why I want to clear that up. The
22 SSEB may have been present for my briefing or conversations with
23 the SSAC as a whole. So that includes all recollection six or
24 seven members including the SSAC Chair, and then of course the
25 SSA. In addition to that the Contracts Team was present for that

1 brief. Who else was present for that brief? My Price Team. I
2 completely spaced on that one. I'm sorry. I was like who else was
3 in the room? My Price Team was either called in or present for
4 both of those, and in addition there were advisors that had
5 access to my information or that I provided information to. The
6 first one was (b) (6), (b) (7)(C) was a special nonvoting
7 advisor who we relied upon to actually review my work and make
8 sure that I did not make any missteps. Everything from the
9 foundational documents like our spreadsheets all the way up to
10 the report itself. We had OGC review everything, and then finally
11 another advisor was Mr. Dana Deasy. He was a nonvoting advisor
12 and towards the end asked that I provide high-level information
13 regarding this to make sure again that we checked every box.

14 Q: Okay. So just for clarification there were two advisors
15 that were in -- that you ended up briefing?

16 A: Yes, but I want to clarify separate meetings. (b) (6), (b) (7)(C)

17 (b) (6), (b) (7)(C) -- oh (b) (6), (b) (7)(C) I forgot about them. (b) (6), (b) (7)(C)

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

19 Q: Can you spell that last name?

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

21 Q: Thank you.

22 A: His official name is (b) (6), (b) (7)(C) Sorry. I believe (b) (6), (b) (7)(C)
23 -- let me try to recollect here who all was there for that
24 meeting. I know for a fact (b) (6), (b) (7)(C) because I went back and
25 forth with (b) (6), (b) (7)(C). He had hands-on the document. We talked

1 about - at nauseum- several different topics. So that would be
2 another senior executive who had access to this, but he was a
3 part of the DPC review. DPC also had access to the documents
4 because it was uploaded, but I don't recall personally briefing
5 them at this final round. In the competitive range determination
6 DPC was briefed as a whole. So, to clarify that's three on
7 separate occasions. (b) (6), (b) (7)(C) involvement, (b) (6), (b) (7)(C)
8 were prior to signing the information given to Mr. Deasy was,
9 "Here is the information. This is it." Whereas the other two were
10 more, "How would you approach this problem? Do you think we
11 accounted for this properly?" This was more of a review process
12 during those briefs.

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

14 Q: Do you recall when the briefing happened with Mr.
15 Deasy?

16 A: I don't know. It was sometime around the SSAC
17 convening, give or take a week on other side. There was a lot
18 going on then. A lot of many long days that blended together, so
19 I unfortunately can't give you anything better than probably
20 about a three week window when that what occurred.

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

22 Q: So off hand, (b) (6), (b) (7)(C) --

23 A: Yes.

24 Q: -- his position is staff AQX or is it --

25 A: Yes he is a -- well I don't know if is he's AQX he's --

1 no that the different (b) (6), (b) (7)(C). This is CAPE.

2 Q: CAPE, okay.

3 A: He's an Ops Analyst and an SES over at CAPE because I
4 was confused at first. I actually looked them up when I heard he
5 was going to be assisting and, yeah, he was not the (b) (6), (b) (7)(C)
6 that came up with the Air Force bio.

7 Q: Okay. I'm not totally sure I know (b) (6), (b) (7)(C) and I was
8 making sure.

9 A: Yes.

10 Q: Okay. Copy.

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

12 Q: And you mentioned that OGC was also present. Who
13 exactly from OGC? Was it the CCPO OGC, DDS, WHS, whose OGC's?

14 A: WHS.

15 Q: Okay.

16 A: And possibly CCPO.

17 Q: And at that time who was it for WHS?

18 A: The lead was (b) (6), (b) (7)(C) but she was in the
19 process of transferring her workload out to a (b) (6), (b) (7)(C)
20 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) departed on the 15th of October.

21 Q: Was (b) (6), (b) (7)(C) present considering they were in
22 transition of handing things off?

23 A: There were many people in the room that day and I'm not
24 sure.

25 Q: And then, do you know who was aware of the SSA's

1 decision to award the contract to Microsoft before October 25th?

2 A: I could name a few people but I do not have an
3 exclusive list.

4 Q: Okay. Could you name who you do now?

5 A: Sure. Now this basis, or excuse me. The answers him
6 about to provide are based on the fact that we had access to the
7 SSAC's report, or I'm sorry the SSAC and the SSA's report. At no
8 time did I hear her ever state that we were awarding this to
9 Microsoft. It was just to the advising capacity of helping that
10 report be finalize that these people would have known including
11 myself. That is the (b) (6), (b) (7)(C). The
12 (b) (6), (b) (7)(C) were present - (b) (6), (b) (7)(C) specifically, and
13 CCPO's (b) (6), (b) (7)(C). They were the leads that really
14 helped the General get that report together. The other contract
15 members in the room were (b) (6), (b) (7)(C)
16 - I think that's it. It was a pretty empty room at that point in.
17 The SSAC had already cleared out so they were gone. It was just
18 supporting the General it was us primarily in the room supporting
19 her.

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

21 Q: When you say that you had access to the reports were
22 they on a shared drive, were they --

23 A: Yes. It was a shared drive but it was a very controlled
24 shared drive. We had very limited access to those reports when
25 they were being drafted. The SSAC report I believe it was

1 actually on my drive because I had at least number of members on
2 the Factor 9 Cloud Drive.

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

4 Q: And then in addition to -- in addition to the
5 contracting Team that you just mentioned and the OGC members that
6 had access to the report on the shared drive, was there any other
7 person, or groups, or things like that, did the CCPO have access
8 to this?

9 A: No. The CCPO was cut off entirely from this. The only
10 affiliation that they was that they were providing a space to
11 work and that the contract was for them, but no, there were no
12 CCPO members with the exception, I can't remember if Ms. Sharon
13 Wood's was there because she was running around constantly doing
14 things. So I don't even know if she was in the room.

15 Q: By chance do you know when Ms. Woods as the PM, when
16 did she -- when was she notified of the SSA decision?

17 A: I do not know that information.

18 Q: Okay. I am going to hand it off to (b) (6), (b) (7)(C)

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

20 Q: So leading up to award can you tell me what your
21 responsibilities were?

22 A: Sure. When you say "leading up to award," at what time
23 frame?

24 A: Let's say early October.

25 A: Sure. At that point I was done with my price

1 responsibility but was still required to answer any questions of
2 course that arose as a factor chair. At that point I transitioned
3 back into a (b) (6), (b) (7)(C) capacity who was supporting (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) and any and all actions that were needed to make
5 the contract award. Everything including redacting documents and
6 interfacing with OGC to notifying the vendor on the day the
7 award.

8 Q: Okay. So regarding the redactions.

9 A: Uh, huh [affirmative response].

10 Q: Can you walk us through the WHS redaction process?

11 A: The standard one or what happened?

12 Q: Well let's start was standard and then you could tell
13 me what happened.

14 A: Sure. The standard process is we will make suggestions,
15 right? So, we'll mark it for redaction and send it over to OGC,
16 and they review it. They either concur or non-concurrent send it
17 back, and at that point then it's the Contracting Officer's
18 determination to release that information. Generally it's a very
19 responsive process where there's a lot of interface and it's
20 actually a -- there's working together that usually goes on. So
21 we usually understand why this would happen or why this would not
22 be marked for redaction. Done it plenty of times. Did it as a
23 competitive range, did it as contracting officer in the Air
24 Force. I did it as an advisor, as a contractor. I mean I've done
25 redactions from all different capacities. Now, this last time we

1 made suggestions for redactions. They weren't accepted. There is
2 a lot of pushback on it. There was a lot waiting that occurred as
3 well. I had uploaded suggested redactions around the 9th of
4 October and I didn't get my final redactions back until the day
5 of award, the 25th.

6 Q: So, those redactions that you marked --

7 A: Uh, huh [affirmative response].

8 Q: -- did they include the Source Selection Team, the
9 names at the top of the report?

10 A: No. I would never include that stuff. Like I was the
11 name on there. I wouldn't include it.

12 Q: So, you would have redacted yourself, your name?

13 A: Normal process, yeah but I was actually told not to.
14 OGC had advised us not to because at time of award after source
15 selection is not considered source selection information. So that
16 was a verbal conversation that occurred between myself and OGC
17 representatives.

18 Q: Do you remember who stated that?

19 A: It was either (b) (6), (b) (7)(C)
20 but I don't remember specifically who.

21 Q: So when you typically do it why do you typically do it?

22 A: Because I don't want to release the identities of
23 people especially something this politically charged, and highly
24 debated, and highly publicized.

25 Q: Did they give you reason why they didn't want them

1 redacted?

2 A: If I recall it was the something to the effect of we're
3 trying to maintain transparency of the process and give them
4 everything we can in the enhanced debriefing process. When I say
5 everything we can it means everything that's legally releasable.

6 Q: Were either (b) (6), (b) (7)(C) aware of the assurances
7 that had been given to the Source Selection Team early on that
8 their names would remain the confidential?

9 A: I cannot speak on their behalf. I do not know.

10 Q: Okay.

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

12 Q: Just for clarification. You mentioned that you provided
13 your proposed or suggested redactions on October the 9th.

14 A: Uh, huh [affirmative response].

15 Q: In that were those Source Selection Team member's names
16 redacted out of those?

17 A: I don't recall. At that point in time I was already at
18 CCPO working with them and that was around that conversation
19 occurred.

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

21 Q: What documents did you mark for reduction?

22 A: I mark specifically my TEB report, the SSEB report, the
23 SSAC report, and the SSA report. I was more so focused on making
24 sure that we weren't releasing contractors bid information such
25 as was specifically made them better. FAR 15506 explicitly says

1 you do not do a point to point comparison. You don't release
2 their information. It was around the 15th of October that I don't
3 know who, but somebody added from OGC, actually I do it was (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C), she had added in the idea that we're given the
5 TEB reports as well, but she did not identify which offeror TEB
6 reports they were, so at that time when I received notification I
7 uploaded copies of those reports into the unsuccessful offeror
8 folder and at that time had spoken with OGC and told them that,
9 "Hey, all of this stuff is up there." In addition there were a
10 number of e-mails that were exchanged between myself and OGC
11 telling them, "Hey." As well SLACK messages, "Hey, here's the
12 marked documents for redaction. Take a look. What's the status on
13 that?" As almost like a daily checkup.

14 Q: Had you marked the TEB reports for redaction?

15 A: No, I did not mark any TEB reports.

16 Q: Uses put them in the folder?

17 A: Yes.

18 Q: Why were the Microsoft ones put in the unsuccessful
19 offeror folder?

20 A: Because based on the title in the report, or excuse me,
21 in the unsuccessful offeror language it just said Factors 1
22 through 9, no, sorry. Factors 2 through 8 TEB reports. It didn't
23 specify an offeror, and I took that as all of the reports for all
24 of the factors, and that was my mistake that I understood it as
25 all reports for all factors.

1 Q: Did you said assume that (b) (6), (b) (7)(C) would select which
2 ones or that there would be a conversation later about which
3 ones?

4 A: I expected OGC, since (b) (6), (b) (7)(C) was taken over at
5 that point in time it was after 15th so it was (b) (6), (b) (7)(C) who I
6 expected to have some back and forth with.

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

8 Q: So essentially with this folder did it work that
9 everything that was uploaded in this folder would go under OGC
10 review?

11 A: Yes. That was my assumption. Which as I later found out
12 it was a false assumption it was not true.

13 Q: But in prior acquisitions is that how it worked?

14 A: Yes even in this one.

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

16 Q: Since you had marked the TEB reports for redaction who
17 was going to redact them?

18 A: OGC.

19 Q: But according to your previous statements about what
20 typically happens you mark them for redaction and they agree or
21 disagree, but you expected them to?

22 A: Yes. Because --

23 Q: Or that was the understanding?

24 A: Because when I spoke to them they said, "We're sending
25 them the whole report. There isn't anything to redact." And I

1 just uploaded the reports and if I was to change before the
2 official release that was to change.

3 Q: So at any time did you question sending the unredacted
4 Microsoft TEB reports?

5 A: That specifically, but I was more so focused on
6 releasing the information in the SSAC and SSA reports. I may have
7 very well marked up the TEB report and they didn't object
8 anything in there, but as far as the SSA and the SSAC report I
9 recognize that there was a lot of information about Microsoft in
10 it still, and that's when I was more so focused on and I lost
11 focus on the TEB reports.

12 Q: Okay. So can you walk us through your responsibilities
13 on the day of award?

14 A: Yes. So the day of award I was asked to arrive by 9:00
15 a.m. and be in the room for any and all activities that could
16 occur. At that time we had a very documented and very laid out
17 process. I think the nickname was the tick-tock given the issue
18 at tick-tock, but it was just a very focused and detailed list of
19 who needs to be notified at what time and through what medium.
20 Then we also had our contracts version where he had specific
21 contracting actions like we had to create the IDIQ in PD2 and the
22 two subsequent task orders, and have them approved by OGC, and
23 then attach them to the e-mails. At that time language for the
24 e-mails as well as all the attachments to my understanding was
25 reviewed and approved. That's where we were out at that point. I

1 had a SLACK from (b) (6), (b) (7)(C) stating that the redacted
2 documents are good to go. So, we pulled them down, finalize them
3 all, optimized them. This is what I specifically did. I optimize
4 them to be able to attach them to the fewest number of e-mails as
5 possible. The Microsoft one went off without an issue. However,
6 when we got to Amazon there was a different size limitation on
7 their mailbox and it caused us to have multiple tries to get out.
8 So we had a series of return messages from each of the
9 individuals which further confused the mailbox because we had
10 chain messages of message delivery failure. At this point (b) (6), (b) (7)(C)
11 (b) (6), (b) (7)(C) and I were working together on the same computer, and that
12 at one point she handed me the computer and said, "Put all the
13 documents on there and send them." Before that we had sat and
14 looked at all the documents on there, but we were working from a,
15 it was like an 11 1/2 inch MacBook screen or 13 inch MacBook
16 screen and we had at the time five e-mails and like 57
17 attachments up on them. We were trying quality check that and we
18 missed that we attached the -- all of the TEB reports. And at
19 that time was that the ones off to Microsoft with the award
20 document, the award notice, and all the subsequent attachments to
21 the award but no debrief. We were directed to conduct the entire
22 written debrief at time of notification. I've done it that way
23 before. I've done it where we've wait for them to ask for it as
24 well. In this case we didn't see any issue with it because we had
25 orchestrated releases like this before, and when we did the

1 release it wasn't until later that we realized we release the TEB
2 reports.

3 Q: Who made the call to do the debrief on day of?

4 A: I wasn't present for the decision. The debrief idea was
5 already set in place and done. It was just likely the leadership
6 team which would be the Contracting Officer, OGC, and the PM, if
7 I were to guess. But that wasn't my decision to make.

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

9 Q: You didn't find out later?

10 A: Say again.

11 Q: You didn't find out later about who made the decision?

12 A: No. No.

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

14 Q: So since all the Source Selection Team names have been
15 released have you been contacted by anyone, AWS, Microsoft,
16 media, anyone?

17 A: No.

18 Q: You know if anyone else has been contacted?

19 A: I have no knowledge of that.

20 (b) (6), (b) (7)(C) , do you have any follow-up?

21 (b) (6), (b) (7)(C) : I do not.

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

23 Q: Okay (b) (6), (b) (7)(C) the media has reported that President Trump
24 became involved or tasked someone on his staff to get involved or
25 tried to get involved in the procurement. Tell us what you know

1 about that?

2 A: Anything that the media says -- I've never been
3 contacted by anybody from the White House. I've never made
4 contact with President Trump or any staffers, or anything to that
5 effect. I've never been contacted by an odd person or anything
6 else. I stayed in my lane the entire time and did price.
7 Everybody that I talked to price had been previously read in and
8 reviewed by OGC. There was no, to my knowledge no outside
9 influence on this. I was involved in the creation of the
10 requirement once we received the hard salient characterizations
11 of what this is. At that time all the different people that we
12 had in the room were from DDS and we knew what they were there to
13 do. They were there to help us write this. At some point we even
14 blocked all of the technical support out and it came down to just
15 myself, the other Contracts Team members, OGC, and Ms. Sharon
16 Woods. Like we were it on it.

17 Q: What can you tell us about whether anybody else on the
18 Source Selection Team to include the Source Selection Authority,
19 and let's extend that to the PCO, the PM, and whatnot with the
20 date where they contacted by anybody? Did you hear anything like
21 that?

22 A: To my knowledge, no. I never heard anything about
23 anybody being contacted from an influential standpoint such as
24 one of the vendors. I know early on in the process the PCO was
25 contacted by the media but that was as a result of, to my

1 understanding was it called, the Industry Day that they had held.
2 So she was already a public figure at the time, and that's when
3 she started receiving media inquiries.

4 Q: What was your awareness, at the time you're doing your
5 work as the Factor 9 Chair, what was your awareness of reports in
6 the media about President Trump's statements to possible
7 dissatisfaction, or disgruntlement with Mr. Bezos at Amazon, or
8 Amazon itself, or the Washington Post, or anything like that?

9 A: So I, you can ask my wife I general stay off of the
10 social media. I try to stay away from it unless I have to as part
11 of my job sometimes we have to be cognizant of things going on in
12 our government, but I didn't know much about it. We do have a
13 Strategic Communication point of contact at the CCPO and that
14 individual provided us media updates on a, I think it was
15 supposed to be a standard weekly basis, but sometimes it would be
16 more frequent, but it was more so updates on the Senate, and the
17 House and what's going on there, and on occasion we would do a
18 JEDI pull from the Internet to see who's talking about JEDI and
19 that's where we would get a lot of our information from.

20 Q: What was your awareness at this time that you're doing
21 this work about reports of President Trump saying he wanted -- he
22 was going to take a look at this, or Secretary Esper saying he
23 was going to take a look at the procurement and do a review? Tell
24 us about your awareness of that?

25 A: Sure. I was aware that it was in the media and that was

1 the extent of my awareness. I mean whatever was on the Internet
2 or whatever was on a mainstream media outlet that's really what I
3 had heard about it. As far Secretary Esper's involvement I had
4 been asked questions of, "Hey, if you had to provide information
5 on how you're doing the price analysis, or this or that to some
6 effect what is some very generic information you could pass
7 along?" And it's what's in the RFP basically. Like let's say,
8 let's explain what this contract is and how it's going to work.

9 Q: And what was that associated with, Secretary Esper's
10 review?

11 A: My understanding is there was at some point questions
12 about the contract itself for Secretary Esper's was review so he
13 can understand what the RFP was and that -- it was very limited.

14 Q: What timeframe did this happen?

15 A: Summertime of this year.

16 Q: Of this year?

17 A: Yes, 2019.

18 Q: And who asked for the information?

19 A: I want to say it was Ms. Sharon Woods who had asked me
20 that question, but it wasn't directed to me it was directed to
21 the Contracts Team.

22 Q: Okay. And to whom did you provide the information?

23 A: It was (b) (6), (b) (7)(C) . Her role as (b)(6), (b) - she
24 had compiled some information and she had asked me about verbiage
25 in the RFP. We had -- there is an industry term getting tossed

1 around about best in class pricing. And this is the extent of my
2 contribution to this was, "Go back to the RFP. Pull the specific
3 paragraph out and explain that it's most favorable customer
4 pricing, it's not best in class pricing." That was the extent of
5 my moment involvement in that.

6 Q: What indicators did you get that any RFI's or tasking's
7 were coming down to you through DoD channels that may have
8 originated in the White House?

9 A: I don't think I understand, you said RFI's, that's a --

10 Q: Request for information. Ask - any asks, any
11 directions, or request for information? What indicators did you
12 get that you were getting pinged in any way, shape, form, or
13 anybody on your team, or the Source Selection Team was getting
14 pinged in any way, shape, or form as a result of things coming
15 down from the White House?

16 A: Sure. I had no indication or no knowledge of that. I
17 had asked about the clarifying RFI because RFI to me means market
18 research. That's why I went, why would they be asking about
19 market research? No, I had no understanding or no knowledge of
20 anybody from the White House sending tasking's down to us, or
21 asking us questions. I never received any personally. I had no
22 knowledge of the PM or the Contracting Officer receiving those
23 things. Those would be the two that I interfaced with the most.

24 Q: What communications did you have with anybody from the
25 White House including President Trump about the procurement?

1 A: Other than seeing it on Twitter nothing. That is, yeah.
2 They really need to shut that Twitter account down.

3 Q: How did President Trump's or his staff's public
4 statements, things you're aware of the media affect you as you
5 carried out your duties?

6 A: They did not affect me.

7 Q: What influence did they have on your evaluation?

8 A: None.

9 Q: What information do you have that the President Trump's
10 or his staff's, or anybody at the White House public statements
11 or direction to DoD senior executives may have impacted the
12 source selection?

13 A: None to my knowledge.

14 Q: What information do you have that might indicate that
15 President Trump's or anybody at the White House communications
16 with, or public statements may have affected, let's call them
17 people at the working level, in the Program Office, or the DDS,
18 or the WHS Acquisition Directorate management?

19 A: Sure. I have no knowledge of any indication that there
20 was any communication between them, or any impact, or influence.

21 Q: Same question for the Source Selection Authority.

22 A: Same answer, no impact.

23 Q: Did you ever hear anything like that from anybody else?

24 A: No. We tried to stay as insulated as possible and do
25 this in the most objective manner that we could.

1 Q: What pressure did you ever perceive was on you were on
2 anybody on the Source Selection Team to make the outcome one way
3 or the other?

4 A: None. We wanted to get to an award. It's more of a time
5 crunch and making sure that we get this technology in the
6 warfighters hands. There is no indication of which one would be
7 better. In fact, I remember some of the members saying that no
8 matter how this turns out we're going to be tenfold better than
9 we are today.

10 Q: What is your response to any assertion that President
11 Trump influence the JEDI Cloud procurement?

12 A: That is false. There is no way that that happened.
13 After seeing all of the reports and seeing all of the internal
14 documentation there's - everybody follow the rules, everybody did
15 what was asked of them.

16 Q: Other than your awareness of what has been reported in
17 the media what information do you have that would indicate that
18 President Trump tried to influence the procurement in a way that
19 may have disadvantaged Amazon?

20 A: I have no knowledge of any way that he would have done
21 that.

22 Q: The media reported in August of this year that the
23 White House instructed Secretary Esper to "re-examine the
24 awarding" of the contract. Because of "concerns that the deal
25 would go to Amazon." Secretary Esper was then quoted as saying,

1 "I've heard from folks in the administration." What can you tell
2 us about this report in the media?

3 A: I didn't even know that report existed that you had
4 just cited of him saying, I'm sorry what was the last statement
5 exactly?

6 Q: "I've heard from folks in the administration."

7 A: Yeah, I didn't even know that is it statement existed.

8 Q: We're aware that Secretary Esper shortly after his
9 confirmation began a review of the --

10 A: Yes.

11 Q: -- procurement.

12 A: Uh, huh [affirmative response].

13 Q: What can you tell us about that?

14 A: It made sense. It's a \$10 billion commercial cloud
15 procurement over the course of 10 years. As Secretary Defense and
16 leader of the Department of Defense it makes sense that he would
17 want to see that. He needs understand what it is. In his prior
18 role I believe it was with the Army. The Army didn't have
19 extensive involvement with JEDI Cloud so he wouldn't know
20 anything about it, and then him taking his position it just made
21 sense that he asked questions about it.

22 Q: What was the White House's influence on the conduct of
23 the review, Secretary Esper's review?

24 A: I have no knowledge of any impact from the White House
25 on Secretary Esper's review.

1 Q: Did you hear anybody else talk or write about any White
2 House influence on the review?

3 A: No.

4 Q: Did Secretary Esper or anybody, or you, or anybody else
5 in between have to provide information about the review back to
6 the White House, either directly or through some other channel?

7 A: To my knowledge no.

8 Q: What decisions did Secretary Esper make, or what
9 direction did he give as he was going through the review or at
10 the end of the review?

11 A: I wasn't included in the review so I don't know the
12 direction. I'm aware of the media stating that he had recused
13 himself because of a family affiliation with one of the
14 competitor, but that's it. I mean I was never involved. I never
15 met Secretary Esper. I never met the Deputy Secretary of Defense.
16 The only individual close to them that I met was Mr. Dana Deasy
17 and (b) (6), (b) (7)(C) , and both of them I have no knowledge of any
18 communications from the administration.

19 Q: How and when did you become aware that Secretary Esper
20 recused himself?

21 A: I have to think of the time now. That's the problem
22 with all these things. All these things happened at rapid fire in
23 and around themselves. I want to say his recusal came out
24 September? I'm sorry, I really, I just can't recollect when there
25 was -- there is an official press briefing stating that he

1 recused himself and around the same time I had heard that it was
2 because of his son's affiliation with Oracle or IBM. I think it
3 was IBM.

4 Q: That indicates to me that you had two different
5 sources. Maybe you're aware of the press briefing but you had
6 talked to somebody else about the reasons for his recusal?

7 A: Yeah.

8 Q: Who did you talk to about the reasons for his recusal?

9 A: That was Ms. Sharon Woods the PM.

10 Q: And how much time was separated between the press
11 briefing?

12 A: It had to be the same day because it came out in one of
13 our media releases and I ran into her in the office and was like,
14 "What happened?" And she mentioned that it was based on his
15 involvement with IBM. His being his son, not Secretary Esper to
16 clarify.

17 (b) (6), (b) (7)(C) Anything else?

18 I do. I have a question.

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

20 Q: For the record this is (b) (6), (b) (7)(C) . So, in the AWS
21 questions, they make a claim or they propose a question in
22 regards to (b) (6), (b) (7)(C) .

23 A: Yes.

24 Q: And you mentioned that the CCPO Office at times
25 provided updates on JEDI just as far as like things that had been

1 posted out in the media. Was this one of the things that you all
2 were made aware of?

3 A: I don't think I'm connecting the two. Because when you
4 say (b) (6), (b) (7)(C) I'm thinking of (b) (6), (b) (7)(C) that was used to review
5 the service level agreements, but maybe I'm mistaken. What are
6 you referencing in the AWS question?

7 Q: So, in the AWS question number 244 it states that (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) made two Tweets.

9 A: Oh (b) (6), (b) (7)(C) I'm sorry. (b) (6), (b) (7)(C) is our service
10 level agreement so I wasn't connecting the dots. So can you
11 re-ask the question again?

12 A: I sure can. So in AWS questions they make a reference
13 to (b) (6), (b) (7)(C) and in it it talks about at two times in
14 October, October the 10th and October 21st about making reference
15 in Amazon lost the contract. And then so I was connecting it back
16 to when you mentioned early on about CCPO Office providing you
17 all updates on JEDI and the media.

18 A: Uh, huh [affirmative response].

19 Q: Was this one of the instances or conversations that
20 they brought to you all's attention?

21 A: No. I don't know who (b) (6), (b) (7)(C) is.

22 Q: Okay. So when the AWS questions came in that was your
23 first time ever seeing his name?

24 A: Yes. Yeah.

25 (b) (6), (b) (7)(C): That's all I have.

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

2 Q: Any additional information that you'd like to provide,
3 anything that we didn't ask you that would probably need to know
4 in order to write a good report, and an accurate and thorough
5 one?

6 A: Sure. Let me take a second to think and make sure I
7 give you -- I don't need to come back. So you asked about the
8 process, my role (b) (6), (b) (7)(C) , my role (b) (6), (b) (7)(C) how I got
9 involved up until the day of award. You asked all the right
10 questions about media because -media. It's been a rough ride with
11 the media. No, I don't have anything else to add. Thank you for
12 asking.

13 Q: Let me ask you a question.

14 A: Sure.

15 Q: Of those things that you did read in the media.

16 A: Yeah.

17 Q: We have some information that some things in the media
18 might not have been accurate. Do you have any examples that you
19 might put in that bin?

20 A: I tried to brain dump most of these. Let's see. What
21 was not accurate in the media?

22 Q: I don't need the source or the date of publication,
23 just the details that were reported that weren't right.

24 A: There were many -- there are many along the way. I
25 guess early on there was a lot of talk about Oracle and their

1 protest, and the - gosh, who was it? The individuals who were
2 part of the PIA violation, there was a lot of information in the
3 media about them. And how involved they were in JEDI. Every
4 individual that was named in the PIA violations I had never met,
5 and I was very involved in this process from the day that we sent
6 out, I think it was the second draft RFP all the way through
7 award, and again I never met any of those individuals and then
8 they wanted to say that they were intricately involved in shaping
9 this. Everything was up in the air until we had released the
10 formal solicitation and then we amended that five, six times
11 right. This process has been going on for so long that we were
12 focused on the warfighter. We're focused on getting the right
13 technological technology out there, and everybody else wanted to
14 focus on the fact that this was made for Amazon. This has the
15 made for Amazon since 2017 when the retired Secretary of Defense
16 Mattis had gone out and had secret meetings with everybody. Like
17 it was really just, it was really entertaining to read that and
18 then know that's none of those individuals shaped this. I had
19 access to a Google Drive to see the direct edits of these
20 individuals like Anil, no, not Anil. Deap Ubhi made to these
21 documents and they were nothing. There is just so many. I mean,
22 everything from grammar changes that was really the extent of his
23 input there. So I'd say for them to say that AWS got their hands
24 on the Department of Defense and turned around and this is built
25 for them it's false. Even the factor reports at the end of the

1 day show that this was as objective as it possibly can. Yes it's
2 a subjective process because its source selection, but we
3 followed the evaluation criteria that was laid out. The
4 evaluation criteria was fair. We got two of the largest cloud
5 service providers to fight it out to the very end. We found out
6 which one came to the table in which one gave us and the
7 warfighter the best value. That's what needs to be out there.
8 This whole it was made for one vendor or the other - it wasn't.
9 It was made for the warfighter just like the JROC-M stated back
10 in 2017. We need this requirement and we're going to get it.

11 Q: Any other examples you'd like to highlight?

12 A: Let's see. So that was AWS push. I should go back and
13 look at my e-mails now. I can't recall any, no, not off the top
14 of my head any other media outlets. I mean we tried to keep our
15 head down. When I say we I can talk for me and the Price Team. I
16 told them, "Don't pay attention to what you see in the news. Stay
17 focused on the job. Stay focused on getting this done."

18 Q: What training or instruction did you get from Ms. Woods
19 or anybody else regarding to protecting the integrity?

20 A: Don't talk to anybody at all about this. Don't tell
21 anybody you do this. Don't mention to anybody period. That was
22 from OGC, (b) (6), (b) (7)(C), and
23 of course both (b) (6), (b) (7)(C)
24 and Ms. Sharon Woods. From the start it was don't talk to anybody
25 you're working on this. It was awkward because you go back to --

1 I go back to AD, "Oh, hey, how's everything going? What's going
2 on with JEDI?" And you're like, "Going on with what?" Nobody, we
just didn't want to talk about it to anybody.

3 Q: How about ethical behavior, same thing, what
4 instructions, admonishment, anything like training or anything
like that did you get?

5 A: Sure. We do our annual ethics training for acquisition
6 professionals we have a different set of standards. So we have
7 our specialized training every year. That's generally what we go
8 off us. So when it comes ethics, OGC, if we had any ethical
9 concerns had an open-door policy. If we were approached by
10 anybody or if it appeared that something was wrong or biased, or
11 un-proprietary, she always said, "Come talk to me about it if you
12 have any questions." Same thing with Ms. Sharon Woods, she had an
13 open-door policy about any questions. When we did find out about
14 anything that was, what was the latest? There was an individual
15 who had stock in Microsoft who had attended some of the
16 briefings. As soon as we found out about it was like, "Let's find
17 out about it now to find out what the damages to this." And that
18 was always the way forward is be honest, be up front.

19 Q: Do you have any questions of us?

20 A: No.

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

23 A: No.

24 (b) (6), (b) (7)(C) If you remember anything else you believe
25 may be relevant to the review you can contact us please. Finally,
in order to protect the integrity of this review, we ask you not
to discuss the matters under review or the questions we asked you
during this interview with anyone other than an attorney should
you choose to consult one. This does not apply to or restrict
your right to contact an IG about anything at all or your Member
of Congress. If anyone asks you about your testimony or the
review please inform them that the 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 me. The
time is now 2:00 p.m. and this interview is concluded.

[The interview terminated at 2:00 p.m., November 14, 2019.]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Robert Daigle
August 6, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is August 6th, 2019. The time is now
3 0804 Eastern Standard Time. I'm (b) (6), (b) (7)(C) and with me
4 today are (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), also known as (b) (6), (b) (7)(C). We
6 are interviewing the witness, Mr. Robert Daigle, and what is your
7 location, sir?

8 MR. DAIGLE: Currently I'm in Alexandria.

9 (b) (6), (b) (7)(C) We are located in the Mark Center, in
10 Alexandria, Virginia. We are conducting a review of the Defense
11 Joint Enterprise Defense Infrastructure Cloud Acquisition.
12 Specifically our review pertains to several former DoD officials
13 involvement in the JEDI Cloud acquisition and whether their
14 activities violated any ethics or conflict of interest standards.
15 As a former Director of the Coast Assessment and Program
16 Evaluation, CAPE, we also want to ask you some questions about
17 your involvement in the JEDI Cloud acquisition. These DoD
18 officials are: Former Secretary of Defense, James N. Mattis;
19 former Chief of Staff to the Deputy Secretary of Defense, Mr.
20 Anthony DeMartino; former Special Assistant to the Secretary of
21 Defense, Ms. Sally Donnelly; former Deputy Assistant Secretary of
22 the Navy for Command, Control, Communications, Computers,
23 Intelligence, Information, Operations, and Space, Mr. Victor
24 Gavin; and former DDS Product Manager, Mr. Deap Ubhi. At this
25 time I ask you that you acknowledge that this interview is being

1 recorded.

2 MR. DAIGLE: Acknowledged.

3 (b) (6), (b) (7)(C): Also please acknowledge that I provided you a
4 copy of the DoD OIG Privacy Act Notice.

5 MR. DAIGLE: Acknowledged.

6 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
7 your right hand?

8 MR. DAIGLE: Okay.

9 ROBERT DAIGLE

10 was called as a witness, placed under oath, and provided
11 the following testimony:

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

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

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

15 A: Robert Daigle, D-A-I-G-L-E.

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

17 A: I am currently the Chief Operating Officer of Rebellion
18 Defense.

19 Q: And what was your former position with the DoD?

20 A: Director of Cost Assessment and Program Evaluation in
21 the Office of the Secretary of Defense.

22 Q: And what was your former grade as the CAPE Director?

23 A: I think it was an EX4 but I'm not exactly sure.

24 Q: Can you please give us a brief description about your
25 duties as the CAPE Director?

1 A: Yeah. So CAPE runs the Cost Assessment Group of the
2 Department of Defense. We provide cost estimation on major
3 defense acquisition programs. CAPE also conducts independent
4 assessments on force structure and resource allocation to provide
5 recommendations to the Secretary and Deputy Secretary, and
6 finally CAPE runs the program side of the annual program budget
7 review process that leads to the budget formulation for the
8 President.

9 Q: Okay. And what were your dates of service there as the
10 CAPE Director? How long did you perform those duties?

11 A: On or about August 1st of 2017 through May 17th of
12 2019.

13 Q: And if you could, could you please tell us what the
14 impotence was for the JEDI Cloud acquisition?

15 A: Yeah, it's really twofold. The Department of Defense's
16 information technology environment right now is fractured. It,
17 data is highly segregated across organizations and even within
18 organizations which makes -- which really causes two problems
19 from a warfighting perspective. First is the analysis of data is
20 very hard, so it's very hard to accumulate data and process it
21 because it's so segregated. And then second of all if you try to
22 write software, because the data is sitting in different places
23 and because that the data security, the network surrounding that
24 data are fragmented as well. You can't simply write a single
25 piece of software and deploy it to the enterprise. So, the

1 central idea behind JEDI was let's create a modern
2 infrastructure. Let's adopt a modern infrastructure globally that
3 allows us to consolidate data to make processing and analysis
4 easier, and to make software development and distribution easier.

5 Q: Okay. And what specifically were your duties and
6 responsibilities as the Director for CAPE as it related to the
7 JEDI Cloud acquisition?

8 A: Really kind of threefold. I was a member of the Cloud
9 Executive Steering Group. So as a member of that group I kind of
10 attended meetings and offered advice and recommendations in terms
11 of kind of the strategic direction we should be taking with cloud
12 adoption. Two in my CAPE role we were, we had a heavy hand in the
13 business case analysis. The business case analysis determines
14 whether or not a commercial cloud would be more or less
15 cost-effective than the status quo, and then the third piece was
16 as part of programming phase, the budgeting phase, we programed
17 the money for migration of legacy systems into the cloud. And I
18 guess there was a fourth point as well. After, this really
19 doesn't have to do with cloud. It has to do with the Program
20 Office. I helped the CMO organization allocate resources and find
21 manpower to stand up to that program office within CIO.

22 Q: And how did you provide assistance in standing up at
23 office there?

24 A: So there was a --

25 Q: Where the billets used --

1 A: Yeah, it was partly a billet issue, so where we going
2 to pull the billets from. It was partially are we going to stand
3 it up in CMO or are we going to stand it up directly and CIO, and
4 what does that mean for the management headquarters caps that
5 we're all managing to, or do we want to stand it up in DISA so
6 that it's not a management headquarters cap billets, but then it
7 still directly reports to CIO. So, I was kind of an advisor in
8 all of that right? because the CMO leadership didn't really --
9 doesn't really -- didn't really understand the manpower rules of
10 the Department of Defense.

11 Q: And who were you working with when you were in
12 establishing the structure for that particular office?

13 A: It was Dana and Jay Gibson I think. Dana Deasy and Jay
14 Gibson.

15 Q: Okay. Thank you.

16 A: Uh, huh [affirmative response].

17 Q: What financial interest or anyone close to you may hold
18 that would have for prohibited you from participating in the JEDI
19 Cloud acquisition?

20 A: None.

21 Q: What else might have cause someone to question your
22 impartiality in carrying out your role in the JEDI Cloud
23 acquisition?

24 A: Objectively nothing, but if someone is trying to tell a
25 story that there was something nefarious going on in the middle

1 of this contracting process, then I don't think there's anything.

2 Q: Okay. What ethics advice did you receive it as it
3 relates to the JEDI Cloud acquisition?

4 A: Ethical advice? Outside of kind of standard SOCO, you
5 know, how to behave and how not to behave within an acquisition
6 process or as a government official nothing. I don't -- I never
7 perceive there to be anything different about the JEDI Cloud
8 compared to my role in the F-35 program, or my role in the F-15
9 program, or anything else.

10 Q: Okay. So you didn't receive any additional guidance or
11 ethical training related specifically to JEDI?

12 A: No. No.

13 Q: Okay. Did you sign an NDA? Nondisclosure agreement?

14 A: As it pertains to JEDI?

15 Q: Yes.

16 A: I don't think so, but again I don't know why I would
17 have. Again, I didn't draw a distinction between this program or
18 any of the other programs that I was involved in as the Director
19 of CAPE. I don't think I ever signed anything.

20 Q: Okay. And this is just a follow-up question, sir, for
21 you not to trying to be redundant here. I just wanted to know
22 what ethics guidance did you receive concerning your
23 participation in the JEDI Cloud acquisition and anything related
24 to Amazon?

25 A: I'm thinking. I don't think I received any. As a result

1 of this -- as a result of this contracting activity there were a
2 serious the FOIA request that were generated so I got briefed on
3 what the FOIA rules are and then I complied with them. But those
4 I don't remember anything that was anyone came in and said,
5 "Okay. Now that you're involved in the Amazon, or, sorry. You
6 involved in the JEDI contract like here's your ethical guidelines
7 for this program." That would have been highly unusual.

8 Q: What discussions have you had about Amazon and the JEDI
9 Cloud acquisition?

10 A: That's a very wide ranging conversation, question. So,
11 there were questions at the beginning about -- look, there's been
12 questions right from the beginning of this contract with regard
13 to which of the vendors in the marketplace could meet the
14 requirements of the contract, and early on in the contracting
15 process, you know, Deputy Secretary Shanahan, and I, and several
16 others were very strong on the point that there must be
17 competition in this. So the requirements have to be written in
18 such a way where multiple people -- multiple parties could meet
19 that those requirements. So, in the course of that you know, you
20 have conversations along the lines of well does Amazon has the
21 leg up because of their contract with the IC and you know, one of
22 the things that Dana reviewed when he first came on board as the
23 DoD's CIO was let's look at the requirements and can multiple
24 people meet these requirements? So that's kind of the subtenant
25 piece of Amazon as a vendor in making sure that this was not a

1 sole-source, you know a defacto that it was a sole-source
2 contract for solicitation. Then, you obviously get to the other
3 side of you know, the companies that have been protesting and
4 kind of the tactics that they have been using the protest and
5 then that leads into a conversation with Amazon as well because
6 they've been you know kind of co-defendants along the way if you
7 will against some of the allegations against this program. So --

8 Q: Okay. So you mentioned earlier that there was
9 discussions about other vendors. Who were the other vendors that
10 you discussed as far as their capabilities were concerned? You
11 mentioned Amazon, were there any other mentions of any other
12 businesses?

13 A: Yeah, Amazon, Microsoft, Google. There was early
14 discussion of IBM and then early discussion of Oracle, and then
15 there was a discussion about the potential for teaming
16 arrangements among the players like there are in other programs.

17 Q: Okay. And can you share with me what was some
18 conversations as it related to Microsoft and Google?

19 A: Great companies with good services. You know, that was
20 kind of the backbone of the entire discussion all the way
21 throughout was, you know the press very early got on the series
22 of talking points that this was geared toward Amazon. Internally
23 it was never geared toward Amazon. It was consistently Amazon is
24 a good company. They offer good services. Microsoft's a good
25 company. They offer good services. Google's a good company they

1 offer good services. You know, kind of objectively if you look at
2 the marketplace you would say those are the top three tier
3 providers, and then you kind of take a step back and say there's
4 also some other companies that are involved in the cloud business
5 and it's not clear whether or not they currently have the
6 capabilities to compete effectively for this contract at this
7 time. That was the discussion throughout.

8 Q: Okay. So you mentioned that Dana reviewed the DoD CIO
9 about the requirements.

10 A: Yes.

11 Q: And I'm just trying to understand what other the
12 conversation took place as far as Microsoft capability. Did you
13 all discussed that, or Google capabilities? You mentioned
14 something about trying to make sure that it wasn't sole-sourced
15 towards Amazon early on.

16 A: Yeah, so this is where my personal knowledge is going
17 to reach a limit. I never got into the actual technical
18 requirements in the solicitation. So, what I would say that Jay,
19 and Shanahan, and I the guidance that we were giving at the
20 beginning and you know kind of the decision by Shanahan was the
21 requirements have to be set so that multiple players can
22 effectively compete for this contract. So, that's the level at
23 which my personal knowledge kind of ends. The team that was doing
24 all of the work first DDS and then the Program Office you know
25 turned that into an RFI, and then an RFP, and then when Dana came

1 on board he reviewed the RFP to make sure that it met that
2 standard, but I , you know -- so other than beyond the beyond
3 high level conversation of you know Amazon, Microsoft, Google
4 they're all good companies. We need to make sure that they can
5 all compete for this effectively. You know, I never really got
6 much below that.

7 Q: Ok. And, what is SBD Advisors?

8 A: SBD Advisors?

9 Q: Yes, sir.

10 A: So, it's my understanding, I didn't know them at the
11 time, but that was Sally Donnelly's advisory group before she
12 joined the Pentagon. It was her consulting company before she
13 joined the Pentagon.

14 Q: When did you learn that Ms. Donnelly was SBD Advisors?

15 A: I don't -- within the last two or three months. I mean
16 I didn't really know Sally in the building and it wasn't until,
17 I'm just going to speak frankly, right? It wasn't until the whole
18 conspiracy thing came around that I even knew that there was a
19 thing called SPD advisors.

20 Q: And what is Pallas Advisors?

21 A: Yeah, Pallas is Sally and Tony DeMartino's new
22 consulting company. So they both left the Pentagon and then they
23 started that new consulting company.

24 Q: And would that be Anthony DeMartino you're referring to
25 as Tony?

1 A: Correct.

2 Q: Okay

3 A: And, when I left the Pentagon I worked part-time for
4 that consulting company and I said earlier I'm working, you know,
5 I'm over Rebellion Defense which is true as of July. I'm still
6 doing a little bit of work part-time for Pallas.

7 Q: Ok. Ok. So you began working for Rebellion in July
8 2019?

9 A: Yeah, July 1st.

10 Q: Okay. July 1st. And you work part-time for Pallas. What
11 was the timeframe you worked with Mr. DeMartino and Ms. Donnelly
12 under Pallas?

13 A: May 20 is when I started, and then I was working
14 basically three days a week with them through the end of June,
15 and now that I'm over Rebellion I am working kind of part time
16 after hours doing consulting and advisory stuff for them as well.

17 Q: And how did that come about? How did you begin to work
18 after in your departure from DoD with Mr. DeMartino and Ms.
19 Donnelly?

20 A: Yeah, so as the Director of CAPE we deal a lot, a lot
21 with the Deputy Secretary's Office. Tony as the Special Assistant
22 to Shanahan Tony and I were working together every day kind of
23 thing when I was in the Pentagon while he was still -- before he
24 left while he was still the Deputy Chief of Staff, and so Tony
25 and I had become pretty good friends through that. And so when I

1 was looking to leave the Pentagon I wasn't exactly sure what I
2 was going to do on a permanent basis yet, and so Tony was nice
3 enough to say, "Hey, just come over and work with us for little
4 while. We'll you know we'll cover your income while. We'll give
5 you a paycheck while you figure out what you want to do on a more
6 permanent basis." So, that's how that came about.

7 Q: Okay. And about on or about when did he seek your
8 employment with his company?

9 A: Oh, it was probably -- we were probably having
10 discussions like maybe a month or so before I left, something
11 like that.

12 Q: Okay. And what was your position at Pallas Advisors?
13 What position did you hold?

14 A: They gave me the title of Principal. So I guess that's
15 officially it, but part-time consultant.

16 Q: And you said you're still doing work with them too? So
17 you're working with Rebellion and with Pallas Advisors?

18 A: Correct.

19 Q: Can you tell me who C5 Capital is?

20 A: C5 Capital?

21 Q: Yes.

22 A: I don't think I know that organization.

23 Q: And is there a relationship between SBD Advisors and
24 Pallas Advisors?

25 A: Sally was the CEO of both, or the owner of both and

1 then Tony was an employee is my understanding of SBD, and is now
2 one of the owners of Pallas.

3 Q: Ok. Do you know if SPD Advisors, who owns it now?

4 A: Oh, I don't know. SBD, I don't know.

5 Q: You don't know, okay.

6 A: No.

7 Q: And do you know if there's a relationship between SBD
8 Advisors, or Pallas Advisors and Amazon?

9 A: So, in the course of this, you know all of the news
10 around this it's been reported repeatedly that I think Amazon was
11 one of SBD's clients. I don't believe that there's a relationship
12 between Pallas and Amazon.

13 Q: And what interest is SBD Advisors have in the JEDI
14 Cloud acquisition?

15 A: None.

16 Q: What about Pallas Advisors in the JEDI Cloud
17 acquisition?

18 A: None.

19 Q: Ok. Now we'd like to move on to your first-hand
20 knowledge you may have regarding the role you and other former
21 DoD officials played in the JEDI Cloud acquisition. You briefly
22 talked about it earlier, the Cloud Executive Steering Group, can
23 you tell me what your involvement was as a member of the CESG?

24 A: Yeah, it's an interesting question. So I was a member.
25 We were all members. The chair of it moved around a little bit as

1 I recall. To be honest with you it was unclear to me at the time
2 what the CESG was intended to do. It really didn't from my
3 perspective provide a lot of guidance to the development of the
4 cloud strategy in the Department. Most of the real discussions
5 happened with the Deputy Secretary of Defense as it related to
6 you know how are we pursuing this as an acquisition strategy, so
7 on, and so on. So, from my perspective the CESG was probably a
8 group that I attended, I don't know maybe 8, 10, 12 meeting and
9 I'm not sure what I or the Department of Defense ever got out of
10 those meetings.

11 Q: Okay. Who chaired it? He said the chair moved around a
12 bit, so who were those persons?

13 A: I don't -- you know, I actually don't remember. I know
14 that there was a discussion. I don't remember. As I remember
15 regardless of the CESG, I think Ellen was involved in one point.
16 Ellen Lord, and then I think Jay was involved at one point, Jay
17 Gibson, CMO. Most of the kind of intellectual weight in the room
18 came out of Chris Lynch, right?. He was kind of the loudest voice
19 in the room with regard to what we should be doing and, that made
20 a lot of sense to me because he was the key figure that was
21 talking to Shanahan.

22 Q: Okay. So during these CESG meetings, just to make sure
23 I'm clear here, was Mr. Shanahan present?

24 A: No, no, no. There were two separate lines of activity.
25 Like there was the CESG meetings, like I said those meetings

1 didn't really accomplish much. They didn't really provide any or
2 a lot of guidance. Frankly they were just kind of a waste of
3 time. And then there was a whole series of meetings with
4 Secretary Shanahan about what are we doing with this cloud
5 contract and how do we want to move the Department to the cloud?
6 And that's where most of the real guidance came out of. So the
7 CESG was just kind of this weird little sideshow.

8 Q: Ok. And as far as your engagement with Mr. Shanahan did
9 you get on the calendar? How did you gain access, or have access
10 to him and what was the frequency of that?

11 A: So, my memory's bad. I think we always, for the most
12 part we were always on his calendar, right? I mean that's just
13 the way their office ran. And the frequency of it would have
14 waxed and waned over time, but during the busy part of this we
15 were probably talking with him once a week, maybe twice a week,
16 because he was asking a lot of really good questions, right? And
17 so that would then lead to. "Okay. Well let's go figure something
18 out then come back up." And there was a, like I was saying
19 before, there was very strong direction to make sure that this
20 was a competitively awarded contract, and then to make sure that
21 the Department is -- keeps itself in a position where it can
22 migrate to a multiple cloud strategy over time. So, those were,
23 and then how are we going to go about that? What does the
24 contracting structure look like? All of that was stuff that we
25 work out with Shanahan.

1 Q: Okay, and you said "we", who were those individuals
2 that went and met with Mr. Shanahan?

3 A: Yeah, it would have been Jay, and Chris Lynch, and me.
4 Probably (b) (6), (b) (7)(C) from the CIO shop was in some of those
5 meetings.

6 Q: And were these individuals --

7 A: And--and--and I should add Sharon Woods in (b) (6), (b) (7)(C)
8 were in those as well.

9 Q: So during these weekly updates to Mr. Shanahan, all of
10 these members, Mr. Jay Gibson, Mr. Chris Lynch, yourself, (b) (6), (b) (7)(C)
11 (b) (6), (b) (7)(C) and Ms. Woods will be in attendance?

12 A: Yeah, I'm not sure if (b) (6), (b) (7)(C) was there all the time.
13 Most of the rest of them were there most of the times. You know
14 based on availability of calendars, that kind of thing. But, that
15 was the Chris, Sharon, (b) (6), (b) (7)(C) me, Jay, Shanahan, and then Dana
16 Deasy once Dana came on board. You know those were the folks that
17 were really answering the mail for Shanahan with regards to the
18 requirements of this.

19 Q: Okay. And did you provide him with any written guidance
20 or was it just conversation? How did you capture the feedback and
21 updates to Mr. Shanahan?

22 A: I don't remember. He was not one for written documents.
23 So I don't remember ever really writing anything. Maybe a slide
24 or two here along the way, but I don't really remember. Most of
25 the way he worked was just with conversations.

1 Q: Okay. And if you could recall you captured a couple of
2 the concerns or questions that Mr. Shanahan asked of the team
3 there. Can you share with us any other thing that you can
4 remember regarding did he put out any guidance? Just any other
5 conversations that may help us understand what you were providing
6 to Mr. Shanahan as far as this acquisition goes?

7 A: Yeah, absolutely. Absolutely. So conversations with
8 regard to the structure of the contract, is it a single award, is
9 it a multiple award? Came down to basically three things, right?
10 We had a fair amount of discussion about whether or not clouds
11 are commodities. Right? Whether or not buying from Microsoft, and
12 buying from Google, and buying from Amazon are the same thing and
13 so in theory what the Department would like is what -what--what
14 Shanahan wanted was commodity offerings that he could negotiate
15 against each other as time went on so that he could consistently
16 get the best price for computing power. Right? The challenge with
17 that is clouds aren't the same. Right? So, it's like an Apple
18 Computer versus the Windows based computer. They both are
19 computers, but if you are running on a Mac it's not seamless to
20 run a Windows machine and vice versa. Right? And so we had to --
21 there was a fair amount of discussion around the technical
22 differences of the clouds and why having a multiple cloud
23 environment would be technically limiting for the Department of
24 Defense with regard to distribution of software. The development
25 of and distribution software. So, that was one major thrust. The

1 second major thrust was around contracting activity. In a
2 multiple award, that -- so if we go all the way back to your
3 first question about why was the cloud -- why is the cloud so
4 important for the Department of Defense? It's because it just
5 takes so long to do anything in the current environment. Right?
6 If CAPE needs to get additional computing power which was the
7 case last year, you have to go off and start a procurement
8 process for new servers, and then you need to find space for
9 them, and then you need to install them, and then you have to
10 have the authority to operate, and then you have to have. So
11 sometimes after a year you can finally get your computing power.
12 Whereas in the cloud environment it's scalable and on demand at
13 all times, right? So, one of the benefits from a warfighting
14 perspective is the availability of computing power virtually
15 instantaneously, right? People down range can scale computing
16 power up. They can turn it off when they don't need it. The
17 challenge with a multiple award IDIQ is you have to compete
18 individual task orders underneath that IDIQ. And so therefore
19 you're walking away from the competition takes time, each of the
20 -- each of those individual task orders are subject to protest
21 risk. Right? We were doing work with ANS on what's the average
22 time line for an award of a task order under multiple award IDIQ,
23 and it was something between three and six months, right? and
24 then you start to scale that across the Department of Defense and
25 you think, "Wow, that's a lot of time to get to a less

1 technically good solution." So, we were having -- so the other
2 part of the conversation with Shanahan was we were having this,
3 are there any other contracting approaches that we can take
4 actually get into a multiple award environment where we didn't
5 have to put all of that time into the process, and ultimately we
6 decided, you know, we engaged General Counsel, we engage
7 Congress, you know, and ultimately the answer was short of
8 legislative changes there's no pathway by which we can streamline
9 acquisition in a multiple award environment. So that was another
10 major line of conversation with Shanahan. The third major line
11 with Shanahan was, as I said before, fine, but this individual
12 contract has to be competitively awarded and we have to structure
13 it in such a way so that multiple players can win so that we get
14 good pricing on this individual contract. And I guess the fourth
15 thing that we spent a fair amount of time with Shanahan was, and
16 even if under this individual contract we are structured, because
17 of everything that I just said because we were kind of in a
18 corner now we have to go down a single award with a single vendor
19 for this one contract. He was only okay with that once we all had
20 you know a series of discussions about how will the Department of
21 Defense remain a multiple cloud environments in the future
22 --right? Because one of the things that none of us wanted was the
23 Department to move to a single vendor for all storage and compute
24 requirements. That would just be crazy. So, you know we were
25 having conversations about okay, well how much is the total

1 storage and compute budget of the Department of Defense, and how
2 much of that is going to be on JEDI, and how much of that is
3 going to be in you know MILCLOUD2, and how do we talk how do we
4 want to think about adopting other clouds in the future so that
5 we can retain our optionality going forward.

6 Q: Ok. Okay you mentioned earlier about you assisting in
7 standing up to structure the Cloud Computing Program Office, is
8 there anything else you would like to share as far as your
9 involvement with the Cloud Computing Program Office?

10 A: No. You know, I was in conversations about is this the
11 right program manager, what about this person? Should we bring
12 this person on to the team? A big should the team be, all of that
13 stuff, but I didn't have a heavy hand in any of that. Like I said
14 what I did have a heavy hand in, or what I did provide guidance
15 on once. We had management headquarters caps issues at the OSD
16 level, so how can we put the billets in DISA and still have them
17 report to Dana as a direct report? So that we kind of thread that
18 needle.

19 Q: Okay. So who was the program manager? So was it more
20 than one program manager?

21 A: I know that (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) now. I think
22 there was, this is this is the point at which I stopped paying a
23 lot of attention. There was an Air Force woman. I think she was
24 the (b) (6), (b) (7)(C) at the beginning. She was like an (b) (6), (b) (7)(C) and I
25 don't know you know at that point once the strategic direction

1 was set, once we knew what we were doing, once it was funded and
2 resourced, I just frankly stopped paying attention to the other
3 than just making sure that the program was still moving forward.
4 You know, like every once in a while somebody would, you know
5 "Hey, can you clear an obstacle?" Or, "Hey, so and so on the Hill
6 is asking questions, can you help answer questions and that kind
7 of stuff?" But I stopped paying attention to all the details
8 underneath it.

9 Q: Ok. Also, what is your involvement with the problem
10 statement?

11 A: You know, I read that on your thing, if there is a
12 formal problem statement that's been written down I've never
13 looked at it. The problem statement as I understand it and the
14 way we talked about it was exactly what I said before. Data is
15 segregated, networks are segregated, the ability to develop and
16 distribute software capabilities across the Department are hugely
17 limited, and so creating a common environment for data and for
18 software is critical for kind of the way we all envision
19 tomorrow's war going down. That to me the problem statement. Is
20 there if there is actually a written document I have no idea.

21 Q: Ok. The business case analysis, what was your
22 involvement in that one?

23 A: Yeah, so we're pretty involved in that. The CAPE team,
24 Mark Murphy and those guys, in the CAPE organization, Mark and
25 Manny and those guys did a lot of math under the business case

1 analysis.

2 Q: Okay. Can you share with us any involvement any other
3 involvement that you participated in?

4 A: With regard to the BCA?

5 Q: Yes sir.

6 A: No. I mean by the time it was done, if I have my timing
7 right, right around the time that the BCA was getting done Dana
8 was on board, and so that was right around the time that I really
9 stepped out of the way because Dana came on board and he was like
10 I've got this. I was like, great. You take this one. I'm going to
11 go do you have thousand things I have to do. So, I think he was
12 the one that finally approved the BCA, I think.

13 Q: Ok. What about functional requirements?

14 A: Yeah, like I said as we go down this list if there are
15 things on here let me go the other way. I know I reviewed the BCA
16 in written form. There is -- I know that I reviewed the plan for
17 Industry Day in written form, and other than that if there's
18 anything that piece of paper that was actually written down I
19 never reviewed it personally. So, with regard to functional
20 requirements and technical requirements six or seven, I would
21 just go back to the statement that I was saying earlier. Right?
22 The business requirements from our perspective was we can't get
23 the entire Department of Defense into a position where it's
24 reliant on one vendor for all data and compute. So, structure,
25 the overall environment where it remains a multi-cloud

1 environment where we can have ongoing price competition even
2 though this individual contract is a single award because of the
3 technical requirements and the acquisition constraints. And oh,
4 by the way within this single award, or within this single
5 contract the technical requirements have to be written in such a
6 way where multiple vendors can effectively compete to provide
7 those capabilities. That was the top down guidance that you know
8 Shanahan gave, that Jay I helped him develop you know through the
9 course of those conversations, that was the guidance that he
10 gave. That's where kind of my, that was the limit -- that
11 top-down guidance was the limit of my knowledge with regard to
12 functional business requirements or technical requirements.

13 Q: Okay. Can you talk to us about your participation in
14 the Intel meetings and the acquisition strategy and plan?

15 A: The only Intel meeting that I was ever in (b) (6), (b) (7)(C)
16 came over to talk to me a couple of times about I think it was
17 Sue. Somebody from DNI, I think it was (b) (6), (b) (7)(D) came over to see me a
18 couple of times about DNI and CAPE working together more
19 generally, right? and then in the course of that I asked them
20 their experiences with cloud migration and what were their
21 lessons learned? We never -- I never got near the security
22 requirements other than to say, "Hey, this has to be secured and
23 you know NSA should sign off on this stuff because they're the
24 experts."

25 Q: Okay. Also your involvement with the contract decision

1 type full and open competition and the single award decision?

2 A: Yeah, I would just go back to my previous statements,
3 right? The technical requirements -- the technical requirements
4 because clouds aren't commodity within this individual contract
5 drive toward a single award. The acquisition process, and the
6 time requirements of a multiple award IDIQ drive towards a single
7 award for the contract. You know, as I said before, Shanahan,
8 Jay, Chris, and I, and some of the other folks you know had that
9 conversation repeatedly trying to figure out a way out of that
10 box and we couldn't. So that's ultimately was led into the
11 decision for how this individual contract is structured, but
12 again I'm going to keep going back to you know under the
13 constraint that this contract is only a portion of storage and
14 compute, and that the Department of Defense writ large is going
15 to remain multiple cloud environments so that we can continue to
16 get pricing pressure going forward.

17 Q: Okay. So who made the decision that the single source
18 strategy would be the best approach for the JEDI Cloud
19 acquisition?

20 A: Shanahan was the one that finally gave the okay.

21 Q: Ok. And when would you say he gave that approval?

22 A: Oh boy -- I am not good with timelines. It would have
23 been like February/March maybe something like that of 2018.
24 That's a, you know give or take two months. I know it wasn't in
25 2017 because we were busy with NDS stuff, but right after the NDS

1 stuff was over the cloud was the thing that took up a lot of time
2 and then that decision was made before Dana came on board, and
3 I'm not exactly sure when Dana came on board.

4 Q: Okay. Did anyone capture that? Did he put out any type
5 of written directive regarding that decision?

6 A: No. It's not his style. He would have just said it in a
7 meeting and then we would have executed.

8 Q: Do you recall who was present during that meeting when
9 he stated that?

10 A: I don't. You know?

11 Q: So, we have information that you initially believed
12 that the multiple award was the best approach for the JEDI
13 contract. However, you later decided that a single award was
14 better. How do you respond to that assertion?

15 A: Yeah, I think that's true. You know -- I'll just go
16 back to my statements here. I will always prefer a diverse vendor
17 base ok? So, buying F-15s this year and this year's budget was a
18 function of, and I testified on the Hill to this, this is you
19 know -- putting all of your eggs in one vendor basket usually
20 puts the Department of Defense in a bad situation with regard to
21 leverage going forward. So, just naturally my first inclination
22 is, yeah, we should absolutely have multiple vendors. You know --
23 over the course of time it became clear that actual
24 implementation of that strategy was going to be highly
25 problematic in this case. We can already see it in the way the

1 Department of Defense is adopting cloud technology today where,
2 so if we go all the way back to the beginning of this, what
3 problem are we trying to solve? Data's everywhere. Everybody's
4 managing it on their own. The networks are diverse. The security
5 standards are diverse. So to operate the Department of Defense
6 from a software or data enterprise is virtually impossible
7 because it's not an enterprise. It's just a series of little
8 pockets, none of which talk to each other effectively. So, the
9 Department's current adoption of cloud strategy, or current
10 adoption cloud is largely -- looks an awful lot like the status
11 quo with servers. Each individual office is going out to get
12 their own individual cloud contracts and are putting individual
13 pockets of data up in the cloud. The challenge with that is it's
14 not helping the Department of Defense at the enterprise level
15 manage itself, and it's not going to create the kind of
16 warfighting environment that we need to really get the way we
17 conceive of tomorrow's war. So, in the course of doing research
18 my first inclination is always absolutely we should have multiple
19 vendors. Very similar to Shanahan along those lines. Over the
20 course of doing research and having discussions, and just frankly
21 learning more it came down to technically having multiple --
22 clouds are not commodities and therefore you can't just exchange
23 in between them quickly, and therefore there's high transition
24 costs, and therefore putting the capabilities and vision for JEDI
25 in a single environment makes more sense at a technical level,

1 and then -- and then like I said before the contracting
2 constraints of a multiple award IDIQ you know when we finally
3 realized that there were no options there, and the timelines
4 associated with each individual task order, again, you're like
5 okay a multiple award for an IDIQ for this contract doesn't make
6 any sense. Let's go with the single award as long as that single
7 award is within a multi-cloud environment for the overall
8 Department, if that makes sense.

9 Q: Ok. You mentioned you had discussions about your change
10 of thought, who were those conversations with?

11 A: A lot of them were with Chris and (b) (6), (b) (7)(D) You know they
12 were, and then -- Chris, (b) (6), (b) (7)(D) John Bergin, (b) (6), (b) (7)(C) on
13 CAPE's team, (b) (6), (b) (7)(C) on CAPE's team. Some of the folks in the
14 Services that were embarking upon cloud contracts. You know, we
15 reach -- I talked to DIC. I talked to ODNI about, "Hey, how did
16 your cloud journey go?" I talked to the folks on the Hill. We
17 even brought from kind of previous careers I am still friends
18 with people's work for J.P Morgan. So J.P. Morgan/Chase is
19 probably the organization in the world that looks most like the
20 Department of Defense from the data perspective, so, we called
21 them down to ask them, "Hey, how did you guys think about cloud?
22 What did you do?" We had briefings from Gartner. We had briefings
23 from McKenzie. We had briefings from BCG. You know there was a
24 lot of -- there was a lot of work that went into figuring out
25 what the options are, what implementation of those options would

1 look like, and therefore, what's the best structure for the
2 Department of Defense for this contract.

3 Q: Okay did you provide a -- you mentioned you talk to
4 folks on the Hill. Who -- What was that conversation about?

5 A: So I came from the Hill, right? So, I consider them
6 friends, largely knowledgeable. And I generally think getting the
7 Hill engaged early on is a good thing. So, (b) (6), (b) (7)(C) from
8 SASC, probably (b) (6), (b) (7)(C) and some of the folks from HASC, people I
9 know, those kind of guys, and there were a couple of times when
10 we got together in a room and said, "Hey, what you guys think?"
11 It was very much like the conversations inside the Department of
12 Defense, right? You know, it's we want price and competition, all
13 eggs in one basket is rarely a good idea. We want price and
14 competition, but given the constraints of -- given the technical
15 constraints and the acquisition constraints you know for this
16 contract this probably makes sense.

17 Q: Ok. So, the media reported that you favored Amazon in
18 discussions concerning the JEDI Cloud acquisition.

19 A: That's inaccurate. I don't care at all. That's
20 inaccurate. I don't care at all. You know what I care about? I
21 care about getting the best capability for the warfighter's. I
22 don't have any preference between Amazon, or Microsoft, or
23 Google, or anyone else.

24 Q: Ok. And what nonpublic procurement information did you
25 have access to, and how did you keep it protected?

1 A: The only thing that I remember that I ever had access
2 to was the draft RFI, and they e-mailed that to me. It was
3 password-protected. Frankly I opened it and I never read it
4 because I was just too busy and I assumed that you know it was in
5 good place.

6 Q: And how did you influence the JEDI Cloud acquisition?

7 A: So I eventually -- it's what you just said. I
8 eventually came around to -- given the technical requirements,
9 and given the acquisition constraints a single award contract
10 makes more sense for this particular acquisition, and then I
11 advocated for that position for those reasons. Outside of that I
12 don't -- outside of that I don't really -- really think I had
13 much of a hand in the JEDI acquisition.

14 Q: So, how do you respond to the assertion and media that
15 you played a key role in the JEDI Cloud acquisition and had a
16 conflict of interest?

17 A: What did the media report was my conflict of interest?

18 Q: You working with Ms. Donnelly now.

19 A: Well, I mean Pallas doesn't have a relationship with
20 any of the cloud providers. I have actually no idea whether or
21 not she has any financial interest in any of the cloud providers
22 either directly or indirectly. That's --And all of this happened
23 long before I was -- long before Sally or Tony were even
24 contemplating Pallas Associates. So I just think that that's made
25 up right? I mean look, from my perspective there is -- this is a

1 tough Acquisition right? The cloud as it is doing in the private
2 sector has the potential to be highly disruptive inside
3 government. So, first of all you, you know the cloud itself is
4 going to make a lot of waves regardless of who wins, or
5 regardless of what the structure is. Just the Department of
6 Defense is going to be providing fewer servers, right? So, that's
7 one, and then second is getting to a point where you're doing a
8 single award on a large procurement is a tough decision. It's far
9 easier to just spread the wealth among the best - the vendors to
10 keep the peace in the family right? You know we see this with
11 LCS, right? It's better to have two variants then it is to have
12 one variance. Well, no it's not better. Right? You're doubling
13 your supply chain, you're decreasing your efficiencies both in
14 production and in your supply chain, and in your main
15 maintenance. Right? So, having two variants of LCS is just, it's
16 a dead weight loss to society. Right? We have two variances of
17 LCS. We keep two shipyards happy instead of making a tough
18 decision around one shipyard. In this particular case, the
19 technical requirements necessitate a single award, and the
20 acquisition constraints really necessitate a single award. So,
21 people are fighting and from my perspective what's really
22 happening is you have some of the vendors who want this to be a
23 multiple award so that they can get a bite at the apple. That's
24 not what's best for the Department of Defense, but it just for
25 what is -- that is what is best for those vendors. I don't think,

1 I never experienced firsthand anything at the middle of this
2 contract that was inappropriate, or conflict of interest, nothing
3 that I saw. What I did see over and over again was, you know,
4 senior government officials doing an enormous amount of due
5 diligence to try to come up with the right answer, to try to
6 fully examine the viability of alternatives, and then ultimately
7 making a decision that says for the Department of Defense in this
8 contract a single award is the best structure, and then to go
9 forward with that and to advocate for that. And then what we see
10 subsequent to that is a vendor community that, I won't say a
11 vendor community, I'll say a vendor and occasionally slightly
12 more than one vendor who that - that are saying things that are
13 inconsistent with my experience to - to throw doubt on this
14 program, and I didn't experience any of that.

15 Q: Okay. So I'd like to move on to some of the other
16 officials that we identified earlier.

17 A: Sure.

18 Q: When did you first meet Mr. Mattis?

19 A: Well, he interviewed me. So, and that would have been
20 March or April of 2018.

21 Q: And tell us about your interactions with Mr. Mattis as
22 it relates to the JEDI Cloud acquisition?

23 A: None. Never talk to him about it.

24 Q: So, you never spoke with Mr. Mattis about anything
25 relating to the acquisition for JEDI?

1 A: Not that I remember. All the conversation on JEDI is
2 that I remember were with Shanahan.

3 Q: Do you know if there is any conversations related back
4 to Mr. Mattis from Mr. Shanahan regarding the JEDI acquisition?

5 A: I don't know. I imagine there were such conversations
6 but I don't know. I mean Pat was good at kind of keeping the
7 Secretary apprised of what was going on.

8 Q: Ok. And what is your understanding of Mr. Mattis'
9 ethics agreement?

10 Q: Mr. Daigle?

11 [The interview paused at an unknown time, August 6, 2019.]

12 [The interview resumed at 9:13 AM, August 6, 2019.]

13 (b) (6), (b) (7)(C): The time is now 0913 Eastern Time. The
14 recorders are back on and Mr. Daigle is back on the line.

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

16 Q: My last question was regarding Mr. Mattis' ethics
17 agreement. Were you aware of any of his agreement that you could
18 not discuss with them?

19 A: The only thing I was aware of was Northrup. Northrup?
20 Actually, I'm not even sure that. Was it Northrup or General
21 Dynamics?

22 Q: General Dynamics.

23 A: One of them he was restricted from. And so we kept that
24 information away from him. But that was the only one that I was
25 tracking.

1 Q: And I know initially we talked about having you for two
2 hours. Do you have more time today?

3 A: Yes. That would be my pleasure.

4 Q: Okay. Awesome. Thank you. I appreciate that.

5 A: Sure.

6 Q: What has Mr. Mattis ever done or said that would cause
7 you to question his impartiality or ethics concerning Amazon?

8 A: Nothing.

9 Q: Has anyone ever told you that Mr. Mattis said or did
10 something that would cause them to question his impartiality
11 concerning Amazon?

12 A: No. You know the press reported right, that there was
13 some meeting between Mattis and Bezos at some point. You know,
14 that doesn't make me question his impartiality at all. If I was
15 the Secretary of Defense I would want to be meeting with kind of
16 tech leaders as well. So, he never did anything in any aspect,
17 not just JEDI, in any aspect that would make me in any way
18 question his impartiality.

19 Q: Same question concerning the JEDI Cloud acquisition.

20 A: Yeah, nothing. He and I didn't interact it all on the
21 JEDI acquisition.

22 Q: Have you ever heard Mr. Mattis say anything about
23 Amazon?

24 A: No.

25 Q: What about any other vendors being for the JEDI

1 contract?

2 A: No.

3 Q: Did anyone tell you or say to you that Mr. Mattis
4 pressured or influenced them to favor Amazon over other competing
5 vendors for the JEDI contract?

6 A: No.

7 Q: Did you ever feel that Mr. Mattis pressured or
8 influenced you to favor Amazon over other competing vendors for
9 the JEDI contract?

10 A: No.

11 Q: Okay. And what non-procurement information did Mr.
12 Mattis have access to?

13 A: I have no idea.

14 Q: Ok. And how did Mr. Mattis influence the JEDI Cloud
15 acquisition?

16 A: I don't think he did. I mean his direction to move to
17 the cloud was pretty clear, but below that you know high level
18 get to the cloud, you know the structure of the acquisition, the
19 structure of the program, the structure, you know all of the
20 other questions that you have been asking were not things that I
21 ever knew him to engage in.

22 Q: How do you respond to assertions in the media that Mr.
23 Mattis played a key role in the JEDI Cloud acquisition and had a
24 conflict of interest?

25 A: If he played a key role I didn't see it, and I was one

1 of the key players. So, I would chalk that up to fabrication.

2 Q: Okay. Now I'd like to move on to Ms. Sally Donnelly.
3 When did you first meet Ms. Donnelly?

4 A: I think that -- the only two times that I remember
5 seeing her were at the two holiday parties in the front office.
6 So, you know, December of 2017 and then December of 2018. There
7 might have been one other event, like a get together kind of, you
8 know, another party. The only time I ever saw Sally in the
9 building was two or three parties or events down in the front
10 office.

11 Q: Did you have any interactions with Ms. Donnelly as it
12 related to JEDI Cloud acquisition?

13 A: None.

14 Q: Do you know if Ms. Donnelly had any involvement or role
15 in the decision for a single award strategy?

16 A: Not to my knowledge.

17 Q: What about her role or involvement in the requirements?

18 A: Not to my knowledge.

19 Q: Any other JEDI activities did Ms. Donnelly involve
20 herself in?

21 A: Not to my knowledge.

22 Q: Are you aware of any of Mrs. Donnelly's, or aware of
23 her ethics agreement?

24 A: No.

25 Q: Do you know if Ms. Donnelly received any information

1 about the JEDI Cloud acquisition?

2 A: I don't know.

3 Q: And what had Ms. Donnelly ever said or done that would
4 cause you to question her impartiality or ethics concerning
5 Amazon?

6 A: Nothing.

7 Q: Has anyone ever told you that Ms. Donnelly said or did
8 something that would cause them to question her impartiality
9 concerning Amazon?

10 A: No.

11 Q: Concerning the JEDI Cloud acquisition?

12 A: No.

13 Q: And what have you heard Ms. Donnelly say about Amazon?

14 A: You know, the majority of her comments are along the
15 lines of with all this stuff in the press I don't want to talk
16 about Amazon.

17 Q: Ok. What about other vendors competing for the JEDI
18 Cloud contract?

19 A: Yes, she -- I mean she is more in the camp of doesn't
20 want to talk about the JEDI at all.

21 Q: Did anyone tell you or say to you that Ms. Donnelly
22 pressured or influenced them to favor Amazon over other competing
23 vendors for the JEDI contract?

24 A: Definitely not.

25 Q: Did you ever feel that Ms. Donnelly pressured or

1 influenced you to favor Amazon over other competing vendors for
2 the JEDI contract?

3 A: No.

4 Q: And what nonpublic procurement information did Ms.
5 Donnelly have access to?

6 A: Nothing that I'm aware of.

7 Q: And what is your understanding of Ms. Donnelly's
8 relationship with or interest in SBD Advisors?

9 A: My understanding she was the owner of SBD Advisors. It
10 was my understanding that she sold SBD Advisors when she went
11 back into the building to work for Secretary Mattis.

12 Q: Okay. What is her interest in Pallas Advisors?

13 A: She's the primary owner of Pallas is my understanding.

14 Q: Ok. And what is your understanding of Ms. Donnelly's
15 relationship with C5 Capital?

16 A: I don't know what C5 Capital is.

17 Q: Okay. What about Ms. Donnelly's relationship with
18 Amazon?

19 A: To my knowledge she doesn't have a relationship with
20 Amazon. I know that SBD, Amazon was one of SBD's client. So she
21 sold SBD. I don't, to my understanding that was the end of her
22 relationship with Amazon.

23 Q: How did Ms. Donnelly influence the JEDI Cloud
24 acquisition?

25 A: To my knowledge she didn't.

1 Q: And how do you respond to the assertion in the media
2 that Ms. Donnelley played a key role in the JEDI Cloud
3 acquisition had a conflict of interest?

4 A: That's fabrication. I played a key role in the JEDI
5 acquisition I never saw Sally in that regard.

6 Q: Okay. What did you first meet Mr. Anthony DeMartino?

7 A: Let's see. He was the -- he was Shanahan's Chief of
8 Staff when I started which would have been you know on or about
9 the August - the beginning of August 2017.

10 Q: Ok. And what were Mr. DeMartino's duties and
11 responsibilities?

12 A: Chief of Staff. So he kind of you know managed the flow
13 of the Deputy's Office and managed Shanahan's calendar and
14 attended many of the meetings that Shanahan held.

15 Q: Ok. So is Mr. DeMartino present in some of the meetings
16 you had with Mr. Shanahan?

17 A: Yes, yeah. He wasn't -- I didn't mention him earlier
18 because I usually think of meetings in terms of who's talking,
19 right who's bringing substance. Tony was there that he was in
20 listening mode. There were very likely other of the Deputy's
21 special assistant in the room as well, but again I don't -- I
22 tend not think of them all that much because they're not driving
23 the conversation. They're just there is kind of as note takers.

24 Q: And what were your interactions with Mr. DeMartino as
25 they related to the JEDI Cloud acquisition?

1 A: You know, hey, Tony, we need to get on the Deputy's
2 calendar you know to give him an update. Tony would pass along
3 questions from the Deputy. Tony, the original name of the Program
4 Office for JEDI, the Central Cloud Computing Program Office,
5 C3PO, (laughing) Tony took a pretty strong personal interest that
6 that was a really dumb name, so made us change it, made DDS
7 change it I should say, (laughing) and then Tony was pretty
8 involved in making sure that Industry Day was going to go well,
9 you know the logistics, who were the speakers -- Who is
10 attending, etcetera, etcetera.

11 Q: Did he prepare any slides or he just pretty much
12 orchestrated or facilitated the event?

13 A: Yeah. DDS, Chris Lynch was the one that was kind of
14 putting together the agenda. He was the one that had the slides,
15 and I know that Chris and Tony kind of went back and forth a
16 couple of times on, again, just the logistics, where is it going
17 to be? What time? Who is going to be there? How many people? Are
18 the press going to be there? Etcetera, etcetera.

19 Q: Ok. And, can you tell me about Mr. DeMartino's
20 involvement with the problem statement?

21 A: So again if you're talking about a written document I
22 don't know. If you're talking about the broader conversation that
23 we've been having over the last hour or whatever I don't really
24 think that he was all that involved in it.

25 Q: What about the functional and technical requirements?

1 A: I don't think he played at all, but I don't know
2 directly.

3 Q: The acquisition strategy and acquisition plan?

4 A: Yeah, like I said, I mean outside of being in the room
5 when Chris, and Jay, and I were talking to Shanahan I don't think
6 that he -- I don't think that he really had a hand in that.

7 Q: Ok. Do you know if he played a role in the contract
8 type, single award decision, or the full and open competition
9 decision?

10 A: No. Again, outside of just being in the room when kind
11 of the key players that were talking about it, and I don't think
12 he -- he didn't really have a hand.

13 Q: What is your understanding of Mr. DeMartino's ethics
14 agreement?

15 A: I have no idea.

16 Q: What has Mr. DeMartino ever said or done that would
17 cause you to question his impartiality or ethics concerning
18 Amazon?

19 A: None. Nothing.

20 Q: Have you ever told you that, or said anything that
21 would cause anyone else to question his impartiality concerning
22 Amazon?

23 A: No.

24 Q: What about concerning the JEDI Cloud acquisition?

25 A: No.

1 Q: Have you ever heard Mr. DeMartino say anything about
2 Amazon?

3 A: Not, I mean no. Those are such open-ended questions.
4 Yes, the conversation is again around you know this has never
5 been about Amazon. Amazon is a vendor. They're not the only
6 vendor. You know. Nothing that would have created anything that
7 approached an issue. You know, it's just, yeah, of course people
8 talk about Amazon, but it's not in the context of swaying the
9 acquisition decision in any particular direction, not at all.

10 Q: Okay. What about any other vendors competing for the
11 JEDI contract? Did Mr.

12 A: Yeah, I mean again I would go back to Tony relayed the
13 -- part of Tony's job was relaying Shanahan's thinking, and
14 decisions, and those kinds of things. So, I'm sure that he you
15 know expressed opinions on, or relayed Shanahan's opinions on,
16 "Hey, this has to be a full and open competition, and we need to
17 make sure that we get -- that multiple vendors can compete
18 effectively for this." But that's it.

19 Q: Did anyone tell you or say to you that Mr. DeMartino
20 pressured or influenced them to favor Amazon over other competing
21 vendors for the JEDI contract?

22 A: Absolutely not.

23 Q: Did you ever feel that Mr. DeMartino pressured or
24 influenced you to favor Amazon over competing vendors with the
25 JEDI contract?

1 A: No, absolutely not.

2 Q: And what non-procurement information did Mr. DeMartino
3 have access to?

4 A: I don't know. Nothing to my knowledge.

5 Q: And, what is your standing of Mr. DeMartino's
6 relationship or interest in SBD Advisors?

7 A: I think he was an employer employee of SBD.

8 Q: And Pallas Advisors?

9 A: He's a partial owner of Pallas.

10 Q: C5 Capital?

11 A: I don't know what that is.

12 Q: And Amazon?

13 A: My knowledge he doesn't have any interest in Amazon.

14 Q: And, did Mr. DeMartino need to disqualify himself from
15 participating in the JEDI Cloud acquisition because of any of
16 those relationships or interest he had with SBD Advisors or
17 Pallas Advisors?

18 A: I don't know. I mean not Pallas. Pallas didn't exist at
19 the time we're having these conversations. I don't know. I would
20 defer that question to SOCO.

21 Q: Okay. And how did Mr. DeMartino influence the JEDI
22 Cloud acquisition?

23 A: I don't think he did.

24 Q: And how do you respond to the assertion in the media
25 that Mr. DeMartino played a key role in the JEDI Cloud

1 acquisition and had a conflict of interest?

2 A: Yeah, I'm going to get tired of using the word
3 fabrication. I don't -- I don't think that's a true statement.

4 Q: Do you Mr. Victor Gavin is?

5 A: Actually I don't. I never heard Victor Gavin's name
6 until like two weeks ago when all this came out, whenever it was,
7 recently. I have no idea who he is.

8 Q: Okay. So, do you recall any period of time where
9 someone may have stood up and opposed the single strategy?

10 A: There were single versus multiple was a pretty hotly
11 debated thing inside the building for a while. There were several
12 people on the multiple side of the house, and like I said I just
13 simply don't -- if I was ever in a room with Victor I have no
14 idea when, or who, or what context.

15 Q: Ok. So, has anyone ever told you that Mr. Gavin said or
16 did something that would cause them to question his impartiality
17 concerning Amazon?

18 A: No I didn't. Again I don't know who he is, so no.

19 Q: Ok. Do you know if Mr. Gavin has a relationship with
20 or interest in Amazon?

21 A: Not directly. I've been -- Like -- my son printed out
22 that circle conspiracy page chart thing, and I think that he
23 taped it to my refrigerator which I thought was a nice thank you
24 to him. I think that thing says he's an Amazon employee now, but
25 I don't know.

1 Q: Based on your knowledge how Mr. Gavin influence the
2 JEDI Cloud acquisition?

3 A: He didn't at all.

4 Q: And why do you say that he did not?

5 A: Well, based on my knowledge -- based on my knowledge
6 the key structural aspects of the JEDI acquisition were decided
7 by Pat Shanahan. Gavin was in none of those meetings. So, I don't
8 remember him participating in any of these discussions
9 whatsoever.

10 Q: And, how do you respond to the assertion in the media
11 that Mr. Gavin played a key role in the JEDI Cloud acquisition
12 and had a conflict of interest?

13 A: Fabrication.

14 Q: Do you know who Mr. Deap Ubhi is?

15 A: I know of him. He was a DDS employee. I think I met him
16 a couple of times.

17 Q: And you know what his role and responsibility were as a
18 DDS employee?

19 A: No, I actually don't.

20 Q: Ok. And you mentioned that you met him a couple of
21 times. Did you have a conversation with him?

22 A: No. As I recall it was kind of -- as I recall it was a
23 couple of times where I was with Chris and we ran into some of
24 the DDS guys in the hallway and there was a quick round of
25 introductions. You know -- Hey gang, this is Bob. Bob, this is

1 gang. That kind of thing.

2 Q: Okay.

3 A: I don't -- I don't recall he might have attended one of
4 the CESG meetings. I don't -- But outside of that I never really
5 had any interactions with him.

6 Q: Do you know if Mr. Ubhi had any involvement in the
7 decision for a single award strategy?

8 A: I don't think so because again, he wasn't in -- I think
9 the decision on a single award came out of a series of
10 discussions with the folks I mentioned before and Shanahan. Deap
11 wasn't in any of those conversations.

12 Q: And, were you ever made aware of anything that Mr. Ubhi
13 may have said or done that would cause you to question his
14 impartiality or ethics concerning Amazon?

15 A: Nope.

16 Q: Has anyone ever told you that Mr. Ubhi ever said or did
17 anything that would cause them to question his impartiality
18 concerning Amazon?

19 A: No.

20 Q: Concerning the JEDI Cloud acquisition?

21 A: No.

22 Q: And have you ever heard rumors or anything regarding
23 Mr. Ubhi saying anything about Amazon?

24 A: No.

25 Q: About any of the other competitors for the JEDI

1 contract?

2 A: No.

3 Q: Did anyone ever tell you that Mr. Ubhi pressured or
4 influenced them to favor Amazon over the other competing vendors
5 for the JEDI contract?

6 A: No.

7 Q: And did you ever feel pressured that Mr. Ubhi pressured
8 or influenced you to favor Amazon over other competing vendors
9 for the contract?

10 A: No.

11 Q: Do you know if Mr. Ubhi had access to any of the
12 non-procurement information?

13 A: I don't know.

14 Q: And what can you tell us about Mr. Ubhi leaving his
15 position with DoD and accepting employment with Amazon?

16 A: I don't know. I mean I can't tell you anything. I don't
17 know.

18 Q: Okay.

19 A: The only reason I know that that is true because they
20 reported it in the press, but I didn't have any -- I didn't know
21 Deap when he was in the building. No, not really. You know not
22 involved in his decisions or anything like that. You know.

23 Q: So, how did Mr. Ubhi influence the JEDI Cloud
24 acquisition?

25 A: To my knowledge he didn't.

1 Q: What can you tell us about Mr. Ubhi performing as the
2 Program Manager for the JEDI Cloud acquisition?

3 A: I can't tell you anything. I don't think he was, but
4 like I said there was the Air Force woman and then Sharon. I
5 don't remember Deap being involved after the Program Office was
6 stood up.

7 Q: What about --

8 A: I don't know how DDS wasn't structured internally.

9 Q: Okay.

10 A: So, if Chris had structured something inside of DDS to
11 work on cloud that was invisible to me.

12 Q: Okay. And how do you respond to the assertions in the
13 media that Mr. Ubhi played a key role in the JEDI Cloud
14 acquisition and had a conflict of interest?

15 A: Again, from my perspective he didn't play a key role.
16 He wasn't in any of the meetings or decisions that led to the
17 current structure of the contract.

18 Q: Okay. So, thinking of the individuals that we've
19 mentioned today, were you ever in a meeting in which any one of
20 them change the subjects, excuse himself or herself, because
21 he/she, or someone else close to them had a conflicting financial
22 interest that might be impacted by the JEDI Cloud acquisition?

23 A: No. Of the people we've spoken to you know, Tony is the
24 only guy that was ever in meetings with me on this. Sally never
25 was. If Gavin was I don't remember it. But he clearly was not in

1 any of the meetings with Shanahan. Deap wasn't in any of the
2 meetings with Shanahan, and I never discussed JEDI with Mattis.
3 So, Tony participated in a series of meetings as it related to
4 his Chief of Staff role and he did not excuse himself.

5 Q: Ok. Did anyone attempt to write the JEDI Cloud
6 requirements in a way that favored Amazon over its competitors?

7 A: No. That's been reviewed now numerous times. You know
8 like I said before the clear direction from Shanahan you know
9 with full support from me and Jay was, don't do that. Dana came
10 in. That was the first thing he reviewed was let's take a step
11 back and review the contract and. or the RFP to make sure that
12 the requirements are not written in such a way. You know, Jay or
13 Court of Federal Claims seemed to have verified that. So, and oh
14 by the way there was actually the down select has more than one
15 vendor in that. So.

16 Q: Ok. Did anyone attempt to include or exclude any
17 information in the RFP that would serve to advantage Amazon or
18 disadvantage its competitors?

19 A: Not to my knowledge.

20 Q: And, why do you believe that someone would assert the
21 key DoD officials we've discussed today had conflicts that should
22 have required them to disqualify themselves or recuse themselves
23 from the JEDI Cloud acquisition?

24 A: So I think the real answer that question is there's a
25 particular vendor that makes a lot of money from the Department

1 of Defense by selling database licenses. Database services are
2 available at fractions on pennies relative to that pricing, and
3 any of the major cloud provider's standard offerings. And so,
4 that particular vendor is more broadly, more broadly than just
5 JEDI, the cloud adoption represents a fairly existential threat
6 to that particular vendor's core business model. And so, that
7 particular vendor is pulling out all stops to make this
8 acquisition look shady so that the political pressure leaves
9 itself to either termination of the contract or leaves itself to
10 a multiple award with, by which by which that vendor can get a
11 piece of the pie and slow down cloud adoption by the government.
12 So that's what I truly believe is underneath these accusations. I
13 don't believe, and I did not experience firsthand anything at the
14 middle of this contract, at the middle of this acquisition that I
15 think was even remotely unethical. That would be my answer.

16 Q: Ok. Why would someone assert that these individuals
17 favored or steer the JEDI Cloud acquisition towards Amazon over
18 other vendors?

19 A: Yeah. Again the particular financial interest of those
20 companies would lead to that assertion. I don't think there's any
21 veracity or truth to those assertions.

22 Q: Okay. I'll be followed by (b) (6), (b) (7)(C) .

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

24 Q: Mr. Daigle, this is (b) (6), (b) (7)(C) from Audit.
25 How are you?

1 A: Hey, very well. How are you?

2 Q: Good. So, can you, I'm just going to start with roles
3 and responsibilities. Can you tell us what your role is at
4 Rebellion Defense?

5 A: So we don't have titles yet because it's a brand-new
6 company, but you can think of me as the Chief Operating Officer.

7 Q: Ok. How and when did you get involved in the DoD's
8 cloud initiative maybe even before it was JEDI?

9 A: So, as I recall and please as I mentioned before my
10 concept of time is lacking. So, you'll forgive me if I'm off a
11 little bit. 2017 we were trying primarily focused on writing the
12 National Defense Strategy and figuring out how to, where to spend
13 money. This administration increased topline. So, 2017 was
14 focused on where are we going to put that additional money, and
15 what are we going to buy with it. Coming out of that, my
16 recollection is that cloud was the next, one of the next major
17 thrusts is, "Okay. Let's get to the cloud, and let's figure out
18 what that means." And then defense reform, so my guess is we
19 would have started very early in 2018 January-ish having
20 discussions of okay. The direction is get to the cloud, what's
21 the best way to get there?

22 Q: Do you remember who brought you into the JEDI program,
23 or to the Shanahan's you know memos from September 17 of about
24 the cloud accelerating cloud acquisition?

25 A: Yeah, it would have been Shanahan, and Jay, and me. We

1 were the kind of the three starting the train I think. So, who
2 would have brought me in would have been Shanahan.

3 Q: Ok. Can you describe your experience, your expertise
4 that qualified you as such an important advisor for JEDI?

5 A: Yeah. (coughing) So, good question. That's part of --
6 that's why was never involved in any of the technical details
7 because, because I'm not qualified at that level. Where I was
8 qualified was sitting through the acquisition issues at play
9 here. I'd just come off of two years of doing acquisition work on
10 the Hill and then we had been -- I had been one of the essential
11 players in kind of formulating the National Defense Strategy and
12 envisioning you know what does a major war look like 10 years
13 from now? And what are the major building blocks that we need to
14 put in place from a capability and technical perspective in order
15 to achieve that vision of warfare. So, on those lines software
16 data processing, artificial intelligence, machine learning, cyber
17 capabilities, etcetera, etcetera, etcetera all would have been
18 fresh on my mind so to speak, and those conversations lend
19 themselves to the kind of conversations we were having earlier
20 about okay, how do we do software driven warfare at scale, and
21 then what does that scale mean, and then what's the technical
22 requirements necessary to get there?

23 Q: okay.

24 A: Technical requirements in terms of you know common
25 architecture, common infrastructure, people using, people

1 operating in the same technical environment globally so that we
2 could process data very, very quickly.

3 Q: So, as the Director of CAPE is it pretty typical of you
4 to get this involved in an acquisition?

5 A: It is of the role of the Director of CAPE to get this
6 involved in capability requirements. I was not actually that
7 involved in the acquisition piece. You know when we get to the
8 you know what was in the RFI, what was in the RFP, etcetera,
9 etcetera. You know I paid very little attention to that. What I
10 was focused on is, is this structured in such a way where it's
11 going to give us a capabilities that we need in the future war
12 fight? And that is one of the key roles for the Director of CAPE
13 from a programmatic perspective. We do, I would say I did the
14 same exact thing with regard to the F-35 program, or the F-15
15 program, or shipbuilding, or future vertical lift, or any of the
16 other major programmatic decisions. What is the capability that
17 we need, is this approach going to give us those capabilities,
18 and is the cost point right?

19 Q: Okay. That makes sense. So, you mentioned that it was
20 Chris Lynch, and Jay, and you, and Shanahan and discussing some
21 of the contracting issues and the acquisition issues. Did you
22 ever bring Ellen Lord to those conversations?

23 A: I don't remember Ellen being part of it. Again, I was
24 talking with Ellen, I don't remember Ellen being in a lot of the
25 meetings with Shanahan. I was talking to Ellen over on the side

1 to make sure that we were, like I mentioned before we were
2 working through what is the multiple award IDIQ look like? What
3 are the requirements underneath that task orders, what is the
4 time, what do the timelines look like from those task order
5 awards? Because we were trying to find a way to move forward
6 with, in a multiple award to structure, and like I said before
7 ultimately the technical requirements and the acquisition
8 constraint didn't lend itself to that outcome.

9 Q: Why wasn't she brought into those Shanahan meetings?

10 A: I don't know the answer to that. Shanahan had her
11 working almost exclusively on the F-35 program. To try to get the
12 cost under that program. I don't know why she wasn't in the room.

13 Q: Ok. So, you mentioned earlier that when Dana Deasy
14 came on board you were able to step aside. Were you essentially
15 acting in an acting CIO capacity at that point?

16 A: No, no, no. What I was doing on a number of fronts you
17 know when the team was sparse at the beginning. Look, it's been
18 hard to fill seats during this administration, right. So, one of
19 the roles that I was playing early on was kind of a Jack of all
20 trades where it was, you know, there were any number of strategic
21 initiatives that we are attempting to move forward, and then
22 Shanahan, and I, and in some cases were just simply dividing and
23 conquering right where you take this one, Bob, you go drive this
24 outcome. Before Jay came on board I was kind of the lead guy
25 driving the defense reform. And then Jay came on board. Great. I

1 have one fewer jobs in my job jar. You know and cloud was
2 something that Shanahan turned to me and said, "Hey, go figure
3 out how to make this happen." And as soon as Dana came on board
4 it was great. I have one fewer things in my job jar.

5 Q: Ok. So you mentioned earlier that when Congress came
6 asking with questions they, the Program Office came to you for
7 advice. Did you testify before the Hill regarding JEDI?

8 A: I don't think I testified formally. I guess, well,
9 that's not true. I know I had several discussions with staff, and
10 I don't know -- there was no formal hearing, but we did go up to
11 talk to the members on HASC-D, and I guess it was like a
12 closed-door briefing, and it was me and (b) (6), (b) (7)(C) and a third person
13 that I just can't remember who else is sitting next to us. Oh, it
14 was me, (b) (6), (b) (7)(C) and Jay. And we went up to HASC-D.

15 Q: Okay.

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

17 Q: All right, this is (b) (6), (b) (7)(C) and I'm sorry I'm going
18 to ask you a few follow-up questions. So, the first one is how
19 did you become such a close advisor to Mr. Shanahan?

20 A: Has the Director of CAPE I mean that's the role. Beyond
21 that Shanahan and I you know kind of think alike. So, we just
22 kind of hit it off.

23 Q: Okay. So you didn't know him prior to your role at
24 CAPE?

25 A: No. Yes, that's right, correct. I was just thinking, I

1 couldn't remember for a second which of us started first. Yes,
2 but I didn't know him before joining the administration and he
3 joined the administration.

4 Q: All right. So initially you, and Gibson, along with
5 Shanahan were having some of the conversations regarding cloud
6 acquisition. So, did any of those conversations begin before the
7 CESG was created?

8 A: Oh, I don't remember. I don't remember, I have no idea
9 when the CESG was created.

10 Q: The CESG was created officially through a memo in
11 September of 2017. I believe the exact date is September 13th,
12 2017.

13 Q: Then no. None of those conversations started before
14 then because I would have only been in the job. Jay wasn't even
15 there then. And I only been in the job at that point for six
16 weeks give or take, and I can tell you during my first six weeks
17 it was all about defense reform and top lining briefs. National
18 Defense Strategy. I don't remember talking about cloud that
19 early.

20 Q: All right. So in some of those other conversation that
21 you that you all had with Shanahan I remember you mentioned
22 yourself, Gibson, Chris Lynch, (b) (6), (b) (7)(C), Sharon Woods, (b) (6), (b) (7)(C)
23 (b) (6), (b) (7)(C), and when he came on Mr. Deasy. So, in those
24 conversations with Shanahan who was arguing for multiple award?

25 A: Shanahan was a pretty strong advocate for a multiple

1 award. I was advocating for a multiple award at the beginning. I
2 don't remember Jay ever really having strong opinion one way or
3 the other, and Chris and the DDS team, Chris, and (b) (6), (b) (7)(C) and
4 Sharon, really Chris and (b) (6), (b) (7)(C) were the ones that were strongly
5 arguing it from a technical perspective it had to be a single
6 award, and then you know how things go in the building, right? We
7 get together and we discuss options, and then somebody says,
8 okay. Go do more research and figure this out and come back and
9 we'll reengage over and over again til we come up with the final
10 decision. Like I said, you know having done research, and having
11 talked to a lot of people you know that I came around to, yeah,
12 for this contract the single award the better way to go, and then
13 ultimately Shanahan was good with that as long as it existed
14 within -- as long as it existed within a multiple award
15 Department of Defense, a multiple cloud Department of Defense if
16 that makes sense. Which, you know at the same time we were
17 dealing with this DISA on MILCLOUD 2.0. We were trying to figure
18 out how to move forward to save data through the reform
19 initiative. How do we move data and servers into MILCLOUD 2.0?
20 And then at the same time you had, oh, what's the name of that?
21 I'm not going to -- DEOS, Defense Enterprise Office Suite Program
22 that Ellen's team was running to try to get to a common office
23 solution for the Department of Defense technology contracting
24 there. That would have been another major cloud contract, a
25 different kind of cloud but still cloud-based.

1 Q: All right.

2 A: That was really long-winded, and I sure what your
3 question was at this point.

4 Q: Yeah, no. I was just -- I was trying to check on who
5 was arguing for multiple award because I remember you mentioned
6 earlier that in those meetings there was a camp that was for
7 single awards, and camp that was for multiple awards. So what I
8 gather from your response is that essentially at the beginning
9 you were for multiple award, and Shanahan was always for multiple
10 award, and between Chris Lynch and Sharon Woods they were for
11 single award, and I guess everybody else was either silent or
12 ambivalent like apparently Mr. Gibson was.

13 A: Yeah, it was Chris and (b) (6), (b) (7)(C) that were really arguing for
14 a single award from a technical perspective. You know, I would
15 characterize Shanahan in the end -- in the end it's not that he
16 was always for a multiple award where he came around to was the
17 single award for this contract is the right way forward, as long
18 as the Department remains the multiple cloud environment.

19 Q: All right. All right, I think all of my other questions
20 you have answered in one way or the next. So I don't have
21 anything else.

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

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

24 Q: Sir, I have one clarification and then one question for
25 you.

1 A: Sure.

2 Q: From your perspective or from your perspective as the
3 Director of CAPE, you saw a single award that it -- because it
4 made sense fiscally. Is that correct?

5 A: Not because it makes sense fiscally. You know, from a
6 fiscal perspective, and this is where I agreed with Shanahan, as
7 long as the Department -- look this is part of the argument that
8 we had with -- part of the discussion we had with Congress. JEDI
9 is not the end of time, right? JEDI itself is a small contract.
10 It seems big, but when you compare it to the overall storage and
11 compute cost of the Department of Defense expense it's pretty
12 small. So, where Shanahan and I got to good with on a pricing
13 perspective was as long as the Department of Defense remains a
14 multiple cloud environment, where we have multiple vendors going
15 forward in perpetuity then we will continue to have pricing
16 competition between those multiple vendors, right. You know I
17 would be a huge opponent of consolidating all of our shipbuilding
18 capacity into one shipyard, right? So, but for let's say the new
19 Frigate program doing that as a single award to a particular ship
20 yard makes sense as long as we maintain the capacity in the
21 overall ship building system where we can continue to have
22 competition, pricing competition on subsequent contracts, right.
23 That's exactly the way we ultimately ended up talking about it
24 with regard to JEDI is, okay. Look. This is one contract, but its
25 one contract within a broader environment. As long as the

1 environment is competitive we can feel comfortable that the
2 pricing for this particular contract will be good, and that we'll
3 be able to get good pricing on subsequent contracts. Right? Does
4 that make sense?

5 Q: Yes. And then you mentioned --

6 A: Yeah, go ahead.

7 Q: You made a statement that clouds are not commodities.
8 How does that statement fit into what you just told me?

9 A: Yeah, so, the counterargument is, you know the counter
10 -- what we really were trying to explore is if clouds are
11 commodities, if clouds are like 2 by 4s, right -- every 2 by 4 is
12 exactly the same size. 2 inches by 4 inches, by 8 feet long I
13 don't care who I'm buying a 2 by 4 from at that point because
14 it's exactly the same. But Frigate is different than an EBG, then
15 is different than an aircraft carrier, is different from in LPS.
16 So, we can't -- it goes back to my LPS discussion earlier, it
17 doesn't make sense to take a particular line and distributed
18 across the industrial base because what you're going to end up
19 doing is getting three or four different variants of the Frigates
20 and that's bad from an acquisition standpoint, it's bad from an
21 efficiency standpoint, it's bad from a maintenance standpoint.
22 The same is true for cloud, right? Because they're not identical
23 we can't just easily contract for cloud by the pound, right? And
24 we're just going to buy cloud from whoever it is that happens to
25 be giving us the best price on that day. Instead, given the

1 technical differences between the clouds, it's best for you know
2 the Department to say, okay. We're going to contract with a
3 particular vendor in this scope, and then we'll you know contract
4 with a different vendor in this other scope, that kind of thing.
5 We got to the point where as long as the Department is not
6 consolidating all of its cloud purchasing into one vendor so that
7 we continue to have pricing competition going forward across the
8 industrial base then we're good from a pricing perspective, then
9 the technical requirements and the contracting rules lend itself
10 for this particular thing to go to a single award.

11 Q: Thank you. Now my question given that clouds are not
12 commodities, within the cloud could data be considered a
13 commodity? And if it is a commodity doesn't that give the
14 leverage to the vendor?

15 A: So, is data commodity? Well, data is data. So giving
16 leverage to the vendor implies that they have some way to
17 restrict that data from us. That's not the case in that the data
18 that we put up in JEDI is still going to be the property of the
19 United States Government. What is harder, and the way we should
20 think about this is data within a particular cloud can be very
21 easily shared securely within enclaves -- between enclaves within
22 that cloud. So, DoD IG, not that the DoD IG would do this because
23 I understand that you guys are particular about segregation of
24 your data. I fought that fight with you last year and lost. But,
25 in theory if we were to say the DoD IG were to move into

1 Microsoft's cloud, and CAPE or to move into Microsoft's cloud,
2 then, and we were under the same cloud environment, we're in the
3 same infrastructure, same security standards, same networks, same
4 walls around it so to speak, then your data could be purely
5 secured. My data could be purely secured, but in a mythical world
6 where CAPE and IG decided to work together we could share
7 information between ourselves easily and securely. That is not
8 true at all if, and by the way this is another key point.
9 Somebody that chose to write a piece of software could write a
10 piece of software in that environment and given the right
11 permissions could easily access your data and my data and process
12 on both of them at the same time. All of that happens within the
13 same environment, all that happens within the same encryption,
14 all of that happens within the same security standards. If
15 however, CAPE moves into Microsoft's cloud, and IG says they want
16 to be different so they go into Google's cloud the only way to
17 share data back and forth is actually create a pipeline between
18 those two clouds, and that pipeline is less secure than the intra
19 cloud connections itself. So, to do that increases security risks
20 and increases cost, and decreases performance. That's the
21 technical reason why multiple clouds becomes problematic quickly.
22 And then, we all know how the Department of Defense works, right?
23 It's not going to be DoD is moving in the one cloud environment
24 and IG moving into one cloud environment, and CAPE is moving into
25 one cloud environment. It's every single organizational component

1 of the Department of Defense could move into their own cloud
2 environments, with their own security standards, and with their
3 own network controls around it. And, all we would do is replicate
4 the existing segregation in the environment at the cloud level.

5 Q: Thank you.

6 A: So, that's the future that we are trying to avoid.

7 Q: Thank you.

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

9 Q: Ok. So, Mr. Daigle, why do you believe that this matter
10 has surfaced to the DoD OIG?

11 A: You know I've been shuffling throughout part of this
12 because it's frustrating as a taxpayer that we have to spend time
13 asking these questions, but I guess at a higher level it's a good
14 thing. I think they've got to the DoD IG, like I said, I think
15 there's a particular vendor that is looking at a radical change,
16 a radical reduction in its core business model that is willing to
17 throw everything it has to stop this acquisition. That vendor is
18 large and has a lot of financial interest, and is leveraging its
19 political connections and some pretty shady approaches to
20 throwing doubt on this acquisition. So, that's why I think
21 ultimately that's why I think it has led to you asking the
22 questions. I suspect it is good that you know. I suspect it's
23 good that these questions are being asked because you know I
24 don't think anything inappropriate happened, and I think that you
25 guys are, if all goes the way I expect it to you guys will come

1 out and say the Department of Defense did a bunch of the right
2 things in this in the middle of this. It's just a shame that -- I
3 would like to see an IG investigation on the other side of, you
4 know, a company or a series of companies just creating a series
5 of fabrications has delayed key warfighting capabilities and cost
6 to the federal government non-attributable amount of money in
7 response to pure fabrication. So that's the part I guess that's
8 frustrating to me.

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

11 A: No, I don't think so. No, I think you guys got it all.

12 Q: Ok. Is there anyone else you recommend we speak with
13 and why?

14 A: Well, like I said the key players were Shanahan, and
15 Chris, and (b) (6), (b) (7)(C) and me, and Jay, and Dana, and Sharon, and, the
16 Air Force, the original JEDI Program Manager, I think that was
17 who she was. Air Force 05, I can't remember her name. You know,
18 the other people on this list (b) (6), (b) (7)(C) Victor, and Mattis.
19 Again, having been a key player they didn't play at all so you
20 need to talk to them to kind of check boxes. You should
21 definitely talk to Tony because he was in a lot of those
22 meetings.

23 Q: Ok. Do you have any questions?

24 A: No.

25 Q: Do you have any comments or concerns about the way we

1 conducted this interview?

A: Not at all.

2 (b) (6), (b) (7)(C): If you remember anything else that you
believe may relevant to our review please contact myself or (b) (6), (b) (7)(C)
3 (b) (6), (b) (7)(C). Finally, in order to protect the integrity of this
4 review we ask that you do not discuss the matter under review, or
5 the questions we have asked you during this interview with anyone
6 other than your personal attorney should you choose to consult
7 with one. This does not apply to or restrict you of your right to
8 speak to an Inspector General or a Member of Congress. If anyone
9 asks you about your testimony or this review, please inform them
10 that the DoD OIG has asked you not to discuss this matter. If
11 anyone persists in asking you about your testimony, our review,
12 or if you feel any way threatened in any manner because you
13 provided testimony, please contact myself or (b) (6), (b) (7)(C). The time
14 is now 10:16. This interview is concluded. Please stand by while
15 I turn the recorders off.

16 [The interview terminated at 10:16 a.m., August 6, 2019.]

17 [END OF PAGE]

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

19 2

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

21 DAIGLE - August 6, 2019

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

23 1

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

25 DAIGLE - August 6, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Dana S. Deasy
July 30, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C) Today is July 30th, 2019. The time is now
3 10:05 a.m. I am (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) We are interviewing the witness, Mr. Dana S. Deasy. We are
5 conducting this review between the Mark Center located in
6 Alexandria, Virginia and Mr. Deasy's office located in the
7 Pentagon, in Room 3E1030. We are conducting a review of the
8 acquisition of the Defense Joint Enterprise Defense
9 Infrastructure Cloud Acquisition. We also want to clarify actions
10 of certain former DoD officials as they related to JEDI Cloud
11 acquisition activities, or relationships with Amazon that may
12 have prohibited their substantial participation in the
13 acquisition. These DoD officials include: Former Secretary of
14 Defense, James Mattis; former Chief of Staff to the Deputy
15 Secretary of Defense, Mr. Anthony DeMartino; former Special
16 Assistant to the Secretary of Defense, Ms. Sally Donnelly; former
17 Deputy Assistant Secretary of the Navy for Command, Control,
18 Communications, Computers, Intelligence, Information, Operations,
19 and Space, Mr. Victor Gavin; former Director of Cost Assessment
20 and Program Evaluation, CAPE, Mr. Robert Daigle; and former DDS
21 Product Manager, Mr. Deap Ubhi. At this time I ask you that you
22 acknowledge that this interview is being recorded.

23 MR. DEASY: I acknowledged.

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

1 MR. DEASY: I acknowledged.

2 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
3 your right hand?

4 DANA S. DEASY

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

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

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

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

10 A: Dana, middle initial S, last name Deasy, D-E-A-S-Y.

11 Q: And what is your grade and component?

12 A: SES, OSD, DoD, Chief Information Officer.

13 Q: And can you briefly describe, just a Reader's Digest
14 Version of your responsibilities as the DoD, Chief Information
15 Officer?

16 A: Responsible for advising on information technology
17 matters, communications matters, security matters to the
18 Secretary Defense and the Deputy Secretary of Defense.

19 Q: And when did you begin working as the DoD, Chief
20 Information Officer?

21 A: I believe it was Monday, May 7 or 8th. I don't remember
22 the exact date, but it was probably the first full Monday of May
23 which I believe was the 7th or 8th.

24 Q: What year, sir?

25 A: 2018.

1 Q: 2018, thank you. And, can you briefly describe the
2 impetus for the JEDI Cloud acquisition?

3 A: The Department of Defense has been using cloud now for
4 a number of years. The execution of the strategy for cloud I
5 think it's been flawed as the Department has stood up a number of
6 discrete, disparate, disconnected clouds, and the intent was to
7 put in place and enterprise cloud capability that can be used in
8 a common way across all services, and components of the DOD.

9 Q: Okay. And what is your involvement in this initiative
10 for this enterprise cloud?

11 A: So as the Chief Information Officer my involvement has
12 been one of providing guidance as to how clouds are used, best
13 practices, different models of how to send them up, and to answer
14 questions to senior members of Department of Defense related to
15 them wanting to be educated on the cloud, and to apprise, and
16 educate, update Congress on the status of the cloud program, and
17 answering questions that they needed to help guide their NDA
18 language and markup.

19 Q: Can you describe the relationship between the Digital
20 Defense Office and the CCPO?

21 A: I don't know that I can answer that. So, the DDS is
22 obviously an entity organization separate from mine. When I
23 joined the Department of Defense in May of 2018, the CCPO Office
24 was then under the CMO organization or Jay Gibson, and
25 subsequently at a later date, I don't know the exact date was

1 moved from CMO to my organization, but I couldn't tell you what
2 the relationship was of the CCPO to the DDS organization other
3 than I believe they had members that advised the CCPO Office.

4 Q: Okay. And did you receive any ethics training
5 concerning the JEDI acquisition?

6 A: Yeah, when I joined I was not permitted for
7 approximately, oh, goodness. It may have been 45 or 60 days to
8 participate in any matters of related to JEDI directly as I was
9 still completing my 278 ethics review with SOCO Office, and so
10 only after I had completed my whole ethics review and received
11 clearance from the SOCO Office that I then started my work on
12 JEDI.

13 Q: Do you know when that date was that you were cleared by
14 SOCO ethics?

15 A: No, I don't know the exact date. I can't think of
16 (b) (6), (b) (7)(C) last name. Her or (b) (6), (b) (7)(C) would obviously have
17 that in their records, but I can't recall what date. I want to
18 say, I don't want to guess, so I'll just say we'd have to get the
19 specifics from the SOCO Office.

20 Q: Okay. And once you were cleared did they provide you
21 with any additional guidance regarding your role in the
22 acquisition?

23 A: Well, guidance from them as well as the Contracting
24 Officer around do's and don'ts in terms of what I was permitted
25 to do and not permitted to do in terms of the overall sourcing

1 selection program for JEDI.

2 Q: And the SOCO DAO was (b) (6), (b) (7)(C)

3 A: Yeah. I apologize I just don't remember her last name.

4 Q: Okay. That's fine. And do you know if you signed a
5 nondisclosure agreement form?

6 A: I believe I did. That's a good question. I remember
7 before actually got so to speak read into the program I believe I
8 signed the form, but here again to the best of my knowledge I
9 believe I did, but I can't say that with certainty.

10 Q: And do you know if the members from the DDS, the
11 employees there if they received any ethics training concerning
12 the JEDI Cloud acquisition?

13 A: I wouldn't have knowledge of that. As I said those
14 people did not work for me.

15 Q: Did you know who SBD Advisors, the company?

16 A: SBD?

17 Q: Yeah, Sierra Bravo Delta Advisors, are you familiar
18 with that particular company?

19 A: No. I've never worked with them.

20 Q: What about C5 Capital?

21 A: C5 Capital? No, don't know them either.

22 Q: Do you know if they have a relationship as it relates
23 to the JEDI Cloud acquisition?

24 A: Not that I am aware of personally no.

25 Q: Okay. So, SBD Advisors was previously owned by Ms.

1 Sally Donnelly who is listed on our matrix sheet.

2 A: Okay.

3 Q: And, do you know if SBD Advisors and Amazon if there
4 was a relationship between those two companies?

5 A: I'm not aware of.

6 Q: And what were your interactions with former Secretary
7 of Defense James Mattis that related to the JEDI Cloud
8 acquisition?

9 A: Light touch, meaning that as a principal of OSD I
10 obviously attended his weekly large group meetings in which a
11 portion of that meeting would be each principal would go around
12 the room and give updates on various key activities that were
13 going on that week, important matters that we were brief Congress
14 on, etcetera. So, occasionally in that meeting I would give an
15 update on the status of where the JEDI program was. So, that
16 would be one place that I would interact with Secretary Mattis
17 on. And then on a couple of occasions he wanted specific updates
18 on the security aspects of the program, how we were ensuring the
19 commercial offering was going to be secure. It was an educational
20 session. But other than that I didn't have any other what I'll
21 called standard meeting with secretary Mattis on JEDI. I can
22 actually say I never had a standard meeting, or standard update
23 particularly with Secretary Mattis. There would be the occasional
24 ad hoc question from his office about the program, but that was
25 it.

1 Q: Okay. So there were no one-on-one discussions with him
2 regarding the JEDI? It was typically done during the principals
3 meeting when you provide the weekly updates?

4 A: That is correct except for one time I remember I got an
5 ad hoc request to go over and give him an update to explain
6 technically how we were securing the commercial cloud and what
7 were some concerns that I saw as the CIO that came from outside
8 from industry, and what were some of the best practices to that
9 were used to secure commercial clouds. That's the only meeting
10 that comes to mind where I was requested to see him.

11 Q: Do you recall what time frame that request came from
12 Secretary Mattis?

13 A: That would have been sometime late summer, early fall
14 of 2018. So, it probably would have been in fall.

15 Q: And what is your understanding of former Secretary of
16 Defense Mattis' relationship with or interest in SBD Advisors?

17 A: I know nothing about their relationship, interactions
18 in any way, shape, or form other than what I read the media.

19 Q: What about Amazon?

20 A: Once again, not aware of any relationship that
21 Secretary Mattis had with Amazon.

22 Q: Okay. And do you know if Mr. Mattis needed to
23 disqualify himself from participating in the JEDI Cloud
24 acquisition because of any relationship or interests?

25 A: I was never apprised or informed of that in any way. If

1 that did exist I was not aware of it.

2 Q: Okay. Thank you. What did you ever hear Mr. Mattis say
3 about Amazon?

4 A: I'm trying to think if -- I don't actually recall him
5 ever in meetings I attended him talk about Amazon directly. I
6 think the most I do remember is him always making comments, you
7 know, our job is to focus on delivery and not get wrapped up with
8 the noise in the media. But that was more of a general comment,
9 but I never once had a meeting with him where he specifically
10 brought up Amazon or asked me questions about Amazon. It was
11 always about something about the cloud program and commercial
12 cloud capability, but not particularly about a vendor.

13 Q: And that was my follow-up question. Have you ever heard
14 Mr. Mattis say anything about any of the competitors for the JEDI
15 Cloud contract?

16 A: No. His concern was always obviously are we using
17 qualified? Are we looking use qualified providers in the space?
18 And that was the extent of the questions. But we never had
19 specific questions about pluses and minuses vendor A versus
20 bender B. I never gave him any briefings around the capabilities
21 of the vendors.

22 Q: Okay. You mentioned that you provided him with an
23 update on the JEDI Cloud. What were some of the information that
24 you shared with him during those updates?

25 A: Yeah, so that would have been in large groups in which

1 all the other principles would have been in the room, and that
2 was typically just where we were in the process. So, it could be
3 everything from, "Hey, Secretary. We are getting ready to get the
4 last of the RFP comments before release the RFP go out on the
5 streets." To, "Hey, I've been asked to buy HASC-D or SASC to come
6 over and give them an update." Or, "I've been asked by Senator
7 So-and-so to go over and give them an update." So it was always
8 where we were in the program, or who I was going to see in
9 Congress who had inquired about the program. It was those sorts
10 of updates.

11 Q: Okay. Thank you. Also you filled out and signed a form
12 for us --

13 A: Yes.

14 Q: -- and I'd like to take a minute to go over some of
15 your --

16 A: Sure.

17 Q: -- responses on the form regarding whether Secretary
18 Mattis played a role in various JEDI Cloud acquisition
19 activities. The activities we listed and there are 27 activities
20 are meant to cover the full range of the JEDI Cloud acquisition
21 matters from executive steering, to requirements, development,
22 market research, the acquisition strategy decision, the request
23 for proposal, and evaluation of proposal. So we included a space
24 for other to cover any relative activities we did not list. Also
25 for any yes answer we asked you to describe the role that

1 Secretary Mattis played in those activities if you marked them
2 with a yes. We said the role could be mean issuing guidance or
3 directions, attending related mission meetings, conducting
4 research, providing data, or other decision support information.
5 There was also a space for you to indicate some other type of
6 role or participation that we did not list. We also give you
7 another acronym and it's IDK which stands for I don't know. On
8 the form you indicated that Secretary Mattis did not play a role
9 in the Cloud Executive Steering Group, Cloud Computing Program
10 Office, drafting the request for proposal, final RFP evaluation
11 and proposals, elimination from further consideration. Do you
12 confirm this response?

13 A: Yes.

14 Q: Also on the matrix you indicated I DK, I don't know if
15 Secretary Mattis played a role in the JROC problem memo, the
16 problem statement, the business case analysis, functional, and
17 technical requirements, gating, RFI, Industry Day, and all other
18 activities involved in the JEDI acquisition. Do you confirm this?

19 A: Yes. Confirm.

20 Q: What nonpublic procurement information did Mr. Mattis
21 have access to?

22 A: I'm sorry, could you repeat the question what non?

23 Q: Nonpublic procurement information did Mr. Mattis have
24 access to?

25 A: I'm not aware of anything. Let me put it this way. I

1 joined way down where you get to draft RFP and getting ready to
2 release the RFP. So the I don't know applied to the fact that I
3 wasn't here when any of the stuff from basically 3 down to 22
4 were taking place. So, that's -- when you asked me what else
5 might he have access to, I can tell you from the point that I
6 arrived I never shared anything that was sourcing, or proprietary
7 to the program with him. Nor was I ever aware from the point that
8 I arrived on that he had access to anything that was proprietary
9 to the program.

10 Q: So can you tell me how did Mr. Mattis influence the
11 JEDI Cloud acquisition?

12 A: I would say there was never a time from the moment I
13 got here to the moment that he left where he ever, ever attempted
14 to influence the JEDI program. As I said he asked questions about
15 the status, but never once did I receive a direction or anything
16 that I would characterize as trying to influence the JEDI
17 program.

18 Q: Did Mr. Mattis have any conflicting interest that
19 should have disqualified him from participating in the JEDI Cloud
20 acquisition?

21 A: I have no knowledge of any conflicting interest.

22 Q: What has Mr. Mattis ever said or done that would cause
23 you to question his ethics or impartiality concerning Amazon?

24 A: Nothing.

25 Q: What about concerning the JEDI Cloud acquisition?

1 A: Nothing.

2 Q: Thank you. Earlier I mentioned Ms. Sally Donnelly who
3 is also identified are matrix cloud sheet. Do you know who Ms.
4 Sally Donnelly is?

5 A: No, sadly, well not sadly but maybe more appropriate
6 thing is I've heard the name many times, but I have never
7 attended meetings with her. My only knowledge of her is
8 secondhand through other people, but I do not know her
9 personally.

10 Q: I mentioned earlier that Ms. Donnelly who was the
11 Special Assistant to Mr. Mattis that she was the owner, former
12 owner of SBD Advisors. Of course she sold that company prior to
13 her coming into the DoD. Do you know, do you know or have you
14 heard any rumors regarding Mrs. Donnelly's business relationship
15 with SBD Advisors and Amazon?

16 A: I have read in the press where people have tried to
17 suggest that there was some relationship. I frankly never
18 understood what those relationships people were trying to imply
19 were, and I have no direct knowledge of her ever having
20 relationship other than as you put it the rumors that were
21 floating around in the press.

22 Q: So, I'd like to reference the rumors and the connection
23 or not with SBD Advisors and Amazon.

24 A: Okay.

25 Q: If that were the case would Ms. Donnelly need to

1 disqualify herself from participating in the JEDI Cloud
2 acquisition because of any of those relationships?

3 A: I never understood the relationship with enough depth
4 to inform form an opinion.

5 Q: Have you ever heard anyone mentioned to you that Mrs.
6 Donnelly spoke or said anything about Amazon?

7 A: So, I want to make sure I'm answering the question. Did
8 I personally know of any time she would have spoken to Amazon, or
9 did anyone ever tell me that she spoke to Amazon I was not aware
10 that.

11 Q: Okay. Thank you for answering that. Did you ever hear
12 Ms. Donnelly, or hear rumors of Ms. Donnelly speaking about any
13 other competitors for the JEDI Cloud contract?

14 A: No, never heard anything in regards to other
15 competitors.

16 Q: Okay. So, the form that we provided to you earlier
17 included a column for Mrs. Donnelly. On the form you indicated no
18 that Ms. Donnelly did not play a role in the CESG meetings, the
19 Cloud Computing Program Office, drafting the request for
20 proposal, the final RFP, evaluation of proposal, and elimination
21 from further considerations. Do you confirm this?

22 A: I do, but I want to make something clear. You saw to my
23 asterisk. There was an executive Steering Group, there was the
24 CCPO Office that was in existence prior to my arrival, and when I
25 say no, what I'm referring to is from the point that I started

1 getting engaged which was approximately July that never once did
2 Sally and or any of the names that to ever attend an SE, a
3 Steering Group meeting, or ever participate in the with a CCPO. I
4 cannot talk to prior to my arrival. So my no's are dated to my
5 arrival.

6 Q: Understood. Thank you for saying that as well.

7 A: Okay.

8 Q: Also on the matrix you indicated I don't know if Ms.
9 Donnelly played a role in the JROC memo, the problem statement,
10 the business case analysis, functional and technical
11 requirements, gating, RFI, Industry Day, and all other activities
12 involved in the JEDI acquisition. Do you confirm this?

13 A: Yes, because all of those activities took place prior
14 to my arrival.

15 Q: And you know if Ms. Donnelly had access to any source
16 selection or non-procurement information?

17 A: I do not know.

18 Q: Do you know if Ms. Donnelly influenced the JEDI Cloud
19 acquisition?

20 A: I do not know for the period of time prior to my
21 arrival and after my arrival she was not engage in any way,
22 shape, or form.

23 Q: Did Ms. Donnelly have any conflicting interest that
24 should have disqualified herself from participating in the JEDI
25 Cloud acquisition?

1 A: I'm not aware of any conflicts that would have existed.

2 Q: What has Ms. Donnelly done or said that would could
3 have cause you to question her ethics or impartiality concerning
4 Amazon?

5 A: None because I've never spoken to her.

6 Q: Concerning the JEDI Cloud acquisition?

7 A: Same thing, none.

8 Q: Okay. Now I'd like to talk about Mr. Anthony DeMartino.
9 Do you know who Mr. DeMartino is?

10 A: I do.

11 Q: And what were your interactions with him that related
12 to the JEDI Cloud?

13 A: Nominal at best. He was, at the time that I arrived on
14 special assignment and I can't remember at that time if he was
15 supporting Mattis or if he was supporting Deputy Secretary
16 Shanahan. I simply just don't recall, and he would occasionally
17 check in with me on status of various things that my office was
18 working on. I cannot directly recall if I ever sat down with him
19 and had a conversation specifically around the status of the JEDI
20 procurement process. I just don't recall if I did or not.

21 Q: Do you know if Mr. DeMartino ever provided you with any
22 inputs or recommendation as it relates to the JEDI Cloud
23 acquisition?

24 A: No. He never ever gave me direction or recommendation
25 on that particular program, no.

1 Q: And, what is your understanding of Mr. DeMartino's
2 relationship with or interest in SBD and Amazon?

3 A: I don't know anything direct knowledge of that
4 relationship. I believe I thought I read something in the press
5 that him and Sally knew each other, but here again that's more
6 hearsay of what I read in the press, but I had no direct
7 knowledge of any relationship between them.

8 Q: What did you ever hear Mr. DeMartino say about Amazon?

9 A: Nothing.

10 Q: What about any of the other competitors for the
11 contract?

12 A: Nothing as well.

13 Q: Okay. Going back to the matrix that we asked you to
14 fill out on there you indicated that Mr. DeMartino once again for
15 the first two items you indicated that he did not participate in
16 the CESG or the Cloud Computing Program Office, drafting the
17 request for proposal, final RFP evaluation of proposing
18 elimination for further consideration, and we understand your
19 no's indicated this is something that occurred prior to you
20 coming on board.

21 A: Yeah, well I have IDKs. Those would have been
22 activities that took place prior to my coming on board. When you
23 get down to evaluation of industry responders, final RFP,
24 elimination for further consideration, Tony was gone before any
25 of those activities even took place. Which is why it was an easy

1 no. And when there was a CCPO Office meeting or an Executive
2 Steering Group meeting he never participated in the meetings
3 during the time I was here.

4 Q: Okay. And you also indicated that you did not know for
5 all of the other activities. Do you confirm your know what and I
6 don't know responses?

7 A: Yes, I confirm.

8 Q: Okay. Thank you. Do you know if Mr. DeMartino had any
9 access to any of the procurement information?

10 A: I don't know. I think it's going to be a case of that
11 wasn't here when this thing kicked off, I can only speak to the
12 period of time once I arrived and once again, from my arrival he
13 did not have access to any of the sourcing information.

14 Q: How did Mr. DeMartino influence the JEDI Cloud
15 acquisition?

16 A: He had no influence over that program.

17 Q: Did Mr. DeMartino have any conflicting interest that
18 should have disqualified him from participating in the JEDI Cloud
19 acquisition?

20 A: None that I'm aware of.

21 Q: What about in any other related activities?

22 A: None that I would be aware of.

23 Q: Also for Mr. DeMartino what has he said or done that
24 would cause you to question his ethics or impartiality concerning
25 Amazon?

1 A: I have no knowledge or evidence that he's ever done
2 anything.

3 Q: The JEDI Cloud acquisition?

4 A: Same thing. No knowledge or evidence he ever did
5 anything.

6 Q: Okay. Also on our metrics we identified a Mr. Victor
7 Gavin. Do you know who Mr. Victor Gavin is?

8 A: Not at all.

9 Q: Have you ever had any interactions with him as it
10 related to the JEDI Cloud acquisition? And, we understand he was
11 one of the service members providing input and participated in a
12 number of activities related to the acquisition.

13 A: So, my answer to that is I don't know. Could he have
14 been, heck, I know even know if he was employed when I got here
15 or not. That tells you just how unknown he is to me. But, if he
16 was employed when I got here and could he have been sitting in a
17 meeting at which I participated in? He might have but I would not
18 have known him. I never worked with him.

19 Q: Okay. So, you would have never know if he had any
20 comments regarding Amazon or any of the other competitors?

21 A: No, I just simply don't know.

22 Q: Okay. And I just want to confirm your response is there
23 that you indicated for Mr. Gavin. You indicated that you did not
24 know if he participated in any activities and no responses for
25 the activities that you coming on board. Do you confirm this

1 response?

2 A: I confirm.

3 Q: And just for the record, do you know if Mr. Victor
4 Gavin had any access to any source selection information?

5 A: I don't know because here again I was not aware of the
6 individual.

7 Q: And was Mr. Gavin able to influence the JEDI Cloud
8 acquisition towards Amazon?

9 A: Here again I don't know prior to my arrival, after my
10 arrival, no.

11 Q: Okay. I'd like to move on to the next individual and
12 that would be Mr. Robert Daigle.

13 A: Uh, huh [affirmative response].

14 Q: What were your interactions with Mr. Robert Daigle as
15 they related to the JEDI Cloud acquisition?

16 A: Most of our conversations dealt with how we were going
17 to budget for the cloud. So, when I arrived one of the things we
18 had to do was to set up necessary funding to sustain the Cloud
19 Program Office. And because he ran CAPE I had to meet with him on
20 an as-needed basis to get his advice on the best way to structure
21 the budget. Being brand new to government and having never worked
22 in government previously and Bob being the head of CAPE I went to
23 him to seek out advice on how to go through the necessary
24 processes to budget, how to meet with appropriators and
25 authorizers and the do's and don'ts on discussing budgets, but it

1 was more the mechanics on budget that was on JEDI and the cloud
2 program.

3 Q: Okay. And do you know if Mr. Daigle had a relationship
4 or interest in SBD Advisors or Amazon?

5 A: No, I was not aware.

6 Q: Have you ever heard Mr. Daigle say anything about
7 Amazon?

8 A: The reason I'm hesitating is there would be a number of
9 meetings in which we would discuss where we were in the sourcing
10 process, what stage we were in, but I can't remember ever
11 specifically talking about a particular vendor. We spent more
12 time talking about -- we spent a lot of time, Bob and I talking
13 about what we were wanting out of an enterprise cloud and the
14 importance of it, and how best to explain the value of it to
15 Congress, and in those meetings I don't ever recall where we
16 talked about a particular vendor.

17 Q: Okay. Going back to the matrix form.

18 A: Sure.

19 Q: You indicated no that Mr. Daigle did not play a role in
20 the CESG, Cloud Computing Program Office, draft RFP, the
21 evaluation of industry, responses to draft RFPs, the final RFP
22 evaluation, elimination from further consideration, and you also
23 indicated that I did not know for the remaining activities on the
24 matrix. Do you confirm these responses?

25 A: Yes I do, and I should add that from the moment that I

1 arrived Bob did not play any role, any leadership role directing
2 anybody on JEDI. I was informed that prior to my arrival he did
3 support activities of the JEDI team, but I can't tell you what of
4 your questions 3 through 22, his engagement would have been on
5 those things. I was just told that Bob had helped out on the
6 program in various ways, but I don't know specific details of
7 what that included. So I don't want to imply that Bob didn't do
8 anything I just don't know the particulars.

9 Q: Was there any reason why Mr. Daigle should not have
10 participated in the JEDI Cloud acquisition activities?

11 A: None whatsoever. He absolutely in his role as in CAPE
12 needed to be engaged.

13 Q: And how did Mr. Daigle influence the JEDI Cloud
14 acquisition?

15 A: He never once influence the JEDI acquisition. He help
16 me to strategize on how to work with Congress, and how to get it
17 budgeted.

18 Q: And what has Mr. Daigle done or said that would cause
19 you to question his ethics or impartiality concerning Amazon?

20 A: None whatsoever. I never heard him make a comment once.

21 Q: And do you know who Mr. Deap Ubhi is?

22 A: I do not know him personally. I only know him from his
23 name coming up during the investigation that was led by the
24 contracting officer, and what has been extensively written about
25 him in the press, but I never met the individual. He was gone --

1 he had left the Department of Defense prior to my arrival.

2 Q: Okay. On this form also you for Mr. Deap Ubhi you
3 indicated no and I do not know responses for all of the 27
4 activities. Do you confirm this response?

5 A: Yes.

6 Q: Were you ever in a meeting in which anyone either
7 changed the subject or excuse himself, or herself, because he or
8 she, or someone close to them had a conflicting financial
9 interest that might be impacted by the JEDI Cloud acquisition?

10 A: No. Never. Never occurred in meetings I attended.

11 Q: Did anyone attempt to write JEDI Cloud requirements,
12 and by this I mean the JROC memo, the gating requirements,
13 technical requirements, or the statement of objectives, or any
14 other right requirement in a way that favored Amazon over its
15 competitors?

16 A: Absolutely not. Never saw any evidence of that.

17 Q: Did anyone attempt to include or exclude anything in
18 the RFP that would serve to advantage Amazon or disadvantage its
19 competitors?

20 A: Never saw any evidence that occurred.

21 (b) (6), (b) (7)(C) [REDACTED], do you have any follow-up
22 questions?

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

24 Q: Sir, I've got just two follow-up questions for you.

25 A: Sure.

1 Q: The first one is in your position as a CIO and advisor
2 to the various secretaries of defense and deputy secretaries of
3 defense, do you believe that your advice concerning JEDI has been
4 followed?

5 A: That's a really interesting question. So what's going
6 through my mind right now is how I engaged with, you asked for
7 both Secretary and Deputy Secretary I believe --

8 Q: Yes, sir.

9 A: -- in the nature of your question?

10 Q: Yes, correct.

11 A: In the case of Secretary Mattis I don't think I ever
12 gave advice. I answered questions and I gave him education about
13 how you use the cloud, how do you install them, set them up, put
14 security behind them, but I never advised him, and in the case of
15 the Secretary, Deputy Secretary Shanahan the advice I gave was
16 always how were clouds being done in the private sector to help
17 get him education on approaches. So, I did give him advice
18 specifically on best practices for how to go about setting up
19 clouds.

20 Q: Thank you.

21 A: Yeah.

22 Q: My second question is you mentioned that when you had
23 an interaction with Secretary Mattis that his interest was in,
24 and I'm paraphrasing here, that ensuring the JEDI acquisition or
25 the cloud program had quality vendors. Can you describe or define

1 what Mr. Mattis thought was a quality vendor?

2 A: He didn't try to define a quality vendor. I think the
3 nature of that was, "Mr. Deasy, you come from the private sector.
4 You've done clouds in the private sector. Are we going about this
5 the right way including the vendors that we're including and
6 looking at this program?" That would be more the nature, wanting
7 insurances based on my expert knowledge from where it came from
8 where we going about things the right way?

9 Q: And what was your response to his question on there?

10 A: I said, "There are only so many major cloud providers
11 of U.S. origin that have the scale in the technical capability to
12 meet the demands of the Department of Defense and all of those
13 cloud providers were going to be included in the process."

14 Q: Okay. Thank you.

15 A: Okay.

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

17 Q: Why do you believe matter has surfaced to the DoD OIG?

18 A: I have said this before. This cloud, this contract is
19 obviously a big deal, it's a big financial deal, but more
20 importantly as we go about picking a company to support the needs
21 of the Department of Defense a lot if people are going to watch
22 this. The private sector is going to watch this and so would the
23 public sector, and the reason just watch this is obviously
24 whoever we pick that could meet the needs and demands of the
25 Department of Defense given the complexity, the scale, the size,

1 and our security requirements will give people in industry
2 confidence in that as they evaluate vendors to help them, they're
3 going to obviously look at who we've chosen to use. So, if you're
4 a vendor competing for this business and you are not selected
5 there's a concern that in the marketplace that people who will be
6 making future cloud procurement decisions may be concerned about
7 the qualifications of a company who doesn't make it through this
8 process. And I believe there has been extensive lobbying by
9 companies that have not continued on in this process as they are
10 very concerned that their business could be harmed in the outcome
11 by not being able to move forward with the Department of Defense,
12 and therefore they have gone to Congress, have stated the
13 concerns, and here we are where we are today.

14 Q: Okay. And is there any additional information that you
15 would like to provide to us?

16 A: I think the big one would be it has been commonly
17 stated that we have somehow manipulated, crafted, created a
18 source selection with a predisposed outcome. I can just tell you
19 from my place of expertise on cloud I never once ever read,
20 participated, or heard any discussion that was tailoring a
21 proposal that would preordained an outcome or a winner, and I
22 think that is important for the record. Saw zero evidence that
23 ever occurred.

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

25 Q: Sir, one last follow-up question for you.

1 A: Sure.

2 Q: Relative to the cloud acquisition how do you respond to
3 somebody telling you don't put all your eggs in one basket?

4 A: So, it is a fair challenge and it's a challenge that I
5 think I have dealt with many times in my career. I've been asked
6 this question by boards, there's two responses to that. First of
7 all the Department of Defense will never put all its eggs in one
8 basket. If you read the cloud strategy that has been formally
9 documented and submitted to Congress it clearly states that we're
10 going to always be a multi-cloud, multivendor environment. So,
11 that's kind of message number one. We will never put all of our
12 eggs in one basket and somehow the narrative has gotten out there
13 that that's exactly what we're doing on JEDI and that's simply
14 not true. Number two it was because today we have a large number
15 of disparage cloud providers we've actually increase our service
16 space of risk and the attack space. So, there's a balance here
17 between not ever putting all your eggs in one basket waltzed at
18 the same time not creating a surface space of so many
19 vulnerability points that then you're actually adding to risk.

20 Q: Thank you.

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

22 Q: Sir, who else should we talk to and why?

23 A: Well, that's a good question. Obviously I don't have
24 access to who you are talking to, and obviously nor should I.
25 I've thought about this time and time again. So you put Daigle on

1 the list. I'm kind of running down who in the building would be
2 helpful to your investigation. Have you ever talked to the Chief
3 of Staff for Mattis?

4 Q: We are not at liberty to share with you who we spoke
5 to.

6 A: Oh, okay. All right. So, I guess way this works if I
7 can just give you suggestions. So, then the Chief of Staff
8 obviously work day in and day out with Mattis. He might be
9 somebody. The Chief of Staff for the Deputy Secretary would have
10 seen and had access to things that possibly went from the two
11 offices, I don't know. The Deputy Secretary, former Deputy
12 Secretary Shanahan. That would be a big one. Ellen Lord from the
13 obviously acquisition side. General Nakasone his team has been
14 involved in helping us prepare our selection approach, help us
15 think through the security strategy that we put together for that
16 JEDI. Now, he might have to point you to someone on his team that
17 is closer to it but his organization. Those are the ones that
18 immediately come to mind.

19 Q: Okay. Thank you for those names.

20 A: Sure.

21 Q: Do you have any questions?

22 A: I don't think so other than obviously if I come across
23 somebody else that might be helpful to we're trying to
24 investigate I assume I can just pick up the phone call you and
25 tell you who else you can add?

1 Q: Yes, sir.

2 A: Okay.

3 Q: And do you have any comments or concerns about the way
4 we conducted this interview today?

5 A: I found the matrix interesting when I received it from
6 a couple standpoint. Just obviously one of just filling it out,
7 but two if I were sitting in your shoes and I was being asked to
8 conduct an investigation, it's a very binary matrix. Obviously
9 someone says yes or no and as you know investigations there's
10 context, but I think you guys have done a decent job in how you
11 asked. I was worried about just the binary nature of an IDK, a
12 no, or ayes, but I saw in the way that you asked follow-on
13 questions that you were picking beyond just the no or the IDK.
14 But I was a little concerned early on that this was a fairly
15 restricted, if you didn't happen to ask somebody about these 27
16 activities would you have gotten insight that sat outside of one
17 of these activities that you're not getting because you didn't
18 have to put it on the matrix. Does that make sense?

19 Q: Yes, it does.

20 A: So that's my only hum, is there any boxing of
21 themselves in here because they kind of these 27 things and if
22 it's not on here is or something else pertinent? I couldn't think
23 of what that was but that was my reaction when I first received
24 the form.

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

1 Q: Sir, if I can give you a little bit of information on
2 that. First off we're conducting a review and not an
3 investigation in our traditional sense.

4 A: Sure.

5 Q: So we're conducting a review of the acquisition
6 process. The second thing is we sent out this form to you to help
7 us focus on our questions to you and hopefully use your time as
8 efficiently as possible. We understand the people that we're
9 interviewing have a lot of other things to do.

10 A: Sure.

11 Q: And that form helps us to just kind of focus in on what
12 you may or may not know.

13 A: Yeah, no. I mean you absolutely needed something to
14 guide the conversation.

15 Q: Yes, sir.

16 A: And I'm not being critical of this, I was more trying
17 to point out when I first got it I was worried about the binary
18 nature of Y, N, or IDK.

19 Q: And that's very understandable, and like I said we just
20 want to hopefully use your time as efficiently as possible --

21 A: Yeah.

22 Q: -- and you've helped us do that through that form.

23 A: Good. Good. So, that would be I can't objectively sit
24 here and say what else might have been helpful in this. I'm glad
25 that you allowed at the end of the process for me to say to say

1 is there anything else because I was quite clear about this in no
2 way, shape, or form was this tailored or written to a specific
3 outcome, and I was fearful that because I didn't see any
4 questions that were sent to me in advance that I wasn't going to
5 have an opportunity to say hey folks. You need to understand that
6 as the CIO this RFP was designed, authored in a completely
7 unbiased way, but you were very good at the end allowing me to
8 add any additional comments. So I do appreciate that.

9 Q: Yes, sir.

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

11 Q: So therefore if you remember anything else that you
12 believe may be relevant to our review please contact myself. I
13 believe your staff has our information or (b) (6), (b) (7)(C) .

14 A: Sure.

15 (b) (6), (b) (7)(C) : Finally, in order to protect the integrity of
16 this review we ask that you do not discuss the matters under
17 review, or the questions we have asked you during this interview
18 with anyone other than your attorney should you choose to consult
19 with one. This does not apply to or restrict you of your right to
20 contact an IG or a Member of Congress.

21 MR. DEASY: Okay.

22 (b) (6), (b) (7)(C) : If anyone asks you about your testimony or
23 this review, please inform them that the DoD OIG has asked you
24 not to discuss the matter.

25 MR. DEASY: Okay.

(b) (6), (b) (7)(C) : If anyone persists in asking you about your
testimony, our review, or if you feel threatened in any manner
because you provided testimony, please contact myself or (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The time is now 11:04 a.m. This concludes our interview.

16 [The interview terminated at 11:04 a.m., July 30, 2019.]

17 [END OF PAGE]

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

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21 DEASY - July 30, 2019

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

25 DEASY - July 30, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Dana S. Deasy
October 29, 2019
ISO Recall Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is October 29, 2019, and the time is
3 now 3:45 p.m. I am (b) (6), (b) (7)(C) with the Department of Defense
4 Office of Inspector General. With me are my colleagues, (b) (6), (b) (7)(C),
5 (b) (6), (b) (7)(C), and the witness,
6 Mr. Dana Deasy. We're continuing by telephone an interview we
7 conducted on July 30th, 2019. We're conducting the interview for
8 the purpose of clarifying certain details in media reports that
9 we read about the JEDI Cloud procurement. We are in the Mark
10 Center in Alexandria, Virginia, and Mr. Deasy is located at his
11 office in the Pentagon. Sir, at this time I ask you to
12 acknowledge that this interview is being recorded.

13 MR. DEASY: I acknowledge.

14 (b) (6), (b) (7)(C): Do you understand that you remain under oath
15 to provide truthful testimony?

16 MR. DEASY: I do.

17 DANA DEASY

18 was recalled as a witness, reminded of his previous oath, and
19 provided the following testimony:

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

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

22 Q: Sir, the media has recently reported on a book by a Mr.
23 Guy Snodgrass who is a member of former Secretary of Defense
24 James Mattis' staff. Mr. Snodgrass reportedly stated that
25 President Trump, quote "Personally got involved in who would win"

1 the Joint Enterprise Defense Infrastructure Cloud Computing
2 Contract, also known as JEDI. Sir, what is your reaction to that
3 statement attributed to Mr. Snodgrass?

4 A: It was a big, "Huh?" And why I say that was earlier
5 today I was under oath in testimony on the Hill for my
6 confirmation and I was asked about this undue influence question,
7 and I'll give you the same answer I gave them. From the time that
8 we set up the Source Selection Team we did all of the normal
9 large acquisition processes including, A, only government career
10 civilians were put on the Source Selection Team. B, they all had
11 a commensurate skill sets they needed to evaluate a cloud
12 contract. C, they were, what was the word we used? We
13 compartmentalized them and sequestered the teams. So one team was
14 only evaluating and scoring one part of the cloud contract and
15 the other parts of the teams were all scoring different. So, at
16 no time did they cross-pollinate so to speak. Next, we never
17 shared the identity of any of those career civilian. So, there is
18 no way I didn't, Secretary didn't know, the Deputy didn't know. I
19 wasn't even on the source selection team, so I was not aware of
20 the actual career civilians that were doing the scoring. So, my
21 comment was unless somebody got access to all the individuals
22 compartmentalized teams got access to who was pulling all that
23 data together, there is simply no way they could have influenced
24 the outcome, and furthermore not even the Secretary or the Deputy
25 Secretary was ever allowed or met with people that were doing the

1 source selection scoring, so they did not even know who was on
2 the team.

3 Q: If anyone wanted to influence for whatever reason the
4 outcome, anyone from the outside how might that be accomplished?

5 A: That's a good question. I thought about that and I
6 think they would have had to have done probably one of two
7 things, and my apologies because I still can't remember the exact
8 title we use in Acquisition Policy. There's someone who is at the
9 ultimate top of the source selection process where all of the
10 information comes together. I just don't remember --

11 Q: Source Selection Authority?

12 A: Yes, thank you very much. The Selection Authority. They
13 would have had to have found out who that person was, and they would
14 have had to have contacted them together because that is the kind
15 of aggregation part where all of the compartmentalized sequestered
16 teams eventually bring all their data together. So that would
17 have had happened. And/or you would have had to be able to
18 identify at least one person on every one of the different
19 scoring teams, and that one person of each of the individual
20 scoring teams would have then had to have influenced the rest of
21 the team members to have selected or voted a certain outcome.
22 That's the only way I could ever conceive that this could have
23 occurred.

24 Q: Tell us please what you know about President Trump's
25 involvement in the JEDI procurement.

1 A: I only know whatever it publicly, and I know that when
2 I went to speak to Deputy Secretary Norquist after the Secretary
3 recused himself and he told me that he was going to authorize us
4 to proceed with the award and that he had spoken to the IG he
5 said, "And by the way, I will be informing the White House of the
6 fact that I've instructed you to move forward." You have to
7 remember that when the Deputy Secretary told me I'm going to
8 inform the White House that I've instructed you to move forward
9 with an award, the Deputy had no idea who the award was going to,
10 and then he told me that when he had that meeting with the White
11 House that at a point when it was set up for him to come back and
12 simply share that same information with the President, i.e.,
13 "Sir, I've instructed the team after we've looked at everything
14 that we are in a position to move forward, and I'm here to tell
15 you today we are going to move forward." But, he never once
16 indicated to me that, about pushback, about changing one's
17 direction on this. It was, "Thank you for letting us know."

18 Q: What day was it when you went to go see the Deputy
19 Secretary Norquist?

20 A: Well, I've spoken to Deputy Secretary Norquist almost
21 daily over the last week and a half keeping him apprised, well
22 let me put it this way. Once the Deputy told me that he was
23 taking the decision that we could proceed with an award then we
24 basically talk daily only about the fact that we had a whole
25 bunch of administration stuff that we had to do from the

1 contracting standpoint to be prepared to actually put the award
2 into play. So, I talked to the Deputy almost daily in the last
3 week and a half.

4 Q: What day was it that you went to see him and he told
5 you about the recusal and -- the Secretary's recusal and he said
6 that he was given permission to move forward and announcing what
7 --

8 A: Yeah, that's a good question. Hang on a second. So, I
9 have, of course the letter is no longer in here. So what I got
10 was a copy of Secretary Esper's recusal letter, and I was looking
11 for a copy of that, because on that recusal letter at the top of
12 the letter it has the date that that was done, and then I don't
13 recall what specific number of days passed post David Norquist
14 taking over. So in other words Secretary says to Deputy
15 Secretary, "I'm recusing myself. I am now putting it in your
16 hands the responsibility to decide the way forward." I do not
17 remember the exact days that went by from the time the Deputy
18 took it over to the time he took the decision to move forward. I
19 can probably go back and reconstruct that, I just don't have that
20 at top of my head.

21 Q: Did you say that when you went to see Mr. Norquist that
22 he did not know who the selectee was that would win the award?

23 A: Mr. Norquist did not know who the selectee was that we
24 were going to award to until actually we actually awarded it on
25 Friday at 4:45 p.m. in the afternoon. I went down to his office

1 right around 5:00 o'clock to inform him for the very first time,
2 "Sir, I can now tell you we've awarded it to." And so he got that
3 information after the award was actually done and presented to
4 the offeror.

5 Q: And when did you learn who the Source Selection
6 Authority had selected?

7 A: I was brought in, I think my title in this process I
8 believe they call a source advisor. I don't know the official
9 title, so my role was one of after the Source Selection Team made
10 their decision as who they were going to award to, they simply
11 came to explain to me how they arrived at that decision. They
12 walked me through the -- each compartment that I mentioned
13 earlier what they worked on, what their score was, how they
14 arrived at that score. And so my job was simply to take that
15 information in, ask questions so I was clearly aware of how they
16 got to the outcome.

17 Q: Is there a briefing that went along with that or was or
18 other what documentation was there then?

19 A: There is -- there was a -- so, oh, let me see here.
20 There was, so they sat down with me. Two different types of
21 people sat down with me. One, so the person sat down with me
22 throughout was Sharon Woods, and she's kind of the overall leader
23 of this process, and they broke the review into two parts with
24 me. One to one and a half hours was the technical side, so
25 everything about how did the two vendors do on security,

1 enterprise management, program management, architecture,
2 etcetera? And Pete Ranks was the person who walked me through
3 that.

4 Q: Ranks?

5 A: Yeah, Pete Ranks. He's actually the head of my IE group
6 that cloud sits under, and we would have to get for you, I just
7 don't remember the exact title role but in that hierarchy of
8 decision-makers that you do in the normal acquisition process,
9 he's the person that took each of the compartment's individual
10 technical evaluations, he then pulled it together and had to
11 write an overall summary that brought all the technical
12 evaluation detail together. Then, he then left the room because
13 all he did was summarize the technical side of it, and then
14 someone else came in. For the life of me I don't remember, I
15 would have to go back and look, and that person sat me down and
16 said, "Here is the pricing review and how we arrived at the
17 pricing decision." So one team gave me the aggregation of all of
18 the pricing review. Somebody else gave me the aggregation of all
19 of the technical review, and then at the end of that Sharon then
20 shared with me, "Okay. You've heard the technical outcome, you've
21 heard the pricing outcome and therefore we arrived at this
22 conclusion." I hope all that make sense what I just said.

23 Q: I am jumping back a little bit. In answer to my
24 question about what is it that you know about President Trump's
25 involvement in the procurement, you said that you know what you

1 read in the media reports. What is it that you read in the
2 reports?

3 A: Two things. One was his comment, I can't remember if it
4 was a Tweet or if was in an interview about hearing a lot of
5 noise, a lot of concerns raised about the acquisition that was
6 occurring over at the DoD on this thing called JEDI and that I
7 think he said something about we're going to look at it closely.
8 That was one, and then the more recent one I think I just read
9 about in the last few days, this Snodgrass book mentioning some
10 meeting between Mattis and the President, and those were the two
11 events that I recall.

12 Q: What knowledge do you have of President Trump's
13 personal involvement?

14 A: I'm sorry, what was that question, sir?

15 Q: What knowledge do you have of any personal involvement
16 by President Trump in the --

17 A: I don't have any knowledge about, I guess I would have
18 to decide, if you're defining personal involvement meaning the
19 fact that he Tweeted or publicly made that statement, I'm aware
20 of that, but I'm not aware of anything other than those two
21 things that I just said where he was involved in any way with the
22 DoD. He was never involved, I was never directly involved with
23 him. The team that did the evaluation took the decision was never
24 involved with him, which is why I feel very confident when I say
25 the President did not know who we were going to award to based on

1 all of the ways that we ran the process.

2 Q: Same question for any involvement by, in the
3 procurement by anyone on President Trump's staff. What can what
4 do you know, what can you tell us about any involvement buy any
5 staff members?

6 A: So, goodness. Here again I have to pull out the dates.
7 Several months ago I was asked by the White House to come and
8 give an update on the cloud procurement with Mulvaney, and then
9 another, separate meeting with Kuppperman. The purpose of those
10 meetings was they wanted to have a general understanding of what
11 it was that we were trying to accomplish, the strategy, the
12 digital modernization program that I'm trying to accomplish here
13 at the Department of Defense. They wanted to understand all the
14 noise that was being reported in the media. Kind of like what's
15 the fact, what's the myth and what's the fact? So, myself and
16 Pete Ranks went over and basically walked them through all of
17 that stuff I said at basically just said, "Look. Here are the
18 facts. Here's what the media report is reporting and here is the
19 facts of what's actually occurring." At no time in those meetings
20 did they attempt to acquire about who was on the Source Selection
21 Team, even how we were doing per se the mechanics of the source
22 selection process, nor did they inquire about if we had an idea,
23 quote unquote who the potential awardee was going to be and they
24 never went down that discussion lane whatsoever. They stuck
25 strictly with what is the strategy about? What is this thing

1 called JEDI? Why is it important for the warfighter? How are you
2 going to secure it? What's all the noise in the press about?
3 Those were the nature of the questions.

4 Q: What were their questions about the competitors?

5 A: As I said earlier, they only knew what had been
6 reported publicly that we had down selected to two, and they knew
7 through the public media that we had down selected to Amazon and
8 Microsoft, but at no time when I met with them did they ever
9 asked me about strengths or weaknesses, pros or cons, or ask me
10 to state an opinion on one vendor over the other vendor.

11 Q: What effort if any did they make influence the ultimate
12 decision?

13 A: In my meetings none whatsoever.

14 Q: What was the date that you went to the White House?

15 A: I'd be happy to get that back to you. If you'll just do
16 me a favor, just send me an e-mail and let me know what things I
17 owe you, and I will be happy to go off and get you those.

18 Q: Certainly.

19 A: I'll just ask my assistant to go find the date in my
20 calendar.

21 Q: You said you were asked by the White House, what
22 specificity can you provide regarding who asked, and how they
23 asked, when they ask?

24 A: Interesting question. I'd really have to put a think on
25 that. Gosh, it seems like a fog now. I am trying to remember now

1 how it was that I ended up being asked to go over. I can't
2 remember if it was through the Deputy's Office or the Secretary's
3 Office, but one of the front offices just said, "The White House
4 just wants an update on this cloud because they ar hearing a lot
5 of noise in the press. Can you go over and explain to them what
6 this whole cloud and JEDI is about?" And that was literally the
7 nature of the request.

8 Q: And you may have something in your PSTs or attached to
9 your calendar some like that, may we add that to our e-mail that
10 we send you?--

11 A: Yeah, why don't you add that. Put that question in
12 there and I'll see if I can find what it was. I think what you're
13 looking for is what was the trigger document or the event that
14 got me over to the White House.

15 Q: Exactly.

16 A: And I'll have to sit down and what I'll probably do is
17 sit down with Pete Ranks because we went together, and because
18 between his brain and mine we might recall what event took us
19 over to there.

20 Q: Right, Mr. Deasy. We're going to have to kind of walk
21 the dog on who, what, when, where, why of all these different
22 times.

23 A: Yeah, no. I understand. I think I've been pretty good
24 at remembering the who, what, where. This one is a little vague
25 as to what was the trigger event as to -- I'm convinced it was

1 somebody stopped me one day and just said, "Hey, would you mind
2 setting up a meeting and going over and seeing Mulvaney as
3 they're hearing a lot of noise in the press, and they really want
4 some basic 101 cloud education?" And I said, "Sure, I'll go over
5 and give them cloud 101." I just don't know if I'm going to be
6 able to reconstruct who was the person who asked me to do that,
7 but I'll do my best.

8 Q: We will ask the question. Do you have any other
9 questions about that particular meeting?

10 (b) (6), (b) (7)(C): No.

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

12 Q: What else could you tell us about any other involvement
13 by President Trump's staff in the procurement?

14 A: Well that -- that has been my only, oh, there is --
15 there is actually one more. Oh my goodness. I can't remember his
16 name. One of the Deputy Chiefs of Staff to Mulvaney. Not Rob
17 Blair. Rob Blair by the way sat in the meeting we did with
18 Mulvaney.

19 Q: Can you spell that for us I'm not familiar with the
20 name.

21 A: Blair, I think it's B-L-A-I-R. You can put in your
22 e-mail note to me to get you the exact spelling. I'm drawing a
23 complete blank. My mind is bit of fatigue as I've been doing this
24 confirmation prep all week, but there was one other person that
25 wanted a general digital modernization update brief which we

1 talked about AI, and C3, and Cyber, and came over and did a visit
2 from the -- to the Joint Artificial Intelligence center over in
3 Crystal City as they wanted to understand all that we were doing
4 on AI and machine learning, and in that day, in that presentation
5 that day one of the charts we presented to this individual was
6 the cloud strategy. The conversation never went into sourcing, as
7 matter of fact the person that had absolutely zero interest in
8 the award and where we were, he was purely interested into the
9 technical way that AI was going to use the cloud, but here again
10 I'll get you the name of the two individuals that came over.

11 Q: Okay. And I'm sorry, what was the name of the facility
12 in Crystal City?

13 A: Yes, the Joint Artificial intelligence Center. So the
14 purpose of that visit was to get a brief on joint artificial
15 intelligence and during that brief, one of the things we gave
16 them a briefing on was how we were going to use an enterprise
17 cloud, the JEDI to help us with AI. But I want to be complete
18 because you asked the question, "Did I have any other contacts
19 with the White House?" And, yes I did, but it was not about JEDI.
20 It was about AI, but JEDI came up in the AI conversation.

21 Q: Thank you. That was my next question was the ask, or
22 the inquiry and I'm talking about the one specific --

23 A: No, the ask and the inquiry was --

24 Q: -- to JEDI?

25 A: -- nothing about cloud. It was about we want to come

1 and see what you're doing. Actually we had a standing invite to
2 the White House for some time to come over and do a little show
3 and tell with them on Joint Artificial Intelligence Center, and
4 so they took us up on that offer, and in that briefing on that
5 day we took them around the various stations so that they could
6 get different views of what we're doing with AI. One of the
7 briefs they got was how we were going to use the JEDI platform to
8 help us with AI.

9 Q: You mentioned one other name a few minutes ago was
10 Kupperman.

11 A: Yes. Same identical thing, what is cloud what is cloud?
12 He was concerned about security. A lot of his questions were more
13 around, "Hey, how is that you're going to put DoD data to this
14 commercial cloud? How is you're going to keep it secure?" So, the
15 nature of that conversation was more slanted towards the security
16 concerns. In that conversation it got brought up, but I'll never
17 be able to reconstruct this to how, but I got brought it as,
18 "There's a lot of noise in the media about this JEDI. What's that
19 all about? I hear you doing single award." "No, we're not. This
20 is a multi-vendor, multi-environment." It was that sort of
21 conversation, but the reason for that briefing was more him
22 wanting to talk about security.

23 Q: Was at the same briefing that he was, asked by the
24 White House to go see the Chief of Staff Mulvaney?

25 A: Yes. We took the same briefing which was basically all

1 about, "Here's the realities of what JEDI is really about." But
2 in the briefing was much more wanting to talk about security in
3 the cloud and all that stuff.

4 Q: What other examples of involvement by President Trump's
5 staff are you aware of?

6 A: The only other thing that I can think of, when you say
7 President Trump's staff, do you include that to be the heads of
8 other agencies?

9 A: I do not.

10 A: Okay.

11 Q: I'm talking about the White House or anything --

12 A: Okay.

13 Q: -- anybody that is President Trump's personal staff.
14 I'm not talk about other agencies.

15 A: So the only other person we had a conversation with
16 which has been more ongoing operational is the White House has a
17 CIO, it probalbly wouldn't surprise you know that, and we the
18 Department of Defense provides a lot of the technical services,
19 the infrastructures services into the White House. So we talk to
20 the White House CIO on a regular basis and the entire -- those
21 conversations are very tactical conversation, but in the nature
22 of those conversations he had expressed interest, "Hey, someday
23 when your cloud contract's done we might, here at the White House
24 might want to use it because we need to come up with the cloud
25 solution for our own needs." And that was the nature of

1 conversation. It was never about any sourcing. The source stuff
2 that we've been talking about it's more about, "Hey, we have a
3 need for cloud. We would like to talk to you someday when your
4 award is done about how we might be able to take advantage of
5 those cloud services."

6 Q: What's the name of the White House CIO?

7 A: Roger Stone. A different Roger Stone then the infamous
8 Roger Stone.

9 Q: And when did he ask you this?

10 A: Oh every, I don't have specific dates. Roger and I talk
11 indirectly every so often because of the nature of his role. He
12 uses the IT services of DoD. So, it would just occasionally --
13 for example he wrote me an e-mail just the day after the award,
14 this weekend or earlier this week that said, "Hey,
15 congratulations on getting the cloud contract done. At some
16 future date we'd like to start to talk to you about how we might
17 be able to take advantage of the cloud."

18 Q: And by taking advantage of the cloud, is that basically
19 becoming a customer and writing orders?

20 A: Yeah, yeah. So the way this works is we're buying a
21 commercialized service of which then DoD entities then can start
22 to use the offerings from the cloud provider and most everybody
23 across the government right now, is there fact I don't know a
24 single agency across government that is not looking at
25 establishing a commercial cloud service. He just simply said,

1 "Hey, when you get your cloud service established we'd like to
2 talk to you about possible using it." That was what we talked
3 about.

4 Q: Okay. All right. Any other examples?

5 A: No, I think I have exhausted all of my conversations
6 with folks at the White House.

7 Q: Has anyone told you that President Trump was personally
8 involved in the JEDI procurement and any attempt to influence
9 that?

10 A: No, I have never once been told that he was attempting
11 to influence the outcome of JEDI, never.

12 Q: Has anyone ever told you that members of President
13 Trump's staff were involved in the JEDI procurement and anything
14 that might be construed as an attempt to influence the outcome?

15 A: Never once want.

16 Q: Mr. Snodgrass also reportedly wrote that President
17 Trump "Called Mattis during summer of '18 and directed him to
18 "Screw Amazon" out of the opportunity to bid on the contract."
19 What is your reaction to the statement attributed to Mr.
20 Snodgrass?

21 A: Like anybody else it's like, "Wow. Never knew that was
22 coming. First time I ever heard that." That was my reaction.

23 Q: Tell us about --

24 A: I never knew that conversation took place.

25 Q: Please tell us what you know with anything about this

1 reported call between from President Trump to Secretary Mattis.

2 A: I know nothing of the call. When I read that this week
3 that was the first time I'd ever even heard that that supposedly
4 took place.

5 Q: Did you hear Secretary Mattis say anything about that
6 call?

7 A: Never once. --

8 Q: Did you ever see him write anything about that call?

9 A: No, I have not.

10 Q: Did you ever hear anybody else talk about that call who
11 had heard something about it or write something about it in an
12 e-mail, or message, or some other media?

13 A: No, never did because until this week I never even knew
14 about that topic until it became public.

15 (b) (6), (b) (7)(C) Anything else on that particular one?

16 Uh, uh [negative response].

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

18 Q: Sir, media reports from July 2019 stated that President
19 Trump said that companies complained about the planned JEDI
20 contract, and that he, being President Trump was or would be
21 looking at the contract. The media also reported that President
22 Trump said, "We'll take a very strong look at it, meaning JEDI."
23 And that President Trump had "Asked aides to investigate the JEDI
24 contract." What can you tell us about those statements the media
25 attributed to the President Trump?

1 A: So, as I said earlier, you had asked me a question what
2 conversations or what things did President Trump say that I
3 remembered and you might remember that one of the things I said
4 was that I do recall President Trump saying publicly at one point
5 that he was hearing from a lot of members, I don't remember the
6 exact quote, and that he was going to look at this carefully, or
7 closely. So, I was aware of that comment when I publicly read it
8 in one of the news articles that he had made that comment.

9 Q: Did you hear him make that comment or you had read
10 about it?

11 A: No, I never heard it made. I've never once had a
12 conversation with the President on any of this stuff. I end up
13 hearing all this stuff for the first time in the media. Never
14 once did the Secretary, the Deputy Secretary come to me and share
15 this stuff. I pick it up and I hear about it when I read the
16 newspaper in the morning.

17 Q: What information can you tell us about what aids
18 President was talking about? He was quoted as saying, "He would
19 ask his aides to investigate."

20 A: I can't -- I don't know what aides he was referring to.

21 Q: What else -- what other information can you share with
22 us about that particular media report? What are we not asking
23 about that that we should ask?

24 A: I think the only thing that I thought you might ask me
25 was, was their request, or interest, or concerns, or letters

1 coming into the Department from other parts of government besides
2 the President's Office in regard to the matter of concerns on
3 JEDI? So, I thought at some point you might ask me, "Hey, listen
4 was it only President Trump that was inquiring and making public
5 comments about this, or were other Members of Congress making
6 public comments about JEDI?"

7 Q: Well we are -- we've read various reports about Members
8 of Congress. In fact, we've received some of those ourselves.

9 A: Yeah.

10 Q: Our particular interest today is about President Trump
11 and the White House and his staff.

12 A: Oh, yeah. Sure.

13 Q: If there are other data points that you have that would
14 help us to clarify our particular interest in that that would be
15 helpful.

16 A: Yeah, no. There isn't -- if the purpose today is just
17 things related to inside the White House then no I think you have
18 thoroughly asked every question that I can think that you might
19 ask me.

20 Q: Well, I do want to ask you about one last media report.

21 A: Sure.

22 Q: And that is, this is from August 2019. There was a report in
23 the media that "The White House has instructed" Secretary Esper
24 to examine the awarding of the JEDI contract because of
25 "concerns that the deal would go to Amazon." And then Secretary

1 Esper reportedly said, "I've heard from folks in the
2 administration." So, what could you tell us about those that
3 report and those comments contributed to Secretary Esper?

4 A: When I first talked to Secretary Esper about JEDI, I
5 don't remember how many days it was after his confirmation, it
6 was, "Hey, Dana. Be aware that in my confirmation hearing I made
7 a commitment to Congress that because I'd heard from various
8 quarters of government concerns about the JEDI contract, the way
9 we're running the whole program, I've committed to do a thorough
10 review." He always described it to me, "I've heard from a lot of
11 people in government." And so I said, "Fine, sir. We'll be happy
12 to do a review with you." But he never came to me and said,
13 "Dana, I'm doing review because I have been instructed by the
14 White House to do a review." He said, "I'm doing a review, Dana,
15 because I committed to Congress in my confirmation hearing that I
16 would do a review of JEDI because a lot of people were concerned
17 about it." That was exactly what he told.

18 Q: He didn't say it was President Trump or any of the
19 President Trump's staff?

20 A: No. He said, "I'm hearing from a lot of people in
21 government. I'm getting letters from people in government. I'm
22 having breakfast with some people in government, and JEDI keep
23 coming up, Dana, and I've committed to Congress that I'm going to
24 look into this."

25 Q: Was the Secretary receiving communications from Members

1 of Congress as well?

2 A: Yes, he was.

3 Q: Was he receiving communications from industry?

4 A: Yes. He received a, well several members of the DoD
5 received a multipage letter from Oracle. I think that letter came
6 out about the time of his confirmation, it may have come after
7 where Oracle basically shared with Esper their concerns about the
8 overall JEDI program, how it was being run, etcetera. That's the
9 only, from industry that I am aware of unless some other body
10 from industry him and I'm just not aware of it.

11 Q: The article we read quoted Secretary Esper is saying,
12 "Folks in the administration contacted him." Who was he talking
13 about?

14 A: I don't know because he hasn't talked to me about
15 particular members of the administration. All he said was, "Look.
16 I'm getting a lot of complaints from just about everybody in
17 government. Everybody I talked to." You know, I have to tell you
18 I assume that when he said that he was probably getting inquiries
19 and concerns from Congress. He was probably getting conversations
20 are being raised because of the Tweet from the President, but I
21 cannot go on the record and tell you that I know for a fact he
22 got certain phone calls or certain direction from the White House
23 to investigate that. That was never exposed to me.

24 Q: Bear with me please.

25 A: Sure.

1 Q: When Secretary Esper was describing to you that he was
2 getting inquiries and that he had promised to Congress that he
3 would take a look at the procurement, what specifics were there
4 about Amazon or Microsoft, or any of the other competitors when
5 he was talking about these things?

6 A: He said to me, "Look, Dana. I'm look hearing a lot
7 about are we running a fair equitable process in any way?" And
8 then he brought up, "I've heard about these "ethic issues" that
9 were brought up by Oracle about the employees that were once DoD
10 employees. I've heard people say that this is "pre-position" to
11 be a Amazon outcome. I've heard that were not going to get the
12 best deal for the American taxpayer. I've heard that." I think
13 that was probably the big ones.

14 Q: What did you hear anybody else say about this matter of
15 someone at the White House either President Trump someone on
16 staff telling Secretary Esper to re-examine the procurement?

17 A: I've never once, and I'm not trying to play literally
18 with your words, but I've never once heard the Secretary say,
19 "I've been asked to quote "re-examine" this procurement." I've
20 never heard him say that to me.

21 Q: What did you heard anybody else they about this matter
22 of someone at the White House, President Trump, or someone on the
23 staff telling Secretary Esper to do anything?

24 A: No. No never once, the Secretary's never said to me and
25 I have been directed or I have been asked to do this. What he has

1 always, he's been very consistent with me and said, "I'm hearing
2 a lot of concern. I'm getting letters, and I have an obligation,
3 and I've made a commitment to look into this." But he's never
4 directed or told me, "Dana, I'm going to do a review because I've
5 been asked by the White House to do a review." Not once has he
6 ever said that. He is always said, "I'm hearing a lot of people
7 concerned about this and therefore we need to do a review."

8 Q: Is review the right word? Is it or review, was it an
9 investigation?

10 A: Yeah, that's a great question because I think it's how
11 it's portrayed. So let me tell you exactly what it was. It was a
12 series of education sessions over about six, seven weeks where we
13 took him through such things as what is the cloud? What's the
14 characteristics of a cloud? Why are companies attracted to move
15 into the cloud? Why does the Department of Defense want to move
16 to a cloud? How was the cloud going to help the warfighter? How
17 can you assure me this cloud will be secure and safe? Explain to
18 me how you went about pulling together your requirements to
19 eventually put out an RFP? How was that we went about all -- how
20 did you decide the right way to construct the RFP? But never
21 around who are the people on the team? Anything about how are you
22 going about scoring? He never came close to anything around
23 source selection. It was more generic why do we need to go into
24 job a cloud? Why is this so important? And he did ask. He asked,
25 why is there so much noise? Because you remember he had a letter

1 from Oracle in which they are complaining about this so we
2 attempted to go through and educate him as to why there was so
3 much noise on this.

4 Q: Did anyone brief him on the source selection plan?

5 A: Explain what you mean by the source selection plan.

6 Q: It's the how are we going to go about the source
7 selection process evaluating the proposals, grading the proposals
8 --

9 A: No, we didn't --

10 Q: -- selecting them --

11 A: -- come near that.

12 Q: -- making recommendations?

13 A: As a matter of fact I actually met with, when the
14 reviews were going to take kick off, this is actually quite
15 important. When the reviews were going to kick off I met with the
16 contracting officer and I met with the legal folks, and I said,
17 "Help guide us on how we make sure that at no time when we go
18 through these reviews with the Secretary and the Deputy
19 Secretary that we're ever, ever exposing them to anything that
20 involves source selection material or something that would be
21 proprietary to the source selection process." So that was
22 something I was very, very sensitive to, and I always sought
23 input to make sure we were never coming close to exposing
24 anything that was about source selection.

25 Q: Who was doing the briefings in what you call these

1 education centers, sessions, and who was the receiver of the
2 information in addition to Mr. Esper?

3 A: So the people that were in receipt of the information
4 was Secretary Esper and Deputy Secretary Norquist. The people who
5 sat in the meetings varied depending on the topic. So, for
6 example when we were having the conversation on security and
7 everything about why this is going to be secure, what is it that
8 is not secure about our current environment in the DoD? General
9 Nakasone was invited to sit in as a subject matter expert on
10 cyber security and what is that the adversaries are doing? How is
11 that we have to make sure that we are protecting the cloud? So we
12 invited him to a session. We invited, and I'll have to get you
13 the name of an individual, I think his name is (b) (6), (b) (7)(C) from
14 SOCOM and he was there to explain how it was that the military
15 was going to use an integrated cloud. We invited the J6 from, and
16 that was BJ Shwedo from the J6 Office to come and explain why was
17 an integrated cloud important to an all domain fight? We brought
18 Pete Ranks in who had previously worked and served over at the
19 CIA and helped set up the CIA cloud. He sat in the meetings in
20 two different capacities. One was, if there was questions raised
21 about how we're setting up our cloud strategy, our technology
22 similar to what CIA did with their cloud, or differently than
23 their cloud. Pete was the expert because he worked over in CIA
24 and helped set up their cloud, and I had hired him to lead our
25 cloud initiative. So Pete Ranks has been probably pretty

1 consistently engaged in many of the reviews because of his cloud
2 expertise. And Sharon Woods was invited in the talk about the
3 questions and the, I'm trying to think who else was there. Sharon
4 Woods was there to talk about, "Okay. Let's go back and build you
5 a timeline and show you from the day from the day we started JEDI
6 how this process unfolded." Everything from when Deputy Secretary
7 Shanahan wrote the first letter saying, "We need to do an
8 enterprise cloud for the Department of Defense, to an industry
9 day, to the market research." And so she was there to kind of
10 explain the timeline of all of the major events, and then we
11 invited (b) (6), (b) (7)(C) I've got to think of her last name. The lawyer
12 that was part of --

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

14 A: -- the sourcing effort to explain what happened in the
15 GAO. I mean what so -- there was a whole GAO investigation.

16 Q: Yes.

17 A: To technically explain the technicalities of what the
18 GAO was looking to investigate and what they found because she
19 worked with the GAO closely. And then when Oracle did their
20 filing after they were unsuccessful at the GAO with the federal
21 claims court, she was (b) (6), (b) (7)(C) with the federal claims
22 court, and then she explained what was the basis of Oracle's
23 suit? What did the judge find? What was the ruling? Technical
24 aspect of the ruling? So, she was involved in educating the
25 Secretary on that stuff. I think --

1 Q: So who was in charge of scoping the review and then
2 coordinating the different sessions?

3 A: It was me. So, when the Secretary came to me and said,
4 "Hey listen I really need to understand cloud. As you know, Dana,
5 when I was over in the Army as the Secretary, I was never close
6 to this. I need you to walk me through in a logical order of
7 everything that I should know from what is a cloud all the way
8 through to where are we at in terms of the JEDI process we're
9 going through?" And so I went away and built a, I don't know if
10 you call it a syllabus, call it an agenda that said, "Here's what
11 I believe is the right way that will help educate you all and get
12 you the information you are looking for." And then what I would
13 do at the end of each meeting, we did two very important things,
14 well three actually. We would say, okay. We know we need to come
15 back and answer these questions from you today. So, there is kind
16 of a summary of the action items, and we would also then discuss
17 what didn't we cover out of the review that he would like us to
18 go back and put into the next review, and then we would also say,
19 "Sir, when we get together next Thursday or week from Tuesday,
20 our next session will be to cover this topic." So, I was
21 responsible for putting together the agenda for the reviews and
22 the logic of how we would walk him through all the various
23 components. I sat in every one of the reviews. I was the
24 continuity so to speak.

25 Q: Where they in his office, Secretary Esper's office?

1 A: So, they took place in always one of two places. It was
2 either his office, his actual office, or it would take place in
3 his conference room. Two other key points that you would probably
4 be interested in knowing. When those reviews occurred I would
5 always bring the appropriate expert, and I've given you lots of
6 examples of people I brought, depending on the topic for that
7 review. Secretary Esper always had obviously Deputy Secretary
8 Norquist as part of those meetings. Deputy Norquist was an active
9 participant in asking questions. In the initial kickoff meeting
10 where we all sat down to discuss the right way to do the reviews
11 with him in that very, very first meeting Rob Hood from
12 Legislative Affairs was there. I think (b) (6), (b) (7)(C) from legal was
13 there, Ellen Lord from Acquisition Sustainment was there, and I
14 believe (b) (6), (b) (7)(C) from PA was there, and this was more of
15 a massive brainstorming session that said, "Okay. We know that we
16 want to do a series of reviews with you." And it was kind of an
17 agreement on what was the best way to get him up to speed because
18 we didn't know who was going to have to leave the meeting and
19 take what action. So we just brought everybody that we thought
20 should be there from legal, PA, ANS, my office, etcetera. For the
21 subsequent reviews after that initial where we all got together
22 it was then just myself and the appropriate experts that needed
23 to be there for that particular review. One last key point.

24 Q: Go ahead.

25 A: At the end of the education sessions that we had,

1 Secretary Esper wanted a chance to hear directly from Congress,
2 Members of Congress that had been vocal about JEDI, and when I
3 mean vocal it could be people that were very supportive and
4 wanted to move forward with JEDI, or it could be Members of
5 Congress that had publicly, or had written to him expressing
6 concerns with JEDI. And he did that at the end of all of the
7 sessions after he had a better understanding of what JEDI was,
8 and that was conducted in his conference or room, and of course
9 you're probably going to ask me who were the Members of Congress
10 were and I'm going to have to get you those names. I think we
11 invited basically all of the four oversight committee members as
12 well as direct members that had publicly expressed comments
13 about, and I think only four showed up. And that meeting it was
14 listening mode. It was just to listen to them about their
15 concerns, or they could ask questions of which he would turn to
16 me to ask, you know it could have been a technical question, and
17 that's what we did. That was the last session that he
18 participated in. It was after that session that he then recused
19 himself and said, "Okay. I understand now our strategy. I
20 understand the importance. I understand the process you've run.
21 I've heard from Congress. I am now going to recuse myself and
22 turn it over to the Deputy to decide the way forward." And so now
23 I think you have the entire timeline.

24 Q: Actually what I was ask you next is do you have a hard
25 stop at 1700? We've got quite a number of questions we need to

1 ask you and we're hoping we can have a little bit more of your
2 time.

3 A: So, I do have a meeting with Ellen Lord, and typically
4 we meet every other week. That typically is only 30 minutes. I
5 would be happy to jump back on afterwards. I'm fearful that if we
6 get on later in the week I'm going to get crushed with night
7 court, and budget reviews, and a bunch of other stuff and were
8 just going -- it's going to be tougher to get time, which is why
9 I was eager to do it today.

10 Q: Let's see how far we can get the next 15 minutes or so.

11 A: Okay.

12 Q: These reviews, when did they begin, how often did they
13 occur, and when did they end?

14 A: Okay. So when they --

15 Q: We can cover that in an e-mail to if you would like.

16 A: So when they started -- I'm sorry, what was that?

17 Q: We can get those details in our e-mail too if you would
18 wish.

19 A: Yeah, why do that. I know they started shortly after
20 his confirmation hearing, I want to say within the first couple
21 of weeks, and the last one was, as I mentioned when we met with
22 Congress, that wasn't so much a review, that was the end of the
23 process after we had done the last review he then wanted to hear
24 from Congress directly, but I can get you all those dates.

25 Q: Did anyone in the White House here or receive any kind

1 of results, or information passed during these reviews?

2 A: I am pretty certain no. I did not turn anything over to
3 the White House. I was never asked to turn anything over to the
4 White House. So, from my office standpoint no. I can't speak for
5 the Secretary's front office. You'd have to ask them directly.

6 Q: Were there any -- these seemed like information
7 briefings. Were there any decision briefings during this?

8 A: No. There was never once a decision briefings that had
9 anything to do with the JEDI award, none whatsoever.

10 Q: Did President Trump, or did anyone on President Trump's
11 staff receive a copy of any of the information presented at these
12 information briefings?

13 A: I was never once instructed to turn over material, nor
14 was I ever asked by the White House to turn over material.

15 Q: What influence did President Trump or anyone on
16 President Trump's staff have on this review or these information
17 briefings that you've been talking about?

18 A: None whatsoever. At no time was I contacted by anyone
19 in the White House asking me to answer a question about the
20 review, or even asking me to do things in a certain way. I never
21 once talk to anyone in the White House about any aspects of these
22 review.

23 Q: What information did you have communication did you
24 have with President Trump about the JEDI procurement?

25 A: I did not.

1 Q: What communications did you have with anyone from
2 President Trump's staff other than what we've already about with
3 JEDI?

4 A: That was it. What we talked about was my only
5 conversations.

6 Q: Did you get any follow-up assignments based on the
7 conversations we've talked about --

8 A: None whatsoever.

9 Q: -- that has specific to do with JEDI?

10 A: None. None whatsoever. It was always, "Thank you very
11 much."

12 Q: Have you ever personally heard President Trump say
13 anything that was about or related to the JEDI cloud procurement?

14 A: The only thing was that I went to the White House one
15 time for a signing ceremony. It was an AI signing ceremony at
16 which a bunch of people from different agencies were involved in
17 writing the executive order on AI. I was one of the members of
18 that team, and we went to the White House. We took the picture.
19 The President went up to everybody. He asked us what we -- who we
20 were, what department we were from, thanked us for being there.
21 And I just mentioned I was the CIO for the Department of Defense
22 and the only conversation was, "So, are you aware of the -- he
23 didn't even refer to it as JEDI. Just, "Are you aware of all this
24 cloud noise?" And I just said, "Yes, I am, sir." And that was the
25 entire conversation.

1 Q: Were those his exacts words are you aware of this cloud
2 noise?

3 A: No, no. I would never get the exact words --

4 Q: So you're paraphrasing?

5 A: Right. It was just more of, "So you're the CIO, so
6 you're the one who has to, you know, be engaged." I'm never going
7 to be able to paraphrasing correct. It was not even a 10 second
8 conversation. He was literally going down the line shaking hands.

9 Q: Was there anything about that conversation that
10 indicated to you that he was trying to influence you in any way?

11 A: No, none whatsoever. It wasn't long enough to be
12 influence.

13 Q: What have you ever personally heard President Trump say
14 that was about Amazon, Amazon Web Services, or Mr. Jeff Bezos?

15 A: I have never heard him say anything, here again, I'm
16 going to go back to only what I have read reporters write, quote,
17 using his quotes.

18 Q: Okay. What has anyone ever told you that they heard
19 President Trump say, that they heard President Trump say that was
20 about, or related to the JEDI cloud procurement?

21 A: Are you talking about other than the media?

22 Q: Correct, yes.

23 A: Actually, my only sources for any comments that have
24 been made by the President ever related to the JEDI have been
25 those that have come from the media.

1 Q: Things that you read in the media?

2 A: Yeah, exactly. Like I said I just literally read for
3 the first time I think yesterday about Snodgrass.

4 Q: Sir, what has anyone ever told you that they heard
5 President Trump say that was about Amazon, Amazon Web Services,
6 or Mr. Jeff Bezos?

7 A: Other than the media, none.

8 Q: How did President Trump, or President Trump's staff
9 communications with you about the JEDI procurement influence your
10 actions related to the procurement?

11 A: My actions were never influenced by anybody, more
12 specifically since you're asking about President Trump, I was
13 never influenced by President Trump.

14 Q: How did President Trump's reported public statements
15 about the JEDI procurement influence your actions as they related
16 to the procurement?

17 A: Did not in any way.

18 Q: How did President Trump or President Trump's staff
19 communications or public statements about the JEDI procurement
20 influence to your knowledge Secretary Mattis, or Deputy Secretary
21 Shanahan, Secretary Esper, or Deputy Secretary Norquist or anyone
22 what we'll call the most senior executives in the Department?

23 A: Right, I never once had any conversation with them when
24 they ever stated or suggested that they were even being
25 influenced by anyone in the White House.

1 Q: Did you ever hear any of them say or write down
2 anything about any of those matters of influence from the
3 President or his staff?

4 A: No.

5 Q: How did President Trump or his staff communications or
6 public statements about the JEDI procurement influence, let's
7 take the next level down, the Defense Digital Service, the Cloud
8 Computing Program Office, or anyone in the WHS Acquisition
9 Directorate?

10 A: I am not aware of any influence whatsoever. You know
11 obviously I'm sure your investigation is going to go to other
12 principles in the building, but let me put it this way. No one
13 ever stop me in the hallway or in a meeting, or said hey, I heard
14 him talking to Secretary Esper, or Deputy Secretary Norquist, or
15 Shanahan, or Mattis where they said they heard that they had a
16 conversation with any members of the White House. So, there was
17 never any secondhand knowledge through talking to other people in
18 the building where they have heard of anything.

19 Q: I'm going to ask the same question but in relation to
20 the Source Selection Authority or members of the Source Selection
21 Team. How did President Trump or his staff, any of their
22 communications or statements influence those people?

23 A: I have no reason to believe that anybody that was
24 involved in the actual source selection process, the teams were
25 at once at any time influenced by any communication from staff

1 from the White House, the President himself, nor what was being
2 reported in the media. Never once did I ever hear that it was
3 impacting their ability to be impartial or objective.

4 Q: Did you ever hear that anybody on the Source Selection
5 Team was contacted by any member of the President's staff or the
6 White House?

7 A: No, no one has ever reported to me that there was an
8 attempt to, or an actual conversation with anyone on President
9 Trump's staff.

10 Q: What pressure did President Trump or anyone from his
11 staff exert on you regarding the JEDI contract?

12 A: None whatsoever. I can -- one thing I can say
13 throughout this process being in the middle of it is I have never
14 once felt pressured from the White House, the staff, the
15 President, the Secretary, the Deputy Secretary, even Congress for
16 that matter. I just done the right process but I've never been
17 once pressured or influenced.

18 Q: What pressure did President Trump or anyone on his
19 staff exert on Secretary Esper or other senior DoD executives?

20 A: Oh, I have never heard of any pressure placed upon
21 Secretary Esper from the White House or the President.

22 Q: Same question for the Source Selection Team. Anybody on
23 the DDS, the CCPO, anybody else that was involved in the
24 procurement?

25 A: No. I'm not aware of any pressure or undue influence.

1 Q: What was the impact of President Trump or his staff on
2 the JEDI Cloud source selection?

3 A: I want to make sure I'm interpreting. What do you mean
4 -- when you say impact are you trying to say did it sway or
5 influence or --

6 Q: Influence would be a synonym.

7 A: Yeah, no. None, none whatsoever.

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

11 A: Honestly one of frustration as the media has speculated
12 because I have been in the middle of it. I have participated in
13 the conversation, and I never once seen his quote unquote I've
14 never once seen any influence and so for me it's just been one of
15 let's just keep explaining people, let's keep the facts, let's
16 keep doing what we need to do to get to the source selection. And
17 so my attitude has been one of, let's keep doing the right thing.

18 Q: Is there anyone whom we haven't already mentioned in
19 this interview this afternoon that you think we should talk to?

20 A: You know, look I assume you're going to talk to people
21 from my team, Ellen Lord, I'm just assuming that those are all on
22 your list.

23 Q: I can't tell you who we're going to talk to.

24 Q: Okay, well, okay. Understand. I wasn't trying to be
25 tricky there. Okay that just list the names of people, Norquist,

1 Eric Chewning, Ellen Lord, Sharon Woods, Pete Ranks, (b) (6), (b) (7)(C)
2 (b) (6), (b) (7)(C) from PA, Robert Hood from LA. I'm just trying to think of
3 all the people who ever touched the subject with the Secretary.

4 Q: Who is from LA?

5 A: Rob Hood. He is the head of LA.

6 Q: Okay.

7 A: I think those are all the people you know --

8 Q: Chewning is in the Executive Secretariat is he not,
9 sir?

10 A: I'm sorry, what?

11 Q: Mr. Chewning he's the --

12 A: Yes, Eric Chewning. I'm just literally going around in
13 my mental mind who would have sat in any of the conversations
14 that I participated in. I think that's the exhaustive list. You
15 know when you send me your e-mail to you to me asked me the
16 question and I'll continue to think if there's anybody else.

17 Q: Okay. Perfect, perfect. I think we can wrap this up on
18 time, sir. Is there any additional information you would like to
19 provide? Anything that -- oh. I'm sorry. I'm getting ahead of
20 myself. (b) (6), (b) (7)(C) got a question.

21 A: Okay, go ahead.

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

23 Q: Well, I have about 10 minutes of questions. Do you mind
24 if we get back on the phone?

25 A: Yeah, listen. Why don't we just wrap this up today? If you

1 guys can just bear with me I've got to go see Ellen Lord
2 right now. She's right next door to my office, and then what I'll
3 do is I'll have (b) (6), (b) (7)(C) does Susan know how to reach out to you?

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

5 Q: Is she still on duty?

6 A: Yeah, she'll be here until I go home tonight.

7 Q: When we hang up we're going to call her and give her
8 this number.

9 A: Okay. Very good. I'll get back with you.

10 (b) (6), (b) (7)(C) : Okay. The time is 4:59 p.m. and we're going
11 to pause the recorders.

12 [The interview terminated at 4:59 p.m., October 29, 2019.]

13 (b) (6), (b) (7)(C) : The time is 5:02 p.m. We are continuing with
14 our interview. (b) (6), (b) (7)(C) go ahead.

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

16 Q: Good afternoon, sir. So, when you came onboard as the
17 CIO did you make any decisions regarding JEDI or were most of the
18 decisions already made?

19 A: When I came on board they were approximately three to
20 four weeks away from getting ready to release the first draft
21 RFP, and no, actually the RFP and the only decision that I made
22 was the original terms that they were going to put out in the RFP
23 was different than what we ended up with. I had said that,
24 "Listen, guys. Technology is going to change as I've seen from
25 the private sector this cloud technology is going to change every

1 two to three years. Let's setup the terms of this contract that
2 more reflect the change in technology." And so I change the terms
3 to a two, three, three basis versus the original terms which I
4 think were much longer terms. I'm trying to think if there was
5 anything else that I --

6 Q: Did you make any changes to the acquisition strategy
7 perhaps?

8 A: I'm trying to think. So would you defined acquisition
9 strategy to include changing terms?

10 Q: Not really. More like single contract award versus --

11 A: Oh, I see. No. I did not attempt to change anything
12 like the ceiling number of 10 billion or who were the vendors
13 that we should send the RFP out to? It was pretty far. They were
14 pretty far into the process by the time I arrived. I spent
15 actually -- the most time I spent was I was really concerned
16 about the scrutiny on the security part of this and making sure
17 that we had robust set of requirements in there that met beyond
18 the FEDRAMP requirements for digital security. So, that's where I
19 spent most of my time.

20 Q: Along those same lines I know that you brought on board
21 Pete Ranks who had set up the CIA's cloud.

22 A: Right.

23 Q: Did you talk to anybody else from the CIA about their
24 cloud experience?

25 A: Yes I did. So, (b) (6), (b) (7)(C) was the CIO at the time

1 that I came on board as the DoD CIO, and I had known of (b) (6), (b) (7)(F) from
2 a previous life where I was part of an organization where CIOs
3 would come together, and I met (b) (6), (b) (7)(F) coincidentally as part of
4 that organization we were all part of. So, when I joined the
5 Department of Defense and saw that we were getting ready to
6 undertake this very large complex cloud contract I had reached
7 out to him just to learn from him about how did the CIA go
8 through their cloud? What were the pitfalls the lessons learned
9 in doing a large cloud acquisition? About let's say two or three
10 months after that I realized that we were going to eventually go
11 from a cloud acquisition process to a cloud implementation
12 process and I needed to get a senior leader inside the Department
13 of Defense to lead us through what would eventually be the
14 implementation. I reached out to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and
15 said, "Hey, I'm going to be looking for somebody who is highly
16 competent and knowing how to do your large-scale cloud
17 implementation that have been involved in government
18 acquisitions, and understand government rules on security,
19 policy, everything." And that's where they recommended two
20 candidates I talked to for a job of which we selected Pete Ranks
21 and that's probably much more than what you wanted to know.

22 Q: What is Pete Ranks' title?

23 A: Oh, geez. It's always the detailed question that kills
24 me.

25 Q: We can put it in e-mail.

1 A: Put that on the list. I think he has is the DoD CIO for
2 IE, and of course asked me what IE is, and it's Infrastructure
3 and Environment I believe, but I will get you the exact title.

4 Q: Okay. So, when you came on board were there any aspects
5 of the JEDI procurement that concerned you?

6 A: The one that concerned me, well, the biggest thing that
7 concerned me was that I thought the Department of Defense had
8 done a very poor job of communicating its cloud strategy to
9 Members of Congress and to the media. So, my number one concern
10 when I got here when I looked at the way we were communicating
11 what we were trying to accomplish had not been handled as well as
12 it could have been. And so I spent a significant amount of time
13 once I was able to, because I wasn't able to immediately jump in
14 until SOCO vetted that I was good to go from an ethics
15 standpoint. But once I was good to do I split my time between
16 wanting to understand, what was the parts of the RFP? What were
17 we going to be asking the vendors to do, and then I spent a
18 significant amount of time trying to correct the messaging that I
19 saw starting to form of the press where they were misreporting
20 what JEDI was and then the only thing that I actually changed was
21 the suggestion that we go with breakpoints over the 10 years that
22 would much more aligned to the changes in technology in the
23 industry.

24 Q: Do you remember who made the final decision that we
25 would go with a single award contract for JEDI?

1 A: Versus like a dual award or a multi-award?

2 Q: Right, like a multi-vendors, and this decision may have
3 happened before you arrived.

4 A: Yeah, it did. So it actually happened before me. I'm
5 just trying to remember if I recall through the history who that,
6 if that was an individual or committee because you might know
7 from the history of all this that there was once a cloud --

8 Q: Executive Steering Group?

9 A: Thank you. C Cloud, yeah. CE something, Executive
10 Steering Group that was made up of a bunch of different
11 principles. I don't know if it was in that committee that they
12 were the ones who decided it should be a single award, or if that
13 was taken by an individual. I'm not for sure where that actual
14 decision was taken.

15 Q: Did anyone ever brief you on the rationale for that
16 choice?

17 A: Yes, they did. Because when I got here I said, "Can you
18 guys explain to me how you got to that particular decision?" And
19 after they explained it to me I thought that the rationale was
20 sound. I mean I quizzed the hell out of them on it.

21 Q: Do you remember who that was?

22 A: That would have been, oh now you're going the way back
23 on to me in the summer of 2018. So I know it would have been a
24 makeup of technical people from the Cloud Team, but I have no
25 idea, nor do I ever think I'm ever going to be able to go back

1 and construct with you because I don't think that was like one of
2 these documented meetings. I think I just said, "Hey, let's get
3 some people together. I want you to walk me through how you got
4 this rationale." But I know Sharon Woods was part of that. She
5 may recall who else she brought into that meeting, but I know that
6 there was a number of people brought to that meeting where they
7 explained to me their rationale.

8 Q: Okay. All right. And I think we touched on this a
9 little bit before, do you know when the final decision was made
10 to award to Microsoft?

11 A: So, I can probably construct for you the exact date
12 because I remember the team coming to me and saying, "Sir, we are
13 at the point where we have taken our decision on who we've
14 selected and it's now time for us to brief you on the winner so
15 to speak." So I can go back and find out the date of which they
16 sat me down to brief me on the decision they took. And here again
17 if you put that in the e-mail I'll get that for you.

18 Q: Okay. And I know you mentioned earlier that during this
19 briefing were there documents, did they produce -- was there
20 something for you to look at?

21 A: There may have been.

22 Q: Any chance you could find it?

23 A: Yeah, I'm actually trying to remember. Actually now
24 that I think about it they brought in just one chart I believe
25 that showed me, hang on a second. Ms. Lord is now ready.

1 Q: Okay.

2 A: I do believe there was a single document but the
3 conversation was basically walking me through the rationale,
4 walking me through the compartments, how they -- who was stronger
5 in what compartment. When I say compartments, remember way back
6 at the beginning of this conversation --

7 Q: Right.

8 Q: -- I said we compartmentalize the team.

9 (b) (6), (b) (7)(C): right, you described --

10 Q: Yeah.

11 (b) (6), (b) (7)(C) -- the briefing.

12 A: Exactly. And so what they did is they said, "okay.
13 We're going to walk you through today the six or seven technical
14 compartments and tell you what was it that we were looking for,
15 what was the strength of Microsoft, what was the strength of
16 Amazon, and how we ended up saying who was best in that
17 compartment." And I remember there was a single document they
18 used I believe to kind of walk me through these compartments, and
19 I will go back and see if I can find that.

20 Q: Did the team have any -- did they debate hard about the
21 decision or was a pretty clear-cut?

22 A: Okay now you're starting to step into source selection
23 and I guess I need to get some guidance as to what I can or
24 cannot share with you about the rationale around how the winner
25 was picked over all and for each compartment.

1 Q: Okay.

2 A: I need to get some guidance from the Contracting
3 Officer before I think we go there.

4 Q: My last question. Assuming that there will be
5 post-award protest, will JEDI move forward during the protest?

6 A: Yes. I instructed the team the following: When we went
7 public on Friday at the end of the day that evening I said,
8 "Okay, guys. Here's what I want to do now. I want to break the
9 team apart. I want the people that need to be focused on the
10 potential Oracle appeal." Which I'm sure you've heard about.

11 Q: Right.

12 Q: "And, in the event that we get a protest from Amazon
13 you need to construct yourself in a way where we can continue to
14 start to move forward with the actual implementation." Because
15 one of the things the team asked me was, "Look. We don't know
16 what's going to happen with the Oracle appeal. We don't know if
17 Amazon is going to protest." And I said, "We made an award. And
18 there was no reason that we should not proceed with
19 implementation so as of a week from Monday which starts next
20 Monday I want you to be in a position to come in and start giving
21 me your implementation update meetings." And so that's what
22 they've been instructed to go do.

23 Q: Okay.

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

25 Q: Sir, I know you're on your way out I'm going to run

1 through this read out quickly but slow me down if you need to.

2 A: Okay.

3 Q: Do you have any questions of us?

4 A: No other than I hope you took the notes on the
5 questions you need me to go follow up on because I wasn't writing
6 them down.

7 Q: We will send you, we will converse send you an e-mail.

8 A: Something, I figured with all of you in the room you
9 were taking good notes.

10 Q: Do you have any comments or concerns about would we
11 conducted this interview?

12 A: No. Matter of fact much thorough than I thought. I'm
13 actually quite impressed to the depth that you have gone because
14 you got to remember I talked to quite a while back and that was
15 all through a matrix if I recall that was used. This was very,
16 very thorough.

17 Q: We were focused on a fairly narrow set of questions
18 today.

19 A: Yes, yes you did.

20 Q: The only a few -- there were a lot of questions but
21 they were pretty narrowly focused.

22 A: Yeah, I knew you were going to ask about the President
23 the White House engagement, but you sliced and diced those
24 questions every permutation I can think of. So good job on how
25 you thought through those questions.

1 Q: If you remember anything else you believe that may be
2 relevant to the review would you please contact us?

3 A: I sure will.

4 (b) (6), (b) (7)(C): And finally, in order to protect the
5 integrity of this review and investigation, we ask that you not
6 discuss the matters under investigation or the questions we've
7 asked you during this interview with anyone other than an
8 attorney should you choose to consult one. This does not apply to
9 or restrict your right to contact an Inspector General or Member
10 of Congress. If anyone asks you about your testimony or the
11 investigation, please inform them that the DoD IG has asked you
12 not to discuss the matters and if anyone persists in asking you
13 about your testimony or this investigation, or if you feel
14 threatened in any manner because you provided testimony please
15 contact me.

16 Mr. DEASY: Can I ask one question clarification question?

17 (b) (6), (b) (7)(C): Yes.

18 Mr. DEASY: Because I did go through my confirmation
19 hearing today and I was surprised. I was expecting them to ask me
20 questions about the IG investigation and thankfully, they didn't
21 so I didn't have to discuss that other than to say that Deputy
22 Secretary Norquist had consulted the IG before taken the decision
23 to move forward with the award. If Congress asks me in any of the
24 follow-up QFRs, you know, is the IG still investigation, has the
25 IG reached out to you, and had further conversations what should

1 I say?

2 (b) (6), (b) (7)(C): I would ask that you defer them to this
3 office.

4 Mr. DEASY: Okay.

5 (b) (6), (b) (7)(C): we have a Legislative Affairs Office cell as
6 well.

7 Mr. DEASY: Okay. I will do that because I am sure they're
8 going to be key, I mean they know we're moving forward. They know
9 that you guys still have not completed your report so you can
10 imagine what is the number one question I typically get from
11 staffers, where is the IG?" And I just always say, "I am not
12 privy to that. I don't contact them and ask them those
13 questions." I don't know is what I say.

14 (b) (6), (b) (7)(C): We're happy -- our office is happy to
15 receive any inquiries from Congress regarding the status of our
16 review and investigation.

17 Mr. DEASY: Okay that's what I will do I will reform into
18 your LA folks.

19 (b) (6), (b) (7)(C): What did Mr. Norquist tell you that he
20 learned from Mr. Fine?

21 Mr. DEASY: I have an exact quote that I was told that your
22 LA Office had coordinated that I could use if you want me to give
23 you that quote?

24 (b) (6), (b) (7)(C): Certainly, please.

25 Mr. DEASY: Okay. Give me one second here. My front office

1 is getting that.

2 (b) (6), (b) (7)(C): We'll have a pregnant pause here because I
don't have any other questions.

3 Mr. DEASY: Okay. Here is what I was given. Actually I was
given this yesterday between the LA team. "The DoD's OIG's
4 multidisciplinary team of auditors, investigators, and attorneys
are close to completing the JEDI -- are close to read completing
5 the review of the JEDI Cloud acquisition. The DoD has consulted
the DoD OIG and we have shared our views on the JEDI acquisition
and provided information on the status of our review." That's
6 paragraph one. Paragraph two, "To date we have not found evidence
that we believe would prevent the DoD from making a decision
7 about the award of the contract." Paragraph three, "We have to
make have a completed report of our findings by the end of
8 November which we intend to release publicly to the maximum
extent possible."

9 (b) (6), (b) (7)(C): Are you reading there from a statement that
was issued from this office?

10 MR. DEASY: I was just given, so what happened was I went
to my -- I went to my LA team and I said, "Hey, look. I know I'm
11 going to get asked in potentially the confirmation hearing." I
said, "is there a quote I can use?" And this is what they gave
12 back to me.

(b) (6), (b) (7)(C): Okay. Anything else from anyone?

13 (b) (6), (b) (7)(C): No, I'm good. Thank you.

(b) (6), (b) (7)(C): I'm good.

14 (b) (6), (b) (7)(C): Sir, I want to thank you very much for your

--

15 MR. DEASY: Oh, by the way you should know I was never
asked today so I never had to read the quote.

16 (b) (6), (b) (7)(C): Okay. The time is 1723, or 5:23 p.m., and
this interview is concluded.

17 [The interview terminated at 5:23 p.m., October 29, 2019.]

[END OF PAGE]

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

19 20

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

21 DEASY (RECALL PT I) - October 29, 2019

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

23 1

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

25 DEASY (RECALL PT I) - October 29, 2019

From: [Deasy, Dana S SES OSD DOD CIO \(USA\)](#)
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Follow Up Question from DoD OIG
Date: Tuesday, December 17, 2019 11:08:55 AM

(b) (6), (b) (7)(C)
Here is the answer to your questions from below.

1) when did you extend the invitation?: July 1st 2019
2) to whom?: Chris Liddell and Dr. Kelvin Droegemeier
3) In what manner?: In person at the White House
4) Did you extend this invitation on your own initiative, or did someone suggest or direct that you extend the invitation?: I did this on my own initiative. We were talking about the Digital Modernization program, specifically AI and they expressed interest in learning more, so I extended them an invite to visit JAIC.

Please let me know if you need anything further.

Dana

Dana Deasy
DOD CIO
Office of the Secretary of Defense

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

From: (b) (6), (b) (7)(C) >
Sent: Friday, December 13, 2019 10:58 AM
To: Deasy, Dana S SES OSD DOD CIO (USA) (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Follow Up Question from DoD OIG

Mr. Deasy,

We are working hard to finish our review and I need to ask you a follow up question or two to fill in a blank.

You told us in our October 29, 2019 interview that you gave a "standing invite" to the White House to visit the JAIC. You then described for us the meeting that took place on August 21, 2019 at the JAIC.

My questions are, when did you extend the invitation, to whom, and in what manner (e-mail, phone call, letter, etc.)? Did you extend this invitation on your own initiative, or did someone suggest or direct that you extend the invitation? Please clarify.

Thank you very much for your help.

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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DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Mark Esper
January 16, 2020
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is January 16, 2020, and the time is
3 now 1433. I am (b) (6), (b) (7)(C) with the Department of Defense Office
4 of Inspector General. With me are my colleagues (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C). The witness is the
6 Honorable Mark Esper. Present also with Secretary Esper is (b) (6),
7 (b) (7)(C) from DoD Office of General Counsel. We are conducting (C) this
8 interview in Room (b) (6), (b) (7)(C) at the Pentagon as part of our review of
9 the JEDI Cloud Procurement. At this time, sir, I ask you to
10 acknowledge that this interview is being recorded.

11 HON ESPER: It is.

12 (b) (6), (b) (7)(C): I will now administer you the oath. Would
13 you please raise your right hand?
14 Whereupon:

15 MARK ESPER

16 was called as a witness, placed under oath, and provided the
17 following testimony:

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

19 (b) (6), (b) (7)(C): Is the statement that I made earlier recorded
20 as part of the record?

21 (b) (6), (b) (7)(C): It was not, but if we could get that in
22 writing from what you read that may be useful.

23 (b) (6), (b) (7)(C): I just sort of had some notes here, but I
24 thought that was part of the recording.

25 (b) (6), (b) (7)(C): May I suggest that at the end given the time

1 that we could introduce that into the recorded record so it's on
2 the transcript.

3 (b) (6), (b) (7)(C): Very good because I don't want to take the
4 Secretary's time. More than necessary.

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

6 Q: Sir, we understand that as Secretary of Defense you
7 conducted a review of the JEDI Cloud Acquisition. My first
8 question is, before you became the Secretary of Defense what was
9 you're your awareness of and/or involvement in the what was
10 called the DoD Enterprise Cloud Adoption Initiative that
11 Secretary Shanahan, Deputy Secretary Shanahan started?

12 HON ESPER: For all intents and purposes, I was not
13 involved.

14 Q: Again, before the start of your review shortly after
15 you were confirmed what was your awareness of and involvement in
16 the procurement side of this Cloud initiative of the contract
17 action, the source selection process?

18 A: None.

19 Q: -- When and why did you initiate a review of the JEDI
20 Cloud Acquisition?

21 A: I initiated a review I think soon after I was sworn in.
22 I don't want to guess but I want to say within days but we know
23 when that was. Why? Because I had heard from members on the Hill
24 during my nomination, as I went around to meet with members
25 before my hearing I got feedback from the Hill about concerns

1 about the JEDI Contract and of course there were things I read in
2 the paper as well.

3 Q: Would you please describe the scope and purpose of the
4 review?

5 A: The purpose of the review was to make sure that first
6 of all I understood what the JEDI project was about, that I
7 understood its value to the warfighter, and then that the
8 competition was conducted fairly.

9 Q: Did your review include the whole acquisition and by
10 that I mean the whole lifecycle of something from start to --
11 from concept through finish or was it limited to the procurement
12 itself, and by that I mean the anticipated contract action?

13 A: My review I think the first, I conducted a series of
14 briefings. Briefings were provided to me, a handful of briefings.
15 The first briefing began with what is JEDI? I think I had another
16 briefing that spoke about the importance of JEDI to the
17 warfighter. I think I had a briefing on what was the timeline and
18 what were the, when was it launched, the objection, things like
19 that. Those were the three things that I recall with regard to
20 the project.

21 Q: Who decided on the scope of your review?

22 A: I can't recall. I want to say maybe the Deputy
23 Secretary of Defense may have teed it up or my Chief of Staff in
24 terms of these are the things we recommend you look at.

25 Q: We have some information that there was an initial

1 meeting that Mr. Deasy participated in possibly with Secretary
2 Norquist at which you went back and forth on what should be
3 included, that kind of deal.

4 A: Then that sounds consistent then. I just can't recall.
5 I know that I didn't scope it out other than the purpose was to
6 educate me on what JEDI was, its value to the warfighter, and to
7 find out was it conducted fairly? Was it competed, etcetera, and
8 what was the gist of the complaints about it.

9 Q: What were the complaints that you received from any
10 Members of Congress or input?

11 A: Well, what folks would complain about was that it was
12 -- that and I'm not saying any of these are true or false. That
13 it was a single award. That it was not competed. That there was a
14 person on the inside who was -- had a job waiting for him with
15 one of the companies, one of the awardees. That it was not
16 competitively bid. I mean there were a series of things. It was
17 all -- there was -- I don't -- well it was stuff that was
18 reported in the open press.

19 Q: What input if any did you receive from anyone outside
20 the DoD on the scope of your review?

21 (b) (6), (b) (7)(C): I instruct the witness to limit their response
22 to non-White House personnel.

23 HON ESPER: What was the question again?

24 Q: What input if any did you receive from anyone outside
25 the DoD on what the scope of the review would be?

1 A: I don't think I received any input from anybody outside
2 of DoD on what the scope should be.

3 Q: Did anyone outside the DoD discuss the scope of the
4 review with you.

5 (b) (6), (b) (7)(C): Same instruction?

6 Q: Who was in charge --

7 HON ESPER: Not that I recall. There was a recommendation
8 at some point that I speak to Secretary Pompeo because he done a
9 similar type of cloud project when he was the CIA Director. And
10 Secretary Mnuchin had some views on this from I've got to assume
11 previous experience with technology although I don't think I ever
12 did talk with him. Those are the only two persons I think.

13 Q: Who was in charge of planning and conducting the
14 review? Putting it all together and coming to provide you
15 information?

16 A: I think the organizer and chief was my Chief of Staff
17 who kind of set up the schedule. I travel a lot so there were
18 weeks that I missed. There was a missed weekly session but I
19 believe he was the one who set it up.

20 Q: Mr. Chewning?

21 A: Yeah.

22 Q: What direction did you give Mr. Chewning regarding all
23 of that?

24 A: I think the same thing I said before is, "Let's begin
25 with what is JEDI. Then explain to me its value to the

1 warfighter, its value to cyber vulnerability." Things like that.
2 Then, "Walk me through what the timeline was and what the
3 complaints. All these complaints I listed off to you previously
4 tell me, give me our view on what that means." I think at some
5 point too we talked about the IG. What was the -- I guess the IG
6 at some point assessed it. What was the IG's findings? What were
7 the GAO's findings? I think the GAO. So stuff like that. Again
8 education.

9 Q: Who did -- maybe outside of your review, who else did
10 you talk to in DoD about JEDI?

11 A: Outside of DoD?

12 Q: No within DoD.

13 A: Maybe General Nakasone, maybe. I mean the Head of
14 Cyber Command. I'm trying to think. He's the only that comes to
15 mind outside of the people I described that I may have spoken to.

16 Q: Outside the review, sir, did you attend any briefing
17 sessions about the JEDI acquisition, or more narrowly the
18 procurement that weren't part of your review?

19 A: No.

20 Q: What role did Deputy Secretary Norquist play in the
21 review?

22 A: I believe that he joined me in every meeting and as my
23 Deputy. I don't think he did any more than that. He may have
24 helped with Eric Chewning in terms of setting up the schedule,
25 etcetera, but I think that's it.

1 Q: When did you complete the review, or how did you know
2 when you were finished, and then what was the outcome of the
3 review?

4 A: That's a good question. I forget. At some point I had
5 determined that based on what the team had briefed me, what Deasy
6 had briefed me, what I'd read from the IG reports, the GAO
7 reports, etcetera I'd come to the conclusion that it was competed
8 fairly, that it was -- that there wasn't any bad behavior if you
9 will. I can't recall when that was. We probably have a date.

10 Q: September 16th is the date I have as the last of what's
11 been referred/described to us as "education sessions" for you.

12 A: It could have been.

13 Q: I'm not aware of anything past that.

14 A: Yeah, I just don't know how that jives with my travel.
15 And then there was a point in time as that process began early
16 that when I saw what I would call specious reasons to, by
17 competitors, to challenge the integrity of the process that I
18 increasingly started thinking more and more about, "Does the fact
19 that my son, who works for one of the companies who lost early."
20 I forget who. For IBM who, despite the fact that my son didn't
21 work on this project or anything near it, etcetera, etcetera,
22 would somebody claim that somehow I was exercising some type of
23 undue influence? I had some conversations with my people.
24 Internally we took that up to the GC or SOCO Office and I think
25 at some point people thought that did make sense. It kind of

1 resonated with me it did make sense. So, I verbally recused
2 myself and then a short time after that recused myself in written
3 order, and I can't recall the times of that. I'm sure you have
4 that. Somebody has that paper.

5 Q: I'll have a couple of questions about that --

6 A: Okay.

7 Q: -- momentarily.

8 A: Sure.

9 Q: You mentioned specious reasons a couple of minutes ago.
10 Can you give us some examples?

11 A: People were saying it was a, for example, it was a
12 sole-source \$10 billion dollar award and just laying it out like
13 that. That's not an accurate statement. It was for all intents
14 and purposes what we call an IDIQ contract. So, it could be up to
15 \$10 billion dollars, and it did allow other people to bid in at
16 other points in time. And then there was -- so that's an example.
17 There are far better ones in terms of what some of the
18 complainants the losers, so called losers were complaining that
19 as I read it, as I was briefed by the team, it was clear that
20 they were not accurate at all.

21 Q: What decisions did you make as a result of your review
22 or what actions did you take other than to recuse yourself?

23 A: The only thing that I can recall that I did was I
24 wanted to make sure that Members of Congress who had raised
25 concerns about the JEDI contract had the chance to hear from the

1 DoD team about our views on it, and what we thought the value was
2 for the warfighters, etcetera, etcetera, etcetera. And we had a
3 chance to hear them once again and explain. So, one of the
4 decisions I had made was to bring the Members of Congress in. We
5 met in my conference room. There as a handful of them that
6 actually showed and we spent an hour, hour and a half something
7 like that kind of talking through the claims, and then answering,
8 and then giving them a chance to ask questions, etcetera. Beyond
9 that that's all I recall.

10 Q: What kind of concerns did they express when they came?
11 I understand there were four Members of Congress who --

12 A: Oh, okay. Four.

13 Q: -- accepted your invitation.

14 A: Nothing different than what, some of what we were
15 seeing in the press. I can't recall, I don't recall anything
16 unusual. It was the same stuff.

17 Q: Do you recall any action items coming out of that
18 meeting for the Department?

19 A: No, I don't.

20 Q: For the Acquisition Team or anything like that?

21 A: No.

22 Q: Did you instruct anyone specifically regarding the
23 reward, the source selection decision, or the source selection
24 process?

25 A: No.

1 Q: Did you base any of your decisions on public statements
2 that President Trump made or statements that the media attributed
3 to President Trump?

4 A: Did I do what?

5 Q: Did you base any of your decisions, either the decision
6 to conduct a review, what the scope would be, what to do after
7 the review, based on public statements that President Trump made
8 or other statements that the media attributed to him?

9 A: The decision to conduct a review was my decision.

10 Q: Were there any other decisions that you were based on
11 media reports that attributed statements to the President?

12 A: No, not that I recall.

13 Q: Did you base any of your decisions on something that
14 President Trump or anyone from the White House said to you or to
15 some other DoD official?

16 (b) (6), (b) (7)(C): Objection. Instruct the witness not to answer.
17 President's communication privilege.

18 Q: Did you describe or relay any comments from the
19 President or the White House about JEDI, Amazon, or Mr. Jeff
20 Bezos to anyone in the Department of Defense?

21 (b) (6), (b) (7)(C): Objection. Same objection.

22 Q: Any other instructions following the review to anyone
23 in the DoD that we haven't mentioned yet, or to any instructions
24 we haven't talked about yet?

25 (b) (6), (b) (7)(C): About JEDI?

1 (b) (6), (b) (7)(C): About JEDI.

2 HON ESPER: Well, no not that I can recall. Again when I
3 reached a point that I decided to recuse myself I recused myself.
4 At that point in time as I recall no decisions had been made
5 about anything regarding the ultimate awardee, or the decision to
6 proceed, or whatnot as I recall.

7 Q: Did you inform or notify anyone else about the review
8 whether it's initiation, or progress, or results, or any actions
9 taken following?

10 A: Well, I did announce early on that I was going to
11 conduct a review because of all the noise I heard about it. So,
12 there was that and that's why I recall that.

13 Q: Sir, that's a good Segway. I'm pulling out of my folder
14 here an August 1st, 2019 Washington Post article that mentioned
15 your review.

16 A: Uh, huh [affirmative response].

17 Q: In this article you were quoted as saying, "I've heard
18 from folks in the Administration." Or, "Administration
19 officials."

20 A: Uh, huh [affirmative response].

21 Q: My question to you is, are those quotes accurate? And
22 you'll find them on the second and third pages of that article in
23 highlights.

24 (b) (6), (b) (7)(C): I've got my copy, thank you.

25 HON ESPER: For as much as I can consider reporting to be

1 accurate, and in my job I found reporting often to be inaccurate
2 and incomplete. I will accept it as face value.

3 Q: Do you recall making those statements in that manner?

4 A: I recall making certainly about as I said including
5 members of both political parties from the Hill, etcetera.

6 Q: Can you explain what the quotes mean? In other words
7 what I'm getting at is who were the folks in the administration
8 or people in the White House that you referred to?

9 (b) (6), (b) (7)(C): Objection to the extent the answer may call
10 along the witness to repeat Presidential communications.

11 HON ESPER: So I will mention to you, folks had mentioned
12 Secretary Pompeo and Treasury Secretary Mnuchin had offered
13 advice, and Mnuchin had offered if I wanted to come see him about
14 again how they had done cloud in I guess his private sector work.
15 I don't recall that I ever followed up with him. I think I had
16 somebody from my team actually follow up with him.

17 Q: So are you saying that those were -- you counted those
18 to be as members of the administration?

19 A: Yeah, certainly and Secretary Pompeo who I think the
20 extent to my conversation with him was that the project that the
21 CIA did was working well, something along those lines, and
22 encouraged me to have my people get with the CIA people who did
23 this contract and make sure that we had a good understanding of
24 how they did it.

25 Q: Did you note anything in accurate about the quotes that

1 were in this story?

2 A: Are these just the ones you highlighted?

3 Q: That's the same one that I --

4 A: Yeah, okay. But I mean do I need to read the whole
5 thing or only the things?

6 Q: No, sir. I'm asking about the statements attributed to
7 you.

8 A: I did hear from the Hill. I did hear from members of
9 both political parties, and I did hear from those two
10 administration officials, or I did talk to those two
11 administration officials if you will.

12 Q: Okay.

13 A: Yeah, and I did say, "I owe it a fresh look. I need to
14 understand it, etcetera." So, there are other things I said in
15 here so maybe I should read the whole thing. I'll just scan it.
16 In terms of things you highlighted those seem fair.

17 Q: Thank you. Sir, the only other article I want to give
18 to you today is this is an August 4th, 2019 Bloomberg article.

19 A: Okay.

20 (b) (6), (b) (7)(C) [REDACTED], do you have a -- do you need a
21 copy of that?

22 (b) (6), (b) (7)(C) I do. Thank you.

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

24 Q: In that article, or this article reported that you said
25 you had heard questions from people in the White House about a

1 Pentagon Cloud Computing contract valued at as much as \$10
2 billion dollars but that you were not directed to order the
3 review that we've been talking about. The article quoted you as
4 saying, "I'm looking at all the concerns. I've heard from members
5 of Congress, both parties, both sides of the Hill." And "I've
6 heard from people from the White House as well." Sir, are those
7 statements attributed to you accurate?

8 A: Well, again I've repeated past the piece from Congress
9 to both sides of the Hill. With regard to the second quote I
10 can't recall, but again, it's reported right here. I've had my
11 share of misreporting by the media, but anyways.

12 Q: In that article to whom in the White House were you
13 referring?

14 (b) (6), (b) (7)(C): Objection. I instruct the witness not to
15 answer.

16 Q: What did you hear from the White House?

17 (b)(6), (b)(7)(C) Same objection.

18 Q: In addition to what you told me a few minutes ago,
19 anything else that you heard from the Hill since this article
20 mentioned you heard from Members of Congress?

21 HON ESPER: Not that I can recall. Like I said a lot of it
22 was when I would go meet with members privately, or it may have
23 even been raised in my hearing. I can't recall.

24 Q: Is there anything in this Bloomberg story that you
25 think was inaccurate?

1 A: Well I'd have to read the whole story.

2 (b) (6), (b) (7)(C) Are you limiting the --

3 About?

4 The entire article or just the quotation
5 that's attributed to the Secretary?

6 (b) (6), (b) (7)(C): Since the Secretary's reading the entire
7 article, it's a brief article, I'll leave it to the entire
8 article including the quotes.

9 (b) (6), (b) (7)(C): I'm going to object to that because we had a
10 prior agreement that you're allowed to question the secretary
11 concerning his direct quotes, but not the content of articles to
12 the extent that it comments on actions or reports concerning the
13 President. So, this is sort of an end run to get to the Secretary
14 to endorse statements attributed to President Trump. So, I would
15 instruct the witness not to answer that question.

16 (b) (6), (b) (7)(C): Okay. We'll move on.

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

18 Q: Did anyone tell you to perform your review?

19 HON ESPER: No, I directed it. It was my decision.

20 Q: Did you ever communicate directly or through someone
21 else with any member of the JEDI Source Selection Team about the
22 JEDI procurement?

23 A: Say the question again.

24 Q: Did you ever communicate directly yourself, or through
25 someone else on your staff with any member of the Source

1 Selection, the JEDI Source Selection Team about the JEDI
2 procurement?

3 A: at one of the briefings with regard to the legal
4 process I think they had some -- they may have had somebody from
5 the Source Selection Team brief. I don't recall exactly, but I
6 want to be clear there may have been a briefer brief me on the
7 legal case, but there was nothing discussed with regard to the
8 contract, or the requirements, or things like that. It was this
9 is the person who testified I think.

10 Q: We are aware that the Procuring Contracting Officer did
11 attend one of the briefings, but she's not Source Selection.
12 She's --

13 A: Well, that's the person I'm thinking of.

14 Q: Okay.

15 A: So, I knew there was somebody. I knew it was a she.

16 Q: By the Source Selection Team I'm talking about the
17 board chairs, Source Selection Authority as opposed to the
18 Contracting Officer who signs the contract.

19 A: Yeah, you're getting into technical things I couldn't
20 make a distinction between. All I know is somebody from a team
21 came to one of the meetings to brief me and she was involved. I
22 don't know what her exact position was. It was about the legal
23 process because she had, I forget what she was. Maybe she was the
24 -- you say contracting person?

25 Q: The Procuring Contracting Officer.

1 A: Okay. That makes sense.

2 Q: Did you ever tell any member of the Source Selection
3 Team, or the Procuring Contracting Officer, or anybody involved
4 in the procurement who the contract should or should not be
5 awarded to?

6 A: Well, I never had any engagement with them so I guess
7 the answer would be no.

8 Q: Same question for Ms. Lord. Did you ever talk to her
9 about the procurement issue, or any instructions, or give her
10 your direction or opinion on who should get the contract?

11 A: Well, I'm sure I probably talked to her at some point
12 like in passing. I can't recall. She may have even attended a
13 brief but I would have never given her direction or anything like
14 that, or comment on that. Again, that wasn't my -- my focus
15 wasn't on that. My focus was on understanding what JEDI was, it's
16 value to the warfighter, and was the process conducted fairly,
17 was it competed, etcetera?

18 Q: Sir, you recused yourself from participating in
19 decision briefings and making determinations concerning the JEDI
20 Cloud acquisition. Just for our clarity so we make sure we get
21 this right.

22 A: Yeah.

23 Q: Please explain what you recused yourself from? Were you
24 talking about everything related to the whole acquisition program
25 lifecycle writ large, or was it --

1 A: Yeah.

2 Q: -- narrowed to the award decision of this particular
3 contract itself?

4 A: Well I don't get involved in the award decisions,
5 number one. My understanding was I was recusing myself from
6 everything, and it should be in the letter that I signed.

7 Q: We've read the letter but we'd like to hear your
8 testimony about the basis for recusing yourself and making that
9 decision.

10 A: Yeah, well like I said I reached the point in terms of
11 my education sessions where I saw these, you know, allegations
12 that were made by the so called "losers" of the first round, or
13 whatever, second round, whatever. And then some of the statements
14 being written, some of the things out in the press, and it was
15 very apparent to me that people who wanted to slow down the
16 contract or wanted to stop it, or take it to court were looking
17 for any reason to do something like that, and so it became
18 apparent to me that if they were going to go to that extent that
19 the fact that my son was employed for IBM, despite what he really
20 does for IBM and no association with JEDI whatsoever that
21 somebody might try and say I was acting in a way that would favor
22 him. And so I decided at that point that it's not worth it. I had
23 good confidence that Dana Deasy and the team had done all the
24 right things, and I wasn't going to give somebody else another
25 reason to claim that I was somehow getting, involving myself in

1 the contract, or acting unethically, whatever the case may be.

2 So, I decided to recuse myself.

3 Q: Was your -- who provided you legal advice on that
4 issue?

5 A: I'm going to assume Paul Nye or somebody on his team of
6 course. Or SOCO. Is SOCO part of GC?

7 (b) (6), (b) (7)(C): Yes, it is.

8 HON ESPER: Yeah. You should know who that is I assume.

9 Q: I'm presuming when you were confirmed as Secretary you
10 were already aware that your son worked for IBM?

11 A: Oh, yeah.

12 Q: Is that correct? And then you're --

13 A: Yeah, he had started --

14 Q: -- recusal is dated October 7th.

15 A: Right.

16 Q: So, we're interested in why you waited until October
17 7th to recuse yourself?

18 A: Well, keep in mind I was sworn in. I didn't know
19 anything about the project let alone who competed until my first
20 briefing. So, I don't know when my first briefing was. Maybe you
21 guys know? September?

22 Q: Our information is it was a scoping session almost
23 immediately upon your confirmation.

24 A: Yeah.

25 Q: But then the first of the four education session

1 occurred in August, towards the end of August.

2 A: So it was -- okay. So, look at the math here. So end of
3 August. It probably wasn't the first briefing. More like the
4 second briefing. I was traveling in between there. So at some
5 point when I got briefed on the legal challenges that briefing
6 probably included that these companies competed.

7 Q: Now we're into September?

8 A: Now we're into September. I'm assuming, right?

9 Q: Yes.

10 A: I don't have the timeline. So, now we're into September
11 and at some point I probably saw during that September timeframe
12 that IBM was a competitor. And at some point it probably donned
13 on me days later that, "Hum. My son works at IBM. This is not a
14 good optic." And I think not long after that and as I was getting
15 briefed up on, as I said earlier the complaints made against this
16 process that I just thought were inaccurate, unfair, etcetera,
17 that I had begun thinking, and eventually approached my folks to
18 raise this issue that, "Should I just recuse myself?" Or, "What
19 should I do because will people raise? Will this give people
20 reason?" So, if you look the timing starts getting a lot more
21 closer in time. So, it wasn't that long until I first learned
22 that IBM was a competitor until the time I thought about it,
23 talked to counsel, etcetera at which point I recused myself.

24 Q: Before you recused yourself what decisions did you make
25 regarding the JEDI Cloud procurement?

1 A: I never made any decisions regarding the procurement.

2 Q: Did you ever learn the identity of any member of the
3 Source Selection Team?

4 A: No.

5 Q: I'll caveat that to say --

6 A: Other than that lady, but you said that lady wasn't a
7 member of the Source Selection Team.

8 Q: Our information is that Mr. Pete Ranks, he's one of Mr.
9 Deasy's deputies --

10 A: Yeah.

11 Q: -- that he attended one or more of the education
12 sessions. Now, he may or may not have told you at that point that
13 he was on the Source Selection Team. Did that information come
14 out in any of the sessions?

15 A: I don't recall Pete Ranks, and I don't recall anybody
16 saying he was on the Source Selection Team.

17 Q: Did you ever learn the identity of the Source Selection
18 Authority, the Evaluation Board Chair, the Advisory Council
19 Chair, or any of the other factor chairs?

20 A: Not that I recall.

21 Q: Prior to or at the time of, or any time after your
22 recusal, so I guess any time, what instructions did you give Mr.
23 Norquist on how to handle the JEDI procurement going forward?

24 A: I didn't give him any instructions on the procurement.

25 Q: Did you ever tell Deputy Secretary Norquist who the

1 contract should be award to or not awarded to?

2 A: No.

3 Q: Did you have any communications with the President
4 about JEDI?

5 (b) (6), (b) (7)(C) Objection. Instruct the witness not to answer.

6 Did other DoD officials have communications
7 with the President or anyone at the White House about JEDI?

8 (b) (6), (b) (7)(C): Do you know?

9 HON ESPER: Maybe Norquist.

10 Q: What communications were those?

11 (b) (6), (b) (7)(C): Objection. Instruct the witness not to answer.

12 Q: What actions did you take as a result of any
13 communications with the White House staff or President Trump
14 about JEDI?

15 (b) (6), (b) (7)(C): Objection. Instruct the witness not to answer.

16 Q: Did you ever hear anyone express concerns about
17 awarding the contract to Amazon Web Services? We know it was
18 awarded to Microsoft. I mean before the award announcement.

19 (b) (6), (b) (7)(C): You can answer to the extent it does not
20 involve White House communications.

21 HON ESPER: Yeah. People were concerned about -- I heard
22 complaints, concerns about both companies, both finalists winning
23 or not winning.

24 Q: What were the complaints or concerns?

25 A: OH, I don't' recall anything specific, but it could be

1 anything from do we really think they -- not sure they could
2 really do it, or whatever the case may be. Or, "Boy, that would
3 be good for their business." Or, "Can you believe they have that
4 capability?" I think just general comments that people would
5 express.

6 Q: Did this come up as a part of your review or was it in
7 some other meeting?

8 A: Probably, people make comments during reviews and stuff
9 like that about competitors and stuff like that, but it was
10 probably in passing.

11 Q: One of the education sessions as part of the review had
12 to do with the requirements development and the solicitation
13 itself, and so on.

14 A: Uh, huh [affirmative response].

15 Q: That would seem to be the type of meeting at which
16 these types of issues might come up, but I wouldn't characterize
17 that as in passing. That would be -- did you hear concerns or
18 complaints about either Amazon, or Microsoft, or any other
19 competitors during this meeting?

20 A: I just can't recall. Like I said one of the things as I
21 came into this is I didn't even know Amazon had this capability.
22 So, and I kind of recall people in passing saying they didn't
23 know Amazon had this capability, or the other competitor had that
24 capability. Things like that. Just general comments. General
25 comments and concerns. I'd probably characterize it more as

1 comments than concerns if you will.

2 Q: What concerns in you did those comments create?

3 A: It doesn't matter to me. It's all noise. It's all
4 comments. I go with the facts.

5 Q: Did you hear anyone say negative comments about Mr.
6 Bezos or Amazon's connection to the Washington Post?

7 A: I can't recall.

8 (b) (6), (b) (7)(C): Again to the extent that it doesn't involve
9 White House communications.

10 HON ESPER: I can't recall.

11 Q: Did anyone raise concerns to you about possible White
12 House involvement in the JEDI procurement?

13 A: Say the question again.

14 Q: Did anyone come to you with concerns about possible
15 White House involvement in the JEDI Procurement, or influence in
16 it?

17 A: Nothing specific I can recall.

18 Q: You may have read or heard media reports asserting
19 possible influence by the White House or administration --

20 A: Uh, huh [affirmative response].

21 Q: -- in this process, in this procurement process. Did
22 you have any concerns about the validity of these reports, or
23 their impact on the procurement itself, or the Department's
24 decision making process with respect to who would get the award?

25 A: Say the first part again.

1 Q: You may have read or heard the media reports.

2 A: Uh, huh [affirmative response].

3 Q: We've covered a couple of them and you've referred to a
4 couple more.

5 A: Yeah.

6 Q: Asserting alleged possible influence by the
7 administration. Did you have any concerns about these things in
8 these reports might be true about their validity and any possible
9 impact on the source selection process?

10 A: No because I have great trust and confidence in Dana
11 Deasy and the process. I had, by the time I got to it the reports
12 from the GAO and the IG I know that these contracting folks, or
13 procurement, or whatever you call them are sequestered and all of
14 that. So, no I didn't.

15 Q: Were you aware, or did you hear through the media, or
16 other third parties about President Trump's comments about
17 Amazon, the Washington Post, or Jeff Bezos? These are comments
18 that he put on Twitter, or made at a press conference, or other
19 things that may have been attributed to him in the media. So, I'm
20 trying to get at your awareness of all these things.

21 A: I was aware. I don't recall anything specific though.

22 Q: Do you believe that President Trump's public comments
23 affected the JEDI contract in any way?

24 A: Well to the degree I was aware of those comments,
25 etcetera no. I don't think anything. Again, regardless of

1 anybody's comments I think that I have great trust and
2 confidence, and the integrity of Dana Deasy and his team, and the
3 people involved, and the process. And I think that was validated
4 by the reports that were done by the IG and the GAO. And by the
5 way I should the court. I think the court decided that the case
6 was -- that the process was done fairly.

7 Q: I'm interested in your comments regarding whether the
8 President's public comments affected the perception about the
9 fairness of the award of the contract or any noise associated
10 with this contract.

11 A: That would be -- wouldn't that be speculation? I don't'
12 know how it affects people. I know it didn't affect me.

13 Q: How would you respond to media reports that are
14 reporting, or have reported that President Trump influenced the
15 procurement in a way that disadvantaged Amazon?

16 A: I'd just say for anybody who had any comments or
17 critique about the process or whatnot that I have great
18 confidence in Dana Deasy and his team that ran this, and I think
19 -- and our DoD processes, and I think it was validated by the
20 courts, and by the IG, and by the GAO. And I had concluded the
21 same thing by the time I'd reached that point in my brief -- my
22 educational briefings if you will.

23 Q: What impact or influence have President Trump's public
24 statements or media stories that attributed statements to
25 President Trump have on your actions as they related to the JEDI

1 acquisition?

2 A: No impact. I don't think it had any impact on the DoD
3 processes or the people.

4 Q: What are your comments about initial allegations that
5 the JEDI Cloud procurement was tailored to fit for Amazon to
6 favor Amazon?

7 A: Say the question again.

8 Q: What are your comments about the initial allegations
9 that our office received that the JEDI -- the procurement was
10 tailed to favor Amazon, not disadvantage Amazon?

11 A: Well, that was one of several I think allegations and
12 critiques made when I was coming into office that I wanted to
13 explore and understand better and since that, we're going back a
14 few months, but my conclusion was, again that DoD acted fairly
15 and there was no mellifluence if you will that they had done all
16 the right things.

17 Q: Same question about the allegations that it was later
18 tailored for an award for Amazon?

19 A: It can't be both, can it? Again, my conclusion was Dana
20 and his team were acting ethically, had done all the right things
21 and checked all the right boxes, the process was fine, and I
22 think it was validated again by the court, by the GAO, by the IG.
23 And that was the conclusion I had drawn by the time I concluded
24 my education or by the time I had stopped my education if you
25 will.

1 Q: What impact or influence has anyone at the White House
2 had on the JEDI Cloud source selection?

3 (b) (6), (b) (7)(C): Objection. Instruct the witness not to answer.

4 (b) (6), (b) (7)(C): Who made the decision that the procurement
5 could proceed and the contracting officer could make an award?

6 HON ESPER: Not me. I don't know.

7 Q: Did anyone have concerns or say negative comments --

8 A: Or better yet I should I can't recall. I can guess but
9 it would be guessing.

10 Q: Okay. Sir, I think I asked that question. How and when
11 did you learn that Microsoft one or would win the contract and
12 from whom?

13 A: I don't -- I want to say I was informed at the time of
14 announcement, and I don't recall who called. It may have been
15 Dana Deasy that called it to let me know that they were -- that
16 they had made a decision and were releasing it to the press, or
17 to the Hill shortly or had just -- it was.

18 Q: That they had made a decision, but did they tell you at
19 that time it was Microsoft? Is that how you learned it was
20 Microsoft, or was it some other way?

21 A: No it was from him. I think, actually what I think now
22 as I think about it they were finalizing the statement that they
23 were going to release to the press within an hour or two.

24 Something like that and asked me, A: Wanted to give me heads up,
25 and B: Make sure I had any thoughts on the statement, etcetera.

1 Q: What was your reaction when you learned it was
2 Microsoft?

3 A: I had no reaction. I just figured they picked the best.

4 Q: Were you surprised in any way?

5 A: No, because I never got invested in who had what bid. I
6 never had any information on who had done what, or who had what
7 expertise. I was more focused on again, what is JEDI? What its
8 value to the warfighter, etcetera, etcetera? And making sure the
9 process was fair and competitive. I never got into who had what.
10 Who had what capability or who was expected. People -- we didn't
11 just talk. That wasn't things you talked about as to who we
12 thought might win, etcetera. So, I didn't react one way or the
13 other.

14 Q: We've seen a Public Affairs plan, a document that
15 called for Deputy Secretary Norquist to inform the White House
16 that DoD was going to make an award, but that Mr. Norquist would
17 not identify the winner to the White House. What was your
18 knowledge about that plan and whether it was executed as planned?

19 A: I don't recall much. That sounds like things we do
20 normally is to if it's something that's high profile to give
21 folks a heads up, but we never let them know, at least as far as
22 I can -- as far as I've been involved folks know who won,
23 etcetera.

24 Q: Did you inform anyone at the White House about your
25 review of JEDI and the results?

1 (b) (6), (b) (7)(C): Objection. Calls for Presidential
2 communications.

3 Q: What communications did you have with President Trump
4 about the JEDI procurement?

5 (b) (6), (b) (7)(C): Objection.

6 Q: What communications did you have with any White House
7 official about the JEDI procurement?

8 (b) (6), (b) (7)(C): Objection.

9 Q: Did President Trump or any White House official ever
10 suggest, imply, or directly state to you verbally or in writing
11 as to who the JEDI Cloud contract should be awarded to or not
12 awarded to?

13 (b) (6), (b) (7)(C): Objection.

14 Q: Did President Trump or any White House official ever
15 suggest, imply, or directly state to you verbally or in writing
16 that you should conduct a review of the JEDI Cloud procurement?

17 (b) (6), (b) (7)(C): Objection.

18 Q: Was any direction given to you by President Trump or
19 any White House official verbally or in writing as to what the
20 result of your review should be or what action you should take
21 regarding your review?

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

23 Q: Did President Trump or any White House official ever
24 suggest or direct you to recuse yourself from the JEDI Cloud
25 procurement?

1 (b) (6), (b) (7)(C) Objection.

2 Q: Do you believe the DoD conducted the JEDI Cloud
3 procurement fairly and impartially without improper influence of
4 any kind?

5 HON ESPER: Absolutely.

6 Q: Is there anything else other than your testimony that
7 you've given us today that you would like to add to support the
8 statements you just made absolutely?

9 A: No.

10 Q: We understand that Oracle sent you a letter dated
11 August 19, 2019 in which they made certain allegations and
12 statements about the procurement and asked you to recompute the
13 procurement. What did you do about Oracle's letter?

14 A: I read it and I used it. I read it. I highlighted their
15 allegations and at one of my sessions I walked through every
16 single one of those.

17 Q: What did you learn when Mr. Deasy and his team briefed
18 you on the points in Oracle's letter?

19 A: Well, I can't recall the specific points, but I know
20 they answered them to a degree that I felt confident that DoD and
21 Dana and his team acted appropriately, and had a strong rational,
22 etcetera, or rebutted a statement an allegation is false, or
23 inaccurate, or incomplete, or something like that.

24 Q: Was there anything in Oracle's letter that you agreed
25 with?

1 A: Oh, I can't recall.

2 Q: Did you respond to Oracle?

3 A: No, not that recall.

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

6 Q: I'd just like to ask you, sir. What was your son's
7 position? You said it was unrelated to JEDI.

8 HON ESPER: Uh, huh [affirmative response].

9 Q: So, what work does he do at IBM?

10 A: He works, last time I talked to him this was a few
11 months ago. He was working on the Air Force, writing regulations
12 or something for airfields. I may have that completely wrong, but
13 that's -- writing regulatory stuff.

14 Q: Thank you.

15 A: For the Air Force. You guys I'm sure you all -- Do you
16 know? No.

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

18 Q: Sir, anything else? I don't have any other questions,
19 sir, but before I do the read out if I could ask your indulgent
20 for about 30 seconds?

21 A: Yeah.

22 (b) (6), (b) (7)(C): I'm going to invite (b) (6), (b) (7)(C) to make a
23 statement. This is the statement you wanted to make, sir.

24 (b) (6), (b) (7)(C): At the beginning of this session before I
25 realized we were not on the record I made a statement that I

1 intended to put on the record, that, the only privileges that I
2 would be asserting in the context of this interview was the
3 Presidential communication's privilege, and that all other
4 executive privileges such as deliberative process privilege,
5 etcetera would be reserved and not stated on the record. The
6 Presidential communication's privilege includes communications
7 between the President and officials at the Department of Defense,
8 White House staff, and officials at the Department of Defense.
9 Any communications within the Department of Defense about White
10 House communications, and the existence of any meetings
11 concerning White House officials. I also noted that this matter
12 is in ongoing litigation with Amazon and the federal court
13 system, and that my office, the Office of General Council would
14 like to be consulted before response to any discovery requests,
15 or subpoena for the IG file as it relates to this interview.

16 (b) (6), (b) (7)(C): Thank you. Is there any other additional
17 information you'd like to provide, sir?

18 HON ESPER: No.

19 (b) (6), (b) (7)(C): Do you have any questions?

20 HON ESPER: No.

21 (b) (6), (b) (7)(C): Do you have any comments or concerns about
22 the way we conducted this interview?

23 HON ESPER: No.

24 (b) (6), (b) (7)(C): If you remember anything else that you
25 believe may be relevant to the review please contact me. If

1 anyone asks you about your testimony or the review please inform
2 them that the OIG has asked you not to discuss the matter. The
time is now 1520. and this interview is concluded.

[The interview terminated at 3:20 p.m., January 16, 2020.]

3 [The interview resumed at 3:26 p.m., January 16, 2020.]

4 (b) (6), (b) (7)(C): The time is 1526 and the recorders are back
on. We're back on the record here to clarify one particular
5 question that I asked during the interview. The question I
believe and I'll invite you to correct me if I get this -- if I
6 misstate this is that, sir, did you have any communications with
--

(b) (6), (b) (7)(C): No, it's the next one.

7 (b) (6), (b) (7)(C): Any one other -- did other DoD officials
have communications with the President or any one at the White
8 House about JEDI?

9 (b) (6), (b) (7)(C): The witness answered Mr. Norquist may have had
a communication. The witness would now like to clarify his
understanding as to when that communication occurred.

10 HON ESPER: Yeah, I think Norquist briefed folks in the
11 White House after the decision, award decision was made, but
12 before it was released publicly to give them a heads up.

13 (b) (6), (b) (7)(C): Is there anything else you'd like to add to
14 that answer?

15 HON ESPER: That's about all I recall as even a
16 possibility.

17 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C), is there anything else that we
18 need to collect for the record at this time?

19 (b) (6), (b) (7)(C): I do not think so and I do appreciate your
20 willingness to come back and receive that additional clarifying
21 testimony.

22 (b) (6), (b) (7)(C): Okay. Thank you. The time is 1529 and we're
23 stopping the recorders.

24 [The interview terminated at 3:29 p.m., January 16, 2020.]

25 [END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

*Mr. Kevin M. Fahey
February 6, 2020
ISO Interview*

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is February 6, 2020. The time is now
3 10:15. I'm (b) (6), (b) (7)(C), and with me today is (b) (6), (b) (7)(C),
4 and Agent (b) (6), (b) (7)(C). We are investigators and auditors from
5 the DoD OIG. We are interviewing the witness, the Honorable Kevin
6 M. Fahey. We are located in the Pentagon in Suite (b) (6), (b) (7)(C). We are
7 conducting an investigation of the DoD Joint Enterprise Defense
8 Infrastructure Cloud Services Procurement. In addition, we are
9 investigating an allegation that Ms. Ms. Stacy A. Cummings
10 violated Title 18 U.S.C. Section 208, and the JER by
11 participating personally and substantially in a particular matter
12 involving specific parties that had a direct and predictable
13 effect on her financial interest, which is Microsoft. At this
14 time I ask that you to acknowledge that this interview is being
15 recorded.

16 HON FAHEY: I acknowledge the interview is being recorded.

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

19 HON FAHEY: I acknowledge you provided me the Privacy
20 Notice.

21 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
22 your right hand?

23 Whereupon:

24 HONORABLE KEVIN M. FAHEY

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

1 following testimony:

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

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

4 Q: So can you please explain your current position and
5 organization?

6 A: So I am the Assistant Secretary of Defense for
7 Acquisition, and I work for Ms. Lord who's the Under Secretary of
8 Defense for Acquisition and Sustainment, and she works directly
9 for the Secretary of Defense. I am sort of the expert and the
10 people who rely on for acquisition, policy, programs, you name
11 it.

12 Q: And how long have you served in that position?

13 A: Oh, man. It's been almost two years, and the reason I
14 know that is I started after the President followed two years
15 ago. So, almost two years ago. Not quite.

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

17 A: So, it's acquisition. So my responsibility is what I
18 would say is the oversight of the Department of Defense
19 Acquisition System, right? Defense Acquisition System. So, I
20 write the policy. I also track the programs, make sure people are
21 being compliant, give -- so the people that work for me, all the
22 procurement guys do, the procurement and pricing guys do. I've
23 got two Deputy Assistants that focus on weapons systems, and
24 that's everything Army, Navy, Air Force, Special Ops, NRO. Ms.
25 Lord is also the Acquisition person for intel programs that

1 aren't necessarily here, and then Stacy Cummings who her job is
2 really policy. So, she's called Acquisition Enablers. So, for
3 years as you know people have been talking about acquisition
4 reform, and every year we do a study, and so I figured it might
5 be a good idea to have an organization that that is their focus.
6 How do I continue to keep policy up to date and continually do
7 the innovative things to make acquisition more effective and
8 efficient? So that's, and then there's two organizations that I'm
9 sort of their - I would say their staff responsibility, but they
10 are like dotted lines to me and that's DAU, Defense Acquisition
11 University, and DCMA which is Contract Management. So, they don't
12 necessarily work for me, but I sort of take care of them.

13 Q: And what regulation or DoD instructions govern your
14 roles and responsibilities as the ASDA?

15 A: I don't know the number, but I've read it because when
16 I did my Congressional hearing that's part of, you probably are
17 familiar with is we just reorganized from AT&L to A&S and R&E.
18 The only good thing is I'm the only one that stayed with the same
19 letter, but part of that was we had to provide them my job
20 description and duties that are in the Army, in the Department of
21 Defense regulations. But as you know, we're in fact right now
22 revising the charters to have a charter for A&S, and R&E-versus
23 the AT&L Charter which would really explain exactly what - the
24 other thing that I didn't know but I do now is we're also, you
25 probably know, re-writing all the policies related to

1 acquisition. There is a DoD handbook that explains how we
2 operate, which I wish I knew that before I came in here, and
3 they're asking me to re-write it on how the new acquisition
4 policy will affect how we do acquisitions.

5 Q: So, speaking of that, what was the impetus for
6 establishing the Acquisition Enabler's Directorate?

7 A: Well that was exactly it. So, you probably don't know
8 my background. So, I was a government employee for 34 years. I
9 was an acquisition guy. I was a PEO for 10 years in the Army. I
10 retired. I was fat, dumb, and happy and Ms. Lord I guess in a
11 weak moment convinced me to come back. So, as you can imagine,
12 unlike a high percentage of people here that have been in OSD
13 forever that tell the services how to do acquisition but they've
14 never done it, is I've done it. And so part of my thing was I'm
15 going to change this idea of oversight, and then how do we
16 delegate responsibility and authorities, and then hold people
17 accountable, and give them the right tools, and the new policies,
18 and all of that stuff. And like I said, when I got here I got the
19 crap beat out of me by the Hill about all of the authorities, and
20 reform, and we had this 809 panel. Have you ever heard about the
21 809 panel? If you haven't, they did a document that's like 3,000
22 pages thick about how we should reform acquisition. And so my
23 thing is, is everybody's always beating on us on how do we
24 improve acquisition? When I went from AT&L, to A&S and R&E, I
25 thought it would be really good to have an organization that

1 their focus was always on how do I make acquisition better? And
2 so that's the -- so her responsibility is all the policy stuff,
3 acquisition data, how do we have transparency from us to the
4 services, to Congress on what are our execution of programs?
5 Those are probably two biggest areas, and so things like
6 intellectual property, cadre of people across the services. So
7 her job is really on what are the things that we got to
8 continually do to improve acquisitions?

9 Q: And when did she assume her position as the Principle
10 Deputy?

11 A: Oh, let me think about that. Within the last year,
12 eight months maybe. I don't know. So she was, so how I knew her?
13 So the day I showed up for this job, is Ms. Lord invited me to a
14 meeting. I'm saying, "Why am I going to this meeting?" So we also
15 are responsible for the electronic health records, which is a
16 program between us and the VA, and Ms. Lord was overseeing that.
17 She invited me to that meeting, so she could put me in charge of
18 that. So, I'm the acquisition guy that oversees the electronic
19 health records. Stacy Cummings was the PEO under Health Affairs
20 doing the business system.

21 Q: Do you know what her tenure was with Health Affairs?

22 A: So my thinking is it -- my gut says it was probably
23 about four years, because she came to me and Ms. Lord and said,
24 "I've been doing this job for a while. I'm probably ready for a
25 change." And so we thought that this would be a good job for her.

1 Q: And when did she approach you about this new position?

2 A: Probably within six months of me getting here.

3 Q: And you arrived when?

4 A: February of two years ago, '18.

5 Q: So was the A&E initiative in the process during that
6 time?

7 A: Yes. Right? So, I did something that I tough was
8 brilliant when I reorganized, but in hindsight it wasn't real
9 brilliant because as you know the Department of Defense Human
10 Resources is not the most user friendly. I changed every job in
11 my organization. There is nobody in my organization that has the
12 same job description they had when they were AT&L. And so
13 originally what Acquisition looked like is I really had three
14 DASDs that weapon systems were split between three. Contracting
15 and pricing used to report directly to the Under, now reports to
16 me. And then that's when I created Acquisition Enablers. So I was
17 sort of creating it probably about the same time she was
18 interested in doing something different.

19 Q: And when did the organization stand up?

20 A: Oh, my God. So the organization, I would argue that he
21 organization stood up in July of '19 because that's when Deputy
22 Secretary Shanahan signed the memo that explained the split
23 between AT&L of what was R&E and A&S. So, I would say that, in
24 July is when he signed the memo that says, "Here's our execution
25 of NDAA." I think it was 901, right? Which told us to split it

1 up. As you know that was a Congressionally directed action, and
2 that was his memo that said, "Here's how I did what you told me I
3 had to do."

4 Q: July of 2019?

5 A: July of 2000, let me think about that, '19. And what I
6 would tell you is, the date that I remember that I sort of was
7 new was September of '18. But when Secretary Shanahan actually
8 signed the document - so as you can imagine, it wasn't like we
9 waited to have R&E and A&S until we figured out what the split
10 was - because you know (b) (6), (b) (7)(C) actually showed up the same
11 week I did. So, there was a date that we had to be the two, Ms.
12 Lord came in as Under, as AT&L. It was soon after that that she
13 assumed both positions, and then (b) (6), (b) (7)(C) came in and then
14 they worked the details of what that meant. So, I know September
15 was sort of a date that sort of said, now it's split, and I think
16 July was the date that Secretary Shanahan signed the
17 documentation that explained who did what to whom.

18 Q: And is there a particular chart, or regulation, or DoD
19 instruction that governs the roles and responsibilities for Ms.
20 Cummings as the Principle Deputy of A&E?

21 A: I don't think there is. Obviously there -- she has a
22 job description that explains what she does.

23 Q: Would you be able to provide --

24 A: Absolutely.

25 Q: A copy of the job description. Thank you.

1 A: Just write it down and remind me of what you asked for.

2 Q: Yes. So I went to the A&E website, and it described A&E
3 priorities are to create, train, and to implement the adaptive
4 acquisition framework and support the development of data driven
5 decision-making. Can you please describe to me what that means in
6 layman's terms or translate it for us non-acquisition folks.

7 A: Oh my God. So maybe it's hard for non-acquisition
8 person. So, we used to have this thing called DoD 5001, really is
9 roles and responsibilities. 5002 used to explain how we did
10 acquisition. It was really geared toward what we call major
11 acquisition programs, ACAT I level programs, but it was almost a
12 one size fit all. This applies to major acquisition programs
13 which is defined by Congress by the size of them. But then it
14 says if you're an ACAT II or ACAT III you use that as a guide and
15 then you tailor it to what -- so it was almost like we created a
16 document that one-size-fits-all poorly. And the concept was,
17 here's everything you need to do and tailor out the things that
18 you don't think applies, and tailoring it out was almost
19 impossible. Because every -- there was a functional organization
20 that owned every piece that you tried to tailor out. So when I
21 came in, I came up with this mad idea, which is really the
22 adaptive framework. Ms. Lord was the adaptive framework, mine was
23 what does it mean. And so I created an idea that we tailor in. So
24 5000.01 will still pretty much be the same, roles and
25 responsibilities of the DoD organizations and services. So

1 5000.02 now, basically says you pick the right acquisition
2 pathway consistent with the capability and the risk of the
3 capability you're trying to buy, and then the pathways really are
4 like four different pathways. We have one for software
5 development. That's one of the big areas that we're focused on.
6 Historically, almost everything we had documented talked about
7 how you develop hardware. We had very little about how you
8 develop software. So there's a software pathway. There's also -
9 which would was Congressionally directed, is what we call the
10 middle tier of acquisition. The idea was that we had things that
11 we could do really fast a year or two, and then we had normal
12 programs that take 10 to 15 years. What happens if it's something
13 that you can't do in a year or two so it's not an urgent
14 requirement but the technology is sure that you could deliver
15 them five years, let's create what they called a middle tear of
16 acquisition. So that's another pathway that we just finalized
17 that policy last December like a month ago or whatever it was -
18 two months ago. Other is an urgent requirement, that's a
19 different pathway. Business systems is a different pathway.
20 Services are a different pathway, and major programs is a
21 different pathway. And what we're telling people - it doesn't
22 mean if you're doing a program you can only use one pathway. You
23 could be using middle tear and the software pathway, right? If
24 you're doing a hardware program that obviously -- as you know
25 almost everything we do now is software defined. So we would

1 almost expect everybody to use the software pathway no matter
2 what acquisition pathway you're using. Does that all make sense?
3 So that's adaptive - what Ms. Lord calls it is creative
4 compliance, right? What we're trying to do is force the people in
5 acquisition from the PM to the PEO to the services to do the
6 critical thinking. What I found in a lot of instances when PMs
7 and PEOs came to me, it was about what I didn't have to do
8 because of the mentality of tailoring out, versus here's what I'm
9 buying and because I'm buying it here's the risk. Here's all the
10 things I've got to do, and the other thing is the adaptive - the
11 other focus is, I don't care what you do an urgent requirement, a
12 middle tier, or a major acquisition. You've still got to do
13 sustainment. You've still got to cyber security. So that's sort
14 of -- it was almost like people -- the tailor out was, how do I
15 get out of doing things versus no matter what program I'm doing
16 I've still got to do sustainment. I've still got to do industrial
17 base planning, I've still got to do cyber security. So we have
18 these appendixes that say, I don't care what you're doing or what
19 pathway you're doing, you need to think through this process,
20 right? And my thought process, and I could be wrong and five
21 years from now you go back to the hundred thousand page document
22 is that that forces the functional guys, if you're the PM, to
23 say, "Hey, let me help you with your sustainment program." Not,
24 "I'm not going to let you tailor anything out." So, I could be
25 wrong but it was sort of the thing is to force people to do the

1 critical thinking required for the program they're buying. So
2 that's the idea.

3 Q: So also on the A&E website there's three terms. There's
4 a nice aircraft flying above with these three items below and it
5 states, "Empower, analyze and innovate, which is describing A&E."
6 Can you briefly explain those three areas for Mrs. Cummings role
7 in AE?

8 A: Yeah, so what I would say - so she is the one - what I
9 would tell you, thank God she showed up. And this is what I would
10 tell you, is that her background to a large extent was logistics,
11 and then she did a whole bunch of things in her background. And
12 then her last job was obviously the electronic health records
13 which was without a doubt the biggest business system we and the
14 VA are doing. But she's not -- I mean I was an acquisition guy
15 for - a lot of people say I'm 106 years old. I've been an
16 acquisition person forever. So the best thing about her is I was
17 telling her what I would want -she would always, not argue with
18 me, but challenge me on everything because of her background. And
19 so I learned a lot because she's asking questions that people
20 weren't asking, because a lot of people don't ask the boss
21 questions, right? And so she really has executed Ms Lord and my
22 ideas, and on schedule. Our date was to try to get everything
23 done by December. We still have a few things in January and
24 December, because our mentality was we wanted to focus this year
25 on training and coaching people. Because at least myself I'm only

1 guaranteed until Trump is there. So if he loses, I'm out and
2 whatever. And if he wins then I've got to decide whether I will
3 die if I stay another for another four years. And then the other
4 thing was, okay we do all that. Now that's where she has the data
5 pod. How do I get transparency in data? Right now we have really
6 good transparency and data on major acquisition programs because
7 all acquisition programs got to give us the data. You probably
8 know we give to Congress every year special acquisition reports
9 for all major acquisition programs. So all major acquisition
10 programs have to enter all their data, cost, schedule,
11 performance and all that other stuff in our system. They don't
12 have to do that for ACAT II and IIIs, right? So part of what
13 we're trying to do is what would be the data we need to look for
14 all of it? I report monthly to the Deputy on the status of all
15 major acquisition programs, right? Because we have the data in
16 our database and I report to the Secretary every six weeks,
17 right? So that's her part. And then, the idea is - so we have
18 like 85, I think as of today, major acquisition programs. We look
19 across those programs and are they green? Green means they are
20 executing consistent with their acquisition program basing. I'm
21 doing good not using acronyms. I've got to tell you. Acquisition
22 program basing which is really cost schedule performance. It's
23 yellow if they have a problem, but they've identified a solution.
24 And it's red if they have a problem and they have yet to identify
25 the solution, or they think they're going to breach one of their

1 thresholds from a cost schedule performance perspective. So, what
2 we're trying to do under this new framework is we're not -- we
3 use to oversee and bug every program and tell them that we know
4 better than they do. Now we're basically saying you're
5 accountable. So, I'm going to report your data to the Secretary
6 every month, and if he has questions you're going to answer them.
7 And I'm looking for, and these are good -- a significant
8 percentage of programs has a software problem, right? And so
9 that's why we went to the software. So what are the problems that
10 we have across the defense acquisition system that we need to
11 innovate or change the way we do things, or help in the end? So
12 that's our idea of the policy part is this is what you've got to
13 do, and then the tracking is sort of the data of transparency,
14 and she's in charge of the Department - on not only the
15 acquisition, but acquisition sustainment data. And then the third
16 part is when we see a systemic problem, how do we help the
17 services? I'll give you two great examples that we're focused on.
18 One is intellectual property. That's something that we've
19 struggled with forever, as you can imagine, is the governance
20 position of what we think of into intellectual property in
21 industry is usually one 180 out, right? They think that they
22 should own everything, and we know - by definition with the
23 government never own stuff. The question is what rights do we
24 have to it? So that's one of her big focus areas, one we talked
25 about this morning that I think will be a big focus area which

1 could be related to -- is adaptive manufacturing. We've been
2 talking about that for a while. How do we, OSD, now make it
3 reality? Let's stop talking about it. How do we do pilots and
4 start? And is it just a sustainment thing or is it also how do we
5 get it into like digital engineering and all? So that's the kind
6 of things. What are the things that are the future that are going
7 to change the way we do acquisition?

8 Q: So, circling back to A&E's role in training, tell me
9 about the training?

10 A: So, as you can imagine all of these new things require
11 new training. So DAU actually has a person co-located with Stacy.
12 So as she rolls out the software policy, what is the new software
13 training look like? When we rolled out the new middle tier, what
14 does middle tier look like? When we're rolling out - so, last
15 week or the week before, she had a training forum in the
16 auditorium. It wasn't just us. It was all of OSD on here's what
17 the adaptive training framework looks like. It was her and DAU,
18 this guy that has been with her, and they pulled up the --
19 because we're also designing a new website that basically has all
20 that information that helps people do it. So that's her training
21 piece. As we change the way we're going to do business - for this
22 to be successful, the PMs got to be trained to be accountable,
23 responsible, and do critical thinking, and so she is making that
24 part in partial to rolling out the documents.

25 Q: So please describe the relationship, and you may have

1 already mentioned it before, between Ms. Lord's office and the
2 Chief Information Office, Mr. Deasy, where he sits?

3 A: So, there's a whole bunch of -- so Ms. Lord, as the
4 Under Secretary of Defense for Acquisition and Sustainment ,is
5 responsible for really the defense acquisition and sustainment
6 systems. In addition to that, she has other responsibilities. You
7 probably know she owns all of the nuke, chem/bio stuff. So in
8 addition to A&S, and she also owns all, which we've connected to
9 the sustainment part, all the installation, housing, all that
10 stuff. So, Mr. Deasy is the CIO, right? And I'm biased. He's
11 probably the first CIO we've had that actually understands what
12 it is to be a CIO, right? Because he came from industry as a CIO.
13 If you look at the history of the Defense Department of Defense's
14 CIO, it came from C4 ISR. So command, control, communications,
15 computers, and sensors really, reconnaissance stuff. So it was
16 really not consistent with the CIO. The CIO historically, and
17 this is where it's changing a little bit, was in charge of what I
18 would call the infrastructure data systems, right? The IT
19 infrastructure as it relates to business, where Ms. Lord to a
20 large extent would own the IT staff as it related to weapon
21 systems. Before this war, they were almost totally separate. You
22 know what I mean. We did not necessarily connect our
23 infrastructure to what -- so now it's almost one in the same. So
24 Ms. Lord is still like the principal staff assistant, which means
25 the lead, for things like weapon systems, the control systems,

1 the infrastructure, but now that's tied to Mr. Deasy because he's
2 the overall policy guy. He's the overall policy guy for cyber.
3 He's the overall policy guy for IT in general, but when it comes
4 to weapon systems or the defense industrial base, Ms. Lord is
5 responsible. So they are on many instances connected at the hip.
6 The other thing that's probably the most important thing to like
7 JEDI and DEOS, Ms. Lord is still the acquisition executive. If it
8 was up to Congress, Mr. Deasy would have the responsibility for
9 acquisition of things related to what a CIO, if you look at all
10 the other departments it's a little different, but since -- and
11 our thing is, there is a separation between weapon systems, the
12 infrastructures and stuff. They are connecting, but Ms. Lord owns
13 the weapon system infrastructure and the defense industrial base
14 because she owns acquisition. So they are very well connected,
15 but when he does like JEDI or DEOS, she signed the ADM, the
16 acquisition decision memorandum. So, Mr. Deasy also has DISA
17 under him. Don't ask me what that acronym stands for but it's
18 Defense Information --

19 Q: Information Systems Agency.

20 Q: Agency, right. And they do acquisition, but there
21 acquisition authorities come from Ms. Lord. All acquisition
22 authorities in the Department of Defense, in one way or another,
23 come from Ms. Lord.

24 Q: Earlier, you talked initially about Mrs. Cummings role
25 as the Program Executive for defense healthcare management

1 system.

2 A: Defense electronic health system, right? She was the
3 electronic.

4 Q: Is there anything you would like to share with us in
5 addition to what you stated previously regarding that role?

6 A: No. I mean she did a wonderful job. So it started as a
7 Department of Defense initiative. There were basically -- it's
8 amazing, within the Defense Health System - so if you go to your
9 primary doctor today, you probably could come home and then go on
10 to your computer within minutes and look at the results of your
11 thing, because it's all electronic. I went through cancer
12 treatment two years ago, right when I went showed up here,
13 believe it or not, and it was wonderful because I had like four
14 freaking different doctors, and they could all pick up the same
15 stuff, and they knew what everyone was doing. In the Department
16 of Defense, a lot of it still was manual. So the idea is to make
17 it electronic, just like the commercial business. So good
18 example. I don't get much for being a political and appointee,
19 but I do get to use their healthcare. I go get a blood test, I've
20 got to still fax it to them because it's not electronically put
21 in the system that they can go pick it up. So if I go get a flu
22 shot at CVS, my doctors know like that. So she is
23 institutionalizing that, and implementing it in the Department of
24 Defense which is hundreds of facilities and clinics, and all that
25 stuff. And as you can imagine, business systems are hard because

1 what you're doing is you're automating the manual system, and a
2 lot of people don't -- it's a cultural hard, and as you can
3 imagine, it's probably as hard as anything trying to convince a
4 doctor or something, because they're pretty opinionated. Have you
5 ever notice that? So that's her job. She did it when I started
6 they had just rolled out the first wave and they were getting
7 through the second way. So, I would tell you there was a lot of
8 problems just because all business systems always have a lot of
9 problems when you start. But I think if you ask anybody in OSD,
10 she managed it remarkably from being a team player, being
11 transparent. Even though DOT&E, as you know, always says that
12 things, they are very positive on how she did her program, even
13 though they'll tell you she has a lot of problem. And then in
14 that same timeframe, then the VA decided to use the same tool, so
15 we - she was instrumental in what is the organizational construct
16 between us. In all intents and purposes, we're establishing the
17 joint program office between us in the VA, and she was
18 instrumental in putting that together and working with the VA.

19 Q: And you mentioned the timeframe, you stated you came
20 onboard around September.

21 A: I came aboard around February.

22 Q: February?

23 A: I can't remember exactly when she came on board. As you
24 know, in some aspects it seems like forever, and then some it
25 seems like yesterday. But I think it was in, within the last

1 year.

2 Q: I'm trying to figure out the timeframe that she served
3 with the Defense Electronic Management System.

4 A: So she, I think she told me she had served there for
5 about four years, and that's why she was ready for a new job. And
6 the reason I say that is because I've always been this mentality
7 that every job should be three to five years. You should at
8 least, on a normal job, you do three years because it takes one
9 year to know the program. You never get it right. It takes a
10 third-year to change. On a hard program, it takes three years to
11 have what I call irreversible momentum. And so she must have
12 convinced me that she had learned enough - and it got, I believe
13 after five years you're in the diminishing returns, because
14 everything you're looking at is already your own bath water, and
15 so you think it's great even if it ain't. So that's why I think
16 people should move on after five years, even though in OSD,
17 everybody has been here for 100 years.

18 Q: So now we're going to talk about Ms. Cummings ethics
19 training and her 278, and we'll see what you can share with us
20 about your awareness of her attending any specific ethics
21 training once she came aboard here in A&E.

22 A: So I know she did- as you know, we're all required to
23 do annual training, and we all sign off. And the way that they do
24 it here, which I think is wonderful, is you're all required to go
25 through the briefing, and then what we do is we have a meeting

1 which what they do, which I think is great, is Ms. Lord's senior
2 leaders get up and talk about scenarios of what would you do in
3 this scenario? And I know she attended that. So we all give
4 examples of different scenarios that would put you in an ethical
5 dilemma and what would you do? And as you can imagine, I know she
6 does a 278 because I sign it.

7 Q: Would this be the training slides that would be
8 provided, something similar?

9 A: Something similar, but obviously it wouldn't be new
10 employee training, because it's an annual thing that we all go
11 through.

12 Q: Were you in attendance when Ms. Cummings went and
13 received her annual training briefing?

14 A: I was when she went through her annual training
15 briefing, because I was part of giving that briefing, but I
16 wasn't - this is something you do and you sign off that you did.
17 Like all of our required training.

18 Q: So, did she stand up or was she challenged with any
19 questions to respond to situational questions?

20 A: I'm trying to remember. I don't recall. I don't recall.
21 My gut says probably because she's not a quiet individual, but I
22 don't recall. I do recall, so (b) (6), (b) (7)(C), I don't know if you
23 know (b) (6), (b) (7)(C), he was Sustainment. He's since resigned, but
24 for the most part he and I probably do 90 percent of the talking
25 because he was a retired two star general. So we both have many

1 examples of situations you could get in.

2 Q: And who provided that annual ethics training to you and
3 Ms. Cummings during that session?

4 A: So it's, what's her name? How can I not remember her
5 name? I could get it for you because she's my ethics person to
6 that I ask any (b) (6), (b) (7) is her first name.

7 Q: Oh (b) (6), (b) (7)(C)

8 A: Yes. She's wonderful. So she sort of runs the training,
9 and then there's also another male that is there also. Because
10 normally what happens is we tell a scenario, the audience has to
11 engage, and then they give - was it a good - was what you said
12 right or wrong, right?

13 Q: Thank you.

14 A: And I think that's, personally, when you give examples,
15 I think that's effective training, right? Get everybody to
16 actually have to talk about it.

17 Q: So now I'm going to provide you with a copy of Ms.
18 Cummings 278E, and it is her Financial Disclosure Report. On here
19 you signed it as the supervisor.

20 A: Right.

21 Q: On May 6, 2019. So, if you would, I would like for you
22 to just kind of scan over it and I've highlighted a section
23 regarding Microsoft stuff for you. As you review that, what can
24 you share with us about your review of her 278?

25 A: So I go through my direct reports, which now I don't

1 have many direct reports. I think Stacy is like my only one
2 because I made everyone directly report to her, because she's
3 also, you probably know this is important, in addition to the
4 Acquisition Enablers, she's also my Deputy. So Ms. Lord has an
5 interest -- so all of her assistant secretary's and my reports
6 all had deputies when we got here. Ms. Lord is okay with a deputy
7 as long as they have a day job. So her day job as Acquisition
8 Enablers, but she's also my Deputy. So that's important because,
9 and the reason it's important, and so whenever I'm not available
10 for something, she is the go to person to make consistency. When
11 you don't have a deputy, you sort of spread it out and then you
12 lose consistency. So I go through them all to make sure that I
13 don't believe they have a conflict of interest.

14 Q: And were there any concerns that she disclosed to you
15 when you reviewed it, or anything that you saw that may have --

16 A: No. No. And yeah, I mean it probably -- as you probably
17 know, so I got- like whenever I got the recusal letter, and it
18 scared the crap out of me because I thought she was looking for a
19 job outside of the government, right? So I called her right away
20 and I said, "What the hell is this about? You're going to leave
21 me?" Because she hadn't been there that long, and she said,
22 "No." She had this mistake and explained it to me. So, as you can
23 imagine, as if GD your Lockheed Martin, or Raytheon showed up,
24 you'd obviously say, "Okay. Let me talk about that." But in a lot
25 of instances, sometimes when something like Microsoft shows up,

1 it's not something that's normally our day job. We're normally
2 focused on weapon systems other than when CIO is doing a business
3 system, we get involved in what is their acquisition strategy and
4 does it make sense? Are they doing the right things and all that
5 stuff? So like JEDI, for the most part, that was my involvement
6 also. Definitely more so before Stacy showed up, because Stacy,
7 by definition, also owns the responsibility of business systems
8 and services, and so that - usually the meetings we attend is
9 more about what is the strategy? What are we doing? How are we
10 going to do source selection? And I'll tell you, even on JEDI,
11 even though you could read stuff in the media, they never talked
12 about who? Even when I went through the briefings, all the way up
13 until they selected somebody, and they never revealed who was
14 who. If you go back and all their briefings, even to Ms. Lord,
15 it's like contractor X and Y, it's not their contractor's names,
16 right? So even that, even though you could read stuff in the
17 paper every day, it wasn't like it resonated with that until she
18 brought it up.

19 Q: So circling back to Ms. Cummings advising you, and you
20 receiving her recusal letter, what does she say?

21 A: She basically said that she has this -- I don't even
22 know if she said whether she said if it was her or her husband,
23 or if it's joint, has this stock with Microsoft, has had it
24 forever, and just had not thought about it until it came to her
25 attention. I think the CIO brought it to her attention. It came

1 to her attention somehow. And then I mean, as you can imagine,
2 then she was flipped out because, I have no -- there is no way I
3 would think Stacy Cummings would ever do anything wrong, and
4 since that day, I mean she has been flipping out about what is
5 this? It shouldn't have ever happened, and she's just beside
6 herself that she didn't think about it, and like you point out, I
7 should have thought about it. As you could imagine I go through a
8 lot of them, and when I go through them, like I said, if a
9 defense contractor showed up, you definitely say what is this?
10 And she's not like me. I have a specific letter that says here's
11 my restrictions, as you know the 278 is supposed to do that for
12 them, even though I also got to do a 278. So that was what
13 happened, and since then, as you can imagine, she hasn't done
14 anything related to JEDI. And I'll tell you, she in no way was
15 part of the source selection, or part of the process, right? She
16 is more of the process and how they're doing it. You know how we
17 do source selections, right? It's really a team that only the
18 people on the team usually knows who's on the team, and who's the
19 Source Selection Authority, right? And who's on the source
20 selection - I was not on the Source Selection Evaluation or
21 Advisory Board, or any of that stuff, and she was not either. So
22 she knows the process, she knows how they do it. She had no
23 insight into who was who in the zoo when they were doing the
24 technical evaluations, right? So, in no way she would have been
25 influencing that. I was even surprised. Personally giving the all

1 of the reading, I was surprised as crap when it came out in the
2 paper who actually one.

3 Q: When did you learn about who won?

4 A: When it came -- well I actually got notified the day
5 they were going to notify everybody, right? Because that's what
6 they told me was, here's the process to notify Congress and put
7 it on the defense - here's who won. So that's a day I knew, and
8 it surprised the crap out of me, right?

9 Q: And who told you about Microsoft winning the contract?

10 A: Dana Deasy.

11 Q: Mr. Deasy?

12 A: Yeah, so he called me in that day. Actually, he said,
13 here's exactly how it went. So I would not have been -- so Ms.
14 Lord was out, I had been involved in the process, and so instead
15 of going to (b) (6), (b) (7)(C) who is Ms. Lord's (b) (6), (b) (7)(C) he called me in
16 and says, hey, Ellen's out. So this is -- it was a time - here's
17 what we're going to do today to let everyone know what is
18 happening.

19 Q: Also you mentioned that Ms. Cummings serves two
20 positions. One as your Deputy. So what are her roles and
21 responsibilities as your Deputy?

22 A: Anything I don't want to do. So here's - I would tell
23 you, so she -- as you can imagine, so I probably spend five hours
24 a day with Ms. Lord, and Ms. Lord is wonderful, she's smart,
25 she's detailed. She doesn't do anything but comes up with a lot

1 of good ideas, and so we are going to do it - so to a large
2 extent whenever I'm out and she's in, she's in charge. Every
3 Monday we have a calendar review. We have a working lunch, so
4 every Monday we go through - and so she's invited to go to every
5 meeting I go to, to make sure that she knows what's going on, but
6 isn't expected to go to my meeting. So Ms. Lord has a, what is it
7 called, a small group meeting which is really her direct reports.
8 Up until Stacy proved herself, and this was like in the last
9 month, if I wasn't around nobody else could go. So I actually
10 went to Ms. Lord I said, "You know Stacy. You know that whatever
11 she says I'm going to support. Why can't she go because I miss
12 out on what you say?" And she said, "Absolutely." So she actually
13 changed the rules based on Stacy, because she can't let Stacy
14 attend and not all of the deputies, right?

15 Q: So what time would that have occurred?

16 A: When she now can go to Ms. Lord's? That was within the
17 last month.

18 Q: Within the last month?

19 A: Yes. So, it's all -- whenever I can't make a meeting,
20 whether it's TDY or I've got to go do something for Ms. Lord or
21 (b) (6), (b) (7)(C), she attends on my behalf. So, before we split, all my
22 direct reports were what they called tier 3, three star
23 equivalent. As part of the reorganization, they all got knocked
24 down to tier 2 with the exception of her job and the contracting
25 pricing job.

1 Q: And what is her tier?

2 A: Three.

3 Q: Two or three?

4 A: Yep. She's a tier 3.

5 Q: Thank you.

6 A: And she was a tier 3 before that too as the PEO.

7 Q: So going back to the ethics briefing and all financial
8 filers are required to ensure that they fall within the lines and
9 regulations of these 14 ethical principles. So I'm handing you
10 these slides right here, and I would like for you to take a look
11 at principal number two, and principal number 14. Two states,
12 "Employees shall not hold financial interest that conflict with
13 the conscientious performance of duty." And 14 reads, "Employees
14 shall endeavor to avoid any actions creating the appearance that
15 they are violating a law or the ethical standards set forth in
16 standards of ethical conduct, whether particular circumstances
17 create an appearance that the law or these standards have been
18 violated, shall be determined from the perspective of a
19 reasonable person with knowledge of the relevant facts." So, in
20 Mrs. Cummings role in her ownerships in stock, and we know that
21 the award for Microsoft for the JEDI contract, can you please
22 explain --

23 A: I will tell you my opinion, right?

24 A: Yes.

25 A: So on number three, there is in no way that Stacy was

1 influencing a decision for her financial benefit, right? I just
2 think it was an oversight and I just -- there is no way that she
3 was thinking, "Hey, I own stock, and I'm going to." I don't --
4 like I said is when we talk to them, our role was to make sure
5 that the process was right, and how was Ms. Lord involved, and
6 even or briefings with Ms. Lord didn't have who was who. You know
7 what I mean? Like I said, I was surprised it was Microsoft all
8 the way to the end, so I don't think in any way she was thinking
9 I'm going to make a decision or influence anything. Obviously
10 when you look, go to 14 in hindsight, that is absolutely a -- the
11 perception of reality would be she had stock and she was part of
12 it. You know what I mean?

13 Q: Uh, huh [affirmative response].

14 A: But I don't think -- because she was dumbfounded,
15 right? So, I don't know this, because like I said, she just
16 started, she said she's had that for like 100 years. It's not
17 like it's a new thing. It's just not something she thought about,
18 and when it was brought to her attention, like I said, I mean she
19 was almost sick to her stomach. She has not been the same since
20 then. She daydreams a lot, and just is worried about. So I don't
21 think it all she was thinking about how could I financially -- I
22 just think - obviously the perception, as you know, some of it is
23 the reality and some of it -- because if you think about it, it's
24 not even -- in reality it's not even enough money that she is
25 going to put, I mean other than you read about people doing

1 stupid things for travel vouchers and stuff like that. But from
2 that aspect, but the perception - like even like this, there are
3 certain rules if it's unde,r you can do, but we were told even
4 the perception of it is bad. So obviously the perception would be
5 bad, that she does own it and that she was involved with it.
6 Something that was decided in a company that she had financial
7 interest in.

8 Q: So for each of your sub directorates that have these
9 SESs in these positions that fall underneath you, moving forward,
10 regarding their role in the acquisition process, how would you
11 change or ensure that they're aware of that, so that when they
12 are engaging, or empowered, or enabling these acquisitions, they
13 do not cross that threshold?

14 A: Yeah, so I think - this is me, right? I think they are
15 all trained - it's just that, and me, here's my fault, is
16 normally the things that I look for just because of my history
17 and background as a defense contractor, and if you think about
18 most of my employees, right, if you think about it, they are all
19 government guys. So most of their investments that are in a TSP
20 that is not specific to a company and they don't -- not a lot of
21 my government guys that have been direct reports have enough
22 money to diversify like she has, but they definitely are mostly
23 on weapon system stuff and know to stay away. I'll give you a
24 good example. I had a colonel who worked for me that had Ford
25 stock. Historically, Ford doesn't do work for the government, but

1 he was my PM for tactical trucks, right? And so, he got rid of it
2 because just the perception is they do trucks. So, I think for
3 the most part they know better. This is just something that for
4 some reason it didn't register with her.

5 Q: So just to clarify, what was her role in the JEDI
6 acquisition? Was she ever involved in any aspect other than the
7 meetings that we have discussed moving forward?

8 A: So she was involved in more of the meetings of the
9 process, and then after we awarded, how does Ms. Lord maintain
10 her responsibility as acquisition oversight? So if you look at
11 part and partial of the decision to award was a milestone
12 decision per se, and in the ADM that Ms. Lord signed, it
13 basically says you need to come back and report to me on X, Y, Z.
14 Not specific to a company. It's really about, now you've awarded
15 it, now let me see how you're executing it and you're putting
16 tasks on contract and that kind of stuff. I think in there,
17 trying to remember, it says come back and see me with six months
18 of award. And obviously you'll be talking about Microsoft at that
19 point, right?

20 Q: So we understand that Ms. Cummings was involved or
21 initiated a phone call with Mr. Peter Ranks who is the Deputy
22 CIO. On or about August 14, 2019, to talk about the JEDI Cloud.
23 What can you tell us about that communication?

24 A: I am not even aware of that communication.

25 Q: Do you know why she would have wanted to speak to Mr.

1 Ranks?

2 A: No. I'm trying to think. As you know, JEDI has been a
3 long drawn out process. You know a lot about JEDI, right? You're
4 also probably familiar with, and let me try to remember this
5 part, at one time the process gave the wrong information to the
6 wrong company. I don't remember the specifics of it. So given
7 what Peter Ranks' job is, he was sort of the overseer from the
8 CIO of that whole thing. And so, and I forget exactly -- I think
9 it was in the debrief. That's what it was, in the debrief. So I
10 don't know, that could have been it. In the debrief they, as you
11 know normally when you give debrief, you don't give each other's
12 information to each bidder, and I think in the debrief which we
13 usually, as you know, we do the line out of the information. I
14 think in the debrief to the non-successful bidder, I don't call
15 them losers, right? We included the Microsoft information. And
16 so, it might have been, at that time there was a discussion on,
17 what is the process to deal with that?

18 Q: And how did you learn about the debrief?

19 A: Mr. Deasy called a meeting with Ms. Lord to inform her,
20 and Stacy was not in that meeting.

21 Q: Do you recall what date that was soon after? Couple of
22 days after the announcement of Microsoft?

23 A: Yes a couple of days. Within days.

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

25 Q: Did you talk about the debriefing - I have a quick

1 question. Is it common for the Department to release the Source
2 Selection Team names as part of debriefing?

3 A: No. Not in my experience. And what I'll tell you, and
4 so here's what I would tell you. You will find nobody in the
5 history of the Department of Defense that has been on more source
6 selections and myself. I was the PEO for 10 years in the Army, so
7 I had been a source sel - I was actually on the evaluation board
8 of the tanker for the Air Force and the bomber. That's how -- so
9 they're all different. Like in the Air Force, they never disclose
10 who was the SSA or on the boards. In the Army, they will disclose
11 who was the Source Selection Authority after the decision was
12 made, but not who was on the board. So for example, when I was
13 the Source Selection Authority on the Army I would call bidders,
14 the successful in the unsuccessful, and tell them why I made the
15 decision within the legal contents of what I could tell them. To
16 just say - both of them knew me because I was there for so long,
17 and I just wanted to tell them, "Hey, I was the guy and this is
18 why I made the decision." But I've never - so two things that I
19 never had in my experience. One is I've never seen a paper
20 debrief be the whole process. And the other is I've never seen
21 disclosure of who was on the Source Selection Evaluation Board.
22 Because I always had a verbal engagement.

23 Q: Oral debriefing?

24 A: Yeah. But, WHS here has never -- never does an in
25 person debrief. So that was - being new to here, that surprised

1 me in both instances.

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

3 Q: So I am, now this is prior to Mrs. Cummings' recusal
4 letter. So, I have a series of e-mail here, one of which you are
5 on, and it goes back from September 11 to September 13, 2019. So,
6 in that e-mail to Ms. Cummings from Mr. , it says, "Stacy, we've
7 been holding regular meetings with the Sec Def as part of our
8 review of the JEDI Cloud program. We are nearing the point where
9 we will present him with a range of options for the strategy
10 moving forward. I'd like to run through the list with you to get
11 your insight and prepare for an eventual prebrief with Ms. Lord
12 before we bring the full list to the Secretary." So why did Mr.
13 Ranks want her to review the list of options briefings slides?

14 A: Where is that?

15 Q: Oh, this is keeping her up to date on the program, and
16 this is the ADM. Here it is right here. Sorry.

17 A: So this is not related to who we're going to select. If
18 you recall, this is related to when the Secretary came in, right?
19 He was wondering what the JEDI is and what it was all about. And
20 so this was more about the JEDI strategy, and the single
21 contract, and those kind of things, and the CIO was identifying
22 different options on how to proceed with JEDI. You know what I
23 mean? It was not related to the, who on the contracting, it was
24 -- they were in source selection remember when Secretary Esper
25 came in, he said he promised a review of that to Congress when he

1 was in the hearing. And it was more focused on why a single cloud
2 and the stuff we had done over and over again. If you weren't
3 going to do a single cloud, what would you and what would be the
4 things that you would include or not include, or how would you
5 maybe do a single cloud and then eventually compete it later. It
6 was that kind of stuff.

7 Q: You said "How to proceed with JEDI." Does that mean to
8 award JEDI or?

9 A: No. How to proceed from an acquisition strategy or what
10 is it, and what is it not? From a single cloud, and that kind of
11 stuff. And part of that option was, if we did this, we would have
12 to revise the RFP, and change the RFP and this would be the time
13 it would take to get to award. It was not who are we going to
14 award to and who's in the competition. It was more of what is
15 JEDI, and what is the strategy to get what that would be, and
16 what would it mean in the timeline of getting on --

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

18 Q: But at this point --

19 A: -- all --

20 Q: At this point the competitive range was public?

21 A: Yep. You think about that. I think that was known
22 before Dr. Esper came on board.

23 Q: So, at the point that she's involved in this
24 conversation she was aware that Microsoft and Amazon were the
25 only two competitors?

1 A: Yes. She would be. Like I said, I mean, I was not even
2 -- I mean I could read about it, but I wasn't paying attention,
3 but this meeting was not about that. This meeting was about, do
4 we want to revise the strategy for JEDI and single cloud, and not
5 about the particular vendors.

6 Q: And what feedback did she share with you following this
7 meeting?

8 A: I don't know that she shared any, but I know that I was
9 in the meeting when they went to Ms. Lord.

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

11 Q: And they went to Ms. Lord?

12 A: Yeah, if you read that meeting, it says we would like
13 to talk to about it before we go to Ms. Lord and go to the --

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

15 Q: By they, you mean?

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

17 Q: Mr. Ranks and Ms. Cummings?

18 A: Yeah, and Mr. Deasy was there when they went to Ms.
19 Lord and said, "here's the options we're looking at."

20 Q: Was Ms. Cummings present during that?

21 A: I don't remember, I think so, or either she told me
22 about it to prep me for it.

23 Q: And in what was her role in developing the options or
24 assessing risks, evaluating them, or presenting them?

25 A: So I'll tell you. So, she was an advisor, because as

1 part of my responsibility, as A, we are supposed to, I say
2 supposed to have expertise on all acquisition pathways, of which
3 business systems are one of them. And so she would have been
4 there A&S work, not working level but senior executive level with
5 Peter Ranks advisor from an acquisition perspective.

6 Q: So would she advise on decisions that they were
7 preparing to make?

8 A: Decisions that they would be considering from an
9 acquisition strategy and process perspective, not from a who.
10 Like I said, that's totally independent and hidden from everybody
11 of - the source selection process is a pretty well kept a box of
12 the people that are actually in that process. She in no way would
13 have been, "Hey, were thinking of awarding to Microsoft because
14 of this."

15 Q: What was your role in this process of reviewing the
16 options of --

17 A: Sort of the same thing, as an advisor. Like Ms. Lord
18 sort of has a say because, but only from an acquisition
19 perspective. So, what are the options? It would have been
20 Secretary Norquist's responsibility, and then Ms. Lord would have
21 been more, "Okay, you made that decision to change the strategy
22 which you did not. This is how we would execute it from an
23 acquisition perspective." We would have had to revise the RFP and
24 what that meant? It would have meant that there would have been a
25 whole new set of industry guys competing, and all that stuff.

1 Because that's part of the discussion, and the legal guys are
2 also involved with it. I'm sure (b) (6), (b) (7)(C) was also involved.
3 He's our (b) (6), (b) (7)(C) .

4 Q: So I'm going to share with you another e-mail, and this
5 is from Sharon Woods who is the Program Manager.

6 A: Okay. I know who she is.

7 Q: And you're not CC'd on this e-mail, but (b) (6), (b) (7)(C) is
8 CC'd on this e-mail, and also CC'd on the e-mail is Mr. Ranks.
9 (b) (6), (b) (7)(C), who was the DDS (b) (6), (b) (7)(C) at the time, and it
10 talks about Ms. Cummings. I'll let you take a look at her
11 recommendation regarding adding option 11. So in that e-mail, it
12 states here that Mrs. Cummings provided an additional option
13 which reads, "Keep JEDI, but add a performance requirement that
14 must be met prior to the exercising of the IDIQ option." So can
15 you please explain the rationale for her rationale for her
16 recommendation that she provided to Ms. Woods?

17 A: Sure the other person, (b) (6), (b) (7)(C) Do you know who she is?

18 Q: Yes, sir.

19 A: Okay. So this is consistent with what I just said,
20 right? So the discussion was more on, here's JEDI, here's our
21 strategy to go to a single contract. Here's all the stuff it's
22 going to do, based on what's reviewed, does that make sense? What
23 are the different options? I don't remember the chart
24 specifically, but I'm sure that, part of it was there was some
25 discussion of - the JEDI was always for award to a single person.

1 It's not like the Department of Defense only has one cloud,
2 because we have many clouds. But this was a specific purpose
3 cloud from a warfighter perspective and all that stuff. So, some
4 of the thought process was, given that it took us forever and
5 technology has advanced, is there a way that you award JEDI, and
6 then based on how well they perform, that you now compete things
7 after that. And I think that was sort of her thing here was, is
8 there a way that you add a performance requirement? And some of
9 it I don't remember option 11. Option 11 might have been award to
10 everybody, and then based on their performance, have an IDIQ to
11 both of them, then based on their performance, you give the scope
12 to. You know what I mean? I'll tell you, part of the challenge
13 with changing the strategy, if you think about it, so the
14 original award of the original contract to the contractor, we
15 give them almost no money. They got to do almost all of the work
16 to come up with a unsecure, a secure, and top classified
17 environment, and then based on them doing that, then they get
18 money because then we put work on the contract. And so part of it
19 was that well, if you're going to do that you might have to
20 re-compete it because now it's a different thing that it's not
21 that you're competing and you winning you get it all. You're not
22 really going to -- we might have to pay for that portion now
23 because it's not that once you win you're going to get the
24 additional business. So there were all of those kind of
25 discussions, and when I tell you - I don't remember all of the

1 options on the charts. You probably want to get it to get an idea
2 of what we're talking about.

3 Q: Here are the initial 10 options for you, and while you
4 look at that, sir, did Ms. Cummings receive any type of briefing
5 on JEDI from the CIO Office, or any members from DDS? Did they
6 provide her with any material?

7 A: As far as what? What do you mean?

8 Q: Well, did they share with her maybe the initial RFP? I
9 saw that they provided her the initial ADM that Ms. Lord - but
10 was there anything, acquisition related, provided to Ms.
11 Cummings?

12 A: So what I don't know is, given when she came in ,where
13 we were out in the process. So for example --

14 Q: You were pretty far along the process.

15 A: Yeah, so I had a more murder board of the whole
16 strategy and RFP early in the process. Before Sharon Woods was
17 even the PM. There was a lieutenant colonel leading at that time.
18 And the idea of that was, murder board it with the services to
19 get their input to it. So I had seen pretty much what the RFP
20 said, what was the classified part of it, what was the big
21 business case that they did for why it was a single cloud and all
22 that stuff. I'm sure she's got enough briefs on it and things
23 like this, but I don't know whether she said, "Well let me see
24 the -- let me see the original requirements and RFP to get up to
25 speed."

1 Q: What I'm trying to find out is, when did she become
2 more involved with it? Was it just when they discuss the options,
3 or was she privy to any additional information related to the
4 acquisition itself?

5 A: So she was involved beyond - so this was specific to
6 having a new leadership and wanting to make sure that things have
7 not changed since we've strategy, because as you know, it took us
8 forever to get to where we were. So this was a specific effort.
9 I'm sure the other part that she was involved with would be
10 related to this, right? Is from an acquisition perspective,
11 what's the process for us to oversee the program for Ms. Lord to
12 have the data and oversight to do her job? That would be what I
13 was familiar with. Yeah, so that would make sense. If you look at
14 this chart, it has all different kinds of options of awarding
15 things and then doing stuff, and high is the risk to execute,
16 based on the schedule we have. And so what she was saying is
17 consistent with some of these, but a little different was, an
18 IDIQ awarded I think to both. And then you could sort of,
19 depending on how they do, if you look at a lot of what we have on
20 sort of task order contract and locations, there's many
21 contractors on that task order contract that has IDIQ's, and
22 depending on what you're doing, your almost compete each task,
23 right? I think that was.

24 Q: And this was the final option briefing provided to Sec
25 Def. It went down from 10 to 6. Was there any input from Ms.

1 Cummings' involvement in that on the actual options that were
2 presented to the Sec Def?

3 A: So I would say that the answer would be most likely
4 that she - this would be a guess, that she was involved in the
5 meetings as we constructed this, as was I, as was Ms. Lord. So I
6 don't know that any one of these words was changed based on what
7 I said. But some of these things, the wording, or whatever could
8 have, or even rating could have been changed based on her input.
9 Because that's sort of what we did is they would say it, then we
10 would ask specific questions to understand it better and I know
11 they made revisions based on the feedback that they got and
12 better understanding so everybody was on the same sheet of music.
13 What I don't know is, did any one of these numbers or any of
14 these words change because of her advice? But she was definitely
15 in those meetings saying here's what I think.

16 Q: Do you recall or can give me an approximate number of
17 how many meetings Ms. Cummings attended regarding the options?

18 A: I don't know. All I know is I was only in one with Ms.
19 Lord, right?

20 Q: Was Ms. Cummings present in the one that you attended?

21 A: I don't even remember, you know I should know. I have
22 so many damn meetings. I don't remember. Probably, I would think
23 so, because she was our person on there.

24 Q: And how did it impact Deputy Secretary Norquist
25 decision to proceed with the procurement as originally planned,

1 the status quo option?

2 A: I think when he looked at it he said it makes sense
3 just to continue on the path. A lot of it is - we've been trying
4 to do this for a long time. We believe it's a critical capability
5 and it's something that the requirement didn't go away, and so I
6 think he said the quickest way to do it is to go forward. You can
7 always revise the process later on.

8 Q: So here's another e-mail. This is September 24. It's
9 from Ms. Cummings to you, and it says, "Kevin, we would like to
10 reach out to (b) (6), (b) (7)(C) , to ask how they wanted
11 to proceed with getting JEDI on the same trajectory as DEOS other
12 than asking for a meeting to be set up. We don't really have a
13 programmatic force and function anymore." So I'll let you take a
14 look at that, and there's another e-mail below that September
15 24th one. And I would ask that you explain what that e-mail is
16 about, sir.

17 A: Yeah, so, are you familiar with DEOS?

18 A: Yes.

19 A: DEOS is sort of, you know whatever. It's a Microsoft
20 thing that was protested also. Actually they're on my calendar to
21 give me an update. And that is not even awarded by us. It was
22 awarded by GSA which was interesting. So this is -- so consistent
23 with DEOS, right? It's really more about how do you keep Ms.
24 Lord, just like -- so, all of these major acquisition programs as
25 of today, only nine of them report directly to Ms. Lord. Those

1 are weapon systems. So what she does is on everything except for
2 the F35's, because the F35 she sees like every day, but on every
3 other one she gets semiannual IPR to what's the status of the
4 program. So, on DEOS and the ADM, we basically said, this is how
5 we want you to report. That's what this is about, right? Is we
6 need to -- I think - is this prior to when we signed the ADM? Do
7 you know?

8 Q: Yes.

9 A: I think- because that's what this was about. I think
10 the ADM says what we should do as far as them reporting to Ms.
11 Lord and keep her in the loop. So this is more about how do we
12 keep Ms. Lord in the loop of the status and execution of the
13 program, because she is the acquisition person.

14 Q: So circling back to Ms. Cummings, what affect did her
15 actions have on the decision to select Microsoft as the winner
16 for the JEDI Cloud contract?

17 A: I don't think her action had anything to do with
18 selecting Microsoft.

19 Q: Why?

20 A: Well because she was not involved at all with -- she
21 was not involved at all with what the source selection criteria
22 was, or the process that they went through when they were doing
23 what we, because you know, you know how the process works, right?
24 When you're trying to figure out what you want, what you figure
25 out is in section L and M, what is your source selection criteria

1 and evaluation going to be? What you believe are the
2 discriminators based on what you're trying to buy. She had
3 nothing to do with the source selection criteria, and then it's
4 the execution of that, the Source Selection Evaluation Board
5 evaluates those, and then the people like the Advisory Board and
6 the decision maker do the trade-off analysis between the
7 different criteria. She was not involved in any of that. She was
8 an advisor to the process, not at all part of what is the
9 criteria? How are we going to select them? Or the analysis of how
10 good they were or not.

11 Q: And what did you discuss with her with him about her
12 involvement with in JEDI Cloud meetings, given the fact that
13 Microsoft and Amazon were the final competitors for the contract?

14 A: We never had a discussion about competitors. We really
15 talk more about how do we keep do we keep track of the program?
16 How do we keep Ms. Lord's equities? How do we make sure she's
17 informed with what she needs to be informed of?

18 Q: And what about the appearance of a conflict of
19 interest?

20 A: You know, so that was -- the only time we had that
21 discussion was when she came in with the - when I called her up
22 going, "You're not quitting." Right? Is she knew it was wrong. It
23 wasn't like she had any question, is it wrong or not? It was, "Oh
24 God. I just obviously missed it." It was not -- she knows it was
25 wrong. She knows it would be a conflict of interest. She knows

1 that the perception would be bad, but in no way do I think it
2 influenced anything. Because - I don't know. As you can imagine,
3 I have two women that work for me, and if it wasn't for them I
4 would be totally unsuccessful. One is her, and the other one is
5 (b) (6), (b) (7)(C) You might've heard about, she's doing my side
6 for maturity model certification, and both of them are just all
7 about mission and doing the right thing. Neither of them are, you
8 know? And you know sometimes when you try to do the right thing,
9 you just got to keep thinking about doing it right.

10 Q: Are you aware if she provided any input to responses
11 that Mr. Deasy's office prepared in response to two congressional
12 concerns from Senator Reid and Senator Warner?

13 A: I do -- what was the question?

14 Q: So, Senator Reid and Senator Warner sent a letter, and
15 here it is in front of you, sir. Asking Secretary Esper to
16 respond to three concerns. They wanted to know if anyone inside
17 or outside the DoD directed him, and that would be Secretary
18 Esper, to delay or cancel the JEDI program of the award, and has
19 the DoD obtained new information relative to the program that was
20 not available to the IG, GAO, or court of federal claims? And the
21 third question was, what prompted the new examination of the JEDI
22 initiative? Do you know if she was involved in providing any
23 response?

24 A: I don't think so, and the reason I hesitated is because
25 I was trying to remember whether it was staff through me, and I

1 don't remember it being staffed through me. I know I've read it
2 after the fact. Like everyone else does.

3 Q: And this is Mrs. Cummings' e-mail to you disqualifying
4 herself, and its dated 27 September 2019.

5 A: So I took this and I thought she was considering to
6 leave to go work for Microsoft. So I called her like immediately
7 and frantic saying, "Are you leaving?" And then she explained the
8 situation to me. Actually she did not. She said, "Can I come see
9 you?" And explained it.

10 Q: And I know you explained it earlier, but what did she
11 say to you after you contacted her after receiving her letter?

12 A: Sure, exactly what I said earlier. She said I've had --
13 " Me and my husband have had the stock for whatever. I just had
14 not thought about it. It's an oversight." And like I said she was
15 -- she is I mean, overcome by this.

16 Q: And did you talk to the ethics officials?

17 A: I did not. I mean I think the world of (b) (6), (b) (7)(C)
18 gives -- she was my ethics person going through the process, and
19 she does all - as you know my financial stuff is sort of harder,
20 even though I have the same stuff as a government, I've got to go
21 on break it down now that I'm a political. So I know if (b) (6),
22 involved, that she would make sure she did the right thing. (b) (7)
(C)

23 Q: And once again I know we're thinking about it in
24 hindsight. Why do you believe Ms. Cummings did not disqualify
25 herself earlier when Mr. Ranks --

1 A: I just think it - like me, right? I mean, to me, I
2 would have had to remember that when I went through it. It just
3 did not register to her, right? And I think once it registered it
4 was like, "Oh my God.

5 Q: And what direction did Ms. Cummings get on further
6 participation in JEDI?

7 A: None. Obviously, that's what this says, right?

8 Q: And are you aware if she disqualify herself from any
9 other matter?

10 A: Anything that -- I don't know that Microsoft is
11 involved with anything else that we have involvement with. See,
12 I'll tell you, that's it. Up until another week or so, I have
13 still restrictions, right? And even those, so I sort of stay away
14 from them from a perception perspective, because the rule is I
15 can't be involved in anything that I could influence. But most of
16 our meetings we have, it's not like I'm influencing anything,
17 right? I'm not influencing whether you select contract X or Y.
18 But if there's any meetings with any of those people, I purposely
19 don't go, just from a perception perspective. Even though it's
20 not like we're deciding to award to that company, you know what I
21 mean?

22 Q: So how do you respond to the assertion that Ms.
23 Cummings played a substantial role in the JEDI Cloud acquisition?

24 A: She played a role in being advisor to the process,
25 because it's a business system and how do we keep Ms. Lord

1 informed and that the process is good. She played no role in the
2 decision to select Microsoft.

3 Q: And was her role substantial or not substantial?

4 A: You know, I mean I would say it -- put it this way, I
5 would say not substantial, and the reason I would say that is, I
6 would say overall I think her advice had very little influence on
7 changing anything. I think she probably gave good advice, but I
8 don't think in most instances it changed anything, you know I
9 mean?

10 Q: And how do you respond to the allegation that Ms.
11 Cummings participated personally and substantially in a
12 particular matter involving specific parties that could have a
13 direct and predictable effect on her financials?

14 A: So I would argue with the substantial part of it, but
15 obviously since she does have stock with Microsoft, you could say
16 that if she had the wrong intentions that could be true.

17 Q: What about the appearance or the perception of it all?

18 A: I think the perception could be true.

19 Q: And explain why you believe that

20 A: Well because she was involved in a program that
21 Microsoft was involved in and she has stock.

22 (b) (6), (b) (7)(C): Agent (b) (6), (b) (7)(C) do you have any questions?

23 AGENT (b) (6), (b) (7)(C) I do not.

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

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

1 Q: Do you have, or did you have at any point any concerns
2 with the JEDI Cloud procurement?

3 A: Well, let me think about that. Not really, other than -
4 it was a way too political and hard, that's not unique to it. It
5 just seems that that was probably on the extreme. And you know,
6 my job - I go to the Hill all the time. The hardest part is
7 people say the Hill - things like this. You could find - if you
8 ask 10 different staffers that control what happens the same
9 question, you'll get 10 answers and one extreme, and the next
10 extreme depending on who they representing and what committees
11 they're on. So it's just hard. JEDI had a lot of that.

12 Q: What is your current involvement with the JEDI Program?

13 A: So I will continue to be involved as an advisor. So,
14 you'll see in many instances that (b) (6), (b) (7)(C) and I will be the
15 people because we're -- I'm not Ms. Lord's Deputy, but anything
16 that deals with acquisition, I get. So, I will continue to be an
17 advisor. I will continue to be responsible for making sure both
18 JEDI and DEOS and Ms. Lord stays informed. Like I said, the DEOS
19 is on my calendar to give me updates to the protest.

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

21 Q: So with her being a Deputy, how would you segregate the
22 information and communications you have with Ms. Lord regarding
23 JEDI from Ms. Cummings?

24 A: Yeah, I just won't to include her.

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

1 Q: And in terms of the disclosure of Microsoft's
2 information to Amazon, you said you were in a meeting with Ms.
3 Lord when that was --

4 A: So, almost immediately after that happened, Dana called
5 a meeting with Ms. Lord and it was a small group. I think it was
6 just me, Ms. Lord, Dana, Peter Ranks and (b) (6), (b) (7)(C).

7 Q: What was your take on that?

8 A: And Sharon Woods was in there too.

9 Q: What was your take on that, sir?

10 A: Well as you know, it was just stupidity. But it's not
11 the first time that we the Department of Defense have done
12 disclosures. The hard part on this one was - you know how we
13 realized it? Is that Amazon's protest had like detailed
14 information that we were going, how the -- what is that? There
15 were like 130 some questions, whatever the number was, a lot of
16 them. And they then realized that the document they sent them
17 didn't recuse the things they should have. And then they had --
18 the bigger thing was they had at then alert Microsoft, because
19 it's proprietary information to them. And I'll tell you, this is
20 the one where the hard part on that was, by rules, if you get
21 something that you know is wrong, you as a contractor are
22 supposed to immediately stop looking at it, and we the government
23 have evidence that Amazon didn't do that. They actually read a
24 whole bunch of people and their argument was, oh we just assumed
25 that was normal. Some would argue that's crap as you know. So we

1 went -- that was the discussion, and then it was a discussion
2 with Microsoft, is what is Microsoft going to do with the fact
3 that --

4 Q: What is your understanding on that?

5 A: I think the understanding on that is that Microsoft
6 agreed to not do anything, not that they would put it in writing.
7 I don't remember the final outcome to that.

8 Q: And there were two issues that were discussed, I
9 believe, in that meeting. One was disclosure of the proprietary
10 information, and the other one was the deliberate release of the
11 Source Selection Team names.

12 A: Yeah, so that's one of those things whereby regulation
13 that's not against the rules, it's just not something we normally
14 do. That was the legal part and everything else.

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

16 Q: And who made that decision to release the Source
17 Selection Team names?

18 A: WHS. The contracting organization for us.

19 Q: Any particular person in WHS?

20 A: Here's what I said. That's what they normally -- I
21 don't even know if that's what they normally do, they figured
22 they're trying to be transparent because it's the JEDI thing and
23 all of that. And what I would tell you is the reason that it
24 would probably be most sensitive to us is if, what do we do if
25 Amazon wins? Do we have to -- can we still rely on the same team

1 to continue it now that people know who they are. The reason we
2 keep them so that - you couldn't influence them if you wanted to
3 because you don't know who they are. We'd still -- you still
4 would have to do that assessment of integrity and all that stuff.

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

6 Q: So to your statement, you said that they said that it
7 was okay to release them. When we look at the DoD source
8 selection procedures, it actually says the opposite. It states
9 that the Source Selection Teams must not be disclosed.

10 A: Yes.

11 Q: So I'm wondering who made that --

12 A: So in that meeting the thing was that it's not against
13 the rules to do it, we just never do. So, I don't know what
14 documents was that. As you know, we do have a source selection
15 guide that is the best practices, that I think that probably says
16 that.

17 Q: The procedures that are tied to the DFARS, yeah.

18 A: Yeah, that's a procedure not a -- you know how that
19 goes. So the legal guy said it's not against the law.

20 Q: Not against the law but --

21 A: But it's not something we normally do. Like I said is
22 the Air Force doesn't release anything. The Army historically did
23 release the Source Selection Authority, but never the people that
24 did the evaluation.

25 Q: Got it. I don't have any further questions.

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

2 Q: So why do you think this matter has surfaced to the DoD
3 OIG?

4 A: One of two ways. One is there's an individual that did
5 it. Said, "Hey, I think this is a problem." Or, and I don't know,
6 right? It could have been Dana Deasy knows about -- as soon as it
7 happened, we let the leadership know. We let Dana know, and Dana
8 let Mrs. Lord know, right? It could have been Dana saying, "Hey,
9 we need to tell the investigators that this happened. We don't
10 want to be perceived as we're hiding something." I don't know how
11 you know, but it could have been one - my assessment would be one
12 or the other. One is somebody found out about it and reported it
13 as that it could be an issue, or Dana said, "Hey, this happened
14 we need somebody to inter -." I'll tell you, what I told people
15 all the time when I was a PEO, if you think there's anything
16 wrong, call the IG in yourself, because you want them to fix it.
17 It's worse to say, "I'm going to ignore it." That's what I - I
18 don't know why you're investigating it.

19 Q: Is there any additional information that you would like
20 to provide to us?

21 A: As you can tell is I think the world of Stacy. I don't
22 think there's an unethical part of her at all. I trust her. Like
23 I said, I trust her to go to any meeting and make a decision, I
24 don't even question it. If you look at her personal background,
25 from her father being a military guy, her husband is a military,

1 I just think she's as ethical as you get. It was just a really
2 bad mistake that she just for some reason wasn't thinking. She
3 couldn't figure out why she didn't put two and two together,
4 other than it's been something she's reporting forever that it
5 was just not something she thought about.

6 Q: And speaking of - she's always been a civilian in the
7 DoD?

8 A: My understanding is she has always been a civilian. Not
9 in the DoD. She at one time went to the Department of
10 Transportation. She's logistics by background, I know that.
11 Worked in the Navy for quite a while, but she did leave to go to
12 the Department of Transportation for a while.

13 Q: Do you know what her role was in the Navy, for the Navy
14 in acquisitions?

15 A: She was all over -- like I said, she was mostly
16 logistics, right? So, I know that she worked in SPAWAR both
17 Atlantic in Charleston, and in San Diego. I think she got her
18 first SES when she went to San Diego, and then I think in the
19 Department of Transportation is where she probably transitioned a
20 little bit to acquisition, and probably on the business systems
21 sides more than anything else.

22 Q: And do you have any comments or concerns about the way
23 we conducted this interview today?

24 A: No, I think you asked all the right questions. It
25 seemed like you're doing it all right. And I've tried to remember

1 - I can't remember what I did yesterday at this point. I mean I
2 had meetings that I can remember if it was yesterday or last
week.

3 Q: So I do have a final question. I did view your website
page two.

A: Do I have a website?

4 Q: You do.

A: For the longest time I didn't. What does it say?

5 Q: It's still under construction.

A: Okay. That's what I said. Okay, what do you want to
6 know about me?

7 Q: So do you plan on getting your website up at any time
soon?

A: Oh I do, supposedly I do, and like - so you can go to
8 (b) (6), (b) (7)(C), who is the CMMC, and it's wonderful because
she's doing that, she just wrote it up. And she went to go to
9 mine and - so she's taken a thing to make sure my web sites up. I
didn't know. I don't check my website. But it should be up I
10 guess.

(b) (6), (b) (7)(C): So if you remember anything else that you
11 believe may be relevant to our investigation you can contact me.
Finally, in order to protect the integrity of the investigation
12 we ask that you do not discuss this matter or the questions that
we've asked you during this interview with anyone other than your
13 personal attorney, should you choose to consult with one.

HON FAHEY: Okay.

14 (b) (6), (b) (7)(C): So this does not apply to or restrict you of
your right to contact us, an IG, or a Member of Congress. So if
15 anyone persists in asking you about your testimony or this
investigation please inform them that the DoD OIG has asked you
16 not to discuss the matter. And if they do persist in asking you
about your testimony please contact me immediately.

17 HON FAHEY: Yeah, that was what I was wondering is why
18 would somebody know?

19 (b) (6), (b) (7)(C): Our last due out you told me that you would
20 provide me with Ms. Cummings position description.

21 HON FAHEY: I can. I probably could get it right here.

22 (b) (6), (b) (7)(C): The time is now 11:45. This concludes our
23 interview.

24 [The interview terminated at 11:45 a.m., February 6, 2020.]

25 [END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

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INTERVIEW OF

*Mr. Victor Gavin
August 7, 2019
ISO Interview*

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is August 7th, 2019. The time is now
3 10:06 Eastern Standard Time. I am (b) (6), (b) (7)(C) and with me
4 today is (b) (6), (b) (7)(C). We are interviewing the witness, Mr.
5 Victor Gavin. We are conducting this interview in the Mark Center
6 located in Alexandria, Virginia. We are conducting a review of
7 the Joint Enterprise Defense Infrastructure Cloud Acquisition.
8 Specifically our review pertains to several former DoD official's
9 involvement in the JEDI Cloud acquisition and whether their
10 activities violated any ethics or conflicts of interest
11 standards. As the former Deputy Assistant Secretary of the Navy
12 for Command, Control, Communications, Computers, Intelligence,
13 Information Operations, and Space we also want to ask you some
14 questions about your involvement in the JEDI Cloud acquisition.
15 These DoD officials are: Former Secretary of Defense, James
16 Mattis; former Chief of Staff to the Deputy Secretary of Defense,
17 Mr. Anthony DeMartino; former Director of the Cost Assessment and
18 Program Evaluation, Mr. Robert Daigle; former Special Assistant
19 to the Secretary of Defense, Ms. Sally Donnelly; and former DDS
20 Product Manager, Mr. Deap Ubhi. At this time I ask you that you
21 acknowledge that this interview is being recorded.

22 MR. GAVIN: Yes.

23 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
24 your right hand?

25 VICTOR GAVIN

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

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

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

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

6 A: Victor Gavin, G-A-V-I-N.

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

8 A: I work for Amazon Web Services. I'm the head of Federal
9 Business Development.

10 Q: And give us a brief description of your current employ

11 --

12 A: U.S. Business Development to be clear.

13 Q: Okay. Can you tell me a little bit about what you do
14 there for Amazon?

15 A: I'm actually standing up a team of like-minded folks to
16 help accelerate cloud adoption across the federal government.

17 Q: And when did you begin working there with Amazon?

18 A: You would ask for specific dates wouldn't you? June of
19 last year.

20 Q: 2018?

21 A: Yes.

22 Q: And as your former position for the Department of
23 Defense give us a brief description of your duties as DASN C4I
24 Space.

25 A: Sure. I oversaw acquisition of the Navy's networks,

1 computers, satellite programs and applications therein,
2 businesses and applications.

3 Q: Okay. How long did you do that?

4 A: Roughly two, two and a half years or so.

5 Q: So what from what time period was your tenure there
6 with the Navy?

7 A: What year is this? Seventeen? Fifteen through '17, 2015
8 through 2017. I can provide you once we're -- more specific dates
9 at a later time but just off the top of my head.

10 Q: And just for clarity, in this role there with the Navy
11 how long were you in that position, or did you have a position
12 prior to?

13 A: In that role that was the time for that I was the
14 Deputy Assistant Secretary, '15 through '17.

15 Q: Fifteen through '17?

16 A: Yeah, between 2015 and 20 -- I'm sorry '18, '16 through
17 '18. It was two and one half years. Yeah, sorry.

18 Q: Okay. Sorry.

19 Q: No problem.

20 A: Again, I can get you specifics.

21 Q: And what was the impetus for the JEDI Cloud
22 acquisition?

23 A: I can tell you what I believe. I was a part of it. The
24 Department of Defense as well as most other federal agencies see
25 cloud is a, wanted to review cloud is an option for security and

1 storage for hosting of applications.

2 Q: And what financial interest did you or anyone close to
3 you hold that would have prohibited you from participating in the
4 JEDI Cloud acquisition?

5 A: None.

6 Q: What may have caused someone to question your
7 impartiality in carrying out your role in the JEDI Cloud
8 acquisition?

9 A: The only thing I can think of is the fact that I
10 retired and went to work for Amazon, with a cloud provider.

11 Q: And, how did you become involved in the JEDI
12 acquisition?

13 A: Become involved? I would say, I guess I was not
14 directly involved as the DASN. What DoD did is they used those,
15 used every service's input and they're experience in cloud
16 adoption to provide insight into lessons learned from those
17 experiences. So, I think from that perspective is the only input
18 I've had is, what was the Navy doing? What was the Navy's
19 experience in cloud and providing lessons learned.

20 Q: And, based upon your role what was the Navy doing as
21 far as the cloud?

22 A: We had, the Navy had, or System Center Atlantic had a
23 contract with cloud vendors. We had a handful of workloads in the
24 cloud. We were writing a plan to migrate our productivity
25 services to the cloud as well. And, at that time we were also our

1 Systems Center, Pacific, SPAWAR System Center - Pacific was also
2 doing some work with development in the cloud as well. We just
3 started that as well. Software development in the cloud to be
4 more specific.

5 Q: And how long was the Navy engaged in clouds?

6 A: Cloud activity?

7 Q: Yes.

8 A: I'd say probably a year, a year and a half, 18 months
9 or so before my, probably a year before my arrival in the DASN
10 job.

11 Q: So, since 2014?

12 A: No, '15. That would be '15 that wouldn't it? Yeah, '15?

13 Q: Fifteen, thank you.

14 A: Again those are rough dates.

15 Q: And you mentioned vendors, was there one vendor you
16 were working with or were there --

17 A: No, actually we were reviewing them all. You know,
18 obviously we talked Amazon, Microsoft, working with Oracle, we
19 were working with IBM. We were looking at all of them at the
20 time.

21 Q: So at the same time the JEDI Cloud acquisition was
22 going on, the Navy was trying to --

23 A: The Navy had its own activities going on as well.

24 Q: To migrate to the cloud?

25 A: Uh, huh [affirmative response].

1 Q: All of your systems?

2 A: Well, again it depend. The Navy is big. My job as the
3 Deputy Assistant Secretary I was not directly involved in those
4 acquisitions. Those acquisitions took place in these systems
5 centers. Not with me. My role as the oversight of acquisitions
6 there was to understand what they were doing in trying to record
7 those lessons learned back to those in the Pentagon. Well, first
8 of all (b) (6), (b) (7)(C) of the Navy.

9 Q: And who was that at the time?

10 A: (b) (6), (b) (7)(C) at the time. The current one.

11 Q: And, what ethics guidance did you receive concerning
12 your participation in the JEDI Cloud acquisition?

13 A: I guess what I -- well, when I started out going to
14 retire the guidance I was given was to recuse myself from any
15 major decisions associated with cloud contracts.

16 Q: What about when you first participated or became a
17 member, or had a role in the JEDI Cloud? What guidance did you
18 receive from ethics?

19 A: Nothing specific because I'm an acquisition
20 professional. So there are typical requirements associated with a
21 conflict of interest that all acquisition professionals go
22 through. So it was nothing specific to JEDI, but the general
23 requirements of financial interest, and all of those things
24 apply, would apply.

25 Q: And, did you sign an NDA for the JEDI Cloud

1 acquisition?

2 A: I don't believe I did because I wasn't directly
3 involved. I don't believe I ever did.

4 Q: And when you say not directly involved, what were you
5 involved in?

6 A: What DoD set up was what they called -- you said on
7 your sheet here, Cloud Executive Steering Group, and we had
8 regular meetings with the DoD CIO discussing those lessons
9 learned, and again when I'm assuming they took those lessons
10 learned and factored them into what they did with JEDI. But it
11 was no direct contact with the JEDI, those meetings had I don't
12 want to say no, I'll say little direct contact with the JEDI
13 Program Office.

14 Q: So, who were the participants in the CESG meeting?

15 A: Again, I'm going from memory here. Typically it's
16 driven by the DoD CIO and they're typically senior folks from
17 each of the services participating. Each of the services CIOs and
18 folks that worked on acquisitions there.

19 Q: And what was the frequency of these meetings? If you
20 could give me a timeframe of when you first started participating
21 in these meetings and what type of input you provided concerning
22 cloud.

23 A: Sure, sure. Mine, again because I wasn't a member I was
24 a participant, my frequency was probably every other month I
25 would say. Again, I'm going off memory here. There were others.

1 Obviously the CIO would be meeting much more frequently than I
2 would.

3 Q: And when did that began if you can recall?

4 A: Oh, gosh.

5 Q: How long did you participate? That will probably give
6 us a good indication.

7 A: I probably participated until right about the time I
8 recused myself or soon there afterwards I participated. That's
9 the end date, right about the time -- right after -- close to my
10 retirement. All that was close to my retirement.

11 Q: And, did you provide any input regarding just --

12 A: Everything I provided was about what the Navy had
13 experienced in cloud adoption.

14 Q: And, can you share with me some of those facts.

15 A: Oh, sure, sure. At that time we were going through what
16 I call Cloud 101, what cloud is, and what cloud is not. At that
17 time most folks thought of cloud as a data center that someone
18 else operated as opposed to the modern-day infrastructure that
19 all cloud providers provide today. So, we spent much of our time,
20 probably the vast majority of our time trying to explain what
21 cloud is and what cloud isn't to folks there. The other part that
22 we discussed is the challenges to acquiring it. The fact that it
23 was -- cloud is sold as a service and not a product. And we
24 shared our lessons and how we acquired that service which is very
25 different than what the Department of Defense had been used to

1 doing. So, those are the two primary areas that we discussed
2 there.

3 Q: So you said challenges to acquire cloud as a service
4 and not a product?

5 A: Correct.

6 Q: Can you go into detail about that?

7 A: Sure, absolutely, absolutely. So, prior to the cloud
8 adoption the Navy itself owned I'll say 130 or so data centers,
9 individual data centers cross country, and those data centers we
10 owned the buildings. We bought the servers, we bought the
11 processing power, we bought all of those things associated with
12 running, and we operated those things ourselves. In a cloud
13 business model what you do is you buy the service. You don't have
14 -- you have no access to the actual hardware that is running the
15 service. You're paying for the usage of that on an out, on a time
16 base rate. So, it's a very different business model than going in
17 and buying servers, and installing them yourself. Simply, think
18 about this, paying someone to mow your lawn versus buying a
19 lawnmower and all of those things.

20 Q: Okay. Thank you for that. And did you receive any
21 ethics guidance concerning your participation with Amazon?

22 A: With Amazon? Yes. Well, with everybody actually. Prior
23 to that I did. From my official ethics attorney. As I begin
24 seeking, I won't say seeking, investigating whether I wanted to
25 retire or not.

1 Q: And when did you decide that you may want to leave the
2 defense?

3 A: Let's see, I retired in '18, so around -- well '17 I
4 began my questioning, and I'll say I talked to my ethics
5 attorney, and I just, I made the decision to leave in early '18?

6 Q: I mean I ask, why did you want to --

7 A: Why did I want to leave?

8 Q: Yes.

9 A: That's a good question. Thirty-eight years in the
10 federal government. It's the only real job I've had. I went right
11 out of high school, the Navy paid for college, and I've been
12 working for the Navy for 38 years. I have always had the desire
13 to see whether I could make it on the other side, whether I could
14 work in private industry. And then when you become 55 you go,
15 well, it's now or never. Either I'm going to try it now or I'm
16 not ever going to ever scratch this itch. So, that was the
17 decision.

18 Q: And what experiences have you had with Amazon as a
19 cloud provider prior to the JEDI acquisition?

20 A: Yeah, with it through the Navy. The Navy had a, our
21 SSC. Our Atlantic group had a vehicle with Amazon. I have spent
22 some time with them understanding the details of cloud, what
23 cloud is, what cloud is not, and educating myself on that.

24 Q: And you said which command?

25 A: SPAWAR Systems Center Atlantic. It now has a new name.

1 Since I left they changed their name and everything, but when I
2 was there it was SPAWAR Systems Center Atlanta.

3 Q: And, what was the strategy for multiple vendors for
4 future Navy state?

5 A: That's good question. What the Navy always -- where I
6 believe the Navy was headed -- the path the Navy was headed down
7 when I was there was a multi-cloud strategy. We truly believe
8 that there was a difference in hosting of applications, workloads
9 that you build versus things like productivity services. It's
10 probably best hosted in other places. So I believe that was the
11 direction we were headed at the time I was there.

12 Q: And what was the justification for that particular
13 strategy for the Navy? What was the --

14 A: It was more, again this is my opinion at the time more
15 than anything else, but it was more about what we saw the
16 strengths and weaknesses in the cloud vendors' space.

17 Q: And what were the some of the strengths and weaknesses
18 you identified?

19 A: Sure, real simple. We have a product, Microsoft product
20 that is well-versed across the Navy, Microsoft Office. Everyone
21 uses it, has it on the desk. We did a lot of investigation into
22 alternatives as an acquisition person to that product. We looked
23 at things like Google, and other products, and found that those
24 -- migration away from those would have been a pretty dramatic
25 move for the entire Department. So, given that we felt that a

1 cloud adoption of moving that from, that product would have been
2 too detrimental to the Department. So, as a result again, what
3 I'll say to you is we fully believed that that was going to be
4 the case for that line of cloud services.

5 Q: So, are you saying the learning curve for the employees
6 --

7 A: Yeah, it wasn't just the learning curve of employees,
8 there were actually physical, or technical things that weren't --
9 wouldn't transfer over if we attempted to use another product
10 productivity services. There were operational problems that it
11 would cause if we did that.

12 Q: And what advice did you provide to the JEDI Cloud
13 acquisition efforts as the Navy service representative?

14 A: Again, just advice on again our lessons learned, what
15 we saw on the industry, the strengths and weaknesses of the cloud
16 vendors that we saw, our experiences with the contracting in
17 those areas. So that.

18 Q: And you mentioned contracting.

19 A: Uh, huh [affirmative response].

20 Q: What type of contracting issues did you share with
21 them?

22 A: Sure. Again just back to buying a service. The fact
23 that your contracting office would need to understand how to buy
24 a service here especially a service that is going to be changed
25 and modernized by the vendor versus yourself, versus again what

1 we were doing today buying products. That was the biggest hurdle
2 we had contractually.

3 Q: And what discussions have you had about Amazon and the
4 JEDI Cloud acquisition?

5 A: What discussions have I had now?

6 Q: Yes.

7 A: That's interesting. I don't know how to answer that.
8 Well, I have recused myself inside of Amazon, so there's been
9 very little discussion there.

10 Q: Prior to that?

11 A: Oh, prior to going to Amazon?

12 Q: Right, when you were with the Defense Department.

13 A: What discussions did I have with Amazon about it?

14 Q: About Amazon.

15 A: Amazon?

16 Q: And the JEDI Cloud acquisition?

17 A: Oh, sure, sure. Yeah, the strengths and weaknesses of
18 Amazon. We talk specifically about what we've learned, the
19 lessons we've learned from our discussions with Amazon on, and
20 again on their, what cloud is, back to Cloud 101. Here's what
21 Amazon cloud does. Here's what it is, and here's how we in the
22 Navy are using it.

23 Q: So what did you identify as a strength and a weakness
24 for Amazon as a cloud provider?

25 A: So from a strength we truly -- we identified the fact

1 that they were the largest. They clearly had a jump on all the
2 other cloud providers in the business, so that was well known
3 that they had a relationship already, a growing relationship with
4 other federal agencies. It was growing much faster than what the
5 DoD was doing, and like with all cloud providers we thought that
6 the cost model associated with cloud adoption versus doing it on
7 prem, was favorable to the Department -- to the Navy and the
8 Department of Defense. You'd save money. But, I think that last
9 one goes for all cloud providers to be frank with you.

10 Q: Okay. And what was a weakness of the Amazon as a cloud
11 provider?

12 A: The weakness I'd say it has a lot more to do with us
13 and the Department of Defense. The big question we had was are we
14 ready? Because what cloud adoption, any cloud adoption, requires
15 is an educated customer. A customer that understands their roles
16 in keeping our data secure, understanding their roles and again,
17 how we contract and buy it. So, that in our mind was we went
18 through a lot of pain in the Navy learning those things and that
19 was not an easy lift. So, we passed those lessons learned to the
20 DoD as well.

21 Q: And what were some of the I guess tools you used to
22 keep your members informed about how to utilize cloud properly?

23 A: Well, again, I don't want to say I did --

24 Q: Secure it?

25 A: I won't say I did, but again the contract was -- all

1 this execution happened at SSC Atlantic. So, I'm telling you what
2 they did. I was not directly involved. Again, I was just kind of
3 the spokesperson for the Department on this. They had a series of
4 training classes. They got a few people I will say certified,
5 cloud certified to accept and adopt some of those roles and
6 responsibilities.

7 Q: What discussions have you had about other vendors
8 competing for the JEDI contract?

9 A: Very similar to as I said earlier. We talked about
10 everything that we were -- all of the experiences that we've had,
11 the Navy had with the JEDI. I spent a lot of time with Microsoft
12 very similar to -- visited their data centers, spoken to them
13 about what their cloud looks like and the differences between
14 them and others as I mentioned earlier. I have had frank
15 conversations with Oracle about where they are as well. Before
16 they even decided to build a cloud platform so, we've had some
17 discussions with them as well as IBM. We've had several
18 discussions on where IBM is with their product as well. So, I'd
19 say all of the major vendors as an acquisition person responsible
20 for acquisition I have talked to all of them.

21 Q: So, was that during the JEDI acquisition or was this
22 during the Navy's --

23 A: Mostly during the Navy's, but even during JEDI's
24 acquisition again we had contracts, we had opportunities to
25 discuss this. But primarily during the -- it was all for the

1 Navy. Again, I was not on JEDI so I wasn't doing this with a JEDI
2 hat on. This was all about the Navy's side of the acquisition.

3 Q: So when you were in your role here or participating
4 with JEDI did you discuss any other vendors that was competing
5 for the contract?

6 A: Again just from a lessons learned standpoint things
7 that we were, that the Navy was investigating those conversations
8 we had. Sharing those conversations, sharing those lessons
9 learned just education. With the rest of DoD.

10 Q: And did that take place during the CESG meetings with
11 the other services?

12 A: Primarily. Primarily.

13 Q: And did you provide any written response?

14 A: No, no.

15 Q: It was all discussion?

16 A: It was all verbal. And it was primarily driven by them.
17 I mean they would get up and talk about certain things and we
18 would provide input into yes the Navy is doing that. We're doing
19 the following. It wasn't -- we weren't driving the discussion. It
20 was the CESG driving the discussion and we were inputting as to
21 how we, what we've learned in those particular pieces.

22 Q: Do you recall who the members were that --

23 A: Oh gosh. I remember DoD CIO, and I remember of the CESG
24 you're talking?

25 Q: Yes.

1 A: Yeah, but I really don't. I mentioned those senior
2 members, flags, and SESs from all the other services. I know (b) (6), (b) (7)(C)
3 (b) (6), (b) (7)(C) was the DoD (b) (6), (b) (7)(C) at the time when this all
4 started, and there were other senior members that were there.

5 Q: Do you know who SBD Advisors, a company, it's a company
6 called SBD Advisors, are you familiar with them?

7 A: I am not.

8 Q: What about Pallas Advisors?

9 A: No, I am not.

10 Q: What about C5 Capital?

11 A: No.

12 Q: Do you know if there's a relationship between any of
13 these companies and Amazon?

14 A: I have no idea.

15 Q: Do you know if Amazon has an interest in SBD Advisors?

16 A: I have no idea.

17 Q: Okay. So we want to talk about your first-hand
18 knowledge you may have regarding your role and other former DoD
19 officials played in the JEDI Cloud acquisition.

20 A: Sure.

21 Q: You mentioned earlier your participation with the CESG.
22 Can you share anything additional that we had not discussed
23 earlier regarding your participation, input you may have provided
24 other than the lessons learned?

25 A: No, that was really it. That truly was. They need --

1 DoD had a separate program office, a separate group that was
2 running the acquisition. I was not part of that. It was all about
3 what we've learned. Oh, one other thing. Was the Navy planning on
4 using the end product after it was awarded? That was a big
5 concern that DoD had as well. They wanted to get commitment from
6 all the services that they would indeed use this vehicle once it
7 was awarded.

8 Q: And what was the consensus from --

9 A: Yes. Yes.

10 Q: Yes?

11 A: Yes. Yes, was the obvious answer. But getting back to
12 what they saw was Navy, Air Force, all the other services were
13 gathering, you know, going out on their own and adopting this
14 service themselves, and wanted assurance that once they awarded
15 it we would all come together.

16 Q: Okay. So how did that impact the Navy's move towards
17 their cloud environment?

18 A: It slowed it down. It slowed it down. We had some very
19 specific things going forward, and when JEDI became more formal
20 we just said okay. We'll slow things down and wait for that
21 product. We didn't cancel the ones that we had, but I believe it
22 did slow down the progress, the Navy's specific progress towards
23 the cloud.

24 Q: What meetings did you attend where former Deputy
25 Secretary of Defense Patrick Shanahan received an update on the

1 JEDI Cloud acquisition?

2 A: Oh, none.

3 Q: Were you ever privy to any conversations that was
4 disclosed to former Deputy Secretary of Defense Patrick Shanahan
5 concerning the JEDI acquisition?

6 A: No.

7 Q: Can you tell us about the single award strategy?

8 A: Uh, huh [affirmative response].

9 Q: And what was your initial thoughts on the single award
10 strategy?

11 A: My initial thoughts?

12 Q: Yes, sir.

13 A: I thought it would be challenging. I thought it would
14 be a challenging thing. And I'll say it this way. I thought it
15 was would be a distraction from -- it would cause a delay in
16 actually getting capability to the Soldiers, Sailors, Marines,
17 and that was my biggest concern.

18 Q: And why did you feel as though there would be
19 challenges? What were the challenges?

20 A: Oh, just the acquisition side. You can see up front
21 that folks were going to challenge that statement up front, and
22 people have said that, and from me, my focus was how do we get
23 this capability to the Soldiers and Sailors as fast as we
24 possibly can? And, I was convinced that a single award strategy
25 would delay that.

1 Q: And who made the decision that the single source
2 strategy would be the best approach for the JEDI acquisition?

3 A: I don't know. I've got to assume the contracting
4 officer, the program office. I've got to assume it was that
5 group.

6 Q: And who is the contracting officer?

7 A: I don't know. I mean I've probably read it somewhere in
8 the media, but again it's not someone I had regular contact with.

9 Q: Do you know what the justification was that was
10 provided for the single source strategy?

11 A: Only what I've read in the media. What they've
12 explained is that, I'll say I'll put it best for the Department
13 of Defense from that standpoint. I don't know the specifics as to
14 what they -- how they justified it.

15 Q: So, we have information that you believed that a
16 multiple award was the best approach for the JEDI contract, and
17 you voiced that position during either focus sessions or meetings
18 with the team. So, explain what your position was.

19 A: Yeah, simply because what I saw was that a single award
20 would get us into, frankly the situation in which we're in where
21 you have vendors protesting, and protesting, and protesting and
22 as a result what it would do is it would draw out the Navy and
23 the Department of Defense's cloud adoption. I strongly felt that
24 a multiple award it would get to the end state that the
25 Department wanted with a multiple award acquisition.

1 Q: And can you simplify that and explain it why that would
2 be a better mechanism to get there?

3 A: Well, what I felt was what we needed was in addition to
4 a cloud strategy, we needed a data strategy. We needed a strategy
5 that says how are we going to deal? I would say characterize or
6 compartmentalize each of our data that we want to do analytics
7 around, and then use that to talk, then go to your cloud vendor
8 to see who's the best, who is most suited to deal with that type
9 of data. So, I was pushing along for a chief data officer inside
10 the Department as well as a cloud data strategy, I'm sorry a data
11 strategy that would lead into the cloud adoption strategy.

12 Q: And, I'd like to talk about your disqualification from
13 duties.

14 A: Uh, huh [affirmative response].

15 Q: A memorandum dated January 11, 2018, and we're showing
16 Mr. Gavin a copy of the memorandum provided to Honorable James
17 Geurts regarding your request for disqualification from duties.

18 A: Uh, huh [affirmative response].

19 Q: We have an unsigned copy here.

20 A: Uh, huh [affirmative response].

21 Q: I would like to know if there were any changes to this
22 unsigned copy that we have here?

23 A: Oh, boy. Let me see. This will be hard to verify. I
24 don't think so, but I'll try. Yeah, I don't believe so, but I
25 have my records. I can check to confirm after this if you would

1 like.

2 Q: And what was the effective date of this
3 disqualification? It's dated January 11.

4 A: January. So, it was around January. I think it was
5 around January timeframe.

6 Q: And, can you tell us about an e-mail that you sent to
7 your ethics advisor dated 26 March 2018, subject position
8 description? So (b) (6), (b) (7)(C) is going to provide you with that
9 e-mail, and there's discussion about you seeking employment with
10 Amazon.

11 A: Okay. This is to -- It was him to me. New business
12 development.

13 Q: As you read that e-mail, and we talked earlier about
14 you seeking employment outside of the Defense because you served
15 over 35 years in the Defense and you wanted to see if you're good
16 enough to work outside of the Defense Department.

17 A: Uh, huh [affirmative response].

18 Q: So based upon the date of that e-mail can you give me a
19 timeframe of when that thought entered your mind that I want to
20 do something different?

21 A: I wanted to retire?

22 Q: Yes.

23 A: Is actually closer to the time I recused myself.

24 Q: So that would be January 2018?

25 A: Yeah. That was actually closer to then than it was to

1 the actual job.

2 Q: Okay. And what guidance did you receive from the ethics
3 advisor there?

4 A: Uh, huh [affirmative response].

5 Q: And that was Mr. Thompson, correct?

6 A: Actually, at the time -- I guess it was. Honestly the
7 guy I spoke most with was a gentleman named (b) (6), (b) (7)(C) who's now, I
8 understand left the Navy. (b) (6), (b) (7)(C) he was the guy I spoke to
9 quite a bit on this -- gave me advice on how to deal with
10 retirement and conversations with industry in that office.

11 Q: So, was that in January of 2018?

12 A: Actually before I bet. It was actually -- I spoke with
13 (b) (6), (b) (7)(C) probably in the fall of 2017 about this. Fall or even summer
14 of 2017 when I began thinking of wondering if I wanted to retire
15 or not. I talked to him first and said, "Hey." Because what I
16 wanted to do was figure out as I said what it's like outside?
17 What's a day in the life and I really wanted to talk to folks
18 about that, talk to companies about that. Different types of
19 companies, different types of industries about what that day in
20 the life was like, and where that line was. Where is the line of
21 talking to them about that, versus a line of recusing myself?
22 When do I need to start recusing myself given that?

23 Q: And what did (b) (6), (b) (7)(C) advise?

24 A: So the advice he gave me was actually pretty comical.
25 He said, "Vic, yes. Feel free to talk. You're in discovery mode."

1 As he put it, and he said. "Think about it like speed dating. You
2 know it's okay to go out and talk to folks about a day in the
3 life, but once you start getting specific about jobs and money,
4 and things of that nature you need to recuse yourself. But it's
5 okay to say hey, what would it be like to work here?"

6 Q: So that conversation predates the January --

7 A: Oh, absolutely. Absolutely.

8 Q: -- 2018?

9 A: Absolutely. Well, several months before that January
10 2018.

11 Q: Did (b) (6), (b) (7)(C) provide you an e-mail in response to your
12 inquiry, or was this just conversation?

13 A: This was a passing phone call with him. I called him up
14 and told him I was doing it. This was a conversation.

15 Q: Any other thing you would like to share with us? Okay.
16 Okay, now we have another e-mail we'd like to share with you and
17 this is from (b) (6), (b) (7)(C). It's dated April 5, 2018, and the
18 subject is JEDI Cloud.

19 A: April?

20 Q: April 5, 2018, yes. And in there it states and your
21 CCed on the line, "Gentleman, if you're wondering how you were
22 invited to this meeting I am the culprit." And this meeting goes
23 on to talk about the JEDI Cloud acquisition strategy, and the
24 acquisition murder board that was to take place on I believe it
25 would have been the 5th of April. So, as you read that e-mail can

1 you try to recall what your involvement was in it after you
2 disqualified yourself and the guidance that they provided to you?

3 A: Okay. Okay. And I'm sorry, your question was?

4 Q: What took place after, this is after your
5 disqualification, what guidance did they provide to you --

6 A: Yeah, I got --

7 Q: -- and what was your participation in this meeting that
8 they held for the JEDI Cloud strategy?

9 A: Well, the guidance that the ethics attorney provided us
10 is written here. It says -- they gave me permission to attend the
11 meeting based on this. I was obviously -- I was obviously
12 concerned about attending that's why send it to them. They said,
13 okay. So, I did attend and again my -- the sole reason for me
14 attending these things is to provide Navy lessons learned.

15 Q: And what, if you can recall what took place during that
16 meeting? What input did you provide or --

17 A: I don't remember.

18 Q: -- what happened?

19 A: There was a whole lot of I'll call it Cloud 101
20 discussions. There's a whole lot of discussion on whether it was
21 putting things in one data center, people not understanding the
22 business model, people not understanding I'll say cloud basics in
23 that meeting. And the group that was leading the meeting did
24 their best to explain what was going on. So, I think from that
25 standpoint that was the vast majority of that discussion there.

1 Q: Do you recall who was leading those conversations?

2 A: I don't remember who was leading, but I know one person
3 that was there because I know her.

4 Q: And in that e-mail there's a list of attendees, can you
5 like to identify who may have led that particular discussion?

6 A: Again the only person I know there by name because I
7 acknowledge her when she was there was Sharon Woods. She was part
8 of that discussion. I wouldn't say she led it, but she was
9 certainly part of it that discussion.

10 Q: Okay. And what was some of the outputs from their
11 viewpoint versus the services viewpoint?

12 A: Again I think they are -- they spent the majority of
13 time at this meeting explaining why cloud was better than doing
14 things on premise, doing things yourself as I recall. That was
15 the vast majority, trying to explain to the members of the other
16 services I would say Cloud 101 at that time.

17 Q: And what were some of the questions that some of, maybe
18 the other --

19 A: That I had? The other folks had?

20 Q: -- some of the other services had?

21 A: Things like so we're going to put all of our
22 information in this single data center? How well is it protected?
23 How well did they protect different things? Acquisition wise,
24 buying a service versus buying a product, all of the lessons
25 learned we tried to talk folks through earlier. Those were the

1 majority of the questions in this meeting.

2 Q: So, if you could explain to me how would that be
3 different to buy a service versus a product?

4 A: Oh, sure. Absolutely. Bottom line a service is one big
5 one color of money. Right, services are bought with operational
6 dollars versus procurement dollars. So that's just a simple one.
7 The other side is services are paid for as you go. So, the
8 ability to predict and forecast your usage is important unlike
9 buying a product. You can buy a product you use it 100 percent of
10 the time. If you're buying a service you have to be able to go
11 more and predict the forecast what their usage is to plan and to
12 set future budgets. The other is contracting for it. What are the
13 terms and conditions around buying a service versus buying a
14 product given someone else is actually going to perform those
15 duties for you. So things of that nature.

16 Q: And what reservations did you have regarding attending
17 the meeting? You mentioned earlier you kind of discussed it in an
18 e-mail, but what were you really concerned about?

19 A: Well the obvious. I had written a letter of recusal
20 some months before. I got invited to this meeting and I figured
21 it wasn't specific to the title and that's why asked the
22 question. That's why I sent the question to the ethics attorney
23 to say, "Hey, what do you think about this?" Yeah, I actually
24 forgot about this thank you.

25 Q: And did you have a discussion with (b) (6), (b) (7)(C) about this

1 at the time? Or was this just --

2 A: Actually I did not. I think I -- (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C)
3 (b) (6), (b) (7)(C) for my office and she was under (b) (6), (b) (7)(C). And what I
4 assumed was that question would flow uphill from her.

5 Q: And do you know if they captured the comments from the
6 services during that?

7 A: I don't know. Because I personally didn't write
8 anything down and I honestly felt a little frustrated in the
9 meeting, to be frank with you, because it was so -- it seemed to
10 be such a rehash of everything that we talked about before. So
11 for me it was very frustrating personally.

12 Q: Did you take anything back to your leadership, I think
13 your CIO at the time?

14 A: Yeah, that I thought JEDI was being delayed because we
15 as a service weren't ready and the Navy should continue its
16 progress towards cloud and not wait for DoD. I was that
17 discouraged by the outcome of the services.

18 Q: Earlier I asked you about your employment with Amazon
19 Web Services and if you could just walk us through that process
20 again of your employment --

21 A: Uh, huh [affirmative response].

22 Q: -- and your decision to leave DoD?

23 A: Sure. Like I said I worked for the Department of the
24 Navy since I graduated from high school. I had the pleasure, the
25 honor of working in many, many different jobs across the, in my

1 career, but the entire time I was there I wanted to know what was
2 it like on the other side, on the industry side, whether I could
3 make it there, as well as to try to make a difference there, to
4 try to help them, somebody in industry understand federal, the
5 federal government. Again I said as I got 55 I'm under the old
6 retirement system. I was eligible to retire. If I wanted to do it
7 is kind of now or never, and that drove my decision. Well that
8 drove my investigation, my decision to investigate it. I then
9 went out I guess in '17 it was and looked specifically at if I'm
10 going to do this what is that look like where would industry use
11 me? So like talk to several companies, not just IT companies it
12 was several companies on it was called the day in the life,
13 several mentors of mine that's retired about what's a day in the
14 life of an ex-civilian in industry. Are you happy there? What
15 actually do you do? So I spent those first six months of after I
16 talked to (b) of having those said conversations with them.

17 Q: Okay. What other companies did you speak with besides
18 Amazon as you sought to --

19 A: Oh, geez. Well honestly, all of the IT companies. The
20 big ones, Microsoft, Oracle, IBM. Some small companies, Metron,
21 some Lockheed Martin I've talk to them. I think I've talked to
22 Raytheon. I think I talked to Northrop Grumman. Oh, gosh. There's
23 so many. I'm sure I'm leaving some off. Please don't hold me to
24 be specific on that, but I was, anybody that I knew that was in
25 those, and when you say talk to the company I'm assuming you mean

1 individuals to those companies, there was never any formal I'll
2 call it conversations. It was more hey, I know a guy that works
3 here. Tell me what you do.

4 Q: And did you receive any ethics advice before leaving
5 the DoD regarding your post government employment?

6 A: Yes.

7 Q: And who provided advice?

8 A: (b) (6), (b) (7)(C) at the time, (b) (6), (b) (7)(C)

9 Q: Was there any additional ethics advisor that provided
10 you advice on post government employment?

11 Q: Was there another ethics advisor who you discussed --

12 A: I think it was -- (b) (6), (b) (7)(C) was my (b) (6), (b) (7)(C) at
13 the time.

14 Q: Okay. Because we understand you talked to Mr. Thompson
15 too, so I was wondering if he was still there as well?

16 A: Yes, yes. Yeah, I think he was but I think it was
17 primarily (b) (6), (b) (7)(C) I think I see the relationship now. Mr. Thompson
18 had dealt with, if I recall, all of the financial disclosure
19 stuff as I recall. Actually we put in our financial disclosure
20 forms and I think he dealt with a lot of that, but I do, I
21 remember talking specifically with (b) (6) mostly about this topic.

22 Q: When you had this discussion did it produce any type of
23 documentation, paperwork, did he go over all of the rules
24 regarding post government employment?

25 A: Yeah, we did all of that, we walked through all of the

1 events. I'm sure was (b) (6), (b) (7)(C)

2 Q: And do you remember what time frame you spoke with (b) (6), (b) (7)(C)
3 (b) (6), (b) (7)(C) about this? Was it before you separated after you separated?

4 A: Oh, it was before I separated.

5 Q: Before separation?

6 A: Yeah, it was before separation. We haven't talked much
7 at all since separation since separating.

8 Q: And what was some of the guidance he provided to you,
9 if you can remember?

10 A: The big discussions we were having, I mean there's a
11 typically, we spent a lot of time discussing the, what do you
12 call it? Cooling-off period I'll call it, the, when can you
13 solicit, lobby, I think lobby is the term, lobby the DoD? At the
14 time in 2017 the new law was in place that extended that lobbying
15 period from, or that lack of lobbying period from one year to two
16 years. And there was a lot of discussion as to whether that
17 applied to this position, or to my position, to the DASN job. So
18 we spent a lot of time I think the law came out in January or
19 February, I think DoD and others spent the next few months trying
20 to figure out what it meant to different folks. So we spent a lot
21 of time talking about that how long that cooling-off period would
22 be for my specific job.

23 Q: And what did (b) (6), (b) (7)(C) tell you the cooling-off period
24 was for your position there with the Navy?

25 A: Two years. It's actually not just with Navy with DoD.

1 It was two years for all DoD. The previous law was specific to
2 your service was one year specific to your service, and that the
3 new law was tied to -- was expanded to all DoD as I recall.

4 Q: Okay. Any other information or discussions that you
5 had?

6 A: That was the primary, because of the newness of the
7 change that was what we spent the majority of our time on because
8 at the time I imagine he was figuring it out as well. So, we
9 spent a lot of our time talking about it.

10 Q: And, did you have any other conversations after you
11 departed the defense? Did you reach back and --

12 A: I did on a couple of occasions. Again, not wanting to
13 overshoot this. Amazon there are lots of silos and I wanted to
14 make sure that things I was about to get involved in that he, --
15 it would not violate those things, so I did reach back to him on
16 a couple of occasions.

17 Q: Okay, and I kind of want to talk about your experience
18 leaving DoD just a little bit.

19 A: Sure.

20 Q: The differences that you learned now that you're with
21 Amazon. Can you share with us what your experience is --

22 A: Differences I learned --

23 Q: -- now working with Amazon as a cloud provider versus a
24 Defense Department? How do things work on the other side?

25 A: Wow. How things work at Amazon versus DoD in general?

1 Q: Well, as it relates to the cloud, things of that
2 nature, how does that function?

3 A: Wow, this is -- I don't know exactly where you want me
4 to go with this but there's a big difference between what Amazon
5 does or any cloud provider does and what the government or any
6 customer would do. What we, and again, I guess I'm talking to you
7 about is Cloud 101. It isn't anything specific to Amazon. It's
8 kind of what all cloud vendors do. What we do in the cloud, and
9 others is we own and we operate the infrastructure that folks
10 applications run on. Let's say you have an application for I
11 don't know sonar development and you want to run that application
12 in the cloud. You would actually put that -- we would actually
13 operate -- we'd use our resources to run that application. You,
14 the DoD, or the person would be responsible for obviously the
15 function of the application. You have responsibility for securing
16 that application. We have responsibility for securing the cloud
17 environment that surrounds it. That's a big difference. In the
18 previous environment the government had both those
19 responsibilities. You had to secure the application as well as
20 the environment that those things were under. So, what cloud does
21 is it kind of creates a separation and offloads the burden on the
22 DoD of operating those environments. The other advantage we get
23 is shared resources, your ability to share resources. Example
24 your laptop. You have a laptop right now that you are running X
25 percent of time of the day. Right now you're not using it. In a

1 cloud environment you make better utility because someone else
2 could be using those resources while you are not. As a result of
3 resources that needed to operate shrinks because you can run the
4 resources 100 percent of the time using different people's
5 applications. So, in your current environment you buy a server,
6 you're basically are buying it for 100 percent usage all the
7 time. Cloud allows you to pay for only what you use, and you
8 think about in areas like costs, budgeting, where we do budgeting
9 at certain times of the year. At times the DoD effectively shut
10 down in some areas like during Christmas season you would see a
11 dip in your usage and that's a savings of funds in a cloud model
12 versus if you bought it, you bought it. You paid for 100 percent
13 usage all the time. So those are the things I've learned to
14 appreciate in the model, and as I said earlier I think there's a
15 huge financial and security benefit to doing it. The other huge
16 benefit of a cloud, that's a hard one, is the security side again
17 across the board. It's not just in Amazon thing. It's across all
18 cloud providers. The business model that's used for security is
19 very different than the business model we use in DoD. In DoD as
20 you know we PPBS System. We ask Congress for money to make
21 changes. We find a problem, we ask Congress. Congress gives you
22 money. You write a contract, you create the thing and you need to
23 deliver it. There's a long time frame for that to happen. In a
24 service model where you are paying for the service, if a threat
25 happens we address the threat. There's no going to Congress to

1 get money, a new requirement, we address that as part of your
2 service as opposed to going and asking you for additional
3 dollars. So, as a result your response time, your security is now
4 increased. You're able to respond much faster to threats in a
5 cloud environment as you are, than you are in an on-premise
6 environment.

7 Q: Okay. Let me ask you a question --

8 A: Sure.

9 Q: -- and this is going back to the Navy and your
10 experience there. How would the cloud work for let's say ships
11 that are underway?

12 A: Oh, wow.

13 Q: -- for a non-secure environment?

14 A: This is interesting. This is part of this? Right now,
15 and I spent 20 some -- most of my career in submarines.
16 Submarines are not connected most of the time. The current cloud
17 requires connectivity. It requires you to be connected to the
18 Internet. Unless you are connected to the Internet you don't
19 have, you can't pass data. So, on ships and other things it's
20 going to have to be a processing suite of equipment onboard
21 specifically for those times that you're not connected.
22 Additionally, the connectivity back to shore from ships is much,
23 much less than what you and I see at home on the Internet. So,
24 and the cloud is built for that type, our type of connectivity,
25 shore based conductivity so, a lot of work has to be done between

1 now and then to have an effective use of cloud in a tactical
2 environment.

3 Q: Specifically for the Navy, what was the Navy's
4 resolution for providing that service to those --

5 A: On the ships?

6 A: Yes.

7 A: Again we we're just dipping our toe in the water as I
8 was leaving. The two vendors that are remaining in JEDI,
9 Microsoft and Amazon are, do have products that they are trying
10 to put into that tactical edge scenario, products that are I'll
11 say put a cloud in a box. They realize that you can do it on
12 shore, how can I put this thing on a device like a ship? So, we
13 had just begun saying hey we should take a look at those. What do
14 those devices look like? Would they be suitable for our
15 environment? Not in withstanding the conductivity problem that
16 neither one of them are solving the conductivity problem. Without
17 that you still have nothing. So, still a lot of work needs to be
18 done before we can have in my opinion an effective cloud on a
19 tactical platform like a ship.

20 Q: What non-procurement information did you have access
21 to?

22 A: Non-procurement information?

23 A: Uh, huh [affirmative response]. Any source selection
24 information?

25 A: On JEDI?

1 Q: Yes.

2 A: Oh none. Absolutely none.

3 Q: And how did you influence the JEDI Cloud acquisition?

4 A: I don't know if you can call it influence, I only
5 provided lessons learned from the Navy. That's all I ever did
6 with those guys.

7 Q: And how do you respond to the assertions in the media
8 that you played a key role in the JEDI Cloud acquisition and had
9 a conflict of interest?

10 A: I can only comment there's a misunderstanding as to
11 what DASNs do. Misunderstandings of how the Program Office was
12 set up, or I won't even call misunderstanding. Someone that
13 doesn't want to understand how that works.

14 Q: So if you wanted to explain how DASN works what would
15 be your response?

16 A: Well, how acquisition works, and the way the
17 acquisition process works is there is an entity that acquires
18 those services, and that this, or JEDI was DoD. They have
19 established all of the criteria. They ended up doing all of the
20 work. They established the Program Office, all of the things on
21 the sheet that you've provided me they do. The services simply,
22 at least the DASN's Office simply only had input in lessons
23 learned as to what our experience in this. I saw none of those
24 documents, I don't believe I did. Yeah, I don't believe I did.

25 Q: Did you see the JROC memorandum?

1 A: No.

2 Q: Did you ever meet Mr. Mattis?

3 (b) (6), (b) (7)(C): Before we move on to Mr. Mattis.

4 (b) (6), (b) (7)(C): Go ahead.

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

6 Q: Let me roll this back and ask a couple of questions,
7 sir.

8 A: Sure.

9 Q: Going back to how you became involved in the JEDI Cloud
10 acquisition, Executive Steering Group specifically, do you
11 remember how that came about?

12 A: No. I think I was just asked to attend. I don't know
13 how it came about to be frank with you.

14 Q: Okay. Here's an e-mail. It's from (b) (6), (b) (7)(C) .

15 A: Okay.

16 Q: To Ms. Ellen Lord.

17 A: Oh.

18 Q: And the date on that is 9/26/2017.

19 A: Uh, huh [affirmative response].

20 Q: The subject is cloud strategy, and I'll let you read
21 that.

22 A: Sure.

23 Q: The gist of it is that your name was submitted to sit
24 on the Executive Steering --

25 A: Okay. Good. Great.

1 Q: -- Cloud Group.

2 A: Great.

3 Q: What was your reaction when you got told you were going
4 to be on it? Did you volunteer?

5 A: Oh, yeah. I'm sure I did. I'm sure I did. I'm sure I
6 did. I was not trying to avoid being involved, and again I was
7 anxious to provide the Navy's lessons learned in this.

8 Q: Okay. Yeah, great. Thank you. Moving on, we talked
9 about your participation in the Cloud Executive Steering Group.
10 What was your position on JEDI?

11 A: Again nothing. I have no position on JEDI.

12 Q: No position. Okay. Did you have a position on Amazon as
13 it related to JEDI?

14 A: Not at all. Absolutely not.

15 Q: Did you have a position on the sole-source contract?

16 A: Not at all.

17 Q: As a representative to Navy your position relative to
18 JEDI and the Navy cloud efforts did you see a connection there?
19 Did you see where JEDI may benefit the Navy or may hinder the
20 Navy's efforts to move to the cloud? What was your viewpoint?

21 A: Oh, sure, sure, sure. Absolutely I saw the need for the
22 Department of Defense to go to the cloud. That was my -- I
23 absolutely agreed with that premise from a JEDI -- which is what
24 JEDI is about. So very positive, that's why I volunteered. I
25 thought that was certainly the right move for the Department. Can

1 again I fully supported that move to the cloud.

2 Q: Did you support the move specifically for JEDI?

3 A: Again, I looked at JEDI as simply the name of the
4 program that did it. What JEDI became, again, it was about cloud
5 adoption. So again most of the things in JEDI I absolutely agree
6 with.

7 Q: So, what I'm hearing you say is JEDI from your
8 viewpoint was the acquisition of the cloud?

9 A: Yes.

10 Q: Not specifically the Amazon cloud?

11 A: No, no. It was broad. It was extremely broad.

12 Q: What were the other services viewpoints from some of
13 these meetings that you were sitting in with the other service
14 representatives? What was their viewpoint on multi-cloud versus
15 single cloud?

16 A: Oh gosh. Honestly I can't say. I have a few friends
17 that have expressed, similar to me express concerns about single
18 versus cloud awards for the same reasons I did, more about
19 slowing the process down than trying to get to a single vendor.
20 Again, that's just some. I'm sure there are some that think the
21 other way as well.

22 Q: All right. Was in the meetings that you attended and
23 where you presented your lessons learned, and it's an opinion
24 question. Were your lessons learned, was your input valued by the
25 Cloud Executive Steering Group?

1 A: I think so. Yeah, I think so.

2 Q: Was there ever any indication that perhaps what you
3 were telling them was not going to be considered or used for the
4 JEDI Cloud acquisition?

5 A: I don't know. Again we didn't -- it was more support of
6 the thing that we're saying then we -- I'll say it this way. I
7 never stood up and gave a presentation to the Cloud Executive
8 Steering Group. I never stood up and said hey this is here's what
9 I think we should do. It was never that. It was all in support of
10 other discussions going around the room.

11 Q: You indicated to us that you had other input to the
12 acquisition plan, and referencing your matrix that you gave us
13 there.

14 A: I'm sorry, I was on the wrong line. I apologize. It
15 should be strategy. That's one line up. I apologize.

16 Q: And thank you for that clarification. Thank you for
17 catching that. I should have done a better job og --

18 Q: Oh, that's fine. That helps us steer our conversation
19 --

20 A: I apologize.

21 Q: -- steer our conversation.

22 A: I apologize.

23 Q: So, with the acquisition strategy we have that you were
24 provided at least a draft acquisition strategy to review, and we
25 believe it was in preparation for the April --

1 A: Correct.

2 Q: -- meeting that you attended.

3 A: Uh, huh [affirmative response]. Uh, huh [affirmative
4 response].

5 Q: What did you if anything have inputs for this draft?

6 A: Only one. Only one.

7 Q: What was that?

8 A: And that was the multi-cloud versus single --
9 multi-award versus single award.

10 Q: And specifically?

11 A: I did not like the idea of doing single award.

12 Q: And how did you express that to?

13 A: Just verbal.

14 Q: Verbal?

15 A: Verbal. Yeah.

16 Q: Anyone specifically?

17 A: Just the team up front. Again I remember Sharon Woods
18 being there. They acknowledged it. They explain their rationale.
19 I explained mine and that was it.

20 Q: Now earlier you stated and once again you're a witness
21 to us, and what we are trying to do is understand --

22 A: Uh, huh [affirmative response].

23 Q: -- the events of which we were not a part of but you
24 were.

25 A: Uh, huh [affirmative response].

1 Q: There are e-mails here concerning the Navy's input to
2 the JEDI RFP. And I'll let you look at those.

3 A: Was I on those?

4 Q: So, based on those e-mails do you recall what the
5 Navy's input to the request for proposal for the JEDI acquisition
6 was?

7 A: I have no idea. I have no idea. Hold on. Let me read
8 it. Let me take a look.

9 Q: Sure.

10 A: No. I have no idea. Because again I never saw the RFP.

11 Q: Did you have any --

12 A: Nor did my staff. I want to be sure. No, nobody on my
13 staff saw the RFP. These e-mails are going to the requirements
14 officer which is the CIO, N2/6. Not the DASN Office.

15 Q: Navy? The Navy CIO?

16 A: Navy CIO, yes. Maybe actually she's not even the CIO.
17 She's the Deputy CIO. At that time the CIO was the Under
18 Secretary. Yeah, yeah. But I never saw the RFP.

19 Q: So, what would your role have been in receiving these
20 e-mails to ensure that the Navy's input got back to --

21 A: At this point I was recused. So, I don't think I had
22 any role at all doing -- because again you're talking
23 requirements and that's why you send it to them. The way the
24 office works, the way the acquisition process works there's a
25 requirement office and there's an acquisition office. N2/N6 is

1 the requirements group. I think that's why (b) (6), (b) (7)(C) was
2 copied on, this was sent to all of the requirements folks on what
3 are the requirements going into it, not to the acquisition side
4 because we weren't even acquiring it.

5 Q: All right. Thank you. Now, in the meeting that you
6 attended after you recused yourself I believe that was in April.

7 A: Uh, huh [affirmative response].

8 Q: Was there any JEDI specific discussion during that
9 meeting that you can recall?

10 A: Well, again it was the strategy. A little bit was on
11 the strategy, but the majority, if I can be frank the majority of
12 the meeting I'll say was Cloud 101 and that's why left the
13 meeting a bit frustrated because the group, the Program Office
14 spent more of their time trying to explain what cloud was than
15 talk specifically about how to acquire it.

16 Q: Was there any Amazon specific conversations?

17 A: No, no. Not at all. Well, again none that I recall. I
18 need to be specific, none that I recall.

19 Q: Okay. How about single source discussion? Was there any
20 single source discussion?

21 A: Yeah again my comments were about single award versus
22 multiple award?

23 Q: Yes.

24 A: Yes, yes. We did talk about that.

25 Q: And that was, once again, all part of the strategy?

1 A: Uh, huh [affirmative response]. Well, yeah. That was
2 part of the discussion about the strategy. Uh, huh [affirmative
3 response].

4 Q: That's it. Thank you.

5 A: Okay, sure.

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

7 Q: So, I'd like to go back over to Mr. Mattis.

8 A: Uh, huh [affirmative response].

9 Q: Have you ever had any interaction with Mr. Mattis as it
10 related to the JEDI acquisition?

11 A: No.

12 Q: Do you know if Mr. Mattis was involved in the decision
13 for a single award strategy?

14 A: No.

15 Q: And do you have any knowledge of what Mr. Mattis'
16 ethics agreement contained?

17 A: No, not at all.

18 Q: Were you ever told by any member there affiliated with
19 the JEDI Cloud acquisition as to what you could or could not
20 speak to Mr. Mattis about?

21 A: No.

22 Q: Do you know if Mr. Mattis received any information
23 about the JEDI Cloud acquisition?

24 A: No. No.

25 Q: Have you ever heard Mr. Mattis say or do anything that

1 would cause you --

2 A: No.

3 Q: -- to question his impartiality --

4 A: No.

5 Q: -- or ethics concerning Amazon?

6 A: No. I've never heard, to be frank I've never heard Mr.
7 Mattis say anything. I've never been in his company. I've never
8 had the honor to be in his company.

9 Q: Have you ever heard Mr. Mattis say anything about any
10 vendors competing for the JEDI --

11 A: No.

12 Q: -- contract?

13 A: No.

14 Q: Did anyone ever tell you or say to you that Mr. Mattis
15 pressured or influenced them --

16 A: No.

17 Q: -- to favor Amazon --

18 A: Anybody.

19 Q: -- over competing vendors?

20 A: No.

21 Q: Do you know if Mr. Mattis had any access to any of the
22 source selection information?

23 A: No. I wouldn't know.

24 Q: And this is your opinion, how did Mr. Mattis influence
25 the JEDI Cloud acquisition?

1 A: I really don't know.

2 Q: And how do you respond to the assertion in the media
3 that Mr. Mattis played a key role in the JEDI Cloud acquisition
4 and had a conflict?

5 A: Yeah, again speculation. The only thing I see is that
6 he had a meeting. They have a picture of him having a meeting
7 with Amazon, and people are asserting that because he had that
8 meeting it influenced the decision. That's all I know.

9 Q: Do you know if Mr. Mattis had a meeting with any other
10 --

11 A: No. I don't know. I don't know.

12 (b) (6), (b) (7)(C): Do you have any questions on Mr. Mattis?

13 (b) (6), (b) (7)(C): No, I have no questions.

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

15 Q: Okay. Now I'd like to move on to Ms. Sally Donnelly.
16 Have you ever met Ms. Sally Donnelly?

17 A: No. This is going to be just like Mr. Mattis.

18 Q: Do you know what Mrs. Sally Donnelly's role was in the
19 acquisition process?

20 A: No.

21 Q: Do you know if she was involved in a single --

22 A: No.

23 Q: -- award strategy?

24 A: No.

25 Q: And are you aware of any ethics agreement that she may

1 have been required to?

2 A: No, not at all.

3 Q: Has Ms. Donnelly ever said or done anything that would
4 cause you to question her impartiality or ethics concerning
5 Amazon?

6 A: No.

7 Q: Has anyone ever told you that Ms. Donnelly said or did
8 something that would cause them to question her impartiality
9 concerning Amazon?

10 A: No.

11 Q: What about concerning the JEDI Cloud acquisition?

12 A: No.

13 Q: Did anyone tell you or say to you that Ms. Donnelly
14 pressured or influenced them to favor Amazon over other competing
15 vendors for the JEDI contract?

16 A: No.

17 Q: Do you know if Ms. Donnelly had any non-procurement
18 information?

19 A: No, don't know.

20 Q: Do you know what Ms. Donnelly's relationship is with or
21 interest in SBD Advisors?

22 A: No.

23 Q: Pallas Advisors?

24 A: No.

25 Q: C5 Capital?

1 A: No.

2 Q: Amazon?

3 A: No.

4 Q: Do you know if Ms. Donnelly needed to disqualify
5 herself from participating in the JEDI Cloud acquisition because
6 of any relationship she had with SBD Advisors, Pallas Advisors,
7 or Amazon?

8 A: Don't know.

9 Q: And how did Ms. Donnelly influence the JEDI
10 acquisition?

11 A: I have no idea.

12 Q: How do you respond to the assertions in the media that
13 Ms. Donnelly played a key role in the JEDI Cloud?

14 A: I know even less about that.

15 Q: Did you ever meet Mr. Anthony DeMartino?

16 A: I don't think so. I don't recall. I don't think I did.

17 Q: Do you know who Mr. DeMartino is?

18 A: No.

19 Q: Do you remember Mr. DeMartino participating in any of
20 the CESG meetings?

21 A: Again I don't recall. I don't. Maybe you could tell me
22 this and maybe I can refresh my memory on it. Is he an Amazon
23 employee?

24 A: No, he's not an Amazon employee. He was here with the
25 Department of Defense as the Chief of Staff to the Deputy

1 Secretary of Defense.

2 A: Oh, okay. Yeah, I definitely don't know him. Definitely
3 don't know him.

4 Q: So would you have any knowledge or information about
5 Mr. DeMartino's ethics agreement?

6 A: No. None at all.

7 Q: Have you ever heard or has anyone ever told you that
8 Mr. DeMartino said or did something that would cause them to
9 question his impartiality --

10 A: No.

11 Q: -- concerning Amazon?

12 A: No never.

13 Q: What about concerning the JEDI Cloud acquisition?

14 A: No.

15 Q: Did anyone tell you or say to you that Mr. DeMartino
16 pressured or influenced them to favor Amazon over competing
17 vendors --

18 A: No.

19 Q: -- for the JEDI contract?

20 A: No.

21 Q: Did you ever feel pressured that Mr. DeMartino
22 pressured or influenced you to favor Amazon over --

23 A: No.

24 Q: -- other competing vendors?

25 A: No.

1 Q: Do you know if Mr. DeMartino had any non-procurement
2 information for the JEDI Cloud acquisition?

3 A: No, don't know. I don't know.

4 Q: Do you know if Mr. DeMartino has a relationship with
5 SBD Advisors?

6 A: Don't know.

7 Q: Pallas Advisors?

8 A: Don't know.

9 Q: C5 Capital?

10 A: Don't know.

11 Q: Or Amazon?

12 A: Don't know.

13 Q: And did Mr. DeMartino need to disqualify himself from
14 participating in the JEDI Cloud acquisition because of any of the
15 relationships he may have had with SBD Advisors, Pallas Advisors,
16 or Amazon?

17 A: Don't know.

18 (b) (6), (b) (7)(C): Any questions for Mr. DeMartino?

19 (b) (6), (b) (7)(C): No.

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

21 Q: How do you respond to the assertion in the media that
22 Mr. DeMartino played a role in the JEDI Cloud acquisition and had
23 a conflict of interest?

24 A: Yeah, I don't know. I really don't know any of the
25 details.

1 Q: Do you know who Mr. Robert Daigle is?

2 A: Yes.

3 Q: And what was your interactions with Mr. Daigle?

4 A: I would say sparse.

5 Q: How frequent?

6 A: Geez, I think the whole time I was there I probably
7 attended maybe three meetings that he chaired. I would say
8 probably less than five meetings that he chaired.

9 Q: And were these meetings the CESG meetings?

10 A: No.

11 Q: What type of meetings were they?

12 A: As I recall he was handling I'll say business systems
13 as well. Trying to do something around business systems. And he
14 had a forum that he was talking to us about business systems.

15 Q: As it related to the JEDI Cloud?

16 A: No, this is not -- it has nothing to do with JEDI at
17 all.

18 Q: Okay. So not related to JEDI?

19 A: Not related to JEDI.

20 Q: What about any interactions with him related to JEDI?

21 A: None.

22 Q: Do you know what Mr. Daigle's involvement in the
23 decision for the single award strategy was?

24 A: No.

25 Q: And, are you aware of any ethics agreements for Mr.

1 Daigle?

2 A: No.

3 Q: We understand that Mr. Daigle initially had a mindset
4 of a multiple award approach was the best strategy --

5 A: Uh, huh [affirmative response].

6 Q: -- and later changed his mind that the single strategy
7 was best. Do you know anything about that?

8 A: No.

9 Q: Have you ever heard him voice --

10 A: I have not.

11 Q: -- an opinion about that in an open forum?

12 A: No.

13 Q: Has anyone ever told you that Mr. Daigle said or did
14 something that would cause them to question his impartiality
15 concerning Amazon?

16 A: No.

17 Q: Concerning the JEDI Cloud acquisition?

18 A: No.

19 Q: Have you ever heard Mr. Daigle say anything about
20 Amazon?

21 A: No. I have not.

22 Q: What about any of the other vendors competing for the
23 JEDI contract?

24 A: No, I didn't.

25 Q: Did anyone say to you that Mr. Daigle pressured or

1 influenced them to favor Amazon over other competing vendors --

2 A: No.

3 Q: -- for the JEDI contract?

4 A: Nope.

5 Q: Do you know if Mr. Daigle had any non-procurement
6 information?

7 A: No, don't know.

8 Q: Okay. Do you know if Mr. Daigle has a relationship or
9 interest in Amazon?

10 A: I don't know.

11 Q: How did Mr. Daigle influence the JEDI Cloud
12 acquisition?

13 A: I don't know.

14 Q: And how do you respond to the assertion in the media
15 that Mr. Daigle played a key role in the JEDI Cloud acquisition
16 and had a conflict of interest? Now, keep in mind Mr. Daigle is
17 the CAPE Director.

18 A: Uh, huh [affirmative response]. Yeah. Look, I don't
19 know.

20 (b) (6), (b) (7)(C): Any follow up on Mr. Daigle?

21 (b) (6), (b) (7)(C): There is one, but if we could take a quick
22 break I need to go grab a document that I didn't bring.

23 (b) (6), (b) (7)(C): Okay. We'll pause the recorders. The time is
24 now 11:27.

25 [The interview paused at 11:27 a.m., August 7, 2019.]

1 [The interview resumed at 11:31 a.m., August 7, 2019.]

2 (b) (6), (b) (7)(C): The time is now 11:31. We are back on the
3 record and (b) (6), (b) (7)(C) has a question.

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

5 Q: Sir, relative to Mr. Daigle and relative to the Navy,
6 can you tell us about Mr. Daigle and the Navy cloud contracting
7 efforts? How did he play a role? How is the relationship?

8 A: I'm not recalling to be honest with you. I know that
9 there was some, and I don't know if it was specifically about
10 him, but there was a lot of -- there were some concern that the
11 Navy as they were moving forward with a lot of this cloud
12 adoption, that it would not join up with the JEDI effort once it
13 was awarded. So, there was a discussion between Mr. Daigle and
14 I'll say the Secretary about first of all ensuring that once JEDI
15 was awarded that we could join the fold, and as a result there
16 was a lot of review as to us continuing on with our efforts in
17 general. So I think that was -- as I recall that was the
18 relationship.

19 Q: At any time did Mr. Daigle try to influence the Navy
20 and their contracting efforts towards a certain cloud?

21 A: A certain one? No. Not that I'm aware of. Not that I'm
22 aware of, it was more aligning contracting efforts, not aligning
23 specific vendors. We never had -- none that I recall.

24 Q: Now, the document I had to go get it's an e-mail.

25 A: Sure.

1 Q: I'll let you review it.

2 A: Okay.

3 Q: And unfortunately with this e-mail it --

4 A: Oh, okay. It's from --

5 Q: The subject is CAPE concern with Department of the Navy
6 cloud services plan.

7 A: You mean why they moved to MILCLOUD2. Okay.

8 Q: When, the top half of this was sent to you by (b) (6), (b) (7)(C)

9 A: Uh, huh [affirmative response]. (b) (6), (b) (7)(C) I'm
10 guessing.

11 Q: And there's a full disclosure that says Mr. Daigle is
12 an independent actor. So Manning may not have the latest relative
13 to the information that's there.

14 A: Uh, huh [affirmative response].

15 Q: Do you have any idea what she meant by that?

16 A: No. No. An independent background? No, I don't know. I
17 don't know. I really don't.

18 Q: Okay. So again in light of this e-mail and the CAPE
19 concern with the Navy's cloud services plan.

20 A: Uh, huh [affirmative response].

21 Q: What do you know of Mr. Daigle's position of the Navy
22 relative to the JEDI Cloud acquisition and specifically Amazon?
23 Was there any direct guidance from Mr. Daigle and how the Navy
24 should proceed?

25 A: Not to me. There was never any direct guidance to me or

1 anyone that I've heard of on how the Navy should proceed. The
2 only conversations I recall having, and I didn't even have one
3 with Mr. Daigle. The only concern that was relayed to me about
4 Mr. Daigle's concern was again the Navy's adopting JEDI once it
5 was awarded, and would the efforts that we had moving forward
6 allow us to do that adoption.

7 Q: What was the Navy's position on adopting JEDI?

8 A: We agreed.

9 Q: And were there any issues with proceeding forward with
10 that --

11 A: With our current plans, no. There were a couple of, in
12 between JEDI the Navy awarded a cloud contract probably in
13 '17/'18, and that was -- I think that was one of Daigle's
14 concerns, but again, he agreed at the end of the day after the
15 Secretary told him that yes, we would migrate as soon as JEDI was
16 awarded.

17 Q: Thank you.

18 A: Uh, huh [affirmative response].

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

20 Q: So, just to confirm, so the Navy's cloud adoption is
21 still ongoing? It's just kind of been put --

22 A: As far as I know. Again I've been gone a little over a
23 year so as far as I know the Navy is still running the contracts
24 that it has regarding cloud. Just as the Air Force and everyone
25 else.

1 Q: Okay. So now I'd like to move on to Mr. Ubhi. Do you
2 know who Mr. Deap Ubhi is?

3 A: I do not.

4 Q: Have you ever had any interactions with Mr. Ubhi?

5 A: I really don't think so.

6 Q: And he is --

7 A: Was he in that meeting? I didn't see his name on it.

8 Was he on the list for the CESG meeting that I attended? That
9 might be the only time I possibly --

10 Q: I --

11 A: -- was even in a room with him, but I didn't even -- I
12 didn't look that closely.

13 Q: I don't think he was on that list.

14 A: Yeah.

15 (b) (6), (b) (7)(C): I'll look for the list, go ahead.

16 Q: Okay.

17 A: Yeah, but I never spoke to him.

18 Q: Do you know if Mr. Ubhi was involved in the decision
19 for a single award strategy?

20 A: I don't know.

21 Q: And you have any knowledge of any of the members in DDS
22 requiring a -- any type of ethics agreement or special ethics?

23 A: I wasn't involved in that at all.

24 Q: Okay.

25 A: I have no involvement in that.

1 (b) (6), (b) (7)(C): And, for the record no Mr. Ubhi was not in
2 attendance at the referenced meeting.

3 A: Okay. Yeah, I just wanted to make sure I wasn't lying
4 to you when I said I've never seen him. But I couldn't pick him
5 out of a lineup.

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

7 Q: Has anyone ever told you that Mr. Ubhi said or did
8 something that would cause them to question his impartiality
9 concerning Amazon?

10 A: No. Other than the media.

11 Q: Concerning the JEDI Cloud acquisition?

12 A: No.

13 Q: Have you ever heard Mr. Ubhi say anything about Amazon?

14 A: No.

15 Q: What about other vendors competing for the contract?

16 A: No. Never.

17 Q: Did one anyone tell you or say that Mr. Ubhi pressured
18 or influenced them to favor Amazon over other competing vendors
19 for the JEDI contract?

20 A: No.

21 Q: Do you know if Mr. Ubhi had access to any
22 non-procurement information?

23 A: I don't know.

24 Q: And what is your understanding of Mr. Ubhi's
25 relationship with or interest in Amazon?

1 A: I don't know.

2 Q: What can you tell us about Mr. Ubhi leaving his
3 position with DoD and accepting employment with Amazon?

4 A: I don't know.

5 Q: And how did Mr. Ubhi influence the JEDI Cloud
6 acquisition?

7 A: I don't know.

8 Q: How you respond to the assertions in media that Mr.
9 Ubhi played a role in the JEDI Cloud acquisition and had a
10 conflict of interest?

11 A: I don't know. I don't have a clue at this point.

12 Q: What can you tell us about Mr. Ubhi performing as a
13 program, as you were, as a product manager for the JEDI Cloud
14 acquisition?

15 A: Don't know.

16 Q: Do you know what the product manager does or serves in
17 --

18 A: He works for Amazon?

19 A: No, this is with DDS.

20 A: DDS, yeah, I don't know.

21 Q: Is there a difference between a program manager and
22 product manager?

23 A: Again, I don't want to speculate in this case how they
24 define it. I've seen it defined in many ways on different
25 programs. So, I don't know specifically how they defined it in

1 JEDI.

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

3 Q: How would the Navy define it JEDI?

4 A: So, in the Navy when I was the PEO, what I would
5 typically do is program is something that has a formal
6 acquisition process versus a product manager. Example, engine
7 maybe is program so that would program manager that you get your
8 money from Congress specific for that, work effort, money is
9 allocated directly. The reporting structures back to leadership
10 on performance and that nature. A product manager is someone I'll
11 say that manages the data centers, and the data center is
12 something that is funded via I'll say working capital fund where
13 people contribute money to keep it running. They pay for access.
14 That money was not allocated through Congress so we decided, we
15 give those two different names, program manager because you have
16 different reporting criteria, different criteria, and product,
17 you do not.

18 Q: Thank you.

19 A: But again I have no idea of whether that's the
20 definition they. So, I'm not sure what they -- how they define
21 it.

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

23 Q: Okay. Thank you. So, thinking of the individuals we've
24 mentioned today were you ever in a meeting at which any one of
25 them changed the subject or excused themselves because he or she

1 or someone close to them had a conflicting financial interest
2 that might be impacted by the JEDI acquisition?

3 A: No.

4 Q: Did anyone attempt to write the JEDI Cloud
5 requirements, JROC memorandum, statement of objectives, technical
6 requirements, or any other requirements in a way that favored
7 Amazon over its competitors?

8 A: Not that I know of. Not to my knowledge.

9 Q: Did anyone attempt to include or exclude any
10 information in --

11 A: I just say that I don't know because I really don't.

12 Q: -- the RFP that would serve to advantage Amazon or
13 disadvantage its competitors?

14 A: I don't know.

15 Q: Why do you believe someone would assert that key senior
16 DoD officials we have discussed today had conflicts that should
17 have required themselves to disqualify or recuse themselves from
18 the JEDI Cloud acquisition?

19 A: I don't know.

20 Q: Why would someone assert that those officials favored
21 or steered the JEDI Cloud acquisition toward Amazon over other
22 vendors?

23 A: I don't know.

24 (b) (6), (b) (7)(C): Okay. Any follow-up questions, (b) (6), (b) (7)(C)?

25 (b) (6), (b) (7)(C) No questions.

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

2 Q: And why do you believe that this matter has surfaced to
3 the DoD OIG?

4 A: Because of media concerns, concerns about the media,
5 and largely because the strategy is one that leaves, some
6 companies are going to feel left out.

7 Q: When you say some companies would feel left out, what
8 do you mean by that?

9 A: Well, single award. It's a single award obviously means
10 that the others are not going to be participating. At least
11 that's their theory but as I read the strategy it does allow for
12 clouds unique cloud as well but we're not talking about that.

13 Q: Is there any additional information that you would like
14 to provide to us?

15 A: No.

16 Q: And who else should we speak with and why?

17 A: I think you've got enough.

18 Q: Do you have any questions?

19 A: Process side of thing we were talking about earlier,
20 what's the timeline for you to get -- well, first do you think
21 you'll need me anymore for this?

22 Q: Don't know, couldn't say. Right now.

23 A: Ah, geeze. I wanted to get on the record because I know
24 on the record. Timeline? Timeline? Again, this is a review, do
25 you think the review will follow up with investigation?

1 A: I can't answer that. I can't disclose that to you.

2 A: Okay. That was the only question I could say I don't
3 know here. So, specifically, am I under investigation?

4 Q: No, you are not under investigation. I stated earlier
5 you are a witness in this case and you are mentioned in the
6 media, and we'd like to give you an opportunity to respond to
7 assertions that the media stated in regards to --

8 A: That sounds good.

9 Q: -- your participation in the acquisition.

10 A: So, forgetting when this whole thing is over, is it
11 over for me? Let me be selfish. Is this over for me at this
12 point? Do you believe?

13 (b) (6), (b) (7)(C): Our goal today was to get information we needed
14 from you with the objective of not having to reach out to you
15 again.

16 A: Good goal. Have we met that goal?

17 Q: As of today we have.

18 A: Okay. But you may find something in some of the other
19 conversations that may require you to come back?

20 Q: Exactly. For clarification purposes.

21 A: For clarification. Okay.

22 Q: Once again, as I explained to you are a witness for us.
23 Trying to help us understand events that we were not a part of.

24 A: Very good.

25 Q: Now, just going back real quick, you said the strategy

1 in your opinion allowed for I believe it was other vendors or
2 other clouds, and then you said but we're not talking about that
3 today. We kind of are.

4 A: Oh, sure. Sure

5 Q: How did -- so --

6 A: Explain what I meant by that?

7 Q: Yes.

8 Q: So, again, I guess I'm outside looking in, the JEDI
9 contract went out as a single award contract. I think late,
10 earlier this year, or late last year the DoD put out a cloud
11 strategy document. Or the thing that was called cloud strategy,
12 and as I recall that document talks about yes, we do want a
13 primary cloud provider, but, there will also be opportunities for
14 single purpose on, I don't remember the term they used. You could
15 find that document. It talks about the need for single-purpose
16 cloud providers as well. Again, I'm going off memory here, and to
17 me I said man this -- everyone's focusing on this single award,
18 but the way I read the strategy and the way I interpreted that is
19 even they're saying they're going to have -- potential for
20 multiple clouds because of special needs. So, there is
21 opportunity for others to play in this space as well. It's
22 probably worth reading the document to confirm my -- hopefully I
23 didn't read it wrong, but that's the way I interpreted their
24 strategy.

25 Q: Well thank you. And one last question here for you.

1 A: Sure.

2 Q: How do you respond to somebody that says, don't put all
3 your eggs in one basket?

4 A: I'll respond in two ways. There's a technical aspect of
5 that and then there's an acquisition aspect of that. If you
6 understand how cloud works, a lot of people want to make that
7 comment based on technical, that if you put all your eggs, if you
8 put all your ships in Pearl Harbor and Pearl Harbor gets bombed
9 you have no more ships. A lot of that are potentially come from
10 people who don't understand how any cloud works. The way the
11 cloud works each of those -- each workload is separate. So, from
12 a security standpoint they are separate. So, getting into a
13 specific application does not afford you an intruder to get into
14 everything else that's out there. This is the way all clouds are
15 architected. So, people try to say that, from a technical
16 standpoint they go, no, that's not necessarily true. Across the
17 board it's not true. Now, as far as the concern about the
18 business side of putting all your eggs in one basket, I think the
19 -- there are two sides to that. One is what the DoD is used to is
20 having its own market, driving its own market, the defense
21 industrial base is something that is primarily driven by us, by
22 you all now I guess, by the DoD, and as a result we have to make
23 deliberate attempts to manage that environment. Not so much for
24 the commercial environment. Even in this space, as large as DoD
25 is DoD will be only a fraction of the, a small fraction of the

1 workloads in any of these cloud providers. And many of the cloud
2 providers, we'll stick to the top two. So its the ability to
3 influence things like price on that scale is very limited unlike
4 in other areas. We all were raised in an environment especially
5 on the acquisition side where we move the needle. Right, the DoD
6 wants to do this we would move the needle, we moved it right so
7 that we can do these things in this area. It's like buying
8 electricity. When DoD buys electricity you don't really move the
9 needle given the ecosystem that surrounds this. Cloud and
10 commercial technology in general is the same way. We adopted
11 commercial technologies back in the 80s for our ships, back to
12 your point on ships, back in the 80s, and that was the same
13 phenomenon we went through. You know, what control do we have
14 over new Microsoft operating system? What control do we have over
15 servers and hardware, individual hardware there, and we realize
16 that, obviously we don't need it. It is a self-regulating system.
17 Hardware is going to continue to increase, it will continue to
18 get better, not because we're paying for it directly, but because
19 it's the demand of the larger community, and the cloud, the
20 utility that cloud is, is moving this business area into that
21 same thing. It is, let the commercial industry drive that
22 direction and we manage our specific applications and
23 capabilities within them.

24 Q: All right. Thank you.

25 A: Not only that but --

1 Q: No issues there. How do you respond to the statement
2 that the cloud is commodity?

3 A: Uh, huh [affirmative response]. Yeah, it is. It's a --
4 I guess it's just what the [inaudible] it's Amazon. I think the
5 number is, well, the majority of the Fortune 500 companies are
6 using it today. It affords folks the opportunity to get rid of
7 their existing infrastructure, and buy the services just as we do
8 a utility, just as you do with electricity, is you buy it the
9 exact same way. So again that's the changes, the challenges we
10 have in acquisition, and the things that we know are and we're
11 worried about. So, I do firmly believe that the cloud business
12 model also the technology is the direction forward for the nation
13 and the DoD should join that direction. Absolutely. So I think it
14 truly is -- it has become and it becoming a commodity. I mean, so
15 our personal lives we all are there. One way or the other, almost
16 anything you do today has some association with someone's cloud
17 from the banking, Capital One, to all the other apps that you
18 have on your phone, to cellular services. Everyone is engaging in
19 this technology. And I think the challenge that we have is the
20 change, how does DoD adopt and become part of that?

21 Q: And, just for clarification, is that Mr. Gavin's
22 post-DoD perception?

23 A: No. That was Mr. Gavin's pre-DoD's perception and
24 that's why I was such a cloud advocate inside of the Department.
25 We were pushing -- the Navy was pushing this for probably a year

1 before JEDI was talked about.

2 Q: Thank you.

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

4 Q: And I just have one follow-up question.

5 A: Well, let me be clear some of those things were post. I
6 mean the specifics on Fortune 500 stuff, some of those things
7 were obviously I've learned since I've been out. But, I think at
8 the Navy, I mean, the Navy clearly saw that this was the
9 direction that industry was handed.

10 (b) (6), (b) (7)(C) : All right. Thank you.

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

12 Q: As the Defense Department what impact would it have on
13 our military if we did not move to the cloud?

14 A: This is all speculation, right?

15 Q: Yes.

16 Q: I'll give you my concern about not doing it. Is that
17 we, from a Department of Defense standpoint, we've been afforded
18 the luxury of being the advancers of technology for as long as
19 you can remember, and most of those technologies come out of
20 things that we develop ourselves. Cloud technology however,
21 because it is commercial, is something that's afforded to
22 everybody. So, Tom Freeman wrote a book called The World is Flat,
23 and he talks specifically about the impact that the internet is
24 having on I'll say leveling the playing field of capabilities
25 across the spectrum. How it's allowing countries that clearly

1 could not have invest the way that the U.S. could to actually be
 2 major players in certain things. So, my concern is, you know put
 3 back on my Navy hat. My concern as a lover and defender of this
 4 country, is that if we don't others will. Why? Because it's easy
 5 to do. It's easy for any country to buy cloud, put their
 6 information into the cloud and take advantage of the things that
 7 the cloud offers. If we don't do that then those countries in my
 8 opinion have an advantage, will have an advantage over us,
 9 because I don't see our process out investing private industry in
 10 this area. I don't see that happening.

11 Q: Okay. Do you have any questions or comments about the
 12 way we conducted this interview today?

13 A: No, no. The way was fine.

14 Q: And if you remember anything else that you believe may
 15 be relevant to our review please contact myself or (b) (6), (b) (7)(C).

16 A: Uh, huh [affirmative response].

17 (b) (6), (b) (7)(C): Finally, in order to protect the integrity of
 18 this review we ask that you do not discuss the matters under
 19 review, or questions we have asked you during this interview with
 20 anyone other than your attorney should you choose to discuss it
 21 with them. This does not apply to or restrict you of your right
 22 --

23 MR. GAVIN: Oh, one question. Ethics lawyer, can I talk to
 24 my ethics --

25 (b) (6), (b) (7)(C): Yes, if you have --

MR. GAVIN: -- the Navy ethic's lawyer?

(b) (6), (b) (7)(C): If you have questions that you would like to
 --

MR. GAVIN: Okay.

(b) (6), (b) (7)(C) -- address with them certainly. This does not
 apply to or restrict you of your right to contact an IG or a
 Member of Congress. If anyone asks you about your testimony or
 this review, please inform them that the DoD OIG has asked you
 not to discuss this matter.

MR. GAVIN: Okay.

(b) (6), (b) (7)(C): If anyone persists in asking you about your
 testimony, or our review, or if you feel threatened in any manner
 because you provided testimony, please contact myself or (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C) The time is now 11:53 Eastern Standard Time. Please stand
 by while I turn the recorders off.

[The interview terminated at 11:53 a.m., August 7, 2019.]

[END OF PAGE]

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GAVIN - August 7, 2019

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GAVIN - August 7, 2019

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

From: Victor Gavin (b) (6), (b) (7)(C)
Sent: Friday, November 1, 2019 5:18 PM
To: (b) (6), (b) (7)(C)
Subject: [Non-DoD Source] Re: DoD IG Matter - Additional Questions
Attachments: DOD IG response.docx

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

See attached response. I have not received copies of my offer letter or acceptance letter but didn't want to delay the response to the question any further. The dates of both documents are provided.

Victor Gavin

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

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

From: (b) (6), (b) (7)(C) >
To: (b) (6), (b) (7)(C)
Sent: Mon, Oct 28, 2019 4:48 pm
Subject: DoD IG Matter - Additional Questions

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#yiv8479798274 ol {margin-bottom:0in;} #yiv8479798274 ul {margin-bottom:0in;} -->Mr. Gavin, On
August 7, 2019, you were interviewed by members of the DoD OIG regarding the JEDI Cloud procurement and
your attendance at JEDI Cloud procurement meetings. Based on your interview and other information we
have developed, we would like for you to respond to several additional questions. Answers to these questions
will help us clarify specific areas within our report. Before responding, please understand the questions below
are a continuation of your August 7, 2019, interview. At the beginning of that interview, you were administered
an oath for truthful testimony. Please be advised you are still under oath. On January 11, 2018, you recused
yourself from all matters involving Amazon World Services (AWS). You subsequently interviewed with and

accepted employment with AWS. On April 5, 2018, you received an invitation to attend a JEDI Cloud meeting. Prior to attending this particular meeting you sought and received a legal opinion that there was no issue with you attending this meeting. Please provide full responses to the following questions: 1. What date did AWS offer you the employment position? Please attach a copy of your employment offer letter/notice with your response? 2. When did you accept AWS' employment offer? Please attach a copy of your employment acceptance letter/notice with your response? 3. Who did you inform that you had accepted the position with AWS? When? What did you tell them? What advice or guidance did you receive? How did you follow the advice or guidance? 4. On April 5, 2018, what did your then-Chief of Staff know about you accepting employment with AWS? How did he know you had accepted the position? 5. On April 5, 2018, what did the attorney who provided you the advice know about you accepting employment with AWS? How did the attorney know you had accepted the position? Did you speak directly with the attorney? If so, when and what did you tell the attorney? How did you follow the attorney's advice? 6. If neither your then-Chief of Staff nor the attorney knew about you accepting the position with AWS, please explain why you did not tell them prior to receiving the legal opinion and attending the April 5, 2018, meeting. 7. Explain the screening process you establish to ensure you, and your staff, kept you were away from AWS related matters? If you did not establish a screening process, why not? We ask that you provide your responses no later than Wednesday, October 30, 2019, or as expeditiously as possible. We also ask that you not share this e-mail or its contents with anyone other than your attorney should you choose to retain one. The point of contact for this request is the undersigned. v/r, (b) (6), (b) (7)(C) CIGI (b) (6), (b) (7)(C) Investigator – (b) (6), (b) (7)(C) Investigations of Senior Officials Department of Defense Office of Inspector General 4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500 (b) (6), (b) (7)(C)

~~(b) (6), (b) (7)(C)) WARNING: INSPECTOR GENERAL SENSITIVE INFORMATION - FOR OFFICIAL USE ONLY. The information contained in this e-mail and any accompanying attachments may contain sensitive information which is protected from mandatory disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and should not be released to unauthorized persons. If you are not the intended recipient please contact the sender by e-mail and destroy all copies of the original message and attachments. This e-mail is from the Office of the Inspector General, Department of Defense, and may contain information that is "Law Enforcement Sensitive" (LES) or "For Official Use Only" (FOUO) or otherwise subject to the Privacy Act and/or legal and/or other privileges that restrict release without appropriate legal authority.~~

1. What date did AWS offer you the employment position? Please attach a copy of your employment offer letter/notice with your response? I received a verbal offer of employment on March 29 followed by a written offer in April 2.
2. When did you accept AWS' employment offer? Please attach a copy of your employment acceptance letter/notice with your response? I accepted the offer on April 2.
3. Who did you inform that you had accepted the position with AWS? When? What did you tell them? What advice or guidance did you receive? How did you follow the advice or guidance?

On January 18th I submitted a recusal letter to the Navy and was advised to avoid any conflict of interest or appearance of conflict of interest and to refer in questions to the Ethics attorney. On March 26, I provided the Navy ethics lawyer the Position Description of the job that was being offered. I wanted to get their concurrence and a clear understanding on the impacts of Section 1045 on this employment. They provided the needed clarification on the position. These clarifications were passed on the AWS and the position description was modified. While my acceptance eventually became common knowledge, I do not recall when or who I told. At the time I was 2 month from retirement and was mist of employee closeout. I followed the advice by staying in close contact with my ethics attorney.

4. On April 5, 2018, what did your then-Chief of Staff know about you accepting employment with AWS? How did he know you had accepted the position?

My COS knew that I recused myself from all matters dealing with AWS. I'm not sure when we had a specific conversation about my acceptance of a position. See question 3.

5. On April 5, 2018, what did the attorney who provided you the advice know about you accepting employment with AWS? How did the attorney know you had accepted the position? Did you speak directly with the attorney? If so, when and what did you tell the attorney? How did you follow the attorney's advice?

See question 3.

6. If neither your then-Chief of Staff nor the attorney knew about you accepting the position with AWS, please explain why you did not tell them prior to receiving the legal opinion and attending the April 5, 2018, meeting.

See question 3

7. Explain the screening process you establish to ensure you, and your staff, kept you were away from AWS related matters? If you did not establish a screening process, why not?

I used my weekly staff as the primary screening process from ensuring compliance with the recusal letter. My COS maintained full access to my calendar of events. The ethics lawyer was part of my weekly staff meeting and schedule review and was part of a discussion of meetings I plan to attend.

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Victor Gavin
November 1, 2019
Iso - E-mail Response to Questions

X - - - - - X

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Mr. Victor Gavin DOD IG response - 11/01/2019

1. What date did AWS offer you the employment position?

Please attach a copy of your employment offer letter/notice with your response? I received a verbal offer of employment on March 29 followed by a written offer in April 2.

2. When did you accept AWS' employment offer? Please attach a copy of your employment acceptance letter/notice with your response? I accepted the offer on April 2.

3. Who did you inform that you had accepted the position with AWS? When? What did you tell them? What advice or guidance did you receive? How did you follow the advice or guidance?

On January 18th I submitted a recusal letter to the Navy and was advised to avoid any conflict of interest or appearance of conflict of interest and to refer in questions to the Ethics attorney. On March 26, I provided the Navy ethics lawyer the Position Description of the job that was being offered. I wanted to get their concurrence and a clear understanding on the impacts of Section 1045 on this employment. They provided the needed clarification on the position. These clarifications were passed on the AWS and the position description was modified. While my acceptance eventually became common knowledge, I do not recall when or who I told. At the time I was 2 month from retirement and was mist of employee closeout. I followed the advice by staying in close contact with my ethics attorney.

4. On April 5, 2018, what did your then-Chief of Staff know about you accepting employment with AWS? How did he know you had accepted the position?

My COS knew that I recused myself from all matters dealing with AWS. I'm not sure when we had a specific conversation about my acceptance of a position. See question 3.

5. On April 5, 2018, what did the attorney who provided you the advice know about you accepting employment with AWS? How did the attorney know you had accepted the position? Did you speak directly with the attorney? If so, when and what did you tell the attorney? How did you follow the attorney's advice?

See question 3.

6. If neither your then-Chief of Staff nor the attorney knew about you accepting the position with AWS, please explain why you did not tell them prior to receiving the legal opinion and attending the April 5, 2018, meeting.

See question 3

7. Explain the screening process you establish to ensure you, and your staff, kept you were away from AWS related matters? If you did not establish a screening process, why not? I used my weekly staff as the primary screening process from ensuring compliance with the recusal letter. My COS maintained full access to my calendar of events. The ethics lawyer was part of my weekly staff meeting and schedule review and was part of a discussion of meetings I plan to attend.

From: [Victor Gavin](#)
To: (b) (6), (b) (7)(C)
Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions
Date: Saturday, November 2, 2019 6:44:24 PM

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

Sent from AOL Mobile Mail

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On Saturday, November 2, 2019, (b) (6), (b) (7)(C) wrote:

Mr. Gavin,

One question. In your memo, you mentioned you provided the position description to a Navy ethics attorney on March 26th. Can you provide the name of that ethics official?

v/r,

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

(b) (6), (b) (7)(C) Investigator – (b) (6), (b) (7)(C)

Investigations of Senior Officials

Department of Defense Office of Inspector General

4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500

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

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

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

Sent: Friday, November 1, 2019 5:18 PM

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

Subject: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

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

See attached response. I have not received copies of my offer letter or acceptance letter but didn't want to delay the response to the question any further. The dates of both documents are provided.

Victor Gavin

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

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

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

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

Sent: Mon, Oct 28, 2019 4:48 pm

Subject: DoD IG Matter - Additional Questions

From: (b) (6), (b) (7)(C)
Subject: FW: [Non-DoD Source] Re: DoD IG Matter - Additional Questions
Date: Wednesday, November 13, 2019 8:29:33 AM

Gavin's response below.

v/r,
(b) (6), (b) (7)(C)
Investigator — (b) (6), (b) (7)(C)
Investigations of Senior Officials
Department of Defense Office of Inspector General
4800 Mark Center Drive, (b) (6), (b) (7)(C) Alexandria, VA 22350-1500

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

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

From: Victor Gavin (b) (6), (b) (7)(C)
Sent: Tuesday, November 12, 2019 4:40 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) >
Subject: Re: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

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

What do you mean by exploring opportunities with AWS?

I turned (b) (6), in July 2017 and had only worked for the US Navy. I'd always wondered what life would be like in private (b) (7)(C) but wasn't sure if I would like it or fit in. I wanted to get an understanding of life in the private sector but wasn't sure I wanted to pursue it. After conversation with the ethics attorney, I was advised that general conversations with industry were appropriate but I needed to recuse myself if those conversations got specific to a job or salary. As a result I had conversations with many companies between July 2017 and my recusal letter in January. These companies include AWS, Microsoft, Oracle, Lockheed Martin, Metron, etc. The goal was to understand "a day in the life" in the private sector and help me determine if I would retire or spend the next several years as a government employee. I was never looking for a job with any of these discussions.

When was your first contact with AWS about employment? Was this contact before or after your disqualification letter. If before, is this the reason why you disqualified yourself and prepared the letter?

I submitting my recusal letter on January 11th. I had a job interview with AWS on January 15th. I received a position description from AWS on March 26 which I provided to the ethic attorney for review. A job offer was made on April 2 and I submitted my retirement papers on April 6. All prior conversations with AWS were general in nature and were not tied to specific employment.

Victor Gavin

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

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

From: (b) (6), (b) (7)(C) >
To: Victor Gavin (b) (6), (b) (7)(C) >
Cc: (b) (6), (b) (7)(C) >
Sent: Fri, Nov 8, 2019 1:20 pm
Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

Mr. Gavin,

One more question.

We have it that on January 11, 2018, you sent a letter to (b) (6), (b) (7)(C) disqualifying yourself from matters involving Amazon. In your letter, you wrote that you were exploring opportunities with AWS.

What do you mean by exploring opportunities with AWS? When was your first contact with AWS about employment? Was this contact before or after your disqualification letter. If before, is this the reason why you disqualified yourself and prepared the letter?

v/r,

(b) (6), (b) (7)(C)
Investigator — (b) (6), (b) (7)(C)
Investigations of Senior Officials
Department of Defense Office of Inspector General
4800 Mark Center Drive, (b) (6), (b) (7)(C) Alexandria, VA 22350-1500

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

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

From: Victor Gavin (b) (6), (b) (7)(C) >
Sent: Tuesday, November 5, 2019 8:18 PM
To: (b) (6), (b) (7)(C) >
Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

Sounds good. Will I get any insight into the report before it's published?

Sent from AOL Mobile Mail

Get the new AOL app: mail.mobile.aol.com

On Tuesday, November 5, 2019, (b) (6), (b) (7)(C) wrote:

Thank you very much. We will be in touch if we need anything further.

v/r,

(b) (6), (b) (7)(C)
Investigator — (b) (6), (b) (7)(C)

Investigations of Senior Officials
Department of Defense Office of Inspector General
4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500

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

From: Victor Gavin (b) (6), (b) (7)(C) >
Sent: Tuesday, November 5, 2019 4:21 PM
To: (b) (6), (b) (7)(C)
Subject: Re: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

Finally
Here you go.

Victor Gavin

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

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

From: Victor Gavin (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Sat, Nov 2, 2019 6:44 pm
Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

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

Sent from AOL Mobile Mail

Get the new AOL app: mail.mobile.aol.com

On Saturday, November 2, 2019, (b) (6), (b) (7)(C) wrote:

Mr. Gavin,

One question. In your memo, you mentioned you provided the position description to a Navy ethics attorney on March 26th. Can you provide the name of that ethics official?

v/r,

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

Investigator - (b) (6), (b) (7)(C)

Investigations of Senior Officials

Department of Defense Office of Inspector General

4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500

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

From: Victor Gavin (b) (6), (b) (7)(C)
Sent: Friday, November 1, 2019 5:18 PM
To: (b) (6), (b) (7)(C)
Subject: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

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

See attached response. I have not received copies of my offer letter or acceptance letter but didn't want to delay the response to the question any further. The dates of both documents are provided.

Victor Gavin

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

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

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Mon, Oct 28, 2019 4:48 pm
Subject: DoD IG Matter - Additional Questions

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#yiv8479798274 {} _filtered #yiv8479798274 {} #yiv8479798274 ol {margin-bottom:0in;} #yiv8479798274 ul
{margin-bottom:0in;} -->Mr. Gavin, On August 7, 2019, you were interviewed by members of the DoD OIG
regarding the JEDI Cloud procurement and your attendance at JEDI Cloud procurement meetings. Based on your
interview and other information we have developed, we would like for you to respond to several additional
questions. Answers to these questions will help us clarify specific areas within our report. Before responding,
please understand the questions below are a continuation of your August 7, 2019, interview. At the beginning of
that interview, you were administered an oath for truthful testimony. Please be advised you are still under oath.
On January 11, 2018, you recused yourself from all matters involving Amazon World Services (AWS). You
subsequently interviewed with and accepted employment with AWS. On April 5, 2018, you received an
invitation to attend a JEDI Cloud meeting. Prior to attending this particular meeting you sought and received a legal

opinion that there was no issue with you attending this meeting. Please provide full responses to the following questions: 1. What date did AWS offer you the employment position? Please attach a copy of your employment offer letter/notice with your response? 2. When did you accept AWS' employment offer? Please attach a copy of your employment acceptance letter/notice with your response? 3. Who did you inform that you had accepted the position with AWS? When? What did you tell them? What advice or guidance did you receive? How did you follow the advice or guidance? 4. On April 5, 2018, what did your then-Chief of Staff know about you accepting employment with AWS? How did he know you had accepted the position? 5. On April 5, 2018, what did the attorney who provided you the advice know about you accepting employment with AWS? How did the attorney know you had accepted the position? Did you speak directly with the attorney? If so, when and what did you tell the attorney? How did you follow the attorney's advice? 6. If neither your then-Chief of Staff nor the attorney knew about you accepting the position with AWS, please explain why you did not tell them prior to receiving the legal opinion and attending the April 5, 2018, meeting. 7. Explain the screening process you establish to ensure you, and your staff, kept you were away from AWS related matters? If you did not establish a screening process, why not? We ask that you provide your responses no later than Wednesday, October 30, 2019, or as expeditiously as possible. We also ask that you not share this e-mail or its contents with anyone other than your attorney should you choose to retain one. The point of contact for this request is the undersigned. v/r,

(b) (6), (b) (7)(C) Investigator — (b) (6), (b) (7)(C) Investigations of Senior Officials Department of Defense Office of Inspector General 4800 Mark Center Drive, (b) (6), (b) (7)(C) Alexandria, VA 22350-1500 (b) (6), (b) (7)(C)

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From: [Victor Gavin](#)
To: (b) (6), (b) (7)(C)
Subject: Re: [Non-DoD Source] Re: DoD IG Matter - Additional Questions
Date: Thursday, December 12, 2019 2:13:01 PM

- 1) I don't recall being appointed to the CESG. I do not know why they did not add me as a primary member.
- 2) The activity that led me to recuse myself from AWS was the fact that I agreed to an interview. Prior to the interview, I had not sought employment or applied for employment. My recusal letter was drafted on 9 January, draft letter sent to Ethics attorney on 10 January and signed 11 January. Prior to that, I was "information gathering" with industry but not looking for a specific job. AWS offered me the opportunity to interview to determine my "fit" for Amazon. The interview was the event that triggered my recusal. My discussions with AWS and other companies centered around my investigating whether I should retire and what life was like in industry. I was seeking to understand a "day in the life" of a retired Federal employee in private industry.
- 3) Prior to the agreement to an interview, I was not seeking employment. I was simply trying to understand a "day in the life" in industry to help me make a decision about retirement. I do not recall the exact date I agreed to an interview. While there was an interview, the interview was not tied to a specific job announcement. The actual job requisition (Head, Federal Technology Vision and Business Development) did not come until March. I was very interested to see if my skills would be a fit for a commercial company and felt that the interview process was a good way to determine that.
- 4) There was very little communication with AWS after the interview until the receipt of the job description. After the interview, I received email (late January) stating that I was a good fit for AWS but they needed to review the impacts of FY18 NDAA restrictions on any employment decision. I don't recall any communication with AWS between late January and March. My next communication with AWS was in March when I received the job description. I then forwarded the description to the ethics office for review. The attorney provide updates and guidance on my restrictions if I were to accept the role. I do not recall how/when I communicated my acceptance of the AWS offer to the ethics attorney. I didn't see an urgency to do so given I had recused myself.
- 5) When I received the invitation to the meeting on 5 April I asked my staff, to include the ethic lawyer, if it were appropriate for me to attend. Upon approval from the lawyer I attended the meeting. I did consider having other members of my staff attend but given the primary members of the CESG are SES members, I thought it important that an SES member or equivalent attend. None of my staff are SES members.

Please call if you need more information.

Victor Gavin
(b) (6), (b) (7)(C)

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

From: (b) (6), (b) (7)(C)
To: Victor Gavin (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)

Sent: Fri, Dec 6, 2019 4:04 pm

Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions

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

Sent: Tuesday, November 12, 2019 4:40 PM

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

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

Subject: Re: [Non-DoD Source] Re: DoD IG Matter - Additional Questions (b) (6), (b) (7)(C) What do you mean by exploring opportunities with AWS? (b) (6), (b) (7)(C). I'd always

wondered what life would be like in private industry but wasn't sure if I would like it or fit in. I wanted to get an understanding of life in the private sector but wasn't sure I wanted to pursue it. After conversation with the ethics attorney, I was advised that general conversations with industry were appropriate but I needed to recuse myself if those conversations got specific to a job or salary. As a result I had conversations with many companies between July 2017 and my recusal letter in January. These companies include (b) (6), (b) (7)(C). The goal was to understand "a day in the life" in the private sector and help me determine if I would like or spend the next several years as a government employee. I was never looking for a job with any of these discussions. When was your first contact with AWS about employment? Was this contact before or after your disqualification letter. If before, is this the reason why you disqualified yourself and prepared the letter? I submitting my recusal letter on January 11th. I had a job interview with AWS on January 15th. I received a position description from AWS on March 26 which I provided to the ethic attorney for review. A job offer was made on April 2 and I submitted my retirement papers on April 6. All prior conversations with AWS were general in nature and were not tied to specific employment. Victor Gavin (b) (6), (b) (7)(C) t -----Original Message-----

From: (b) (6), (b) (7)(C) To: Victor Gavin (b) (6), (b) (7)(C) Cc: (b) (6), (b) (7)(C) Sent: Fri, Nov 8, 2019 1:20 pm Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions Mr. Gavin, One more question. We have it that on January 11, 2018, you sent a letter to (b) (6), (b) (7)(C) disqualifying yourself from matters involving Amazon. In your letter, you wrote that you were exploring opportunities with AWS. What do you mean by exploring opportunities with AWS? When was your first contact with AWS about employment? Was this contact before or after your disqualification letter. If before, is this the reason why you disqualified yourself and prepared the letter? v/r, (b) (6), (b) (7)(C) Investigator – (b) (6), (b) (7)(C) Investigations of Senior Officials Department of Defense Office of Inspector General 4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500 (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) Sent: Tuesday, November 5, 2019 8:18 PM To: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) > Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions Sounds good. Will I get any insight into the report before it's published? Sent from AOL Mobile Mail Get the new AOL app: mail.mobile.aol.com On Tuesday, November 5, 2019, (b) (6), (b) (7)(C) DoD (b) (6), (b) (7)(C) wrote: Thank you very much. We will be in touch if we need anything further. v/r, (b) (6), (b) (7)(C) Investigator – (b) (6), (b) (7)(C) Investigations of Senior Officials Department of Defense Office of Inspector General 4800 Mark Center Drive, (b) (6), (b) (7)(C) Alexandria, VA 22350-1500 (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) Sent: Tuesday, November 5, 2019 4:21 PM To: (b) (6), (b) (7)(C) Subject: Re: [Non-DoD Source] Re: DoD IG Matter - Additional Questions Finally Here you go. Victor Gavin (b) (6), (b) (7)(C) -----Original Message----- From: Victor Gavin (b) (6), (b) (7)(C) > Sent: Sat, Nov 2, 2019 6:44 pm Subject: RE: [Non-DoD Source] Re: DoD IG Matter - Additional Questions (b) (6), (b) (7)(C) Sent from AOL Mobile Mail Get the new AOL app: mail.mobile.aol.com On Saturday, November 2, 2019, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) wrote: Mr. Gavin, One question. In your memo, you mentioned you provided the position description to a Navy ethics attorney on March 26th. Can you provide the name of that ethics official? v/r, (b) (6), (b) (7)(C) Investigator – (b) (6), (b) (7)(C) Investigations of Senior Officials Department of Defense Office of Inspector General 4800 Mark Center Drive, (b) (6), (b) (7)(C) Alexandria, VA 22350-1500 (b) (6), (b) (7)(C)

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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)

November 13, 2019

ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is November 13, 2019, and the time is
3 now 9:09 a.m. I am (b) (6), (b) (7)(C), and with me today is (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C), and the witness (b) (6), (b) (7)(C),
5 (b) (6), (b) (7)(C). We OIG personnel and the witness, (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C) are at the Mark Center in Alexandria, Virginia. We're
7 conducting a review of the development of the DoD JEDI Cloud
8 Program and Procurement. We also want to clarify some information
9 that's been reported in the news media. At this time ask you that
10 you acknowledge this interview is being recorded.

11 (b) (6), (b) (7)(C) I acknowledge.
12 (b) (6), (b) (7)(C) Also please also acknowledge that I provided
13 you with a copy of the DoD OIG Privacy Act Notice.

14 (b) (6), (b) (7)(C): I was provided with a copy of the Privacy
15 Act.

16 (b) (6), (b) (7)(C): I will administer you you're oath. Please
17 raise your right hand.

18 Whereupon:

19 (b) (6), (b) (7)(C)
20 was called as a witness, placed under oath, and provided the
21 following testimony:

22 EXAMINATION

23 Q: Please state your full name and spell your last name.

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

25 Q: And what is your grade, sir?

1 A: I'm a (b) (6), (b) (7)(C).

2 Q: And component?

3 A: I work with Washington Headquarters Services, Office of
4 Small Business Programs.

5 Q: And how long have you been there, sir?

6 A: I have been with WHS officially since 2014, April, but
7 served one year prior to that in an acting capacity. So, from
8 April of 2013 I have been supporting WHS acquisitions as the
9 Small Business (b) (6), (b) (7)(C)

10 Q: Okay. So, (b) (6), (b) (7)(C) will go ahead and start our
11 first line of questioning.

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

13 Q: So how and when did you first come to work on JEDI?

14 A: I had a review. So, I was called in to a meeting with
15 the (b) (6), (b) (7)(C) and Sharon Woods who was
16 I believe an attorney at the time as an advisor, and I think
17 there was one other (b) (6), (b) (7)(C). I can't remember
18 if she was in the room. So, my first meeting was to discuss the
19 Market Research Report that had been prepared or developed, and
20 to assist in the coordination of the requirement with SBA. So, we
21 have a form, it's called the DD Form 2579. So, this acquisition
22 was going to be a high-dollar value, and it was going to be an
23 unrestricted acquisition. So, the meeting -- that first meeting,
24 and I'm not exactly sure of the date, but I know that it would
25 have been in the March 2018 to April 2018 timeframe, and that

1 date is prior to this meeting. I went and reviewed some of the
2 early documents that I had worked on, and it was at that meeting
3 that I spoke to them about the small business issues. We talked
4 in general about the acquisition and the acquisition strategy. I
5 think at the time I had reviewed the Market Research Report and I
6 expressed my concern that unfortunately my office was not
7 involved during that process, and I kind of felt that it should
8 have been, and I was disappointed that the team did not include
9 the Office of Small Business when they were doing the market
10 research, but it was a very well documented market research.
11 There were some issues that I brought up at that time, but it had
12 -- it was kind of too late to move forward with that, and also I
13 kind of got a sense that this was a moving freight train that was
14 way beyond. I mean I had a, you know, I was trying to do my job,
15 but I realized that there were a lot of people involved and this
16 had been going on for a while. So, that was I had to accept that.
17 I did give some -- so when you have an unrestricted acquisition
18 where the small business gets involved and is to make a
19 determination about subcontracting plans, small business
20 participation, I even potentially got into a discussion of why
21 they had contemplated a single award because I had said, "Given
22 the nature of the kind of requirement." I did ask the question,
23 "Well, why do we want to do a single award? Why can't we do a
24 multiple award?" So, those are the kinds of questions we had. It
25 was a fairly comprehensive discussion that lasted about an hour I

1 want to say. It was at the Pentagon.

2 Q: So you mentioned that you had reviewed some early
3 documents that you had worked on?

4 A: No. So that was at, I believe and I can't -- I'll be
5 honest with you, I can't remember but my sense is that I had been
6 given a copy of the Market Research Report at some point. I can't
7 remember if I walked into that meeting having already read it. I
8 think that was the case because now we're going back. That was in
9 say March of 2018. So, a year and a half ago. So, my memory is a
10 little sketchy at that point.

11 Q: So really what you had just researched, or you had just
12 researched the market research?

13 A: Right.

14 Q: Okay.

15 A: And it was a very well documented extensive report.

16 Q: And you mentioned that you were disappointed that
17 you're office hadn't been involved in that. What would have the
18 Small Business Office have contributed?

19 A: A lot and we would have been in part of the discussions
20 that go into making acquisition decisions including the small
21 business, which I -- so we got into the discussions and basically
22 the people in the room were telling me, "This is what we're going
23 to do." And see my point is if we had been involved in the
24 process earlier on I would have been involved in the meaningful
25 discussions of how you arrived at this is what we're going to,

1 and so for example, and it gets into what actually came out. In
2 the evaluation they said, "Well, we feel that the only area of
3 this contract in which small business can is." What is it, I want
4 to say CLIN 7, it was a CLIN number that had to do with the cloud
5 services, and they said that, "This CLIN is the only area we
6 believe that small businesses would have an opportunity." And I
7 kind of said, "Well, how do you? I don't necessarily agree with
8 that. You're telling me this, and if I had been involved in the
9 process we might have determined something different." But again
10 it was already -- I'm not disputing that the findings from the
11 Market Research Report didn't support the acquisition strategy. I
12 just felt that this is not uncommon, whether it's a \$10 billion
13 requirement or \$500,000. The challenges is a small business this
14 is not uncommon for us not to be involved when we should be, but
15 this is where we add the most value.

16 Q: The market research phase?

17 A: Actually before the market. So what a lot of
18 individuals don't understand about the Small Business Program is
19 I'm not trying to ram small business down anybody, but were
20 trying to do is what we would call fair opportunity, maximum
21 practical opportunity and how do you get that by making sure you
22 make sound decisions that reflect opportunities that take into
23 account what small businesses and all businesses might be able to
24 do. So, from a survey of the market, and they did. They did some
25 industry days and things like that and I'm not disputing any of

1 it, we just weren't at the table to ask questions or to encourage
2 small businesses to maybe partner and do other things.

3 Q: Okay.

4 A: And then like I said I think the -- we did reach one
5 point of -- I didn't want to get into a huge argument over it,
6 but I did say, "I don't agree with you regarding the idea that
7 only CLIN 7 or whatever the CLIN number would be the only
8 applicable without having more information." And when we had that
9 discussion it wasn't clear whether -- they certainly felt, and
10 the way I understood it is that they wanted a cloud contractor
11 that would provide all the infrastructure, and they believe
12 strongly that small businesses couldn't do that, and they had
13 some -- probably some evidence to support that. And see my
14 position would be, "Well, what did we do to make sure that small
15 businesses couldn't do that?" And I didn't think, from my point
16 of view I understood it and what my question that I would come
17 back to was something like this, okay. Even if a large prime
18 could needed to put all this infrastructure in place, the
19 building and all that goes into for that system, how much of the
20 work in doing that might small business be performing? If you're
21 building a building -- from my point of view you're missing the
22 point of the whole exercise is that we should be looking at
23 everything I felt, but that argument I was -- like I said we had
24 moved beyond that. They had already decided, and they further
25 went on to say. So that's where the value of the small business

1 if we had been early we would have asked those questions, maybe
2 everything they did was right, but I wasn't there in the room to
3 hear the answers. So, that's how it came about.

4 Q: So, beside the market research what else did you work
5 on for JEDI outside of source selection?

6 A: So, we did the coordination with SBA so -- which it was
7 a DD Form -- so once, shortly after that meeting contracting
8 officer prepared a coordination document and signed it, sent it
9 to me. I signed it and sent it to the SBA procurement center
10 representative, the PCR, who signed it and returned it. So, he
11 was pretty responsive. Like I said the market research was very
12 good and very extensive. I think supported the acquisition
13 strategy so there's no problem there, and then, so the other
14 involvement came back to when the solicitation was being
15 prepared, and so I had given a guidance that basically said when
16 we do -- all right. So there's an acquisition regulation
17 requirement, in the DFARS that say if you have an unrestricted
18 acquisition with subcontracting you have to address small
19 business participation as an evaluation factor. That's a DFARS
20 clause. So, they came back and this is not uncommon. They started
21 throwing around goals, numbers from the small business goals
22 reported. And I said, "That's not appropriate because small
23 business participation is not about the goals it's about what is
24 appropriate for this acquisition?" So we went back and forth. I
25 can't remember what they initially -- I think they might've come

1 back with 23 percent because at that the time that was the DoD
2 small business goal or whatever. I said, "We can't do that." So
3 we went back and forth and finally I said, "We don't really have
4 any information." I asked some questions, "okay, for this CLIN 7
5 or it's Factor 7, what do we know about who can do this work? Do
6 you have any information?" So what we're talking about is, well,
7 the industry used I think some of it might've been GSA schedules
8 or they said, "We know that the industry out there have partner
9 firms that do some of the implementation of the cloud services,
10 and we know that industry uses small business for this part of
11 the work." But they didn't know how much so, at the end of the
12 day I said, "Well, since we do not know." We ended up putting in
13 language, I recommended that we say, "Well, since we don't know
14 let them, let industry just tell us since I don't have a clue, we
15 don't have any really good solid information. Rather than say
16 you've got to do 20 percent small business participation. Let's
17 say you tell us what your maximum small business participation is
18 or the amount that you wish and as long." And it was worded so
19 that zero would be unacceptable. So that was a fact. And that was
20 again, I was working with (b) (6), (b) (7)(C) at the time who was
21 assisting the contracting officer and trying to work that piece.
22 So at the end of the day they put together some -- and (b) (6), (b) (7)(C) and
23 I think met. We had some discussions. I relayed when I thought,
24 and it mostly came out the way I had recommended so I was at
25 least satisfied with that is that I didn't -- I was concerned

1 about how it was going to apply to this CLIN but that was what
2 they had established as that the area within the acquisition or
3 in the requirement that the most likely opportunities for small
4 business would be. So, they used a what is called a place to
5 assist firms and since it was contemplated to be an IDIQ they
6 indicated for every \$100 million of this CLIN firms were to bid
7 or propose how much of that would be small business and then
8 identify the various social economic categories that would be
9 committed to. So a small business participation becomes an
10 evaluation factor for award. It's not the same as a small
11 business subcontracting plan which is also required. So we had
12 some discussion about that because there was some confusion. Well
13 I don't want to say confusion, but I didn't want to mix the two
14 up because that's the other part of the involvement, other than
15 the actual evaluation I assisted the contracting officer in
16 evaluating the subcontracting plans. Now I had, again in that
17 regard I said we should only review one for the apparent
18 successful offer, but again they wanted to do it their way so I
19 said, "Okay. We said we were going to coordinate the
20 subcontracting plan with the PCR. I had some discussions with the
21 PCR on that asking him, "Would he be okay if he reviewed both
22 plans?" And we both agreed, and he agreed, and I basically said,
23 well I think with the PCR said is that, "These reviews would be
24 nonbinding until they actually made a determination of who the
25 apparent successful offeror was going to be. So he did a review,

1 but the normal protocol would have been holding often only
2 reviewing the one that we accommodated them because they wanted,
3 at that point I think they were anxious to move forward. They
4 didn't know how it was going to actually play out at least they
5 weren't sharing that information with me. So I said, "Okay. Just
6 so that it would help in the timelines and save time." And I
7 worked with (b) (6), (b) (7)(C) from the Contracting Office who was
8 supporting the contracting officer. So we went through. There was
9 a checklist so we use the checklist internally. So I basically
10 said, "Well yes, the PCR is fine. His recommendation is not
11 binding." But I said, "It's really up to the contracting officer
12 and that's why we have this checklist where we reviewed all of
13 the different elements of the subcontracting plan against the
14 checklist to see if there was any problems or concerns."

15 Q: Okay.

16 A: And then the contracting officer, prior to awarding if
17 there were some identified would have been not opportunity to
18 negotiate the plan, renegotiate the plan with the successful
19 offer.

20 Q: So, can you tell me how did you become the Chair for
21 Factor 7 and what your roles and duties were?

22 A: Okay. So as -- well it was a high profile thing or
23 acquisition, and my office is very small. So, it would be logical
24 as a follow on to that initial meeting I had with the contracting
25 officer and the Program Office that it would be -- since it was

1 going to be an unrestricted acquisition and small business
2 participation was going to be involved that obviously somebody
3 from the Office of Small Business would have to be involved. So I
4 was the Chair as the senior person in my office, and I had one --
5 I wanted to have one other person. I didn't want to be all by
6 myself, but it turned out that I was mostly the person that did
7 everything, but I did have a team member, (b) (6), (b) (7)(C) from my
8 team who assisted in the evaluation.

9 Q: Were you provided any guidance on how to evaluate your
10 Factor?

11 A: Since we had involvement in how it was established I
12 was pretty confident that we could do it. This is sort of
13 actually a million. So the interesting thing is you don't always
14 get exactly what you want and what you recommended, so it didn't
15 come without its share of challenges but we were able to manage.

16 Q: And how did you, you know both offer offerors were
17 given ratings of good.

18 A: Right.

19 Q: How did you come to that rating?

20 A: We reviewed the information in Volume 7, or Factor 7
21 volume. One of the, I guess I didn't mention, one of the things
22 that was instrumental in, and I'm going back, so we're going to
23 evaluate small business participation. So one of the things that
24 I put in there was that you've got to have a Small Business
25 Participation Commitment Document. So that was included in the

1 solicitation. So firms, and it specifically related to the CLIN
2 that was identified as appropriate for small business. So they
3 were going to identify their commitment for every hundred million
4 for that CLIN and that's how -- so there's three parts of the
5 form. The minimum quantifiable, a minimum MQR, Minimum
6 quantifiable requirement. They're supposed to identify the total
7 amount of the award, the amount and then identify all of the
8 categories so that you can clearly identify what amount is
9 intended to be subcontracted and what percent that represents? In
10 this case for the CLIN 7 value which is for every hundred
11 million. And that was somewhat problematic for me because
12 normally, normally under normal circumstances small business
13 participation we don't take a segment. We say as it applies to
14 the whole contract. So you can see I was kind of -- had to
15 compromise how we do things because I would have, and I think I
16 recommended, well, why don't we do it for the whole contract, but
17 that one didn't pass. So, we had to live with what was given to
18 us.

19 Q: Did you compare the two proposals when you were looking
20 at them?

21 A: No we looked at each one. So, when we evaluated the
22 proposals we had to use specific language that we stated in the
23 requirement, I mean in the solicitation. So we had to look at
24 what here's what we asked for, what did you give us? And so there
25 was some subjectivity to this because it spoke to the small

1 business, how does this support the Small Business Program goals?
2 That's a little bit of a subjective thing. So, internally I had
3 discussions with my team member because when we reviewed each one
4 you could -- so how does one reach the highest rating that you
5 possibly could get? So, at the end of the day I think we
6 concluded that it would have been with a higher percentage. That
7 was what we kind of said is, you know, and so I personally, my
8 thinking was that if a firm in responding to it if they had
9 provided a higher participation number they might of gotten a
10 higher score, but other than that we had to go by what was the
11 language? Is it above zero? Yes. So, from that point -- and then
12 we had to give, and here's the ratings. So it was then based on
13 what other information, going back there were things like named
14 firms and there were some challenges in reviewing each one, and I
15 was sensitive of the fact that I didn't want to use any kind of a
16 comparative because each one was different. Each one had its own
17 process and own way of organizing and just reviewing small
18 businesses in supporting the acquisition, and I didn't -- so I
19 think in that regard it was made easier for me so we didn't mix
20 apples to oranges. We looked at each one separately, and so there
21 were clearly differences but I noted that the way the process --
22 you had to look at what each firm did on its own merits it was
23 pretty obvious that neither one was perfect but at the end of the
24 day I think we did identified with one, there were some concerns
25 we had and as matter of fact they went into discussions and they

1 provided, I believe they provided when we did the completed
2 evaluation I was told that they shared the full evaluation of
3 this small business factor when they had discussions.

4 Q: So before, let me just add one thing to clarify. So
5 above zero would have met the requirement but you said that you
6 had --

7 A: Well know there --

8 Q: You said no percentage?

9 A: Right.

10 Q: So how do you get from good to outstanding if you don't
11 have a baseline percentage?

12 A: So that's where there's like I said some subjectivity.
13 So they provided information to -- first of all they had
14 completed a Small Business Participation Commitment Document and
15 I think, who. The -- so we had some -- so when we did the
16 evaluation they explained how they vetted and as part of their
17 proposal they showed us each firm provided with their own process
18 for identifying small businesses to support their acquisition,
19 and both were very robust in terms of how they described -- so
20 both have these services. Both required, separately. I don't want
21 to mix them up like we were comparing them. Each one required
22 certification -- for them to have certain levels of certification
23 to meet their system. So Microsoft use, I can't remember the name
24 of their system, but they vetted forms. Firms had to go through a
25 vigorous training certification process to be a supplier, and

1 then they talked about the various mechanisms they used to bring
2 to identify firms that would be capable of supporting the work.
3 So it was -- and then they talked about ways in which they could
4 engage and communicate with small businesses to participate. So
5 those things were used as part of it. I think when we reviewed --
6 so one of the challenges we were faced with is that one firm in
7 this case it was Microsoft had proposed a gradual increase in
8 their small business participation goal or number over the
9 10-year life for the contract. However, it was problematic for
10 us, the team, the evaluators because it should have been
11 reflected in Small Business Participation Commitment Document and
12 they didn't. So I had pointed out as a concern which we used in
13 our initial evaluation to say that because they didn't fully
14 identify how it was going to be broken up by year. See, we looked
15 at commitment document, the Small Business Participation
16 Commitment Document is a document is going to be part of the
17 contract that's going to be enforceable. If you have vagueness
18 and uncertainty how can you enforce it? So, it was just a matter
19 of okay. You gave us a table, a section identified how you were
20 going to break out the numbers, but it was only -- but it was not
21 clear how it would apply for year two, your three, whatever. So,
22 if you want to go that route of going from say 20 some odd
23 percent to 30 percent then you've got to show it by year because
24 how else would we be able to enforce it? So that was the primary
25 issue. So we identified in the evaluation in which they

1 ultimately, I believe we had found Microsoft to be unacceptable
2 because we could not -- because the Commitment Document as
3 initially proposed, even though it was good it showed an increase
4 over time of their small business participation number, we could
5 not find it to be enforceable based on the document which was you
6 must -- and so basically we couldn't tell them how to do it, but
7 we could tell them that because if you're going to give us this
8 number we've got to be able to figure out how it is and I think
9 was and it doing was doing a table for each of the option periods
10 showing what their numbers were going to be for the option
11 periods and that was acceptable. So they raised their rating from
12 unacceptable to I think good overall because of that.

13 Q: So your initial rating changed from the initial, to the
14 interim, to the final with through discussions they amended their
15 plans?

16 A: Right.

17 Q: Okay.

18 A: So that was -- see another thing that I called it the
19 slate is that I did not participate in the discussions with the
20 contractor. I did not attend the meeting.

21 Q: Who attended the meeting?

22 A: (b) (6), (b) (7)(C), and so then --

23 A: Was that your choice or?

24 A: No, that was the contracting officer's choice. And so
25 when they did it for, I think what happened is because I had not

1 participated in the first discussions they had with Firm A, the
2 contracting officer said it would be unfair for me to participate
3 in the discussions of Firm B so they use the same person.

4 Q: Were you just unavailable for Firm A?

5 A: They didn't ask me so I wouldn't know.

6 Q: Did they give you an explanation as to why you weren't?

7 A: No.

8 Q: So you just weren't invited?

9 A: That would be the right way to say it.

10 Q: Okay.

11 A: And I think it might have been because again they were
12 heavily involved and were -- so I'm located at the Mark Center
13 the whole team was basically sequestered at the --

14 Q: In Roslyn?

15 A: -- Pentagon. So naturally when they're doing things,
16 coordinating getting somebody to take a couple hours, maybe
17 traveling over there and scheduling all of that they were moving
18 at a very fast pace. That's just my understanding so I don't hold
19 it against them per se, but I would have preferred if I could
20 have been involved in the discussions.

21 Q: Did the SSAC or the SSA ask any questions of you when
22 they were writing their evaluations?

23 A: I was supposed to do a briefing of our findings and I
24 never did.

25 Q: To whom?

1 A: The Source Selection Board, the decision-maker, yes.

2 Q: To the SSEB Chair or to --

3 A: I believe so, and then that -- we were scheduled to do
4 a briefing and it got -- apparently he got called away on an
5 important matter or something it was canceled and they never
6 rescheduled it.

7 Q: Did anyone -- did the Source Selection Authority or
8 Source Selection Counsel ever ask any questions?

9 A: Not that I know of.

10 Q: Okay. So was Factor 7, we understand that some of the
11 factors were separated like physically isolated from each other
12 in various rooms. Did you participate in that?

13 A: No, we did everything basically in my office. We did
14 the review. So, that was part of it so at some point when we --
15 when the proposals were received I was contacted. We had a
16 gentleman from the IT team of the JEDI Team that supported IT.
17 They brought out two Apple laptops, MacBooks, or whatever. And I
18 was able to get from the Acquisition Directorate of Mi-Fi which
19 allowed us to get access to the documents. So typically during
20 the process of the reviewing the proposals (b) (6), (b) (7)(C) came
21 in my office set up her laptop. I set up mine and then we
22 proceeded to review each proposal separately, and we did have
23 another attorney, why can't I think of her name that she was out
24 of - that she was working with the Army, and if you would like
25 I'll have to would have to go back. I can't think of her name

1 right now sadly because she was very helpful. So after we did our
2 write-ups we had a legal advisor and she was down in Alabama at,
3 I can't think of the name right now. So she -- but so we
4 conversed with her routinely after we did the write-up. We would
5 write one way and then of course the attorney advisor is going to
6 say, "Well you're vague here. You're not being consistent there."
7 So we worked out the numbers, but she quite frankly she was quite
8 impressed because the write-ups didn't really need to have a lot.
9 There were a few little things, but basically we did a good job
10 in terms of how we wrote things that. So, there were a few little
11 quibbles here and there in terms of usage and consistency, and so
12 that's where if there was any -- so in fairness when we completed
13 both I reviewed both evaluations to make sure they were fairly
14 consistent and I wasn't treating one firm and holding them to
15 something different than the other. So we were trying to be
16 fairly consistent in how we stated whether the issues were
17 related to their proposal.

18 Q: Did you have any discussions with any of the other
19 factor chairs or factor members about how their evaluations were
20 going?

21 A: Not really. No.

22 Q: Did you have to consult with anybody or did anybody
23 else consult with you?

24 A: No. The only thing, you know I guess, so the only thing
25 that strikes me in this whole thing is that we went to, I think

1 it was in Roslyn the first meeting. It was during that first
2 meeting when the whole team and all the factor chairs and
3 everyone was there and they had the overall briefing. That was
4 really the only time during the source selection process that I
5 ever saw any of the team members with the -- except at the end
6 when they had a recognition day if you will where they invited
7 everybody and gave recognition. That was the only other time that
8 I saw individuals, and I think at one point the only other time I
9 spoke with (b) (6), (b) (7)(C), because I -- I think it was, I'm trying to
10 think of, I did ask somebody that was on the Contracting Team how
11 the overall process, things were going and I think when the award
12 was made I did at somebody, I said, "Well, what was the basis of
13 the award just to find out how they decided who won."

14 Q: Did you assist in responding to the AWS debriefing
15 questions?

16 A: No. They never gave me any -- it appears that there
17 were no small business questions because I know I received a
18 notice that there were debriefing questions, but apparently when
19 all was said and done none were asked of the small business, and
20 I think understandably because I think when we had reviewed each
21 proposal we had -- we were fairly clear in how we reviewed the
22 documents and how we were able to evaluate and rate them. And so
23 I think it was clear since there were discussions and they had
24 the ability to see what we had written like I said I didn't
25 participate in the discussion so I don't know what actually was

1 discussed. I am more in line to be more open about, but likely --
2 probably I would say that at the end of the day both firms
3 understood what we had written. So, and I think that was probably
4 why we didn't get any questions.

5 Q: And just to reiterate, you didn't brief the Source
6 Selection Evaluation Board Chair?

7 A: Right.

8 Q: The Committee?

9 A: Right.

10 Q: Or the SSA?

11 A: Right. I was prepared to. I had been scheduled to, and
12 then it got canceled and I would say probably the reason is that
13 our report and evaluation was pretty sound. And so -- and that
14 would be a decision that the contracting officer would make. If
15 there had been some controversial issues or something I'm sure
16 they would have had me in front of the board, but the fact that I
17 think the team, myself, and my team members did a good job and
18 probably did a better than average job write-up made a
19 difference.

20 Q: Okay. Are you aware of who -- who was aware, or are
21 you aware of who was aware of the SSAC's recommendation to award
22 the contract to Microsoft before the 25th?

23 A: No, I had no clue who was going to win.

24 Q: When did you find out?

25 A: I found -- I'm trying to think. I had been working with

1 (b) (6), (b) (7)(C) the two small business subcontracting plan reviews
2 and it was shortly after -- shortly after we had given both plans
3 to review for -- to the PCR and he had given us a preliminary on
4 both. It was sometime after that. I think (b) (6), (b) (7)(C) came back and said
5 we were going with Microsoft. So it was -- I would say I'm one of
6 the last ones to know.

7 Q: Was it after the public announcement or before?

8 A: I can't recall. I'll be honest with you. I don't think
9 -- it might have very well have been after the public
10 announcement.

11 Q: Did (b) (6), (b) (7)(C) who was present during the discussions
12 is that (b) (6), (b) (7)(C) ?

13 A: Right.

14 Q: Was the Source Selection Committee given any assurances
15 from the Program Office or WHS that your names would remain
16 confidential?

17 A: That came up. So we were -- I think we were told, and I
18 can go back to the they were in that first meeting where all the
19 principals, all the evaluators were present, and I believe that
20 the meeting was in Roslyn and so (b) (6), (b) (7)(C) and I went to
21 that meeting and it was at that time after we left an unusual
22 occurrence they were so concerned about -- so they moved to this
23 location. So they didn't want to know anybody to know where we
24 were doing the source selection. They were concerned about
25 eavesdropping and everything else. So it turned out I'm leaving

1 the building that day and I saw an individual who happened to be
2 working for an IT related company that I happen to know from the
3 previous position in my contracting career and I know he knew me
4 but I couldn't -- it had been many years since I had seen him. So
5 I notified the contracting officer. I said, "Hey, you guys are
6 all paranoid about IT people snooping. Well, you've got one right
7 in the building. He saw me leaving the building. I don't know if
8 he would know what my role might be."

9 Q: Okay.

10 A: But they ended up being -- so they were very concerned
11 the way along the lines about, but they did assured us that they
12 wanted everybody's to be anonymous not known. However, during the
13 debriefing I got an e-mail saying that somehow all of our names
14 were released.

15 Q: What was your reaction when you got that e-mail?

16 A: A little bit of a disappointment but I -- I'm not -- so
17 I look at it this way. I stand behind everything I did and what
18 my team did so I'm proud of what we did. I'm not going to hide
19 under anything. If they call me in I would like to have notes. I
20 didn't bring any notes here because I couldn't even remember the
21 CLIN number, but I will just say that we did a good job, we
22 followed the -- we were impartial. We didn't have -- I didn't
23 have an axe to grind with anybody. You show me what you've got
24 and I'll take it. So I'm proud of the team and what we did, and I
25 will stand up to anybody. I'm not ashamed of what I did and how

1 we did it. I'm not saying it was perfect because we were given
2 some things that I would have preferred we had stated things
3 differently, and it became somewhat of a problematic thing when
4 we were reviewing the subcontracting plan because I pointed out
5 that the subcontracting plan is not the same as a Small Business
6 Participation Document. And oh by the way, it applies to the
7 entire contract not just this CLIN that you've been talking about
8 in the small business procurement. So that and the -- you know
9 they were all these different things going on and that's why I
10 would have preferred that we do it contract wide on everything
11 but we didn't. So, that led to some confusion trust me.

12 Q: Have you been contacted by anybody from AWS, or
13 Microsoft, or the media?

14 A: No. Do you know if anybody else has?

15 A: I don't believe. I haven't heard anybody say anything
16 they have, but I'm prepared. I mean according to the e-mail I
17 should have strengths and all my passwords and authentications so
18 I get it. This is a high profile thing and so it's possible that
19 someone might -- well this is just to show you how paranoid I
20 have become on this. I was in an outreach last week for the
21 Virginia Asia Chamber of Commerce and guess who shows up at this
22 meeting for a briefing was a member from Amazon. So the first
23 thought in my mind was does he know I'm here? Is that why he
24 came? But it wasn't. Trust me he wasn't, but because of that
25 whole thing one has to, and all the sudden because they came they

1 came aware, well now they've got your name and then this guy
2 shows up in the room from Amazon. It just seemed a little bit
3 coincidental, but it was just the way it was because Amazon is
4 coming into, it was a good briefing. He talked about how Amazon
5 is some of the buildings are doing down in Arlington and their
6 phase-in plan and so forth. So it was -- and it was a small
7 business meeting so he was the directing information to firms
8 that might want to be able to participate in some of those
9 things.

10 Q: Okay.

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

12 Q: So now I'd like to move on to communications with
13 President Trump's staff. So the media has reported that President
14 Trump became involved or tasked someone on his staff to get
15 involved in the JEDI Cloud Procurement. Please tell us what you
16 know about that assertion.

17 A: I don't know anything about it, but what I -- the only
18 thing that I can speak to and maybe you'll get to this later. So
19 it goes something like this. At some point a Secretary of Defense
20 was appointed, Mr. Esper and the popular press had stated that
21 Mr. Esper was going to be reviewing the JEDI, or was reviewed
22 going to be evaluated. Reviewing is the wrong word. So I had, and
23 he was assessing the JEDI Program for fairness, along the lines
24 of what you said about what President Trump's concerns were with
25 the JEDI. So I had a conversation with (b) (6), (b) (7)(C) at some

1 point and he pointed out to me that the Secretary really has no
2 authority to get involved in the acquisition but he might review
3 the overall program to determine whether it's suitable for the
4 Department, but not in terms of anything to do with the source
5 selection. That was I think the general sense of what (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C) had mentioned, and I think he was right is that just
7 like the Secretary would be reviewing the F35 if there's overruns
8 or this or that he might draw concerns, but he's not going to get
9 involved with the contracting officer about whether he's going to
10 exercise another option on that or some like that. But if there's
11 problems or something like that that's part of his
12 responsibility, but he's not going to get into the weeds. He has
13 people that do that for him.

14 Q: And have you had any communications with President
15 Trump about the JEDI?

16 A: No.

17 Q: Are you aware of any other communications from
18 President Trump's staff about JEDI?

19 A: No. No, as a matter of fact I have known (b) (6), (b) (7)(C)
20 who's the Contracting Officer prior to her assignment as the
21 JEDI. I supported her and her branch at Washington headquarters
22 services. I've had meetings with her. We may not have always
23 agreed about the small business piece, but I hold her in highest
24 regards and highest integrity and quite frankly as I've observed
25 her in the process of this I've been very impressed with her in

1 terms of how she was able to manage this contract. Now one of the
2 things I will also share that may be related to this. At some
3 point -- well (b) (6), (b) (7)(C) when we were doing our Factor 7 he
4 came and supported us from the contracting team. He wasn't
5 involved in the evaluation at all but he was there if we had
6 questions or if we -- and so, what was I going to say? So from
7 that perspective we manage -- we did things right and, oh I know.
8 So we were reading in the press about how all these different
9 things were going on totally unrelated to what -- so it's of like
10 if you're on the outside looking in you're making up stuff, or
11 you're trying to draw conclusions to things it seemed to be so
12 unrelated to what was actually going on. While I never talk to
13 any of the factor teams and what they were doing I had -- they're
14 all government employees. During that brief meeting everybody got
15 up and stated who they are what they did. A lot of the technical
16 people, a lot of the engineers, and IT related folks, and I have
17 no question in my mind that they all signed those commitment
18 documents of how they were going to be fair and their evaluation,
19 and I just saw as a good example of when everybody gets together
20 and works hard this is what we get. We were able to award the
21 contract which I think is no small feat, and I have every
22 confidence that every team member did their job, and so it just
23 was interesting to read the press and how we're doing all this
24 other stuff and being influenced by the White House and
25 everything when that was serviced from the real truth.

1 Q: Okay. So, I'm going to ask you a series of questions in
2 reference to any external influence or anything that you may have
3 witnessed, overheard, or saw regarding any communications that
4 came down from the White House and may have trickle down to your
5 level.

6 A: This will be easy.

7 Q: Okay. Thank you.

8 A: It will be very easy.

9 Q: So just bear with me. What have you heard President
10 Trump say that was about Amazon, Amazon Web Services, or Mr. Jeff
11 Bezos?

12 A: I'm trying to think. I usually read a lot of the
13 different newspapers and I -- I vaguely remember that the
14 President may not have had Mr. Bezos in the highest esteem, but
15 that's about it.

16 Q: Have you ever, this is you reading from the media?

17 A: In my general, I mean there was probably some articles
18 that -- so there was a recent I believe Mr. Bezos recently split
19 from his wife and that was making the public newspapers quite a
20 bit, and then because there had been another woman involved that
21 was, you know, making the press and everybody was jumping all
22 over that, but that's about it. That's all I can, you know,
23 that's just the popular press.

24 Q: Okay. So have you ever personally heard President Trump
25 make any statement?

1 A: No.

2 Q: Thank you. And has anyone ever told you that they heard
3 President Trump say that was about or related to the JEDI Cloud
4 procurement?

5 A: That was harder. Because he -- I don't follow any of
6 his Tweets or anything like that but I hear quite frankly that he
7 says a lot of things but I never heard anything.

8 Q: And how did you hear this? What source did you hear
9 these discussions about President Trump? Was it media, was it
10 another person or?

11 A: Well, let me go back and rephrase that. Regarding the
12 JEDI nothing, but regarding -- because the media points out that
13 the President Tweets an extraordinary amount the number of times
14 on a huge number of topics, I can't -- I have no knowledge that
15 any of those would have been related to the JEDI, but it's
16 conceivable that some of those might have been but I don't follow
17 them so I have no knowledge of that, but I do know that he's
18 pretty prolific and how he talks on a variety of topics through
19 the Tweeting mechanism.

20 Q: So how did President Trump's or President Trump's staff
21 communication with you about the JEDI procurement influence your
22 actions related to the procurement?

23 A: No communication.

24 Q: Thank you. How did President Trump's public statements
25 about the JEDI procurement influence your actions as it related

1 to the procurement?

2 A: I'm not aware of any.

3 Q: How about President Trump's staff or President Trump
4 himself public comments or statements about the JEDI procurement
5 influence senior DoD executives such as Secretary Mattis, Deputy
6 Secretary Shanahan, Secretary Esper, Deputy Secretary Norquist,
7 Under Secretary Lord and Under Secretary Deasy?

8 A: I have no knowledge of any of that.

9 Q: Okay. And how did President Trump's staff or his
10 staff's communication or public statements about the JEDI
11 procurement influence the Digital Defense Service or the Cloud
12 Computing Program Office?

13 A: I am unaware of any of that.

14 Q: What about the WHS contracting officials?

15 A: I am unaware that they would have had any communication
16 or received any communication from any source from the
17 President's office, or any of other DoD officials that were
18 mentioned -- that you mentioned like Mr. Esper or any of, again I
19 can only go back with my knowledge of (b) (6), (b) (7)(C) and she
20 is highly -- she has a high level of integrity. So I can't
21 imagine that she would have not reported anything had she had
22 received any of those.

23 Q: Okay. Same question for the Source Selection Authority
24 or members of the Source Selection Team, how did President
25 Trump's communications or public statements about the JEDI

1 influence?

2 A: I can only say that based on the documents they signed
3 as far as commitment to a procurement integrity I can't imagine
4 that they would violate that.

5 Q: What pressure did President Trump or anyone from his
6 staff exert on you regarding the JEDI contract?

7 A: I don't know -- there was no pressure that I know of.

8 Q: Okay. What about members from the Source Selection
9 Team?

10 A: There was no pressure that I am aware of.

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

12 A: I don't believe there was any pressure from any senior
13 DoD official.

14 Q: The DDS, CCPO, or WHS official?

15 A: I have no knowledge of any of that.

16 Q: And what is your response to the assertion that
17 President Trump influenced the JEDI Cloud procurement in a way
18 that disadvantaged Amazon?

19 A: I again knowing the processes we followed in the source
20 selection it's inconsistent with what was actually done.

21 Q: Okay. Media reports from July 2019 stated that
22 President Trump said, "Companies complained about the planned
23 JEDI contract." And that he was, or would be looking into the
24 contract. The media also reported that President Trump said,
25 "We'll take a very strong look at it meaning JEDI had asked his

1 aides to investigate the JEDI contract." What can you tell us
2 about those statements attributed to President Trump looking into
3 matters related to JEDI?

4 A: It's inconsistent with our procurement process.

5 Q: Do you know if anyone from President Trump's staff may
6 have communicated to any members of the team to provide any
7 information or briefings to them?

8 A: No. I'd like to make one other --

9 Q: Sure.

10 A: You know I have -- so, this is a high visibility
11 acquisition, and it's a high dollar value requirement as well. So
12 I can't, I would like to believe that everybody participated on
13 our team had the highest integrity in terms of bringing to the
14 table a high level of ethics and responsibility. That doesn't
15 mean that there could not be a bad apple in the room who could be
16 influenced by monetary incentives. I just know that money seems
17 to be a way to influence people, and sometimes no matter how
18 diligent we are in our pursuit it's a very difficult to identify
19 who, if that doesn't fact exist. And unfortunately in my career
20 I've had to be involved in the suspension and debarment of
21 government officials for poor ethical choices and poor decisions,
22 and I'll be honest with you I supported them. I was a contract
23 specialist. They were my program people and they got caught and I
24 was probably the most surprised of anybody in terms of the fact
25 that they ended up going to present. So, I wish I can say with

1 100 percent certainty that everybody on the team is totally
2 innocent of all of this stuff, but I know having been burnt by
3 things that have happened in the past, sometimes I don't
4 understand motivations. Many can be a motivation for some
5 individuals in terms of how they conduct their life. I'd like to
6 believe that in the process of selecting the team members that
7 those persons responsible for that would have taken due
8 precautions, but again it's almost impossible to totally protect
9 from that happening because you just never know.

10 Q: The media also reported in August 2018 that the White
11 House has instructed Secretary Esper to re-examine the award of
12 the JEDI contract because of concerns that the deal would go to
13 Amazon. Secretary Esper was quoted as saying, "From folks in the
14 administration." What can you tell us about this report?

15 A: I may have vaguely heard it but it's not something I
16 was paying attention to.

17 Q: Okay. Do you recall when you heard this?

18 A: No.

19 Q: Do you know who the folks in the administration were
20 that contacted Secretary Esper?

21 A: No.

22 Q: Do you know if Secretary Esper received a review
23 regarding the JEDI?

24 A: I don't. That was the one conversation as you recall I
25 had with (b) (6), (b) (7)(C) who said that, "The Secretary really

1 doesn't get involved in acquisition."

2 Q: Okay. So are you aware of any of the other members from
3 the Source Selection Team or any other staff there in DDS
4 providing any type of the review or the briefing to Secretary
5 Esper?

6 A: No. Since I was not located with that team I wouldn't
7 have been privy to any of that. So we were, the Factor 7 Team we
8 were pretty much off on our own and we didn't regularly attended
9 meetings. We were invited to some meetings but I'm a small office
10 and I just didn't have time to support all the meetings so I
11 didn't go and none of my team members went.

12 Q: Okay. And you have any additional information you would
13 like to provide to us or any additional information you can share
14 with us about the JEDI that we had not discussed already?

15 A: Well I think, you had asked and I I think it was from
16 (b) (6), (b) (7)(C) that I asked him when he -- so when the award was
17 made and we had to go and send the subcontracting report, for
18 some reason (b) (6), (b) (7)(C) thought that I thought that Amazon was going to
19 win. I don't know who was going to win. I really didn't, but he
20 thought, he thought that I thought Amazon was going to win. And
21 so when he told me that it was Microsoft he was surprised when I
22 say -- he said, "I thought you would have thought that Amazon
23 would win." I said, "No, I really didn't know." But I did ask
24 him, "What was the?" And I think (b) (6), (b) (7)(C) disclosed that reason that
25 Microsoft was selected was price. That's what I learned.

1 Q: And when did this occur? What date?

2 A: This would have been when we were -- when the award
3 decision was made and we were coordinating with SBA on the
4 subcontracting report because they were the apparent successful
5 offeror. As a matter of fact it was really interesting. The way
6 we sent to the PCR it was sort of interesting how we sent it. We
7 didn't let the PCR know that they -- that Amazon -- that
8 Microsoft was the actual selectee because of the way that I think
9 -- it was some, I can't remember now. So he reviewed it and gave
10 his review, but didn't, and it was the way it was done and it was
11 in such a way that he wouldn't have known that they were actually
12 the one that was selected I believe. It was kind of -- I can't
13 remember now. It was something unusual like that and that's when
14 (b) (6), (b) (7)(C) and I had that discussion about at the end of the day price
15 makes a difference. So in the source selection of, you know, if
16 all other things are equal, if your technical is about the same
17 and if all the ratings come out of relatively speaking when you
18 do the trade-off what's the next factor? It's price. So, and I --
19 and this happens more often than not in source selections is just
20 that if you give -- if there's a significant or a real reasonable
21 difference in price and everything else being equal why wouldn't
22 you go with the lower price? So I mean it didn't surprise me that
23 -- now after -- well after the fact I became aware of -- I was
24 not aware that Amazon had 40 or 50 percent of the market in the
25 cloud services and then Microsoft had a much smaller. I mean I

1 read that in the press after but again and only sent to me that,
2 well our process work because the guy who had the smaller number
3 wanted to get a bigger share so maybe he gave us a good deal on
4 the price.

5 Q: So when you (b) (6), (b) (7)(C) had this discussion was this
6 before it was released publicly that the award was with
7 Microsoft?

8 A: I don't know.

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

10 Q: Would you be able to get us the Small Business
11 Subcontracting Report that had a date on it?

12 A: I could go back -- I could go look and see when that
13 was, but so I really didn't have it --

14 Q: Or when you sent it to the PCO?

15 A: To go back and because it was a very -- I didn't have a
16 huge discussion with (b) (6), (b) (7)(C) on this. It was like -- it was a
17 comment in passing, okay? So I think he might have come into the
18 office and I said how did, what -- and I think (b) (6), (b) (7)(C) was -- when I
19 asked him or something he said it was price. And that was it. And
20 then we didn't have any more discussion of it. It was just -- and
21 that kind everything clicked to me. I figured well that would
22 make sense of everything else is technically the same, if all the
23 other evaluation factors are more or less equal, and it could
24 even be that Amazon could have had slightly higher ratings in
25 certain areas, but when the contracting officer have to make a

1 business decision they're going to weigh, well is it worth that
2 little extra -- is it worth the extra money? So, and that's why I
3 love being a contracting officer. You make those decisions and
4 you do what's right. And so I have every confidence that when the
5 contracting sat down they did that trade-off that I could picture
6 myself in the same room doing the same thing because that's what
7 you're trained to do.

8 Q: Can you confirm who (b) (6), (b) (7)(C) is again? He's an
9 attorney?

10 A: He's a contract specialist. He was not involved, and so
11 I mentioned -- because I went back and looked prior to the
12 meeting I looked at the preliminary documents, the market
13 research, that was March and April 2018. (b) (6), (b) (7)(C) was
14 serving our country in Afghanistan as a civilian in 2018. He came
15 back and returned to WHS I want to say towards the end of 2018
16 and when he came back contracting I think somebody in the JEDI
17 Contracting Office said they needed some additional support. So
18 (b) (6), (b) (7)(C) went over to support. (b) (6), (b) (7)(C) is a fully warranted
19 contracting officer. I don't know the level of his warrant. It
20 may be unlimited now. Quite frankly I don't know, but he's a very
21 season contracting officer. So he took on some responsibility and
22 became, kind of like for me one of the liaisons with the Small
23 Business Team we were doing the Factor 7 review. So, and then
24 after we completed our evaluations, after discussions (b) (6), (b) (7)(C) -- he
25 was working with (b) (6), (b) (7)(C) He came to me and said, "Well, we've got

1 to speed things up. Can we send both -- can we have the PCR
2 review both subcontracting plans, because we don't know who's
3 going to win it at this point and so this would speed things up.
4 So, if he has a chance to review it then when we actually go
5 forward to do the awarding it won't take so long and we could
6 move forward." Because at that point they were really anxious
7 because they were close and they wanted -- and so it was that
8 more than anything else.

9 Q: Okay.

10 A: But I can go back and look at my e-mails to the PCR,
11 when we sent it the final PCR request for review, and what else?
12 And then I can try to -- quite frankly I believe the public
13 notice had -- so what happened is when I -- so I went on FBO to
14 see when they posted the notice, so, and I believe the firms had
15 been notified. I don't know if they -- so, you asked the
16 question, typically what I think happens is that if both firms
17 are notified it seemed like the media became aware, but I'm not
18 sure whether the firm that didn't win notified the media that
19 they didn't get it because I know that the word had gotten out
20 and it hadn't been posted on SBO. So I didn't see the notice
21 there but I just figured because of the high profile everybody,
22 once the losing offeror is told that they didn't win it the Lord
23 is going to get out. Now, it's also possible that when Microsoft
24 was notified that they had one that they could very well have
25 gone and jumped and shouted to the world that they got it.

1 Everybody knew at that point.

2 Q: Okay.

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

4 Q: Is there anyone else that we should speak with and why?

5 A: And since I have mentioned (b) (6), (b) (7)(C) in my
6 briefing to you on a couple of occasions and you have asked
7 questions related to that, I believe if you wanted to cooperate
8 anything I've said relating to him that might be someone you
9 might want to speak with.

10 Q: Okay.

11 A: Only because I mentioned he was kind of the liaison
12 with the contracting officer. So he, in many case I never spoke
13 to (b) (6), (b) (7)(C) directly, but whatever I conveyed usually (b) (6), (b) (7)(C)
14 brought forward to her. I think there was some, when we had
15 problems with the subcontracting plan I relayed that information
16 to (b) (6), (b) (7)(C) who discuss that with the contracting officer.

17 Q: And do you have any questions of us?

18 A: No. I probably talk too much but I talked too much.
19 Hopefully I conveyed, to me I feel good about what we did in
20 terms of our role in this acquisition. Were there some things
21 that would I have preferred that we had done things a little bit
22 differently? Yes. But when it came down to the critical elements
23 of the work at hand, reviewing and evaluating our, what we were
24 asked to do I am unequivocally confident that we did our jobs in
25 the right way, followed all of the regulations, had the highest

1 level of integrity, gave it an impartial review of both -- of all
2 of the proposals we reviewed, and did our best to make sure that
3 we made the best decision -- that we provided information to the
4 contracting officer regarding our Factor so that ultimately they
5 can go forward and make an award based on not just my information
6 but the rest of the team's as well. So I feel good about what we
7 did.

8 Q: Do you have any comments or questions about the way we
9 conducted our interview with you today?

10 A: No. But the only thing, I guess this is what -- see I
11 believe strongly in the procurement integrity and the process,
12 and I guess -- I'd like to believe that all of the comments
13 related, first of all the President, he's my bosses. Essentially
14 I'm part of the Executive Branch. I support the President and
15 we're going, I don't mean it from a political point of view from
16 my job and what I do, and so I get it we're -- I was reading a
17 book recently and it's a rather interesting comment and it goes
18 something like this. There was a -- someone was nominated to be
19 the Man or Woman of the Millennium and they had chosen a I want
20 to say a scientist and the person who wrote this said it was --
21 the Person of the Millennial should actually be Winston
22 Churchill, and the reason is he saved the world and that we are
23 political. So it was a political solutions that were created by
24 Mr. Churchill who save the world that a recognition that yes we
25 have scientists that can do great things, but without Winston

1 Churchill we would not be where we are today as a country
2 probably I just thought it was really -- so it was a recognition
3 that what separates us from everything else is our ability to
4 manage our politics, and right now I believe that strongly. So I
5 am a little bit more politically attuned than I was before I
6 picked up this JEDI acquisition because I just recently read this
7 after all of the stuff.

8 (b) (6), (b) (7)(C): Okay. And if you remember anything else that
9 you believe may be relevant to our review please contact me.
10 Finally, in order to protect the integrity of this review and
11 investigation we ask that you not discuss this matter under
12 review or questions we've asked you during our interview with you
13 with anyone other than your attorney should you choose to consult
14 with one. This does not apply to or restrict you of your right to
15 contact an IG or a Member of Congress, and if anyone asks you
16 about your testimony or the review please inform them that the
17 DoD OIG has asked you not to discuss this matter. If anyone
18 persists in asking you about your testimony or about the
19 investigation, or if you feel threatened in any manner please
20 contact me.

21 (b) (6), (b) (7)(C): I will.

22 (b) (6), (b) (7)(C) The time is now 10:30 and this interview is
23 concluded.

24 [The interview terminated at 10:30 a.m., November 13, 2019.]

25 [The interview resumed at 10:34 a.m., November 13, 2019.]

1 (b) (6), (b) (7)(C): The time is now 10:34 and we are back on the
2 record with (b) (6), (b) (7)(C). Please continue, sir.

3 (b) (6), (b) (7)(C): So, prior to making the award (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) mentioned that we needed to get an EEO clearance, and
5 they weren't exactly -- so there had to be notices, so I had
6 mentioned that normally you send a -- so the apparent successful
7 offeror have to affirm that they followed the EEO and years ago
8 as a contract administrator I use to routinely do a lot of these
9 EEO clearances. Typically the firm that is intended for award you
10 would send, this is going back in the day, we would send a letter
11 to the EEO Office that where the firm is identified, where
12 they're located, and then the EEO would send a response back
13 indicating that they are complying, and that relates to hiring
14 practices and equal opportunity. So they had to do that, so I
15 became aware of that and (b) (6), (b) (7)(C) identified that. So that was
16 one of the prior to making the award they had. So yes I guess you
17 could say I had some knowledge of who was going to be the winner
18 because they were talking about the EEO clearance and the Small
19 Business Subcontracting Plan of the successful offeror.

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

21 Q: For Microsoft?

22 A: Right. And they had to go -- and that was going to
23 impact the time of the award because they had to go and get a
24 clearance from EEO prior to making the award. So, it's possible
25 that during that discussion that that's how I learned that price

1 was a factor. So it would have been before.

2 Q: Did you tell anybody that you knew?

3 A: No. So one of the things I learned about this whole
4 thing is I don't say anything. [The interview room lights went
5 off.] This happened in my office all the time. It drives me
6 crazy. That's because the lights went off and then they came back
7 on. So we can have that for the record. No, as a matter of fact I
8 am -- was so sensitive to it that when we were doing our
9 evaluation we just shut the door and we didn't even tell anybody
10 what we were doing.

11 Q: Would this coordination with the PCR also happen prior
12 to award --

13 A: No.

14 Q: -- with the apparent?

15 A: No.

16 Q: Okay.

17 A: So when we're having that -- so just for clarification
18 at that point in time we knew who the apparent successful offeror
19 was.

20 Q: So the PCR had reviewed both plans --

21 A: Right.

22 Q: -- weeks before but then there --

23 A: Not weeks. Probably the week before. So, (b) (6), (b) (7)(C),
24 (b) (6), (b) (7)(C) came to me and said, "Can we get the PCR reviewed?"
25 And I can go back and document.

1 Q: Right. The PCR --

2 A: How do you want me to provide it?

3 Q: -- wouldn't have known who the winner was?

4 A: And that's where I really believe, oh, no. It wasn't --
5 it wasn't the -- the PCR would have known, but what was
6 interesting, the way the contracting officer had conveyed the
7 information to Microsoft, they wouldn't have necessarily of
8 known. So when we -- there was something that they had to get
9 clarification on the subcontracting plan. So the way they
10 communicated it to Microsoft they would not have known that they
11 were the apparent successor. That is how I think they did it. I
12 could go back and check that.

13 Q: So if the -- I'm still confused. If the PCR was
14 reviewing both of them --

15 A: Right.

16 Q: -- how would the PCR know which one was the winner?

17 A: Because we sent him the final one.

18 Q: So a week before he looked at both and then closer to
19 award he --

20 A: Right, prior to --

21 Q: -- just reviewed the final?

22 A: Prior to the award he reviewed the final one and gave
23 him his review.

24 Q: All right.

25 A: Which is nonbinding on the contracting officer, but it

1 still -- I don't think he had any issues, because number one he
2 had an opportunity to review everything and I don't think there
3 was any issues. But it was just the way -- so my training is
4 contracting officer. Oh, I did provide a draft e-mail to -- for
5 the contracting officer to use to convey the subcontracting
6 questions we had prior -- but that wasn't used. So they made
7 their own. And that was when I realized that the way they had
8 submitted it that Microsoft would not have will know necessarily
9 that they were the successful offeror.

Q: Do you remember the name of the PCR?

6 A: Yeah, it was (b) (6), (b) (7)(C) actually.
7 (b) (6), (b) (7)(C) think is. If you need his contact information I
8 can provide it because he supports WHS.

Q: Anything else?

8 A: That's all. I'm glad I remember that last piece about
9 the final paperwork that we were doing because we had completed
10 the Small Business Subcontracting, and then (b) (6), (b) (7)(C)

11 brought up the EEO thing and I was familiar with that. I don't

12 think she was as familiar with that involved, but it's normal.

13 And now I guess they -- I think they have an electronic system. I
14 haven't been doing it, but now it's more electronic. Back in the
15 day when I did it you sent the letter. So the snail mail, and the
16 Post Office loved us back then.

17 (b) (6), (b) (7)(C): Okay. The time is now 10:41 and this
18 concludes our interview.

19 [The interview terminated at 10:41 a.m., October 3, 2019.]

20 [END OF PAGE]

21 ~~//FOR OFFICIAL USE ONLY//~~

22 (b) (6), (b) (7)(C) - November 13, 2019

23 ~~//FOR OFFICIAL USE ONLY//~~

24 1

25 ~~//FOR OFFICIAL USE ONLY//~~

(b) (6), (b) (7)(C) - November 13, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

November 26, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is November 26, 2019. The time is now
3 1:06 Eastern Standard Time. I am (b) (6), (b) (7)(C) and with me
4 today is (b) (6), (b) (7)(C). We are interviewing the witness
5 (b) (6), (b) (7)(C), U.S. Air Force, who is
6 located in Florida and we are located in Alexandria, Virginia. We
7 are conducting an investigation into the DoD Joint Enterprise
8 Defense Infrastructure Cloud Procurement. Specifically our
9 investigation pertains to Ms. Sally Donnelly, former Senior
10 Advisor to Secretary James Mattis, and several other former DoD
11 officials involved in the JEDI Cloud Procurement and whether
12 their activities violated any ethics or conflicts of interest
13 standards. At this time ask that you acknowledge that this
14 interview is being recorded.

15 (b) (6), (b) (7)(C) I do.

16 (b) (6), (b) (7)(C) Please acknowledge that I provided you with a
17 copy of the DoD OIG Privacy Act Notice.

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

19 (b) (6), (b) (7)(C) Okay. I'll administer you the oath. Please
20 raise your right hand.

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

22 Whereupon:

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

24 was called as a witness, placed under oath, and provided the
25 following testimony:

1 EXAMINATION

2 Q: Please state your full name and spell your last name.

3 A: (b) (6), (b) (7)(C) . That's

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

5 Q: And what is your grade and service component?

6 A: I am (b)(6), (b)(7)(C) in the United States Air
7 Force.

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

10 A: (b)(6), (b)(7)(C) the 24th Special
11 Operation's Wing here at Hurlburt Field, Florida.

12 Q: And what was your former duty position prior to your
13 assignment in Florida?

14 A: I was an (b) (6), (b) (7)(C) for the Standards of Conduct
15 Office in -- on the OSD Staff.

16 Q: And how long did you serve as the (b) (6), (b) (7)(C)
17 there?

18 A: A little bit under a year.

19 Q: Can you give me the month and year you started and
20 departed?

21 A: Yes. Let me think. I got there in July of 2017 and left
22 there in June of 2018.

23 Q: And briefly describe your duties and responsibilities
24 as the SOCO (b) (6), (b) (7)(C) .

25 A: Well part of my portfolio I worked with reviewing

1 OG-450s and 278s, and worked on random projects that were
2 assigned to me as -- I was basically like an intern in the office
3 if you will. I was a an overage given to the office from the Air
4 Force as they had asked for some help specifically because all of
5 the Presidentially Appointed Senate Confirmed personnel that they
6 had to work after the Trump Administration took over for the
7 Obama Administration a lot of those past officials swapped jobs
8 meaning "out with the old, in with the new guys" and working that
9 -- working with those folks from the ethics perspective helping
10 get them nominated and ultimately sworn into a seat. So, I worked
11 with several of those candidates as well, and helped them get
12 from an ethics perspective vetted them for their positions in the
13 DoD.

14 Q: Can you tell me who Ms. Sally Donnelly is?

15 A: I don't even know what, I mean I guess I'm looking
16 right at her title on the 278 that you sent me. Senior Advisor to
17 the Secretary of Defense. I wasn't even sure what her title was.
18 I knew she was some political appointee at the OSD level. I knew
19 she worked in the DoD in the front office down with Secretary
20 Mattis.

21 Q: Okay. Do you know what her relationship was with
22 Secretary Mattis prior to her coming on working with the DoD?

23 A: So, timeline on your question I was not in the SOCO
24 Office, Standards of Conduct Office, SOCO, S-O-C-O. I was not in
25 that office when Sally Donnelly was brought on board. So I had no

1 knowledge of who she was. I don't play the -- I'm not in any
2 inner circle with think tanks or whatever. Obviously now I have
3 more of an idea of who she is, but at the time I wasn't even -- I
4 wasn't even working in that office when she was brought on. So if
5 your question is what does she -- did I have any knowledge of her
6 relationship with Secretary Mattis prior to her onboarding? I
7 have no knowledge of that.

8 Q: Okay.

9 A: But you say now, if you're asking me now what is my
10 knowledge of her relationship with Secretary Mattis I still don't
11 know a lot to be honest.

12 Q: Well, what can you tell us about Ms. Donnelly's ethics
13 agreement?

14 A: I don't even -- I've never even seen her ethics
15 agreement. I've seen her Financial Disclosure Form. So, let me
16 back up. When the Presidentially Appointed/Senate Confirmed folks
17 such as Secretary Mattis or the Secretary of the Air Force, or
18 the General Counsel for the Air Force, there's like 57 of them in
19 the entire DoD. When they get brought on board there is a public
20 ethics agreement that they have to sign. It has to get approved
21 by the Office of Government Ethics, OGE. There is a lot of like
22 public ethics agreements stuff, and then they also get question
23 by the Senate, and then they either get confirmed or they don't
24 for their position. And so part of my job was to work with
25 candidates in that regard to help them prep for their Senate

1 Confirmation Hearing. I don't think Ms. Donnelly was one of the
2 persons who had an ethics agreement because I don't -- I just
3 don't know the answer I guess is the best answer I can give. I
4 don't know she had an ethics agreement. If she did I didn't see
5 it. But if you're asking me about the 278, I obviously saw that.

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

7 Q: (b) (6), (b) (7)(C) , can I ask you this? Was your work on
8 Ms. Donnelly's documents or any reviews you did, any advice you
9 may have provided, was it limited to her Financial Disclosure
10 Document, the 278, or was it beyond that?

11 A: Yes, no, it was 100 percent just that.

12 Q: Okay. Thank you.

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

14 Q: So, along those same lines what can you tell us about
15 the conversations you had with Ms. Donnelly while she filed her
16 278?

17 A: So she filed her 278, let me see if it's in here. She
18 filed it in May of 2017, and that was filed before I got here,
19 before I got to the office. And then when I signed into SOCO I
20 went on two weeks of leave, 50th anniversary my parents and such.
21 When I came back I found out I was going to help doing 278 and
22 450 reviews, and this was just one of them that was assigned to
23 me. It was pretty big, I mean long compared to most ethics, or
24 not ethics, financial disclosures. I certainly wasn't the only
25 one who looked at this, but I looked it over, had some questions,

1 brought those internally in SOCO and then I reached out to the
2 filer for some clarification on some of them. I do want to point
3 this out, so you sent me several documents yesterday. I think
4 there were say seven of them and I printed them out. One such
5 document I never actually seen before, and it was this e-mail
6 from Sally Donnelly to (b) (6), (b) (7)(C). I'm not even sure who (b) (6), (b) (7)(C)
7 (b) (6), (b) (7)(C) is. But, I'm just saying I've never even seen that before,
8 but it talks about having kids and stock in Amazon and GE, and
9 stuff. Anyway, so all I saw is what she had posted in her 278,
10 and then I had a few questions for her and basically it was about
11 how much -- how much stock, not stock as in what's traded in the
12 New York Stock Exchange, but how much equity does she still have
13 SBD Advisors LLC, because it wasn't clear on how she filled out
14 the 278, and then the response I got back was that she had no
15 equity in SBD Advisors. She had sold it -- sold any interest she
16 had had prior to onboarding into the Secretary of Defense role
17 that she played. So that's basically what my comments are.

18 Q: Did you review the sales agreement of her company?

19 A: No.

20 Q: Why not?

21 A: She swore to that whatever she put in here is accurate
22 and I reached out and I did talk to somebody from SBD Advisors.
23 She referred me to a (b) (6), (b) (7)(C) at SBD Advisors and I have an e-mail
24 that she had sent to me and CCed another attorney at SOCO saying
25 that she sold her company. She didn't own any part of the

1 company, and denied any interest, and had no income, and plays no
2 role in it.

3 Q: Okay. So --

4 A: And that she recused herself.

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

6 Q: Is that what the e-mail says?

7 A: Yeah. I can send you this e-mail.

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

9 Q: We would appreciate that.

10 A: Okay.

11 Q: Also --

12 A: And just so you know (b) (6), (b) (7)(C) was CCed on this
13 e-mail.

14 Q: Okay.

15 A: I think she still works in that office.

16 Q: So, with the sale of that business, wouldn't that be
17 required to be filed on her 278?

18 A: If it was sold before she joined?

19 Q: Yes.

20 Q: Because the 278 talks about -- the new entry 278 is
21 what they have assets of, and then it talks about compensation
22 that they got like the preceding year, and you just hit a bunch
23 of stuff on that, and I'm guessing those are her clients from
24 her, or the vast majority of them are going to be her clients
25 from the company.

1 Q: Okay. So at what point in a filing was Ms. Donnelly
2 formally divested of her ownership stake in SBD Advisors?

3 A: I can only go off of what the person puts and then
4 they're responsible for the information that they -- I'm not an
5 investigator, right? So, she said that she was divested before
6 she was onboarded to the staff and OSD.

7 Q: Okay. So, I want you to take a look at the 278 in Part
8 II where you --

9 A: Yeah.

10 Q: -- list a comment that's dated August 30, 2017 and you
11 wrote, "Confirm that this asset actually has zero percent." As
12 you were. "Has zero dollar value to filer as she no longer has
13 any stake in the company."

14 A: That's based on her e-mail to me, yes.

15 Q: Okay.

16 A: I confirmed from the filer which was clarified by the
17 ADAO comment, "filer confirmed." So if I didn't use a clear word
18 when I say confirm, I didn't add the word filer in front of it.
19 Well, she's the one who confirmed it.

20 Q: Okay.

21 A: So you mentioned, or you wrote that, "The filer
22 confirmed that this was a total sale of the filer's partial
23 sale." What can you tell us about that comment partial sale? What
24 does that mean?

25 A: Oh, going back two years now. I would -- I can only

1 suppose that she didn't own the full company when she sold it.

2 Meaning, I didn't say partial sale did I?

3 Q: Yes. It's, right there in the bottom of the comment it
4 says, "Filer confirmed this was total sale of filers partial
5 interest as you were."

6 A: Okay. That's not my comment.

7 Q: Who's comment --

8 A: I'm not the ADAO. I was never that the ADAO. That would
9 probably be (b) (6), (b) (7)(C), or whoever put that in, or (b) (6), (b) (7)(C),
10 whoever is in that seat and put that in. That is not my comment.
11 Sorry. I can't speak to that.

12 Q: Okay.

13 A: My comment ends with the period after company.

14 Q: Which would be confirmed that this asset actually has
15 zero dollar value to the filer as she no longer has a stake in
16 the company?

17 A: Right.

18 Q: Okay. So, if you could can you walk us through what you
19 reviewed on Ms. Donnelly's 278? Just briefly, we don't need a --

20 A: I don't know. These are details that are a little
21 rusty. Sure, I'm looking -- I don't even -- let's see. So, you're
22 looking at their positions, okay, great. So she only has one
23 current position outside the government when you are looking at
24 this. It says from 11/2012 to present. So it says she's done with
25 SBD Advisors as of January 2017. So, she puts in here she is no

1 longer holding a position there. Then you're looking at -- you
2 look for potential like conflicts of interest with respect to
3 what stocks and other accounts that they may have, and then
4 you're going to give them cautionary guidance to ensure that they
5 don't take any actions or use any influence in and untoward way.
6 For and unjust enrichment personal gain. So let's see. I think
7 you had a copy of my cautionary advice I sent, right?

8 A: Yes. That's the e-mail I provided to you dated August
9 30, 2017.

10 A: Yep, and that's because she owned a lot of that stuff
11 and so you've got to caution them that she can't take any action
12 or personally and substantially act on any particular matter with
13 respect to any of those things, right? So then you're looking at
14 employment agreements and arrangements, you're looking for
15 potential conflicts there. I mean, compensation receiving
16 exceeding 5,000 in a year, okay. She listed a bunch of stuff so,
17 from what I'm concerned she's super thorough on this because she
18 put a lot of stuff. I don't -- normally, and let me just say
19 this. When they get onboarded, these high-level officials
20 somebody is helping them do this. Did that happen before I got
21 there? By helping them do that I mean helping them ensure that
22 they know what all they have to list, right on the form because
23 it's not like a user-friendly system. So, as you can see in my
24 cautionary guidance I think I mentioned her husband's employment,
25 SAIC saying that she's imputed to, or her husband's employment is

1 imputed to her with respect to conflicts of interest. So, I mean
2 the things that stood out I guess verified with her that she
3 didn't have any, oh, here's what it was. So, on Part II, SBD
4 Advisors LLC she had a value of \$1 million, right? Or 5 million,
5 whatever that value is. That looked weird to me, and again this
6 was like one of the first 278 I did. So, I sent her an e-mail
7 saying, and I quote, "You listed income from this asset as
8 390,000 during the reported timeframe and value your interest in
9 asset between one and 5 million and a comment from 1 May 2017 you
10 identified that you signed a contract to sell the company in 2016
11 in SBD bought back part of the company from a co-owner valued at
12 \$390,000. So, my question about this asset include do you still
13 own any part of it? And she says she does not. If you do, do you
14 have an active role, and do you derive any income? Which she came
15 back and said she did not. And, do you still own any part of it?

16 Q: Do you have that e-mail?

17 A: I have this e-mail.

18 Q: Can you provide that e-mail to us, and did she provide
19 you with a response?

20 A: Yeah, I'll send you that. And then from her, from the
21 person she connected me with at SBD Advisors, hold on. And all of
22 this should be saved in the SOCO files as well. Like well maybe
23 not all of that, certainly some of it. I got a final accounting
24 or a final payment form from January 2017, and I can send you
25 that to.

1 Q: And what was the amount of the final payment?

2 A: It was like 20,833.

3 Q: So, just to confirm you never reviewed the purchase and
4 sale agreement for SBD Advisors?

5 A: Correct.

6 Q: So, we had an opportunity to obtain a copy of that
7 agreement and it stated that Ms. Donnelly would receive two equal
8 payments for \$1,560,000.00. These payments that she was to
9 receive were not reported on her 278 as an agreement. What can
10 you tell us about the rules that would govern the disclosure of
11 future payments for the sale of her business?

12 A: They should be listed.

13 Q: So when she told you that she sold the business, and
14 you mentioned this (b) (6), (b) (7)(C) I believe that's her last name.

15 A: Yeah.

16 Q: Why weren't those future payments identified as an
17 agreement or payments that she was to receive at a later date?

18 A: Well, first I don't know what (b) (6), (b) (7)(C) had to do with
19 either the question. I'm not imputing anything on any one, okay?

20 Q: Okay.

21 A: I can't answer your question. I don't know why she
22 didn't list this. That's a question for Ms. Donnelly.

23 Q: Okay. So, Ms. Donnelly we understand received three
24 payments of \$390,000.00 based on the sale of that business in
25 March of 2017, July of 2018, and March of 2018. Once again just

1 based on your understanding and your communication regarding her
2 278, what should she have done or why wasn't this reported on her
3 278?

4 A: Well if she received outside income it should be
5 reported. Why she didn't report it you'd have to ask her.

6 Q: Are you aware of any rules or guidance that requires
7 Ms. Donnelly to update the submission that would have governed
8 her requirement to report that during 2017 to 2018?

9 A: Well, every year you redo a 278. So from what you're
10 saying is it should have been on the next one.

11 Q: When you say "every year," is there a set timeframe
12 that these 278's are required to be updated or is it updated upon
13 receipt of any monies?

14 A: I don't have the rules in front of me and I haven't
15 done this in a while. I know that that's an answer you can
16 certainly get from somebody else in SOCO, but 278s are done in
17 the spring. I don't deal with anybody that files a 278 right now,
18 and I haven't for a couple of years. So, it's been a while, okay?
19 But, the annual 278s are done by May 15th or something every
20 year. That's in my head for some reason May 15th. But there are
21 periodic transactions that have to be reported such as sales of
22 stock and whatnot for 278 filers, and they're supposed to report
23 those within 30 days of the sale of stocks. If this is one of
24 those payments that would be required that to be reported. I'm
25 not in a position to opine that that is required or not.

1 Q: Okay.

2 A: I mean like I said literally this was over two years
3 ago that I looked at this 278.

4 Q: Okay. So, moving and to the 278T. I provided you a copy
5 of her transaction report.

6 A: Okay. I've never seen this before.

7 Q: Okay. So you've never --

8 A: That's not my signature.

9 Q: Right. So I wanted to know if you knew who's signature
10 that was?

11 A: It does not look familiar.

12 Q: And it looks like an O, and I'm not sure. So is there
13 any one in there that you remember who signature that could
14 possibly be?

15 A: There's one person that runs all of these 278Ts, and
16 that's Renee Monday, and you would have to ask her.

17 Q: Monday.

18 A: She would not sign it. She is a -- she's the person
19 that would give them to an attorney to review and sign them. So,
20 I'm not saying that this is Renee Monday, I'm not saying it to
21 anybody. I don't know who that is if anybody whatsoever. I'm just
22 saying it's not mine.

23 Q: Okay. So, you departed in June 2018 and Ms. Donnelly
24 left in May of 2018, and on her termination report I provided you
25 a copy of that one as well.

1 Q: Which I did not do.

2 Q: On it she does list SBD Advisors sale proceeds in the
3 amount of \$1.5 million for the sale of her interest in SBD
4 Advisors. What can you tell us about that given the fact --

5 A: None.

6 Q: Nothing, okay.

7 A: I didn't work with Ms. Donnelly on any of that.

8 Q: Okay. Earlier you reviewed her initial 278?

9 A: Yes.

10 Q: Her new entrant 278?

11 Q: And, I'm sorry. Say that again.

12 Q: You reviewed the new entrant 278 for Ms. Donnelly?

13 A: Yeah. I believe that's what it was.

14 Q: So, if you would go to Part IV, item Number 5 under the
15 filer sources of compensation exceeding 5,000 in a year. There's
16 a company named C5. It's C5 Capital, and she provided consultant
17 services for that particular company. Did you and Ms. Donnelly
18 talk about her financial interest relationship with C5 Capital?

19 A: No.

20 Q: Did any other SOCO attorney discuss her role with C5
21 Capital?

22 A: I don't know.

23 Q: What would be a normal question, or requirement when an
24 individual lists these sources of income for consulting services?

25 A: Well they got paid by that company and I think that's a

1 better question for SOCO I guess. I'm not going to start guessing
2 and saying things that may not be accurate. These people they
3 list where they got their income from. If she was a Presidential
4 Appointed person she would be required to refrain from
5 interacting with these folks with whatever their ethics agreement
6 says. I'm unaware she had an ethics agreement. So, just for
7 random 278s, like a random 278 you don't did that as deep as you
8 do for the people who require ethics agreements.

9 Q: Okay. So she was a non-career SES appointed. So would
10 she have been required to have that ethics agreement?

11 A: I don't know the answer to that. Honestly I was an
12 intern there for a year.

13 Q: Okay. So I also provided you a copy Ms. Donnelly's post
14 government employment restriction letter that's dated November
15 16, 2018. Did you review this?

16 A: I didn't even read it, no, because I had nothing to do
17 with that.

18 Q: Do you know if she came to seek advice from anyone
19 inside SOCO regarding post government employment, or
20 restrictions?

21 A: I assume she did. But she didn't talked to me about it.
22 I almost never spoke to this person. So, she came into the office
23 sometimes, didn't talk to me.

24 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) do you have any questions about PGE
25 restriction?

1 A: Say what?

2 (b) (6), (b) (7)(C): Not of the PGE restriction. When the time is
3 right I do have a question or two about the new entrant 278 that
4 (b) (6), (b) (7)(C) reviewed.

5 (b) (6), (b) (7)(C): okay, yes. Go ahead, proceed, (b) (6), (b) (7)(C)

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

7 Q: Okay. Hey, (b) (6), (b) (7)(C) On the new entry one that she filled
8 out in May and that you reviewed in August I've got a couple of
9 question on Page 2. This is Section II she's listed income.

10 A: Okay. Lists what as -- where are you?

11 Q: on Page 2, I'm in Section II, "Filers employment assets
12 and income, and retirement accounts."

13 A: Okay.

14 Q: Was there something on this page that cause you to
15 e-mail her and ask her some questions?

16 A: Yeah. Number 2.

17 Q: Okay number 2. What it says SBD Advisors, LLC?

18 A: Right, right. And I'll shoot you my question to and her
19 response.

20 Q: Right, understand were going to get those from you. I
21 just want to clarify. So, what we're trying to figure out, and I
22 think you can help us is that, okay. She indicated that she
23 divested herself of any interest in the company, or any ownership
24 stake in the company before she came on board. So then the value
25 between 1 and 5 million caused you --

1 A: It should have been zero.

2 Q: -- to scratch your head a little bit.

3 A: The way I understood that value should have been listed
4 as zero.

5 Q: Okay.

6 A: Which is why I asked for the clarification. So, it's
7 possible that that is -- I don't know if I just didn't clarify
8 enough. My understanding from her is why I put the comment that
9 she has zero value. That is what I was under the impression when
10 I talked to the lady that she put me in touch with at SBD
11 Advisors and from her to e-mail response to me. So, but my
12 understanding was she had zero value and she should not have
13 picked 1 to 5 million. That 1 to 5 million was the value of the
14 company and not her value in it which is why I put the comment.
15 So --

16 Q: You said that 1 to 5 million was the value of the
17 company?

18 A: That was my understanding is that when she put that
19 that she was trying to say that's the value of the company.

20 Q: Okay. And how did you gain that understanding that
21 that's what she -- that's what she was --

22 A: Going back I can only think that's what I'm thinking.
23 All right? She didn't necessarily say it. No, I don't want to put
24 words into her mouth, and I don't want to make stuff up to make
25 it easy like I don't know. But the way I read my comments, you've

1 got to remember. This is not something I've dwelled on for 2 1/2
2 years. I read that she confirmed that this asset has actual at
3 zero dollar value and she no longer has any stake in the company,
4 and in my -- in the records that I have of which may not be
5 complete, but the records I have she sold her company. She
6 doesn't have any interest. She doesn't have any income. She plays
7 no role. So she doesn't use the word value, but I know I also had
8 a telephone conversation with the person she put me in touch with
9 named (b) (6), (b) (7)(C) where is it? (b) (6), (b) (7)(C) [phonetic] or
10 something that ponder, I don't know. Anyway you'll get this, but
11 she put me in touch with this lady and I had a telephone
12 conversation with her, and then after that telephone conversation
13 this is the account minimum. But, that's where I got the
14 information from was, you know I spoke with two people.

15 Q: I understand what you're saying. Just moving in the
16 same row to the next column to the right word says "partial
17 sales/SBD". When you first read that or were you -- I would say
18 how I would interpret that. I would say I would interpret that as
19 kind of a partial sale, or stake in the company. Is that how you
20 read it initially?

21 A: I can't remember how I read it initially but reading --

22 Q: I'm sorry. What were you able to clarify on that?

23 A: I don't remember to be honest, but reading the ADAO's
24 clarification it talks about the partial interest.

25 Q: That's what we're trying to figure out. We received

1 some information that she actually had a, (b) (6), (b) (7)(C) correct me if
2 I'm wrong, but an 80 percent interest in the company?

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

4 Q: So what I'm trying to clarify was this a complete sale,
5 complete divestiture of an 80 percent stake in the company
6 meeting somebody else already own 20 percent, or was this a
7 partial -- some sort of a partial sale of her interest in the
8 company, or maybe even a partial payment, and when I say partial
9 payment --

10 A: Well then if there's a partial payment meaning she if
11 she still had an agreement it should have been listed. In the
12 filers employment agreements and arrangements it should have been
13 listed a number 3, Part III. So I can't remember necessarily what
14 I was thinking. I don't know.

15 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) I think you said that there were
16 records indicating additional payment, or that she was to receive
17 four other payments?

18 (b) (6), (b) (7)(C) Three other payment she received.

19 Three other payments?

20 Uh, huh [affirmative response].

21 Okay. Three other payments in addition to
22 this initial 390 K payment?

23 (b) (6), (b) (7)(C): Yes.

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

25 Q: All right. That's what I wanted to ask. The only other

1 one (b) (6), (b) (7)(C) is how many 278 and OGE 450s would you say you reviewed
2 during your sort time there?

3 A: By the end quite a few.

4 Q: Yes, by the end.

5 A: At the very beginning this was like the first or second
6 one and I know I ran it by -- I know I talked to (b) (6), (b) (7)(C) about it
7 because she's the one who assigned them. So how many total? 278
8 much less than 450s, but I probably did 30 278's maybe and 100
9 450s.

10 Q: And as you're going through these things you don't
11 necessarily go through line by line with the filer on each of
12 these things? You would only ask about things that you had a
13 question about?

14 A: So, some people are needier than others. Some people
15 you actually go to their office and you'd walk them through how
16 to put them how to put them in the system. By the time I took my
17 seat at SOCO this was already done with Sally. I had nothing to
18 do with how any of this stuff was inputted. So then (b) (6), (b) (7)(C)

19 I think was her last name. (b) (6), (b) (7)(C)

20 (b) (6), (b) (7)(C). So she, I know was the first
21 person that dealt with Sally. I shouldn't say the first person. I
22 don't know who brought her on board. My guess is that she had an
23 on boarding SOCO attorney help her. I don't know who that would
24 have been. I don't want to make something up. But then (b) (6), (b) (7)(C)
25 contacted her. You sent me an e-mail that (b) (6), (b) (7)(C) was involved in

1 I think, right?

2 BY (b) (6), (b) (7)(C): Uh, huh [affirmative response].

3 A: Okay. So, and that predated my arrival there, that was
4 the one with the kids or whatever?

5 Q: yes.

6 A: To (b) (6), (b) (7)(C). So, (b) (6), (b) (7)(C) would also help these people
7 out and send, like do a cursory review before it even came to an
8 attorney. So it came to the attorney and the paralegal would
9 generally have something flagged, not everything flagged,
10 whatever, and then I was just like, "Hey I'm trying to figure
11 this whole 278 thing out and I talked to (b) (6), (b) (7)(C) about it. I saw
12 this SBD Advisors thing, it didn't seem accurate. How this a
13 value to her when her income was 390." I tried to clarify that
14 which is what my comment was supposed to do which apparently has
15 only made things muddier which I apologize for.

16 Q: Okay.

17 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) I don't have any more questions.

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

19 Q: What can you tell us about the post government
20 restrictions? I know I sent it to you, you said you didn't read
21 it, but Mrs. Donnelly after her departure from DoD she
22 established a business with the former DoD employee title Palace
23 Advisors. Are you familiar with that name?

24 A: No.

25 Q: Regarding her employment restrictions what can you tell

1 us about anything that may have been included in that that would
2 have restricted her from establishing this business with another
former DoD employee?

3 A: I'm not -- I can't speak to the specifics of her post
government employment. I'm sorry.

4 Q: Is there anyone that you think we may need to speak
5 with that can provide clarity regarding some of the concerns that
we're looking at regarding SBD Advisors, C5 Capital, and her
relationships or potential relationships with Amazon as a
consultant?

6 A: I would say the person that did her PGE and the person
that I'm sure you've already talked to her or will talk to her,

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

8 (b) (6), (b) (7)(C): Okay. (b) (6), (b) (7)(C) do you have any follow-up
questions?

9 (b) (6), (b) (7)(C): No.

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

11 Q: Okay. So, is there any additional information that you
would like to provide to us?

12 A: No.

13 Q: And you have any questions for us?

14 A: No, not really. I mean just for you guys, I have not
spoken to this person since she left. I don't know anything about
what she's doing. So I was a little blindsided by this, but
sorry. I had nothing to do with the JEDI Cloud award, or anything
else, or any discussions. I was never in a meeting where they
talked about that.

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

16 A: No.

17 (b) (6), (b) (7)(C): Also, if you remember anything else that you
believe may be relevant to our investigation please contact me or
send me an e-mail. Finally, in order to protect the integrity of
this investigation we ask that you do not discuss the matters
under the investigation or questions we have asked you during
this interview with anyone other than your attorney should you
chose to consult with one. This does not apply to or restrict you
of your right to contact an Inspector General or a Member of
Congress. If anyone asks you about your testimony or about this
investigation, please inform them that the DoD OIG has asked you
not to discuss this matter, and if anyone persists in asking you
about your testimony or investigation, or if you threatened in
any manner please contact us. The time is now 1:48. Please stand
23 by.

24 [The interview terminated at 148 p.m., November 26, 2019.]

25 [END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Michael Glennon
August 22, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is August 22nd, 2019. The time is
3 10:16 a.m. I am (b) (6), (b) (7)(C) and with me today are (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C). We are
5 interviewing the witness Mr. Michael Glennon in the DoD Standards
6 of Conduct Office located in the Pentagon. We are reviewing the
7 DoD's handling of the JEDI Cloud Acquisition including the
8 development of requirements and the request for proposal process.
9 A multi-disciplinary team of auditors, investigators, and
10 attorneys is investigating JEDI matters referred to us by Members
11 of Congress and through the DoD Hotline. In addition, we are
12 investigating whether current or former DoD officials may have
13 committed misconduct related to the JEDI acquisition such as
14 whether had any conflicts of interest related to their
15 involvement in the acquisition process. Those DoD officials, or
16 former DoD officials are: Former Secretary of Defense, James
17 Mattis; former Chief of Staff to the Deputy Secretary of Defense,
18 Anthony DeMartino; former Special Advisor to the Secretary of
19 Defense, Sally Donnelly; Former Deputy Assistant Secretary of the
20 Navy for Command, Control, Communications, Computers,
21 Intelligence, Information, Operations, and Space, Mr. Victor
22 Gavin; former Director Cost Assessment and Program Evaluation,
23 Mr. Robert Daigle; and former DDS Product Manager, Mr. Deap Ubhi.
24 Mr. Glennon, at this time I ask you to acknowledge that this
25 interview is being recorded.

1 MR. GLENNON: I do so acknowledge

2 (b) (6), (b) (7)(C): Also please acknowledge that I previously
3 provided you a copy of the DoD IG Privacy Act Notice.

4 MR. GLENNON: You did. I have reviewed it.

5 (b) (6), (b) (7)(C): I will now administer you the oath. Would
6 you please raise your right hand, sir?

7 MICHAEL J. GLENNON

8 was called as a witness, placed under oath, and provided
9 the following testimony:

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

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

12 Q: Please state your name and spell out your last name.

13 A: Michael J. Glennon, G-L-E-N-N-O-N.

14 Q: And what is your grade, sir?

15 A: I am an SES Tier III.

16 Q: Would you please tell us what your current duty
17 position and organization is?

18 A: I am the Deputy General Counsel for Acquisition and
19 Logistics within the Department of Defense Office of General
20 Counsel.

21 Q: Would you please describe the Reader's Digest Version
22 of what those duties -- what that position entails?

23 A: I provide a full slate of legal support to the
24 Department's acquisition enterprise as it comes across the desks
25 of the senior leaders within OSD. My principal senior clients are

1 the Under Secretary for Acquisition and Sustainment, and the
2 Under Secretary for Research and Engineering. I also support the
3 Director of CAPE, the Director of Operational Test and
4 Evaluation, and on a periodic basis some stuff out of the Chief
5 Management Office.

6 Q: Would you please tell us what duties and tasks you
7 perform that related to the DoD's initiative to accelerate the
8 Department's adoption of cloud computing services, what became
9 known as JEDI, including any that specifically pertain to the
10 requirements, RFP, other steps in the acquisition process?

11 A: There's a lot there so let's go back to how I described
12 my full slated duties in the previous answer. I support various
13 under secretaries and other senior leaders within OSD. OSD as a
14 general principle does not conduct procurement activities on its
15 own. It's does through under the agency of WHS primarily and
16 other defense agencies and acquisition authorities across the
17 enterprise. So, to the extent this was a simple procurement
18 action and despite the interest in the dollar value, it's still
19 out front fundamentally just an RFP turning into a contract
20 hopefully at days end. That action belongs to WHS. WHS does not
21 report to me. Their Office of Counsel has a different line of
22 authority up through one of my colleagues another deputy general
23 counsel within OSD, and to the extent day-to-day procurement
24 actions took place. They were fully within the realm of
25 responsibility and authority of WHS. Now in turn, oh, so that is

1 actually when you get to the procurement action. So, certainly
2 you don't have a procurement action until a requirement is
3 defined. That requirement, definition, process is typically not
4 an acquisition process. It is a traditional and even a legal
5 proposition that requirements generation and acquisition
6 execution are two different paths. So, to the extent that
7 requirements are generated I was not involved. To the extent that
8 some of the senior leaders identified earlier were involved in
9 decision-making in support of the procurement I advised them,
10 principally Under Secretary Lord.

11 Q: Can you tell us to help us understand and clarify kind
12 of the point between when this became a direction from OSD, from
13 the Secretary or the Deputy Secretary to, "Hey, let's accelerate
14 the DOD's adoption. Let's centralized things." And when it became
15 an acquisition and beyond that when it might become a particular
16 matter for that matter?

17 A: I'm not sure I can shed any light in that. As I said
18 you know --

19 Q: We wanted to know the advantage of the opportunity?

20 A: Yeah, no. That's a fair question, right? It's kind of,
21 I will say in this regard it's typically a much more regimented
22 process in that we have coming up from the warfighter's up
23 through the JROC a generation of the requirements, and then that
24 is a, a piece of paper out in the buying activities, and then it
25 gets turned into a procurement request, and at that point the

1 procurement stuff begins. Here, just because I was enough of the
2 periphery senses that traditional regimented process was not
3 necessarily followed in lockstep like it would be in the
4 acquisition of like a radar system just because it's so broad
5 across the enterprise. This is kind and nebulous, it's not a
6 piece of military hardware. It's just the cloud, what the hell is
7 a cloud, right? But even so, I wasn't involved in that stuff at
8 all so I couldn't really say. I do know that there was ultimately
9 a JROC-M which is a formal memorandum signed to the Joint Chiefs
10 saying this is our military requirement, but --

11 Q: It didn't come through the regular JSIBs?

12 A: It may have. I don't know. So again, I wouldn't -- that
13 process, but the traditional segregation of separation between
14 requirements and acquisition, the JSIBs process is, after 30
15 years still a mystery to me. I only know the end state which is
16 the JROC-M.

17 Q: I'm going to turn it over to (b) (6), (b) (7)(C) She's got some
18 questions for you.

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

20 Q: Thank you. So, at what point did JEDI kind of land on
21 your desk? Like when did it?

22 A: So, after, after, and I mean this may have been
23 actually contemporaneously, after -- typically after a
24 requirement is generated the acquisition begins which involves
25 then the preparation of acquisition strategies which then,

1 because those are acquisition steps are blind to us. So, I would
2 say with the beginning of the acquisition strategy thinking I
3 became involved at some level. Primarily because at that point
4 even before the acquisition strategy matures to the point where
5 the procurement began the strategizing and the thinking was taken
6 place in large part on the DDS. The lawyer who supports DDS
7 reports to the DGCA&L. So, at that point I was not the DGCA&L. I
8 was the Deputy in that office and, but being the Deputy I was
9 involved in some of the acquisition strategy conversations that
10 took place with counsel to DDS, and with DDS people, direct,
11 Chris Lynch primarily.

12 Q: And the counsel you mentioned?

13 A: It was Sharon Woods at the time.

14 Q: Okay. So majority of my questions are really about the
15 DNF and DoD's rationale for which exception was chosen, and why,
16 and how you thought that all was going to work. So, I'm assuming
17 you were involved in the legal analysis for DNF?

18 A: I was involved in reviewing the DNF, yes.

19 Q: Were you involved in formulating it? Putting it
20 together? Coming up with that legal analysis though? Or did you
21 review it at the end?

22 A: Well I would say there's no legal analysis behind the
23 DNF. It's a fact-based document. All right?

24 Q: All right.

25 A: I was involved in reviewing drafts.

1 Q: So, the DNF uses the firm fixed price task orders
2 exception. Can you explain how you guys came to use that
3 exception versus any of the others?

4 A: I will explain in general principle the following

5 (b) (5)



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19 that as background the PCO made her decision. Again, that the WHS
20 decision. I was not principally involved in that, and then the
21 choices that were available to the Under Secretary were --

22 Q: I have it if you want.

23 A: -- it wasn't necessarily made independently of the
24 PCO's decision because she's got a different set of choices. Her
25 options are different. And, I can only imagine given to

1 circumstances that were resulted, that whatever -- the fixed
2 price only determination was thought to be the best because
3 that's what she ultimately came to.

4 Q: Can you explain whether any of the other exceptions did
5 or did not apply?

6 A: Again, it's a fact-based decisions and not being the
7 fact decision maker I couldn't explain that, no.

8 Q: Okay. All right.

9 A: I think some of them, do we have the full reg in front
10 of us?

11 Q: Yes.

12 A: I think she's got four choices, and the PCO has got
13 six. Do I have that right?

14 Q: Yeah.

15 A: So, I can tell you that this is a matter of -- well
16 obviously C doesn't apply, right? Because we're competing the
17 thing.

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

19 Q: Which one is C?

20 A: C is only one source is qualified.

21 Q: Thank you.

22 A: And then some of the other ones are obviously require
23 some subjective thought that one of you might opine on. Those
24 would be the presence of exceptional circumstances, and whether
25 or not things are so intricately related.

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

2 Q: Okay. So, as you know the JEDI RFP allows for new
3 services to be awarded after contract award. Can you explain how
4 the new services contract laws still comply with that exception
5 where you're allowed to new unknown services that we cannot
6 fathom at this moment will be priced and added to the catalog?

7 A: They will still be added if added, if added, at a firm
8 fight first price basis. So it complies with the language of the
9 regulation and the statute. I would also say that, if we didn't
10 like the firm fixed price, we wouldn't have to add it to the
11 catalog. That's why they stress that condition, right?

12 Q: Is that addition --

13 A: So, all orders will be firm fixed price.

14 Q: Is that addition to the catalog considered and in scope
15 modification to the contract?

16 A: That would have to be determined at the time they did
17 to the addition was made.

18 Q: Who makes that determination whether something is in or
19 out of scope?

20 A: The contracting officer.

21 Q: And is the lack of a known price at the time of
22 contract award disqualify those new services from being -- from
23 complying with the statute?

24 A: The statute requires compliance at the time of award.

25 Q: So how -- since we're adding new services after award

1 --

2 A: Again, I stress the condition we don't know we're
3 adding those new services do we?

4 Q: Okay.

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

6 Q: In the event that they do, that the new services do
7 arise and that they are added after the award of the contract
8 then what would take place?

9 A: Excuse me.

10 Q: Then what would take place? Like would they still be
11 considered --

12 A: Firm fixed price? Yes.

13 Q: Right. And would it still be kind of considered
14 applicable though considering it's after the award of the
15 contract the new service?

16 A: That the language requires all orders to be firm fixed
17 price. There's no language in the regulation or statute that
18 speaks to timing of when the work is added or not.

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

20 Q: Are you aware of any precedent that supports use of the
21 exception like this? Do you have any experience with other
22 contracts that add new services after contract award in this way?

23 A: I am not aware of any at this point.

24 Q: So, the Court of Federal Claims obviously found an
25 issue with the timing. How do you feel that decision will affect

1 the DNF or the JEDI acquisition?

2 A: I think the decision of the court is clear. It doesn't
3 matter since there was no prejudice to the protester.

4 Q: Does DoD intend to appeal any point of that point of
5 the opinion?

6 A: I'm not aware of any thought in that vein.

7 (b) (6), (b) (7)(C) Okay. Do you have any follow-up?
8

9 Q: You said the word established in the section that we're
10 talking about. Does that have any bearing on the new services
11 that would be included for a firm fixed price task orders? So, I
12 mean if we actually are going to add in, going back to (b) (6), (b) (7)(C)
13 example. If we do add in at a later date a new service that at
14 the given time of award is not established in the catalog, and
15 the contracting officer decides that yes it should be included in
16 the catalog, would that in any way void or have any damage,
17 damaging effect on the contract since it was not established at
18 the time of contract award?

19 A: I'm not sure I understand the next question.

20 Q: I guess use her example if we have a new service that
21 doesn't exist at the time of contracting award that is added to
22 the catalog and the contracting officer approves that add on,
23 does it have any impact on the ability of the contract award
24 since that exact service was not established in the catalog when
25 it was awarded?

1 A: But it will be added on the firm fixed price basis
2 which is what the law requires.

3 Q: Okay. All right.

4 A: I'll also add that if you were to take the strict
5 approach that that could never happen then you would actually
6 undercut and make void the other terms of the contract. The
7 changes clause for instance. So, necessarily, unless you want to
8 read the contract to be a nonsense proposition added at its
9 inception, because it includes the changes clause, not the new
10 work clause, but 243 dash whatever it is, the changes clause,
11 it's going to happen. It has to happen, right? It happens as a
12 matter of course, and I would say some large number of defense
13 contracts of a certain size that take place over, you know, they
14 run over time because changes to the real life gets in the way of
15 reality, and changes are necessary.

16 (b) (6), (b) (7)(C) : I think we're done.

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

18 Q: In response to (b) (6), (b) (7)(C) first question I think it
19 was, you talked about the law being possibly broken versus the
20 sets of choices available to the PCO versus the head of the
21 agency. Has there been any discussion will legislative proposal
22 or anything like that try to get that changed that you're aware
23 of?

24 A: I'm not aware of any. I wouldn't be adverse to such a
25 thing. (b) (5)

(b) (5)



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20 Q: CICA, CICA?

21 A: CICA, yeah Competition of Contracting Action. 10 U.S.C.
22 2304.

23 Q: So legislative proposals aren't the only way to change
24 things, but I'm not completely familiar with FAR changes or the
25 other ways to perhaps remedy that situation as far as legislative

1 proposals.

2 A: So, I think the legislative proposal would be
3 necessary. Yeah, since both CICA and the IDIQ stuff have their
4 fundamental routes and statute that you couldn't just brush it
5 away with a regulation. You couldn't interpret it up. I think it
6 would be too big of a lift.

7 Q: Mr. Glennon, you previously indicated that you do not,
8 and I'm referring to this matrix that filled out for us.

9 A: Uh, huh [affirmative response].

10 Q: You previously indicated that you do not know what
11 role, if any, the following former DoD officials played in the
12 JEDI Cloud acquisition, Mr. Mattis, Ms. Donnelly, Mr. DeMartino,
13 Mr. Daigle, Mr. Gavin, and Mr. Ubhi. Is this correct?

14 A: That is correct.

15 Q: Do you know any of those people?

16 A: I know Mr. Daigle at the point that we would say hello
17 to each other, we would pass each other in the hallway, and I
18 would recognize if I saw him on the street. Tony D. and the
19 Secretary, but other than that I don't know -- I don't even want
20 to know Mr. Ubhi or Ms. Donnelly if they were sitting next to me
21 on a bus.

22 Q: Did you interact with Mr. Daigle or any of the other
23 officials that I just named in any way on the JEDI Cloud
24 acquisition?

25 A: No.

1 Q: What can you tell me about any of the financial
2 interests either currently or previously held by any of those
3 individuals?

4 A: I have no knowledge of such things.

5 Q: What do you know, or did you ever hear that might have
6 caused you to question any of those officials' impartiality or
7 ethics concerning Amazon?

8 A: I know nothing.

9 Q: Same question regarding impartiality or ethics
10 regarding the JEDI Cloud acquisition?

11 A: I have no knowledge. Let me correct one thing. Mr.
12 Gavin I also know back in his days, before I was here I was the
13 Navy OGC. So he and I worked a number of things together when I
14 was a Navy lawyer.

15 Q: Did you interact with Mr. Gavin in any way on JEDI?

16 A: On Jedi, no.

17 Q: What was the -- I think you mentioned the acquisition
18 strategy maybe perhaps it was before we turned the recorders on.
19 What was your involvement in the acquisition strategy, the
20 development, review, or approval?

21 A: I can't remember, I guess because -- Ellen Lord I
22 believe signed the acquisition strategy ultimately. So, I can't
23 say I didn't. I probably did, but I have asked no actual
24 knowledge of clearing as legally sufficient the final abstract as
25 approved. Certainly I was involved in discussions with the

1 program counsel and the procurement counsel as to what some of
2 the elements should be including whether the evaluation set up
3 would be legally supportable, with the gating and so on and so
4 forth, whether in fact the provisions under the use of the
5 catalog makes sense, things like that.

6 Q: What was Mr. Gavin's involvement in the acquisition
7 strategy?

8 A: I'm not -- so again, my involvement would have been
9 with Ms. Woods, (b) (6), (b) (7)(C) my predecessor as the DGC, and Chris
10 Lynch I think is the only people I talked to about the
11 acquisition strategy.

12 Q: Any other questions?

13 (b) (6), (b) (7)(C) : Nothing

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

15 Q: Why do you believe this whole matter surfaced to the
16 DoD IG? Why are we sitting here today, and I can take opinion?

17 A: You told me up front. You're responding to a Hotline
18 complaint.

19 Q: Is there any additional information that you would like
20 to provide to us, anything that we failed to ask that we need to
21 get that you have to help us accomplish our mission?

22 A: No. No.

23 Q: Do you have any questions of us?

24 A: I do not.

25 Q: Do you have any comments or concerns about the way we

1 conducted this interview?

A: No. It's been very -- everything was above board.

2 Q: If you remember anything else that you believe may be
3 relevant to our review you, I don't think you have my contact
information, but you do have (b) (6), (b) (7)(C)

4 A: I do.

5 (b) (6), (b) (7)(C) Finally, in order to protect the integrity
6 of this review we ask that you not discuss the matters under
7 review, or questions we asked you during this interview with
8 anyone other than an attorney should you choose to consult one.
9 This does not apply to or restrict your right contact an IG or a
10 Member of Congress. If anyone asks you about your testimony or
11 this review, please inform them that the DoD IG has asked you not
12 to discuss the matter, and if anyone persists in asking you about
13 your testimony, our review, or if you feel threatened in any
14 manner because you provided testimony, please contact us. The
15 time is now 10:43, and this interview is concluded.

16 [The interview terminated at 10:43 a.m., August 22, 2019.]

17 [END OF PAGE]

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

21 GLENNON - August 22, 2019

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

23 1

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

25 GLENNON - August 22, 2019

From: [Glennon, Michael J SES OSD OGC \(USA\)](#)
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: CORRECTED: DoD OIG Matter
Date: Friday, September 13, 2019 5:48:48 PM

Again, answers interlineated below, behind each red question.

Mike Glennon
Deputy General Counsel (Acquisition and Logistics)
Department of Defense Office of the General Counsel
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) >
Sent: Friday, September 13, 2019 10:58 AM
To: Glennon, Michael J SES OSD OGC (USA) (b) (6), (b) (7)(C) >
Cc: (b) (6), (b) (7)(C) >
Subject: RE: CORRECTED: DoD OIG Matter
Importance: High

Mr. Glennon,

Good morning. Thank you for your responses to our follow-up questions. Based on your answers, we have a few additional questions in red below.

Please respond to the new questions no later than Monday, September 16, 2019.

Thank you for your cooperation. My point of contact for this request is (b) (6), (b) (7)(C)

v/r,

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

(b) (6), (b) (7)(C) Investigator – (b) (6), (b) (7)(C)

Investigations of Senior Officials

Department of Defense Office of Inspector General

4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500

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

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

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From: Glennon, Michael J SES OSD OGC (USA) (b) (6), (b) (7)(C)

Sent: Thursday, September 12, 2019 9:14 AM

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

>

Subject: FW: CORRECTED: DoD OIG Matter

Answers interlineated below.

Note flags indicating privileged material (attorney work product or attorney-client privilege).

Mike Glennon

Deputy General Counsel (Acquisition and Logistics)

Department of Defense Office of the General Counsel

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

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

Sent: Wednesday, September 11, 2019 4:00 PM

To: Glennon, Michael J SES OSD OGC (USA) (b) (6), (b) (7)(C)

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

Subject: CORRECTED: DoD OIG Matter

Importance: High

Mr. Glennon,

Please disregard my earlier e-mail and questions I sent to you. Please delete that e-mail.

On August 22, 2019, members of the Department of Defense Office of Inspector General interviewed you as a witness regarding the JEDI Cloud acquisition. Again, we thank you for your time.

Since that interview, several additional questions have surfaced that we request you answer.

These questions are a continuation of your August 22, 2019, interview. During that interview you were put under oath before giving testimony. Please be reminded that you are still under oath.

We request you provide written answer to the below question **no later than Friday, September 13, 2019.**

Follow-up questions for Michael Glennon, Deputy General Counsel, Acquisitions and Logistics, DoD Office of General Counsel

1. During your interview on August 22, 2019, you stated that you were involved in discussions with Sharon Woods regarding the acquisition strategy for JEDI.

a. When did those discussions begin?

I don't recall.

b. What was the content of those discussions?

*****PRIVILEGED MATERIAL*****

(b) (5)

c. Did you discuss whether the addition of new services to the contract after contract award would comply with the FAR Subpart 16.504 and 10 U.S.C § 2304a(d)(3)? What was the content of those discussions? What was your recommendation and why?

*****PRIVILEGED MATERIAL*****

(b) (5)

1.c.i Please explain in detail the factual and legal basis that led to your conclusion that new services would not preclude compliance with FAR Subpart 16.504 and 10 U.S.C § 2304a(d)(3).

(b) (5)

1.c.ii Who was involved in these discussions? Please provide the names of those individuals.

*****PRIVILEGED MATERIAL*****

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

1.c.iii What precedent, analysis, advice, case law, or other documentation did you rely on to come to this conclusion? Please provide the same.

*****PRIVILEGED MATERIAL*****

(b) (5)

1.c.iv Where did you document the final conclusion and rationale, including the legal and factual basis, that new services would not preclude compliance with FAR Subpart 16.504 and 10 U.S.C § 2304a(d)(3)? If you did not document the final conclusion and rationale, including the legal and factual basis, then who in DoD OGC did document the same? Please provide copies of any all such documents.

(b) (5)

d. Did you document those discussions in any way? If so, please provide that documentation?

No.

2. During your interview on August 22, 2019, you stated that you reviewed drafts of the Determination and Findings (D&F).

a. Who drafted the D&F?

I don't know.

2.a.i Who within DoD OGC would know who drafted the D&F? Please provide their name.

I don't know. With the retirement of (b) (6), (b) (7)(C) and the departure of Ms Woods to program management, I am the sole DoD OGC asset at present who worked the matter. (b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) staffed to WHS, a free-standing Defense Agency, or a WHS (b) (6), (b) (7)(C) under some sort of organizational control of DLSA.

I am not willing to extrapolate from the mere fact that because I met with lawyers on the topic that one of them was a drafter.

b. What did your review entail and what was your recommendation? What was the basis for your recommendation? Was your review and/or recommendation in writing? If yes, please provide your written review and/or recommendation.

My review would have been undertaken to ensure the requirements of law and regulation were met and that the articulation of the findings as set forth in the drafts of the D&F was reasonable. My review and conclusions were not reduced to a writing.

2.b.i Please provide copies of any and all drafts of the D&F that were reviewed by you or anyone else in DoD OGC.

I have none, as none was retained in office files.

2.b.ii What input, reviews, modifications, or edits did you or anyone in DoD OGC provide to the D&F? Please explain.

Lost to memory, as work was done in real time via conversation or with real-time conveying of pen-and-ink mark-ups not retained. No drafts retained.

2.b.iii Please search for any and all records, including, but not limited to email correspondence, work product, drafts, and legal research (hard or electronic copy) produced by you or anyone else in DoD OGC in the course of the review of the D&F. Please provide copies of the same.

Done. None.

c. What discussions did you have regarding the development of the D&F and the rationale for the firm, fixed price task order exception to 10 U.S.C § 2304a(d)(3)?

*****PRIVILEGED MATERIAL*****

(b) (5) . (b) (5)
(b) (5)

d. What was the basis for not recommending the selection of any other exceptions to 10 U.S.C § 2304a(d)(3)? Why?

*****PRIVILEGED MATERIAL*****

(b) (5)

2.d.i Please explain in detail the factual and legal basis as to why the exception chosen (10 U.S.C § 2304a(d)(3)(B)) was the 'best fit' and "only fit," and why the

other exceptions (10 U.S.C § 2304a(d)(3)(A), (C) and (D)) did not “fit.”

*****PRIVILEGED MATERIAL*****

(b) (5)



3. During your interview on August 22, 2019, you stated that you advised Ms. Lord regarding the D&F for Authority to Award a Task Order Contract to a Single Source, signed July 19, 2018.

a. On what day did you brief Ms. Lord?

I don't know. I have no recall and that information has been lost to time.

b. What advice did you provide Ms. Lord? Why?

*****PRIVILEGED MATERIAL*****

(b) (5)



c. Did you or any subordinate prepare any documentation for Ms. Lord to review as part of your briefing? If yes, please provide the documentation.

*****PRIVILEGED MATERIAL*****

[REDACTED]

- d. Did you review any staffing package associated with the D&F, and if yes, what was your review and what was the basis for any recommendation? Please provide a complete copy of the staffing package along with any accompanying review, electronic or hardcopy.

I don't recall any formal staffing package.

3.d.i Please conduct a search to determine if there was a written staffing package or other documentation. Please provide copies of the same.

Done. None.

- e. Did Ms. Lord question your advice? Did she request any revisions to the D&F? If yes, what revisions did Ms. Lord request and why? What was your response?

*****PRIVILEGED MATERIAL*****

(b) (5)

Point of contact for this request is (b) (6), (b) (7)(C)

v/r,

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

Investigator – (b) (6), (b) (7)(C)

Investigations of Senior Officials

Department of Defense Office of Inspector General

4800 Mark Center Drive, (b) (6), (b) (7)(C) Tower Alexandria, VA 22350-1500

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

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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)
U.S. Marine Corps
November 13, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is November 13, 2019, and the time is
3 now 12:32 Eastern Standard Time. I'm (b) (6), (b) (7)(C), and with
4 me today is (b) (6), (b) (7)(C) with the Office of the
5 Inspector General. We are interviewing the witness (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C) United States Marine Corps. We OIG personnel are at the
7 Mark Center in Alexandria, Virginia. (b) (6), (b) (7)(C) is at the
8 DARPA Building in Arlington, Virginia and is on the telephone
9 with us. We are conducting a review of the development of the DoD
10 JEDI Cloud Services Program and Procurement. We also want to
11 clarify information that's been reported in the news media
12 lately. At this time ask you that you acknowledge this interview
13 is being recorded.

14 (b) (6), (b) (7)(C): Yes, I acknowledge.

15 (b) (6), (b) (7)(C): Please acknowledge that I provided you a copy
16 of the DoD OIG Privacy Act Statement.

17 (b) (6), (b) (7)(C): Yes, you have.

18 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
19 your right hand.

20 (b) (6), (b) (7)(C) Okay.

21 Whereupon:

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

23 was called as a witness, placed under oath, and provided the
24 following testimony:

25 EXAMINATION

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

2 A: My name is (b) (6), (b) (7)(C), last name is spelled
3 (b) (6), (b) (7)(C).

4 Q: And what is your duty position and organization?

5 A: So, I'm currently a (b) (6), (b) (7)(C) at the Strategic
6 Capability Office, which falls underneath the Under Secretary of
7 Defense for Research and Engineering. I am on an MOA from the --
8 from Headquarters, Marine Corps Installation Logistics.

9 Q: So, the MOA that's a Memorandum of Agreement?

10 A: Memorandum -- yes, Memorandum of Agreement from
11 Headquarters, Marine Corps.

12 Q: And we'll go ahead and begin our questions with
13 (b) (6), (b) (7)(C)

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

15 Q: So can you tell me how and when you first came to work
16 on JEDI?

17 A: Yes. So, October, well, in September, August or
18 September of 2017, right around the end of it. I attended a
19 program brief for one of the programs that the Strategic
20 Capabilities Office has. The Program Manager and I talked after I
21 asked some very technical questions of his program and his
22 company that was doing the work, and so it had nothing to do with
23 cloud, but then he came back, Dep SECDEF signed a memo saying
24 we're going to accelerate the cloud and he said, "Do you know
25 about this? Do you want to help?" So, I said, "Yes." Because it

1 interested me and I'd been writing information papers to my
2 leadership about how, what we currently were doing was not
3 working, and how we needed to go to cloud. And so the opportunity
4 to help the Department get there was something I wanted to do,
5 and so that's when my three star then Lieutenant General Dana
6 who's now retired, said, "Yep. You're going to go to SCO and work
7 on this." So, October of 2017 is really when I got into working
8 with Defense Digital service also known as DDS, and the team that
9 was doing JEDI.

10 Q: So, what parts of JEDI did you work on?

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

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

That was my document.

13 Everything that went into that I was the final approver in the
14 Google doc that did that. I helped with the acquisition documents
15 and then the Cyber Security Plan, the price scenarios, a vast
16 majority of the non-contract oriented stuff within the RFP if it
17 was technical I helped write most of it.

18 Q: And when did you get I guess nominated to be (b) (6), (b) (7)(C)

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

?

20 A: It was after we had gone and answered a bunch of
21 questions. So, we did the draft RFP and then we had the Industry
22 Day, like which was simultaneous. We answered all those questions
23 and the JEDI Team asked if I could do that. I said, "Yes, I can.
24 I just need to check with my leadership at the Strategic
25 Capabilities Office." And so the SCO said, "Yeah, go for it."

1 That's fine." So, that's when I -- I don't remember exactly when
2 that was but it was, I think they always kind of had it in their
3 minds because I was the only uniformed person that was there, and
4 I'm technical. So, I think they always kind of wanted me to run
5 that aspect of it, but I didn't get formally asked until probably
6 midway through '18.

7 Q: And what were your duties as (b) (6), (b) (7)(C)?

8 A: I was responsible for evaluating the proposals that
9 made it through Factor 1 which is Gate Criteria. So review and
10 then from the technical standpoint only, review of the
11 feasibility and how technically feasible each of the proposals
12 were.

13 Q: Were you given any guidance on how you should evaluate
14 your Factor?

15 A: So, guidance, yeah. I mean we attended like a, "Hey,
16 this is like best practices for evaluators." But not told how to
17 evaluate my Factor from a technical standpoint. Does that make
18 sense?

19 Q: Yes.

20 A: Okay.

21 Q: Can you walk me through how you came to your ratings
22 for AWS and Microsoft for tactical edge?

23 A: Yeah. So myself and then (b) (6), (b) (7)(C), or I just
24 called him (b) (6), (b) (7)(C) was the other person that was on my Factor. And
25 so the two of us independently looked at each of them. So, we

1 said, (b) (5)

2 (b) (5)

19 where we -- that's how we went through and did it.

20 Q: How did you weigh the strengths and weaknesses?

21 A: (b) (5)

22 (b) (5)

(b) (5)



Q: How did you make sure that you were evaluating each of the proposals consistently? So that you were evaluating Amazon and using that same kind of evaluation mentality for Microsoft?

A: (b) (5)



(b) (5)

Q: Did your rating change from the initial proposal, to interim, to final?

A: (b) (5)

(b) (5)

Q: Well I guess yes. So for their --

A: (b) (5)

Q: So from their initial proposal that you look at that you look at after Factor 1, and then you went to discussions?

A: (b) (5)

(b) (5)

Q: Okay. The SSAC or the SSA ask any additional questions of you during their evaluations?

A: (b) (5)

(b) (5)

Q: So, we understand that (b) (5) --

(b) (5)

A: (b) (5)

Q: Can you tell us more about that and did any of the

1 other members -- did you talk to any members about their
2 evaluations?

3 A: (b) (5)

4 (b) (5)

19 (b) (5), (b) (6) It was all kind of done like
20 old-school, like telephone style.

21 Q: Like through an intermediary?

22 A: (b) (5)

23 (b) (5), (b) (6)

(b) (5)



Q: Okay. Did you assist in responding to the AWS
debriefing questions?

A: I had one.

Q: You only had one?

A: Yep.

Q: Was there anything in that question that concerned you,
or did you find anything valid in their questions?

A: (b) (5)



(b) (5)



(b) (5)

Q: Did you brief anybody other than the SSEB, SSAC, SSA about the (b) (5) Report?

A: Outside of the JEDI -- like the JEDI lawyers and the Contract Team?

Q: Yeah, anybody else?

A: No.

Q: (b) (5)

(b) (5)

A: No. I was not aware.

Q: Was the Source Selection Team given any assurances by the Program Office, WHS, or anyone else that your names would remain confidential?

A: (b) (5)

(b) (5)

(b) (5)

Q: What was your reaction when you learn that the names had been disclosed?

A: I don't care. They were going to -- people were going to get it anyways.

Q: Have you been contacted by anybody from AWS, Microsoft, or the media?

A: No. I mean, so I like -- no. So I posted something on

1 LinkedIn about like just how it was -- like how JEDI was going to
2 be good for the Department. Not that I participated for it but
3 just that it's going to be like good, and not like I participated
4 in the source selection, but people were aware that I was
5 associated with JEDI but not source selection. Does that make
6 sense?

7 Q: Uh, huh [affirmative response].

8 A: So that is impactful in the Department and so there
9 were people that were from all sorts of tech company that like,
10 likes the way social media works is that it flows through. So I
11 got LinkedIn requests but I just ignored them. They sit in
12 purgatory.

13 Q: When did you post that?

14 A: After we awarded, so after it was public.

15 Q: When did you find out who would win?

16 A: So I was outside of the room when they hit enter on the
17 notifications. So after they'd already said the notifications
18 that I was -- that's when I found out who won.

19 Q: Okay, so not until Microsoft and Amazon were notified?

20 A: Yes, yeah. So like the you win/you lose notification.

21 (b) (6), (b) (7)(C) : Got you. I think I'm done.

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

23 Q: Okay now I'd like to ask you a couple of questions
24 concerning some of the media articles that you may have read.

25 A: Yes.

1 Q: The media reported that President Trump became involved
2 or tasked someone on his staff to get involved in the JEDI Cloud
3 procurement. Please tell us what you know about that.

4 A: Nothing.

5 Q: What communications did you have with President Trump
6 about the JEDI?

7 A: Me personally?

8 Q: Yes.

9 A: None. I mean I wrote talking points for Secretary
10 Mattis once with like Chris Lynch and a whole bunch of other
11 people that the Secretary took to go talk to them, but my
12 involvement zero.

13 Q: What communications did you have with anyone from
14 President Trump's staff about JEDI?

15 A: None.

16 Q: What have you ever heard President Trump say that was
17 about or related to the JEDI Cloud procurement?

18 A: I mean just what you've read in the news that he would
19 look into it and that's -- I mean that's all I've heard, right?
20 And then that guy had his book come out where he had a quote in
21 it, and I read that a news article, but that was it.

22 Q: What guy are you referring to?

23 A: I think Snodgrass. He's Snodgrass or Snodgross, Mattis'
24 old speech writer.

25 Q: And how do you know about that?

1 A: I know nothing about that.

2 Q: Okay.

3 A: I haven't bought the book.

4 Q: So going back to the news article where the President
5 may have mentioned that he would look into it. Do you know if any
6 action was taken following that statement that was made in the
7 media?

8 A: Not to my knowledge. I have no clue.

9 Q: Have you ever heard President Trump say anything about
10 Amazon, Amazon Web Services, or Jeff Bezos?

11 A: Yeah.

12 Q: Share with me what you know?

13 A: I don't think that they like each other, but I mean
14 that's just from reading the news and seeing social media.

15 Q: And what impact or affect did that description of how
16 you said President Trump and Mr. Bezos may not like each other
17 all have on your role as the Source Selection Chair?

18 A: Zero impact.

19 Q: Why is that?

20 A: I don't care what they think of each other. I mean this
21 is a critical capability that the warfighter needs. We have
22 bigger things to worry about as a nation than two rich people
23 arguing even if one of them is the President. I'm more focused on
24 our near peer adversary, China, Russia and having capabilities to
25 beat them.

1 Q: What has anyone ever told you that they heard President
2 Trump say that was about Amazon or Jeff Bezos?

3 A: I don't know. I can't direct quote. I know that there's
4 always news articles, right? If you read any news article about
5 JEDI they link it back to the President and Jeff Bezos.

6 Q: How did President Trump's public statements about JEDI
7 Procurement influence the actions of the senior DoD executives
8 such as Secretary Mattis, Deputy Secretary Shanahan, Secretary
9 Esper, Deputy Secretary Norquist, Under Secretary Lord, and Under
10 Secretary Deasy?

11 A: I don't believe it had much of an influence. I think
12 that -- I know that Secretary Esper did a review of the process
13 before he recused himself, but to me I think that came from his
14 meetings on the Hill in the confirmation hearings, and not from
15 his interactions with the President.

16 Q: Okay.

17 A: But that's my personal opinion. I have no clue how that
18 works because I never met the man.

19 Q: Okay. And what do you recall about the review of
20 Secretary Esper?

21 A: I was not associated with it because I was done with my
22 evaluation at that point. So all I did was, I was aware of it was
23 happening but the office that I was that, so, not only did he do
24 a review of JEDI but he was doing his defense wide review, a.k.a.
25 night court, and our office, the Strategic Capabilities Office

1 was going to one of those. (b) (5), (b) (6), (b) (7)(C)

2 (b) (6). I was more focused on getting stuff ready for that so I
3 stayed out of it. The team knew that if they needed me I was
4 available but I didn't participate in any of those.

5 Q: Did any other members provide any input that you're
6 aware of regarding information being provided to Secretary Esper?

7 A: Not to my knowledge, I don't know but I didn't really
8 talk to anybody. I was just really glad to be done. It was a long
9 two years.

10 Q: Do you know if by chance there were any briefing slides
11 shared between your team or any of the other members there at DDS
12 for this review?

13 A: I don't know that, no.

14 Q: Okay. And I just want to confirm did you ever have to
15 provide any information regarding any decisions that you made (b) (6)
16 (b) (6) as part of this review?

17 A: No.

18 Q: And this is going back to President Trump. How did
19 President Trump's or his staff's communications or public
20 statements about the JEDI Procurement influence the procurement?

21 A: I don't think it did.

22 Q: Why do you say that?

23 A: I think everybody was very mission focused. I think we
24 kind of stayed out of the fray of most of that, right? And what I
25 mean by that is that we kind of kept our heads down and I think

1 DoD leadership realized that they needed to take that on and be
2 the buffer and let the Source Selection Team do what we needed to
3 do. I mean those conversations never even came up.

4 Q: Who from DoD leadership stepped in?

5 A: I think Mr. Deasy's office. I think he did a great job,
6 but I think that that was kind of the CIO to OSD like DoD
7 leadership I think he was one of the key people in that in
8 answering. I think that the Program Office that was their job was
9 to provide a screen and a cover for the team that was doing the
10 work.

11 Q: So did you ever feel any pressure from Mr. Deasy's
12 office for demands that may have been coming from a higher chain?

13 A: Absolutely not.

14 Q: Do you know if Mr. Deasy or any member of the executive
15 staff there felt any pressure from the White House to provide
16 information relative to the JEDI?

17 A: I don't know that.

18 Q: And what is your response to the assertion that
19 President Trump influenced the JEDI Cloud procurement in a way
20 that disadvantaged Amazon?

21 A: To be blunt I think it's laughable.

22 Q: Please describe.

23 A: I don't think it -- I don't think that that had any
24 factor. I mean nothing that he said I think played a factor into
25 specifically look at my Factor and I would venture that of the

1 other factors were influenced by any of the actions of the
2 President.

3 Q: Okay. And what influence did President Trump or anyone
4 on President Trump's staff have on Secretary Esper's review of
5 the JEDI?

6 A: I have no information on that.

7 Q: Okay. Earlier you mentioned Mr. Snodgrass' book. You
8 stated you didn't read it but what can you tell us about what
9 you've learned from the media regarding the contents in Mr.
10 Snodgrass' book?

11 A: I think there is one quote where I think the President
12 said something to Secretary Mattis about screwing Amazon I guess
13 something along the lines, and then Secretary Mattis said, "No.
14 This thing is going to be fair, balanced, open. Like the full --
15 we're going to basically ignore that statement and we're going to
16 do this thing right." That's I think is the basic gist of it. I
17 don't know. I won't buy that book.

18 Q: Okay. What do you think about that comment that Mr.
19 Snodgrass made regarding Mr. Mattis' statement?

20 A: I mean I have my opinions about why he wrote a book but
21 to each his own. I mean I don't -- I have no clue why he would
22 make that but I think like part of his story. The whole goal of
23 the book is to sell books so if you can create a controversy and
24 drama that helps you sell books.

25 Q: Did it any time during your tenure there working on the

1 JEDI Procurement did Secretary Mattis ever provide any guidance
or direction to you?

2 A: No.

3 Q: Is there any additional information that you would like
to provide to us at this time?

4 A: I don't believe so.

5 Q: Is there anyone that you would recommend we speak with?

6 A: I don't know who you've talked to. I'm assuming you've
talked to everybody on the factors like all the Factor Chairs. So
you said you have all that information so you know who all the
Factor Chairs are?

7 Q: Yes we do but is there anyone you think we should speak
with?

8 A: Oh no. I mean if you haven't I would talk to the factor
chairs, but that's just because you guys tagged me. I feel like
its all part of -- it's all part of being a Factor Chair.

9 Q: Do you have any questions for us?

10 A: No.

11 Q: Do you have any me comments or concerns about the way
we conducted the interview with you today?

12 A: No.

13 Q: And if you remember anything else that you believe may
be relevant to our review please contact me, you have my contact
information.

14 A: I do.

15 (b) (6), (b) (7)(C): Finally, in order to protect the integrity of
this review we ask that you do not discuss this matter under
review or questions we've asked you during this interview with
anyone other than other than your attorney should you choose to
consult with one. This does not restrict you to your right to
contact an Inspector General or a Member of Congress. If anyone
asks you about your testimony or about the review please inform
them that the DoD OIG has asked you not to discuss this 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 me. The time is now 12:59 and I
will turn the recorders off.

20 [The interview terminated at 12:59 p.m., November 13, 2019.]

21 [END OF PAGE]

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

23 (b) (6), (b) (7)(C) - November 13, 2019

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

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

November 18, 2019

ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Good afternoon. Today is November 18, 2019,
3 and the time is 12:05 p.m. I'm (b) (6), (b) (7)(C) with the Department
4 of Defense Office of Inspector General. With me is my colleague
5 (b) (6), (b) (7)(C) and our witness (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C) what is your current location?

7 (b) (6), (b) (7)(C): I'm currently located in my office with the
8 Defense Information System's Agency at Fort Mead, Maryland.

9 (b) (6), (b) (7)(C): Okay. Thank you, and we OIG personnel are
10 here in the Mark Center in Alexandria, Virginia. The OIG is
11 conducting a review of the JEDI Cloud Services procurement, and
12 we also as part of that we have some questions for (b) (6), (b) (7)(C)
13 today about source selection process, and also will have some
14 questions about to clarify some information that's been reported
15 in the news media. At this time, (b) (6), (b) (7)(C), I ask you to
16 acknowledge this interview is being recorded.

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

18 (b) (6), (b) (7)(C) Also please acknowledge that I provided you
19 a copy of the DoD OIG Privacy Act Notice.

20 (b) (6), (b) (7)(C) I acknowledge that as well.

21 (b) (6), (b) (7)(C) Will you please raise your right hand for
22 the oath?

23 (b) (6), (b) (7)(C): Okay. Right hand's raised.

24 Whereupon:

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

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

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

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

5 Q: Will you please state your full name and spell out your
6 last name?

7 A: Yes, (b) (6), (b) (7)(C) . Last name is spelled
8 (b) (6), (b) (7)(C) .

9 Q: What is your rank or grade and where do you work?

10 A: I am a (b) (6), (b) (7)(C) and I work with the Defense Information
11 Systems Agency at Fort Mead, Maryland.

12 Q: What is your duty position, sir?

13 A: I am a (b) (6), (b) (7)(C) for the Risk Management
14 Executive Office.

15 Q: Okay. I think my colleague here (b) (6), (b) (7)(C) has some questions
16 for you.

17 A: Okay.

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

19 Q: All right, sir. Can you describe how and when you came
20 to work on JEDI including what was your involvement in the
21 different parts of the procurement process?

22 A: Okay. I didn't clearly hear the first part of the
23 question. You said when I came on to work or what was the first
24 part of the question?

25 Q: Yes, how and when did you come to work on the JEDI

1 Cloud procurement?

2 A: In terms of how I was asked to participate as part of
3 Source Selection Board. The timeframe escapes me. It may have
4 been late last year November-ish timeframe I don't have it in
5 front of me. I think you asked, you asked me what my role was?

6 Q: Yes, and also who approached you to come and be a part
7 of the Source Selection Board?

8 A: Yeah. Well I was originally asked by my boss is (b) (6), (b) (7)(C)
9 (b) (6), (b) (7)(C) to essentially asked would I'd be interested in
10 serving in that capacity. I told him yes.

11 Q: All right. And you said you came on in late you believe
12 2018?

13 A: I would have to search here but because I don't have
14 the exact date in front of me when I came on board, but yeah. I
15 mean essentially it would have been when the team was brought
16 together, the Source Selection Team, they were brought together
17 as a whole and it was explained to them what the duties would be
18 of the Source Selection Board. So, again without doing some
19 searching, I mean I would have to search to get a feel for when
20 exactly that was.

21 Q: All right. Can you describe your roles and
22 responsibilities while you were on this procurement including but
23 not limited to your role in Source Selection Board?

24 A: Yeah, I mean essentially the part I played was the
25 initial, some of the -- well some of the earlier phases of the

1 source selection process. I mean essentially our role was to look
2 at what the requirements were and cross-reference that with the
3 submissions provided by vendors, and really just came down to,
4 did the vendors provide what the requirement stated? And so it
5 was line by line we would look to see if they did that. If they
6 did then we pressed on, if there were things that either they
7 didn't clearly state there was a process in place where you could
8 go back to the vendor and ask for clarification. We would then
9 take that clarification and still assess whether or not they met
10 the requirements in terms of, the stated requirements, okay?
11 Essentially from the process if they didn't meet the requirement
12 then yeah it would they were vetted to not move on to subsequent
13 processes or parts of the process. So, I mean that was really the
14 nature of my role with the Source Selection Board. It doesn't
15 meet the requirement?

16 Q: For any of the gate criteria that you looked out for
17 Factor 1, were any of those more difficult than others to
18 evaluate, and if so could you explain why?

19 A: Well certainly some were more difficult, and again it's
20 just kind of you don't understand it. Like one it was a while
21 ago, two I do not have in front of me specific details of what
22 we're V=vetting, but yes certain things were in some cases for
23 example there were thresholds. If the vendors who submitted the
24 proposal, if there's a requirement to identify a certain
25 threshold there could be a case where we would look and again

1 either it wasn't answering the question directly, or and stated,
2 it was not meeting the threshold. So and those cases where it
3 came out we would, I think push those to the higher-level team,
4 legal and communication team, and the overarching assessment team
5 to see if this was something we need to reach back to the vendor
6 to get clarification on, and not, but to it was typically things
7 like, you know, again are they -- it really just comes down how
8 are they answering the question? They would provide a threshold
9 answer that would either, it didn't make sense. And I think, I'm
10 just trying to remember it's been a while now. Yeah, in some
11 cases if you looked at less you say four vendors or whatever, and
12 three of those vendors answer those questions on point or
13 directly, accurately, whether they met threshold or not, and
14 another vendor really gave a totally different answer that wasn't
15 answering the question. You know, we had a vetting process to try
16 to adjudicate those kinds of things. Again, I don't have
17 specifics here but generally that's where we had instances of,
18 okay. Because, in some cases, in some cases and frankly we could
19 have very easily eliminated any vendor if we just took verbatim
20 what they said, which we generally did, but if there were
21 questions we had another level we could raise it to adjudicate
22 that question.

23 Q: Okay. Just as some clarification, I guess some of the
24 -- so I've looked at some of the reports I guess for some of
25 those factors, those sub factors under (b) (6)

1 A: Okay.

2 Q: So, for example if we're looking at say (b) (5)

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]. So, when it
7 came to stuff like that did you just go through the adjudication
8 process, and then if it worked out and they provided extra
9 details, then you were able to I guess approve a certain vendor,
10 but in say the case of Oracle you are unable to approve them
11 because I guess they weren't able to meet the criteria at the
12 end, but did everyone go through that adjudication process where
13 you had issues?

14 A: (b) (5)

15 (b) (5)
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 Q: So I guess a better question is for vendors that you
23 need to go one level above for clarification and go through the
24 adjudication process, were any of them then approved or did any
25 of them get a yes rating for Factor 1 in the end after having

1 gone through any sort of adjudication process?

2 A: (b) (5)

3 (b) (5)

9 Q: Okay. As far as your roles and duties as the source

10 selection -- (b) (6), (b) (7)(C) I

11 guess let me back up for. Right now are you currently (b) (6)

12 (b) (6)

13 A: I am not, I was not.

14 Q: Okay. Thank you for that. All right, so, what guidance
15 were you provided for evaluating sub factors within Factor 1?

16 A: I mean we were given the, I think, I think the
17 overarching, I think it was (b) (5)

18 (b) (5)

1 Q: Okay. So just for clarity for the record, the
2 authoritative document that you're referencing is the RFP, or
3 Request for Proposal, am I correct in that?

4 A: Yes. Yes. I'm pretty sure that's what it was, yes.

5 Q: Okay. And then when you documented you all's decision
6 on the -- in the Technical Evaluation Board reports for these sub
7 factors, you went into certain details on some of those
8 explanations on why the major decision, or your rating. So, did
9 you receive any guidance on how to complete those TEB reports and
10 how much detail to go into?

11 A: I don't think any direct guidance, it was just making
12 sure that we documented why we assess something as meeting the
13 requirement or not. Yeah, that was -- I mean for the most part we
14 had to pretty much document everything that we did in terms of
15 yes, no, and why, and particularly if there was a no for sure.

16 Q: Okay. So essentially at that point it was within your
17 all's judgments on how to document within those TEB reports is
18 that correct?

19 A: Yeah. I mean and again, this is dated because, yeah,
20 it's just dated, but to me it wasn't very vague or anything, it
21 was we'd read the RFP and see if the stated proposal met those
22 things in the RFP. To me I think the guidance if anything was
23 more administrative in terms of the systems and things like that,
24 but I thought it was straightforward in terms of you've got a
25 requirement, did they address a requirement or not and document

1 one way or the other?

2 Q: All right. Sir, who provided that guidance to you?

3 A: I mean things like the RFP were provided to the group
4 as a whole. So everyone who were part of the Source Selection
5 Group, we all accessed the same RFP documentation.

6 Q: Oh, so I guess I understand that you had access to the
7 RFP and you're essentially evaluating what the criteria within
8 the sub factors were met, but I guess, did anyone from legal or
9 anyone else from the Program Office or anything give any
10 guidance, because I understand you're saying that the
11 administrative guidance that --

12 A: Right.

13 Q: -- you're speaking on and that makes complete sense. So
14 I totally understand where you're coming from, but I'm just
15 wondering did anybody actually give that guidance to you, or did
16 you just -- was it just here's the RFP and match it up?

17 A: Mostly the Program Office and the legal part of the
18 team always provided, I mean they provided guidance as needed or
19 things for clarity. I mean, obviously from a legal standpoint you
20 try to stay within the left and right bounds, so everything is
21 there. I mean I guess what I'm saying is certainly the
22 responsible program office provided us, these are the documents
23 you've got a review. And every step of the way legal was involved
24 in those processes to include answering questions that might
25 needed to be answered. Yeah, so the -- while the RFP was again

1 probably, I guess in my words, and bear in mind I don't know
2 everything that was -- the documentation that we had, but that
3 was always the thing we focused on in terms of does the vendor
4 meet requirements as laid out in the RFP? I don't know that it
5 was much more detailed than that. It was again to me pretty
6 straightforward.

7 Q: Understood, got you. How did the Factor 1 Technical
8 Evaluation Board come to it's recommendation for the different
9 vendors?

10 A: Again, I'm trying to remember again. Again at the end
11 of the day it was did they meet the requirements laid out in the
12 RFP? And if they did they went to the next phase. If they didn't
13 to include if requirement X says you've got to meet this
14 threshold and the vendor did not meet that threshold based on
15 what they submitted, then, and again I don't know if it's a
16 certain percentage as to why they didn't meet or whatever, I just
17 don't have that in my memory bank there, but yeah, if they met
18 the requirements based on their submission or they did not. And

19 (b) (5)



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25 Q: Right. Everything was a go/no go situation, correct?

1 They passed each criteria, each sub factor, they had to pass each
2 sub factor in order to be able to be evaluated for the next one,
3 and only if they passed each of them then they passed Factor I,
4 is that correct?

5 A: (b) (5)

6 (b) (5)

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15 Q: Were your ratings for any of the sub factors over the
16 collective sub Factor 1 rating for any vendor, was that
17 questioned, or were any questions asked to your Technical
18 Evaluation Board by the SSAC or the SSA, again being the Source
19 Selection Advisory Council or the Source Selection Authority, or
20 even the Source Selection Executive Board, or Evaluation board,
21 excuse me?

22 A: Again, I don't remember. Again at my level it was just
23 one level up if we had any questions and they would provide
24 feedback. You know, in terms of questions asked I think it would
25 be more them asking for clarification with anything we had put in

1 that and as well as helping to -- for us it was -- and again it
2 was more or less if there was anything that was in doubt that we
3 either had questions about or what have you more consistently it
4 was looking for clarification and to some degree it was
5 determined, okay. Did they -- based on what they submitted did
6 they actually meet it or not? So that was generally the level of
7 questioning that we got, and it wasn't typically questioning from
8 top down, it was more, "Hey we've assessed us at this." And if we
9 need clarification on something then they would seek to get that
10 answered, and that was due to the nature of communication.

11 Q: All right. So, did you have any contact with any of the
12 other factor evaluation boards during evaluation?

13 A: We were operating in the same space. So that was really
14 -- you know, put it this way. I didn't participate -- in my case
15 I didn't participate in any other factors. I never sat in on any
16 collaboration or conversations with those other factors. We
17 simply had our own group and yeah, there were times when we had
18 all factors present in a room and it was more administratively in
19 terms of whether hey, this is a change on the lock, or here's
20 where the restrooms are, or whatever, but I have no context in
21 terms of discussing the procedures anything like that at all with
22 the other factors. It's just all administrative kind of things.

23 Q: Was the evaluation of Factor 1 complete and already
24 decided before any of the other factor evaluation boards started
25 their work?

1 A: Yeah, I guess it's a little difficult for me to answer
2 because I frankly don't know what they were doing in the other
3 factors. I know there were cases where other factors may have had
4 to come later, but yeah. I just don't know the nature of what
5 they discussed in those groups, the other factors.

6 Q: Okay. So, did you ever need to consult anyone from any
7 other factor, or did anyone from another factor ever need to
8 consult you about how to understand a certain portion for your
9 review or their review?

10 A: I think to me it was always if they were in kind of --
11 certainly not from a review assessment. I think of anything they
12 would be, again as I recall just the next level up of expertise
13 if anything. And again it just more so from a subject matter
14 expertise question, but not cross -- never crossing over and
15 other factors or anything like that.

16 Q: To clarify, does that mean that you would have shared
17 any information about, or they would have shared any information
18 about the specific factor that was being evaluated, or are you
19 talking in more general terms about how to understand something?

20 A: Probably just more to understand something the
21 technology or something like that more than anything else for
22 sure.

23 Q: Did you assist in responding to any debriefing
24 questions to Amazon or Microsoft?

25 A: I did not.

1 Q: Were you aware of the questions?

2 A: And just for clarification, the debriefing questions I
3 am pretty sure I don't -- I didn't have any privy to that. Yeah,
4 so I don't -- I make sure that there's no -- I definitely don't
5 recall anything like that.

6 Q: Okay. Just for clarity you never saw the questions
7 essentially?

8 A: I never what again?

9 Q: You never saw the questions or read the questions from
10 the debriefing questions from AWS?

11 A: Yeah, I'm pretty sure I do not recall reading any kind
12 of debriefing questions at all. So no.

13 Q: Did you brief anyone about the Factor 1 Evaluation
14 Board's rating, or ratings for any of sub factors?

15 A: I did not.

16 Q: All right. Just for clarity, was there any -- was a
17 briefing done by the Chair of the Factor 1 Board to any of the
18 other individuals that we've mentioned talking that Source
19 Selection Evaluation Board, or the Source Selection Advisory
20 Council, the Source Selection Authority, or the Program Office,
21 or Legal, anyone else?

22 A: Yeah, not that I'm aware of. Again on, from my -- I was
23 just not present for lots of things. I was remote. I had to
24 travel an hour, so to get there or more. So none that I'm aware
25 of.

1 Q: All right. Was the Source Selection Team given any
2 assurances from the Program Office, WHS, or anyone else that your
3 names would remain confidential?

4 A: Given assurances? Yeah, I don't -- yeah, I've got to
5 say I don't -- I just frankly don't remember if they were -- if
6 they specifically stated that I cannot say -- I cannot say with
7 assurance that they specifically said that, but again I just
8 don't recall because it was a while back and yeah I just don't
9 recall that. I just don't remember.

10 Q: Okay. Just for clarity, around when did you finish the
11 Factor 1 evaluation? Was that around April of this year?

12 A: No, I think, you know and again I don't have exact
13 dates in front of me, but I thought Factor 1, the majority of
14 what we did if I recall correctly, it was, things started leaning
15 towards the end of the year because it started get towards the
16 holiday time, and again, what I don't recall is if we've finished
17 just before the holidays or just after, but I know it was -- from
18 what I remember my recollection somewhere between probably
19 November 2018 and January-ish 2019. It's just, again nothing
20 else, and I'm digging information that's what I recall in my
21 memory.

22 Q: Okay. So what was your reaction when you learn that the
23 names of Source Selection Team had been disclose?

24 A: So for me I'll just say this, not necessarily knowing
25 how that part of the process was supposed to be executed or done,

1 I am put a lot of thought into it because frankly, as I said I
2 don't recall if they said it would be released or not. So we
3 understand the sensitivity of the whole process, but didn't know
4 if that was part of the process or not. I've sat, let's just say
5 I've sat military boards where part of the process was you sit
6 the board, you deliberate, decisions are made and at the end of
7 those processes they do acknowledge who set the board. So for me
8 it was -- I didn't spend a lot of time thinking about it, okay,
9 either our names may or may not be released. So, that's the short
10 answer. I wasn't sure which way it would go. I wasn't necessarily
11 pressed about it, but that's kind of what my thoughts on.

12 Q: Have you been contacted by Amazon, Microsoft, or anyone
13 else regarding your participation with JEDI?

14 A: I have not.

15 Q: Do you know if anyone else on the source selection team
16 has been contacted by the affirmation parties?

17 A: I do not.

18 (b) (6), (b) (7)(C): All right. Do you have any questions? I'm
19 going to hand it over.

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

21 Q: This is (b) (6), (b) (7)(C) talking.

22 A: Yes.

23 Q: (b) (6), (b) (7)(C), what communications did you have with
24 President Trump about JEDI?

25 A: None whatsoever.

1 Q: What communications did you have with anybody at the
2 White House, President Trump's staff, or the White House employee
3 anything of that nature about JEDI?

4 A: None.

5 Q: The media have reported that President Trump became
6 involved or tasked someone on his staff at the White House there
7 to get involved in the procurement. Please tell us what you know
8 about that media report.

9 A: I know nothing outside of what the e-mail you guys have
10 sent me for this interview, nothing.

11 Q: What's your general awareness of reports and the media
12 about the JEDI Procurement?

13 A: Well, I guess the biggest thing I know it's a very
14 significant procurement. I know it's highly competitive just,
15 again having been around DoD. I know It's certainly a process,
16 highly sensitive, and frankly have been around DoD for a while, I
17 assume that would be, let's just say I assume that would be no
18 matter what decision was made or what vendor selected, I assumed
19 it there would be protests or what have you, but that's just
20 seems to be the process though. So, I just kind of -- yeah,
21 that's what I my response would be.

22 Q: What is your awareness of reports and the media about
23 that statements that either President Trump made or have been
24 attributed to President Trump about the procurement or perhaps
25 about any supposedly animosity towards Amazon or the Washington

1 Post, or Mr. Jeff Bezos as the CEO of Amazon and the owner of the
2 Washington Post?

3 A: Yeah, my awareness and knowledge would be nothing
4 beyond frankly just probably within -- just very recently here,
5 you know, just seeing things on the news, or CNN.com, or
6 something, but I had no awareness of that.

7 Q: As you read or heard -- read such reports or heard them
8 on the news?

9 A: I would say if anything I would have had any reference
10 at all would be like frankly it may have been just as recently as
11 just hearing about this interview because I really had no
12 awareness prior to being asked to being interviewed like that. I
13 mean what I would say is I think that if you go looking for it
14 it's not -- it's not something that was jumping out of me and
15 all.

16 Q: Had you talked with anybody -- others on Source
17 Selection Team about some of these media reports?

18 A: I did not.

19 Q: How did President Trump's public statements about the
20 JEDI Procurement influence your actions as they related to the
21 procurement?

22 A: They had no influence at all. I just wasn't aware of it
23 when I was going to that process.

24 Q: What pressure did President Trump or anyone from his
25 staff exert on you regarding the JEDI contract?

1 A: None.

2 Q: What kind of indicators did you ever see that might
3 indicate that persons above you whether at the DoD executive
4 level, I'm talking about the political appointee level, or more
5 at the working level at the Program Office, the JEDI Cloud
6 Computing Program Office, the Acquisition Directorate over there
7 at WHS, any of those -- any indicators that might indicate to you
8 that they were receiving pressure or had been contacted by the
9 White House?

10 A: No.

11 Q: They're media reports from August 2019 that the "the
12 White House has instructed Secretary Esper to re-examine the
13 awarding of the JEDI contract because of concerns of that the
14 deal would go to Amazon." And then Secretary Esper was quoted as
15 saying, "I've heard from folks in the administration." Are you
16 aware of that reported in the media?

17 A: No not that specifically, no.

18 Q: Secretary Esper, our information is that shortly after
19 his confirmation he did initiate and complete a review of the
20 procurement. What is your knowledge of that review and role if
21 any in it?

22 A: No knowledge in no role.

23 Q: Okay. Do you have any questions of us? I don't have any
24 more questions for you.

25 A: No, I don't have any other questions.

1 Q: Is there anything else that you would like to share
2 something that you thought we'd or that we failed to ask in order
to get at these matters?

3 A: No, there isn't.

4 Q: Do you have any questions of us?

5 A: I do not.

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

8 A: I do not.

9 Q: If you remember anything else that you believe may be
10 relevant to the interview, please contact us.

11 A: Okay. Will do.

12 (b) (6), (b) (7)(C): Finally, in order to protect the integrity
13 of this review, we ask that you not discuss the matters under
14 review or the questions we've asked you during this interview
15 with anyone other than an attorney should you choose to consult
16 one. This does not apply to or restrict your right to contact an
17 Inspector General or a Member of Congress, and if anyone asks you
18 about your testimony or the review please inform them that the
19 DoD OIG has asked you not to discuss the matter, and if anyone
20 persists in asking you about your testimony, or the review, or if
21 you feel threatened in any manner because you provided testimony,
22 please contact us.

23 (b) (6), (b) (7)(C) Okay. I acknowledge and understand.

24 (b) (6), (b) (7)(C) Okay. The time is now 12:40 p.m. and this
25 interview is concluded.

[The interview terminated at 12:40 p.m., November 18, 2019.]

[END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

November 13, 2019

ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is November 13, 2019, and the time is now 1:04 p.m. I am (b) (6), (b) (7)(C) with the DoD Office of Inspector General. With me are my colleagues (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) also with the Office of Inspector General, and our witness (b) (6), (b) (7)(C). We OIG personnel are at the Mark Center in Alexandria, Virginia and (b) (6), (b) (7)(C) is on the telephone with us. He is currently located in the Pentagon. We're conducting a review of the Source Selection Process used in the DoD JEDI Cloud Services procurement, and we also want to clarify some information that's been reported in the news media about the procurement. At this time, (b) (6), (b) (7)(C), I ask you to acknowledge this interview is being recorded.

(b) (6), (b) (7)(C): Yep, I acknowledge that.

(b) (6), (b) (7)(C): Also please acknowledge that I previously provided you a copy of the Privacy Act Notice.

(b) (6), (b) (7)(C): Yes, I received it and read over it.

(b) (6), (b) (7)(C): For the oath will you please raise your right hand?

(b) (6), (b) (7)(C): Done.

Whereupon:

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

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

E X A M I N A T I O N

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

2 Q: Will you please state your full name and spell out your
3 last name?

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

5 Q: And just for the record (b) (6), (b) (7)(C)

6 A: That is correct.

7 Q: All right. Thanks. What is your rank or grade and where
8 do you work?

9 A: I am a (b) (6), (b) (7)(C) and I work in the DoD CIO Cloud Computing
10 Office.

11 Q: And what do you do there in the Cloud Computing Program
12 Office?

13 A: I am the (b) (6), (b) (7)(C) for Enterprise Cloud
14 Initiative.

15 Q: How long have you been working there?

16 A: So, I started officially in June, unofficially I began
17 -- I came over here around February.

18 Q: I'm sorry around what? That didn't come through.

19 A: February.

20 Q: Of 2019?

21 A: Yes.

22 Q: What's the difference between officially and
23 unofficially working in the CCPO?

24 A: So, officially is just when they moved me over and
25 actually I got the (b) (6), (b) (7)(C) grade. So, unofficially when I was over

1 here my supervisor at the time saw the value in this and went
2 ahead and backfilled my existing position while they worked to
3 get the positions worked out over here. So, I was on a detail
4 over here until that time.

5 Q: Okay. And where did you come over from?

6 A: DISA, Defense Information Systems Agency.

7 Q: Okay. All right. And how long had you been at DISA?

8 A: I had been there a total of 10 years and in a multitude
9 of jobs.

10 Q: (b) (6), (b) (7)(C) going to have a few questions for you at this
11 time.

12 A: Okay.

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

14 Q: Yes. How and when did you come to work on JEDI?

15 A: So, the first interactions I had with JEDI were
16 probably summer of 2018, we were asked -- at the time I was the
17 (b) (6), (b) (7)(C) of the DISA Data Centers, so we were asked to
18 come up with a rough number of processors, memory, and storage
19 that it would take to take on the computing capacity of DISA's
20 Data Center. So, the JEDI Team at the time was working through
21 the finalization of the RFP Center. It may have had been a little
22 bit before July. I'd have to look back at records to make sure.
23 But somewhere spring/summerish of 2018 I was helping with some of
24 that effort while also working to do some Enterprise Cloud stuff
25 with Mil Cloud II with the DISA capacity hat I had on. So, that

1 just kind of worked a natural date to them asking based off my
2 security background and other security engineering efforts I had
3 done kind of based off my career path if I would assist with
4 source selection.

5 Q: Okay. And what other involvement did you have in
6 addition to helping gather the Data Center Numbers, so as far as
7 market research, anything with the gating criteria, RFP?

8 A: Yeah, the only capacity I worked on there was the
9 gating criteria, proving the gate for the must be able to do half
10 of DISA's capacity couldn't equal more than half of the existing
11 cloud capacity. So, that was the only one I worked on. I didn't
12 work on any market data research or any of that. I came in after
13 that.

14 Q: And with that gate criteria which one was that one?

15 A: I think it was 1.2. It was the one essentially saying
16 that JEDI couldn't be more than 50 percent of their commercial
17 could offering as of the December or February date.

18 Q: And then could you please describe your roles and
19 duties as the Source Selection (b) (6), (b) (7)(C) for Factor 4,
20 Information, security, and access controls?

21 A: Yeah, yeah, absolutely. So, of course I attended the
22 training in ethics and made sure the other team members of the
23 team attended that training in ethics as well, made sure everyone
24 completely reviewed the proposal and then really worked through
25 the full discussion of all the criteria in Factor 4 around

1 information that [inaudible] and I am essentially the parity of
2 the API call between the different offerings, between the command
3 line, the web, and the API. So, really worked through to make
4 sure we understood collectively as a group what the requirement
5 was, had some good discussions over all the various offerings and
6 kind of what we thought was [inaudible] in regards to exactly how
7 it was stated in the RFP.

8 Q: Okay. And you mentioned just as far as you made sure
9 that the two other members received training. Were there any
10 additional other members that may have been under Factor 4 but
11 then eventually got moved somewhere else under you're -- while
12 you were (b) (6), (b) (7)(C)

13 A: No. So, not at the time we started reviewing proposals.
14 Initially (b) (6), (b) (7)(C) was going to be on Factor 4. They moved
15 him to Factor 2 and (b) (6), (b) (7)(C) came in and replaced him.
16 However, we had not begun reviewing proposals at all at that
17 time. So, after we actually received proposals there were no
18 changes in the membership of the Factor Team.

19 Q: Okay.

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

21 Q: (b) (6), (b) (7)(C) can you please spell (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for
22 us?

23 A: I could. Hold on. I've got to find something that I can
24 look at their names. I think (b) (6), (b) (7)(C) is common spelling but let
25 me actually just confirm.

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

2 Q: And while you're searching for the correct name was
3 there any other person that was on Factor 4 but then ended up
4 getting removed before you all started reviewing those proposals?

5 A: No. We were a team of three. And actually I feel pretty
6 bad. I should have mentioned the person in the car with me was
7 one of the people that was on the Factor 4 Team. So, it may have
8 been okay for us to do this in front of him, but I didn't think
9 about it until we had hung up.

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

11 Q: Yeah, that just wouldn't have flown, but that's okay.
12 We adapted and overcame.

13 A: No, I appreciate that and I do sincerely apologize for
14 that.

15 Q: No worries.

16 A: I'm still working. It helps if I look in the right
17 account.

18 Q: We can come back to that. I don't want to interrupt the
19 flow too much.

20 A: Okay. Actually have I have (b) (6), (b) (7)(C) right here (b) (6), (b) (7)(C)
21 (b) (6), (b) (7)(C) And then let's see (b) (6), (b) (7)(C) ,
22 (b) (6), (b) (7)(C) .

23 Q: Thanks.

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

25 Q: And --

1 A: And (b) (6), (b) (7)(C) ended up not being on the Factor 4 Team. He
2 went over to Factor 2. But again, that was before we received, we
3 actually even received the proposal.

4 Q: Okay. And then when did they appoint you (b) (6), (b) (7)(C)

5 A: So, they appointed me (b) (6), (b) (7)(C) at the beginning of the
6 process before we received proposals.

7 Q: Okay. And then in addition to you mentioned the ethics
8 training that you received was there any other guidance that you
9 were provided on evaluating the factors and if so who provided
10 that guidance to you?

11 A: And so as part of the ethics training as well we did a
12 whole training on source selection multi-days. I can't remember
13 if it was three or four days that went through essentially how to
14 ensure we're evaluating against this criterion is in the RFP as
15 opposed to going on to wishes and wants, comparing the proposals
16 to what the request said, and honestly it was more in-depth but
17 not much different than other source selection training have had
18 in the past, but significantly more in-depth. And it was led by
19 the Contracting Team as well as the Legal Team. So (b) (6), (b) (7)(C)
20 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were two of the key people that helped
21 do it. And really a lot of it went into ensuring we as engineers
22 and technical people weren't writing to a level that took an
23 engineer technical person to understand what we were saying to
24 getting that into understandable language where everyone from
25 judges, to lawyers, to the PM type roles in the different

1 organizations all understand the reason we came to certain
2 conclusions.

3 Q: And then how did Factor 4 Technical Evaluation Board
4 come to its recommendation?

5 A: Well so we, the Technical Evaluation Board didn't come
6 to a recommendation. We graded the proposals against the criteria
7 that was there and gave them a rating, and a technical rating and
8 a risk rating. We did not select one way over the other does that
9 make sense?

10 Q: It does. And how did you all weigh the strengths and
11 weaknesses to come to your rating?

12 A: So, a combination. (b) (5)

13 (b) (5)

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17 Q: I'm sorry, could you repeat -- I apologize. To
18 interrupt you. The phone kind of cut out.

19 A: Yeah.

20 Q: Could you repeat that last one, the last thing that you
21 mentioned? So I caught does it meet what's in the RFP.

22 A: Yep.

23 Q: You know is a fully understanding what you all, the
24 need and everything. So what was that third one?

25 A: So, (b) (5)

(b) (5)

(b) (5) So we all took that criteria along with the combined years and knowledge that we have with the Department of Defense especially around security and the three people on the team have been heavily integrated in information assurance is and information security across the Department of Defense, and with a combined years of about 35 to 40 years of experience within the department itself. So, I feel we brought a lot to the table on some of the various initiatives that have been worked with within the DoD to be able to understand the potential risk which ultimately as you've probably seen in the report the risk criteria on both offerings ended up meeting those. (b) (5)

(b) (5)

(b) (5) So, we work pretty heavily as a team try scour over that. Does that answer your

1 question?

2 Q: Yes, it does. Did you all compare the two proposals?

3 A: No, we did not.

4 Q: And you mentioned just as far as in the initial -- in
5 your initial rating that you all clearly defined the risks and
6 deficiencies for the offerors. Did the rating change from
7 initial, to interim, to final proposals?

8 A: Yes, it did. (b) (5)

9 (b) (5)

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22 Q: Okay. And now you mentioned during the interim that (b) (5)

23 (b) (5) ?

24 A: I would have to go back and look. I don't have that in
25 front of me.

1 Q: Okay. And then --

2 A: And I forgot to mention, (b) (5)

3 (b) (5).

4 Q: Okay. That was about to be my next question.

5 A: Yeah, sorry. I meant to end with that.

6 Q: No, no, no, no. You're fine. And then, did the SSAC or
7 the SSA ask additional questions of Factor 4 Technical Evaluation
8 Board during their reviews?

9 A: The SSEB did so Mr. Ranks did ask some additional
10 questions just to make sure he understood the rationale behind
11 some of it. The SSAC did ask questions at review of the interim
12 but not at the final.

13 Q: And again you said that was the SSA?

14 A: So the SSEB I think, Mr. Ranks who rolled up all the
15 technical evaluations into a final report.

16 Q: Okay. And then we understand the Technical Evaluation
17 Boards were separated during the evaluation. Can you tell us more
18 about this?

19 A: Yeah. Each group had their own room. When we were doing
20 evaluations the doors were shut. We did not, per the training we
21 did not talk about our evaluations and various things we were
22 seeing within there. The only time we really heard of anything
23 going on with one of the other was essentially the number of
24 terms you might see around proposal revisions coming in or things
25 like that, that was specific to a Factor, but no, there wasn't

1 the -- there wasn't collaboration between the various factor
2 groups on comparing notes.

3 Q: Was there ever a time where you all -- were the Factor
4 4 Technical Evaluation Board needed to consult anyone from
5 another factor?

6 A: Not as I can recall. Let me think about that for just a
7 second. Yes, there was one time we needed to consult (b) (5)

8 (b) (5)

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15 and we did talk to legal and the Contracting Team about it before
16 we consulted.

17 Q: Okay. And then was that for both?

18 A: Yeah. Yeah. (b) (5)

19 (b) (5)

1 However, it was mentioned in other parts of the proposal just not
2 areas that we in Factor 4 had taken into account.

3 Q: Okay.

4 A: So, it was very easily remedied and that was the
5 biggest area of deficiency across both proposals from Factor 4.
6 From the initial proposal and they were completely addressed in
7 the interim proposals.

8 Q: Okay. And then did you assistant responding to the AWS
9 debriefing questions?

10 A: I did.

11 Q: You did?

12 A: Yes.

13 Q: And then did you find any validity in their questions?

14 A: Can you repeat that, I'm sorry?

15 Q: Did you find any validity in their questions for Factor
16 4?

17 A: So, there wasn't anything that stood out as just being
18 blatant. (b) (5)

19 (b) (5)

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21
22 (b) (5) But there were no facts that I saw
23 something just blatantly, no.

24 Q: Okay. And how did you relay your answers to the
25 attorneys?

1 A: So we, my questions were in a Google Sheet. So I put my
2 proposed answer in there, and the attorneys took that information
3 and then massaged to make it fit with the rest of the answer and
4 made sure that they didn't change things the intent of my
5 response.

6 Q: Okay. And then did you brief anyone other than the
7 SSEB, the SSAC, SSA about the Factor 4 Technical EB ratings?

8 A: No. Now you are tracking that there were two different
9 SSEBs, correct?

10 Q: Yes.

11 A: So, I briefed separate SSEBs, but outside of those
12 roles I did not brief anyone about Factor 4.

13 Q: Okay. And you mentioned earlier that Mr. Pete Ranks was
14 one of the SSEBs.

15 A: Yeah.

16 Q: Could you say the name of the other SSEB member or
17 Chair?

18 A: Yeah, (b) (6), (b) (7)(C).

19 Q: Thank you. And then was a Source Selection Team given
20 any assurances from the Program Office, WHS, or anyone else that
21 your names would remain confidential?

22 A: So, assurances? No. They did state their intent was to
23 keep our names confidential. But there was discussion over how
24 that might be difficult on something of this size, but no one
25 that I can recall ever guaranteed my name would be withheld the

1 whole time. And I will say candidly going into this I knew there
2 was a high probability of these vendors finding out that I was on
3 one of these teams.

4 Q: Okay. And then what was your reaction when you learn
5 that the names of the Source Selection Team had been disclose?

6 A: A little shocked but I'm not a big person on trying to
7 look backwards. It is what it is, but again I was a little
8 shocked that it occurred, but at least in the manner that it
9 seems that it occurred in. I had expected maybe more like private
10 investigators or something like finding it as opposed to an
11 inadvertent disclosure. But that again it is what it is. In my
12 old role I worked with those vendors so it definitely impacted me
13 a little, but ultimately I knew there was a potential risk of
14 that coming in to do Source Selection office [inaudible] that
15 aside.

16 Q: okay. And then you mention this impacted you a little
17 bit. Have you been contacted by Amazon, Microsoft, or anyone else
18 regarding your participation in JEDI?

19 A: No. None. What I'm saying on it impacted me a little is
20 it will definitely impact going forward which engagements I'm
21 potentially invited to when it comes to engaging with those
22 vendors on the other things, but again the Department is full of
23 capable people so I'm not overly concerned about it.

24 Q: Okay. And then do you know if anyone else on the Source
25 Selection Team has been contacted by Amazon, Microsoft?

1 A: So not that I'm aware of. I know on my Factor Team they
2 have not I don't know about the other ones. At least as of last
3 contact. So (b) (6), (b) (7)(C) I talked to him today, not
4 specifically around that, but he would have disclosed that they
5 contacted him and (b) (6), (b) (7)(C) from NSA. I talked to him about
6 a week ago and there was no still nothing. So again I think he
7 would reach out if there was a concern either directly or through
8 (b) (6), (b) (7)(C). I don't know if she still works for, or did at
9 the time and she was also involved in source selection. So she
10 and I conversed probably once a week. So I would definitely here
11 if some of her people were contacted.

12 Q: Okay. And now I'm going to turn it back over to (b) (6), (b) (7)(C)

13 A: Okay.

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

15 Q: Okay. (b) (6), (b) (7)(C) at the time when you were doing your work
16 there on the source selection what was your awareness of any
17 public statements that President Trump had made or had been
18 attributed to him up about the JEDI, or Amazon, or Jeff Bezos?

19 A: So I was aware of them. So I do kind of track that
20 because one of the things I did at DISA and still actually do as
21 I'm (b) (6), (b) (7)(C)

22 (b) (6), (b) (7)(C) So, I worked in that role under the
23 Obama administration and continued to be (b) (6), (b) (7)(C) and help make
24 (b) (6), (b) (7)(C) for them. So I do track what
25 happens in the West Wing a little bit but I will [inaudible].

1 Q: I'm sorry that didn't come through. Can you say the
2 last sentence please?

3 A: From where? Where did it break up?

4 Q: Just the last sentence.

5 A: Okay. So because of my role as (b) (6), (b) (7)(C)

6 (b) (6), (b) (7)(C) do track what is happening within that realm
7 especially around IT. So I did hear that based off of reports in
8 the news, but at that point Factor 4 had already been wrapped up
9 and signed, and there were no changes to Factor 4 whatsoever from
10 that point forward.

11 Q: At what point are you talking about?

12 A: When I heard him on the news essentially saying that
13 they were going to look into the proposal.

14 Q: Okay. And when did Factor 4 wrap up their work?

15 A: So, after the interims came in I do believe we had
16 everything wrapped up and signed sometime in July or June. I
17 would have to look at that date to be certain but it should be in
18 source selection documents as well when we signed them, and there
19 was no changes between the interim proposal and the final
20 proposal.

21 Q: And when was it that you said you became aware of these
22 statements attributed to the President?

23 A: I would say around August time frame.

24 Q: And, I'm sorry but can you give us a little bit more
25 information about the IT function you mentioned with the White

1 House?

2 A: Yeah, absolutely. So White House Communication Agency
3 is an organization underneath DISA that provides IT and
4 communication capabilities to the Office of the President. So, as
5 part of my duties in DISA at some point over time I worked there
6 full-time on like a one year rotation as (b) (6), (b) (7)(C)

7 (b) (6), (b) (7)(C) and then I've also continued on as the

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

9 Q: Okay. And so you had a personal interest in what you
10 were hearing or seeing reported in the media?

11 A: No. I didn't have a personal interest at that point. I
12 mainly looked for that to make sure I understand what's driving
13 the decision around things like what iPhone we're going to be
14 rolling out, how quickly that's going to happen. So I was
15 tracking it for that reason but that didn't tie directly to what
16 I was doing.

17 Q: And the media had reported that President Trump either
18 became involved or tasked someone on his staff to get involved in
19 the procurement. Please tell us what you know about that.

20 A: So, the only thing I know about that is I know there
21 were questions that probably -- that made it up to the Pentagon
22 level but there was no direct questions from anyone in his office
23 to my Factor or anyone there. There were questions from Dr. Esper
24 around the whole thing, but again we did never briefed Dr. Esper,
25 we never provided any information for those briefs. My

1 understanding of those were more around the process and the
2 reason for Enterprise Cloud and less about the actual offerings
3 and how the source selection, the nuts and bolts of what we had
4 decided.

5 Q: And your awareness of these reports in the media and
6 whatnot what impact or influence did that have on your work on
7 the source selection?

8 A: Honestly none. Again by the time the media has really
9 ramped up on most of that we had already signed all of our
10 documentation. I think it's pretty easy to see through the
11 process that we didn't change a significant number of strengths
12 one way or the other from the initial all the way through. It was
13 very steady stage. Honestly like Factor 4 was a lot of them
14 telling us what they planned to do and not as much proving what
15 they do today. There's a little bit more of that in some of the
16 other factors, but there is a lot of we attest/we will. So it was
17 not shocking to me that both of them came out (b) (5)
18 based on the way they propose things, or said they were going to
19 do things, their ability to do them, and then also had excellent

20 (b) (5)

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22
23 had to meet them all right today. So, my Factor was probably one
24 of the quote unquote more boring ones when it came to evaluating
25 technical factors.

1 Q: What indicators did you picked up on that may have
2 indicated that either the Source Selection Authority, or one of
3 the board chairs, or advisory committee chairs, or even DoD
4 senior executives had been somehow pressured her employees
5 influence to make the source selection come out one way or the
6 other?

7 A: So I don't feel there is any influence to change the
8 source selection path more to understand the process and some
9 other things around why the RFP was written a certain way. But
10 again kind of coming out of all that at no point did we ever
11 change in Factor 4 anything specific to either bidders based on
12 kind of the media churn impression, quote unquote pressure. At
13 the factor level I don't I felt no pressure at all to make any
14 modifications or changes.

15 Q: And who was the, with respect to the information about
16 the process and so on, who was requesting that information? Who
17 was the consumer?

18 A: So that was coming down from Mr. Deasy and Mr. Ranks.
19 But again it was more around starting with the reason for
20 Enterprise Cloud and trying to understand why the JEDI needed to
21 happen why should there only be one cloud, things of that nature
22 which again I think some of those questions came from potential
23 media churn but it wasn't directly related to what did Factor 4
24 decide? Does that make sense?

25 Q: Yes. Did Mr. Ranks or Mr. Deasy were they collecting

1 this information for the purpose of briefing someone or providing
2 it elsewhere?

3 A: They were collecting that information to brief either
4 the Deputy Secretary or the Secretary.

5 Q: And what time frame was this occurring?

6 A: This was fairly recent. I do believe the start of like
7 the July, August time frame.

8 Q: Okay. What communications did you have with President
9 Trump or anybody on his staff or the White House about JEDI?

10 A: None.

11 Q: What have you ever personally heard the President say
12 that was about or related to JEDI?

13 A: So the only thing that I heard was what was on, I
14 forget what news channel it was where he was coming out of the
15 Rose Garden and just said that there were tremendous complaints
16 from companies that they were going to take a look at.

17 Q: Okay. I thought media clip where he made such
18 statements during a press conference and there was a foreign head
19 of state there in the Oval Office with him.

20 A: Yeah.

21 Q: Is that what you're talking about?

22 A: That was it. Yep. Sorry, it wasn't the Rose Garden.

23 Q: Okay. I just wanted to be clear.

24 A: Yeah, he was leaving with the foreign dignitary.

25 Q: What have you ever heard the President say that was

1 about Amazon, or Amazon Web Services, or Jeff Bezos?

2 A: So to be honest I've seen a couple of Tweets probably
3 over time. I've heard more of the news stories about his dislikes
4 that I've heard that direct quotes from him. So a lot of the kind
5 of assumption in turn, but none of them completely stick out in
6 my head. I can't tell you one exactly that seems to ring true. I
7 think there was -- there was the one that kind of sticks out the
8 most is probably there's a whole story on Tucker Carlson about
9 Amazon and Trump's dislike and essentially the contract was
10 tailored for them.

11 Q: Okay. What has anyone ever told to you or reported to
12 you that they heard President Trump or anybody in staff say about
13 these matters?

14 A: You know I really can't think of anything directly
15 other than people would reference the kind of quote when he was
16 walking out of the Oval, and that was really the main area
17 outside of the additional turn like the Tucker Carlson type
18 stories. I never heard any quote unquote inside baseball outside
19 of what the media or other things have reported which in all the
20 different jobs I worked I understand that what's reported in the
21 media is 15 percent fact with a whole lot of stuff chunked around
22 it to make a really good story, but I don't take that really
23 serious.

24 Q: Did you note any examples of inaccurate information
25 that was about JEDI that was in the media?

1 A: Oh yeah, yeah.

2 Q: Can you provide some examples?

3 A: Yeah, there was a whole lot. Around winner take all the
4 government going to write a \$10 billion check to one of the cloud
5 service providers. It was written specifically the only Amazon
6 could win. Just to kind of, just stuff like that that is a 10
7 year, \$10 billion contract when if anyone actually read the RFP
8 which all of the source selection weenies had to read 800 times
9 over they would realize that is 2 plus, 3 plus, 3 plus, 2 with a
10 \$1 million floor, right? That some of those things that I heard
11 quotes on like this massive contract doesn't enable or drive
12 competition. If you think about a \$1 million floor on a contract
13 with a potential ceiling if they execute well, that does help
14 drive price competition and a willing vendor to work a go with us
15 because it's not a blank check, it's not a \$10 billion check.

16 Q: Okay. What is your response to an assertion that
17 President Trump or the White House somehow influence or impacted
18 the source selection?

19 A: You know, I can say with 100 percent certainty from my
20 point of view that that didn't happen. The Source Selection Team
21 work through it. They're highly committed professionals in every
22 area but I don't know if I've ever seen a better more diverse
23 team pull together for something than this, and it feels like
24 that minimizes the effort we put in to make the right decision
25 when the question of outside influence comes in. I think most of

1 the team kind of feels that way. I can tell you that I am
2 completely happy with the way Factor 4 came out. Again they came
3 out both as excellent proposals (b) (5). There wasn't a
4 whole lot of contention there within my Factor, but I felt we dug
5 deep and we made them both clarify something and make their
6 proposal better which in my opinion is part of what we're doing
7 was source selection as well is ensuring everything is the best
8 and we are getting the best for the taxpayers' dollar. So, and it
9 is kind of disheartening to hear the churn that there was undue
10 influence from the outside when I can tell you from my Factor I
11 can 100 percent guarantee that there was no outside influence or
12 impact there.

13 Q: Is there any difference in your response? Let me pose
14 the question this way. What is your response to the assertion
15 that President Trump influence the procurement in a way that
16 disadvantaged Amazon?

17 A: No, about the same answer. (b) (5)

18 (b) (5)

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25 they thought it did. So, I don't feel that President Trump's

1 comments or anyone's comments affected the outcome of this in any
2 way shape or form from either side.

3 Q: What do you know about President Trump's direction if
4 any to Secretary Esper?

5 A: I don't know of any direction that he gave to Secretary
6 Esper. The assumption is based off his comments in the press with
7 Secretary Esper that asking for review, it is an assumption that
8 his comments could have led to that review, but then again I will
9 also say Secretary Esper did a review of DISA as a whole in his
10 night court sessions which are also kind of widely documented out
11 there in the federal new space, and it's not just DISA, he's
12 doing it across the board with all major programs. So, I think
13 while it might've been an assumption I do believe that Secretary
14 Esper probably would have looked into why we're doing this
15 regardless of anything President Trump said. But you know again
16 --

17 Q: Did you say night court?

18 A: Night court, yeah.

19 Q: Tell us about night court sessions.

20 A: So, honestly I don't know a ton about night court
21 sessions. I do know everyone here in the press the Pentagon preps
22 like crazy for them, and apparently it's where Secretary Esper
23 other members go through all of the programs within an agency,
24 looks at what makes sense, looks at if people had to take cost
25 reductions what that would look like. Really kind of mission

1 planning and overall familiarization with what's happening within
2 the Department. Apparently he did this as Secretary of the Army
3 and now is bringing it up a level, and again the more I have
4 learned about him I think it's good because I've seen a whole lot
5 of interesting kind of ROC drills come out of preparing for night
6 court that really gets people thinking through a lot of the stuff
7 of what is really mission essential which is I think is really
8 interesting. After I heard he was doing that across the
9 Department I was pretty intrigued and really kind of excited that
10 it was making people refocus on that.

11 Q: Did you have a role in the review that Secretary Esper
12 conducted of this JEDI procurement?

13 A: I did great some slides for it as part of the CCPO, but
14 I did not brief any of it. So I created some content.

15 Q: Is that same context of what we talk to us a few
16 minutes of go about or is this different?

17 A: It would be different. This is more my role as
18 (b) (6), (b) (7)(C) for the DoD CIO's Cloud Computing Program
19 Office. So, pretty much building content around what security
20 benefits do we get out of doing a Pathfinder with one cloud. As
21 opposed to going out with four clouds at day one, working really
22 closely with US Cyber Command and NSA to make sure we understand
23 and articulate what that kind of centralized point looks like and
24 helps us do from monitoring the command and control standpoint
25 and learning how we can move from one enterprise cloud to

1 multiple enterprise clouds down the road. So, that was more of
2 what my position was focused on building slides for that more of
3 the why does JEDI make sense? Not specifically who's going to win
4 or anything about the two things if that makes sense.

5 Q: I hear you. What information you have that would
6 indicate Secretary Esper or anybody else had to go back to the
7 White House with status reports on his review, or the results of
8 his review, or any decisions he may have made based on his
9 review?

10 A: The only thing I really know about is the media churn
11 around Secretary Esper recusing himself and Deputy Secretary
12 Norquist and I do believe I did hear somewhere that secretary
13 Norquist went and explain to someone up there. I don't think I
14 was ever told who that we were going to award, but my
15 understanding is it wasn't who we were going to award to. I don't
16 believe Dep SECDEF Norquist or Secretary Esper, or even Mr. Deasy
17 where ever aware of who the award was going to go to.

18 Q: What influence did President Trump or anyone on
19 President Trump staff for the White House have on Secretary
20 Esper's review?

21 A: I don't believe any. The questions that were posed from
22 a technical standpoint for us to answer were more around what
23 does cloud get us? And again why one central cloud when CIA going
24 with us for the effort which is a multi-cloud effort. You know,
25 more around the reasons for JEDI itself and less around Amazon or

1 Microsoft.

2 Q: Were any of the -- did he make -- were these
3 information briefings and presentations or with a decision
4 briefings?

5 A: No, they were informational.

6 Q: Okay. (b) (6), (b) (7)(C) is there any additional information you
7 would like to provide? Is there anything we're not asking that we
8 should be asking to get this?

9 A: No, no. I don't think so. I do just want to reiterate
10 that I think it's really easy to look through what Factor 4 did
11 from the beginning all the way to the end and see the
12 consistency. So even if there are few questions around what
13 people did I think you can see there was no hard right or left
14 turns either way in any of the way the decisions went. It was
15 very concise and very fair, and I will say I feel the overall
16 integrity of the team works on this with me is extremely high and
17 I don't think anyone of them what have signed their name ever if
18 they had felt any influence.

19 Q: Do you have any questions of us?

20 A: No, I don't.

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

23 A: No, not at all.

24 Q: If you remember anything else that you believe may be
25 relevant to this review please contact, I think your (b) (6), (b) (7)
(b) (6), (b) (7)(C) information. (C)

26 A: I do.

27 Q: Please contact us.

28 A: Yep.

29 (b) (6), (b) (7)(C): Finally, in order to protect the integrity
30 of this review, we ask that you not discuss the matters under
31 review or the questions we asked you during this interview with
32 anyone other than an attorney should you choose to consult one.

33 (b) (6), (b) (7)(C): Yep, absolutely.

34 (b) (6), (b) (7)(C): This does not apply to or restrict your
35 right to contact an Inspector General or a Member of Congress. If
36 anyone asks you about your testimony or the review please inform
37 them that the DoD OIG has asked you not to discuss the matter,
38 and if anyone persists in asking you about your testimony, or the
39 review, or if you feel threatened in any manner because you
40 provided testimony, please contact us.

41 (b) (6), (b) (7)(C): Will do.

42 (b) (6), (b) (7)(C): The time is now 1:57 p.m. and this interview
43 is concluded.

44 [The interview terminated at 1:57 p.m., November 13, 2019.]

45 [END OF PAGE]

46 ~~//FOR OFFICIAL USE ONLY//~~

47 (b) (6), (b) (7)(C) - November 13, 2019

48 ~~//FOR OFFICIAL USE ONLY//~~

49 (b) (6), (b) (7)(C) - November 13, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

July 29, 2019

ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is July 29, 2019. The time is 0909. I am (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C). We are interviewing the witness, (b) (6), (b) (7)(C) in her office located in the Pentagon in Room (b) (6), (b) (7)(C). We are conducting a review of the Defense Joint Enterprise Infrastructure Cloud acquisition. Specifically our review pertains to several former DoD officials, their involvement in the JEDI Cloud acquisition, and whether their activities violated any ethics or conflicts of interest standards. The DoD officials are: Former Secretary of Defense, James M. Mattis; former Chief of Staff to the Deputy Secretary of Defense, Mr. Anthony DeMartino; former Special Assistant to the Secretary of Defense, Ms. Sally Donnelly; Former Deputy Assistant Secretary of the Navy for Command, Control, Communications, Computers, Intelligence, Information, Operations, and Space, Mr. Victor Gavin; former Director of Cost Assessment and Program Evaluation, CAPE, Mr. Robert Daigle; and former DDS Product Manager, Mr. Deap Ubhi. At this time I ask you that you acknowledge that this interview is being recorded.

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

(b) (6), (b) (7)(C) Also, please acknowledge that you were provided you a copy of the DoD OIG Privacy Act Notice.

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

(b) (6), (b) (7)(C) I'll administer you the oath. Please raise your right hand.

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

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

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

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

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

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

8 Q: What is your grade?

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

10 Q: And your current position?

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

12 [REDACTED]
13 Q: And when did you begin working for the Office of
14 Counsel?

15 A: January 2016.

16 Q: And briefly describe your duties and responsibilities
17 as the (b) (6), (b) (7)(C) here.

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

1 Q: And what can you tell us about the JEDI acquisition?

2 A: That's really an open-ended question.

3 Q: What do you know about it?

4 A: So let me just describe my relationship to the
5 acquisition. So, I am, I always say that I'm (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C) who somehow ended up doing ethics. So I spent about 10
7 years doing acquisition at DLA. And then I started doing ethics
8 as part, there as sort of as other duties as assigned, and then
9 sort of ended up doing ethics in various capacities as well. So,
10 when there were ethics questions associated with the JEDI
11 procurement just even in terms of initially trying to make sure
12 that they were capturing what they needed to capture. I ended up
13 handling, fielding those questions because I have the acquisition
14 background as well as the ethics background. So, that's my
15 relationship to the JEDI procurement. So, pretty much anything
16 that I know is with us really more in the context of their
17 acquisition counsel or their KO sort of in conjunction coming in
18 to me and getting a vector check from me on any ethics related
19 issues, procurement integrity related issues.

20 Q: And how soon do they reach out to seek ethical counsel
21 from you?

22 A: I'd have to go back and look, but it was certainly
23 pre-issuance of the solicitation. Let's see the first -- it looks
24 like my first involvement would have been sometime in June of
25 2018 and that's a rough guess just based on the first set of

1 e-mails that I have.

2 Q: Okay.

3 A: It could have been before that in person.

4 Q: Okay. And we understand that you provided training to
5 the Defense Digital Service employees hereafter DDS.

6 A: I did. So (b) (6), (b) (7)(C) and I did one joint training
7 session and again I couldn't say exactly when that was. And then
8 I might've done one or two with (b) (6), (b) (7)(C) and then I haven't done one
9 not this year I know with them, and I can't remember if I did one
10 with them last year are not. I don't remember which years we did
11 it.

12 Q: Do you recall what your training involved as it related
13 to the employees there?

14 A: It would have been a fairly standard set of annual
15 ethics training. It typically would have included just based on
16 what, I mean I could go back and look at the slides but at the
17 top of the top of my head my guess is it would have had to have
18 included conflict of interest because that's one of the things
19 we're required to train to. I can go back and look at the slides
20 to see if it had post-government employment in there. I think it
21 probably did because we knew that they had sort of a revolving
22 door to try to get people with industry knowledge in the
23 government. So, I have a feeling we probably did, but without
24 looking at the slides, and I'm happy to check the slides to see.

25 Q: Okay.

1 A: Has anybody given you a copy of the slides?

2 Q: No, not yet.

3 A: Let me make a note. Okay.

4 Q: Good. Thank you. Do you know how many participants were
5 involved in that training session? You said that there were one
6 or two sessions you did with (b) (6), (b) (7)(C)?

7 A: I can go back. I mean I could get you sign in sheets.

8 Q: Awesome. And do you recall if any of the members, or
9 that would be the DDS employees had questions that you provided
10 one-on-one advice to?

11 A: I do not recall. I mean in the session there was
12 certainly, we try to make them interactive so there were
13 certainly some back and forth, but in terms of knowing which
14 employees those were now I don't recall.

15 Q: Okay. When did you meet former Secretary of Defense
16 James Mattis? Did you ever meet him?

17 A: I did. But I couldn't tell you when. It was more, I
18 don't recall ever having an actual calendar meeting with him. It
19 was more in passing or at larger group events.

20 Q: And on 16 December 2017 former Secretary of Defense Mr.
21 Mattis, signed OGE 278, his public financial disclosure report.
22 Which was reviewed by and dated, and here are all of his initial
23 ethics agreement, screening arrangement is in there as well.

24 A: Right.

25 Q: So we'll give you an opportunity to take a look at

1 that.

2 A: Uh, huh [affirmative response].

3 Q: Was reviewed by (b) (6), (b) (7)(C) who is the (b) (6), (b) (7)(C)
4 [REDACTED] here.

5 A: Right.

6 Q: On 5 January 2017 (b) (6), (b) (7)(C) reviewed his OGE 278, and
7 Mr. Mattis signed his ethics agreement.

8 A: Uh, huh [affirmative response].

9 Q: He also provided supplemental ethics agreement dated
10 February 8, 2017, and if you could just walk us through those
11 documents and we identified a number of positions in which Mr.
12 Mattis resigned from as well.

13 A: Uh, huh [affirmative response]. Okay.

14 Q: And I'm specifically looking for publishing agreement
15 with Random House Publishers for royalties on future publications
16 and not engage in any writing, editing, or promotional activities
17 associated with the book, and will not provide any services under
18 the publishing agreement. Therefore, in Mr. Mattis' ethics
19 agreements he states that he will not participate personally and
20 substantially in any particular matter involving the
21 aforementioned specific parties was would be the Hoover
22 Institute, New American Society, the Tri-City Food Bank, Marines
23 Memorial Club, Marine Scholarship Fund, there is a Center for New
24 American society, General Dynamics for a period of one year after
25 resignation.

1 A: Uh, huh [affirmative response].

2 Q: So, could you please provide us with the definition of
3 participate personally and substantially in any particular
4 matter? What does that mean?

5 A: So, I mean I could -- do you want the actual definition
6 from the regs or do you want me to give you the laypersons?

7 Q: Simplify it.

8 A: The laypersons is going to be anything that is more of
9 the ministerial action being that it -- you don't have to be the
10 final decision maker, but you had to have participated in a
11 substantive way, a meaningful way that is something more than
12 just routine or ministerial, or administrative if you will. So,
13 the easy example that we tend to get of non-substantive,
14 non-substantial would be personal, but not substantial typically
15 is things like you know, setting up meetings, making copies,
16 taking notes. Things like that. Something that is not going to be
17 you actually having influence or involvement.

18 Q: Thank you. Also Mr. Mattis signed the President's
19 Ethics Pledge. Can you tell me what's the difference between that
20 one-year restriction in the President's Pledge, what he's
21 required to do?

22 A: I assume by that you mean the restriction. So, there's
23 several restrictions in the ethics pledge. I assume you mean the
24 restriction on former participating in matters that involves
25 former employers or clients.

1 Q: Yes.

2 A: And, really, so there's a regulatory restriction that
3 said that you can't participate personally and substantially in a
4 particular matter where involving specific parties where your
5 former employer is one of the parties for a period of one year
6 following your appointment. The ethics pledge extended it to two
7 years for former employers and former clients. The interpretation
8 of the participation is still participation in particular matters
9 involving specific parties.

10 Q: Thank you. Also, on 25 January 2017 Mr. Mattis signed
11 his screening arrangement. In this agreement he instructed his
12 Chief of Staff, military assistant and other designated
13 administrative assistants to screen all matters directed to his
14 attention that required his participation and refer it to his
15 Deputy Secretary. He also instructed that designated screeners to
16 seek assistance of SOCO whether he may participate in a matter.
17 How was Mr. Mattis' screening arrangements developed? Were you
18 involved in that in any way?

19 A: I did not do Secretary Mattis', but it's a standard
20 procedure. I mean there's nothing unique about the screening
21 arrangement. It's simply taking the ethics agreement and the
22 ethics pledge. You'll notice the ethics agreement does not
23 include ethics pledge provisions, OGE takes the stance that
24 that's not for them to enforce, so it doesn't get put into the
25 ethics agreement which can be confusing obviously because now

1 you've got two sets of standards and then not incorporated
2 anywhere. So, part of the purpose of the screening arrangement is
3 that it brings all of those together in one place, and then it's
4 the execution side of that. So, one says this is what my
5 obligations are, the other one says and this is how we're going
6 to execute that. This is to my staff and this is what I want you
7 to do to make sure that this gets executed properly on the ethics
8 arrangement and the ethics pledge side.

9 Q: Do you have any information that you could share with
10 us or an example of how Mr. Mattis is designated screeners
11 ensured that screening arrangements were followed?

12 A: You know, his was not that complex in that really the
13 only one that was really likely to come up was General Dynamics
14 in terms of who does a lot of business with Defense. But
15 obviously we had them screening for all of them. We would train
16 the staff and we would train them, I think we did them at least a
17 couple of times a year if not more. They would flag if it was
18 easy enough to identify who else should be handling it like the
19 Deputy or Ms. Lord, then they would go and shuffle it off. If
20 there was a question of whether or not this was really something
21 that had to be screened then they would come to us and ask us.

22 Q: And what advice did you or any of the designated ethics
23 advisors here provide to Mr. Mattis?

24 A: So I did not provide him with any advice. Most of the
25 advice I think so since (b) (6), (b) (7)(C) was the one who did his initial

1 ethics vetting typically people tend to come back to the person
2 that did their initial ethics vetting. So, I think most of it was
3 (b) (6), (b) (7)(C) providing the advice. I can't remember
4 who (b) (6), (b) (7)(C) backup was, but sometimes we usually will assigned a
5 primary and backup, so probably whoever was his backup did as
6 well. And that's not to say that none of us ever did, it's just
7 that more common. I know I didn't.

8 Q: Did you have any other interactions with Mr. Mattis
9 besides receiving his initial ethics briefing, training?

10 A: Really no. It was more in passing. I don't think I ever
11 provided him any legal advice.

12 Q: Are you familiar with SBD Advisors?

13 A: I'm aware of it.

14 Q: What about C5 Capital?

15 A: Not as aware but aware of it.

16 Q: And when you say aware what do you mean? What do you
17 know about those?

18 A: I am aware of the allegations and I'm aware that they
19 exist.

20 Q: Okay. So we understand Mr. Mattis provided consulting
21 services for C5 Capital became the 26 Secretary of Defense;
22 however, we did not see C5 Capital listed on his OGE 278. Can you
23 explain this?

24 A: Do you know what year he became -- he did that
25 consulting?

1 Q: No. Not --

2 A: It's hard for me to, I mean because everything is very
3 fact specific so it's possible that it fell outside. It's
4 possible that he entered --

5 Q: Outside of the one year?

6 A: Outside of the -- it's actually a two-year for former
7 clients, but it's -- so it depends. It's one year if it was less
8 than \$5000.00 that he was paid. It's two years, it might be
9 easier if I show you on the report. So, part -- okay. The reports
10 are divided into parts, right? So, Part I would be positions. You
11 probably wouldn't hold, put C5 on there if you're doing that
12 consulting through another company. So, if he was with another
13 company that he would just list that company, okay? Part II,
14 likewise if he was paid through another company he would not list
15 C5, he would list the company that paid him if he wasn't paid
16 directly by C5. Part IV he would list C5 only if they paid more
17 than \$5000.00 for his personal services. Meaning, even if they
18 paid it to another company, let's just say he had XYZ Consulting
19 Company. Even if they paid XYZ if it was paid for services that
20 he personally provided he would still have to list C5 there,
21 okay? But look back here, if you look at these two parts, parts I
22 and IV it's the preceding two calendar years of the filing date.
23 However, Part II if they were paying him directly would only be
24 the previous one year to the filing date. So it matters when, and
25 it matters how much.

1 Q: Okay. Thank you.

2 A: So, it may be that it didn't meet reporting thresholds
3 one way or the other. Likewise if they didn't pay him at all. I
4 do seem to recall something, but I just don't recall right off
5 the top of my head and I don't want to speculate. I do seem to
6 recall looking at that and finding out that it wasn't required to
7 be reported for one reason or the other. I don't recall exactly
8 why now.

9 Q: Okay. And do you know if there's a relationship between
10 SBD Advisors and C5 Capital?

11 A: I don't recall. Again I knew at one point was looking
12 through all of this, but I just don't recall now without going
13 back and refreshing.

14 Q: Okay. What about a relationship between SBD Advisors
15 and Amazon?

16 A: I seem to recall hearing that Amazon, I think it was
17 Amazon. I think it was AWS specifically was a client of SBD
18 Advisors at one point. Again that's hearsay. I don't know that
19 for sure, but that's what I seem to recall reading or hearing
20 somewhere.

21 Q: Okay. What about interest in C5 Capital? Did they have
22 any interest in Amazon?

23 A: I don't recall. Again, I think anything that I know was
24 probably through media reports and so I wouldn't want to rely on
25 that anyway. Because I know they get it wrong all the time when

1 we tell them stuff.

2 Q: And what is your understanding of Mr. Mattis'
3 relationship with or interest in SBD? Advisors?

4 A: I don't, other than him obviously bringing Sally
5 Donnelly who was a principal in SBD, other than bringing her on
6 as his confidential assistant, senior assistant, I can't remember
7 what Sharon's title was now but, other than bringing her on I
8 don't know specifically that he had a relationship.

9 Q: Do you know if he had a relationship with Amazon?

10 A: I do not think he had a relationship with Amazon at
11 all. I'm not aware of him having a relationship with Amazon.

12 Q: And did Mr. Mattis need to disqualify himself from
13 participating in the JEDI Cloud acquisition because of any of
14 those relationships or interest?

15 A: Not that I'm aware of. I'm not aware of him having,
16 again the question I would have answered is if somebody provided
17 me with facts that says okay, he had -- if you come to me and you
18 say okay. We know he had this, this, and this, and then I would
19 say yes. He needs to disqualify, no he didn't. The information I
20 had he didn't need to. So I just have to qualify that that that
21 is based on whatever information I have, because again it's very
22 fact specific the need to disqualify.

23 Q: What have you ever heard Mr. Mattis say about Amazon?

24 A: Nothing.

25 Q: What about any conversations concerning Amazon and the

1 JEDI Cloud acquisition?

2 A: Mr. Mattis?

3 Q: Yes.

4 A: Nothing. Again I never -- I can't recall having any
5 conversations with him that would have related to JEDI or Amazon.

6 Q: Okay. We provided you with an OIG matrix with a list of
7 all of the individuals where there are assertions about their
8 involvement in the JEDI Cloud contract, conflicts of interest, so
9 on, and so forth. There were 27 activities listed on that matrix.
10 For all of the individuals that were named which included former
11 Secretary of Defense Mattis, Mrs. Sally Donnelly, Mr. Victor
12 Gavin, Mr. Robert Daigle, Mr. Deap Ubhi, and Mr. Anthony
13 DeMartino. You stated that I do not know any information that
14 they participated in any of the activities. Do you confirm your
15 response to that for all of those members?

16 A: So, to clarify what I said was I would have no personal
17 knowledge because the information that I got was solely for
18 purposes -- was pretty much from the contracting officer or the
19 contract attorney and was solely for purposes of my providing an
20 analysis with regard to Procurement Integrity Act and ethics laws
21 as they related to the information that the contracting officer
22 and the contract attorney had obtained as they obtained it.

23 Q: Okay. So Ms. Donnelly, you moved on and you mentioned
24 her earlier about her business venture.

25 A: Uh, huh [affirmative response].

1 Q: And just for the record can you tell me who Ms. Sally
2 Donnelly is?

3 A: Well, clearly I can't say if I can remember her
4 position, but she, I can't remember if it was confidential --

5 Q: Special assistant.

6 A: Special assistant, thank you. She was Special Assistant
7 to Secretary Mattis, former Secretary Mattis now.

8 Q: And you mentioned a relationship tied to SBD. What do
9 you know about?

10 A: I know that -- I believe she was a principal if not the
11 principal in SBD Advisors.

12 Q: And, what is your understanding of Ms. Donnelly's
13 relationship with or interest in SBD Advisors?

14 A: That she was a principal.

15 Q: And do you have Mrs. Donnelly's 278? Do you know if
16 there's a relationship between C5 Capital and SBD Advisors?

17 A: Well, I'm going to guess that they were a client of SBD
18 based on Ms. Donnelly's financial disclosure, but as I said
19 before I'm hesitant other than looking at this financial
20 disclosure report, I'm hesitant to try to recall because I'm not
21 sure what information came from where as I sit here today I don't
22 want to quote incorrect information.

23 Q: Okay. So, we would like to give you an opportunity as
24 well just to take a quick look and we've highlighted some of the
25 items that we're interested in trying to clarify. And Ms.

1 Donnelly's 27 a dated 3 May 2018 she lists SBD Advisors sale
2 proceed in the amount of \$1,170,000.00.

3 A: Uh, huh [affirmative response].

4 Q: And we see that on block two of her initial entry 278
5 Ms. Donnelly received \$390,000.00 for the partial sales of SPD
6 Advisors. What can you tell us about those two entries?

7 A: So, my understanding was just that the sale had taken
8 place, but in terms of the funding of the sale that that happened
9 in increments. So, in other words she received money after the
10 fact which is not atypical. My guess would be this is purely a
11 guess, probably an escrow, typically you do that when you sell a
12 business.

13 Q: If Ms. Donnelly new at the time when she filed her
14 initial 278 that she received, would receive additional monies at
15 some point, should she had documented that on her initial
16 submission?

17 A: It depends on how she did it. Let me look. So this is
18 her, which one this is her termination report. I'll see if I can
19 move the appointment.

20 [The interview paused at an unknown time, July 29, 2019.]

21 [The interview resumed at an unknown time, July 29, 2019.]

22 (b) (6), (b) (7)(C): So, without knowing more I'm hesitate to say
23 what should have been on here because I don't know how it was
24 structured, but it is possible that yes, there should have been
25 an indicator to say that there is more -- that there was more

1 money coming. I mean she put the correct value on here and there
2 was a clarifying note that said it was a sale of her partial
3 interest as opposed to a partial sale of her whole interest. So,
4 I know that that was a clarification. In terms of if there were
5 more funds pending from the sale then typically there would be an
6 entry, and it looked like there was outstanding receivables that
7 were annotated. But typically there would be an entry under Part
8 III that would say I continue to be owed X amount from SBD. So,
9 as a technical matter if in fact that's what happened, which I'm
10 speculating because without digging into file I don't know what
11 the distinction was there. I mean she clearly reported it. She
12 wasn't -- she clearly reported it in the next filing cycle. So it
13 may have just been a misunderstanding on how she was supposed to
14 report that.

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

16 Q: Okay.

17 A: Which is common for new filers.

18 Q: And did Ms. Donnelly need to disqualify herself from
19 participating in JEDI Cloud acquisition because of any of those
20 relationships are interest?

21 A: She would have had since AWS was a former client, and
22 they were clearly a perspective offeror then as soon as AWS was
23 identified, so you don't have a particular matter involving
24 specific parties until you can identify the parties. So at the
25 stages that Ms. Donnelly was here there was no -- nobody had

1 offered yet, right? That said you can still have a particular
2 matter involving specific parties if an offeror for example has
3 said that they intend to offer. And so I believe out of an
4 abundance of caution we did have her disqualify herself just
5 based on the fact that there was obviously everyone sort of had
6 some idea that AWS would likely to participate in JEDI even
7 though the solicitation have even gone out yet. Now, at what
8 point there actually was a particular matter involving specific
9 parties I do not know. I do not know at what point they formally
10 had identified AWS as a perspective offeror.

11 Q: Ms. Donnelly resigned from position on the 9 March 2018
12 and later became the CEO and founder of Palace Advisors. What are
13 her post government restrictions for Ms. Donnelly?

14 A: So she would she's going to have to -- I'd have to give
15 you a spreadsheet has a lot. So typically I divide them into sort
16 of three categories. So, you have the statutory 18 U.S.C.
17 criminal restrictions. She would have a one-year cooling off on
18 representing any nonfederal entity back to OSD. So, we have what
19 we call componenting and so it would be the OSD DAO Agency. So,
20 that would not include the services or other independent DAO
21 agencies such as DLA. Then she would have a what we call a
22 permanent bar on representing any nonfederal entity back to the
23 U.S. government on a particular matter in which she participated
24 personally and substantially. Probably very few of those in her
25 position where she would have been involved in particular matters

1 at that level. Generally at that level it's more broad policy
2 that sort of thing. She would have had a two year ban on
3 representing the nonfederal entity back to the federal government
4 on any particular matter that was pending under her official
5 responsibility during her last year of service. I don't think she
6 actually had any supervisory responsibilities which means that
7 that one probably, and again probably not a lot of particular
8 matters in which she would have had people under her
9 participating in any way. So probably very unlikely that there is
10 anything under that one. Those are the criminal bans. Then
11 there's the ethics pledge which would have restricted her from,
12 and again there are a myriad of these. Five years she could not
13 engage in lobbying activities with respect to DoD. She also could
14 not engage in lobbying activities with respect to any covered
15 executive branch official which would be any political appointee
16 or general or flag officer for the remainder of the Trump
17 administration. Let's see. She also could not engage in any
18 activity that would require registration under Foreign Agents
19 Registration Act. Then under Section 1045 of the, let me think
20 about that. I think she would have -- I think the NDA -- I think
21 the NDAA provision had kicked in at that point but let me double
22 check. Let me go back. Yes. So since she left after December 2017
23 Section 1045 of the 2017 NDAA would have applied to her, and
24 would have prohibited her from, or would prohibit her from
25 engaging lobbying activities. I'm going -- either two or three

1 years, for either one or two years back to covered officials
2 which would be political appointees or GOFs in DoD or to any
3 other federal agency on any DoD matter. So, for example Border
4 Wall at DHS would be a DoD matter to some extent. Our support of
5 the border wall. To some extent would be a DoD matter, but it
6 would be back to DHS. So, that would be an example of for when
7 that might occur.

8 Q: Okay. What did you ever hear Ms. Donnelly say about
9 Amazon?

10 A: Nothing.

11 Q: About any of the other competitors competing for the
12 JEDI contract?

13 A: Nothing. I never had any conversations with her about
14 the JEDI contract or any of the other perspective offerors.

15 Q: Do you know if Ms. Donnelly had access to any of the
16 nonpublic procurement information?

17 A: I do not. Now, what I can tell you is I was made aware
18 as part of the protest, and as part of assisting the acquisition
19 folks that Ms. Donnelly had arranged for the Secretary had
20 questions about what cloud computing is not surprising because I
21 think a lot of people don't know what cloud computing actually
22 is, and, wanted to understand it, and so she did arranged for him
23 to meet with several Silicon Valley entities and this was well in
24 advance of I think even having a draft solicitation. But she runs
25 to go out meet with several of them. I know that the series of

1 meetings was interrupted. It was unfortunate timing because I
2 believe he had met with AWS and then it was interrupted. You
3 called away. He did subsequently go back and meet with the others
4 that he was originally scheduled to meet with, but it was not
5 specific to any procurement. It was basically to explain what it
6 is, how it works, the tactical aspects of it so that he could
7 understand what, and speak intelligently to what was being
8 discussed with regard to cloud computing generally.

9 Q: Do you know if for that particular trip that you
10 mentioned if there was an ethics opinion provided regarding his
11 travel for that trip?

12 A: I don't know but it would have been unusual to do that.
13 I mean that's a routine trip.

14 Q: And what influence did Ms. Donnelly have on the JEDI
15 Cloud acquisition?

16 A: None that I'm aware of. She was not part of any of the
17 acquisition team. She did not have any input into the
18 requirements as far as I'm aware.

19 Q: And what conflicting interest does she have should she
20 have disqualifying herself from participating in the JEDI
21 acquisition?

22 A: So she wouldn't have had a conflicting interest.
23 There's no conflict of interest because she had no interest in
24 AWS. So, her only restriction potentially would have been if she
25 was still inside of the ethics pledge or regulatory restrictions

1 on participating in matters, and particular matters regarding
2 specific parties where a former client of her consulting firm was
3 a party to the matter, which again gets back to a, whether or not
4 you actually had a particular matter involving specific parties
5 at that time, which I'm inclined to think they did not because I
6 don't think that they had done there, gone out people for
7 interest at that point, although I could be wrong. I'd have to go
8 back and look at all the timelines, and second of all arranging a
9 meeting would not be substantial. It would be ministerial.
10 Particularly arranging it across to a panoply of people for the
11 purpose for which it was arranged which was nothing to do with
12 the procurement. It was a background on cloud computing.

13 Q: What has Ms. Donnelly ever said or done that would
14 cause you to question her ethics or impartiality concerning
15 Amazon?

16 A: Nothing.

17 Q: What about concerning the JEDI Cloud acquisition?

18 A: Nothing. As I said I'm not aware that she did ever did
19 anything relating to the JEDI Cloud acquisition.

20 (b) (6), (b) (7)(C), do you have any questions?

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

22 Q: One quick follow-up question.

23 A: Uh, huh [affirmative response].

24 Q: For all the postemployment restrictions that would have
25 applied to Ms. Donnelly who is responsible for identifying and

1 enforcing those, or how is that done?

2 A: So, typically, it's on the individual obviously who has
3 the restrictions to comply. We, and I believe we did issue a
4 postemployment letter to her. Did you receive a copy of that?

5 Q: No.

6 A: That's probably because it's considered that they're
7 trying to figure out the attorney-client stuff on. So, I believe
8 we did issue her a postemployment opinion letter. We would
9 provide that letter to her. Typically what happens is if they
10 come in and they start talking to people those people will, and
11 ask us, "Hey, I've been contacted by sonic Sally Donnelly. Is she
12 allowed -- am I allowed to talk to her? Is this something she's
13 allowed to be doing?" Sometimes they will get the, the former
14 client, the former employee will contact us and say, "Hey, I'm
15 wanting to do this. Is this something that I'm looking at my
16 advice letter? I'm not so sure if this is something I can do."
17 So, it depends.

18 Q: I guess my question is there's a checks and balance in
19 place. One would be the letter to the former employer?

20 A: Correct.

21 Q: And the other would be whoever she interacts with is
22 supposed to come and say we're interacting, can we?

23 A: To supposed to necessarily but they will if they have a
24 question. It's something of a needle in a haystack. There's no
25 feasible way that you're going to put up a force field that says,

1 okay. There's no automated process by which are going to screen
2 these people out, right? I can't even imagine how you would do
3 that. Would you block their number? It's not like you can block
4 their phone number. I guess that's my point. So, we can certainly
5 -- people know that there are postemployment restrictions. They
6 know that she just recently left and if they have concerns and
7 believe me that is they frequently do. They do not like it when
8 former people come in and particularly if they feel that the
9 former person is trying to get away with something or trying to
10 get something, then they definitely call us. So, from my years
11 and years of experience it works pretty well. It works pretty
12 well. People call us because they don't like to feel like
13 somebody is taking advantage or is doing something that they
14 shouldn't be doing. And so, if anything it goes probably goes the
15 other way. We get a lot of calls that are actually nonissues more
16 so than having the opposite problem of people doing that no one
17 calling or questioning.

18 Q: All right. Thank you.

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

20 Q: And can you tell me Mr. Anthony DeMartino is?

21 A: Yes. He was also with the first wave of non-career
22 appointees, and he started out I believe as the Deputy Chief of
23 Staff for the Secretary, and then moved over to be the Chief of
24 Staff for the Deputy Secretary, and I think back as Deputy Chief
25 of Staff for the Secretary before he left.

1 Q: And what were your interactions with him as it related
2 to the JEDI Cloud acquisition?

3 A: I did not interact with him with regard to JEDI Cloud.

4 Q: Any other interactions that you had with him outside of
5 the JEDI Cloud?

6 A: Yeah. You know I can't remember the specific, but I did
7 frequently interact with him and provide him with advice and
8 frequently he actually was a wonderful supporter of the ethics
9 program and would frequently assist us if we were trying to get
10 someone to comply with a deadline for filing their reports or
11 things like that. He was really quite good at just supporting us
12 when we needed sort of high level assistance with getting people
13 motivated to do things whether it was trainings, you know the
14 things you have to comply with by deadlines and such like that.
15 He was always quite good about supporting our program.

16 Q: And once again we have Mr. DeMartino's 278 if you could
17 take a look at it. And if there's anything that stands out please
18 share that with us.

19 A: Okay. Nothing other than the things that you pointed
20 out with others.

21 Q: And what is your understanding of Mr. DeMartino's
22 relationship with or interest in SBD Advisors?

23 A: Well, according to this he was a managing partner and I
24 knew that he had worked for SBD Advisors. It looks like he was a
25 managing director.

1 Q: What about any relationship with C5 Capital?

2 A: Not that I was aware of. I mean it's not listed here,
3 and it wouldn't be if he didn't provide any services personally
4 to them. They wouldn't be listed here.

5 Q: What about Amazon?

6 A: When I look at his responsibilities if he was, it looks
7 like he was more, I mean as a managing director it looks like he
8 was more of a COO which means he, it doesn't look like he
9 probably would've done anything like that. It looks like he did
10 some but not a lot.

11 Q: And did Mr. DeMartino need to disqualify himself from
12 participating in the JEDI Cloud acquisition because of any of his
13 relationships with SBD Advisors?

14 A: He would have had the exact same restrictions as Ms.
15 Donnelly with regard to the ethics pledge and the regulatory
16 restriction at 5 C.F.R. 2635.502 regarding former employers and
17 clients. So, to the extent that AWS was a former climate client
18 he would have had those restrictions, but again those are not
19 conflicts of interest. Those are ethics pledge and regulatory
20 restrictions.

21 Q: Mr. DeMartino resigned from position on 6 July 2018,
22 and later became a founder as well as part of Palace Advisors.

23 A: Uh, huh [affirmative response].

24 Q: Same question for him regarding his post government?

25 A: And he would have had the same exact restrictions. The

1 distinction possibly being on that last item on the Section 1045
2 of the 2017 NDAA. Whether it's a one-year or two-year restriction
3 depends on your tier level of SES and I just don't know what that
4 is for either of them frankly whether they were Tier I, II, III,
5 IV. I don't know. But Tier I and II has a one-year restriction,
6 Tier III and IV have a two-year restriction.

7 Q: What have you ever heard about Mr. DeMartino say about
8 Amazon?

9 A: I do not think I heard him say anything about Amazon. I
10 can't recall him ever saying anything about Amazon.

11 Q: What about any of the other competitors competing for
12 the contract?

13 A: Same.

14 Q: Let's see if I can find this e-mail. There is an e-mail
15 that's dated June 5. Let me see if I can find that. My eyes are
16 terrible today. Very dry. Okay. In that e-mail, and (b) (6), (b) (7)(C) is
17 looking for the e-mail to provide to you so you can take a look
18 at it.

19 A: Uh, huh [affirmative response].

20 Q: The e-mail is from Mr. DeMartino to (b) (6), (b) (7)(C) in
21 which Mr. DeMartino requested (b) (6), (b) (7)(C) to respond to his reply
22 to a reporter from Capital Forum. The reporter wanted to know if
23 Mr. DeMartino held any stake in IT Global Advisors, and did he
24 work or do any work for the company while working in government.
25 Have you had any relationships with Amazon? Mr. DeMartino replied

1 I was an employee of SBD. I never had a stake in the company and
2 left there before joining OSD. No interaction since. No
3 relationship with Amazon. So, do you know if there were any
4 additional questions after he replied to that reporter?

5 A: In relationship to that request, that's the first I've
6 that seemed that request or heard of that request. So, I'm not
7 aware of any.

8 Q: Do you know if Mr. DeMartino did any other work that
9 related to Amazon?

10 A: For OSD?

11 Q: Yes.

12 A: Not that I'm aware of. Again, I think he was also part
13 of that setting up of the meeting although I'm not 100 percent
14 sure on that. I do think he was part of that for former Secretary
15 Mattis. And I think, let me see. Yeah, when I look at the
16 documents that I have, you know he did some of the ministerial,
17 the scheduling of meetings, the things like that he was doing
18 that and he actually just because of this interest out of an
19 abundance of caution both he and Sally then further recuse
20 themselves from even doing ministerial stuff. He just stayed away
21 from it completely.

22 Q: All right. And here's an e-mail from (b) (6), (b) (7)(C) to Mr.
23 Sweeney, Kevin Sweeney.

24 A: Uh, huh [affirmative response].

25 Q: And this was a proposed meeting with Jeff Bezos and

1 this was from, regarding Secretary Mattis' trip that you
2 mentioned earlier, and I'll let you take a look at that and see
3 if there's any concern in the advice that was provided regarding
4 him meeting with Mr. Jeff Bezos

5 A: No. I mean we have a policy of trying to ensure that
6 we're engaging with industry and that's exactly the advice that
7 we normally give is as long as you are ready, willing, and able
8 to meet with others in the industry. The Secretary has like no
9 involvement in an actual procurement. He doesn't even have a
10 want, right? So he's not actually going to sign off on a
11 procurement. He's not evaluating the procurement. So, that would
12 be the only time that we might say for example if it were someone
13 at a lower level who might do something like that, we might say,
14 "Hey, if there's a pending issue that you're going to be involved
15 in deciding an audit, an investigation, for you if you were
16 investigating this and you wanted to meet with." I would say,
17 "No. You probably should wait until that's over." Right? Timing
18 is everything, but other than that, that's the standard advice
19 that we would give.

20 Q: Okay. Thank you. And going back to Mr. DeMartino, do
21 you know if he had access to any nonpublic procurement
22 information? Understand that he did sit in a couple of meetings.
23 He did take notes. He was part of the contracting officer's
24 investigation.

25 A: It looks like he was doing them. So, my understanding

1 is that he did sit in meetings. He did take notes. He was doing
2 it from purposes of doing the public relations piece and keeping
3 the Chief of Staff and the Secretary sort of informed of the
4 progress. So, again it was all sort of that ministerial function.
5 So he wasn't engaging. Our understanding was that he was not
6 engaging on the substantive aspects of the procurement, like what
7 the requirements should be, what should the parameters be? Any of
8 that he was wanting, he was there for purposes of monitoring
9 status, are we moving forward? Are we reporting back to the
10 Secretary, or to Congressional inquiries, or media inquiries, or
11 things like that? Sort of being able to have sort of this
12 oversight knowledge of just where are things at as opposed to
13 substantively participating in the underlying matter itself. And
14 so that was all ministerial. That's not going to be actually a
15 substantive participation in the matter. So we were aware of that
16 and again when the inquiry started to surface and it became clear
17 that this was going to be a distraction he did further recuse
18 from even just doing those things because it was clearly going to
19 be something that was going to raise eyebrows even though there's
20 not technically an issue.

21 Q: And what influence did Mr. DeMartino have over the
22 acquisition?

23 A: My understanding is none. He has no -- he had no
24 subject matter knowledge of cloud computing or any of the
25 technical parameters, and again this was pre-RFI, or I think it

1 was pre-RFI. It was definitely pre-RFP meaning it was before the
2 solicitation went out. I believe it was before even industry had
3 a chance to comment on the draft solicitation. So, in terms of
4 where the process was he would have had no impact.

5 Q: Okay. What has Mr. DeMartino ever said or done that
6 would cause you to question his ethics or impartiality concerning
7 Amazon?

8 A: Nothing, and in fact he again was very supportive and
9 absolutely 100 percent on board with, "Okay. Yeah, even though I
10 can do this, I'm not going to because it's just creating a
11 problem."

12 Q: What about concerning the JEDI Cloud acquisition?

13 A: Same.

14 Q: And do you know who Mr. Victor Gavin is?

15 A: Again hearsay. That came up later.

16 Q: Okay. Do you know if Mr. Gavin had any type of
17 relationship or interest in amazon?

18 A: Yes. So, he apparently had negotiated for employment
19 with them. So, he was discussing employment with Amazon from
20 August 2017 to January of 2018. He received an offer from them in
21 March of 2018.

22 Q: So, after March of 2018 we understand that Mr. Gavin
23 recused himself from any role in the JEDI Cloud acquisition. He
24 was one of the service components who provided information and
25 input --

1 A: My understanding is he --

2 Q: -- into the cloud.

3 A: -- actually executed a disqualification on January 11th
4 of 2018. That's the facts that I had.

5 Q: And he attended a meeting thereafter, and it's
6 addressed in the contracting officer's conflict of interest
7 report.

8 A: Uh, huh [affirmative response].

9 Q: What can you tell us about that?

10 A: So, my understanding is that he attended the meeting,
11 actually probably nothing new that you don't already know. It's
12 in the report. What I know is what's in the report basically
13 which is that he attended the meeting after he had accepted the
14 job offer. That would be an 18 U.S.C. 208 violation if he
15 attended and participated in a meeting. He could attend in quote
16 unquote receive mode if you just didn't say anything, did
17 indicate anything, sort of sat off to the side. He could attend
18 the meeting but is he actively participated, spoke up in the
19 discussions, what have you, then that would technically be an 18
20 U.S.C. 208 violation because he had an agreement for future
21 employment with that entity and that's a standard, and he
22 participated personally and substantially at that point. So, if
23 in fact occurred then that would meet the statutory standard.
24 Now, ironically, my understanding is he was advocating for the
25 solution that was contrary to the single solution approach. And

1 therefore would have been the solution that certain competitors
2 would have preferred. So I thought, you know, whether that
3 actually had an impact is pretty clearly no because clearly the
4 position he was advocating did not come to fruition.

5 Q: Have you ever heard, or hearsay once again Mr. Gavin
6 say anything about Amazon?

7 A: Again, other than his participation in that meeting,
8 whether or not Amazon was specifically discussed in that meeting
9 I do not know. But he certainly specifically just you know, my
10 understanding is that he did specifically discuss the procurement
11 in that meeting.

12 Q: Do you know what time frame that meeting took place?

13 A: The information I have is that it took place on April 5
14 of 2018.

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

16 Q: Ma'am, what report are you referencing?

17 A: This would have been the contracting officer's
18 memorandum for the record that she had to issue as part of the
19 procurement making a finding that there was no impact even though
20 there was a conflict of interest, there was no impact on the
21 procurement.

22 Q: Did you have any part of that memorandum for record as
23 far as reviewing it or any interaction with it?

24 A: Yes. Yes. That's the only reason that I know anything
25 about. I reviewed all of -- I assisted in reviewing and

1 conducting the ethics assessment on all of the memoranda that the
2 contracting officer did related to all of the individuals that
3 you've discussed today.

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

5 Q: So what --

6 A: Which is why I say that all of my information is
7 hearsay because my information is what they provided to me as
8 part of reviewing these documents what the contracting officer
9 and the contract attorney provided to me.

10 Q: And based on your knowledge, what information or
11 non-procurement information did Mr. Gavin have access to?

12 A: Well, it appears that he would have had access. Now it
13 doesn't appear that he was actually -- my understanding is he was
14 in as more of a cloud computing expert and not an evaluator or
15 anything like that. Like I don't get -- I didn't understand that
16 he was on the procurement team and that respect, that he was more
17 of a technical advisor. Yeah, my understanding is that he was
18 more there because the Navy had already implemented some cloud
19 solutions and so he was there to sort of impart that experience.

20 (b) (6), (b) (7)(C) : Do you have any questions on Mr. Gavin?

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

22 Q: Just one last question on the report that the
23 contracting officer did that you reviewed. At any time did you
24 have to request more information or more detail from the
25 contracting officer referencing this report? Was it fairly

1 sufficient as you reviewed it?

2 A: So what I recall it was fairly sufficient. It was the
3 legal analysis that I plugged in. So, typically I was taking the
4 facts that they provided. I think there probably were some more
5 questions that we had particularly with regard to Sally and Tony
6 because it really came down to be very fact specific about what
7 they actually did. To make sure that we really were staying in
8 the ministerial and not the substantive realm. So, I do believe
9 that we, there was some question, some discussion that I had just
10 to make sure that this is really and truly all that they did, and
11 that they didn't have access to any of the actual procurement.
12 They weren't doing any evaluation, well that would have been too
13 soon for evaluation but they weren't doing anything more
14 substantive than just attending meetings and taking notes, and
15 that sort of thing. So, there's no conflict in receiving
16 information. That's never an issue. It's participating, in other
17 words it's actively taking part somehow, someway, or it's, did
18 you take that information and do something with that they
19 shouldn't of done? Neither of those things occurred for those
20 individuals so the only actual violation from an ethics
21 standpoint that I recall from any, when I reviewed the various
22 write-ups was the 208 on Gavin, and even that, something is a
23 shame because he did do the right thing. Right? He went and got
24 his recusal fairly early, and then he did recuse himself, and
25 then for some reason participated in that one meeting. So, I

1 don't know if he just misunderstood where the parameters were,
2 but it seems unusual that he would have, it's not like he was
3 trying to a, do something, ignore the post-employment laws
4 because he clearly did all of the steps that were required
5 leading up to that point, and b, he clearly was not advocating
6 for his future employer. So, I'm inclined to think that there was
7 some misunderstanding on his part about where the lines were.

8 Q: If somebody on OSD staff had recused themselves --

9 A: Uh, huh [affirmative response].

10 Q: -- and came to you for advice or opinion on if they
11 could attend a meeting after they were to recuse themselves, what
12 would your advice to them be?

13 A: It depends on how much they need to know the
14 information. So, we frequently, and you'll see this actually and
15 all of our standard screening arrangements. It says that these
16 individuals can receive information, because they need to have
17 situational awareness. So, if somebody needs to have situational
18 awareness we're not going to say, no, you can have that. Because
19 all of these laws are about that balance, right? It does us no
20 good to be insular and only have people that come up to the
21 government, then we have no fresh ideas, we have no perspective.
22 We need the talent from the outside, and likewise we need people
23 from here going to the outside and educating them on how to do
24 business with us. So, creating these hard barriers is never a
25 practical idea, which means that all the other causes are there

1 to balance it, right? And how do we balance the public interest
2 and keeping the public trust with not being so restrictive that
3 we lose those benefits. And so that's something that we're going
4 to balances we need you to still have situational awareness. We
5 still need you to be able to know what's going on in the
6 Department, or in this program, or what have you, but you need to
7 be aware of where those left and rights are. And, if it's so
8 hypersensitive than maybe we need to find somebody else to even
9 have that situational awareness and then share the information.
10 But typically, no, that's our standard advice is you can be in
11 receive mode, but you need to really, truly be in receive mode.

12 Q: Thank you.

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

14 Q: Okay. So, now I'd like to move on to Mr. Robert Daigle.
15 What were your interactions with Mr. Robert Daigle?

16 A: I actually had more interactions with him. I had some
17 very some very limited interactions with him more with regard to
18 some of the CMO things. Chief Management Officer things. I don't
19 think I had any interactions with him regards to JEDI. I did have
20 a discussion with him just prior to his departure with regard to
21 filing his financial disclosure report and his postemployment
22 restrictions.

23 Q: Okay. And here we have Mr. Daigle's information. You
24 can take a look at that if you'd like.

25 A: Let me give you these back.

1 Q: His 278.

2 A: Okay.

3 Q: And same question for him. What is your understanding
4 of Mr. Daigle's relationship with, or interest in SBD Advisors
5 during your examination of his initial 278?

6 A: Do not have his nominee report?

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

8 Q: Yeah, if it's not there we don't.

9 A: Let's see if I can. If we're lucky it's in here easily.
10 Without me having to go to the program. I don't see that he had
11 any relationship to SBD.

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

13 Q: Relationship with Capital 5, or C5 Capital, or SBD?

14 A: I really don't see one, no.

15 Q: What about Amazon?

16 A: No. Yeah, he actually came, he was a HASC staffer. From
17 January 2016 until he came here. Now you have it.

18 (b) (6), (b) (7)(C): Thank you.

19 Q: Okay. So, we also understand that Mr. Daigle also
20 accepted a position with Palace Advisor, and Rebellion Defense.
21 Are you familiar with Rebellion Defense? This is after he left
22 DoD.

23 A: No. I don't know what that is.

24 Q: Okay. And you're familiar with Palace Advisors? We
25 talked about that.

1 A: Right.

2 Q: After you reviewed his 278, is there reason that Mr.
3 Daigle need to disqualify himself from participating in the JEDI
4 Cloud acquisition

5 A: Uh, uh, [negative response]. Not that I see.

6 Q: And why not?

7 A: Because it doesn't -- it looks like he was with the
8 government so he wouldn't have any prior employers or clients
9 that would have, yeah, he wouldn't have had any prior clients or
10 employers that would have created a disqualifying because he came
11 from government. And I do not see, all of his financial interests
12 were funds. He didn't have any -- it was a bank stock. So there's
13 nothing that would have been in that sector.

14 Q: Okay. And I want to go --

15 A: And there's one other thing but I don't know what that
16 is. Without looking it up I don't know what that is but it
17 doesn't appear to be an IT company.

18 Q: Okay. And Mr. Daigle resigned from his position on 17
19 May 2019. Later became the principal for Palace Advisor which is
20 owned by Ms. Donnelly and Mr. DeMartino.

21 A: Uh, huh [affirmative response].

22 Q: What are the post government restrictions for Mr.
23 Daigle?

24 A: His would be almost identical to the ones I've already
25 mentioned with the exception that he would not, on the 18 U.S.C.

1 207(C) the one year cooling-off period, for him I mentioned
2 componenting previously to where Ms. Donnelly and Mr. DeMartino
3 would only have a restriction with regard to OSD and certain
4 other defense agencies in the COCOMS. Mr. Daigle would be all of
5 DoD for his one year cooling-off. Senate confirmed appointees do
6 not get the benefit of componenting.

7 Q: And have you provided any guidance to Mr. Daigle since
8 his departure?

9 A: I have not. I do believe someone has but I don't know
10 who.

11 Q: And you mentioned, did you prepare any of his ethics
12 documents prior to him leaving?

13 A: No. I did not. I didn't bring him in. I was not the one
14 that did his vetting.

15 Q: Okay. Have you ever heard Mr. Daigle say about Amazon?

16 A: Nothing.

17 Q: About any of the other competitors for the JEDI Cloud
18 contract?

19 A: Nothing. He did indicate that he had participated. He
20 viewed it as certainly a particular matter that he would be
21 recused from. That he could not participate in once he left, or
22 he could not represent a nonfederal entity back to the government
23 on it once he left. He did view that as one of the programs that
24 he had participated in.

25 Q: What is Mr. Daigle said or done that would cause you to

1 question his ethics or impartiality concerning Amazon?

2 A: Nothing.

3 Q: And concerning the JEDI Cloud acquisition?

4 A: Nothing.

5 Q: How did Mr. Daigle influence the JEDI Cloud
6 acquisition?

7 A: I'm not aware that he did, but that doesn't mean he
8 didn't. I just don't know.

9 Q: In his role as the CAPE Director?

10 A: I'm not aware of what his play would have been in that.
11 I do know that as having the CMO come on board that I believe the
12 CMO and CAPE sort of picked up some of that slack I think, but I
13 don't know how much of it.

14 Q: And is there any reason that Mr. Daigle should not have
15 participated in the JEDI Cloud acquisition activities?

16 A: Not that I'm aware of. Not based on my review of this.

17 Q: Okay. Moving onto the next individual. That would be
18 Mr. Deap Ubhi. Are you aware of who Mr. Deap Ubhi is?

19 A: I am.

20 Q: And, did you provide ethics training to Mr. Ubhi?

21 A: Without looking at the sign-in sheets I don't know. Bu
22 I have a note to get you those and see if he was at the training
23 I did or not.

24 Q: We understand that Mr. Ubhi who was a former DDS
25 employee, he was working at another location in California. Do

1 you know how they ensured that every employee that was there
2 under the DDS umbrella here specifically either for the contract
3 and working other contracts within their, how did they ensure
4 that they received ethics training?

5 A: So, the employees get initial ethics training.
6 Depending on how they brought in the either get a handout on
7 orientation, or it's a signed in ICompass.

8 Q: So, is it possible that Mr. Ubhi would have received
9 training?

10 A: He should have at least received it within 90 days of
11 when he first came on board.

12 Q: What is your understanding of Mr. Ubhi's relationship
13 with or interest in Amazon?

14 A: My understanding is that he came, or no he had -- I've
15 heard a couple of different versions. That he came from there and
16 then that he went back to there, and that somewhere in the
17 interim he was trying to work and deal to sell a, like an open
18 table type app, but I think it was out of India to them and that
19 was the story that he told everyone here was that he had to
20 recuse himself because of that, when in fact what was happening
21 was he was negotiating for employment with them or seeking
22 employment with them. And, in fact they never did by that app
23 from them, from him. But, that is the extent of my knowledge.

24 Q: Did you ever hear Mr. Ubhi say anything about Amazon?

25 A: Never. Again, unless he was at the training and I don't

1 have a face with a name I don't think I've ever met him.

2 Q: Okay. What about any of the other competitors?

3 A: Same.

4 Q: Okay. So thinking of the individuals we've mentioned
5 today were you ever in a meeting in which any of the individuals
6 change of subject, excuse himself or herself because he or she or
7 someone close to them had a conflicting financial interest that
8 might be impacted by the JEDI Cloud acquisition?

9 A: No.

10 Q: Did anyone attempt to write JEDI Cloud requirements,
11 and this I mean the JROC memorandum that came out, the gating
12 requirements, the technical requirements, and the statement of
13 objectives, or any other requirements in a way that favored
14 Amazon over its competitors?

15 A: Based on the information that I have no.

16 Q: Did anyone attempt to include or exclude any
17 information in the RFP that would have served to advantage Amazon
18 or disadvantage its competitors?

19 A: Again, based on the information that I have from the
20 contracting folks, no.

21 Q: Okay. And why do you believe this matter has surfaced
22 to the DoD IG?

23 A: Because there are entities with financial interest in
24 maintaining a piece of the cloud computing pie and that therefore
25 are doing it any potential threat that they can find in order to

1 reshape DoD's decision on how cloud computing should go forward,
2 regardless of who the ultimate winner is.

3 Q: And is there any additional information that you'd like
4 to provide to us?

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

6 Q: And who else should we speak with and why?

7 A: I think you've already spoken with, I'm sure you spoken
8 with -- I know you spoken with (b) (6), (b) (7)(C). I know you spoken
9 with (b) (6), (b) (7)(C). So I think in my office that's pretty much
10 going to cover everybody, and I know you've already spoken with
11 Sharon Woods and (b) (6), (b) (7)(C). So, I think that's
12 pretty much everybody that I've dealt with that I also know has
13 had impact with this.

14 Q: Okay. And you have any questions or comments about the
15 way we conducted this interview today?

16 A: No, not at all. I think the only final comment I would
17 say is again, just to reiterate that my knowledge is primarily
18 based on the information that I was given in order to render the
19 legal analysis on the ethics and procurement integrity issues.

20 Q: Okay. And if you remember anything else you believe may
21 be relevant to our review please contact myself or (b) (6), (b) (7)(C)
22 Also you mentioned that you would provide us with a couple of
23 things. A 278 for Mr. --

24 A: I already did that.

25 Q: Okay.

1 A: So I've just going to get you the DDS ethics training
2 side and sign in sheets.

3 Q: Okay.

4 A: Yep.

5 Q: And in order --

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

7 Q: If we could add to that could we get the dates of
8 recusal that you have for Mr. DeMartino? If you have those.

9 A: I don't know that I do but I'll check. I know, I think
10 one of the concerns that we had was that, not concern that's too
11 strong. I think one of the realizations that we had was that they
12 just, and you can do this. You don't have to do it in writing,
13 and they just defacto recused. I don't know that we actually ever
14 had a written document, because again it wasn't technically a
15 required recusal. They were further recusing from, they already
16 weren't participating personally and substantially, they just
17 further recused from just kind of not touching it at all. Even in
18 a ministerial fashion. So that may not -- I don't think it was
19 done in writing.

20 Q: So just a point of clarification, there's no
21 requirement for them to do a memorandum of record or any --

22 A: Not under these circumstances. No. Not under the
23 circumstances. There are certain circumstances where you to, for
24 example Mr. Gavin's was required to be in writing, but what they
25 were doing was not. Again, it wasn't required at all let alone in

1 writing. So, they were kind of I don't think they -- I think they
2 just said yeah, okay. We're just going to step away from it. But
I will look. I will double check.

3 Q: One last request is it is there anywhere that you can
confirm if Mr. Ubhi had an initial ethics training?

4 A: I will see if I can verify that.

Q: Okay. Thank you.

5 (b) (6), (b) (7)(C): Finally, in order to protect the integrity of
this review we ask that you do not discuss the matters under

6 review or the questions we've have asked you during this

7 interview with anyone other than your personal attorney, should

8 you choose to consult with one. This does not apply to or

9 restrict you from your right to contact an IG or a Member of

10 Congress. If anyone asks you about your testimony or this review,

11 please inform them that the DoD OIG has asked you not to discuss

12 this matter. If anyone persists in asking you about your

13 testimony, or our review, or if you feel threatened in any manner

14 because you provided testimony, please contact myself or (b) (6), (b) (7)(C)

15 (b) (6), (b) (7)(C) The time is now 10:37 Eastern Standard Time. This

16 interview is concluded.

17 [The interview terminated at 10:37 a.m., July 29, 2019.]

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

19 2

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

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

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

23 1

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

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

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

December 10, 2019

ISO Email - Interview Follow-up questions

X - - - - - X

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

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

Sent: Tuesday, December 10, 2019 12:13 PM

To: (b) (6), (b) (7)(C) ., OIG DoD

Cc: (b) (6), (b) (7)(C) OIG DoD; (b) (6), (b) (7)(C) OIG DoD;

(b) (6), (b) (7)(C) OIG DoD; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) OIG DoD; (b) (6), (b) (7)(C) CIV OSD OGC (USA)

Subject: Continuance of 29 Jul 2019 Interview - (b) (6), (b) (7)(C)

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

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

My responses below.

I mentioned this in one of my responses as well, but I do see this as an opportunity for IG to review its processes for handling of referrals of OGE 278 reporting violations. The impression in the ethics community (and my experience) is that IG is not interested in pursuing these referrals, both in terms of forwarding to DOJ or making a finding of senior leader misconduct. That impression is borne out by the lack of cases that we can use as examples in our training modules and other materials to demonstrate the importance of taking financial disclosure reporting requirements seriously.

v/r

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

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

From: (b) (6), (b) (7)(C) ., OIG DoD < >

Sent: Friday, December 6, 2019 1:33 PM

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

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

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

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

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

Subject: Continuance of 29 Jul 2019 Interview - (b) (6), (b) (7)(C)

Based on your July 29, 2019 interview and recent developments with the JEDI Cloud investigation, we would like you to clarify information you provided to us. In addition, we would like you to respond to additional questions that we have regarding Ms. Sally Donnelly's financial disclosure reports. Responses to these questions will help us clarify specific areas within our report. Before responding, please understand the questions below are a continuation of your July 29, 2019, interview. At the beginning of that interview, you were administered an oath for truthful testimony. Please be advised you are still under oath.

1 During our interview, we discussed and reviewed Ms.
2 Donnelly's OGE 278e New Entrant report
3 and Termination report, specifically concerning the sale of SBD
4 advisors. You stated:

5 "So my understanding was just that the sale had taken place, but
6 in terms of the funding of the sale
7 that--that happened in increments. So, in other words she
8 received money after the fact which is not
9 atypical. My guess would be this is purely a guess, probably an
10 escrow, typically you do that when you
11 sell a business."

12 We also asked you, if Ms. Donnelly knew at the time
13 when she filed her New Entrant OGE 278e
14 that she received would receive additional monies at some point,
15 should she had documented that on
16 her initial submission? In response, you stated:

17 "It depends on how she did it. Let me look. So this is her
18 termination report. So, without knowing more
19 I'm hesitant to say what should have been on here because I don't
20 know how it was structured, but it is
21 possible that yes, there should have been an indicator to say
22 that there is more -- that there was more
23 money coming. I mean she put the correct value on here and there
24 was a clarifying note that said it was
25 a sale of her partial interest as opposed to a partial sale of

1 her whole interest. So, I know that that was a
2 clarification. In terms of if there were more funds pending from
3 the sale then typically there would be an
4 entry, and it looked like there was outstanding receivables that
5 were annotated. But typically there
6 would be an entry under Part III that would say I continue to be
7 owed X amount from SBD. So, as a
8 technical matter if in fact that's what happened, which I'm
9 speculating because without digging into the
10 file I don't know what the distinction was there. I mean she
11 clearly reported it...She clearly reported it in
12 the next filing cycle. So it may have just been a
13 misunderstanding on how she was supposed to report
14 that."

15 1. What did you mean when you said that the sale of Ms.
16 Donnelly's business, SBD Advisors "happened
17 in increments?"

18 Answer: First, let me reiterate consistent with my previous
19 statements, that I have little, if any, first-
20 hand knowledge of what was communicated at the time Ms. Donnelly
21 filed her report, nor am I
22 personally familiar with the structure of her sale transaction.
23 I think it is clear from the quote above,
24 that I was stating not that the SALE happened in increments, but
25 rather that the FUNDING happened in

1 increments. This information is clear from the face of the
2 reports - she received more than one
3 payment for the sale, which by definition, would mean that she
4 was paid in increments. This statement
5 is based entirely upon my interpretation of the data contained in
6 her New Entrant and Termination
7 reports, and information from subsequent discussions with Ms.
8 Donnelly's private counsel.

9 2. What can you tell us about the incremental payments?

10 Answer: Ms. Donnelly's counsel confirmed to SOCO that her entire
11 interest was sold effective 1/19/17
12 and that she received four payments of \$390,000 each toward the
13 contracted sale amount of \$1.56M.

14 3. What did you mean when you said, "it may have just been a
15 misunderstanding on how she [Donnelly]
16 was supposed to report that?"

17 Answer: I mean that it is not uncommon for filers to identify an
18 interest on one section of the report and
19 not realize that the same interest might also need to be included
20 in other sections of the report. Filers
21 often think that once they disclose something in one section,
22 they have complied with the disclosure
23 requirement. It's an extremely common error. Based on my
24 experience, I was merely speculating in my
25 statement to you that she may not have realized that although she

1 disclosed the sale and the amount
2 received to date in Part 2, she technically should have reported
3 any agreement to pay the remaining
4 purchase price in Part 3. In fact, I cannot help but note that
5 while the report is not perfect, the
6 errors/omissions in Ms. Donnelly's report are far more benign
7 than others I and my colleagues have
8 submitted to IG for action to no avail. I have personally
9 referred reports to IG with documentation that
10 clearly evidenced intentional omissions and/or willful failure to
11 file and IG declined to forward them to
12 DOJ for prosecution or to even make a finding of senior leader
13 misconduct, an experience I have heard
14 many ethics counselors share.

15 4. What was meant by (b) (6), (b) (7)(C) comment, "Confirmed that
16 this asset actually has \$0 value to
17 filer as she no longer has any stake in the company?"

18 Answer: Again, I can only speculate based on the data in the
19 report and his comment, however, I would
20 take that to mean that he verified that she sold her entire
21 interest in the company, which would mean
22 that the value of the company to her is zero. The fact that
23 someone might still owe part of an agreed
24 upon fixed purchase price to a seller does not typically give the
25 seller an ownership interest in the item

1 being sold, absent a specific agreement or law to that effect.

2 5. Was (b) (6), (b) (7)(C) comment accurate in light of Ms. Donnelly's
3 agreement to be paid additional
4 money, as indicated on Part 2, Line 2 of Ms. Donnelly's OGE 278e
5 (New Entrant) report? Please explain,
6 why or why not?

7 Answer: See response to Item 4 above.

8 6. On the OGE 278e, the ADAEO wrote, "Filer confirmed this was
9 total sale of filer's partial interest."

10 What is the name of the ADAEO that wrote that comment?

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

12 7. How did Ms. Donnelly confirm that this was a total sale to
13 the ADAEO or other SOCO official? What
14 did Ms. Donnelly say?

15 Answer: You will have to ask (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C).

16 8. What relevance does the "total sale of filer's partial
17 interest" have on whether Ms. Donnelly should
18 have reported this as an agreement?

19 Answer: None. The relevant point is that she was still owed
20 money from the sale, meaning there was
21 still a purchase price agreement to pay her the remaining
22 balance. On that point see Item 3 above.

23 9. What information did Ms. Donnelly disclose to you or other
24 SOCO official regarding the "Purchase
25 and sale Agreement" for SBD Advisors?

1 Answer: I can only speak for myself and I do not recall
2 discussing with Ms. Donnelly.

3 10. We reviewed Ms. Donnelly's "Purchase and sales agreement"
4 which stated that she would receive
5 "two equal payments for \$1,560,000." Please explain why these
6 payments were not reported on Ms.
7 Donnelly's OGE 278e (New Entrant) as an agreement?

8 Answer: I have never seen a copy of the purchase agreement. As
9 noted above, the information
10 provided to SOCO by Ms. Donnelly's private counsel indicated that
11 it was a total purchase price of \$1.5M
12 with 4 installments of \$390,000 each.

13 11. At what point in Ms. Donnelly's filing was she fully
14 divested of her ownership stake in SBD Advisors?

15 Answer: See response to item 2 above.

16 12. What can you tell us about payments of \$390K Ms. Donnelly
17 received in Mar 2017, July 2018, and
18 March 2018 for the sale of SBD Advisors? Please explain why
19 these payments were not reported on Ms.

20 Donnelly's OGE 278e (New Entrant), either as an agreement or as
21 income?

22 Answer: The New Entrant report covers the previous calendar year
23 up through the filing date. Only the
24 March payment would have fallen within the reporting period for
25 her New Entrant report.

1 13. What triggers such an update? If Ms. Donnelly knew at the
2 time when she filed her initial OGE 278e
3 that she would receive additional monies pursuant to an
4 agreement, what would she have been
5 responsible for documenting on her initial submission?

6 Answer: There is no "update" requirement. The reporting period
7 is static once the report is initially
8 submitted. Anything not triggering periodic transaction reporting
9 (which these payments would not), is
10 then reported on the next annual or termination report. Regarding
11 her initial submission, see Item 3.

12 14. Would Ms. Donnelly have been required to update her OGE 278e
13 upon receipt of these additional
14 payments? Why or why not?

15 Answer: See response to 13 above.

16 15. What are the rules or guidance that governs when an OGE 278
17 filer, such as Ms. Donnelly should
18 update their submission during a period?

19 Answer: See response to 13 above. OGE webpages provided below
20 for your reference.

21 <https://www.oge.gov/Web/278eGuide.nsf/Content/Definitions~The+OGE>
22 [+Form+278e+%E2%80%93+Ne](https://www.oge.gov/Web/278eGuide.nsf/Content/Definitions~The+OGE+Form+278e+%E2%80%93+Ne)
23 [w+Entrant+Report](https://www.oge.gov/Web/278eGuide.nsf/Content/Definitions~The+OGE+Form+278e+%E2%80%93+Ne+w+Entrant+Report)

24 <https://www.oge.gov/Web/278eGuide.nsf/OGE%20Form%20278-T?openview>

25 16. On 16 November 2018, you provided PGE advice to Ms. Donnelly

1 based on her 22 February 2018
2 request. Based on the PGE Advice you provided to Ms. Donnelly,
3 where there any restrictions that
4 would prohibit Ms. Donnelly from hiring a previous government
5 employee? Please explain, why or why
6 not?

7 Answer: Federal ethics laws do not restrict an employer from
8 hiring former government employees in
9 general, nor do they prohibit former employees from going to work
10 for any company they choose. The
11 post-Government employment laws apply based upon the
12 duties/responsibilities/positions that an
13 individual former government employee held with the Government
14 and the activities they will conduct
15 on behalf of their new employer. For some employees, the law may
16 require that a post-Government
17 employment opinion be requested/issued before the employee may be
18 compensated. They do not
19 prevent an employee from working for a given employer. One
20 exception, Procurement Integrity Act,
21 restricts employees involved in certain procurement functions
22 from accepting employment with an
23 offeror in that procurement for one year.

24 17. On 1 August 2018, Ms. Donnelly and another former DoD
25 employee formed Pallas Advisors

1 together, what did Ms. Donnelly disclose to you about her new
2 business [Pallas Advisors]? When did

3 she disclose this to you? What advice was provided?

4 Answer: Nothing. At the time that I was asked to provide PGE
5 advice, I was told that she did not have
6 definitive plans yet. I was not provided with any information
7 concerning Pallas Advisors.

8 We kindly asks for you to provide your responses by
9 COB December 13, 2019. Additionally, I've
10 attached a word document if you choose to respond to the
11 questions in that format.

12 Respectfully,

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

14 (b) (6), (b) (7)(C) Investigator

15 Investigations of Senior Officials

16 Department of Defense, Office of Inspector General

17 (b) (6), (b) (7)(C) office)

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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)

November 12, 2019

ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is November 12, 2019, and the time is 1:53 p.m. I'm (b) (6), (b) (7)(C) with the DoD Office of Inspector General. With me is my colleague (b) (6), (b) (7)(C), and our witness (b) (6), (b) (7)(C). We OIG personnel and the witness are here at the Mark Center, in the ISO Office spaces. We're conducting a review of the JEDI Cloud Services Procurement. We also want to clarify some information that's been reported in the news media about that procurement. At this time, (b) (6), (b) (7)(C) I ask you to acknowledge this interview is being recorded.

(b) (6), (b) (7)(C): I acknowledge the interview is being recorded.

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

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C) I have read the OIG Privacy Act Notice.

(b) (6), (b) (7)(C): Will you please raise your right hand?

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

Q: Will you please state your full name and spell out your last name?

A: Sure. (b) (6), (b) (7)(C). Middle name is spelled (b) (6), (b) (7)(C). Last named spelled (b) (6), (b) (7)(C).
(b) (6), (b) (7)(C).

Q: Thank you. And what is your grade and component that

1 you work in?

2 A: I'm a (b) (6), (b) (7)(C) and I work for the Defense Digital
3 Service as (b)(6), (b)(7)(C)

4 Q: How long have you been with the DDS?

5 A: I have been with DDS for about two and a half years,
6 since July of 2017.

7 Q: Were you hired as (b)(6), (b)(7)(C)

8 A: Yes, I am.

9 Q: And how did that relate to becoming a (b) (6), (b) (7)(C)? How
10 did that occur?

11 A: So, the initial JEDI acquisition was done as a
12 cooperation between the Defense Digital Service and the Defense
13 Innovation Unit, and the Defense Innovation Board folks had a
14 hand there too. So, many of the senior technical representatives
15 on the Selection Committee are members of the Defense Digital
16 Service including members of the Source Selection Board, excuse
17 me, the Source Selection Evaluation Board, the SSEB, and the, or
18 yeah, the SSEB because it went the Technical Advisory Boards, the
19 TEBS, reported to the SSEB, which reported to the SSEB Chair,
20 which reported to the SSAC, which reported to the SSA. Right?

21 Q: It sounds right to me.

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

23 A: Okay. So, well I'm including one of the members of the
24 SSAC and --

25 (b) (6), (b) (7)(C) individual entered the room.]

1 (b) (6), (b) (7)(C) Hey.

2 (b) (6), (b) (7)(C) : Are we doing the interview now?

3 (b) (6), (b) (7)(C) Yeah, we've got the recorders on. Come on
4 in.

5 (b) (6), (b) (7)(C) : I apologize.

6 (b) (6), (b) (7)(C) : No, not at all.

7 (b) (6), (b) (7)(C) : We are being joined by (b) (6), (b) (7)(C)

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

9 (b) (6), (b) (7)(C) : Nice to meet you, sir.

10 (b) (6), (b) (7)(C) That's fine (b) (6), (b) (7)(C) We started a little early.

11 (b) (6), (b) (7)(C) : Okay. I apologize. I thought it started at
12 2:00.

13 (b) (6), (b) (7)(C) It did.

14 (b) (6), (b) (7)(C) It used to.

15 (b) (6), (b) (7)(C) It did. It started early.

16 (b) (6), (b) (7)(C) : I was early.

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

18 A: So, I was saying that how did I get involved in the
19 procurement. So, the initial work on the acquisition prior to the
20 posting on the street was done by members of the Defense Digital
21 Service. So. We were called upon in our capacity as technical
22 experts inside the Department to help serve on the Acquisition
23 Panel.

24 Q: What did you do on JEDI before you started serving as

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

1 A: Nothing.

2 (b) (6), (b) (7)(C): Okay. Go ahead, (b) (6), (b) (7)(C)

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

4 Q: Sure. So when were you nominated as the (b) (6), (b) (7)(C) ?

5 A: I think it was fall a year ago I want to say, but it
6 was at the beginning of the source selection process. I'm afraid
7 it's blended together after a while.

8 Q: Did you participate in the Source Selection Team
9 Training?

10 A: Yes.

11 Q: So what were your roles and duties as (b)(6), (b)(7)(C)

12 A: It was selecting the members of the -- selecting and
13 approving members of the panel that were nominated from our
14 colleagues at NSA, as well as guiding the team through the
15 process of reading the evaluations, determining our answers,
16 writing our reports, and providing explanations to the SSEB, the
17 SSEB Chair, the SSAC, and answering whatever questions they had,
18 along with our reports.

19 Q: What kind of guidance were you given on how to evaluate
20 your Factor?

21 A: We were given a, I believe it was a two-day training
22 and we had frequent interactions with the Contracting Officer,
23 (b) (6), (b) (7)(C) .

24 Q: Regarding what?

25 A: The drafting, the methodology. Our Factor actually

1 chose to, at my direction, chose to do things a little bit
2 differently than the other factors. So most of the other factors
3 when they were writing their reports, they wrote their reports
4 with each block of information. So like one section they would
5 answer and then they would provide the citations for the
6 information contained within that. I am a little to anal
7 retentive for that, so I forced my team to actually provide
8 citations in line for every single statement. So our document I
9 think each offeror had about 200 something footnotes per report.

10 Q: Okay. So how did the Factor 2 TEB come to its
11 recommendation? How did you weigh those strengths and weaknesses
12 and come to your rating?

13 A: Sure. So, the, are you talking about the final
14 proposal, -- because there were three kind of back and forth?

15 Q: Walk me through --

16 A: Sure.

17 Q: Walk me through from initial proposal, interim, and
18 final?

19 A: (b) (5)

20 (b) (5)

21
22
23
24
25 BY (b) (6), (b) (7)(C) :

1 Q: For Factor 2 or was it some other?

2 A: For Factor 2.

3 Q: Okay.

4 A: (b) (5)

5 (b) (5). Then we went through -- we went through
6 and I personally attended the meetings with the -- so we provide
7 the reports back to the vendors. They submit a set of questions
8 to us. We responded to them in writing, and in oral discussion.
9 So that was at the beginning of the discussion period. We had a
10 one-day each for each of the proposals for my section. It's my
11 understanding that it was many days long for all of the different
12 factors, but I was only present for the day that my Factor was
13 discussed. We met with them. We kind of walked them through where

14 (b) (5)

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

20 Q: Is this still based on the initial proposals?

21 A: This is all based on the initial proposals.

22 Q: Okay.

23 A: So that there was discussion written and oral. Then
24 they provided us another report, excuse me another proposal. That
25 was the initial IPR, and then we went through a series of ENS,

1 Evaluation Notices I think they're called. I actually don't
2 remember. I think we went through three rounds for my Factor
3 where we they submitted us some change. We were evaluated it. We
4 found that it was still -- there was still a gap that wasn't
5 quite answering what we needed it to do. We would go back to them
6 and say, "Hey, we need this to be -- to explain something here."
7 Or, "Hey, you changed this part most part, but then this other
8 part you didn't change and now they don't mass. Which one is
9 correct?" That kind of thing. We went back and forth I think it

10 (b) (5)



15 Q: Okay.

16 A: So the Factor Team we were given a list of five
17 possible values. There were unacceptable, marginal, then like
18 okay, good, and excellent.

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

20 Q: Satisfactory?

21 A: Satisfactory, good, and --

22 Q: I don't want to put words in your mouth.

23 A: -- excellent.

24 Q: Was it satisfactory?

25 A: Yeah, it's the standard one off the FAR, off the FAR.

1 I'm just struggling to remember what the words were. And then
2 there's specific guidance that goes with that terminology so that
3 was given to us, it's also in the L, no it's in the M criteria as
4 well as in the RFP and we actually have a copy and we referred
5 back to it all the time. Unfortunately I think I have a good
6 chunk of that document stuck in my memory of holding of other
7 useful information. I wish I could Men in Black out of my head at
8 this point.

9 Q: Not until after this interview.

10 A: Not until after the interview of course. So, there were
11 five kind of grades for us to evaluate and then we produced two
12 scores. (b) (5)

13 (b) (5)



(b) (5)



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(b) (5)

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Q: Can you differentiate which one was?

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A: (b) (5)

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(b) (5)

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(b) (5)



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

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Q: So we're still -- so we're at the interim --

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A: So that the interim, right.

12

Q: -- level?

13

A: (b) (5)



14

(b) (5)



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Q: So the evaluation notices did those result in changes

22

to the --

23

A: They made changes to the proposal, yeah.

24

Q: Okay. But that's still considered the interim?

25

A: Still consider the interim, yes.

1 Q: Okay.

2 A: So there were like five interim proposals or something.

3 Q: Oh, okay.

4 A: (b) (5)

5 (b) (5)

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14 Q: So, do you remember the timeline of when that final
15 conformed version with a final rating was set?

16 A: Well, with a final rating? You mean when they sent us
17 the final form, or when we signed the report?

18 Q: Well, I know when (b) (5), but since
19 nothing changed in the final -- in the FPR you would have come to
20 your conclusion at the end?

21 A: Our conclusion was that the interim. The FPR we didn't
22 make any changes. It was simply saying we wouldn't have made
23 changes to the previous version had we known it was the final. I
24 think that was in like the July/August time frame but the -- I
25 can pull data from notes if you need it, but I'm sure you have

1 copies of all of this anyway.

2 Q: So, have you reviewed the SSEB, and the SSAC reports?

3 A: I reviewed the SSAC report, and I spoke with the SSEB
4 and was present when the SSEB briefed Factor 2 to the SSAC.

5 Q: So, (b) (5)

6 (b) (5) Can you walk me through that?

7 A: (b) (5)

8 (b) (5)

16 Q: Do you agree with one or the other?

17 A: (b) (5)

18 (b) (5)

(b) (5)



Q: Okay. Let's see. So we understand that the TEBs were separated during their evaluation, can you tell us more about how that worked?

A: Yeah. So we were in an office so the, for the initial proposal we all pretty much work from an office called (b) (6)

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

Q: How you spell that?

A: (b) (6), (b) (7)(C) It's one of the, I think it's a planet in Star Wars. All of the DDS offices are named after Star Wars

1 things, and that was an outpost. We all had different rooms us in
2 this office, and though a part of office that Factor 2 was then
3 we were there with was Factor 1, the Price Team which was Factor
4 9. Factor two, the Contracting Office and legal. Were the ones on
5 our side of the office, and then the other side of the office was
6 the rest of the factors just for space reasons.

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

8 Q: Did the teams talk to each other? Did you talk about --

9 A: Not really.

10 Q: -- how your evaluations were going or how things were
11 shaping up?

12 A: Not really. Occasionally -- no, not in that sense.
13 Occasionally we would end up in situations where there was one
14 part of our report where it would like reference something and
15 others factor's report or would lean on information in the PWS
16 which was referenced for the -- you know, the PWS was for all
17 factors. So, for example one of the areas where we had to have
18 communications between myself and (b) (6), (b) (7)(C) was for
19 things around, for example tactical edge. So, the tactical edge
20 had its own factor, Factor 3, but the logical isolation of the
21 tactical edge was my responsibility as far as Factor 2, and
22 occasionally those two would -- they would say something in the
23 Factor 2 TEB, which just means that Factor 2 report that, I like
24 I don't even know what this means. They'd be like, "Oh, it's the
25 type to device and blah, blah, blah." I'm like, "Eh, eh." So, I

1 would go ask the Factor 3 Chair like, "Hey, what's going on
2 here?" And there were -- so it happened a couple of comments with
3 Factor 3 Team, and then it happened once or twice with the Factor
4 4 Team which was like the -- I forget what the -- it was like the

5 (b) (5)

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12 control. So come on occasions like that we would reach out to the
13 Factor Chair on the other side have a discussion with them. It
14 really only happen with Factors 3 and I believe it was either
15 Factor 4 of Factor 5 that was chaired by (b) (6) and then the
16 other piece was Factor 9, the Price Team. So we had our, one of
17 the price scenarios Factor 2 had to answer part of but not all
18 of. (b) (5)

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

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23 Q: Do you remember what price scenario it was?

24 A: It was Price Scenario 2. For, was the scenario where

25 (b) (5)

(b) (5)



Q: AWS or Microsoft did?

A: (b) (5)



(b) (5)



(b) (5)

Q: Got you. Did you assist in responding to the AWS debriefing questions?

A: Yes, I did.

Q: Was there anything in their questions that you found concerning, or did you find any validity to their questions?

A: No. I wasn't particularly concerned about anything I read in there I think some of the things that they said in there are things that people could have reasonable engineering disagreements about. (b) (5)

(b) (5)

Q: So, you did not compare AWS to the Microsoft?

A: (b) (5)

(b) (5)

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

Q: And evaluated in accordance with what?

A: Accordance -- so we were evaluating them independently against the RFP.

1 Q: Okay.

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

3 Q: Did you brief anybody other than the SSEB, SSAC, and
4 SSA about the Factor 2 TEB recommendations?

5 A: The offerors themselves.

6 Q: Okay.

7 A: For the discussion.

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

9 Q: During discussion?

10 A: During discussions, yes.

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

12 Q: Do you know who was aware of the SSAC's recommendation
13 to award the contract to Microsoft Before public announcement on
14 the 25th?

15 A: No. I mean other than that, I know that the SSA and the
16 SSAC knew but that is all I know.

17 Q: Was a Source Selection Team given any assurances from
18 the Program Office, WHS, or anyone else that your names would
19 remain confidential?

20 A: Yes.

21 Q: When was that?

22 A: At the original -- the start of training.

23 Q: What was your reaction when you learn that the names of
24 the Source Selection Team had been disclose?

25 A: So, my identity was already disclosed because -- so

1 even though I -- even though I -- so because I was at the
2 briefings I was introduced as (b) (6), (b) (7)(C) with the name
3 (b) (6) and separate to all of the JEDI Acquisition stuff in my
4 role as a regular just DDS of person I assisted the Defense
5 Counterintelligence Security Agency, DCSA with facility
6 clearances for both AWS and Microsoft which the contracting
7 officer and the contracting attorney were both aware of, and in
8 that role I met with some of the same people that I met with when
9 I briefed the offerors and the tactical during discussions, and
10 like they recognize me. (b) (6), (b) (7)(C) So
11 in that role they knew my full name. So my identity was already
12 known by both offerors.

13 Q: When you are having those discussions in your other
14 role did either AWS or Microsoft approach you about JEDI?

15 A: No, not at all. That was a very, very clear line in the
16 sand.

17 Q: Did they try?

18 A: No.

19 Q: Have you been contacted by AWS, Microsoft, or anyone in
20 the media regarding JEDI?

21 A: No.

22 Q: Do you know if anybody else has?

23 A: I mean I'm sure they have but no personal knowledge.

24 (b) (6), (b) (7)(C) : Do you have any other questions?

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

1 Q: Where did you work before you came to the DDS?

2 A: Sure. So previously I worked at (b) (6), (b) (7)(C)

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

4 Massachusetts, and then before that (b) (6), (b) (7)(C)

5 --

6 Q: Can you spell (b) (6), (b) (7)(C) for us?

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

8 Q: Okay. Thank you.

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

10 Massachusetts.

11 Q: There's been reports in the media, different statements
12 attributed to President Trump --

13 A: Uh, huh [affirmative response].

14 Q: -- or different statements that people may or may not
15 have seen during either a press conference or a visit by a
16 foreign head of state things like that.

17 A: Uh, huh [affirmative response].

18 Q: What is your awareness of public statements President
19 Trump either made or have been attributed to him about JEDI?

20 A: So, I'm trying to think about like --

21 Q: Like in the timeframe?

22 A: Right. I'm trying to think about the time frame. So,
23 there is a lot of stuff after the award announcement that I'm --
24 there's a lot of stuff in the media about things that President
25 Trump said or allegedly said afterwards the publication of the

1 new book. Before then I was aware of some of the discussions in
2 Congress about it, and I was aware that -- I was aware of
3 generally the dislike between President Trump and Jeff Bezos the
4 owner of Amazon and AWS in terms of specific language. I'm sure
5 I've read it in the newspaper at some point, but I couldn't give
6 you dates, sir.

7 Q: Did anybody ever tell you that they heard President
8 Trump or anybody from the White House staff say things about the
9 procurement?

10 A: Only what I've read in the public media.

11 Q: Okay do you --

12 A: Or like references from people talking about stuff in
13 the public media. Nothing --

14 Q: Nobody ever came to you and said they had personally
15 heard something?

16 A: No.

17 Q: What have you ever heard personally President Trump say
18 that was about or related to the JEDI Cloud procurement?

19 A: Just things I've read in the news.

20 Q: What have you ever heard personally heard President
21 Trump say that was about Amazon, or when Amazon Web services, or
22 Mr. Bezos?

23 A: Again just the things I've read in the news. It's not
24 exactly a secret that they are not exactly bosom buddies.

25 Q: Did you ever have any communications yourself with

1 President Trump about JEDI?

2 A: No, thank God.

3 Q: What communications did you have with anyone from
4 President Trump's staff or the White House staff about JEDI?

5 A: None.

6 Q: Did you respond to questions that you learn came from
7 the White House about the procurement?

8 A: Not to my knowledge.

9 Q: About your work?

10 A: No, not to my knowledge. I mean occasionally I was
11 called to provide technical advice on questions in general, but I
12 don't think any of them were from the White House. I think most
13 of it was from the offerors or from the IG investigation the last
14 time around.

15 Q: What how about Congressional inquiries, did you
16 providing support for that?

17 A: No. Maybe indirectly if I -- but none that I knew were
18 from Congress.

19 Q: Okay. Who from outside (b) (6), (b) (7)(C) influenced or
20 attempted to influence your evaluation of the proposals?

21 A: No one attempted to influence our proposals in any way.
22 We received input from people who we had asked for assistance. So
23 that would have been the contracting officer themselves, the
24 members of the SSAC, and some of the people who were involved in
25 the original procurement RFP drafting when we were trying to

1 figure out what the intent was behind some of the specific
2 language that was included so that we could make sure that we
3 were writing our reports to honor the spirit not just the
4 language of the acquisition.

5 Q: Did anyone from outside of your team try to put their
6 finger on the scale so speak in any way?

7 A: No.

8 Q: Did anybody from your team, what information do you
9 have that anybody from your team is ever contacted in such a way
10 to put their finger on the scale?

11 A: I know that there's a person name (b) (6), (b) (7)(C) who was
12 very vocal in their opposition to the contract being awarded to
13 AWS, but they're like some industry pack not like anyone that
14 anyone actually cared about.

15 Q: Who's (b) (6), (b) (7)(C)? How you spell that?

16 A: (b) (6), (b) (7)(C) You can ask, unfortunately he
17 just left federal government, (b) (6), (b) (7)(C) who was the DDS
18 (b) (6), (b) (7)(C) We actually had to, or I'm sure if
19 you asked OSD the WHS Legal they will know --

20 Q: Well was (b) (6), (b) (7)(C) a columnist or reporter?

21 A: No. He's like -- he's like (b) (6), (b) (7)(C)
22 (b) (6), (b) (7)(C) and was like would call
23 the office occasionally, write things, mostly about Chris Lynch,
24 our former Director. I spoke with him on the phone once when I
25 accidentally picked up the phone because there's stickers on the --

1 there's like Post-It's on the phone saying don't pick up from
2 these members from him because he was harassing people, but --

3 Q: What effect did his harassment have?

4 A: None. None.

5 Q: On your evaluation or the evaluation of --

6 A: On my evaluation, none. On the evaluation of anyone on
7 my team none. I mean he's an annoying fly but not anyone who
8 could put any weight on the scale.

9 Q: How did President Trump's or President Trump's staff's
10 communications or public statements about JEDI influence your
11 actions related to the procurement?

12 A: They did not.

13 Q: How did President Trump's or President Trump's staff's
14 communication or public statements about the procurement
15 influence DoD senior executives like the Secretary Defense or the
16 Deputy Secretary?

17 A: I have no access to the inner workings of their mind,
18 but to my knowledge none of them were involved in any way for the
19 acquisition other than overall whether this acquisition would
20 happen or not, not anything in terms of the decision making about
21 what offer was awarded. If I had known about that I would have
22 reported it to you guys directly myself.

23 Q: How did President Trump's or anybody from his, the
24 White House staff's communications or public statements about the
25 JEDI Procurement influence leadership in the Defense Digital

1 Service, or Cloud Computing Program Office, or WHS Contracting?

2 A: I highly doubt that any of them were influenced in any
3 way.

4 Q: How about the Source Selection Authority?

5 A: I strenuously doubt that the Source Selection Authority
6 would be influenced by that.

7 Q: What indicators do you have that pieces of information
8 that might indicate that influence from the White House was
9 coming down through those channels and making it to the Source
10 Selection Team or the Source Selection Authority?

11 A: So I can't speak as easily to the Source Selection
12 Authority because I'm not privy to her communications. Nothing --
13 we never received during the drafting of our report or up until
14 after the award really any kind of information about what the
15 White House was doing. We were briefed on a couple of occasions
16 during the source selection that there were investigations
17 ongoing from the Inspector General's office, from the Secretary's
18 office, but Sharon Woods kind of kept -- she would shield us from
19 the details of that and the message that we were given was, "Keep
20 doing the work. Keep doing the acquisition, and whatever happens
21 over there. And like whether the acquisition is canceled or what
22 have you, that our job is to do the report correctly to do the
23 acquisition correctly and then whatever else happened to out of
24 our hands."

25 Q: What can you tell us about the Secretary Defense's,

1 Secretary Esper's review or investigation, purpose, scope,
2 impetus for it?

3 A: I only know what I've read in public media about the
4 impetus for it. In terms of like what did I see? I never saw
5 anything.

6 Q: Did you have a role in supporting the?

7 A: No.

8 Q: Providing any information for it?

9 A: That's probable that reports that I wrote were used in
10 it, but I had no direct interaction. With that.

11 Q: What pressure did you receive from anybody regarding
12 your evaluation?

13 A: None, other than to complete the evaluation in a timely
14 fashion. And believe me there was plenty of that.

15 Q: What was the impact of President Trump or the White
16 House on the JEDI Cloud Source Selection?

17 A: None.

18 Q: What is your response to any assertion that President
19 Trump influenced this procurement in a way that disadvantaged
20 Amazon?

21 A: Laughable.

22 Q: Can you explain how that, clarify?

23 A: I mean it -- the sheer amount of hard work from some of
24 the finest people that I've had the privilege of working with in
25 my career went into the acquisition. I am confident that if

1 anyone in that process felt unduly pressured that they would have
2 alerted not just the contracting officer but the Inspector
3 General themselves, and we were told several times throughout the
4 acquisition one of the first things that Sharon said to us during
5 training when we had then Secretary Mattis was that Secretary
6 Mattis expected us and that she expected us not to be not merely
7 ethical staff and comply with our ethical obligations, but to be
8 ethical sentinels and that we should not only hold ourselves to
9 the highest standards of this Department but that we should hold
10 each other to them and that it was our moral responsibility to
11 report any kind of -- anything that could even provide a hint of
12 malfeasance nevertheless actual malfeasance that had any effect.

13 Q: Okay. In August of this year there were media reports
14 about how White House instructed Secretary Esper to look at the
15 procurement or that President Trump had said, "I'm going to take
16 strong look at this." And then Secretary Esper was quoted as
17 saying, "I heard from folks in the administration." What
18 information do you have about that?

19 A: Only what I read in the papers.

20 Q: I think you said you had no role in the Secretary
21 Esper's review?

22 A: Not directly.

23 Q: Did you have any indirect role in that you are aware
24 that this was related to --

25 A: Nothing that --

1 Q: -- looking at that review?

2 A: Nothing that I can point to that I directly when,
3 though I'm sure there was.

4 Q: What makes you say you're sure there was?

5 A: Oh, it would be rather irresponsible to do an
6 investigation into the source selection without reading the
7 source selection information.

8 Q: Was the scope of the investigation about the source
9 selection?

10 A: I assumed so from the press articles that I read. But I
11 have no into but individualized knowledge that that is the case.
12 It's merely conjecture.

13 (b) (6), (b) (7)(C) , anything?

14 (b) (6), (b) (7)(C) Nothing. (b) (6), (b) (7)(C)

15 (b) (6), (b) (7)(C) : I have nothing.

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

17 Q: Is there any additional information you'd like to
18 provide? You've heard us ask questions, what we failed to ask you
19 that we need to know?

20 A: Well, that's a broad question. I don't think there's
21 anything in particular. No, I don't think there's anything in
22 particular.

23 Q: Do you have any questions of us?

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

25 Q: I have a question.

1 A: Please.

2 Q: When did you find out that Microsoft was the winner?

3 A: The day the award happened.

4 Q: Were you surprised?

5 A: No.

6 Q: Why not?

7 A: (b) (5)

8 (b) (5)

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(b) (5)



Q: So just because so I'm clear. (b) (5)

(b) (5)

A: So, (b) (5)

(b) (5)



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

Q: You would have been willing to (b) (5)

(b) (5)

A: I (b) (5)

(b) (5)

Q: (b) (5)

A: (b) (5)

(b) (5)

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

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

Q: When he came in from (b) (6), what was your level of familiarity with the government source selection process?

A: None. I was blissfully ignorant. JEDI was not my first involvement in the government source selection, it was probably my second, my third, but it was by far like I think the total value of the other contracts that I was involved with summed to be like \$15 million. So it was a lot more.

Q: Do you have any questions of us?

A: No.

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

A: No.

Q: If you remember anything else that you believe may be relevant to the interview please contact us.

A: Of course.

(b) (6), (b) (7)(C) : In order to protect the integrity of this review, we ask that you not discuss the matters under review or the questions we've asked you during this interview with anyone other than an attorney should you choose to consult one.

(b) (6), (b) (7)(C) Understood.

(b) (6), (b) (7)(C) : This does not apply to or restrict your right to contact an Inspector General or a Member of Congress.

(b) (6), (b) (7)(C) : That's fine.

(b) (6), (b) (7)(C) : If anyone asks you about your testimony or the review please inform them that the DoD OIG has asked you not to discuss the matter, and if you feel threatened in any manner because you provided testimony, please contact us.

(b) (6), (b) (7)(C) : Of course.

(b) (6), (b) (7)(C) : The time is now 2:47 and this interview is concluded.

[The interview terminated at 2:47 p.m., November 12, 2019.]

[END OF PAGE]

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//FOR OFFICIAL USE ONLY//

(b) (6), (b) (7)(C) - November 12, 2019

//FOR OFFICIAL USE ONLY//

(b) (6), (b) (7)(C) - November 12, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

(b) (6), (b) (7)(C)
September 16, 2019
ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is September 16, 2019. The time is now 0826 Eastern Standard Time. I am (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C). We are interviewing the witness, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C). We are located in the Mark Center in Alexandria, VA. We are investigating the DoD's handling of the JEDI Cloud procurement, including the development of requirements and the request for proposal process. A multidisciplinary team of auditors, investigators and attorneys are investigating JEDI matters referred to us by the Members of Congress and through the DoD Hotline. In addition, we are investigating whether current or former DoD officials committed misconduct related to the JEDI procurement, such as whether they had any conflicts of interest related to their involvement in the procurement process. These officials are: Mr. James Mattis, 26th Secretary of Defense; former Special Assistant to the SECDEF, Ms. Sally Donnelly; former Chief of Staff to the Deputy Secretary of Defense, Mr. Anthony DeMartino; former Director of Cost, Assessment, and Program Evaluation, CAPE, Mr. Robert Daigle; former Deputy Assistant Secretary of the Navy for Command, Control, Communications, Computers, Intelligence, Information, Operations, and Space, Mr. Victor Gavin; and former DDS Product Manager, Mr. Deap Ubhi. Also as (b) (6), (b) (7)(C) we will also ask you questions about your involvement in the JEDI

1 Cloud procurement. (b) (6), (b) (7)(C), at this time I ask that you
2 acknowledge that this interview is being recorded.

3 (b) (6), (b) (7)(C) I acknowledge it.

4 (b) (6), (b) (7)(C) Please acknowledge that we provided you a
5 copy of the DoD OIG Privacy Act Notice.

6 (b) (6), (b) (7)(C) Is that what you e-mailed to me?

7 Yes.

8 Yes, I received it.

9 (b) (6), (b) (7)(C) Please raise your right hand so I can
10 administer the oath.

11 Whereupon:

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

13 was called as a witness, placed under oath, and provided
14 the following testimony:

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

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

17 Q: Please state your last name and spell your last name
18 for us.

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

20 Q: And your first name?

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

22 Q: Do you have a middle initial?

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

24 Q: Thank you. And please tell us about your role as the

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

1 A: Sure. My title is (b) (6), (b) (7)(C), not that I am
2 pertinacity about that, but I just know that accuracy and
3 precision is important for this exercise. (b) (6), (b) (7)(C)
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] in the
7 Department on the subject of innovation. Those two roles were
8 laid out in my job description when I was appointed as in (b) (6), (b) (7)(C)
9 (b) (6), (b) (7)(C) 2016 by Secretary Carter and
10 his staff, on the part of it established, and I served in that
11 role since that time.

12 Q: What is your official grade?

13 A: (b) (6), (b) (7)(C)
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q: And what was your position before you became the
18 (b) (6), (b) (7)(C)
19 [REDACTED]
20 (b) (6), (b) (7)(C)
21 (b) (6), (b) (7)(C)
22 (b) (6), (b) (7)(C)
23 (b) (6), (b) (7)(C) During that time I was detailed for almost a year to the
24 Under Secretary of Defense for Personnel and Readiness to work on
25 the Secretary of Defense's Force of the Future Task Force.

1 Q: Who was your supervisor in your current position?

2 A: In my current position my current supervisor is (b) (6), (b) (7)(C)
3 (b) (6), (b) (7)(C) with who (b) (6), (b) (7)(C) to the Under Secretary
4 of Defense for Research and Engineering, but I've had a variety
5 of supervisors because the board has changed hands more than
6 once. During my participation in the JEDI activities I believe
7 that that happened during the time that the Defense Innovation
8 Board was administratively controlled and sponsored by the Office
9 of the Chief Management Officer. So, I believe that during that
10 time my supervisor was (b) (6), (b) (7)(C) .

11 Q: Could you spell his last name?

12 A: (b) (6), (b) (7)(C) I believe. I'm fairly certain. I'm
13 fairly certain that's the correct spelling. Also if I may this
14 seems like a good moment to interject that I felt like normally
15 when being asked questions on the record under oath about events
16 that occurred several years ago it's appropriate to try to
17 refresh your memory with contemporaneous notes or e-mails. I have
18 not had the ability to do this because of a technical glitch that
19 prevented me from having access to any of mine PST files since
20 August 15. So, I will do my very best to answer all of your
21 questions as truthfully as I can based on my memory but I just
22 wanted to say on the record I have not had the opportunity to
23 review any notes or records, or e-mails that might have help me
24 do that.

25 Q: Sure, certainly, and we also have documentation, e-mails

1 that may refresh your memory that you'll have an opportunity to
2 look at as we go through our line of questions.

3 A: Sure. That would be great. I'm sorry it wasn't able to
4 review those earlier.

5 Q: That's quite all right. Please tell us how the DIB was
6 created in April 2016, were you there?

7 A: I was not there, well, I was there in April 2016
8 generally. At the moment that Secretary Carter decided to
9 establish the board I was not there. I was brought in several
10 weeks after that initial decision was made, and was privy to most
11 of the internal discussions about establishing the board and
12 helped them to establish the board. But there had been some work
13 done prior to my arrival including the decision to establish the
14 board which I learned about after the fact.

15 Q: Okay. And what is the purpose of the Defense Innovation
16 Board?

17 A: The purpose of the board was to provide Secretary and
18 Deputy Secretary, and other senior leaders with insights and
19 advice on technology and innovation. Particularly ideas from
20 outside of the Department. The phrase that Secretary Carter used
21 always say was we're faggonal to the Department. And so we were
22 supposed to bring those technical perspectives inside to advise
23 leaders, particularly on innovation. And by that we met people
24 who either because of their research as scholars, or because of
25 their life experience as business leaders had led organizational

1 transformations and technology transformations, and there was
2 definitely an emphasis on what I would describe as Silicon Valley
3 companies. To be clear that does not mean the Zip Code, but it
4 does mean the ethos of technology companies that have gained
5 ascendancy over the last 20 years. We later gave the board a
6 slightly different mission statement which I think is
7 easier, more memorable which is to catalyze innovation on the
8 Department of Defense, and that's how we see our mission today,
9 catalyzing innovation.

10 Q: And how often does the board meet?

11 A: The board has quarterly public meetings generally, and
12 we have a number of additional preparatory sessions and
13 administrative sessions, and research trips, and so forth to
14 prepare for those quarterly meetings. We have subcommittees that
15 also have meetings, and all of those meetings are in compliance
16 with the federal advisory committing and so forth.

17 Q: Are those meetings published?

18 A: The public meetings are published in the Federal
19 Register. The preparatory work and administrative meetings are
20 not required to be noticed in the Federal Register.

21 Q: And, who are the members of the DIB Board, and, I want
22 to give you time frame, and that would be the timeframe of
23 January 20, 2017 until January of 2019? The scope would be from
24 Mr. Mattis appointment is the SECDEF.

25 A: Uh, huh [affirmative response].

1 Q: As well as former Acting Secretary of Defense Mr.
2 Shanahan's arrival.

3 A: Okay there 16 of them. Let me see if I can do this
4 right. So, you have (b) (6), (b) (7)(C).

5 Q: And their companies are, who they'll represent?

6 A: Oh, okay. Sure. You had --

7 Q: If you can remember.

8 A: Sure. So you have (b) (6), (b) (7)(C) He was
9 (b) (6), (b) (7)(C) but he no longer is. He step
10 down (b) (6), (b) (7)(C) but he was (b) (6), (b) (7)(C) If, I
11 believe he was (b) (6), (b) (7)(C) when Secretary Mattis was
12 sworn in, and subsequently step down but I'm not entirely certain
13 of the timing. (b) (6), (b) (7)(C) is currently (b) (6), (b) (7)(C)
14 (b) (6), (b) (7)(C) but he was not for that
15 entire time period. He was (b) (6), (b) (7)(C)
16 (b) (6), (b) (7)(C) n January 2017. So, he changed -- he retired, and
17 then after a period got hired again in that new role. (b) (6), (b) (7)(C)

18 (b) (6), (b) (7)(C) i (b) (6), (b) (7)(C) nd has been for the duration.
19 (b) (6), (b) (7)(C)

20
21 Microsoft acquired LinkedIn which I think occurred prior to this
22 time period. But, (b) (6), (b) (7)(C)
23 primarily, and (b) (6), (b) (7)(C)
24 (b) (6), (b) (7)(C) but he
25 retired during that time period I believe, or maybe immediately

1 prior to that time period, and then he also had a period in
2 between and then became (b) (6), (b) (7)(C) and he's
3 currently (b) (6), (b) (7)(C) think part-time. Sort of
4 part-time retired, part-time (b) (6), (b) (7)(C) And then there's (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C) at Google. There is (b) (6), (b) (7)(C)
6 was (b) (6), (b) (7)(C) at Instagram, and then I think at
7 some point at the latter end of that period became (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) at Facebook.

9 Q: And could you spell their last name again?

10 A: All of them?

11 Q: Just (b) (6), (b) (7)(C)

12 A: (b) (6), (b) (7)(C) is spelled like (b) (6), (b) (7)(C)

13 Let's see, there is (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C)

14 (b) (6), (b) (7)(C) You have (b) (6), (b) (7)(C)

15 then was at that time (b) (6), (b) (7)(C)

16 He resigned during that time period. He is the only board member
17 to have resigned during that time period. For completeness
18 there's one other board member who resigned. He was entirely
19 prior to the time period you described. His name was (b) (6), (b) (7)(C)

20 (b) (6), (b) (7)(C) left prior to January 20. But, just so you
21 know those are the only two that ever left the board. And then
22 there's (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C) And, you have

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

(b) (6), (b) (7)(C) . I wonder if I'm leaving anybody out from the

1 first batch. I'll get back to you on that. So, then we appointed
2 four new board members, and the four board members we appointed
3 were (b) (6), (b) (7)(C). I do their titles in a second. (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C). Those were the -- those
5 four were added quite late in that time period. They were not, if
6 you will original board members. They were later board members.
7 (b) (6), (b) (7)(C) wa (b) (6), (b) (7)(C) and then he
8 retired and he became an entrepreneur -- excuse me. An executive
9 in residence, or it might be an entrepreneur in residence, I'm
10 unsure. A (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) is the
11 (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) is the
12 (b) (6), (b) (7)(C) o (b) (6), (b) (7)(C)
13 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C)
14 although, I think it's important to point out given timing of the
15 JEDI activity that I was privy occurred prior to (b) (6), (b) (7)(C) joining the
16 board. So, really by the time (b) (6), (b) (7)(C) arrived there was nothing
17 happening with JEDI for the board.

18 Q: Can you give me a timeframe for (b) (6), (b) (7)(C) arrival?

19 A: The not off the top of my head.

20 Q: Approximately?

21 A: His appointment document is very easy for us to look up
22 for you. I have to make it official. I mean, I think it might
23 have been something like the last six months perhaps or some form
24 or so. It's not quite 16 yet. Give me a moment if you don't mind.
25 Sorry.

1 Q: Uh, huh [affirmative response]. And while you're
2 thinking about that, can you tell me what criteria they had --
3 they must have to serve on the board?

4 A: Sure. It's so embarrassing, forgetting one person. You
5 know this happens under pressure, what can I say? Well, the good
6 news is it on our website, (b) (6), (b) (7)(C) All of their
7 names and bios are on there so, you can always look there, and
8 that's very public, and then of course it's also in the Federal
9 Registry and the FACA database. You can look up there, and, I'm
10 sure the moment I walk out of the room I'll immediately think of
11 the personal forgetting. And then, in terms of criteria as you
12 said, so, they worked, let me also say. I will be happy to answer
13 this question for you precisely here in writing because we have a
14 very specific criteria that laid out in our charter, and I've
15 just not memorized that paragraph, but generally the criteria was
16 they have to be world-class experts respected in their field.
17 They have to have had experience with organizational change and
18 organizational leadership in a technology area, or studied that
19 subject. That's generally, you know they're distinguished experts
20 accomplish in their field, organizational leadership of
21 technology and of change, or they're professors that studies
22 those technical domains.

23 Q: And, how the long are their appointments?

24 A: I think they're two year appointments and then there
25 renewed for two years. I think they can be renewed several times.

1 Q: And how has the final approval for, or who has final
2 approval for members or appointees?

3 A: Secretary of Defense.

4 Q: Okay. And what role did Mr. Mattis have with the DIB?

5 A: With the appointments process?

6 Q: Yes.

7 A: He appointed the members that were -- that had -- he
8 appointed the four members that join the board if you will. So
9 he, although actually that may not even be the case because I
10 think they wrote a memo early on in Secretary Mattis' tenure
11 delegating some of those responsibilities to the Chief Management
12 Officer. So, I'm not sure whether he actually signed their
13 appointment memos, or whether that authority was delegated down
14 to. But, certainly in spirit it was our view that he had, if not
15 the signature on the documents he had the -- it was the
16 imprimatur of the Secretary of Defense on the selection members.
17 It was our expectation that there would be consultation with the
18 Secretary's front office over the appointment of members, and the
19 White House Liaison Office, the Standards of Conduct Office, and
20 the, I guess it's called the Administrative Committee Management
21 Office, and Human Resources. All of those organizations have a
22 role to play in the appointment process for a board member. So it
23 -- and then there's courtesy given to the chair, so the chair has
24 no formal road role, but there's a courtesy influence over who
25 should be nominated.

1 Q: Okay. We have an e-mail I believe that we'd like to
2 share with you. Page 62 to 64.

3 A: I'll read them all, sure.

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

5 Q: Well, the question we'd like you to focus on with that
6 e-mail is if you could please tell us who Mr. Eric Cantor or is
7 and his role with the Defense Innovation Board.

8 A: Great question. I believe he is a former senator. He
9 has no role whatsoever with the Defense Innovation Board. He's a
10 member of the Policy Bart.

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

12 Q: Does he have any connections to Amazon?

13 A: I have no idea. Sorry.

14 Q: So you said he's a -- Mr. Canter is a member of the
15 Policy Board?

16 A: Well, to be honest I'm only reading that here. I don't
17 know any -- I can't independently verify that to be true. We've
18 never met with the Policy Board, but it seems from us that he is.

19 Q: Okay. Thank you. Can you please tell us about your
20 knowledge of Mr. Bezos and his participation on the Defense
21 Innovation Board?

22 A: I certainly can. So Secretary Carter nominated Jeff
23 Bezos to the board, and he never consummated if you will that
24 nomination. He completed the paperwork for it but he was not
25 ultimately appointed or sworn in and so he never served on the

1 board.

2 Q: Okay. Do you know when that nomination took place?

3 A: It was one of the original nominations. So, it would
4 have been sort of in the April, May 2016 timeframe was when it
5 began.

6 Q: And, do you know how that nomination came about? Did
7 Mr. Bezos solicited or did someone reach out to him to accompany
8 --

9 A: So the decision of Bezos predated me. My understanding
10 is that Carter had one or two meetings with Bezos. I believe
11 Carter met with Bezos in Seattle, and I believe at that meeting
12 Carter invited him to the Pentagon to reciprocate, and so then I
13 believe Bezos visited the Pentagon. I've seen pictures of him in
14 the Defense Digital Service space for example. And, it's possible
15 that the order of those were reversed, but I believe there were
16 two visits. I think it was sort of a reciprocity thing. And so,
17 my assumption is that either during one of those meetings, or
18 immediately following the second of those two meetings as
19 Secretary Carter was ruminating on whether to establish a board
20 or not, inviting Bezos would have -- I suspect would have been
21 logical outgrowth of those meetings. I know Secretary Carter's
22 greatly admired Mr. Bezos and he had certainly leaders like Mr.
23 Bezos in mind when he conceived of the board. So, I think Bezos
24 was probably always on Secretary Carter's shortlist of people
25 that he wanted. I was not aware of any effort on behalf of anyone

1 in Amazon to solicit the role. Actually, there were a number of
2 situations so much that I got the impression that they were quite
3 reluctant, and in fact I think it was ultimately people in Amazon
4 that made a series of the key decisions that led to the
5 conclusions that Mr. Bezos would not in fact join the board.

6 Q: Okay. And, do you know what Mr. Shanahan's views or
7 concerns were regarding Mr. Bezos to become a member of the DIB?

8 A: No. I believe most of the decisions regarding Mr. Bezos
9 was made prior to his becoming Deputy Secretary of Defense.

10 Q: Okay. So, we have another e-mail that we'd like to
11 share with you.

12 A: Sure.

13 Q: And this one is from (b) (6), (b) (7)(C) who is the
14 (b) (6), (b) (7)(C) --

15 A: Okay.

16 Q: To Sally Donnelly. Subject: follow up, reference
17 Defense Innovation Board. It mentions in April 4, 2017 meeting of
18 the DIB. And in there, you wrote to Mr. DeMartino the issue of
19 Mr. Bezos is one that is pressing today. What was the issue?

20 A: I mean I think, if I recall that situation I think the
21 issue, and again I'm trying to figure out the timeline of the
22 dates. I think the issue back then, yes. I think my recollection
23 was that this was the first meeting of the board after Secretary
24 Mattis came on and so Mr. Bezos says nomination was in limbo, and
25 I was very uncomfortable with the limbo. My view was either

1 people should either join the board or not, but his status had
2 been permitted to linger unresolved for a long time, and I was
3 hoping to use the pressure of the public meeting, the time
4 pressure if you will, the public meeting to try to get a
5 resolution of the matter. Reason being is that the Department
6 had, under Carter had issued a press release stating that he was
7 a board member which was factually incorrect, and I had asked for
8 correction and Public Affairs declined. So we were just in an
9 uncomfortable position where we had permitted facts that was
10 erroneous to kind of persist, and so I was hoping that we did
11 swear him in and move on. I mean I wanted Bezos to be a member of
12 the board. I felt we had offered him the opportunity to serve. He
13 said he wanted to serve and so I felt like we should, ideally I
14 wanted it to be resolved in favor of appointing him, but either
15 way I wanted it to be settled. For one thing, he was encumbering
16 a billet if you will, and I also was concerned that there might
17 be an uncomfortable, or unpopular sort of media story about it
18 because he is a person of great notoriety. He's a prominent CEO
19 and so I felt like the ambiguity representative reputational risk
20 to the Department and the board. We don't -- we generally try to
21 stay under the radar, but we do press availability after public
22 meetings, and so I thought the chances that if someone were to
23 ask a question about his status or the issue would be most likely
24 to come up in a public meeting. So, I wanted -- I wanted to use
25 the fact that Secretary Mattis might be meeting with the board

1 members or, that there might be a public meeting to try to see if
2 we could get settled.

3 Q: Okay. So, we have another e-mail that talks about
4 swearing Mr. Bezos in, and it's dated March 31, 2017.

5 A: Uh, huh [affirmative response].

6 Q: It's from you and it reads, "Sir, I got the clarity I
7 needed reference the situation with Mr. Bezos. We are proceeding
8 with swearing him in without a clearance." Can you please explain
9 that e-mail regarding Mr. Bezos' status and swearing him in
10 without a clearance?

11 A: Without a clearance, sure. So, when Secretary Carter
12 established the board he offered all of the board members the
13 opportunity to get a Top Secret SCI clearance if they needed it
14 to do the work. He did not state at the time that it was a
15 requirement of serving on the board to get a clearance. Obviously
16 there's a lot more than you can do with clearance then without
17 one, but it was not at that time considered to be a requirement.
18 There is nothing in our charter or in the Federal Advisory
19 Committee Act that says you must have a clearance to serve on a
20 federal advisory committee. So, in that sense it was not a
21 requirement for any of our board members to have clearances.
22 However, it was the custom. Every other board member other had
23 one or obtained one. So, the issue of the clearance was a
24 sticking point for Mr. Bezos. What Amazon's attorneys who I spoke
25 to about it told me was that the reason he did not want a

1 security clearance was because of his ownership of the Washington
2 Post. And so, they were concerned that if a journalist from the
3 Washington Post obtain classified material however that happens,
4 if they did, and they decided to publish it they were concerned
5 that Mr. Bezos' clearance could either be used to try to
6 constrain the First Amendment rights of the Washington Post, or
7 that Mr. Bezos would be punished for violating his obligations to
8 protect classified information if the editors of the Washington
9 Post decided to publish an information. So, I and several of my
10 colleagues thought this was sort of far-fetched, but the
11 Washington Post lawyers, and the Amazon lawyers felt very
12 strongly that this was a risk that he should not take. I believe
13 Mr. Bezos' attorneys asked to Secretary Carter's General Counsel
14 if they would invite the Department of Justice to send a letter
15 to Mr. Bezos saying that they would not prosecute him if the
16 Washington Post published classified material. The Department of
17 Justice declined to do that which did not surprise us. But, this
18 issue continued back and forth. Secretary Carter very much wanted
19 Mr. Bezos to join the board so he referred the matter to I
20 believe his Deputy Counsel. I think her name was Jennifer, and
21 forgive me because I'm blanking on her last name. Obviously she
22 was a very public official. She was I believe was the number one
23 or number two attorney. So she reviewed the matter and
24 recommended to Secretary Carter and Mr. Bezos to simply be able
25 to be permitted to serve on the board with that clearance. [The

1 light shut off.] Is it normal?

2 Q: Yes. Energy efficiency. There we go.

3 A: There we go. Thanks. Be permitted to serve without
4 clearance. So, at that point my goal was to complete his
5 appointment without a clearance. Now, we knew that there would be
6 buildings that he could not go into, and we knew that there would
7 be conversations that he could not have, and that not having a
8 clearance would in some respects limit the advice that he would
9 be able to provide. On the other hand none of the board members
10 have access to SIPR e-mail or STE phones. So, the truth is that
11 almost all of our work is done unclassified. Our discussions are
12 unclassified and so forth. Our public meetings are unclassified.
13 So, the question was does the value of Mr. Bezos' advice to the
14 board unclassified exceed the opportunity cost of some other
15 person taking the role? So, in my mind the value was there and it
16 was worth pursuing his appointment without clearance. There was
17 another layer of this which I'll just be very transparent with
18 you about which was the optics of this. So, I was concerned that
19 Secretary Carter very publicly invited the CEO to join and it
20 appeared to me that we were reneging on the invitation, and,
21 given that, my sense is that the wider purpose and philosophy of
22 the board was to do outreach to technology companies, technology
23 investors, engineers, the wider community to build a bridge
24 between technology companies and the Department. I was concerned
25 that I didn't want there to be a confusing or negative issue

1 around Mr. Bezos' appointment. In retrospect I appreciate the
2 irony of that, but you have to remember that this began a year
3 before anyone had thought about JEDI. This began before we
4 believe the Department was going to issue a cloud contract. This
5 was, without the benefit of hindsight we were just looking at
6 Amazon as being one of the most prominent, and innovative, and
7 patriotic technology companies in the country, and Mr. Bezos was
8 one of the most prominent, creative, innovative and patriotic
9 business leaders, and he was someone the Secretary Carter had
10 sort of endorsed the relationship with. So, I felt as if it was
11 sort of my role to try to figure out how to get this concluded,
12 and I was very clear with the people like Mr. DeMartino and
13 others that if they ultimately wanted to make the decision to
14 reverse the ruling, oh, is Jen O'Connor. There you go. That's who
15 it was. If they wanted to make a decision to reverse the position
16 of Jen O'Connor the previous General Counsel they should do so,
17 but I wanted them to be clear with Amazon about what they were
18 doing and why, and what the issue was because this had gone on
19 for like a year. I used the fact of the public meeting as sort of
20 a forcing function to try to convince Mr. DeMartino, Ms.
21 Donnelly, (b) (6), (b) (7)(C), kind of the front office suite that they
22 should make a decision one way or the other and they should
23 either come up with a polite and respectful way to communicate to
24 Mr. Bezos and Amazon that they did not want to proceed, or they
25 should proceed without clearance because a clearance was not

1 required, and I said, "Basically these are your two courses of
2 action. The third course of action is to continue to do nothing
3 and allow this to sort of hang out there and wait until a
4 reporter decides to ask question about it." And of those three
5 courses of action I recommended the second one. So, this e-mail I
6 believe reflects my effort to get them to agree to do that, but
7 ultimately it did not happen.

8 Q: So, do you know if Mr. Mattis met with them to swear
9 men, or it didn't get past the front office for that to take
10 place?

11 A: So, I don't think they made a decision at that time.
12 They continued to go back and forth if I recall on the issue of
13 the clearance. Part of the challenge was is that Secretary Mattis
14 general inclination was to be much more vigilant and strict about
15 classified information, and so I believe his instinct was that it
16 was quite different than Carter's instinct. His instinct was if
17 he doesn't want a clearance I probably don't want to proceed with
18 the appointment, but he wasn't sure and so this continued in
19 limbo until August and I'm sure you have those e-mails too. So,
20 in August I attempted to get resolution again. That was because
21 at this point we knew that Secretary Mattis was now going to meet
22 Mr. Bezos in person and I was concerned that it would just be
23 bizarrely rude for two very senior leaders of two large
24 organizations who had this unresolved matter go on for more than
25 a year and not have it resolved one way or the other. I was

1 afraid it would come up in the meeting and that Secretary Mattis
2 might not be prepared and then we would be blamed for having done
3 poor staff work for having sent our principal into a meeting with
4 another principal where there was this lingering unresolved
5 political and legal matter. So, my hope was that we could get it
6 resolved in the run-up to the Secretary's visit to Amazon.

7 Q: Okay. So that would have been the August 2017
8 timeframe?

9 A: Exactly. That's right. So, and so as we got closer and
10 closer to the meeting the issue was, was there an appropriate
11 official who was able to swear Mr. Bezos in prior to the meeting,
12 and there was questioning of fingerprinting and other logistics
13 whatever. So, I don't remember who it was but someone had the
14 idea that Secretary Mattis could swear him in in the meeting and
15 that that might be a sort of pleasant and welcoming way to kick
16 off the meeting, but ultimately that didn't happen, and the
17 matter was just never resolved. So, it never came up in the
18 meeting. It was never an issue and while everything went very
19 smoothly, but after that I reached the conclusion that Mr. Bezos
20 should withdraw from consideration because I did not believe the
21 Department was ever going to make a determination one way or the
22 other. I didn't think that Mr. Bezos was going to agree to take
23 the clearance. I didn't think that the Department was going to
24 agree to rescind his invitation. So, I recommended that we drop
25 it and that's what happened.

1 Q: When was that dropped? Or when was he -- when did he
2 received, and that would be Mr. Bezos receive any kind of
3 notification that he would be --

4 A: Never did. It was a verbal agreement between me and
5 Amazon executives who helped plan Secretary Mattis' visit and we
6 just decided to drop it.

7 Q: Do you know what time you notified the Amazon
8 officials?

9 A: I would assume it was September immediately following
10 this visit. I mean this was just an ongoing annoyance and I just
11 wanted it to be resolved. I'll be totally transparent with you. I
12 did wanted to be resolved in favor of appointing him, but mostly
13 I just wanted to be resolved because people would make comments
14 about the Defense Innovation Board is a great board and they have
15 great people on it like Eric Schmidt and Jeff Bezos. And that was
16 not true and I was not comfortable with that, and I essentially
17 was trying to solve that problem. We never -- I never wanted a
18 situation where I was like, "Well, let me pardon, let me pause
19 for a moment and correct you. He actually is nominated buddies
20 not appointed so he's not on the board nor off the board." I mean
21 he just can't be explaining those things in a public form. You
22 don't want to explain that in a private form. So, we just wanted
23 to get it settled.

24 Q: Okay. So, we have another e-mail that we'd like to
25 share with you. And this is an Amazon employee Stephen Block

1 dated April 10, 2017.

2 A: Uh, huh [affirmative response].

3 Q: That reads, "Secretary Mattis has recently requested to
4 meet with Jeff. We have received confirmation from his staff that
5 Secretary Mattis could be available for a meeting when Jeff is in
6 town for the AFCEA event on April 27." You mentioned earlier that
7 this would have been Mr. Mattis' first time meeting Jeff Bezos in
8 August 2017. This e-mail discusses a meeting prior to that date
9 in April 2017 regarding a meeting with Mr. Bezos. Can you tell us
10 anything about this meeting or if it took place? Did he get an
11 opportunity to meet with him, and that would be Mr. Bezos during
12 that event here in D.C.?

13 A: I'm sorry. I'm not aware of any of it.

14 Q: Okay.

15 A: I mean I had heard hearsay in the news about this
16 possible meeting, but I was not made aware of it. I've met
17 Stephen Block before, but my impression at the time was that the
18 two gentlemen had not met but I clearly could have been mistaken
19 about that.

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

21 Q: Just a question for you, sir. Would you as the
22 (b) (6), (b) (7)(C) for the Defense Innovation Board, would anyone
23 from either the Secretary's Office or the DEPSEC's Office
24 coordinate with you meetings concerning industry leaders and the
25 SECDEF or DEPSECDEF? Just as a heads up, or --

1 A: Sometimes.

2 Q: -- information?

3 A: Sure. Sometimes they did and sometimes they didn't. And
4 there was not a rhyme or reason to it. To be honest we wanted
5 them to use us in that way, but that is atypical of a board. That
6 is certainly be on the narrative of definition of what a federal
7 advisory committee is responsible for doing. So, normally, well.
8 Well let me try to argue that by analogy. If the Secretary of
9 Defense wants to meet with a member of the Policy Board he, or
10 she, the Secretary can meet with anybody he or she wants to any
11 time with the Secretary Defense. But, as a courtesy they would
12 normally coordinate that, and they really ought to coordinate
13 that with the Executive Director of the board because you could
14 consider, you don't have to, but you could consider that meeting
15 part of their duties as a special government employee which we
16 have to report. It's not a Federal Advisory Committee covered
17 meeting if there's not a quorum of board members there and if
18 they don't discuss board business, but you could argue that. But
19 no one would ever say that the Secretary of Defense can only
20 discuss policy matters with different Defense Policy Board
21 members, or that it would ever occur to the Secretary of Defense
22 to notify the Executive Director of the Policy Board every time
23 the Secretary met with a person policy. And I think for business
24 leaders, whether it's the Business Board or the Innovation Board,
25 it's kind of the same thing. Obviously the boards want to be

1 valuable. They want to be appreciated, and so they want to be
2 seen as a resource. So, whenever we can be used as a resource we
3 want to be because we're trying to do the mission, trying to
4 please the senior officials, but, it was never my expectation
5 that I would always be notified or always informed, and the best
6 example of this is it was a great privilege for us to be invited
7 to organize Secretary Mattis' visit to Seattle, and Palo Alto
8 which is not typical. That's not a typical function of a board.
9 So I was not performing a board role in organizing that visit. I
10 consider that to be the other duties as assigned portion of my
11 job description that I described, the sort of innovation advisor
12 role, and we kept the board completely and totally out of all of
13 those matters. Didn't talk to any board members about the visit.
14 We didn't invite any board members to any of the meetings. In
15 fact, when we went to Google (b) (6), (b) (7)(C) did not attend and so
16 forth. So, we tried to keep those roles separate. So, had I been
17 asked to support or staff a meeting with talking points are
18 things like that of course we would have done it. I would not
19 have been surprised if that had happened. I would have welcomed
20 that, but I'm sure there were also plenty of meetings the
21 Secretary had that I was not aware of including with other
22 leaders. For example, I know that he met with (b) (6), (b) (7)(C) the
23 (b) (6), (b) (7)(C) of Microsoft as well, and we tried to keep a list and I think
24 we ended up coming up with a list of about 40 or 50 CEOs of
25 companies that he met with when he was Secretary. Many of them at

1 a particular meeting of the Aerospace Industry Association. So,
2 you know.

3 Q: Okay. Thank you.

4 A: You know I wish he had invited us to help him prepare
5 for that meeting but he didn't. And we were not -- I was not
6 aware of it until years afterwards, only recently.

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

8 Q: So, I kind of want to stay on that same point you
9 talked about helping assist Mr. Mattis in preparing to go to
10 Washington and California that was Google and Amazon.

11 A: And Defense Innovation Unit as well.

12 Q: So, how did that come about that the whole trip itself,
13 and what was the purpose?

14 A: So the purpose of the trip was really -- it was really,
15 I mean I would have to consult the documents that I prepared at
16 the time. We wrote very specific objectives, but I would say it
17 was very threefold. First, we really wanted Secretary Mattis to
18 connect with the Defense Innovation Unit. We felt that -- I, I
19 should not say we. I felt that the Defense Innovation Unit was
20 very important to the mission of the Department's engagement with
21 tech companies. And with emerging technology and it had really
22 been a brainchild of Secretary Carter. And so there was a concern
23 that Secretary Mattis would not embrace the Defense Innovation
24 Unit, or the Defense Innovation Board for that matter, or the
25 Defense Digital Service for that matter. And so, in a lot of ways

1 I think the purpose of this trip was to show Secretary Mattis the
2 value of DIU and also for Secretary Mattis to, if he felt
3 comfortable give him an opportunity to endorse the Defense
4 Innovation Unit by virtue of his presence, and he did make
5 remarks at DIU to that effect. That was a very important signal
6 for the Department that the emphasis on technology, innovation,
7 and outreach in the Bay Area would continue under Mattis. I think
8 the second purpose of the visit was really to educate the
9 Secretary Mattis about these issues. Secretary Carter he was very
10 conversant in these companies, and these issues, and these
11 technologies, and in the business transformation of the
12 Department, and he had been AT&L, he had been DEPSECDEF and so
13 forth. Secretary Mattis brought a very different warfighter
14 perspective and was less conversant in these issues, and so we
15 recognized that part of our job as the Defense Innovation Board,
16 part of my job as a staff assistant was to educate senior leaders
17 about the challenges that he would face as Secretary particularly
18 in this area. So, we had hoped that it would really be an
19 educational visit. My goal for this, my pedagogical goal if you
20 will was to educate him on artificial intelligence, and the
21 dramatic impact that we believed it would have on the future
22 warfighter, with a great sense of urgency because of mounting
23 competition with China and Russia on that particular set of
24 technologies and a lot of the important precursor technologies to
25 artificial intelligence. So I really wanted to use this trip as a

1 way, for lack of a better word win hearts and minds in the
2 Secretary's front office of the importance and urgency of making
3 some transformative decisions around the technology investments
4 and the organizational changes in the Department, and that's
5 really a core mission was to convince leaders, to advise leaders,
6 and persuade leaders in the Department they need to make these
7 changes, and then the third was the strategic communications
8 purpose. Manage optics, because again DIU and myself, and others,
9 kind of in our like-minded people in the Department of pushing
10 for a forum, viewed ourselves as being on a campaign to try to
11 encourage tech companies and individual employees even to have a
12 positive attitude towards the DoD mission because we perceive
13 that a great threat to national security was a lack of access to
14 world-class technical talent and so we believed then, and I still
15 believe now that our future depends on our ability to improve the
16 relationship between DoD and the best tech companies in America.
17 So, those were the three overarching objectives of this is. So,
18 to my mind we asked for a role in planning it, not for the board
19 but for me and my team because this we thought was our best
20 opportunity to advance those goals. So, it was not a -- it's not
21 conventional for a board staff to also be given this role but we
22 perceived it as a good opportunity for us to accomplish the
23 mission.

24 Q: And what did Mr. Mattis share with you about his
25 learning experience after these visits to Amazon, Google, and

1 DIU-X?

2 A: You need it was very positive reaction, much more so
3 than we anticipated. I guess what I'm trying to say is it
4 exceeded our expectations. He was very concerned about security.
5 He was very concerned about the overabundance of information,
6 encouraging, micromanagement of commanders in the field. But, he
7 was also concerned about falling behind technologically and great
8 power rivalry. And so the conversation that we had during moments
9 between the trip and breaks and sort of in California but at the
10 conclusion of the meetings was a sense of that he was aware of
11 all of the trade-offs and concerns on both sides, but felt like
12 the Department needed to take action in the National Defense
13 Strategy particularly, but in general to take action to give a
14 greater sense of urgency and a greater sense of focus to our
15 technological and transformation efforts. One of the points that
16 we made during the trip was that there are a variety of precursor
17 technologies to getting the AI application. One of which is
18 abundant cloud storage and transport capacity. You can't really
19 do any meaningful machine learning or artificial intelligence
20 application without access to abundant elastic computing
21 resources. And so that was kind of a turning point I think in
22 thinking in the Department about cloud computing. And it really
23 -- my impression was that it was really at that moment that the
24 idea for a massive investment in cloud became real. So, the
25 guidance to us staffers on the trip was, "Write me a memo to

1 figure out how to get it done."

2 Q: And who stated this?

3 A: Secretary Mattis at that time.

4 Q: So, at that time did he mention the cloud or how did
5 this come to be the defense cloud that we're looking at now, the
6 JEDI?

7 A: Sure.

8 Q: So, was it the cloud when Mr. Mattis said make this
9 happen?

10 A: Yes. So, cloud came up in every meeting. Cloud came up
11 in meetings at Amazon. Cloud came up at meetings in Google. Cloud
12 came up in meetings with the industry leaders at the roundtable
13 that we hosted and I was not in the room when Secretary Mattis
14 met with Tim Cook, CEO of Apple but I have heard secondhand that
15 cloud came up then. So, I believe that during this entire visit
16 Secretary Mattis was wrestling with the decision between security
17 and innovation, and the questions that he asked during the visits
18 were mainly about security. He had heard from a number of
19 different sources that cloud computing was less secure than the
20 traditional data, database, sort of on premise database solutions
21 the Department had, and so he was asking a lot of questions about
22 security, and I think in his mind I can't read his mind, but I
23 think in his mind he was weighing which option was more secure,
24 cloud, the status quo versus cloud, and also whether or not if
25 there were security concerns, if the benefits to the mission

outweighed them. And so my sense was that he made a decision about that and his decision was, "I want to explore it and pursue it." For him the decision years earlier of the CIA to move to the cloud was a very influential fact for him, and he asked for a letter from the director of CIA describing what their experience was and they sort of told him about that. So, my feeling in reading intuition, nonverbal body language, tone, watching him carefully throughout the two days was that it was a decision point for him, and afterwards he said, "We have to get to the Department to the cloud." He did not come up with the term JEDI. But, he did come up with the decision, "I've got to get the Department to the cloud and I need help figuring out how to do it."

1 and I worked with those five people in California immediately
2 following the Secretary's visit, and then we got back to D.C. on
3 the memo. And then I called Chris Lynch and I called Chris and
4 told him we needed his help on the memo. And that's really, my
5 recollection that was kind of how this whole thing started.

6 Q: And, what input did you provide in the memo you're
7 referencing, what memorandum would that be?

8 A: So I don't -- I haven't pulled up early drafts of it,
9 but that the memo became the memo that Secretary Shanahan sent.
10 Forming the Cloud Executive Steering Group and so forth. So, it
11 was -- the memo we were working on was what, early drafts of what
12 ultimately was that memo. And so, things like features like the
13 Cloud Executive Steering Group for example and the need to go to
14 cloud and so forth was in there, and different people worked on
15 different parts of it. I mean I remember that, do you happen to
16 have Secretary Shanahan's memo here?

17 Q: Yes.

18 A: Great. Do you mind if I reference that?

19 Q: Sure.

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

21 Q: Here's all three of them.

22 A: All three of them? Oh, there's multiple versions?

23 Q: This one I believe --

24 A: Or multiple memos.

25 Q: This one I believe referencing September 2017.

1 A: Yeah. Yeah. This was it. So, like I felt like this memo
2 was kind of the product of our trip and sort of a turning point
3 if you will in our ability to make our case to Secretary Mattis,
4 and to -- really a turning point in progress on technology and
5 innovation in the Department.

6 Q: And what is the date on that memo for the record?

7 A: That is the September 13, 2017 memo, accelerating
8 enterprise cloud adoption.

9 Q: And that is the memo that you wrote in conjunction with
10 Mr. Lynch?

11 A: So I think it was (b) (6), (b) (7)(C) and myself. I recall may be doing
12 the first draft and then I believe I work closely with (b) (6), (b) (7)(C)
13 (b) (6), (b) (7)(C) on it I think (b) (6), (b) (7)(C) was a very gifted writer and was a
14 speech writer, and then Chris was brought on and Chris -- I would
15 say Chris -- Chris' contributions appear primarily on the second
16 page, and I would say (b) (6), (b) (7)(C) my contributions appear primarily on
17 the first page, although it was a very collaborative effort.

18 Q: Thank you.

19 A: Yeah, we had that time had no idea what was in store
20 for us. I mean we really did not anticipate that this would be as
21 controversial as it became. Honestly it's been quite shocking to
22 me over the last couple of years how this has evolved. Certainly,
23 at the time I don't think any of us were aware of how complicated
24 it would become. Sorry I guess that's an opinion, not a statement
25 of fact.

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

2 Q: So after the draft of this memorandum, how did Mr.
3 Shanahan become the lead for updating the cloud in the Defense
4 Department?

5 A: You know, the sense I got was that Secretary Mattis
6 wanted to focus on the National Defense Strategy and warfighting
7 and not writing the National Defense Strategy, on executing the
8 National Defense Strategy. He felt his strengths were as a
9 strategist and as a commander, and he was focused on a major
10 crisis on the Korean Peninsula at the time which was very hot. I
11 mean it was extremely sensitive moment, China, Russia, Iran,
12 Iraq, Afghanistan. I mean he was focused on those roles. He
13 wanted Shanahan to do the organizational and enterprise reform,
14 technology and innovation and he viewed -- he viewed cloud to
15 some degree as a back office function. We worked very hard to try
16 to help him understand the combat applications, the combat
17 capabilities of having abundant compute resources but he still to
18 some degree saw it as being a kind of a IT function. And so in
19 his mind this was a classic role for the Deputy Secretary to the
20 extent that the Deputy Secretary is a down and in role and the
21 Secretary is an up and out role. I think this entire effort in
22 his mind was a DEPSECDEF type of effort. And so very soon after
23 arriving back in Washington from the trip it became clear to us
24 that we would be working through the DEPSECDEF not the SECDEF
25 because of that mission, portfolio differentiation.

1 Q: Sure, I'd like to take you back to the West Coast trip
2 just real quick. You stated that Mr. Mattis' concerned for going
3 to the cloud was primarily security, security of information.

4 A: That was my impression.

5 Q: That was your impression. At any time did Secretary
6 Mattis ever state that they have to get to a certain vendors
7 cloud based on your impression of his needs for security?

8 A: Absolutely not. Absolutely not.

9 Q: Thank you.

10 A: And we never had any conversations with him about which
11 vendor should supply this technology. Nor would we have raised
12 any of those questions to him because that would have felt it was
13 beneath the level of the Secretary. The key decision that he had
14 to make was are we going to go or not? Then we knew there would
15 be a subsequent process to determine who it should be awarded to,
16 but I wanted nothing, I personally wanted nothing to do with that
17 decision because I was concerned that it would be a liability for
18 my board members and the board in general. So we were very
19 focused on strategy getting the Department to change, and to
20 think about all of the implications of this change, and not get
21 involved in who should win, and certainly did not want to get the
22 Secretary involved in that choice.

23 Q: Okay. Thank you.

24 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) can I ask a question?

25 Sure, go ahead.

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

2 Q: You had mentioned, this is (b) (6), (b) (7)(C) for the
3 record, that Mr. Mattis spoke to CIA about their decision to go
4 to cloud. Was that on the trip?

5 A: So let me clarify. I am aware that there was an
6 exchange of memos. I don't know whether there was a verbal
7 conversation. I forget where but in the meeting I was in I was
8 shown a memo from the CIA to Secretary Mattis that talked about
9 what a good decision for the CIA it was to go cloud. And so all I
10 know is I was told that he asked for information and then
11 received that memo back. And for us that was the turning point
12 because we knew that if the CIA had said that their experience
13 with moving to cloud had gone poorly we thought that would be the
14 end of the conversation in the Department and we thought if the
15 CIA said that it was either a moderately positive to very
16 positive experience we would still be able to continue our work
17 and that is what happened.

18 Q: Do you remember what time frame these memos happened?

19 A: It was very early on so it would have been -- it would
20 have been sometime, I mean maybe a week prior to September 13
21 when the memo came out or let's say in the two or three weeks
22 after would be my guess but I just want to say I have been very
23 clear early on I'm generally not very good with timelines and so
24 I don't have the date in front of me but I recall being shown
25 this memo at some point early in the process.

1 Q: So you had mentioned that you were shown the memo. Do
2 you read the memo? Could you recall anything from memo?

3 A: I did not read every word of it. I flipped through it
4 and what I recall that said was something to the effect of this
5 was the best decision we've made over the last 10 years, or it
6 was some extremely superlative phrase that it was a very good
7 decision and the CIA is very happy with their decision, and I
8 seem to recall there may have been something in there that says
9 that there was sort of some speculation about whether or not the
10 needs of the CIA is evolving, or storage, or pricing. I mean
11 there was some discussion that was balanced but the bottom line
12 up front was, the bottom line up front was that this was a good
13 decision.

14 Q: Was there any mention in that conversation or in those
15 memos about CIA's decision to go with a single cloud?

16 A: I don't recall that. I mean really I would have to --
17 again the memo was not sent to me but if you have the ability to
18 recover that memo through your document requisitioning
19 authorities you can see for yourself. I have no recollection of
20 that.

21 Q: Okay. Thank you.

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

23 Q: Okay. So, going back to the cloud initiative for the
24 cloud, and basically Mr. Mattis given the guidance to you, Mr.
25 Lynch, and Mr. Shanahan to initiate the cloud here within the

1 Defense Department.

2 A: Forgive me. I just want to be clear with this. So Chris
3 Lynch was not on the visit. So, he did not get the guidance from
4 Secretary Mattis directly in my presence.

5 Q: Okay. So what took place was when you came back you
6 worked with Chris Lynch to --

7 A: That's right.

8 Q: -- to further develop the memo?

9 A: That's right. So basically what happened was I looked
10 at who was on the Cloud Executive Steering Group and who was on
11 the trip. So, the people who were on the trip are generally
12 speaking the people that got put on the Steering Group, and I
13 looked at the people and I said, "Who here has ever done a major
14 cloud acquisition, cloud migration, or run a business in the
15 cloud?" And the answer is none of these people. So, I called
16 Chris and I said, "Chris, I'm concerned that we may be giving the
17 Secretary inadequate advice. We need your technical expertise.
18 You have a bunch of strategists who understand the strategic
19 significance of this technology, but don't understand the
20 mechanics. This is a job for the Defense Digital Service. You've
21 got to get involved in this." And so he did. And I know that he
22 had conversations with Secretary Mattis subsequent to that but I
23 wasn't present for those conversations.

24 Q: Okay. And, do you know how often they met?

25 A: Chris and the Secretary?

1 Q: No, as far as the CESG is concerned?

2 A: I think we aimed for a meeting every other week at the
3 start, and then it kind of petered out and kind of stopped
4 meeting. But, at the beginning I believe it was a meeting every
5 other week and I would get together with some of the other folks
6 that were involved in staffing it between the meetings to try to
7 sort of move things along, and then there was some point at which
8 the composition started to shift and I noted that I stopped being
9 inviting invited to some of the meetings, and then I think the
10 whole thing sort of petered out. The locus kind of changed if you
11 will to other leaders in the Department driving it forward.

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

13 Q: So staying with Mr. Chris Lynch, how did you know that
14 he had the expertise that would help you? Was there an
15 interaction between the Defense Innovation Board and DDS? Or did
16 you know --

17 A: Yes. Yes. We met with them --

18 Q: -- him previously?

19 A: -- regularly. I did not know Chris prior to taking his
20 position, but after he took his position I reached out to him and
21 got to know him pretty much as soon as I could as soon as he was
22 hired. I had mentioned, I introduced myself that I had been part
23 of the Secretary of Defense's task force called Force of the
24 Future. One of the recommendations in the Force of the Future
25 that I wrote was to establish the Defense Digital Service. So, I

1 was very interested in the Defense Digital Service and its
2 success and wanted it to be -- I wanted it to be successful and
3 so when I had saw that Chris Lynch had been appointed I reached
4 out to him right away and introduced myself, and I felt that the
5 mission of the Defense Digital Service and the mission of the
6 Defense Innovation Board is aligned and I wanted to establish a
7 relationship between the two of them to help push forward the two
8 organizations' missions. So, I know that when Chris Lynch arrived
9 and he sort of surveyed the Department he reached the same
10 conclusions of board members. Which was, "This is a very
11 backwards organization that has a long way to go to adopt modern
12 commercial technology and to get with the cutting edge. There are
13 many barriers." One of the main barriers and limitations the
14 Department faces is the lack of access to abundant elastic cloud
15 computing resources. So, he identified as a priority of his that
16 this was something that he needed to get the Department to change
17 or the Department was going to fall further behind. So, since I
18 knew he was interested in this that's why I called him. I knew he
19 would be eager to help.

20 Q: Okay. Thank you.

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

22 Q: Did he talk about a particular vendor who could offer
23 this service to the Defense Department during that time?

24 A: No.

25 Q: Also you mentioned that the CESG Team met weekly?

1 A: No. I think they met every other week I believe.

2 Q: Every other week?

3 A: I think so, that's right.

4 Q: And who were the participants? Was Mr. Mattis present
5 for any of these meetings with CESG or Mr. Shanahan, or how was
6 information provided?

7 A: No. Neither of those officials ever attended a meeting
8 of the CESG. I mean most of the meetings I would say were fairly
9 working level meetings. I remember Ellen attended one or two of
10 them, but I got the impression that she was handing
11 responsibility over to Bob Daigle as sort of unofficially. So Bob
12 attended several meetings as well and often act as the kind of
13 chairperson in Ellen's absence.

14 Q: And speaking of that, why was the JEDI Cloud
15 procurement moved under the DoD Chief Information Officer from
16 Ms. Lord?

17 A: Well, candidly the CIO had historically been a barrier
18 not a champion to cloud adoption. So, my judgment was if the CIO
19 organization in the Department was equipped to move DoD into a
20 modern commercial cloud provider it had a 15 year period in which
21 to do so. And, the CIO had failed to live up to that obligation
22 and so, the reason why we needed an accelerated enterprising
23 cloud adoption memo from the leadership of the Department wants
24 to correct the inability of the CIO organization, to keep up with
25 the times. That was why we did not place the CIO in the Cloud

1 Executive Steering Group to begin. Because we wanted to give the
2 organizations charged with innovation, DIU, SCO, DIB to a lesser
3 degree the ability to advise directly and independently because
4 the CIO had I felt really let the Department down and let the
5 American people down, but we also knew that whatever decisions
6 were made there would be no way to implement them without the
7 CIO. And, that was how the compromise was struck to make an
8 observer status for a CIO rep, but the memo, this memo was
9 intended to put traditional industry and CIO on notice that
10 Secretary Mattis was going to take this very seriously and was
11 going to shake things up a bit and was going to make progress.
12 When Mr. Deasy was appointed as the CIO it changed everything
13 because he was a world-class CIO and he immediately recognized
14 the urgency of the mission. So there was no gap between him and
15 the vision for this accelerating cloud document. So, once Mr.
16 Deasy was in place there was no longer any need for Cloud
17 Executive Steering Group, there was no longer any need for this,
18 for lack of a better phrase bureaucratic balancing because he was
19 the champion for cloud that the Department needed, that the
20 Secretary deserved, and so being able to hand it over to him
21 effectively solved the problem, but the CMO, the CIO, and CAPE
22 were not capable of being appropriate advocates for this effort,
23 and the Defense Digital Service is not set up to do complicated
24 acquisition, and legislative affairs, and public affairs and all
25 the things that went into the complexity of this. They were

1 brought on to write software and to be technically advisors. So,
2 it made a lot of sense to me to put this CIO in charge of the
3 effort, but I think if you -- if you only look at this is an
4 acquisition I think it's easy to miss the forest for the trees.
5 This was really about needing to accomplish a turning point in
6 the technological history in the Department from the '90s to the
7 ought. So that's why this first paragraph of this memo was
8 important to us. You don't normally see memos like this. Usually
9 they just say, you know, DEPSECDEF memos are usually like insert
10 Tab A into Slot B and you shall execute. It had this up paragraph
11 because we're trying to signal something of far greater
12 significance that the business as usual had let down the
13 Department and we needed to do real organizational and strategic
14 change to accomplish the vision in the end. Yes, see had a new
15 National Defense Strategy but truthfully and what I said to
16 Secretary Mattis is, "You will not be able to implement the
17 vision and the National Defense Strategy without modern
18 commercial cloud." Which is shocking statement to someone that
19 spent 40 years in uniform. They just, no one thinks about these
20 technologies as being as strategic as they are, but without data,
21 without cloud, without software there's not going to be any
22 machine learning in AI, and without competing and winning in
23 machine learning in AI we won't be the world's best military
24 anymore. So, as you do you review I want to try to offer that as
25 context. It was a very important beyond just a big acquisition.

1 There are many big acquisitions in the Department all the time.
2 We buy and sell billions of dollars of things. That's what we do
3 is a large Department, but that's why I think this was special. I
4 also think it's why it's controversial because there are people
5 that don't want to see that change occurred.

6 Q: So, I'd like to move on. There's an e-mail that's dated
7 November 15, 2017. We'll share with that with you shortly. It's
8 from you to Sally Donnelly. Subject: 16 November meeting with
9 CMC. It reads, "The back story here is that the board members
10 need SCI readings to visit NRO, and NGA. (b) (6), (b) (7)(C) thinks they should
11 not have TS SCI." So what was your viewpoint on the board members
12 needing the TS SCI?

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

14 Q: And just refresh your recollection earlier conversation
15 that we had you said that there was no written guidance that said
16 board members had to have a security clearance.

17 A: The written guidance was that they needed to have a
18 clearance to sufficient to do their role, but it did not say that
19 you may not serve on the board without a clearance.

20 Q: Right, okay.

21 A: So, most members interpreted that as applying for a TS
22 SCI, and I believe that they all either have it or are in the
23 process of receiving it but I was -- I didn't believe that the
24 way the charter was written it was a requirement. So, I felt that
25 if a board member wanted to serve without a clearance, the lack

1 of a clearance need not legally preclude them which is to say it
2 is the discussion of a senior leader whether or not to appoint
3 them with or without a clearance but there was not a legal
4 impediment to serving on a federal advisory committee without a
5 clearance because it does not state in our charter that a
6 clearance is required. So it said they may have clearances.
7 However, one thing that we did find is that there were many
8 facilities that require certain clearances to visit them. So, NRO
9 and NGA I believe are one of these such classified facilities
10 where even if you want to have an unclassified or secret, or a
11 top-secret conversation in the particular rooms that won't work.
12 So, for certain facilities you have to have an SCI I believe just
13 to be in the room, and in some cases there are conversations
14 where we may want to get into the specifics of a particular
15 example where a conversation has to go up to SCI, but there are
16 almost no situations where the Department has given a TS SCI
17 briefing. It's usually that the briefers want to make sure that
18 everyone has a TS SCI read on either a, so they can enter the
19 building or the room, or be in case that conversation goes up to
20 that level, and if my memory recollects this is such a situation
21 where for this particular visit for the topics that I'm guessing
22 were sort of a general overview of NGA and NRO's mission perhaps
23 discussing possible applications of computer vision and
24 artificial intelligence for their mission they probably needed to
25 have that level of clearance to attend.

1 Q: All right. Thank you.

2 A: Let's see here.

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

4 Q: Okay. So we can move on. I think that sufficiently
5 provides a response to that. I want to go back to Mr. Mattis. We
6 asked you to fill out a matrix sheet and discuss their
7 involvement in the JEDI procurement and, for Mr. Mattis you
8 indicated a yes for his participation in the CESG.

9 A: Can I ask you a question?

10 Q: Sure.

11 A: Is the purpose of the question here why the board
12 members needed the clearance or is a conversation with Ms.
13 Donnelly and myself about (b) (6), (b) (7)(C) because, you know she has
14 --

15 Q: If the conversation about the TS SCI clearance. Was
16 there a requirement for the members to have a clearance?

17 A: Yeah.

18 Q: And I believe you responded provided the response
19 regarding --

20 A: Understand. I understand.

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

22 Q: And goes to clarification on the clearance issue with
23 Mr. Bezos which --

24 A: I understand.

25 Q: What you've given us plenty of information about that.

1 A: Got it.

2 Q: We just wanted to clear up that point why in this
3 particular case you were --

4 A: Advocating for him to have a clearance?

5 Q: Advocating the TS SCI --

6 A: That's right.

7 Q: And with Mr. Bezos it was --

8 A: We were not. So that's a great question. So, what I
9 discussed with Mr. Bezos' staff and when I discussed with other
10 DoD staff about the process aspect of Mr. Bezos joining the
11 board, is that in the event of a trip like this he would simply
12 not be invited to participate. Most members of the board did not
13 go on this trip. It was only certain select members attended this
14 visit. When we do visits we always do preparatory visits under a
15 quorum. So, we always pick and choose which board members go on
16 which trips and what appropriate level of clearance they need for
17 that. So, I concluded if Mr. Bezos was appointed without a
18 clearance he would essentially be limited to almost only our
19 public meetings. I thought there would be very few preparatory
20 research visits that he would be able to attend without a
21 clearance, but he would be able to deliberate on unclassified
22 information in Pentagon meetings, and he would be able to attend
23 our public meetings. And so since I figured he had such a busy
24 schedule anyway and probably wouldn't have been available for a
25 lot of those meetings anyway, that was why I thought it would be

1 inappropriate, but we would have never, never recommended that he
2 be read on to a TS SCI briefing without having done a background
3 check, and some people have thought it that what we were
4 proposing was that he be given access to classified information.
5 That was absolutely, emphatically, never the case. We would have
6 never shared classified information with anyone that didn't have
7 a clearance including Mr. Bezos. It was never our proposal that
8 he or anyone else be appointed to the board without the
9 appropriate background check. He submitted all of his
10 documentation except for the SF 86, OGE 450, 306. He submitted
11 everything. It was simply that he would have participated without
12 a clearance. Anyway, thank you. I'm sorry to interrupt things.
13 I just want to be very clear on this point because we don't share
14 classified information with people who don't have a need to know
15 in authorization.

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

17 Q: Okay. So on the matrix sheet that we provided you
18 indicated for Mr. Mattis' participation in the JEDI Cloud a 1 for
19 his participation with the Cloud Executive Steering Group. Can
20 you tell me what you mean by he issued guidance or directions to
21 the CESG?

22 A: So, when we were flying from Seattle to California he
23 called me into the state room in his plane and debriefed me on
24 the visit from Amazon, and said he wanted to prepare options and
25 alternatives for acting on some of the insights from the trip so

1 far, and I told him that I thought that buying the cloud would be
2 the easy part compared to adopting it, and that you would need to
3 have a change of management effort to help everyone figure out
4 how to use the new technology, and said that a some sort of a
5 steering group or stakeholder group would be necessary, and he
6 said, "That sounds like a good idea you should include something
7 to that effect in the memo." So, I took that as verbal guidance
8 relating to the Cloud Executive Steering Group.

9 Q: Okay. Just for clarification clarity, this is after the
10 meeting he had with Amazon or was this after the trip to itself?

11 A: So this was on the plane between Seattle and
12 California.

13 Q: Okay the next item you mentioned was full and open
14 competition decision that he provided guidance regarding that.
15 What can you share with us about that?

16 A: I didn't mention this before but your question prompted
17 it. Another major concern that Secretary Mattis expressed
18 throughout the trip was vendor lock in, and the vulnerability of
19 the Department to beholden to anyone technology, or any one
20 company, and the idea that those companies might use that as
21 leverage to uncompetitive pricing. So, on several occasions he
22 talked about the importance of having a full and open
23 competition. And so again it was verbal but I got the impression
24 from him that he wanted a competitive process, and open process.
25 He wanted the Department to get the best value for the taxpayer

1 and it was just a sense that he, in his language and demeanor I
2 got the impression that he was giving us an implied order to
3 ensure that there was a rigorous competition and that was how I
4 interpreted it.

5 Q: Do you know if Mr. Mattis met with any other tech that
6 companies prior to his trip to California and Washington?

7 A: I am not aware of that. He did live on Sand Hill Road
8 for three years. Something he often talked about. Sand Hill Road
9 is, if you're familiar with that, it's the -- oh, so you know
10 like Madison Avenue is a particular street in New York City where
11 a lot of businesses are. Sand Hill Road is the geographic
12 concentration where a lot of the venture capital firms are near
13 Stanford. And so when Mattis would say publicly, you know, "You
14 know I used to live on Sand Hill Road." That was his way of
15 saying that after he retired from the Marine Corps, when he was
16 in, at Stanford at the Hoover Institution he was interacting with
17 Silicon Valley companies. So, I know he had interactions with
18 technology companies before being becoming Secretary of Defense,
19 and I know he probably had some interactions with technology
20 companies after becoming Secretary, but our general sense was to
21 prepare him on this visit as if he were new to it. So, we treated
22 him as if he were new to it and prepared the sort of trips and
23 briefing materials as an introduction even though he may have had
24 some interactions prior to which I wouldn't have known about.

25 Q: And what was your understanding of Mr. Mattis' ethics

1 agreement?

2 A: His ethics agreement?

3 Q: Yes.

4 A: Well I assume that he had one. He talked about ethics a
5 lot. We hung the letter on ethics that he sent to the Department
6 on the refrigerator in our office. The emphasis he placed ethics
7 was inspiring to us.

8 Q: Were there any businesses that he could not participate
9 in to your knowledge or have discussions with some of these key
10 leaders from any of the large corporations?

11 A: Not to my knowledge. We understood that he had
12 interactions with (b) (6), (b) (7)(C) but obviously we were not going to be
13 talking to (b) (6), (b) (7)(C) on this trip.

14 Q: And what was Mr. Mattis' involvement in the JEDI Cloud
15 procurement?

16 A: To my knowledge he had no involvement.

17 Q: What about conflicts of interest should he had been
18 required to recuse himself from participating in particular
19 matters as far as it related to the JEDI Cloud?

20 A: I was not aware of that. I also did not concern myself
21 with that. I assume that his general counsel would be vigilantly
22 monitoring all of his activities. So I didn't think to ask.

23 Q: What about Amazon?

24 A: Again, my assumption was that there was a large and
25 well-equipped team of legal advisors whose job it was to protect

1 the Secretary. So I didn't ask that question at the time.

2 Q: Did Mr. Mattis ever discuss with you or mention the
3 single award strategy?

4 A: No.

5 Q: Did he ever talk to you about the requirements for the
6 JEDI acquisition?

7 A: I would say he gave very general guidance on the
8 requirements as to say that it needed to be valuable for the
9 warfighter. It had to be secure. It had to be resilient. It had
10 to be a good value for the Department. But I would think that
11 that was very general verbal guidance from the trip based on his
12 questions and his comments which are all conclusions we
13 independently reached anyway.

14 Q: What have you heard Mr. Mattis say about Amazon?

15 A: Yeah, he said very polite things about Amazon in the
16 meetings with Amazon, and we talked about various reasons. He had
17 monitor the company and was impressed with the company. But those
18 were confined to the meeting itself, and afterwards in debriefing
19 us he talked about it being eye-opening, and revealing, and
20 interesting, thought-provoking, that sort of thing, but there was
21 nothing really beyond that to me.

22 Q: Okay. You said he admired Amazon. What did he discuss
23 with you about Amazon that he liked?

24 A: He was very focused on their logistics and supply
25 chain. He was very impressed with speed and complexity of the

1 supply chain and the warehousing, and I think he would have --
2 would have wanted either logistics and supply chains to operate
3 as efficiently and as rapidly as their business. So I think that
4 was -- I'm sure there were other things that he light about
5 Amazon as well, but that was what stuck out in my mind.

6 Q: And have you ever heard Mr. Mattis say anything that
7 would cause you to question his impartiality or ethics concerning
8 Amazon?

9 A: No.

10 Q: Has anyone ever told you that Mr. Mattis said or did
11 anything that would cause them to question his impartiality
12 concerning Amazon?

13 A: No.

14 Q: What about the JEDI Cloud procurement?

15 A: No.

16 Q: And have you respond to the assertions that Mr. Mattis
17 played a key role in the JEDI Cloud procurement and had a
18 conflict of interest?

19 A: I think he played a key role in the decision to move to
20 modern commercial cloud. Honestly I don't -- I don't know whether
21 this would have happened without him making that decision. I
22 don't believe -- I was not aware of his involvement in anything
23 related to it after that point. My incense was contemporaneously
24 and in retrospect that he handed it off to his Deputy and was not
25 intimately involved in that after that. That was my first-hand

1 impression and I, since you asked me my reaction to the claim
2 that he has a conflict of interest or anything like that is
3 false.

4 Q: Okay. So we discussed his trip in August 2017 to
5 Washington and California. He also took a trip to the United
6 Kingdom on March 29, 2017 to 1 April 2017. Are you aware of his
7 travel to the UK?

8 A: When was that?

9 Q: That would have been March 29, 2017 to 1 April.

10 A: Is that the same visit you sent me the e-mail about?

11 A: No. This is a different trip prior to him going to
12 Amazon and Google.

13 A: No. No.

14 Q: You don't have any knowledge of that?

15 A: I think I heard about it afterwards. I think I heard
16 there was a chair charity dinner of some kind there, but I don't
17 have any details about that.

18 Q: Okay. So, I want to go back to the visit at Amazon and
19 Google. You provided a read ahead that you prepared. That's on
20 Page 11 through 14, for the SECDEF concerning his trip.

21 A: Oh, good. So you've read the read ahead. So you know
22 all about the trip.

23 Q: I would like to know what you know, sir

24 A: Okay. All right, what about it?

25 Q: You said that there was -- in this e-mail, or in this

1 document your visit will begin with a 30 minute one-on-one with
2 Bezos followed by Amazon discussions. So, what was discussed
3 between during the one-on-one meeting with between Mr. Bezos and
4 the SECDEF?

5 A: You know it was fascinating. They really talk mostly
6 about leadership and military history.

7 Q: Can you share with me what some of the --

8 A: Yeah. Sure. So they --

9 Q: -- discussions were?

10 A: Secretary Mattis talked about Alexander the Great
11 defeating Hannibal. He talked about one of his favorite examples
12 which was the British defeat of the Battle of Jutland. Unable
13 battle. He talked a bit about core values in the Department. He
14 asked Mr. Bezos a lot of questions about core values at Amazon.
15 He asked about the two pizza rule at Amazon which is a meeting
16 where you can't feed the people with more than two pieces -- you
17 should -- sorry. I said that wrong. The two pizza rule is that
18 every meeting should be small enough that you can feed everyone
19 two pizzas. And so Bezos and Mattis were contrasting the size and
20 scale of DoD decision-making with the relative agility of Amazon
21 decision-making. They talked about purpose, drive, motivation,
22 hiring. Just large organizational leadership. And, they talked a
23 bit about -- a little bit about technology in general, but they
24 really did not have any specific conversations about Amazon or
25 about technology. I think in many ways it was more they were

1 connecting on a personal level as leaders of large organizations
2 with lots of responsibilities. Mr. Bezos offered to be helpful.
3 He offered to follow up, or to advise, or to assist, or to be
4 useful to the DoD mission however he could. To my great relief he
5 did not bring up the Defense Innovation Board, and it was a very
6 warm exchange. But the primary focus to me was it felt to me like
7 two men at the pinnacle of their careers both running large
8 organizations with big missions and global reach comparing notes
9 with each other about their findings and sort of reflecting on
10 their career in history. Bezos talked a bit about the early
11 history of Amazon, founding the company, and how his role has
12 evolved over time. It was really about -- it was at that level,
13 it was that tone. I noted from the read ahead I said that Andy
14 Jesse would be there. Andy Jesse was not there. I don't know why
15 he wasn't able to make it, but it was a very small group. You
16 know, I tried to make it a meeting about AI but the senior
17 leaders talk about what they want to talk about.

18 Q: So did they talk about the cloud at all?

19 A: Minimally. I mean it did come up, but it came up more
20 in the context of Secretary Mattis and this is not verbatim, but
21 asking a question like, "What are the key features that define
22 Amazon, that enable Amazon?" And Bezos gave an answer like, "It's
23 our people, and it's our culture, and it's our customer focus,
24 our willingness to be very candid and give very candid feedback,
25 and it's our world-class infrastructure and supply chain." It was

1 in a list of things like that. For example Bezos talked about how
2 large organizations become so friendly and polite that people
3 don't give each other for candid feedback any talked about the
4 difficulty of getting people to be really candid with each other.
5 And Secretary Mattis also talked about the difficulty of candor
6 and how commanders have a hard time getting information about bad
7 news and they talked about that sort of thing. And so Amazon,
8 Amazon Web Services that are cloud infrastructure as an enabler
9 came up but it was more on the context of them talking about what
10 are the things that make our business successful? It was
11 emphatically not a sales pitch. And there was nothing related to
12 acquisition or procurement that came up in that conversation at
13 all.

14 Q: Were there any other discussions about Amazon after
15 this meeting?

16 A: Yeah. So after that meeting we went up to a large group
17 meeting with many more Amazon executives, and that meeting talk
18 more about cloud and products, and services, and security. That
19 was more of an opportunity for Secretary Mattis and others DoD
20 leaders like (b) (6), (b) (7)(C), and others to ask lots
21 of questions about the technology. Mr. Bezos was fairly silent
22 for most of that meeting, but other Amazon executives gave
23 briefings about security, portability, edge computing, those
24 kinds of things, and in that regard it was very similar to the
25 meeting at Google.

1 Q: Was there a discussion about some of the cloud
2 products, cloud security versus traditional data centers?

3 A: Yes. Absolutely there was, but it was our guidance to
4 both Google and Amazon was, no marketing, no sales. This is an
5 educational opportunity and so some people are just naturally
6 born salespeople and they really can't totally turn it off, but
7 for the most part everyone at Amazon and Google did their best to
8 provide a world-class educational opportunity and not sales. So
9 almost entirely it was presentations about complicated technical
10 subjects at meetings. So, we're trying to understand how an
11 Amazon region works, or how a combination of data centers works
12 connected by fiber-optic cables, how the redundant, how they're
13 secure, what the impact of a natural disaster would be, how that
14 information is exchanged. We talked about key storage and
15 encryption to understand this thing. So for Secretary Mattis
16 things were as simple as if two rival businesses both store their
17 information in Amazon cloud, how do you make sure each company
18 can't access each other's information? So, there are simple all
19 the way to very complex responses to understanding how that
20 information is segmented, and so we could have the head of
21 engineering from Amazon get into detail about, "Well, this -- let
22 me explain how your information is stored everywhere and
23 nowhere." Very difficult concept to understand but very
24 important. So, DoD requirements are based on this very sort of
25 terrestrial sense of the data standards. So, for us to want to go

1 into an agreement with a provider we want to be able to know
2 locally where is the data for this file stored so that if I need
3 to physically inspect the hard drive that stores this file I can
4 withdraw it. So we had to explain why this file exists on
5 multiple hard drives but cannot be physically accessed by any of
6 them. And to explain how even if you gain physical access to that
7 hard drive you could not get access to the data on the file. This
8 is a fundamental principle to explain why cloud is more secure
9 than what we do in a traditional database model. And so we tried
10 to get into enough technical depth to be convincing that this is
11 true and the reason why the visit was so important is because
12 candidly there are very, very few officials in the Department who
13 understand this technology well enough to answer all of the
14 questions eloquently and quickly, and cleanly with credibility.
15 So, we felt that the best way to explain these technologies to
16 the leaders was introduce them to the people in the world who
17 invented these kind of technologies and perfected them so that he
18 can hear straight from them the horse's mouth and that's
19 primarily what happened at both Amazon and Google. Some people
20 couldn't help themselves throwing a little bit of the sales here
21 and there, but the purpose of the visit was really just to
22 educate him on the decision.

23 Q: Okay. And did Mr. Mattis ask any questions about this
24 cloud technology and what was his viewpoint as far as?

25 A: Yeah, he asked a lot of great questions. He has

1 questioned the security. He asked questions about resilience and
2 redundancy. He asked about questions about vendor lock-in and
3 pricing, and he asked some very surprising question of Google
4 about quantitative data encryption which we didn't expect. Google
5 is one of the leading companies in the world on quantum
6 computing, so they were able to have the right person, one of the
7 leaders in the field internationally global leader say, "Well
8 this is exactly what we are concerned about with quantum
9 decryption and here's how we would guard against it and here's
10 the timeline and so forth." So, the intelligence community is
11 doing briefings on quantum encryption and quantum data encryption
12 and what that means, but they are -- it was very interesting to
13 be able to hear from a leading expert to offer their independent
14 assessment of that. So, that was the nature of both of the
15 meetings. Amazon talking about their edge computing capability,
16 Google talking about their encryption and quantum. I mean just
17 giving him insight into how these modern commercial Internet
18 company, AI companies operate and how that's different from DoD
19 and give him a glimpse of what it would look like to DoD to be
20 able to operate like that.

21 Q: Okay.

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

23 Q: Sir, so during these meetings, what were some of the
24 specific questions that Mr. Mattis had about vendor locking and
25 vendor pricing, and who was he asking those questions to?

1 A: That's a very specific question for a meeting that took
2 place a number of years ago without any notes, but his question
3 essentially was, how can I make sure that if I select a cloud
4 provider providers and you are now holding all of my credible
5 data that you don't hold me hostage and jack up the price. He
6 asked some version of that question more than once in all three
7 meetings that I attended. And I think his primary concern was not
8 wanting the Department to become dependent on a company that
9 could go out of business, that could have a saphenous or ITAR
10 concern, or that could have a predatory pricing practice. And I
11 think that's because anyone's been in the Department has lived
12 through experiences like that and he wanted to make sure that
13 that didn't happen. I don't recall who specifically he directed
14 the question to but it was such a theme in the conversation that
15 I think multiple people answered different parts of that question
16 and both companies answered that question to my satisfaction. I
17 don't know whether they answered it to his satisfaction, but both
18 companies had adequate explanations of how their pricing works
19 and how vendor lock-in would be prevented and so forth. And they
20 talked about data portability for example came up in both
21 conversations.

22 Q: Thank you.

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

24 Q: Okay. I'm going to move to Page 18 through 19. This is
25 the e-mail from (b)(6), (b) to DeMartino. Thank you. I'll give you an

1 opportunity to scan that. And this is an e-mail dated September
2 26, 2017 from (b) (6), (b) (7)(C) to Tony DeMartino. Subject: Cloud wait for
3 it. And it reads, "SECDEF's recent visit to Seattle, Washington
4 and Palo Alto, California prompted him to direct some of his
5 senior leadership to develop a strategy to accelerate DoD's
6 adoption of cloud computing technology." So my question is what
7 was your understanding of the DIB's role in accelerating DoD's
8 adoption in the cloud?

9 A: The role of DIB?

10 Q: Yes.

11 A: And forgive me I'm not following. How does that relate
12 to this e-mail?

13 Q: In this e-mail he talks about the leaders that he
14 charged with this initiative.

15 A: Oh, yes. That's right. Sure.

16 Q: Okay. And also your role in accelerating the cloud
17 being that you were a member of the CESG?

18 A: Yeah, that's right. So two things. One is, shortly
19 after the memo was released we thought it better not to identify
20 me as (b) (6), (b) (7)(C) for
21 the purpose of the DEPSEC's memo because it confused this issue
22 that you're asking about. So, I know that there was a subsequent
23 version of the memo where I was identified differently and I
24 don't know, I don't recall whether that memo was ever officially
25 released or not, but the reason for that is because again I have

1 two roles, one is as (b) (6), (b) (7)(C) , and one is as the
2 (b) (6), (b) (7)(C) So, in my role in the Cloud
3 Executive Steering Group I was completely walled off from any
4 interaction with any Defense Innovation Board members. I never
5 briefed any DIB members about any activities in JEDI. I never
6 briefed any DIB members about any activities relating to the
7 Cloud Executive Steering Group, and I never, I really never
8 discussed it with them at all, and I told them that I was not
9 discussing it with them and the reason was because federal
10 advisory committees cannot get involved in the acquisition or
11 procurement or anything of that nature, and I wanted to advise
12 the process but I did not want to confuse the two. So, what I
13 would say the DIB's role is that when we released our first set
14 of recommendations in 2016 recommendation number two I believe is
15 to make cloud computing abundant which was the Defense Innovation
16 Boards message to the Department publicly that DoD did not have
17 sufficient bandwidth, transport, and compute that was ideally
18 commercial but even noncommercial to accomplish all the other
19 things that the Defense Innovation Board was recommending. So the
20 role of the Defense Innovation Board and accelerating cloud
21 adoption was at a very general level to advise the Secretary, the
22 Deputy Secretary, and other senior leaders on the importance of
23 adopting modern commercial practices for technology including
24 data, software, bandwidth, storage, etcetera. So the board gave
25 that advice publicly for recommendation number two and that was I

1 think introduced in October and voted on in January. I believe
2 October, I think it would have been like October '16, and then
3 voted on January '17 I believe. I could have the timing a little
4 off there, but that was all very public and all prior to all of
5 these events. So, the DIB has continued to play a vital role in
6 accelerating the adoption of these technologies limited to cloud,
7 but including cloud but always at this level a broad strategy.
8 For example, we wrote a report that was mandated by Congress
9 about software development. You just really cannot do proper
10 modern agile, secure software development without cloud computing
11 resources. So, it's just not possible for the board to entirely
12 avoid the issue of cloud because it's just so ambiguous in all of
13 the tech innovations, but in terms of the specifics of JEDI of
14 acquisition, or procurement, or any activity particular matter we
15 scrupulously try to avoid getting him involved. That was
16 especially important when Google was a potential bidder and we
17 did not want to do anything with the board that would preclude
18 Google from bidding on the contract should they should choose to
19 do so ultimately as you know they were eliminated, but we were
20 trying to take great care to not step over any line that would
21 create a problem.

22 Q: Okay. Turn this over to (b) (6), (b) (7)(C) at this time.

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

24 Q: Sure. So I want to ask you a little bit about the memo,
25 the Shanahan memo that you helped draft. When you and Chris

1 Lynch, and (b) (6), (b) (7)(C), and the rest of you were all working on that
2 what did you think the cloud looked like at that time? What did
3 you envision when drafting that? What did you vision the cloud to
4 look like for the Department?

5 A: Oh, is this the memo, yeah?

6 (b) (6), (b) (7)(C): Yes.

7 A: I think we knew it was going to have to be one of the
8 larger and more advanced modern commercial cloud providers. I
9 don't think we imagine that there was any way that a company that
10 didn't have those resources and technical know-how and track
11 record of experience that would be able to demonstrate adequate
12 qualifications to be able to win a competitive and rigorous
13 contract process. So, we knew it was likely to be a pretty short
14 list of companies that would be qualified. And I don't think that
15 we at that earliest point to whether single cloud or multi-cloud
16 would be the issue because to be honest wasn't even a controversy
17 until little bit further on. I mean it wasn't even a -- we did
18 not identify that as being a key decision point right away. I
19 think that emerged later on. So for us it looks like a modern
20 commercial cloud contract. I think we struggled to a degree to
21 trying how to figure out how much or how little it should look
22 like the CIA's cloud. We talked about that quite a bit because on
23 the one hand the CIA addressed a lot of their concerns with guns,
24 gates, and guards in order to address their security concerns,
25 but the paradox of that is the more you insulate your cloud

1 instance by protecting it with the perimeter right around it the
2 more you divorce yourself from the very forces that drive
3 capability up and cost down. So, the challenge with the CIA
4 analogy was if you really want a genuine modern commercial cloud
5 it has to be a genuine modern commercial cloud which means it has
6 to be commodity cloud. And so if you are trying to acquire cloud
7 that is, as I said a commodity cloud that you can just literally
8 buy with two clicks on the website that gives you all of the
9 benefits of decreasing price, and scale, volume so that you are
10 what we are calling writing the commercial way. But that also
11 comes with a lot of downsides for the Department because we have
12 so many specific regulations, and rules, and compliance, and
13 FEDRAMP, and there's so many different boxes to check just to be
14 compliant with the procurement before you get there, and then
15 there's all are the security concerns that had to be balanced
16 with that. So, those are two dimensions if you will. The third
17 dimension that made it complicated was the degree to which it was
18 going to be used for back office processes, like business
19 operations purposes versus tactical use at the edge for Ce
20 networking and those sorts of things and so that added this third
21 dimension. So the question that it looked like was the following
22 intention which is the more you want to get lowest price and most
23 capability the more it pushes you towards a totally total
24 commodity cloud approach. The more you want it to be consistent
25 with all of the Departments impulses to make everything unique to

1 the Department and the more you want to use it for specific use
2 cases that are for warfare and not just business the more it
3 pulls you in a different direction. And so all of our discussions
4 were really about weighing those trade-offs. So, in asking what
5 it looks like if you want for business systems it looks one way.
6 If you want it for tactical edge it looks another way. And so we
7 were really struggling with figuring out how to bridge all, or
8 how to connect those two things, and there was no obvious answer
9 to that. So it was not possible at that stage to say, we need
10 private cloud. We need commercial cloud. We need hybrid cloud. We
11 need single cloud. We need multi-cloud. It was not -- it was too
12 early to tell. The other thing I think everyone gets wrong about
13 the JEDI Cloud acquisition particularly at the beginning was they
14 cannot separate the strategy from the acquisition, and there was
15 one point I tried to make in the Cloud Executive Steering Group
16 meetings that I did go to it was to help people understand the
17 difference between the acquisition strategy and the cloud
18 strategy. The acquisition strategy is a step towards achieving a
19 cloud strategy, but at the moment that this memo was written DoD
20 had hundreds of cloud instances. DoD's been multi-cloud from the
21 beginning. We have a growing number of cloud contracts. Everyone
22 buying their own different configurations, different prices,
23 different arrangements. The number one cloud provider in DoD was
24 Deloitte that doesn't even make cloud. It was a reseller. So it
25 was a chaotic environment with many, many clouds. So the idea

1 behind the strategy and acquisition was, how do we have a
2 coherent strategic, secure, appropriately integrated approach?
3 And how would you take a first step not towards acquiring cloud
4 because cloud was throughout the Department already. It was the
5 first step towards figuring out how to get modern commercial
6 cloud adoption. So the point I always try to make was people can
7 buy cloud with the swipe of the purchasing card right now.
8 They're already doing that. The question is how do you get people
9 to change their behavior so that we can we are using cloud
10 strategically, and the idea behind the acquisition should have
11 been to the extent that I had any minor role in influencing it at
12 the front end of the process was, how do you design this so that
13 people will use this as you intended versus doing what they were
14 currently doing which was just they were buying all kinds of
15 cloud from all sorts of people and the fear was if we don't have
16 a strategy for trying to streamline the approach we will end up
17 with as many clouds as data centers. So, at the point of 3500
18 data centers an extremely costly, inefficient, and dangerous
19 architecture of C2 and data in the Department all with these data
20 centers, over 3,000 of them, and without a strategy the
21 Department was going to gradually have 3,000 clouds, little
22 cloudlet's, micro clouds, enterprise cloud, all different
23 services and we were going to take the serious problem that we
24 had in data centers and just move it into virtual data centers
25 and not get any of the benefits of cloud. So, the goal was, how

1 do you move the Department from incoherent to coherent? Not how
2 do you go from no cloud to cloud? The problem is there was cloud
3 everywhere, no one knew what they were doing with it, and you had
4 all these data centers and cloud existing, you had no strategy.
5 So, I think that was how I was thinking about it, and that was
6 how it was the conversations that I was participating in with the
7 other people.

8 Q: So you had mentioned it was kind of your idea to put
9 the CESG together?

10 A: It was. It was half of my idea.

11 Q: Okay. Who is the other half?

12 A: No, no, no. I mean what they did was half of my idea.
13 So, when I proposed which didn't happen was that you wanted to
14 have a sort of -- already knew what the wording would be, but you
15 wanted to have some sort of call it a cloud group that would be
16 very large, and then a small steering group to run the large
17 group, and the large group was never established in the just went
18 with the small group, and I think this was an error. The vision
19 for the large group was you're going to have dozens of
20 organizations in the services, the combatant command, and the
21 fourth estate that are trying to figure out what this cloud
22 acquisition strategy and cloud strategy means for them, and if
23 you want them to change their behavior, and change their
24 investment strategy, and their POM, and their IT roles, you have
25 to invite them into the process early and begin communicating

1 with them early on so that they all understand what's going on
2 and there's like a broad base of support because you had to,
3 think of all the effort we put in to convince Secretary Mattis,
4 but there's a whole lot of four stars, and three stars, and SESs
5 out there that wasn't on this trip. So we're cognizant, at least
6 I myself personally was cognizant of the need to figure out how
7 to do this large campaign of explanation, and convincing, and
8 motivating, and then went to buy cloud you have to do app
9 migration. So, think about all the different people and all the
10 business systems they use every day, or the mission systems that
11 they use every day, those applications have to either be
12 discarded, retired, re-factored, rebuilt, moved over, moved up.
13 This is something that touches tens of thousands of people, so, I
14 was trying to explain you need to start identifying who are the
15 50 leaders that you need to bring along with you on the strategy?
16 And start educating them, and helping them understand that this
17 transformation needs, but that group will be so large that you
18 will be able to make decisions in a group that size, so you have
19 to have a smaller group of people that have the vision that can
20 help steer this group productively. So, there was supposed to be
21 like a Cloud Executive Group, or like a cloud group. It never got
22 named, and then a Cloud Executive Steering Group that was
23 supposed to be the steering group for the thing. Like a major
24 committee and a steering committee, it was like a subcommittee if
25 you will was how I imagined it. Everyone disagreed with me. So,

1 they didn't want to have a large group. They didn't want to slow
2 things down. They wanted to move quickly, but they agreed that
3 you needed to have something. So, the advisory group that they
4 went with was the individuals named in the memo, and then they
5 just kept the title of Cloud Executive Steering Group. So, it was
6 not really what I had in mind, but that, at least I can say they
7 used the name. That was my input.

8 Q: What decision-making authority did the group actually
9 have?

10 A: None.

11 Q: So, what was the purpose? Other than just to advise?

12 A: That's how I saw it. Yeah. So to steer. Steering,
13 right? I felt that there was new arguments that were being made
14 that needed someone to continue to press the arguments and press
15 the case and the bureaucracy. I think there was a lot of
16 technical questions that were left unresolved and I anticipated
17 there would be technical debates, and so I thought there needed
18 to be a place where a central place where these debates could
19 happen, and I don't think they had any -- I don't think they were
20 invested in any decision making authority, but then again the
21 Defense Innovation Board has no decision-making authority. So I
22 was an advisor and comfortable with the idea that they needed an
23 advisory group to influence people in the Department to make good
24 decisions.

25 Q: What topics did the CESG discuss?

1 A: All the ones I mentioned. Really shaping the approach
2 and weighing these types of decisions in terms of not just, well,
3 let me put it this way. Something that Secretary Mattis at all
4 the time was, "You really need to define the problem up front."
5 He was really, really rigorous about problem framing, and so as a
6 threshold matter the first thing that the steering group had to
7 do was rigorously defined the problem that we were trying to
8 solve and where we were trying to go, and then advise on how to
9 get there, and there was a role for Ms. Lord obviously because
10 ultimately this was going to be an acquisition, but she's a
11 Senate-confirmed official. She's endowed with the authority to
12 make acquisition decisions. (b) (6), (b) (7)(C), myself had different
13 authorities and different goals, but they were roles and
14 authorities outside of that acquisition choice. I mean there was
15 a brief moment where it was contemplated of whether you to get to
16 the cloud through it commercial services opening at DIU which
17 would have made it a decision over which (b) (6), (b) (7)(C) had some authority,
18 but that course of action was immediately rejected. And so once
19 you decided it was going to be a major acquisition I mean it made
20 it, I mean it was an Ellen Lord issue. To the extent that you
21 thought it was a back office function that was for business
22 management it was a Jay Gibson decision. There was not clarity
23 over how it should be managed because it was such a large
24 investment Bob Daigle felt that he wanted to play a role in
25 applying the critical analysis that his CAPEs competency to

1 ensuring a decision was made rigorously. So I just felt like a
2 lot of people felt like they were stakeholder of course the CIO
3 also said, you know, "If it's cloud it's us." And so the CIO was
4 trying to assert its role as well. So I think there in that sense
5 multiple people with multiple authorities. You needed a
6 deliberative forum for hashing out the issues. So in some ways I
7 would think of a steering group more of almost as a venue for
8 discussion.

9 Q: You said earlier that you stopped getting invited and
10 eventually it petered out. Give me the timeline of when that
11 happened?

12 A: I'm trying to think of a milestone that I would be able
13 to point to. I mean I would just say something like the middle of
14 2018 for me. But essentially as the -- as it moved more and more
15 into an acquisition it was clear or unclear that my role was less
16 and less significant, or I had less to contribute. My hope was is
17 that after it was awarded we would reengage more around the
18 adoption. By we I mean I would reengage more on adoption. So, I
19 would say by, when was the Industry Day?

20 Q: March of '19.

21 A: Yeah, I would say by Industry Day my role was
22 significant less. So I gave some advice, a little bit of advice
23 on the planning of Industry Day but very little, and then I
24 attended Industry Day because I felt like it was sort of like an
25 emotionally significant moment for the people that it been

1 involved. But even at Industry Day I was more of like a bystander
2 at that point. I mean I was proud of the Department taking that
3 step and I'm proud of the role that I played in it and if we were
4 completely I think unaware, ignorant of how much controversy
5 would follow. I mean it was very naïve in retrospect, but at that
6 point that moment I sort of felt like I had made my
7 contribution and I was sort of not as involved anymore at that
8 point and I expected to not be very involved until it was awarded
9 which we thought was going to be several months later. The kinds
10 of things the steering group were involved in were I felt like I
11 had as a non-technical person something to contribute would be
12 say how do you choose which are the first applications or
13 organizations to use the contract once its awarded. So, we
14 started designing a tranche system of how you identify which
15 workloads should be moved into the cloud first and would you
16 choose ones that were the easiest, or quick wins, do you choose
17 the hardest because they take the longest? Do you go with COCOM's
18 first because you want to show the warfighter significant for do
19 you do services first because you want to win over the services
20 to influence their POMs later? I mean I was involved in questions
21 of like one of these things awarded to one or more companies how
22 does the Department adopt it? I thought once it was awarded we
23 could contemplate whether or not it would be appropriate for a
24 FECA committee to advise a senior leader on how to adopt
25 something that was awarded. But I did not want to be involved in

1 essentially a pending contract. So, I kind of imagine that there
2 would be a window where we would disengage and then I thought
3 perhaps we would reengage. Obviously nothing like that ever
4 happened ended up happening.

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

6 Q: All right. Sir, earlier you had mentioned that even
7 before things started to peter up started to be excluded from the
8 meetings, CESC meetings. Could you kind of elaborate a little bit
9 more of that?

10 A: You know, I think it was one of those things where they
11 said, you know, "Sorry, I forgot to add you to the invite." And
12 so forth, but also my extensive travel schedule. Part of it part
13 of the problem was then is planned for this. So, at that point my
14 team was incredibly small and had only two federal employees on
15 it, myself and (b) (6), (b) (7)(C). Only government people on the team
16 could attend the meetings. I didn't want to send any contractors
17 or anyone like that. So, it was difficult for me to keep up with
18 the work and the discussions because of all my other
19 responsibilities. And so, we started to pull back a bit out of
20 necessity. Again, because we were just not resourced to support
21 this. So I would keep in touch with (b) (6), (b) (7)(C) or Chris or others, or
22 (b) because of the way we work together and I would ask them how
23 things were going, but they knew I didn't want to participate in
24 acquisition sensitive things because of the board in my sort of
25 dual roles. So, I got the sense that the steering group was

1 shifting. So, I asked a couple of people about it and they said,
2 "No. It's not really that so much as the steering group in
3 general is sort of winding down and we're trying to have a larger
4 role for Jay Gibson." And then it was sort of a course there was
5 a controversy between Ellen and Jay and Chris, and Bob, and sort
6 of who was going to be in charge. So, as it started to get more
7 complex I started to step back more and more from it. We tried on
8 a few occasions to educate Jay Gibson about cloud computing
9 because I work for him, right? The female was a sponsor of DIB so
10 my boss is -- people are writing editorials about how my boss'
11 boss doesn't know anything about cloud and I've got this
12 innovation board here. I said, "Do you want to a cloud 101
13 briefing that I can give you?" So we tried a few times to help
14 him prepare him, but my sense was is that things were getting
15 more complicated and my ability to help steer them was starting
16 to diminish. And so we sort of reluctantly moved on.

17 Q: So then before that then when the CESG was still
18 needing every two weeks initially you were saying that were
19 trying to have technical discussions between those individuals
20 there that there were all strategic thinkers not really technical
21 other than say Chris Lynch. So, how did those discussions go?

22 A: With a lot of arguing between John Bergan and Chris
23 Lynch.

24 Q: Okay.

25 A: Yeah. And, yeah, I'll leave it at that. There were of

1 the people that were routinely in the room they were the two most
2 technically informed. And, then there were other people that came
3 in and out who were invited to get briefings now and again. I
4 remember we did -- I remember (b) (6), (b) (7)(C) I think gave
5 briefings and others as well. We were doing research. We were
6 doing research to try to get smart on the issues.

7 Q: Okay. Just for clarity you also touched on the tactical
8 that you were mentioning for the CESG memos --

9 A: Yeah.

10 Q: So in September, '17.

11 A: Yeah, there you go. Yes, that's what I'm talking about.
12 That's right. I made that change, yeah.

13 Q: Yeah. So DoD staff was the official change because I
14 remember earlier mentioned innovation advisor, that memo was
15 changed to the DoD staff. So I just want to confirm that that's
16 correct.

17 A: Yeah, that's right.

18 Q: All right. So, I know you mentioned that you didn't
19 have any formal discussions or anything with the DIB members
20 concerning the JEDI acquisition or anything related to the
21 enterprise cloud, I'm guessing that would extend to cloud
22 challenges with DoD, correct?

23 A: I think the challenges they might have discussed
24 because it comes up, it just comes up everywhere. So, we would
25 talk generically about challenges DoD was facing with some of

1 this communications and data issues, but we really made a
2 good-faith effort to try to separate them as much as we could.

3 Q: Was there crossover that report that you all did for
4 the, talk about software applications, considering the migration
5 issues and when to actually --

6 A: Yeah, no cloud comes up in the software report. We
7 checked in with FX counsel and others and as about to try to make
8 sure that we -- we did our best to keep things in the appropriate
9 lanes. We did the best we could. It's possible that there are
10 some paragraph in the report that I'm not thinking of that may --
11 you to question it or there may have been e-mails exchanged
12 talking generally about companies and Microsoft or Amazon that
13 may have come up for or Google, but we did our very best to try
14 to make it clear that board members are not going to get involved
15 in weighing in on these questions about single cloud,
16 multi-cloud. Should Google bid or not, or what have you. I was
17 involved in conversations of that nature with other DoD
18 officials, but I tried to very much not have those conversations
19 with any board members.

20 Q: You also mentioned that you were in contact with
21 different employees that worked for the organizations, or that
22 the DIB members involved along to so say Amazon or Microsoft. So,
23 in that sense did you actually have any discussions with any of
24 them about anything regarding JEDI or cloud challenges with the
25 DoD, the DoD enterprise cloud as far as new employees, lawyers,

1 anybody who was not a DIB member that worked for a DIB member's
2 organizations?

3 A: On occasion, again we tried very hard to separate the
4 issues, but I mean for example to plan a visit to a company you
5 interact with a lot of people in that company, planning,
6 questioning whether Bezos was going to be appointed or not, or
7 how to tell him that he was appointed after the visitor so forth.
8 You know, we interacted with their attorneys. Other policy
9 matters come up from time to time where we routinely interview
10 experts of different companies. So, I've met with executives from
11 Google, Microsoft. Not as much Amazon, but Google and Microsoft
12 subsequently to interview them about topics. So, my contact with
13 those companies continued but I just tried to make sure that we
14 didn't do anything inappropriate with respect to any kind of
15 procurement or acquisition.

16 Q: So, in any conversations that you may have had with any
17 DIB members of or any of their counterparts at their
18 organizations, did anyone provide ever provide any suggestions
19 about how to resolve any DoD cloud related issues?

20 A: Yes. I'm sure on occasion people made it suggestions
21 but they -- I think there was a mutual understanding between me
22 and the board members that they should not attempt to influence
23 the Department's choices in these matters. So, I'm sure remember
24 said generally this is the right way to do AI. This is the right
25 way to do cloud. This is the right way to do software. At my

1 company we do this and I think maybe there's a gray area there,
2 but my general sense was that there was a robust agreement
3 between the board members and myself that we were going to try to
4 help everyone steer clear of anything that would be, it just
5 makes everybody's life more complicated, right? It makes the
6 board's life more complicated, it makes the acquisition more
7 complicated. So, I know that there were moments where I think the
8 topics came up, but I generally believe everyone was trying to --
9 trying to keep the Department, and the board and individuals, and
10 myself out of trouble.

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

12 Q: Was that robust agreement formally formalized in any
13 way when they join the board, say did they have to sign anything?

14 A: Well, that's a great question. So of course they all
15 find their ethics disclosure forms. We routinely interact with
16 (b) (6), (b) (7)(C) . They did all of the normal
17 disclosures and forms. The issue in this case was, did they sign
18 anything new specific to JEDI? And the answer is they did not
19 because JEDI was a particular matter that was never put to the
20 board. It was never before the board. So, I thought that the
21 existing disclosures and commitments that they made applied.

22 Q: Do board member sign NDA's when discussing particular
23 matters? Is that typical?

24 A: Well, we actually just try to avoid ever discussing
25 particular matters. So there's one instance where RDFO claimed

1 something was a particular matter that we disagreed about whether
2 it was one or not. I tried to avoid any situation in which a
3 particular matter is referred to the board. If the senior leader
4 said, "Hey, I want to refer this particular matter to you." We
5 would -- I would encourage them to decline.

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

7 Q: Did you have an NDA?

8 A: I think I did sign one. I don't recall, but I'm pretty
9 sure all of the CESG members signed NDAs from the start.

10 Q: All right. Just touching on when you said well some
11 counterparts in these organizations might say well this is how we
12 do things here just making off-the-cuff suggestions. Did they
13 ever say anything about the cloud service providers that they
14 actually use and how much they actually enjoyed using those
15 specific providers?

16 A: They may have. I don't remember exactly, but also in
17 some cases it's not always just companies that use those cloud
18 providers. We're talking to the cloud providers themselves as
19 well. And so, if you were -- if we were having a conversation
20 about security it would not surprise me for someone to say, you
21 know, "At my company this is how we do security." And in my view
22 that's them contributing their experience and technical
23 expertise. I did not interpret that as advertising or marketing.
24 I interpret that as them saying, I'm not this -- in my experience
25 at this company or prior company this is what I think. It was

1 important to me to know that the board members were part, to my
2 knowledge a part of any strategy or acquisition strategy
3 conversations at their companies. They were all frequently remind
4 her that anything that they learned in the DIB visit can't share
5 with the company. They have to keep that information separate. We
6 reminded them of their SGEs. We told them that we're not sharing
7 acquisition sensitive information with them. I didn't invite them
8 to Industry Day. We didn't forward the RFI to them. The topics
9 come up all the time candidly, but we just -- to the extent that
10 anything was an actual contract decision we tried to keep those
11 things separate to the best of our ability.

12 Q: Okay. I respect exactly what you just said. I think I
13 understand, but just for clarity.

14 A: Sure.

15 Q: I feel like what I'm hearing though still might be
16 off-the-cuff, few people might say, well, we use Amazon, we might
17 use Microsoft. And we really like it. Am I reading that
18 correctly?

19 A: I cannot recall a specific instance in which a phrase
20 like that was said, but if that happened I would not be
21 surprised. We are not usually, well I take that back. It would
22 not surprise me if we talk to a startup, and the startup said,
23 "Yeah, yeah, yeah. We use AWS. Yeah, we use Asor." That wouldn't
24 surprise me, or, "We use Google cloud." Because almost 100
25 percent of startups use one or more of those cloud providers. So,

1 I wouldn't be surprised if that was said, but again, maybe this
2 is just very contextual, but a statement like that doesn't even
3 raise an eyebrow for me because it's very common. I mean it would
4 be like saying I drive a Ford. I drive a Toyota. I've got a
5 Subaru. I mean people drive cars. Identifying the brand a car you
6 use is not necessarily like an endorsement in my mind. It feels
7 to me like it's a fact of life in this industry.

8 Q: All right. I don't have any other questions.

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

10 Q: Okay. Earlier you mentioned that Mr. Mattis was
11 excellent in framing the problem. So, how did CESG frame the
12 problem?

13 A: So I think I said Secretary Mattis emphasized the
14 importance of framing problems generally, and I think he was
15 generally excellent as a strategist of framing problems. I don't
16 think Secretary Mattis was excellent at framing this particular
17 technology problem. I think this for him was kind of a new field.
18 For us the way we framed a problem at least the way I contributed
19 to the Cloud Executive Steering Group conversations for framing
20 the problem was that DoD lacks access to abundant elastic,
21 bandwidth, storage, and compute that is modernizing at the rate
22 of the commercial industry and is available from business
23 operations to the tactical edge. That is a capability that the
24 Department over the long-term cannot survive without, and we
25 needed to find a way to help the Department get that capability.

1 Q: Okay. Thank you. Okay now I'd like to talk about
2 meetings with Microsoft CEO, Nadella. Are you familiar with any
3 discussions Mr. Mattis may have had?

4 A: I was not there. I spoke with some Microsoft executives
5 about the meeting afterwards and they sort of generally said that
6 that was about Microsoft and DoD having a good relationship about
7 the challenges of working with Silicon Valley. Microsoft's
8 readiness to work with the Department, and I think they talked a
9 bit about China. I believe at that meeting he recommended that
10 (b) (6), (b) (7)(C) be appointed to the Defense Innovation Board and
11 (b) was nominated and appointed.

12 Q: He recommended you're referring to who? I believe Satya
13 Nadella, hearsay. I was not there. I was told after the fact that
14 Satya Nadella recommended to Jim Mattis that (b) (6), (b) (7)(C) would
15 be a good member of the board and that Mattis should consider
16 that (b) (6), (b) (7)(C) was willing to be invited if he wanted to invite him.
17 So, I reached out to (b) (6), (b) (7)(C), spoke to him about the board,
18 spoke to him, just asked him if he was interested. (b) (6), (b) (7)(C) told me
19 that he greatly valued the time that he had helped with
20 healthcare.gov and that he values the government, the mission,
21 that he was very patriotic and that he cared very deeply about
22 that and said that if he was invited he would accept. So, I
23 brought that information back to (b) (6), (b) (7)(C) and all the
24 different -- basically through the process and I think that's
25 what contributed to his being invited, and nominated, and

1 accepted. And he did not have a problem with that.

2 Q: Did you have any interactions with Ms. Sally Donnelly?

3 A: Might I take that restroom break? I feel like --

4 Q: Oh, yes.

5 Q: -- I feel like we're going to have a long conversation
6 about Sally. And so, let me just use the restroom beforehand.

7 (b) (6), (b) (7)(C): Okay. So the time is now 11:01. We're going
8 to pause the recorders.

9 [The interview paused at 11:01 am, September 16, 2019.]

10 [The interview resumed at 11:07 am, September 16, 2018.]

11 (b) (6), (b) (7)(C): The time is now 11:07. We are now back on the
12 record.

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

14 Q: My next question was can you tell me about your
15 interaction with Ms. Sally Donnelly? Who is Ms. Sally Donnelly?

16 A: Sally Donnelly was Senior Advisor to Secretary Mattis,
17 and she worked in his front office. And she was a receptive and
18 supportive audience with respect to technology and innovation.
19 And so one, I wanted to explain the value of the Defense
20 Innovation Board to Secretary Mattis I eventually reached out to
21 Sally. Someone suggested that to me I forget who, but eventually
22 I found Sally Donnelly and was able to explain what we do and she
23 and I hit it off professionally and personally, and she
24 appreciated the value of the board and so she came to be sort of
25 like my primary liaison to the Secretary's Office. So I

1 interacted with her fairly regularly to keep her updated on what
2 the board was working on, what I was working on outside of the
3 board, and so forth.

4 Q: When did you reach out to Ms. Donnelly, do you remember
5 what time that occurred? Month or year?

6 A: I think it was around the March timeframe around the
7 e-mail you shared with me because my original reason for reaching
8 out to Ms. Donnelly was regarding the matter with Mr. Bezos and
9 so I'm trying to reconstruct what exactly happened, but I think
10 one of my colleagues was trying to reveal or expose in some way
11 that Mr. Bezos had refused a security clearance and was trying to
12 sort of do that in conjunction with our public meeting. I can't
13 remember the precise details, but I remember thinking that it was
14 a very bad idea and that it would not help the Secretary of
15 Defense to very early on in his tenure sort of stumble into a
16 public affairs situation where he was being asked questions of
17 Mr. Bezos' status, and so I had sought her counsel and her
18 guidance because I thought she would have a good sense of the
19 optics of the issue and the Secretary's sensitivities to and were
20 not. And so when I was making the proposal of the courses of
21 actions I described to you earlier today about what to do with
22 Mr. Bezos I brought those courses of actions to her saying,
23 "Don't leave the Secretary vulnerable to a surprise question from
24 a reporter, from the Tech Press, or the Washington Press about
25 this. You should resolve that." And since she had -- since I had

1 sensed that her portfolio was public affairs matters to the
2 Secretary it seemed it was appropriate to raise this matter to
3 her attention. And it was in so she took an interest on the board
4 at that point forward.

5 Q: And what interactions did you have with Ms. Donnelly
6 regarding the JEDI Cloud procurement?

7 A: Very few. So you know she was originally scheduled to
8 go on the trip to Seattle and Mountain View. She was feeling ill
9 so she did not attend. I remember informing her of what happened
10 and generally kept her informed about what I was working on in
11 relation to it along with all the other things that I was working
12 on at the time, but my experience of her role with it was very
13 limited.

14 Q: Okay. And how could you describe very limited? I mean
15 did she participate in anything?

16 A: She never attended Cloud Executive Steering Group
17 meeting. She never gave me guidance or directive with respect to
18 it. She really didn't provide many opinions about it. I mean she
19 was very happy that we were making progress on the issue and she
20 encouraged me personally as a mentor to keep making progress, but
21 she did not advise going down any one particular path versus any
22 other particular path.

23 Q: So on the matrix that we asked you to fill out you
24 indicated Ms. Donnelly that there was participation on Industry
25 Day.

1 A: I informed her what we were doing with Industry Day and
2 I asked her advice on it. I also asked Tony as well. I think
3 there were both in the room at the same time and they said
4 include everyone. I put there as a nine because I remember having
5 a conversation with them about Industry Day and I just wanted to
6 be as inclusive as I could be. But I don't believe either one of
7 them attended Industry Day. But I told them about it before hand
8 and I told them about it afterwards.

9 Q: Do you know what SBD Advisors is?

10 A: I'm assuming that is Sally B. Donnelly Advisors.

11 Q: Okay. And what can you tell us about her company?

12 A: My sense is that they specialized in preparing generals
13 for confirmation hearings. That was my sense of it. I know that
14 they had worked with a number of other senior generals sort of
15 generally on like public affairs and politics things. I had heard
16 that she had prepared Secretary Mattis for his confirmation
17 hearing after he was nominated and I assume that they had a good
18 relationship which is why he asked her to join his team and come
19 on board with him.

20 Q: What about the company called C5 Capital? Have you
21 heard of this company before?

22 A: I have heard of the company only inasmuch as I know
23 that Oracle has alleged that there is some relationship between C5
24 and Amazon and Sally and I have read these articles and so forth,
25 but I have, I mean I can't Pinar, Andre, I think is Andre Pinar

1 I've never met him. I was invited to a C5 Capital event I didn't
2 go. They support something at the US Institute of Peace called
3 the Global Peace Tech Lab, and so I have known about the Peace
4 Tech Lab since it was founded by I think his name is Sheldon
5 Himmelfarb many years ago. It was sort of generally interested
6 and USIP and foreign-policy, and any time there's a technology
7 lab for innovation and foreign-policy, I'm sort of generally
8 aware of it. And so, I think there is some sort of following
9 throughout the relationship between C5 and the Peace Tech Lab, so
10 I got an e-mail inviting me to the event, but I knew all this
11 stuff was going on and I wanted nothing to do with C5 so I
12 deleted the e-mail and didn't go to the event.

13 Q: And what can you tell us about Ms. Donnelly needing to
14 disqualify herself from participating in the JEDI Cloud
15 procurement because of any of those relationships she had either
16 with SBD Advisors or was C5 Capital?

17 A: I didn't know that she needed to disqualify herself. I
18 mean I only learned about these things in the news after the
19 fact.

20 Q: What is the heard Ms. Donnelly say about Amazon?

21 A: She mentioned that she knew Amazon executives from her
22 past role at SBD Advisors and I was not surprised about that
23 because I assume she knew executives from most of the technology
24 companies, and so I didn't really -- I didn't think much of it at
25 the time. I saw Sally as an ally in the effort to help transform

1 the Department and I thought she had a deep Rolodex from a
2 diverse set of technology companies as did many of the people I
3 interacted with. And so I thought that my community with the
4 Defense Innovation Board was also her community. We knew a lot of
5 people in the tech world and so I was very relieved that there
6 was one person in the Secretary's front office who understood
7 technology, understood the community, and knew companies like
8 Amazon. I did not have the impression that her relationship to
9 Amazon was unique compared to the other companies. In retrospect
10 I know that many people have tried to make that argument, but
11 during the time it did not appear to me to be any different than
12 any other set of relationships.

13 Q: Did she mention any of the individuals from Amazon that
14 she used to work with?

15 A: Should mention that she knew Jay Carney. She mentioned
16 she knew to Teresa Carlson. And, I think she knew of Andy Jesse
17 because Andy Jesse's name was always on the shortlist for a
18 possible Defense Innovation Board position so we talked about
19 Andy Jesse on and off at times. We talked about Jeff Bezos but
20 she didn't claim to have a relationship with him.

21 Q: What did she say about him?

22 A: Yeah we just sort of talked about all the problems with
23 his history with the board. I mean he didn't characterize -- she
24 didn't characterize him in any particular way. We talked about
25 how we should handle this ongoing ambiguity and how to prevent

1 the ambiguity from creating either a private snob or public
2 scandal. So, I mean she was trying to help me problem solve the
3 issue. I don't think she was trying to push for Bezos to be on
4 the board or push for him to be off the board. I think she was
5 very much of my mindset which is we don't want this to become a
6 problem for the Department. We don't want this to become a
7 problem for the White House. That will be bad for everyone. So it
8 was very much just sort of containing the problem. There were
9 others that I worked with who were very opposed to Bezos joining
10 the board. So we were trying to keep things, we were trying to
11 maintain a balanced perspective whereas I felt there were people
12 who were trying to either prevent Bezos from joining the board or
13 create a controversy.

14 Q: Were these members of the DIB Board that were trying to
15 prevent him from joining or?

16 A: No. No, it was the designated federal officer of the
17 Defense Business Board primarily and she has now been very public
18 about this and filed a complaint about it and so forth so it's
19 not a secret, but she was -- I think she was trying to create a
20 conflict about it, and I was trying to prevent a conflict.

21 Q: And what nonpublic procurement information did Ms.
22 Donnelly have access to?

23 A: To my mind she had no access to nonpublic procurement
24 information.

25 Q: And how did Ms. Donnelly influence the JEDI Cloud

1 procurement?

2 A: I don't believe that she had any influence over it.

3 Q: And did Ms. Donnelly have any conflicting interest that
4 should have disqualified her from participating in the JEDI Cloud
5 procurement?

6 A: I want to acknowledge that it is alleged that she did
7 and I'm aware of the allegations, but I have no information about
8 it one way or the other.

9 Q: And what has Ms. Donnelly said or done that would cause
10 you to question her ethics or impartiality concerning Amazon?

11 A: Nothing.

12 Q: Concerning the JEDI Cloud procurement?

13 A: Nothing.

14 Q: And how do you respond to the assertions that Ms.
15 Donnelly played a key role in the JEDI Cloud procurement and had
16 a conflict of interest?

17 A: How do I react to it? I think there was -- I think
18 there was a mounting body of evidence that suggests that Sally
19 Donnelly is the victim of a conspiracy to derail the JEDI Cloud
20 contract.

21 Q: Okay. So, I'm going to move on to Mr. Anthony
22 DeMartino, and what is your professional relationship with Mr.
23 DeMartino?

24 A: I don't have much of one. He and I interacted
25 sporadically during the same time period that I interacted with

1 Sally. Sally introduced me to him. I would meet with him
2 sometimes with Sally occasionally without Sally, but I spent more
3 time with Sally then with Tony. When Sally left the Department
4 she tried to arrange it so that I would work with Tony in the way
5 that I worked with her which is to say give me a point of contact
6 in the front office. And I don't think that really work because I
7 don't think that Tony and I did not click in the way Sally and
8 I'd clicked interpersonally, so my relationship with Tony didn't
9 really mature into a closer working relationship and then he left
10 there shortly after, and then I've had no contact with him after
11 that.

12 Q: What is your understanding of Mr. DeMartino's
13 relationship with SBD Advisors?

14 A: I believe he was employee.

15 Q: What about Pallas Advisors?

16 A: I think he is an employee there as well I believe, but
17 I'm not for sure.

18 Q: C5 Capital? Do you know if he --

19 A: I don't know of any connection between the two.

20 Q: And any relationship between Mr. DeMartino and Amazon?

21 A: I am not aware of any.

22 Q: And did Mr. DeMartino need to disqualify himself from
23 participating in the JEDI Cloud procurement because of any
24 relationship he may have had with SBD Advisors and Pallas
25 Advisors?

1 A: Not to my knowledge.

2 Q: And do you know what Mr. DeMartino is doing now? You
3 said he separated or departed from the government, do you know
4 what he's doing?

5 A: I don't. I don't know.

6 Q: Do you know what missed Donnelly is doing now after she
7 left --

8 A: She is running Pallas Advisors.

9 Q: And did you have any knowledge of Mr. DeMartino's
10 ethics agreement?

11 A: I mean again I assume that he had one. I assume that
12 everyone filled out all of the appropriate paperwork that they
13 had consulted with all the appropriate counsel. I assume that
14 everyone had done all the things that they were supposed to do.

15 Q: Also on the form you indicated that Mr. DeMartino
16 participated in Industry Day.

17 A: Well, I put a nine there as opposed to a two right,
18 because he didn't attend. To my knowledge I don't believe he
19 attended Industry Day, but I did talk -- I did have a
20 conversation with him about Industry Day before it, and I did
21 give him an out brief of Industry Day afterwards.

22 Q: What did you share with Mr. DeMartino?

23 A: I told him what a fantastic success it was because at
24 the time that's what I thought it was. I told him that I thought
25 Kuler Crohn, General Crohn's remarks were really inspiring and I

1 encourage both Sally and Tony to watch the video because he spoke
2 as a general officer about being shot at combat and losing people
3 in combat because of lack of access to information, and so he
4 talked about cloud in terms of its warfighting function, and he
5 did that as part of a strategic communication strategy that I had
6 helped to shape. And so, I thought General Crohn's remarks were
7 incredibly moving and a really important turning point in the
8 cloud conversation to make it about warfighting and not about IT.
9 And so I wanted to highlight the success of that to Sally and
10 Tony as well as letting them know just that it was standing room
11 only. It was packed. All the presentations went well. I thought
12 it was a huge success and we had many more people attending than
13 we predicted and so we were very excited. Early days we were very
14 optimistic and very proud of what was going on and so I was
15 sharing with them that it was a success and also sharing with
16 them in particular General Crohn's remarks.

17 Q: Okay. Thank you. And, do you know if Mr. DeMartino had
18 any nonpublic procurement information?

19 A: Not to my knowledge. And I just want to say it all of
20 my CESG interactions I had no interactions with Tony or Sally in
21 any of those activities. So, they may have played a role inside
22 the SECDEF Suite that I did not know about, but in all of my
23 conversations, meetings, e-mails, interactions, and things like
24 that Sally and Tony were not asserting themselves in those
25 deliberations. They did not attend the meetings. I assumed they

1 are working on other stuff so, I was very surprised to see all
2 the allegations the two of them were. In all of the things that
3 they were accused of having been doing nothing that I saw
4 firsthand suggests to me that any of those things were true.

5 Q: What have you heard Mr. DeMartino say about Amazon?

6 A: I cannot recall any comments about Amazon.

7 Q: What about other vendors competing for the contract?

8 A: Nothing. Tony DeMartino is an Army Colonel. He's a very
9 sort of folksy approachable guy. He's got a lot of DoD
10 experience, but he is not a technologist. He does not have a lot
11 of experience with technology companies. He did not understand
12 the -- he did not really strike me as understanding the larger
13 strategic issues in the way Sally did. So, I had very few
14 interactions with Tony about these matters.

15 Q: Okay. Has anyone ever told you that Mr. DeMartino said
16 or did anything that would cause them to question his
17 impartiality concerning Amazon?

18 A: No.

19 Q: Concerning the JEDI Cloud procurement?

20 A: No.

21 Q: And, how do you respond to the assertion that Mr.
22 DeMartino played a role in the JEDI Cloud procurement and had a
23 conflict of interest?

24 A: I think he is a victim of the same conspiracy to derail
25 the JEDI Cloud contract.

1 Q: Okay. So we'll move onto Mr. Robert Daigle, and please
2 describe your relationship or professional relationship with Mr.
3 Robert Daigle.

4 A: I have an excellent relationship with Mr. Daigle. He
5 has been like a partner to the Defense Innovation Board and
6 generally a good colleague.

7 Q: Okay. And what is his responsibilities as the CAPE
8 Director?

9 A: So the CAPE Director of course does of course cost
10 estimation, program evaluation and certainly has to that sort of
11 rigorous budgeting and cost assessment for any major acquisition,
12 but I think more the point is that senior leaders in the
13 Department entrust CAPE with the responsibility to provide
14 rigorous analysis to ensure that proposals that are putting
15 forward requirements the POM budget is subjected to a rigorous
16 analysis. And so in that sense as kind of the lead analyst, CAPE
17 often is given wide latitude to insert themselves into many
18 different matters as a kind of check and balances process. So my
19 sense was that Bob, Mr. Daigle felt that it was his role to
20 ensure that rigorous analysis was conducted in many of the
21 different technology conversations that we're unfolding at this
22 time including data, cyber, AI, and cloud and so we participated
23 in strategic portfolio reviews. The CAPE was leading on the
24 subjects, and so in the context of ongoing strategic portfolio
25 review and POM builds he got interested in making sure that

1 whatever recommendation on the cloud was made, considering it was
2 such a large sum of money, and such a fundamental strategic
3 question that he had a hand in shaping the outcome. So, he sort
4 of inserted himself into the process early on and then I think
5 when Ms. Lord was very busy with the many other priorities and
6 was not as technically familiar with cloud technology, and Mr.
7 Gibson wasn't quite ready yet, I think Bob sort of stepped in to
8 provide a senior leader hand on the tiller of the process. And so
9 he would often would sort of informally serve as the chair of the
10 meetings that sort of a, yeah that's good a chair to sort of
11 informally chair the meetings to kind of keep things moving,
12 frame issues, keep conversation moving forward, on track and then
13 in that sense I think it was a constructive role.

14 Q: Okay. And, what is your understanding of Mr. Daigle's
15 relationship with, or interest in SBD Advisors?

16 A: I didn't know that he had one.

17 Q: Okay. What about Pallas Advisors?

18 A: I have heard that he was hired at Pallas Advisors after
19 he left.

20 Q: What can you share with us about that?

21 A: I think he's a part-time advisor to Pallas.

22 Q: And did Mr. Daigle need to disqualify himself from
23 participating in the JEDI Cloud procurement because of any of
24 those relationships or interest?

25 A: Not that I was aware of. Again, he was involved in it

1 so I should hope it was appropriate for him to do so.

2 Q: Are you aware of Mr. Daigle being recused or
3 disqualified from participating in any particular matter?

4 A: I am not aware of that.

5 Q: Okay. So, I'll go back to the form. On the form for the
6 CESG you indicated Mr. Daigle issued guidance on direction,
7 attended related meetings, and also provided opinions or
8 recommendations. What could you tell us about his involvement
9 with CESG?

10 A: He attended the meetings. He often informally chaired
11 the meetings. He provided his opinion on topics facing the group
12 discussions, and that is one, two, and five.

13 Q: Can you give us a little more insight? What did he --
14 what recommendations did he provide? Did he talk about single
15 versus multiple strategy?

16 A: I remember him sort of refereeing the internal
17 discussions on single versus multi. And I'm not really sure that
18 he had made up his own mind. I think he was open-minded about
19 which direction it should take, listening to all the arguments on
20 both sides, the arguments that I described earlier, and I think
21 he was weighing those carefully.

22 Q: So also you indicated a number five for the JROC
23 Memorandum. That he provided an opinion or recommendation. What
24 you recall his input was?

25 A: Well, I remember us having the conversation where we

1 realized that we didn't have a requirement for cloud. And so, I
2 remember a session in a meeting where we talked about the
3 importance of getting a requirement. I reached out to (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) to General Selva. General Selva
5 was very supportive of these technology and innovations
6 initiatives generally. And so, (b) (6), (b) (7)(C) and I agreed to
7 work with the JROC and the J8 to get a requirement. So, part of
8 the process of getting this initiative off the ground was, even
9 though everyone knows we need this there's no requirement for it.
10 How do we quickly get a requirement. That was we met General
11 Crohn. So we reached out to General Ardi. General Ardi connected
12 us to General Crohn. General Crohn at that time was the Deputy
13 J8. He helped write the JROC-M and I think Mr. Daigle played a
14 role in the discussions about the importance of getting the
15 JROC-M and also what the JROC-M should say how to go about it. I
16 don't think he necessarily edited a final version. I honestly
17 don't know how that ended up happening, but I know at some point
18 whatever it is the Joint Staff does that produces the JROC-M
19 occurred and we got one.

20 Q: And Mr. Daigle's interaction regarding the problem
21 statement. You said he reviewed the draft or final version and
22 provided opinion and recommendation.

23 A: Yes. So I would say that I described my views and the
24 problem statement and the three dimensions of it that was
25 generally descriptive of conversations that I had that he was

1 also part of.

2 Q: Okay. Business case analysis, his involvement in that?

3 A: Same thing. For me the business case analysis
4 conversation was how do we make the case to the Department on why
5 they should do this? From a mission point of view, from a
6 budgeting point of view, so forth, and so he was also privy to
7 those conversations.

8 Q: Okay. You also indicated there was other participation
9 that Mr. Daigle participated in for Industry Day.

10 A: Same thing generally. I don't believe, in my
11 recollection he was not in the room when the conversation about
12 Industry Day that I had with Tony and Sally, but he was aware of
13 preparations for Industry Day prior to it occurring. I kind of
14 think he was there. I think he might've been there although I
15 don't remember. I sort of recall seeing him in the front row but
16 I'm not sure and so I put a nine.

17 Q: Okay. You also indicated that Mr. Daigle provided
18 opinions or recommendation for commercial item determination,
19 contract type, full and open competition decision, and single
20 award decisions.

21 A: I did because --

22 Q: Please explain.

23 A: -- those four topics all came up during early meetings
24 with the Cloud Executive Steering Group that he attended. And so,
25 when I went down the list of activities here the first question I

1 asked myself was is this something I have first-hand knowledge of
2 myself? And I had first-hand knowledge of about one third of
3 those activities. Of those that I did, those that you mentioned
4 also 18 to 21 were subjects that we discussed in the early
5 meetings but I was not involved in any production of a document.
6 They finalize those decisions. So, I would say I was aware of
7 those issues being discussed in the early days and I was aware of
8 Mr. Daigle discussing them with the group, but I don't know what
9 the final -- I was not part of the final decisions or the
10 documents that they produced. So, I can't say whether or not he
11 was or not.

12 Q: Okay. Have you ever heard Mr. Daigle say anything about
13 Amazon?

14 A: I mean sure. I mean Amazon came up in the course of the
15 conversation at the Cloud Executive Steering Group in the sense
16 that it was pretty clear early on that there was less than a half
17 a dozen companies that could meet even the most rudimentary
18 criteria. Amazon was one of those. Let's say half a dozen or so
19 companies and it would have come up in the conversations about
20 the intelligence community and Amazon's experience with the
21 intelligence community.

22 Q: Okay. So at that time when Amazon was mentioned you
23 said there were a few companies that could provide what the
24 Defense Department was looking for or needed. Were any other
25 vendors identified during that time outside of Amazon?

1 A: Well I think we were all looking at Amazon, Microsoft,
2 Google, CSRA because of their other cloud contract, and IBM. To
3 be honest Oracle didn't come up very often because they're not
4 really a commercial cloud provider. They obviously later on
5 became a major contender in the conversation, but all of those
6 companies came up. I am not aware of any instance in which anyone
7 at a CESG meeting may the preferential statement about any one of
8 those companies. So, I can't speak to what people may have said
9 outside of those meetings or in their e-mails, but there was
10 never a single moment in any meeting that I attended where anyone
11 says said anything biased towards any one company. It just didn't
12 happen. At least in my presence it just did not happen.

13 Q: Has Mr. Daigle ever said or done anything that would
14 cause you to question his impartiality or ethics concerning
15 Amazon?

16 A: No.

17 Q: Concerning the JEDI Cloud procurement?

18 A: No.

19 Q: Has anyone ever told you that Mr. Daigle said or did
20 anything that would cause them to question his impartiality
21 concerning Amazon?

22 A: I mean there's the stuff that's in the news but no one
23 has said anything to me directly.

24 Q: And you mentioned earlier that Mr. Daigle works
25 part-time for Pallas. What else do you know that you can share

1 with us about his new employment?

2 A: He is also involved with a company called Rebellion
3 Defense.

4 Q: And what does he do there?

5 A: I think he sort of the strategy advising for them.

6 Q: Okay. And how do you respond to the assertions that Mr.
7 Daigle played a key role in the JEDI Cloud procurement and had a
8 conflict of interest?

9 A: I think they're just curious.

10 Q: Okay. Do you know who Mr. Victor Gavin is?

11 A: No.

12 Q: Have you ever had any interaction with Mr. Victor
13 Gavin?

14 A: Not to my knowledge.

15 Q: Were you ever in a meeting where someone may have
16 discussed their knowledge of Navy usage of cloud and had a
17 particular opinion regarding this single versus multi-strategy
18 for the JEDI Cloud?

19 A: I mean I'm sure. We had Navy officers in there. I've
20 talked to other people in the Navy about cloud and AI, and people
21 debate single cloud, multi-cloud all the time. So, I'm sure that
22 there was a conversation of the type you're describing that I was
23 privy to at some point, but I don't recall meeting Mr. Gavin.

24 Q: I just want ask you this question. How do you respond
25 to the assertions that Mr. Gavin played a key role in the JEDI

1 Cloud acquisition and had a conflict of interest?

2 A: You know I just was not aware those assertions. So when
3 I saw his name on the matrix I googled him and then I found an
4 article that says that Oracle alleged that Victor Gavin was
5 involved in some way, but that was the first I heard his name so
6 I was very surprised to see that.

7 Q: And, can you tell me who Mr. Deap Ubhi is?

8 A: I have never met him or I don't recall meeting him.
9 I've met a lot of people had DDS at the holiday parties and
10 visits and some things like that so I might have met him then,
11 but I don't recall meeting him or who he is. I've obviously read
12 a lot about him in the papers and his alleged role, but I had no
13 interactions with him.

14 Q: Do you know if he was involved, or what involvement did
15 he have with JEDI?

16 A: Whatever involvement he had did not overlap with
17 whatever involvement I had. I know the role he's alleged to have
18 played and what's been disclosed to the media but I did not
19 interact with him on JEDI matters or any matters.

20 Q: Have you heard anyone else discuss Amazon and said that
21 Mr. Deap Ubhi promotes Amazon or make comments about Amazon's
22 capabilities?

23 A: I mean I feel like I have heard that in the sense of
24 sort of there's a lot of watercooler talk and gossiping and
25 rumormongering about this and his name comes up of course. But no

1 one has confided information to me that's dispositive of him
2 having done something or not done something. It's more just
3 people wringing their hands about the general state of the
4 situation.

5 Q: And how do you respond to the assertions that Mr. Ubhi
6 played a key role in the JEDI Cloud procurement and had a
7 conflict of interest?

8 A: I mean based on what I've read in the newspaper he did
9 have a conflict of interest and he did not carry himself very
10 well and the situation. But, I have no firsthand knowledge of it.

11 Q: Okay. How do you respond to the assertion that DoD
12 officials we have discussed today favored Amazon over other
13 vendors for the JEDI Cloud contract?

14 A: I think it's ridiculous.

15 Q: And how do you respond to the assertions that meetings
16 the DoD officials did or had may have had with Amazon personnel
17 showed favor towards them?

18 A: I have not seen any favoritism towards Amazon in any of
19 my dealings with the company and the Department's treated Amazon
20 like what it is. A leading industry technology company that is a
21 great source of insight into emerging technologies. We treat many
22 companies that way. Amazon is one of those companies. I've not
23 seen favoritism. I've seen a Department struggling to figure out
24 how to find its way to a very complex issue, and seeking advice
25 and guidance where it can because we're engaged in a competition

1 with an adversary that has opportunities we don't, and I see a
2 Department trying to reach out to many companies to figure out
3 how to do our mission. Everyone I've interacted with tried to go
4 out of their way to act with integrity to keep acquisition
5 sensitive decision separate from the strategy, policy, and
6 technical questions. So I felt, people make mistakes and
7 missteps, but I feel like everyone I have interacted with was
8 doing their best to fulfill their obligations.

9 Q: Okay. So, given everything that we've discussed what
10 comments have you made about Amazon in public, and comments that
11 would be comments from any of the individuals here, Mr.
12 DeMartino, Mr. Mattis, Ms. Donnelly, Mr. Ubhi, or Mr. Victor
13 Gavin that could give them a competitive edge?

14 A: I'm sorry. I think I lost you on that, one more time.

15 Q: Okay. So, given everything we've discussed, what
16 comments have you heard any of the individuals listed below on
17 the sheet, which would be Mr. Mattis, in public about Amazon that
18 could give them a competitive advantage?

19 A: I don't believe any of them have made public comments
20 about Amazon that could give Amazon an advantage. I don't think
21 there have been such public conversations.

22 Q: Did anyone attempt to influence you as a member of the
23 CESG to favor Amazon over other vendors competing for the JEDI
24 Cloud contract?

25 A: No.

1 Q: Did you ever express your personal preference of which
2 vendor the DoD should select?

3 A: No. In fact I don't have a preference.

4 Q: Did any of the members, Mr. Mattis, Mr. DeMartino, Ms.
5 Donnelly, Mr. Deap Ubhi, Ms. Sally Donnelly, or Victor Gavin
6 express to anyone their personal preference of the vendor?

7 A: No.

8 Q: How do you respond to the reports at DoD officials may
9 have violated ethics rules by having a prior commercial
10 relationship with Amazon and its commercial partner C5 Capital?

11 A: I don't believe that those prior business relationships
12 had any impact on the Department's decision visa-vi JEDI.

13 Q: And how do you respond to the many comments and
14 assertions made in the media that DoD officials took steps to
15 steer the JEDI Cloud procurement towards Amazon?

16 A: I have not seen any evidence in my experience that any
17 of those allegations were true, and I believe there is increasing
18 evidence that those allegations were made for the benefit of the
19 people who are alleging it. So to my comment earlier I think I
20 believe this is a conspiracy to derail the Department's cloud
21 strategy. I believe it is profit motivated. I believe it is
22 deliberate, well-funded, strategic, and ongoing. It is a campaign
23 to stop the JEDI Cloud contract. It is coming from one company
24 and that is the source of the allegation.

25 Q: Okay. Do you have any other comments that you would

1 like to make regarding this matter that we did not already asked?

2 A: No. I think that's sort of my closing statement. I mean
3 I believe all of these individuals were doing their best under
4 difficult circumstances to act with integrity. I believe these
5 allegations are politically motivated and profit motivated.

6 (b) (6), (b) (7)(C) [REDACTED], you have a follow-up?

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

8 Q: I just got two follow-up questions for you. One is,
9 from your perspective from your position as (b) (6), (b) (7)(C)

10 (b) (6), (b) (7)(C) [REDACTED] who made the decision for the single award?

11 A: I would assume it was the Deputy Secretary of Defense.

12 Q: And why would you assume that?

13 A: Because it's a very weighty decision and those
14 decisions get made at the top.

15 Q: And so if he made the decision from your assumption of
16 course, who was the final approval authority to go for single
17 award? Or would it have been one in the same?

18 A: I would imagine it would have been one in the same. I
19 mean a lot of people weighed in on the issue, single cloud,
20 multi-cloud, but the actual decision was made I presume between,
21 with input from Ellen Lord, and Bob Daigle, and Jay Gibson and
22 Chris Lynch, but I would imagine that the buck has to stop at the
23 Deputy Secretary of Defense. So I think he, again I have no
24 firsthand experience of this, but I would assume that he made the
25 decision. I think a decision in this magnitude would rest with

1 him.

2 Q: Okay. So just for clarity you don't know who made the
3 decision?

4 A: No. I know what the decision was. I know some of the
5 inputs into the process. There's a huge gap in the middle of the
6 process where I had no insight, and then I just learned what the
7 outcome was.

8 Q: Thank you.

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

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

11 Q: Along the same lines. The CESC ever coalesce around a
12 decision to recommend single versus multiple?

13 A: I feel like we reached a consensus on single. I know
14 there were dissenting views. I don't recall there being a vote or
15 anything. There were arguments in favor of both sides that were
16 convincing, but my sense was that they reached a consensus on
17 single cloud.

18 Q: Did happen while you were still invited to the
19 meetings?

20 A: Yeah, that's right. And so, to be clear the consensus
21 was around a single award for this contract vehicle. One thing
22 that really frustrated me in all the dialogue around this was DoD
23 was multi-cloud before the memo came out on accelerating cloud
24 adoption and it has been multi-cloud the day after the contract
25 is awarded. There is no way to make DoD a single cloud

1 organization and it was never anyone's intention, and
2 subsequently the cloud strategy has come out and specifically
3 said we're going to be a multi-cloud Department. So, I think
4 there was a lot of confusion even inside the CESG as to whether
5 we were talking about a multi-cloud strategy or a multi-cloud
6 contract award. And so my modest contribution to the discussion
7 was merely to try to clarify what we were discussing. And so I
8 think we reached a consensus that a, DoD would be a multi-cloud
9 organization with a multi-cloud strategy, was later called fit
10 purpose cloud, and b, this particular contract award should be a
11 single award. I reach that conclusion myself. I didn't have any
12 authority over the matter but that was the view I reached
13 independently and I think that was ultimately the consensus of
14 the members of the steering group. But to be honest I still here
15 compelling arguments on both sides in both directions. I think
16 it's certainly something in which reasonable people can disagree.
17 It's really more of a question of asking yourself where do you
18 think the Department was is at this moment in time in its
19 evolution of it's technology adoption, and not what does it need
20 forever, but what does it need for now? What it needs for now is
21 simplification and that's why a single award is the right way to
22 get started on the right path and branch out later, and I do
23 think that there was a coalescing around that view amongst those
24 individuals. The main reason the steering group started to peter
25 out it occurs to me is forgot to mention this is (b)(6), (b)(7)

1 changed jobs, (b) (6), (b) (7)(C) left the Department. (b) (6), (b) (7)(C) also left
2 the Department. Eventually Bob left and then Chris left. So part
3 of the reason is that the original people just sort of moved on.
4 I think that was probably a key factor in the steering group kind
5 of changing Jay Gibson also left. Dana came in. I mean there was
6 a lot of changing of personal going on in the background. It
7 seems like an important context point I omitted by mistake.

8 Q: So you mention the CESG maybe producing any documents.
9 Are you aware of CESG producing documents?

10 A: I know we produced some documents early on. I don't
11 know whether they went final or not. I know what the documents
12 were produced afterwards.

13 Q: What were those documents about?

14 A: You know, I presume that things like an acquisition
15 strategy or the RFP for example, things like that I think I had
16 to hand in early versions of those. I do not contribute to the
17 RFP or the, what was another one? The criteria, the scoring
18 criteria for example.

19 Q: So you're saying the CESG had a hand in producing more
20 like acquisition documents, not producing a memo or anything on
21 their own with a position?

22 A: There was not to my knowledge one consolidated position
23 paper that we was produced. I think that the CESG was
24 contributing to the stream of documents that were required to
25 sort of forgive the term, feed the beast to keep the process

1 moving. I contributed early on to things that I would describe as
2 sort of strategy documents, but that would be all. But there was
3 not like one document that said. All of us on the CESG believe
4 this. That did not happen. And like I said that's competition
5 composition changed. John Bergin's role as an advisor changed.
6 (b) (6), (b) (7)(C) was given a full-blown status. A distinction that
7 was very important optically and in no other way. So, it was the
8 whole thing that I thought was sort of evolving.

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

10 (b) (6), (b) (7)(C) : None.

11 (b) (6), (b) (7)(C) : We're done.

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

13 Q: Okay. We'll begin the read-out, sir.

14 A: Okay.

15 Q: Is there any additional information that you would like
16 to provide to us?

17 A: No.

18 Q: Okay. Who else should we speak to and why?

19 A: I mean not knowing who you've already spoken to, I
20 would assume anyone I would suggest is already known to you. I
21 would only suggest the names of people who came up in the course
22 of this conversation. I would have no additional people to add.

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

25 A: No. Only that I would like to repeat that unfortunate I

1 don't have access to my e-mail so I'm concerned that maybe the
2 timelines of certain things are little fuzzy, but I did my best
to be as truthful as I could without access to my own e-mails or
calendar.

3 (b) (6), (b) (7)(C): Okay. And if you remember anything else that
4 you believe may be relevant to our investigation please contact
me or (b) (6), (b) (7)(C). Finally, in order to protect the integrity of
5 the investigation we ask that you do not discuss this matter
6 under investigation or questions that we've asked you during this
7 interview with anyone other than your attorney should you choose
8 to consult with one. This does not apply to or restrict your
9 right to contact an IG or a member of Congress. If anyone asks
10 you about your testimony or the investigation please inform them
11 that the DoD OIG has asked you not to discuss the matter. And if
12 anyone persists in asking you about your testimony or the
13 investigation, or if you feel threatened in any manner because
14 you provided testimony today please contact myself or (b) (6), (b) (7)(C).
15 The time is now 11:59 this concludes our interview.

16 [The interview terminated at 11:59 a.m., September 16, 2019.]

17 [END OF PAGE]

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

19 2

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

21 (b) (6), (b) (7)(C) - September 16, 2019

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

23 1

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

25 SHANAHAN - September 5, 2019

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

To: (b) (6), (b) (7)(C)
Subject: DoD OIG Follow up Question (b) (6), (b) (7)(C) - URGENT

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

From: (b) (6), (b) (7)(C) >
Sent: Monday, September 23, 2019 12:54 PM
To: (b) (6), (b) (7)(C) >
Subject: Re: DoD OIG Follow up Question - URGENT

Replies below

Sent from my iPhone

On Sep 23, 2019, at 12:07 PM, (b) (6), (b) (7)(C) > wrote:

(b) (6), (b) (7)(C), thank you for your prompt response. However, I have two final questions.

1) How long did the meeting between Mr. Mattis and Mr. Cook last?

* it was between 30-60 minutes, I'm not exactly sure

2) Are you aware of any other OSD staff member that may have attended this meeting with Mr. Tim Cook?

* no one else. It was one on one only, as far as I am aware

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Investigator
Investigations of Senior Officials
Department of Defense, Office of Inspector General
(b) (6), (b) (7)(C) (office)

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

From: (b) (6), (b) (7)(C) >
Sent: Monday, September 23, 2019 11:09 AM
To: (b) (6), (b) (7)(C) >
Subject: Re: DoD OIG Follow up Question - URGENT

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

Per your email, I'm responding here to your questions with an asterisk preceding my responses inline with your text.

Sent from my iPhone

On Sep 23, 2019, at 10:59 AM, (b) (6), (b) (7)(C) wrote:

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

Please respond by e-mail, which will serve as a matter of record and included as part of your testimony.

v/r

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

Investigator
Investigations of Senior Officials
Department of Defense, Office of Inspector General
(b) (6), (b) (7)(C) (office)

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

From: M (b) (6), (b) (7)(C)
Sent: Monday, September 23, 2019 10:56 AM
To: (b) (6), (b) (7)(C)
Subject: Re: DoD OIG Follow up Question - URGENT

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

Do you want me to call you? Reply via email? Do I need to be sworn in?

V/R,
(b) (6), (b) (7)(C)

Sent from my iPhone

On Sep 23, 2019, at 9:28 AM, (b) (6), (b) (7)(C) > wrote:

Good morning (b) (6), (b) (7)(C),

Thank you for your assistance during the conduct of our investigation. However, I have a follow-up question regarding the Silicon valley trip (9-10 Aug 2017) from WA to CA. I have information that during the trip, there may have been a meeting with Mr. Tim Cook, Apple, CEO. Do you recall if Mr. Mattis met with Mr. Cook during this trip?

* yes, they met.

If so, did it occur after his visit to Google headquarters or following a different event during the trip?

* they met in a private room in the four seasons hotel after the tech round table, which was after the google visit

There is a "Tech Roundtable" at the Four Seasons that occurred after the staff departed Google headquarters, but it does not include Mr. Cook's name on the itinerary.

* Mr Cook was not part of the round table. He had a meeting with SecDef afterwards.

Can you please provide insight into the meeting with Apple, CEO and their discussions.

* I was not in that meeting and cannot provide I insight beyond confirming that I know they met.

(b) (5)

Respectfully,

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

Investigator

Investigations of Senior Officials

Department of Defense, Office of Inspector General

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

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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)

*U.S. Air Force
July 11, 2019
ISO Interview*

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is July 11, 2019. The time is now 0935
3 Eastern Standard Time. I am (b) (6), (b) (7)(C) and with me today is
4 (b) (6), (b) (7)(C), also
5 known as (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C) with the
7 Department of Defense, Office of the Inspector General. We are
8 interviewing the witness, (b) (6), (b) (7)(C),
9 also known as (b) (6), (b) (7)(C) U.S. Air Force. We are conducting
10 this interview in the Mark Center in Alexandria, Virginia. We
11 are conducting a review of the acquisition of the Department of
12 Defense Joint Enterprise Defense Infrastructure, JEDI, Cloud
13 Services Program. We also want to clarify the involvement of
14 members associated with the JEDI Cloud Program that may have had
15 conflicting financial interests or relationships with Amazon that
16 should have prohibited their participation in the acquisition.
17 These members include: Former Secretary of Defense, Jim Mattis;
18 former Chief of Staff, Mr. Anthony DeMartino; Special Assistant
19 to the Secretary of Defense, Ms. Sally Donnelly; Deputy Assistant
20 Secretary for the Navy for Command, Control, Communications,
21 Computers, Intelligence, Information, Operations, and Space, Mr.
22 Victor Gavin; the Director of Cost Assessment and Program
23 Evaluation, CAPE, Mr. Robert Daigle; and the JEDI Product
24 Manager, Mr. Deap Ubhi. At this time I ask you that you
25 acknowledge that this interview is being recorded.

1 (b) (6), (b) (7)(C) Yes.

2 (b) (6), (b) (7)(C): Thank you. Also, please acknowledge that I
3 provided you a copy of the DoD OIG Privacy Act notice.

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

5 (b) (6), (b) (7)(C): I will administer you the oath. Please raise
6 your right hand?

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

8 was called as a witness, placed under oath, and provided
9 the following testimony:

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

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

12 Q: Please state your name and spell out your last name.

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

14 Q: And what is your rank?

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

16 Q: What is your current duty position?

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

18 Q: And what was your former duty position?

19 A: I was the Program Manager for the Cloud Competing
20 Program Office, and the JEDI Program Manager.

21 Q: Did you work for the Digital Defense?

22 A: No.

23 Q: Briefly describe your duties and responsibilities as
24 the Project Manager for JEDI.

25 A: Sure. So, it's pretty broad. I was -- the JEDI Program

1 was conceived within DDS and at the time where they realized that
2 they would need an actual program manager to see the program
3 through they went out and worked to determine where that program
4 office would be located, and to start to find a program manager.
5 It was determined that program office would be located within the
6 Chief Management Officer, at the time it was DCMO, and then moved
7 up to be the CMO position. That it would be a direct report to
8 that position, and approached me, (b) (6), (b) (7)(C) approached me. He
9 had worked for me previously at the White House and asked me to
10 come in for an interview. The responsibilities for that included
11 overseeing all things JEDI and Cloud Competing Program Office to
12 include identifying what the program office structure and
13 manpower, resources documentation, budget, everything would look
14 like. Going out and gaining that support, building that program
15 office trying to establish all of those billets, writing all of
16 the acquisition documentation, signing all the acquisition
17 documentation, running all the program reviews, getting approvals
18 from across the Department for everything JEDI. Signing off on
19 the final RFP, and all of the documents that went with it and
20 publishing those. My letter was what was attached to all of the
21 draft RFPs as well as the RFPs. I spoke at Industry Day. It also,
22 so the JEDI Program, the JEDI contract was one piece of the
23 larger Cloud Competing Program Office so that was supposed to
24 also include any migration efforts that we were going to look at
25 as well as all management of that, all of the support contract

1 piece to help the Program Office, all customer action. Initially
2 these are engagements we stood up in SCO. This was before there
3 was a Program Office. That effort under (b) (6), (b) (7)(C)
4 and Navy (b) (6), (b) (7)(C) was to
5 then transition once the contract was awarded into my office. So,
6 there was going to be an overlap of the user engagement but then
7 the user engagement would belong in my Program Office as far as
8 going out with everyone, or to everybody to talk about how to use
9 that, how those efforts would align. (b) (6), (b) (7)(C) the DoD's Cloud
10 Computing Strategy that was formally published after my
11 departure, and interacted with all of those -- all of the
12 different agencies that would be coming over to JEDI to do that.
13 So, I ran the what was a pseudo OIPT for JEDI to get the
14 acquisition strategy approved and interacted with Mr. Kevin Fehey
15 directly on that. What else? That's probably it. The overall
16 summary there was a lot of standing up a program office from
17 absolutely nothing in organizations that don't know how to do
18 acquisitions, that don't know how to, that don't understand what
19 is required for an acquisition program, and trying to do that is
20 no small feat, and I'll just say upfront the non-acquisition
21 people that hired me had no concept of what would actually be
22 entailed to stand that up and thought that by just saying program
23 manager go, that that constituted sufficient support to stand up
24 a program office. And so there was about eight months of me
25 working 14-plus hours a day, seven days a week at the building,

1 at home, everything they do is cloud. So, all of my -- the
2 majority of my account stuff was on a DDS a friend.DDS.mil
3 account. I also had my stander mil.mil account, but the majority
4 of operations were on the DDS account because everything is
5 cloud-based. So, I was working from home, it would be 10:00 p.m.
6 coordinations of things on slack and Google Docs with everyone.
7 The constant barrage of just basically begging people to
8 recognize that the contract was about more than the RFP was soul
9 sucking would be the right word.

10 Q: And if you could give me a timeline of when you were
11 there.

12 A: Sure. So my first interview I believe was October 2017,
13 and that was with Mr. Deap Ubhi. So, I guess I had an unofficial
14 discussion with him (b) (6), (b) (7)(C) prior to that. He had called me
15 and asked me to come in. I actually already had orders to a
16 different assignment at that point. I spent a lot of time in NCR.
17 I was supposed to be leaving. I told him that I wasn't -- I
18 didn't think I was interested but I would be happy to discuss,
19 and I met him over at the Pentagon. We talked in the food court
20 area for quite a while and he wanted me to follow up and schedule
21 a formal interview. So, I scheduled that with Mr. Ubhi. That, I
22 believe it was October because it was right before -- it was
23 right before a -- no, it was before October. It was September,
24 August. I apologize. I'll have to go back and check. It was, I
25 apologize. I'm not sure exactly what the timeframe was. I'll go

1 back and verify it. It was right before (b) (6), (b) (7)(C) so it was
2 in August because when I left for a month, and when I came back,
3 I apologize. It's been almost two years now. But I can go back
4 and look at what those dates were. Anyway, so I went in for the
5 interview. I spoke with Mr. Ubhi for about an hour. He brought in
6 Sharon Woods to talk, and she spoke with me quite a bit.

7 Q: And who is Sharon Woods?

8 A: Sharon Woods is the Chief Counsel for, she was the
9 Chief Counsel for DDS and the Chief Counsel for the JEDI Program.

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

11 Q: And what was your departure date? So from August 2017
12 until?

13 A: Well, yeah. So, that's when I was first interviewed. It
14 took quite a while to go through the whole process. I actually
15 had I think 11 different meetings and interviews with seniors
16 across the building before I was formally brought over. They
17 tried to bring me over in January and there were some -- there
18 was about a month delay because at the time of my initial
19 interview I disclose that (b) (6), (b) (7)(C). At
20 that point they did not believe that (b) (6), (b) (7)(C) would have any
21 conflict with the conflict and January I mentioned it again just
22 as a check and they said that they believe there wasn't a
23 likelihood that they would bid. And so they had to go and (b) (6), (b) (7)(C)

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

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

1 Q: January 2018?

2 A: Yes. So I officially, officially joined I believe
3 February 27, 2018. So, that was a week before industry day. I was
4 working on program office stuff, not contract stuff on my own
5 time for about a month before that. So, all the stuff I could do
6 without getting involved in any of the actual contract
7 activities. And then I was there until the end of October.

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

9 Q: Okay. October 2018?

10 A: Yeah.

11 Q: You mentioned two acronyms. OIPT, can you define what
12 that is?

13 A: Sure. Overarching IPT. Overarching Integrated Product
14 Team.

15 Q: Okay. And also slack.

16 A: Slack is not an acronym. Slack is a collaborative,
17 instant messaging, commercial based tool.

18 Q: Okay. Thank you.

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

20 Q: S-C-O?

21 A: Slack.

22 Q: No you said SCO.

23 A: Oh SCO. I did. The Strategic Capabilities Office.
24 Formerly run by (b) (6), (b) (7)(C) as a direct report to Secretary Mattis
25 at the time, and then with the reorg of AT&L into A&S and R&E it

1 moved under R&E and that coincided with (b) (6), (b) (7)(C) departure.

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

3 Q: And in your duties as a Program Manager what was your
4 involvement with former Secretary Mattis?

5 A: I have no direct involvement.

6 Q: What about your involvement with Mr. Anthony DeMartino?

7 A: He showed up at a couple of meetings but nothing more
8 than that.

9 Q: Do you know what those meetings were about?

10 A: Sorry. I'm going back. They would have been very early
11 on. So probably around March timeframe.

12 Q: March of 2018?

13 A: '18, Yep. I would have to go back and look at my notes
14 to see exactly what those meetings were.

15 Q: Okay. I would appreciate that. Also you mentioned that
16 (b) (6), (b) (7)(C)?

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

18 Q: And what is his position and title?

19 A: (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) of DDS, Defense Digital
20 Services. So, he is an (b) (6), (b) (7)(C) who is on loan in an HQE type of
21 position with the DDS. He regularly had direct contact with
22 General, Secretary Mattis, Secretary Shanahan then Deputy
23 Secretary Shanahan. Basically all of the seniors involved in the
24 Program. He would regularly have meetings with him them. Just
25 walk in meetings as well as scheduled meetings.

1 Q: So they wouldn't -- so, would we be able to see that on
2 the calendar, the meetings that he had with --

3 A: Probably not the majority of them, no.

4 Q: And what would you say the frequency was? Daily, at
5 least two or three a week, can you give me a --

6 A: It varied depending on the crisis at the moment, but he
7 made a pretty regular habit of just going into whoever's office
8 checking.

9 Q: Do you know what kind of things he shared with them
10 during those meetings?

11 A: (b) (6), (b) (7)(C) is very strategic. He shared what he thought would
12 work at the time, and what they would need to hear, and what
13 would garner the best results.

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

15 Q: Please distinguish between Secretary Mattis and
16 Secretary Shanahan with respect to your testimony about (b) (6), (b) (7)(C)
17 (b) (6), (b) (7)(C) talking to them.

18 A: Oh, did you mean in the future or just --

19 Q: No, what you know about that.

20 A: Oh.

21 Q: You said them, but just --

22 A: Yeah. So --

23 Q: -- if you were talking about two different people.

24 A: -- (b) (6), (b) (7)(C) as the, and so remember DDS is pretty informal
25 so we're all first names. (b) (6), (b) (7)(C) as the (b) (6), (b) (7)(C) of DDS

1 reporting to -- reported to Chris Lynch who was the Director of
2 DDS. Chris was a direct report to Secretary Mattis. So, both
3 Chris and (b) (6), (b) (7)(C) would work with them as needed, or approach them as
4 needed. They did -- they were cognizant of the position and
5 limited those interactions to when it was truly needed, or when
6 they viewed it was truly needed, but they did go in and do that
7 much more regularly. I would say that their interaction was much
8 more strategic when they would go in and talk with General Mattis
9 because General, or, I keep saying General Mattis. I'm sorry.
10 Secretary Mattis because Deputy Secretary Shanahan, he was the
11 one who signed the memos and so they would work a little bit more
12 logistically with his office, with him and his office on those.

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

14 Q: And what can you tell me about your involvement with
15 the Sally Donnelly?

16 A: Zero.

17 Q: Zero. How about Mr. Robert Daigle the CAPE Director?

18 A: Extensive.

19 Q: Define extensive.

20 A: So, as I mentioned before the program stood up under
21 the Chief Management Office. So, under Mr. Jay Gibson. Prior to
22 being brought on I had a dual interview with Mr. Daigle and Mr.
23 Gibson at the same time that Mr. Gibson had been in position for
24 maybe a couple of weeks at that point. So, the interview was
25 basically led by Mr. Daigle. Following that, while the program

1 was run technically out of CMO, I'll just be quite blunt. Mr.
2 Daigle was pulling all the strings. And making all of the calls,
3 and leading all of the meetings from behind. If we needed
4 something to be done we would walk into Mr. Daigle's office and
5 ask him. It was made very clear to me that if you went to Mr.
6 Daigle you don't just talk about problems, you go in with a very
7 a specific ask and say this is what's happening. This is what I
8 need. And he'd go, okay. I'll make it happen.

9 Q: And what was your involvement with Mr. Victor Gavin?

10 A: None.

11 Q: Same question, what was your involvement with Mr. Deap
12 Ubhi?

13 A: Only the initial interview. So, I believe, and again I
14 don't remember the exact date of the interview, but I'd have to
15 look at it previously. I believe about a week or two after my
16 interview was when he formally recused himself from the JEDI
17 Program.

18 Q: And what is your understanding of former Secretary
19 Mattis' ethics agreement concerning Amazon?

20 A: Of the agreement itself? I don't, I'm not privy to the
21 exact details of the agreement obviously. Yeah, I don't know that
22 I would have anything.

23 Q: Was there any information shared with you regarding
24 Secretary Mattis can't hear anything regarding Amazon? Or did you
25 hear any discussions?

1 A: No, not at all.

2 Q: So, is there anything that you believe that Secretary
3 Mattis has said or done that would cause you to question his
4 ethics concerning Amazon?

5 A: No. No not at all.

6 Q: And, what can you tell us about Mattis having to recuse
7 himself or disqualify himself from participating?

8 A: I never heard anything of the kind we never limited any
9 of our -- other than -- other than what our program attorneys.
10 So, we had (b) (6), (b) (7)(C) , Sharon Woods and (b) (6), (b)
11 (b) (6), (b) (7)(C) Other than our (b) (6), (b) (7)(C) generally
12 trying to keep decisions about the actual acquisition removed
13 from any communications that we had with senior leaders in mass.
14 So no specific, just trying to protect them from having to be
15 involved in any acquisition decisions/discussions later on. We
16 knew from the very beginning that this would be a very highly
17 litigious program, and so for several reasons. So one, just
18 because of the general size and interest, industry interests we
19 were aware that it would be litigious. Two, the FAR is not
20 currently written well for cloud and consumable acquisitions, and
21 so everything that we were doing, and this is true with all of
22 the cloud acquisitions and all of the lessons learned, the major
23 DoD cloud acquisitions had done, and something that we had
24 definitely taken from other programs was crucial to have your
25 lawyer involved, your acquisition attorney involved throughout

1 the whole thing because we were, I don't want to say we're
2 playing fast and loose because we were doing everything within
3 the regs, but we were definitely using the regs in a way that
4 they were not intended initially to be used because they were
5 never written for a consumption-based product the way that cloud
6 services are. So, part of our effort was to identify ways that
7 the federal government can evolve its regulations to actually
8 modernize with commercial based services. As well as pave the
9 road for other programs across the department to be able to more
10 effectively contract for those types of things. So, we were very
11 careful throughout the defining of all of the contract pieces to
12 make sure that they did fall within the FAR and federal
13 acquisition regs and talk through exactly how those would be
14 interpreted and everything. So, the lawyers were involved
15 throughout the whole thing and because of all of that and knowing
16 just how contentious probably isn't the right word, but I'll use
17 it. How contentious the effort might be. Most of the decisions
18 were kept within the legitimate decision makers within the
19 department, the milestone decision authority and the immediate
20 leaders around the program.

21 Q: So going back to, you said -- you mentioned Sharon
22 Woods and (b) (6), (b) (7)(C) ?

23 A: (b) (6), (b) (7)(C) . Yeah.

24 Q: You mentioned that they provided guidance or
25 information regarding any ethics agreements going up, or

1 briefings going up to leadership. Can you tell me what was
2 discussed, or what kind of information or guidance did they share
3 with the team?

4 A: Sure. So we didn't reveal anything, or have any
5 meetings or any discussions with any personnel outside of the
6 cleared team without our lawyers first vetting them through the
7 Office of Ethics, and getting signed ethics statements. That
8 included when Mr. Deasy came on and there was a big push to get
9 him involved in everything and we said, "Well, we can't." He came
10 in, was it May? Yeah, he came in a May, and we said, "We're
11 sorry. You cannot be involved in anything regarding JEDI. He can
12 speak to overall best practices in cloud acquisitions and those
13 types of things, but he can't see what we're doing or any of that
14 stuff until he's been formally cleared by the Office of Ethics."
15 At one point (b) (6), (b) (7)(C) , so Mr. Jay Gibson wanted (b) (6), (b) (7)(C) ,
16 wanted him to be part of the CSG, and so we had to go, actually
17 go through and get him formally cleared through them for
18 financial obligations. So, we didn't talk to anybody who wasn't
19 already cleared.

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

21 Q: Are you talking about the (b) (6), (b) (7)(C)

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

23 A: Yes, sir.

24 Q: Okay.

25 A: Yep. And so I personally read, I think it (b) (6), (b) (7)(C) I

1 personally read (b) (6), (b) (7)(C) in to that and had him sign that NDA,
2 but we every single senior leader in particular, every single
3 senior leader that was brought in was formally cleared through,
4 not just cursory, but a formal financial investigation through
5 Office of Ethics.

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

7 Q: So just to address those members. So, once again, same
8 question. What about Mr. Anthony DeMartino, Sally Donnelly, Mr.
9 Victor Gavin?

10 A: So, for the first two they're -- any involvement that
11 they may have, or what have had were all prior to me coming on
12 board. Like I said Mr. DeMartino came to a few meetings after I
13 came in, but they were mostly peripheral at that point. So, any
14 involvement that they may have had would have been before I was
15 there so I can't speak to those.

16 Q: What about Mr. Ubhi?

17 A: I don't know anything about him other than by the time
18 I actually came in he was already gone from DDS.

19 Q: So, were you ever in a meeting where either of the
20 members that would be, Secretary Mattis changed the subject,
21 excuse themselves from a meeting? You mentioned that Mr.
22 DeMartino participated in a few meetings so did he have to excuse
23 himself from it?

24 A: Not that I recall. Outside of meetings the only
25 interaction, and I would have to go back and check e-mail

1 traffic, but the only interaction that Mr. DeMartino may have had
2 is in, was in coordinating any external questions. At one point
3 we did receive a question from the White House, the President was
4 interested in getting information about the JEDI acquisition, and
5 wanted a one pager, and we were working to coordinate that, and
6 went through quite a bit of legal discussion on how that would go
7 through. I would have to check. At that time I was not aware of
8 any conflict of interest with Mr. DeMartino so I was not
9 specifically watching out for him being on or not on e-mail
10 traffic. There were plenty of times where we knew very
11 specifically of people who had conflicts who couldn't be on
12 certain e-mails so we would make sure that they were or were not
13 on something. And so I was not watching for his name on any
14 e-mails, but he may have been involved in that, I would have to
15 verify that within that traffic.

16 Q: If you would do that I would appreciate it.

17 A: So, I would say that one of the struggles there as I
18 mentioned, the majority, particularly early on but the majority
19 of my email interaction was on the friends.DDS.mil account that I
20 no longer have access to it. I'm sure they have that stored
21 somewhere.

22 Q: What can you tell us about SECDEF Mattis having a
23 financial interest in Amazon? Do you know what?

24 A: I was never aware of one. I mean to the contrary I
25 think we were all pretty confident that there was no conflict

1 there.

2 Q: Do you know if any of his family members may have
3 interest in Amazon?

4 A: Not personal knowledge or rumor.

5 Q: What about SBD Advisors, this is another company?

6 A: Yeah, so other than, and obviously all that came out in
7 the news while I was in the position. So I'm very aware of what
8 the claims and everything were. I'm not in aware of any
9 involvement of that group or anyone within that group.

10 Q: How about C5 Capital Advisors for Secretary Mattis?

11 A: No. No.

12 Q: What about any involvement from Mr. DeMartino with SBD
13 Advisors?

14 A: I was not aware of any.

15 Q: C5 Capital for Mr. DeMartino?

16 A: Was not aware.

17 Q: Also from Ms. Sally Donnelly, was there any involvement
18 with SBD?

19 A: Like I said I had no interaction with her so I would
20 not be aware of any.

21 Q: Mr. Victor Gavin? Any interaction with SBD--

22 A: No.

23 Q: -- or C5 capital?

24 A: No. I had no interaction with Mr. Gavin.

25 Q: Same question for Mr. Ubhi, any interaction or

1 financial interest in Amazon with Mr. Ubhi that you are aware of?

2 A: Not, I mean not direct and personal. Only what's been
3 discussed openly.

4 Q: And you're getting that information from where
5 regarding Mr. Ubhi?

6 A: So, I mean obviously the media. I'm trying to recall
7 any conversations that may and had internally. So, when I came on
8 I was specifically told that he had -- I remember coming on and
9 being told that after all of that he had an opportunity and was
10 then firewalled off from the JEDI Program. Later on reading some
11 news accounts and understanding his previous involvement I
12 remember being slightly surprised that I was not aware of any
13 previous discussions because we had -- I mentioned several times,
14 obviously like I said we were trying to cross every T and dot
15 every I throughout the entire process. So, I mentioned at least a
16 half a dozen times to our attorneys that, just as a reminder he
17 conducted my interview as a program manager. So, I just want to
18 make sure that you guys are in. It was always, "Yep. You know
19 we've got it. We're good. Don't worry about it. We've got it." I
20 will say that Ms. Woods was, as we went, got a lot more overly
21 confident in her ability to defend anything and everything that
22 came up in the program to the point where when concerns were
23 brought they were often brushed off [inaudible].

24 Q: Earlier you sort of describe your role or your
25 involvement and participation in the JEDI acquisition. So, I'm

1 going to ask you a question to try to get a poient answer. For
2 you to walk me through the phase of the JEDI Cloud acquisition,
3 again beginning with the Deputy Secretary's memorandum
4 accelerating the enterprise cloud.

5 A: Okay. So, Septemblers 17, 2017, he sign the memo. That's
6 when -- this is before me so this is all just, just back story
7 history. That's when they went out and started doing formal --
8 conducting formal market research interviews, cloud focused
9 sessions they were called both with industry and internally to
10 the federal government. I say the federal government because it
11 wasn't just DoD. It was agencies and basically whoever else,
12 largely CIA because they had had a large cloud acquisition that
13 we were trying to emulate in some ways, and learn from, and not
14 repeat a lot of mistakes. They kind of paved the way for a lot of
15 people so there were a lot of lessons learned there.

16 Q: And who was conducting these interviews?

17 A: So again this is not first-hand knowledge, this is
18 before me, but (b) (6), (b) (7)(C) and I believe Sharon Woods was
19 involved quite extensively in all of those. So then they went
20 through -- they went to all of that to start narrowing down kind
21 of what they wanted this to look like in January. So at this
22 point I had been interviewed and was going through things. So, I
23 was starting to hear things peripherally in January. So January 4
24 they finally had Mr. Shanahan sign off the memo establishing the
25 C3PO.

1 Q: And that would be January what year?

2 A: 2018. January 4th 2018, and that was -- that was a memo
3 that they did not route through his staff and walked directly
4 into him to sign.

5 Q: Who walked it into his office?

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

7 Q: And then gave it to his staff to file formally. His
8 staff saw that they needed a program office, the C3PO, and said
9 no, so that memo was quickly rescinded, and January 8th there's a
10 new memo that establishes the CCPO. So take out one of the Cs,
11 and it removed a little bit more detail I think. Initially it got
12 a little bit more into the -- also calling out a program manager,
13 program office in that initial memo. Part of that was them
14 deciding that they knew at the time that they were elevating the
15 DCMO to a CNO position. They wanted to establish credibility for
16 the program office by having the new CMO put up a memo that
17 stated that he was standing up the program office and that he was
18 appointing a program manager to that. So, later that month the
19 memo came out that did that and that came out from the CMO from
20 (b) (6), (b) (7)(C) establishing the program office and appointing me as
21 the (b) (6), (b) (7)(C) .

22 Q: Do you know who drafted that memo?

23 A: DDS did all of that.

24 Q: And what member from DDS?

25 A: It would have been largely (b) (6), (b) (7)(C) coordinate

1 that. So he made may have had assistance from others in the
2 office, but (b) (6), (b) (7)(C) and Sharon are basically the driving force behind
3 everything here. I will say absolutely nothing happened in DDS
4 regarding the JEDI Program without (b) (6), (b) (7)(C) and Sharon signing off on
5 it. They were very tightly controlled. All of the technical
6 specifications, all the technical requirements were led by (b) (6), (b) (7)(D)
7 even when he wasn't the one writing them, if there were questions
8 about them, or what direction it would take, or how we would
9 focus them those were all (b) (6), (b) (7)(D) So, yeah, I can't tell you what
10 the original question as just the timeline there.

11 Q: The basis.

12 A: Okay. So then when I came in at the end of February
13 obviously the CESG is part of all of this. I asked a lot of
14 questions about the CESG, the Cloud Executive Steering group.
15 Having been involved with several steering groups at the OSD
16 level before, different types of, or different levels of steering
17 groups I was quite surprised with the informality of the CESG,
18 that it didn't have any secretary it didn't have any established
19 agendas or meeting minutes. The initial memo, the September memo,
20 September 2017 memo it established the acceleration also
21 established the CESG. A subsequent memo change the CESG
22 membership a little bit to remove the -- to remove Ms. Lord and
23 make her contributor not a sitting member, and --

24 Q: Who is Ms. Lord?

25 A: The -- so, at the time she was the Undersecretary for

1 Acquisition Technology and Logistics, then turn Acquisition and
2 sustainment.

3 Q: Do you have her first name?

4 A: Ellen.

5 Q: Ellen?

6 A: Uh huh, [affirmative response]. So, at one point we
7 needed to have another CESG meeting. I tried to get (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) who was Air Force O6, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was Mr.
9 Gibson's Mil Assist, Senior Mil Assist. He was also somewhat new
10 to CMO. CMO was growing, was trying to grow for it's new mission.
11 I tried to get him to kind of act in the Executive Secretariat
12 position because it was really proper for me as the PM to also do
13 that role, but he was relatively new and unfamiliar with how all
14 of that works. So, I drew up a formal agenda. I made sure that
15 (b) (6), (b) (7)(C) sent out the calendar invite and
16 attended that meeting. (b) (6), (b) (7)(C) also attended that meeting. This
17 was after he had moved on and was working as a SAF/AQ, the
18 Secretary of the Air Force, Under Secretary the Air Force for
19 Acquisitions.

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

21 A: Yeah.

22 Q: First name?

23 (b) (6), (b) (7)(C) ?

24 A: (b) (6), (b) (7)(C) It is (b) (6), (b) (7)(C)

25 Q: And you're referencing the CESG Meetings?

1 A: Yes. So, Mr. Daigle, (b) (6), (b) (7)(C) and Mr. Gibson attended
2 that. Ms. Miller, Essye Miller, who was at the time the Acting
3 CEO, or CIO also attended, probably about 80 percent of that
4 meeting, and that was to discuss the RFP, and the RFP release.
5 And so I do have -- I do have formal agenda on that meeting. We
6 basically stuck to the agenda, and then ending with a couple of
7 informal offshoots. I can't remember if I drew up minutes to that
8 or not.

9 Q: Do you still have a copy of that agenda?

10 A: I should. Yeah.

11 Q: If you could provide that to us. And how frequent did
12 they hold their meetings?

13 A: That was it.

14 Q: That was the only one?

15 A: Yeah. So, like I said I was quite surprised at the
16 informality of the meeting. Part of that was also to discuss
17 whether we should just absolve the CESG because the whole point
18 of it was just to, you know, stand up JEDI and since JEDI was on
19 track who needed it anymore. But there was a lot of discussion
20 about, oh, we also discussed the Congressional report at that
21 point because we had a Congressional report due which I largely
22 authored. Mr. Daigle did major revisions on. So, Mr. Daigle was a
23 primary co-author on that Congressional report that went over on
24 May 7th to them.

25 Q: So, in your agenda you have a list of all of the

1 participants that were there during that meeting?

2 A: I do, but it's been a long time since I looked at it. I
3 should have a list of all the invitees. If not there was a formal
4 calendar invite that went out, but like I said it was Bob Daigle,
5 Jay Gibson, Essye Miller, and (b) (6), (b) (7)(C), as well as (b) (6), (b) (7)(C),
6 Sharon Woods, and myself.

7 Q: We understand that there were two business case
8 analysis conducted. Do you know anything about that?

9 A: Yep. So, I signed the final business case analysis and
10 had Mr. Gibson also sign it. Mr. Daigle approved it before it was
11 signed. Mr. Gibson wouldn't sign it until Mr. Daigle had read it
12 and approved it.

13 Q: Do you know the timeline that the first business case
14 analysis was?

15 A: So, there was only one. There was only one official
16 business case analysis signed. There was a market research report
17 which might be what you're referring to as the first business
18 case, and that was prior to me coming on. So, that might have
19 been December. It was late-2017 that that marked research report
20 came out. So, the formal business case analysis, the formal BCA
21 was signed later on like I said by Mr. Gibson, with a formal
22 approval and review by Mr. Daigle, and again none of these
23 documents, just to clarify none of these documents would go
24 anywhere without Sharon Woods and (b) (6), (b) (7)(C). But I did walk
25 that one.

1 Q: You are all right. What information was shared with
2 former Secretary Mattis about the business case analysis?

3 A: The business case analysis document itself none. The
4 market research report I would -- was before me so I can't speak
5 to that, but we were very close-hold with the business case
6 analysis, honestly even after it was signed. Unlike most
7 acquisitions it was not -- it was not common. It was not, most of
8 everything that we did was done outside of CATMS which is the
9 Task Management Tracking System so that nothing was available for
10 anyone else to see. All of our formal acquisition documentation
11 was retained as special channels only simply because of the
12 anticipated litigation.

13 Q: Can you tell me if Secretary Mattis may have had access
14 to that?

15 A: Unless someone walked into him personally, no. The only
16 people that -- so it was retained on the -- it was retained on
17 the DDS network. It was e-mailed. So it was e-mailed to Mr.
18 Daigle and Mr. Gibson, probably (b) (6), (b) (7)(C), and then the only
19 other people outside of that COR team that received the business
20 case analysis for when we were doing the acquisition strategy
21 review, that OIPT like thing, so everyone on that Acquisition
22 Strategy Review Team got it. They were all financially cleared
23 prior to receiving that, except for, what is her name? I'm sorry.
24 So she's in DPAP and I remember her name if I heard it.

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

1 Q: Stiglich?

2 A: Yes. Jill Stiglich, yes. So, she did receive it and
3 then afterwards we found out she was financially disqualified
4 from participating in the review.

5 Q: What information do you find out about her conflict?

6 A: So, I was -- I generally didn't dig deeper into, they
7 found she had a conflict and had to be removed. I generally
8 didn't dig any deeper into that. I may have asked at the time but
9 I don't remember.

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

11 Q: So just to clarify, can you answer if Mr. DeMartino had
12 any information or access regarding the BCA?

13 A: Unless someone unofficially sent that to him directly
14 he did not have any official access to the BCA at all.

15 Q: And do you know if Ms. Sally Donnelly had any access to
16 the BCA?

17 A: She didn't. Same for her.

18 Q: What about Mr. Victor Gavin?

19 A: I can't remember if -- I'm trying to remember who
20 represented the Navy on that strategy review. Other than, I
21 cannot remember if he was in that strategy review. He may have
22 actually been part of that I don't know. I would have to go back
23 and look at who was on the attendance list, but that was -- we
24 have very formal minutes from that to include everybody signed in
25 and nobody who wasn't in that review would have received it. So,

1 unless his representative, he did have a representative there,
2 unless his representative provided that to him, or later on (b) (6), (b) (7)(C)
3 (b) (6), (b) (7)(C) who move from A&S over to the DASD that would have
4 been the only direct access, or indirect accept that I would be
5 aware of

6 Q: And what is your knowledge regarding Mr. Ubhi's
7 interaction regarding the BCA?

8 A: So, he was gone before the formal BCA was written. It
9 would have all been done during the initial market research
10 report, but I do believe he was heavily involved in that market
11 research report, the initial one.

12 Q: Did you develop any of the guidance regarding the
13 request for information?

14 A: No, that was prior to me coming on.

15 Q: Do you know if any of the members who are involved or
16 received information regarding the request for information? That
17 would be Secretary Mattis, Ms. Donnelly, Mr. Ubhi, Mr. Victor
18 Gavin?

19 A: I do not have any direct knowledge of that, no.

20 Q: And going back to Market Research do you know if there
21 was any involvement during the JEDI Cloud market research with
22 Secretary Mattis? Any information shared with him that you're
23 aware of?

24 A: So, again this would all the prior to me so anything
25 that I'm trying to think through were just discussions on how

1 everything came to be. I believe that there were higher level
2 discussions of the overall strategy. Largely the user need, like
3 for -- to really talk through Secretary Mattis is obviously is
4 not a technical person, highly technical person, and cloud is,
5 even for technical people cloud is often a very foreign concept.
6 So, explaining to someone I picture that commercial where the guy
7 walked down the street and sees people like bringing stuff out,
8 you know, hot air balloon on their front lawn? He's like, "What
9 are you doing?" "We're sending our stuff to the cloud." Like
10 there's a lot of discussion that needs to happen with a lot of
11 people on what really that can provide. So, I do know that
12 particularly with Chris Lynch and between Chris Lynch and
13 Secretary Mattis there was a lot of overarching cloud discussion,
14 but specifically talking to how that would benefit the
15 warfighter's actually out on the tactical edge, and provide
16 different types of concepts. To my knowledge those was largely
17 CONOPs types discussions. I don't have any information into the
18 specifics of those conversations, but I do know that there were a
19 lot of just larger how do we move the department into, well it's
20 not even the next generation. The current and past due generation
21 of technology.

22 Q: And what organization is the requiring activity for the
23 contract action?

24 A: Yeah, so it's Joint Staff. So Joint Staff sponsored the
25 JROC, and did all of the initial joint requirements,

1 documentation, coordination with DDS.

2 Q: And what was your involvement in the request for
3 proposal as well?

4 A: Sure. So, like I said I came on at the end of February
5 2018. The Industry Day was March 7, 2018 and that was the same
6 day that we drafted the initial draft. I had some initial
7 discussions before then on really what was in the draft. It was
8 pretty rough at that point, the draft. It had the basic
9 construct, but the basic acquisition strategy, and general
10 concept. I think it really had the key points that we were trying
11 to drive but was very rough in the other areas, and so and which
12 is typical for first draft RFP especially of that size. So, that
13 dropped on that day. From then we had kind of power sessions and
14 working hard to refine the draft RFP into a second draft RFP, a
15 third. And, we had a two-day off site to go through all of that
16 with everybody in the room going line by line once we got all the
17 feedback back from industry. So we had a response period from
18 that draft. Once we get all the responses in we had people go
19 through them and like each individually we had teams that would
20 receive, that were given certain sections. So, our contracting
21 team went through and kind of bend each of the questions into
22 something. Again, in a shared Google spreadsheet that we could
23 then sort and send to the specific teams that were working their
24 technical areas or whatever and address if they needed assistance
25 from one of the other teams they would tag them in that and bring

1 them in. And then the off-site we went through and talk through
2 each of the areas extensively. I was at day one of that off-site.
3 I was not a day two. My, so Sharon Woods led, Sharon Woods led
4 the drafting of the RFP. She was 100 percent hands-on the only
5 person who controlled any of the changes that happened in there.
6 She relied heavily on (b) (6), (b) (7)(C) to approve any technical garbage change
7 or strategy if someone wanted to change kind of the concept of
8 anything. She would look at it from a legal perspective, but she
9 would rely on (b) (6), (b) (7)(C) to really give her the thumbs up, down whether
10 he wanted to go that direction technically. He largely, (b) (6), (b) (7)(C) is
11 the mastermind behind the RFP.

12 Q: Do you know if Secretary Mattis provided any input or

13 --

14 A: No.

15 Q: -- provided anything to Ms. Woods?

16 A: No.

17 Q: What about (b) (6), (b) (7)(C) --

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

19 Q: You don't know or he did not?

20 A: So, to my knowledge he did not provide any. Obviously I
21 can't speak to any informal conversations that I'm not aware of,
22 but there was absolutely no formal direction from anyone outside
23 of the immediate team.

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

25 Q: Okay. So just to clarify --

1 A: Yes.

2 Q: -- would that being with that be Mr. Robert Daigle any
3 input to Mrs. Woods or (b) (6), (b) (7)(C) regarding the RFP?

4 A: I would say Mr. Daigle had regular interaction and
5 discussion on the RFP, yes with both Sharon Woods and (b) (6), (b) (7)(C)

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

7 Q: What about Mr. Victor Gavin?

8 A: I was involved in a few of those from an overall
9 direction standpoint we would go in and give Mr. Daigle kind of
10 updates. We were trying to press hard. We had a very pretty
11 aggressive timeline. We were also at the same time coordinating
12 the Congressional report that was going over as well as a lot of
13 Congressional inquiries, media inquiries. We had a media
14 roundtable following the Industry Day, and we got obviously
15 extensive inquiries. So, kind of ensuring our strategy was on
16 track Mr. Daigle and Mr. Gibson were testifying I wouldn't say
17 regularly, but more than once to over the Hill and having formal
18 testimony as well as meetings with staffers and members on JEDI
19 pretty often, and as well as Deputy Secretary Shanahan had those
20 meetings as well. So, we would be providing inputs through that
21 and Mr. Daigle was always involved in those discussions.

22 Q: Was there any input provided by Mr. Victor Gavin
23 regarding the RFP?

24 A: No.

25 Q: And what about Mr. Deap Ubhi?

1 A: No.

2 Q: -- with the RFP?

3 A: Not for -- so, after me coming on Mr. Ubhi had
4 absolutely nothing to do with JEDI, any interaction whatsoever.
5 Obviously I can only speak to formally or discussions that I have
6 had, but no knowledge of him having any interaction with that.
7 Prior to me coming on I cannot speak to his involvement in any
8 way.

9 Q: Okay. Were you involved in drafting a statement of
10 work?

11 A: The statement objectives?

12 Q: Or the statement of objectives, yes.

13 A: Yes. Yeah, so I reviewed that. That was actually
14 largely written by (b) (6), (b) (7)(C) . So, and --

15 Q: Is it (b) (6), (b) (7)(C) ?

16 A: (b) (6), (b) (7)(C) so Marine Corps.

17 Q: Thank you.

18 A: He works for SCO, Strategic Capabilities Office, and
19 (b) (6), (b) (7)(C) , (b) (6), (b) (7)(C) also. He
20 retired and went to work for Deloitte at some point during this
21 process. So, they were largely involved with the drafting of the
22 statement of objectives. (b) (6), (b) (7)(C) also wrote
23 those, certain parts of that. Yeah, so the actual writing of the
24 RFP I reviewed the RFP documents. I read through them, made
25 programmatic changes or questions, administrative changes.

1 Generally I asked a lot of questions. My main purpose in
2 reviewing them other than obviously kind of giving it the review
3 that program manager would was really to look at it from whether
4 it would be a manageable effort, whether the contract would be
5 able to meet the legal definitions for inherently governmental
6 functions. I had to sign the forms basically saying that we would
7 be staffed effectively to be able to do that. I will say that at
8 the time that I sign those forms I was under the impression that
9 we would be staffed effectively to do that, and as time went on
10 and I started to realize that there was zero chance that we would
11 be staffed effectively to actually be able to manage that
12 contract, particularly from a -- well from a contractual
13 oversight standpoint from being able to collect the right
14 information to provide Congressional oversight as to where the
15 money was coming from because the way that it's written as direct
16 task orders we would have no insight into the PEs or any of the
17 information, specific where the money was coming from which is
18 what Congress and asked for and we had previously responded to
19 Congress and said, "Absolutely. We were totally going to be
20 collecting all that information so that you can have that
21 oversight that you need." So, as I started to realize that the
22 staffing was not going to be coming around to be able to do that,
23 like I said, I know from the contractual, management standpoint
24 from the Congressional oversight, the information that they would
25 require, but also from the security standpoint of not being able

1 to meet the inherently governmental requirements for making
2 security decision is for a network because the way that
3 commercial network is designed the DoD's current cloud security
4 teams that oversee all of the different cloud activity and make
5 those decisions and working through JHFQ, DODIN, U.S. CYBERCOM,
6 and all of those, and DISA, nobody really knew what it was. (b) (6), (b) (7)(C)
7 would continue to say, "Yeah we got it. We've had meetings." When
8 it came time to submit the budget request, the FY20 issue paper,
9 I worked with Rob Dietmeyer who does have a conflict of interest,
10 his wife works for Oracle. I worked with (b) (6), (b) (7)(C) in the
11 CIOs Office and (b) (6), (b) (7)(C), who had been previously putting
12 together the CIOs. The way the CIO breaks everything out, they
13 were supposed to be working on the security piece of it, but come
14 to find out that they didn't actually coordinate with all of
15 those different agencies for that. When I brought everybody
16 together found out that everyone was pointing to somebody else to
17 say that they were going to be seen doing security overview of
18 this cloud as it came in. So, I started raising a lot of red
19 flags. I started, I mean, I had already been trying to basically
20 beg everybody and anybody to recognize that it was FY19. We had
21 planned at that point to let a contract in FY19. I did not have
22 an FY19 budget, zero dollars for my program office. I didn't even
23 have a budget for paper, for printer paper. I personally was the
24 one who stood in the office space when facilities would come in
25 and talk to them about what electrical needed to be run to

1 support what equipment. I've personally ordered all of the
2 phones, all of the computers, all of the printers, and I
3 personally would call in help desk tickets. I personally was the
4 only one in the entire program office, well, I was the only one
5 of the entire program office period, but I was the only one in
6 the entire effort to include the RFP Team, Sharon, and (b), and
7 all of them, that ever even checked SIPR, or had a SIPR account.
8 I was doing 10 people's job, and I consistently told them. So,
9 there's a lot of contact there, yes. On June 22, the memo was
10 signed in by then Shanahan moving the JEDI effort and all the
11 cloud efforts from the CMO over to the CIO. There was a lot of
12 politics in play with who didn't like whom then. At that time,
13 so, prior to that I had had meetings with Mr. Daigle, Mr. Gibson,
14 and Ms. Miller particularly about the Congressional report that
15 we were putting over there. One of the Congress' biggest issues
16 was that we were doing this big JEDI effort and that the
17 department was doing it in a bubble, and refusing to actually
18 look at the larger cloud strategy for the department. And, over
19 here we're saying, "JEDI is going to be the answer to
20 everything." And then over here the department's like, "Yeah, so.
21 You know, were putting out the cloud security requirements thing,
22 and we're doing our stuff." And, like two completely separate
23 efforts. The department had been criticized for a long time for
24 not actually having a comprehensive strategy, and that was also
25 from a politics standpoint why the program office was initially

1 stood up outside of the CIOs office because the CIOs office in
2 general was part of the problem. When Congress came and gave us
3 the requirement that we had to provide them with a report quite
4 frankly, so I've done a lot of -- I've done a lot of
5 Congressional strategic communication before. It was very easy to
6 read what they were looking for was any reassurance that we had a
7 plan, and every time we'd go back and say we need a department
8 strategy for cloud. The CIOs office would say, "Yeah, so we have
9 one that was written in 2012. We're going to dust that off and
10 update it." First off, that was a horrible strategy document.
11 Second, cloud has changed exponentially since 2012. You have to
12 throw that away and start over again. When we brought the initial
13 draft of the Congressional report and sent it out to a few key
14 people to approve the DoD CIO was one of those people, and that
15 at the time this was Ms. Miller and her acting role. She waited
16 until the last minute when all the inputs were due. Called me
17 into her office and sat down with two of her key people, (b) (6), (b) (7)(C)
18 (b) (6), (b) (7)(C) and basically went through and
19 told me how everything in there was wrong it wasn't going to
20 work, and that the overall overarching strategy that I put, which
21 did not conflict with anything that they were trying to do, but
22 just drew kind of a pretty picture of how it was kind to all fit
23 together.

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

25 Q: This is the Cloud Competing Strategy?

1 A: So this was the Congressional report.

2 Q: The Congressional report?

3 A: That had a section that says what is your overall
4 strategy? So yes, it was kind of a summary of what the overall
5 strategy was in and how JEDI would fit into that.

6 Q: Okay, (b) (6), (b) (7)(C), if I may. You say you had a lot to
7 unpack on the programmatic. We're starting to go down that road.
8 We want to get there.

9 A: Yes.

10 Q: But I suggest we make a circle because (b) (6), (b) (7)(C) has some
11 more specific questions regarding the participation of Mr.
12 Mattis, Ms. Donnelly and others.

13 A: Yeah. No, I apologize. There has been -- there's about
14 eight months' worth of work of complication to throw in there.

15 Q: I understand. Right.

16 A: So, absolutely. Whatever direction you'd like me to go.

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

18 Q: So, I want to go back to the involvement, or any
19 awareness that you may have regarding Secretary Mattis'
20 involvement in drafting, writing, endorsing, providing any input
21 to the statement of objective.

22 A: So, yeah. I don't. I am not aware of any interaction
23 with Secretary Mattis at all from the time that I joined the team
24 until the time that I left. I believe at one point he was going
25 somewhere on a trip and that that was going to be one of the

1 talking points that were discussed so they asked us for a one
2 pager. I think that might've happened twice. I think that was the
3 extent that any of his interaction.

4 Q: Do you still access to this one-page document or
5 guidance that you provided?

6 A: I might have that. Yeah, I probably have that. I wrote
7 it so yeah. We were very -- there was absolutely nothing
8 contentious or anything that mentioned any vendors or -- I mean
9 we were very careful at that point there would not have been
10 anything even ambiguously of issue in that.

11 Q: If you could find that provide that to us that would be
12 --

13 A: Oh, sure.

14 Q: -- useful as well. Also going back to the statement of
15 objective. Do you know if Mr. Anthony DeMartino provided any
16 input?

17 A: Not to my knowledge, no.

18 Q: If Ms. Sally Donnelly provided any input into the
19 statement of work?

20 A: No.

21 Q: Mr. Victor Gavin, did he provide any input?

22 A: No, he did not.

23 Q: Mr. Deap Ubhi did he provide any input into the
24 statement of work?

25 A: Again, he may have had -- he may have had input into

1 initial drafts early on. I don't know, but nothing after I
2 arrived.

3 Q: Also with Mr. Robert Daigle, do you know if he provided
4 any input in drafting, endorsing, writing, or reviewing the
5 statement of objective?

6 A: Yes. He reviewed. He reviewed all of that. I'm trying
7 to -- it's been a while. I'm trying to remember. He may have
8 asked questions about it. I don't believe that he had any, at
9 least that I saw, now I caveat that by saying that the majority
10 of discussions that he had were smaller one-on-ones with
11 individual members, particularly Sharon and (b) that I would not
12 necessarily be privy to all of those conversations.

13 Q: You mentioned earlier that you provided a one pager for
14 Secretary Mattis.

15 A: Uh, huh [affirmative response].

16 Q: Do you know when those meetings were to occur that he
17 was attending?

18 A: I'd have to go back and look. So, (b) (6), (b) (7)(C), the PA
19 for that she would -- almost all of that -- almost all of those
20 communications were also provided to her. I was pretty much tied
21 at the hip with her. So, anything that went -- anything that when
22 external to the -- honestly anything that went external to our
23 internal team she generally had -- she generally had privy to.

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

25 Q: PA is Public Affairs?

1 A: Yeah.

2 Q: And for which organization was (b) (6), (b) (7)(C) the Public
3 (b) (6), (b) (7)(C)

4 A: She was OSD Public Affairs. So, she was the JEDI PA.

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

6 A: Yeah. No. (b) (6), (b) (7)(C).

7 Q: Thank you.

8 A: Yes. There's a double in there.

9 (b) (6), (b) (7)(C) [REDACTED], do you have any question?

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

11 Q: Yes. Requirements. There's been a lot of discussion
12 about requirements.

13 A: Sure.

14 Q: Requirements mean one thing for an acquisition category
15 one program, they mean another thing for an order/task order, buy
16 pencils.

17 A: Yes.

18 Q: So for JEDI Cloud acquisition what does requirements
19 mean to you?

20 A: All of those things. So, I'll start with the more
21 formal. Obviously we have a requirements document, JROC-M 17-135
22 that was a multipage document that basically stated a user need
23 for some sort of -- some sort of tool that allowed data to be
24 pulled into a common environment and accessed quickly in
25 real-time or near real-time from the home front with a tactical

1 edge. That's a key phrase. And also included some peripheral
2 discussions on the fact that had to be secured, it had to be
3 something that we could monitor and controlled. Those types of
4 things. So, those of the overarching lines. None of them talk to
5 a specific solution or strategy. Obviously it did mention cloud,
6 but not anything more specific than that. It was not, in the
7 formal acquisition world of requirements documentation I would
8 say it was much more closer to an informal initial capabilities
9 document, JROC-M than anything else, and this was done before I
10 came on, but (b) (6), (b) (7)(C) specifically wanted to make sure that
11 we were formalizing the requirement, the capital R requirement
12 for the warfighter to lend for their support and that going
13 forward, and I do know that he interacted with General Selva on
14 that directly.

15 Q: In addition to the JROC-M, and what else does
16 requirements mean for the JEDI Cloud acquisition?

17 A: Yeah, sure. So, quite frankly that document we used as
18 something that was in a file that was referenced whenever someone
19 asked if we had a formal requirement, but beyond that the
20 requirements were most pointedly what was written in the SOO, in
21 the statement of objectives, and so when you're talking about the
22 technical requirements I would say that those were the ones that
23 we kind of story boarded out and then drew into -- drew up into a
24 statement of objectives.

25 Q: Anything in addition to what we can find in the SOO and

1 the JROC-M?

2 A: No. No, I think that pretty much encapsulates. So, the
3 only thing that's outside of that that would be separate from --
4 separate from the JEDI contract itself but integral to the
5 success of JEDI would be the extensive talk on how we were
6 actually going to support migration efforts and the
7 rationalization for all of the data and applications that we have
8 across the department, and whatever that ended up looking like,
9 but that was still a very high level discussions requirement.

10 Q: What was secretary Mattis' role in developing the
11 JROC-M or the SOO?

12 A: So, the JROC-M was done prior to me being there so I
13 would not be able to answer that. Like I said I do know that
14 General Selva himself in one of my trips to the Pentagon during
15 my interview process I ran into (b) (6), (b) (7)(C). Either, I can't
16 remember, he was either on his way in or on his way out of the
17 meeting with General Selva to discuss the JROC-M.

18 Q: Same question for Mr. DeMartino.

19 A: I am not aware.

20 Q: Ms. Donnelly?

21 A: Not aware.

22 Q: Mr. Gavin?

23 A: Not aware.

24 Q: Mr. Ubhi?

25 A: Not aware.

1 Q: Mr. Daigle?

2 A: Not aware. That was, so as far as the JROC-M goes that
3 was before me. Other than knowing that (b) (6), (b) (7)(C) ran that through and
4 that it was presented, that it went quite accelerated through the
5 JROC process through the FCB, the Functional Control Board. Other
6 than knowing that I don't have any insight as to how that exactly
7 that came to be.

8 Q: We've seen the market research report dated 27 March
9 18. You mentioned an earlier version that was late 2017. I don't
10 think we have that who would have a copy of that?

11 A: You saw a market research report dated 27 March 2018?

12 Q: Yes. Here's a copy here.

13 A: Interesting. I will note that this says version 1.0 but
14 has no signature on it and no coordination. So, I would not call
15 it a formal report, nor was it anything that was considered as a
16 formal reference. All of the market research reports that we use
17 for the BCA were the previous ones that were published at the end
18 of 2017. They may have gone into January 2018. Like I said before
19 I came on, but there was no formalization of a market research
20 report in March. Especially not a version 1.0.

21 Q: When was it formalized?

22 A: That was all done prior to any RFP.

23 Q: Right.

24 A: Yeah, so, like any draft RFP we would not have -- we
25 would not have put out a market research, or written a market

1 research report after the first draft of the RFP went out.

2 Q: Do you have a copy of the actual market research
3 report?

4 A: I probably do not, but it is on the DDS shared drive.
5 There's a specific folder that has all the market research.

6 Q: Would (b) (6), (b) (7)(C) or Ms. Woods have that?

7 A: Absolutely. 100 percent.

8 Q: What was Secretary Mattis' role in market research? Now
9 the market research report describes all of the activity that
10 went into the market research, what was Secretary Mattis' role in
11 any of that?

12 A: I am not aware of any, but again I can't speak for
13 anything happening prior to me coming on. I will say that
14 formally the acquisition counsel for this program, Ms. Sharon
15 Woods, is very well aware of the boundaries of senior leaders'
16 involvement. So, you will not find any formal interaction or
17 formal guidance from any external people. That does not mean that
18 it didn't happen. I can't speak to whether it did or not, but I
19 would put all of my money saying that you will not find any
20 formal interaction from that matter.

21 Q: Same questions for Mr. DeMartino.

22 A: I am not aware of any, of any of that. I do know that
23 he was more involved than Secretary Mattis, that he would go to
24 meetings and actually have discussions with people, but I am not
25 aware of what that involvement entailed.

1 Q: Ms. Donnelly?

2 A: No knowledge.

3 Q: Mr. Gavin?

4 A: No knowledge.

5 Q: Mr. Ubhi?

6 A: Again, no knowledge. That would be before my time. I
7 say no knowledge. I know that he was very heavily involved in the
8 discussions up until the point where he recused himself, but only
9 from discussions as offered third-hand information, but he was --
10 I mean he was basically leading that effort. So I --

11 Q: We do have some information that Mr. Ubhi was involved
12 in market research activities. Who can provide us the best
13 firsthand information besides Mr. Ubhi about his involvement?

14 A: Right. So Sharon and (b) (6), (b) (7)(C) are obviously a go to for all
15 of that, as they were heavily involved in everything. I'm trying
16 to think of someone else who might be slightly more impartial.
17 You know (b) (6), (b) (7)(C) did have some interactions with Deap
18 and was peripherally involved in that he may have more insight on
19 that matter.

20 Q: Is that (b) (6), (b) (7)(C)

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

22 Q: Did this program ever get an ACAT designation?

23 A: It did not. So, this program was a specifically
24 tailored acquisition per the ADM. There were two ADMs. One was --

25 Q: Acquisition Decision Memo?

1 A: Yes. Was signed by Ms. Lord. The first one was run
2 through by Sharon Woods because she's an acquisition attorney
3 despite not actually having any acquisition training or
4 experience, she had the most acquisition experience or knowledge
5 of anyone on the team prior to me coming on.

6 Q: What were the decisions she signed off on?

7 A: That was a tailored acquisition that it would not
8 follow any of the 5000 series directly, and basically we would
9 get to pick and choose which ones were appropriate. It was 804
10 like, section 804 is a tailored acquisition strategy. So,
11 basically saying that if you look at the different 5000 series it
12 didn't meet the criteria for an A-CAT I because the majority of
13 the money would not be R&D or procurement. So it wouldn't be
14 that. It didn't meet the criteria for a B-CAT or an S-CAT because
15 of how those were defined.

16 Q: What are B-CAT and S-CAT?

17 A: So, A-CAT is the Acquisition Category. I don't think B
18 stands for anything. No. B-CAT is not A-CAT program.

19 Q: Is it levels A, B, like it used to be one, two, and
20 three?

21 A: No.

22 Q: There's a difference?

23 A: So there's 5000.02, there's 5000.66, and 71. I don't
24 know. I'm making up those numbers because I can't remember the
25 exact numbers. So, there are two other -- there are two other

1 more recent 5000 series documents that have come about to
2 basically -- to basically talk to services type contract. And
3 look at how we handle -- how we handle nontraditional large
4 contracts.

5 Q: But this was not designated as being in any of those?

6 A: It was designated as basically meeting some criteria of
7 all, but not enough criteria to meet any of those directly. So,
8 it did not legally -- it was not legally required to follow any
9 of those standards; however, Ms. Lord and later on Mr. Fahey
10 wanted it to follow the rigor of an A-CAT I as close as made
11 sense.

12 Q: And was this designated in an ADM?

13 A: Was it was, yeah. So it was fortunately or
14 unfortunately, intentionally designed so the ABM says that this
15 is a tailored acquisition that will not be subject to any of
16 those 5000 series and will be tailored as is needed. So it was
17 quite thick.

18 Q: There was a second ADM?

19 A: There was a second ADM that was required to be released
20 --

21 Q: Was that one about?

22 A: -- prior to the formal RFP release. So, the first one
23 basically said you have the authority to go and put together an
24 RFP. Come back to me before you release it. The second one said
25 you can release the RFP. That was done in conjunction with her

1 signing off on this acquisition strategy document, and the final
2 RFP, and then put out. So I walked out one, the first ADM Ms.
3 Sharon Woods walked. The second one I wrote and walked that
4 through the coordination process with Mr. Fahey to get up to Ms.
5 Lord. And, yeah. So that one -- that one said you have the
6 authority to release the RFP and then come back to me in a year
7 and tell me how it goes, or any time in between I can call you
8 back as needed.

9 Q: Ms. Woods or (b) (6), (b) (7)(C) what have both of these ADMs
10 and the acquisition strategy? I haven't seen acquisition
11 strategy.

12 A: Oh, there's a formal acquisition strategy document,
13 yes. And that is signed by Ms. Lord and myself. It was initially
14 going to be signed by, so this, this all happened in the turnover
15 between the CMO and CIO. It was initially going to be signed as
16 his standard by the program manager. The milestone decision
17 authority which would be Ms. Lord, and the owning organization
18 which would be Mr. Gibson, then it switched over to Mr. Deasy. We
19 were in the process of getting Mr. Deasy to understand how DoD
20 acquisitions work, and how specific our piece had to be, and at
21 that point decided that in the interest of being able to actually
22 release the RFP in a timely manner that it made more sense to
23 have him sign off on the -- on the ability to release the overall
24 RFP instead of putting his name on the acquisition strategy
25 itself. So, it's just signed off by myself and Ms. Lord.

1 Q: Was there also an acquisition plan?

2 A: There is an acquisition plan and that was signed off by
3 myself and (b) (6), (b) (7)(C).

4 Q: Was this designated as a defense business systems?

5 A: It was not.

6 Q: Why the BCA then and problem statement?

7 A: So, because of how different and unique this was we
8 tried to put in place as many of the more traditional
9 documentation elements as we could. Just to basically establish a
10 proper footprint for the program.

11 Q: Did that have anything to do with this was DCMO's lane?
12 My understanding it's kind of their process is the BCA and
13 problem statement.

14 A: No, it really wasn't. It was, the BCA was done quite
15 frankly more to provide additional defense for the acquisition
16 strategy.

17 Q: Did they finish a problem statement?

18 A: Not one that was formally -- I'd say not one that was
19 formally defined. Not one that was formally defined as a problem
20 statement, no. I don't think ever established a formal problem
21 statement. I think the majority of people in that effort, and
22 again the struggle being that the majority of people working on
23 this effort were not acquisition at all. And so I think the
24 majority of reliance on a problem statement was put just on the
25 original JROC-M.

1 Q: You mentioned the request for information that came
2 from the White House. When did that come and which office and OSD
3 was the OPR for that?

4 A: That was March or April. I'd have to go back and look.
5 That was March or April.

6 Q: '18?

7 A: Yes. Yeah. And that came in as a very high level
8 question of, "Hey what's going on with JEDI?" That was, I believe
9 I will speculate here. That was right when -- that was right when
10 the majority of the big industry pushback's and media articles
11 started coming out and about how wrong the acquisition strategy
12 was that we were putting forward. So, it was about that time. It
13 was a cursory, "Hey, what's going on with JEDI?" Obviously the
14 lawyers got quite interested in that and we're working quite hard
15 to make sure that whatever information we pushed up would not be
16 anything more than basically the public had already seen and
17 would not put the President in any position that he would at any
18 point ever have to be called to testify in anything. So the
19 lawyers were all over that, and they did push something up that
20 they ended up labeling attorney-client privilege. But it had --
21 it had just very basic overview points on it.

22 Q: Was there anything vendor specific in the question from
23 the White House or the answer from your office, or the
24 department?

25 A: I can't remember the question itself -- I can't

1 remember if the question itself was vendor specific. I remember
2 the answer. Had the question been vendor specific it would not
3 have changed the answer. The answer was a broad, at that point we
4 were very heavily into the full and open competition. We welcome
5 all vendors and all industry members are welcome to participate.
6 So, it would have been basically a canned statement to that
7 effect.

8 Q: Who in your office was the primary point of contact
9 for?

10 A: Sharon Woods and that went up through -- that went up
11 through her boss, and I'm sorry. I'm horrible with remembering
12 names once I leave an office. It was with L. It was the lead
13 acquisition attorney for the department.

14 Q: We can find it.

15 A: Yeah.

16 Q: You mention the January 4th memorandum that Mr.
17 Shanahan signed was rescinded?

18 A: The January 4th one was rescinded and replaced with the
19 January 8th memo.

20 Q: Thank you.

21 A: I do have copies of all of those memos if you need
22 them. But I'm sure there it easy to find. They have a barcode at
23 the bottom.

24 (b) (6), (b) (7)(C): The only other questions that I have go to
25 names and acronyms, and stuff. So I can get that later.

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

2 Q: Are you aware of anyone attempting to steer this
3 acquisition to Amazon?

4 A: No. I will say in general all discussions about
5 technical requirements were kept at a technical level. It was
6 never discussed in the formulating of requirements that anyone
7 wanted one specific company or another. Most times an effort was
8 made of someone brought up something -- if someone brought up a
9 new kind of technical concept. Most of the time it was brought up
10 of, "Okay. So can more than one person in industry do this to
11 ensure that we were not needlessly excusing anyone?" I think
12 there were probably a few instances where the answer was very
13 few, but a few instances where the answer is right now only one,
14 but there are others who are almost there and should be able to
15 do that within the timeframe allowed by this contract. So I
16 caveat this by saying just for the point of saying no, at no time
17 was I aware of anyone trying to do anything to slight this toward
18 Amazon. However, and that's why I want to caveat that, I am not a
19 technical expert when it comes to all of the details of cloud. It
20 could easily be possible that someone had intimate knowledge of
21 technical capabilities and was writing something in that I would
22 not have recognized were unique to a specific vendor. So I can't
23 speak to that aspect, but at no time did it ever appear as though
24 anyone was ever actually doing that.

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

1 Q: I do have a follow on to that. So in your discussion
2 when you're drafting the requirements and putting together the
3 RFP criteria, I'm sure you talked about each one of those and in
4 particular the gating criterion things like that that would
5 potentially exclude and offer. So can you maybe go into that a
6 little more? Very specific things have been in the media that
7 hey, this is only Amazon can do this or whatnot. But I'm sure in
8 your roundtable conversations when you're going to every single
9 element or the RFP that you talked about those? Or did you
10 discuss capabilities of all of the vendor base?

11 A: (b) (5)

12 (b) (5)

(b) (5)



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BY (b) (6), (b) (7)(C) [REDACTED] for that question.

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

Q: So I want to move back to the ethics a little bit.

A: Yeah.

Q: So, are you aware of any actions or conversations that former Secretary Mattis had that might give the appearance that Amazon had a competitive advantage?

A: No. I know that he had completely separate from JEDI, I know that he had quite frankly just like most others of our senior leaders at some point been at certain forums or seminars where he would discuss capabilities that he had interactions with. Again, completely separate from JEDI and say they were good and they happen to be an Amazon capability. Just as people would say the same thing about Microsoft in certain instances or any of the other vendors that the DoD uses in different contracts. But, I am not aware of anything that was said outside of talking about

1 current DoD capabilities. Meaning if he was talking about
2 something everything that I'm aware of we're things talking about
3 things that the DoD was already on contract to perform. So he was
4 only talking about active efforts that the DoD already had.

5 Q: Same question with Mr. DeMartino.

6 A: I am not aware of any.

7 Q: Same question for Ms. Donnelly?

8 A: Not aware of any.

9 Q: Same question for Mr. Victor Gavin.

10 A: Not aware of any.

11 Q: Same question for Mr. Ubhi.

12 A: I'm not aware of any.

13 Q: And lastly Mr. Daigle.

14 A: What was the question?

15 Q: Are you aware of any actions or conversation that Mr.
16 Daigle had that might give the appearance of them favoring
17 Amazon?

18 A: No.

19 Q: And what can you tell me, or are you aware of what did
20 Mr. Gavin say about the Navy's experience with cloud computing or
21 cloud migration? He was in a meeting October the 5th, 2017. Do
22 you have any information about that?

23 A: No. That was before I came.

24 Q: And did you attend the April 5, 2018 meeting that
25 included the review or the discussion of the draft acquisition

1 strategy?

2 A: Yes. That would be OIPT meeting that I referred to.

3 Q: Do you know if Mr. Gavin was there?

4 A: I cannot recall who represented the Navy in that one,
5 but we do have extensive meeting minutes. (b) (6), (b) (7)(C) who was
6 one of our support contractors, and he was the one who took those
7 minutes.

8 Q: Can you repeat his name who took the notes?

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

10 Q: Oh, (b) (6), (b) (7)(C) ?

11 A: No. There are two (b) (6), (b) (7)(C) is a DES

12 (b) (6), (b) (7)(C) . (b) (6), (b) (7)(C)

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

14 Q: Of course now we've asked you all the questions about
15 officials involved in this acquisition. How do you respond to the
16 accusation that they had a conflict of interest?

17 A: I at no point -- so I came into -- I came into the
18 program with absolutely no preconceived notions of who was -- of
19 which companies were better than any other companies. Quite
20 frankly cloud was not my specialty. I'd done plenty of IT before
21 but not cloud and I was brought in from the Acquisition Program
22 Management side specifically. So, when I came in I was very
23 acutely aware of all the different conversations and who was
24 looking in which way. At no point did I see anyone doing anything
25 to advantage or disadvantage any specific company. There were

1 obviously discussions of, I mean, it's hard to not reference the
2 market research that was done and what technologies are currently
3 out there when you're writing them. That's something that when, I
4 mean, you have to be writing something technically feasible
5 requirements, and if you're writing something that is a stretch
6 for what the commercial offerings currently are you have to
7 understand whether it's something that is actually attainable
8 within the timeframe allotted by the proposed contract. So, there
9 were discussions to that end. At no point did I see anyone
10 actually tilting any of those requirements towards or away from
11 any specific vendor.

12 Q: I have 11:20. Do we need to take a five-minute break?

13 A: Sure.

14 (b) (6), (b) (7)(C): Please stand by while we pause the recorders.

15 [The interview paused at 11:20 a.m., July 11, 2019.]

16 [The interview resumed at 11:30 a.m., July 11, 2019.]

17 (b) (6), (b) (7)(C): The time is now 11:30. We're continuing our
18 interview with (b) (6), (b) (7)(C), will
19 begin her line of questioning.

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

21 Q: Thank you so much. So, from the Audit perspective we're
22 going to start talking about the rational for the single award.

23 A: Sure.

24 Q: So, what can you tell me about the rational for the
25 single award just overall?

A: (b) (5)

(b) (5)

(b) (5)



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1 Q: How early on was the decision made to go single source?

2 A: So, I came on February 27th. The draft, the first draft
3 RFP was dropped March 7th. Obviously the decision was made prior
4 to both of those. I'm trying to think back in my discussions
5 because I had several discussion with them prior to that. I want
6 to say at least late-2017.

7 Q: And when was the acquisition strategy drafted?

8 A: The first draft -- the first draft that we went through
9 with any rigor was probably March or April. March.

10 Q: Of 2018?

11 A: Yes.

12 Q: Are you familiar with this memorandum for contracting
13 officer file dated July 17, 2018 signed by (b) (6), (b) (7)(C)

14 A: Probably, yeah.

15 Q: Justifying the rationale -- for single source?

16 A: Yes.

17 Q: On Page 8 she discussed the security risks as being one
18 of the reasons.

19 A: Yes.

20 Q: There is a sentence starred. In her opinion she finds
21 the security risks.

22 A: Yeah.

23 Q: What documentation or research justified her
24 conclusion?

25 A: Okay. I'll talk out loud to see if I can back into my

1 memory. So, a large part of security risks quite frankly are -- a
2 large part of the security risks with multiple awards and
3 multiple cloud environments quite frankly is manner loop, so
4 human error. Requiring data to actually go from one cloud to
5 another cloud environment actually has a legitimate security
6 barrier that has human control. So, again (b) (6), (b) (7)(C) is largely
7 responsible for those decisions, and going into describing
8 technical process as well as the administrative process of
9 transferring data from one environment to another I believe a lot
10 of it was probably anecdotal, but they also, I mean going through
11 the -- going through the security requirements for JEDI there was
12 an entire team of people from CYBERCOM, from NSA, from DISA, from
13 DES. So, you had (b) (6), (b) (7)(C) who lead with (b) (6), (b) (7)(C) who
14 lead DDS' side of that security side team, to basically go
15 through everything that would need to be done to secure that
16 cloud environment, and I know there were a lot of discussions
17 with everyone on that team as far as they're generally the
18 biggest concerns with how people in the department have
19 previously interacted and their biggest security issues. There
20 may have been additional requirements. The security piece was
21 done, was honestly done earlier on. The majority of the work and
22 was done as a separate working group with the security subject
23 matter experts from each of those groups. So, I wasn't involved
24 in that, anything other than that.

25 Q: So I know you talked about kind of pushing the legal

1 limit and the FAR as they can go.

2 A: Yeah.

3 Q: So, in order to comply with 10 U.S.C 2304(a), the
4 exception for the hundred million role.

5 A: Yeah.

6 Q: What was the rationale behind the decision for choosing
7 the task order firm fixed price task order exception?

8 A: (b) (5)

9 (b) (5)

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(b) (5)



Q: How did you manage the firm fixed price scenarios working for new services, which, you know, JEDI admits they do not know what may be developed, they may want in the future.

A: Yeah.

Q: How is that going to work?

A: Yeah, so that's a good question. The discussion was

(b) (5)



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Q: How would that work for the noncommercial offerings?
Specifically I'm thinking like a classified environments that
where DoD is the only purchaser?

A: So, the acts that are available and the classified
offerings are required to mirror the commercial catalog.

Q: Are there no apps in the classified environment that
are unique to the classified environment?

A: Not on the JEDI contract. That doesn't mean that they
can't bring in their own applications in, but the JEDI contract
has the classified catalog matching the unclassified catalog.

Q: With no additions.

A: The only -- with no applications additions. (b) (5)

(b) (5)



(b) (5)



(b) (6), (b) (7)(C) : Okay. I think I'm done.

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

Q: I kind of want to go back to some of your earlier information that you provided to us. So, in reference to the Congressional report you mentioned that there's a strategy in there.

A: There was.

Q: There was?

A: Yeah.

Q: What type of strategy was it? Was it security, Acquisition?

1 A: Yeah. So, yeah. So, there initially was a strategy in
2 there, and that was one that I wrote, and it was basically -- and
3 it followed, it followed the -- it followed the acquisition
4 strategy for JEDI by timeline as well, but it was basically the
5 first two years going where the department figured itself out,
6 where we started moving everything that we knew was cloud ready
7 and cloud viable over to the JEDI environment. We would have our
8 proof points, our proof point users that we made sure that those
9 worked and really figured ourselves out within those two years,
10 and then after that that's when the first option period would
11 begin on the JEDI contract. During that first two year period the
12 department would ask the rest, the entire department to actually
13 start rationalizing everything that they have and figuring that
14 out, because we don't -- we don't even know what's out there, and
15 at that 2 year period we would have a much better view. We would
16 be able to make much more informed decisions about what the cloud
17 environment should look like, did look like. The data environment
18 across the department, and we spend the next 3 to 5 years making
19 smart decisions about who to bring over, how, and what made the
20 most sense for the larger department strategy. So, I mean it
21 really was -- it was maybe a page, two-thirds of a page, and so
22 where I was talking earlier we had the meeting about that, about
23 the reports. The CIOs Office was not happy. They thought that who
24 reviewed to write cloud strategy we had asked them for inputs and
25 they provided none. So, we ended up having a follow-on meeting

1 with myself, (b) , Sharon, Mr. Daigle, Mr. Gibson and Ms. Miller
2 where Ms. Miller came in and said that that was -- they were just
3 -- you know, they had the 2012 strategy they were just going to
4 go with that. That's where I was brought in and specifically told
5 that my role was to push through and not take that kind of stuff
6 from the people regardless of their rank who were trying to push
7 back against our success. So, I said, "All due respect, ma'am. If
8 your strategy is to dust off an old cloud strategy and go from
9 there, then I think you're wrong and I don't think that that will
10 go over well. I don't think that's what Congress wants to hear,
11 and I don't think that that will -- I think that will hurt our
12 ability to succeed with JEDI because that's not what they're
13 looking for and it doesn't provide any evidence that we have a
14 plan." That obviously upset her quite a bit, and so I'll just
15 throw this out there without going into much detail. You guys can
16 probe into this later if you choose. So, that was early-May,
17 late-April, early May. June 22nd the memo was cut that said
18 you're moving over to CIO. I made it very clear to everyone
19 involved, (b) (6), (b) (7)(C) , Mr. Daigle, and Jay Gibson that I was not
20 comfortable moving over under CIO if I was going to be a direct
21 report to Ms. Miller. That she had consistently since and proven
22 that, she was saying no to everything I put forward, just
23 instantaneously regardless of the product. And that I was not
24 okay going over there, if I was working directly for her. It was
25 established that I would work directly for Mr. Deasy. Everybody

1 within CIO knew that I was working directly with Mr. Deasy which
2 also upset many of the SESs who did not work directly for Mr.
3 Deasy. All of my interaction was direct with Mr. Deasy, and Ms.
4 Miller went out of her way to get other people who were not in my
5 chain to call me in and tell me that I was not doing well and
6 that they had heard that I was not behaving properly, that she
7 had General Kennedy call me in, which under the guise of a meet
8 and greet in CIO to tell me that I needed to act my age, and then
9 use the example of (b) (6), (b) (7)(C) in the front office to work for
10 Secretary Mattis who is, you know, he's pretty young but we have
11 to get along with him because he's got the ear of the Secretary
12 which basically solidified the fact that he did in fact mean that
13 I needed to act my age. I already knew that as an O5 in what
14 should have been a general officer position I was up against it
15 when I was in CMO. Coming into CIO, which if you look at their
16 org chart has an SES symbol next to their name so that everyone
17 knows that there an SES, and not just that there an SES, but that
18 he's an SES III specifically or whatever. It was consistently a
19 challenge, and consistently a battle. I was pushed back against
20 every, every encounter I had. When I left there at the end of
21 October I still did not have any badge access to a single CIO
22 room to include the front office. I still was not gained in any
23 of their systems. They had not done anything to move my rater
24 over to CIO, but they consistently yelled at me that I was not
25 part of CIO. I was not acting part of CIO. That I did not update

1 my address in the GAL to say that I worked for CIO instead of
2 CNO. General Kennedy specifically told me that Ms. Miller asked
3 him to speak with me, that I was not making a good first
4 impression. When that didn't work I went in and had a meeting
5 with Mr. Deasy about my team, and my program office specifically
6 requesting that I needed to get people. That I was a one-man
7 show, and was burning out hard, and that I was seriously
8 concerned with our ability to effectively and legally execute
9 this contract. This was after the RFP was -- and I still had
10 nobody. I was able, on my own without any support from anyone
11 other than (b) (6), (b) (7)(C) over in CMO when I still worked over
12 there to actually bring in one military person who came in
13 October 1, but that was done -- I mean that was just me working
14 back side channels, and when I went in to talk to Mr. Deasy he
15 started asking me why -- why I had angles in my org chart and why
16 they shouldn't just all be matrixes like everybody else within
17 CIO. Why the COR, why my COR, my contracting officer
18 representative wouldn't just be in ANS and matrix over me? Why
19 would need somebody even looking at budget and finance when they
20 have, CIO has a resource team to do all of that, and when I told
21 him that I was concerned that if we were actually audited as an
22 acquisition program to determine that we had sufficient
23 government functions to oversee the contract, and every single
24 person was matrixed, and not your traditional acquisition matrix,
25 but matrix from non-acquisition organizations that we would fail

1 and the program would be ruined, and that I needed to have people
2 who, even just an admin who reported to me. He got upset that I
3 was talking about me. Ms. Miller took advantage of that
4 opportunity to go over and have General Shanahan, who at the time
5 was still over in USD(I), but the senior officer in OSD called me
6 into his office and told me that apparently they have no faith in
7 my ability to execute the program, that when he heard -- when he
8 heard from Ms. Miller and Mr. Deasy that there was a ROAD
9 lieutenant colonel, acquisition lieutenant colonel, he looked at
10 my record. Decided to go over and talk to General Bunch and see
11 what they were supposed to do with this ROAD lieutenant colonel
12 acquisition person, and decided to address that with me, and
13 someone who I've never even talked to before who has nothing to
14 do with my chain of command and basically tell me that they don't
15 have faith that I can do my job. We left that meeting with him
16 going, "So, you're saying you need top cover?" Because I had at
17 many points propose that they bring in a PEO of cloud or anyone
18 over me that could actually provide the proper level of support
19 for this program because it was not being properly supported.

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

21 Q: Was there anybody else assigned to the Cloud Computing
22 Program Office?

23 A: No.

24 Q: Was there anyone else assigned to the JEDI effort
25 specifically non-matrix within the Cloud Computing Program

1 Office?

2 A: No.

3 Q: Thanks.

4 A: Everyone on the RFP team was matrixed, and they were
5 solely working RFP. When I asked both (b) (6) and Sharon for
6 resources for them to support the program office at first they
7 would give me some every now and then, and then they started to
8 realize that that was taking away from those people's abilities
9 to focus solely on the RFP, particularly Sharon who is very
10 controlling, and so I was no longer available to even use their
11 contracting team. She actually told them to not come into my
12 office, work remotely, and not talk to me to if I had any
13 questions I asked them to go back through her. When I started
14 asking questions about the Source Selection Team, by the way I
15 was the SST chair as well, when I started asking questions about
16 the source selection and the criteria for source selection, and
17 how we were staffing the Source Selection Team, when I would ask
18 the question that she wouldn't like she would ignore it or tell
19 her contracting team to stop talking to me. When I was concerned
20 with the training that the Source Selection Team received during
21 their initial training that I didn't think that they had -- that
22 they were properly gave them no examples. We gave them -- we
23 didn't run through any scenarios with them. We didn't have them
24 workshop anything. When I said I was concerned about with that
25 that Sharon and I had previously talked about going through this

1 whole exercise, bringing DAU in to run an exercise like they
2 usually do. Sharon said -- Sharon didn't like DAU. She had plenty
3 of examples on her own so she would run them. When I got to the
4 training and realized that she had no intention of running any of
5 those, I brought it up to her and she said, "Well, you're welcome
6 to go around and talk to them if you want." So, I went around for
7 the half an hour that the teams had broken out during training,
8 and tried to talk to a few of them. It was made very clear that
9 they had no -- that none of these people are acquisition people.
10 That they had no idea how to set consistent -- how to set their
11 evaluation criteria, not the formal evaluation criteria, but how
12 they were specifically going to look at each proposal, standard
13 across a proposal that they hadn't thought through any of those
14 areas because they didn't know how to, and when I expressed that.
15 She said, "These are smart people, (b) (6), (b) (7)(C) They'll figure it
16 out." She then -- and (b) (6), (b) (7)(C) was with me for those
17 discussions. She then said that her and (b) (6), (b) (7)(C) would talk after
18 the training and figure out how to do all of that. The next day
19 we had a conference call, and here I'll just read this. "On 13 to
20 17 September 2018 we had training for the Source Selection Team.
21 On the last day I expressed serious concerns with the lack of
22 certain training from the evaluators to Sharon and (b) (6) Sharon
23 told me that we can definitely have another training session for
24 the evaluators before proposals came in to address my concerns.
25 (b) (6), (b) (7)(C), one of the contractor support was present for

1 those discussions. On the 18th Sharon, (b) (6), (b) (7) (C) and two of the
2 other contract support, (b) (6), (b) (7)(C), conferenced me on a
3 call to tell me what actions came out of the training that they
4 would be addressing. They did not mention the additional
5 training. When I asked about it they said that they agreed that
6 it wasn't needed and therefore they would not be having it. Of
7 note, my role in the evaluation specifically include ensuring
8 that evaluators are sufficiently trained. I pressed the issue and
9 they both told me in no uncertain terms that there would be no
10 further discussion on this matter. At that point I said -- they
11 asked if I had any other questions. I said it's clear that you
12 don't care what my questions are and have no interest in actually
13 addressing them, so you know I'm done and the call ended. Two
14 days later on the 20th Sharon took action to start the process to
15 remove me from the program altogether. I've attached copies of
16 this." This is an e-mail I sent. "I've attached copies of her
17 meetings from that day. They started with (b) (6), (b) (7)(C). I don't
18 know that was related or not. I don't think it was. Then Chris
19 Lynch, the Director of DDS as who would have had to authorize
20 Sharon to move her work -- to move to work on this as the PM
21 since she is DDS's primary legal counsel. And then a meeting with
22 Mr. Daigle followed by an e-mail direct to Mr. Deasy from Sharon.
23 Two business days later, the 24th, Ms. Miller had a meeting with
24 me to tell me that she's heard from lots of people that I'm
25 entitled." So, I say etcetera here because I have previously

1 discussed that. "That I act entitled. That I go into meetings
2 acting like I'm -- like sitting at a table and acting like I
3 belong at the table. That often I act like a petulant child."
4 These are her exact words, and going on to basically tell me all
5 of the reasons why I was not being successful in interacting with
6 other people. "The primary purpose of that meeting was to tell me
7 that she heard that I was not getting along with Sharon and
8 (b) (6), (b) (7)(C) I had assumed that (b) (6), (b) (7)(C) had said something to her
9 leadership, but it is clear now where that actually came from.
10 Just to note that because I have specific concerns with the
11 process, and that this was the immediate reaction this could very
12 likely be considered retaliation and retribution." Like I said --
13 so this goes the other things. So, I had also expressed concern
14 with how fast the gate criteria were being evaluated from when we
15 got the -- when we got the proposals in. She expected to turn the
16 gate criteria over in I believe is 24 hours, it might have been
17 48 and make a decision to then allow the other evaluators to
18 start doing their evaluation. And then the initial gate would
19 start their reports and do all of that. When I said I didn't
20 think that was enough time she said that that would be plenty of
21 time to basically know who was going to make it and who wasn't to
22 allow the other factors to start doing their evaluations. When I
23 spoke with (b) (6), (b) (7)(C) who was the lead for the gate criteria about
24 this he was not aware of how fast he was going to be expected to
25 do it. He was very concerned. He very clearly said, "I will

1 follow the proper rules, and go from there." I again the more
2 concern I expressed with these the more I was pushed out not
3 given any information. So, I do know that they decided on the
4 gate criteria relatively quickly, and then moved on to allow the
5 other evaluators to start doing their factors. Pretty immediately
6 while the gate was -- while the gate reports and analysis were
7 being finalized, but after that I was basically pushed out from
8 having any involvement in the source selection.

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

10 Q: So (b) (6), (b) (7)(C) , do you intend to file a formal
11 complaint?

12 A: So this is where, so we're what eight something months
13 later, and this is where I'm going to get a little emotional. I
14 put all of my passion into this job. I firmly believe in the need
15 for this technology, for this capability, and quite frankly for
16 what this contract is asking for. I believe this is the right
17 thing for the department and it is being done contractually in
18 the right way. However, every single day was a fight. Every
19 single day was me begging people to care about post-contract
20 award, about any ability to actually manage the program, about
21 anything. What I don't have here is I wrote a document in
22 September where, that was a follow-up to a meeting where I went
23 into Mr. Roy Kennedy who was an SES, who was not my direct
24 supervisor but while he should be within CIO. And kept trying to
25 make himself my direct supervisor. I desperately tried to use him

1 as an ally to gain support and gain manpower support. His lead,
2 his lead for cloud, (b) (6), (b) (7)(C)

3 [REDACTED] So there's only so much we can get from him, from him,
4 and honestly he wasn't really the thinker that we needed for the
5 program anyway so there was a challenge. When I went in and said
6 that I am so concerned that I have tried every way I can possibly
7 think to get anybody to provide any support, manpower, resources,
8 budget anything, and I cannot get the support and I need to raise
9 this up the flagpole because we are beyond the point of no
10 return. I do not think that there is enough time left before this
11 contract is awarded to turn this ship around, and that I needed
12 to run it up the flagpole. He got visibly angry and (b) (6), (b) (7)(C)
13 was in this meeting. He got visibly angry. He told that. "If I
14 thought for a second that I was going to go to the IG and go
15 around my leadership that this would not end well for me." When I
16 said, "I didn't say anything about the IG." He's like, "Well then
17 who are you going to tell? You think you can go around
18 leadership? Because that's not going to work. That is not going
19 to end well." I was crying in that meeting. The further along in
20 this effort I would say post-August, between August and October,
21 I had a very difficult time managing my emotions. I've had to go
22 to mental health and address my anxiety and even thinking about
23 how I was bullied on this program extensively. After that I wrote
24 up all of the details of that meeting, all of the details of most
25 of the times that I was bullied or chastised directly. I took it

1 to (b) (6), (b) (7)(C) was new at the time but seem like an allied. I
2 believe this is September 19, and told him that I needed to quit
3 that it broke me to have to say that, but I don't quit anything
4 but I could not handle it anymore. I mean I was willing to stay
5 on for as long as they needed me to help support whoever they
6 would bring it over me to run that program, to act as the deputy,
7 to act -- we actually talked about different scenarios where they
8 would bring in the Cloud Computing Program Office Manager and I
9 would be the just JEDI Program Manager. Where they bring in a
10 cloud PMO and I would be, like they talked about different
11 things. I flat out said the act of me quitting, I'm well aware is
12 probably going to ruin my career, but I can't help that. That
13 being said I had a conversation with many people, many peers to
14 include (b) (6), (b) (7)(C), that while I had several reasons to go to the
15 IG I felt at that time if I went to the IG it would derail the
16 program. I did not want to do that because I firmly believe the
17 department, this sounds hyperbolic but it's not. I firmly believe
18 that the DoD would lose the war in the future if now we do not
19 figure out how the hell to use data. We are already a decade
20 behind our adversaries, and we are making uninformed decision,
21 and it's going to get expeditious worse if we cannot figure this
22 out. I believe this program that much. It was a very difficult
23 choice for me. That being said my OPR was due October 31 which is
24 right after I left, my annual. CIO fought to not have to write at
25 all. Tried to say that they never even had supervision of me, but

1 they didn't have sufficient supervision of, and then tried to say
2 that well they only had less than 60 days supervision of me,
3 which none of that was true. When AFPC finally came back and said
4 no you have to write it they decided that Ms. Miller would write
5 it. Ms. Miller tried to write me a referral OPR. My current
6 leadership told her she was not able to do, by the way when she
7 fired me, so she called me in. Told me I was fired. We will be
8 sending you back to the Air Force. It was a Wednesday. We will be
9 sending it back to the Air Force on Friday, and Sharon Woods will
10 be taking over for you. Sharon, who by the way has no acquisition
11 or program manager experience. She's an acquisition attorney.
12 That is not the same thing. She's never taken a DAU class in her
13 life, and like I said while legally it does not meet the criteria
14 for an A-CAT I, it was treated like an A-CAT I. She's not
15 qualified to run the program, but they brought her in. I at that
16 point did go to Kevin Fahey and had a conversation with him
17 because as the NDA for the program I needed to make sure I had a
18 couple conversations with him. He was aware that if being in CIO
19 was a hindrance to its success he was concerned that Sharon was
20 going to be the PM. I believe since then they probably alleviated
21 some of those concerns with the prospect of it moving to DISA in
22 FY20 which I believe is the current plan, but that happened after
23 I left. I believe it's going to become a working capital fund in
24 FY20 because they don't actually have anyone who knows how to
25 handle manage a budget for as program this size, and that was

1 just easier to send it over to DISA instead of actually going
2 through the budget request process for all that and being able to
3 do that, and making a working capital fund would have a
4 disadvantage and just recounted.

5 Q: So, excuse me, (b) (6), (b) (7)(C). So, if you would like to
6 file a complaint we can do that. And we can get just -

7 A: I would.

8 Q: And we can get your testimony in a clean version so if
9 we could try to shift back on there. Again, we could actually go
10 ahead and open the case.

11 A: Yeah.

12 Q: Now if you have concerns or if you want to file one
13 that's your --

14 A: Again, I do, like I said they didn't push back so it
15 was not a referral OPR, however, come April when the OPR was
16 finally pushed over it is as close to a referral OPR without
17 being a referral OPR. Again, it was signed by Ms. Miller who
18 never ever had direct supervision over me. I don't think she has
19 any authority to sign it, and yeah. So there it is. I mentioned
20 that one because I wanted to mention it but also because I
21 believe how the general firing happened was largely due, although
22 Ms. Miller was looking for reasons to get rid of me the whole
23 time was largely due because of the consistent pushback that I
24 gave over how the source selection is being run.

25 Q: (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) do you have questions?

1 (b) (6), (b) (7)(C) Yeah. Do you want to --

2 (b) (6), (b) (7)(C) : I was going to give (b) (6), (b) (7)(C) you've got it.

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

4 Q: In the review of proposals against the gate criteria
5 should Amazon have passed through all of the gates?

6 A: I don't know because I did not review the proposals.

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

8 Q: So, going into the gating criteria I'm just staying in
9 that subject. So, did you guys all monitor the use of gating
10 criteria in the RFP after other RFPs?

11 A: I don't know how to answer that. When you say model, I
12 mean we use general best practices in contracting to establish
13 the gate criteria and how we would, and how we would do that,
14 that gating. Sharon mentioned several times her previous efforts
15 on the Navy Health Contract. DH whatever.

16 (b) (6), (b) (7)(C) : DHA.

17 A: Yeah. And, so I believe she used her -- that she used
18 her own personal experience with that one to model how she did
19 much of this contract. I would imagine without being the expert
20 in that that she, if you went back and compared there would be
21 many similarities and how it's written, and that's largely to do
22 with the fact that she was the lead attorney on both of those.
23 But, other than that I'm not aware of any like other contract
24 that was used to model this.

25 Q: By chance did you -- were the sub-factors prioritized

1 from like most important to least?

2 A: I wouldn't say most important to least, but they were,
3 they were and forgive me. It's been a long time so I'm trying to
4 remember exactly how we ended up. There were a lot of different
5 discussions on how to deal with factors. I want to say they were
6 weighted, but weighted being an actual term. I don't want to
7 necessarily use that term because I can't remember. We did
8 discuss which factors were more important than others, yes.

9 Q: By chance do you remember why sub-factor 1.1, which is
10 the elastic usage, why was that like the benchmark?

11 A: So, one of the key things that we talked about pretty
12 consistently throughout is the ability to spin up and down as
13 fast as is needed to respond to -- to respond to true user needs,
14 and while the home front, the business -- that the business side
15 of it very rarely need something right now today. The more you
16 get into the tactical edge requirements and the -- not
17 necessarily tactical edge but the forward users, the operational
18 users need to have a solution. We wanted to be able to have
19 something that was responsive both in contracting method which is
20 why we were trying to go for the Adept Provision Tool. That's the
21 other thing that's under the Comptroller's Program Office,
22 there's OT contract for the Provisioning Tool. Both in the
23 ability to contract and go through the Provisioning Tool to
24 actually get provision, and the ability for the user to decide
25 how much or how little they needed at any one given time. From a

1 budget perspective that's one of the benefits of cloud is not
2 needing to pay for what you're not using at the time. It's so,
3 that was kind of the balance of that as well.

4 Q: And then by chance you recall how did you all determine
5 the gate criteria would not qualify requirements under the U.S.
6 Code 10.2318?

7 A: Oh, okay. So, sorry give me a moment think back to some
8 of the conversations. So we spent a lot of time discussing what
9 would be gate criteria and what wouldn't be. We initially had
10 just conceptually put a lot more into gate criteria because just
11 at your early onset pretty easy to say. I mean obviously everyone
12 have to have all of these things and throw that in, and then you
13 start going through and looking at the reality of that and
14 whether that really makes sense. And the legality of that and
15 what you should take out and what doesn't belong in there. So, we
16 spent a lot of time pulling as much out honestly as we could, and
17 basically determining what was the bare minimum to proof that in
18 any way, shape, or form you would actually be able to do the
19 contract. That, there were no, I mean this is it. If you can't
20 meet these then there's not any other flexibility in any of the
21 other things that would allow you to weigh out okay. You can't do
22 these but you can do other things. This was the basic you have to
23 meet this criteria to even be able to fulfil a contract.

24 Q: Earlier you had mentioned about how the need for JEDI
25 was determined and this happened prior to you coming on board.

1 A: Yeah.

2 Q: After you were there was there a discussion just about
3 as far about who would have to move to the cloud?

4 A: Yeah. So this, I mean there was conversation, there was
5 antidotal discussion. If you talk to DDS and (b) (6), (b) (7)(C), I mean
6 he thinks -- he thinks 90 percent of everything should just go to
7 JEDI. Move on to the cloud. There will be some special
8 circumstances where you need to actually have ONPRIM or obviously
9 not going to put our nukes in there, so we're going to have a few
10 couple of things that don't really fit in that environment, but
11 for the most part yeah, just dump it all there. It should be
12 here. Initially Bob Daigle was in that same category as well of
13 just move everything over. The more scrutiny we got as far as --
14 as far as everyone -- everyone, Congress and vendors trying to
15 say that the government was locking into one vendor. The more we
16 really put, I don't want to say thought into it because we had
17 clearly thought about it before, but we had never quantified it
18 from a contractual, like there was never the guidance of you're
19 just going have to do this. So the rigor of really who would do
20 that wasn't there up until we really started getting the push
21 back of what are you going to tell people they have to do? And
22 so, it really ended up being that we have -- we had the desire
23 that this system would prove itself to be one of the majority of
24 the DoD would want to move to. That direction would be, and if
25 you read the DoD Cloud Computing Strategy that the CIO put out,

1 and there's an executive summary that went over to Congress as
2 well as shorter executive summary for that cloud computing
3 strategy that I also wrote that Mr. Deasy signed and sent over.
4 That basically says look, what we want to do is have something
5 that is central that the majority of our users go on. So we want
6 that to be the default. If you don't think that's the right
7 platform for you then you just need to come and say I think we
8 need a different platform and there are other fit for purpose of
9 environment and other ways that we can then go, but we want you
10 to in general, so cloud first is the overall government thing and
11 then turned cloud smart, because you don't want to force
12 everybody in the cloud that shouldn't be so it went to cloud
13 smart which is cloud first. But the general concept is just like
14 in life we should get away from like handwritten paper notes that
15 going to some, you know, folder that nobody ever accesses again
16 and if somebody else wants to they can't get it and start typing
17 things up and putting them there. We should also be doing that as
18 a department, defaulting to cloud first with all of our new
19 development, looking at taking our old development, putting it
20 there, and then as users start to do that the department guidance
21 is that they should first look to JEDI determined that that isn't
22 the right solution for them, and then they can pursue non-JEDI
23 means. So, the ultimate determination became we're not going to
24 force people into him to JEDI, but we are going to force people
25 to make smart decisions and look at JEDI first.

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

2 Q: So, a few questions. First, could you talk again about
3 when the gating criteria was finalized?

4 A: Sure. So I would say, I know you asked for the
5 finalized and obviously the answer for that is when we signed the
6 source selection strategy. The source selection plan. So, the
7 date of the source selection plan is the date that we finalize
8 that strategy and in how exactly we would go about doing all of
9 that. The --

10 Q: What was the date on that?

11 A: I'm going to say the day before the RFP was released.

12 Q: Okay. So this is June 2018?

13 A: Yeah. So we released it on July. It was July. So we
14 released it on July 17. So I'm going to say July 16. Roughly. So
15 that, I think is to read into your question then I would say
16 probably April is when we -- is when we had a really good handle
17 on what we wanted the gate criteria to be, and it was continued
18 to be refined through for the drafts. Obviously we were still
19 working with the draft RFPs and all of the feedback that we got
20 back from those draft RFPs further informed how the RFP was
21 written and then how we would do the analysis of that.

22 Q: Did you talk about how you all decided that January
23 through February 2018 would be the period that elastic usage
24 would be measured by the vendors?

25 A: Yeah, absolutely. So that was actually a relatively

1 easy decision. March 7 was an industry day, and when we dropped
2 the RFP to announce that we wanted to -- so basically the concept
3 is that we -- the whole concept behind this is that we no longer
4 wanted to be holding them to a contractor that just placated to
5 the DoD and was able to lock us in and holdover us the DoD
6 because that's the way we have been for so long. So, the intent
7 was that at no point are we ever more than 50 percent of their
8 business. There are very easy ways to artificially inflate that
9 information if you know specifically what they are going to be
10 looking for. So, March 7 was dropped that that's what we would be
11 looking at. We wanted data from prior to when we told them what
12 they would need to go out in the artificially inflated. That was
13 the reason why that was selected was specifically so that we
14 could get true data from the companies.

15 Q: so earlier you said that they criteria was not intended
16 to weed out the big four?

17 A: Yes.

18 Q: And I'm intuiting you and correct me if I'm wrong, that
19 you made the big four was Amazon, Microsoft, IBM, and Oracle?

20 A: Yeah, I should the big five because Google was in there
21 too.

22 Q: So, essentially would you say that those five were the
23 five real competitors, competitive vendors that you all were
24 really considering that would be able to actually propose?

25 A: You know we actually went through a lot of discussion

(b) (5)



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(b) (5) . Did that answer your question? Sorry.

24

Q: To an extent. So I guess I'm wondering, because I

25

understand that the smaller vendors might not be able to make it,

1 but even with those big five when it comes down to who would be
2 able to essentially make it at that early stage of
3 January/February were you all expecting for all five of them if
4 they were to propose to be able to make it at that point?

5 A: So, I think we were expecting for at least three if not
6 four of them with unsure about the fifth. And that was something
7 so we went through -- we went through an extensive, an extensive
8 review with DPAP where we went line by line, word by word through
9 every aspect of our RFP and DPAP had their senior people. So,
10 (b) (6), (b) (7)(C) lead that with, and again I'm totally blanking on the
11 name for some reason, the former (b) (6), (b) (7)(C).

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

13 A: No. No the former (b) (6), (b) (7)(C) before him. The guy who
14 comes in, and I'll get it as soon as I get it. They're funny
15 sitting next to each other. I'll think of the name. Anyway, so
16 they were there leading it. The DPAP Deputy was in there the
17 whole time as well, and went through the DoD senior acquisition
18 attorney was in there going through line by line with everything,
19 and a couple of other A&S was in there as well. We went through
20 and they asked all these questions and they said, "You know, what
21 is DoD's -- what would DoD's market share of cloud be and is this
22 reasonable?" We went through all of that and were able to answer
23 all of these questions to their satisfactions as well. So, those
24 are the type of things that DPAP did very critical look at and
25 ended up being very comfortable with the language and how that

1 was defined for that question (b) (6), (b) (7)(C) was the one who answer
2 that and provided the details to that.

3 Q: So, as far as picking the amount of network storage and
4 compete, elasticity would be necessary for the vendors to
5 measures, because essentially that was the amount of DoD usage
6 that was needed, that 50 percent?

7 A: Yeah.

8 Q: How did you all calculate that amount?

9 A: I can't talk about how. I can just talk to who.

10 Q: Sure.

11 A: So that was during (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C)

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

13 Q: Okay.

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

15 Q: Can you say those things again?

16 A: (b) (6), (b) (7)(C) was
17 the lead for the gate analysis.

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

19 Q: All right. So, as far as the high-availability and fill
20 over could you talk a bit about how you all decided to acquire a
21 FEDRAMP Moderate authorization at the RFP stage?

22 A: Sure. We had a lot of discussions on it and if you
23 actually look -- if you actually look at the RFP compared to the
24 amendments we actually change that specifically because of the
25 one-on-one sessions that we had. So, I was -- post-RFP release we

1 had one-on-one sessions with the top four, or not the top four,
2 but the four bidders, and there were five or six of us at the
3 table with the contracting team in the back, and that was
4 specifically one of the questions (b) (5)

5 (b) (5)



24 (b) (5)



(b) (5)

Q: So, I think the language I'm looking at basically says that you must be FEDRAMP Moderate authorized by either the Joint Authorization Board or federal agency.

A: Yeah.

Q: And essentially that's still a part of the gating.

A: Right. So the initial -- the initial final RFP did not allow the agency criteria. The Joint Authorizing Board was what was required. When they came in they told us that the backup for the JAB and so but they wouldn't have any issue, none of the vendors expressed an issue with having agency FEDRAMP.

Q: So, the question I guess that I'm going to get to is about whether any of the vendors were actually FEDRAMP Moderate authorized vendors at the time where they needed to be, but it was more so about the requirements. So, since its part of the gating criteria it's essentially required to be FEDRAMP Moderate authorized prior to time of award. So, as far as we understand that there's actually some documentation yet there's the FEDRAMP to cues and copulation issued January 2018. So, in this issue that says the federal agencies cannot require CSP or cloud service providers to be FEDRAMP authorized as part of their RFP, but can state that a CSP needs to be FEDRAMP authorized once a federal -- once federal data is placed into the system. There's another document that essentially also kind of reflects that says

1 that it can't be issued or that FEDRAMP Moderate can't be
2 required prior the time of award. So I'm not sure if those things
3 were considered.

4 A: I don't recall ever having that discussion, but I do
5 believe that our criteria were at time of award and since we
6 planned on putting data in on day one at time of award would be
7 meet that criteria. But I don't recall ever discussing that in
8 the consideration.

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

10 Q: I don't think it says either. It doesn't specify a time
11 of reward.

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

13 Q: It doesn't? And as part of the gating criteria. The
14 first paragraph highlighted near the bottom of the highlights.

15 A: So, it's been a long time since I've been intimately
16 familiar with this. I want to say that there are other portions
17 of this document that reference when this must -- when this
18 criteria must be met. But, I can't quote that and I can't point
19 you to where that may be. I very much remember us talking about
20 the time that this would -- that this would be in effect, or that
21 they would have to name that, but I can't quote you as to where
22 it may be.

23 Q: So, just to clarify the fact that it's a gate is
24 irrelevant in terms of it, maybe the intent was to make it so
25 that it was going to be relevant at the time of award even though

1 the gating would be the consideration that would pre, that would
2 go before consideration of the actual proposal. Meaning, if you
3 don't make it to this gate of saying I'm FEDRAMP Moderate --

4 A: Did we say at time of award?

5 Q: -- compliance or authorized, then I can't have my
6 proposal actually considered.

7 A: We might have said at the time a proposal. I don't
8 remember that. I remember that we -- I remember specifically
9 changing from JAB to agency. Will actually for the bidders and, I
10 remember us discussing what timeframe they would have to meet
11 that criteria, but a large portion of that timeframe discussion
12 was discussing when they would have the more than FEDRAMP
13 Moderate, post-award.

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

15 Q: Did you have any discussions with FEDRAMP officials?

16 A: So, again (b) (6), (b) (7)(C) was largely responsible for that
17 and (b) (6), (b) (7)(C) at DISA was very involved in this. So
18 anything that --

19 Q: In this FEDRAMP topic?

20 A: Yes. Yes. And in the RFP review, and all that.

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

22 Q: Can you let us know, why wasn't the FEDRAMP Moderate
23 authorization requirement included in the cyber security plan?

24 A: So, the cyber security plan specifically refers to
25 other documents that have the FEDRAMP criteria in it. So, the

1 cyber security plan specifically did not reproduce any
2 requirements that were written other places. It just reference
3 them. The only thing that he wrote in that plan were things that
4 differed from references.

5 Q: Could you talked about the market place? What was the
6 ideal for the market place?

7 A: Sure. So, this discussion was brought up with a lot of
8 confusion because people were thinking that it referred more
9 towards like the Amazon store than anything. And this is where I
10 will freely admit that I my technical knowledge of the industry
11 when it comes to all of their terminology between the different
12 groups and how they group it will limit my response. We did have
13 a lot of discussion about that. It was brought up in questions
14 and in the in-person Q&A. Our technical experts who wrote the
15 requirements, at that time for me sufficiently explained how the
16 marketplace was not a limiting factor for any individual vendor,
17 and that it was capable, that all of those vendors were capable
18 of meeting the marketplace requirements, and their intent behind
19 that. I remember being comfortable with it at that point, that
20 not being my technical expertise, and eight months gone by I will
21 leave it.

22 Q: All right. Since you're an acquisition professional I
23 also want to one extra question on there.

24 A: Yes.

25 Q: If a component were to make a purchase through the

1 marketplace how would that actually be done, or if you were
2 actually there with a whole JEDI Cloud?

3 A: Yeah, so the intent was again the provisioning tool
4 that was being developed, the adapt tool is being developed under
5 an OT with a minimally viable product, and I'll use software
6 terms so, if you don't understand them please stop me because
7 they're totally different terms than a lot of people use. With a
8 minimally viable product, an MVP expected at contract award,
9 which basically means the provisional tool has some baseline
10 requirements that they're working towards developing that require
11 a minimally viable capability once the product is ordered. And I
12 think it's actually there, MVP is actually do 30 days after
13 contract award because they're developing a platform diagnostic,
14 and then they have 30 days. So, once the winning vendor is
15 identified all of their -- all of those vendors APIs are public.
16 So, that startup company can go out, figure out what those APIs
17 are, make sure to basically hook into that and take the vision to
18 develop the other -- the corresponding hooks on the provisional
19 tool and so that they can connect the provisioning tool to that
20 cloud service provider, and then for the 30 days, so it should
21 take about 30 days to just make sure whatever they develop can
22 hook into that. Most cloud service providers have very similar
23 types of marketplace interactions, so the provisioning tool is
24 very easily developed and seriously developed platform
25 diagnostic. So as a user the intent, the initial intent was for

1 it to be magic where someone goes in and says okie dokie here and
2 then it all alternately goes to the right people. The DoD systems
3 are horribly antiquated and not used within like the finance
4 systems and the contracting systems, even within us one agency
5 there are way too many to be able to do that. So, yeah. So they
6 ran into some problems there. So, a lot of those things they're
7 working post MVP so continued development afterwards. But,
8 basically go in, you going on the provisioning tool. Say, I would
9 like the thing. They ask you a bunch of questions to try and kind
10 of capture what it is that you think you need. Do you know how
11 many apps you're bringing over and what the size is? Yes or no to
12 help kind of buckle you into how much cloud you would like to
13 buy, and then they walked through the contracting process so that
14 okay so here's the form. Brings over to your contracting officer,
15 brings over your FM. Have them sign off on this, do that here,
16 and then that provisioning tool is set up to actually interact
17 with the cloud service providers provisioning tool to then
18 purchase that from them and then work provision out. And then
19 within our DoD provision tool that would be where you as the
20 user, as basically the admin of your little club network now
21 would be able to go and establish all of the user accounts to go
22 into that and start doing identity management which is a big
23 piece of cloud, big issue in the cloud security and everything,
24 and how that identity access manager works. So, the task order
25 would be on that contract, you would be responsible for your own

1 security. Your own security 258 or whatever the form is. Yeah
2 250. See I've tried to dump a lot of that stuff. You'd be
3 responsible for your 254 that we would basically provide 80
4 percent filled out and you would just provide your organization
5 unique thing, but that would go in and then on the CCPO side we
6 would have contracting officers who are regularly monitoring all
7 of those task orders to make sure that they're in compliance with
8 everything, and that we understand what they're doing. That we
9 would get user reports from them just to be able to track, but
10 ultimately the intent was that it be a direct, as direct a
11 contract between user and the cloud service provider as possible
12 to remove the layers that the traditional working capital fund
13 adds in for approval and everything, so that the only delay from
14 the time you say I want cloud to the time you get cloud is your
15 own organization's internal budgeting contract process.

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

17 Q: I have a clarification questions. So when they say
18 marketplace you're really referring to this provisioning tool to
19 get cloud initially?

20 A: No. So the marketplace is basically just the commercial
21 catalog. So, when you go out - to the user and you say, "Hey,
22 what services provide?" They've got a commercial catalog and they
23 had everything listed in there, they have all the prices. And
24 part of their bid was to say, "Here's the commercial catalog.
25 We're going to be providing you the prices so that you are

1 getting the same thing." This is also part of the discussion on
2 the fixed price and how they can't go up in price, but cloud
3 services are basically at a global rate to zero so their pricing
4 is consistently dropping. And so we didn't want to, I don't know
5 if you have horrible cable Internet services at home like I do,
6 but six years later on paying five times as much for five times
7 less internet then the other person who just bought theirs
8 yesterday. The DoD does that all the time. We wanted to make it
9 so that what we were getting out of the marketplace out of the
10 commercial catalog stayed the same as their commercial catalog.
11 So, basically you go in and you have access to their full
12 commercial catalog with the DoD having the ability to say no to
13 some specific things that should not ever be on a DoD system out
14 of commercial catalog, but otherwise that was it. Full commercial
15 catalog that's marketplace.

16 Q: So the vendor would have complete control over the
17 marketplace? And what is in the marketplace? Can DoD add things
18 to the marketplace, like if we buy software?

19 A: So that involve licenses?

20 Q: Can they add to the catalog?

21 A: The DoD can bring their -- so the way that the DoD can
22 do that, yes. The DoD can do that same way that any commercial
23 user can do that where we were not -- we are not buying software.
24 We're not at that point in the stack for cloud services. So, it's
25 infrastructure and some platform services. So, if you want to

1 bring in new platform on you can do that. It's a little bit
2 harder, but for the most part you're bringing -- you're bringing
3 in all of your own software. So we have bring your own license
4 agreement in there where users must be able to bring their own
5 license to the extent that it is technically compatible.

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

7 Q: As far as the cyber security concerns. You mentioned
8 some of the issues that you had, or concerns you had concerning
9 correspondence with the JF/HQ, DODIN, and CYBERCOM. Could you
10 explain that a little bit?

11 A: Sure. So, the way the security is written to the RFP I
12 think is actually fairly good. As far as you never want to say a
13 contract is perfect because clearly they're not. I think security
14 written into the contract for what we expect for the vendor to
15 provide is about as good as we could have come up with. On the
16 other side of that though and how the government is actually
17 going to provide security oversight and security management
18 decisions over that at the time that I left program office, and
19 since then they have made a lot of the changes, and they've done
20 a lot of thing, and they brought in a lot more people,
21 particularly all of the people that they would not give me access
22 to before who were on the source selection and then decided to
23 bring me in and allowed to work on the program. So, I cannot
24 speak to since the time I left, but at the time that I left there
25 had been probably little to no work done on the government side

1 to actually determine how we were going to do security management
2 of the JEDI platform.

3 Q: So, as far as migration strategy and concerns around
4 the house, so you discuss that the idea (b) (5)
5 percent of data be moved to the JEDI or at least that was the
6 initiative?

7 A: Yeah, I think we (b) (5)
8 number. I think (b) (5)

9 (b) (5) .

10 Q: So you think that anything that can fit on the
11 infrastructure platform as a service?

12 A: Yes, whatever you can throw on there, we think should
13 go on there.

14 Q: So, considering what you said earlier also about
15 rationalization and the DoD issues there, what was the real plan
16 to actually make sure that DoD knew what it had to actually
17 successfully migrate over and then also I'll added one more
18 variable, also considering other existing infrastructure and
19 platform as a service, contracts for existing clouds that were
20 already out there?

21 A: Yeah, that's a great question and I will say the
22 thinking went through a few evolutions. I think the initial
23 thought, and really this is what it was predominantly a DDS thing
24 and if any of you have worked with DDS before you know they are a
25 just a bulldog on through, bulldoze through whatever they can to

1 get to what they is the right answer. You know they fit in their
2 wake and it works very well for them and works very well for the
3 department. This is much larger than anything that they have ever
4 taken on before. It has a lot more legal and policy implications.
5 So, early on I think they were just kind of thinking we tell you
6 and you go. It obviously progressed a lot beyond that. So, really
7 what it came down to is the department, when we started putting
8 calls out there that the department had no idea what it had. Even
9 people who thought they knew what had didn't know what they had.
10 The Army -- so we started pushing out to the services and to the
11 service CIOs and PEOs that they needed to get on top of this.
12 Part of that September 2017 memo got all of it -- got everybody
13 separately. So, that was part of the problem, right? That memo
14 was designed to get everybody moving with the intent that JEDI
15 would be there, but then nobody indicated that everybody else so
16 anybody else started doing moving on their own track and doing
17 their own thing and they started making progress, and here we
18 come along with this thing that were now like, hey but this is
19 your answer. No, no, no, no. This thing that we just did is the
20 answer, and so there was -- that's how we often do, right?

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

22 Q: And just for clarification because this is important.
23 When you're saying moving you mean moving to the cloud?

24 A: Yes, moving to the cloud, yes. And so -- and so we
25 started having discussions with everyone and when we started, CIO

1 separate from JEDI started doing a bunch of data calls to say
2 what cloud do you have? I believe the Army went out and said oh
3 yeah we totally know what have. No, wait we don't know what we
4 have. Came back and realized that they actually have 8,000 cloud,
5 or 8,000 apps, not clouds, 8,000 apps. And only 1500 of those
6 were registered or something that they knew existed, and so
7 they've been working ridiculously hard on actually trying to
8 figure out what the plan is for that and that's the only service
9 that I know the numbers off hand, but basically all of the
10 services went out and tried to do this and realize that everyone
11 had been creating their own things and little bubbles and we
12 didn't really have a grasp of what we had. We all recognize that
13 the rationalization process is going to take years, that there is
14 no intent on forcing people to just come over. For some cases and
15 most of these are the, like the Mil Cloud 1.0 type of cases. For
16 some cases it makes sense to just lift and shift, but I will say
17 that that's also crap in, crap out. Right. So for some of those
18 there will be more as a push to say, look, you need to make a
19 smart move and just moved to a different cloud platform and then
20 rationalized afterwards. And do more of that afterwards,
21 particularly one was shutting down but legacy data centers and
22 just trying to get out of something to move it in and then do
23 something afterwards, but that's really not the ideal situation,
24 because once we know, you know, you move into a brand-new house
25 they have all these grand plans for doing things. If you do them

1 all up front before you move in then you're good and you get it
2 all done. If you don't you move and you say well, the next month,
3 then the next month, and then you never end up doing it. It's the
4 same thing with this. Once you move to a new platform you have
5 these grand plans, but your budget never actually support you
6 doing any of that fixing. So, ultimately the goal is to do all of
7 this smartly and actually go through and have people look at what
8 they have and determine if they even have a need for that out
9 anymore, we have applications that we are running that are
10 onerous and serve no purpose, and you could -- you either don't
11 even need that data or you could take that data drop it into
12 another commercially available app that just does everything for
13 you is a bazillion times easier and get rid of that, or you could
14 take this just change it around a little bit and put it in.
15 There's all sorts of things, anyways. The general concept is to
16 push out and allow the -- allow the service, the component, the
17 fourth estate CIOs and PEOs to start making smart decisions with
18 their legacy platforms to move them, but to force, and I'll use
19 the word force all new development to be developed as cloud
20 viable even though if it's not going into the cloud environment,
21 and if it is going to the cloud environment once JEDI is online
22 to look towards JEDI first, then a large portion of that too is
23 to try to force agencies to build into their budget that
24 rationalization effort up front even before they start the
25 primary migration efforts. That is a really broad answer, and

1 then answer -- it's a complicated thing so I have a hard time
2 giving up the shorter answer.

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

4 Q: Yeah, so a couple of follow-on questions. So for
5 components that actually have existing long-term infrastructure
6 and platforms as a service contracts, would the move be to try
7 and get them off of that?

8 A: No, so again we went to a lot of discussions. The
9 ultimate decision, the ultimate desired path is that none of
10 those are halted abruptly. They're all looked at by attrition.
11 And that if what you are providing within your cloud service is
12 something that could go into a JEDI environment that meets, like
13 once the vendor's identify we know what their strengths and
14 weaknesses are, if what you are doing would work in the JEDI
15 environment then by attrition one that contract let's go you move
16 into JEDI. If not, if you have a more fit for purpose need, fit
17 for purpose is to Mr. Deasy's buzzword for the non-JEDI clouds,
18 if you have a fit for purpose need then what we would ideally
19 like you to look at is if you're fit for purpose is broader than
20 just your organization. If we can -- if there are several
21 different entities that are doing that so we can create a larger
22 fit for purpose cloud separate from JEDI. So, again still going
23 into the small smarter larger cloud environment but not affecting
24 any current contracting numbers.

25 Q: So, this concert goes back to the measurement portion

1 about DoD's usage. So, you mentioned how the Army is for example
2 had 8,000 applications but only were the strong 1500 that were
3 sanctioned. So, essentially is it another bad data in, bad data
4 out situation as far as measurement, the baseline measurement of
5 DoD data needs for the elastic usage gating criteria?

6 A: Yeah, I mean that's a really hard. I generally equated
7 to if I were to ask 1997 you how much you wanted to look
8 something up in an encyclopedia or a reference something, you
9 probably would have very little need to do it, and now if I were
10 to ask someone today who is familiar with Google as a search
11 option how much you need to reference something? I would guess
12 every single time you're in the bathroom, every single time
13 someone has a question, every single time you randomly think of
14 something on your commute you want to go and look something up
15 and pull it in. The same thing is true with cloud. Right now I
16 don't even realize that I have a need to know what he's doing
17 today. Why do I care what they're doing today? But as I start to
18 realize what he's doing today could have, it could just affect my
19 ability to have a parking spot all the way up to my actual
20 mission. As we start getting that more integrated data driven
21 environment our needs will increase and we just can't predict
22 with this going to be. So, I mean that's why we have an IDIQ that
23 has \$1 million minimum and a \$10 billion cap is we don't know. We
24 anticipate looking at standard growth that \$10 billion is
25 probably about right for over 10 years, but we may end up using

1 stuff a lot less once we get things in there or a lot more. We
2 just don't know.

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

4 Q: So we'll go ahead and begin the formal read-out,
5 however, I did want to address the concerns you raised during our
6 interview here with you regarding your work environment as well
7 as any potential unfavorable actions that you may have. We will
8 assist you in making a formal complaint and will take care of
9 that as soon as we proceed out the door so that they can address
10 your concerns appropriately.

11 A: Okay. Thank you.

12 Q: So why do you believe that this information has
13 surfaced in the DOD?

14 A: Which information?

15 Q: This matter. The JEDI cloud acquisition, the conflict
16 of interest, the gating criteria.

17 A: Sure. Several reasons one, any acquisition of this size
18 is bound to get extensive scrutiny as it should. Ultimately
19 though, this effort both in technology and the contracting
20 strategy, and by contracting strategy I don't mean a single
21 award, but in how we're challenging the standards of how the DoD
22 does contracts. So, like I talked about not being stuck in a
23 price and being able to actually take advantage of what the rest
24 of the world gets in price decreases. The way we are doing all of
25 this and we've approach JEDI is a challenge to our standard DoD

1 contractor base, and it is a scary one, and it is one that
2 several of them did not prepare for and their long-term risk
3 strategy planning for their business planning, and my personal
4 opinion is that there are a couple companies that feel very
5 threatened by a different direction than they were corporately
6 planned for, and are making two attempts, one is to break
7 something up and something that they're more comfortable with and
8 something that they are more competitive for, not necessarily the
9 right decision for the DoD but the right decision for their
10 company, and the other is to delay this for as long as they can
11 so that they can continue to build the capabilities so they will
12 be more competitive when they, when and if the criteria are
13 redefined and they can resubmit.

14 Q: By bringing it up, do you mean multi-cloud options?

15 A: Yes. Because as I said before every vendor has their
16 own strengths and weaknesses, and if you break it up every vendor
17 will have a stronger ability to compete in at least one category
18 as opposed to not being able to compete in the overall effort.
19 So, I mean it is my personal opinion is that it is very largely a
20 corporate industrial interest that is driving the majority of
21 this, of the interest in this, not necessarily one based off of
22 the true needs of the DoD, and the proper legal strategies. That
23 being said, I think we knew that going in and tried very hard to
24 make sure that this was truly the right mission need, the right
25 mission requirement and that the legal aspects of everything that

1 were put in place were done so for the right reasons and in the
2 right ways.

3 Q: Is there anyone else that you believe we should speak
4 with?

5 A: So, (b) (6), (b) (7)(C) select
6 as of a few days ago. She's the one I brought in October 1, 2018.
7 She has extensive source selection background, and ran the
8 onerous cloud, a lot of the onerous clout efforts before she came
9 over my program office. She was the factor lead for management in
10 the source selection, and when she came in she got -- she asked a
11 lot of questions about source selection. She had a lot of
12 concerns about how they were doing it, and she had a lot of
13 concerns about how the overall program office was ill-equipped to
14 handle the contract.

15 Q: Anyone else?

16 A: I already mentioned (b) (6), (b) (7)(C). So (b) (6), (b) (7)(C) has
17 been involved in a lot of this. He will be very uncomfortable
18 talking to you as a contractor he tries to play a very
19 above-board role and was put into a very uncomfortable positions,
20 but so he will be very uncomfortable talking to you but he has
21 seen both sides of -- both sides of the program office and we
22 source selection RFP side. That's it.

23 Q: Do you have any comments or concerns about the way we
24 conducted this interview? Today?

25 A: No.

1 (b) (6), (b) (7)(C): And if you remember anything at any time or
2 that you believe may be relevant to our review please reach out
3 to us the e-mail or call us and let us know we would be
4 interested to get that information if any. And finally, in order
5 to protect the integrity of our review, we ask that you not
6 discuss anything that we've had, or any conversation that we had
7 in this room during our time.

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

9 (b) (6), (b) (7)(C) And then also we ask that you do not discuss
10 this with anyone other than your attorney if you chose to seek
11 one, or consult with one. So, this does not apply to or restrict
12 you from your right to speak to an IG or a Member of Congress and
13 as I stated earlier we'll assist you with filing any type of
14 complaint that you have going out the door. If anyone asks you
15 about your testimony regarding this review, please inform them
16 that the DoD OIG has asked you not to discuss this matter. If
17 anyone persists in asking you about your testimony, or our
18 review, or if you feel threatened in any manner because you
19 provided testimony, please contact me directly. The time is now
20 1317. This review is concluded.

21 [The interview terminated at 1:17 p.m., July 11, 2019.]

22 [END OF PAGE]

23 ~~//FOR OFFICIAL USE ONLY//~~

24 2

25 ~~//FOR OFFICIAL USE ONLY//~~

26 (b) (6), (b) (7)(C) - July 11, 2019

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30 (b) (6), (b) (7)(C) - July 11, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Ms. Essye Miller
November 6, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is November 6, 2019, and the time is
3 now 4:35 p.m. I am (b) (6), (b) (7)(C) with the Department of Defense
4 Office of Inspector General. With me are my colleagues here in
5 the Mark Center (b) (6), (b) (7)(C)

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

7 (b) (6), (b) (7)(C) On the phone with us is our witness Ms. Essye Miller.
8 Are you in your office there in the Pentagon, ma'am?

9 MS. MILLER: I am. Had I known you guys were in the Mark
10 Center I would have stayed there. I ran back to the building.
11 Nobody told me.

12 (b) (6), (b) (7)(C): Well now you know. Hopefully that doesn't
13 mean we'll be -- you'll be having too many interviews with the
14 likes of us.

15 MS. MILLER: It would have been so much easier for me to
16 run upstairs to where you guys are, but yes I'm in my office and
17 it's just me.

18 (b) (6), (b) (7)(C): Okay. Thank you. We're conducting a review
19 of the development of the Department of Defense JEDI Cloud
20 services procurement, and that includes the source selection
21 process. We also want to clarify some information that's been
22 reported in the news media. At this time, ma'am, I ask you to
23 acknowledge this interview is being recorded.

24 (b) (6), (b) (7)(C): Yes.

25 (b) (6), (b) (7)(C): Also please acknowledge that I previously

provided you a copy of the DoD OIG Privacy Act Notice.

MS. MILLER: Yes.

(b) (6), (b) (7)(C): I'll now administer the oath. Will you please raise your right hand?

MS. MILLER: Okay.

ESSYE MILLER

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

E X A M I N A T I O N

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

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

A: My name is Essye B. Miller, M-I-L-L-E-R.

Q: What is your rank or grade?

A: I am an SES Tier III.

Q: And your duty position and organization?

A: Principle Deputy Chief Information Officer for the Department of Defense.

Q: And (b) (6), (b) (7)(C) is with us here today and he's going to ask you some questions.

A: Okay. Thanks.

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

Q: Hello. This is (b) (6), (b) (7)(C), I'll go ahead and get started. Can you describe how and when you came to work on JEDI?

A: It would have been, (b) (6), (b) (7)(C) in probably mid-December of

1 2017 when I became the Acting CIO, and we were initially not on
2 the CESG, the Cloud Executive Steering Group. So, our engagement
3 at that point was predominantly from a security aspect with
4 regard to the Cyber Security Requirements Guide, and how that
5 played into the JEDI requirements. Subsequent to that I was
6 engaged by Bob Daigle and the previous CMO, Mr. Gibson to do some
7 sessions on the Hill with them to answer questions with
8 Congressional Staffers. So, that would have been over a period of
9 a couple of months.

10 Q: All right. Can you describe what your involvement was
11 with the JEDI Cloud procurement going through the acquisition
12 process as well including Industry Day, the RFP, solicitation,
13 market research, gating criteria, and anything else that you were
14 involved with?

15 A: So, let me start backwards, (b) (6), On the source
16 selection, (b) (6), (b) (7)(C)

17 (b) (6), (b) (7)(C) Prior to that I hosted
18 several cloud technology sessions, again from a security aspect.
19 Oh, that would have been in again back in the December timeframe.
20 I represented CIO during the Industry Day. I had folks on the
21 staff but not directly involved in the actual writing of the RFP,
22 but sat in a couple of the RFP review sessions after Mr. Deasy
23 came on board. So, over that period of time a bit in and out
24 originally as the Acting CIO. Mr. Deasy came on board, that role
25 became a bit more distant until the source selection began with

1 the SSAC reviews.

2 Q: Can you describe in more detail your role and your
3 duties (b) (6), (b) (7)(C)

4 A: Yes, in that role we convened a committee of seniors to
5 review the work of the Source Selection Team's both technical and
6 price, first to understand the requirements as they did the
7 evaluations and then when they made their final determination we
8 were the group to review, understand what process they used, what
9 material, how they conducted the review and how they came to
10 their final recommendations. So, (b) (6), (b) (7)(C)

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

12 (b) (6), (b) (7)(C) which would have been (b) (6), (b) (7)(C) .

13 Q: So, he described in some detail the purpose of the SSAC
14 report that you just referenced a second ago?

15 A: So the SSAC report takes both of the evaluations from
16 the pricing team and the technical evaluation team to determine
17 if there were any discrepancies, if there were any questions with
18 the recommendations that they made, or if there were any broader
19 concerns. Based on the information post to our review we made the
20 recommendation to the Source Selection Advisor from both a price
21 and technical aspect.

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

23 Q: Ms. Miller, do you mean the Source Selection Authority
24 or is there --

25 A: Authority, I'm sorry, yes.

1 Q: Just clarifying.

2 A: Yeah, end of day.

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

4 Q: Were you briefed by any SSEB chairs or by the SSEB
5 Chair?

6 A: The SSEB (b) (6), (b) (7)(C) . Yes, we were -- the SSAC
7 was briefed (b) (6), (b) (7)(C)

8 Q: Did you consult any of the factor chairs for the
9 factors 2 through 9?

10 A: The factor chairs were available if we had questions
11 specifically in their areas, and it just varied. So if we needed
12 clarification in specific areas the factor chairs were made
13 available to us.

14 Q: I guess that means you all didn't need any
15 clarification?

16 A: In some areas we did. For example on the tactical
17 requirements, understanding the difference in the provisions by
18 both offerors, or the differences in their technical proposals
19 for each one. So, clarification information in those, and there
20 were a couple other areas as well that are not coming to me right
21 away.

22 Q: Okay. Just for clarity you referencing the factor
23 number 3 on tactical edge?

24 A: Yes.

25 Q: All right. Can you describe how you came to, or how the

1 SSAC came to its actual recommendation for the SSA?

2 A: (b) (5)

3 (b) (5)

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15 Q: Okay. All right. So the SSAC report stated that it
16 adopts the SSEB report except for as noted in factor 2 which was
17 on watched isolation and secure data transfer, but it didn't
18 agree with the SSEB reports that there were no significant and
19 notable differences between the offerors cross domain solutions
20 finding that Microsoft solution was superior. So, how did the
21 SSAC come to that determination?

22 A: (b) (5)

23 (b) (5)

(b) (5)




Q: Did any member of the SSAC disagree with that determination?

A: No.

Q: So it was unanimous?

A: Yes.

Q: So, I'll read another little excerpt or paraphrase excerpts from the SSAC report. It stated (b) (5)




(b) (5)



A: The technical edge.

Q: Also in -- (b) (5)



(b) (5)



what did you mean by that statement, and is that typical language?

1 A: It is standard language for the report. I'm sorry I
2 don't have a copy in front of me but it was ideally flagging
3 those areas where we had great discussion, and where we may or
4 may not have had to do tradeoffs. Tradeoff being were we willing
5 to lean one way or the other because of the difference in offers.

6 Q: All right. And that applied for each of those factors,
7 again 2, 5, 6, and 9?

8 A: Yeah because --

9 Q: Because I think you may have mentioned tactical edge
10 even though that was factor 3 which was not one of the ones we
11 were mentioning.

12 A: Tactical edge was one of the -- well, tactical edge was
13 with regard to bringing in the factor team lead.

14 Q: Okay.

15 A: But the (b) (5) [REDACTED]
16 (b) (5) [REDACTED] were all big issues for us, or important issues I
17 should say.

18 Q: Did you or the entire SSAC brief the SSA?

19 A: The SSA actually sat through the process with us.

20 Q: When you say "the process" do you mean --

21 A: Uh, huh [affirmative response].

22 Q: -- the briefing by the SSEB Chair and the --

23 A: Yes.

24 Q: -- TEB and the Technical Evaluation Board briefings and
25 the Price Evaluation Board Briefings?

1 A: Yes, and she sat through our deliberations as an SSAC
2 as well. So as we worked through the final report (b) (6), was in
3 the part of the process with us. She observed and (b) (7)
4 there was no -- at no point did I have to break/break and give
5 her a separate briefing because she had observed and walked
6 through the process with us.

7 Q: During those briefings, did she ever have questions or
8 concerns that you, yourself, or other members of the SSAC did not
9 have?

10 A: Not that I recall.

11 Q: All right. Who was aware of the SSAC's recommendation
12 to award the contract to Microsoft prior to October 25th?

13 A: I'm trying to picture the date. It would not have been
14 anyone other than the members of the SSAC, (b) (6) as the SSA. The
15 SSEB Chair briefed Mr. Deasy separate from the TEB Chair. So it
16 was only after he would have seen the TEB would he have gotten or
17 understood what the final recommendation was, but there was no
18 discussion beyond the Mr. Deasy level.

19 Q: Did you brief anyone other than the SSA about the
20 recommendation? Grant it she sat in with all those briefings. Was
21 anyone else outside of her briefed by you or the SSAC on the
22 SSAC's recommendation to go with Microsoft?

23 A: No.

24 Q: Were you given the opportunity to review any of the
25 redactions of the report, the SSAC report before the contract was

1 awarded?

2 A: The redactions? No, I was not, but keep in mind I was
3 on leave for three weeks prior to contract award.

4 Q: Ah. Who was acting for your position, or supporting
5 your position while you were on leave?

6 A: As principle deputy or with regard to the source
7 selection?

8 Q: In regards to source selection.

9 A: There would not have been anyone acting in that role (b)
(6)

10 (b) (6),

(b) (7)

11 (C) Q: None of the other --

12 A: (b) (6), (b) (7)(C) all of us

13 signed the report before I left for leave when we finished the
14 process.

15 Q: All right.

16 A: So none of the SSAC members to my knowledge were
17 involved in the process of redacting before documents were
18 delivered to the offerors.

19 Q: So, can you say what dates you were on leave, like from
20 when -- what date to what date on leave?

21 A: I started leave, let me grab a calendar. I think it was
22 October 8th.

23 Q: Was that the start date October 8th?

24 A: I think the 8th was my last day in the office. I'm
25 looking. The 8th was a Tuesday. The 8th was the last day in the

1 office. I started leave on the 9th.

2 Q: And what day did you return to the office?

3 A: On the 29th. No, I'm sorry on the 30th.

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

5 Q: Ms. Miller, (b) (6), (b) (7)(C) here. So, you went on leave
6 on October the 8th, and you mentioned that prior to going on
7 leave you signed that form, or that document. On what day did you
8 actually sign that document? Did you sign it on the 8th or prior
9 to?

10 A: It would have been, I would have to go back and look at
11 the calendar, but I think it was the 8th.

12 Q: Okay.

13 A: It was either the 7th or the 8th. I'm not recalling.

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

15 Q: For clarity we're talking about the Source Selection
16 Advisory Council Report, correct?

17 A: Correct.

18 Q: Yeah, I'm looking at it now, your signature was on
19 October 3rd just for that to be correct.

20 A: Oh, the. Oh. So I'm really off on my date.

21 Q: All right. I'll go ahead and continue.

22 A: Okay.

23 Q: One more --

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

25 Q: I have one more question.

1 A: Uh, huh [affirmative response].

2 Q: Is it possible that you signed on the 3rd and again on
3 the 7th for any particular reason?

4 A: No, so I signed on the 3rd. What I need to remember the
5 date that we all signed it we had to make a correction later, and
6 the team came down to make sure I was aware. It was a typo or
7 something. It's that I think that would have been both on the
8 same day. I'm just off on my date.

9 Q: Okay. Thank you.

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

11 A: All Right. Was the Source Selection Team given any
12 assurances from the Program Office, WHS, or anyone else involved
13 with the procurement that your names would remain confidential?

14 A: I don't recall that being, well, I think that was part
15 of the original training that was done.

16 Q: Can you tell us who gave that training?

17 A: That was, oh, don't ask me her name. (b) (6), (b) (7)(C) and
18 there was another contracting individual in the room. I can't
19 think of her name.

20 Q: All right.

21 A: But all put together by Sharon Woods, and I can get the
22 name for you if I need to.

23 Q: All right. I'm guessing it was someone who worked with
24 (b) (6), (b) (7)(C) it sounds like.

25 A: Yes.

1 Q: All right. We may ask for that name if we need it.

2 A: Okay.

3 Q: What was your reaction when you learned that the names
4 of the Source Selection Team had been disclosed?

5 A: Shock. I found out the day I got back from leave. I was
6 not aware of the error until then.

7 Q: So, since then or before then --

8 A: So --

9 Q: -- or go ahead. I didn't mean to cut you off.

10 A: No, my thought was I didn't haven't a real concern, but
11 typically the rules of engagement is that we don't make that
12 information known. So, I was bit shocked to realize we that we
13 had such an error.

14 Q: So since then have you been contacted by anyone from
15 AWS, Microsoft, or anyone else regarding your participation with
16 the JEDI procurement?

17 A: No, I haven't.

18 Q: Do you know if anyone else on the Source Selection Team
19 has been contacted?

20 A: No, not to my knowledge.

21 Q: All right. And just to satisfy one other question that
22 was hanging out there, while you were on leave for those three
23 weeks, would anyone who needed advice from the Source Selection
24 Advisory Council go to any of the other members since you were on
25 leave?

1 A: If they had any questions they would have probably gone
2 to either (b) (6), (b) (7)(C) , particularly from a
3 security aspect.

4 Q: Okay.

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

6 Q: Ms. Miller, this is (b) (6), (b) (7)(C) . I just have a
7 quick question for you.

8 A: Uh, huh [affirmative response].

9 Q: You said that you were surprised that "we had made such
10 an error." Do you consider the disclosure of your name in error?

11 A: I think it was because my understanding was the names
12 of the Source Selection, SSAC members, were to be redacted, and I
13 also know that there was a commitment by my boss that we would
14 maintain a level of anonymity.

15 Q: Your boss being Dana Deasy?

16 A: Yes.

17 Q: Thank you.

18 (b) (6), (b) (7)(C) I'm good.

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

20 Q: Ms. Miller, (b) (6), (b) (7)(C)

21 A: And this is my understanding that, I'm not quite sure
22 what happened, but it sounds like it was a mistake.

23 Q: Switching gears, Ms. Miller, this is (b) (6), (b) (7)(C)
24 again. The media have reported that President Trump became
25 involved, or offered to become involved, or attempted to become

1 involved in the JEDI Cloud procurement. Can you please tell us
2 what you know, anything you know about that?

3 A: I don't know any -- I have no direct knowledge on that.

4 Q: What knowledge do you have on that?

5 A: What was in the media, and second-hand that POTUS may
6 have called the Secretary with concerns, but again that's second
7 hand. So I have no, outside of media and hearing folks in the
8 building talk.

9 Q: Second hand from the media or second hand from talking
10 with somebody?

11 A: Both.

12 Q: And are you talking about Secretary Esper or --

13 A: Esper.

14 Q: -- Secretary Mattis? Okay.

15 A: It was Esper.

16 Q: Okay. Who was the person that told you about that?

17 A: It would have been one of the folks on the staff and
18 I'm not remembering right now who.

19 Q: In Secretary Esper's office?

20 A: Because as far as I was concerned it was hearsay.

21 Q: How about in the opinion of the person who told you?
22 Was it in that person's opinion hearsay?

23 A: I don't recall, and I typically don't ask.

24 Q: Was it somebody in the Secretary's front office?

25 A: No, it wouldn't have been. It probably would have been

1 one of the guys, maybe Sharon from the Program Office.

2 Q: Let me rephrase the question a little bit differently.
3 I use the word "involvement," how about what can you tell us
4 about any request for information from President Trump about the
5 procurement?

6 A: I'm not aware of any request from the Secretary -- from
7 the POTUS for information.

8 Q: What can you tell us about any possible offer by
9 President Trump or anybody on his staff to help negotiate the
10 contract or the terms?

11 A: I have no knowledge of that either.

12 Q: What communications did you have with President Trump
13 about JEDI?

14 A: None.

15 Q: What communications did you have with anyone from
16 President Trump's staff about JEDI?

17 A: None.

18 Q: What have you ever personally heard President Trump say
19 that was about or related to the JEDI Procurement?

20 A: I have not personally heard anything.

21 Q: What have you ever personally heard President Trump say
22 that was about Amazon, Amazon Web Services, or Mr. Jeff Bezos?

23 A: Just from the media reports that the President had
24 issues with Amazon and Bezos.

25 Q: Tell us about how you -- were you aware of some sort of

1 animus that Mr. Trump held toward Bezos or Amazon?

2 A: No, just again the news reports with the amount of
3 business that Amazon was doing and some concerns.

4 Q: What has anyone told you that they heard President
5 Trump say that was about or related to the JEDI procurement?

6 A: I haven't.

7 Q: What has anyone ever told you that they heard President
8 Trump say that was about Amazon itself, or Amazon Web Services,
9 or Mr. Bezos?

10 A: Nothing. Again, most of what I heard was via media.

11 Q: What information do you have that you got from sources
12 other than the media?

13 A: None.

14 Q: Please characterize for us how aware you were or the
15 Source Selection Team was, about these media reports or what
16 we've heard from some witnesses is "noise about the procurement
17 in the media from the White House and whatnot." How did that
18 affect the Source Selection Team?

19 A: I didn't get a sense that it did at all. It was never a
20 topic of conversation when we were convened, and I don't recall
21 having conversations about anybody -- any of the members
22 separately either.

23 Q: Did any of that trickle down to the Source Selection
24 Team's level or the CCPO, the Program Office's level from any of
25 the DoD senior executives?

1 A: Not that I know of.

2 Q: Like the Secretary, or Mr. Deasy, and whatnot?

3 A: Not that I'm aware of.

4 Q: How did President Trump's public statements about the
5 JEDI procurement influence your actions as they related to the
6 procurement?

7 A: It didn't at all.

8 Q: What information do you have that might indicate that
9 President Trump's or President Trump's staff's communications or
10 public statements about JEDI influenced DoD senior executives
11 such as the Secretary or Deputy Secretary?

12 A: Ask that again please.

13 Q: What information do you have that might indicate that
14 the President's or his staff's statements or communications may
15 have influenced the Secretary or Deputy Secretary on the
16 procurement?

17 A: Oh, I don't have any information particularly regarding
18 the procurement. I mean, I'm aware that Secretary Esper committed
19 to doing a review of JEDI before any decision was made, but I'm
20 not sure that was -- I have no knowledge that that was directly
21 as a result of the President's engagement.

22 Q: What was the impotence for the review? Did he -- can
23 you help us understand that? And I'm speaking of Secretary
24 Esper's review.

25 A: Well, one major contrite, but from where I sit there

1 was always a great deal of noise and high visibility on this, and
2 if I recall correctly it was during his Congressional testimony
3 that he committed to doing a review before allowing us to proceed
4 with an award. Particularly for his education I think.

5 Q: What's your opinion on some of the details that were
6 reported in the media in various times? We've reviewed reports
7 that kind of started shortly after the draft RFP was released in
8 March of '18, running even up to today that report on different
9 aspects of the procurement. What is your comment on the details
10 that have been reported in the media?

11 A: This has always been contentious particularly with our
12 doing a single award, folks having issues, with our including all
13 levels of security. There were questions at every turn on this.

14 Q: Has what you read in -- are the things that you read in
15 the media always accurate?

16 A: No.

17 Q: What would be some examples of things that you've read
18 that were not accurate?

19 A: The timeline for the contract has not always been
20 reported accurately. All lumped in a 10 billion, 10 year moniker
21 versus any details on the base period of the contract, and the
22 option years. Always so concerned about our including classified
23 information as a part of this, but most notably that it would be
24 the only cloud that the Department would have. That was the
25 biggest miscommunication in this. Obviously we have other cloud

1 instantiations and cloud contracts across the Department.

2 Q: Why do you think the procurement was portrayed this way
3 in the media, or that these details were included in that way?

4 A: You know, I don't know if some of that was driven by
5 how we started the engagement or how the engagement was begun
6 when we started down this road. Obviously the effort started with
7 DDS, and I'm not sure what kind of media or public engagement
8 there was there, but that seemed to may have set the tone for
9 some of the questions in contention. Also, I don't know that we
10 did a good job of being very clear in what we were doing, but
11 that's just my opinion.

12 Q: We have some information that Mr. Deasy and Mr. Ranks
13 conducted a couple of briefings over at the White House that
14 included trying to provide some information to separate myth from
15 fact. What can you tell us about those types of engagements?

16 A: I am -- I was not involved. I am aware they had a
17 couple - I call them education sessions, attempting to clear up
18 any misconceptions; but I was not directly involved in those.

19 Q: Were you tasked to provide any information that would
20 support briefings like that?

21 A: No.

22 Q: That would support any -- the provision of any white
23 papers or talking to points to our public -- DoD Public Affairs,
24 or the Secretary's Office, or anything like that?

25 A: No, I wasn't, and as Mr. Deasy came on board and took

1 responsibility I shifted more into running the organization as
2 the Deputy with the exception of my SSAC role.

3 Q: Were you aware of any pressure that President Trump or
4 anyone on his staff may have exerted on anybody at the senior
5 executive level?

6 A: No, I'm not.

7 Q: Are you aware of any pressure that Secretary Trump, or
8 President Trump or anybody on his staff may have exerted directly
9 on or may have trickled down to employees at the Program Office
10 level, or DDS level, and whatnot?

11 A: No, I'm not.

12 Q: Same question for yourself and other members of the
13 Source Selection Team.

14 A: No.

15 Q: And finally the same question for the Source Selection
16 Authority.

17 A: No.

18 Q: What would be your response to any assertion that
19 President Trump influenced the cloud procurement in a way that
20 disadvantaged Amazon?

21 A: I would disagree with that based on my knowledge of the
22 process, and the people involved in the process from a source
23 selection aspect.

24 Q: And how do you know that? How do you qualify that?

25 A: That there was, again no one on the team ever mentioned

1 anything or even alluded to any such contact, or concern, or
2 asked questions that would make me think that there had been
3 engagements.

4 Q: What was the impact of President Trump or his staff on
5 the source selection?

6 A: None. There was none.

7 Q: Media reports in July of 2019 stated that President
8 Trump said that companies had complained about the contract and
9 he would be looking at it, or "We'll take a very strong look at
10 it." What can you tell us about -- share with us about those
11 statements attributed to President Trump?

12 A: I don't have any insight.

13 Q: And then we reviewed media reports in August of 2019,
14 that said the White House had instructed Secretary Esper to
15 "Re-exam the awarding of the contract." Of course we know it
16 hadn't been awarded yet and that Secretary Esper was quoted as
17 saying, "I've heard from folks in the administration." What can
18 you tell us about that report?

19 A: I am not familiar with that one.

20 Q: What role if any did you play in Secretary Esper's
21 review?

22 A: I did not have a role.

23 Q: Who was in charge of the review?

24 A: That was predominately Mr. Deasy and Mr. Ranks.

25 Q: When Secretary Mattis was there as the Secretary, let

1 me rephrase. Very recently we've seen in the media reports about
2 a book that's recently been published by a guy named Mr. Guy
3 Snodgrass, and in his book he describes a phone call that
4 President Trump made to Secretary Mattis in the spring or summer
5 of 2018 in which President Trump allegedly told Secretary Mattis
6 to, "Screw Amazon out of the deal." What can you tell us about
7 that?

8 A: I don't know anything about that.

9 Q: The book also reported that, or following that phone
10 call Secretary Mattis went to his small group, the staff meeting
11 and said -- reported on the phone call and said, "Hey, we're not
12 going to do it that way. We're going to go by the book and do
13 things right." What can you tell us about that small group
14 meeting?

15 A: I don't know anything about that either.

16 Q: What did you ever hear about the small group meeting?

17 A: I didn't.

18 Q: On the subject matter on those last several questions
19 I've been asking you about media reports, influence, or attempts
20 to influence, what extra information do you have that I just
21 didn't ask or that I'm not getting because I phrased a question
22 in the wrong way?

23 A: I don't know that there is anything else. We know
24 there's been an awful lot of media reporting on this, but I don't
25 know that you've missed anything.

1 (b) (6), (b) (7)(C) Anybody else have a question for Ms. Miller?
2 No.

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

4 Q: Is there any additional information that you'd like to
5 provide any of the lines of questions we've been asking you
6 today?

7 A: No, no other information. I am pretty confident in the
8 source selection process from where the SSAC was involved, that
9 I'm pretty confident in saying there was no external influences,
10 and it was a fair competitive process.

11 Q: Do you have any --

12 A: I am --

13 Q: Sorry, go ahead.

14 A: I was just unimpeded by outside influences.

15 Q: Do you have any questions of us?

16 A: No, I don't. Well, is there anything that I've missed
17 addressing for you?

18 Q: No. A lot of heads shaking here.

19 A: Okay.

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

22 A: No, none at all.

23 Q: If you remember anything else that you believe may be
24 relevant to the review would you please contact us?

25 A: I will.

Q: And I think you or your staff has (b) (6), (b) (7)(C) contact
information.

A: Yes. I will, and I still can't recall the name of the
other contract individual for training. So, if you need that
please let me know.

16 (b) (6), (b) (7)(C) We certainly will. Finally, in order to
17 protect the integrity of this review, we ask that you not discuss
18 the matters under review or the questions we asked you during
19 this interview with anyone other than an attorney should you
20 choose to consult one. This does not apply to or restrict your
21 right to contact an Inspector General or a Member of Congress. If
22 anyone asks you about your testimony or the review please inform
23 them that the DoD OIG has asked you not to discuss the matter,
24 and if anyone persists in asking you about your testimony, or the
25 review, or if you feel threatened in any manner because you
provided testimony, please contact us. The time is now 5:16 p.m.
and this interview is concluded.

24 [The interview terminated at 5:16 p.m., November 6, 2019.]

25 [END OF PAGE]

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OFFICE OF INSPECTOR GENERAL

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FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

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INTERVIEW OF

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

December 31, 2019

DCIS Interview

X - - - - - X

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2020000765-80SI-[REDACTED]

December 31, 2019

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE CLOUD

INTERVIEW OF (b) (6), (b) (7)(C): On December 31, 2019, DCIS Special Agent (b) (6), (b) (7)(C) Sensitive Investigations Unit, telephonically interviewed (b) (6), (b) (7)(C), Defense Information Systems Agency (DISA), Fort Meade, Maryland. (b) (6), (b) (7)(C) provided the following information:

BACKGROUND

(b) (6), (b) (7)(C) began his employment as a DISA (b) (6), (b) (7)(C) on September 16, 2019. Prior to his employment at DISA, he worked for the General Services Administration.

DOD JEDI CLOUD ASSIGNMENT

In late September 2019, (b) (6), (b) (7)(C) was assigned to the Joint Enterprise Defense Infrastructure (JEDI) Cloud Program, Cloud Computing Program Office (CCPO), Pentagon. (b) (6), (b) (7)(C) role was to serve as the DISA (b) (6), (b) (7)(C) to the JEDI Program and (b) (6), (b) (7)(C) to the JEDI (b) (6), (b) (7)(C).

Prior to his assignment to DISA and the JEDI Program, he had no direct involvement or knowledge of JEDI, with the exception of what he had learned via open source publications and the media. (b) (6), (b) (7)(C) explained that he had to “get up to speed” very quickly in an effort to support the program.

(b) (6), (b) (7)(C) clarified that his role as the DISA (b) (6), (b) (7)(C) was different from the roles of the Washington Headquarters Services (WHS) (b) (6), (b) (7)(C). As the DISA (b) (6), (b) (7)(C) he (b) (6), (b) (7)(C) to the CCPO prior to contract award. Following contract award, (b) (6), (b) (7)(C) will provide (b) (6), (b) (7)(C) guidance for the JEDI Program throughout contract administration.

WHS Attorneys provided legal guidance to the JEDI acquisition. (b) (6), (b) (7)(C) stated WHS developed and executed the contract award notification strategy – successful and unsuccessful offeror notifications. (b) (6), (b) (7)(C) was not involved in WHS’s strategy to notify Microsoft Corporation (Microsoft) or Amazon Web Services (AWS).

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WHS led all efforts related to the acquisition. (b) (6), (b) (7)(C) provided all acquisition (b) (6), (b) (7)(C) advice. (b) (6), (b) (7)(C) interfaced, worked, and reviewed documents and emails generated by WHS related to acquisitions; however, he did not make any (b) (6), (b) (7)(C) on their use; this was outside the scope of his duties as the DISA (b) (6), (b) (7)(C)

PRE-AWARD EVENTS – DOD JEDI CLOUD

Agents asked (b) (6), (b) (7)(C) to explain his role and the events leading to the JEDI Cloud award notification and the disclosure of Microsoft Technical Evaluation Board (TEB) Reports to AWS. (b) (6), (b) (7)(C) explained that he had minimal involvement in pre-award contract award activities. (b) (6), (b) (7)(C) provided legal guidance to WHS regarding these events and activities.

After (b) (6), (b) (7)(C) left the JEDI Program, (b) (6), (b) (7)(C) became overwhelmed with work. (b) (6), (b) (7)(C) recalled helping (b) (6), (b) (7)(C) with redactions and review of documents (b) (6), (b) (7)(C) prepared. Although he helped (b) (6), (b) (7)(C) with these efforts, (b) (6), (b) (7)(C) provided the final (b) (6), (b) (7)(C) review of the redacted documents.

Reporting Agent asked (b) (6), (b) (7)(C) what his role was in redacting the following reports:

- Source Selection Evaluation Board Report;
- Final Price Evaluation Board Report;
- Source Selection Advisory Council Report; and
- Source Selection Decision Document.

(b) (6), (b) (7)(C) reiterated that (b) (6), (b) (7)(C) was the primary person responsible for redacting the documents. (b) (6), (b) (7)(C) confirmed he was involved in the process and did not have any issues with the planned release of the redacted documents to AWS as part of the unsuccessful offeror notification. Although he was involved in the process, (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C) on the release, (b) (6), (b) (7)(C) did not.

(b) (6), (b) (7)(C) did not have any concerns over what was and was not redacted from the aforementioned reports. (b) (6), (b) (7)(C) explained the Federal Acquisition Regulations provides subjective and objective guidance on what information should and should not be released during a debriefing. (b) (6), (b) (7)(C) did not know if WHS had any policies that dictated what information should be redacted and/or how the information should be released. Decisions on redactions fell to (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) reviewed (b) (6), (b) (7)(C) proposed redactions. (b) (6), (b) (7)(C) in return, reviewed the redactions with (b) (6), (b) (7)(C) conducted a review; however, he did not make the legal decision on the redactions or the release of the documents to AWS. (b) (6), (b) (7)(C) made this decision in conjunction with the (b) (6), (b) (7)(C).

Reporting Agent asked who made, and who had the ultimate authority, as to what redactions were made and what documents were released to AWS. (b) (6), (b) (7)(C) said the (b) (6), (b) (7)(C) –

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(b) (6), (b) (7)(C), was the final authority and she made the final decision. (b) (6), (b) (7)(C) only provided legal advice.

(b) (6), (b) (7)(C) explained that he never reviewed Microsoft or AWS Technical Evaluation Board (TEB) Reports. (b) (6), (b) (7)(C) never reviewed the reports because (b) (6), (b) (7)(C) decided to release AWS TEB Reports to AWS as part of the unsuccessful offeror debriefing. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) both agreed to release as much information as possible, to include the AWS TEB Reports, to AWS “up front” instead of “dragging” out the debriefing process. (b) (6), (b) (7)(C) was aware of their plan and agreed that it made sense. (b) (6), (b) (7)(C) did not have any reservations about their plan to release AWS TEB Reports to AWS.

(b) (6), (b) (7)(C) explained that the release of Microsoft’s TEB Reports to AWS was never supposed to happen. The inadvertent release of the Microsoft TEB Reports was an unfortunate mistake.

INADVERTENT DOCUMENT DISCLOSURE

Reporting Agent asked (b) (6), (b) (7)(C) what firsthand knowledge he had of the inadvertent disclosure of Microsoft TEB Reports to AWS on contract award day, October 25, 2019. (b) (6), (b) (7)(C) stated he did not have any firsthand knowledge of the inadvertent document release.

On the day of contract award, (b) (6), (b) (7)(C) spent his time working between the CCPO and the DoD CIO [Chief Information Officer] Office at the Pentagon. (b) (6), (b) (7)(C) recalled that the short time he was in the CCPO, it was “very hectic.” (b) (6), (b) (7)(C) spent most of his time in the CIO Office.

(b) (6), (b) (7)(C) was not able to keep in contact with CCPO personnel easily because he could not take his cellphone into the CIO Office. At the time of contract award, he was in the CIO Office. It was only after the fact, did he learn of the problems WHS personnel had in sending the award notification to Microsoft and the unsuccessful offeror notification to AWS.

DEBRIEFING QUESTIONS - AMAZON WEB SERVICES

Three to four days following the JEDI contract award to Microsoft, a conference call was held to review AWS’s debriefing question submitted to the DoD. Some people called in while others were together in a room. (b) (6), (b) (7)(C) believes the following people participated in the meeting:

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

While reviewing AWS’s questions, they began to realize something was wrong. The questions were too specific and had too many details. It was then; they realized AWS was in possession of

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Microsoft's TEB Reports. Up until this point, they did not know AWS was in possession of Microsoft TEB Reports.

(b) (6), (b) (7)(C) learned that (b) (6), (b) (7)(C) was responsible for the release of the Microsoft TEB Reports to AWS. Reporting Agent asked (b) (6), (b) (7)(C) if he knew or thought (b) (6), (b) (7)(C) deliberately released the Microsoft TEB Reports to AWS; he did not. (b) (6), (b) (7)(C) explained he has no reason to believe (b) (6), (b) (7)(C) released the Microsoft TEB Reports to AWS was deliberate; rather, it was an inadvertent mistake. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had "zero reason" and had "zero value" in releasing the reports to AWS. For the short period (b) (6), (b) (7)(C) has known (b) (6), (b) (7)(C) he considers him a "stand-up guy" who works hard and is a professional.

WHS is currently litigating the release of the Microsoft TEB Reports to AWS with Microsoft and AWS. (b) (6), (b) (7)(C) explained that the litigation is related to the inadvertent disclosure of the Microsoft TEB Reports AWS. Litigation is not related to the redacted documents provided to AWS.

Prepared by: SA (b) (6), (b) (7)(C) 80SI

Approved by: (b) (6), (b) (7)(C) 80FO

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

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INTERVIEW OF

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

January 3, 2020

DCIS Recall Interview

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INSPECTOR GENERAL
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2020000765-80SI-[REDACTED]

January 6, 2020

JOINT ENTERPRISE DEFENSE INFRASTRUCTURE CLOUD

RE-INTERVIEW OF [REDACTED] On January 3, 2020, DCIS Special Agent [REDACTED] Sensitive Investigations Unit, re-interviewed [REDACTED] Defense Information Systems Agency, in the Cloud Computing Program Office, [REDACTED] Pentagon. [REDACTED] provided the following information:

Reporting Agent asked [REDACTED] if a determination had been made, other than by U.S. Government (USG) personnel, if the information contained in the USG authored Microsoft Technical Evaluation Board (TEB) Reports contained Microsoft proprietary and/or information defined as a "Trade Secret." [REDACTED] said that no determination had been made and acknowledged that there were different opinions on whether the information was Microsoft Proprietary and/or a Trade Secret.

[REDACTED] explained that this was an ongoing topic of discussion with the Washington Headquarters Services (WHS) [REDACTED]. Reporting Agent asked if WHS was considering sending the Microsoft TEB Reports to Microsoft for them to conduct a review, provide supporting information as to what information in TEB Reports contained proprietary and/or Trade Secret information, and why. He said this was under consideration and believed it was a logical step; however, did not know if it would be done and if so, when.

[REDACTED] asked Reporting Agent if the DoD OIG investigation was addressing Amazon Web Services' (AWS) possession and use of the Microsoft TEB Reports. Reporting Agent redirected the question back to [REDACTED] and asked if there were any applicable criminal statutes that addressed AWS's possession and use of the TEB Reports; he could not identify any.

[REDACTED] reported WHS is considering administrative remedies to address AWS's possession, failure to notify the Government of their possession, and their use of the Microsoft TEB Reports.

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DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

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INTERVIEW OF

(b) (6), (b) (7)(C)
January 23, 2020
ISO Interview

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is January 23, 2020. The time is now
3 0935 Eastern Standard Time. I am (b) (6), (b) (7)(C) and with me today
4 is (b) (6), (b) (7)(C). We are investigators and auditors
5 from the DoD OIG. We are interviewing the witness (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C). This interview is being conducted between the Mark Center
7 in Alexandria, Virginia and the Pentagon. We are conducting an
8 investigation of the Defense Joint Enterprise Defense
9 Infrastructure Cloud Services Procurement. Specifically our
10 investigation pertains to the disclosure of Microsoft's
11 proprietary information to Amazon. In addition, we are
12 investigating Ms. Stacy A. Cummings, potential senior misconduct
13 concerning potential violation of Title 18 U.S.C. and the JER for
14 participating personally and substantial in a particular matter
15 having a direct and predictable effect on her actual, or imputed
16 financial interest in Microsoft. At this time I ask that you to
17 acknowledge that this interview is being recorded.

18 (b) (6), (b) (7)(C) I acknowledge it.

19 (b) (6), (b) (7)(C) Also, please acknowledge that I provided you
20 a copy of the DoD OIG Privacy Act Notice.

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

22 (b) (6), (b) (7)(C) I will administer you the oath. Please raise
23 your right hand?

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

25 Whereupon:

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

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

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

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

6 Q: Please state your name and spell your last name?

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

8 Q: And what is your grade?

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

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

11 A: I am an (b) (6), (b) (7)(C) at the Defense
12 Information Systems Agency. I am assigned as the (b) (6), (b) (7)(C) to
13 the Cloud Computing Program Office, also known as CCPO.

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

16 A: I provide (b) (6), (b) (7)(C) to a number of general
17 matters that involve the CCPO and administration of the JEDI
18 Cloud contract.

19 Q: And what was your involvement in the JEDI Cloud
20 contract and when did you begin to work on that project?

21 A: I was brought to DISA on September, my first day I
22 believe was September 16th, and I was assigned at that point as
23 the (b) (6), (b) (7)(C) to the CCPO. My involvement has been limited
24 based on the fact that I am new to this organization. I have only
25 followed the direction of the WHS Office of General Counsel

1 attorneys in regards to the JEDI Cloud contract award.

2 Q: And that would be September 16, 2019 when you began
3 working?

4 A: Yes.

5 Q: Since September 16, 2019 what have you been involved in
6 as it relates to the CCPO Office and JEDI?

7 A: Reviews on contract documents, advising on legal
8 questions regarding task orders and associated contract
9 administration, and providing counsel to the CCPO on matters
10 involving other legal questions.

11 Q: Can you tell me who Ms. Stacy A. Cummings is?

12 A: I cannot.

13 Q: Have you ever worked with Ms. Cummings or familiar with
14 her name?

15 A: I'm familiar with, I have never worked with her. I am
16 familiar with her name only that to the extent that I knew that
17 there is an investigation from your office that was ongoing about
18 her.

19 Q: When did you learn about our investigation?

20 A: Maybe two months ago. Two, three months ago somewhere
21 around there. I'm not 100 percent certain. Considering I've only
22 been here about four months.

23 Q: Where were you before you became a part of the CCPO
24 Team?

25 A: I was at the General Services Administration.

1 Q: For how long?

2 A: Four years and some change.

3 Q: Have you ever provided any responses to Congressional
4 letters concerning the JEDI? You mentioned that you provide
5 advice on contract and other matters and reviewed the contracts.
6 So, have you ever been asked to provide advice on JEDI in
7 response to any Congressional letters?

8 A: No. Not that I can recall.

9 Q: Did you attend the acquisition strategy meeting held
10 with Mr. Peter Ranks and Ms. Cummings on September the 18, 2019?

11 A: No.

12 Q: Did you attend the meeting on September 26, 2019 where
13 discussions about alternative options were to be presented to
14 Secretary Esper for the JEDI Cloud as part of Secretary Esper's
15 review of the JEDI?

16 A: No.

17 Q: Were you were you involved in any of the sessions or
18 provided any advice or reviewed any documents as it relates to
19 Secretary Esper's review?

20 A: No. To my knowledge all of that from a legal
21 perspective those sessions were handled by the WHS OGC personnel.

22 Q: And just going back to Ms. Cummings again. You stated
23 you were made aware about 2 to 3 months ago that Ms. Cummings was
24 under investigation. Did you know the specifics of the
25 investigation? Or what did you know about what she was under

1 investigation for?

2 A: My knowledge is limited on that. My understanding was
3 she may have had a financial interest in one of the offerors and
4 was attending meetings about the procurement itself and whether
5 or not, but I don't know what else other than that. If that's
6 even correct. I'm not even 100 percent certain that's correct.
7 That's just what I believe to be the case. And I was only
8 informed of an investigation because there was a concern that
9 might hold up the contract award.

10 Q: And who informed you of the investigation?

11 A: It would have been WHS OGC personnel.

12 Q: Do you know which individual that would be?

13 A: Probably (b) (6), (b) (7)(C) .

14 Q: And I understand that you're unfamiliar with Ms.
15 Cummings but you mentioned some of the meetings. Do you know
16 which meetings Ms. Cummings may have attended a meeting during
17 that timeframe?

18 A: I have no idea.

19 Q: What have you ever been told or heard that Ms. Cummings
20 said about Microsoft?

21 A: I don't recall any specifics.

22 Q: What has anyone ever told you that they heard Ms.
23 Cummings say that was about or related to the JEDI procurement?

24 A: Again I'm not aware of any specifics. All I know is
25 that there's, like a mentioned before, I believe she had some

1 sort of financial interest in one of the companies that was
2 attending meetings and discussions about those companies. I don't
3 know what, I wasn't part of those meetings or involved in those
4 details.

5 Q: What has anyone ever told you that they heard Ms.
6 Cummings say that was about Amazon or Amazon Web Services?

7 A: I don't recall ever being told anything about what she
8 said.

9 (b) (6), (b) (7)(C): Okay. (b) (6), (b) (7)(C) ?

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

11 Q: Good morning.

12 A: Good morning.

13 Q: I understand that you reviewed some documents after you
14 arrived for JEDI. Could you explain what documents you were
15 reviewing?

16 A: Yes. When I came on board they were pretty much at the
17 end of the procurement process. I was involved with reviewing the
18 Source Selection Advisory Council's determination, the Source
19 Selection Authority's determination, and then a number of other
20 just general standard contract documents associated with the
21 procurement.

22 Q: So for those source selection documents what were you
23 reviewing for?

24 A: It was just review for clarity purposes. Make sure
25 there was nothing ambiguous or just standard legal review to make

1 sure everything was clear in their determination.

2 Q: Were you involved in helping to put together the
3 debrief packaging and the redactions of those documents?

4 A: I did review, I didn't put together a debrief packaging
5 but I was asked to just do a cursory review for redaction
6 purposes of the SSAC document and the SSA document, and the SSEB
7 actually. The Source Selection Evaluation Board's document for
8 redaction purposes.

9 Q: When you were doing that cursory review what policies
10 were you reviewing it against?

11 A: Standard non, like what should be redacted, what
12 shouldn't be redacted if you want to reference - maybe FAR
13 policies that it was more of just a have already provided
14 redaction's wanted to know if I saw anything else that needed to
15 be redacted.

16 Q: So you mentioned the FAR policy. Were you, or did you
17 review the DoD source selection procedures?

18 A: I didn't personally because I wasn't involved with
19 that.

20 Q: Are you aware of the DoD source selection procedures
21 policy on redactions?

22 A: I personally am not. Again like I mentioned before I
23 just followed the guidance and advice from the WHS OGC personnel.

24 Q: Who was that?

25 A: That would have been (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

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

2 Q: What did they ask you to do exactly?

3 A: Like I mentioned they just said, "Hey, would you mind
4 taking a look at these documents or these proposed reductions. Do
5 you see any issues with them?"

6 Q: Did you see any issues with them?

7 A: I honestly I don't recall if there were any issues or
8 not. I might have noted maybe something else should have been
9 redacted or something shouldn't have been redacted but I can't
10 specifically recall that.

11 Q: When you're doing reductions like this what do you
12 typically redact?

13 A: Proprietary information.

14 Q: Anything else?

15 A: Source sensitive selection information. Names of
16 nongovernment personnel, any personal identifiable information
17 that should be properly redacted.

18 Q: So going back to the names, why just nongovernment
19 personnel?

20 A: Government persons are public personnel.

21 Q: Are you aware that the DoD source selection procedures
22 states that you should redact all source selection team names
23 regardless of whether they are government or nongovernment?

24 A: No. I said before I wasn't aware of this policy and I
25 wasn't involved with that process. I just followed the advice of

1 WHS OGC.

2 Q: I'll come back to the reductions in just a second. I
3 just want to walk to the debriefing. Who made the decision to
4 conduct a written debrief versus an oral debrief?

5 A: My guess is that it would be the Contracting Officer
6 who makes the decision.

7 Q: I have an e-mail dated October 25, 2019, from (b) (6), (b) (7)(D)
8 (b) (6), (b) (7)(C) to Sharon Woods, and you were CCed on it that states
9 that, "We, (b) (6), (b) (7)(C), and myself discuss the
10 possibility of an oral debrief weeks ago. After consideration we
11 decided against it." Do you remember that conversation?

12 A: I don't remember but (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C).

13 Q: Who made the decision to conduct the debrief
14 simultaneously with the unsuccessful offeror notification?

15 A: Again, those decisions are made by the (b) (6), (b) (7)(C)

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

17 Q: Were you involved in any conversation regarding that
18 topic?

19 A: I was involved in a number of conversations. I had
20 literally had been here for three weeks. So what I can and can't
21 remember there was a lot going on at that time. I can't
22 specifically recall being involved with one conversation over the
23 other, but if (b) (6), (b) (7)(C) were there then more
24 likely than not I would have been at or in the conversation.

25 Q: Do you know who made the decision that AWS would

1 receive a simultaneous debrief on the 25th but Microsoft would
2 receive theirs at a later date?

3 A: I don't know who made that decision. If, again, it's my
4 understanding that the Contracting Officer would make the
5 decision on the debriefings.

6 Q: Do you know who decided what documents would be
7 included in the debrief to AWS?

8 A: I'd have to say, again, that would be the Contracting
9 Officer who make that decision.

10 Q: So you were not involved in any of those conversations
11 or decisions?

12 A: I was aware that they were planning to do that but no,
13 I wouldn't have been involved and I don't provide advice or
14 counsel to the WHS AD.

15 Q: So going back to the reductions who was tasked with
16 actually redacting the reports?

17 A: Actually redacting the report? I believe WHS OGC and AD
18 personnel were responsible for that.

19 Q: Do you remember specifically what person?

20 A: I don't think -- I think it was a group effort
21 actually.

22 Q: Which reports were - needed to be redacted?

23 A: So my understanding was like the SSEB, the SSAC, and
24 the SSA reports were to be redacted.

25 Q: And those are the ones you reviewed?

1 A: Yes.

2 Q: Do you know who was making the final decision on would
3 and would not be redacted?

4 A: That comes from the CO as far as I know.

5 Q: So, were you aware of the delay from (b) (6), (b) (7)(C)
6 finalizing the redactions on the reports?

7 A: No.

8 Q: So you were unaware that as of the 24 October they
9 still had not been finalized?

10 A: I did not know that, or I didn't know if they were
11 supposed to be finalized by specific date. I didn't know that
12 there was a delay.

13 Q: Were you aware of (b) (6), (b) (7)(C) concern that the
14 final redacted reports from (b) (6), (b) (7)(C) would released too much
15 information that would allow for a point-by-point comparison in
16 violation of FAR 15-506?

17 A: I think I recall a conversation about that between
18 those two, but it was - - yeah it was about the SSAC report
19 maybe. I'm not 100 percent certain which report that speaks to
20 though.

21 Q: You were CCed on a chain of e-mails dated October 24th
22 between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) where (b) (6), (b) (7)(C) specifically
23 pointed out that he was concerned about a point by point analysis
24 being able to be made in violation of FAR 15-506. Do you remember
25 chiming in on that or having any opinion about that?

1 A: Just literally, like I said I remember that
2 conversation or discussion about it. I don't remember chiming in
3 or having a position on it. Again because I don't provide counsel
4 to that office.

5 Q: So, we are aware that the Source Selection Team names
6 were released as part of the AWS debrief and you had stated
7 earlier that government employees are typically not redacted
8 because they are public employees. Was that the reason that (b) (6), (b) (7)(C)
9 (b) (6), (b) (7)(C) gave for releasing the Source Selection Team names?

10 A: I don't know if there was a reason given or not. That
11 was just my perspective from my past dealings at GSA.

12 Q: So after, when Microsoft asked for a debrief on October
13 30th you sent an e-mail to (b) (6), (b) (7)(C) regarding
14 the reports to be sent to Microsoft. At that time you recommended
15 that the Source Selection Team names be redacted. Why did you
16 change your mind?

17 A: That was an e-mail, because at that time I was
18 representing the contracting officer who administers the contract
19 since the contract was awarded. And that came after the fact that
20 there was some concern with the names not being redacted from the
21 previous document when they were provided to AWS.

22 Q: Who expressed that concern?

23 A: Sharon Woods.

24 Q: Anyone else?

25 A: Not that I recall. Sharon Woods is the Program Manager

1 so she would have spoken to me about that. I remember talking
2 with (b) (6), (b) (7)(C) about it and he agreed that he reviewed the
3 e-mail before I sent it.

4 Q: He agree that the Source Selection Team names should be
5 redacted?

6 A: He didn't think that -- still don't think that it was
7 necessary to redact them or not to redact them. It was just a
8 decision made so he didn't see - because there was concern
9 already from the program management, the program manager he
10 agreed it should be redacted. From what I recall, again this was
11 several months ago.

12 Q: But when those reports went to Microsoft the names were
13 not redacted again.

14 A: Right.

15 Q: So you agreed -- so you recommended that the Source
16 Selection Team names be redacted, (b) (6), (b) (7)(C) agreed that
17 because Sharon was concerned that name should be redacted. At
18 what point between 11 o'clock in the morning when you sent that
19 e-mail and 9:00 o'clock at night when the reports went out to
20 Microsoft, like where was a decision made that the reports would
21 be left alone?

22 A: My guess would be that the Contracting Officer made the
23 decision. I don't recall, or I certainly don't remember who
24 provided that, or who made that determination, but we only
25 provided -- I provided the e-mail based off of advice from the

1 morning and I guess something changed in the afternoon.

2 Q: Okay. But you don't know who or when that decision was
3 made?

4 A: I don't know. I don't recall anyway.

5 Q: So tell me, what were you involved in on October 25th
6 on the contract award date?

7 A: I was mostly with WHS OGC. I popped in and out of the
8 office, the CCPO Office during the day but from around 3:00
9 o'clock until about 6:00 o'clock somewhere around there I was at
10 the CIOs Office.

11 Q: What was happening at the CIOs Office?

12 A: Sharon Woods was down there and she wanted me to be
13 there just in case a legal concern came up and that way I could
14 address it.

15 Q: Did anything come up that day?

16 A: No.

17 Q: Were you aware of the technological issues that were
18 happening that they?

19 A: I became aware of it after the fact like around 6:00 or
20 6:30 whenever I returned to the CCPO's Office.

21 Q: Were you involved that all in assembling the documents
22 that would be e-mailed out that day?

23 A: No.

24 Q: Were you aware of the folder in which all the documents
25 or housed on the shared Google drive?

1 A: No.

2 Q: Do you have access to that drive?

3 A: Yes.

4 Q: Did you at all access this folder by chance?

5 A: No.

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

8 A: Only the, like I mention the SSAC, SSEB, and SSA
9 documents for redaction purposes.

10 Q: So you mentioned that you only became aware of the
11 technological issues at around 6:00 or 6:30. Were you at all
12 concerned that no one had brought this to your attention earlier?

13 A: No. I don't know why they would have.

14 Q: Do you know who decided that the award would be
15 announced at 4:45 on October 25th?

16 A: I don't know who made that decision. I was somewhere
17 closer, a higher decision than my position.

18 Q: Do you know why that day was chosen?

19 A: I have no idea. My understanding is that was the first
20 available date.

21 Q: Give me one second.

22 Q: So I have an e-mail to Sharon Woods from (b) (6), (b) (7)(C)
23 on which you are CCed explaining - Sharon had asked for a
24 rationale for awarding the contract before October 28th.

25 (b) (6), (b) (7)(C) states, "If award is made before Oracle files its

1 appeal we're in a better position to override the stay. We are in
2 a better position to override the stay as we have made award and
3 can show the urgent and compelling need for the procurement."

4 [DoD OIG1]Do you remember that e-mail?

5 A: I don't remember that e-mail but that sounds right.

6 Q: Can you explain a little bit more about how the DoD
7 would be in a better position?

8 A: That's a -- (b) (6), (b) (7)(C) would be better to answer
9 that question.

10 Q: So you mentioned that you were in the CIOs Office that
11 entire day. What were you working on if nothing legal had come
12 up?

13 A: I was there. Sharon specifically asked that I be by her
14 side if something comes up. So, like I mentioned I was running
15 back and forth. I was in and out of the CCPO's Office, the WHS
16 Office, but then right around 3:00 o'clock on I was in the CIOs
17 Office if I recall specifically.

18 Q: Were you tasked with anything or you were just checking
19 on people?

20 A: I was checking. I was reviewing. There was other
21 documents associated with the contract that I was reviewing in
22 the morning. It had nothing to do with the procurement itself. It
23 was more in line with contract administration which is what I was
24 brought on to do. I was looking at other documents that would be
25 coming up in these months that we're in now that needed to be

1 reviewed.

2 Q: So during these times that you were checking in the
3 CCPO Office at no time did anyone alert you to any issues they
4 were having with getting documents, or being prepared, or being
5 ready by 4:45?

6 A: There was a lot going on. I don't recall anyone saying
7 that they weren't going to be ready to or they were having
8 problems with getting documents that I can recall. I know
9 everyone was running around trying to take care of the things
10 that each individual person needed to take care of.

11 Q: Can you walk us through what happened post-award after
12 receiving AWS's enhanced debrief questions?

13 A: Yeah. So the award I think was a Friday. I think it was
14 Monday or Tuesday the debrief questions came in and Sharon wanted
15 to have a conversation about them that day. It was like 6:00 or
16 7:00 o'clock I want to say that night. Maybe a little bit earlier
17 where the contracting officers, I remember (b) (6), (b) (7)(C)
18 (b) (6), (b) (7)(C) I believe (b) (6), (b) (7)(C) and I were
19 there and Sharon and we were going to the questions and trying to
20 figure out answers and we realized that some of the questions
21 were a little bit too detailed regarding Microsoft's information.
22 And then we were curious on how they have that and I believe it
23 was (b) (6), (b) (7)(C) who said that they got those documents and then
24 it turned out that they did and he provided us I think that that
25 e-mail, a copy of the e-mail or a showing of the file that was

1 provided to them.

2 Q: So during that initial review of the questions (b) (6), (b) (7)(D)
3 (b) (6), (b) (7)(C) stated that Amazon had received the Microsoft documents?

4 A: Yes. That the PEB reports.

5 Q: Was he the only one who was aware of that?

6 A: He's the one who brought it or who noted it during that
7 meeting. I was the first time myself and Sharon and (b) (6), and I
8 believe (b) (6), (b) (7)(C) and maybe (b) (6), (b) (7)(C) I'm not 100 percent (b) (7)(C) certain about
9 (b) (6), (b) (7)(C) became aware of it because we questioned him about whether
10 that was accurate or not, and then when he produced the e-mail we
11 realize it was accurate.

12 Q: Were you all aware of what (b) (6), (b) (7)(D) was instructed to
13 assemble for the debrief?

14 A: I think I remember hearing that we just want to provide
15 them with everything now. I think what is the general term, and
16 so that would have been the three reports I spoke of and their
17 evaluation documents.

18 Q: But do you know what John was instructed to do?

19 A: No. To that degree no.

20 Q: So you said, we want to provide them with everything
21 now and you understood that to be the three reports you mentioned
22 and AWS's TEB reports. Do you know why (b) (6), (b) (7)(D) interpreted it
23 differently?

24 A: I have no idea.

25 Q: So after you realized that AWS had Microsoft

1 proprietary information what were the next steps?

2 A: We needed to contact Microsoft. So I know Sharon was
3 working on doing that. I was communicating with (b) (6), (b) (7)(C) . He
4 was in that meeting I believe, or at least on the call. So we
5 were discussing like what we need to do going forward as far as
6 for mitigating anything any damage and communicating with AWS
7 that they shouldn't have received those documents and that they
8 were proprietary information of AWS and I know at that point
9 again, it was WHS OGC who was handling the follow-up, the fallout
10 if you will of getting that to, those documents being disclosed.

11 Q: So you mentioned Sharon was calling Microsoft that day.
12 Is that correct?

13 A: I believe, yeah, I believe she did.

14 Q: Do you know if she had any subsequent conversations
15 with either company?

16 A: I know she's been, she's had subsequent conversations
17 with Microsoft. I don't know if she spoken with AWS directly or
18 not.

19 Q: Do you know if she had subsequent conversations with
20 Microsoft specifically about the disclosure and not about
21 contract performance at this point?

22 A: I believe there were at least one maybe two more
23 conversations about disclosure.

24 Q: Do you know when those happen?

25 A: It would have been within the coming days of that day.

1 I don't know. Somewhere around the end of October?

2 Q: Were you a part of these phone calls at all?

3 A: No.

4 Q: Did she consult with you?

5 A: Not very much. She just informed me that she was going
6 to make the call. I believe she spoke with, that Microsoft
7 person's name is (b) (6), (b) (7)(C) I can't remember her last name.

8 Q: So you working with Microsoft, or with WH OGC regarding
9 the fallout of the disclosure?

10 A: They keep me informed but I don't -- I don't work with
11 them if you will.

12 Q: So what actions has Microsoft taken since the
13 disclosure?

14 A: I believe Microsoft has reached out to AWS directly.
15 Their counsels have spoken about this and then they had reached
16 out to WHS OGC via their counsel and have addressed their
17 concerns with WHS OGC, and I believe that OSD OGC was also
18 involved in some form.

19 Q: Have they taken legal action against the Department?

20 A: Not that I'm aware of.

21 Q: But you mentioned that you were just kept informed.
22 You're not actually a part of any of the dialogue between the
23 companies?

24 A: Correct.

25 Q: So what corrective actions, if any, have taken have

1 been taken since the disclosure within WHS or the CCPO?

2 A: What do you mean?

3 Q: Have there been any corrective actions against any
4 individuals or against like the office as a whole - we need
5 training? We need anything?

6 A: Not that I'm aware of. WHS AD would have handled that.

7 Q: When was kickoff? What day was that?

8 A: December 11th through the 13th.

9 Q: So the first page of the AWS bid protest from December
10 states that,
11 "The defendant has represented that DoD will not proceed with
12 performance of the JEDI contract beyond initial preparatory
13 activities until at least February 11." Who was involved in that
14 decision?

15 A: That was DOJ and WHS OGC and I know the CIOs Office.

16 Q: Do you know why this agreement was made?

17 A: I'm not sure how this is dealing with the disclosure.

18 Q: I mean we're curious about all aspects of the JEDI.
19 We're not just looking at disclosure. We've looked at everything
20 about JEDI.

21 A: Oh, okay. Because initially I was told that is about
22 disclosure and about Ms. Cummings. So you kind of caught me off
23 guard there.

24 Q: Sorry. While I have you on the phone if you could just
25 answer some of these questions.

1 A: Yeah. My understanding was the agreement was made so
2 that the Department can continue to prepare the JEDI environment
3 so that when the litigation is resolved, and the expectation is
4 that is going to be resolved in the Department's favor, that they
5 will be ready to go live and the anticipation date of going live
6 was February 11th. That's when the environment would be ready to
7 accept the task orders, substantive task orders from customers.
8 So it was a decision to be made to avoid a, hopefully to avoid a
9 preliminary injunction.

10 Q: But AWS has filed for preliminary injunction?

11 A: That's correct. They just filed.

12 Q: Has the judge come back on that yet?

13 A: No. There's still a number of filings due, responses
14 due, and the potential ruling on that is somewhere in
15 mid-February.

16 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) do you have any follow-ups?
17 No. Just if you want to just clarify who the
18 members were where he stated he reached out to AWS and WHS OGC.
19 The actions taken since the disclosure from Amazon.

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

21 Q: So (b) (6), (b) (7)(C) mentioned, can you clarify who was
22 participating in these conversations when you reached out to
23 Microsoft and AWS?

24 A: I didn't reach out to them first off. It was WHS OGC
25 who were involved in these conversations. I was aware of them,

1 but I'm not 100 percent certain who was actually in of the
2 meetings, or the discussions. I know, like I mentioned before WHS
3 OGC personnel I believe (b) (6), (b) (7)(C) would have been aware. I
4 believe (b) (6), (b) (7)(C) would have been aware. (b) (6), (b) (7)(C)
5 was the (b) (6), (b) (7)(C) on that, and then from the OSD OGC, I
6 know that (b) (6), (b) (7)(C) and has been involved in some form or
7 fashion, but who else and what was discussed and who the
8 conversations were had with him not 100 percent certain.

9 Q: Okay. I think that's it.

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

11 Q: Is there any additional information that you would like
12 to provide to us?

13 A: No I don't think so. Not at this time.

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

15 A: Well if you haven't already I'd recommend speaking with
16 (b) (6), (b) (7)(C) . He's really the one who has a lot of the
17 information that you're asking that I just don't have. I was an
18 outsider, if you will, and most of my information that I can
19 provide to you was all either secondary or hearsay, based off of
20 guidance provided by WHS OGC which would have been (b) (6), (b) (7)(C)
21 and his office. So, I believe that he would probably be the best
22 person to speak to to get the information you're looking for.

23 Q: Okay. Do you have any questions to us?

24 A: Are you, so I mentioned that AWS did receive these
25 documents inadvertently it appears, and they held onto these

1 documents and have use them perhaps in a violation of regulations
2 and other laws. I don't know. Is your office looking that
violation?

3 Q: Not yet. Right now we're focused on the disclosure
piece and if something else emerges I am certain we could
possibly look into that matter.

4 A: Okay. I don't have any other questions.

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

6 A: No. Well maybe if you speak to someone else make sure
that they're aware that if a full encompassing investigation or
interview regarding JEDI not just two specific issues that you
7 had raised initially.

8 Q: And if you remember anything else that you believe may
be relevant to our review please contact me or (b) (6), (b) (7)(C) .

9 A: I will.

10 (b) (6), (b) (7)(C): Finally, in order to protect the integrity we
ask that you do not discuss the matter under investigation or the
11 questions we have asked you during our interview with you or
12 anyone other than your attorney should you choose to consult with
13 one. This does not apply to or restrict your right of your right
14 to contact a Member of Congress or an IG. If anyone asks you
15 about your testimony please inform them that the DoD OIG has
16 asked you not to discuss this matter. And if anyone persists in
17 asking you about your testimony or the investigation, or if you
18 feel threatened in any manner because you provided testimony
19 please contact me. The time is now 10:18. Please stand by while I
20 turn off the recorders.

21 [The interview terminated at 10:18 a.m., January 23, 2020.]

22 [END OF PAGE]

23 [DoD OIG1] I don't have the e-mail but check this quote for
24 accuracy. Sounds like the lights in the room went off and
25 Stephanie repeated a few things.

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Peter Ranks
January 28, 2020
ISO Recall Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is January 28, 2020. The time is 1:05
3 p.m. I'm (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) Special Agent (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). We are
5 investigators and auditors with the DoD OIG. We are interviewing
6 the witness Mr. Peter Ranks, and we are located at the Mark
7 Center, and the witness is located at the Pentagon. We are
8 conducting an investigation of the JEDI Cloud Procurement.
9 Specifically our investigation pertains to allegations of
10 potential misconduct by Ms. Stacy A. Cummings in violation of
11 Title 18 U.S.C. Section 208, and the Joint Ethics Regulation by
12 participating personally and substantially in a particular matter
13 involving specific parties that had a direct and predictable
14 effect on her financial interest. Also, we're looking into
15 allegations of improper disclosure of Microsoft's proprietary
16 information to Amazon. At this time I ask that you to acknowledge
17 that this interview is being recorded.

18 MR. RANKS: I so acknowledge.

19 (b) (6), (b) (7)(C): And do you have any questions about the DoD
20 OIG Privacy Act Notice that I previously provided to you?

21 MR. RANKS: No, in our previous interview you provided a
22 disclaimer up front that I was not the subject of an
23 investigation. Is that still correct?

24 (b) (6), (b) (7)(C): That is still correct, sir, you are a
25 witness.

1 MR. RANKS: Okay. No, I have no further questions. That was
2 a big one.

3 Whereupon:

4 PETER RANKS

5 was recalled as a witness, and provided the following testimony:

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

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

8 Q: For the record can you please state your name and spell
9 your last name?

10 A: My name is Peter Ranks. Last name is spelled R-A-N-K-S.

11 Q: And your grade? I know you're an SES, what level are
12 you, sir?

13 A: I am a Tier III.

14 Q: And can you tell me who Ms. Stacy A. Cummings is?

15 A: Yeah. Ms. Cummings is a senior acquisition executive
16 within the Under Secretary of Defense for Acquisition and
17 Sustainment. I believe she's right below the DASD level, but
18 she's an SES Executive within A&S on the Acquisition side.

19 Q: When did you first meet MS. Cummings?

20 A: I met Ms. Cummings, I would say in the spring of 2019,
21 relatively shortly after my arrival to this assignment at the
22 Department of Defense.

23 Q: So, you came on board in March. Is that correct?

24 A: That's correct.

25 Q: March of 2019?

1 A: March 18th of 2019.

2 Q: So she came on, would you say August or May?

3 A: I can tell you if you don't mind some clicking on when
4 our first meeting was, but I think I met with her before we ever
5 had any discussion about JEDI, just in other -- we have other
6 areas where our jobs intersect.

7 Q: And when you first met her in the spring, what was she
8 working on?

9 A: We just had a general meet and greet, and she talked a
10 little bit about her portfolio within Acquisition and
11 Sustainment. She specifically recommended that I meet some of her
12 folks working on piloting of agile procurement mechanisms, which
13 intersects with some of my software modernization portfolio. I
14 think that was all of the substance in that talk. We subsequently
15 have had an area of intersection around standards for inner
16 operability. There's a CIO component to advocating standards as
17 well as an acquisition component, so we had an enduring
18 engagement on that as well, in addition to our conversations
19 about JEDI.

20 Q: So following that initial meeting with her, when did
21 she become involved with JEDI? When did you start communicating
22 with her about JEDI?

23 A: My first communication with her about JEDI was in
24 response to an e-mail that she sent me where she asked, indicated
25 that Ellen Lord, the Under Secretary of Defense for Acquisition

1 and Sustainment, had asked her for an update on JEDI, and asked
2 whether or not I could provide her a status of that acquisition,
3 where we were in the timeline. I did so at that time. I would
4 have to search my calendar for the date, but I could do that
5 either now or in a follow up, and that was our first
6 conversation. I'll stop there and see what questions you have.

7 Q: And what did you provide to her after that request?

8 A: So, in that meeting, I basically talked through I'd say
9 the externals of the acquisition. Where we were, the broad
10 outlines of the litigation we were facing. I did not discuss any
11 source selection sensitive information. I believe by that time,
12 we had already down selected. So, the down select from four
13 vendors to two was already public, and the two remaining vendors
14 were Amazon and Microsoft.

15 Q: I know you've been working JEDI since early 2019. Do
16 you ever recall her on an e-mail or in any meeting prior to this
17 first engagement with her?

18 A: I don't recall engaging with her specific to JEDI ahead
19 of this first conversation. I have not done a record search, but
20 I don't recall anything.

21 Q: And would that be typical for Ms. Lord to solicit
22 questions through her?

23 A: Certainly Ms. Lord had been involved in JEDI, even
24 going back to sign the original determination that JEDI would be
25 awarded to a single source. So I did not think it was unusual

1 that Ms. Lord, given that it was a high profile acquisition in
2 her role as A&S, would be looking for updates. In fact, as we got
3 closer to award, we had to reach out and involve Ms. Lord in her
4 capacity. So, I don't have a whole lot of context for what is
5 typical at DoD for these major acquisitions, but I did not find
6 it unusual.

7 Q: And did Ms. Cummings provide you with any guidance or
8 any information following your feedback, or her feedback to Ms.
9 Lord?

10 A: The only guidance she offered me was that if members of
11 the CIO were going to give public statements about the
12 acquisition, not about the contents, but I think there had been
13 some quotes from CIO officers in the press that had used
14 acquisition words incorrectly, and she offered that we could run
15 those through A&S for kind of quality assurance on our public
16 statements. And these would have been things that would be
17 publicly releasable, but just to make sure that we were using
18 terms correctly I think was the concern, but that was the only
19 feedback she gave me. She gave me no feedback about the direction
20 or guidance on the acquisition itself.

21 Q: Do you know if Ms. Cummings played any role in
22 developing the solicitation?

23 A: I do not believe she played any role in developing the
24 solicitation. I don't believe she was in her current position at
25 the time the solicitation was developed.

1 Q: And what about her role in writing, reviewing, or
2 approving the acquisition strategy?

3 A: I don't believe she had any role in writing, reviewing,
4 or approving the acquisition strategy.

5 Q: Ms. Cummings - I wanted to know if she was involved in
6 preparing a response to Members of Congress concerning the JEDI
7 Cloud. This is a memorandum that Mr. Deasy prepared. It's a
8 draft. It's an unsigned document on August the 18th. Do you know
9 if Ms. Cummings requested any input from you or from DDS members
10 to respond to the concerns of the Congress?

11 A: Can you give me some more background on the memo, I'm
12 not following which one that is.

13 Q: Sure. Let me pull that.

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

15 Q: Mr. Ranks, while (b) (6), (b) (7)(C) is looking for the memo,
16 initially when you received the e-mail from Ms. Cummings in
17 regards to getting an update for Ms. Lord regarding JEDI, roughly
18 when was that?

19 A: If you don't mind I will - because I don't know, but I
20 can probably find it quickly.

21 Q: And that was the first communication regarding JEDI you
22 had with her?

23 A: That is the first in my recollection that I had with
24 her that was specific to JEDI, yes.

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

1 Q: Was she familiar with JEDI, sir, or did you have to
2 give her some background on that?

3 A: I believe she was broadly familiar with JEDI. I don't
4 recall that she was tracking any of the particulars in that. So,
5 it looks like the meeting, I have a meeting on my calendar from
6 August 14th with Ms. Cummings, dated update on JEDI. I believe
7 that was probably that initial --

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

9 Q: Yes, that's correct, sir.

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

11 Q: August 14th?

12 A: Yes. That's the first -- that's the first -- and my
13 first office call with Ms. Cummings was on April 16th and I did,
14 just to answer your question. She did have an additional role in
15 shaping the Cloud Computing Program Office, which is our
16 organization that leads that. And that we had been asked to
17 identify a Deputy Program Manager who had acquisition
18 certifications. I can't further specify what those acquisitions
19 certifications were. And so, A&S had been a partner with us on
20 identifying candidates for that. So, the person we eventually
21 selected who was not involved in the source selection. His role
22 within JEDI is more about executing on the program once the
23 contract is awarded, but she did play a role, and we had a
24 discussion about that it looks like in May.

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

1 Q: In May of 2019?

2 A: In May of 2019, yes.

3 Q: Thank you.

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

5 Q: Do you know what kind of role she played in developing
6 the Cloud Computing Program Office?

7 A: That would have been it. So, the Cloud Computing
8 Program Office itself was originally stood up within DDS, and
9 then later transferred over to CIO. This happened before I got
10 here, but the decisions about how to staff that, she would not
11 have had any impact on that. There was one area where in
12 selecting a Deputy Program Manager, A&S had expressed that they
13 would like for a program of this magnitude because our Program
14 Manager is actually an attorney, rather than a certified PM, that
15 we have a certified PM in that Deputy role, and they gave us some
16 candidate names. But again that individual was not involved in
17 the source selection.

18 Q: I've got you.

19 A: Yep.

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

21 Q: And who is the Deputy, sir?

22 A: It's (b) (6), (b) (7)(C) . You guys are challenging me.

23 Q: Could you spell his last name for us, please?

24 A: Yep. I'm going to -- it's yeah. Last name is

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

1 Q: Thank you.

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

3 Q: In that April 16th, 2019 meeting, that was that spring
4 2019 meeting where you had the general meet and greet with Ms.
5 Cummings?

6 A: Yeah, so that was within a month of my arrival, going
7 around and meeting my counterparts in the building.

8 Q: And then you got an e-mail in regards to Ms. Lord
9 needing an update about JEDI sometime in August, and then you --
10 from Cummings, and then you subsequently scheduled a meeting with
11 her that was on August 14th where you provided that update
12 regarding JEDI?

13 A: Yeah. One correction is, I don't see an e-mail in my
14 records, so it may have been a hallway conversation which we
15 spoke about it, but then we scheduled that meeting in August --

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

17 Q: Was there any documentation provided to Ms. Cummings in
18 that meeting?

19 A: I don't believe I brought, I certainly didn't provide
20 read aheads. I don't believe I brought any documentation to that
21 meeting.

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

23 Q: And can you tell me what Ms. Cumming's involvement was
24 in discussing the 10 options for moving forward for Secretary
25 Esper's review?

1 A: Yeah. I can. The, as you guys probably have, the review
2 had directed us to come up with some options, what kind of
3 decision space was available to the Secretary of Defense,
4 ultimately the Deputy Secretary, in deciding how to move forward
5 with JEDI. We within CIO had brainstormed a set of options, a
6 pretty expansive list of options about changes that could be made
7 with the contract. We could leave it the way it is. We could stop
8 it entirely, and then a range of things in between. Once we had
9 come up with that brainstorming list, the next step was to bring
10 in acquisition and legal experts to start whittling the list down
11 to those things that were actually practical. So, some of the
12 things that we created in brainstorming there were other people
13 with different expertise within the building would say, "No, you
14 can't do that because." And because of our previous conversations
15 on JEDI, the meeting in August, I reached out to Ms. Cummings and
16 asked for her input into that conversation.

17 Q: You said acquisition experts. Would that include Mr.
18 Fehey? Is that who you were referring to?

19 A: Well, ultimately it was Mr. Fehey, but I mean we
20 reached out to- basically when they said, "Let's go get A&S'
21 opinion on this." I reached out to Ms. Cummings who I considered
22 to be a counterpart in mine in A&S. We ultimately, once we had
23 done that whittling process briefed the A&S leadership, including
24 Mr. Fehey, on the kind of resulting set of options that were left
25 over after we had thrown everything off the island that was not

1 going to be achievable, right? That would either not be allowable
2 under the terms of the FAR, or would cause a total restart of the
3 process. We briefed that smaller set to leadership, but I
4 basically asked Ms. Cummings to take us from the super set of
5 options we had brainstormed, down to a smaller set of options. We
6 had one meeting that was the two of us and one other person who
7 she brought with her, who I don't have the name, but somebody who
8 worked for her, where I laid out those options. Now, the options
9 as you guys have probably seen in the documentation are about the
10 externals of the acquisition. It was not source selection
11 information, but it was about should the DoD proceed with the
12 source selection. And she recommended that we needed to bring in
13 actual contracting specialists as opposed to just people in the
14 acquisition business. That we needed a contracting officer and a
15 contract attorney to weigh in. So, there was a second meeting
16 that Ms. Cummings also participated in, in which that we actually
17 had a contract specialist, and a senior contracting officer, and
18 an acquisition attorney who had not previously been involved in
19 JEDI, to weigh in on the - write the options we were working
20 through. So she helped in the whittling process for those
21 options. It was after that second meeting, we learned that she
22 had through our JEDI (b) (6), (b) (7)(C) that she had a
23 conflict of interest related to Microsoft stockholding. So,
24 that's when her involvement stopped.

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

1 Q: Are those the set of options that were presented to
2 Deputy Secretary Norquist?

3 A: It was a super set of those options. At the time we
4 were talking about it. So, if you've seen a deck that had 10 on
5 it.

6 Q: Yes.

7 A: Yes, it was that larger deck. I think what we showed to
8 Deputy Secretary Norquist only had six, and the reason is once we
9 involved the legal and acquisition specialist, they said all of
10 the options that relate to shortening the term of the contract,
11 are basically non-starters that would represent material changes
12 to the contract, and they would be non-starters from an
13 acquisition perspective. So we minimized the number of options we
14 put in front of the Deputy, because we didn't feel like we needed
15 to show him six options that we couldn't execute.

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

17 Q: And which one specifically did you did Ms. Cummings
18 provide an opinion to or suggestion regarding -- how many of
19 those 10?

20 A: Ms. Cummings suggestion was really that we involve a
21 contracting specialist, was her biggest suggestion. In the first
22 meeting, she did not provide input. She was kind of receiving
23 where we were in the conversation. I was laying out the problem
24 we had been presented with by the Secretary's review. That we
25 needed to do something to look at what options he would have with

1 respect to the JEDI contract, and I asked that she figure out who
2 we needed to engage with, and so her suggestion was we need to
3 bring in a real expert in contracting.

4 Q: So, I have an e-mail here, and it's from Sharon Woods
5 to (b) (6), (b) (7)(C) . You're CC'd on it. It's dated September 23rd,
6 and Ms. Woods states that, "There is an additional option that
7 was suggested today by Stacy Cummings. It's not in the attached
8 deck, so I'm adding it here." And it says, "Option Number 11:
9 Keep JEDI, but add a performance requirement that must be met
10 prior to exercising the IDIQ options." Can you explain what Ms.
11 Woods meant by that quote that Ms. Cummings wrote?

12 A: I can do my best. There was a meeting I was not at that
13 Ms. Woods is referencing, but I think it was, and we ultimately
14 did some of this. But to be explicit in saying what the
15 Department of Defense's criteria would be for exercising the
16 options under JEDI. JEDI was set up as a potential 10-year
17 contract with a base-period of two years and then option years of
18 three years, three years, and two years. And the way those things
19 are normally communicated publicly is as if the full length of
20 the contract is guaranteed, and the conversation we eventually
21 had was to be more explicit about the decisions, the kind of
22 criteria that the Department would use before we would decide to
23 exercise one of those additional options on the contract. I
24 wasn't -- that is me interpreting Sharon's summary of the
25 conversation. I wasn't in that meeting.

1 Q: Were there any other suggestions or recommendations
2 that Ms. Cummings made that you're aware of?

3 A: Not that I recall, no. In the meeting that we had where
4 the acquisition professionals, the contracting professionals were
5 on the phone, they were quite opinionated about a number of
6 things that we had brainstormed that were just not going to be
7 practical, but I don't remember Ms. Cummings strongly expressing
8 opinions in that meeting.

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

10 Q: Mr. Ranks, just so I can rack your brain a little bit
11 more if you can remember. So, in August, you said you had to have
12 an initial meeting which you provided updates to Lord, and then
13 was there like -- when was that first meeting that you had when
14 you reached out to A&S, to Ms. Cummings to lay forth the options
15 that you guys kind of brainstormed to get her take on it? Do you
16 know roughly when that took place?

17 A: I don't know, but I'll tell you I'm just writing the
18 same search I just had nothing.

19 Q: And that would have been the first meeting subsequent
20 to the August 14 meeting, right?

21 A: Yeah. So, the first one that shows that for me, and I'm
22 struggling a little bit here because I know there were two
23 meetings but I only have one in my calendar record, but I have
24 the next one being on September 13.

25 Q: That would have been the superset when you have the

1 options?

2 A: Yes, I believe that is. Yeah and actually this is
3 helpful. The additional person who was in that meeting was
4 (b) (6), (b) (7)(C) .

5 Q: (b) (6), (b) (7)(C) . That was just the three of you
6 guys?

7 A: He's on the meeting invite. Yes. So that was a small
8 meeting where I basically asked for A&S input that led to two
9 discussions. One I was in, and when I wasn't in that included
10 both the contracting officer

11 Q: And the attorneys?

12 A: The attorney, right. And Ms. Cummings.

13 Q: So the second meeting with the contracting officer
14 attorney, when was that one?

15 A: I don't have a record of that, but sometime in
16 September.

17 Q: Obviously after the 13th?

18 A: Literally, I mean we have to look at the overall
19 timeline of JEDI. We were closing in on the eventual award
20 decision - early October we were briefing the options to, 7
21 October we briefed the revised option to XO. Sometime between
22 that mid-September meeting and beginning of October, we would
23 have met again.

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

25 Q: So I have an Options Brief Slide that's dated September

1 the 9th, and it has all 10 of the options in this particular
2 briefing slide. Was this something done in preparation for the
3 meeting?

4 A: Yeah. We had -- we had --

5 Q: That September 13.

6 A: I said before, we had been brainstorming the options
7 deck since almost the start of the Secretary's review. We had
8 been thinking through -- our goal with the review with the
9 Secretary was to help him understand the need and the urgency for
10 enterprise cloud computing, but we were preparing in parallel
11 with all those conversations, this options deck. We just did not
12 bring anybody into the conversation until it became clear that
13 ultimately the Deputy was going to want to see this options deck
14 ,and we started to bring in the experts. We would need to refine
15 the pitch. So yeah there should be some versions of the options
16 paper as it - really in working document form that date back,
17 predate all those meetings with Ms. Cummings.

18 Q: So the options brief I have is version 2.6. Is at the
19 same ten and options that was presented to Ms. Cummings for her
20 consideration?

21 A: I don't actually know which version we were on the day
22 that we brought her into it. You know, if you've got the options
23 deck, there's the summary options, and then there was - each
24 option had kind of a risk matrix where we identified the risk of
25 that option, and each one of those had several criteria. We

1 changed those a lot as we reevaluated what we thought was going
2 to work better and what we thought would provide the best value
3 to the Department andr everything else. So we versioned those, we
4 versioned them then we made changes, and I just don't know where
5 we were at on that - on the day with Ms. Cummings.

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

7 Q: Mr. Ranks, you mentioned that you had been
8 brainstorming these since the beginning of Secretary Esper's
9 review. Did he ask for these options, or was this an idea from
10 the CIOs Office?

11 A: That was an idea from the CIO's Office. It came from
12 Mr. Deasy. Now Mr. Deasy had a conversation with Secretary Esper
13 I wasn't in. But I never heard any direction from the Secretary
14 of Defense to provide the options, but that was something we
15 began preparing for essentially when he started his review.

16 Q: Thank you.

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

18 Q: Earlier you discussed Mrs. Cummings' recusal from
19 working with these options in JEDI. What can you tell me about
20 that?

21 A: After we had a couple of meetings, I got a call from
22 our attorney, as I mention, (b) (6), (b) (7)(C) , who wa (b) (6), (b) (7)(C)
23 (b) (6), (b) (7)(C) on JEDI, saying that she had kind of asked around with
24 some other attorneys, who had done the due diligence on Ms.
25 Cummings, and they all thought the other one who done it. And so

1 she took it upon herself to do a - and I'm not sure what the
2 right word is here, but kind of a due diligence review with Ms.
3 Cummings financial statement, and discovered that she had
4 Microsoft stock above the de minimis threshold. And she called me
5 and said that Ms. Cummings was going to need to be immediately -
6 I'm using the word recuse lightly here, but she wasn't going to
7 be a part of the JEDI discussion any further and that the matter
8 was likely to be referred to the IG.

9 Q: So during your discussions there was never - with Ms.
10 Cummings, there was never mention that Microsoft and Amazon were
11 two of the competitors for the contract?

12 A: No. That was public knowledge throughout the process,
13 and in my initial discussion with Ms. Cummings, it was not about
14 the options, but just in my status update to her, by that time we
15 had down selected to Microsoft and Amazon. So we did not discuss
16 Microsoft and Amazon as options paper, but it would have been --
17 I would believe everybody in the room would have known that
18 Microsoft and Amazon were the two remaining parties, although we
19 never talked about it. None of the options weighed one vendor
20 against the other, so we didn't discuss that and we were as
21 careful as we could possibly be to avoid discussion of anything
22 that was internal to the source selection, but I think everybody
23 would have known who the remaining parties to the source
24 selection were.

25 Q: And why do you feel that Ms. Cummings would have known

1 that Microsoft was one of the potential competitors there?

2 A: In my August meeting with her ,when I gave her an
3 update on JEDI, I would have provided that information.

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

5 Q: Was she aware that you were a member of the Source
6 Selection Team?

7 A: She was not. To my knowledge she was not.

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

9 Q: And did (b) (6), (b) (7)(C) provide you with any additional
10 guidance regarding not sharing any additional information with
11 Ms. Cummings following --

12 A: I don't remember what (b) (6), (b) (7)(C) said, but my clear
13 understanding was that Ms. Cummings should not be involved in the
14 discussion of the options. My first reaction was, well the
15 options discussion is not source selection sensitive, so is there
16 really an issue here? But (b) (6), (b) (7)(C) felt that it was at least
17 source selection adjacent and that Ms. Cummings should be
18 recused.

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

20 Q: Mr. Ranks, on that kind of same lines, just in the
21 general sense, I'm looking at a Cloud Computing Program Office
22 NDA. So what was the process of everyone having to submit and
23 sign an NDA - at what point would they have been presented with
24 this document in order to sign it?

25 A: Well for myself, is really the only one I can speak for

1 the process, it was prior to be given any source selection
2 information, but I was actually formally made a member of the
3 Source Selection Team. Now the process I went through was the
4 read in which included I had -- because (b) (6), (b) (7)(C) I had
5 to get my financial records from (b) (6), (b) (7)(C) I had to provide them to
6 the SOCO Office here. I had to get a briefing from (b) (6), (b) (7)(C) and
7 the contracting officer before being granted access to source
8 selection material. But I was being read into the Source
9 Selection Team, because the options discussion did not include
10 any source selection information, I don't think we applied the
11 same process there.

12 Q: So basically anyone, from your point of view, anyone
13 that would have had access at whatever point, that they would a
14 provided access to any source selection data or information,
15 would have been - that process would have kicked in to do the
16 NDA?

17 A: Correct.

18 Q: So in Ms. Cummings, her situation, you're saying
19 because no information was being discussed regarding source
20 selection, that's just something that no one really kind of
21 thought about?

22 A: Until (b) (6), (b) (7)(C) thought about it after we had two
23 meetings, I think that's correct, I think. Because we weren't
24 talking about source selection material, and then I think, just
25 for me personally, because we were dealing with a senior

1 acquisition official, I think that lulled us into a little bit
2 more of a comfort level than where we were hyper vigilant on
3 actually granting information -- actually granting access to
4 source selection information.

5 Q: And still in the NDA, talking about the NDA. As I'm
6 looking at it, it only references Microsoft in the NDA, opposed
7 to Microsoft and Amazon. Is there a reason behind that, or do you
8 even know?

9 A: I'm not familiar with which. Again I was anticipating a
10 general, nondisclosure agreement related to the source selection.
11 If this is a specific one for Ms. Cummings, I'm just not familiar
12 with that document. I wouldn't think that the general source
13 selection NDA that I sign, didn't reference companies at all.

14 Q: So I think I have - the team just told me I have a
15 later version after it was already determined to be Microsoft.
16 Also. You may have answered this, I may have missed it. Do you
17 know what prompted (b) (6), (b) (7)(C) to look into the 278?

18 A: No. I mean I'm providing kind of secondhand that she
19 said. She asked another attorney if they had -- there was a
20 realization that everyone thought someone else was doing it, and
21 she decided to look at it.

22 Q: So it wasn't nothing that prompted it per se, it was
23 just trying to cross all the Ts and dot all of the Is?

24 A: Yeah, I have a fairly high confidence recollection that
25 it was not because she had information that she thought she was

1 just dotting the I's. Make sure it had been done, and then she
2 found to her surprise, that there actually was a conflict.

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

4 Q: Are you aware whether (b) (6), (b) (7)(C) conducted the same due
5 diligence with the contract specialist and the other lawyer that
6 was brought in for consultation?

7 A: I am not personally aware of that, no.

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

9 Q: And also, to your knowledge, did Ms. Cummings ever sign
10 an NDA prior to her being recused?

11 A: Not to my knowledge.

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

13 Q: And have you ever heard Ms. Cummings say anything about
14 Microsoft?

15 A: I have not.

16 Q: Has anyone ever told you that Ms. Cummings stated or
17 said any remark about Microsoft?

18 A: No.

19 Q: What about Amazon?

20 A: No.

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

22 Q: Mr. Ranks, we want to ask you a little bit about the
23 disclosure.

24 A: Okay.

25 Q: So, just to start, what was your role and

1 responsibilities relating to JEDI from the time your duties ended
2 as (b) (6), (b) (7)(C) to the time of
3 award?

4 A: The execution of the Cloud Program in general.
5 Basically, the project we were trying to do with JEDI, the
6 acquisition as a tool is my responsibility. So outside my role as
7 (b) (6), (b) (7)(C) I am responsible broadly for all of the cloud efforts,
8 the cloud strategy at the Department, and in implementation of
9 the cloud strategy. I participated in all of the sessions with
10 Deputy Secretary Norquist where we went over all of the options
11 briefing, and then I participated in the rollout of the
12 communications plan that we had put together for how are we going
13 to tell Congress? How we can you tell the press? So I remained
14 involved, even after my, kind of narrowly defined role when the
15 source selection was over, I was involved as a kind of program
16 executive.

17 Q: Did you have any role or responsibility relating to the
18 debrief that was going to be provided to Amazon?

19 A: I did not. That was another defined role within the
20 Source Selection Team, and I was not part of that.

21 Q: We understand that Ms. Woods advocated for oral debrief
22 with AWS and - I'm sorry, WHS OGC strongly advised against it.

23 A: Yes. I have been told that verbally by Ms. Woods, and
24 she has shared emails that corroborate that story. And I think
25 for many of the rest of us around the table, the expectation was

1 that there would be an oral debriefing, so we were all caught off
2 guard a little bit by the WHS practice of written debriefings.
3 But I did see responses from - included the response from WHS
4 that says, "No. This is not the way we do it." And they were
5 prepared to stand their ground on that point.

6 Q: You said that we were all expecting an oral debrief,
7 can you explain who we were?

8 A: I think Mr. Deasy, myself, and Ms. Lord just assumed
9 that standard practice was going to be an oral debriefing. None
10 of us asked that question. We were not told otherwise. It was
11 just - what we thought was the standard practice for the
12 contracts of this magnitude, and we just weren't familiar with
13 what the WHS practice was.

14 Q: Do you agree with the decision that WHS made?

15 A: I do not. In my view, an oral debriefing is a useful
16 de-escalation opportunity, especially when dealing with
17 contentious things. That's been the practice in my prior
18 acquisition experience, but I do understand the logic they apply
19 to it, but I don't agree with the decision they came to.

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

21 Q: Was there any communication with the contracting
22 officer about how the Office of the CIO and A&S felt about oral
23 versus written debriefs, that are you aware of?

24 A: The only communication that was had before the fact I
25 believe came from Ms. Woods to the WHS team. It was not something

1 that was brought to our attention from an A&S or CIO leadership
2 perspective.

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

4 Q: When did you find out that there would be a written
5 debrief versus an oral debrief?

6 A: After notification of the disclosure.

7 Q: So I want to move on to the release of the Source
8 Selection Team names. Did you or anyone from the CIOs office have
9 any input on the information that would be redacted from those
10 debrief documents?

11 A: We did not.

12 Q: Did you participate in any discussions regarding the
13 Source Selection Team names or other information to be redacted
14 from the reports?

15 A: No. Our only discussions about that were after the
16 fact. Now the only other discussion was in Mr. Deasy's testimony
17 for his confirmation, we prepared him with talking points that
18 said that the Source Selection Team was kept anonymous throughout
19 the process. But that wasn't about redaction, the only other
20 conversation about - kind of Source Selection Team identities.

21 Q: That leads right into my next question. What was the
22 CIOs expectation regarding the reduction of the Source Selection
23 Team names?

24 A: I don't think that we - there was a - we had a good
25 understanding of the kind of administrative housekeeping

1 processes after the contract gets released, but our expectation
2 was certainly that Source Selection Team names would not have
3 been shared unless we were legally obligated to do so.

4 Q: So as a member of the Source Selection Team, what was
5 your expectation regarding the redaction of the Source Selection
6 Team names including your own?

7 A: I did not expect my name to - become public isn't the
8 right word, but to be released to the parties to the source
9 selection.

10 Q: Was there any communication between the CIOs Office and
11 the Contracting Officer or WHS OGC regarding your expectation
12 that the Source Selection Team names would not be released?

13 A: There had been communication with the Source Selection
14 Team members throughout that it was important for them to
15 maintain the confidentiality of their roles, but there was no
16 communication, say just prior to the redaction saying that there
17 was. There was no affirmative communication of that change to any
18 members of the Source Selection Team. We found out about it after
19 it had been released.

20 Q: Were you aware that a deliberate decision to release
21 the Source Selection Team names had been made?

22 A: I became aware in the kind of post mortem review of the
23 disclosure. Once we realized the information had been sent to
24 AWS, we initially thought that both the Microsoft source
25 selection information and the team names had been sent by

1 accident. But we commissioned a deeper review of that and found
2 out that the Microsoft materials being sent to AWS was a mistake
3 - was an accident, and that they release of the Source Selection
4 Team names was a judgment call on part of the WHS attorneys.

5 Q: Did those attorneys --

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

7 Q: You said the WHS attorneys?

8 A: I believe.

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

10 Q: Who particularly did you - are you aware that made that
11 decision?

12 A: Our attorneys involved at the time were (b) (6), (b) (7)(C)
13 and (b) (6), (b) (7)(C). I don't know which one of them made - I don't
14 know who had which part of the redaction responsibility.

15 Q: Did they explain why they did it?

16 A: They did not explain to me personally. I believe I've
17 heard secondhand their explanation was that they were shooting
18 for maximum transparency, that the names would not become public
19 and they would just be shared to with the counsel on the other
20 side, and that they were just trying to be as transparent as
21 possible. The judgment call was about being transparent with the
22 parties.

23 Q: What is the benefit of sharing the Source Selection
24 Team names with the opposing counsel?

25 A: I don't know. You probably need an acquisition attorney

1 to weigh in. I think - I believe they're - I mean they're all
2 going to be discoverable as part of any protest action
3 eventually, and I think it may have been just to try and be
4 forthcoming up front, so we did not have to respond to discovery
5 request later on. But certainly parties would have a right to
6 know who was involved in source selection activities so that, and
7 when I say parties I mean the attorneys representing the parties,
8 would have a right to know who was involved so that they could
9 look for conflicts of interest on their own.

10 Q: Are you aware whether (b)(6), (b)(7)(C)
11 (b)(6), (b)(7)(C) was aware in making
12 that decision?

13 A: I don't have any knowledge of what her awareness was.

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

15 Q: Also along the same lines Mr. Ranks, who was the
16 ultimate authority that would provide - that could say this is
17 what we're going to do? Who is the ultimate authority on that?

18 A: My position is that CIO as the kind of business
19 function responsible for the procurement, should ultimately have
20 been able to make that decision, but I believe the attorneys felt
21 it was an administrative matter rather than a business matter,
22 and so we weren't consulted on the decision half the time.

23 Q: So from the administrative standpoint, who was the
24 ultimate authority to make the decision to --

25 A: It was those two attorneys.

1 Q: Those two attorneys. So they would have been?

2 A: Yeah.

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

4 Q: Those two were the same attorneys that in your opinion
5 also had the administrative authorities for the decision on oral
6 versus written debrief?

7 A: I think that those two attorneys in that decision were
8 carrying out the established practice of WHS. I don't necessarily
9 think that was a personal decision in that case.

10 Q: But on the Source Selection Team, yes?

11 A: Yes. In fact I think the e-mail thread from Sharon,
12 that decision on oral versus written debrief things, was actually
13 escalated within the WHS management chain and that, WHS
14 acquisition leadership weighed in to say, "Yes, this is the way
15 we do it." I think for the redactions, again because they view
16 that as administrative, they didn't have to run that up the
17 chain.

18 Q: What has been your -- you said you have been, I mean
19 you come from (b) (6), (b) (7)(C) and I believe you work in
20 (b) (6), correct?

21 (b) (7)(C) A: Correct.

22 Q: What has been your experience in the past with (b) (6) in
23 relation to these two items, oral debrief and Source Selection
24 Team disclosure, of the names? (b) (7)(C)

25 A: I'm hesitating here to speak about my agency.

1 Q: That's okay. I don't want to put you in a bad place.

2 A: If that is something that is important, I guess I would
3 prefer that I can bounce off (b) (6), attorney before answering. I
4 would be happy to answer. I'll say that my general experience in
5 major acquisition has been that we conduct oral debriefings.

6 Q: Yes. Then will put it as a due out if it's okay with
7 you to consult with them. It would be very beneficial to know
8 what practice (b) (6), (b) (7) use for (b) (6), n this.
(C) (b) (7)

9 A: Yes. And I'm not -- (C) I'm just trying to be very careful
10 that I don't --

11 Q: We completely understand, sir.

12 A: -- speak on behalf of the agency, or what their
13 standard practices are, or anything else in this role.

14 Q: Yeah, we have been in communication with them, and may
15 have provided a lot of information from (b) (6),
(b) (7)
(C)

16 A: Okay.

17 Q: So, they are aware of our review. So, if we need to
18 coordinate that further, we can do that a little bit later.

19 A: Okay. Excellent. Yeah.

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

21 Q: So, (b) (6), (b) (7)(C) (b) (6), (b)
(7)(C) had informed us that there
22 were some people within the CIOs Office that were concerned about
23 the fact that the Source Selection Team names had been released.
24 Can you tell us who was concerned and why?

25 A: Myself and Dana Deasy, the CIO, were concerned. We were

1 concerned primarily because - I mean first of all, we thought it
2 was the best practice to do everything we could to sequester the
3 Source Selection Team members because of the visibility of this
4 activity. We were additionally concerned because we had just
5 written Mr. Deasy's testimony, and he had just provided it during
6 his confirmation that said we would maintain the anonymity of the
7 evaluators throughout the source selection process. Which we felt
8 like - if they were revealed at the end of the source selection
9 process, was arguably true, but we were not trying to split hairs
10 in his testimony to the Hill.

11 Q: So at any time prior to award day on October 25th, did
12 you or anyone from the CIOs Office review the reports to be
13 released as part of the AWS debrief?

14 A: We did not.

15 Q: Did you review the report that was redacted, your
16 report that was redacted, the Source Selection Evaluation Board
17 report?

18 A: I did not. I mean I had reviewed the report. I did not
19 review the reductions to that report and what was eventually
20 provided.

21 Q: So as you were writing that report, you read through
22 all of the technical evaluations board reports. Is that correct?

23 A: That's correct.

24 Q: In your opinion, did the technical evaluation board
25 reports contain Microsoft trade secrets?

1 A: Did they contain Microsoft trade secrets? I think it's
2 possible in the Factor III report where Microsoft discussed their
3 approach to the tactical edge solution, that - and I'm just not
4 an attorney that understands exact definition of trade secrets,
5 but I don't think there's intellectual property there, but there
6 was a specific approach that Microsoft had taken to - responding
7 to that part of the solicitation. I think for the majority of the
8 rest of the proposal, it was largely Microsoft articulating which
9 parts of their existing commercial technology they would propose.
10 It was not them been building something new. So I wouldn't say
11 there was a lot of information that was proprietary. The cost
12 volume also would have been proprietary, but my understanding is
13 the cost volume was not shared. So, I think it - for me, it's
14 probably right on the edge of what I would consider to be
15 proprietary. Again, I don't have a good legal understanding of
16 the legal definition of a trade secret.

17 AGENT (b) (6), (b) (7)(C) Can I add one more please?

18 (b) (6), (b) (7)(C) : Yes, please.

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

20 Q: Just going back real quick, and we can pick up right
21 back where we were. I just want to mention, I just want to get
22 clarity on one part. So on the redaction piece going back to the
23 attorneys that authorized it. So, I just want to -- who had the
24 ultimate authority? Is it the sense of - if I'm an individual
25 that is before the court, and I want to plead guilty, but my

1 attorney is telling me to plead not guilty. My attorney has to
2 listen to me regardless of how they feel. So is that the same in
3 this instance where it's more of a recommendation that we want
4 these things should be redacted, and then it's ultimately someone
5 else's authority or, is the authority solely the attorney's in
6 order to push for those reductions?

7 A: So I think that CIO, including members of the Cloud
8 Computing Office, and the CIO Office itself, would have the
9 authority to shape those reductions, right? Because the attorneys
10 viewed it as an administrative matter, they never brought that up
11 for a decision. So it wasn't discussed. I think that, I mean
12 there are areas in which if the attorney say that this thing is a
13 matter of law, then their decision is binding. There definitely,
14 in this case it was clear that it was legally permissible for us
15 to do either thing. And they made the judgment call they wanted
16 to do it this way.

17 Q: To go this way as opposed to that way, okay.

18 A: If we wanted to override their recommendation, we could
19 have, it just was not brought to our --

20 Q: It wasn't presented to you in order to do so?

21 A: We didn't have the opportunity to do that.

22 Q: That was it, sir. I just wanted clarification on that.
23 I'm sorry.

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

25 Q: Sir, have you ever heard about the DoD source selection

1 procedures?

2 A: I'm sorry, have I heard about them?

3 Q: Yeah, are you aware of them? Of their existence or --

4 A: Yeah, broadly I think I'm aware of them. I don't have a
5 good understanding of the kind of step-by-step mechanics, but I'm
6 broadly aware of the source selection process.

7 Q: So, in the DoD source selection procedures, it states
8 that the names of the individuals in the Source Selection Team
9 that did not participate in the debrief should not be disclosed.

10 A: Okay.

11 Q: So, I guess what we're trying to understand is if
12 you're aware of any waiver or authority that WHS OGC had to
13 disregard what is a DFARS requirement?

14 A: No. And I was not aware of that clause in the source
15 selection procedures.

16 Q: Thank you.

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

18 Q: Sir, I want to move on to award day. Who decided that
19 the award would be announced at 4:45 on October 25, 2019?

20 A: We jointly developed the release day schedule of who
21 would be notified when. We had advice from Mike Glennon, who's
22 the Senior Acquisition Attorney, that award should be announced
23 after the markets close, and so our schedule revolved somewhat
24 around that.

25 Q: Is there a reason for October 25th?

1 A: It was the first day that we had both completed the
2 source selection, and had the go-ahead from the Deputy Secretary
3 of Defense, give or take kind of two days for us to prepare. It
4 was the first day we could get it done. We wanted to do it as
5 quickly as we could.

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

7 Q: Did you ask it any point to see what the redactions
8 would look like?

9 A: No. I did not.

10 Q: Were you aware of any concerns that either Ms. Woods
11 who reports to you, or the contracting team had regarding the
12 redactions? And I'm not talking about Source Selection Team
13 names. I'm talking about the information that needed to be
14 redacted.

15 A: I'm not sure I understand the question. Can you repeat
16 the question please?

17 Q: If prior to October 25th, where you are made aware of
18 the concerns of the contracting team had regarding the
19 information that was going to be disclosed as part of the
20 debriefs?

21 A: No. I did not have any discussions about the debrief in
22 general, or the scope and nature of the reductions prior to the
23 award, or even before notification that there was an unauthorized
24 disclosure as part of the debriefings.

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

1 Q: Sir, as part of that e-mail that (b) (6), (b) (7)(C) sent you, the
2 e-mail between Sharon Woods and (b) (6), (b) (7)(C)

3 A: Okay. Hold on. Let me pull it up. Okay yeah, I'm
4 looking at the e-mail from (b) (6), (b) (7)(C) .

5 Q: So, in this e-mail, Sharon is asking for the rationale
6 for awarding the contract before October 28th, and (b) (6), (b) (7)(C)

7 writes that, (b) (5)

8 (b) (5)

9
10 (b) (5) " But you had just stated that the reason that you
11 chose the 25th was because it was the first day available and you
12 had just finished source selection. Can you help me understand
13 how this rationale fits in with the way you picked the day?

14 A: Yeah, what I remember is that throughout the process
15 our public response, anything on JEDI was about the urgent and
16 compelling need. So when we have the ability to award the
17 contract, we wanted to award it as quickly as possible to
18 reinforce that the Department was acting with urgency. Part of
19 the acting with urgency, was to reinforce a position we might
20 have to take in response to litigation. I don't believe I saw
21 this particular e-mail. I don't remember it. But I think it's - I
22 don't remember the Oracle protest date, but I think it's broadly
23 consistent that we were trying to move as fast as we could to
24 reinforce that the Department was acting with urgency.

25 Q: Do you know why Sharon was concerned about the day?

1 A: I don't. Oh, she may have been -- so there was a
2 discussion at the time, and this is bordering on a little bit of
3 speculation but, there was a discussion at the time whether or
4 not we should wait until after Mr. Deasy's confirmation hearing,
5 which was scheduled for the following week. And we felt that if
6 we delayed until after his confirmation, it was likely be until
7 after his confirmation and he would receive follow-up questions
8 and everything else, and it would be a couple of weeks delay at
9 which case the Department would have been sitting on an award
10 decision that we had consistently articulated was urgent. And so
11 I think we were trying to arm ourselves with an argument that we
12 should go as soon as we could. And ultimately we did award before
13 his confirmation. Mr. Deasy had received, I think advice from
14 others, that it was unwise to make any major announcement before
15 he was going to be testifying on Capitol Hill, and we were trying
16 to make the argument that the kind of the needs of the mission
17 outweighed that political consideration.

18 Q: So on October 25th, what responsibilities if any, did
19 you have on that day regarding contract award?

20 A: I had really no responsibility on that day. I had
21 significant responsibility in the run-up to that day, kind of
22 putting the thing together. I actually think on the 25th I was
23 out of the office for most of the day. I was not there for the
24 phone calls to Congress. I was not there for the notification to
25 the Secretary. I was on vacation somewhere. I don't remember

1 where. It was bad timing. So, I had been involved in - I think on
2 the last meeting, we talked about the creation of the tick-tock
3 that kind of hour-by-hour release schedule. I had been involved
4 in putting that together, but I did not have any responsibility
5 on the day.

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

7 Q: Even though you were not there, were you monitoring any
8 kind of communication of what was going on?

9 A: I got t text messages to say it was done, and then I
10 started watching for press.

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

12 Q: So after award, when did you learn about the disclosure
13 of Microsoft proprietary information and the Source Selection
14 Team names to AWS?

15 A: Again, I would probably have to check my records, but I
16 believe it was the following week.

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

18 Q: Who made you aware?

19 A: I don't remember if it was Sharon or -- I don't
20 remember who first made me aware.

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

22 Q: What was your reaction?

23 A: Oh shit, was my reaction. I think this has been a very
24 long struggle to get to award, and I think my first reaction was
25 going through the - was this something that was done

1 accidentally? Was this something that was an error in judgment?
2 And then wondering what the impact was going to be, and we spent
3 the next day or two days answering those questions, trying to
4 figure out what had happened, what the ramifications were going
5 to be? What the cleanup procedures needed to be? I think we
6 quickly identified that there was a process for this type of
7 disclosure and we initiated that process, and got signed
8 declarations from Amazon that they had gotten rid of all the
9 material in their possession.

10 Q: What was your advice or input?

11 A: My advice during the period was one, not to jump to
12 conclusions about the disclosure. I think there was a kind of day
13 one thread that this was -- that this is been done maliciously.
14 And then secondly, the attorneys were very angry at Amazon that
15 they had not immediately deleted the material, quarantined it,
16 and called us. And my further advice was, not necessarily to
17 escalate the issue with Amazon. I also weighed in - there was a
18 discussion about whether or not to preemptively make a public
19 announcement that we had done this. My advice was not to
20 preemptively make a public announcement. I didn't think we
21 normally provided a press release for our administrative errors,
22 but we did prepare talking points in the event it became public.

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

24 Q: You mentioned that there were some people that thought
25 this was malicious. Can you elaborate on that?

1 A: I think there were -- I believe it was in the
2 leadership of WHS that it had been conveyed to me secondhand,
3 that people thought this was, or at least needed to be
4 investigated like a potential act of malfeasance as opposed to
5 administrative error. We asked for - we had kind of immediately
6 done our own what happened, but then we brought in the same
7 outside contracting expert who had consulted on the options brief
8 to do kind of in person interviews with everybody, and I think
9 her review helped satisfy everyone that this was entirely
10 administrative in nature.

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

12 Q: Was that (b) (6), (b) (7)(C)

13 A: (b) (6), (b) (7)(C) yes. I have been struggling with her name, but
14 yes, that was (b) (6), (b) (7)(C)

15 Q: So we understand that Sharon Woods briefed you and Mr.
16 Deasy on her conversations with Microsoft regarding the
17 disclosure. What did Ms. Woods relay to you from those
18 conversations?

19 A: The thing I remember principally is that Microsoft,
20 while unhappy with the disclosure, understand that things happen
21 and they were committed to continuing to work with us, and
22 essentially were going to be satisfied with the normal cleanup
23 actions that we would take. Although they reserved the right, I
24 think to, if they wanted to have some future legal action against
25 Amazon, they were going to reserve that right.

1 Q: Do you know if there are any plans to take action
2 against the Department?

3 A: The action would not be against the Department, the
4 action would be against Amazon, and I'm not aware of any plans to
5 take action against Amazon.

6 Q: Ms. Woods also told us that there was a meeting with
7 DoD senior leadership to discuss the disclosure. She stated that,
8 "Senior leadership including Ms. Lord agreed that there should
9 have been an oral debrief." Did you participate in that meeting?

10 A: I did.

11 Q: When was that meeting?

12 A: I think it was the day after our notification of the
13 disclosure. Again I'd have to -- I probably have to check the
14 calendar. I think it was the day after. And I think we met two
15 days in a row possibly with Ms. Lord.

16 Q: Who else was in that meeting?

17 A: Certainly the second one, Dana Deasy was there. I
18 believe (b)(6), (b)(7)(C) was in the meeting. One of Ms. Lord's
19 deputies. Mike Glennon, Senior Acquisition Attorney, and a Public
20 Affairs person from A&S staff. That may not be comprehensive but
21 --

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

23 Q: Do you happen to have the meeting invite with who were
24 the other attendees for that meeting?

25 A: If you don't mind 30 seconds, I can take a look.

1 Q: Absolutely. Go ahead.

2 A: I have two meetings, and I'm sure you deal with this
3 all the time. I can't vouch for whether or not these meeting
4 invites are accurate, but one of them is 5:45 on the 4th of
5 November, and the second is 5:00 o'clock on the 5th of November.
6 I believe those were the two reviews with Ms. Lord.

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

8 Q: Can you tell us who was invited? Can you see?

9 A: Again, this is what it says in the invite for the
10 attendees, I don't know if it accurately represents who was
11 there. But it's Ms. Lord, Mr. Deasy, (b) (6), (b) (7)(C), Mr. Fahey. I
12 don't recall Mr. Fahey being there. (b) (6), (b) (7)(C), Mr. Ranks,
13 (b) (6), (b) (7)(C), Mr. Glennon, that's the attorney, and (b) (6), (b) (7)(C)
14 (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C)
15 (b) (6), (b) (7)(C). Outside of Lord, Deasy, (b) (6), (b) (7)(C) myself and
16 (b) (6), (b) (7)(C), I can't vouch that those other folks
17 were actually in the room they're on the invite. That's for the
18 meeting on the 4th. The meeting on the 5th has the same group,
19 plus (b) (6), (b) (7)(C). (b) (6), (b) (7)(C), CIOs
20 (b) (6), (b) (7)(C). He's a (b) (6), (b) (7)(C)
21 who has the CIO portfolio. I do think he was present on that day
22 second day.

23 Q: So nobody from WHS was invited?

24 A: I think we talked between the first meeting, in the
25 second meeting about inviting (b) (6), (b) (7)(C) from WHS. I don't know if

1 Ms. Lord's - the invites came from Ms. Lord's office, and I don't
2 know if they invited him or not.

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

4 Q: What was Ms. Lord's take on the disclosure?

5 A: I think it mirrored mine to an extent. I mean, I think
6 first of all, there was a -- there's two components to the
7 disclosure. One was the release of the Microsoft information. The
8 other one was the identities of the source selection
9 participants. I think in general, she felt like this would have
10 been avoided if we did oral debriefings. Second, she thought that
11 the inclusion of the names of the source selection authorities
12 was a lesser issue, but that it was the wrong judgment call
13 because we felt like that one was -- yeah, we focused mostly on
14 the first of those two issues in those discussions.

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

16 Q: Were any formal recommendations made as a result of
17 that meeting?

18 A: No. I mean we did not make kind of blankets
19 recommendations about things to do with WHS, but the decision
20 that we made in the second meeting was not to preemptively make a
21 press release. We did not make larger recommendations about
22 acquisition, although I think that Ms. Lord indicated she would
23 follow up with WHS, but I wasn't privy to any of that at all
24 follow up.

25 Q: Have there been any meetings since then, or any

1 discussions since then about recommendations or the fall out?

2 A: Not that I would have - and those probably would have
3 occurred between the CMO and A&S. None that I would've been a
4 part of. I do have a separate meeting with - just because you
5 mentioned WHS, I had a separate meeting with (b) (6), (b) (7)(C) who's the
6 Head of WHS, I think during this period just to introduce myself
7 because he was now becoming involved as the head of WHS, because
8 of the disclosure to kind of fill him in on where we were today.

9 Q: Was that the content of that meeting was just to fill
10 him in?

11 A: Yeah. I mean he had been briefed on his end. I also
12 wanted to make a summary point that (b) (6), (b) (7)(C) had been a stellar
13 (b) (6), (b) (7)(C) for us throughout this process, and I didn't
14 want the mistake in reviewing the disclosures that went out to
15 the bidders to overshadow the work that she had done. (b) (6), (b) (7)(C)
16 is (b) (6), (b) (7)(C) employee. We were worried that she was going to
17 kind of take the fall for this activity when, and she had really
18 done a lot of good work for us. So I raised that point with him
19 in my meeting. I also let him know that we were already working
20 with A&S to have (b) (6), (b) (7)(C) kind of conduct a review, and that we
21 would prefer that his folks would participate in that review, as
22 opposed to doing an independent look at the issues. I actually
23 don't know if WHS went on to do an independent look at the issue.

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

25 Q: Did you communicate to him your - how you felt about

1 the oral versus written debrief and how the attorneys that
2 represented WHS made a different decision?

3 A: I did not. I'm not sure at the time I met with him I
4 had -- I think we were still trying to figure out exactly what
5 happened. So I'm not sure I had clarity on that whole process by
6 the time I talked to him.

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

8 Q: So the second thing that (b) (6),
(b) (7)(C) sent you was just the
9 first page of the AWS bid protest.

10 A: Okay.

11 Q: So I want to ask about that footnote.

12 A: Okay. Hold on. This is the footnote regarding their
13 decision that they don't need a preliminary injunction, but they
14 reserve the right to do so?

15 Q: Right. So the footnote says that DoD has represented
16 that DoD will not proceed with performance of JEDI beyond initial
17 preparatory activities until February 11.

18 A: Correct.

19 Q: Is an accurate statement?

20 A: Yes. What that means is post -- it doesn't mean we're
21 not be getting the performance on the contract. It means the
22 first phase of performance on the contract involves comparing the
23 environment, getting security accreditations, building some
24 interfaces between DoD networks and systems that would be
25 necessary in any event before we could be moving customers in.

1 Our internal schedule said that we would be finished with that
2 work on February 11th. In fact, it still says we'll be finished
3 with that work on February 11th. And what we agreed with them is
4 because we were not moving customers into the environment, because
5 we're still essentially building it until February 11th, that
6 they would not experience any harm before February 11th,
7 therefore they did not need to enjoin us to stop work.

8 Q: Is there a formal agreement with AWS, between DoD and
9 AWS on this?

10 A: I think that footnote is probably, I mean I don't have
11 the answer. The agreement was negotiated - so it's not DoD
12 negotiating with AWS here, it is DOJ, and so we're kind of three
13 degrees removed from that negotiation. We're talking to our
14 attorneys, who talk to DOJ, and DOJ is negotiating with Amazon's
15 attorney, who are talking to Amazon. They basically agreed on
16 that as an out-of-court settlement. I don't know exactly how they
17 documented it, other than it's captured here in court filings.
18 But we - that was a fully coordinated position. In other words,
19 that CIO agreed on this agreement. That doesn't make any sense.
20 We agreed that we wanted to kind of pursue the right to continue
21 working, because otherwise we could have been stopped from even
22 doing preparatory work on the contract.

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

24 Q: I do have one more question and it's just - I want to
25 understand your level of awareness of some of the challenges that

1 the Contracting Officer was facing in terms of the redaction of
2 the document. (b) (6), (b) (7)(C) had expressed concern with the fact that
3 it was - even the day before the award and she had not received
4 the redacted documents from the attorneys. She had talked to
5 Sharon about it, and you and Sharon contacted (b) (6), (b) (7)(C)
6 regarding that. She did not receive these documents on until
7 11:00 a.m. on the day of award. So that's the first time that
8 (b) (6), (b) (7)(C) received the contracts for - and all the documents for her
9 review. Were you aware of this?

10 A: I was not. That issue wasn't escalated during the time
11 that was happening. I'll say after the fact, it is my
12 understanding that we don't have a legal requirement that we
13 debrief the offerors immediately after we make the award
14 decision.

15 Q: Correct.

16 A: So I think we had -- I think there were some decisions
17 made to try to move as quickly as possible in line with - in
18 general sense of urgency that we had built around this is do
19 everything the first day we can do it, that probably contributed
20 to some of that pressure. That set of decisions was also not
21 something we discussed explicitly. So I know I felt after the
22 fact that - at the cost of two more days we probably could have
23 had two more days worth of review and we would've done that. So,
24 I wasn't even aware that the debriefing materials were intended
25 to go out on the schedule that they were going to go out.

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

2 Q: To follow up. When you were choosing October 25th, did
3 you consult with (b) (6), (b) (7)(C) and ask her if she would be ready?

4 A: I did not. The readiness of the team that did that
5 review kind of came up to us through Ms. Woods. Ms. Woods was
6 involved in all of that stuff, and I think she generally
7 represented the contracting team.

8 Q: Do you remember when you decided on October 25th?

9 A: We received - I don't know exactly. It was kind of in
10 the week prior when we received the final thumbs up from the
11 Deputy that we were cleared to go ahead and make the award, and
12 that we had essentially a few days of preparation before we
13 actually made the award announcement. And I just don't have
14 precisely what the day was, but there was kind of a frantic week
15 leading up to the 25th, and it would have been sometime during
16 that period.

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

18 Q: Who notified Deputy Secretary Norquist about the
19 disclosure issue?

20 A: Mr. Deasy and I had a discussion with him, but he was
21 already aware before we met with them. So we scheduled an
22 in-person meeting with him to let him know. I believe he had been
23 made aware of through the Chief Management Officer, WHS is a
24 component of CMO. I believe he had been notified to that channel.
25 Another alternative channel would have been OGC. But, it stuck in

1 my head that CMO got to him first.

2 Q: So, did you end up talking to Deputy Secretary Norquist
3 or not?

4 A: We did. Yeah, we did. Again, he was already aware, so
5 we were at that point running through the mitigation strategy,
6 which was letters had been sent to both companies making everyone
7 formally aware, along with instructions for AWS to quarantine
8 everything that they had received and give us a list of everyone
9 who had seen it.

10 Q: Did he make any decisions at that point?

11 A: He did not make any decisions. No, there was really no
12 -- we didn't put options in front of him, so much as to just give
13 him a status update.

14 Q: Similar question but for Secretary Esper?

15 A: We did not personally notified Secretary Esper. If he
16 was made aware, it probably would have been made by the Deputy.

17 BY AGENT [REDACTED]

18 Q: Just two quick follow-up questions, and I promise you,
19 hopefully we'll be done. Just going back to Cummings for a
20 second, when you reach back out to her after the August 1st meet
21 where you said she kind of broadly knew about JEDI and all, and
22 then you reached out to her in September. You reached directly to
23 her, and not through Fehey because of your previous
24 communications you had with her regarding JEDI?

25 A: That is correct.

1 Q: My second. Do you know the status of (b) (6), (b) (7)(C)
2 currently?

3 A: She left DoD employment, and after that I don't know
4 where she is. She was going on a long vacation.

5 Q: So currently, to your knowledge, right now she's no
6 longer has an employment affiliation with the DoD?

7 A: That is correct. She is no longer a DoD employee.

8 Q: Could she potentially be a contractor or a consultant?

9 A: Potentially, but not to my knowledge.

10 Q: That was all I had.

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

12 Q: Is there any additional information you would like to
13 provide to us?

14 A: No. I provided all the information I would like to
15 provide.

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

17 A: Just from your questioning, it feels like you've had a
18 pretty comprehensive list on these two topics in particular. I
19 don't know the extent to which you have engaged WHS leadership on
20 some of the questions you asked about in terms of their practice,
21 but that's -- just some of the questions you ask that speak to
22 why do you do it this way? I think you can get more firsthand
23 from them if you haven't already spoken to them, but other than
24 that as we've gone through this, I think, you've spoken to all
25 the names that have come up.

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

2 Q: Is there anyone specific that you would recommend that
3 we talk to in WHS?

4 A: I think (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) there. Is
5 that a name you guys already have, or do you need it spelled?

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

7 Q: Well we appreciate you providing a name, that's good.
8 We'll start there.

9 A: Yeah.

10 Q: Do you have any comments or concerns about the way
11 we've conducted the interview with you today, sir?

12 A: No. I thought it was professional.

13 (b) (6), (b) (7)(C): Finally in order to protect the integrity of
14 our investigation we ask that you not discuss this matter under
15 review or the questions we've asked you during this interview
16 with anyone other than your personal attorney, should you choose
17 to consult with one. This does not apply to or restrict you of
18 your right to contact a Member of Congress or an IG, and if
19 anyone asks you about your testimony or about the investigation,
20 please inform them that the DoD OIG has asked you not to discuss
21 this matter. If anyone persists in asking you about your
22 testimony or the investigation, or if you feel threatened in any
23 manner because you provided testimony, please contact me. The
24 time is now 2:30 p.m., this concludes our interview.

25 [The interview terminated at 2:30 p.m., January 28, 2020.]

[END OF PAGE]

From: (b) (6), (b) (7)(C)
To: "Ranks, Peter T CIV (USA)"
Cc: (b) (6), (b) (7)(C)
Bcc: (b) (6), (b) (7)(C)
Subject: DoD OIG - Interview Clarification Questions
Date: Friday, February 14, 2020 10:53:00 AM

Mr. Ranks,

Thank you for taking time to speak with me this morning. During our call, we discussed the testimony you provided to us on January 28, 2020 and I asked you to clarify the dates and meetings you recalled having with Ms. Stacy Cummings regarding the JEDI Cloud. Below are the comments that I captured from our conversation and some from your previous interview. Please review for accuracy and send me a response to correct any inaccuracies. Also, we are nearing completion and respectfully asks that you respond today.

Deputy CIO Meetings with Ms. Stacy Cummings:

1. On August 13, 2019, Ms. Cummings e-mails Mr. Ranks requesting to "get a quick update on JEDI" to keep Ms. Lord informed on the status.
2. On August 14, 2019, Mr. Ranks meets with Ms. Cummings and provides her with an update on the status of the JEDI Cloud procurement. Ms. Cummings did not provide any input during this meeting because she was there to receive the information
3. On September 13, 2019, Mr. Ranks e-mails Ms. Cummings and asks for her input on the range of options the OCIO prepared for Secretary Esper's review of the JEDI Cloud procurement. Mr. Ranks sends a calendar invitation for a meeting with Ms. Cummings to discuss this matter on _____?
4. On September 18, 2019, Mr. Ranks meets with Ms. Cummings and briefs her on the options deck presentation. Mr. Ranks asks Ms. Cummings to review the "super set of options" previously brainstormed by OCIO. During this meeting, Ms. Cummings suggests to Mr. Ranks to bring in a "contracting expert," and identified (b) (6), (b) (7)(C). Also present during this was (b) (6), (b) (7)(C) and a WHS attorney (????).
5. On September (????) 2019, Mr. Ranks meets with Ms. Cummings again, (b) (6), (b) (7)(C) and an attorney (????) is on the phone. During this meeting (b) (6), (b) (7)(C) discusses "whittling down" the options for the Secretary. Ms. Cummings did not provide any input regarding the options and none of the options she reviewed weighed one vender against the other.
6. On September 23, 2019, Ms. Woods hosts a meeting with Ms. Cummings, (b) (6), (b) (7)(C), attorneys, and other senior officials where Ms. Cummings discusses an additional option #11 to "Keep JEDI, but add a performance requirement that must be met prior to exercising contracting option years." Mr. Ranks did not attend this meeting; however, Mr. Ranks was cc'd on an e-mail from Ms. Woods, dated 23 Sep, 2019, describing the option that Ms. Cummings stated.
7. On September 26, 2019, Ms. Woods meets with Ms. Cummings, (b) (6), (b) (7)(C), an attorney, and other senior officials to continue their discussions on the options. Ms. Cummings is asked to sign an NDA.

Question: Did you attend the meeting on September 26, 2019? If so, what did Ms. Cummings say concerning the options during this meeting?

Thank you,

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Investigator
Investigations of Senior Officials
Department of Defense, Office of Inspector General
(b) (6), (b) (7)(C) (office)

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OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

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INTERVIEW OF

(b) (6), (b) (7)(C)
July 23, 2019
ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is July 23, 2019. The time is now 0911 Eastern Standard Time. I'm (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C). We are interviewing the witness, (b) (6), (b) (7)(C) in his office located in the Pentagon Room (b) (6), (b) (7)(C). We are conducting a review of the DoD Joint Enterprise Defense Infrastructure Cloud Acquisition. Specifically our review pertains to the former DoD officials involved in the JEDI Cloud acquisition and whether their activities violated any ethics or conflicts of interest standards to the Defense. The DoD officials are: Former Secretary of Defense, James Mattis; former Chief of Staff to the Secretary of Defense is Anthony DeMartino; former Deputy Assistant Secretary of the Navy for Command, Control, Communications, Computers, Intelligence, Information Operations, and Space, Mr. Victor Gavin; former Director of Cost Assessment and Program Evaluation, Mr. Robert Daigle; former DDS Product Manager, Mr. Deap Ubhi; and also Ms. Sally Donnelly who was also a member of Mr. Mattis' staff. At this time I ask you that you acknowledge that this interview is being recorded.

(b) (6), (b) (7)(C) I so acknowledge.

(b) (6), (b) (7)(C) Also I'd like for you to acknowledge that you were provided a copy of the DoD OIG Privacy Act Notice.

(b) (6), (b) (7)(C) I was provided the Privacy Act Notice.

(b) (6), (b) (7)(C) I'll now administer you the oath. Please raise your right hand.

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

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

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

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

6 Q: That was hard to get through this morning.

7 A: I've done that a few hundred times myself. So, yes.

8 Yeah, the case now in hearing shall be the truth, the whole
9 truth, and nothing but the truth so help you God? Yes. I've got
10 it.

11 Q: Please state your name and spell your last name please,

12 A: My name is (b) (6), (b) (7)(C). The last name is
13 spelled (b) (6), (b) (7)(C).

14 Q: And what is your grade?

15 A: I'm a (b) (6), (b)
(7)(C)

16 Q: And your current position?

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

18 (b) (6), (b) (7)(C) n the Office of General Counsel,
19 DoD General Counsel.

20 Q: And when did you begin working for the DoD General
21 Counsel Office?

22 A: In December of 2004.

23 Q: And briefly describe your duties and responsibilities,
24 just a Reader's Digest version.

25 A: Right. I am, we are, our office is responsible for, on

1 behalf of the general counsel, for implementing and advising on
2 the Executive Branch Standards of Conduct, and the DoD
3 implementation of those in the Joint Ethics Regulations. So we
4 advise on conflicts of interest, impartiality, gift acceptance,
5 post government employment restrictions. Those ethical concerns.
6 We have a policy aspect where we're responsible for that across
7 the Department, but as far as our legal advising it's principally
8 to the OSD Office of the Secretary staff.

9 Q: What can you tell me about Joint Enterprise Defense
10 Infrastructure Cloud Acquisition?

11 A: I am aware of it because I -- we informally sort of
12 developed client areas of expertise, and I've been an (b) (6), (b)
13 (b) (6), (b) (7)(C) to the Defense Digital Service. Obviously Sharon Wood was
14 the General Counsel there, or the Counsel, I think is how they
15 called her from its inception and I worked with her on doing
16 (b) (6), (b) (7)(C) for a lot of people who were involved in that
17 program. So, I was aware that because of the DDS involvement that
18 there was some sort of acquisition of cloud services.

19 Q: And I'd like to talk about that. You mentioned Sharon
20 Woods.

21 A: Uh, huh [affirmative response].

22 Q: What training did you to the DDS employees regarding
23 ethics? Can go over some of the topics you discussed with them?

24 A: Yes. In our, actually more than, we call it annual
25 ethics training and new entrant ethics training just generally,

1 but for then we kind of tailored because of their specialized
2 aspects and probably, I know we probably did maybe three times a
3 year during the couple of years, periods that's probably involved
4 here mostly because of their turnover. Mostly because they were
5 acquiring a lot of new people. Their turnover at that point was
6 more inbound than outbound, and so, we did several training
7 sessions and we did talk about conflicts of interest, the
8 impartiality rules with respect to former employers and outside
9 interests because by their general nature of a lot of the folks
10 that DDS was attracting are folks who have worked, obviously they
11 got them for their skills. So they would often have connections
12 to either entities in the IT realm that the digital world in
13 which they would be working, or a lot of times they would also
14 still have either stock interests, or partnership interest, or
15 would be involved in some sort of outside projects, and we talked
16 about making sure that they managed those conflicts by bringing
17 them to the attention of team leads and things so that they could
18 adjust who's working on the Air Force satellite communication
19 issue if indeed it turns out, oh, one of the solution providers
20 is going to be -- my former firm that I left within a year,
21 because the impartiality rules talk about you have an imputed
22 covered relationship for purposes of determining that you may not
23 have a -- people might tend to question your impartiality if it's
24 from one year when you leave your former employer. And a few
25 other gifts and other things, but that -- we did a lot of focus

1 on conflicts and impartiality, and especially with their outside
2 relationships.

3 Q: Did you provide them with any slide presentation?

4 A: Yes.

5 Q: Was it printed? Would you be able to provide us with?

6 A: I could.

7 Q: Yes, I would appreciate those slides.

8 A: They've been updated so I would have to think about
9 version control, but I think I even have the exact ones I might
10 have done.

11 Q: That would be awesome.

12 A: Yeah.

13 Q: Were you able to capture the dates that you provided
14 the training?

15 A: I'm only laughing because we struggle with this all the
16 time on our reporting to the Office of Government Ethics. But
17 yes, there should be some record because we do it for -- to be
18 honest we actually over trained. The Technical Executive Branch
19 requirement is that we only have to train financial disclosure
20 filers, and they didn't have -- only the Director, I believe of
21 DDS was filing at that time, and maybe Sharon. But, we were like
22 even if they're not filers we understand given some of the stuff
23 that they're doing it makes sense for them to be briefed on the
24 ethics rules, so we -- so for recording purposes we didn't have
25 to -- we don't necessarily track them as in detail about who was

1 there as much is saying oh we had 33 non-filers that attended,
2 but I should be able to get you some training dates.

3 Q: Okay. And were there any questions that any of the
4 employees brought up to you that you could share with us where it
5 would give us some information about what questions were asked?

6 A: Yeah, I'm people did ask. Because there were -- like I
7 said there are lots of people who have things like, "Hey, I have
8 an outside group that's still developing this software tool. It's
9 possible that might be used for when the Army does their mobile
10 move app, or whatever." There's a lot of stuff like that. "What's
11 my obligation in terms of being recused from taking actions on
12 things like that?" So, people did discuss, or, "I have a, I know
13 it's not a commercial venture, but I do software for schoolkids
14 training on the outside. Can I still ask people from DoD to come
15 present to the class?" And things like that. So, we talked about
16 a wide range of the effects of outside activities on things. I
17 will say, I do not believe that Deap Ubhi obtained this training
18 because I think he was in California at the time, but I'm not
19 sure. Obviously for other reasons the focus on that has come up
20 and I think Sharon was trying to track that down, but I don't
21 think Deap was ever trained. If that's, I mean just in general.
22 And, for the other folks on your list all of them, they're all
23 filers. They all received training not because of DDS specialized
24 training, but because they're financial disclosure filers. The
25 SOCO Director and I trained General Mattis two days after he got

1 here for his first initial training, and then did some particular
2 work on screening arrangements and things like that.

3 Q: Okay I'm talk about --

4 A: Secretary Mattis I should say. Yes. He's back to
5 general now. Okay. So, that's the general interactions I would've
6 had on that. But I'll be honest, I did not really know -- I don't
7 know too much about the details of the JEDI Cloud acquisition.

8 Like when you say gating I'm vaguely aware just from reading
9 Popular Press stuff what the issues might be on that, but I
10 wasn't obviously directly involved with advising or anything.

11 (b) (6), (b) (7)(C) the Contracting Officer would talk to us about
12 some specific other ethics things like, "Hey, we found out this
13 person who's working on this their wife just got a job with
14 Hewlett-Packard and we're now worried about." So we did help them
15 screen stuff generically, but in terms of the overall procedures
16 and practices on the overall acquisitions really I don't know too
17 much about that.

18 Q: Okay. So, you mentioned Secretary of Defense, former
19 Secretary of Defense --

20 A: Right.

21 Q: -- Mattis.

22 A: Yeah.

23 Q: Can you explain what you provided initially when he
24 came on board? As it relates to --

25 A: I think I gave you know outline of the initial brief in

1 the materials which is what it was. It was focused a lot on his
2 screening arrangement because we wanted to make sure that he was
3 clear about he had been on the board of General Dynamics. And so
4 how we were going to screen away from issues relating. That was
5 kind of the most obvious one, and then he had been at Hoover
6 Institute which obviously he would have less reasons to have
7 real, shall we say financial things come before the Department,
8 but still aware that he couldn't take any action that would
9 affect them. And just talking generally about from his past, and
10 he was on a couple of Marine related boards. So, we talked about
11 that. Was the initial focus.

12 Q: Okay. So (b) (6), (b) (7)(C) has his initial screening which you
13 provided to us as well.

14 A: Yeah.

15 Q: To include his ethics agreement.

16 A: Yeah.

17 Q: His screening arrangements.

18 A: Right, and his financial disclosure.

19 Q: And his 278.

20 A: Yeah.

21 Q: So, I'd like to talk about each of those items, and you
22 gave me a brief overview of --

23 A: Right.

24 Q: -- of his initial ethics agreement and what he listed
25 on his 278 were Hoover Institute, Publishing House, --

1 A: Oh, right. His book publishing, yeah.

2 Q: And, what can you tell us about personally and
3 substantially participating in a particular matter as it relates
4 to those companies?

5 A: What does that term mean?

6 Q: Yes.

7 A: Well it's a basically an ethics term of art that means
8 participating in a matter with that identifiable party
9 foreseeably it's kind of a proximate cause to use a legal phrase,
10 reasonable effect. In other words, will your involvement in this
11 activity have a reasonable effect on the financial status of the
12 outside party? If you are recused from taking action then the
13 idea would be that you shouldn't be involved in something where
14 it would have a foreseeable effect on that interest or party. So,
15 we normally talk about in the technical way at the Secretarial
16 level there's lots of decisions like very large budgetary
17 movements that might have an effect on say all defense
18 contractors of which General Dynamics might be one. But, that's
19 not a particular matter with General Dynamics as an identifiable
20 specific party. It's too broad. Similarly there could be things
21 where he's just receiving information generally about status of
22 programs and one might be a General Dynamics program, but if he's
23 not making a response that says go or no go to give them money,
24 which frankly the Secretary doesn't do very much on programs.
25 That's usually the program managers and things down at the

1 Departmental level, and so but that would be -- so, that's what
2 we kind of talked about in terms of yeah, what can he -- he does
3 not have to not work on the budget because theoretically and
4 General Dynamics, perhaps even Random House could be affected by
5 some aspect of something that is some super sub part of the
6 budget, because it's too broad. But, if it were a specific thing
7 about GD's performance on X program that there was a dispute
8 between Army and Air Force about how they resolve it or
9 something, and it was coming up to this level, and the question
10 was should be handled by the Deputy or him? We would say, okay.
11 That might -- that starts to get close enough to where if you're
12 going to alter the financial cost of something as it's going to
13 affect General Dynamics you shouldn't be involved in it. Does
14 that help?

15 Q: So, would that matter be brought to former Secretary of
16 Defense Mattis' attention? Say for instance there's a request for
17 him to meet with an official from that General Dynamics.

18 A: Right.

19 Q: What is the screening arrangement, and how does that
20 come into play?

21 A: Okay. So he is -- so the folks that do the scheduling
22 would flag that. I mean he can know of a planned meeting. That's
23 not illegal or improper. He's kind of the last resort though.

24 Between the Chief of Staff, his (b) (6), (b) (7)(C) , like (b) (6), (b) (7)(C)
25 who we worked with quite a lot, and others in the chain we

1 actually worked on the obvious stuff like some of the budget and
2 programming decisions. We worked with, I guess back then it was
3 AT&L, now A&S folks, because at that time Shanahan was the Deputy
4 and so he had the Boeing restriction, so we would actually be
5 doing like flags on stuff with this is Boeing. It has to go to
6 the Secretary. This is GD. It has to go to the Deputy Secretary,
7 and not both kind of thing. So, they would prep screening along
8 those lines just to ensure that -- and that was really out of an
9 abundance of caution. At that level some of the programmatic
10 stuff probably is not foreseeably going to financially affect
11 those companies, but just for appearance purposes because we
12 wanted to kind of keep it clean. So, I know we did that for those
13 big programmatic things. So that's the way it would work is if
14 the package came, but if it was a known meeting request.
15 Somebody's complaining because they're saying General Dynamics is
16 their prime, didn't do something, and they want to meet with the
17 Secretary to complain about it. That would be -- somebody would
18 say no, he can't handle that. We've got to move it to Ms. Lord or
19 somebody else.

20 Q: Okay. So you mentioned (b) (6), (b) (7)(C) Do you have (b) (6), (b) (7)(C)
21 last name?

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

23 Q: (b) (6), (b) (7)(C) and she was?

24 A: She was the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

25 (b) (6), (b) (7)(C) . The former

1 Secretary. She still e-mails us with questions about his post
2 government employment restrictions.

3 Q: Okay. So she would see these requests or invitations?

4 A: Well she would (b) (6), (b) (7)(C). So between the Chief of
5 Staff, Admiral Sweeney, they had a process. Obviously he didn't
6 do that much making of his own calendar. They had a process where
7 things would come in it was scheduling, and between the I think
8 the Chief of Staff, (b) (6), (b) (7)(C) was probably really more of the
9 (b) (6), (b) (7)(C) She took care a lot of the things that came in through
10 like either his personal e-mail or physical mail I think. Whereas
11 the Chief would take care of most -- a lot of the stuff that came
12 in via like Ms. Lord wants to meet with you to talk about X
13 issue. Is my understanding. They were all briefed. We had a --
14 after we did the training session with Secretary Mattis himself,
15 we did a session with staff, military assistants and to talk
16 about the screening arrangement. So, I mean as far as the, I mean
17 everyone was pretty aware of what was in the screening
18 arrangement, what he's authorized to do or whatever.

19 Q: If you would, could you please go to his 278?

20 A: Yeah.

21 Q: And just take a quick review of that.

22 A: Yeah it has been a while.

23 Q: One of the complaints or concerns from the media
24 related to Mr. Mattis' 278 and his involvement in a company, C5
25 Capital, where he provided consulting services. That's not listed

1 on his 278. Would he be required to list that that item there?

2 A: If he provided over \$5,000.00 worth of consulting
3 services it would have to be listed even in the timeframe too. I
4 don't know will what the -- this only looks back, to remember
5 about the nominee reports. Like one year from the date of when
6 you're filling out the form for the -- yeah I didn't. I mean he I
7 worked -- I worked on his nominee report. We would work on all of
8 this. Is this the nominee report? New entrant? Yes. Because it
9 does list all of these. So that, yeah this is the new entry
10 because it has all of that. So, yes. He lists everybody -- all
11 sources of compensation exceeding 5,000. So, consulting, I mean
12 unless it happened through somebody else like which it seems it
13 wouldn't be through Hoover. The rest of these are speaking
14 honorary. Authors advance. He never talked about doing any
15 consulting during that timeframe. So, that seems very odd. I
16 wouldn't trust the media on that. Because we talked about
17 basically every possible thing he had done.

18 Q: And just going back to his screening, who is overall
19 responsible for his screening arrangements?

20 A: Who's overall responsible? I mean there is -- he is,
21 and he would tell us that because he was in the Chief Ethics
22 Officer of the Department, so, he's responsible for something
23 comes to him being making sure that he doesn't take action. He's
24 the one with the criminal and/or administrative liability.
25 However, obviously given the position we try to assist him to

1 make sure that the staff is fully supporting him.

2 Q: So the response would be his staff would make sure that
3 --

4 A: Yeah.

5 Q: -- they were followed? The screening arrangements were
6 followed?

7 A: Right. I mean and they could -- and we trained them
8 fairly regularly. It's not like I never talk to the Chief of
9 Staff or whatever they would call down very frequently, or

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

11 Q: And, what did Mr. Mattis tell you that he was going to
12 do to ensure that he did not violate his ethics agreement?

13 A: He certified that he would recuse himself from taking
14 any actions that were restricted by the agreement, and stay in
15 the ethical midfield. Not even come close to it.

16 Q: Are you familiar with the company SBD Advisors?

17 A: Yes. I noticed that your print out here is SVA
18 Advisors, which is a whole different company.

19 Q: That's a different one, yes.

20 A: Yes. Okay. Just checking to make sure because SBD was
21 really Sally B. Donnelly's company before she came in I believe.
22 I didn't work as directly on that as I did on the Mattis matters.
23 I believe (b) (6), (b) (7)(C) did most of the work
24 on that.

25 Q: Do you know what the relationship is between SBD

1 Advisors and C5 Capital?

2 A: No.

3 Q: What about the relationship between C5 Capital and
4 Amazon?

5 A: No idea.

6 Q: Do you know if SBD Advisors had any interest in the
7 JEDI acquisition?

8 A: I don't.

9 Q: And, do you know if C5 Capital has any interest in
10 Amazon?

11 A: I don't. This is based on my personal knowledge. I have
12 read things in newspaper accounts, but asserting various things,
13 but I'm not aware of any. I have no personal knowledge of any of
14 that.

15 Q: And what is your understanding of Mr. Mattis'
16 relationship with or interest in SBD Advisors?

17 A: I don't believe that he had any. I mean he knows Sally
18 Donnelly. It's one of its principal shareholders at the time,
19 because they had worked together at Central Command I believe.
20 But, other than that knowledge he had no financial or business
21 connection with SBD Advisors that I'm aware of.

22 Q: Okay. And we talked about his relationship with C5
23 Capital.

24 A: Right. I'm not aware of any.

25 Q: Do you know if Mr. Mattis needed to disqualify himself

1 from participating in the JEDI Cloud acquisition because of any
2 of those relationships?

3 A: It's my understanding that he did not need to.

4 Q: And why would he not need to?

5 A: Because they weren't a former employer of his, and I
6 mean, I don't even know if there's a relationship between. Given
7 the very generic, what we call the catchall impartiality rule
8 there's no real sense of an impartiality concern based on
9 financial benefits that I can see in the relationship between
10 whatever Sally B. Donnelly or SBD Advisors connection might have
11 been to Amazon before because he had -- he personally had no
12 interest in SBD Advisors.

13 Q: Okay.

14 A: And a reasonable person wouldn't necessarily, now
15 perhaps lawyers for people involved in billion dollar
16 acquisitions might, but reasonable people wouldn't normally think
17 that this, I don't know, whether the Secretary knowing somebody
18 who had a firm, had an interest in a firm would make him not
19 impartial. Now, I'll be honest. I don't know what role he had in
20 JEDI either, but there's no listing on his financial disclosure
21 that was suggest that he should be recused from anything related
22 to JEDI unless General Dynamics was bidding.

23 Q: Thank you. You filled out and signed for us a form.

24 A: Yeah.

25 Q: I'll present to you the form you filled out. On the

1 form we asked you to indicate your first-hand knowledge of where
2 Secretary Mattis played a role in various JEDI Cloud acquisition
3 activities. The activities we listed are 26 items that we had
4 listed, and are meant to cover a full range of the JEDI
5 acquisition matters from Executive Steering Group, the
6 requirements development, market research, through the
7 acquisition strategy, the request for proposal, and evaluation of
8 those proposals. We included the space for other to cover any
9 relevant activities that we did not list. Also for a yes answers
10 we asked you to describe the role that Secretary Mattis played in
11 those activities you marked with yes. We said that the role could
12 mean issuing guidance or direction, attending related meetings,
13 conduct research, providing data, or other decision support
14 information, provide opinions, recommendations, writing or
15 helping to write a draft or final version of the document,
16 reviewing a draft or final version of a document, or approving,
17 or signing a final version of the document. There was also a
18 space for you to indicate some other type of role or
19 participation that we did not list. Also, we had a box for you to
20 select IDK, or I do not know, or I don't know on the form as
21 well. On the form under the column for Mr. Mattis you indicated
22 I don't know that he participated in any of the 27 activities
23 listed.

24 A: That is correct.

25 Q: Do you affirm this?

1 A: I affirm.

2 Q: Yes. What nonpublic procurement information did Mr.
3 Mattis have access to?

4 A: No idea.

5 Q: And what influence did Mr. Mattis have on the JEDI
6 acquisition?

7 A: I have no personal knowledge of that.

8 Q: What conflicting interest did he have that should have
9 disqualified him from participating in JEDI Cloud acquisition?

10 A: None that I am aware of.

11 Q: What has Mr. Mattis ever said or done that would cause
12 you to question his ethics or impartiality concerning Amazon?

13 A: He's never done anything that would cause me to
14 question his ethics or impartiality. In fact quite the opposite.
15 His statements have always been that he has ethics above
16 reproach, and he's always instructed us to be as cautious as
17 possible in making and advising ethics recommendations for him.

18 Q: Same question concerning the JEDI acquisition cloud?

19 A: I have no reason to doubt his - any impartiality, if he
20 was involved at all, based on the information that I have.

21 Q: Okay. Thank you. Who is Sally Donnelly? You mentioned
22 her earlier. Can you please tell me who she is?

23 A: She is a member of the initial transition team for the
24 DoD political appointees that first came in. I think that's the
25 first met her or worked of her because we worked on their sort of

1 status when they were first identifying folks who were possibly
2 going to hold some position in the Pentagon and then I believe
3 she became a Special Assistant to the Secretary. I mostly
4 interacted with her on very specific things like could she go
5 speak to this, you know, providing ethics advice on other,
6 non-JEDI matters I should say.

7 Q: And I want to show you an e-mail and this is a proposed
8 meeting with Jeff Bezos who's the Amazon CEO.

9 A: Right.

10 Q: And it's from (b) (6), (b) (7)(C).

11 A: Right.

12 Q: And there's (b) (6), (b) (7)(C). She's also in this
13 e-mail.

14 A: Right.

15 Q: So, I want to give you an opportunity to look at it and
16 this is a request for Mr. Bezos to meet with Secretary of Defense
17 James Mattis at the time.

18 A: The request for him, or a request from him?

19 Q: From him.

20 A: Yeah.

21 Q: So I'll have you take a look at that e-mail. And the
22 E-mail is dated October 18, 2017. You are CCed on that e-mail.
23 Can you tell me about what took place?

24 A: I see that. Yeah.

25 Q: Was the end result? What happened after that? And we

1 understand there was some correspondence prior to that where Mr.
2 Mattis received some briefing from Mr. Bezos as well.

3 A: This is pretty standard as I mentioned, and Kevin by
4 the way is Kevin Sweeney the Chief of Staff. So, when I said that
5 the Chief of Staff and (b) (6), (b) (7)(C) were usually key on sort
6 of screening meetings and appointments, there's the evidence of
7 it. This is how it would normally happen. One or both of them
8 would be involved in some kind of request. So this would have
9 been, October 18, 2017. I don't know. I know for me personally, I
10 can't talk about (b) (6), (b) (7)(C) and I certainly can't talk about what the
11 Secretary did, but I don't think I had any knowledge of JEDI at
12 this time. I didn't even know what the status of JEDI was at that
13 time. So, we were just answering this is how we asked. Is there
14 any optics I think even (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C)
15 (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) I should mention. So,
16 my boss. We would often get asked, hey, give us an ethics
17 analysis of this proposed meeting, and a lot of times for when
18 it's people from industry, we would say, as we did here, yes.
19 Note there is no prohibition on meeting with people from
20 industry. In fact, it's encouraged. That's how we get the two-way
21 flow of information about things the Department is interested in,
22 at a meta-level, and learn about sort of what's going on and
23 concerns that are out there in the industry. Things that DoD
24 could do better, or things -- directions they could go. So, our
25 standard response was under the ethics rules, particularly

1 because even know if there is any concept of procurement, or why
2 the Secretary would be involved with it. So, that's the other
3 piece that probably needs to be clear here. At least from my
4 understanding, and you can talk to people and you may have
5 already, but more directly involved in the procurement, but
6 Secretary Mattis is about 18 levels above the people that would
7 be at DDS. The chain between Deap Ubhi and the people he was
8 talking to, and Secretary Mattis would be, I don't know, 22
9 people or something like that. So, there's not a -- it's not like
10 there's some kind of they're all working directly on JEDI. So,
11 the Secretary often met with business leaders and things. He's
12 very, he was and still is, but was as the Secretary very sort of
13 actually motivated policy, very interested in hearing people with
14 ideas. So he would talk to them about ideas. And so we always
15 say, "As long as you're not talking about a specific program or
16 whatever, there's no issue. As long as you're just receiving
17 information it's perfectly fine. The only limitation is you have
18 to be willing to meet with similarly situated folks so if
19 Microsoft asks you, or Google Eric Schmidt asks you to meet you
20 have to be willing to at least think about that." And I believe
21 that was the advice we gave them, and we would give the same
22 advice to the Acting Secretary today or whatever. He can meet
23 with Jeff Bezos. There's absolutely no ethics prohibition about
24 it. The question I guess from a procurement standpoint is what
25 effect did that have in terms of more of the appearance, or the

1 fact that that he met with Jeff Bezos on those, but knowing --
2 the Secretary certainly doesn't do anything wrong by meeting with
3 heads of various corporations from an ethical standpoint. We
4 would never keep him from doing that unless there was some issue
5 with he's making a decision tomorrow that we know about that's
6 going to affect that, or something like that. But in kind of the
7 general realm that we were in certainly fine. And he went to, I
8 remember we had got asked about other things. He went to like
9 award ceremonies and stuff at the Naval Academy where the CEO of
10 General Dynamics was going to be there, and he wasn't receiving
11 the award. I think he was helping give it to somebody else or
12 something. They were actually going to appear on stage at the
13 same time. Okay be careful about the appearance -- I mean there's
14 no financial impact on General Dynamics. It just happens that
15 (b) (6), (b) (7)(C) is going to be there. So, just make sure that there's no
16 appearance concern. Like you get picture taken together or
17 something because it looks like you're favoring General Dynamics
18 because you used to work there. So, we would help identify these
19 appearance issues, but in terms of the actual limitations on him
20 this seems like perfectly sound ethics advice. There's no
21 restriction. We would never say don't go talk to Jeff Bezos
22 because there might be some contract that might come out in a
23 year that involves Amazon. I mean he wouldn't be able to do the
24 business of the Department if we told him that.

25 Q: And we understand that he did meet with Jeff Bezos in

1 --

2 A: That's my understanding

3 A: August of 2017.

4 A: Yep.

5 Q: So, what would your --

6 A: Yeah.

7 Q: -- just like you stated, he met with him in August of
8 2017 --

9 A: Right.

10 Q: -- and Amazon is potentially will be the awardee of the
11 JEDI contract?

12 A: Right. Fine.

13 Q: It's not decided yet but --

14 A: Right. I understand that. I mean from an ethics
15 perspective to me that's -- there's absolutely no problem with
16 it. I mean the Secretary Defense should essentially meet with the
17 CEO of lots of different agencies. It's not like -- and that's
18 the other thing, out of context he met with lots of other folks
19 as well, both from academia, from businesses, from whatever
20 because he's -- that's what the Secretary does in terms of
21 wanting to know about sort of geopolitical and strategic
22 directions on things. I know everything that we've done in sort
23 of the technological world, I think at this point they may have
24 been standing up, or had just initiated the Defense Innovation
25 Board. I know there was some discussion. Jeff Bezos was possibly

1 going to be on it, but then didn't frankly. That is our fault
2 doing the financial disclosure when you're the CEO of Amazon was
3 just too big of a hurdle for him and I feel his pain. It would be
4 much thicker than the one you have for Mr. Mattis. So there were
5 things like that, and the clearance staff that he was going to
6 have to fill out. So, I think that's what may have kept it. So
7 there were things like that and there were some ideas that, well,
8 if I can get your knowledge and input into things among this
9 group of other high level folks that I've gathered because you
10 weren't able to do that, I may just want to meet with you and at
11 least get an input from you. I have no -- we didn't get -- like
12 we have a read out from that meeting but how much of the talk was
13 about if any was about cloud, or any of the other aspects of I
14 don't need to tell you that Amazon is in a number of different
15 areas and Mr. Bezos himself everything from publishing to
16 spaceflight. So, they could have had a wide-ranging conversation,
17 but you may have gotten to that. But, from our perspective, and
18 because of that we wouldn't have told him that he could not do
19 that, as long as he was willing to meet with others which our
20 understanding is he was willing and he did -- has in fact met
21 with others.

22 Q: Okay. All right, thank you.

23 A: Okay. Yeah.

24 Q: So, I would like to move back to Sally Donnelly.

25 Q: Sally, right.

1 Q: Yes. And what is your understanding of Ms. Donnelly's
2 relationship with, or interest in SBD? You mentioned that --

3 A: She's the former -- she's a former founder/shareholder.
4 Which she sold her interest as part of coming back into
5 government is my understanding. I wasn't directly involved with
6 that. But, I am aware from her financial disclosure and things,
7 which I fortunately wasn't directly involved with, but I mean I
8 just remembered talking with other people in this office who were
9 working on and about how to report things and what she needed.
10 When you have people in transition like that with businesses it's
11 sometimes difficult because of a snapshot nature of the financial
12 disclosure to get the things updated, and right, and figure out
13 the timing from the new entrant report to other annual reports
14 and things like that.

15 Q: So we have Mrs. Donnelly's 278.

16 A: Okay.

17 Q: And as you mentioned on there it was a payment in the
18 amount of, and this 278 I'm sorry is dated, what's the date on
19 that one?

20 A: This one is May 17, 2017.

21 Q: Okay. Thank you. And she received a \$390,000.00 for the
22 partial sale of SBD Advisors.

23 A: Right.

24 Q: And as you look through that, what can you share with
25 us as far as it relates to ethics and also behind that is her

1 post government ethics screening as well no restrictions.

2 A: Right. Right, because she is not a Senate confirmed
3 official, well, the Secretary didn't have investments like that,
4 but Senate confirmed officials have to divest all DoD contractors
5 stock or whatever. So, she's allowed to have a wider range of
6 holdings than a Senate confirmed official. Most of it -- it does
7 seem to be mostly diversified mutual funds here. She owns
8 property, real estate that is. And that is yeah. So and when you
9 say she received, and she had to sell her business. She owned a
10 business. That was her main asset when you're a private business
11 owner and you come into the government, and you're leaving that
12 business, I mean she technically from a pure let's just say a
13 theoretical ethics perspective, she may not had to have divest
14 that, but I think she understood that because that firm did a lot
15 of work with lots of people who did business with the Department
16 that it was cleaner for her to sell that interest, but it's hard
17 to sell a small consulting firm, kind of partnership interest.
18 You don't just -- it's not like it's tradable on the open market.
19 Let's put it that way. So, I remember there were some issues
20 about how that was going to work. So, but yeah, other than that
21 she's got, and I seem to recall that there was some, I don't
22 remember. I think we just sent in the good one, but if you,
23 because there were requests for release of this from various
24 groups and press outlets she had to revise and update because it
25 took her a while to get information which happens a lot in these

1 kinds. This is not like you get your monthly statement when
2 you're selling your business and you have your thing. So I think
3 there was some stuff. Yup. So she then obviously list that SBD
4 Advisors of which she was in. As part of that she received over
5 5,000 in consulting fees. The way that the 278 works if you are
6 in a partnership or business that does consulting like attorneys,
7 accountants, consultants where you have individual clients we do
8 require you to report income that's attributable to your
9 representational consulting work on behalf of the client. So,
10 when she says, when it says on here Amazon Web Services gave her
11 over 5,000, what that means is they paid SBD that was, and she
12 billed. But it was related to her billing time. So I've done lots
13 of these forms for people who have been everything from
14 accountants, to lawyers are the main examples. So you may be
15 getting some share of money, or in her case since she was an
16 owner, sort of like a partner she's getting some kind of
17 partnership ownership share, but the clients are actually being
18 billed for her services by the legal entity that is SBD Advisors
19 or whatever if that makes sense. So it's not like just to help
20 clarify this, it's not like these individuals or entities are
21 handing Sally Donnelly herself the money. It's going to her legal
22 entity firm, and then the firm she draws salary and whatever
23 other partnership interest when she's finally able to sell her
24 for partnership. The form is not as clear as it possibly could be
25 on what this actually means. These are somewhat different from

1 things like actually owning stock or, sometimes people list like,
2 yeah, I think like her husband's salary interest from the
3 employer or whatever it's being paid directly. These are sources
4 of compensation that went to the firm that was attributable to
5 her. Okay?

6 Q: Okay. I think the second document that you said the 278
7 is dated 3 May, 2018 and she lists SBD Advisors and the sale
8 proceeds in the amount of \$1,170,000.00. It should be the next
9 one after that one.

10 A: The one after the handwritten one?

11 Q: Yes.

12 A: Yeah, like I said I remember she had to do updates. I
13 wasn't directly involved in this.

14 Q: Okay. What can you tell us about that?

15 A: Yeah, she's just probably listing the source of income
16 for selling her interest in, I say partnership, but a legal -- a
17 limited liability corporation is essentially a corporate form of
18 sort of usually small partnership like corporate structure. So,
19 that means she was able to -- during this reporting period she
20 was able -- she sold, was able to sell at least that portion of
21 it. I vaguely recall there may have been some kind of structured
22 sale so that she got payments over some period which makes some
23 sense for income tax for her, and maybe for who's paying. It's
24 basically like financing the sale of your own house or whatever.
25 You make the payments over time. I think she got payments over

1 time. So, it looks like during this reporting period she got the
2 1,170,000 for whatever portion of the sale of her share of the
3 business.

4 Q: And what is the rule or guidance that governs when a
5 278 filer should update their submissions?

6 A: Generally -- there's no updating rule just to be clear.
7 It's a sort of a snapshot report. For her, when you're new
8 entrant you file within 60 days? Yeah, 60 days. I feel this
9 office is the person who is our financial disclosure manager. So,
10 I'm trying to, so, within 60 days of filing is the normal due
11 date. We often grant extensions which I think we had to do for
12 her because obviously her's was a little more complicated to pull
13 financial stuff of what the exact status and values. Many people
14 who own, you know, if you own an interest in a non-publicly
15 listed company like SBD Advisors and we ask you, "So, what's the
16 value of your interest in that?" They're like, "I don't know. I'm
17 trying to sell it right now." Or whatever, so we may tell them
18 okay, well wait until you sell and report the income, because I
19 don't really have a value. Or sometimes you'll see we do report
20 these sometimes. It's value not readily ascertainable on these
21 kinds of interests. But, then depending on when you come in then
22 there's annual report which is -- ends December 31 of the year
23 but then is due May 15th, for the preceding calendar year running
24 through January 1 to December 31. And then you also do a
25 termination report when you leave as a financial. So she had at

1 least three of those it looks like. But there's no, you don't
2 have to -- you don't have to update values on the report if
3 something changes that's like the value of my outside interest is
4 this now instead of what I reported before until, you know, if
5 it's something that happened during the reporting period. If that
6 answers your question.

7 A: It does.

8 Q: Okay.

9 Q: Did Ms. Donnelly need to disqualify herself from
10 participating in the JEDI Cloud acquisition because any of the
11 relationships or interest in SBD or C5 Capital? And there's some
12 mention in of consulting services. I believe for Amazon.

13 A: Right. So, and I wasn't involved directly. So I'm just
14 providing independent analytical advice. I don't know what she
15 was advised and I don't know any of the dates, but just looking
16 at this I would say for one year from the time that she last
17 provided consulting services to Amazon Web Services that would --
18 that she would have what we call the regulatory 5 C.F.R.

19 2635(502), Impartiality Concern because someone might say, "Well,
20 you did do financial -- you received financial benefit from them
21 within the last year. So you probably shouldn't be involved. We
22 tend to question your impartiality." And that restriction for the
23 last, like I said one year from the time that she last performed
24 those services, which because our friends in Congress didn't make
25 the forms actually fit the executive branch restrictions we can't

1 actually tell very well, but that would be something that we
2 would normally check as far as her restrictions and say don't
3 take any action actually with respect to any of these, but I see
4 Palantir is on there which also does quite a bit of work with the
5 Department completely separate from this.

6 Q: So on the date of her last consultation --

7 A: Right.

8 Q: -- so this is for Amazon.

9 A: For Amazon Web Services. So yes, and then the question
10 would be, remember we talked about foreseeability. Depending on
11 what stage on your lovely 26 flowchart, at what stage do we
12 identify that Amazon was -- would we know that they would be a
13 likely I just don't know. I presume pretty early, but not, and I
14 don't know when it started getting down to figure out, yeah,
15 okay. There's really probably only 20. I know what those things
16 mean, but in this particular case I don't know when people knew
17 what. But the idea would be at the point that you determined, oh,
18 well this is likely to have a foreseeable effect upon Amazon. I
19 shouldn't be involved anymore. I can tell you, this is probably
20 very important. Just so you know, I'm going to advance to this
21 about Deap Ubhi 20 times now too. Our normal ethics kind of
22 analysis most of the pre-basically make sure I make to make sure
23 use the right words because you guys have all that great
24 acquisition stuff on there, but basically while you're still
25 doing request for information and market analysis and stuff,

1 feasibility analysis, that generally doesn't -- it's very
2 unlikely let's put it that way, at that level for us to think
3 that any involvement that you would have a foreseeable that
4 effect on a particular company, because there's not
5 foreseeability because we haven't done a request for proposals
6 for certain, and we haven't done any criteria for what we're
7 asking about. We may be looking at in a lot of different ways,
8 but that has not been, you know, there's been really no
9 coalescing of than of that interest so, it's hard to say that
10 you're having, any action that you take in terms of recommending
11 something would have a foreseeable effect on the finances of one
12 of the things from which you are restricted. I agree that, and
13 this is where the standards and the formal executive branch
14 affects are slightly different from, well, way different from the
15 organizational conflict of interest procurement kind of things
16 when you are trying to say somebody have an unfair competitive
17 advantage? I guess what I could just say clearly is because
18 someone finds that somebody's involvement might have given or
19 potentially provided an unfair competitive advantage, or whatever
20 basis is difficult from a fair and open procurement doesn't mean
21 that they violated an ethics rule. Let's just put it that way
22 because the standards for ethics is really hey, you know that
23 your involvement in that is something that will reasonably,
24 foreseeably, financially effect that entity and that's, like I
25 said very hard at that phase saying that with all the different

1 aspects of trying to analyze what requirements might be or
2 whatever, how that will play out across the ever-changing groups
3 of companies that might be involved or whatever. So, short answer
4 she, for one year from the time she left might be restricted from
5 Amazon Web Services. I can't say what that would mean in terms of
6 Amazon activity. I would not say like from an early part of hey,
7 do we want to do a cloud acquisition or do we want to do it
8 in-house, or whatever. That's too speculative because that
9 affects again the whole IT world versus not the whole IT world or
10 something. But, once there are probably someplace on the spectrum
11 of that of the procurement process where it did start getting to
12 okay. We're looking at things that only four companies could do
13 or something like that. Who's in, who's out? That's kind of that
14 gating and other things informal or formal gating that it's hard
15 to say. But before that I wouldn't say that she would be barred
16 from talking to somebody about JEDI Cloud activities.

17 Q: What did you ever hear Ms. Donnelly say about Amazon?

18 A: Nothing. She's never said the word Amazon in my
19 presence that I remember.

20 Q: What did you ever hear her say about any other
21 competitors for the JEDI Cloud contract?

22 A: I've never been present when she's talked about JEDI
23 Cloud.

24 Q: Okay. So, the form that you provided to us also included
25 a column for Mrs. Donnelly. On that form you indicated that you

1 did not know if Ms. Donnelly participated in any of the 27
2 activities on the list. Do you confirm that?

3 A: I do confirm that.

4 Q: Okay. And what nonpublic procurement information did
5 Ms. Donnelly have access to?

6 A: I have no idea.

7 Q: And what influence did Ms. Donnelly have on the JEDI
8 Cloud acquisition?

9 A: I don't know.

10 Q: What conflicting interest did she have that she should
11 have disqualified herself from participating in the JEDI Cloud
12 acquisition?

13 A: I'll summarize my more lengthy and rambling answer
14 before. Depending on timing, she appears to have had a financial
15 interest in Amazon Web Services, not a financial instrument,
16 we'll be careful here. I wouldn't say she has any 18 U.S.C. 208,
17 that the financial conflict, criminal financial conflict of
18 interest because it doesn't look like she holds any current
19 financial interests that are related to Amazon, although I'd have
20 to, again I never know who owns what. But it doesn't look like
21 from her form that she has any current at the time of the form
22 financial interest. What she would have had is a sort of backward
23 looking impartiality concern for one year for the last time that
24 she provided consulting services to Amazon Web Services through
25 her work in SBD. So that would be a impartiality regulatory

1 restriction, not a financial, a current financial interest. It's
2 kind of based on the appearances of the past financial
3 relationship.

4 Q: Thank you.

5 A: Yeah.

6 Q: So we're going to move on to Mr. Anthony DeMartino. Do
7 you know who Mr. Anthony DeMartino is?

8 A: I do.

9 Q: And what was your interactions with Mr. DeMartino?

10 A: I almost -- I saw him come in and out of our office,
11 and I kind of knew who he was. I may have talked to him but I
12 don't think I ever advised him. He did talk with (b) (6), (b) (7)(C), our
13 (b) (6), (b) (7) (C) a few times, but I don't know about this or not. I
14 should make that clear. So, I never really advised him. Like I
15 said, Sally Donnelly I advised on JEDI matters, but on several
16 other matters but not Tony DeMartino.

17 Q: And what is your understanding of Mr. DeMartino's
18 relationship with or interest in SBD? And I'd like to provide you
19 with his 278.

20 A: Okay. Yeah, because I've never seen it. I think I may
21 have seen Sally's at one point, but I don't think I ever saw
22 Tony's other than sending it to you. I didn't open every PDF I
23 sent you. I will confess. There were others in our office that
24 were doing this too.

25 (b) (6), (b) (7)(C): Sir, I'll take these back.

1 A: Yeah, You can have the Sally one's back.

2 (b) (6), (b) (7)(C): Do you have his in your book, (b) (6), (b) (7)(C) Okay.

3 A: So, he said he was an employee of SBD before.

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

5 Q: Okay. So we're talking about Mr. DeMartino?

6 A: DeMartino.

7 Q: So (b) (6), (b) (7)(C) just read an e-mail.

8 A: Right. It was a press inquiry I guess and he confirmed
9 back for the purposes of the press inquiry that he was an
10 employee before coming to back I guess, or to the Department of
11 Defense. I think he also was on we call it the beachhead
12 transition team involved in kind of determining who was, who was
13 more about setting up structure of political appointees in the
14 Department.

15 Q: And I'll just identify the e-mail that you just read,
16 sir.

17 A: Yeah, please.

18 Q: It's an e-mail dated June 5, 2018. It's from Mr. Tony
19 DeMartino. He sent it to (b) (6), (b) (7)(C) ,
20 (b) (6), (b) (7)(C) , and the subject was press
21 inquiry regarding SBD Advisors. He identifies that he was an
22 employee of SBD, never had a stake in the company, and left there
23 before joining OSD. No interaction since, no relationship with
24 Amazon or decision-making authority for cloud related contracts.
25 And this question comes from (b) (6), (b) (7)(C) , the Capital

1 Forum. And they sent that question to him on June 5, 2018.

2 A: Via Public Affairs which (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C)
3 What's his technical title? (b) (6), (b) (7)(C) to the Secretary for
4 Public Affairs I think it is. Okay. And I see on is 278 that he
5 listed because it's a backward looking document. This is a new
6 entrant when I believe. Yeah. He was a former employee. He
7 received salary during the reporting period from SBD Advisors so
8 he does not, unlike Sally Donnelly who own partnerships or
9 whatever the equivalent, stock in the limited liability. He was
10 merely a paid salaried employee. Still gives him a one year from
11 the time that he last served as an employee that he shouldn't
12 take an action that would tend to -- that would affect the
13 financial interests in Amazon Web Services because they were a
14 client of his it looks like. Same kind of circumstance as Sally.
15 So, same one year from the time that they last provided the
16 services with respect to Amazon Web Services. And I was just
17 going to say I think you may have said when you talking about
18 things generically you said he was the Chief of Staff. He was the
19 Deputy Chief of Staff. So, Kevin Sweeney was the Chief of Staff
20 for the Secretary of Defense and I think he went back and forth
21 between the Deputy Secretary and Secretary. He may have had a
22 couple of positions but at least at the time he filed this Tony
23 DeMartino was the Deputy Chief of Staff. Okay. So, the short
24 answer would be no financial interests in Amazon or SBD Advisors.
25 It looks like he has a pension plan that rolled over and

1 something else. But he would have a backward looking impartiality
2 restriction that he shouldn't take any action on anything that
3 would affect Amazon Web Services from the time he last provided
4 advice to them.

5 Q: Okay. What have you ever heard Mr. DeMartino say about
6 Amazon?

7 A: I've never heard him talk about Amazon.

8 Q: What about any of the other competitors for the JEDI
9 contract?

10 A: I never heard him talk about JEDI contract.

11 Q: Okay. On Mr. DeMartino's form you indicated that you
12 did not know if he participated in any of the 27 activities on
13 the list. Do you confirm that?

14 A: I confirm that.

15 Q: What influence did Mr. DeMartino have on the JEDI Cloud
16 acquisition?

17 A: I'm not aware of any.

18 Q: What conflicting interest did he have that he should
19 have disqualified himself from participating in the JEDI
20 acquisition?

21 A: He had no conflicting financial interest. He did have
22 though, as I said, the regulatory impartiality concern for one
23 year from the time he last provided consulting services to Amazon
24 Web Services. If the matter he was going to be involved with,
25 foreseeably involved Amazon Web Services.

1 Q: Got it. Thank you. Did Mr. DeMartino ever say or do
2 anything that would cause you to question his ethics or
3 impartiality concerning Amazon?

4 A: Not to my personal knowledge.

5 Q: Concerning the JEDI Cloud acquisition?

6 A: Not to my knowledge.

7 Q: Do you know who Mr. Victor Gavin is?

8 A: I do not.

9 Q: Okay.

10 A: And his name wasn't -- I didn't provide you any
11 documents on Gavin, right? That name didn't --

12 Q: No, you did not.

13 A: Okay good. I'm just checking to make sure I wasn't
14 having a complete blackout there. There was a new name that I was
15 like I remember searching through all our documents for him.

16 Q: On the form also you indicated you included that Mr.
17 Gavin you did not know that he played a role in any of the
18 information on the sheet, and you do not know who Mr. Victor
19 Gavin is. Can you confirm this response?

20 A: I confirm that. I hope you're not going to hand me an
21 e-mail that shows like --

22 Q: No.

23 A: Okay. Good. It does happen. We advise a lot of people
24 but that name just doesn't spring to mind.

25 Q: Okay. Do you know who Mr. Robert Daigle is?

1 A: I do.

2 Q: Okay. What is your relationship with Mr. Robert Daigle?
3 Or your interactions with Mr. Robert Daigle?

4 A: Interestingly enough, I provided him with some post
5 government employment advice like 10 days ago. Before then I just
6 knew who he was. I don't think I'd ever met him in person. I also
7 had advised his spouse, who serves now as a political appointee,
8 but she's been also an official within the Office of the
9 Secretary of Defense.

10 Q: Okay you said you --

11 A: So when you do financial disclosure work with one of a
12 couple that are both federal employees you talk to them about the
13 others because they have to make sure they both have the same
14 things reported on their form. So that's, but I only spoke with
15 him about post government employment matters, like 10 days ago.

16 Q: Okay. I'd like to give you an opportunity to look at
17 his 278, and his ethics agreement.

18 A: Right. So he was the Director of CAPE until like a
19 month ago I guess. Whatever, I don't know when he left. It was a
20 very narrow post government employment briefing. I didn't do the
21 big briefing. Just so, you don't take away that wow, you guys you
22 don't even know when the guy left, but you can talk to him about
23 his post government employment obligations? He had some very
24 specific questions for me.

25 Q: So the briefing that you gave him is that slide

1 presentation as well or it's just one-on-one, Mr. Daigle post
2 government employment?

3 A: For his post government employment that's individual
4 one-on-one. All of the post government employments are generally
5 one-on-one. Much more focused, because everybody has a slightly
6 different restriction based on their status and of course what
7 they're planning on doing too could also affect which things are
8 important in the restrictions, particularly thanks to our friends
9 in Congress adding Section 1045 which has a whole other overlay
10 of anti-lobbying and he's a political appointee so he has an
11 ethics pledge restriction.

12 Q: And if you could --

13 A: Yeah, want me to look at his 278?

14 Q: -- identify the date and you can give that to us later
15 the date that you provided Mr. Daigle his PGE requirements.

16 A: Oh, okay. This is just to follow-up specifically. It's
17 the first time I actually met him in person somebody else I
18 believe actually gave, maybe (b) (6), (b) (7)(C) in our office may have
19 given him his or (b) (6), (b) (7)(C) I can't remember which one. Somebody else
20 gave him his in advance of leaving kind of overview, but he
21 didn't know what he was doing which is very common. So you need
22 to, it's when you follow up, and now he's having some specific
23 questions now that he's having some specific job activity. So, I
24 think that was (b) (6), (b) (7)(C) that gave him. I'm trying to remember because
25 that's why I took it because she wasn't here or something. Yeah,

1 if you want dates of that it's pretty unrelated to JEDI. Its post
2 government employment telling him what he can, you know, what
3 representational restrictions he might have. Okay. Did you want
4 me to look at is 278 or anything?

5 Q: Yes. It's in there as well.

6 A: Yeah. Who did this one? (b) (6), (b) (7)(C) did. Yep. I am not having
7 a recollection now. So you probably only care about?

8 Q: SBD Advisors --

9 A: The fact that he listed that he was -- his potential
10 future employer, he had an arrangement that he began with SBD
11 Advisors when he left, yeah.

12 Q: So based upon that was your understanding of his
13 relationship with SBD Advisors?

14 A: It looks like he entered into some kind of either
15 employment or consulting arrangement with them after leaving,
16 upon leaving his federal position. He did -- after he nominated
17 -- I'm having a recollection here. So, I did ask him because I
18 knew the circumstances that are going on around here. So, he did
19 not enter into negotiations prior to departure because he would
20 have required him to file a it's called the Stock Act Notice, or
21 basically a disqualification, and he never entered, or
22 disqualification, because basically it's a formality really
23 because he probably wouldn't have had any interactions with SBD
24 Advisors in his position at CAPE, but as a public financial
25 disclosure filer if he entered into negotiations with a company

1 he would have to file just a notice that he files with us, and he
2 didn't do it which he didn't have to because he didn't really
3 negotiate what he was going to do with them until he left.

4 Q: Okay. So, we understand that Mr. Daigle did leave the
5 government and he went on to work for Ms. Sally Donnelly.

6 A: Actually I don't know if he's engaged in any activity
7 with them. He just has an arrangement to do that.

8 Q: Okay. With her new company?

9 A: Right.

10 Q: Is there anything improper with his departing from the
11 government and working for Mrs. Donnelly under a new company?

12 A: Nope. He has resections on not communicating back on
13 behalf of clients or that company under the federal post
14 government employment restrictions, there's both criminal and
15 then pledge obligations. He can't lobby covered officials for the
16 duration of the Trump administration for example. So, but as far
17 as actually taking any position the only thing that would keep
18 you from, you may be aware of this, but we'll put it on the
19 record. The only thing that keeps anybody from taking a
20 particular position is if you under the Procurement Integrity
21 Act, if you would have been on a source selection for a \$10
22 million or greater activity, and then go work for that company
23 that received the award. You have a one-year restriction from the
24 last time you served in that, and obviously the CAPE Director
25 doesn't sit on source selections or any of the other five

1 positions which is basically program manager, technical, chief of
2 technical evaluation, etcetera. So he didn't have a procurement
3 integrity restriction with respect to SBD. So, and that's the
4 only thing that keeps you from technically, it's not taking a
5 position it's receiving compensation from the awardee. So, he was
6 advised that that would be his restriction but it's not violated
7 by him going to work for any particular company.

8 Q: Okay. What did you ever hear Mr. Daigle say about
9 Amazon?

10 A: I've never heard him say anything about Amazon.

11 Q: What about any of the other competitors for the JEDI
12 Cloud contract?

13 A: I've never heard him speak about the JEDI Cloud
14 contract.

15 Q: Okay. Going back to the matrix form that you filled out
16 for us.

17 A: Yep.

18 Q: You indicate that you do not know for all the items on
19 Mr. Daigle. Do you confirm these entries?

20 A: I do.

21 Q: Do you know if Mr. Daigle as the CAPE Director had any
22 influence on the JEDI Cloud acquisition?

23 A: I don't know.

24 Q: Based upon your review of his 278, did Mr. Daigle have
25 any conflicting interest that should have disqualified him from

1 participating in the JEDI Cloud acquisition?

2 A: No.

3 Q: What has Mr. Daigle done or said that would cause you
4 to question his ethics or impartiality concerning Amazon?

5 A: Nothing.

6 Q: Concerning the JEDI Cloud acquisition?

7 A: He's not said anything that would cause me to question
8 his ethics regarding that.

9 Q: Was there any reason why Mr. Daigle should not have
10 participated in the JEDI Cloud acquisition activities that were
11 discussed?

12 A: No. Not from an ethics perspective that I can see.

13 Q: So, you mentioned Mr. Deap Ubhi.

14 A: Yeah.

15 Q: Can you tell me who Mr. Deap Ubhi is?

16 A: And some of this isn't from my own personal knowledge.
17 It's because of all the interactions I've had regarding him since
18 he spoke with me. I actually only spoke with him for probably
19 about 20 minutes on the phone in October.

20 Q: 2000?

21 A: 2017 I guess that was. Yes. It is getting to be a while
22 ago. I understand that he worked for Defense Digital Service in
23 some aspect of market evaluation on the JEDI Cloud I guess it was
24 called then. The way he came to my attention is because Sharon
25 Woods either called me and/or e-mailed me. It might've been both

1 and said, "Hey, we just found out one of our people that we have
2 working has told us that an outside company that he owns might be
3 getting acquired by Amazon and we're being very careful about
4 it. We'd already done several other type things with people with
5 interactions with other folks that were at least being considered
6 in the whole cloud thing." So we said, "Can you talk to him?" So
7 I said, "Yes." So she had him call me I believe. So we talked on
8 the phone and he told me essentially along that line that yes his
9 outside company that he and developed before coming to DoD,
10 OpenHero, TableHero, TableHero, sorry. Which was some sort of
11 non-conflicting software like Open Table. It was like a
12 restaurant booking software. He said he had been approached by
13 Amazon to possibly sell it, and I said, "Okay. You have a
14 conflict from the moment that -- because that's a financial
15 interest in negotiating that sale or whatever, because of the
16 potential, once you're aware of that. So you're now recused from
17 taking any action that would foreseeably affect Amazon. I don't
18 know exactly what work you're doing, but from what Sharon tells
19 me that might hamper you from doing what you're doing now, in the
20 where they are in the procurement." So -- and so he said, "How do
21 I do that?" I said, "Send an e-mail to the Director of DDS that
22 was his supervisor, Chris Lynch. Saying hey, I'm recused from
23 taking any actions on things that would affect Amazon." I would
24 note that I think this was the big parent Amazon, or another part
25 of Amazon, not Amazon Web Services, but we did talk I think just

1 a little bit about that. I said, "Without delving into the
2 detailed corporate structure of Amazon from a financial conflict
3 perspective I think you should just treat it all as one uniform
4 aspect and recuse yourself from all Amazon matters." And so he
5 submitted an e-mail I think within minutes of us hanging up on
6 the phone and saying, "I'm recused." And that was it.

7 Q: Okay. Do you still have the e-mail from Ms. Sharon
8 Woods when she requested you to --

9 A: I think so. I think it's been provided to all kinds of
10 people.

11 Q: Can you provide that to us?

12 A: I think so. I'm trying to remember. I know there's an
13 e-mail from him where copies everybody. That's why at the
14 beginning I said I couldn't remember exactly if it was a phone
15 call or an e-mail. If it was a phone call obviously I can't give
16 you an e-mail.

17 Q: Right. But you mentioned --

18 A: Something triggered him to call me just don't remember
19 if we did it by e-mail or call. But if I have that e-mail I will
20 -- I know we all -- the e-mail that Deap Ubhi sent to Chris Lynch
21 I think he copied, because I told him to copy Sharon Woods and
22 me. That one's everywhere. You may even have that one. I don't
23 know. So, it would have been, if that request is in an e-mail it
24 would have been shortly before that. But like I said this all
25 happened, it was one of those, "Hey, are you available? Can you

1 take it? I need to have somebody talk to you." At first I thought
2 it might be somebody physically. I think she, I can't -- I don't
3 know if you even know. Did he always work in California? See I
4 don't even know. I got the impression that he was like not
5 physically like up in the DDS space or whatever because he called
6 me. Which, I guess is unusual for folks doing that so I don't
7 know where he was physically located. But anyway that's why I
8 never physically met him or interacted at all, and that's why I
9 also don't know if he, I know if he ever got trained because he
10 wasn't physically, we physically went up to the DDS space and we
11 had like Chris Lynch and some people in Boston or something I
12 think were on the video, but mostly everybody physically in the
13 DDS space. Okay. So that's Deap. So, in answer to your question,
14 as of the moment that I was aware, or that he made us aware that
15 he had a financial interest related to Amazon, we told him to
16 recuse. Of course we then learned, I'm aware. I didn't get it
17 directly but Sharon sent me, I guess Amazon notified them that in
18 fact it was not a sale of his company it was a job offer, and it
19 may have happened in a different timeframe then what it was
20 related to us, and I don't have, there are others other than me
21 that have more details about those facts, but the bottom line for
22 that is the ethics restriction is essentially the same. It
23 doesn't matter if your financial interest is because of
24 negotiating future employment or negotiating sale of your outside
25 company. As of the time that you're reasonably engaged in

1 negotiating that like an employment if you just put your resume
2 into a resume bank that's not, no conflict yet. That's just
3 generic. But once they contact you and say, "Hey, we'd like to
4 talk to about a position." At that point then you have at least a
5 prospective interest in future employment until the time where
6 they say no we're not interested or vice a versa. So, that's what
7 we, and he never said anything about employment to me. He only
8 said sale which I think I understand was sort of his cover,
9 because he didn't want to tell Chris Lynch that he was leaving.
10 It made it look like he was sort of forced to because he
11 couldn't, he had to help his partners in the firm or something
12 like that. And I just learned this from all the rest of the
13 communications that have gone. Not me directly, but kind of the
14 notion of like, why would he lie about selling his company? And
15 all we could figure out is that it sort of saved face on hey, I'm
16 just going to go take a better job. So, you're burning a few
17 bridges there where as if you say, "Hey, I have to. They've made
18 me an offer I can't refuse to sell company. I've got other
19 partners I've got to protect. So, sorry I'm going to sell my
20 company, and I can't work here anymore because I can't work on
21 Amazon matters." So, I can't look into the mind of him, but
22 basically from an ethics perspective there's some time frame in
23 there where he may have had a theoretical financial interest
24 based on the future employment but I can't evaluate what, again,
25 this is back to my original discussion of in the whole

1 procurement process he was still at the beginning identifying
2 potential market analysis and things like that. He may have made
3 some recommendations and things, but in terms of how solidified
4 that would be as to what effect that has on any particular entity
5 is kind of hard to judge when you're not at the, you know, if he
6 were on a source selection clearly he might have a criminal
7 violation if he had done this, but at this early phase I don't
8 even know whether or not what he was doing. In an abundance of
9 caution we said clearly recuse yourself, but if he didn't recuse
10 himself for -- he was three weeks late or whatever whether or not
11 actions he was taking were particular matters that would
12 foreseeably affect Amazon when we didn't even know exactly how
13 the JEDI procurement -- I don't even know how foreseeable it was
14 that any recommendation he made would cause any -- what effect it
15 would have on an eventual procurement and then on an eventual
16 financial effect on Amazon. That's pretty, quite a few big steps
17 there, but from an ethics prescriptive thing we would say from
18 the moment that you have that financial interest you should
19 recuse.

20 Q: Okay.

21 A: Okay?

22 Q: Okay. So also going back to the form.

23 A: Oh, yeah. So yeah, I don't know when he --

24 Q: No.

25 A: Oh, which one?

1 Q: Your matrix that you completed for us?

2 A: Oh, yeah, the matrix. Yeah. IDK on all of those too.

3 Q: You did I don't know --

4 A: Yes.

5 Q: -- for all of the items. Do you confirm your entries?

6 A: Yep. Like I said I only vaguely know that he was
7 involved in something market researchie but as far as lining it
8 up against these specific things I am not aware. I have no
9 personal knowledge.

10 Q: And that was my question. How did Mr. Ubhi influence
11 the JEDI Cloud acquisition?

12 A: I don't know.

13 Q: So thinking of all of the individuals that we mentioned
14 today were you ever in a meeting at which any one of them changed
15 the subject, excused themselves or herself because he or she, or
16 someone close to them had a conflicting interest that might be
17 impacted by the JEDI Cloud acquisition?

18 A: No.

19 Q: Did anyone attempt to write JEDI Cloud requirements?
20 And by this I mean the JROC Memorandum, gating requirements,
21 technical requirements, or statement of objectives, or any other
22 requirement in a way that favored Amazon over its competitors?

23 A: I don't know.

24 (b) (6), (b) (7)(C) [REDACTED], do you have any follow-up
25 questions?

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

2 Q: Sir, first I'd like to talk about the due outs that we
3 spoke about.

4 A: Yes. Good. Hopefully you were writing those done.

5 Q: I did. The training slides that you provided to --

6 A: Can I make a copy of that or something?

7 Q: I'll send you an e-mail.

8 A: Or send me, yeah, if you would. Since I'm not at my own
9 desk I don't feel like grabbing (b) (6), (b) (7)(C) stuff to write.

10 Q: I'll send you an e-mail for follow-up. But it's going
11 to be the training slides --

12 A: Yep.

13 Q: -- the training dates that you provided.

14 A: Yep. For DDS.

15 Q: The dates of the PGE for Mr. Daigle.

16 A: Yep.

17 Q: If we could get a copy of the Sharon Woods e-mail to
18 you concerning --

19 A: If it exists, yes.

20 Q: If it exists.

21 A: I know I've provided -- if it exists I know I've
22 provided it as part of, because the contracting officer
23 interviewed me and --

24 Q: Okay. Thanks.

25 A: -- I think some other IG investigators interviewed me.

1 I don't know. It's been some time ago.

2 Q: And also the Ubhi recusal e-mail where he courtesy
3 copied you?

4 A: Yeah. You don't have that one?

5 Q: We'd like to get it from you.

6 A: Okay. Sure.

7 Q: Okay. Now I have one question for you and I just want
8 to make it --

9 A: Yep.

10 Q: -- clear for the record. Several times you've spoken
11 about a one-year restriction.

12 A: Right.

13 Q: That one-year restriction, when does it actually start?

14 A: From the time you last have the financial connection
15 with the outside interest which we've talked about kind of two
16 different ones. Either an employer, or in the case of Sally we
17 wouldn't really say SBD was her employer. It was a firm in which
18 she had an ownership interest. So, there's a one year, those
19 entities are considered entities with which you have a covered
20 relationship. That's in air quotes and now recorded quotes, under
21 5 C.F.R. 2635(502) which is the impartiality regulation. So, for
22 one year from the time you last have that relationship, and there
23 are similar type things for stuff like certain sales and things
24 like that, so it's a long list of like if you left being on a
25 board of directors for example, that's also included in there,

1 for one year from the time you last had that level of
2 relationship it's -- their interests are imputed to you for
3 purposes of determining whether or not there's a concern about
4 impartiality and your decisions related to that entity. So,
5 again, you shouldn't engage in participation in a particular
6 matter in which that's an identifiable party where you're
7 participation whether it's a recommendation or whatever would
8 have a foreseeable effect on the finances of that party with
9 which you have a covered relationship for one year from the time
10 you last served in that position, employee, stockholder, partner,
11 whatever we're calling it for the people that we have talked
12 about.

13 Q: Okay. So, for clarification --

14 A: And that's regulatory. So, not a criminal restriction.

15 Q: Okay. So for clarification, if somebody resigns from
16 say General Dynamics on 1 January --

17 A: Yep.

18 Q: -- when does their one-year restriction kick in?

19 A: One year from that date.

20 Q: One year from 1 January?

21 A: Yeah.

22 Q: Because they resigned from --

23 A: From that.

24 Q: -- the company.

25 A: Right. For this regulatory. Now if you look at, just so

1 you know, if you look at various screening arrangement and things

2 --

3 Q: Yes.

4 A: -- there are other pledge, ethics obligations which are
5 basically just the promise between you and the administration for
6 the senior level political appointees for example that may extend
7 some of those restrictions. I didn't talk about that per say
8 because that theoretically would apply to Mattis, but I don't
9 think we're concerned about General Dynamics involvement in the
10 JEDI. So, it didn't seem logical. So anyway, yeah. So, but when
11 we talk about the regulatory that's absolutely correct, because
12 the pledge does talk about two years from appointment. They,
13 again, I wish people would actually ask us before they draft
14 things, but they don't. So, they used a slightly different start
15 date for the ethics pledge in counting the timeframe. So you may
16 see some different words if you look in restrictions because we
17 try to make the screening arrangements practical so that people
18 know, hey, how long and frankly General Mattis isn't going to
19 say, "Oh, I don't care about the pledge. I only care about the
20 regulatory restrictions." He wants to make sure he's in line with
21 all possible restrictions so we use the maximum possible time and
22 say, "Hey, for two years from his appointment date, January 17th
23 or whatever. Does he have a two year restriction? I've got to
24 think about this because we've been -- the pledge is two year
25 restriction for General Dynamics for example, but that's it. And

1 then you're saying, "Wait (b) (6), (b) (7)(C) How come you told us it's the
2 other thing?" That is the difference because we do have these
3 overlaying restrictions. Does that help?

4 Q: Yes, it does. Now, you spoke about advising a company
5 relating to a restriction.

6 A: Yeah.

7 Q: So, an example I want to give you is an individual is
8 --

9 A: Client. I guess when I say advising they should be your
10 client because I believe a client is in the covered relationship
11 list.

12 Q: So, an individual is working as technical advisor for
13 any particular company.

14 A: Okay.

15 Q: They're working as a technical advisor say from January
16 to February.

17 A: Okay.

18 Q: In March they become a janitor in the same company, and
19 in May they depart the company. At what point in time would the
20 one year restriction for them kick in? Would it be when they
21 stopped being a technical advisor, or would it be when they left
22 the company?

23 A: In that circumstance it would be when they left the
24 company.

25 Q: Okay.

1 A: Because they're an employee that's -- if they were a
2 technical advisor as an outside consultant then they essentially
3 would have two things but obviously they'd have the one year from
4 the time they last served, were receiving funds as a consultant,
5 say as an outside consultant and then, oh, I got employed as a
6 janitor but that's still an employee. So those are essentially
7 two different covered relationships and they would both be
8 routing obviously the later one would govern. So, one year from
9 the time they left as a janitor.

10 Q: Thank you. That's all I have.

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

12 Q: And why do you believe this matter has been brought to
13 DoD IG's attention?

14 A: Because it's a very large contract and the folks that
15 were not awarded the contract are looking for any basis to try to
16 upset the original awarding or potential awarding I believe.

17 Q: Is there any additional information that you would like
18 to provide to us?

19 A: I'll just say in particular Secretary Mattis was my
20 principal advisee. I brought him in from the beginning. To
21 question his ethical, I mean it's hard to see when you just pick
22 out like five e-mails out of a whole thing, but they truly, I
23 mean, they checked with us on lots of stuff, and he was very
24 concerned and with all. I mean, he is the one who came up in the
25 stay in ethical midfield that we use for our training. His

1 day-to-day was always, "Hey, I'm not going to push the envelope
2 here." Or whatever for anybody or anything. So, I would just say
3 in his case in particular I was particularly surprised that
4 people are trying to draw links between, you know, met with Jeff
5 Bezos and therefore got him the JEDI contract. That's not in the
6 character of Secretary Mattis. Like I said, I mean it's not a
7 huge leap to be saying I'm a character reference for the departed
8 Secretary, but I mean, they still check with us on all kinds of
9 stuff with his because he wants to make sure he's not having an
10 appearance of anything. So, he is very attuned to ethical
11 matters. Okay?

12 Q: Okay. Who else should we speak with and why?

13 A: Who else should you speak with?

14 Q: Yes.

15 A: I assume I would speak with like Sharon Woods and
16 (b) (6), (b) (7)(C) from a legal standpoint. Obviously Sharon's now
17 the (b) (6), (b) (7)(C) I guess they call it for JEDI and (b) (6), (b) (7)(C)
18 the (b) (6), (b) (7)(C), and the (b) (6), (b) (7)(C). I
19 don't remember her name. She interviewed me for another two-hour
20 interview. But in terms -- because a lot of, at least, and you
21 may have already done this, but like your list of who was
22 involved when and who could have done what they will know.

23 Q: Do you have any questions for us?

24 A: Just a reminder, again, I assume I will get to see a
25 version of this before it's in any kind of release so I can

1 ensure that my rambling analysis doesn't include any
2 attorney-client matters that I would have to assert on behalf of
3 the general counsel any sort of privilege. I want to keep my law
4 license. I want to keep my law license I'll say that clear, yes,
5 and revealing attorney-client things when the government is your
6 client can get you in trouble just as easily as when it's a
7 private individual. So, that's why we have this concern.

8 Q: Okay. Do you have any questions or comments about the
9 way we conducted our interview today?

10 A: No. It was great. I understand where you went and why.
11 I appreciate you letting me kind of ramble but then also bringing
12 it back to the detailed analysis.

13 Q: If you remember anything else that you believe may be
14 relevant to our review please contact myself or (b) (6), (b) (7)(C), or
15 send us an e-mail.

16 A: Okay. I do have one note for you. I guess I should have
17 -- hopefully this won't be an issue, but I am scheduled to depart
18 because I have taken a position (b) (6), (b) (7)(C) for Army
19 Future's Command. I want to do even more acquisition work, and
20 stay with those cutting edge people, plus it's in (b) (6), (b) (7)(C) But
21 it's probably going to be in September. So, I have a feeling you
22 guys might be getting pretty wrapped up by then, but just I mean
23 I'm obviously still going to be in a -- have the same .mil e-mail
24 address and all that kind of stuff, but mail.mil. But I just
25 wanted to let you know in case I'm not fleeing the jurisdiction

1 or anything.

Q: Got it.

2 A: And everybody here will know how to get in touch with
me.

3 Q: Thank you for that.

A: Yep.

4 (b) (6), (b) (7)(C): Finally, in order to protect the integrity of
5 this review we ask that you do not discuss any matters under
6 investigations or questions that we've asked you during this
7 interview with anyone other than your personal attorney if you
8 choose to consult one. This does not restrict you to your right
9 to contact an IG or a Member of Congress. If anyone asks you
10 about your testimony or this review, please inform them that the
11 DoD OIG has asked you not to discuss the matter. If anyone
12 persists in asking you about your testimony of our review, or if
13 you feel threatened in any manner because you provided testimony
14 please contact myself or (b) (6), (b) (7)(C). The time is now 1055, this
15 interview is concluded.

16 [The interview terminated at 10:55 a.m., July 23, 2019.]

17 [END OF PAGE]

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19 2

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

21 (b) (6), (b) (7)(C) - JULY 23, 2019

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

23 1

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

25 (b) (6), (b) (7)(C) - July 23, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

July 18, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C) The time is now 0900 hours, Eastern Standard
3 Time. I am (b) (6), (b) (7)(C) and with me today is (b) (6), (b) (7)(C),
4 (b) (6), (b) (7)(C) We are interviewing the
5 witness, (b) (6), (b) (7)(C). We are conducting this interview
6 in (b) (6), (b) (7)(C) office in the Pentagon, in Room (b) (6), (b) (7)(C) We are
7 conducting a review of the acquisition of the Department of
8 Defense Joint Enterprise Defense Infrastructure Cloud
9 Acquisition. We also want to clarify the actions of certain
10 former DoD officials as they related to JEDI Cloud acquisition
11 activities, or relationships with Amazon that have prohibited
12 their substantial participation in the acquisition. These DoD
13 officials include: Former Secretary of Defense, James Mattis;
14 former Chief of Staff to the Deputy Secretary of Defense, Anthony
15 DeMartino; former Special Assistant to the Secretary of Defense,
16 Ms. Sally Donnelly; former Deputy Assistant Secretary of the Navy
17 for Command, Control, Communications, Computers, Intelligence,
18 Information, Operations, and Space, Mr. Victor Gavin; former
19 Director of Cost Assessment and Program Evaluation, CAPE, Mr.
20 Robert Daigle; and former DDS Product Manager, Mr. Deap Ubhi. At
21 this time I ask you that you acknowledge that this interview is
22 being recorded.

23 (b) (6), (b) (7)(C): Acknowledged.

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

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

Acknowledged.

I will administer you the oath. Please raise your right hand?

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

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

E X A M I N A T I O N

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

Q: Please state your name and spell your last name for the record.

A: (b) (6), (b) (7)(C), and last name (b) (6), (b) (7)(C).

Q: And what is your current position?

A: We're all kind of hired under the same sort of realm. Digital Service Expert is my billet.

Q: Briefly describe or kind of give me your understanding of your involvement in the JEDI Acquisition, or the Cloud Acquisition?

A: Sure. Yeah, so I guess what's relevant to this and I can get through everything if you want, but I don't have a timeframe off the top of my head, but I came onboard I want to say October 2017. I was actually detailed over from the Defense Media Activity so I didn't officially start until February 2018. I think, I want to say like about a month or so in I was asked to participate in doing some of the market research for this cloud effort and met with a few of the vendors. They were essentially

1 one-hour sessions that we had with all the vendors. I wasn't here
2 for the very early ones, for the first ones that happened with
3 the vendors. I came in for I think three of them towards the end.
4 It was like CSRA, Microsoft, I'm trying to remember. There was
5 another one. I'll bring up my notes if I'm allowed to do that,
6 but essentially our purpose was just to -- we had very scripted
7 set of question, very scripted sort of timeframe. We tried to
8 keep it to as close to an hour as possible, and asked them some
9 basic questions, just market research type things, and then took
10 their notes. And that's when I initially met Deap. But I remember
11 early on in that process, I think we got to like the second
12 company or so. I'm trying to remember exactly what timeframe but
13 he -- I remember there was something going on so he had to just
14 leave, and so it was just myself and (b) (6), (b) (7)(C) doing the --
15 doing those market research interviews. Yeah, I didn't really
16 quite know what was going on with him at that time but that was
17 basically my involvement, or my knowledge of him just basically
18 doing the market research portion of the initial month or so that
19 I was onboard.

20 Q: Did you develop the questions, or the questionnaire for
21 the market research?

22 A: No, I think the questions were already set. I can take
23 a look at like the questions to see if I had any input. I think
24 maybe I helped to modify one just to make it more clear. Like the
25 cloud that your company is offering does it really do all the

1 things that you say it can? Something to that effect. I can
2 actually look up the language. Is it okay if I look it up?

3 Q: Yes. I just wanted to know how were the questions
4 developed --

5 A: I think the questions were developed before --

6 Q: -- for the market research?

7 A: -- before I got on board. Yeah. I mean, they were just
8 very general questions. It wasn't like, I think we had like six
9 or seven. I'm trying to remember now.

10 Q: And while you do that can you tell me what the genesis
11 was for the Cloud Acquisition or JEDI Acquisition here based on
12 your knowledge?

13 A: Can I tell you what the genesis is for the Cloud
14 Acquisition?

15 Q: Yeah, how did it begin? What was the --

16 A: I mean I'm coming at it from a different perspective.
17 So I was at the Defense Media Activity and we were in dire need
18 of various cloud activity services for everything that
19 organization does. So, running all these DoD websites. You get to
20 a point very quickly where you need to be able to scale very
21 quickly. All of the DoD policy that is in it we were supposed to
22 move to the cloud and pushed to the cloud. There's policies back
23 from 2015 saying that there was like if you can adopt the cloud
24 first, but then actually doing that was very difficult. So, from
25 my perspective I actually came over to speak with Chris Lynch

1 early on because we had worked on the Hack the Pentagon program.

2 I actually did the first pilot with them over here. Basically
3 asking for help, like how can you help us get to the cloud more
4 quickly? We just need to be able to get essentially a contract or
5 something for DMA's purposes. Now this has nothing to do with
6 JEDI or anything else, but, so for me being (b) (6), (b) (7)(C)

7 (b) (6), (b) (7)(C) ver there at DMA it was very
8 important that we had the tools necessary to do our job. So, I
9 guess, if you're looking at the genesis of how we got to a place
10 where we needed cloud, I think we're just beyond the point of
11 beyond trying to host systems locally onsite like we have in past
12 20 or 30 years. Yeah, so I'm not sure that the answer you're
13 looking for but from my perspective again from being an outsider
14 and then eventually joining the team I know that it was something
15 that we absolutely needed to have, and that's probably why they
16 asked me to come join them. So, I actually got detailed over from
17 DMA, just pulled over I had all week to transition all my stuff,
18 and for me it was personal because I knew how much we needed it
19 out there. I didn't really care which vendor it was, who was
20 picked. I just know that we needed more compute capacity. We need
21 more storage. We needed, I'm not sure if you're aware of DMA's
22 mission, but they host all the media assets for DoD going back to
23 the very first wars. So, ton of imagery. A ton of things that
24 need to be put somewhere before they sort of disintegrate.
25 Literally there are like warehouses full of old photographs that

1 are just kind of crumbling away and we're trying to digitize
2 them, get them somewhere so that the American people can see
3 them.

4 Q: Okay. So please describe the relationship between
5 Defense Digital Service and the Cloud Computing Program Office.

6 A: Well so, the Cloud Computing Program office didn't
7 exist. I think back when DDS, this was first working on this,
8 right? So, I think because there was such a great need as
9 conjecture I think the need was there across the Department.
10 Every single product that we touch even today people are begging
11 for better ways to access cloud resources, to accredit those
12 resources, to make sure they're secure, because what they're
13 doing today is just not working, and so DDS worked on trying to
14 get things to a place where we could actually have a contract
15 that we can pull from in order to have it be available for
16 anybody in the Department to use. So, part of that was coming up
17 with the Cloud Computing Office.

18 Q: Okay. So is the Cloud Computing Office the same as the
19 JEDI Program Office? Are they one in the same?

20 A: What is the JEDI Program Office?

21 A: That's what we're trying to find out. We hear that
22 terminology thrown around the JEDI Program Office, and then the
23 CCPO.

24 A: Okay.

25 Q: So, we're trying to find out if there two separate

1 offices, or are they --

2 A: The Joint Enterprise Defense Infrastructure is
3 shortened to JEDI. That is, I'm sure people have various names
4 for these things, but the Cloud Computing Program Office I think
5 is set up to help get those resources into the hands of people
6 that actually -- people that actually need them once JEDI is
7 finished. Once the acquisition portion is finished.

8 Q: So, you said you came onboard here around February 2018
9 timeframe?

10 A: Officially, yeah.

11 Q: Okay. What ethics training were you provided when you
12 came here as it related to the JEDI Acquisition?

13 A: Yeah, so I think initially there was an NDA that I had
14 to sign. I had to do a, I don't remember the form, but some form
15 saying that there was no conflict. It's on the tip of my tongue.
16 Something 50 I think.

17 Q: 450?

18 A: Yeah, maybe. Something to show that I had no financial
19 sort of interest in any company, and then that was vetted. We did
20 the actual ethics training several times. It was a little bit
21 tedious because we kept having ethics training. And I also comes
22 from an organization where I had done all of the DoD, federal,
23 sort of training, but specific to this endeavor I remember
24 signing an NDA. I remember signing all the forms that I had to
25 sign just to come on board with the team, and also the Financial

1 Disclosure Form, whatever, maybe it's a 450. I don't know.

2 Q: And who provided the ethics training to you? You said
3 multiple times you receive this type of training?

4 A: Yeah, Sharon I believe did. I want to say --

5 Q: And that's Sharon, last name?

6 A: Oh, Sharon, what's her last name? Sorry. I have had my
7 coffee yet so this is like really bad times to remember names of
8 people. It was Sharon, but there are also some ethics folks that,
9 and I'm trying to remember the names though. Oh, Sharon Woods.
10 I'm sorry.

11 Q: Sharon Woods.

12 A: I don't think Will was here yet. Oh, (b) (6), (b) (7)(C)

13 Q: (b) (6), (b) (7)(C) provided ethics?

14 A: I believe so, yeah. There was various conversations at
15 various points. (b) (6), (b) (7)(C). I want to say we had other
16 ethics folks. The DoD Ethics Office. I can't think of their name
17 right now.

18 Q: So, what ethics training did Sharon Woods go over
19 specifically? If you can recall just kind of what was the
20 guidance that she provided to you?

21 A: So, once we started the acquisition work I mean there
22 were different phases of this thing. So, the ones that are coming
23 to mind are probably more recent training sessions that we had
24 around making sure that if there were any conflicts at any point,
25 or people asked us any questions about certain things, to make

1 sure that they, you know, if we had ever gotten to a point where
2 we felt as though there was any sort of like funny feeling if
3 someone didn't feel right then we should probably tell somebody
4 about it just to do that early and often. Make sure if there were
5 any ethics concerns that we brought them up and voice them. There
6 were some very specific things around like how to conduct
7 business, and how to -- it was hours long. So I don't remember
8 exactly what you want me to distill, but I think the standard
9 sort of ethics training around just sort of acquisition type
10 effort. It was all discussed in terms of expectations and what
11 was expected out of us essentially.

12 Q: Do you know you know if anyone ever made Mrs. Woods
13 aware that hey, I might have a conflict here? Or, were they
14 comfortable in bringing that up 200 action?

15 A: Do I know if anybody else told her that? I don't know.

16 Q: And the training you received from (b) (6), (b) (7)(C) ,
17 what guidance did you receive from her as it relates --

18 A: It was similar.

19 Q: Similar guidance?

20 A: Uh, huh [affirmative response].

21 Q: And, if you could recall how many times did you receive
22 this type of training?

23 A: I wouldn't want to make up a number. I'm sure if I look
24 at my calendar and sort of figure it out over time, but I know it
25 was reinforced often especially just how important all this was

1 and how under scrutiny we are especially right now, right? The
2 reason you're here is probably because some people don't agree
3 with this effort or whatever and there's lots of extra attention
4 on this. I think was lost in all of it though is how important
5 this actually is to America and the warfighter. It's totally lost
6 in everybody. So, but that was reinforced continuously. So to do
7 it in the most ethical way because we would be under scrutiny was
8 that that is a take away for me. That was continuously
9 reinforced.

10 Q: Can you tell me who SBD Firm is?

11 A: No.

12 Q: Are you familiar with them?

13 A: No idea.

14 Q: What about C5 Capital?

15 A: I don't know who you're talking about.

16 Q: Do you know if C5 Capital or SBD has a relationship
17 with Amazon?

18 A: I don't know what that is, sorry.

19 Q: Okay. Now I would like to talk about former Secretary
20 of Defense James Mattis.

21 A: Yeah.

22 Q: And I have a couple of questions we'd like to ask you
23 regarding his involvement.

24 A: I'm just like a peon. I have no idea. I saw him in the
25 hall once. I know he had long ears, that's about it.

1 Q: So that was your only interaction with him --

2 A: Yeah.

3 Q: -- was passing by in the hallway?

4 A: I was impressed. He seems like a very smart man, but I
5 don't know. I didn't really interact with him at all.

6 Q: Do you know what his relationship you may have been
7 with SBD?

8 A: Not knowing what SBD is no I couldn't tell you.

9 Q: Same question with C5?

10 A: I don't know what that is.

11 Q: Do you know if he had a relationship with --

12 A: What is that? Can you tell me what that is?

13 Q: Well, it's a private consultant form.

14 A: Yeah it's the first time I'm hearing the company. So I
15 don't know.

16 Q: What about Amazon?

17 A: Hearing about Amazon?

18 Q: Well, if Mr. Mattis has a relationship with, financial
19 interest or --

20 A: I have no idea.

21 Q: Thank you. If he did have, and that would be Mr.
22 Mattis, some type of financial interest or stock in a particular
23 company would he have a need to disqualify himself based upon the
24 information you received from your ethics guidance would that be
25 required?

1 A: I think he would need to speak to his counsel. I mean I
2 think there are instances probably that are under certain
3 threshold maybe. I don't know. I'm not a lawyer.

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

5 A: Nothing.

6 Q: Have you ever heard him speak about any other
7 competitors who were in competition for the JEDI contract?

8 A: No.

9 Q: Okay. Earlier this week you provided our office with a
10 questionnaire form and this is what you filled out basically, and
11 in here you indicated no for any of these individuals conflict of
12 interest. However, in one item you marked yes for Mr. Deap Ubhi
13 involvement in the Market Research Report. So, I just want to
14 affirm that no responses regarding Mattis, DeMartino, Donnelly,
15 Gavin, and Daigle. Do you stand by what you put?

16 A: Yeah, I don't think I ever, like other than in the
17 hallway met Secretary Mattis, and then DeMartino I don't think
18 I've ever met him, Sally I don't even know who she is. Victor
19 Gavin, don't know. Daigle I think there was like a CAPE meeting
20 or something. I don't know his involvement or I've heard of the
21 name. I don't really know what his involvement is in this.

22 Q: So, can you please explain your understanding or
23 first-hand knowledge is of Mr. Ubhi's involvement in the market
24 research?

25 A: I already did that. I already explain that.

1 Q: What did he do specifically?

2 A: Oh, just with the market research thing, yeah. He was
3 there for I think some of the meetings around. I would have to
4 look at which vendors were in the room. Off the top of my head I
5 think there would like two that he was there where I was also
6 there. So, it was during the market research timeframe, and he
7 was participating in that.

8 Q: Okay. You mentioned earlier that you are unfamiliar
9 with Sally Donnelly. So, we we're going to ask you a couple of
10 questions on --

11 A: Sure.

12 Q: -- although you may not have interacted with her. You
13 stated that understanding, and you did not understand what SBD
14 was, or C5 Capital.

15 A: Yeah.

16 Q: Okay. So, based upon that information I'm just going to
17 ask you the question for the record.

18 A: Sure. That's all right.

19 Q: Do you know if Mrs. Donnelly may have needed to
20 disqualify herself from participation in the JEDI Cloud
21 acquisition because of her relationship with SBD?

22 A: No. I mean I don't know. There was a lot of like
23 articles and stuff that were coming out and I tried to ignore
24 them because it just felt like a lot of noise. So, I mean.

25 Q: What have you ever heard Ms. Donnelly say about Amazon?

1 A: I don't even know who she is.

2 Q: Have you ever heard her say anything about any of the
3 competitors for the JEDI Acquisition?

4 A: No.

5 Q: How did Ms. Donnelly, and this is your opinion --

6 A: Uh, huh [affirmative response].

7 Q: -- influence the JEDI Cloud acquisition?

8 A: I don't know. I don't think that she did.

9 Q: Same question for Mr. Mattis. How did Mr. Mattis
10 influence the JEDI acquisition?

11 A: I don't know.

12 Q: And, did Mr. Mattis have any conflict thing interest
13 that he should have disqualified himself from participating in
14 the JEDI Cloud acquisition?

15 A: I mean I wish I knew him that well. It would be kind of
16 cool, but no. I don't know him, Mad Dog, or Chaos, he likes to
17 think chaos from what I heard.

18 Q: And what have you ever heard Mr. Mattis say, or what
19 has he done that would cause you to question his ethics or
20 impartiality concerning Amazon?

21 A: Yeah, I don't know.

22 Q: Same question for Mrs. Donnelly. Did she have any
23 conflicting interest that should have disqualified her from
24 participating in the JEDI Cloud acquisition?

25 A: I don't know the lady, so I don't know.

1 Q: What has Mrs. Donnelly ever said or done that would
2 cause you to question her ethics or impartiality concerning
3 Amazon?

4 A: I don't know.

5 Q: Thank you. The do you know who Mr. Anthony DeMartino
6 is?

7 A: Yeah, I've heard the name just in these context, but I
8 don't actually know of him. He might be one of these people's
9 that I don't know. Honestly I have never met Anthony, or Sally,
10 or Victor, or Robert maybe at some point I'm sure I've seen him
11 in the halls. Mattis is probably about the only other person I
12 could pick out in the lineup.

13 Q: Okay. Once again we're trying to establish what you do
14 know.

15 A: I got it, yeah.

16 Q: And if you don't know, that's fine. Just state so and
17 we'll move on to our next question.

18 A: This is just like what I was saying early on like I
19 don't know how helpful I can be. I'd like to be helpful but yeah.
20 I'm not going to make anything up either.

21 Q: And since you stated you did not know him, have you
22 ever had any interaction with him even in the hallway?

23 A: As far as I know I don't think so.

24 Q: And do you know if he has a relationship with SBD
25 Advisors or C5 Capital?

1 A: I don't know.

2 Q: And did Mr. DeMartino have the need to disqualify
3 himself from participating in the JEDI cloud acquisition because
4 any of those relationships are interest?

5 A: I'm not sure.

6 Q: Did you ever hear Mr. DeMartino say anything about
7 Amazon?

8 A: No.

9 Q: What about any of the competitors for the JEDI
10 contract?

11 A: So, these are going to be all no, if they're the same
12 set of questions. Yeah.

13 Q: Okay. And how did Mr. DeMartino influence the JEDI
14 Cloud acquisition?

15 A: No idea.

16 Q: What has Mr. DeMartino said or done that would cause
17 you to question his ethics or impartiality concerning Amazon?

18 A: Again I don't know.

19 Q: What about concerning the JEDI Cloud acquisition?

20 A: Don't know.

21 Q: Do you know who Mr. Victor Gavin is?

22 A: No.

23 Q: So you've never had any type of interactions with Mr.
24 Victor Gavin?

25 A: Uh, uh [negative response].

1 Q: Have you ever heard Mr. Gavin or if you were in a focus
2 group, or a session, or one of your meetings during your market
3 research was there ever any question that may have been brought
4 up from a member who opposed to a particular strategy?

5 A: Again, not knowing who he is I don't know how to answer
6 that.

7 Q: Okay. What non-procurement information did Mr. Mattis
8 have access to, do you know?

9 A: I don't know. No.

10 Q: Did Ms. Donnelly have any access to any of the
11 non-procurement information?

12 A: I don't know.

13 Q: How about Mr. Victor Gavin?

14 A: I mean we could probably take a look at logs and see
15 like who had access to what in our drive, but I don't know, yeah,
16 I don't actually know myself.

17 Q: How did Mr. Gavin influence the JEDI Cloud acquisition?

18 A: No clue.

19 Q: And have you ever heard anyone, any mention of anybody
20 say anything that could cause you to question their ethics or
21 impartiality concerning Amazon? And that would include Mr. Gavin,
22 Mr. DeMartino, and Ms. Donnelly?

23 A: No.

24 Q: Okay. You mentioned that you were familiar with Mr.
25 Robert Daigle, and can you describe what your interaction was

1 with Mr. Daigle?

2 A: I can't really. I think I probably met him in the
3 hallway or in a meeting, or I don't know. I'm trying to remember
4 what that interaction was. I can do a search of my e-mail. When
5 this came up I couldn't really find anything. Unless he was a
6 part of another meeting or something to that effect. Let me take
7 a look again just to make sure. I believe he's at, or was, or is
8 at CAPE. Is that right?

9 Q: That is his position, yes.

10 A: Okay. That's why it's coming up. Yeah I have no e-mails
11 back and forth to or from him. There were some, just some e-mails
12 where, let's see. He was just CCed on the line, but nothing to
13 her from him directly.

14 Q: And what information was in that e-mail if it's not
15 sensitive?

16 A: This one I think it was just like, this was on like a
17 group e-mail. Just the e-mail was about the CSG, not the RFI that
18 went out. It's just kind of where we're at the time. It's really
19 not a lot of information in this.

20 Q: If you don't mind could you --

21 A: Yeah, sure.

22 Q: -- read that e-mail, what date was that?

23 A: November 17. 2017.

24 Q: And it went to Sharon Woods. Okay. So that's from
25 Sharon Woods.

1 A: From Ms. Sharon to the CESG to the distro e-mail list.

2 Q: Okay. If you don't mind reading that.

3 A: Sure, I can read it. Again, I need coffee, but I'll do
4 my best. The team has -- okay, "So CESG the team is making some
5 great progress and I wanted to share." Again, this is from
6 November 17, 2017 at 3:28 p.m. Eastern time. "One, the RFI closed
7 today. Received 52 responses. Not only did all of the major
8 providers respond, but we also received input from many vendors
9 across the cloud ecosystem with the information will be critical
10 in crafting a solicitation that meets DoD's needs all the way to
11 the tactical edge. The RFI topics expand pricing, services,
12 lessons learned, tactical edge, existing cloud present, and
13 regulatory policy barriers. Two, the CIA shared the C2S contract
14 which we have been trying to get since September in JWICS. Thank
15 you to everyone who engage to help make this happen. Have a great
16 weekend."

17 Q: Do you know if Mr. Daigle replied or responded?

18 A: There's no response. This is it.

19 Q: Okay.

20 A: Yeah.

21 Q: Once again, same question, what is your understanding
22 of Mr. Daigle's relationship with or interest in SBD, C5, or
23 Amazon?

24 A: If I can Google this company, I have no idea. Are they
25 investment companies? Are they just --

1 Q: SBD Advisors is a consulting, and C5 Capital was
2 acquired by Amazon.

3 A: Yeah, I don't know. I can Google I guess as well as
4 anybody else.

5 Q: And would Mr. Daigle need to disqualify himself from
6 participating in JEDI cloud acquisition because of any of those
7 relationships or interest?

8 A: I mean I think that is a legal question. I'm not a
9 lawyer. So my perception is if I felt as though there was a
10 conflict I would reach out to our counsel and asked the question,
11 and then I know the process. They would be able to look into it.
12 They would come up with a decision on paper, and then decide one
13 way or the other what to do. That's what we were advised as well
14 during those meetings and those ethics session.

15 Q: Okay. And what did you ever hear Mr. Daigle say about
16 Amazon?

17 A: Yeah, I don't know.

18 Q: Did you ever hear him say anything about any of the
19 competitors for the JEDI cloud Contract?

20 A: No.

21 Q: Is there any reason is or any reason why Mr. Daigle
22 should have not participated in the JEDI Cloud acquisition
23 activities that we discussed?

24 A: I mean not knowing him or his background, or what may
25 have precluded him from participating I can't answer that. I

1 don't know.

2 Q: Okay. And this is once again a follow-up question. How
3 did Mr. Daigle influence the JEDI Cloud acquisition?

4 A: As far as I'm aware I don't know. There's nothing that
5 I know of that he did to influence.

6 Q: Do you know if he's ever said or done anything that
7 would cause you to question his ethics or impartiality concerning
8 Amazon?

9 A: I don't know.

10 Q: What about concerning a JEDI Cloud acquisition?

11 A: I mean considering my limited interaction I would say
12 no. I never felt any pressure one way or the other.

13 Q: So now I'm going to move on to Ubhi, and I know we
14 talked about him earlier today.

15 A: Sure.

16 Q: And you, I assumed you worked --

17 A: Briefly with him, yeah, he was round not very long.

18 Q: What was Mr. Ubhi's interest or interactions with
19 Amazon?

20 A: With them? I don't know. I think he, I can take a look
21 at our drives to see because my memory is imperfect and I
22 wouldn't want to give you the wrong date or anything like that.
23 There's also a lot that's happened since then. This was like 2017
24 so let's see here. I'm not sure what you've had access to
25 already, or what you've seen already, or what part of your

1 investigation like where you're at. I feel like we're
2 continuously investigating this thing let's see, but have you
3 seen like any of the market research documents or any of that
4 stuff?

5 Q: Yes.

6 A: You have, okay. So, you're aware of like the questions
7 that were asked to them, and I think at the top of each one of
8 those there was a listing of like who was in the room at the
9 time. When I jumped in to participate with the market research we
10 tried to like literally capture every word that was said in the
11 meeting. So that's what I'm trying to find because I don't
12 remember if he was in the one for Amazon or not. I just don't
13 recall. Well, if you have those documents you can see who was in
14 the room.

15 Q: At any time did you believe that Mr. Ubhi may have
16 tried to steer anything towards Amazon?

17 A: No, I never got that sense at all actually. The market
18 research was just that. It was just trying to see what industry
19 had at the time and what was out there. So, the list of questions
20 I think they're pretty set to be as fair as possible, and the
21 timeframe that we allotted was as stringent as possible around
22 that time frame. So, yeah, I don't feel he tried to sway me or
23 anyone. I didn't see him trying to like change any other people's
24 opinions. Yeah, I can't think of anything on that.

25 Q: And, are you aware why Mr. Ubhi departed?

1 A: I'm aware now only from what I've heard around. There
2 was some sort of conflict where, either there was a company that
3 had been recently bought of his, or something to that effect, but
4 I don't actually know the details. Yeah.

5 Q: And was Mr. Ubhi present when Mrs. Woods as well as (b) (6), (b) (7)(C)
6 (b) (6), (b) (7)(C) provided any ethics training to the group --

7 A: I don't remember.

8 Q: -- collectively?

9 A: I think I was also getting to learn the team because I
10 just was coming on board, learning all of the names and the faces
11 of everybody. I don't know. I can't recall his face directly, but
12 he was probably in the room. I know we all got the training and
13 we all had to sign that we got the training. There's a cloud
14 integrity memo that's coming up. Sometime, I don't know. I'm just
15 looking at things in our drive right now. Because we had
16 everybody from like IBM to CSRA at the time. I remember Microsoft
17 as well because I was, well I'll just give you a little insight.
18 Like, I just come to this team not like one of these people that
19 were coming from industry and just kind of use to meeting these
20 important people. So, I remember, I think one of the first one is
21 that I -- one of the first market research things that we did was
22 with Microsoft, and they brought in, I want to say Marcus Nevitt,
23 and he's an author. He's like writing a bunch of books, but he's
24 also I think the CTO Editor, and I was just really impressed with
25 having seen him in person. I was like, "Whoa." And (b) (6), (b) (7)(C) was like

1 just simmer down. We have to be like very even keeled when we're
2 working with these people and we can't let one thing because
3 that's there's any preference over the other. So, from that point
4 on I was like even just me interacting with them or walking them
5 to the front to the visitor center and back and it was very, this
6 is very serious work. But that was my first sort of interaction
7 with like tech stars I guess. I don't know how else you want to
8 say it, but if you've read some of his books he writes some
9 pretty good novels. But, I'm trying to remember like if there was
10 anything that like one where the other I felt like influence, and
11 I can't recall anything. It was very much we're under a lot of
12 scrutiny so make sure that we're doing this as fair and even and
13 open of a way as possible. So everything I did, is especially
14 around the market research was just capturing what they said not
15 injecting any additional thoughts. We were just like capturing
16 for the record what was discussed in the meeting.

17 Q: Okay. And who was responsible for that yourself and?

18 A: Later on it was myself and (b) (6), (b) (7)(C) I'm trying to
19 remember if there was somebody else that joined us for that. I'm
20 trying to find those documents, but I think they've been moved
21 around or something. Again, it's been a while.

22 Q: Okay. And once again, what have you ever heard Mr. Ubhi
23 say about Amazon?

24 A: It wasn't anything like positive or negative. It was
25 just, again we were just doing market research around all of

1 these companies. I can't remember, like I can't recall anything,
2 any one statement that he made, but my feel around it was again,
3 we were all in this to try to figure out the best way to, or the
4 best way to do the market research report. Again, just around
5 that. There was a lot of pressure putting put on trying to
6 complete the report because there was a combined report, where
7 you've got to combined all the different vendors, and the
8 information that I collected from them. So, that was my focus at
9 the time when I first came on board was how do we finish this
10 thing? We have all this information, how do we put it together?
11 But I don't remember him saying anything about that specifically
12 while we were together.

13 Q: Did he ever say anything about any of the other
14 contractors that were competing for this, or companies as you
15 were?

16 A: Say anything like how? I mean when things were said
17 about --

18 A: Anything disparaging, or did he bring out a fact about
19 the service that that particular company can provide versus all
20 of the other competitors?

21 A: Not really. No.

22 Q: When you say not really you don't remember?

23 A: I don't remember like anything. I know we all had our
24 concerns with certain companies like, you know, that -- I'm
25 trying to think of like the traditional sort of ways that, like

1 Mil Cloud for example if you're familiar with Mil Cloud and how
2 it's not really a cloud. It's like the military bought a bunch of
3 computers and like put them in server racks somewhere and we
4 didn't want to re-create that, but it wasn't about any one
5 company. It was just about trying to stay away from that
6 perception of the cloud. Things that are sold to us that are not
7 really reflective of how industry sees the cloud that there was a
8 lot of discussions around that in terms of we can't continue
9 doing things the old way and expect things to change. So, there
10 was some concern around that. I'm not sure how familiar you are
11 with Mil Cloud. But at least Mil Cloud 1.0 they basically bought
12 a bunch of computers put them in a server center and called it
13 cloud. But it wasn't really. It's kind of but it's not really. So
14 there wasn't any. There were lots of conversations around that
15 topic.

16 Q: Okay. Before I move on to my next line of questioning,

17 (b) (6), (b) (7)(C), do you have any questions you would like to ask?

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

19 Q: sure. This would be a good time. A couple of questions
20 on clarification --

21 A: Sure.

22 Q: -- and then a couple of general questions for you. The
23 first one is you said you came to DSS in February 2018.

24 A: I did not ever work for Defense Security Services.

25 Q: You were detail?

1 A: No. You said DSS.

2 Q: Okay. I'm sorry.

3 A: DDS?

4 Q: DDS. My mistake.

5 A: Yes. So, October, I don't remember the exact date. I
6 want to say 16th, but I could be off. October 16, 2017 is I think
7 that's when I came over, but essentially I was detailed. There
8 was a week there where I was allowed to kind of finished my work
9 at DMA and then come over. And I think that first week that I was
10 actually here we went to Korea for a Discovery Sprint work
11 squadron sort of thing where we're trying to help them out with a
12 bunch of tech problems. When I came back I remember there was a
13 bunch of other work that I was doing around the Hack the Pentagon
14 Program as well, but then also they asked me to participate in
15 this. That's when we had to -- I was asked to basically
16 participate. The ethics training happened around that time frame,
17 etcetera, but I then I came on board as an actual USDS's. I had
18 to go through the USDS pipeline, USO sort of pipeline, and then
19 was brought into, I mean it was all kind of invisible to me. It
20 was kind of happening behind the scenes, but just technically.
21 Hired through the USDS pipeline, and then here within the Defense
22 Digital Service I want to say early February 2018.

23 Q: So, in February of 2018 you became a full-time employee
24 here?

25 A: I mean I was a full-time government employee before. I

1 was just over at DMA detailed here. Right, yeah.

2 Q: And that's what I'm trying to clarify.

3 A: Sure.

4 Q: So you are at DMA until when? When was the first time
5 you were detailed here?

6 A: So it's really two questions. So I was kind of
7 co-hatting at DMA. I was sort of still doing some work because I
8 had to because I was the Director of Cyber Security over there I
9 couldn't just like let everything drop. It would have been pretty
10 bad had I done that. So, try to maintain some number of hours
11 working at DMA, and then it kind of tapered off over time. So I
12 don't know exactly when I stopped full-time, but yeah, so
13 February, I could look it up if you want. I want to say October
14 16th something like that is when I actually got detailed over
15 here but 2017.

16 Q: And then about February 18 you were full-time over
17 here?

18 A: Yeah. I want to say like February 6th or something like
19 that is what I recall.

20 Q: Moving onto the ethics portion, did you ever have cause
21 to question anybody's ethics while working your market research?

22 A: No. No. I mean it was very clear in terms of what the
23 expectation were and how we were to conduct ourselves. So, as far
24 as I could tell everybody was being behaving the right way.

25 Q: You said Ms. Woods and (b) (6), (b) (7)(C) presented your

1 training on ethics.

2 A: I think there may have been somebody else as well. I
3 can't remember exactly who.

4 Q: All right. For all the people that presented your
5 ethics --

6 A: SOCO may have --

7 Q: -- training, how was that presented? Describe the
8 training that was presented to you?

9 A: It's happened multiple times. So, I don't want to come
10 up with like a synthetic version of what happened then because I
11 might be incorrect, but I know repeatedly throughout each one of
12 these briefings the scrutiny that this entire thing would be
13 under, or it was under was made very clear to us, and if there
14 were any concerns of any kind we needed to bring them up to them.
15 If there were any conflicts of interest with companies that could
16 potentially be participating in this we had to bring those up
17 immediately. In terms of like what was said directly, I mean
18 yeah.

19 Q: Well I'm looking more general. You said it was a
20 briefing.

21 A: Yeah.

22 Q: So was it a mass briefing with a lot of people? How
23 many people were in the training roughly?

24 A: I mean this latest time around when we are actually a
25 little further down the line, yes. We had formal sit downs.

1 Everybody listens to various folks talk for a little while. We
2 look at some slides, etcetera. I think the first time around I
3 think it was the same way. There was also the forms that we had
4 to sign as well.

5 Q: So there was a slide presentation?

6 A: For that one I'm trying to remember if we had them. I
7 don't recall if there was a slide presentation or not.

8 Q: Did you ask any questions during that training?

9 A: I think the questions I asked were afterwards just to
10 make sure like I was good to go. Having worked at DMA, just
11 having like a different background than I think a lot of other
12 people who were coming from industry, I just wanted to make sure
13 that I was good because -- but I think during the training itself
14 I don't recall. So you're using the word during the training as
15 though there was one, but there were many. So, I don't recall
16 directly asking in any of those early sessions. In later sessions
17 I'm sure I asked some questions. I couldn't tell what they were.
18 They were probably around conflicts of interest. So, I personally
19 want to make sure that there is nothing that could be seen as a
20 conflict.

21 Q: All right. Moving onto Mr. Ubhi. Please describe your
22 working relationship with Mr. Ubhi.

23 A: I didn't get to work with him too long. He was in the
24 office, and then I got asked to participate in the market
25 research events. So, with him it was very much around market

1 research things. I mean I could probably take a look and see if I
2 can find some messages, but I'm sure you have you guys have all
3 of those already.

4 Q: That's fine. What I'm looking at is did you interact
5 with him on a daily basis, weekly basis, what was your
6 interaction? Was it all business? Did you talk about personal
7 stuff? How well did you know him basically?

8 A: I didn't know him very well. It was work stuff. I'm
9 not sure if you've gotten a sense around here but we're all
10 always trying to work to improve the Servicemember's lives and
11 doing things that actually matter. So, sometimes you try to get
12 to learn about people more than just the topical stuff, but it's
13 kind of hard around here because we're always trying to just like
14 get the work done.

15 Q: At any time did you ever hear or speak to Mr. Ubhi that
16 he was perhaps trying to get hired by Amazon?

17 A: No, I didn't that.

18 Q: Okay. Moving on to the various parts and pieces of this
19 JEDI Acquisition. Now, you've read us an e-mail concerning the
20 request for information from November 17 that you have.

21 A: Uh, huh [affirmative response].

22 Q: If you didn't start here until, in DDS until February
23 2018 --

24 A: Oh, I'm sorry. I was detailed. Remember I was --

25 Q: Right.

1 A: I was detailed from DMA, I was a (b) (6), I came over
2 here is a (b) (6), in February, but I was detailed over officially
3 (b) (7)(C)
4 October, whatever date that was either 17th or 16th or something
5 like that. But, yeah.

6 Q: My question is, how did you come to receive that
7 e-mail?

8 A: As part of it. I mean I was here. I was here working.
9 I'm not sure what you're talking about, sorry.

10 Q: Well the e-mail that was a request for information,
11 your market research, you were detailed over here.

12 A: Oh, that was to the team. There was a team e-mail list
13 that that was sent to, and so on, let's see here. What did I look
14 up for that? That was Bob Daigle, that's right, and the reason
15 I'm bringing it up because it was like one of the first e-mails
16 that I had. But, it wasn't to me directly. It was to the DoD
17 Cloud Group, and so somebody had to add me to that that group as
18 part of the team. Yeah.

19 Q: Okay. Can we get a copy of that e-mail?

20 A: You can, sure.

21 Q: Thank you.

22 A: I'm going to print that right now, sorry.

23 Q: You've spoken about the market research and your part
24 in it taking detailed minute meeting notes.

25 A: Uh, huh [affirmative response]. I'm trying to find
26 them. Things have gotten moved around some.

1 Q: What part did you have in writing the actual market
2 research report, if any?

3 A: The consolidated version? I took the notes and I kind
4 of looked over some of the main points. I think (b) (6), (b) (7)(C) helped to
5 really bring it home. I think my interaction was making sure like
6 what was put into the reported stuff. I mean I participated in
7 the actual editing and whatnot of the report itself. I wanted to
8 make sure that it reflected at least my experience for the
9 vendors that I got to meet, but I didn't get to meet all of them.
10 I wasn't here in the very beginning. So I'm printing it out right
11 now if you want to --

12 Q: That's fine. We'll get that after everything.

13 A: I just don't want somebody else to grab it. So, it's
14 just right here. Just one second.

15 (b) (6), (b) (7)(C) departed the room.]

16 [returned to the room.]

17 A: I've got it. Sorry.

18 Q: Staying with the market research report, please
19 describe what role Mr. Ubhi had in writing that report.

20 A: I know he was a part of it, I don't know exactly when
21 he left, and at what point we finished the report. I can look up
22 dates, but it's going to take a little bit for me to kind of go
23 through everything. Can I provided it to you afterwards?

24 Q: Yes.

25 A: Okay. Because I don't want to say something that is

1 off. I would rather just give you what the actual dates.

2 Q: Did you have any inputs into the request for proposal?

3 A: The RFP itself? Did I have any inputs? I mean I think
4 we were all sort of working towards the same goal. I don't know
5 exactly what I would have done for that. I know market research
6 was kind of where I was that. The cloud service, I'm sorry the
7 cyber security plan, CSP, was initially I was focused on that and
8 they brought in (b), I can't say their last name, to really help
9 with that, to help with the effort. And so, for that portion of
10 it that was really my focus was the cyber security plan itself
11 and trying to like get all the right folks together in the room
12 to come up with a plan. It's hard to get this to do anything
13 together. So, finding the right folks that could actually take
14 action to do a cyber-security plan I think was really my focus
15 related to the draft cyber security plan.

16 Q: Well, I asked that question because you and stated that
17 you came over to see Mr. Lynch concerning cloud for DMA.

18 A: Yeah, it was funny. Like I would actually, because we
19 were trying to get Google G Suit which is what they research as
20 well, trying to use G Suite way, trying to use Slack, because
21 they use Slack here as well, just kind of using the tools that
22 let us do the work a little more efficiency because I saw that
23 they used them here and I knew that they had to the ability to
24 write waivers for things so it was like it could be essentially
25 do what you guys are doing over at DMA, because a lot of the

1 rules are set up to make it very difficult to do it. You can do
2 it, you're accepting a lot of risk and so if you can offset the
3 risk by having an organization like DDS sign off on it makes
4 things a little bit easier. So, that's basically why I came over
5 here was, they asked for help, and then he asked for my help.

6 Q: So, coming back to the question, do you have any inputs
7 on the request for proposal?

8 A: Any inputs on the request for proposal itself? I mean
9 the CSP itself was my focus. The cyber security plan, and really
10 it was led by (b) (6), (b) (7)(D) so I was there supporting.

11 Q: Did Mr. Ubhi have any inputs into the request for
12 proposal that you know of?

13 A: No, I don't know actually. I don't know what his actual
14 involvement was.

15 Q: Did you have any inputs into the acquisition strategy?

16 A: No.

17 Q: Into the acquisition plan?

18 A: No. That's not my lane at all. I'm a technical person.

19 Q: Did you have any inputs into the statement of
20 objectives?

21 A: Not really. I mean I had some concerns around security,
22 again there was some talk around what would be nice to have
23 around the cloud service provider like if we could just do a moon
24 shot sort of thing, and mentioned some things around like quantum
25 computing that could be a possibility around getting some of

1 those, basically the objective would be to try to get the best
2 cloud that we could get, and if that is some future technology
3 what that would look like. But there were conversations around
4 that. My involvement was primarily initially around market
5 research document and then going forward into the cyber security
6 plan.

7 Q: Very good. Thank you.

8 A: Okay.

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

10 Q: Also, so now I would like to move on to competitive
11 advantage or favoritism.

12 A: Sure.

13 Q: Were you ever in a meeting in which you heard anyone
14 may have change the subject or excuse themselves from the meeting
15 because they said that maybe someone closer to them had a
16 conflicting interest, or financial interest that might impact the
17 JEDI Cloud acquisition?

18 A: During a meeting?

19 A: In a meeting, discussion, or did anyone make let's just
20 say a group aware that hey I might need to leave because I can't
21 discuss this matter?

22 A: I do remember like during some of the ethics training,
23 I don't remember who now, but they said they had questions around
24 certain very specific things. Everyone is making sure we were all
25 above board and we were doing the right things. So, there were

1 requests for follow-on discussions with the ethics folks. So, I
2 do remember that will, I don't know what those questions were,
3 and during the meeting specifically, no. I don't recall them.

4 Q: Okay. Did anyone attempt to write JEDI Cloud
5 requirement, and by this I mean by the JROC-Memo, the gate
6 requirements, technical requirements, the statement of objectives
7 or any other requirement?

8 A: Say the first part again?

9 Q: Did anyone attempt to write to JEDI requirements,
10 JROC-Memo, gating requirements, technical requirements, statement
11 of objectives or any other requirement in a way that would favor
12 Amazon --

13 A: Nothing favor.

14 Q: -- over its competitors?

15 A: No. No. Definitely not.

16 Q: Did anyone attempt to include or exclude anything in
17 the RFP that would serve to advantage Amazon or disadvantage its
18 competitors?

19 A: No.

20 Q: Okay. I'll be followed by (b) (6), (b) (7)(C) .

21 A: Okay. Sure.

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

23 Q: So our questions are going to be a little bit
24 different. So, first off you talked about --

25 A: Before we start --

1 A: Sure.

2 Q: -- I just want to make sure I captured the question
3 that I was trying to answer because I forget it. So, the thing
4 that I said I would get back to you on was what? It was around
5 the market research timeframe? Is that right?

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

7 Q: Yes.

8 A: Okay. Just to make sure I don't forget it. As soon as I
9 start answering questions I'm sure I'll forget it. Market
10 research. Got it. And do I have your e-mail address, I don't
11 know?

12 Q: You will.

13 A: Okay.

14 Q: And we'll go over the documents that we'd like to have.

15 A: Okay. I'm sorry about that.

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

17 Q: You so when you are brought into work on JEDI you said
18 you worked on the market research and then you were focused on
19 the cyber security plan?

20 A: Yeah.

21 Q: What else did you work on?

22 A: What else did I work on? That was pretty much it.

23 Q: Okay.

24 A: And there was, there are little pieces to this. So, I
25 would say the work was broken apart quite well because there was

1 only so much time to do all of this so we had to really like
2 divide and conquer where we could.

3 Q: Are you currently working anything for JEDI right now?

4 A: I am working, yes, on stuff, but I'm not sure what I
5 can share. So, I'm sure I can share anything with you, but I have
6 to probably clear that. So I'd rather be sure before I start
7 talking about what I'm doing today.

8 Q: Okay. I guess my point is I was just wondering if like
9 your work on JEDI has ended. Like you contributed your piece and
10 now you're working on other projects.

11 A: No. Well, I am doing a lot of things. I'm also working
12 on other projects here, I'm helping out with hack the Pentagon
13 staff, which I'm not sure if you're aware that, but all the
14 different bad things that we're running trying to test the
15 security of our system. We help out with various technological
16 problems at the Department. So yes, I'm doing other things, but
17 I'm also still kind of maintaining some level of effort for with
18 this -- with the acquisition stuff.

19 Q: Okay. I want to ask a question about the rationale for
20 a single source award.

21 A: Okay.

22 Q: Did you help or contribute any way the contracting
23 officer's memo justifying the single source?

24 A: No.

25 Q: Okay. So you couldn't speak to the line about to this

1 line about despite the claims that multiple awards is more
2 secure, I find that multiple awards increase security?

3 A: What?

4 Q: So, the contracting officer makes a conclusion that
5 despite the claims that multiple awards is more secure, I find
6 that multiple awards is increase of security. Were you involved
7 in any discussion of this, or any --

8 A: Not for that purpose I don't think, but I remember
9 there was some kind of conversation around the topic. It was --

10 Q: If you weren't involved in the conversation that --

11 A: Yeah, I wasn't involved in that.

12 Q: -- justify or --

13 A: No. But it is a common sort of a sort of question, it's
14 like, are you increasing complexity by having multiple things
15 that you have to then interface together, or are you better off
16 at least understanding one thing very well? And, from my
17 perspective having dealt with multiple clouds over at DMA, I mean
18 I sort of had my thoughts on that, but I wasn't involved in that
19 portion of it.

20 Q: Okay. That's all I have.

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

22 Q: All right, so you had involvement in the cyber
23 security plan. So there's --

24 A: I remember your name again because it was unique,
25 sorry.

1 Q: (b) (6), (b) (7)(C), first name is (b) (6), (b) (7)(C)

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

3 Q: Yeah, no one can pronounce it correctly.

4 A: Yeah, I will try.

5 Q: Yeah, just call me (b) (6),
(b) (7)(C)

6 A: Because she was like smart she was trying to --

7 Q: Yeah. So, in the cyber security plan it mentioned
8 FEDRAMP.

9 A: Okay.

10 Q: So, can you discuss your understanding of the FEDRAMP
11 requirements?

12 A: That there based off of an S853.4, or what?

13 Q: Any requirements as far as why the FEDRAMP
14 authorization, FEDRAMP moderate authorization is necessary?

15 A: Okay. I mean I can go really deep on that if you want.
16 So, it depends on where you want to go with this. So, today, if
17 you look at how we have sort of tried to do cloud within the
18 Department previously, DoD thinks that we can do things better,
19 maybe this is putting words in the DoD's mouth, but there are
20 these impact levels. Impact levels one through six for various
21 cloud services. One through four, it stopped being one through
22 four when they decided that was too many, so then they collapsed
23 it down to just two, four, five, and six. Those were the
24 different levels, impact levels around information security for
25 the various cloud services that were out there systems that were,

1 or services that were out. And so each offer would try to get an
2 accreditation at that level, and then because DoD is very kind of
3 slow at the process of getting things validated, at that level it
4 would take a very, very long time, and then a lot of times
5 companies just couldn't get approved about that. So, I've also
6 seen a lot of that where companies would like to do business with
7 DoD. They have a service they're offering. They'd want to sell it
8 to us, but we have these very stringent requirements around
9 making -- requiring that they get to a certain impact level that
10 we don't even know how to get them to, or it's very difficult for
11 them to get to that level. So, FEDRAMP is a certain number of
12 CCI's, controls around security. Like do you lock the door at
13 night? Do you keep a log that the door has been locked? Who
14 checks the log? Where do you store the log? That's one example of
15 many. So for FEDRAMP it's the same sort of idea around security
16 that DoD is trying to do with their impact levels, but it's just
17 a little less stringent. It's more possible for companies to
18 actually get FEDRAMP authorized. So, my involvement around that
19 was like well how do we sort of ask organizations, like how do
20 you attest, or give them to attest a certain level of security of
21 their systems? So, they should have something, but maybe it
22 shouldn't be as stringent as the DoD requirements are today
23 because they are very, very stringent to the point where not a
24 lot of people may not be able to get authorized. Whereas there
25 are many more all three on FEDRAMP and so the FEDRAMP portion of

1 this, I think it's just a natural. Like there are many more
2 companies that are FEDRAMP, on the FEDRAMP marketplace if you
3 look at that that have been authorized. So, I remember a lot of
4 conversations around this topic. I don't remember exactly who
5 wrote what down because it got changed around quite a bit. We've
6 got certain language in the CSP around authorizations that needed
7 to exist or the ability to become authorized and then that was
8 taken, and then changed a little bit throughout the process. So,
9 I'm not sure if that answers your question, but I know we
10 could've gone in for more stringent ways in the DoD language
11 around impact levels versus going with FEDRAMP which is actually
12 is much more of a loser construct around authorizations.

13 Q: So, is there a federal requirement to be FEDRAMP
14 authorized for cloud service offerings?

15 A: There is -- there are FPS requirements around like
16 encryption standards that are used so this is essentially 853 as
17 a framework around which you can get something authorized. Is it
18 required? I think everything is waiveable except certain things.
19 So like the type of encryption that you use if it's FPS compliant
20 or not, that is something that can only be waived at the
21 Secretary level for each organization. So, you can't just say
22 that you're not going to use FPS compliance encryption. So, there
23 are elements of it are, I guess it was great answer that
24 question. There are elements of FEDRAMP and the process around
25 FEDRAMP that are, you're legally I think obliged to do.

1 Q: So, I guess more specifically is a FEDRAMP
2 authorization required for cloud service offerings?

3 A: That's a very broad question. I'm not sure how to
4 answer that. So, each organization probably can choose whether or
5 not it is a requirement, but I think within DoD FEDRAMP is a
6 requirement to make use of the cloud services. I mean with a
7 waiver you can do anything I guess. FEDRAMP is a requirement and
8 if it is that other impacts of security then you have to do more
9 things. You have to do, for example impact level four, you have
10 to go through a cloud access point. You have to put all the
11 traffic that is coming to you and from your customers that are
12 using. Let's say your website, it has to go first through like a
13 central point where it could be inspected, that kind of thing.
14 That's a DoD requirement. Is it a federal requirement? I don't
15 think so. I think there are federal requirement that are elements
16 of that that you do inspect, or that you have the logs to prove
17 who had access to what, but yeah. I don't know what parts of it
18 is and what are not.

19 Q: All right. So, as far as a requirement for sub-factor
20 1.2, are you familiar with that?

21 A: Say that again?

22 Q: Sub-factor 1.2 the high-availability and a fill over a
23 gating requirement

24 A: No.

25 Q: Are you familiar with that? I know you didn't --

1 A: There's a lot of questions and like conversations
2 around the gates. It wasn't like -- we were all kind of involved
3 and kind of helping out because we are a small team. But, around
4 that sub-factor directly, can you repeat it again?

5 Q: Yeah, high availability and failover of sub-factor 1.2
6 within the gate requirements, the gate criteria.

7 A: Uh, huh [affirmative response]. So what's the question?

8 Q: So, specifically the question would be as far as the
9 FEDRAMP moderate authorization it was required at the proposal
10 submission, time of the proposal submission.

11 A: Okay.

12 Q: So, I was wondering why the requirement of being a
13 FEDRAMP moderate authorized at proposal submission instead of
14 saying at time of award, or at the time that DoD data is placed
15 on the cloud?

16 A: I don't know. I mean I would expect that we intended to
17 move fast on this, so we wanted them to be ready versus like some
18 unknown date in the future that nobody can really point out. It's
19 probably better to have at least a date and what better date than
20 like at point of submission? I don't know.

21 Q: Okay. So you're not aware of any barriers that would
22 prohibit you all from deciding at one time frame versus the next,
23 to me again time a proposal and time of award, or a time that DoD
24 data is placed on the cloud?

25 A: Not aware of what?

1 A: Any prohibitions or barriers that would stop you all,
2 policy barriers that would stop you from choosing one time frame
3 versus the next?

4 A: Well, I know today if you want to go out and make use
5 of the cloud service I'm not going to request that they at some
6 point in the future of the authorized. I want them authorized
7 right now and I have the potential of using them. I mean it just
8 makes sense, right? Like I don't want a car that has maybe been
9 tested and the airbags like a year from now. I'd like to have
10 airbags tested before I put my children in the front seat or
11 whatever, right? I think that makes the most sense. Somebody
12 that's like a vetted, tested sort of environment. There were
13 conversations around that. I don't remember who lead them but I
14 know that was kind of the gist of like, you know, you have
15 organizations that gone through all the testing, the validations,
16 it is not a trivial effort to get on the FEDRAMP list. A lot of
17 people are FEDRAMP ready they say, and that just means that
18 they've gotten documentation. They prepared the tests and they're
19 ready to do the work to actually, the US government is calling
20 me. I'm sorry. Deny that. But yeah, a lot of the companies have
21 done the work to like maybe one day get authorized, but then
22 there's so much that goes on in the back end. Like you have to
23 find validators. You have to find a 3PO that's willing to work
24 for you. You have to assume that you're not going to fail.
25 There's DATO's that happened where you did not get authorized. So

1 you can like maybe be on the list to be cloud ready. You go
2 through all the work, it takes a year and millions of dollars and
3 you fail. So, to me that makes most sense is to go with somebody
4 who is already gone through a lot of that work. Yeah.

5 Q: All right. So you just mentioned FEDRAMP ready and kind
6 of touch on that lightly, and then there's FEDRAMP authorized. So
7 in the cyber security plan it mentions FEDRAMP compliance. So,
8 I'm wondering what does that mean? Does it just me one of those
9 two, or is there a third definition for FEDRAMP qualified?

10 A: That's a good question. Because I think that got
11 changed. I'm not sure if you, did you talk to (b) (6), (b) (7)(C) yet?

12 Q: I didn't talk to (b) (6), (b) (7)(C)

13 A: Okay. Because I think he'd be the best one to answer
14 that because he was trying to negotiate conversations with NSA at
15 the time because they had their concerns around various security
16 things, and so they created the raise the bar document which I'm
17 not sure if you've seen, but it added additional context to the
18 security sort of equation about around like what we expected from
19 the vendors. If they were going to get awarded. So, I think he's
20 probably better to answer that question frankly because I know
21 the conversation that we had been there were so many edits to the
22 document I don't know where it ended up, and with one attention.
23 At the end of the day I think he helped sort of clean it up with
24 others as well. But I think you can answer that question better
25 for you.

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

2 Q: Would you be able to provide that document?

3 A: It's on the FBO.

4 Q: The raise the bar one?

5 A: Raise the bar was FOUO. So, that had to be provided
6 separately. I don't think that was posted on FBO. I could provide
7 it, yeah.

8 Q: Could you do that?

9 A: Yeah, sure. I don't know if I have access to it right
10 now. Let's see. All right, give me a second. I don't have access
11 sorry. All right, I just asked. Before you leave I could probably
12 get it to you.

13 Q: Okay.

14 A: What next?

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

16 Q: When the final RFP was released do you know what the
17 minimum number of proposals that were expected to be submitted?

18 A: I mean at the time?

19 Q: At the time.

20 A: We were hoping as many as possible. I don't think we
21 had a number in mind, no. I don't. There was conversation around
22 like if people would team together or, there's things that I just
23 heard, but I really wasn't a part of those conversations. I know
24 that we wanted as many organizations as possible to have that
25 competition there.

1 Q: All right. That's all I have.

2 A: Oh, okay.

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

4 Q: I have a follow-up question.

5 A: Sure, yeah.

6 Q: Are you involved in any of the ongoing conversations
7 now about enforcing the cyber security plan?

8 A: Enforcing it?

9 Q: Or how the accreditation, the initial accreditation and
10 ongoing accreditation?

11 A: No, not really.

12 Q: Okay.

13 A: That's probably what sees C3PO would be doing it.

14 Q: Okay.

15 A: Yeah. I do more just other stuff right now. I mean I'm
16 even helping that office out with like their management of
17 computers and stuff, trying to get the resources that they need.

18 Q: I'm good.

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

20 Q: Just two follow-up questions for you. You said a number
21 of times here in our interview that you were expected to move
22 fast on this project. At whose direction was that? Or how did you
23 come to understand that this project needed to move fast?

24 A: Well like I said I came here in order to get some help
25 with getting to the various cloud services. So, for me it was

1 personal -- a personal knowledge of that throughout the
2 Department this is something that was actually needed. And, I
3 mean fast was as important as right I would say. Doing it right I
4 think was probably emphasize because of scrutiny that this thing
5 would be under at the time we didn't really knew we didn't really
6 know it would be under this scrutiny but, the perception is
7 always that it's going to be contentious for some reason or
8 another whatever that ends up being we have to make sure that we
9 dot our Is, cross our Ts to do the right thing. So, I feel as
10 though it was done in a very ethical way. I've been part of other
11 acquisitions where it wasn't as rigorous in terms of the
12 constraints of where you could work on how you could share
13 information even with folks on the team I can share certain
14 information that I was like participating in certain things.
15 Yeah, from my perspective. It is a very ethical way, but just one
16 person speaking.

17 Q: No, I'm not questioning the ethical aspect or if any
18 shortcuts were taking, etcetera. But going back to, hey, we had
19 to move fast.

20 A: Yeah.

21 Q: How did you get that perception, or did somebody come
22 tell you we need to move fast, or we need to get this done?

23 A: I think because the need was there. I'm trying to
24 remember like language it was used so I can add some context to
25 this, but yeah, no. I think especially from a DDS perspective,

1 people are coming to us asking for help like just the same way I
2 came to them asking for like help trying to get access to these
3 resources that I needed to do my job. So, and every day that sort
4 of the drum was beating louder and louder I suppose.

5 Q: So, did you ever hear it at a staff meeting hey, we
6 need to move fast on this?

7 A: There were timelines that had to be met. I mean, so, I
8 think every acquisition has certain timelines, certain deadlines
9 that you hope to meet, and so I don't know what was done in terms
10 of setting those timelines, but I know they, always felt like a
11 very rigorous process in terms of like this week we expect to
12 have this done. So, I mean fast is my perception but also I think
13 during the Industry Day if you have watched that video, I don't
14 know, but the whole entire Industry Day was about how this is
15 sort of a nontraditional, or I don't know if nontraditional
16 directly, but it is very like, it's a different type of
17 acquisition where we're trying to get these services quickly
18 because we need them to empower the warfighter. I think that was,
19 I want to say (b) (6), (b) (7)(C) I think.

20 Q: And where would we find that Industry Day video?

21 A: On the in the on the Internet. It's just YouTube you
22 can find it.

23 Q: Last question for you. Did Oracle participate, the
24 company Oracle, did they participate in the market research?

25 A: I think they did. That's what I'm trying to find is

1 like a listing of all the companies, and that's what I'll get you
2 before I speak imperfectly about who did not participate.

3 Q: Great. That's it.

4 A: Okay. It's been a while so I want to make sure I get it
5 right. And what

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

7 Q: And why do you believe this matter has surfaced to the
8 DOD OIG?

9 A: This matter has surfaced you said?

10 Q: Yes, why do you believe this matter, this discussion,
11 why are we interviewing you today regarding the JEDI acquisition?

12 A: I mean can you tell me why? It might be better to hear
13 from you.

14 Q: I'd like your opinion of why you believe why we're here
15 talking to you today about the JEDI Cloud acquisition.

16 A: I mean that would be conjecture and I would prefer not
17 to make things up, but I am -- because it's important and there
18 is various organizations that are out there probably have their
19 own perception of what we're doing. I don't know if this has been
20 marketed the best way. I don't know. I think we could probably
21 have done a better job telling the story like what we're trying
22 to accomplish. I think that's what Industry Day was about. So, if
23 you watch a video, if you have a chance to at 2X speed or
24 whatever. I think of it the sense of this is important and so I
25 think people, it's a competition. Like who can actually win it

1 and so they're going to try to fight however they can to try to
2 get the business. So, I don't know. If I were on their side I
3 would probably do the same kind of thing, like try to make sure
4 that everything was done as ethically as possible. So, being on
5 this side of things I know it has been done, at least from my
6 perspective, as open, as ethically as possible, but I don't know
7 that story's being told well on the outside, or even if it were I
8 think there would still be competition. So, in terms of your here
9 is probably because the people are competitive in nature and
10 they're going to do what they can try to win this.

11 Q: Okay. Is there any additional information that you
12 would like to provide?

13 A: I mean I will provide the market research document. If
14 you have them, they probably have the dates on them, but I'll try
15 to formulate a little bit better than just offer up memory and
16 also I'll get you the dates of when I actually started versus
17 being detailed over, because you had a few questions about them.

18 Q: And who else do you believe we should speak to and why?

19 A: Well, I don't know who you've spoken to already. If you
20 tell me who you've spoken to I can --

21 Q: We're not at liberty to share with you --

22 A: So that's kind of a hard answer of, you've probably
23 spoken to the right people.

24 Q: But, you may -- you mentioned some individuals today,
25 but I just wanted to --

1 A: And sorry if I'm like, I'm just kind of a goofy person.
2 I'm trying to be as helpful as possible. I don't know who you've
3 spoken to already, but like I think all the main sort of folks
4 that were around that are still around. I think a lot of people
5 cycled out. DDS is kind of a short-term sent for a lot of folks.
6 So, one or two years is pretty normal. We have two-year term
7 limit sort of position so it's a max of four years I believe. So
8 there's been a lot of people that had been sort of loosely
9 involved, or involved directly that may or may not be here
10 anymore so I don't know who you have access to actually speak to.
11 If you go out of DoD or is this just like DoD employees that you
12 can reach out to? Or can you reach out to anybody? Yeah, I mean I
13 guess whoever was on the Cloud Executive Steering Group, CESG
14 from that e-mail. (b) (6), (b) (7)(C) she was, I'm not sure if you got a
15 chance to talk to her, she is no longer with the group. She was
16 initially going to help be the PM for this, so she's in that
17 video as well. I think she was here in the beginning as well. So
18 Sharon Woods. Yeah, (b) (6), (b) (7)(C). Chris Lynch obviously he was
19 around. I think (b) (6) would be interesting.

20 Q: Can you spell that for me?

21 A: I cannot spell his last name. His first name (b) (6), (b) (7)(C). I'd
22 have to like bring it up because I always get it wrong. One
23 second. I worked with him for a while to. It's pretty bad. So
24 (b) (6), (b) (7)(C) Las name (b) (6), (b) (7)(C) I think.

25 Q: What his title or role?

1 A: We're all the same here. So, digital service expert. No
2 longer with DoD. He's that (b) (6), (b) (7)(C)
3 there, (b) (6), (b) (7)(C) rea, what that school?

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

5 A: (b) (6), (b) (7)(C) there you go. Thank you.

6 Q: He's at (b) (6), (b) (7)(C) now?

7 A: I think so, yeah. They are for prim. So, those were the
8 persons that was helping me with all of the CSP stuff, and
9 actually they led that directly. Who else could you talk to? I
10 mean there's so many people you can talk to. I don't know like, I
11 guess you're trying to get a sense of is whether or not this was
12 affected some way externally. So, I never saw it myself, so I
13 don't know who else to talk to that could give you a different
14 story, or different perspective. Have you spoken to (b) (6), (b) (7)(C)
15 (b) (6), (b) (7)(C) You said you can't talk about that. (b) (6), (b) (7)(C) was around in
16 the beginning. Here let me just bring up some e-mails I can bring
17 up the names if that's helpful. Yeah (b) (6), (b) (7)(C) is her name.
18 (b) (6), (b) (7)(C) of course. (b) (6), (b) (7)(C) . I think she also helped some of
19 the discussions on ethics, etcetera.

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

21 Q: That's really good. Those are sort of some names that
22 we can start with.

23 A: Okay.

24 Q: If you have any that may have a significant impact on
25 this that you think of later you can e-mail us.

1 A: Yeah, I mean, you know. I can't think of anything off
 2 the top of it, but I'd also like the answer, right? I feel as
 3 though this was done in such an ethical way and such an open and
 4 fair way. I don't think -- I never got pressured like pushed one
 5 way or the other, and throughout our conversations it was about
 6 how do we just get the best thing for the warfighter? It's not
 7 one offer versus another. So, if I can think of anything I'd also
 8 like to know the answer well. If this was unduly influenced by
 9 somebody I think it would be good to know early.

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

6 Q: Okay. Do you have any questions or comments about the
 way we conducted this interview?

7 A: It's been repetitive I think you can agree like around
 8 some of them, but I understand you have to answer the questions.
 That's fine.

9 Q: If you remember anything else that you believe is
 relevant please contact myself or (b) (6), (b) (7)(C) .

A: Okay.

10 (b) (6), (b) (7)(C) : Finally, in order to protect the integrity of
 this review we ask that you do not discuss any matter that we've
 11 discussed that's under review.

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

12 (b) (6), (b) (7)(C) : Or the questions we have asked you during
 this interview in any way with anyone other than an attorney
 13 should you choose to consult one. Once again, this does not
 14 prohibit you or restrict you from your right to speak to an IG or
 a Member of Congress.

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

15 (b) (6), (b) (7)(C) If anyone asks you about your testimony or
 the review, please inform them that the DoD OIG has asked you not
 16 to discuss the matter, and if anyone persists in asking you about
 your testimony, or our review, or if you feel any way threatened
 17 or in any manner because you provided testimony, please contact
 myself or (b) (6), (b) (7)(C) as well. The time is now 10:24. This
 18 interview is concluded.

[The interview terminated at 10:24 a.m., July 18, 2019.]

19 [END OF PAGE]

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20 2

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21 (b) (6), (b) (7)(C) - July 18, 2019

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

23 1

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

25 (b) (6), (b) (7)(C) - July 18, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

(b) (6), (b) (7)(C)
November 12, 2019
ISO Recall Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is November 12, 2019, and the time is
3 now 8:32. I am (b) (6), (b) (7)(C), and with me today is (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). We're with the witness (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C) who is located at the Pentagon. We are
6 continuing by telephone an interview we conducted on July 16th,
7 2019. We're continuing the interview for the purpose of
8 clarifying certain details and media reports that we read about
9 the JEDI Cloud procurement. We are at the Mark Center in
10 Alexandria, Virginia, and (b) (6), (b) (7)(C) is at the Pentagon. At this
11 time I ask that you to acknowledge that this interview is being
12 recorded.

13 (b) (6), (b) (7)(C) Acknowledged.

14 (b) (6), (b) (7)(C) Do you understand that you remain under oath
15 to provide truthful testimony?

16 (b) (6), (b) (7)(C): Yes, I do.

17 (b) (6), (b) (7)(C)
18 was recalled as a witness, reminded of his previous oath, and
19 provided the following testimony:

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

21 (b) (6), (b) (7)(C): Thank you for that. At this time we'll go
22 ahead and start with (b) (6), (b) (7)(C) who will ask you a
23 couple of questions.

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

25 Q: Good morning, how are you doing?

1 A: Good, how are you?

2 Q: Good. So, I want to ask you a couple of questions about
3 the source selection process. So, just to start, can you tell me
4 how and when you came to work on JEDI?

5 A: I think I covered that previously, but I was brought in
6 I think it was like late 2017 to sort of help out with some of
7 the, the finish and also to help -- I'm trying to remember the
8 exact term for what we were doing, but yeah, from there I was
9 chosen as one of the factor members, factor team members for the
10 actual review of all the documentation that was submitted.

11 Q: How did you become (b) (6), (b) (7)(C) ?

12 A: It was sort of selective based off of who was available
13 frankly, and so I figured I was probably better under security
14 but then I got chosen under Factor 5. So it was just kind of --
15 it was available who had the pinnacle expertise to actually know
16 how to review documents, that kind of thing.

17 Q: Can you explain the roles and duties (b) (6), (b) (7)(C)

18 (b) (6),
19 (b) (7)
(C)

20 A: Basically for my team members just to make sure that we
21 were all reviewing the documents like we were supposed to, put
22 together our thoughts, and insights as a way possible. We were
23 told to write, and simply and clearly as possible whatever it was
that we were reading and then putting down on paper.

24 Q: How did the Factor 5 Technical Evaluation Board come to
25 its recommendation?

1 A: Yeah, so we had gone through this like several times
2 before and then things kind of were changed back and forth. I'm
3 not sure how much I can talk about the actual procurement process
4 itself, because personnel is procurement sensitive so I guess I
5 could talk to generalities of what we're doing. But we reviewed
6 all the documentation based off of what we required that was
7 provided, and basically just like one-to-one just kind of looked
8 at what we asked them to do and then in a very methodical way we
9 wrote down how they presented the information for the section
10 that we were reviewing.

11 Q: Were you given any guidance on how to review the
12 Factor?

13 A: I mean it was general guidance in terms of like how to
14 participate in the entire process. It was early on in the
15 process. It feels like it's been going on forever. But I can't
16 remember the exact initial briefings that we had to review how to
17 -- essentially had a look at the documentation just like I said.
18 Came up with a testament of how the providers, or the offerors
19 were looking at each one of our requirements and how they were
20 responding essentially. And that's basically, you know, there was
21 some -- there was definitely some training. I think some of the
22 folks on the team it done this sort of thing before, but nobody
23 had done anything of this level so, there was a lot of rigor
24 around how we would do the assessment because we knew that this
25 thing was under scrutiny, so we were trying to make every effort

1 to be as fair and equal on each side as possible.

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

3 Q: We have your TEB report. So in terms you said you
4 didn't want to go into discussions that is procurement sensitive,
5 source selection sensitive. We are cleared for that. We have all
6 the documents here too.

7 A: Okay.

8 Q: So, I would appreciate it if you can just go into
9 details and answer the questions. You mentioned a little bit
10 about going back and forth on ratings. Can you kind of operate
11 with that?

12 A: Yeah, who's that voice? This sounds like somebody new.

13 Q: I'm sorry. (b) (6), (b) (7)(C), Audit.

14 A: Okay. Hello.

15 Q: Hi, good morning.

16 A: Yeah, I mean so also I can't go into detail because I
17 don't have the stuff in front of me. But I will say that like we
18 did go over each factor. I know each factor team took great pains
19 to look at the -- all the information that was presented to us,
20 and there were hundreds of pages with the -- each offeror
21 submitted to us, and then we had to do a look at the -- our
22 requirements on our side and how it matched up to what they
23 actually presented to us, and so sometimes things were not clear
24 from what the offeror was trying to submit to us so we had to --
25 there was a period there early on where we questions back and

1 forth. And so part of that process I think we get a lot of our
2 questions answered, not just for my factor but for other factors
3 as well. And so I think that -- that was all -- part of this
4 entire process was trying to make sure that we get a true
5 understanding to a good understanding but was presented to us
6 then we could make -- we could make the right thoughts. The
7 recommendations in terms of like what the actual decision would
8 be didn't really come from our group per se, it was simply a
9 running down of strengths and weaknesses as we sort of cross that
10 border, and breach that area of concern. And so if there were
11 weaknesses we had to make sure that they were well-founded and
12 that we had maybe misinterpreted something along the way. If
13 there were strength they really had to be strengths. They
14 couldn't just be without evidence. So we had to go through all
15 the documentation and make sure, okay, this is actually a
16 strength based on what we required of them. So that's really what
17 the process look like.

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

19 Q: How did you weigh the strengths and weaknesses?

20 A: I did not really weigh the strengths and weaknesses. In
21 terms of once they're presented we put them down strengths or
22 weakness, so, are you talking like the final decision? Because I
23 didn't really have a part of that. Maybe your interpretation of
24 what my role was is incorrect.

25 (b) (6), (b) (7)(C): No, I think she's talking specifically about

1 Factor 5, like the report talks about strengths and weaknesses.

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

3 Q: Were some strengths weightier than others?

4 A: Okay. Can you say that last part again and, I'm sorry.

5 Q: Were some strengths weightier than others? Did they
6 matter more? Did they counter weaknesses --

7 A: Yeah, I mean --

8 Q: -- more strongly?

9 A: This is kind of a hard thing to do because the words,
10 and then you look at words, and then kind of trying to measure
11 like what one offeror says they can do, and you're not doing one
12 against the other. Each one is done kind of individually. So
13 you're not weighing them against each other. You're looking at
14 each individual offers -- offer package in and of itself. And so
15 in terms of how they were weighted it was basically the amount of
16 evidence that they offered for that specific, like request for
17 that specific requirement that we had., And if there was
18 something that was like above what we -- what the government
19 wanted, and then we would put that down as a strength with notes.
20 There should be notes there for each one of those strengths that
21 they did X, Y, Z, and then if you follow back what it was that we
22 asked them to do you can form your own opinion about whether or
23 not it was strength or not. I'm not sure exactly what you're
24 asking for.

25 Q: Okay. So did you compare that AWS offer with the

1 Microsoft Office?

2 A: No, I said that earlier on when I first speaking that
3 we did not compare. They were done individually, they were
4 separate. And so there was no comparing one against the other.
5 They were done basically separately.

6 Q: Okay. So did the SSAC or the SSA ask any additional
7 questions of Factor 5 when they were doing their analysis?

8 A: There were a few extra questions. I had actually -- I
9 wasn't there for some of the meetings because I was on travel. So
10 (b) (6), answered a few of them, but it seemed like they were kind
11 (b) (7)
(C) low-level questions. You would probably have to ask her for
12 good assessment of what was actually took.

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

14 Q: Were the ratings at any point for either Microsoft or
15 AWS changed, (b) (5)

16 A: Well so the -- I'm trying to remember the series of
17 events here because is pretty specific. There were some back and
18 forth between in terms of like what could be considered as part
19 of the offeror's package and what couldn't. There is one thing
20 around, I'm trying to remember exactly what. Basically once we
21 got some additional detailed information from the offeror we were
22 -- we had to basically reassess like make sure that everything we
23 did was still true to what's -- there's a latest version of what
24 their proposal was, and then there are some tweaks that were
25 done. I'm trying to remember off the top of my head what they

1 were, but it was just based off of what the additional
2 information that they sent to us was based on. So, I think that
3 there was just like a few tweaks that were done in our factor. I
4 think other factors probably had more, but ours I think there is
5 just like couple.

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

7 Q: In terms of the rating where they always the same? Or
8 were they changed at some point?

9 A: The rating? So, that's what they'd ask. Like they came
10 up for like their own rating structure. For us whether or not
11 there were strengths and weaknesses, that's what we put in
12 addition to whether or not like they basically met the mark.

13 Q: I'm talking about the --

14 A: I don't think that -- yeah.

15 Q: I'm talking about the good and the low rating. Like
16 they're both ranked good and low for --

17 A: Oh, I think those stayed basically the same, like the
18 rating -- sorry, I misunderstood you. I think those throughout
19 our process stayed essentially the same. There is just like a
20 different number of strengths that we had to change because of
21 what they presented in an update.

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

23 Q: Okay. So we understand that the TEDs were separated
24 during the evaluation process. Can you explain a little bit more
25 about how everybody was isolated?

1 A: How everybody was isolated? I mean we looked at each
2 offer independently. So, we were looking at one offer that's the
3 one we're looking at we were told that this is not a comparative
4 analysis between the two at least for our section, maybe someone
5 else had different guidance, but for us it was looking at each
6 and individual offer independently, and then come up with sort of
7 the evaluation on their that they submitted for the
8 documentation.

9 Q: Did the members of the different technical evaluation
10 boards, did they talk about how their evaluations were going or
11 how they were shaping up amongst each other?

12 A: Not really. I mean we really didn't speak much. There
13 was just -- there was lots to do individually so there wasn't a
14 whole lot of they didn't really compare notes just like it's
15 another day. There's a lot of work, kind of one of those
16 conversations. But there was a lot of work for each one of the
17 teams but we were just trying to get the thing done as quickly as
18 possible and as right of a way as possible so that would get back
19 to other work really.

20 Q: So, did you brief anybody other than the SSCB, the
21 SSAC, or the SSA on your evaluation?

22 A: Let's see. I mean I think we had -- you know, if we had
23 -- like if there was a hiccup or we weren't sure about something,
24 we could always ask, we could ask for some additional assistance
25 if we needed, but I think largely it was like from our legal

1 counsel if we had some concern about something specific we would
2 ask them.

3 Q: So you would go to legal?

4 A: Yes, if ever there was something we weren't sure about
5 in terms of like interpretation, there were a few times where we
6 went and did that for a re-read of something.

7 Q: Do you know who was aware of the SSAC's recommendation
8 to award the contract to Microsoft before the public announcement
9 on the 25th?

10 A: Do I know who was aware it?

11 Q: Yeah.

12 A: No. I have no idea.

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

14 Q: When did you become aware that Microsoft was going to
15 get awarded the contract?

16 A: Well when it was announced.

17 Q: What was your reaction to that?

18 A: I was just glad it was done so I could get back to
19 work. Because, I mean it feels like this things been going on for
20 quite a while so, yeah we're just happy was just done.

21 Q: Were you surprised, were you expecting it to be
22 Microsoft?

23 A: Honestly from our evaluation it was so close that I
24 wasn't actually surprised. Like our assessment was -- it was just
25 like splitting hairs to a certain extent. It was -- it seemed

1 very even on one side to where there were strengths and one side
2 it seemed as though there was -- not in a comparative way, but
3 obviously we're doing both, right? We're like well. It just
4 seemed like they both had like really put their best foot forward
5 in a sense, right? So, I wasn't actually surprised when I heard
6 it. I was like, well, it really could have -- for me it could
7 have gone either way.

8 Q: Okay.

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

10 Q: Was the Source Selection Team given any assurances from
11 the Program Office, or WHS, or anyone else that your names would
12 remain confidential?

13 A: I think we all sort of realized at a certain point like
14 our names would be out there, and there was s some stuff early on
15 in the process where one of our team members made it to the news
16 then there's a whole thing there, but I think we're all just
17 cautious that basically anything can happen with this effort.

18 Q: Do you remember whose name made it into the news early
19 on?

20 A: I mean the one I'm talking about is probably not the
21 one you're thinking about, is (b) (6), (b) (7)(C) I can't say the last name but
22 because it's hard to pronounce like (b) (6), (b) (7)(C) But yeah it seemed
23 like people were going after team members for one reason or
24 another, so you can sort of assume or extrapolate from there that
25 at some point our names would get out there.

1 Q: What was your reaction when the Source Selection Team
2 names had been disclosed?

3 A: Well it was just sent out in an e-mail I think like
4 couple weeks ago now, I don't remember the exact date, but I was
5 just like, eh, everybody else's been doing it. I don't know.

6 Q: Have you been contacted by anyone?

7 A: We were sent an e-mail I think by Sharon basically
8 saying that it was possible that some of the participants had
9 have their information improperly shared. I don't remember the
10 e-mail exactly off the top of my head.

11 Q: But have you been contacted by anybody from AWS,
12 Microsoft, the media?

13 A: Oh, not that I know.

14 Q: Do you know if anybody else has?

15 A: I have no idea, no.

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

17 Q: Did you get a chance, or were you involved at all --
18 have you seen the -- let me go back. Have you seen the Amazon
19 debrief questions?

20 A: The what now?

21 Q: The questions that Amazon sent DoD? The debrief
22 questions, have you seen those?

23 A: Oh, yeah. There's a shared document that we're working
24 on just our section. So there was -- yeah there was, I think we
25 had like, I (b) (5)

1 where basically we were just asked to come in and then make
2 comments on our section.

3 Q: How did you provide those comments?

4 A: With words in a spreadsheet.

5 Q: All right. Was there anything, we will ask for a
6 spreadsheet as due out from the meeting. Was there anything of
7 concern with what AWS brought up?

8 A: Was anything of concern? Can you be more specific?

9 Q: From the 14 -- questions related to Factor 5, was there
10 any concern that -- or any validity to anything that they stated
11 in their debrief questions?

12 A: Any validity? A lot of -- I think -- well so I didn't
13 go over each one of the questions because we tried to divide and
14 conquer and (b) (6) took over some for me. The questions I looked
15 at they were like you compare -- I'm sorry, you assessed one
16 offer this way and you assessed us differently, or something like
17 that. And, it was basically like why didn't you comparison us in
18 the same vein or whatever? And again like I said we did not -- we
19 took our teams to make sure we were not comparing the two. It was
20 not a comparative sort of thing. It was just each offeror was
21 basically being assessed based off of just their individual
22 documentation. So they had the opportunity to compare both. I
23 never really looked at it that way. I don't think any of the team
24 members look at it that way. So, I'm sure that maybe those
25 concerns could be valid if you're allowed to compare them, but we

1 weren't comparing.

2 Q: I'm done.

3 (b) (6), (b) (7)(C) : thank you.

4 A: You're welcome.

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

6 Q: (b) (6), (b) (7)(C), I have a follow-up question, when did you
7 become (b) (6) Can you give us an approximate time?

8 A: I'm horrible with dates so probably not. There's a
9 signed document out there that has a date on it. I'm sure you
10 find it.

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

12 Q: What is your current position (b) (6), (b) (7)(C)?

13 A: My current position is trying to stay away from this
14 thing as much as possible. And so I'm at DDS. I'm not actually
15 start like the CCPO, and so we were kind of like on loan with
16 them as trying to help out with this effort. Because it is so
17 important for the warfighter and for the military. I mean it is
18 one of the most important things. I have been all over the
19 military as part of my DDS job, and I get to see all of these
20 horrible sort of tech decisions are being made where I'm
21 procuring like hardware and just doing things in a really
22 old-fashioned way, and knowing where our adversaries are going in
23 terms of like just being able to use whatever cloud service they
24 want, they'll have to go through this entire effort of trying to
25 procure a cloud for their use or whatever. So, I understood how

1 important it was, that's why agreed to participate in this and
2 continued participating in it, but it's getting quite cumbersome
3 at this point. Anyway, so that's my position.

4 Q: What is your title with DDS right now?

5 A: We are all the same. We are just -- so were essentially
6 the same. Digital service expert.

7 Q: Okay.

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

9 Q: Also if -- can you please give me the last name of (b) (6), (b) (7)(C)
10 (b) (6), (b) (7)(C) If you know how to spell it that would be helpful.

11 A: He's no longer with DDS. He's like at school in (b)(6), (b)
12 I think. Oh, let me see if I can find it, but he doesn't work
13 with for us anymore. That was very early on. There was like -- I
14 think they helped with the cyber security plan. All right. So
15 sorry, (b) (6), (b) (7)(C) And be sure to not use the
16 incorrect pronoun.

17 Q: Oh, okay. Thank you.

18 A: Yeah.

19 Q: So, the media reported the President Donald Trump
20 became involved or tasked someone on his staff to get involved in
21 the JEDI Cloud procurement. Please tell us we know about that.

22 A: I know basically nothing about that. I mean I think --
23 to me all of the additional sort of things that were coming in
24 were a lot of noise. Yes we did have like -- I think we had like
25 various alerts set up and various news sort of things set up. I'm

1 sorry, like within Google Alert for example. I'll just use that.
2 So like anything like JEDI related just we were aware of it. And
3 so folks post articles all the time, and I don't remember exactly
4 where I saw mention of that, but it was -- I mean that's about
5 all I know. There's probably an article out there but to me it
6 got to the point where it was just so much random news about
7 stuff that was going on that I mostly just ignored it. In terms
8 of like the actual truth behind the article I don't know. I
9 didn't interact with anybody that seemed like was at a place that
10 was sent to do something.

11 Q: So, when you say you didn't interact with anyone, did
12 you have any communications with Donald Trump about JEDI?

13 A: No.

14 Q: What about any members of his staff?

15 A: No, definitely not. I mean aren't we all part of his
16 staff? Not to be prudent, but like I don't know who from his
17 staff I would have interacted with other than the folks that I
18 was already interacting with.

19 Q: Okay. And you mentioned these Google Alerts on JEDI
20 about the noise and the articles received. Describe that for me.
21 What you mean by that?

22 A: Oh, so if you've never use Google Alerts, basically you
23 can just set up an alert on anything like on your name is
24 probably a good one and see if anybody is talking about you. And
25 so, these alerts you just put in whatever query you want. In this

1 case we just would have had them from the beginning once it had a
2 name and anything sort of around cloud related thing for example.
3 I think (b) (6), (b) (7)(C) , he's the press guy within the office
4 of CCPO, and he would send out these, he wasn't doing for a
5 while, but he would send out kind of like a press breakdown of
6 everything that was being discussed, and that sort of what I
7 remember. It was just like an assessment of everything that was
8 being discussed in the media.

9 Q: Okay. And how did these media articles and information
10 that you received on the Google Alert influence your actions
11 related to the procurement?

12 A: Not at all. Any mostly ignore those things. Like I'm
13 saying they were just, yeah I know people are talking about it
14 and that's fine. I just have work to do so I really don't have
15 time to deliberate about what they're talking about. So for me it
16 was just kind of a sideshow. It was not really related to my job.

17 Q: And what have you personally heard President Trump say
18 that was about or related to the JEDI Cloud procurement?

19 A: What have I personally heard him say?

20 Q: Yes.

21 A: I've personally not been in the room with him, but like
22 on articles and stuff I think I -- there's some -- I don't
23 remember the exact nature but of it frankly, but I'm trying to
24 remember. It was a while ago now. There was something where he
25 was like -- I received a lot of requests on the, or a lot of

1 information requests or something like that. That was going a
2 while back into this whole thing. I'm trying to remember like
3 language it was used, but I remember like actually seeing that on
4 the news were mostly I try not to watch the news anymore. I
5 remember his exact wording that he used, but essentially there
6 was like there's a lot of attention being paid and that he would
7 look into it. That's about all actually recall like having seen
8 him say directly.

9 Q: What have you ever heard President Trump say about
10 Amazon Web Services, or Mr. Jeff Bezos?

11 A: Indirectly. I mean I can't think of anything off the
12 top of my head, but I'm sure things were said but I just can't
13 think of like words that were used.

14 Q: What as anyone ever told you that they heard President
15 Trump say that was about or related to the JEDI Cloud
16 procurement?

17 A: About or related to the JEDI procurement? Basically
18 what I just told you is like there was interest around it.
19 There's interest around the procurement, but other than that I
20 mean I don't think it really affected my sort of day-to-day work.

21 Q: What has anyone ever told you the President Trump said
22 about Amazon or Mr. Jeff Bezos?

23 A: I mean nothing that again I could tell you off the top
24 of my head. To me I was trying to stay away purposely from all of
25 that. So like literally I would walk out of the room or just try

1 to not pay any attention to that because I couldn't have it mess
2 with my, anything that I was thinking.

3 Q: So how did President Trump's or President Trump's
4 staff's communication with you about the JEDI procurement
5 influence your actions related to the procurement?

6 A: Say the first part again? If that makes sense.

7 Q: Yes. How did President Trump's or Presidents Trump
8 staff's communications with you about the JEDI procurement
9 influence your actions related to the procurement?

10 A: Right, that question presupposes that I had
11 communications with him which I already said I didn't. So I don't
12 know why you're asking that.

13 Q: Okay. Well how did President Trump's public statements
14 about the JEDI procurement influence your actions as they related
15 to the procurement?

16 A: They didn't. I mean again considering the amount of
17 attention that we knew this procurement effort would have we took
18 every effort to make sure that what we were doing was done with
19 as much care and as much diligence without sort of any additional
20 interpretation or just basically what was presented to us, what
21 was written the offerors package that is what we evaluated, but
22 then also assess them on. There was no additional, we could even
23 look at like any additional websites or anything. Whatever they
24 put in their package we had to judge them off of that.

25 Q: So how did President Trump's or President Trump's

1 public statements about the JEDI procurement influence senior DoD
2 executive such as Secretary Mattis, Deputy Secretary Shanahan,
3 Secretary Esper, and Deputy Secretary Norquist, Under Secretary
4 Lord, and Under Secretary Deasy?

5 A: Yeah, so I feel like these are the same question
6 because I'm pretty sure this is one of the last questions that
7 you asked me last time we spoke, and same thing. Like I didn't
8 interact with those people. I don't know if they were affected in
9 any way. My statement hasn't changed from that point like I still
10 haven't really interacted with them and even if I did I didn't
11 have a chance to talk to them about this stuff.

12 Q: Do you know what President Trump's public statements
13 about the JEDI procurement may have influenced DDS Service or the
14 CCPO Office, or the contracting officials?

15 A: No, I definitely don't think so. So again I think all
16 of us were in the same mind that this is so important for the
17 reasons I described earlier and we have to get this done in the
18 best way to get it done is to make sure we're following the rules
19 of the road in terms of how to actually do our assessment. And so
20 be very careful about what we reviewed, how we reviewed it, I
21 think everybody as far as I can tell were of the same mind. Like
22 we weren't trying to have all of the additional noises, and I
23 remember in a few instances Sharon talked to me about all these
24 additional noises out there and just to stay focused on the
25 mission at hand, not really let that noise get to us. I mean that

1 was the vein of a lot of conversations was like there's lots of
2 stuff being said, don't worry too much about it. Just worry about
3 the work that you have to get done.

4 Q: Okay. So same questions for the Source Selection
5 Authority or members of the Source Selection Team, did those
6 communications or public statements influence the procurement?

7 A: So the Source Selection Team?

8 Q: Yes.

9 A: I couldn't tell you but I don't think so. They also
10 seem to be of the same mind like just let the best technology
11 present itself that will work best for the warfighter. It's not a
12 political game. We're not playing games with this. It's an actual
13 need that the United States needs right now to like literally
14 help defend this country. It sounds weird thing about technology,
15 but it's absolutely true. There are systems that I've been around
16 for example, that small example. I know this is on the record,
17 but I think it's worth saying, the Army couldn't recruit for two
18 weeks, the entire Army couldn't recruit because their systems
19 were down. They're using like an old TYVATE system that that the
20 database itself just couldn't deal with how long it had been
21 since last update. It was such an old decrepit system, and
22 they're literally waiting for new technology, basically to be
23 able to move to the cloud. There are other systems like that all
24 over the military where they're just starting to have serious
25 problems and it's starting the impact the mission, not just on

1 recruiting but around medical care, around actual like analysis
2 of data that's coming off the field, or communication, and this
3 is no joke. It's a serious thing. So I know that from
4 conversations that I've had just briefly in passing with some of
5 the members they all seem to get it. They all understand how
6 critical this is to the warfighter and to the military in
7 general. That's really the mindset. It wasn't about whose saying
8 what, about what political winds are shifting left or right. This
9 thing is so important that we just need to continue moving
10 forward and doing so in as careful and regimented way as
11 possible.

12 Q: Are you aware of any pressure the President Trump or
13 anyone from his staff exerted on Secretary Esper or other senior
14 DoD executives?

15 A: I know that there was what was perceived to be a pause,
16 and then I think there was some conversations around that because
17 I think Secretary Esper, I'm trying to recall exactly because
18 it's not like ringing a bell. So yeah, there was some
19 conversation around there being a pause in like the whole
20 assessment, but on our end really Sharon basically said it's not
21 really a pause. They're going to continue looking at something so
22 whatever it was they were doing on their end which I wasn't aware
23 of or informed of. And so whatever was being printed to the media
24 about us being at a pause was actually untrue, and that's about
25 the extent of what I know about that, but we're like, "You're not

1 on pause. Whatever they're talking about is not true, continue
2 working." It was a pause per se. It was like an evaluation where
3 we couldn't, like I think let's not make any final decisions. I
4 think that's what it was. But we could continue, like our portion
5 of the work was not that. So, we could continue working.

6 Q: Okay. And you recall what time frame that was when this
7 alleged pause occurred?

8 A: Yeah, I'm horrible with time frames. So, I'm not going
9 to try to give you time frame. Whatever was reporting as in the
10 news as there being a pause but the only thing I even loosely
11 recall. I could look it up for you if you want but I don't have
12 the dates.

13 Q: Okay. And who talked to you about this pause?

14 A: It was either (b) (6) or Sharon I don't remember exactly
15 whom, and maybe both, I don't know. But basically just that we
16 needed to continue doing our factor stuff because that wasn't
17 actually going to interfere with anything. That was kind of its
18 own separate work if you will. And, so I think it was either one
19 of them or both, I don't remember.

20 Q: Okay. So the media reported from July 2019, it stated
21 the President Trump said, and I quote, "Companies complained
22 about the planned JEDI contract and that he was or would be
23 looking at the contract." The media also reported the President
24 Trump said, "We'll take a very strong look at it, JEDI, and asked
25 his aides to investigate the JEDI contract." Earlier you stated

1 something about looking at the contract. What can you share with
2 us about that statement?

3 A: Yeah, so maybe that's what I was thinking of. I
4 couldn't think of the words, but I remember just hearing about
5 that, again that was divorced from what I was doing so I didn't
6 really need to know the details about what was going on. Again,
7 it was just continue the work I was doing and then if there was
8 anything that was needed from us they would let us know.

9 Q: Who would let you know?

10 A: Either Sharon or (b) (6) or one of the, I guess
11 (b) (6), (b) (7)(C) I'm sure she was around. Like any one of those folks
12 they would usually let us know if there was something that they
13 needed to know from us directly.

14 Q: Do you know what aides they were referring to?

15 A: What aides you said?

16 Q: Yes, what aides from President Trump's staff they were
17 referring to?

18 A: Oh I have no clue, no.

19 Q: Okay. The media also reported in August 2019 that the
20 White House has instructed Secretary Esper to re-examine the
21 awarding of the JEDI contract because of concerns that the deal
22 would go to Amazon. Secretary Esper was quoted as saying, "I've
23 heard from folks in the administration." What can you tell us
24 about this?

25 A: Nothing. I mean I have nothing to say about that.

1 Q: Do you know if this occurred?

2 A: If what was said occurred? I mean I don't know.

3 Q: Okay. Do you know who "the folks" in the administration
4 were that contacted Secretary Esper?

5 A: I couldn't tell you. That's not at my level.

6 Q: Okay. And have you or anyone from your staff received
7 any guidance from Secretary Esper's Office?

8 A: No, again not my level. I'm sort of removed from all of
9 that kind of noise.

10 Q: So, in 2019 July, Secretary Esper initiated a review of
11 the JEDI Cloud. Procurement. Were you involved in the review
12 provided to Secretary Esper?

13 A: No, I don't think I was. I was actually had basically
14 gone back to some of the other work that I was doing but still
15 kind of giving some hours here and there is needed. Around that
16 time frame. Also towards the end of July beginning of August I
17 was added to DEFCON, and Black Hat we were doing stuff with DDS
18 as part of that conference. So I -- I'm sure there were other
19 things that were happening but I wasn't aware of. Again I don't
20 recall anything specifically.

21 Q: Were you asked to provide any input or provide any
22 information to help educate Secretary Esper for this review?

23 A: No. I mean not me personally. I think the team probably
24 put some stuff together, but not me.

25 Q: Were you aware the purpose and scope of the review for

1 Secretary Esper?

2 A: No.

3 Q: Do you know who was in charge of the review?

4 A: I mean if I had to guess it would probably be Sharon
5 since it's her office. But I probably shouldn't be guessing so I
6 don't know.

7 Q: Okay. Do you know if there is a decision or a direction
8 that was given as a result of what was shared with Secretary
9 Esper regarding the JEDI Cloud?

10 A: From what I could tell, no. There wasn't anything that
11 was pushed down to my level whereas the decision was made one way
12 or the other or make sure that you give them more of a strength
13 or weakness. Nothing like that came down.

14 Q: And what influence the President Trump or anyone on
15 President Trump's staff have on Secretary Esper's review?

16 A: Again as far as I know none. That's just my level. So,
17 I don't know.

18 Q: So I want to go back to our interview regarding Mr.
19 Ubhi and I just wanted to ask you a follow-up question about his
20 involvement of what he did before he was tasked to work as part
21 of the JEDI Team. Do you know what programs or projects he was
22 working on?

23 A: Well I was kind of new to the team at that point. I
24 wasn't really aware of what he was doing previously or whatever.
25 And I worked with him very briefly like I stated previously it

1 was during the initial sort of conversations with -- with folks
2 as they were coming in I think I was in like two interviews with
3 him or something. I think I provided all those documents to you.
4 I'm sorry, what was the nature of your question again?

5 Q: I just wanted to know what programs or projects Mr.
6 Ubhi was working on before he became a member of the JEDI Team.

7 A: He was on the DDS team but I don't know what he was
8 working on. Like I said I was fairly new to the team myself.

9 Q: Okay. Is there any additional information that you
10 would like to provide to us?

11 A: Just again I think I said this last time to, if I
12 thought like there were any sort of weird, if my Spidey sense
13 went off and I thought there was there was anything that was like
14 strange that was different from what we were told to initially do
15 in terms of our assessment in terms of how fair we needed to be
16 because we'd have to obviously defend this at some point, and the
17 care that we took to make sure that everything was done in the
18 very careful way in that we documented that we had to etcetera
19 then I think that would have raised alarms. From what I could
20 tell though the team was very careful about making sure that a
21 lot of that extra noise that you're talking about was sort of
22 pushed aside to allow us to do work that we needed to do. So
23 whether not like other things happen at higher levels I couldn't
24 tell you, but I know that the level that I was working in I
25 didn't feel any sort of pressure one way or the other to decide

1 in one direction or the other. It was really like let's just let
2 the offerors submissions speak for themselves.

3 Q: Okay. Who else should we speak with and why?

4 A: Who else should you speak with?

5 Q: Yes.

6 A: I mean I don't know. I guess the rest of the CPPO Team
7 that had involvement in this, and I guess, a lot of your question
8 seem to focus around like what from leadership came down so, I
9 guess I would follow that trail if I were you like speak to
10 Sharon, speak to (b) (6), (b) (7)(C) speak to -- well I think (b) (6), (b) (7)(C) is
11 now -- she's now left as far as I know, but she would be the
12 person speak with so, who else? I me off the top of my head I
13 guess that's who I can kind of think of and they would give you a
14 better sense of like what was pushed down from the top and how
15 those reports were scrambled together. In terms of like any
16 response to Secretary Esper they would definitely have a better
17 sense of that than I would.

18 Q: And do you have any questions for us?

19 A: Yeah you've got to be as tired of this as we are. I can
20 only imagine. How are you doing? How are things going on your
21 end?

22 Q: Busy.

23 A: Sure. Sorry, I know you have to be like super
24 professional but anyway I appreciate your looking into all of
25 this because I mean at the end of the day we should all know

1 whether or not this was all done in as careful of a way as
2 possible without external influences. So, I appreciate the work
that you're doing.

3 Q: Thank you. Do you any comments or concerns about the
way we conducted this interview today?

4 A: No. You could maybe introduce all the team members that
are in the room beforehand, but.

5 Q: We did, maybe you didn't catch the two names but that's
okay.

6 A: I mean probably didn't hear it then. That's my fault.

7 Q: No worries. If you remember anything that you believe
may be relevant to this investigation please contact me. Also, as
a due out I have a spreadsheet for responses for Factor 5 the 14
debrief responses that you provided. If you could e-mail --

8 A: I think it's 14 to 16. I don't remember the exact
9 number but yeah, but it had all the responses. It wasn't just
ours. So I only looked at the sections that were ours so I
10 wouldn't -- I wouldn't feel comfortable sending that to you. I
think that would probably have to come from, I don't know
probably (b) (6), (b) (7)(C) I think he was managing that spreadsheet because
11 it's a full things, right? It's all of the responses.

12 Q: So (b) (6), (b) (7)(C) who? Whose last name?

13 A: Oh (b) (6), (b) (7)(C) what's his last name? Hold on a second. What
the hell is his last name? One second.

14 Q: Well, would you be able to send me what you provided
for your team?

15 A: I don't think I can extract. It's all part of one like
master spreadsheet.

16 Q: Okay. Got it.

17 A: It's pretty big spreadsheet. Yeah. Give me one second.
Trying to find him.

18 Q: Okay. I can --

19 A: I just can't find the right now.

20 Q: I think we're able to find the --

21 A: Oh, (b) (6), (b) (7)(C), yeah. I think -- I could never spell it
right, so it's (b) (6), (b) (7)(C)

22 (b) (6), (b) (7)(C): Thank you for that. Okay. In order to protect
the integrity of this investigation we ask that you not discuss
23 this matter under review or the questions we've asked you during
this interview with anyone other than your attorney should you
24 choose to consult one. This does not apply to or restrict your
right you have your right to contact an IG or a Member of
Congress. If anyone asks you about your testimony or the review
25 please inform them that the DoD OIG has asked you not to discuss
this matter. If anyone persists in asking you about your
testimony, or the review, or if you feel threatened in any manner
that you provided testimony please contact myself. The time is
now 9:18. This interview is concluded.

[The interview terminated at 9:18 a.m., November 12, 2019.]
[END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. David Sanders
February 4, 2020
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is February 4, 2020. The time is 1:01
3 p.m. I'm (b) (6), (b) (7)(C) and with me today are my colleagues from
4 the DoD OIG (b) (6), (b) (7)(C). We are
5 investigators and auditors with the DoD OIG. We're interviewing
6 our witness Mr. David Sanders here in the Mark Center in the
7 Investigations of Senior Officials suit. We're conducting an
8 investigation into the Defense -- into the Joint Enterprise
9 Defense Infrastructure Cloud Services Procurement. Specifically
10 our investigation at this time pertains to a disclosure of
11 Microsoft proprietary information to Amazon. In addition, we're
12 investigating an allegation that Ms. Stacy Cummings violated
13 Title 18 United States Code Section 208, and the Joint Ethics
14 Regulation by participating personally and substantially in a
15 particular matter involving specific parties that had a direct
16 and predictable effect on her financial interests. At this time,
17 sir, I ask you to acknowledge that this interview is being
18 recorded.

19 MR. SANDERS: I acknowledge that the interview is being
20 recorded.

21 (b) (6), (b) (7)(C): Also, would you please acknowledge that we
22 previously provided you a copy of the DoD OIG Privacy Act Notice?

23 MR. SANDERS: Acknowledged.

24 (b) (6), (b) (7)(C): Thank you. Will you please raise your right
25 hand for the oath?

1 Whereupon:

2 DAVID D. SANDERS

3 was called as a witness, placed under oath, and provided the
4 following testimony:

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

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

7 Q: Would you please state your full name and spell your
8 last name for us?

9 A: David Delano Sanders. Sanders, S-A-N-D-E-R-S.

10 Q: Delano?

11 A: That's right.

12 Q: Can you spell that for us too make sure we get it
13 right?

14 A: D-E-L-A-N-O.

15 Q: Thank you.

16 A: Like Franklin Delano Roosevelt.

17 Q: There you go. What is your grade, sir?

18 A: I'm a SES Tier II.

19 Q: Okay. And your current position and organization?

20 A: I am the Director of Acquisition Directorate within
21 Washington Headquarters Service.

22 Q: How long have you been working as the Director?

23 A: For a little bit over three years.

24 Q: And to whom do you report, sir?

25 A: I report to Thomas Muir.

1 Q: And Mr. Muir is?

2 A: He's the Director of WHS.

3 Q: Oh, he took Ms. Westgate?

4 A: He took Ms. Westgate's job, yeah.

5 Q: Would you please give us a brief description of your
6 duties and responsibilities as Acquisition Directorate Director?

7 A: As the Director I'm responsible for the operation of
8 the WHS Contracting Organization. We award a range of goods and
9 services supporting the OSD staff, Washington Headquarters
10 Services which includes the Pentagon reservation, the Pentagon
11 Force Protection Agency, and so forth. It is my responsibility to
12 ensure that we are properly staffed, and ensuring that we're
13 executing requirements, and actions in accordance with the
14 required regulatory actions.

15 Q: And obviously in this case has included providing
16 support to the, at first the Defense Digital Services?

17 A: Yes.

18 Q: Where the -- what became known as JEDI --

19 A: Yes.

20 Q: -- originated and now the Cloud Computing Program
21 Office, is that accurate?

22 A: That's correct. One of our customers.

23 Q: With the JEDI contract.

24 A: Right.

25 Q: What has been your involvement, your personal

1 involvement in the, I'll just put it this way, the acquisition
2 kind of writ large and maybe more narrowly the procurement
3 contracting piece of that?

4 A: So, when we talk about the JEDI Procurement overall
5 it's a contract that's being done in my shop and my initially I
6 assigned the team that would execute the requirement led by the
7 (b) (6), (b) (7)(C), and in turn ensure that they
8 had resources to do their job, got probably biweekly updates in
9 terms of how we were doing with the procurement and so forth.

10 Q: Having been the Director for three years now, let's see
11 I'm going back that's 2017.

12 A: This has consumed.

13 Q: This has been kind of --

14 (b) (6), (b) (7)(C): All of your career?

15 A: I had to -- the day that DDS walked into our office or
16 actually they invited us to their office and asked us to do this
17 requirement for them, so I still remember that day. And so I
18 think had I known, knowing what I know now I don't know if we
19 would have taken it on, primarily because of all the challenges,
20 all of the effort that's been required. It's been a -- it's
21 absolutely been a long haul to get to this point today.

22 Q: So your testimony is that when Mr. Lynch came to get
23 you, you didn't immediately try to get your crystal ball --

24 A: No, no. We didn't get a --

25 Q: -- and foresee the future?

1 A: -- crystal ball to foresee the future.

2 Q: Okay.

3 A: Lots of moving parts.

4 Q: What was your involvement if any in more recently
5 Secretary Esper's review of the JEDI Cloud Acquisition that our
6 understanding he initiated shortly after he was confirmed --

7 A: Right.

8 Q: -- and then he completed mid to late-September?

9 A: No direct role. No role.

10 Q: Did you have any role in developing options for --

11 A: No.

12 Q: Our understanding is that at the close-- at the close
13 of this review there was a set of 10 options that was later
14 whittled down to other options, and the options were basically
15 carry on with the --

16 A: Yep, yep, yep.

17 Q: -- procurement as planned. You're familiar?

18 A: Well so I'm familiar that options were worked and so
19 forth, but I wasn't directly involved in working those options.

20 Q: Was your --

21 A: I would say --

22 Q: -- team involved?

23 A: -- to a degree (b) (6), (b) (7)(C), the (b) (6), (b) (7)(C)
24 may have provided some input to it.

25 Q: Okay. Are you familiar with the manner in which the

1 Department decided to select the status quo option and proceed
2 with the procurement as planned --

3 A: Well --

4 Q: -- to award?

5 A: -- we -- certainly we knew to final results. In other
6 words basically we essentially were on hold until the Department
7 made a decision in terms of what direction to go in, in terms of
8 whether to continue with the acquisition or come up with a
9 different strategy to get cloud services.

10 Q: Who is Ms. Stacy Cummings?

11 A: So I don't know -- so I know of Stacy Cummings but I
12 don't know her. I know that she works within the Acquisition and
13 Sustainment Organization.

14 Q: Have you ever met her?

15 A: I have met her.

16 Q: Have you ever interacted -- what has been your
17 interaction with her professionally?

18 A: The only interaction I had with her we actually had --
19 we invited her boss to speak at an all hands and she substituted
20 for her boss, and that's really my interaction just in
21 conversation before she spoke and of course after she spoke.

22 Q: What has been your interaction with her as it related
23 to the JEDI Cloud procurement?

24 A: None. Zero.

25 Q: Just for the record she's the Principal Deputy

1 Assistant Secretary of Defense for Acquisition Enablers.

2 A: Okay. Yeah.

3 Q: So, try to help us understand in your shop, in your
4 directorate, or where you've got your operations side --

5 A: Yeah.

6 Q: -- and Ms. Cummings if she's a PDASD over working for
7 in A&S on the policy side. How do your orbits collide?

8 A: We would collide as a customer. In other words like she
9 would be a customer. In other words her office may need
10 contracting support and she would present her requirements to us
11 and we would provide the contracting services. But, in terms of
12 policy and operation the policy of the Operation Shop that is not
13 done in that section of A&S. The defense contracting -- the
14 defense price -- the Defense Procurement Contracting Organization
15 sets the DoD policy for contracting. Formerly they were DPAP or
16 --

17 Q: Yes, (b) (6), (b) (7)(C) organization?

18 A: (b) (6), (b) (7)(C) it's (b) (6), (b) (7)(C)

19 Q: Okay. We have heard that Ms. Cummings mission as the
20 PDASD for Acquisition Enablers colloquially is helping contracts
21 or programs get from -- overcome obstacles and get from point A
22 to point B --

23 A: Uh, huh [affirmative response].

24 Q: -- or milestone to milestone --

25 A: Uh, huh [affirmative response].

1 Q: -- if you will. And that is the context in which she
2 may have become involved --

3 A: Uh, huh [affirmative response].

4 Q: -- somehow with JEDI. What is your knowledge of that?

5 A: None. I don't know. But I could imagine if that was her
6 role she probably did it from the -- from the program side, but
7 certainly not in the context of the contracting process.

8 Q: What is your knowledge of any role Ms. Cummings played
9 in the development of these options that we spoke of a few
10 minutes ago?

11 A: I am not aware of her role in developing options.

12 Q: What role did Ms. Cummings have regarding drafting, or
13 reviewing, or approving any specification or statement of work --

14 A: From what I understand --

15 Q: -- for the procurement?

16 A: From what I understand she was not involved in the
17 early part of developing the requirement for JEDI.

18 Q: And how did you come by that understanding?

19 A: Well, initially when we -- when the requirements was
20 actually developed within the DDS organization and so DDS drove
21 the requirements development process.

22 Q: Are you aware of any particular participation by Ms.
23 Cummings in the procurement?

24 A: No. Not at all.

25 Q: What can you tell us about any -- about any of Ms.

1 Cummings financial interests?

2 A: Not aware. Don't know.

3 Q: What can you tell us about any financial disclosures
4 that Ms. Cummings made as in OGE Form 278 --

5 A: Not aware. --

6 Q: -- or a 450?

7 A: Not aware of at all.

8 Q: What can you tell us about any role Ms. Cummings may
9 have had in preparing responses for Secretary Esper to a letter
10 he received from Senator Mark Warner and Senator Jack Reed

11 A: None.

12 Q: -- about the procurement?

13 A: No knowledge.

14 Q: Did you ever have any discussion with Ms. Cummings
15 about the JEDI procurement?

16 A: No.

17 Q: Any other communications of any sort --

18 A: No.

19 Q: -- with her about that?

20 Q: What is your knowledge of Ms. Cummings, the fact that
21 she recused herself from matters involving Microsoft?

22 A: No knowledge.

23 Q: Has anyone ever brought to you an issue or potential
24 issue of Ms. Cummings having a financial interest in Microsoft
25 and then participating in some how, some way, some shape, or

1 form?

2 A: So after the fact is part of the process the
3 contracting officer has to do and OCI investigation, and the OCI
4 investigation after she does it goes through a review process,
5 and it was reviewed by my deputy and I became aware that a OCI --
6 that the contracting officer was conducting an investigation into
7 her actions as related to this procurement.

8 Q: What did you -- were you -- did the contracting officer
9 talk to you at all --

10 A: She talked to --

11 Q: -- about the procurement?

12 A: -- me, it was after the fact. After the fact, and I was
13 provided a copy of the memo that she --

14 Q: Let me be more specific, sir. Did she talked to you
15 when she was gathering facts --

16 A: No, no, no.

17 Q: -- to help her make a determination?

18 A: No, no. What I saw was the final document that was
19 signed.

20 Q: Okay.

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

22 Q: Can I ask something, please?

23 A: Yeah, please.

24 (b) (6), (b) (7)(C): Go ahead.

25 Q: Did you have any questions about what was in that OCI?

1 A: No, I didn't have any questions because we -- so that's
2 -- over the past, I would say over the past three years or so not
3 just with JEDI, but we've become very in tuned to dealing with
4 matters like this in terms of organizational conflict of
5 interest, and that's driven partly by the innovation customers
6 wherein you have -- you have folks that go between industry and
7 government and so forth. So, as an office for me it didn't
8 trigger anything out of the ordinary other than the fact that hey
9 we're required once an issue is identified to conduct the
10 investigation and the contracting officer followed the process,
11 conducted it, and my deputy reviewed it and signed off on it.

12 Q: So, how often do you see these OCI reports?

13 A: How often do we see them? I would say it varies. It
14 depends on the types of procurement that we're working at any
15 given time. Over the past three years or so I would say probably,
16 of course with JEDI, JEDI was a little bit more -- was a little
17 bit different. We had a number of areas that the contracting
18 officer you had to review, and so I would say over the past three
19 years, maybe four or five OCI's.

20 Q: Do they typically -- they do the OCI, the contracting
21 officer, is it customary to actually talk to the subject of the
22 OCI or no?

23 A: Well from what I understand they do -- from what I
24 understand the contracting officer does, she interviews anyone
25 that she thinks can add value to the process. Anyone that made

1 that knowledge of it that could help resolve it.

2 Q: So, in this particular case the subject of the OCI was
3 Ms. Cummings yet the contracting officer never talked to her.

4 A: Well, I didn't -- so in this particular case I didn't
5 -- so I didn't necessarily go into the details of how she
6 conducted the investigation. So I took a look at the final report
7 and in turn didn't see anything unusual. And I think it -- I
8 think she has in past reports interviewed the subjects of the
9 investigation, but maybe she had enough information from all of
10 the facts that she was able to collect.

11 Q: So that was another question, neither your deputy or
12 yourself have --

13 A: No, I did not have that question.

14 Q: Okay.

15 A: I did not have that question.

16 Q: Is there any internal policy that WHS has in how to
17 conduct these OCI's?

18 A: So we, so we essentially we follow -- so essentially we
19 follow the FAR and also we work very closely with our Office of
20 General Counsel in executing those OCI's.

21 Q: So as the Director, do you have any informal policies
22 that you sent via e-mail in how to contact this? Like guidance or
23 something for your staff?

24 A: So I don't think we have formal policy on conducting
25 the --

1 Q: OCI's?

2 A: -- OCI's.

3 Q: Okay. Thank you.

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

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

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

7 Q: So previously you had said when (b) (6), (b) (7)(C) asked you about
8 what your involvement is in JEDI that you were getting biweekly
9 updates. Did you maybe towards the end have any more involvement
10 in JEDI? Did you, I mean were more closely involved at that point
11 as we neared award day?

12 A: Well just strictly updates. What is so I thought it was
13 important to process to maintain integrity and so forth. We had a
14 lot of people involved with it, and so the last thing I wanted to
15 do was walk in and second-guess some of the decisions that were
16 made and so forth. We had a technical team, and we had a wealth
17 of people that were engaged in the process and so forth, and in
18 turn ended up awarding the contract.

19 Q: Okay. So did you have any responsibility related to the
20 award notification?

21 A: So as part of the award notification, so the day before
22 -- the day before the idea was that we tried to plan and map out
23 exactly how we would do the litigation to meet the debriefing
24 requirements and follow the process that we have laid out for the
25 award notification, and then we did this not in a vacuum

1 obviously. Had to work with the JEDI Program Office and then
2 major media events. So a head CEO was involved. That's something
3 that's typically not part of the process but in this case
4 obviously with this -- with the nature of the award that was an
5 element that we don't typically see but we had to manage.

6 Q: And you helped with some of these?

7 A: So from a review perspective, for the most part. It's
8 just like for instance like (b) (6), (b) (7)(C) provided me a schedule of
9 events on the last day we' going to do this and try to -- and
10 very time sensitive with all the milestones that we wanted to me
11 on that particular day, and so forth.

12 Q: Okay. Were you involved at all in the post award
13 debrief or the redactions that were done?

14 A: So no. It was done between the contracting officer and
15 the OGC Team.

16 Q: Okay. I want to ask about some of the policies that
17 were applied to the JEDI procurement.

18 A: Uh, huh [affirmative response].

19 Q: So what policies and procedures does WHS follow
20 regarding source selection and what were applied here?

21 A: So we use the DoD Source Selection Guide. We use the
22 FAR as it relates to debriefing. In particular DoD issued a memo
23 recently that addresses this whole idea of enhanced debriefing,
24 and so those were the guidelines we followed.

25 Q: You mention the DoD Source Selection Guide. Is that

1 these DoD Source Selection Procedures?

2 A: Yes.

3 Q: Okay. So for the record you these are the DoD Source
4 Selection Procedures as required by DFARS 215.3.

5 A: Uh, huh [affirmative response]. Yeah.

6 Q: And do you know if those were followed here with JEDI?

7 A: I would say we followed it closely but JEDI was a
8 little bit different procurement like just the whole notion of
9 PAO being involved in the process that was little bit different
10 than the --

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

12 Q: What is PAO?

13 A: Oh, Public Affairs Office. Just the whole notion of
14 them being involved it was just a little bit different.

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

16 Q: So you mentioned that you followed the FAR for
17 debriefing. Do you know what section that was?

18 A: I could get back to you on this actually.

19 Q: So, what policies and procedures does WHS-AD follow
20 regarding the redaction of source selection and proprietary
21 information?

22 A: So essentially we do it in conjunction with our
23 attorneys and essentially the idea would be that we don't provide
24 any type of that would be considered proprietary. So you have the
25 Trade Secret Act in play here, and typically within WHS we do

1 redact the names of the participants in the process, typically.

2 Q: You typically?

3 A: Yeah, in this case I know we didn't and that was driven
4 primarily within -- primarily by OGC counsel. The thinking was
5 that we would be as transparent as possible in the process
6 because this particular action had gotten so much attention I
7 think in this particular case that's probably, if we had to look
8 back on one thing that's something that probably would have had
9 much more concentration on in terms of redaction of the names or
10 not.

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

12 Q: When did you become aware of the decision not to redact
13 the names?

14 A: So I actually did not become aware until after the
15 process. So of course we, I'm sure you've heard the story about
16 this but this is my view. So I think it was a Friday night and I
17 think it was like 5:00 p.m. and so I guess that was the time that
18 we set for releasing everything. And so the idea was that we
19 wanted everything to be simultaneous. What we deviated from is
20 like typically we send a successful or unsuccessful offer letter
21 first, and then separately we send the debriefing. The debriefing
22 could even come the next day and the debriefing is typically the
23 way we do it is typically the evaluation of proposals with
24 proprietary information redacted and so forth to the vendor. So
25 we still, in a sense the heinous to show the vendor our homework.

1 Okay. Here's how we ended up from point A to point B. It was
2 strictly completely transparent. Conforms with the Enhanced
3 Debriefing Policies that the DoD has promulgated, and in this
4 case the decision was made to essentially do everything
5 simultaneously. And so obviously -- so I was actually at the Mark
6 Center on that day and the team was in the Cloud Computing
7 Office. So we had us, five folks from my team and thinking
8 everything was done perfectly. Everything was staged. The e-mail
9 is already teed up with all the appropriate attachments and
10 everything else and so push the button and -- my folks push the
11 button hit send. Okay. We do a victory lap, and of course as we
12 expected lots of media attention in terms of the award. Lots of
13 surprise that Microsoft was the awardee and so forth. So it was
14 really a big media event over the weekend. So but in this case
15 we're celebrating. We're thinking that we did everything we could
16 have done. We did everything proper and so forth. And then came,
17 as a part of the process, as part of the enhanced debriefing
18 process the vendor I think has five days to provide questions.
19 And so that's when we started realizing that we had an issue.
20 From what I understand, and of course this is what I'm being
21 presented by the contracting officer from what I understand
22 Microsoft, excuse me. AWS provided questions and the questions
23 were very specific. And so that's when it started triggering, how
24 in the world could they -- it was as if they were in the source
25 selection room. And then that's when -- that's when a member of

1 the team essentially said, "What did we send them?" And they went
2 back to the e-mail and lo and behold we had provided AWS with
3 Microsoft's tech report. And so -- and then so I think it was a
4 -- I don't remember the exact day, but maybe it was a -- let's
5 say it was a Tuesday. So Tuesday night around 7:00 o'clock. So I
6 got called, a frantic call saying, "Hey Mr. Sanders. Mr. Sanders
7 you won't believe this." And obviously it was a -- so that's why
8 we're here today, or that's why you're asking the questions.

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

10 Q: Who called you?

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

12 (b) (6), (b) (7)(C) And then we got the -- of course followed shortly by OGC
13 and so we got a POW WOW coming up with the course of action in
14 terms of what to do and now that we had disclosed improperly,
15 inadvertently disclosed Microsoft's information to AWS.

16 Q: Are there any additional policies or procedures that
17 apply to debriefs or redactions that we haven't mentioned
18 already?

19 A: So I could actually -- so I could probably provide you
20 back with any policies that we -- all of the policies that we use
21 for debrief as opposed to trying to recall at this point.

22 Q: Right. How do you train your acquisition officials on
23 all of these policies?

24 A: So I think obviously the best trainer is doing and
25 unfortunately some of the best training comes from when we make

1 mistakes like this. And so now this becomes a case study in terms
2 of how we do the debriefings, how we share the information with a
3 vendor. I think in this particular case it wasn't necessarily a
4 training issue because folks knew exactly -- they knew exactly
5 what should have been. It was just a mistake in the fog of war
6 that happened, and so -- but I think when one thing we learn from
7 this is that regardless of the action I think that we have to do
8 sometimes is just step back and say, "Hey. Maybe we ought to
9 consider a different approach." Because the way we executed when
10 you're looking at it in the moment this looked like, "Hey, this
11 is doable. We can do this, and everything else." But when I look
12 back on it there was no reason for us to take the risk that we
13 took in terms of having this -- having this criteria that we sent
14 everything at the same time and that the DoD released a statement
15 when we released everything to the companies and so forth. So all
16 those things I think we learned from and that the biggest lesson
17 is that, "Hey, we have to push back in terms of well hey let's
18 slow this down a bit and make sure that we're getting the
19 outcomes that we want." Because in this case we thought that we
20 had done everything perfectly. We thought we had -- we thought it
21 was slam dunk. And debriefings is typically a very traditional
22 process normally no drama. We give the companies their tech
23 reports and so forth and in turn the process proceeds but in this
24 case because of some of the pressure I guess we put on ourselves
25 to align with the customer, PAO, and everything else it was just

1 not -- it was just unrealistic. So, in addition to the basic
2 debriefing things that we would teach our folks a part of this
3 lesson is hey, let's step back and really think through the
4 approach that we're taking to ensure that we are -- that we're
5 not going to make mistakes like we made here.

6 Q: So you mentioned that you typically debriefed with the
7 technical reports. What other documents do you typically send out
8 during a debrief?

9 A: So we -- if you look at the Enhanced Debriefing Guide I
10 think it outlines some of those things but like mostly the
11 technical report and in this case we sent out the best way, or I
12 think the decision memo and of course it has to be redacted to
13 ensure that -- that we don't disclose a company's proprietary
14 information. But a typical debrief would include mostly -- would
15 consist mostly of the tech reports to the vendors.

16 Q: So you don't typically send the source -- like the
17 decision documents, the Source Selection Advisory Council Report?

18 A: That's not a typical process.

19 Q: Okay.

20 A: And all of those, like all of those components wouldn't
21 necessarily be a part of --

22 Q: Of every?

23 A: -- an acquisition that we do. So JEDI the only time
24 that we've used all of those various panels to get to an award
25 decision, and it was just primarily because of the sheer size the

1 JEDI and the complexity of the procurement and so forth.

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

3 Q: Who made the decision to include all of those
4 documents?

5 A: Well, it was a combination of, it was done in
6 conjunction with conservation with OGC and OGC. Primarily with
7 OGC and my team.

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

9 Q: So you mentioned that JEDI was your only acquisition to
10 use all of those different panels?

11 A: That's right.

12 Q: What policy dictates how you put those panels together?

13 A: Well I think -- so I think what would happen is as
14 you're looking at the acquisition -- as your developing the
15 acquisition strategy and your mapping out okay the source
16 selection process that you're going to entail it would absolutely
17 be tailored toward the individual acquisition and so -- and so
18 the DoD Source Selection Guide certainly covers various elements
19 of that but it's really up to the Contracting Officer and in this
20 case the Program Office to put together a process that gets us to
21 a place where we can fairly evaluate the proposals. We have the
22 right people to actually look at what the vendors are providing
23 and eventually get to a decision. So while the DoD Source
24 Selection Policy is a guide it's really going to be the judgment
25 of the Contracting Officer in conjunction with the Program

1 Office, in conjunction with the Office of General Counsel. So I
2 would say it's going to be a collaborative effort that leads us
3 to building the team that's going to get us from -- get us to
4 where we want to go to ensure that we're giving all the vendors a
5 fair opportunity and evaluating their proposal consistently and
6 so forth.

7 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) if I could.

8 (b) (6), (b) (7)(C): Yeah, sure.

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

10 Q: (b) (6), (b) (7)(C) asked you sir, who made the decision to release
11 certain documents those documents.

12 A: Who made the decision --

13 Q: And you responded it was done.

14 A: Okay. That's good. Okay. That's good. That's good. I'm
15 good with that. I'm good with that. I'm good with that. Well I
16 would say, so here's what I would say. Here's what I would say,
17 and this is not pushing the buck on, and the last thing I want to
18 do is really push the code to disadvantage this with OGC. OGC
19 played a big role in terms of the documents that would be
20 released but ultimately the Contracting Officer releases the
21 documents, but we did it with advisory within counsel, and the
22 focus was really -- the OGC's logic was really about being as
23 transparent as we possibly can in terms of -- in terms of what we
24 were providing to the vendor. This would not be -- the issue is
25 not really what I would say the documents were release. It really

1 comes down to the fact that we provided information. We provided
2 it. We provided one vendors information to another vendor, but in
3 terms of what we choose, in terms of how we choose to debrief a
4 vendor and giving them -- giving them an insight into how we
5 would -- how we went about getting to selection that's a really
6 up to the Contracting Officer and she's going to really, and in
7 this case really, really rely on OGC for counsel and advice and
8 so forth.

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

10 Q: In terms of including all of those documents and
11 releasing them all at the same time, you kind of alluded to the
12 fact that PAO being involved was kind of like influence the
13 decisions that were made for that day. We have not seen in any of
14 the documentation that PAO required or asked for all of these
15 documents to be released and what they were asking --

16 A: Well no what --

17 Q: -- was more on the when is it that we're announcing --

18 A: Yes.

19 Q: -- award. Tell me so making that risk decision --

20 A: Yeah.

21 Q: -- of including all of that --

22 A: Yeah.

23 Q: -- was that ever a concern to you?

24 A: I'm glad -- so I'm glad you asked that question so I
25 can clarify. So my -- me including PAO was the idea was that our

1 documents would be released simultaneously with PAL. But PAO
2 certainly didn't have influence in terms of what we provided to
3 the vendor. That really comes back to us, and so the idea -- the
4 complexity of it was the idea of trying to coordinate our
5 response between PAO and us.

6 Q: Did you ever have any concerns, I mean you have also
7 alluded to the magnitude of --

8 A: Yeah.

9 Q: -- the JEDI acquisition, and the procurement. So
10 there's a huge amount of documents --

11 A: Absolutely.

12 Q: -- that goes with that. Were you ever concerned of the
13 risk of releasing everything, trying to do everything, cramming
14 it into --

15 A: Yeah. In hindsight when I look back on this, when I
16 look back on this we certainly would do it differently. There's
17 no doubt we would do it differently.

18 Q: But at that point you did not --

19 A: At that point in time I guess when I look at -- I just
20 look at my experience within Washington Headquarters Service. We
21 really had -- we really did not have a -- this has never ever
22 been an issue in the past. In words it's a pretty standard thing
23 after the contract is awarded that we give the vendors their
24 proposal. So that on itself, and in this case we're dealing with
25 two vendors. Yes, you had a lot of documents but we're dealing

1 with two vendors. So when you look at the plan it looks like well
2 hey, this is a doable plan and so forth. But it was poorly
3 executed. And please make sure that I answer all of your
4 questions.

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

6 Q: So I want to take it just a step back and ask about the
7 decision between a written debrief and an oral debrief. So, we
8 understand, well before I get there. Were you involved at all in
9 the decision to conduct a written debrief versus an oral debrief?

10 A: So, I don't know whether it was the day before or maybe
11 even a couple of days before. So that was brought to my
12 attention. Okay, do we do written debrief or do we do oral
13 debriefs? In the Program Office, the Cloud Program Office I think
14 their preference was verbal debriefs, and then OGC's preference
15 was the was written debrief. That's typically the way we do
16 business within our office and very rare if any, if ever do we do
17 verbal debriefs. And so I sided with written debriefs primarily
18 because I saw it as the safer option. So when I look at it --
19 when I look at it from my lens that day typically we always do --
20 I would say we always do, not actually typically, we always do
21 written debriefs and so from a -- so from that perspective on
22 that day it look like the risks, what I'll call in this case the
23 risk-adverse approach was really written debriefs that's what we
24 had done. There is no misinterpretation of what's said to the
25 vendor and so forth, but in that -- so in that case we decided to

1 go written debrief and that's where I sided was written debriefs.

2 Q: So you had mentioned that the program side preferred an
3 oral debrief?

4 A: Yes.

5 Q: And we understand that Ms. Lord, Mr. Deasy, Mr. Ranks
6 and Ms. Woods all expected that the debrief would be conducted
7 orally. Were the -- was A&S or the CIOs Office was their opinion
8 taken into consideration when making -- when this decision was
9 made?

10 A: Well, so from my perspective the only insight that I
11 had was from Sharon Woods. And so I think that is in this case
12 particular case, just like with everything we do, just like
13 everything we do this, JEDI is really a story about collaboration
14 and so whenever you have major decision points, and I would
15 definitely consider this a decision point, both folks come
16 together and have a discussion on how we would get -- okay what
17 decision we would made, and in this case, so essentially we had
18 OGC. We relied on them a lot and rightfully so because just like
19 right now we're going through the proceedings and so forth, and
20 OGC, they're there to defend the position of the agency and so
21 forth, and defend actions that we took as a Contracting Office
22 and so forth. And so we have a tendency of really getting OGC
23 weight in certain matters we maybe weigh in a little bit heavier
24 than another areas and so forth. So we just looked at it from
25 this perspective I know when I saw the e-mails floating around in

1 terms of whether we do written or oral debriefs. So it was really
2 -- folks had a voice and the decision was made and it was really
3 it was really up to the Contracting Officer and so I would say
4 that it was really the Acquisition Directorate.

5 Q: Were you aware at the time that you made that decision
6 that Ms. Lord and Mr. Deasy were expecting an oral debrief as
7 well?

8 A: No, not at all.

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

10 Q: And you had mentioned that this came to your attention
11 day or two before award?

12 A: Yes.

13 Q: Was that the first time that you were ever brought in
14 on that decision?

15 A: So on the oral versus written. I want to say a couple
16 of days before we actually --

17 Q: But that was the second that was the first time that
18 you were kind of looped in?

19 A: Yeah I think so. I think so. And I was looped in
20 primarily because it was a point wherein when you had OGC really
21 pushing for written debriefs, and you had the Cloud Office
22 wanting oral debriefs, and then -- so essentially the last leg in
23 the stool was really where does AD come down in terms of written
24 versus oral.

25 Q: You had mentioned that you rely heavily on OGC you give

1 their opinion a lot of weight. What would have been the
2 repercussion of going against them?

3 A: I don't think it necessarily -- it would not have been
4 repercussion per se, but I think in this particular case it
5 wasn't just that they recommended written debriefs. It was also
6 because that was all we ever do. In other words it's not -- so
7 written debriefs are part of our DNA. In other words that's how
8 we worked, that's how we notify vendors after award, how we came
9 up with the decision that we did.

10 Q: So we have a report from the independent review.

11 A: Uh, huh [affirmative response].

12 Q: Of the disclosure conducted by Defense Pricing and
13 Contracting in DoD OGC. Have you seen that before?

14 A: I have.

15 Q: So the reviewed notes that WHS preference for virtual
16 or written debriefs and states that, "With a procurement as
17 highly visible as JEDI award this preference should have been
18 reconsidered." What is your reaction to that?

19 A: So I think, in hindsight 2020 absolutely.

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

21 Q: How often do you go against recommendations from the
22 OGC?

23 A: Well, now just think about this now. We do -- like my
24 office we do -- we literally do thousands of acquisitions a year,
25 and so from time to time will absolutely have some strong

1 disagreement with OGC on a position or not.

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

3 Q: How do you resolve those?

4 A: So ultimately it still rests with the Contracting
5 Officer in terms of resolution to attempt to -- or like just to
6 give an example. So we were doing a competitive acquisition and
7 so as a part of our process, as part of our process OGC reviews
8 the -- as part of the review process on the technical evaluations
9 that the technical team provides, and in this case no matter what
10 the tech team provided, no matter what assistance the contracting
11 officer provided it just wasn't good enough. It just wasn't good
12 enough. And so at that point in time just using our discretion
13 and using our acumen in the contracting process we made a
14 decision to move forward with the award and the contract executed
15 fine.

16 Q: So the report goes on to recommend that the use of
17 default virtual debriefings should be re-examined by WHS
18 contracting leadership. Have you re-examined --

19 A: So, like I --

20 Q: -- the default use?

21 A: Here's what I said earlier, right? The best learning
22 opportunities is when things like this happen. And so this has
23 been a huge learning experience and so from that perspective
24 absolutely when we, when we're in a position we're in, we have a
25 procurement like this we would absolutely consider oral

1 debriefings. Just because of the nature of this particular
2 action.

3 (b) (6), (b) (7)(C) : Do you have any other questions on this?

4 (b) (6), (b) (7)(C) : No.

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

6 Q: So I'm going to move on to the redactions of those
7 documents that we talked about earlier.

8 A: Okay.

9 Q: So what policies is WHS required to follow regarding
10 the redactions?

11 A: So, like I said earlier we rely on OGC as it relates to
12 the redaction of the documents. However, however, we also -- you
13 have just information that we're prohibited from disclosing as it
14 relates to the vendors proposal and so forth, and the Trade
15 Secret Act, and others. I would have to --

16 Q: Are there any WHS internal policies regarding
17 redactions?

18 A: I'm not aware -- so I would -- so I'm not aware of WHS'
19 redaction policy.

20 Q: Okay. Do you offer your contracting officials any
21 training on dealing with redactions?

22 A: So primarily our position would be focused on primarily
23 are we disclosing proprietary information of the company? In
24 other words pricing information, anything that would reveal any
25 information that the company -- that would put them place them at

1 a competitive disadvantage. So really the training is I would say
2 what we do, and it's mostly through on-the-job, OJT and having
3 people understand okay, what constitutes proprietary information?
4 And certainly whatever we had of -- whenever we do the various
5 reviews and so forth and we're going to provide information to
6 the vendors in addition to redactions that we recommend we also
7 rely on OGC to help with -- to ensure that we're not disclosing
8 information we shouldn't.

9 Q: Can you walk me through the process of redacting the
10 information from the reports? Like who goes first?

11 A: So from the -- in this particular -- so I would have to
12 -

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

14 Q: For JEDI?

15 A: Say that again.

16 Q: For JEDI.

17 A: For JEDI. So I would have to -- so I wasn't actually
18 directly involved with the redactions but from what I understand
19 from what I was told I think we initially provided some feedback
20 on redaction and then OGC came back with what they thought should
21 be redacted and we ended up -- end up siding with OGC as it
22 related to the redaction of the documents.

23 Q: How different was the redaction process with JEDI than
24 a typical acquisition?

25 A: I don't think it would be much different. I don't think

1 it would be much different. It would be most of the only thing
2 that is different -- the only thing that's a little bit different
3 here is like typically when we typically when we do the tech
4 reports we don't release the name of the panel members, and in
5 this case, and I think that was a point that was -- they were
6 doing some back and forth between my team and OGC as to whether
7 or not the names should be redacted or not, and in the end we
8 sided with OGC as it related to the redaction of the documents.

9 Q: Why, why did you side with OGC?

10 A: Well I think in this -- so I think that when it came
11 down to it both sides got most of what they wanted from the
12 redactions and so forth, and so I think what it came down to here
13 is that we relied on OGC primarily because it's -- primarily
14 because we looked at them as being in the folks that would defend
15 whatever action came from this and then we sided with them as it
16 related to transparency. But there was back and forth in terms of
17 what should be redacted and what should not be have been
18 redacted.

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

20 Q: When did you become aware of this back-and-forth
21 disagreement?

22 A: So I actually did not become -- it was not even brought
23 to my attention. So this was not brought to my attention until
24 after we had the invalid -- after we had the proper release.

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

1 Q: So you were not aware that your team thought specially
2 one of your contract specialist that releasing some of the
3 information that OGC was recommending and releasing could have
4 been a violation to the FAR?

5 A: So I did not -- I did not -- I wasn't aware until after
6 we were told of the improper disclosure.

7 Q: So you said that you had biweekly meetings with (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) .

9 A: Uh, huh [affirmative response].

10 Q: Did you ever asked her why she didn't never brought
11 something like this to your attention?

12 A: Well, I think -- so obviously when I look back on it
13 and I think it was more of -- I think it was more from her
14 perspective she looked at it as a, "Well hey. She thought that
15 she had an issue that had been resolved essentially the
16 resolution was -- the resolution was to side more with OGC as
17 related to the redaction documents. So I think it was mostly --
18 it was probably because she thought that this was a nonissue at
19 this point after the team and voiced concerns about redactions
20 and so forth and made a decision that we would go with the manner
21 in which the documents were redacted.

22 Q: What is your understanding of her review of the
23 redaction to reach that decision?

24 A: I don't know.

25 Q: So you don't know what review she did to make sure --

1 to ensure that she sided with OGC?

2 A: Well so I don't know -- so I could imagine that her and
3 her team. They absolutely after the documents came back from OGC
4 reviewed what OGC had redacted.

5 Q: Do you know when those documents came back?

6 A: I don't know because as I said I actually was not
7 involved in the redaction process and I was told after the fact
8 that hey we had had some disagreements in terms of what should
9 have been released and not released. But I think, what I want to
10 -- when I look back on this obviously there was a lot of learning
11 occurred but it still comes back to the fact that the crux of the
12 issue is that we improperly provided a vendors information to
13 another vendor.

14 Q: Did (b) (6), (b) (7)(C) or anybody in her team ever bring
15 to your attention that they were concerned that they had not
16 received a redacted documents before the award? They received it
17 the day of award.

18 A: Uh, huh [affirmative response].

19 Q: Were you aware of this?

20 A: So I wasn't aware of any issues with redaction until
21 after the disclosure, the improper disclosure occurred and at
22 that point that's when I was told that there was some back and
23 forth in terms of what should be redacted and what was redacted.

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

25 Q: So you were aware unaware that (b) (6), (b) (7)(C) was still waiting

1 on WHS OGC to get her the reports?

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

3 Q: So that she could review them?

4 A: So I was not aware that.

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

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

7 Q: So you became aware of this particular issue also? I
8 know you mentioned that you became aware of the disagreements but
9 did you, were you aware you are aware that the team did not
10 receive these documents from WHS OGC until 11:00 a.m. the day of
11 award?

12 A: No. I was unaware of that.

13 Q: So I guess since you were not aware you did not take
14 any actions to try to --

15 A: No, no. No, no, no.

16 Q: I have to ask just for the record.

17 A: That's fine. That's fine.

18 Q: Would this be something that you would typically hear
19 if you had not received it?

20 A: So in this, and I know -- so these types of things are
21 typically goes completely -- I mean it never really -- and these
22 really never become an issue, and so would we when we -- so
23 because I am not -- so it wouldn't be uncommon for me not to be
24 involved with the redaction of the documents.

25 Q: So being the head of the Acquisitions for WHS you have

1 a wealth of knowledge with contracting --

2 A: Yes.

3 Q: So, how long does it typically take for redactions to
4 be done by OGC and how many days in advance typically are
5 contracting officers receive this information?

6 A: So I don't -- so first I think in terms about the
7 timing it would depends of course on the density of the documents
8 and things of that nature.

9 Q: Okay.

10 A: And we don't have -- I'm not sure we have any set
11 timeframe for them to give us back our award. But I think that
12 when I look back -- when I look back on this we certainly should
13 have not aligned sending the debriefing memos with the
14 notification to the vendors with the award notification when I
15 look back on it.

16 Q: So my other question --

17 A: Yeah.

18 Q: -- was, how much time do you typically need as a
19 contracting officer to have these documents before in order to do
20 a review?

21 A: I would say -- I would want -- I would really want the
22 documents a couple of days before for a procurement of this
23 magnitude I think I would definitely want the documents before,
24 but I can imagine that they may have sent final redactions, but I
25 can imagine that they were back and forth between the teams,

1 between OGC for a number of days. And so I would have to -- so
2 what I would say is certainly we would what we would want the
3 final redacted documents for review at least a full day before
4 the event. That would definitely be the process preference. We
5 would prefer to have the documents before, and given an
6 opportunity to review the redactions and so forth.

7 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) do you have any questions about
8 redactions?

9 (b) (6), (b) (7)(C): No.

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

11 Q: So, I know we talked a little bit about already but I
12 want to go back to the release of the Source selection Team
13 names. So, are you aware of any policy that allows for the
14 release of the Source Selection Team names?

15 A: I'm not aware of any policy that allows for it and I'm
16 also not aware of any policy that does not allow for it.

17 Q: Okay. To that point I will show you the DoD Source
18 Selection Procedures which you follow said you follow closely.

19 A: Yeah.

20 Q: So at the back there's a debrief appendix.

21 A: Uh, huh [affirmative response].

22 Q: So I've highlighted at the bottom here it says that,
23 "Individuals that are on the Source Selection Team not
24 participating in the debriefing should not be disclosed."

25 A: Uh, huh, uh, huh, uh, huh [affirmative response].

1 Q: What is your redactions reaction to that?

2 A: My reaction is so obviously we didn't follow this and
3 we release the names of the team members, and so, what I would
4 say is we didn't follow it. I mean I can't -- there's nothing
5 else I can --

6 Q: Right.

7 A: There's nothing else I can -- I mean I don't know how
8 else I can answer it. We didn't follow it and so I know -- and
9 what I would say is -- what I would also say is that when you
10 look at this, this really sets the guidelines for us to do these
11 things and so forth. And so, but I think sometimes when you're
12 making a judgment call, so in this case, in this particular case
13 well typically this is not what we do. Typically when we do
14 debriefs and we provide tech reports to vendors and so forth we
15 do not release the names. And so here's what I would say. I don't
16 have a defense for us releasing the names.

17 Q: Do you have any reason to believe that these procedures
18 do not apply to the JEDI Source Selection?

19 A: So I see -- so I absolutely think that as we look at
20 the JEDI Source Selection and so forth these procedures do apply
21 but the question would be okay when we look at the procedures is
22 this meant as a guide for us to conduct source selection or is
23 this a policy that shall conform to every element of this --

24 Q: They are required by DFARS.

25 A: -- procedures.

1 (b) (6), (b) (7)(C): They are DFARS requirement. Yeah.

2 Q: So you may have answered this earlier, were you
3 involved in any discussions regarding the release of the Source
4 Selection Team names?

5 A: I wasn't involved in discussions of the release of the
6 source selection.

7 Q: And you were not aware of the decision to release them
8 until after?

9 A: Until afterwards.

10 Q: Okay.

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

12 Q: Given that this is so different from everything that
13 like you said it has never been released before

14 A: Right.

15 Q: Why wouldn't the Head of the Acquisition Group for WHS
16 know this that this particular acquisition as unique as it was,
17 was going to actually release the Source Selection Team names?

18 A: Yeah, I agree I should have -- I absolutely should have
19 been aware of the fact that we were going to release the name
20 because that's typically not what we do.

21 Q: Right, okay.

22 A: But I should have been aware.

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

24 Q: So Ms. Woods had made statements to the Source
25 Selection Team and Mr. Deasy had made public statements regarding

1 protecting the Source Selection Team names.

2 A: Uh, huh [affirmative response].

3 Q: Are you aware why the statements were seemingly
4 disregarded when deciding to release the Source Selection Team
5 names?

6 A: So, I'm not sure. So what I would say is from our
7 perspective -- from my position just looking at it the day before
8 this occurred, the day before this occurred I wasn't aware of the
9 fact that we had made a decision to release the names because
10 typically that's not -- that's totally not what we do and it was
11 never brought to my attention that we were releasing the names.
12 And certainly when -- and I'm not sure that as (b) (6), (b) (7)(C) was working
13 with OGC that they may be -- so I know for a fact after the fact,
14 of course after the fact I know that this was really a topic of
15 discussion in terms of releasing or not release the names and so
16 forth. And so I don't know where else -- I don't know what else
17 to say about that topic.

18 Q: So we have an e-mail from you dated November 6 to
19 (b) (6), (b) (7)(C)

20 A: Okay.

21 Q: The e-mail stated, (b) (6), (b) (7)(C) conducting the PAI
22 review reached out to me concerning the release of the names of
23 the Source Selection Team members."

24 A: Uh, huh [affirmative response].

25 Q: "Was it our intention to leave the names unredacted?"

1 Fully understand we are able to release the names but was there
2 any objection from the PM? What were our thoughts on redacting?"
3 So, what was (b) (6), (b) (7)(C) question regarding the release of
4 the Source Selection Team name?

5 A: Well I think from -- let me go back and read this.

6 Q: Sure.

7 A: So I think when (b) (6), (b) (7)(C) if I remember this (b) (6), (b) (7)(C)
8 called and she asked essentially went into the decision in terms
9 of releasing the names.

10 Q: Okay.

11 A: I think that's what (b) (6), (b) (7)(C) was asking and so as I
12 said, so I reached back to the team, the folks that were involved
13 in the process and asking them what went into the decision to
14 release the names.

15 Q: Why, you stated in the e-mail and why do you understand
16 the WHS is able to release the names?

17 A: I'll tell you, obviously I was mistaken.

18 Q: So on that same date (b) (6), (b) (7)(C) replied that it was
19 his intention to leave the names of the evaluators unredacted. Do
20 you agree with (b) (6), (b) (7)(C) statement that the only reason to
21 keep the Source Selection Team names private was to reduce the
22 chance of improper influence?

23 A: Well obviously when I look at DoD when I look at the
24 procedures that's not the case.

25 Q: But at the time did you?

1 A: At the time -- at the time I would have -- that was
2 probably -- that was my opinion at that time

3 Q: Did anyone else respond to your e-mail here besides (b) (6), (b) (7)(C)

4 (b) (6), (b) (7)(C) Did anyone else offer an explanation?

5 A: I don't recall. I don't think so.

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

7 Q: Can we put that as a due out? Can we included as a due
8 out?

9 A: We can ask.

10 Q: We'll include that as a due out for you to check in.

11 A: Yeah.

12 Q: What would be the benefit of releasing Source Selection
13 Team names?

14 A: I think the only benefit here was, and this was the OGC
15 thinking was just about transparency. In other words we have
16 nothing to hide within this -- in terms of the way we conducted
17 the procurement and so forth, and that was the thinking. I think
18 it was really about -- I think it came down to transparency.

19 Q: And making the decision -- your Contracting Officer
20 obviously made the decision to release this, but it wasn't in
21 consultation with anybody else, the Cloud Computing Procurement
22 -- I mean the CCPO didn't know. The CIO didn't know. The owners
23 of the requirements didn't know. Why was that done like that? It
24 was (b) (6), (b) (7)(C), but the Cloud Computing Program
25 Office found out the same way you did the day of announcement.

1 A: Uh, huh [affirmative response].

2 Q: After the e-mail from Amazon with the questions.

3 A: I do not recall any objection to any aspect of the
4 redactions from the PM.

5 Q: Right but the PM --

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

7 Q: But the PM did not know.

8 A: Uh, huh [affirmative response]. So from my perspective
9 I would have thought that this would have been a collaboration
10 between with the PM being involved in this

11 Q: So I want to move on to the assembling of the debrief
12 documents. Do you have access to that JEDI Google drive?

13 A: Actually I don't.

14 Q: No? So if you have access you weren't aware of the
15 folder that (b) (6), (b) (7)(C) created where he put all -- assembled
16 everything?

17 Q: Trust me I heard about that folder many times.

18 Q: Did at any time did you review the contents of the
19 folder?

20 A: So maybe I could have gotten like during the process I
21 may have gotten various documents via e-mail and so forth, but in
22 terms of the folder that he created specifically for that day no
23 I did not go into the folder and ensure that, "Hey, all the tabs
24 are properly marked." And to ensure that we wouldn't improperly
25 release a vendor's information.

1 Q: So at any time prior to October 25, 2019 did you review
2 the documents that (b) (6), (b) (7)(C) had assembled as part of the
3 debrief either for redaction purposes or just double checking?

4 A: So, from what I -- I would say no.

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

6 Q: Did you review them on the 25th?

7 A: Did I review them on the 25th? No I did not --

8 Q: She asked prior to the 25th I want to --

9 A: No I didn't review them on the 25th.

10 Q: -- asked prior to the 25th.

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

12 Q: So now we're at award day. So were you part of the
13 decision regarding the date of the contract award?

14 A: No.

15 Q: Do you know who decided that the award would be
16 announced at 4:45 on October 25th and why?

17 A: No.

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

19 Q: Were you consulted?

20 A: Was I consulted on the actual date and time that the
21 award would be made? No. The only thing we wanted to do was the
22 only we just be in a position that we are ready to award when we
23 were given green light to move forward.

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

25 Q: But no one asked you if you would be ready by October

1 25?

2 A: Not me directly but certainly the Contracting Officer
3 and as I said we were -- so we were looking at the schedule.
4 We're going back and forth on schedules and things of that nature
5 of the day's events that would happen during the process.

6 Q: When did you find out that it would be October 25?

7 A: Maybe the day before or I don't know. I do not recall
8 when I found out that it would be October 25, but I know we went
9 through a period of time where we were just waiting.

10 Q: Right. All right. So can you walk us through the events
11 on October 25 specifically like your actions and where you were,
12 and what you're responsibilities were that day?

13 A: So on that day so I was in the Mark Center and the team
14 was in the Cloud Computing Office, and so from my perspective my
15 role was just to give them whatever support they needed and so
16 forth. So we were in contact throughout the day and so forth. And
17 the team they had everything things. We thought we had everything
18 -- we thought we had this worked out and just waiting for the
19 time to actually move forward with the award.

20 Q: So you said you were in contact with the team
21 throughout the day?

22 A: Yeah.

23 Q: Did (b) (6), (b) (7)(C) mention to you that things were going array
24 at any point during the day?

25 A: No. In the -- when we were there we had some issues

1 with the contract writing system and that's not, again that's not
2 unusual thing. So essentially when she told me and then we have
3 -- we actually have folks at the Mark Center that's responsible
4 for the administrator system and so we work with them and
5 potentially with JSP if we needed to resolve any technical issues
6 with the application itself. So of course that adds to the
7 environmental stress. When your primary tool that you're using
8 for the contract award isn't functioning, and then you have this
9 artificial, or artificially created requirement that hey,
10 everything goes at the same time and so forth, and so I would say
11 -- so that was a fact factor. And so we thought we got through
12 that in terms of getting PD2 up and so forth, and so -- and then
13 I think I may have gotten a call from PAO asking about where we
14 are with the process and so forth. And then I called (b) (6), (b) (7)(C) and
15 in in retrospect all of that probably added to what I would call
16 the fog of war. So you had system issues, you had inquiries
17 exterior, and we had this artificial ceiling that hey we have to
18 release all of these documents at the same time.

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

20 Q: Have you ever heard the term tick-tock clock?

21 A: Yeah. Yeah.

22 Q: This is what this was that you were talking about?

23 A: Yeah I would say, and then the issue was the issue was
24 that. So now everything is magnified because you're get closer to
25 the time that documents have to be released and so forth, and so

1 definitely a contributing factor.

2 Q: Where did that come from? The tick-tock clock and the
3 fact that we need to have this?

4 A: So when I look back on it and of course I always have
5 to go back to the day before the award. So somehow the Program
6 Office, I think they did it in conjunction with PAO and so forth
7 develop the schedule, and the schedule had set times where things
8 would be done and so forth, and so on that day, on the day before
9 this looks like, well hey this is a good plan. We had plenty of
10 time to get through the steps and so forth. So when you get to
11 actual execution and actually moving forward with it then that's
12 when potentially we should have slowed it down and said, "Well
13 hey, were going to separate the debriefing from the award
14 notification."

15 Q: What would have been the consequences of slowing it
16 down or putting a --

17 A: There would've been no consequences. Of course we look
18 at this now. You can look at clearly. There was no consequences
19 for us to have -- we could have even sent the debriefing memos,
20 the debriefing reports the next day and that wouldn't have been
21 uncommon from practices within our organization.

22 Q: Did you at any time mentioned a (b) (6), (b) (7)(C) when she was
23 giving you these updates that that was a possibility or to
24 consider it?

25 A: So no because from my perspective it looked like we had

1 everything lined up the way that we needed it. In other words
2 everything what we thought things were aligned, and like I said,
3 like I'm going to tell you. So even with all of that was
4 happening within the office when we were done and we push the
5 button and everything was sent and so forth we really thought
6 that we had executed our plan as we should have, and so in
7 retrospect certainly we should have -- we should have divorced
8 the two, separated the two, and do the debriefing memos the next
9 day.

10 Q: Knowing what you know now --

11 A: Uh, huh [affirmative response].

12 Q: -- knowing all of the things that were going wrong, do
13 you feel that (b) (6), (b) (7)(C) should have perhaps giving you a little bit
14 more information or clued you in a little bit sooner?

15 A: So, I would say yes however, I've got to always put
16 things in content. Okay. It's easy for me to say that right now
17 at this moment but on that day so (b) (6), (b) (7)(C) had done a lot. Number
18 one she's a proven (b) (6), (b) (7)(C), a person that had led
19 this team, led this procurement, the most complex procurement
20 that we've done. We had not only just (b) (6), (b) (7)(C) but we had some of
21 our best people working this procurement and so forth. And so
22 from her perspective she looked at it as well I really have this
23 under control. Okay. We've got this, and it's just unfortunate
24 that after all the work that they did, after all of the work that
25 they did with this procurement throughout the process

1 successfully defending Oracle protest and so forth, after all of
2 this and all the hard work, all of the collaboration two years of
3 effort starts and stops everyone said that we would never ever
4 get this done and so forth, and after all of this made mistake.

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

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

7 Q: (b) (6), (b) (7)(C) left right before the award and (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) jump in to take over for as the lead JEDI attorney.

9 A: Uh, huh [affirmative response].

10 Q: Did you have any concerns with that?

11 A: There's always -- whenever -- so it's like -- I can't
12 underestimate how of a change that was. It was a pretty big
13 change. But we serve voluntarily. I mean we serve and when an
14 employee decides to leave and she really stayed as long as she
15 possibly could, but she had been with JEDI from the beginning
16 with (b) (6) and so obviously when you leave a -- when that much
17 talent leaves that has all the corporate history and everything
18 else you're going to have some challenges making up for what she
19 brought, what she brought to the table. And then (b) (6), (b) (7)(C) came to
20 the table and of course (b) (6), (b) (7)(C) is a talented, is a very talented
21 (b) (6), (b) (7)(C) and smart, and so forth, but what he didn't have was
22 essentially what I would call is that boots on the ground
23 day-to-day understand, not just his world but understands the
24 Cloud Computing Office. Understand the Contracting Officer and so
25 forth. You can't underestimate (b) (6), (b) (7)(C) had built a tremendous

1 relationship with Sharon. So Sharon, (b) (6), (b) (7)(C) I
2 mean they really worked this procurement for two years or so and
3 when she left it was definitely a big loss, and I think that when
4 we look back on it would the nondisclosure have occurred? Would
5 you have had the issues with the redactions and so forth? So I
6 don't know. Because I think in general the OGC recommendation was
7 to essentially be transparent and be as transparent as we
8 possibly can. So I don't know where she would have come down on
9 the redactions and so forth but certainly she would have had
10 better insight to all the players in the -- all of the
11 personalities all the quirks and so forth and maybe what have had
12 a little different outcome if she had not left and we couldn't
13 stop her from leaving because she did a tremendous job, worked
14 hard on this procurement gave everything she had. Left the tank
15 on empty and but the tank was empty and she decided to go. But
16 (b) (6), (b) (7)(C) is a very talented attorney.

17 Q: So moving on to after award. Can you walk us through
18 the events after discovering the disclosure to AWS?

19 A: So after discovering the disclosure to AWS so for
20 course I get the frantic phone call and this was like Tuesday, I
21 think it was Tuesday and then immediately we go into what I would
22 call how do we get control of this? And so the first event was
23 obviously to contact Microsoft with a formal letter indicating
24 what it happened and that of course notifying AWS that they had
25 information and hey, this is information you shouldn't have.

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

2 Q: What actions did you take specifically?

3 A: Did I take? Did I take?

4 Q: Right.

5 A: So the actions that I took on that day was first we
6 discussed, okay here's what we have to do next and working with
7 (b) (6), (b) (7)(C) and OGC, and then after we -- the initial action was
8 basically notification and contacting AWS, and then also I
9 notified my boss about the inadvertent disclosure and so forth,
10 and so that was a tough couple of days to get through where we
11 needed to go, and then we settled on the course of actions that
12 we took, and that's where we are today.

13 Q: What policies do you follow in cases of disclosure like
14 this?

15 A: So we use the Procurement Integrity Act. So in this
16 case so what we wanted to do, the first thing we would have to do
17 is we understood that we would have to do an investigation into
18 whether or not this was a violation of the Procurement Integrity
19 Act and in turn in talking to my boss okay we thought first of
20 all Procurement Integrity Act is typically done by the
21 Contracting Officer but in this case we thought that it was
22 important that we have an independent party to do the
23 investigation. And so talking to my boss we decided that DPC
24 would probably be in the best position to do the investigation.
25 So he contacted (b) (6), (b) (7)(C) in turn well I

1 think Sharon Woods may have reached out to two (b) (6), (b) (7)(C) before (b) (6), (b) (7)(C)
2 assigned (b) (6), (b) (7)(C) to do it. So (b) (6), (b) (7)(C) led a team that did the
3 Procurement Integrity Act investigation

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

5 Q: And that is this?

6 A: And this is the result of the memo. Essentially the
7 idea is that with the Procurement Integrity Act the dividing line
8 is whether or not it was inadvertent or whether or not it was
9 purposely disclosed. So determining (b) (6), (b) (7)(C) had to look into
10 whether or not the information was purposely disclosed and in
11 turn that's what (b) (6), (b) (7)(C) and her team investigated.

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

13 Q: Did your boss work with the CIOs Office to come to this
14 decision because it was our understanding that the CIOs Office
15 had instigated this investigation.

16 A: It was -- I think it was -- well I'm not -- maybe it
17 was -- I know for sure that Sharon Woods had reached out to
18 (b) (6), (b) (7)(C) to do the investigation but at that point in time
19 obviously we -- so I wasn't aware of what CIO was doing but my
20 boss reached out to DPC to do the investigation. So maybe you had
21 two things happening at the same time and everyone reached the
22 same conclusion. That DPC was in the best position to do the
23 investigation.

24 Q: We also understand that there was a meeting with DoD
25 senior leadership to discuss disclosure. Did you participate in

1 that meeting?

2 A: I did not.

3 Q: No.

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

5 Q: Do you know who did?

6 A: So from what I understand I'm pretty sure (b) (6), (b) (7)
(C)
7 participated in it. I think Ms. Lord participated. I believe I
8 think the CIO participated but I wasn't there. So I wasn't there
9 so I can't give you a list of people that participated.

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

11 Q: So coming out of that meeting those senior leaders
12 agreed that there should have been an oral debrief. What's your
13 reaction to that statement?

14 A: I think that will look back, so I think after the fact
15 I would say so if I had a crystal ball and could see how things
16 worked out absolutely we would have done an oral debrief.

17 Q: What corrective actions if any had been taken within
18 WHS since the disclosure?

19 A: Well I think, so for disclosure itself first of all we
20 went through and we did the -- so (b) (6), (b) (7)(C) did the investigation
21 and within WHS I think that as I said this serves as a -- this
22 serves as a learning tool in terms of what we disclose. This is
23 something we talked about in staff meetings and so forth in terms
24 of just in general the idea of improper disclosure and also this
25 whole idea of okay what goes into the debriefings when we talk to

1 -- when we provide the best vendors and the WHS is I would say
2 this really has not been an issue. I know and understand what the
3 panel says about oral debriefing and I think it's certainly could
4 have been appropriate in this particular case to do oral
5 debriefing but most of what we do within our organization written
6 debriefings would suffice, but the key would be for us to ensure
7 that we're checking twice to ensure that we're not disclosing --
8 that we're not improperly disclosing one vendors information to
9 another.

10 Q: Have there been or do you foresee any formal policies
11 or memos on this issue such that it's not a one-time conversation
12 but --

13 A: Right, right. And so I would say, so here's what I
14 would say. I'm not sure we need necessarily any additional
15 guidance in terms of this area. I think we have enough guidance
16 here, and so it's a matter of executing. Like I said the
17 debriefing process is a fairly standard process and we follow the
18 enhanced debriefing guide and so forth, in this case we didn't
19 completely follow the Source Selection Guide as it related plates
20 to the release of the names and, the release of the names of the
21 participants and so forth. But from my perspective I think it's
22 something that has to be a part of our training program. Like
23 every year, once a year we do annual ethics training. And so as a
24 part of that ethics training we do what we call a scenario based
25 examples, case studies and so this absolutely is a part of our

1 case study and so it's not something that's going to be a
2 one-time thing. This is something reoccurring that, hey, this is
3 something -- this is a real-life event that impacted us and WHS.
4 Here are areas that we could have -- that we could have done
5 better in. What are your thoughts? Have a discussion, well, hey,
6 these are the types of things that we encountered with this
7 particular action so this becomes a part of our annual case study
8 review when we do what we call our the leader led ethics
9 training.

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

11 Q: What you're describing is a possible solution or
12 something that's going to be done?

13 A: That is something that's going to be done. In other
14 words like this will be a part of our case-based scenarios as we
15 do our annual ethics training.

16 Q: So this review looked into the procurement integrity
17 and the disclosure, but here was another issue which was more
18 administrative and I was wondering if you did any administrative
19 review on the fact that (b) (6), (b) (7)(C) gave her computer --

20 A: Right.

21 Q: -- to somebody else that has her credentials to send
22 e-mails on her behalf. What as a supervisor did you do in regards
23 to that?

24 A: So of course that's a no-no, and that's a part of our
25 -- that is part of the basic annual training that we have to take

1 as it relates to using computers on a government network, and did
2 we take -- did I take any specific actions for that particular
3 event? (b) (6), (b) (7)(C)

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
9 (b) (6), (b) (7)(C) as it
10 related to the CAC card. But that is an annual -- there's an
11 annual requirement that we take and that's a part of it. You just
12 don't share your credentials with another individual.

13 Q: And in terms of the disclosure was there any action
14 taken by you?

15 A: Any, when you say any actions do you mean actions on
16 personnel?

17 Q: Any negative actions on the --

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

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

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
24 BY (b) (6), (b) (7)(C) :

25 Q: Have you taken any actions of any kind?

1 A: In terms of -- (b) (6), (b) (7)(C)

2 (b) (6), (b) (7)(C).

3 Q: Have there been any actions against you?

4 A: No. No.

5 Q: So I want to touch back on --

6 A: Other than verbal -- -- obviously the conversations
7 weren't necessarily as pleasing as I would've wanted but
8 certainly verbal we could have done better.

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

10 Q: And this was from the WHS Director?

11 A: Well I think from the WHS Director from his perspective
12 what he wanted to actually take responsibility for this. That's
13 my responsibility. Completely my responsibility as a result of
14 something that happened in my office, and so all of us I think we
15 felt hard. I think this hit us hard for a bit. We had to find our
16 legs again, to get to a point well here's -- so now we've done
17 this, right? Okay we did this inadvertent disclosure. Let's make
18 sure that we don't come upon the issue by not following the
19 process in terms of what we need to do what we do in proper
20 disclosures and so forth and we think that we did -- we think
21 that we did everything we could as after we became aware of it to
22 try to mitigate it and limit the damage is much as possible.

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

24 Q: I want to touch back on (b) (6), (b) (7)(C) . We understand

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

1 A: Uh, huh [affirmative response].

2 Q: Do you know of any -- are there any parameters around
3 what she's allowed to talk about? We understand she's (b) (6), (b)
(7)(C)

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

5 A: I don't know. I don't know. I don't know.

6 (b) (6), (b) (7)(C): Any follow-up?

7 (b) (6), (b) (7)(C): No.

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

9 Q: I have just a couple questions.

10 A: Uh, huh [affirmative response].

11 Q: Sir, what information do you have or what have you seen
12 that is not consistent with an assertion that the disclosure of
13 Microsoft's proprietary data to Amazon was inadvertent?

14 A: I don't have anything. I know of no information that
15 would lead me to believe or that the disclosure was anything
16 other than inadvertent.

17 Q: Let me ask you --

18 A: Did I answer the question?

19 Q: Let me ask you a different way.

20 A: Okay. Okay that's good. That's good.

21 Q: What information do you have or what information have
22 you seen that might indicate that the disclosure of Microsoft's
23 proprietary data to Amazon was intentional?

24 A: None.

25 Q: Is there any additional information you'd like to

1 provide?

2 A: No. I would just I would just -- the only thing I would
3 reiterate is that I think that certainly the execution of the
4 debriefing process was absolutely flawed. And I think that the
5 information that was released it absolutely shouldn't have been
6 released. So I don't think anybody could make that argument. But
7 also what I would say is that I think that as we look back --
8 after I look back on this okay. There were a lot of things that
9 we could have done differently and lots of things that we would
10 have done differently would be about when we became aware of the
11 incident we took action. We took the appropriate action to try to
12 mitigate it to follow the Procurement Integrity Act, had the
13 investigation done and worked in every form or fashion to try to
14 mitigate the issue. And overall this shouldn't be representative
15 of what JEDI was about for the past two years. So I know, so I
16 know you're doing the investigations and so forth but this should
17 not be representative of what JEDI was about for the two years,
18 and it's unfortunate that we're talking about this incident. It's
19 something that we own. It's something that we have to live with.
20 Something that occurred and so forth, but it's certainly not
21 representative of the quality of work that was done on the JEDI
22 product throughout the past two years and all the hard work that
23 was done.

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

25 Q: So there were just -- so we can recap on the due out. I

1 want to real quick. Any policies used for debrief? So we will
2 send you an e-mail that kind of said --

3 A: Okay.

4 Q: -- what we agreed. The responses is from (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C) e-mail to your questions that (b) (6), (b) (7)(C) posed to you and
6 besides (b) (6), (b) (7)(C) you received any other responses?

7 A: Uh, huh [affirmative response].

8 Q: And I think the other one was regarding the section of
9 the FAR used for source selection in the JEDI Cloud procurement.

10 A: Uh, huh [affirmative response].

11 Q: Thank you.

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

13 Q: Do you have any questions?

14 A: No, I don't have any questions.

15 Q: You have any comments or concerns about the way we
16 conducted this interview?

17 A: No.

18 Q: If you remember anything else that you believe may be
19 relevant to the review please contact us.

20 A: Uh, huh [affirmative response].

21 (b) (6), (b) (7)(C): Finally in order to protect the integrity of
22 this investigation we ask you not discuss the matters under
23 investigation or the questions we asked you during this interview
24 with anyone other than an attorney should you chose to consult
25 one.

MR. SANDERS: Uh, huh [affirmative response].

(b) (6), (b) (7)(C): Of course this does not apply to or restrict
your right to contact an Inspector General or a Member of
Congress.

MR. SANDERS: Uh, huh [affirmative response].

(b) (6), (b) (7)(C): If anyone asks you about your testimony or
the review please inform them that the DoD OIG has asked you not
to discuss the matter.

MR. SANDERS: Uh, huh [affirmative response].

(b) (6), (b) (7)(C): If anyone persists in asking you about your
testimony or our investigation, or if you feel threatened in any
manner because you provided testimony please contact us.

MR. SANDERS: Uh, huh [affirmative response].

(b) (6), (b) (7)(C): The time is 2:40 p.m. and this interview is
concluded.

[The interview terminated at 2:40 p.m., February 4, 2020.]

[END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

Mr. Patrick Shanahan
September 5, 2019
ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is September 5, 2019. The time is now 1:02 Eastern Standard Time. I am (b) (6), (b) (7)(C) and with me today are (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). We are interviewing the witness, Mr. Patrick Shanahan who is located in Seattle, Washington and we are located in the Mark Center in Alexandria, VA. We are reviewing the DoD handling of the JEDI Cloud procurement, including the development of requirements and the request for proposal process. A multidisciplinary team of auditors, investigators and attorneys are reviewing JEDI matters referred to us by Members of Congress and through the DoD Hotline. In addition, we are investigating whether current or former DoD officials committed misconduct relating to the JEDI procurement, such as whether they had any conflicts of interest related to their involvement in the procurement process. Specifically, our review pertains to several former DoD officials' involvement in the JEDI Cloud and whether their activities violated any ethics or conflict of interest standards. As the former Deputy Secretary of Defense, we will also ask you questions about your role in the JEDI Cloud procurement. These DoD officials include: The former 26th Secretary of Defense, Mr. James Mattis; former Senior Advisor to the Secretary of Defense, Sally Donnelly; former Chief of Staff to the Deputy Secretary of Defense, Mr. Anthony DeMartino; former Director of Cost, Assessment, and Program Evaluation, Mr. Robert

1 Daigle; former Deputy Assistant Secretary of the Navy for
2 Command, Control, Communications, Computers, Intelligence,
3 Information, Operations, and Space, Mr. Victor Gavin; and former
4 DDS Product Manager, Mr. Deap Ubhi. Mr. Shanahan, at this time I
5 ask that you acknowledge that this interview is being recorded.

6 MR. SHANAHAN: I acknowledge.

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

9 MR. SHANAHAN: I acknowledge being provided that.

10 (b) (6), (b) (7)(C): Can you raise your right hand, please, so I
11 can administer the oath?

12 MR. SHANAHAN: Uh, huh [affirmative response].

13 Whereupon:

14 PATRICK M. SHANAHAN

15 was called as a witness, placed under oath, and provided
16 the following testimony:

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

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

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

20 A: Patrick Michael Shanahan, S-H-A-N-A-H-A-N.

21 Q: And please describe your role and responsibility as the
22 Deputy Secretary of Defense.

23 A: My role as the Deputy was to execute, I was in effect
24 the Chief Operating Officer for the Department, oversee specific
25 responsibilities inside the Office of the Secretary of Defense,

1 and as needed in the Secretary's absence fulfill his roles and
2 responsibilities.

3 Q: And can you explain your professional business
4 relationship with the former Secretary of Defense, Mr. Mattis?

5 A: Can you ask that question again?

6 Q: Explain your professional business relationship with
7 former Secretary of Defense, Mr. Mattis?

8 A: And when you say "business relationship", I worked in a
9 government capacity.

10 Q: Did you ever have any relationship with him outside of
11 that prior to you entering DoD?

12 A: No.

13 Q: Thank you. Can you tell me about Mr. Mattis' duties and
14 responsibilities as the Secretary of Defense?

15 A: The duties and responsibilities are oversee the
16 Department of Defense, provide advice and counsel to the
17 Commander and Chief, and maintain relationships with allies and
18 partners of the United States.

19 Q: Okay. Thank you. On 24 April, 2017 Mr. Mattis published
20 a memorandum to the secretaries of the military departments. If
21 you go to Tab number 1 on Page number 3.

22 A: Okay. Tab number 1. Page number 3.

23 Q: Yes. And the subject is, "dialogue with industry."

24 A: Uh, huh [affirmative response].

25 Q: And, can you please tell me about this memorandum that

1 he published?

2 A: I didn't start working for the Department until July of
3 that year. I mean I read the memo.

4 Q: What is your understanding of his intent for the
5 message?

6 A: Well I can read it again. The intent is to have a
7 dialogue with industry just like the subject says, encourage
8 people to do that.

9 Q: Okay. In Mr. Mattis' memorandum he references a meeting
10 he had with industry CEOs. What was the purpose for these
11 discussions with industry?

12 A: You'd have to ask him.

13 Q: And did Mr. Mattis provide you with any guidance
14 regarding your interactions with industry?

15 A: I mean nothing more specific than what's here. Make
16 sure that you work with industry. All good agencies work with
17 people they buy things from.

18 Q: Yes, sir.

19 A: It's common sense.

20 Q: Also on Page 4 there is a memorandum dated August 4,
21 2017.

22 A: Uh, huh [affirmative response].

23 Q: The title of it is, "Ethical standards for all hands."

24 A: Uh, huh [affirmative response]. I see that.

25 Q: And, do you know what the impotence was for Mr. Mattis

1 creating this memorandum?

2 A: I believe it was to reinforce the importance of ethical
3 standards and the role that leadership plays. I think it was just
4 reinforcing that message.

5 Q: And did Mr. Mattis discuss with you any rules regarding
6 ethical standards as his Deputy Secretary of Defense?

7 A: You say "rules? What you mean by "rules?"

8 Q: Regarding what you're allowed to discuss with industry,
9 any other additional engagements, public affairs announcements,
10 things of that nature?

11 A: I mean if your question is does this pertain to the --
12 I guess I don't understand the line of questioning. This memo had
13 nothing to do with industry.

14 Q: Okay. So, did Mr. Mattis share with you his views of
15 what his ethical standard barrier was for you as the Deputy?

16 A: Yeah, I'm not trying to -- I'm trying to understand
17 your question. He said ethical standards are important and we
18 need to play the midfield meaning be conservative. Rules are
19 something of real specificity. This was very broad. Your line of
20 questioning had to do with procurement. So, what is the question?

21 Q: Well, the question was in general terms any additional
22 ethics guidance that he provided to you directly, any concerns
23 that he may have shared with you as his Deputy such as engaging
24 with Members of Congress, or make sure that any advice that is
25 similar in nature to what SOCO would have provided you.

1 A: I mean, I don't recall such a discussion on that. I
2 think he's always talked about the importance of ethics and
3 playing the ethical midfield and his reinforcement of being in
4 compliance with process.

5 Q: Do you know if the Standards of Conduct Office provided
6 Mr. Mattis with any additional ethical guidance for engaging
7 industry?

8 A: I don't know.

9 Q: And, did you have an understanding of Mr. Mattis'
10 ethics agreement while he was the SECDEF?

11 A: I knew there were certain limitations based on his
12 prior engagements like with General Dynamics where I would have
13 to review certain matters. I mean I was aware of those types of
14 agreements.

15 Q: Do you know if Mr. Mattis had a -- any business
16 relationship with C5 Capital? You mentioned General Dynamics as
17 one of the businesses that you would screen for him.

18 A: Yeah, I mean what I recall it was General Dynamics in
19 particular. The SOCO Office would flag anything that was in the
20 agreement that he had in a pretty good review process.

21 Q: Do you know if Mr. Mattis had a relationship or
22 interest in SBD Advisors?

23 A: I'm not sure what that is.

24 Q: Okay. That stands for Sally Donnelly Advisors.

25 A: Yeah, I have no idea.

1 Q: Okay. What about any interest in Amazon?

2 A: I have no idea.

3 Q: And do you know if Mr. Mattis needed to disqualify
4 himself from participating in the JEDI Cloud procurement because
5 of any of those relationships?

6 A: I have no idea.

7 Q: Okay. Thank you. If you could please turn to Tab 5.

8 A: Okay.

9 Q: There's an itinerary that shows Mr. Mattis traveled to
10 the United Kingdom March 29 through 1 April 2017.

11 A: Hold on. You said Tab 5?

12 Q: Yes, sir. Tab 3, as you were.

13 A: Okay. Three. Okay. All right. I am there. Okay.

14 Q: And it shows his travel itinerary for this trip to the
15 United Kingdom where he met with a number of foreign dignitaries
16 there. Do you know what the specific purpose or intent for this
17 trip was, sir?

18 A: I wasn't working for the Department at that time.

19 Q: Do you recall him having any discussion regarding this
20 trip to the UK?

21 A: No, I do not.

22 Q: I just want to know what you can share with us. On that
23 itinerary on Page 31.

24 A: Uh, huh [affirmative response].

25 Q: There's a dinner and I've highlighted a couple of names

1 for you. It includes Ms. Donnelly, of course Mr. Mattis, Teresa
2 Carlson, and Andre Pienarr, and it's posted by General Lamb
3 Graham.

4 A: Okay.

5 Q: There's a note at the bottom that states, "Off the
6 record listening mode." Do you know what that means?

7 A: I can assume what it means but I don't know relative to
8 how this was written what it means.

9 Q: Well share with me what you can tell us about that note
10 "off the record."

11 A: It was off the record, so off the record must mean off
12 the record. It's not recorded.

13 Q: Okay. Thank you.

14 A: And listing must mean not talking. So, but I have no
15 idea of the context of which this was written.

16 Q: Okay. Also intent to --

17 A: Uh, huh [affirmative response].

18 Q: -- on Pages 19 through 22.

19 A: Okay. Let me just go back there. Okay. Page 22?

20 Q: Uh, huh [affirmative response]. Is an e-mail from

21 (b) (6), (b) (7)(C) who's an Amazon employee who sent --

22 A: Uh, huh [affirmative response].

23 Q: -- a message to your former Chief of Staff --

24 A: Uh, huh [affirmative response].

25 Q: -- Mr. Anthony DeMartino, and the e-mail requested Mr.

1 Mattis attend a meeting on April 27, 2017 with Amazon CEO Jeff
2 Bezos.

3 A: Okay.

4 Q: What can you tell us about this proposed meeting
5 between Mr. Mattis and Jeff Bezos?

6 A: I have no information on that. I wasn't working in the
7 Department at the time.

8 Q: Okay. Do you know any information about the AFCEA event
9 that was held on 27 April 2017?

10 A: I'm not even sure what AFCEA is.

11 Q: Okay. And did you begin working for DoD?

12 A: I think it was July 19, 2017. It was either the 19th
13 or, yeah I think it was the 19th.

14 Q: Okay, sir. And this is just a general question. Can you
15 tell me what the impetus for the defense cloud was?

16 A: Oh, the reason that we would go purchase the cloud? Is
17 that the question?

18 Q: Yes.

19 A: The impetus for -- I mean you said impetus for the
20 cloud, I mean that's like why would Department of Defense be
21 interested in the cloud?

22 Q: Absolutely.

23 A: Well, the Department of Defense had 500 clouds already.
24 So, the cloud is, I mean it's well-established in the government
25 and there's a lot of use of that technology. It wasn't something

1 new. I think the broader question was given the importance of
2 artificial intelligence and the need to be able to use data and
3 move it across the Department and the problems that the
4 Department has worked at systems being federated as we were
5 thinking about the cloud at a Department of Defense level how you
6 overcome all the barriers that have really limited the use of
7 this type of technology in particular the cloud. The cloud has
8 been in the Department for a long time, and because of the
9 approach in which it was procured really limited its
10 effectiveness. That's probably a general characterization.

11 Q: Yes, Sir. And, if you could just share with me why the
12 Department of Defense needed an enterprise cloud?

13 A: I think the best example is why the Department needs an
14 enterprise e-mail system. Just the directory to find the name of
15 a person that works in the Department is nearly impossible. The
16 cloud is no different than that. All these stovepipes very limit
17 a Department as big as Department of Defense from harnessing the
18 power of technology and the productivity that goes along with it.

19 Q: And how does the cloud help the military warfighter's
20 in the defense of our nation?

21 A: The cloud itself really doesn't. It's what you can do
22 with the cloud. And it's the decisions that are enabled more
23 readily and more quickly because of artificial intelligence, and
24 its artificial intelligence and the algorithms that comprise that
25 that have to run on the cloud.

1 Q: And what guidance or direction did you receive from Mr.
2 Mattis for the Defense Cloud Initiative? And that's located on
3 Page 14.

4 A: 14?

5 Q: Yes, sir. And this is actually a memorandum that you
6 published --

7 A: This is from me.

8 Q: Yes, sir.

9 A: Yeah, this is me.

10 Q: So, I'm trying to gather what Mr. Mattis stated to you
11 to drive the taskers within this memorandum.

12 A: Well, he didn't really drive the cloud itself. I mean I
13 think he is supportive of the idea, but he wasn't the driver of
14 it.

15 Q: Okay. Can you share with us about that, "he wasn't the
16 driver"? He was just supportive of the idea?

17 A: He was the Secretary of Defense worrying about and
18 thinking about defense policy, not really technology and the
19 responsibility of technology development and deployment falls
20 within other portions of the Department. His support to innovate
21 and promote the use of leading-edge technology is important since
22 he is the Secretary. I think the way to look at that is if he
23 wasn't supportive it makes getting the Department to work as an
24 enterprise much more difficult.

25 Q: And, can you walk us through the process that you used

1 to drive the Defense Cloud Initiative to the JEDI Cloud
2 procurement?

3 A: Yeah, let's maybe, think about your question. I didn't
4 do the JEDI procurement. I didn't do the JEDI Cloud. My goal, my
5 responsibility is to make sure that as we migrated to the
6 technology that the right approach was taken in its ability to
7 scale -- that we had the ability to scale the technology so we
8 avoided all of the traps of each department and each
9 organization, and each agency coming up with their own unique
10 solution. So, my role is to make sure that the system within the
11 Department worked, and it had a number of different elements from
12 CAPE to the CMO Office, to DDS, to Acquisition and Sustainment.
13 So, it was to make sure that those groups were working together
14 to come up with the best solution that ensured technology that
15 was effective, technology that could scale, technology that's had
16 standards to ensure integration, and technology that was
17 cost-effective, and to be able to do it in a timely manner.

18 Q: And what discussion or updates to do have with Mr.
19 Mattis concerning the JEDI Cloud initiative?

20 A: I don't remember. We didn't spend much time talking
21 about it. It wasn't really an area of strong interest and, as I
22 referenced earlier his time and attention was really a broader
23 policy matters.

24 Q: At this time I'm going to turn it over to (b) (6), (b) (7)(C)

25 A: Okay.

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

2 Q: All right. Referencing that same document, that same
3 memo that you're looking at on Page 14 at Tab 1. Were you briefed
4 on the details of this memo before you signed it, and if so who
5 briefed you?

6 A: I have no idea who briefed me. When you say the
7 details, what details? I mean like (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C). I know who
8 he is and what his job was, so I don't need a briefing on that.

9 Q: Referring specifically to just on the full context of
10 it so anything from the members of the CSG to the phase I/phase 2
11 portions and the scheduled briefings that would go as the
12 initiative progressed?

13 A: I mean I'm sure I was briefed on it. I wouldn't have
14 just signed it.

15 Q: All right. Can you describe what the intent was behind
16 developing the Cloud Executive Steering Group?

17 A: Developing the what?

18 Q: The Cloud Executive Steering Group?

19 A: Oh, make sure that we had the right representation of
20 the stakeholders.

21 Q: Did you give any guidance to the CESG or the Cloud
22 Executive Steering Group that was not in this memo?

23 A: Give me an example of what you mean by that?

24 Q: That would be any specific guidance or instruction
25 that's not written down ad hoc. Any clarifying statements? Any

1 communication?

2 A: I don't recall any.

3 Q: Can you describe the kind of decision-making authority
4 the CESG had?

5 A: Let me look back here. The first sentence of the second
6 paragraph the purpose to oversee the execution of a strategy, to
7 accelerate the adoption of cloud architecture and cloud services
8 focusing on commercial solutions.

9 Q: Yes, sir. I guess rather as opposed to the purpose what
10 kind of decisions were they granted to make? Is there no
11 difference I guess from your perspective?

12 A: Well, their job was to oversee the strategy not to make
13 decisions on procurements. There's a whole separate process to
14 doing those kinds of things. As well as technical decisions and
15 things like standards and budgets and all that.

16 Q: All right. As you see it did the CESG --

17 A: It's a steering group. By definition of the steering
18 group and not a decision-making group.

19 Q: So as you see it did the CESG function as you intended
20 it?

21 A: For the time period in which to put together a strategy
22 it did.

23 Q: And going past putting the strategy together because I
24 see that was a portion of the purpose but it went past that.

25 A: It went past that?

1 Q: Well, just reading the purpose statement that you just
2 referenced the CESG would devise and overseas the execution of
3 strategy to accelerate the adoption of cloud architecture --

4 A: Uh, huh [affirmative response].

5 Q: -- and services, and whatnot. I guess maybe I'm
6 thinking of some of the things they may be doing as far as the
7 phases.

8 A: Yeah, their role was strictly just to do strategy.
9 Strategy is different than the detailed planning.

10 Q: All right. So the document says, on the memorandum that
11 we're referring to on the second page it says you will be briefed
12 on a biweekly basis.

13 A: Uh, huh [affirmative response].

14 Q: So, what those be the CESG meetings with those just
15 strictly briefings to you that were separate from internal CESG
16 meetings.

17 A: I don't know, but if you went to back to probably my
18 calendars it would probably we could probably find out.

19 Q: I actually -- okay. So as far as the briefings and the
20 updates, did you receive any updates that were outside of the
21 formalized CESG meetings?

22 A: Updates on like what?

23 Q: On the status of anything that was going on as far as
24 progress in the JEDI acquisition or anything along those lines?

25 A: I mean there was no acquisition. I don't think there's

1 -- at that time it was to put together a strategy so that there
2 could be an acquisition.

3 Q: All right. So I guess as far as the problem statement
4 and how to approach procuring the JEDI Cloud which DDS at the
5 time I guess was leading up or per this memorandum.

6 A: Right, Chris Lynch?

7 Q: Yes. Did you receive any, again updates regarding that
8 plan to procure the JEDI outside of the CESG meetings?

9 A: I mean I've had briefings from people on technology
10 like how do clouds work? How many clouds are in the Department?
11 So, at times I've gotten detailed briefings internally by IT
12 professionals, but I mean that's been on a broad host of IT
13 subjects, but I'm sure there were some updates or deep dives on
14 specific, like this is how cloud work in the Department of
15 Defense. This is how artificial intelligence would work. So,
16 there's probably technical briefings on the use of clouds in a
17 noncommercial and defense environment. Something like security,
18 how does security work? What are the techniques and risks of
19 those kinds of discussions? I'm sure I've probably got some
20 technical briefings.

21 Q: Do you remember who gave you some of those technical
22 briefings?

23 A: It would probably be like Chris Lynch, probably some of
24 the people in CAPE. It wouldn't surprise me if it was folks from
25 the CIO Department but it would be people that work in those kind

1 of areas.

2 Q: Did anybody ever attend CESG meetings on your behalf
3 from your office when you maybe couldn't go?

4 A: You'd have to look at my calendar. I mean it wouldn't
5 surprise me if somebody did but I don't know specifically.

6 Q: Who briefed you on the development of the JEDI
7 acquisition strategy as it progressed in Phase I?

8 A: I don't recall.

9 Q: So, I want to refer to Tab number 4, Page 38.

10 A: Okay. Page 38.

11 Q: All right. So, that's the update to the accelerating
12 enterprise cloud adoption memo from September. This one's dated
13 January 4, 2018.

14 A: Uh, huh [affirmative response].

15 Q: Are. So this memo removed Ms. Ellen Lord as the Chair
16 the CESG and Jay Gibson the then CMO replaced her. Could you
17 describe why was that done?

18 A: Ellen had a very large portfolio and Jay had
19 responsibilities for integrating the enterprise. He was a number
20 three in the Department and I felt that this was an important
21 part of -- IT was an important part of his responsibilities. So
22 it made sense to naturally align it with him.

23 Q: And also says that the CESG will continue to frequently
24 brief the Deputy SECDEF. Did that continue in line with the
25 earlier idea of from September that the meetings would be

1 biweekly, or did it change in frequency?

2 A: I don't remember. We have plenty of calendars available
3 if you wanted to check it. I'm sure it would show the frequently.
4 But I don't recall.

5 Q: Did you consult Ellen Lord on the acquisition strategy
6 since she was still supporting all the efforts of the CESG per
7 the January 2018 memo?

8 A: I always consulted Ellen on things procurement. So I
9 don't know if that would be any different.

10 Q: So as far as single award versus multiple award what
11 was your opinion?

12 A: Single award.

13 Q: Can you tell us why?

14 A: The contract is a Pathfinder for scaling then
15 technology, and this is a point you should probably underscore, a
16 single award for a small percentage of possible cloud contracts.
17 So, a lot of times there's confusion around single award. Single
18 award is not so that the cloud of the future is awarded to one
19 company. It was that there was going to be a single award of a
20 portion of the DoD's computing budget in an amount that was to be
21 determined over time based on the acquisition strategy.

22 Q: Were you always --

23 A: And maybe just one other point. The idea was this is
24 less about the technology then developing the processes of being
25 able to migrate off of existing IT systems into a cloud

1 environment. And that's where the Department had a lot of
2 inefficiency and waste. So it was less about the platform, but
3 more about how we would be able to migrate into that it kind of
4 environment. And when you have multiple suppliers it adds a level
5 of complexity that makes doing that learning and developing those
6 new processes, and doing a scaling integration much more
7 difficult.

8 Q: So, were you always in favor a single award or did you
9 kind of evolved over time?

10 A: No. This is where I'm just going to ask that you get
11 this part really correct. For a small portion of the total spend
12 we developed a strategy for the cloud. For that small portion we
13 recommended a single contract. It's really important. It's not
14 like one big contract. There's a small portion of the business
15 and we recommended it be a single award. Does that make sense?

16 Q: Yes, sir. I fully --

17 A: Okay.

18 Q: -- understand that portion. I guess just in reference
19 to the JEDI and I understand that the overall cloud of
20 instruction is going to be here for the DoD. But I guess just for
21 this acquisition of this procurement I'm just curious if you're
22 always in favor of it always been a single award or if you were
23 unsure at a time and maybe you came to this decision later on.

24 A: Yeah, I think it was always a single award with
25 off-ramps so that over time you could add. The -- just by way of

1 explanation this was a Pathfinder. Pathfinder was not going to be
2 the basis for the final end state for the Department, and in
3 order to mature the technology, the migration of data, and all
4 the processes we said single contract would be the best mechanism
5 for us to do all of those other things, and I think that was
6 pretty consistent from the start.

7 Q: Did you meet with anybody from the Office of the
8 Director of National Intelligence, or the CIA about their cloud
9 strategy?

10 A: I did.

11 Q: Can you describe how that went in relation to informing
12 your decisions on JEDI or on the DoD enterprise cloud?

13 A: Oh, yeah. My meetings with them were well beyond. They
14 came long after some of these earlier discussions that kind of
15 we're talking about.

16 Q: All right. So, in terms of your formal and/or any
17 informal meetings that you had with the CESG or any other
18 advisors or important stakeholders, just again in regards to
19 JEDI, who had the strongest arguments I guess against single
20 award?

21 A: I don't recall too many arguments. The nature of the
22 discussions goes back to why we put together the CESG was for
23 them to come up with a strategy. That's why we had that
24 multi-stakeholder, and CESG stakeholder so they can converge on
25 what was the best approach to doing this. So that body of experts

1 were the guiding influence.

2 Q: Would you say that that body of experts were always
3 kind of on the same page with single award for the JEDI
4 procurement? Or were there a few people who were arguing at any
5 point in time for multiple awards?

6 A: You'd have to ask them. I mean no team is monolithic in
7 its thinking, and if it is it's not really a team. So, nature of
8 these things is to debate what's the best approach and then
9 decide on it.

10 Q: Sir, were you the final decision makers when it came to
11 choosing a single award decision for the JEDI procurement?

12 A: I don't think so.

13 Q: Who would be the final decision authority for that
14 choice?

15 A: When was that choice made?

16 Q: March 2018. Yeah, you'd probably have to go back to Jay
17 Gibson, or I don't think Dana was on board yet was he?

18 Q: I believe he came on in April or May 2018.

19 A: Yeah those two folks were the folks that have the dot
20 on these decisions.

21 Q: All right. I understand that you were always in favor
22 of doing the single award for the JEDI procurement. In light of
23 that understanding, did you have any concerns or were there any
24 risks that you had highlighted about doing the single award?

25 A: Concerns of it? It depends on what you would

1 characterize as risks, right? I mean major risks, no. There's
2 risk walking out the door you get hit by a car, so I mean there
3 are certain things.

4 Q: I guess I mean risks to be aware of going forward at
5 the very least.

6 A: Well that was -- let me just say this. It was a
7 Pathfinder and that's how you manage risk by its very design and
8 scale it was to learn and then be able to decide how to grow
9 within the Department. That was the intent. It was to be able to
10 risk manage the deployment of the cloud. That was the strategy.

11 Q: All right. Did you use have any concerns, or see any
12 risks worth paying attention to specifically concerning the
13 request for proposal or the acquisition strategy for JEDI?

14 A: No. I mean what I wanted to do is have talented,
15 experience people that could make sure that it was properly put
16 together. So, for example the input to developing that had people
17 that were current on technology. People who are knowledgeable
18 about how the Department would adopt the technology, and people
19 that were very familiar with DoD acquisition policy, and that we
20 had people who was actually implemented something of the scale.
21 So like Dana Deasy who had done something similar at Citibank. It
22 wasn't an inexperienced person reading a textbook. It was
23 somebody who had domain expertise.

24 Q: Did you have any discussions with anyone regarding
25 potential competitors or the range of competition, or range of

1 potential competitors for the JEDI Cloud acquisition?

2 A: Yeah, we wanted as much competition as possible.

3 Q: Did you all consider what that competition would look
4 like as far as, as much as possible, a realistic group of
5 competitors? Was that considered?

6 A: Absolutely. It was fundamental that's why you write the
7 RFP the wrong way you can limit people's ability to compete. But,
8 the underpinning of all of this was to open it up to significant
9 competition initially, and then long-term.

10 Q: All right. So did you all talk about how you would
11 ensure competition?

12 A: Uh, huh [affirmative response].

13 Q: Could you describe that a little bit?

14 A: Yeah. So, a couple of ways. Number one we wanted to
15 avoid vendor lock. So we wanted to have on the pilot Pathfinder
16 program the ability to exit the contract in two years. We also
17 talked about how do we drive industry to having standards so that
18 the switching costs were very low and that would ensure perpetual
19 competition. And a lot of the smart technical people were trying
20 to make sure that we did narrowly scope this. But that's not
21 really my expertise.

22 (b) (6), (b) (7)(C): All right. I don't have any other questions at
23 this time.

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

25 Q: Hi, (b) (6), (b) (7)(C) .

1 A: Hi.

2 Q: Going back to your interaction with ODNI and CIA.

3 A: Uh, huh [affirmative response].

4 Q: So we are tracking that there was a meeting held with
5 CIA during the market research portion of JEDI. And so the
6 question is were you at any point in time briefed of that
7 meeting? And if so, do you recall what type of information was
8 provided to you?

9 A: You know I knew that they had experience with the
10 technology and one of the things that I really pushed was make
11 sure we learn the things that they have done, but also that we
12 get a real deep understanding of the security features and why
13 they have confidence that a cloud environment is secured. I
14 remember that being more of the conversation at that time was
15 what gives you confidence that the cloud environment is secured?

16 Q: And was there a discussion just as far as why they
17 decided to go with single versus multiple during those security
18 conversations?

19 A: I don't recall any of that. I think at the time CIA
20 was, they kind of fell into their procurement approach and they
21 were early adopters. So I don't think they really consciously
22 went through that type of a competition where as we were being
23 more direct deliberate that we wanted to have a lot of industry
24 competition.

25 Q: And then my last question is in regards to doing

1 multiple award why were you against it?

2 A: Because back to this notion of developing the processes
3 inside the Department to do migration, scaling, and integration.
4 And that by having, and I just preference it by, I came to the
5 Department with 30 years of experience in industry and adopting a
6 lot of leading-edge technology. So it was derived based on my
7 experience in industry about making significant technological
8 change and how to scale it. So, one way to kind of think about it
9 is if we were thinking about changing our cellular contract at
10 the Department of Defense, I would want to have three or four
11 suppliers. And the reason is we know that technology is very
12 mature. But, when you're doing something as new as the cloud we
13 wanted to be able to focus on those other things like migration,
14 integration, scaling of the processes, because we're dealing with
15 so many agencies in so many different departments. That's the
16 biggest risk and the biggest cost of the implementation. Not the
17 platform that operates under. Does that make sense?

18 Q: It does.

19 A: Okay.

20 (b) (6), (b) (7)(C): Okay. I have no more questions.

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

22 Q: Sir, are you familiar with the Cloud Computing Program
23 Office?

24 A: With the what?

25 Q: The Cloud Computing Program Office?

1 A: Remind me again. I know -- is that the --

2 Q: So I believe that that is the program office that is
3 mentioned in the September 2017 memo. It was --

4 A: Which Tab is that?

5 Q: So, going back to Tab 1, Page 14.

6 A: Tab 1, Page 14. Okay. Got you.

7 Q: And on Page 2 in Bullet number 3.

8 A: Yeah.

9 Q: The CESG is going to brief you on the identification of
10 a programming office and contracting activity that will support
11 DDS for Phase I and administer the contract in Phase 2. And, our
12 understanding is that is essentially what the Cloud Computing
13 Program Office is.

14 A: Right.

15 Q: So that was created under the Office of the CMO.

16 A: Yeah.

17 Q: And it was later moved under the Office of the CIO.

18 A: Right.

19 Q: Could you explain why that move was made?

20 A: To the CIO?

21 Q: Yes, sir.

22 A: Yeah, absolutely. He was a super experience person who
23 had done this before and the CMO didn't have the technical
24 procurement confidence and experience that the CIO did.

25 Q: All right. I don't have any other questions.

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

2 Q: Okay, Sir. (b) (6), (b) (7)(C) again.

3 A: Hi.

4 Q: Sir, on page 12 of Mr. Mattis published a memorandum
5 dated October 5, 2017 identifying the three lines of effort, to
6 pursue Global, Security, and Stability of our Armed Forces.

7 A: Okay.

8 Q: So, he mentions restore military readiness as we build
9 a more lethal force, strengthen alliances and attracting
10 partners, and bring business reforms to the DoD.

11 A: Right.

12 Q: How did the JEDI Cloud initiative fit into those three
13 lines of effort?

14 A: Well, it was mostly focused on number one lethality,
15 and I'll draw your attention to his whole point on being
16 decisive. Artificial intelligence is the key enabler for
17 lethality in the future. And it's like one of those enabling
18 technologies. So cloud is -- you have a deployment and the
19 initiation of cloud is just infrastructure. It's the ability to
20 use that to do high-end decision which is artificial
21 intelligence. That's how I read the memo, and then the third, if
22 you look at the third line of effort says, and, oh by the way, be
23 really smart about how you do these kinds of things. So, when you
24 do a procurement of something that's supposed to work across the
25 Department you want to just leave it to each service to decide

1 their approach.

2 Q: Okay. Also we understand that Mr. Mattis traveled to
3 Palo Alto, California and Seattle, Washington and that with
4 industry leaders. And, this would be Tab number 11, Page 158.

5 A: Okay. Let me just put the phone down one sec I can
6 shuffle these papers, all right?

7 Q: Sure.

8 A: Okay. All right. I've got it. It's the read ahead. Is
9 that what you're looking at, 160?

10 Q: Yes, sir. So it has a read ahead and then on Page 167
11 begins the trip itinerary. So, you'll see the different locations
12 and members that he met with during this trip.

13 A: Uh, huh [affirmative response].

14 Q: And, what we'd like to learn is what was the purpose
15 for this trip to California and Washington? Or, what is your
16 understanding of the purpose for this trip?

17 A: Yeah, my understanding was it was to -- for him to get
18 a better understanding of the innovation that was occurring,
19 particularly in those areas as it relates to information
20 technology, and it was really, I think born out of the fact that
21 they created, what was (b) (6), (b) (7)(C) organization? Do you remember
22 that?

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

24 Q: Defense Integration Experimental, DIUX?

25 A: Yeah, DIUX. You know, the previous Secretary, Ash

1 Carter and also Bob Work had done a lot of -- made a lot of
2 effort to get integration innovations jumpstarted in the
3 Department. They recognized the innovation of the procurement of
4 new technology and it really lagged based on the severe budget
5 cuts that were made to the Department. So, my sense was that the
6 intent was to go spend some time to understand what was going on
7 in industry, and to get a feel for the maturity of technology and
8 how to think about bracing innovation and growing quickly in the
9 Department.

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

11 Q: Okay. And, did you review this trip prior to Mr. Mattis
12 traveling?

13 A: I mean I believe I saw an itinerary of places he was
14 going to go and the people that he was going to see.

15 Q: Did you provide any input, concerns, or did he share
16 with you any insight as to what he wanted to gain from this trip?

17 A: I'm trying to remember. You know I think we talked
18 broadly about the trip and that it was worthwhile to go
19 understand what was going on in these big companies, and how to
20 leverage the investment that industry is making in information
21 technology and not have the Department go off and do everything
22 on their own. And so an understanding of what was going on with
23 the position of the Department that I adopt it and to spend less
24 money deploying, developing and deploying that technology.

25 Q: Okay. So, the technology that you were discussing, was

1 it specifically cloud or what other means did you recall him
2 sharing with you about that?

3 A: Yeah, we didn't really talk cloud. We talked artificial
4 intelligence. And then, I know you guys understand this but you
5 can't do artificial intelligence unless you operate in a cloud
6 because of the compute power the cloud architecture provides. So,
7 they kind of go hand-in-hand but really if you're doing this kind
8 of a discovery, everybody talks about in terms of cloud, but at
9 the Secretary's level he was talking about artificial
10 intelligence and if you kind of go back to what Ash Carter and
11 Bob Work were doing they talked about how important putting that
12 foundation in place was and I really think Secretary Mattis was
13 interested in getting some education and background so that when
14 these policies came into him, or when we were recommending
15 investments he had a better understanding of the maturity of this
16 technology and how much investment was going into it and how
17 confident were people in its deployment?

18 Q: And, how much knowledge did Mr. Mattis have about
19 technology, artificial intelligence, the cloud?

20 A: Yeah, I would say he didn't -- that wasn't -- he did
21 not have a deep background in those areas.

22 Q: Do you recall anyone providing him with information or
23 sharing with him what a cloud -- what the definition of a cloud
24 was, or did he understand cloud capabilities?

25 A: I don't recall that. I mean he's a smart guy so I mean

1 you'd have to be operating on another planet not to know what a
2 cloud is, but cloud for military purposes I think that's probably
3 where his limitation -- - the background he didn't have was how
4 would this technology going to be deployed and used in the
5 Department of Defense. My sense was that was a -- it wasn't just
6 cloud. There was a lot from different innovation that was going
7 on in these places and he thought that would be -- I don't know
8 if it was he or his staff it would be good use of his time to go
9 and think about something besides what was going on in the Middle
10 East and spend a little bit of time thinking about the future and
11 innovation.

12 Q: Okay. So, I just scanned through Tab 11 you'll see that
13 Mr. Mattis met with Mr. Jeff Bezos, Amazon CEO, and Mr. Andy
14 Jazi. Did Mr. Mattis share with you and feedback from his meeting
15 with Mr. Bezos and Mr. Jazi on that date?

16 A: I remember he came back and he thought that he had good
17 meetings when he was there. And I think he also sat in good
18 meetings when he was in, out some of these other places I think
19 Google. But I thought he went someplace else I don't recall.

20 Q: Do you know if Mr. Bezos talked about the cloud with
21 Mr. Mattis or what can you share as far as what their
22 conversations were?

23 A: Yeah I don't. I recall his impressions was about
24 visiting Amazon. I don't know if they had a specific technical
25 presentation on those things. I think it was broader than that

1 because his impressions were that they were good meetings and
2 gave him good insights on how quickly an organization can move,
3 or how efficient and productive these big companies are when it
4 comes to technology. And remember, kind of the backdrop to all of
5 this is the Department needs to go through a major modernization
6 effort and it's something that the Department don't have a strong
7 history doing well, and I think Secretary Mattis was trying to
8 get a baselined on how you guys do innovation? How do you do
9 technology development really well? How do you deploy at this
10 scale in those kinds of discussions? What are the trends going?
11 How should we be thinking about innovation?

12 Q: Okay. Also in e-mail that's dated 10 August 2017 from

13 (b) (6), (b) (7)(C) to --

14 A: Uh, huh [affirmative response].

15 Q: -- Ms. Sally Donnelly. The subject reads, "Reference:
16 FYI."

17 A: Yeah, which pages that?

18 Q: And it states that the boss is interested in going.
19 He's 99 percent there in terms of going to the cloud."

20 A: Yeah, which pages that?

21 Q: Okay trying to get to that page, sir.

22 A: That's okay.

23 Q: I believe it's in the next tab which is Tab 12.

24 A: Okay.

25 Q: Yes. It's on Page number 178.

1 A: Okay. And, at the top of the page you'll see it says,
2 "The boss did say that --

3 A: Okay.

4 Q: -- he's 99 percent there in terms of going to the
5 cloud." You know what (b) (6), (b) (7)(C) meant by that comment? Or, did
6 Mr. Mattis share any information with you about the cloud
7 following that meeting?

8 A: No. I think his concern always was about security risks
9 about bringing in the cloud environment. He always wanted to make
10 sure that industry doesn't have the security risks that the
11 Department of Defense has and, well, technology and innovation
12 are all well and good. The Department of Defense has a whole set
13 of other requirements you have to be mindful of, and I think he
14 was always, the dilemma for him is how do we make sure that when
15 we create this kind of environment that we don't put our
16 intelligence or our critical information at risk to the cyber
17 hackers.

18 Q: And, do you know what the deciding factor was that
19 convinced Mr. Mattis about going to the cloud to secure --

20 A: I don't.

21 Q: You don't?

22 A: Yeah, yeah. I don't.

23 Q: And do you know if during this meeting in August of
24 2017, if Mr. Mattis had a conversation had a conversation with
25 Mr. Bezos about developing a DoD?

1 A: I don't know.

2 Q: Also in that e-mail it mentions that (b) (6), (b) (7)(C)
3 comments that, "Mr. Mattis and Mr. Bezos seem to click on a
4 personal level." Do you know what that meant?

5 A: Well they may, I mean I'm assuming it means what he
6 wrote that they clicked.

7 Q: And, how did this meeting with Mr. Bezos Amazon in
8 August of 2017 affect the decision to move forward with the cloud
9 for the Defense Department?

10 A: Well, I don't think it affected the going forward with
11 it. I mean I think having Secretary Mattis have more confidence
12 in it was good, but it wasn't like we weren't going to go forward
13 with it. I don't think it had any bearing on it. You don't have
14 the Secretary of Defense, if he were to say I don't want to do
15 it, then that's a problem. I think his spending time and learning
16 about these things made him more comfortable. We talked about it
17 earlier, he was more focused on policies for the Department then
18 innovation and technology.

19 Q: Okay. Also on that trip Mr. Mattis met with the Google
20 VP and their Vice President Mr. Walker.

21 A: Uh, huh [affirmative response].

22 Q: Did Mr. Mattis share with you any information about his
23 visit to Google Headquarters?

24 A: Only that he found these trips valuable. He was
25 impressed by the people in the quality of the briefings.

1 Q: Do you know if there were any commitments made with
2 Google?

3 A: I don't recall anything of that nature.

4 Q: What about with --

5 A: When you say commitments, what do you mean by
6 commitments?

7 A: Commitments such as we would like for you to maybe come
8 to the Pentagon to do demonstrations? Or making a commitment to
9 establish --

10 A: But that's not a commitment.

11 Q: Or establish the cloud for the Defense Department after
12 receiving these briefings?

13 A: No. He wouldn't do that. He might say, "Hey, we love
14 your technology. It's really great. Work with my people." But, at
15 his level he wouldn't make any kind of commitment.

16 Q: Okay. Also there's an e-mail on Page 176.

17 A: Uh, huh [affirmative response].

18 Q: It reads, "That Sundar Pichai ." I believe that's how
19 you pronounce his name

20 A: Yes.

21 Q: "Met boss at Google and stayed over for an hour. Having
22 to depart. Very substantial discussions throughout Google folks.
23 Hit a home run on benefits of cloud and importance of AI and ML,
24 machine learning."

25 A: Uh, huh [affirmative response]. Right.

1 Q: "Also talked through conversion process to cloud. Good
2 information on lessons learned." What can you tell us about the
3 challenges Google discussed with Mr. Mattis about the cloud
4 conversion process?

5 A: I have no idea, but you and I were having the
6 conversations about why a single contract versus multi-contracts.
7 The conversion process is really complicated. And so if you have
8 a multi-contract or multivendor solution you make something
9 that's already challenging that much more challenging. So, I
10 suspect they were talking about -- it's not about the cloud. It's
11 about the fact that we have lots of different systems and in
12 order to migrate the data into a cloud environment where you can
13 take advantage of AI you have to convert everything. That is a
14 costly, onerous, difficult process. It's like, the analogy is you
15 have all your medical records and paper and you have to go to a
16 digital environment. And you're like, "Oh my God. That's a pain
17 in the butt." Going from all these other differences systems into
18 the cloud, that whole conversion process is really difficult. You
19 can imagine if you had two or three different vendors that you
20 are working with and two or three different services taking
21 different approaches it would be like infinitely more
22 complicated. So, I suspect they were talking about the real-life.
23 If you weren't starting from scratch and you would have to
24 convert here are the traps to avoid. That's how I read that
25 statement.

1 Q: Now, if you could please turn to Tab 14.

2 A: Okay.

3 Q: And there's an e-mail dated 8 November 2017. "Subject:
4 November 30 dinner/February 6." Ms. Sally Donnelly writes, "That
5 the calendar can accommodate the 17th for the Bezos dinner."

6 A: Uh, huh [affirmative response].

7 Q: And, on 11 of January 2018 Ms. Donnelly e-mails,
8 "Probable the topics." With the subject line, "Read ahead for
9 dinner January 17." Do you know if Mr. Mattis met with Mr. Bezos
10 for the dinner in January 2018, or a different date?

11 A: Yeah, I don't know. Now where's the thing on subjects?
12 So, it is read aheads. I see it. Leadership and selecting talent.
13 Yeah. Guest views on trends with a focus on security. Yeah.
14 Space, yeah. Infrastructure. Yep. Yeah. So, you know, I do
15 remember I think this was what he liked also in his visit to
16 Amazon with the discussion about how they develop talent.

17 Q: So this dinner did take place?

18 A: No, I don't know if it did or didn't. I just never -- I
19 kind of remember back to the comments on that his visit, how
20 impressed he was with how Amazon develops talent. I don't know if
21 the dinner occurred or not.

22 Q: Do you know if anyone else may have attended the
23 meeting with Mr. Bezos?

24 A: The dinner?

25 Q: Yes, this dinner, I'm sorry.

1 A: Oh, yeah, I don't know.

2 Q: Okay. In Tab number 15 on Page 193.

3 A: Yep.

4 Q: There's an e-mail from Sally Donnelly to Kevin Sweeney.

5 "Subject: January 8 meeting with Microsoft CEO." Can you tell us
6 about the meeting with Microsoft CEO that Mr. Mattis attended?

7 A: I know I attended one meeting with Secretary Mattis and
8 Satya Nadella. I don't know if it was that meeting in January or
9 not, but I did attend a meeting with him and Satya.

10 Q: Okay. What do you recall from your discussions with
11 Satya and Mr. Mattis?

12 A: It was pretty high level. It was about Microsoft's
13 commitment to working on DoD type problems. I recall it being
14 more kind of an innovation that would carry over into the
15 Department of Defense, and in particular it was like virtual
16 reality to do more simulation and training. The combat losses due
17 to close combat fighting is an area that Mattis as a Marine. I
18 know they talked about how is this virtual reality that lends
19 itself to really doing much better training and simulation for
20 servicemen and women.

21 Q: Okay. And you know who requested this meeting?

22 A: I don't. I mean it may have been -- it may have been
23 Microsoft itself.

24 Q: And was there --

25 A: You know, because you know these companies will reach

1 out and try to arrange visits or meetings, or what have you. But
2 I don't know the nature of the request.

3 Q: And do you recall anyone else in attendance with this
4 meeting other than the individuals you mentioned previously?

5 A: There was somebody from Microsoft probably Satya's
6 government affairs person. I don't remember, but I'm assuming
7 Kevin Sweeney was in the meeting as well. I just don't remember
8 if it was January 8th or not, but I did attend the meeting with
9 the Secretary and Satya

10 Q: So the meeting, do you know if the JEDI Cloud contract
11 came up in this discussion?

12 A: Yeah, I don't think it did. It's not the kind of thing
13 that would come up in a discussion like that.

14 Q: Okay. If you can turn now to Tab 60. It's Page 197.
15 There's an e-mail chain which begins on February 14, 2018
16 reference meeting request for CEO Oracle to meet Mattis or you,
17 Mr. Shanahan, which later confirmed that you met with Oracle on
18 22 February 2018.

19 A: Uh, huh [affirmative response].

20 Q: However, in the February 14, 2018 e-mail it reads, "The
21 SECDEF has not talked about the pending cloud contract. Oracle
22 has led the charge in being concerned the DoD is favoring one
23 vendor not Oracle."

24 A: Uh, huh [affirmative response].

25 Q: What did they say to you about their concerns of the

1 Defense Department favoring one vendor?

2 A: Well, what I recall was Safer just talking about
3 capabilities and investments, and Oracle was making in
4 technology. We didn't discuss any contract. It wasn't -- I think
5 have to be careful about how we talk about these kinds of -- make
6 these kinds of questions. I don't -- there was never even an RFP
7 at that point, right?

8 Q: This is February 2018.

9 A: Yeah, I don't know if there'd been an RFP yet. I think
10 there were -- I'd have to look at a timeline but maybe. I just
11 remember the nature of the discussion was Safer came in, or Ms.
12 Catz came in and said, "Here's what we're doing in Oracle. Here's
13 how we're committed to these technologies. Here's the work that's
14 been done with the Department." It was really they were there
15 about making a good education about the capabilities of Oracle.

16 Q: Yeah, so the RFI was out during that timeframe.

17 A: Yeah, so it was a request for information. Not the --
18 I'm just being a little technical here. Not a contract, right?

19 Q: Yes. Okay. Anything else you can recall from your
20 conversation with the Oracle representatives would be helpful?

21 A: Yeah, mostly about we have a lot of capabilities and
22 make sure that you really do your procurement so you can draw the
23 best of industry.

24 Q: And, you mentioned that they stated that they had a lot
25 of capabilities. Did they define what those capabilities were and

1 how it would support the DoD?

2 A: No. It was, you know, this is the CEO versus having
3 like technical experts come in and talk about a specific
4 technology. So, these were pretty high level discussions. So, we
5 didn't get into specifics. It was, we'd make significant
6 investments. We're a technology company. We've been around this
7 many years. We do this kind of business with DoD. So it was more
8 of a generalization that was a detailed discussion.

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

10 Q: This is (b) (6), (b) (7)(C) from the Audit Team.

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

12 Q: Since at this point -- thank you. Hi. At this point,
13 the RFI was out why was Oracle already leading the charge against
14 worried about favoring a single company?

15 A: I don't know. Well there have been lots of discussions
16 about the Department going to a cloud environment. And so if
17 you're a big IT company you certainly want to know what's going
18 on inside of the Department. So, and it's not surprised that
19 business development people weren't talking to her, and any of
20 these other big companies. Of how to get in and talk with the
21 Department of Defense and get an understanding of how their
22 thinking about procurement. It's important. The senior people
23 have reasonable access to senior leaders so, they probably want
24 to come in and get a feel for does the senior leadership have a
25 good understanding of where they're going and how they're setting

1 it up? And it gives them the ability to as these big contracts be
2 able to talk to their boards from a position of knowledge versus
3 just having to rely on information that gets passed back to them.

4 Q: Okay. Thank you.

5 A: Yeah.

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

7 Q: Okay. (b) (6), (b) (7)(C) again. Given everything that we've
8 discussed this far what comments did Mr. Mattis make about Amazon
9 in public, meetings, or privately that could give Amazon a
10 competitive advantage?

11 A: None that I'm aware of.

12 Q: What about other competitors competing for the JEDI
13 Cloud contract?

14 A: He was -- he was agnostic. I mean I could say
15 definitively. Utterly agnostic. His only concern was that we be
16 able to without a doubt be able to adjust security risks. He was
17 totally agnostic. Whatever was best for the Department in terms
18 of productivity, tactical robustness, cost, he'd say things like,
19 "You guys can figure that out."

20 Q: And, how do you respond to the assertions that Mr.
21 Mattis played a key role in the JEDI Cloud procurement and had a
22 conflict of interest?

23 A: Well, that's not true.

24 Q: And what has Mr. Mattis ever said or done that would
25 cause you to question his impartiality or ethics concerning

1 Amazon?

2 A: Nothing.

3 Q: Has anyone ever told you that Mr. Mattis said or did
4 something that would cause them to question his impartiality
5 concerning Amazon?

6 A: No.

7 Q: What about the JEDI Cloud procurement?

8 A: He wasn't involved in the JEDI Cloud procurement.

9 Q: After meeting with various officials from vendors
10 competing for the JEDI Cloud contract, did Mr. Mattis express to
11 anyone his personal preference for the vendor, or did anyone
12 attempt to influence Mr. Mattis to favor Amazon over other
13 vendors competing for the JEDI Cloud contract?

14 A: Yeah, I would just say he was totally agnostic. He
15 doesn't -- he's relying on his staff to make a decision. In his
16 mind it was always if you can address the security risks then
17 artificial intelligence is a technology made to lever leverage.
18 You guys go figure out the details. He had to deal with North
19 Korea, Iran, Afghanistan, Syria, China, Russia, those issues.

20 Q: And how do you respond to assertions that Mr. Mattis
21 meeting with Amazon personnel showed favoritism towards them?

22 A: Well he did not visit those companies to influence his
23 understanding of procurement. He visited those companies to
24 understand the culture of the nation. So, if anything there was
25 probably a misperception of his intent to understand. You know,

1 America leads the world in these types of technology. The
2 Department of Defense has to adopt these technologies in the
3 right way. And him having a dialogue with industry showed that
4 he's not going to be arm's-length in understanding things that
5 are so vital to our defense.

6 Q: Okay. So now I'd like to move on to one of the other
7 members that we mentioned earlier, Mr. Anthony DeMartino.

8 A: Uh, huh [affirmative response].

9 Q: And, do you remember when you first met Mr. Martino?
10 DeMartino.

11 A: I do. It was, not the specifics, but it was probably
12 March of 2017.

13 Q: And can you share with me what Mr. DeMartino's duties
14 and responsibilities were as the Chief of Staff?

15 A: Well, at that time I think he was the Deputy Chief of
16 Staff to Kevin Sweeney. When I met him.

17 Q: And what was his duties?

18 A: I think he was helping do the, oh, what you call that?
19 You know identifying and recruiting people to still open
20 positions during the transition.

21 Q: And what about his work for you?

22 A: Well, he was my Deputy when I transited him into the
23 Department.

24 Q: And what is your understanding of his ethics agreement?

25 A: I'm not aware of what his ethics agreement is.

1 Q: And do you know if Mr. DeMartino had any conflicts of
2 interest that he should have -- that should have required him to
3 recuse himself from?

4 A: I'm not aware of any.

5 Q: Do you know if he was required to recuse himself from
6 Amazon dealing with anything related to Amazon?

7 A: I'm not aware that.

8 Q: And what is your understanding of Mr. DeMartino's
9 relationship with, or interest with SBD Advisors?

10 A: I don't know. Well, let's see. You were telling me what
11 that was earlier, so I'm not really sure what the structure of
12 that is, or what his interests are.

13 Q: Okay. He worked for SBD Advisors prior to coming into
14 the government.

15 Q: I know he worked with Sally Donnelly before. I just --
16 and I don't know if that's what it was called or what the
17 structure of their operation was

18 Q: Okay. Also in Tab Number 2 on Page 16 to 18.

19 A: Okay.

20 Q: There's an e-mail dated February 13, 2017 from Ms.
21 Teresa Carlson who's the Amazon VP.

22 A: Uh, huh [affirmative response].

23 Q: To Mr. Anthony DeMartino.

24 A: Yeah, hold on. Let me catch up with you here one
25 second.

1 Q: Sure.

2 A: Okay. And the subject line is, "First availability to
3 meet Chief of Staff to the SECDEF."

4 A: Uh, huh [affirmative response]. Where are you reading
5 that?

6 Q: That is the subject line for Page 17.

7 A: I've got you. Yeah, yeah. Yeah. I've got you. Okay.

8 Q: Do you know if Mr. DeMartino met with Mrs. Carlson?

9 A: I don't know on this occasion, but I know Ms. Carlson,
10 I met her several times in the building like in the hallways
11 [inaudible]. I don't know in terms of the timing or whatnot. If
12 he did or didn't. Wasn't she on one of the boards there in the
13 Department?

14 Q: I'm not sure she was on one of the invitation boards if
15 that's what you're referring to.

16 A: Yeah, yeah. For some reason I thought maybe she was, or
17 maybe she wanted to be on one of them or something. I don't know.

18 Q: Do you know, you said you met her several times in the
19 hallway. Do you know who she was there to meet with?

20 A: I don't.

21 Q: And, did you ever meet with her?

22 A: I must have met with her I just don't recall, but if I
23 was in a very -- or maybe she was in a meeting that I was in or
24 something. She may have attended the meeting I don't know but I
25 don't recall any detailed conversations with her.

1 Q: Okay. May have attended a meeting. Do you recall what
2 the topic of the meeting was that she may have been privy to?

3 A: I don't.

4 Q: And, can you tell us what your action was with Mr.
5 DeMartino as they related to the JEDI Cloud procurement?

6 A: He facilitated me getting connected with -- his job as
7 the Chief of Staff for me was to get me integrated with the
8 Department, to get to know all the different agencies and
9 critical leaders, and also the services. So, it was people like
10 (b) (6), (b) (7) what's his name Chris Lynch, he helped to make sure
(C)
11 that in the areas of things that needed to be scaled between the
12 SCO, there were three really important innovation areas, SCO,
13 DIU-X, and DDS. So, he help me get to know Chris Lynch who, at
14 the time was doing a lot of work on thinking through what did the
15 cloud look like for the Department. So, in that sense he was
16 helping me navigate the governance structure of the Department.

17 Q: Okay. So you mentioned Mr. Lynch. Did Mr. Lynch need to
18 get on your calendar to meet with you or did he just stop by and
19 discuss any progress with you that they were making was the
20 procurement or anything related to JEDI?

21 A: Yeah, Chris has an interesting style about him. I'd be
22 in the hallway he'd talked to you and formally or he might be in
23 the office, it might a five minute discussion, but generally he
24 would be on my calendar if it was anything that was important as
25 it related to the DDS organization.

1 Q: And, do you know what Mr. Lynch his opinion was
2 regarding single versus multi-strategy for the cloud? Did he ever
3 express that to you?

4 A: I think he had a lot of different ideas but his, from
5 what I recall his big focus was creating lots of competition, and
6 also getting out of a potential kind of bureaucratic acquisition
7 strategy approach that would cause the Department to take two or
8 three years to do something straightforward. I don't recall him
9 having a strong bias. He may have, I just had my own view on
10 doing these Pathfinder's because as I mentioned before I have a
11 lot of experience in introducing technology in my previous life.

12 Q: And what was Mr. DeMartino's involvement in the JEDI
13 Cloud acquisition?

14 A: I mean helping me to navigate the DDS. I mean he didn't
15 have anything technically or acquisition wise. I mean it is just
16 what it is. He's just not a technical person.

17 Q: Did he have an opinion about the single award strategy,
18 or did he provide you any comments about it?

19 A: Like I said, he's not a technical person so he doesn't
20 have an acquisition background. So I wouldn't have considered it.
21 He's my Chief of Staff.

22 Q: And how do you respond to the assertions that Mr.
23 DeMartino played a key role in the JEDI Cloud acquisition and had
24 a conflict of interest?

25 A: Well, my interactions with him he doesn't play a role.

1 Q: We understand that Mr. DeMartino may have attended a
2 couple, I know he was present during Industry Day. Was there any
3 other business that was related to the DoD cloud that Mr.
4 DeMartino may have played a role in?

5 A: Well, play a role in attending are different, but
6 playing a role could be more active in taking action versus be
7 impassive. So if you attend a meeting and that's passive versus
8 weighing in and giving direction. He has probably had a passive
9 role of sitting in on meetings or being able to have information.
10 But I don't recall him taken an active role.

11 Q: Okay. What have you heard Mr. DeMartino say about
12 Amazon?

13 A: Yeah. You know with a lot of people, I mean nothing has
14 any level of specificity that would show like real people
15 awareness of the company. His comments were already always pretty
16 general. It's a really good company. They have done a lot of
17 business with CIA, but there was nothing, anything, not anything
18 specific that I recall.

19 Q: What about other vendors competing for the JEDI Cloud
20 contract?

21 A: I'm trying to think whether they made comments on
22 Oracle or Microsoft. I don't recall any other comments.

23 Q: And what has Mr. DeMartino ever said or done that would
24 cause you to question his impartiality or ethics concerning
25 Amazon?

1 A: He hasn't done anything because as I mentioned earlier
2 I didn't seek any technical acquisition advice from him. So, in
3 terms of comments they just weren't a factor in my
4 decision-making.

5 Q: Okay. And has anyone ever told you that Mr. DeMartino
6 said or did anything that would cause them to question his
7 impartiality concerning Amazon?

8 A: No.

9 Q: And tell us about DeMartino's employment after leaving
10 the Department of Defense.

11 A: I think he and Sally are doing some kind of business
12 together. I'm not sure what it really entails.

13 Q: And what concerns did his departure from the government
14 and doing business with Ms. Donnelly raise?

15 A: What do you mean by that? I mean, do I have any
16 concerns about them leaving the Department?

17 Q: Right, or did anyone ever else express any concerns
18 about them leaving the Department and establishing business
19 together?

20 A: Since they've done business together before it seems
21 like they went back to doing what they did before. I just don't
22 know what their business involved or what roles they play. It's
23 not something I would dwell on very much.

24 Q: Okay. So, I'm trying to find out what you know about
25 Mr. DeMartino's post government employment and any ethical

1 boundaries he should maintain within that as he departed the
2 government.

3 A: I don't know what his transition was like. I mean we
4 departed ways and it's always, and I'd see him, I can't remember
5 we'd bumped into each other in the hallway or maybe at change of
6 commands, those kinds of things, but yeah I don't really know how
7 or what they've done in terms of standing up in operations and
8 whether it's themselves operating out of their homes or whether
9 they have an office, I guess they've kind of moved on.

10 Q: Okay. Now I've been a transition over to Ms. Sally
11 Donnelly. Do you remember when you first met Ms. Donnelly?

12 A: Probably in that, I don't know, probably April/May
13 timeframe of 2017.

14 Q: And you know what Ms. Donnelly -- your relationship
15 with Ms. Donnelly was as it related to her position there as a
16 Special Assistant to the Secretary of Defense?

17 A: She was in a lot of meetings with Secretary Mattis. I
18 mean I had very limited interaction with her. She participated in
19 a murder board as I prepped for confirmation. I believe we didn't
20 interface very much.

21 Q: And do you know what her duties and responsibilities as
22 a special assistant to Mr. Mattis involved?

23 A: You know I got the feeling that had to do with policy
24 not in like the policy of what should we do about ISIS in Syria,
25 but probably more as it relates to I'd say communication and how

1 the Secretary was able to address issues and more broadly get his
2 messages out.

3 Q: Okay. And what was your understanding of Mrs.
4 Donnelly's ethics agreement?

5 A: The same as Tony's. I wasn't aware of what her ethics
6 agreement was.

7 Q: And do you know if Mrs. Donnelly was required or should
8 have been required to recuse herself from any particular matters
9 involving --

10 A: I don't know. I don't. Yeah, I don't know.

11 Q: Same question for Amazon.

12 A: Yeah, I don't know.

13 Q: And, are you familiar with the company Pallas Advisors?

14 A: No.

15 Q: And would Ms. Donnelly need to disqualify herself from
16 participating in the JEDI Cloud because of the relationship she
17 may have had with SBD Advisors?

18 A: I don't know, but I don't recall her inserting herself
19 in those activities.

20 Q: Do you know if Mrs. Donnelly was involved in any facet
21 of the single award strategy?

22 A: I'm not aware of her involvement.

23 Q: In any portion of the JEDI Cloud acquisition?

24 A: I'm not aware of any involvement.

25 Q: And do you recall Mrs. Donnelly ever participating in

1 anything that either Mr. Mattis or yourself attended or received
2 such as a communication regarding the JEDI Cloud acquisition?

3 A: Yeah I know, you know. I don't recall ever really doing
4 anything that Secretary Mattis on the JEDI acquisition, and your
5 question there on Sally's participation, I don't know if she was
6 in a meeting where it was discussed, but it was kind of earlier
7 conversations. It was always passive. She didn't have a role in
8 the acquisition. She didn't have a role in technology, and I'm
9 pretty disciplined about that. If you're not an expert I'm not
10 going to take your input. So, it's -- people can have opinions
11 but I don't take those opinions unless you're an expert.

12 Q: And how do you respond to the assertions that Ms.
13 Donnelly played a key role in the JEDI Cloud acquisition?

14 A: I don't. It's hard for me to imagine that.

15 Q: And, what have you heard Ms. Donnelly say about Amazon?

16 A: Good company. You know back to the generalizations.
17 They're a good company. They have interesting innovations.
18 There's a lot we can learn from these companies. Very similar to
19 my views of what's going on in industry? If the Department of
20 Defense wants to invent everything on its own and do it the
21 hardest, most expensive way, and the slowest way, when there's
22 lots of people that solve these problems and we should go take a
23 look at them.

24 Q: Did Ms. Donnelly say anything else about any other
25 vendors competing for the JEDI contract?

1 A: I don't recall her saying or making any of those kind
2 of comments.

3 Q: And, is there anything that Ms. Donnelly may have said
4 that would cause you to question her impartiality or ethics
5 concerning Amazon?

6 A: No.

7 Q: And has anyone ever told you that Ms. Donnelly said or
8 did something that would cause them to question her impartiality
9 concerning Amazon?

10 A: No.

11 Q: Concerning the JEDI Cloud acquisition?

12 A: Yeah, she's -- you know, she was -- all of my
13 interaction with the JEDI Cloud acquisition was with the people
14 that were the real decision-makers.

15 Q: And, what can you share with us about Ms. Donnelly's
16 employment after leaving the DoD?

17 A: Yeah, I don't -- this is like Tony DeMartino's I don't
18 know. I heard those two were working together and, I saw them in
19 like a change of command someplace like that, they were about.

20 Q: Okay. What can you tell me about Mr. Robert Daigle?

21 A: So he was the head of CAPE.

22 Q: And what was your expectations for Mr. Daigle as part
23 of the team there for JEDI?

24 A: Be able to do his job as Cost Assessment and Program
25 Evaluation. So I needed somebody who could independently assess

1 some of these things that were being floated around, being
2 thought up and recommended.

3 Q: And, did you have any understanding of his ethics
4 opinion agreement?

5 A: When you say "have an understanding," I don't -- I
6 didn't necessarily read everybody's ethics agreements in no way.
7 Nothing was ever brought to me that said there were things that
8 he should be excluded from. So I guess that answer it that way.

9 Q: Okay. And what was Mr. Daigle's involvement, from your
10 understanding, in the JEDI Cloud acquisition?

11 A: He was very instrumental early on with Jay Gibson and
12 Chris Lynch in putting together a strategy that could be I'll say
13 dephytinized, that you could put dimension of time, and cost, and
14 risk to it. That's the nature of CAPE's roles and responsibility.
15 So, I always look to Bob to help do the critical thinking and
16 evaluate what people are bringing forward as recommendations.

17 Q: And, do you know what Mr. Daigle's involvement was in
18 single award strategy?

19 A: Well, I think he was very integral to a lot of
20 discussions we were having.

21 Q: And, what was his position regarding the single award
22 strategy?

23 A: Well, I believe it was single award because it was a
24 Pathfinder for technology development, conversion, integration,
25 and scaling.

1 Q: And, how do you respond to the assertions that Mr.
2 Daigle played a key role in the JEDI Cloud acquisition and had a
3 conflict of interest?

4 A: Yeah, there's -- I have no doubt he did not have, well
5 I'll say. I can't imagine he had any -- well, I don't think he
6 was partial or bias in any of his efforts to do -- come up to
7 with the best strategy for the Department.

8 Q: And what have you heard Mr. Daigle say about Amazon?

9 A: Oh nothing. I mean this is back to the generalization.
10 I mean he's -- I've known Bob, he's like Secretary Mattis. He's
11 totally agnostic.

12 Q: And, have you ever -- has Mr. Daigle ever said or did
13 anything that would cause you to question his impartiality or
14 ethics concerning Amazon?

15 A: No.

16 Q: Has anyone ever told you that Mr. Daigle said or did
17 something that would cause them to question his impartiality
18 concerning Amazon?

19 A: No.

20 Q: Concerning the JEDI Cloud acquisition?

21 A: Yeah, no.

22 Q: And are you aware of Mr. Daigle's departure from DoD?

23 A: I know he left.

24 Q: Do you know where he's working now?

25 A: I don't.

1 Q: And do you know who Mr. Victor Gavin is?

2 A: No. What does he do?

3 Q: Mr. Victor Gavin he was one of the individuals that was
4 mentioned regarding his involvement in JEDI.

5 Q: What does he do? Was he in the Department?

6 A: Yes. He worked for the Navy.

7 A: Yeah. No, I don't know him.

8 Q: Have you ever heard anyone mention Mr. Victor Gavin in
9 any meetings?

10 A: No.

11 Q: And do you know who Mr. Deap Ubhi is?

12 A: Is he with the Department of Defense?

13 A: He was a member there in DDS. Do you know what his --

14 A: Yeah, no I don't.

15 Q: And how do you respond to reports that key defense
16 officials violated ethics rules by not recusing themselves from
17 the JEDI Cloud procurement?

18 A: Nonsense.

19 Q: Why do you say that?

20 A: We did this thing by the book from the get-go. So,
21 that's one reason I brought Dana Deasy and lots of lawyers
22 involved. Very mindful of how contentious this is and how when
23 people with inferior positions are going to use legal process to
24 undermine the acquisition. I just wanted to make sure that
25 everything was done properly.

1 Q: And how do you respond to the many comments and
2 assertions in the media that DoD officials took steps to steer
3 the JEDI Cloud acquisition towards Amazon?

4 A: False.

5 Q: Why is it false?

6 A: They have no basis on which they could make that
7 statement. It's easy to make those kinds of statements.

8 Q: And, do you have any other comments you would like to
9 make regarding this matter that we have not already asked you?

10 A: Well, I think shining a light on all these issues and
11 putting them to bed is really important for me to get on for the
12 defense of the country.

13 Q: Okay.

14 A: And, just for the record, how's that packing over there
15 now?

16 (b) (6), (b) (7)(C): We got 100 new spaces.

17 A: Yeah, right. Is that good? What's your idea, I've been
18 away for so long. What's your boss' name? Big boss?

19 (b) (6), (b) (7)(C): Mr. Fine.

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

21 Q: Mr. Fine.

22 A: Yeah, he's a solid guy. I really enjoyed working with
23 him. He used to come over and hammer me all the time about the
24 parking. He really -- and I know how important parking is. So we
25 tried to get that work. So I'm glad that we made some progress

1 there.

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

3 Q: I have a follow-up. This is (b) (6), (b) (7)(C) from the Audit
4 Team. Sir, you just said that you are already mindful of how
5 contentious the cloud acquisition would be.

6 A: Uh, huh [affirmative response].

7 Q: Yet, you made the point earlier that it would just be a
8 small portion of the DoD compute.

9 A: Right.

10 Q: So, why did you know that it was already going to be
11 contentious?

12 A: Because we were making a very competitive by its very
13 nature it was going to be very competitive, and when people can't
14 compete they cheat. I might say that, they don't really cheat,
15 but they try to create problems and delays. That's the difference
16 between the commercial environment and the defense environment in
17 terms of procurement. This would have been done two years ago in
18 the commercial world. But, this is a Pathfinder, and I think
19 that's one of the things that's kind of been missed because
20 everybody talks about the \$10 billion contract. Well, really it
21 is a very small contract that has the potential to grow if it's
22 successful. And so, there's all these off-ramps that we built and
23 so that we could drive more and more competition. And, the
24 competition not only gives the Department lower costs, but that
25 competition also drives better ideas and drives innovation

1 faster. And that down the road there will be a multi-vendor cloud
2 environment, but the start of this was let's make sure we
3 streamline the conversion process. Let's make sure we figure out
4 how to do integration because we have standards that can be
5 deployed across agencies and departments, and that puts us in a
6 position to scale. But, you know, the stakes are high in this and
7 I think that's why you guys are going to be busy working on this
8 report. But, the good news is you have good parking.

9 Q: Thank you.

10 A: You probably don't have to worry about parking on
11 Saturday when they make your write this report.

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

13 Q: Well, we look forward to the challenge.

14 A: Yeah, yeah. But your boss is great. I really liked
15 working with Glenn.

16 Q: Okay, sir. Well, I'll go ahead and do the formal
17 read-out and, is there any additional information that you would
18 like to provide to us?

19 A: You know I just conclude with a comment about the
20 intent always has been to be agnostic and avoid vendor lock, and
21 create a way in which the Department can achieve scale and
22 integration in a timely manner to be able to get the benefits of
23 artificial intelligence. The Pathfinder of JEDI is was to go to
24 manage risk and go fast and avoid vendor lock, and avoid taking
25 an architecture that would be technically obsolete in years to

1 come. Unfortunately, these are high-stakes games, not games but
2 business. So we really need to work through that. The people that
3 were involved like Dana, the highest integrity. Ellen Lord,
4 highest integrity. They were the big decision-makers and I have
5 complete trust and confidence in the work that they've done.

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

7 A: I'm sure you're interviewing Dana, right? Deasy?

8 Q: Is that who you believe we should speak with?

9 A: I would think in all of this you've been talking to
10 him.

11 Q: Okay.

12 A: And the reason is he has the history and he can speak
13 to the integrity and the thoroughness of which this work has been
14 done. That's what's most important.

15 Q: Okay. And do you have any comments or concerns about
16 the way we conducted this interview today, sir?

17 A: Not at all. You know, the only thing you asked some of
18 the questions about the conflicts of interest, you know, it's
19 difficult to read everybody's agreement. So, that's why we rely
20 on the Ethics Office to help so much. They, it was Scott Thompson
21 and it was (b) (6), (b) (7)(C). Boy, they do a good job. You know,
22 whether it's, like Glenn's organization doesn't always get in the
23 limelight. The ethics office doesn't always get me limelight, but
24 they have just as good and robust process. I just have a lot of
25 confidence in their ability of keeping people in that ethical

1 midfield that Secretary Mattis talks about.

2 Q: Okay. If you remember anything else that you believe
may be relevant to our review please contact me.

A: Okay. All right.

3 (b) (6), (b) (7)(C): Finally, in order to protect the integrity of
4 the review we ask that you do not discuss this matter under
5 review or questions we've asked you during this interview with
anyone except your attorney should you choose to consult with
one.

MR. SHANAHAN: Okay.

6 (b) (6), (b) (7)(C): As always this does not apply to or restrict
you of your right to contact an IG or a Member of Congress.

MR. SHANAHAN: Right.

7 (b) (6), (b) (7)(C): If anyone asks you about your testimony or the
8 review please inform them that the DoD OIG Inspector General has
asked you not to discuss the matter.

MR. SHANAHAN: Okay.

9 (b) (6), (b) (7)(C): If anyone persists in asking you about your
10 testimony, or the review, or if you feel threatened in any manner

11 because you provided testimony please contact myself or (b) (6), (b) (7)(C)

12 (b) (6), (b) (7)(C).

13 MR. SHANAHAN: Okay.

14 (b) (6), (b) (7)(C): The time is now 3:06 Eastern Standard Time.

15 Please stand by and I'll turn the recorders off.

16 [The interview terminated at 3:06 p.m., September 5, 2019.]

17 [END OF PAGE]

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21 SHANAHAN - September 5, 2019

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

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

25 SHANAHAN - September 5, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

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INTERVIEW OF

Mr. Patrick Shanahan
November 6, 2019
ISO Recall Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is November 6, 2019, and the time is
3 now 2:02 p.m. I'm (b) (6), (b) (7)(C) with the Department of Defense,
4 Office of Inspector General. With me are my colleagues (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C), and our
6 witness the former Deputy Secretary of Defense Patrick Shanahan.
7 We're continuing by telephone an interview we began on September
8 5, 2019. We are continuing the interview for the purpose of
9 clarifying certain details in media that we read about JEDI Cloud
10 procurement. The DoD IG Team is at the Mark Center in Alexandria,
11 Virginia, and Mr. Shanahan, I don't think I established with you
12 before we turned the recorders on where you are at this moment.

13 MR. SHANAHAN: I'm in Crystal City.

14 (b) (6), (b) (7)(C): Thank you. At this time, sir, I ask you to
15 acknowledge that this interview is being recorded.

16 MR. SHANAHAN: I acknowledge.

17 (b) (6), (b) (7)(C): And do you understand that you remain under
18 oath to provide truthful testimony?

19 MR. SHANAHAN: I understand.

20 PATRICK SHANAHAN

21 was recalled as a witness, reminded of his previous oath, and
22 provided the following testimony:

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

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

25 Q: In his recently published book Mr. Guy Snodgrass wrote

1 quote, "In the summer of 2018 Trump called and directed Mattis to
2 screw Amazon by locking them out of a chance to bid on the JEDI
3 contract." Mr. Snodgrass then wrote that, "Relaying the story to
4 us during small group Mattis said we're not going to do that.
5 This will be done by the book both legally and ethically." Sir,
6 do you remember Mr. Snodgrass?

7 A: I do.

8 Q: What is your reaction to Mr. Snodgrass' statement?

9 A: Reaction in what sense?

10 Q: What can you tell us about what you heard in small
11 group and also about, from Mr. Mattis or any information you have
12 about this reported call from President Trump to Secretary
13 Mattis?

14 A: Yeah, I don't recall any mention of a conversation
15 between Secretary Mattis and the President.

16 Q: Were you a party to any phone call between Secretary
17 Mattis and the President that included discussions about JEDI?

18 A: Never.

19 Q: Were you ever in a small group meeting where President
20 or Secretary Mattis reported on any communications he had with
21 President Trump about JEDI?

22 A: I don't recall any meeting like that.

23 Q: Any other comment about what Mr. Snodgrass reported in
24 his book or said in any of his -- that you may have seen in any
25 of his interviews? I know he was on CNN. There's been various

1 media reports about Mr. Snodgrass and his book?

2 A: Yeah, I've only -- I've not seen him on CNN. I was
3 given an articular that you referenced the subject you just spoke
4 about, but other than that I haven't followed any of his
5 material.

6 Q: Mr. Snodgrass reportedly stated that President Trump
7 "personally got involved in who would win the JEDI contract." Do
8 you know if he's talking about -- in that quote is he talking
9 about this same phone call that the President reportedly had with
10 Secretary Mattis?

11 A: I don't see how the President could get involved with
12 the contract and the way it was structured it doesn't involve the
13 President.

14 Q: Well, on that note, sir, please tell us anything else
15 that you might know about President Trump's involvement or
16 attempted involvement in the procurement.

17 A: Yeah I'm not aware of any involvement or discussion
18 around the cloud.

19 Q: Please tell us what you know about any involvement or
20 attempted involvement in the JEDI procurement by President
21 Trump's staff, any member of his staff.

22 A: I don't know of any involvement by any member.

23 Q: How about inquiries by a member of his staff or by the
24 President himself which would be a little bit different
25 characterization than involvement.

1 A: Yeah, not to me. There wasn't any inquiry.

2 Q: Has anyone told you that President Trump personally
3 inquired about JEDI?

4 A: I don't recall any such statement.

5 Q: Has anyone ever told you that members of President
6 Trump staff's inquired about the procurement?

7 A: No.

8 Q: Did you have any communications with President Trump
9 about JEDI or about Amazon, or about other competitors for the
10 contract?

11 A: I did not.

12 Q: Did you have any communications with anyone from
13 President Trump staff about JEDI, about Amazon, or about the
14 competitors for the contract?

15 A: No, I did not.

16 Q: We have heard some individuals and organizations
17 external to the DoD were telling President Trump things about
18 either the cloud initiative or the procurement itself that
19 weren't always accurate. For example it was no big contract would
20 be one example. When in fact it was full and open competition.
21 And we've also heard that there's some talk or desire within Mr.
22 Deasy's shop the OCO, or within the Defense Digital Service to
23 get accurate information to the White House staff about the
24 initiative and/or the procurement. What can you tell us about
25 that certain?

1 A: What I can tell you is that it is normal for
2 contractors to characterize competitions in their favor, or to
3 mischaracterize competitions to portray it as being unfair. This
4 is kind of a normal course of business that's taken place over
5 maybe the last hundred years. A number of times, and I don't know
6 whether that's once, twice, three, or four times Dana Deasy was
7 asked to prepare white papers in order to explain nature of the
8 contract and the terms of the contract. Those white papers were
9 internal for the Department, for the Hill, and I believe for the
10 Executive Branch.

11 Q: Was this --

12 A: And the nature of the white paper is to take what is a
13 very complex subject matter and distill it into things that are
14 much easier to understand.

15 Q: What can you tell us about that timing of those white
16 papers? Or when they were written and submitted to those
17 audiences?

18 A: Yeah, I would just have to say probably in 2018 and
19 2019. That's about as much as I can remember.

20 Q: We have some information, and this would have been
21 shortly after he left the department, sir, we have some
22 information that Mr. Deasy and Mr. Ranks went over and briefed
23 Mr. Mulvaney on kind of all things cloud, but that included
24 information about JEDI, as well as a couple of charts aimed at
25 dispelling myths and providing facts about the procurement. Have

1 you heard anything about that?

2 A: No. I thought the white papers, particularly for
3 Congress had been written earlier than that, like a year earlier
4 than that

5 Q: Can you provide us any examples that you recall from
6 media reports that you've read or anything you've seen that
7 portrayed information about the initiative or the procurement
8 that you thought was inaccurate?

9 A: Yeah, so my first one is winner takes all. This is
10 never a winner takes all contract. Or that it was a single
11 source, and there would only be one cloud for the Department of
12 Defense, and that it was a \$10 billion award. Those are the three
13 kind of headlines that people would speak to capture pictures
14 people's attention and distort the nature of the competition.

15 Q: What can you tell us about a, we've got a report that
16 Oracle CEO, Safra Katz had a private dinner with President Trump
17 in March of 2018 at which she complained about the procurement,
18 at this point, if that report is accurate, at that point the
19 draft RFP would've been on the street but the actual RFP wasn't
20 release yet. Do you have any information about that dinner or a
21 report of it?

22 A: I don't. I was not at the dinner. If it was a dinner.

23 Q: What have you ever heard personally heard President
24 Trump say that was about or related to the JEDI Cloud
25 procurement?

1 A: I haven't heard him personally say anything. It's what
2 I've read in the newspapers or online.

3 Q: What have you ever heard, personally heard President
4 Trump say that was about Amazon, Amazon Web Services, or just Mr.
5 Jeff Bezos?

6 A: I haven't heard any comments from him directly.

7 Q: Are you aware of any animus that Mr. Trump might hold
8 towards Mr. Bezos or his company Amazon?

9 A: None other than what I've read the Washington Post or
10 some of these other online articles.

11 Q: What has anyone ever told you that they heard President
12 Trump say that was about or related to the JEDI Cloud
13 procurement?

14 A: I haven't had anyone make any comments regarding that.

15 Q: What is anyone ever told you that they heard President
16 Trump say that was about Amazon, Amazon Web Services, or Mr. Jeff
17 Bezos?

18 A: I don't know of any comments.

19 Q: How did President Trump's or his staff's communications
20 about the JEDI procurement influence your actions, or your
21 actions of any other senior DoD executives as they related to the
22 JEDI procurement?

23 A: Yeah, say that one more time?

24 Q: How did President Trump's or his staff's communication
25 or public statements affect you or any of the other senior DoD

1 executives as it related to the procurement?

2 A: Again, I didn't affect us in any way. We have a
3 process. We follow the process.

4 Q: What pressure did President Trump or anyone from the
5 staff exert on you personally regarding the procurement?

6 A: Well, we didn't talk about it so there was no pressure.

7 Q: Are you aware of any pressure that President Trump
8 might have placed on Secretary Mattis or any other senior DoD
9 executive?

10 A: No.

11 Q: What is your response to the assertion that President
12 Trump somehow influence the JEDI Cloud procurement in a way that
13 disadvantage Amazon?

14 A: I mean I disregard all those comments. We had a very
15 disciplined procurement process.

16 Q: How and when did you learn that Microsoft won or would
17 win the contract?

18 A: I'd seen that, I was sitting in my home in Seattle and
19 I read it online.

20 Q: Were you surprised or what was your reaction?

21 A: Well, it's hard to be surprised when there's only two
22 competitors in the final bid, right? It's got to be one or the
23 other. So, my reaction was good for Microsoft.

24 Q: Okay, sir. That about does it for the questions that we
25 have.

1 A: Okay.

2 Q: Do you any questions for us?

3 A: No, God bless you. You've got a hard job and you guys
are very professional. I've always appreciated the work you do.

4 Q: Thank you, sir.

5 A: Yep.

6 Q: Is there any additional information you'd like to
provide, anything that I didn't ask that I should have asked or
phrased in a different way in order to elicit the information we
need to address the matters?

7 A: You know, the caveat I would put on all of this is that
the integrity and the discipline that Dana and the team put into
running a fair and open competition is one of the finest efforts
I've ever witnessed. The fact that there's this much noise and
this much contention is an indicator of how strong of competition
it has been, and in the Defense arena people use of these kinds
of competition, and I think it was a very, very, long-term this
will be very good for the Department of the Defense and our
nation.

10 Q: Do you have any comments or concerns on the way we
conducted this interview?

11 A: No. Always professional. So I appreciate your time.

12 Q: And if you remember anything else that you believe may
be relevant to the interview would you please contact us?

13 A: Yeah, I will do that.

14 (b) (6), (b) (7)(C) Finally, in order to protect the integrity
of this review we ask you not to discuss the matters under review
or the questions we've asked you during this interview with
anyone other than an attorney, should you choose to consult one.
This is not apply to or restrict your right to contact an
Inspector General or Member of Congress. If anyone asks you about
your testimony or the review, please inform them that the DoD OIG
has asked you not to discuss the matter. If anyone persists in
18 asking you about your testimony or this review, or if you feel
19 threatened in any manner because you provided testimony please
20 contact us.

21 MR. SHANAHAN: Will do.

22 (b) (6), (b) (7)(C) The time is 2:17 p.m. and this interview is
23 concluded.

24 [The interview terminated at 2:17 p.m., November 6, 2019.]

25 [END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

November 18, 2019

ISO Interview

X - - - - - X

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P R O C E E D I N G

(b) (6), (b) (7)(C): Today is November 18, 2019, and the time is now 9:04 Eastern Standard time. I am (b) (6), (b) (7)(C) with the Department of Defense Office of the Inspector General. With me are my colleagues (b) (6), (b) (7)(C), and the witness (b) (6), (b) (7)(C). We OIG personnel are at the Mark Center in Alexandria, Virginia, and (b) (6), (b) (7)(C) is at the Navy Yard in Washington D.C. and is on the telephone with us. We are conducting a review of the DoD JEDI Cloud Services Procurement. We also want to clarify some information that's been reported in the news media. At this time ask that you acknowledge that this interview is being recorded.

(b) (6), (b) (7)(C) I acknowledge that this interview is being recorded.

(b) (6), (b) (7)(C): Please acknowledge that I provided you with a copy of the DoD OIG Privacy Act Statement.

(b) (6), (b) (7)(C): I was provided with a copy of the DoD Privacy Act Statement.

(b) (6), (b) (7)(C): Please raise your right hand so I can administer the oath.

(b) (6), (b) (7)(C): My right hand is raised.

Whereupon:

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

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

1 EXAMINATION

2 Q: Please state your full name and spell your last name.

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

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

5 Q: And what is your grade and component?

6 A: I was (b) (6), (b) (7)(C) at the United States Digital
7 Service Headquarters.

8 Q: And how long did you serve in that role, sir?

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

14 Q: Okay. Thank you.

15 A: Uh, huh [affirmative response].

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

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

18 Q: Sure. Good morning. I'm going to ask you section some
19 questions about the source selection.

20 A: Yeah.

21 Q: So how and when did you come to work on JEDI?

22 A: So early on with Defense Digital Service the JEDI
23 project was being undertaken. Sharon Woods was our General
24 Counsel at the time and at that point we were trying to find any
25 engineers who could help. I was never any good at contracting

1 always been kind of turned off on it so I managed to just work on
2 the sort of demonstrations component on it but at that point it
3 was kind of all hands on deck and basically all of the DDS
4 Engineers were used in some regard with the contracting process.

5 Q: So, when you say "it was all hands on deck", so what
6 specifically did you work on for JEDI?

7 A: Yeah. So I worked on the Demonstration Factor. So the
8 actual proposal had a number of factors. There were ones
9 regarding security and all the rest of it. The one that I worked
10 on was the Demonstration Component and so when we -- when the RFP
11 went out and it was asking for some stuff that industry hadn't
12 created yet and in particular the tactical edge devices, and the
13 Demonstrations step was designed so that we could have people
14 sort of showed their proposed solution and the extent to which it
15 was successful at meeting the objective RFP. So, the
16 Demonstrations Step was designed so that we could see the
17 tactical edge device and their proposed offering kind of an
18 action. So that if someone had managed to kind of self-assert
19 their way through the whole process that at least we have a
20 chance to see compute scaling up and down and all the rest of it.
21 And so there were three of us on that Factor. Myself, (b) (6), (b) (7)(C)
22 (b) (6), (b) (7)(C), and it was sort of a one shop Factor,
23 came in, did the demonstration. We wrote the evaluation and then
24 that was used by the JEDI Team.

25 Q: So, your work on JEDI even from the beginning was

1 entirely on the Demonstration Factor?

2 A: If I had helped before then it would've been here and
3 there as needed. Certainly I can imagine people asking me to
4 scrub in if they had a specific technical question, but I
5 definitely didn't go out of my way to work on JEDI that's for
6 sure. I was sort of a floating engineer. I worked from project to
7 project. So it was definitely not crazy to think that I would
8 have helped other stuff here and there, I just can't remember any
9 specifics right now, but my sort of official role in it was
10 working on the Demonstration Factor.

11 Q: Okay. How and when were you (b) (6), (b) (7)(C) for the
12 Factor?

13 A: I have no idea. That was done completely without my
14 knowledge. One day I showed up and someone said that I was the
15 (b) (6), (b) (7)(C) Demonstration Factor.

16 Q: Okay what was your roles and duties as the (b) (6), (b) (7)(C)

17 A: I think it was mostly logistical and just trying to get
18 everyone herded in together, (b) (6), (b) (7)(C) is very busy over at DISA and
19 (b) (6), (b) (7)(C) was incredibly busy working on all sorts of JEDI stuff as
20 I'm sure you know. And so I think most of my job was just kind of
21 wrangling and getting everyone to sit down and work on that
22 thing. It was a little tricky because we had to write an entirety
23 of the demonstration script before we had any knowledge of the
24 proposed solution. There's an MFR in one of the Google drives to
25 that fact where basically we kept -- I can't completely clean and

1 all the people at work on the Demonstration Script were
2 completely clean of any source selection information until we
3 were done with the Demonstration Script itself. And at that point
4 we were able to help out. So, I don't know how I became (b) (6), (b) (7)(C)
5 but it was sort of three of us and we were working together to
6 try to figure out what to do and make our evaluation of the
7 demonstrations themselves.

8 Q: You given any guidance on how to do that?

9 A: Yeah, the legal team was incredibly helpful. They were
10 able to able to sort of tell us what we should to be doing and
11 letting us know how we were needing to be doing it evaluations,
12 make sure everything was readable. Yeah, they -- whenever anyone
13 would have questions we would go to the legal team and asks them
14 a lot. So for specific of portions they assigned legal help from
15 the team to work with us pretty closely. So (b) (6), (b) (7)(C) was
16 there every step of the way and then there were two other
17 lawyers. Their names aren't coming to me right now it's been a
18 little while, but there were two others that had worked with us
19 pretty closely as well.

20 Q: Okay. So how did the Factor 8 TEB come to its rating?
21 How did you weigh the strengths and weaknesses? How did you
22 determine what your rating would be?

23 A: Well, yeah it is essentially we had to look at the
24 extent to which it was successful and we were really looking for
25 sort of the high watermark. We wanted to make sure that we can

1 see the offering kind of at its best. And so we were trying to
2 look at the demonstrations that were ahead of us, and sort of try
3 to figure out where that high watermark was. All the content of
4 Factor 8, all the things we're looking at were largely in other
5 factors as well. So if we were looking at the access control
6 stuff that were doing, the Security Team would be graded on
7 similar stuff. So we really didn't want to be like duplicative.
8 We didn't want to count anything twice. And so we were really
9 looking for the high watermark of things that were specifically
10 captured in the RFP. So we made sure that sort of the scenarios
11 were backed by specific requirements in the RFP, and we would go
12 through and try to figure out whether or not they were able to
13 meet the demonstration and whether or not they were able to hit
14 sort of what we were looking for, and if they were they were
15 completely successful. It wasn't extremely -- it was something
16 where we really wanted them to showcase their solution if I kind
17 makes sense.

18 Q: So you mentioned that some factors or some elements of
19 the demonstration would be rated by other factors, did you ever
20 work with other factors or talk to the other factors?

21 A: No. And if we did, then it would be through the legal
22 team. We were told very early on that if we work across factors
23 that we do it to the lawyers and there wasn't a whole lot that we
24 thought was something that we needed to share across factor lines
25 and no one brought anything to our attention either as far as I

1 can recall.

2 Q: Okay. I understand there was an amendment to the RFP
3 regarding the Demonstration, can you explain?

4 A: Is this the second Demonstration Activity?

5 Q: Yeah.

6 A: So, the, yeah, that's really funny. I mean it's not
7 funny but the first Demonstration Activity we had planned this
8 all months in advance without knowing anything about the
9 solutions or anything like that. It was sent to both offerors
10 very short. (b) (5)

11 (b) (5)

(b) (5)



Q: So, when you say you gave them significantly more time you gave them more lead time before the demonstration, or the demonstration itself was actually was allowed to take more time?

A: We gave them more time to prepare for the demonstration. So it was largely the same activity but so we instead of sending the repository a day in advance we gave them I think it was 10 days total, seven business days so that they had a chance to spend time on it without having it be sort of a rushed engineering competition.

Q: Got you.

A: Yep.

Q: So during your rating process did you compare the two proposals?

1 A: No, no, no. We evaluated each of them independently
2 against sort of what we're looking for.

3 Q: And so you've kind of touched on this, but did your
4 rating change from there, well you didn't see an initial proposal
5 is that correct?

6 A: That's correct.

7 Q: Okay. So, did your rating change from that first
8 demonstration to second demonstration?

9 A: (b) (5)

10 (b) (5)

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20 Q: Did the SSAC or the SSA ask you any additional
21 questions about Factor 8 during their reviews?

22 A: I'm sorry, you'll have to expand those acronyms for me.

23 Q: Oh, sure. The Source Selection Advisory Council or the
24 Source Selection Authority when they were doing -- did you brief
25 them? And do they have questions?

1 A: We did on my, I think it was one of my last days I
2 briefed it to some group. I'm not sure if it was the acronym that
3 you're asking about or not, my apologies. But here's everything I
4 know. When we briefed out the evaluation that we had written I
5 brought it to the CCPO Office and I think it's the Deputy CIO,
6 he's the one who came over from the agency to help with JEDI. I
7 can't remember his name for the life of me. I met him only that
8 one time and so I walked him through the evaluation reports for
9 offeror one and offeror two. He probably asked a couple of
10 questions here and there probably just trying to make sure that
11 we covered all the things that he saw. No serious questions on
12 the report. We were done in a couple of hours. I don't remember
13 taking more than two.

14 Q: Okay. Did you assist in responding to any of the AWS
15 debriefing questions?

16 A: No. I was no longer a government employee. I think
17 someone asked if I was able to help with them. I said that was
18 not -- I'm not a government employee otherwise I would have been
19 able to help.

20 Q: Okay. Let's see. So did you brief anybody other than
21 the Source Selection Evaluation Board, the Advisory Council, or
22 the Authority on the Factor 8 recommendation?

23 A: No. No. Absolutely not.

24 Q: Do you know who was aware of the final determination
25 before 10/25?

1 A: I do not. We kept it in the Google Drive. So it went
2 into the Factor 8 solo drive. I believe the only people that
3 would have had access to that are people who are in the source
4 selection process. The only people I talked to I'm sure the team
5 talk to were people in the source selection. That report wasn't
6 discussed even with other factors after it had been written and
7 could essentially download it from the drive. I definitely didn't
8 talk to anybody after it after that point I either.

9 Q: When did you learn that Microsoft would be the winner?

10 A: I'm sorry?

11 Q: When did you learn that Microsoft would be the winner?

12 A: I don't recall. It was either in the news or it was
13 over e-mail at some point, but it was, right, it was the date it
14 was announced publicly.

15 Q: Was the Source Selection Team given any assurances from
16 the Program Office, WHS, or anyone else that your names would
17 remain confidential?

18 A: I do not remember any specific case where that would
19 happen. I do remember a notification that at some point the names
20 had gotten out and that they reminded both offerors that they
21 can't do anything with it. I received no reach or anything like
22 that, and I hope that continues. I definitely don't want to see
23 my name in the news.

24 Q: Okay. So to confirm you've not been contacted by AWS,
25 Microsoft, or anyone else?

1 A: I was contacted once during the source selection
2 process by sort of kind of, the kind of jargon term in the
3 technical world industry is recruiter stem. I know that sounds a
4 little counterintuitive, but recruiters at large companies would
5 go and sort of blanket push job postings to just swaps of
6 engineers. After that it happened I stopped my work immediately
7 and went to the JEDI Team and told (b) (6), (b) (7)(C) about the fact that
8 my personal e-mail had gotten a push to apply for an Amazon job.
9 On a team unrelated to JEDI but still with Amazon. And so at that
10 point I stopped. I written back then I was not interested and I
11 filed that was my ethics -- my ethics personnel. And so that was
12 the only instance in which I had communication with Amazon
13 outside of the JEDI channel.

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

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

16 Q: Okay. So the media reported that President Donald Trump
17 became involved or tasked someone on his staff to get involved in
18 the JEDI procurement. Do you have any information about that that
19 you could share with us?

20 A: No, ma'am. No, I read that in the news and it was
21 shocking. I mean that's just -- that wholly inappropriate and if
22 it -- I mean it came out in the news and apparently it was
23 Mattis' book, is that correct?

24 Q: Yes.

25 A: If it's in Mattis' book it's true. I wouldn't say it's

1 valued, but it didn't get down to my level, but it's absolutely
2 shocking and unfortunately I don't have anything for you.

3 Q: Okay and I want to correct something. It's actually in
4 a Mr. Snodgrass' newly published book. It's not Mr. Mattis' book.

5 A: Oh. Thank you. Yeah, well then I don't know if it's
6 true or not but either way it's an extremely disturbing
7 allegation and I'm not sure of anything for you.

8 Q: And have you had ever had any personal communications
9 with President Trump about JEDI?

10 A: Oh God no. No.

11 Q: What about anyone from President Trump's staff about
12 JEDI?

13 A: No. I have not talked to anyone. Yeah, so the
14 clarification here is that because I was (b) (6), (b) (7)(C)
15 employee technically I'm employee that's administratively housed
16 within the Office of Management and Budget, OMB, and because of
17 that my ethics official is a White House employee, but that's as
18 far as it went. There was absolutely no communication with anyone
19 at the White House except for my sort of required ethics
20 disclosure about the Amazon job offer.

21 Q: And have you ever heard anything personally that
22 President Trump said about, or related to the JEDI Cloud
23 procurement?

24 A: Only what's been in the news publicly.

25 Q: Have you heard anything that President Trump said about

1 Amazon, Amazon Web Services, or Mr. Jeff Bezos?

2 A: Only in the news and on Twitter.

3 Q: What did you hear in the news and on Twitter?

4 A: I'm not sure. There were a number of his Tweets talking
5 about Jeff Bezos in the New York Times. I don't recall exactly
6 when that was, but I definitely remember seeing that on Twitter.
7 There was -- I even -- it's just everywhere, and in terms of him
8 talking specifically about Amazon and the JEDI contract, I'm
9 pretty sure it was going around on Twitter and in the news. I
10 can't remember any specific dates or articles, but it definitely
11 had the news when he was making comments.

12 Q: Okay. So how did President Trump's public statements
13 about JEDI influence your actions as they related to the
14 procurement?

15 A: I hope they wouldn't. I definitely took no action
16 consciously as a result of it. It definitely didn't change my
17 behavior as far as I know. It's incredibly sad to see that sort
18 of thing. It's so frustrating because it's just something that we
19 need so badly so badly within the Department, and we've all put
20 years of our lives into this and it's just frustrating to watch
21 it in the news like that, but that's kind of par for the course
22 really. There's just so many news articles about this or that
23 with JEDI. It's kind of tough to steer clear up of all of it, but
24 the best thing that we can do is just keep our heads down and
25 stay out of it. Yeah, I don't know. I'd like to think it didn't

1 affect me.

2 Q: Okay. How did President Trump staff or his staff
3 communications or public statements about the JEDI procurement
4 influence senior DoD executives such as Secretary Mattis, Deputy
5 Secretary Shanahan, the current Secretary Esper and Deputy
6 Secretary Norquist, Under Secretary Lord, and Under Secretary
7 Deasy?

8 A: Yeah, I mean that's a great question. I certainly can't
9 speak to what the seniors may or may not have been doing, but
10 it's their boss, right? I have no idea what sort of happen there
11 that may made them a little bit more risk-averse. I could
12 definitely see that. I'm not sure how to answer that one. But no
13 specific actions as far as I know were taken any of those
14 individuals towards the procurement. I definitely didn't heard
15 nothing from any of those individuals, but I have no idea.

16 Q: How did President Trump or his staff communications or
17 public statements about the JEDI Procurement influence the Source
18 Selection Authority or members of the Source Selection Team such
19 as yourself?

20 A: I mean the guidance throughout all of this whether it
21 was the President or some of the other news with regards to the
22 various protests that are underway and in process were so as to
23 we we're to keep my head down. We got to the point where I
24 wouldn't even open articles mentioning JEDI at a certain point.
25 It was just constant political this and that. I'm not sure if it

1 includes them or how it includes them how it influence them, but
2 it was prevalent.

3 Q: And what do you mean by the phrase "kept your head
4 down?"

5 A: Just sort of stick to your works. Stay focused on the,
6 stay focused on what everyone is trying to do which is make sure
7 that we can procure it but your global cloud environment for the
8 department. Definitely sort of didn't want to get distracted by
9 getting caught up with political sites and all the rest of it. I
10 don't know that the JEDI Program Office even push back against
11 news articles. I think that everyone was just trying to stay
12 focused on doing the work that needed to be done, and just kind
13 of hoping that that would carry us through to where we needed to
14 be.

15 Q: What can you share with us about pressure from
16 President Trump or anyone from his staff examining that on to
17 Secretary Esper or other senior DoD executives?

18 A: I'm not sure. I wasn't a witness over everything I know
19 about that was in the news. I have no sort of firsthand knowledge
20 of that.

21 Q: What about on DDS, or CCPO, or WHS officials?

22 A: I don't know. It's deftly the case that no officials
23 have, that I'm aware of talked to any of those people about the
24 JEDI Procurement as far as I know. But again the atmosphere
25 everyone is always -- everyone saw the comments and it was

1 probably disheartening. But I don't know that it stopped anyone's
2 kind of driver result to make sure that we could stick to the
3 work. So, you know, we all join DDS and USGS. We sort of take a
4 break from industry. We hired people from Google and all the rest
5 of them and bring people in for tours of duty within the
6 government. And so no one is sort of at DDS or USPS for a
7 permanent job. Everyone is sort of looking to do a tour of duty.
8 And so there's an incredible drive to stay focused on the things
9 that matter and what we need to deliver, and so I think that
10 attitude within our team at least was to stick to the work, make
11 sure that we continue executing what is right. I'm not sure about
12 WHS or anything else like that. I have no firsthand knowledge
13 about any of that.

14 Q: Okay. So what was the impact of the media article in
15 the news and different comments from Twitter that it had on the
16 actual source selection process?

17 A: I'm not aware of any. If there was an impact that would
18 probably be related to morale. Sort of thinking at the top
19 echelon the President kind of doesn't have your back when it
20 comes to making the right decision. I'm sure that wasn't great
21 for anyone to read. I know of no way in which that impacted the
22 actual work, but I am sure it impacted people's morale for lack
23 of a better word.

24 Q: And the media reported from July 2019 stated that
25 President Trump said, "Companies complained about the planned

1 JEDI Contract and that he would be looking into it to the matter
2 regarding the contract." The media also reported that President
3 Trump said, "We'll take a strong look at the JEDI." And had asked
4 his aides to investigate the JEDI contract. Are you aware of any
5 investigation or query from the White House regarding the JEDI?

6 A: No, I am not. I assumed that Secretary Esper's kind of
7 look at JEDI that he was doing at one point. I assume that was
8 that, but the kind of advice from Sharon and the rest of the
9 office was to just kind of stick to the work. Keep doing what we
10 should be doing and kind of let it all see how it's shaped out.
11 So, I don't know, I know of no White House officials coming at
12 the JEDI Team asking questions who were involved in the source
13 selection process.

14 Q: Okay. You mentioned Secretary Esper, what can you tell
15 about his role in the JEDI procurement?

16 A: Most of what I know is from the news. I may have met
17 him once or twice and if he came by the office, but we certainly
18 didn't talk about JEDI, but I read in the news at one point I
19 think it was communicated at one point that Esper was taking,
20 like doing a review of JEDI just to make sure that all the rules
21 were being followed or something like that. It seems pretty
22 normal. This is an extremely large acquisition. I would expect
23 there to be extensive reviews done on every decision made. I
24 don't know what Secretary Esper -- yeah, I'm not sure if there
25 was anything else about his role in JEDI. I know he recused

1 himself after I left with regards to his son getting a job at
2 Amazon or something like that, which is maybe bad optics, I don't
3 know. So, yeah, I'm not so sure how to answer that one.

4 Q: Did you ever provide any information regarding
5 Secretary Esper's review or, were you tasked to provide any it
6 information or to provide information to him?

7 A: No. I was not asked to, and I did not provide any
8 information about JEDI to that team. The, I had read reports at
9 one point that that was for some IG work I believe. So, I think I
10 ran a script for the IG a couple of times when they needed to
11 search a couple of the drives.

12 Q: Okay. Do you know if anyone from Secretary Esper's
13 office reported back to the White House or the President
14 regarding their findings of the review?

15 A: Reported back findings? No, I don't know of any
16 communication between anyone involved in JEDI and the White House
17 except for employees like myself and RJ who were administrative
18 leave. Worked in the White House.

19 Q: Okay. And who is (b)

20 A: Oh, man. I can't remember his full name. He works at
21 WHCA, which I guess is DoD, but the White House Communication
22 Agency. He's on one of the factors.

23 Q: Okay.

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

25 Q: Do you remember which factor?

1 A: I do not. I only saw him in sort of like every once in
2 a while we had kind of an all hands. I didn't spend much time I
3 think any time on and sort of the specific factors themselves.
4 I'm not sure which factor he would be on. He's something to do
5 with software. I think he's like a systems guy. He does work to
6 (b) (6), (b) (7)(C) over at WHCA. So I
7 would imagine it would be one of the technical focused ones
8 maybe. Maybe security don't hold me to that. So, I'm sure Sharon
9 would know, but yeah.

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

11 Q: Okay, and I want to ask you a follow-up question
12 regarding you (b) (6), (b) (7)(C). You said someone told you.
13 Who told you that you were (b) (6), (b) (7)(C)

14 A: I don't even recall who told me. I came in and someone
15 told me. I think there was a list of what people were working on.
16 I was told to show up in the building which was SCARIS, our
17 source selection, the first source selection location, and there
18 was a roster of who was working on what and I saw my name is
19 (b) (6), (b) (7)(C) Factor 8. I was like oh, okay. That's what I'm doing. I
20 have no idea how that happened.

21 Q: Do you remember what period that was, what month that
22 took place?

23 A: I do not remember specifically. If I give you a date it
24 would be simply guess work.

25 Q: All right.

1 A: It was extremely early on in the process. I think it
2 was the first time I had been at the SCARIF location so it would
3 have been very early on.

4 Q: Is there any additional information you would like to
5 provide to us?

6 A: No, ma'am.

7 Q: Anything that we should know that we haven't discussed
8 already?

9 A: No, ma'am.

10 Q: And do you have any questions for us?

11 A: No, ma'am.

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

14 A: No, ma'am.

15 (b) (6), (b) (7)(C): Also, if you remember anything else that you
16 believe may be relevant to our investigation please contact me.
17 Finally, in order to protect the integrity of this investigation
18 we ask that you do not discuss this matter under review or
19 questions we have asked you during this interview with anyone

20 other than your personal attorney should you chose to consult
21 with one. This does not apply to or restrict you of your right to
22 contact an Inspector General or a Member of Congress. If anyone
23 asks you about your testimony or about the review, please inform
24 them that the DoD OIG has asked you not to discuss this matter,
25 and if anyone persists in asking you about your testimony or
about the review, or if you threatened in any manner please
contact me.

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

20 (b) (6), (b) (7)(C): Okay. The time is now 9:37. This concludes
21 our interview.

22 [The interview terminated at 9:37 a.m., November 18, 2019.]

23 [END OF PAGE]

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

25 (b) (6), (b) (7)(C) - November 18, 2019

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

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

December 9, 2019

ISO Interview

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C): Today is December 9, 2019, and the time is
3 11:03 a.m. I am (b) (6), (b) (7)(C) and with me today is my colleague (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) and I are in the Mark Center in
5 Alexandria, Virginia and our witness (b) (6), (b) (7)(C) is on the
6 telephone. (b) (6), (b) (7)(C) is in Navarre, Florida. We're conducting
7 a review of the Joint Enterprise Defense Infrastructure Cloud
8 Acquisition, specifically our review pertains to several former
9 DoD officials and their involvement in the JEDI Cloud Acquisition
10 and whether their activities violated any conflict of interest or
11 any other ethics standards. One of the officials we're looking at
12 is former Deputy Assistant Secretary of the Navy for Command,
13 Control, Communications, Computers, Intelligence, and Information
14 Operations and Space, Mr. Victor Gavin. (b) (6), (b) (7)(C), at this
15 time I ask you to acknowledge this interview is being recorded.

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

17 (b) (6), (b) (7)(C) Also please acknowledge that I previously
18 provided you a copy of the DoD OIG Privacy Act Notice.

19 (b) (6), (b) (7)(C) Yes, you did.

20 Will you please raise your right hand?

21 Done.

22 Whereupon:

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

24 was called as a witness, placed under oath, and provided the
25 following testimony:

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

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

3 Q: Will you please state your name and spell out your last
4 name?

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

6 Q: What is your former grade when you were with the Navy?

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

8 Q: And where do you work currently?

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

10 Q: What was your last job when you worked for the Navy?

11 A: I was with the General Counsel's Office in the
12 Department of Navy.

13 Q: And were you -- which part of the --

14 A: My title was (b) (6), (b) (7)(C)

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

16 A: I'm sorry what was your question?

17 Q: Which -- was there a particular part in the Department
18 of the Navy or office that you focused on?19 A: Yes, I worked in the Office of the (b) (6), (b) (7)(C)
20 (b) (6), (b) (7)(C) for Research, Development, and Acquisition.

21 Q: Okay. And when did you start in there?

22 A: I'm going to guess and this an estimate. It was
23 probably sometime around January of 2008.

24 Q: Okay. So it has been --

25 A: That's a guess.

1 Q: It was a quite a while then?

2 A: Yeah.

3 Q: When did you leave?

4 A: I left (b) (6), (b) (7)(C)

5 Q: Is that also when you left the Department of the Navy
6 and (b) (6), (b) (7)(C)

7 A: I did. That's when (b) (6), (b) (7)(C)

8 Q: Can you just briefly give us a Reader's Digest version
9 of your duties and responsibilities when you were working in that
10 last job there in the General Counsel's Office?

11 A: Provided advice and counsel to senior clients assigned
12 to the Assistant Secretary of the Navy for Research, Development,
13 and Acquisition. The focus of my practice was government
14 contract, ethics, civilian personnel, and administrative law
15 including the Freedom of Information Act. Those were the primary
16 duties. Specifically my clients that I served directly - I served
17 the Deputy Assistant Secretary of the Navy for Expeditionary
18 Warfare and also the Deputy Assistant Secretary of the Navy for
19 Management and Budget. Both of those positions reported to the
20 Assistant Secretary of the Navy for Research, Development, and
21 Acquisition.

22 Q: And where did Mr. Gavin fall in within that
23 organization then? You didn't mention his organization.

24 A: The Assistant Secretary of the Navy for Research,
25 Development, and Acquisition has about eight or so deputy

1 assistant secretaries and I was assigned two of them as my direct
2 clients. In addition I oversaw the Ethics Program for that group,
3 the Assistant Secretary of the Navy for RD&A. So, if a question
4 came up for one of the other deputy assistants that was not my
5 client that deputy assistant would first go to the attorney that
6 was directly assigned to him or her. If there was a more complex
7 question or if one of the attorneys in our office wanted to
8 consult on an ethics issue they would generally come to me
9 because I oversaw the Ethics Program for that group.

10 Q: Thank you. Who was the counsel that was assigned to Mr.
11 Gavin's organization as --

12 A: Initially Mr. Gavin was the Program Executive Officer
13 for the Enterprise Information Systems, PEO(EIS), and that
14 reported to the Deputy Assistant Secretary of the Navy for C4I.
15 When he was the PEO(EIS) his attorney that served him was (b) (6), (b)
16 (b) (6), (b) (7)(C) in our office. When Mr. Gavin was promoted to the Deputy
17 Assistant Secretary of the Navy for C4I his attorney he was
18 assigned was (b) (6), (b) (7)(C) and so she was his -- she was
19 the first person that Mr. Gavin would go to on any question that
20 he might have. Separately also I would assist in the reviews of
21 the Office of Government Ethics 278s which are the annual
22 Financial Disclosure Forms that the senior executives would fill
23 out. So, I would screen those annually as well.

24 Q: We have heard that in 2017 Mr. Gavin was thinking about
25 retiring from the Navy and had asked you for advice on, and I'm

1 going to paraphrase here, "On how to deal with retirement and
2 conversations with industry." Can you please tell us about that?

3 A: He may have approached me. I don't have a recollection
4 of that. It would not surprise me if he had. I don't have any
5 record of that conversation that we may have had. He may have
6 called on the telephone. If that's the case my typical practice
7 would have been to just give him general advice about the primary
8 laws that would apply to a retiring senior executive, but without
9 any specific information I couldn't really give him much more
10 than that. I would also typically give anyone who's leaving civil
11 service a handout sheet that was developed by the DoD Standards
12 of Conduct Office that it was like a two page thing that just
13 described some of the laws, 10 U.S.C. Section 207, 208, and the
14 Procurement Integrity Act in broad terms.

15 Q: Do you have any recollection of him coming to talk to,
16 or asking you in any either in a conversation or some other mode
17 of communications about engaging with industry, and talking about
18 retiring, and things of that nature?

19 A: Engaging with industry, yes. He did --

20 Q: Let me rephrase that, sir. For the purpose of exploring
21 retirement possibilities and post-government employment.

22 A: Post-government employment yes, he did. That would have
23 probably been in early 2018.

24 Q: Okay. I'm going to get that one, sir. I'm going to jump
25 back a little bit to my previous question about that in 2017 our

1 information is that he was thinking about retiring and that he'd
2 asked you for advice on what he could or couldn't do. Do you have
3 any recollection and this would have been in mid-2017?

4 A: I don't have any recollection of that, which isn't to
5 say that he did not do it. It's just I don't recall.

6 Q: We've also --

7 A: I mean, it was typical when employees, senior employees
8 including the GS15s and senior executives were thinking about
9 their futures they would just come and ask questions about what
10 laws might apply to them.

11 Q: We've also heard that you advised Mr. Gavin to feel
12 free to talk in discovery mode, or words to that effect, but that
13 if his conversations changed from kind of general in nature to
14 specific like about particular jobs, or compensation that he
15 would need to recuse himself. What is your recollection of that?

16 A: Yeah. If he was thinking about a specific employer that
17 - I would have advised him that he needed to recuse himself from
18 working on any matters involving that individual and he would
19 have to do that by going to his supervisor, which in that case
20 would have been the Assistant Secretary of the Navy for RD&A
21 which I think at the time was Secretary Geurtz. So, he would have
22 had to ask to recuse or disqualify himself from any duties
23 relating to a specific employer. That's what he -- if it was
24 getting along -- if he wanted to interview or negotiate for
25 employment I think the law said he either had to decline, recuse,

1 or if he's interested in pursuing it he has to recuse himself.

2 Q: Okay. Please help me understand. Are you saying that
3 you remember that he asked you that and that's the advice you
4 gave him? Or are you saying that if he asked you that that that
5 would be typical of what you'd say?

6 A: If he asked me that that would be typical of what I
7 would say. I do recall that he asked to be recused from
8 employment opportunities. I seem to recall he wanted to be
9 recused, but I don't recall it.

10 Q: Do you recall providing any advice to him up until the
11 time that he recused, said that he wanted to recuse himself?

12 A: I recall in and around the March timeframe he had
13 specifically identified a position with Amazon that he was --
14 Amazon World Services that he was interested in and he provided
15 me with a position description that Amazon provided to him and he
16 had asked about that.

17 Q: Well he actually --

18 A: Prior to that I don't recall specifically whether he
19 recused himself or not. I'm sure that would be in the record. If
20 he sent -- because it would have had to go into writing to
21 Secretary Geurts and Secretary Geurts would have had to respond
22 to that.

23 Q: We do actually have a record of where he sent a letter
24 on January 11th, 2018 to Mr. Geurts saying that he was exploring
25 employment opportunities with Amazon Web Services. I won't read

1 it to you, but essentially he asked to be relieved from duties
2 and responsibilities related to the financial interests of Amazon
3 Web Services. But in between, so in between July -- let's say
4 July of 2017 and the second half of 2017 up until
5 disqualification on January -- in January of '18. What were your
6 conversations, if any, with Mr. Gavin regarding post-government
7 employment?

8 A: As I said, I don't really have any recollection of
9 specific conversations we might have had. As I said I do recall
10 that in March we exchanged some e-mail where he had identified
11 specifically a position with Amazon.

12 Q: Yes.

13 A: Before that if he'd asked me about recusal I would have
14 assisted in putting together a recusal letter that he would
15 provide to his supervisor and at the same time I would have given
16 him a draft endorsement for his supervisor to consider signing
17 if, he wanted to approve, it saying this is what I would expect
18 you to do and what you need to do if you're going to, you know.
19 So, I would put that, give him a draft that he could use.

20 Q: Did you assist him in putting together the letter he
21 sent to Mr. Geurts on January 11, 2018?

22 A: As I said I don't specifically recall that.

23 Q: We have a copy of the letter but where would any advice
24 or a record of any advice or assistance that your office would
25 have provided reside?

1 A: Well, usually -- I mean, I would have e-mailed that to
2 him with an attachment of the letter, the draft recusal request.
3 So there would have been an e-mail record of me sending it to Mr.
4 Gavin.

5 Q: Okay.

6 A: If that's what I did back in January. That's how I
7 would have given it to him. I mean, I wouldn't have typed it up
8 and walked it over. I don't even know where his office was.

9 Q: What we need to understand is what was the, my word,
10 "trigger" for the letter, or what was the -- what changed in his
11 deliberations about retiring or job search or what have you?
12 Because what we have is in the second half of 2017 he's out there
13 talking to, kind of talking in exploratory mode to various
14 companies and then he decides he needs to disqualify himself. So,
15 what can you tell us about that - what triggered the requirement
16 to disqualify himself on that particular day?

17 A: Yeah, and that I do not know. Can I ask, was that
18 letter -- because I -- was that letter signed? Did Mr. Gavin sign
19 the recusal letter? Do you have a copy of it signed by him, and
20 do you have something from Mr. Geurts back to Mr. Gavin saying,
21 "I approve your recusal request?"

22 Q: We just have the letter.

23 A: Is it signed?

24 Q: Yes.

25 A: And do you have any response from Mr. Geurts, Secretary

1 Geurts back to him saying yes or no?

2 Q: Not that I'm aware of. That's not to say --

3 A: Because that --

4 Q: That's not to say it doesn't exist.

5 A: Yeah. Well that would be the complete circle of that
6 because he has to have the approval for the recusal because his
7 supervisor can say, "No, no, I'm not granting it. I need you.
8 You're critical. I need you to do your job, and I can't take you
9 off those duties." So I don't know what the end result was on
10 that request. As I say, I don't have any recollection of working
11 on that.

12 Q: When then did you become aware of his request or his
13 disqualification?

14 A: Well, I became aware of his interest in a position with
15 Amazon I know in March.

16 Q: Right. Was that the first time that you'd heard about
17 this?

18 A: That's the first -- that's the -- I have a recollection
19 of that. That's the only thing I have a recollection of. Again,
20 that doesn't necessarily mean that he didn't talk to me
21 beforehand about wanting to retire, or wanting to seek some other
22 non-government employment. I just don't have any recollection of
23 it.

24 Q: Understand. So, what you recall is that the first time
25 you learned about his interest or financial interest in Amazon

1 Web Services was when he sent you that job description in March
2 of '18?

3 A: Correct. Correct. Now that's, which isn't to say that
4 he didn't talk to one of the other attorney's which is stated the
5 attorney that's assigned to DASN C4I. He might have been talking
6 with that (b) (6), (b) (7)(C), about this, which would have
7 been normal.

8 Q: When he -- had you heard anything about him
9 interviewing in between January 11th when he disqualified himself
10 or requested relief, and in March when he sent you the job
11 description?

12 A: I have not heard --

13 Q: We understand that he had one or more interviews with
14 Amazon during this time.

15 A: No, I didn't hear about any of that.

16 Q: So, on March 26th, 2018 Mr. Gavin did send you an
17 e-mail that said, I think (b) (6), (b) (7)(C) sent you a copy of this one,
18 where it says, "Attached is the job description I'm interested
19 in. I'm interested in your thoughts on the job's compliance with
20 the new National Defense Authorization Act, Section 1045." And
21 that's about the lobbying. "The job works with other federal
22 agencies and there's no work with DoD. To me it sounds clear but
23 I need to get a legal read from you." And then you responded that
24 you did not believe that Section 1045 would prohibit Mr. Gavin
25 from accepting the described position with Amazon but it could

1 impact his ability to lobby for new business development, which
2 looks like it was one of the responsibilities of the job. And
3 then you talk to him about behind the scenes work and so on. Is
4 this all familiar to you?

5 A: Yes.

6 Q: Again, is there any -- what can you tell us about
7 anything that might have happened between January 11th and March
8 26th when you received this e-mail from Mr. Gavin?

9 A: I don't have any recollection of his contacts with me.
10 They typically -- they would have been in the form of e-mails.
11 So, if there's any e-mail traffic that addresses that, that would
12 be helpful. Typically I didn't, I don't think I ever met Mr.
13 Gavin or met with him to discuss this, and so it would have been
14 in the form of e-mail.

15 Q: Okay. What happened after Mr. Gavin sent you the job
16 description?

17 A: Well, as I said, I reviewed the job description and
18 gave him some general advice about the post-government
19 restrictions, 18 U.S. Code 207, and the 1045 restrictions. And I
20 pointed out in the job description the problem that I saw with
21 his contacting DoD.

22 Q: Right.

23 A: The way that, my understanding was, the way that Title
24 18 limited the contact to a former agency that would have been
25 restricted to the Navy, but I think 1045 was broader and might

1 have captured the entire Department of Defense. And so that was
2 the concern that I had. Mr. Gavin said that he would not be
3 required to go back to DoD. So, I said that would be a problem
4 and I think I identified the concerns that I had in my e-mail.
5 The e-mail was not intended and I do not believe Mr. Gavin took
6 the e-mail as a, what we'll say as the final agency ethics
7 opinion on what he could do. It was just sort of telling him the
8 laws that were out there, and the concerns that I had.

9 Q: When did you learn that Mr. Gavin had accepted this
10 job?

11 A: I did not ever find out about that. (b) (6), (b) (7)(C)
12 well the next month after this correspondence. (b) (6), (b) (7)(C)
13 (b) (6), I gave him the advice on the end of March, like March 28th
14 (b) (7) or something like that and I think my last contact by e-mail with
15 (C) Mr. Gavin was to tell him that it wasn't a good idea for me, you
16 know, I couldn't give generic memo, or vague memos based on a
17 possibility or position with a company. That once he had
18 specifics we could give -- our office could give him an ethics
19 opinion, or if the employer, perspective employer wanted
20 something we could provide that, but until then the job duties
21 could change, or the position could change, or he could look at
22 another position within that company. So, at that point I said,
23 "We can give you something then when you've got more specifics."
24 I think I told him that at the end of March, like March 28th and
25 then I never heard anything back from him.

1 Q: So, had you not -- when (b) (6), (b) (7)(C) did
2 you know yet that he had accepted the job?

3 A: No.

4 Q: When did you first learn that he had accepted the job?

5 A: Actually it was probably just a couple of months ago
6 when I read in the news the protest that I think it was the
7 protest that Oracle or IBM filed.

8 Q: Okay.

9 A: And his name was raised in that protest. I just read it
10 in the news and it had mentioned he had a position with Amazon.

11 Q: On April 5th, 2018 Mr. Gavin attended a meeting and the
12 subject was a discussion of the review, kind of a murder board of
13 the JEDI Cloud Acquisition strategy. What can you tell us about
14 Mr. Gavin's request for legal advice on whether it was okay for
15 him to attend? We do know he requested legal advice.

16 A: I don't think I was involved in that, and I say, I was
17 not the attorney assigned to the DASN, C4I. My direct clients
18 were DASN, Expeditionary Warfare, and DASN, Management and
19 Budget. So, I would speculate that if Mr. Gavin had a question
20 about sort of a day-to-day job type thing, which is what I would
21 look at that as he would probably go to his attorney.

22 Q: And was that --

23 A: His assigned attorney.

24 Q: Was that (b) (6), (b) (7)(C)?

25 A: Yes. I know that (b) (6), (b) (7)(C) would attend the staff

1 meetings for DASN, C4I. So she was involved in more of the
2 day-to-day kinds of activities involving the DASN, C4I. I was
3 not.

4 Q: At the time of this meeting, we're talking acquisition
5 strategy, there's not been a request for proposals yet, and so
6 obviously there's been no proposals from any particular
7 contractors. What would your opinion be about that it would be --
8 that it would be okay to attend such a meeting even if he had a
9 financial interest in somebody who was a potential proposer? And
10 I understand that this is after the fact and it's, but I'm
11 interested in your opinion.

12 A: Yeah. I think if you go back to his recusal letter and
13 it says, "To avoid a possibility of a conflict of interest and to
14 permit an orderly transition. I request to be excluded from and
15 relieved of all matters and responsibilities regarding the
16 financial interests of Amazon Web Services until I reject the
17 possible employment." So, he hadn't rejected it. So, I guess I
18 would say that that would fall within those things that he said
19 I'm going to recuse myself from. If you knew that Amazon had a
20 possibility, or excuse me, had a financial interest in that
21 matter.

22 Q: At this point was it -- is it a particular matter
23 involving specific parties?

24 A: Well, a particular matter is that JEDI contract.

25 Q: Uh, huh [affirmative response]. At this point --

1 A: The particular matter isn't a particular contractor.
2 It's the JEDI contract in this case.

3 Q: Right, and I guess that's what I'm getting at is at
4 this point it's an acquisition strategy. It's not a -- an RFP
5 hasn't been issued yet.

6 A: Yeah.

7 Q: So, I wonder what bearing that might have had on it.

8 A: Well, one could argue the send argument that if you're
9 in the early stages of structuring the acquisition you can
10 structure it so that a particular company has an advantage. I'm
11 for example if you know that a company has, I don't know, this
12 will probably not be completely IT smart, but if you know that an
13 IT company has a particular capability that the others in the
14 industry do not, if you structured the government's requirements
15 so that it would give more weight to that particular capability
16 whether it would give that company that had that capability an
17 advantage. It wouldn't guarantee that they would necessarily get
18 the contract, but I would give them an advantage. So you could
19 write the requirement around a particular contractor, which isn't
20 to say that was -- that's what occurred.

21 Q: Right.

22 A: I'm just saying that's how it could be done. The
23 biggest one that would be involved in crafting the requirement
24 probably would be the PEO, Program Executive Office for that
25 particular acquisition.

1 Q: Right, and we have the --

2 A: But certainly --

3 Q: Just to be clear we have no information that he had any
4 role in the requirements development, and in fact, in the
5 information we have is when he did go to the meeting his only
6 input was to argue against making a single award on the IDIQ, but
7 he was advocating for a multiple award, which kind of --

8 A: Yeah.

9 Q: -- goes against the narrative that --

10 A: Yeah, and the DASNs are at such a high level that
11 typically they are not involved in crafting the requirements and
12 the specifications. They're more interested or involved in
13 keeping the Assistant Secretary of the Navy for RD&A briefed on
14 programs. So, they're kind of the go between between the, in this
15 case Mr. Geurts, the Assistant Secretary. They're the go between
16 between him and all of the various programs that are going on so
17 that then he knows what's going on. So they're really
18 intermediaries and teeing up Mr. Geurts when he has to testify
19 about a particular program, also they may be involved in funding
20 questions for Congress.

21 Q: Yeah, just --

22 A: So they're at that level. They're really not so much at
23 the requirements level. As I say Mr. Geurts because he was
24 formally PEO(EIS) he would have a very good knowledge of the
25 lower level details of a program, but at his DASN level that

1 would not be his job to craft specifications.

2 Q: Right. So, if the timeline being that on January 11th,
3 2018 he sent his letter to Mr. Geurts requesting relieve and then
4 he gets this invitation to go to an April 5th, 2018 meeting on
5 the acquisition strategy. So he knows he's recused, so on that
6 day on the 5th he did ask for at least some legal advice on
7 whether it was okay for him to go to this meeting, and he got --
8 the advice he received was it was okay. My question to you is,
9 would it have made any difference if, well, let me rephrase. One
10 thing that's in the timeline is that he had already accepted a
11 job on April 2nd, three days before he got the invitation to go
12 to that meeting on that day. Would it have made any difference if
13 the attorney providing the advice said it was okay to go had that
14 piece of information?

15 A: He had accepted a position? If I understand you, he
16 accepted on April 2?

17 Q: Yes.

18 A: The meeting was April 15th you said?

19 Q: April 5th.

20 A: April 5th. And did he know that Amazon was interested
21 in the JEDI acquisition?

22 Q: We don't -- we don't have that information. However,
23 there's only so many players in that space.

24 A: Yeah, and you read the job description that Amazon
25 provided it says, "This is development." So, I mean, I guess it's

1 a logical assumption to make that Amazon would be interested in
2 this program.

3 Q: Let me tell --

4 A: So, the better, the better, I mean the safer, more
5 conservative thing would have been, "Unless you really have to go
6 send your substitute, the one that you've identified that would
7 handle matters involving Amazon." But it wasn't a meeting
8 specifically involving Amazon.

9 Q: No.

10 A: So --

11 Q: It was about the strategy.

12 A: -- an argument could be made you go ahead, provide
13 whatever input you want. Can I ask, was I the one that was asked
14 about that?

15 Q: You were not.

16 A: Okay.

17 Q: Would the calculus change with the additional
18 information that he'd actually accepted a job? And what I'm
19 getting at, sir, is on the one hand that additional information
20 doesn't change the fact that he already had -- he was already
21 recused. He'd already identified --

22 A: Yeah, yeah. He was already so it really doesn't matter.

23 Q: -- that the conflict was created --

24 A: But he's still negotiating --

25 Q: -- he notified his --

1 A: Yeah, he's still negotiating for employment I guess
2 once he's been offered the job, now he's -- the next level for
3 working there, but he's still, as you say he's still under that
4 recusal.

5 Q: So, yeah.

6 A: So, thinking about your question would it have changed
7 the opinion on yes you can go to the meeting, or no you can't.
8 You accepted a job with a company that is more -- that is very
9 possibly going to submit a proposal for this thing. I guess I
10 would have asked, "Why do you need to go? Why do you feel you
11 need to go?" That would be a question I would want to know. "Why
12 do you feel you need to go?" Arguably there's -- that's what I
13 would ask before I gave my opinion is, "Why do you think you need
14 to go?"

15 Q: Well the advice he received and --

16 A: And. "If you need to get input. Is there a better way
17 to get the input to the meeting rather than you personally
18 attending?"

19 Q: The advice he received was, "This is a strategy thing.
20 There's no RFP yet. This isn't really about a particular
21 contractors yet. So, you're good to go." I don't --

22 A: Yeah, I understand.

23 Q: I don't --

24 A: Yeah, go ahead.

25 Q: I don't know that the fact that he changed a job may or

1 may not change that calculus. The fact is that as of January 11th
2 he had notified his supervisor of the conflict of interest with
3 -- so, and that conflict never went away.

4 A: Yeah, but as you say they were not far enough along in
5 the solicitation and the RFP crafting process. It was more of a
6 strategy meeting.

7 Q: Yeah, there was a draft RFP that existed.

8 A: So, I don't --

9 Q: It hadn't been issued yet, but the meeting wasn't about
10 the RFP. It was about the acquisition strategy.

11 A: Yeah, so I guess you could say there was no direct
12 conflict of interest, but perhaps there was an appearance.
13 There's always shades of degrees of an appearance, or it could
14 give rise to an appearance. How about that?

15 Q: Yeah.

16 A: I would say it could have given rise which apparently
17 it has of an appearance, but I do not -- I don't' believe that
18 there was an actual conflict there. So --

19 Q: Well, I thank you for that discussion for the last few
20 minutes. I realize that you weren't directly involved in that on
21 the events around April 5th, but I appreciate your talking to us
22 about that. (b) (6), (b) (7)(C) do you have any other questions for (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C): I do not.

25 BY (b) (6), (b) (7)(C):

1 Q: Okay. Sir, why do you believe this matter has surfaced
2 to the DoD OIG and been the cause of such attention in the media?

3 A: Oh, because of the dollars involved, and this large
4 amount of money, and when you get the Defense Department contract
5 that's a huge endorsement of whichever contractor gets it, and
6 other companies will hire a particular contractor because if the
7 government thinks they're good enough, then they're good enough.
8 So, the big dollars involved, and also it's an opportunity to
9 advance -- for any company to advance in that area. So, you know,
10 naturally that's why there's attention here and the dollar amount
11 that I'm hearing was it 10 billion?

12 Q: That's a ceiling.

13 A: Plus a long -- I'm sorry?

14 Q: That's a ceiling. The contract only required, the floor
15 was, or the minimum was going to be two orders for I think a
16 couple of million dollars.

17 A: Yeah, so --

18 Q: But the ceiling over 10 years is 10 billion.

19 A: Yeah, so the dollar amount at stake and the ability of
20 a company to advance in this area, the cloud area which is only
21 going to grow. So I'm sure that's why it, you know I mean, that's
22 got to be a huge reason, plus these companies that you're talking
23 about Amazon and Microsoft are in the news anyway all the time.
24 So, you have personalities there as well.

25 Q: Is there any additional information you'd like to

1 provide? Anything we're missing?

2 A: No. As I say (b) (6), (b) (7)(C) So I think
3 there was within our legal office there was a transition of the
4 ethics -- the high-level ethics matters which is what I worked,
5 the more complex ethics matters. We were transitioning those. I
6 think those were going over to the Deputy, Assistant General
7 Counsel for RD&A. So, I was handing over responsibilities as I
8 (b) (6), (b) (7)(C)

9 Q: To whom did you hand off those responsibilities?

10 A: A lot of them I would push to the particular lawyer
11 assigned to the client group, but if it was overall managing the
12 OGE 278s and the OGE 450 program those were going to (b) (6), (b) (7)
(C)
13 at the time I believe it was (b) (6), (b) (7)(C). I'm not sure who (b) (6), (b) (7)(C)
14 is now but I believe (b) (6), (b) (7)(C) took a job as (b) (6), (b) (7)(C) for
15 one of the DoD agencies over in the Mark Center.

16 Q: Okay. Do you have any questions?

17 A: Me, no.

18 Q: Do you have any comments or concerns about the way we
19 conducted this interview?

20 A: No. No, not at all. It sounds like you guys are very
21 thoroughly looking into the matter. The only thing I would see if
22 you have a copy of the recusal letter. If you have something back
23 from Mr. Geurts back to Mr. Gavin responding to his recusal
24 request because merely sending something to one's supervisor
25 saying, "Please recuse me." Isn't the end of the process. You

1 have to get back from your supervisor saying, "Yes, I recuse
2 you." Or the supervisor could say, "No, you're too valuable. I
cannot." Whatever, so I would see if you've got something there
to close that loop, I would look for that.

3 Q: Okay. Thank, you.

4 A: One would think Mr. Gavin would have it, or Secretary
5 Geurts' office ought to have something like that, or maybe the
6 C4I files have it or something. I would look for that.

7 Q: If you remember anything else that you believe may be
8 relevant to our review would you please contact us?

9 A: Absolutely.

10 (b) (6), (b) (7)(C): Finally, in order to protect the integrity
11 of this review, we ask that you not discuss the matters under
12 review or the questions we've asked you during this interview
13 with anyone other than an attorney should you choose to consult
14 one, but this does not apply to or restrict your right to contact
15 an Inspector General or a Member of Congress. If anyone asks you
16 about your testimony or this review please inform them that the
17 DoD OIG has asked you not to discuss the matter, and if anyone
18 persists in asking you about your testimony, our review, or if
19 you feel threatened in any manner because you provided testimony,
20 please contact us.

21 (b) (6), (b) (7)(C): Will do.

22 (b) (6), (b) (7)(C): The time is now 11:48 a.m. and this interview
23 is concluded.

24 [The interview terminated at 11:48 a.m., December 9, 2019.]

25 [END OF PAGE]

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X - - - - - X

INTERVIEW OF

(b) (6), (b) (7)(C)

July 17, 2019
ISO Interview

X - - - - - X

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1 P R O C E E D I N G

2 (b) (6), (b) (7)(C) Today is July 17, 2019. The time is 2:00
3 p.m. I'm (b) (6), (b) (7)(C) and with me are (b) (6), (b) (7)(C)
4 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). We are interviewing the witness
5 (b) (6), (b) (7)(C). Did I pronounce your name correctly?

6 (b) (6), (b) (7)(C) You did.

7 (b) (6), (b) (7)(C) Okay. We're conducting this interview in
8 Room (b) (6), (b) (7)(C) in the Pentagon. We're conducting a review of the
9 acquisition of the Department of Defense Joint Enterprise Defense
10 Infrastructure Cloud Acquisition. We also want to clarify the
11 actions of certain former DoD officials as they related to JEDI
12 Cloud acquisition activities, or relationships with Amazon that
13 may have prohibited their substantial participation in the
14 acquisition. These officials include: Former Secretary of
15 Defense, Jim Mattis; former Chief of Staff to the Deputy
16 Secretary of Defense, Anthony DeMartino; former Special Assistant
17 to the Secretary of Defense, Sally Donnelly; former Deputy
18 Assistant Secretary of the Navy for Command, Control,
19 Communications, Computers, Intelligence, Information, Operations,
20 and Space, Mr. Gavin, Victor Gavin; former Director of Cost
21 Assessment Program Evaluation, or CAPE, Robert Daigle; and the
22 former DDS Product Manager, Deap Ubhi. At this time I ask you to
23 acknowledge that this interview is being recorded.

24 (b) (6), (b) (7)(C) I acknowledge that.

25 (b) (6), (b) (7)(C) Also, please acknowledge that I provided a

1 copy of the DoD OIG Privacy Act Notice.

2 (b) (6), (b) (7)(C) You did.

3 I will now administer you the oath. Would
4 you please raise your right hand?

5 (b) (6), (b) (7)(C): Sure.

6 (b) (6), (b) (7)(C)

7 was called as a witness, placed under oath, and provided
8 the following testimony:

9 E X A M I N A T I O N

10 BY (b) (6), (b) (7)(C):

11 Q: Thank you. Now, please state your full name and spell
12 out your last name?

13 A: Sure. My full name is (b) (6), (b) (7)(C). Last
14 name is two words, (b) (6), (b) (7)(C)

15 Q: What is your grade and who is your employer?

16 A: Ooh, this is complicated. All right. I am a (b) (6), (b) (7)(D) for
17 the National Security Agency fulfilling a position with the
18 Defense Digital Service (b) (6), (b) (7)(C)

19 Q: So, you're a (b) (6), (b) (7)(C) employee then?

20 A: Sure, yeah. I don't know much about the law. I've got
21 lawyers for that.

22 Q: You are a GS. And so your current duty positions,
23 you're basically -- are you detailed over here from NSA over here
24 to the DDS?

25 A: Yep.

1 Q: Okay. When did you begin working over here?

2 A: It would be officially October 1st, 2017.

3 Q: And when did you start working for the NSA?

4 A: Oh, that's a good question. May of I want to say 2014.

5 Q: Was that your first federal job?

6 A: No, it wasn't. (b) (6), (b) (7)(C)

7 [REDACTED].

8 Q: Okay. Here in the DDS will you please briefly describe
9 your duties and responsibilities as they relate to JEDI?

10 A: Sure. So, I'm the (b) (6), (b) (7)(C) of the Defense
11 Digital Service. So that includes sorts of helping run the team,
12 but JEDI is the largest project we've ever taken on, and there's
13 a bunch of complicated technical and security matters. And so I
14 sort of stepped in as the technical lead for JEDI in addition to
15 my and responsibilities.

16 Q: JEDI is not the only thing in the DDS portfolio?

17 A: Not at all.

18 Q: What would you -- how would you estimate what
19 percentage of the portfolio as far as total amount of work? I
20 don't mean dollars and things like that, the amount of work that
21 JEDI represents for the whole office?

22 A: That's a pretty complicated question, because
23 acquisition sort of fits and starts of like hard-core technical
24 work and then contracting action that don't really take our
25 technical experts. And so, there are portions and pieces like

1 right now as there doing final selection where pretty good chunk
2 of our engineering staff is dedicated full-time to the evaluation
3 of parts and components. The evaluation criteria, but then
4 there's been large slots of time where we had to put the RFP out
5 and we're waiting on responses where no one from the team is
6 spending any time on it. So, in general I would say for the last
7 year and a half it's probably represented about 25 percent of the
8 total effort in hours across the team.

9 Q: How many programs or projects is a better word would be
10 in the total DDS portfolio approximately?

11 A: On average we have about ten at a time. Yeah.

12 Q: What was the impetus for the whole JEDI Cloud
13 Acquisition?

14 A: Sure. So September 13, 2017 there was a memo from the
15 Deputy Secretary of Defense, then Pat Shanahan tasking a number
16 of folks across the Department of Defense with figuring out how
17 the Department could take advantage of cloud infrastructures and
18 platform services. So, that included a variety of actions. First
19 was taking a look at what the Department was already doing. And
20 sort of second was taking a look at how we could do that better,
21 and I'll say it's really crossed three areas or the way that it
22 was delivered. So, first with figuring out how we could do it
23 securely, how we can do it quickly, the speed, and the last one
24 was figuring out how we could make it so that the massive
25 technical staff we have across the Department of Defense which

1 really lacks expertise in this area could more easily access and
2 use the cloud. So, I will talk about that and I have in various
3 written statements as sort of lowering the bar for technical
4 talent. Right, we've got to train our folks, sort of raise the
5 capacity, but we've also got to lower the bar. This is a
6 complicated technical topic.

7 Q: What's the relationship between the DDS and the Cloud
8 Computing Program Office?

9 A: Sure. So, when we started this Cloud Computing Program
10 Office didn't exist. We knew as we went down the path of the
11 acquisition that there was going to need to be in office capable
12 of running the contract once it was online as well as providing
13 sort of expertise and support services to the Department, to
14 folks that wanted to use those cloud services. We, DDS, we work
15 hand-in-hand with the folks responsible for aspects of the
16 mission, but you'll notice we don't own any missions sort of
17 day-to-day. Right, our job is to jump in, provide additional
18 technical capacity, to accelerate the Department forward, and
19 then transition those solutions back to their owning
20 organization. There was no good answer for who should be
21 responsible for providing those infrastructure and platform
22 services to the Department at the time, and so we help stand up
23 CCPO in partnership with CIO.

24 Q: And when did they stand up the CCPO?

25 A: That's a good question. And a complicated one. It's

1 never easy. Okay. A few pieces there.

2 Q: Well, we're aware of approximately when they appointed
3 a program manager, and this was a kind of an office of one for a
4 while.

5 A: So, same time. That's what it was created, yeah, and I
6 was going to say, but there was a series of memos signed by the
7 Deputy Secretary, and they were signed on sort of three different
8 dates as they made edits to the memo itself, and I don't remember
9 the dates off of the top of my head.

10 Q: We saw one on January 8, 2018 where Mr. Shanahan is
11 authorizing the CIO, or the CMO I believe it was at that time --

12 A: It sounds about right.

13 Q: -- to go ahead and hire people, and appoint a program
14 manager, establish a program element, and a budget, and then
15 allocate people to the Program Office.

16 A: Yeah, that sounds right.

17 Q: Did that happen right away? Did take a while to stand
18 up? Or how did that play out?

19 A: I mean these things always take time, so it was an
20 office of one for a while. So, at first program manager was
21 (b) (6), (b) (7)(C) [phonetic] from the Air Force,
22 but there's a bunch of complexity around personnel at that time,
23 including CMO was initially responsible for it. Dana Deasy, now
24 CIO started at some point in there, and there was a transition of
25 the Program Office from the CMO to CIO, which makes sense. But,

1 all of that sort of delayed growing the office for some period of
2 time.

3 Q: What vetting did you undergo before being allowed to
4 participate in the JEDI Cloud Acquisition as far as an ethics or
5 conflict --

6 A: Sure.

7 Q: -- or standpoint goes?

8 A: Yeah, so I, bunch of conversations sort of happened
9 throughout that process. So the first was our General Counsel at
10 the time, Sharon Woods, is now the Program Manager for CCPO. When
11 I joined the DDS team sat down with me and asked a bunch of
12 questions about sort of my financial background - right. The nice
13 thing is that work for the government since I graduated from
14 college so I not I don't have a whole lot there, but she made
15 sure she understood sort of what my retirement savings look like
16 as well as (b) (6), (b) (7)(C) . And so we had that conversation. That
17 took a couple of days because I had to get a bunch of facts. And
18 so, before I was allowed to really get into any details other
19 than the fact that we were taking a look at cloud across the
20 Department, we went through that process. Once I went through
21 that I was given an NDA to sign which I did, and then -- you
22 know, so then I started working on parts and pieces like market
23 research, and talking with folks across the Department about
24 their use of cloud services service. We had a conversation with
25 CIA which we can go into, and at some point along that process,

1 and I'll say it's probably late December we had sort of
2 solidified that we were going to do an acquisition, right? And I
3 do think it's important to note that while they were talks
4 upfront about the fact that an acquisition was probable we were
5 taking a look at what vehicles already existed across the
6 Department and until we finish talking to various parts and
7 pieces of those groups there wasn't really a final we are
8 definitely doing an acquisition. So, at that point we picked the
9 contracting officer, and the (b) (6), (b) (7)(C)
10 (b) (6), (b) (7)(C) and so then sat down again, had a conversation with her
11 and went from there.

12 Q: When was that point when you decided, okay. We're not
13 going to use the GSA vehicle or somebody else's vehicle. We're
14 going to do a new acquisition?

15 A: For me that was following the signing of the Joint
16 Requirement Oversight Council- Memorandum, the JROC-M, which
17 Sullivan sign, General Sullivan signed. That was when, right,
18 once we got in the requirements or what they called
19 characteristics and considerations from the Joint Staff they were
20 describing features and capabilities that didn't exist on any of
21 the existing vehicles. I will say going into that process and
22 having conversation with a lot of folks in the Joint Staff
23 leading up to that including our pitch on what we thought it
24 should look like was pretty sure that the outcome of that process
25 was going to be its own acquisition, but it wasn't solidified in

1 my mind until we had gotten affirmation from the warfighter that
2 that was true.

3 Q: What training in ethics did you receive upon your
4 detail over here?

5 A: So like I said we had sort of the precursory
6 conversation with Sharon, who is our General Counsel, went to my
7 financial stuff, but then SOCO, so the Standards of Conduct
8 Office, so (b) (6), (b) (7)(C) and usually one or two other folks come
9 over and brief the team fairly regularly, and the timing on that
10 just worked out that I was like in my third week he came over and
11 did his like two hour spiel on ethics and all of the obligations
12 that you have. I also think that it's important to just call out,
13 right, that prior to being here I was at the White House where we
14 were required to do a yearly briefing on ethics and exacting
15 detail, which I found to be pretty helpful and again, those all
16 seem to translate across the government pretty clearly.

17 Q: So (b) (6), (b) (7)(C) came over from SOCO about three weeks or so
18 after you started. How many times has he or anybody from his team
19 then back to?

20 A: Oh, I would say, I think I have personally heard him
21 brief four times and I travel quite a lot, so I imagine he's been
22 back six or seven times in the time that I've been here.

23 Q: Does he cover the new personnel, or does he do
24 refreshers?

25 A: He covers the new personnel, refresher. You know, I

1 think it's also useful because of the things we work on shift,
2 the questions our teams has very slightly, and so it's an
3 opportunity that he usually sort of talks and gives like a 45
4 minute overview, and then folks get asked questions, and based on
5 the projects that we are working on folks have different
6 questions, and I find value in just hearing what other people are
7 asking about, where their concerns are. That especially as one of
8 the leaders, it's really helpful to know what their concerns are.

9 Q: What is your or Mr. Lynch's guidance, or direction to
10 the DDS employees regarding that training? Is it mandatory every
11 time, or mandatory the first time, voluntary afterwards? Help us
12 understand.

13 A: As you've probably heard, the word mandatory is like a
14 word our team is going to be a little bit allergic to. We do
15 require that everyone on the team attend stand up if it's
16 logistically possible. Stand up for us is every Monday at 2:00
17 p.m. and we would use that meeting to have SOCO come in and
18 brief. So, we got very good attendance across the team. I would
19 say by and large folks within their two to three months don't
20 really travel because you're just getting spun up on projects so
21 it just kind works out naturally that folks are almost always at
22 the first briefing. With that said there are folks who haven't
23 gotten the training and might get involved in an acquisition, so
24 Sharon when she was our general Council and now (b) (6), (b) (7)(C) who is
25 our (b) (6), (b) (7)(C) are really meticulous at keeping track of who

1 has been briefed, and making sure that before anyone works on
2 acquisition they go have that conversation with SOCO. So, we've
3 also done some of this training out of band.

4 Q: Is (b) (6), (b) (7)(C)

5 A: Yep.

6 Q: Is he the DDS (b) (6), (b) (7)(C)?

7 A: That's correct.

8 Q: What is SBD Advisors?

9 A: So I've heard the name in the context of Sally
10 Donnelly. I won't profess to know or care. I know it was a
11 company that either she bought, or she was involved in, or
12 something like that. I learned about it the news articles from,
13 and I will just say my experience but most of those articles was
14 that they were woefully inaccurate. So, my expectation is that
15 the information I got out of them was willfully inaccurate.

16 Q: Did you augment your knowledge of this from news
17 articles from any other source? Or is it only from news articles?

18 A: Only from, I mean only from news articles, and then
19 I've read a variety of different statements that have been made
20 in the context of GAO and the Court of Federal Claims, but again,
21 it's a lot of Oracle slinging nonsense, and so it's very hard for
22 me to know what's real and what's not, and candidly like, ah, we
23 will get to that when we talk about this, but like their
24 involvement was so insignificant that it wasn't something that
25 ever concerned me.

1 Q: We'll ask you some questions about that.

2 A: Yeah, we'll get there.

3 Q: What's C5?

4 A: Same thing I mean I know it's affiliated or connected
5 somehow to SBD, but I don't actually know.

6 Q: What's the relationship between SBD Advisors and C5 if
7 any?

8 A: I think one bought the other but I don't know.

9 Q: What's the relationship between SBD and Amazon?

10 A: My understanding if that was Sally's company before is
11 that they were some form of lobbyists for Amazon. Again, from
12 news articles. I don't know this to be certain. I have seen like
13 no green sheets or anything like that on this topic.

14 Q: Same question for the relationship between C5 and
15 Amazon?

16 A: I'm, again if that's one of the -- one or the other of
17 those was a company that Sally worked for which did some lobbying
18 for Amazon, but I don't know which one.

19 Q: What interest did SBD have in the JEDI Cloud
20 Acquisition?

21 A: I have no idea.

22 Q: Same question for C5, interest in the JEDI Cloud
23 Acquisition?

24 A: Again, none-- to my knowledge.

25 Q: What were your interactions with former Secretary of

1 Defense James Mattis that related to the cloud acquisition?

2 A: I had no interactions with him on this particular
3 topic.

4 Q: Was understanding of Mr. Mattis' relationship with, or
5 interest in SBD?

6 A: I've heard rumors that he was somehow affiliated with
7 this before he became the Secretary of Defense, but again I don't
8 know that is a fact. It's a rumor I've heard.

9 Q: Same question for Mr. Mattis and C5?

10 A: Same.

11 Q: Same question for Mr. Mattis and Amazon?

12 A: Logic would flow that if he was working for SBD, and
13 SBD was lobbying for Amazon he could have had some relationship,
14 but I don't know the specifics of it.

15 Q: Do you have any first-hand knowledge of that?

16 A: Zero.

17 Q: Did Mr. Mattis need to disqualify himself from
18 participating in the cloud acquisition because of any of those
19 relationships or interest that he may have had?

20 A: Again, not to my knowledge, but I will just say the
21 front office at the time he -- dealt with things sort of
22 externally facing and Pat was responsible for things that were
23 internally responsible. And so, at least in the context I had Pat
24 being the one responsible or sort of issuing the cloud related
25 memos as it tied to reform and IT modernization made sense to me.

1 So, Mattis not having involvement, at least I didn't at the time
2 think to ask the question if that was based on a conflict versus
3 just prudence in the way that they were running the Department.

4 Q: What did you ever hear Mr. Mattis say about Amazon?

5 A: First-hand I didn't hear him say anything about Amazon.
6 I have seen, I think it was an article after he did his sort of
7 West Coast trip where he said something about being impressed by
8 the cloud after visiting Amazon, but no firsthand knowledge.

9 Q: What have you ever heard Mr. Mattis say about any of
10 the other competitors in the cloud contract?

11 A: Same. I have not heard anything firsthand.

12 Q: I'm going to say a few words about the form that's in
13 front of you for the record.

14 A: Sure.

15 Q: We asked (b) (6), (b) (7)(C) to fill out a form and provided
16 to us before the interview. On the form we list several former
17 DoD officials, and we also list kind of a laundry list of 26
18 different activities that were identified that were associated
19 with the cloud acquisition, and then one catch all that was other
20 activity. And then we also listed, asked (b) (6), (b) (7)(C) to identify
21 which is officials were involved in which activities, and to help
22 characterize the type of activity they may have been involved in.
23 So, I've got a few questions about that. We'll start with Mr.
24 Mattis. On the form that you indicated that Secretary Mattis did
25 not play any role in any JEDI Cloud Acquisition activity that we

1 listed. You also indicated he did not play any role in any other
2 type of JEDI activity that we did not list. Do you confirm this?
3 Is this correct?

4 A: Yes.

5 Q: What nonpublic procurement information did Secretary
6 Mattis have access to?

7 A: None to my knowledge.

8 Q: How would you know that? How are you able to make that
9 statement?

10 A: As I said to my knowledge, right? I caveated it with
11 the interactions I had personally with him were unrelated to JEDI
12 at all. I only had a few interactions with him, generally at
13 farewells, and he was talking about the service of particular
14 individuals. One of them was Sally's farewell. That was one of
15 the few interactions I had with us.

16 Q: How did Mr. Mattis influence the JEDI Cloud
17 Acquisition?

18 A: I do not believe he did.

19 Q: Did Mr. Mattis have any conflicting interest that
20 should have, or could have disqualified him from participating in
21 the JEDI Cloud Acquisition?

22 A: None that I have first-hand knowledge of.

23 Q: What has Mr. Mattis ever said or done that would cause
24 you to question his ethics or impartiality concerning Amazon?

25 A: Again I have no firsthand knowledge of anything that

1 would make you question his ethics. My experience with him is
2 he's an extremely ethical man.

3 Q: What has Mr. Mattis ever said or done that would cause
4 you to question his ethics or impartiality concerning the
5 acquisition as a whole?

6 A: Again, I have no firsthand knowledge of anything to
7 that effect.

8 Q: Who was Sally Donnelly?

9 A: I think she was something like senior -- you said
10 earlier the correct time, but like special advisor, senior
11 advisors to Secretary Mattis.

12 Q: What were your interactions with Ms. Donnelly that
13 related to the JEDI Cloud Acquisition?

14 A: Yeah, so I only had, I believe one interaction with
15 Sally related to JEDI, and that was she provided some edits to an
16 op-ed that was authored under Pat Shanahan's name related to the
17 importance of cloud acquisition.

18 Q: What publication did that op-ed appear?

19 A: I've think it was Defense One, but don't hold me to
20 that. I can look it up, I just don't remember[DoD OIG1].

21 Q: Timeframe?

22 A: That's another great question.

23 Q: Publication?

24 A: I want to say it's like October/November timeframe.

25 Q: Of '17?

1 A: Yeah. Maybe November/December. I'd have to look it up,
2 I don't really don't recall. It was a long time ago.

3 Q: What's your understanding of Ms. Donnelly's
4 relationship with or interest in SBD Advisors?

5 A: Again. I know she has some affiliation with that but I
6 don't know the specifics.

7 Q: C5?

8 A: Same.

9 Q: Amazon?

10 A: Same.

11 Q: Did Ms. Donnelly need to disqualify herself from
12 participating in the JEDI Cloud Acquisition because of any
13 relationship or interest she may have had?

14 A: Again, I don't really know one way or the other, I
15 guess I'll just say she wasn't involved in the acquisition at
16 all. So, again sort of the timeframe I gave on that article, this
17 was an op-ed issued by Pat talking about the importance of moving
18 to the cloud for security, speed, lowering the bar. Those were
19 sort of intent statements written abstractly about the cloud and
20 have nothing to do with the actual acquisition. That was the only
21 interaction she really had with it at all. I don't remember the
22 exact timeline of her departure, but if I remember correctly it
23 was well, that was the only time I really talked to her about
24 JEDI at all. So again, not a question I really asked because when
25 we started down the path of the acquisition like Sally had no

1 involvement at all.

2 Q: Well, we did note on the form that you indicated she
3 wasn't involved in anything, any activities that we identified,
4 but you did put a yes and the other one. Was that the article,
5 the op-ed?

6 A: Yeah, the op-ed.

7 Q: Was there anything else that you meant --

8 A: No.

9 Q: -- to convey by indicating yes there?

10 A: No, that was just the op-ed. Yeah, it was pretty
11 specific.

12 Q: You indicated that she didn't play any role in any of
13 the Cloud Acquisition activities. Do you confirm that? Is that
14 correct?

15 A: Yes, to my knowledge, she did not.

16 Q: What did you ever hear Ms. Donnelly say about Amazon?

17 A: I actually didn't ever hear her mention Amazon.

18 Q: What did you ever hear Ms. Donnelly say about any of
19 the other competitors for the cloud contract?

20 A: I didn't hear her mention them either.

21 Q: What nonpublic procurement information does Ms.
22 Donnelly have access to regarding this acquisition?

23 A: Yeah, none to my knowledge.

24 Q: How did Ms. Donnelly influence the JEDI Cloud
25 Acquisition?

1 A: I don't believe she did.

2 Q: If she did would you know what? You seem pretty close.
3 We've heard your name a lot and you seem that you're pretty
4 involved --

5 A: Yeah.

6 Q: -- in the acquisition.

7 A: Yeah. I don't believe that she could have without my
8 knowledge.

9 Q: Did Ms. Donnelly have any conflicting interest that
10 should have disqualified her from participating in the
11 acquisition, again if she had been involved?

12 A: Yeah, that's one of those things I guess I --

13 Q: I know that's a theoretical but --

14 A: Yeah, I mean and again there are rumors to that effect
15 and if she had been involved I probably would have asked
16 questions. We were pretty hooked up at the time with SOCO,
17 especially (b) (6), (b) (7)(C) who was making sure that folks who were
18 involved in the acquisition were appropriately vetted. We didn't
19 let them be a part of conversations until we got her head nod.
20 So, sort of a theoretical answer. If we had gotten to that point
21 we would have made sure it was done correctly.

22 Q: What has Ms. Donnelly ever said or done that would
23 cause you to question her ethics and impartiality concerning
24 Amazon or the acquisition?

25 A: Nothing.

1 Q: What was the process that (b) (6), (b) (7)(C) put in place that
2 you just alluded to a second ago?

3 A: Sure. Yeah, so like an individual who, sort of came in
4 late to the game, Dana Deasy and he, when he joined the
5 Department and was going to be a part of the acquisition, (b) (6), (b) (7)(C)
6 spent quite a bit of time working with him on his financials and
7 understanding where his conflicts of interest might be, and
8 ensuring that those were cleared up before he could get involved
9 in the acquisition, and it's sort of note that when he came on
10 board we were pretty close to ready to drop the RFP, but wanted
11 to make sure he had an opportunity to do a top to bottom review,
12 and so we delayed about 45 days by my recollection while we
13 waited for all of his financials to get cleared, and he came from
14 J.P. Morgan Chase which had done a major merger, and so his
15 financials were complicated and (b) (6), (b) (7)(C) was meticulous in making
16 sure he had none, and had really run through that process before
17 she said he was good to participate and can sign the NDA.

18 Q: Who's Tony DeMartino?

19 A: Yeah. He held a variety of titles in his time for at
20 least while I've held this position. So he started I believe with
21 me here and the Chief of Staff to the Deputy [DoD OIG2], and then
22 some period of time there he moved and was the Deputy Chief of
23 Staff to the Secretary -- I believe that was the shift. Yeah, and
24 my interactions with him were largely in the context of
25 scheduling around Deputy Secretary Shanahan. So, when we needed

1 time with Pat who was involved Tony would help with that. He
2 would occasionally sort of attend meetings and take on some notes
3 or follow up. Last thing he was really helpful with we were
4 trying to get information from a CIA related to their C2S
5 contract. So their single award cloud contract. We wanted to
6 understand what they had done, sort of what worked well in the
7 terms of selection criteria and things that they would do
8 differently. We're having a hard time finding the right injection
9 point at CIA so his sort of distinct participation I remember
10 from him was that he reached out to I think the Executive
11 Secretary there but I don't remember the exact individual just
12 asked that they reach out to the right person and have them
13 contact me.

14 Q: You indicated on the form in the column for Mr.
15 DeMartino down in other activity is that what you were talking
16 about, or are you speaking of something else.

17 A: Actually I think that was the Intel community meetings
18 I put nine other.

19 Q: I see it.

20 A: And that was sort of he got me in contact with the
21 correct person. He did not attend that meeting. He was not a part
22 of the conversation. It was he found me the individual to engage.

23 Q: I see. You did indicate other programs or contracting
24 activity. What did you mean down there?

25 A: That was the op-ed he also participated in the editing

1 of the op-ed because it was going out in his boss' name.

2 Q: You also indicated Industry Day of some sort of
3 attended?

4 A: Yeah, he attended some meetings about Industry Day.
5 This was when we were sort of in the planning stages trying to
6 figure out who should talk at Industry Day, and he was attending
7 on behalf of Pat who had feelings about sort of the folks who
8 should speak during that day.

9 Q: You also, finally, the form you indicated that he wrote
10 or helped draft something having to do with Cloud Executive
11 Steering Group.

12 A: I believe he wrote or helped draft the memo that
13 established the Cloud Executive Steering Group[DoD OIG3].

14 Q: Did he attend the meetings?

15 A: I don't believe so. At least not any meeting that Pat
16 wasn't at.

17 Q: Did you attend the meetings?

18 A: Yes. Most of them. I started October 1. It took me a
19 couple of days to get cleared. So I don't have any knowledge of
20 meetings that happened before that timeline. I don't believe
21 there were any, but I believe I attended all subsequent meetings.

22 Q: What is your understanding of Mr. DeMartino's
23 relationship with these firms we've been talking about: SBD, C5,
24 Amazon?

25 A: He again my understanding is that he -- I think he

1 worked for SBD one of them. That's really all I know.

2 Q: Did he have a need to disqualify himself?

3 A: My understanding was that he had been -- he had had a
4 conversation with SOCO, but I don't know the specifics of that.
5 He didn't attend any conversations related to the acquisition
6 itself. Again, this was sort of early days we're talking just
7 with -- we are really just talking to Pat about an approach to an
8 acquisition that might make sense.

9 Q: And we know when the Industry Day, was the Intel
10 community meetings occurred in 2017. Did they not?

11 A: That's correct.

12 Q: And the op-ed piece was published 2017?

13 A: I believe so.

14 Q: And did he, the information we have is he eventually
15 did disqualify himself from further participating in any more of
16 these types of things. Did he attend any Cloud Executive Steering
17 Group meeting after such disqualification?

18 A: I don't believe so.

19 Q: What is your knowledge of how he accomplished
20 disqualifying himself or recusing himself?

21 A: You know what? I don't know the exact specifics of how
22 that went. As I sort of mentioned we work pretty closely with
23 (b) (6), (b) (7)(C) in the context of who could be involved in the
24 conversations about the acquisition, right? And in the context of
25 one of those conversation she had mentioned that he was

1 disqualified. That's how it came to pass.

2 Q: That was my next question. So anybody from SOCO, or any
3 other attorney advise you that hey Mr. DeMartino at any point is
4 now verboten?

5 A: That's correct.

6 Q: When did that occur?

7 A: That's a great question that I don't -- I don't recall.
8 I want to say early 2018, but I don't -- yeah, I don't really
9 remember.

10 Q: The rest of the activities on this form you indicated
11 no for Mr. DeMartino. Is this correct?

12 A: That's correct.

13 Q: The things that you did answer yes and we just
14 discussed, together did they mean that Mr. DeMartino's
15 participation in the acquisition was substantial?

16 A: I don't believe so.

17 Q: Help us understand why that would not be.

18 A: Are. So again, I'm going to draw a distinction between
19 like a conversation about what the Department was doing in cloud
20 and what sort of the Department's cloud strategy should be. How
21 do we get out of the thousands of data centers we have, and into
22 cloud infrastructure. That's really what the CESG was talking
23 about leading up to when we got the JROC-M, then we started
24 talking about acquisition. Tony didn't participate in the
25 acquisition conversations at all. Lastly, he is not an expert in

1 contracts. Not an expert in cloud. I don't really see any
2 capacity in which his participation would have been helpful.

3 Q: What nonpublic procurement information did Mr.
4 DeMartino have access to?

5 A: I don't believe he had access to any. Yeah, not to my
6 knowledge.

7 Q: How did Mr. DeMartino influence the JEDI Cloud
8 acquisition?

9 A: I don't believe he did.

10 Q: What has Mr. DeMartino ever said or done that would
11 cause you to question his ethics or impartiality regarding
12 concerning Amazon?

13 A: You know he has similarly never mentioned Amazon or any
14 of the other competitors.

15 Q: Same question but broader to the acquisition itself?

16 A: Nothing.

17 Q: Can you say that again?

18 A: Yeah, nothing. I don't believe he influence the
19 acquisition or approach.

20 Q: What were your interactions with Mr. Gavin that related
21 to the JEDI acquisition?

22 A: Sure. So I -- I'm aware that he attended one of the
23 early conversations with the team about some of the Navy's
24 current ongoing in the cloud space. Sort of what they were using
25 cloud for, where their foray was going. I was not at that

1 meeting. I only had one personal interaction with Victor Gavin
2 related to JEDI cloud and that was at a review of the acquisition
3 strategy.

4 Q: When did that occur?

5 A: Dates? I don't remember. Again, I can look it up. It's
6 on my calendar. I just don't recall, but it would have been early
7 2018, very early 2018.

8 Q: We do have some information that he attended a meeting
9 that related to the acquisition strategy, or at which the
10 acquisition strategy was a topic of discussion in April 2018.

11 A: That's it. Sounds right.

12 Q: You indicated on the form he was involved in some
13 capacity in meetings related to market research report.

14 A: That's sort of the research around what the Navy was
15 already doing. What vehicles were they using, how were they using
16 cloud? I wasn't there personally, but I'm aware that he attended.

17 A: We have some information that that particular
18 participation had to do with one of the Cloud Focus Sessions.

19 A: It doesn't sound --

20 Q: Those Cloud Focus Sessions were about hey, let's learn
21 what the rest of the Department is experiencing?

22 A: I'm sorry. Then I got the nomenclature and correct in
23 that case it would have been Cloud Focus Sessions.

24 Q: I just wanted to clarify.

25 A: Yeah, no. Yeah perfect clarification. Yes. So not with

1 the company's just with understanding what the Department was
2 doing with cloud. I also think it's probably worth calling out in
3 the context of this conversation that at the acquisition strategy
4 meetings in April 2018 we got into some fun verbal sparring where
5 Victor Gavin was arguing for a multiple award acquisition
6 strategy in that meeting. His arguments were largely based around
7 competition and not the technical feasibility, and I disagreed
8 with most of his points, but I think in the context of this
9 conversation that's a fun fact.

10 Q: What did you mean by sparring? Was it animate?
11 Contentious?

12 A: Oh, no, no, no. Just as in like --

13 Q: Friendly?

14 A: -- hey, I mean like he was, I love schematics. Folks
15 try to get very technical but he made and then like a
16 philosophical argument that wasn't based and technical fact and
17 so I just poke some holes in it and that was the end of that
18 conversation.

19 Q: Did Mr. Gavin disqualify himself from participating in
20 the acquisition?

21 A: Not to my knowledge.

22 Q: Did you have any -- did he have any involvement in the
23 acquisition after that April 2018 meeting?

24 A: Not to my knowledge.

25 Q: What did you ever hear Mr. Gavin say about Amazon

1 specifically?

2 A: He didn't say anything about Amazon specifically.

3 Q: Not even during the sparring?

4 A: No, no. It was just, I mean his -- that was basically
5 you can have multiple award today and was single award it takes
6 time. It made no sense to me. It still doesn't.

7 Q: What did you ever hear Mr. Gavin say about any of the
8 other competitors for the cloud contract?

9 A: He didn't say anything.

10 Q: With Mr. Gavin's participation in the cloud acquisition
11 substantial?

12 A: No.

13 Q: Please explain that answer.

14 A: So, he attended a meeting where we had a conversation
15 about the acquisition strategy. Outside of saying that he thought
16 that a multiple award approach would be better than a single
17 award there was no substantive feedback, there was no comments on
18 any draft. There was no -- there was a single meeting with a room
19 full of folks and he made one comment that didn't influence us in
20 any way, shape, or form.

21 Q: Other than these limited activities we've just been
22 discussing you indicated that he did not play a role in any other
23 JEDI Cloud acquisition activity. Is this correct?

24 A: Yeah, not to my knowledge.

25 Q: Other than the draft acquisition strategy what

1 nonpublic procurement information did Mr. Gavin have access to?

2 A: I don't believe he had access to anything else. So I
3 will say for that meeting there was -- I believe we only sent out
4 the draft acquisition strategy document. I don't believe it
5 included the business case, but there's a part of me in my head
6 that saying maybe he also saw the business case. I don't know for
7 sure one way or the other. I could look at the e-mails.

8 Q: How did Mr. Gavin influence the JEDI Cloud acquisition?

9 A: I do not believe he did.

10 Q: What has Mr. Gavin said or done that would cause you to
11 question his ethics or impartiality concerning Amazon?

12 A: Nothing that I have first-hand knowledge of.

13 Q: We have some information that Mr. Gavin engaged in
14 employment discussions with Amazon, disqualified himself from
15 participating in any particular matters involving Amazon, and
16 then attended this April 2018 meeting. What is your response to
17 that statement?

18 A: Well it seems like a mistake, and I don't totally
19 understand why one would do that.

20 Q: What information do you have that would tend to confirm
21 that what I just said was true, or establish that it wasn't true.

22 A: I don't have any first-hand knowledge sort of one way
23 or the other. If I recall correctly he was not on the initial
24 invite. I don't think that his attendance was something I was
25 expecting at that acquisition conversation. Yeah.

1 Q: Did senior officials from other military services or
2 DoD components attend that meeting?

3 A: Yeah.

4 Q: Were there other Navy representatives there?

5 A: That's a really good question. I don't know. At the
6 time, I think this was -- I guess I'll say -- I believe the
7 invite was sent to the CIOs of the military services. I'm not
8 sure who it was delegated to, like sort of who attended, and I --
9 we didn't go around the room and ask folks to identify their
10 organization.

11 Q: What were your interactions with Robert Daigle that
12 related to the acquisition? You've got a number of yeses.

13 A: Yeah, we had a lot of conversations with Bob related to
14 the JEDI acquisition. Right, so he was a member of the CESG and
15 was involved in a variety of different aspects of the acquisition
16 itself as well as the CESG.

17 Q: The form did include a column for Mr. Daigle. You
18 indicated that Mr. Daigle played a role in multiple JEDI Cloud
19 acquisition activities. He attended meetings, provided data or
20 decision support, provided opinions or recommendations, review
21 documents, and also performed other duties. Is that correct?

22 A: That is correct. Yeah.

23 Q: Talk to us about his participation and try to help us
24 understand and characterize that and how it may have been
25 influence the acquisition.

1 A: So I would say Bob Daigle was a pretty critical player
2 in the conversation overall. I will say he's one of those
3 individuals because he was in a bunch of those acquisition
4 meetings we made sure was cleared by SOCO and had gotten the head
5 nod from (b) (6), (b) (7)(C). So I had no reason to believe he shouldn't
6 be included in all the conversations. So, at the time he was
7 included in a lot of them. He and I'm happy to go through it, but
8 was involved in meetings around the problem statement and the
9 business case. He was involved in the meetings, I think the
10 drafting and sort of other conversations around creating the
11 CCPO. He was involved in the discussions and sort of an initial
12 draft of what the sort of business requirements were since he was
13 pretty heavily involved in IT modernization and reform. He
14 attended meetings on Industry Day as well as meetings on
15 acquisition strategy, the statement of objectives, the single
16 award decision -- he was a pretty constant player in those
17 conversations.

18 Q: What was his position on single award?

19 A: Initially he was struggling to understand why it made
20 sense. We, Chris, myself, John Bergin, and a few others had about
21 an hour and a half long conversation with him sort of walking
22 through the trade-offs between multiple award and single award
23 and why we thought this was the appropriate strategy for the
24 Department of Defense, and after that he was a strong believer
25 that single award was the correct choice.

1 Q: What did you ever hear him say about Amazon
2 specifically?

3 A: Nothing.

4 Q: What about the other players in the acquisition, in the
5 competition?

6 A: Nothing. Actually let me take that back. I do believe
7 he asked at some point in time specifically around the business
8 case we talked about tactical edge, and he asked the question to
9 make sure that the majority of players in the market space could
10 meet those requirements. I think that's a reasonable question.
11 That's a pretty developing area in the field of cloud technology.
12 So we sort of cited some specific feedback we'd gotten in market
13 research report from the main players in the cloud space, but
14 that he asked that question in the context of like, "Who has
15 tactical edge capabilities?" That was all I can recall.

16 Q: What's your understanding of any relationship that may
17 exist or have existed between Mr. Daigle, and SBD, and C5, and
18 Amazon?

19 A: None to my knowledge. That would be news to me.

20 Q: Are you aware of any -- did any meeting existed for him
21 to qualify himself or not participate?

22 A: Yeah, like I said, no, I'm not aware of anything to
23 that effect.

24 Q: What has Mr. Daigle ever said or done that would cause
25 you to question his ethics or in partiality concerning Amazon

1 specifically or the cloud acquisition as a whole?

2 A: Nothing.

3 Q: Is there anything else we need to understand about the
4 role Mr. Daigle played in the acquisition if we're reviewing
5 whether or not his participation was problematic?

6 A: And like I said, I think he -- we spent a considerable
7 amount of time talking to Bob about our decisions around JEDI
8 cloud, and that was truthfully because Deputy Secretary Shanahan
9 really valued Bob's opinion and he was a major force in the
10 conversation. So, I -- actually before we'd got on the record I
11 had asked the question why was he on the list because I truly
12 want to understand because I do think he influence the
13 acquisition. So I'm curious in that regards. At the time I had no
14 knowledge of him having any conflict at all. I hope that remains
15 a true statement, but if that's not I would like to understand
16 more.

17 Q: How did you meet Deap Ubhi?

18 A: Deap was on the DDS team when I joined.

19 Q: How did he come to join JEDI?

20 A: Actually he was working on JEDI when I joined the team.
21 Him and Sharon were the first to folks that were working on.

22 Q: So it had been a couple weeks old by that time?

23 A: Yeah.

24 Q: If you go by the date of Mr. Shanahan Shanahan's record

25 --

1 A: A whopping 14 days, yeah.

2 Q: -- of his memorandum.

3 A: Yeah, that's right.

4 Q: What did you ever hear Mr. Ubhi say about Amazon?

5 A: I knew he worked at Amazon in the past. I think he was
6 a product manager there.

7 Q: Did you know this from him talking about it?

8 A: Yes. I mean as I sort of had all my initial one-on-ones
9 with the various members of the team I wanted to understand their
10 backgrounds, what they had worked on. Sort of how they became
11 experts in the various fields because that's the qualifier to get
12 folks onto the team here. You know, so I wanted to understand and
13 a bunch of, especially as I got spun up on JEDI cloud when he had
14 departed Amazon because I'm very aware of the sort of one year
15 separation requirements and so I wanted to understand that was
16 true and in effect.

17 Q: What did you ever hear him say about Amazon in the
18 context of JEDI?

19 A: I think, and I'll say there's a few different pieces
20 here. It's a complicated question, but in general Deap has a deep
21 understanding of how Amazon's cloud work and understanding of
22 that technology. And so it was helpful especially in early day's
23 conversations to be able to explain concepts to folks in the
24 context that he had. So, we'll him say things like, "When I was
25 at Amazon VPC is virtual private clouds were used in this way.

1 But I know Microsoft's cloud and Googles cloud, and Oracle, and
2 IBM's cloud can do the same things. Isolations between tenants,
3 like individual users." So he would put things in the context of
4 his own experiences, his own capacity. But my experience with him
5 was that he did a good job of caveating that that was not unique.
6 He's just helping folks in the Department as I have started off
7 like no understanding of how cloud worked. To understand I also
8 think it's important to call out that like many places in the
9 technology field jargon around cloud is pretty specific to
10 individual vendors. They all want to create their brand and want
11 to teach people how to use the services they offer in the context
12 of their brand. Good engineers can translate those terms, but
13 that the jargon matters and so Deap has a tendency to use Amazon
14 specific jargon, but actually also did a good job calling out
15 what other company's jargon was when there was an appropriate
16 synonym. And I think it's really important, right? So I'll call
17 that out, that's a truth, that's a fact. Deap would also as we
18 were talking about the market research was trying to understand
19 what was possible, would often, like he suggested in I believe a
20 couple of questions for the RFI around, in and around things like
21 the tactical edge based on his experiences at Amazon. So,
22 understanding how a tactical edge integrates to the main cloud.
23 It wasn't his questions and suggestions weren't Amazon specific,
24 but they were, "Here was things we struggled with in the past.
25 Let's understand where the market is today and ask a question

1 sort of broadly to figure out what various companies can do, and
2 sort of what progress we're going to use, I've been out of the
3 game for over a year, what progress had been made in those
4 spaces. Those are, that's sort of the extensive list of my
5 recollection of his specific mentions. I know there's a number,
6 you might have seen, from our slack channels where Deap talks
7 specifically about Amazon and sort of various statements, but I
8 think it's the context of those sort of two areas I just
9 described[DoD OIG4].

10 Q: What did you ever hear him say or see him write about
11 the competitors? Anything disparaging about the competition?

12 A: I'm sure he did at some point in time. You've read
13 Deap's -- I don't know if you've read any of the transcript of
14 slack logs Deap has a particular style that's pretty brash.

15 Q: What do you remember?

16 A: Yeah, so I'm trying to think through if I can remember
17 or recall. Yeah, so like I do, I remember specific comment about
18 the licensing models around databases. We the Department of
19 Defense spend millions of dollars, I'm sorry, billions of dollars
20 a year paying for database licenses for things like our HR
21 systems, and in the context of cloud that doesn't really make
22 sense. So, remember him talking about sort of Oracle is the big
23 provider of most of those databases sort of wanting to disrupt
24 that market, but not disrupted in the going after Oracle just in
25 terms of we're spending a bunch of money on licenses, and the

1 technology has shifted. Like we need to take advantage of it.

2 That will save the taxpayers a lot of money[DoD OIG5].

3 Q: Any other examples?

4 A: Yeah, I was trying to think through. He made some
5 disparaging comments about resellers. So not any of the
6 competitors in the cloud itself, but like MilCloud 2.0 the fact
7 that the Department of Defense bought cloud technology from the
8 company that doesn't produce the cloud. Like CSRA just buys stuff
9 and resells it to us. He made disparaging comments about that and
10 I think he's spot on. That's not in our interest we're paying
11 some middle man an extra bill that is provided to us with less
12 features, functionality, and security than if we got from the
13 vendor.

14 Q: On the form you indicated a number of things that Mr.
15 Ubhi worked on. Did he do any of this work after he disqualified
16 himself from participation and you took away his access to the
17 collaborative environments, and documents, and whatnot?

18 A: Yeah, so again this is I want to be just very careful
19 because words matter. After he notified us of his
20 disqualifications the answer to that question is no. My
21 understanding from the last seven or eight months is that he
22 didn't disqualify himself as soon as he should have. So, I just
23 want to be clear, there's the philosophical disqualification and
24 the literal disqualifications. In this case, the answer to the
25 questions after the literal disqualification, no.

1 Q: You put down that he worked on a number of documents
2 and artifacts, and so on, and so forth, problem statement,
3 business case analysis, market research report. How mature with
4 those documents when he stopped working with him?

5 A: Yeah, so of the documents I would say the market
6 research report was probably the furthest along. That is similar
7 to this where you took sort of the transcript, sort of recorded
8 the answers from a variety of meetings we had with vendors where
9 they use scripted questions. So, he translated the responses, the
10 transcribed responses into collective answers along with a number
11 of other folks on our team. So, he did contribute to that. It was
12 still in draft form when he left. It was finalized by (b) (6), (b)
(7)(C)

13 (b) (6), (b) another member of our team who I imagine you all will talk
(7)(C)
14 to, and handful of others. He was involved in those one-on-one
15 meetings with vendors. I'm trying to remember when Industry Day
16 was, and whether or not he would have participated at all. That
17 just hit me all of a sudden.

18 Q: And the announcement was dated October 30, 2017.

19 A: Oh, then he wouldn't have participated because he would
20 have recused himself.

21 Q: Industry Day was March 2018.

22 A: That sounds about right. Okay. That sounds more
23 correct.

24 Q: When was the market research report finalized?

25 A: I want to say December or January, but again I'm bad

1 with dates.

2 Q: I ask because we've seen a copy of something dated
3 March 31st and then the BCA reference the February date, we also
4 have some other information that says, no it was earlier. So
5 we're trying to get our hands on when it was actually --

6 A: The best person to ask would be (b) (6), (b) (7)(C), but I
7 can probably take a look at figure out if you need.

8 Q: Okay.

9 A: And I think in this is probably actually useful
10 context. There is the done by the engineers and then we hand our
11 documentation over to the lawyer and the contracting officer who
12 are reviewing everything. And they may come back to us with
13 questions, they may ask us to make edits or changes. But like my
14 timeline on done is probably very different from the folks that
15 actually get to decree that something is done because they review
16 it last.

17 Q: I go by when the contracting officer --

18 A: That's my -- yeah, so I was like --

19 Q: -- the FAR requires the contracting officer to do it.

20 A: Yeah. That's right.

21 Q: Did Mr. Ubhi's activities mean his participation in the
22 acquisition was substantial?

23 A: No.

24 Q: Why not?

25 A: Yeah, so, and this is a soapbox that I'll get on often

1 these days. In total if you assume that you've worked every
2 possible day from the time that the Deputy Secretary issued his
3 memo until the day that Deap recused himself, he could have
4 possibly worked 45 days on an acquisition. That was in its
5 infancy, the acquisition itself. We hadn't even decided what the
6 acquisition strategy was. We hadn't decided how we were going to
7 do it. We hadn't decided the vehicle. This was really about
8 market research, understanding what was out there, and having a
9 conversation about what acquisition strategy maybe should be. And
10 when I say acquisition strategy but really IDIQ, multiple award,
11 single award not the like actual strategy, which I guess like a
12 --

13 Q: It's an artifact?

14 A: Is a term of art in the contracting world. So like not
15 the document but just philosophical. But it frustrates me because
16 about hundred folks have since spent almost two years grinding
17 away on a really complicated and hard thing and working tireless
18 hours on it, and because one person lied, did an unethical thing,
19 that group of folks has had to work exponentially harder to get
20 across the finish line. So, on this soapbox I think it's
21 important to say I don't see a way in which he could have
22 influenced the outcome in any reasonable fashion, but more
23 importantly when we pretend he did and this Oracle has tried to
24 make the argument that he did, I think it denigrates a lot of
25 incredible work that a bunch of great Americans have done in the

1 context of this thing, and giving credence to that argument it's
2 just unjust. It's not true. It's factually inaccurate but worse
3 than that it's a narrative that they continue to spin, and keeps
4 grabbing. I mean, Congress, the Congressional letters in the last
5 week have just been ridiculous. I understand, like we the
6 Department don't comment on ongoing litigation externally, but
7 the narrative is just false. It's incorrect. It really is.

8 Q: What was it that Mr. Ubhi did or did not do to comply
9 with ethics standards? What did he do?

10 A: Yeah, so my understanding, and again I'm not great with
11 dates, he recused himself to us on Halloween, and my
12 understanding is that he had been in conversations with Amazon
13 about accepting a position earlier than that. The dates that I
14 have heard vary greatly. I don't know when the exact date is.
15 What I do know is that he lied to me. When he recused himself he
16 had made it sound like the night before, the day before he had
17 heard from Amazon -- was interested in his company and that might
18 require employment and recused himself as soon as he talked to
19 SOCO the next day. From my vantage point that timeline ethical. I
20 later came to that was not the timeline. That's unethical. He
21 lied to me.

22 Q: What did you learn later?

23 A: That he had been in discussions with Amazon it sounds
24 like for a number of weeks leading up to him actually accepting
25 the position. I also think it's important to note and this is,

1 again my timeline, he told us Amazon was interested in his
2 company, found out on the 30th, told us on the 31st, and Amazon
3 had affirmed he was going to need to take a position with them
4 about two weeks later -- I think it was November 11th, but I can
5 check for sure. And from the 31st on he was entirely separate
6 from any JEDI related conversations. When I later learned one
7 that Amazon didn't by his company, and that to he has been in
8 discussions leading up to that point, it really felt like a lie
9 because there was this weird period of time where he was like
10 they're working on the deal but I don't know the answers. The lie
11 wasn't a small lie. It was a pretty complex lie, and I've racked
12 my brain for a while trying to figure out why. Like this is a
13 weird team the Department of Defense. We celebrate people
14 leaving. We ask folks to come and do a tour of duty for nerds.
15 Spend one, two, up to four, but no more years serving the
16 American people working for the government. Bring that commercial
17 experience. Lots of folks take a significantly smaller salary
18 than they had in the outside word and do a thing, and then go
19 back. We celebrate that. That's part of our culture. It's
20 important. We give folks a cake that says quitter, we clapped
21 them out of the building. It's an important part of who we are as
22 an organization, and so if he had said, "Hey, I'm going to go
23 work for Amazon" we would have celebrated the shit out of it.
24 That's awesome. And not because it's Amazon, because we celebrate
25 people leaving. I think that's important given my role. I don't

1 understand what he lied, I really don't. And so I think there's
2 two parts here at least, and these are sub positions, right? I'm
3 trying to figure out what it could possibly be. The first is ego,
4 I can see that there's some play on ego here. Since I can't
5 figure out what had how to rationalize this, which is he wanted
6 to go back to bigger and better since he's taken a title that was
7 the same as the one he had before and. He came up with a
8 grandiose story to help convince all of us that that was the
9 reason he was going back to his last job and not moving onto
10 bigger and better. The second maybe is that he was trying to not
11 hurt feelings, and I think he, as probably many of us did is
12 we're starting to talk about what an acquisition might look like
13 in this to my two year timeline and was incredibly arduous
14 process, might have just been overwhelmed by the size of what we
15 were about to do, and decided it was the time to get out, but in
16 either of those senses he left incredibly early on before I even
17 knew what a gate criteria was. True statement. Like, we hadn't
18 gotten to the conversation about how an acquisition worked.
19 That's how early he left. I don't know why he lied. I still to
20 this day rack my brain. I keep coming up with theories because I
21 would like to understand why someone would do such a terrible
22 thing to a group of people that were going to have to work really
23 hard to dig out of what is an optically bad hole. That's my bit.
24 I'll get off my soapbox.

25 (b) (6), (b) (7)(C): (b) (6), (b) (7)(C) any other questions about these

1 former officials before I asked these last couple of questions on
2 my part?

3 BY (b) (6), (b) (7)(C) :

4 Q: Yes. I want to go back to Ubhi. You stated that he
5 advised you on 31st of October that, hey I'm interested in a
6 position at Amazon. So, what did he do after he disclosed that to
7 you? What work did he perform? What contribution did he make
8 thereafter?

9 A: Yeah, so afterwards he spent some time with (b) (6), (b) (7)(C)
10 (b) (6), (b) (7)(C) [DoD OIG6]. So let me back up before the JEDI
11 acquisition. Deap worked on the sort of our Army portfolio, so
12 the projects that we do for the Department of the Army and sort
13 of warfighters around the world has had transitioned back to, a
14 guy named (b) (6), (b) (7)(C) within our team when he started
15 working on JEDI. I said the JEDI acquisition before, but I should
16 say sort of like responding to the CESG, we didn't have a name
17 with JEDI yet, it was an acquisition, it was just CESG. After he
18 recused himself he spent what was I think about seven working
19 days just transitioning his documents to (b) (6), (b) (7)(C) so that (b) (6), (b) (7)(C)
20 had a bunch of context, introducing (b) (6), (b) (7)(C) to folks in the
21 Pentagon sort of establishing relationships, helping support our
22 relationship with the Department of the Army. That was it.

23 Q: Could he overhear any conversations that the team was
24 making, or decisions that the team is making?

25 A: He was not in the office so that would be pretty

1 tricky.

2 Q: Also I want to follow up, you stated earlier that (b) (6), (b) (7)(C)
3 (b) (6), (b) (7)(C) provided training for the members here.
4 Do you know what that training was as it relates to ethics? What
5 did they ask of them to provide? You stated earlier financial
6 statements from yourself, and they took a look at those, and
7 vetted them through SOCO.

8 Q: Yeah, so I think there's a few different pieces there,
9 right? (b) (6), (b) (7)(C) gives this sort of standard, he has a slide deck. I'm
10 sure he (b) (6), (b) (7)(C) can share with you all of his sort of standard briefing
11 on ethics (b) (6), (b) (7)(C) then opens up the floor so that folks can ask
12 questions (b) (6), (b) (7)(C). And again, we've got a bunch of people here coming
13 from the commercial sector, and government ethics are very
14 different from what you need to do in the private sector. When
15 folks join our team, (b) (6), (b) (7)(C), or Sharon before him, sit
16 down with each individual that is joining the team you walk
17 through their personal financials, understanding where their
18 conflicts of interest are, and giving them individual guidance on
19 the areas they cannot work. I think the last pieces is once we
20 had started the acquisition process, right, we were creating a
21 document that lead to an acquisition, individuals who worked on
22 that were given a separate ethics briefing by (b) (6), (b) (7)(C).
23 And if I can quote (b) (6), (b) (7)(C) specifically ethics training you've
24 gotten before is important. With an acquisition of the size it's
25 not enough. You need to be on the side of angels was the exact

1 quote. It's beyond just doing the right thing and following the
2 letter of the law. It is not putting yourself in any situation
3 where the optics of that could be perceived. Yeah. And that was
4 about once we started source selection the last piece of
5 training, sat down with everyone who was involved with source
6 selection and did two day training, two full days training on how
7 acquisition works and the ethics.

8 (b) (6), (b) (7)(C): That's all I have, (b) (6), (b) (7)(C)

9 BY (b) (6), (b) (7)(C):

10 Q: Were you ever in a meeting at which anyone either
11 changed the subject or excused from himself or herself because of
12 a conflict? In other words, you're getting an area that I can't
13 discuss?

14 A: I mean I've been in lots of meetings where folks
15 weirdly change subject, but I don't believe that has anything to
16 do with ethics or conflict of interest. It's just the Department
17 of Defense and it's a strange place.

18 Q: Did anyone attempt to JEDI Cloud requirement in, in a
19 way that favored Amazon over its competitors?

20 A: I do not believe that they did.

21 Q: In the context of this acquisition what does the word
22 requirements mean to you?

23 A: Interesting okay.

24 Q: We know it's not a DoD 5000 JSIDs output, and it's not
25 a major automated information system.

1 A: Yeah, so this --

2 Q: So, the requirements word gets thrown around a lot.

3 A: Yeah. I, and this is where I would say at least in my
4 brain requirements is probably a simplification of the evaluation
5 criteria and the statement of objectives, maybe the cyber
6 security plan if you want to get into three documents I sort of
7 think of as critical. But actually in the context of this and
8 you'll hear me get on soapbox, publically all the time, but the
9 fact that I think requirements are the antithesis of good IT. We
10 should talk about what we functionally want, but we shouldn't
11 tell people how to give it to us. If you read the JEDI
12 acquisition --

13 Q: Is that why you use a statement of objectives?

14 A: It is indeed intentionally, and what is the read the
15 cyber security plan it doesn't read like any other cyber security
16 plan that I have ever seen. We wanted to describe the
17 capabilities that the warfighters needed based off of the JROC-M
18 characteristics and considerations. Let's translate that into
19 sort of a functional description of what warfighters need. Sort
20 of if the Department, and in some instances we do have hard and
21 fast requirements sort of based in law like the DFARs. So let's
22 be really explicit there, but give latitude for the proposers in
23 a bunch of areas. I'll give a couple of examples because this
24 sounds philosophical, but to my knowledge it's the first
25 infrastructure contract that said vendors could propose either

1 separate secret, and top secret infrastructure, or they could
2 provide, I'm sorry propose, infrastructure at both the secret and
3 top-secret level meeting the requirements of a accesses cross
4 domain solutions as specified by some awesome NSA documentation.
5 We were trying whenever possible in the construct of this
6 contract to give maximum flexibility to vendors to put forward
7 innovative solutions that give the best functionality security to
8 the warfighter. That's the goal. And so requirements gets used
9 because requirements is a word everyone's familiar with. It's
10 sort of our DoD safe space, but it's really just a simplification
11 of what we really do.

12 Q: Did anyone attempt to include or exclude anything from
13 the RFP that would intentionally serve to advantage Amazon or
14 disadvantage any of its competitors?

15 A: No. Let me give you an answer that's slightly different
16 than that though. There was a lot effort going into this process
17 to make sure that we didn't buy snake oil. That we were able to
18 effectively evaluate solutions that would meet real warfighter
19 needs. We spent a bunch of time thinking about talking about how
20 to make sure that the solution could be readily accessible to and
21 used by warfighters. My experience today overseas is it takes
22 about nine months to buy a server. Average deployment four to six
23 months. We have failed in. We have. There was a lot of effort put
24 into making sure that anyone who was going to propose to meet
25 this contract could deliver real capabilities as quickly as

1 possible to the warfighter and could provide those at scale.
2 Could respond to legitimate security needs on scale. So you. If
3 you read the gate criteria we wanted to make sure that whoever
4 was proposing could make physical and logical changes to the
5 infrastructure they are responsible for if directed to do so by
6 the Department of Defense. We get classified intelligence all the
7 time that warns us about security, vulnerabilities, in advance of
8 them being released to the public. We wanted a mechanism to be
9 able to obligate the contractor to make those changes. That's
10 good for us. It's good for the warfighter. It's the best case
11 scenario, but there's lots of folks and I've heard various
12 talking heads and articles talk about how it's unfair to
13 resellers. It didn't allow someone to come in and sell us
14 somebody else's product. That's not an accident. That is the best
15 case scenario for the warfighter. So, there are instances here
16 where we did disadvantage. But not anyone who is a legitimate
17 cloud provider and the four folks that put in proposals are
18 legitimate cloud providers. I do not believe that acquisition was
19 written to advantage any one of them.

20 (b) (6), (b) (7)(C) [REDACTED] ?

21 BY (b) (6), (b) (7)(C) :

22 Q: All right. For the record this is (b) (6), (b) (7)(C)
23 from Audit. I want to talk about the rationale for the single
24 award.

25 A: Okay.

1 Q: So you mentioned earlier that you talk to CIA?

2 A: Yeah.

3 Q: Can you tell us you talk to there?

4 A: Oh, that's a good question. So I talked with (b) (6),
(b) (7)
(C)
5 (b) (6),
(b) (7)(C)

6 Q: Can you remember his title?

7 A: Well, at the time he was (b) (6), (b) (7)(C) at CIA, but
8 when (b) (6), (b) (7)(C) He was responsible, and
9 the myriad of others. I don't remember their names off the top
10 off of the top of my head. I have it in my e-mail somewhere.

11 Q: Can you can you recap what you are -- I know you talked
12 to them to learn from their cloud acquisition experience. What
13 would you learn from CIA?

14 A: Sure. So, there was sort of a handful of conversations.
15 The first is we wanted to actually see their acquisition
16 documents. We wanted to understand how they had approached it. We
17 also wanted to understand what criteria they used at the time.
18 It's important to know, this was a long time ago, and in the
19 technology space it was eons ago, almost seven years ago now. But
20 one of those things that I learned in that meeting that sort of
21 stuck out in my mind was they asked all the vendors to do a
22 demonstration, to spin up 10,000 virtual machines like virtual
23 servers in under a minute. It's a pretty reasonable thing to do,
24 and today like cloud vendors will laugh at that. A million
25 wouldn't even make them flinch but at time seven years ago that

1 was a pretty hefty ask. And two of, I remember saying at least
2 they recounted it to me was that two of the vendors were
3 incapable of spinning up those kinds of VMs, and that separated
4 the okay from the great was a way that they described it. That
5 was super interesting. It added into a bunch sort of the
6 demonstration, evaluation criteria and they weren't using
7 acquisition words. We're talking to engineers and the COTAR, and
8 (b) (6), (b) (7)(C) a technical person, but I later came to know is like
9 demonstration criteria and the actual demonstration script,
10 evaluation criteria. I'm like actual evaluation. What I later
11 learned would be sections L&M. I have no idea of what those
12 things even were. It kind of embarrassing. I do now. That was the
13 conversation. That was the context. The last piece and I think it
14 was really useful from my vantage point was to try and understand
15 whether or not our rational for going single award, or the theory
16 we had at the time made sense, right? You went single award. Did
17 that make sense? So, what was it based on? Would you do it again?
18 Interesting questions, and their rational funny enough was very
19 similar to the rational I had in my head, which was clouds are
20 pretty weighty things. They're complicated. They take time to
21 learn. They had a technical workforce that didn't have the
22 capacity to handle a bunch of things at once. The analogy I've
23 used publicly, not that CIA used, just the Tim's used publically,
24 imagine being a 16-year-old again and having someone tell you
25 they're going to teach you to fly an airplane, ride a motorcycle,

1 and drive a car at the same time. You probably have the capacity
2 to do all of those things, but each one of them is complicated
3 and it takes time and energy. It's kind of the same with cloud.
4 You can learn, and once you can drive a car to understand the
5 rules of the road and you can translate some portions of that to
6 riding a motorcycle, but it's not one for one. It's not that
7 easy. The technical complexity in teaching our users to take
8 advantage of those cloud offerings is a heavy lift and trying to
9 do a bunch of different vendors at once would be very, very hard.
10 Spending time to raise the technical competency of our workforce
11 to learn how to use one cloud solution, that I think is
12 attainable, and once they've done that pivoting into multiple
13 cloud later on once you've successfully deployed and use the
14 cloud for a couple of years makes sense. In fact, CIA's most
15 recent announcement that they're going to move to a multiple
16 awards makes total sense to me. They had seven years to learn how
17 to use one. They now have a workforce that talks about cloud just
18 like they talk about Microsoft Office. They're super comfortable
19 with it. It's a product they use for a while and they understand
20 how what they use today could translate to other offerings. As an
21 organization they've built out the tooling to both you said
22 individual cloud and then to then pivot into potentially multiple
23 clouds. Things like identity management how do you do
24 authentication? How do you manage your administrators? They built
25 all the tooling themselves and learned how to use that for one,

1 and have been preparing for pivoting into multiple vendors. That
2 makes a lot of sense to me. We the Department, sort of same
3 thought process was on the security side you've got to figure out
4 how to manage the seams between clouds. That's complicated, and
5 it takes a bunch of tooling to do well. But first, we've got to
6 manage the seam between a cloud and the DoD information networks.
7 A massive unbelievably complex and terribly built -- it's like
8 one of those Frankenstein houses that someone just kept adding to
9 -- we've got to figure out how to manage the seams between the
10 cloud and the DODIN. That's hard. Trying to manage the seams
11 between DODIN and a bunch of individual clouds, and then the
12 clouds overwhelming, and we don't have the technical capacity
13 that we need. We've already talked about that. The last bit that
14 went into it for them was just speed. Straight up speed. Once
15 you've awarded a single award, individual task orders can be
16 awarded almost instantaneously. It's not very hard. Having to
17 compete individual task orders would be really hard especially,
18 and the same thing on our end, especially when your workforce
19 doesn't know the difference between the jargon we talk about
20 earlier. Knowing the difference between simplified storage in
21 vendor B, simplified storage in vendor B when they use entirely
22 different words. They're built differently. You'll spin them up
23 differently. You drop files into them differently. That's pretty
24 complicated, and if you gave that to the average technical person
25 in the Department today they wouldn't know what to do. It slows

1 down a lot. Instead, considering the infrastructure, the sort of
2 base layer for storage, networking, and compute, it's pretty
3 similar across the board. It just built super differently, it's
4 talked about super differently, let's go and get a vendor that
5 can meet the bulk of our needs, sort of general purpose. It won't
6 solve everything. Absolutely won't solve anything, but general
7 purpose, get it on contract, raise the technical capacity of our
8 workforce. Get uncomfortable with it and buildout our tooling,
9 learn how to secure it, work on integration between existing
10 services in the cloud itself, and then reevaluate as we move
11 forward. That's why we built what Dana has called off ramps into
12 the contract, but a variety of options that will allow us to
13 decide when we in the Department are ready to pivot to multiple
14 awards, but today we are not. CIA's rationale was the same.

15 Q: Okay. Which documents you, or I should say, which
16 documents outline the strategy that we will pivot into multiple
17 awards?

18 A: I think probably the best one is Dana's cloud, like
19 Department Cloud Strategy document, but I guess I'll say --

20 Q: There are multiple documents that use the word cloud
21 strategy.

22 A: I'm sure, and that's why I'm like --

23 Q: That's why I'm like pin down which document outlines
24 the strategy that says we're going to do one well and then pivot
25 into multiple.

1 A: The best person to ask this is going to be like Sharon
2 or someone in the CIO office.

3 BY (b) (6), (b) (7)(C)

4 Q: Is that the document you're talking about?

5 A: Maybe. This is pretty cool. Yeah, this is it.

6 BY (b) (6), (b) (7)(C) :

7 Q: So the cloud strategy from what's the date on that one?
8 Is that December?

9 (b) (6), (b) (7)(C) December 18 I believe.

10 (b) (6), (b) (7)(C) December 2018, okay. And it was publicly
11 released back in like February.

12 A: There's a document that predates this was which is a
13 set of slides. Oh, it looks like this. I help draw this one. I
14 know. That was sort of our strategy, and has been briefed to
15 Congress for a very long time. It also includes, so its general
16 purpose, we may in the future get to multiple general-purpose
17 clouds, who knows. Fit for purpose in the meantime. So my example
18 on that is actually guns. Right, today?

19 A: Oh, I've seen it many times.

20 A: Cool. We've got lots of strategy now. Guns, today we
21 give the bulk of the Army standard Sig Sauer. Right, they don't
22 have choices. You're in the Army you get assigned a gun. But
23 Special Forces they get to pick whatever gun they want. They've
24 get pretty good firearms. I recently went down to one of their
25 compounds. They've got some pretty good flex with billions of

1 dollars for the guns. It's impressive. Because when you have a
2 team that's really capable of doing exceptional things you give
3 them latitude to color outside of what's good enough for the
4 mass. We can do the same thing in our approach to cloud. That's
5 the concept of fit for purpose. That's what we've talked about
6 since day one with Dana. If you've got a team who understands, an
7 example, Googles has tonsure flow and processing chips, that's
8 the hardware accelerated. It computes a particular type of
9 machine learning exponentially faster than what you can do on
10 virtualized hardware. If that's what your team needs you should
11 use that hardware. Some may have even started on the hardware
12 because it made sense for what they are doing, and they had great
13 technologist who knew that was the right choice. But for the
14 average consumer in the Department who just needs a server they
15 shouldn't have to choose between the servers they need right now.
16 So, few things that I think will outline that pivot, it's talked
17 about in the strategy but at a super high level so I'll give you
18 the details that we've talked about a bunch. Me and Pete Ranks,
19 and Sharon, and Dana did a few things. One is, today is there's a
20 bunch of companies that are working on middleware that allows you
21 to seamlessly sort of integrate offerings between various cloud
22 providers. So it will allow you to potentially have storage in
23 vendor A and compute in vendor B, and we wouldn't have to do a
24 bunch of complex management in VPNs in order making talk to each
25 other. Today that's not true, but there's a bunch of really

1 interesting work happening in that space, and the reason it's
2 happening in that space is because there's companies like
3 financial institutions who want to figure out how to lower their
4 reoccurring IT costs. We the Department would probably be
5 interested in that someday as well. The technology isn't quite
6 there yet. It's something we keep an eye on. We spent a lot of
7 time looking at it but I'm not convinced anyone is doing that
8 integration truly well. So that's one piece. The second one is
9 how do you do integration of identity and access controls across
10 a bunch of providers? Again, a bunch of groups were working on
11 that. It's not really there yet and there's a bunch of reasons
12 it's not really there yet, but we the Department also have to get
13 our own identity and access management in order before we can
14 take advantage of a service like that. Today we have about 40ish
15 places in the Department of Defense that store identity for
16 individuals that all don't talk to each other, store identity in
17 different formats, authenticated in different ways. We've got a
18 bunch of work to do, and so integrating those 40 into one cloud
19 provider is going to be awful. We've been building a pretty big
20 chunk of that lately, but trying to integrate that into some
21 middleware service that then translates it to a bunch of other
22 clouds is burdensome and not really possible, and certainly not
23 possible at our scale. And so there's a bunch of technology that
24 has to come on line in order to make that pivot possible. So,
25 that's one. We don't know the timeline, that's real. Second is we

1 need to be able to really educate a massive workforce to get them
2 comfortable with cloud technology. That's a CIO problem, not a
3 (b) (6), (b) (7) problem, but that's hard. Very, very hard, and it's
4 (C) particularly, I think challenging when we've got so much legacy
5 IT as well, right? We can't just turn off these awful data
6 centers. We've got to figure out how to keep those things
7 steaming ahead while we pivot to something else. So, I will say
8 and it's not talked about in the acquisition strategy or sort of
9 in the context of the JEDI Acquisition because that wasn't what
10 we were charged with doing. We were charged with getting the
11 Department to the cloud. CIO's got to figure out when it's time
12 to sort of flip the train tracks and move to multiple clouds and
13 whether that's two years or 15 years I don't know. But I
14 absolutely know that starting with one is the right answer and we
15 should get there with all the velocity we can.

16 Q: Did you help (b) (6), (b) (7)(C) develop this rational for
17 single award memo?

18 A: I did.

19 Q: Okay.

20 A: I think I signed it in fact.

21 Q: Can you help me understand where some of the supporting
22 data and information came from?

23 A: Sure.

24 Q: So, I want to ask first about the estimation of task
25 orders that you predict over X number --

1 A: Oh, that's not me.

2 Q: Okay.

3 A: I didn't write the contract.

4 Q: Okay.

5 A: I mean I think that number, it's actually one of those
6 things I think Bob Daigle was involved with.

7 Q: Okay.

8 A: But the estimating of task orders had to do with --

9 Q: And costing, you weren't involved --

10 A: Yeah.

11 Q: -- in any of that?

12 A: I had some influence in the estimation of how many
13 accounts would come on line and I think the accounts drive the
14 number of task orders, but that was really just based in sort of
15 the technical teams that I felt currently have the capacity to
16 put ordering in effect combined with I think a pretty reasonable
17 estimate of how quickly we could train additional, sort of
18 technical experts across the Department to use the services in
19 some reasonable way.

20 Q: Okay. My next question is going to be about the
21 security risks.

22 A: Yeah, let's do it.

23 Q: This section. So, really we're keyed in on this one
24 sentence that despite the claims that multiple awards is more
25 secure, I find that multiple awards increase security risks.

1 A: Yep.

2 Q: Where did that come from?

3 A: So, well, I think probably the starting point is going
4 to be personal experience. Yeah. So, a few pieces. One is really
5 like that's based on the management of those seams. So, today
6 let's say there's two cloud vendors. This one should be easy.
7 This one looks like a cloud. Two cloud vendors, and you want to
8 integrate the HR system with the orders processing for moving
9 system in this cloud. In order for this system to query this
10 system you have to figure out some way to make that connection
11 happen security, and then they want to bring data from this
12 system over into this system. So you've got to do a few things.
13 You've got to figure out how to bring the data over securely.
14 You've got to figure out how to store that securely, and either
15 you've got to manage it like a record you would over here, or
16 you've got to figure out how to purge it out of your system, and
17 all of that must be done securely. That's complicated. Now spread
18 that across three, four, five clouds where the data is moving
19 fairly complexly across applications that have to pass a pretty
20 considerable amount of data today, and I know because we built
21 TP3 and it has 17 connections to various orders processing
22 systems, and then it talks to a bunch of moving companies, and
23 then it talks to the reimbursement systems from across all the
24 various services. When you start to think about the number of
25 connections involved in a single application it's massive. My

1 experience across the Department is we do not have the technical
2 capacity to secure the shit we already have. Now let's add in a
3 bunch of additional work, right? When we need to make sure that
4 application is talking to a bunch of external things off of this
5 really protected DODIN enclave. That gets really hard very fast.
6 I've not seen anyone sort of do an integration well at scale. As
7 I mentioned the tooling really exists. And so then what we're
8 talking about is really a dependence on the technical expertise
9 of the folks we have in the Department. So let me back up. In
10 addition one of the projects we've been running for a little bit
11 is an automated red team that pokes holes in the DoD systems and
12 helps system owners fix them. We started with just the most basic
13 thing, right? Let's make sure that the administrator passwords on
14 all of our networks aren't just keyboard walks. You know what a
15 keyboard walk is?

16 Q: Uh, huh [affirmative response].

17 A: Every network we've been on so far, we've had root
18 access within five minutes because of keyboard walks, and so when
19 someone tries to convince me that it's okay. Our administrators
20 are going to securely configure things between the clouds and
21 they aren't going to make trivially easy mistakes, I just don't
22 buy it. I really don't. Let's step away from the Department for a
23 second. If I ran my own business today and I was just standing it
24 up. I wouldn't take on the complexity of having to manage
25 multiple services, at least not right away. Pick the one that

1 makes the most sense for your mission need -- start there. As you
2 need sort of specialized capacity. I used intensive flow chips,
3 or GPU compute clusters, or whatever. I might incorporate that
4 into my IT architecture, but I certainly wouldn't split my
5 applications across two clouds. It just doesn't make any sense.
6 It's very burdensome for an IT team. It means that they have to
7 be experts in two different things. It means I have to get the
8 configuration right in two different things. Last part is when
9 one of the services makes an update to how they do business I've
10 got to go into every application and reconfigure that security
11 because it's not natively built in. It's not an expectation that
12 they service our customers. When you think about an individual
13 cloud you get a bunch of the stuff for free. The connections
14 between applications in the cloud is built into the native
15 software to find networking fabric of clouds. The vendors handle
16 that. You just say, "Hey, I want to talk to (b) (6), (b) (7)(C) cloud." And
17 (b) (6), (b) (7)(C) says, "Yes, he should be able to talk to my VPC." No
18 problem, good to go. When I make an update to my system, or when
19 the vendor makes an update to their system no problem. That's all
20 handled in the back end because the vendor understands the
21 connections and managing them on my behalf. I'm paying them to do
22 that. But I don't -- there's no possibility here for me to pay
23 vendor A to manage the connection to vendor B. It just doesn't
24 work. So, there's third-party companies, these integrators who
25 will come in today and do that for you. So two things here,

1 right? One is my experience is been there not very good, pretty
2 equivalent to the security capacity we have internally today. Two
3 it's super expensive, and third that's another place, another
4 group of folks who has administrative access to the Department's
5 data. That's another risk factor that I have to manage. I don't
6 think we're there yet. I just don't think it makes sense. So
7 that's the -- it's this capacity to on our side we don't have the
8 technical expertise combined with it is more burdensome, and I
9 think when you marry those two together it's really just
10 disadvantageous.

11 BY (b) (6), (b) (7)(C) :

12 Q: During the discussion just as far, this is (b) (6), (b) (7)(C)
13 for the record. During the discussion pertaining to security
14 risks you've mentioned, you know, based off of personal
15 experience and then you also mentioned about your red team here.
16 So, during those discussions were any of those results kind of
17 briefs are discussed during the talk of the security risks for
18 JEDI?

19 A: Well, so let's separate that. There was, absolutely
20 participation from sort of CIOs, groups responsible for the red
21 teams in context of those conversations. So, (b) (6), (b) (7)(C) --
22 pretty critical player in a bunch of those security
23 conversations. He's (b) (6), (b) (7)(C) for DISA. So
24 the sort of the red team assessments from across the Department
25 he consumes like the rest of us consume food. So, we talked a lot

1 about red teams. At the time we hadn't built our tools. So it
2 wasn't a DDS sort of red team capacity we were talking about, but
3 with that said before this job, and before the White House I was
4 that NSA in our hacking operations group, DAO. So I've got lots
5 of personal first-hand experience of how to break into things and
6 absolutely my technical expertise was a factor in a conversation,
7 right? I spent three years breaking into systems and finding the
8 weakness, and the weakness is usually misconfigurations by
9 humans. We're the problems. Computers are super secure. Humans
10 are not, and so, that's a factor in the calculus, and I wasn't
11 the only one in the conversation with a similarly offensive
12 experience. That's absolutely a factor in how we think about and
13 managed security risk. I think folks who play offense often think
14 a lot about defense and vice versa.

15 (b) (6), (b) (7)(C) : I'm going to skip number six.

16 (b) (6), (b) (7)(C) : Okay.

17 BY (b) (6), (b) (7)(C) :

18 Q: So, I want to talk about the difference between
19 commercial and noncommercial services.

20 A: Okay.

21 Q: Can you explain the justification rationale --how are
22 the classified, like the classified environment, services and
23 classified environment still considered commercial?

24 A: Okay. So, I think there are a few pieces thru there.
25 I'll avoid my soapbox of how we, the government provides services

1 today, and just go straight to. A commercial vendor in this case
2 we are paying them to provide to us services, compute,
3 networking, storage, the infrastructure platform level. Container
4 organization, server-less compute, like relational database
5 storage. So, platform services. In both of those scenarios we
6 don't need to handle everything below them in the stack. It's
7 provided to us as a service commercially by a commercial vendor.
8 So, I'll draw because it's useful. Sort of -- so in the
9 infrastructure as service model like the vendor handles this
10 much, and the rest is on us. And the platform of service model,
11 right, they handle that much, and the rest is on. And in the last
12 one, the one that we talked about, not in this conversation but
13 all the time is software as a service, and so this portion, this
14 portion, this portion, is commercial. The commercial vendor is
15 taking care of it so that we don't have to, and then this
16 portion, this portion, this portion, like we the Department are
17 responsible for that. The thought process is sort of there's
18 publicly available sort of worship cloud offering which is hey,
19 this is, if you have a credit card you can use it, but the
20 commercial part when we move to the classified site is the same.
21 A commercial vendor is doing the same thing. It's the same
22 service. It's just no longer publicly available, right? The folks
23 that get to play have to have, or have to be U.S. persons and
24 have a security clearance. Yeah, that's I think probably the best
25 way to think about. And I guess, let me -- I'll jump on one part

1 of the soapbox which is, if you think about the way that DISA
2 provides services to the Department today, or any of the military
3 services, right, like they pay contractors to install servers and
4 run network cables. The interesting bit is that we usually pay
5 for the hardware, and then we pay those companies to maintain
6 them and update them, and when they don't update them we accept
7 the risk. That's sort of flips the paradigm on its head. Instead
8 of saying install this server for me, it's provide me a virtual
9 server. I don't care how you do it. I just want the function and
10 how it's done is on you, and I'll pay you for that. It means that
11 we don't have to worry about life cycling or maintenance, or
12 updates, or patches, because it's expected. It's required. It
13 gets us out of the business of mismanaging contracts.

14 Q: Okay. I'll move on to the gating criteria.

15 A: Sure.

16 Q: Were the Factor 1I sub-factors were they ranked in any
17 way? Was 1.1 more important than 1.4?

18 A: I suppose. I mean like we stopped, like if you fail
19 sort of 1.1 we stopped evaluating. So, yeah, I suppose they're
20 ranked in order.

21 Q: You suppose they're ranked in order?

22 A: Yeah, I mean like I guess -- so I have like two
23 thoughts on this which is one, we rank them in order because we
24 were trying to sort of minimize working on the team, I would hate
25 to make someone write up seven factors --

1 Q: To get to the eighth and then fail?

2 A: -- and fail. The flip side is you have to pass them all
3 to get through, so they're all equally important in that context,
4 yeah.

5 BY (b) (6), (b) (7)(C) :

6 Q: So, we're going to talk about elastic usage and
7 sub-factor 1.1.

8 A: Sure.

9 Q: (b) (6), (b) (7)(C) for the record. Just as far as during a
10 discussion about elastic usage and the data that you all were
11 using to kind of figure out like a baseline for DoD, what data
12 was used, or what system of record was used to pull that data
13 from?

14 A: So, this is like the January and February numbers, is
15 that correct?

16 Q: Uh, huh [affirmative response].

17 A: So it came from the DISA DECC, which is Defense
18 Enterprise Compute Centers, but don't hold me to that. I don't
19 actually know what it stands for. So, (b) (6), (b) (7)(C) who was the
20 technical director for the DISA DECCs which is where pretty good
21 chunk of the Department's infrastructure services are provided
22 today, took pulls of those numbers from all of that that
23 enterprise data centers around the globe, and that we average
24 them. Pretty simple.

25 Q: Okay and you know the timeframe of that data that was

1 pulled?

2 A: January and February. No, I mean, we pulled -- it is
3 representation of those numbers. I think it's important, I don't
4 remember the math off the top of my head, but we did something
5 like I think it reflected 1/10 of the capacity sort of in those
6 data centers at that time. So, the theory is this was just like
7 pure spend is a -- if we awarded all of the contract on day one
8 would be about 1/10 of our overall infrastructure spend. So, it's
9 just a one for one comparison. There's some interesting math.
10 Beyond that I could look at my notes to realize what it was, but
11 it was something to that effect. What we are trying to do here
12 was be reasonable, which is if we use the full capacity of the
13 contract as specified and we awarded all of the task orders to
14 send out the money over a ten-year period, what would be the
15 appropriate amount of sort of usage that we would represent --
16 taken off of the DISA DECCs and how do we make sure that capacity
17 is available?

18 Q: So, for sub-factor 1.11, why did you choose to go with
19 area network, network usage and set up another factor?

20 A: I guess, do you have another factor in mind, or is it
21 just?

22 BY (b) (6), (b) (7)(C)

23 Q: Like maybe bandwidth or --

24 A: Okay.

25 Q: So why aggregate net, why aggregate? Versus how quickly

1 you could transfer data or --

2 A: Yeah, I think that's a good question. So, a few sort of
3 bits and pieces here, and I will say this is one, so let's step
4 into us. So bandwidth are how quickly you can, let me say it
5 differently. The relative sort of size of your pipe isn't a good
6 metric on what your capacity to deliver services is. It's sort of
7 like saying, if we had a pipe and it's filled with just like
8 crud, total nonsense, so only 1/10th of it is being used. Asking
9 the bandwidth question they're going to give you the diameter of
10 the pipe, but that's not a meaningful method metrics of how the
11 much data is moving through it. So, instead what we're trying to
12 understand sort of input and output of the network that was the
13 way it is characterized, which is a more accurate representation
14 of how data is transiting your services. So, said slightly
15 differently it then negates the overhead that that the cloud
16 providers use to do things like synchronize services across data
17 centers. So funny enough, this is one of those bits here that's
18 austensively disadvantageous to the bigger cloud providers, the
19 companies that have more data centers because they have to
20 replicate to more places, which means a bigger chunk of their
21 pipe is going to be used with sort of the bits that don't count
22 as input/output for customers. So, that's one part. The second
23 part is let's say I'm i (b) (6), (b) (7)(C) artisanal cloud services, and a
24 totally evil engineer. I could fill the excess bandwidth in my
25 pipes with just noise to make it look like I have a bunch of

1 traffic on my network, or I say, oh, I've got 20 terabits per
2 second and it's all utilized all the time, but it's not a good
3 measure of how much is utilized by customers for services. So, we
4 wrote a metric that forced them to tell us what is the
5 input/output of their network used by customers. That's a
6 meaningful network metric and it can't be gained in any
7 reasonable way. And I spent a bunch of times as (b) (6), (b) (7)(C) IT, I will
8 say, as we established the gate criteria, myself and a bunch of
9 other engineers spent time running evil, fake cloud companies
10 trying to gain the system, because that they legitimate concern.
11 Like I said earlier on we spent a bunch of time thinking about
12 how to make sure we weren't delivering shit to our users because
13 they've gotten that a lot. That is about real service that
14 actually function.

15 Q: Okay. Thank you. What was the rationale for the less
16 than 50 percent requirement for sub-factor 1.1 in the storage,
17 and 1.3 revenue?

18 A: I'm sorry 1.3 what?

19 Q: 1.3 is discussing about revenue.

20 A: Yeah, so less than 50 percent, sort of two pieces here,
21 right? One is, and I'm probably going to get the name of the
22 contract wrong, but I think it was the initial NMCI engine where
23 the company one, they represented pretty, in fact it was like the
24 biggest contract that a company had ever contracted ever got.
25 They represented a massive portion of their revenue, and

1 bankrupted the company. The DoD was left without anyone to --
2 they spent two years and they didn't have anyone to provide the
3 capacity they worked very hard to get. So, one part of this is
4 how do we make sure we're signing up for something that will
5 exist and will be real, and will continue to be real? But there's
6 this probably more portly part of it which is in the cloud
7 computing market if you just look broadly across the marketplace
8 we're a very small fish. Now as an entity we're extremely lounge,
9 but we represent less than I think 1/10th of one -- like if you
10 could snap your fingers today, take 100 percent of compute usage,
11 and migrated to cloud, arbitrary cloud, we would represent 1/10th
12 of one percent of total cloud compute worldwide. Small. We're a
13 small player, which means we, like money that we're putting into
14 this as big as it is won't actually drive innovation. We're sort
15 of ongoing progression. We could certainly help, and we're going
16 to be a part of that conversation, and we've got lots of
17 interesting technical capacity, but we want to make sure we are
18 buying a solution that will continue to evolve because the market
19 demands it, and not because we, the DoD are driving it. We want
20 to benefit from the greatness that is market competition in the
21 United States, and one part of doing that is making sure that
22 were not only customer, and not the biggest customer of your
23 service.

24 Q: Okay. Thank you.

25 A: Yeah.

1 Q: So going on the sub-factor 1.2.

2 A: Okay.

3 Q: In regards to FEDRAMP.

4 A: Yep.

5 Q: What was the justification for the requirement of a
6 CSP, cloud service provider, to have a FEDRAMP moderate
7 authorization prior to the submission, the proposal submission?

8 A: Yeah, so it's important, there's a caveat that is super
9 important, and that is we required that they have at least one
10 infrastructure, and one platform service authorize at three data
11 centers. Another reason that is important because we're not
12 saying your entire service catalog needs to be authorized, right?
13 That would be burning some. What we wanted to make sure of, and
14 this I think the most fair way of asking that was to make sure
15 that the vendors who were proposing had met the very basic
16 security requirements that aren't complicated. So, if the cyber
17 security plan requires FEDRAMP high, FEDRAMP moderate is a
18 significantly shorter bar. If you look today out into space, the
19 majority of cloud providers their public offering meets that
20 moderate standard. They built specialized government-risk clouds
21 to meet the FEDRAMP high requirement, and what we're saying this
22 conversation is we want a publicly available offering. So one
23 that isn't custom-built for the government at FEDRAMP high.
24 That's burdensome. A few pieces in there that are really
25 important. One is, it requires that you've got separation of

1 roles or administrators. That's really, really important because
2 the ability to undermine the security of the service you're
3 providing by a single individual, right, the protection we use
4 against that is a separation of roles for administrators. Said
5 slightly differently, if you don't meet the FEDRAMP moderate
6 requirement because of that you could theoretically have to
7 re-architect your entire service in order to meet our
8 requirements. FEDRAMP moderate also takes a look at some of the
9 physical security that your company is put in place, and we want
10 the services online as quickly as possible. It's unfortunate from
11 my vantage point that this acquisition has taken a long as it had
12 because I believe we are slipping aggressively behind our
13 adversaries every single day we don't have the compute and
14 storage capacity that they do. So, we want services online 30
15 days after award, and the thought process that someone is either
16 going to have to re-architect their service because they don't
17 meet basic security requirements, or going to have to build a
18 physically new data center and migrate all of the way they
19 provide that service into it in in 30 days it's impossible. So,
20 this was, how do we have a gate that is the minimum level of
21 security that could allow the Department to be reasonably, or
22 rather to mitigate risks, acquisition risks that the winner is
23 incapable of providing these services on a reasonable time for
24 timeline. It's really how do we mitigate risk.

25 Q: Okay. And then for the DoD a CSP has to have a FEDRAMP

1 authorization in order for DoD to use them?

2 A: Actually we require that they're compliant with FEDRAMP
3 high, not that they need to be certified. That's a distinction
4 that's important in the context of FEDRAMP because FEDRAMP
5 actually allows individual departments and agencies to make
6 independent determinations, which is different from sort of the
7 FEDRAMP authorization board. So, in this case we said you must be
8 -- you must have appropriate authorization for FEDRAMP moderate,
9 but you must meet the requirements at time of award for FEDRAMP
10 high.

11 Q: Okay. And then, kind of rephrasing my question. Then so
12 for the cloud service provider the DoD uses they have to at least
13 be at FEDRAMP compliance, not necessarily authorized?

14 A: Yes, that is correct.

15 Q: And then essentially what exactly does FEDRAMP
16 compliant mean?

17 A: So meeting the requirements I think is the language is
18 more specific in the actual document, but basically compliance of
19 FEDRAMP, and this is where it gets complicated. For the gate
20 criteria we require that they are authorized FEDRAMP moderate.
21 For the cyber security plan which is upon the written upom award
22 you must meet these requirements, so basically 30 days after
23 award it's just that they meet all is the FEDRAMP high
24 requirements.

25 Q: Oh, okay.

1 A: And so again, it's like kind of start with the basics,
2 prove that you already have those, and then we, the Department
3 will accept the risk that you'll meet this significantly higher
4 burden, not just FEDRAMP high, but all of the other cyber
5 security requirements that we specified, in the cyber security
6 plan, and then a bunch of functional bits including a statement
7 of objectives. If you could do this we're willing to accept the
8 risk that you'll be able to do the rest of this. But if you can't
9 handle the simple stuff, why should we -- we shouldn't accept
10 that you'll be you all of complicated stuff.

11 Q: Got you.

12 A: Things like cross domain solutions that are
13 significantly more complicated than the FEDRAMP moderate stuff.

14 Q: And about how long does it take for a cloud service
15 provider to become FEDRAMP moderate?

16 A: A lot of that depends on, so the FEDRAMP process is
17 complicated. A lot of that depends on the service, how it's being
18 offered, and who it is being offered to, or sort of the posture
19 of the digital service. It depends on what you're going for, but
20 it can take from I've seen it happen sort of inside of three
21 months to over a year. It just sort of depends.

22 Q: And so if a CSP has never had any -- provided service
23 -- if a cloud service provider has never provided services to the
24 federal government then they would not have any type of FEDRAMP
25 authorization? So, then would they have not been able to submit a

1 proposal for JEDI?

2 A: I mean again this is like, I imagine there are
3 circumstances where companies have gone for FEDRAMP certification
4 despite not already having government business. And in fact I
5 imagine that happens all the time because usually, like for most
6 departments and agencies they require some form of FEDRAMP
7 certification in order to use cloud services. So, the first time
8 you get a customer you'll probably have gone to certification
9 first. The FEDRAMP program has been around for a while. There are
10 hundreds of authorized providers across the various FEDRAMP
11 certifications. So, I don't think that this is anything new. I
12 guess it's one of those things where I could see this is where
13 you're angling with your questions, the timeline would make it
14 challenging for someone to have decided when we announced and
15 gone and built a bunch of cloud services in order to compete with
16 the contract. I guess I would turn that around to my bit about
17 not buying shit for warfighter's. We want a proven service that
18 is used by the industry. We want this to work. We want someone
19 who knows how to provide reliable services because quite
20 literally lives will hang in the balance of whether or not the
21 service delivers. We will use this for analysis of things like
22 the threat of IED's on the roadways. Let's make sure that service
23 works as intended because when it fails people die.

24 Q: And then, did you all consult with anyone FEDRAMP when
25 drafting the RFP?

1 A: We consult -sSo, (b) (6), (b) (7)(C) is the DoD like
2 FEDRAMP board member and was super involved in the process. So
3 yes.

4 (b) (6), (b) (7)(C)
5
6
7

8 Q: How was it determined that it was competitive to
9 require FEDRAMP authorization in RFP?

10 A: I'm not totally sure I understand the question. What
11 you mean by that?

12 A: So, just as far as kind of coming up with the
13 competitive range, in deciding this will be one of those things
14 that they must have? How did you all determine, like how we just
15 mentioned earlier like if you've never done anything with the
16 federal government then you may not necessarily already went into
17 your FEDRAMP?

18 A: Sure. So what we, I mean again this is really about,
19 what is sort of the appropriate level of risk for the Department
20 to accept in the context of the acquisition, right? Sort of my,
21 this is a very fairly low bar as we require 30 days after
22 contract awarded very high barring, incredible stringent set of
23 security requirements. So this represented a sort of measurable
24 -- a measurable requirements that would allow us to accept a
25 reasonable level of risk in the context of the acquisition. That

1 said, things like establishing a competitive range is done after
2 we receive proposals. Within the context of the evaluation, we
3 had I guess sufficient number of vendors making through that the
4 range was competitive.

5 Q: Okay then moving in cyber security.

6 A: Okay.

7 Q: How will you all enforce and assess compliance with the
8 additional cyber security controls required by the JEDI Cyber
9 Security Plan?

10 A: Yeah, so the initial point of enforcement will be the
11 accreditation process. So, upon award at the kickoff meeting
12 they're required, and I think it's part of the C-Drill, but don't
13 hold me to that I'm not an acquisition person. It's required to
14 deliver a significant sort of set of documentation that allows us
15 to begin assessing their security posture. They do have 30 days
16 to meet those requirements, but they expectation is that this
17 will be a collaborative process leading up to them making the
18 services available at this day 30, and us making an accreditation
19 determination that allows folks across the Department to be begin
20 using services. So, that's sort of enforcement point one. But
21 then I fully anticipate that this -- not only will we have a
22 yearly accreditation which is a thing that should be done anyways
23 as required by the Department, but as they bring new services
24 online we will evaluate those services and determine whether or
25 not to make them available to the Department. I think the last

1 piece of this that's really important -- fully expect whoever the
2 awardee and the Department to have a very collaborative
3 relationship around security, and the security of the services
4 provided. And so, part of the conversation including in the
5 C-Drill is requiring that they start to talk to us about their
6 process. Their own security process for evaluating services,
7 changes, etcetera. So, rather than just certifying they meet the
8 requirements themselves we want to start to certify how the
9 process by which will meet those individuals requirements. And
10 then that drives towards sort of making sure that their thought
11 process approaching the topics is good, not just the answers.

12 (b) (6), (b) (7)(C): Okay. Any follow up?

13 BY (b) (6), (b) (7)(C)

14 Q: How mature is that ATO process?

15 A: I think that's like, the initial ATO process is pretty
16 mature. This is based on the risk management framework at the end
17 of the day they'll be quite a few folks involved with different
18 areas of expertise, and so everyone from DSS who will help us out
19 with a bunch of the physical stuff. DISA which brings expertise
20 in unclassified. Secret domains (b) (6), (b) (7)(C) from DIA who actually
21 invited some partners who have expertise in particular areas like
22 folks from the UK's National Cyber Security Center who have
23 expertise and hyper-visor separation they're going to come over.
24 So we'll end up with about a 20 to 25 person team who are
25 technical experts in individual areas evaluating whether or not

1 the security has met that standard.

2 Q: And that's for the first time?

3 A: Yeah.

4 Q: And then these subsequent ATO's for new services?

5 A: Yeah, so that's -- like I said that's going to be
6 developed as collaboratively. It's sort of a kin to the
7 Department's posture when we're trying to lean more aggressively
8 forward on sort of continuous evaluation as opposed to sort of
9 just relying on this periodic evaluation. So, those processes are
10 I'll say at varying degrees of maturity. This will be a scale
11 that we have never done before, but we're bringing together all
12 the right folks to I think do it well.

13 Q: Do you think you're on track --

14 A: Yeah.

15 Q: -- time wise?

16 A: Yeah.

17 Q: How long after -- when do you expect to do your first,
18 the initial ATO? How many days after that first 30-day deadline?

19 A: My hope is that we'll do it like within a week or two
20 of.

21 Q: Really?

22 A: Yeah.

23 Q: Okay.

24 A: Like I said, I think people are dying because they
25 don't have the services and the other person who strongly

1 believes that is Dana Deasy, and possibly handful of folks who
2 are driving this aggressively because it matters.

3 Q: And in your opinion and you feel like you have all the
4 resources and staffing you have all the resources necessary to
5 successfully execute the Cyber Security Posture?

6 A: Yeah.

7 Q: Okay.

8 A: We don't, as I've mentioned I don't think we have the
9 technical talent we necessarily need across the Department, but
10 we certainly have a handful of unbelievably great technical
11 experts, and so, everything from the folks at NSA who have
12 written the books on crypto have been pulled onto the team. Folks
13 lik (b) (6), (b) (7)(C) the things
14 that we use to secure our coms around the world. She's engineered
15 them for the last 20 years, and she's jumping in on to help out.
16 We've got the right folks. It's just my experience her last job
17 was at the White House. We're pretty good at hand-picking like
18 the best technical experts from across the Department of Defense,
19 and intelligence community helps us out. We're going to do the
20 same thing here. As I mentioned we're also pulling in foreign
21 partners because the truth is that we protect a lot of their
22 information to and they have to care about as well.

23 Q: So, the next set of questions will be about the
24 marketplace. Can you just kind of walk us through what the vision
25 of the market place is, how it's going to work?

1 A: Yeah, sure. So two things I'll say. One just because
2 like we all probably all need a laugh at this point. In the
3 testimony or rather in the questions I was given at GAO. They --
4 Oracle lawyers were confusing the online marketplace. You asked a
5 very intelligent question with like Amazon's marketplace as in
6 like Amazon Prime. So I got this like ridiculous string of
7 questions that was quite entertaining. So it's not that. It's not
8 eBay, it's not Walmart.com. Okay. So, the theory with online
9 marketplace is that infrastructure and platform services are a
10 place to host applications, but they rely on software, libraries,
11 and sort of like for lack of a better word other platforms in
12 order to be able to provide those applications. So let me give an
13 example. Let's say I want to build a website. I want to build a
14 website in whatever the cloud provider is. I'll pick a language
15 I'm going to write it. Let's say I write it in Ruby on rails. In
16 order to run Ruby on rails and the cloud environment in JEDI I've
17 got to be able to load the Ruby libraries. Ruby libraries that do
18 things like authentication and load HTML, the things that adds
19 all the colors and contents in the page itself. And all of that
20 library must be loaded from somewhere and what we wanted to do
21 because it's a way that is done today in the commercial space is
22 to have the cloud vendors provide that. The second part is sort
23 of free and open source software that's just the basis of the
24 languages we use. So, second categories is sort of software and
25 other platform services. This is a mechanism that allows the

1 vendor to add third-party products to their offerings. That's
2 pretty important, right? So, containerization is a huge part of
3 using cloud effectively, and so you look at third-party products
4 that are out there. There's like Cooper Netties, and Docker are
5 probably the two biggest in the containerization space, and those
6 are third-party products that are offered across all the major
7 clouds today. It's pretty critical. Most folks I know who do
8 containerization use one or two of them depending on the type of
9 services you're using, and I need to get access to that. And so
10 we wanted to be able to let the vendors offer those products to
11 us, but we also required that they allowed us to bring our own
12 licenses if they made the services available. That helps prevent
13 things like price gouging, but it also means that we already have
14 an awesome enterprise license that we're using at those DISA
15 DECCs we can take a portion of that licenses as we migrate
16 services over to the cloud, and benefit from the enterprise skill
17 pricing we have - its previous role. Last piece is it allows the
18 Department to put our own software and applications into the
19 cloud for consumption by others across the Department. It's a
20 mechanism to make it so that we, as an example my favorite one to
21 pick on is access control systems. How many access control
22 systems you think that the Department of Defense has bought this
23 year for all of the various buildings we use? I have about 13
24 badges that go to different access controls system. I imagine you
25 all have collected some as well. And if you look across the scale

1 that we have, the number of facilities we have we should stop
2 paying for access control systems. We should probably just build
3 one and make it available. It understands our identity, it
4 authenticates the badge we have is accurate, HSP to 12 and all
5 these policy you should have one and I have 13. So things like
6 that it's a mechanism to make those available, but similar really
7 spend an outrageous amount of time in the Department today
8 building individual units web pages. I don't know if you've
9 visited like 101st, I'll pick on them today. Their webpage was
10 designed in the 90s and probably hasn't been updated since. It's
11 got an awesome hamburger menu at the top. We should build, the
12 Department of Defense should be able to put out context and
13 branding it looks spot on as the Department of Defense wants to
14 be represented and allow individual units to customize it
15 slightly or put their content there, their photos, their images,
16 represent their brand, but in a way we should all be proud of.
17 The marketplace is a mechanism for the Department to distribute
18 its own software broadly for others to use so that we stop paying
19 to develop the same things over and over again, or we stop
20 sitting on things because they don't have an engineer this month
21 they're not going to updated for the next 10 years, but the next
22 time they get an engineer they will. Let's change that game.
23 Let's make it so that they can have their PA person update
24 content but not worry about the backend. It's a tool to do that,
25 and again this is unbelievably commonplace to the today across

1 the commercial cloud market space.

2 Q: So, you mentioned that the vendor would offer these
3 things. Would the vendor in any time get to reject or control
4 what goes in and what -- so the vendor would then be in charge?

5 A: So, there's a balance here. So part of it is that we do
6 require that we, the Department of Defense, can put our own
7 software platforms in there. We do give them some discretion over
8 what third-party products they offer that's reasonable,
9 especially if they believe that particular products in the way
10 that they integrate or would need access to integrate with a
11 platform or infrastructure offering could undermine the posture
12 of their security. They don't necessarily have to allow them
13 there.

14 Q: Could the Department ever push?

15 A: I was going to say so this is where it gets interesting
16 because I imagine there are some circumstances where we'll feel
17 strongly, and so it might be a conversation about how to deploy
18 it there. At the end of the day, and I do think it's important.
19 We will always be able to externally bring our own software and
20 product in. This is a mechanism to make it so that the vendor is
21 incentivized to make it easier for us to use them, but I can
22 always spin up a server and load up my own individual software
23 off of our networks. They can't stop us from doing that.

24 Q: Okay. I think I'm good.

25 BY (b) (6), (b) (7)(C) :

1 Q: By chance have you assisted just as far as the dealing
2 with like the source selection criteria, how the team was select,
3 or how they were trained?

4 A: Yeah.

5 Q: Well, could you kind of go into it just as far as to
6 start off with criteria. How was that criteria developed for the
7 source selection?

8 A: Yeah, okay. So a group of technical folks and
9 contracting experts sort of sat, well, we drafted it over a
10 couple of months, but at the end, we sat down in the room in the
11 beginning, sat down in a room and worked through sort of what
12 criteria make sense. That's how I learned about L&M, went into
13 exact details of how we would evaluate the proposals, and then
14 what was sort of the criteria by which those evaluations would
15 occur. And then as Dana came on board we did a top to bottom
16 review with him, and spent a bunch of time with him, and sort of
17 other experts from across the Department challenging and trying
18 to make sure that the way that we had written that was sort of a
19 good blend of meeting the warfighter's needs, and those
20 characteristics and considerations but without being unduly
21 restrictive for the purpose of competition. I think it's
22 important in the context of this. We wanted aggressively to pull
23 in the technical experts from across the Department, so when you
24 look at the group of folks whose participating in those
25 conversations it's from the military services, from the agencies

1 with technical prowess, like pretty heavy resourcing from NSA,
2 and DISA, and DoD CIO, and military service CIOs, there's a bunch
3 of folks who participated in these conversations and iterated on
4 what the right criteria were.

5 Q: And then so you mentioned that this was drafted over
6 months. About what's the timeframe on that?

7 A: That's a good question. I mean it's all a blur, right?
8 It's a very long time. I will say I guess, do you remember when
9 the RFP was put out, the final?

10 Q: Which one?

11 A: The final.

12 (b) (6), (b) (7)(C): It's July of '18.

13 A: July of '18. Okay, so I would say it probably went from
14 January of '18 to July of '18. That sounds about right to me.

15 Q: And then how was the Source Selection Team put
16 together?

17 A: I mean I remember the day we asked sort of the senior
18 technical experts from across the Department to provide the name
19 of folks within their organization who would be put appropriate
20 to participate in the selection. So pulling in logical separation
21 and cryptographic experts from NSA, transport experts, identity
22 and access management experts from DISA, from DoD CIO, and then a
23 bunch of other really talented technical experts from DDS.

24 Q: And then how was the Source Selection Team trained just
25 as far as how they were going to evaluate?

1 A: Yeah, so bunch of different components in the Source
2 Selection Team. So you've got Source Selection Advisory Council.
3 Source Selection Authority, sort of the individual criteria
4 technical review boards I think is the technical term. I'm not an
5 Acquisition person. I've probably said that 20 times, and then
6 the Price Evaluation Boards. And so, evaluators for the factors
7 as I mentioned two a day sort of training session just to start
8 the source selection process. Pretty good chunk of that was done
9 by the lawyers for ethics. There was a pretty good chunk of that
10 is done by the contracting officer over and around process, and
11 then yeah, and then as well by the lawyers around like sort of
12 feedback and iteration and how all of that will work including
13 things like without explicit permission from the contracting
14 officer you can't take any source selection materials with you
15 out of the source selection spaces, yada, yada, yada. The SSAC
16 and SSA had a separate session that was more particular to our
17 part of the processes, and ethics bits, but the process is pretty
18 different. We review the various board submissions, and then put
19 together a recommendation but it's -- we do a significantly less
20 writing, and a lot more reading.

21 Q: Okay. And what documentation was provided to the Source
22 Selection Teams?

23 A: Oh, it was like a whole, like a book.

24 Q: A binder?

25 A: Yeah and a laptop.

1 Q: A binder and a laptop?

2 A: Yeah.

3 Q: And what information was housed on the laptop?

4 A: So the laptops were sort of where the proposals
5 themselves was put. So, the documentation that they read as well
6 as where the documents were drafted. They're pretty aggressively
7 locked down intentionally to make sure that folks don't have the
8 ability to download or print, or and required two factor
9 authentication to the materials themselves. The binders was
10 everything from sort of reminders on the ethics bits, reminders
11 on sort of the source selection process, but also had just a
12 bunch of information that I think is useful in the context of all
13 of that.

14 Q: And you mentioned that the laptops are secured. Were
15 the binders also secured as well? Like they couldn't take them
16 out of --

17 A: Same, same. Or without a memo from the contracting
18 officer. So like as the source selection progressed we've had
19 folks who've needed to work from home or other source selection
20 spaces but the contracting officer is involved in all of that.

21 Q: Okay.

22 A: And I by no means drive the logistics on that so (b) (6), (b) (7)(C)
23 is the right person to talk to there.

24 Q: Okay.

25 (b) (6), (b) (7)(C): Okay. I think we're done.

1 (b) (6), (b) (7)(C): Anything else, (b) (6), (b) (7)(C)

2 No follow up.

3 BY (b) (6), (b) (7)(C):

4 Q: Why do you believe this matter has surfaced to the DoD
5 OIG?

6 A: Well, okay. I guess I'll just be really blunt. I think
7 there's folks who have been running a pretty aggressive
8 disinformation campaign since about week two of this process.
9 It's been pretty transparent at times. We had engaged pretty
10 actively with HASC, SASC, HACD, and SACD and having professional
11 staffers there tell us point blank the companies that have come
12 in slinging mud that they know is not true, but they must treat
13 as if it is. It's -- I love America. I love the system. Lobbying
14 is tricky. There's a bunch of money in play here from a bunch of
15 companies who have no problem spending it, and they very much
16 want a -- everyone gets a piece, and the Department ends up with
17 a non-functional system, but as long as they're making money
18 they're pretty happy. That upsets me. It boils my blood. I think
19 this is, from the beginning and as I mentioned earlier countless
20 hours working with a bunch really talented folks trying to make
21 sure warfighters get the systems they need and to serve. So, to
22 hear about the lobbying that is happening and the protests
23 designed to slow it down, and on, and on, and on I believe it's
24 made it to you all because they've exhausted the other pathways
25 because we've sociated the public, professional staff staffers --

1 I know Members of Congress have written letters but not the ones
2 on the committees and actually write a document that could affect
3 us. They're trying to find other avenues to stop this. That's my
4 belief.

5 Q: Is there any additional information you'd like to
6 provide?

7 A: Not at this time.

8 Q: Is there anybody else in addition to those we've
9 mentioned today that you believe we should talk to about these
10 matters to get to the facts?

11 A: I'm not sure who we've mentioned today. I know I've
12 thrown out a number of folks who are involved in the process, but
13 I guess I would say I believe (b) (6), (b) (7)(C) , Sharon Woods,
14 and myself are probably the folks who've been in the majority of
15 the conversations and who will have the full context. I would
16 start with those four, and if you need substantive or sort of
17 substantiating information in any particular area I'm happy,
18 reach out at any time. I'm happy to point you to a bunch of
19 different folks who are involved in facets of conversations, but
20 there are few people who were been sort of at the center of all
21 of it.

22 Q: Do you have a questions?

23 A: No.

24 Q: Do you have any comments or concerns about the way we
25 conducted this interview?

1 A: No. I really appreciate what you all are doing. It's
important and it's important we do this right.

2 Q: If you remember anything else you believe may be
relevant to our review please contact me or (b) (6), (b)
3 (7)(C)

A: Will do.

4 (b) (6), (b) (7)(C): Finally, in order to protect the integrity
of this review we ask that you not discuss the matters under
review or the questions we've asked you during this during this
5 interview with anyone other than your attorney should you choose
to consult an attorney. This does not apply to or restrict your
6 right to contact an IG or a Member of Congress.

(b) (6), (b) (7)(C): Cool.

7 (b) (6), (b) (7)(C): If anyone asks you about this your testimony
or this review please inform them that the DoD OIG has asked you
8 not to discuss this matter.

(b) (6), (b) (7)(C): Okay.

9 (b) (6), (b) (7)(C): If anyone persists in asking you about your
testimony, our review, or if you feel threatened in any manner
10 because you provided testimony please contact us.

(b) (6), (b) (7)(C): That sounds like a plan.

11 (b) (6), (b) (7)(C): The time is now 4:11 p.m. and this interview
is concluded.

12 [The interview terminated at 4:19 p.m., July 17, 2019.]

[END OF PAGE]

13 [DoD OIG1] Perhaps Defense News 4-24-18; "JEDI Will Be Just One of
Many Clouds, Says Pentagon's No. 2"

14 [DoD OIG2] Did he work in DDS? If so, when? Involvement in JEDI
with DDS?

15 [DoD OIG3] May need to ask him about this. What was his
involvement?

16 [DoD OIG4] Interesting

[DoD OIG5] Interesting

17 [DoD OIG6] Who is this???

18 ~~//FOR OFFICIAL USE ONLY//~~

19 2

20 ~~//FOR OFFICIAL USE ONLY//~~

21 (b) (6), (b) (7)(C) July 17, 2019

22 ~~//FOR OFFICIAL USE ONLY//~~

23 1

24 ~~//FOR OFFICIAL USE ONLY//~~

25 WOODS - July 16, 2019



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

October 4, 2019

MEMORANDUM FOR (b) (6), (b) (7)(C)

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.

As discussed, Mr. Ubhi worked on the Army Digital Service portfolio, specifically on projects for the US Military Entrance Processing Command and Army Cyber Command.

3. Did Mr. Ubhi need to disqualify himself from working on any project before the JEDI Cloud procurement? If so, why?

Mr. Ubhi was working on the JEDI Procurement when I arrived to the DDS Team.

4. When did Mr. Ubhi receive his initial ethics briefing? Who provided the initial ethics briefing and what was discussed?

As discussed, please ask (b) (6), (b) (7)(C) or Sharon Woods. This was before I started with DDS.

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?

As discussed, please ask (b) (6), (b) (7)(C) or Sharon Woods. This was before I started with DDS.

6. Please describe Mr. Ubhi's roles and responsibilities as the Product Manager for JEDI Cloud?

He was asked to lead the efforts around market research around cloud technology in industry and usage of the technology within the DoD.

7. What is the difference between a DDS Product Manager and Program Manager?

Product managers are responsible for a product and the associated vision and delivery. Program managers are responsible for timelines, dependencies, and resources.

8. Who is responsible for leading the team (Product Manager or Program Manager)?

Within the DDS Team, the Director and Deputy Director are also the "Program Managers" in function. Our Product Managers are responsible for the delivery of products. Each project has a

lead. This is often the Product Manager, but not always. Every lead reports to the Director and Deputy Director in the context of that project.

9. What are the dates that DDS held the one-on-one vendor meetings?

As discussed, please ask (b) (6), (b) (7)(C) or Sharon Woods.

10. What role did Mr. Ubhi have during the one-on-one vendor meetings?

As discussed, please ask Sharon Wood or (b) (6), (b) (7)(C) who were present. My understanding is that he asked the questions while Jordan captured the responses.

11. What are the dates of Mr. Ubhi's participation in the one-on-one meetings?

As discussed, please ask (b) (6), (b) (7)(C) or Sharon Woods.

12. What was Mr. Ubhi's input or contribution for the RFI? Please provide any work product he provided, if available.

Mr. Ubhi contributed some questions. Ultimately, Sharon Woods, Chris Lynch, and I reviewed each question before they were released.

13. What was Mr. Ubhi's input or contribution into the Market Research? Please provide any work product he provided, if available.

He added some draft language and suggestions.

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.

He worked on a cost model that we did not end up using, and made some minor contributions to the document framing.

15. What was Mr. Ubhi's requirements for collecting NDA's for DDS Employees?

To my knowledge, Sharon Woods collected the NDAs. Everyone working on JEDI was told they needed to sign one.

16. Did he sign an NDA? If so, when?

As discussed, please ask (b) (6), (b) (7)(C) or Sharon Woods.

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.

As discussed, please ask (b) (6), (b) (7)(C) or Sharon Woods.

18. Did Mr. Ubhi inform you or any other DDS Supervisor or team member that he was pursuing a job(s) with Amazon?

I was first notified on October 31, 2017 under the pretense of Amazon buying his company Table Hero. I have since learned this is not true from documents that Amazon provided to the Court of Federal Claims.

(b) (6), (b) (7)(C)