

DOD internal investigation finds DOD handled JEDI contract properly

Enlarge / An aerial view of the Pentagon, the Potomac river, and parts of Washington, DC, taken back before a pandemic started keeping most of those cars in the commuter lot at home.

reader comments

71 with 61 posters participating

Share this story

The Department of Defense's internal probe into a controversial \$10 billion cloud-computing contract concluded that the process by which the contract was awarded was proper and not influenced by President Donald Trump or members of his administration—despite the fact that the White House declined to cooperate with the investigation.

The DOD Office of Inspector General circulated the report (a 317-page PDF) on the Joint Enterprise Defense Infrastructure contract (JEDI) award internally on Monday and made it public today. In the end, the inspectors determined that the evidence showed DOD personnel who made the decision were neither pressured by the White House directly nor by senior DOD officials who may have been in communication with the White House, even though “media swirl” made it seem otherwise.

Many enterprise computing vendors threw their hats in the ring for the JEDI contract. By April 2019, the shortlist was down to two finalists: Amazon AWS and Microsoft Azure. Industry

experts and observers largely expected Amazon to win the contract and were generally surprised when the Pentagon sealed the deal with Microsoft in October.

Amazon sued in December, basically alleging that Microsoft won because Trump personally hates Amazon CEO Jeff Bezos. In more legal terms, Amazon said the administration applied “improper pressure” to block AWS from winning the contract, citing instructions from Trump to former Defense Secretary James Mattis to “screw Amazon,” as well as other tweets and comments about Bezos and his company.

The Pentagon in March said it would “reconsider” parts of its decision-making process, after Amazon won a preliminary injunction blocking the DOD and Microsoft from moving forward for the time being.

The report very explicitly does *not* address whether the DOD made the right choice when it awarded the contract to Microsoft over Amazon, however. “To be clear, our review did not assess the appropriateness of the DOD’s award of the JEDI Cloud contract to Microsoft rather than AWS,” the report reads. “We did not review the merits of the contractors’ proposals or DOD’s technical or price evaluations; rather, we reviewed the source selection process and whether it was in compliance with applicable statutes, policies, and the evaluation process described in the Request for Proposals, and also whether it was influenced by outside pressure.”

The internal probe

The Department of Defense launched its internal probe in June 2019 amid a legal challenge from Oracle over the deal.

Through 2019, Oracle (along with basically everyone else) still expected Amazon to succeed in the JEDI bid. It tried lawsuits in several different venues challenging the Pentagon’s decision-making process. Oracle’s challenges failed

by July but not before the company managed to allege the process was “tainted” by several DOD employees having close business ties to Amazon.

To conduct the review, the report says, the investigators interviewed 25 witnesses, including:

DoD senior executives who were the most likely to have had direct contact with the White House; other DoD officials who reportedly heard Secretary Mattis talk about a phone call with President Trump; witnesses from the DoD Office of the Chief Information Officer, which oversaw the Cloud Computing Program Office; the Cloud Computing Program Office, which was responsible for managing the JEDI Cloud program; the Defense Digital Service, which initiated the procurement and provided subject matter expertise; and the source selection team, which evaluated proposals, made recommendations, and ultimately selected Microsoft. We also interviewed the Procuring Contracting Officer, who helped execute the procurement and awarded the contract.

The investigators were unable to speak to anyone from the White House, however. According to the report, the inspector general’s team presented the DOD general counsel with lists of questions to convey to witnesses through the White House’s lawyers. After “repeated requests for a response,” White House counsel told the DOD that it would only allow witnesses to provide written answers and that those written responses would first be subject to review by the White House counsel to review for executive privilege.

“We carefully considered this response and concluded it would not be an appropriate and practical way to conduct our review, because there was no assurance as to which questions would be answered, it would unduly delay the report, it would not allow for an interview and inevitable follow up questions, and it would not assure that we would be receiving full information

from the witnesses,” the investigators write. “We therefore declined to proceed in this manner.” In short, the White House threw up so many roadblocks to getting any information that the investigators gave up.

The DOD inspector general who oversaw the investigation and report, Glenn Fine, was abruptly removed from the position on April 6 after he was tapped to head the federal panel created by Congress to review management of the \$2 trillion coronavirus stimulus package. Fine had held the role for more than four years.

<https://arstechnica.com/?p=1668624>