Congress of the United States
Washington, DC 20515

October 22, 2018

The Honorable Glenn A. Fine
Principal Deputy Inspector General
U.S. Department of Defense – Office of Inspector General
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Acting Inspector General Fine,

We write to express concern with actions surrounding the development of requirements and the Request for Proposal (RFP) process for the Department of Defense's (DoD) Joint Enterprise Defense Initiative (JEDI) Cloud program. As Members of Congress it is our responsibility to ensure all government procurement programs are conducted in a fair and ethical manner.

On July 26, 2018, DoD issued Solicitation No. HQ0034-18-R-0077, which called for the Department to make a single, potential 10-year, $10 billion Indefinite Delivery Indefinite Quantity contract award for the JEDI program. The JEDI Cloud will provide infrastructure as a service and platform as a service for DoD to support mission operations. Of particular concern are the 'gating' or restricting provisions and the structure of the proposed contract, that seem to be tailored to one specific contractor.

An example of one of these provisions is the requirement that the Cloud Service Provider meets the Defense Information Systems Agency Impact Level 6. Currently, this unnecessary requirement, along with many others, can only be met by one specific contractor.

The recently-passed Department of Defense and Labor, Health and Human Services, and Education Appropriations Act of 2019 required the Secretary of Defense to provide, "A detailed description of the Department's strategy to implement enterprise-wide cloud computing." This must include, "The strategy to sustain competition and innovation throughout the period of performance of each contract, including defining opportunities for multiple cloud service providers." Congress included a similar provision in the Consolidated Appropriations Act of 2018 and has expressed concerns with the Department's acquisition strategy multiple times in both formal and informal meetings. The Department has not provided any adequate explanation as to why they continue to insist on a contract structure that has been widely criticized by Congress and industry.

Specifically, our concern is how and why the structure and these provisions, which run contrary to industry best-practices and federal acquisition guidelines, were included in the final RFP. It has come to our attention through media reports that individuals who held, or hold, high ranking positions in the Department have significant connections to the specific contractor. Our current understanding is that these individuals, in direct contrast with the Federal Acquisition Regulation and DoD Ethics Policy, had involvement in the development of the JEDI program.

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In light of these circumstances we respectfully request that you and your office investigate the development of requirements and RFP process for the JEDI Cloud program. In particular, focusing on how and why the 'gating' requirements were included and why DoD has continued to insist on a contract structure that runs contrary to industry best practices.

Sincerely,

Steve Womack
Member of Congress

Tom Cole
Member of Congress