

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

VIETNAM VETERANS OF AMERICA, *et al.*,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY, *et al.*,

Defendants.

Case No. CV 09-0037-CW (JC)

DECLARATION OF ULDRIC L. FIORE, JR.

DECLARATION OF ULDRIC L. FIORE, JR.

I, Uldric L. Fiore, Jr., declare as follows:

1. I am the Chief of Staff for U.S. Army Medical Command (MEDCOM). In my position as Chief of Staff, I have supervisory authority over the directorates and staff of MEDCOM. Among the directorates under my supervision is the Directorate of Resource Management, which is responsible for managing the organization's budget and making payments for the obligations the organization incurs. As the Chief of Staff, I have the authority to make decisions to allocate money from MEDCOM's budget. My job responsibilities also include assigning work to the staff that I supervise.

2. I am generally familiar with this litigation based upon information I have received from my legal advisors within MEDCOM. I understand that the Court has determined that, under Army Regulation 70-25, the Army has an obligation to conduct literature searches of chemical and biological substances used in testing programs to determine any long-term health effects associated with research subjects' participation. As the Army has explained in prior filings with the Court, the Army has determined that compliance with the Court's determination calls for, among other things, (1) the preparation of a Performance Work Statement (PWS); (2) a decision concerning whether to perform the work required by the PWS in-house or to perform the work through the award of a service contract to a third party; and (3) if the work is awarded to a third

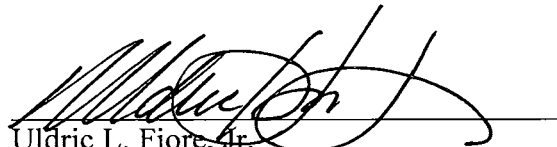
party through contract, processing through various contracting steps required by law, policy and regulation. Consistent with Army's prior filings to the Court, a PWS was prepared by Medical Research and Materiel Command (a subordinate organization of MEDCOM). After preparation of the PWS and submission to MEDCOM, I made the decision that the MEDCOM, through its subordinate organization Medical Research and Materiel Command (MRMC), would obtain a service contract to meet this obligation. In doing so, I approved the expenditure of an initial \$300,000 for Fiscal Year 2014 to award the contract. This expenditure is for initial performance corresponding to the current fiscal year only, and I understand more money may need to be obligated in the future for the Army to meet its requirements.

3. The decision to award a contract rather than conduct the literature searches in-house was made largely because our organization lacks sufficient expertise and manpower to perform this significant amount of work. My staff and the subordinate organizations of MEDCOM, to include MRMC, the Health Care Contracting Authority (HCAA), and the U.S. Army Medical Research Institute for Infectious Diseases (USAMRIID), sought the most efficient way to conduct these searches and I ultimately made the decision to obtain a contract based on input I received from my staff.

4. After the decision was made to award a contract, my office assigned the obligation to engage and conduct the contracting process to contracting officials within MRMC. I understand that the contract has been awarded and funded.

I declare under penalty of perjury that the foregoing is true and correct. Executed at

Falls Church, VA on November 3, 2014.


Uldric L. Fiore, Jr.
Chief of Staff
U.S. Army Medical Command