

September 19, 2005 release date

Investigator's Questions for Gus Funcasta @ Picatinny:

1. (A). Does the Military Specification for CLP (MilSpec CLP) work properly in Iraq, Afghanistan or Kuwait? (B) If yes, exactly what real-world user data do you have from theater to base your answer on? (C) If no, why are you still supporting it to our troops for use on all their weapons?

A. Controlled and Simulated desert testing at APG:

2. (A). Why was the recent testing not performed at the Army's desert testing center, YPG? (B) Wouldn't this have been a more appropriate environment for testing a lubricant to be used in desert combat conditions, versus using a simulated dust chamber testing device in a controlled environment?

3. What real-world user data do you have that proves a correlation exists between simulated desert testing in a laboratory environment versus actual field conditions our troops encounter in SW Asia?

4. Is it better to test candidate lubricants side-by-side in a real-world desert environment over time to determine if they are equivalent, versus simulated and controlled testing?

5. Why were all of the lubricant companies excluded at the last minute from participating in the proper application of their lubricant to gunmetal even though that was previously agreed to by APG?

6. (A). Did the new CLP that was assigned Militec's NSN's fail the APG testing? (B) MilSpec CLP was the only lubricant out of 24 candidates to pass the testing, correct?

7. What engineering and field test user data was relied on (for the new CLP) that met the requirements of the specifications for MILITEC-1?

8. (A). Why did the testing take so long? (B) Why was the report of the first phase results delayed until right after the AMC-CG retired? (C) Who developed the testing protocol? (D) Were you aware of the simulated dust chamber testing performed at Crane in 1992 with the same results as APG? (E) If so, what is the difference between the two tests and their results?

(1)

9. Since the simulated testing already had a CLP baseline, why was silica mesh flour used, instead of using real sand to be applied to weapons to correlate to the actual field conditions found in SW Asia?

10. (A). Why were the weapons tested wet, instead of dry? (B) Does MilSpec CLP work wet on gunmetal in SW Asia? (C) Are dry lubricated weapons more effective in preventing jams than wet weapons that can hold sand and dust to gunmetal in SW Asia?

11. (A). During the simulated testing at APG were there any equipment failures that prevented all the testing to be done? (B) If so, was it documented in the final report?

12. (A). What information do you have from troops who have used both MILITEC-1 and CLP that shows MILITEC-1 to be inferior to CLP? (B) Do you have any real-world user data from our troops concerning MILITEC-1 other than your own controlled laboratory testing?

B. Assigning the same NSN to two different

products:

13. (A). Prior to MILITEC-1, have you ever assigned the same NSN to two or more different weapon lubricant products with different formulas? (B) If so, have you ever granted contracts calling for one formula to be awarded to another formulas manufacturer?
14. What specific information (other than price) was used to justify substituting a Cleaner Lubricant and Preservative (CLP) for MILITEC-1?
15. (A). Why was only one lubricant issued MILITEC-1's five exact NSN's? (B) Was the new CLP the best of the 24 different products that failed the APG simulated testing?
16. (A). Since 1980, the Army's CLP has had its own NSN's. And now, for the first time, ARDEC has approved another CLP, correct? (B) Why has ARDEC given this new CLP the same NSN's as MILITEC-1 instead of classifying it with a CLP NSN that is currently in the system? (C) MILITEC-1 is NOT a CLP, is it? (D) Shouldn't a new CLP product have its own NSN's just as the existing MilSpec CLP has had since 1980?
- (2)
17. What prior precedent was established that allowed you to substitute MILITEC-1 with a CLP formula which includes the dual use of twelve year old NSN's?
18. MILITEC-1 has had its own separate NSN's since 1993. Why would ARDEC require absolute veto control over each solicitation calling for MILITEC-1 that is firmly established in the supply system and is also being re-ordered by our troops through its NSN's?
19. (A). ARDEC has insisted since 1990 that their MilSpec CLP is a better product than MILITEC-1, correct? (B) So why would ARDEC grant a new CLP product (that you approved) MILITEC-1's NSN's? (C) If the new CLP product is superior, shouldn't it have its own NSN so troops can order the "better" product approved by ARDEC?
20. (A). Now that Picatinny/ARDEC has approved a new CLP product, what is the status of the old/current MilSpec CLP product and its manuals? (B) Is MilSpec CLP still authorized for use? (C) If so, where are the technical manuals that specify the proper application of lubricant for SW ASIA?
21. (A). Is the new CLP going to replace the old CLP? (B) What is the difference between the two products for the proper application on gunmetal in SW ASIA?

C. Reports and emails from troops:

22. Do you have any reports or emails of CLP not working by our troops?

23. Do you have emails or information from warfighters stating how well MilSpec CLP works in a desert environment?
24. Are you aware of troops complaining about weapons jamming with CLP?

25. Have you received any good reports on MILITEC-1 from the troops?

25. Are you aware that Militec, Inc. has thousands of email reports from troops?

(3)

26. Does information from the troops AAR's have any impact on your decisions regarding the efficacy of a product?

D. Official reports:

27. (A). Are you aware that on May 15, 2003, the Army's first official After Action Report (AAR) entitled "PEO Soldier 'Lessons Learned'" were released? The report stated, "Soldiers provided consistent comments that CLP was not a good choice for weapons maintenance in this environment. Soldiers considered a product called Militec to be a much better solution for lubricating individual and crew-served weapons." (B) Why was this lesson learned (by our troops fresh off combat) never implemented by ARDEC? (C) Is the May 15, 2003 PEO report anecdotal? (D) Are there any products mentioned in the PEO report that were adopted by ARDEC?

28. (A). Are you aware that General Thompson, (CG-TACOM) wrote a letter to Militec, Inc dated the same day as the above PEO report, May 15, 2003, in which he concluded that MILITEC-1 did not work and CLP was State-of-the-Art? (B) Can you explain this discrepancy that occurred (within AMC) on the same date with opposite conclusions? (C) Were you involved with or provided consultation on any of the six drafts of the General's letter prior to release?

29. What AAR's do you have from theater that documents the success of MilSpec CLP?

30. (A). Have you seen Col. Smith's SWAT report, dated July 31, 2003? (B) Did you know the report was never taken out of Microsoft Word? It states that it doesn't matter which lube you use, concluding that soldiers' "elbow grease" is the best lubricant. (C) Is this true about "elbow grease"? (D) Did you help draft the SWAT report?

31. (A). Were you aware that the SWAT report was released to the "Infantry Bugler" magazine for publication? (B) Were you aware that MILITEC-1 was to be mentioned in the PEO Soldier report in that same magazine? (C) Did you know the section pertaining to MILITEC-1 was cut out and replaced with Col. Smith's "elbow grease" position?

(4)

E. Militec, Inc.'s history:

32. Are you aware of any problems that have previously existed between Militec and TACOM/ARDEC, including IG investigations?

33. (A). Are you aware Militec had its NSN's and orders cancelled repeatedly since 1994? (B) Can NSN's be legally blocked or cancelled without cause? (C) What specific cause and then action is required for cancellation? (D) What evidence is required for a new product to receive NSN's and who establishes this requirement? (E) Do you grant other products NSN's based on the same level of information? (F) Who is the governing authority and (G) what are the established guidelines for the approval and (H) the

cancellation process for NSN assignment?

34. (A). What other products have had their NSN's and/or orders cancelled repeatedly by ARDEC? and, (B) are still approved to this day by ARDEC without having a formula or engineering change?

35. (A). Have you ever heard of Maurice LePera, the former executive head of fuels and lubes for DoD? (B) Did you know there were hostilities between LePera and Giordani? (C) Do you know that LePera's former deputy is now in charge of lubricants at TACOM?

36. (A). Were you aware that on March 19, 2003, Col. Michael Padgett from ARDEC notified DSCR to cancel all MILITEC-1 orders from theater? (B) What was the justification for canceling emergency war orders from the troops in combat? (C) Have you or others in your group ever cancelled other emergency war orders placed by our troops that we also supported by stock demand through Defense Supply Center Richmond?

37. (A). Were you aware on August 21, 2003 Bruce Stout at Rock Island Arsenal blocked all orders for MILITEC-1? (B) Whose idea was this and, again, what was the justification? Does Mr. Stout have the same authority as ARDEC for canceling orders and blocking NSN's from our troops?

38. (A). Who re-approved all MILITEC-1 orders on October 14, 2003 and (B) under whose authority? (C) Also, under whose authority authorized the dual use of MILITEC-1's NSN's and the assignment of their contracts?

(5)

39. Were you aware Militec's NSN's were un-blocked on October 14, 2003?

40. Were you aware of Militec Inc.'s financial contribution to the troops?

41. (A). Have you seen or heard of Militec, Inc.'s advertising offering free supplies to our troops world-wide? (B) Is this a bad idea?

42. (A). Did you know that millions of dollars of MILITEC-1 was ordered by our troops prior to ARDEC canceling Militec's five-year ID/IQ solicitation through DSCR? (B) Do you know why ID/IQ contracts are initiated? (C) Have you or others in your group ever encouraged the cancellation of ID/IQ contracts before?

F. General questions:

43. (A). What was the purpose of your trip to DSCR last spring? (B) Have you ever visited Patrick Finegan or Gus Liggon at DSCR before? (C) Have you ever spoken, or met with, these same DSCR employees about other lubricant products before MILITEC-1 last spring?

44. (A). What weapon manuals or TM's show the proper application procedures for lubricants to be used in a desert environment? (B) What are the published guidelines for the proper application of CLP (old and new) in SW Asia? (C) When was the last time a weapons manual has been updated to reflect the proper application of lubricant for a desert environment?

45. Do you follow the advice of manufacturers when they recommend lubricants for their weapons and related systems?

46. (A). What is your relationship with Kevin O. Moore at Rock Island? He said in an email dated July 22,

2005 that MILITEC-1 would never be approved. LTC Mulligan essentially said the same thing in an email dated February 20, 2005. (B) Do you work with these folks? (C) Are you all part of a joint service group responsible for small arms lubricants for the DoD? (D) Who are the rest of the members of the group? (E) Who authorized this group's charter?

47. (A). Why is Steve Wahlen on every MILITEC-1 contract? (B) Is he on other contracts with the same veto control language? (C) Isn't Mr. Whalen the lab manager at ARDEC? (6)

48. (A). Why was [MILITEC-1 is] "not approved by DOD for small arms" use language supposed to be placed on all MILITEC-1 boxes? (B) Who directed this confusing text to be placed on all contracts? The troops order MILITEC-1 for use on their small arms and crew-served weapons. (C) Are you saying, "You can buy it, but you can't use it?"

49. (A). For the past ten years ARDEC's position has been MILITEC-1 has inferior corrosion properties, but good lubricating properties, correct? (B) Then how did MILITEC-1 pass the laboratory screening tests and fail the performance test using MilSpec CLP as a baseline? (C) Why was the baseline established using controlled procedures with known MilSpec CLP results, versus using performance criteria that does not rely on lab controls? Our troops have no controlled conditions in combat (D) Has MILITEC-1 ever failed or passed a lubricity test performed by ARDEC?

G. The rapid rise of the new CLP competitor:

50. (A) When did you first become aware of the new CLP Company? (B) and how did you become aware of this Company?

51. (A). Was this new Company aware of any existing problems between Militec and ARDEC? (B) Are you aware of the content on Militec's website where they are critical [of] ARDEC?

52. (A). Once you started the new Competitors approval process for MILITEC-1's NSN's, how long did this process take? (B) Was all the formal paper work supplied to DSCR for the proper assignment of all five NSN's? (C) Was the implementation of MILITEC-1's dual use NSN's fast-tracked (special request) through DSCR, or (D) did it take the normal amount of time?

53. (A). How was it that MILITEC-1's NSN's were granted to a new Competitor in February and then that same competitor was granted subsequent contracts calling for MILITEC-1 that were out for bid the same month as the NSN's were awarded in February? (B) Can you show a precedent for the issuance of brand new NSN's that resulted in subsequent awards that originated in the same month as the granting of dual use NSN's?

(7)

54. (A). Did you know that this new Competitor is attacking MILITEC-1 with their CLP product by using MILITEC-1's NSN's and ARDEC awarded contracts to prove it's a better product to the Military and the public?

(B) Did it ever occur to you that the new competitor could exploit the serious and continuing problems that exist between ARDEC and Militec to their own financial advantage?

55. (A). Were you aware of Militec's financial contribution in product and advertising cost for our troops? (B) Did you know that Militec's large contribution is responsible for this demand (based on NSN's orders) to be created in the first place?

56. (A). Did it ever occur to you that the new Competitor would take advantage of Militec since ARDEC allowed them to fulfill MILITEC-1 contracts and be awarded their twelve year old NSN's? (B) Did Militec not create this huge demand for a dry lubricant through its NSN orders?
57. Would you have granted this new competitor Militec's NSN's and contracts if there was not a multi-million dollar demand for MILITEC-1 by troops ordering it off their NSN's?
58. Why was this new competitor the only one chosen over 24 lubricant companies to compete against MILITEC-1 using its five NSN's?
60. Since Militec's ID/IQ contract was cancelled by ARDEC, do you support the same ID/IQ contract for this new Competitor?
61. (A). Should this new Competitor's CLP product be the new standard for Military weapons in all environments our troop's encounter? (B) If so, what do you base it on and (C) where are the current desert guidelines for using the product? (D) Is it dangerous to allow an unproven product to be used world-wide by our troops that are requesting another product that was based on their successful use over time in combat?
62. (A). Militec, Inc paid one-thousand dollars to participate in the new greaseless weapon program sanctioned by ARDEC, correct? (B) What happened to this program? and (C) what was its purpose?