

Volume I
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BEFORE THE ARMED SERVICES
BOARD OF CONTRACT APPEALS
ASBCA No. 53896

APPEAL OF:

WESLEYAN COMPANY, INC.

UNDER CONTRACT NOS:

DAAK 6084M116
DAAK 6084M3573
DAAK 6085M3337
DAAK 6085M2329

* * * * *

DEPOSITION of ROGER W. HUBBARD, called as a
witness by counsel for Department of the Army,
before Norma Flynn Borelli, CSR No. 102793,
Registered Professional Reporter and Notary Public
in and for the Commonwealth of Massachusetts, taken
at the offices of GERALD E. SHUGRUE, 781 Main
Street, Whitinsville, Massachusetts, on Friday,
August 20, 2004, commencing at 10:05 AM.

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CONDENSED
TRANSCRIPT

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...ber saying, "This can't be done."
...and it work with the two-quart and
...
...se as you are drawing water out, you
...ing a vacuum. The two-quart collapsible
...would then fold in on itself, relieving the
... When you filled it, it would expand again.
Q. Looking at the proposal at Tab 6, the
two-quart was similar, at least in function, to the
flex canteen?

A. Yes. It was larger. I thought this flex
canteen that Wes had sent me, I'm not sure whether
the original document that he had sent me showed
this idealized description of a flex canteen. I
have never seen one in actuality that looked like
that. I have only seen the two-quart canteen that
looked like a desert water bag.

Q. So Wesleyan Company sent you a version of
their flex canteen?

A. They sent a picture of what it looked like,
the collapsible two-quart canteen, that existed in
the inventory at that point. Half a million of them
existed at that time.

Q. Did he ever send you a full system with the

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tubes, the pump, and his canteen?

A. I believe Natick received one before I did,
and somebody, probably Don Davio or somebody in
Natick, had shown it to me and taken it back,
because they were doing an evaluation and tests on
it of their own. But I independently received
enough to do the tests that we were tasked to
perform.

Q. You independently received this from
Wesleyan?

A. Yes.

Q. What canteen did you get?

A. Two-quart collapsible canteen.

Q. The standard issue?

A. Yes.

Q. So Wesleyan sent you essentially a
government canteen as part of his system, is that
what you are saying?

A. Yes, sir. We wouldn't have had something
to connect it to if he didn't.

MR. CLARKE: Would you mark this
as Exhibit 1.

(Exhibit No. 1 marked for
Identification.)

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Impossible to succeed?

Q. Is this the canteen that you are referring
to?

A. Yeah. Pretty much.

Q. That is the canteen that Wesleyan provided
to you with his flex system?

A. Along with the iodine tablets, yeah.

That's what that little bottle contains.

Let me continue with your first question.

How did I annoy the staff of the Chem School? I
annoyed them by telling them the physics of
withdrawing fluid from a collapsible canteen would
have never allowed fluid to be drawn from a
hard-wall canteen without collapsing it. And that
was in direct opposition to the SNICIE that currently
existed, had been established through infantry
school, Chem School, everyone who ever got a shot at
it. And I am making a big assumption that they all
did, because I don't know.

My opinion was that the Statement of Need
was defective, that this couldn't be done. It was
impossible to do this. You couldn't perform the
three functions demanded. Performed in a single
line system, you never could, you never would.

Q. So --

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A. It wasn't a question of preference, it was
a question of physics.

Q. What was the effect of the Statement of
Need having a requirement that the drink system be
compatible with all existing canteens?

MR. MOORHOUSE: Objection. Vague.
Can you answer the question?

A. In my opinion, the Statement of Need
disqualified the Wesleyan system from being
considered. And it was a huge mistake, and I said
so. I said, The Statement of Need is corrupting our
plans to equip the soldiers with what they need.
Somebody ought to recall it. That didn't go over
well.

Q. In Paragraph 16 you refer to a meeting with
Mr. Schneider. You say, "In my opinion, Natick was
reinventing the wheel since such the technology was
already available. It is also my opinion that this
change in approach resulted after a meeting between
officials of WARMAG and Mr. Schneider in which Mr.
Schneider apparently angered some of the WARMAG
officials by pointing out the deficiencies in the
existing military hydration system."

Were you at that meeting?