

MAY 28 2015



**U.S. Customs and
Border Protection**

The Honorable Stevan Pearce
U.S. House of Representatives
Washington, DC 20515

Dear Representative Pearce:

This is in response to your April 30, 2015, letter concerning the Department of Homeland Security's (DHS) uniform contract. You identified several concerns related to the Border Patrol's satisfaction with the contract, requested information related to the award of the contract and the role of agents in the procurement process, and U.S. Customs and Border Protection's (CBP) plans to respond to contractor performance issues. Additionally, you requested information related to CBP's plan to test body worn cameras and include agent feedback in the process.

CBP is committed to providing all of its uniformed personnel including Border Patrol agents' quality uniform items in a timely manner. CBP has a Uniform Management Center that meets regularly and discusses issues such as quality of the existing products and the need to potentially add or change items. Additionally, CBP tracks various programmatic metrics regarding the uniform program, to include backorders, delivery cycle time, and returns/exchanges. The availability issues noted in your letter are mostly attributed to start-up issues related to the September 2014 award of the new DHS-wide Uniform Contract. The prime contractor, VF Solutions, has been establishing its complete supply chain framework, which includes new vendors, and initiating manufacturing lines for the numerous products that support multiple DHS components. As a result, CBP and VF Solutions acknowledge that there have been some availability issues. Where the contractor has failed to meet its contractual obligation, CBP will pursue appropriate remedies.

The uniform procurement was the result of a very deliberative process that lasted several years. As previously mentioned, the new contract is the first DHS-wide contract that supports CBP, Immigration and Customs Enforcement, Transportation Security Administration, and all other DHS components as well as the Food and Drug Administration (FDA). As a result, a DHS-wide working group was formed to determine requirements and assess alternative acquisition strategies. The various DHS components, including Border Patrol, had liaisons that played a significant role in the development of the respective specifications throughout the procurement process. CBP was identified to be the executive agent to award the contract, but each of the participating organizations are involved in the management and administration of their respective requirements.

The procurement was conducted in accordance with the Federal Acquisition Regulations (FAR). The planning phase began in 2012 and included significant interaction between DHS and industry representatives. Market research included an industry day, at which vendors were shown samples of all uniform items from every DHS component. All personnel that wear uniforms in DHS including Border Patrol agents were involved throughout this phase and were instrumental in finalizing the requirements (product list) prior to the solicitation being released in December 2013.

Proposals were received in February 2014. The evaluation of the proposal was conducted by teams which were comprised of representatives from various organizations, including the Border Patrol, Office of Field Operations, and other DHS components. The teams were utilized in the source selection process as “evaluators” of the proposals, including samples and were voting members of the overall source selection team. Their input was invaluable and included throughout the process. Proposals included pricing for more than 900 items. The solicitation and resultant contract included the Kissell Amendment (from the American Recovery and Reinvestment Act) language which restricts the country of origin of uniform items that are fabric based. This language has limited sourcing on certain items, which has resulted in the non-availability of some existing items and increased costs to other items. While there have been some identified cost increases for certain other items, it should be noted that the prior contract was awarded more than 10 years ago. While some items have increased in cost, other items are less expensive than before. Overall, based on adequate competition, the prices were determined to be fair and reasonable in accordance with the FAR.

While pricing varied from item to item, the VF Solutions proposal offered the lowest overall price. Further, the VF Solutions proposal was determined to be the highest technically rated. Following the proposal evaluation, the contract was awarded in September 2014 based on a “best value” decision. This decision to award to VF Solutions was based on the technical merits of the proposal, cost, and past performance.

Following award of the contract, Border Patrol participated in First Article acceptance of each item. The respective operator is always a participant in identifying a new item and the ultimate acceptance of the item before it is added to the catalog.

In the past three years, CBP has conducted various wear tests of uniform items that require participation and feedback from personnel in the field. In April 2015, CBP completed a survey of more than 400 Border Patrol agents related to feedback on extreme weather gear.

Over the next three years, CBP will be working with the uniform offices to revisit and update all uniform specifications prior to the next contract award. As part of that effort, CBP has entered into an Inter-Agency Agreement with the U. S. Army Natick Soldier Research Development and Engineering Center (NSRDEC) in September 2013. NSRDEC will provide technical support to CBP including lab testing to address any

current uniform quality issues along with assistance in revising all uniform specifications. In July 2014 Commissioner Kerlikowske established a CBP Body-Worn Camera working group and tasked it with determining the feasibility of using body-worn camera technology within the CBP operational environments. Border Patrol assumed the lead position in the working group and is participating in all aspects of the feasibility study. The working group decided on a three phase approach to determine if this technology had practical application within CBP daily operations.

In order to assist with the evaluation process, the working group met with manufacturers, and a representative sample of available technology was purchased in small quantities. Three different manufacturers representing four different models were used by CBP during the controlled environment evaluation phase and the limited field deployment phase. At the conclusion of the feasibility study, the working group will make a recommendation on whether they believe this technology is viable for CBP operations. Individual product testing is not within the scope of the feasibility study and the working group will not make any recommendations regarding specific makes and models of camera.

Once a decision has been made on the feasibility of the technology, subsequent steps and procedures will be determined in regard to establishing a path forward. If the technology is determined to be a viable tool for CBP, additional research and testing will commence and technology requirements will be determined. It is anticipated that the additional research and product testing will be performed by the CBP Office of Technology, Innovation and Acquisition, which will adhere to all Federal procurement standards.

We recognize the importance of this technology and the implications of its application. CBP is committed to employing a deliberative process to evaluate, research and test the technology to ensure that it meets the requirements of the men and women of CBP.

I appreciate your interest in U.S. Customs and Border Protection. If you have any questions or would like additional information, please contact my office at (202) 344-1760.

Sincerely,



Michael J. Yeager
Assistant Commissioner
Office of Congressional Affairs