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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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STAFF DIRECTOR

March 28, 2013

The Honorable John S. Pistole
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598

Dear Mr. Pistole:

The Subcommittee on National Security and the Subcommittee on Government Operations are continuing their oversight of the Transportation Security Administration's procurement policies, practices, and procedures. On February 27, 2013, the TSA awarded a one year contract to VF Imagewear, Inc. for service uniforms.¹ As part of this oversight, we are writing to request a briefing and information concerning this contract.

Recent news stories state that the TSA "agreed on a deal [in February] worth as much as \$50 million to buy new uniforms for rank-and-file agents, despite concerns that imminent budget cuts would result in furloughs and 90-minute flight delays."² According to the Justification and Approval form, the one year contract supports "uniform requirements for the period of performance from February 18, 2013, through February 17, 2014, along with a 12-month optional transition period, which would expire on February 17, 2015, if exercised."³ The final approval was signed on February 8, 2013.⁴

Just days within the enactment of sequestration, Department of Homeland Security Secretary Janet Napolitano commented on sequestration's effects on airport security operations. On March 4, 2013, she stated that DHS will begin to send out

¹ FedBizOpps.gov, TSA Uniforms; Solicitation Number: HST S05-13-R-OSO002, https://www.fbo.gov/?s=opportunity&mode=form&tab=core&id=451fa835036b45f2120ba8154e6e47f3&_cview=0 (last visited Mar. 8, 2013).

² *TSA Signs \$50 Million Uniform Deal, as Billions in Federal Cuts Ripple Across America*, FOX NEWS, Mar. 6, 2013, available at <http://www.foxnews.com/politics/2013/03/06/tsa-signs-50-million-uniform-deal-as-billions-in-federal-cuts-ripple-across/>.

³ FedBizOpps.gov, TSA Uniforms; Solicitation Number: HST S05-13-R-OSO002 Justification and Approval, https://www.fbo.gov/?s=opportunity&mode=form&tab=core&id=f59c3a7a2d07f5098dc313da4453736a&_cview=0 (last visited Mar. 13, 2013).

⁴ *Id.*

furlough notices, and that airport lines were already “150 to 200 percent as long as we would normally expect.”⁵ She continued, “I don’t mean to scare, I mean to inform. If you’re traveling, get to the airport earlier than you otherwise would. There’s only so much we can do with personnel, and please don’t yell at the customs officers or the TSA officers, they are not responsible for sequester.”⁶

The publically documented contract solicitation indicates a maximum contract award amount of \$50,000,000. However, the actual estimated total value or the anticipated procurement cost of the contract is unclear.⁷ Moreover, some reports indicate that VF Imagewear’s uniforms are partly made in Mexico.⁸

The rationale behind the timing of TSA’s uniform contract and other uncertainties surrounding the contract award raise concerns. Accordingly, to assist the Subcommittees with their oversight, please provide a briefing to address the following questions:

1. Was any consideration made for a delay in acquisition of these uniforms in light of the possible impacts of sequestration two days later?
2. What is the anticipated total value of the contract awarded to VF Imagewear for TSA uniforms that fulfilled Solicitation Number: HSTS05-13-R-OSO002?
3. In the event that a delay is subsequently enacted, what is the government’s termination liability (if any) agreed to under the contract?
4. Does the solicitation have a Buy America provision or require adherence to the Trade Agreements Act?
5. How much is the current uniform allowance for TSA employees?

In addition, please provide the following information:

1. What percent of TSA uniforms purchased through VF Imagewear are made in the United States?
2. Since January 1, 2010 to present, how much has TSA spent on uniforms per year?

⁵ Lucy Madison, *Sequester Already Causing Long Lines at Airports, Napolitano Says*, CBS NEWS, Mar. 4, 2013, available at http://www.cbsnews.com/8301-250_162-57572422/sequester-already-causing-long-lines-at-airports-napolitano-says/.

⁶ *Id.*

⁷ FedBizOpps.gov, *supra* note 3.

⁸ FOX NEWS, *supra* note 2. See also, Adam Snider and Burgess Everett, *TSA’s \$50M Uniforms Contract Stirs Ire on Hill*, POLITICO, Mar. 6, 2013, available at <http://www.politico.com/story/2013/03/tsas-50m-uniforms-contract-stirs-ire-on-hill-88530.html>.

3. Please provide an itemized cost breakdown of each uniform component in a standard uniform set.
4. Please provide a copy of the signed contract and all supporting documents.

Please provide the requested information and designate appropriate officials to provide a briefing to the Committee staff as soon as possible, but **no later than 5:00 p.m. on April 11, 2013**. When producing documents to the Committee, deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

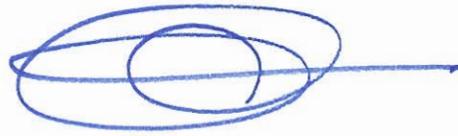
The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

If you have any questions about this request, please contact Sang Yi or Mitchell Kominsky of the House Committee on Oversight and Government Reform at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman
Subcommittee on National Security



John L. Mica
Chairman
Subcommittee on Government Operations

Enclosure

cc: The Honorable John F. Tierney, Ranking Minority Member
Subcommittee on National Security

The Honorable Gerald E. Connolly, Ranking Minority Member
Subcommittee on Government Operations

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Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.