



Uniforms Procurement: Compliance with the Buy American Act

May 13, 2015

Fiscal Year 2015 Report to Congress



Homeland
Security

Transportation Security Administration

Message from the Acting Administrator

May 13, 2015

I am pleased to present the following report, “Uniforms Procurement: Compliance with the Buy American Act” for fiscal year (FY) 2015, which has been prepared by the Transportation Security Administration (TSA).

The report has been compiled in response to a requirement in House Report 113-481 accompanying the *FY 2015 Department of Homeland Security (DHS) Appropriations Act* (P.L. 114-4). This report delineates the measures TSA takes to comply with requirements of the Buy American Act and provides the total number of uniforms and screener consumables purchased in FY 2013 and FY 2014.



Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable John C. Carter
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Hoeven
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jeanne Shaheen
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries relating to this report may be directed to me at (571) 227-2801 or to the Department’s Chief Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely yours,

A handwritten signature in black ink that reads "Melvin J. Carraway". The signature is written in a cursive style with a long, sweeping underline.

Melvin J. Carraway
Acting Administrator

Executive Summary

The House Report 113-481 accompanying the *FY 2015 DHS Appropriations Act* (P.L. 114-4) requires TSA to submit a detailed report explaining the measures TSA takes to comply with the requirements of the Buy American Act and provide information on the purchase of uniforms and consumables in FY 2013 and FY 2014.

To comply with the requirements of the Buy American Act, TSA's solicitations and contracts for uniforms contain the clause set forth in Homeland Security Acquisition Regulation (HSAR) 3052.225-70, "Requirements for Use of Certain Domestic Commodities" (August 2009), which identifies and defines the law's requirements on domestic origin and content for textiles used in uniforms. In addition, TSA includes in all solicitations for uniforms the provision set forth in Federal Acquisition Regulation (FAR) 52.225-6, "Trade Agreements Certificate" (January 2005), which requires offerors to certify that each product offered is a U.S.-made product, or to otherwise identify the country of origin.

In FY 2013, TSA purchased 740,347 uniform items including trousers, shirts, jackets, and shoes, and 380,846 consumables. In FY 2014, TSA purchased 723,588 uniform items and 324,849 consumables.

TSA must follow section 604 of the *American Recovery and Reinvestment Act of 2009* (P.L. 111-5; 6 U.S.C. 453b). TSA's contracting process has been managed to attain compliance with the law's requirements. As required, an explanation of the contracting process is included, along with the number of compliant uniforms procured by TSA. This report is provided to the U.S. House of Representatives' and U.S. Senate's Appropriations Subcommittees on Homeland Security. It provides information that demonstrates compliance with the law, as TSA executes its mission to protect the traveling public.



Uniforms Procurement: Compliance with the Buy American Act

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I. Legislative Language

This report is submitted pursuant to language in the House Report 113-481 accompanying the *FY 2015 DHS Appropriations Act* (P.L. 114-4). House Report 113-481 states:

Uniforms

The Committee directs TSA to provide a report not later than 90 days after the date of enactment of this Act describing in detail how it is complying with the Buy American Act, including what measures it is taking to ensure compliance, and the total number of uniforms and screener consumables purchased in fiscal year 2013 and fiscal year 2014.

II. Background

TSA employs a security workforce that includes approximately 45,000 transportation security officers (TSOs) at approximately 440 airports to protect our Nation's transportation network. The *Aviation and Transportation Security Act (ATSA)* (P.L. 107-71) requires that any individual who screens passengers and property pursuant to section 44901 be attired while on duty in a uniform approved by the Under Secretary (defined as the Administrator of TSA). To ensure that TSA meets ATSA's statutory requirements, and to efficiently support security screening operations, TSA acquires uniforms through the TSO Uniform Program. The program develops and implements policy for wear and management of uniforms, provides uniforms and badges for TSOs, and provides comprehensive program management.

The TSA TSO Uniform Program was established in 2002. It is currently in the Produce, Deploy, and Support phase of the acquisition life cycle, and is expected to continue for as long as TSA performs security screening operations at airports and other transportation facilities and ATSA remains in effect. The program was established on the basis of a strategy of acquiring commercial, off-the-shelf or modified commercial, off-the-shelf uniform items to minimize life-cycle costs, maximize management efficiency, and allow for program scalability with growth or contraction of the screening workforce. The program strives to satisfy functional needs while ensuring that TSOs present a neat, authoritative, and professional image to the traveling public. It also seeks to minimize the burden of uniform maintenance on the employee, provide TSOs appropriate comfort in every climate, and maintain a high level of esprit de corps.

TSA provides uniforms to new hires, maternity uniforms to pregnant TSOs, cotton uniforms to TSOs allergic to issued uniforms, and skirts to TSOs with religious exemptions from wearing pants, and provides replacement uniforms to all TSOs through the annual allowance program.

Consumable supplies are critical materials used by TSOs to ensure effective screening of passengers, and carry-on and checked baggage. These consumable supplies include disposable gloves; baggage inserts, which both notify passengers that their bags have been inspected and provide contact information in the event of a problem; and explosives trace detection consumables including sample swabs, wands, and reactant materials.

III. Compliance Measures

A. How TSA is Complying with the Buy American Act

TSA's contracting process has been strictly oriented to achieve compliance with Buy American Act requirements. Accordingly, TSA consistently has acted in compliance with the law's provisions, as well as those of the North American Free Trade Agreement (NAFTA) and other complementary bilateral trade agreements, specifically with regard to the purchase of uniform products. Of note, products from Canada, Mexico, and Chile are treated as domestically sourced under NAFTA and the United States-Chile Free Trade Agreement, respectively.

B. Measures Taken to Ensure Compliance

Market research conducted before the TSA uniform contract awarded in February 2013 revealed that uniform and apparel industry vendors were clearly cognizant of the law's requirements regarding textiles and uniforms for DHS Components, including TSA. In September 2014, Customs and Border Protection (CBP) awarded the new DHS strategic uniform contract which contained the clause at HSAR 3052.225-70 "Requirement for Use of Certain Domestic Commodities" (August 2009). This clause identifies and defines the law's requirements regarding the domestic origin and content for textiles used in uniforms. Further, the provision at FAR 52.225-6 "Trade Agreements Certificate" (January 2005), was included in the solicitation for uniforms, requiring offerors to certify that each product offered is a U.S.-made product, or to otherwise identify the country of origin. The contracting officer verified that the information provided by each offeror in response to this provision complies with the requirements. TSA intends to use the CBP-awarded contract for the contract period of performance, September 16, 2014 – September 15, 2019.

IV. Number of Uniform Items and Screener Consumables Purchased in FY 2013 and FY 2014

The reported quantities are for items purchased under the Screening, Training, and Other Program, Project, or Activity line of accounting. The number of uniform items purchased in FY 2013 was 740,347, and in FY 2014 the number of uniform items purchased was 723,588.

The decrease in the number of TSO uniform items purchased in FY 2014 versus FY 2013 is due to the decrease in TSOs from 49,900 at the beginning of FY 2013 to 48,500 at the end of FY 2013, and then decreasing to approximately 45,500 at the end of FY 2014. During this same time period the number of new hire TSOs declined from 4,700 in FY 2013 to 3,477 in FY 2014.

Screening consumables consist of operational supplies for explosive detection equipment, bottled liquid scanner supplies, credential authentication supplies and technology, notice of inspection baggage inserts, and disposable gloves. The number of screening consumables purchased in FY 2013 was 380,846, and in FY 2014 the total number of screening consumables purchased was 324,849.