

September 18, 2020

Ms. Roxanne Banks  
Deputy Director of Acquisition (J7)  
Defense Logistics Agency  
Fort Belvoir, VA 22060

Dear Ms. Banks:

We appreciate all the work that DLA has been engaged in over the last few months on promoting domestic manufacturing in the ongoing effort to procure urgently needed gowns and other personal protective equipment (PPE). We further appreciate the debriefing from you and your team to our industry associations earlier this week on the named awardees for the reusable and disposable gowns. As you know, the U.S. domestic textile, nonwovens, and sewn products industries have been engaged for many months with the United States government and healthcare sector to help provide critically needed items. Additionally, we appreciate the Department's commitment to award contracts to Berry-compliant suppliers on this last solicitation.

Since the onset of the pandemic, the domestic industry heeded the call for emergency assistance by making hundreds of millions of gowns, masks, and testing kit swabs. We believe it is our duty to serve the government and the American people amid this crisis, and we pride ourselves on our strong reputation and ability to deliver materials and finished product needed to meet our urgent healthcare needs.

In light of our desire to make a substantial contribution to the national PPE procurement effort, we are writing to relay our industries' serious concerns in relation to **certain** contract awardees for reusable and disposable gown procurement referenced above. Specifically, we have three issues we would like to raise around viability and capacity, Berry compliance, and whether awardees have the technical proficiency to provide the quality of products necessary to protect healthcare workers.

**Viability and Capacity:** After further examination of certain awardees, coupled with feedback from our industry, serious questions have arisen about the viability and capacity for these producers or distributors to make the products in the quantities awarded during the time specified. To that end, can you share with us DLA's process and procedures for reviewing awardees such as: credit risk and working capital, review of past performance, review of place of performance, and determination if companies have the workforce necessary to complete their orders within the needed timeframes?

**Berry Compliance:** The Berry Amendment has been a critical tool to ensuring our warfighter gets the technically sound products they need. Along with DLA, we pride ourselves on the Berry

Amendment and keeping the industrial base innovative and effective. Given the volume of Berry awards that domestic industry component manufacturers service, we are naturally dismayed that many in our membership are indicating that they are not supplying components or finishing services for these recent awardees. As our industry associations represent collectively hundreds of companies, including the vast bulk of the domestic manufacturing industry, this dismay has quickly been replaced with the question about who these companies and their suppliers are? Given the volume of awards at 83 million gowns, you would assume that the domestic industry, including a number of our members, would be subcontractors for this volume of product. This has raised concerns within the industry that some of this product is not Berry compliant. The prices associated with domestic procurement of these gowns raise further questions on whether these products are domestically made and sourced. How will you ensure that Berry compliance is adhered to and what will be the enforcement mechanisms associated if product does not meet these compliance standards?

**Technical Specifications:** We know that healthcare professionals require products in this setting to meet technical specifications and know you had a rigorous technical demonstration process. Based on our intelligence, some of the gowns procured may be using materials that are often not used in a medical setting. We remain concerned that some of these gowns based on our knowledge of potential materials may not withstand 25 washings or normal wear and tear – a failure that may not be discovered until years from now if not caught before the gowns are delivered. Does DLA have independent means to ensure that gowns received meet required washing standards and other technical specifications?

Overall, a better understanding of your verification procedures would be of great benefit to our industry.

Please know these comments are not a blanket statement on all awardees – some of whom we know to be very capable suppliers. As industry associations that represent a significant portion of the domestic industry, it is our job to protect the reputation and integrity of our industry and the products our members make and to ensure the American healthcare worker gets the technically required product to help our American healthcare workforce.

We want to help the U.S. government succeed in this procurement and to help ensure the Strategic National Stockpile is equipped with the products you need at the time you need them. If, for any reason, certain awardees cannot deliver, please know the U.S. industry and its workforce stands ready to serve.

We look forward to your feedback and thank you for your attention to our concerns.

Sincerely,



Kim Glas  
President & CEO  
NCTO, National Council of Textile Organizations



Steve Lamar  
President & CEO  
AAFA, American Apparel & Footwear Association



Steve Schiffman  
President & CEO  
IFAI, Industrial Fabrics Association International



Dave Rouse  
President  
INDA, Association of the Nonwoven Fabrics Industry



Will Duncan  
Executive Director  
SEAMS, The Association & Voice of the U.S. Sewn Products Industry



David Costello  
Executive Director  
WPRC, Warrior Protection & Readiness Coalition