



# Military Uniform Procurement: Questions and Answers

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## Summary

Military uniforms are procured through the Defense Logistics Agency (DLA), an agency of the Department of Defense (DOD). DLA is DOD's largest combat support agency, providing worldwide logistics support for the United States (U.S.) military services, civilian agencies, and foreign countries. With headquarters in Fort Belvoir, Virginia, DLA operates three supply centers including DLA Troop Support [formerly Defense Supply Center Philadelphia (DSCP)] in Philadelphia, PA.

DLA Troop Support is responsible for procuring nearly all of the food, clothing, and medical supplies used by the military, about 90% of the construction materiel used by troops in the field as well as repair parts for aircraft, combat vehicles, and other weapons system platforms. Within DLA Troop Support, the Clothing and Textile (C&T) Directorate supplies more than 8,000 different items ranging from uniforms to footwear and equipment. According to DLA Troop Support's website, sales of goods exceeded \$14.5 billion during 2009.

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DLA Troop Support's Clothing and Textile Directorate (C&T) supplies more than 8,000 different items ranging from uniforms and body armor to tents and canteens. Many C&T products, such as battle-dress uniforms (BDUs), are unique to the military and the Directorate teams with military service customers and private vendors to design and test them. C&T also identifies, tests, and approves commercial items for military use, such as sweatshirts, gloves, and blankets, and supplies special purpose clothing, wet weather clothing, chemical suits, and field packs.<sup>1</sup>

## **How are Military Uniforms Procured?**

Military uniforms are procured through competitive contracts. C&T maintains access to a variety of supplies and uniform-related products. Other more specialized products such as body armor, BDUs, and footwear are usually procured directly from contractors. C&T specialists may also procure textiles and materials directly from the textile industry, and then provide them to contractors. The materials may be used to manufacture additional uniforms and related products, often achieving higher quality and substantial savings over purchased, finished generic products.

## **Under What Controlling Legal Authority Are Military Uniforms Procured?**

Military uniforms are procured in accordance with the provisions of the Federal Acquisition Regulation (FAR), DLA's own internal regulations, the Berry Amendment and the Buy American Act (BAA).<sup>2</sup> The Berry Amendment (Title 10 U.S.C. 2533a), which dates from the eve of World War II, was established for a narrowly defined purpose: to ensure that United States (U.S.) troops wore military uniforms wholly produced in the United States and to ensure that U.S. troops were fed food products wholly produced in the United States. There are exceptions to the Berry Amendment that waive the domestic source restrictions; one such exception allows DOD to purchase specialty metals and chemical warfare protective clothing from countries where the United States has entered into reciprocal procurement memoranda of understanding (MOUs).<sup>3</sup>

The Deputy Secretary of Defense memorandum of May 1, 2001, provides that the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretaries of the military services have the authority to determine that certain items under the Berry Amendment are not available domestically in quantities or qualities that meet military requirements. Such decisions are called "domestic nonavailability determinations" or DNADS. This authority may

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<sup>1</sup> <http://www.dscp.dla.mil/clothingandtextiles/>

<sup>2</sup> The Buy American Act (41 U.S.C. 10a through 10d, as amended) is the principal domestic preference statute governing most procurement by the federal government. It restricts foreign access to U.S. government procurement by giving preference to domestically produced, manufactured, or home-grown products. For further discussion of the Buy American Act, refer to CRS Report 97-765, *The Buy American Act: Requiring Government Procurements to Come from Domestic Sources*, by John R. Luckey.

<sup>3</sup> For further discussion of the Berry Amendment, refer to CRS Report RL31236, *The Berry Amendment: Requiring Defense Procurement to Come from Domestic Sources*, by Valerie Bailey Grasso.

not be re-delegated. Use of DNADs require an analysis of the alternatives and certification of the process.<sup>4</sup>

## **How Do Vendors Sell Military Uniforms to the Government?**

C&T has established a 24-hour, 7 day a week Customer Contact Center as the point for all customer inquiries at 1-877-DLA-CALL (1-877-352-2255), or at the customer website, <http://www.dlis.dla.mil/cust.asp>. Prospective bidders should obtain specifications prior to submitting an offer. According to DFARS Parts 204, 212, and 252, contractors must first register in the Central Contractor Registration (CCR) prior to contract awards, basic ordering agreements, or blanket purchase agreements, unless the award results from a solicitation issued on or before June 1, 1998.<sup>5</sup>

Vendors and customers may review current solicitations in FedBizOpps, the source for all federal government procurement opportunities. The simplified acquisition threshold for pre-award and post-award notices (FAR Part 5) remains at \$25,000. Customers may reach the FedBizOpps Help Desk at 1-877-472-3779, or access the website at <https://www.fbo.gov/>. Also, DLA has established a new automated system to provide contractors with the ability to conduct detailed searches for solicitations and contract awards, at <https://www.dibbs.bsm.dla.mil/Register/>.

## **Are There New Initiatives Affecting the Procurement of Military Uniforms?**

While this initiative may not affect the procurement of military uniforms, it should be noted that the Fiscal Year 2010 National Defense Authorization Act (P.L. 111-84) contains a provision (Section 853) which establishes as policy a standard ground combat and camouflage utility uniform for the military services, while allowing for some individuality among the services. Section 853 requires the Comptroller General to perform an assessment of the current military uniforms in use, and provide a report to Congress within 180 days of enactment of the Act. Within 270 days from the submission of the Comptroller General's report, the military secretaries are required to establish a policy for the development of a joint uniform requirement.<sup>6</sup>

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<sup>4</sup> For a discussion of frequently-asked questions about the application of the Berry Amendment, see Defense Procurement and Acquisition Policy's website, at [http://www.acq.osd.mil/dpap/cpic/ic/berry\\_amendment\\_faq.html](http://www.acq.osd.mil/dpap/cpic/ic/berry_amendment_faq.html)

<sup>5</sup> See <http://farsite.hill.af.mil>.

<sup>6</sup> H.R. 2647, the FY2010 National Defense Authorization act (P.L. 111-84) signed into law on October 28, 2009.

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