

Memorandum of Understanding

This memorandum memorializes the understanding of the Federal Emergency Management Agency (FEMA) and [Company] on the shipment and distribution of Company-owned personal protective equipment (PPE) currently located in [Location].

(b)(5)

Comment (b)(6) Borrowed from the F.o.b. clauses in the FAR assigning responsibility for shipment loss. 52.247-29(b)(4) and 52.247-30(b)(4). This might be more than necessary, but as these clauses seem standardized methods of ascribing liability for shipment loss, the terms could be useful. A more scaled-down version could be as follows: "FEMA is not liable for any loss or damage to the PPE during shipment or occurring prior to delivery of the PPE to [location]."

Comment (b)(6) This provision pulls in the gratuitous services agreement waiver to ensure there is no argument that FEMA owes the company anything as a result of this agreement.

FEMA DRM Signature

Company Signature

From:	Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>
To:	Dorko, Jeffrey </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8696cae9867a4822854af38923f8abc2-jeffrey.dor>; Cameron, Michael K </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d869e7fd1ef4f8381d4615204731488-michael.cam>; (b)(6) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=24ccb72effa243d3828dfd048b6619b0-(b)(6)>; (b)(6) (CMS/OA) (b)(6) @cms.hhs.gov>; (b)(6) (b)(6) @dfc.gov>; (b)(6) EOP/OMB <(b)(6) @omb.eop.gov>; (b)(6) (HHS/ASFR) (b)(6) @hhs.gov>; Ingol, Lester </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cb1c9008b0f4bcb9e41c3f335a38123-lester.ingo>; McCane, Bobby </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b1b443861049432096d57f17871ed1c5-bobby.mccan>; (b)(6) @gmail.com>; Mizelle, Chad (b)(6) (b)(6) ; Swartz, Nathan M (MIL) (b)(6) mil@mail.mil>; Sevier, Adrian </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5e80a97302304f379c289df0d0ebdf2f-adrian.sevi>; Swartz, Neal (b)(6) (b)(6) ; Paoletta, Mark R. EOP/OMB (b)(6) (b)(6) ; Stimson, Brian (HHS/OGC) (b)(6) @hhs.gov>
Subject:	Re: Airflight Contracting Issue
Date:	2020/03/26 11:54:45
Priority:	Normal
Type:	Note

Will do.

JT

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From: Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>

Sent: Thursday, March 26, 2020 11:50:45 AM

To: Cameron, Michael K <Michael.Cameron@fema.dhs.gov>; BREKKE, IAN

(b)(6) (b)(6) (b)(6) CMS/OA (b)(6) @cms.hhs.gov>; (b)(6) @dfc.gov>; Kan, Derek T. EOP/OMB (b)(6) (b)(6) (HHS/ASFR) (b)(6) @hhs.gov>; Ingol, Lester <Lester.Ingol@fema.dhs.gov>; McCane, Bobby <bobby.mccane@fema.dhs.gov>; (b)(6) Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>; (b)(6) (b)(6) (MIL) (b)(6) @mail.mil>; Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Swartz, Neal <(b)(6) Paoletta, Mark R. EOP/OMB (b)(6) ; Stimson, Brian (HHS/OGC) (b)(6) @hhs.gov>

Subject: RE: Airflight Contracting Issue

Mike, Jerry Thomas I think has the Points of Contact at the ends of the trips (Distributor POC at say Kuala Lumpur pick up and Memphis Airport drop off) by Vendor. Jerry, please provide to Mike Cameron.

Jeff

From: Cameron, Michael K <Michael.Cameron@fema.dhs.gov>
Sent: Thursday, March 26, 2020 11:39 AM
To: BREKKE, IAN (b)(6) Smith, Brad (CMS/OA) (b)(6) @cms.hhs.gov>; Boehler, Adam (b)(6) @dfc.gov>; Kan, Derek T. EOP/OMB (b)(6) Moughalian, Jen (HHS/ASFR) (b)(6) @hhs.gov>; Ingol, Lester <Lester.Ingol@fema.dhs.gov>; McCane, Bobby <bobby.mccane@fema.dhs.gov>; (b)(6) @gmail.com>; Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>; Mizelle, Chad (b)(6) Swartz, Nathan M (MIL) (b)(6) @mail.mil>; Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>; Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Swartz, Neal (b)(6) Paoletta, Mark R. EOP/OMB (b)(6) Stimson, Brian (HHS/OGC) (b)(6) @hhs.gov>
Subject: Re: Airflight Contracting Issue

We need POCs and their info for each distribution site to sign for the items. We are working the MOU. Thx,

Mike

From: BREKKE, IAN <(b)(6)>
Sent: Thursday, March 26, 2020 11:30:26 AM
To: Smith, Brad (CMS/OA) (b)(6) @cms.hhs.gov>; Boehler, Adam (b)(6) @dfc.gov>; Kan, Derek T. EOP/OMB (b)(6); Moughalian, Jen (HHS/ASFR) (b)(6) @hhs.gov>; Ingol, Lester <Lester.Ingol@fema.dhs.gov>; McCane, Bobby <bobby.mccane@fema.dhs.gov>; (b)(6) @gmail.com>; Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>; Mizelle, Chad (b)(6) Swartz, Nathan M (MIL) (b)(6) mil@mail.mil>; Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>; Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Cameron, Michael K <Michael.Cameron@fema.dhs.gov>; Swartz, Neal (b)(6) Paoletta, Mark R. EOP/OMB (b)(6) Stimson, Brian (HHS/OGC) (b)(6) @hhs.gov>
Subject: Airflight Contracting Issue

Please find attached a draft FEMA MOU. We would appreciate any comments soonest, and we hope to share this with distributors shortly.

Please add others as needed to this chain.

Ian Brekke

Deputy General Counsel
U.S. Department of Homeland Security
(b)(6)

From: Smith, Brad (CMS/OA)
Sent: Thursday, March 26, 2020 10:41:35 AM
To: Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov; Boehler, Adam (b)(6)@dfc.gov; Kan, Derek T. EOP/OMB (b)(6); Moughalian, Jen (HHS/ASFR) (b)(6)@hhs.gov; Ingol, Lester <Lester.Ingol@fema.dhs.gov>; McCane, Bobby <bobby.mccane@fema.dhs.gov>; (b)(6)@gmail.com; Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>; BREKKE, IAN (b)(6); Mizelle, Chad (b)(6) Swartz, Nathan M (MIL) (b)(6)@mail.mil; Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>
Subject: Airflight Contracting Issue
When: Thursday, March 26, 2020 11:00 AM-11:30 AM.
Where: (b)(6)

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Dial-In: (b)(6)
Code: (b)(6)

Sender:	Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>
Recipient:	Dorko, Jeffrey </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8696cae9867a4822854af38923f8abc2-jeffrey.dor>; Cameron, Michael K </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d869e7fd1ef4f8381d4615204731488-michael.cam>; BREKKE, IAN (b)(6); (b)(6); Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov; Boehler, Adam (b)(6)@dfc.gov; Kan, Derek T. EOP/OMB (b)(6); Moughalian, Jen (HHS/ASFR) (b)(6)@hhs.gov; Ingol, Lester </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cb1c9008b0f4bcb9e41c3f335a38123-lester.ingo>; McCane, Bobby </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b1b443861049432096d57f17871ed1c5-bobby.mccan>; (b)(6)@gmail.com; Mizelle, Chad (b)(6); (b)(6); Swartz, Nathan M (MIL) (b)(6); Sevier, Adrian </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5e80a97302304f379c289df0d0ebdf2f-adrian.sevi>; Swartz, Neal (b)(6); (b)(6); Paoletta, Mark R. EOP/OMB (b)(6); Stimson, Brian (HHS/OGC) (b)(6)@hhs.gov
Sent Date:	2020/03/26 11:54:21
Delivered Date:	2020/03/26 11:54:45

From:	McCane, Bobby <bobby.mccane@fema.dhs.gov>
To:	BREKKE, IAN (b)(6) (b)(6) Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov>; Boehler, Adam (b)(6)@dfc.gov>; Kan, Derek T. EOP/OMB (b)(6)@omb.eop.gov>; Moughalian, Jen (HHS/ASFR) (b)(6)@hhs.gov>; Ingol, Lester </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cb1c9008b0f4bcb9e41c3f335a38123-lester.ingo>; (b)(6)@gmail.com>; Thomas, Jerry </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d87684479d094a54804abbee4a051e1e-jerry.thoma>; Mizelle, Chad (b)(6) (b)(6) Swartz, Nathan M (MIL) (b)(6)@mail.mil>; Dorko, Jeffrey </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8696cae9867a4822854af38923f8abc2-jeffrey.dor>; Sevier, Adrian </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5e80a97302304f379c289df0d0ebdf2f-adrian.sevi>; Cameron, Michael K </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d869e7fd1ef4f8381d4615204731488-michael.cam>; Swartz, Neal (b)(6) (b)(6) Paoletta, Mark R. EOP/OMB (b)(6) Stimson, Brian (HHS/OGC) (b)(6)@hhs.gov>
CC:	McCane, Bobby </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b1b443861049432096d57f17871ed1c5-bobby.mccan>
Subject:	RE: Airflight Contracting Issue
Date:	2020/03/26 11:56:12
Priority:	Normal
Type:	Note

Ian,

FEMA OCPO is OK with the MOU.

Thanks, Bobby
 (202) 417-0082

From: BREKKE, IAN (b)(6)
Sent: Thursday, March 26, 2020 11:30 AM
To: Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov>; Boehler, Adam (b)(6)@dfc.gov>; Kan, Derek T. EOP/OMB (b)(6)@omb.eop.gov>; Moughalian, Jen (HHS/ASFR) (b)(6)@hhs.gov>; Ingol, Lester <Lester.Ingol@fema.dhs.gov>; McCane, Bobby <bobby.mccane@fema.dhs.gov>; (b)(6)@gmail.com>; Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>; Mizelle, Chad <(b)(6)@gmail.com>; Swartz, Nathan M (MIL) (b)(6)@mail.mil>; Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>; Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Cameron, Michael K <Michael.Cameron@fema.dhs.gov>; Swartz, Neal (b)(6)@fema.dhs.gov>; Paoletta, Mark R. EOP/OMB (b)(6)@omb.eop.gov>; Stimson, Brian (HHS/OGC) (b)(6)@hhs.gov>
Subject: Airflight Contracting Issue

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Ian Brekke
Deputy General Counsel
U.S. Department of Homeland Security

(b)(6)

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<Jerry.Thomas@fema.dhs.gov>; BREKKE, IAN <(b)(6) Mizelle, Chad (b)(6); Swartz, Nathan M (MIL) (b)(6)@mail.mil; Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>

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When: Thursday, March 26, 2020 11:00 AM-11:30 AM.

Where: (b)(6)

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	Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov;
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Recipient:	Mizelle, Chad (b)(6)
	(b)(6)
	Swartz, Nathan M (MIL) (b)(6)@mail.mil;
	Dorko, Jeffrey </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8696cae9867a4822854af38923f8abc2-jeffrey.dor>;
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	Swartz, Neal (b)(6)
	(b)(6)
	Paoletta, Mark R. EOP/OMB (b)(6)

	Stimson, Brian (HHS/OGC(b)(6)@hhs.gov>; McCane, Bobby </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b1b443861049432096d57f17871ed1c5-bobby.mccan>
Sent Date:	2020/03/26 11:55:48
Delivered Date:	2020/03/26 11:56:12

From:	Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>
	Cameron, Michael K </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d869e7fd1ef4f8381d4615204731488-michael.cam>; Dorko, Jeffrey </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8696cae9867a4822854af38923f8abc2-jeffrey.dor>; BREKKE, IAN (b)(6) (b)(6) Smith, Brad (CMS/OA) (b)(6) @cms.hhs.gov>; Boehler, Adam (b)(6) @dfc.gov>; Kan, Derek T. EOP/OMB (b)(6) Moughalian, Jen (HHS/ASFR) (b)(6) hhs.gov>; Ingol, Lester </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cb1c9008b0f4bcb9e41c3f335a38123-lester.ingo>; McCane, Bobby </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b1b443861049432096d57f17871ed1c5-bobby.mccan>; (b)(6) (b)(6) @gmail.com>; Mizelle, Chad (b)(6) (b)(6) To: Swartz, Nathan M (MIL) (b)(6) nil@mail.mil>; Sevier, Adrian </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5e80a97302304f379c289df0d0ebdf2f-adrian.sevi>; Swartz, Neal (b)(6) (b)(6) Paoletta, Mark R. EOP/OMB (b)(6) Stimson, Brian (HHS/OGC) (b)(6) @hhs.gov>; Thomas, Jerry </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d87684479d094a54804abbee4a051e1e-jerry.thoma>; Frego, Michael </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51761c6434a3474cbbf72143b41e9318-michael.fre>; Francis Sr, Jermaine </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fce9060b1c44f3dba7a6385445e8d3c-jeanine.fr>; fema-nrcc-mccs </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a2f4c70d58346139b85e299bb17b7cc-fema-nrcc-m>; Harris, Bradford </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=790e6e0ad1594c6e9f9626ef67d30a54-bradford.ha>; Nato, Julie </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c048402bfe04c278b1e1c7226d4def8-julie.nato.>
Subject:	RE: Air flight Contracting Issue
Date:	2020/03/26 19:03:12
Priority:	Normal
Type:	Note

Mike,

Below are the POCs for the approved RRFs and issued BOLs. We'll additional information tomorrow for Cardinal and Henry Schein.

McKesson:

Chicago

Deborah Haywood

(b)(6) @McKesson.com/

(b)(6)

China:

Caroline Yu - Vice President, Eastern China Region

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Mobile: (b)(6)

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LayLi Ewe + (b)(6)

Malaysia:

LayLi Ewe (b)(6)

Honduras

Herby Rodríguez

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Gary Wang – Shanghai

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Emily (b)(6)@hyh.com
Tel: + (b)(6)

Have a great evening!

VR

JT

Transportation Branch Chief | Transportation Management Branch | Logistics Management Directorate
Office: 202-212-1806 Mobile: 202-215-3238
Email: Jerry.Thomas@fema.dhs.gov

Federal Emergency Management Agency

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From: Cameron, Michael K <Michael.Cameron@fema.dhs.gov>
Sent: Thursday, March 26, 2020 5:56 PM
To: Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>; BREKKE, IAN <(b)(6)> Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov>; Boehler, Adam (b)(6)@dfc.gov>; Kan, Derek T. EOP/OMB (b)(6); Moughalian, Jen (HHS/ASFR) (b)(6)@hhs.gov>; Ingol, Lester <Lester.Ingol@fema.dhs.gov>; McCane, Bobby <bobby.mccane@fema.dhs.gov>; (b)(6)@gmail.com>; Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>; Mizelle, Chad (b)(6); Swartz, Nathan M (MIL) (b)(6)@mail.mil>; Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Swartz, Neal <(b)(6)> Paoletta, Mark R. EOP/OMB (b)(6)@omb.eop.gov>; Stimson, Brian (HHS/OGC) (b)(6)@hhs.gov>
Subject: RE: Airflight Contracting Issue

Still looking for the info. Thx, Mike

From: Dorko, Jeffrey <Jeffrey.Dorko@fema.dhs.gov>
Sent: Thursday, March 26, 2020 11:51 AM
To: Cameron, Michael K <Michael.Cameron@fema.dhs.gov>; BREKKE, IAN <(b)(6)> Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov>; Boehler, Adam (b)(6)@dfc.gov>; Kan, Derek T. EOP/OMB <(b)(6)>; Moughalian, Jen (HHS/ASFR) (b)(6)@hhs.gov>; Ingol, Lester <Lester.Ingol@fema.dhs.gov>; McCane, Bobby <bobby.mccane@fema.dhs.gov>; (b)(6)@gmail.com>; Thomas, Jerry <Jerry.Thomas@fema.dhs.gov>; Mizelle, Chad <(b)(6)> Swartz, Nathan M (MIL) (b)(6)@mail.mil>; Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Swartz, Neal

Project Summary: PPE Procurement

Background:

Personal Protective Equipment (PPE) in the healthcare industry includes (i) N-95 respirators and other masks, (ii) gowns, (iii) eyewear and face shields, (iv) gloves and (v) headwear (e.g., surgical caps) and footwear. During the treatment of COVID-19 patients, PPE is the only barrier between healthcare workers and COVID-19 infection.

Generally, production for each category of PPE occurs in the following countries:

- N95 Respirators: 75% U.S. & U.K.; 15% China; 10% Mexico
- Surgical and Procedure Masks: 50% China; 30% Thailand; 20% U.S.
- Gowns: 60% China; 15% U.S.; 10% Cambodia; 10% Mexico; 5% Honduras
- Gloves: 70% Malaysia; 25% China; 5% Indonesia

In China, COVID-19 caused a near-total work stoppage, resulting in a large backlog of unfulfilled orders for PPE. At the same time, China was consuming much more of the PPE supply during its battle with the virus. While China's production capacity is coming back online and additional manufacturers are beginning to produce PPE in response to market demand, this increased supply may take 30-40 days to arrive in the U.S. using normal ocean-freight delivery methods.

Other countries have also begun increasing orders, and conserving supplies, for their own use. Important examples of other, upcoming impacts to the PPE supply chain include: (i) Malaysia signaling measures that would reduce their production capacity by 50% to mitigate transmission of COVID-19 within its workforce; and (ii) Honduras planning to impose a shelter-in-place mandate, which will undoubtedly impact their production capacity. In short, the market for PPE is tight, and it is likely to become more so every week that goes by, as the COVID-19 pandemic rolls across the globe.

Identified Opportunity:

Based on the world's focus on COVID-19, new and currently untapped sources of key PPE products are coming online and/or becoming available every day for sourcing these essential PPE products. Currently, large medical supply distributors are focused on re-establishing and scaling up their existing supply chains and suppliers, and not on sourcing new supply chain partners.

Solution:

The Supply Chain Task Force will identify new sources of key PPE products, engage distribution partners in diligence of new sources and PPE supplies, and facilitate the expedited transport of such PPE supplies via air freight, in lieu of ocean, to be distributed via distribution partners. With regard to PPE products that are initially sourced by the Task Force and vetted/approved by distribution partners, FEMA will reserve the right to purchase certain quantities of such product for direct distribution to States and metro areas of need. In the event that FEMA purchases less than 50% of such PPE products, the distribution partners will agree to (i) distribute the difference between the amount purchased and 50% of such PPE via identified regional facilities based on identified need as supplied by FEMA; (ii) allocate such PPE within such region by zip code or metro area as supplied by FEMA; and (iii) distribute such PPE at a commercially reasonable price to end purchasers.

Key Operating Requirements for PPE Procurement:

1. Sourcing of PPE suppliers with available PPE (Supply Chain Task Force)
2. Diligencing of new PPE suppliers and actual PPE products (Distribution Partners)
3. Selection of distribution partner(s) that will distribute such PPE products in the U.S. (FEMA)
4. Completing procurement process with respect to any PPE purchased directly by FEMA (FEMA)
5. Identification of areas of need for distribution (by zip code or metro area) (FEMA)
6. Sourcing and coordinating air freight pickup (FEMA)
7. Ensuring planes can take off from foreign countries with PPE supplies (State Department)
8. Distribution of PPE products to areas of need (FEMA/Distribution Partners)

Rationale for Engagement:

First and foremost, the need for speed in the procurement and delivery of critical PPE to effected States and metro areas is paramount. Identifying new sources of available PPE product, and facilitating their flow into States and metro areas in need is critical in the fight against COVID-19. Substituting air freight for ocean freight will allow for the acceleration of distribution of existing PPE products to States and metro areas in need in the next 30 days. Every day that PPE supply remains in a warehouse outside the country or spends on a ship is a day lost in our Supply Chain Stabilization work.

FEMA, the State Department and other governmental agencies are receiving a myriad of inbound offers regarding PPE supplies. The Supply Chain Task Force is connected directly to the distribution partners and will turn over screened opportunities for further diligence, including site visits, to be performed by the distribution partners (based on their expertise in this area).

In addition, in terms of speed to market, the lead time for expanding domestic production will be measured in months—and not days and weeks—and, by itself, will not allow us to positively impact the PPE needs of the healthcare industry in the next 30 days. Sourcing and procurement from new, validated suppliers, can help move the needle in the short term. Expansion of domestic production will be addressed in a separate project.

In terms of the existing market and economics, margins on PPE do not support air freight as the standard method of transport. The cost of air freight is more than 10x that of ocean freight.

Finally, with regard to re-using certain key PPE products, there are currently no FDA-approved methods for the decontamination and re-circulation of key PPE products, e.g. N95s, that could extend their product life and decrease overall need and utilization in the next 30 days (note: these methods are being pursued independently, but they are by no means guaranteed to work).

Applicable Regulatory Authority:

Robert T. Stafford Disaster Relief and Emergency Assistance Act allows for facilitating the delivery, to States throughout the U.S., of critical PPE supplies.

From:	Brady Priest (b)(6) @gmail.com>
To:	Mizelle, Chad (b)(6) (b)(6)
Subject:	Re: Letters
Date:	2020/03/26 10:26:23
Priority:	Normal
Type:	Note

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

(b)(5)

Sent from my iPhone

On Mar 26, 2020, at 9:43 AM, Mizelle, Chad

(b)(6) wrote:

(b)(5)

From: (b)(6) @gmail.com>

Sent: Thursday, March 26, 2020 8:45:15 AM

To: Mizelle, Chad (b)(6) >

Subject: Re: Letters

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Chad,

(b)(5); (b)(6)

Sent from my iPhone

On Mar 25, 2020, at 2:35 PM, Mizelle, Chad

(b)(6) wrote:

□

Thanks, Brad.

Chad Mizelle

(b)(6)

From: Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov>

Sent: Wednesday, March 25, 2020 2:31:08 PM

To: Mizelle, Chad (b)(6)

Cc: BREKKE, IAN (b)(6)
(b)(6)@gmail.com>

Subject: RE: Letters

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

(b)(5); (b)(6)

From: Mizelle, Chad (b)(6)

Sent: Wednesday, March 25, 2020 1:35 PM

To: Smith, Brad (CMS/OA) (b)(6)@cms.hhs.gov>

Cc: BREKKE, IAN (b)(6)

Subject: Fwd: Letters

Brad—Who has the pen on this letter? Can you send to us? We will coordinate with WHCO.

From: Roy, William <william.f.roy@fema.dhs.gov>

Sent: Wednesday, March 25, 2020 1:31:22 PM

To: Davis, May M. EOP/WHO (b)(6); Sevier,

Adrian <Adrian.Sevier@fema.dhs.gov>; Smith, Brad (CMS/OA)

(b)(6)@cms.hhs.gov>; Doolin, Joel

<joel.doolin@fema.dhs.gov>

Cc: Vogelmann, Constance <constance.vogelmann@fema.dhs.gov>;

Mizelle, Chad (b)(6) Claudio, Erik

<erik.claudio@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>; Philbin, Patrick F. EOP/WHO

(b)(6) DeBacker, Devin A. EOP/WHO

(b)(6) McCane, Bobby

<bobby.mccane@fema.dhs.gov>; BREKKE, IAN

(b)(6)

Subject: Re: Letters

Roger have for action.

William (Will) F. Roy

Director, Operations Division, Office of Response

DHS-FEMA

500 C Street SW, 2SW-0603

Washington, DC 20472

Office: 202-212-3321

iPhone: (b)(6)

STE: (b)(6)

Gold: (b)(6)

Cell: (b)(6)

FAX: 202-646-4684

Email: William.f.roy@fema.dhs.gov

HSDN: (b)(6) [@dhs.sgov.gov](mailto:(b)(6)@dhs.sgov.gov)

GOLD: at (b)(6) [@gold.ic.gov](mailto:(b)(6)@gold.ic.gov)

TS-SCI CLAN: (b)(6) [@dhs.ic.gov](mailto:(b)(6)@dhs.ic.gov)

From: Davis, May M. EOP/WHO (b)(6)

Sent: Wednesday, March 25, 2020 1:28:44 PM

To: Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Smith, Brad

(CMS/OA) (b)(6) [@cms.hhs.gov](mailto:(b)(6)@cms.hhs.gov); Doolin, Joel

<joel.doolin@fema.dhs.gov>

Cc: Vogelmann, Constance <constance.vogelmann@fema.dhs.gov>;

Mizelle, Chad <(b)(6)> Claudio, Erik

<erik.claudio@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>; Philbin, Patrick F. EOP/WHO

<(b)(6)> DeBacker, Devin A. EOP/WHO

<(b)(6)> McCane, Bobby

<bobby.mccane@fema.dhs.gov>; BREKKE, IAN

<(b)(6)> Roy, William

<william.f.roy@fema.dhs.gov>

Subject: RE: Letters

At some point today, can you all send over the letters you want to send to the distributors? Thanks.

May

May Davis

<(b)(6)>

From: Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>

Sent: Tuesday, March 24, 2020 8:10 PM

To: Smith, Brad (CMS/OA) <(b)(6)> <[\(b\)\(6\)@cms.hhs.gov](mailto:(b)(6)@cms.hhs.gov)>; Davis, May

M. EOP/WHO <(b)(6)>; Doolin, Joel

<joel.doolin@fema.dhs.gov>

Cc: Vogelmann, Constance <constance.vogelmann@fema.dhs.gov>;

Mizelle, Chad <(b)(6)> Claudio, Erik

<erik.claudio@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>; Philbin, Patrick F. EOP/WHO

<(b)(6)> DeBacker, Devin A. EOP/WHO

<(b)(6)> McCane, Bobby

<bobby.mccane@fema.dhs.gov>; BREKKE, IAN

<(b)(6)> Roy, William

[<william.f.roy@fema.dhs.gov>](mailto:william.f.roy@fema.dhs.gov)

Subject: Re: Letters

Brad we'll call you in ten minutes

From: Smith, Brad (CMS/OA) (b)(6) [@cms.hhs.gov](mailto:(b)(6)@cms.hhs.gov)

Sent: Tuesday, March 24, 2020 8:09:17 PM

To: Davis, May M. EOP/WHO (b)(6) Doolin, Joel [<joel.doolin@fema.dhs.gov>](mailto:joel.doolin@fema.dhs.gov)

Cc: Vogelmann, Constance [<constance.vogelmann@fema.dhs.gov>](mailto:constance.vogelmann@fema.dhs.gov);

Mizelle, Chad (b)(6); Sevier, Adrian

[<Adrian.Sevier@fema.dhs.gov>](mailto:Adrian.Sevier@fema.dhs.gov); Claudio, Erik

[<erik.claudio@fema.dhs.gov>](mailto:erik.claudio@fema.dhs.gov); Ingol, Lester

[<Lester.Ingol@fema.dhs.gov>](mailto:Lester.Ingol@fema.dhs.gov); Philbin, Patrick F. EOP/WHO

(b)(6) DeBacker, Devin A. EOP/WHO

(b)(6); McCane, Bobby

[<bobby.mccane@fema.dhs.gov>](mailto:bobby.mccane@fema.dhs.gov); BREKKE, IAN

(b)(6) Roy, William

[<william.f.roy@fema.dhs.gov>](mailto:william.f.roy@fema.dhs.gov)

Subject: RE: Letters

Can we all get on the phone and work this out? It has been 10+ hours since our meeting, and this is something we all agreed to do within two hours of the meeting. If we do not get this out, we will lose opportunities, and it will be solely because of the legal work. Adrian asked me to call Erik Claudio to work on this, but I have called him twice and he did not answer. Is there a lawyer who can help me get this across the finish line in the next hour?

From: Davis, May M. EOP/WHO (b)(6)

Sent: Tuesday, March 24, 2020 8:00 PM

To: Doolin, Joel (fema.dhs.gov) <joel.doolin@fema.dhs.gov>

Cc: Smith, Brad (CMS/OA) <(b)(6)@cms.hhs.gov>; Vogelmann,

Constance <constance.vogelmann@fema.dhs.gov>; Mizelle, Chad

(b)(6); Sevier, Adrian (fema.dhs.gov)

<Adrian.Sevier@fema.dhs.gov>; Claudio, Erik

<erik.claudio@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>; Philbin, Patrick F. EOP/WHO

(b)(6) DeBacker, Devin A. EOP/WHO

(b)(6); McCane, Bobby (fema.dhs.gov)

<bobby.mccane@fema.dhs.gov>; BREKKE, IAN

(b)(6)

Subject: Re: Letters

(b)(5)

Sent from my iPhone

On Mar 24, 2020, at 7:56 PM, Doolin, Joel

<joel.doolin@fema.dhs.gov>wrote:

(b)(5)

(b)(5)

Joel Doolin
Associate Administrator

From: Davis, May M. EOP/WHO

(b)(6)

Sent: Tuesday, March 24, 2020 7:15:29 PM

To: Smith, Brad (CMS/OA) (b)(6) < [\(b\)\(6\)@cms.hhs.gov](mailto:(b)(6)@cms.hhs.gov)>;

Vogelmann, Constance

<constance.vogelmann@fema.dhs.gov>; Mizelle, Chad

(b)(6) Doolin, Joel

<joel.doolin@fema.dhs.gov>; Sevier, Adrian

<Adrian.Sevier@fema.dhs.gov>; Claudio, Erik

<erik.claudio@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>; Philbin, Patrick F.

EOP/WHO (b)(6) DeBacker,

Devin A. EOP/WHO (b)(6)

Cc: McCane, Bobby <bobby.mccane@fema.dhs.gov>;

BREKKE, IAN (b)(6)

Subject: RE: Letters

(b)(5)

(b)(5)

May

May Davis

(b)(6)

From: Smith, Brad (CMS/OA)

(b)(6) [@cms.hhs.gov](mailto:cms.hhs.gov)

Sent: Tuesday, March 24, 2020 6:30 PM

To: Davis, May M. EOP/WHO

(b)(6); Vogelmann, Constance
<constance.vogelmann@fema.dhs.gov>; Doolin, Joel
(fema.dhs.gov) <joel.doolin@fema.dhs.gov>; Sevier,
Adrian (fema.dhs.gov) <Adrian.Sevier@fema.dhs.gov>;
Claudio, Erik <erik.claudio@fema.dhs.gov>; Ingol,
Lester <Lester.Ingol@fema.dhs.gov>; Philbin, Patrick F.

EOP/WHO (b)(6)

Cc: McCane, Bobby (fema.dhs.gov)

<bobby.mccane@fema.dhs.gov>; BREKKE, IAN

(b)(6)

Subject: RE: Letters

(b)(5)

Best,

Brad

From: (b)(6) EOP/WHO

(b)(6)

Sent: Tuesday, March 24, 2020 6:27 PM

To: Vogelmann, Constance

<constance.vogelmann@fema.dhs.gov>; Doolin, Joel
(fema.dhs.gov) <joel.doolin@fema.dhs.gov>; Smith,
Brad (CMS/OA) <Brad.Smith@cms.hhs.gov>; Sevier,
Adrian (fema.dhs.gov) <Adrian.Sevier@fema.dhs.gov>;
Claudio, Erik <erik.claudio@fema.dhs.gov>; Ingol,
Lester <Lester.Ingol@fema.dhs.gov>; (b)(6)

EOP/WHO (b)(6)

Cc: McCane, Bobby (fema.dhs.gov)

<bobby.mccane@fema.dhs.gov>; BREKKE, IAN

(b)(6)

Subject: RE: Letters

(b)(5)

May

May Davis

(b)(6)

From: Vogelmann, Constance

<constance.vogelmann@fema.dhs.gov>

Sent: Tuesday, March 24, 2020 6:12 PM

To: Doolin, Joel <joel.doolin@fema.dhs.gov>; Smith, Brad (CMS/OA) (b)(6) <[\(b\)\(6\)@cms.hhs.gov](mailto:(b)(6)@cms.hhs.gov)>; Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>; Claudio, Erik <erik.claudio@fema.dhs.gov>; Ingol, Lester <Lester.Ingol@fema.dhs.gov>

Cc: McCane, Bobby <bobby.mccane@fema.dhs.gov>; Davis, May M. EOP/WHO (b)(6); BREKKE, IAN (b)(6)

Subject: RE: Letters

What about the attached language?

Connie Vogelmann

Attorney Advisor | Legal Counsel and Ethics Legal
Division | OCC
Mobile: 202-550-5278
constance.vogelmann@fema.dhs.gov

Federal Emergency Management Agency
fema.gov

From: Doolin, Joel <joel.doolin@fema.dhs.gov>

Sent: Tuesday, March 24, 2020 6:04 PM

To: Smith, Brad (CMS/OA)

(b)(6) <[@cms.hhs.gov](mailto:(b)(6)@cms.hhs.gov)>; Sevier, Adrian
<Adrian.Sevier@fema.dhs.gov>; Vogelmann,
Constance <constance.vogelmann@fema.dhs.gov>;
Claudio, Erik <erik.claudio@fema.dhs.gov>; Ingol,
Lester <Lester.Ingol@fema.dhs.gov>

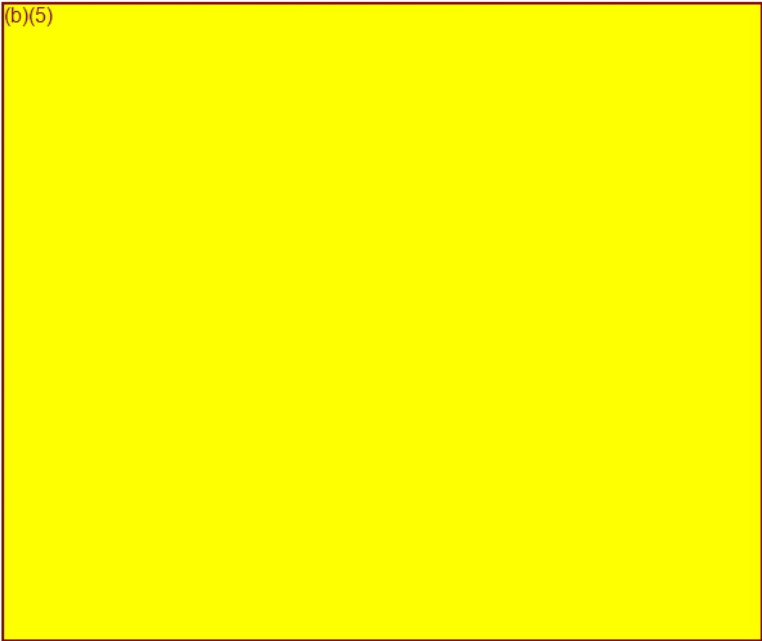
Cc: McCane, Bobby <bobby.mccane@fema.dhs.gov>;

Davis, May M. EOP/WHO (b)(6)

BREKKE, IAN <(b)(6)>

Subject: RE: Letters

(b)(5)



(b)(5)

From: Smith, Brad (CMS/OA)

(b)(6) [@cms.hhs.gov](mailto:cms.hhs.gov)

Sent: Tuesday, March 24, 2020 5:59 PM

To: Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>;
Doolin, Joel <joel.doolin@fema.dhs.gov>; Vogelmann,
Constance <constance.vogelmann@fema.dhs.gov>;
Claudio, Erik <erik.claudio@fema.dhs.gov>; Ingol,
Lester <Lester.Ingol@fema.dhs.gov>

Cc: McCane, Bobby <bobby.mccane@fema.dhs.gov>;

Davis, May M. EOP/WHO (b)(6)

BREKKE, IAN <(b)(6)>

Subject: RE: Letters

(b)(5)

From: Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>

Sent: Tuesday, March 24, 2020 5:58 PM

To: Doolin, Joel (fema.dhs.gov)
<joel.doolin@fema.dhs.gov>; Vogelmann, Constance
<constance.vogelmann@fema.dhs.gov>; Claudio, Erik

<erik.claudio@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>

Cc: McCane, Bobby (fema.dhs.gov)

<bobby.mccane@fema.dhs.gov>; Smith, Brad

(CMS/OA) (b)(6); Davis, May M.

EOP/WHO (b)(6) BREKKE, IAN

(b)(6)

Subject: RE: Letters

(b)(5)

From: Doolin, Joel <joel.doolin@fema.dhs.gov>

Sent: Tuesday, March 24, 2020 5:44 PM

To: Vogelmann, Constance

<constance.vogelmann@fema.dhs.gov>; Claudio, Erik

<erik.claudio@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>

Cc: Sevier, Adrian <Adrian.Sevier@fema.dhs.gov>;

McCane, Bobby <bobby.mccane@fema.dhs.gov>;

Smith, Brad (CMS/OA) (b)(6)

Davis, May M. EOP/WHO (b)(6)

Subject: Letters

(b)(5)

<image001.png>

From: Doolin, Joel

Sent: Tuesday, March 24, 2020 5:26 PM

To: Smith, Brad (CMS/OA) <(b)(6)@cms.hhs.gov>

Cc: Claudio, Erik <erik.claudio@fema.dhs.gov>;

Vogelmann, Constance

<constance.vogelmann@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>; McCane, Bobby

<bobby.mccane@fema.dhs.gov>

Subject: RE: Letters

Thanks Brad – COP/DCPO – please allow me to insert
DPA language and then ask our counsel to review.

From: Smith, Brad (CMS/OA)

(b)(6)@cms.hhs.gov>

Sent: Tuesday, March 24, 2020 4:45 PM

To: Doolin, Joel <joel.doolin@fema.dhs.gov>

Cc: Claudio, Erik <erik.claudio@fema.dhs.gov>;

Vogelmann, Constance

<constance.vogelmann@fema.dhs.gov>; Ingol, Lester

<Lester.Ingol@fema.dhs.gov>; McCane, Bobby

<bobby.mccane@fema.dhs.gov>

Subject: RE: Letters

Constance, Lester and Bobby,

(b)(5)

Best,
Brad

From: Doolin, Joel <joel.doolin@fema.dhs.gov>

Sent: Tuesday, March 24, 2020 4:01 PM

To: Smith, Brad (CMS/OA) (b)(6) <[@cms.hhs.gov](mailto:(b)(6)@cms.hhs.gov)>

Cc: Claudio, Erik <erik.claudio@fema.dhs.gov>;

Vogelmann, Constance

<constance.vogelmann@fema.dhs.gov>

Subject: FW: Letters

From: Davis, May M. EOP/WHO

(b)(6)

Sent: Tuesday, March 24, 2020 3:06 PM

To: Doolin, Joel <joel.doolin@fema.dhs.gov>

Subject: Fwd: Letters

(b)(5)

Sent from my iPhone

Begin forwarded message:

From: "Smith, Brad (CMS/OA)"

(b)(6)@cms.hhs.gov>

Date: March 24, 2020 at 1:33:07 PM EDT

Subject: RE: Letters

Thoughts below in red – thanks!

From: Davis, May M. EOP/WHO

(b)(6)

Sent: Tuesday, March 24, 2020 11:59 AM

To: Smith, Brad (CMS/OA)

(b)(6)@cms.hhs.gov>; Doolin, Joel

(fema.dhs.gov)

<joel.doolin@fema.dhs.gov>; Sevier,

Adrian (fema.dhs.gov)

<Adrian.Sevier@fema.dhs.gov>; Miller,

Brian D. EOP/WHO

(b)(6)

D'Angelo, Gregory B. EOP/OMB

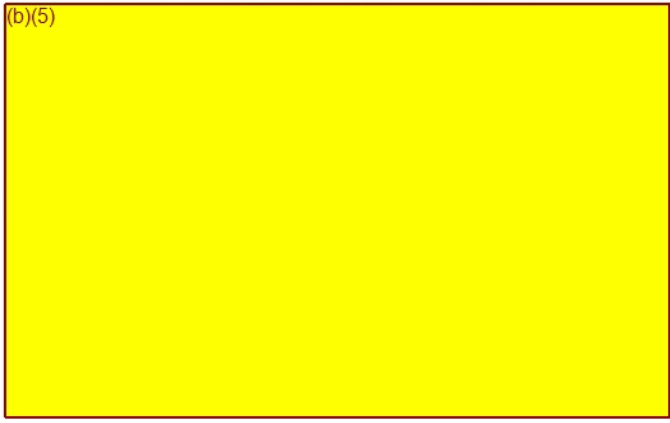
(b)(6)

Kan, Derek T. EOP/OMB

(b)(6)

Subject: Letters

(b)(5)



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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 30

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5)

May Davis
Associate Counsel to the President
Office of White House Counsel

(b)(6)

Sender:	(b)(6)
Recipient:	Mizelle, Chad (b)(6)
Sent Date:	2020/03/26 10:25:57
Delivered Date:	2020/03/26 10:26:23
Message Flags:	Unread