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COMMERCIAL AVAILABILITY REQUEST

-- PUBLIC VERSION --

January 2, 2009

Mr. R. Mathew Priest
Chairman, Committee for the Implementation of Textile Agreements
Office of Textiles and Apparel, Room H3100
U.S. Department of Commerce
14th and Constitution Ave., NW
Washington, DC 20230

Re: Commercial Availability Request Under Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act

Dear Mr. Priest,

On behalf of BWA, and pursuant to Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement (“CAFTA-DR”) Implementation Act and the Modified Final Procedures set forth in 73 Fed. Reg. 53200 (September 15, 2008) (“Final Procedures”), Sorini, Samet & Associates, LLC (“SS&A”) requests that the fabric described herein (“subject fabric”) be added to the list in Annex 3.25 of CAFTA-DR in an unrestricted quantity.

The fabric is not available in commercial quantities in a timely manner from a supplier in the CAFTA-DR countries. BWA and SS&A made this determination after a thorough exploration of the market in CAFTA-DR countries in an attempt to secure the fabric from potential suppliers. It is following a good faith effort to secure the fabric that BWA and SS&A submit this commercial availability request.

I. Detailed Product Description

The fabric in question is a woven modal-polyester blend of ring-spun yarn, with a unique combination of finishing processes that are critical for the end-use of men’s shirts intended for sportswear and travel. For the end-use described, other fabrics of different

fibers, yarn types, thread counts, or weaves, and without the exact combination of finishing processes, cannot substitute the requested fabric.

Fabric Type	Woven modal-polyester apparel fabric
Fiber Content	52% to 95% spun modal rayon; 5% to 48% filament polyester
Yarn Size	Spun modal rayon metric 44/1 to 88/1; filament polyester metric 59 to 92
Thread Count	Metric 31 to 53 warps ends per centimeter; metric 27 to 36 filling picks per centimeter
Weave Type	Plain
Fabric Weight	Metric 100 to 300 grams per square meter
Fabric Width	Metric 137 to 153 centimeters
Coloration	(Piece) dyed or yarns of different colors
Finishing Processes	Wicked, UV blocker, peached, sanded wash, stain-resistant, and teflon finish
Quantity	Metric [[***]] square meters delivered to [[***]]
HTSUS	5516.12; 5516.13; 5516.22; 5516.23 In the finishing process, in the event that the polyester filament content gets breaks and turns into fiber, the classification would be a woven fabric of 100% artificial staple fiber (HTSUS 5516.92; 5516.93).

II. Quantity

BWA requires [[***]] square meters delivered to [[***]].

III. Due Diligence

SS&A made inquiries to potential suppliers of the subject fabric in the United States and the CAFTA-DR countries. The list of companies was compiled (1) through BWA's experience doing business in the CAFTA-DR region, (2) through the 2008 Davison Salesman Blue Book, and (3) through the contact mechanisms of U.S. and Central American textile and apparel trade associations. These efforts did not result

in identifying any parties that were able to supply the subject fabric in the time and quantities required by BWA.

Three firms initially indicated an interest to supply the subject fabric: (1) Inman Mills, (2) Industrias Liztex (“Liztex”), and (3) Fox-Rich Textiles (“Fox-Rich”). Ultimately, none of the three firms were able and/or willing to continue the necessary dialogue with BWA to supply the subject fabric in commercial quantities in a timely manner.

1. Inman Mills ultimately declined to supply the subject fabric, citing that Inman Mills would need a larger volume order from BWA.
2. On November 19, 2008 Industrias Liztex informed BWA that it was in possession of a sample of the subject fabric sent by SS&A, and that it would prepare price quotes for BWA to review once Liztex could locate CAFTA-DR suppliers of the raw materials. BWA allowed Liztex sufficient opportunity to locate raw materials and respond to BWA’s inquiry with an offer to supply the subject fabric. Liztex ultimately did not respond to two follow-up inquiries by BWA on December 10, 2008 and December 15, 2008.

During the course of due diligence, Liztex also repeatedly neglected to furnish information required of potential suppliers to demonstrate an ability to supply the subject fabric in commercial quantities in a timely manner, per Section 4(b)(3)(v) of CITA’s Final Procedures on commercial availability.

3. Fox-Rich Textiles informed BWA that it had never made the subject fabric in the initial business-to-business dialogue. BWA requested from Fox-Rich information necessary to demonstrate Fox-Rich’s ability to supply the subject fabric in commercial quantities in a timely manner, per Section 4(b)(3)(v) of CITA’s Final Procedures on commercial availability. BWA requested information on Fox-Rich’s production capabilities, including machinery that would be used to produce the subject fabric, information on current operational capacity, and information on sub-contractors that would be used to finish the subject fabric. BWA emphasized that in requesting this information, BWA did not want Fox-Rich to violate any business confidentiality terms. Through the course of due diligence, Fox-Rich did not provide information to BWA on its machinery, and Fox-Rich repeatedly declined to provide information to BWA on its finishing subcontractors.

On December 3, 2008, Fox-Rich supplied price quotes for BWA for a fabric that would be woven in Asia. When BWA informed Fox-Rich that the quoted fabric was not viable, Fox-Rich claimed that it was not aware of the CAFTA-DR requirement. BWA cited two emails sent to Fox-Rich that requested the subject fabric be compliant with the rules of CAFTA-DR. Fox-Rich then informed BWA it would develop quotes for a CAFTA-DR compliant fabric.

On December 21, 2008, Fox-Rich prepared new quotes for BWA, which were claimed to be for a CAFTA-DR compliant fabric, but the thread count figure of the quoted fabric was outside of the range provided in BWA's fabric specifications, and Fox-Rich again declined to provide further information on finishing subcontractors. BWA informed Fox-Rich that it could not pursue the order without the fabric meeting the required specifications, and without further information on its finishing subcontractors.

The following information sets forth the firms and associations that were contacted with regard to whether they could supply the fabric within the specifications described in Section I of this submission. Confirmations of the contacts are provided within Appendix I of the confidential version of this submission. All communications were conducted via e-mail unless otherwise noted.

(1) Association: National Textile Association, NTA

Contact: David Trumbull, Director – Members Services
dtrumbull@nationaltextile.org
Address: 6 Beacon Street, Suite 1125, Boston, MA 02108
Phone: (617) 542-8220
Date Contacted: October 23, 2008
Nature of Request: Inquiry to members' ability to supply subject fabric, and request for potential suppliers' contact information.
Sample Provided: No
Reply and Date: October 27, 2008: Circulated to membership and asked for responses by Friday 10/31.
Reply and Date: October 28, 2008: Put SS&A in touch with Lenzing Fibers (24).

(2) Association: National Council of Textile Organizations, NCTO

Contact: Mike Hubbard, Vice President: mhubbard@ncto.org
Address: P.O. Box 99 – Gastonia, NC 28053
Phone: (704) 824-3522
Date Contacted: October 23, 2008
Nature of Request: Inquiry to members' ability to supply subject fabric, and request for potential suppliers' contact information.
Sample Provided: No
Follow-up: October 30, 2008: Follow-up inquiry to members' ability to supply subject fabric.
Reply and Date: October 30, 2008: NCTO put SS&A in touch with a second contact at Mount Vernon Mills (9).

(3) Association: American Manufacturing Trade Action Coalition, AMTAC

Contact: Sarah Ormond, Director of International Trade:
sormand@amtacdc.org
Address: 910 16th St. NW, Washington, DC 20006

Phone: (202) 452-0866
Date Contacted: October 23, 2008
Nature of request: Inquiry to members' ability to supply subject fabric, and request for potential suppliers' contact information.
Sample Provided: No
Reply and Date: October 23, 2008: Replied that the inquiry was circulated to the membership.

(4) Association: Honduran Manufacturers Association

Address: Edificio Yde Canahuati 3er y 4to Piso, Avenida Circunvalacion, S.O., San Pedro Sula, Cortes, Honduras, C.A.
Phone: (504) 556-5526
Contact: Astrid Barnica, Client Services:
servicioalcliente@ahm-honduras.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry into members' ability to supply subject fabric, and request for potential suppliers' contact information.
Sample Provided: No
Follow-up: October 30, 2008: Follow-up inquiry to members' ability to supply subject fabric.
Reply and Date: No response from association.

(5) Association: Nicaraguan Textile & Apparel Manufacturers Association (ANITEC)

Address: Zona Franca "Las Mercedes" km 12 ½ Carretera Notre Managua Nicaragua
Phone: (505) 421-8984
Contact: Dean Garcia Foster, Executive Director: director@anitec.net
Date Contacted: October 23, 2008
Nature of Request: Inquiry into members' ability to supply subject fabric, and request for potential suppliers' contact information.
Sample Provided: No
Reply and Date: October 23, 2008: Replied that the inquiry was circulated to the membership, and will gather contact information for potential suppliers.
Follow-up: October 30, 2008: Follow-up inquiry to members' ability to supply subject fabric.
Reply and Date: November 3, 2008: Replied that the association will check with its membership again and revert.

(6) Association: Camara de la Industria Textil y de la Confeccion de El Salvador (CAMTEX)

Address: Calle Liverpool y Calle Roma, edif. ASI. Col. Roma
San Salvador, El Salvador
Phone: (503) 2245-3540

Contact: Ingrid Burgos, Director: iburgos@camtex.com.sv
Date Contacted: October 23, 2008
Nature of Request: Inquiry into members' ability to supply subject fabric, and request for potential suppliers' contact information.
Sample Provided: No
Follow-up: October 30, 2008: Follow-up inquiry to members' ability to supply subject fabric.
Reply and Date: October 30, 2008: CAMTEX responded that they had circulated the inquiry to its membership, and will ask again.

(7) Company: Milliken & Company

Address: PO Box 1926, Spartanburg, SC 29304
Phone: (864) 503-2020
Contact: Kathi Dutilh: kdutilh@millikendc.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Reply and Date: October 23, 2008: Acknowledged request and will respond with further information.
Reply and Date: October 23, 2008: Milliken does not make this fabric.

(8) Company: Swift Galely

Address: Five Concourse Parkway, Suite 2300, Atlanta, GA 30328
Phone: (770) 901-6300
Contact: Gary Bird, Sales Contact: gbird@swiftgaley.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Follow-up: October 31, 2008: Follow-up inquiry to ability to supply subject fabric.
Reply and Date: No response from company.

(9) Company: Mount Vernon Mills, Inc.

Address: 91 4th Street, PO Box 7, Tion, GA 30753
Phone: (706) 734-2311
Contact: Rich Turner, President – Apparel Fabrics: rich@mvmills.com
David Thrailkil, Sales Contact: DavidTh@Mvmills.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Reply and Date: October 30 2008: NCTO (2) put SS&A in touch with second contact at MVM (Thrailkil). SS&A sent email inquiry to ability to supply subject fabric.
Reply and Date: No response from company.

(10) Company: Industrias Liztex
Address: Parques del Lago Km 30.5, Ruta al Pacifico Amatitlan,
Guatemala
Phone: (502) 6633-6550
Contact: Saul Mishaan, Sales Contact: saul@liztex.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: Yes
Follow-up: October 30, 2008: Follow-up inquiry to ability to supply
subject fabric.
Reply and Date: October 30, 2008: Liztex responded that they can produce the
fabric, but the delivery will be complicated.
Reply and Date: October 30, 2008: SS&A asked Liztex to clarify their comment
about complications with the delivery.
Reply and Date: October 30, 2008: Liztex responded by clarifying that it will
take some time to produce samples for the client to approve.
Liztex also said the plant will be closing for the holidays the
last week of December, so meeting the January timeframe will
be difficult, but they are willing to proceed. Liztex asked
SS&A for a sample.
Reply and Date: October 31, 2008: SS&A replied asking for a sample of the
product, and also requested specific details on the past 24-
month production of this fabric, details on machinery and
capabilities for producing the fabric, and sources of the
finishing and yarn supply.
Reply and Date: October 31, 2008: Liztex sent the contact information for
SS&A to mail the sample.
Reply and Date: November 4, 2008: SS&A shipped the sample to Liztex, and
asked that Liztex provide answers to the questions sent on
October 31.
Reply and Date: November 4, 2008: Liztex responded that it would send the
information the next day (November 5).
Reply and Date: November 6, 2008: SS&A asked for the information requested
on October 31, and asked if Liztex intended to pursue the
order.
Reply and Date: November 19, 2008: BWA contacted Saul Mishaan at
Industrias Liztex directly to acknowledge Liztex's expressed
interest to supply the fabric, and requested from Mishaan
specific information regarding Liztex's past experience
producing the fabric, and specific questions about Liztex's
production capability to provide a finished fabric to the
required specifications in compliance with rules of CAFTA-
DR.

Reply and Date: November 19, 2008: Mishaan replied that he had received the sample sent by SS&A, and that Liztex does not currently have the raw materials to produce the fabric. Mishaan said it was waiting to confirm quotes on raw materials, and would reply to all of BWA's questions when it received the quotes.

Follow-up: December 1, 2008: BWA followed up on its November 19 email exchange with Saul Mishaan, asking whether or not Liztex can supply the subject fabric.

Reply and Date: December 1, 2008: Mishaan replied that Liztex still had not been able to receive quotes on raw materials from CAFTA-Dr suppliers.

Follow-up: December 10, 2008: BWA followed up on its December 1 email exchange with Saul Mishaan, asking whether or not Liztex can supply the subject fabric.

Follow-up: December 15, 2008: BWA followed up on its December 1 email exchange with Saul Mishaan, asking whether or not Liztex can supply the subject fabric.

Reply and Date: No further response from company.

(11) Company: Monte Textil S.A.

Address: Km 18.5 Carr al Mayan Golf Villa Nueva, Guatemala
Phone: (502) 6628-0800
Contact: Juan Carlos Castaneda, Export Manager:
juancarlos@textisur.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Follow-up: October 31, 2008: Follow-up inquiry to ability to supply subject fabric.
Reply and Date: No response from company.

(12) Company: Inman Mills

Address: 300 Park Road, PO Box 207, Inman, SC 29349
Phone: (864) 472-0252
Contact: Ben Truslow, Contact: btruslow@inmanmills.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Reply and Date: October 28, 2008: Inman responded that they can weave spun warps with filament filling, but they do not do finishing.
Reply and Date: October 29, 2008: SS&A replied that the client would need to buy a finished product, and clarified that the yarns in the fabric need to be of CAFTA-DR origin.
Reply and Date: October 29, 2008: Inman responded that they do not sell finished fabric, but can refer the client to various finishers in

the United States. Inman also asked for the yarn counts and if the yarn is ring spun, open-end, or other construction.

Reply and Date: October 31, 2008: SS&A replied asking for a sample of the product, and also requested specific details on the past 24-month production of this fabric, details on machinery and capabilities for producing the fabric, and sources of the finishing and yarn supply.

Reply and Date: November 6, 2008: SS&A followed-up on the information requested on October 31, and asked if Inman intended to pursue the order.

Reply and Date: November 6, 2008: Inman said it never received confirmation for exactly what fabric was requested, noting the variance in the fabric weight range.

Reply and Date: November 6, 2008: SS&A provided Inman with specific figures within the ranges of the fabric specifications, and again requested a sample from Inman. SS&A again provided the questions regarding Inman's production capacity, experience producing the subject fabric, and yarn/finishing suppliers' information.

Reply and Date: November 19, 2008: BWA contacted Ben Truslow at Inman Mills directly to acknowledge Inman's expressed interest to supply the fabric, and requested from Inman specific information regarding Inman's past experience producing the fabric, and specific questions about Inman's production capacity and ability to provide a finished fabric in compliance with rules of CAFTA-DR.

Follow-up: December 1, 2008: BWA followed up on its November 19 email to Truslow, asking if Inman can supply the subject fabric.

Reply and Date: December 1, 2008: Truslow replied that Inman needs more exact specifications within the ranges provided before it can investigate the issue further.

Reply and Date: December 1, 2008: BWA responded to Truslow with exact specifications of the fabric, and also provided more information on the finishing processes.

Reply and Date: December 1, 2008: Truslow replied that Inman would need the commitment of a larger order than requested by BWA, and asked to what would be the largest volume [BWA's customer] could commit. Inman also stated that it does not finish fabrics, and that it had sent the finishing specifications to Swift-Galey.

Reply and Date: December 1, 2008: BWA asked Truslow if Inman can acquire the fiber from a CAFTA-DR supplier.

Reply and Date: December 1, 2008: Truslow asked BWA what is the largest volume that [the customer] could commit to at one time.

Reply and Date: December 1, 2008: BWA replied that [the customer] would commit to 30,000 yards at a time.

Reply and Date: December 1, 2008: Truslow stated that he had recalled the original request being for 250,000 yards per year.

Reply and Date: December 1, 2008: BWA replied that it did not know where that figure came from.

Follow-up: December 10, 2008: BWA followed up on its December 1 email exchange with Ben Truslow, asking whether or not Inman can supply the subject fabric.

Reply and Date: December 10, 2008: Truslow reiterated that Inman would need a larger volume to pursue the order.

(13) Company: Industrias Sinteticas de Centro America

Address: Km 12.5 Carr Troncal de Notre, Apopa
San Salvador, El Saldavor

Phone: (503) 2216-0055

Contact: Oscar Uvidal Palma, Production Manager: info@insinca.com

Date Contacted: October 23, 2008

Nature of Request: Inquiry to ability to supply subject fabric.

Sample Provided: No

Follow-up: October 30, 2008: Unable to connect through listed telephone number, and sent second email inquiry to ability to supply subject fabric.

Reply and Date: No response from company.

(14) Company: Optimer Performance Fibers, Inc.

Address: 5 Neco Cir, Willington, DE 19804

Phone: (302) 994-3083

Contact: Ashwin Jaju, Sales Contact: ajaju@optimer.com

Date Contacted: October 23, 2008

Nature of Request: Inquiry to the ability to supply subject fabric.

Sample Provided: No

Follow-up: October 30, 2008: Follow-up inquiry to ability to supply subject fabric.

Reply and Date: October 30, 2008: Optimer is an R&D company and does not manufacture.

(15) Company: Fisher Textiles, Inc.

Address: 139 Business Park Drive, PO Box 307, Indian Trail, NC 28079

Phone: (704) 821-8870

Contact: Debra Smith, Plant Manager: dsmith@fishertextiles.com

Date Contacted: October 23, 2008

Nature of Request: Inquiry to the ability to supply subject fabric.

Sample Provided: No

Follow-up: October 31, 2008: Follow-up inquiry to ability to supply subject fabric.
Reply and Date: No response from company.

(16) Company: Sherman Textile Corp.

Address: 800 E Main Street, PO Box 596, Dallas, NC 28034
Phone: (704) 922-5254
Contact: Peter J. Nicoletti, VP: shermantextile@yahoo.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to the ability to supply subject fabric.
Sample Provided: No
Reply and Date: October 24, 2008: Sherman sent the inquiry to Fox-Rich Textiles (25).

(17) Company: Weavetec, Inc.

Address: 124 N. Charleston Street, PO Box 579, Blackburg, SC 29702
Phone: (864) 839-9660
Contact: Harold Pennington, Jr., VP Manufacturing:
haroldjr@weavetec.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to the ability to supply subject fabric.
Sample Provided: No
Follow-up: October 31, 2008: Follow-up inquiry to ability to supply subject fabric.
Reply and Date: October 31, 2008: Cannot manufacture the fabric.

(18) Company: Hilos y Telas, S.A.

Address: 34 Calle 7-42 Zona 11, Colonia Las Charcas, Guatemala
Phone: (502) 2423-7400
Contact: Antonio Malouf, Contact: ramalouf@hilosytelas.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Reply and Date: October 23, 2008: They do not have the capability to supply subject fabric.

(19) Company: Canwil Textiles

Address: 1697 Shuman Way, Lawrenceville, GA 30043
Phone: (678) 985-5434
Contact: Nik Narwani, VP: sales@canwilttextiles.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Follow-up: October 31, 2008: Follow-up voicemail and email inquiries to ability to supply subject fabric.

Reply and Date: November 3, 2008: Canwil replied that it will send the specifications to its factory in India and revert.
Reply and Date: November 3, 2008: SS&A responded that the yarns/fabric need to be of U.S. or CAFTA-DR origin, and asked if Canwil can meet these criteria to supply the subject fabric.
Reply and Date: No response from company.

(20) Company: Molintex Mills, Inc.

Address: 9 Davison Ave, Jamesburg, NJ 08831
Phone: (732) 521-2500
Contact: Kathleen Beeg, VP: kbeeg@molintexmills.com
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Follow-up: October 31, 2008: Follow-up inquiry to ability to supply subject fabric.
Reply and Date: October 31, 2008: Cannot supply the fabric to the specifications.

(21) Company: Textiles Rio Lindo

Address: Calle Principal Colonia San Jose, El Pedregal
Tegucigalpa, Honduras
Phone: (504) 245-5411
Contact: Karen Facussee, Sales Contact: sales@riolindo.hn
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Follow-up: October 31, 2008: Follow-up attempt by telephone, and second email inquiry to ability to supply subject fabric.
Reply and Date: No response from company.

(22) Company: David Rothschild Company, Inc.

Address: 512 12th Street PO Box 2002 Columbus, GA 31902
Phone: (706) 324-2411
Contact: Penny Anderson, Sales Contact: penny@ldl.net
Date Contacted: October 23, 2008
Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Reply and Date: October 23, 2008: They do not make apparel fabrics.

(23) Company: Forster Textile Mills, Inc.

Address: 12760 Airport Road, PO Box 905, Maxton, NC 28364
Phone: (910) 844-3976
Contact: Morris Byers, Plant Manager: forster@carolina.net
Date Contacted: October 23, 2008

Nature of Request: Inquiry to ability to supply subject fabric.
Sample Provided: No
Reply and Date: October 31, 2008: Via telephone – Forster does not weave this type of fabric.

(24) Company: Lenzing Fibers

Address: 4860 Lenzing, Austria Reg. LG Wels FN 96499k, DVR: 0008044

Phone: (212) 944-7896

Contact: Tricia Carey, U.S. Merchandising Manager:
t.carey@lenzing.com

Date Contacted: October 28, 2008

Nature of Request: Inquiry to ability to supply subject fabric.

Sample Provided: No

Reply and Date: October 28, 2008: NTA (1) put SS&A in touch with Lenzing, which offered information on supply the subject fabric through facilities in Austria. SS&A replied that the fabric needed to be produced in the U.S. or CAFTA-DR countries, of U.S. yarns, and asked if Lenzing could provided information on fabrics meeting these requirements.

Reply and Date: No response from company.

(25) Company: Fox-Rich Textiles, Inc.

Address: 37 Danbury Road, Ridgefield, CT 06877

Phone: (203) 438-3153

Contact: Jim Reich, President: jim@fox-rich.com

Date Contacted: October 23, 2008: Sherman Textile (16) forwarded SS&A inquiry and fabric specifications to Fox-Rich Textile.

Nature of Request: Inquiry to the ability to supply subject fabric.

Sample Provided: No

Reply and Date: October 25, 2008: Fox-Rich contacted SS&A via telephone, left voicemail.

Reply and Date: November 4, 2008: SS&A sent follow-up inquiry to ability to supply subject fabric.

Reply and Date: November 6, 2008: SS&A left voicemail to follow-up on inquiry to ability to supply subject fabric.

Reply and Date: November 6, 2008: Via telephone, Jim Reich said Fox-Rich could supply the fabric with the specifications provided, and asked SS&A for more specific numbers within the ranges provided in the specifications.

Reply and Date: November 6, 2008: SS&A provided Reich with additional numbers within the ranges of the fabric specifications, and requested a sample from Fox-Rich. SS&A asked Reich for specific information regarding Fox-Rich's capability to supply the subject fabric, including Fox-Rich's production capacity,

- experience producing the subject fabric, and yarn/finishing suppliers' information.
- Reply and Date: November 19, 2008: BWA contacted Jim Reich at Fox-Rich Textiles to acknowledge Fox-Rich's expressed interest to supply the fabric, and requested from Reich specific information regarding Fox-Rich's past experience producing the subject fabric, and specific questions about Fox-Rich's production capability and ability to provide a finished fabric in compliance with rules of CAFTA-DR.
- Reply and Date: November 19, 2008: Reich replied that Fox-Rich had never made the subject fabric, and asked if BWA had specific specifications for fabrics within the ranges provided in the inquiry. Reich also stated that it could not divulge certain information requested by BWA for confidentiality reasons. Reich claimed that Fox-Rich's capacity could fulfill the order, and he also said Fox-Rich would need more information on the unique finishing processes.
- Reply and Date: November 19, 2008: BWA sent Reich specific specifications for the fabric within the ranges originally provided, and also sent more information on the unique finishing processes required. BWA also acknowledged Reich's reluctance to provide certain information, and made clear that BWA did not want Fox-Rich to violate any business confidentiality, but BWA requested again that Fox-Rich provide details on Fox-Rich's intended finishing sub-contractors in order to demonstrate Fox-Rich's ability to supply a finished product. Also, since Fox-Rich has never before produced the fabric, BWA asked for further information on its production capabilities, and asked for confirmation that yarns and other inputs used to make the fabric will be of CAFTA-DR origin.
- Reply and Date: November 19, 2008: Reich acknowledged the additional information sent by BWA. Reich asked for the weave type of the subject fabric, certain clarifications on the finishing processes, and information on the dyeing process and color combinations. Fox-Rich also stated that it could use domestic yarns, and again declined to provide information on finishing subcontractors.
- Reply and Date: November 19, 2008: BWA responded with the weave type, further finishing information, and dyeing and color information.
- Reply and Date: November 20, 2008: Reich asked for a clarification on the dyeing process, more information on one of the finishing processes, and for sample yardage information.

Reply and Date: November 20, 2008: BWA responded with information on the dyeing process, and committed to send a sample for Fox-Rich's review.

Reply and Date: November 20, 2008: Reich said he would await the sample.

Reply and Date: November 24, 2008: BWA confirmed that the sample was sent.

Reply and Date: December 3, 2008: Reich sent an email to SS&A with price quotes for the subject fabrics and minimum order volume specifications.

Reply and Date: December 4, 2008: SS&A replied to Reich and BWA, and stated that BWA is the appropriate contact to continue the exchange.

Reply and Date: December 5, 2008: BWA replied to Reich and asked some clarifying questions about the price quotes that were sent, including: whether the quoted fabric would comply with rules of CAFTA-DR, whether Fox-Rich understood the exact finishing processes, a request for further information on the machinery used to make the fabric and information on finishing subcontractors.

Reply and Date: December 5, 2008: Reich claimed to not have been aware of the CAFTA-DR requirement, and stated that the prices quoted were for a fabric to be woven in Asia. Reich also declined, again, to provide information on subcontractors and asked for the reasoning of BWA's request for information on machinery used to make the fabric.

Reply and Date: December 5, 2008: BWA cited prior email exchanges with Fox-Rich where BWA made clear the request for a CAFTA-DR compliant fabric. BWA again stated that it did not request that Fox-Rich violate any business confidentiality, but at the same time BWA needed machinery and subcontracting information from Fox-Rich to demonstrate its capabilities and capacities to supply a finished product in commercial quantities in a timely manner.

Follow-up: December 10, 2008: BWA followed up on its December 5 email exchange with Jim Reich, asking whether or not Fox-Rich can supply the subject fabric.

Follow-up: December 15, 2008: BWA followed up on its December 5 email exchange with Jim Reich, asking whether or not Fox-Rich can supply the subject fabric.

Reply and Date: December 15, 2008: Reich said he would have an answer one way or another by Wednesday December 17, 2008.

Reply and Date: December 21, 2008: Reich sent BWA prices for fabrics that were said to meet CAFTA-DR rules.

Reply and Date: December 21, 2008: BWA asked for specific information about the quoted fabrics, including: construction specifications,

documentation that the fabric would meet CAFTA-DR rules of origin, information on finishing subcontractors, information on machinery and capacity for fabric production, and production lead times.

Reply and Date: December 22, 2008: Reich supplied incomplete specifications for the fabric, and the thread count specifications supplied were outside of BWA's fabric specifications. Also, Reich again declined to furnish any finishing subcontracting information.

Reply and Date: December 24, 2008: BWA thanked Fox-Rich for its efforts in attempting to meet BWA's order and declined to pursue due to a lack of necessary information from Fox-Rich.

(26) Company: Schneider Mills

Address: 1430 Broadway 7th Floor New York, NY 10018

Phone: (212) 768-7500

Contact: Hank Byrd: hbyrd@schneidermills.com

Date Contacted: October 31, 2008: NCTO (2) gave SS&A contact information for Schneider Mills, and SS&A sent an inquiry to ability to supply subject fabric.

Sample Provided: No

Reply and Date: November 3, 2008: Schneider does filament-only weaving and cannot fulfill the order.

(27) Company: Hamrick Mills

Address: 515 West Buford Street, PO Box 48, Gaffney SC 29342

Phone: (864) 439-4731

Contact: Carlisle Hamrick: wchamrick@hamrickmills.com

Date Contacted: October 31, 2008: NCTO (2) gave SS&A contact information for Hamrick Mills, and SS&A sent an inquiry to ability to supply subject fabric.

Sample Provided: No

Reply and Date: November 6, 2008: Hamrick does not have the capacity to fulfill the order.

As a result of the above inquiries, SS&A and BWA do not believe that the subject fabric is available in the CAFTA-DR region and we request that it be added to Annex 3.25.

IV. Substitutable Products

The fabric in question is a woven modal-polyester blend of ring-spun yarn, with a unique combination of finishing processes that are critical for the end-use of men's shirts intended for sportswear and travel. For the end-use described, other fabrics of different fibers, yarn types, thread counts, or weaves, and without the exact combination of finishing processes, cannot substitute the requested fabric.

V. Closing

If you have any questions or require further information with regard to this request, please contact Keith Jenkins at (202) 248-5090, or kjenkins@ssa-dc.com.

Sincerely,



Keith Jenkins
Director of Government Affairs

JANUARY 02, 2009

Date