

NAVSUPINST 4200.85D

L I S T O F P R O H I B I T E D
A N D
S P E C I A L A T T E N T I O N I T E M S F O R
S I M P L I F I E D A C Q U I S I T I O N S

Enclosure (2)

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Subj: ADVANCE PAYMENTS

General Rule: Advance payments are generally not authorized.

Definition: An advance payment is made to the contractor before supplies or services are inspected and accepted by the Government. Progress Payments, Partial Payments and Fast Payment orders are NOT considered to be advance payments.

Exceptions: Advance payments are the least preferred method of contract financing, however they may be provided on any type contract with exceptions as described in FAR 32.403(a) and (b).

1. Post Office Box Rentals, as authorized by DoD FMR Vol 5.
2. Rentals, as authorized by Section 606 of the Department of Defense Appropriation Act, 1960 or by 10 U.S.C. 2396 or by other legislation specifically authorizing advance payment of rent.
3. Tuition, as authorized by 10 U.S.C. 2396(a)(3).
4. Authorized insurance premiums, including insurance of official motor vehicles in foreign countries as authorized by Section 603 of the Department of Defense Appropriation Act, 1960.

Subj: ADVANCE PAYMENTS (continued)

5. Expenses of investigations in foreign countries, as authorized by Section 603 of the Department of Defense Appropriation Act, 1960 or by other legislation authorizing payments for such expenses.

6. Extension or connection of public utilities for government buildings or installations, as authorized by Military Construction Authorization acts.

7. Subscriptions to periodicals, as authorized by 31 U.S.C. 3324(d)(2), DoD FMR, Vol 10, Chap 4. The purchase card may be used as method of payment for agency authorized publications (i.e. Navy Times, Federal Contracts Reporter, Government Contracts Reporter/Commercial Clearing House Inc etc.) provided the total cost of the subscription is a valid charge to the appropriation for the fiscal year and invoice must be received prior to the close of the subscription period. EBUSOPSPFFINST 4200.a series requires Certification by the senior official at the requesting command that a magazine/periodical is absolutely necessary for operations purposes.

8. Purchases of goods or services in foreign countries, when the purchase price does not exceed \$10,000 or equivalent amount of applicable foreign currency and advance payment of the purchase price or of a part thereof is required by and made in compliance with the laws or regulations of the foreign country concerned, as authorized by 10 U.S.C. 2396(a)(1).

Subj: ADVANCE PAYMENTS (Continued)

9. Enforcement of the customs or narcotics laws.
10. Other types of transactions permitted by agency procedures under statutory authority.
11. Advertising for military recruitment in high school and college publications not to exceed \$500.00 under any single contract.
12. Contract actions above the simplified acquisition threshold (SAT) may authorize use of advance payments. Requests for advance payments must be submitted to the Director, Office of Financial Management Systems (NCF), Office of Navy Comptroller, via the Assistant Secretary of the Navy, Research, Development and Acquisition (OASN(RD&A)(ABM)).

References:

- FAR 32.4
- DFARS 232.4
- NMCAG G5232.402
- 10 U.S.C. 2307
- 10 U.S.C. 2396
- 10 U.S.C. 3324
- DoD Appropriations Act, 1960
- Sections 603 and 606
- NAVSUP Policy letter - SA 99-17
- DEPSECDEF Memorandum #6

Subj: ADVERTISING

GENERAL RULE:

Advertising contract actions are not authorized unless specific approval has been granted in accordance with DFARS 205.502. For paid advertisements to recruit civilian personnel, see Section 332-1-9 of the Federal Personnel Manual. For civilian personnel advertising, the Secretary has delegated the approval authority to officers in command and officers in charge of all Navy and Marine Corps field activities.

Authority to approve the publication of paid advertising in newspapers for all other purposes is delegated, without power of re-delegation, to the Chief of the Contracting Office.

Synopsizing in the GPE as required by FAR 5.2 is not included in this general prohibition.

Military recruitment advertising in high school and college publications may be paid in advance, but not in excess of \$500 per single contract.

The Secretary of the Navy has delegated authority for Navy recruiting advertising to the Commander, Navy Recruiting Command (NAVCRUITCOM) and Commander, Naval Reserve Force (COMNAVRESFOR) with power of re-delegation as follows:

NAVCRUITCOM - The Chief of Naval Personnel has authorized an increase from \$1,000 to \$2,500 for the specific media advertising purchase limit for Commanding Officers of Navy Recruiting Districts commensurate with the current micro-purchase threshold.

Subj: ADVERTISING (Continued)

This authority can not be re-delegated.

COMNAVRESFOR - Naval Reserve Readiness
Commander, Commanders, Naval Air
Station, Naval Air Reserves or Naval
Air Facility Commanding Officer \$5000
or less.

Echelon IV Commanding Officers \$2,500
or less.

Exceptions:

None.

References:

FAR 5.5, 5.502
DFARS 205.5, 205.502
NMCARS 5205
COMNAVCRUITCOMINST 1140.3 (series)
(Navy Recruiting)
SECNAVINST 12330.2D (series)
(Civilian Recruiting)
Section 332-1-9 of the Federal
Personnel Manual of 7 May 81
44 U.S.C. 3702
5 U.S.C. 302(b)
CHNAVPERS memo of 20 Jun 97
COMNAVSUPSYSCOM memo of 8 Sep 97
SECNAV memo of 5 Jan 84

Subj: AIRLIFT ASSETS

General Rule: Acquisition of commercial aircraft includes commercial aircraft acquired by lease, contract, charter or any other procurement technique for the purpose of providing Operational Support Airlift (OSA) transportation. DoN airlift assets include all transport/utility type fixed and rotary wing aircraft (regardless of size) that provide air transportation for passengers and cargo. The Chief of Naval Operations (CNO) prescribes overall airlift, aircraft policy for DoN within guidelines established by DoD. DoN airlift scheduling authorities/ activities are listed in enclosure (1) to OPNAVINST 4631.2C. The two basic documents required to arrange airlift support are the "AIRLIFT REQUEST" and the "FLIGHT ADVISORY". Requirements for OSA shall be documented using the "Airlift Request" transmitted to the appropriate scheduling activity and Navy Air Logistics Office (NALO).

Exceptions:

1. The scheduling authority has made a determination that the requested service is essential to the accomplishment of the mission or is the most cost-effective method of satisfying the movement requirement. In the case of acquisition by lease or contract (excluding charter flights), prior approval of the CNO has been obtained and proper notification of intent to procure aircraft for such purpose has been given to the Assistant Secretary of Defense (Production and Logistics).

Subj: AIRLIFT ASSETS (Continued)

2. DoN may issue contracts for commercial airlift services for technical and operational airlift, limited to support of research and development, engineering and production, and test and evaluation purposes, using only approved DoD carriers. Regular point-to-point passenger and cargo service remains under the purview of the U.S. Transportation Command and its components (Air Mobility Command and Military Sealift Command.)

References:

DoD Directive 4500.43 (series)
OPNAVINST 4631.2C (series)
CNO ltr 4632 Ser N413T, 13 AUG 1992

Subj: APPLIANCES IN THE WORK PLACE - (coffee pots, microwaves, refrigerators, and other related items)

General Rule: The acquisition of appliances purchased for the purpose of supporting civilian and military employees in the workplace is generally prohibited unless other statutory or regulatory guidance authorizes such purchases. For the purpose of this requirement appliances include but are not limited to coffee pots, microwaves, refrigerators and other personal convenience items.

Exceptions: None

References U. S. General Accounting Office Cases (B-276601, B-216943, B-210433, and B-173149)

Subj: ASBESTOS AND ASBESTOS-CONTAINING MATERIALS

General Rule:

Contracting Officers and buyers are not authorized to purchase asbestos or asbestos-containing materials unless special requirements exist.

When authorized to purchase asbestos and asbestos-containing material the following provisions/clauses shall be included:

1. Asbestos Certification for written solicitations. Incorporate the clause at FAR 52.223-3, Hazardous Material Identification and Material Safety Data, in solicitations and contracts for contractor certification of asbestos or asbestos-containing materials required during performance of the contract.

2. Asbestos Marking Requirements. If a proposed contractor gives an affirmative certification to clause FAR 52.223-3, the Contracting Officer must include a requirement that the contractor shall mark shipments in accordance with paragraph 20.4.1 of MIL-STD-129K.

3. Contract File Retention. Purchase and contract files involving asbestos and asbestos-containing products shall be retained indefinitely by the contracting office unless otherwise directed by the Secretary of the Navy. This applies to all originals and non-identical copies.

Subj: ASBESTOS AND ASBESTOS-CONTAINING MATERIALS (Continued)

The recording of documents on microfilm or microfiche does not relieve an activity from the requirement to retain all original documents.

4. Submit OPNAV 5212/5(8-85), Insulation/Asbestos Records Freeze Annual Report, by 31 January to Commander, Naval Sea Systems Command, Navy Asbestos Litigation Support Office, (NAVALSO/SEA 07L).

Exceptions: None

References: SECNAVINST 5212.10A (series)

Subj: BLACK OXIDE COATED BRASS THREADED FASTENERS

General Rule: Procurement of brass or copper alloy fasteners coated with black oxide, with characteristics as listed below is not authorized due to the potential serious problem in the misapplication of these fasteners during maintenance actions on surface ship Level 1 systems.

Characteristics:

Hexagonal Nut
Size - 1/4" to 1 5/8" in diameter
Threads - UNC B - 8 to 22 threads per inch

<u>Condemned NSNs:</u>	<u>Replacement NSNs:</u>
5310-00-056-3394	5310-01-349-4086
5310-00-141-3034	5310-01-349-4084
5310-00-167-1371	5310-01-349-4084
5310-00-436-7218	5310-00-272-5705
5310-00-855-1102	5310-01-349-4084
5310-00-903-3991	5310-01-349-4090
5310-00-903-3994	5310-01-349-4086
5310-00-903-3995	5310-01-349-4085
5310-00-905-2669	5310-01-349-4089
5310-00-913-5473	5310-01-349-4088
5310-00-913-5474	5310-01-350-2904
5310-00-913-5475	5310-01-349-2905
5310-00-913-5476	5310-01-349-4087
5310-00-939-2653	5310-01-349-4084

For information regarding this prohibition contact Mr. Scott Stanko, Naval Inventory Control Point, Code 0541, at 717-605-1361; DSN 430-1361 or via Internet: scott_a_stanko@icpmec.navy.mil

Exceptions: None

Reference: COMNAVSUPSYSCOM Washington 0100272
APR 92
COMNAVSUPSYSCOM Washington 211200Z OCT
94

Subj: BUSINESS CARDS, CALLING CARDS, AND EMPLOYEE IDENTIFICATION TAGS

General Rule: Flag Officers, member of the Senior Executive Service (SES) and General officers may authorize the printing of business cards, limited to using existing software and agency-purchased stock or cards procured from The Lighthouse for the Blind, Inc., if the cost of this source is equivalent or less than producing the cards on a personal computer. Business cards obtained under this authority shall be used for those positions that require business cards in the performance of their official duties.

The two exceptions to the policy are:

(1) The purchase of business cards for Navy recruiting commands. Business cards may be paid for by public expense (appropriated funds) only by those engaged in recruiting, i.e., for personnel initiating and maintaining direct contact with prospective recruits in the recruiting process. The content of the card is however limited to the name of the recruiter, title or rank, recruiting office address, telephone and fax numbers, Internet address, and official activity seal of the recruiting command. The title "recruiter" must be used in conjunction with the individual name to identify the card as recruiting material. White index paper stock not to exceed 110 lbs. in weight must be used in conjunction with black ink or Navy blue #3 ink or Marine green ink.

(2) DoD/DoN policy authorizes General, Flag or Senior Executive Service Members to authorize the printing of business cards for those organizations or positions that require business cards in the performance of their official duties.

Subj: BUSINESS CARDS, CALLING CARDS, AND EMPLOYEE IDENTIFICATION TAGS (Continued)

The printing of business cards by Government Employees is authorized provided DoN senior official approval has been obtained and existing software and agency purchased card stock is being utilized.

GAO has determined that employee Identification tags are not personal in nature. Therefore, activities may use appropriated funds to purchase these items (for use by military and/or civilian employees) when the requiring activity/command determines that use of employee identification tags is necessary for mission accomplishment and mandates their use. These items will remain the property of the Government. (SEE ALSO "Uniform Items)

Exceptions:
Reference:

DOD Joint Ethics Regulation, Section 2-301b
ASN (FM&C) memo of 9 Mar 99
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Subj: CHRISTMAS DECORATIONS AND OTHER SEASONAL ITEMS

General Rule:

Cardholders/buyers are authorized to use appropriated funds to obtain seasonal decorations for use in public areas.

Contracting Officers must consider local customs and constitutional issues such as the freedom of speech and religion prior to making any such awards. Therefore, it is appropriate that decisions to use appropriated funds for these items be made by installation commanders within the context of local customs and practices. Additionally, installation commanders are responsible for the use of base resources and are therefore, in the best position to ensure the exercise of prudence and discretion in authorizing the purchase and display of seasonal decorations.

The purchase of holiday and/or seasonal greeting cards are not a proper charge against appropriated funds.

Exceptions:

There is no objection to the use of non-appropriated funds for these purposes.

References:

B-226011, 67 Comp. Gen. 87, 17 NOV 87
B-226900, 67 Comp. Gen. 87, 17 NOV 87
B-226781, Unpublished, 11 JAN 88

Subj: COMMERCIAL VEHICLES, PURCHASE OF

General Rule:

The Commander, Naval Facilities Engineering Command is assigned responsibility for administration and procurement of Civil Engineering Support Equipment (CESE). CESE consists of automotive vehicles (cars, trucks, buses), construction, refuse collection, railway, and special category transportation equipment (SCTE). Material handling equipment is not included. Technical and management responsibilities for the transportation equipment program are handled by NAVFAC Transportation Equipment Management Centers (TEMC's.)

Pacific Division (PACDIV) TEMC supports all field activities in the geographic area covered by WESTDIV, SOUTHWESTDIV, and PACDIV Engineering Field Divisions (EFDs), TEL: (808) 471-8411.

Atlantic Division (LANTDIV) TEMC supports all field activities in the geographic area covered by NORTHDIV, Chesapeake Division (CHESDIV), SOUTHDIV and LANTDIV EFDs.

LANTDIV provides major claimant support to CINCLANTFLT, CINCUSNAVEUR, CNET, COMNAVRESFOR, and the Washington DC based claimants.

LANTDIV coordinates procurement in Europe and PACDIV coordinates procurement in the Pacific Region.

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Subj: COMMERCIAL VEHICLES, PURCHASE OF

Exceptions: None.

References: NAVFAC Publication, Management of
Civil Engineering Support Equipment dtd May
97

Subj: COMMERCIAL OR GSA VEHICLES, RENTAL/LEASE OF
(Without Drivers)

Definitions:

Rental: Acquisition of GSA or commercial vehicles not exceeding 60 days.

Lease: Acquisition of GSA or commercial vehicles for periods exceeding 60 days.

General Rule:

Rentals for 60 calendar days or less normally should be processed by the public works officer; however, if the activity does not have a public works officer attached or if the public works officer does not have contracting authority adequate to handle the requirement, NAVSUP contracting authority may be used for rentals of 60 calendar days or less. The exercise of NAVSUP contracting authority for short term (60 days or less) rentals of commercial vehicles is intended to provide the commanding officer of the activity with the flexibility to meet peak or unplanned vehicle needs and is authorized by DoD REG. 4500.36-R (series), Management, Acquisition and Use of Motor Vehicles.

Activities are to submit requests for all vehicles to be leased for more than 60 days to the cognizant NAVFAC Transportation Equipment Management Center (TEMC) for approval. The requesting activity must provide adequate written justification and an approved Claimant allowance for the equipment code requested.

Subj: COMMERCIAL OR GSA VEHICLES, RENTAL/LEASE OF
(Without Drivers) (continued)

After all required approvals are obtained, the lease should be executed by a NAVFAC contracting activity such as the Activity Public Works Officer/Officer in Charge or a NAVFAC Engineering Field Division.

Exceptions:

None.

Reference:

DoD REG. 4500.36R (series)
NAVFAC Publication, Management of
Civil Engineering Support Equipment dtd
May 97

Footnote:

Rental of vehicles may not include payment of premiums for liability insurance, since the Government is self-insured.

Subj: COMMERCIAL VEHICLES WITH DRIVERS FOR THE PURPOSE OF
TRANSPORTING SUPPLIES OR PERSONNEL, (RENTALS)

General Rule: Requirements for transporting supplies is a function of each activity's material transportation officer who may issue a Government Bill of Lading to effect movement of supplies. (See page 75 "transportation" of this enclosure). The passenger transportation office at your local personnel support activity will process personnel movement requirements by issuance of a Travel Request (TR) document to the appropriate carrier provided in the Joint Travel Regulations. For bus rentals refer to your local Public Works Office.

Exceptions: None.

References:

For supplies:
Defense Transportation Regulation (DTR), Part II, (Cargo Movement)
NAVSUP Volume 5
NAVSUPINST 4600(series), Transportation of Property

For personnel:
DTR- DoD 4500.9-R, Part I chapter 104
OPNAVINST 4650.15 chapter 4
Joint Travel Regulations, Para 4100 and

Subj: CONSTRUCTION AND OTHER NAVFAC SERVICES/SUPPLIES

General RULE:

Only contracting officers of the Naval Facilities Engineering Command are authorized to buy construction. NAVSUP contracting officers should generally refer construction requirements to a construction activity. However, this general rule does not apply to normal "installation" of equipment purchased under NAVSUP contracting authority.

Construction means erection, installation or assembly of a new facility, the addition, expansion, extension, alteration, conversion or replacement of an existing facility, the acquisition or relocation of a facility and includes the repair and maintenance of building and public works, and equipment installed and made a part of such facilities. It includes dredging, excavating, and painting of buildings, structures or other real property. For purposes of this definition, the terms "buildings, structures or other real property" include but are not limited to improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, cemeteries, pumping stations, railways, airport facilities, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, and channels.

Subj: CONSTRUCTION AND OTHER NAVFAC SERVICES/SUPPLIES
(Continued)

Construction does not include the manufacture, production, furnishing, construction, alteration, repair, processing or assembling of vessels, aircraft or other kinds or personal property.

Construction Activity means an activity, at any organizational level of the Military Departments, which has responsibility for the architectural, engineering, and other, the general rule is: If the related technical aspects of the planning, design, and construction of facilities and which receives its technical guidance from the Army Office of the Chief of Engineers, Naval Facilities Engineering Command (NAVFAC), or Air Force Directorate of Civil Engineering. Station public works officers should process construction requirements either by using their own contracting officer authority or by referral to the cognizant NAVFAC office.

Note that guard services, lawn-mowing services, grounds maintenance services, landscaping services, lease of offices and other real property, custodial/janitorial services, fire protection services, forestry services (timber contracts, tree cutting and harvesting, tree marking, clearing and pruning services, cutting fire lanes, etc.) are within the purview of NAVFAC.

Subj: CONSTRUCTION AND OTHER NAVFAC SERVICES/SUPPLIES
(Continued)

Also within NAVFAC's responsibility are supply contracts for the purchase of specialized functions (including four-wheel drive vehicles for foresters; fire trucks; earth-moving and other construction vehicles and equipment, etc.). Also included is lease of real property.

For repair services involving central heating and cooling equipment is made on-site, the requirement is a NAVFAC contracting responsibility. If the repair is made in the contractor's shop, the repair is a NAVSUP contracting responsibility. However, since portable and window type units are considered personal property items, repair of these items is a NAVSUP contracting responsibility.

Exceptions:

Department of Navy (DoN) activities with a delegation of purchase card authority from their Head of the Contracting Activity (HCA) also have authority to purchase facilities services up to \$2,500 and facility improvements (construction) up to \$2,000 using their HCA authorized purchase card. Activities within the NAVFAC claimancy with a delegation of purchase card authority from NAVFAC for facilities services up to \$2,500 and facility improvements (construction) up to \$2,000 also have purchase card

Subj: CONSTRUCTION AND OTHER NAVFAC SERVICES/SUPPLIES
(Continued)

authority to purchase NAVSUP cognizance supplies and services up to \$2,500 using their NAVFAC authorized purchase card.

This action further streamlines the Navy's Purchase Card Program by eliminating the need for two purchase cards because of procurement authority.

NAVSUP Contracting Officers at Naval Reserve activities are authorized to contract for construction repairs, not to exceed \$2,000 and facilities related services not to exceed \$2,500 on Naval Reserve Center facilities.

1. Examples of such construction repairs include:

(a) Repair to central heating and air conditioning system.

(b) Plumbing services.

(c) Repair of broken windows or panes.

(d) Repair of doors.

(e) Roof repairs of a minor nature.

(f) Minor structural repairs including touch-up painting.

(g) Repair of alarm systems.

(h) Locksmith services.

Subj: CONSTRUCTION AND OTHER NAVFAC SERVICES/SUPPLIES
(Continued)

(i) Repair of fences.

(j) Repairs to correct electrical distribution/breaker systems.

(k) Repairs arising from storm damage or other natural disasters.

2. Examples of facilities related services include:

(a) Guard services.

(b) Lawn-mowing services

(c) Grounds maintenance services.

(d) Landscaping services.

(e) Pest control.

(f) Snow removal.

(g) Trash/garbage removal.

3. Technical support will be provided by reserve public works personnel having cognizance of the facility. No special contractual provisions are required in procurements of repairs not exceeding \$2,000 and services not exceeding \$2,500.

References:

FAR 36
DFARS 236
NMCAG G5236
NAVSUP Policy letter SA97-05

Subj: ENTERTAINMENT

General Rule: Appropriated funds are not authorized for entertainment (includes equipment used to convey entertainment i.e. radios, CD player, tape player etc) unless specifically authorized by statute.

Exceptions:

1. Except for specifically programmed music (incentive-type music provided on a continuous basis at the work site to increase employee productivity). The Commanding Officer of the requiring activity must make a written determination that, based on factors such as the improvement of employee morale, increased employee productivity, and resultant savings to the Government, the proposed expenditure for incentive music constitutes a necessary expense in accomplishing the mission of the activity. In addition, when such expenditures are justifiable as a welfare and recreation expense in general messes, appropriated funds are properly chargeable.

The prohibition also does not preclude the expenditure of appropriated funds for the purchase of a public address system required for intra-station communication. The procurement of incentive music services or equipment within commissary stores is a proper operating expense, chargeable to funds generated by the markup on resale merchandise.

2. Entertainment in support of agency Sponsored EEO program (i.e. Black history program) per guidelines developed by the Office of Personnel Management.

References: 51 Comp. Gen. 797, 6 JUN 72
Comp General file B-200017 10 March 1981

Subj: EXCHANGE OF PERSONAL PROPERTY

General Rule:

Activities submitting purchase requests involving exchange of personal property shall comply with the requirements of DFARS 217.7003. The requester's purchase request must be accompanied by a certification that the property is eligible for exchange and complies with all conditions and limitations specified in DoDI 4140.1-R, including a written administrative determination of economic advantage which shall indicate;

1. The anticipated economic advantage to the Government resulting from the use of the exchange authority.
2. That exchange allowances shall be applied toward or in partial payment for the items to be acquired.
3. That if required, the exchange property has been rendered safe or innocuous, or has been demilitarized.

It is DoD policy to use exchange processing for replacing eligible non-excess items. It shall be used to the maximum extent possible when such transactions foster the economical and efficient accomplishment of an approved program. It should be noted that sale of non-excess personal property is not authorized pursuant to DFARS 217.7003.

Subj: EXCHANGE OF PERSONAL PROPERTY (Continued)

The objective in exchanging non-excess personal property shall be to acquire new property from an offeror whose offer will be most advantageous to the Government, price and other factors

Exchange/sale of IT (transferring of equipment to be replaced to another agency, with reimbursement, or to the trade-in allowance on the contract price so that the proceeds can be applied whole or in part payment for the replacement IT) procedures are set forth in DFARS 239.7002.

Definitions:

"Exchange (trade-in) property" means property not in excess of the needs of the owning DoD component, but eligible for replacement because of obsolescence, un-serviceability, or other valid reason, that is exchanged and applied as whole or partial payment allowance toward the acquisition of similar items.

"Similar items" in exchange transactions means both the item being acquired and the item being replaced. Both must fall within one of the single generic categories listed in DoD 4140.1-R, and the item being acquired must be designed and constructed for the same specific purpose as the item being replaced.

Subj: EXCHANGE OF PERSONAL PROPERTY (Continued)

Exception: Categories of property not listed in DoD 4140.1-R, Enclosure (1) are also eligible for exchange if designed and contracted for the same specific purpose.

Additionally, the General Services Administration's approval must accompany any purchase request for items listed in DoDI 4140.1-R, Enclosure (2).

References: DFARS 217.7003 and 239.7002
DoD 4140.1-R (series) DoD Material Management Regulation FPMR
DoD Manual 7950.1-M

Subj: FIREWORKS DISPLAY

General Rule: Appropriated funds may not be used to buy fireworks displays on the grounds that fireworks constitute entertainment and therefore, are not necessary expenses chargeable to appropriated funds.

Exceptions: None.

Reference: Comp. Gen. B-205292, Unpublished, 2 JUN 82,

NAVSUPINST 4200.85D

Subj: GUARD SERVICES

General Rule: All requirements for contractor guard services, with the exception of those required to be obtained through the General Services Administration (GSA) shall be obtained through NAVFACENCOM, unless specific authority is otherwise granted.

Subj: HAZARDOUS MATERIAL AND HAZARDOUS WASTE DISPOSAL CONTRACTING

General Rule:

Procurement of hazardous material is not generally authorized unless approval has first been obtained from a designated Navy Hazardous Material Control and Management Committee Program Office. If a Navy activity does not have such an office, the Commanding Officer is authorized to approve procurement of hazardous material for the Navy Afloat and Ashore community.

OPNAVINST 5100.19C (Afloat) on the SHML, COSAL, SPMIG, the Navy Ships Technical Manual, or other Navy directives or official publications, shall not be ordered, unless specifically authorized by the Commanding Officer. The required certification must accompany the requisition to the procurement activity. The authorization may not be delegated below the Commanding Officer.

Requisitioner Duties And Responsibilities: OPNAVINST 5100.23C (Ashore) provides that the requisitioner is responsible for advising the Contracting Officer that the contract will involve deliverables containing hazardous material. Most Navy activities should have "Activities Authorized Hazardous Material Use Lists" (AUL) in accordance with OPNAVINST 4110.2.

Subj: HAZARDOUS MATERIAL AND HAZARDOUS WASTE DISPOSAL
CONTRACTING (Continued)

Requisitions for non-standard hazardous material shall be accompanied by a completed NAVSUP Form 87 to facilitate stock number assignment. Procurement activities shall forward NAVSUP Form 87 to Naval Inventory Control Point, Code 0562, Mechanicsburg, PA 17055 or Naval Inventory Control Point, Philadelphia, PA 19111 in accordance with NAVSUPINST 4410.50B, Elimination of Local Stock Numbers, of 3 MAR 93.

Identification of Hazardous Material is a function of the Technical Screening Process. FED-STD-313C provides identification of hazardous items by Federal Supply Class and requires an MSDS be submitted for all items listed in Table I (FSC 6810, 6830, 7930, 8010, 8040, 9110, etc.) and for items listed in Table II if the items have one or more of the characteristics of a hazardous material (e.g., asbestos, mercury, polychlorinated biphenyls, flash point below 200 degrees F, produces fumes, vapors, mists or smokes during normal operation, flammable solid, radioactive, formaldehyde, classified as hazardous, etc.). Technical screeners shall clearly indicate on the requisition that the item being ordered is hazardous (e.g., affix hazard warning label, hazardous stamp, etc.).

Subj: HAZARDOUS MATERIAL AND HAZARDOUS WASTE DISPOSAL
CONTRACTING (Continued)

Contracting Officer Duties and Responsibilities: When acquiring hazardous materials, the Contracting Officer shall include the clause at FAR 52.223-3, "Hazardous Material Identification and Material Safety Data" (JAN 1997). This FAR clause requires the offeror to certify that the material is/is not hazardous. The apparent successful offeror further agrees to submit, prior to award, a Material Safety Data Sheet (MSDS) meeting the requirements of 29 CFR 1910.1200(g) and the latest version of FED-STD 313, for all hazardous material identified in the clause. Failure to submit the MSDS prior to award may result in the Offeror being considered non-responsive and ineligible for award.

The Contracting Officer shall also include the clause at DFARS 252.223-7001, "Hazard Warning Labels", which requires the offeror to submit compliant hazard warning labels for hazardous material not covered by specific statutes. These statutes include: (1) Federal Insecticide, Fungicide, and Rodenticide Act; (2) Federal Food, Drug, and Cosmetics Act; (3) Consumer Product Safety Act; (4) Federal Hazardous Substances Act; and (5) Federal Alcohol

Subj: HAZARDOUS MATERIAL AND HAZARDOUS WASTE DISPOSAL
CONTRACTING (Continued)

Administration Act. The Offeror shall submit the label prior to award with the Material Safety Data Sheet.

DoDINST 6050.5 establishes that the Contracting Officer is responsible for forwarding the MSDS and a copy of the manufacturer's compliant hazard warning label to Naval Environmental Health Center (NEHC), the DoD Components' HMIS focal point. In addition, contracting activities shall reference FED-STD-313C (Mar 1988), or the edition in effect on date of issuance, in commodity specifications, contracts, and purchase documents for hazardous materials to assure inclusion of adequate requirements and clear instructions to contractors for the preparation and submission of the Material Safety Data Sheet (MSDS). Contracting officers shall provide NEHC a copy of the MSDS with the following information: (1) Contract Numbers; (2) National Stock Number (NSN); (3) Specification Number; and (4) Technical Point of Contact for the Procuring Activity. Contracting officers shall retain a copy of the MSDS in the contract file with a notation the date forwarded to NEHC.

Subj: HAZARDOUS MATERIAL AND HAZARDOUS WASTE DISPOSAL
CONTRACTING (Continued)

The Contracting Officer shall include DFARS 252.223-7006, "Prohibition on Storage and Disposal of Toxic and Hazardous Materials" in all solicitations and contracts for the offsite treatment or disposal of hazardous waste from a facility under the jurisdiction of the Secretary of Defense entered into with an owner or operator of a hazardous waste treatment or disposal facility

Offsite treatment or disposal of hazardous waste from a facility under the jurisdiction of the Secretary of Defense entered into with an owner or operator of a hazardous waste treatment or disposal facility. This clause requires that contractors and subcontractors performing hazardous waste treatment or disposal services for DoD reimburse and indemnify the Government for any damages caused by the contractor or subcontractor's negligence or breach of contract.

Contractor Duties and Responsibilities:
For each hazardous item procured, the contractor shall be required to complete an MSDS and provide it to the procuring activity as part of the contract. FED-STD-313C requires that in addition to any other MSDS requirements in the contract, contractors also shall submit one copy of each MSDS to:

NAVSUPINST 4200.85D

Subj: HAZARDOUS MATERIAL AND HAZARDOUS WASTE DISPOSAL
CONTRACTING (Continued)

Navy Environmental Health Center (NEHC)
Attn: HMIS Code 341
2510 Walmer Avenue
Norfolk, Va. 23513-2617

Exceptions: See topics relating to Asbestos and
Asbestos-Containing Materials and Ozone
Depleting Substances (Class I), for
specific guidance.

References: 29 CFR 1910.1200(g)
FED-STD-313C
DoDINST 6050.5-G-1 (series)
SECNAVINST 5212.10A (series)
OPNAVINST 4110.2 (series)
OPNAVINST 5100.19C (series)
OPNAVINST 5100.23C (series)
NAVSUPINST 4410.50B (series)
FAR 23.3
DFARS 223.3
DFARS 223.70

Subj: INDUSTRIAL PLANT EQUIPMENT

General Rule: Navy buying offices shall no longer accept Procurement requests for Federal Supply Group (FSG) 34, Industrial Plant Equipment (IPE). All such requests, regardless of dollar amount, shall be forwarded to Defense General Supply Center (DGSC), Richmond, VA, for procurement action.

Exceptions: Waivers may be granted by DGSC on a case-by-case basis. DGSC IPE point of contact is Mr. Pat James, DSN 695-3374.

Reference: DFARS 245.3
FARS 208.7003-1 (DAC 91-9), DFARS Case 95-D-005 Final rule
NAVSUP Policy Ltr 98-11, 98-33
SECDEF Memo 11 Dec 95

Subj: INFORMATION TECHNOLOGY

General Rule:

Section 508 of the Rehabilitation Act requires that when Federal departments or agencies develop, procure, maintain or use Electronic and Information Technology (EIT), they must ensure that the EIT allows Federal employees with disabilities to have access to and use of information and data that is comparable to the access and use afforded to other Federal employees who are not disabled.

Navy Marine Corps Intranet (NMCI) transition is underway and Commands have begun transitioning their current networks to NMCI.

To ensure a smooth transition period, and to avoid the potential for duplication of expenditures for IT capabilities that are available under the NMCI contract, it is essential that all Navy Marine Corps contracting activities monitor and control the award, modification and use of IT contracts. All prospective IT procurements in excess of \$25,000 up to and including 100,000 (over the life of the contract) including orders to be placed on existing contracts by activities under your cognizance. All such contracts approved for award shall be reported to the NMCI Procuring Contracting Officer (PCO) to be reviewed for possible inclusion in future NMCI contract modifications as appropriate.

Requirements statements for all such Prospective procurements exceeding \$100,000 in value (over the life of the contract) to Deputy Assistant Secretary of the Navy (DASN) (Acquisition and Business Management (ABM) and DASN (C4I via NMCI PCO for technical requirement review. Requirements statements shall:

INFORMATION TECHNOLOGY (continued)

be forwarded as soon as possible in order to prevent schedule based default decisions.

Provide justification of the timeline for the needed capability and how the alternative contract will provide capability faster.

Provide an acquisition plan for transitioning the procured capability to NMCI as appropriate

Conduct such reviews prior to issuance of a solicitation if feasible, but in any event , prior to purchase, modification or award of a contract. The requirement for reviews shall remain in effect until activities have fully transitioned to NMCI.

Not award any new requirements-type contracts for IT capability (hardware software, or services)that is available under the NMCI contract.

Excluded from these reviews are purchases/orders: Local voice services Top Secret or compartmentalized Information Cryptologic related activities related to national security systems Computer resources, both hardware and software, that are physically part of, dedicated to, and essential in real time to the mission performance of a weapons

INFORMATION TECHNOLOGY (continued)

system or a shipboard system related to the Information Technology for the Twenty-First Century (IT-21) effort. (Note: Shore-based embarkable/deployable workstations, portable computers, laptop computers, etc. are not included in this exemption.)

Reviews should ensure prospective purchases/contracts are only for IT capabilities that are unavailable under the NMCI contract, and the proposed action(s) meet one of the following criteria:

The HCA determines that specific hardware, software, or IT services are essential to successful execution of a command or program initiative and it is clearly needed before it can be delivered under the NMCI contract. The NMCI Procuring Contracting Officer (PCO) must verify that the delivery schedule cannot be modified accommodate this need; or

The proposed contract action(s) is (are) for IT services for which the period of performance will expire before the requiring activity transitions to NMCI (or within a reasonable time thereafter, as agreed to by the NMCI government management office and the requesting official).

INFORMATION TECHNOLOGY (CONTINUED)

In any case, all applicable IT procurements should be evaluated prior to release for competition or award to resulting contracts for IT services do not bind the Government for long periods without an appropriate exit strategy that will accommodate future NMCI implementation. Requiring and contracting officials should ensure that procurement of IT infrastructure are limited, to the extent feasible, to current and future short-term need rather than longer term major growth requirements which may ultimately become available under the NMCI contract. Although the NMCI contract does not contain priced items related to support or improvement of legacy systems, the contract does include provisions allowing the NMCI contractor to perform such efforts. To utilize this feature of the contract requires the submission of a specific statement of work to the contractor who in turn prepares a separately priced item for consideration by the contracting officer. With respect to such requirements the NMCI contractor is NOT a MANDATORY or PREFERRED source and DoN activities may obtain legacy support and improvement for other sources. In such cases, selection of a contractor should be determined considering the best value to the Government.

INFORMATION TECHNOLOGY (continued)

This process for procurement of legacy system support is provided as an example and should be applied as well to procurement of other services which are listed and not priced in the NMCI contract.

References:

FAR Part 39
FAC 97-27
Section 508 Rehabilitation Act
ASN(RDA)memo of Oct 19, 2000 and
ASN(RDA)memo of Dec 29, 2000
ASN(RDA)memo of Oct 18, 2002

Subj: INVESTMENT ITEMS

General Rule: Requisitions for investment items whose unit price exceeds \$250,000 should not cite Navy Working Capital Fund (NWCP).

Definitions: Non-centrally managed items having a unit value greater than \$250,000 are to be classified as investments

Exceptions: None.

References: DASN (FM&C)Memorandum for Distribution of 18 March 2003.
USD(C) Memo of 11 March 2003
Public Law 108-7, Consolidated Appropriations Resolution, 2003
Department of the Navy Financial Management Policy Manual

Subj: LIGHT REFRESHMENTS AT CONFERENCES

GENERAL RULE: Appropriated funds are NOT authorized to pay for light refreshments at conferences.

Note: Activities are reminded that, absent affirmative statutory authority, conference fees may not be collected and used to offset the cost of the conference or to reimburse or supplement the appropriation from which the conference is funded.

EXCEPTIONS: Use of appropriated funds to pay for food under other authorities, such as those relating to training (5 USC 4109 for civilians and 10 USC 2013 for uniformed personnel.

REFERENCES: ASN (FM&C) memo of 18 April 2003
CompGen Decision B-288266 of 27 Jan 03
OASN (FM&C) Memo 7150 FMB-56 of 31 May 00.
JTFR U2550
JTR C4950
CompGen Decision B-223319 of 21 July 1986

Subj: LODGING AND MEALS

General Rule: The purchase of lodging and meals for individual employees on temporary duty is not authorized. Employees on temporary duty are responsible for arranging, obtaining and paying for their own lodging and meals. Each employee then submits a voucher detailing expenses, and is reimbursed on the basis of the voucher, as provided in the Joint Travel Regulations (JTR). This is the usual method of incurring and paying for travel expenses.

Exceptions:

1. When it is in the best interest of the Government, the Contracting Officer may enter into a contract with a commercial concern for rooms or meals, or both, for employees on temporary duty as there is no express prohibition in doing so other than the restriction on the rental of space in the District of Columbia. However, the statutory or regulatory limitations on per diem rates or actual expense rates are equally applicable to contracts or purchase orders entered into by agencies for lodging or meals.

Naval Reserve activities are Reservists during authorized drill periods. Constraints on reservist eligibility and maximum price per reservist meals are contained in the references below.

References: B-195133, 60 Comp. Gen. 181, 19 JAN 81
40 U.S.C. 34 (1976)
BUPERSINST 1001.39 (series)

Subj: LUGGAGE

General Rule:

The purchase of luggage for employees or service members for carrying personal belongings while on official travel orders is not authorized. The prohibition is based on the principle that normally, the purchase of luggage is a personal expense. Not included in the prohibition are seabags issued to service members and briefcases, etc., furnished for the express purpose of carrying official documents associated with duties of the Service member or employee. In addition, furnishing luggage as a travel expense is also prohibited.

Exceptions:

Where an employee is required by his official duties to perform extensive travel requiring luggage, a determination may be made that it would be unreasonable to require the employee to furnish luggage at his own expense. Thus, appropriated funds may be used to buy luggage for such employees performing excessive travel, but only on the conditions that (1) the luggage would become Government property, (2) be stored in Government facilities, and (3) not be used for any personal business. What constitutes excessive travel is not precisely defined. However, in the Comptroller General decision cited below, service members were on official travel 26 weeks each year. The Comptroller General emphasized that the purchase of luggage would be permitted only in highly unusual circumstances.

References:

Comp. Gen. B-200154, Unpublished, 12 FEB 81

Subj: MEDICAL AND DENTAL CARE FROM CIVILIAN NON-FEDERAL SOURCES

General Rule: The purchase of medical or dental care for active duty or retired personnel and dependents is discussed under "Personal Services". Claims for reimbursement from individuals who have defrayed the expense of authorized care will be paid on Standard Form 1164, Claim for Reimbursement of Expenditures on Official Business.

Exception: One noted exception is for Navy Recruiting Commands use of pre-induction physicals for recruits. U.S.C. 7901 provides that agencies have specific authority to include medical examinations, including pre-employment exams without charge to applicants in the health programs they are authorized to establish.

References: DOD 7000-14R, Volume 5

Subj: MEMBERSHIP DUES

General Rule: The purchase of club, association, organization, etc., memberships which solely benefit individual Government employees or officers, and not their agency or activity is prohibited.

Exceptions: The use of appropriated funds for membership dues for an activity or agency is permissible if the membership contributes to the fulfillment of the mission of the activity or agency. The payment of membership dues for an individual is authorized only by specific appropriations, by express terms in a general appropriation, or in connection with employee training pursuant to 5 U.S.C. 4110.

References:

- 5 U.S.C. 5946
- 5 U.S.C. 4110
- 24 Comp. Gen. 814, 1945
- 31 Comp. Gen. 398, 1952
- 33 Comp. Gen. 126, 1953
- 57 Comp. Gen. 526
- 53 Comp. Gen. 429
- DoD FMR Vol 5

Subj: NAVY EXCHANGE PURCHASES

General Rule:

The purpose of the military exchanges and other morale, welfare and recreation activities is to provide goods and services to enhance the quality of life of service members and their families.

Pursuant to 10 U.S.C., DOD Exchanges and other NAFIs are authorized to contract with Federal Agencies to provide goods and services beneficial to the efficient management and operation of the exchange or NAFI activity.

Policy:

Contracting Officers must continue to screen all requirements for their availability from the mandatory government sources of supply identified in FAR 8.001. Supplies and services available from exchanges or NAFIs are not considered agency inventories for the purpose of this enclosure.

Contracting Officers are reminded that the purchase card is the preferred method of accomplishing micro-purchases including those from exchanges or NAFIs. Micro-purchase requirements must be rotated among qualified suppliers. Purchases above the micro-purchase threshold must be competed to the maximum extent practical. Also, contracting with exchanges or NAFIs does not automatically establish price reasonableness. Contracting Officers must independently determine exchange or NAFI prices fair and reasonable.

Subj: NAVY EXCHANGE PURCHASES(Continued)

When contracting with exchanges or NAFIs the provisions of OMB Circular A-76 apply, NAFI performance of a commercial activity is considered "in-house" or Inter-Service Support (ISSA) performance. For additional guidance on A-76 applicability, see NAVSUP Policy letter SA 98-20.

The present rules for contracting with exchanges and NAFIs OCONUS (including Hawaii and Puerto Rico) remain unchanged. The restrictions of 10 U.S.C. 2423 and 2424 still apply. The specific limits are as follows:

- a. The contract or purchase order cannot exceed \$50,000.
- b. Supplies provided shall be from stock of the exchange on hand as of the date of the contract or purchase order.
- c. The contract may not provide for the procurement of services not regularly provided by the exchange.

References:

10 U.S.C. 2423 and 2424
10 U.S.C. 2482a
ASN (RD&A) Memo of 18 Nov 97
FAR 8.001
OMB Circular A-76
NAVSUP Policy Ltr SA 98-20

Subj: OZONE DEPLETING SUBSTANCES (ODS), Class I

General Rule:

All contracts, delivery orders and purchase orders containing a requirement for, or a requirement that can only be met by the use of a Class I Ozone Depleting Substance (ODS) are subject to Section 326 of Public L.102-The Law requires the approval of the Senior Acquisition Official (SAO) within the requiring activity (or the requiring activity chain of command) prior to award. The SAO approval is based upon a certification by an appropriate technical representative (ATR) that the specification or standard has been reviewed and contains a Class I ODS for which there is no known substitute.

Class approvals for the use of various ODS for specific applications have been executed by the hardware systems commands. If a procurement package includes a requirement for an ODS covered by a class approval, the approval number should be referenced in the requisition. All activities should be aware that these class approvals have expiration dates.

The burden for review and certification is on the Government; therefore, contractor certifications may not be substituted.

Subj: OZONE DEPLETING SUBSTANCES (ODS), CLASS I (Continued)

NMCAG clause G5252.211-9000 (NOTICE TO OFFERORS --USE OF OZONE DEPLETING SUBSTANCES), however, may be included in RFPs, when appropriate, to encourage offerors to bring the existence of ODS to the Government's attention. Activities are advised to discontinue using unauthorized ODS clauses, especially if the clauses create a burden for contractors. Contracting Officers may assume (unless they have knowledge to the contrary) that no Class I ODS is required if neither an approval nor a determination is included in the procurement package.

Exceptions:

1. This prohibition does not apply to requisitions from the stock system.

2. If commercial items are being procured in accordance with contractor specifications, then the Government need only review the requirement for ODS if the Government adds technical requirements to the contractor specifications. This is because the Government would only control the specifications for the requirement if the Government added technical requirements to the commercial specifications. This exemption, however, does not apply to the procurement of known ODS substances. Compliance with ODS guidance is a special interest item of the Naval Audit Service.

References:

NMCAG G5252 Use of Ozone Depleting Substances

Subj: PERSONAL SERVICES

General Rule:

Contracting for personal services may circumvent congressionally imposed limitations on personnel ceilings or may violate the Veterans Preference Act and the Civilian Personnel classification Act.

Some of the elements which may indicate a personal service contract relationship is being established are:

- (a) Contractor performance is required on a Government site;
- (b) Principal tools and equipment are furnished to the contractor by the Government;
- (c) Services are to be applied directly to an integral effort of the agency or any organizational subpart in furtherance of assigned function or mission.
- (d) Comparable services, meeting comparable needs, are performed in the same or similar agencies using civil service personnel;
- (e) The need for the services can reasonably be expected to last beyond one year;

Subj: PERSONAL SERVICES (Continued)

(f) The nature of the services or the manner in which the services are provided reasonably requires, directly or indirectly, Government direction or supervision of the contractor's employees.

Of the above six elements, the last, (supervision or direction of contractor's employees) is the most critical and far exceeds all others in importance. In short, a contract which in effect creates an employer-employee relationship is a contract for personal services and may not be entered into by a Navy contracting officer.

Exceptions:

1. A personal services contract may be used to provide direct health care services approved by BUMED in accordance with BUMED Instruction 4283.1 (series). Health care contracting will be used to satisfy beneficiary needs in the following circumstances:

(a) When efforts to reprogram resources have been exhausted;

(b) When a need for health care resources or services is recognized and health care contracting is the optimum solution;

(c) When the cost for alternative care presently available exceeds the estimated cost of contracted care;

Subj: PERSONAL SERVICES (Continued)

(d) When the contracted care does not conflict with the primary readiness mission;

(e) When funding is available.

DFARS 237.104(b)(ii) provides the policy and procedures for the acquisition by contract, pursuant to 10 U.S.C. 1091, of the personal direct health care services from individuals or firms.

2. A personal services contract may be used when authorized by an appropriation or other statute in accordance with 5 U.S.C. 3109.

References:

Lodge 1858 AFGE v. Webb 580 F.2d 496 (D.C. Cir. 1978); March 1978 (cert. denied U.S. Supreme Court October 1978)
FAR 37.104
DFARS 237.104
5 U.S.C. Section 3109
BUMEDINST. 4283.1 (series)

Subj: PESTICIDES

General Rule:

Purchases of pesticides (such as insecticides, rodenticides, herbicides, weed and feed products, fungicides, wood preservatives, Repellents, etc.), pesticide application shall be in strict accordance with OPNAVINST 6250.4B/CMC (LFL), "Pest Management Programs". Purchases of pesticides and pest control services shall be approved in advance by the responsible Naval Facilities Engineering Command Division (NAVFAC).

Purchases of pesticides and skin/clothing repellents or pest control services to control potential disease vectors (e.g., mosquitoes or ticks) or shipboard pests, shall be approved in advance by the responsible BUMED medical entomologist.

Requests to responsible pest management professionals shall include a brief specification for integrated pest management services (not scheduled treatments). Quality assurance levels and in the case of termite control, a warranty, shall be provided. NAVFAC or BUMED pest management professionals will assist installations to ensure that service providers are properly licensed and that each applicator has commercial grade accreditation that meets state and Navy standards to apply restricted use pesticides without supervision.

Subj: PESTICIDES (continued)

Purchases for pesticide applications shall be reported monthly per OPNAVISNT 6250.4B. The list of pre-approved pesticides for recurring requirements for safe, compliant procurement as well as storage, mixing, application, disposal and application reporting of pesticides. Some EPA-registered pesticides including water-treatment chemicals, paints containing "FIFRA"-regulated pesticides and other biocides are excluded for the scope of OPNAVINST 6250.4B. The installation environmental coordinator shall approve procurement of these materials in advance.

Exceptions:

None.

References:

OPNAVINST 6250.4A(series) dtd. 11/28/90
ALSO SEE "HAZARDOUS MATERIAL"

Subj: PLAQUES, ASHTRAYS, GREETING CARDS, PAPERWEIGHTS, AND
OTHER MEMENTOS AS GIVE-AWAY ITEMS

General Rule:

The use of appropriated funds to buy give-away items such as plaques, cuff links, bracelets, ashtrays, greeting cards, paper-weights, cigarette lighters, novelty trash-cans, key-chains and similar mementos is prohibited. All such give-away items are viewed by the General Accounting Office (GAO) as personal gifts, the purchase of which does not constitute a necessary and proper use of appropriated funds. GAO has long held that appropriated funds may not be used to acquire items that are not specifically set forth in an appropriation act.

Exceptions:

The only exception for purchasing give-away items is when there is a direct connection between such items and the purpose for which the appropriation was made, and if the item is essential to the carrying out of such purposes.

Official Representation Funds. If a requiring activity has received an expense operating budget of official representation funds, the funds may be used to purchase mementos, of a nominal cost used in connection with official ceremonies, dedications or functions. Such mementos may not exceed \$200 in cost. The mementos must be command mementos such as plaques and not personal items. Such mementos will not be presented to DoD personnel.

Subj: PLAQUES, ASHTRAYS, CHRISTMAS CARDS, PAPERWEIGHTS, AND
OTHER MEMENTOS AS GIVE-AWAY ITEMS (Continued)

In all cases when items are presented within the authority of SECNAVINST 7042.7J, a complete record must be maintained by the authorization or sub-authorization holder to include the name of the recipient and the reason for the presentation.

Awards Military Personnel.

Appropriated funds may be used to purchase medals, trophies, badges, and similar devices for award to members of the armed forces, military units, or agencies for excellence in accomplishment or competition (excluding sports and welfare activities). The end of a tour of duty alone is not sufficient justification for presentation of a plaque, unless superior professional performance is being recognized concurrently. Badges or buttons are authorized in recognition of military personnel for special services, good conduct and discharge under conditions other than dishonorable.

Awards to Civilian Personnel.

Appropriated funds may be used to purchase plaques to be given to civilian employees as authorized awards for recognition of special contributions or in conjunction with employee recognition programs.

NAVSUPINST 4200.85D **Subj: PLAQUES, ASHTRAYS, CHRISTMAS CARDS,
PAPERWEIGHTS, AND OTHER MEMENTOS AS GIVE-AWAY ITEMS (Continued)**

References:

SECNAVINST 3590.4 (series), Award of
Trophies and Similar Devices in
Recognition of Accomplishments
SECNAVINST 7042.7 (series), Guidelines
For Use of Official Representation Funds
5 CFR Part 451
DoD 1348.19 (series), Award of Trophies
and Similar Devices in Recognition of
Accomplishments
55 Comp. Gen. 346
U.S. General Accounting Office, Office
of General Counsel, Principals of
Federal
Appropriation Law, 2'nd Ed, Jul 91,
Vol 1, Chap 4, Section 8

Subj: PLASTICS ABOARD SHIP

General Rule:

The purchase of plastic, plastic products and packaging material containing plastic is discouraged for use aboard ship. The Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220) implements Prevention of Pollution from Ships as modified by the Protocol of 1987 (MARPOL73/78). The Act restricts overboard discharge of all solid waste near coasts; and prohibits discharge of plastics worldwide. The Act also requires the Navy to fully comply by 31 December 1998 for surface vessels. Fleet Commanders have instructed all ships to segregate plastic waste from non-plastic waste and store the plastic waste onboard for disposal and/or recycling ashore. The Act requires ships to store non-contaminated plastic waste for 20 days, and to store food-contaminated plastic waste for the last 3 days at sea. "Violation is a felony."

To reduce the amount of plastic waste generated at sea, the Office of the Chief of Naval Operations, issued the "Ships Guide for Shipboard Solid and Plastic Waste Management", June 1991. The guide provides available non-plastic alternatives for common plastic items and their NSN numbers. NAVSUP has established the PRIME Program Office to reduce plastic products intended for shipboard use and assist the fleet in complying with the Public Law.

Subj: PLASTICS ABOARD SHIP(Continued)

The Technical Screening Expert System (TSES) distributed by NAVSUP 4243, contains the complete list from the Ships Guide. When a stock number containing plastic is requested, TSES provides the full description and stock number of the non-plastic alternatives.

Technical Departments are encouraged to offer these non-plastic alternatives to ships to reduce the amount of plastic waste generated at sea.

Exceptions:

None

References:

Public Law 100-220
OPNAVINST 5090.1 (series)
NAVSUPINST 4030.54 (series)
CINLANTFLT INST 5090 (series)

Subj: POST OFFICE BOX RENTAL

General Rule: Advance payment of post office box rentals is authorized on an annual basis.

Policy: Charges for post office box rental are handled by the following procedure. A box rented before the beginning of the fiscal quarter must be rented for no less than a full quarter. The United States Postal Service will not refund a portion of the rental if the box is surrendered before the end of the rental period. This policy applies to advance payments of box rent made on a quarterly or annual basis. The US Postal Service bills on its Notice 32, the renting activity will forward the PON-32 to the local disbursing officer certified for payment, and will furnish all the required accounting data including the appropriation current for the fiscal year to which the rental applies. The disbursing officer will then prepare NAVCOMPT Form 2277 and attach the PON-32. No payee certificate is required. Note that the rent is paid in advance, annually for each fiscal year. Make the check payable to "Postmaster".

Exceptions: None.

References: DOD FMR Vol 5
DOD Fin. Mgmt Reg., Volume 10, Section 040105
25 Comp Gen 834 (1946)
34 Comp Gen 191 (1954)

Subj: PRINTING AND DUPLICATION

General Rule:

Contracting activities are not authorized to purchase printing or duplication services unless specifically approved in writing by the cognizant office of the Defense Automated Printing Service (DAPS). All questions concerning definitions of printing, duplicating, etc., should be referred to DAPS.

DAPS facilities located in non-U.S. countries are authorized to contract (with delegated procurement authority from the cognizant purchasing activity) for printing which both originates in and delivers to non-U.S. locations. Printing procurement in the U.S. is strictly controlled and must be forwarded to the Government Printing Office (GPO). DAPS is the only authorized conduit to the GPO for the DON.

DAPS is the final Navy authority concerning the applicability of the above provisions.

Exceptions:

1. "Off the shelf" publications produced by commercial concerns and regularly carried as stock items or commercial use are not considered "printing" and are not governed by the above provisions.

2. Commercial manuals (such as manuals accompanying commercially available bulldozers) are also excluded from the above provisions.

NAVSUPINST 4200.85D

Subj: PRINTING AND DUPLICATION (continued)

References:

FAR Subpart 8.8
JCP Congress of the U.S. #26, dtd FEB
90
PL 102-392, Section 207, dtd 06 OCT 92
DoD Directive 5330.3 (series)
NAVSO P35 (rev May 79)

Subj: PURCHASE FROM GOVERNMENT EMPLOYEES OR BUSINESSES OWNED OR CONTROLLED BY GOVERNMENT EMPLOYEES

General Rule: Purchases from government employees (military or civilian) or from business organizations substantially owned or controlled by Government employees is prohibited. For purposes of this prohibition, the question of whether a business organization is "substantially owned or controlled" by Government employees must be made on a case-by-case basis. Where a business is owned or is part of employee's household, the Government employee is obligated to make full disclosure and to disqualify himself or herself from all aspects of the procurement. Doubtful cases should be referred for advice to the cognizant Counsel servicing the purchasing activity.

Exceptions: In the case of most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied, the contracting officer must refer the case to the Head of the Contracting Activity (HCA) via the cognizant regional contracting activity. Only the HCA can approve the requested exception to the general prohibition. For activities exercising NAVSUP contracting authority, the HCA is Commander, Naval Supply Systems Command.

References: FAR 3.601
NMCARS 5203.602

Subj: REFRESHMENTS PROVIDED IN THE WORKPLACE (PURCHASE OF BEVERAGE AND/OR FOOD ITEMS)

General Rule: The purchase of refreshment items for Government employees is **NOT** authorized.

The General Accounting Office has held that serving coffee or other refreshments may be desirable, but cannot be said to be a "necessary expense" as provided by various appropriation acts.

Definition: The term "refreshments" extends to all Concession related items beverages snacks/finger foods, plastic ware forks, knives, spoons, dishes) and paper products (napkins, paper plates, paper cups). Further examples of prohibited items include but are not limited to: bottled or spring water, milk, coffee, tea, juices, sodas, pastries, donuts, pretzels, bagels, and other party or concession type items.

This general prohibition also extends to refreshments served at official ceremonies (e.g., retirement, change of command, commissioning, VIP receptions, etc.) with the following exceptions.

Exceptions:

1. Navy recruiters buying meals for recruiting applicants as an "out-of-pocket expense" under the guide-lines of COMNAVCRUITCOMINST 4400.1A (series)

Subj: REFRESHMENTS PROVIDED IN THE WORKPLACE (PURCHASE OF BEVERAGE AND/OR FOOD ITEMS)(continued)

2. Official representation funds may be used for official entertainment, but only under the guidelines of SECNAVINST 7042.7J.

3. Centers of Influence (COI) events that involve furnishing meals to civilians (not Government employees) by contract to a restaurant under the guidelines of COMNAVCRUITCOMINST 4400.1A (series).

Centers of Influence" are individuals within the civilian community who are in a position to influence the attitude of prospective recruits toward the Naval Service.

References:

B-163764, 47 Comp. Gen. 657, 17 MAY 68
B-152331, 43 Comp. Gen. 305, 26 SEP 73
SECNAVINST 7042.7H (series)
COMNAVCRUITCOMINST 4400.1A (series)
Chapters 5 and 6
NAVSEA Publication S6161-Q5-CAT-010
Naval Shipboard Food Service Equipment
Catalog
NAVSUP Publication 486, Vol I & II,
Food Service Management -- General
Messes
BUPERSINST 1710.13A (series) dtd 8-8-96
Navy Club Food, Beverage, and
Entertainment Operations

Subj: REPROGRAPHIC EQUIPMENT

General Rule:

The purchase, lease, rental, trial, replacement, or change in rental or lease plan of reprographic equipment is not authorized unless the requestor has complied with the requirements of the Navy Reprographic Equipment Program. The requestor must obtain written approval from the cognizant Defense Automated Printing Service (DAPS) for all shore copying equipment with speeds of 71 or more copies per minute. The letter of approval must be annotated on the purchase request, as well as on the contract document, purchase order, or delivery order. The cognizant DAPS is the office normally servicing your activity. Your servicing DAPS can generally provide historical data, and upon request can provide copier cost data.

NAVSUPINST 5600.24, Shipboard Copier Program (SCP), provides information, guidance, and procedures for shipboard reprographics. No written approval is required from DAPS under the SCP.

Reprographic Equipment consists of:
Copying equipment with speeds of 71 or more copies.
Analog copiers
Multifunctional Device (MFD) printers
All high speed laser printers and copiers

Subj: REPROGRAPHIC EQUIPMENT (Continued)

Requirements for copiers, parts, and supplies/consumables (excluding paper) for all ships and crafts of the US Navy, US Fleet Marine Forces and selected ships of the Military Sealift Command are to be ordered from GSA contracts.

Exceptions:

Not applicable to Marine Corps activities, except for requirements for high-speed copiers with speeds of 71 or more copies per minute, and Afloat unit requirements.

References:

SECNAVINST 5600.22 (series)
OPNAVINST 5600.21 (series)
NAVPUBINST 5600.44 (series)
NAVSUPINST 5600.24 (series)

Subj: SENSITIVE COMPARTMENTED INFORMATION IN CONTRACTS

General Rule: Negotiations that will include requirements for contractor access to Sensitive Compartmented Information (SCI) shall not begin unless the customer has coordinated the requirement with Commander, Office of Naval Intelligence (ONI), Code 522.

Exceptions: None.

Reference: SECNAVINST C4200.35

Subj: SHIPBOARD HABITABILITY EQUIPMENT, INCLUDING FURNITURE,
LAUNDRY/DRY CLEANING AND FOOD SERVICE EQUIPMENT

General Rule:

Only furniture, laundry and dry cleaning, and food service equipment in the following categories may be procured for installation in afloat units:

1. Furniture found in S9600-AD-GTP-010, US Navy Shipboard Furniture Catalog, with Change A;
2. Laundry and dry cleaning equipment found in S6152-B1-CAT-010, Navy Laundry and Dry Cleaning Catalog;
3. Food service equipment found in S6161-Q5-CAT-010, The Shipboard Food Service Equipment Catalog; and
4. Habitability equipment as discussed above, manufactured in accordance with Navy standard and hull type drawings, military, federal, or authorized commercial specifications, and/or proven by certified test and evaluation or approved and controlled shipboard performance testing use.

NAVSUPINST 4200.85D

**Subj: SHIPBOARD HABITABILITY EQUIPMENT, INCLUDING FURNITURE,
LAUNDRY/DRY CLEANING AND FOOD SERVICE EQUIPMENT
(Continued)**

Exceptions: None, unless review and approval has been obtained prior to procurement, from the Life Cycle Equipment Manager (LEM) at the Ship Systems Engineering Station, Carderock Division, Naval Surface Warfare Center (NSWC SSES 9724).

References: NAVSURFWARCEN SHIPSYSENGSTA
Philadelphia, PA, 251930A, JUN 93

Subj: TRAINING

General Rule:

Training which is regularly scheduled, open to the general public and priced the same for everyone, should be authorized and obtained by the training officer on a Request, Authorization, Agreement, Certification of Training and Reimbursement (DD Form 1556). This action does not involve a contracting function.

The purchase card shall be used in conjunction with the DD Form 1556 as a method of payment for training up to \$25,000. When using the purchase card as a method of payment against the DD Form 1556, the training/financial officer shall ensure that block 27 of the form reflects the fact that payment will be made by the Purchase Card. For command specific training, the command has the flexibility to establish local procedures regarding the amount of cardholder information to be included on the DD Form 1556. Cardholder information is however, covered under the Privacy Act and must be protected accordingly. Activities shall follow local procedures for obligating funds and all obligations shall be recorded in the activity's financial system prior to issuance of the DD Form 1556.

Subj: TRAINING (continued)

In the case of training that is developed for and attended by only Navy personnel (military and/or civilian), the authorized contracting officer may contract for the course on behalf of and as requested by the training officer. The purchase card can be used for open market training up to \$2,500.

References:

NAVSUP Policy letter, SA 99-17

Subj: TRANSPORTATION

General Rule:

Ordering freight transportation services is a function of your activity material transportation officer who may issue a Government Bill of Lading (GBL) to effect movement of supplies.

During CY00, CONUS Navy Transportation Offices are being implemented on the PowerTrack system and they will no longer require a separate authorization (Commercial Forms and Procedures Account) to cut CBLs. This is because all shipping documentation will be performed using CBLs vice GBLs. NAVTRANS coordinates all actions required to implement PowerTrack at Navy freight shipping activities, including the approval and establishment of all Navy PowerTrack accounts.

Logistics shipments (defined as shipments of material not identified as administrative shipments). When approved by NAVTRANS and in accordance with the Defense Transportation Regulation (DTR), Part II, Cargo Movement, the use of Commercial Bills of Lading (CBLs) vice Government Bills of Lading (GBLs) is authorized. Under normal circumstances, the activity transportation officer will process these requirements.

Subj: TRANSPORTATION (Continued)

If you have no transportation officer, the activity that performs transportation officer services for you will process these requirements. To use CBLs for Navy freight shipments, a commercial Forms and Procedures Account is required and must be obtained by contacting:

Navy Operational Logistical Support
Center (NOLSC) Transportation
Code 032C
1667 Piersey Street
Norfolk, VA 23511-2806
DSN 646-5469
COM (757) 443-5469

For Prepay and Add procedures, see Chapter 5, paragraph 2.e.(2)(b) of this instruction.

Administrative Shipments.
Administrative shipments consist of items such as: general correspondence, personnel records, payroll records, laboratory samples (except whole blood and urine samples which are paid by SWT), electronic storage media (computer tapes, floppy discs, compact discs, videos), blueprints, legal/financial/recruiting/contracting or similar documents, and technical manuals not requisitioned directly from stock.

Subj: TRANSPORTATION (Continued)

Shipment of administrative material shall be funded by the local activity requesting shipment and will be shipped by the U.S. Postal Service (USPS) whenever possible. When use of the USPS is not possible due to size/weight restrictions and a commercial carrier must be used, the procedure is as follows:

Use the activity purchase card and cite command OM&N funds.

Exceptions:

None.

References:

Defense Transportation Regulation (DTR), Part II (Cargo Movement), Chapter 206
NAVSUP Publication 1, Volume V, Transportation of Property, Part K
DOD 4500.32-R Military Standard Transportation and Movement Procedures (MILSTAMP), Vol.

Subj: UNIFORM ITEMS

General Rule:

Uniform items that are part of the seabag are issued to Navy personnel upon enlistment and are to be replaced by the member with an annual cash allowance (Clothing Replacement Allowance). Therefore, seabag items will not be purchased with OPTAR funds except as provided below. Organizational or personal protective clothing (aiguillettes, special safety shoes, disposable coveralls, etc.) is the property of the organization, remains with the organization and is paid for with OPTAR funds.

Exceptions:

1. Seabag items can be issued or replaced as work clothing and procured using OPTAR funds for mess management specialists (e.g. tee-shirts, trousers, caps, aprons), and for personnel whose work is of a destructive nature to clothing (e.g. cleaning fuel oil tanks, entering boilers, decontamination work).
2. Shoulder Sleeve Unit Identification Marks. Initial provision is free to each attached member and paid with OPTAR funds.

Subj: UNIFORM ITEMS (Continued)

3. Nametags are optional uniform items. Appropriated funds may be utilized to purchase employee identification tags when a command determination is made justifying that their use is reasonably necessary for mission accomplishment. As with organizational clothing, these items are the property of the organization and remain with the organization. See coverage on "Employee Identification Tags."

4. Identification badges available through the supply system (e.g., Chief Master at Arms) are to be purchased with OPTAR funds.

Other identification badges (e.g., Presidential service, JCS or locally designed badges) are not to be purchased with OPTAR funds.

References:

U.S. Navy Uniform Regulations (NAVPERS 15664 (series))
31 U.S.C. 1301(a)
37 U.S.C. 415
B-237236, 69 Comp. Gen. 129, 11 DEC 89
NEXCOMINST 10120.10 (series)

Subj: UTILITY SERVICES

General Rule:

NAVFACENGCOM has cognizance over all matters pertaining to DoN acquisition of public utility services including, but not limited to, electricity, gas, water, sewerage drainage, fire and police protection street lighting and cleaning, and trash and garbage disposal

(91) contracts for the operation of Government-owned facilities by a DoN contractor that call for Reimbursement of the contractor's Utility expense shall specifically Provide for the submission of Utility subcontracts to NAVFACENGCOM For comment or approval prior to Execution of the contract.

Subj: VIDEO TELECONFERENCING (VTC)EQUIPMENT

General Rule:

Activities may procure any brand of VTC Equipment they chose. However, the chosen brand must utilize the commercial standard H.320 (Joint Services Standard) or H.323 (for I/P based VTC) in order to communicate with other Naval Activities. CNO (N611) is responsible for the Video Information Exchange System (VIXS) Tactical VTC Systems and the VIXS Network. Naval Activities wishing to procure secure VTC systems that are to be operated over the VIXS Network must obtain the appropriate approvals in accordance with OPNAVINST 2015,1 dated 2 March 1992 and ALCOM R05110Z of June 95 (DoN Naval Video Teleconferencing) the VIXS Program supports a VTC architecture that allows video conferencing between tactical (afloat)and (shore) users to conduct operational missions. All Activities should use the following guidance when procuring VTC equipment. For activities requiring non-secure VTC equipment, CNO N61 approval is not required.

Activities requiring secure VTC equipment that will not interface into the VIXS Network for operational purposes, CNO N61 approval is not required.

Subj: VIDEO TELECONFERENCING (VTC)EQUIPMENT (continued)

If requirements exist to interface into the VIZX hub to conduct multi-point conferencing, a request in accordance with ALCOM 29/95 shall be submitted for validation. Activities must have a valid justification to be approved. After CNO N61 approval is obtained, the system is procured and installed, VIXS certification must be obtained.

The DoN POC for scheduling and conducting dialup VIXS certification testing is the VIXS In Service Engineering Agent VTC Help Desk at SPAWAR System Center
Charleston Code 732
CML: 843-218-4882
DSN: 312-588-4882.

Each activity is responsible for procuring additional or initial equipment outside of the VIXS Program of Record (POR). Furthermore, a Life Cycle Management (LCM) number or a memo from the sponsor stating the activity will be responsible for maintenance and operation of the system must be on the requirement. The VIXS Program Manager at COMSPAWARSYSCOM, resourced by N611, supports the installation of one VIXS system at designed afloat locations and limited shore locations as well as the LCM for VIXS POR systems.

References:

OPNAVINST 2015.1 dated 2 March 1992
ALCOM R051410Z of June 95

Subj: VISUAL INFORMATION (VI) EQUIPMENT(continued)

General Rule: Per OPNAVINST 5290.1A, VI production equipment may not be provided to, acquired for, or used by, non-VI activities or personnel (See Definitions).

Requests for VI equipment that exceed the dollar thresholds listed below, must be forwarded through the chain of command to the appropriate Major Claimant Visual Information Management Office (MCVIMO) for approval. The MCVIMO must certify that acquisitions are in accordance with activity authorizations prescribed by OPNAVINST 3104.1 and Requests for VI equipment that support VI functions that are not authorized for the activity can not be approved at MCVIMO or local levels and must be held pending NO9C1 approval of the new function.

1. Non-VI activities or personnel may acquire, unless otherwise specified by local VI instructions, or when restricted by local credit card dollar call limitations, non-professional consumer type VI equipment such as 35mm film based photographic camera systems costing less than \$1,000, overhead/slide/filmstrip/motion picture projection equipment; audio/video recorder/players; video cameras and camera-recorder (CAMCORDER) systems; and digital photographic cameras costing less than \$5,000; digital photographic printers; and video LCD, LED and CRT projectors costing less than \$10,000.

Subj: VISUAL INFORMATION (VI) EQUIPMENT(continued)

For VI equipment policy and MCVIMO information, contact: CNO (N09C1) VI Equipment and Activities Policy Officer at (202) 433-3790; DSN 288

Exceptions:

1. VI equipment:

(a) Acquired and distributed by the the Navy Exchange;

(b) Embedded in non-VI systems, which cannot be separated or operated to perform a VI function outside the system or;

(c) Purchased with non-appropriated or morale, welfare, or recreational funds including entertainment systems or;

(d) Used solely to support research, development, test and evaluation (RDT&E)programmed mission requirements or;

(e) Procured by the Naval Media Center in support of Armed Forces Radio and Television activities and "Navy News This Week" or;

(f) Used by administrative offices only for identification (ID) purposes or;

(g) Dedicated to Pilot Landing Training (PLAT) System, secure flight crew briefing systems and meteorological information systems or;

(h) Acquired under the Ship Building and Conversion, Navy (SCN) Program.

Subj: VISUAL INFORMATION (VI) EQUIPMENT
(continued)

2. Timing and synchronization apparatus related to instrumentation recording.
3. Radiographic equipment (industrial, medical and dental (x-rays)).
4. Office-related support equipment including: word-processing equipment; transcribing and intercom equipment; telephone answering devices; xerographic equipment; microfilm production and utilization of (viewing and printing) equipment.
5. Surveillance and monitoring systems used for security, safety inspection, testing and medical life-supporting purposes.
6. Audio addressing or paging systems.
7. Historical VI equipment preserved by museums.
8. Photo-medical reproduction equipment (lithographic) and graphic arts equipment only for the production of illustrations, graphs, or charts produced for the sole purpose of incorporating in a publication. Equipment which supports both printing and graphic arts is not excluded.

Subj: VISUAL INFORMATION (VI) EQUIPMENT (continued)

Definitions:

1. Visual Information (VI) Equipment (OPNAVINST 5290.1A):

a. Production. Items used for the recording, producing, reproducing, processing, broadcasting, editing, distribution, exhibiting, and storing of VI. Includes professional still, motion picture and video cameras; editing equipment, telephone equipment, audio tape and cassette duplicators; computer generated graphics systems; film and paper processing equipment, photographic printers.

b. Non-production. Items used to maintain, repair, store, retrieve, exhibit otherwise provide for the use of VI products. Includes videotape/disc players and television monitors; interactive video equipment; slide, film strip; motion picture, overhead, opaque and video projectors.

c. Professional VI Equipment (N09C4). Professional VI equipment is equipment whose characteristics conform to technical and occupational standards related to professional VI personnel series as prescribed in OPNAVINST 5290.1A.

Subj: VISUAL INFORMATION (VI) EQUIPMENT
(continued)

2. Centrally Procured. (JOINT PUB 1-02). Procurement of material, supplies, or services by an officially designated command or agency with funds specifically provided for such procurement for the benefit and use of the entire component, or, in the case of single managers, for the military departments as a whole.

3. Visual Information (VI). (OPNAVINST 5290.1A). Use of one or more of the various visual media with or without sound. VI includes still and motion picture, photography, video recording with/out sound, graphic arts, visual aids, models, displays, visual presentation services, and support processes.

4. Visual Information Management Office (VIMO). (OPNAVINST 5290.1A. A staff office at the CNO, Major Claimant, major command, (MCVIMO) or other management level, which prescribes and requires compliance with policies and procedures and reviews operations.

Visual Information System. (OPNAVINST 5290.1A) Equipment or a group of equipment (including IVD and/or visually based equipment) which performs a VI function, produces a VI product, or VI service.

**Subj: VISUAL INFORMATION/AUDIOVISUAL(AV) PRODUCTION INCLUDING
INTERACTIVE VIDEO (IVD) ACQUISITION**

Interactive Videodisc System (IVD).
(OPNAVINST 5290.1A) A visual medium
for the integration of videodisc or
compact disc with computer technologies
to provide a high degree of interaction
between the student and the
instructional program. IVD uses a
computer driven videodisc or compact
disc player to randomly access selected
sequences of frames to present visually
based interactive courseware.

Subj: VISUAL INFORMATION/AUDIOVISUAL(AV) PRODUCTION INCLUDING INTERACTIVE VIDEO (IVD) ACQUISITION

General Rule: Per OPNAVINST 5290.1A, contracting for the development of Audiovisual (AV)/Visual Information (VI) including interactive multimedia AV/VI productions, in the Navy, is prohibited unless approved and assigned by the Chief of Naval Operations (CNO (N09C4)) as described below:

The Office of Federal Procurement Policy Letter No. 79-4 prescribes a uniform Government-wide system for contracting for AV/VI production. The system is mandatory for use by all executive departments and agencies of the Federal Government. Per SECNAVINST 5290.1B, CNO (N09C4) is the DON approval authority and the Naval Media Center is the DON primary contracting activity authorized to procure AV/VI productions or AV/VI scripts and productions separately under the mandatory system.

Requirements for the development of AV/VI including interactive multimedia AV/VI productions, must be submitted through the chain of command to the Major Claimant Visual Information Management Office (MCVIMO) and endorsed by that office prior to forwarding to the Chief of Naval Operations (N09C4) for approval as part of the Navy Annual VI Production Program.

Subj: VISUAL INFORMATION/AUDIOVISUAL(AV) PRODUCTION INCLUDING INTERACTIVE VIDEO (IVD) ACQUISITION (continued)

Requests must be preceded with a Defense Automated Visual Information System (DAVIS) Subject Search and accompanied by a completed DD Form 1995, a proposed distribution plan, certificate of availability of funds and approval prior to commencement of any production work or contract acquisition.

Point of contact Visual Information Production Policy Officer, CNO (N09C4); (202) 433-3714; DSN 288-3714.

Exceptions:

The following exceptions to this policy for Navy activities may be approved by CNO (N09C4) on a case-by-case basis when:

In research and development of weapons Systems and similar contracts, the AV production is a provision of the contract for status reporting or new equipment training (not excluded from DD 1995).

2. In material contracts, the AV production is not the principal purpose of the contract but related to and acquired as part of the material being purchased (not excluded from DD 1995).

Subj: VISUAL INFORMATION/AUDIOVISUAL(AV) PRODUCTION INCLUDING
INTERACTIVE VIDEO (IVD) ACQUISITION (continued)

3. In mixed-media contracts, the non-VI Material (such as print) will cost more than 50% of the total contract cost (not excluded from DD 1995).

4. In curriculum development contracts (such as instructional systems development), the requirement will justify the award of the contract to a qualified curriculum development contractor rather than a producer, unless the cost of the production exceeds 50% of the total contract costs for an individual curriculum (not excluded from DD 1995).

In recruiting programs, the AV productions are integral to an overall advertising agency contract.

In purchasing VI production services to augment in-house VI production capabilities, the cost of such services is less than 50% of total contract cost for an individual production.

7. AV productions made by an in-house VI production activity which has been converted to Government Owned Contractor Operated (GOCO) contract following a Commercial Activities Cost Analysis.

Subj: VISUAL INFORMATION/ACQUISITION OF COMMERCIAL OFF-THE-SHELF VISUAL INFORMATION PRODUCTIONS

General Rule: Acquisition of commercial off-the-shelf Visual Information (VI) productions is authorized as follows.

The procurement of commercial "off-the-shelf" VI productions which support installation or local activity requirements and do not exceed \$500 and/or 10 copies per title, is authorized at the installation or activity level provided the request contains a certification that a Defense Automated Visual Information System (DAVIS) Subject Search has been conducted per OPNAVINST 5290.1A and no acceptable substitute is available from Navy, DOD or other Governmental source. DAVIS searches can be conducted on the World Wide Web at <http://dodimagery.sfis.osd.mil> or by contacting the appropriate Major Claimant Visual Information Management Office.

Requirements which exceed the above thresholds, support claimancy or Navy wide programs, or involve purchase of rights for distribution, must be validated and approved at the appropriate MCVIMO.

Point of contact: Visual Information Production Policy Officer, CNO (NO9C4); (202) 433-3714; DSN 288-3714

Subj: VISUAL INFORMATION/ACQUISITION OF COMMERCIAL OFF-THE-SHELF VISUAL INFORMATION PRODUCTIONS (continued)

Definitions:

1. Audiovisual Productions (AV) (OPNAVINST 5290.1A). An AV Production is distinguished from other VI productions by the combination of motion media with sound in a self contained, complete presentation, developed according to a plan or script for the purpose of conveying information to, or communicating with an audience. Includes multimedia. (See VI Production for the definition of all other forms of production.)
2. Commercial VI Production (OPNAVINST 5290.1A). A completed VI Production purchased off-the-shelf, i.e., from the stock of a vendor.
3. Defense Automated Visual Information System (DAVIS) (N09C4). An on-line, unrestricted, full-text searchable, standard DOD-wide database containing content-descriptive, production, acquisition, inventory, distribution, currency status, archival control and other data on the VI productions in the Department of Defense inventory. As of September 1997, the DAVIS database contained more than 26,000 records.
4. Interactive Multimedia Audiovisual. (AV)/Visual Information (VI) Production (N09C4). An AV/VI production which integrates multiple VI mediums with computer based technologies to allow high degree of interaction between an individual/audience and the production/program.

Subj: VISUAL INFORMATION/ACQUISITION OF COMMERCIAL OFF-THE-SHELF VISUAL INFORMATION PRODUCTIONS (continued)

5. Visual Information(OPNAVINST 52901A)
Use of one or more of the various visual media with or without sound. VI includes still and motion picture, photography, video recording with or without sound, graphic arts, visual aids, models, displays, visual presentation services, and the support processes.

6. VI Management Office (OPNAVINST 5290.1A). A staff office at the CNO, major claimant, major command or other management level, which prescribes policies and procedures and reviews operations.

7. VI Production (OPNAVINST 5290.1A). The process of combining or arranging any separate audio or visual product(s) in continuity in a self-contained, complete presentation developed in accordance with a plan or script for conveying information to or communicating with an audience. A VI product is also the end item of the production process. The special kind of VI production that combines motion media with sound is further defined as an "AV" production. Used collectively, VI production refers to the functions of procurement, production, or adoption from all sources; i.e., in-house or contract production, off-the-shelf purchases or adoption from another Federal agency.

NAVSUPINST 4200.85D

Subj: VISUAL INFORMATION/ACQUISITION OF COMMERCIAL OFF-THE-SHELF VISUAL INFORMATION PRODUCTIONS (continued)

8. VI Products (OPNAVINST 5290.1A).
VI media elements such as motion
picture, still media graphic arts
including computer generated
graphics), models and exhibits.

Subj: WATER COOLERS IN THE WORK PLACE - "PURCHASE OF"

General Rule:

The General Accounting Office (GAO) has held that in a variety of cases under the "necessary expense rule" appropriated funds should not be used to pay for subsistence or to provide "free food" to government employees while at their duty stations. As such bottled water is considered personal expense and government salaries are presumed adequate to enable government employees to provide their own food and beverage.

Activities still wishing to supply water coolers for the purpose of providing bottled or spring water to individuals within the workplace should establish a "water fund" to cover such rentals.

Exceptions:

Appropriated funds may be used to supply safe drinking water if the local water has been tested by Medical/Health Professionals and classified as non-potable due to health concerns. (Proof of the classification must be maintained on file).

References:

U.S. General Accounting Office

Subj: WITHDRAWAL OF TAX-FREE AND SPECIALLY DENATURED ALCOHOL

General Rule:

The award of contracts for the withdrawal of tax-free and specially denatured alcohol is not authorized unless a permit from the Bureau of Alcohol, Tobacco and Firearms has been issued.

To obtain a permit(s), the contracting activity must submit an application, ATF Form 5150.33, Spirits for Use of the United States. The form can be obtained from: ATF Distribution Ct, PO Box 5950, Springfield, VA 22150-5950. Upon approval, the form will be returned to the contracting activity, and shall serve as authority to procure spirits free of tax or specially denatured spirits.

One application may be used for both specially denatured spirits and tax-free spirits. The application should be mailed to the address located on the backside of the form to the attention of Chief, Regulations Division. The Office of Responsibility may be reached by calling, 202-927-8230 or via fax, 202-927-8602.

The original permit(s), ATF Form 5150.9, must be retained on file by the contracting activity. When placing the initial order with a vendor, the activity shall forward a photocopy of its permit along with the purchase order for tax-free spirits. Any subsequent purchases from the same vendor need only contain the permit number on the purchase order.

Subj: WITHDRAWAL OF TAX-FREE AND SPECIALLY DENATURED ALCOHOL
(Continued)

Under the Bureau of Alcohol, Tobacco
And Firearms Regulatory control
procedures, on receipt of a shipment,
the Receiving Officer shall inspect
the shipment or any loss or
deficiency.

In the case of loss or deficiency,
the agency shall annotate on the
receiving document then forward a
duplicate to the ATF National Revenue
Center in Cincinnati

Exceptions:

None.

References:

20 CFR 20.241-246, Subpart N
21 CFR 22.171-176, Subpart N