



## OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3000

MAR 7 2013

ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES TRANSPORTATION  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ACQUISITION AND PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Purchases from Federal Prison Industries; Updated List of Federal Supply  
Classification Codes to be Competed

Section 827 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, amended 10 U.S.C. 2410n to require the Department of Defense (DoD) to publish a list of product categories for which the Federal Prison Industries' (FPI) share of the DoD market is greater than five percent. We have issued the list annually since 2008.

The updated list of product categories for which FPI's share of the DoD market is greater than five percent is based on Fiscal Year 2012 data from the Federal Procurement Data System and is attached. The product categories and the products within each of the identified product categories must be procured using competitive (or fair opportunity) procedures in accordance with Defense Federal Acquisition Regulation Supplement (DFARS) 208.602-70. Contracting officers shall consider a timely offer from FPI for any of the product categories on the list when conducting the competition. FPI must be included, even if the procurement would have been a set-aside in accordance with Federal Acquisition Regulation (FAR) Part 19. In addition, an award must be made in accordance with the policy at FAR Subparts 8.602(a)(4)(ii) through (v). For a competitive solicitation, if the FPI item is determined to provide the best value to the Government, the ordering procedures at <http://www.unicor.gov> should be followed.

The attached list supersedes the list effective January 12, 2012, and shall apply to new solicitations and the resultant contracts/orders issued 30 days after the date of this memorandum. The revised list will be posted on the DPAP website at:  
[http://www.acq.osd.mil/dpap/cpic/cp/specific\\_policy\\_areas.html#federal\\_prison](http://www.acq.osd.mil/dpap/cpic/cp/specific_policy_areas.html#federal_prison).

If an FSC is not identified on the attached list, FPI currently does not have a significant market share and contracting officers should follow the procedures at FAR Subpart 8.6.

My staff point of contact for FPI procurement policy is Ms. Sheila Harris, 703-614-1333 or [sheila.harris@osd.mil](mailto:sheila.harris@osd.mil).

A handwritten signature in black ink, appearing to read "Richard Ginman". The signature is fluid and cursive, with a large initial "R" and "G".

Richard Ginman  
Director, Defense Procurement  
and Acquisition Policy

Attachment:  
As stated

**Products for which Federal Prison Industries (FPI) has a Significant Market Share:  
Current Federal Supply Classification (FSC) Codes**

**Effective Date: April 5, 2013**

<b>FSCs to be Competed</b>	
<b>5220</b>	<b>Inspection Gages And Precision Layout Tools</b>
<b>5335</b>	<b>Metal Screening</b>
<b>7210</b>	<b>Household Furnishings</b>
<b>7230</b>	<b>Draperies, Awnings, and Shades</b>
<b>8405</b>	<b>Outerwear, Men's</b>
<b>8415</b>	<b>Clothing, Special Purpose</b>
<b>8465</b>	<b>Individual Equipment</b>
<b>9905</b>	<b>Signs, Advertising Displays, and Identification Plates</b>

- Based on Fiscal Year 2012 data from the Federal Procurement Data System.
- If an FSC is not identified in the list above, FPI does not currently have a significant market share and must be acquired in accordance with FAR Subpart 8.6.