



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
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
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

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

Section 827 of the National Defense Authorization Act for FY 2008, Public Law 110-181, amended 10 U.S.C. 3905, requires 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 list of product categories for which FPI's share of the DoD market is greater than five percent is based on FY 2022 data from the Federal Procurement Data System and is attached, this year's list is not the same as last year's. 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 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 will be posted on the Defense Pricing and Contracting (DPC) website at: <https://www.acq.osd.mil/asda/dpc/cp/policy/other-policy-areas.html#fpi>

If a Product Supply Code 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.

Please contact the DPC, Contract Policy office at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil with any questions regarding this policy.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting

Attachment:
As stated

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

Effective Date: May 25, 2023

7125	CABINETS, LOCKERS, BINS, AND SHELVING
7210	HOUSEHOLD FURNISHINGS
8405	OUTERWEAR, MEN'S
8410	OUTERWEAR, WOMEN'S
8415	CLOTHING, SPECIAL PURPOSE
8420	UNDERWEAR AND NIGHTWEAR, MEN'S
8465	INDIVIDUAL EQUIPMENT
9905	SIGNS, ADVERTISING DISPLAYS, AND IDENTIFICATION PLATES

- Based on FY 2022 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.