



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION
AND SUSTAINMENT

MAR 11 2020

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)
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
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, DEFENSE AGENCIES
DIRECTORS, DEFENSE FIELD ACTIVITIES

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

Section 827 of the National Defense Authorization Act for Fiscal Year (FY) 2008, Public Law 110-181, amended 10 U.S.C. 2410n to require the Department of Defense (DoD) 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 (attached) is based on FY 2019 data from the Federal Procurement Data System-Next Generation. 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 previous list that went into effect via memo dated February 26, 2019, 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 Defense Pricing and Contracting website at:
http://www.acq.osd.mil/dpap/cpic/cp/specific_policy_areas.html#federal_prison.

If a Federal 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.

My staff point of contact for FPI procurement policy is Ms. Sonji A. Epps, 703-695-9774 or sonji.a.epps.civ@mail.mil.

A handwritten signature in black ink, appearing to read 'Kim Herrington', with a stylized flourish at the end.

Kim Herrington
Acting 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: April 10, 2020

PSC to be Competed	
7110	Office Furniture
7125	Cabinets, Lockers, Bins, and Shelving
7210	Household Furnishings
8405	Outerwear, Men's
8415	Clothing, Special Purpose
8420	Underwear and Nightwear, Men's

- Based on Fiscal Year 2019 data from the Federal Procurement Data System-Next Generation.
- 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.