



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 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 list of product categories for which FPI's share of the DoD market is greater than five percent is based on FY 2023 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 (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 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 May 25, 2023, and shall apply to new solicitations and the resultant contracts/orders issued 30 days after the date of this memorandum. The attached list will be posted on the DPC website at:
<http://www.acq.osd.mil/asda/dpc/cp/policy/other-policy-areas.html#fpi>.

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.

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

John M. Tenaglia
Principle 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 26, 2024

3990	MISCELLANEOUS MATERIALS HANDLING EQUIPMENT
7110	OFFICE FURNITURE
7210	HOUSEHOLD FURNISHINGS
8105	BAGS AND SACKS
8410	OUTERWEAR, WOMEN'S
8415	CLOTHING, SPECIAL PURPOSE
8420	UNDERWEAR AND NIGHTWEAR, MEN'S

- Based on Fiscal Year 2023 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.