From: Sineath CIV John
To: Adkins SSgt Garvey M; Alexander MSgt Darrin T; Baker MSgt Daniel M; Bergman CIV Alan D; Boone GySgt Nicole C; Boyd MGySgt Bryan E; Britton GySgt Dewan C; Brunson CIV Janet C; Cerka CIV Frances C; Chase Capt Kenny K; Clark GySgt Frederick A; Coetzee CIV Allie; Corcoran LtCol Eric M; Crawford Civ Dale A; Dobbins GySgt Michael W; Drury CIV Deborah A; Garza CIV Daniel R; Gaylor CIV Sherry F; Gubitti Civ Cynthia A; Hake CIV Peggy L; Henley CIV June R; Higa CIV Sakura K; Ingle Capt Steven L; Jones MSgt Donald J; King Maj Stephanie D; Leach CIV Andrea V; Lemmond CIV Barbara G; Long Capt Eric J; Lovett-Black Civ JoAnna; Matthews CIV Layton D; Mendez SSgt Gilbert; Michael Maj Ronnie D; Mohead CIV Kacy M; Morgan Col William; Morris CIV Robert A; Mullen CIV Melvin T; Navarro GySgt Hector M; Owens SSgt Brad E; Payne CIV Mark H; Pendley CIV Larry F; Polesnak Maj Stephanie M; Powell CIV Hollis H; Rabassi Maj Christopher E; Rego CIV Arthur J; Renfroe MSgt Telly J; Robinson LtCol Macon R (MEF FWD G-4); Ryman MGySgt Ronald T; Schmid LtCol Steven J; Smith CIV Peggy L; Stahl Maj Scott A; Stewart GySgt Robert D; Stroh CIV Linda L; Toncu SSgt Cristian; Tuzon MSgt Norman (MEF FWD G-4); Washington CIV Connie A; Watts GySgt Will W; Wheeler CIV Shakara M; Chatfield SSgt Randall W; Johnson Capt Talisha D;
cc: M_HQMC_LB; Romano CIV Mark; Oliver CIV R. Kaye; Daise CIV Stanley C; Kapadia, Sejal [USA];
Subject: APM 11- 09 Purchases From Federal Prison Industries; Updated List of Federal Supply
Date: Friday, February 18, 2011 14:04:02
Attachments: DASN Memo 25 Jan 2011_Purch from FPI.pdf

All,

BACKGROUND:

On 7 October 2010, APM 11-01 was issued that set forth new guidance regarding the acquisition of products for which the Federal Prison Industries' (FPI) share of the DoD market is greater than five percent. These products are identified on an FPI list, which was recently updated. The updated list identifies four product categories for which FPI no longer has a significant market share and are removed from the list.

POLICY:

Contracting Officers shall utilize the new list of products for which the Federal Prison Industries' (FPI) share of the DoD market is greater than five percent. The new list was issued in DASN memorandum of 25 January 2011, and is provided as an attachment to this APM, and is also available at: http://www.acq.osd.mil/dpap/cpic/cp/specific_policy_areas.html#federal_prison. This new list supersedes any previous lists and shall apply to solicitations and resultant contracts/orders issued on or after 18 February 2011.

PROCEDURES:

a. When procuring products from the categories on the FPI list, Contracting Officers shall use competitive (or fair opportunity) procedures in accordance with DFARS 208.602-70. In conducting such a competition, Contracting Officers shall consider a timely offer from FPI for any of these product categories on the list. FPI must be included in the process even if the procurement opportunity otherwise would have been set aside in accordance with FAR Part 19. In addition, an award must be made in accordance with the policy at FAR 8.602(a)(4)(ii) through (v). If the FPI item is determined to provide the best value to the Government as a result of FPI's response to a competitive solicitation, Contracting Officers shall purchase the FPI product using the ordering procedures at http://www.unicor.gov, unless a waiver is obtained in accordance with FAR subpart 8.604.

b. When procuring FPI products that are not on the list of items to be competed, Contracting Officers shall conduct market research and make a written comparability determination, as required by FAR 8.602. Contracting officers shall use competitive procedures if a determination is made that the FPI product is not comparable to the private sector in terms of price, quality or time of delivery. Contracting Officers are to include FPI in the solicitation process for such competitions, and consider timely FPI offers. If the procurement is made using a multiple award schedule, the FAR 8.602(a)(4)(iii) requires Contracting Officers to communicate the item description or specifications and evaluation criteria directly to FPI, "so that an offer from FPI can be evaluated on the same basis as the contract or schedule holder." A timely offer from FPI must be considered.

Please ensure this guidance is provided to all appropriate acquisition personnel.

R/JS

John (Jack) Sineath
HQMC Contracts Division
2 Navy Annex, Rm 2135
Washington, DC 20380-1775
Ofc: 703-695-6590 Ext 2548
Fax: 703-695-6382
john.sineath@usmc.mil