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J-33

IN REPLY
REFER TO PROCLTR 02-06

APR 03 2002

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Guidance for Processing Offers of Government Surplus Material (Defense Logistics Acquisition Directive (DLAD) 11.301, 11.302(b), 11.304-91, 12.301(f), 46.402(h), 52.211-9000, 52.211-9003, 52.211-9009, 52.213-9004)

This PROCLTR provides revised DLAD guidance (Attachment 1) to standardize procedures for processing offers of Government surplus material. The Defense Logistics Agency (DLA) Technical Support Policy and Procedures Deskbook, Appendix L (Attachment 2) provides guidance for technical/quality specialists to complement the DLAD. The Deskbook can be accessed electronically at <https://today.dla.mil/j-3/j-334/techsuppdeskbook.htm>. DLSC-LES memorandums, subject: Interim Guidance for Processing and Evaluating Offers of Government Surplus Material, dated May 27, 1999; and subject: Correction to Interim Guidance for Processing and Evaluating Offers of Government Surplus Material, dated June 18, 1999, are hereby superseded.

DLA policy is to consider surplus offers in accordance with solicitation requirements and to make optimum use of surplus material when acceptance of such offers is in the best interest of the Government. In all cases, surplus material accepted by DLA Field Activities must conform to the technical requirements in the solicitation. The attached DLAD guidance and Appendix L are intended to ensure that offers of surplus material receive consistent, timely and reasonable treatment. The guidance also clarifies and streamlines DLA procedures (e.g., the evaluation process, conditions that must be met before proceeding with award to the next offeror, treatment of offers for less than the solicited quantity, vendor inspection and liability, and blanket waivers to authorize the surplus clauses when using FAR Part 12, Acquisition of Commercial Items).

Some practices included in the 1999 Interim Guidance are removed or significantly revised. For example, evaluation of surplus offers now exclusively addresses technical acceptability of the material. Delivery, when applicable, will be evaluated separately. (However, delivery is always a consideration to the extent that a surplus offer cannot be rejected to satisfy an urgent requirement if the time to effect delivery from the other prospective offeror would exceed the time to evaluate and effect delivery of the surplus material.) DLA personnel must always keep in mind that proper consideration of surplus offers can significantly reduce material cost and delivery time, which benefits our customers and makes DLA a more attractive source of supply. Surplus material is usually readily available, which can make it particularly valuable for satisfying urgent requirements. When the situation warrants paying more for early delivery, a



separate delivery evaluation factor will be included in the solicitation and applied to all offers received, whether or not they are for surplus material. Under these circumstances, any material that has already been produced -- including surplus -- will generally have an advantage. DLA Field Activities must continue to place a high priority on reducing delivery and production lead-time, as substantial reductions in these areas are essential to meet DLA/OSD Performance Contract Customer Wait Time goals.

Another policy in the Interim Guidance permitted DLA technical/quality specialists to identify categories of items for which surplus offers would be evaluated only to accommodate "unique contingencies" (e.g., when the original equipment manufacturer was out of business, the weapon system was obsolete, or the sole vendor or approved vendors did not respond). This policy has been removed from the guidance. If surplus material can be considered in emergencies or as a last resort, the same surplus material might be equally acceptable under routine conditions. The new policy permits surplus offers to be considered for all categories of items, unless the Engineering Support Activity (ESA) has provided written notice justifying why offers of surplus material are not acceptable for specified items or item categories. To ensure that the Government is still protected under the new policy, the attached guidance updates the criteria for ESA referral and identifies specified categories of items that always require ESA approval of surplus offers due to their critical nature (e.g., Life Support, Flight Safety Critical, Critical Safety).

In the process of developing this policy, there were two major recurring concerns expressed by DLA Field Activity personnel:

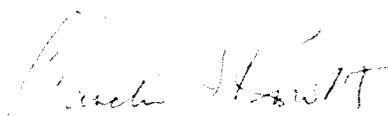
- Risk to the Government. Prior ownership by the Government does not guarantee that surplus material meets our customers' technical requirements -- past or present. When material is declared excess and sold to the public, it is not necessarily conforming. There has also been confusion as to whether surplus vendors should open original packages and inspect the offered material, or if this disturbs the "integrity" of the package. Further, if surplus vendors were not permitted to open packages, it was believed this limited the extent of their liability to confirmation of package markings. The attached policy clarifies that surplus dealers can open packages and inspect surplus material. It also requires surplus dealers to provide material that fully complies with requirements of the current contract, like any other contractor.

- Cost -effectiveness. Many have questioned the cost-effectiveness of selling excess material for a small percentage of the original acquisition price and buying it back at a mark-up. However, surplus dealers provide a valuable service to the Government. Due to changing demand patterns, the Department of Defense (DoD) sometimes finds itself with items for which it has no forecasted need. When inventories reach the point where the costs to retain them exceed the risk and cost of repurchasing, the material is transferred to the Defense Reutilization

and Marketing Service (DRMS) for reuse within DoD or other organizations. Only after material cannot be reused or transferred is it offered for sale to the general public. Surplus dealers risk loss to maintain a storage capability for our parts, which they may never sell. DLA buys back a very small percentage of what it sells. If a future need for the material does occur, DLA looks at all sources of supply, including surplus dealers, and determines the best value (including price and delivery) to meet the requirement. Surplus dealers provide a safety net for DoD, because they may have out-of-production parts in stock. They often represent the only source of material, because original producers may have ceased production of parts for aging military equipment. Surplus dealers' prices are higher than the prices they paid for the material, because they must cover the cost of warehousing all the material they purchase. In addition, the market value of the surplus material may have increased. DLA's cost of evaluation is added to the offered prices of surplus dealers, so they have to price competitively to be in line for award; and they can generally deliver in 10-20 days. The DoD IG issued a report on August 9, 2000, confirming that surplus dealers provide a "legitimate, cost-effective and expeditious avenue to satisfy unprogrammed demand for materials."

The nature of our business situation demands that we prudently use the services of surplus dealers. The attached policy is intended to ensure both the fair treatment of offerors and the protection of the Government's interests. Each Business Unit is required to establish internal audit procedures to ensure compliance with the attached policies. In six months, we will be requiring a report from each of the Defense Supply Centers (DSCs), which is where most surplus offers are received. Additional details will be provided about this report in the future. If we still see problems after a review of the audit results, we may need to implement additional oversight and controls.

This PROCLTR is effective immediately and remains in effect until the attached DLAD guidance (Attachment 1) is incorporated into DLAD 4105.1, and Appendix L (Attachment 2) is incorporated into the DLA Technical Support Policy and Procedures Deskbook. The point of contact for this PROCLTR is Ms. Anne Burleigh, J-336, at (703) 767-1358, DSN 427-1358 or e-mail anne_burleigh@hq.dla.mil.



CLAUDIA S. KNOTT
Executive Director
Logistics Policy and Acquisition Management

Attachments

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PART 11

DESCRIBING AGENCY NEEDS

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PART 11

DESCRIBING AGENCY NEEDS

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SUBPART 11.3 - ACCEPTABLE MATERIAL

- 11.301 Definitions.

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"Surplus material," as used in this subpart, means new, unused material that was purchased and accepted by the U.S. Government and subsequently sold by the Defense Reutilization and Marketing Service (DRMS), by contractors authorized by DRMS, or through another Federal Government surplus program. The terms "surplus" and "Government surplus" are used interchangeably in this subpart.

- 11.302 Policy.

(b)(90) DLA policy is to consider offers of surplus material in accordance with solicitation requirements and to make optimum use of surplus material when acceptance of such offers is in the best interest of the Government. This policy is intended to ensure that offers of surplus material receive consistent, timely and reasonable treatment. It is also intended to clarify DLA procedures and maximize streamlining. In all cases, surplus material accepted by the Government must conform to technical requirements in the solicitation. Proper consideration of surplus offers can significantly reduce material cost and delivery time, which benefits our customers and makes DLA a more attractive source of supply. Surplus material is usually readily available, which can make it particularly valuable for satisfying urgent requirements. The nature of our business situation demands that we prudently use the services of surplus dealers, who provide a warehousing capability that helps meet our unprogrammed demands for material. (Guidance for technical/quality specialists to complement this policy is provided in the DLA Technical Support Policy and Procedures Deskbook, Appendix L. The Deskbook can be accessed electronically at <https://today.dla.mil/j-3/j-334/techsuppdeskbook.htm>.)

(b)(91) Business Unit responsibilities and procedures. (Business Units include organizations such as Application Groups, Commodity Business Units, and Product Centers.)

(i) Determine whether an offer of surplus material will be evaluated, in accordance with the criteria below (see 52.211-9003). (This does not apply unless offers of surplus material are being considered; see 11.302(b)(91)(ii).)

(A) Offers of surplus material must be evaluated when the contracting officer determines the offeror is otherwise in line for award, after adding the cost of evaluation (\$200 for internal evaluation and, if applicable, an additional \$500 for each Engineering Support Activity (ESA) evaluation, plus any additional fees required for special testing and/or inspection).

(B) When an offer is for a quantity less than the solicited quantity, the contracting officer must consider the \$500 cost of issuing and administering more than one award (see FAR 52.214-22), unless the item manager advises the remaining quantity can be cancelled. The contracting officer must also consider the anticipated impact on the unit price of the remaining quantity, to determine the total cost to the Government; unless the unit price is not known and not reasonably obtainable by the contracting officer.

(ii) Do not evaluate offers of surplus material when the technical/quality specialist has included a statement in the Technical Guidance Information (TGI) field on the purchase request (PR) trailer advising that offers of surplus material will not be considered for the item being acquired. (See 11.302(b)(92)(iii).) The ESA must provide written notice that offers of surplus material will not be considered for specified items or categories of items, with supporting documentation in sufficient detail to demonstrate that the restriction is necessary to satisfy the needs of the Government.

(iii) Establish internal audit procedures to ensure that offers of surplus material are processed in accordance with the policy in this Subpart 11.3 and in Appendix L.

(A) Ensure that actions related to referrals, evaluations, notification of offerors, and award decisions are made in a consistent, timely and reasonable manner, in order to provide offerors with an opportunity to compete in accordance with the Competition in Contracting Act.

(B) Ensure that the following conditions, in and of themselves, are not treated as an acceptable basis for excluding an offer of surplus material from consideration:

- (1) Dollar value of the acquisition;
- (2) Age of the offered material;
- (3) When the buy is for stock;
- (4) When the offer is for less than the solicited quantity;
- (5) When material is not in the original package; or
- (6) Past or average Engineering Support Activity (ESA) response times,

unless substantiated by data specific to evaluations of surplus offers by the cognizant ESA.

(C) For automated offers, ensure that supporting documentation provided by an offeror of surplus material is promptly distributed to the contracting officer for timely consideration.

(D) Ensure that technical acceptability of an offer of surplus material is applied only to the current procurement.

(iv) Ensure that the technical/quality specialist has considered all information provided by the offeror concerning technical acceptability of the offered surplus material. If the offer of surplus material is found to be technically unacceptable, ensure the technical/quality specialist has documented the specific technical reasons why the surplus material is technically unacceptable.

(v) Ensure that when acquiring critical safety items, offerors meet the additional requirements in 52.211-9005 (see 11.302-91).

(b)(92) Contracting officer responsibilities and procedures.

(i) Unless 11.302(b)(92)(iii) applies, insert the clause at 52.211-9000, Government Surplus Material, and the provision at 52.211-9003, Conditions for Evaluation of Offers of Government Surplus Material, as prescribed at 11.304-91(a); except that in automated solicitations these can be replaced by a statement referring offerors of surplus material to a source of information where complete conditions for evaluation are detailed (e.g., "Offerors of Surplus Material - See EBB Sign-On Instructions"). When acquiring critical safety items, also follow 11.302-91.

(ii) When use of a warranty provision is desired and offers of surplus property will be considered, incorporate a warranty clause as prescribed in FAR Subpart 46.7 or DFARS 46.7, to ensure that warranty provisions are applied to all contractors, whether manufacturers or dealers and whether or not surplus material is offered.

(iii) Insert the provision at 52.211-9009, Non-Acceptability of Government Surplus Material, as prescribed at 11.304-91(b), when the TGI field on the purchase request (PR) trailer sheet indicates that offers of surplus material will not be considered for the item being acquired (see 11.302(b)(91)(ii)).

(iv) When it is determined in accordance with 52.211-9003 that an offer of surplus material is in line for award, promptly refer the offer to the technical/quality specialist for a determination of technical acceptability. Do not hold up the technical referral while waiting for another offer or another offeror's supporting documentation. Include in the technical referral the completed 52.211-9000 and all supporting documentation provided by the offeror. While it is preferred that an offeror fill out the clause completely, failure to provide all information is not a basis for automatic rejection of the surplus offer. (For critical safety items, also include a copy of 52.211-9005 and supporting documentation provided by the offeror. See 11.302-91.) Provide all relevant information that will help the technical/quality specialist prioritize the evaluation. Such information includes, but is not limited to, the following: the priority or urgency of the requirement, whether backorders exist, anticipated savings in unit price and/or delivery time if the surplus offer is approved, whether there are other sources, if the surplus offer is the only offer received, etc.

(v) If the technical/quality specialist advises the material is technically acceptable, award can be made to the offeror of surplus material; except that award must not be made to a surplus offeror who is no longer in line for award (e.g., due to costs for special testing or inspection requirements that would have to be included in the contract).

(vi) If the technical/quality specialist has forwarded special inspection or testing requirements, ensure that these are incorporated into the award. Contract requirements must also ensure that the Government has the right to access contractor premises and to select the surplus material to be inspected or tested.

(vii) If an offer of surplus material is determined technically unacceptable, the technical/quality specialist must provide supporting documentation that cites specific reasons

why the material is technically unacceptable. Promptly notify the offeror that the offer was rejected (see 11.302(b)(92)(xi)(C)).

(viii) If the data provided by an offeror of surplus material are determined to be inadequate, the technical/quality specialist must provide supporting documentation that cites specific reasons why the data are inadequate. Promptly notify the offeror that the offer of surplus material will not be evaluated (see 11.302(b)(92)(xi)(B)(1)); or, if the contracting officer determines it is in the best interest of the Government, the offeror may be given an opportunity to provide the additional data (11.302(b)(92)(xi)(A)). The request for additional data may be made by the contracting officer or technical/quality specialist, orally or in writing. If the technical/quality specialist is to contact the offeror, the contracting officer's coordination must be obtained.

(ix) If the item being acquired is otherwise procurable and the item manager does not concur in forwarding the surplus offer for ESA review or re-evaluation, the technical/quality specialist must advise the contracting officer and forward the item manager's rationale why the surplus offer will not be forwarded to the ESA. (However, if the time to effect delivery from the offeror next in line for award will exceed the time to evaluate and effect delivery of the surplus material, the item manager must concur in an ESA referral.) Promptly notify the surplus offeror that the offer of surplus material will not be evaluated (11.302(b)(92)(xi)(B)(3)). Award may be made to the offeror next in line for award; however, award must not be made for a quantity that exceeds the immediate need (e.g., the backordered quantities).

(x) If the cognizant ESA does not respond to a DLA Form 339, Request for Engineering Support, within the estimated timeframe established by the technical/quality specialist in accordance with Appendix L, the technical/quality specialist must contact the ESA to determine the status of the evaluation. If the item being acquired is otherwise procurable, and the item manager confirms that the anticipated ESA response date is unacceptable, the technical/quality specialist must advise the contracting officer and forward the item manager's rationale why additional time cannot be allowed for the ESA to evaluate the surplus offer. Promptly notify the surplus offeror that the offer of surplus material will not be evaluated (11.302(b)(92)(xi)(B)(3)). Award may be made to the offeror next in line for award; however, award must not be made for a quantity that exceeds the immediate need (e.g., the backordered quantities).

(xi) When the following conditions apply, promptly notify an offeror of surplus material and provide the information as described below. Notification must be made electronically if possible and not later than upon release of award.

(A) When the contracting officer determines it is in the best interest of the Government to give the offeror an opportunity to submit additional data (11.302(b)(92)(viii)), provide specific data requirements to the offeror, provide a specific timeframe for the response to be submitted (generally 3-5 days), and advise that the offer may not be considered if the timeframe is not met.

(B) When the offer of surplus material will not be evaluated because --

(1) Data provided was inadequate for evaluation, and the offer has been deemed incomplete. Cite specific reasons why the data are inadequate. (See 11.302(b)(92)(viii).)

(2) The offeror was given an opportunity to provide additional data to support its offer and failed to respond with adequate and timely information. Provide specific details to the offeror to support the contracting officer's statement(s). (See 11.302(b)(92)(viii).)

(3) The item manager does not concur in forwarding the surplus offer for review or re-evaluation, or to accommodate an extension of the ESA response time. Use the rationale provided by the item manager and provide specific reasons to the offeror why the surplus offer will not be evaluated. (See 11.302(b)(92)(ix) and (x).)

(C) When the offer of surplus material was evaluated and rejected, either locally or by the cognizant ESA, provide the specific technical reasons for the rejection.

(xii) When award is made to an offeror of surplus material, determine whether quality assurance will take place at source or destination.

(A) When the items being acquired have a critical application and award is made to an offeror of surplus material, quality assurance actions must be performed at source without exception (see 46.402(h)).

(B) If inspection will be at source, notify the quality assurance specialist (QAS), who must prepare a Quality Assurance Letter of Instruction (QALI). Advise the QAS what should be included in the QALI. All QALIs must include at a minimum:

(1) A copy of the completed clause at 52.211-9000, with instructions to verify the representations and documentation provided by the offeror. Inspection criteria must be consistent with the basis for determining the surplus material acceptable. (For example, if previous Government ownership was demonstrated by documentation other than a Government contract number, the current contract must not require the surplus material to be identified to a previous Government contract.) Inspection criteria must include special inspection or testing requirements forwarded by the technical/quality specialist, if any. (Criteria may also include dimensional inspection, if appropriate; or destructive testing, depending on the age of the material. Obtain the recommendation of the QAS to determine the need for additional criteria.)

(2) A requirement for the QAR to notify the contracting officer if, at the time of Government source inspection, the QAR is denied access to the contractor's plant or not permitted to select the material to be inspected.

(xiii) Take appropriate action, which may include cancelling the purchase order or terminating the contract for default, and assessing appropriate damages when -

(A) Surplus material tendered for acceptance does not conform to contract requirements; or

(B) The QAR advises that the contractor has refused to provide access to its plant or to permit the QAR to select the surplus material to be inspected at the time of Government source inspection.

11.302-90 * * *

11.302-91 * * *

11.304-90 * * *

11.304-91 Solicitation provisions and clause for Government surplus material.

(a) When the clause at FAR 52.211-5 is used, insert the provision at 52.211-9003, Conditions for Evaluation of Offers of Government Surplus Material, in solicitations; and the clause at 52.211-9000, Government Surplus Material, in solicitations and contracts; unless -

(1) Offers of surplus material will not be considered (see 11.304-91(b)); or

(2) A long-term contract is contemplated, in which case, insert 52.211-9000 in the solicitation only. If offers of surplus material are received, those NSNs should be removed from the long-term contract and processed separately. Government surplus material may be used in contract performance when the contracting officer has authorized its use (see FAR 52.211-5). If the contractor proposes use of surplus material, the contracting officer should provide 52.211-9000 for completion by the contractor at that time.

(b) Insert the provision at 52.211-9009, Non-Acceptability of Government Surplus Material, in solicitations when offers of surplus material will not be considered (see 11.302(b)(92)(iii)).

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SUBPART 12.3 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

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(f) * * *

(90)-(100) * * *

(101) Use of the clause at FAR 52.211-5, Material Requirements, as prescribed in FAR 11.304; and the clause at 52.211-9000, Government Surplus Material, and the provisions at 52.211-9003, Conditions for Evaluation of Offers of Government Surplus Material, and 52.211-9009, Non-Acceptability of Government Surplus Material, as prescribed in 11.304-91.

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PART 46
QUALITY ASSURANCE

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SUBPART 46.4 - GOVERNMENT CONTRACT QUALITY ASSURANCE

46.402 Government contract quality assurance at source.

(g) * * *

(h) Government contract quality assurance actions shall be performed at source for supplies having a critical application. Exceptions to this policy shall generally be made for off-the-shelf items, or in those situations where previous acquisition or quality history based on objective evidence permits us to anticipate the receipt of fully-acceptable supplies. In these cases, a determination may be made to perform Government contract quality assurance actions at destination. (However, when the items being acquired have a critical application and award is made to an offeror of surplus material, Government source inspection is mandatory under all circumstances.) Objective evidence of good quality history includes such indicators as laboratory testing results from Government-owned or -contracted labs; previous acquisition experience of a sufficient volume/period, during which there were no reported product defects/first article failures/recurring waiver requests; prior quality certification under a Qualified Products List or Qualified Manufacturer List program; and the like. This determination shall be documented in contractor history files by item. When source inspection is still required for a critical application item, and the item is acquired from a sole source that will not permit quality assurance at source, the matter should be negotiated on a case-by-case basis

to provide adequate consideration to the Government for the added cost of performance of the necessary technical quality assurance at destination, at a designated Government/commercial laboratory, or at the using activity. Conversely, if the supplier insists on quality assurance at source for **non-critical** or noncomplex items which are normally assigned for quality assurance at destination, or for those critical application items that are exceptions to the source inspection requirement, this matter should be negotiated with adequate consideration flowing to the Government, on a case-by-case basis for the added cost of performance of unnecessary Government quality assurance at source.

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PART 52

SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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- 52.211-9000 **Government surplus material.**
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- 52.211-9004 Priority rating for various long-term contracts.
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- 52.219-9001 [Reserved]

Comment: Page: 226
On 12/13/01 DLAD editor added this new clause to subpart 52.211-9005 thru 9007 IAW PROCLTR 01-20.

Comment: Page: 1
On 2/1/02 DLAD editor added this clause into the subpart index IAW PROCLTR 2002-02.

Comment: Page: 1
On 2/1/02 DLAD editor added this clause into the subpart index IAW PROCLTR 2002-02

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 52.247-9005 Reserved.
 52.249-9000 Administrative costs of reprourement after default.

Comment: On 2/27/02 DLAD editor added PROCLTR 2002-04 into DLAD. This clause was already added by PROCLTR 2002-01. See prefatory comment #34.

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52.211-9000 **Government surplus material.**

As prescribed in 11.304-91(a), insert the following clause:

GOVERNMENT SURPLUS MATERIAL (APR 2002) - DLAD
(Previous versions of this clause are considered obsolete.)

(a) **Definition.**

"Surplus material," as used in this clause, means new, unused material that was purchased and accepted by the U.S. Government and subsequently sold by the Defense Reutilization and Marketing Service (DRMS), by contractors authorized by DRMS, or through another Federal Government surplus program. The terms "surplus" and "Government surplus" are used interchangeably in this clause.

(b) The Offeror agrees to complete this clause and provide supporting documentation as necessary to demonstrate that the surplus material being offered was previously owned by the Government and meets solicitation requirements. The Offeror must provide this information and any supporting documentation on or before the date that quotes/offers are due; or within the timeframe specified by the Contracting Officer, if additional documentation is requested after submission of the offer. Failure to provide the requested information and supporting documentation within the timeframe requested may result in rejection of the offer. Unless the solicitation states otherwise, Offerors of surplus material are authorized to open packages, inspect material, and reseal packages. Each time this is done, the Offeror's authorized representative or inspector must sign the packages where they were resealed and annotate the date of inspection.

(c) With respect to the surplus material being offered, the Offeror represents that:

(1) The material is new, unused, and not of such age or so deteriorated as to impair its usefulness or safety. Yes ___ No ___ The material conforms to the technical requirements cited in the solicitation (e.g., Contractor and Government Entity (CAGE) code and part number, specification, etc.). Yes ___ No ___ The material conforms to the revision letter/number, if any is cited. Yes ___ No ___ Unknown ___ If no, the revision offered does not affect form, fit, function, or interface. Yes ___ No ___ Unknown ___ The material was manufactured by:

(Name)

(Address)

(2) The Offeror currently possesses the material. Yes ___ No ___ If no, the Offeror must attach or forward to the Contracting Officer an explanation as to how the offered quantities will be secured. If yes, the Offeror purchased the material from a Government selling agency or other source. Yes ___ No ___ If yes, provide the information below:

Government Selling Agency	Contract Number	Contract Date (Month, Year)
Other Source	Address	Date Acquired (Month/Year)

When none of the above are available, other information to demonstrate that the offered material was previously owned by the Government. Describe and/or attach.

(f) This clause only applies to offers of Government surplus material. Offers of commercial surplus, manufacturer's overruns, residual inventory resulting from terminated Government contracts, and any other material that meets the technical requirements in the solicitation but was not previously owned by the Government will be evaluated in accordance with the provision at 52.217-9002.

(g) Offers of critical safety items must comply with the additional requirements in 52.211-9005.

(h) If requested by the Contracting Officer, the Offeror shall furnish sample units, in the number specified, to the Contracting Officer or to another location specified by the Contracting Officer, within 10 days after the Contracting Officer's request. The samples will be furnished at no cost to the Government. All such samples not destroyed in evaluation will be returned at the Offeror's expense. The samples will be evaluated for form, fit, and function with subassembly, assembly, or equipment with which the items are to be used. End items furnished under any contract award to the Offeror furnishing the samples can include the returned samples, and all acceptable end items will have a configuration identical to the samples. If specific tests of the samples' performance are made by the Government, the Offeror will be furnished the results of such tests prior to a contract being entered into. In addition to any other inspection examinations and tests required by the contract, the performance of the end items will be required to be as good as that of the samples submitted insofar as specific performance tests have been made by the Government and the results thereof furnished to the Offeror.

(i) In the event of award, the Contractor will be responsible for providing material that is in full compliance with all requirements in the contract or order, whether or not the Contractor has possession of applicable drawings or specifications, and despite the fact that the Government is unable to conduct in-process inspection. The Contractor's responsibility to perform is not diminished by compliance with the requirement to demonstrate that the offered material was previously owned by the Government. The material to be furnished must meet the requirements of the current contract or order, whether or not the material met Government requirements in existence at the time the material was initially manufactured or sold to the Government. The Government has the right to cancel any resulting purchase order or terminate any resulting contract for default if unacceptable material is tendered.

(j) If higher level quality requirements apply to the material being acquired, those requirements do not apply to surplus material furnished under this contract.

(End of clause)

* * * * *

52.211-9003 Conditions for Evaluation of Offers of Government Surplus Material.

As prescribed in 11.304-91(a), insert the following provision:

CONDITIONS FOR EVALUATION OF OFFERS OF GOVERNMENT SURPLUS MATERIAL
(APR 2002) - DLAD

(a) Definition.

"Surplus material," as used in this provision, has the same meaning as in the clause at 52.211-9000, Government Surplus Material.

(b) The Agency will evaluate an offer of surplus material when the Contracting Officer determines the Offeror is otherwise in line for award, after adding the cost of evaluation (\$200 for internal evaluation and, if applicable, an additional \$500 for each Engineering Support Activity (ESA) evaluation, plus any additional fees required for special testing and/or inspection).

(c) When an offer is for a quantity less than the solicited quantity, the contracting officer will consider the \$500 cost of issuing and administering more than one award. The contracting officer will also consider the anticipated impact on the unit price of the remaining quantity, to determine the total cost to the Government.

(End of provision)

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52.211-9009 Non-Acceptability of Government Surplus Material.

As prescribed in 11.304-91(b), insert the following provision:

NON-ACCEPTABILITY OF GOVERNMENT SURPLUS MATERIAL
(APR 2002) - DLAD

(a) Definition.

"Surplus material," as used in this clause, means new, unused material that was purchased and accepted by the U.S. Government and subsequently sold by the Defense Reutilization and Marketing Service (DRMS), by contractors authorized by DRMS, or through another Federal Government surplus program. The terms "surplus" and "Government surplus" are used interchangeably in this clause.

(b) The Government has determined that offers of surplus material will not be considered for this acquisition.

(End of provision)

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52.213-9004 Offeror representations, certifications, and fill-in information—electronic commerce.

As prescribed in 13.101(b)(2)(90), insert the following provision in all solicitations below the simplified acquisition threshold issued using electronic means.

OFFEROR REPRESENTATIONS, CERTIFICATIONS, AND FILL-IN INFORMATION—ELECTRONIC COMMERCE
(APR 2002) -- DLAD

(a)-(c) * * *

(d) The following provision segments, identified, where necessary, to a specific line item number(s), must be completed by the offeror.

01.-02. * * *

03. FAR 52.211-5, Material Requirements.

03A * * *

03B Select one of the following codes to describe the material the offeror intends to furnish:_____. If any code other than "NA" is entered, the offeror shall provide a list under separate cover describing such material in accordance with paragraphs (c) or (d) of the cited clause.

ON = Other than new (used)

RI = Reconditioned/Remanufactured Item

SU = New, Unused Government Surplus (If surplus material is offered, offeror must also complete **the representation in clause 52.211-9000, Government Surplus Material (XXX 2002).**

NA = Not applicable

04.-14. * * *

(End of provision)

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