

DPSCM 4155.28

DSCP-HSQ

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FOREWORD

(Supplementation is prohibited)

DPSC Manual 4155.28 is designed to provide procedures in the administration of subsistence reinspection actions.

This Manual will be maintained in current status and reviewed annually.

Significant changes include:

- a. Changing the terminology of "Formal Review" to "Appeal Inspection."
- b. Changing the terminology as required by the Federal Acquisition Regulation (FAR).

Users of this publication are encouraged to submit recommended changes and comments to improve publication, through channels, to Directorate of Subsistence, ATTN: DPSC-STQP.

BY ORDER OF THE COMMANDER

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- I. REFERENCE. DPSCM 4155.41, Nonconforming, Subsistence Supplies.
- II. PURPOSE AND SCOPE. To establish policy, assign responsibilities, and provide procedures for processing contractor's requests for reinspection of subsistence and the reports resulting therefrom. These procedures implement the reference publication and are applicable to Government inspection personnel, the Directorate of Subsistence (DPSC-S), and DPSC Subsistence Contracting Elements (SCEs).
- III. POLICY.
- A. Reinspection/Appeal Inspection of subsistence items shall be authorized only by the Contracting Officer and Ordering Officer, when based on contractor's appeal of a report of nonconformance, or when deemed by the Contracting Officer to be in the best interest of the Government.
 - B. When the inspection was performed by a military inspector at destination and product was found nonconforming for characteristics other than grade, the reinspection will be performed by a military inspector.
 - C. When reinspection results indicate nonconformance, the contractor is liable for inspection costs.
 - D. Appeal Inspection results shall be considered final, and, when applicable, costs will be assessed to the contractor in accordance with terms of the contract.
- IV. DEFINITIONS.
- A. Reinspection – An official examination, test, or grade of lot determined by nonconforming by a previous inspection.
 - 1. Re-examination – A reinspection accomplished to determine compliance of product for factors other than test characteristics.
 - 2. Retest – A reinspection to confirm test results of physical, biological, and/or chemical characteristics reported originally as nonconformance.
 - B. Appeal Inspection – The term used by the U.S. Department of Agriculture (USDA) to cover reinspection of a product originally inspected by the USDA, and for which an interested party is dissatisfied with the results of the original inspection or military verification. Appeal inspection must be requested in writing, or by telegraph, to the office of the applicable supervising inspector.
 - C. New Inspection by USDA – In respect to lots originally reported as nonconformance, a new inspection is employed when the conditions permitting appeal inspections are not met.
 - D. Reworked Lots – A lot which has been screened and/or repaired by the contractor or to withdraw or correct deficiencies found upon inspection.
- V. BACKGROUND.
- A. When a contractor disputes the original report of nonconformance (verification or acceptance inspection), he may appeal to the Contracting Officer for reinspection. Reinspection shall not be authorized based solely on the fact that the product was found to be nonconforming with contract requirements or that Government inspection results do not agree with the contractor's inspection results.
 - B. Contractor's verbal request for reinspection may be honored, provided it is immediately confirmed in writing. Written request will be placed in the contract file. Information in the request should include:
 - 1. Detailed valid reasons for dispute of inspection findings.
 - 2. An agreement to pay for reinspection costs as stated in the applicable DPSC Master Solicitation for the contract.
 - C. When considering reinspection, it should be remembered that statistical inspection procedures and the established Acceptable Quality Levels (AQLs) provide the contractor with the full benefit of any doubt that exists by reason of sample variation and minor errors. Requests without firm basis for dispute of the original findings shall not be

granted. It should be borne in mind that in all test results indicating noncompliance, the laboratory will have already made duplicate or even triplicate determinations on the initial sample. The granting of contractor's request for reinspection should be limited and not granted on the premise that reinspection results might be more favorable. The use of standby samples for retesting shall be authorized only when the lot in question is not physically available for resampling.

- D. Reinspections related to USDA or U.S. Department of Commerce (USDC) original inspections will be processed in accordance with the regulations of said agencies and procedures mutually agreed to by the Defense Logistics Agency (DLA) and the respective inspection agency.

VI. RESPONSIBILITIES.

- A. The Contracting Officer is responsible for:
 - 1. Authorizing reinspection when requested by the contractor for valid technical reasons, or when it is deemed in the best interest of the Government.
 - 2. Informing the contractor that assessable reinspection costs may be involved at the time the contractor requests reinspection.
 - 3. Requesting the Chief of the applicable Contract Quality Assurance Element (CQAE), or the Chief of the element originating a warranty action, in writing, to arrange for the reinspection.
 - 4. Billing the contractor for reinspection costs involved when results or reinspection (QAR) indicate nonconformance/noncomparability.
 - 5. Assisting the USDA/USDC when having difficulty in collecting charges from contractors related to results of reinspections indicating nonconformances.
- B. The Chief, Contract Quality Assurance Element (CQAE) is responsible for:
 - 1. Arranging and coordinating reinspection of nonconforming pre-acceptance supplies and post-acceptance operational ration components.
 - 2. Furnishing the Contracting Officer evaluation of original and reinspection results (except for retesting) to include the effect on serviceability.
 - 3. Certifying reinspection costs for which the Government is liable for transmittal to Programs and Planning Branch, Management Planning Office (DPSC-SMP).
- C. The Chief of the Element Originating Warranty Action is responsible for all reinspectionable actions listed in subparagraph VI.B. above, as they relate to post-acceptance nonconformances.
- D. The Quality Assurance Specialist, Specialized Support/Supply Evaluation Section, Quality Assurance Branch (DPSC-STOPX) is responsible for determining comparability between the original and retest results when sufficient data is available.

VII. PROCEDURES.

- A. Processing Requests for Reinspection/Appeal Inspection (See Section II for Carcass Meats and Wholesale Cuts by the USDA).
 - 1. The Contracting Officer will forward the requests for reinspection to the CQAE for pre-acceptance nonconformances and operational ration component warranties and to the quality assurance element requesting other warranties. Request will state:
 - a. Contract or Purchase Order Number.
 - b. Name of Contractor.
 - c. Identity, quantity and location of product (include lot numbers if applicable).
 - d. Reason for questioning the original inspection findings.
 - e. Type of reinspection, indicating specific tests or examinations desired (i.e., component material, end item, packaging and packing, specific examination/test, etc.).
 - 2. The Chief, Applicable CQAE shall:

- a. Arrange for and coordinate reinspection/Appeal Inspection (date of reinspection must be coordinated with various elements concerned) as required, with storage/receiving activity involved as follows for:
 - (1) Military Veterinary Corps Inspected Items. Contact U.S. Army designee. In overseas locations, the office of the appropriate U.S. Army Command Staff Veterinarian will be contacted for assignment of a reinspection designee.
 - (2) All USDA or USDC Inspected Items (See Section II). Arrange for Appeal Inspection with area USDA Grading Office or USDC Regional Inspection Office, as applicable.
 - b. Receive results of Appeal Inspection by telephone, to be confirmed by copy of official USDA/USDC certificate. Results of Appeal Inspection shall be final.
 3. The Chief of the Element Originating Warranty Action will process requests for reinspection supporting warranty action in accordance with the procedures outlined in subparagraph VII.A.2.
- B. Determining Comparability of Reinspection Results.
1. Re-examination Results. The office requesting the re-examination will determine comparability of reinspection and original inspection data using DPCM 4155.6 (Subsection 203.1 for variables or Subsection 203.2 for attributes) or request assistance from DPSC-STQPX.
 2. Retest Results. The Quality Assurance Specialist (DPSC-STQPX) shall determine comparability between the original and retest results when sufficient data is available. The Contracting Officer will be notified as to whether or not conforming product is substantiated based on retest results.
- C. Reporting Reinspection Results and Assessable Reinspection Costs.
1. The Military Quality Assurance Representative shall report re-examination results and assessable reinspection costs to the applicable CQAR (see DPSCM 4155.6, Subsection 231.1).
 2. Contractor will be advised of results of Appeal Inspection and, when applicable, will be assessed costs by USDA/USDC (copies of certificate to applicable CQAE).
 3. Test results will be forwarded to Directorate of Subsistence, ATTN: DPSC-STQPX, by laboratory involved.
 4. Chief, Specialized Support/Supply Evaluation Section, Quality Assurance Branch (DPSC-STQP) shall furnish test results and costs assessable to CQAE for pre-acceptance nonconformances and to the Contracting Officer for warranties relating to test characteristics.
 5. The Chief, CQAE, shall:
 - a. Review reports of reinspection (re-examination and retest).
 - b. Report the original results (if comparable) or the reinspection results (if noncomparable) expeditiously to the Contracting Officer, indicating whether original or reinspection results should form the basis for the final decision by the Contracting Officer, and include evaluation as to the effect of the nonconformance on product serviceability and/or savings to recommend an amount of monetary consideration for acceptance of the nonconforming supplies at a price reduction for loss in product quality/serviceability and costs to the Government or savings to the contractor, as applicable, when requested by the Contracting Officer.
 - c. When the Government is liable, furnish costs for USDA/USDC reinspection (examination and testing) to the Quality Assurance Branch (DPSC-STQ) for forwarding to DPSC-SMP.
 - d. When the contractor is liable, furnish costs for QAR (other than USDA and USDC) reinspection to the Contracting Officer.

6. The Chief of the Element Originating Warranty Action will report reinspection results and assessable reinspection costs for warranty actions as detailed in subparagraph VII.C.5. Above.

- I. ADDITIONAL REFERENCES. (See Section I.) Rules and Regulations of the Department of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, and Meat Products.
- II. PURPOSE AND SCOPE. To establish policy, assign responsibilities, and provide procedures for processing contractor's request for Appeal Inspection (Appeal Grading) of carcass meats and wholesale cuts, and the reports resulting therefrom. These procedures implement the referenced publications and are applicable to Government Inspection personnel; Directorate of Subsistence (DSPC-S), and DPSC Subsistence Contracting Elements (SCEs).
- III. POLICY.
 - A. The Contracting Officer only will authorize Appeal Inspection (Appeal Grade) of carcass meats and wholesale cuts.
 - B. Appeal Inspection shall be for grade and cutability (yield grade) only.
 - C. Liason visits by USDA grading supervisors will be utilized to the maximum to obtain corrective action where destination verification indicates borderline or questionable origin grading. Discussion of problem areas with USDA grading supervisors, particularly where corrective action is possible without appeal is encouraged. No contractual action shall be taken, however, as a result of liason visits, nor are charges for such visits made.
 - D. Appeal Inspection should be used only when verification inspection indicates obvious misgrading, substitution, or fraud.
 - E. Appeal Inspection shall not be granted when:
 1. Any lot of product consists of less than ten similar units.
 2. Product has been altered or undergone any material change since the original service (except when fraudulent alteration is suspected).
 - F. Findings of Appeal Inspection shall be final and contractual actions shall be taken as the results thereof warrant when Appeal Inspection was authorized/requested by the Contracting Officer. Costs shall be assessed in accordance with terms of the contract.
- IV. PROCEDURES.
 - A. Processing Requests for Appeal Inspection (Appeal Grade).
 1. The Contracting Officer shall request the Chief, applicable CQAE, in writing, to arrange for Appeal Inspection.
 2. The Chief, applicable CQAE, shall request a Appeal Inspection. Request may be telephonic and confirmed in writing, giving the following information:
 - a. Contract or Purchase Order Number.
 - b. Item nomenclature and quantity.
 - c. Name of contractor.
 - d. Location of product and person(s) to contact.
 - e. Reason for Appeal Inspection request.
 3. The Chief, applicable CQAE shall request the USDA, Washington, DC to instruct the USDA Grading Office, designated to conduct the Appeal Inspection, to contact the Chief, applicable CQAE, by telephone (collect) concerning Appeal Inspection (time, place, etc.) and to discuss reporting procedures.
 - B. Reporting Results of Appeal Inspection. The applicable CQAE will be furnished results of the Appeal Inspection by telephone (collect) confirmed by "Review Certificate" (original and two copies).

- C. Assessment of Costs for Contracting Officer Authorized/Requested Appeal Inspection. All costs will be reported by USDA/USDC to the CQAE only if the Appeal Inspection indicates conforming supplies. Otherwise, the USDA/USDC will bill the contractor directly.