

[www.acq.osd.mil/dpap/dars/early\\_engagement.html](http://www.acq.osd.mil/dpap/dars/early_engagement.html).

**FOR FURTHER INFORMATION CONTACT:**

Send early inputs via email to [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil) and reference “Early Engagement Opportunity: CARES Act” in the subject line. For further information contact Ms. Carrie Moore at (703) 717-3483.

**SUPPLEMENTARY INFORMATION:** DoD is providing an opportunity for the public to provide early inputs on implementation of Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116-136) within the acquisition regulations. The public is invited to submit early inputs on sections of the CARES Act via the DARS website at [https://www.acq.osd.mil/dpap/dars/early\\_engagement.html](https://www.acq.osd.mil/dpap/dars/early_engagement.html). The website will be updated when early inputs will no longer be accepted. Please note, this venue does not replace or circumvent the rulemaking process; DARS will engage in formal rulemaking, in accordance with 41 U.S.C. 1707, when it has been determined that rulemaking is required to implement a section of the CARES Act within the acquisition regulations.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

[Docket No. DARS-2020-0011]

**Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice.

**SUMMARY:** DoD is publishing the updated annual list of product categories for which the Federal Prison Industries’ share of the DoD market is greater than five percent.

**DATES:** April 10, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Sonji A. Epps, telephone 703-695-9774.

**SUPPLEMENTARY INFORMATION:**

On November 19, 2009, a final rule was published in the **Federal Register** at 74 FR 59914, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) subpart 208.6 to implement Section 827 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). Section

827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI’s share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with DFARS 208.602-70.

The Acting Principal Director, Defense Pricing and Contracting (DPC), issued a memorandum dated March 11, 2020, that provided the current list of product categories for which FPI’s share of the DoD market is greater than five percent based on fiscal year 2019 data from the Federal Procurement Data System. The product categories to be competed effective April 10, 2020, are the following:

- 7110 (Office Furniture)
- 7125 (Cabinets, Lockers, Bins, and Shelving)
- 7210 (Household Furnishings)
- 8405 (Outerwear, Men’s)
- 8415 (Clothing, Special Purpose)
- 8420 (Underwear and Nightwear, Mend’s)

The DPC memorandum with the current list of product categories for which FPI has a significant market share is posted at: [https://www.acq.osd.mil/dpap/cpic/cp/specific\\_policy\\_areas.html#federal\\_prison](https://www.acq.osd.mil/dpap/cpic/cp/specific_policy_areas.html#federal_prison).

The statute, as implemented, also requires DoD to—

(1) Include FPI in the solicitation process for these items. A timely offer from FPI must be considered and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v);

(2) Continue to conduct acquisitions, in accordance with FAR subpart 8.6, for items from product categories for which FPI does not have a significant market share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive (or fair opportunity) procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery; and

(3) Modify the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Department of Defense Military Family Readiness Council; Notice of Federal Advisory Committee Meeting**

**AGENCY:** Under Secretary of Defense for Personnel and Readiness, Department of Defense.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the DoD Military Family Readiness Council (MFRC) will take place.

**DATES:** Open to the public Wednesday, April 29, 2020, from 10:00 a.m. to 12:00 p.m.

**ADDRESSES:** The address of this open meeting will be online. The phone number for the remote access is 800-309-1256, and the participant code is 305538. This information will also be posted on the DoD MFRC website at: <http://www.militaryonesource.mil/those-who-support-mfrc>.

**FOR FURTHER INFORMATION CONTACT:**

William Story, (571) 372-5345 (Voice), (571) 372-0884 (Facsimile), OSD Pentagon OUSD P-R Mailbox Family Readiness Council, [osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil](mailto:osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil) (Email). Mailing address is Office of the Deputy Assistant Secretary of Defense (Military Community & Family Policy), Office of Family Readiness Policy, 4800 Mark Center Drive, Alexandria, VA 22350-2300, Room 3G15. Website: <http://www.militaryonesource.mil/those-who-support-mfrc>. The most up-to-date changes to the meeting agenda can be found on the website.

**SUPPLEMENTARY INFORMATION:** Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer, the Department of Defense Military Family Readiness Council was unable to provide public notification required by 41 CFR 102-3.150(a) concerning the meeting for April 29, 2020. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.140 and 102-3.150.