



DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket No. DARS-2025-0002]

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

AGENCY: Defense Acquisition Regulations System, 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 9, 2025.

FOR FURTHER INFORMATION CONTACT: Angela Lynch, 339-223-7387.

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 Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP), issued a memorandum dated March 10, 2025, 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 2024 data from the Federal Procurement Data System. The product categories to be competed effective April 9, 2025, are the following:

- 7110 (Office Furniture)
- 7290 (Miscellaneous Household and Commercial Furnishings and Appliances)
- 8125 (Bottles and Jars)
- 8405 (Outerwear, Men's)
- 8410 (Outwear, Women's)
- 8415 (Clothing, Special Purpose)
- 8420 (Underwear and Nightwear, Men's)

The DPCAP 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/policy/policyvault/USA000184-25_DPCAP.pdf.

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 D. Johnson,

Editor/Publisher,

Defense Acquisition Regulations System.

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