

# 11.390 Unused former Government surplus property.

(a) Solicitations shall include procurement note C04 unless there is a documented restriction for unused former Government surplus property material. The procurement note is automatically included in automated solicitations.

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## C04 Unused Former Government Surplus Property (SEP 2021)

To be considered for award, the offeror must complete and submit the following representation with their offer. Additional supporting documentation to demonstrate the surplus material offered was previously owned by the Government and meets solicitation requirements must be provided within 24 hours of request by the contracting officer.

(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., Commercial 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 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 yes, the offeror purchased the material from a Government selling agency or other source.

Yes \_\_ No \_\_ If yes, provide the following:

Government Selling Agency: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Contract Date: (Month, Year): \_\_\_\_\_

Other Source: \_\_\_\_\_

Address: \_\_\_\_\_

Date Acquired: (Month/Year) \_\_\_\_\_

(3) The material has been altered or modified. Yes \_\_ No \_\_

If Yes, the offeror must provide the name of the company that performed the alteration or modification and attach or forward to the contracting officer a complete description of the alterations or modifications.

(4) The material has been reconditioned. Yes \_\_ No \_\_

If Yes, (i) the price offered includes the cost of reconditioning /refurbishment. Yes \_\_ No \_\_; and (ii) the offeror must provide information on the company that reconditioned the material with the certifications and attach or forward to the contracting officer a complete description of any work done or to be done, including the components to be replaced and the applicable rebuild standard.

The material contains cure-dated components. Yes \_\_ No \_\_

If Yes, (i) the price includes replacement of cure-dated components. Yes \_\_ No \_\_; and (ii) provide cure date to the contracting officer.

(5) The material has data plates attached. Yes \_\_ No \_\_

If Yes, the offeror must state below all information contained thereon, or forward a copy or facsimile of the data plate to the contracting officer.

\_\_\_\_\_

(6) The offered material is in its original package. Yes \_\_ No \_\_

If yes, the offeror has stated below all original markings and data cited on the package; or has attached or forwarded to the contracting officer a copy or facsimile of original package markings:

Contract Number \_\_\_\_\_

NSN \_\_\_\_\_

CAGE Code \_\_\_\_\_

Part Number \_\_\_\_\_

Other Markings/Data \_\_\_\_\_

(7) The offeror has supplied this same material (National Stock Number) to the Government before. Yes \_\_ No \_\_

If Yes, (i) the material being offered is from the same original Government contract number as that provided previously. Yes \_\_ No \_\_; and (ii) state below the Government Agency and contract number under which the material was previously provided:

Agency \_\_\_\_\_

Contract Number \_\_\_\_\_

(8) The material is manufactured in accordance with a specification or drawing. Yes \_\_ No \_\_

If Yes, (i) the specification/drawing is in the possession of the offeror. Yes \_\_ No \_\_; and (ii) the

offeror has stated the applicable information below, or forwarded a copy or facsimile to the contracting officer. Yes  No

Specification/Drawing Number \_\_\_\_\_

Revision (if any) \_\_\_\_\_

Date \_\_\_\_\_

(9) The material has been inspected for correct part number and for absence of corrosion or any obvious defects. Yes  No

If Yes, (i) material has been re-preserved. Yes  No ; (ii) material has been repackaged.

Yes  No ; (iii) percentage of material that has been inspected is \_\_\_\_%; and/or (iv) number of items inspected is \_\_\_\_\_; and (v) a written report was prepared. Yes  No ; and if Yes, the offeror has attached the written report or forwarded it to the contracting officer. Yes  No

The offeror agrees that in the event of award and notwithstanding the provisions of the solicitation, inspection and acceptance of the surplus material will be performed at source or destination subject to all applicable provisions for source or destination inspection.

The offeror has attached or forwarded to the contracting officer one of the following, to demonstrate that the material being offered was previously owned by the Government (offeror check which one applies):

For national or local sales, conducted by sealed bid, spot bid or auction methods, a solicitation/Invitation For Bid and corresponding DLA Disposition Services Form 1427, Notice of Award, Statement and Release Document.

For DLA Disposition Services Commercial Venture (CV) Sales, the shipment receipt/delivery pass document and invoices/receipts used by the original purchaser to resell the material.

When the above documents are not available, or if they do not identify the specific NSN being acquired, a copy or facsimile of all original package markings and data, including NSN, commercial and Government entity (CAGE) code and part number, and original contract number. (This information has already been provided in paragraph (c)(6) of this clause. Yes  No )

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.

This 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 DLAD procurement note L04, Offers for Part Numbered Items.

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.

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

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(b)(1) All offers for unused former Government surplus property will be evaluated and a \$200 evaluation factor shall be applied. Solicitations shall include procurement note M05 unless there is a documented restriction for unused former Government surplus property. The procurement note is automatically included in automated solicitations.

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#### M05 Evaluation Factor for Unused Former Government Surplus Property (SEP 2016)

- (1) All offers for unused former Government surplus property shall have a \$200 evaluation factor.
- (2) All offers for CSI require evaluation by the ESA(s). An evaluation factor of \$600 shall be applied for coordination with each ESA.
- (3) If the contracting officer cannot determine acceptability and coordinates with the ESA(s) on other than CSI, an evaluation factor of \$600 shall be applied for each ESA.

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(2) The contracting officer shall evaluate offers for unused former Government surplus property. If additional information is required to make a determination of acceptability, the contracting officer shall allow the offeror 24 hours to submit the additional documentation. If the offeror fails to respond in a 24-hour period, the offer will be deemed unacceptable and evaluation will proceed to the next in line offer, unless it is the only offer. If the contracting officer requires technical assistance or the item is a CSI, they shall send a pre-award referral to the product specialist.

**Parent topic:** SUBPART 11.3 - ACCEPTABLE MATERIAL