

## 8.605 Exceptions.

Purchase from FPI is not mandatory and a waiver is not required if-

- (a)
  - (1) The *contracting officer* makes a determination that the FPI item of supply is not comparable to *supplies* available from the private sector that best meet the Government's needs in terms of price, quality, and time of delivery; and
  - (2) The item is acquired in accordance with [8.602\(a\)\(4\)](#);
- (b) Public exigency requires immediate delivery or performance;
- (c) Suitable used or excess *supplies* are available;
- (d) The *supplies* are acquired and used outside the *United States*;
- (e) Acquiring listed items totaling \$3,500 or less;
- (f) Acquiring items that FPI *offers* exclusively on a competitive (non-mandatory) basis, as identified in the FPI Schedule; or
- (g) Acquiring services.

**Parent topic:** [Subpart 8.6 - Acquisition from Federal Prison Industries, Inc.](#)