

## **Buying Furniture? Read About the UNICOR Limited Source Justification**

### ***Background***

UNICOR (Federal Prison Industries) is a mandatory source of supply for certain items similar to those on GSA Schedules. Ordering activities are encouraged to purchase UNICOR supplies and services to the maximum extent practicable.

UNICOR is a critical component of the Bureau of Prisons' comprehensive efforts to improve offender reentry. By providing inmates with the skills needed to join the workforce upon release, UNICOR reduces an inmate's likelihood of relapse into criminal behavior while helping curb the rising costs of corrections.

### ***Policy Overview***

In accordance with FAR 8.6, if a UNICOR supply item meets the ordering activity's requirement, before purchasing the item from UNICOR, the ordering activity should conduct market research to determine whether the UNICOR item is comparable to supplies available from the private sector that best meet the government's needs in terms of price, quality, and time of delivery. If the UNICOR item is comparable, the ordering activity should follow UNICOR's ordering procedures and purchase the item from UNICOR, unless UNICOR grants a waiver (FAR 8.604), or one of the circumstances in FAR 8.605 applies. Visit UNICOR's website to view a list of UNICOR supplies and services, and to access [UNICOR's ordering procedures](#).

### ***Note***

FAR 8.002 specifies the order of priority when acquiring supplies or services. Although UNICOR has priority over GSA Schedules for supplies, GSA Schedules have priority over UNICOR for services.

### ***Full Policy for purchasing from UNICOR, [8.602 Policy](#)***

(a) In accordance with 10 U.S.C. 2410n and Section 637 of Division H of the Consolidated Appropriations Act, 2005 (Pub. L. 108-447), and except as provided in paragraph (b) of this section, agencies shall—

- (1) Before purchasing an item of supply listed in the FPI Schedule, conduct market research to determine whether the FPI item is comparable to supplies available from the private sector that best meet the Government's needs in terms of price, quality, and time of delivery. This is a unilateral determination made at the discretion of the contracting officer. The arbitration provisions of 18 U.S.C. 4124(b) do not apply.
- (2) Prepare a written determination that includes supporting rationale explaining the assessment of price, quality, and time of delivery, based on the results of market research comparing the FPI item to supplies available from the private sector.

(3) If the FPI item is comparable, purchase the item from FPI following the ordering procedures at <http://www.unicor.gov>, unless a waiver is obtained in accordance with 8.604.

(4) If the FPI item is not comparable in one or more of the areas of price, quality, and time of delivery—

(i) Acquire the item using—

(A) Competitive procedures (e.g., the procedures in 6.102, the set-aside procedures in Subpart 19.5, or competition conducted in accordance with Part 13); or

(B) The fair opportunity procedures in 16.505, if placing an order under a multiple award delivery-order contract;

(ii) Include FPI in the solicitation process and consider a timely offer from FPI for award in accordance with the item description or specifications, and evaluation factors in the solicitation—

(A) If the solicitation is available through the Governmentwide point of entry

(FedBizOpps), it is not necessary to provide a separate copy of the solicitation to FPI;

(B) If the solicitation is not available through FedBizOpps, provide a copy of the solicitation to FPI;

(iii) When using a multiple award schedule issued under the procedures in Subpart 8.4 or when using the fair opportunity procedures in 16.505—

(A) Establish and communicate to FPI the item description or specifications, and evaluation factors that will be used as the basis for selecting a source, so that an offer from FPI can be evaluated on the same basis as the contract or schedule holder; and

(B) Consider a timely offer from FPI;

(iv) Award to the source offering the item determined by the agency to provide the best value to the Government; and

(v) When the FPI item is determined to provide the best value to the Government as a result of FPI's response to a competitive solicitation, follow the ordering procedures at <http://www.unicor.gov>.

(b) The procedures in paragraph (a) of this section do not apply if an exception in 8.605(b) through (g) applies.

(c) In some cases where FPI and an AbilityOne participating nonprofit agency produce identical items (see 8.603), FPI grants a waiver to permit the Government to purchase a portion of its requirement from the AbilityOne participating nonprofit agency. When this occurs, the portion of the requirement for which FPI has granted a waiver—

(1) Shall be purchased from the AbilityOne participating nonprofit agency using the procedures in Subpart 8.7; and

(2) Shall not be subject to the procedures in paragraph (a) of this section.

(d) Disputes regarding price, quality, character, or suitability of supplies produced by FPI, except for determinations under paragraph (a)(1) of this section, are subject to arbitration as specified in 18 U.S.C. 4124. The statute provides that the arbitration shall be conducted by a board consisting of the Comptroller General of the United States, the Administrator of General Services, and the President, or their representatives. The decisions of the board are final and binding on all parties.