

WAIVER REQUEST PROCEDURES

Please follow the instructions below to ensure expeditious processing of your waiver request. Because UNICOR is a mandatory source provider for items listed in its Schedule of Products (enclosed in your Full Line Catalog), an ordering office must receive UNICOR's written authorization for clearance prior to placing an order for similar items through outside sources.* Waiver requests may be sent by mail or facsimile transmission:

BY MAIL: Send requests to:

UNICOR

Customer Service Center
P.O. Box 13640
Lexington, KY 40583-3640
Attn: Waiver Processing Services

BY FAX: (859) 254-9048

BY email:

custserv@central.UNICOR.gov

Upon request, your request will be reviewed for completeness, assigned a tracking identification number, and evaluated based upon the terms presented vs UNICOR's ability to meet them. You will be notified should any pertinent information be missing from the request. We make every attempt to process your waiver request in a timely manner. During seasonal volume surges or if information is missing from your request, processing times will vary, but we will do our best to minimize delays.

- **POINT OF CONTACT DETAIL:**

Name and title of the appropriate contact person; name/signature of the appropriate Contracting Officer.

- **COMPLETE MAILING ADDRESS:**

Agency, street, city, state, zip code.

- **PHONE AND FACSIMILE NUMBERS:**

For contact purposes.

- **DESCRIPTION OF ITEMS:**

Descriptive, material (i.e., illustrations, drawings, brochures, etc.) that convey the characteristics, and/or construction of items in question, including UNICOR part number or NSN. If due to technical differences, a comparison must be provided.

- **JUSTIFICATION**

Your waiver request should explain why our products do not meet the basic needs of your agency. Please refer to four Full Line Catalog which can be obtained by calling **(800) 827-3168**

- **PRICE & QUANTITY:**

Number and estimated unit price for each item; if systems furniture, be certain to specify number and cost of completed workstations (if request is for component parts only, please specify).

- **REALISTIC DELIVERY DATE:**

Delivery requirements inconsistent with those referenced on the General Services Administration Federal Supply Schedule, require written certification from your Contracting Officer. This certification must state that the items are available from the outside source within the required time

frame indicated in the waiver request. Deliver date is required to be specified as month, day, and year that the product is needed.

Each waiver request is evaluated on a case-by-case basis by one of our Marketing Consultants (see the attached list for the Marketing Consultant in your area if you have any questions concerning your individual request)., Systems furniture waivers are handled by the Systems Project Group which can be contacted at (202) 508-8450.

Should your request be denied, an appeal may be made by sending a letter, outlining your reasons for appeal to:

Jan I. Ombudsman
Office of the Ombudsman
Federal Prison Industries.
320 First St., N.W
Washington, D.C. 20534

Tel (202) 305-3515 Fax (202) 305-7340

To expedite processing of the appeal, please provide the 7 digit waiver identification number (found on your waiver denial letter) assigned to your request. An appeal should be made no later than 30 days following receipt of a denial.

Further questions and/or clarifications regarding these procedures, as well as waiver status information or catalog fulfillment, may be obtained by calling UNICOR's Customer Service Center, **(800) 827-3168**.

Ref. Title 18, USC, Sec 4124 (a); Federal Acquisition Regulations, subpart 8.6.

UNICOR REGIONAL MARKETING CENTERS

North Central Region

IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH,
SD, WI

Gene Franklin

**Regional Sales Manager & National Sales
Coordinator**

Phone: (618) 667-9289

Fax: (618) 667-7298

South Central Region

AL, AR, FL, LA, MS, OK, PR, TX, VI

Phone: (760) 510-9574

Fax: (760) 510-2002

Northeast Region

CT, EU, MA, ME, NH, NJ, NY, PA, VT, Europe,
British Isles

Michael Walsh

Regional Sales Manager

Phone: (973) 509-5287

Fax: (973) 509-5288

Southeast Region

DC, DE, GA, MD, NC, SC, TN, VA, WV

Donna Long

Regional Sales Manager

Phone: (757) 468-5310

Fax: (757) 468-6342

Northwest Region

AK, CA (Northern and Central), ID, NV, OR, UT,
WA

Judi Scott

Regional Sales Manager

Phone: (925) 831-3150

Fax: (925) 831-3151

Southwest Region

CA (Southern), CO, MT, NM, TX, WY

Larry Gelhaar

Regional Sales Manager

Phone: (303) 940-6088

Fax: (303) 940-6087

**Sales Representative
Telephone
Fax**

Larry Gelhaar

(303) 940-6088
(303) 940-6087

Jacquelyn Canty

(410) 384-1618
(410) 384-1619

Gene Franklin

(618) 667-9289
(618) 667-7298

Lisa Hurling

(773) 394-6963
(773) 394-6967

Beth Jones

(502) 473-8211
(502) 473-8212

Joan Lamanteer

(301) 881-9346
(301) 881-9347

Donna Long

(757) 468-5310
(757) 468-6342

Joe McCormick

(770) 982-3156
(770) 982-3157

Mavis Nellas

(808) 394-0203
(808) 396-7084

Elizabeth Phelan

(770) 607-9864
(770) 607-9856

Michelle Region

(210) 824-0018
(210) 824-6631

Carole Rish

(425) 454-1266
(425) 635-1085

Judi Scott

(925) 831-3150
(925) 831-3151

Bob Shortmeyer

(732) 308-3501

(732) 780-9987

Morgan St. James

(310) 737-9392

(310) 737-0182

Michael Walsh

(973) 509-5287

(973) 509-5288

WAIVER REQUEST PROCEDURE

In accordance with Title 18, U.S.C.. Sec. 4124(a) and Federal Acquisition Regulation subpart 8.6. Federal Prison industries, Inc. (UNICOR) has a mandatory preference for supplies listed in its "Schedule of Products." When an ordering office wishes to purchase supplies listed in the "Schedule" from sources other than UNICOR, it will submit a request for waiver to the Customer Service Manager, Federal Prison Industries, Inc. (UNICOR). The request will be directed as follows:

Federal Prison Industries. Inc.
320 First SL. N. W. (ACACIA)
Washington. DC 20534
Attn: Customer Service Manager

Telephone: 1-800-827-3168 Facsimile: 202-628-1597

Federal Prison Industries, Inc. (UNICOR) will consider requests for waivers based on documented disparities in price, inability to meet reasonable delivery dates, and disqualifying variations in function and "match." Requests will be considered in connection with the standards set out in its Waiver Policy. UNICOR has attempted to set out with the greatest degree of objectivity the standards that it applies in making decisions on waivers. While there must inevitably be some discretion exercised in these decisions. UNICOR will always give careful consideration to a customer's request. It is guided in all its decisions by its commitment to "Total Customer Satisfaction."

A. Requests shall contain the following information:

1. As complete a description as possible of the required items: e.g., National Stock Number, descriptive literature such as cuts, illustrations, drawings. and brochures that explain the characteristics and/or the construction. When applicable, e.g., items built to a military or Federal specification, a complete technical data package should be submitted
2. Quantity required, price of preferred item and required delivery date.
3. In situations where the waiver request is based on functional differences, a comparison of the functional differences between the requested item and the "schedule" item should be provided identifying as a minimum:
 - (a) inadequacies of the "schedule" item to perform the required functions; and
 - (b) economic, or other advantages of the item requested.
4. Estimated annual usage or future need for similar items or a statement that the requirement is nonrecurring and no future need is anticipated. Indicate if this or similar items have previously been purchased from UNICOR.

B. UNICOR delivery schedules are consistent with delivery schedules -for comparable items appearing on General Services Administration Federal Supply Schedules (FSS). Where schedules for comparable items do not exist, deliveries are consistent with good commercial practices. In the event that delivery times shorter than normally available from the FSS or commercial sources are required, certification, in writing from the contracting officer must be provided stating the reason for the shorter delivery requirement

C. All factors are considered when a determination is made. This includes customer needs current factory loading and future requirements. Each request is evaluated on its own merits. UNICOR policy does not permit blanket waivers but evaluates each request on a case-by-case basis considering, primarily, the needs of the customer.

D. Appeals to waiver denials can be made by forwarding reasons for the appeal to the Customer Service Manager by letter. Please note in your transmission that this is an appeal and reference the original waiver identification number. Appeals should be transmitted no later than 30 days after receipt of the original decision.

E. Every attempt will be made to respond to waiver requests and appeals within five (5) working days of receipt.

F. Ordering- offices should not initiate action to acquire similar items from sources other than UNICOR until a request for waiver is approved.

To check the status of your request or to inquire about prices, delivery, order status or other concerns, please call the UNICOR Customer Service Hotline: 1-800-827-3168

WAIVER GUIDELINES

I. WAIVER REVIEW TEAM

Each product division will establish a Waiver Review Team consisting of at least two members. The permanent member and leader of the team will be the Assistant Division Manager, or in the absence of an Assistant Division Manager, a person designated as team leader by the Division Manager. The other member(s) of the team will be the Industrial Specialist(s) for the product under waiver review.

In the event of a customer appeal to a waiver, the final decision on the appeal will be the responsibility of the Division Manager. The Assistant Division Manager, or a person designated as the team leader, will make recommendations to the Division Manager.

Processing of waiver requests and appeals will be in accordance with the instructions in the Waiver Processing Procedure.

The Waiver Review Team will review all waiver requests and render a decision based on the following guidelines:

II. GUIDELINES

A. Pricing:

UNICOR is mandated to provide products at "not to exceed current market price." Current market price is determined in the following ways:

1. Federal Supply Schedule (FSS): If a comparable product is on a GSA/FSS, the schedule prices will determine current market price.
2. Industry comparison: When a comparable product is not on an FSS, but is generally available from private sector manufacturers, a review of private sector prices will be used to establish a "range" for current market price. This range determines the current market price.
3. Where comparable products cannot be identified or where a customer requests special modifications to a UNICOR product or where UNICOR has been the sole provider of a product's current market price is determined by our cost to manufacture (including applicable overhead and administrative costs) plus a reasonable return as determined by Corporate Management.

Waivers based on price will not ordinarily be issued when the product does not exceed current market price as defined above. However, where there is no genuine comparability between UNICOR's product and the product required by the purchaser, waiver may be granted even though UNICOR's price for its product does not exceed the current market price. Factors to be considered in determining whether products are comparable include quality and similarity of materials, methods of construction, product durability, presence of ancillary features, warranties, etc.

B. Delivery:

UNICOR deliveries will be consistent with the deliveries for comparable products on the Federal Supply Schedule (FSS), or good commercial practice when an FSS does not exist. When customers request delivery times shorter than those quoted for comparable products on the FSS, or than is available under good commercial practice, a letter from the contracting officer required stating the reason a shorter delivery is needed and attesting to the fact that the products required are available from an alternative source in the time frame required.

Waivers will not be issued when UNICOR can meet the delivery criteria stated above, unless an acceptable reason for a shorter delivery date is provided.

C. Performance characteristics:

When a waiver is requested based on an assertion that UNICOR's product will not perform as well as another or in the manner desired by the customer, the contracting officer must provide, in writing, details describing the non-conformance characteristics of the UNICOR product.

D. Aesthetics or matching existing items:

Generally this is not an acceptable reason to grant a waiver. However, discretion will be used. For example, where additions 2 being made to a building where competitive products are installed, and new products would be in close proximity to existing items, waivers may be justified. Also, waivers will be considered for insulation compatibility, as in the case of systems furniture and shelving.

E. Commerce Business Daily (CBD) Announcements:

In order to avoid a situation where UNICOR exercises its statutory preference after a private sector company has gone to effort and expense preparing a bid package, UNICOR will exercise special care with regard to procurements that have been announced in the Commerce Business Daily. Although solicitations for products manufactured by UNICOR should not appear in the CBD without first obtaining a waiver from UNICOR, occasionally through error such solicitations do appear. The Federal Acquisition Regulations (FAR), subpart 5.203, require a fifteen (15) day waiting period between the date of the CBD synopsis and the issuance of solicitations. Therefore, UNICOR will exercise its preference by requesting cancellation of the solicitation only during this waiting period.