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J-33  
IN REPLY REFER TO PROCLTR 01- 20

DEC 05, 2001

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Management of Critical Safety Items (CSIs) (DLAD 11.302-91, 11.304-90,  
12.301(f), 17.7501(b)(3)(i), 46.390(a), 52.211-9005, 52.211-9006, 52.211-9007)

This is one of two PROCLTRs that address the urgent need to improve our management of Navy critical safety items (CSIs). In response to concerns raised by the Navy, our Defense Supply Centers have reviewed certain contracts for CSIs that were suspected of being awarded to unapproved sources. This review has, in fact, identified some improper awards. Due to the catastrophic consequences to personnel, equipment, or mission that can result from failure of even a single CSI, we must do everything possible to institute procedures and safeguards to ensure we acquire these items correctly. Our customers expect and deserve a "safety-first — no margin for error" mentality. With these goals in mind, the attached DLAD guidance provides new procedures to address the acquisition requirements related to CSI management.

 A new solicitation provision addresses requirements for documentation from prospective sources that are not cited in the acquisition identification description (AID) (see DLAD 52.211-9005, Conditions for Evaluation and Acceptance of Offers for Critical Safety Items). New clauses are also provided at 52.211-9006, Changes in Contractor Status, Item Acquired, and/or Manufacturing Process/Facility — Critical Safety Items; and 52.211-9007, Withholding of Materiel Review Board (MRB) Authority — Critical Safety Items. To address those instances when a CSI is a commercial item, blanket waivers at DLAD 12.301(f)(97)-(99) authorize the use of the CSI terms and conditions in FAR Part 12 contracts.

New guidance at DLAD 11.302-91(a)(9) excludes CSIs from contract arrangements that authorize the contractor to select item sources, including, but not limited to, Prime Vendor (PV), Industrial Prime Vendor (IPV), and Virtual Prime Vendor (VPV); unless the contract terms will ensure that the contractor complies with agency policy requirements for CSIs, and prior approval is obtained from the DSC CSI focal point. DSCs must review existing PV/IPV/VPV-type contracts and remove any CSIs until the requirements in DLAD 11.302-91(a)(9) are satisfied. Alternatively, DSCs could obtain CSI focal point approval to issue change orders modifying contracts to require the contractor to (1) include the provision and clauses at DLAD 11.304-90(a)-(c) in all CSI acquisitions; (2) acquire CSIs only from sources cited in the AID; and (3) submit any offer from a source not cited in the AID, with documentation provided by the offeror, to the contracting officer for approval prior to placing material in the bin. Additionally, DSCs must review existing long-term contracts (LTCs) and acquire documentation in accordance with DLAD 52.211-9005 for any CSI awarded to a source that is not in the AID. If documentation cannot be obtained or is inadequate, the CSI(s) must be removed from the LTC. DSCs must also modify existing contracts for CSIs to include the clauses at DLAD 52.211-9006 and 52.211-9007. All contract modifications must be issued not later than 60 days from the issuance of this PROCLTR. If contractors are entitled to equitable adjustments, these may be negotiated after issuance of the modifications. J-334 and J-335 will be forwarding contract data under separate cover to assist with the identification of CSIs on existing contracts.



Proposed awards for CSIs to a dealer or distributor will not require pre-award referral to an Engineering Support Activity (ESA) under the new DLAD policy; however, for an interim period, DLA and the Navy will conduct reviews on a post-award, informational basis to ensure there is a mutual agreement concerning what documentation is acceptable. The J-334 CSI Team will establish and oversee this process. The point of contact for this team is Mr. William Finkel, J-334, DSN 427-2663/ (703) 767-2663.

This PROCLTR is effective immediately and remains in effect until it is incorporated into DLAD 4105.1. The point of contact for this PROCLTR is Ms. Anne Burleigh, J-336, (703) 767-1358, DSN 427-1358 or e-mail [anne\\_burleigh@hq.dla.mil](mailto:anne_burleigh@hq.dla.mil).



CLAUDIA S. KNOTT  
Executive Director  
Logistics Policy and Acquisition Management

Attachment

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PART 11

DESCRIBING AGENCY NEEDS

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SUBPART 11.3 - ACCEPTABLE MATERIAL

- 11.301 Definitions.
- 11.302 Policy.
- 11.302-90 Use of approved sources.
- 11.302-91 Management of critical safety items (CSIs).**
- 11.304-90 Solicitation provision and contract clauses for critical safety items (CSIs).**

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11.302 **Policy.**

(b) (90) \* \* \*

11.302-90 \* \* \*

**11.302-91 Management of critical safety items (CSIs).** CSIs are a subset of a larger category of parts known as Critical Application Items (CAIs); CAIs are items whose failure could affect mission, performance, readiness, or safety. CSIs are parts whose failure potentially can cause loss of life, serious injury, loss of an aircraft, or significant damage to an aircraft or associated equipment. Due to the catastrophic consequences that can result if a CSI fails to conform to design data or quality requirements, DLA personnel must follow strict policy guidelines for managing and procuring these items. When the AID includes the statement, "This is a Critical Safety Item (CSI)," contracting officers must follow the guidance in the "Acquisition Requirement" which appears under the heading, "The Following Requirements Apply to Critical Safety Items" on the purchase request (PR) trailer. Technical/quality specialists must follow the "Technical Requirement" and "Quality Assurance Requirement" under the same heading and related guidance in the J-334 Deskbook.

(a) Guidance for acquisition personnel. Contracting officers must refer to the "Acquisition Requirement" on the PR trailer, which will be continuously maintained to reflect the most current requirements for CSIs. The following DLAD guidance is not intended to be all-inclusive; it highlights the most important elements of the "Acquisition Requirement" and clarifies some procedures unique to contracting. If there is a discrepancy between the DLAD guidance and the "Acquisition Requirement" on the PR trailer, the "Acquisition Requirement" will take precedence.

(1) Acquire CSIs only from source(s) cited in the AID; or from a dealer/distributor who is offering the exact product (CAGE and part number) cited in the AID and who has furnished acceptable traceability documentation prior to award (see 11.302-90(c)(i), Note 3). Any variation from this requirement must be referred to the technical/quality specialist for evaluation. (See additional guidance at 11.302-90(c) and 11.304-90.) Referral to the technical/quality specialist is required whenever a source not currently cited in the AID offers to manufacture an item for the Government; and for all offers of "alternate product."

(2) Review the Technical Guidance Information (TGI) field in the CTDF, where sources will be identified that have been removed from the AID pending revalidation by the ESA. Solicit these sources for the current buy. If, after evaluation of offers, one of these sources is in line for award but has not been added back into the AID, the contracting officer must refer the offer to the technical/quality specialist for review as an unapproved source.

(3) Origin inspection is required. Certificate of Conformance (COC) is not authorized, unless approved by the ESA.

(4) Refer all requests for waivers or deviations to the technical/quality specialist.

(5) Specifically withhold Materiel Review Board (MRB) authority (also see 11.304-90(c)).

(6) Refer all offers of Government surplus material that are under consideration to the technical/quality specialist for evaluation (see 11.302(b)(90)).

(7) Automated solicitations may be used to solicit CSIs, and automated evaluation may be used to select a potential awardee; however, a fully automated award cannot be made, unless the system is programmed to only permit a fully automated award to an approved source cited in the AID who is offering an exact product cited in the AID. Automated awards can only be made to sources that do not currently appear in the AID if the system is programmed to allow for manual evaluation of the documentation required in accordance with 52.211-9005 prior to award.

(8) For urgent requirements (IPG 1), generally allow 5 business days for a prospective awardee to provide documentation in accordance with 52.211-9005; generally allow 15 days for less urgent requirements (IPG 2 or 3; or buys for delivery into stock).

(9) Contract arrangements that authorize the contractor to select item sources, including, but not limited to, Prime Vendor (PV), Industrial Prime Vendor (IPV), and Virtual Prime Vendor (VPV), are not authorized for CSI items; unless contract terms will ensure that the contractor complies with agency policy requirements for CSIs, and prior approval is obtained from the DSC CSI focal point.

(10) Incorporate all quality requirements into the contract when specified (e.g., First Article Test, Production Lot Testing). Do not waive any quality requirement without referring the purchase request to the technical/quality specialist.

(11) When award is made, notify the quality assurance specialist (QAS), who will determine if a quality assurance letter of instruction (QALI) is required. If award was made to a dealer/distributor, a QALI is mandatory. Advise the QAS what the QALI for a dealer/distributor should include, as follows:

(i) All QALIs must include the requirement to examine inventory control records, to establish that items offeror proposes to furnish under current award are in offeror's stock.

(ii) Specifically identify any documentation that offeror stated was unobtainable prior to award; or where a "copy" of documentation was provided prior to award, and an "original" should be examined at time of source inspection (such as, for example, documentation of quotation from approved source; or documents on approved source's letterhead (e.g., invoice, packing slip, etc.)).

(12) When multiple approved sources are identified in the AID and a long-term contract is contemplated, consider using acquisition strategies that will help maintain more than one source, if otherwise appropriate; such as, for example, split awards or multiple awards. This will also minimize the need for referrals to the ESA for revalidation, which is required for CSIs whenever an alternate source has not received an award for over 3 years.

(13) Obtain approval at one level above the contracting officer prior to making award; except that fully automated awards do not require this approval if the system is programmed to only permit a fully automated award to be made to an approved source cited in the AID who is offering an exact product cited in the AID.

(14) After award to any source other than an approved source cited in the AID, document in the Contracting Guidance Information (CGI) field in the Contracting Technical Data File (CTDF) the contract/purchase order number and the basis for approval of award (e.g., letter from approved source identifying awardee as authorized distributor).

(15) Carefully evaluate any post-award requests received from contractors for modifications to change a part number or anything pertaining to the representation of "exact product" in the contractor's original quote. Place vendors on DCRL Category "M" if they misrepresent their status as it pertains to offers of "exact product;" and provide an explanation in the "Remarks" field, so buyers on future procurements will request additional information from the vendor upon receipt of a quote or offer. Include adequate information in the DCRL "Remarks" field about how the contractor has misrepresented itself, so the buyer will know to pursue the documentation requirement. Vendors placed on DCRL Category "M" will not receive any fully automated awards (e.g., PACE awards) without a prior manual review. In most cases, such buys must be referred to the manual buyer.

(16) If a contractor identifies changes in its business arrangement with an approved source, in the item acquired, or in a manufacturing process/facility pursuant to 52.211-9006, notify the technical/quality specialist. Refer documentation to technical/quality specialist, if provided by the contractor. Request that the technical/quality specialist determine if acquisition is still authorized from the contractor; if the correct item is being acquired under the contract; or if the manufacturing source is still approved, as applicable. Take corrective action as needed (issue modification, terminate contract, cancel purchase order).

(b) Requirements for business unit/management personnel.

- (1) *Implement internal controls to ensure compliance with this policy.*
- (2) *Participate in periodic reviews and audits.*

11.304-90 *Solicitation provision and contract clauses for critical safety items (CSIs).*

(a) *Insert the provision at 52.211-9005, Conditions for Evaluation and Acceptance of Offers for Critical Safety Items, in all solicitations for critical safety items.*

(b) *Insert the clause at 52.211-9006, Changes in Contractor Status, Item Acquired, And/Or Manufacturing Process/Facility -- Critical Safety Items, in all solicitations and awards for critical safety items.*

(c) *Insert the clause at 52.211-9007, Withholding of Materiel Review Board (MRB) Authority -- Critical Safety Items, in all solicitations and awards for critical safety items; except when soliciting or awarding in accordance with a blanket ordering agreement (BOA) that was awarded by a Service/Agency other than DLA.*

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PART 12

ACQUISITION OF COMMERCIAL ITEMS

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SUBPART 12.3 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

12.301 Solicitation provision for acquisition(s) of commercial items.

(b) (2) (90) \* \* \*

(e) \* \* \*

(f) The DLA SPE has approved supplementation of the provisions and clauses in FAR Part 12 to require use of the following provisions and clauses, when applicable:

(90)-(96) \* \* \*



(97) *The clause at 52.211-9005, Conditions for Evaluation and Acceptance of Offers for Critical Safety Items, as prescribed in 11.304-90(a).*

(98) *The clause at 52.211-9006, Changes in Contractor Status, Item Acquired, And/Or Manufacturing Process/Facility -- Critical Safety Items, as prescribed in 11.304-90(b).*

(99) *The clause at 52.211-9007, Withholding of Materiel Review Board (MRB) Authority -- Critical Safety Items, as prescribed in 11.304-90(c).*

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PART 17

SPECIAL CONTRACTING METHODS

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SUBPART 17.75 - ACQUISITION OF COMPONENT PARTS

17.7501 Procurement of parts.

(b) (3) Solicitation Provision.

(i) The provision at 52.217-9002 entitled "Conditions for Evaluation and Acceptance of Offers for Part Numbered Items" may be used in negotiated acquisitions of replacement parts, components, and assemblies which are identified only by the manufacturer's name, part number, and a brief description, except that the provision at 52.213-9004, Offeror Representations, Certifications, and Fill-in Information--Electronic Commerce, shall be used instead, and shall incorporate 52.217-9002 by reference, whenever a solicitation below the simplified acquisition threshold is issued via electronic means. (See 13.104(90).) **Also use the provision in acquisitions of NSNs identified as "critical safety items (CSIs)" (see 11.302-91); however, for**

**CSIs, the provision at 52.217-9002 applies only to offers of "alternate product," and offers of "exact product" are evaluated in accordance with the provision at 52.211-9005, Conditions for Evaluation and Acceptance of Offers for Critical Safety Items.** The provision may be used for simplified acquisitions as well as large purchases, provided that the full text of the provision shall be made available to offerors. (When 52.213-9004 is used, its inclusion of pertinent fill-in portions of 52.217-9002, and the latter's overall incorporation by reference, shall, along with directions to the offeror on electronic access to, and other availability (including hard copy) of, all applicable guidance, constitute provision in full text.) The contracting officer shall include the standard provision, or one of its alternates when appropriate, in the solicitation, based upon information regarding the availability of data for evaluation provided by technical personnel. The provision should not be used in procurements where technical personnel have specifically advised that for the instant procurement alternate products cannot be evaluated, e.g., restricted source or OEM source controlled items, National Institute for Occupational Safety and Health (NIOSH) items for which necessary testing equipment is not reasonably available, etc.

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## PART 46

### QUALITY ASSURANCE

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#### SUBPART 46.3 - CONTRACT CLAUSES

46.390 Certificate of quality compliance (COQC).

(a) The contracting officer shall insert the clause at 52.246-9000, Certificate of Quality Compliance, in all solicitations and **awards** for safety-critical items; **except when acquiring items identified as "critical safety items (CSIs)" (see 11.302-91). Solicitations and awards for CSIs must include the provision and clauses prescribed at 11.304-90(a)-(c); the clause at 52.246-9000 must be considered for use when acquiring CSIs if award is made to a source other than an approved source cited in the acquisition identification description (AID).** The contracting officer shall also include the clause at 52.246-9000 in other solicitations and contracts for supplies which meet both of the following conditions:

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## PART 52

### SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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SUBPART 52.2 - TEXTS OF PROVISIONS AND CLAUSES

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**52.211-9005 Conditions for evaluation and acceptance of offers for critical safety items.**

**As prescribed in 11.304-90(a), insert the following clause:**

**CONDITIONS FOR EVALUATION AND ACCEPTANCE OF OFFERS FOR CRITICAL SAFETY ITEMS (XXX 2001) - DLAD**

**(a) Definitions.**

**"Actual manufacturer" means an individual, activity, or organization that performs the physical fabrication processes that produce the deliverable part or other items of supply for the Government. The actual manufacturer must produce the part in-house. The actual manufacturer may or may not be the design control activity.**

**"Approved source" means a prime contractor or the actual manufacturer(s) cited in the acquisition identification description (AID). It does not include design control activities with no manufacturing capability.**

**"Critical safety item" (CSI) means a part, assembly, installation, or production system with one or more critical characteristics that, if not conforming to the design data or quality requirements, would result in an unsafe condition that could cause loss of, or serious damage to, the end item or major components, loss of control, or serious injury or death to personnel.**

"Design control activity" means a contractor or Government activity having responsibility for the design of a given part, and for the preparation and currency of engineering drawings and other technical data for that part. The design control activity may or may not be the actual manufacturer.

"Exact product" and "alternate product" are defined in the provision at DLAD 52.217-9002, Conditions for Evaluation and Acceptance of Offers for Part Numbered Items.

"Prime contractor" means a contractor having responsibility for design control and/or delivery of a system/equipment such as aircraft, engines, ships, tanks, vehicles, guns and missiles, ground communications and electronics systems, and test equipment.

"Rebranding" means remarking, re-labeling, repackaging, or otherwise obscuring the marking of the approved source cited in the AID (i.e., the prime contractor or actual manufacturer).

(b) The item being acquired is a critical safety item (CSI). Given their vital importance and the catastrophic consequences that can result if they fail, procurement of these items requires the highest standards of oversight and verification.

(c) This provision applies only to offers of "exact product." Offers of "alternate product" will be evaluated in accordance with the provision at DLAD 52.217-9002.

(d) If the Offeror is the prospective awardee and is not currently an approved source cited in the acquisition identification description (AID) on the schedule page of this solicitation, the Offeror will be requested by the Contracting Officer to provide documented evidence prior to award sufficient to establish that the item being offered is (or will be) the exact item cited in the AID and is (or will be) manufactured by an approved source cited in the AID. Additionally, if the Offeror manufactures the offered item for an approved source cited in the AID, evidence of approval and acceptance by the approved source will be required. Evidence must include the following at a minimum:

(1) If offered item(s) are "not in stock" or "not yet manufactured" --

(i) A copy of Offeror's Request for Quotation to approved source cited in AID; and

(ii) An original, hard copy of quotation received by Offeror from approved source cited in AID; or other verifiable documentation of quotation. (If Offeror is unable to provide this documentation to the Contracting Officer prior to award, it must be provided to the Quality Assurance Representative (QAR) for examination at time of source inspection.)

(2) If offered item(s) are "shipped" or "in stock" --

(i) A copy of invoice on approved source's letterhead. (Invoice must identify exact item cited in AID and a quantity sufficient to satisfy the solicitation requirement.); or

(ii) A copy of packing slip which accompanied shipment from approved source to Offeror. (Packing slip must identify exact item cited in AID and a quantity sufficient to satisfy the solicitation requirement.); and

(iii) Inventory control records to establish that items Offeror proposes to furnish under current order are still in Offeror's stock. (This documentation is mandatory and must be provided to Quality Assurance Representative (QAR) for examination at time of source inspection. Documentation may be provided to Contracting Officer prior to award, at Offeror's discretion.)

(3) If Offeror is an authorized dealer/distributor, or manufactures the item for an approved source --

(i) An authorized dealer/distributorship agreement, licensee agreement, or other type of agreement. (The agreement must specifically identify the exact item, or otherwise ensure that the Offeror is authorized by the approved source to manufacture or distribute the exact item being acquired. If the agreement covers a general product line or is otherwise not product-specific, the Offeror must also furnish additional documentation to address the exact item being acquired (see above).); or

(ii) Letter from an approved source cited in the AID, specifically identifying Offeror as authorized to distribute or manufacture the exact item cited in the AID for that approved source; or

(iii) Other verifiable information (e.g., listing of authorized dealers on official Web page of an approved source) to establish the Offeror's authority to manufacturer or distribute the exact item cited in the AID for an approved source cited in the AID.

(4) When the AID specifies a revision number --

(i) Documentation establishing that the offered item was (or will be) made in accordance with the revision cited in the AID. (This requirement is considered to have been met when documentation provided by Offeror to satisfy other portions of this provision already establishes that offered item was (or will be) made to the revision cited in the AID); or

(ii) Documentation identifying the revision offered and the differences between the revision offered and the revision cited in the AID.

(e) By the submission of this offer, the Offeror represents that --

(1) The item(s) to be provided to the Government --

(i) Is (or will be) in full compliance with all requirements specified in the solicitation; and

(ii) Is not (or will not be) --

(A) A factory second;

(B) Changed, mutilated, or rebranded;

(C) A manufacturer's overrun;

(D) A rejected item; or

(E) Government surplus material (unless Offeror has complied with clause at DLAD 52.211-9000, Government Surplus Material).

(2) In the event of item failure, Offeror will have access to, and will provide to the Government upon request, all information necessary to trace the item back through the manufacturing process.

(3) Any documentation provided by Offeror will correspond to the exact item(s) that will be furnished to the Government; or Offeror will obtain updated documentation and provide it to the Government (if, for example, Offeror sells item(s) to another Buyer before award or before tender for acceptance).

(f) Failure to provide adequate documentation within the timeframe requested by the Contracting Officer may result in rejection of the offer.

(End of provision)

52.211-9006 Changes in Contractor Status, Item Acquired, And/Or Manufacturing Process/Facility -- Critical Safety Items.

As prescribed in 11.304-90(b), insert the following clause:

CHANGES IN CONTRACTOR STATUS, ITEM ACQUIRED, AND/OR MANUFACTURING PROCESS/FACILITY --  
CRITICAL SAFETY ITEMS (XXX 2001) - DLAD

(a) If any changes occur in the Contractor's business status or relationship with the approved source(s) after award of this contract (such as, for example, inability to obtain manufacturing process information; or changes in status as authorized dealer/distributor, or in terms of licensing arrangement), the Contractor shall immediately provide notification and documentation of the changes to the Contracting Officer.

(b) The Contractor shall immediately provide to the Contracting Officer notification (and documentation, if available) of any of the following changes the Contractor becomes aware of:

(1) Later revisions to drawings, specifications or standards that differ from the revision cited in the acquisition identification description (AID) in the contract;

(2) Changes in the manufacturing process;

(3) A change in the approved source's manufacturing location; or

(4) A transfer of manufacturing facilities by the approved source since last manufacture.

(End of clause)

52.211-9007 Withholding of Materiel Review Board (MRB) authority.

As prescribed in 11.304-90(c), insert the following clause:

WITHHOLDING OF MATERIEL REVIEW BOARD (MRB) AUTHORITY -- CRITICAL SAFETY ITEMS (XXX 2001) -- DLAD

The item being acquired is a critical safety item. Notwithstanding any other term or condition included in this contract/agreement, Materiel Review Board (MRB) authority is hereby withheld.

(End of clause)

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