

October 1, 1998

Acquisition Management

VENDOR DEMONSTRATION, PRESENTATION, LOAN AND TESTING OF SUPPLIES, EQUIPMENT OR SERVICES (EXCLUDING COMMISSARY RESALE PRODUCTS)

BY ORDER OF THE DIRECTOR



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AUTHORITY: This Directive is established in compliance with DoD 5500.7-R, Joint Ethics Regulation (JER) and in accordance with applicable provisions of the Federal Acquisition Regulation (FAR).

MANAGEMENT CONTROL SYSTEM: This directive does not contain Management Control provisions that are subject to evaluations, testing and other requirements of DeCAD 70-2 and as specified by the Federal Managers' Financial Integrity Act.

APPLICABILITY: All organizational components and support activities operating within the purview of the Defense Commissary Agency (DeCA) operational authority.

HOW TO SUPPLEMENT: Supplement to this Directive is strictly prohibited without express authorization from HQ DeCA, Acquisition Management.

HOW TO ORDER COPIES: Additional copies may be obtained as follows: Commissaries will order from Regions on DeCA Form 30-21; Regions will consolidate Commissary and Region requirements and order per published schedule.

SUMMARY: This Directive establishes fundamental policy and implements standardized procedures governing the conduct of Vendor Demonstration, Presentation, Loan and Testing of Supplies, Equipment or Services (**excluding commissary resale products**).

SUPERSEDES: DeCA Directive 10-3, February 26, 1993
OFFICE OF PRIMARY RESPONSIBILITY (OPR): HQ DeCA/AM
COORDINATORS: HQ DeCA/DF/IM/PL/DP/RM/GC/IG/IR/PA/DO/SA/RA
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1. **PURPOSE:** This Directive establishes policy, responsibilities and procedures governing the mechanism by which private sector firms market equipment, supplies and services to the government via demonstration, presentation, loan and testing methodologies. It is specifically designed to ensure the integrity of the procurement related process, while permitting direct access to current commercial market information by authorized DeCA personnel. It prohibits any action that may result in a cost or liability to the Government as a result of such activities, while providing for fair consideration of the commercial products(s) or service(s).

2. **REFERENCES:**

- a. DoD 5500.7-R, Joint Ethics Regulation (JER)
- b. Federal Acquisition Regulation (FAR).

3. **POLICY:**

a. DeCA Headquarters, Regions, Field Operating Activities (FOA) and Commissaries shall comply with the procedures established in this Directive and utilize the prescribed Form DeCA 10-8 to facilitate vendor demonstration, presentation, loan, or testing of equipment, supplies, or services for marketing purposes to the Government. Participants shall take precautionary measures to avoid incurring unauthorized costs or liability as a result of such activities.

b. This policy applies to all commercial demonstrations, presentations, loans and testing of supplies, equipment or services provided by vendors, whether initiated by the Government or a commercial firm, except for the following:

- (1) Commissary subsistence/resale products (See DeCA Directive 40-13), and
- (2) Advertising materials, descriptive literature, parts manuals, or other publications or materials available at no cost from commercial establishments in the normal course of doing business.

4. **RESPONSIBILITIES:**

a. It is the responsibility of the directorate/office sponsoring or requesting a demonstration, presentation, loan or testing of supplies, equipment or services to comply with the procedures established in this directive.

b. Prior to the scheduled event, cognizant Government personnel shall ensure participating firms complete DeCA Form 10-8, "Statement of Vendor Understanding" and forward the completed form to the Office of the Manager, Contract Management Business Unit (CBU) for retention in the appropriate contracting office. Completed DeCA Form 10-8 for the regions should be forwarded to the region/area office contracting division in lieu of the CBU.

c. Participants (both military and civilian) shall refrain from releasing information concerning Government requirements and/or proposed procurements to any commercial firms.

5. **PROCEDURES:**

a. Vendor demonstrations, presentations, loans or testing of supplies, equipment or services may be conducted under the following conditions:

(1) For purposes of evaluating existing capabilities of supplies, equipment or services to aid in developing internal government requirements. In such instances, evaluation results will be obtained for informational purposes only and shall not constitute a basis for procurement of the product or service through noncompetitive channels.

(2) Other known manufacturers or providers of comparable products or services shall be extended the same marketing opportunity.

(3) The Government shall not incur any cost or liability associated with demonstrations, presentations, loans, or testing of supplies, equipment or services.

(4) Commercial firms participating in such activities have completed the required DeCA Form 10-8 (Appendix A) prior to conduct of the scheduled event.

(5) During any period of demonstration, presentation, loan, testing, or evaluation of vendor products or services, title to products, samples, equipment, and/or materials, including all data rights to proprietary commercial software or other intellectual protected property shall remain the exclusive property of the participating firm. Products and samples shall not be accepted for use or disposition by Government personnel except on a product loan basis as covered by DeCAF 10-8. Samples not usable as end items such as carpet samples, paneling cuts, etc., may be regarded as advertising or reference material, and as such may be retained by the Government as required.

(6) A completed DeCAF 10-8 for each participating commercial firm must be filed in the office identified in paragraph 4b, prior to scheduled event. If the event is for testing of equipment, DeCAD 40-2, paragraph 3-5, regarding request for approval of equipment testing, must be complied with and a copy of the approval attached to DeCAF 10-8.

b. Prior to conduct of scheduled event, the directorate/office making arrangements for the event shall contact the cognizant contracting office concerning information that can or cannot be released to commercial firms during proceedings. Any commitment (of funds or otherwise) made on behalf of the Government shall only be authorized in writing by a warranted Contracting Officer pursuant to FAR regulatory procedures.

