

DLA TROOP SUPPORT SUBSISTENCE INSPECTION MANNUAL 4155.6 *
SUBSECTION 209.1

DLA TROOP SUPPORT-FTRE *
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DLA TROOP SUPPORT 4155.6 *
SUBSECTION 209.1

NONCONFORMANCES

Reporting

I. REFERENCE. DSCR 4500.7, Government Owned Perishable Subsistence Supplies Damaged in Transit.

II. PURPOSE AND SCOPE. This Subsection provides procedures for reporting Nonconformances of subsistence items inspected at origin or destination and the processing of Requests for Waivers (RFW) received from contractors as a result of item rejection. It is applicable to Quality Assurance Representatives (QAR), Contracting Officers, and personnel performing the Contract Quality Assurance Function.

This function is performed at the following locations:

- A. Quality Assurance and Contracting Personnel, Directorate of Subsistence, DLA Troop Support, (DLA Troop Support-FT). *
- B. Officer of Quality Assurance,-DLA Troop Support- Pacific, Pearl Harbor, HI. (DLA Troop Support-Pacific). *
- C. Office of Quality Assurance DLA Troop Support- Europe and Africa, Kaiserslautern, Germany (DLA Troop Support-Europe and Africa). *

Other Subsections with **DLA** Troop Support Inspection Manual- 4155.6 pertaining to specific situations (e.g., Destination Inspection/Department of Defense (DoD) Reinspection) are used in conjunction with these procedures in order to accomplish nonconformance reporting.

III. POLICY.

A. To provide for a meaningful evaluation of a contractor's performance and to assure an equitable administration of the overall contract, it is imperative that the Contracting Officer be informed of all Nonconformances. This requires reporting of nonconformance by the QAR through the Ordering Officer and the DLA Troop Support-FT, DLA Troop Support-Europe and Africa and DLA Troop Support-Pacific quality assurance personnel, (hereinafter referred to as "the Contract Quality Assurance Function"), as applicable, to the Contracting Officer in accordance with the provisions of this Subsection. *

B. On all contracts for DVD items to posts, bases, camps, and stations, the Ordering Officer is responsible for administering the terms and conditions peculiar to a delivery order and for decisions relative to RFWs, including the negotiation and acceptance of appropriate consideration. However,

the administration of the other terms and conditions set forth in these contracts remains the responsibility of the Contracting Officer.

C. The QAR's recommendation to reject nonconforming items is final unless:

1. For supplies recommended for rejection at origin, the contractor submits a written RFW of the requirement(s) for which the items were found nonconforming for consideration by the Contracting Officer.

2. For supplies rejected at destination, the contractor may request a waiver after being informed of the rejection by the Contracting Officer/Ordering Officer.

D. When it is advantageous to the Government, a waiver of specific contractual requirement(s), with or without a price adjustment, as appropriate, may be granted by the Contracting Officer/Ordering Officer wherein the items are then accepted "as is" (i.e., the items comply with the modified requirements. Several factors shall be considered when evaluating RFWs:

1. Effect of the nonconformance on serviceability.

2. Degree of supply urgency.

3. Timely availability of an item from alternative sources.

4. Savings to the contractor/loss to the Government.

5. When rejection is for health factors, the Contracting Officer/Ordering Officer must obtain concurrence of the responsible veterinary/medical officer prior to granting a waiver.

6. Contractor's performance record.

E. Decisions made by the Contracting Officer/Ordering Officer regarding the disposition of nonconforming items are not to be considered as policy applicable to future contracts. These decisions are limited to the specific lot(s) upon which the decision was made and reported to the QAR.

F. Reporting of Nonconformances during Non-Duty Hours. Normal duty hours for the personnel performing the Contract Quality Assurance Function, Philadelphia are 0700 to 1700 hours EST. You may leave a detailed message via voice mail: include name, title or rank, location, nomenclature of item inspected (including NSN or NIIN) nature of nonconformance and actions taken. Unless it is an overseas contract(s), inspectors should wait till the next reporting business day to report nonconformances.

IV. RESPONSIBILITIES.

A. The QAR is responsible for the following:

1. Inspection at Origin. The QAR shall reject nonconforming items. Should the contractor elect to submit a RFW, the QAR shall process the RPW; the QAR shall process the RFW in accordance with the procedures in paragraph V.

2. Inspection at Destination.

a. Posts, Bases, Camps and Stations (Troop Issue). The QAR shall reject nonconforming items, immediately report the details of the rejection to the Ordering Officer, and request disposition instructions for the nonconforming items. When reporting details of nonconformances to the Ordering Officer, the QAR should determine the degree of nonconformance where possible, in terms of severity and suitability for intended use. 1/ 2/ 3/ 4/.

b. Depots, Supply Points and Ports of Embarkation The QAR shall recommend rejection of nonconforming items, expeditiously inform the appropriate DPSC-FT Quality Assurance and Contracting Representative(s), as applicable, of the nonconformance, and await notification *

from the personnel performing the Contract Quality Assurance Function of the Contracting Officer's decision. 1/

1/ NOTE: When an item is rejected at destination and the Contracting Officer/Ordering Officer is considering a waiver, the QAR shall advise the truck driver who delivered the item of the desirability/necessity for awaiting a decision on the waiver and final disposition instructions.

2/ NOTE: The QAR shall report details of nonconformances found on one time delivery contracts to the Contract Quality Assurance Function, as applicable, and request disposition instructions for the nonconforming items.

3/ NOTE: The QAR shall report details of nonconformances found on DVD shipments of FF&V to the DSO and request disposition instructions for the nonconforming items.

4/ NOTE: For 303 contracts, details of all nonconformances are reported to DPSC-E and disposition instructions requested.

B. The Contracting Officer shall:

1. Receive and review the RFW from contractors and refer to the applicable Contract Quality Assurance Function.
2. Make determinations on RFW from the recommendations received from the applicable Contract Quality Assurance Function.
3. Provide a copy of the final decision correspondence to the applicable Contract Quality Assurance Function.
4. Make determinations on nonconforming items received at depots, supply points, and ports of exportation (POEs) and report the decision to the applicable Contract Quality Assurance Function.
5. Review actions taken by the Ordering Officers on nonconforming DVD items received at posts, bases, camps and stations.

C. The Contract Quality Assurance Function shall:

1. Receive reports of nonconformance from the QARs and RPWs from the Contracting Officer.
2. Conduct evaluations in the nonconformance reports and RFWs and provide results and recommendations to the Contracting Officer.
3. Notify the QAR of Contracting Officer's decisions and instructions.
4. Coordinate requests for DoD Reinspections and warranty inspections.

V. PROCEDURES.

A. Origin Inspection.

1. When the contractor elects to submit a RFW to the Contracting Officer, a copy shall be furnished to the QAR. Upon receipt of the RFW, the QAR shall:
 - a. Require the contractor to verify the information contained within the RFW to ensure that the following is provided:
 - (1) Contractor's name and address.
 - (2) Contract number, lot number(s), and quantity.
 - (3) Item nomenclature and NSN, whether a component or end item.

(4) Specification number, table/paragraph number, Sample Size, AC/REJ number(s), and Number of Defects.

(5) Classification of Defects: MAJOR MINOR.

(6) Cause of nonconformance, including the corrective action contractor has taken/will take to preclude recurrence. If preventive action is not possible, state why.

(7) If nonconformance is of a recurring nature, the frequency of occurrence and date/contract/lot number of last occurrence.

(8) Effect on cost/price.

(9) Effect on delivery schedule.

(10) Full justification for Request for Waiver.

2. When contacted by the applicable Contract Quality Assurance Function, the QAR shall:

a. Confirm the information contained within the RFW as being correct or provide corrections.

b. Provide missing information.

c. State whether rejection is based on contractor's inspection or verification inspection and the type of verification.

d. Comment as to the comparability and reliability of the contractor's inspection system, when applicable.

e. Provide appropriate observations and recommendations.

3. The QAR shall not take further action until notified of the Contracting Officer's instructions/decision from the applicable Contract Quality Assurance Function.

4. Upon receipt of Contracting Officer's approval of the RFW, the QAR shall perform verification inspection if it has not already been performed. If verification inspection reveals the lot is nonconforming to a significantly greater extent or for a clause other than that covered in the RFW, the Contracting Officer shall reject the lot. In this instance, the contractor may submit a new RFW based on the verification inspection results.

5. Upon the Contracting Officer's denial of the RFW, the Contracting Officer will notify the contractor and the Contract Quality Assurance Function (CQAP). The CQAP will then notify the QAR of the denial of the RFW.

6. When a contractor elects to request DoD Reinspection for a technically valid reason and without screening or reworking the nonconforming lot, the Contracting Officer shall instruct the contractor to submit a request for reinspection (retest) with supporting valid technical reasons to believe the original inspection findings were erroneous. Upon the Contracting Officer's approval of reinspection, the nonconforming lot(s) shall be reinspected in accordance with the terms of the contract or specific guidance provided the applicable Contract Quality Assurance Function .

7. When a contractor elects to screen or rework a lot found to be nonconforming by contractor inspection personnel or by verification inspection, the QAR shall:

a. Obtain copies of the contractor's inspection reports or both the original inspection and the inspection of the reworked/screened lot.

b. Perform verification inspection of only those characteristics, which caused reworking/screening. (Exception: if not previously verified or if reworking/screening could affect other characteristics, full verification inspection shall be performed.)

8. When a nonconformance is discovered after the origin QAR has already accepted the item, and completed and signed the inspection report forms, the QAR shall change the finding from acceptance to rejection and shall correct the inspection report form to show the change and state the reasons for the change. The QAR shall also instruct the contractor to withhold shipment. If the item has been shipped and reports distributed, a report of nonconformance, including information regarding the

shipment and distribution of copies of forms, shall be made most expeditiously (via telephone, collect call if necessary, telegram or email) to the Contract Quality Assurance Function, as applicable, and shall be confirmed in writing.

B. Destination Inspection at Supply Points, Depots, Ports of Embarkation (Troop Issue)

The QAR shall:

1. Reject nonconforming items.
2. Expeditiously inform the Contract Quality Assurance Function, as applicable.
3. At supply points, report findings to the authorized representative.
4. At depots, report findings to the Chief, Receipt and Documentation Branch, or equivalent.
5. At ports of embarkation, report findings to Office of Traffic Management (MTMC). If available, a veterinary/medical officer should confirm nonconformances for wholesomeness prior to reporting. The Contract Quality Assurance Function, as applicable, shall obtain and furnish to the QAR the decision of the Contracting Officer.

C. Inspection at Posts, Bases, Camps and Stations.

1. All Contracts (except definite delivery contracts to TISAs and DVD shipments of FF&V). The Ordering Officer signs for items delivered on all contracts. Rejection of these items shall be reported by the QAR to the Ordering Officer for a decision as to granting a waiver. When a question concerning wholesomeness is involved, in no event shall the supplies be accepted without the concurrence of the responsible veterinary/medical officer. The QAR shall remain alert for significant trends in nonconformances of items purchased on than requirements contracts, and summarily report such findings on DD Form 1232, Quality Assurance Function, as applicable, with an information copy provided to the Ordering Officer. (For one time DVD shipments to TISA follow instructions in paragraph V.B.1 and V.B.2.) For DVD shipments of FF&V purchased, the QAR shall report nonconformances to the purchasing activity and request disposition instructions for the nonconforming items. For 303 contracts, regardless of type, the QAR shall immediately report the details of all nonconformances to **DLA** Troop Support-Europe and Africa and request disposition instructions.

2. Requirements Contracts.

a. To report a nonconformance on a requirements contract item, the QAR shall prepare MEDCOM Form 817, (Enclosure 1, original and four copies), in accordance with Enclosures 1 and 2. Legible handwritten copies are acceptable to assure that the reports arrive expeditiously. The QAR shall complete the form, including details of the nonconformance(s), and applicable remarks. The QAR shall then retain one copy for the suspense file and forward four copies to the applicable Contract Quality Assurance Function, making sure to retain a copy for QAR files. When coding of MEDCOM Form 817 is completed by **DLA** Troop support-Europe and Africa or **DLA** Troop Support -Pacific, a copy shall be forwarded to **DLA** Troop support -FTSA. The Ordering Officer shall also inform the contractor of the nonconformance in writing.

NOTE: Nonconformances on shell eggs shall be reported on DD Form 1237 in accordance with instructions provided in Subsection 213.2.

b. Telephonic communication is encouraged when a significant quality problem occurs requiring the immediate involvement of **DLA** Troop support Quality Assurance elements. For example, direct contact (See Subsection 101.2 for phone numbers) should be made when:

- (1) Product is not in excellent condition, or is excessively old;

- (2) Deliveries are grossly nonconforming in terms of fabrication, i.e., conformances to applicable standards or grade requirements, or when product substitution occurs;
- (3) Workmanship defects such as excessive scores prevent items from being used for their intended purpose
- (4) Product consistently fails to meet specified weight requirements;
- (5) Deliveries are consistently and significantly late;
- (6) Interpretation of quality requirements is needed.

Significant nonconformances initially reported telephonically, should be confirmed in writing using procedures in paragraph V.C.2.a. above.

D. Annotation of Shipping Documents.

1. Contractor Liability. When contractor owned supplies are rejected at destination, the QAR shall, at the carrier's request, annotate the freight bill or other document presented by the carrier with the reasons for rejection. The statement must fully and accurately describe the reason for rejection. It shall be dated and signed by the QAR. QARs are cautioned to state facts only and not offer opinions as to cause or place where nonconformance originated.

2. Carrier Liability. Rejections involving carrier liability for Government owned property shall be reported to the transportation officer in accordance with Subsection 235.1. At supply points, Government owned perishable subsistence damaged in transit shall be handled in accordance with DSCP 4500.7. Shipping documents shall be annotated to indicate the extent of damage or loss, time and date that truck driver was notified, and whether he/she concurs. The accountable or receiving officer shall be notified of the rejection so that proper disposition of the item can be effected. All problems associated with carrier liability for seavan shipments received at overseas installations shall be reported to the transportation officer, the appropriate subsistence accountable officer .

E. Government Owned Subsistence.

1. Inter-Supply Point Transfers, Customer Returns, and FOB Origin Shipments of Donated or Surplus Cheese and Butter Received at Supply Points: Nonconforming Government owned subsistence except transit damage (refer to paragraph V.D.3. or DSCP 4500.7) returns, shall be reported to the appropriate subsistence accountable officer expeditiously and documented on MEDCOM Form 817 . The original MEDCOM Form 817 shall be forwarded to the DSO, and a copy retained for the inspector's file. On shipments of surplus/donated cheeses, nonconformances resulting in a significant loss (20% or more) due to untrimmable mold shall reported to the DSO , who shall determine the disposition of the items through **DLA** Troop support -FTRE (DSN 444-8342).

2. Inter-Depot Transfers, Customer Returns and FOB Origin Shipments Received at Depots: Nonconforming Government owned subsistence received at depots as a result of inter-depot transfers, customer returns and FOB origin shipments shall be reported to the applicable Contract Quality Assurance Function.

3. Transfer From Supply Point or Depot to Post, Camp or Station. Nonconforming Government owned subsistence received from a supply point or depot at post, camp or station shall be reported to the Ordering Officer for reconciliation. The QAR shall record the results of the inspection on MEDCOM Form 817, provide a copy to the Ordering Officer and retain one for the file.

4. Government Owned Direct Vendor Deliveries (DVD) Overseas (FOB Origin): Problems involving carrier liability shall be reported to the transportation officer. All other situations involving nonconformances such as, but not limited to, lack of proper documentation, packing, packaging, identity and condition defects shall be reported to the responsible Defense Subsistence Region for

disposition instructions. Nonconformances shall be reported on MEDCOM Form 817; original shall be forwarded to the personnel performing the Contract Quality Assurance Function for the cognizant Defense Subsistence Region and a copy retained for inspector's file.

F. Gross Error. Nonconformances which are determined to be the result of gross error shall be reported to the appropriate personnel performing the Contract Quality Assurance Function by the most expeditious means for immediate action by the Contracting Officer.

G. DoD Reinspection. When DoD reinspection is requested by the Contract Quality Assurance Function, as applicable, results shall be reported as prescribed in Subsection 203.2 , or as applicable.

H. Destination Rejections. When reporting destination rejections or administrative nonconformances (variation in quantities, lack of DD Form 250, Material Inspection and Receiving Report, or certification), the QAR shall provide the applicable information required by Enclosure 2.

I. Disposition Instructions.

1. When the procedures of this Subsection require reporting of a RFW or nonconformance detected at destination to the personnel performing the Contract Quality Assurance Function or Ordering Officer, once reported, the QAR shall take no further action until instructions are received. Final disposition instructions shall be given to the QAR by telephone, message, or digitally signed email from the personnel performing the Contract Quality Assurance Function (Contracting Officer's decision) or Ordering Officer. Such notification constitutes authority to proceed according to those instructions.

a. When disposition instructions are received by telephone, the QAR shall annotate the inspection worksheet with the following information:

(1) Name, rank, title, and office of the authorized person issuing the instructions.

(2) Disposition of the lot, i.e., accepted "as is," rejected, or accepted with a prior adjustment and the amount of price adjustment.

(3) Time and date instructions were received.

(4) The time and date the contractor was notified by the QAR of the disposition of the lot (applicable at origin).

b. When instructions are received by message or telegram, attach a copy of the communication to the inspection worksheet. Annotate the copy with the time and date the contractor was notified of the disposition of the lot (applicable at origin).

2. Instructions relative to disposition of a nonconforming lot are transmitted simultaneously to the contractor and the QAR. If the QAR is aware of instructions received by the contractor but has not been personally notified, the QAR shall immediately contact the personnel performing the Contract Quality Assurance Function by telephone or wire, collect if necessary, and request confirmation of instructions given to the contractor.

3. Disposition instructions for quality/serviceability nonconformances shall be confirmed in writing or a contract modification. The QAR shall not consider a file complete unless the confirmation is received, attached to the inspection worksheet, and placed in the contract file as authority for the action taken. If confirmation is not received within a reasonable length of time, or disposition instructions do not correspond with instructions previously received, the QAR shall advise the personnel performing the Contract Quality Assurance Function accordingly, and request written clarification as soon as possible.

* Denotes changes