**DFARS Case 2022-D020**

**Removal of Passive Radio Frequency Requirements**

**Final Rule**

**PART 211—DESCRIBING AGENCY NEEDS**

**\* \* \* \* \***

**SUBPART 211.2—USING AND MAINTAINING REQUIREMENTS DOCUMENTS**

**\* \* \* \* \***

**211.275 [Reserved] ~~Passive radio frequency identification.~~**

**~~211.275-1 Definitions.~~**

~~“Bulk commodities,” “case,” “palletized unit load,” “passive RFID tag,” and “radio frequency identification” are defined in the clause at~~ [~~252.211-7006~~](https://www.acq.osd.mil/dpap/dars/dfars/html/current/252211.htm#252.211-7006)~~, Passive Radio Frequency Identification.~~

**~~211.275-2 Policy.~~**

~~(a) Except as provided in paragraph (b) of this subsection, radio frequency identification (RFID), in the form of a passive RFID tag, is required for cases and palletized unit loads packaging levels and any additional consolidation level(s) deemed necessary by the requiring activity for shipments of items that—~~

~~(1) Contain items in any of the following classes of supply, as defined in DoD Manual 4140.01, Volume 6, DoD Supply Chain Materiel Management Procedures: Material Returns, Retention, and Disposition:~~

~~(i) Subclass of Class I – Packaged operational rations.~~

~~(ii) Class II – Clothing, individual equipment, tentage, organizational tool kits, hand tools, and administrative and housekeeping supplies and equipment.~~

~~(iii) Class IIIP – Packaged petroleum, lubricants, oils, preservatives, chemicals, and additives.~~

~~(iv) Class IV – Construction and barrier materials.~~

~~(v) Class VI – Personal demand items (non-military sales items).~~

~~(vi) Subclass of Class VIII – Medical materials (excluding pharmaceuticals, biologicals, and reagents – suppliers should limit the mixing of excluded and non-excluded materials).~~

~~(vii) Class IX – Repair parts and components including kits, assemblies and subassemblies, reparable and consumable items required for maintenance support of all equipment, excluding medical-peculiar repair parts; and~~

~~(2) Will be shipped to one of the locations listed at~~ [~~https://www.acq.osd.mil/log/sci/RFID\_ship-to-locations.html~~](https://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html) ~~or to—~~

~~(i) A location outside the contiguous United States when the shipment has been assigned Transportation Priority 1; or~~

~~(ii) Any additional location(s) deemed necessary by the requiring activity.~~

~~(b) The following are excluded from the requirements of paragraph (a) of this subsection:~~

~~(1) Shipments of bulk commodities.~~

~~(2) Shipments to locations other than Defense Distribution Depots when the contract includes the clause at FAR 52.213-1, Fast Payment Procedures.~~

**~~211.275-3 Contract clause.~~**

~~Use the clause at~~ [~~252.211-7006~~](https://www.acq.osd.mil/dpap/dars/dfars/html/current/252211.htm#252.211-7006)~~, Passive Radio Frequency Identification, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that will require shipment of items meeting the criteria at~~ [~~211.275-2~~](https://www.acq.osd.mil/dpap/dars/dfars/html/current/211_2.htm#211.275-2)~~, and complete paragraph (b)(1)(ii) of the clause at 252.211-7006 as appropriate.~~

**\*** \* \* \* \*

**PART 212—ACQUISITION OF COMMERCIAL ITEMS**

**\*** \* \* \* \*

**SUBPART 212.3—SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS**

**\*** \* \* \* \*

**212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.**

(c) \* \* \*

(f) \* \* \*

(iv) *Part 211—Describing Agency Needs.*

(A) Use the clause at [252.211-7003](https://www.acq.osd.mil/dpap/dars/dfars/html/current/252211.htm#252.211-7003), Item Unique Identification and Valuation, as prescribed in [211.274-6](https://www.acq.osd.mil/dpap/dars/dfars/html/current/211_2.htm#211.274-6)(a)(1).

~~(B) Use the provision at~~ [~~252.211-7006~~](https://www.acq.osd.mil/dpap/dars/dfars/html/current/252211.htm#252.211-7006)~~, Passive Radio Frequency Identification, as prescribed in~~ [~~211.275-3~~](https://www.acq.osd.mil/dpap/dars/dfars/html/current/211_2.htm#211.275-3)~~.~~

(**[B]**~~C~~) Use the clause at [252.211-7007](https://www.acq.osd.mil/dpap/dars/dfars/html/current/252211.htm#252.211-7007), Reporting of Government-Furnished Property, as prescribed in [211.274-6](https://www.acq.osd.mil/dpap/dars/dfars/html/current/211_2.htm#211.274-6).

(**[C]**~~D~~) Use the clause at [252.211-7008](https://www.acq.osd.mil/dpap/dars/dfars/html/current/252211.htm#252.211-7008), Use of Government-Assigned Serial Numbers, as prescribed in [211.274-6](https://www.acq.osd.mil/dpap/dars/dfars/html/current/211_2.htm#211.274-6)(c).

\* \* \* \* \*

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**\*** \* \* \* \*

**SUBPART 252.2—TEXT OF PROVISIONS AND CLAUSES**

**\*** \* \* \* \*

**252.211-7006 [Reserved] ~~Passive Radio Frequency Identification.~~**

~~As prescribed in~~ [~~211.275-3~~](http://www.acq.osd.mil/dpap/dars/dfars/html/current/211_2.htm#211.275-3)~~, use the following clause:~~

~~PASSIVE RADIO FREQUENCY IDENTIFICATION (DEC 2019)~~

~~(a)~~ *~~Definitions~~*~~. As used in this clause—~~

~~“Advance shipment notice” means an electronic notification used to list the contents of a shipment of goods as well as additional information relating to the shipment, such as passive radio frequency identification (RFID) or item unique identification (IUID) information, order information, product description, physical characteristics, type of packaging, marking, carrier information, and configuration of goods within the transportation equipment.~~

~~“Bulk commodities” means the following commodities, when shipped in rail tank cars, tanker trucks, trailers, other bulk wheeled conveyances, or pipelines:~~

~~(1) Sand.~~

~~(2) Gravel.~~

~~(3) Bulk liquids (water, chemicals, or petroleum products).~~

~~(4) Ready-mix concrete or similar construction materials.~~

~~(5) Coal or combustibles such as firewood.~~

~~(6) Agricultural products such as seeds, grains, or animal feed.~~

~~“Case” means either a MIL-STD-129 defined exterior container within a palletized unit load or a MIL-STD-129 defined individual shipping container.~~

~~“Electronic Product Code™ (EPC®)” means an identification scheme for universally identifying physical objects via RFID tags and other means. The standardized EPC™ data consists of an EPC™ (or EPC™ identifier) that uniquely identifies an individual object, as well as an optional filter value when judged to be necessary to enable effective and efficient reading of the EPC™ tags. In addition to this standardized data, certain classes of EPC™ tags will allow user-defined data. The EPC™ Tag Data Standards will define the length and position of this data, without defining its content.~~

~~“EPCglobal~~~~®~~~~” means a subscriber-driven organization comprised of industry leaders and organizations focused on creating global standards for the adoption of passive RFID technology.~~

~~“Exterior container” means a MIL-STD-129 defined container, bundle, or assembly that is sufficient by reason of material, design, and construction to protect unit packs and intermediate containers and their contents during shipment and storage. It can be a unit pack or a container with a combination of unit packs or intermediate containers. An exterior container may or may not be used as a shipping container.~~

~~“Palletized unit load” means a MIL-STD-129 defined quantity of items, packed or unpacked, arranged on a pallet in a specified manner and secured, strapped, or fastened on the pallet so that the whole palletized load is handled as a single unit. A palletized or skidded load is not considered to be a shipping container. A loaded 463L System pallet is not considered to be a palletized unit load. Refer to the Defense Transportation Regulation, DoD 4500.9-R, Part II, Chapter 203, for marking of 463L System pallets.~~

~~“Passive RFID tag” means a tag that reflects energy from the reader/interrogator or that receives and temporarily stores a small amount of energy from the reader/interrogator signal in order to generate the tag response. The only acceptable tags are EPC Class 1 passive RFID tags that meet the EPCglobal™ Class 1 Generation 2 standard.~~

~~“Radio frequency identification (RFID)” means an automatic identification and data capture technology comprising one or more reader/interrogators and one or more radio frequency transponders in which data transfer is achieved by means of suitably modulated inductive or radiating electromagnetic carriers.~~

~~“Shipping container” means a MIL-STD-129 defined exterior container that meets carrier regulations and is of sufficient strength, by reason of material, design, and construction, to be shipped safely without further packing (e.g., wooden boxes or crates, fiber and metal drums, and corrugated and solid fiberboard boxes).~~

~~(b)(1) Except as provided in paragraph (b)(2) of this clause, the Contractor shall affix passive RFID tags, at the case- and palletized-unit-load packaging levels, for shipments of items that—~~

~~(i) Are in any of the following classes of supply, as defined in DoD Manual 4140.01, Volume 6, DoD Supply Chain Materiel Management Procedures: Materiel Returns, Retention, and Disposition:~~

~~(A) Subclass of Class I – Packaged operational rations.~~

~~(B) Class II – Clothing, individual equipment, tentage, organizational tool kits, hand tools, and administrative and housekeeping supplies and equipment.~~

~~(C) Class IIIP – Packaged petroleum, lubricants, oils, preservatives, chemicals, and additives.~~

~~(D) Class IV – Construction and barrier materials.~~

~~(E) Class VI – Personal demand items (non-military sales items).~~

~~(F) Subclass of Class VIII – Medical materials (excluding pharmaceuticals, biologicals, and reagents – suppliers should limit the mixing of excluded and non-excluded materials).~~

~~(G) Class IX – Repair parts and components including kits, assemblies and subassemblies, reparable and consumable items required for maintenance support of all equipment, excluding medical-peculiar repair parts; and~~

~~(ii) Are being shipped to one of the locations listed at~~ [~~https://www.acq.osd.mil/log/sci/RFID\_ship-to-locations.html~~](https://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html) ~~or to—~~

~~(A) A location outside the contiguous United States when the shipment has been assigned Transportation Priority 1, or to—~~

~~(B) The following location(s) deemed necessary by the requiring activity:~~

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ~~Contract Line, Subline, or Exhibit Line Item Number~~ | ~~Location Name~~ | ~~City~~ | ~~State~~ | ~~DoDAAC~~ |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

~~(2) The following are excluded from the requirements of paragraph (b)(1) of this clause:~~

~~(i) Shipments of bulk commodities.~~

~~(ii) Shipments to locations other than Defense Distribution Depots when the contract includes the clause at FAR 52.213-1, Fast Payment Procedures.~~

~~(c) The Contractor shall—~~

~~(1) Ensure that the data encoded on each passive RFID tag are globally unique (i.e., the tag ID is never repeated across two or more RFID tags) and conforms to the requirements in paragraph (d) of this clause;~~

~~(2) Use passive tags that are readable; and~~

~~(3) Ensure that the passive tag is affixed at the appropriate location on the specific level of packaging, in accordance with MIL-STD-129 (Section 4.9.2) tag placement specifications.~~

~~(d)~~ *~~Data syntax and standards~~*~~. The Contractor shall encode an approved RFID tag using the instructions provided in the EPC™ Tag Data Standards in effect at the time of contract award. The EPC™ Tag Data Standards are available at~~ [*~~http://www.gs1.org/epc-rfid~~*](http://www.gs1.org/epc-rfid)~~.~~

~~(1) If the Contractor is an EPCglobal™ subscriber and possesses a unique EPC™ company prefix, the Contractor may use any of the identifiers and encoding instructions described in the most recent EPC™ Tag Data Standards document to encode tags.~~

~~(2) If the Contractor chooses to employ the DoD identifier, the Contractor shall use its previously assigned Commercial and Government Entity (CAGE) code and shall encode the tags in accordance with the tag identifier details located in the DoD Suppliers' Passive RFID Information Guide at~~ [~~http://www.acq.osd.mil/log/sci/ait.html~~](http://www.acq.osd.mil/log/sci/ait.html)~~. If the Contractor uses a third-party packaging house to encode its tags, the CAGE code of the third-party packaging house is acceptable.~~

~~(3) Regardless of the selected encoding scheme, the Contractor with which the Department holds the contract is responsible for ensuring that the tag ID encoded on each passive RFID tag is globally unique, per the requirements in paragraph (c)(1) of this clause.~~

~~(e)~~ *~~Advance shipment notice~~*~~. The Contractor shall use Wide Area WorkFlow (WAWF), as required by DFARS~~ [~~252.232-7003~~](http://www.acq.osd.mil/dpap/dars/dfars/html/current/252232.htm#252.232-7003)~~, Electronic Submission of Payment Requests, to electronically submit advance shipment notice(s) with the RFID tag ID(s) (specified in paragraph (d) of this clause) in advance of the shipment in accordance with the procedures at~~ [~~https://wawf.eb.mil/~~](https://wawf.eb.mil/)~~.~~

~~(End of clause)~~

**\* \* \* \* \***