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UNCLAS E F T O SAFSP NINE/4-5-29. FOR COL J L MARTIN, SAFSS. THIS OFFICE HAS A FIRM AND VALID REQUIREMENT FOR FILM SUPPORT OF AFSPPL AND LMSC (██████████ PROGRAM). IT WAS ORIGINALLY ANTICIPATED TO PROCURE THIS FILM THRU LMSC. HOWEVER, SUBSTANTIAL SAVINGS WOULD RESULT IN THE PROCUREMENT BEING MADE DIRECT BY SAFSP; THEREFORE, A DECISION WAS MADE TO ISSUE A CALL CONTRACT WITH EKC. THE ONLY PROCUREMENT DATA AVAILABLE IS FILM SIZE, LENGTH AND EKC EMULSION NUMBERS. IN VIEW OF THIS, THE PROCUREMENT IN QUESTION IS SOLE SOURCE TO EKC. THE FIRST REQUIREMENT WAS ORIGINALLY FOR APRIL DELIVERY TO AFSPPL IN THE AMOUNT OF ██████████ ROLLS. THE REQUIREMENT IS URGENT AND TO DATE HAS NOT BEEN ██████████ SINCE CONTRACT APPROVAL IS STILL CONTINGENT UPON THE WAIVER TO ASPR CLAUSES WHICH WILL BE COVERED LATER. THE FILM WAS ORDERED VERBALLY APPROXIMATELY THREE WEEKS AGO IN ORDER TO TAKE ADVANTAGE OF EASTMAN'S PRODUCTION RUN WHICH PREVENTED A 60 DAY DELAY IN SCHEDULE. THE APRIL REQUIREMENT IS CURRENTLY SITTING ON THE DOCKS AT EKC.

THE PROBLEM WITH RESPECT TO NONAPPROVAL OF THE CONTRACT IS A RESULT OF THREE CLAUSES OF ASPR (7-104.29, 7-104.41 AND 7-104.42), AND A CONTRACTOR'S PRICING CERTIFICATE (ASPR 3-307.4), WHICH THE SSD PROCUREMENT COMMITTEE STATES MUST BE INSERTED IN THE CONTRACT. EASTMAN WILL NOT AGREE TO THE ABOVE CLAUSES ON THE BASIS THAT ALL FILM DEVELOPMENT HAS BEEN COMPANY SPONSORED AND THAT THE PRICES QUOTED ARE CATALOGUE PRICES FOR ITEMS WHICH ARE AVAILABLE FOR SALE TO THE GENERAL PUBLIC IN ANY QUANTITY REQUIRED. THE CONTRACTOR HAS CERTIFIED THAT THE PRICES AGREED TO QUOTE ARE NOT IN EXCESS OF TRANSFEROR'S SALES PRICES TO ITS MOST FAVORED CUSTOMER FOR THE SAME ITEM IN LIKE QUANTITY, OR THE CURRENT MARKET PRICE WHICHEVER IS LOWER UNQUOTE. THE CONTRACTING OFFICER IS THUS FACED WITH AN URGENT REQUIREMENT WHICH CAN BE MET BY ONLY ONE SOURCE (EASTMAN); AN SSD INTERPRETATION THAT THE ABOVE REFERENCED ASPR CLAUSES ARE MANDATORY; AND THE CONTRACTOR'S ADAMANT REFUSAL TO ACCEPT THE CONTRACT WITH THOSE CLAUSES. IN ORDER TO RESOLVE THE IMPASSE AND INSURE THAT A NUMBER OF HIGH PRIORITY PROGRAMS ARE NOT JEOPARDIZED, IT IS REQUESTED THAT A SECRETARIAL WAIVER BE GRANTED AUTHORIZING THE ISSUANCE OF CONTRACT ██████████ 341 TO EASTMAN KODAK CO. WITHOUT THE CLAUSES SET FORTH IN ASPR 7-104.29, 7-104.41 AND 7-104.42 AND FURTHER WAIVING THE REQUIREMENT OF THE PRICING CERTIFICATE (ASPR 3-307.4). THE URGENCY OF THE REQUIREMENT PRECLUDES THE POSSIBILITY OF RESOLVING THE PROBLEM BY ANY OTHER MEANS. YOUR PROMPT SUPPORT IN THIS MATTER WILL BE APPRECIATED.

BT
04/1755Z MAY AFSP

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