

## Non-compliant electrical connector FAQs

These Frequently Asked Questions (FAQs) are intended to provide Defense Contract Management Agency (DCMA) personnel guidance on how to react to actions taken by contractors and distributors in response to Government Industry Data Exchange Program (GIDEP) Notices identifying contractually non-compliant electrical connectors supplied by Amphenol Aerospace Operations (CAGE 77820), ITT Cannon (CAGE 71468), Winchester Electronics Corporation (CAGE 91836), and Hypertronics Corporation (CAGE 50514). This guidance is not intended to provide advice or direction to contractors or distributors or to suggest how to respond to the GIDEP notices. This document in no way changes the terms or conditions of any contract and should not be considered a modification of any contractual term or condition. Only a warranted contracting officer with cognizance over the affected contract(s) can issue a modification to a contract.

The GIDEP notices refer to MIL-DTL parts required to be purchased from qualified suppliers on the Qualified Products List (QPL) and do not include all the parts supplied by these contractors. Please read the contract for the specific requirements.

**Reminder:** The FAR 52.246-2 and -3 clauses inform the contractor that “...the Government has the right either to reject or to require correction of nonconforming supplies. Supplies are nonconforming when they are defective in material or workmanship or are otherwise not in conformity with contract requirements. The Government may reject nonconforming supplies with or without disposition instructions...”

**NOTE:** The most current information regarding the on-going resolution of this issue can be found by clicking the link titled, “DLA Electrical Connector Issue,” under the “What’s Hot” sub-heading on the Quality Assurance Division Share360 webpage. The direct link to the Quality Assurance Division webpage is:

<https://360.dcm.mil/directorate/QA>.

In addition, direct access to the, “DLA Electrical Connector Issue – Documents,” can be obtained by clicking on the link:

<https://360.dcm.mil/teams/QA/QAE/DLA%20Electronic%20Connector%20Issue>.

1. What if a contractor uses contractually non-compliant connectors during assembly but intends to obtain a variance authorizing use of the non-compliant parts before presentation of the end item to the government for final acceptance?

A. A contractor assumes the full risk of using contractually non-compliant connectors if they decide to continue production of finished assemblies.

If there is a Government mandated inspection point or DCMA surveillance plan requiring in-process inspection of a sub-assembly DCMA personnel should continue with planned in-process inspections and not delay or stop production (per FAR 52.246-2(c)).

If during in-process inspection/surveillance DCMA Functional/Technical Specialist finds contractually non-compliant electrical connectors were used, the non-compliance must be

documented in the inspection report, router, traveler or other documentation to ensure that the non-compliance is known at final acceptance.

The contractor may choose to continue production, at their own risk. If the sub-assembly (with a non-compliant connector) is incorporated into a higher assembly or end item and presented to the Government for acceptance, per FAR 46.407(a), "...the contracting officer should reject the supplies not conforming in all respects to the contract requirements...", unless the contractor has been granted a variance by the PCO (and a contract modification has been issued, if required). See Question 4 below for additional guidance.

2. What if a contractor's source of connectors (a distributor) is providing non-compliant electrical connectors to the contractor?

A. A contractor assumes the full risk of using non-compliant electrical connectors provided by any source (including a distributor). The contractor could request the distributor/supplier to screen their inventory and determine if material in their stock could be segregated (e.g. by part number, military specification and manufacturer detailed in the GIDEP notices referenced above). The impacted (non-compliant) stock could be segregated until the QPL custodian determines that the existing product is usable or the connector manufacturer is qualified.

3. What if a contractor is in possession of Government Furnished Equipment or Government Furnished Material (GFE/GFM) that contains non-compliant connectors that were already accepted by the Government prior to issuance of the GIDEP notices?

A. A contractor assumes the full risk of using non-compliant connectors contained in GFE/GFM required for delivery of an end item to the Government for final acceptance. Any remedy should be sought from the supplier of the non-compliant material regardless whether the material was purchased from a commercial source or provided by the Government.

If compliant replacement parts cannot be obtained from the source from which they were originally obtained, the contractor could request a variance from the PCO. As stated in FAR 52.246-2(b), "The Contractor... shall tender to the Government for acceptance only supplies that have been inspected in accordance with the inspection system and have been found by the Contractor to be in conformity with contract requirements." It is the contractor's responsibility to request a variance from the PCO to use contractually non-compliant material; not DCMA's.

4. What are the options for acceptance of non-conforming supplies?

A. The contractor has the opportunity to correct or replace nonconforming supplies when this can be accomplished within the required delivery schedule.

A contracting officer can deviate from the policy to reject nonconforming supplies, when it is found to be in the Government's best interest, such as for reasons of economy or urgency, under certain conditions. The contractor should submit a request to the PCO for acceptance of the non-conforming supplies.

When the non-conformance has been determined to be minor, the PCO (ACO if the authority was not withheld) may make a determination to accept or reject. Generally, ACOs are unable to

make this determination because the end use application is not always known. In the electrical connector issue, the characterization of the non-compliance as minor should come from the PCO in writing, with advice from the respective technical activity. This written notice should include applicable contract numbers.

A note to ACOs: Although deemed a minor non-conformance, a modification to the contract is required if the savings to the contractor in fabricating the nonconforming supplies exceeds the cost to the Government for processing the mod. DCMA believes there is savings to the contractor as a result of not maintaining QPL certifications, which exceeds the cost of issuing a modification.

When the non-conformance is critical or major, the PCO, with advice from the technical activity, can accept or conditionally accept the supplies. A contract modification is required and may also include: consideration for the change in terms (remove the military specification [MIL-DTL] and substitute the commercially available version of the part) or a withhold of a portion of payments in the case of conditional acceptance.

5. If requested to review past contracts and determine all affected components and higher assemblies that may have non-compliant electrical connectors installed, what should a Functional/Technical Specialist do?

A. DCMA does not have adequate information to investigate past use of electrical connectors in previously accepted products. The contractor and the procuring activities must investigate this issue and address contractually non-compliant material currently in use. Contractually non-compliant material installed in existing fielded equipment is a complex issue that DCMA does not have enough information to address.

6. How should execution of a delegation at a sub-contractor be handled by a Functional/Technical Specialist?

A. If contractually non-compliant electrical connectors are included in product produced at a sub-contractor for delivery to a prime or higher tier contractor, the transfer of the product to the higher level customer includes assumption of all risk. The subcontractor could discuss the situation with the higher level customer to determine if risk is being assumed by the higher level contractor and the subcontractor has approval to ship. The DCMA Functional/Technical Specialist should document the non-compliance in the delegation tool and follow up with the Functional/Technical Specialist at the higher tier contractor to address the issue at the higher tier contractor level.

7. In the case of a repair contract for Government owned material, how should electrical connectors in a piece of equipment (slated for repair) be addressed?

A. Existing connectors that are not replaced as part of the repair contractual requirements are considered pre-existing (with Government awareness of the non-compliance assumed) and, therefore, are not subject to DCMA inspection/acceptance. If a connector is replaced as part of the repair, all requirements associated with inspection and acceptance of a contractually non-compliant item detailed above must be followed.

8. Who is responsible for determining if the electrical connector issue impacts a product?
  - A. Program and product impact and risk assessment is to be executed by program office technical activities and their contractors. DCMA should share information to assist all parties but must do so in accordance with governing rules and regulations. The contractor may decide to become a member of GIDEP, as all U.S. and Canadian contractors who have contractual obligations to the U.S. Government may become GIDEP members. Remember that GIDEP information (including Advisories and Agency Action Notices) cannot be shared outside the Agency to non-GIDEP members.

If during the normal course of contract receipt and review or contract technical review (CRR/CTR), DCMA determines that the impacted MIL-DTLs are included in the contract, DCMA should inform the contractor of the issue. In those circumstances where DCMA does not in the normal course of business have the opportunity to identify the connectors, it is the contractor's responsibility to review its contract, bills of material, etc. to determine if the identified connectors are included in its product and inform DCMA should it be determined that there is an impact. Contractors should develop a remediation process with the customer and PCO.

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Points of Contact: