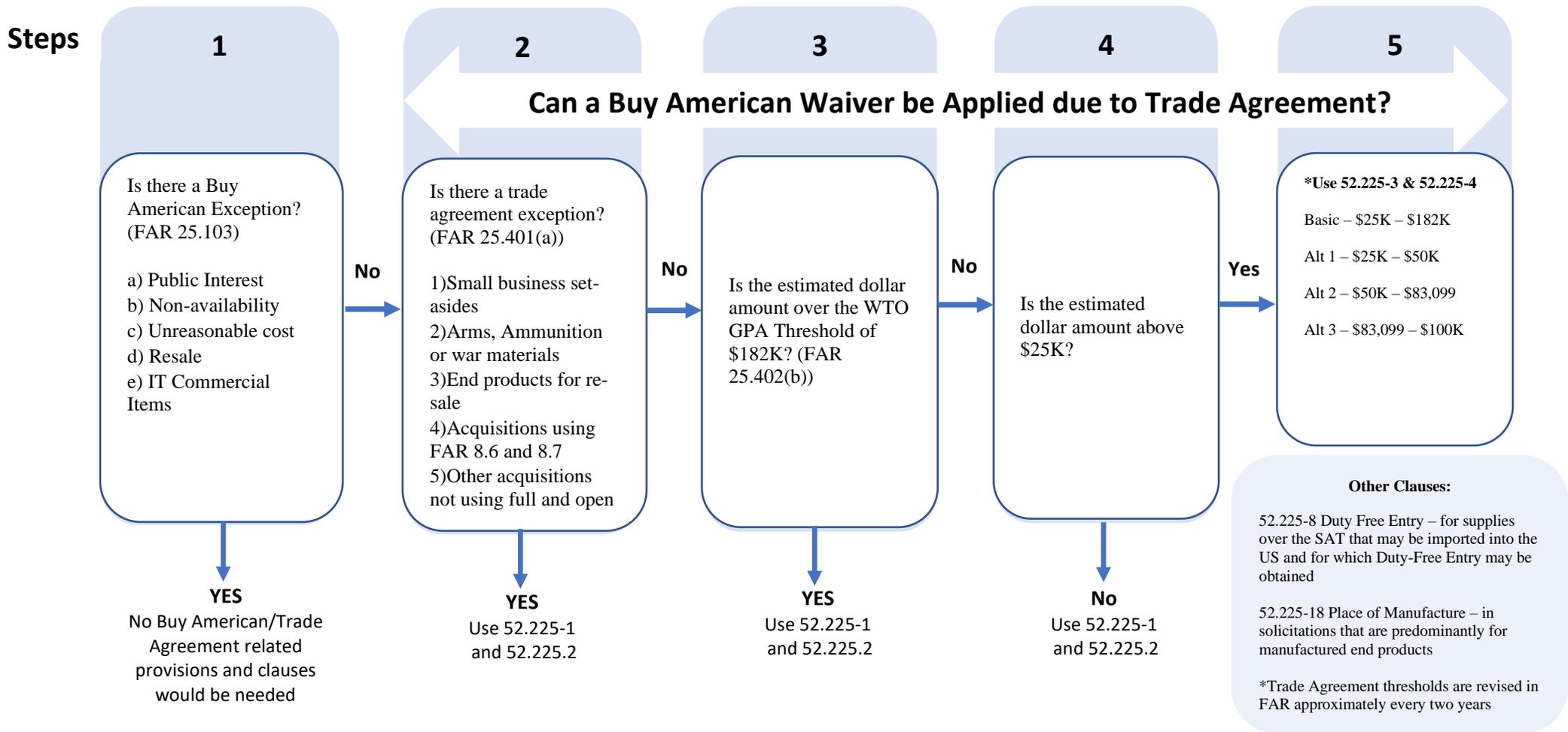


Implementing the Buy American Laws for Supplies – Job Aid

What is it? A socioeconomic objective to increase domestic employment and improve capacity, revenue, and competitive advantage of U.S. industries. Mandates a *preference* for procuring “domestic” supplies/products, construction materials, and in some instance’s services.

How is it implemented? Through proper inclusion of FAR or Agency Supplement provisions and clauses in solicitations and resulting contracts as shown below.



1

Is there a Buy American Exception? (FAR 25.103)

- a) Public Interest
- b) Non-availability
- c) Unreasonable cost
- d) Resale
- e) IT Commercial Items

2

Is there a trade agreement exception? (FAR 25.401(a))

- 1) Small business set-asides
- 2) Arms, Ammunition or war materials
- 3) End products for resale
- 4) Acquisitions using FAR 8.6 and 8.7
- 5) Other acquisitions not using full and open

3

Is the estimated dollar amount over the WTO GPA Threshold of \$182K? (FAR 25.402(b))

4

Is the estimated dollar amount above \$25K?

5

***Use 52.225-3 & 52.225-4**

- Basic – \$25K – \$182K
- Alt 1 – \$25K – \$50K
- Alt 2 – \$50K – \$83,099
- Alt 3 – \$83,099 – \$100K

YES
No Buy American/Trade Agreement related provisions and clauses would be needed

YES
Use 52.225-1 and 52.225.2

YES
Use 52.225-1 and 52.225.2

No
Use 52.225-1 and 52.225.2

Other Clauses:

- 52.225-8 Duty Free Entry – for supplies over the SAT that may be imported into the US and for which Duty-Free Entry may be obtained
- 52.225-18 Place of Manufacture – in solicitations that are predominantly for manufactured end products

*Trade Agreement thresholds are revised in FAR approximately every two years