

25.205 Postaward determinations.

(a) If a contractor requests a determination regarding the inapplicability of the Buy American statute after contract award, the contractor *must* explain why it could not request the determination before contract award or why the need for such determination otherwise was not reasonably foreseeable. If the *contracting officer* concludes that the contractor *should* have made the request before contract award, the *contracting officer* may deny the request.

(b) The *contracting officer* *must* base evaluation of any request for a determination regarding the inapplicability of the Buy American statute made after contract award on information required by paragraphs (c) and (d) of the applicable clause at [52.225-9](#) or [52.225-11](#) and/or other readily available information.

(c) If a determination, under [25.202\(a\)](#), is made after contract award that an exception to the Buy American statute applies, the *contracting officer* *must* negotiate adequate consideration and modify the contract to allow use of the *foreign construction material*. When the basis for the exception is the unreasonable price of a *domestic construction material*, adequate consideration is at least the differential established in [25.202\(a\)](#) or in accordance with agency procedures.

Parent topic: [Subpart 25.2 - Buy American-Construction Materials](#)