

25.703-4 Waiver.

(a) An agency or contractor seeking a waiver of the requirements of 25.703-2 or 25.703-3, consistent with section 6(b)(5) of the Iran Sanctions Act or 22 U.S.C. 8551(b), respectively, and the Presidential Memorandum of September 23, 2010 (75 FR 67025), *shall* submit the request to the Office of Federal *Procurement* Policy, allowing sufficient time for review and approval.

(b) Agencies *may* request a waiver on an individual or class basis; however, waivers are not indefinite and can be cancelled, if warranted.

(1) A class waiver *may* be requested only when the class of *supplies* or equipment is not available from any other source and it is in the national interest.

(2) Prior to submitting the waiver request, the request *must* be reviewed and cleared by the *agency head*.

(c) In general, all waiver requests *should* include the following information:

(1) Agency name, complete mailing address, and point of contact name, telephone number, and e-mail address.

(2) *Offeror's* name, complete mailing address, and point of contact name, telephone number, and e-mail address.

(3) Description/nature of product or service.

(4) The total cost and length of the contract.

(5) Justification, with *market research* demonstrating that no other *offeror* can provide the product or service and stating why the product or service *must* be procured from this *offeror*.

(i) If the *offeror* exports *sensitive technology* to the government of Iran or any entities or individuals owned or controlled by, or acting on behalf or at the direction of, the government of Iran, provide rationale why it is in the national interest for the President to waive the prohibition on *contracting* with this *offeror*, as required by 22 U.S.C. 8551(b).

(ii) If the *offeror* conducts activities for which sanctions *may* be imposed under section 5 of the Iran Sanctions Act or engages in any transaction that exceeds the threshold at 25.703-2(a)(2) with Iran's Revolutionary Guard Corps or any of its officials, agents, or *affiliates*, the property and interests in property of which are blocked pursuant to the International *Emergency Economic Powers Act*, provide rationale why it is essential to the national security interests of the *United States* for the President to waive the prohibition on *contracting* with this *offeror*, as required by section 6(b)(5) of the Iran Sanctions Act.

(6) Documentation regarding the *offeror's past performance* and integrity (see the Contractor Performance Assessment Reporting System (CPARS) and the Federal Awardee Performance Information and Integrity System at <https://www.cpars.gov>, and any other relevant information).

(7) Information regarding the *offeror's* relationship or connection with other firms that-

- (i) Export *sensitive technology* to the government of Iran or any entities or individuals owned or controlled by, or acting on behalf or at the direction of, the government of Iran;
- (ii) Conduct activities for which sanctions *may* be imposed under section 5 of the Iran Sanctions Act; or
- (iii) Conduct any transaction that exceeds the threshold at 25.703-2(a)(2) with Iran's Revolutionary Guard Corps or any of its officials, agents, or *affiliates*, the property and interests in property of which are blocked pursuant to the International *Emergency Economic Powers Act*.

(8) Describe-

- (i) The *sensitive technology* and the entity or individual to which it was exported (i.e., the government of Iran or an entity or individual owned or controlled by, or acting on behalf or at the direction of, the government of Iran);
- (ii) The activities in which the *offeror* is engaged for which sanctions *may* be imposed under section 5 of the Iran Sanctions Act; or
- (iii) The transactions that exceed the threshold at 25.703-2(a)(2) with Iran's Revolutionary Guard Corps or any of its officials, agents, or *affiliates*, the property and interests in property of which are blocked pursuant to the International *Emergency Economic Powers Act*.

Parent topic: 25.703 Prohibition on contracting with entities that engage in certain activities or transactions relating to Iran.