25.1101 Acquisition of supplies.

The following provisions and clauses apply to the acquisition of supplies and the acquisition of services involving the furnishing of supplies.

(a)

(1)

- (i) Insert the clause at <u>52.225-1</u>, Buy American-Supplies, in solicitations and contracts with a value exceeding the micro-purchase threshold but not exceeding \$50,000; and in solicitations and contracts with a value exceeding \$50,000, if none of the clauses prescribed in paragraphs (b) and (c) of this section apply, except if-
- (A) The solicitation is restricted to domestic end products in accordance with subpart 6.3;
- (B) The acquisition is for supplies for use within the United States and an exception to the Buy American statute applies (e.g., nonavailability, public interest, or information technology that is a commercial product); or
- (C) The acquisition is for supplies for use outside the United States.
- (ii) The contracting officer shall use the clause with its Alternate I to reflect the domestic content threshold that will apply to the entire period of performance, when the senior procurement executive allows for application of an alternate domestic content test for the contract in accordance with 25.101(d). For contracts that the contracting officer estimates will be awarded in calendar year 2022 or 2023, the contracting officer shall insert "60" in paragraph (1)(ii)(A) of the definition of "domestic end product." For contracts that the contracting officer estimates will be awarded in calendar year 2024, 2025, 2026, 2027, or 2028, the contracting officer shall insert "65". For contracts that the contracting officer estimates will be awarded after calendar year 2028 the contracting officer shall insert "75".
- (2) Insert the provision at 52.225-2, Buy American Certificate, in solicitations containing the clause at 52.225-1.

(b)

(1)

- (i) Insert the clause at <u>52.225-3</u>, Buy American-Free Trade Agreements-Israeli Trade Act, in solicitations and contracts if-
- (A) The acquisition is for supplies, or for services involving the furnishing of supplies, for use within the United States, and the acquisition value is \$50,000; or more, but is less than \$174,000;
- (B) The acquisition is not for information technology that is a commercial product, using fiscal year 2004 or subsequent fiscal year funds; and
- (C) No exception in $\underline{25.401}$ applies. For acquisitions of agencies not subject to the Israeli Trade Act (see 25.406), see agency regulations.

- (ii) If the acquisition value is \$50,000 or more but is less than \$100,000, use the clause with its Alternate II.
- (iii) If the acquisition value is \$100,000 or more but is less than \$102,280, use the clause with its Alternate III.
- (iv) The contracting officer shall use the clause with its Alternate IV to reflect the domestic content threshold that will apply to the entire period of performance, when the senior procurement executive allows for application of an alternate domestic content test for the contract in accordance with 25.102(d). For contracts that the contracting officer estimates will be awarded in calendar year 2022 or 2023, the contracting officer shall insert "60" in paragraph (1)(ii)(A) of the definition of "domestic end product." For contracts that the contracting officer estimates will be awarded in calendar year 2024, 2025, 2026, 2027, or 2028, the contracting officer shall insert "65". For contracts that the contracting officer estimates will be awarded after calendar year 2028 the contracting officer shall insert "75".

(2)

- (i) Insert the provision at <u>52.225-4</u>, Buy American-Free Trade Agreements-Israeli Trade Act Certificate, in solicitations containing the clause at <u>52.225-3</u>.
- (ii) If the acquisition value is \$50,000 or more but is less than \$100,000, use the provision with its Alternate II.
- (iii) If the acquisition value is \$100,000 or more, but is less than \$102,280, use the provision with its Alternate III.

(c)

- (1) Insert the clause at 52.225-5, Trade Agreements, in solicitations and contracts valued at \$174,000 or more, if the acquisition is covered by the WTO GPA (see <u>subpart 25.4</u>) and the agency has determined that the restrictions of the Buy American statute are not applicable to U.S.-made end products. If the agency has not made such a determination, the contracting officer must follow agency procedures.
- (2) Insert the provision at 52.225-6, Trade Agreements Certificate, in solicitations containing the clause at 52.225-5.
- (d) Insert the provision at 52.225-7, Waiver of Buy American Statute for Civil Aircraft and Related Articles, in solicitations for civil aircraft and related articles (see 25.407), if the acquisition value is less than \$174,000.
- (e) Insert the clause at 52.225-8, Duty-Free Entry, in solicitations and contracts for supplies that may be imported into the United States and for which duty-free entry may be obtained in accordance with 25.903(a), if the value of the acquisition-
- (1) Exceeds the simplified acquisition threshold; or
- (2) Does not exceed the simplified acquisition threshold, but the savings from waiving the duty is anticipated to be more than the administrative cost of waiving the duty. When used for acquisitions that do not exceed the simplified acquisition threshold, the contracting officer may modify

paragraphs (c)(1) and (j)(2) of the clause to reduce the dollar figure.

(f) Insert the provision at <u>52.225-18</u>, Place of Manufacture, in solicitations that are predominantly for the acquisition of manufactured end products (*i.e.*, the estimated value of the manufactured end products exceeds the estimated value of other items to be acquired as a result of the solicitation).

Parent topic: <u>Subpart 25.11 - Solicitation Provisions and Contract Clauses</u>