

# **MP5325.70 — AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION**

**Parent topic:** [MP5325 - Foreign Acquisitions](#)

## **MP5325.7002-2 - Exceptions**

[MP5325.7002-2-1. Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7002](#)

[MP5325.7002-2-2. DNAD Exception](#)

### **MP5325.7002-2-1. Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7002**

Follow these mandatory procedures when requesting approval to purchase restricted items under [DFARS 225.7002](#); for example, food, clothing, tents, tarpaulins, covers, cotton, and hand or measuring tools. The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of \$150,000. This MP provides assistance in determining the applicability of restrictions when drafting a DNAD. A DNAD must be tailored to your acquisition. In some cases, it may not be possible to obtain all of the data specified in the [DNAD](#) template; however, contracting officers should make every effort to do so. See [DFARS 225.7002](#) for the entire list.

### **MP5325.7002-2-2. DNAD Exception**

#### **a. Individual DNADs**

When a contractor asserts that a domestic item identified at [DFARS 225.7002-1](#) cannot be acquired as and when needed in a satisfactory quality and sufficient quantity at U.S. market prices, a DNAD is required. The SecAF may approve the DNAD if compliant items, identified at [DFARS 225.7002-1](#), of satisfactory quality and sufficient quantity, and in the required form, cannot be procured at U.S. market prices as and when needed. This approval authority is not delegable. This exception should not be read to require that the compliant material/item must be totally unavailable (i.e., cannot be obtained at any cost). There is some cost limit that should be recognizable by a contracting officer, and that a reasonable person would agree, makes the material/item effectively “unavailable.”

#### **b. Class DNADs**

Contracting officers may continue to use OUSD (A&S)-approved class DNADs that cover food, clothing, fabrics, and hand or measuring tools for new contracts if the DNAD was signed by the Undersecretary of Defense (OUSD) (A&S) by a Service Secretary, or by the Director of Defense

Logistics Agency. The OUSD (A&S) DNADs currently available for reciprocal use are posted on the [DCMA website](#). If a class DNAD is used, the contracting officer must prepare a Determination and Finding (D&F) approved by the SCO. This approval may not be further delegated. The contracting officer must obtain legal review to support the determination.

## **MP5325.7003-3 - Exceptions**

[MP5325\\_7003\\_3\\_1 Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7003](#)

[MP5325\\_7003\\_3\\_2 Applicability of Commercial Derivative Military Articles \(CDMA\) to Specialty Metals](#)

[MP5325\\_7003\\_3\\_3 DNAD Exception](#)

### **MP5325\_7003\_3\_1 Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7003**

Follow these mandatory procedures (MP) when requesting approval to purchase restricted specialty metals under [DFARS 225.7003](#). The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of the simplified acquisition threshold. This MP provides guidance for drafting DNAD and Commercial Derivative Military Article (CDMA) Determination and Finding (D&F) documents. The DNAD or CDMA D&Fs should be tailored to the particular acquisition. In some cases, the contracting officer may not be able to obtain all of the data specified in the templates referenced below; however, the contracting officer should make every effort to do so.

### **MP5325\_7003\_3\_2 Applicability of Commercial Derivative Military Articles (CDMA) to Specialty Metals**

When a program office concludes that an item to be delivered under a prime contract is a commercial derivative military article (as defined at [DFARS 252.225-7009](#)) and the prime contractor provides the certification required at [DFARS 252.225-7010](#), the contracting officer must prepare a [CDMA D&F](#).

### **MP5325\_7003\_3\_3 DNAD Exception**

When a program office concludes that domestically melted or produced specialty metal cannot be procured (as described in [DFARS 225.7003-3\(b\)\(5\)](#)) to support the production of a particular end item or component, the contracting officer must prepare a [DNAD D&F](#) for specialty metals. The SecAF may approve a DNAD for an individual contract if a compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be procured as and when needed at a fair and reasonable price. This approval authority is not delegable. A Class DNAD requires the approval of the USD(A&S).