

## 25.605 Evaluating offers of foreign construction material.

(a) If the *contracting officer* has determined that an exception applies because the cost of certain *domestic construction material* is unreasonable, in accordance with section [25.604](#), then the *contracting officer* shall apply evaluation factors to the *offer* incorporating the use of such *foreign construction material* as follows:

(1) Use an evaluation factor of 25 percent, applied to the total offered price of the contract, if foreign *manufactured construction material* is incorporated in the *offer* based on an exception for unreasonable cost of comparable *domestic construction material* requested by the *offeror*.

(2) In addition, use an evaluation factor of 20 percent applied to the cost of foreign *unmanufactured construction material* incorporated in the *offer* based on an exception for unreasonable cost of comparable domestic *unmanufactured construction material* requested by the *offeror*.

(3) Total evaluated price = offered price + (.25 x offered price, if (a)(1) applies) + (.20 x cost of foreign *unmanufactured construction material*, if (a)(2) applies).

(b) If the *solicitation* specifies award on the basis of factors in addition to cost or price, apply the evaluation factors as specified in paragraph (a) of this section and use the evaluated price in determining the *offer* that represents the *best value* to the Government

(c) Unless paragraph (b) applies, if two or more *offers* are equal in price, the *contracting officer* must give preference to an *offer* that does not include *foreign construction material* excepted at the request of the *offeror* on the basis of unreasonable cost.

(d) *Offerors* also may submit *alternate offers* based on use of equivalent *domestic construction material* to avoid possible rejection of the entire *offer* if the Government determines that an exception permitting use of a particular *foreign construction material* does not apply.

(e) If the *contracting officer* awards a contract to an *offeror* that proposed *foreign construction material* not listed in the applicable clause in the *solicitation* (paragraph (b)(3) of [52.225-21](#), or paragraph (b)(3) of [52.225-23](#)), the *contracting officer* must add the excepted materials to the list in the *contract clause*.

**Parent topic:** [Subpart 25.6 - American Recovery and Reinvestment Act-Buy American statute-Construction Materials](#)