PART 425 - FOREIGN ACQUISITION

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Subpart 425.1 - Buy American Act - Supplies

Source: 70 FR 48, Jan. 3, 2005, unless otherwise noted.

425.102 [Reserved]

425.103 Exceptions.

(a) The Senior Procurement Executive (SPE) shall make the determination prescribed in FAR 25.103(a).

(b) Copies of determinations of nonavailability in accordance with FAR 25.103(b)(2) or 25.202(a)(2), for articles, material or supplies not listed in FAR 25.104, may be submitted to the SPE for submission to the Civilian Agency Acquisition Council (CAAC).
425.104 **Nonavailable articles.**

Information required by FAR 25.104(b) shall be submitted to the SPE for submission to the CAAC.

425.105 **Determining reasonableness of cost.**

The SPE may make the determination prescribed in FAR 25.105(a). Requests for a determination by the SPE shall be submitted by the HCA, in writing, and shall provide a detailed justification supporting why evaluation factors higher than those listed in FAR 25.102(b)(1) and (2) should be applied to determine whether the offered price of a domestic end product is unreasonable.

425.108 [Reserved]

**Subpart 425.2 - Buy American Act - Construction Materials**

425.202 **Exceptions.**

(a) The SPE shall make the determination prescribed in FAR 25.202(a)(1).

(b) If a contracting officer proposes that the use of a particular domestic construction material should be waived for a contract on the grounds that its use would be impracticable, the contracting officer shall submit a proposed determination with supporting information through the HCA to the SPE for approval or disapproval.

425.203-425.204 [Reserved]

**Subparts 425.3-425.4 [Reserved]**

**Subpart 425.6 - Trade Sanctions**

425.602 **Exceptions.**

The Secretary, without power of redelegation, has the authority to make the necessary determination(s) and authorize award(s) of contract(s) in accordance with FAR 25.602(b).

**Subpart 425.9 [Reserved]**
425.1001 Waiver of right to examination of records.

The SPE shall make the determination under FAR 25.1001(a)(2)(iii).