

525.1170 Applying foreign acquisition prescriptions to GSA-created contracts.

(a) In order to calculate the dollar value to determine which [FAR subpart 25.11](#) provisions and clauses for either the Buy American Act or the Trade Agreements Act, if any, apply to a contract created by a GSA contracting activity (but not pursuant to an interagency agreement):

(1) Aggregate the value of all options as though they were exercised; and

(2) Aggregate the value of all expected orders (*i.e.*, the expected total contract value) against the indefinite-delivery contract.

(3) To determine whether the Trade Agreements Act threshold has been met, do not include the dollar value of a contract that is excepted from the Trade Agreements Act by [FAR 25.401](#) (*e.g.*, do not include the dollar value of a contract set aside for small business).

(b) The foreign acquisition rules (*i.e.*, either the Buy American Act or the Trade Agreements Act, but never both) that apply at the indefinite-delivery contract level, also apply (*i.e.*, flow down) at the order level under that indefinite-delivery contract, meaning:

(1) If the Buy American Act applies to an indefinite-delivery contract, then the Buy American Act also applies to all orders against that indefinite-delivery contract regardless of the dollar value or other characteristics of the order itself; or instead

(2) If the Trade Agreements Act applies to an indefinite-delivery contract, then the Trade Agreements Act also applies to all orders against that indefinite-delivery contract, regardless of the dollar value or other characteristics of the order itself.

Parent topic: [Subpart 525.11 - Solicitation Provisions and Contract Clauses](#)