

## 225.000

## 48 CFR Ch. 2 (10-1-02 Edition)

- 225.7303-1 Contractor sales to other foreign customers.
- 225.7303-2 Cost of doing business with a foreign government or an international organization.
- 225.7303-3 Government-to-government agreements.
- 225.7303-4 Contingent fees.
- 225.7303-5 Acquisitions wholly paid for from nonrepayable funds.
- 225.7304 Source selection.
- 225.7305 Limitation of liability.
- 225.7306 Exercise of options for FMS.
- 225.7307 Offset arrangements.
- 225.7308 Contract clauses.

### Subpart 225.74—Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States

- 225.7400 Scope of subpart.
- 225.7401 General.
- 225.7402 Contract clause.

### Subpart 225.75—Balance of Payments Program

- 225.7500 Scope of subpart.
- 225.7501 Policy.
- 225.7502 Procedures.
- 225.7503 Contract clauses.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36367, July 31, 1991, unless otherwise noted.

### 225.000 Scope of part.

This part also provides policy and procedures for—

- (1) Purchasing foreign defense supplies, services, and construction materials;
- (2) Foreign military sale acquisitions;
- (3) Coordinating acquisitions involving work to be performed in foreign countries;
- (4) Cooperative programs.

### 225.001 General.

To apply the policies and procedures of this part, analyze and evaluate offers of foreign end products generally as follows:

- (1) *Statutory or policy restrictions.*
  - (i) Determine whether the product is restricted by—
    - (A) Defense authorization or appropriations acts (see subpart 225.70); or
    - (B) DoD policy (see subpart 225.71 and FAR 6.302-3).

- (ii) Where an exception to or waiver of a restriction would result in award of a foreign end product, apply the policies and procedures of the Buy American Act or the Balance of Payments Program, and, if applicable the trade agreements.

- (2) *Memoranda of understanding or other international agreements.*

- (i) Determine whether the offered product is the product of one of the countries (qualifying country), listed in 225.872-1.

- (ii) If the product is the product of a qualifying country, evaluate the offer under subpart 225.5 and 225.872-4.

- (3) *Trade agreements.*

- (i) Determine whether the product is covered by the Trade Agreements Act or the North American Free Trade Agreement Implementation Act (see subpart 225.4).

- (ii) If the product is an eligible product under subpart 225.4, evaluate the offer under subpart 225.5.

- (iii) If the product is not an eligible product, a qualifying country end product, or a U.S. made end product, purchase of the foreign end product may be prohibited (see FAR 25.403(c) and 225.403(c)).

- (4) *Contractors controlled by terrorist nations.*

- (i) Determine whether the contractor is controlled by a terrorist nation.

- (ii) If the contractor is controlled by a terrorist nation, comply with 209.104-1(g).

- (5) *Buy American Act and Balance of Payments Program.* See the evaluation procedures in subpart 225.5.

[65 FR 19850, Apr. 13, 2000]

### 225.003 Definitions.

As used in this part—

- (1) “Caribbean Basin country end product” includes petroleum or any product derived from petroleum.

- (2) “Defense equipment” means any equipment, item of supply, component, or end product purchased by the DoD.

- (3) “Domestic concern” means—

- (i) A concern incorporated in the United States (including a subsidiary that is incorporated in the United States, even if the parent corporation is a foreign concern); or