

PART 25 — FOREIGN ACQUISITION

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PART 25 — FOREIGN ACQUISITION

SUBPART 25.2 — BUY AMERICAN ACT-CONSTRUCTION MATERIALS

25.202 Policy.

(a)(1) The HCA is delegated authority to make the determination that the use of a particular domestic construction material is impracticable for use in particular contracts. This authority has been redelegated as follows:

(i) to Chiefs of Contracting Offices if the cost of the domestic material is less than \$10,000.

(ii) to Division Directors of Contracting if the cost of the domestic material is \$10,000 or more, but less than \$100,000.

(iii) to the PARC or designee at HQUSACE if the cost of the domestic material is \$100,000 or more.

(2) The HCA is delegated authority to determine that a particular construction material is not reasonably available (that is, not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality). In accordance with the delegation from the ASA(ALT), this determination is not further redelegated for acquisitions estimated to exceed \$2 million.

(3) The HCA is delegated authority to make the determination that the cost for construction materials to be used in a particular contract is unreasonable. This determination may be made by the Chiefs of Contracting Offices by applying the 6 percent evaluation factor in 25.203 without regard to the cost of the domestic material.

25.203 Evaluation of Offers

DoD has determined that the cost of a particular construction material is unreasonable when the cost of such material exceeds the cost of foreign material by more than 6 percent (including duty).

SUBPART 25.3 — BALANCE OF PAYMENTS PROGRAM

25.302 Policy.

(b)(ii)(a) The authority to make determinations of non-availability for procurements under \$500,000 is delegated to the following:

(1) Commander, Pacific Ocean Division;

(2) Commander, TransAtlantic Programs Center;

(3) Commander, South Atlantic Division;

(4) Commander, North Atlantic Division for Greenland;

(5) Commanders, Far East and Japan Districts.

(b) Requests for approval of non-availability determinations for procurements exceeding the delegated threshold shall be forwarded to HQUSACE, ATTN: CEPR.