

DFARS Procedures, Guidance, and Information

PGI 225—Foreign Acquisition

(Added September 15, 2008)

PGI 225.77—ACQUISITIONS IN SUPPORT OF OPERATIONS IN IRAQ OR AFGHANISTAN

PGI 225.7703 Acquisition of products or services other than small arms.

PGI 225.7703-2 Determination requirements.

(b) Subject matter experts for defense industrial base matters are as follows:

For Army: SAAL-PA, Army Industrial Base Policy, telephone 703-695-2488.

For DLA: DLA J-74, Acquisition Programs and Industrial Capabilities Division, telephone 703-767-1427.

For Navy: Ship Programs, DASN Ships, telephone 703-697-1710.

For Air Force: Air Force Research Laboratory, Materials Manufacturing Directorate, telephone 703-588-7777.

For Other Defense Agencies: Personnel at defense agencies without industrial base expertise on staff should contact the Office of the Deputy Under Secretary of Defense for Industrial Policy (Acquisition, Technology, and Logistics), telephone 703-697-0051.

(c) Determination formats.

(i) Prepare an individual determination and findings substantially as follows:

DEPARTMENT OR AGENCY

Authority to Acquire Products or Services
from Iraq or Afghanistan

Determination and Findings

Upon the basis of the following findings and determination which I hereby make in accordance with the provisions of DFARS 225.7703-2, the acquisition of a product or service, other than small arms, in support of operations in [*Select one:* Iraq / Afghanistan / Iraq and Afghanistan] may be made as follows:

Findings

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1. The *[contracting office]* proposes to purchase under contract number _____, *[describe item]*. The total estimated cost of this acquisition is _____.
2. The product or service is to be used by *[describe the entity(ies) that are the intended user(s) of the product or service]*.
3. The contracting officer recommends conducting the acquisition using the following procedure, which, given this determination, is authorized by Section 886 of Public Law 110-181:

[Select one of the following:]

Provide a preference for products or services from Iraq or Afghanistan.

Limit competition to products or services from Iraq or Afghanistan.

Use procedures other than competitive procedures to award a contract to a particular source or sources from Iraq or Afghanistan.

4. To implement the recommended procedure, the solicitation will contain *[title and number of the applicable provision and/or clause prescribed at DFARS 225.7703-5]*.
5. The proposed acquisition will provide a stable source of jobs in *[Select one: Iraq / Afghanistan / Iraq and Afghanistan]*, because _____.
6. The proposed use of other than full and open competition is necessary to provide this stable source of jobs in *[Select one: Iraq / Afghanistan / Iraq and Afghanistan]*.
7. The proposed use of other than full and open competition will not adversely affect military operations or stability operations in *[Select one: Iraq / Afghanistan / Iraq and Afghanistan]*, because _____. This is the opinion of the *[title of the official responsible for operations in the area involved]*.
8. The proposed use of other than full and open competition will not adversely affect the United States industrial base.
9. *[If a preference will be provided for products or services from Iraq or Afghanistan, or if competition will be limited to products or services from Iraq or Afghanistan, include—*

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(1) A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable; and

(2) Whether a notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception in FAR 5.202 applies.]

- or -

[If procedures other than competitive procedures will be used to award a contract to a particular source or sources from Iraq or Afghanistan, include—

(1) A description of the market research conducted in accordance with FAR Part 10 and the results; or a statement of the reason market research was not conducted;

(2) A listing of the sources, if any, that expressed, in writing, an interest in the acquisition;

(3) A demonstration that the proposed contractor's unique qualifications require the use of a noncompetitive acquisition, or an explanation of the other reasons for use of a noncompetitive acquisition; and

(4) A certification by the contracting officer that the information in paragraphs (1) through (3) above is accurate and complete to the best of the contracting officer's knowledge and belief.]

Determination

I hereby determine that it is in the national security interest of the United States to use the acquisition procedure described above, because the procedure is necessary to provide a stable source of jobs in [*Select one: Iraq / Afghanistan / Iraq and Afghanistan*] and it will not adversely affect (1) Operations in [*Select one: Iraq / Afghanistan / Iraq and Afghanistan*] or (2) the United States industrial base.

(Date)

(ii) Prepare a determination and findings for a class of acquisitions substantially as follows:

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DEPARTMENT OR AGENCY

Authority to Acquire Products or Services
from Iraq or Afghanistan

Determination and Findings

Upon the basis of the following findings and determination which I hereby make in accordance with the provisions of DFARS 225.7703-2, the acquisition of products or services, other than small arms, in support of operations in [Select one: Iraq / Afghanistan / Iraq and Afghanistan] may be made as follows:

Findings

1. It is anticipated that [applicable departments/agencies/components] will need to award contracts during the period from _____ to _____ in order to acquire [describe the type(s) of products or services] for [describe the purpose, if the purpose for which the items will be acquired is a defining characteristic of the class of acquisitions to be covered by the class determination].
2. The products or services to be acquired under the contemplated contracts are to be used by [describe the entity(ies) intended to use the products or services].
3. This class of acquisitions should be conducted using the following procedure, which, given this determination, is authorized by Section 886 of Public Law 110-181:

[Select one of the following:]

Provide a preference for products or services from Iraq or Afghanistan.

Limit competition to products or services from Iraq or Afghanistan.

Use procedures other than competitive procedures to award a contract to a particular source or sources from Iraq or Afghanistan.

4. To implement the recommended procedure, solicitations will contain [title and number of the applicable provision and/or clause prescribed at DFARS 225.7703-5].

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5. Each of the contemplated contracts will provide a stable source of jobs in [Select one: Iraq / Afghanistan / Iraq and Afghanistan], because _____.
6. The proposed use of other than full and open competition for this class of acquisitions is necessary to provide this stable source of jobs in [Select one: Iraq / Afghanistan / Iraq and Afghanistan].
7. The proposed use of other than full and open competition for this class of acquisitions will not adversely affect operations in [Select one: Iraq / Afghanistan / Iraq and Afghanistan], because_____. This is the opinion of the [title of the official responsible for operations in the area involved].
8. The proposed use of other than full and open competition for this class of acquisitions will not adversely affect the United States industrial base.
9. *[If a preference will be provided for products or services from Iraq or Afghanistan, or if competition will be limited to products or services from Iraq or Afghanistan, include—*
 - (1) *A description of the efforts that will be made to ensure that offers are solicited from as many potential sources as is practicable; and*
 - (2) *Whether a notice will be publicized as required by FAR Subpart 5.2 and, if not, which exception in FAR 5.202 applies.]*

- or -

[If procedures other than competitive procedures will be used to award contracts to a particular source or sources from Iraq or Afghanistan, include—

- (1) *A description of the market research conducted in accordance with FAR Part 10 and the results; or a statement of the reason market research was not conducted;*
- (2) *A listing of the sources, if any, that expressed, in writing, an interest in this class of acquisitions;*
- (3) *A demonstration that the proposed contractor's unique qualifications require the use of a noncompetitive acquisition, or an explanation of the other reasons for use of a noncompetitive acquisition; and*

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(4) A certification by the contracting officer that the information in paragraphs (1) through (3) above is accurate and complete to the best of the contracting officer's knowledge and belief.]

Determination

I hereby determine that it is in the national security interest of the United States to use the acquisition procedure described above for [description of the class of acquisitions to which this determination is intended to apply], because the procedure is necessary to provide a stable source of jobs in [Select one: Iraq / Afghanistan / Iraq and Afghanistan] and it will not adversely affect (1) Operations in [Select one: Iraq / Afghanistan / Iraq and Afghanistan] or (2) the United States industrial base.

(Date)

PGI 225.7703-4 Reporting requirement.

(1) Reports shall include—

(i) Identification of each contract awarded using the procedures at DFARS 225.7703-1 during the reporting period; and

(ii) The following information for each contract identified:

(A) Dollar value.

(B) Description of the product(s) and/or services acquired.

(C) Purpose(s) for which the product(s) and/or service(s) were acquired (e.g., for use by the military forces of Iraq).

(D) The procedure in DFARS 225.7703-1 that was used for the acquisition (i.e., evaluation preference; limited competition; or other than competitive procedures).

(iii) Summary information as follows:

(A) Total number of reported contracts.

(B) Total dollar value of reported contracts.

(C) Number of contracts associated with the each of the following purposes:

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- (1) For use by military forces, police, or other security personnel of Iraq.
 - (2) To provide a stable source of jobs in Iraq.
 - (3) For use by military forces, police, or other security personnel of Afghanistan.
 - (4) To provide a stable source of jobs in Afghanistan.
- (iv) Contact information for the individual who can address questions regarding the report.

(2) Reports shall be submitted in accordance with the following schedule:

Reportable Actions Occurring From - To	Submit Report No Later Than
September 15, 2008 – December 31, 2008	January 31, 2009
January 1, 2009 – June 30, 2009	July 31, 2009
July 1, 2009 – September 30, 2009	October 31, 2009