25.402 General.

(a)

(1) The Trade Agreements Act (19 U.S.C.2501, *et seq*.) provides the authority for the President to waive the Buy American statute and other discriminatory provisions for *eligible products* from countries that have signed an international trade agreement with the *United States*, or that meet certain other criteria, such as being a *least developed country*. The President has delegated this waiver authority to the U.S. Trade Representative. In *acquisitions* covered by the *WTO GPA*, Free Trade Agreements, or the Israeli Trade Act, the U.S. Trade Representative has waived the Buy American statute and other discriminatory provisions for *eligible products*. *Offers* of *eligible products* receive equal consideration with *domestic offers*.

(2) The *contracting officer shall* determine the origin of services by the country in which the firm providing the services is established. See subpart 25.5 for evaluation procedures for supply contracts covered by trade agreements.

(b) The value of the *acquisition* is a determining factor in the applicability of trade agreements. Most of these dollar thresholds are subject to revision by the U.S. Trade Representative approximately every 2 years. The various thresholds are summarized as follows:

Table 1 to Paragraph (b)

Trade Agreement	Supply Contract (equal to or exceeding)	Service Contract (equal to or exceeding)	*Construction* Contract (equal to or exceeding)
WTO GPA	$174,000	$174,000	$6,683,000
FTAs			
Australia FTA	105,767	105,767	6,683,000
Bahrain FTA	174,000	174,000	13,749,689
CAFTA-DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	105,767	105,767	6,683,000
Chile FTA	105,767	105,767	6,683,000
Colombia FTA	105,767	105,767	6,683,000

Korea FTA	100,000	100,000	6,683,000
Morocco FTA	174,000	174,000	6,683,000
USMCA			
-Mexico	105,767	105,767	13,749,689
Oman FTA	174,000	174,000	13,749,689
Panama FTA	174,000	174,000	6,683,000
Peru FTA	174,000	174,000	6,683,000
Singapore FTA	105,767	105,767	6,683,000
Israeli Trade Act	50,000	-	-

Parent topic: Subpart 25.4 - Trade Agreements