

25.1101 Acquisition of supplies.

The following provisions and clauses apply to the *acquisition of supplies* and the *acquisition of services* involving the furnishing of *supplies*.

(a)

(1)

(i) Insert the clause at 52.225-1, Buy American-Supplies, in *solicitations* and contracts with a value exceeding the *micro-purchase threshold* but not exceeding \$50,000; and in *solicitations* and contracts with a value exceeding \$50,000, if none of the clauses prescribed in paragraphs (b) and (c) of this section apply, except if-

(A) The *solicitation* is restricted to *domestic end products* in accordance with subpart 6.3;

(B) The *acquisition* is for *supplies* for use within the *United States* and an exception to the Buy American statute applies (e.g., nonavailability, public interest, or *information technology* that is a *commercial product*); or

(C) The *acquisition* is for *supplies* for use outside the *United States*.

(ii) The *contracting officer* shall use the clause with its *Alternate I* to reflect the domestic content threshold that will apply to the entire period of performance, when the *senior procurement executive* allows for application of an *alternate* domestic content test for the contract in accordance with 25.101(d). For contracts that the *contracting officer* estimates will be awarded in calendar year 2022 or 2023, the *contracting officer* shall insert "60" in paragraph (1)(ii)(A) of the definition of "*domestic end product*." For contracts that the *contracting officer* estimates will be awarded in calendar year 2024, 2025, 2026, 2027, or 2028, the *contracting officer* shall insert "65". For contracts that the *contracting officer* estimates will be awarded after calendar year 2028 the *contracting officer* shall insert "75".

(2) Insert the provision at 52.225-2, Buy American Certificate, in *solicitations* containing the clause at 52.225-1.

(b)

(1)

(i) Insert the clause at 52.225-3, Buy American-Free Trade Agreements-Israeli Trade Act, in *solicitations* and contracts if-

(A) The *acquisition* is for *supplies*, or for services involving the furnishing of *supplies*, for use within the *United States*, and the *acquisition* value is \$50,000; or more, but is less than \$174,000;

(B) The *acquisition* is not for *information technology* that is a *commercial product*, using fiscal year 2004 or subsequent fiscal year funds; and

(C) No exception in 25.401 applies. For *acquisitions* of agencies not subject to the Israeli Trade Act (see 25.406), see agency regulations.

(ii) If the *acquisition* value is \$50,000 or more but is less than \$100,000, use the clause with its *Alternate II*.

(iii) If the *acquisition* value is \$100,000 or more but is less than \$105,767, use the clause with its *Alternate III*.

(iv) The *contracting officer shall* use the clause with its *Alternate IV* to reflect the domestic content threshold that will apply to the entire period of performance, when the *senior procurement executive* allows for application of an *alternate* domestic content test for the contract in accordance with 25.102(d). For contracts that the *contracting officer* estimates will be awarded in calendar year 2022 or 2023, the *contracting officer shall* insert "60" in paragraph (1)(ii)(A) of the definition of "*domestic end product*." For contracts that the *contracting officer* estimates will be awarded in calendar year 2024, 2025, 2026, 2027, or 2028, the *contracting officer shall* insert "65". For contracts that the *contracting officer* estimates will be awarded after calendar year 2028 the *contracting officer shall* insert "75".

(2)

(i) Insert the provision at 52.225-4, Buy American-Free Trade Agreements-Israeli Trade Act Certificate, in *solicitations* containing the clause at 52.225-3.

(ii) If the *acquisition* value is \$50,000 or more but is less than \$100,000, use the provision with its *Alternate II*.

(iii) If the *acquisition* value is \$100,000 or more, but is less than \$105,767, use the provision with its *Alternate III*.

(c)

(1) Insert the clause at 52.225-5, Trade Agreements, in *solicitations* and contracts valued at \$174,000 or more, if the *acquisition* is covered by the *WTO GPA* (see subpart 25.4) and the agency has determined that the restrictions of the Buy American statute are not applicable to *U.S.-made end products*. If the agency has not made such a determination, the *contracting officer must* follow agency procedures.

(2) Insert the provision at 52.225-6, Trade Agreements Certificate, in *solicitations* containing the clause at 52.225-5.

(d) Insert the provision at 52.225-7, Waiver of Buy American Statute for *Civil Aircraft and Related Articles*, in *solicitations* for *civil aircraft and related articles* (see 25.407), if the *acquisition* value is less than \$174,000.

(e) Insert the clause at 52.225-8, Duty-Free Entry, in *solicitations* and contracts for *supplies* that may be imported into the *United States* and for which duty-free entry may be obtained in accordance with 25.903(a), if the value of the *acquisition*-

(1) Exceeds the *simplified acquisition threshold*; or

(2) Does not exceed the *simplified acquisition threshold*, but the savings from waiving the duty is anticipated to be more than the administrative cost of waiving the duty. When used for *acquisitions* that do not exceed the *simplified acquisition threshold*, the *contracting officer may* modify

paragraphs (c)(1) and (j)(2) of the clause to reduce the dollar figure.

(f) Insert the provision at 52.225-18, Place of Manufacture, in *solicitations* that are predominantly for the *acquisition of manufactured end products (i.e., the estimated value of the manufactured end products exceeds the estimated value of other items to be acquired as a result of the solicitation)*.

Parent topic: Subpart 25.11 - Solicitation Provisions and Contract Clauses