Part 5225 - FOREIGN ACQUISITION

The official NMCARS regulation resides at https://www.secnav.navy.mil/rda/DASN-P/Pages/NMCARS.aspx

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Subpart 5225.1 - BUY AMERICAN ACT-SUPPLIES

5225.103 Exceptions.

(a) *Public interest .*

(ii)(B)(3 ***)*** Submit requests for an agency head determination for a public interest exception to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.103 - Buy American Act --Supplies."

(b) *Nonavailability.*

(2)(ii) If the contracting officer considers that the nonavailability of an article is likely to affect future acquisitions, the contracting officer shall submit the determinations made under FAR 25.103(b)(2) to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.103 - Buy American Act--Supplies Determination."

Subpart 5225.2 - BUY AMERICAN ACT-CONSTRUCTION MATERIALS

5225.202 Exceptions.

(a)(1) Impracticable or inconsistent with public interest. COMNAVFACENGCOM is delegated authority to make this determination.

Subpart 5225.3 - Contracts Performed Outside the United States

5225.370 Contracts requiring performance or delivery in a foreign country.

(d) Contracting Officers shall address Theater Business Clearance (TBC) requirements when soliciting or awarding contracts or performing contract administration. Solicitations and contracts

subject to TBC are those valued in excess of $150K and with performance greater than 30 days that require performance or delivery, including construction contracts, with the place of performance in Afghanistan.

Subpart 5225.4 - TRADE AGREEMENTS

5225.401 Exceptions.

(a)(2)(A) Submit requests in the form of a determination and findings to USD(A&S)/DPC with a copy of the approved AS, STRAP, or MOPAS-S via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.401 -Trade Agreement Exceptions."

5225.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements.

(c)(ii) Submit requests for national interest waivers in the form of a determination and findings with a copy of the approved AS, STRAP, or MOPAS-S to the USD(A&S)/DPC via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.403 - National Interest Waivers."

Subpart 5225.7 - PROHIBITED SOURCES

5225.702 Prohibition on contracting with entities that conduct restricted business operations in Sudan.

5225.702-4 Waiver.

(b) Waivers pursuant to FAR 25.702-4(a) shall be submitted via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] FAR 25.702-4(b) Waiver—Sudan." 5225.703 Prohibition on contracting with entities that engage in certain activities or transactions relating to Iran.

5225.703-4 Waiver.

(b) Waivers pursuant to FAR 25.703-4 shall be submitted via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] FAR

25.703-4 Waiver – Iran."

5225.770 Prohibition on acquisition of certain items from Communist Chinese military companies.

5225.770-5 Waiver of prohibition.

(a) Waivers shall be submitted via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.770-5 Waiver - Certain Items from Communist Chinese Military Companies."

5225.771 Prohibition on contracting or subcontracting with a firm that is owned or controlled by the government of a country that is a state sponsor of terrorism.

5225.771-3 Notification.

Submit notifications via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.771-3 – "State Sponsor of Terrorism Notification."

5225.771-4 Waiver of prohibition.

Submit waivers via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.771-4 – "State Sponsor of Terrorism Waiver Request."

5225.772 Prohibition on acquisition of certain foreign commercial satellite services.

5225.772 Prohibition on acquisition of certain foreign commercial satellite services.

5225.772-3 Procedures.

(b)(1) Submit disclosures via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject

"[Activity Name] DFARS 225.772-3 – "Certain Foreign Commercial Satellite Services Disclosure."

5225.772-4 Exception.

(b) Submit exception requests via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.772-4 – "Certain Commercial Satellite Services Exception Request."

Subpart 5225.8 - OTHER INTERNATIONAL AGREEMENTS AND COORDINATION

5225.802 Procedures.

5225.802-71 End Use Certificates.

ASN(RDA) may authorize the execution of Category I and II End Use Certificates (EUCs). Category III EUCs require a waiver by the USD(AT&L). All requests for EUCs shall be forwarded via the Navy International Programs Office for review to determine the proper category and to recommend approval.

5225.802-90 Procedures for acquisitions that can be satisfied only by sources outside the United States.

(a) Naval activities having requirements that can be satisfied only by European sources should forward their requisitions to Fleet Logistics Center (FLC) Sigonella for procurements in Southern Europe, the Mediterranean, and Africa; to FLC Sigonella Detachment Bahrain for procurements in the Middle East; or FLC Sigonella Detachment London for procurements in Northern Europe, including the United Kingdom and Iceland. Naval activities having requirements that can be satisfied only by Asian sources should forward their requirements to FLC Yokosuka for procurements in Japan or Korea; or FLC Yokosuka Detachment Singapore for procurements in Asia/Pacific other than Japan or Korea. This does not relieve activities from complying with current Balance of Payments directives.

(b) *Exceptions*.

(1) The following are exceptions to paragraph (a) above:

(i) Contracts for complete vessels or aircraft.

(ii) Contracts for equipment requiring servicing by representatives of foreign companies.

(iii) Contracts within an activity's authorized purchase authority when material is readily available overseas (outside the contiguous United States).

(iv) Other specific exceptions as may be granted by NAVSUPSYSCOM.

(2) Contracting Officers utilizing any of the above exceptions, prior to negotiating with an overseas supplier, should contact the applicable FLC for assistance and support.

5225.871 North Atlantic Treaty Organization (NATO) cooperative projects.

5225.871-4 Statutory waivers.

(c) Submit waiver requests via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.871-4 - NATO Cooperative Projects Statutory Waiver.".

5225.871-7 Congressional notification.

(a)(1) Submit proposed Congressional notices via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.871-7 - NATO Cooperative Projects Statutory Waiver."

5225.872 Contracting with qualifying country sources.

5225.872-3 Solicitation procedures.

(e)(4) Submit requests for concurrence via DASN(P) by email at RDAJ&As.fct @navy.mil with the subject "[Activity Name] DFARS 225.872-3 - Qualifying Country Sources Concurrence Request."

Subpart 5225.70 - AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION

5225.7002 Restrictions on food, clothing, fabrics, and hand or measuring tools.

5225.7002-2 Exceptions.

(b)(1)(iii) Using the format in Annex 3, submit domestic nonavailability determinations (DNADs) for

approval by SECNAV via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject

“[Activity Name] DFARS 225.7002-2 - DNAD.”

(2) When submitting DNADs for approval, include analysis of market research and analysis of alternatives memorandum as supporting documentation using the format in Annex 3.

5225.7003 Restrictions on acquisitions of specialty metals.

5225.7003-3 Exceptions.

(b)(2)(ii) Report on all contracts (including task orders/delivery orders) for the acquisition of COTS end items valued at $5 million or more per item purchased during the preceding fiscal year. In addition to the requirements at PGI 225.7003-3(b)(2)(B), include the contract line item number (CLIN), quantity, and unit price for each excepted COTS end item reported. Submit the required annual report not later than October 15th to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 225-7003-3 - Annual COTS End Items Report (Fiscal year).”

(b)(5) Using the format in Annex 3, submit required DNADs for approval by:

(i) SECNAV via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity

Name] DFARS 225.7003-3 – DNAD Approval by SECNAV.” When submitting DNADs for approval, include analysis of market research and analysis of alternatives memorandum as supporting documentation.

(ii) USD(A&S) with a courtesy copy to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 225.7003-3 - DNAD Approval by USD(A&S).”

(c)(2) Submit required commercial derivative military article determinations for approval by SECNAV via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 225.7003-3 – Determination Approval by SECNAV.”

(d) When submitting the request for national security interest determination to USD(A&S) for approval, provide a courtesy copy to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 225.7003-3 – CC: Determination Approval by USD(A&S).”

5225.7007 Restrictions on anchor and mooring chain.

5225.7007-2 Waiver.

(a) Submit the proposed written D&F containing the certification for SECNAV approval via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil

5225.7009 Restriction on ball and roller bearings.

5225.7009-4 Waiver.

Submit the proposed waiver via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.7009-4 - Ball and Roller Bearings Restriction Waiver." The waiver shall be in the form of a written D&F.

5225.7011 Restriction on carbon, alloy, and armor steel plate.

5225.7011-2 Waiver.

Submit the waiver to SECNAV via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.2011-2 - Carbon, Alloy, And Armor Steel Plate Restriction Waiver". The waiver shall be in the form of a written D&F.

5225.7012 (DFARS 225.7012) Restriction on supercomputers.

5225.7012-2 (DFARS 225.7012-2) Waiver.

Submit the proposed waiver via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.7012-2 - Supercomputer Restriction Waiver". The waiver shall be in the form of a written D&F containing a certification that:

(1) Adequate U.S. supplies are not available to meet requirements on a timely basis; and

(2) The acquisition shall be made in order to acquire capability for national security purposes.

5225.7018 Restriction on acquisition of certain magnets and tungsten.

5225.7018-4 Nonavailability determination.

(a)(3) When submitting the signed individual nonavailability determination or denial to USD(A&S), provide a courtesy copy to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.7018-4 – CC: Individual Nonavailability Determination."

(b)(i) When submitting the request for class nonavailability determination to DPC, provide a courtesy copy to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.7018-4 – CC: Class Nonavailability Determination Request."

Subpart 5225.73 - ACQUISITIONS FOR FOREIGN MILITARY SALES

5225.7301 General.

5225.7301-2 Solicitation approval for sole source contracts.

Submit requests for coordination with the Principal Director, DPC via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 225.7301-2 Coordination of Solicitation for Combined US/FMS FFP Sole Source Contracts for a Major System >$500M."

Subpart 5225.76 - SECONDARY ARAB BOYCOTT OF ISRAEL

5225.7604 Waivers.

Submit waiver requests to USD(A&S)/DPC via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] PGI 225.7604 - Secondary Arab Boycott of Israel Restriction Waiver."

Subpart 5225.77 - ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN

5225.7799 Authority to acquire products and services (including construction) from Afghanistan or from countries along a major route of supply to Afghanistan.

When submitting the written determination to DPC, provide a courtesy copy to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil the subject "[Activity Name] DFARS 225.7799 (Class Deviation 2020-O0002) – CC: "Determination to acquire [products or services] from a [Central Asian state, Pakistan, or the South Caucasus]."