

# Part 5325 - Foreign Acquisition

AFFARS PART 5325 Knowledge Center

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## **Subpart 5325.1 - BUY AMERICAN - SUPPLIES**

### **5325.103 Exceptions**

(a)(ii)(B)(3) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For non-ACAT I programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(b) Follow [MP5325 - Foreign Acquisitions](#) when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

## **Subpart 5325.2 - BUY AMERICAN - CONSTRUCTION MATERIALS**

### **5325.202 Exceptions**

(a)(1) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For non-ACAT I programs, submit determination through the SCO to [SAF/AQC](#) for approval.

(a)(2) *Nonavailability* . See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### **5325.204 Evaluation Offers of Foreign Construction Material**

(b) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).

## **Subpart 5325.4 - TRADE AGREEMENTS**

### **5325.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements**

(c)(ii)(A) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

## **Subpart 5325.6 - AMERICAN RECOVERY AND REINVESTMENT ACT - BUY AMERICAN STATUTE - CONSTRUCTION MATERIALS**

## **5325.603 Exceptions**

(a)(1)(i) *Nonavailability*. See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(a)(1)(iii) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For non-ACAT I programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(a)(2) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For approval for non-ACAT I programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(b)(2) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

## **Subpart 5325.10 - ADDITIONAL FOREIGN ACQUISITION REGULATIONS**

### **5325.1001 Waiver of Right to Examination of Records**

(a)(2)(iii) See MP5301.601-90. Submit D&Fs following the format at FAR 25.1001(b), through the SCO to [SAF/AQC](#) for approval.

## **Subpart 5325.70 - AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION**

### **5325.7002-2 Exceptions**

(b)(1)(iv) When the contracting officer determines through market research, that an article or suitable substitute is not available from a domestic source, the contracting officer must submit a [Domestic Non-availability Determination \(DNAD\)](#). The DNAD must be submitted through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable). See [MP5325.7002-2 - Exceptions](#).

### **5325.7003-3 Exceptions**

(b) When the contracting officer determines, through market research, that a specialty metal melted or produced in the United States or its possessions cannot be procured in satisfactory quality and sufficient quantity, and in the required form, as and when needed, submit a [DNAD](#). The DNAD must be submitted through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable).

(c) When a contractor or offeror submits a "Commercial Derivative Military Article-Specialty Metals

Compliance Certificate” (DFARS 252.225-7010) for streamlined compliance for Commercial Derivative Military Articles (CDMA), the Secretary of the Air Force must determine that the item is a CDMA as defined at DFARS 252.225-7009 before using the rules for streamlined compliance for CDMA. The contracting officer must follow the procedures in DFARS 225.7003-3 and submit the [CDMA D&F](#) through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable). See [MP5325.7003-3 - Exceptions](#) .

## **5325.7008 Waiver of Restrictions of 10 U.S.C. 2534**

(a)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(b)(2)(i) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

## **Subpart 5325.73 - ACQUISITIONS FOR FOREIGN MILITARY SALES**

### **5325.7301-2 Solicitation Approval for Sole Source Contracts**

Submit the solicitation to [SAF/AQC](#) . SAF/AQC will coordinate with the Principal Director, Defense Pricing and Contracting.

## **Subpart 5325.75 - BALANCE OF PAYMENTS PROGRAM**

### **5325.7501 Policy**

(c) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).

## **Subpart 5325.77 - ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN**

### **5325.7703-2 Determination requirements.**

(b)(2)(i) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#)