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 Assistant Secretary of Defense for Industrial Policy (Acquisition and Sustainment), 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 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 Afghanistan may be made as follows:

Findings

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, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-92:
[Select one of the following:]
Provide a preference for products or services from Afghanistan.
Limit competition to products or services from Afghanistan.
Use procedures other than competitive procedures to award a contract to a particular source or sources from Afghanistan.

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

5. The proposed acquisition will provide a stable source of jobs in Afghanistan because _____.

6. The proposed use of other than full and open competition is necessary to provide this stable source of jobs in Afghanistan.

7. The proposed use of other than full and open competition will not adversely affect military operations or stability operations in 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 Afghanistan, or if competition will be limited to products or services from Afghanistan, include— (*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 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 Afghanistan and it will not adversely affect (1) Operations in Afghanistan or (2) the United States industrial base. (Date)	

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

DEPARTMENT OR AGENCY

Authority to Acquire Products or Services from 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 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, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-92:
[Select one of the following:]
Provide a preference for products or services from Afghanistan.
Limit competition to products or services from Afghanistan.
Use procedures other than competitive procedures to award a contract to a particular source or sources from Afghanistan.

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

5. Each of the contemplated contracts will provide a stable source of jobs in 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 Afghanistan.

7. The proposed use of other than full and open competition for this class of acquisitions will not adversely affect operations in 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 Afghanistan, or if competition will be limited to products or services from 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 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*
(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 Afghanistan and it will not adversely affect (1) Operations in Afghanistan or (2) the United States industrial base.

(Date)

(iii) Prepare a determination and findings for acquisitions issued pursuant to https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pd, to Acquire Products and Services Produced in Afghanistan or in Countries along a Major Route of Supply to Afghanistan, substantially as follows:

DEPARTMENT OR AGENCY AUTHORITY TO ACQUIRE PRODUCTS OR SERVICES FROM_____1_____

Determination and Findings

Upon the basis of the following findings and determination, which I hereby make in accordance with the provisions of DFARS 225.7799-2 (DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf), the acquisition of a product or service, other than small arms, in support of operations in Afghanistan may be made as follows:

FINDINGS

1. The _____1A_____ proposes to purchase under solicitation number _____1B_____, _____1C_____. The total estimated cost of this

acquisition is _____ 1D_____.

2. The product or service is to be used by _____2_____.

3. The contracting officer recommends conducting the acquisition using the following procedure, which, given this determination, is authorized by section 801 of Public Law 111-84, as amended by section 886 of Public Law 114-92 and section 1212 of Public Law 116-92, and section 886 of Public Law 110-181, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-92:_____3_____.

4. To implement the recommended procedure, the solicitation will contain: a. DFARS 252.225-7998, Preference for Products or Services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus (DEC 2019) (DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf), and DFARS 252.225-7999, Requirement for Products or Services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus (DEC 2019) (DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf); or b. DFARS 252.225-7996, Acquisition Restricted to Products or Services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus (DEC 2019) (DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf).

5. The proposed acquisition will provide a product or service that is to be used _____5_____.

6.a. For products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus, it is in the national security interest of the United States to use a procedure specified in 225.7799-1(a)(DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf) because the procedure is necessary to _____6A_____.

Use of the procedure for acquisition of products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus will not adversely affect military or stability operations in Afghanistan or the United States industrial base (*see* 6B).

b. For products or services from Afghanistan, it is in the national security interest of the United States to use a procedure specified in 225.7799-1(a)(DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf) because the procedure is necessary to provide a stable source of jobs in Afghanistan.

Use of the procedure for acquisition of products or services from Afghanistan will not adversely affect military or stability operations in Afghanistan or the United States industrial base (*see* 6B). (see 6C)

7. Acquisitions conducted using the procedures specified in DFARS 225.7799-1(a) (DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf), (see para. 3. above), are authorized to use other than full and open competition procedures and do not require the justification and approval addressed in FAR Subpart 6.3.

8. Requirement will be/was synopsized: YES [___] NO [___]. If not synopsized, exception at FAR 5.202(a) applies.

_____ Date:_____

CONTRACTING OFFICER

Name:_____

Office Symbol: _____

DETERMINATION

In accordance with the authorization outlined in DFARS 225.7799-2(b)(1)(i)(DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf) and under the authority of section 801 of Public Law 111-84, as amended by section 886 of Public Law 114-92 and section 1212 of Public Law 116-92, and section 886 of Public Law 110-181, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-02, 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 encourage countries along a major route of supply in support of military and stability operations in Afghanistan. This procedure will not adversely affect military or stability operations in Afghanistan or the United States industrial base.

_____ Date:_____

INSTRUCTIONS FOR COMPLETING DETERMINATION

1 Afghanistan, a Central Asian state, Pakistan, or the South Caucasus

1A Office symbol of your contracting office

1B RFP/RFQ/IFB number

1C Description of the items to be purchased

1D Estimated amount of the requirement (in USD)

2 Describe the entity(ies) that are the intended user(s) of the product or service

3 *Select and include one of the following:*

a. Provide a preference for products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus in accordance with the evaluation procedures at 225.7799-3 (DEVIATION https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2020-O0002.pdf). b. Limit competition to products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus DEVIATION 2020-O0002).

5 *Select and include one of the following:*

In the country that is the source of the product or service.

In the course of efforts by the United States and the Forces to ship goods to or from Afghanistan in support of operations in Afghanistan.

By the military forces, police, or other security personnel of Afghanistan.

By the United States or coalition forces in Afghanistan.

6Ai Paragraph (6.a. may be deleted if the product or service is for use by the military forces, police,

or other security personnel of Afghanistan.

6Aii *Select and include one of the following:*

Reduce the overall United States transportation costs and risks in shipping goods in support of operations in Afghanistan.

Encourage states of Central Asia, Pakistan, and the South Caucasus to cooperate in expanding supply routes through their territory in support of operations in Afghanistan.

Help develop more robust and enduring routes of supply to or from Afghanistan.

6B The contracting officer generally may presume that there will not be an adverse effect on the U.S. industrial base. However, when in doubt the contracting officer should coordinate with the applicable subject matter experts.

6C Delete paragraph 6.b. if the product or service concerned is to be used only by the military forces, police, or other security personnel of Afghanistan.

7 Include a description of efforts made to ensure offers are solicited from as many potential sources as is practicable.

Parent topic: PGI 225.7703 Enhanced authority to acquire products or services from Afghanistan.