

DFARS Procedures, Guidance, and Information

PGI 225—Foreign Acquisition

(Revised July 3, 2013)

PGI 225.77—ACQUISITIONS IN SUPPORT OF OPERATIONS IN IRAQ OR AFGHANISTAN

PGI 225.7703 Acquisition of products or services other than small arms.

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 Under Secretary of Defense for Industrial Policy (Acquisition, Technology, and Logistics), 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 Iraq or 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 [Select one: Iraq / Afghanistan / Iraq and Afghanistan] may be made as follows:

Findings

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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:

[Select one of the following:]

Provide a preference for products or services from Iraq or Afghanistan.

Limit competition to products or services from Iraq or Afghanistan.

Use procedures other than competitive procedures to award a contract to a particular source or sources from Iraq or Afghanistan.

4. To implement the recommended procedure, the solicitation will contain [title and number of the applicable provision and/or clause prescribed at DFARS [225.7703-5](#)].
5. The proposed acquisition will provide a stable source of jobs in [*Select one:* Iraq / Afghanistan / Iraq and Afghanistan], because _____.
6. The proposed use of other than full and open competition is necessary to provide this stable source of jobs in [*Select one:* Iraq / Afghanistan / Iraq and Afghanistan].
7. The proposed use of other than full and open competition will not adversely affect military operations or stability operations in [*Select one:* Iraq / Afghanistan / Iraq and 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 Iraq or Afghanistan, or if competition will be limited to products or services from Iraq or Afghanistan, include—*

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(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 Iraq or 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 [Select one: Iraq / Afghanistan / Iraq and Afghanistan] and it will not adversely affect (1) Operations in [Select one: Iraq / Afghanistan / Iraq and Afghanistan] or (2) the United States industrial base.

(Date)

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

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DEPARTMENT OR AGENCY

Authority to Acquire Products or Services
from Iraq or 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 [Select one: Iraq / Afghanistan / Iraq and 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:

[Select one of the following:]

Provide a preference for products or services from Iraq or Afghanistan.

Limit competition to products or services from Iraq or Afghanistan.

Use procedures other than competitive procedures to award a contract to a particular source or sources from Iraq or Afghanistan.

4. To implement the recommended procedure, solicitations will contain [title and number of the applicable provision and/or clause prescribed at DFARS [225.7703-5](#)].

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5. Each of the contemplated contracts will provide a stable source of jobs in [Select one: Iraq / Afghanistan / Iraq and 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 [Select one: Iraq / Afghanistan / Iraq and Afghanistan].
7. The proposed use of other than full and open competition for this class of acquisitions will not adversely affect operations in [Select one: Iraq / Afghanistan / Iraq and 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 Iraq or Afghanistan, or if competition will be limited to products or services from Iraq or 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 Iraq or 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

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(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 in [Select one: Iraq / Afghanistan / Iraq and Afghanistan] and it will not adversely affect (1) Operations in [Select one: Iraq / Afghanistan / Iraq and Afghanistan] or (2) the United States industrial base.

(Date)

(iii) Prepare a determination and findings for acquisitions issued pursuant to [Class Deviation 2012-O0009](#), Revise Implementation of Temporary Authority to Acquire Products and Services (Including Construction) from Countries along a Major Route of Supply to Afghanistan, substantially as follows:

DEPARTMENT OR AGENCY

AUTHORITY TO ACQUIRE PRODUCTS OR SERVICES FROM

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 [2012-O0009](#)), 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.

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3., The contracting officer recommends conducting the acquisition using the following procedure, which, given this determination, is authorized by Section 801 of Public Law 111-084:

3

4. To implement the recommended procedure, the solicitation will contain:

a. DFARS 252.225-7990, Preference for Products or Services from a Central Asian State (AUG 2012)(DEVIATION [2012-O0009](#)) and 252.225-7091, Requirement for Products or Services from a Central Asian State (AUG 2012)(DEVIATION);

b. DFARS 252.225-7992, Acquisition Restricted to Products or Services from a Central Asian State (AUG 2012)(DEVIATION [2012-O0009](#));

c. DFARS 252.225-7998, Preference for Products or Services from Central Asia, Pakistan, or the South Caucasus (AUG 2012) (DEVIATION [2012-O0009](#)), and DFARS 252.225-7999, Requirement for Products or Services from a Central Asia, Pakistan, or the South Caucasus (AUG 2012) (DEVIATION [2012-O0009](#));
or

d. DFARS 252.225-7996, Acquisition Restricted to Products or Services from Central Asia, Pakistan, or the South Caucasus.

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

5

6. It is in the national security interest of the United States to use a procedure specified in 225.7799-1(a)(DEVIATION [2012-O0009](#)) because the procedure is necessary to

6A

Use of the procedure will not adversely affect military or stability operations in Afghanistan or the United States industrial base (see 6B).

7. Acquisitions conducted using the procedures specified in DFARS 225.7799-1(a) (DEVIATION [2012-O0009](#)), (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.

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_____ Date: _____
CONTRACTING OFFICER
Name: _____
Office Symbol: _____

DETERMINATION

In accordance with the authorization outlined in DFARS 225.7799-2(b)(1)(i)([DEVIATION 2012-O0009](#)) and under the authority of section 801 of the National Defense Authorization Act for Fiscal Year 2010, 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

- 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 the five Central Asian states IAW the evaluation procedures at 225.7799-3 ([DEVIATION 2012-O0009](#)).
 - b. Limit competition to products or services from the five Central Asian states listed in [DEVIATION 2012-O0009](#).
 - c. Provide a preference for products or services from Central Asia, Pakistan, or the South Caucasus IAW the evaluation procedures at 225.7799-3 ([DEVIATION 2012-O0009](#)).
 - d. Limit competition to products or services from the nine states of Central Asia, Pakistan, or the South Caucasus ([DEVIATION 2012-O0009](#)).
- 5 *Select and include one of the following:*

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

In the course of efforts by the United States and the NATO International Security Assistance Force to ship goods to Afghanistan in support of operations in Afghanistan.

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

6A *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 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.

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

PGI 225.7703-3 Evaluating offers.

When acquiring products or services in support of the United States Central Command (USCENTCOM) theater of operations, contracting officers must check the “NDAA FY12 Section 841 Identified Entities” list on the USCENTCOM website at <https://www2.centcom.mil/sites/contracts/default.aspx> prior to awarding contracts and ensure that DoD does not award contracts to an enemy of the United States.

PGI 225.7703-4 Reporting requirement.

(1) Reports for [Class Deviation 2009-O0012](#), Class Deviation to Implement Temporary Authority to Acquire Products and Services Produced in Countries along a Major Route of Supply to Afghanistan and Class Deviation 2012-O0009, Revise Implementation of Temporary Authority to Acquire Products and Services (Including Construction) from Countries along a Major Supply Route to Afghanistan, shall include—

(i) The number of occasions on which a determination under Class Deviation 2009-O0012 or 2012-O0009 was made with respect to the exercise of the authority, regardless of whether or not the determination resulted in the exercise of such authority;

(ii) The total dollar amount of contracts issued pursuant to the exercise of such authority displayed—

(A) Separately for each country (Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan for [Class Deviation 2009-O0012](#)) (the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of

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Uzbekistan, or Turkmenistan for [Class Deviation 2012-O0009](#)); and

(B) Combined total for all countries pursuant to each deviation; and

(iii) A description and assessment of the extent to which procurements pursuant to the exercise of such authority furthered the national security interest of the United States to—

(A) Improve local market and transportation infrastructure in order to reduce overall United States transportation costs and risks in shipping goods in support of operations in Afghanistan; or

(B) Encourage states along the major supply route to Afghanistan to cooperate in expanding supply routes through their territory in support of operations in Afghanistan.

(2) Reports for the period of January 1, 2012, through October 27, 2012, shall be submitted no later than November 30, 2012, separately reporting determinations and resultant contract actions under the authority of Class Deviation 2001-O0012, and [Class Deviation 2012-O0009](#).