

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAR Case 2024-G505, TAA Nonavailability Requirements

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM) to update procedures for making Trade Agreements Act of 1976 (TAA) nonavailability determinations.
2. Background. GSA has previously elevated approval of Buy American Act “nonavailability determinations” to the Head of the Contracting Activity (HCA) level¹. As a result of a recent OIG Audit, GSA is elevating approval of TAA nonavailability determinations to the HCA level for consistency and as a best practice.
3. Effective date. 5/20/2024
4. Explanation of changes. This amendment includes non-regulatory changes. For full text changes of the amendment see Attachment A, GSAM Text Line-In/Line-Out.

This amendment adds the following GSAM subpart and section:

- 525.5 (Evaluating Foreign Offers-Supply Contracts)
 - 525.502 (Application) - Creates new section 525.502 to elevate the approval of the contracting officer’s determination of TAA nonavailability to the HCA and require a copy of the approved D&F to the Senior Procurement Executive.
5. Point of contact. For clarification of content, contact Bryon Boyer, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

Jeffrey Koses
Senior Procurement Executive
Office of Acquisition Policy
Office of Government-wide Policy

¹ See, Class Deviation CD-2022-01 and Supplement 1.

Attachment A
GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 180 effective 05/02/2024

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by strikethroughs
- Five asterisks (*****) indicate that there are no revisions between the preceding and following sections
- Three asterisks (***) indicate that there are no revisions between the material shown within a subsection

PART 525 - FOREIGN ACQUISITION

[Subpart 525.5 - Evaluating Foreign Offers-Supply Contracts

525.502 Application.

The contracting officer's determination of nonavailability in accordance with FAR 25.502(b)(3) shall be made via a written determination and findings in accordance with FAR 1.704 and shall be submitted for HCA approval before the contracting officer may make an award for items that are not manufactured or substantially transformed in the U.S. or a country listed in FAR 25.003. A copy of the approved and signed D&F must be forwarded to the SPE via email to spe.request@gsa.gov.]
