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PART 425

FOREIGN ACQUISITION

SUBPART 425.1--BUY AMERICAN ACT--SUPPLIES

425.102 [Reserved]

425.103 Exceptions.

(a) The Senior Procurement Executive (SPE) shall make the determination prescribed in [FAR 25.103\(a\)](#).

(b) Copies of determinations of nonavailability in accordance with [FAR 25.103\(b\)\(2\)](#) or [25.202\(a\)\(2\)](#), for articles, material or supplies not listed in [FAR 25.104](#), may be submitted to the SPE for submission to the Civilian Agency Acquisition Council (CAAC).

425.104 Nonavailable articles.

Information required by [FAR 25.104\(b\)](#) shall be submitted to the SPE

for submission to the CAAC.

425.105 Determining reasonableness of cost.

The SPE may make the determination prescribed in [FAR 25.105\(a\)](#). Requests for determination by the SPE shall be submitted by the HCA, in writing, and shall provide a detailed justification supporting why evaluation factors higher than those listed in [FAR 25.102\(b\)\(1\)](#) and (2) should be

applied to determine whether the offered price of a domestic end product is unreasonable.

425.108 [Reserved]

SUBPART 425.2--BUY AMERICAN ACT--CONSTRUCTION

MATERIALS

425.202 Exceptions.

(a) The SPE shall make the determination prescribed in [FAR 25.202](#)(a)(1).

(b) If a contracting officer proposes that the use of a particular domestic construction material should be waived for a contract on the grounds that its use would be impracticable, the contracting officer shall submit a proposed determination with supporting information through the HCA to the SPE for approval or disapproval.

425.203 [Reserved]

425.204 [Reserved]

SUBPART 425.3-- [Reserved]

SUBPART 425.4-- [Reserved]

SUBPART 425.6--TRADE SANCTIONS

425.602 Exceptions.

The Secretary, without power of redelegation, has the authority to make the necessary determination(s) and authorize award(s) of contract(s) in accordance with FAR 25.602(b).

SUBPART 425.9-- [Reserved]

SUBPART 425.10--ADDITIONAL FOREIGN ACQUISITION

REGULATIONS

425.1001 Waiver of right to examination of records.

The SPE shall make the determination under FAR 25.1001(a)(2)(iii).