

# NMCARS PART 5225 FOREIGN ACQUISITION

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## PART 5225 FOREIGN ACQUISITION

### **SUBPART 5225.1—BUY AMERICAN ACT--SUPPLIES**

#### **5225.103 Exceptions.**

(a) *Public interest.*

(ii)(B)(3) Submit requests for an agency head determination for a public interest exception to DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject “DFARS 225.103 - Buy American Act -Supplies.”

(b) *Nonavailability.*

(2)(ii) Submit copies of determinations made under FAR 25.103(b)(2) to the Defense Acquisition Regulations (DAR) Council via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject “DFARS 225.103 - Buy American Act--Supplies Determination.”

### **SUBPART 5225.2—BUY AMERICAN ACT--CONSTRUCTION MATERIALS**

#### **5225.202 Exceptions.**

(a)(1) *Impracticable or inconsistent with the public interest.* COMNAVFACENGCOM is delegated authority to make this determination.

### **SUBPART 5225.4—TRADE AGREEMENTS**

#### **5225.401 Exceptions.**

(a)(2)(A) Submit requests in the form of a determination and findings to USD(A&S)/DPAP via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject “DFARS 225.401 -Trade Agreement Exceptions.”

#### **5225.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements.**

(c)(ii) Submit requests for national interest waivers in the form of a determination and findings

to the USD(A&S)/DPAP via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.403 - National Interest Waivers."

## **SUBPART 5225.7—PROHIBITED SOURCES**

**5225.702 Prohibition on contracting with entities that conduct restricted business operations in Sudan.**

### **5225.702-4 Waiver.**

(b) Waivers pursuant to FAR 25.702-4(a) shall be submitted via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "FAR 25.702-2(a) Waiver—Sudan."

**5225.703 Prohibition on contracting with entities that engage in certain activities relating to Iran.**

### **5225.703-4 Waiver.**

(b) Waivers pursuant to FAR 25.703-4 shall be submitted via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "FAR 25.703-4 Waiver—Iran."

**5225.770 Prohibition on acquisition of United States Munitions List items from Communist Chinese military companies.**

### **5225.770-5 Waiver of prohibition.**

(a) Waivers pursuant to DFARS 225.770-5 shall be submitted via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.770-5 Waiver - United States Munitions List Items from Communist Chinese Military Companies."

(c)(1) A copy of waivers submitted to DPAP pursuant to DFARS 225.770-5(a) shall be submitted to DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.770-5(a) Waiver—Communist Chinese Military Companies United States Munitions List."

**5225.771 Prohibition on contracting or subcontracting with a firm that is owned or controlled by the government of a country that is a state sponsor of terrorism.**

### **5225.771-3 Notification.**

Submit notifications via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.771-3 - "State Sponsor of Terrorism Notification."

### **5225.771-4 Waiver of prohibition.**

Submit waivers via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.771-4 - "State Sponsor of Terrorism Waiver Request."

**5225.772 Prohibition on acquisition of commercial satellite services from certain foreign entities.**

### **5225.772-3 Procedures.**

Submit disclosures via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.772-3 - "Commercial Satellite Services from Certain Foreign Entities Disclosure."

#### **5225.772-4 Exception.**

Submit exception requests via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.772-4 - "Commercial Satellite Services from Certain Foreign Entities Exception Request."

## **SUBPART 5225.8—OTHER INTERNATIONAL AGREEMENTS AND COORDINATION**

### **5225.802 Procedures.**

#### **5225.802-71 End Use Certificates.**

ASN(RDA) may authorize the execution of Category I and II End Use Certificates (EUCs). Category III EUCs require a waiver by the USD(AT&L). All requests for EUCs shall be forwarded via the Navy International Programs Office for review to determine the proper category and to recommend approval.

#### **5225.802-90 Procedures for acquisitions that can be satisfied only by sources outside the United States.**

(a) Naval activities having requirements that can be satisfied only by European sources should forward their requisitions to Fleet Logistics Center (FLC) Sigonella for procurements in Southern Europe, the Mediterranean, and Africa; to FLC Sigonella Detachment Bahrain for procurements in the Middle East; or FLC Sigonella Detachment London for procurements in Northern Europe, including the United Kingdom and Iceland. Naval activities having requirements that can be satisfied only by Asian sources should forward their requirements to FLC Yokosuka for procurements in Japan or Korea; or FLC Yokosuka Detachment Singapore for procurements in Asia/Pacific other than Japan or Korea. This does not relieve activities from complying with current Balance of Payments directives.

#### *(b) Exceptions.*

(1) The following are exceptions to paragraph (a) above:

(i) Contracts for complete vessels or aircraft.

(ii) Contracts for equipment requiring servicing by representatives of foreign companies.

(iii) Contracts within an activity's authorized purchase authority when material is readily available overseas (outside the contiguous United States).

(iv) Other specific exceptions as may be granted by NAVSUPSYSCOM.

(2) Contracting Officers utilizing any of the above exceptions, prior to negotiating with an overseas supplier, should contact the applicable FLC for assistance and support.

#### **5225.871 North Atlantic Treaty Organization (NATO) cooperative projects.**

#### **5225.871-4 Statutory waivers.**

(c) Submit waiver requests via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.871-4 - NATO Cooperative Projects Statutory Waiver."

**5225.871-7 Congressional notification.**

(a)(1) Submit proposed Congressional notices via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.871-7 - NATO Cooperative Projects Statutory Waiver."

**5225.872 Contracting with qualifying country sources.**

**5225.872-3 Solicitation procedures.**

(e)(4) Submit requests for concurrence via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.872-3 - Qualifying Country Sources Concurrence Request."

**SUBPART 5225.70—AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION**

**5225.7002 Restrictions on food, clothing, fabrics, and hand or measuring tools.**

**5225.7002-2 Exceptions.**

(b)(1)(iii) Using the format in Annex 3, submit domestic non-availability determinations (DNADs) for approval by SECNAV via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.7002-2 - DNAD."

**5225.7003 Restrictions on acquisitions of specialty metals.**

**5225.7003-3 Exceptions.**

(b)(2)(ii) Report on all contracts (including task orders/delivery orders) for the acquisition of commercial off the shelf (COTS) end items valued at \$5 million or more per item purchased during the preceding fiscal year. In addition to the requirements at PGI 225.7003-3(b)(2)(B), include the contract line item number (CLIN), quantity, and unit price for each excepted COTS end item reported. Submit the required annual report not later than October 15<sup>th</sup> to DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225-7003-3 - Annual COTS End Items Report (Activity name/fiscal year)."

(b)(5) Using the format in Annex 3, Domestic Nonavailability Determination, submit required DNADs for approval by USD(AT&L) or SECNAV via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.7003-3 - DNAD Approval by [USD(AT&L) or SECNAV]."

(c)(2) and (d) Using the format in Annex 3, Domestic Non-Availability Determination, submit required determinations for approval by USD(AT&L) or SECNAV via DASN(AP) by email at address [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.7003-3 - DNAD Approval by [USD(AT&L) or SECNAV]."

**5225.7007 Restrictions on anchor and mooring chain.**

#### **5225.7007-2 Waiver.**

(a) Submit the proposed written D&F containing the certification for Secretarial approval via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225-7007-2 - Anchor and Mooring Chain Restriction Waiver."

#### **5225.7009 Restriction on ball and roller bearings.**

#### **5225.7009-4 Waiver.**

Submit the proposed waiver via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.7009-4 - Ball and Roller Bearings Restriction Waiver." The waiver will be in the form of a written D&F containing a certification that:

- (a) Adequate domestic supplies are not available to meet DOD requirements on a timely basis; and
- (b) The acquisition must be made in order to acquire capability for national security purposes.

#### **5225.7011 Restriction on carbon, alloy, and armor steel plate.**

#### **5225.7011-2 Waiver.**

Submit the waiver to SECNAV via ASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.2011-2 - Carbon, Alloy, And Armor Steel Plate Restriction Waiver." The waiver shall be in the form of a written D&F containing a certification that:

- (1) Adequate U.S. or Canadian supplies are not available to meet DOD requirements on a timely basis; and
- (2) The acquisition shall be made in order to acquire capability for national security purposes.

#### **5225.7012 (DFARS 225.7012) Restriction on supercomputers.**

#### **5225.7012-2 (DFARS 225.7012-2) Waiver.**

Submit the proposed waiver via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.7012-2 - Supercomputer Restriction Waiver". The waiver shall be in the form of a written D&F containing a certification that:

- (1) Adequate U.S. supplies are not available to meet requirements on a timely basis; and
- (2) The acquisition shall be made in order to acquire capability for national security purposes.

### **SUBPART 5225.76—SECONDARY ARAB BOYCOTT OF ISRAEL**

#### **5225.7604 Waivers.**

Submit waiver requests to USD(A&S)/DPAP via DASN(AP) by email at

[RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "PGI 225.7604 - Secondary Arab Boycott of Israel Restriction Waiver."

## **SUBPART 5225.77— ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN**

### **5225.7798 Enhanced authority to acquire products or services of Djibouti in support of DOD operations in Djibouti.**

Submit required reports via DASN(AP) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "DFARS 225.7798 - "Enhanced authority to acquire products or services of Djibouti in support of DOD operations in Djibouti."