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# **Subpart 225.2 - BUY AMERICAN—CONSTRUCTION MATERIALS**

**Parent topic:** [Part 225 - FOREIGN ACQUISITION](#)

## **225.202 Exceptions.**

(a)(2) A nonavailability determination is not required for construction materials listed in FAR [25.104\(a\)](#). For other materials, a nonavailability determination shall be approved at the levels specified in [225.103 Exceptions](#).(b)(ii). Use the estimated value of the construction materials to determine the approval level. A nonavailability determination is not required before January 1, 2030, if there is an offer for foreign construction material that exceeds 55 percent domestic content (also see FAR [25.204\(b\)\(1\)\(ii\)](#) and (b)(2)(ii)).

## **225.206 Noncompliance.**

(c)(4) Prepare any report of noncompliance in accordance with the procedures at [209.406-3](#) or [209.407-3](#).

## **225.270 Energy savings service contracts.**

If construction and construction materials will be used during the performance of a contract for DoD energy savings service requirements, see [PGI 225.270 Energy savings service contracts](#). for additional guidance.