

PART 5325 - Foreign Acquisition

2019 Edition

Revised: 2 May 2022

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SUBPART 5325.1 — BUY AMERICAN - SUPPLIES

5325.103 Exceptions

(a)(ii)(B)(3) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to SAF/AQC for SAF/AQ approval. For non-ACAT I programs, submit determinations through the SCO to SAF/AQC for approval.

(b) Follow MP5325 when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See MP5301.601(a)(i).

SUBPART 5325.2 — BUY AMERICAN - CONSTRUCTION MATERIALS

5325.202 Exceptions

(a)(1) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to SAF/AQC for SAF/AQ approval. For non-ACAT I programs, submit determination through the SCO to SAF/AQC for approval.

(a)(2) *Nonavailability*. See MP5301.601(a)(i).

5325.204 Evaluation Offers of Foreign Construction Material

(b) See MP5301.601-90.

SUBPART 5325.4 — TRADE AGREEMENTS

5325.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements

(c)(ii)(A) See MP5301.601(a)(i).

SUBPART 5325.6 — AMERICAN RECOVERY AND REINVESTMENT ACT - BUY AMERICAN STATUTE - CONSTRUCTION MATERIALS

5325.603 Exceptions

(a)(1)(i) *Nonavailability*. See MP5301.601(a)(i).

(a)(1)(iii) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to SAF/AQC for SAF/AQ approval. For non-ACAT I programs, submit determinations through the SCO

to [SAF/AQC](#) for approval.

(a)(2) See [MP5301.601-90](#). For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For approval for non-ACAT I programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(b)(2) See [MP5301.601-90](#). Submit determinations through the SCO to [SAF/AQC](#) for approval.

SUBPART 5325.10 – ADDITIONAL FOREIGN ACQUISITION REGULATIONS

5325.1001 Waiver of Right to Examination of Records

(a)(2)(iii) See [MP5301.601-90](#). Submit D&Fs following the format at [FAR 25.1001\(b\)](#), through the SCO to [SAF/AQC](#) for approval.

SUBPART 5325.70 – AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION

5325.7002-2 Exceptions

(b)(1)(iv) When the contracting officer determines through market research, that an article or suitable substitute is not available from a domestic source, the contracting officer must submit a [Domestic Non-availability Determination \(DNAD\)](#). The DNAD must be submitted through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable). See [MP5325.7002-2](#).

5325.7003-3 Exceptions

(b) When the contracting officer determines, through market research, that a specialty metal melted or produced in the United States or its possessions cannot be procured in satisfactory quality and sufficient quantity, and in the required form, as and when needed, submit a [DNAD](#). The DNAD must be submitted through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable).

(c) When a contractor or offeror submits a “Commercial Derivative Military Article-Specialty Metals Compliance Certificate” ([DFARS 252.225-7010](#)) for streamlined compliance for Commercial Derivative Military Articles (CDMA), the Secretary of the Air Force must determine that the item is a CDMA as defined at [DFARS 252.225-7009](#) before using the rules for streamlined compliance for CDMA. The contracting officer must follow the procedures in [DFARS 225.7003-3](#) and submit the [CDMA D&F](#) through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable). See [MP5325.7003-3](#).

5325.7008 Waiver of Restrictions of 10 U.S.C. 4864

(a)(2) See [MP5301.601\(a\)\(i\)](#).

(b)(2)(i) See [MP5301.601\(a\)\(i\)](#).

SUBPART 5325.73 – ACQUISITIONS FOR FOREIGN MILITARY SALES

5325.7301-2 Solicitation Approval for Sole Source Contracts

Submit the solicitation to [SAF/AQC](#). SAF/AQC will coordinate with the Principal Director, Defense Pricing and Contracting.

SUBPART 5325.75 – BALANCE OF PAYMENTS PROGRAM

5325.7501 Policy

(c) See [MP5301.601-90](#).

SUBPART 5325.77 – ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN

5325.7703-2 Determination requirements.

(b)(2)(i) See [MP5301.601\(a\)\(i\)](#)