(i) The clause shall also be used in personal services contracts with individuals; and
(ii) The clause shall not be used when all contractor personnel performing outside the United States will be covered by the clause at 252.225-7040.

(2) When using the clause at FAR 52.225-19, the contracting officer shall inform the contractor that the Synchronized Predeployment and Operational Tracker (SPOT) is the appropriate automated system to use for the list of contractor personnel required by paragraph (g) of the clause. Information on the SPOT system is available at http://www.dod.mil/bta/products/spot.html and http://www.acq.osd.mil/log/FS/spot.html.


Subpart 225.4—Trade Agreements

Source: 65 FR 19852, Apr. 13, 2000, unless otherwise noted.

225.401 Exceptions.

(a)(2) If a department or agency considers an individual acquisition of a product to be indispensable for national security or national defense purposes and appropriate for exclusion from the provisions of FAR Subpart 25.4, it may submit a request with supporting rationale to the Director of Defense Procurement and Acquisition Policy (OUSD(AT&L)DPAP). Approval by OUSD(AT&L)DPAP is not required if—

(A) Purchase from foreign sources is restricted by statute (see Subpart 225.70);
(B) Another exception in FAR 25.401 applies to the acquisition; or
(C) Competition from foreign sources is restricted under Subpart 225.71.

[68 FR 15619, Mar. 31, 2003]

225.401–70 End products subject to trade agreements.

Acquisitions of end products in the following Federal supply groups (FSG) are covered by trade agreements if the value of the acquisition is at or above the applicable trade agreement threshold and no exception applies. If an end product is not in one of the listed groups, the trade agreements do not apply. The definition of Caribbean Basin country end products in FAR 25.003 excludes those end products that are not eligible for duty-free treatment under 19 U.S.C. 2703(b). Therefore certain watches, watch parts, and luggage from certain Caribbean Basin countries are not eligible products. However, 225.003 expands the definition of Caribbean Basin country end products to include petroleum and any product derived from petroleum, in accordance with Section 8094 of Pub. L. 106–139.

FSG Category/Description

22 Railway equipment
23 Motor vehicles, trailers, and cycles (except 2350 and buses under 2310)
24 Tractors
25 Vehicular equipment components
26 Tires and tubes
29 Engine accessories
30 Mechanical power transmission equipment
32 Woodworking machinery and equipment
34 Metalworking machinery
35 Service and trade equipment
36 Special industry machinery (except 3690)
37 Agricultural machinery and equipment
38 Construction, mining, excavating, and highway maintenance equipment
39 Materials handling equipment
40 Rope, cable, chain and fittings
41 Refrigeration and air conditioning equipment
42 Fire fighting, rescue and safety equipment
43 Pumps and compressors
44 Furnace, steam plant and drying equipment (except 4470)
45 Plumbing, heating, and sanitation equipment
46 Water purification and sewage treatment equipment
47 Piping, tubing, hose, and fitting valves
48 Maintenance and repair shop equipment (except 4920–4927, 4931–4935, 4960)
49 Hardware and abrasives
51 Prefabricated structures and scaffolding
52 Lumber, millwork, plywood, and veneer
53 Construction and building materials
54 Electric wire, and power and distribution equipment
55 Lighting fixtures and lamps
56 Alarm and signal systems

[73 FR 16774, Mar. 31, 2008]
Defense Acquisition Regulations System, DOD

225.403

Category/Description

65 Medical, dental, and veterinary equipment and supplies
66 Instruments and laboratory equipment (except aircraft clocks under 6645)—See FAR 25.003 exclusion of certain watches and watch parts for certain Caribbean Basin countries
67 Photographic equipment
68 Chemicals and chemical products
69 Training aids and devices
70 General purpose ADPE, software, supplies, and support equipment
71 Furniture
72 Household and commercial furnishings and appliances
73 Food preparation and serving equipment
74 Office machines, visible record equipment and ADP equipment
75 Office supplies and devices
76 Books, maps, and other publications
77 Musical instruments, phonographs, and home type radios
78 Recreational and athletic equipment
79 Cleaning equipment and supplies
80 Brushes, paints, sealers, and adhesives
81 Containers, packaging and packing supplies (except 8140)
82 Pins, needles, and sewing kits (only part of 8315) and flag staffs, flagpoles, and flagstaff trucks (only part of 8345)
83 Luggage (only 8460)—See FAR 25.003 for exclusion of luggage for Caribbean Basin countries
84 Toiletries
86 Agricultural supplies
88 Live animals
89 Tobacco products (only 8975)
91 Fuels, oils, and waxes
93 Nonmetallic fabricated materials
94 Nonmetallic crude materials
96 Ores, minerals, and their primary products
99 Miscellaneous

(b) If using a procedure specified in 225.7703-1(a)(2) or (3), the procedures of subpart 25.4 are not applicable.

[75 FR 18039, Apr. 8, 2010]

225.402 General.

To estimate the value of the acquisition, use the total estimated value of end products covered by trade agreements (see 225.401–70).

[70 FR 2363, Jan. 13, 2005]

225.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements.

(c) For acquisitions of supplies covered by the World Trade Organization Government Procurement Agreement, acquire only U.S.-made, qualifying country, or designated country end products unless—

(i) The contracting officer determines that offers of U.S.-made, qualifying country, or designated country end products from responsive, responsible offerors are either—

(A) Not received; or

(B) Insufficient to fill the Government’s requirements. In this case, accept all responsive, responsible offers of U.S.-made, qualifying country, and eligible products before accepting any other offers; or

(ii) A national interest waiver under 19 U.S.C. 2512(b)(2) is granted on a case-by-case basis. Except as delegated in paragraphs (c)(1)(A) and (B) of this section, submit any request for a national interest waiver to the Director of Defense Procurement and Acquisition Policy in accordance with department or agency procedures. Include supporting rationale with the request.

(A) The head of the contracting activity may approve a national interest waiver for a purchase by an overseas purchasing activity, if the waiver is supported by a written statement from the requiring activity that the products being acquired are critical for the support of U.S. forces stationed abroad.

(B) The Commander or Director, Defense Energy Support Center, may approve national interest waivers for purchases of fuel for use by U.S. forces overseas.