

25.504-2

48 CFR Ch. 1 (10-1-13 Edition)

(2) *Analysis:* This acquisition is for end products for use in the United States and is set aside for small business concerns. The Buy American Act applies. Perform the steps in 25.502(a). Offer C is evaluated as a foreign end product because it is the product of a small business but is not a domestic end product (see 25.502(c)(4)). After ap-

plying the 12 percent factor, the evaluated price of Offer C is \$11,424. Award on Offer B at \$10,700 (see 25.502(c)(4)(ii)).

[64 FR 72419, Dec. 27, 1999, as amended at 67 FR 21535, Apr. 30, 2002]

25.504-2 WTO GPA/Caribbean Basin Trade Initiative/FTAs.

Example 1.

| | | |
|---------------|---------|---|
| Offer A | 304,000 | U.S.-made end product (not domestic). |
| Offer B | 303,000 | U.S.-made end product (domestic), small business. |
| Offer C | 300,000 | Eligible product. |
| Offer D | 295,000 | Noneligible product (not U.S.-made). |

Analysis: Eliminate Offer D because the acquisition is covered by the WTO GPA and there is an offer of a U.S.-made or an eligible product (see 25.502(b)(1)). If the agency gives the same consideration given eligible offers to offers of U.S.-made end products that are not domestic offers, it is unnecessary to determine if U.S.-made end products are domestic (large or small business). No further analysis is necessary. Award on the low remaining offer, Offer C (see 25.502(b)(2)).

[69 FR 77875, Dec. 28, 2004, as amended at 75 FR 38690, July 2, 2010]

25.504-3 FTA/Israeli Trade Act.

(a) Example 1.

| | | |
|---------------|-----------|---------------------------------------|
| Offer A | \$105,000 | Domestic end product, small business. |
| Offer B | 100,000 | Eligible product. |

Analysis: Since the low offer is an eligible offer, award on the low offer (see 25.502(c)(1)).

(b) Example 2.

| | | |
|---------------|-----------|-------------------|
| Offer A | \$105,000 | Eligible product. |
|---------------|-----------|-------------------|

Offer B 103,000 Noneligible product.

Analysis: Since the acquisition is not covered by the WTO GPA, the contracting officer can consider the non-eligible offer. Since no domestic offer was received, make a nonavailability determination and award on Offer B (see 25.502(c)(2)).

(c) Example 3.

| | | |
|---------------|-----------|---------------------------------------|
| Offer A | \$105,000 | Domestic end product, large business. |
| Offer B | 103,000 | Eligible product. |
| Offer C | 100,000 | Noneligible product. |

Analysis: Since the acquisition is not covered by the WTO GPA, the contracting officer can consider the non-eligible offer. Because the eligible offer (Offer B) is lower than the domestic offer (Offer A), no evaluation factor applies to the low offer (Offer C). Award on the low offer (see 25.502(c)(3)).

[69 FR 77875, Dec. 28, 2004]

25.504-4 Group award basis.

(a) Example 1.

| Item | Offers | | |
|---------|---------------|---------------|----------------|
| | A | B | C |
| 1 | DO = \$55,000 | EL = \$56,000 | NEL = \$50,000 |
| 2 | NEL = 13,000 | EL = 10,000 | EL = 13,000 |
| 3 | NEL = 11,500 | DO = 12,000 | DO = 10,000 |
| 4 | NEL = 24,000 | EL = 28,000 | NEL = 22,000 |
| 5 | DO = 18,000 | NEL = 10,000 | DO = 14,000 |
| | 121,500 | 116,000 | 109,000 |

Key: DO = Domestic end product; EL = Eligible product; NEL = Noneligible product.

Problem: Offeror C specifies all-or-none award. Assume all offerors are

large businesses. The acquisition is not covered by the WTO GPA.