PGI 225.7018-4 Nonavailability determination.

(a) Individual nonavailability determinations.								
(2) Contracting officers may use the following template for individual nonavailability determinations under this section:								
SUBJECT: Individual Nonavailability Determination Exception under DFARS $\underline{225.7018-4}$								
PROGRAM, ITEM, OR PART DESCRIPTION:								
CONTRACT OR SOLICITATION NUMBER:								
BACKGROUND: Per the requirements of 10 U.S.C. 4872, DFARS <u>252.225-7052</u> prohibits acquisition of samarium-cobalt magnets, neodymium-iron-boron magnets, tantalum metal and alloys, tungsten metal powder, and tungsten heavy alloy or any finished or semi-finished component containing tungsten heavy alloy melted or produced in North Korea, China, Russia, and Iran. Per DFARS								
225.7018-4, the Head of Contracting Activity (HCA) can authorize an exception to DFARS 252.225-7052 through an 'Individual Nonavailability Determination' if they determine that covered materials of satisfactory quality and quantity, in the required form, cannot be procured as and when needed at a reasonable price from a source other than a covered country. ANALYSIS OF ALTERNATIVES:								
See Attachment A for an analysis of why alternatives that would not require a nonavailability determination are unacceptable. CERTIFICATION: Based on the satisfactory quality, quantity, required form, timeliness, and/or reasonable price issues described in Attachment A, I hereby certify that the requirements for an individual nonavailability determination under DFARS <u>225.7018-4</u>								
have been met Signature of Government Contracting Officer or Program Representative								
Date								
Official Action on Request: Approved Disapproved [If disapproved, give reason.]								
Signature of Head of Contracting Activity								
Date ATTACHMENT A: Analysis of Alternatives Required for an Individual Nonavailability Determination as per DFARS <u>225.7018-4</u>								
PART A: Data on Alternative Sources. [Can be completed either by Government or Contractor.]								
1. Detailed information on current or proposed non-compliant DFARS <u>225.7018</u> source(s).								

ITEM #	COMPONENT NAME	COVERED MATERIAL	CURRENT MANUFACTURER(S)	COUNTRY MATERIAL OF SPECIFICATION ORIGIN OR GRADE		DATE AND LEAD TIME	QUANTITY REQUIRED	PRICE PER UNIT	TOTAL PRICE
1									
2. De	tailed mark	et research (conducted on al	ternative	compliant DF	ARS <u>22</u>	2 <u>5.7018</u> sou	rce(s).	
ITEM #	MATERIAI ALT	ERNATIVE C	OUNTRY PROPOSED MATERIAL F RIGIN SPECIFICATION OR GRADE	DELIVERY DATE AND LEAD TIME	QUANTITY PRICE PROPOSED PER UNIT	TOTAL PRICE	RE-DESIGN OR RE QUALIFICATION COST	- RE-DESI QUALIFI COST TI	
	-		n regarding the required form,					based o	n
I have		e informatio	eted by a Gover n in Part A and		-		RT B: Analy		he
ITEM #	COVERED MATERIAL	NON-SATISFACTO QUALITY	RY INSUFFICENT AVAILABLE QUANTITY	DOES NOT MET REQUIRED FORM	DOES NOT MEET TIMELINESS REQUIREMENTS F PROGRAM/CUSTOI	OR PI	NREASONABLE RICE PER UNIT	UNREASO PRICE FOE DESIGN O QUALIFICA	R RE- R RE-
Repre	esentative		Signature	e of Gover	nment Contra	cting (Officer or Pr	ogram	
	D	ate							
ATTA	.CHMENT B	3: Definitions	and Instruction	ns					
As us	ed in this do	ocument—							
	nber" means onent name		al Stock Numbe	r (NSN) o	or other part n	umber	applicable t	to a give	n
	-		a description of int Direct Attac	-				-	ting

"Covered material" means samarium-cobalt magnets, neodymium-iron-boron magnets, tantalum

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metal and alloys, tungsten metal powder, and tungsten heavy alloy or any finished / semi-finished component containing tungsten heavy alloy;

"Tungsten heavy alloy" means a tungsten base pseudo alloy that (1) meets the specifications of ASTM B777 or SAE-AMS-T-21014 for a particular class of tungsten heavy alloy or (2) contains at least 90% tungsten in a matrix of other metals (such as nickel-iron or nickel-copper) and has a density of at least 16.5 g/cm3

"Current manufacturer" means the entity that produces the covered material;

"Country of origin" means the location of the facility in which the current manufacturer produces the covered material;

Delivery date and lead time" includes (1) the date by which the covered material is required to produce the component name and (2) the administrative lead time and procurement lead time required by the manufacturer of the component name, to secure appropriate covered material; and

"Price per unit" means the unit price of the covered material;

For any determination under "Part B", the Head of Contracting Activity is required to produce a separate report describing why a particular exception is applicable to a given action.

(3)

Provide a copy of signed individual nonavailability determination and supporting documentation or notification when an individual waiver is requested, but denied to:

OUSD(A&S)

DASD, Industrial Policy

U.S. Department of Defense

3330 Defense Pentagon, Room 3B854

Washington, DC 20301-3330

(b)(i) When requesting a class nonavailability determination, submit the request, including the proposed determination, to—

Principal Director, Defense Pricing, Contracting, and Acquisition Policy

ATTN: OUSD(A&S) DPCAP/CP

3060 Defense Pentagon

Washington, DC 20301-3060.

(ii) The Principal Director, DPCAP, will forward the request to the Under Secretary of Defense (Acquisition and Sustainment) (USD(A&S)) as appropriate.

Parent topic: PGI 225.7018 Restriction on acquisition of certain magnets, tantalum, and tungsten.