

Subpart 5125.2 - Buy American - Construction Materials

Parent topic: [Part 5125 - Foreign Acquisition](#)

5125.202 Exceptions.

(a)(1) *Impracticable or inconsistent with public interest.* The Assistant Secretary of the Army (Acquisition, Logistics and Technology) has delegated to the Deputy Assistant Secretary of the Army (Procurement) and the Head of the Contracting Activity (HCA), United States Army Corps of Engineers (USACE), without power to delegate further, authority to determine that the use of a particular domestic construction material is impracticable. Determinations that application of the act would be inconsistent with the public interest are reserved for the Assistant Secretary of the Army (Acquisition, Logistics and Technology). See [Appendix GG](#) .

(2) *Nonavailability.* For other materials, a nonavailability determination shall be approved at the levels specified in AFARS 5125.103(b)(ii).

5125.204 Evaluating offers of foreign construction material.

(b) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) has the authority to specify a higher percentage to the offered price as described in FAR 25.204(b). See [Appendix GG](#) for further delegation.

5125.403 World Trade Organization government procurement agreement and free trade agreements.

(c)(ii)(A) The HCA may approve the waiver as stated in DFARS 225.403(c)(ii)(A). See [Appendix GG](#) for further delegation.