

INFORMATION REGARDING BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 10a-10d) generally requires that only domestic construction material be used in the performance of this contract. (See the clause entitled "Buy American" in GSA Form 3506, Construction Contract Clauses.) This requirement does not apply to the excepted construction material or components listed in FAR 25.202(a)(3).

(b) (1) Furthermore, bids or proposals offering use of additional nondomestic construction material may be acceptable for award if the Government determines that use of comparable domestic construction material is impracticable or would unreasonably increase the cost or that domestic construction material (in sufficient and reasonable available commercial quantities and of a satisfactory quality) is unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction material.

(2) Where it is alleged that use of domestic construction material would unreasonably increase the cost:

(i) Data shall be included, based on a reasonable canvass of suppliers, demonstrating that the cost of each such domestic construction material would exceed the cost of comparable nondomestic construction material, inclusive of duty, by –

- More than 6 percent, if the domestic offer is from a large business that is not a labor surplus area concern; or
- More than 12 percent, if the domestic offer is from a small business concern or any labor surplus area concern.

(ii) The evaluation in paragraph (i) above shall be applied on an item-by-item basis or to any group of items on which award may be made as specifically provided by the solicitation.

(iii) If an award of more than \$250,000 would be made to a domestic concern if the 12-percent factor were applied, but not if the 6-percent factor were applied, the agency head shall decide whether award to the domestic concern would involve unreasonable cost.

(3) When offering additional nondomestic construction material, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable, under (1) above, will cause rejection of the entire bid.