

**3025.001 General**

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(70) *FPDS-NG*. When a contract action requires reporting in FPDS-NG (see FAR Subpart 4.6), the contracting officer shall accurately enter data for fields "Country of Product or Service Origin" and "Place of Manufacture." For a service contract, field "Country of Product or Service Origin" should show the country in which the firm providing the services is established.

(71) *Contracting officer discretion*. Although the Buy American Act (BAA) is not applicable to purchases at or below the micro-purchase threshold (see FAR 25.100(b)(1) and 25.1101(a)(1)), a contracting officer, under either of these circumstances, may exercise his or her discretion to purchase a reasonably-available and reasonably-priced domestic end product.

(72) *Construction materials versus construction*. FAR Subpart 25.1, Buy American—Supplies applies when supplies (including construction materials) are being acquired under a contract for supplies or a contract for services that involves the furnishing of supplies. In contrast, FAR Subpart 25.2, Buy American—Construction Materials applies to contracts for construction, and addresses the use of foreign construction materials by the construction contractor in the work.

(73) *Annual Posting*. No later than March 31 of each fiscal year, in coordination with the Acquisition Policy and Legislation Branch within the Office of the Chief Procurement Officer (OCPO), the Head of the Contracting Activity (HCA) shall publish a list of domestically nonavailable articles acquired by the Component using Buy American Act waivers, and the dollar values associated with those articles during the previous fiscal year, in the Federal Business Opportunities site to promote and enhance public awareness and visibility.

(74) *DHS Buy American Reporting Tool*. The DHS Buy American Reporting Tool serves as a repository of all DHS BAA waivers requiring approval by the CPO or the Secretary. It is located in the OCPO Enterprise Reporting Application (ERA) and is accessible at <http://ocpo-sp.dhs.gov/sites/era/BART/Buy%20American%20Act.aspx>.