Technical Amendment

November 2024

PART 225—FOREIGN ACQUISITION

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**SUBPART 225.2—BUY AMERICAN—CONSTRUCTION MATERIALS**

**225.202 Exceptions.**

(a)(2) A nonavailability determination is not required for construction materials listed in FAR 25.104(a). For other materials, a nonavailability determination shall be approved at the levels specified in [225.103](https://www.acq.osd.mil/dpap/dars/dfars/html/current/225_1.htm#225.103)(b)(ii). Use the estimated value of the construction materials to determine the approval level. A nonavailability determination is not required before January 1, 2030, if there is an offer for foreign construction material that exceeds 55 percent domestic content (also see FAR 25.204(b)(1)(ii) and (b)(2)(ii)).

**225.206 Noncompliance.**

(c)(4) Prepare any report of noncompliance in accordance with the procedures at [209.406-3](https://www.acq.osd.mil/dpap/dars/dfars/html/current/209_4.htm#209.406-3) or [209.407-3](https://www.acq.osd.mil/dpap/dars/dfars/html/current/209_4.htm#209.407-3).

[225.270 Energy savings service contracts.

If construction and construction materials will be used during the performance of a contract for DoD energy savings service requirements, see PGI 225.270 for additional guidance.]

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