



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SERVICES AGENCY

MEMORANDUM FOR BASE-LEVEL NAF PURCHASING PERSONNEL

DEC 16 2008

FROM: AFSVA/SVC
10100 Reunion Place, Ste 304
San Antonio TX 78216-4188

SUBJECT: Buy American Act

1. The purpose of this memo is to remind everyone of the policy concerning the Buy American Act (BAA) and its applicability to NAF contracting. DODD 4105.67, Nonappropriated Fund Procurement Policy, paragraph 4.5.2, states that the BAA applies to the procurement of non-resale supplies and equipment for use in the United States. You should consult the Federal Acquisition Regulation (FAR), Subpart 25.1, for general guidance about the BAA. NAF Contracting Officers have a duty to ensure that manufacturers comply with the BAA before purchasing items from them. This requirement applies to open market purchase orders, contracts (excluding service-type), and NAF P-Card purchases that exceed the micro-purchase threshold, which is currently \$3,000. For purposes of the Act, there is no distinction for NAF on the micro-purchase threshold.
2. We have noted BAA issues arising with the procurement of small appliances and electronic equipment. AFNAFPO, however, does not maintain a list of companies known to comply with the Act. We do know that LG and Phillips make certain televisions in compliance with the BAA. For other manufacturers, a case-by-case determination is required to determine compliance. To assist COs with this process, use the attached certificate on an open market purchases and contracts that meet the criteria outlined above. It is the same certificate used on AFNAFPO contracts and is available in IBPS as a template. COs must attach it to purchase orders and contracts and send it to the vendor for signature along with the other attachments. If AFNAFPO is paying for the items with the Department Card, attach the completed certificate to the order so that the cardholder can verify that the company is in compliance before making payment. The bottom line is that COs must not award to companies/manufacturers that do not comply with the BAA.
3. If you have any questions, please contact the POC, Mr. Rich Jones, HQ AFSVA/SVCKI, DSN 487-6931, ext. 7223, or your local legal office.

A handwritten signature in black ink, appearing to read "Will A Z", is positioned above the typed name.

WILLIAM A. FORAN, YC-03, DAF
Director, NAF Purchasing

Attachment:
Buy American Act Certification

BUY AMERICAN - TRADE AGREEMENTS - BALANCE OF PAYMENTS PROGRAM
CERTIFICATE (JUN 2001).

(a) The offeror hereby certifies that each end product, except the end products listed in paragraph (b), is a domestic end product (as defined in the clause entitled "Buy American Act--, Trade Agreements Act--, and Balance of Payments Program") and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States, a designated country, a North American Free Trade Agreement (NAFTA) Country, or a Caribbean Basin country, as defined in section 25.401 of the Federal Acquisition Regulation.

(b) Excluded End Products

<u>Line Item No.</u>	<u>Country of Origin</u>
_____	_____
_____	_____
_____	_____

(List as necessary)

(c) Offers will be evaluated by giving certain preference to domestic end products and foreign qualifying country end products, NAFTA country end products, and Caribbean Basin country end products over other end products. In order to obtain these preferences in the evaluation of each excluded end product listed in paragraph (b) of this provision, offerors must identify and certify below those excluded end products that are designated or NAFTA country end products, or Caribbean Basin country end products. Products that are not identified and certified below will not be deemed designated country end products, NAFTA country end products, or Caribbean Basin country end products. Offerors must certify by inserting the applicable line item numbers in the following:

(i) The offeror certifies that the following supplies qualify as "designated of NAFTA country end products" as those terms are defined in the clause entitled "Buy American Act -- Trade Agreements Act -- Balance of Payments for Program":

(insert line item no.)

(ii) The offeror certifies that the following supplies qualify as "Caribbean Basin country end products" as that term is defined in the clause entitled "Buy American Act - Trade Agreements Act - Balance of Payments Program:

(insert line item no.)

Signature of Offeror