



ARRA PART 5 CHANGES

- 1. All ARRA actions over \$25,000 must be posted in the FBO/Army Single Face to Industry (ASFI) IAW requirements of FAR Part 5. This will require the posting of pre-solicitation, solicitation and contract award notices. This includes contracts, delivery, task and purchase orders. FAR 8, 13, and 16 will be modified to include such requirements.**
- 2. All post award ARRA actions, including modifications over \$500,000 will be required to be posted in the FBO/AFSI.**
- 3. If the award is neither fixed price type nor competitively awarded, must include summary of the rationale used for the acquisition. Summary should be brief and should not include proprietary information or that which would compromise national security.**
- 4. Use RECOVERY as first word in subject tag on the template. Place before the classification code followed by 2 dashes**



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- 5. If the solicitation will include the FAR clause at 52.225-11, Buy American Act—Construction Materials under Trade Agreements, 52.225-23, Required Use of American Iron, Steel, and Other Manufactured Goods—Buy American Act—Construction Materials under Trade Agreements, or an equivalent agency clause, insert the following notice in the synopsis: “One or more of the items under this acquisition is subject to the World Trade Organization Government Procurement Agreement and Free Trade Agreements.”**

- 6. IDIQ notices must contain the following: RECOVERY-THIS NOTICE IS PROVIDED FOR INFORMATION PURPOSES ONLY. THIS OPPORTUNITY IS AVAILABLE ONLY TO CONTRACTORS UNDER (contracting officer insert program Name) at beginning of the DESC tag on template.**



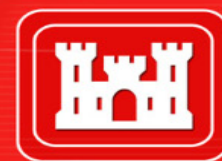
ARRA Buy American Changes

52.225-23 -- Required Use of American Iron, Steel, and Other Manufactured Goods--Buy American Act--Construction Materials under Trade Agreements.

- As prescribed in [25.1102](#) (e), insert the following clause: (e)
- (1) When using funds appropriated under the Recovery Act for construction, use provisions and clauses [52.225-21](#), [52.225-22](#), [52.225-23](#), or [52.225-24](#) (with appropriate Alternates) in lieu of the provisions and clauses [52.225-9](#), [52.225-10](#), [52.225-11](#), or [52.225-12](#) (with appropriate Alternates), respectively, that would be applicable as prescribed in paragraphs (a) through (d) of this section if Recovery Act funds were not used.
- (2) When using clause [52.225-23](#), list foreign construction material in paragraph (b)(3) of the clause as follows:
 - (i) Basic clause. List all foreign construction material excepted from the requirements of the Buy American Act, other than Recovery Act designated country construction material.
 - (ii) Alternate I--List in paragraph (b)(3) of the clause all foreign construction material excepted from the requirements of the Buy American Act, unless the excepted foreign construction material is from a Recovery Act designated country other than Bahrain, Mexico, or Oman.



US Army Corps of Engineers



The new clause changes the Buy American Act significantly with regard to its definitions.

All of the iron, steel and other manufactured goods used as construction material must have had all its manufacturing processes take place in the United States.

Exceptions. We have the familiar exceptions, nonavailability, unreasonable cost, and trade agreements, except the definitions and procedures have been changed. Any determination made under these exceptions requires the head of the agency (SecArmy) to publish a notice in the FR that announces and justifies the determination

Nonavailability. The head of the contracting activity (USACE) may make the determination..

Unreasonable Price. Offers using foreign iron, steel or other manufactured goods will be subject to a 25% evaluation factor applied to the total cost and a 6% evaluation factor to foreign unmanufactured construction material.

Trade Agreements (over \$7,443,000). Designated countries do not include Carribean Basin countries.