

225.670 Secondary Arab boycott of Israel.**225.670-1 Restriction.**

In accordance with 10 U.S.C. 2410i, do not enter into a contract with a foreign entity unless it has certified that it does not comply with the secondary Arab boycott of Israel.

225.670-2 Procedures.

For contracts awarded to the Canadian Commercial Corporation (CCC), the CCC will submit a certification from its proposed subcontractor with the other required precontractual information (see 225.870).

225.670-3 Exceptions.

This restriction does not apply to—

- (a) Purchases at or below the simplified acquisition threshold;
- (b) Contracts for consumable supplies, provisions, or services for the support of United States forces or of allied forces in a foreign country; or
- (c) Contracts pertaining to the use of any equipment, technology, data, or services for intelligence or classified purposes, or to the acquisition or lease thereof, in the interest of national security.

225.670-4 Waivers.

The Secretary of Defense may waive this restriction on the basis of national security interests. Forward waiver requests to the Director, Defense Procurement and Acquisition Policy, Attn: OUSD(AT&L)DPAP(PAIC), 3060 Defense Pentagon, Washington, DC 20301-3060.

225.701 [Amended]

- 13. Section 225.701 is amended by removing the second sentence.

225.770 through 225.771-5 [Removed]

- 14. Sections 225.770 through 225.771-5 are removed.
- 15. Subpart 225.8 is revised to read as follows:

Subpart 225.8—Other International Agreements and Coordination

Sec.

- 225.802 Procedures.
- 225.802-70 Contracts for performance outside the United States and Canada.
- 225.802-71 End use certificates.
- 225.870 Contracting with Canadian contractors.
- 225.870-1 General.
- 225.870-2 Solicitation of Canadian contractors.
- 225.870-3 Submission of offers.
- 225.870-4 Contracting procedures.
- 225.870-5 Contract administration.
- 225.870-6 Termination procedures.
- 225.870-7 Acceptance of Canadian supplies.

225.870-8 Industrial security.

225.871 North Atlantic Treaty Organization cooperative projects.

- 225.871-1 Scope.
- 225.871-2 Definitions.
- 225.871-3 General.
- 225.871-4 Statutory waivers.
- 225.871-5 Directed subcontracting.
- 225.871-6 Disposal of property.
- 225.871-7 Congressional notification.
- 225.872 Contracting with qualifying country sources.
- 225.872-1 General.
- 225.872-2 Applicability.
- 225.872-3 Solicitation procedures.
- 225.872-4 Individual determinations.
- 225.872-5 Contract administration.
- 225.872-6 Audit.
- 225.872-7 Industrial security for qualifying countries.
- 225.872-8 Subcontracting with qualifying country sources.
- 225.873 Waiver of United Kingdom commercial exploitation levies.
- 225.873-1 Policy.
- 225.873-2 Procedures.

225.802 Procedures.

(b) Information on specific agreements is available as follows:

- (i) Memoranda of understanding and other international agreements between the United States and the countries listed in 225.872-1 are maintained in the Office of the Director of Defense Procurement and Acquisition Policy (Program Acquisition and International Contracting) ((703) 697-9351, DSN 227-9351).
- (ii) Military Assistance Advisory Groups, Naval Missions, and Joint U.S. Military Aid Groups normally have copies of the agreements applicable to the countries concerned.
- (iii) Copies of international agreements covering the United Kingdom of Great Britain and Northern Ireland, Western European countries, North Africa, and the Middle East are filed with the U.S. European Command.
- (iv) Agreements with countries in the Pacific and Far East are filed with the U.S. Pacific Command.

225.802-70 Contracts for performance outside the United States and Canada.

(a) When a contracting office anticipates placement of a contract for performance outside the United States and Canada, and the contracting office is not under the jurisdiction of a command for the country involved, the contracting office shall maintain liaison with the cognizant contract administration office (CAO) during preaward negotiations and postaward administration. The CAO will provide pertinent information for contract negotiations, effect appropriate coordination, and obtain required approvals for the performance of the contract.

(b) If the acquisition requires the performance of work in the foreign country by U.S. personnel or a third country contractor, or if the acquisition requires logistics support for contract employees, source inspection, or additional Government employees—

(1) The contracting officer shall coordinate with the CAO before contract award;

(2) The contracting officer shall request the following information from the CAO:

(i) The applicability of any international agreements to the acquisition.

(ii) Security requirements applicable to the area.

(iii) The standards of conduct for the prospective contractor and its employees and any consequences for violation of the standards of conduct.

(iv) Requirements for use of foreign currencies, including applicability of U.S. holdings of excess foreign currencies.

(v) Availability of logistical support for contractor employees.

(vi) Information on taxes and duties from which the Government may be exempt; and

(3) The contracting officer shall furnish the following information to the CAO:

(i) A synopsis of the work to be performed and, if practical, a copy of the solicitation.

(ii) Any contractor logistical support desired in support of U.S. or foreign military sale requirements.

(iii) Contract performance period and estimated contract value.

(iv) Number and nationality of contractor employees and date of planned arrival of contractor personnel.

(v) Contract security requirements.

(vi) Other pertinent information to effect complete coordination and cooperation.

225.802-71 End use certificates.

Contracting officers considering the purchase of an item from a foreign source may encounter a request for the signing of a certificate to indicate that the Armed Forces of the United States is the end user of the item, and that the U.S. Government will not transfer the item to third parties without authorization from the Government of the country selling the item. When encountering this situation, refer to DoD Directive 2040.3, End Use Certificates, for guidance.