



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

APR -4 2014

In reply refer to
DARS Tracking Number: 2014-O0014

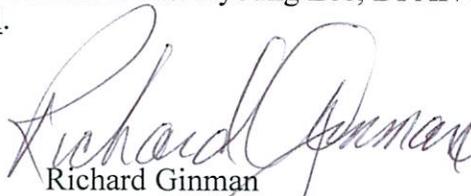
MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Class Deviation—Authority to Acquire Products and Services Produced in
Countries Along a Major Route of Supply to Afghanistan or in Afghanistan

Effective immediately, contracting officers shall use the following procedures and the attached class deviation to the extent feasible, in lieu of DFARS 225.7703, 252.225-7023, 252.225-7024, and 252.225-7026, when acquiring products or services in support of military or stability operations in Afghanistan, pursuant to section 801 of the FY 2010 National Defense Authorization Act (NDAA), as most recently amended by section 832 of the FY 2014 NDAA and section 886 of the FY 2008 NDAA, as amended by section 842 of the FY 2013 NDAA. This class deviation supersedes class deviation 2013-O0007. In accordance with the Under Secretary of Defense for Acquisition, Technology, and Logistics' Class Determination and Findings dated February 28, 2014, contracting officers shall limit competition to, or provide a preference for products mined, produced, or manufactured in, or services from the Central Asian states of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, or Uzbekistan or from Afghanistan before considering other sourcing options that include Pakistan and the South Caucasus.

- Prepare and execute a written determination if the procurement is an acquisition in support of operations in Afghanistan in accordance with DFARS 225.7799-1 and 2 (DEVIATION 2014-O0014).
- Evaluate offers in accordance with DFARS 225.7799-3 (DEVIATION 2014-O0014).
- Include the appropriate provision and/or clause in the solicitation and contract in accordance with DFARS 225.7799-4 (DEVIATION 2014-O0014).

This class deviation remains in effect until December 31, 2015, unless incorporated in the DFARS or otherwise rescinded. My point of contact is Ms. Kyoung Lee, DPAP/CC, at 571-256-2947 or kyoung.w.lee.civ@mail.mil.


Richard Ginman
Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

Implementation of Section 801 of the Fiscal Year (FY) 2010 National Defense Authorization Act (NDAA), as amended by section 832 of the FY2014 NDAA, and section 886 of the FY 2008 NDAA, as amended by section 842 of the NDAA for FY 2013, Authority to Acquire Products and Services Produced in Countries Along a Major Route of Supply to Afghanistan or in Afghanistan (Class Deviation 2014-O0014)

PART 225—FOREIGN ACQUISITION

225.401-71 Products or services in support of operations in Afghanistan. (DEVIATION 2014-O0014)

When acquiring products or service, other than small arms, in support of operations in Afghanistan—

(c)(1) If using the procedures specified in 225.7799-1(a)(1)(i) or (a)(2)(i), the purchase restriction at FAR 25.403(c) does not apply if products or services are from any of the Central Asian states, Pakistan, the South Caucasus, or Afghanistan.

(2) If using a procedure specified in 225.7799-1(a)(1)(ii) or (a)(2)(ii) to acquire products or services from a Central Asian state, Pakistan, the South Caucasus, or Afghanistan, the procedures of subpart 25.4 are not applicable (but see 225.7503(b)(3) and (b)(4)) for applicability of Trade Agreements to construction material under construction contracts in support of operations in Afghanistan).

SUBPART 225.75—BALANCE OF PAYMENTS PROGRAM

225.7501 Policy. (DEVIATION 2014-O0014)

Acquire only domestic end products for use outside the United States, and use only domestic construction material for construction to be performed outside the United States, including end products and construction material for foreign military sales, unless—

(a) Before issuing the solicitation—

(5)(i) Use of a procedure specified in 225.7703-1(a) is authorized for an acquisition in support of operations in Afghanistan.

(ii) Use of a procedure specified in 225.7799-1(a) (DEVIATION 2014-00014) is authorized for an acquisition in support of military or stability operations in Afghanistan;

SUBPART 225.77—ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN

225.7700 Scope. (DEVIATION 2014-00014)

This subpart implements—

(b)(1) Section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181), as amended by section 842 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239);

(2) Section 801 of the National Defense Authorization Act for Fiscal Year 2010, as most recently amended by section 832 of the FY 2014 NDAA; and

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics Class Determination and Findings regarding the application of section 801 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2014, and section 886 of the NDAA for FY 2008, dated February 28, 2014.

225.7701 Definitions. (DEVIATION 2014-00014)

As used in this subpart—

“Product from a Central Asian State or Afghanistan” means a product (including a commercial item) that is mined, produced, or manufactured in the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan. This term does not include construction material brought to the construction site by the contractor or subcontractor for incorporation into the building or work, but does cover material separately purchased by the Government to be incorporated into the building or work.

“Product from Central Asia, Pakistan, the South Caucasus, or Afghanistan” means a product (including a commercial item) that is mined, produced, or manufactured in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan. This term does not include construction material brought to the construction site by the contractor or subcontractor for incorporation into the building or work, but does cover material separately purchased by the Government to be incorporated into the building or work.

“Service from a Central Asian State or Afghanistan” means a service (including construction) that is performed in the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan by citizens or permanent resident aliens of these countries.

“Service from Central Asia, Pakistan, the South Caucasus, or Afghanistan” means a service (including construction) that is performed in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan by citizens or permanent resident aliens of these countries.

* * * * *

225.7799 Authority to acquire products and services (including construction) from countries along a major route of supply to Afghanistan and Afghanistan. (DEVIATION 2014-O0014)

225.7799-1 Acquisition procedures.

(a) Subject to the requirements of 225.7799-2, a product or service (including construction) from a country along a major route of supply to Afghanistan or from Afghanistan, other than small arms, in support of operations in Afghanistan, may be acquired by—

(1)(i) Providing a preference for products or services from a Central Asian state or from Afghanistan, in accordance with the evaluation procedures at 225.7799-3; or

(ii) Limiting competition to products or services from a Central Asian State or from Afghanistan; or

(2)(i) Providing a preference for products or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan, in accordance with the evaluation procedures at 225.7799-3; or

(ii) Limiting competition to products or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan.

(b) Pursuant to the Class Determination and Findings executed by the Under Secretary of Defense for Acquisition, Technology, and Logistics, dated February 28, 2014, consider use of the procedures in paragraph (a)(1) of this section before considering use of the procedures in paragraph (a)(2) of this section.

(c) For acquisitions conducted using a procedure specified in paragraph (a) of this subsection—

(1) The justification and approval addressed in FAR Subpart 6.3 is not required; and

(2) The Trade Agreements purchase restrictions at FAR 25.403(c) and the Balance of Payments Program (see 225.7501) do not apply with regard to acquisition of products or services from a Central Asian state, Pakistan, the

South Caucasus, or Afghanistan, but construction material brought to the construction site by the contractor or subcontractor for incorporation into the work may be subject to trade agreements and Balance of Payments Program (see 225.7503).

225.7799-2 Determination requirements.

Before use of a procedure specified in 225.7799-1(a), a written determination must be prepared and executed as follows:

(a) The appropriate official authorized to make the determination, as specified in paragraph (b)(1) of this subsection, must determine in writing that—

(1) The product or service concerned is to be—

(i) Used or performed in the country that is the source of the product or service;

(ii) Used in the course of efforts by the United States and the NATO Forces to ship goods to or from Afghanistan in support of military or stability operations in Afghanistan;

(iii) Used by the military forces, police, or other security personnel of Afghanistan; or

(iv) Used by the United States or coalition forces in Afghanistan;
and

(2)(i) For products or services from Central Asia, Pakistan, or the South Caucasus, it is in the national security interest of the United States to use a procedure specified in 225.7799-1(a), because—

(A) The procedure is necessary to—

(1) Reduce overall United States transportation costs and risks in shipping goods in support of operations in Afghanistan;

(2) Encourage states of Central Asia, Pakistan, the South Caucasus or Afghanistan to cooperate in expanding supply routes through their territory in support of operations in Afghanistan; or

(3) Help develop more robust and enduring routes of supply to Afghanistan; and

(B) Use of the procedure will not adversely affect—

(1) Operations in Afghanistan; or

(2) The U.S. industrial base.

(ii) Except as provided in paragraph (a)(2)(iv) of this section, for products or services from Afghanistan, it is in the national security interest of the United States to use a procedure specified in 225.7799-1(a), because—

(A) The procedure is necessary to provide a stable source of jobs in Afghanistan; and

(B) Use of the procedure will not adversely affect—

(1) Operations in Afghanistan; or

(2) The U.S. industrial base.

(iii) The authorizing official generally may presume that there will not be an adverse effect on the U.S. industrial base. However, when in doubt, the authorizing official should coordinate with the applicable subject matter expert specified in PGI 225.7703-2(b).

(iv) The determination in paragraph (a)(2)(ii) of this section is not necessary if the product or service to be acquired from Afghanistan is to be used only by the military forces, police, or other security personnel of Afghanistan.

(b)(1) Determinations may be made for an individual acquisition or a class of acquisitions meeting the criteria in paragraph (a) of this subsection as follows:

(i) The contracting officer is authorized to make a determination that applies to an individual acquisition with a value of less than \$85.5 million.

(ii) The head of the contracting activity, without power of re-delegation, is authorized to make a determination that applies to an individual acquisition with a value of \$85.5 million or more or to a class of acquisitions.

(2) The contracting officer shall—

(i) Include the applicable written determination in the contract file; and

(ii) Ensure that each contract action taken pursuant to the authority of a class determination is within the scope of the class determination, and shall document the contract file for each action accordingly.

(c) See PGI 225.7703-2(c) for formats for use in preparation of the determinations required by this subsection.

225.7799-3 Evaluating offers.

Evaluate offers submitted in response to solicitations that include the provision at 252.225-7990, Preference for Products or Services from a Central Asian State or Afghanistan (DEVIATION 2014-O0014), or 252.225-7998, Preference for Products or Services From Central Asia, Pakistan, the South Caucasus, or Afghanistan (DEVIATION 2014-O0014), as follows:

(a) For supplies, when comparing offers, consider the total price of the supplies, including any transportation costs that would be incurred if shipped via the Defense Transportation System and compare this total price to the price of the local item plus any transportation costs, if separately broken out by contract line item.

(b) If the solicitation specifies award on the basis of non-price factors in addition to cost or price, apply the evaluation percentage specified in the solicitation (252.225-7990(d) or 252.225-7998(d)) and use the evaluated cost or price in determining the offer that represents the best value to the Government.

(c)(1) If the solicitation does not specify non-price factors in addition to cost or price, apply the evaluation percentage specified in the solicitation, if applicable, and then award to the lowest evaluated offer.

225.7799-4 Solicitation provisions and contract clauses.

Use the following provisions and clauses in solicitations that meet the specified criteria, including solicitations and contracts for the acquisition of commercial items using part 12 procedures.

(a) Use the provision at 252.225-7990, Preference for Products or Services from a Central Asian State or Afghanistan (DEVIATION 2014-O0014), in solicitations that include the clause at 252.225-7991, Requirement for Products or Services from a Central Asian State or Afghanistan (DEVIATION 2014-O0014).

(b) Use the clause at 252.225-7991, Requirement for Products or Services from a Central Asian State or Afghanistan (DEVIATION 2014-O0014 in solicitations and contracts that provide a preference for products or services from a Central Asian State or Afghanistan in accordance with 225.7799-1(a)(1)(i).

(c) Use the clause at 252.225-7992, Acquisition Restricted to Products or Services from a Central Asian State or Afghanistan (DEVIATION 2014-O0014) in solicitations and contracts that limit competition to products or services from a Central Asian State or Afghanistan in accordance with 225.7799-1(a)(1)(ii).

(d) Use the clause at 252.225-7996, Acquisition Restricted to Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (DEVIATION 2014-O0014) in solicitations and contracts that limit competition to products or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan in accordance with 225.7799-1(a)(2)(ii).

(e) Use the provision at 252.225-7998, Preference for Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (DEVIATION 2014-O0014), in solicitations that include the clause at 252.225-7999, Requirement for Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (DEVIATION 2014-O0014).

(f) Use the clause at 252.225-7999, Requirement for Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (DEVIATION 2014-O0014) in solicitations and contracts that provide a preference for products or services from Central Asia, Pakistan, the South

Caucasus, or Afghanistan in accordance with 225.7799-1(a)(2)(i).

(g) When the Trade Agreements Act applies to the acquisition, use the appropriate clause and provision as prescribed at 225.1101 (5) and (6) or 225.7503(b)(3) or (b)(4).

(h)(1) Do not use any of the following provisions or clauses in solicitations or contracts that include the provision at 252.225-7990 or 252.225-7998 (DEVIATION 2014-O0014) or the clauses at 252.225-7991, 252.225-7992, 252.225-7996, or 252.225-7999 (DEVIATION 2014-O0014):

(i) 252.225-7000, Buy American Act—Balance of Payments Program Certificate.

(ii) 252.225-7001, Buy American Act and Balance of Payments Program.

(iii) 252.225-7002, Qualifying Country Sources as Subcontractors.

(iv) 252.225-7035, Buy American Act—Free Trade Agreements—Balance of Payments Program Certificate.

(v) 252.225-7036, Buy American Act—Free Trade Agreements—Balance of Payments Program.

(2) Do not use any of the following provisions or clauses in solicitations or contracts for the acquisition of supplies that include the clause at 252.225-7992 or 252.225-7996 (DEVIATION 2014-O0014):

(i) 252.225-7020, Trade Agreement Certificate.

(ii) 252.225-7021, Trade Agreements.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

* * * * *

252.225-7990 Preference for Products or Services from a Central Asian State or Afghanistan. (DEVIATION 201r-O0014) As prescribed in 225.7799-4(a), use the following provision:

PREFERENCE FOR PRODUCTS OR SERVICES FROM A CENTRAL ASIAN STATE OR AFGHANISTAN (APR 2014)(DEVIATION 2014-O0014)

(a) *Definitions.* “Product from a Central Asian state or Afghanistan” and “service from a Central Asian state or Afghanistan,” as used in this provision, are defined in the clause of this solicitation entitled “Requirement for Products or Services from a Central Asian State or Afghanistan” (252.225-7991 (DEVIATION 2014-O0014)).

(b) *Representation.* The Offeror represents that all products or services to be delivered under a contract resulting from this solicitation are products from a Central Asian state or Afghanistan or services from a Central Asian state or Afghanistan, except those listed in paragraph (c) of this provision.

(c) *Other products or services.* The following offered products or services are not products from a Central Asian state or Afghanistan, or services from a Central Asian state or Afghanistan:

(Line Item Number) (Country of Origin)

(d) *Evaluation.* For the purpose of evaluating competitive offers, the Contracting Officer will increase by 100 percent the prices of offers of products or services that are not products or services from a Central Asian state or Afghanistan.

(End of provision)

252.225-7991 Requirement for Products or Services from a Central Asian State or Afghanistan. (DEVIATION 2014-O0014)
As prescribed in 225.7799-4(b), use the following clause:

REQUIREMENT FOR PRODUCTS OR SERVICES FROM A CENTRAL ASIAN STATE (APR 2014)(DEVIATION 2014-O0014)

(a) *Definitions.* As used in this clause—

(1) “Product from a Central Asian state or Afghanistan” means a product (including a commercial item) that is mined, produced, or manufactured in the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan. This term does not include construction material brought to the construction site by the contractor or subcontractor for incorporation into the building or work, but does cover material separately purchased by the Government to be incorporated into the building or work.

(2) “Service from a Central Asian state or Afghanistan” means a service (including construction) that is performed in the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan by citizens or permanent resident aliens of these countries.

(b)(1) The Contractor shall provide only products from a Central Asian state or Afghanistan, or services from a Central Asian state or Afghanistan, unless, in its offer, it specified that it would provide products or services other than products from a Central Asian state or Afghanistan, or services from a Central Asian state or Afghanistan.

(2) For construction contracts, the Contractor is encouraged, but not required, to use construction material from a Central Asian state or Afghanistan. (The use of construction material from other than Central Asian states or Afghanistan may also be subject to Balance of Payments Program or trade agreements restrictions, if the contract includes the clause 252.225-7044, Balance of Payments Program—Construction Material, used with its Alternate I; or 252.225-7045, Balance of Payments Program—Construction Material Under Trade Agreements, used with its Alternate II or Alternate III.)

(End of clause)

252.225-7992 Acquisition Restricted to Products or Services from a Central Asian State or Afghanistan. (DEVIATION 2014-O0014)
As prescribed in 225.7799-4(c), use the following clause:

ACQUISITION RESTRICTED TO PRODUCTS OR SERVICES FROM A CENTRAL ASIAN STATE OR AFGHANISTAN (APR 2014)(DEVIATION 2014-O0014)

(a) *Definitions.* As used in this clause—

(1) “Product from a Central Asian state or Afghanistan” means a product (including a commercial item) that is mined, produced, or manufactured in the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan. This term does not include construction material brought to the construction site by the contractor or subcontractor for incorporation into the building or work, but does cover material separately purchased by the Government to be incorporated into the building or work.

(2) “Service from a Central Asian state or Afghanistan” means a service (including construction) that is performed in the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan by citizens or permanent resident aliens of these countries.

(b)(1) The Contractor shall provide only products from a Central Asian state or Afghanistan or services from a Central Asian state or Afghanistan.

(2) For construction contracts, the Contractor is encouraged, but not required, to use construction material from a Central Asian state or Afghanistan. (The use of construction material from other than Central Asia, Pakistan, the South Caucasus, or Afghanistan may also be subject to Balance of Payments Program or trade agreements or restrictions, if the contract includes the clause 252.225-7044, Balance of Payments Program—Construction Material, used with its Alternate I; or 252.225-7045, Balance of Payments Program—Construction Material Under Trade Agreements, used with its Alternate II or Alternate III.)

(End of clause)

252.225-7996 Acquisition Restricted to Products or Services from a Central Asia, Pakistan, the South Caucasus, or Afghanistan. (DEVIATION 2014-O0014)

As prescribed in 225.7799-4(d), use the following clause:

ACQUISITION RESTRICTED TO PRODUCTS OR SERVICES FROM CENTRAL ASIA, PAKISTAN, THE SOUTH CAUCASUS, OR AFGHANISTAN (APR 2014)(DEVIATION 2014-O0014)

(a) *Definitions.* As used in this clause—

(1) “Product from Central Asia, Pakistan, the South Caucasus, or Afghanistan” means a product (including a commercial item) that is mined, produced, or manufactured in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan. This term does not include construction material brought to the construction site by the contractor or subcontractor for incorporation into the building or work, but does cover material separately purchased by the Government to be incorporated into the building or work.

(2) “Service from Central Asia, Pakistan, the South Caucasus, or Afghanistan” means a service (including construction) that is performed in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan by citizens or permanent resident aliens of these countries.

(b)(1) The Contractor shall provide only products from Central Asia, Pakistan, the South Caucasus, or Afghanistan or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan.

(2) For construction contracts, the Contractor is encouraged, but not required, to use construction material from Central Asia, Pakistan, the South Caucasus, or Afghanistan. (The use of construction material from other than Central Asia, Pakistan, the South Caucasus, or Afghanistan may also be subject to Balance of Payments Program or trade agreements restrictions, if the contract includes the clause 252.225-7044, Balance of Payments Program—Construction Material, used with its Alternate I; or 252.225-7045, Balance of Payments Program—Construction Material Under Trade Agreements, used with its Alternate II or Alternate III.)

(End of clause)

252.225-7998 Preference for Products or Services from Central Asia, Pakistan, the South Caucasus or Afghanistan. (DEVIATION 2014-O0014)

As prescribed in 225.7799-4(e), use the following provision:

**PREFERENCE FOR PRODUCTS OR SERVICES FROM
CENTRAL ASIA, PAKISTAN, THE SOUTH CAUCASUS, OR AFGHANISTAN
(APR 2014)(DEVIATION 2014-O0014)**

(a) Definitions. “Product from Central Asia, Pakistan, the South Caucasus, or Afghanistan” and “service from Central Asia, Pakistan, the South Caucasus, or Afghanistan” as used in this provision, are defined in the clause of this solicitation entitled “Requirement for Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan” (252.225-7999 (DEVIATION 2014-O0014)).

(b) Representation. The Offeror represents that all products or services to be delivered under a contract resulting from this solicitation are products from Central Asia, Pakistan, the South Caucasus, or Afghanistan or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan, except those listed in paragraph (c) of this provision;

(c) Other products or services. The following offered products or services are not products from Central Asia, Pakistan, the South Caucasus or Afghanistan or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan:

(Line Item Number) (Country of Origin)

(d) Evaluation. For the purpose of evaluating competitive offers, the Contracting Officer will increase by 100 percent the prices of offers of products or services that are not products or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan.

(End of provision)

252.225-7999 Requirement for Products or Services from *Central Asia, Pakistan, the South Caucasus, or Afghanistan.*

As prescribed in 225.7799-4(f), use the following clause:

**REQUIREMENT FOR PRODUCTS OR SERVICES FROM CENTRAL ASIA,
PAKISTAN, THE SOUTH CAUCASUS, OR AFGHANISTAN
(APR 2014)(DEVIATION 2014-O0014)**

(a) Definitions. As used in this clause—

(1) “Product from Central Asia, Pakistan, the South Caucasus, or Afghanistan” means a product (including a commercial item) that is mined, produced, or manufactured in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan. This term does not include construction material brought to the construction site by the contractor or subcontractor for incorporation into the building or work, but does cover material separately purchased by the Government to be incorporated into the building or work.

(2) “Service from Central Asia, Pakistan, the South Caucasus, or Afghanistan” means a service (including construction) that is performed in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, or Afghanistan by citizens or permanent resident aliens of these countries.

(b)(1) The Contractor shall provide only products from Central Asia, Pakistan, the South Caucasus, or Afghanistan or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan under this contract, unless, in its offer, it specified that it would provide products or services other than products from Central Asia, Pakistan, the South Caucasus, or Afghanistan or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan.

(2) For construction contracts, the Contractor is encouraged, but not required, to use construction material from Central Asia, Pakistan, the South Caucasus, or Afghanistan. (The use of construction material from other than Central Asia, Pakistan, the South Caucasus, or Afghanistan may also be subject to Balance of Payments Program or trade agreements restrictions, if

the contract includes the clause 252.225-7044, Balance of Payments Program—Construction Material, used with its Alternate I; or 252.225-7045, Balance of Payments Program—Construction Material Under Trade Agreements, used with its Alternate II or Alternate III.)

(End of clause)

* * * * *