



# Homeland Security

MAR 14 2013

MEMORANDUM FOR: Distribution

FROM: Ashley Lewis  
Executive Director, Policy and  
Homeland Security Acquisition Institute

SUBJECT: Class Deviation 13-01, Amendment 1 - Homeland Security Acquisition Regulation 3052.225-70, Requirement for Use of Certain Domestic Commodities

This is a class deviation from the Homeland Security Acquisition Regulation (HSAR) which amends paragraph (d)(2) of the clause at HSAR 3052.225-70, Requirement for Use of Certain Domestic Commodities. The changes made by this deviation are in addition to the change to section 3025.7000 of the Homeland Security Acquisition Regulation (HSAR) provided in Class Deviation 13-01 issued on March 5, 2013. The amended clause is attached to this memorandum.

The original HSAR clause paragraph (d)(2) reads as follows:

(2) To incidental amounts of cotton, other natural fibers, or wool incorporated in an end product, for which the estimated value of the cotton, other natural fibers, or wool is not more than 10 percent of the total price of the end product; or

The amended paragraph (d)(2) reads as follows:

(2) To incidental amounts of non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item; or

The purpose of this deviation is to ensure that contract actions covered by HSAR 3035.70, American Recovery and Reinvestment Act Restrictions on Foreign Acquisition, awarded after the date of this class deviation include the clause required by this deviation. All outstanding solicitations for covered products must comply, or be amended to comply, with the revised HSAR clause 3052.225-70. All solicitations issued after the date of this class deviation and all covered contracts awarded after the date of this deviation must comply with the requirements of the revised clause. Contracts awarded prior to the date of this class deviation may be amended to comply with the revised clause provided adequate consideration is obtained.

Contract writing systems should be modified to use the clause required by this class deviation for covered contract actions.

This class deviation remains in effect until the HSAR is changed by publication of the revised HSAR Subpart 3025.70 and clause 3052.225-70 in the Code of Federal Regulations.

Questions regarding this class deviation should be directed to Jeremy Olson, [jerry.olson@hq.dhs.gov](mailto:jerry.olson@hq.dhs.gov), (202) 447-5197.

Attachment

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## **Attachment – HSAR Class Deviation 13-01, Amendment 1**

### **3052.225-70 Requirement for Use of Certain Domestic Commodities (DEVIATION 13-01).**

As prescribed in (HSAR) 48 CFR 3025.7003, use the following clause:

#### **REQUIREMENT FOR USE OF CERTAIN DOMESTIC COMMODITIES (MAR 2013) (DEVIATION 13-01)**

(a) Definitions. As used in this clause--

(1) “Commercial,” as applied to an item described in subsection (b) of this clause, means an item of supply, whether an end product or component, that meets the definition of “commercial item” set forth in (FAR) 48 CFR 2.101.

(2) “Component” means any item supplied to the Government as part of an end product or of another component.

(3) “End product” means supplies delivered under a line item of this contract.

(4) “Non-commercial,” as applied to an item described in subsections (b) or (c) of this clause, means an item of supply, whether an end product or component, that does not meet the definition of “commercial item” set forth in (FAR) 48 CFR 2.101.

(5) “Qualifying country” means a country with a memorandum of understanding or international agreement with the United States under which DHS procurement is covered.

(6) “United States” includes the possessions of the United States.

(b) The Contractor shall deliver under this contract only such of the following commercial or non-commercial items, either as end products or components, that have been grown, reprocessed, reused, or produced in the United States:

(1) Clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing and the materials and components thereof; or

(2) Tents, tarpaulins, covers, textile belts, bags, protective equipment (such as body armor), sleep systems, load carrying equipment (such as fieldpacks), textile marine equipment, parachutes or bandages.

(c) The Contractor shall deliver under this contract only such of the following noncommercial items, either as end products or components, that have been grown, reprocessed, reused, or produced in the United States:

(1) Cotton and other natural fiber products.

(2) Woven silk or woven silk blends.

(3) Spun silk yarn for cartridge cloth.

(4) Synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics).

(5) Canvas products.

(6) Wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles).

(7) Any item of individual equipment manufactured from or containing any of the fibers, yarns, fabrics, or materials listed in this paragraph (c).

(d) This clause does not apply--

(1) To items listed in (FAR) 48 CFR 25.104, or other items for which the Government has determined that a satisfactory quality and sufficient quantity cannot be acquired as and when needed at United States market prices;

(2) To incidental amounts of non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item; or

(3) To items that are eligible products per (FAR) 48 CFR Subpart 25.4.

(End of clause)