## 29.402-3 Tax on certain foreign procurements.

- (a) Insert the provision at <u>52.229-11</u>, Tax on Certain Foreign *Procurements*—Notice and Representation, in *solicitations*, including *solicitations* using <u>part 12</u> procedures for the *acquisition* of *commercial products* and *commercial services*, unless one of the following exceptions applies:
- (1) Acquisitions using simplified acquisition procedures that do not exceed the simplified acquisition threshold (as defined in 2.101).
- (2) Emergency acquisitions using the emergency acquisition flexibilities defined in part 18.
- (3) *Acquisitions* using the unusual and compelling urgency authority per <u>6.303-2</u>.
- (4) Contracts with a single individual for personal services that will not exceed the *simplified* acquisition threshold on an annual calendar year basis for all years of the contract.
- (5) *Acquisitions* if the requiring activity identifies that the requirement is for certain foreign humanitarian assistance contracts which are payments made by the U.S. Government agencies pursuant to a contract with a foreign *contracting* party to obtain goods or services described in or authorized under <u>7 U.S.C. 1691</u>, et seq., <u>22 U.S.C. 2151</u>, et seq., <u>22 U.S.C 2601</u> et seq., <u>22 U.S.C. 5401</u> et seq., <u>10 U.S.C. 402</u>, <u>10 U.S.C. 404</u>, <u>10 U.S.C. 407</u>, <u>10 U.S.C. 2557</u>, and <u>10 U.S.C. 2561</u>.
- (b) Insert the clause at <u>52.229-12</u>, Tax on Certain Foreign *Procurements*, in—
- (1) Solicitations that contain the provision at  $\underline{52.229-11}$ , Tax on Certain Foreign Procurements—Notice and Representation; and
- (2) Resultant contracts in which the contractor has indicated that it was a foreign person in *solicitation* provision <u>52.229-11</u>, Tax on Certain Foreign *Procurements*—Notice and Representation.

**Parent topic:** 29.402 Foreign contracts.