225.7017-3 Exceptions.

DoD requires the contractor to utilize domestic photovoltaic devices in covered contracts that exceed the simplified acquisition threshold, with the following exceptions:

- (a) *Qualifying country*. Qualifying country photovoltaic devices may be utilized in any covered contract, because $\underline{225.103}$ (a)(i)(A) provides an exception to the Buy American statute for products of qualifying countries, as defined in $\underline{225.003}$.
- (b) *Buy American—unreasonable cost*. For a covered contract that utilizes photovoltaic devices valued at less than \$174,000, the exception for unreasonable cost may apply (see FAR 25.103(c)). If the cost of a foreign photovoltaic device plus 50 percent is less than the cost of a domestic photovoltaic device, then the foreign photovoltaic device may be utilized.
- (c) Trade agreements.
- (1) *Free Trade Agreements*. For a covered contract that utilizes photovoltaic devices, photovoltaic devices may be utilized from a country covered under the acquisition by a Free Trade Agreement, depending upon dollar threshold (see FAR subpart 25.4).
- (2) World Trade Organization—Government Procurement Agreement. For covered contracts that utilize photovoltaic devices that are valued at \$174,000 or more, only U.S.-made photovoltaic devices, designated country photovoltaic devices, or qualifying country photovoltaic devices may be utilized.

Parent topic: 225.7017 Utilization of domestic photovoltaic devices.