

**Headquarters  
Policy Flash**

**FLASH 2002-26**

DATE: August 14, 2002  
TO: Procurement Directors  
FROM: Office of Procurement and Assistance Policy, ME-61  
Office of Procurement and Assistance Management

SUBJECT: **Acquisition Letter (AL) 2002-06, Domestic and Foreign  
Procurement Preference Rules**

SUMMARY: This Policy Flash announces the issuance of Acquisition Letter (AL) 2002-26, entitled "Domestic and Foreign Procurement Preferences," dated August 14, 2002. The AL supersedes AL-96-05, dated May 10, 1996.

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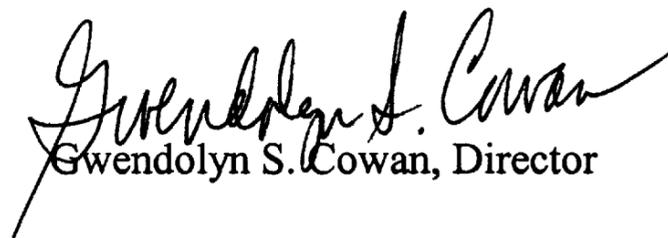
The AL provides updated guidance on the implementation of the Buy American Act, North American Free Trade Agreement, and the Trade Agreements Act for the Department of Energy (DOE), the National Nuclear Security Administration (NNSA), and the Power Marketing Administrations (PMAs).

The AL:

- √ discusses the effects of each of the Acts on contract awards by DOE, NNSA, and the PMAs;
- √ provides guidance for contracting officers in approving management and operating (M&O) contractor purchasing systems and methods with regard to domestic and foreign procurement preferences;
- √ prescribes appropriate clauses for use by DOE contracting officers;
- √ discusses sanctions and prohibitions against the purchase of end products, construction material, and services from certain countries; and
- √ updates citations in the Department of Energy Acquisition Regulation that are outdated due to revisions made to part 25.

Attached to the AL are Federal Acquisition Regulation (FAR) clauses, amended to reflect the special treatment of DOE, NNSA, and the PMAs (both redline/strikeout and conformed versions) for use in DOE, NNSA, and PMA contracts. There is also a determination signed by the Secretary, authorizing waiver of the FAR sanctions clause from certain M&O contracts, as discussed in the AL. Finally, there is a deviation authorizing use of the special clauses and solicitation provisions provided by the AL in place of the prescribed FAR clauses.

For further questions related to this AL, please contact Bob Webb at (202) 586-8264 or via e-mail at [Robert.Webb@pr.doe.gov](mailto:Robert.Webb@pr.doe.gov)

  
Gwendolyn S. Cowan, Director

cc:  
PPAG Members