

EXHIBIT B  
BUY AMERICAN ACT/TRADE AGREEMENTS ACT  
(Items to be used within and outside the United States)

1. To the extent that this solicitation calls for the purchase by the Exchange of items not for resale which are for use within and outside the United States, preference will be given to a) domestic end products, b) designated country end products, and c) Caribbean Basin country end products, as further discussed below, in accordance with the Buy American Act, 41 U.S.C. 10ad; Executive Order 10582, as amended; the Trade Agreements Act of 1979, 19 U.S.C. 2511, et seq.; and the Caribbean Basin Economic Recovery Act, 19 U.S.C. 2701, et seq.

2. For this purpose:

a. "Components" means articles, materials, and supplies incorporated directly into the end products;

b. "End products" means articles, materials, and supplies acquired under this contract for Exchange use;

c. "Domestic end products" means:

(1) a non-manufactured end product mined or produced in the United States; OR

(2) an end product manufactured in the United States, if the cost of the components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of each component includes transportation costs to the place of incorporation into the end product and any applicable duty (whether or not a duty-free entry certificate is issued). Components of foreign origin shall be treated as components mined, produced, or manufactured in the United States if the Government determines that the components are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality. In acquisitions components of Canadian origin above \$25,000 and Mexican components above \$56,190 are treated as domestic components.

d. "Designated country end product" means an end product that:

(1) is wholly the growth, product, or manufacture of the designated country; OR

(2) in the case of an article that consists in whole or in part of materials from another country or instrumentality, has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term includes services (except transportation services) incidental to its supply, provided that the value of those incidental services does not exceed that of the product itself. It does not include service contracts as such.

Designated countries are: Afghanistan, Angola, Antigua and Barbuda, Armenia, Aruba, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bonaire, British Virgin Islands, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chad, Chile, Comoros, Costa Rica, Curacao, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Djibouti, Dominica, Dominican Republic, East Timor, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kiribati, Korea (Republic of), Laos, Latvia, Lesotho, Liechtenstein, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mexico, Montserrat, Morocco, Mozambique, Nepal, Netherlands, Netherlands Antilles, Nicaragua, Niger, Norway, Oman, Peru, Poland, Portugal, Romania, Rwanda, Saba, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Sint Eustatius, Sint Maarten, Slovak Republic, Slovenia, Solomon Islands, Somalia, Spain, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Sweden, Switzerland, Taiwan, Tanzania, Togo, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, Vanuatu, Yemen and Zambia.

e. "Caribbean Basin country end product" means an end product that:

(1) is wholly the growth, product, or manufacture of a Caribbean Basin country; OR

(2) in the case of an article that consists in whole or in part of materials from another country or instrumentality, has been substantially transformed into a new and different article or articles from which it was transformed. The term includes services (except transportation services) incidental to its supply, provided that the value of those incidental services does not exceed that of the product itself. It does not include service contracts as such.

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Caribbean Basin countries are: Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, British Virgin Islands, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Panama, St Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago.

f. "Offered cost" means the end product cost plus actual or constructive costs of handling, the transportation to the final destination, and applicable customs duty.

g. "United States" means the 50 states, the District of Columbia, Puerto Rico, American Samoa, the U.S. Virgin Islands, Baker Island, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Island.

3. CERTIFICATION: The Offeror hereby certifies that each end product offered in response to this solicitation, EXCEPT THOSE LISTED BELOW, is a domestic end product. Components of unknown origin are considered to have been mined, produced or manufactured outside the United States, a designated country a NAFTA country or a Caribbean Basin country.

LIST OF END PRODUCTS WHICH ARE NOT DOMESTIC

<u>LINE ITEM NO</u>	<u>COUNTRY OF ORIGIN</u>
_____	_____
_____	_____
_____	_____
_____	_____

(Attach supplemental listing as necessary.)

If the above listing is left blank, Offeror is certifying that all end products offered are domestic end products.

4. In accordance with applicable law, the following methods will be used in evaluating the acquisitions to be made in this procurement:

- a. METHOD 1 will be used in evaluating the offered cost for \_\_\_\_\_ of this solicitation; and
- b. METHOD 2 will be used in evaluating the offered cost for \_\_\_\_\_ items of this solicitation.
- c. METHOD 3 will be used in evaluating the offered cost for all items of this solicitation.

METHOD 1: For purpose of evaluating offers only, 6% will be added to the offered cost of an acquisition when a non-domestic end product is offered for the acquisition. This percentage shall be applied, based upon the nature of the acquisition, as stated in the award evaluation paragraphs of the solicitation. For example, if award will be made by line item, 6% will be added to the offered cost of any line item for which a non-domestic end product is offered. If award will be made by line item group, 6% will be added to the total offered cost for any line item group when the offer for the line item group includes at least one non-domestic end product. If one award will be made for all line items, 6% will be added to the total offered cost for all line items when the offer includes at least one no-domestic end product.

METHOD 2: All end products--whether domestic or non-domestic--which the Exchange is not prohibited from purchasing by other law or regulation, may be offered.

METHOD 3: Each end product offered for each acquisition must be a domestic end product, a designated country end product, or a Caribbean Basin country end product.