



BUY AMERICAN ACT (BAA)

Self-Compliance Checklist

For Federal Government Contractors, Importers & Supply Chain Participants

Company / Entity Name: _____	Contract / Solicitation No.: _____	Review Date: _____
Reviewed By: _____	Position / Title: _____	Contract Year of Delivery: _____

DISCLAIMER: This checklist is for internal compliance self-assessment purposes only. It does not constitute legal advice. All BAA determinations for live federal procurements should be reviewed by qualified legal counsel and a licensed customs broker. Retain completed checklists in your compliance records.



SECTION A — Applicability Determination

Complete this section first. If BAA does not apply, document the reason and proceed to Section J for the TAA/BABA check.

A1. Basic Applicability Test		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	The procurement is for supplies (goods) — not pure services.	<i>FAR 25.100(a)</i>
<input type="checkbox"/>	The supplies are acquired for use within the United States.	<i>FAR 25.100(b)</i>
<input type="checkbox"/>	The contract value exceeds the micro-purchase threshold (\$10,000).	<i>FAR 2.101; FAR 25.100(b)(1)</i>
<input type="checkbox"/>	The contract is NOT for services only (unless the services involve furnishing supplies above the threshold).	<i>FAR 25.100</i>
<input type="checkbox"/>	The acquisition is NOT solely for the commissary resale system.	<i>FAR 25.103(d)</i>
<input type="checkbox"/>	The supplies are NOT information technology that are commercial products (FY2004+ funds) — which is exempt.	<i>FAR 25.103(e)</i>

A2. TAA Threshold Check (BAA may be superseded)		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Determine estimated contract value: \$_____	<i>TAA threshold = \$182,000 (periodically adjusted)</i>
<input type="checkbox"/>	If contract value is BELOW \$182,000 → BAA applies. Proceed with this checklist.	<i>FAR 25.400(a)</i>
<input type="checkbox"/>	If contract value is AT or ABOVE \$182,000 → Determine if WTO GPA / FTA applies.	<i>FAR 25.402(b)</i>
<input type="checkbox"/>	If TAA applies, use FAR 52.225-5 (Trade Agreements) and 52.225-6 (Trade Agreements Certificate) instead of 52.225-2.	<i>FAR 25.4</i>
<input type="checkbox"/>	If BAA applies (not TAA), confirm FAR 52.225-1 and 52.225-2 are in the solicitation/contract.	<i>FAR 25.1101(a)</i>

SECTION B — Product Classification

B1. Identify Each End Product in the Contract		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	List all end products (line items) to be delivered under this contract.	<i>FAR 52.225-2(a)</i>
<input type="checkbox"/>	For each end product, identify: (1) Product name/description, (2) NAICS/FSC code, (3) Country of manufacture, (4) Whether it is COTS.	<i>FAR 2.101 definitions</i>



B1. Identify Each End Product in the Contract		
<input type="checkbox"/>	Determine if any end product consists wholly or predominantly of iron or steel (special rule applies).	FAR 25.101(a)(2)(ii)
<input type="checkbox"/>	For iron/steel products: verify that the cost of foreign iron and steel constitutes LESS than 5% of total component cost.	FAR 25.101(a)(2)(ii)
<input type="checkbox"/>	For non-iron/steel manufactured products: proceed to Section C (Two-Part Test).	FAR 25.101(a)(2)(i)
<input type="checkbox"/>	For COTS items: proceed to Section D (COTS Exception).	FAR 12.505(a)

SECTION C — Two-Part Domestic End Product Test (Non-COTS, Non-Iron/Steel)

C1. Part 1 — Manufacturing Location		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Confirm the end product is manufactured in the United States.	FAR 25.101(a)(2) — Part 1
<input type="checkbox"/>	Obtain and retain written country-of-manufacture certification from the manufacturer.	Reasonable Care requirement
<input type="checkbox"/>	Verify the U.S. manufacturing location involves substantial manufacturing operations — not merely final assembly of fully finished foreign components.	GAO / case law "substantial transformation"
<input type="checkbox"/>	If the product is fully manufactured overseas (regardless of U.S. seller/importer), PART 1 FAILS — mark as Foreign End Product on FAR 52.225-2(b).	FAR 52.225-2(b)
<input type="checkbox"/>	If Part 1 is met, proceed to Part 2.	

C2. Part 2 — Domestic Content Percentage Test		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Identify the applicable delivery year(s) for this contract.	Threshold tied to year of delivery, not award
<input type="checkbox"/>	Apply correct threshold: <ul style="list-style-type: none"> • Deliveries in 2024–2028: cost of domestic components must exceed 65% • Deliveries from 2029 onward: cost of domestic components must exceed 75% • Fallback (until ~2030): 55% if no 65%/75%-compliant domestic offers exist 	FAR 25.101(a)(2)(i)
<input type="checkbox"/>	Obtain component cost breakdown from manufacturer (Bill of Materials with country-of-origin per component).	FAR Part 25 / Reasonable Care
<input type="checkbox"/>	Calculate: (Total cost of U.S.-origin components) ÷ (Total cost of all components) × 100 = Domestic Content %	FAR 25.101(a)(2)(i) formula



C2. Part 2 — Domestic Content Percentage Test

<input type="checkbox"/>	Retain the calculation worksheet with supporting invoices, supplier certifications, and BOM in your compliance file.	<i>Documentation / audit readiness</i>
<input type="checkbox"/>	If domestic content % meets or exceeds the applicable threshold AND Part 1 is met → product qualifies as a Domestic End Product.	<i>FAR 25.101</i>
<input type="checkbox"/>	If domestic content % FAILS → assess whether an exception applies (Section F) or mark as Foreign End Product.	<i>FAR 52.225-2(b)</i>

SECTION D — COTS Item Exception

D1. COTS Qualification

	Checklist Item	Reference / Notes
<input type="checkbox"/>	Confirm the item is a "commercial product" per FAR 2.101 (sold in the commercial marketplace without modification).	<i>FAR 2.101 definition</i>
<input type="checkbox"/>	Confirm the item is sold in substantial quantities in the commercial marketplace.	<i>FAR 2.101 — COTS definition</i>
<input type="checkbox"/>	Confirm the item is offered to the government in the same form as sold commercially (no customization).	<i>FAR 2.101 — COTS definition</i>
<input type="checkbox"/>	Confirm the item does NOT consist wholly or predominantly of iron or steel (iron/steel COTS items — except fasteners — are NOT exempt from the <5% test).	<i>FAR 25.101(a)(2)(ii); 12.505(a)</i>

D2. COTS + BAA Rule

	Checklist Item	Reference / Notes
<input type="checkbox"/>	If COTS: the domestic COMPONENT COST TEST (Part 2) is waived.	<i>FAR 12.505(a) / 41 U.S.C. §1907</i>
<input type="checkbox"/>	If COTS: Part 1 (manufactured in the U.S.) still applies to qualify for domestic preference.	<i>FAR 25.101(a)(2)</i>
<input type="checkbox"/>	If COTS is manufactured overseas → it is a COTS item but still a Foreign End Product under BAA. No domestic preference available.	<i>Core rule — U.S. company ≠ U.S. manufacture</i>
<input type="checkbox"/>	If COTS is manufactured in the U.S. → qualifies as a Domestic End Product (no component percentage test needed).	<i>FAR 25.101(a)(2)</i>



SECTION E — Domestic Content Threshold Calendar

Year of Delivery	Standard Threshold	Fallback (if no compliant domestic offer)	My Contract Delivery Year(s)
Oct 2022 – Dec 2023	60%	55%	<input type="checkbox"/> My deliveries fall here
Jan 2024 – Dec 2028	65%	55%	<input type="checkbox"/> My deliveries fall here
Jan 2029 onward	75%	Expires ~2030	<input type="checkbox"/> My deliveries fall here
Iron/Steel (all years)	<5% foreign	COTS fasteners exempt	<input type="checkbox"/> Applies to my products

Applicable threshold for this contract: _____% | Delivery year(s): _____

SECTION F — Exceptions & Waivers

F1. Nonavailability Exception (FAR 25.103(b))

Checklist Item	Reference / Notes
<input type="checkbox"/> Confirm the end product is NOT on the 39-item statutory nonavailable articles list (25.104).	FAR 25.104 list
<input type="checkbox"/> If the product is on the list (e.g., bamboo, cocoa beans, rubber, silk, quartz crystals, spices, tin, etc.) → BAA domestic preference requirement does not apply.	FAR 25.104(a)
<input type="checkbox"/> If the product is NOT on the list but is genuinely unavailable domestically → document shortage and seek individual nonavailability determination from the Head of Contracting Activity.	FAR 25.103(b)(2)
<input type="checkbox"/> No written determination required if full/open competition results in no domestic end product offers being received.	FAR 25.103(b)(4)

F2. Unreasonable Cost Exception (FAR 25.103(c) / 25.106)

Checklist Item	Reference / Notes
<input type="checkbox"/> Compare price of the domestic offer against the foreign low offer + applicable evaluation factor.	FAR 25.106
<input type="checkbox"/> Large business domestic offer: Add 20% to foreign low offer. If domestic price exceeds this adjusted price, cost is unreasonable.	FAR 25.106(b)(1)(i)(A)
<input type="checkbox"/> Small business domestic offer: Add 30% to foreign low offer. If domestic price exceeds this adjusted price, cost is unreasonable.	FAR 25.106(b)(1)(i)(B)
<input type="checkbox"/> For critical items/components: Add 20% (large) or 30% (small) PLUS additional percentage from FAR 25.105 list.	FAR 25.106(c)

**F2. Unreasonable Cost Exception (FAR 25.103(c) / 25.106)**

<input type="checkbox"/>	If unreasonable cost is confirmed, contracting officer makes a written determination → exception applies.	FAR 25.103(c)
--------------------------	---	---------------

F3. Public Interest Exception (FAR 25.103(a))

	Checklist Item	Reference / Notes
<input type="checkbox"/>	Agency head may waive BAA if domestic preference is inconsistent with public interest.	FAR 25.103(a)
<input type="checkbox"/>	Typical use: reciprocal government agreements with foreign nations.	FAR 25.103(a) guidance
<input type="checkbox"/>	Not available as a unilateral contractor exception — must come from the agency.	

SECTION G — FAR 52.225-2 Buy American Certificate Completion**G1. Certificate Preparation**

	Checklist Item	Reference / Notes
<input type="checkbox"/>	Locate FAR 52.225-2 in the solicitation. This provision must be completed and submitted with the offer.	FAR 52.225-2; FAR 25.1101(a)(2)
<input type="checkbox"/>	For each end product determined to be a DOMESTIC END PRODUCT: certify in 52.225-2(a)(1). No listing in (b) required.	FAR 52.225-2(a)(1)
<input type="checkbox"/>	For each end product determined to be a FOREIGN END PRODUCT: list in 52.225-2(b) with (1) Line Item No., (2) Country of Origin, (3) Whether it exceeds 55% domestic content (yes/no). If unknown, select "no."	FAR 52.225-2(b)
<input type="checkbox"/>	For COTS foreign end products: no need to report 55% domestic content status in (b) — mark N/A.	FAR 52.225-2(b) instructions
<input type="checkbox"/>	For domestic end products containing a critical component: list separately under 52.225-2(c) with line item number.	FAR 52.225-2(a)(1) & (c)
<input type="checkbox"/>	Review certificate line by line against actual supply chain analysis. Never certify domestic without documented verification.	FCA / Wire Fraud risk
<input type="checkbox"/>	Sign and date the completed FAR 52.225-2 certificate. Retain a copy in your compliance file.	SCOTUS Kousisis (2025) warning



SECTION H — Documentation & Record Retention

H1. Compliance File Contents		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Completed FAR 52.225-2 Buy American Certificate (signed copy).	<i>Required for every BAA-covered offer</i>
<input type="checkbox"/>	Country-of-manufacture certifications from each supplier/manufacturer (dated, on supplier letterhead).	<i>Reasonable Care standard</i>
<input type="checkbox"/>	Bill of Materials (BOM) or component cost breakdown for each non-COTS, non-iron/steel end product.	<i>Part 2 domestic content calculation</i>
<input type="checkbox"/>	Domestic content percentage calculation worksheet (showing formula: U.S. component cost ÷ total component cost × 100).	<i>Audit documentation</i>
<input type="checkbox"/>	Import records, commercial invoices, and HS code classifications for foreign-origin components.	<i>CBP / customs records</i>
<input type="checkbox"/>	COTS determination memo (if applicable) — confirming product qualifies as COTS per FAR 2.101.	<i>COTS exception substantiation</i>
<input type="checkbox"/>	Exception/waiver documentation (if applicable) — nonavailability memo, unreasonable cost calculation, agency waiver letter.	<i>FAR 25.103 exception support</i>
<input type="checkbox"/>	Any TAA substantial transformation analysis (if TAA applies instead of BAA).	<i>FAR 25.4 compliance</i>

H2. Record Retention & Integrity		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Retain all BAA compliance records for a minimum of 3 years after final payment (FAR 4.703 standard) — recommend 7 years for FCA statute of limitations.	<i>FAR 4.703; 31 U.S.C. §3731(b)</i>
<input type="checkbox"/>	Store records in a tamper-evident, auditable format (WORM-compatible electronic recordkeeping recommended).	<i>Best practice / audit readiness</i>
<input type="checkbox"/>	Date-stamp and version-control all calculations — if supply chain sources change mid-contract, create a new analysis with effective date.	<i>Multi-year contract management</i>
<input type="checkbox"/>	Designate a named responsible compliance officer for each contract.	<i>Governance / accountability</i>
<input type="checkbox"/>	Log all changes to supplier sources or component origins with justification notes.	<i>Audit trail</i>



SECTION I — Enforcement Risk Self-Assessment

I1. Risk Indicators — Flag Any That Apply		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Product is fully manufactured overseas but being presented as domestic → STOP. HIGH RISK of FCA and wire fraud liability.	<i>FAR 52.225-2 false certification</i>
<input type="checkbox"/>	U.S. company is an authorized distributor for a foreign manufacturer with no U.S. manufacturing → STOP. Distributor status does NOT satisfy BAA.	<i>Core BAA rule</i>
<input type="checkbox"/>	Final assembly occurs in the U.S. but all components are fully finished foreign parts → Likely FAILS Part 1. Consult legal counsel.	<i>"Substantial transformation" test</i>
<input type="checkbox"/>	Domestic content % is below applicable threshold with no exception identified → Cannot certify as domestic.	<i>FAR 25.101(a)(2)</i>
<input type="checkbox"/>	No documentation maintained for domestic content claim → CRITICAL GAP. False Claims Act exposure without supporting records.	<i>FCA / Reasonable Care</i>
<input type="checkbox"/>	Subcontractor supplied a product but no supply chain review was conducted → Review sub-tier compliance.	<i>Flow-down requirements</i>
<input type="checkbox"/>	Certificate was signed without reviewing supply chain → Re-review immediately. Kousisis ruling: false cert = wire fraud, no economic harm needed.	<i>SCOTUS 2025</i>

I2. Proactive Compliance Steps		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Conduct annual supply chain BAA review — especially before threshold step-up years (2024, 2029).	<i>Threshold schedule compliance</i>
<input type="checkbox"/>	Include BAA compliance obligations in supplier contracts and purchase orders as flow-down requirements.	<i>Prime/sub responsibility</i>
<input type="checkbox"/>	Screen all new suppliers for country of manufacture before onboarding.	<i>Supply chain due diligence</i>
<input type="checkbox"/>	Train procurement and contracts staff on the two-part test, current thresholds, and COTS rules.	<i>Internal training</i>
<input type="checkbox"/>	Subscribe to FAR Council updates and Made in America Office (MIAO) guidance.	<i>Regulatory monitoring</i>
<input type="checkbox"/>	Consider voluntary prior disclosure to contracting officer if a past violation is discovered.	<i>Mitigation strategy</i>

SECTION J — BABA (Infrastructure) Quick Check

Complete this section if the contract involves federal financial assistance for infrastructure projects (broadband, transportation, water, energy, public buildings, etc.).



J1. BABA Applicability & Requirements		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	Confirm whether the project receives federal financial assistance (grants, loans) for an infrastructure project.	IIJA §§ 70901–70927; 2 CFR Part 184
<input type="checkbox"/>	Confirm federal funds were obligated after May 14, 2022 (BABA applicability date).	2 CFR §200.322
<input type="checkbox"/>	Identify all iron and steel in the project — 100% U.S. manufacture required (all stages from melting to coating).	BABA §70914
<input type="checkbox"/>	Identify all manufactured products — must be manufactured in the U.S. (55% domestic component cost test for FHWA-funded projects after Oct 1, 2026).	FHWA phased rescission
<input type="checkbox"/>	Identify all construction materials (non-ferrous metals, plastics, glass, fiber optic cable, lumber, drywall, etc.) — must be produced in the U.S.	BABA §70912
<input type="checkbox"/>	Prepare BABA self-certification letter for each material/product type.	2 CFR §200.322; NTIA guidance
<input type="checkbox"/>	If any BABA-covered material is not U.S.-produced, apply for an agency waiver (public interest, nonavailability, or >25% cost increase).	BABA §70914(b)
<input type="checkbox"/>	For BEAD Program (broadband): complete NTIA BABA Self-Certification Intake Form.	NTIA BEAD BABA requirements

SECTION K — Final Sign-Off & Certification Review

K1. Pre-Certification Final Checklist		
	Checklist Item	Reference / Notes
<input type="checkbox"/>	All end products have been analyzed under the two-part test (or COTS/iron-steel rules) for this contract.	
<input type="checkbox"/>	FAR 52.225-2 Buy American Certificate has been correctly completed, with all foreign end products listed in Part (b).	
<input type="checkbox"/>	All domestic content percentage calculations are documented and retained in the compliance file.	
<input type="checkbox"/>	All applicable exceptions (nonavailability, unreasonable cost, COTS, TAA) are documented with supporting evidence.	
<input type="checkbox"/>	Compliance records are stored in a tamper-evident, date-stamped format with version control.	
<input type="checkbox"/>	Responsible compliance officer has reviewed and approved the certificate before submission.	
<input type="checkbox"/>	Legal counsel has been consulted on any ambiguous or borderline compliance determinations.	



Reviewed by (Print Name): _____	Signature: _____
Title: _____	Date: _____

© 2026 International Business Credential Association (IBCA) | www.usibca.org | For informational purposes only. Not legal advice.