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 <u>2.101</u>).

(2) *Emergency acquisitions* using the *emergency acquisition* flexibilities defined in <u>part 18</u>.

(3) Acquisitions using the unusual and compelling urgency authority per 6.303-2.

(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. 5801</u> et seq., <u>22 U.S.C. 402</u>, 10 U.S.C. 404, 10 U.S.C. 407, 10 U.S.C. 2557, 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 <u>52.229-11</u>, 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.