

## BAA/TAA Solutions

GE Current, a Daintree company, proudly offers innovative solutions that meet certain U.S. federal procurement law requirements.

U.S. federal government contractors are likely well aware of two statutes which incentivize the procurement of U.S. made products: the Buy American Act of 1933 (“BAA”) and the Trade Agreements Act of 1979 (“TAA”), in each case as implemented by the Federal Acquisition Regulation (“FAR”).

### Buy American Act:

The BAA, codified at 41 U.S.C. 8301 et. seq., was passed by Congress during the Great Depression to foster American industry by enshrining into a law a preference for U.S.-made goods. As implemented by Part 25 of the FAR, the two-part test for whether a manufactured product (not consisting primarily of iron or steel) is a “domestic end product” (see FAR 52.225-1) or “domestic construction material” (see FAR 52.225-9) is the following:

1. The end product or construction material is manufactured in the United States; and
2. The cost of its components mined, produced or manufactured in the United States exceeds 55% of the cost of all of its components.

Commercially available off-the-shelf (“COTS”) items need only be manufactured in the United States and are exempt from the BAA’s component cost test. COTS items are defined at FAR Section 2.101 as any item of supply (including construction material) that is:

1. A commercial item as defined in FAR Section 2.101;
2. Sold in substantial quantities in the commercial marketplace; and
3. Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace.

**GE Current, a Daintree company’s BAA-compliant products are COTS items, which are proudly manufactured in the United States. For a listing of BAA-compliant products offered by Current, [click here](#).**

## Trade Agreements Act:

The TAA, codified at 19 U.S.C. Section 2501, was passed by Congress in 1979 to foster the growth and maintenance of an open world trading system and to expand opportunities for the commerce of the U.S. in international trade. As implemented by the FAR, the TAA limits supplying products and services to the U.S. federal government to those which are “substantially transformed” into a new and different articles of commerce, with a name, character or use distinct from the original article, in the U.S. or in a country signed onto certain trade agreements (a “TAA-designated country”).

Unlike the BAA, which imposes a price penalty on non-U.S. end products, the TAA prohibits supplying products and services from countries that are not approved as TAA-eligible.

**GE Current, a Daintree company’s TAA-compliant products are substantially transformed in the U.S. or in a TAA-designated country. For a listing of TAA-compliant products offered by Current, [click here](#).**

If you need help identifying BAA- or TAA-compliant products for a specific project, please contact your GE Current, a Daintree company sales representative.

**Disclaimer:** The foregoing information is provided for informational purposes only and is subject to changing laws and regulations as well as the specific procuring agency’s policies and regulations. Nothing herein should be construed as a representation or certification by Current regarding the BAA- or TAA-compliance of any product. If you need guidance on the applicability of any law or contract provision as it relates to your project, you should seek the advice of a qualified lawyer.

If a certificate or statement of BAA or TAA compliance is required from Current for your project, please contact your GE Current, a Daintree company sales representative for assistance.