Federal Supply Schedule Contractors Frequently Asked Questions and Answers related to the US Made Item Description

1. Are buyers going to prioritize US-made products for purchase over less-expensive non-US made TAA compliant products that are on Federal Supply Schedule (FSS)?

Field Contracting Officers will conduct evaluations based on individual dollar threshold related to the requirement. FSS base contract values are over the $182,000 Buy American Act threshold and therefore Trade Agreements Act requirements will remain in place for FSS contracts.

2. Is the US Made Item description required for Pharmaceutical Items?

Generally, no. The "US Made" in the item description began as an information sharing strategy to empower market research for domestic Personal Protective Equipment however, the FSS Schedules have had several other contractors wanting to indicate US Made in their descriptions. As long as the vendors are meeting requirements and representations in 52.225-5, FSS is making this available.

3. How will the US Made Item Description impact the current FSS procurement process?

It will not impact the current FSS procurement process. As listed above, TAA requirements will remain.

4. What directive has been given to VA buyers?

FSS plans to post a web notification that VA buyers can conduct market research by entering US Made as a search criterion to identify domestic Med Surg products.

4. What specific language in the Made in America Act is VA working to comply with by making this request?

FSS is not working to comply with specific language in the Made in America Act but is offering FSS contractors the opportunity to represent that their products are US made under the definition of the Trade Agreements Clause at FAR 52.225-5. *"U.S. made end product is an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States 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"* (FAR 52.225-5).

5. How is this information going to be used by the VA?

The US Made description will be listed on the CCST and on GSA Advantage and FSS will pull data based on US Made if customers require tailored data extracts on domestic sourcing.

6. Should vendors alter expectations or expect decreased purchases due to the US Made designation?

No, vendors should not change their forecasting based on entering US Made in the item description.

7. What is the definition of US Made?

"US made end product is defined as "*an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States 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" (FAR 52.225-5).

8. Are vendors required to update their current FSS products if they are made in the US?

No, this is optional. Vendors can partake as much or as little as they would like. Please remember, the language FSS is utilizing is already in the solicitation under the Trade Agreement Clause (52.225-5). Vendors wishing to indicate "US Made" are required to meet the definition. We do ask that one update be submitted for all US Made items to the extent possible which will reduce upload time and potential errors.

9. Are 65IB Forms available to add the US designation?

Yes, the forms are attached and are also available on the FSS website. Please complete the attached RFM Form and add "US Made" to Column F on the attached spreadsheet.

RFM-65IB-AdminChgs -Dscrptn-Oct2019.xlsx

RFM-65IB-AdminChgs -RqstForm-Apr2020.d

	A	B	C	D	E	F
1	SIN	NDC1 or Item #	NDC2 (4 digits only - Add leading 0, if necessary)	NDC3	Old Item Description	New Item Description
2						
3						
4						
5						
6						
7						
8						
9						

10. Does the Make PPE in America Act define domestic production the same as the TAA and FAR 52.225-5?

No, the Make PPE in America Act defines domestic production in Public Law 117-58 Section 70953 (b)(2) as "personal protective equipment, including the materials and components thereof, that is grown, reprocessed, reused, or produced in the United States." (https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf.)

Please note that FSS utilizes the Trade Agreement Clause - "US made end product" definition at FAR 52.225-5, which does not certify compliance with similar definitions under the Buy American Act and Make PPE in America Act.