

address of the proposed contractor, and a detailed justification of the impracticality of using domestic materials.

Exceptions to the BAA notwithstanding, most agencies will continue to buy U.S. materials. The reasons are obvious. U.S. contractors do not want to lose business to Canadian competitors, so they will pressure agency officials to continue to use U.S. firms. Agency officials, for their part, would prefer not to justify a decision to buy from a Canadian to a Congress person who thinks that a corporation in his or her district has lost out.

Parochialism in any country is a fact of life. There are no simple ways to overcome it. As contracting officers become familiar with the work of Canadian firms over time, Canadian firms will receive more contracts. To speed up the process, Canadian firms can continue to get good information prior to investing in a U.S. procurement opportunity, use the resources of their government to clarify any legal or trade questions, and attempt to solve disputes informally before resorting to the courts to enforce the equal access provisions of NAFTA. Ultimately, the best way to overcome parochialism is to offer *a good product or service at a good price*. During periods of tight budgets requirements, the U.S. government will continue to focus on the quality and price of a product rather than its origin.

AGENCY-WIDE WAIVERS FOR CANADIAN CONSTRUCTION MATERIALS

It is possible to obtain a broader, agency-wide waiver to permit the use of specific products in all of an agency's construction projects. The same criteria listed above determine whether an agency-wide waiver can be issued.

Requests for waivers should be submitted in writing to the appropriate agency official. The letter should request a determination, in accordance with FAR 25.108 and 25.202(a)(3), that the products are needed for the contract, that they not available in the United States in sufficient quantity or quality, and that the products are available from a Canadian supplier. The firm must specify the products for which the determination is requested. A determination is granted for defined products, not for an entire product line. The firm must also explain why it thinks the determination should be made, in accordance with the provisions of FAR 25.108 and 25.202(a)(3).