



The “Buy American Act” is designed to help encourage American purchasing agents to support domestic manufacturers when given the choice of comparable domestic and foreign products. It is not intended to stop consumers from acquiring new products and technology simply because such materials are not manufactured in the United States.



Buy American Act Compliant

With regard as to whether or not it is acceptable to purchase the scale prevention products of Fluid Dynamics as opposed to a domestic product, the answer is simply yes, due to the fact that no comparable products are produced in the United States. Fluid Dynamics scale prevention products are unique in their technology and performance, placing them outside the normal restrictions of this act. The exemption is drawn from parts two and three of section 25.103 B of the Buy American act, due to non-availability in the domestic market.

25.103 Exceptions.

When one of the following exceptions applies, the contracting officer may acquire a foreign end product without regard to the restrictions of the Buy American Act:

(b) Non-availability. The Buy American Act does not apply with respect to articles, materials, or supplies if articles, materials, or supplies of the class or kind to be acquired, either as end items or components, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

The first ground for exemption requires written determination from the head of the contracting activity. It is based on the fact that no other 100 percent green catalytic hard water treatment product is produced in the United States that matches the type or quality of the Fluid Dynamics product.

(2) Individual determinations.

(i) The head of the contracting activity may make a determination that an article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

Currently, no offers will be received because no domestic company uses the UK technology for hard water scale prevention as provided by Fluid Dynamics.

(3) A written determination is not required if all of the following conditions are present:

(i) The acquisition was conducted through use of full and open competition.

(ii) The acquisition was synopsised in accordance with 5.201.

(iii) No offer for a domestic end product was received.

If an acceptable domestic product becomes available, it must also be priced competitively with the Fluid Dynamics products or it can be rejected on the grounds of unreasonable cost.

(c) Unreasonable cost. The contracting officer may determine that the cost of a domestic end product would be unreasonable, in accordance with 25.105 and Subpart 25.5.

The benefits of the Fluid Dynamics hard water treatment technology are unmatched. Combining cost savings and no maintenance with the environmental benefit of eliminating the use of scale preventing chemicals, the Fluid Dynamics option is the logical choice.

In summary, unrestricted quantities of Fluid Dynamics hard water treatment products and technology may be used if no equivalent and acceptable domestic product is reasonably available.

