

# BUY AMERICA REQUIREMENTS for FEDERAL-AID CONSTRUCTION PROGRAMS, UTILITIES, and RAILROADS

## DEFINITIONS

**Steel** - Steel material of any type, including welding rod.

**Iron** - Iron material of any type, including cast and ductile iron, but not iron ore or pig iron.

**Domestic** - The 50 States, the District of Columbia, Puerto Rico and territories of the US.

**Foreign** - Any location other than those defined as Domestic.

**Manufacturing Processes** - Steel and/or iron manufacturing processes must be domestic (e.g.: manufacture, fabrication, grinding, drilling, welding, finishing, and coating of steel). Ore, scrap, and, pig iron may be foreign or domestic. However, transformation into steel and/or iron and all subsequent processes and fabrication must be domestic. The fabrication of composite items using domestic steel (e.g. casting reinforced concrete box culvert using reinforcing cut and bent to final shapes) is not considered a manufacturing process, and the composite item is acceptable.

**Fabricated Products Containing Steel and/or Iron** - Items, products or materials containing any amount of steel and/or iron materials (e.g.: a metal pipe may be steel or iron, a reinforced concrete pipe contains steel, a pre-stressed beam contains steel, iron castings are iron, and a steel beam is steel).

**Coating** - Includes all processes which protect or enhance the value of the material to which it is applied (e.g. epoxy, galvanized, paint, etc.).

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*Iron, Steel, Stainless Steel, and all applied coatings are included in the Buy America requirements.*

# BUY AMERICA

## Requirements for Federal- Aid Construction Program, Utilities, and Railroads

### REQUIREMENTS

- Buy America applies only to the Federal-aid highway construction program. Requirements are found in 23 C.F.R 635.410.

- Applies to iron and steel products and their coatings. Raw materials were originally included in Buy America. However, the lack of adequate domestic supply resulted in a 1995 nationwide waiver for iron ore, pig iron, reduced / processed / pelletized iron ore, and raw alloys.

- All manufacturing processes must take place domestically. Manufacturing is any process that modifies the chemical content; physical shape or size; or final finish of a product. Manufacturing begins with the initial melting and mixing, and continues through the bending and coating stages. If a domestic product is taken out of the US for any process, it becomes foreign source material.

- Buy America requirements are for steel or iron products that are to be permanently incorporated into the project. Temporary items, such as temporary bracing or shoring, work zone traffic control sign posts, etc. are not covered by the Buy America requirements.

- Minimal Use Criteria: Non-domestic iron and steel materials may be used provided, the cost of such material does not exceed one-tenth of one percent (0.1 percent) of the total project cost or \$2,500, whichever is greater.

For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project.

- **Buy America** is a separate and distinct program from **Buy American**. **Buy American** applies to all federal direct procurements; covers approximately 100 products and has completely different rules. Requirements are found in 41 U.S.C. 10(a)-10(c).

- State restrictions may include additional products but must allow any US domestic source.

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*Required are detailed invoices from the utilities - not invoices with one line that match the contract amount exactly or work estimate.*

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### CERTIFICATIONS

Buy America Certification shall be provided by the original domestic manufacturer in the form of a mill certificate(s).

Certification(s) to be submitted with the first invoice - not at the end of the Project.

Certification to be provided to the Project Inspector at the time of delivery to the job site or delivery to the stockpile site. Documentation shall be kept in the project files.

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*Aluminum, Brass, Copper, and Temporary items are not included in Buy America the requirements.*