

## **BUY AMERICA REQUIREMENTS:**

Buy America requirements of 23 CFR 635.410 are applicable to all Federal-aid construction projects, including those of an emergency nature if the emergency repair will **permanently** incorporate steel or iron products into repairs on the Federal-aid system. All steel or iron products **permanently** incorporated into Federal-aid projects, shall be products that have been entirely manufactured within the United States. All manufacturing processes of the steel or iron material, in a product, must occur within the United States to be considered of domestic origin. This includes processes such as rolling, extruding, machining, bending, grinding, and drilling. The action of applying a coating to a material is deemed a manufacturing process subject to Buy America. Coating includes epoxy coating, galvanizing, painting, and any other coating that protects or enhances the value of the material.

When the products utilized are to be permanently incorporated into a Federal-aid project, municipalities must receive certification from their contractors that the products used on the project do conform to the requirements of Buy America. Conversely, if the municipality is repairing their facility under force-account, i.e. using their own public works staff, they must obtain certifications from any suppliers of products that need to comply with the requirement of Buy America.

This requirement does not prevent a minimal use of foreign materials, provided the cost of foreign materials used does not exceed 0.1 percent of the total contract price or \$2,500, whichever is greater. The cost of foreign steel or iron is defined as its value delivered to the project. However, the value of any steel or iron products felt to be exempt from Buy America requirements must be documented by the municipality so it can be confirmed that the total value of all products does not exceed the \$2,500 threshold **per contract**. This includes bolts, fasteners, etc.

While it is easy to think about steel products in bridges, for instance, it can be easier to forget about the applicability of iron products. Many drop inlets, for instance, utilize iron grates and may need to be replaced as a result of this flood event.