

### **Buy America, Build America Act Requirements**

Any infrastructure project, funded at least partly by federal financial assistance requires the contractor to use iron, steel, manufactured goods, and construction materials that are produced in the United States in a manner that complies with the Buy America, Build America Act (BABA), as contained in the federal Infrastructure Investment and Jobs Act of 2021.

BABA requires the following:

- **IRON & STEEL**

All iron and steel used in a project must be produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

- **MANUFACTURED PRODUCTS**

All manufactured products used in a project must be produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

- **CONSTRUCTION MATERIALS**

All construction materials used in the project must be manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

Construction materials includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables),
- glass (including optic glass),
- lumber, or
- drywall.

**Construction materials does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.**

The BABA requirements only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies brought to the construction site and removed at or before the completion of the infrastructure project, nor does it apply to equipment and furnishings that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Examples of projects that may be Infrastructure:

- ✓ Boat ramps
- ✓ Fishing piers / platforms
- ✓ Shooting ranges / platforms
- ✓ Office buildings, education centers
- ✓ Water control structures for hunting/wildlife viewing
- ✓ Propagation facilities / Fish hatcheries
- ✓ Docks
- ✓ Dams
- ✓ Marine pumpout stations (affixed)
- ✓ Floating restrooms
- ✓ Public restrooms
- ✓ Parking areas
- ✓ Roads

### **Bidder's Build America, Buy America Certification**

Any infrastructure project, funded at least partly by federal financial assistance, including this one, requires the contractor to use iron, steel, manufactured goods, and construction materials that are produced in the United States in a manner that complies with the Build America, Buy America Act (BABA), as contained in the federal Infrastructure Investment and Jobs Act of 2021.

BABA requires the following:

1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
3. All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

The BABA requirements only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies brought to the construction site and removed at or before the completion of the infrastructure project. Nor does it apply to equipment and furnishings that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

## Attachment E – BABA

However, between July 13, 2022, and January 12, 2023, the U.S. Department of the Interior has a general applicability waiver from these requirements. This means projects starting in this time period AND non-domestic items purchased for those projects by January 12, 2023, are not obligated to comply with the domestic purchasing requirements of BABA. For more information on this waiver, read: <https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>

### Certification

As a bidder for this project, I certify that I will comply with the “Build America, Buy America” provisions as required by federal law. Furthermore, I understand that BABA provisions apply to any and all portions of this project, including subcontracted portions and that I certify to the best of my knowledge and belief that I will identify domestic sources of BABA-covered products, provide verification documentation for BABA-compliance, and when needed, provide waiver documentation per current federal guidance. I understand that a false statement on this certification may be grounds for rejection or termination of any award.

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Signature of Bidder

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Printed Name and Title of Bidder