

## **BUILD AMERICA, BUY AMERICA (BABA) CERTIFICATION**

(STEEL, IRON, CONSTRUCTION MATERIALS OR MANUFACTURED PRODUCTS)

[61 FR 6302, Feb. 16, 1996, as amended at 74 FR 30239, June 25, 2009]

Title 23 CFR part 635.410 Public Law 117-58, div. G 70901-27

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### **General Requirement (as stated in 49 CFR 661.5)**

- 1) Except as provided in 49 CFR 661.7 and 49 CFR 661.11, no funds may be obligated by FTA for a grantee project unless all iron, steel, and manufactured products used in the project are produced in the United States.
- 2) All steel and iron manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives.
- 3) The steel and iron requirements apply to all construction materials made primarily of steel or iron and used in infrastructure projects such as, transit or maintenance facilities, rail lines, and bridges. These items include, but are not limited to, structural steel or iron, steel or iron beams and columns, running rail and contact rail. These requirements do not apply to steel or iron used as components or subcomponents of other manufactured products or rolling stock, or to bimetallic power rail incorporating steel or iron components.
- 4) For a manufactured product to be considered produced in the United States:
  - a) All of the manufacturing processes for the product must take place in the United States
  - b) All of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents.

If steel, iron, or manufactured products (as defined in 49 CFR 661.3 and 661.5) are being procured, the appropriate certificate as set forth below shall be completed and submitted by each bidder or offeror in accordance with the requirement contained in 49 CFR 661.13(b).

### **1.11 Build America, Buy America**

- 5) Federal-aid projects are subject to Title 23 CFR Part 635.410 Pub. L. No. 117-58, §§ 70901-52, Build America Buy America requirements. All iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.
  - a) All products manufactured from steel and iron must be manufactured in the United States to be considered domestic.
    - i) All manufacturing processes of the steel and iron material in a product such as melting, rolling, extruding, machining, bending, grinding, drilling, and coating must occur within the United States.
    - ii) Coating includes all processes that protect or enhance the value of the material to which the coating is applied. The material applied as a coating is not subject to Buy America requirements.

- b) The above requirement does not preclude a minimal use of foreign steel or iron, provided the cost of the steel or iron used does not exceed one tenth of one percent (0.1 percent) of the total contract amount or \$2,500, whichever is greater.
  - i) Track the use of all permanent foreign steel incorporated in the project.
- c) 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.
- d) All Construction Materials used in the project are produced in the United States. This means all manufacturing process for the construction material occurred in the United States.
- e) The following are exempt from Build America Buy America except as noted:
  - i) Temporary steel or iron materials.
  - ii) Materials left in place for the Contractor's convenience that could be removed without damaging the completed work.
  - iii) Items such as nuts, bolts, washers, screws, concrete chairs, spacers, mailboxes, and other steel or iron parts that may be considered miniscule or non-structural to the whole of the project.
  - iv) Items such as tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the project.
  - v) Items such as equipment and furnishings, such as movable chairs, desks, and portable computer equipment, 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.
  - vi) Fencing stays, clips, staples, or other miscellaneous fencing components.
  - vii) Manufactured assemblies that are less than 51 percent by weight steel or iron content when they are delivered to the job site for installation.
- 6) 1) Precast items such as pipe, manholes, and drainage boxes must meet the Build America Buy America requirements.
- 7) The major steel and iron components of the following and other similar assemblies must meet the Buy America requirements:
- 8) 1) Guardrail, guardrail posts, end sections, terminals, cable barrier, steel or iron pipe, conduit, grates, manhole covers and risers, mast arms, poles, standards, trusses, supporting structural members for signs, luminaires, and traffic control systems

**Certificate of Compliance with Buy America Requirements.**

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(l), and the applicable regulations in 49 CFR part 661 and Title 23 CFR Part 635.410 Pub. L. No. 117-58, §§ 70901-52, Build America Buy America requirements.

Company Mueller Streamline Co

Name Charles Blanton Title Corp Dir EH&S

Signature 

Date 23 May 2023