



Build America, Buy America Local Agency Webinar

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Build America, Buy America Background

- Original Buy America Requirements (23 CFR 635.410)
- Infrastructure Investment and Jobs Act – November 15, 2021
- Office of Management and Budgets (OMB) – Initial Guidance - April 18, 2022
- Federal Highway Administration (FHWA) 1983 Manufactured Products Waiver
- U.S. Department of Transportation (USDOT) 180-Day Temporary Waiver
May 19, 2022
- Build America, Buy America Implementation Date – November 10, 2022
- USDOT Request for Information on Buy America for Construction Materials
July 28, 2022

Build America, Buy America Implementation Efforts

- Buy America Implementation Team (BAIT)
- Implementation date – November 10, 2022
- Mandated for federal-aid risk projects
- Mandated for nonfederal-aid risk projects, but exception allowed with identified domestic supply concern
- Specification owners, authorized material lists, and department-furnished material contracts
- Standard Special Provision (SSP) 6-1.04, “Buy America” preview posted September 23, 2022

Build America, Buy America OMB Guidance – April 2022

- Three Areas of Buy America Coverage
 - Steel or Iron
 - Manufactured Products*
 - Additional Construction Materials
 - (non-ferrous metals, plastic or polymer-based products, lumber, glass, and drywall)
- Any item can only be classified in a single area of coverage
- “Construction Material” vs. “Manufactured Product”
 - Combination of two or more construction materials in production results in a manufactured product.

Build America, Buy America Exclusions

- Tools and equipment* used in constructing the work
- Temporary elements not incorporated into the permanent work
- Existing items relocated from one location to another on the project
- Raw materials, surface treatments, and coatings for additional construction materials only
- Manufactured products not containing steel or iron*
- Other exclusions



New Buy America Specification



**Buy America
Construction Procedure Directive
CPD 22-13, “Buy America”**

<https://dot.ca.gov/programs/construction/construction-procedure-directives-cpds>

Buy America Future Changes?

- Likelihood of Further Buy America Changes
- USDOT – Proposed De Minimis Allowance – November 2022
- OMB Proposed Revised Guidance – February 2023
- Reconsideration of 1983 FHWA Manufactured Product Waiver – March 2023
- Future Reconsideration of Nondomestic Steel or Iron Raw Materials – TBD ?
- Contract's Original Buy America Requirements Throughout Contract's Duration



Questions & Answers

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