

# Buy America Build America

May 31, 2023

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**Caltrans Division of Local Assistance**



# Overview

- Local Assistance Procedures Manual (LAPM)  
Exhibit 12-G: Required Federal-aid Contact Language
- Division of Local Assistance (DLA) Updates:  
Exhibit 12-G, Chapter 12 & 16
- Local Public Agencies (LPA) Responsibilities
- After the Fact Discoveries
- Construction Oversight Program (COP) Role
- Caltrans Ongoing Efforts

# LAPM Exhibit 12-G: Required Federal-Aid Contact Language

- “The following language must be incorporated into all Local Assistance Federal-aid construction contracts.”
- “The following language, with minor edits, was taken from the Code of Federal Regulations.”
- ***Section 8, “Buy America”***  
<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c12/12g.pdf>

# DLA Updates: Exhibit 12-G, Chapter 12 & 16

- Exhibit 12-G updated to include BABA requirements
- Language in line with the Caltrans 2022 Standard Specifications
- LAPM Chapter 12 & 16 updated
- Exhibit 12-G to be revised upon changes to federal policies
- Receive DLA Announcements:  
Weekly Email Announcement & Office Bulletins  
by signing up on the DLA Blog  
<https://www.localassistanceblog.com>

# Local Public Agency (LPA) Responsibilities

- Ensure adoption and compliance with new Buy America requirements including BA requirements on Construction Materials for projects authorized (E-76) on/after November 10, 2022.
- LPAs that adopt Caltrans Standard Special Provisions (SSPs) must include a newly updated SSP Section 6-1.04 BUY AMERICA in their contracts reflecting the Buy America requirements on construction materials.
- LPAs that do not adopt Caltrans SSPs can use the language in Exhibit 12-G, Section 8 as guidance to update their current Buy America specifications

## LPA Responsibilities (cont.)

### LPA's must:

- Expediently contact their DLAE to discuss potential Buy America waivers
- Submit any Buy America waiver request to the District Local Assistance Engineer (DLAE) which will review the request and recommend to Federal Highway Administration (FHWA) for further processing
- Not list non-domestic steel and iron products, or construction materials as nonparticipating in *order to circumvent the Buy America requirements.*

# LPA Responsibilities (cont.)

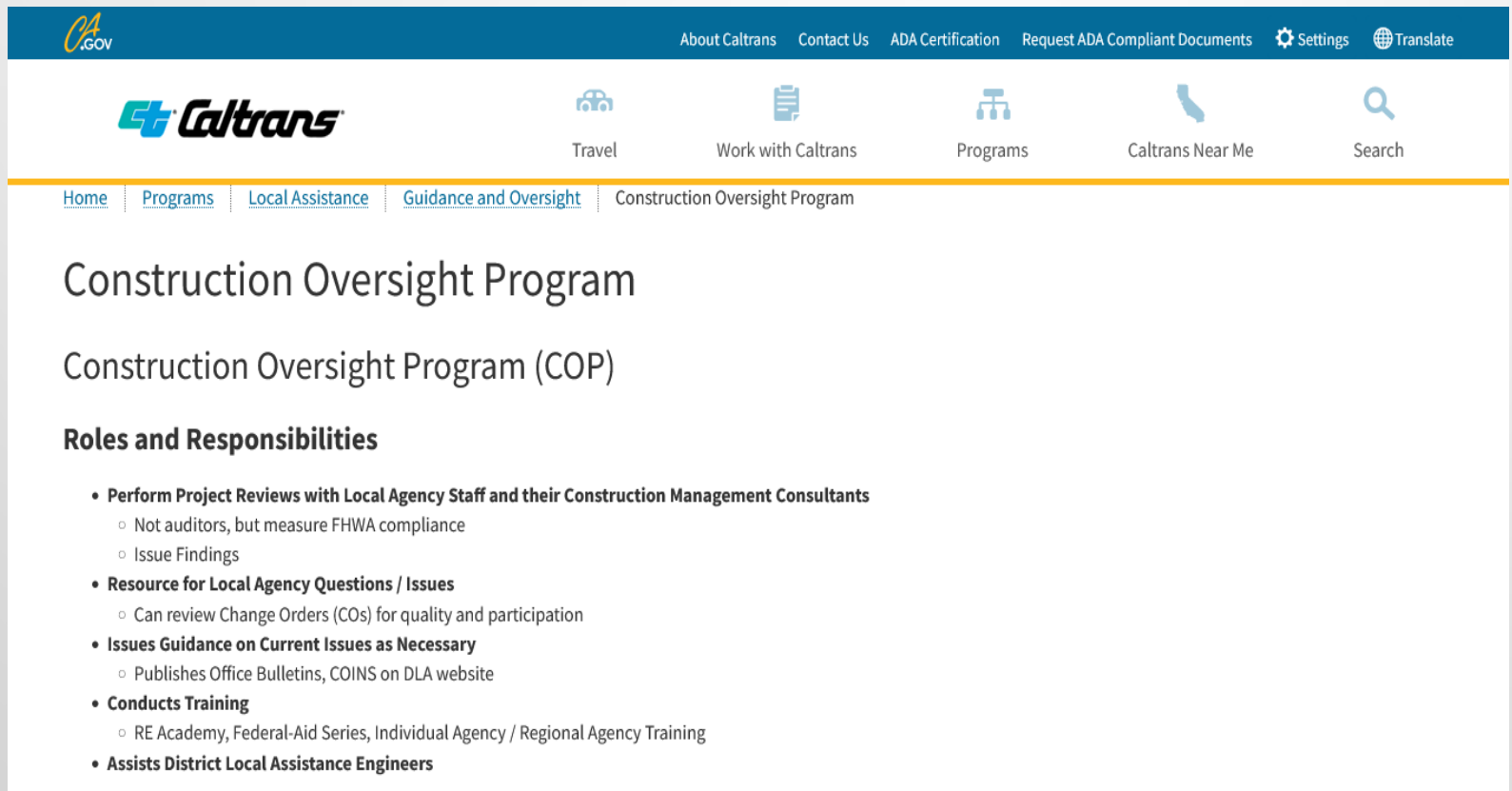
- The LPA is responsible for enforcing the Buy America provisions.
- Generally, the materials certification process has been adequate for determining compliance.
- The contract provisions must require the contractor to provide a definitive statement about the origin of all products covered by Buy America prior to payment for the item, or installation.
- Mill certifications
- Buy America certification/certificate of compliance

- After-the-fact discoveries of non-domestic materials incorporated in the project cannot be addressed as Buy America waivers.
- In the event an after-the-fact discovery occurs, the LPA must expeditiously inform their DLAE, which will coordinate with FHWA to investigate and determine the appropriate resolution.
- Potential actions based on the outcome of FHWA's investigation include:
  - Remove the excess non-domestic products and replace with domestic products.
  - Make the non-compliant products Federal-aid non-participating.
  - In instances where there is evidence of carelessness, negligence, incompetence, or understaffing on the part of the contracting agency, the Division Office may determine that all project costs are ineligible.



# Construction Oversight Program (COP)

<https://dot.ca.gov/programs/local-assistance/guidance-and-oversight/construction-oversight-program>



The screenshot shows the Caltrans website interface. At the top is a dark blue navigation bar with the Caltrans logo on the left and links for 'About Caltrans', 'Contact Us', 'ADA Certification', 'Request ADA Compliant Documents', 'Settings', and 'Translate'. Below this is a white header with the Caltrans logo on the left and five icons with labels: 'Travel', 'Work with Caltrans', 'Programs', 'Caltrans Near Me', and 'Search'. A yellow horizontal line separates the header from the main content area. The main content area has a breadcrumb trail: 'Home' | 'Programs' | 'Local Assistance' | 'Guidance and Oversight' | 'Construction Oversight Program'. The title 'Construction Oversight Program' is displayed in a large font, followed by 'Construction Oversight Program (COP)'. Below this is the section 'Roles and Responsibilities' with a bulleted list of five items.

[Home](#) | [Programs](#) | [Local Assistance](#) | [Guidance and Oversight](#) | Construction Oversight Program

## Construction Oversight Program

### Construction Oversight Program (COP)

#### Roles and Responsibilities

- **Perform Project Reviews with Local Agency Staff and their Construction Management Consultants**
  - Not auditors, but measure FHWA compliance
  - Issue Findings
- **Resource for Local Agency Questions / Issues**
  - Can review Change Orders (COs) for quality and participation
- **Issues Guidance on Current Issues as Necessary**
  - Publishes Office Bulletins, COINS on DLA website
- **Conducts Training**
  - RE Academy, Federal-Aid Series, Individual Agency / Regional Agency Training
- **Assists District Local Assistance Engineers**

# Types of Reviews

## Pre-Construction Reviews

<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c16/pre-construction.pdf>

## Mid-Construction Reviews

<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c16/mid-construction.pdf>

## Post-Construction Reviews

<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c16/post-construction.pdf>

# Mid-Construction Review - Section F

## LAPM Section 16.11:

### Quality Assurance Program (QAP) & Materials Testing

1. Does the LPA have a copy of their QAP in the project records?
2. Is the approval date on the QAP less than five (5) years old?
26. Are the required Buy America statements/certification for those materials made of iron or steel and permanently incorporated into the work in the project records?

# Caltrans Buy America Efforts

## Capital Program

- Buy America Implementation Team (BAIT)
- Developed BABA Short/Long-term Acceptance Process
- Updated BABA Special Standard Provision (SSP)
- Actively working with specifications owners to identify any potential issues

# Caltrans Buy America Efforts

## Local Program

- DLA Office of Guidance and Oversight is part of BAIT
- Updated LAPM Manual
  - Chapter 12: Plans, Specifications & Estimate
  - Chapter 16: Administer Construction Contracts
  - Exhibit 12-G: Required Federal-Aid Contract Language
- Issued DLA Office Bulletin ([#22-07](#))
- Tailored External FAQs for bidders to LPA projects
- Tailored Internal FAQs for DLA staff

# Questions & Contact

Questions regarding this presentation,  
please contact:

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