

## **2009 FHWA Enforcement Emphasis on Buy America Requirements for Steel Products**

The federal Buy America provision states that all steel and iron materials permanently incorporated into a project must be domestic products. This includes smelting, coating, bending, shaping, and all other manufacturing processes performed on the product. [CMM 2.28.4](#) contains specific buy America language, and discusses the requirements for documentation and certification on WisDOT projects that contain the provision. Listed below are major points of emphasis from FHWA.

- Basic Buy America requirements have not changed, and have been included in all of our Federal aid contracts for many years.
  - Includes all steel/iron items permanently incorporated into the work.
  - Includes original melting and manufacturing of steel, plus all subsequent manufacturing, coating and fabrication processes performed on the steel item.
  - Small quantity exemption is limited to items where the total value of the steel component of the item does not exceed 1/10 of 1% (0.1%) of the total contract cost, or \$2500.00, whichever is greater.
- What has changed is the increased emphasis that FHWA is placing on documentation that will be required in project records to verify compliance with Buy America requirements, including secondary items and coating or fabrication processes.
  - Most existing certs for the basic major black steel items in our work (e.g. rebar, structural steel, piling, etc) already contain “Buy America” statements of compliance.
  - Buy America certification will be required from each separate company that performs steel manufacturing, coating or fabrication on a product.
  - All of these certifications now must be kept on file in the project records.
- FHWA has clearly stated the position that no item shall be paid for until all required Buy America certifications are in the possession of the project engineer.
  - Any Federal-aid projects may be audited by the Office of the Inspector General (OIG) to verify compliance with these updated requirements.
- Bureau of Technical Services will try to work through suppliers and WTBA to notify as many as possible about the updated requirements.
- Project Engineers should direct contractors to begin immediate compliance with these updated requirements immediately (and retroactively for all material incorporated in the work thus far in the 2009 construction season).
- While these requirements will apply equally to all Federal-aid projects, there may be increased scrutiny of ARRA projects.

The following items are examples that contain materials covered by the Buy America requirements. This list was compiled using the CMM materials and acceptance guide. There may be other items not contained within this list.

- Anchor assemblies, bolts, rods (for structures and bases)
- Bearing pads
- Bridge secondary fabricated items:
- Rail posts, sleeves, shims, rail panels, structural fasteners, expansion devices, cover plates, floor drains, guardrail anchors, bearing assemblies, steel diaphragms
- Castings (including inlet & manhole covers)
- Bar steel (coated & uncoated)
- Tie bars
- Dowel bars
- Hook bolts
- Concrete culverts, pipes, endwalls, catch basins, inlets, manholes (steel reinforcement)
- Prestressed concrete members (steel reinforcement)
- Metal pipes & endwalls
- Delineator posts & hardware
- Drains & downspouts
- Pull boxes, poles, mast arms, metallic conduit
- Fencing fabric, rails, tension wire, barbed wire
- High strength bolts
- Steel piling
- Sign bridges & supports
- Steel sign posts
- Steel grid floor
- Steel plate beam guard
- Structural steel
- Stud shear connectors