

**S.P. BUILD AMERICA / BUY AMERICA PROVISIONS (09/23):**

Section 106, Control of Materials, of the Standard Specifications for Roads and Bridges, 2016 Edition, is hereby amended to include the following:

Pursuant to the Build America Buy America ("BABA") provisions of the Infrastructure Investment and Jobs Act ("IIJA") enacted on November 15, 2021 (Pub. L. No. 117-58), all iron and steel materials (including the application of a coating), manufactured products manufactured in the United States and having the cost of the components greater than 55 percent of the total cost of all components of the manufactured product, as well as construction materials permanently installed in the project, shall be manufactured and produced in the United States, unless a waiver of these provisions is granted.

**Cost Calculation:**

Refer to Part 184 of title 2 of the Code of Federal Regulations (2 CFR) for guidance to determine the cost of components for manufactured products.

**Contractor Certification and Certification Submission:**

The apparent low bidder shall provide certification of intent to conform to BABA with their completed contract documents, through transmittal of a completed certification document. The certification document, "[DOTD's Bidder's Build America, Buy America Certification Form](#)", will be provided in the federal package with the other required federal documents, and shall be the only form acceptable for use in certification of intent to conform to BABA. The contractor shall provide a separate Certification Form from the supplier for each applicable material.

**Waiver:**

Minimal use of foreign steel and iron materials will be allowed without waiver provided the cost of these materials does not exceed 0.1 percent of the total contract cost or \$2,500, whichever is greater; however, the contractor shall make written request to the Chief Construction Division Engineer for permission to use such foreign materials and shall furnish a listing of the materials, their monetary value, and their origin and place of production.

**Records Retention:**

The contractor shall retain any and all records pertaining to or relating with the contractor's BABA certification and processes for a period of not less than five years after final acceptance of the construction project.

**Inspection:**

At the Department's sole discretion, the department shall have the right to inspect or audit any and all records pertaining to or relating with the contractor's BABA certification and processes.

**For More Information on BABA:**

More information may be found by going to FHWA website [Made in America | US Department of Transportation](#), <https://www.fhwa.dot.gov/construction/cqit/buyam.cfm>, and [OMB M-22-11](#).