

The Grantee and its Contractors / Subcontractors must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

This document contains all necessary links and forms to ensure grantee compliance:

- Additional guidance in IEDA's CDBG Management Guide, Chapter 2:
<https://opportunityiowa.gov/media/3818/download?inline>
- Additional information, including any published waivers, is posted on the HUD website,
<https://www.hud.gov/hud-partners/baba>
- Link to the BABA Claim Certification Request:
<https://opportunityiowa.gov/media/3846/download?inline>
- Link to the BABA Project Items Status Worksheet:
<https://opportunityiowa.gov/media/3848/download?inline>
- More detailed information on BABA-covered items (page 2 of this document);
- Required language to insert into Professional Services Agreements (Page 3);
- BABA performance specifications to include in Bid Specifications documents (Page 4);
- Required language to insert into Contractor/Subcontractor Agreements (Page 5);
- Sample BABA Product Certifications (Pages 5 & 6)



1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. 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.
3. All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

BABA Covered and Non Covered Items

- Iron and steel + manufactured products + construction materials
- Items should only be classified into ONE of the three categories
- Applies to items consumed in, incorporated into or affixed to an infrastructure project (aka permanently incorporated)
- Does not apply to items brought to and removed from the construction site prior to the completion of the infrastructure project (e.g., temporary scaffolding)
- Does not apply to equipment and furnishings that are used at or within the finished infrastructure project (e.g., movable chairs, desks, portable computer equipment)

Definition of Iron and Steel -

- Items that are predominantly iron or steel, unless another standard applies under law or regulation
- All manufacturing processes, from the initial melting stage through the application of coatings, must occur in the U.S.

Definition of Manufactured Products -

- Manufactured in the U.S.
- Cost of components that are mined, produced, or manufactured in the U.S. 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 has been established under applicable law or regulation

Construction Materials -**Includes:**

- Non-ferrous metals
- Plastic and polymer-based products (including PVC, composite building materials, and polymers used in fiber optic cables)
- Glass (including optic glass)
- Lumber
- Drywall

Excludes:

- Items made primarily of iron or steel
- Manufactured products
- Cement and cementitious materials
- Aggregates such as stone, sand, or gravel
- Aggregate binding agents/additives



LANGUAGE FOR INCLUSION IN CONTRACTS AND SUBCONTRACTS

Build America, Buy America Procurement Bid Language

BABA Language for Inclusion into Professional Services Agreements:

The Grantee and its Contractors/Subcontractors must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

This agreement is for professional services related to a project that is subject to the Build America, Buy America Act (BABA) requirements under Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 117-58. While professional services are not subject to BABA, the Provider understands that they are responsible for ensuring that, absent a waiver by the Department of Housing and Urban Development, Provider shall not approve for use in this project, any iron, steel, manufactured products, or construction materials unless such materials have been produced in the United States. Provider shall obtain all necessary compliance certificates for work that is within provider's scope of work. Failure to do so shall be a default under this agreement. Guidance on complying with BABA is outlined by Office of Management and Budget's Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.



DOCUMENT 00 74 03

SPECIAL BUILD AMERICA, BUY AMERICA REQUIREMENTS

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. Build America, Buy America Act (BABA) Certification
 - 1. In accordance with BABA requirements the Owner must maintain documentation of compliance with the BABA requirements. Manufacturer shall supply certifications of compliance for all products subject to BABA requirements. Certification must be dated within 6 months of its submittal to the Owner and include the following:
 - a. Identification of the specific product(s) and quantities to be delivered to the site.
 - b. Identification of where the product(s) was made including the location(s) of foundry/mill/factory where the product(s) was manufactured (City and State).
 - c. Name of the project and the location of the project where the product(s) will be delivered.
 - d. Signature of company representative.
 - e. Specific reference to American Iron and Steel. Reference to Buy America, Made in USA, Buy America Act, or any state domestic preference is not acceptable.
 - 2. BABA Certification must be submitted prior to or upon delivery of the product(s) to the project location.
 - 3. BABA certification must meet the content requirements set forth in this Section.
 - 4. Failure to supply BABA certifications as required will result in delays in progress payments until such time that the BABA requirements are met.
 - 5. Additional BABA information and certification examples are attached to this Specification Section.
 - 6. Contractor to notify Engineer of any products that need to be utilized in the project for which no BABA products are available.

END OF SECTION

LANGUAGE FOR INCLUSION IN CONTRACTS AND SUBCONTRACTS

Build America, Buy America Procurement Bid Language

BABA Language for Inclusion into Contracts/Subcontracts

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This agreement is for services related to a project that is subject to the Build America, Buy America Act (BABA) requirements under Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 117-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget's Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.



Sample Certifications

As indicated in the contract language, it will be the responsibility of the Contractor to obtain certifications that the products and materials used in the project are U.S.-made. EPA recommends the use of a step certification process for documenting compliance with BABA requirements, similar to one used by the Federal Highway Administration. Step certification creates a paper trail which documents the location of the manufacturing process involved with the production of steel and iron materials. Each handler (supplier, fabricator, manufacturer, processor, coater, etc.) of the iron and steel products certifies that their step in the process was domestically performed.

The following information is provided as a sample letter of step certification for BABA compliance. Documentation must be provided on company letterhead. In this example, there may be multiple letters from different manufacturers if one manufacturer did not perform all of the steps.

Date

Company Name

Company Address

City, State Zip

Subject: Build America, Buy America Step Certification for Project (XXXXXXXXXX)

I, (company representative), certify that the (melting, bending, coating, galvanizing, cutting, etc.) process for (manufacturing or fabricating) the following products and/or materials shipped or provided for the subject project is in full compliance with the Build America, Buy America requirement as mandated in EPA's State Revolving Fund Programs.

Item, Products and/or Materials:

1. Xxx

2. Xxx

3. Xxx

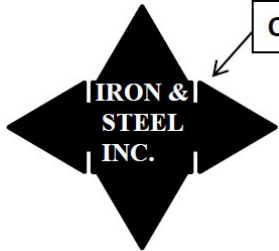
Such process took place at the following location:

If any of the above compliance statements change while providing material to this project we will immediately notify the prime contractor and the engineer.

Signed by company representative

Alternatively, the final manufacturer that delivers the iron or steel product to the worksite, vendor, or contractor, may provide a certification asserting that all manufacturing processes occurred in the U.S. and providing detailed information on the steps involved.

The following is a template for this type of final certification.

	On Manufacturer's Letterhead																																								
IRON & STEEL, INC. 1959 Steel Drive Ironville, OH 12345																																									
MATERIAL CERTIFICATION																																									
April 30, 2015																																									
RE: Job Name: Waterprojectville, Iowa ← 2015 State Revolving Fund Water Infrastructure Project SRF Project Number: CS1920999 01																																									
References the SRF Project																																									
I certify that the processes for manufacturing or fabricating the following products and/or materials provided for the subject project took place at the following U.S. locations:																																									
<table border="1"><thead><tr><th>Quantity</th><th>Description</th><th>Manufacturing Processes</th><th>Location Where Processes Occurred</th></tr></thead><tbody><tr><td>3 count</td><td>AB123456 4" Gate Valve</td><td>Melting, poured, machined</td><td>Ironville, OH</td></tr><tr><td>60 count</td><td>XY654321 Reinforced Concrete Manhole</td><td>Melted, rolled, fabricated</td><td>Steel City, IA</td></tr><tr><td>60 count</td><td>XZ123456 Manhole Cover</td><td>Melted, cast, finished</td><td>Stainless, MS</td></tr><tr><td>1200 linear feet</td><td>AB654321 4" Ductile Iron Water Pipe</td><td>Melted, rolled, finished</td><td>Pipetown, CA</td></tr></tbody></table>	Quantity	Description	Manufacturing Processes	Location Where Processes Occurred	3 count	AB123456 4" Gate Valve	Melting, poured, machined	Ironville, OH	60 count	XY654321 Reinforced Concrete Manhole	Melted, rolled, fabricated	Steel City, IA	60 count	XZ123456 Manhole Cover	Melted, cast, finished	Stainless, MS	1200 linear feet	AB654321 4" Ductile Iron Water Pipe	Melted, rolled, finished	Pipetown, CA	<table border="1"><thead><tr><th>Quantity</th><th>Description</th><th>Manufacturing Processes</th><th>Location Where Processes Occurred</th></tr></thead><tbody><tr><td>3 count</td><td>AB123456 4" Gate Valve</td><td>Melting, poured, machined</td><td>Ironville, OH</td></tr><tr><td>60 count</td><td>XY654321 Reinforced Concrete Manhole</td><td>Melted, rolled, fabricated</td><td>Steel City, IA</td></tr><tr><td>60 count</td><td>XZ123456 Manhole Cover</td><td>Melted, cast, finished</td><td>Stainless, MS</td></tr><tr><td>1200 linear feet</td><td>AB654321 4" Ductile Iron Water Pipe</td><td>Melted, rolled, finished</td><td>Pipetown, CA</td></tr></tbody></table>	Quantity	Description	Manufacturing Processes	Location Where Processes Occurred	3 count	AB123456 4" Gate Valve	Melting, poured, machined	Ironville, OH	60 count	XY654321 Reinforced Concrete Manhole	Melted, rolled, fabricated	Steel City, IA	60 count	XZ123456 Manhole Cover	Melted, cast, finished	Stainless, MS	1200 linear feet	AB654321 4" Ductile Iron Water Pipe	Melted, rolled, finished	Pipetown, CA
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I further certify that the products and/or materials are in full compliance with the Build America, Buy America requirement as mandated in the U.S. Environmental Protection Agency's State Revolving Fund programs. If any of the above compliance statements change while providing material to this project we will immediately notify the supplier, prime contractor, consulting engineer, or project owner.																																									
Specifies the Products	Signature of Manufacturer's Representative																																								
On behalf of IRON & STEEL, INC., <i>Jane Smith</i> Jane Smith Product Quality Manager																																									
Specifies the Manufacturing Processes and the U.S. Locations Where They Were Performed																																									