

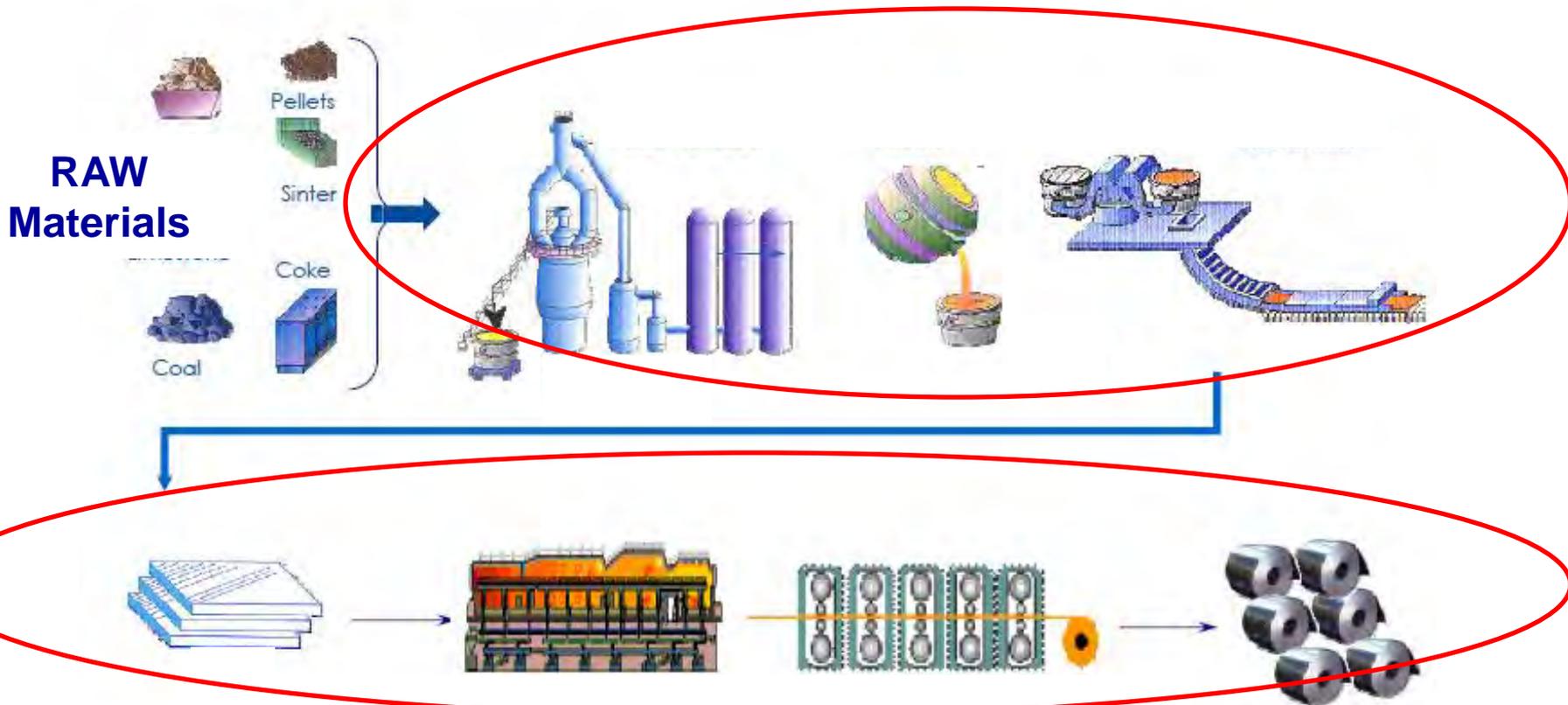
Buy America



- 23 USC 313
- 23 CFR 635.410
- All Federal-aid construction projects
- IRON & STEEL only – Permanently Installed
 - All manufacturing processes must take place domestically
 - Includes coatings on these materials
- Minimal use = 0.1% (contract value) or \$2500 (which ever is greater)
- Waivers

Buy America Coverage

Integrated Mill Producing Sheet Products

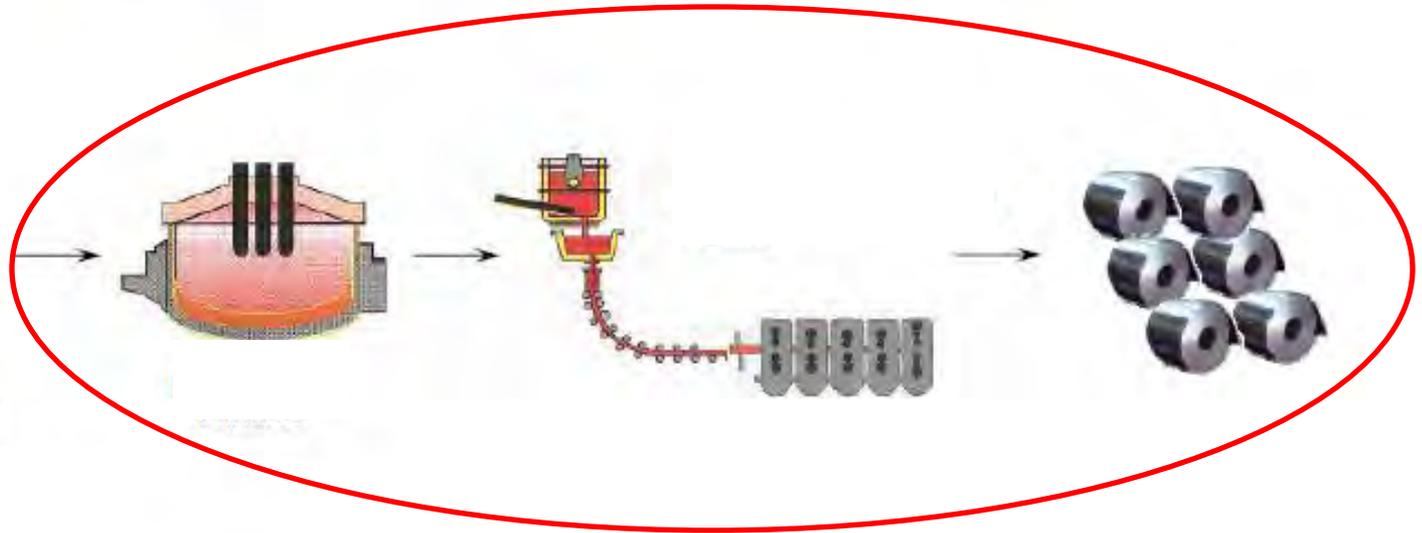


Buy America Coverage

EAF Mini-Mill Producing Sheet Products



SCRAP



Buy America

- If domestically-produced steel or iron ingots are shipped overseas for any manufacturing process and then returned to U.S., the resulting product **does not conform** with the Buy America requirement.
- Enforcement of Buy America is a State responsibility.

What about a manufactured product???

- **Manufactured product** - *"a good brought to the construction site for incorporation into the project that has been processed into a specific form or shape or combined with other raw material to create a material that has different properties than the properties of the individual raw materials."* (2 CFR 176.140)

What about a manufactured product???

Examples of products that are subject to Buy America coverage include, but are not limited to, the following:

- steel or iron products used in pavements, bridges, tunnels or other structures, which include, but are not limited to, the following: fabricated structural steel, reinforcing steel, piling, high strength bolts, anchor bolts, dowel bars, permanently incorporated sheet piling, bridge bearings, cable wire/strand, prestressing / post-tensioning wire, motor/machinery brakes and other equipment for moveable structures;
- guardrail, guardrail posts, end sections, terminals, cable guardrail;
- steel fencing material, fence posts;
- steel or iron pipe, conduit, grates, manhole covers, risers;
- mast arms, poles, standards, trusses, or supporting structural members for signs, luminaires, or traffic control systems; and
- steel or iron components of precast concrete products, such as reinforcing steel, wire mesh and pre-stressing or post-tensioning strands or cables.

The miscellaneous steel or iron components, subcomponents and hardware necessary to encase, assemble and construct the above components (or manufactured products that are not predominantly steel or iron) are not subject to Buy America coverage. Examples include, but are not limited to, cabinets, covers, shelves, clamps, fittings, sleeves, washers, bolts, nuts, screws, tie wire, spacers, chairs, lifting hooks, faucets, door hinges, etc.

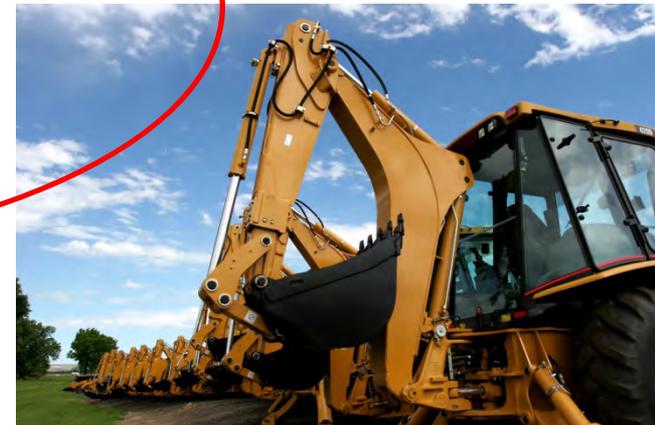
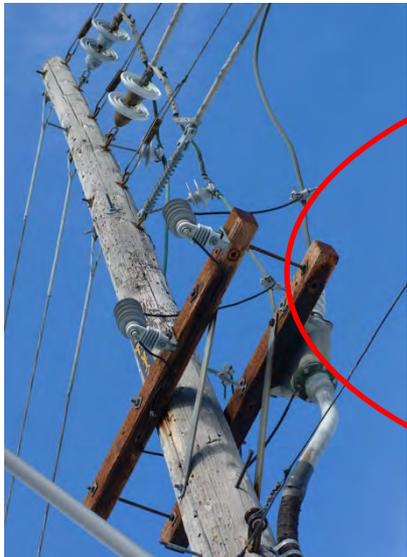


What about MAP – 21 Changes???



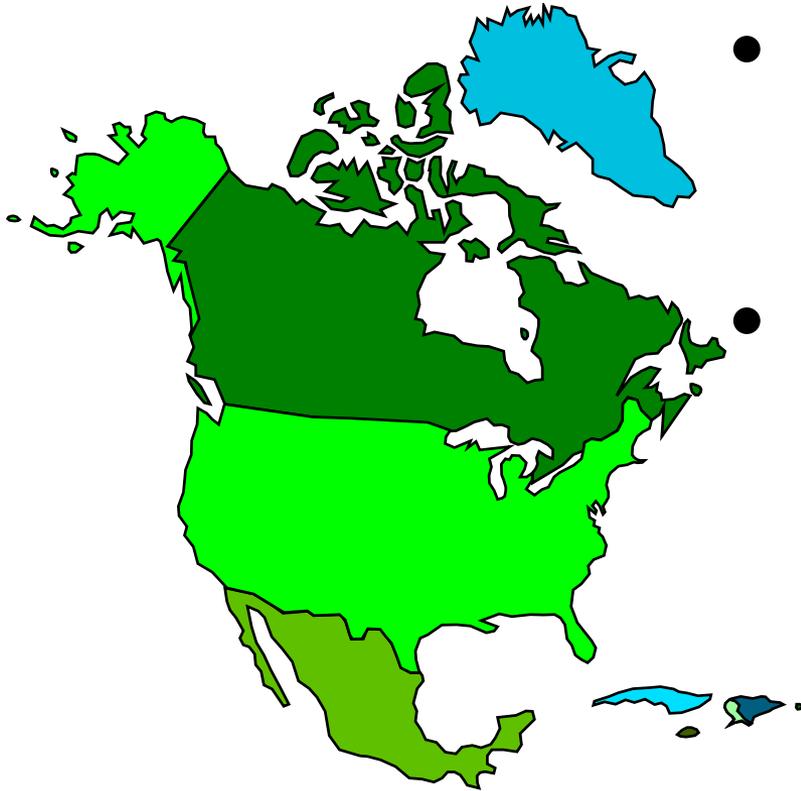
Buy America

ALL CONTRACTS
- UTILITY
- CONSTRUCTION



Buy America

- NAFTA does not apply
- NAFTA exempts grants, loans & other forms of Federal Financial Assistance
- Buy America is NOT the same as Buy American



Buy America Waivers

- Nationwide Waivers – by FHWA rule making
 - Specific Ferryboat parts in February 1994
 - Pig iron, scrap, raw alloy materials, pelletized or reduced iron ore in August 1994
- Project Waivers
 - Must comply with 23 CFR 635.410(c)(1) – (public interest / unavailable domestically)
 - Consider re-design with domestic
 - Requires HQ review and Consideration.
 - March 13, 2008 memorandum
 - Includes a 15 day information public review and comment period.
 - Required to publish in the Federal Register 1 day before effective
 - Could add 6 plus weeks to the approval process

Buy America Waiver Process

- Waiver request must include:
 - Federal-aid/ARRA project number
 - Project description
 - Project cost
 - Waiver item cost
 - Brief description of the item's function
 - Country of origin for the product
 - Reason for the waiver

Buy America Waiver Process

- Waiver process is initiated by contracting agency (WisDOT) if it believes waiver is warranted under provisions of 23 CFR 635.410 (c).
- WisDOT submits waiver request to FHWA Division in advance of need (preferably during preliminary engineering stage).
- Division reviews the waiver for sufficiency and forward to Headquarters (HIF) with recommendations

Buy America Waiver Process

- FHWA posts the waiver for 15-day public comment period
 - <http://www.fhwa.dot.gov/construction/contracts/waivers.cfm>
 - Coordinates with appropriate industry associations (NSBA, AISI, and AISC)
 - Provide summary of findings and justifications for the waiver.
 - Submits an intent to issue a waiver for the product to the Chief Counsel, then to Secretary for publication in Federal Register.
 - Federal Register publication constitutes approval of the waiver.
- Process may take considerable time to complete (maybe 60 days)

FHWA Buy America Waiver Notices

Request

Action: Notice, request for comments.

Web posting date: 01/10/2011

Federal Register Notice of Finding Publication Date: to be determined

Effective Date of Federal Register: to be determined

Close of public comment period: 15 days following the effective date

Summary: The Federal Highway Administration (FHWA) is seeking comments on whether a waiver of the Buy America requirements of 23 CFR 635.410 should be granted to permit the use of non-domestic **1) Galvanized ground bushing (3/4"-4") for electrical system. 2) Form 5/Form 7 condulet body assembly (1.5", 2"). 3) Sealing Locknuts (1.5", 2")** in the state of **Oregon**.

FHWA will only consider a Buy America waiver when the conditions of 23 CFR 635.410(c) have been met: (1) when the application of the provision would be inconsistent with the public interest; or (2) when steel and iron products are not produced in the United States in sufficient and reasonably available quantities, which are of a satisfactory quality.

The FHWA will consider all comments received in the initial 15-day comment period during our evaluation of the waiver request. Comments received after this period, but before notice of our finding is published in the Federal Register, will be considered to the extent practical. Follow-up coordination on the comments received may result in a delay in the publication of our waiver finding in the Federal Register. Comments received during the 15-day comment period after notice of our finding is published in the Federal Register will be reviewed, but the finding will continue to remain valid. Comments received during the comment period after the effective date of the finding will be reviewed, and may influence the FHWA's decision to terminate or modify a finding.

ODOT contact: Mark Foster; Mark.A.FOSTER@odot.state.or.us Ph. 503-731-8288.

Comments

John Henninger 01/10/2011
Deny the waiver
Thomas Gentry 01/10/2011
Only buy American
John Keusch 01/13/2011
The waiver should be granted. In order to achieve a more fluid and consistent level of putting Americans back to work now should be the highest importance in this country. It is quite obvious that denying the waiver could cause a very apparent slow down in our country's productivity of employment assembly
Bob 01/21/2011
The sealing locknut can be a washer with a locknut in all states Solar panels will be washer Lock washer stainless steal nut. Summary: The Federal Highway Administration (FHWA) is seeking comments on whether a waiver of the Buy America requirements of 23 CFR 635.410 should be granted to permit the use of non-domestic 1) Galvanized ground bushing (3/4"-4") for electrical system. 2) Form 5/Form 7 condulet body assembly (1.5", 2"). 3) Sealing Locknuts (1.5", 2") in the state of Oregon.
Michael Schwartz, PE 04/08/2011
What makes this particular installation so unique as to justify a waiver. Domestic products should be required!

Related Information

- [Every Day Counts](#)

Contact

Edwin Okontwo
Office of Program Administration
202-368-1558
[E-mail Edwin](mailto:Edwin)

<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm>

True or False ?

Willful violation of a Buy America certification could be grounds for debarment.

Excerpt from 23 USC 313 (e)

“ (e) Intentional Violations.--If it has been determined by a court or Federal agency that any person intentionally--

(1) affixed a label bearing a ``Made in America'' inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(2) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States;

that person shall be ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

Successful Practices

- DOTs should consider Buy America waivers during preliminary engineering phase to avoid delays during construction, and explore the use of alternate domestic products.
- DOTs consider Buy America waivers in their risk assessment of the Federal-aid program.
- DOTs have adequate material certification procedures in their program to ensure compliance.

Made in America?



Made in America?



Buy America Compliance

		АО "НОВОЛИПЕЦКИЙ МЕТАЛЛУРГИЧЕСКИЙ КОМБИНАТ" NOVOLIPETSK IRON & STEEL CORPORATION									
Продавец (Экспортер) Seller (Exporter) VO TIAJПРОМЕХПОРТ 113324 MOSCOW OVCHINNICOVSKAJA NAB,18/1 Customer, Address, Country: INTERMETAL GROUP LTD ROAD TOWN, TORTOLA INT. BUILDING, WICHAMDS CAY		СЕРТИФИКАТ КАЧЕСТВА № 119102 Quality certificate от 23/12/96 from Контракт № 44-166/06700-147 Contract No от 28/05/96 from Заказ № 361654 -96 Барон № 42565234 Order No. Freight Car No.									
Наименование и код товара Description and code of goods HOT ROLLED COILS 720823990		СТАНДАРТ Standart ASIM A 635	Кол-во товара Quantity 3								
№ п.п. Item No.	№ поз. Pos. No.	Номера плавов Nos. of Heats	Группы (кл.) прочности Group (class) of strength	Марка стали Grade of Steel	Размеры, мм Dimensions, mm	Номера мест Package Nos.	Масса (кг.) Mass (kg.)				
							брутто gross	нетто net			
1	1	1662960		1020	4.57 1210	366	20710	20700			
2	1	1662960		1020	4.57 1210	367	20510	20500			
3	1	1662960		1020	4.57 1210	368	20410	20400			
							61630	61600			
Показатели качества товара Химический состав, %		Quality Characteristic of Goods Composition, %									
№ п.п. Item No.	№ поз. Pos. No.	Номера плавов Nos. of Heats	C	Si	Mn	S	P	Al	Cr	Ni	Cu
1	1	1662960	.17	.03	.44	.016	.011	.038	.01	.01	.03
2	1	1662960	.17	.03	.44	.016	.011	.038	.01	.01	.03
3	1	1662960	.17	.03	.44	.016	.011	.038	.01	.01	.03
Механические свойства Mechanical Properties											
№ п.п. Item No.	№ поз. Pos. No.	Номера партий Nos. of Lots	Предел прочности Tensile strength								
1	1	40023	457.0								
2	1	40023	457.0								
3	1	40023	457.0								
Примечание Note:		Тем-ра ковки при-и:760-800 Смотки:570-610									
Дополнительная маркировка покупателя Additional marking of Foreign Buyer		Подтверждаем, что результаты проверки соответствуют согласованным условиям поставки. This is to certify, that the test results are in agreement with the specifications.									
		Подпись: _____ Работник ОТК Савина В.И. the representative of QCD									

- Steel mill test report from Moscow

D'oh



Buy America Compliance

SUPER CHENG INDUSTRIAL CO., LTD.

NO. 18 BEN-GONG 2nd ROAD., BEN CHOU INDUSTRIAL PARK, KAOHSIUNG COUNTY 820, TAIWAN R.O.C.
 TEL : 886-7-6225326-30(5 LINES) FAX : 886-7-6215377/6215378/6215379

CERTIFICATE OF INSPECTION

CERT. # : S03-1110-05 ISSUED DATE : 2012/2/7 PAGE 1 OF 1

CLIENT : SUPER CHENG INDUSTRIAL CO., LTD.
 ADDRESS : NO. 18 BEN-GONG 2nd ROAD., BEN CHOU INDUSTRIAL PARK, KAOHSIUNG COUNTY 820, TAIWAN R.O.C.
 PURCHASER : FASTENAL COMPANY PURCHASING PO # : 110103116
 PART #36757 QTY SHIPPED : 3,000 PCS

COMMODITY : GRADE DH HEAVY HEX NUT , SINGLE CHAMFER FINISH : HDG+BLUE WAX
 SIZE : 3/4-10 O/S 0.020 LOT# : S03-1110-05 SAMPLING PLAN : ANSI/ASME B18.18.2M-93
 QTY : 25393 PCS MATERIAL : CH40ACR HEAT NO. : 1WS97
 MANUFACTURER : SUPER CHENG IND. CO., LTD. MANU. DATE : 2011/10/16

DIMENSIONAL INSPECTION		SPEC. : ANSI/ASME B18.2.2-10		SAMPLED BY : CHI FENG CHIU	
ITEM	SAMPLE SIZE	SPECIFIED	ACTUAL RESULT	JUDGMENT	
APPEARANCE	100	ASTM F812-07	GOOD	OK	
W.A.F.	32	1.250 ~ 1.212 in.	1.230 ~ 1.226 in.	OK	
W.A.C.	8	1.443 ~ 1.382 in.	1.399 ~ 1.393 in.	OK	
THICKNESS	8	0.758 ~ 0.710 in.	0.723 ~ 0.717 in.	OK	
THREAD	32	ANSI/ASME B1.1	PASS	OK	

MECHANICAL PROPERTIES		SPEC. : ASTM A563-07a		SAMPLED BY : CHI FENG CHIU	
ITEM	SAMPLE SIZE	TEST METHOD	SPECIFIED	ACTUAL RESULT	JUDGMENT
HARDNESS	8	ASTM F606-10	38 ~ 24 HRC	33.0 ~ 27.0 HRC	PASS
PROOF LOAD	4	ASTM F606-10	MIN 58450LB	58824 ~ 58793 LB	PASS

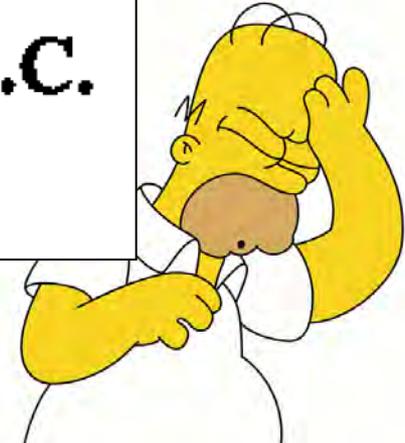
- Steel mill test report from Taiwan

D'oh

UNTY 820, TAIWAN R.O.C.
/6235829

REMARK : 1 · THIS REPORT SHALL NOT BE REPRODUCED WITHOUT THE APPROVAL OF THE LAB.
 2 · THIS INSPECTION CERTIFICATE IS FOR THE USE OF THE ABOVE SAMPLES TESTED CONFORM TO THE STANDARDS.

LAB. DIRECTOR(SIGNATORY) :

Buy America Compliance

4P	Size	Grade	Items
	32/10	E60	1
Class	Job: 016665-00		
0	Ref: 15-E		
	STH 100/USH 45 OVER CTH BB		
	LUNDA CONSTRUCTION CO.		
	Ref: P.O. #SH8432		
	Qty: 51667		
	Wt: 2,245		
STR. B-40-745 PIER BAL EPOXY			
Midwest Pipe & Rebar Coating			
ANP1			
Run: 137648			

Buy America Compliance

LINCA CONSTRUCTION CO.

ANPT

BAR

Rebar Grade 60, Epoxy

P.O. #SH8432

51887

STR B-40-745 PIER BAL EPOXY

Qty	Size	Length	Mark	Shape	Lbs	A	B	C	D	E	FR	G	H	I	K	O	BC
-----	------	--------	------	-------	-----	---	---	---	---	---	----	---	---	---	---	---	----

Mill Test Certificates Required

MECHANICAL CO. PHOENIX

P.O. #100-111-1

10000 CHESTER

20	7	42-03	P113	1-2P	CH	4489												609
10	8	53-02	P1102	3P		2772												0
30						7261												0
10	10	52-02	P1021	4P		2245												0
20	10	21-05	91003	5P		1865												0
30						4110												0
43	8	57-05	P608	6P		3709												0
43						3709												0
20	4	54-04	P418	7P		726												0
20						726												0

Total Weight: 15,806 Lbs

Longest Length: 57-05

SPLICE BARS WITH LOAD: 1 PC. PER SIZE PER HEAT AS FOLLOWS:

- #3-#6 = 8'0"
- #7-#8 = 10'0"
- #9 = 12'0"
- #10 = 14'0"
- #11 = 16'0"



Buy America Compliance

SOLD TO: HARRIS SUPPLY SOLUTIONS INC
318 ARVIN AVE
STONEY CREEK ON L&E 2M2
CANADA

NUCOR
NUCOR STEEL KANKAKEE, INC.

CERTIFIED MILL TEST REPORT

Page: 1

SHIP TO: HARRIS SUPPLY SOLUTIONS INC
C/O KINDER MORGAN CHICAGO IL
162 EAST 26TH STREET
CHICAGO HEIGHTS, IL 60411-

Ship from:
Nucor Steel Kankakee, Inc.
One Nucor Way
Bourbonnais, IL 60914
815-937-3131

Date: 29-Sep-2011
B.L. Number: 431601
Load Number: 216075

Material Safety Data Sheets are available at www.nucorbar.com or by contacting your inside sales representative

HEAT NUM	DESCRIPTION	PHYSICAL TESTS					CHEMICAL TESTS									
		YIELD P.S.I.	TENSILE P.S.I.	ELONG % IN 8"	BEND	WT% DEF	C	Mn	P	S	Si	Al	Cu	Sn	Pb	
PO# => KN1110389001	P111041-CYCLE 4 Nucor Steel - Kankakee Inc 32#10 Rebar 60" A615M Gr 420 (Gr60) ASTM A615/A615M-09b GR 60[420] AASHTO M31-07 Melted 08/29/11 Rolled 09/03/11	68,527 472MPa	99,540 686MPa	14.6%	OK	-3.4% .070	.36 .22 CEA706 0.56	1.03 15	.017 .065	.046 .019	.20 .003				38	
PO# => KN1110389001	P112282 Nucor Steel - Kankakee Inc 32#10 Rebar 60" A615M Gr 420 (Gr60) ASTM A615/A615M-09b GR 60[420] AASHTO M31-07 Melted 08/29/11 Rolled 09/03/11	68,527 472MPa	99,540 686MPa	14.6%	OK	-3.4% .070	.36 .22 CEA706 0.56	1.03 15	.017 .065	.046 .019	.20 .003				38	
PO# => KN1110389101	P111041-CYCLE 4 Nucor Steel - Kankakee Inc 32#10 Rebar 60" A615M Gr 420 (Gr60) ASTM A615/A615M-09b GR 60[420] AASHTO M31-07 Melted 08/29/11 Rolled 09/03/11	68,212 470MPa	98,655 680MPa	14.6%	OK	-2.9% .071	.39 .21	1.07 10	.016 .059	.044 .019	.21 .001				38	

Buyer, please take the necessary steps to ensure the steel described herein was produced in the United States. This report was prepared on the basis of the information furnished by the manufacturer. The steel was melted and manufactured in the United States.



QUALITY ASSURANCE
Nucor Steel

Buy America Recap

- Buy America applies only to the Federal-aid highway construction program.
- Applies to iron and steel products and their coatings. Raw materials were originally included; iron ore, and raw alloys. However, lack of adequate domestic supply resulted in a 1995 nationwide waiver for iron ore, pig iron, reduced/processed/pelletized
- All manufacturing processes must take place domestically. Manufacturing is any process that modifies the chemical content; physical shape or size; or final finish of a product. Manufacturing begins with the initial melting and mixing, and continues through the bending and coating stages. If a domestic product is taken out of the US for any process, it becomes foreign source material.

- Minimal Use Criteria - Non-domestic iron and steel materials may be used provided, the cost of such material does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project.
- Materials must be permanently installed, not temporary. Temporary materials may be left in place at the contractor's convenience.
- Under an alternate bid procedure, foreign source materials may be used if the total project bid using foreign source materials is 25% less than the lowest total bid using domestic materials.
- Only FHWA can approve waivers and it may take 60 days.

- NAFTA does not apply. There is a specific exemption within NAFTA for grant programs such as the Federal-aid highway program.
- Buy America is a separate and distinct program from Buy American. Buy American applies to all federal direct procurements.
- In 1994, a nationwide waiver for specific ferryboat parts came into effect.

Resources

David D. Platz, PE, PTOE
Construction & Contract Administration Engineer
FHWA | Wisconsin Division | Programs Team
Phone: 608-829-7509

dave.platz@dot.gov

<http://www.fhwa.dot.gov/construction/cqit/buyam.cfm>