Florida Department of Transportation

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MATERIALS BULLETIN NO. 06-16
DCE MEMORANDUM NO. 08-16
(FHWA Approved: 7/11/2016)

TO: **DISTRICT MATERIALS RESEARCH ENGINEERS**
DISTRICT CONSTRUCTION ENGINEERS

FROM: Timothy J. Ruelke P.E., Director, Office of Materials
David A. Sadler, P.E., Director, Office of Construction

COPIES: Amy Tootle, Phillip Gainer, Bob Burleson, Nick Finch, Rafiq Darji, Tim Lattner, Robert Robertson, Dan Hurtado, Michael Bergin

SUBJECT: **BUY AMERICA REQUIREMENTS – ALL PRODUCERS**

The Code of Federal Regulations, 23 CFR 635.410 requires that domestic steel or iron materials be used on projects which utilize Federal funding in any phase of the project. In 2012, the Federal Highway Administration (FHWA) issued a memorandum to clarify the impact of this legislation. The December 21, 2012 memorandum provided an exemption for certain miscellaneous steel or iron products available as off-the-shelf products. On December 22, 2015, the United States District Court for the District of Columbia ruled that the 2012 FHWA memorandum was not in compliance with the requirements of 23 CFR 635.410. As a result of this ruling, all items containing foreign steel which are permanently incorporated into the completed work must now be tracked in accordance with Section 6-5.2 of the Standard Specifications. Such previously exempt items include cabinets, covers, shelves, clamps, fittings, sleeves, washers, bolts, nuts, screws, tie wire, spacers, chairs, lifting hooks, faucets, light bulbs, door hinges, etc. Producers, Contractors and Construction personnel must implement these changes immediately.

Should you have any questions please contact Mike Bergin (michael.bergin@dot.state.fl.us) at 352-955-6666 or John Westphal (john.westphal@dot.state.fl.us) at 850-414-4141.

TR/mb