

How do the Federal Buy America Provisions apply to Local Agency Program projects?

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**Purpose:** To clarify the [Buy America provisions of 23 CFR 635.410](#), governing the source of supply for steel and iron products, as it applies to projects within the Local Agency Program as this is a program funded via federal aid.

**Details:** For Federal-aid Contracts, the source of supply for permanently incorporated steel and iron products must be in compliance with the Buy America provisions of 23 CFR 635.410, as amended. To be considered to be in compliance, all manufacturing processes for the material must occur in the United States. In this context, a manufacturing process is any process that modifies the chemical content, physical shape or size, or final finish of a product, beginning with the initial melting and mixing and continuing through the bending and coating stages. A manufactured steel or iron product is complete only when all grinding, drilling, welding, finishing and coating have been completed. If a domestic product is taken outside the United States for any process, it becomes 100% foreign source material. When using steel and iron as a component of any manufactured product incorporated into the project (e.g., concrete pipe, prestressed beams, corrugated steel pipe, etc.), these same provisions apply, except that the manufacturer may use minimal quantities of foreign steel and iron when the cost of such foreign materials does not exceed 0.1% of the total Contract amount or \$2,500, whichever is greater. These requirements are applicable to all steel and iron materials incorporated into the finished work, but are not applicable to steel and iron items that the Contractor uses but does not incorporate into the finished work. The Contractor must provide certification from the producer of steel or iron, or any product containing steel or iron as a component, stating that all steel or iron furnished or incorporated into the furnished product was manufactured in the United States in accordance with the requirements of the Buy America provisions of 23 CFR 635.410, as amended. The certification must also include (1) a statement that the product was produced entirely within the United States, or (2) a statement that the product was produced within the United States except for minimal quantities of foreign steel and iron valued at \$ (actual value).

**References:** [Code of Federal Regulations, 23 CFR 635.410](#); [FDOT Specifications 6-5.2](#)

\*\*\* Check for updates to the [FDOT Specifications > Supplemental Specifications](#) \*\*\*

**Exceptions:** A written request for waiver, accompanied by supporting information, may be made in advance of the need on the project through FDOT and the FHWA Division Office to the FHWA Regional Administrator if (1) the application of these provisions would not be consistent with the public interest, or (2) steel and iron materials/products are not produced in the United States in sufficient and reasonably available quantities which are of satisfactory quality.

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