



U.S. Department
of Transportation
**Federal Highway
Administration**

Florida Division

January 19, 2016

3500 Financial Plaza, Suite 400
Tallahassee, Florida 32312
Phone: (850) 553-2201
Fax: (850) 942-9691 / 942-8308
www.fhwa.dot.gov/fldiv

In Reply Refer To:
HDA-FL

Mr. Jim Boxold
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

Re: U.S. District Court Decision Related to Buy America Requirements

Attn: Mr. Tom Byron, FDOT Chief Engineer

Dear Secretary Boxold:

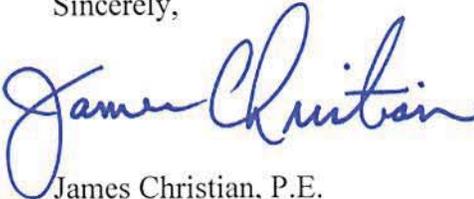
On December 22, 2015, Judge Amit P. Mehta from the U.S. District Court for the District of Columbia issued a decision granting Plaintiffs' motion for summary judgment and denying Defendant's motion for summary judgment in a case that challenged Federal Highway Administration's (FHWA) issuance of a December 21, 2012 memorandum, (<http://www.fhwa.dot.gov/construction/contracts/121221.cfm>). The memo defined predominately steel and iron manufactured products as those that have more than 90 percent steel or iron and waived Buy America requirements for miscellaneous steel or iron components, subcomponents and hardware. As a result, the judge vacated the 90 percent threshold exemption for manufactured steel and iron products and the miscellaneous steel or iron components, subcomponents and hardware waiver.

As a result of this decision, the FHWA has withdrawn the December 21, 2012 memorandum. Until FHWA updates its regulatory policy, Florida Department of Transportation and local public agencies administering Federal-aid projects must use the existing statute, regulation and implementing policy memos to administer the Buy America requirements. We are aware that the "Florida – Guidelines for the Implementation of Buy America Requirements for Utility Relocations," dated January 16, 2014, was primarily developed utilizing the guidance provided in the December 21, 2012 memorandum. Please take any and all steps necessary to ensure that all State policy, guidance, specifications or procedures issued for use on Federal-aid projects, including the aforementioned Guidelines, comply with the current Buy America requirements. For details, see FHWA's Construction Program Guide for Buy America (<https://www.fhwa.dot.gov/construction/cqit/buyam.cfm>)

These revisions do not impact Federal-aid construction projects that have already been awarded.

Should you have any questions or require additional clarifications, please do not hesitate to contact me at 850-553-2202 or Rafiq Darji at 850-553-2242. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink that reads "James Christian". The signature is written in a cursive, flowing style.

James Christian, P.E.
Division Administrator

cc: Mr. Brian Blanchard, FDOT Assistant Secretary
Mr. Tom Byron, FDOT Chief Engineer