

ODOT Buy America Update for Construction Projects

2-15-2024

Projects authorized Prior to Nov 10, 2022	Buy America in 2019 Construction Specifications 106.02(B) or 2009 Construction Special Provisions 106-5(a-f) 09 apply to all ODOT let projects regardless of federal funds. They apply only to all steel or iron products permanently incorporated into the project. The products were grouped into 6 categories and contractors and subcontractors are required to submit certifications to the Resident Engineer for certain categories. Minimal use of foreign steel or iron is allowed if the cost of the steel and iron products as they are delivered to the project does not exceed 0.1 percent of the total Contract amount, or \$2,500, whichever is greater.
Projects with federal authorization between Nov 10, 2022 and Aug 15, 2023:	Buy America Special Provisions 106-5(a-c) 12-7-22 apply and only for federally funded projects. This applies to all iron or steel products <i>and 5 construction materials: Non-ferrous metals, Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), Glass (including optic glass), Lumber and Drywall permanently included in the project. Categories for steel or iron products was eliminated.</i> Minimal use of foreign steel or iron is allowed if the cost of the steel and iron products as they are delivered to the project does not exceed 0.1 percent of the total Contract

	<p>amount, or \$2,500, whichever is greater. The contractor is required to submit a certificate of compliance and maintain supporting documentation for compliance, and must provide it to the Department or FHWA on request.</p>
<p>Projects with federal authorization after Aug 15, 2023:</p>	<p>Buy America Special Provisions 106-5(a-c) 11-21-23 apply and only for federally funded projects. This applies to all iron or steel products and 8 construction materials: Non-ferrous metals, Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), Glass (including optic glass), Lumber, Drywall, <i>Fiber optic cable (including drop cable), Optical fiber, and Engineered wood</i> permanently included in the project. Categories for steel or iron products was eliminated. Minimal use of foreign steel or iron is allowed if the cost of the steel and iron products as they are delivered to the project does not exceed 0.1 percent of the total Contract amount, or \$2,500, whichever is greater. The contractor is required to submit a certificate of compliance and maintain supporting documentation for compliance, and must provide it to the Department or FHWA on request.</p> <p><i>Two new waivers apply:</i></p> <ul style="list-style-type: none"> <i>If the total value of the non-complaint construction material excluding iron and steel is no more than the lesser of \$1,000,000 or 5% of total applicable costs for the project, Buy America does not apply for those products. The total</i>

	<p><i>applicable project costs are defined as the cost of all materials including iron and steel subject to Buy America requirements. The Contractor assumes the responsibility of tracking the costs of the materials and providing the certification for the waiver if applicable.</i></p> <ul style="list-style-type: none">• <i>For projects identified by the Department as small grants with federal awards less than \$500,000, Buy America requirement is waived for all materials.</i>
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