

Buy America Clarification

To all involved with utility coordination -

There have recently been communications that were unclear or contradictory concerning Buy America Policies. The ambiguity has been in regards to when a Utility is subject to Buy America Policies and when the policies do not apply. The object of this communication is to clarify any uncertainty. It is important to note that the scope of this communication is limited to Buy America Policies as they relate to utilities in Indiana.

In the following, we will progress through the steps of a logic tree to determine when Buy America applies to a Utility. Please refer to the diagram titled, "Buy America Logic Tree" found on page 2 during this progression.

1: Is the project funded at any stage through Federal-aid highway funding?

No - Buy America does not apply.

Yes - Proceed to step 2a.

2a: Is the Utility eligible for reimbursement?

No - Buy America may still apply, proceed to step 2b.

Yes - Buy America applies. **(If the Utility is eligible for reimbursement then Buy America Policies apply, regardless of whether the Utility is being reimbursed or paying for relocation itself.)**

2b: Will the relocation of the Utility be done in the contract (Work in Contract)?

No - Buy America does not apply.

Yes - Buy America applies.

Note the caveat in step 2b, which warrants restating. Even in the case that a Utility is not eligible for reimbursement, if the relocation is done as work in contract and the project has Federal funding, then that relocation work is subject to the Buy America policies.

Additional resources regarding Buy America can be found at these locations:

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

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

BUY AMERICA LOGIC TREE

