

106-C-267 BUY AMERICA REQUIREMENTS

(Adopted 06-18-20)

The Standard Specifications are revised as follows:

SECTION 106, BEGIN LINE 81, DELETE AND INSERT AS FOLLOWS:

(c) Buy America Requirement

~~All contracts, whether financed entirely or partially with State or Federal funds, All contracts shall be supplied with steel and iron products that are made in the United States and shall comply with IC 5-16-8 and the 23 CFR 635.410.~~

~~Except for pig iron and processed, pelletized, and reduced iron ore, steel shall be made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer, or other steel making process. Except for pig iron and processed, pelletized, and reduced iron ore, all steel and cast iron materials and products permanently incorporated in the contract shall be manufactured in the United States. Manufactured products include those which are rolled, formed, shaped, drawn extruded, forged, cast, or fabricated. The United States includes all territories, continental and insular, subject to the jurisdiction of the United States of America.~~

~~Except for pig iron and processed, pelletized, and reduced iron ore, no steel or cast iron products produced in the United States may be modified in a foreign country and still comply with the Buy America Requirement. All steel or iron products incorporated permanently into a contract shall be made of steel or iron produced in the United States and all subsequent manufacturing shall be performed in the United States except for pig iron and processed, pelletized, and reduced iron ore. Manufacturing is any process that modifies the chemical content; physical shape or size; or final finish of a product. Manufacturing begins with the initial melting and mixing and continues through the bending and coating stages. If a domestic product is taken out of the United States for any process, it becomes a foreign source material. Manufactured products that are partially or predominantly steel, shall be entirely produced with domestic steel. If a product has miscellaneous foreign steel incorporated, such as fasteners or brackets, then those miscellaneous pieces shall be replaced or substituted.~~

1. Exceptions

The Engineer may grant specific written permission to use foreign steel or iron products when both of the following conditions apply:

- a) *The total cost of all foreign products to be used does not exceed 0.1 percent of the total Contract cost, or \$2,500, whichever is greater. The cost is the value of the product as delivered to the project.*
- b) *The specified products are not produced in the United States in sufficient quantity or otherwise are not reasonably available to meet the requirements of the Contract Documents. The Engineer may require the Contractor to obtain letters from three different suppliers documenting the unavailability of a product*

from a domestic source if the shortage is not previously established by the Department.

A Buy America Certification shall be submitted and received for each product or source of material prior to being incorporated into the contract in accordance with 916.02(g) and 916.03(a).
