

Buy American Act

“BUY AMERICAN ACT”

OBJECTIVES:

- Understand the basic requirements of the “Buy American Act”.
- Have the ability to apply to our daily functions.

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OBJECTIVES:

1. Ensure that the Suppliers, Customers, Reps and our Employees understand what it takes to ensure that they are in compliance with BAA.
2. The Suppliers\Subcontractor's need to know and document the origin of materials and products that they are supplying.
3. Understand the impact on Contractors\Suppliers\Subcontractor's and the Projects

“BUY AMERICAN” ACT

BUY AMERICAN ACT - Part of the Federal Acquisition Regulations System (FAR), Part 52, Subpart 2, Section 25, identified as FAR 52.225

We will work through the following topics:

- Construction Materials
- Trade Agreements

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- 52.225.2 : CONSTRUCTION MATERIALS - For the purposes of this discussion, construction materials are defined as permanent plant equipment, materials, or supplies.
- APPLICATION: Contracts for the construction, alteration, or repair of any public building or work in the U.S..
- RESTRICTIONS: Incorporation of any construction materials NOT considered domestic.

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DOMESTIC CONSTRUCTION MATERIALS
are defined as:

- An unmanufactured construction material mined or produced in the U.S.

OR

- Manufactured product when cost of domestic components exceeds 50% of the cost of all of it's components.

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FAR 52.225-12 Trade Agreements Act - Waives the “Buy American Act” for eligible products purchased from countries that have signed an international trade agreement with the U.S..

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APPLICATION OF TRADE AGREEMENTS:

Construction Materials may be purchased from the United States, Designated Countries (DC's) and signatories to the North American Free Trade Agreement (NAFTA).

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“DESIGNATED COUNTRY” CONSTRUCTION MATERIALS are defined as:

- Wholly the growth, product or manufacture from a designated country.
- In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different construction material distinct from the materials from which it was transformed.

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United States

- 50 states
- District of Columbia
- Territories and possessions
- Puerto Rico
- Northern Mariana Islands
- Any other place subject to US jurisdiction

NAFTA Countries

- Canada
- Mexico

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“Designated Countries”

Aruba	Denmark	Italy	Portugal
Austria	Djibouti	Japan	Republic of Korea
Bangladesh	Equat'l Guinea	Kiribati	Rwanda
Belgium	Finland	Korea	Sao Tome/Principe
Benin	France	Lesotho	Sierra Leone
Bhutan	Gambia	Liechtenstein	Singapore
Botswana	Germany	Luxembourg	Somalia
Burkina	Greece	Malawi	Spain
Faso	Guinea	Maldives	Sweden
Burundi	Guinea-Bissau	Mali	Switzerland
Canada	Haiti	Mozambique	Tanzania
Cape Verde	Hong Kong	Nepal	U.R. Togo
Central African Rep.	Ireland	Netherlands	Uganda
Chad	Israel	Niger	United Kingdom
Comoros		Norway	Vanuatu
			Western Samoa
			Yemen

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Restricted Countries:




BAA compliant projects cannot purchase or use supplies, material, or services originating in, transported from or through the following countries or entities:

- Cuba
- Iran
- Iraq
- Libya
- North Korea
- Sudan
- The territory of Afghanistan controlled by the Taliban
- Serbia (excluding Kosovo)
- Entities controlled by the government of Iraq

There are no exceptions to the requirement!

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PRIOR APPROVAL TO NOT COMPLY IS REQUIRED AND YOU MUST PROVE THE FOLLOWING:

-  **Public Interest** - Requires “**HEAD OF AGENCY**” approval and foreign government agreements.
-  **Non-availability** - **ONLY** if articles, materials, or supplies of the class or kind to be acquired are not mined, produced or manufactured in US/NAFTA/Designated Countries in sufficient and reasonably available commercial quantities.
Determination by Contracting Officer is REQUIRED.
-  **Unreasonable Cost** - **Determination by Contracting Officer is REQUIRED.**