**Build America, Buy America Act (BABA) Requirements**

**for Projects with Federal Financial Assistance**

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| **1.0** | **Applicability:** |
| **1.1** | **Applicability to this Project:** See page 1 of Section 00 11 16*Invitation to Bid* or page 1 of Section 00 41 00 *Bid Proposal Form* for applicability to this specific project.  **Effective Date:** The Federal Government’s “**Build America, Buy America Act (BABA)**”, enacted on November 15, 2021 under Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Sections 70901 – 70927 of Public Law No. 117-58, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects, effective **October 23, 2023** (except as provided in Title 2 of the Code of Federal Regulations (“2 CFR”), Part 184.2(c)).  **“Buy America Preference”:** In accordance with Sections 70912 and 70914 of BABA, all non-Federal entities who receive **Federal financial assistance** obligated on or after the effective date of October 23, 2023, for an infrastructure project, are subject to the provisions of BABA. The **Buy America Preference** provisions of BABA dictate that, absent a waiver, none of the funds made available for a Federal award for an infrastructure project may be obligated unless **all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.**  **Waivers to the Buy America Preference:** The Buy America Preference applies to infrastructure spending unless a Federal agency issues a waiver in three limited situations: 1) when applying the domestic content procurement preference would be inconsistent with the public interest, 2) when types of iron, steel, manufactured products or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality, or 3) where the inclusion of those products and materials will increase the cost of the overall project by more than 25 percent. Before issuing a waiver, under Section 70914(c), the head of a Federal agency must make publicly available a detailed written explanation for the proposed determination to issue the waiver and provide a period of not less than 15 days for public comment on the proposed waiver.  **Note:** The guidance provided in this section 00 73 73 is subject to change if the Office of Management and Budget (OMB) updates guidance on the application of BABA for Federal financial assistance programs for infrastructure. |
| **1.2** | **Applicable Federal Laws, Policies, and Guidance:**   * [Executive Order 14005: Ensuring the Future is Made in All of America by All of America’s Workers](https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers), January 25, 2021 * OMB [Memorandum M-21-26: Increasing Opportunities for Domestic Sourcing and Reducing the Need for Waivers from Made in America Laws](https://www.whitehouse.gov/wp-content/uploads/2021/06/m-21-26.pdf), June 11, 2021 * [Public Law 117-58: "Infrastructure Investment and Jobs Act"](https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf), November 15, 2021 * OMB [Memorandum M-22-08: Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act](https://www.whitehouse.gov/wp-content/uploads/2021/12/m-22-08.pdf), December 20, 2021 * OMB [Memorandum M-22-11: Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](https://www.whitehouse.gov/wp-content/uploads/2022/04/m-22-11.pdf), April 18, 2022 * [White House Guidebook To The Bipartisan Infrastructure Law For State, Local, Tribal, And Territorial Governments, And Other Partners](https://gfoaorg.cdn.prismic.io/gfoaorg/0727aa5a-308f-4ef0-addf-140fd43acfb5_BUILDING-A-BETTER-AMERICA-V2.pdf), May 2022 * Federal Register (FR), [88 FR 57787, Guidance for Grants and Agreements](https://www.federalregister.gov/documents/2023/08/23/2023-17724/guidance-for-grants-and-agreements), August 23, 2023*;* * [2 CFR Part 184](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-184), Buy America Preferences for Infrastructure Projects, August 23, 2023 * OMB [Memorandum M-24-02: Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](https://www.whitehouse.gov/wp-content/uploads/2023/10/M-24-02-Buy-America-Implementation-Guidance-Update.pdf), October 25, 2023 (“OMG Guidance”); * [Made In America Office (MIAO) Website](https://www.madeinamerica.gov/) * [MIAO Waiver Website](https://www.madeinamerica.gov/waivers/) * Agency-Specific [Buy America Waivers for Federal Financial Assistance Programs for Infrastructure](https://www.madeinamerica.gov/waivers/financial-assistance/) * Build America, Buy America Act – [OMB web page](https://www.whitehouse.gov/omb/management/made-in-america/build-america-buy-america-act-federal-financial-assistance/) |
| **1.3** | **Related DAS/CS Documents:**   * Section 00 21 13 Instructions to Bidders (subsection 1.20 Projects With Federal Financial Assistance); * Section 00 41 00 Bid Proposal Form (Attachment 4: Build America, Buy America Acknowledgment); * Section 00 72 13.1 Supplementary Conditions of the Contract for Construction for Design-Bid-Build (subsection 36.4 Build America, Buy America Act). |

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| **2.0** | **Definitions:**  Key terms that have relevance to the interpretation and implementation of the “Buy America Preference” are defined in the BABA statute and may be found in 2 CFR parts 184 and 200 and in OMB guidance. | | |
|  | **“Build America, Buy America Act (BABA)”** is defined in 2 CFR 184.3 andmeans division G, title IX, subtitle A, parts I–II, sections 70901 through 70927 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58). | | |
|  | **“Buy America Preference”** is defined in 2 CFR 184.3 and means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States. | | |
|  | **“Component”** is defined in 2 CFR 184.3 and means an article, material, or supply, whether manufactured or unmanufactured, incorporated directly into a manufactured product or, where applicable, an iron or steel product. | | |
|  | **“Construction materials”** is defined in 2 CFR 184.3 and means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material. | | |
|  | **(1)** | The listed items are: | |
|  |  | .1 | Non-ferrous metals; |
|  |  | .2 | Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables); |
|  |  | .3 | Glass (including optic glass); |
|  |  | .4 | Fiber optic cable (including drop cable); |
|  |  | .5 | Optical fiber; |
|  |  | .6 | Lumber; |
|  |  | .7 | Engineered wood; and |
|  |  | .8 | Drywall. |
|  | **(2)** | Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material. | |
|  | **“Federal Award”** is defined in 2 CFR 200.1 and means the Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in 2 CFR 200.101. | | |
|  | **“Federal Awarding Agency”** is defined in 2 CFR 200.1 and means the Federal agency that provides a Federal award directly to a non-Federal entity. | | |
|  | “**Federal Financial Assistance**” is defined in 2 CFR 200.1 and means assistance from the Federal Government that non-Federal entities receive or administer in the form of grants, cooperative agreements, non-cash contributions or donations of property, direct appropriations, loans, loan guarantees, and other types of financial assistance. | | |
|  | **“Infrastructure”** is described in 2 CFR 184.4(c) and encompasses public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging. See also 2 CFR 184.4(d). | | |
|  | **“Infrastructure project”** is defined in 2 CFR 184.3 andmeans any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. | | |
|  | **“Iron or steel products”** is defined in 2 CFR 184.3 and means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both. | | |
|  | **“Manufactured products”** is defined in 2 CFR 184.3 and means: | | |
|  | **(1)** | Articles, materials, or supplies that have been (i) processed into a specific form and shape, or (ii) combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies. | |
|  | **(2)** | If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under the paragraph below for “**Categorization of articles, materials, and supplies”** and the definitions set forth in this section, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under the paragraph below for “**Categorization of articles, materials, and supplies”** and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials. | |

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| **2.0** | **Definitions:** (continued) | |
|  | **“Manufacturer”** is defined in 2 CFR 184.3 and means the entity that performs the final manufacturing process that produces a manufactured product. | |
|  | **“Non-Federal Entity”** is defined in 2 CFR 200.1 and means a State, local government, Indian tribe, Institution of Higher Education, or nonprofit organization that carries out a Federal award as a recipient or subrecipient. | |
|  | **“Predominantly of iron or steel or a combination of both”** is defined in 2 CFR 184.3 andmeans that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components. | |
|  | **“Produced in the United States”** is defined in 2 CFR 184.3 and means: | |
|  | **(1)** | In the case of iron or steel products, all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. |
|  | **(2)** | In the case of manufactured products: (i) The product was manufactured in the United States; and (ii) The cost of components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product. See 2 CFR 184.2(a). The costs of components of a manufactured product are determined according to 2 CFR 184.5. |
|  | **(3)** | In the case of construction materials, all manufacturing processes for the construction material occurred in the United States. See 2 CFR 184.6 for more information on the meaning of “all manufacturing processes” for specific construction materials. |
|  | **“Section 70917(c) materials”** is defined in 2 CFR 184.3 andmeans cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917(c) of the Build America, Buy America Act. | |

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| **3.0** | **BABA Requirements for Buy America Preference:** | | |
| **3.1** | **Buy America Preference:** In accordance with the “Buy America Preference” defined in 2 CFR 184.3 and described in OMB M-24-02, the Bidder/Contractor is hereby notified that, absent a waiver, ***none*** of the funds provided under the Federal award may be used for this infrastructure project ***unless***: | | |
|  | **3.1.1** | **All iron and steel** used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. | |
|  | **3.1.2** | **All manufactured products** used in the project are produced in the United States – this means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product. See below for determining the cost of components for manufactured products. | |
|  | **3.1.3** | **All construction materials** are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States. The manufacturing processes and “construction material standards” are listed below. | |
| **3.2** | **Determining the cost of components for manufactured products:** In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions: | | |
|  | **3.2.1** | | For components purchased by the manufacturer: The cost of components is the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or |
|  | **3.2.2** | | For components manufactured by the manufacturer: The cost of components is all costs associated with the manufacture of the component, including transportation costs as described in the paragraph above, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product. |

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| **3.0** | **BABA Requirements for Buy America Preference:** (continued) | | |
| **3.3** | **Construction material standards and manufacturing processes:** The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material. | | |
|  | **3.3.1** | | **Non-ferrous metals:** All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States. |
|  | **3.3.2** | | **Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables):** All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States. |
|  | **3.3.3** | | **Glass (including optic glass):** All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States. |
|  | **3.3.4** | | **Fiber optic cable (including drop cable):** All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others. |
|  | **3.3.5** | | **Optical fiber:** All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States. |
|  | **3.3.6** | | **Lumber:** All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States. |
|  | **3.3.7** | | **Drywall:** All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States. |
|  | **3.3.8** | | **Engineered wood:** All manufacturing processes, from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States. |
| **3.4** | **Categorization Of Articles, Materials, And Supplies:** An article, material, or supply should only be classified into one of the following categories: (i) iron or steel products; (ii) manufactured products; (iii) construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated. | | |
|  | **3.4.1** | **Application of the Buy America Preference by Category.** An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified. | |
| **3.5** | **Incorporation Into An Infrastructure Project:** The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project. | | |
| **3.6** | **Funding for An Infrastructure Project:** The Buy America Preference applies to an *entire* *infrastructure project*, even if it is funded by both Federal and non-Federal funds under one or more awards. In other words, if an infrastructure project receives a Federal award, the Buy America Preference applies to both the Federal funds and non-Federal funds used for the infrastructure project. | | |
| **3.7** | **Subcontracts and Purchase Orders:** The Buy America Preference must be included in all subawards, contracts, subcontracts, and purchase orders for the work performed, or products supplied, under the Federal award. The terms and conditions of a Federal award flow down to subawards to subrecipients unless a particular section of the terms and conditions of the Federal award specifically indicates otherwise. | | |
| **3.8** | **Proof of Compliance by State Awarding Authority:** The State Awarding Authority must maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all sub-awardees, contractors and vendors to the State Awarding Authority. The State Awarding Authority must keep these certifications with the award/project files for a minimum of three years after the final expenditure report (2 CFR 200.334) and be able to produce upon request from the Federal awarding agency. | | |

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| **4.0** | **Waivers** | |
| **4.1** | When necessary, the Contractor may apply for, and the Federal awarding agency may grant, a waiver from the BABA requirements. To the greatest extent practicable, waivers should be targeted to specific products and projects.  A request to waive the application of the Buy America Preference must be provided to the Federal awarding agency. All waiver requests must include a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States and a certification that there was a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, or nonproprietary communications with potential suppliers. | |
| **4.2** | Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. | |
| **4.3** | When the Federal awarding agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the agency determines that: | |
|  | **4.3.1** | Applying the Buy America Preference would be inconsistent with the public interest (a “public interest waiver”); |
|  | **4.3.2** | The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”); or |
|  | **4.3.3** | The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “unreasonable cost waiver”). |
| **4.4** | The Contractor shall submit *approved* waivers (with all information and documentation) to the State Awarding Authority, the Construction Administrator, and the Architect/Engineer for the project. | |

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| **5.0** | **BABA Compliance Certification** | |
| **5.1** | **Contractor Responsibilities:** | |
|  | **5.1.1** | **BABA Compliance Certification:**The Contractor, through its Subcontractors, Sellers, Material Suppliers, and Manufacturers, shall provide written Certification(s) to the State Awarding Authority, the Construction Administrator, and the Architect/Engineer for the project that all iron, steel, manufactured products, and construction materials, as defined herein and provided for the project, comply with the BABA requirements of Section 70914 of the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58). “BABA Compliance Certification” means the documentation provided by the Contractor to the State Awarding Authority, the Construction Administrator, and the Architect/Engineer for the project, certifying that the items provided by each Contractor, Subcontractor, Seller, or Material Supplier meet the Buy America Preference of BABA.  **Requirements for BABA Compliance Certification:** The Certification(s) must, at a minimum, identify the item(s) being certified (short written description as well as part number, if applicable), identify the country of origin, and affirm that the item(s) complies with BABA. This document must be signed by an authorized company representative.  **Steps for “BABA Compliance Certification”:** The following steps describe how to produce a valid “*BABA Compliance Certification*” with Build America, Buy America Act domestic preference requirements and shall be carried out by an “Authorized and Knowledgeable Individual(s)”\*. The Certification(s) (and waiver[s], if applicable) shall be provided to the State Awarding Authority, the Construction Administrator, and the Architect or Engineer for the project.  \*An “Authorized and Knowledgeable Individual” has the necessary knowledge of the composition, fabrication and pricing of the iron, steel, manufactured products, and construction materials installed on the project. |

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| **5.0** | **BABA Compliance Certification:** (continued) | |
|  |  | **Step 1: Preparation:** An “Authorized and Knowledgeable Individual” of each Contractor, Subcontractor, Seller, Material Supplier, and/or Manufacturer shall collect country-of-origin information on all of the materials and components of products and shall include a short, written description of the item as well as part number, if applicable.  **Waiver Requests:** For those elements and items not satisfying the BABA requirement, separate requests for BABA waivers may be submitted to the Federal awarding agency. |
|  |  | **Step 2: Assemble the Data:** Each Contractor, Subcontractor, Seller, Material Supplier, or Manufacturer shall summarize the information collected in “Step 1: Preparation” by creating a table containing the country-of-origin for all materials and components of products employed in the project. Immediately below the material and product country-of-origin table, place the Certifying Authorized and Knowledgeable Individual(s) signatory space and date with their printed name(s). Below each signature should appear the title of the certifying individual(s), the company’s name, and the contact information including a telephone number and email address at which the individual(s) may be reached. |
|  |  | **Step 3: Documentation:** Each Contractor, Subcontractor, Seller, Material Supplier, or Manufacturer shall prepare a document, either paper or electronic, on the letterhead of their company titled “**BABA Compliance Certification**”. Include the State Awarding Authority’s name, Project Number, and Project Title underneath the title. Then insert the following statement:  *I hereby certify that to the best of my knowledge and belief all Iron, Steel, Manufactured Products, and Construction Materials installed on this project by my company and by any and all subcontractors and suppliers for this project comply with the Build America, Buy America Act (BABA) requirements of the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117- 58, §§ 70901-27), or are the subject of a waiver approved by the Federal awarding agency.* |
|  |  | **Step 4: Compilation:** Each Contractor, Subcontractor, Seller, Material Supplier, or Manufacturer shall then insert the information tabulated in “Step 2: Assemble the Data” for all materials and components of products employed in the project. |
|  |  | **Step 5: Certifying:** After compiling all information and documentation, each certifying individual(s) shall provide a signature and date, and shall submit the “**BABA Compliance Certification**” to the State Awarding Authority, the Construction Administrator, and the Architect or Engineer for the project. |
|  | **5.1.2** | **Applications for Payment:** The Contractor shall provide “BABA Compliance Certification(s)” to the Construction Administrator with the Schedule of Values for each item to which BABA applies, before submitting an Application for Payment. By submitting an Application for Payment, based in whole or in part on furnishing equipment or materials, the Contractor certifies that such equipment and materials, to contractor’s knowledge, are compliant with BABA requirements. |
|  | **5.1.3** | **Submittals, Product Data, Shop Drawings, and Samples:** The Contractor shall submit “BABA Compliance Certification(s)” to the State Awarding Authority, the Construction Administrator, and the Architect or Engineer with all applicable Submittals, including but not limited to, product data, Shop Drawings, and samples. The approval of Submittals, product data, Shop Drawings, and samples by the Architect or Engineer shall include a review of BABA documentation. The Contractor shall submit “BABA Compliance Certification(s)” or approved waiver(s) to the State Awarding Authority, the Construction Administrator, and the Architect or Engineer for their review and approval prior to items being delivered to the project site. |
|  | **5.1.4** | **Requests for Substitution of Materials and/or Equipment:** All requests for “Equals and/or Substitutions” shall be submitted with “BABA Compliance Certification(s)” and shall comply with BABA requirements. |
|  | **5.1.5** | **Deficiencies and/or Defective Work:** The Contractor shall comply with BABA requirements, including coordination with manufacturers, distributors, subcontractors, sellers, and suppliers, to correct deficiencies in any BABA documentation. Installation of materials or products in the permanent work that are not compliant with BABA requirements will be considered defective work and the Contractor will be required to remove the non-domestic item from the project. |
|  | **5.1.6** | **Change Orders:** For any change orders, the Contractor shall provide “BABA Compliance Certification(s)” for any new products or materials required by the change. |
|  | **5.1.7** | **Completion of Work:** The Contractor shall certify upon completion of the work that all items used on the project complied with BABA and that all “BABA Compliance Certification(s)” were provided. |

**End of Section 00 73 73**

**Build America, Buy America Act (BABA) Requirements for Projects with Federal Financial Assistance**