

2025 BUY AMERICA/ BUILD AMERICA BUY AMERICA INSERT

(For projects obligated on or after October 1, 2025)

This document is intended as a Build America Buy America (BABA, 2 CFR 184) and Buy America (BA, 23 CFR 635.410) contract insert that includes changes to the 2023 Standard Specifications for Highway Construction (SSHC), and the 2020 Quality Assurance Manual (Dated 10/19). For the purposes of this contract, the term “Buy America” refers to both Build America Buy America (BABA), and Buy America (BA).

REVISIONS TO THE 2023 SSHC

ON PAGE 11, SUBSECTION 101.04 – DEFINITIONS

09/25

Replace the definition of “Construction Material” with the following:

Construction Material (BABA, 2 CFR 184). A Construction Material is an article, material, or supply that consists of only one of the items listed, except for minor additions: non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cable); glass (including optic glass); lumber (including treated wood, and untreated wood); Fiber optic cable; Optical fiber; Engineered wood or drywall. To the extent one of the items listed above contains as inputs other items listed above, it is nonetheless a Construction Material. For example, fiber optic cable contains as inputs other items listed, such as glass and/or plastics, but fiber optic cable is nonetheless a Construction Material. Items specifically excluded from Construction Materials are products that are primarily iron or steel (defined under Iron and Steel Products); cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. Coatings do not change the categorization of a Construction Material. Minor additions of articles, materials, supplies, or binding agents to a Construction Material do not change the categorization of Construction Material. For example, wax added to engineered wood should not disqualify the engineered wood from categorization as a Construction Material. However, if before the engineered wood is brought to the work site, it is combined with glass or other items or materials to produce a new product, which is not listed above, the new product would be classified as a Manufactured Product, not a Construction Material.

ON PAGE 14, SUBSECTION 101.04 – DEFINITIONS

09/25

Add the following in alphabetical order:

Manufactured Product (BA, 23 CFR 635.410). A Manufactured Product is defined as articles, materials, or supplies that have been processed into a specific form and shape, or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies. Any product that is classified as an iron or steel product, an excluded material, or a Construction Material is not a Manufactured Product. Excluded materials, defined in 2 CFR 184.3, include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives. However, an article, material, or supply classified as a manufactured product may include components that are iron or steel products, excluded materials, or other product categories as specified by law or in 2 CFR part 184. Mixtures of excluded materials delivered to a work site without final form for incorporation into a project are not a manufactured product. The FHWA waiver on

Manufactured Products has been eliminated and 100% of the final assembly or manufacture of the Manufactured Product must occur domestically.

Manufacturer. In the case of Manufactured Products, manufacturer means the entity that performs the final manufacturing process that produces a Manufactured Product.

ON PAGE 59, 106.01.A.1 – IRON AND STEEL PRODUCTS

02/2024

Add the following after the first paragraph.

Iron or steel products means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both. “Predominantly of iron or steel” means 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.

ON PAGE 60, 106.01.A.1 – IRON AND STEEL PRODUCTS

02/2024

Delete the second sentence of the fifth paragraph and replace with the following:

Cost determination is based on supplier invoice costs.

ON PAGE 60, 106.01.A.2 – CONSTRUCTION MATERIALS

02/2024

Delete the first paragraph and replace with:

All Construction Materials must be produced in the United States. Produced in the United States is defined below for each Construction Material.

- (1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- (2) Plastic and polymer-based products. 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) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- (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.
- (5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- (6) Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.
- (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.

- (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.

ON PAGE 60, 106.01.A.2 – CONSTRUCTION MATERIALS

09/2025

Add the following after 106.01.A.2:

3. Manufactured Products (BA, 23 CFR 635.410).

All Manufactured Products must be produced in the United States. For Manufactured Products, produced in the United States means that 100% of the final assembly or manufacture of the Manufactured Product must occur domestically.

4. Small Quantities for Construction Materials and Manufactured Products

The Engineer may allow small quantities of foreign or non-compliant Construction Materials and Manufactured Products, so long as the total value of the foreign or non-compliant Construction Materials and Manufactured Products does not exceed the lesser of \$1,000,000 or 5 percent of the Total Applicable Project Costs for the project or where the Total Amount of Federal Financial Assistance is below \$500,000. "Total Applicable Project Costs" are defined as the cost of iron/ steel, Construction Materials and Manufactured Products used in the project that are subject to a domestic preference requirement, including materials that are within the scope of an existing waiver. "Total Amount of Federal Financial Assistance" includes federal funding provided for preliminary engineering, right of way, and all construction contracts. For projects under a NEPA decision, include all federal funding provided for all projects under that NEPA decision.

The Contractor must maintain and provide in .csv format for each estimate to the Engineer a running total, listed by bid item and manufacturer, of the cost of Construction Materials and Manufactured Products not meeting the Buy America criteria and a running total of the Total Applicable Project Costs (as defined in the paragraph above). Invoices must be available for audit at any time and must be retained for a period of five years from the date of substantial completion for the project. If the Contractor does not provide these costs for each estimate, the estimate payment will not be made until the costs are supplied, or the Contractor provides a written statement(*) that they are not going to supply these costs. The written statement will include a statement from the Contractor acknowledging that they will not be able to incorporate any non-compliant Construction Materials or Manufactured Products into the project. The Engineer needs to make sure the running total of the Total Applicable Project Costs and the running total of foreign or non-compliant Construction Materials or Manufactured Products are received prior to issuing each pay estimate and that the Contractor does not exceed the Buy America threshold for non-compliant Construction Materials or Manufactured Products or have received the written statement from the Contractor indicating they will not be providing the running total.

* The written statement must include the following sentence:

"As the authorized representative of the Contractor, by providing this written statement that I will not be providing the running total for each estimate of the Total Applicable Project

Costs, the Contractor is acknowledging that non-compliant Construction Materials or Manufactured Products cannot be incorporated into the project.”

REVISIONS TO THE 2020 QUALITY ASSURANCE MANUAL (DATED 10/19)

Section 100.00.01 – Quality Control (QC) Producer

Delete the second sentence of the first paragraph and replace with:

Quality control of materials used in construction is the Contractor’s responsibility and is performed during the production of the material and/or at the point of delivery.

Section 200 “Outline”

Revise Section 230.01 as follows:

230.01	General Provisions and Buy America.
230.01.01	General Provisions.
230.01.02	Buy America, and Build America Buy America.
230.01.02.01	Iron and Steel Products
230.01.02.02	Construction Materials
230.01.02.03	Manufactured Products

Section 230.01 General Provisions

Delete Section 230.01 and replace with the following:

230.01 General Provisions and Buy America

230.01.01 General Provisions

Standard Department certification forms will be used. The standard forms are:

- ITD-849 Geotextile and Geogrid
- ITD-851 Miscellaneous Items
- ITD-875 Non-Structural Concrete
- ITD-914 Steel and Iron, and Buy America
- ITD-915 Construction Materials and Manufactured Products for Buy America
- ITD-966 PG Asphalt Binder
- ITD-968 Cement / Fly Ash

The standard forms must be completed in their entirety and signed by the manufacturer’s representative who has quality control responsibility for the manufacture or fabrication of the material.

When required by the contract, QC test results must be attached to the specified standard form. Certification does not preclude inspection, sampling, testing, or verification of certified test results of the material received on the project. Project inspectors will review all certification results for specification compliance before accepting the material. If the certified material is found to be outside acceptable specification limits, the material is subject to rejection.

Each shipment of certified material must be visually inspected for obvious defects and shipping/handling damage. Repair, reject, or replace damaged or defective material to the satisfaction of the Engineer. Where feasible, simple measurements of specified properties should be spot-checked at least once per project and recorded to verify certification. Examples would be length, mass per unit length, or thickness of steel items.

Withdraw acceptance of material by certification when sample test or inspection results show the material consistently fails to meet specifications requirements. Reestablishment of the certification acceptance may be achieved through Department pre-testing, pre-inspection, and review of historical certification records and test results of the material before its incorporation into a project. Additionally, the manufacturer's QA program may require revision and reevaluation by the Department.

230.01.02 Buy America (BA), and Build America Buy America (BABA)

Buy America and Build America Buy America apply to any contract eligible for Federal Aid Highway funding within the scope of an applicable NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract or phase of the project is funded with Federal-Aid highway funds. All incorporated steel and iron products, Construction Materials, and Manufactured Products permanently installed on the project as established in Standard Specification 106.01.A must be certified that they were produced in the United States of America per 23 CFR 635.410 for iron/steel, 23 CFR 635.410 for Manufactured Products, and 2 CFR 184 for Construction Materials. Certification must be provided before incorporation of the materials into the project. Materials that are only used or rented during the project construction, but not incorporated into the work (temporarily installed), do not require certification. 230.01.02.01 Iron and Steel Products per 23 CFR 635.410.

The ITD-914 form will serve as Buy America Certification and be signed by a person having quality control responsibility for the company that manufactures or fabricates the material. The ITD-914 will be sent with mill tests reports attached, except as noted in the MTRs.

Small quantities of steel and iron may be accepted without Buy American Certification, so long as its total cost for the project does not exceed 0.1% of the contract amount or \$2,500, whichever is greater. The total cost of steel and iron includes the cost of the material plus the cost of transportation to the project site, as evidenced by delivery receipt, but does not include labor cost involved in final assembly performed on the project site.

If Department project staff or consultant inspectors discover that foreign iron and/or steel products are incorporated into a federal-aid project that exceed the Buy America minimal use amount for iron or steel (the greater of \$2,500 or 0.1% of the contract value), the FHWA Idaho Division must be contacted to

resolve this after-the-fact discovery. All information on foreign iron and steel permanently incorporated into a project that exceeds the minimal use amount must be presented to FHWA to determine the appropriate resolution. The Department will not complete a project's Material's Certification without FHWA's resolution when the project is not compliant with Buy America. The Department has no authority to complete such a resolution and cannot resolve Buy America compliance issues by use of non-Federal funds.

230.01.02.02.02 Construction Materials per 2 CFR Part 184.

A Construction Material is an article, material, or supply that consists of only one of the items listed, except for minor additions: non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cable); glass (including optic glass); lumber (including treated wood, and untreated wood); Fiber optic cable; Optical fiber; Engineered wood or drywall.

To the extent one of the items listed above contains as inputs other items listed above, it is nonetheless a Construction Material. For example, fiber optic cable contains as inputs other items listed, such as glass and/or plastics, but fiber optic cable is nonetheless a Construction Material.

Items specifically excluded from Construction Materials are products that are primarily iron or steel (defined under Iron and Steel Products); cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

Coatings do not change the categorization of a Construction Material. Minor additions of articles, materials, supplies, or binding agents to a Construction Material do not change the categorization of Construction Material. For example, wax added to engineered wood should not disqualify the engineered wood from categorization as a Construction Material. However, if before the engineered wood is brought to the work site, it is combined with glass or other items or materials to produce a new product, which is not listed above, the new product would be classified as a Manufactured Product, not a Construction Material.

230.01.02.03 Manufactured Products per 23 CFR 635.410

Manufactured Products are defined as articles, materials, or supplies that have been processed into a specific form and shape, or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

With respect to precast concrete products that are classified as Manufactured Products, components of precast concrete products that consist wholly or predominantly of iron or steel or a combination of both shall meet the requirements for steel and iron products. The cost of such components shall be included in the applicable calculation for purposes of determining whether the precast concrete product is produced in the United States.

With respect to intelligent transportation systems and other electronic hardware systems that are installed in the highway right of way or other real property and classified as manufactured products, the cabinets or other enclosures of such systems that consist wholly or predominantly of iron or steel or a combination of both shall meet the requirements for steel and iron products. The cost of cabinets or other enclosures shall be included in the applicable calculation for purposes of determining whether systems referred to in the preceding sentence are produced in the United States.

230.01.02.04 Small Quantities for Construction Materials and Manufactured Products

For awards obligated on or after August 16, 2023, the Engineer may allow small quantities of foreign Manufactured Products and Construction Materials, so long as the total value of the non-compliant products does not exceed the lesser of \$1,000,000 or 5 percent of the total applicable costs for the project or where the total amount of federal financial assistance is below \$500,000. "Total applicable project costs" are defined as the cost of Construction Materials and Manufactured Products used in the project that are subject to a domestic preference requirement, including materials that are within the scope of an existing waiver. "Total Amount of Federal Financial Assistance" includes federal funding provided for preliminary engineering, right of way, and all construction contracts. For projects under a NEPA decision, include all federal funding provided for all projects under that NEPA decision.

The Contractor must maintain and provide in .csv format for each estimate to the Engineer a running total, listed by bid item and manufacturer, of the cost of Construction Materials and Manufactured Products not meeting the Buy America criteria and a running total of the Total Applicable Project Costs (as defined in the paragraph above). Invoices must be available for audit at any time and must be retained for a period of five years from the date of substantial completion for the project. If the Contractor does not provide these costs for each estimate, the estimate payment will not be made until the costs are supplied, or the Contractor provides a written statement (*) that they are not going to supply these costs. The written statement will include a statement from the Contractor acknowledging that they will not be able to incorporate any non-compliant Construction Materials or Manufactured Products into the project. The Engineer needs to make sure the running total of the Total Applicable Project Costs and the running total of foreign or non-compliant Construction Materials and Manufactured Products are received prior to issuing each pay estimate and that the Contractor does not exceed the Buy America threshold for non-compliant Construction Materials and Manufactured Products or have received the written statement from the Contractor indicating they will not be providing the running total. Cost is defined in 2 CFR 200.306 (actual acquisition cost).

* The written statement must include the following sentence:

"As the authorized representative of the Contractor, by providing this written statement that I will not be providing the running total for each estimate of the Total Applicable Project Costs, the Contractor is acknowledging that non-compliant Construction Materials and Manufactured Products cannot be incorporated into the project."

230.01.02.04 Certification of Construction Materials and Manufactured Products

The ITD-915 form serves as Buy America Certification for Construction Materials and Manufactured Products and must be signed by a person having quality control responsibility for the company that manufactures the product.

If Department project staff or consultant inspectors discover that foreign Construction Materials or Manufactured Products are incorporated into a federal-aid project, the FHWA Idaho Division must be contacted to resolve this after-the-fact discovery. All information on foreign Construction Materials and Manufactured Products permanently incorporated into a project must be presented to FHWA to determine the appropriate resolution. The Department will not complete a Project's Materials Certification without FHWA's resolution when the project is not compliant with Buy America requirements. The Department has no authority to complete such a resolution and cannot resolve Buy America compliance issues by use of non-Federal funds.

Section 230.03 Steel.

Delete the last sentence of the first paragraph and replace with:

Steel will comply with 230.01.02 Buy America per 23 CFR 635.410.

Section 230.07 Corrugated Metal Pipe and Corrugated Plate Pipe.

Add the following to the end of the second paragraph of the section:

Additionally, a form ITD-915 will be submitted attesting that the aluminum pipe meets applicable Buy America requirements for Construction Material (non-ferrous metals).

Section 230.08 Plastic Pipe.

Add the following to the end of the first paragraph of the section:

Additionally, a form ITD-915 will be submitted attesting that the plastic pipe meets applicable Buy America requirements for Construction Material (plastic and polymer-based products).

Section 230.09 Geosynthetics.

Add the following to the end of the first paragraph of the section:

Additionally, a form ITD-915 will be submitted attesting that the aluminum pipe meets applicable Buy America requirements for Construction Material (plastic and polymer-based products).

Section 270.00 Minimum Testing Requirements (Table)

Use the Buy America Summary Table below for BA requirements and BA certifications of materials. Iron or steel products are listed as "Fe". Construction Materials are listed as "CM". Manufactured Products are listed as "MP"

Buy America Summary Table (Section 270)				
Section	Item Desc.	Code ^{1,4,6,7}	Form(s) ^{2,3,5,9}	Comments
212	Slope Drain	Fe, CM	ITD-914, ITD-915	
212 (General)	Erosion and Sediment Control Products	MP	ITD-915	All erosion and sediment control products that are allowed to remain in place must be certified appropriately.
405	Pavement Reinforcement Fabric	CM	ITD-915	
420	Concrete Pavement Rehab (Precast Elements)	MP	ITD-914, ITD-915	Both required for steel reinforced products.
502	Precast Concrete Products	MP	ITD-914, ITD-915	Both required for steel reinforced products.
503	GFRP	MP	ITD-915	
504	Bolts, Nuts, Hardened Washers, DTI	Fe, CM, MP	ITD-914, ITD-915	
504	Two Tube Curb-Mount Railing	Fe, CM, MP	ITD-914, ITD-915	
504	Pedestrian Bicycle Railing	Fe, CM, MP	ITD-914, ITD-915	
504	Combination Pedestrian Bicycle, and Traffic Railing	Fe, CM, MP	ITD-914, ITD-915	
505	Timber Piles	CM	ITD-915	
506	Prestressing Concrete	Fe, CM, MP	ITD-915	
507	Bearing Pads and Plates	Fe, CM, MP	ITD-914, ITD-915	
508	Corrugated Plate Pipe - Entire Section	Fe, CM, MP	ITD-914, ITD-915	
511	Concrete Waterproofing Systems - Types A, B	CM, MP	ITD-915	
511	Concrete Waterproofing Systems - Types C	MP		Note, Type C Silanes and siloxane chemicals are not polymers and are not Construction Materials.
511	Concrete Waterproofing Systems - Types D	CM, MP	ITD-915	
511	Concrete Waterproofing Systems - Types E	CM, MP	ITD-915	
512	Gabion Structures	Fe, CM, MP	ITD-914, ITD-915	

565	Asphaltic Plug Expansion Joint System	Fe, CM, MP	ITD-914, ITD-915	
566	Compression Seal Expansion Joint	CM, MP	ITD-915	
567	Strip Seal Expansion Joint	Fe, CM, MP	ITD-914, ITD-915	
576	GFRP	MP	ITD-915	
577	Pile Sleeves	Fe, CM, MP	ITD-914, ITD-915	
578	Precast Concrete Culvert	Fe, CM, MP	ITD-914, ITD-915	
581	Concrete Crack Repair	CM, MP	ITD-915	
582	Patch and Repair Concrete	Fe (for replaced reinforcing steel)	ITD-914	
586	Utility Conduit General	Fe, CM, MP	ITD-914, ITD-915	
587	Painting Structural Steel	CM, MP	ITD-915	
602-608	Culverts, Pipe Siphons, Irrigation Pipelines, Sewers, Storm Sewers, Manhole, Valve Covers, and Dry Wells, Pipe Underdrains, Urban and Rural Edgedrains, Embankment Protectors, Pipe Aprons	Fe, CM, MP	ITD-914 ² , ITD-915	
609	Minor Structures General	Fe, CM, MP	ITD-914, ITD-915	
610	Fence General	Fe, CM, MP	ITD-914, ITD-915	
611	Cattle Guards	Fe, CM, MP	ITD-914, ITD-915	
612	–Guardrail and Concrete Barrier - General	Fe, CM, MP	ITD-914, ITD-915	
613	Crash Cushions	Fe, CM, MP	ITD-914, ITD-915	
614	Detectable Warning Surfaces	CM, MP	ITD-915	
616	Signs and Sign Supports - General	Fe, CM, MP	ITD-914, ITD-915	
617	Delineators and Mileposts General	Fe, CM, MP	ITD-914, ITD-915	
618	Marker Posts, Witness Posts, and Street Monuments - General	Fe, CM, MP	ITD-914, ITD-915	
619	Illumination General	Fe, CM, MP	ITD-914, ITD-915	
622	Precast Concrete Headgates	Fe, MP	ITD-914, ITD-915	

623	Pre-formed expansion Joint Filler Concrete Slope Paving	CM, MP	ITD-915	
625	Joints - General	CM, MP	ITD-915	
627	Painting	CM, MP	ITD-915	
628	Snow Poles	Fe, CM, MP	ITD-914, ITD-915	
630	Pavement Markings - General	CM, MP	ITD-915	
634	Mailbox - General	Fe, CM, MP	ITD-914, ITD-915	
640	Geosynthetics - General	CM, MP	ITD-915	
641	Biaxial Geogrid	CM, MP	ITD-915	
652	Underground Sprinkler System - All Items	CM, MP	ITD-915	
656	Traffic Signal Installation - General	Fe, CM, MP	ITD-914, ITD-915	
Misc. Items	Epoxies	CM, MP	ITD-915	

Notes:

1. Code Key: Fe = iron & steel, CM = Construction Material, MP = Manufactured Product, BA N/A = Item determined not to apply to BA.
2. The ITD-914 applies to Iron and steel products only. There is no change to the Buy America certification process for Iron and Steel.
3. This table makes additional requirements to the existing 270 table only; the existing ITD-914 requirements for Iron and Steel are not restated.
4. Buy America requirements apply to all iron and steel items no matter what form of manufacturing or material combinations are used.
5. The ITD-915 applies to Construction Materials and Manufactured Products.
6. Besides Fe and CM, no other products/items are considered by the Department to be applicable to these Buy America requirements.
7. Field assembly does not constitute a manufactured process and does not necessarily preclude applicability to Buy America requirements.
8. Wood products, even when treated, are considered Construction Materials.
9. Any justification denying applicability to the Buy America requirements is to be submitted on/with the ITD-915 form.

Section 470.01 Exceptions.

In the sixth full paragraph, replace the sentence with:

Exceptions to the Buy America specification must be presented to FHWA for determination of a resolution, see Section 230.01.02 Buy America.