

## Buy American – Frequently Asked Questions

Q - The “Buy American” provisions of the recently passed stimulus bill, H.R.1. section 1605 provides that none of the funds appropriated or otherwise made available by the Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States. How can we manufacture product in Mexico and still meet this requirement?

A - The interim ruling language published in 48 CFR part 25.602, (2), (i) says “...these requirements do not apply to steel or iron used as components or subcomponents of other manufactured construction material.” Therefore the steel and iron source requirement was being interpreted to mean steel or iron used in the actual construction of the building or bridge, for example, and not the manufactured material, (such as light fixtures), installed in the building.

Q - Do all products produced in one of our US manufacturing facilities meet the BAA requirements?

A - Fixtures manufactured in Bristol, PA, El Dorado, AR, or Christiansburg, VA would qualify if their manufacturing process entailed substantial transformation. Basically taking components and assembling them into a completed fixture. This covers the vast majority of our products manufactured in these facilities but we do utilize some “kits” so the best way to verify if a product meets BAA requirements is to look at the Product list on the ARRA website.

Q - Do all products produced in one of our Mexican manufacturing facilities meet the NAFTA requirements?

A - Fixtures manufactured in Juarez or Tijuana would qualify if their manufacturing process entailed substantial transformation. Basically taking components and assembling them into a completed fixture. This covers the vast majority of our products manufactured in these facilities but we do utilize some “kits” so the best way to verify if a product meets NAFTA requirements is to look at the Product list on the ARRA website.

Q - Are all projects that are awarded after February 2009 required to comply with the new BAA provisions?

A - The best way to determine exactly what requirements apply to a specific project is to get the FAR clauses that were referenced in the original contract.

Q - Do State or Federal requirements take priority on these projects?

A - The short answer is “it depends”. It depends on who is doing the contracting (State or Federal Government) and, if it is a State entity, whether it is covered by then US commitments under the WTO Government Procurement Agreement, and whether the State is using ARRA money for the project.