Hubbell Lighting, Inc.

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This document has been created to outline the procedure for Hubbell opportunities requiring product that must meet Buy American Act (BAA) requirements. Please note that this is a fluid document and could change as more information becomes available. Please visit the Buy American Act page on the ARRA section of the Agent Resource Center on a regular basis to obtain the most recent version.

General Information on ARRA "Buy American" Requirements

Also entitled "Buy American," Section 1605 of the American Recovery and Reinvestment Act (ARRA) of 2009 prohibits the use of funds appropriated for any project involving 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, subject to certain exemptions. For manufactured goods, such as the lighting products Hubbell Lighting produces, there are no restrictions on the country of origin of the iron or steel used in making manufactured goods. Additionally, there is no "cost of components" test for manufactured goods to be considered produced in the United States under the ARRA.

Section 1605 also requires that this Buy American restriction be applied in a manner consistent with the United States' obligations under international agreements such as World Trade Organization Government Procurement Agreement (WTO GPA) and the North American Free Trade Agreement (NAFTA) and others.

Hubbell Lighting produces many lighting products in the US, and in other eligible countries. Determining whether a particular product produced outside the United States is eligible for an ARRA-funded project depends on the contracting entity (federal vs. non-federal), the value of the project and any other project procurement rules. Therefore it is vital that the specific procurement rules are identified upfront.

Since the passage of ARRA, two sets of interim procurement rules have been issued covering ARRA-funded contracts:

- The Federal Acquisition Regulation (FAR) interim rule for direct federal procurements that use ARRA funds.
- The Office of Management and Budget (OMB) interim rule for ARRA financial assistance awards to states and non-federal entities.

These two sets of interim rules, while similar, contain some meaningful differences.

- If the project uses ARRA funds and is contracted by a federal entity, then the FAR interim rules apply.
- If the project uses ARRA funds and is contracted by a non-federal entity (states and municipalities), then the OMB interim rules apply and the specific procurement requirements will be identified by the project's specifications.
- If the project does not use ARRA funds, then the traditional FAR, DFAR, etc. rules apply for federal contracts.

FOR FEDERAL ARRA-FUNDED PROJECTS:
All of Hubbell Lighting's products listed in this guide are considered Commercially Available Off-The-Shelf (COTS) items and can qualify for many different FAR clauses depending on where the products are manufactured (substantially transformed). The main product levels are as follows.

LEVEL 1
Products (COTS items) substantially transformed in Free Trade Agreement countries

Applicable FAR clauses:
For ARRA-funded federal projects:
52.225-23
For other federal projects subject to the FAR:
52.225-5 for supply contracts
52.225-11 (2009 version) for construction contracts

Any product listed as Level 1, Level 2 or Level 3 will comply.

LEVEL 2
Products (COTS items) substantially transformed in the US

Applicable FAR clauses:
For ARRA-funded federal projects:
52.225-21
For other federal projects subject to the FAR:
52.225-1 for supply contracts
52.225-9 (2009 version) for construction contracts

Only products listed as Level 2 or Level 3 will comply.

LEVEL 3
Products (COTS items) substantially transformed in the US with 50% components by cost from the US

Applicable FAR clauses: Pre-2009 FAR versions requiring 50% components by cost from the US
For non-ARRA funded federal projects:
52.225-1 (Pre-2009 version) for supply contracts
52.225-9 (Pre-2009 version) for construction contracts
52.225-10 (Pre-2009 version) for construction contracts

Only products listed Level 3 will comply.
Some pre-February 2009 contracts still require LEVEL 3 products.

FOR NON-FEDERAL ARRA-FUNDED PROJECTS:
Hubbell Lighting's products may qualify for ARRA-funded projects contracted by a non-federal entity (states and municipalities). The OMB interim rules apply to these projects, which may limit the eligible products.

There may also be unique state or local requirements for US produced products, Free Trade Agreement requirements, Government Procurement Agreement or other requirements. Since different requirements apply in different situations it is critical that the contract procurement rules are identified upfront.

Required Information

When you receive an ARRA-funded opportunity that references Buy American, it is important to first identify which of the above three categories applies. It is very easy to identify if the project documentation references a FAR clause. In the description of the three categories previously mentioned, you will notice FAR clauses listed for each category. If you see one of these FAR clause numbers on the documentation, it identifies the applicable category the opportunity fits into. Once this is identified, you can then go to the BAA list of products to start identifying available products. If a FAR clause is not listed, this information should be available from the specifying individual or project contractor.

ARRA Opportunities - All questions and quotations requests specific to ARRA opportunities with BAA requirements will be handled through the Quotations Department. All requests should be boldly identified if it is an ARRA opportunity (OASIS requests should include FED STIMULUS in "Stamp" field) and should reference FAR clause or matching category. Previous identification of the FAR clause is extremely important and will ensure speedy process. If opportunity has not been identified as meeting one of the three categories, clarifications will ensue until such opportunity can be identified. For opportunities that state requirements have been waived, or have no indication at all of BAA requirements, projects will be quoted with standard, untransformed product.

**** Important –** It may be possible for HLI to produce an unlisted product for one of the categories. For example, Columbia's P4D is produced in Juarez, Mexico. It may be possible to manufacture (substantially transform) certain P4D SKUs in Bristol, PA which would then allow them to be categorized as US transformed. To find out if an SKU can be manufactured in a different location please contact your Quotations Specialist. They will need to know the size of the opportunity to help make the determination if the change can be made. Please note that standard pricing and lead times will be adjusted. Some SKUs within the families that are on the list as US transformed may also be able to meet the greater than 50% US content requirement. If greater than 50% US content is required please contact your Quotations Specialist. Please be aware that the process to determine US content is labor intensive and may affect quote turn-around time.

ARRA Purchase Orders - Please advise all of your employees who are involved in entering orders to put FED STIMULUS on all orders that are ARRA related. For OASIS orders, please put the words FED STIMULUS in the "Stamp" field. For the few orders that are not transmitted by OASIS, please write FED STIMULUS on the face of the order. If it has BAA requirements, identification of the FAR clause is extremely important and will ensure speedy processing. Any questions on BAA requirements previous to purchase order being entered should be handled through Quotations.

Formal Letters for Product Verification on Buy American Requirements

All requests for letters or formal documentation from Hubbell Lighting for verification that products specified adhere to BAA requirements should be submitted to Michael Campbell, Vice-President of Engineering, mrcampbell@hubbell-ltg.com . Only request for formal letters should be sent to Michael. Each request for a formal certification letter must include the catalog number for each item being quoted as well as the Government contract number being quoted. As noted previously, all other requests should be handled though Quotations Department.

Note: Letters can only be provided for products that have been identified to meet a particular category.

** Additional information on the Buy American Act can be found on the ARRA section of the Agent Resource Center. Additional questions on Hubbell Lighting's ARRA Initiative can be sent to stimulus@hubbell-ltg.com .