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All steel and iron products permanently incorporated into your project must be domestically produced

When construction has begun on your Federal-aid project, it is critical to ensure the contractor complies with the Buy America contract provisions. All steel and iron products permanently incorporated into your project must be domestically produced and have appropriate certification statements provided by the contractor.

Domestically produced means that manufacturing and fabrication of steel or iron products and the application of coatings are performed within the United States or its territories. Products used temporarily during construction are not subject to this requirement.



Manufacturing or fabrication performed outside of the United States on a domestic iron or steel product makes the entire product a foreign source material that does not conform to the Buy America provisions. For example, 100 pieces of steel guardrail that are rolled to shape in Detroit, and then hot-dip galvanized in the Canadian city of Toronto, does not constitute conformance with the Buy America requirements.

Such products should not be installed on a Federal-aid project.

As the local public agency, or LPA, you must confirm that all steel and iron products meet the Buy America requirements before the contractor installs the products into your Federal-aid project.

Contractors must provide a signed certification statement regarding the manufacture of the iron and steel products to meet Buy America requirements.

Although there is no standard format, the intent of requiring a Buy America certification statement is to make the contractor liable for meeting contract requirements for steel or iron materials installed.

As such, having traceable records for the products installed is a critical component of any Buy America certification.



The Federal Highway Administration (FHWA) endorses a concept called “step certification” to meet the Buy America requirements. This type of certification creates a paper trail that documents the location of each manufacturing step for every piece of steel or iron material used on a project. For instance, in the case of a shipment of reinforcing steel, each bundle of steel that is delivered is accompanied by a series of certification statements including:

- A description that identifies the location of the rebar manufacturing plant
- A separate statement that addresses where the rebar is cut to length and bent to final dimension

A third certification may be needed if an epoxy coating has been applied to the reinforcing steel.

The company responsible for each separate process that changes the steel or iron product certifies that each step was completed domestically, not the contractor who installs the product.

There are many ways to prepare acceptable certification statements. The prime contractor may certify all materials for the entire project at once, or suppliers can certify each individual step or separate production process. A variation that uses elements of these two extremes is commonly used.

The most common method of tracing steel or iron material is by the “heat number.” A heat number is an identification stamped on a steel piece or iron casting at the production location. It identifies a specific amount of material produced and the

associated quality testing performed.

Every certification should clearly reference the heat number. When reviewing certifications, compare the heat numbers or other tracing methods on delivered material to the certification document to ensure that the information is the same.

One piece of documentation you should expect to receive for all steel and iron is the mill certification. The steel producer prepares the mill certification to prove that the raw steel or iron was smelted and formed in the United States. The certification can be a signed letter or merely included as a signed statement on delivery tickets.



Fabricated, structural steel shapes must have a certification statement showing the location of the fabrication plant and information about the originating mill work. Fabrication includes cutting, welding and even drilling holes. Bolts, nuts, and washers used as connectors require separate certification statements since these are produced at different locations and use different manufacturing methods than the structural elements.

The location of the final step where a product was coated with paint, or galvanized, must also conform to the Buy America provisions. However, Buy America material requirements do not apply to the coating material because it is neither steel nor iron.

Verify certification statements at the time of material delivery to the project site. Certification statements are usually printed directly on the shipment bill of lading and must be signed. Documentation supporting the certification statements should include enough detail to trace the steel or iron from the mill producing the raw

material through all manufacturing processes and coating activities.

The Buy America provisions specifically address pre-assembled manufactured products that contain steel or iron components. Your contractor should identify steel or iron components of any pre-assembled, manufactured product. When this is the case, the company who completed the assembly should provide the appropriate certification statement of conformance with the Buy America regulation. You need to track the value of those components in contract administration records if certification statements are not provided to avoid exceeding the minimum use threshold.

Steel or iron products without certification statements confirming domestic manufacturing are non-conforming to the Buy America requirements. Obvious evidence of foreign manufacturing might include foreign language script on products and foreign country names stamped on an item or on invoices. Non-conforming materials also include items with improper, or incomplete, certification statements.



Confirm that the cumulative value of non-conforming material does not exceed 0.1 percent of the total contract amount, or \$2,500, whichever is greater. If this cumulative value exceeds the minimum threshold limit, then additional installed material must be of domestic origin.

Many State departments of transportation, or State DOTs, have developed required certification processes for use on Federal-aid projects in their States. So check with your State DOT for guidance in administering the certification process on your project. Your responsibility is to ensure the steel or iron is certified to meet Buy America contract provisions.

Web Resources

- FHWA guidance on Buy America regulations includes links to current material.
<http://www.fhwa.dot.gov/construction/cqit/buyam.cfm>
- Link to Buy America waiver request for steel and iron
<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm>
- FHWA guidance on Buy America regulations in Q & A format
http://www.fhwa.dot.gov/construction/contracts/buyam_qa.cfm
- FHWA guidance on Buy America found in Section B, subsection 1
<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2B01>
- Buy America regulations for steel and iron permanently incorporated into a Federal-aid project
<http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&sid=a825bd455136916aaef4f47bd2d69e88&rgn=div5&view=text&node=23:1.0.1.7.23&idno=23#23:1.0.1.7.23.4.1.6>
- Overview of the various Buy American product requirements for all USDOT
<http://www.dot.gov/highlights/buyamerica>

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This companion resource is the script content for the video production of the same name.