**SPECIAL MEETING – BUY AMERICA**

**MDOT compliance with FHWA Buy America requirements – J. Gutting**

A technical agenda team was established in June 2012 to evaluate all aspects of Michigan Department of Transportation (MDOT) design specified materials, qualified products, and approved manufacturers/suppliers to ensure that Federal Highway Administration (FHWA) Buy America requirements are met. Buy America requirements are established in federal law per Title 23 of the Code of Federal Regulations (CFR), Section 635.410 and apply to all Federal Aid transportation projects. These requirements stipulate that all steel/iron materials and products used on federally financed transportation work must be produced (manufactured, processed, altered, etc.) only in the United States.

Jason Gutting presented the draft final technical agenda report for EOC consideration. The final report includes ten areas that outline a series of recommendations and action items relating to Buy America requirements. All of the areas were discussed in detail resulting in some needed modifications to the report.

The report addresses issues relating to the three MDOT published lists that relate to Buy America. These include the Approved Manufacturer List, Tested Stock List and the Qualified Products List (QPL). Additional report content concerns what revisions are necessary to contract documents and internal Department procedures to ensure that MDOT staff and contractors are clear on roles and responsibilities with regard to Buy America. A process to investigate the product manufacturing origin of steel/iron based products, for the design phase, must be established. In addition, an internal procedure must be developed to define what situations will require a Buy America waiver request from FHWA. Buy America requirements affect all projects (MDOT and local agency) that incorporate federal funding into any phase of the project. Utilities affected by federal aid transportation projects are also impacted.

Several documents relating to Buy America need to be revised or drafted based on the technical agenda report recommendations. These include, notations for MDOT published lists, specification
updates, a Design Advisory, and an updated Bureau of Highways Informational Memorandum (BOHIM) for construction.

The new Buy America provisions are scheduled to be implemented in the November 2, 2012 letting.

**ACTION:** EOC directs the technical agenda team to proceed with revising the as submitted information based on feedback provided and to proceed with finalization of the contract documents required to implement the new Buy America requirements in the November 2, 2012 letting. In addition, they are directed to revise the technical agenda report for EOC review within the next 10 days. The updated final report will be emailed to EOC members for their review and approval prior to the November EOC meeting.

![Signature](attachment:image.png)

Steven Bower, Secretary
Engineering Operations Committee

RA:SB:lsf

cc:  K. Steudle   D. Jackson   R. Jorgenson (FHWA)
     L. Mester   W. Tansil   R. Brenke (ACEC)
     EOC Members   D. Wresinski   G. Bukoski (MITA)
     Region Engineers   C. Libiran   D. DeGraaf (MCA)
     TSC Managers   R. Lippert   D. Hollingsworth (MCA)
     Assoc. Region Engineers   B. Shreck   J. Becsey (APAM)
     D. Parker   T. Phillips   M. Newman (MAA)
     M. DeLong   J. Murner (MRPA)