



ENERGIZE MISSOURI COMMUNITIES

MISSOURI DEPARTMENT OF NATURAL RESOURCES



Missouri Department of Natural Resources, Division of Energy, 1101 Riverside Drive, P.O. Box 176, Jefferson City, MO 65102-0176

Buy American Act Factsheet

What is the Buy American Act?

The Buy American Act (Buy American) requires that all iron, steel, and manufactured goods used in any project funded wholly or partially by the American Recovery and Reinvestment Act involving a governmental entity, be produced in the United States.

Section 1605 of the American Recovery and Reinvestment Act (ARRA) states “None of the funds appropriated or otherwise made available by this 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”.

What are Buy American requirements?

- Requires all iron, steel, and manufactured goods that are incorporated into a public building or public work be produced in the U.S.
- Does not require individual components and raw materials that comprise a manufactured good originate in the U.S. Only the final manufactured product, which will be incorporated into the public building or public work, must be assembled or manufactured into its final form in the United States.
- Does not require machinery and tools used by project laborers be produced in the U.S.
- Requires the subgrantee retain adequate records documenting their compliance with Buy American.

How does Buy American apply to my project?

- Any project directly funded or assisted in whole or in part by ARRA is subject to Buy American.
- Any project that involves construction, alteration, maintenance, or repair of a public building or a public work is subject to Buy American Act.

When does the Buy American Act not apply to my project?

- Does not apply if U.S. DOE finds that Section 1605 is not consistent with public interest.
- Does not apply if iron, steel, or manufactured goods required for the project are not produced in the U.S.
- Does not apply if using iron, steel, or manufactured goods produced in the U.S. increases the overall project cost by more than 25 percent.
- Does not apply to privately owned entities.

How do I obtain a waiver if my project does not apply?

Subgrantees may submit a request for determination to the department regarding the inapplicability of Buy American requirements. Requests for exemptions from the Buy American requirements should be submitted before items are purchased. The request for determination must be submitted in a timely manner to allow the department ample time to grant or deny the waiver. Subgrantees should include data supporting the inapplicability of the Buy American requirements with the submittal. Award funds may not be distributed if the subgrantee is not in compliance with Buy American requirements.



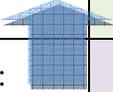
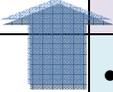
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Buy American Act Flow-down of Responsibilities

Level	Responsibilities
Grantee: Department of Natural Resources 	<ul style="list-style-type: none"> Flow down Buy American Act requirements to subgrantees. Monitor subgrantees for compliance with Buy American Act requirements.. Report semi-annually to U.S. DOE.
Subgrantee: Units of Local Government (cities and counties) 	<ul style="list-style-type: none"> Flow down the Buy American Act responsibilities to contractors/subcontractors by including as a requirement in procurement documents. Maintain documentation at a level that is sufficient to show compliance with the Buy American Act.
Contractor/ Subcontractor	<ul style="list-style-type: none"> Held responsible for compliance with Buy American Act requirements and ensuring all iron, steel and manufactured goods in an ARRA-funded project are made in the United States.

Additional Resources on the Buy American Act:

- U.S. DOE Buy American Act webinar - http://www1.eere.energy.gov/recovery/pdfs/buy_american_webinar_20100906.pdf
- Information for Buy American Act waiver requests - <http://management.energy.gov/documents/arraattachment13v1.pdf>
- U.S. DOE Domestic Non-availability Waiver Form - http://www1.eere.energy.gov/recovery/pdfs/eere_buy_american_nonavailability_template.pdf
- U.S. DOE Guidance for Manufactured Goods and Substantial Transformation - http://www.management.energy.gov/documents/AttachmentFlash_2010-54.pdf
- Section 1605 of the American Recovery and Reinvestment Act - <http://www.lgprogram.energy.gov/Sect1605ARRA.pdf>

For additional clarification please contact *Energize Missouri Communities* at 877-610-0834 or william.haas@dnr.mo.gov