

Buy American Roles and Required Documentation

Project Stage		Assistance Recipients	Architecture and Engineering Firms	Construction Contractors
1. Planning and design	Actions	<ul style="list-style-type: none"> • Work closely with A/E's so BA is included in designs • Include language in contract with A/E's requiring A/E to provide information that may be necessary for design waivers 	<ul style="list-style-type: none"> • Make design decisions that take into account Buy American • Identify components that will likely require a waiver • Help assistance recipients begin the development of necessary waivers 	N/A
	Documentation	<ul style="list-style-type: none"> • Information that may be included in a waiver application 	<ul style="list-style-type: none"> • Information that may be included in a waiver application 	N/A
2. Preparing for bidding	Actions	<ul style="list-style-type: none"> • Work closely with A/E's so BA is included in specs 	<ul style="list-style-type: none"> • Spec component parameters that are American-made • Identify components that will likely require a waiver 	<ul style="list-style-type: none"> • Alert primary vendors you will be bidding on a project that requires American-made goods • Be on the lookout for new vendors, suppliers, or manufacturers of American-made goods
	Documentation	N/A	<ul style="list-style-type: none"> • Records of design decisions made due to performance parameters 	<ul style="list-style-type: none"> • Lists and specifications of American-made goods provided by vendors, suppliers, or manufacturers
3. Bid process	Actions	<ul style="list-style-type: none"> • Ensure RFP requires bidders to comply with Buy American and explains how substantial transformation is defined and applied and how the waiver process works • Be aware of Buy American during bid evaluation • Ask for more information if one bidder is significantly lower than others • Select a winning bidder that you are confident is capable of managing Buy American 	<ul style="list-style-type: none"> • Respond to all requests for clarification 	<ul style="list-style-type: none"> • Identify all iron, steel, and manufactured goods necessary for the project • Estimate prices assuming American-made components if possible (see "Buy American and Bid Package Pricing") • Identify components that will likely require a waiver • Submit requests for clarification if necessary • Have a back-up plan in case a waiver is not received
	Documentation	<ul style="list-style-type: none"> • Clarification provided in response to request for clarification 	<ul style="list-style-type: none"> • Reasoning behind clarification provided in response to requests for clarification 	<ul style="list-style-type: none"> • Clarification received in response to request for clarification • Information that may be included in a waiver application

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4. Developing construction contracts	Actions <ul style="list-style-type: none"> • Impose compliance certifications and indemnification requirements into all contracts • Specify that all decisions of substantial transformation be made by you • Require records be kept and forwarded of all decisions made as to the origin of goods • Require contractor assistance in the development of waiver applications 	N/A	<ul style="list-style-type: none"> • Impose compliance certifications and indemnification requirements into all contracts
	Documentation <ul style="list-style-type: none"> • Signed copies of all contracts 	N/A	<ul style="list-style-type: none"> • Signed copies of all contracts
5. Procurement	Actions <ul style="list-style-type: none"> • Make substantial transformation determinations • Develop and submit waiver applications 	<ul style="list-style-type: none"> • Assist assistance recipients in developing waiver applications based on component performance parameters 	<ul style="list-style-type: none"> • Ask vendors, suppliers, and manufacturers to provide country-of-manufacture information • Include assistance recipients in all substantial transformation decisions • Assist assistance recipients in developing waiver applications
	Documentation <ul style="list-style-type: none"> • Country of origin information for all iron, steel, and manufactured goods • Certification that country of origin information is not available for components purchased under the de minimis waiver • Supporting information for project specific waiver applications • Federal register citation for national and project specific waivers used 	<ul style="list-style-type: none"> • Supporting information for project specific waiver applications 	<ul style="list-style-type: none"> • Country of origin information for all iron, steel, and manufactured goods • Certification that country of origin information is not available for components purchased under the de minimis waiver