

**REQUIRED "BOILERPLATE" CONTRACT LANGUAGE GUIDANCE  
FOR PROJECTS WITH  
BUY AMERICAN/USE OF AMERICAN IRON AND STEEL, 2014**

To: Engineers and Loan Recipients on projects using Wyoming SRF funds with Buy American/  
Use of American Iron and Steel, 2014

From: Wyoming State Revolving Fund (SRF) Program

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*Include the following clause in the Advertisement for Bids:*

The procurement will be subject to the "Use of American Iron and Steel" requirements as contained in Section 436 of H.R. 3547, The Consolidated Appropriations Act, 2014.

*Include the clauses/forms from pages 2 and 3 of this document as a separate Buy American/ Use of American Iron and Steel section.*

*Identify the Buy American/Use of American Iron and Steel requirements as part of the Contract Documents, in the Agreement/Contract.*

## **BUY AMERICAN/USE OF AMERICAN IRON AND STEEL**

### **General:**

All iron and steel products used in the project shall be produced in the United States, unless a waiver is provided by the United States Environmental Protection Agency (EPA).

The term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

Production of iron or steel products in the United States requires that all manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives. All manufacturing processes includes processes such as melting, refining, forming, rolling, drawing, finishing, fabricating, and coating. Steel means an alloy that includes at least 50 percent iron and between 0.02 and 2 percent carbon and may contain other elements.

International trade agreements have no effect on this provision for this contract. Local government entities, such as Owner, are not obligated under international trade agreements to treat foreign produced iron and steel the same as United States produced iron and steel.

See the following EPA website for further information and details on this requirement: [http://water.epa.gov/grants\\_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm). See especially the "American Iron and Steel Requirement Guidance" at that website.

### **Documentation:**

Contractor shall collect Buy American documentation for each iron and steel product used in the project. The documentation shall show that all production processes for each product occurred in the United States. Documentation shall show the manufacturer(s) involved in production of the product and the city and state where each process occurred. Copies of all Buy American documentation shall be submitted to Engineer. This shall be submitted along with any other associated submittals for the products. If Contractor wishes to cover some iron and steel products under the EPA issued "De Minimus" waiver, Contractor shall collect the documentation required under that waiver and submit a copy to Engineer. Additional information, including example product certifications and the De Minimus waiver can be found at the above referenced EPA website.

### **Waivers:**

EPA may grant a waiver if it determines that:

1. Applying the requirement would be inconsistent with the public interest,
2. Iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality, or
3. Inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

Owner is the entity that formally makes the request for a waiver, including requests that originate from Contractor or subcontractors or suppliers. EPA requires detailed supporting information to evaluate a waiver request. See the above referenced EPA website for additional information on the waiver process. Owner shall send waiver requests, in the form of a Word document (.doc), along with all supporting documentation, to the Wyoming SRF program. The Wyoming SRF program will forward waivers to EPA. Send waiver requests to [kevin.frank@wyo.gov](mailto:kevin.frank@wyo.gov) for all CWSRF projects and to [wade.verplancke@wyo.gov](mailto:wade.verplancke@wyo.gov) for all DWSRF projects.

EPA will make available to the public on an informal basis a copy of the waiver request and information available to the EPA concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. EPA shall make the waiver request and accompanying information available on the above referenced EPA website. If EPA grants a waiver, it will publish such waiver on that website.