Build America Buy America FAQ

What is Build America Buy America (BABA)?

Build America, Buy America is a rule for projects that receive federal funding under the Infrastructure Investment and Jobs Act. It requires that the iron, steel, manufactured products, and building materials used in these projects must be made in the United States. This rule applies to funds received under the Mississippi Grid Resilience Program.

What will be required of my project to show compliance with Build America Buy America?

Award recipients will be required to provide documentation that products used in their projects were made in the United States. Documentation includes letters of certification from the manufacturer. This letter must include:

1. Project Identifier: Name, Location, contract number or project number
2. Product Identity: Description of Product
3. Location of Manufacturing: City and State
4. Signature of Company Representative
5. Statement Attesting to Build America Buy America compliance including the category of product being certified

What are some examples of products that must comply with BABA?

- Iron and Steel: Manhole covers, nails, bolts, site and structural steel, grounding systems, sheet piling, iron components for transformers
- Manufactured Products: steel towers and poles, panels, conductors, transformers, insulators, circuit breakers, solar panels
- Construction Materials: Non-ferrous metals, plastic & polymer-based products, glass, fiber optic cables, lumber, drywall, engineered wood

Are there Waivers available for BABA?

Yes. Applicants can request waivers for Non-Availability, Unreasonable Cost, or Public Interest.

- Non-Availability waivers indicate the material is not produced in the U.S. in sufficient quantities.
- Unreasonable Cost waivers indicate that the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.
- Public Interest waivers indicate that applying the domestic content procurement preference would be inconsistent with the public interest.

Who grants waivers and what is the review process like?

All proposed Buy America Requirement waiver requests are subject to review by DOE and the Office of Management and Budget (OMB). Once initial review has occurred, the Once the public comment period has ended, DOE will consider only the comments it received during the comment period in its evaluation of the waiver request and make a final decision in accordance with the guidance from OMB's Made in America Office. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or comments from OMB or the public. DOEs final determination regarding approval or denial of the waiver request may not be appealed. Waiver requests may take up to 90 calendar days to process. waiver request is held out for public comment for 15 days.

A link to further guidance on waivers is provided here along with a list of granted waivers. DOE Buy America Requirement Waiver Requests | Department of Energy

Where can I go to learn more about BABA?

DOE's Implementation of the Buy America Requirement for Infrastructure Projects