Regional Engineers

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Special Provision for Source of Supply and Quality Requirements

January 13, 2023

This special provision was created for the Build America, Buy America Act under the Infrastructure Investment and Jobs Act (IIJA) / Bipartisan Infrastructure Law (BIL) in accordance with Public Law 117-58 to expand the list of construction materials required to be manufactured in the United States beyond what is currently only required for steel/iron products.

This special provision should be inserted into all federal-aid contracts.

The districts should include the BDE Check Sheet marked with the applicable special provisions for the April 28, 2023 and subsequent lettings. The Project Coordination and Implementation Section will include a copy in the contract.

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# Source of Supply and Quality Requirements (bde)

Effective: January 2, 2023

Add the following to Article 106.01 of the Standard Specifications:

“The final manufacturing process for construction materials and the immediately preceding manufacturing stage for construction materials shall occur within the United States. Construction materials shall include an article, material, or supply that is or consists primarily of the following.

(a) Non-ferrous metals;

(b) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);

(c) Glass (including optic glass);

(d) Lumber;

(e) Drywall.

Items consisting of two or more of the listed construction materials that have been combined through a manufacturing process, and items including at least one of the listed materials combined with a material that is not listed through a manufacturing process shall be exempt.”

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