



Florida Department of Transportation

RICK SCOTT
GOVERNOR

State Materials Office
5007 NE 39th Avenue, Gainesville, FL 32609

MIKE DEW
SECRETARY

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MATERIALS BULLETIN NO. 16-17

DCE MEMORANDUM NO. 16-17

(FHWA Approved: 9/5/2017)

**TO: DISTRICT MATERIALS AND RESEARCH ENGINEERS
DISTRICT CONSTRUCTION ENGINEERS**

FROM: Timothy Ruelke P.E., Director, Office of Materials
David A. Sadler, Director, Office of Construction

COPIES: Amy Tootle, Courtney Drummond, Bob Burleson, Nick Finch, Rafiq Darji, Tim Lattner,
Robert Robertson, Dan Hurtado, Michael Bergin, Jose Armenteros

SUBJECT: BUY AMERICA REQUIREMENTS – ALL PRODUCERS

The Code of Federal Regulations, 23 CFR 635.410 requires that domestic steel or iron materials be used on projects receiving federal funding. In 2012, the Federal Highway Administration (FHWA) issued a memorandum to clarify the impact of this legislation. The December 21, 2012 memorandum provided an exemption for certain miscellaneous steel or iron products available as off-the-shelf products. On December 22, 2015, the United States District Court for the District of Columbia ruled that the 2012 FHWA memorandum was not in compliance with the requirements of 23 CFR 635.410. As a result of this ruling, all items containing foreign steel which are permanently incorporated into the completed work must be tracked in accordance with Section 6-5.2 of the Standard Specifications. Previously exempt items must now be tracked.

In addition, the Producers of products containing iron or steel shall include in their quality control plan their method of compliance with Buy America provisions including:

- Methods for tracking the placement and monetary value for all quantities of non-domestic steel and iron.
- Methods and locations for segregating non-domestic and domestic steel and iron stockpiles.
- Methods for identifying and cataloging finished products containing non-domestic steel and iron.
- An example delivery ticket with Buy America compliance statement and dollar amount of non-domestic steel and iron used in the finished products for each delivery.

Producers must implement these changes by October 1, 2017. Should you have any questions please contact Mike Bergin, 352-955-6666, or Jose Armenteros, 352-955-6685.

TR/mb