

Appendix D

Certifications

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NOTE: Within this appendix, FHWA quotes and guidance may not be in the same order when compared to the guidance document. In addition, select quotes and/or guidance can be found in Appendix A.

I. Step certification

[Buy America Questions and Answers \(12/20/2012\)](#)

Q# 40. What is step certification?

A# 40. A step certification is a process under which each handler (supplier, fabricator, manufacturer, processor, etc.) of the iron and steel products certifies that their step in the process was domestically performed.

II. Certification requirements

A. Timing

[Buy America Questions and Answers \(12/20/2012\)](#)

Q# 39. For compliance purposes, when does a contractor need to provide a certification that iron and steel products for a Federal-aid project are of domestic products?

A# 39. Certification is required prior to permanent incorporation of iron and steel products into a Federal-aid project.

B. Tracking minimum use threshold

[Buy America Questions and Answers \(12/20/2012\)](#)

Q# 16. Can a State DOT apply the Buy America requirements on an incremental basis by allowing a very small amount of foreign steel to be used as the work progresses?

A# 16. No. State DOTs cannot apply Buy America requirements on an incremental basis. A State DOT must track the amount of incorporated foreign steel and iron as the work proceeds to ensure that the minimal use threshold amount is not exceeded at any point in the contract (0.1% of the total contract amount or \$2,500 whichever is greater).

C. Blanket letters

[Additional Guidance on 23 CFR 635 D - Contract Administration - Construction - Federal Highway Administration \(dot.gov\)](#)

A certification containing language substantially as follows is recommended for use in step certification or other certification process a State may choose to establish:

"All manufacturing processes for these steel and iron materials, including the application of coatings (unless granted a waiver pursuant to 23 CFR 635.410), have occurred in the United States."

III. Buy America requirements for WisDOT construction projects

[F 21 CMM - 228 Laws and Standards \(wisconsindot.gov\)](http://wisconsindot.gov)

BUY AMERICA PROVISION

All steel and iron materials permanently incorporated in this project shall be domestic products and all manufacturing and coating processes for these materials from smelting forward in the manufacturing process must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project. The contractor shall take actions and provide documentation conforming to CMM 2-28.5 to ensure compliance with this "Buy America" provision.

<http://wisconsindot.gov/rdwy/cmm/cm-02-28.pdf>

Upon completion of the project certify to the engineer, in writing using department form WS4567, that all steel, iron, and coating processes for steel or iron incorporated into the contract work conform to these "Buy America" provisions. Attach a list of exemptions and their associated costs to the certification form. Department form WS4567 is available at:

<http://wisconsindot.gov/hcciDocs/contracting-info/ws4567.doc>

The following items are examples that contain materials covered by the Buy America requirements.

- Anchor Assemblies, Bolts, and Rods (for structures and bases)
- Bridge Secondary Fabricated Items:
 - Rail Posts, Sleeves, Shims, Rail Panels, Structural Fasteners, Expansion Devices, Cover Plates, Floor Drains,
 - Guardrail Anchors, Bearing Assemblies, Steel Diaphragms
 - Castings (including inlet & manhole covers)
 - Bar Steel (coated & uncoated)
 - Tie Bars
 - Dowel Bars
 - Hook Bolts
 - Concrete Culverts, Pipes, Endwalls, Catch Basins, Inlets, Manholes (steel reinforcement)
 - Pre-stressed Concrete Members (steel reinforcement)
 - Metal Pipes & Endwalls
 - Delineator Posts & Hardware
 - Pull Boxes, Poles, Mast Arms, Metallic Conduit
 - Fencing Fabric, Rails, Tension Wire, Barbed Wire
 - High Strength Bolts
 - Sign Bridges & Supports
 - Steel Sign Posts
 - Steel Grid Floor
 - Steel Plate Beam Guard
 - Structural Steel

Documentation/certification is needed for each of the following steps in the steel and iron production process when the Buy America provisions apply:

1. Location steel/iron was melted/cast.
2. Location steel/iron was rolled/drawn.
3. Location steel/iron was fabricated.
4. Location steel/iron was coated/galvanized.

Note: Items 1 and 2 are commonly done at the same location for structural steel. Not all of these steps apply to all steel products.

Field staff need to ensure Buy America requirements are met as follows:

1. The contractor reviews the contract and determines the steel and iron products covered under Buy America.
2. The engineer reviews the Materials Acceptance and Testing Guide in [CMM 8-50](#) and the project-specific E-Guide to ensure compliance with contract requirements. Steel and iron items are flagged with a US Flag symbol in the upper right-hand corner of the E-Guide.
3. Before incorporating steel and iron products for structures in the work, the contractor needs to furnish a Fabricator's Certificate of Compliance, Manufacturer's Certified Report of Test or Analysis, or Shop Inspector's Report as applicable. The engineer should not accept steel and iron components without this documentation.
4. Before accepting steel and iron products the engineer will review the documentation submitted under item 3 above, Mill Test Reports, and the material itself to determine its origin. Bar steel reinforcement markings can be compared with a listing of markings currently available in each region to identify the origin of manufacture. Shop inspection reports for structural steel and iron items processed by the Bureau of Structures should state that the steel and iron comply with Buy America.

Steel and iron products accepted on the project by a Certificate of Compliance or Certified Report of Test of Analysis as the sole or supplementary documentation will be acceptable if the documents indicate the steel and iron was manufactured in the United States. Some mills state on their documents that the steel and iron represented complies with Buy America. This is also satisfactory.

For those items not requiring either a Certificate of Compliance or a Certified Report of Test, it will be necessary to obtain from the manufacturer, through the contractor, a statement that the steel and iron was manufactured in the United States.

Shop inspection reports and other reports for steel and iron items, processed by organizational units other than the Quality Management Section, should state that the represented products comply with Buy America.

The contractor needs to provide the engineer all information that may have a bearing on a products origin of manufacture before it is accepted and incorporated into the work. A simple certified statement from the contractor is not sufficient evidence.

5. The contractor needs to maintain a running total of the cost of steel and iron products not meeting the Buy America criteria already incorporated into the contract work.

Cost determination is based on invoice costs or going rates for items without invoices. The engineer needs to make sure the contractor does not exceed the Buy America threshold for foreign and undocumented steel and iron products or a project may lose all or part of its federal funding.

6. After completing the work, the contractor must complete form [WS4567](#) and submit to the engineer for inclusion in the project records.