



October 10, 2022

**ADDENDUM NO. 1**

Notice to All Persons and Firms Proposing  
to Submit a Bid or Furnish Materials for  
Heintz Road Bridge No. 513 Replacement  
St. Louis County Project No. CR-1282  
Federal Project No. STP-4900(639)

The construction contract for this project has been revised as follows:

**No. 1**

**Replace** Special Provision No. 100.20.1 “Buy America Requirement” with the following:

**100.20.1 BUY AMERICA REQUIREMENTS**

A. **Description.** The Bipartisan Infrastructure Law (BIL) was enacted on November 15, 2021. The BIL includes Build America, Buy America Act Publication L. No. 117-58. This provision expands the Buy America requirements beyond what is currently only required for steel and iron products. The steel and iron provisions have not changed with the new bill and are summarized in Section B below. Cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives are excluded from this requirement. All other materials and manufactured products permanently incorporated into the project will be subject to Buy America requirements. There are three categories requiring Buy American Certification:

- Iron and steel – requirements summarized in Section B below.
- Manufactured products – these are currently exempted under the 1983 waiver from FHWA.
- Construction materials consisting primarily of:
  - Non-ferrous metals;
  - Plastic and polymer-based products (including polyvinylchloride, composite build materials, and polymers used in fiber optic cables);
  - Glass (including optic glass);
  - Lumber; or
  - Drywall

1. All products and/or materials will only be classified under one of these categories and not under multiple categories. It is the Prime Contractor's responsibility to assure all submittals required for Buy America are submitted to the Engineer prior to the products and/or materials being incorporated in the job. The implementation of this policy will be in effect for all projects awarded after November 10, 2022.
2. New items designated as construction materials under this requirement will require the Prime Contractor to submit a material of origin form certification prior to incorporation into the project. The Certificate of Material origin form ([http://epg.modot.mo.gov/forms/CM/CERTIFICATE\\_OF\\_MATERIALS\\_ORIGIN.pdf](http://epg.modot.mo.gov/forms/CM/CERTIFICATE_OF_MATERIALS_ORIGIN.pdf)) from the supplier and/or fabricator must show all steps of the manufacturing being completed in the USA. The Certificate of Material form shall be filed with the Contract documents.
3. Any minor miscellaneous construction material items that are not included in the materials specifications shall be certified by the Prime Contractor as being procured domestically. The certification shall read "I certify all materials permanently incorporated in the project covered under this provision have been to the best of my knowledge procured and all manufactured domestically." The certification shall be signed by an authorized representative of the Prime Contractor.
4. The National Transportation Product Evaluation Program (NTPEP) compliance program verifies that some non-iron and steel products fabrication processes conform to 23 CFR 635.410 Buy America Requirements and an acceptable standard per 23 CFR 635.410(d). NTPEP compliant suppliers will not be required to submit step certification documentation with the shipment for some selected non-iron and steel materials. The NTPEP compliant supplier shall maintain the step certification documentation on file and shall provide this documentation to the Engineer upon request.

**B. Requirements for Steel and Iron Products.** On all federal-aid projects, the Contractor's attention is directed to Title 23 CFR 635.410 Buy America Requirements. Where steel or iron products are to be permanently incorporated into the Contract work, steel and iron material shall be manufactured in the USA except for "minor usage" as described herein. Furthermore, any coating process of the steel or iron shall be performed in the USA. The use of pig iron and processed, pelletized, and reduced iron ore manufactured outside of the USA will be permitted in the domestic manufacturing process for steel or iron material.

1. Any sources other than the USA as defined will be considered foreign. The required domestic manufacturing process shall include formation of ingots and any subsequent process. Coatings shall include any surface finish that protects or adds value to the product.
2. "Minor usage" of foreign steel, iron or coating processes will be permitted, provided the cost of such products does not exceed one-tenth of one percent (1/10<sup>th</sup> of 1%) of

the total Contract cost or \$2,500.00, whichever is greater. If foreign steel, iron, or coating processes are used, invoices to document the cost of the foreign portion, as delivered to the project, shall be provided and the engineer's written approval obtained prior to placing the material in any work.

3. Buy America requirements include a step certification for all fabrication processes of all steel or iron materials that are accepted per Section 1000. The National Transportation Product Evaluation Program (NTPEP) compliance program verifies that all steel and iron products fabrication processes conform to 23 CFR 635.410 Buy America Requirements and is an acceptable standard per 23 CFR 635.410(d). NTPEP compliant suppliers will not be required to submit step certification documentation with the shipment for some selected steel and iron materials. The NTPEP compliant supplier shall maintain the step certification documentation on file and shall provide this documentation to the engineer upon request.
  - a. Items designated as Category 1 will consist of steel girders, piling, and reinforcing steel installed on site. Category 1 items require supporting documentation prior to incorporation into the project showing all steps of manufacturing, including coating, as being completed in the USA and in accordance with CFR Title 23 Section 635.410 Buy America Requirements. This includes the Mill Test Report from the original producing steel mill and certifications documenting the manufacturing process for all subsequent fabrication, including coatings. The certification shall include language that certifies the following. That all steel and iron materials permanently incorporated in this project was procured and processed domestically and all manufacturing processes, including coating, as being completed in the USA and in accordance with CFR Title 23 Section 635.410.
  - b. Items designated as Category 2 will include all other steel or iron products not in Category 1 and permanently incorporated in the project. Category 2 items shall consist of, but not be limited to items such as fencing, guardrail, signing, lighting and signal supports. The Prime Contractor is required to submit a material of origin form certification prior to incorporation into the project from the fabricator for each item that the product is domestic. The Certificate of Materials Origin form ([http://epg.modot.mo.gov/forms/CM/CERTIFICATE\\_OF\\_MATERIALS\\_ORIGIN.pdf](http://epg.modot.mo.gov/forms/CM/CERTIFICATE_OF_MATERIALS_ORIGIN.pdf)) from the fabricator must show all steps of manufacturing, including coating, as being completed in the USA and in accordance with CFR Title 23 Section 635.410 Buy America Requirements and be signed by a fabricator representative. The Engineer reserves the right to request additional information and documentation to verify that all Buy America requirements have been satisfied. These documents shall be submitted upon request by the Engineer and retained for a period of three (3) years after the last reimbursement of the material. Any minor miscellaneous steel or iron items that are not included in the materials specifications shall be certified by the Prime Contractor as being procured domestically. Examples of these items would be bolts for signposts,

anchorage inserts, et cetera. The certification shall read “I certify that all steel and iron materials permanently incorporated in this project during all manufacturing processes, including coating, as being completed in the USA and in accordance with CFR Title 23 Section 635.410 Buy America Requirements procured and processed domestically in accordance with CFR Title 23 Section 635.410 Buy America Requirements. Any foreign steel used was submitted and accepted under minor usage”. The certification shall be signed by an authorized representative of the Prime Contractor.

4. When permitted in the Contract, alternate bids may be submitted for foreign steel and iron products. The award of the Contract when alternate bids are permitted will be based on the lowest total bid of the Contract based on furnishing domestic steel or iron products or 125% of the lowest total bid based on furnishing foreign steel or iron products. If foreign steel or iron products are awarded the Contract, domestic steel or iron products may be used; however, payment will be at the Contract unit price for foreign steel or iron products.

C. **Basis of Payment.** Any costs incurred by the Contractor by reason of compliance with the above requirements shall be considered as included in and completely covered by the unit price bid for the various items of work included in the Contract.

**ATTENTION BIDDERS: THE ADDENDUM ACKNOWLEDGEMENT IN THE BID DOCUMENTS MUST BE COMPLETED AND SUBMITTED WITH ALL BID PROPOSALS.**



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Central File: **CR-1282**

Project File: **CR-1282**

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