

ADDENDUM NUMBER 1

Contract Number: TAP-5627(606)

Project Title: Centennial Greenway – 599A

Issue date: August 8, 2023

This addendum adds, deletes, changes, or clarifies the following:

Addenda to pre-**bid meeting minutes**

1. Add: Pre-Bid Meeting Minutes

Addenda to pre-**bid meeting sign-in** sheet

2. Add: Pre-Bid Meeting Sign-in Sheet

Addenda to Bid **Questions**

3. Add: Bid Questions

Addenda to **Specifications**

4. Change: the Stormwater Compliance Requirements section in JSP-24 – Supplemental Revisions has been modified to clarify roles and responsibilities.



**Centennial Greenway 599A
Warson Park to Dielman Road
Pre-bid Meeting Minutes
August 01, 2023**

1. INTRODUCTIONS

- a. Key Personal
 - i. City of Olivette
 - 1. Bruce McGregor – Public Works Director
 - ii. Great Rivers Greenway (Sponsor)
 - 1. Angelica Gutierrez – Senior Project Manager
 - iii. WSP (Lead Designer)
 - 1. Will Krussel – Lead Engineer
 - iv. DTLS (Landscape Designer)
 - 1. Shelby Brittin - Designer
 - v. Navigate Building Solutions (Construction Manager)
 - 1. Brian Kunz – Senior Construction Manager

2. FRONT END & BIDDING REQUIREMENTS

- a. Sealed Proposals are to be submitted to the City of Olivette at 1140 Dielman Road, Missouri 63132 no later than 2:00 pm central time on August 22, 2023, at which time they will be publicly opened and read aloud.
- b. Proposals received at either GRG's Office, WSP Office, Navigate's Office, or by fax will not be accepted.
- c. Bid packages will be distributed electronically via an ftp link at no cost to the bidder. Hard copies will not be available for purchase. Bidders may make printed copies of the bid documents (plans, project manual, and a bid packet) at their own expense. When requesting the ftp link, you will be required to provide your company name, a contact person and phone number, a complete company address and an e-mail address to be added to the Plan Holders List and for receiving official bidding communications and addenda. If you are not on the Plan Holders List, you will not receive any addenda issued. To request the electronic ftp link, email Brian Kunz at brian@navigatebuildingsolutions.com



- d. Bidders must complete and submit the following for their bid to be considered responsive:
- i. A completed, signed and sealed Bid Form acknowledging receipt of all addenda or acknowledging that there were none.
 - ii. A signed Subcontractor Approval Form including each proposed Subcontractor, or other persons or entities (including those who are to furnish materials or equipment fabricated to a special design) proposed for the principal portions of the Work.
 1. *Clarification: This form must accompany and be part of the sealed Bid Proposal. However, a revised form can be submitted with the DBE information within the 3-business day period.*
 - iii. A signed Subcontractor Certification Regarding Affirmative Action.
 1. *This form must accompany and be part of the sealed Bid Proposal.*
 - iv. The Bid Security required by the Project Manual.
 1. In the amount of five percent (5%) of the bid amount.
 - v. A signed E-Verify Affidavit and Memo of Understanding (MOU).
 - vi. Completed DBE Submittal Forms within three (3) business days of the bid opening.
 1. The DBE Contract Goal for this project is 16%, and DBE firms must be certified by MoDOT to attain credit towards this contract goal. The On-the-Job Trainee goal is 1 OJT.
 - vii. A designation of the Work, item by item, including the related dollar amount and total dollar amount, to be performed by the bidder with his own forces.
- e. For a contractor to be awarded this project the contractor must have a fully responsive contractor questionnaire on file with the Missouri Highway and Transportation Commission at least 7 days prior to the bid opening date. All bidders must be on MoDOT's Qualified Contractor List per Section 102.2 of the current Missouri Standard Specifications for Highway Construction. No Second Tier Subcontracting will be allowed.
- f. The City of Olivette intends to award the contract to the lowest, responsive, responsible bidder. Award of Contract shall be made to the lowest responsive, responsible bidder provided the bid has been submitted in accordance with the requirements of the Bidding Documents and does not exceed the funds available. The Owner will obtain concurrence of award from MoDOT prior to awarding the Contract.
- g. The City of Olivette reserves the right to reject any and all bids, and to waive any irregularities in the best interest of the owner with MoDOT's consent.

- h. It is anticipated that a Notice to Proceed would be issued in October 2023 after receiving concurrence with MoDOT.
- i. This project is a prevailing wage project. The successful Bidder is required to comply in all respects with applicable statutory provisions concerning payment of prevailing wages on public works, Sections 290.210 through 290.340 R.S. Mo. 1959, as currently amended, and shall pay to all workmen performing under work contract not less than prevailing hourly rate of wages as determined by the Department of Labor and Industrial Relations of the State of Missouri. The applicable state wage rates for this contract are detailed in "Annual Wage Order No. 30", that is attached to the bidding documents.
- j. The successful bidder shall furnish a Performance Bond in an amount equal to one hundred percent (100%) of the Contract Sum as security for the faithful performance of the Contract, and also a Labor and Material Payment Bond in an amount not less than one hundred percent (100%) of the Contract Sum as security for the payment of all persons performing labor on the project under this Contract and furnishing materials in connection with this Contract. The Surety shall be a company licensed to do business in the State of Missouri and shall be acceptable to the Owner. The Performance Bond and the Labor and Material Payment Bond may be in one or in separate instruments, however if combined into one the amount shall be for two hundred percent (200%) of the Contract Sum.
- k. The successful contractor, by signing the contract certifies it is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel, companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel, or persons or entities doing business in the State of Israel as defined by Section 34.600 RSMo.
- l. The successful contractor will be required to meet the Insurance requirements as required by Subparagraph 10.1.3 of the General Conditions.
- m. The City of Olivette will issue a Tax Exemption certificate for this project.
- n. Final Completion shall be completed no later than three hundred sixty five (365) consecutive calendar days from the Notice to Proceed.
- o. The Contractor shall pay, as liquidated damages and not as a penalty, the sum of \$1,625.00 for each consecutive calendar day after the Final Completion date that the Work has not been completed.
- p. All question or clarification shall be submitted to Brian Kunz by email at brian@navigatebuildingsolutions.com no later than 4:00 pm August 11, 2023. No written questions after this date or any verbal questions will be recognized. Responses to all questions or clarifications will be issued in the form of Addenda to all Plan Holders.

- q. Necessary changes or corrections in plans or specifications during time of bidding will be issued in writing or as drawings in form of Addenda to all Plan Holders.

3. PROJECT OVERVIEW:

- a. The Proposed Work consists of:
 - i. Grading, storm sewers, concrete trail construction within Indian Meadows Park and Warson Park, retaining walls, removals, traffic control, new plantings, bioretention, slope stabilization, installation of amenities such as seating walls, stone columns, benches, litter/recycling receptacles, drinking fountain, bike rack and repair station, removable steel bollards, aluminum picket fence, signage, and graphics and other incidental items and work described in the Project Manual, or reasonably inferable therefrom..

4. Access, Staging, Coordination (reference the attached map)

- a. Site Access for Construction:
 - i. Parking of personal vehicles or staging of materials and equipment is not permitted on the roadways within Indian Meadows Subdivision.
 - ii. Parking of personal vehicles or staging of materials and equipment is permitted on Napoleon Blvd (south side of the street) adjacent to the project site only.
 - iii. Site access from the Warson Park Community Center and the newly construction Greenway Trail is not permitted.
 - iv. *It is the contractor's responsibility to obtain permission from the business owners to use the private parking lot to access the site from Baur Blvd.*
 - v. Working hours are Monday – Saturday 7:00 am to 7:00 pm and no work is permitted on Sundays.
- b. Access to private driveways will be limited by the nature of the Work. The Contractor shall schedule his work such that at no time during the life of this Contract will any driveway be denied access for any reason other than the curing of the pavement.
- c. Always maintain a clean worksite, pick up loose trash daily, and ensure that stored materials onsite are neatly organized and maintained. The work associated with this project is in an active City Park and it is critical that the work areas are maintained in a neat and organized manner.
- d. Tree Clearing Restrictions per JSP 09:

- i. The project is within the known breeding range of the federally endangered Indiana bat. To avoid possible impacts to roosting Indiana bats, no tree clearing will be allowed between April 1st and October 31st.
- e. It is recommended that all bidding contractors review JSP 40 Tree Pruning and JSP 41 Tree Protection for the requirements of this work. The protection of the existing trees on this project is very important to the City as this project is being completed within an existing City Park.
- f. As this project is being constructed adjacent the River Des Peres, it is recommended that the bidding contractors review JSP 19 Storm Water Pollution Prevention Program and JSP 24 Supplemental Revisions – Storm Water Compliance Requirements as to the requirements required for the Storm Water Pollution Prevention (SWPP) on this project.
- g. This Contractor will need to coordinate their work with the other Construction projects that are ongoing or planned to start in the future, see the list below for the known projects.
 - i. MSD – Price to Pioneer Sanitary Relief Project
 - ii. St. Louis County – Dielman Road Improvements



* = Point of Entry to the Work Area

Note: MSD easement area for Price to Pioneer Sanitary Relief Project at this entry location. (schedule unknown at this time)

Olivette Community Center & Centennial Greenway at Warson Park



Olivette

Centennial Greenway 599A, Warson Park to Dielman Road Pre-Bid Meeting Attendees

Date: Tuesday August 01, 2023 - 2:00 pm

Company	Name	Email Address
GERSHENSON Const Co	Chuck Riskey	CRISKEY@GERSHENSON.COM
KOZENT WAGNER	CHARLIE ERNST	CERNST@KOZENTWAGNER.COM
LAND DESIGN	KURT SIMMONS	KURT@LAD-DESIGN.NET
Raineri Construction	Tim Kile	TKILE@RAINERCONSTRUCTION.COM
CITY OF OLIVETTE	Bruce McHenry	BMCHENRY@OLIVETTEMO.COM
Keeley Construction	John Stackpole	JSTACKPOLE@KEELEYCONSTRUCTION.COM
Keeley	Alex Ball	ABALL@KEELEYCONSTRUCTION.COM
Contemporary	Lerone Booker	leronebooker@gmail.com
JTL	NICHOLAS KREKELER	nkrekeler@jtlstl.com
Hof Construction	Chris Hof	chris.hof@hofconstruction.com
DTLS	SHELBEY BRITAIN	SHELBEY@DTLS-STUDIO.COM
DJM Ecological	Ala Macko	amacko@djmeological.com
Clem Kindygo	KES	clem.kindygo@kesservicesstl.com
INFRASTRUCTURE MGMT. INC	JOHN MIENER	JMIENER@IMI-MO.COM



Centennial Greenway TAP 5627(606) 599A Warson Park to Dielman Road
Questions from Bidders

Number	Question	Response	Document Revisions Section / Drawing #	JSP Addendum #
1	On sheet C-716 the underdrain pipe entering the basin is listed as 8" PVC, but the pipe size provided in the detail on sheet C-718 is the size more typically found in bioretention basins (4"). Can you confirm that a 4" underdrain is desired and not an 8" underdrain?	Both details are correct. A 4" underdrain is required under the bio-retention cell material in the basin, and an 8" PVC pipe is required to connect the 4" underdrain to the outfall structure.	No revision required.	1
2				
3				
4				
5				
6				
7				
8				
9				

JSP-24 – Supplemental Revisions JSP-18-01Y

Compliance with [2 CFR 200.216 – Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment](#).

The Missouri Highways and Transportation Commission shall not enter into a contract (or extend or renew a contract) using federal funds to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as substantial or as critical technology as part of any system where the video surveillance and telecommunications equipment was produced by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

Stormwater Compliance Requirements

1.0 Description. This provision requires the contractor to provide a Water Pollution Control Manager (WPCM) for any project that includes land disturbance on the project site and the total area of land disturbance, both on the project site, and all Off-site support areas, is one (1) acre or more. Regardless of the area of Off-site disturbance, if no land disturbance occurs on the project site, these provisions do not apply. When a WPCM is required, all sections within this provision shall be applicable, including assessment of specified Liquidated Damages for failure to correct Stormwater Deficiencies, as specified herein. This provision is in addition to any other stormwater, environmental, and land disturbance requirements specified elsewhere in the contract.

1.1 Definitions. The project site is defined as all areas designated on the plans, including temporary and permanent easements. An Off-site area is defined as any location off the project site the contractor utilizes for a dedicated project support function, such as, but not limited to, staging area, plant site, borrow area, or waste area.

1.2 Reporting of Off-Site Land Disturbance. If the project includes any planned land disturbance on the project site, prior to the start of work, the contractor shall submit a written report to the engineer that discloses all Off-site support areas where land disturbance is planned, the total acreage of anticipated land disturbance on those sites, and the land disturbance permit number(s). Upon request by the engineer, the contractor shall submit a copy of its land disturbance permit(s) for Off-site locations. Based on the total acreage of land disturbance, both on and Off-site, the engineer shall determine if these Stormwater Compliance Requirements shall apply. The Contractor shall immediately report any changes to the planned area of Off-site land disturbance. The Contractor is responsible for obtaining its own separate land disturbance permit for Off-site areas.

2.0 Water Pollution Control Manager (WPCM). The Contractor shall designate a competent person to serve as the Water Pollution Control Manager (WPCM) for projects meeting the description in Section 1.0. The Contractor shall ensure the WPCM completes all duties listed in Section 2.1.

2.1 Duties of the WPCM:

- (a) Be familiar with the stormwater requirements for construction stormwater discharges/land disturbance activities; the Corps of Engineers Section 404 Permit, when applicable; the project specific SWPPP, the Project's Erosion & Sediment Control Plan; all applicable special provisions, specifications, and standard drawings; and this provision;
- (b) Successfully complete the MoDOT Stormwater Training Course within the last 4 years. The MoDOT Stormwater Training is a free online course available at MoDOT.org;
- (c) Attend the Pre-Activity Meeting for Grading and Land Disturbance and all subsequent Weekly Meetings in which grading activities are discussed;
- (d) Oversee and ensure all work is performed in accordance with the Project-specific SWPPP and all updates thereto, or as designated by the Engineer;
- (e) Review the project site for compliance with the Project SWPPP, as needed, from the start of any grading operations until final stabilization is achieved, and take necessary actions to correct any known deficiencies to prevent pollution of the waters of the state or adjacent property owners;
- (f) Ensure that all Stormwater Deficiencies noted on the report are corrected as soon as possible, but no later than stated in Section 5.0.

3.0 Pre-Activity Meeting for Grading/Land Disturbance and Required Hold Point. A Pre-Activity meeting for grading/land disturbance shall be held prior to the start of any land disturbance operations. No land disturbance operations shall commence prior to the Pre-Activity meeting except work necessary to install perimeter controls and entrances. Discussion items at the pre-activity meeting shall include a review of the Project SWPPP, the planned order of grading operations, proposed areas of initial disturbance, identification of all necessary BMPs that shall be installed prior to commencement of grading operations, and any issues relating to compliance with the Stormwater requirements that could arise in the course of construction activity at the project.

3.1 Hold Point. Following the pre-activity meeting for grading/land disturbance and subsequent installation of the initial BMPs identified at the pre-activity meeting, a Hold Point shall occur prior to the start of any land disturbance operations to allow the engineer and WPCM the time needed to perform an on-site review of the installation of the BMPs to ensure compliance with the SWPPP is met. Land disturbance operations shall not begin until authorization is given by the engineer.

4.0 Inspection Reports. Weekly and post run-off inspections will be performed by the WPCM and each Inspection Report (Land Disturbance Inspection Record) will be submitted to the engineer.

5.0 Stormwater Deficiency Corrections. All stormwater deficiencies identified in the Inspection Report shall be corrected by the contractor within 7 days of the inspection date or any extended period granted by the engineer when weather or field conditions prohibit the corrective work. If the contractor does not initiate corrective measures within 5 calendar days of the inspection date or any extended period granted by the engineer, all work shall cease on the project except for work to correct these deficiencies, unless otherwise allowed by the engineer. All impact costs related to this halting of work, including, but not limited to stand-by time for equipment, shall be borne by the Contractor. Work shall not resume until the engineer approves the corrective work.

5.1 Liquidated Damages. If the Contractor fails to complete the correction of all Stormwater Deficiencies listed on the Inspection Report within the specified time limit, the City of Olivette will be damaged in various ways, including but not limited to, potential liability, required mitigation, environmental clean-up, fines and penalties. These damages are not reasonably capable of being computed or quantified. Therefore, the contractor will be charged with liquidated damages specified in the amount of \$2,000 per day for failure to correct one or more of the Stormwater Deficiencies listed on the Inspection Report within the specified time limit. In addition to the stipulated damages, the stoppage of work shall remain in effect until all corrections are complete.

6.0 Basis of Payment. No direct payment will be made for compliance with this provision.

Anti-Discrimination Against Israel Certification

By signing this contract, the Company certifies it is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel, companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel, or persons or entities doing business in the State of Israel as defined by Section 34.600 RSMo. This certification shall not apply to contracts with a total potential value of less than One Hundred Thousand Dollars (\$100,000) or to contractors with fewer than ten (10) employees.

Ground Tire Rubber (GTR) Dry Process Modification of Bituminous Pavement Material

1.0 Description. This work shall consist of the dry process of adding ground tire rubber (GTR) to modify bituminous material to be used in highway construction. Existing GTR requirements in Section 1015 pertain to the wet process method of GTR modification that blends GTR with the asphalt binder (terminal blending or blending at HMA plant). The following requirements shall govern for dry process GTR modification. The dry process method adds GTR as a fine aggregate or mineral filler during mix production. All GTR modified asphalt mixtures shall be in accordance with Secs 401, 402, or 403 as specified in the contract; except as revised by this specification.

2.0 Materials. The contractor shall furnish a manufacturer's certification to the engineer for each shipment of GTR furnished stating the name of the manufacturer, the chemical composition, workability additives, and certifying that the GTR supplied is in accordance with this specification.

2.1 Product Approval. The GTR product shall contain a Trans-Polyoctenamer (TOR) added at 4.5 % of the weight of the crumb rubber or an engineered crumb rubber (ECR) workability additive that has proven performance in Missouri. Other GTR additives shall be demonstrated and proven prior to use such as a five-year field performance history in other states or performance on a federal or state-sanctioned accelerated loading facility.

2.2 General. GTR shall be produced from processing automobile or truck tires by ambient or cryogenic grinding methods. Heavy equipment tires, uncured or de-vulcanized rubber will not be permitted. GTR shall also meet the following material requirements:

Table 1 – GTR Material Properties		
Property	Test Method	Criteria
Specific Gravity	ASTM D1817	1.02 to 1.20
Metal Contaminates	ASTM D5603	≤ 0.01%
Fiber Content	ASTM D5603	≤ 0.5%
Moisture Content	ASTM D1509	≤ 1.0%*
Mineral Filler	AASHTO M17	≤ 4.0%

*Moisture content of the GTR shall not cause foaming when combined with asphalt binder and aggregate during mix production

2.3 Gradation. The GTR material prior to TOR or ECR workability additives shall meet the following gradation and shall be tested in accordance with ASTM D5603 and ASTM D5644.

Table 2 – GTR Gradation	
Sieve	Percent Passing by Weight
No. 20	100
No. 30	98-100
No. 40	50-70
No. 100	5-15

3.0 Delivery, Storage, and Handling. The GTR shall be supplied in moisture-proof packaging or other appropriate bulk containers. GTR shall be stored in a dry location protected from rain before use. Each bag or container shall be properly labeled with the manufacturer’s designation for the GTR and specific type, mesh size, weight and manufacturer’s batch or Lot designation.

4.0 Feeder System. Dry Process GTR shall be controlled with a feeder system using a proportioning device that is accurate to within ± 3 percent of the amount required. The system shall automatically adjust the feed rate to always maintain the material within this tolerance and shall have a convenient and accurate means of calibration. The system shall provide in-process monitoring, consisting of either a digital display of output or a printout of feed rate, in pounds per minute, to verify feed rate. The supply system shall report the feed in 1-pound increments using load cells that will enable the user to monitor the depletion of the GTR. Monitoring the system volumetrically will not be allowed. The feeder shall interlock with the aggregate weight system and asphalt binder pump to maintain correct mixture proportions at all production rates.

Flow indicators or sensing devices for the system shall be interlocked with the plant controls to interrupt mixture production if GTR introduction rate is not within ± 3 percent. This interlock will immediately notify the operator if GTR introduction rate exceeds introduction tolerances. All plant production will cease if the introduction rate is not brought back within tolerance after 30 seconds. When the interlock system interrupts production and the plant has to be restarted, upon restarting operations; the modifier system shall run until a uniform feed can be observed on the output display. All mix produced prior to obtaining a uniform feed shall be rejected.

4.1 Batch Plants. GTR shall be added to aggregate in the weigh hopper. Mixing times shall be increased per GTR manufacturer recommendations.

4.2 Drum Plants. The feeder system shall add GTR to aggregate and liquid binder during mixing and provide sufficient mixing time to produce a uniform mixture. The feeder system shall ensure GTR does not become entrained in the exhaust system of the drier or plant and is not exposed to the drier flame at any point after introduction.

5.0 Testing During Mixture Production. Testing of asphalt mixes containing GTR shall not begin until at least 30 minutes after production or per additive supplier's recommendation.

6.0 Construction Requirements. Mixes containing GTR shall have a target mixing temperature of 325 F or as directed by the GTR additive supplier. The additive supplier's recommendations shall be followed to allow for GTR binder absorption/reaction. This may include holding mix in the silo to allow time for binder to absorb into the GTR. Rolling operations may need to be modified.

7.0 Mix Design Test Method Modification. A formal mixing procedure from the additive supplier shall be provided to the contractor and engineer that details the proper sample preparation, including blending GTR with the binder or other additives. Samples shall be prepared and fabricated in accordance with this procedure by the engineer and contractor throughout the duration of the project.

8.0 Mix design Volumetrics. Mix design volumetric equations shall be modified as follows:

8.1 Additional virgin binder added to offset GTR absorption of binder shall be counted as part of the mix virgin binder

8.2 GTR shall be included as part of the aggregate when calculating VMA of the mix.

8.2.1 GTR SPG shall be 1.15

8.3 VMA shall be calculated as follows:

$$VMA = 100 - G_{mb} \left(\frac{P_s}{G_{sb}} + \frac{P_{GTR}}{G_{GTR}} \right)$$

where:

P_s = percent aggregate by total mixture weight

P_{GTR} = percent GTR by total mixture weight

G_{sb} = bulk specific gravity of the combined aggregate

G_{GTR} = GTR specific gravity

8.4 G_{se} shall be calculated as follows:

$$G_{se} = \frac{(100 - P_b - P_{GTR})}{\left(\frac{100}{G_{mm}} - \frac{P_b}{G_b} - \frac{P_{GTR}}{G_{GTR}}\right)}$$

8.5 P_{be} shall be calculated as follows:

$$P_{be} = P_b - \frac{P_{ba}}{100} * (P_s + P_{GTR})$$

9.0 Minimum GTR Amount. The minimum dosage rate for GTR shall be 5 % by weight of total binder for an acceptable one bump grade or 10 % by weight of total binder for an acceptable two bump grade as detailed in the following table. Varying percentage blends of GTR and approved additives may be used as approved by the engineer with proven performance and meeting the specified requirements of the contract grade.

Contract Binder Grade	Percent Effective Virgin Binder Replacement Limits	Required Virgin Binder Grade	Minimum GTR Dosage Rate
PG 76-22	0 - 20	PG 70-22	5 %
		PG 64-22	10 %
PG 70-22	0 - 30	PG 64-22	5 %
		PG 58-28	10 %
PG 64-22	0 – 40*	PG 58-28	5 %
		PG 52-34	10 %
PG 58-28	0 – 40*	PG 52-34	5 %
		PG 46-34	10 %

* Reclaimed Asphalt Shingles (RAS) may be used when the contract grade is PG 64-22 or PG 58-28. RAS replacement shall follow the 2 x RAS criteria when calculating percent effective binder replacement in accordance Sec 401.

Buy America

In addition to Section 106.9 of the Missouri Standard Specifications for Highway Construction, the following requirements will also be in effect for this project.

1.0 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. 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 America Certification:

- a) Iron and steel – no changes to the current specification requirements.
- b) Manufactured products – these are currently exempted under the 1983 waiver from FHWA.
- c) 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

1.1 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.

1.2 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 ([link to certificate form](#)) from the supplier and/or fabricator must show all steps of the manufacturing being completed in the United States. The Certificate of Material form shall be filed with the contract documents.

1.3 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 this 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.

1.4 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.

2.0 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.

<<END OF JSP-24>>