



SAINT LOUIS COUNTY
Transportation and Public Works

February 25, 2025

ADDENDUM NO. 1

Notice to All Persons and Firms Proposing
to Submit a Bid or Furnish Materials for
Ferguson Avenue Resurfacing
St. Louis County Project No. AR-1795
Federal Project No. STP-5515(603)

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

No. 1

Replace Contract Special Provision 100.20.1 Buy America Requirements with the attached Contract Special Provision 100.20.1 Buy America Requirements.

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

Regards,

Jill Allen
Contract Administrator
Department of Transportation and Public Works
1050 North Lindbergh Boulevard
Creve Coeur, MO 63132

Attachments: Revised Special Provision 100.20.1 Buy America Requirements

**OPPORTUNITY
CENTRAL**

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. Buy America Requirements are waived if the total amount of Federal financial assistance applied to the project, through award or subawards, is below \$500,000. 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.
 - Construction materials other than iron and steel materials – requirements summarized in Section C below.
 - Manufactured products – requirements summarized in Section D below.
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 ([https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fepg.modot.org%2Fforms%2FCM%2FCERTIFICATE OF MATERIALS ORIGIN&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fepg.modot.org%2Fforms%2FCM%2FCERTIFICATE%2FOF%2FMATERIALS%2FORIGIN&wdOrigin=BROWSELINK)) 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.

Addendum No. 1 / Ferguson Avenue Resurfacing / AR-1795 / STP-5515(603)

- 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. Under a general waiver from FHWA 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. A manufactured item will be considered iron and steel if it is "predominantly" iron or steel. Predominantly iron or steel means that the cost of iron or steel content of a product is more than 50 percent of the total cost of all its components.
 2. 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.
 3. "Minimal use" of foreign steel, iron or coating processes will be permitted, provided the cost of such products does not exceed one-tenth of one percent (1/10th 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.
 4. Buy America requirements include a step certification for all fabrication processes of all steel or iron materials that are accepted per Section 1000. The AASHTO Product Evaluation and Audit Solutions 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). AASHTO Product Evaluation and Audit Solutions compliant suppliers will not be required to submit step certification documentation with the shipment for some selected steel and iron materials. The AASHTO Product Evaluation and Audit Solutions 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

Addendum No. 1 / Ferguson Avenue Resurfacing / AR-1795 / STP-5515(603)

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 ([https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fepg.modot.org%2Fforms%2FCM%2FCERTIFICATE OF MATERIALS ORIGIN&wdOrigin=BR%2FOWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fepg.modot.org%2Fforms%2FCM%2FCERTIFICATE%2FOF%2FMATERIALS%2FORIGIN&wdOrigin=BR%2FOWSELINK)) 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.

5. 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 in 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. **Requirements for Construction Materials other than Iron and Steel Materials.**

Construction materials means articles, materials, or supplies that consist of only one of the items listed. Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material. Upon request by the engineer, the contractor shall submit a domestic certification for all construction materials listed that are incorporated into the project.

- Non-ferrous metals;
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- Glass (including optic glass);
- Fiber optic cable (including drop cable)
- Optical fiber
- Engineered wood
- Lumber; or
- Drywall

Addendum No. 1 / Ferguson Avenue Resurfacing / AR-1795 / STP-5515(603)

- **Minimal Use Allowance for Construction Materials other than iron or steel.** “The total value of the non-compliant products is no more than the lesser of \$1,000,000 or 5% of the total applicable costs for the project.” The contractor shall submit to the engineer any non-domestic materials and their total material cost to the engineer. The contractor and the engineer will both track these totals to assure that the minimal usage allowance is not exceeded.

D. Requirements for Manufactured Products. Manufactured products means:

- Articles, materials, or supplies that have been:
 - Processed into a specific form and shape; or
 - Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.
 - If an item is classified as an iron or steel product, a construction material, or a section 70917(c) material under § 184.4(e) and the definitions set forth in this section, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under § 184.4(e) and the definition in this section may include components that are construction materials, iron or steel products, or section 70917(c) materials.
1. Manufactured products are exempt from Buy America requirements. To qualify as a manufactured product, items that consist of two or more of the listed construction materials that have been combined together through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials.
 2. Manufactured items are covered under a general waiver to exclude them from Buy America requirements. To qualify for the exemption the components must comprise of 55% of the value of materials in the item. The final assembly must also be performed domestically.

E. 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.