

PROPOSED DRAFT February 2015

106.09 DOMESTIC MATERIALS

~~Furnish domestic steel or iron materials for permanent incorporation in the work.~~ Domestic material is material produced by manufacturing processes, including coating of steel or iron, that have occurred entirely in the United States. Pig iron, and processed, pelletized and reduced iron ore may be manufactured outside the United States. In accordance with MT 601, furnish the appropriate manufacturer's documentation of the manufacturing processes, including coatings of covered materials, as performed in the United States. Submit a completed Form 406 for all Category 1 or Category 2 items.

~~Do not incorporate steel or iron materials into the project until all~~ required documentation is submitted to the Department. Ensure that suppliers understand the Buy America and contract requirements to supply the required documentation. Submit documentation to the Department in a clear, organized, legible manner or it will be returned. Clarify which material certifications are for which items. The Department will review the submitted documentation one time at no cost to the contractor. If the Department determines that the submitted documentation is inadequate or fails to meet the contract requirements, the submitted documentation will be returned for clarification or correction. The cost for the Department's re-review of the same submittal is the contractor's responsibility, and may be deducted from contractor payments.

The Department will not accept items installed until all supporting documentation has been reviewed and is found to be in accordance with the contract requirements. Insufficient or unavailable documentation or documentation showing products to contain steel of foreign origin are grounds for removal and replacement at the contractor's expense.

Material inspection of pre-cast products, prefabricated steel products, or prefabrication plants will take place at the point of manufacture. The District Materials Lab, Helena Materials Bureau, or Department representative will inspect the manufacturing of these items and verify that the fabricator is maintaining supporting documentation. All precast products containing steel and prefabricated steel products delivered to the project must be accompanied by signed documentation from the end product manufacturer (precast plant or prefabrication plant) which states that all steel used in the product has been melted/recycled and manufactured entirely in the United States and they have maintained supporting documentation. Original mill test reports from steel fabricators or suppliers are not required to be submitted to the Project Manager for precast and prefabricated steel products. Submit a Form 406 with signed documentation by the end product manufacturer or prefabrication plant that all steel incorporated has been melted/recycled and manufactured entirely in the United States. All supporting documentation (original mill test reports) must be maintained by the fabricator and made available to the Department as requested.

A minimal quantity of foreign manufactured steel and iron material may be used if the cost of the material, including delivery costs to the project, does not exceed one-tenth of 1% of the total contract amount or \$2,500.00, whichever is greater. Submit a request to use a minimal quantity of foreign manufactured steel and iron a minimum of 5 business days before incorporation into the work. Include in the request the dollar amount of the steel for this request, and the cumulative dollar amount requested to date. Provide documentation, typically in the form of invoices, showing product and delivery cost. Failure to do so will require removal and replacement of all foreign steel and iron with domestic steel and iron. If the foreign steel and iron

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Deleted: Notify the Project Manager and obtain clarification for any materials containing steel or iron components prior to their incorporation if not clearly defined in MT 601.

Deleted: As required, furnish certification from the original steel producing mill documenting the manufacturing processes, including coatings of covered materials, as performed in the United States.

Deleted: Buy America requirements apply to all manufactured products composed predominantly of steel or iron materials. A product is considered to be manufactured predominantly of steel or iron if the product consists of at least 90% steel or iron content, as determined by the Department, when it is delivered to the job site for permanent incorporation. For purposes of addressing precast or pre-stressed items, the job site encompasses locations where the precast operations occur. Buy America requirements do not apply to miscellaneous steel or iron components, subcomponents, or hardware; such as cabinets, covers, shelves, clamps, fittings, sleeves, washers, bolts (excluding high strength and anchor bolts), nuts, screws, tie wire, spacers, chairs, lifting hooks, faucets, or door hinges that are commonly available as off-the-shelf products or minor items that are necessary to encase, assemble and construct project materials.¶

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cannot be positively distinguished from any domestic material used, then all of the material must be removed and replaced with domestic steel and iron at the contractor's expense.

COMMENTS

1. 106.09 Domestic Materials: This changes existing language and removes the definition of "predominately steel components" to comply with the Buy America act. From our conversion we understand that past policy of MDT was based on a guidance memorandum from the Federal Highway Administration (FHWA). Based on the recent court order that FHWA memo was rescinded and the Buy America Act applies project wide. MCA appreciates the effort the MDT and FHWA personnel have dedicated to categories 1 and 2 and your efforts to move as many items to category 2 as possible. MCA further acknowledges that the de minimis threshold for items under \$2500 still applies. Both of us share the frustration that meeting Buy America documentation can cause and we appreciate your help.

Response: Agreed and thank you.

FINAL EFFECTIVE July 14, 2016

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