

BIDDER'S BUILD AMERICA BUY AMERICA CERTIFICATION

This is a certification that I, the Bidder, _____ (Name and Title) of _____ (Company Name, Partnership, LLC, Inc., etc.) hereby certify that funds for this project must comply with all federal requirements applicable to the assistance received (including those imposed by the Infrastructure Investment and Jobs Act ("IIJA"), Public Law No. 117-58) which the Bidder understands includes, but is not limited to, the following requirements: that all of the iron and steel, manufactured products, and construction materials used in the project are to be produced in the United States ("Build America, Buy America [BABA] Requirements") unless (i) the Bidder has requested and obtained a waiver from the cognizant Agency pertaining to the project or the project is otherwise covered by a general applicability waiver; or (ii) all of the contributing Agencies have otherwise advised the Bidder in writing that the BABA Requirements are not applicable to the project.

The Bidder is aware that all iron and steel, manufactured projects, and construction materials used for this project must be produced in the United States per BABA requirements and incorporated into this project _____ (Insert Name of Project), DWSRF Project #: P40- _____ (Insert DWSRF Project Number), and furthermore certifies as follows.

1. The Bidder understands the term "iron and steel, manufactured products, and construction materials" applies to all projects for the construction, alteration, maintenance, or repair of publically owned treatment works or public water systems. The Bidder understands the term "iron and steel, manufactured products, and construction materials" refers to the following:
 - a) To establish standards defining the term "all manufacturing processes" in the case of construction materials, Office of Management and Budget ("OMB") must first determine to which materials the standards will apply.
 - b) The IIJA finds that "construction materials" include an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of: Non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, and drywall.
2. The Bidder further states that this requirement applies to all portions of the project that are subcontracted.
3. This "Bidder's Build America Buy America Certification" is to be submitted by the Bidder as a part of this bid and proposal.
4. Iron and steel, manufactured products, and construction materials of unknown origin are considered to have been produced or manufactured outside the United States.
5. Identification of American-produced Iron and Steel, Manufactured Products, and Construction Materials: Consistent with the terms of the Owner's bid solicitation and the provisions of BABA, the Bidder certifies that this bid reflects the Bidder's best, good faith effort to identify domestic sources of iron and steel, manufactured products, and construction materials in the bid solicitation where such American-made goods are available on the schedule and consistent with the deadlines prescribed in or required by the bid solicitation.
6. Verification of U.S. Production: The Bidder certifies that all iron and steel, manufactured products, and construction materials contained in the bid solicitation that are American-made have been so identified, and if this

bid is accepted, the Bidder agrees that it will provide reasonable, sufficient, and timely verification to the Owner of the U.S. production of each component so identified.

7. Documentation Regarding Non-American-made Iron and Steel Goods: The Bidder certifies that for any iron and steel, manufactured products, and construction material that are not American-made and are so identified in this bid, the Bidder has included in or attached to this bid one or both of the following, as applicable:
 - a. Identification of and citation to a categorical waiver published by the U.S. Environmental Protection Agency ("EPA") in the Federal Register that is applicable to such component or components, and an analysis that supports its applicability to the component or components. If the Administrator of EPA receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Website of EPA.
 - b. Verifiable documentation sufficient to the Owner, as required in the bid solicitation or otherwise, that the Bidder has sought to secure American-produced goods but has determined that such goods are not available on the schedule and consistent with the deadlines prescribed in the bid solicitation, with assurance adequate for the Bidder under the applicable conditions stated in the bid solicitation or otherwise.
8. Information and Detailed Justification Regarding Non-American-produced Iron and Steel, Manufactured products, and Construction Materials: The Bidder certifies that for any such product or products that are not so available, the Bidder has also provided in or attached to this bid certification, including but not limited to the verifiable documentation and a full description of the Bidder's efforts to secure any such American-produced iron and steel, manufactured products, and construction materials, that the Bidder believes are sufficient to provide and as far as possible constitute the detailed justification required for a waiver under Use of American Iron and Steel with respect to such product or products.
9. If use of a noncompliant iron and steel, manufactured products, and construction materials is permanently incorporated into a project, one or more of the following can occur: 1) Request a waiver where appropriate. 2) Require the removal of the non-domestic item. 3) Payment for all or part of the project will be withheld.
10. The Bidder further agrees that, if this bid is accepted, it will assist the Owner in amending, supplementing, or further supporting such information as required by the Owner to request and, as applicable, implement the terms of a waiver with respect to any such product or products. EPA strongly recommends the use of a step certification, similar to the one used by the Federal Highway Administration. The final manufacturer can also certify that the manufacturing process occurred in the United States.

Name of Construction Company

Signed _____
Signature of Authorized Official

By _____
Type Name of Authorized Official

Title _____
Title of Authorized Official