



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

October 17, 2012

All UDOT District Engineers & Resident Engineers
All Consultant Resident Engineers

RE: Buy America

To Whom It May Concern,

We have projects that payment for, and installation of, steel and iron products is being delayed due to what we perceive as minor issues with Buy America documentation. This is placing an undue burden on the contracting and manufacturing community and in particular, small contractors. In some cases we have heard that this is creating severe financial hardships on these contractors.

In an effort to aid in consistency and to speed decision making with the application of the Buy America Specification, We would like to give the following guidance:

- *Reasonably Conclude* – The **Resident Engineer** needs to make the judgment on whether he, or she, can reasonably conclude that the specification has been met. The Resident Engineer needs to document why he, or she, determined compliance and include this in the project files.
- The following is guidance on what is required and what is flexible when determining whether or not you can reasonably conclude that the material meets Buy America

Required	Flexible
A tracking Number that ties processes together.	This tracking number does not need to be a heat number. It can be a lot number, bill of lading, purchase order number, or any combination of these.
Signed Mill test report stated Melted in the US	No exceptions
Certification from Each Manufacturing Process	If the Cert does not state manufactured in the US, but the location of the Manufacturer is domestic, you can reasonably conclude that it was

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	manufactured in the US. Minor discrepancies such as printed vs. signed certs. Information obtained from Bills of lading can help verify certifications.
Material and Process Description	If this is not provided, company information such as types of processes performed can be substituted. This could be in the form of documented phone conversations or website searches.
Quantity Verification	Quantities are not necessarily required for a coating process. Also, if more than 90% of the quantities are present, you can reasonably conclude that the material meets Buy America.

Every effort should be made to collect the necessary documentation to verify Buy America, and if these efforts have been documented, made in good faith, and with reasonable judgment, it is unlikely that project funding will be jeopardized.

It is critical that resolution on Buy America compliance be made quickly so that we do not place undue burdens on those that are least equipped to deal with them.

Sincerely,

Rob Wight
Director of Construction/Materials