

## SPECIAL NOTICE TO BIDDERS

### Buy American Provision Changes

01/24/2023

The Build America, Buy America (BABA) sections in Public Law No. 117-58 (Bipartisan Infrastructure Law (BIL)) establish three classes of materials that must be declared as being produced in the United States:

- Iron and Steel
- Manufactured Products
- Construction Materials

Section GCP 60-09 incorporates changes to the Buy American Preference requirements to comply with BABA and other related Made in America Laws, U.S. statutes, guidance, and FAA polices. As part of this change, forms 25D-151 and 25D-154 are available through the Department Construction Bid Forms website. The other forms are available through the FAA website below.

Appendix A4 of the FAA's Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects (FAA Contract Guidelines) contains information on FAA's requirements under BABA, Executive Order 14005, and 49 USC § 50101.

BABA can be found in Sections 70901-70952 of the BIL.

The BIL can be found at <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>

FAA Contract Guidelines can be found at [https://www.faa.gov/sites/faa.gov/files/2022-11/combined-federal-contract-provisions-2022-11-17\\_0.pdf](https://www.faa.gov/sites/faa.gov/files/2022-11/combined-federal-contract-provisions-2022-11-17_0.pdf)

Executive Order 14005 can be found at <https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers>

FAA's Buy American Waiver forms can be found at [https://www.faa.gov/airports/aip/buy\\_american/](https://www.faa.gov/airports/aip/buy_american/)