

ITD HQ CONSTRUCTION AND MATERIALS

October 30, 2025

NEW 2025 BUY AMERICA REQUIREMENTS

PRESENTATION RECORDING

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This presentation is being recorded. If you are not comfortable with this, a copy of the presentation and the recording will eventually be available on the website under Construction Resources.



Attendees of This Presentation



ITD



Consultants



Contractors/Suppliers



Other Miscellaneous

REQUIREMENTS PRIOR TO OCTOBER 1, 2025

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- All products made primarily of iron and steel, and all defined Construction Materials must be produced in the United States.
- ITD forms 914 and 915 are used to certify the product meets the Buy America and Build America Buy America requirements.
 - Buy America is covered under 23 CFR 635.410 for iron/ steel, and Manufactured Products.
 - Build America Buy America is defined under 2 CFR 184 for Construction Materials.
 - For this presentation, “Buy America” refers to both “Buy America” and “Build America Buy America”.

Buy American vs. Buy America

- Buy American is NOT the same as Buy America.
- We don't deal with Buy American .
- Buy American is for direct federal procurement.
- Make sure to know the difference when specifying or selecting products.

FHWA Waiver on Manufactured Products

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- For projects obligated before October 1, 2025, there is a waiver on Manufactured Products, such that certification is not required.
- For projects obligated on or after October 1, 2025, the waiver has been eliminated.



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How will you know which rules apply?

- You will know which rules apply by one of two ways:
 - First: if you are currently in design, and no funding has been obligated for construction, then the new 2025 rules will apply.
 - If the funding is obligated on or after October 1, 2026, more rules will apply.
 - Second: If you are working on a contract that has been awarded for construction, look at the Buy America Insert in the contract to understand the rules.
 - Older contracts will likely have the 2024 BA insert, where the waiver on Manufactured Products applies.
 - Newer contracts will have the new 2025 BA insert, and all Manufactured Products must be certified.

STILL NO CHANGE TO IRON/STEEL (23 CFR 635.410)

- Buy America for Iron and Steel **remains the same**.
- ITD 914 and Mill Certs are required for all iron and steel components
- Remove and Replace remains the prescribed remedy for non-domestic iron/steel.



Construction Material (2 CFR 184)

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A Construction Material is an article, material, or supply that consists of only one of the items listed, except for minor additions:

1. non-ferrous metals;
2. plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cable);
3. glass (including optic glass);
4. lumber (including treated wood, and untreated wood);
5. Fiber optic cable;
6. Optical fiber;
7. Engineered wood; or
8. drywall.



Construction Material (2 CFR 184) (Continued)

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To the extent one of the items listed previously contains as inputs other items listed above, it is nonetheless a Construction Material.

- For example, fiber optic cable contains as inputs other items listed, such as glass and/or plastics, but fiber optic cable is nonetheless a Construction Material.

Construction Material (2 CFR 184) (Continued)

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Items specifically excluded from Construction Material are:

- Products that are primarily iron or steel (defined under 23 CFR 635.410 Iron and Steel Products);
- Products that are Manufactured Products (defined under 23 CFR 635.410);
- Cement and cementitious materials;
- Aggregates such as stone, sand, or gravel; or
- Aggregate binding agents or additives.

Construction Material (2 CFR 184) (Continued)

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Coatings do not change the categorization of a Construction Material. Minor additions of articles, materials, supplies, or binding agents to a Construction Material do not change the categorization of Construction Material.

- For example, wax added to engineered wood should not disqualify the engineered wood from categorization as a Construction Material.
- However, if before the engineered wood is brought to the work site, it is combined with glass or other items or materials to produce a new product, which is not listed, the new product would be classified as a Manufactured Product, not a Construction Material.

Certification of Construction Materials

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- The manufacturer must sign the ITD-0915 to certify that 100% of the final assembly or manufacture of the Construction Material occurred domestically.
 - The CFR and the BA Insert provides more definitions of “produced in the United States”.
- The ITD-0915 is used for certification.

Manufactured Products (23 CFR 635.410)

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A Manufactured Product is defined as 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.

Certification of Manufactured Products

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- The manufacturer must sign the ITD-0915 to certify that 100% of the final assembly or manufacture of the Manufactured Product occurred domestically for projects obligated on or after October 1, 2025.
- A new version of the ITD-0915 is now available.



Your Safety • Your Mobility
Your Economic Opportunity

ITD 0915A (10-25)
itd.idaho.gov

CONSTRUCTION MATERIAL CERTIFICATION (For Buy America, for projects obligated before October 1, 2025)



Your Safety • Your Mobility
Your Economic Opportunity

ITD 0915B (09-25)
itd.idaho.gov

CONSTRUCTION MATERIAL OR MANUFACTURED PRODUCT CERTIFICATION (For Buy America, for projects obligated on or after October 1, 2025)

Part 1. Manufacturer Only: All Construction Materials (2 CFR 184) and applicable Manufactured Products (23 CFR 635.410) listed in this block conform to 2 CFR 184 for Construction Materials and 23 CFR 635.410 for Manufactured Products and were produced in the United States.
Attach all invoices with visible pricing.

NO BA EXCEPTION UNDER 2025 RULES

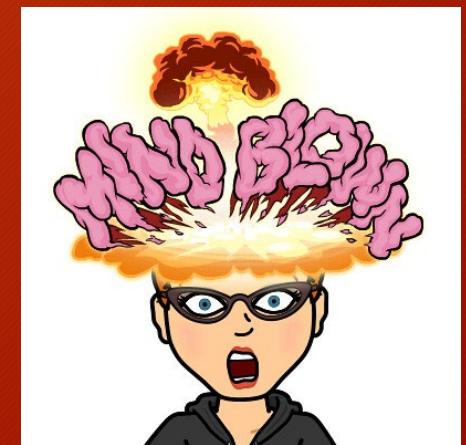
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- Prior to October 1, 2025, Contractors could submit an ITD-0915 through the Buy America Exception App if they thought the product should be considered a Manufactured Product, not a Construction Material.
 - This required involvement by HQ Construction and Materials in coordination with FHWA.
 - If the product was deemed a Manufactured Product, certification was not required.
- For projects obligated on or after October 1, 2025, there is not an exception process because there is no waiver on Manufactured Products.

Precast Concrete Products are Manufactured Products and Iron/Steel

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- Even though cements, aggregates, and binding agents are excluded from the definition of Construction Materials, when they are brought to the project as a finished product, they are considered a Manufactured Product and must be certified on the ITD-0915 for projects obligated on or after October 1, 2025.
- Rebar in the Precast Products must be certified on the ITD-0914.



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Buy America Insert

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- Each contract that has to comply with Buy America (BA) has a BA insert included in the contract.
- Read the insert to know the requirements for your contract.
- The insert will be made available in ProjectWise, if you need the information for design.

2025 BUY AMERICA/ BUILD AMERICA BUY AMERICA INSERT

(For projects obligated on or after October 1, 2025)

This document is intended as a Build America Buy America (BABA, 2 CFR 184) and Buy America (BA, 23 CFR 635.410) contract insert that includes changes to the 2023 Standard Specifications for Highway Construction (SSHC), and the 2020 Quality Assurance Manual (Dated 10/19). For the purposes of this contract, the term “Buy America” refers to both Build America Buy America (BABA), and Buy America (BA).

BA SUMMARY TABLE

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Buy America Summary Table (Section 270)

Section	Item Desc.	Code ^{1,4,6,7}	Form(s) ^{2,3,5,9}	Comments
212	Slope Drain	Fe, CM	ITD-914, ITD-915	
212 (General)	Erosion and Sediment Control Products	MP	ITD-915	All erosion and sediment control products that are allowed to remain in place must be certified appropriately.

Design Implications of Buy America

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- Designers must know that the products they are specifying in the design can be properly certified before the project goes out to bid.
- After the project has been bid, it is too late, and the project is at risk of losing federal funding in its entirety.
- Work with HQ Design if you have questions about this.

Construction Implications

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- All items that are to be permanently incorporated into the project must be properly certified, or the project is at risk of losing federal funding entirely.
- If BMPs are allowed to stay in place when the project is finished, they must be certified.

Future Changes

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- There will be new changes on October 1, 2026, but, in the interest of time, we will not go into them in this presentation.
- The changes are related to Manufactured Products.

HQ Design Contacts (For projects in the design phase)

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- Marc Danley, 208.334.8024
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HQ Construction and Materials Contacts (For projects in the construction phase)

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Questions

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