



2026 Build America Buy America / Buy America (BA) Requirements

Effective October 1, 2026

HQ Construction and Materials
September 2026

Your Safety • Your Mobility • Your Economic Opportunity

PRESENTATION RECORDING

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Attendees of This Presentation



ITD



Consultants



Contractors/Suppliers



Other Miscellaneous

Manufactured Product Phases (23 CFR 635.410)

Until September 30, 2025

General Waiver of
Manufactured
Products Applies

Between October 1, 2025, and September 30, 2025

Final Assembly
Required in the
U.S.

On or after October 1,
2026

Final Assembly
Required in the
U.S.

AND

55 Percent
Standard Applied*

* 55 Percent Standard: the cost of components of the Manufactured Products that are mined, produced, or manufactured in the U.S. must be greater than 55 percent of the total cost of all components of the Manufactured Product.

BA Requirements

- For this presentation, “Buy America (BA)” refers to both “Buy America” and “Build America Buy America”.
- All products made primarily of iron and steel, and all defined Construction Materials, and Manufactured Products must be produced in the United States.
- ITD forms 914 and 915 are used to certify the product meets the BA 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.



Buy Americanu vs. Buy America



Buy Americanu is NOT the same as Buy America.



We don't deal with Buy Americanu.



Buy Americanu is for direct federal procurement.



Make sure to know the difference when specifying or selecting products.

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 2026 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 either have the 2024 or 2025 BA Insert.
 - 2024 BA Insert: General Manufactured Product Waiver applies.
 - 2025 BA Insert: No waiver, and final assembly required in the US for Manufactured Products.
 - Newer contracts will have the new 2026 insert, and all Manufactured Products must be certified and meet the 55% domestic content standard.



Other Changes to 23 CFR 635.410

(Effective for projects obligated on or after March 20, 2025)

- Each item must be classified based on its status at the time it is brought to the work site.
- All items must be categorized into a single bucket (with only 2 exceptions).
- There are 4 “buckets” to choose from:
 1. Steel and Iron
 2. Manufactured Product
 3. Construction Material
 4. Other Materials
- The 2 exceptions are:
 1. Precast Concrete Products
 2. ITS and Electronic hardware system cabinets and enclosures



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Other Changes to 23 CFR 635.410

(Effective for projects obligated on or after March 20, 2025)

- The same final product can be classified differently based on when and how its components are brought to the work site. Examples:
 - Items from different manufacturers or suppliers
 - Precast versus cast-in-place concrete



ITS and Electronic Hardware System Cabinets and Enclosures

- With respect to intelligent transportation systems and other electronic hardware systems that are installed on the project and classified as Manufactured Products, the cabinets or other enclosures of such systems that consist wholly or predominantly of iron or steel or a combination of both must comply with 23 CFR 635.410 for iron or steel.
- The cost of cabinets or other enclosures must be included in the applicable calculation for purposes of determining whether the systems are produced in the United States.
 - The cost of the cabinet or other enclosures of such systems must be included in the applicable calculation for Manufactured Product and the 55% Domestic Content standard.



ITS and Electronic Hardware System Cabinets and Enclosures



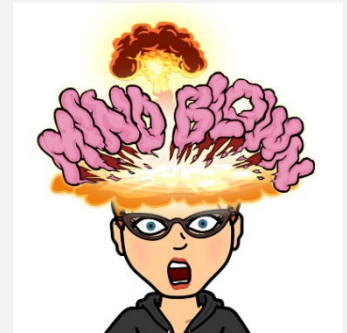
Source: Econolite.com
Use of this photo does not assume the
product is BA compliant.

Manufactured Product and
Iron or Steel

- The cabinet is predominantly iron or steel and must also be classified as Iron or Steel and must be certified as BA compliant.
- The cabinet and components together are classified as a Manufactured Product and must be certified as BA compliant.
- The cost of the cabinets or enclosures and components must be used in the calculation for produced in the U.S.

Precast Concrete Products are Manufactured Products and Iron/Steel

- 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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55 Percent Standard

For projects obligated on or after October 1, 2026, a Manufactured Product is produced in the United States if:

- 1) The product is manufactured in the U.S., AND
- 2) The cost of the components of the manufactured product that are mined, produced, or manufactured in the U.S. is greater than 55 percent of the total cost of all components of the Manufactured Product.

These requirements must be certified on the ITD-915 form by an authorized manufacturer's signature on the ITD-915 form.

55 Percent Domestic Content

In determining the 55 percent domestic content, the “cost of components” must include (See 2 CFR 184.5):

- **For components purchased by the manufacturer:**
The acquisition cost (including transportation costs to the place of incorporation into the Manufactured Product and any applicable duty).
- **For components manufactured by the manufacturer:** All costs associated with the manufacture of the component (including export/import duties and transportation), plus allocable overhead costs, but excluding profits.

Design and Bidding Stage

- Specified products must be able to comply with BA requirements
- The Qualified Products List (QPL) may show BA compliance for some products, but there may be more. The QPL does not list all products used on ITD projects.
 - When the supplier has provided the information, the QPL will list if the product can meet the BA requirements
 - This does not eliminate the need to certify the product for the project using either the ITD-0914 or ITD-0915 during construction.

EXAMINATION OF PLANS, SPECIFICATIONS, AND PROJECT SITE

A submitted proposal is prima facie evidence the bidder understands and is satisfied with the conditions of the project site, plans, proposal forms, and has available BA compliant materials and products.



Design Implications of Buy America

- 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 or HQ Traffic if you have questions about this.



Construction Stage

- Contractors must provide signed certification statements for all iron, steel, Manufactured Products, and Construction Materials permanently incorporated into the project.
- The Engineer must review these certifications to ensure they are complete and accurate before the materials are installed.
- Inspectors must categorize each product into a “bucket” once it has arrived on the work site and collect proper documentation from the Contractor.
 - Review thoroughly the shipping documents, invoices, bills of lading, and any information stamped on the shipping containers, boxes, or stamped on the material itself to ensure domestic sourcing.
 - Account for all the BA/BABA subject materials incidental to the pay items: screws, fasteners, welding rods, tie wire, etc.

Construction Implications

- 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.



Material Traceability and Documentation

- A critical component is having traceable records for all installed products.
- Contractors must identify and document the origin and domestic content value of components and sub-components of any preassembled Manufactured Product.



HQ Design Contacts

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HQ Traffic Contacts

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