

renew Louisiana

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

American Recovery and Reinvestment Act of 2009



Buy American Fact Sheet

What is the Buy American provision?

Section 1605 of the American Recovery and Reinvestment Act (Recovery Act) requires that “none of the funds appropriated for or otherwise made available by the Recovery Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless—All of the iron, steel, and manufactured goods used in the project are produced or manufactured in the United States.” (2 CFR 176.70)

What are the flow-down requirements of the Buy American Provision?

The direct recipient of the Energy Efficiency and Conservation Block Grant (EECBG) Program funding is the Department of Natural Resources (DNR). The recipient is required to pass down Buy American requirements to its subrecipients, i.e. the Parishes, who in turn must pass down these requirements to their contractors and subcontractors. Further detail on flow-down of responsibilities is provided in the last page of this factsheet.

How does the Buy American provision apply to my project?

- Projects undertaken and owned by government entities are required to comply with Buy American requirements.
- There is no requirement with regard to the origin of components or subcomponents of an item, as long as the manufacturing occurs in the United States.
- Applicable only to iron, steel and manufactured goods that are permanently attached to or fixed to real property.

Are there exceptions to the Buy American provision?

Yes, there are three exceptions:

1. Non-availability: item is not produced or manufactured in sufficient and reasonably available quantities of a satisfactory quality
2. Unreasonable cost: inclusion of material will increase cost of the overall project by more than 25%
3. Inconsistency with the public interest

Subgrantees wishing to receive a Buy American waiver for their projects should read the “Instructions for Waiver Requests” document available at:

<http://www.management.energy.gov/documents/arraattachment13v1.pdf>

Buy American Factsheet

Have any non-availability waivers been issued for specific items/materials?

Yes. On February 11, 2010 the following items were excluded from Buy American:

- LED traffic lights and signals
- Fluorescent electronic lighting ballasts
- Compact fluorescent light bulbs

On May 24, 2010 the following items were excluded from Buy American:

- Nonresidential programmable thermostats
- Commercial scale fully automatic wood pellet boiler systems
- Facility and small district wood pellet and chip boiler furnaces
- Variable refrigerant flow zoning and inverter driven ductless minisplit HVAC systems
- Electrical “smart” strips/surge protectors
- Gas or propane tankless water heaters up to 200,000 BTUs
- Fully enclosed continuous composting systems

What documents do I need to certify compliance with Buy American?


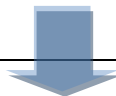
There is no specific requirement. Documentation could include, but is not limited to: (1) language in contractual documents that obligates contractors/subcontractors to comply with the Buy American provisions; (2) receipts for the domestically-produced items; (3) a documented certification from the contractor, vendor, distributor, supplier, or manufacturer verifying that the product was manufactured in a U.S. plant; (4) detailed information supporting the claim that the manufactured good has undergone substantial transformation in the U.S; and/or (5) other common-sense documentation per the discretion of the Recipient.

Additional Resources on Buy American:

- U.S. DOE Buy American Provision-
http://www1.eere.energy.gov/recovery/buy_american_provision.html

For additional clarification please contact Renew Louisiana EECEBG Program at 1-877-319-1368 or laeecebg@shawgrp.com

Buy American Requirement Flow-down of Responsibilities

Level	Responsibilities
<p>Recipient:</p> <p>Department of Natural Resources</p> 	<ul style="list-style-type: none"> Flow down the Buy American requirements to Subrecipients. Monitor Subrecipients for compliance with Buy American provision.
<p>Subrecipient:</p> <p>Parishes</p> 	<ul style="list-style-type: none"> Flow down the Buy American requirements to contractors/subcontracts. Maintain documentation at a level they feel is appropriate to show compliance with the Buy American provisions.
<p>Contractor/ Subcontractor</p>	<ul style="list-style-type: none"> Held responsible for complying with the Buy American provisions.