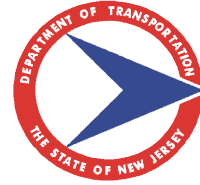


New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



Baseline Document Change Announcement

ANNOUNCEMENT: **BDC23S-21**

DATE: **February 19, 2024**

SUBJECT: **BABA Waiver for De Minimis Costs and Small Grants**
- **Revisions to Subsection 106.03 of the 2019 Standard Specifications for Road and Bridge Construction.**

Subsection 106.03 of the 2019 Standard Specifications for Road and Bridge Construction has been revised to incorporate updated Build America, Buy America legislation published by the USDOT in the Federal Register for public interest Waiver for De Minimis Costs and Small Grants for iron, steel, manufactured products, and construction materials.

The following revisions have been incorporated into the 2019 Standard Specifications via 2019 Standard Inputs, SI2019:

106.03 FOREIGN MATERIALS AND EQUIPMENT THE SECOND PARAGRAPH IS CHANGED TO:

2. **Federal Aid Projects.** Comply with the Federal statutes and regulations that establish the “Buy America” requirements applicable to the Project. These Federal requirements, which are contained in 23 CFR 635.409 and 23 CFR 635.410, mandate among other things that manufacturing processes for iron and steel materials and all iron and steel coatings must be performed in the United States.

Comply with the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§ 70901-52 and implementing regulations. Comply with IIJA’s three categories: iron and steel, manufactured products, and construction materials:

- a. Ensure all iron and steel used in the project are produced in the United States. Iron and steel products means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both. Ensure all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- b. Ensure all manufactured products are exempted from the Buy America requirements pursuant to 48 FR 50399 (1983) which excludes manufactured products from 23 CFR 635.410. Manufactured products means 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.

- c. Ensure all construction materials are manufactured in and manufacturing processes occurred in the United States. Construction materials includes an article, material, or supply - other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives – that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including PVC, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), fiber optic cable (including drop cable), optical fiber, lumber, engineered wood, or drywall. Items that consist of two or more of the listed materials that have been combined through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials.

THE FOLLOWING IS ADDED TO THE END OF THE SUBSECTION:

Build America, Buy America domestic preferences for iron and steel, manufactured products, and construction materials requirements are waived for projects where 1. The total value of non-compliant products is no more than the lesser of \$1,000,000.00 or 5% of total applicable costs for the project. This does not apply to iron and steel subject to the requirements of 23 USC 313; or 2. The total amount of Federal financial assistance applied to the project is below \$500,000.00. Refer to the August 16, 2023 Federal Register for USDOT’s issuance of a Waiver of Buy America Requirements for De Minimis Costs and Small Grants at the following link: [Federal Register :: Waiver of Buy America Requirements for De Minimis Costs and Small Grants](#)

Implementation Code U (URGENT)

Changes must be implemented in all applicable Department projects scheduled for receipt of bids at least one week after the date of the BDC Announcements. All necessary addenda and/or addenda to postpone the receipt of bids must be issued to ensure compliance.

Recommended By:

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