

Buy American Act Requirements for

WVDEP AML Waterline and PILOT Projects

1.

The “Buy American Act” (41 U.S.C. 8301 et seq.) provides that the government give preference to domestic construction material.

Components, used in this clause, means those articles, materials and supplies incorporated directly into construction materials.

Construction material, as used in this clause, means articles, materials or supplies brought to the construction site for incorporation into the building or work. Construction material also includes as an item brought to the site pre-assembled from articles, materials or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm and audio evacuation systems, which are discrete systems incorporated into a public building or work and which are produced as a complete system, shall be evaluated as a single and distinct construction material regardless of when or how the individual parts or components of such systems are delivered to the construction site.

Domestic construction material, as used in this clause, means (a) an unmanufactured construction material mined or produced in the U.S., or (b) a construction material manufactured in the U.S., if the cost of its components mined, produced or manufactured in the U.S. exceeds fifty percent (50%) of the cost of all its components. Components of foreign origin of the same class or kind as the construction materials determined to be unavailable pursuant to §12.810(a)(3) of 43 CFR part 12, subpart E, shall be treated as domestic.

2.

The contractor agrees that only domestic construction material will be used by the contractor, subcontractor(s) and supplier(s) in the performance of the contract, except for foreign construction material, if any, listed in the contract.