



October 15, 2014

CA002

To: ODOT Area Managers, Project Managers, and Local Agency Liaisons
From: Steve Cooley, PE, PLS, Contract Administration Engineer

Subject: Clarification from FHWA concerning the Buy America Act and MAP 21 exempted item list.

The main change allows some items to be “exempted” from the Buy America Foreign Steel Summary.

Note: The Contractor will still need to submit all of the quality compliance documents outlined in the Non-Field Tested Materials Acceptance Guide (NFTMAG) and Plans and Specifications along with a CMO Certification of Materials Origin (form 734-2126) showing the Foreign Source and a value for these items that are on the “Exempted List”.

The Project Manager will need to add the information from the CMO to the Foreign Steel Summary (form 734-1968). By checking the Exempted item box and Category A on the form, the material value will be excluded from the total Foreign Steel Allowance.

ODOT determines whether or not the steel is part of the items exempted. **NOT THE CONTRACTOR.**

The implementation date of the Buy America amendment of MAP-21 section 1518 was October 1, 2012. The lag time of this notification is due to ongoing conversation with FHWA and further clarification of the “Exempted Items List”.

A copy of the Buy America Exempted Item List is currently posted on ODOT’s website. ODOT Contract Administration Services- Tools
http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/CA/Docs/buy_america_exempt.pdf

If you have questions, please contact Michael Dennee, Contract Services Lead at 503-986-3027. Thank you.