

The first 3 pages are notes from the presentation. Click the hyperlinks to skip ahead to the corresponding slide.

[Slide 3](#)

Revised Buy America certification form.

This is the front and back side of the form.

One thing to notice is that the general guidance about Buy America is no longer on the back side of the form.

WisDOT will be developing an instructional form that is similar in format to the instructional form for Utility Permits.

[Slide 4](#)

At the top of the form, WisDOT has moved text above the table for the Project Description and Project ID(s).

This text is similar to the text that was once below this table, except that the name of the utility company has been incorporated into this text.

As far as the table itself, WisDOT has removed the boxes for the name and address of the utility company.

Finally, WisDOT has added a spot to insert the facility type within this table.

[Slide 5](#)

This is the bottom 2/3rds of the first page of the Buy America certification form.

This table is for Domestic Materials.

In other words, this table should only contain predominantly steel and iron items that comply with Buy America.

In addition, this table contains the same columns as on the previous version of the Buy America certification form.

Again, all the columns should be filled in for each item that is listed.

Also, this table is set up so that additional rows can be added if necessary.

Seeing as additional rows can be added to this table, WisDOT will be discontinuing the use of the form Utility's Certificate of Compliance for Steel and Iron Items, DT2249A (additional items).

[Slide 6](#)

This is the top 1/3rd of the second page of the Buy America certification form.

This table is for the Foreign Materials.

In other words, this table should only contain predominantly steel and iron items that do not comply with Buy America.

Due to this, there are two less columns within this table. Seeing as the materials are not Buy America compliant, it is highly unlikely that the Heat Numbers and a Mill/Fabricator are available.

Again, all the columns should be filled in for each item that is listed.

Like the Domestic Material table, this table is set up so that add additional rows can be inserted if required.

Slide 7

This is the middle 1/3rd of the second page of the Buy America certification form.

The language within these options has been changed and the unnecessary language has been removed.

One thing to note is that the revised language is based upon the language used in guidance provided by FHWA.

Hopefully, this provides you with an easier way to cross reference between information sources if you are seeking further clarification.

In addition, this section now requires you to (Check All Applicable) boxes.

This leaves you with four options on how to complete this section of the form.

These options include:

1. Check only the Domestic Material box as all predominantly steel and iron items comply with Buy America.
2. Check only the Foreign Material box and enter the total cost for all the predominantly steel and iron items that are subject to and do not comply with Buy America.
3. Check only the No Steel or Iron Products box as no predominantly steel or iron items were used.
4. Check both the Domestic and Foreign Material boxes and enter the total cost of all the Foreign steel and iron items that are subject to and do not comply with Buy America

Slide 8

This is the bottom 1/3rd of the second page of the Buy America certification form.

The text within this part of the form use to be at the top of the previous version of the Buy America certification form.

This text was moved here to make it clear what the certification is for and who is certifying that the utility company is in compliance with Buy America.

Minor revisions were made to the signature block and these include:

1. Changing from Utility Company to Company
2. Adding a line for the name of the utility company

Slide 9

Even though the United States District Court case eliminated the 90% Threshold and the Miscellaneous Products Exemption, it did not eliminate the requirements that an item must be predominantly steel or iron for it to be subject to Buy America.

At this time, the best definition for predominantly steel in Wisconsin is “for the most part; mostly; or mainly”

One could make the case that predominantly steel or iron means that more than half of an item must be steel or iron for Buy America to apply to that item. WisDOT has not made any such official policy statements at this time.

WisDOT has recommended that utility companies consult with their legal counsel when determining if an item is predominantly steel or iron as they would be the ones having to defend the decision.

In addition, utility companies should discuss with their legal counsel if predominantly steel or iron is based upon cost, weight, volume, or all the above.

Slide 19

This slide shows an example of guidance that Pennsylvania DOT has developed in-regards to Buy America.

WisDOT would like to discuss this with the representatives of the various utility types within Wisconsin to see if this is something that we should work together on and develop similar guidance for some or all the facility types.

Please note, the full PennDOT guidance document is available on the internet.

WisDOT wants to make it clear that this document is only useful in Wisconsin for agreements that have been signed on or before January 15, 2016.

Slide 20

This slide shows a portion of the guidance that Texas DOT has developed in-regards to Buy America.

This guidance was developed after the United States District Court case decision.

WisDOT would like to discuss this with representatives of the various utility types within Wisconsin to see if something like this could aid in defining predominantly steel.

Please note, WisDOT is not comfortable with following this exactly as written as it is eerily similar to what the United States District Court decision struck down.



Buy America

Michael Baumann, WisDOT

January 24, 2018

Northeast Region Annual Utility Conference



Overview of Presentation

1. **Certification** — *What has been revised?*
2. **Predominantly Steel** - *What does this mean?*
3. **EXAMPLE: OH Electric**
 - Agreement Signed on or before January 15, 2016 — *What items must comply?*
 - Agreement Signed after January 15, 2016 — *What items must comply?*
 - Comparison of Examples
4. **EXAMPLE: Gas Pipeline**
 - Agreement Signed on or before January 15, 2016 — *What items must comply?*
 - Agreement Signed after January 15, 2016 — *What items must comply?*
 - Comparison of Examples
5. **Buy America Guidance Development** — *Volunteers?*
6. **Questions and Contacts**



Buy America "Certification"

UTILITY'S CERTIFICATE OF COMPLIANCE FOR STEEL AND IRON ITEMS

Wisconsin Department of Transportation
DT2249 11/2017 23 U.S.C. Section 313 & 23 CFR 635.410

Referencing the project identified below, _____, (COMPANY) a public utility company, a quasi utility, cooperative or municipal utility has used the following steel or iron products.

Project Description Title: Limits: Highway: County:	Project ID(s) Design: Construction: Right of Way: UTL No.: Utility:
Facility Type:	

DOMESTIC MATERIALS

[illegible]

* Only list actual quantities delivered to the project site.
Insert additional rows above if required.
See DT2249i for general instruction on "Buy America" documentation.

Construction ID

Page 1 of 2

Utility ID

FOREIGN MATERIALS

[illegible]

* Only list actual quantities delivered to the project site.
Insert additional rows above if required.
See DT2249i for general instruction on "Buy America" documentation.

MATERIALS USED
(Check All Applicable)

- ☐ **Domestic Material.** All manufacturing processes and coatings occurred in the United States for these materials.
- ☐ **Foreign Material.** All or part of the manufacturing processes and coatings may have occurred outside the United States for these materials. The cost of these materials, including delivery is \$_____.
- ☐ **No Steel or Iron Products.** No steel or iron products subject to the Buy America Provision were used.

COMPANY STATEMENT OF CERTIFICATION

COMPANY hereby certifies, by signature below, that it is compliant with the Buy America Law (23 United States Code (U.S.C.) Section 313) and the Buy America Provision (23 Code of Federal Regulations (CFR) 635.410).

COMPANY

(Company Name)

(Authorized Signature) (Date)

(Title)

(Print Name)

Construction ID

Page 2 of 2

Utility ID



Buy America "Certification"

UTILITY'S CERTIFICATE OF COMPLIANCE FOR STEEL AND IRON ITEMS




Wisconsin Department of Transportation
DT2249 11/2017 23 U.S.C. Section 313 & 23 CFR 635.410

Referencing the project identified below, _____, (COMPANY) a public utility company, a quasi utility, cooperative or municipal utility has used the following steel or iron products.

Project Description Title: Limits: Highway: County:	Project ID(s) Design: Construction: Right of Way: UTL No.: Utility:
Facility Type:	



Buy America "Certification"

DOMESTIC MATERIALS					
Manufacturer / Supplier Address City, State, Zip Code	Product Description	Quantity*	Unit (LF, Ton, Each, etc.)	Heat Number	Mill / Fabricator
					

* Only list actual quantities delivered to the project site.
Insert additional rows above if required.
See DT2249i for general instruction on "Buy America" documentation.

Construction ID

Page 1 of 2

Utility ID



Buy America “Certification”

FOREIGN MATERIALS			
Manufacturer / Supplier Address City, State, Zip Code	Product Description	Quantity*	Unit (LF, Ton, Each, etc.)

* Only list actual quantities delivered to the project site.
Insert additional rows above if required.
See DT2249i for general instruction on “Buy America” documentation.



Buy America “Certification”

MATERIALS USED

(Check All Applicable)

- ☐ Domestic Material. All manufacturing processes and coatings occurred in the United States for these materials.
- ☐ Foreign Material. All or part of the manufacturing processes and coatings may have occurred outside the United States for these materials. The cost of these materials, including delivery is \$.
- ☐ No Steel or Iron Products. No steel or iron products subject to the Buy America Provision were used.



Buy America "Certification"

COMPANY STATEMENT OF CERTIFICATION

COMPANY hereby certifies, by signature below, that it is compliant with the Buy America Law (23 United States Code (U.S.C.) Section 313) and the Buy America Provision (23 Code of Federal Regulations (CFR) 635.410).

COMPANY

(Company Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)

Construction ID

Page 2 of 2

Utility ID



Buy America "Predominantly Steel"

Definition:

for the most part : MAINLY

for the most part; mostly; mainly

mostly or mainly



Buy America "Example"

OH Electric Agreement

Signed on or before January 15, 2016

Overhead Electric:

- Wood Pole
- Wood Crossarm
- **Anchor**
- Guy
- Ground
- Overhead Conductor
- Underground Cable

Buy America Applicability:

No, not steel or iron

No, not steel or iron

Yes

No, attachment material

No, minor hardware

No, attachment material

No, attachment material



Buy America “Example”

OH Electric Agreement

Signed on or before January 15, 2016

Overhead Electric:

- Terminator
- Clevis Secondary
- Insulator
- Arrestor
- Cutout
- Clevis Deadend
- Switch Disconnect

Buy America Applicability:

No, assembly material

No, assembly material

No, attachment material

No, assembly material

No, assembly material

No, assembly material

No, less than 90% steel or iron



Buy America “Example”

OH Electric Agreement

Signed after January 15, 2016

Overhead Electric:

- Wood Pole
- Wood Crossarm
- Anchor
- Guy
- Ground
- Overhead Conductor
- Underground Cable

Buy America Applicability:

No, not steel or iron

No, not steel or iron

Yes

Yes

Yes

Check predominantly steel or iron

Check predominantly steel or iron



Buy America “Example”

OH Electric Agreement

Signed after January 15, 2016

Overhead Electric:

- Terminator
- Clevis Secondary
- Insulator
- Arrestor
- Cutout
- Clevis Deadend
- Switch Disconnect

Buy America Applicability:

Check predominantly steel or iron

Check predominantly steel or iron

Check predominantly steel or iron

Check predominantly steel or iron

Check predominantly steel or iron

Check predominantly steel or iron

Check predominantly steel or iron



Buy America “Comparison” of OH materials

Applicability on or before January 15, 2016:

- Wood Pole
- Wood Crossarm
- Anchor
- Guy
- Ground
- Overhead Conductor
- Underground Cable
- Terminator
- Clevis Secondary
- Insulator
- Arrestor
- Cutout
- Clevis Deadend
- Switch Disconnect

Applicability after January 15, 2016:

- Wood Pole
- Wood Crossarm
- Anchor
- Guy
- Ground
- Overhead Conductor
- Underground Cable
- Terminator
- Clevis Secondary
- Insulator
- Arrestor
- Cutout
- Clevis Deadend
- Switch Disconnect



Buy America "Example"

UG Pipeline Agreement

Signed on or before January 15, 2016

Pipeline:

- Steel Pipe
- Elbow
- Welding Neck Flange
- Flange Gasket
- Welding Rods
- Stone
- Steel Trench box

Buy America Applicability:

Yes

Yes

No, attachment material

No, less than 90% steel or iron

Yes

No, not steel or iron

No, temporary item



Buy America “Example”

UG Pipeline Agreement
Signed after January 15, 2016

Pipeline:

- Steel Pipe
- Elbow
- Welding Neck Flange
- Flange Gasket
- Welding Rods
- Stone
- Steel Trench box

Buy America Applicability:

Yes

Yes

Yes

Check predominantly steel or iron

Yes

No, not steel or iron

No, temporary item



Buy America "Comparison"

of UG Pipeline Materials

Applicability on or before January 15, 2016:

- Steel Pipe
- Elbow
- Welding Neck Flange
- Flange Gasket
- Welding Rods
- Stone
- Steel Trench Box

Applicability after January 15, 2016:

- Steel Pipe
- Elbow
- Welding Neck Flange
- Flange Gasket
- Welding Rods
- Stone
- Steel Trench Box







Buy America "Guidance Development"





- ▶ FHWA and WisDOT met in mid-December 2017
- ▶ WisDOT now has opportunity to clarify Buy America requirements
- ▶ These requirements will be based upon:
 - Federal Code and Guidance
 - Court Cases
 - Guidance from other states
 - Defining predominantly steel or iron



Buy America "Guidance Development"

► The following are examples from PennDOT:

Steel Pole Line Hardware E = Exempt from S = Subject to	PA EDC Assessment	
	Status	Basis
 Tough One / PISA Anchors This anchor system consists of a screw anchor, galvanized anchor rod and galvanized eye nut. They are installed using a digger truck with the Chance anchoring tool system.	S	
 SS (Square-Shaft) Anchors Square-Shaft "SS" multi-helix screw anchors are designed for heavy-guy loading. Extension shafts must be coupled to the helix section for installation to the proper depth. SS screw anchors consist of three galvanized components: the lead section, the extension shaft and the guy adapter.	S	
 Anchor Rods Available for one, two, or three guys for use with expanding and cross-plate anchors. Thimbleye®, Thimbleye® and Tripleye® rods distribute pulling stresses uniformly over individual strands of guy wire and keep the guy wire from spreading, kinking, or bending. Nuts included.	S	
 Corrosion-Resistant Anchors The Chance corrosion-resistant disc anchor is designed for low resistivity, alkaline and acidic soils with electrolyte combinations. This anchoring system includes disk anchor, galvanized rod protected with plastic tube and fiberglass washer.	S	

 Bumper Post Protect transformers, switchgear and guys. Any equipment needing bumper protection is an ideal candidate. Cheaper than concrete. Hot-dip galvanized corrosion-resistant finish.	S	
 Riser Shields (U Guard)	S	
 Conduit	S	
 Man holes and Rebar	S	

Buy America “Guidance Development”

- ▶ The following is an example from TxDOT:

BUY AMERICA:

Proposed Guidelines – Utility Accommodations

The following utility structures and component materials, when composed of more than 90% steel or iron by weight, are subject to BUY AMERICA compliance:

- Poles, cross arms, structural support members;
- Towers and girders used to comprise transmission towers and stand-alone structures;
- Conductor support cables;
- High-strength bolts used as anchor bolts and anchor rods;
- Iron or steel baseplates;
- Encasement pipes, pipes and valves;
- Rebar and other reinforcing iron/steel for all cast-in-place and precast installations;
- Conduit and ducting;
- Fire hydrants;
- Manhole covers, rims, and drop-inlet grates;

The utility structures and component materials listed below, when composed of 100% steel or iron, are subject to BUY AMERICA compliance:

- Assembly materials (miscellaneous steel);
- Attachment materials;
- Housing encasements;
- Fittings;
- Miscellaneous electronics; and
- Miscellaneous hardware (as defined in *Definitions* section)



Buy America "Guidance Development"

This is your opportunity . . .

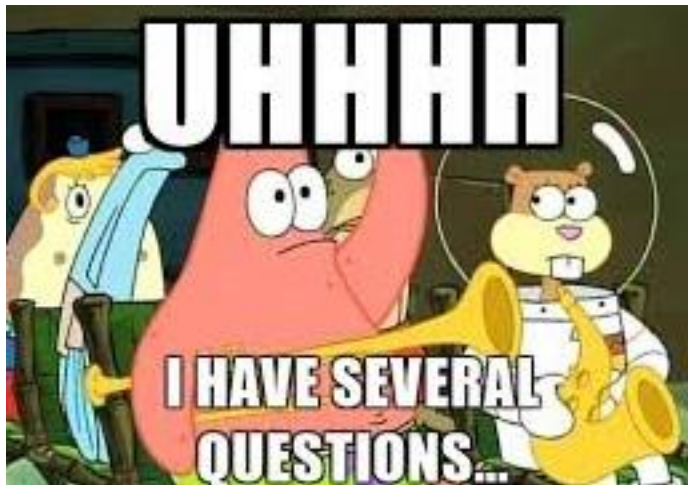
*to assist WisDOT in clarification of
Buy America requirements.*

*Please become an active member of WisDOT's
Buy America Development Team.*



Buy America “Questions and Contacts”

- ▶ Any questions?



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