STATE OF FLORIDA
DEPARTMENT OF MILITARY AFFAIRS
DMA-ITB-356

BID LIST REGISTRATION

Item(s) for BID: Fencing & Concrete Pad for SASMO VSAT Compound

Potential proposal/bidders should notify our office by returning this Bid Registration Form as soon as possible. Complete the information below and email this sheet only to Jennifer Adams at jennifer.c.adams16.nfg@army.mil or mail to the address below:

State of Florida
Department of Military Affairs
Camp Blanding Joint Training Center
5629 State Road 16 West, Building #2300
Starke, Florida 32091-9703

Note: Completion/Submission of this form is for informational purposes only. All documentation and solicitation information will be available on the Vendor Information Portal unless otherwise noted. The Solicitation document is subject to change. Notice of changes (addenda) will be posted on Vendor Information Portal at https://vendor.myfloridamarketplace.com/ It is the responsibility of all proposal/bidders to monitor this site for any changing information prior to submitting your proposal/bid.

Company Name:____

Company Address:____

City, State & Zip:____

Attn: ____

Company FED ID #: ____

Company Phone #:____

Company Email Address: ____

Signed: ______________________________________**Date:** ______________

For more information on this process, you may telephone (904) 682-3365.

CALENDAR OF EVENTS

The following time schedule will be strictly adhered to in all actions relative to the ITB, unless modified by the Department by addendum to this ITB.

DATE	TIME	ACTION	LOCATION
FRIDAY June 26, 2026	C.O.B.	Release of Solicitation	Vendor Information Portal https://vendor.myfloridamarketplace.com/
THURSDAY **JULY 9, 2026**	**10:00 AM EST**	***MANDATORY* PRE-BID SITE VISIT**	**Camp Blanding Joint Training Center** **DPW Conference Room – Bldg. 2067** **5629 SR 16 West** **Starke, FL 32091**
FRIDAY July 17, 2026	2:00 PM EST	Final date and time for written question submissions. (Questions may be submitted earlier.)	Email to: jennifer.c.adams16.nfg@army.mil and john.d.connor2.nfg@army.mil
TUESDAY July 20, 2026	C.O.B.	Anticipated date that questions and responses or any changes to the solicitation will be posted on the vendor information portal.	Vendor Information Portal https://vendor.myfloridamarketplace.com/
TUESDAY July 20, 2026	C.O.B.	Anticipated date that solicitation amendment may be posted as a result of questions submissions, omissions, changes or clarifications.	Vendor Information Portal https://vendor.myfloridamarketplace.com/
WEDNESDAY **JULY 29, 2026**	***4:00 PM* EST**	***All Bids Due* Bid Opening at 4:00 PM EST**	***Opening Location:** **Camp Blanding Joint Training Center** **Post Headquarters – Bldg. 2300** **5629 SR 16 West** **Starke, FL 32091**
Thursday July 30, 2026	C.O.B.	Post Bid Tab & Notice of Intended Award	Vendor Information Portal https://vendor.myfloridamarketplace.com/

C.O.B. = by Close of Business

***Indicates Open Public Meeting. All meetings in the calendar of events (Bid Opening which includes evaluator instructions, questions and clarifications) are open to the public.**

Table of Contents

Expanded Contents

1.0 Invitation and General Information:

1.1 Invitation - This solicitation is for the design/installation of a 100' x 100' x 5" concrete slab with WWF (Welded Wire Fabric) at the rear of Bldg. 4190 (Sustainment Automation Support Management Office (SASMO) for the Department of Military Affairs (DMA) at the Camp Blanding Joint Training Center (CBJTC) in Starke, Florida. This slab will be fenced with one (1) gate located at the sidewalk per CBJTC fencing standards.

Vendors submitting a proposal/bid must be registered in MyFloridaMarketPlace prior to contract award. (see **NEW REGISTRATION REQUIRED FOR FLORIDA VENDORS** section, 4.1). A vendor shall not be considered for an award if not registered in MyFloridaMarketPlace.

1.2 Purchasing Director - The Purchasing Director, acting on behalf of the Department of Military Affairs, is the sole point of contact regarding all procurement matters relating to the ITB, from the date of release until the Department's Notice of Agency Decision.

John Connor, Purchasing Director
Department of Military Affairs, State Quartermaster, Purchasing & Contracting
P. O. Box 1008
St. Augustine, Florida 32085-1008
Telephone No. (904) 823-0241
Email: john.d.connor2.nfg@army.mil

Alternate Physical Address: Department of Military Affairs, State Quartermaster,
82 Marine Street, St Augustine, Florida 32084

1.3 Contract Administrator and Contract Manager – The DMA employee identified below is designated as Contract Administrator and/or Contract Manager and shall act on behalf of the Department of Military Affairs for contractual matters and is responsible for maintaining the contract file, certifying invoices and financial information, final acceptance of all deliverables and serves as a liaison with the Project Manager.

Jennifer Adams, Purchasing Manager
Department of Military Affairs, Directorate of Resource Management
5629 State Road 16 West, Bldg. 2300
Starke, Florida 32091-9703
Telephone No. (904) 682-3365
Email: jennifer.c.adams16.nfg@army.mil

1.4 Project Manager - The DMA employee identified below is designated as the Project Manager and shall act on behalf of the Department of Military Affairs. The Project Manager is responsible for enforcing performance of the contract terms and conditions and serves as a liaison with the vendor **after** the Notice of Agency Decision has been completed and the Contract is executed.

Jeffery Collins, Construction Superintendent
Department of Military Affairs, Directorate of Public Works
5629 State Road 16 West, Bldg. 2067
Starke, Florida 32091-9703
Telephone No. (904) 682-2201
Email: jeffery.l.collins6.nfg@army.mil

2.0 General Conditions: General Instructions to Respondents (PUR1001)

This section explains the General Instructions to Respondents (PUR 1001) of the solicitation process. This is a downloadable document. Please download and save this document to your computer for further review. There is no need to return the document to the Department of Military Affairs. https://www.dms.myflorida.com/business_operations/state_purchasing/documents_forms_references_resources/state_purchasing_pur_forms

Exception: Item 3- DMA does not currently accept Electronic Submission of Responses.
Exception: Item 5 - Refer to Section 4.3

3.0 General Conditions: General Contract Conditions (PUR 1000)

This section explains the General Contract Conditions (PUR 1000) of the solicitation process. This is a downloadable document. Please download and save this document to your computer for further review. There is no need to return this document to the Department of Military Affairs. https://www.dms.myflorida.com/business_operations/state_purchasing/documents_forms_references_resources/state_purchasing_pur_forms

4.0 SPECIAL CONDITIONS

4.1 MyFloridaMarketPlace: Since July 1, 2003, the Department has been using the State of Florida's web-based electronic procurement system, MyFloridaMarketPlace. BIDDERS MUST BE REGISTERED IN THE STATE OF FLORIDA'S MYFLORIDAMARKETPLACE SYSTEM BY DATE OF CONTRACT AWARD OR THEY WILL BE CONSIDERED NON-RESPONSIVE. All prospective bidders that are not registered should go to https://vendor.myfloridamarketplace.com to complete on-line registration, or call 1-866-352-3776 for assisted registration.

4.2 Minority Business Enterprise (MBE) Utilization - DMA encourages the recruitment and utilization of certified and non-certified minority businesses. DMA, its vendors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses can compete for and perform contract work for the DMA in a nondiscriminatory environment. To request certification or to locate certified MBEs, call the Office of Supplier Diversity, Department of Management Services at (850) 487-0915, or access their MBE directory on the Internet at www.osd.dms.state.fl.us**.**

4.3 Communications, Bid Questions and Answers - No negotiations, decisions or actions shall be initiated or executed by a vendor because of any discussion with any State employee. Only those communications that are in writing from the office of Purchasing & Contracts may be considered as duly authorized expressions on behalf of this Department.

Any questions arising from this ITB must be forwarded, in writing, to the procurement official designated in Sections 1.2 or 1.3 above by Friday, July 17, 2026 by 2:00PM EST. DMA's written response to written inquiries submitted timely by bidders will be posted on the Vendor Information Portal, https://vendor.myfloridamarketplace.com/ It is the responsibility of the bidder to monitor this site for any changing information prior to submitting their bid/proposal.

Only written inquiries from vendors, which are signed by authorized persons to contractually bind that company, will be recognized by the DMA as duly authorized expressions on behalf of the vendor.

4.4 Estimated Expenditures - It is anticipated that DMA will expend approximately $80,000.00 under any contract resulting from this bid. These estimated figures are given only as a guideline for preparing your bid/proposal and should not be construed as representing actual figures under the contract.

4.5 Qualifications

4.5.1 General - The Vendor must prove to the satisfaction of DMA that their company has actively and normally been engaged in business for the services/items being procured under this solicitation for at least three (3) years of continuous operation. **(This shall be demonstrated through references which have been in place at least one (1) continuous year).** The Bidder shall have available, under their direct supervision, the necessary organization, experience, equipment and staff to properly fulfill all the conditions, requirements, and specifications required under this solicitation.

4.5.2 Bidder Qualifications - When submitting the bid, each bidder must submit a written statement detailing their qualifications that demonstrate they meet the minimum qualifications contained in 4.5.1 and 4.5.2. Failure by the bidder to provide the above item(s) will constitute a non-responsive determination. Bids found to be non-responsive will not be considered.

4.5.3 Authorized to do Business in the State of Florida - In accordance with sections 607.1501, 608.501, and 620.169, Florida Statutes, foreign corporations, foreign limited liability companies, and foreign limited partnerships must be authorized to do business in the State of Florida. Such authorization should be obtained by the bid due date and time, but in any case, must be obtained prior to posting of the intended award of the contract. For authorization, contact:

Florida Department of State
Tallahassee, Florida 32399
(850) 245-6051

4.5.4 License to conduct services in the State of Florida - If the services being provided require that individuals be licensed by the Department of Business and Professional Regulation, such licenses should be obtained by the bid due date and time, but in any case, must be obtained prior to posting the intended award of the contract. For licensing, contact:

Florida Department of Business and Professional Regulation
Tallahassee, Florida 32399-0797
(850) 487-1395

4.6 Department Reservations and Responsiveness of Bids

4.6.1 Valid Proposal - A responsive offer in full compliance with the Invitation to Bid specifications and conditions by a responsible person or firm. The responsiveness of a bid/proposal shall be determined based on the documents submitted with the proposal. Vendors shall submit the original and one (1) copy of the bid/proposal. The responsiveness of the bid/proposal is the responsibility of the Offeror and will be determined during the evaluation process.

a. Responsive offer means a person or firm that has submitted a bid/proposal and conforms in all material respect to the Invitation to Bid.

b. Responsible or qualified Offeror means a person or firm with the capability in all respects to perform fully the Contract requirements and the integrity and reliability to assure good faith performance. Failure to provide information to determine responsibility in response to a condition of a bid/proposal requiring information may be cause for such bid/proposal to be rejected.

4.6.2 General - DMA reserves the right to accept or reject any or all bids/proposals received and reserves the right to make an award without further discussion of the bids submitted. Therefore, the bidder should make sure that the bid package submitted is complete and accurate and ensure delivery on or before the bid opening time and date specified in this solicitation. It is understood that the bid will become a part of DMA's official file, without obligation to DMA.

4.6.3 Responsiveness of Bids - Proposals/bids will not be considered if not received by DMA on or before the date and time specified as the due date for submission. All proposals/bids must be typed or printed in ink. Offers by facsimile or telephone are not acceptable. A responsive proposal/bid is an offer to perform the scope of services called for in this ITB in accordance with all requirements of this ITB. Proposals/bids found to be non-responsive will not be considered. Proposals/bids may be rejected if found to be irregular or not in conformance with the requirements and instructions herein contained. A proposal/bid may be found to be irregular or non-responsive by reasons that include, but are not limited to, failure to utilize or complete prescribed forms, modifying the bid requirements, submitting conditional bids or incomplete bids, submitting indefinite or ambiguous bids, or executing forms or the bid sheet with improper and/or undated signatures. All bid/proposal prices shown on the price sheets submitted are final and mistakes will be at proposer/bidder's risk.

4.6.4 Other Conditions - Other conditions which may cause rejection of bids include, evidence of collusion among bidders, obvious lack of experience or expertise to perform the required work, failure to perform or meet financial obligations on previous contracts, or in the event an individual, firm, partnership, or corporation is on the United States Comptroller General's List of Ineligible Contractors for Federally Financed or Assisted Projects.

4.7 Vendor's Contractual Obligations - The Vendor will be required to ensure that each individual, partnership, firm, corporation or subcontractor that performs on this contract, will be subject to, and comply with, the contractual requirements.

4.7.1 Employment Eligibility Verification: Executive Order 11-02, signed January 4, 2011, by the Governor of Florida, requires contracts to expressly require that Vendor utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of:

(a) All persons employed during the Contract term by Vendor to perform employment duties within Florida; and,

(b) All people (including subcontractors) assigned by Vendor to perform work pursuant to this Contract, i.e., the Vendor must require its subcontractors to utilize the E-Verify system for its employees assigned to this Contract.

E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of all new employees hired to work in the United States. There is no charge to employers to use E-Verify. The Department of Homeland Security's E-Verify system can be found at: **http://www.dhs.gov/files/programs/gc_1185221678150.shtm**

Compliance with the requirements of this section is required prior to commencing performance under any Contract issued because of this solicitation.

4.7.2 Unauthorized Aliens - The employment of unauthorized aliens by any contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the contract.

4.7.3 Liability Insurance - The Vendor shall not commence any work until they have obtained the following types of insurance. Nor shall the Vendor allow any subcontractor to commence work on this project until all similar insurance required of the subcontractor has been obtained. The Vendor shall submit the required Certificates of Insurance to the **Florida Department of Military Affairs, Department of Resource Management, Attention: Jennifer Adams, 5629 State Road 16 W, Bldg. 2300, Starke, Florida 32091** within ten (10) days after the ending date of the period for posting the intended award decision.

The Vendor must carry and keep in force during the period of this contract a general liability insurance policy or policies with a company authorized to do business in the state of Florida, affording public liability insurance with combined bodily injury limits of at least $100,000.00 per person and $300,000.00 each occurrence, and property damage insurance of at least $100,000.00 each occurrence, for the services to be rendered in accordance with this contract.

All insurance policies shall be with insurers qualified and licensed to do business in the state of Florida. Such policies should ensure that the insurance is not cancelable except upon thirty (30) days prior written notice to DMA.

DMA shall be exempt from, and in no way is liable for, any sums of money which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Vendor or subcontractor providing such insurance.

4.7.4 Preferred Price: The Vendor agrees to submit to the Department at least annually an affidavit from an authorized representative attesting that the Vendor follows the preferred pricing provision of Section 4(b) of form PUR 1000.

4.7.5 Inspector General Requirements: In accordance with 20.055(5), "It is the duty of every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing pursuant to this section. Beginning July 1, 2015, each contract, bid, proposal, and application or solicitation for a contract shall contain a statement that the corporation, partnership, or person understands and will comply with this subsection."

4.7.6 Public Records: The Vendor shall comply with Chapter 119, Florida Statutes. Specifically, the Vendor should:

(1) Keep and maintain public records required by the Department to perform the service.

(2) Upon request from the Department's custodian of public records, or his designee, provide the Department with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

(3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term and following completion of the Contract if the Vendor does not transfer the records to the Department.

(4) Upon completion of the Agreement, transfer, at no cost, to the Department, all public records in possession of the Vendor or keep and maintain public records required by the Department to perform the service. If the Vendor transfers all public records to the Department upon completion of the contract, the Vendor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Vendor keeps and maintains public records upon completion of the Contract, the Vendor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Department, upon request from the Department's custodian of records, or his designee, in a format that is compatible with the information technology systems of the Department.

If the Vendor has questions regarding the application of Chapter 119, Florida Statutes, to the Vendor's duty to provide public records relating to this Contract, contact the Custodian of Public Records at:

Florida Department of Military Affairs
Attn: John Connor
82 Marine Street
Saint Augustine, FL 32144
John.D.Connor2.nfg@army.mil
(904) 823-0241
FAX (904) 823-0153

4.8 Copyrighted Materials - Copyrighted material will be accepted as part of a proposal/bid only if accompanied by a waiver that will allow DMA to make paper and electronic copies necessary for the use of DMA staff and agents. It is noted that copyrighted material is not exempt from the Public Records Law, Chapter 119, Florida Statutes. Therefore, such material will be subject to viewing by the public, but copies of the material will not be provided to the public.

4.9 Costs Incurred in Responding - This Invitation to Bid does not commit the Department or any other public agency to pay any costs incurred by the bidder in the submission of a bid or to make necessary studies or designs for the preparation thereof, nor to procure or contract for any articles or services.

4.10 Bid Submission

4.10.1 GENERAL - Sealed proposals/bids will be received until 4:00 PM EST on Wednesday, July 29, 2026. **Proposals/bids received after that time and date will not be considered.** By submitting a proposal/bid, the bidder represents that it understands and accepts the terms and conditions to be met and the character, quality and scope of services to be provided. The bidder must use the attached "Bid Sheet" to submit their Proposal/bid. All proposals/bids and associated forms must be signed and dated in ink by a duly authorized representative of the bidder. Each bidder must fully acquaint themselves with the conditions relating to the performance of services under the conditions of this solicitation. Bidder shall submit the original bid/proposal. The ITB number, opening date and time should appear on the envelope of the proposal/bid. DMA does not currently accept electronic submissions.

4.10.2 Mail or Deliver Proposals/Bids to: <u>(DO NOT FAX OR EMAIL)</u>

Florida Department of Military Affairs
Attention: Jennifer Adams
Camp Blanding Joint Training Center
5629 State Road 16 West, Bldg. 2300
Starke, Florida 32091-9703

4.10.3 Modifications, Re-submittal and Withdrawal - Bidders may modify submitted proposals/bids at any time prior to the due date. Requests for modification of a submitted proposal/bid shall be in writing and must be signed by an authorized signatory of the bidder. Upon receipt and acceptance of such a request, the entire proposal/bid will be returned to the bidder and not considered unless resubmitted by the due date and time. Bidders may also send a change in a sealed envelope to be opened at the same time as the bid. The ITB number, opening date and time should appear on the envelope of the modified proposal/bid.

4.10.4 Attachment to ITB Submittal – Confidential Material: The Bidder must include any materials it asserts to be exempted from public disclosure under Chapter 119, Florida Statutes, in a separate bound document labeled "Attachment to Request for Proposal, Number DMA-ITB-280-Confidential Material". The Bidder must identify the specific Statute that authorizes exemption from the Public Records Law. Any claim of confidentiality on materials the Bidder asserts to be exempt from public disclosure and placed elsewhere in the proposal will be considered waived by the Bidder upon submission, effective after opening.

4.11 Bid Opening - The sealed bids will be opened by the DMA's Procurement Office personnel at Building #2300, 5629 State Road 16 West, Starke, Florida 32091 on Wednesday, July 29, 2026 at 4:00PM EST. All bid openings are open to the public, if you plan on attending the opening, please plan accordingly as it may take a few minutes to clear the main gate.

4.12 "Drug Free Workplace" Preference - Whenever two or more bids, which are equal with respect to price, quality, and service are received, a bid received from a business that certified that it has implemented a drug-free work place program in accordance with Section 287.087, F.S., will be given preference in the award process. The "Drug-Free Workplace Program Certification" must be completed for this preference. (Attachment C)

4.13 Posting of Intended Award

4.13.1 General - DMA's decision will be posted on the Vendor Information Portal at https://vendor.myfloridamarketplace.com/ on Thursday, July 30, 2026 by 5:00 PM and will remain posted for a period of seventy two (72) hours. Any bidder who is adversely affected by the DMA's recommended award or intended decision must file:

1. A written notice of protest within seventy-two (72) hours after posting the intended award, and
2. A formal written protest and protest bond in compliance with Section 120.57(3), Florida Statutes, within ten (10) days of the date on which the written notice of protest is filed. At the time of filing the formal written protest, a bond (a cashier's check or money order may be accepted) payable to the DMA must also be submitted in an amount equal to one percent (1%) of the estimated contract amount based on the contract price submitted by the protestor. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If the notice advises of the bond requirement but a bond or statutorily authorized alternate is not posted when required, the agency shall summarily dismiss the petition.

4.13.2 Inability to Post - If DMA is unable to post the bid tab as defined above, DMA will notify all bidders via email.

4.13.3 Request to Withdraw Bid - Requests for withdrawal will be considered if received by DMA, in writing, within seventy-two (72) hours after the bid opening time and date. Requests received in accordance with this provision will be granted by the Department upon proof of the impossibility to perform based upon obvious error on the part of the bidder. Bidders that do not withdraw as stated above will forfeit their bid bond, if applicable.

4.14 Award of the Contract - Services will be authorized to begin when the Vendor receives a written document incorporating the terms and conditions of the solicitation, the vendor's proposal/bid indicating the encumbrance of funds and award of the contract.

5.0 Technical Specifications

5.1 Introduction – The Department intends to contract for the installation of a 100'x100'x5" concrete slab, fenced, to be utilized Sustainment Automation Support Management Office (SASMO) at Camp Blanding Joint Training Center in Starke, Florida.

5.2 Scope of Work – See attached Scope of Work (Attachment G)

5.3 Product Specifications – CBJTC Standards (Attachment H)
Any deviation from the specification herein must be clearly pointed out within the bid; otherwise, it will be considered that the items offered are in strict compliance with these specifications and the successful bidder will be held responsible. Deviations must be explained in detail on separate, attached sheets.

5.4 Product Acceptance and Consequences – Any items delivered to the Department which do not meet these specifications or that are found to be poorly manufactured, will be deemed defective and will not be accepted by the Department, but will be returned to the contractor at the contractor's expense, for replacement. Replacement of all items found to be defective will be made without any cost to the Department, including, but not limited to, labor, transportation and fuel. As it may be impossible to inspect all items at the time of delivery, the Department will be afforded a period of five (5) business days to inspect and accept the delivered items.

In the event the product fails to meet the minimum level of acceptance specified above, DMA will not pay invoices until the product delivery is satisfactorily completed.

5.5 Prices – Bid prices will be firm, net, delivered prices, F.O.B destination.

5.6 Payment Method –The Vendor shall submit an invoice to the attention of the Department's appointed Project Manager. The invoice shall be submitted in sufficient detail to identify the work completed, the dates of service, the invoice number, and the purchase order number. The Department's Project Manager, or their designee, shall be responsible for enforcing performance of the contract terms and conditions and he shall serve as liaison with the vendor and shall review all invoice prices for payment.

Payment shall be made in accordance with 215.422 and 287.0585 of the Florida Statutes, which states the vendors' rights and the State Agency's responsibilities concerning interest penalties and time limits for payment of invoices. The vendors' Federal Employment Identification Number and the Agency's Contract Number/Purchase Order Number must appear on all invoices. Invoices that must be returned to the Vendor due to preparation errors will result in a delay in payment.

The Florida Department of Financial Services (DFS) requires all vendors that do business with the state to submit an electronic Substitute Form W-9. Vendors must submit their W-9 forms electronically at https://flvendor.myfloridacfo.com to receive payments from the state. Contact the DFS Customer Service Desk at (850) 413-5519 or FLW9@myfloridacfo.com with any questions.

5.7 Security Requirements - CBJTC has 24-hour security and entry control procedures. Contractors will be briefed on an as needed basis concerning traffic routing and work site security restrictions. Access Control Rosters for contractors are required and will be obtained prior to the contractor's initial service date. The names of all the contractor's employees who will be working at the facility will be listed on the document, which shall be printed on the contractor's Company letterhead and submitted to the Provost Marshal, or his representative, at the Provost Marshal's Office which is located inside the Welcome Center at the Main Gate of the facility. Access Control Rosters are approved by the Provost Marshal. Due to tightened security measures, submit a copy of the vehicle registration and proof of insurance for each vehicle that will be on facility, and a copy of everyone's driver's license. These are required prior to beginning any type of contracted work.

PERFORMANCE OF SERVICES DURING CRISIS DECLARED BY THE NATIONAL COMMAND AUTHORITY OR OVERSEAS COMBATANT COMMANDER: Due to the instability of world events, there may be times during the performance period of this contract that the contractor might be asked to leave the base during higher threat conditions.

6.0 Bid Submittal

6.1 Price Sheet: Vendors shall complete the price sheet to proposal/bid (Attachment A). Only prices submitted on supplied price sheet will be considered.

6.2 Reference Sheet: Vendor shall provide three references. (Attachment B)

6.3 Drug Free Workplace: Drug-Free Workplace Compliance Form must be signed and returned. (Attachment C)

6.4 Minimum Qualifications Statement: Vendors shall provide a brief description of their work history, which shall include, but not be limited to, business certifications, number of years in business and other information that may demonstrate company stability and reliability. (Attachment D)

6.5 Vendor Certification Regarding Scrutinized Companies Lists: Must be signed and returned. (Attachment E)

6.6 Vendor Checklist: Provided for convenience. (Attachment F)

ATTACHMENT "A"

PRICE SHEET

BID OPENING:

Wednesday, July 29, 2026, at 4:00PM EST

DMA-ITB-356 – Fencing & Concrete Pad for SASMO VSAT Compound

$________________TOTAL

Acknowledgment: I certify that I have read and agree to abide by all terms and conditions of this solicitation and that I am authorized to sign for the bidder. I certify that the response submitted is made in conformance with all requirements of the solicitation.

Company Name:____

Company Address:____

City, State & Zip:____

Attn: ____

Company FED ID #: ____

Company Phone #:____

Company Email Address: ____

SIGNATURE: ____DATE:______________

PRINTED NAME:____

TITLE:____

ATTACHMENT "B"

REFERENCE SHEET

The Respondent must list a minimum of three (3) separate and verifiable clients of the Respondent, other than the DMA **which has been in place for at least one (1) continuous year**. Any information not submitted on this attachment shall not be considered. **The clients listed shall be for services similar in nature to that described in this solicitation**. The same client may not be listed more than one (1) reference (for example, if the Respondent has completed one project for the Florida Department of Transportation – District One and one project for the Florida Department of Transportation – District Two, only one (1) of the projects may be listed because the client, the Florida Department of Transportation, is the same). **DO NOT LIST DMA WORK ON THIS FORM**. (Please provide at least two (2) Contact Names.)

Company Name:	
Address:	
Contact Name:	
Alternate Contact Name:	
Phone:	
Email:	
Description of Work:	
Service Dates: Dates must demonstrate at least one (1) continuous year	to
Approximate Contract Value:	$

Company Name:	
Address:	
Contact Name:	
Alternate Contact Name:	
Phone:	
Email:	
Description of Work:	
Service Dates: Dates must demonstrate at least one (1) continuous year	to
Approximate Contract Value:	$

Company Name:	
Address:	
Contact Name:	
Alternate Contact Name:	
Phone:	
Email:	
Description of Work:	
Service Dates: Dates must demonstrate at least one (1) continuous year	to
Approximate Contract Value:	$

ATTACHMENT "C"
DRUG-FREE WORKPLACE PROGRAM CERTIFICATION

Procurement No. DMA-ITB-356 – Fencing & Concrete Pad for SASMO VSAT Compound

I,________________________________,______________________________
(Name) (Title)

of, ____________________________, hereby certify that this firm has implemented
(Name of Company)

a drug-free workplace program in accordance with the provision of Section 287.087, Florida Statutes.

____Date: ___________________
(Signature)

287.087 Preference to businesses with drug-free workplace programs. Whenever two or more bids, proposals, or replies that are equal with respect to price, quality, and service are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid, proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. To have a drug-free workplace program, a business shall:

(1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.

(2) Inform employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

(3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).

(4) In the statement specified in subsection (I), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.

(5) Impose a sanction on or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.

(6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

ATTACHMENT "D"
MINIMUM QUALIFICATIONS STATEMENT

How many years has your business performed the type of services being requested?

____

Provide a written statement detailing your qualifications:

ATTACHMENT E
VENDOR CERTIFICATIONS

Certification Regarding Scrutinized Companies Lists

Section 287.135, Florida Statutes, prohibits agencies from contracting with companies, for goods or services over $1,000,000, that are on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Both lists are created pursuant to section 215.473, Florida Statutes.

As the person authorized to sign on behalf of Respondent, I hereby certify that the company identified above in the section entitled “Respondent Vendor Name” is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject company to civil penalties, attorney’s fees, and/or costs.

Certification of Employment Eligibility Verification

Employment Eligibility Verification: Executive Order 11-02, signed January 4, 2011, by the Governor of Florida, requires contracts to expressly require that Vendor utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of:

(a) All persons employed during the Contract term by Vendor to perform employment duties within Florida; and,

(b) All people (including subcontractors) assigned by Vendor to perform work pursuant to this Contract, i.e., the Vendor must require its subcontractors to utilize the E-Verify system for its employees assigned to this Contract.

E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of all new employees hired to work in the United States. There is no charge to employers to use E-Verify. The Department of Homeland Security’s E-Verify system can be found at:
http://www.dhs.gov/files/programs/gc_1185221678150.shtm

I,______________________________________,___________________________________
(Name) (Title)

of, ______________________________________ hereby certify that this firm is following
(Name of Company)

the above referenced Florida Statute and Executive Order.

____ Date: ______________________
(Signature)

ATTACHMENT "F"
VENDOR CHECKLIST

For your convenience, we offer the following checklist of items that must be returned by the proposal/bidding deadline. Bidder shall submit the original and one (1) copy of the bid/proposal. This checklist does not relieve the respondent of the responsibility of ensuring that <u>all requirements</u> of this Bid are included with their Bid submittal.

_____1. Attachment A - Price Sheet, signed

_____2. Attachment B - Vendor References

_____3. Attachment C - Certification of Drug Free Workplace, signed.

_____4. Attachment D - Minimum Qualifications Statement

_____5. Attachment E - Vendor Certifications

_____6. Attachment F - Vendor Check List

NOTE: Address your Bid submission to the point of contact specified in section 4.10, and write the following: **DMA-ITB-356 – Fencing & Concrete Pad for SASMO VSAT Compound**, Proposal/Bid due on July 29, 2026 no later than 4:00 PM EST on the envelope, package or courier delivery document.

Attachment G

Scope of Work: SASMO VSAT Compound PN #223104

Project Overview

This document outlines the scope of work for the Design and installation of a 100’x100’x5” slab with WWF at the rear of bldg. 4190. The pad has had fill dirt brought in over the last two years and will require some grading and compacting (to 98% compaction). The slab is to have a broom finish, minimum 3000 psi concrete with 6x6 WWF. There will be approximately 75 satellite equipment locations that require 2 ties down points per location. Method for tie down- Install a ½” internally threaded anchor inserts, ½” studded eye bolts and dust caps for when not in use. Each piece of equipment requires about a 10’x10’ area. The layout will be by owner prior to placement; anchors are installed after slab is poured.

A sidewalk from the pavement to the pad should be 6’ wide, thickened edge, with WWF and two number 5 rebars in the thickened edge.

3-4” exterior in-use sleeve will be installed on the wall of the existing bldg. Contractor to submit their product to the construction department for approval.

The slab will be fenced with one gate located at the sidewalk per Camp Blanding fencing standards.

- It is not expected that additional fill will be required but, If so the hauling and placement would be for the Contractor.

All work must be performed in accordance with current building codes and safety standards.

Scope of Work

Phase 1: Site Visit

- **The contractor will be given as much time as possible for them to review the area to be addressed.**
- **Area Protection:** The area surrounding this can be very wet in rainy seasons. Any ruts or holes created in the low areas during construction must be filled with a sandy mix.

Phase 2: Bidding

- All bidders are **<u>required</u>** to have representation at the time of the MANDATORY pre-bid. This is required for the contractors to see existing conditions.
- Bids will be required to be sealed bids delivered per the bidding instructions.

Phase 3: Design/permitting

- **It is the contractors responsibility to provide DPW Construction with all design drawings that includes Prior to work being started for approval.**
- **Weatherproofing:** Any exterior wall penetration must be sealed with an appropriate weather-resistant sealant to prevent moisture intrusion.

Applicable Building Codes & Standards

All work will be performed in compliance with the latest editions of the following codes and standards, as adopted by the local jurisdiction:

- **State and Local Building Codes:** All state and local amendments and specific requirements will be adhered to.

Site location

Drop-in anchor sample

Attachment H

DIVISION 2 - SITE WORK

SECTION 02444 - CHAIN-LINK FENCING AND GATES

1. MATERIALS / INSTALLATION

A. <u>Construction Fencing:</u>

Construction fencing is not required on post. Site and materials security is the sole responsibility of the Contractor. If desired, the Contractor may provide eight foot tall temporary chain-link fencing with secured post and lockable gates around all construction sites and storage areas. The fencing shall be installed plumb, level and secured to avoid the top of the fencing from leaning outward into pedestrian circulation paths. All exposed sharp edges shall be folded over to avoid the potential for inflicting injury.

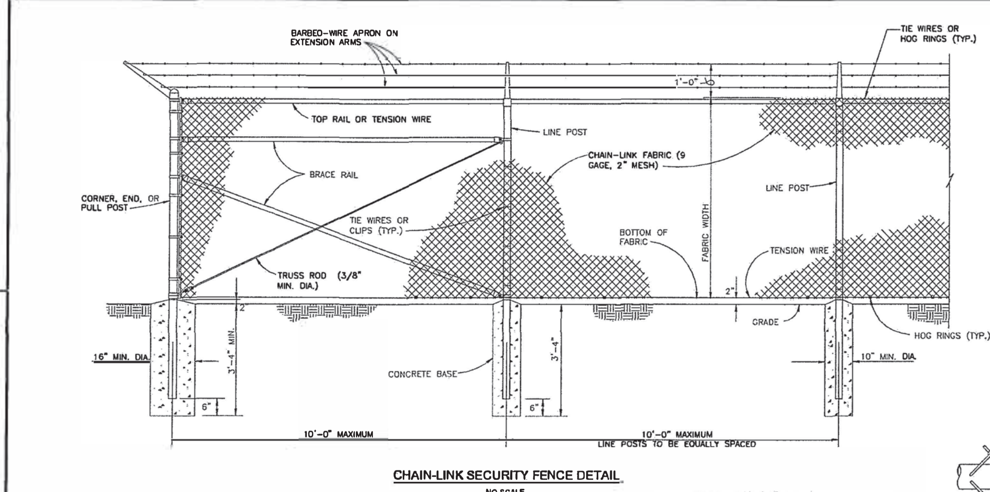
B. Movable temporary chain-link fence panels are allowed to be used during construction with approval of ~~the~~ CBJTC Project Manager. When using movable panels, care must be taken to avoid protrusion and tripping hazards presented by the “Feet” of the fence support panels.

C. Fencing: When used on Post, chain link fencing shall have hot dipped galvanized chedule 40 tubular steel framing, a top rail and bottom tension wire. The terminal post shall be a minimum of 2 1/2” outside diameter. The line post shall be a minimum of 2” outs de diameter. The gate post shall be a minimum of 3” outside diameter. The top rails and bracing shall be a minimum of 1 1/2” outside diameter. All gate post and line post shall be installed in concrete with the top of the concrete being level with grade and crowned for drainage. The chain link fabric shall be galvanized /~~black vinyl~~ coated 2” mesh with tens ire at bottom. Mesh will be attached to posts and rails with 9 gage steel wire. All accessories shall be provided for a complete operation and as required for reinforcement. I general, fencing shall slope to follow the ground plane.

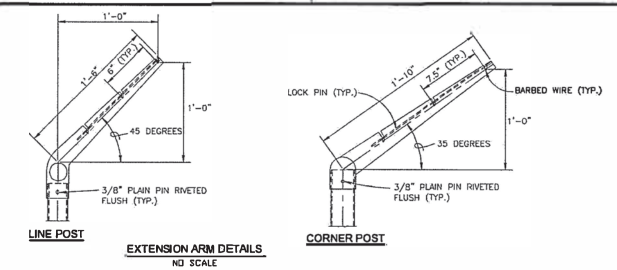
D. High-Security Chain Link Fencing: Security-type fence must be at least 6 feet high, galvanized /~~black vinyl coated~~ nine gauge, chain-link metal fabric with twelve inch high , three-strand four-point barbed wire 45 degree anti-climbers to enclose the secure areas. Vehicle gate(s) may be swinging or rolling. The following areas should be provided with security fencing: military vehicle parking; fuel storage and dispensing systems; service and access aprons; aircraft parking; wash platforms; lubrication and inspection racks; covered, unheated storage; cannibalization areas; and loading ramps. Fencing should be located no more than five feet from the edge of the paved areas unless safety or security demands a greater distance.

E. Gates: Where required, gates will be installed to accommodate passage of vehicles and/or personnel. Gates shall be sized to allow access by CBJTC Maintenance equipment and military vehicles. Coordinate gate sizes with CBJTC-DPW. Gates shall be constructed in the same manner as surrounding fencing unless otherwise directed by CBJTC.

END OF SECTION 02444

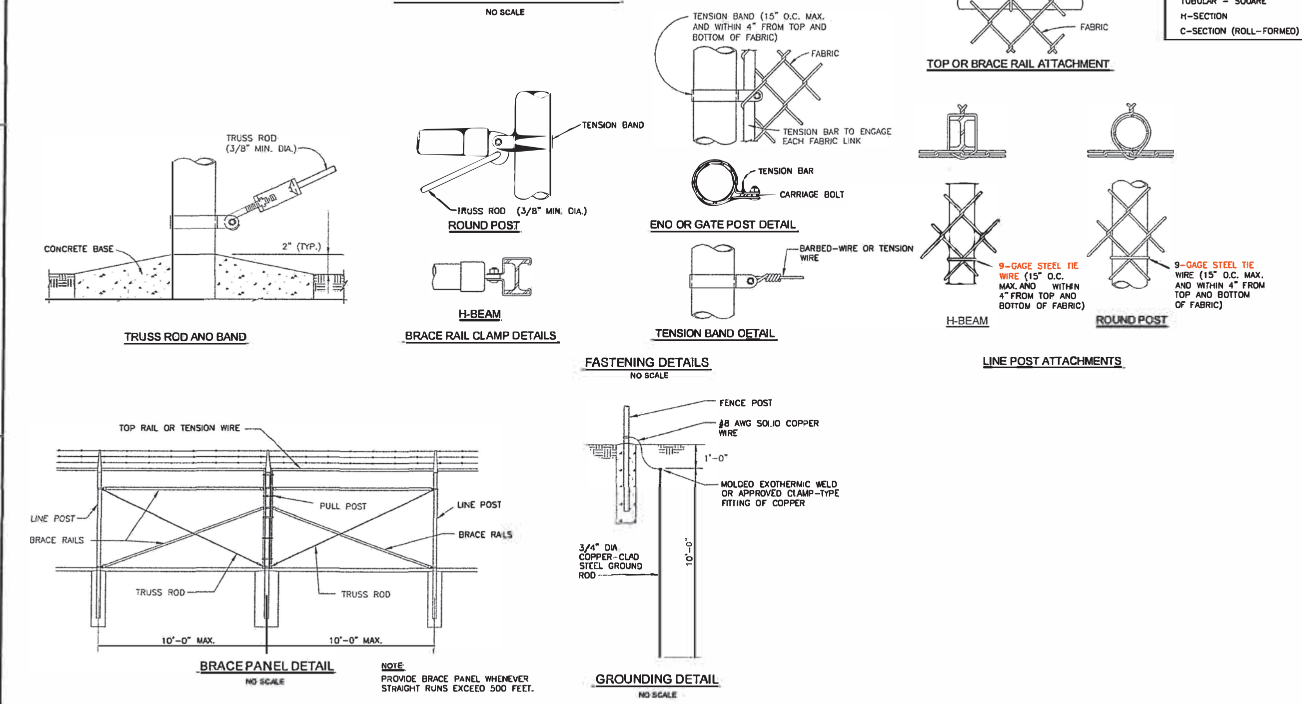


CHAIN-LINK SECURITY FENCE DETAIL
NO SCALE



EXTENSION ARM DETAILS
NO SCALE

STEEL POST SCHEDULE			
USE AND SECTION	MINIMUM OUTSIDE DIMENSIONS (NOMINAL)		
	FABRIC LESS THAN 72"	FABRIC 72" TO 96"	FABRIC OVER 96"
CORNER, END & PULL POSTS			
TUBULAR – ROUND	2.375" O.D.	2.875" O.D.	4.00" O.D.
TUBULAR – SQUARE	2.00" SQ.	2.50" SQ.	3.00" SQ.
C-SECTION (ROLL-FORMED)	3.50" X 3.50"	3.50" X 3.50"	———
LINE POSTS			
TUBULAR – ROUND	1.90" O.D.	2.375" O.D.	2.875" O.D.
H-SECTION	2.25" X 1.70"	2.25" X 1.70"	2.25" X 70"
C-SECTION (ROLL-FORMED)	1.875" X 1.625"	2.25" X 1.70"	———
TOP, BOTTOM & BRACE RAILS			
TUBULAR – ROUND		1.66" O.D.	
TUBULAR – SQUARE		1.50" O.D.	
H-SECTION		1.625" X 1.50"	
C-SECTION (ROLL-FORMED)		1.625" X 1.25"	



NOTES:

1. DETAILS SHOWN ARE TO CLARIFY REQUIREMENTS AND ARE NOT INTENDED TO LIMIT OTHER TYPES OF FENCE SECTIONS AND METHODS OF INSTALLATION.

2. WIRE TIES, RAILS, POSTS, AND BRACES SHALL BE CONSTRUCTED ON THE SECURE SIDE OF THE FENCE ALIGNMENT. CHAIN-LINK FABRIC SHALL BE PLACED ON THE OPPOSITE SIDE OF THE SECURE AREA.

3. UNLESS SPECIFICALLY SHOWN OR SPECIFIED, ALL FE6 FENCE SHALL HAVE AN APRON EXTENDED OUTWARD FROM THE AREA BEING PROTECTED.

4. C-SECTION POSTS SHALL BE INSTALLED SO THAT THE VOID INSIDE THE POST IS COMPLETELY FILLED WITH CONCRETE UP TO THE TOP OF THE FOUNDATION.

FENCE LEGEND:

TYPE FE5 – CHAIN-LINK FENCE WITHOUT BARBED-WIRE APRON
TYPE FE6 – CHAIN-LINK FENCE W/BARBED-WIRE ON SINGLE OUTRIGGER
TYPE FE7 – CHAIN-LINK FENCE W/BARBED WIRE ON DOUBLE OUTRIGGER
TYPE FE8 – CHAIN-LINK FENCE W/BARBED-WIRE AND BARBED-TAPE ON DOUBLE OUTRIGGER
TR – FENCE WITH TOP RAIL AND TENSION WIRE AT BOTTOM
TBR – FENCE WITH TOP AND BOTTOM RAILS
TWB – TENSION WIRE TOP AND BOTTOM
TWBR – FENCE WITH TOP TENSION WIRE AND BOTTOM RAIL
FINAL NUMBER IS FABRIC WIDTH IN INCHES.

EXAMPLES

FE6-TR-72 – CHAIN-LINK SECURITY FENCE WITH BARBED-WIRE ON SINGLE OUTRIGGER, TOP RAIL, AND 72 INCH FABRIC WIDTH.

FE5-TWB-48 – CHAIN-LINK SECURITY FENCE WITH NO APRON, TOP AND BOTTOM TENSION WIRE, AND 48 INCH FABRIC WIDTH.

$$ - THINKVALUE ENGINEERING - $$

Revisions			
Symbol	Descriptions	Date	Approved

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
OMAHA, NEBRASKA

Designed by: X
Drawn by: X
Checked by: X
Reviewed by: X
Submitted by:
Chief: X

STANDARD DETAILS FOR CHAIN-LINK SECURITY FENCES AND FARM STYLE FENCES

FE6 CHAIN-LINK SECURITY FENCE DETAILS

Plot Scale Ratio: 1:1
Design File: FE6FENCE
Date: 02/01/02
Spec. No.: DACA 45
Drawing Code: STD 87-90-03
Contract No.: DACA 45
Section
Sheet reference number: 03

ATTACHMENT "G"
Memorandum M-22-11

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 18, 2022

M-22-11

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Shalanda D. Young Director

SUBJECT: Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure

On November 15, 2021, President Biden signed into law 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. The Act strengthens Made in America Laws[1] and will bolster America's industrial base, protect national security, and support high-paying jobs. The Act requires that no later than May 14, 2022—180 days after the enactment of the IIJA—the head of each covered Federal agency[2] shall ensure that "none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States."[3]

The Act affirms, consistent with Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* ("the Executive Order"), this Administration's priority to "use terms and conditions of Federal financial assistance awards to maximize the use of goods, products, and materials produced in, and services offered in, the United States."[4]

The Act provides statutory authorities for the Made in America Office ("MIAO") in the Office of Management and Budget ("OMB") to maximize and enforce compliance with Made in

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[1] "Made in America Laws" means all statutes, regulations, rules, and Executive Orders relating to Federal financial assistance awards or Federal procurement, including those that refer to "Buy America" or "Buy American," that require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, and manufactured products offered in the United States. Made in America Laws include laws requiring domestic preference for maritime transport, including the Merchant Marine Act of 1920 (Pub. L. No. 66-261), also known as the Jones Act. Exec. Order No. 14,005, 86 Fed. Reg. 7475, § 2(b) (Jan. 28, 2021), *available at* https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers. Made in America Laws also include laws that give preference to Indian-owned and -controlled businesses, such as the Buy Indian Act (25 U.S.C. 47), that produce items in the United States.

[2] For the purposes of this guidance, the terms "Federal agency" and "agency" mean any authority of the United States that is an "agency" (as defined in section 3502 of title 44, United States Code), other than an independent regulatory agency (as defined in that section). IIJA, § 70912(3).

[3] IIJA, § 70914(a).

[4] Exec. Order No. 14,005 (see footnote 1).

America Laws.[5] MIAO aims to increase reliance on domestic supply chains and reduce the need for waivers through a strategic process aimed at: achieving consistency across agencies; gathering data to support decision-making to make U.S. supply chains more resilient; bringing increased transparency to waivers in order to send clear demand signals to domestic producers; and concentrating efforts on changes that will have the greatest impact.[6]

This memorandum provides implementation guidance to Federal agencies on the application of: (1) a "Buy America" preference[7] to Federal financial assistance programs for infrastructure; and (2) a transparent process to waive such a preference, when necessary. A Federal financial assistance program for infrastructure is any program under which an award may be issued for an infrastructure project, regardless of whether infrastructure is the primary purpose of the award. The term "project" means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States.[8]

Agencies should determine how this guidance is best applied to their infrastructure programs and processes, and consult with OMB, as needed, on establishing criteria, processes, and procedures for applying a Buy America preference and issuing waivers. OMB may update or provide additional guidance, as appropriate, to further assist agencies in the implementation of a Buy America preference.

I. Application of a Buy America Preference

By May 14, 2022, agencies must ensure that all applicable programs comply with section 70914 of the Act, including by the incorporation of a Buy America preference in the terms and conditions of each award with an infrastructure project.[9] The Act requires the following Buy America preference:

(1) All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

[5] IIJA, § 70923(a) & (b)(1).
[6] OMB Memorandum M-21-26, Increasing Opportunities for Domestic Sourcing and Reducing the Need for Waivers from Made in America Laws available at: https://www.whitehouse.gov/wp-content/uploads/2020/11/M-21-06.pdf
[7] For the purposes of this guidance, a "Buy America" preference is a domestic content procurement preference as defined in IIJA, § 70912(2).
[8] IIJA, § 70912 (5) & (7).
[9] See Appendix I: Example of Award Term - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials.

(3) All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.[10, 11]

II. Applicability to Federal Financial Assistance Programs

This guidance applies to all Federal financial assistance as defined in section 200.1 of title 2, Code of Federal Regulations[12]—whether or not funded through IIJA—where funds are appropriated or otherwise made available and used for a project for infrastructure. Federal financial assistance means assistance that non-Federal entities receive or administer in the form of grants, cooperative agreements, non-cash contributions or donations of property, direct assistance, loans, loan guarantees, and other types of financial assistance. The term "non-Federal entity" includes States, local governments, territories, Indian tribes, Institutions of Higher Education (IHE), and nonprofit organizations.[13]

For purposes of this guidance, for-profit organizations are not considered non-Federal entities. However, this guidance does not alter independent statutory authorities that agencies may have to include domestic content requirements in awards of Federal financial assistance issued to for-profit organizations.

Federal agencies are encouraged to consult with OMB if they are uncertain about the applicability of this guidance to any particular infrastructure program.

Before applying a Buy America preference to a covered program that will affect Tribal communities, Federal agencies should follow the consultation policies established through Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, and consistent with policies set forth in the Presidential Memorandum of January 26, 2021, on Tribal Consultation and Strengthening Nation-Nation Relationships. Federal agencies should commence consultation promptly.

This guidance does not apply to "expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 16 5170c, 5172, 5174, or 5192) relating to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. 5170, 5191) or pre and post disaster or emergency response expenditures."[14] "[P]re and post disaster or emergency response expenditures" consist of expenditures for financial assistance that are (1) authorized by statutes other than the Stafford Act, 42 U.S.C. §§ 5121 et seq., and (2) made in anticipation of or response to an event or events that qualify as an "emergency" or "major disaster" within the meaning of the Stafford Act, *id.* § 5122(1), (2). Awards made to support the construction or improvement of infrastructure to mitigate the damage that may be caused by a non-imminent future emergency or disaster, such as awards

[10] IIJA, § 70912 (2) & (6)(B)(ii).
[11] See Section VIII. of this guidance for more information on construction materials.
[12] IIJA § 70912(4)(A)
[13] *See* 2 C.F.R. § 200.1.
[14] IIJA § 70912(4)(B)

made under FEMA's Flood Mitigation Assistance program,[15] do not qualify as "pre and post disaster or emergency response expenditures."

Subawards should conform to the terms and conditions of the Federal award from which they flow.[16]

The IIJA's definition of "infrastructure" encompasses public infrastructure projects. Thus, the term "infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property.[17] Agencies should treat structures, facilities, and equipment that generate, transport, and distribute energy - including electric vehicle (EV) charging - as infrastructure.

When determining if a program has infrastructure expenditures, Federal agencies should interpret the term "infrastructure" broadly and consider the definition provided above as illustrative and not exhaustive. When determining if a particular construction project of a type not listed in the definition above constitutes "infrastructure," agencies should consider whether the project will serve a public function, including whether the project is publicly owned and operated, privately operated on behalf of the public, or is a place of public accommodation, as opposed to a project that is privately owned and not open to the public. Projects with the former qualities have greater indicia of infrastructure, while projects with the latter quality have fewer. Projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project. Federal agencies are strongly encouraged to consult with OMB when making such determinations.

Agencies should consult with MIAO regarding their readiness to apply the requirements of the Act to covered programs. Agencies with questions regarding the application of a Buy America preference to agency-specific programs, including questions about the possible use of waivers during adjustment periods as agencies work to implement the Act, are advised to reach out to MIAO for technical assistance and advice.

III. Consistency with International Agreements

Pursuant to section 70914(e) of the Act, this guidance must be applied in a manner consistent with the obligations of the United States under international agreements.

IV. Avoid Unnecessary Disruption

The Act makes clear that its preferences apply to a Federal financial assistance program for infrastructure only to the extent that a domestic content procurement preference as described

[15] *See* 42 U.S.C. § 4104c.
[16] 2 CFR 200.101 (b) (2)
[17] IIJA, § 70912(5).

in section 70914 of the Act does not already apply to iron, steel, manufactured products, and construction materials.[18] Agencies should consider whether existing domestic content requirements meet the standards in the Act, as described in this memorandum. Agencies must make necessary changes to come into compliance with the Act's requirements, while preserving policies and provisions that already meet or exceed the standards required by the Act. For example, a program in which the standards for iron and steel already meet the standards in the Act may nevertheless be required to adopt new standards for manufactured products and construction materials. Maintaining current policies where appropriate avoids unnecessary disruption to programs, or elements of programs, that already meet or exceed Build America, Buy America requirements.

V. Effective Date for Awards

Agencies must ensure that, starting on May 14, 2022, all Federal financial assistance programs for infrastructure comply with the requirements of section 70914 of the Act. Therefore, new awards made on or after May 14, 2022, must take appropriate steps to ensure financial assistance awards comply with these requirements, which may include appropriate terms and conditions[19] incorporating a Buy America preference. Renewal awards and amendments obligating additional funds to existing awards that are executed on or after May 14, 2022, must also include a Buy America preference. This means that agencies must include a Buy America preference in awards issued on or after May 14, 2022, even if Notices of Funding Opportunities for those awards did not include a Buy America preference. In these cases, agencies may consider whether public interest waivers may be needed to avoid undue increases in the time and cost of a project. Similarly, public interest waivers may be needed for awards and amendments made on or after May 14, 2022, where budgets for purchase of covered materials have already been agreed upon (including if materials have been ordered and construction has begun). Consistent with the guidance provided below, agencies should issue waivers judiciously and clearly communicate to recipients the limitations and conditions of any such waivers.

VI. Articles, Materials, and Supplies for Infrastructure

A Buy America preference, as defined in section I of this guidance, only applies to the iron and steel, manufactured products, and construction materials used for the infrastructure project under an award. If an agency has determined that no funds from a particular award under a covered program will be used for infrastructure, a Buy America preference does not apply to that award. Similarly, for a covered program, a Buy America preference does not apply to non- infrastructure spending under an award that also includes a covered project. A Buy America preference applies to *an entire infrastructure project*, even if it is funded by both Federal and non-Federal funds under one or more awards.

A Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply

[18] IIJA, § 70917(a) &(b).
[19] See Appendix I: Example of Award Term - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials for exemplary language.

to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of or permanently affixed to the structure.

For the purposes of this guidance, an article, material, or supply should only be classified into *one* of the following categories: (1) iron or steel; (2) a manufactured product; or (3) a construction material. For ease of administration, an article, material, or supply should not be considered to fall into multiple categories. Agencies should apply the iron and steel test to items that are predominantly iron or steel, unless another standard applies under law or regulation.

Any waivers from these requirements must be in writing and meet the requirements of section 70914(b).

VII. Issuing Buy America Waivers

Pursuant to Section 70914(c) of the Act, the head of a Federal agency may waive the application of a Buy America preference under an infrastructure program in any case in which the head of the Federal agency finds that—

(1) applying the domestic content procurement preference would be inconsistent with the public interest (a "public interest waiver");
(2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a "nonavailability waiver"); or
(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an "unreasonable cost waiver").

Federal agencies are responsible for processing and approving all waivers, including waivers requested by recipients and on behalf of subrecipients. To the greatest extent practicable, waivers should be targeted to specific products and projects.[20]

Before issuing a waiver, the head of the Federal agency must make publicly available on the agency's website a detailed written explanation for the proposed determination to issue the waiver and provide at least 15 days for public comment on the proposed waiver.[21] General applicability waivers are subject to a minimum 30-day public comment period.[22] By April 29, 2022, agencies should provide the website address where they will be posting proposed waivers for public comment to MBX.OMB.MadeInAmerica@omb.eop.gov. Pursuant to sections 70914(c) and 70937 of the Act, the waiver must be cross-posted to a centralized waiver transparency website managed by GSA, BuyAmerican.gov,[23] no later than November 15, 2022.

[20] See Section VII of this guidance for information on waiver principles and criteria.
[21] Executive Order, § 4(b)(i)(2); IIJA, § 70914(c); IIJA, § 70937 (note that "Buy American" as used in this section also refers to Buy America preferences, per IIJA, § 70932(1)).
[22] IIJA § 70914(d)(2)(A)(ii). See Section VII of this guidance for information on general applicability waivers.
[23] BuyAmerican.gov redirects to MadeInAmerica.gov.

To minimize duplication and promote efficiency, MIAO and GSA will coordinate with agencies on the expansion of the existing website's functionality to display waivers for Federal financial assistance and provide further instructions to agencies as necessary.

Federal agencies are responsible for performing due diligence and approving or rejecting waivers consistent with the Act, this guidance, and any other applicable Buy America laws. Federal agencies should notify MIAO in advance of posting an award- or project-level proposed waiver for public comment. However, Federal agencies must consult with MIAO for proposed waivers with broader applicability (such as a general applicability waiver) before posting them for public comment. The purpose of the consultation is to identify any opportunities to structure the waiver in order to maximize the use of goods, products, and materials produced in the United States to the greatest extent possible consistent with law. Federal agencies should send proposed waivers for review to MBX.OMB.MIAwaivers@omb.eop.gov.

Federal agencies must submit to MIAO a proposed waiver for review after the public comment period has concluded. MIAO will review the proposed waiver to determine if it is consistent with applicable law and policy,[24] and will notify the Federal agency of its determination.

All waiver requests must include a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States[25] and a certification that there was a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers.[26] In addition, at a minimum and to the greatest extent practicable, each proposed waiver submitted to MIAO should include the following information, as applicable:

- Waiver type (nonavailability, unreasonable cost, or public interest)
- Recipient name and Unique Entity Identifier (UEI)
- Federal awarding agency organizational information (e.g., Common Government- wide Accounting Classification (CGAC) Agency Code)
- Financial assistance listing name and number
- Federal financial assistance program name
- Federal Award Identification Number (FAIN) (if available)
- Federal financial assistance funding amount
- Total cost of infrastructure expenditures, including all Federal and non-Federal funds (to the extent known)
- Infrastructure project description and location (to the extent known)
- List of iron or steel item(s), manufactured products, and construction material(s) proposed to be excepted from Buy America requirements, including name, cost, country(ies) of origin (if known), and relevant PSC and NAICS code for each.
- A certification that the Federal official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

[24] Executive Order, § 4(c).
[25] IIJA, § 70937(c)(2)(A).
[26] IIJA, § 70937(c)(2)(D).

- A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach), by the Federal awarding agency and, and in the case of a project or award specific waiver, by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
- Anticipated impact if no waiver is issued.
- Any relevant comments received through the public comment period.

The purpose of the information is to ensure that the agency has adequate information to perform due diligence, that MIAO has sufficient information to determine whether the proposed waiver is consistent with law and policy, and that sufficient information is available for public review. Information provided for public review should help interested manufacturers gauge the demand for products for which agencies are considering waiving a Buy America preference.

To avoid a need for duplicative waiver requests from entities that receive funding for one infrastructure project through multiple Federal agencies, the Federal agency contributing the greatest amount of Federal funds for the project should be considered the "Cognizant Agency for Made in America" and should take responsibility for coordinating with the other Federal awarding agencies. Such coordination will provide uniform waiver criteria and adjudication processes, minimize duplicative efforts among Federal agencies, and reduce burdens on recipients. The Cognizant Agency for Made in America shall be responsible for consulting with the other Federal awarding agencies, publicizing the proposed joint waiver, and submitting the proposed joint waiver for review to MIAO.

a. Exceptions for Unforeseen and Exigent Circumstances

In limited situations where there is an urgent need in an unforeseen and exigent circumstance, agencies have the authority to waive the application of Buy America preferences without submitting the waiver for public comment and MIAO determination. [27] As an exception to the public transparency requirements of the Act, agencies should exercise that authority only when necessary. Further, to ensure MIAO can fulfill its role as a central and transparent source of Made in America waivers, an agency that issues a waiver without first seeking public comment and MIAO approval must, within 30 days of the waiver's issuance, submit a report to MIAO explaining its reliance upon the "unforeseen and exigent circumstance" exception.[28] MIAO will provide further instructions to agencies on how to submit those reports. Although public posting and MIAO review may be waived in exigent circumstances, agencies remain responsible for performing due diligence appropriate to the circumstances, consistent with the principles and criteria in paragraphs VII(b) and (c) below.

[27] IIJA, § 70937(b)(2).
[28] This reporting process was established pursuant to Executive Order 14,005, § 4(d) and OMB Guidance on Improving the Transparency of Made in America Waivers available at: https://www.whitehouse.gov/wp-content/uploads/2021/10/Guidance-Memo-Improving-the-Transparency-of-Made-in-America-Waivers.pdf.

b. Waiver Principles and Criteria

To ensure they are scrupulously monitoring, enforcing, and complying with applicable Buy America Laws and minimizing the use of waivers,[29] agencies must apply standard criteria to determine whether to grant a waiver in a given circumstance. Agencies with existing criteria must review it for consistency with this guidance and update it as appropriate. All other agencies must establish criteria.

Agencies may reject or grant waivers in whole or in part. To the greatest extent practicable, waivers should be issued at the project level and be product-specific. Overly broad waivers undermine market signals designed to boost domestic supply chains, particularly for key articles, materials and supplies in critical supply chains (i.e., critical supply chains identified in Executive Order 14017, *America's Supply Chains*). When necessary, agencies may consider issuing a waiver that has applicability beyond a single project; however, agencies should always issue, construe, and apply waivers to ensure the maximum utilization of goods, products, and materials produced in the United States, consistent with applicable law. Federal agencies may consult with MIAO when establishing or modifying criteria for granting waivers. They may also work within the Made in America Council, a practice that will help to foster consistency across agencies to the greatest extent practical and appropriate, given agency and program missions.

Federal agencies should use the following principles before issuing a waiver of any type:

- **Time-limited**: In certain limited circumstances, a Federal agency may determine that a waiver should be constrained principally by a length of time, rather than by the specific projects to which it applies. Waivers of this type may be appropriate, for example, when an item that is "nonavailable" is widely used in projects funded by a particular program's awards. When issuing such a waiver, the agency should identify a short, definite time frame (e.g., no more than one to two years) designed to ensure that, as domestic supply becomes available, domestic producers will have prompt access to the market created by the program.
- **Targeted**: Waivers that are not limited to particular projects should apply only to the item(s), product(s), or material(s) or category(ies) of item(s), product(s), or material(s) necessary. Waivers that are overly broad will tend to undermine domestic preference policies. Broader waivers will receive greater scrutiny from MIAO.
- **Conditional**: Federal agencies are encouraged to issue waivers with specific conditions that support the policies of the Act and the Executive Order.

These principles and criteria should be viewed as minimum requirements for the use of waivers by Federal agencies.[30]

Nonavailability Waivers

Before granting a nonavailability waiver, agencies should consider whether the recipient has performed thorough market research, which may be accomplished with assistance from the agency, and adequately considered, where appropriate, qualifying alternate items, products, or

[29] IIJA § 70933(2).
[30] See Section IV. of this guidance for agencies that have existing regulations or guidance.

materials. Waivers should describe the market research activities and methods to identify domestically manufactured items capable of satisfying the requirement, including the timing of the research and conclusions reached on the availability of sources. Agencies are encouraged to engage with the Made in America Council to develop resource lists for common items, goods, or materials.

Unreasonable Cost Waivers

An unreasonable cost waiver is available if the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. Before granting an unreasonable-cost waiver, to the extent permitted by law, agencies should ensure the recipient has provided adequate documentation that no domestic alternatives are available within this cost parameter. Agencies may assist recipients in gathering documentation.

For requests citing unreasonable cost as the statutory basis of the waiver, the waiver justification must include, as applicable, a comparison of the cost of the domestic product to the cost of the foreign product or a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign-origin products, pursuant to the requirements of the applicable Made in America law.[31] Publicly available cost comparison data may be provided in lieu of proprietary pricing information.[32] Unreasonable-cost waivers should be no broader than necessary.

Public Interest Waivers

A waiver in the public interest may be appropriate where an agency determines that other important policy goals cannot be achieved consistent with the Buy America requirements established by the Act and the proposed waiver would not meet the requirements for a nonavailability or unreasonable cost waiver. Such waivers shall be used judiciously and construed to ensure the maximum utilization of goods, products, and materials produced in the United States.[33] To the extent permitted by law, determination of public interest waivers shall be made by the head of the agency with the authority over the Federal financial assistance award.[34]

Public interest waivers may have a variety of bases. As with other waivers, they should be project-specific whenever possible, as what is in the public interest may vary depending upon the circumstances of the project, recipient, and specific items, products, or materials in question.

Federal agencies may wish to consider issuing a limited number of general applicability public interest waivers in the interest of efficiency and to ease burdens for recipients. The agency remains responsible for determining whether such a waiver is appropriate to apply to any

[31] IIJA, § 70937(c)(2)(B).
[32] IIJA, § 70937(c)(2)(B).
[33] IIJA, § 70935(a).
[34] IIJA, § 70935(b).

given project; the Made in America Office will not review each application of such a waiver. The following are examples of types of public interest waivers an agency may consider issuing.[35]

- **De Minimis**: Ease of administration is important to reduce burden for recipients and agencies. Federal agencies may consider whether a general applicability public interest waiver should apply to infrastructure project purchases below a de minimis threshold. An agency may consider whether a public interest waiver should apply when necessary to ensure that recipients and Federal agencies make efficient use of limited resources, especially if the cost of processing the individualized waiver(s) would risk exceeding the value of the items waived. Agencies may consider adopting an agency-wide public interest waiver that sets a de minimis threshold, for example, of 5 percent of project costs up to a maximum of $1,000,000.
- **Small Grants**: Agencies may wish to consider whether it is in the public interest to waive application of a Buy America preference to awards below the Simplified Acquisition Threshold. This type of waiver may be particularly relevant in the initial years after enactment of IIJA, and may be phased out over time as agencies develop efficient waiver review capabilities.
- **Minor Components**: Agencies may wish to consider whether it is in the public interest to allow minor deviations for miscellaneous minor components within iron and steel products. A minor components waiver in the public interest may allow non- domestically produced miscellaneous minor components comprising no more than 5 percent of the total material cost of an otherwise domestically produced iron and steel product to be used. It would not be in the public interest to use a minor components waiver to exempt a whole product from the iron and steel requirements, or to allow the primary iron or steel components of the product to be produced other than domestically.
- **Adjustment Period**: Agencies should consider whether brief, time limited waivers to allow recipients and agencies to transition to new rules and processes may be in the public interest.
- **International Trade Obligations**: If a recipient is a State that has assumed procurement obligations pursuant to the Government Procurement Agreement or any other trade agreement, a waiver of a Made in America condition to ensure compliance with such obligations may be in the public interest.
- **Other Considerations**: A waiver may be in the public interest in one circumstance, but not in another, and considerations will depend upon the nature and amount of resources available to the recipient, the value of the items, goods, or materials in question, the potential domestic job impacts, and other policy considerations, including sustainability, equity, accessibility, performance standards, and the domestic content (if any) of and conditions under which the non-qualifying good was produced.

All proposed waivers citing the public interest as the statutory basis must include a detailed written statement, which shall address all appropriate factors, such as potential

[35] The list is not exhaustive and no agency is required to issue the types of waivers noted as examples. As with other general applicability waivers, generally applicable public interest waivers must be reviewed at least every five years and more often as appropriate.

obligations under international agreements, justifying why the requested waiver is in the public interest.[36]

Before granting a waiver in the public interest, to the extent permitted by law, agencies shall assess whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products.[37] Agencies may consult with the International Trade Administration (ITA) in making this assessment if the granting agency deems such consultation to be helpful. The agency shall integrate any findings from the assessment into its waiver determination as appropriate.[38] MIAO will work with ITA and agencies to develop standard processes to expedite this required assessment, such as by ensuring agencies know how to easily access lists of dumped or injuriously subsidized products.

c. *General Applicability Waivers*

The term "general applicability waiver" refers to a waiver that applies generally across multiple awards. A general applicability waiver can be "product-specific" (e.g., applies only to a product or category of products) or "non-product specific" (e.g., applies to all "manufactured products").

General applicability waivers should be issued only when necessary to advance an agency's missions and goals, consistent with IIJA, the Executive Order, and this guidance. For example, an agency might issue a general waiver for a product for which there are well-established domestic sourcing challenges. General applicability waivers will require appropriate justification from the Federal agency.

Federal agencies with one or more existing general applicability waivers, including public interest waivers, must review such waivers within five years of the date on which the waiver was issued. Agencies issuing new general applicability waivers must review such waivers at least every five years from the date of issuance. Agencies are encouraged to review general applicability waivers more frequently, when appropriate. In conducting a review of any general applicability waiver, the head of a Federal agency shall—

(A) publish in the *Federal Register* a notice that—
  (i) describes the justification for a general applicability waiver; and
  (ii) requests public comments for a period of not less than 30 days on the continued need for a general applicability waiver; and

(B) publish in the *Federal Register* a determination on whether to continue or discontinue the general applicability waiver, considering the comments received in response to the notice published under paragraph (A).[39]

[36] IIJA, § 70937(c)(2)(C).
[37] Executive Order, § 5.
[38] Executive Order, § 5.
[39] IIJA, § 70914(d)(1) & (2).

For a period of five years beginning on the date of enactment of the Act, paragraphs (A) and (B) above shall not apply to any product-specific general applicability waiver that was issued more than 180 days before November 15, 2021.[40]

By no later than November 15, 2022, agencies with existing, non-product specific general applicability waivers that were issued more than five years before November 15, 2021 should promptly commence review of each such waiver by publishing a *Federal Register* notice as required in section 70914(d)(2)(A) of the IIJA. Should the review justify retaining the waiver, agencies should consider narrowing the waiver in a manner that would support supply chain resilience and boost incentives to manufacture key products domestically, as appropriate.

To ensure prompt commencement of projects funded by IIJA, MIAO plans to work with agencies to expedite consideration of general applicability waivers for products or categories of products for which domestic sourcing challenges have been well documented. Agencies should align such waivers with complementary policies, such as work to boost supply chain resiliency and domestic employment. General applicability waivers should include appropriate expiration dates designed to ensure that, once available, Buy America qualifying products receive appropriate consideration.

VIII. Preliminary Guidance for Construction Materials

For construction materials, the Act requires that, not later than 180 days after November 15, 2021, OMB must issue standards that define the term "all manufacturing processes" in the case of construction materials. These standards must require that each manufacturing process required for the manufacture of the construction material and the inputs of the construction material occurs in the United States. They must also reflect efforts to maximize the direct and indirect jobs benefited or created in the production of the construction material.[41]

Although the deadline to issue such guidance has not yet passed, OMB is providing preliminary and non-binding guidance to assist agencies in determining which materials are construction materials so that agencies can begin applying Buy America requirements to those materials. This preliminary guidance addresses the requirements as set forth in section 70915(b) of the IIJA while providing sufficient time for OMB to receive additional stakeholder input.

The IIJA finds that "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[42]— that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);

[40] IIJA, § 70914(d)(3).
[41] IIJA, § 70915(b).
[42] IIJA, § 70917(c)(1).

- lumber; or

- drywall.[43]

To provide clarity to item, product, and material manufacturers and processers, we note that items that consist of two or more of the listed materials that have been combined together 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. For example, a plastic framed sliding window should be treated as a manufactured product while plate glass should be treated as a construction material.

Pending OMB's issuance of final standards on construction materials, and absent any existing applicable standard in law or regulation that meets or exceeds these preliminary standards, agencies should consider "all manufacturing processes" for construction materials to include at least the final manufacturing process and the immediately preceding manufacturing stage for the construction material. OMB is seeking additional stakeholder input before issuing further guidance identifying initial manufacturing processes for construction materials that should be considered as part of "all manufacturing processes."

Agencies should consult with MIAO, as needed, to ensure that any waiver issued for construction materials is explicitly targeted and time-limited, in order to send a clear market signal that additional standards for "all manufacturing processes" in the case of construction materials will be forthcoming.

[43] See IIJA, § 70911(5).

Appendix I: Example of Award Term - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Where applicable, the Federal agency must include appropriate terms and conditions in all awards, in accordance with applicable legal requirements and its established procedures, in order to effectuate the requirements of the Act and this guidance. The following is sample language.

To achieve the greatest possible consistency across agencies and programs, agencies should send their proposed terms and conditions to MIAO for review prior to incorporating them into applicable awards. Agencies should begin including appropriate language in NOFOs published *before* May 14, 2022 to provide applicants fair notice of the Buy America conditions that will apply to funds obligated on or after that date.

** ** **

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials[44] are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

[44] Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements.

(a) When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [link to awarding agency web site with information on currently applicable general applicability waivers].

Definitions[45]

"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[46]—that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

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[45] Federal agencies may choose to provide definitions on a public-facing website and reference that website in the terms and conditions, rather than including all definitions in the terms and conditions itself. If an agency chooses to do provide definitions on a public-facing website, it is not considered a deviation from the terms and conditions provided and does not need to be reviewed by OMB.

[46] IIJA, § 70917(c)(1).

"Domestic content procurement preference'' means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

"Infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

''Project'' means the construction, alteration, maintenance, or repair of infrastructure in the United States.

ATTACHMENT "H"
Memorandum M22-062

RON DESANTIS
GOVERNOR

STATE OF FLORIDA
Office of the Governor
THE CAPITOL TALLAHASSEE, FLORIDA 32399-000 I
www.flgov.com
850-717-9418

Memo # 22-062

MEMORANDUM

To: From:

Subject: Date:

Executive Agencies
Chris Spencer, Director *C.)I*\S
Office of Policy and Budget Implementation of Senate Bill 1808 June 23, 2022

Governor Ron Desantis signed Senate Bill 1808 on June 17, 2023. This legislation prohibits state agencies from executing, amending, or renewing a contract with a common carrier or a contracted carrier if the carrier is willfully providing any service in the furtherance of transporting a person into the State of Florida knowing that the person is an unauthorized alien. The legislation provides definitions for "common carrier" and "unauthorized aliens." *See* Senate Bill 1808 (2022).

In implementing this legislation, all state agencies are directed to review all state contracts to identify common carriers or contract carriers who may be in violation of this provision of law. If an agency becomes aware that a state vendor is currently transporting unauthorized aliens, the vendor must be notified in writing that their contracts with the state will not be renewed unless they comply with Florida law.

All state agency contracts that are executed, amended, or renewed on or after October 1, 2022, including grant agreements or economic incentive program payment agreements with a common carrier or contracted carrier must include an attestation in accordance withs. 92.525, F.S. that the vendor is not willfully providing any service during the contract term in furtherance of transporting a person into this state knowing that the person is an unauthorized alien.
Additionally, all contracts with state agencies and common carriers or contracted carriers executed, amended, or renewed on or after October 1, 2022, must include a provision for termination of the contract for cause if the carrier is found to be in violation of its attestation.

The Department of Management Services is developing an attestation form in accordance with this provision of law for all state agency contracts with common carriers and contracted carriers to be utilized by October 1, 2022.