

Updated as of September 29, 2023

Build America, Buy America Act (BABAA) Requirements for [Federal Highway Administration](#) Projects

	Buy America	Initial BABAA Guidance	2023 BABAA Guidance
Effective Date	1982	Nov. 10, 2022	October 23, 2023
Effective Contract Threshold	Iron and steel delivered to a project exceed \$2,500 or 0.1% of the total contract amount, whichever is greater.	Projects that receive above \$500,000 in federal financial assistance.	Projects that receive above \$500,000 in federal financial assistance. Threshold set by a USDOT waiver.
What Projects Does It Apply To?	Road and Transit projects that utilize federal financial assistance.	All public works projects that utilize federal financial assistance.	All public works projects that utilize federal financial assistance.
Iron and Steel Requirements	All manufacturing processes, including application of a coating, must occur in the US.	Same as Buy America Act of 1982.	Clarified that requirements include bar, billet, slab, wire, plate, or sheet, castings, or forgings used in the manufacture of the finished good.
Included Construction Materials	None	Adds: Non-ferrous metals, plastic and polymer-based products, glass, lumber, drywall	Adds engineered wood and clarifies that drop cable and optical fiber are included in the list.
Construction Material Manufacturing Requirements	N/A	The final manufacturing process and the immediately preceding manufacturing stage.	Clarifies specific manufacturing steps for each material. Click here to find the full list.
Included Manufactured Products	Waived because of the FHWA Manufactured Products Waiver . Iron and steel in manufactured products must comply with iron and steel requirements.	Clarified exempted construction materials combined through a manufacturing process with a non-exempt material are manufactured products.	Same as Buy America Act of 1982 and Build America, Buy America Initial Guidance.
Manufactured Product Requirements	Exemption for FHWA projects - Manufactured Products waiver.	Exemption for FHWA projects - Manufactured Products waiver.	Same as Build America, Buy America Initial Guidance. Added clarity on the definition of cost of components .
Current Waivers in Effect	General applicability waiver for all manufactured products .	Waived for certain contracts and solicitations up to March 10, 2023.	De minimis costs and small grants threshold .
Exemptions	Buy America requirements only apply to iron and steel.	Temporary materials not permanently incorporated into a project.	Clarifies that materials created offsite, i.e., precast concrete, are a manufactured product. Ones mixed on or near a project are exempt.
Future Action	None expected in the near future.	OMB will likely release new guidance in the future.	FHWA is reviewing the manufactured products waiver.

Disclaimer: *Unless otherwise stated, all requirements are in effect in conjunction with each other.

*The FHWA is currently reviewing its longstanding waiver for manufactured products waiver.

*OMB is expected to release additional guidance which could add or alter some information above.

