



American Road  
& Transportation  
Builders Association



**AGC**  
THE CONSTRUCTION  
ASSOCIATION

May 13, 2024

The Honorable Shailen P. Bhatt  
Administrator  
Federal Highway Administration  
1200 New Jersey Ave SE  
Washington, DC 20590

**RE: Docket No. FHWA-2023-0040-0001 - Request for Information on the Use of Manufactured Products in Highway Projects**

Dear Administrator Bhatt:

The American Road & Transportation Builders Association (ARTBA) and Associated General Contractors (AGC) of America jointly write to present the results of a member survey conducted from April 26 to May 8, 2024. The survey sought insights from contractors regarding Buy America requirements for manufactured products and their potential impact on projects which receive financial assistance from the Federal Highway Administration (FHWA).

For more than 40 years, FHWA has maintained a waiver from Buy America requirements for most manufactured products permanently incorporated into federal-aid highway projects. The agency now proposes to roll back that waiver, a major change in policy which our associations continue to oppose. Nonetheless, should FHWA proceed, we hope that the responses gathered in the survey will assist the agency in making a thoughtful transition to the use of more targeted waivers. We believe our survey data, as well as information being submitted by various state transportation agencies and contractor organizations, justifies the continued use of waivers for specific manufactured products at the present time.

Both associations have reaffirmed their support for Buy America's overarching objective of strengthening domestic manufacturing in the long term. We present these survey results not as a rationalization for evading Buy America requirements, but to quantify the industry's short-term challenge of complying with them while minimizing project cost increases and delays.

**Survey Demographics**

Total Respondents: 192

Collectively, the respondents work in all 50 states and the District of Columbia.

## Respondent Firm Type

- Prime Contractors - 50.5%
- Subcontractors - 27.6%
- Suppliers - 9.9%
- Manufacturers - 8.3%
- Others - 3.6%

## Average size of federal-aid transportation construction projects which respondent firms have worked on in the past two years

- More than \$100 million – 12.0%
- \$25 million to \$100 million – 20.3%
- \$10 million to \$25 million – 11.5%
- \$5 million to \$10 million – 13.5%
- **\$500,000 to \$5 million – 36.5%**
- Less than \$500,000 – 6.2%

In addition, **10.4% of respondents indicated that they are certified as a disadvantaged business enterprise (DBE)** for federal-aid highway projects in at least one jurisdiction.

### Key Findings

**A majority of firms believe that FHWA’s rolling back the manufactured products waiver would require significant additional time and cost to document and certify the components within manufactured products.** 62% of respondents indicated that removal of the waiver would have a major effect on their project efficiencies, while 19% stated it will have a more minor impact.

As implementation of recent Buy America revisions continues, 56% of those who responded to the survey indicated that they find the current Buy America policy in their state(s) to be “Very Confusing” or “Somewhat Confusing.”

In addition, 69% of respondents stated that they will “price” risks in their bids reflecting uncertainty about costs and/or availability of Buy America-compliant materials for particular projects. This reality usually results in higher project costs and diluted benefits from federal investment.

Survey results were consistent within a variety of subgroups among the respondents. For example, 65% of DBE firms reported that they believe the repeal of the waiver will have a major impact on their project management, as described above. Moreover, 70% of these firms indicated that they would likely “price” in risks related to concerns over Buy America compliance.

**If FHWA rolls back its waiver, respondents expect significant challenges in complying with Buy America requirements for many manufactured products.** All eight categories of manufactured

products included in FHWA's Request for Information had a greater ratio of respondents indicating that compliance would be "Difficult" and "Very Difficult or Impossible" compared to "Easy" and "Possible." Contractors anticipate particular difficulty with products such as LED lamps, traffic signals and controllers, vehicle detection equipment, traffic cameras, and Intelligent Transportation Systems hardware, as less than 15% of respondents believed these products would be "Easy" and "Possible" to acquire in compliance with a new FHWA Buy America policy.

The survey also asked respondents to name and evaluate additional manufactured products with which they had recent experience. Generators, electrical equipment, electronics, pavement markings and pumps appeared multiple times, generally assessed as "Very Difficult or Impossible" to procure in compliance with post-waiver requirements.

For full results of the survey, the questions, accompanying responses and comments have been included as part of this letter.

### **Conclusion**

FHWA is proposing a dramatic policy change in its implementation of Buy America. While transportation construction contractors strongly support the principles behind Buy America, they are also committed to maximizing cost and time efficiencies in putting federal investment to work. This suggests a balanced approach that considers the operational realities and economic impacts on contractors and suppliers. We recommend that FHWA consider these insights as it seeks to refine and implement Buy America requirements.

Thank you for considering the perspectives of our members. We remain committed to collaborating with FHWA to ensure that the implementation of Buy America supports both national interests and the practicalities of modern construction and manufacturing.

Sincerely,

American Road & Transportation Builders Association

Associated General Contractors of America

## Results of ARTBA-AGC Survey for Contractors on Buy America and Manufactured Products

*The survey asked respondents to review the following background information, then evaluate the eight categories of manufactured products included in FHWA's Request for Information. Respondents could also list and evaluate up to five additional manufactured products with which they had recent experience.*

The term “**manufactured product**” covers many items used on highway and bridge projects. First, we will ask your feedback on eight examples FHWA has listed. Then we will ask you to list other manufactured products commonly used on your projects.

Assume that for a contractor to use a manufactured product, you will now have to document that more than 55 percent of its components were made in the U.S. For each product you have used, please put it in one of the following four categories...

- **COMPLIANCE WOULD BE EASY**
  - With minimal effort and expense, it would be easy to document that more than 55 percent of this product's components were made in the U.S., and/or
  - the product is readily available with those U.S.-made components, and/or
  - the price is comparable to versions with foreign-made components.
  
- **COMPLIANCE WOULD BE POSSIBLE**
  - With some effort and expense, it would be possible to document that more than 55 percent of this product's components were made in the U.S., and/or
  - the product can be found with those U.S.-made components, and/or
  - the price is comparable to or slightly higher than versions with foreign-made components.
  
- **COMPLIANCE WOULD BE DIFFICULT**
  - Even with some effort and expense, it would be difficult to document that more than 55 percent of this product's components were made in the U.S., and/or
  - the product is not widely available with those U.S.-made components, and/or
  - the price is notably higher than versions with foreign-made components.
  
- **COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE**
  - Even with significant effort and expense, it would be very difficult or impossible to document that more than 55 percent of this product's components were made in the U.S., and/or
  - the product is rarely or never available with those U.S.-made components, and/or
  - the price is significantly higher than versions with foreign-made components.

- **Retroreflective sheeting**

- COMPLIANCE WOULD BE EASY – 8.3%
- COMPLIANCE WOULD BE POSSIBLE – 13.5%
- COMPLIANCE WOULD BE DIFFICULT – 14.6%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 11.5%
- NOT CLEAR AT THIS TIME – 7.8%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 44.3%

- **LED lamps/lighting systems**

- COMPLIANCE WOULD BE EASY – 4.2%
- COMPLIANCE WOULD BE POSSIBLE – 5.2%
- COMPLIANCE WOULD BE DIFFICULT – 18.8%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 24.0%
- NOT CLEAR AT THIS TIME – 5.7%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 42.3%

- **Utility products**

- COMPLIANCE WOULD BE EASY – 6.2%
- COMPLIANCE WOULD BE POSSIBLE – 14.6%
- COMPLIANCE WOULD BE DIFFICULT – 28.6%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 19.8%
- NOT CLEAR AT THIS TIME – 4.7%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 26.0%

- **Intelligent Transportation Systems (ITS) hardware**

- COMPLIANCE WOULD BE EASY – 1.6%
- COMPLIANCE WOULD BE POSSIBLE – 8.9%
- COMPLIANCE WOULD BE DIFFICULT – 15.1%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 26.6%
- NOT CLEAR AT THIS TIME – 4.2%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 43.8%

- **Traffic signals and controllers**

- COMPLIANCE WOULD BE EASY – 3.1%
- COMPLIANCE WOULD BE POSSIBLE – 9.4%
- COMPLIANCE WOULD BE DIFFICULT – 19.3%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 24.0%
- NOT CLEAR AT THIS TIME – 4.7%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 39.6%

- **Traffic cameras**

- COMPLIANCE WOULD BE EASY – 1.6%
- COMPLIANCE WOULD BE POSSIBLE – 7.3%
- COMPLIANCE WOULD BE DIFFICULT – 16.1%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 25.0%
- NOT CLEAR AT THIS TIME – 6.2%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 43.8%

- **Changeable message signs**

- COMPLIANCE WOULD BE EASY – 3.6%
- COMPLIANCE WOULD BE POSSIBLE – 12%
- COMPLIANCE WOULD BE DIFFICULT – 15.6%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 20.8%
- NOT CLEAR AT THIS TIME – 7.3%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 40.6%

- **Vehicle detection equipment**

- COMPLIANCE WOULD BE EASY – 1.0%
- COMPLIANCE WOULD BE POSSIBLE – 8.3%
- COMPLIANCE WOULD BE DIFFICULT – 17.7%
- COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE – 19.8%
- NOT CLEAR AT THIS TIME – 7.3%
- I DON'T HAVE RECENT EXPERIENCE WITH THIS PRODUCT – 45.8%

- **If FHWA rolls back the manufactured products waiver and requires more than 55 percent of their components to be U.S.-made, how will it affect your upcoming projects?**
  - **LITTLE OR NO EFFECT** – It will require **minimal** additional time and cost to document and certify the components within manufactured products – 7.3%
  - **MINOR EFFECT** – It will require **some** additional time and cost to document and certify the components within manufactured products – 19.3%
  - **MAJOR EFFECT** – It will require **significant** additional time and cost to document and certify the components within manufactured products – 62.5%
  - **DOES NOT APPLY** – We do not use manufactured products in our projects – 1.6%
  - **NOT CLEAR AT THIS TIME** – 9.4%
  
- **How would you describe current policy for implementing Buy America in your state(s)?**
  - Very Clear – 13.0%
  - Somewhat Clear – 30.2%
  - Somewhat Confusing – 37.0%
  - Very Confusing – 18.8%
  - Don't Know – 1.0%
  
- **If there is uncertainty about cost and/or availability of Buy America compliant materials for a particular project, how does it affect your firm's bidding?**
  - We usually don't move forward with a bid – 7.8%
  - We "price" the related risk into our bid – 68.8%
  - It is not a major factor in our bidding – 12.5%
  - Other/Not clear at this time – 10.9%

**ARTBA-AGC Contractors Survey on Buy America and Manufactured Products – May 2024**

**Additional Manufactured Products Listed by Respondents**

AGGREGATE	COMPLIANCE WOULD BE DIFFICULT
Aggregate	COMPLIANCE WOULD BE POSSIBLE
Aggregates	COMPLIANCE WOULD BE POSSIBLE
aluminum poles	COMPLIANCE WOULD BE EASY
Asphalt	COMPLIANCE WOULD BE POSSIBLE
Asphalt cement	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
asphalt, aggregates	COMPLIANCE WOULD BE DIFFICULT
Attenuation Devices	COMPLIANCE WOULD BE POSSIBLE
Backup Generators	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Bolts	COMPLIANCE WOULD BE EASY
bridge components	COMPLIANCE WOULD BE POSSIBLE
Bridge Expansion Joint Materials	COMPLIANCE WOULD BE DIFFICULT
Building Construction Materials Used in Rest Area Construction	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Building supplies on transportation restrooms, tolling buildings, tolling equipment,	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Cable Barrier	COMPLIANCE WOULD BE EASY
Castings	COMPLIANCE WOULD BE EASY
Cement	COMPLIANCE WOULD BE DIFFICULT
Circuit Breakers	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Circuit Breakers	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Closed-circuit television (CCTV)	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Communications electronics	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Concrete Barrier	COMPLIANCE WOULD BE POSSIBLE
Concrete Cure	COMPLIANCE WOULD BE POSSIBLE
Concrete Pipe	COMPLIANCE WOULD BE POSSIBLE
Concrete pipe & drainage structures	COMPLIANCE WOULD BE POSSIBLE
Conduit (RMC, RNMC), Rebar, Junction Boxes,	COMPLIANCE WOULD BE EASY
conduit fittings	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Control Panels	COMPLIANCE WOULD BE DIFFICULT



Corrugated Metal Pipe	COMPLIANCE WOULD BE POSSIBLE
Corrugated Plastic Pipe	COMPLIANCE WOULD BE POSSIBLE
Crash attenuators	COMPLIANCE WOULD BE EASY
deck drains	COMPLIANCE WOULD BE EASY
Delineators	COMPLIANCE WOULD BE EASY
Disconnect Switches	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Disconnect Switches and Fuses	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
door hardware	COMPLIANCE WOULD BE DIFFICULT
Ductile Iron Pipe	COMPLIANCE WOULD BE DIFFICULT
Ductile Iron Pipe and Fittings	COMPLIANCE WOULD BE POSSIBLE
Ductile Iron watermain	COMPLIANCE WOULD BE DIFFICULT
Econolite	COMPLIANCE WOULD BE POSSIBLE
Elastomeric Bridge Bearing Assemblies	COMPLIANCE WOULD BE DIFFICULT
Electrical Disconnect Switches	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Electrical distribution equipment including disconnects, transformers, and panelboards	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Electrical Gear	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
electrical panels and circuit breakers	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Electrical Power Distribution Products	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Electrical Switch Gear	COMPLIANCE WOULD BE DIFFICULT
Electrical Transformer	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Electronic Components	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Environmental sensors	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
epoxy	COMPLIANCE WOULD BE DIFFICULT
Ethernet Switches	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
expansion joint	COMPLIANCE WOULD BE POSSIBLE
Fabricated steel components	COMPLIANCE WOULD BE DIFFICULT
Fiber networking equipment and patch panels	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
fiber optic cable	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE

Filter fabric	COMPLIANCE WOULD BE POSSIBLE
Generators	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Generators	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Generators	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Generators	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Generators, ATS, control panels	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Geotextile separator fabric	COMPLIANCE WOULD BE POSSIBLE
geotextiles	COMPLIANCE WOULD BE DIFFICULT
Geotextiles for sediment control	COMPLIANCE WOULD BE EASY
Geotextiles, Aluminum Poles, Coconut Fibers Erosion Blankets,	COMPLIANCE WOULD BE DIFFICULT
glass beads	COMPLIANCE WOULD BE EASY
Glass Beads	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
GLASS BEADS	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Glass Beads for Pavement Markings	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Glass beads for striped lines	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Graphite Fiber Reinforced Polymer Bar (GFRP)	NOT CLEAR AT THIS TIME
Guide Rail	COMPLIANCE WOULD BE EASY
hand dryers	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
HDPE Pipe	COMPLIANCE WOULD BE POSSIBLE
highway paint	COMPLIANCE WOULD BE EASY
H-tap connectors	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
HVAC units	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
INLET RINGS AND COVERS	COMPLIANCE WOULD BE DIFFICULT
in-line fuse holder assembly	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Irrigation products, guardrails, chemicals, fertilizers,	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Lifting inserts	COMPLIANCE WOULD BE DIFFICULT

lighting control	COMPLIANCE WOULD BE DIFFICULT
Lighting Controllers	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Lighting fixtures	COMPLIANCE WOULD BE POSSIBLE
Liquid Asphalt	COMPLIANCE WOULD BE DIFFICULT
Machinery	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Manhole frame and covers, inlet grates	COMPLIANCE WOULD BE POSSIBLE
manholes and inlets	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
markers	COMPLIANCE WOULD BE EASY
Medium Voltage cable	COMPLIANCE WOULD BE EASY
Metal Beam Guard Fence	COMPLIANCE WOULD BE EASY
Metal Drainage Structure Covers & Drains	COMPLIANCE WOULD BE POSSIBLE
Motor Control Center	COMPLIANCE WOULD BE DIFFICULT
Movable Bridge Drive Motors	COMPLIANCE WOULD BE DIFFICULT
Movable Bridge Electrical Components	COMPLIANCE WOULD BE DIFFICULT
neoprene	COMPLIANCE WOULD BE EASY
Network Switches	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Outside Plant Fiber	COMPLIANCE WOULD BE EASY
Overhead Sign Structures	COMPLIANCE WOULD BE POSSIBLE
Pipe Hangers	COMPLIANCE WOULD BE DIFFICULT
Piping Valves	COMPLIANCE WOULD BE DIFFICULT
Plastic Delineator posts	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Playground equipment	COMPLIANCE WOULD BE DIFFICULT
Pole Hardware	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Portland Cement	COMPLIANCE WOULD BE DIFFICULT
Power Service Materials	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Precast Concrete	COMPLIANCE WOULD BE DIFFICULT
Precast Concrete	COMPLIANCE WOULD BE DIFFICULT
Precast Concrete Products	COMPLIANCE WOULD BE DIFFICULT
precast tunnel segment accessories	COMPLIANCE WOULD BE DIFFICULT
Pump station pumps	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Pumps	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE

Pumps	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Pumps & other Lift Station Components	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Pumps (water, sewer, etc.)	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Pumps and controls	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Pumps and lift station controls	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
PVC Conduit and Pipe	COMPLIANCE WOULD BE DIFFICULT
Raised Pavement Markers	COMPLIANCE WOULD BE DIFFICULT
Raised Pavement Markers	COMPLIANCE WOULD BE EASY
Raised pavement markers	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Raised Pavement Markers (RPM)	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Rapid Flashing Beacons	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
REBAR	COMPLIANCE WOULD BE DIFFICULT
rebar	COMPLIANCE WOULD BE DIFFICULT
Rebar	COMPLIANCE WOULD BE POSSIBLE
Rebar	COMPLIANCE WOULD BE POSSIBLE
Rebar, Precast Concrete Products, Pre-Fabricated Steel Products,	COMPLIANCE WOULD BE EASY
Rebar, steel products, epoxies, grout repairs, curing compounds	COMPLIANCE WOULD BE POSSIBLE
Reflective Media (glass beads)	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Reinforcing Steel	COMPLIANCE WOULD BE EASY
Roadway striping materials	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Rubber	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
rubber expansion joint gland	NOT CLEAR AT THIS TIME
service entrance compression sleeve	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
stabilization fabrics	COMPLIANCE WOULD BE DIFFICULT
Stainless Steel Hardware	COMPLIANCE WOULD BE DIFFICULT
Steel	COMPLIANCE WOULD BE DIFFICULT
Steel and other traditional materials	COMPLIANCE WOULD BE DIFFICULT
Steel barrier	COMPLIANCE WOULD BE DIFFICULT

Steel beams, transit vehicles, rolling stock	COMPLIANCE WOULD BE DIFFICULT
Steel Plate girder	COMPLIANCE WOULD BE EASY
steel poles	COMPLIANCE WOULD BE EASY
Steel Reinforcement for Concrete	COMPLIANCE WOULD BE EASY
Steel structures	COMPLIANCE WOULD BE POSSIBLE
steel, bolts, nuts, washer, welding wire	COMPLIANCE WOULD BE EASY
striping materials (thermoplastic, glass beads, paint, epoxy, tape)	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Structural Steel	COMPLIANCE WOULD BE DIFFICULT
Structural Steel	COMPLIANCE WOULD BE EASY
Structural Steel, Reinforcing Bars, Epoxy Coatings,	COMPLIANCE WOULD BE POSSIBLE
Submersible Pumps	COMPLIANCE WOULD BE DIFFICULT
Sumitomo Electric Industries, Ltd.	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Tape	COMPLIANCE WOULD BE EASY
Thermal Control Sensors	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Thermoplastic	COMPLIANCE WOULD BE DIFFICULT
thermoplastic	COMPLIANCE WOULD BE EASY
Tolling Equipment	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
tracer wire	COMPLIANCE WOULD BE DIFFICULT
Traffic Buttons	COMPLIANCE WOULD BE DIFFICULT
Traffic Paint and Glass Beads	COMPLIANCE WOULD BE EASY
Traffic Signals	COMPLIANCE WOULD BE DIFFICULT
Transparent Sound Barriers	NOT CLEAR AT THIS TIME
truck Mounted attenuators	COMPLIANCE WOULD BE DIFFICULT
Truck Rail	COMPLIANCE WOULD BE EASY
tube steel	COMPLIANCE WOULD BE DIFFICULT
Tunnel Boring Machine (TBM) shield	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Uninterruptable power supplies	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Uninterruptible Power Supply	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Utility Pipe Water Sewer	COMPLIANCE WOULD BE POSSIBLE
Utility valves	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Utility vaults	COMPLIANCE WOULD BE DIFFICULT
Valves	COMPLIANCE WOULD BE DIFFICULT
Valves	COMPLIANCE WOULD BE DIFFICULT

valves	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
valves and fittings	COMPLIANCE WOULD BE DIFFICULT
Variable Frequency Drives	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
Watermain Materials	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE
waterproofing materials	NOT CLEAR AT THIS TIME
Wireless Sensor Nodes and Systems	COMPLIANCE WOULD BE VERY DIFFICULT OR IMPOSSIBLE

**ARTBA-AGC Contractor Survey**  
**on Buy America and Manufactured Products**  
**May 2024**  
**Additional Verbatim Comments from Respondents**

- What will constitute documentation of compliance?
- While we would very much like to buy all our products in the USA, current environmental restrictions in the USA prohibit certain materials from being manufactured in the USA.
- A more phase approach is needed for sophisticated devices used in Florida. Because of the high standards used by Florida DOT on ITS products, choices of manufacturers that "may" meet BA standards is limited. Florida should not be in a position to sacrifice quality for immediate compliance with BA.
- The problem is our clients have limited funds. BABA increases project costs!
- B.A.B.A. is good for the industry. We want to use American Manufactured products, but there will be a need for waivers as well otherwise this law will be too obtrusive.
- Make it easier to sell to government, too many regulations. COO, Barry compliance, the list goes on and on.
- The federal government is impacting product design in a way that they should avoid. Engineers and manufacturers need to be in control of the quality of products....this includes material selection based on quality.
- Less than >0.5% of what we need to bid or build a job do we struggle to source domestically.
- Distinguishing manufactured products places producers of precast concrete at a major disadvantage with those who cast in place on their job sites, as ready mix concrete is not subjected to the restrictions placed on precast suppliers. It is an unlevel playing field and categorically un-American.
- Please provide clear, specific instructions to obtain a waiver. Cost and availability are ALWAYS an issue with these regulations. Clear guidance allows contractors to properly plan their project and provide the best price to the Owner.
- Manufacturers should be audited annually and certified, eliminating the need for repetitive paperwork that would need to be prepared by the contractors.

- It is a great concept to require American made products to be used in construction projects. The reality is that American made manufactured projects are not available in sufficient quantity, or not available at all. If this change is made, a clear path for project specific waivers needs to be in place, otherwise prices will greatly increase, or contractors will not bid on projects.
- Technology products of all kinds are rarely manufactured in the United States so that presents a challenge for Buy America.
- It is not just the extra cost and inferior product, it is the long lead times that will prevent meeting the schedules of Federal Grants.
- As a prime contractor, we rely on our vendors (and subs and their vendors) to verify whether material is compliant with BABA requirements. The new rules would primarily put more burden on manufacturers and vendors to prove they comply.
- There is still major confusion and uncertainty at the State and local levels. No one really knows what is or is not included so there is no consistency from state to state. This makes it extremely difficult for manufacturing suppliers to meet the requirement. Some items are impossible to source, or if they can be sourced, because of the low cost the manufacturer will not provide certification because the paperwork costs much more than the item. This is true for many inexpensive fasteners. No one will certify a 5 cent screw. And it is too difficult or cumbersome to itemize this as being under the dollar limit.
- When the Buy America requirements become stringent, the number of suppliers that can meet those requirements can be limited, which affects a team's ability to stay in compliance and be on a team.
- Not being able to use some foreign products drives up prices.
- One size fits all solutions do not work for the diversity of construction projects and challenges across the country. Further restrictions on sourcing material only serve to enrich the select few who play the game - more suppliers will be shut out of the market or will refuse to bid federal or federal aid work. This is becoming a real problem already due to onerous requirements and other opportunities, which only serves to harm the taxpayers and end users of the transportation facility.
- I would caution proceeding with any efforts to expand Buy America provisions on projects without truly understanding the costs and project implications. While we are in favor of supporting domestic operations, the cost and timeline impacts of these contract requirements likely outweigh the benefits of the program.



- We have had numerous projects with these requirements where the Owner would like to have a job completed right away; however, the domestic sourcing requirement results in long lead times and thus shifts the project period. The even higher risk and more costly impact is when either the Engineer makes a design error or the Owner looks to add on to a project and the Contractor cannot immediately procure the necessary compliant materials to move forward so active construction is delayed.
- We have also looked at projects where there is no domestic source available for a critical job material and you are then left with the decision of whether you bid the job at a very high cost and "hope" the Owner or Engineer will allow an alternate or can obtain a waiver (which is a long, and typically unsuccessful process) or do you pass on the job altogether. In the most recent example of this situation we and one other qualified bidder both determined the risk was not worth the reward and passed on bidding the project; the project received one bid from a Contractor that did not understand the domestic sourcing implications of the project.
- Materials specified for striping are not manufactured in the US.
- The glass beads we use for pavement striping are produced outside of the US because environmental regulations keep them from being produced in the US. Since we are producing the strip on site it doesn't qualify. We need an exemption for this material.
- Most of the traffic & electrical components that were listed our firm does not install, we subcontract - but I know most of the lighting & computerized components are difficult to obtain with these 'Buy America' specifications.
- Steel obviously does not come into play, however most aluminum billets, used to make aluminum poles, are not domestic. The United States is the largest importer of aluminum. Most aluminum smelters will not increase capacity in the US due to the environmental regulations.
- I am currently dealing with Buy American requirements on an airport project. We have had to prove that 60% of materials meet "Buy American." The project is 5 months underway, and we are still working through the process with the airport authority / FAA. The process is not well defined, and there isn't clear direction in place for implementing such a system. The process has resulted in material procurement delays and impacted the project schedule. If FHWA implements a similar process, then, instead of dictating that 55% of all materials incorporated into a project need to meet Buy American, FHWA should create a list of materials that are "Buy American preferred." The list would be established for materials that are sourced, manufactured, and readily available in the USA at competitive pricing. The 55% requirement would only be applied to "preferred materials" applicable to a specific project.

- We currently deal with some of these requirements on FAA projects. The language is very confusing and all manufacturers have their own opinion on whether they comply or not. It has been very difficult to obtain breakdowns of domestic vs foreign from our vendors. Most will tell us to find the product elsewhere. Most manufactured goods we encounter as an electrical contractor will not meet this requirement. When waivers are needed, we are experiencing a long duration to apply for the waiver. This forces liability on the contractor to continue with work at their own risk while waiting for the waiver to be approved. There seems to be a lack of knowledge from the people enforcing these requirements, the process to apply for a waiver, and even which Buy America/American requirements should be followed. This is causing major delays getting paperwork from vendors and getting approved submittals. Unfortunately there are not enough domestically made manufactured goods to give the contractor options to use.
- There is a real risk that nationwide manufacturers will choose to no longer supply products to Michigan if these changes are enacted.
- All products, even temporary products used for sediment control, should be required to comply with BABA.
- We support a "Buy America" but also have to take into consideration that based on the globalization of manufacturing, operations had to be moved outside of the U.S. to ensure we could compete with the low cost imports. Would recommend a phase in period of several years to allow the restart of U.S. based production and limit the potential impact to the US infrastructure projects.
- PVC and steel conduit fittings are almost impossible to get domestically. Same for electrical circuit breakers, panels and accessories, and small utility connections products.
- Buy America adds significant cost to projects...less end product completed for more money. Buy America compliant products are not as readily available at times and don't comply with project schedules.
- The implications of problems that can arrive from Buy American are understandable. However, using federal tax dollars from American citizens warrants the consideration that there is a responsibility to secure the benefits of Buying American. Buying American means money is spent with American companies and jobs to manufacture products are supporting American families. The reason products are being manufactured outside the country is because it can be done cheaper and produce more income for the manufacturers. In the private sector it should be the individual choice of where to buy supplies. For the integrity of our country and continued production of materials made in the USA, it is important that we do not support manufacturing declinations. This single suggestion to eliminate use of Buy America will mean families across America at middle and low income status will lose their jobs and ability to support their families. Yes, it requires extra steps to show proof of

purchase. Yes, it may cost a little more to Buy American. However, let's all reflect what the true cost is if we don't. If more Americans have less jobs we will be supporting more families with public assistance costing all of us more in higher taxes. More importantly, once all the manufacturing leaves the USA, the prices for materials will increase because all will have to be imported and there is no domestic competition. The general public, not just the industry should be involved making this decision. It is their jobs, livelihood and families that are at stake here.

- Experiencing the Buy American policies implemented by the FAA in the past year, large portions of product supply chains are impossible to comply. When asked to comply with requirements, manufacturers constantly tell us, "Buy from someone else, we don't want to deal with this," leaving the contractor in a very difficult situation with no leverage with the supplier and no support from the federal government.
- We believe in the Buy America program.
- We have an upcoming project with specialized weight enforcement equipment and vertical building construction that would be heavily impacted by elimination of the manufactured products exemption.
- Due to the Buy America regulations, there are usually increases in cost or risk elements in bids. Tightening these regulations will only increase the cost of projects and increase the risk as well.
- For our projects, we already have to supply "Buy America" certifications for our materials.
- Unwarranted additional burden on certifications, documentation and cost for materials.
- Compliance is a very onerous task. While the intent is admirable, there should be more clear indications as to how to proceed with compliance for all. There is not an even playing field for all of those contractors that are bidding if they are all not following a similar protocol for compliance, especially if costs prove much higher for compliance. The paperwork task is complex and is not clear while being very time consuming. Especially difficult when time is of the essence on infrastructure projects.
- There is not enough common sense used in the BABA Act.
- Buy America should stay - it is needed!
- The items presented at the beginning of the survey are usually provided by subs. They have not indicated that Buy American has affected them directly, however there is a tremendous backlog for many of these items that may be a result of Buy American affecting the manufacturers.

- Affects our subcontractors more directly. Not sure of all potential roadblocks yet.
- Due to current supply chain shortages, it does not appear to be the best time to enforce Buy American. The robust infrastructure programs are already taxing materials that are imported much less forcing Buy American.
- The responsibility of meeting BABA requirements should be on the public agencies, not contractors.