NOTICE

This Standard Special Provision (SSP) revises or modifies CDOT’s Standard Specifications for Road and Bridge Construction. These are the official instructions for its use on CDOT construction projects, and have been reviewed, approved, and issued by the Construction Engineering Services Branch. Use as written without change. Do not use modified versions of this SSP on CDOT construction projects. Do not use this special provision on CDOT projects in a manner other than specified in the instructions without approval by CDOT’s Standards and Specifications Unit. The instructions for use appear below.

Other agencies using the Standard Specifications for Road and Bridge Construction to administer construction projects may use this special provision appropriately and at their own risk.

**Instructions for use on CDOT construction projects:**

Use this standard special provision on all projects.

**Section106 of the Standard Specifications as follows:**

**106.11 Buy America Requirements, delete and replace 106.11(a) with the following:**

1. *Steel and Iron.* All manufacturing processes, including the application of a coating, for all steel and iron products permanently incorporated in the work shall have occurred in the United States of America. All manufacturing processes include the processes that change the raw ore or scrap metal into a finished steel or iron product. This requirement will not prevent a minimal use of foreign steel or iron, provided the total cost, including delivery to the project, of all such steel and iron products does not exceed one-tenth of one percent of the total contract cost or $2,500, whichever is greater. When there is foreign steel or iron permanently incorporated into the project, the Contractor shall provide documentation of the project delivered cost of that foreign steel or iron.

The Contractor shall maintain on file Buy America certifications that every process from either the original smelting or melting operation, including the application of a coating, performed on steel or iron products either has or has not been carried out in the United States of America. These Buy America certifications apply to every steel and iron product that requires pre- inspection, pretesting, certified test results, or a certificate of compliance. Shipping invoices, bar lists, and mill test reports shall accompany the Buy America certifications. The Contractor shall obtain a Buy America certification from each supplier, distributor, fabricator, and manufacturer that has handled each steel or iron product. These Buy America certifications shall create a chain of custody trail for every supplier, distributor, fabricator, and manufacturer that handled the steel or iron product and shall include certified mill test reports with heat numbers from either the original smelting or melting operation. Upon request, the Contractor shall allow the State, FHWA, and their representatives access to the Buy America certifications including supporting documentation. When the Contractor does not provide the Buy America certifications at the Engineer’s request, the Engineer will reject the steel or iron product.

Before the permanent incorporation into the project and before payment for steel or iron products, the Contractor shall provide an assurance document. The assurance document shall certify in writing that the steel or iron products comply with Buy America requirements; the Buy America certifications and supporting documentation are on file; and when requested, the Contractor has submitted the required documentation to CDOT. The Contractor shall maintain an assurance document that summarizes the date and quantity of all steel and iron material delivered to the project. This assurance document shall include the pay item, quantity of material delivered to the project, mill test reports with heat numbers, and the quantity of material installed by the monthly progress payment cutoff date. The assurance document shall reconcile the pay item quantities and certified mill test reports, for the material delivered to the project to the Buy America certifications and supporting documentation. The assurance documentation shall include the cost of all foreign steel or iron delivered and permanently incorporated into the project. The Contractor shall also submit a summary for each month that no steel or iron products are incorporated into or delivered to the project. The Contractor shall submit the assurance documentation to the Engineer by the monthly progress payment cutoff date. The assurance documentation does not relieve the Contractor of providing the necessary Buy America certifications and supporting documentation for steel or iron products.