



MATERIALS BULLETIN

Colorado Department of Transportation
Project Development Branch
(for Materials & Geotechnical Branch)

2011 Number 2, Page 1 of 1
Date: October 14, 2011

CDOT Micropile Use & FHWA's Buy America

This Bulletin is meant to communicate the FHWA's official position on the applicability of Buy America provisions to steel casings used in micropile construction. Casings are permanently incorporated into the project so the Buy America provisions apply. The information in this Bulletin is extracted from a June 13, 2011 Memorandum from a FHWA Associate Administrator for Infrastructure.

The Buy America requirements of 23 CFR 635.410 apply to all steel or iron materials that are "used" or "permanently incorporated" in a project. Permanent incorporation includes items that are specified in the contract documents (or bid options specified in the contract documents) that must remain in place at the end of the project. It includes items that are impractical to remove due to design, construction staging or other functional requirements. If an item is specified in the contract documents and it is impossible or impractical to remove the item, then Buy America provisions apply.

Other steel or iron items specified in the contract documents that are not required to be permanently incorporated are considered to be temporary and not subject to coverage. This includes an item that is specified in the contract documents for one stage of the project, but for all practical purposes, may be removed during a subsequent phase (or left in place if requested by the contractor and approved by the contracting agency).

Reference:

See Question and Answer No. 19: http://www.fhwa.dot.gov/construction/contracts/buyam_qa.cfm.