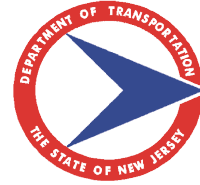


New Jersey Department of Transportation

1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



Baseline Document Change Announcement

ANNOUNCEMENT: BDC25S-09

DATE: June 18, 2025

SUBJECT: Manufactured Products Requirements
- Revision to Subsection 106.03 of the 2019 Standard Specifications for Road and Bridge Construction, and the 2019 Standard Inputs.

Subsection 106.03 of the 2019 Standard Specifications for Road and Bridge Construction, and the 2019 Standard Inputs has been revised to incorporate the updated “Buy America” requirements for manufactured products on Federal Aid Projects.

The following revisions have been incorporated into the 2019 Standard Specifications via the 2019 Standard Inputs, SI2019:

106.03 FOREIGN MATERIALS AND EQUIPMENT

PART 2 IS CHANGED TO:

2. **Federal Aid Projects.** Comply with the Federal statutes and regulations that establish the “Buy America” requirements applicable to the Project. These Federal requirements, which are contained in 23 CFR 635.409 and 23 CFR 635.410, mandate among other things that manufacturing processes for iron and steel materials and all iron and steel coatings must be performed in the United States.

Comply with 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 and implementing regulations. Comply with the requirements for IIJA’s four categories as described in 2 CFR 184.4(e): iron or steel products, manufactured products, construction materials, and exempt Section 70917(c) materials. Per 23 CFR 635.410(c)(2), an article, material, or supply is to be classified as one of the four categories as defined in 2 CFR 184.3 and must not be considered to fall into multiple categories. Ensure that:

- a. All iron or steel products as defined in 635.410(c)(1) used in the project comply with “Buy America” requirements for steel and iron per CFR 635.410(b). Ensure all iron or steel products used in the project are produced in the United States. Iron and steel products means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both. Ensure all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- b. All manufactured products comply with the requirements in the Special Provisions.

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SELECT THE APPROPRIATE PARAGRAPH FOR THE REQUIREMENT FOR ALL MANUFACTURED PRODUCTS BASED ON THE ADVERTISEMENT DATE FOR THE PROJECT.

INCLUDE THE FOLLOWING PARAGRAPH ONLY FOR PROJECTS TO BE ADVERTISED BEFORE OCTOBER 1, 2025.

- b. All manufactured products are exempted from the Buy America requirements pursuant to 48 FR 50399 (1983) which excludes manufactured products from 23 CFR 635.410. Manufactured products means articles, materials, or supplies that have been processed into a specific form and shape; or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

*****OR*****

INCLUDE THE FOLLOWING PARAGRAPH ONLY FOR PROJECTS TO BE ADVERTISED ON AND BETWEEN OCTOBER 1, 2025 AND SEPTEMBER 30, 2026.

- b. Final assembly for all manufactured products permanently incorporated into the project occurs in the United States. Manufactured products means articles, materials, or supplies that have been processed into a specific form and shape; or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

*****OR*****

INCLUDE THE FOLLOWING PARAGRAPH ONLY FOR PROJECTS TO BE ADVERTISED ON OR AFTER OCTOBER 1, 2026

- b. All manufactured products permanently incorporated into the project are produced in the United States. "Produced in the United States" means both the final assembly of the product occurs 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. Manufactured products means articles, materials, or supplies that have been processed into a specific form and shape; or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.
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- c. All construction materials are manufactured in and manufacturing processes occurred in the United States. Construction materials includes an article, material, or supply - other than an item of primarily iron or steel; a manufactured product; or Section 70917(c) material – that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including PVC, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), fiber optic cable (including drop cable), optical fiber, lumber, engineered wood, or drywall. Items that consist of two or more of the listed materials that have been combined 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.
- d. Build America, Buy America does not extend to materials listed in Section 70917(c) of the Act. These exempt items are cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

For steel and iron products incorporated into the Project, provide the RE a certification from the manufacturer stating the country where the steel or iron product was melted and manufactured including application of coatings which protect or enhance the value of the material. Ensure that 4 copies of the manufacturer's certification are provided with each delivery of steel and iron products. Retain 1 copy and submit 3 copies to the RE. Ensure that the certification includes, materials description, quantity of material represented by the certification, country of manufacture, and notarized signature of a person having legal authority to bind the supplier. If a Certification of Compliance as specified in [106.07](#) contains a statement regarding the country of manufacture, a separate certification is not necessary.

If the use of foreign materials is allowed, the Department may require the Contractor to deliver the material to a Department-approved site for sampling, inspection, and testing. Do not use or incorporate the foreign material into the Work before the Department approves the material.

If the Department finds the Contractor failed to comply with the Federal or State provisions regarding foreign materials, the Department will require the unapproved foreign material be removed and replaced with acceptable material at no additional cost to the Department.

Comply with 2 CFR 200.216 Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment.

Do not provide Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Do not provide video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Do not provide Telecommunications or video surveillance services provided by such entities or using such equipment.

Do not provide Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

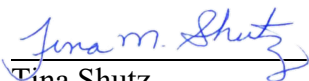
Do not provide any equipment assembled by others that has an integral component that was manufactured and supplied by the aforementioned companies.

Build America, Buy America domestic preferences for iron or steel products, manufactured products, and construction materials requirements are waived for projects where: 1. The total value of non-compliant products is no more than the lesser of \$1,000,000.00 or 5 percent of total applicable costs for the project. This does not apply to iron or steel subject to the requirements of 23 USC 313; or 2. The total amount of Federal financial assistance applied to the project is below \$500,000.00. Refer to the August 16, 2023 Federal Register for USDOT's issuance of a Waiver of Buy America Requirements for De Minimis Costs and Small Grants at the following link: [Federal Register: Waiver of Buy America Requirements for De Minimis Costs and Small Grants](#).

Implementation Code U (URGENT)

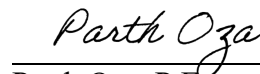
Changes must be implemented in all applicable Department projects scheduled for receipt of bids at least one week after the date of the BDC Announcements. All necessary addenda and/or addenda to postpone the receipt of bids must be issued to ensure compliance.

Recommended By:


Tina Shutz
Director
Capital Program Support

TS: MS: NJB

Approved By:


Parth Oza, P.E.
Assistant Commissioner
Capital Program Management
and Deputy State Transportation Engineer