



# Buy American

## At A Glance

### What are the different Buy American Requirements?

Buy American Requirements			
PROVISION	FUNDING	REQUIREMENTS	
		U.S. MANUFACTURING	OVER 50% U.S. COMPONENTS
ARRA	Stimulus-Funded	X <sup>(1)</sup>	
Buy American Act	Not Stimulus-Funded	X	X <sup>(2)(3)</sup>
<p>(1) Many projects accept products manufactured in a Trade Agreement Act Country, which includes Mexico. (2) Waived for commercially available, off-the-shelf items (any non-custom product). (3) Fluorescent electronic ballasts are exempt from the domestic material calculation for some federal agencies. We recommend that you obtain exact specifications from the customer for all Buy American requirements.</p>			



**AcuityBrands.**

# Buy American

## PRODUCT CATEGORY DEFINITIONS

**1**

**Product is manufactured in a designated country under the Trade Agreements Act (TAA).**

*For a listing of Trade Agreement Countries visit: <https://www.acquisition.gov/far/html/Subpart%2025.4.html>*

*For a listing of World Trade Organization (WTO) members visit:*

[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm)

**Applies under Federal Acquisition Sections:**

52.225.23 for projects with ARRA funding

52.225.11 for non-ARRA construction contracts issued after February 2009

52.225.5 for non-ARRA supply contracts issued after February 2009

**2**

**Product is manufactured in the United States. Product is a COTS product or project includes ARRA funding.**

*(Note – conditions apply to standard products sold to the government in the same form as it would be sold to the general public, known as a commercially available off the shelf (COTS) product. Contact Acuity Brands for Buy American projects using non-COTS products.)*

**Applies under Federal Acquisition Sections:**

52.225.21 for projects with ARRA funding

52.225.9 for non-ARRA construction contracts issued after February 2009

52.225.1 for non-ARRA supply contracts issued after February 2009

**3**

**Product is manufactured in the United States and contains at least 50% US components by cost. Project does not include ARRA funding and contract was issued prior to February 2009.**

**Applies under Federal Acquisition Sections:**

52.225.9 for non-ARRA construction contracts issued before February 2009

52.225.10 for non-ARRA construction contracts issued before February 2009

52.225.1 for non-ARRA supply contracts issued before February 2009

***Specific or unique requirements may apply to state or municipal projects, or certain federal agencies. Contract procurement specifications must be verified prior to quotation and order entry.***



# Buy American Definitions

### American Recovery and Reinvestment Act (ARRA):

Commonly known as the 2009 “Stimulus Bill”, the ARRA provides funding for many federal contracts. When ARRA funds are included for a federal contract, there is no domestic material requirement applied to products and in most cases products manufactured in a designated Trade Agreement Act country are treated as domestic products.

### Commercially Available Off The Shelf (COTS) product:

A product sold to the government in the same form as it would be sold to the general public. COTS products are covered by a domestic material waiver for contracts after February 2009.

### “Nonavailability” waiver:

This waiver may be considered when a product is not available in sufficient and reasonably available commercial quantities of a satisfactory quality, the cost of domestic material would be unreasonable (typically exceeding 6% over the cost of foreign material), or the application of Buy American requirements would be impracticable or inconsistent with the public interest.

The Department of Energy has issued a “nonavailability” waiver for fluorescent electronic lighting ballasts. Based on the information in the DOE memorandum of decision, emergency ballasts (or battery packs) also qualify for this waiver. [http://www1.eere.energy.gov/recovery/pdfs/buy\\_american\\_waivers.pdf](http://www1.eere.energy.gov/recovery/pdfs/buy_american_waivers.pdf)

### Trade Agreement Act (TAA) country:

Countries with a recognized trade agreement with the U.S.

For a listing of Trade Agreement Countries visit: [https://www.acquisition.gov/far/html/Subpart%2025\\_4.html](https://www.acquisition.gov/far/html/Subpart%2025_4.html).

Member countries of the World Trade Organization are recognized by the TAA.

For a listing of WTO members visit: [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm)

Products are treated as domestic if the total contract for all (materials and/or services) exceeds the following thresholds:

Trade Agreement	Supply Contract (equal to or exceeding)	Service Contract (equal to or exceeding)	Construction Contract (equal to or exceeding)
WTO GPA	\$194,000	\$194,000	\$7,443,000
FTAs			
Australia FTA	67,826	67,826	7,443,000
Bahrain FTA	194,000	194,000	8,817,449
CAFTA-DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	67,826	67,826	7,443,000
Chile FTA	67,826	67,826	7,443,000
Morocco FTA	194,000	194,000	7,443,000
NAFTA			
—Canada	25,000	67,826	8,817,449
—Mexico	67,826	67,826	8,817,449
Oman FTA	194,000	194,000	8,817,449
Peru FTA	194,000	194,000	7,443,000
Singapore FTA	67,826	67,826	7,443,000
Israeli Trade Act	50,000	—	—