

STEP 1: Determine Classification: Must be made based on its status at the time it is brought to the job site for incorporation into the infrastructure project.

START:

Is item Exempt, Excluded Material, Other Materials Out of Build America, Buy America (BABA) Scope?

- Temporary Works (such as scaffolding, formwork, temporary shoring, or temporary work bridge), consumables, tools/equipment, incidental supplies?
- Excluded Materials - Section 70917(c):
 - Cement and Cementitious Materials
 - Aggregates such as stone, sand or gravel
 - Aggregate Binding Agents or Additives
- Other materials that don't meet any of the BABA classifications

NO

N/A

YES

= Excluded Material

Is item predominantly (50% of cost or more) composed of IRON or STEEL?

NO

OR,
Items that are IRON or STEEL components within precast concrete products or cabinets or other enclosures of Intelligent Transportation Systems (ITS)

YES

= Iron or Steel Product

Certificate of Compliance (COC) states the IRON or STEEL components are 100% melted and manufactured in the U.S.A?

YES

NO

STEP 2: Determine

Compliance Status

Classification

(such as 1-8 from instruction Number 6 on Form DOT CEM-3101).

8. EXCLUDED MATERIALS AND OTHER MATERIALS

STOP

NOTE: FOR DEFINITION OF COST SEE 2 CFR 184.5

1. IRON OR STEEL PRODUCTS, MELTED AND MANUFACTURED IN THE US

STOP

INCLUDE IN DE MINIMIS COSTS WAIVER WORKSHEET PER SECTION 6-1.04C, "IRON OR STEEL PRODUCTS."

2. IRON OR STEEL PRODUCTS, NON-DOMESTIC

STOP

INCLUDE IN DE MINIMIS COSTS WAIVER WORKSHEET PER SECTION 6-1.04F, "BUY AMERICA WAIVER FOR THE DE MINIMIS COSTS FOR MANUFACTURED PRODUCTS AND CONSTRUCTION MATERIALS."

Is item only one of the following?

- Non-ferrous metals (such as aluminum, copper, brass, or bronze)
- 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
- Drywall

(Minor additions of articles, materials, supplies, or binding agents do not change the categorization)

NO

Has item 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?

YES

= Manufactured Product

COC states:

- (i) manufactured product was manufactured (final assembly) in the United States = Phase 1; 10/1/2025
- (ii) cost of the components that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components = Phase 2; 10/1/26 (see Note)

YES

= Construction Material

COC states the item was produced in the U.S.A?

YES

NO

6. CONSTRUCTION MATERIAL, DOMESTIC

STOP

7. CONSTRUCTION MATERIAL, NON-DOMESTIC

STOP

5. MANUFACTURING PRODUCT, NON-DOMESTIC

NO or N/A

3. MANUFACTURING PRODUCT PHASE 1, 10/1/25, DOMESTIC

STOP

STOP

4. MANUFACTURING PRODUCT PHASE 2, 10/1/26, DOMESTIC

STOP