

Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: January 9, 2026

File: Division of Construction
CPD 26-1

JPK

From: JEREMY PETERSON-SELF, Chief
Division of Construction

Subject: **BUY AMERICA UPDATE**

This Construction procedure directive (CPD) provides guidance for Caltrans Construction staff on administering contracts under the revised Buy America rules.

Key Updates

- **New Federal Rule:** Effective March 17, 2025, the Federal Highway Administration ended its general waiver for manufactured products. The final rule titled, "Buy America Requirements for Manufactured Products," is available at:
<https://www.federalregister.gov/documents/2025/01/14/2024-31350/buy-america-requirements-for-manufactured-products>
- **Implementation Date:** Applies to Federal-aid projects that received E-76 Authorization on or after October 1, 2025. Earlier projects follow previous Buy America rules throughout the duration of their contracts. No change orders will be issued to implement new requirements on such contracts.

Compliance Requirements

Non-Standard Special Provisions 6-1.01, "General" and 6-1.04, "Buy America," (Attachments 1 and 2) describe the changes in detail. Following the outline:

- Materials must be classified into one of the four categories and eight specific classifications. Use the Decision Tree Chart (Attachment 3) to determine compliance.
- Contractors must submit Form DOT CEM-3101, "Notice of Materials to Be Used," self-certifying materials according to Code of Federal Regulations, Title 23, Section 635.410, "Buy America Requirements," and Title 2, Section 184, "Buy America Preferences for Infrastructure Projects." Find Form DOT CEM-3101 at:

<https://dot.ca.gov/programs/construction/forms>

- Certificates of compliance (COC) are required to confirm that iron, steel, manufactured products, and other construction materials are “Build America, Buy America” compliant. Refer to Attachment 2 of this CPD.
- Vendors may complete a Domestic Materials Self-Certification form from the American Association of State Highway and Transportation Officials as an acceptable supporting document to the COC.
- Use the De Minimis Costs Waiver Worksheet (Attachment 4) to track compliant and non-compliant costs. Attach the initial estimates with Form DOT CEM 3101, final calculations are submitted after actual payments.
- De Minimis Costs Waiver Worksheet must be updated before approving change order work to make sure that the De Minimis costs are within the waiver limits.

Resident Engineer Responsibilities

- Make sure Form DOT CEM-3101 is complete, which includes the applicable De Minimis Costs Waiver Worksheet.
- Withhold payment from the next progress payment if Form DOT CEM-3101 and applicable De Minimis Costs Waiver Worksheet are not submitted before the preconstruction conference.
- Verify all COCs and review contractor submittals.
- Do not approve change orders if the De Minimis costs are not within the waiver limits.

The updated Buy America Frequently Asked Questions (Attachment 5) covers common scenarios under the new rules and is posted on the Contractor’s Corner Web Portal.

CPD 23-9, “Buy America Update,” and CPD 22-13, “Buy America,” remain applicable for contracts containing construction materials identified in Section 6-1.04E, “Construction Materials” of the special provisions. CPD 22-13 also offers relevant guidance unless superseded by this CPD.

If you have questions or comments regarding this directive, contact Raju Sah, Division of Construction, at Raju.Sah@dot.ca.gov or (916) 247-2474.

Attachments:

1. Non-Standard Special Provision 6-1.01, “General”
2. Non-Standard Special Provision 6-1.04, “Buy America”
3. Decision Tree Chart
4. De Minimis Costs Waiver Worksheet
5. Updated Frequently Asked Questions—Buy America Requirements