

MICHIGAN
DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION
FOR
SOURCE OF CONSTRUCTION MATERIALS

CFS:JJG

1 of 2

APPR:LLR:KAS:10-19-23
FHWA:APPR:10-26-23

Add Subsection 105.11 after subsection 105.10, on page 1-60 of the Standard Specifications for Construction:

105.11. Source of Construction Materials. Provide construction materials for permanent incorporation into the work that are produced in the United States.

The manufacturing processes for each construction material are described as follows and must occur within the United States.

Construction materials include an article, material, or supply that is or consists primarily of the following:

- A. Non-ferrous metals; all manufacturing processes means melting through final shaping, coating, and assembly;
- B. Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables); all manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form;
- C. Glass (including optic glass); all manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting;
- D. Lumber; all manufacturing processes, from initial debarking through treatment and planing; or
- E. Drywall; all manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels.
- F. Fiber Optic Cable (including drop cable); all manufacturing processes, from the ribboning (if applicable), through buffering, fiber stranding and jacketing. All manufacturing processes also include the standards for glass and optical fiber, but not for nonferrous metals, plastic and polymer-based products, or any others;
- G. Optical Fiber; all manufacturing processes, from the initial preform fabrication stage through the completion of the draw;
- H. Engineered Wood; all manufacturing processes, from initial debarking through pressing, trimming, and sanding of glued sheets or boards;

Items that consist of two or more of the listed construction materials that have been combined together through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed (including steel/iron) through a manufacturing process are treated as manufactured products, rather than as construction materials.

Manufactured products that are predominantly steel and/or iron must comply with 20SP-105A - Source of Steel and Iron (Buy America) and are not subject to this special provision. All other manufactured products are exempt from this special provision.

Predominately iron and/or steel means the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, sheet, etc.), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

The following items do not fall under the Construction Material category of Materials; cement and cementitious materials; asphalt cements; aggregates such as stone, sand, or gravel; and aggregate binding agents or additives. These Materials are not subject to this special provision.

Provide documented certification that the applicable construction materials are produced and/or manufactured in the United States per this special provision, meaning all manufacturing processes as noted above occurred in the United States.

The above requirements do not preclude a minimal use of foreign construction materials provided the total invoice cost of foreign construction materials permanently incorporated into the project does not exceed the lesser of \$1,000,000 or 5.0 percent of the total applicable costs. The Department defines the total applicable costs as the cost of materials (including the cost of any manufactured products) used in the project that are subject to a domestic preference requirement.

The minimal use of foreign construction materials under the minimal usage amount will be approved by the Engineer. The use of foreign construction materials under the minimal usage amount does not need to be approved by the FHWA. This amount is not considered a waiver to the Build America Buy America requirements. The Contractor must ensure that the minimal usage amount is not exceeded.