



INDIANA DEPARTMENT OF TRANSPORTATION

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Eric Holcomb, Governor
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CONSTRUCTION MEMORANDUM 17-04

TO: District Deputy Commissioners
District Construction Directors
District Technical Services Directors
District Area Engineers
District Project Management Director
Project Management Director
District Traffic Engineers
District Testing Engineers
District LPA Coordinators
Project Engineers/Supervisors
Field Engineers
Office of Material Management

FROM: Gregory G. Pankow, Acting Director
Division of Construction Management and District Support

SUBJECT: Buy America Requirement for Utilities

This memo is to inform field personnel that the Buy America requirement of 106.01(c) also applies to material incorporated into permanent work performed by utility companies when relocating or installing new facilities necessitated by construction contracts. Outlined below is the procedure that will be followed by utility coordinators to ensure certifications are being provided, as well as the responsibility of the PE/S in this process. The process will apply to any utility that is eligible for reimbursement, regardless of whether or not the utility chooses to be reimbursed.

- 1) Each utility company shall submit the appropriate Buy America Certifications. Certification forms are provided by the INDOT utility group and are similar to the form shown in 916.03(a). Certifications should be completed by the manufacturer and be material, item, and source specific. Signatures of representatives from both the utility company and the manufacturer should appear on each form.
- 2) For INDOT contracts, if the utility coordinator is an INDOT employee, each utility company shall submit Buy America Certifications directly to the coordinator. If the utility coordinator works for a consulting firm, once the utility has submitted certifications to the coordinator, the coordinator will then submit them to the appropriate INDOT utility oversight agent who has been assigned to the contract. In either of the above scenarios, the appropriate INDOT utility employee will submit all Buy America Certifications to the PE/S.

For LPA contracts, if the utility coordinator does not work for the LPA, the coordinator will submit all Buy America Certifications to the Employee in Responsible Charge for the LPA. The LPA employee will then submit the certifications to the PE/S.

- 3) For all contracts, the PE/S is to ensure all certifications have been received, and then include the certifications in the Final Construction Record along with Buy America Certifications provided by the contractor. This includes certifications that were submitted to the utility coordinator for work performed prior to the start the construction contract.

It is not the responsibility of the contractor nor the PE/S to solicit Buy America Certifications directly from the utility. However, if it becomes known to the PE/S that appropriate certifications have not been submitted to the utility coordinator or oversight agent, the PE/S should not allow the utility to commence or continue operations, unless a matter of public safety exists. The PE/S should then work directly with the utility coordinator to obtain certifications as soon as possible. For utility work performed prior to the start of the construction contract, all oversight is the responsibility of the coordinator.

It is important to identify and obtain contact information at the pre-construction conference for all parties who will be active in providing and obtaining these certifications in order to prevent the construction schedule from being impacted.

Questions should be directed to the Division of Construction Management.

GGP/REG