

**KANSAS DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISION TO THE  
STANDARD SPECIFICATIONS, EDITION 2007**

**SECTION 106**

**CONTROL OF MATERIALS**

**Page 100-47, delete subsection 106.1c. and replace with the following:**

**c. "Buy America" Materials.**

(1) Current federal regulations require the use of domestic iron and steel on federal-aid projects with limited exceptions. On federal-aid projects, use only iron and steel that have been manufactured, produced and processed in the United States. This includes any federally non-participating items.

*If an iron or steel product meets at least one of the following conditions:*

- *It is specifically listed below*
- *It is used in pavements, bridges, tunnels or other structures*
- *It is at least 90% steel or iron by weight*
- *It is not identified as a miscellaneous component or subcomponent*

*then the product is subject to Buy America.*

A list of products that are subject to Buy America coverage (*regardless of % steel or iron content*) include, but are not limited to, the following:

- Steel or iron products used in pavements, bridges, tunnels or other structures, which include, but are not limited to, the following: fabricated structural steel, reinforcing steel, piling, high strength bolts, anchor bolts, dowel bars, permanently incorporated sheet piling, bridge bearings, cable wire/strand, prestressing/post-tensioning wire, motor/machinery brakes and other equipment for moveable structures;
- Guardrail, guardrail posts, end sections, terminals, cable guardrail;
- Steel fencing material, fence posts;
- Steel or iron pipe, conduit, grates, manhole covers, risers;
- Mast arms, poles, standards, trusses, or supporting structural members for signs, luminaires, or traffic control systems; and
- Steel or iron components of precast concrete products, such as reinforcing steel, wire mesh and prestressing or post-tensioning strands or cables.

The miscellaneous steel or iron components, subcomponents and hardware necessary to encase, assemble and construct manufactured products are not subject to Buy America coverage. These include, but are not limited to, cabinets, covers, shelves, clamps, fittings, sleeves, washers, bolts, nuts, screws, tie wire, spacers, chairs, lifting hooks, faucets, door hinges, etc.

(2) On all federal-aid projects, all iron or steel shall have been manufactured, produced, and processed in the United States. Manufacturing processes include any process which modifies the chemical content, the physical size or shape, or the final finish of the iron or steel. These processes include initial melting, mixing, rolling, machining, extruding, bending, grinding, drilling, and coatings applied to iron or steel (including epoxy coatings, galvanizing, painting, and any other coating that protects or enhances the value of the iron or steel used).

(3) Obtain the Engineer's written approval before using any iron or steel that has not been manufactured, produced, and processed in the United States as permitted in this **subsection 106.1c.(3)**. With the Engineer's written permission, foreign iron and steel may be used if:

- (a) The combined total cost of all the foreign iron used, steel used, or the cost of both iron and steel used when both are required does not exceed 0.1% of the total cost of the project or \$2,500.00 dollars, whichever is greater. The cost of the foreign iron used, steel used, or both includes

material costs, manufacturing costs, assembly costs, transporting costs, and testing costs associated with the foreign iron, steel, or both.

(b) The Federal Highway Administration has waived specific products or processes according to 23 CFR 635.410, for the duration of that waiver.

The Contractor:

- Assumes the risk of including any foreign iron or steel in the Contractor's bid.
- Incurs any costs needed to remove and replace with domestic iron and steel the amount of foreign iron, steel, or both that exceeds 0.1% of the total project costs or \$2,500.00, whichever is greater.
- Has the obligation to remove and replace foreign iron and steel that exceeds 0.1% of the total project costs or \$2,500.00 whichever is greater. The obligation is regulatory and is not excused by:
  - Errors the Contractor, subcontractors, suppliers, fabricators, or other third parties make in determining the costs of foreign iron and steel as defined above.
  - The Engineer's approval under **subsection 106.1c.(3)**. The Contractor shall make no claim for contract adjustment (additional time, money, or both) because of the use of foreign iron or steel.

(4) Companies providing iron or steel or performing any manufacturing processes on the iron or steel shall include a "Buy America" statement on test reports and material certifications submitted to KDOT, the Contractor, or both. The "Buy America" statement shall identify the source of the iron or steel and the location(s) of the manufacturing processes. The statement shall certify that the company issuing the test report or material certification complies with all provisions of the Buy America Act.

(5) This **subsection 106.1c. and "Buy America"** requirements do not apply to temporary items (Example: temporary sheet piling, steel scaffolding, and falsework) on the contract, even if these items are left in place with the Engineer's approval.

(6) After work is completed on the project, submit to the Engineer a certification stating the dollar amount of foreign iron used, steel used, or both. Include material costs, manufacturing costs, assembly costs, transporting costs, and testing costs in the dollar amount. Identify a zero dollar amount if no foreign iron or steel was used on the project.

(7) This **subsection 106.1c.** and Buy America requirements do not apply to 100% state funded projects.

**Page 100-48, subsection 106.2c. Add the following to the end of the first paragraph:**

Where practical, do not store equipment or materials (including soil stockpiles) within 50 feet of rivers, streams or other surface waters. Where such storage is necessary, obtain the Engineer's written approval and include in the project SWPPP appropriate best management practices for the storage area.

**Page 100-49, subsection 106.3. Add the following at the end of subsection 106.3:**

On projects where Buy America requirements apply, note on shop drawings and catalog cuts that steel and iron used meets Buy America, unless otherwise specified.

**Page 100-50, subsection 106.4d.(2). Add the following to the beginning of 106.4d.(2):**

(2) Record all original documentation in a bound field book or other KDOT approved bound record and turn over to KDOT at the end of the project.

**Page 100-51, subsection 106.5a. Add the following:**

(3) Perform all tests by personnel certified under the Certified Inspection and Testing Training (CIT<sub>2</sub>) Program. Personnel may be certified by another program with approval of the Engineering Technician Training Coordinator.