

# **Build America, Buy America (BABA)**

## **Guidance for Community Development Block Grant-Infrastructure (CDBG-I) Grant Projects in North Carolina**

Enacted in the Infrastructure Investment and Jobs Act signed by President Biden on November 15, 2021.

This guidance summarizes the requirements under Title IX of the Infrastructure Investment and Jobs Act, Build America, Buy America (BABA), that requires any infrastructure project funded by any “Federal Financial Assistance” (FFA) apply a domestic content procurement preference, meaning that all iron, steel, manufactured products, and construction materials used in the infrastructure project have been produced in the United States, unless the awarding agency (HUD) has issued a waiver of this requirement. This is called the “Buy American Preference” (BAP) and the specific requirements are codified in 2 C.F.R. Part 184.

The U.S. Department of Housing and Urban Development (HUD) has provided full guidance on the requirements at the following website: <https://www.hud.gov/baba> and at <https://www.hudexchange.info/resources/>.

### **Applicability**

The BAP references that all infrastructure projects are included, an infrastructure project is defined broadly as any project that includes construction, maintenance, alternation, or repair. Examples of CDBG-funded activities that may be subject to the BAP:

- Rehabilitation of buildings and real property
- Construction of public facilities and improvements, such as streets sidewalks, neighborhood, centers, and the conversion of buildings for eligible purposes
- Utility installation or improvements,
- Water systems (drinking water and wastewater)
- Electrical transmission facilities and systems
- Broadband infrastructure
- Transportation infrastructure

Examples of CDBG-funded activities that MAY NOT be subject to the BAP:

- Acquisition of real property
- Relocation and demolition
- Public services
- Shelter or public facility operating expenses
- Supportive services
- Short-term payments to prevent homelessness
- Special economic development activities
- Administrative activities
- Disaster and emergency response

**All CDBG-I grant subrecipients (grantees) fall under compliance with BABA since CDBG is a federal grant that will fund utilities, water systems (drinking water and wastewater).**

Grantees of CDBG-I awards made with FY23 and newer federal CDBG funds must comply with BABA requirements and the HUD’s phased implementation of BAP.

### **HUD’s Phased Implementation of BAP**

While BABA became effective on May 14, 2022, HUD published a series of waivers to allow for a phasing-in of BAP. HUD waived application of the BAP until certain effective dates depending on the program and the product listed in [HUD’s Phase Implementation Waiver](#).

Pursuant to BABA, Grant Subrecipients (Grantees) that are awarded funding for infrastructure projects beginning in Program Year 2023 must ensure that the required construction items used in the project are produced in the United States. HUD’s phased implementation will apply BABA documentation requirements to additional items each year – new grant awards must comply with BABA requirements applicable to the period in which they are awarded. After program year 2025, all projects will be required to document all BAP materials.

**Existing projects that receive additional funding from federal funds with BAP requirements will trigger compliance with BAP.**

Construction Item Description*	BABA Requirements Apply to New Awards Beginning of Program Years
All Iron and Steel	1/1/2023 (FY 2023 appropriated funds) and subsequent CDBG awards
Specifically Listed Construction Materials requirements, plus iron and steel requirements for infrastructure projects	1/1/2024 (FY 2024 appropriated funds) and subsequent CDBG awards
Not Listed (All Other) Construction Materials and Manufactured Products requirements, plus above items as well as specifically listed construction materials and iron and steel for infrastructure projects	1/1/2025 (FY 2025 appropriated funds) and subsequent CDBG awards
<p>Not applicable for BABA documentation:</p> <ul style="list-style-type: none"> <li>a) Tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project.</li> <li>b) Equipment and furnishings, such as movable chairs, desks, portable computer equipment, that are used at or within the finished infrastructure projects,</li> <li>c) Purchases that are not intended for construction, alteration, maintenance, or repair of infrastructure,</li> <li>d) Section 70917(c) materials (defined in 2 CFR 184.3) means cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.</li> </ul>	N/A
*White House memorandum M-22-11 and <a href="#">HUD Public Interest Phase Implementation Waiver</a>	

Products covered under the BAP include Iron and Steel, Construction materials, and Manufactured Products. Products should be classified into just one of these categories. As outlined in HUD’s [“CPD Implementation Guidance for the Build America, Buy America Act’s domestic content procurement](#)

[preference as part of the Infrastructure Investment and Jobs Act](#),” the classification must be made based on the product’s status when brought to the work site.

#### HUD Construction Materials Groups.

- Iron and Steel. Items that consist completely or predominantly of iron, steel, or a combination of both. “Predominantly” means the cost of the iron and steel content exceeds 50% of the total cost of all the item’s components.
  - All manufacturing processes, starting from the initial melting stage and continuing through the application of coatings, must occur in the United States.
  
- Construction Materials. Articles, materials, or supplies used for construction activities that consist of only one of the items described below. For the purposes of the HUD Phased Implementation timeline described below, construction materials are divided into two categories: specifically listed construction materials and not listed construction materials. All manufacturing processes for the construction material must occur in the United States (2 CFR 184.6)
  - Specifically Listed Construction Materials include (1) non-ferrous metals; (2) lumber; and (3) composite building materials; and (4) plastic- and polymer based pipe and tube.
  
  - Not Listed (All Other) Construction Materials include (1) all other plastic- and polymer-based materials (such as polymers used in fiber optic cables), (2) glass, (3) fiber optic cable, (4) optical fiber, (5) engineered wood, and (6) drywall.
  
- Manufactured Products. Manufactured products include articles, materials, or supplies that have either been: 1) Processed into a specific form or shape, or 2) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.
  - A manufactured product may include components that are construction materials or iron and steel products unless the manufactured product also meets the definition of iron and steel or construction materials. In such instances, the product should be recategorized in the appropriate category.
  
  - To determine the cost of components for manufactured products (2 CFR 184.5), Manufactured products must meet two production requirements. First, the final product must be manufactured in the United States. Second, at least 55% of the cost of the components making up the manufactured product must be associated with components that were mined, produced, or manufactured in the United States.

## **Roles and Responsibilities**

### HUD (federal agency).

Communicate BABA requirements; Guide on the proper implementation of the requirements and trainings

### NC Department of Environmental Quality / Division of Water Infrastructure (State).

Oversee and reinforce BABA implementation. Type of involvements includes BABA required clause in agreements of activities funded by the federal program, technical assistance, monitoring, and waiver request assistance.

### Grant Subrecipient (Grantee).

Communicate BABA requirements to engineers and potential bidders, contractors, document BABA compliance for project, ensure BABA Clause all contracts; ensure gathering and maintaining BABA documentation; submit waiver, if applicable, to the State.

### Engineer.

Communicate BABA requirements to potential bidders, contractors, document BABA compliance for project, ensure BABA Clause in all construction contracts (prime and subcontractors); ensure gathering and maintaining BABA documentation; submit waiver, if applicable, to the State.

### Contractor and Subcontractors.

Whether a prime contractor or subcontractor (of any tier) must ensure compliance with the BAP requirements and maintain records that verify compliance with BAP. They must sign and submit a Certification Statement for CDBG-I Projects form, coordinate BABA compliance needs with suppliers/ distributors, procure BABA compliant products, and obtain necessary BABA certifications from product manufacturers as early as possible in construction and bid process.

### Supplier/ Distributor.

Procure BABA compliant products; obtain necessary BABA certifications from product manufacturers; When ordering products, let manufacturers know that BABA applies.

### Product Manufacturer(s) Product Manufacturer.

Supply BABA compliant products; provide BABA certification letters documenting all manufacturing processes for product occurred in the U.S.; provide other relevant product documentation regarding BABA requirements (i.e. cost calculation showing a product is not primarily iron or steel (<50%) when necessary or requested by assistance recipient).

## **Compliance and Implementation**

Grantees must ensure the products delivered to the construction site are accompanied by proper documentation that demonstrate compliance with the law and is made available to the State.

### Contract Requirements.

1. Specific contract language (the BABA Clause) regarding BABA must be included in all contracts, including administration, engineering, and construction (including subcontractors). See the most recent updated Contract Provisions document on Division website: <https://www.deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/cdbg-i-compliance-and-reporting-information#Tab-Procurement-1831>
2. The engineer contract should also include, as a basic service, obtaining and maintaining all BABA documentation (particularly manufacturers' certifications) during construction, which shall be transferred to the subrecipient. The engineer will need to certify this action at the project's end.
3. Contractors (and all subcontractors) must provide manufacturer's certifications for all BABA compliant items to the responsible party with material submittals, and these must also be submitted with the request for disbursement of grant funds with construction pay applications.
  - a. The prime contractor and all subcontractors must comply with the requirements of the BABA Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, as applicable to the Community Development Block Grant (CDBG) and Recovery Housing Program (RHP) infrastructure projects. Pursuant to the U.S. Department of Housing and Urban Development's (HUD's) notice, "Public Interest Phased Implementation Waiver for FY2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.
  - b. A "Certification Statement for CDBG-I Projects" must be completed by the prime contractor and Grantee at the time of the pre-construction conference.

### Certification Process.

Certification creates a paper trail which document the Iron and Steel products, Manufactured Products, and Construction Materials [depending upon HUD's implementation schedule] and the location of the manufacturing process involved with the production of said materials. A Certification is a process by which each handler (supplier, fabricator, manufacturer, processor, etc.) of the materials certifies that their step in the process was domestically performed. Each time a step in the manufacturing process takes place, the manufacturer delivers its work along with a certification of its origin.

Grantees need to certify that all Iron and Steel, Construction Materials and Manufactured Products used on your projects are Made in America, based on HUD's Phased Implementation Waiver.

The following tasks must be completed and documented.

1. The Engineer must list all BABA-covered products [based on HUD's implementation schedule] in the Bid and Design Document (Plans and Specs).
  - a. If it is determined that if any additional construction materials are needed that were not included in the itemized application budget, then the grantee and its engineer are required to inform State via the Bid and Design Document and ensure BABA requirements are implemented as needed.

2. The bid tab must be sufficiently detailed to itemize each separate project or material and indicate BABA applicability, OR a separate schedule must be attached to identify BABA applicability for all products or materials.
  - a. If a change to the contract includes new products or materials, an updated itemization must be submitted with change order.
3. The awarded contractor will then begin submitting manufacturer certifications for each BABA covered product or material to the Engineer.
  - a. Grantees will take the engineer's list of BABA-covered products and the contractor's corresponding certifications and include that information into a tracking spreadsheet for the project.
  - b. Grantees will be required to keep records of the certification documentation consistent with CDBG records retention requirements.
4. Certification submittals should begin prior to the start of construction. No construction activity claims will be approved without certification that the contractor has met BABA requirements for that respective claim.
  - a. For each construction activity claim, the contractor and engineer will certify that materials used for that respective pay application is BABA-compliant.
5. Grantees will submit, via the Division's Online Supporting Documentation Submittal portal: <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>, copies of manufacture's certification documentation, as support documentation for each construction pay application.
  - a. It is the responsibility of the Grantee to ensure that each BABA applicable product and/or material from the Bid and Design Document (Plans and Specs) has a corresponding and appropriate certification as well as tracking any change orders in the project that will utilize new BABA-covered products.
  - b. If the grantee does not have a manufacturer's compliance certification for a specific product and/or material, it cannot be certified as meeting BABA and funding will be held until that manufacturer's compliance certification is documented.

**Manufacturer Compliance Certification Letter.** A signed certification letter from the manufacturer for the project is the most direct and effective form of compliance documentation for ensuring products used on site are BABA compliant prior to their installation.

Basic elements of sufficient documentation:

- Project name, project location, contract number, or project number.
- Description of product(s) (simple explanation sufficient to identify the product(s)), or an attached purchase order, invoice, or bill of lading (a contract issued by a transport company to a shipper that spells out the quantity, type, and destination of the goods being shipped).
- Attestation statement referencing Infrastructure Investment and Jobs Act ("IIJA"), or the Bipartisan Infrastructure Law (BIL) and Build America, Buy America (BABA) requirements.

- Manufacturing location(s).
- Signature of representative certifying knowledge of manufacturing processes.

It will be the contractor's responsibility to hand these manufacturer certifications to the Grantee and their engineer.

Contractors must provide manufacturers' certifications for all BABA compliant items to the responsible party before a request for disbursement of grant funds to the Division is made.

#### Bid Requirements.

**Advertisement for Bids.** The following statement must be included in the advertisement for bids, the list of materials items to include will be dependent on HUD's implementation schedule.

- This project is subject to the Build America, Buy America Act (BABA) requirements under Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 177-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget's Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18, 2022.

**Instructions to Bidders.** The following statements must be included in the instructions to bidders.

- Grantees must select the appropriate language to reflect the materials items required by HUD's phased implementation schedule:  
"Materials and Workmanship

- (x) Domestic Preferences - As appropriate and to the extent consistent with law and to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

For purposes of this section:

- (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- (2) [Iron and steel products, Manufactured Products, and Construction Materials] used in this project comply with the Build America, Buy America Act (BABA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 177-58.
- (3) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based

products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.”

**Bid Form.** In the bidder’s representation section, add:

- Bidder is familiar with all laws and regulations that may affect cost, progress, and performance of the work, including BABA requirements.

## **Non-Compliance with BABA**

### What is considered non-compliance with BABA?

Intentional or unintentional use of a nondomestic iron or steel product that is covered under the BABA requirement.

### How to address non-compliance?

Failure to comply with applicable BABA requirements constitutes a violation of the terms and conditions of your grant agreement and can result in reducing the amount of the award, withholding future funds, and/or terminating the award, the need for removing and replacing completed work at your cost, termination from the contract and potentially even debarment from performing federally funded work. In cases of fraud, it can lead to criminal investigation and prosecution.

The State would notify grantee of potential non-compliance; evaluate alternatives (i.e., can the product be covered by a waiver); if grantee does not take corrective action, the State would issue a non-compliance letter and notify HUD of the finding that would potentially be a ground for issuance of sanction to the future Federal Funding Assistance to the project owner (grantee).

## **HUD General Waivers**

### Exigent Circumstances Waiver

HUD issued a public interest waiver for exigent circumstances, “[Public Interest Waiver of Build America, Buy America Provisions for Exigent Circumstances as Applied to Certain Recipients of HUD Federal Financial Assistance](#)”. This waiver applies when there is an urgent need by a CPD grantee to immediately complete an infrastructure project because of a threat to life, safety, or property of residents and the community (*Effective until November 23, 2027, or such shorter time as HUD may announce via Notice*).

- **This type of waiver is not applicable to the CDBG-I Program since we do not fund urgent need projects.**

### De Minimis, Small Grants, and Minor Components Waiver

HUD also issued a public interest de minimis, small grants, and minor components waiver titled “[Public Interest De Minimis and Small Grants Waiver of Build America, Buy America Provisions as Applied to Certain Recipients of HUD Federal Financial Assistance](#).” This waives the BAP for all infrastructure projects whose total cost (from all funding sources) is equal to or less than the simplified acquisition threshold at 2 C.F.R. 200.1 which is currently \$250,000. This Notice also waives the application of the BAP for a de minimis portion of an infrastructure project, meaning a cumulative total of no more than five percent (5%) of the total cost of the iron, steel, manufactured products, and construction materials



used in and incorporated into the infrastructure project, up to a maximum of \$1 million. *(Effective until November 23, 2027, or such shorter time as HUD may announce via Notice).*

- **Small Grants.** BABA requirements do not apply to infrastructure projects whose total cost (from all sources) is equal to or less than the current Simplified Acquisition Threshold of \$250,000. This waiver is currently in effect as of November 23, 2022.
- **De Minimis.** BABA requirements do not apply for a De Minimis portion of an infrastructure project, meaning a cumulative total of no more than five percent (5%) of the total cost of the iron, steel, manufactured products, and construction materials, up to a maximum of \$1 million. This waiver is currently in effect as of November 23, 2022.

## HUD Project Specific Waivers

A Grantee may request a project-specific waiver from the BAP for covered federal financial assistance on a **limited, case-by-case basis**.

HUD may grant a project specific waiver after consultant and review with the OMB's Made in America Office (MIAO) after State and HUD's review, a public comment period, and final approval from the Office of Management and Budget's Made In America Office (MIAO).

As with the general waivers, under Section 70914(b), HUD may issue a project-specific waiver to the BAP if it is determined that a waiver falls into one of the following three categories:

- **Public Interest** - When applying the domestic content procurement preference would be inconsistent with the public interest, or
- **Nonavailability** - When types of iron, steel, manufactured product, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality, or
- **Unreasonable Cost** - Where the inclusion of those products and materials will increase the cost of the overall project by more than 25 percent (25%).

A waiver for a specific project may vary depending upon the circumstances of the project, and specific items, products, or materials in question.

### Project-Specific Waiver Process

If a grantee wants to submit a waiver, they must work with the State agency to submit a waiver. In the case of CDBG-I funds, the State agency is the NCDEQ/Division of Water Infrastructure (Division).

- If more than one Federal agency is funding an infrastructure project, project-specific waivers will require coordination among those Federal agencies prior to a determination by the Made in America office (MIAO).

A grantee seeking a project-specific waiver must demonstrate the criteria for one or more of the project-specific waiver categories are met.

For HUD to consider a project or product-specific waiver it must:

1. Have a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States.
2. A certification that there was a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers.
3. In addition, at a minimum and to the greatest extent practicable, each proposed waiver submitted for consideration by the MIAO should include the following information, as applicable:

The CDBG BABA Project-Specific Waiver Request Form

([https://www.hud.gov/sites/dfiles/Main/documents/BABA\\_Waiver\\_Form.pdf](https://www.hud.gov/sites/dfiles/Main/documents/BABA_Waiver_Form.pdf)) must be completed and submitted with the required supporting documentation, following the instructions on the form, for project-specific waiver consideration. Prior to the waiver documentation is submitted to the Division, the Grantee is responsible to confirm it is completeness. The Division will review the documentation and if it is confirmed to be complete and in compliance, will submit the required waiver request information and additional documentation to our lead CDBG state agency (Dept. of Commerce) for their review prior to them forwarding it onto the appropriate HDU representative for further review and processing. A waiver must be approved by the Division, lead state agency, HUD, and the MIAO prior to an entity proceeding with using any construction items subject to the BAP for the CDBG project that are not produced in the United States.

**A general or project specific waiver process could take several months and could significantly delay your project. Therefore, due to the time restraints attached to CDBG-I projects, the Division will only approve timely waivers be sent to the Department of Commerce (lead CDBG Agency) to be forwarded onto HUD and MIAO.**

*[Grant subrecipients (Grantees) of CDBG-I awards must submit this executed form. If applicable, provide a list of materials / products that may potentially require a waiver from HUD with the Bid Information package to the CDBG-I Program. ]*

**Buy America, Build America (BABA)**  
**Certification Statement for CDBG-I Projects**

Project Name:

Grant Number:

The \_\_\_\_\_ certifies that their contractors (including subcontractors)  
(Grant Subrecipient)  
performing construction, alteration, maintenance, and repair of the public wastewater systems and/or public drinking water systems under the above-mentioned grant number will comply Build America, Buy America ("BABA") Act. Pub. L. 117-58, sections 70911-70917 requirements. The Act expands the coverage and application of Made in America requirements in Federal financial assistance programs for infrastructure. The contractor will provide the necessary documentation to show compliance with BABA, unless a waiver is approved.

<u>Contractor</u>	<u>Grant Subrecipient (Owner)</u>
(print) _____	(print) _____
(sign and date) _____	(sign and date) _____

**Build America, Buy America (BABA)**  
De Minimis, Small Grants, and Minor Components Waiver

Item	Product Service Code (PSC) / North Carolina Industry Classification System (NAICS)	Quantity	Price / Cost

<b>Total De Minimis Cost:</b>	
<b>Total Cost of Project:</b>	
<b>% of De Miniums of Total Project Cost</b>	

<u>Contractor</u>	<u>Grant Subrecipient (Owner)</u>
(print) _____	(print) _____
(sign and date) _____	(sign and date) _____

*[Manufacturer's Compliance Certification for Materials Covered By BABA Template. This letter must be provided on the manufacturing company's letterhead.]*

**Build America, Buy America (BABA)**  
**Manufacturer's Compliance Certification for CDBG-I Projects**

Manufacturer's Company Name:

Company Address:

CDBG-I Project Name and Project Number:

Subject: Build America, Buy America (BABA) Certification

I, (company representative), certify that the following products and/ or materials shipped / provided to the above -mentioned project are in full compliance with the Buy America, Build America (BABA) requirements, as mandated in U.S. Department of Housing and Urban Development (HUD).

Item, Product and/or Materials and relevant Product Service Code (PCS) and North American Industry Classification System (NAICS) code:

- 1)
- 2)
- 3)

Such product manufacturing process took place at the following location:

If any of the above compliance statements change while providing material to this project, we will immediately notify the prime contractor and the project engineer.

\_\_\_\_\_  
(signature and title of company representative)

\_\_\_\_\_  
(date)

Printed name of company representative  
Professional title of company representative  
Email address  
Phone number

**Build America, Buy America (BABA)**  
Materials and Products Covered by BABA

The following list (Table 1) is not comprehensive.

<b>Table 1: Products Likely made “Primarily” of Iron and Steel to be Classified as <u>Iron and Steel</u> under BABA</b>		
Lined and Unlined Pipe	Lined and Unlined Fittings	Tanks
Flanges	Pipe Clamps and Restraints	Structural Steel
Valves	Hydrants	Pre-Cast, Iron/Steel Reinforced Concrete (of all types, regardless of iron/steel content percentage)
Manhole Covers and other Municipal Castings	Access Hatches	Ballast Screens
Iron or Steel Benches	Bollards	Cast Bases
Cast Iron Hinged Hatches	Cast Iron Riser Rings	Catch Basin Inlets
Cleanout/Monument Boxes	Construction Covers and Frames	Curb and Corner Guards
Curb Boxes	Curb Openings	Curb Stops
Detectable Warning Plates	Downspout Shoes	Drainage Grates
Drainage Grate Frames and Curb Inlets	Inlets	Junction Boxes
Lampposts	Manhole Rings and Frames	Manhole Risers
Meter Boxes	Service Boxes	Steel Hinged Hatches
Steel Riser Rings	Trash Receptacles	Tree Grates
Tree Guards	Trench Grates	Valve Boxes
Valve Box Covers and Risers	Access Ramps	Aeration Pipes and Fittings (separate from aeration/blowers)
Angles	Backflow Preventers/Double Check Valves	Baffle Curtains
Iron or Steel Bar	Bathroom Stalls	Beam Clamps
Cable Hanging Systems	Clarifier Tanks	Coiled Steel
Column Piping	Concrete Reinforcing Bar, Wire, and Fibers	Condensate Sediment Traps
Corrugated Pipe	Couplings	Decking
Digester Covers	Dome Structures	Door Hardware
Doors	Ductwork	Expansion Joints
Expansion Tanks (diaphragm, surge, and hydropneumatics)	Fasteners	Fencing and Fence Tubing
Fire Escapes	Flanged Pipe	Flap Gates
Framing	Gate Valves	Generic Hanging Brackets
Grating	Ground Testing Boxes	Ground Test Wells
Guardrails	HVAC Registers, Diffusers, and Grilles	Joists

Knife Gates	Ladders	Lifting Hooks, J-bar, Connectors within, and Anchors for Concrete
Lockers	Man Baskets and Material Platforms	Manhole Steps
Mud Valves	Municipal Casting Junctions	Non-mechanical (aka stationary) Louvers and Dampers
Overhead Rolling Doors/ Uplifting Doors (manual open, no motor)	Pipe Connectors	Pipe Hangers
Pipe Pilings (any type of steel piling)	Pipe Spool (pipe, flanges, connectors, etc.)	Pipe Supports
Pitless Adaptors	Pre-Fab Steel Buildings/Sheds (simple structure, unfurnished)	Pre-stressed Concrete Cylinder Pipe (PCCP)
Railings	Reduced Pressure Zone (RPZ) Valves	Roofing
Service Saddles	Sheet Piling	Sinks (not part of eyewash systems)
Solenoid Valves	Stairs	Static Mixers
Stationary Screens	Surface Drains	Tapping Sleeves
Telescoping Valves	Tipping Buckets	Trusses
Tubing	Valve Stem Extensions	Valve Stems (excluding handwheels and actuators)
Wall Panels	Wall Sleeves/Floor Sleeves	Welding Rods
Well Casing	Well Screens	Wire
Wire Cloth	Wire Rod	Wire Rope and Cables

The following list (Table 2) is not comprehensive.

<b>Table 2: Products Likely made “Primarily” of Iron and Steel to be Classified as <u>Manufactured Products</u> under BABA</b>		
Actuator Superstructures/ Support Structures	Aeration Nozzles and Injectors	Aerators
Analytical Instrumentation	Analyzers (e.g., ozone, oxygen)	Automated Water Fill Stations
Blowers/Aeration Equipment	Boilers, Boiler Systems	Chemical Feed Systems (e.g., polymer, coagulant, treatment chemicals)
Chemical Injection Quills	Chemical Injectors	Clarifier Mechanisms/Arms
Compressors	Controls and Switches	Conveyors
Cranes	Desiccant Air Dryer Tanks	Dewatering Equipment
Dewatering Roll-offs	Disinfection Systems	Drives (e.g., variable frequency drives)
Electric/Pneumatic/Manual Accessories Used to Operate Valves (such as electric valve actuators)	Electrical Cabinetry and Housings (such as electrical boxes/enclosures)	Electrical Conduit
Electrical Junction Boxes	Electronic Door Locks	Elevator Systems (hydraulic, etc.,)
Emergency Life Systems (including eyewash stations, emergency safety showers, fire extinguishers, fire suppression systems including sprinklers /piping/valves, first aid, etc.)	Exhaust Fans	Fall Protection Anchor Points
Fiberglass Tank w/Appurtenances	Filters (and appurtenances, including underdrains, backwash systems)	Flocculators
Fluidized Bed Incinerators	Galvanized Anodes/Cathodic Protection	Gear Reducers
Generators	Geothermal Systems	Grinders
Heat Exchangers	HVAC (excluding ductwork)	HVAC Dampers (if appurtenances to aerators/blowers)
HVAC Louvers (mechanical)	Intake and Exhaust Grates (if appurtenances to aerators/blowers)	Instrumentation
Laboratory Equipment	Ladder Fall Prevention Systems	Ladder Safety Posts
Lighting Fixtures	Lightning and Grounding Rods	Mechanical or Actuated Louvers/Dampers
Membrane Bioreactor Systems	Membrane Filtration Systems	Metal Office Furniture (fixed)
Meters (including flow, wholesale, water, and service connection)	Motorized Doors (unit)	Motorized Mixers
Motorized Screens (such as traveling screens)	Motors	Pelton Wheels
Pipeline Flash Reactors (like injectors)	Plate Settlers	Precast Concrete without Iron/Steel Reinforcement
Furnished Pre-Fab Buildings (such as furnished with pumps, mechanics inside)	Presses (including belt presses)	Pressure Gauges
Pump Cans/Barrels and Strainers	Pumps	Mechanical Rakes



Safety Climb Cable	Sampling Stations (unless also act as hydrant)	Scrubbers
Sensors	Sequencing Batch Reactors (SBR)	Steel Shelving (fixed)
Slide and Sluice Gates	Spray Header Units	Steel Cabinets (fixed interior/furniture)
Supervisory Control and Data Acquisition (SCADA) Systems	Tracer Wire	Valve Manual Gears, Actuators, Handles
Voltage Transformer	Water Electrostatic Precipitators (WESP)	Water Heaters
Weir Gates		