

**EXHIBIT B-1
BUY AMERICA**

The Buy America regulations require that all manufactured products used in FTA-funded projects be produced in the United States. A manufactured product is considered domestic if all of the manufacturing processes for the product take place in the United States and all of the components of the product are of U.S. origin as set forth in 49 C.F.R. § 661.5(d)(1). A component of a manufactured product "is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents." 49 C.F.R. § 661.5(d)(2).

The contractor must agree to comply with 49 U.S.C. § 5323(j) and 49 C.F.R. part 661, which provides that Federal funds may not be obligated unless all steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. § 661.7. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. § 661.11.

Except as the Federal Government determines otherwise in writing, the contractor must agree to comply with the Build America, Buy America Act, [Public Law 117-58](#), div. G, tit. IX, sections 70911-70927 (2021), as implemented by the U.S. Office of Management and Budget, including, as applicable, 2 CFR Part 184, the U.S. Department of Transportation, and the Federal Transit Administration, which provide that Federal funds may not be obligated for a project unless all construction materials used in the FTA funded project are produced in the United States. As defined in 2 C.F.R. §184.3, construction materials means articles, materials or supplies that consist of only one of the items listed in paragraph (1) below, except as provided in paragraph (2) below. To the extent that one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

(1) The listed items are:

- (i) Non-ferrous metals;
- (ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- (iii) Glass (including optic glass);
- (iv) Fiber optic cable (including drop cable);
- (v) Optical fiber;
- (vi) Lumber;
- (vii) Engineered wood; and
- (viii) Drywall.

(2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

The offeror must submit the appropriate Buy America certification with its offer to reflect that it will comply with such applicable law, regulations, guidance, and contractual obligation. Offers that are not accompanied by a completed Buy America certification may be rejected as nonresponsive.

In accordance with 49 C.F.R. § 661.6, for the procurement of steel, iron or manufactured products, and the Build America, Buy America Act, [Public Law 117-58](#), div. G, tit. IX, sections 70911- 70927 (2021), for the procurement of construction materials, use the certifications below.

BUY AMERICA CERTIFICATION – PRODUCTS/CONSTRUCTION

REQUIRED PRICING PROPOSAL SUBMITTAL

FAILURE OF OFFEROR / BIDDER TO FURNISH THIS EXECUTED DOCUMENT WITH ITS PROPOSAL/ BID MAY BE CONSTRUED BY CAPITAL METRO AS A NEGATIVE RESPONSE AND THE OFFER WILL NOT BE CONSIDERED.

**BUY AMERICA CERTIFICATE FOR PROCUREMENTS OF
STEEL, IRON, MANUFACTURED PRODUCTS AND CONSTRUCTION MATERIALS**

This procurement is subject to the Federal Transit Administration's (FTA) Buy America requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 C.F.R. § 661.5, and the Build America, Buy America Act, [Public Law 117-58](#), div. G, tit. IX, sections 70911-70927 (2021) and, as applicable, 2 C.F.R. Part 184. Bidder/offeror must complete and submit the appropriate certification as set forth below.

49 U.S.C. 5323(j)(1) permits FTA participation on this contract only if all iron, steel, and manufactured products used in the contract are produced in the United States. The Build America, Buy America Act, [Public Law 117-58](#), div. G, tit. IX, sections 70911-70927 (2021), as implemented by the U.S. Office of Management and Budget, including, as applicable, 2 CFR Part 184, the U.S. Department of Transportation, and the Federal Transit Administration, permits participation in this contract only if all construction materials used in the FTA funded project are produced in the United States.

A waiver from the Buy America Provision may be sought by Capital Metro if grounds for the waiver exist. In such event, Bidder/Offeror shall submit pertinent data as required by Capital Metro.

Certificate of Compliance with Buy America Requirements

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. § 5323(j)(1) and the applicable regulations in 49 C.F.R. part 661, and the Build America, Buy America Act, [Public Law 117-58](#), div. G, tit. IX, sections 70911 – 70927 (2021), as implemented by the U.S. Office of Management and Budget, including, as applicable, 2 CFR Part 184, the U.S. Department of Transportation, and the Federal Transit Administration.

Date: _____

Signature: _____

Company: _____

Name: _____

Title: _____

OR

Certificate of Non-Compliance with Buy America Requirements

The bidder or offeror hereby certifies that it cannot comply with the requirements of the Build America, Buy America Act, [Public Law 117-58](#), div. G, tit. IX, sections 70911 – 70927 (2021), or 49 U.S.C. § 5323(j), but it may qualify for an exception to the requirements pursuant to 49 U.S.C. § 5323(j)(2), as amended, applicable regulations in 49 C.F.R. § 661.7, and any additional applicable requirements of the Build America, Buy America Act, including 2 C.F.R. Part 184.

Date: _____

Signature: _____

Company: _____

Name: _____

Title: _____