



Buy American

PRODUCT CATEGORY DEFINITIONS

1 Product is manufactured in a designated country under the Trade Agreements Act (TAA).

For a listing of Trade Agreement Countries visit: <https://www.acquisition.gov/far/current/html/Subpart%2025.4.html>

For a listing of World Trade Organization (WTO) members visit:

http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm

Applies under Federal Acquisition Sections:

52.225.23 for projects with ARRA funding

52.225.11 for non-ARRA construction contracts issued after February 2009

52.225.5 for non-ARRA supply contracts issued after February 2009

2 Product is manufactured in the United States. Product is a COTS product or project includes ARRA funding.

(Note – conditions apply to standard products sold to the government in the same form as it would be sold to the general public, known as a commercially available off the shelf (COTS) product. Contact Acuity Brands for Buy American projects using non-COTS products.)

Applies under Federal Acquisition Sections:

52.225.21 for projects with ARRA funding

52.225.9 for non-ARRA construction contracts issued after February 2009

52.225.1 for non-ARRA supply contracts issued after February 2009

3 Product is manufactured in the United States and contains at least 50% US components by cost. Project does not include ARRA funding and contract was issued prior to February 2009.

Applies under Federal Acquisition Sections:

52.225.9 for non-ARRA construction contracts issued before February 2009

52.225.10 for non-ARRA construction contracts issued before February 2009

52.225.1 for non-ARRA supply contracts issued before February 2009

Specific or unique requirements may apply to state or municipal projects, or certain federal agencies. Contract procurement specifications must be verified prior to quotation and order entry.



Buy American Definitions

American Recovery and Reinvestment Act (ARRA):

Commonly known as the 2009 “Stimulus Bill”, the ARRA provides funding for many federal contracts. When ARRA funds are included for a federal contract, there is no domestic material requirement applied to products and in most cases products manufactured in a designated Trade Agreement Act country are treated as domestic products.

Commercially Available Off The Shelf (COTS) product:

A product sold to the government in the same form as it would be sold to the general public. COTS products are covered by a domestic material waiver for contracts after February 2009. COTS products are not required to contain a specific percentage of domestic material content.

“Nonavailability” waiver:

This waiver may be considered when a product is not available in sufficient and reasonably available commercial quantities of a satisfactory quality, the cost of domestic material would be unreasonable (typically exceeding 6% over the cost of foreign material), or the application of Buy American requirements would be impracticable or inconsistent with the public interest.

The Department of Energy has issued a “nonavailability” waiver for fluorescent electronic lighting ballasts. Based on the information in the DOE memorandum of decision, emergency ballasts (or battery packs) also qualify for this waiver. http://www1.eere.energy.gov/recovery/pdfs/buy_american_waivers.pdf

Trade Agreement Act (TAA) country:

Countries with a recognized trade agreement with the U.S.

For a listing of Trade Agreement Countries visit: https://www.acquisition.gov/far/current/html/Subpart%2025_4.html.

Member countries of the World Trade Organization are recognized by the TAA.

For a listing of WTO members visit: http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm

Products are treated as domestic if the total contract for all (materials and/or services) exceeds the following thresholds:

Trade Agreement	Supply Contract (equal to or exceeding)	Service Contract (equal to or exceeding)	Construction Contract (equal to or exceeding)
WTO GPA	\$203,000	\$203,000	\$7,804,000
FTAs			
Australia FTA	\$70,079	\$70,079	\$7,804,000
Bahrain FTA	\$203,000	\$203,000	\$9,110,318
CAFTA-DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	\$70,079	\$70,079	\$7,804,000
Chile FTA	\$70,079	\$70,079	\$7,804,000
Morocco FTA	\$203,000	\$203,000	\$7,804,000
NAFTA			
—Canada	\$25,000	\$70,079	\$9,110,318
—Mexico	\$70,079	\$70,079	\$9,110,318
Oman FTA	\$203,000	\$203,000	\$9,110,318
Peru FTA	\$203,000	\$203,000	\$7,804,000
Singapore FTA	\$70,079	\$70,079	\$7,804,000
Israeli Trade Act	\$50,000	—	—