



# Buy America(n)

## GUIDANCE FOR FEDERAL DOMESTIC PROCUREMENT REGULATIONS

Many projects include provisions that require procurement of domestic products. These requirements typically apply to U.S. federal projects but may also apply to state or municipal funded projects.

The process described below will help ensure that products provided by Acuity Brands are manufactured with the most competitive price, delivery and meet the requirements for certain federal procurement regulations.

**1) Determine if trade agreements apply.** When trade agreements apply, most Acuity products can be supplied and treated the same as a domestic U.S. product for purposes of applying U.S. procurement laws. **This ensures supplying products with the most competitive pricing and shortest lead time.** Contact the contractor for the federal project to determine the contract information or identify the “CFDA Number” or “CAGE Code” to validate the project contract value at [www.beta.sam.gov](http://www.beta.sam.gov).

Trade agreements will apply if the total value of the contract meets or exceeds the following thresholds for 2020-2021, subject to biannual updates.<sup>1</sup>

Trade Agreement	Construction Contract Threshold	Goods and Services Contract Threshold
U.S. Mexico Canada Agreement (USMCA) for Central Government Entities <sup>2</sup> <i>Applies to products manufactured in Mexico.</i> <i>Does not apply to products with Canada country of origin.</i>	\$10,441,216	\$80,317
World Trade Organization (WTO) – Agreement on Government Procurement (GPA) for Central Government Entities <sup>3</sup> <i>Applies to products manufactured in Canada and other parties to WTO GPA<sup>4</sup></i> <i>Does not apply to products with Mexico country of origin.</i>	\$7,008,000	\$182,000

*Note: Trade agreements may not be recognized for some state or municipal product procurement. For these projects, validate the applicability of trade agreements with the contractor prior to ordering.*

**2) If trade agreements do not apply, select products manufactured at a U.S. production facility or with either the USPOM or BAA option for U.S. assembly.**

The following U.S. federal procurement regulations require manufactured products that are “substantially transformed” in the U.S. Acuity products are considered Commercial Off-the-Shelf (COTS) products for federal procurement, which waives the domestic component test. Therefore, our end use products may include foreign components or materials.

<sup>1</sup> United States Trade Representative Thresholds for Government Procurement: <https://ustr.gov/issue-areas/government-procurement/thresholds>

<sup>2</sup> USMCA Central Government Entities listed in U.S. Annex 13-A: [https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/13\\_Government\\_Procurement.pdf](https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/13_Government_Procurement.pdf)

<sup>3</sup> WTO GPA Central Government Entities listed in U.S. Annex 1: <https://e-gpa.wto.org/en/Annex/Details?Agreement=GPA113&Party=UnitedStates&AnnexNo=1&ContentCulture=en>

<sup>4</sup> Parties to the GPA are: Armenia, Australia, Canada, the European Union (and its 28 Member States-Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom), Hong Kong China, Iceland, Israel, Japan, the Republic of Korea, Liechtenstein, the Republic of Moldova, Montenegro, the Netherlands with respect to Aruba, New Zealand, Norway, Singapore, Switzerland, Taiwan (Chinese Taipei), Ukraine, United States.

Steel or iron poles often have more stringent domestic material and manufacturing requirements under federal procurement regulations. Typically, steel or iron poles must be manufactured in the U.S. with domestic metals. Contact [ProductSupport-Outdoor@acuitybrands.com](mailto:ProductSupport-Outdoor@acuitybrands.com) or [ablgtc@acuitybrands.com](mailto:ablgtc@acuitybrands.com) regarding compliance requirements for poles, bases or arms and availability of domestic options.

<b>Federal Domestic Procurement Regulation</b>	<b>Compliance of Manufactured Products</b>
Federal Acquisition Regulations (FAR) – <i>Buy American</i> 41 U.S.C 10a-10d §52.225.1 / 52.225.9 / 52.225.21	<b>Manufactured at a U.S. location or USPOM/BAA option</b>
Defense Federal Acquisition Regulation System (DFARS) – <i>Buy American</i> 48 U.S.C. § 225.225.7000 / 7001	<b>Manufactured at a U.S. location or USPOM/BAA option</b>
Department of Transportation (DOT) – Federal Transit Authority (FTA) 49 U.S.C §5323(j) or 49 CFR Part 661 – <i>Buy America</i> – Federal Aviation Authority (FAA) 49 U.S.C § 50101 – <i>Buy American</i>	<b>Manufactured at a U.S. location or USPOM/BAA option</b>
Department of Transportation (DOT) – <i>Buy America</i> – Federal Highway Works Authority (FHWA) 23 U.S.C §313 or 23 CFR 635.410	<b>Manufactured products are waived from the Buy America requirements</b>
Other domestic procurement regulations	<b>Contact Acuity Trade Compliance at <a href="mailto:ablgtc@acuitybrands.com">ablgtc@acuitybrands.com</a></b>

### 3) For all other inquiries or certification letters, contact Acuity Trade Compliance

For any other domestic procurement questions or issues, contact [ablgtc@acuitybrands.com](mailto:ablgtc@acuitybrands.com). To assist with your support requirements, you will be asked to provide the following information:

- Does the project contract exceed U.S. trade agreement thresholds?
- The federal procurement regulation number that applies to the project.
- Specific products to be specified or supplied.

**Disclaimer:** The information provided herein is for informational purposes only and subject to changes in U.S. trade agreements or procurement policies. Ultimate responsibility for compliance of any products with domestic procurement regulations for U.S. Federal entities is that of the general contractor or subcontractor to the Federal contract.