

Buy America(n) BAA

GUIDANCE FOR PROJECTS UTILIZING FEDERAL FUNDS

Many federally funded projects include provisions that require domestic products. These requirements typically apply to projects utilizing U.S. federal funds or grants 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.

Trade agreements will apply if the total value of the contract meets or exceeds the following thresholds for 2022-2023, subject to biannual updates.¹

Trade Agreement	Construction Contract Threshold	Goods and Services Contract Threshold
U.S. Mexico Canada Agreement (USMCA) for Central Government Entities ² <i>Applies to products manufactured in Mexico. Does <u>not</u> apply to products with Canada country of origin.</i>	\$12,001,460	\$92,319
World Trade Organization (WTO) – Agreement on Government Procurement (GPA) for Central Government Entities ³ <i>Applies to products manufactured in Canada and other parties to WTO GPA⁴ Does <u>not</u> apply to products with Mexico country of origin.</i>	\$7,032,000	\$183,000

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.

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

² 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

³ 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>

⁴ 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.

2) If trade agreements do not apply, select products with the BAA designation for U.S. assembly.

The following U.S. federal procurement regulations require manufactured products that are “substantially transformed” in the U.S. Acuity Brands 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.

Acuity Brands products identified with “BAA” nomenclature designates a product that is substantially transformed in the U.S. Look for the Acuity Brands BAA logo or contact product support to identify domestic production options.



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.

Federal Domestic Procurement Regulation	Compliance of Manufactured Products
Federal Acquisition Regulations (FAR) – <i>Buy American</i> 41 U.S.C 10a-10d §52.225.1 / 52.225.9 / 52.225.21	Manufactured at a U.S. location or BAA option
Defense Federal Acquisition Regulation System (DFARS) – <i>Buy American</i> 48 U.S.C. § 225.225.7000 / 7001	Manufactured at a U.S. location or BAA option
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>	Manufactured at a U.S. location or BAA option
Department of Transportation (DOT) – <i>Buy America</i> – Federal Highway Works Authority (FHWA) 23 U.S.C §313 or 23 CFR 635.410	Manufactured products are waived from the Buy America requirements
Other domestic procurement regulations	Contact Acuity Sales Associate

Federally funded infrastructure projects may reference a **Build America / Buy America** preference for domestic products. While guidance or regulations regarding domestic lighting and control products has not been defined⁵, an Acuity Brands product with the BAA designation is manufactured in the U.S. and is consistent with the intent of the Build America / Buy America Act. The contractor may consider foreign products if domestic products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

⁵ As of the date of this Acuity Brands guidance, the Made in America Office has not issued guidance or regulations regarding requirements for domestic lighting and control products.

3) For all other inquiries or certification letters, contact Acuity Sales Associate⁶

For any other domestic procurement questions or issues, contact Acuity Sales Associate. To assist with your support requirements, you will be asked to provide the Acuity Brands Buy America(n) Checklist or the following information:

- Do trade agreements apply and 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, federal regulations, 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.

⁶ Acuity Sales Associates may contact your Acuity Quotation Manager for certifications. For product questions, contact the proper product support team.