**Build America, Buy America Certification**

1. Identification of products: Consistent with the terms of the Borrower’s bid solicitation and the provisions of Public Law No. 117-58 (“Infrastructure Investment and Jobs Act”), Build America, Buy America Requirements, the Bidder certifies that this bid reflects the Bidder’s best, good faith to identify domestic products for all required products contained in the bid solicitation where such American-made products are available on the schedule and consistent with the deadlines prescribed in or required by the bid solicitation.

2. Verification of U.S. Production: The Bidder certifies that all required products contained in the bid solicitation that are American-made have been so identified, and if this bid is accepted, the Bidder agrees that it will provide reasonable, sufficient, and timely verification to the Borrower of the U.S. production of each product so identified through the completion of the step certification process.

3. The Bidder is responsible for submitting certified product information to the assistance recipient. Utilization of the step certification process is strongly encouraged. This process requires that each handler (supplier, fabricator, manufacturer, processor, etc.) of the products certifies that their step in the process was domestically performed and provides a letter of certification from each supplier/fabricator on transfer of intermediate product. Step certification creates a paper trail which documents the location of the manufacturing process involved with the production of materials. An example certification letter can be found in Appendix 5 of the Build America, Buy America Provisions in the SRF General Conditions.

4. The Build America, Buy America provision applies in a manner consistent with United States obligations under international agreements. Typically, these obligations only apply to direct procurement by the entities that are signatory to such agreements. State Revolving Fund assistance recipients are not signatories to such agreements, so these agreements have no impact on the Build America, Buy America provision. Claims from suppliers that the Build America, Buy America provision does not apply to certain products based on the International Trade Agreement exemptions of Public Law No. 117-58 will not be accepted.

5. Documentation Regarding Non-American-made products: The Bidder certifies that for any product that is not American-made and is so identified in this bid, the Bidders has included in or attached to this bid the following, as applicable:

a. Identification of and citation to a national waiver published by the U.S. Environmental Protection Agency on the official public Internet Web site of the Environmental Protection Agency that is applicable to such product, and an analysis that supports its applicability to the product;

b. Verifiable documentation sufficient to the Borrower that the waiver request process has been initiated. The assistance recipient may receive a waiver at any point before, during, or after the bid process, if one or more of three conditions is met:

1. Applying the Build America, Buy America requirements of the Act would be inconsistent with the public interest;
2. Products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
3. Inclusion of products produced in the United States will increase the cost of the overall project by more than 25 percent.

A checklist detailing the types of information required for a waiver to be processed can be found in Appendix 3 of the Build America, Buy America Provisions of the SRF General Conditions. Until a waiver is granted by EPA, the BABAA requirements stand.

Bidder/Contractor Date

Signature of Contractor/Title