USE THIS DOCUMENT FOR PROJECTS INVOLVING BRIDGES AND ROADS

**DOCUMENT 007328**

**SUPPLEMENTARY CONDITIONS – BUY AMERICAN STEEL**

This supplement modifies the General Conditions. Where any part of the General Conditions is modified by this supplement, the unaltered provisions of that part shall remain in effect.

**ARTICLE 25 – MISCELLANEOUS PROVISIONS**

Add the following paragraphs:

25.9 BUY AMERICAN STEEL

In accordance with Section 146 of the State Finance Law, structural steel and structural iron used or supplied and permanently incorporated into a surface road or bridge pursuant to contract shall be domestically produced.

The Contractor shall provide structural steel, structural iron, reinforcing steel and/or other major steel items to be permanently incorporated in the work produced or made in whole or substantial part in the United States. In the case of a structural iron or structural steel product, all manufacturing must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives.

1. Control of Materials. All items, regardless of origin, shall comply with their individual specification requirements and with the requirements stated elsewhere in this subsection. In the event the contract is awarded based on using only domestic steel and/or iron materials, the Contractor shall supply only domestic steel and/or iron materials and will be paid the domestic bid prices. The Contractor shall ensure the domestic steel and/or iron materials are supplied in conformance with the above- referenced laws. The Contractor shall inform all affected Subcontractors and material suppliers of these specific requirements and ascertain that steel and/or iron materials being supplied are in conformance with these requirements.
2. Waivers. Waivers to the Buy American requirement may be requested by the Contractor if it can be demonstrated that the use of domestic steel and/or iron materials would be inconsistent with the public interest, or if such materials and products are not produced in the United States in sufficient and reasonably available quantities and/or are not of satisfactory quality.

Provided one or more of the above requirements are met, Contractor may submit a request for a waiver to the Director. The request shall include copies of all documentation verifying the unavailability of the material or product, and/or justification of the application of a waiver.

**END OF DOCUMENT**