



**VISION ZERO**

zero deaths  
zero serious injuries

**Montana Department of Transportation**

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Greg Gianforte, Governor  
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 <b>Montana Department of Transportation</b>  <b>CONSTRUCTION MEMO</b>	Date Issued: August 1 <sup>st</sup> , 2021
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Subject: <b>"Buy America" Training and Webpage</b>	

To: MDT Personnel  
Contractor Personnel

From: Ross "Oak" Metcalfe, P.E., *RAM*  
Materials Engineer

For the past several years one of the most frustrating and time-consuming aspects of contract administration, for both MDT as an agency and the Contracting community, has been "Buy America". FHWA's attempt to clarify "Buy America" requirements was overturned by a federal court judge and forced changes in MDT's policy in 2016-17. This policy reversal resulted in an even more confusing situation for both inspectors and contractors.

To help mitigate this confusion, MDT has developed new training and tools with the goal of giving both MDT and the Contracting community the same guidebook. This new information is now posted on a dedicated "Buy America" web page at the following link:

<https://www.mdt.mt.gov/business/contracting/buy-america.shtml>

You can also access the web page by navigating to the "Contracting and Bidding" webpage on MDT's internet site and clicking on the "Buy America – Title 23 CFR 635.410" link under "Contractor Reference Materials". This page will be updated as necessary to serve as a single point of reference for both MDT and the Contracting Community moving forward.

Information that can be found on the "Buy America" web page:

- A recording of the "Buy America" presentation with narration
- A pdf version of the "Buy America" presentation slides
- The notes/script used for the presentation narration
- Link to the external construction memo providing specific guidance on rebar documentation
- Example of the new "Steel Checklist Report" that will now be provided to contractors at the pre-construction conference

- Link to the updated Form 406 – Contractor’s Certificate of Compliance for Steel & Iron Items

“Buy America” continues to be a difficult regulation to navigate but it IS a requirement of Federal Aid spending and therefore we must do our due diligence to comply. Fortunately, our Federal partners at FHWA – Montana Division have been very cooperative as MDT has worked with them to try and simplify this process. As a result, we believe we have a process that is as simple as it can be while still ensuring MDT meets its Federal Aid requirements.

It is recognized this information may not cover every unique or project specific situation, but the referenced information will apply in the vast majority of cases. If you have questions please contact Jim Davies, Materials Bureau Chief ([jdavies@mt.gov](mailto:jdavies@mt.gov)), Oak Metcalfe, Materials Engineer, ([rmetcalfe@mt.gov](mailto:rmetcalfe@mt.gov)), or Paul Bushnell, Inspection Operations Supervisor ([pbushnell@mt.gov](mailto:pbushnell@mt.gov)).

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