

Additional Things to Consider:

Procurement methods:

The acquisition of goods and services must follow the procurement standards described in 2 C.F.R. 200.317-327, and all procurement transactions for the acquisition of property or services must be conducted in a manner providing full and open competition consistent with the standards described in 2 C.F.R. 200.319-320. Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c) and with the written approval of MARAD.

Minimum Wage Rates:

You must include, in all contracts in excess of \$2,000 for work on the project that involves labor, provisions establishing minimum rates of wages, to be predetermined by the United States Secretary of Labor, in accordance with the Davis-Bacon Act, 40 U.S.C. 3141–3148, as applicable, that contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

Small and Disadvantaged Business Enterprises Requirements:

If any funds under this award are administered by or through a State Department of Transportation, you must expend those funds in compliance with the requirements at 49 C.F.R. part 26. Otherwise, you must expend all funds under this award in compliance with the requirements at 2 C.F.R. 200.321 (“Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms”).

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act):

The Uniform Act and implementing regulations at 49 CFR Part 24 apply when Federal aid is used to fund any phase of the project. For example, if you use local funds for a right-of-way acquisition that is in anticipation of this DOT project, you must still comply with the Uniform Act related to those right-of-way activities to be eligible to receive these Federal funds.

Buy America Requirements:

Your project is a project for infrastructure. Therefore, all iron, steel, manufactured products, and construction materials used in the project are subject to the domestic content requirements of the Build America, Buy America Act, Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021), as implemented in the terms and condition of the grant agreement.

You must not use funds provided under this award unless:

- (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product; and
- (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

When necessary, you may apply for, and the USDOT may grant, a waiver from the Buy America preference if the USDOT determines that:

- (i) applying the Buy America preference would be inconsistent with the public interest;
- (ii) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (iii) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

Please notify MARAD as soon as possible when a potential Buy America issue arises.