

# FAA Buy American Preference; Implementation of Buy American Build American (BABA) Infrastructure Investment and Jobs Act

Presented to: ARP Field Offices

By: Carlos Fields, ARP Buy American team lead

Date: October 17, 2022



**Federal Aviation  
Administration**

# Overview

- Background
- What does the new Buy American Build America statute change?
- OMB Definition of Construction Materials
- FAA progress in compliance and developing forms
- Q & A



# *Background:* Existing Statutes and Executive Orders

- 49 U.S.C. § 50101
  - Requires use of 100% domestic steel and manufactured goods; 4 waivers provided
- Section 167 of the FAA Reauthorization of 2018
  - Waivers to be made available on FAA website, including justification and informal public notice and comment opportunity. Annual report to Congress
- Executive Order 14005 (1/25/2021)
  - Policy: “maximize the use of goods, products, and materials produced in the U.S.
  - Revoked EO 13788 and EO 13858. Creates “Made in America” office in OMB. Centralizes waiver review, requires advance OMB determination and reports
  - Section 6 preserved “the authority granted by law to an executive department or agency, or the head thereof.”



# Consultation with Manufacturing Extension Partnership

- Before granting a use of non-domestic project/products waiver, consultation with NIST/ Manufacturing Extension Partnership (MEP) required. § 70916(c)



# Section 50101(b)(1)-(4) FAA waivers:

1. Public interest;
2. Insufficient quantity or quality of domestic steel or manufactured goods;
3. When the cost of components and subcomponents produced in the U.S. is more than 60 percent of the cost of all components *of the facility or equipment* procured and *final assembly of the facility or equipment* has occurred in the U.S.; or
4. Including domestic material increases cost of project by more than 25 percent



# *What Does Not Change*

- Preserves FAA's requirements under § 50101
  - Section 70917(a): new preferences only apply “to the extent” there are no existing preferences for iron, steel, manufactured products or construction materials.
- 60% domestic content still required for type 3 waivers.
- Construction materials. 60% requirement applies, if it is a manufactured good or used in AIP funded facility or equipment.
- Notification period. 10 days public notice of waiver required under FAA 2018 Reauthorization Act; 15 days under BABA.
- Reporting, but now have report non-domestic origin.



# *BABA - What Changes*

- Strengthens domestic place of manufacture requirement to require at least 55% of cost of all components to occur in U.S. § 70912(6).
- Waivers of general applicability- reviewed every 5 years. § 70914(d)
  - FAA Nationwide Waivers
- Reporting. The foreign country of origin must be identified.
- Justification: All waivers to be justified and posted on agency website within 15 days (FAA= 10). § 70914(c)
- OMB Guidance. § 70915
  - Construction material standards guidance, § 70915(b)
  - “If the cement, cementitious material, or aggregate has been manufactured, it should be categorized as a manufactured product.”

# *BABA - What Changes:* Iron and Construction Materials

- New preferences apply to all iron, steel, manufactured products and construction materials. Apply to all federal agencies.
  - For FAA, adds iron and “defines construction materials § 70914(a)
  - “construction materials” includes an article, material, or supply— other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives— that is or consists primarily of:
    - non-ferrous metals;
    - plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
    - • glass (including optic glass); lumber; or drywall





# Clarification on “Construction Materials”

- To provide clarity to item, product, and material manufacturers and processors, we note that items that consist of two or more of the listed materials that have been combined together through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials.
- For example, a plastic framed sliding window should be treated as a manufactured product while plate glass should be treated as a construction material.



# BABA's new construction material preference

- BABA's new "construction material" preference largely subsumed under § 50101(b)(3), preserved by § 70912(6)(b).
- Under FAA's § 50101(b)(3) type 3 waiver, the cost of all components and subcomponents used to construct a AIP funded "facility or equipment" is required to be more than 60%.



# “Construction materials” - OMB’s guidance

- “Construction materials” means an article, material, or supply - other than an item of primarily iron or steel, considered a manufactured product, or includes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives - that consists of primarily:
  - non-ferrous metals;
  - plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
    - (also a manufactured good?)
  - glass (including optic glass);
  - lumber; or
  - drywall
    - (also a manufactured good?)
- Can something be a construction material and a manufactured product?
  - The distinction matters to FAA, as 60% type waiver may apply.



# Manufactured Products Preference

- Section 70912(6) strengthens the “produced in the U.S.” requirement to require all processes to occur in the U.S.
  - The “manufactured product” must be 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 must be greater than 55% (60% for FAA) of the total cost of all components of the product.
  - Applies to all components and subcomponents of the manufactured product.
  - FAA’s stricter 60% standard for AIP funded facilities and equipment under § 50101(b)(3) is preserved by § 70912(6)(b).




# Nationwide Waivers Review required

- FAA issues nationwide waivers for certain specialty market equipment, etc., publishes list.
- Under § 70914(d), “general applicability waivers ... shall be reviewed every 5 years after the date on which the waiver is issued.”
- Fed. Reg. notice to be published, public comments received and considered
- Review of existing waivers limited only to those issued within 180 days of enactment. Forward looking.



# Updated Federal Contract Provisions



**Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects**

**Contents**

Record of Changes.....	2
Contract Guidance.....	5
1. Purpose of this Document .....	5
2. Sponsor Requirements .....	5
3. Typical Procurement Steps .....	6
4. Applicability Matrix for Contract Provisions .....	7
Appendix A – CONTRACT PROVISIONS .....	1
A1 ACCESS TO RECORDS AND REPORTS.....	1
A2 AFFIRMATIVE ACTION REQUIREMENT.....	2
A3 BREACH OF CONTRACT TERMS.....	5
<b>A4 BUY AMERICAN PREFERENCE .....</b>	<b>.....</b>
A8 CONTRACT WAIVER.....	26
A9 COPELAND "ANTI-KICKBACK" ACT .....	28
A10 DAVIS-BACON REQUIREMENTS .....	30
A11 DEBARMENT AND SUSPENSION.....	37
A12 DISADVANTAGED BUSINESS ENTERPRISE .....	39
A13 DISTRACTED DRIVING .....	43
A14 PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT .....	44
A15 DRUG FREE WORKPLACE REQUIREMENTS.....	45
A16 EQUAL EMPLOYMENT OPPORTUNITY (EEO).....	46

- Expands sources to include Title 49 USC § 50101, Executive Order 14005, and BABA
- Description of the applicability of the Statute to eligible projects.
- Required documentation for waivers
- Proprietary Confidentiality
- Timing of Requests
  - 15 days of determination of responsive bidder
- Certification of Compliance
- Notice of Determination requirements

# 3 Minimum Requirements To Issuing Waivers

## 1. Time Limited

### A. *Project Specific*

- Expires at the end of the project.

### B. *Nationwide*

- Five years for waivers with Nationwide scope.

## 2. Targeted

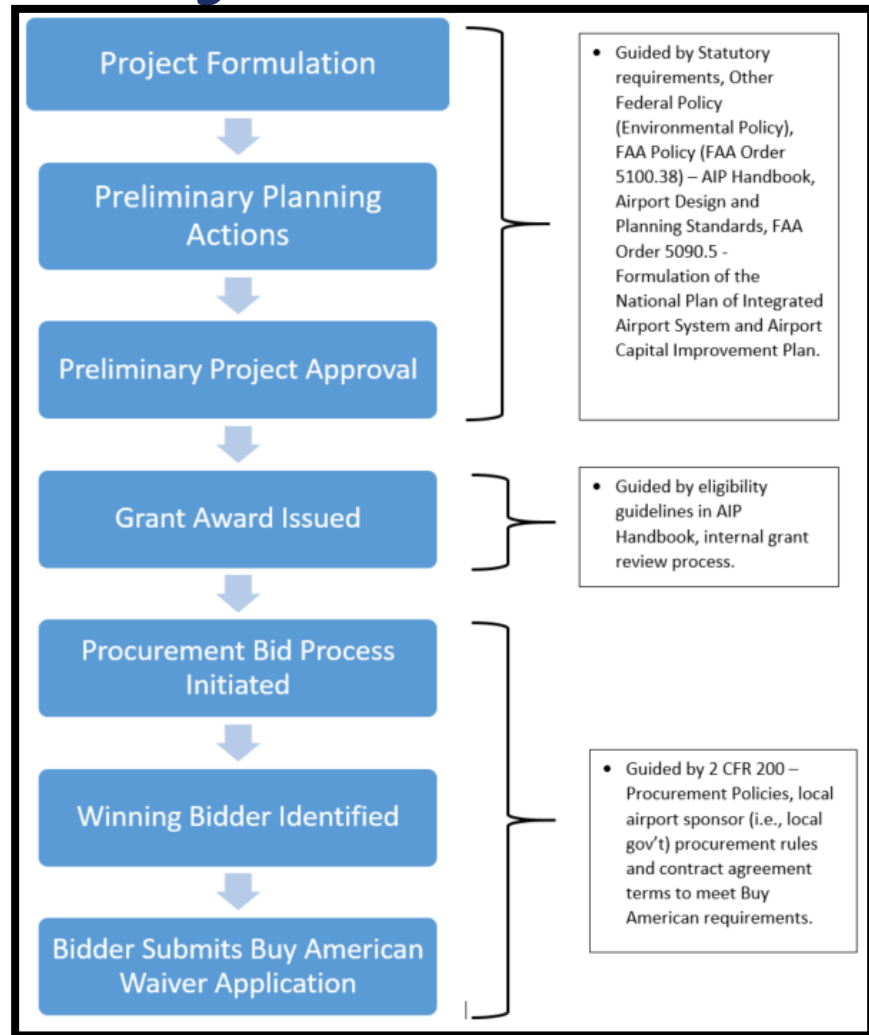
### A. *Eligible projects*

- 1) Construction
- 1) Equipment and Buildings

## 3. Conditional

- ### A. Issued with applicable *grant conditions and agreements.*

# Projects to Waiver Process



- Product Content Percentage Worksheet (PCPW) or
- Construction Project Content Percentage Worksheet (CPCPW) and
- Final Assembly Questionnaire (FAQ)

\*Visit AIP Buy American Preference Requirements Webpage

The image shows three overlapping forms related to Buy American requirements:

- Buy American Product Content Percentage Worksheet:** A form with fields for company name, date, and a table for listing products and their U.S. content percentages.
- Buy American Preferences – Final Assembly Questionnaire:** A form with fields for company name, date, and FAA form number. It includes questions about the final assembly process, resources used, and equipment.
- Buy American Preference Construction Project Content Percentage Worksheet:** A form with fields for total U.S. content and non-U.S. content percentages.





# Project to Required Form Crosswalk

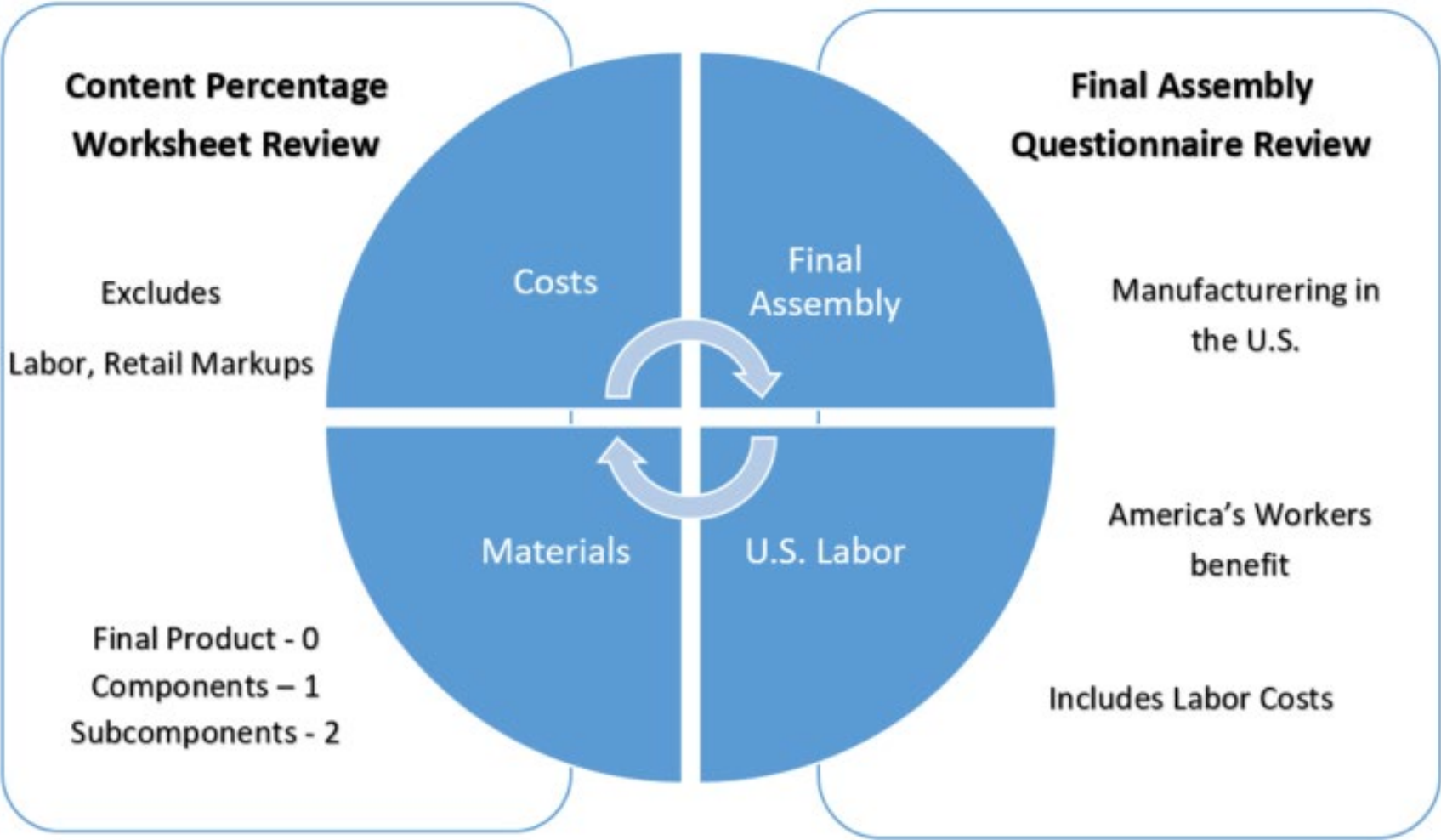
- Informs FAA personnel of required applicant forms
  - Location the Eligible AIP Project/Product
  - On the same row – find the correct forms



<b>Column A Eligible AIP Project/Product</b>	<b>Column B Required FAA Buy American Preference Form</b>	<b>Column C Required FAA Buy American Preference Form</b>
Access Road Rehabilitation	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Sign Replacement	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)



# The Principle of Waiver Determination



# Applying for a Construction Project Waiver

- **Construction Projects**
  - Examples: Roads, Runways, Taxiways, etc.
  - Minimum - 2 Required Forms
    - Construction Project Content Percentage Worksheet
      - Applicant Information
      - Project Information
      - FAA Buy American Preference/BABA Compliance
      - Non-domestic Justifications
      - Bill of
    - Final Assembly Questionnaire



# The Equipment/Building Content Percentage Worksheet

- **Equipment/Building Projects**
  - Examples: Terminals, SRE, .
  - Minimum - 2 Required Forms
    - Construction Project Content Percentage Worksheet
      - Applicant Information
      - Project Information
      - FAA Buy American Preference/BABA Compliance
      - Non-domestic Justifications
      - Bill of
    - Final Assembly Questionnaire



# Reviewing the Content Percentage Worksheet



Level (0, 1, 2)	Part Number	Item Description	Quantity Per Unit	Unit of Measure	Price/Unit of Measure	US Origin Price/Unit of Measure	US Origin Cost/Each	Other Price/Unit of Measure	Other Cost/Each	Country of Non U.S. Materials
	Enter the reference number used to track the item	Enter a concise but clear description of the item	Enter the quantity of the item described in the product/project.	Enter the unit of measure used for the item	Enter the price for each unit of the item	Enter the price of the for each unit of U.S. origin	Enter the total cost	Enter the price of the for each unit not of U.S. origin	Enter the total cost of the item not of U.S. origin	Enter the country(s) of origin for all non-U.S. materials. Use Unknown if as necessary.
0	SREx1	Snow Removal Vehicle and Plow Attachment	1	Each	\$420,000	\$355,000	\$355,000	\$65,000	\$65,000	Canada, Brazil, Norway
1	Chas 0001	Chassis	1	Each	\$120,000	\$100,000	\$100,000	\$20,000	\$20,000	Canada
1	Engine 0001	Engine	1	Each	\$100,000	\$100,000	\$100,000	\$0	\$0	Not Applicable
1	Frame 001	Frame	1	Each	\$25,000	\$25,000	\$25,000	\$0	\$0	Not Applicable
1	Cab 3000	Cab	1	Each	\$100,000	\$60,000	\$60,000	\$40,000	\$40,000	Brazil
2	SREx1-C1	Control System	1	Each	\$25,000	\$20,000	\$20,000	\$5,000	\$5,000	Norway
1	P-Attach1	Plow Attachment	1	Each	\$50,000	\$50,000	\$50,000	\$0	\$0	Not Applicable



# Reviewing a Content Percentage Worksheet

- **2 Parts**
  1. Bill of Materials
    - Level 0, 1, and 2 only
    - Components and Subcomponents
  2. Material Costs
    - Exclude Labor
    - Not exempt from Buy American



# Review of the Materials

INTERNAL – NOT FOR EXTERNAL USE

## Review of Materials

Column Labels	Level (0, 1, 2)	Part Number	Item Description	Quantity Per Unit	Unit of Measure
Instructions		Enter the reference number used to track the item	Enter a concise but clear description of the item	Enter the quantity of the item described in the product/project.	Enter the unit of measure used for the item
Final Product Material Level	0	SREx1	Snow Removal Carrier Vehicle and Plow Attachment	1	Each
Component & Subcomponent Product Material Levels	1	Chas 0001	Chassis	1	Each
	1	Engine 0001	Engine	1	Each
	1	Frame 001	Frame	1	Each
	1	Cab 3000	Cab	1	Each
	2	SREx1-C1	Control System	1	Each
	1	P-Attach1	Plow Attachment	1	Each

Sponsor Procured project/product and FAA useable unit of work.

Components of the final product

Subcomponent of the Cab Component Material

Component of the final product Material

Items must include separate component(s) and a subcomponent(s) necessary for the intended use of the final product/project. Does not include esthetics such as labels, or items below material level 2. Also does not include the cost of tires, which are petroleum based product, exempt by Federal Acquisition Regulation (FAR) 25.104.

# Review of the Material Costs

## Review of Material Costs

- Total US Origin Cost +
- Total Other Cost =
- The Total Cost for Each

Price/Unit of Measure	US Origin Price/Unit of Measure	US Origin Cost/Each	Other Price/Unit of Measure	Other Cost/Each	Country of Non U.S. Materials
Enter the price for each unit of the item	Enter the price of the for each unit of U.S. origin	Enter the total cost	Enter the price of the for each unit not of U.S. origin	Enter the total cost of the item not of U.S. origin	Enter the country(s) of origin for all non-U.S. materials. Use Unknown if as necessary.
\$420,000	\$355,000	\$355,000	\$65,000	\$65,000	Canada, Brazil, Norway
\$120,000	\$100,000	\$100,000	\$20,000	\$20,000	Canada
\$100,000	\$100,000	\$100,000	\$0	\$0	Not Applicable
\$25,000	\$25,000	\$25,000	\$0	\$0	Not Applicable
\$100,000	\$60,000	\$60,000	\$40,000	\$40,000	Brazil
\$25,000	\$20,000	\$20,000	\$5,000	\$5,000	Norway
\$50,000	\$50,000	\$50,000	\$0	\$0	Not Applicable

- All amounts do not include labor, or retail markup. \*Third party materials used in the final product may include the acquisition price paid.

- Indicates all sources of Non-U.S. materials. If unknown, leave blank.

- Indicates source country of Non-U.S. sourced materials.

- Indicates "not applicable" for U.S. materials.

- The sum of material level costs = the total cost of materials.





# Construction Project Content Percentage Worksheet

Level (0, 1, 2)	Part Number	Item Description	Quantity Per Unit	Unit of Measure	Price/Unit of Measure	US Origin Price/Unit of Measure	US Origin Cost/Each	Other Price/Unit of Measure	Other Cost/Each	Country of Non U.S. Materials
Enter the material level	Enter the reference number used to track the item	Enter a concise but clear description of the item	Enter the quantity of the item described in the product/project.	Enter the unit of measure used for the item	Enter the price for each unit of the item	Enter the price of the for each unit of U.S. origin	Enter the total cost	Enter the price of the for each unit not of U.S. origin	Enter the total cost of the item not of U.S. origin	Enter the country(s) of origin for all non-U.S. materials. Use Unknown if as necessary.
0	TBDex1	Terminal Building Expansion	1	Each	\$420,000	\$375,000	\$375,000	\$45,000	\$45,000	Canada, Australia, Finland
1	Ste 0001	Structural Steel	1	Each	\$120,000	\$120,000	\$120,000	\$	\$	Not Applicable
1	Win 0001	Windows	1	Each	\$100,000	\$100,000	\$100,000	\$0	\$0	Not Applicable
1	Breezy 6000	HVAC	1	Each	\$25,000	\$25,000	\$25,000	\$0	\$0	Not Applicable
1	Cab 3000	Elevator	1	Each	\$100,000	\$60,000	\$60,000	\$40,000	\$40,000	Australia
2	RFEEx1-C1	Roofing	1	Each	\$25,000	\$20,000	\$20,000	\$5,000	\$5,000	Finland
1	FLO100	Flooring	1	Each	\$50,000	\$50,000	\$50,000	\$0	\$0	Not Applicable



# The Waiver Profile



- ❖ 4 Sections
  - I. Applicant Information
    - I. Applicant Type (Prime, Manufacturer, Supplier)
  - II. Construction or Equipment/Building Project Information
    - I. Project Identifiers; LOCID, Award #, Material Costs Summary
  - III. FAA Buy American Preference/BABA Compliance Section
    - I. Steel, Iron
    - II. Construction Materials
  - IV. Project Material Structure

Applicant Information		
Date of Application:		
Applicant Name:		
Applicant Type (Check One):	<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Manufacturer <input type="checkbox"/> Supplier	
Point of Contact (Frist, Last):		
Email:		
Telephone: ( ) -		
Construction Project Information		
FAA Eligible Construction Project:		
Airport Sponsor:		
Airport LOCID:		
FAA Award Number:		
Total Material Cost:	\$	
Total U.S. Material Content Cost Percentage:	\$	%
Total Non U.S. Material Content Cost Percentage:	\$	%
FAA Buy American Preference (including Buy American Build American) Compliance		
Does this project include any iron, steel or any of the following construction materials, not 100 % produced in the United States? If yes, indicate the cost and percentage of the project. (Indicate with an "X")	YES	NO
Steel (e.g., structural steel, rebar)	\$	%
Iron	\$	%
Non-ferrous metals	\$	%
Plastic and polymer-based products	\$	%
Glass (including optic glass)	\$	%
Lumber	\$	%
Drywall	\$	%

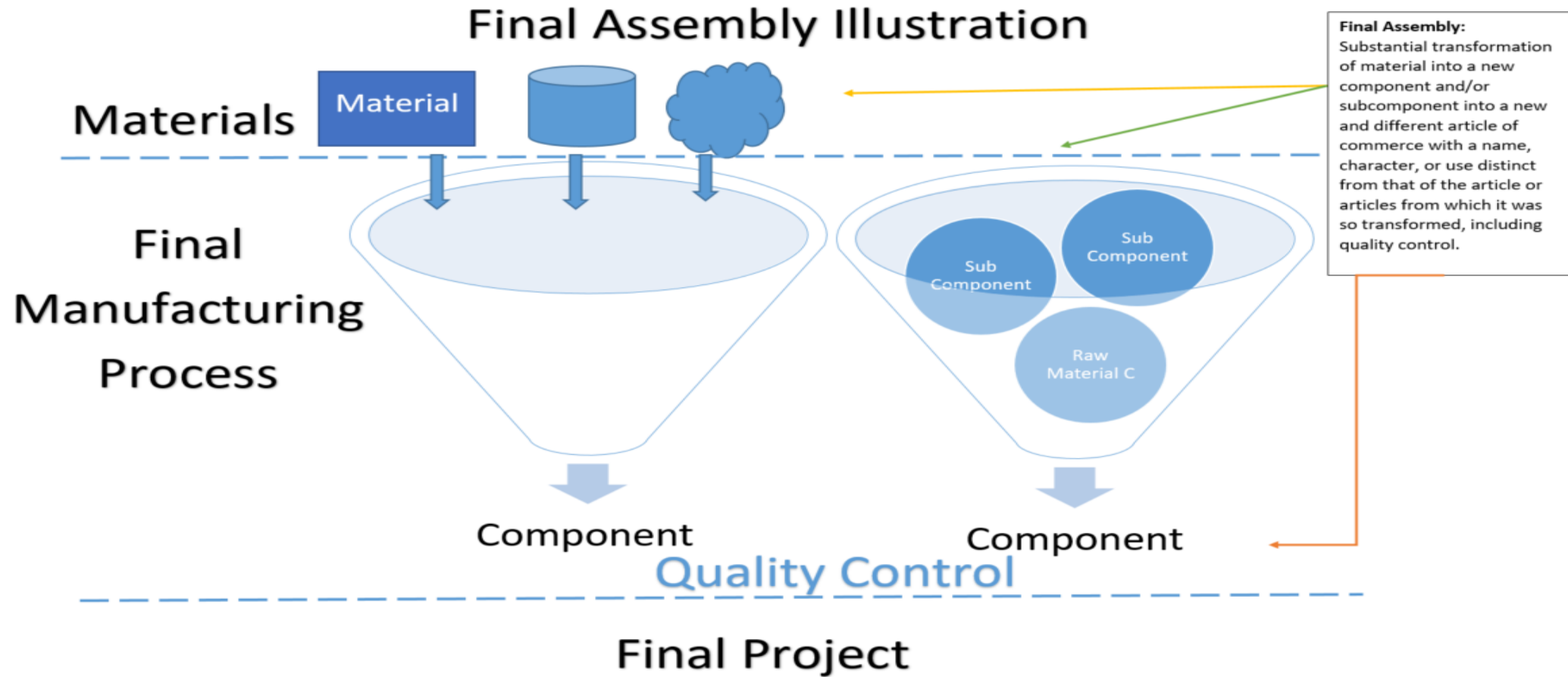


# Justification for Using Non-Domestic Materials/Products

- Request Incorporated within FAA Forms 136 and 143
- Please provide a description of your efforts to locate and secure a domestic source for those materials that are not 100% produced in the U.S., including use of the Manufacturing Extension Partnership (MEP) and market research.



# Final Assembly Manufacturing Illustration



# Completing the Final Assembly Questionnaire

- Enter the Company Name, Date, FAA Eligible Project, FAA Item Number (if applicable) street address, city, state, zip code of the final assembly location. Enter FAA Award Number.
- Provide a narrative describing the actions to manufacture the component & subcomponent materials listed on the content percentage worksheet into the final product, including quality control testing so that the FAA may determine if materials and components were substantially transformed into the final product within the United States.
- Enter the # hours necessary to complete the final assembly manufacturing process to Level 0.



# Completing the Final Assembly Questionnaire (Cont.)

- Enter the equipment used during the manufacture and substantial transformation of materials into the final product.
- Enter the total amount, including labor costs, to complete the transformation of the materials into to the final FAA approved product/project.
- Apply signature and print name.



# Reviewing a Final Assembly Questionnaire

- The answers provided on the questionnaire at minimum must make clear that:
  1. Manufacturing processes involved in components and subcomponents (seemingly the final stages of manufacturing) occur, including quality control testing, using the materials listed on the accompanying worksheet.
  2. Manufacturing has taken place within the United States.



# Reviewing a Final Assembly Questionnaire (Cont.)

3. Manufacturing has taken place with the use with skilled workers in America.
4. The cost of the manufacturing reflects the use of skilled American labor.





# Writing the Approval Letter

- Informs the parties:
  - Airport Sponsor
  - Prime Contractor (Offer/Bidder)
  - Third Party Supplier
- States that the bidder's project meets FAA's Buy American Preference.
- Does not provide proprietary information.

**How to Write a**

**Waiver Approval Notice**

FAA  
Office of Airports Planning and Programming

[Date] Sample Template

[POC]  
[Manufacturer]  
[Address]  
[City, State] [Zip Code]  
[\[EMAIL\]](#)

[POC]  
[Airport Sponsor]  
[Address]  
[City, State] [Zip Code]  
[\[EMAIL\]](#)

**Instructions:**

1. Use this sample template for Type III Project Specific Waivers.
2. Send the completed approval letter ONLY to the waiver applicant and to the airport sponsor.
3. Combine (PDF) to this letter the completed content percentage worksheet (Form 136 or 143) and final assembly questionnaire (Form 137).
4. Submit the combined documents to the Buy American KSN.
5. DO NOT SEND COMPLETED FORMS to Airport Sponsors, Consultants, or any other party.

**RE:** Request for FAA Nationwide Buy American Preference Waiver for *[Insert the FAA Eligible Item; [Insert model/type]]* for use on Airport Improvement Program Grant Award [Award Number].

Dear [POC]:

Thank you for your interest in the Federal Aviation Administration (FAA) Buy American Preference.

The FAA has completed its review and analysis of the Product Content Percentage Worksheet and Product Final Assembly Questionnaire in consideration of your request for a Type III Buy American waiver for the *[Insert manufacturer's name]* [FAA eligible Item [model/type] under 49 U.S.C. §50101(b)(3) for use on AIP award *[Insert AIP award number]*].

Based on the documents you submitted, it appears that the cost of components and subcomponents produced in the United States (U.S.) is more than 60% of the cost of all the product's components and final assembly occurs in the U.S. } *No need to provide percentages from the manufacturer's form. Instead, use the statutory language. This language protects the manufacturer's private information under FOIA exemption 4.*

The FAA approves a project specific Type III waiver for *[Insert manufacturer's name]* *[Insert FAA eligible Item [Insert model/type]*. Be advised that this waiver is limited to this specific product for this AIP airport development project.



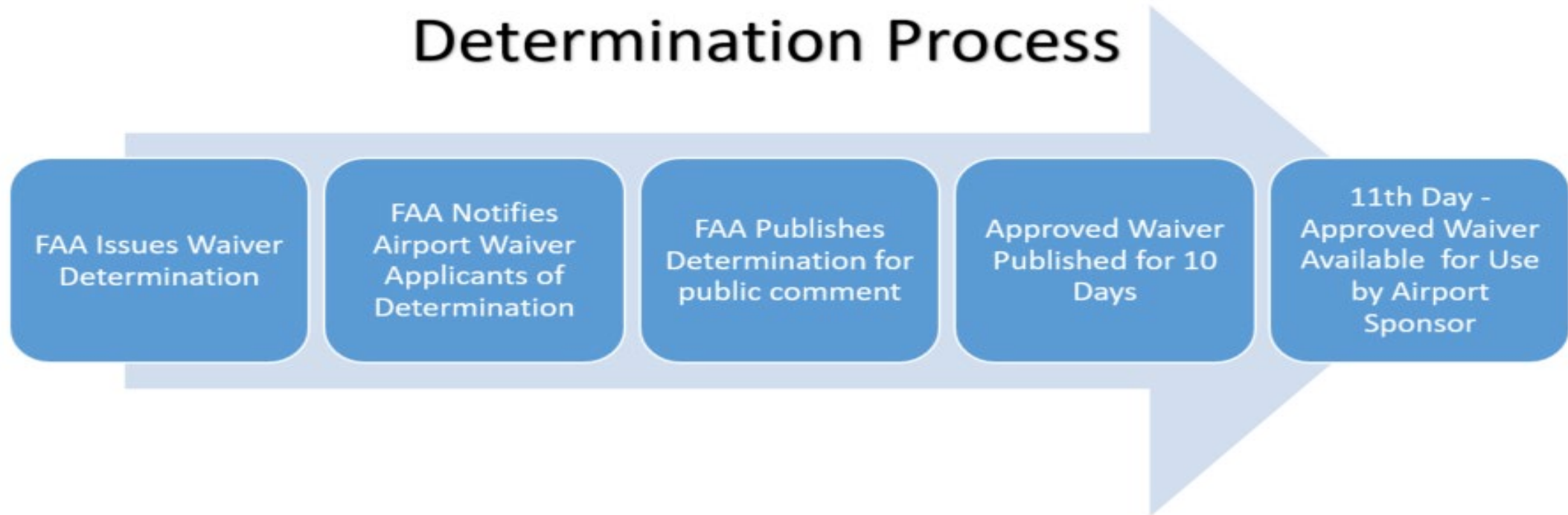
# Notice of Determination Process

- Required Attachments
  1. Procurement Certification
  2. Content Percentage Worksheet
  3. Final Assembly Questionnaire
  4. FAA Approval Letter
- Fill the New Waiver Form



# FAA Buy American Waiver Process

## FAA Buy American Waiver Determination Process



# FAA Resources

- Courtesy Reviews with HQ
- Buy American Preference Fact Sheet
- BABA Implementation Fact Sheet
- Updated downloads from FAA Webpage
- Subscription to FAA Waivers Webpage
- Presentations/Meetings/ Etc.



# Resources - Buy American Fact Sheets

## FAA Buy American Preference Internal FACT SHEET

This internal FAA Buy American Preference FACT SHEET is intended to be informative to FAA Field Office personnel involved in Airport Improvement Program (AIP) and other federally funded airport development projects. This internal Buy American Preference FACT SHEET can be used in conjunction with the General FACT SHEET.

1. The FAA issues project specific waivers to [Congressionally](#) approved project types, not individual products, components, or subcomponents.
2. The FAA may issue nationwide waivers to non-commercially available specialized specific products, including paint, of manufacturers that are required to meet FAA design standards identified within Advisory Circulars.
3. The FAA Buy American Preference requirements apply to all federally funded projects.
4. The airport sponsor is responsible to ensure that the approved project meets FAA Buy American Preference requirements.
5. Third party component or subcomponent may provide costs and source information directly to the FAA instead of to a contractor, manufacturer, or supplier to mitigate possible exposure of its proprietary information.
6. The Notice of Determination process begins with publication of the approved waiver on the FAA AIP Buy American Requirements webpage.
7. Field offices may review and approve Type III project specific waivers.
8. Field offices must coordinate the review and approval of Type IV waivers with FAA Headquarters/Buy American Lead.
9. All approved waivers must complete the Notice of Determination Process.
10. Materials to be loaded onto the Buy American KSN are to include the following:
  - a. Signed Federal Contract Provision Certification
  - b. Approved Content Percentage Worksheet
  - c. Approved Final Assembly Questionnaire
  - d. Final RO/ADO Approval Letter
11. Waiver approval letters are to not disclose proprietary information.
12. After an approved waiver is open for public comment, and there is no public comment that may [cause](#) the FAA to suspend the approval, the waiver becomes effective for use on approved projects.
13. Approved waivers submitted to the Buy American KSN start the notice of determination process on the publication date.

## FAA Buy American Preference FACT SHEET

1. Buy American Preference requirements are located in title 49 U.S.C. § 50101.
2. Buy American Preference requirements apply to the use of Federal Funds.
3. Buy American requirements apply to grants, subgrants, and contracts using Federal funds.
4. Buy American requirements apply to all permanent equipment and construction on the airport.
5. The FAA Buy American Preference requirements are included in all Notice of Funding Opportunity (NOFO), Procurement Federal Contract Provisions, Grant Agreement Conditions and Special Conditions, and Grant Assurances.
6. There are four types of FAA Buy American Preference Waivers;
  - a. Type I – Inconsistent with Public Interest,
  - b. Type II - Insufficient Product Quantity or Quality,
  - c. Type III – The cost of U.S. materials is more than 60% of the total project costs and final assembly is within the U.S., and
  - d. Type IV – Domestic material increases total project costs by more than 25%.
7. Airport Sponsors, consultants, contractors, suppliers, or equipment manufacturers are responsible for submitting applications to the FAA for a Buy American waiver.
8. The FAA may issue Buy American waivers that are limited to a specific project use or available for use nationwide.
9. Project specific waivers are issued to cover the life of the approved project. The waiver expires simultaneously with the project's period of performance.
10. Nationwide waivers are issued as a convenience to manufacturers of specialized and special interest equipment used to meet FAA standards found in FAA Advisory Circulars.
11. Nationwide waivers shall expire five years from the date of issue, unless revoked earlier by the FAA.
12. Nationwide waiver recipients may reapply for a nationwide waiver.
13. Design or component changes in an eligible product under nationwide waivers must be revoked and reapplied for by the manufacturer.
14. Only the FAA may issue Buy American Preference waivers.
15. A complete request (application) for a FAA Buy American Waiver includes a completed product content percentage worksheet and final assembly questionnaire. These two documents together should be submitted to the FAA Airport District Office (ADO) or Airport Regional Office (RO) prior to entering a contract for the product.
16. Requests for Nationwide Waivers must be submitted to FAA Headquarters to [Carlos.Fields@faa.gov](mailto:Carlos.Fields@faa.gov).
17. All proprietary manufacturing information submitted to the FAA for the purposes of obtaining a waiver, is confidential and protected from publication under exemption number four of Freedom of Information Act (FOIA).
18. All approved FAA Buy American waivers must follow the FAA Notice of Determination (NOD) process including publication on the FAA website, open to public comment for 10 days before becoming effective.



# Project to Waiver Form Crosswalk

## FAA Buy American Preference Guidance – Project to Required Buy American Form Crosswalk

Page 1 of 22

### Purpose:

The purpose of this guidance is to inform FAA personnel advising waiver applicants which two FAA forms required for consideration of an FAA Buy American Preference waiver. The required forms are determined by the eligible AIP project. Below find the instructions on how to identify the required forms by the eligible project/product.

### Instructions:

1. Locate the eligible AIP Project/Product from column A.
2. In the same row as the find eligible AIP project, identify the Required FAA Buy American Preference Form in column B and C.
3. Advise applicants to complete these two forms to the Federal Aviation Administration for consideration.

**For Example:** Access Road Rehabilitation projects require a completed construction project content percentage form and final assembly questionnaire.

For More Information/Questions Contact: [Carlos.Fields@faa.gov](mailto:Carlos.Fields@faa.gov) Buy American Lead

Column A Eligible AIP Project/Product	Column B Required FAA Buy American Preference Form	Column C Required FAA Buy American Preference Form
Access Road Rehabilitation	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Rail Construction	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Access Rail Expansion	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Access Rail Improvement	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Access Rail Modification	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Access Rail Reconstruction	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Rail Rehabilitation	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Construction	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Expansion	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Expansion	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)

## FAA Buy American Preference Guidance – Project to Required Buy American Form Crosswalk

Page 2 of 22

Column A Eligible AIP Project/Product	Column B Required FAA Buy American Preference Form	Column C Required FAA Buy American Preference Form
Access Road Improvement	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Improvement	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Modification	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Modification	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Reconstruction	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Rehabilitation	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Access Road Sealing	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Acquire Driver's Enhanced Vision System	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Acquire Driver's Enhanced Vision System	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Aircraft Noise Monitoring System	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Sign Reconstruction	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Sign Replacement	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Sign Replacement	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Signs	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Signs	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Signs	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Signs	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Signs	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airfield Guidance Signs	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)

## FAA Buy American Preference Guidance – Project to Required Buy American Form Crosswalk

Page 3 of 22

Column A Eligible AIP Project/Product	Column B Required FAA Buy American Preference Form	Column C Required FAA Buy American Preference Form
Airport Bea Beacons Safety/Security	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airport Bea Beacons Safety/Security	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airport Beacon Reconstruction	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airport Beacons	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airport Lighting Vault	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Airport Rehabilitation	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Apron Construction	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Apron Construction	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Apron Construction	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Apron Edge Lighting	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Apron Expansion	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Apron Expansion	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)
Apron Flood Lighting	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Apron Lighting Reconstruction	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Apron Marking and Signage	Equipment/Building Content Percentage Worksheet (FAA Form 136)	Final Assembly Questionnaire (FAA Form 137)
Apron Reconfiguration	Construction Project Content Percentage Worksheet (FAA Form 143)	Final Assembly Questionnaire (FAA Form 137)



# Questions

