

# APPENDIX F

## BABA COMPLIANCE CHECKLIST

---

DEPARTMENT FOR LOCAL GOVERNMENT  
BUILD AMERICA, BUY AMERICA ACT COMPLIANCE CHECKLIST FOR SUBRECIPIENTS



**DEPARTMENT FOR LOCAL GOVERNMENT  
BUILD AMERICA, BUY AMERICA ACT COMPLIANCE CHECKLIST  
FOR SUBRECIPIENTS**

Bipartisan Infrastructure Law (BIL) funds used for transactions involving contracts for any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States must comply with the Build America, Buy America Act (BABA). This checklist provides an overview of the requirements established by BABA, and is not a substitute for the detailed provisions in the U.S. Department of Labor (DOL) regulations implementing Buy America requirements. Subrecipients should keep the completed checklist for their records, but do not need to submit it to Department for Local Government.

<b>CONTRACTOR/SUBCONTRACTOR:</b>	
<b>AWARD NUMBER:</b>	
<b>PROJECT TITLE:</b>	
<b>DATE:</b>	

QUESTION	EXPLANATION/INSTRUCTION	STATUS		
		YES	NO	N/A
<b>INCLUSION OF BABA LANGUAGE</b>				
1. Was the BABA language included in all contracts and/or purchase orders?	You must incorporate the federal BABA language in all construction contracts and purchase orders for projects using funds from the Bipartisan Infrastructure Law (BIL).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Did the contractor include the BABA language in all subcontracts and/or purchase orders?	<p>You must ensure that that your contractor incorporated the federal BABA language in all subcontracts and purchase orders for projects using funds from the Bipartisan Infrastructure Law (BIL).</p> <p>While it is not required, it is recommended you request the contractor to submit copies of their subcontracts and purchase orders so you may verify the correct language was included.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>VERIFICATION OF MANUFACTURER CERTIFICATIONS</b>				
3. Has the contractor and their subcontractors obtained manufacturer certifications for material and product purchases?	<p>Although obtaining manufacturer certifications is not required, it is recommended as a best practice for documenting compliance with BABA.</p> <p>In addition, if your contractor and their subcontractors have obtained manufacturer certifications, it is recommended, but not required, that you ensure all applicable language was contained in the certifications.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PROCESSING OF WAIVERS</b>				
4. Was the waiver submitted to DLG?	<p>Whether you or the contractor/subcontractor is seeking the waiver, it must first be submitted to DLG for their agreement.</p> <p>After receiving DLG’s agreement of the waiver, DLG will submit the waiver to HUD and then on to MIAO.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>REQUEST FOR PAYMENT</b>				
5. Are requests for payment being submitted on a monthly basis?	Requests for payment are required to be submitted monthly, without exception.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. If no work was performed during a monthly pay period, was a \$0 request submitted?	Since requests for payment must be submitted monthly, if no payment is needed a \$0 pay request must be submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Was a monthly report included with the request for payment?	A monthly report detailing the work performed during the billing period must be submitted with each request for payment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Was the “DLG-001 – Certification of Compliance with Buy America” form submitted by the contractor and their subcontractors?	This form must be submitted by the contractor and their subcontractors when they are requesting payment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Was the “DLG-003 – Subrecipient Report of Compliance with Buy America Provisions for Federally Assisted Contracts” form included in the request for payment?	This form must be submitted by you for all requests for payment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>