

APPENDIX C

**FORM DLG-003**

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**SUBRECIPIENT REPORT OF COMPLIANCE  
WITH BUILD AMERICA, BUY AMERICA PROVISIONS  
FOR FEDERALLY ASSISTED CONTRACTS**

**SUBRECIPIENT REPORT OF COMPLIANCE  
WITH BUILD AMERICA, BUY AMERICA PROVISIONS  
FOR FEDERALLY ASSISTED CONTRACTS**

*This form is to be submitted with each request for reimbursement of funding by the subrecipient and as requested by Department for Local Government during the project.*

<b>SUBRECIPIENT NAME:</b>	
<b>CONTRACT NUMBER:</b>	
<b>PROJECT DESCRIPTION:</b>	
<b>BILLING PERIOD:</b>	<b>TO</b>

**Subrecipient Statement:**

I confirm to the best of my knowledge and belief that we are in compliance with the requirements of Pub. L. No 117-58, Sects 70901-525 as referenced in the following requirements of the Build America, Buy America Act (BABA) and the grant agreement between Housing and Urban Development (HUD) and the Commonwealth of Kentucky.

\_\_\_\_\_  
**Signature** (*Subrecipient Representative*)

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

The Build America, Buy America Act, enacted under Division G, Title IX of the Infrastructure Investment and Jobs Act (IIJA), applies a domestic content procurement preference requirement (Buy America Requirement) to federally funded public “infrastructure projects”. Per Section 70914 of the IIJA funds may not be obligated for an “infrastructure project” unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States or an applicable a waiver to the domestic content procurement preference requirement is used.

**Subrecipient Responsibility**

The subrecipient is responsible for ensuring the Buy America Requirement flows down to all contracts, subcontracts, and purchase orders for work performed under the proposed infrastructure project. Subrecipients of awards containing the Buy America Requirement must ensure that absent a waiver none of the funds provided under their award may be used for a project for infrastructure unless:

1. All iron and steel used in the project is 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, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; 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.

The Buy America Requirement only applies to articles, materials, and supplies that are consumed in, incorporated into, or permanently affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Requirement apply to equipment and furnishings that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

**Compliance Verification**

Buy America requirements must flow down to all contracts, subcontracts and purchase orders for work performed under the infrastructure project; therefore, subrecipients must maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption, are produced in the United States.

The Certification of Compliance form(s) (Form DLG-001) must be provided by contractor and subcontractors from the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all contractors and subcontractors to the subrecipient.

Subrecipients must keep these certifications with the award/project files and be able to produce upon request from Department of Interior, Department for Local Government, auditors or Office of Inspector General. Copies of the Certificate of Compliance with Buy America Form (Form DLG-001) may be requested from Department for Local Government (DLG).