

Final Bid Act, Buy American Act Guidance Released

Key highlights of the new guidance include: finalizing stricter rules for U.S. content requirements for infrastructure projects, and providing calculation methodologies for manufactured products.

This new guidance tightens U.S. content requirements for infrastructure, and provides calculation methodologies for manufactured products.

- Finalizes stricter rules for U.S. content requirements
- Expands U.S. content requirements to include a broader range of infrastructure projects
- Provides calculation methodologies for manufactured products

Companies supplying federally funded infrastructure projects in 2024 and beyond should conduct a supply-chain review to ensure their products meet the new domestic content requirements.

The new guidance expands the list of infrastructure projects, including the electric vehicle charging infrastructure.

The new guidance continues the trend of increasing U.S. content requirements on an expanded list of infrastructure projects.



Key Takeaways

The new guidance includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including EV charging. The guidance expanded the list of infrastructure projects to include the electric vehicle charging infrastructure.

further to state that federal agencies should interpret the term "infrastructure" broadly and consider the above list "as illustrative and not exhaustive."

U.S. Department of Justice, Office of Inspector General, "Infrastructure: A Guide to the Federal Role," (2017), <https://www.oig-jd.gov/reports-and-testimony/infrastructure-a-guide-to-the-federal-role>.
The project will serve a public function including if the project is privately operated on behalf of the public, as opposed to a project that is privately owned and not open to the public.



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