



BORROWER 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 Borrower and as requested by the Kentucky Infrastructure Authority (KIA) during the project.

BORROWER NAME			
LOAN NUMBER			
PROJECT DESCRIPTION			
BILLING PERIOD		TO	

Borrower 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, §§ 70901-27 as referenced in the following requirements of the Build America, Buy America (BABA) Act.

Signature (*Borrower 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 and steel, manufactured products, and construction materials used in the project was produced in the United States or an applicable a waiver to the domestic content procurement preference requirement is used.

Borrower Responsibility

The Borrower is responsible for ensuring the BABA Requirement flows down to all contracts, subcontracts, and purchase orders for work performed under the proposed infrastructure project. Borrowers of loans subject to the BABA Requirement must ensure that, absent a waiver, none of the funds provided under their loan may be used for a project for infrastructure 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, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content 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.

The BABA 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 BABA 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

BABA requirements must flow down to all contracts, subcontracts and purchase orders for work performed under the infrastructure project; therefore, Borrowers 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 Certificate of Compliance form must be provided by contractors and subcontractors from the suppliers or manufacturers of the iron and steel, manufactured products, and construction materials and flow up from all contractors and subcontractors to the Borrower.

Borrowers must keep these certifications with the loan/project files and be able to produce upon request from the EPA, KIA, auditors or Office of Inspector General. Copies of the Certificate of Compliance form may be requested from KIA.