



Build America, Buy America Compliance and Documentation Requirements and Procedures

National Telecommunications and Information Administration 1401
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NOTE:

This document is intended solely to assist grant recipients in better understanding the National Telecommunications and Information Administration (NTIA) grant programs the requirements set forth in the Notices of Funding Opportunity (NOFOs) for these programs. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, the terms and conditions of the award, or the specific application requirements set forth in the NOFOs. In all cases, statutory and regulatory mandates, the terms and conditions of the award, the requirements set forth in the NOFOs, and follow-on policies and guidance, shall prevail over any inconsistencies contained in this document.

INTRODUCTION

BACKGROUND

The Infrastructure Investment and Jobs Act (IIJA) and Consolidated Appropriations Act (CAA) programs under the National Telecommunications and Information Administration's (NTIA) Office of Internet Connectivity and Growth (OICG) are designed to expand access to broadband Internet, support efforts to achieve digital equity, to promote digital inclusion activities, and to spur greater adoption of broadband in unserved and underserved areas of the United States. These programs provide funding for the construction of broadband infrastructure and the deployment of broadband services to households and businesses.

The issuance and management of NTIA grants is guided by the Department of Commerce (DOC) [Federal Financial Assistance Manual](#), DOC [Financial Assistance Standard Terms and Conditions](#), and all other applicable laws, regulations, and requirements. Compliance and regulatory requirements are identified, documented, and communicated to recipients through general and Specific Award Conditions (SACs). Recipients that fail to comply with award terms and conditions, to include SACs (e.g., breaking ground without environmental clearance, drawing funds for unallowable expenditures, etc.) are in violation of their award requirements and [2 CFR Part 200](#).

The Build America, Buy America (BABA) Act established a domestic content procurement preference (Buy America Preference) for all federal financial infrastructure assistance obligated after May 14, 2022. The Buy America Preference requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure are produced in the United States. Covered infrastructure includes structures, facilities, and equipment used to provide broadband internet service. NTIA grants made to non-federal entities after May 14, 2022, that involve the construction, alteration, or repair of broadband infrastructure are therefore subject to the Buy America Preference.

PURPOSE

This document serves as a guide to the compliance and documentation requirements and procedures that NTIA's OICG will use to monitor compliance with BABA by recipients of NTIA grants subject to BABA requirements.¹

This resource is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, the specific requirements set forth in program Notices of Funding Opportunity (NOFOs), the terms and conditions of the awards, existing DOC [Federal Financial](#)

¹ The Infrastructure Investment and Jobs Act, 2021, Public Law 117-58, 135 Stat. 429 (Nov. 15, 2021) (IIJA), includes the Build America, Buy America Act, Public Law No. 117-58, §§ 70901-52.



[Assistance Manual](#) requirements, or other Departmental Administrative Orders (DAOs) and Federal Circulars. Similarly, this guidance document does not supersede or supplement the National Institute of Standards and Technology (NIST) Financial Assistance Agreements Management Office (FAAMO) policies and procedures related to their work on financial assistance awards. In all cases, statutory and regulatory mandates, the requirements set forth in the program NOFOs and the terms and conditions of the awards, BABA waivers, and any applicable Frequently Asked Questions (FAQs), shall prevail over any inconsistencies contained in this guidance.

BABA REQUIREMENTS

BUY AMERICA PREFERENCE REQUIREMENTS

The Buy America Preference applies to all federally funded infrastructure projects unless otherwise specified. Each article, material, or supply that is consumed in, incorporated into, an integral part of, or affixed to an infrastructure project must be classified into one of the following categories and subject to its Buy America Preference requirements:

- a. **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.
- b. **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.
- c. **All construction materials** are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States. See the BEAD and TBCP 2 BABA waivers and 2 CFR § 184.6 for more information on the meaning of “all manufacturing processes” for specific construction materials.²

² BEAD BABA waiver at pg. 13: <https://www.commerce.gov/sites/default/files/2024-02/BABA%20Waiver%20Signed.pdf>. See also TBCP 2 BABA waiver at 16: <https://www.commerce.gov/sites/default/files/2024-12/DOC%20NTIA%20BABA%20Nonavailability%20Waiver%20TBCP.pdf>. See also 2 CFR Part 184.6: <https://www.federalregister.gov/documents/2023/08/23/2023-17724/guidance-for-grants-and-agreements#sectno-reference-184.6>.



WAIVER REQUEST PROCESS FOR THE BUY AMERICA PREFERENCE

The Department of Commerce (Department) does have the authority, in certain circumstances, to grant waivers of the Buy America Preference. Pursuant to Section 70914 of the Act, the head of a Federal agency may waive the application of the Buy America Preference under an infrastructure program in any case in which it finds that:

- a. Applying the domestic content procurement preference would be inconsistent with the public interest (a “**public interest waiver**”);
- b. Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “**nonavailability waiver**”); or
- c. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “**unreasonable cost waiver**”).

When necessary, individual recipients of NTIA grant programs may submit to the Department a request to waive the Buy America Preference in cases of public interest, nonavailability or unreasonable cost. Waiver requests must be approved prior to the purchase, acquisition or negotiated procurement of the materials in the request. The Department is responsible for processing and approving all waivers, including waivers requested by recipients and on behalf of subrecipients. To the greatest extent practicable, waivers should be targeted to specific products and projects. Before issuing a waiver, the Department must make publicly available on the agency’s website a detailed explanation for the proposed determination to issue the waiver and request public comment of at least 15 days on the proposed waiver.³ The Made in America Office (MIAO), which is located within the Office of Management and Budget (OMB), must review every waiver.⁴

The Department has established Department-wide public interest waivers for de minimis infrastructure project purchases, small grants, and minor components within iron and steel products.⁵ The Department also issued a temporary general applicability waiver from BABA requirements for federal financial assistance awarded for projects located in the U.S. Pacific Island Territories.⁶

³ Executive Order 14005 § 4(b)(i)(2); IIJA § 70914(c); IIJA § 70937.

⁴ Memorandum for Heads of Executive Departments and Agencies, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, Executive Office of the President, Office of Management and Budget, page 6 (Oct. 25, 2023) (OMB Buy America Memorandum).

⁵ See Department-wide Public Interest Waivers for De Minimis Infrastructure Project Purchases, Small Grants, and Minor Components within Iron and Steel Product available at [Department Wide Public Interest Waiver De Minimis Package.pdf \(commerce.gov\)](#).

⁶ Department of Commerce Temporary General Applicability Public Interest Waiver for Federal Financial Assistance Awarded for Infrastructure Projects Located in the U.S. Pacific Island Territories of the



BUY AMERICA PREFERENCE WAIVERS

Several NTIA programs have received waivers of some or all Buy America Preference provisions for certain award recipients. These programs are the Tribal Broadband Connectivity Program (TBCP), the Connecting Minority Communities Pilot Program (CMC), the Middle Mile Grant (MMG) Program, and the Broadband Equity, Access, and Deployment (BEAD) Program. The Broadband Infrastructure Program (BIP) is not subject to the Buy America Preference because NTIA awarded all BIP grants prior to May 14, 2022.

TRIBAL BROADBAND CONNECTIVITY PROGRAM (TBCP)

The TBCP provides grants to eligible Native American, Alaska Native, and Native Hawaiian entities for broadband deployment, digital inclusion, workforce development, telehealth, and distance learning. The total amount of funding appropriated for TBCP awards is \$3 billion. NTIA allocated \$1.96 billion in funding for awards pursuant to the first TBCP NOFO issued on June 3, 2021. Because NTIA released the first TBCP NOFO prior to the enactment of the IIJA, applicants for funding under it did not have notice of the subsequent adoption of the Buy America Preference. NTIA has therefore granted a limited general applicability waiver of the Buy America Preference for those award recipients that submitted applications for TBCP funding prior to the September 1, 2021, application deadline established by the first TBCP NOFO.⁷ NTIA made 226 awards to eligible Tribal entities totaling \$1.865 billion.

On July 27, 2023, NTIA issued a second NOFO to describe the requirements under which it will award grants for the second round of TBCP funding,⁸ which includes the application of BABA to these awards. The second TBCP NOFO has made available up to approximately \$980 million for TBCP awards. The second NOFO originally established a 180-day period for Eligible Entities to submit applications for TBCP funding. On January 22, 2024, NTIA issued a Notice extending the original application submission deadlines identified in Section D.4. of the second NOFO from January 23, 2024, to March 22, 2024. NTIA received more than 160 applications in funding requests totaling more than \$2.64 billion for the second round of TBCP funding. NTIA issued a limited, general applicability, nonavailability waiver of the Buy America Preference requirements for certain

Commonwealth of the Northern Mariana Islands (CNMI), Guam, and American Samoa, Collectively Referred to Pacific Island Territories, available at [Build America Buy America | U.S. Department of Commerce](#)

⁷ Comprehensive information about the first TBCP NOFO waiver appears in the August 5, 2022, waiver notice (www.commerce.gov/sites/default/files/2023-11/Tribal%20Broadband%20Final%20Waiver.pdf).

⁸ For purposes of clarity, this and other NTIA documents sometimes refer to the second round of TBCP funding as TBCP 2, in order to distinguish it from the separate and distinct first round of TBCP funding, also identified as TBCP 1.



construction materials⁹ and certain manufactured products¹⁰ for recipients and subrecipients of awards made under the second TBCP NOFO. This waiver is effective from December 16, 2024, through December 16, 2029. As detailed in section 4.4 below, NTIA has created a self-certification and compliance framework for ensuring conformity with the TBCP 2 BABA waiver.

MIDDLE MILE GRANT PROGRAM (MMG)

The MMG Program provides up to \$980 million in funding for the construction, improvement, or acquisition of middle mile broadband infrastructure. The purpose of the MMG Program is to expand and extend middle mile broadband infrastructure to reduce the cost of connecting areas that are unserved or underserved to the network backbone.

NTIA granted a targeted and limited waiver of the Buy America Preference for specific types of manufactured products incorporated into middle mile broadband infrastructure.¹¹ These products include broadband routing equipment, broadband access switching equipment, and broadband aggregation switching equipment. MMG Program recipients to whom this waiver applies must report to NTIA on their purchases of items from foreign sources. The MMG Program waiver is effective for the period of performance of all MMG Program awards awarded from March 1, 2023, until March 1, 2024, on the date of issuance of each award. NTIA made 39 awards for a total award amount of \$979.9 million.

BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM (BEAD)

The BEAD Program has \$42.45 billion in funding to provide principally for the deployment of broadband service to unserved and underserved locations and Community Anchor Institutions. The BEAD Program prioritizes projects designed to provide fiber connectivity directly to the end user.

On February 23, 2024, the Department issued a limited, general applicability, nonavailability waiver of the Buy America Preference requirements for the BEAD Program for certain construction materials and certain manufactured products.¹² As detailed in section 4.2 below, NTIA has created

⁹ Specifically, for non-optic-glass inputs (e.g., an overclad cylinder) to preforms used to manufacture optical fiber and fiber optic cable in TBCP 2 projects and for unrepeated submarine fiber optic cable.

¹⁰ Specifically, for passive optical equipment and for all electronics in TBCP 2 projects, except for 1) Optical Line Terminals (OLTs) and remote Optical Line Terminals (rOLTs); 2) OLT line cards; 3) optic pluggables; and 4) Standalone Optical Network Terminals and Optical Network Units. For these four categories of products, NTIA waived the 55 percent cost of components requirement and provided specific guidance in the waiver itself regarding manufacturing processes that must occur in the United States.

¹¹ Comprehensive information about the MMG Program waiver appears in the April 19, 2023, MMG Program waiver notice (www.commerce.gov/sites/default/files/2023-04/NTIA%20Middle%20Mile%20Final%20Waiver.pdf).

¹² The waiver document is available at www.commerce.gov/oam/build-america-buy-america. See page 2 of the BEAD Buy America waiver for more information about the effective date. See also BEAD FAQs, available at <https://www.commerce.gov/sites/default/files/2024-02/BEAD%20FAQs%202-22-24.pdf>.



a self-certification and compliance framework for ensuring conformity with the BEAD BABA waiver.¹³

CONNECTING MINORITY COMMUNITIES PILOT PROGRAM (CMC)

The CMC provides up to \$268 million in funding for eligible Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions to purchase broadband services or equipment, hire IT personnel, operate a Minority-Owned Business or a tax-exempt 501(c)(3) organization, or facilitate educational instruction.

Because NTIA released the amended November 9, 2021, CMC Notice of Funding Opportunity prior to the enactment of the BABA, it was unable to provide CMC funding applicants with information about the Buy America Preference. NTIA therefore granted a six-month adjustment period public interest general applicability waiver for all CMC awards made from November 3, 2022, through May 1, 2023.¹⁴ This waiver applies to all iron, steel, manufactured products, and construction materials, with the exception of fiber optic glass and fiber optic cables, used in infrastructure projects. As with certain other Buy America Preference waivers, CMC recipients are required to report on their purchases of items from foreign sources. NTIA awarded a total of \$262.8 million to 93 CMC recipients.

BABA ACT DOCUMENTATION

Thorough documentation of compliance with the Buy America Preference is an important responsibility for NTIA grant recipients and for NTIA itself. Primary responsibility for ensuring that product documentation is adequate to demonstrate BABA compliance rests with the recipient of the award. For the BEAD Program, recipients and subrecipients are responsible for ensuring adequate documentation of BABA compliance.¹⁵ In order for recipients and subrecipients to adequately document BEAD projects, manufacturers must provide accurate documentation of BABA compliance for their equipment. If suppliers and distributors are also involved, they are responsible for obtaining and transmitting to recipients and subrecipients the compliance documentation for affected projects. Use of the term “recipient” in this guidance document is intended to include all recipients and subrecipients where BABA applies.

¹³ While the compliance information in this document is focused on the use of BEAD deployment funds, NTIA reiterates that BABA still applies, however remote the possibility, to Eligible Entities who decide to use BEAD funds for non-deployment infrastructure construction.

¹⁴ Comprehensive information about the CMC waiver appears in the August 5, 2022, waiver notice (www.commerce.gov/sites/default/files/2022-11/NTIA%20Part%202%20Fiber%20Optic%20Glass%20and%20Cable%20BABA.pdf).

¹⁵ For purposes of this guidance document, the term “Recipient” used in the context of the BEAD program is synonymous with the term “Eligible Entity” as defined in Section I.C.(i) of the BEAD NOFO. The terms “subrecipient” and “subgrantee” have the same meaning as explained in Section I.C.(w) of the BEAD NOFO.



NTIA and the Department serve to provide oversight and guidance to ensure proper implementation of the Buy America Preference and other applicable regulations, e.g., the Uniform Administrative Requirements of 2 C.F.R. Part 184 (Buy America Requirements for Infrastructure Projects). In case of any suspected waste, fraud, abuse, or BABA violations, the Department's Office of the Inspector General should be notified immediately.

GENERAL COMPLIANCE DOCUMENTATION REQUIREMENTS AND PROCEDURES

1. The Recipient is responsible for determining whether a product is subject to the Buy America Preference. However, given the BEAD structure, the BEAD subrecipients will be primarily responsible for determining whether a product is subject to the Buy America Preference.
2. Recipients must ensure that their subrecipients, contractors, and vendors comply with the Buy America Preference. BEAD recipients (Eligible Entities) must monitor their subrecipients for compliance with BABA requirements.
3. Recipients should include the Buy America Preference requirements in all solicitations, requests for proposals, agreements, sub-agreements, and similar materials.
4. Recipients should require contractors and vendors to verify their BABA compliance.
5. Recipients and subrecipients should ensure that products delivered to the project site properly document BABA compliance.
6. Recipients must be able to provide BABA compliance documentation at the request of Department personnel, e.g., Federal Program Officers and Department auditors.
 - a. Department personnel may request BABA compliance documentation at any time and will do so as part of the standard grant review processes, e.g., desk reviews, site visits, and at closeout.
 - b. Failure to provide necessary BABA compliance documentation could result in a violation of the terms and conditions of a recipient's financial assistance agreement.
 - i. Corrective action for this and other BABA violations may entail removing and replacing improperly purchased foreign-manufactured goods, reducing the amount of an award, or withholding future funds and terminating an award. In cases of fraud, it could result in criminal investigation and prosecution.

BABA SELF-CERTIFICATION AND COMPLIANCE REQUIREMENTS FOR BEAD AND TBCP2

NTIA adopts a two-part framework for BEAD and TBCP 2 stakeholders (e.g., manufacturers, recipients, subrecipients) to self-certify and report on their compliance with BABA for the BEAD and TBCP 2 Programs. This framework consists of:

1. **Self-Certification** – A public document hosted on the Department of Commerce [website](#) that allows manufacturers to certify, at the risk of penalty, that their product(s) are produced domestically and meet the Buy America requirements outlined in the BEAD and TBCP 2 BABA waivers.
 - a. The Department will publish the self-certification list in order to compel domestic manufacturing for the BEAD and TBCP 2 programs and minimize fraudulent claims of BABA compliance.
 - b. Manufacturers of equipment that requires domestic production will be able to complete and sign a form – at the risk of penalty – that certifies their equipment meets the domestic manufacturing requirements outlined in the BEAD and TBCP 2 BABA waivers.
 - c. This document will be posted publicly on a Department of Commerce website and updated as needed.
 - d. The key elements of the self-certification list are:
 - i. Manufacturer name;
 - ii. URL to company-hosted page that lists American-made equipment that meets BEAD and TBCP 2 BABA waiver requirements;
 - iii. Signature of a company officer.
2. **Compliance**
 - a. Manufacturer's BABA Certification Letter - A certification letter from the manufacturer to a TBCP 2 recipient or BEAD subrecipient for equipment requiring domestic production.
 - i. The manufacturer certification letter will enable subrecipients that are building BEAD-funded projects to prove BABA compliance to the BEAD recipient (Eligible Entity) and enable recipients and subrecipients building TBCP 2-funded projects to demonstrate BABA compliance.
 - ii. A manufacturer will furnish a certification letter to a BEAD subrecipient or TBCP 2 recipient or subrecipient, certifying that its equipment meets the

BABA domestic manufacturing requirement. A letter is not needed for waived equipment. BEAD subrecipients will maintain these letters in the event of a request from the BEAD recipient (Eligible Entity) or NTIA. TBCP 2 recipients will maintain these letters in the event of a request from NTIA.

iii. The key elements of the manufacturer certification letter are:

1. BABA domestic manufacturing requirement reference;
2. Equipment information;
 - a. Product Name
 - b. Product Description (e.g., what it is or what it does)
 - c. Quantity
3. Location of manufacturing;
4. Signature of an authorized company representative

iv. A sample manufacturer certification letter is provided in Appendix A.

b. Waiver Reporting– BEAD subrecipients are required to compile and share with the BEAD recipient (Eligible Entity) a reporting tracker on the finished waived electronics used in a BEAD project(s).¹⁶ TBCP 2 Recipients are required to compile a reporting tracker on the finished waived electronics used in a TBCP 2 project and provide it to NTIA.

- i. Subrecipients will share the reporting tracker with BEAD recipients (Eligible Entities), which will then share the tracker with NTIA as part of their semi-annual reports. This reporting tracker will provide NTIA with insight on the finished waived electronics used to build BEAD-funded broadband networks, including which types of electronics are used and their country of origin. NTIA designed the tracker with the goal that the reporting should not unnecessarily burden BEAD subrecipients and manufacturers.
- ii. TBCP 2 recipients will share the reporting tracker with NTIA as part of their semi-annual Performance (Technical) Reports (included as an addendum to the reporting form). This reporting tracker will provide NTIA with insight on the finished waived electronics used to build TBCP 2-funded broadband networks, including which types of electronics are used and their country of origin. NTIA designed the tracker with the goal that the reporting should not unnecessarily burden TBCP 2 recipients, subrecipients, and manufacturers.

iii. The key elements of the reporting tracker are:

¹⁶ For purposes of clarity, NTIA considers a 'finished' (or final) electronic' to be the sellable product (e.g., a customer-orderable SKU) after all manufacturing processes are complete and no further manufacturing is required. Section II. B. 1. ('Electronics') on pg. 7 of the BEAD BABA waiver provides an indicative list of finished electronics. Section III. A. 2. a. ('Electronics') on pg. 13 of the BEAD BABA waiver lists the four electronics that are not waived from BABA requirements in the BEAD Program. The BABA waiver for the BEAD Program can be found here: <https://www.commerce.gov/sites/default/files/2024-02/BABA%20Waiver%20Signed.pdf>.

1. Name of Manufacturer
2. Category of electronic product (e.g., router, switch, power system, radio, etc.)¹⁷
3. HS Code (10 digit)
4. Product Identifier (e.g., Stock Keeping Unit (SKU), Product ID, Part No., etc.)
5. Common language description of the product's function
6. Country of origin¹⁸
7. Quantity

REPORTING REQUIREMENTS AND PROCEDURES FOR CMC AND MMG

1. Recipients using foreign products pursuant to the CMC and MMG BABA waivers must maintain comprehensive information about how each product is covered by a specific BABA waiver.
2. Recipients using foreign products must also provide NTIA with reports on their purchases of foreign products. NTIA will use this information for such purposes as the management of future grant programs and the analysis of markets and supply chains.
3. The reporting requirements for these programs are:
 - a. **CMC** – Recipients are required to maintain detailed records concerning the acquisition of all iron, steel, manufactured products, and construction materials used in CMC projects from both foreign and domestic sources.
 1. **Non-Fiber Infrastructure Project Requirements** - Report format is flexible, but must include:
 - a. Recipient name and award number
 - b. Submission date and person submitting the report for any necessary follow-up
 - c. All required fields specified in the CMC BABA SAC:
 - i. Acquisition date
 - ii. Acquisition price
 - iii. Current location
 - iv. Efforts to source domestically
 - v. Foreign source(s)
 - vi. How it was used in the project

¹⁷ The list of "Electronic Categories" that NTIA requires subgrantees to report on for finished waived electronics is: router, switch, power system, optical amplifier, radio, power management system, antenna & antenna array, FR conditioning, network-facing optic pluggable, other.

¹⁸ "Country of Origin" for purposes of this reporting requirement should be determined in accordance with [19 CFR Part 134](#) and relevant rulings issued by U.S. Customs and Border Protection. It does not refer to a "Certificate of Origin."

2. **Fiber Infrastructure Project Requirements** – Report format is flexible, but must include:
- a. Recipient name and award number
 - b. Submission date and person submitting the report for any necessary follow-up
 - c. All required fields specified in the CMC BABA SAC:
 - vii. Acquisition date
 - viii. Acquisition price
 - ix. Current location
 - x. Verification of domestic sourcing for optical fiber and fiber optic cable
 - xi. Foreign source(s) for project components other than fiber
 - xii. How it was used in the project

CMC recipients should include these records as part of their Semi-Annual Performance (Technical) Reports for the periods in which the activities take place.

Submit report to CMC@NTIA.gov and the CMC FPO semi-annually (Semi-Annual Performance Report schedule)

- a. April 30th - for Oct. 1–Mar. 31 reporting period
- b. October 30th - for Apr. 1–Sept. 30 reporting period

A sample template form for capturing this information is provided as an example in Appendix D. CMC recipients are not required to use this template to report the information specified in the CMC BABA SAC.

- b. **MMG** – MMG recipients must complete the Middle Mile Inventory Report template, which NTIA added to the Semi-Annual Performance (Technical) Report form to collect information on foreign sourced purchases and track BABA compliance.

The template is available on NTIA's BroadbandUSA website at https://broadbandusa.ntia.gov/technical-assistance/Middle_Mile_Inventory_Report_Template.

MMG recipients should submit the template with their Semi-Annual Performance Report through the NTIA Grants Portal for the periods in which the activities take place.

APPENDICES

APPENDIX A – SAMPLE MANUFACTURER CERTIFICATION LETTER

Key Elements

 **FACTORY COMPANY**

Factory Company
100 Maine Road
Portland, ME 04101
+1-207-773-1234

July 1, 2024
USA Telecom Company
1731 Foreside Drive
Falmouth, ME 04050

MANUFACTURER CERTIFICATION

Subject: Build America Buy America Certification [for project name and location if known]
Manufacturer Name: Factory Company (Portland, ME)

To Whom It May Concern:

I, (*company representative*), hereby certify that the following products and/or materials are in full compliance with the Build America Buy America (BABA) requirements and associated waiver for the Broadband Equity Access and Deployment Program (BEAD) as mandated in the Infrastructure Investment and Jobs Act (IIJA) Pub. L. No. 117-58, §§ 70901-52 and by the U.S. Department of Commerce.

Construction Materials and/or Manufactured Products:

Product Name	Product Description	Quantity

The above listed materials and products were manufactured at the following location(s):

- *City, State*

If any of the above compliance statements change, we will immediately notify the BEAD subrecipient.

Signature of Authorized Company Representative:

X *Jane Doe* July 1, 2024
Jane Doe Date
Product Manager, Authorized Representative
Factory Company
Email
Phone

Equipment
Information

BABA Domestic
Preference Requirement
reference

Location of
Manufacturing

Signature of Authorized
Company Representative

APPENDIX B – BEAD BABA REPORTING SUBRECIPIENT TRACKER (FOR FINISHED WAIVED ELECTRONICS)

BABA Reporting Subrecipient Tracker for Finished Waived Electronics						
Manufacturer	Electronic Category (e.g., router, switch, power system, radio, etc.)	HS Code (10 digit)	Product Identifier (e.g., SKU, Product ID, etc.)	Common Language Description of Product Function	Country of Origin	Quantity

APPENDIX C – TBCP 2 RECIPIENT BABA REPORTING TRACKER (FOR FINISHED WAIVED ELECTRONICS)

TBCP 2 Recipient BABA Reporting Tracker for Finished Waived Electronics						
Manufacturer	Electronic Category (e.g., router, switch, power system, radio, etc.)	HS Code (10 digit)	Product Identifier (e.g., SKU, Product ID, etc.)	Common Language Description of Product Function	Country of Origin	Quantity

APPENDIX D – CMC SAMPLE REPORTING TEMPLATE

INSTRUCTIONS & INPUTS

Recipient Information	Inputs
Recipient Name	
Award Number	
Assigned CMC Federal Program Officer (FPO)	
Period of Performance Start Date	
Period of Performance End Date	
Total Award Amount	
Infrastructure Project Type (Fiber or Non-Fiber)	

BABA Report Certification	
I hereby certify that to the best of my knowledge and belief all Iron, Steel, Manufactured Products, and Construction Materials installed on this project by my company and by any and all subcontractors and suppliers for this project comply with the Build America, Buy America Act (BABA) requirements of the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117- 58, §§ 70901-70953), or are the subject of a waiver approved by the U.S. Department of Commerce.	
BABA Report Submission Date	
Name of recipient submitting this report	
Email of recipient submitting this report	
Phone of recipient submitting this report	

BABA Report Instructions	
1. Complete your CMC grant and certification information above.	Enter all grant and certification information highlighted in yellow above (column B).
2. Go to the BABA Sample Report Tab and complete the information requested. Report all manufactured products, iron or steel, and construction materials incorporated into or affixed to your infrastructure project purchased during this reporting period. Report information must include all required fields specified in your Connecting Minority Communities Pilot Program Specific Award Conditions (SAC).	Under 2 C.F.R. § 200.334, Retention requirements for records, CMC recipients are required to maintain detailed records concerning the acquisition of all iron, steel, manufactured products, and construction materials used in CMC projects. For fiber optic glass and fiber optic cable used in a CMC project, this includes but is not limited to the: acquisition date; acquisition price; verification of domestic sourcing (unless DoC issues a waiver); how it was used in the project; and current location. Additionally, the recipient is required to maintain detailed records concerning the acquisition of iron, steel, manufactured products, and construction materials from foreign sources that are used in a CMC project, including but not limited to: acquisition date; acquisition price; efforts to

	source domestically; foreign source(s); how it was used in the project; and current location.	
3. Save and Submit Semi-Annually to CMC@NTIA.gov and your assigned CMC FPO (on same schedule as Semi-Annual Performance Reports).	Save this file with your institution's name and award number, followed by the date of submission. Submit to CMC@NTIA.gov and your assigned CMC FPO semi-annually (same schedule as Semi-Annual Performance Reports).	
	Semi-Annual Reporting Period	Due Date
	October 1–March 31	April 30th
	April 1–September 30	October 30th

BABA SAMPLE REPORT

Sample Report of all iron, steel, manufactured products, and construction materials acquired in CMC Project		
Reporting Period	Number of Unique Items Purchased	Total Value of Materials Purchased

Infrastructure Project Type	Item	Order #	SKU	Quantity	Total Acquisition Cost	Acquisition Date	Current Location	Description of how item is used in project	Supplier or Manufacturer Name	Supplier or Manufacturer Location	Efforts to source domestically (for non-fiber materials)
[e.g. fiber broadband, non-fiber, etc]											