



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

August 20, 2026

Department Construction Contractors

Re: Department Implementation of Buy America & Build America, Buy America

Dear Contractors:

On October 1, 2025, the Department began including a special provision into contracts with changes to Publication 408, Section 106, to ensure Buy America and Build America, Buy America (BABA) Phase One implementation compliance which required the final assembly for manufactured products to occur in the United States, and all manufacturing processes for construction materials to occur in the United States.

To ensure compliance with the federal Buy America and BABA Phase Two requirements, the Department has developed a plan which is outlined in the bullets below.

Phase Two: *For projects advertised on or after October 1, 2026, in addition to the final assembly requirement, the cost of components of manufactured products that are mined, produced, or manufactured in the U.S. must be greater than 55% of the total cost of all components of the manufactured product. The Department will begin including a special provision (attached) with changes to Publication 408, Section 106 to reflect these new requirements.*

- The Buy America/BABA provisions will only be applicable to projects financed partially or totally with Federal funds. Such projects will indicate designated special provision “**DSP 13. Buy America**” as applicable to the project via a special provision in the bid proposal.
- The Department makes no assertion that the products listed in Publication 35 (Bulletin 15) meet the 55% rule requirement.
- The Department is recommending that each vendor of a manufactured product listed in Bulletin 15 submit a “Domestic Materials Self-Certification Form” (DMSCF) through AASHTO’s Product Evaluation & Audit Solutions (PEAS) website.

- Bulletin 15 will be updated to include three categories of products:
 - Non-domestic products and products with a Domestic Materials Self-Certification Form on file through AASHTO PEAS where the manufacturer indicates Buy America/BABA non-compliance (denoted by product description in red font and "N-C" at the end of the product description)
 - Products with a Domestic Materials Self-Certification Form on file through AASHTO PEAS where the manufacturer indicates Buy America/BABA compliance (Column DMSCF denoted by "Yes")
 - Products with final assembly in the US that do not have a Domestic Materials Self-Certification Form on file through AASHTO PEAS (Column DMSCF denoted by "No")
- Bulletin 15 will be updated on a monthly basis to reflect the most recent information from the AASHTO PEAS repository. The Department makes no assertion as to the correctness, completeness or compliance status of the information in the AASHTO PEAS repository.
- To ensure compliance, all contractors, through their manufacturers and suppliers, will need to verify that they will be able to meet the Buy America/BABA requirements in regard to the 55% rule on applicable projects.
- Form CS-4171(DS) will include a new check box on line 8 for entities generating a materials certificate of compliance to indicate if their material is compliant with Buy America/BABA.
- All non-compliant manufactured products and construction materials as outlined in Publication 408, Section 106.10(a)2 and Section 106.11, that are permanently incorporated into the work on projects financed partially or totally with Federal funds must be documented by the prime contractor on Form CS-4171BA(DS) for acceptance under the Waiver of Buy America Requirements for De Minimis Costs and Small Grants as outlined in Publication 408, Section 106.12.
- In order to determine Waiver of Buy America Requirements for De Minimis Costs and Small Grants eligibility, the prime contractor will be responsible to determine the total value of all applicable project costs for iron, steel, manufactured products and construction materials used for the project. The total value of non-compliant products and materials can be no more than the lesser of \$1 million or 5% of the total applicable costs for the project. Full details can be found using the link below.

[Q&As for the Waiver of Buy America Requirements for De Minimis Costs and Small Grants](#)

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Should you require additional information, please contact Matthew B. Briggs, Chief, New Products and Innovations Section, at 717.346.1581 or mabriggs@pa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Christine Norris".

Christine Norris, P.E.
Deputy Secretary for Highway
Administration

Attachments (4)

August 20, 2026

4813/MBB/arr

bcc: Federal Highway Administration, Pennsylvania Division
Pennsylvania Turnpike Commission
Robert Latham, Associated Pennsylvania Constructors
Seth Grove, Pennsylvania Aggregates and Concrete Association
Mary Robbins, Pennsylvania Asphalt Pavement Association
John Becker, American Concrete Pavement Association, Pennsylvania
Brent Sailhamer, American Council of Engineering Companies of Pennsylvania
Rex Eberly, Pennsylvania Association of Asphalt Material Applicators
Brian Watson, American Traffic Safety Services Association
Kelly Barber, P.E., Highway Administration
District Executives
Highway Administration Bureau Directors
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Anthony McCloskey, P.E., Bureau of Aviation
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Assistant District Executives for Design
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Assistant District Executives for Operations
Jason Wolgemuth, Office of Chief Counsel
Danielle Spila, Multimodal Transportation
Angela Watson, Multimodal Transportation
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Matthew Briggs, Bureau of Construction and Materials
Daryl St. Clair, P.E., Highway Administration
District Materials Engineers/Managers
Administrative Officer, Bureau of Construction and Materials