

Build America, Buy America: Lessons Learned from the First Year of Implementation



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Content

Recap: What is BABA?

Lessons Learned

- Confusion over the application
- Early communications
- Due diligence and market research
- Time to approve

Where can you get more information?

What is the waiver process?



What is Build America Buy America?

BABA requires each Federal agency ensure that none of the funds made available for a Federal financial assistance program for infrastructure, may be obligated for a project unless all iron, steel, manufactured products, and construction materials used in the project are produced in the United States.

When necessary, award recipients may apply for a waiver from these requirements. NSF may waive the application of the domestic content procurement preference in the case of one of three exceptions:

- Public interest
- Nonavailability
- Unreasonable Cost



Lesson Learned: Confusion over application?

BABA and the application of a Buy America preference applies to all Federal financial assistance as defined in section 200.1 of Title 2, Code of Federal Regulations where funds are appropriated or otherwise made available and used for a project for infrastructure.

Specifically, BABA applies to:

- Major and Mid-Scale Research Infrastructure and
- Any FA award for construction, maintenance, repair, and/or rehabilitation of physical infrastructure



Lesson Learned: Early Communication

Early communications allow for:

- A clear understanding of the applicability of BABA/NSF Terms
- An understanding of potential impacts -
 - Waiver
 - Budget
 - Schedule

Best points of contact:

- The G/AO and PO
- Branch Chief
- DACS Policy Analyst
- NSF's SAO

The earlier the better!



Lesson Learned: Due Diligence and Market Research

- What has been done to search for domestic items?
- Is this a one-time purchase or an on-going need?
- Is the inability to locate a domestic item temporary or a longer-term issue?
- What are the ramifications if a waiver is not approved?
- What will be done to alleviate the need for a waiver in the future?

Good documentation will help facilitate the process.



Lesson Learned: It Always Takes Longer!

The process from the initiation of planning through the receipt of final approval is taking longer than anticipated.

Some potential causes:

- Late engagement with NSF and the market
- NSF returning waiver requests for more information
- Coordination with entities outside of NSF
- NSF is not the only agency interacting with MIAO



NSF Build America, Buy America Website

The NSF Build America, Buy America website is the best source of information on NSF implementation of the Act.

Submit and view all NSF waiver requests

Five Guidance Documents:

- NSF's implementation of the Act
- Frequently asked questions
- Guidance on submission of an NSF waiver request
- How to submit public comments
- How do I know if the Act applies to my award?



NSF Waiver Process



QUESTIONS?

