



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

BUILD AMERICA, BUY AMERICA ACKNOWLEDGEMENT

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. No. 117-58, which includes the Build America, Buy America Act ("the Act"). Pub. L. No. 117-58, §§ 70901-52. The Act requires that, no later than May 14, 2022—180 days after enactment of the IIJA—the head of each covered Federal agency shall ensure that "none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States."

The Act requires compliance with the following Build America, Buy America requirements regarding materials used in infrastructure projects funded in whole or in part by federal funds – except for projects where a waiver has been granted or for projects funded wholly from the American Rescue Plan Act's Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program:

1. All iron and steel used in the project must be produced in the United States. This means that all manufacturing processes, from the initial melting stage through the application of coatings, must occur in the United States.
2. All manufactured products used in the project must be produced in the United States. This means that all such manufactured products must be physically manufactured in the United States, and the cost of all components of such manufactured products that are mined, produced, or manufactured in the United States must be greater than fifty-five percent (55%) of the total cost of all components of the manufactured products, unless another standard for determining the minimum amount of domestic content of the manufactured products has been established under applicable law or regulation.
3. All construction materials used in the project must be manufactured in the United States. This means that all manufacturing processes for such construction material must occur in the United States.
4. The bidder for this proposed contract must include in all contracts and purchase agreements for this project the following contract language:

The Contractor hereby presents and warrants to and for the benefit of the Owner and State that: (a) the Contractor has reviewed and understands all requirements of the Build America, Buy America Act applicable to this project; (b) all of the products used in this project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Act, unless a waiver of applicable requirement(s) is approved; and (c) the Contractor will provide any further verified information, certification, or assurance of compliance with this Acknowledgement, or information necessary to support a valid waiver of the Build America, Buy America Act, as may be requested by the Owner or the State.

DAVIS-BACON ACT ACKNOWLEDGEMENT

Grantees may be subject to the requirements of the Davis-Bacon Act when SLFRF funds are used in conjunction with another federal program that requires enforcement of the Davis-Bacon Act. For those Grantees receiving federal funding other than SLFRF funds for a project with a total project cost over \$10 million, the following provisions apply:

PROJECTS WITH TOTAL PROJECT COSTS OVER \$10 MILLION

1. Wage Certification

Grantees may provide a certification that all laborers and mechanics employed by Grantee in the performance of such project are paid wages at the rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act, for the corresponding classes of laborers and mechanics employed projected of a character similar to the contract work in the civil subdivision of Florida in which the work is to be performed. If the

Grantee does not provide such certification, the Grantee must provide a project employment and local impact report detailing:

- i. The number of employees of contractors and sub-contractors working on the project;
- ii. The number of employees on the project hired directly and hired through a third party;
- iii. The wages and benefits of workers on the project by classification; and
- iv. Whether those wages are at rates less than those prevailing.

Grantee must maintain sufficient records to substantiate this information upon request.

2. Project Labor Agreements

Grantees may provide a certification that the project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with the section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the Grantee does not provide such certification, the Grantee must provide a project workforce continuity plan, detailing:

- i. How the Grantee will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project;
- ii. How the Grantee will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
- iii. How the Grantee will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities;
- iv. Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
- v. Whether the project has completed a labor agreement.

3. Other Reporting Requirements

Grantees must report whether the project prioritizes local hires and whether the project has a Community Benefit Agreement, with a description of any such agreement, if applicable.

I acknowledge that I have read and understand the applicable requirements and provisions of the Build America, Buy America Act and the Davis Bacon Act and agree to comply with the terms and conditions provided herein. Additionally, I certify that I am legally authorized to sign and submit this information on behalf of the entity that is being awarded project funding. I understand that any misrepresentation or failure to disclose information requested may be grounds for recapture of grant funds awarded or received by the grant based on fraud or omission.

Grantee Name

Printed Name of Grantee’s Authorized Representative

Project Title

Signature of Grantee’s Authorized Representative

Grant Agreement Number

Date