

Vince, Mggs, Hoskins, Muki



Dave Heineman  
Governor

## STATE OF NEBRASKA

DEPARTMENT OF ROADS

Randall D. Peters, P.E., Director - State Engineer  
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March 7, 2014

Joan E. Ross  
Lincoln City Clerk  
County-City Bldg  
555 S 10th St  
Lincoln NE 68508

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CITY ENGINEERS OFFICE  
CITY OF LINCOLN

RE: Implementation of Buy America Certification Plan

Dear City Clerk:

In cooperation with the Federal Highway Administration (FHWA), Nebraska Division, the Nebraska Department of Roads (NDOR) is developing guidelines for the implementation of and conformance to the Buy America (BA) provisions. These have been established in 23 USC § 313 and applicable regulations, including 23 CFR § 635.410 and FHWA guidance.

The guidelines that are being developed and submitted to FHWA for approval will be applicable and relevant to **all federally funded transportation projects**. Under MAP-21, BA provisions were expanded to encompass **all contracts** required to implement the federally funded transportation project. This includes utility rehabilitation contracts and utility agreement necessary to implement the project. As a result, conformance to BA may be required for utility rehabilitations on projects that are not reimbursed with federal funds.

Moving forward, the FHWA and NDOR desire a process that provides reasonable assurance that utility materials subject to BA requirements are compliant prior to permanent installation. Accordingly, the utility owner will bear the responsibility to certify that the appropriate materials are suitable and meet BA provisions. This certification process will be included in the utility agreement with each utility owner on a project-by-project basis.

Upon receipt of approval from FHWA, more specific details on this process will be distributed. The NDOR intends to be in full compliance for all utility agreements executed on or after July 1, 2014. Efforts will be made, however, to meet BA requirements for any utility agreement executed prior to that date.

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The NDOR appreciates the continued relationship with Utilities throughout the state as we continue to develop transportation projects. If you have any questions or concerns at this point, please do not hesitate to contact me at the information provided below.

Sincerely,



Brandie S. Neemann  
Project Scoping & Utilities Engineer  
Nebraska Department of Roads  
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BSN:PDV11-ZM

cc: Randy Peters, Director – State Engineer  
Khalil Jaber, Deputy Director – Engineering  
Moe Jamshidi, Deputy Director – Operations  
Mike Owen, Planning & Project Development Engineer  
Claude Oie, Construction Engineer  
Jason Dietz, Federal Highway Administration  
District Engineers