

April 11, 2023

Buy America/Buy American Guidance*

Buy America, Buy American, Infrastructure Investment and Jobs Act--these are important requirements that can apply to purchasing for federal, state, or municipally funded projects. Sorting out the relationships between these requirements and how they apply to the purchase of Echoflex products can be complex. This document offers information for navigating this process.

Various federal, state, and municipal statutes require “domestic products”¹ be given preference for federal or state funded projects. Requirements can also vary based on who the project owner is and who’s providing the funding.

For the most part, Echoflex products are manufactured in the US² and most likely qualify as “domestic products”. The following products are excepted: the O3 product line, various high bay and low bay ceiling occupancy sensors, and enclosed 10Amp relays.

The information below may be able to help you determine whether Echoflex products meet your project requirements. The “domestic product” requirements for US government agency purchases of goods generally apply to contracts that are (i) above the micro-purchase threshold of \$10,000 USD, and (ii) are above the applicable trade agreement threshold³.

- I. Is there an applicable Trade Agreement? If there is an applicable trade agreement, many Echoflex products, except for those listed above, can be considered a domestic US product for the purpose US procurement requirements.

Trade agreements may not be applicable if the project involves state or municipal purchases. For those projects, you need to confirm the applicability of any trade agreements with the general contractor prior to submitting your purchase order to Echoflex.

- II. What Government Agency is Providing the Funding? Certain government agencies have their own domestic product requirements: Federal Aviation Administration, Federal Highway Administration, Department of Defense, Federal Transit Administration. The recent Infrastructure Investment and Jobs Act also includes domestic preferences for various public infrastructure and government facility projects⁴. Please review whether your contract receives funds administered by one of these agencies as domestic product requirements may vary.

¹ <https://www.acquisition.gov/far/52.225-1>

² Echoflex products generally have domestic and non-domestic content of varying amounts

³ https://www.acquisition.gov/far/part-25#FAR_Subpart_25_4

⁴ <https://www.madeinamerica.gov/>

*All domestic preference information provided is for general information only and is subject to change. This document presents a high-level overview and may omit certain information for simplicity. This information does not address: (1) whether Echoflex products may qualify for any waiver or meet any exceptions under any applicable trade agreement or US procurement laws; or (ii) Buy America(n) domestic content requirements for states, local municipalities, or other entities or government agencies. This information is not legal advice and should not be relied upon as legal advice. The recipient of the funding has the sole responsibility for determining the applicable trade agreement, domestic preference requirements, and contract thresholds. Please consult your own legal counsel for any questions you may have.