

## Buy American Act of 1933 (BAA)

Aug 2021

The Buy American Act (BAA) requires Federal agencies to procure domestic materials and products. Under Federal Acquisition Regulation (FAR) Part 25, the Buy American Act is furthered defined for procurement and purchase preferences:

**[FAR25.001 (b)]** *The restrictions in the Buy American statute are not applicable in acquisitions subject to certain trade agreement (see subpart 25.4). In these acquisitions, end products and construction materials from certain countries receive nondiscriminatory treatment in evaluation with domestic offers. Generally, the dollar value of the acquisition determines which of the trade agreements applies. Exceptions to the applicability of the trade agreements are described in subpart 25.4.*

**[FAR25.001 (c )(1)]** *The Buy American statute uses a two-part test to define a “domestic end product” or “domestic construction material” (manufactured in the United States and a domestic content test). The domestic content test has been waived for acquisition of commercially available- off-the-shelf (COTS) items, except a product that consists wholly or predominantly of iron or steel or combination of both (excluding COTS fasteners) (see 25.101(a) and 25.201(b)).*

**FAR25.101(a) / 25.201(b)** – *The Buy American statute restricts the purchase of supplies that are not domestic end products. For manufactured end products, the Buy American statute and E.O. 13881 use a two-part test to define a domestic end product.*

- (1) *The article must be manufactured <sup>10)</sup> in the United States; and*
- (2) *Except for an end product that consists wholly or predominantly of iron or steel or a combination of both, the cost of domestic components must exceed 55% of the cost of all the components. In accordance with 41 U.S.C. 1907, this domestic content test of the Buy American statute has been waived for acquisitions of COTS items.*

On a complete level <sup>9)</sup>, the following products under Utopia Lighting meet the Buy American (BAA) provisions contained in Federal Acquisition Regulations (FAR):

- INDOOR: *CUBE2, CUBE4, RONDO2, RONDO4, FLAT, CURVA, SIOL, SIOP, SIDL, SIOL, WIOL, WIODLP, WIOP, TRV, DB, RSHL-C, RDI, RSB, ELT, ELT-WT, ELT-AVT, DW, DW-2G, DW-LP, HV, SS, SS-FW, NS, SDI, SM, W, CW, VR6/M, VR8, VR9, LHB-2G/3G, ULW1, ULW2, ULW3-2G, ULW4-2G, LFP3, SVL, WB, COVE, SBW, ODW.*
- OUTDOOR: *ODW, LAP-2G, HAP*



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Utopia Lighting further addresses parts of the BAA in breakdowns as follows:

### **Housing / Related metal accessories**

- 1) Following models' metal materials are domestically produced, manufactured, and assembled in the USA:
  - a. INDOOR: *TRV, DB, DW* <sup>1,2)</sup>, *DW-2G* <sup>1)</sup>, *DW-LP* <sup>1)</sup>, *HV* <sup>1)</sup>, *LFP3, WB, HWB, ULW1, ULW2, ODW*
  - b. OUTDOOR: *ODW*
- 2) All the other products not listed under 1) of the Housing / Related metal accessories are not domestically produced / manufactured in the USA.

### **EXIT SIGNS**

Under the BAA option, the exit signs will be built with domestic components, manufactured, and assembled in the USA <sup>8)</sup>.

### **Lens / Diffuser / Reflector / Overlay / Louver**

- 1) Following model's lens / diffuser / reflector / overlay / louver are domestically produced and manufactured in the USA:
  - a. INDOOR: *CUBE2, CUBE4, CURVA, FLAT, SIOP* <sup>3)</sup>, *SIOL* <sup>4)</sup>, *WIOL* <sup>4)</sup>, *WIODLP* <sup>4)</sup>, *TRV, DB, RDI* <sup>5)</sup>, *RSB* <sup>4)</sup>, *RSHL-C, ELT, ELT-WT, ELT-AVT, DW, DW-2G, DW-LP, HV, SM, SDI* <sup>5)</sup>, *ULW1, ULW2, LFP3, WB, SBW* <sup>6)</sup>
- 2) All the other products not listed under 1) of the Lens / Diffuser / Reflector / Overlay / Louver are not domestically produced / manufactured in the USA.

### **LED driver / ballast / Emergency Battery Backup**

The LED driver / ballast / Emergency battery backups are waived as they are available as COTS items, sold in substantial quantities without modification in the same form in which they are sold in the marketplace.

### **LED module**

Most of the LED modules used on all Utopia Lighting's products are manufactured and assembled in the USA, except for a few percentage (<5%) that is made in Mexico. However, LED modules fall under COTS item thus waived.

### **Pendant cable kits**

The cable kits are USA built and assembled in the USA.

### **Pole**

All the poles including the tubing are made in the USA.



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## **Sensor**

Under the BAA option, the sensors will be manufactured and assembled in the USA <sup>8)</sup>.

## **Wire / Cord / Harness Kit**

The wires, cords and harness kits are produced, manufactured, and assembled in the USA.

## **Wireguard**

The wireguards are produced, manufactured, and assembled in the USA.

## **Assembly / Labor**

All the Utopia Lighting's products are assembled in the USA.

The BAA applies to a wide range of Federal projects including infrastructure projects. Utopia Lighting provides a numerous – high-performance and energy-efficient – BAA compliant lighting fixtures that can help with significant job creation and energy-saving opportunities to the U.S. government related projects. If you are interested in a BAA compliant product that is not listed in this document, please contact us for availability.

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### Footnotes:

- 1) Except for the plastic latches and end plugs.
- 2) Except for the standard surface mount bracket.
- 3) Only overlay that is included as a standard.
- 4) Only the overlay.
- 5) The overlay that is included as a standard and all the non-standard diffuser options.
- 6) The overlay that is included as a standard on the metal perforated shielding and all the optional shielding (frosted acrylic).
- 7) Only the optional reflector and the add-ons.
- 8) The availability of BAA compliant item is limited, consult with Utopia Lighting for more information.
- 9) A whole, completely assembled product.
- 10) According to the Government Accountability Office (GAO), the term/definition of "manufactured" means completion of an article in the form required or use by the government. Manufacturing establishes the identity and character of the end product regarding its current and future use and may consist of: "Mechanical operation performed on a foreign product", and "Assembly of separate items".



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