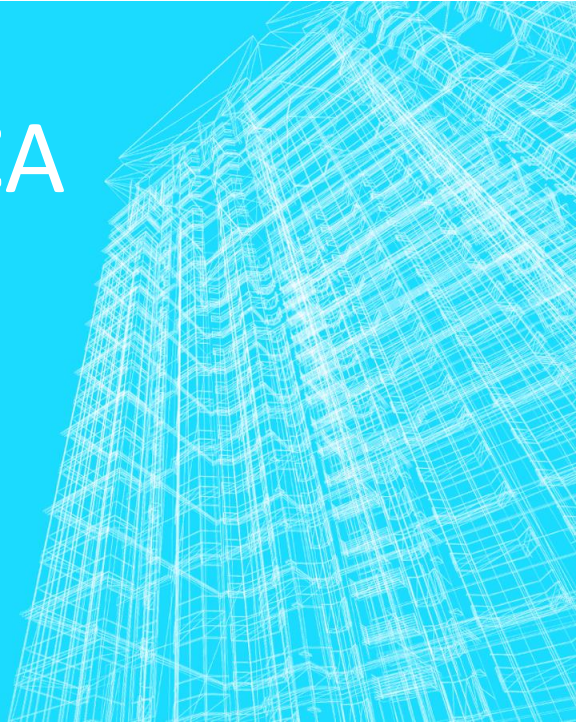


BUILD AMERICA BUY AMERICA

State of Mississippi
Mississippi Development Authority
Community Development Bureau
Lisa Maxwell, Bureau Manager



1

SUB-GRANTEE AGREEMENTS

- Starting with our 2022 HUD allocations the State of Mississippi was the first state required to implement the BABA requirements for all awarded projects starting with those allocated with 2022 CDBG Funds.
- We sent amended contracts to all our awarded projects that contained 2022 funding using language provided in the initial HUD announcement of BABA requirements
- In our grantee agreements we now include the exact verbiage as used in the State's grant agreement with HUD

2

COMMUNICATIONS WITH OUR GRANTEES

- Policy Statement sent to all local units of government in the state
- Self Certification Form sent to our grantees as a means to document their compliance with BABA
- General Waiver Statement as a means to document their intent to fall under one of the general waivers
- Although information very was limited, we mentioned the BABA requirements in our Application Workshops and Implementation Workshops

3

MDA - Community Incentives Division CDBG Funds BABA General Waiver Statement

Project Details

Local Unit of Government: _____ Grant Agreement Date: _____

Engineering Firm: _____

Project Description: _____ Grant/Project Number: _____

General Waivers

☐ Total project cost from all sources is equal to or less than \$250,000.

Total Cost of Project: _____

☐ A portion of the products to be used in the project does not exceed five percent of the total cost of covered materials used in the project (up to \$1 million). I understand that this waives the BAP for part of the project, but the rest will still need to comply with the BAP.

Engineer's Name Engineer's Signature Date

Elected Official Name Elected Official Signature Date

4

**Build America Buy America
Materials Certification**

CDBG Recipient: _____ CDBG Grant Number: _____
 Project Contractor: _____ Invoice Number: _____

Material (Steel, Iron, Manufactured Goods, Construction Materials)	Description	Name of Manufacturer	Location of Production

By signing, I certify that the statements made above are true to the best of my ability and knowledge and that the materials listed (steel, iron, or manufactured products) for use in this project funded by federal dollars, were produced in the United States of America.

Contractor Signature: _____	Engineer Signature: _____
Print Contractor Name: _____	Print Engineer Name: _____
Contractor Company: _____	Engineering Firm: _____

5

Explanation of Form Components

CDBG Recipient – The name of the entity that is a sub-recipient of CDBG funds from the Mississippi Development Authority.

Project Administrator – The name of the project administrator hired by the sub-recipient to implement the regulations of CDBG funds from the Mississippi Development Authority.

Project Contractor – Name of the general contractor or sub-contractor procuring the steel, iron, or manufactured goods for the project site on behalf of the CDBG Recipient.

Invoice Number – Enter the Request for Cash invoice number associated with the supplies on this Materials Certification Form.

Material column – Indicate whether the material is steel, iron, manufactured products, or construction materials. Iron and steel products is defined in 2 CFR 184.3 and means an article, material, or supply that consists wholly or predominantly of iron or steel (predominantly means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components), or a combination of both. Manufactured products means:

(1) Articles, materials, or supplies that have been:

(i) Processed into a specific form and shape; or

(ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

(2) If an item is classified as an iron or steel product, a construction material, or a section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in this section, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or section 70917(c) materials. Materials means cement and cementitious materials; aggregates such as stone, sand, or gravel, or aggregate binding agents or additives. These materials are not considered "construction materials" for the purpose of BABA implementation.

Specifically listed construction materials. The term "specifically listed construction materials" for HUD programs includes:

a. non-ferrous metals;

b. lumber;

c. composite building materials; and

d. plastic and polymer-based pipe and tube.

Description column – Provide descriptive information about the steel, iron, or manufactured goods, and construction materials being supplied including quantity. Only include steel, iron, or manufactured goods of a similar nature in each line (i.e.: if more than one

6

type of manufactured good is being supplied, each type of good must be described on its own line). If additional space or line items are required, attach pages with the same information as requested in this form.

Name of Manufacturer – To the best of your ability, enter the name of the manufacturer that produced each type of steel, iron, or manufactured supplied. (Manufacturer means the entity that performs the final manufacturing process that produces a manufactured product.)

Location of Production – To the best of your ability, enter the location in the United States where the steel, iron, or manufactured goods were produced. Produced in the United States means:

- i. In the case of iron or steel products, all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- ii. In the case of manufactured products:
 1. The product was manufactured in the United States; and
 2. The cost of components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product. See 2 CFR 184.2(a). The costs of components of a manufactured product are determined according to 2 CFR 184.5.
- iii. In the case of construction materials, all manufacturing processes for the construction material occurred in the United States. See 2 CFR 184.6 for more information on the meaning of “all manufacturing processes” for specific construction materials.

Signature Block – Both the general contractor and the architect or engineer on a project must sign this form certifying that the information provided is true.

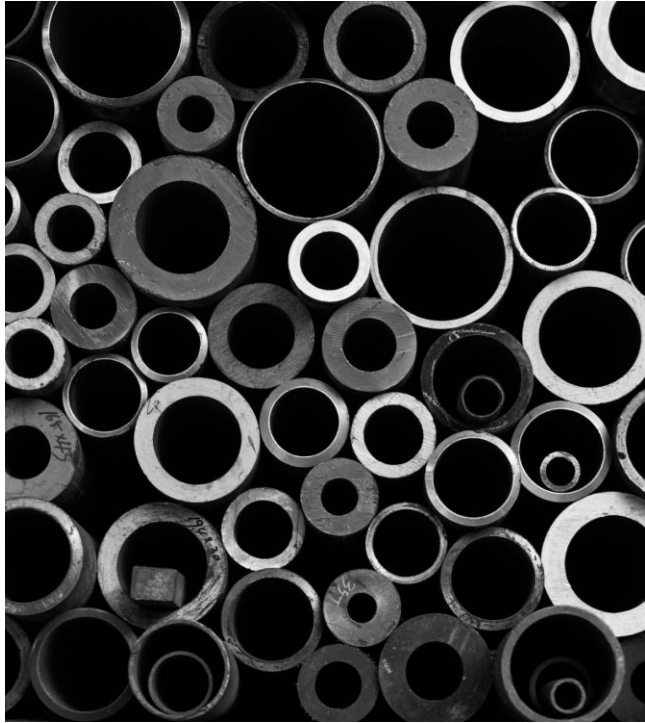
** For your documentation, you may wish to obtain certification from the supplier of these goods that the products listed were produced in the United States of America.*

7

MOVING FORWARD

- With more information being released by HUD over the past few months we will include a full discussion session for our grantees at our annual Implementation Workshop to be held at the end of this month
- BABA requirements will now be more thoroughly discussed at conferences and workshops where CDBG funding and federal compliance is discussed in order to emphasize what is still considered a “new federal requirement”
- As more guidance from HUD is released we will continue to update our project monitoring documentation in order to ensure we are capturing any information that will be required by HUD

8



QUESTIONS?

Buy America, Build America

State of Mississippi

Mississippi Development Authority

Community Development Bureau

