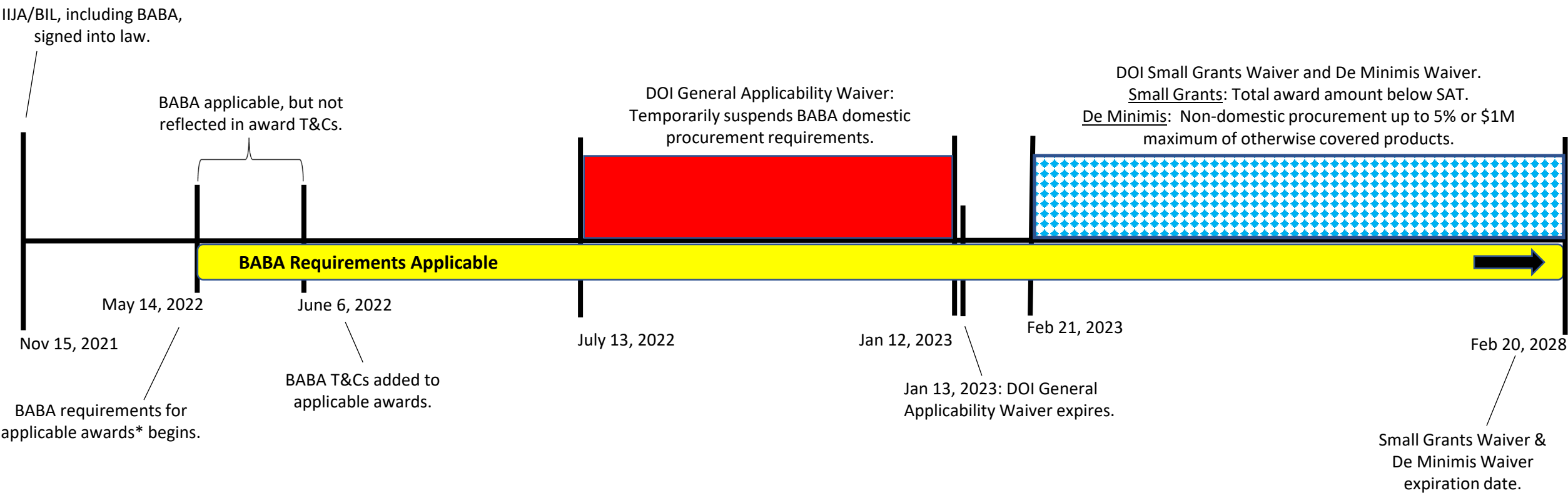


Build America, Buy America (BABA) – DOI/FWS Implementation Timeline



**Build America, Buy America (BABA) domestic procurement requirements apply only to awards with infrastructure projects as defined in the Infrastructure Investment & Jobs Act (IIJA) and further described in OMB Guidance M-22-11. M-22-11 instructs Federal agencies to interpret the definition of infrastructure broadly. Factors that are indicators of a public infrastructure include: (1) does the project serve a public function, (2) is the project a place of public accommodation, and (3) is the project publicly owned/operated or privately operated on behalf of the public. Answering “yes” to any of the three factors is an indicator of a public infrastructure project and covered by the BABA domestic procurement requirements.*

Refer to Table 1 for additional details for events displayed on the timeline.

Table 1. Build America, Buy America (BABA) timeline of DOI/FWS implementation of domestic procurement requirements for awards involving infrastructure.

Nov 15, 2021	Infrastructure Investment & Jobs Act is signed into law – commonly known as the Bipartisan Infrastructure Law (BIL). Build America, Buy America (BABA) domestic procurement requirements included in the BIL which require that Federal financial assistance programs involving public infrastructure shall require domestic procurement of all iron, steel, and manufactured products used in the Federally financed project.
May 14, 2022	BABA domestic procurement requirements become applicable to all new awards and amendments that add funds to existing awards involving infrastructure. BABA requirements are also applicable to existing awards that are amended to add an infrastructure project to the scope of work. The domestic procurement requirement applies to both the Federal and non-federal share of the total costs of the public infrastructure project.
May 14, 2022 – June 6, 2022	Time period during which BABA requirements were applicable to awards involving public infrastructure, but special terms and conditions were not yet included in the Notice of Award. In absence of the special terms and conditions during this period, the BABA domestic procurement preferences still applied to such awards.
June 6, 2022	FWS began adding BABA terms and conditions to applicable Federal awards in GrantSolutions.
July 13, 2022 – Jan 12, 2023	DOI General Applicability Waiver in place. This waiver temporarily suspended BABA domestic procurement preferences for all applicable awards for 6 months. The purpose of this broad waiver was to allow DOI/FWS programs and recipients time to incorporate the new procurement rules into their standard practices and/or to develop additional waiver requests.
Jan 13, 2023	DOI General Applicability Waiver has expired. BABA domestic procurement requirements again become effective for all awards involving Federally financed public infrastructure projects.
Feb 21, 2023 – Feb 20, 2028	DOI Small Grants Waiver and De Minimis Waiver begin. • <u>Small Grants Waiver</u>: Permits the use of otherwise covered non-domestic materials when the total award amount does not exceed the Simplified Acquisition Threshold (SAT) and is not anticipated to exceed the SAT during the life of the award. • <u>De Minimis Waiver</u>: Permits the use of otherwise covered infrastructure project materials – totaling up to 5% of the applicable infrastructure project costs, to a maximum of \$1,000,000; whichever is lower.
Feb 20, 2028	DOI Small Grants Waiver and De Minimis Waiver will expire not later than this date.