

Best Practices for Navigating Buy America and Domestic Preference Requirements

ELECTRI's April Council Room session focused on best practices and pain points on performing federal work, or work funded with federal dollars, that include Buy America or domestic preference requirements. With the influx of federal dollars through the Inflation Reduction Act and Infrastructure Investment and Jobs Act, contractors will have even more opportunities to bid work funded with federal dollars, and with that, more requirements to navigate.

The discussion prompted some **best practices** for navigating these requirements:

- Ask for the full government solicitation. This will allow you to know all the specific requirements for this particular job.
- Have full open communication with your contracting agent. Talk through the requirements and discuss options. Identify requirements early and ask clarifying questions.
- Share the government solicitation with the requirements ASAP with your manufacturer so they can ensure the materials are compliant.
- Most manufacturers have a list of products that meet the criteria based on where the funding for the jobs come from. Ask your manufacturer or supplier for these details.
- Partner with a General Contractor who has dealt with these requirements before and knows what they are doing.
- Consider the agency and the resources they have. For example, the Federal Aviation Administration (FAA) has offices across the country that you can meet with and request information from.
- If you're a small business, many government agencies have Small Business offices that can help you through the process to be successful.
- Don't be afraid to ask for waivers. Talk with the contracting agent or customer and determine what waivers are necessary.
- Waivers need to be done pre-award, so solicit information from your suppliers beforehand.
- Consider the Commercial Off The Shelf (COTS) exception, which is in multiple domestic preference standards. This applies to pre-configured/SKU# type items that, if manufactured in the U.S. (or U.S. territory), then the subcomponents percentage requirements MAY be exempt.
- Commit and go all in. Embrace the challenges, understand the risks, and then go for it. It can't be a one-off job.
- Have teams designated to different agency work so they get familiar with how the job is run and the requirements that need to be met. Be consistent with the type of work each team performs so they have a chance to get comfortable with it.

Additional Resources:

- [Council Room Recording](#)
- [Eaton's Understanding Common Domestic Preference Requirements](#)
- [3M's Product List that meets Build America, Buy America Requirements](#)
- [Build America, Buy America FAQ](#)