



Build America, Buy America Compliance Certification

To be completed and returned to KHC prior to issuance of the Funding Agreement

The undersigned, owner and general contractor of a multifamily rental project that is receiving Federal Financial Assistance from Kentucky Housing Corporation, is committed to complying with the Build America, Buy America Act (“BABA”), 41 USC 8301, and all applicable regulations, rules and notices, as may be amended.

BABA requires that all iron, steel, manufactured products, and construction materials used for federally funded infrastructure projects, which includes multifamily rental housing, are produced in the United States, unless otherwise exempt or subject to an approved waiver. This requirement is known as the “Buy America Preference (BAP)” and the specific requirements are codified in 2 CFR §184.

For covered materials not otherwise exempted from the BAP, the undersigned certifies the following:

1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the 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; and
3. All construction materials used in the project are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

This certification shall be incorporated into the construction contract between the owner and general contractor. Additionally, the general contractor shall also include in all contracts and subcontracts for the provision of iron, steel, manufactured products and construction materials the following:

Contractor shall comply with the Build America, Buy America Act (“BABA”), enacted as part of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, and all implementing regulations, rules, and guidance, for all public infrastructure projects, as defined in 2 C.F.R. § 184.4. Contractor shall apply a domestic content procurement preference (“Buy America Preference” or “BAP”) for all iron, steel, manufactured products, and construction materials incorporated into the Project, unless excepted by an applicable waiver, including such materials purchased or installed by any subcontractors, vendors, or suppliers. Contractor shall obtain and maintain records sufficient to demonstrate compliance with BABA, including supplier labels, manufacturer certifications, waiver documentation, and purchase tracking, for the longer of the applicable HUD program record retention period or five (5) years after completion of construction, and shall make such records available for review by the Project Owner, Kentucky Housing Corporation, HUD, other federal agencies, and auditors upon request. Contractor shall include the substance of this clause in all subcontracts, purchase orders, and supplier agreements of any tier and shall remain fully responsible for compliance by such parties.

The owner will attach a current spreadsheet of materials and manufactured products purchased and used for the development of the project to each self-certification. The spreadsheet shall include the following information: (1) a detailed list of materials and manufactured products, (2) estimated cost of materials and manufactured products, (3) the BABA categorization for each material and manufactured product, (4) whether the material or manufactured product is BABA compliant, and (5) if the material or manufactured product is not BABA compliant, the reason for non-compliance, and information on any efforts to obtain a BABA-compliant replacement.

The undersigned shall maintain sufficient records to demonstrate compliance with BABA, including but not limited to (1) manufacturer certifications, (2) material origin documentation, and (3) subcontractor affidavits. These records must be available for review by KHC, federal agencies, and auditors upon request.

We the undersigned, have read and fully agree to this Build America, Buy America Compliance Certification, and become party to the full implementation of this program.

Owner:

Signature: _____

Printed Name: _____

Title: _____

Date: _____

General Contractor:

Signature: _____

Printed Name: _____

Title: _____

Date: _____