



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-143, FAA Buy American Preference Construction Project Content Percentage Worksheet

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General Instructions

Related Statutes, Guidance, & Policies:

United States Code (U.S.C) Title 49 § 50101- requires that all steel and manufactured goods used in AIP funded projects are produced in the United States.

USC § 50101(b) and 49 CFR § 1.83(a)(11) – gives the FAA the authority to waive these Buy American Preferences if certain market or product conditions exist. These are:

- Applying the Buy American Preferences would be inconsistent with the public interest, (a.k.a. Type I waiver);
- The steel or goods produced in the U.S. are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality, (a.k.a. Type II waiver);
- When the cost of components and subcomponents produced in the U.S. is more than 60 percent of the cost of all components of the facility or equipment procured and final assembly occurs in the United States, (a.k.a. Type III waiver) ; or
- Including domestic material will increase the cost of the overall project by more than 25 percent (a.k.a. Type IV waiver).

Executive Order 13858 – Strengthening Buy-American Preferences for Infrastructure Projects.

FAA Order 5100.38D - the Airport Improvement Program (AIP) Handbook provides information on eligible AIP projects, Buy American responsibilities, procurement procedures, etc.

FAA Reauthorization Act of 2018 – provision requiring that all waivers shall be made publically available on the FAA website, including a justification of the waiver determination and provide informal public notice and comment opportunity.

Confidentiality - Manufacturer information submitted to the Federal Aviation Administration for the purposes of receiving a Buy American Waiver is not subject to the Freedom of Information Act (FOIA) under exemption # 4 of FOIA.

General Definitions

- **Produced in the United States** - for iron and steel product that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- **Manufactured Products** - items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregate such as concrete; glass, including optical fiber; and lumber.
- **Nationwide Waiver**- Waivers issued to manufacturer(s) for AIP eligible steel or manufactured goods products used in airport development projects that may be used at any project site.
- **Project Specific Waiver**- Waivers issued to manufacturer(s) for AIP eligible steel or manufactured goods used to support the overall development objective for a specific project specific airport development projects that.

Currency - All forms should reflect U.S. currency and symbol (\$) only.

Items listed in Federal Acquisition Regulation Part 25.104 may be counted at U.S. Origin, however should include a not stating that the item is exempt in 25.104. Additionally, items exempted from Buy American requirements may be listed in the material list however; the costs should be listed as “n/a.”

FAA Advisory Circulars (AC) – Find ACs at https://www.faa.gov/regulations_policies/advisory_circulars/

Requests for waivers to the FAA Buy American Preference require a completed Product Content Percentage Worksheet and Final Assembly Questionnaire.

Additional Definitions

- **Level 1 Material:** The list of component materials required to construct/ manufacture the final Airport Improvement Program eligible product.
- **Level 2 Material:** The list of subcomponent materials required to construct/manufacture the level one component required in the final Airport Improvement Program eligible product.

Form Instructions

Use this form only for FAA Buy American Type III Construction Project Waiver requests.

See the sample form on the following page for examples of entries. Form field instructions:

- **Airport Sponsor.** Enter the name of the airport sponsor.
- **Date.** Enter the date of submission to FAA.
- **Airport Worksite.** Enter the airport worksite name.
- **Total Material Cost.** This auto-populates based on total entered below. Do not edit.
- **U.S. Content.** This auto-populates based on total entered below. Do not edit.
- **Non-U.S. Content.** This auto-populates based on total entered below. Do not edit.
- **Worksite LOCID.** Enter the worksite's FAA Location Identification (LOCID).
- **Project Description.** Enter a brief final project description (e.g., Runway 18/36 Rehabilitation).
- **Project Material Structure List (Bill of Materials).** Enter data in the Bill of Materials table.

Note: This form does not include formulas or auto-calculations. Applicants are responsible for the accuracy of the information submitted.

- **Material Level items:**
 - Enter component materials of the project (Material Level **1**) by group.
 - Enter subcomponent materials of the project (Material Level **2**) by group.
- **Total Material Cost.** *Calculate* and enter the amount. This value then auto-fills the information on form page 1.
- **Total cost of U.S. origin materials.** *Calculate* and enter the amount. This value then auto-fills the information on form page 1.
- **Total cost of non-U.S. materials.** *Calculate* and enter the amount. This value then auto-fills the information on form page 1.
- **U.S. content percentage.** *Calculate* (Total cost of U.S. origin materials/Total Material Cost) and enter the amount. This value then auto-fills the information on form page 1.
- **Non-U.S. content percentage.** *Calculate* (Total cost of non-U.S. origin materials/Total Material Cost) and enter the amount. This value then auto-fills the information on form page 1.

When complete, submit this form to the FAA for review and processing.

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SAMPLE - FAA Buy American Preference Construction Project Content Percentage Worksheet

Airport Sponsor: Sample Airport Authority

Date: 09/16/2020

Airport Worksite: Sample Municipal Airport

Worksite LOCID: SMP

Project Description: Reconstruct Runway 18/36

Total material cost:	\$ 1,523,900.00
U.S. Content:	5.00 %
Non-U.S. Content:	95.00 %

Project Material Structure List (Bill of Materials) – SAMPLE

Line	Material Level (1 or 2)	Materials	Cost of U.S. Origin Materials	Cost of Non-U.S. Materials
1	1	Pavement items	\$1,000,000.00	\$0.00
2	1	Pavement Item Component	\$50,000.00	\$50,000.00
3	2	Pavement Item Subcomponent	\$250,000.00	\$8,000.00
4	1	Painting and Marking Component	\$1,900.00	\$0.00
5	1	Painting and Marking Component	\$120,000.00	\$0.00
6	1	Electrical and Lighting	\$0.00	\$0.00
7	2	Electrical and Lighting Subcomponent	\$0.00	\$20,000.00
8	2	Electrical and Lighting Subcomponent	\$24,000.00	\$0.00
SUBTOTAL			\$1,445,900.00	\$78,000.00

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TOTAL MATERIAL COST: \$1,523,900.00

U.S. Content: 5.00 %

Non-U.S. Content: 95.00 %

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**FAA Buy American Preference Construction
Project Content Percentage Worksheet**

Airport Sponsor:

Date:

Airport Worksite:

Worksite LOCID:

Project Description:

Total material cost:

U.S. Content: %

Non-U.S. Content: %

Project Material Structure List (Bill of Materials)

Line	Material Level (1 or 2)	Materials	Cost of U.S. Origin Materials	Cost of Non-U.S. Materials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

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Line	Material Level (1 or 2)	Materials	Cost of U.S. Origin Materials	Cost of Non-U.S. Materials
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
SUBTOTAL				

For FAA Use Only

TOTAL MATERIAL COST:

U.S. Content: %

Non-U.S. Content: %

The undersigned certifies that this information is true and accurate to the best of their knowledge. A false certification represents a violation of 18 U.S.C § 1001 and 49 U.S.C § 47126. Signatory has the burden of proof to establish compliance.

Signature: _____

Name:

Title: