



FAA Buy American Preference BABA Implementation Fact Sheet

The Federal Aviation Administration (FAA) Buy American Preferences under 49 U.S.C. § 50101, Executive Order 14005 Ensuring the Future Is Made in All of America by All of America's Workers, and the Build America Buy America [BABA] Act requirements are combined to ensure that all iron, steel, manufactured goods, and construction materials used in all federally funded airport development projects meet all Made In America laws.

Applicants of FAA eligible projects not 100% domestically sourced may apply for a waiver to demonstrate the cost of components and subcomponents, excluding labor and retail markups is more than 60 percent of the eligible project and that final assembly occurs within the United States. If necessary, for eligible projects not already covered entirely under the FAA's requirements, the waiver request must be considered under additional BABA requirements.

Applicants must certify in the Federal Contract Provisions section of the airport sponsor's procurement that the project bid is or not 100% composed of domestically sourced iron, steel, manufactured products, or construction materials. If the project is not 100% domestically sourced, the applicant must contact the FAA within 15 days of becoming the winning bidder, to seek the appropriate waiver.

The FAA field offices may issue product specific waivers for use on a single airport infrastructure project, which expires at the end of the project. All waiver considerations begins with the FAA's review and analysis of the required Content Percentage Worksheet and Final Assembly Questionnaire. To obtain waivers for specific projects, contact the [FAA field office](#) associated with the airport worksite.

[Content Percentage Worksheet \(Form 136\)](#)

- Outline of the manufactured components/subcomponents and costs without labor, retail markup.
- Indicates U.S. vs Non-U.S. costs for manufactured components/subcomponents and final project.
- Confirms the total cost of components/subcomponents are more than 60% sourced from the United States.

[Final Assembly Questionnaire \(Form 137\)](#)

- Description of the manufacturing processes; including tools, labor, involved in transforming materials into components and the final project.
- Indicates the labor costs associated with manufacturing.
- Confirms that the final project is manufactured within the United States.

All approved waivers are posted to [Buy American Requirements webpage](#) as a notice of proposed waiver available for public and industry comment for 10 days. Afterwards the approved waiver becomes effective. Effective waivers may be used by airport sponsors to initiate financial actions against the award.

All nationwide waivers are limited to five years, but may be renewed with updated application materials. All nationwide waivers issued prior to 11/15/21 must be renewed. Applicants may renew by submitting updated forms 136 and 137 to FAA HQ via the [Questions about Buy American Requirements mailbox](#) located on the Buy American Requirements webpage.