

Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009 Certification Materials for Office of Energy Innovation Grant Programs

Overview:

Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA), require that “none of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States”¹ Multiple Office of Energy Innovation (OEI) grant rounds are funded by ARRA including the [Energy Innovation Grant Program](#) (EIGP) 2018, 2020, 2021, 2022 and Round 6 (2026).

Important Note: The EIGP 2023 grant round was not funded by ARRA. Recipients of a 2023 EIGP grant should follow the guidance for Build America Buy America (BABA) as established in IIJA.

All subrecipients (OEI Grantees), and their bidders, contractors and vendors are responsible for obtaining and/or producing:

- 1) **certification of compliance that a good faith effort was made to solicit bids for domestic products; and**
- 2) **certifications or equivalent documentation for proof of compliance from the suppliers or manufacturers of the iron, steel, and manufactured goods.**

Therefore, all subrecipients (OEI Grantees), and their bidders, contractors and vendors are strongly encouraged to review the latest Federal guidance and the Federal Special Terms and Conditions (Federal Flow Down Provisions) related to the respective ARRA funded program.

- Federal Guidance from the U.S. Department of Energy (US DOE):
 - U.S. OMB: [A Desk Guide to the Buy American Provisions of the American Recovery and Reinvestment Act of 2009](#).
- Federal Flow Down provisions related to OEI Grant Programs:
 - Energy Innovation Grant Program Round 6 (2026):
[Special Terms and Conditions for Use in Formula Grants Issued Under the American Recovery and Reinvestment Action of 2009 \(ARRA\) Administrative and Legal Requirements Document](#).

For the convenience of subrecipients and their contractors and vendors, OEI provides the following to assist in demonstrating compliance with Build America, Buy America:

1) (Required) American Recovery and Reinvestment Act of 2009 (ARRA) Buy American Status Workbook (Attachment A)

Note: The workbook (excel file) assists with demonstrating a **good faith effort was made to solicit bids for domestic iron/steel and/or manufactured goods** and organizing the information needed for each item’s certification. Additional methods of demonstrating good faith effort may include:

¹ [A Desk Guide to Buy American Provisions of the American Recovery and Reinvestment Act of 2009](#) (pg. 8) and [eCFR: 2 CFR Part 176 Subpart B -- Buy American Requirement Under Section 1605 of the American Recovery and Reinvestment Act of 2009](#).

- Providing the Federal Flow Down Provisions to prospective or selected contractors or vendors for domestic products such as by including in requests for bids/proposals, contracts, and/or other written communications.
- Including the Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009 Certification Letter Template (Attachment B) in the request for bids/proposals, contracts, and/or other written communications.

2) Sample Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009 Certification Letter Template (Attachment B)

Note: The sample template assists with demonstrating **proof of compliance from the suppliers or manufacturers of the iron, steel, and manufactured goods**. Completed letters by manufacturers or suppliers on their company letterhead must be provided to subrecipients who are then responsible for submitting them to OEI. The manufacturer may provide their own certification letter or equivalent documentation if it clearly states all of the following:

- the manufacturer name;
- the federally funded project and location;
- category of item (i.e., iron and/or steel, construction material, manufactured item);
- a detailed statement describing how the item is in compliance with the Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009;
- city and state where the item will be or has been manufactured in the foundry, mill, or factory;
- and signature by their authorized official.

Important: If the information needed for the Required American Recovery and Reinvestment Act of 2009 (ARRA) Buy American Status Workbook or the Sample Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009 Certification Letter Template, or equivalent documentation, cannot be provided for any project item, immediately notify your OEI Grant Coordinator

Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009
Certification Materials for OEI Grant Programs
[Attachment A – ARRA Buy American Status Workbook](#)

Buy American Provisions of the American Recovery and Reinvestment Act (ARRA) of 2009
Certification Materials for OEI Grant Programs
[Attachment B – Sample ARRA Buy American Certification Letter](#)