



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

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SECRETARY

DATE: June 26, 2026

TO: All NCDOT Planning & Programming, Preconstruction, & Construction Staff (Internal and External)

All NCDOT Prequalified Contractors

All NCDOT Prequalified Professional Consulting Firms

FROM: Troy B. Brooks, PE - Director of Field Support

SUBJECT: **Release of Domestic Material Compliance Guidance for NCDOT Construction Projects**

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Troy B. Brooks
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The Department has released Domestic Material Compliance Guidance for NCDOT Construction Projects. The guidance is available on the Connect NCDOT website at www.connect.ncdot.gov under Projects > Construction > Domestic Materials > NCDOT Domestic Material Guidance.

The Department developed this guidance to provide a consolidated reference for administering domestic material requirements applicable to NCDOT construction projects, including Buy America, Build America, Buy America (BABA), and North Carolina's domestic iron and steel requirements.

Domestic material compliance has become increasingly important because federal requirements have changed significantly. Historically, day-to-day implementation of Buy America on NCDOT projects focused primarily on iron and steel. BABA expanded the federal domestic preference framework to include construction materials. In addition, FHWA's termination of the long-standing manufactured products waiver has reintroduced manufactured products into the compliance framework. As a result, materials incorporated into NCDOT projects must be evaluated more carefully for classification, certification, documentation, and traceability.

The guidance is intended to assist NCDOT staff, contractors, consultants, utility partners, local agencies, manufacturers, suppliers, and other project partners in understanding how domestic material requirements apply throughout project development and construction. It addresses planning and programming considerations, material classification, manufacturer and supplier certification requirements, contractor responsibilities, contract administration responsibilities, utility coordination, waivers and exceptions, and the revised Article 106-1 special provision.

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One key concept emphasized in the guidance is that federal domestic material requirements are applied at the project level for federal-aid highway projects and are informed by the scope of the approved National Environmental Policy Act (NEPA) decision. Applicability is not determined solely by whether an individual contract or pay item directly receives federal funds. Once federal-aid participation is established for a project, applicable domestic material requirements may apply prospectively to eligible contracts, agreements, utility work, and materials within the project scope.

The guidance also emphasizes that waivers and exceptions are limited relief mechanisms and are not routine compliance tools. Project-specific statutory waivers are uncommon, require substantial documentation and justification, and involve FHWA, Office of Management and Budget, and Federal Register review processes before becoming effective. Potential material availability concerns should therefore be identified early during project development, design, utility coordination, or contract preparation, rather than after advertisement, award, procurement, or installation.

Recipients should review the guidance in its entirety to gain a foundational understanding of the overall domestic material compliance framework. Although different users may rely on different sections depending on their role, consistent statewide implementation requires a shared understanding of the basic requirements, material categories, documentation expectations, and escalation procedures.

The guidance is not intended to supersede federal or state law, regulation, approved waivers, or project-specific contract documents. In the event of a conflict, the applicable statute, regulation, waiver, or contract provision governs. The guidance should be used as an operational reference to support consistent interpretation, documentation, and administration of the requirements.

Project teams should be familiar with these core expectations:

- Materials subject to domestic material requirements must be properly classified as iron and steel products, construction materials, or manufactured products, unless excluded or otherwise not subject to domestic content requirements.
- Required manufacturer or supplier certifications must be tied to the applicable material, shipment, delivery, lot, or other traceable identifier.
- Materials subject to domestic material requirements should not be incorporated into the work or included for payment until the required documentation has been received, reviewed, and accepted in accordance with the contract.
- Domestic material considerations should be addressed early during planning, design, utility coordination, procurement, and contract development.
- Early review is especially important when utility owner standards, specialty products, proprietary materials, long lead times, or limited domestic availability may affect project delivery.

The Construction Unit, Materials & Tests Unit, and Contract Standards & Development Unit will continue to coordinate on implementation, contract language, material classification questions, certification expectations, and related guidance updates. Questions regarding specific project applications should be elevated through the appropriate NCDOT unit or established project communication channel.

Please distribute this memorandum and the guidance document as appropriate within your units, organizations, and project teams.

Electronic Attachment: **Domestic Material Compliance Guidance for NCDOT Construction Projects**

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