

# TRANSMITTAL

# State of Alaska

Department of Transportation & Public Facilities  
Statewide Design & Engineering Services Division

TO: Distribution

DATE: April 19, 2013

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FROM: Roger Healy, P.E.  
Chief Engineer

*MGN*  
*for RKH*

SUBJECT: Revised Requirements for  
Buy America on Utility  
Relocation Agreements and  
Relocation Work

Any utility work accomplished as a result of a federal-aid highway project is subject to the *Buy America* provisions included in MAP-21. Effective immediately, do the following:

1. Include the following stipulation in all Authority to Proceed (ATP) with Preliminary Engineering letters:

*"The utility agreement must include the stipulation that \_\_\_\_\_ Utility Name \_\_\_\_\_ will meet the Buy America requirements as set forth in 23 USC 313 and 23 CFR 635.410. The Department requires that (the) \_\_\_\_\_ Utility Name \_\_\_\_\_ final design and estimate include a definitive statement about the origins of all products incorporated into the relocation covered by the Buy America provisions."*

2. Where a utility's bid documents include the procurement of materials by a contractor, include the following stipulation in all letters approving a utility's relocation bid documents or material purchase authorizations:

*"Note that the utility agreement must include the stipulation that \_\_\_\_\_ Utility Name \_\_\_\_\_ will meet the Buy America requirements as set forth in 23 USC 313 and 23 CFR 635.410. Therefore, the relocation bid package/material purchase documentation must include the requirement that all materials meet the Buy America provisions."*

3. Modify Utility Agreement Forms 25D-250, 25D-250 FAA, 25D-253, and 25D-253 FAA as follows:

- a) In Section VII. BILLINGS BY COMPANY, delete paragraph “C. Certification” in its entirety and replace with the following:

*“C. Certification*

*“All billing shall contain the statements prepared on the Company’s letterhead as follows:*

- 1) *“The utility hereby certifies that the attached Billing No. \_\_\_\_\_ (Partial or Final) is a true and just statement of costs incurred by our Company in adjusting or relocating our facilities on the above referenced project during the period from \_\_\_\_\_ to \_\_\_\_\_, and that payment has not been received.*
- 2) *“The utility hereby certifies that the attached billing No. \_\_\_\_\_ (Partial or Final) complies with the Buy America provisions set forth in 23 USC 313 and 23 CFR 645.410.”*

These requirements apply regardless of the presence or absence of federal funding for the actual utility work. Any utility relocation agreements executed because of a current or future federal-aid highway project are subject to *Buy America* provisions.

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