May 11, 2012

Re: Verification and Compliance with PA Steel Products Procurement Act

Dear Sir or Madame,

As a provider of steel products or products containing steel, this letter is being sent to inform you of recently revised PennDOT policies and procedures that may affect your documentation requirements when supplying steel products or material containing steel to PennDOT projects.

The enclosed PennDOT Strike-Off Letter (SOL) 423-12-01 dated March 12, 2012 details changes made to the following policies and procedures:

- PennDOT Form CS-4171, Certificate of Compliance.
- PennDOT Publication 408, Specifications – Section 106-Control of Material.

The SOL and all of its attachments (24 pages total) may be accessed electronically (via your web browser) at the following location:


Effective immediately, please begin using the new Form CS-4171 (11-11). You will note that the new Form CS-4171 contains two additional check boxes which require you to indicate whether your product is, or contains a) ‘Identifiable Steel’ or Fabricated Structural Steel, or b) Unidentified Steel. Identifiable steel products are steel products which contain permanent markings which indicate the material was both melted and manufactured in the United States. All other products are unidentifiable.

POM Section B.6.3 may be of special interest because it provides certification examples with properly completed Form CS-4171s for several different scenarios.

Please note that if your product receives in-plant inspection and receives an inspection stamp (e.g. precast and prestressed concrete products or fabricated structural steel), when providing certification of your product to a Department project only provide the Form CS-4171. The steel mill test reports, bills of lading and other documentation which provide evidence that the material was melted and manufactured in the United States do not need to be sent along with CS-4171 to the project. In these cases, the in-plant Department inspector will review this information at your fabrication facility, and it will be retained as required documentation by your firm.
If your product is ‘Unidentified Steel’ as defined on Form CS-4171, copies of the mill test reports and other documentation are required to be included with Form CS-4171 when the product is delivered to a Department project. To provide a product that is ‘Identifiable Steel’ and to reduce or eliminate the additional supporting documentation accompanying the CS-4171, a manufacturer may choose to apply a standardized, permanent marking to their product that the Department will accept as positively identifying it as being melted and manufactured in the United States. (Note: for products that contain multiple steel components, copies of the mill test reports and other documentation must continue to be provided for any components that are not marked.) This standardized, permanent marking must be MM-USA, an abbreviation for melted and manufactured in the USA. To pursue this option, the requirements are as follows:

- Submit for approval, a revision to your Quality Control plan on file with the Department which indicates that the finished material will be inspected by quality control personnel to verify that the MM-USA marking is present, and that the required certification documents are on file at your facility.
- Submit a sketch of the product and where the MM-USA marking will be located:
  - The marking must be large enough to be visible to the naked eye, including post application of any coatings (epoxy, galvanizing, paint, etc., as applicable).
  - The marking must be placed/located on the item in a consistent manner.
- If the above information is submitted and accepted by the Department, a revision will be made to your product listing in Bulletin 15 to identify that your product, if properly marked, is considered ‘identifiable steel’. Written approval must be granted by the Department before you begin applying the MM-USA marking to your product.
- Submission information for this process must be sent to: Mr. Nick Bitner, PennDOT-New Products & Innovations Section, 81 Lab Lane, Harrisburg, PA 17110-2543, or nbitner@pa.gov.

It is strongly recommended that you review the attached documents. If you have any questions, please contact Mr. Robert D. Horwhat, P.E. at (717) 783-6710 or rhorwhat@pa.gov, or Ms. Gretchen P. Siy at (717) 783-3392 or gsiy@pa.gov.

Sincerely,

James P. Tenaglia, P.E., Section Chief
New Products & Innovations Section
Innovation & Support Services Division
Bureau of Project Delivery

Enclosures
423/JPT/RDH/gps

CC: Rebecca S. Burns, P.E., BOPD
    Thomas P. Macioce, P.E., BOPD
    Robert D. Horwhat, P.E. BOPD
    James P. Tenaglia, P. E., BOPD
    Joseph S. Robinson, P. E., BOPD
    Timothy L. Ramirez, P. E., BOPD
    Rodney J. Klopp, P. E., BOPD
    Daniel E. Clark, P. E., BOPD
    Gretchen P. Siy, BOPD
    Nick R. Bitner, BOPD
    Michael McGonagle, BOPD
    District Materials Engineers-Managers
DATE: March 12, 2012

SUBJECT: Verification and Compliance with PA Steel Products Procurement Act

TO: District Executives
    Attn: Assistant District Executives - Construction

FROM: Brian G. Thompson P.E., Director /s/
      Bureau of Project Delivery

This Strike-Off Letter (SOL) is time and cost neutral. The purpose of this SOL is to address an FHWA ARRA audit finding and to ensure better compliance with the PA Steel Products Procurement Act.

The following documents have been revised to clarify policies and procedures related to verification and compliance with the PA Steel Products Procurement Act. These revised documents are attached for your use and are effective immediately. These SOL changes have been incorporated into Publication 2 (Project Office Manual) with Change #1 effective March 1, 2012 and will be incorporated into Publication 408 with Change #3 effective October 5, 2012.

• Section 106.01 of Publication 408 provides definitions for both ‘identifiable’ and ‘unidentifiable’ steel relative to the Steel Products Procurement Act. Clarification is provided for plant produced Structural Materials, which are inspected and accepted during manufacturing.

• Section B.6.3 of the Project Office Manual (POM, Pub 2) identifies documentation requirements for ‘identifiable’ and ‘unidentifiable’ steel. Additionally, the Certification Examples have been updated with the new Form CS-4171 (11-11).

• Section C.1.1 of the Project Office Manual (POM, Pub 2) further clarifies the “Buy America” requirements and waiver request procedures.

• Form CS-4171, Certificate of Compliance, has been modified to include check boxes for a) ‘Identifiable Steel’ or Fabricated Structural Steel, and b) ‘Unidentified Steel’, with the associated documentation requirements listed for each.

If you have any questions regarding the contents of this SOL, you may contact Mr. Robert D. Horwhat, P.E. at (717) 783-6710 or rhorwhat@pa.gov, or Ms. Gretchen P. Siy at (717) 783-3392 or gsiy@pa.gov.

Attachment
cc: R. Scott Christie, Deputy Secretary for Highway Administration
    Natasha Shock, Policy Director
    Brian Thompson, Director BPD
    Charlie Goodhart, Director BOMO
    Rebecca Burns, BPD, Chief, Innovation & Support Services
    Wayne Wiley, BPD, Chief, Highway Delivery
    Assistant District Executives – Construction
    Assistant District Executives – Design
    Tom Macioce, BPD Bridge
    Bob Horwhat, BPD Bridge
    Tim Ramirez, BPD
    Kerry Petrasic, BPD
    James Tenaglia, BPD
    Joe Robinson, BPD
    Andy Gordon, Office of Chief Counsel
    John Robinson, Office of Chief Counsel
    Gavin Gray, Highway Administration
    Renee Sigel, Federal Highway Administration-PA
    Associated Pennsylvania Constructors
    PA Turnpike Commission