



## Buy American Act (BAA) & Trade Agreements Act (TAA) Compliance Summary

Venture Lighting offers many LED lighting products that comply with the Buy American Act (BAA) and Trade Agreements Act (TAA). Please inquire about the availability of the following commercial-off-the-shelf (COTS) items that can be assembled by Venture Lighting in the USA:

<a href="#">Environ LED Area Light Outdoor Fixtures</a>	120W / 150W / 200W / 300W / 480W
<a href="#">VFlood LED Flood Light Outdoor Fixtures</a>	110W / 121W / 212W
<a href="#">Safelit Garage Light Outdoor Fixtures</a>	50W / 84W
<a href="#">Modern LED Highbay Indoor Fixtures</a>	90W / 150W / 200W / 300W

Note: The Buy America Act and the Buy American provisions are separate legislation with distinct requirements.

- The Buy American Act applies to all direct U.S. federal procurement.
- The Buy America Act applies to grants issued by the DOT.

### **Buy American Act**

Federal Acquisition Regulations (FAR) & DOD Federal Acquisition Regulation Supplement (DFARS)

The Buy American Act (1933) applies to all U.S. federal government agency purchases of goods valued over the micropurchase threshold, but does not apply to services. Under the Act, all goods for public use (articles, materials, or supplies) must be produced in the U.S., and manufactured items must be manufactured in the U.S. from U.S. materials. The Buy American Act prohibits the Government from acquiring an article, material or supply for public use within the United States that is not a domestic end product, and allows only domestic construction materials to be used for public use subject to certain exceptions. Many states and municipalities include similar geographic production requirements in their procurement legislation. Unlike the Buy America Act, the Buy American Act only applies to “federal” procurement. It does not apply to DOT funded state/local projects because, while the source of the money for those projects is federal, such purchases are not made directly by the federal government.

There is a two-part test for manufactured articles:

- (1) article must be manufactured in the United States, and
- (2) cost of U.S. components must exceed 55% of the cost of all components in the item.

This calculation does not include labor and overhead for final assembly in the United States.

The component cost test is waived for commercial-off-the-shelf (COTS) items (FAR 25.001(c)(1)).

There are exceptions to the Buy American Act, whereby waivers can be issued for products, projects or entire categories of technology, depending on the review process and the requirements of a given federal department or agency. The Buy American Act does not apply to products covered by the Trade Agreements Act or other free trade agreements.

### **Trade Agreements Act & GSA**

GSA Schedule Contracts are subject to the Trade Agreements Act (TAA), meaning all products listed on the GSA Schedule Contract must be manufactured or “substantially transformed” in the United States or a TAA “designated country”. See here for the current list of TAA designated countries: <https://gsa.federalschedules.com/resources/taa-designated-countries/>