

## Domestic Preference Guidelines\*

### BAA – Buy American Act of 1933

If you require product compliant with the Buy American Act of 1933 (BAA), you must add the “BAA” prefix when ordering the relevant product. Failure to properly mark any relevant product could result in you receiving non-BAA compliant product with no recourse for an RMA or refund.

The BAA applies to purchases of products and materials by federal agencies. Generally, the BAA requires federal agencies to purchase “domestic end products” and use “domestic construction materials” on contracts that exceed the micro-purchase threshold and that are below the applicable dollar threshold for Trade Agreements Act applicability. This BAA designation does not address (i) the applicability of, or availability of a waiver under, the Trade Agreements Act, or (ii) the “Buy America” domestic content requirements imposed on states, localities, and other non-federal entities as a condition of receiving funds administered by the Department of Transportation or other federal agencies. For example, this BAA designation does not mean that product is compliant with the “Buy America” requirements of the (a) Federal Aviation Administration, (b) Federal Transit Administration, (c) Federal Railroad Administration or (d) Federal Highway Administration.

### TAA – Trade Agreements Act of 1979

If you require product compliant with the Trade Agreements Act of 1979 (TAA), you must add the “TAA” prefix when ordering the relevant product. Failure to properly mark any relevant product could result in you receiving non-TAA compliant product with no recourse for an RMA or refund.

Generally, a product is TAA compliant if it is substantially transformed in the United States or a designated country. The TAA permits the waiver of BAA preference restrictions in certain procurements where the project value exceeds the applicable TAA monetary thresholds. The applicable TAA monetary threshold varies based on several factors, including the governmental entity and trade agreement involved, and the contract type, e.g., supply, service or construction.

The recipient of the federal funding has the ultimate responsibility to identify the applicable domestic preference requirement, e.g., BAA, TAA or Buy America. The applicable requirement is typically identified in the RFP/project documentation.

\*All domestic preference information provided herein is for general informational purposes only. Domestic preference information provided herein does not, and is not intended to, constitute legal advice. You should not act or refrain from acting based on any information provided herein. Please consult with your own legal counsel with respect to any questions you may have.