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Montana Department of Transportation

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 Montana Department of Transportation CONSTRUCTION MEMO	Date Issued: May 1 st , 2021
	Date Effective: January 1 st , 2021
	Related Specifications: 106.09, 555, 711
Subject: Rebar Certs and Domestic Material Statements (Buy America)	

To: Construction Personnel
Contractor Personnel

From: Ross "Oak" Metcalfe, P.E., MDT Materials Engineer *RAM*

This memo is to provide background and updated guidance on how rebar is to be accepted.

Rebar is classified as a Category II item as defined in section MT 601 of the Montana Materials Manual. Rebar is also considered "prefabricated" when it is cut, bent, welded, or coated somewhere off the project site. According to section MT 601 in the Materials Manual, Category II items may be certified as domestic by the fabricator.

According to section 106.09 of the Standard Specifications, precast products containing steel and prefabricated steel products must have a statement from the end product manufacturer stating that all steel has been melted and manufactured in the United States. Section 106.09 also says that original mill test reports are not required to be submitted for prefabricated steel or precast items.

This has been the cause of much confusion as the Materials Information and Certification Office (MICO) has been asking Field Crews to collect mill test reports from contractors and suppliers for Category II items, seemingly in contradiction to section 106.09.

It is important to remember that section 106.09 is only about Buy America and verifying the domestic origin and manufacture of steel and iron. Rebar must also meet design and quality requirements called out in sections 555 and 711 that are separate from domestic material requirements. Standard black rebar and epoxy coated rebar must come from mills and coaters that are listed on the QPL. MDT uses third-party programs from AASHTO/NTPEP and the Concrete Reinforcing Steel Institute (CRSI) to list mills and epoxy coaters on the QPL instead of sampling and testing the material to save time and manpower. (Sampling and testing of high chromium and stainless-steel rebar is still required as those types of rebar are not yet part of the above-mentioned third-party programs. Therefore, their sources are not listed on the QPL.)

The requests for mill certs were made to verify the sources of black rebar were listed on the QPL. The mill certs usually also indicate the size, grade, and specification of the rebar and are signed by the quality control supervisor at the mill. This information was not always provided previously.

As of this memo, the mill certs will no longer be required to verify the QPL listing and other quality requirements of the rebar as long as the following information is included with the domestic material statement from the fabricator:

- The name and location of the source of the rebar and the epoxy coater for comparison with the QPL. (Not applicable for high chromium and stainless-steel)
- The size and grade of rebar that is being supplied.
- The specification the rebar is made to.
- The specification the rebar is coated to for epoxy coated rebar.
- A statement from the fabricator certifying the materials meet the specifications identified and the name of the individual making the statement.

For example:

ABC Steel Supplier certifies that #5 Grade 60 rebar from Evraz Rocky Mountain Steel meeting ASTM A615* has been supplied for concrete barrier rail on this project and has been melted and manufactured in the United States.

Joe Standard, ABC Steel Supplier

OR

XYZ Coating, certifies that all steel supplied for this project has been melted and manufactured in the United States.

Grade 40, #6 Rebar	Nucor Steel, Seattle	ASTM A615*, A775
Grade 60, #9 Rebar	Nucor Steel, Seattle	ASTM A615*, A775

I certify that the steel supplied meets the listed specifications.

Bob Quality, XYZ Coating

OR

123 Precast+ certifies that the products listed below meet all contract specifications. All steel has been melted and manufactured in the United States.

30" RCP	AASHTO M 170
72" X 48" RCB	ASTM C1577

Dave Precast, 123 Precast

*ASTM A615 is equivalent to AASHTO M 31.

†Since precast products must come from approved plants listed on the QPL, they only need to certify their final product meets the contract specification – rebar, cement, etc. are included by reference. We periodically audit those facilities where we verify the rebar and cement come from sources listed on the QPL as required by the standard specifications.

Or other statement that contains the bullet point information listed above.

It is important to note that by certifying rebar in this way, the fabricator is indicating to MDT that they have maintained all supporting documentation for the rebar, including the original mill test reports, and must be able to show which steel went to which project whenever requested by MDT.

By certifying rebar as discussed above, heat numbers and mills are not required to be listed on the Form 406. Only the company or supplier providing the certification discussed above must be listed as the “Final Fabricator” on the Form 406.

The fabricator may either state the rebar has been “melted and manufactured in the United States” or “all manufacturing processes, including coating, have taken place in the United States”, or state the rebar complies with “23 CFR 635.410” to meet the domestic material requirement. For the purposes of rebar, either of those statements made by the fabricator will also be acceptable for documenting the actual fabrication of the rebar, i.e., any bending, cutting, welding, or coating as taking place in the United States.

The fabricator MAY NOT simply state the material complies with “Buy America”. There are many different definitions of “Buy America” and not all of them comply with 23 CFR 635.410. As an example, 49 CFR is not acceptable, nor is any reference to the Surface Transportation Assistance Act of 1982 (STAA). Buy America is a general provision of the STAA of 1982, for both FHWA and the Federal Transit Authority (FTA), but the FHWA statute is codified in 23 U.S.C. 313 and regulated in 23 CFR 635.410. Title 49 is the FTA version which is not the same as the FHWA version.

This guidance may be applied retroactively to contracts already awarded and should cover most situations involving prefabricated rebar, however there may be certain situations that will need to be addressed on a case-by-case basis. The process described in this memo is an effort to reduce the amount of paperwork, but it will not be required. If the contractor chooses to provide the required information using multiple documents, i.e., mill certs and a statement all fabrication took place in the United States, that will be acceptable as well. However, if a contractor chooses to supply original mill certs, there **MUST** be a statement indicating all “fabrication” took place in the United States as the “melted and manufactured” statement on the mill cert only applies to processes performed at the mill and not between the mill and the project. Whichever method is chosen, the contractor must provide documentation that certifies the rebar supplied is domestic in origin and manufacture **AND** that it meets all the contract quality and design requirements.

For straight, uncut, and uncoated rebar, a statement from the rebar supplier certifying the rebar is of domestic origin and manufacture and it meets the contract quality and design requirements will be acceptable as will mill certs alone, as long as the mill certs indicate the rebar is of domestic origin and manufacture and meets the contract quality and design requirements,

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