

APPENDIX F

BABA COMPLIANCE CHECKLIST

ABANDONED MINE LANDS
BUILD AMERICA, BUY AMERICA ACT COMPLIANCE CHECKLIST FOR SUBRECIPIENTS

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BUILD AMERICA, BUY AMERICA ACT
COMPLIANCE CHECKLIST FOR SUBRECIPIENTS**

Bipartisan Infrastructure Law (BIL) funds used for transactions involving contracts for any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States must comply with the Build America, Buy America (BABA) Act. This checklist provides an overview of the requirements established by BABA, and is not a substitute for the detailed provisions of Public Law No. 117-58, §§ 70901-27. Subrecipients should keep the completed checklist for their records, but do not need to submit to Abandoned Mine Lands (AML).

CONTRACTOR/SUBCONTRACTOR:	
AWARD NUMBER:	
PROJECT TITLE:	
DATE:	

QUESTION	EXPLANATION/INSTRUCTION	STATUS		
		YES	NO	N/A
INCLUSION OF BABA LANGUAGE				
1. Was the BABA language included in all contracts and/or purchase orders?	You must incorporate the federal BABA language in all construction contracts and purchase orders for projects using funds from the Bipartisan Infrastructure Law (BIL).	☐	☐	☐
2. Did the contractor include the BABA language in all subcontracts and/or purchase orders?	You must ensure that that your contractor incorporated the federal BABA language in all subcontracts and purchase orders for projects using funds from the Bipartisan Infrastructure Law (BIL). While it is not required, it is recommended you request the contractor to submit copies of their subcontracts and purchase orders so you may verify the correct language was included.	☐	☐	☐
VERIFICATION OF MANUFACTURER CERTIFICATIONS				
3. Has the contractor and their subcontractors obtained manufacturer certifications for material and product purchases?	Although obtaining manufacturer certifications is not required, it is recommended as a best practice for documenting compliance with BABA. In addition, if your contractor and their subcontractors have obtained manufacturer certifications, it is recommended, but not required, that you ensure all applicable language was contained in the certifications.	☐	☐	☐

PROCESSING OF WAIVERS				
4. Was the waiver submitted to AML before being submitted to DOI?	Whether you or the contractor/subcontractor is seeking the waiver, it must first be submitted to AML for their agreement. After receiving AML's agreement of the waiver, you must submit the waiver to DOI.	☐	☐	☐
REQUEST FOR PAYMENT				
5. Are requests for payment being submitted on a monthly basis?	Requests for payment must be submitted to AML every monthly, without exception.	☐	☐	☐
6. If no work was performed during a monthly pay period, was a \$0 request submitted?	Since requests for payment must be submitted to AML every month, if no payment is needed a \$0 pay request must be submitted.	☐	☐	☐
7. Was a monthly report included with the request for payment?	A monthly report detailing the work performed during the billing period must be submitted to AML with each request for payment.	☐	☐	☐
8. Was the "AML-002 – Subrecipient Report of Compliance with Buy America Provisions for Federally Assisted Contracts" form included in the request for payment?	This form must be submitted by the recipient to AML every month.	☐	☐	☐
9. Was the "AML-003 – Contractor Certificate of Compliance with Build America, Buy America Provisions for Federally Assisted Contracts" form submitted by the contractor and their subcontractors?	This form must be submitted by the contractor and their subcontractors to AML every month.	☐	☐	☐