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MEMO

WX-2009-12-B

TO: Agency Directors, Fiscal Officers, Weatherization Coordinators
FROM: Tim Zimmer, Weatherization Program Coordinator
RE: ARRA Weatherization Buy American Provision
DATE: 12/15/2009

Greetings,

Concern/Issue

As we all know, the Buy American Act (BAA) language was written into the American Recovery and Reinvestment Act (ARRA). There have been many questions about how, and to what extent, the BAA applies to the United States Department of Energy (US DOE) ARRA Weatherization Program. Federal guidance related to this issue is unclear. The grant guidance, grant agreement and program notice documents **do not** address the BAA specifically; but each document contains language implying that equipment, manufactured goods, and products purchased under this grant should be American-made. The grant agreement specifically states:

“It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this award should be American-made.”

Understanding/Guidance

It is Oregon Housing and Community Services' (OHCS) understanding that the Buy American Act **does not** categorically apply to the US DOE/Oregon ARRA Weatherization Program. It is OHCS' expectation that when an American-made product of similar quality and utility is available, and costs are not prohibitive, that product will be purchased.

I will update you should we receive additional information.

Best regards,

Tim