



Oregon

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To: Resident Engineers
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Subject: BABA Resources and the Accounting of Foreign or Unknown Origin Construction Materials

The purpose of this memo is to highlight the tools available to help Construction Offices navigate the BABA processes and the accounting of Foreign or Unknown Origin Construction Materials including, the NonField-Tested Materials Acceptance Guide (NTMAG), BABA Materials Classification Guide, Blue Sheet Materials List, Qualified Products List (QPL), Foreign Construction Material Summary ([Form 734-5437](#)), and Build America Buy America Total Applicable Costs Worksheet (Form 734-5436). **Note:** The hyperlinks in the paragraphs below can be used to navigate directly to website locations where these resources can be accessed.

NonField-Tested Material Acceptance Guide (NTMAG)

The [NTMAG](#) is a good starting point to determine if a Construction Materials CMO (C-CMO) may be required according to the Materials Subsections within the Standard Specifications. Subsections with Materials that may require a C-CMO have been coded with a "C" under the "Furnished by Contractor to Engineer" column to indicate that the Contractor may need to supply a C-CMO for the Materials under this Subsection. Keep in mind these references are at the general Materials level and are not product specific. As such, a more specific evaluation of the actual product being incorporated is needed to determine if a C-CMO will be required or not.

Example:

Looking at the requirements for Subsurface Drains under Section 00430, the NTMAG shows that a "C" may be required for Perforated Corrugated Polyethylene Pipe Materials according to Section 02415.10.

00430	Subsurface Drains	Drainage Geotextile	Refer to 00350 in this guide.					
		Perforated Concrete Pipe	02410.10(h)		Q		F	"Q" is markings on pipe. "F" must document pipe markings, manufacturer's name, size and AASHTO designation.
		Perforated Corrugated Aluminum Alloy Pipe and Protective Coating	02420.20 02420.50		Q, C		F	"Q" is markings on pipe. "C" is for Construction Material CMO according to 00160.20(d). "F" must document pipe markings, manufacturer's name, size, AASHTO designation and coating type.
	Perforated Corrugated Polyethylene Pipe	02415.10		Q, C		F, QPL	"Q" is markings on pipe. "C" is for Construction Material CMO according to 00160.20(d). "F" must document pipe markings, manufacturer's name, size and AASHTO designation. Must be from the QPL.	

BABA Materials Classification Guide (BMCG)

The [BMCG](#) uses the Material Codes and Descriptions from AASHTOWare to identify specified Materials within Specification Subsections. A Classification column is provided for each Material Code indicating whether the materials are:

- "I/S" (Iron or Steel) – Requires a standard CMO (Form 734-2126) according to 00165.35(d)
- "CM" (Construction Material) – Requires a C-CMO (Form 734-5378) according to 00165.35(e)
- "MP" (Manufactured Product) – Does not require a C-CMO or a Standard CMO
- "Exempt" - Does not require a C-CMO or a Standard CMO
- "N/A" (Not Applicable) – Does not require a C-CMO or a Standard CMO

Note: The BMCG is intended to identify Materials that may contain products that could be classified as Construction Materials. Classification of a Material incorporated in the Work depends on the specific product used and how it was manufactured. Some Materials may have multiple product options available in which one option may be classified different from another. It is important to evaluate the actual product used in the Work.

Example:

Using the same example from above, the BMCG identifies that Corrugated Polyethylene Pipe under Material Code 02415.10.00.00 is classified as a Construction Material "CM" and may require a C-CMO.

BABA Material Classification Guide
Oregon Department of Transportation

MATERIAL CODE	MATERIAL DESCRIPTION	CLASSIFICATION	QPL	NOTES
02210.21.00.00	Sealer For Timber	MP		
02210.30.00.00	Coating Materials for Concrete, Latex Emulsion Paint	MP	QPL	
02320.10.a1.00	Drainage Geotextile, Type 1	CM	QPL	
02320.10.a1.01	Drainage Geotextile, Type 2	CM	QPL	
02320.10.a1.02	Riprap Geotextile, Type 1	CM	QPL	
02320.10.a1.03	Riprap Geotextile, Type 2	CM	QPL	
02320.10.a1.04	Geotextile in Sediment Fence	N/A	QPL	
02320.10.a1.05	Subgrade Geotextile	CM	QPL	
02320.10.a1.06	Embankment Geotextile	CM	QPL	
02320.10.a1.07	Pavement Overlay Geotextile	CM	QPL	
02320.10.a2.00	Geogrid - Type 1 MSEW	CM	QPL	
02320.10.a2.01	Geogrid - Subgrade Reinforcement	CM	QPL	
02340.12.00.00	Twisted Wire Mesh Gabion Baskets	I/S		
02340.20.00.00	Welded Wire Mesh Gabion Baskets	I/S		
02340.30.00.00	PVC Coated Wire Mesh Gabion Baskets	I/S		
02350.10.00.00	Metal Bin Retaining Walls	I/S		
02410.10.f.00	Nonreinforced Concrete Pipe	Exempt		
02410.10.g.00	Reinforced Concrete Pipe	I/S		
02410.10.h.00	Concrete Drain Pipe	Exempt		
02410.10.i.00	Concrete Drain Tile	Exempt		
02415.10.00.00	Corrugated Polyethylene Pipe	CM	QPL	
02415.20.00.00	Solid-Wall Polyethylene Pipe	CM	QPL	
02415.30.00.00	Steel Reinforced Polyethylene Pipe	I/S		

Blue Sheets Material List

The [Blue Sheets Material List](#) is a collection of common materials used for Electrical Systems and how they are categorized in relation to where they fit within the BABA and/or Buy America requirements. This list represents most of the materials covered by the Blue Sheets and is organized by equipment categories and identifies how each signal material is classified.

Example:

Looking at Conduit and Appurtenances as required according to the Blue Sheets Materials List, it identifies that for "non-metallic" conduit a C-CMO would be required and that the material is not considered a BABA Manufactured Product. If Steel Conduit were used, then a Standard Iron/Steel CMO would need to be furnished.

Blue Sheet Materials	CMO/CCMO block on Blue Sheets	Iron/Steel CMO	BABA construction material CCMO	BABA manufactured product	Comments
Temporary features					
temporary covers		NO	NO	YES	
temporary meter base socket		NO	NO	YES	
temporary service cabinet		NO	NO	YES	
temporary terminal cabinet	YES - CMO***	***NO/YES	NO	NO	***CMO only required if used in permanent applications
temporary pre-cast 332s foundation		NO	NO	YES	
Temporary span wire equipment					
cable ties	YES - CCMO***	NO	***NO/YES	NO	***CCMO only required if used in permanent applications
messenger, tether, & stabilizer cable	YES - CMO***	***NO/YES	NO	NO	***CMO only required if used in permanent applications
eyebolt, turnbuckle, strandwise, S-hook	YES - CMO***	***NO/YES	NO	NO	***CMO only required if used in permanent applications
span wire hanger	YES - CCMO***	NO	***NO/YES	NO	***CCMO only required if used in permanent applications
tether clamps	YES - CMO***	***NO/YES	NO	NO	***CMO only required if used in permanent applications
tri-stud adaptor		NO	NO	YES	
Poles and pedestals					
chase nipple	YES - CMO	YES	NO	NO	
pipe plugs	YES - CMO	YES	NO	NO	
pedestal	YES - CCMO	NO	YES	NO	
Conduit & appurtenances					
conduit	YES - CMO/CCMO*	*YES (steel)	*YES (non-metallic)	NO	*Steel requires CMO and non-metallic requires CCMO
conduit bushings	YES - CMO/CCMO*	*YES (steel)	*YES (non-metallic)	NO	*Steel requires CMO and non-metallic requires CCMO
conduit plug	YES - CCMO	NO	YES	NO	
condulet	YES - CMO	YES	NO	NO	

Qualified Products List (QPL)

The [Qualified Products List](#) (QPL) is based on specific products available for incorporation in the Work therefore, it may be one of the best tools available to evaluate the classification of the Material. For products that are predominately iron or steel the "remarks" column will identify if a standard CMO will be required. Likewise, for products that are classified as Construction Materials the "remarks" column will identify if a C-CMO is required.

Example:

Using the Corrugated Polyethylene Pipe example illustrated above for Material Code 02415.10.00.00, the QPL identifies that for Product 1890-0c, a Construction Material CMO is required for this Product.

Search the QPL (Qualified Products List)
Please select your search criteria below to begin a search.
To return all products, select SEARCH without any search options.
To create a PDF based on a project advertisement date: Select SEARCH then select GENERATE PDF and enter the advertisement date when prompted.
Contact dean.m.chess@odot.oregon.gov for assistance.

Material: **Corrugated Polyethel** | Manufacturer: | Material Category: | Product: |

Product Name: _____

SEARCH | EXPORT XLSX | GENERATE PDF | CLEAR

Material ↑	Manufacturer	Material Category	Product
02415.10.00.00 Corrugated Polyethylene Pipe	HANCOR	02415 Plastic Pipe	1890-0c HANCOR SURELOK F-477

Supplemental Product Name: _____ Supplemental Category: POLY NWT PIPE - CULVERT CORRUGATED P Approval Date: 11/09/2004

Distributors: HANCOR, 888/367-7473 KELLY KOKESH 425/457-1187
Comments: DIAMETERS: 12" TO 60". **CONSTRUCTION MATERIAL CMO REQUIRED**

New BABA Forms:

Two new forms have been developed intended to assist the Agency in documenting and tracking any Foreign or Unknown Origin Construction Materials that may be incorporated into a Project which specifies compliance with BABA requirements.

Build America Buy America Total Applicable Costs Worksheet (Form 734-5436)

The Build America Buy America Total Applicable Costs Worksheet [Form 734-5436](#) is completed by the Contractor if Foreign or Unknown Origin Construction Materials are incorporated in the Work for Projects that specify compliance with BABA requirements. The Contractor may provide the Total Applicable Costs in an alternate format equivalent to the Total Applicable Cost Worksheet. Total applicable costs include permanently incorporated Construction Materials, Iron and Steel, and Manufactured Products; it does NOT include cement, asphalt, aggregates, concrete additives, or any temporary items. The Contractor will be required to submit this form or approved alternate at the following times –

- When the first Foreign or Unknown Origin Construction Materials are incorporated into the project
- Following completion of all On-Site Work
- When requested by the Engineer

Oregon Department of Transportation

Build America Buy America Act Total Applicable Costs Worksheet

Print Form

Big Dig and Pave C17123
 Project Name (Section) Contract No.

Materials costs that count toward the total applicable costs. Submit this worksheet to the RE Office when any construction materials of foreign or unknown origin are first incorporated into the Project to estimate total applicable costs for the Project and following completion of all On-Site Work. This worksheet must also be submitted upon the Engineer's request. Include iron and steel, manufactured products, and construction materials.

Materials costs that DO NOT count toward total applicable costs include temporary items and exempted items. BABA does not apply to temporary items. The BABA preference only applies to articles, materials and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. BABA excludes asphalt products, cement and cementitious products, aggregates, ore concrete additives.

Bid Item #	Material	Estimated Cost Left to Complete Bid Item	Incorporated Cost to Date	Applicable Cost
0240	Geotextile		\$3,025.36	\$3,025.36
0280	Guardrail		\$28,432.40	\$28,432.40
0330	Attenuator		\$44,000.00	\$44,000.00
0340	Sign supports		\$132,560.99	\$132,560.99
0380	Cantilever Signs		\$289,765.50	\$289,765.50
0430	ITS systems		\$625,160.75	\$625,160.75
0510	Reinforcement		\$21,633.33	\$21,633.33
0550	PVC Pipe		\$18,634.33	\$18,634.33

Add Row Total Applicable Costs \$1,163,212.66

This summary represents the total applicable costs of materials that have been, or have been estimated to be, incorporated into the contract under the Contract Specifications titled 00160.20(d) Build America Buy America. Copies of records and/or invoices used to determine these costs will be furnished to the Engineer upon request according to 00170.07.

 Authorized Representative Company Date

734-5436 (00-24-2034) 1 of 1

Foreign Construction Materials Summary (Form 734-5437)

The Foreign Construction Material Summary [Form 734-5437](#) is a Semi Final document that the Resident Engineer's office must fill out for all Construction Projects that require compliance with BABA requirements. If any C-CMOs submitted by the Contractor indicate that Foreign or Unknown Origin Construction Materials were incorporated, those Materials must be recorded on the form. If there were no Foreign or Unknown Origin Construction Materials incorporated into the project the form should indicate that none were used.

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Foreign Construction Materials Summary

Print Form

Big Dig and Pave C17123
 Project Name (Section) Contract No.

No Foreign Construction Materials used on this Project \$1,163,212.66
Total Applicable Project Costs XYZ-RIB03
Federal Aid No.

Bid Item No.	Foreign Materials Description	FIHWA Approved Waiver Item	Quantity	Units	Foreign Cost Per Unit	Total Foreign Cost	Cumulative Foreign Cost
0240	Geotextile from China	<input type="checkbox"/>	865.00	sqyds	\$2.25	\$1,946.25	\$1,946.25
0550	12" PVC pipe from Canada	<input type="checkbox"/>	350.00	feet	\$72.50	\$25,375.00	\$27,321.25
		<input type="checkbox"/>					\$27,321.25
		<input type="checkbox"/>					\$27,321.25

						\$27,321.25
Total Value of Permanently Incorporated Foreign Construction Materials						\$27,321.25
The total value of the non-compliant products (with foreign or unknown origin) is no more than the lesser of \$1,000,000 or 5% of the total applicable costs for the project.						
Percent of Non-Compliant Products (foreign or unknown origin)	=	Total Cumulative Foreign Cost	\$27,321.25			2.35%
		Total Applicable Project Cost (obtained from Form 734-5436)	\$1,163,212.66			
Resident Engineer Representative (signature)		Date	Region Assurance Specialist (signature)		Date	
Use form for all projects that must comply with Section 00160.20(d) and contain permanently incorporated construction materials. See contract special provisions for restrictions on foreign construction materials.						
734-5437 (09-24-2024)						1 of 1

Subcontractors and Suppliers should fill out Form 734-5436 for the total applicable costs that apply to their Work and provide this to the Contractor so that they can submit this to the Engineer.

The Resident Engineer's office will use the total applicable costs that are submitted by the Contractor, Subcontractors, and Suppliers to determine the total applicable costs to fill out Form 734-5437.

The USDOT issued a Public Interest Waiver for De Minimis Costs and Small Grants. Information on the specific details of the waiver can be found in the December 1, 2023 [Memo on Build America Buy America](#).

The value of Materials is the actual cost of the Materials that the Contractor is responsible for reporting, not the anticipated cost of materials or the contract unit price from the Contractor's bid. The "Estimated Cost Left to Complete Bid Item" column on Form 734-5436 is intended to be used to account for unused but anticipated Materials prior to completion of the Project only. Following completion of all On-Site Work, only Materials that actually were incorporated into the Work should be reported on Form 734-5436 in the "Incorporated Cost to Date" column which will provide the Total Applicable Cost

If there are any questions or concerns about how the Build America Buy America requirements apply to a specific project, the details of the Material requirements and any de minimis requirements for the project will be included in 00160.20(d) of the contract documents.

Each Resident Engineer's office should go over the Build America Buy America requirements (and the associated documentation required by the Contractor, Subcontractors, and Suppliers) at the preconstruction conference for the Project.

ODOT REs please share with your support staff.

Transportation Project Managers, and REs/CPs, please forward this information to the Local Agencies and Consultants administering ODOT Projects.

If you have any questions related to this information, please contact Mike Dennee at 503-580-2013.

Thank you for your assistance.