

American Iron and Steel (AIS)

What is AIS?

American Iron and Steel (AIS) is a requirement for any project receiving financial assistance from the State Revolving Funds (SRFs). In Minnesota, the SRFs are the Clean Water Revolving Fund (CWRF) and the Drinking Water Revolving Fund (DWRF). AIS requires iron and steel products used in the project be produced in the United States. This requirement applies to projects receiving SRFs for construction, alteration, maintenance, and/or repair of a public water system or treatment works. If any portion of the project contract is using SRF funding, the whole project must be AIS compliant.

What is an American Iron and Steel product?

An iron or steel product is one of the following made primarily of iron or steel that is permanently incorporated into the public water system or treatment works:

- Lined or unlined pipes or fittings;
- Manhole Covers;
- Municipal Castings (defined in more detail at the link below);
- Hydrants;
- Tanks;
- Flanges;
- Pipe clamps and restraints;
- Valves;
- Structural steel (defined in more detail on the link below);
- Reinforced precast & prestressed concrete; and
- Construction materials (defined in more detail at the link below).

How is AIS incorporated into the project specifications?

The Public Facilities Authority's (PFA) contract packet must be directly incorporated into the specifications. MDH and/or PCA will verify that the contract packet is included during the plan and specification review process and recommends that bid items are individually identified if they have a potential to contain AIS components. The contract packet is available at:

https://mn.gov/deed/assets/contract-packet_tcm1045-314698.pdf

The contract packet includes:

1. AIS sample language for the contractor - this is just sample language and needs to be completed with actual AIS language for the project by each contractor
2. An example De Minimis Waiver Tracking Form

Is there a waiver process?

Yes. Talk to the AIS state representatives:

CWRF – Abram Peterson, 651-757-2105, abram.peterson@state.mn.us

DWRF – Chad Kolstad, 651-201-3972, chad.kolstad@state.mn.us

What can constitute an AIS waiver?

1. applying these requirements would be inconsistent with the public interest;
2. iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
3. inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

What waivers have been granted approval and apply nationally?

1. De Minimis Waiver (up to 1% of total material costs for 1 component or 5% of total material costs for all components)
2. Temporary Stainless Steel Nuts and Bolts Waiver (extended to Feb. 24, 2020)
3. Pig Iron and Direct Reduced Iron Waiver
4. Minor Component Waiver (up to 5% of total material cost of a component)

What is required by supplier to certify the product as AIS compliant*:

1. Product Name/description
2. Where it was made (City & State)
3. To whom it was delivered
4. Reference to AIS compliance
5. Signature of product representative

* All products meeting the AIS criteria above must have a certification form unless they qualify for one of the waivers above. Certification should not reference the previous American Recovery and Reinvestment Act (ARRA)

Who verifies that the correct documentation has been submitted?

PFA loan officers will do documentation checks of certifications and verify that the De Minimis Tracking Form is complete but it is ultimately the project owner's responsibility to assure all the correct documentation is available upon request.

For more information, see the Environmental Protection Agency's American Iron and Steel website: <http://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement>