

Amendment #4 to H5007
Promoting American Manufacturing

Representatives Jones of North Reading, Ferguson of Holden, Frost of Auburn, Gifford of Wareham, Barrows of Mansfield and Smola of Warren move to amend the bill by adding the following new section:

“SECTION X. Chapter 30B of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 20, the following new section:

Section 20A. USE OF AMERICAN MADE STRUCTURAL STEEL

(a) Definitions:

“Structural steel” - a product consisting of the elements of the structural frame that are shown and sized in the structural design documents, essential to support the design loads as defined in the American Institutes of Steel Construction (AISC) code of standard practice for steel buildings and bridges (303.16)

“Manufactured and fabricated in the United States” – Any structural steel that is an iron or steel product where all manufacturing must take place in the United States, from the initial melting stage, through fabrication, and application of coatings, except metallurgical processes involving the refinement of steel additives.

(b) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state or municipal agency or authority shall include a provision in each contract for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public works project exceeding \$1,000,000.00 (one million) dollars, that all structural steel to be used or supplied in the performance of the contract or any subcontract thereto shall be manufactured and fabricated in the United States.

(c) Waivers. The provisions of subsection (b) shall not apply in any case or category of cases in which the awarding authority finds —

(1) that their application would be inconsistent with the public interest; or

(2) that such materials and products are not produced in the United States in

sufficient and reasonably available quantities and of a satisfactory quality; or

(3) that inclusion of domestic material will increase the cost of the overall project

contract by more than 25 percent; or

(4) where less than two responsible bidders have submitted responsive bids under the provisions of this chapter.

(d) In determining whether the conditions exist to grant a waiver under subsection (c), the awarding authority, after considering all appropriate factors on a case-by-case basis, shall issue a detailed written statement explaining why the waiver is justified. The awarding authority shall publish this justification and provide the public with a reasonable time for notice and comment within seven calendar days after making such determination.

(e.) A notice provided under subsection (d) shall —

(i) include the information available supporting the waiver, including whether the waiver is being made under subsection (c)(1), (c)(2), (c)(3) or (c)(4); and

(ii) be provided by electronic means, including on the official public Internet Web site of the awarding authority.

(f) Intentional Violations. If it has been determined by the Attorney General or a Federal or State court of law that any person intentionally —

(1) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any iron, steel, fabricated steel, or manufactured good used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(2) represented that any iron, steel, fabricated steel, or manufactured good used in projects to which this section applies that was not produced in the United States, was produced in the United States; that person shall be ineligible to receive any contract or subcontract with this State. The Attorney General is authorized to promulgate regulations and enforce the provision of this section.

(f) After awarding a contract subject to the provisions of this section, the awarding authority shall within seven days of such award notify, in writing, the Inspector General of the name of every company providing structural steel, their address, the amount to be paid for any structural steel, and whether there was a waiver under subsection (c) which shall also include the notice required under subsection (e) on any such project. The Inspector General shall create a form and make it available, electronically, for reporting this information by the awarding authorities. The Inspector General shall maintain all such information as a public record and shall

report, every 6 months after the effective date of this section, to the Joint Committee on State Administration and Regulatory Oversight and the House and Senate Committees on Ways and Means all of the information received under the requirements of this paragraph.”