

State Procurement Manual

DOA-3449 N(R06/94) Formerly AD-P-12

Number PRO-C-26
Effective 9-1-17
Replaces 2-1-99
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Section THE PROCUREMENT PROCESS	Agencies Affected ALL
Title AMERICAN-MADE MATERIALS POLICY	

AUTHORITY: [Wis. Stats.](#) 16.754
[Wis. Adm. Code](#) Chapter Adm 7.07

SCOPE: - to establish the state's policy on procurement of American-made materials
- to define American-made materials
- to provide a procedure for statutory compliance in the purchase of materials

- DEFINITIONS: I. Definitions applicable to this policy are:
- A. "Manufactured" means mined, produced, manufactured, fabricated or assembled.
 - B. "Manufactured in the United States" means that materials are manufactured in whole or in substantial part within the United States, or that the majority of the component parts thereof were manufactured in whole or in substantial part in the United States.
 - C. "Materials" means any goods, supplies, equipment or any other tangible products or materials.
 - D. "Purchase" means acquire by purchase or lease.
 - E. "State" means the State of Wisconsin, or any agency thereof, a contractor acting pursuant to a contract with the state and any person acting on behalf of the state or any agent thereof.
 - F. "Substantially equal" means a tied bid or equal proposal score.
- II. For procurements subject to the World Trade Organization Government Procurement Agreement, the following rules of origin apply:
- A. "Goods": (as established by the U.S. Customs Service) the country of origin of a product is the country in which the product was substantially transformed prior to its importation in that form. (The percentage of content is irrelevant to the rule of origin.)
 - B. "Services": the country of origin is based on whether a contractor or subcontractor is owned or controlled directly or indirectly by citizens or nationals of a foreign country.

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CONTENT:

- I. Wisconsin statutes provide that the state will purchase materials which are manufactured to the greatest extent in the United States when all other factors are substantially equal. When making an award that involves a member country under the Government Procurement Agreement, the agency will show no preference in favor of the United States. See [PRO-C-37](#), World Trade Organization Government Procurement Agreement, for a listing of member countries and additional information.
- II. Certain types of purchases are excluded from this policy, such as:
 - A. Purchases of materials for commercial resale.
 - B. Purchases of material for use in the production of goods for commercial resale.
 - C. Purchases of stationery and printing materials.
 - D. Purchases of materials in which the Department of Administration, State Bureau of Procurement or its delegated agents determine that:
 - 1) The materials involved are not manufactured in the United States in sufficient or reasonably available quantities; or
 - 2) The quality of the materials is substantially less than the quality of similar available materials manufactured outside the United States.
 - E. In determining United States origin between materials in the final selection process of a procurement, 51% establishes a majority, and the higher percentage of components, based on cost, establishes substantiality between competing materials.

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III. Specification writing:

- A. In developing specifications for materials, requirements will be written to the extent possible so as to ensure the purchase of materials manufactured in the United States.
- B. Indicate in the request for bid or request for proposal package that a preference will be given to materials which are manufactured to the greatest extent in the United States, when bids are tied or proposal scores are equal. Bidders/proposers will attest to the origin of their products on the Request for Bid form or the Request for Proposal form when they feel it may have a bearing on the bid/proposal outcome, or they desire to do so for other reasons. Request for Bid forms or Request for Proposal forms will have a space permitting the bidder to designate that products are American. The Request for Bid form or Request for Proposal form should contain the following or similar language:

"Wis. Stats. s. 16.754 directs the state to purchase materials which are manufactured to the greatest extent in the United States when all other factors are substantially equal. Materials covered in our bid/proposal were manufactured in whole or in substantial part within the United States, or the majority of the component parts thereof were manufactured in whole or in substantial part in the United States.

Yes No Unknown"

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IV. General procedure:

A. The following procedure will best assure that full recognition and compliance with statutory intent is achieved:

- 1) In developing standards and specifications to define materials required, ensure that the broadest possible parameters consistent with performance criteria are used, so as not to exclude American-made materials from consideration.
- 2) In developing bidders/proposers lists, preference will be given to those bidders/proposers capable of providing American-made materials.
- 3) In developing bid/proposal packages, ensure that the package indicates that the state will give preference to American-made materials when bids are tied or proposal scores are equal.
- 4) Any time that a material is purchased that is not American-made, in place of a substantially lower-priced American-made material, a full documentation of the transaction and the decision-making process will be maintained by the agency purchasing office, for audit purposes. Prior approval of such transactions that are in excess of \$50,000 overall will be obtained from the State Bureau of Procurement.
- 5) Preference for American-made materials applies to all state purchases regardless of dollar amount.

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