



Department of Transportation & Public Facilities
Statewide Design & Engineering Services Division

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TO: Distribution

DATE: April 10, 2025

FROM: Lauren Little, P.E. *u*
Chief Engineer

SUBJECT: Chief Engineer's Directive:
Utility Buy America/BABA
Compliance

This is to clarify the Department's expectations of utility relocation agreements subject to Buy America and Buy America/Build America (BABA) compliance. There are three options for compliance regarding utility relocation agreements.

1. Utilities eligible for relocation will have eligible costs paid in accordance with the Form 25D-250.
 - a. Utility companies will list and certify materials, as well as non-compliant materials used towards the agreement Minimal Use (Buy America) and BABA Project De Minimis on forms 25D-60-U and 25D-62-U, similar to construction contractors.
 - b. The Project Manager is responsible for consolidating all information contained on forms 25D-60-U and 25D-62-U, and construction contract forms 25D-60 and 25D-62, and tracking overall de minimis to ensure the allowable project de minimis limit is not exceeded.
 - i. For projects with parent/child relationships, tracking must be performed over the life of the parent project as the de minimis is calculated on total applicable project costs, not individual contract or child project applicable project costs.
2. Utilities unwilling to certify and manage Buy America and BABA compliance in accordance with Form 25D-250 may incorporate their utility relocations in the Department's construction contract. A simplified utility agreement specific to inspection activities only may be executed with the utility company. The utility may be liable for certain costs in a Department directed relocation in accordance with AS 19.25.020 and AS 19.59.001(4).
3. The Department will make every reasonable effort to work with utilities to identify a path forward that meets federal compliance requirements and is mutually acceptable. Utilities that are unwilling to certify and manage Buy America and BABA compliance in accordance with Form 25D-250 and are also unwilling to include the work in the Department's construction contract will have their permits revoked and must relocate their facilities at their own expense in accordance with AS 19.25.020.

Attachments: Form 25D-250 (Utility Relocation Agreement Template)
Appendix A to Utility Relocation Agreement
Form 25D-60-U (Non-Domestic Minimal Use & De Minimis Register)
Form 25D-62-U (Certificate of Buy America Act Compliance)

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