



# State Procurement Manual

Department of Administration, State Bureau of Procurement

Number  
PRO-605

<b>Section</b>	<b>Effective</b>	<b>Replaces</b>
ADMINISTRATIVE POLICY	9/16/19	PRO-C-26 9-1-17
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AMERICAN-MADE MATERIALS POLICY		1 of 4

**SCOPE:** The purpose of this policy is to establish preference for the purchase of American-made materials in certain circumstances, exemptions to American-made, and official procedure to ensure compliance.

**POLICY:** Wisconsin statutes provide that the state will purchase materials which are manufactured to the greatest extent in the United States (US) when all other factors are substantially equal. Preference for American-made materials applies to all state purchases regardless of dollar amount.

“Substantially equal” refers to a tied bid or price quotation (for purchases lower than competitive bidding thresholds). For guidance on handling tied bids, see PRO-305, Basis for Bid Awards.

"Manufactured in the US" means that materials are manufactured in whole or in substantial part within the US, or that the majority of the component parts thereof were manufactured in whole or in substantial part in the US.

For additional terms applicable to this policy, see PRO-101, Procurement Definitions and Thresholds.

Wisconsin statutes also require agencies to write specifications to permit the purchase of materials manufactured in the US to the greatest extent possible.

## Materials and Goods vs. Services

This policy applies to the purchase of goods/materials only. See PRO-204, Contractual Services Procurement, for separate rules related to services being performed in the United States.

## Exemptions

The following types of purchases are excluded from this policy:



### Legal Authority

Wis. Stats. 16.754  
Wis. Adm. Code Chapter Adm 7.07

Agencies Affected: All, unless otherwise noted

### Authorized:

Sara Redford, Director  
State Bureau of Procurement



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- Purchases of materials for commercial resale.
- Purchases of material for use in the production of goods for commercial resale.
- Purchases of stationery and printing materials.

If the State Bureau of Procurement or its delegated agents determine that materials involved are not manufactured in the US in sufficient or reasonably available quantities, or the quality of the materials is substantially less than the quality of similar available materials manufactured outside the US, those purchases are also exempt.

**PROCEDURE:** I. Order of Preferences

This policy applies when there are no other award methods or preferences that apply first. Agencies will use other applicable award methods, over this policy, in the following circumstances:

- A. In the competitive negotiation (i.e. Request for Proposals (RFP)) process, agencies have additional award considerations that can be used to break a possible score "tie". Those tools will be exhausted, as applicable, before this policy is used to determine an RFP award. See PRO-308, Basis of Award for Competitive Negotiation (RFP).
- B. Situations in which rules of reciprocity apply; see PRO-603, Reciprocity Law and Handling State Preferences.
- C. Sole source and general waivers of bidding; see PRO-501, Waiver of Bidding Process.
- D. Collective purchases; see PRO-502, Collaborative Contracting: Piggybacking and the Use of Contracts with Other Authorities.



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E. Emergency procurements; see PRO-503, Emergency Procurement.

## II. Specification, Solicitation Development

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. 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. See PRO-202, Specifications and Standards.

C. 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 using forms, required for use by the Bureau, for solicitation of bids and proposals. By using required forms, agencies ensure they are meeting their requirement to include American-made materials preference in their solicitations.

American-made certification is contained in the Bidder Required Form, DOA-3832.

D. For purchases valued below competitive bidding thresholds, agencies will use the certification statement from DOA-3832 or language substantially similar in order to address American-made materials requirements.

## III. Award Determinations



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- A. 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.
- B. Any time that a material is purchased that is not American-made, in place of a substantially lower-priced American-made material, documentation of the transaction and the decision-making process will be maintained by the procuring agency.

#### IV. WTOGPA or American-Made

- A. When making an award on a solicitation that involves a member country under the World Trade Organization Government Procurement Agreement (WTOGPA), and has American-made considerations, the agency will consult the Bureau.



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