



# UPPER COLORADO RIVER COMMISSION

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February 27, 2026

Re: Response to Questions submitted on 2026-01-DT-UCRC-RFP

To Whom it May Concern:

Questions regarding the subject Request for Proposals have been submitted to the UCRC Project Team. Please find the questions and corresponding response outlined below.

**Question:** Does the Davis Bacon wage requirement pertain to fabrication work done in the fabricator's shop or is it for onsite work only? If it is limited to onsite work, does the offeror still report payroll wages weekly?

**Answer:** The Davis Bacon wage requirement applies broadly to all employees of a contractor or subcontractor working on federally funded projects. Nowhere in the federal statute or federal regulations is there a suggestion that the requirements differ based on where the work is performed.

Additionally, here is the language from the notice of award granting the funding for this project:

“Section 41101 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, requires that **all laborers** and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair work **on a project assisted in whole or in part by funding made available under BIL** shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).”

**Question:** We would like clarification on the Buy America, Build America requirements and the types of material that falls under it.

- a. Our understating is the any iron or steel material has to be melted and manufactured in the USA. If the billets are foreign and the rest of the processes take place in the USA, is that allowed?
- b. Most stainless steel and aluminum are not fully manufactured in the USA. Does a “chain of command” need to be established for every person that touches the steel all the way from the ground through to the final manufactured item?
- c. Will a Mill Test Certification Report that states the material has been melted and manufactured in the USA be enough to establish domestic material?

**Answer:**

- a. If the cost of iron or steel is more than 50% of the cost of all the components, then all iron and steel must have been manufactured in the US. Otherwise, at least 55% of the total cost of all components must be made up of items manufactured in the US. Under this second scenario, the billets could likely be foreign, even if made of iron or steel. So, for instance, if a very expensive computer chip that is manufactured in the US is a component of a product, it is a fair reading of BABA that the iron or steel used in the same project could be foreign.

Here is a more specific breakdown:

First, classify the sourced material. To do so, determine whether the sourced material is a a) iron or steel product; b) a manufactured product, c) or construction material.

- i. **Iron and steel product:** a product in which the cost of the iron and steel components exceeds 50% of the total cost of all components.
- ii. **Manufactured product:** materials that have been either processed into a specific form or shape or combined with other materials to create a product with different properties. A manufactured product may include components that are construction materials, iron or steel products, or section 70917(c) materials.
- iii. **Construction materials:** a short list of materials that each consist entirely of one these basic substances: non-ferrous metals, plastics or polymers, glass, fiber optic cable, optical fiber, lumber, engineered wood, and drywall
  1. EXCEPT minor additions of articles, materials, supplies, or binding agents.

Second, apply the appropriate BABA requirement:

- iv. all **iron and steel** used in the project must be produced in the United States.
    1. *Produced in the US:* the iron and steel manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
  - v. all **manufactured products** used in the project must be produced in the United States
    1. *Produced in the US:*
      - a. the manufactured product was manufactured in the United States AND
      - b. the cost of the components of the manufactured product mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product OR
      - c. another standard for determining the minimum amount of domestic content of the manufactured product was established by law or regulation.
  - vi. all **construction materials** must have been manufactured in the United States
    1. *Produced in the US:* all manufacturing processes for the construction material occurred in the United States
- b.** As above, how we define the actual product is important here. If the item is actually a “manufactured product,” then there does not need to be a “chain of command” established. Instead, use the following instructions to determine whether 55% of the total cost of components is US manufactured:
- (a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
  - (b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a),

plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

If it is a steel or iron product, then a “chain of command” needs to be established. For iron and steel, “produced in the US means “all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;”

- c. Yes. The federal regulations require our contracts to include manufacturers certification, defined as “documentation provided by a Manufacturer, certifying that the items provided by Manufacturer meet the domestic preference requirements of BABAA.”

**Question:** Would hot dipped galvanized steel or pre-galvanized steel sheet (zinc coated to G90 & G210) be allowed for production of the flumes, weirs?

**Answer:** The State Engineer’s Office does not have a preference on coatings. Given these materials offer longevity to the product, the Offeror should include the cost of preferred materials proposal accompanied by a very brief justification of why the offeror prefers the use of these materials.

**Question:** Given that steel is our primary building method, could you please clarify the specific coating system required for these devices? We have previously used zinc-rich galvanized coatings on similar projects and would like to confirm whether that system would meet your specifications or if an alternative coating is preferred.

**Answer:** The State Engineer’s Office does not have a preference on coatings. Given these materials offer longevity to the product, the Offeror should include the cost of preferred materials proposal accompanied by a very brief justification of why the offeror prefers the use of these materials.

**Question:** Will the UCRC design and provide the sizes and types of flumes, weirs required?

**Answer:** Standard device designs will be engineered with the intent to be produced in large quantities. Designs will be provided by the Project Team’s engineering consultant, but there may be scenarios that custom design discussions with manufacturers may be appropriate.

**Question:** Will the measurement devices be fully designed and engineered by your team and then provided to us for fabrication, or would there be any design-build component expected from the selected contractor?

**Answer:** Standard device designs will be engineered with the intent to be produced in large quantities. Designs will be provided by the Project Team’s engineering consultant, but there may be scenarios that custom design discussions with manufacturers may be appropriate.

**Question:** Should we anticipate these projects moving quickly, with potential fabrication needed this spring and summer?

**Answer:** The most positive scenario is a timeline that describes installations occurring as early as summer, but most installations are likely to occur in the fall.