



Infrastructure Investments and Jobs Act (“IIJA”)

On November 15, 2021 the Infrastructure Investment and Jobs Act (IIJA) was signed into law, providing for a spending package of \$1.2 trillion. As part of IIJA, the Build America,

Buy American Act guidance was finalized on August 23, 2023 and effective on October 23, 2023. It imposes baseline domestic preference procurement on all infrastructure projects receiving federal financial assistance.

Acuity Brands provides a portfolio of sustainable, inspiring, and intelligent lighting solutions that allow you to enhance spaces and improve energy efficiency, all while reducing the impact on the environment. We are pleased to provide a resource for your frequently asked questions regarding IIJA.

Frequently Asked Questions

What is the Infrastructure Investment and Jobs Act?

The Infrastructure Investment and Jobs Act (“IIJA”), also known as the “bipartisan infrastructure bill” was signed into law by President Biden on November 15, 2021. The legislation includes a total of \$1.2 Trillion in spending, including \$550 Billion in new spending on transportation infrastructure, water infrastructure, resilience, broadband access, and electric vehicle charging stations. Specific sections also focus on reducing the carbon footprint of public infrastructure.

What is Build America, Buy America (BABA)?

BABA was enacted as part of the Infrastructure, Investment and Jobs Act (IIJA) in November 2021. BABA established content procurement preference for all federal financial assistance obligated for infrastructure projects after May 14, 2022. In its final state, all iron, steel, manufactured products, and construction materials used in infrastructure projects must be produced in the United States for use of federal funding established through IIJA.

How does the Build America, Buy America Act (BABA) differ from the Buy America(n) Act (BAA)?

BABA establishes a domestic content procurement preference for discretionary spending on IIJA grant funded infrastructure projects. As an example, manufactured products under the BABA guidance must meet a cost of components test. The Buy America(n) Act (BAA) has separate procurement rules that apply to mandatory spending through the federal budgeting process for existing Buy America and Buy American regulations which employ a different set of domestic content rules based on the federal agency administering the funds. It is important that the Acuity Brands checklist is filled out so we know which agency is administering the funds under which rules. This is a requirement: <https://www.acuitybrands.com/-/media/abl/acuitybrands/files/resources/customer-tools/buy-american/buyamericachecklist.pdf?forceBehavior=open>

How do I know I am purchasing a product that meets BABA or BAA?

Acuity Brands Lighting, Inc. products will have a BAA or BABA logo on acuitybrands.com webpage by product family. To ensure you are purchasing a product that meets BAA or BABA you must use the nomenclature attribute of BAA upon ordering.

Additionally, you will also see the statement on the product specification sheet on our website for the proper designation as follows:

BAA – Buy America(n) Act: Product qualifies as a domestic end product under the Buy American Act as implemented in the FAR and DFARS. Product also qualifies as manufactured in the United States under DOT Buy America regulations.

-OR-

BAA – Buy America(n) Act: Product with the BAA option qualifies as a domestic end product under the Buy American Act as implemented in the FAR and DFARS. Product with the BAA option also qualifies as manufactured in the United States under DOT Buy America regulations.

BABA - Build America Buy America: Product qualifies as produced in the United States under the definitions of the Build America, Buy America Act.

-OR-

BABA - Build America Buy America: Product with the BAA option also qualifies as produced in the United States under the definitions of the Build America, Buy America Act.



Do individual drivers and embedded control components within a luminaire need to meet the requirements of BABA in order for the entire luminaire to qualify for BABA?

The individual drivers and embedded controls within a luminaire are components of the luminaire and do not need to meet the requirements of BABA when they are already installed in the luminaire.

Drivers and controls that are not embedded in a luminaire and are sold and/or shipped on their own do need to qualify for BABA.

Are there any provisional waivers planned for Build America, Buy America (BABA)?

Yes. Government agencies may establish waivers to BABA requirements on the basis of nonavailability, cost, or public interest. Waivers are limited to specific projects or specific time periods. These waivers and the waiver process are posted on the individual agency website.

If a waiver is needed, the contractor must apply for the waiver through the individual agency administering the BABA funds. For example, if the project is a BABA funded project with FEMA, the contractor must go on FEMA's website to request a waiver to BABA.

At this time, the Federal Highway Administration's general waiver for manufactured goods currently waives BABA requirements for manufactured products that do not include steel or iron components.

You can find some frequently used waivers from several federal agencies linked below:

Federal Transit Administration: <https://www.transit.dot.gov/buyamerica>

Federal Aviation Administration: https://www.faa.gov/airports/aip/buy_american

Federal Highway Administration:
<https://www.fhwa.dot.gov/construction/contracts/waivers.cfm>

Environmental Protection Agency: <https://www.epa.gov/cwsrf/build-america-buyamerica-babaapproved-waivers>

Department of Education:
<https://www2.ed.gov/policy/fund/guid/buyamerica/index.html>

Department of Housing and Urban Development: <https://www.hud.gov/baba>

Which projects or upgrades are targeted by the Infrastructure Investment and Jobs Act?

The Infrastructure Investment and Jobs Act focuses on public infrastructure and government facilities. Highlights include:

- **Funds and policies targeting energy efficiency, carbon reduction, safety/security, and resilience of public infrastructure - roadway, transit, and ports;**
- **Funds for energy-efficient upgrades to airports;**
- **Funds through the Maritime Administration (MARAD) Port Infrastructure Development Program (PIDP) to improve port infrastructure and reduce greenhouse gas emissions;**
- **Grants for electric vehicle charging and fueling infrastructure which may include lighting and controls for sites or facilities supporting these infrastructure locations;**
- **Grants for energy efficiency improvements and renewable energy improvements at public school facilities;**
- **Smart grid investments to provide demand flexibility, such as controls and building management systems;**
- **Grants to assist states in adopting and enforcing effective building codes, driving demand for energy efficient systems throughout all areas of the U.S.;**
- **Information on additional infrastructure funding available under IIJA is available at [Build.gov](https://www.build.gov)**



When will funding be available?

For most programs, funding was available starting in 2022. However, funding for most of the bill's programs will be spread out over 5 years. We have seen an increase in BABA since the final guidance was issued on August 23, 2023.

How will the funds be allocated and distributed?

Funds will be distributed through a variety of agencies along with states and localities. The provisions that present opportunities for new or upgraded lighting solutions will be distributed primarily by the Department of Energy and the Department of Transportation. For most of the funding, federal agencies will either provide direct funding, or issue grants to states and localities to identify the highest priority projects that qualify for the funding opportunities. Priorities may be based on improvements related to carbon reduction, resiliency, and supporting underserved communities.

To access the final guidance for the Build America, Buy America Act (BABA), visit

<https://www.federalregister.gov/documents/2023/08/23/2023-17724/guidance-forgrantsand-agreements>

For more information on the Bipartisan Infrastructure Law, please reference

<https://www.whitehouse.gov/build/>

For more information on the Build America, Buy America Act (BABA), please reference

<https://www.whitehouse.gov/omb/management/made-in-america/build-america-buy-americaactfederal-financial-assistance/>

For more information on the Buy America(n) Act (BAA), please reference

<https://www.acuitybrands.com/resources/trending-topics/buy-american>

To access the Acuity Brands BAA and BABA guidelines, visit

<https://www.acuitybrands.com/-/media/abl/acuitybrands/files/resources/customertools/buy-american/buy-america-guidance.pdf?forceBehavior=open>



To access the Acuity Brands BAA/BABA project checklist, visit

<https://www.acuitybrands.com/->

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