

September 2010

Visa Lighting and the American Recovery and Reinvestment Act (ARRA) of 2009 – Buy American Requirements

This document represents Visa Lighting's understanding and compliance of the Buy American Act (BAA). It may be updated as we develop new products or more information becomes available.

Section 1605 of the American Recovery and Reinvestment Act of 2009 restricts funds to be used for infrastructure projects involving construction, alteration, maintenance or repair of public buildings or public works to iron, steel and manufactured goods produced in the United States, subject to certain exceptions. As a manufactured good, Visa Lighting is not restricted by country of origin rules for iron or steel.

There are two interim procurement rules that have been issued covering ARRA funded projects. They are Federal Acquisition Regulation (FAR) for direct federal procurements that use ARRA funds and Office of Management and Budget (OMB) for financial assistance awarded to states and non-federal entities. If the project does not use ARRA funds than traditional FAR, DFAR rules apply for federal procurement.

Lighting fixtures must comply with guidelines for Commercially Available Off-The-Shelf (COTS) products. Visa Lighting's manufacturing facility is located in Glendale Wisconsin. All spinning, finishing, wiring and assembly occur in the United States. Some parts are purchased from overseas such as ballasts, LED sources and castings.

There are three main levels of compliance for COTS. All Visa Lighting products comply with Level 1 and Level 2. Visa Lighting products comply with Level 3 with the exception of large scale RGB LED products and the Stylus outdoor product.

The applicable FAR clauses are listed below:

Level 1

For ARRA funded federal projects:

52.225-23

Federal Projects subject to FAR:

52.225-5 (supply contracts)

52:225-11 2009 (construction projects)

Level 2

For ARRA funded federal projects:

52.225-21

Federal Projects subject to FAR:

52.225-1 (supply contracts)

52:225-9 2009 (construction projects)

Level 3

For ARRA funded federal projects:

52.225-1 (supply contracts)

52:225-9 Pre-2009 (construction projects)

52.225-10

OMB project will identify specific procurement requirements.