

ALERT

Administration Seeks Comment on Potential Requirement for U.S.-Made Solar Products in Projects Funded by Inflation Reduction

September 20, 2022

On September 19, 2022, the U.S. General Services Administration (GSA) issued a request for information (RFI) on the “availability of domestically manufactured solar photovoltaic (PV) panels and components and feasibility of requiring the use of such PV panels and components for future projects.” The deadline for comments is November 18, 2022.

The GSA intends to use the information it gathers to develop a procurement strategy, and potentially a procurement standard, for projects seeking funding under the Inflation Reduction Act. As discussed in more detail in a prior alert, the Inflation Reduction Act contains potential game-changing benefits for the U.S. solar industry. Information from the industry on the availability of domestic supply of solar PV panels and components will inform the rules about what will need to be manufactured domestically for future U.S. solar projects to access those benefits.

The GSA is also interested in the use of domestically manufactured PV panels and components in Power Purchase Agreements (PPA), Energy Savings Performance Contracts (ESPC), Utility Energy Service Contracts (UESC), and solar array development contracts.

The RFI includes non-exhaustive lists of questions specific to manufacturers, installers, and developers respectively. The RFI also poses several general questions about market availability and acquisition practices, including the following:

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Practice Areas

International Trade
National Security
Supply Chain and Transactional Support

- “How will the IRA and potentially more federal opportunities for use of domestically manufactured PV panels or components help you expand or increase your rate of growth? Are there other initiatives or factors that impede or spur growth in this area? How will the IRA impact the purchase of power versus the PV systems themselves?”
- “What would be the likely impacts of the Government requiring in its procurements that solar energy under such contracts be generated using domestically manufactured PV panels or components?”
- “How does your company ensure that your solar supply chain does not utilize forced labor? Will your company’s supply chain be impacted by the recently passed Uyghur Forced Labor Prevention Act?”

The U.S. solar industry remains in the spotlight as the Biden Administration continues to develop strategies to pursue ambitious climate goals, bolster U.S. manufacturing, and extricate essential U.S. supply chains from human rights crises abroad.

If you have any questions about the GSA’s request for information, or if you need help preparing comments for the agency’s consideration as it develops procurement strategies and standards, please reach out to an attorney listed on this alert.

Wiley continues to monitor this and all supply chain and solar industry developments. Wiley’s comprehensive Supply Chain and Transactional Support practice complements its robust International Trade and National Security practices with significant expertise in trade remedy proceedings (including in the solar industry), government funding processes, and many other industry competitiveness strategies.