

## Design, Construction & Regulatory Compliance

### Build America, Buy America Act (BABA) – IHDA Compliance Guide

06.30.25

## Introduction

This guide provides practical steps and compliance requirements for implementing the **Build America, Buy America Act (BABA)** in multi-family housing projects that receive Federal Financial Assistance from HUD. It outlines responsibilities, documentation, and verification procedures to ensure full compliance with BABA's domestic sourcing mandates.

## 1. Overview of BABA Requirements

### 1.1 What is the Build America, Buy America Act?

The Build America, Buy America Act (enacted as part of the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, November 15, 2021) requires that all infrastructure projects funded with federal assistance use U.S.-produced materials, unless a waiver is granted.

### 1.2 Covered Materials

Projects must ensure that the following categories of products are manufactured in the United States:

1. **Iron and Steel**
  - All manufacturing processes, from melting through the final coating, must occur in the U.S.
2. **Manufactured Products**
  - The product must be manufactured in the U.S., and at least **55% of the total cost of components** must be of U.S. origin.
3. **Construction Materials**
  - Includes items such as glass, drywall, lumber, plastic, and composites.
  - All manufacturing processes must occur in the U.S.

### 1.3 Applicability to IHDA-Funded Housing Projects

BABA requirements apply to projects where IHDA has provided Federal Financial Assistance through the following HUD programs:

1. HOME Investment Partnerships Program (HOME)
2. Housing Trust Fund (HTF)\*

\*IHDA refers to this program as “National Housing Trust Fund” or NHTF

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## 2. Compliance Objectives

1. Ensure all applicable materials comply with the BABA Act's domestic production requirements.
2. Facilitate efficient tracking and documentation processes for materials.
3. Maintain transparency and accountability throughout the project lifecycle.

## 3. Roles and Responsibilities of Participants

### 3.1 IHDA

IHDA, as the “grantee”, will oversee the entire compliance process, ensuring that all team members understand and meet BABA requirements. Responsibilities include:

#### a) Ensure Project Eligibility and BABA Applicability

- Determine whether the funded activity constitutes “infrastructure” as defined by HUD.
- Confirm that BABA applies based on award date and funding source.
- Apply the correct implementation date based on program-specific HUD guidance.
- Complete the BAP Applicability Checklist (**Attachment 1**).

#### b) Incorporate BABA Requirements into Project Agreements

- Include BABA language in applicable:
  - Subrecipient agreements
  - Developer contracts
  - Subawards and funding contracts
- Require contractors and developers to:
  - Certify their understanding of BABA
  - Submit documentation of compliance

#### c) Monitor Compliance

- Establish a compliance monitoring system to verify:
  - Materials meet BABA sourcing standards
  - Required documentation is submitted and stored
  - Project timelines account for material availability
  - Documentation (e.g., origin certificates, invoices, waiver requests) through site inspections or desk reviews
  - Deficiencies are addressed promptly through corrective action plans

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**d) Maintain Centralized Documentation**

- Track:
  - Covered materials used (iron, steel, manufactured products, construction materials)
  - Compliance certifications from developers, contractors and suppliers
  - Waiver requests and HUD responses
  - Ensure records are retained for at least 5 years after project closeout.

**e) Assist with Waiver Requests**

- Support subrecipients, developers, or contractors in:
  - Identifying need for a waiver
  - Preparing and submitting a complete waiver request to HUD
  - Verifying justification and documentation before submission

**f) Train and Educate Stakeholders**

- Provide training sessions or guidance, including updated HUD guidance and best practices, to:
  - Internal staff
  - Developers, architects and contractors

**g) Communicate with HUD**

- Act as the primary liaison between HUD and the project team for:
  - Technical questions about BABA applicability
  - Waiver submissions and status
  - Requests for clarification on materials or methods

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## 3.2 Development Team

### a) Owners/Developers

#### Key Responsibilities:

- Ensure BABA compliance is built into the project lifecycle from planning to closeout.
- Coordinate communication between design and construction teams on BABA requirements.
- Retain documentation for IHDA/HUD monitoring and audits.
- Submit BABA Compliance Certification ([Attachment 2](#)) at construction completion.

#### Best Practices:

- Include BABA Requirements in Contracts:** Require compliance language in all subcontracts, including construction, procurement, and consulting agreements.
- Budget for Compliance:** Account for potential increased costs of domestic materials during pro forma and budget planning.
- Engage Early with IHDA:** Clarify which IHDA program rules apply (e.g., HOME, NHTF) and if any waivers or exemptions are in effect.
- Develop a Compliance Plan:** Work with a construction manager or owner's rep to create a BABA compliance strategy that includes documentation workflows and material sourcing protocols.
- Maintain Centralized Records:** Collect and store compliance certifications, invoices, and logs in a shared location.

### b) Architects/Engineers

#### Key Responsibilities:

- Design with BABA-compliant materials in mind.
- Support the owner and contractor in identifying domestic options.
- Provide performance specs and approved product lists that meet BABA criteria.

#### Best Practices:

- Specify Domestic Products:** Use product specifications and performance criteria that favor U.S.-made materials whenever possible. Avoid proprietary or foreign-only products unless a waiver is planned.
- Flag Covered Materials:** Use your drawing legend or spec book to clearly identify BABA-covered categories. This helps contractors identify high-risk items early.
- Support Substitution Requests:** Be prepared to review alternate U.S.-made products if specified ones are unavailable or exceed cost limits.
- Coordinate Waiver Justification (if needed):** Work with owners and contractors to assemble technical information for waiver applications, including market availability research.

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### c) Contractors and Subcontractors

**Key Responsibilities:**

- Source, track, and install only BABA-compliant iron, steel, manufactured products, and construction materials.
- Maintain records verifying U.S. origin of covered materials.
- Notify the owner and architect immediately if a material cannot be sourced domestically.
- Provide the total cost of Covered Materials to establish the De Minimis limit.
- Provide a list of Covered Materials and their associated costs to which the De Minimis limit has been applied.
- Submit BABA Compliance Certification (**Attachment 2**) at construction completion.

**Best Practices:**

- Procurement Coordination:** Collaborate with suppliers and subcontractors before purchasing materials. Ask for domestic origin certifications up front.
- Submittal Review:** Include BABA certifications in all submittals for covered materials. Make this part of your standard approval workflow.
- Material Tracking System:** Maintain a BABA-specific submittal log detailing product name, category (iron/steel, manufactured product, construction material), supplier, manufacturer, and U.S. origin documentation (example below).
- Job Site Verification:** Label and photograph delivered materials. Conduct periodic site audits to ensure only compliant materials are installed.
- Training Crews and Subs:** Hold a BABA kickoff meeting and include reminders in regular toolbox talks.

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#### Additional Columns for Submittal Log

Material	Supplier	BABA Category <sup>1</sup>	BABA Compliant <sup>2</sup>	BABA Waiver <sup>3</sup>	Material Data Sheet <sup>4</sup>
Concrete	USA Ready-Mix, LLC	N/A	N/A	N/A	N/A
Steel Beams	American Steel Co.	Iron & Steel	No	De Minimis	No
Lumber	USA Lumber Ltd.	Construction Materials	Yes	N/A	Yes
Windows	American Windows Corp.	Manufactured Product	No	Product Specific	No

1. Identify the appropriate category for BABA applicable products (Iron and Steel, Construction Materials, Manufactured Products, or N/A)
2. Identify if the products are BABA compliant
3. Identify the applicable waiver for each product
4. Identify if BABA compliant documentation is available

## 4. BABA Waiver Process

The Build America, Buy America Act (BABA) allows for limited waivers to its domestic sourcing requirements under specific conditions. HUD has established procedures for requesting and processing these waivers.

### 4.1 Types of BABA Waivers

HUD may grant a BABA waiver in the following cases:

Waiver Type	Description
Public Interest Waiver	Issued when application of the BABA requirement would be inconsistent with public interest (e.g., to prevent project delay or address critical housing needs).
Non-Availability Waiver	Issued when the specific type of iron, steel, manufactured product, or construction material is not produced in the U.S. in sufficient quantity or quality.

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Waiver Type	Description
Unreasonable Cost Waiver	Issued if using a U.S.-made product would increase the cost of the overall project by more than 25%.

Note: Waivers must be granted before non-compliant materials are permanently installed. Retroactive waivers are not permitted.

## 4.2 Steps to Request a BABA Waiver

### 1. Identify the Need for a Waiver Early

As soon as you determine that a required material cannot be sourced in compliance with BABA, notify the project team and begin the waiver process.

### 2. Prepare the Waiver Request Package

Utilize and reference the example waiver form (**Attachment 3**)

Include the following documentation:

- Project Details
  - Name, location, HUD program, funding source, and project number
- Type of Waiver Requested
  - Clearly state which of the three categories applies
- Material(s) Requiring Waiver
  - Description, product data, use in the project
- Justification
  - For non-availability: Market research, supplier contacts, quotes, and timelines
  - For public interest or cost-based: These waivers are not likely to apply to IHDA funded projects due to their difficulty to justify to the extent required.
- Efforts to Comply
  - Evidence of outreach to vendors, substitution attempts, and consultations with HUD
- Impact of Denial
  - How denying the waiver would affect timeline, budget, public need, or safety

### 3. IHDA will submit the waiver package to HUD.

### 4. HUD Review Process

HUD's review process typically includes:

- Internal technical review
- Posting of the proposed waiver for public comment (typically 15 days)
- HUD submits the proposed waiver to OMB/MIAO for final review/approval
- Final determination and publication of waiver on HUD's website

Timeline: 30–60 days (depending on complexity and public feedback), but could be up to 6 months.

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### 4.3 Waiver Best Practices

- **Avoid Last-Minute Requests:** Waiver approval is not guaranteed, and delays could stall construction.
- **Document Everything:** Maintain records of all quotes, emails, supplier refusals, and cost analysis.
- **Engage IHDA Early:** Contact IHDA once you suspect a waiver might be needed. Informal pre-review helps.
- **Bundle Requests Where Appropriate:** For similar materials used across multiple units, submit one consolidated request.



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## Final and Reporting Close Out

At the end of the project, a comprehensive final report will be prepared in the form of the submittal log. This report will document all compliance activities, summarize audit findings, and include all necessary documentation to demonstrate adherence to BABA requirements. The report will be submitted to HUD and all relevant stakeholders. Additionally, the project Owner and General Contractor will be required to submit certification that the project is BABA compliant.

## Conclusion

Adhering to the Build America, Buy America Act is crucial for the successful completion of our multi-family housing projects supported with Federal Financial Assistance from HUD. This compliance plan ensures that all materials used meet federal requirements, thus supporting domestic manufacturing and contributing to the nation's economic growth. By following this plan, we commit to transparency, accountability, and excellence in all phases of the project.

## Attachments

1. Buy America Preference Applicability Checklist
2. Buy America Preference Certification
3. BABA Waiver Form

## Reference Documents

- [HUD – CPD Notice](#)
- [HUD – BABA Grantee User Manual](#)
- [HUD – BABA FAQs](#)
- [IHDA – BABA FAQs](#)

# Attachment 1

## Buy America Preference Applicability Checklist

This checklist is a tool to assist with determining if the Buy America Preference (BAP) applies to a public infrastructure project funded by a covered CPD program. This checklist follows the analysis steps as described in Section VII of Notice CPD-25-01 and may be retained for record-keeping purposes.

### Project Information

<b>Grantee</b>	
<b>Grant Number</b>	
<b>Activity Name</b>	
<b>Activity Number (IDIS/DRGR)</b>	

**Step 1.** Determine if the project is a public infrastructure project as defined in Sections II and III of Notice CPD-25-01.

<input type="checkbox"/> Yes	Continue to Step 2.
<input type="checkbox"/> No	The BAP does not apply. The BAP only applies to public infrastructure projects. Stop here.

**Step 2.** Is the project funded using a Covered CPD Program?

Check the box below for each CPD program funding this project.

### Group A: Covered CPD Programs

<input type="checkbox"/>	CDBG	<input type="checkbox"/>	SHOP
<input type="checkbox"/>	Section 108	<input type="checkbox"/>	VHRMP
<input type="checkbox"/>	HOME	<input type="checkbox"/>	CPF/EDI
<input type="checkbox"/>	HTF	<input type="checkbox"/>	Section 4
<input type="checkbox"/>	RHP	<input type="checkbox"/>	Rural Capacity Building
<input type="checkbox"/>	ESG	<input type="checkbox"/>	PRO Housing
<input type="checkbox"/>	CoC	<input type="checkbox"/>	PRICE
<input type="checkbox"/>	HOPWA	<input type="checkbox"/>	FY23 PSH Funds

### Group B: CPD Programs Not Covered by the BAP

<input type="checkbox"/>	CDBG-DR	<input type="checkbox"/>	CDBG-CV
<input type="checkbox"/>	CDBG-MIT	<input type="checkbox"/>	HOPWA-CV
<input type="checkbox"/>	CDBG-NDR	<input type="checkbox"/>	ESG-CV
<input type="checkbox"/>	HOME-ARP		

If you selected **any** Group A programs (even if Group B programs are also selected), answer yes. If you selected **only** Group B programs, answer no.

<input type="checkbox"/> Yes	Continue to Step 3.
<input type="checkbox"/> No	The BAP does not apply to this project because it is not funded by a covered CPD program. Stop here.

**Step 3.** Will the project use Covered Materials?

*Each material should be classified into only one category: iron and steel, specifically listed construction materials, not listed construction materials, or manufactured products. This classification is necessary to apply HUD's Phased Implementation Waiver.*

Check the box below for each type of covered material incorporated into this infrastructure project.

<input type="checkbox"/>	Iron or steel
<input type="checkbox"/>	Specifically Listed Construction materials
<input type="checkbox"/>	Not Listed Construction materials
<input type="checkbox"/>	Manufactured products

If you checked any boxes above, answer yes.

<input type="checkbox"/> Yes	Continue to Step 4.
<input type="checkbox"/> No	The BAP does not apply to this project because it will not incorporate any Covered Materials. Stop here.

Analysis continues on next page.

**Step 4.** Based on the obligation date of the covered CPD program funds, does the BAP apply to the funding source and Covered Materials that will be used in the project?

*Use the phased implementation table to determine whether the BAP applies based on the obligation date for the covered CPD program funds and classification of materials. The BAP may only apply to some Covered Materials used in the project.*

*The obligation date is generally the date that HUD executed the grant agreement for covered CPD program funds to the grantee. This date may be found in the grant agreement. The obligation date is not the date when the grantee commits funds to a project under a subrecipient agreement.*

<b>BAP will apply to...</b>	<b>Iron and Steel</b>	<b>Specifically Listed Construction Materials</b>	<b>Not Listed Construction Materials</b>	<b>Manufactured Products</b>
<b>CDBG</b>	CDBG funds obligated on or after 11/15/22	Projects using FY24 CDBG funds	Projects using FY25 CDBG funds	Projects using FY25 funds.
<b>RHP</b>	RHP funds obligated on or after 8/23/23	RHP funds obligated on or after 8/23/24	RHP funds obligated on or after 8/23/24	RHP funds obligated on or after 8/23/24
<b>All other CPD programs except HOME and HTF</b>	Funds obligated on or after 2/22/24	Funds obligated on or after 8/23/24	Funds obligated on or after 8/23/24	Funds obligated on or after 8/23/24
<b>HOME and HTF</b>	HOME or HTF funds obligated on or after 8/23/24	HOME or HTF funds obligated on or after 8/23/24	HOME or HTF funds obligated on or after 8/23/24	HOME or HTF funds obligated on or after 8/23/24

<input type="checkbox"/> Yes	Indicate here which Covered Materials the BAP applies to and continue to Step 5: <input type="checkbox"/> Iron and steel <input type="checkbox"/> Specifically listed construction materials <input type="checkbox"/> Not listed construction materials <input type="checkbox"/> Manufactured products
<input type="checkbox"/> No	The BAP does not apply to this project because the funds were obligated before the effective date for the program/materials used in the project. Stop here.

**Step 5.** HUD has issued several general waivers. Check the box next to any conditions that apply to the project.

*Public infrastructure projects that meet the conditions of a general waiver may be exempt in whole or in part from the BAP.*

<input type="checkbox"/>	The total cost of the project from all sources (Federal and non-Federal) is \$250,000 or less. If checked, the Small Grants Waiver applies, and the project is exempt from the BAP.
<input type="checkbox"/>	There is an urgent need to immediately complete the project because of a threat to life, safety, or property. If checked, the Exigent Circumstances Waiver applies, and the project is exempt from the BAP.
<input type="checkbox"/>	The project is in Guam, American Samoa, or the Northern Mariana Islands. If checked, the Pacific Island Territories Waiver applies, and the project is exempt from the BAP.
<input type="checkbox"/>	The project is being funded by a Tribal recipient. If checked, the Tribal Recipients Waiver applies, and the project is exempt from the BAP.

If you checked any of the boxes above, answer yes below.

<input type="checkbox"/> Yes	The HUD general waiver selected above is being applied to this project, so the BAP does not apply to the entire project. Attach documentation of the conditions of the waiver and then stop here.
<input type="checkbox"/> No	Proceed to Step 5a.

**Step 5a.** Calculate the *De Minimis* limit for the project:

*The total cost of all Covered Materials includes all iron and steel, construction materials, and manufactured products used in the project, regardless of whether the BAP currently applies under the Phased Implementation Waiver.*

Enter the total cost of all Covered Materials:	
Multiply that amount by 0.05 (5%):	
Enter the lower of the number calculated in the row above or \$1,000,000:	

The amount in the third row above is the *De Minimis* limit for this project. The BAP can be waived for Covered Materials from foreign or unknown sources at a cost not to exceed the *De Minimis* limit of 5% of the total cost of materials or \$1,000,000 (whichever is less). The BAP

will still apply to other Covered Materials used in the project. **Attach a list of Covered Materials and their associated costs to which the *De Minimis* limit has been applied.**

**Step 6.** Is there a need for a project-/product-specific waiver?

*If the BAP applies to a project and all general waiver flexibilities have been utilized, but there are remaining Covered Materials that can only be sourced from foreign or unknown sources, then a grantee may apply for a project-/product-specific waiver.*

<input type="checkbox"/> Yes	Refer to guidance in Section VII Step 6 of Notice CPD 25-01.
<input type="checkbox"/> No	Stop here and retain this analysis in project records.

\_\_\_\_\_  
Completed by

\_\_\_\_\_  
Date Completed

### Buy America Preference Certification Project Information

<b>Grantee</b>	
<b>Grant Number</b>	
<b>Activity Name</b>	
<b>Activity Number (IDIS)</b>	

This “*Buy America Preference Certification*” is used to certify that, as required by the Build America, Buy America (BABA) Act, all of the iron, steel, manufactured products, and construction materials incorporated into a public infrastructure project are produced in the United States, unless exempted by a HUD general waiver or a project-/product-specific waiver approved by HUD and the Made in America Office (MIAO) at the Office of Management and Budget (OMB).

For Covered Materials not otherwise exempted from the Buy America Preference (BAP), the undersigned certifies the following:

- All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and
- All construction materials used in the project are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

***Attach a list of all Covered Materials procured by the signatory and used in the project.***

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §§ 3729, 3802).

Signature	Title/Organization	Date

## IHDA Responses

Development Team  
Responses

## BUILD AMERICA BUY AMERICA WAIVER REQUEST

This data collection is for submitting a waiver request to the Build America, Buy America requirements. According to the Build America Buy America Act (BABAA), “none of the funds made available for a Federal Financial Assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”

Waivers are explained in the [Office of Management and Budget Memorandum 22-11](#) and required by the [Infrastructure, Investments and Jobs Act](#) (IIJA) sections 70901 through 70952. Each waiver request must provide responses to the form questions, as applicable. Instructions are provided in the next paragraph. Contact your Department of Housing and Urban Development representative for your award or for additional assistance with completing this data collection.

**Instructions:** The applicant needs to complete questions 1 through 17, sign and certify the form, and email the waiver request to [BuildAmericaBuyAmerica@hud.gov](mailto:BuildAmericaBuyAmerica@hud.gov).

**Required fields are marked with an asterisk (\*)**

## Questions to be Answered by the Grantee

## 1. Submitter Contact Information

Legal Name *		Unique Entity Identifier (UEI) *
Address 1 *		
Address 2		
City *	County/Parish	State
Territory/Province	Country *	Zip/Postal Code *

## 2. Submitter Email \*

## 3. Submitter Phone Number \*

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#### 4. Federal Financial Assistance Identification Number (FAIN/Award Number) and Name \*

4.1 Provide the SAM.gov Assistance Listing number. \*

4.2 Provide the SAM.gov Assistance Listing name. \*

#### 5. Housing and Urban Development (HUD) Program Name \*

#### 6. Federal Financial Assistance Funding Amount \*

#### 7. Infrastructure Project \*

7.1 State the Infrastructure Project description and location, to the extent known.

7.2 Is your project co-funded by other Federal Agencies beside HUD? \*

Yes

No

- If yes: Complete section 7.2.1
- If no: Proceed to question 8

7.2.1 If you answered yes to question 7.2, does HUD provide the largest amount of funding to the project? Please note, if HUD is not the largest funder, you must apply for a waiver through the Federal Agency that provided the largest amount of funding to the project. Yes No

7.2.1a If you answered yes to question 7.2.1, please list the other Federal Agencies involved, including the Program, Office, and contact information for each Agency.

Federal Agency	Office	Program	Contact Information

7.2.1b If you answered no to question 7.2.1, please explain why you are submitting a waiver application to HUD. You must apply for a waiver through the Federal Agency that provided the largest amount of funding to the project. Your application will not be reviewed by HUD unless an explanation is provided.

#### 8. Total funding, including federal and non-federal shares: \*

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## 9. Total estimated infrastructure costs, including all federal and non-federal shares (to the extent known): \*

## 10. Listing of Materials, Technical Specifications, and Quantity: \*

HUD requires the name of the iron or steel item, manufactured product, or construction material proposed to be excepted from BABAA requirements, including name, cost, countries of origin (if known), and relevant Product Service Code (PSC) and North American Industry Classification System (NAICS) code. Please note if you have multiple products you would like HUD to review, please submit an waiver application for each product. Links to manuals that provide the PSC and NIACS codes:

- **PSC Codes:** <https://www.acquisition.gov/psc-manual>
- **NAICS Codes:** <https://www.census.gov/naics/>

### 10.1 Technical specification description of the item to be waived, if applicable.

### 10.2 Quantity required:

## 11. Waiver Type \*

Choose **ONE** of the three waiver types listed in this section and only answer the questions applicable to the chosen waiver type.

- **Nonavailability waivers:** Complete section 11.1
- **Unreasonable Cost waivers:** Complete section 11.2
- **Public Interest waivers:** Complete section 11.3

### 11.1 Nonavailability Waiver

Applicable responses to the following are required:

11.1.1 A description of the due diligence performed by the applicant, including names and contact information of the manufacturers, distributors, or suppliers contacted for quotes (minimum 3), and the responses provided. *Attach documentation for additional support if needed.*

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11.1.2 In the instance that the lead time to obtain a BABA compliant item is excessive, please attach documentation which indicates: the sum of the project cost and product that was identified, the cost differential between the BABA compliant product and the Non-BABA compliant product that increases the overall project cost to be above the threshold of 25%, and any quality or quantity issues that were interfaced in the BABA compliant process. Attach documentation for additional support if needed.

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**11.2 Unreasonable Cost Waiver** (BABA compliance increases total project cost by more than 25 percent)

Applicable responses to the following are required:

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11.2.1 What is the additional cost of the BABA compliant item, compared to using iron and steel, manufactured products, and construction materials of non-domestic or unknown origin? Please demonstrate how the BABA compliant item increases the total project cost by more than 25 percent. Attach documentation of prices for BABA compliant and non-compliant items for the cost comparison. *Attach documentation for additional support if needed.*

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**11.3 Public Interest Waiver**

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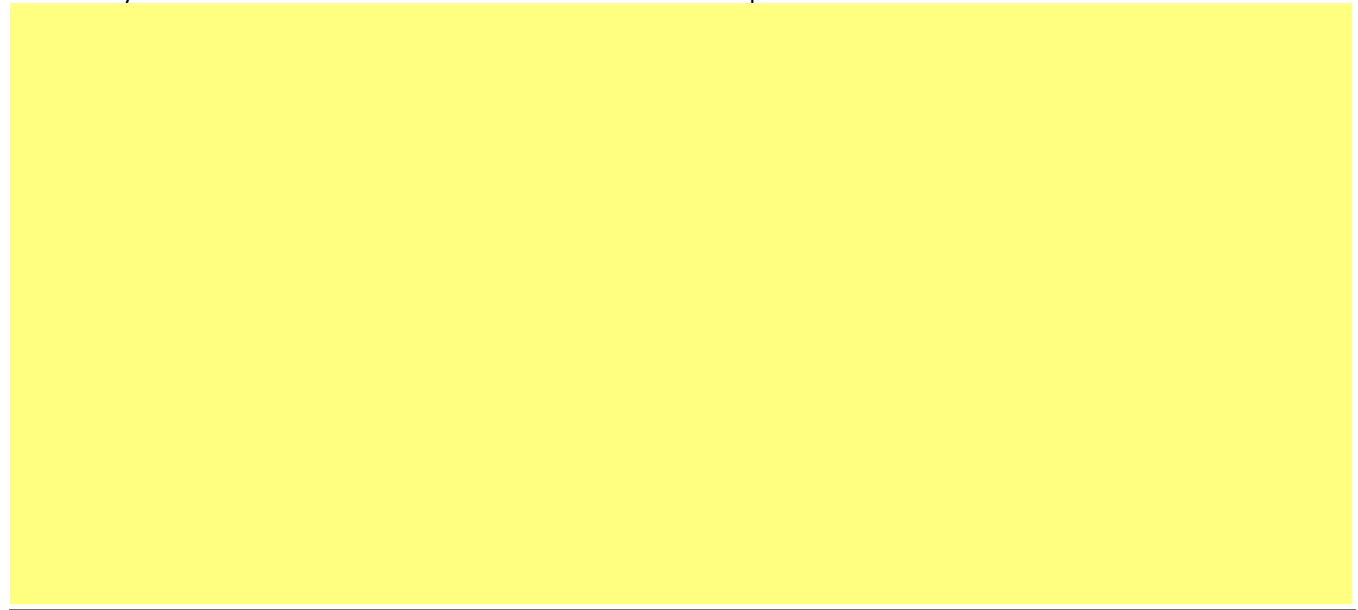
11.3.1 Explain how waiving the BABA requirement for this project or product serves the public interest. Attach documentation for additional support if needed.

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## 12. Additional Waiver Information

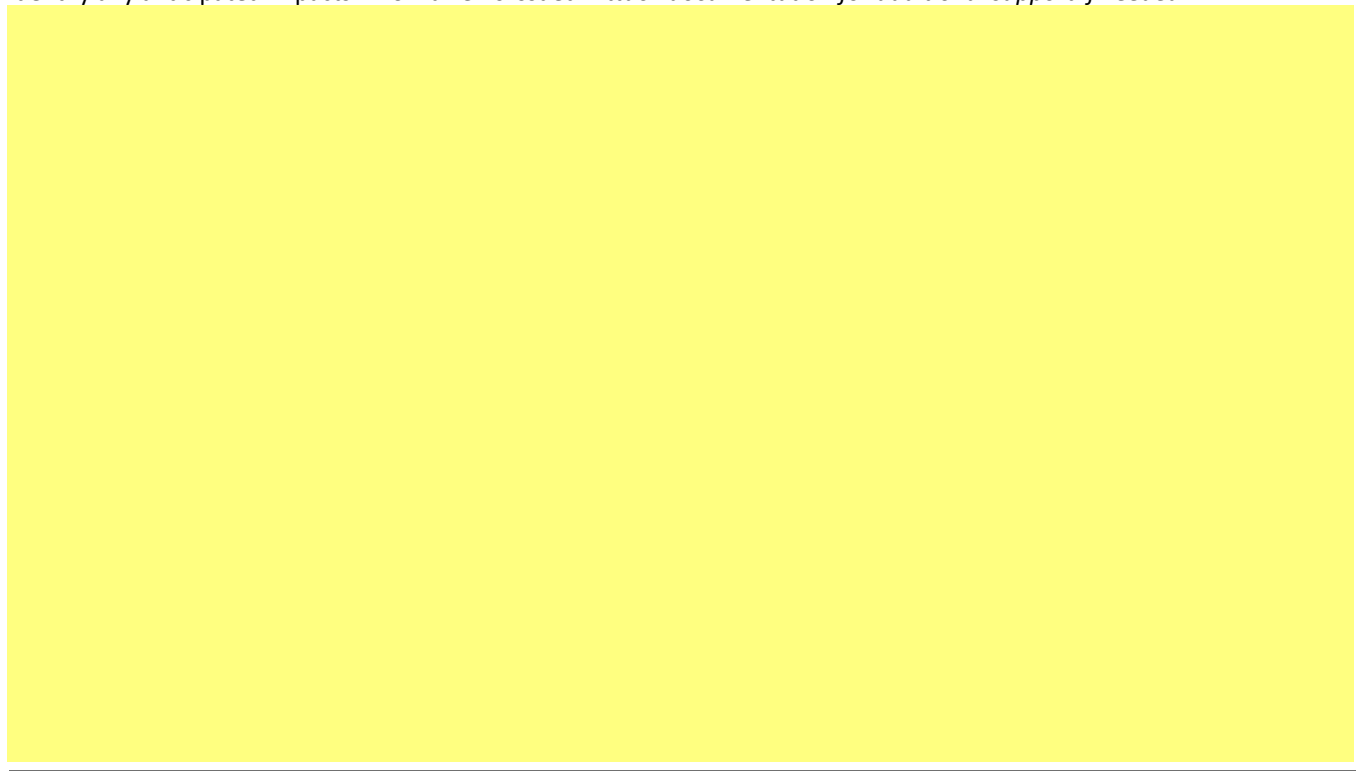
Provide any additional information for HUD's consideration of the requested waiver.



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## 13. Anticipated Impacts \*

Identify any anticipated impacts if no waiver is issued. *Attach documentation for additional support if needed.*



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#### 14. Certification \*

Certification that the Federal assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

**I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct.**

*WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802)."*

15. Certifying Official Name: \*

16. Certifying Official Signature: \*

17. Date of Certification: \*

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### **Public Posting of Waiver Request Information**

The BABAA domestic sourcing requirements waiver authority generally requires the Federal awarding agency to post this waiver information for a period of public comment and review. The Department will not publicly post information considered to be personally identifiable information (PII), including signatures and specific contact information such as an email address and phone number. However, all other information contained in this form, along with any supporting documentation, may be publicly posted so that the public has adequate information to comment on your requested waiver of the BABAA domestic sourcing requirements. If you feel that some of the information contained in this waiver request is “proprietary information” and do not want this information disclosed, please follow the instructions in “Submission of Proprietary Information”, below. Please note that your designations of exempt material are not binding on the Department.

### **Submission of Proprietary Information**

FOIA exempts from mandatory disclosure any “trade secrets or commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. 552(b)(4) (Exemption 4). In accordance with Exemption 4, the Department will maintain as confidential any documents submitted by you, or prepared by the applicant or grantee, that are both customarily and actually treated as private by the applicant or grantee, or closely held and not publicly disseminated. If you feel that some or all of this submission falls within the scope of Exemption 4 and is entitled to confidential treatment, you must indicate the specific information the applicant or grantee considers proprietary in a cover attachment to this form. Please note that your designations of exempt material are not binding on the Department.

### **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 2511-0002. Public reporting burden for this collection of information is estimated to average 10 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is *required to obtain or retain benefit* (with section 70914 of the [Build America Buy America Act \(Pub. L. No. 117-58 §§ 70901-70952\)](#)). If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact your assigned program officer directly.

**-- END OF FORM**