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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solicitation of Public Comment for Project-Specific Build America, Buy America Nonavailability Waiver Proposal

SUBJECT: Under Evaluation: Project-Specific Nonavailability Waiver of Build America Buy America Act (BABA) Requirements to the North Fork Manor Rehabilitation project for Door Hardware, Mailboxes, Cultured Marble Bath Tops, Plumbing Fixtures, HVAC Equipment, Electrical Components, Fire Alarm Devices, and Window Flashings (HUD Waiver #W-0000448)

Introduction

This solicitation of public comment by the U.S. Department of Housing and Urban Development (HUD) is to evaluate a BABA waiver request submitted by an assistance recipient based on nonavailability of a multiple products for a single project.

This solicitation of public comment does not represent a final agency decision. The purpose of this proposal is to inquire whether potential alternative domestic products may be available that were not identified by the assistance recipient or through HUD's domestic product research efforts, and whether other factors should be considered in the evaluation of a waiver.

HUD has completed its market research efforts and was unable to identify alternative domestic products meeting the technical specifications of the project, in sufficient and reasonably available quantities and of a satisfactory quality. Through this public comment period, commenters may provide information that indicates a waiver may not be needed. For example, if a specified item is found to be domestically available, HUD would not issue a final waiver.

Solicitation of Public Comment

The proposed waiver will be posted on HUD's public facing webpage and a notice of the proposed waiver will also be posted to the Made in America website, to satisfy the requirement to publish any BABA project waiver and provide the public with fifteen (15) days to submit comments. HUD is seeking public and industry comments from all interested parties and encouraging current manufacturers of the subject products to submit comments regarding potential availability. Public comments on this waiver should be submitted to BuildAmericaBuyAmerica@hud.gov. Please reference HUD Waiver #W-0000448 in the subject line.

Background

The Buy America Preference set forth in section 70914 of BABA included in the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. No. 117-58), requires that all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the United States.

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Under section 70914(b), HUD may waive the application of the Buy America Preference (BAP), in any case in which it finds that: applying the domestic content procurement preference would be inconsistent with the public interest; types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or the inclusion of iron, steel, manufactured products, or construction materials produced in the United States would increase the cost of the overall project by more than twenty-five (25) percent. All waivers must have a written explanation for the proposed determination; provide a period of not less than fifteen (15) days for public comment on the waiver; and be submitted to the Office of Management and Budget's (OMB) Made in America Office for review to determine if the waiver is consistent with policy.

Summary

Proposed Waiver: HUD is soliciting comments regarding whether to issue a project waiver of the requirements of section 70914 of BABA included in the IIJA, for multiple products in an infrastructure project funded through the HOME Investment Partnerships Program (HOME).

Waiver Type: Nonavailability of domestic products in sufficient and reasonably available quantities or of a satisfactory quality.

Waiver Level and Scope: Project-level waiver for a multiple products for a single project. No other project will utilize the waiver.

Proposed Waiver Description: Project-specific nonavailability waiver of BABA requirements to the North Fork Manor Rehabilitation project in Saltville, Virginia for multiple products.

Project Summary: The project is in Saltville, Virginia. The project consists of the rehabilitation of an existing 56-unit affordable multifamily property on approximately 7.2 acres. The development includes five residential buildings and a community building. The project will rehabilitate the buildings and site, including accessibility and parking improvements, sidewalks and utilities, siding and roofing, HVAC, plumbing, electrical and life-safety systems, kitchens and bathrooms, and the community building.

Length of the Waiver: From the effective date of the final waiver until the completion of the project, which is anticipated to be March 31, 2028.

Items Covered in Waiver: The Virginia Department of Housing and Community Development is seeking a waiver for multiple products as described in detail below:

Name of Product Category 1: *Door Hardware*

Name of Product	NAICS	PSC	Technical Specifications
Entry levers	332510	5340	105 Grade 2 zinc entry levers with tubular latches, for accessible unit entries.
Prehung levers	332510	5340	738 residential passage/privacy lever sets for factory-prehung doors.

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Name of Product Category 2: *Mailboxes*

Name of Product	NAICS	PSC	Technical Specifications
Mail units	332999	5670	62 USPS-approved, front-loading horizontal aluminum mailboxes with cam locks.

Name of Product Category 3: *Cultured Marble Bath Tops*

Name of Product	NAICS	PSC	Technical Specifications
Marble tops	326199	4510	94 nonporous molded vanity tops with integral bowl and backsplash; approximately 25–44-inch widths, 21-inch depth, 4-inch faucet centers.

Name of Product Category 4: *Plumbing Fixtures and Fittings*

Name of Product	NAICS	PSC	Technical Specifications
Toilets	332913	4510	94 vitreous-china elongated toilets, 0.8–1.28 gallons per flush.
Lav. faucets	332913	4510	94 WaterSense 1.2-GPM chrome, 4-inch centerset faucets.
Kitchen faucets	332913	4510	56 single-handle pull-down faucets, maximum 1.5 GPM.
Shower valves	332913	4510	70 pressure-balancing rough-in shower valves with ceramic mixing cartridges.
Shower trim	332913	4510	70 coordinated chrome shower/tub trim kits with lever handle, showerhead and spout.
Kitchen sinks	332913	4510	56 18-gauge Type 304 stainless-steel double-bowl sinks, undermount or drop-in.
Supply valves	332913	4510	394 chrome-plated brass quarter-turn compression supply shutoffs.

Name of Product Category 5: *HVAC Equipment and Controls*

Name of Product	NAICS	PSC	Technical Specifications
Split systems	333415	4120	31 high-efficiency split heat-pump/air-conditioning systems, up to 14.3 SEER2, R-410A/R-32.
Temp. controls	333415	4120	56 7-day digital thermostats, 24V AC, multi-stage heating/cooling.
Dehum. units	333415	4120	14 whole-house dehumidifiers, 70–90 pints/day with MERV 13 filtration.
Mini-split	333415	4120	One inverter-driven ductless heat-pump system with variable-speed compressor and remote control.

Name of Product Category 6: *Electrical Distribution*

Name of Product	NAICS	PSC	Technical Specifications
Panels	335313	6110	56 indoor 120/240V, 125A/200A main-lug load centers, copper bus, NEMA 1.

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Name of Product	NAICS	PSC	Technical Specifications
Breakers	335313	6110	56 breaker packages with 10 kAIC thermal-magnetic and AFCI/GFCI variants.
Safety sw.	335313	6110	56 outdoor 30A/60A, 240V fused/non-fused NEMA 3R safety switches.

Name of Product Category 7: *Receptacles and Switches*

Name of Product	NAICS	PSC	Technical Specifications
Outlets/switches	335931	5930	2,000 tamper-resistant 15A/20A receptacles and decorator switches.
GFCIs	335931	5930	200 self-testing 15A/20A GFCI outlets with status LEDs.

Name of Product Category 8: *Lighting and Exit Signs*

Name of Product	NAICS	PSC	Technical Specifications
Building LEDs	335132	6210	130 IP65-rated LED wall-pack or corridor fixtures.
Interior LEDs	335132	6210	500 flush-mount ceiling LED fixtures/troffers, 3000K–5000K selectable CCT, 0–10V dimming.
Exit signs	335132	6210	10 LED emergency exit signs with Ni-Cad battery backup, 120/277V inputs.
Site lighting	335132	6210	13 outdoor pole-mount/area LED fixtures with dark-sky optics and surge protection.

Name of Product Category 9: *Fire Alarm Detection*

Name of Product	NAICS	PSC	Technical Specifications
Smoke/CO devices	334290	6350	250 hardwired 120V combination smoke/CO alarm and ADA strobe devices; ten-year backup, interconnected signaling, 177-cd strobe.

Name of Product Category 10: *Window Flashings*

Name of Product	NAICS	PSC	Technical Specifications
Flashings	326199	5640	100 self-adhered window-perimeter membranes for air and water sealing, compatible with fiber-cement siding assembly.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain a domestically produced Door Hardware, Mailboxes, Cultured Marble Bath Tops, Plumbing Fixtures, HVAC Equipment, Electrical Components, Fire Alarm Devices, and Window Flashings.

The grantee completed market research between June 1st, 2026, through July 5th, 2026 which consisted of outreach through the MEPNN Supplier Scouting Program multiple products. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project.

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HUD conducted an online search of manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Anticipated Impact if No Waiver is Issued

Failure to grant a waiver for this project would result in the inability of the developer to install the required Door Hardware, Mailboxes, Cultured Marble Bath Tops, Plumbing Fixtures, HVAC Equipment, Electrical Components, Fire Alarm Devices, and Window Flashings.

Assessment of Cost Advantage of a Foreign-Sourced Product Under OMB M-24-02, agencies are expected to assess "whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products" as appropriate before granting a public interest waiver. HUD has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

Description of Award

Agency: United States Department of Housing and Urban Development (HUD)

Common Governmentwide Accounting Classification (CGAC) Code: 086

Title of Project: North Fork Manor Rehabilitation Project

Recipient Name: Virginia Department of Housing and Community Development

Unique Entity Identifier (UEI): Q85SYD73U1A5

Federal Award Identification Number (FAIN): M-25-SG-51-0100

Financial Assistance Listing Name: HOME Investment Partnerships Program (HOME)

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: $800,000

Total Estimated Infrastructure Expenditures: $15,225,115

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