DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBJECT: Final: Project-Specific Nonavailability Waiver of Build America Buy America Act (BABA) Requirements to the Poverello Center Affordable Housing Project for a Plumbing Materials (HUD Waiver #W-0000162)

Introduction

The U.S. Department of Housing and Urban Development (HUD) is issuing a final BABA waiver to an assistance recipient based on nonavailability of multiple products for a single project.

Solicitation of Public Comment

The proposed waiver was posted on HUD's public facing webpage and a notice of the proposed waiver was posted to the Made in America website from September 22, 2026 to October 7, 2026, thus satisfying the requirement to publish any BABA project waiver and provide the public with fifteen (15) days to submit comments. HUD did not receive any public comments on this waiver during the public comment period. Therefore, no changes were made to the proposed waiver, except to replace references to the "proposed waiver" with references to the "final waiver."

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.

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

Final Waiver: HUD is issuing a project waiver of the requirements of section 70914 of BABA included in the IIJA, for plumbing materials in an infrastructure project funded through the Community Development Block Grants/Entitlement Grants (CDBG) program.

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 multiple products for a single project. No other project will utilize the waiver.

Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Poverello Center affordable housing project in Missoula, Montana for plumbing materials.

Project Summary: The project is in Missoula, Montana. The Poverello Center will deconstruct the west and north wings of an existing structure at 1010 W Broadway and build 16 transitional housing units for veterans. The proposed project location is: 1010 W Broadway St, Missoula, MT 59802

Length of the Waiver: From October 26, 2026 until the completion of the project, which is anticipated to be February 19, 2028.

Items Covered in Waiver: The City of Missoula is being issued a waiver for plumbing materials, as described in detail below:

- **Name of Product 1:** Wall Mount LAV & ADA Wall Mount LAV
  - **NAICS:** 238220 - Drain, waste and vent system installation
  - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
  - **Technical Specifications:** Flow limited to 1.2 gpm max (14.5 L/min) at 60 psi
- **Name of Product 2:** Single Stainless Steel Sink
  - **NAICS:** 238220 - Drain, waste and vent system installation
  - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
  - **Technical Specifications:**
    - Drop-in installation for countertops thicker than 3/4" (19mm) up to 1-1/2" (38.1mm) thick
    - Sink Dimensions: 15" x 15" x 9"
    - Bowl 1 Dimensions: 12-1/2" x 9-3/4" x 9"
    - Drain Size: 3-1/2" (89mm)
- **Name of Product 3:** Single Stainless Steel Sink Faucets
  - **NAICS:** 238220 - Drain, waste and vent system installation
  - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
  - **Technical Specifications:**
    - Faucet flow rate: 1.5 gal/min (5.7 l/min)
    - Spout reach: 6-11/16" (169 mm)
    - Handle clearance: 4-1/4" (108 mm)
- **Name of Product 4:** Mixing Valve
  - **NAICS:** 238220 - Drain, waste and vent system installation

- **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
- **Technical Specifications:** Minimum flow rate of 10 gpm (38 lpm) to meet ASSE 1017 requirements and a Cv value of 31.00. At a 50/50 mixed ratio, its flow capacity increases with pressure drop across the valve: 69 gpm (261 lpm) at 5 psi (34 kPa), 98 gpm (371 lpm) at 10 psi (69 kPa), 139 gpm (526 lpm) at 20 psi (138 kPa), 170 gpm (644 lpm) at 30 psi (207 kPa), 208 gpm (787 lpm) at 45 psi (310 kPa), 240 gpm (908 lpm) at 60 psi (414 kPa), and 259 gpm (980 lpm) at 70 psi (517 kPa).

- **Name of Product 5:** Water Main Backflow
  - **NAICS:** 238220 - Drain, waste and vent system installation
  - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
  - **Technical Specifications:**
    - Flood sensor to detect excessive water discharges from the relief valve. The sensor is installed on the assembly exterior and does not alter assembly functions or certifications. The sensor relays a signal that triggers notification to facility personnel who can take corrective action, thus avoiding the possibility of ruinous flooding and costly damage.
    - Lead Free' cast copper silicon alloy body construction (1/-1" - 2")
    - Ball valve test cocks — screwdriver slotted (1/4" - 2")
    - Large body passages provide low pressure drop
    - Compact, space saving design
    - No special tools required for servicing
    - Sensor on the relief valve for flood detection (1/2” 3")
    - Flood alerts feature activated with add-on sensor connection kit, compatible with BMS and cellular communication
- **Name of Product 6:** Threaded Bronze Wye Strainers (1” and 2”)
  - **NAICS:** 238220 - Drain, waste and vent system installation
  - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
  - **Technical Specifications:**
    - QT - Quarter-turn ball valves- Type: Reduced Pressure Principle (RP/RPZ) Backflow Preventer
    - Size: As indicated on the project drawings (match water main piping size).
    - Body Material: Lead-free cast bronze for sizes up to 2 inches or epoxy-coated ductile iron for larger sizes
    - Working Pressure: Minimum 175 psi (1,206 kPa).
    - Operating Temperature: 33°F to 140°F (0.5°C to 60°C), minimum.
    - End Connections: Threaded, flanged, or grooved as required by the piping system.
    - Check Valves: Two independently acting, spring-loaded check valves.
    - Relief Valve: Differential pressure relief valve designed to discharge upon failure of either check valve.

        - Test Cocks: Four resilient-seated test cocks for field testing and certification.
        - Shutoff Valves: Resilient-seated full-port ball valves or OS&Y gate valves, as specified.
        - Internal Components: Corrosion-resistant stainless steel springs and hardware with replaceable check modules.
        - Certifications:
            - ASSE 1013
            - AWWA C511 (where applicable)
            - USC Foundation for Cross-Connection Control and Hydraulic Research approval
            - NSF/ANSI/CAN 61 for drinking water system components
            - NSF/ANSI/CAN 372 for lead-free compliance
- **Name of Product 7:** Pressure Reducing Valve
    - **NAICS:** 238220 - Drain, waste and vent system installation
    - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
    - **Technical Specifications:** The pressure reducing valve shall be designed to automatically reduce and maintain a constant downstream water pressure regardless of fluctuations in inlet pressure or system demand. The valve shall be suitable for potable water applications and constructed of corrosion-resistant materials, such as lead-free bronze or stainless steel, in compliance with applicable lead-free requirements. The valve shall be adjustable over the manufacturer's specified pressure range and capable of maintaining stable outlet pressure under varying flow conditions. The assembly shall include an accessible adjustment mechanism and be serviceable without removal from the pipeline. The valve shall be rated for the system's maximum working pressure and temperature and shall comply with applicable industry standards, including ASSE, CSA, NSF/ANSI 61, and NSF/ANSI 372, as applicable.
- **Name of Product 8:** Balancing Valve
    - **NAICS:** 238220 - Drain, waste and vent system installation
    - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
    - **Technical Specifications:** The balancing valve shall be designed to accurately regulate and balance water flow throughout hydronic or domestic water distribution systems. The valve shall provide precise flow adjustment and positive shutoff capability while maintaining stable system performance. The body shall be constructed of durable, corrosion-resistant materials, such as bronze, brass, or ductile iron, suitable for the intended service. The valve shall include a calibrated adjustment mechanism with memory stop to maintain the selected flow setting after servicing, along with pressure/temperature test ports to facilitate system commissioning and verification. The balancing valve shall be rated for the system's operating pressure and temperature and shall comply with applicable industry standards for hydronic balancing and potable water systems where required.
- **Name of Product 9:** Balancing Valve Adapter

    - **NAICS:** 238220 - Drain, waste and vent system installation
    - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
    - **Technical Specifications:** The balancing valve adapter shall be designed to provide a secure and leak-free connection between the balancing valve and the associated piping or instrumentation. The adapter shall be compatible with the specified balancing valve model and pipe size and constructed of corrosion-resistant materials, such as brass, bronze, or stainless steel, suitable for the intended hydronic or potable water application. The adapter shall be capable of withstanding the system's maximum operating pressure and temperature without deformation or leakage. It shall provide threaded, flanged, grooved, or press-fit connections, as applicable, to facilitate installation and maintenance while maintaining proper alignment and flow characteristics. The adapter shall be manufactured to applicable ASTM, ASME, and ANSI standards and be suitable for long-term service in commercial or residential mechanical piping systems.
- **Name of Product 10:** Condensate Drain Line Adapter
    - **NAICS:** 238220 - Drain, waste and vent system installation
    - **PSC:** 4510,4820-Plumbing Fixtures and Accessories, Space and Water Heating Equipment
    - **Technical Specifications:** The drain line fitting is designed with a yellow flexible end that accommodates 16 mm tubing. The fitting also includes a stepped rigid PVC pipe connection compatible with 1/4-inch rigid PVC pipe, with stepped end dimensions of 14 mm, 16 mm, 18 mm, and 20 mm, allowing it to fit multiple pipe diameters and providing installation flexibility.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain a domestically produced plumbing materials.

The grantee conducted market research from November 2025 through February 2026.

Outreach efforts consisted of both email and telephone communications with a broad range of manufacturers and distributors. The contractor contacted eighteen companies regarding the availability of BABA-compliant plumbing products and components.

Documentation supporting these efforts has been provided and includes copies of email correspondence requesting BABA compliance information from manufacturers. In addition, the plumbing subcontractor submitted written attestations from three employees confirming that follow-up outreach was conducted via telephone to further verify product availability and compliance.

Similarly, HUD conducted an online search of an additional thirteen 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 complete the project.

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: Poverello Center Affordable Housing Project

Recipient Name: City of Missoula

Unique Entity Identifier (UEI): NBMKDLVHBMF1

Federal Award Identification Number (FAIN): B-25-MC-30-0003

Financial Assistance Listing Name: Community Development Block Grants/Entitlement Grants

Assistance Listing Number: 14.218

Federal Financial Assistance Funding Amount: $520,234.00

Total Estimated Infrastructure Expenditures: $6,211,119.00