DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBJECT: Final: Project-Specific Nonavailability Waiver of Build America Buy America Act (BABA) Requirements to the Wagoner on the Creek Affordable Housing Project for Door Hardware, Electrical, Elevator, Fire Alarm, HVAC, Lighting, and Plumbing (HUD Waiver #W-0000166)

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 September 23, 2026 to October 8, 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 multiple manufactured products (door hardware, electrical, elevator, fire alarm and suppression, HVAC, lighting, and plumbing) in an infrastructure project funded through the Housing Trust Funds (HTF), HOME Investment Partnerships Program (HOME), and the Economic Development Initiative – Community Project Funding (CPF).

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 a single project. No other project will utilize the waiver.

Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Wagoner on the Creek affordable housing project in Aurora, Colorado for door hardware, electrical, elevator, fire alarm and suppression, HVAC, lighting, and plumbing products.

Project Summary: The project is in Aurora, Colorado. The project consists of the construction of Arapahoe PSH (Wagoner on the Creek) aka 1900 Chambers PSH-, an affordable housing project located at 1850 S Chambers Road, Aurora, Colorado.

Length of the Waiver: From October 20, 2026 until the completion of the project, which is anticipated to be July 31, 2027.

Items Covered in Waiver: The City of Aurora and Arapahoe County is being issued a waiver for door hardware, electrical, elevator, fire alarm and suppression, HVAC, lighting, and plumbing products, as described in detail below:

Name of Product 1: Door Hardware

Item	Qty	NAICS	PSC	Technical Specifications
Lever Sets	282	332510	5340	Heavy-duty Grade 1 cylindrical/mortise locksets, ADA compliant lever handles, satin chrome finish.
Hinges	921	332510	5340	Five-knuckle ball bearing hinges, full mortise, standard-weight or heavy-weight steel/stainless steel.
Unit Pre-hung Door Hardware	180	332510	5340	Master-keyed residential unit locking sets, privacy/passage latches matching pre-hung tolerances.
Hinge Stops	240	332510	5340	Heavy-duty hinge pin door stops, adjustable angle limit, rubber bumpers to prevent wall impact.
Wall Stops	4	332510	5340	Cast brass/bronze wall-mounted door bumpers with concave/convex rubber cushions.
Bypass Tracks	1	332321	5340	Heavy-duty sliding/bypass door track system, aluminum extruded rails, ball-bearing nylon rollers.

Finger Pulls	2	332510	5340	Flush-mounted cup finger pulls for sliding/pocket doors, stainless steel or brass finish.
Pulls	5	332510	5340	Straight/offset door pull handles, round or square bar profile, thru-bolt mounting hardware.
Door Closers	106	332510	5340	Surface-mounted Grade 1 hydraulic door closers, adjustable size 1-6, adjustable latching/backcheck.
Panic Hardware	4	332510	5340	Rim or vertical rod exit devices, touchbar style, fire-rated (UL 10C) where required, Grade 1.
Electrified Hardware	25	332510	5340	Integrated electronic access control hardware, fail-safe/fail-secure options, low voltage operation.
Electric Lever Sets	25	332510	5340	Electrified mortise/cylindrical locksets, 12/24VDC, request-to-exit (RX) monitoring switches.
Electric Strike	25	332510	5340	Heavy-duty electric door strike, dual voltage 12/24VDC, accommodates latchbolts up to 3/4" throw.
Electric Harnesses	25	332510	5340	Quick-connect plug-in wiring harnesses for transferring power through doors and hinges.
Power Assisted Door Hardware	25	332510	5340	Low-energy power assist door operators and mechanisms for reduced opening force.
Automatic Door Operators	2	332510	5340	Electro-hydraulic automatic swing door operators, push/pull arms, ADA compliant wall switches.

Name of Product 2: Electrical Components

Item	Qty	NAICS	PSC	Technical Specifications
Gear Package	1	335313	6110	Integrated low/medium voltage switchgear assemblies, service entrance rated, customizable circuit breaker configurations.
MSB-1 Switchboard	1	335313	6110	Main Switchboard, 120/208V or 277/480V, 3-phase, 4-wire, aluminum/copper busbar, NEMA 1/3R enclosure.

RP4 Panelboard	1	335313	6110	Remote Power / Distribution Panelboard, bolt-on circuit breakers, 225A–400A main lugs/breaker.
RP3 Panelboard	1	335313	6110	Remote Power Panelboard, multi-circuit branch monitoring capable, surface or flush mount.
RP2 Panelboard	1	335313	6110	Remote Power Panelboard, bolt-on branch breakers, tin-plated aluminum bus, NEMA 1 enclosure.
L1A Panelboard	1	335313	6110	Lighting and Appliance Panelboard, 120/208V, 100A–225A, 42-circuit capacity, surface mount.
L2A Panelboard	1	335313	6110	Lighting Panelboard, 120/208V, branch circuit breaker provisions, lockable trim door.
M1 Panelboard	1	335313	6110	Power Distribution Panelboard, heavy-duty chassis, 400A–800A rated, main circuit breaker options.
M2 Panelboard	1	335313	6110	Power Distribution Panelboard, molded case circuit breaker branch units, high interrupting rating (AIC).
Surge Module/Protector	4	335313	6110	Surge Protective Device (SPD), Type 1 or Type 2, high surge current capacity (kA per phase), LED status display.
Meter Stacks	1	335313	6110	Meter stacks are modular, NEMA-rated enclosures that vertically consolidate multiple 125A to 400A utility meter sockets and high-capacity main busses to efficiently distribute single- or three-phase power in multi-tenant buildings.
Electronic Submetering	60	335313	6110	Multi-tenant tenant submetering system, revenue-grade accuracy, Modbus/BACnet communication protocols.

Unit Load Centers	60	335313	6110	Residential/Commercial Load Centers, single-phase, 3-wire, 100A–200A, plug-on neutral breaker design.
Distribution Panels	7	335313	6110	Industrial-grade distribution panels, front-accessible only, up to 1200A bus rating, copper bus standard.
Breakers	720	335313	6110	Molded Case Circuit Breakers (MCCB) / Miniature Circuit Breakers (MCB), single/two/three-pole, various amperage/AIC ratings.

Name of Product 3: Elevator

Item	Qty	NAICS	PSC	Technical Specifications
Electric Traction Elevators	2	333921	3960	Gearless/geared electric traction passenger elevators, microprocessor control, variable frequency drive, ADA-compliant cabs. 3,500 pounds.150 feet per minute (fpm).480V, 3-phase, 60 Hz alternating current (AC).90 inches clear interior height

Name of Product 4: Fire Alarm and Suppression

Item	Qty	NAICS	PSC	Technical Specifications
Emergency Responder Radio System	1	332911	4210	Bi-Directional Amplifier (BDA) system, public safety 700/800 MHz bands, NFPA 1221 & IFC compliant enclosure.
Fire Sprinkler System	1	332911	4210	Addressable fire alarm system network, expandable SLC loops, integrated IP/Cellular communicator.
Smoke / CO detectors / Strobes	120	332911	4210	Combo photoelectric smoke and carbon monoxide detectors with synchronized ADA-

				compliant LED strobes.
Fire alarm control panel	1	332911	4210	Intelligent Addressable Fire Alarm Control Panel (FACP), LCD user interface, built-in power supply and battery backup.
Fire alarm panel accessories/cabling	1	332911	4210	FPLR/FPLP fire alarm cables, remote annunciators, relay modules, and end-of-line resistors.
hangers	350	332911	4210	Heavy-duty steel pipe ring and clevis hangers, zinc-plated finish, NFPA 13 seismic bracing compliant.
Fire sprinkler heads	225	332911	4210	Quick-response pendent/upright sprinkler heads, 155°F/68°C glass bulb rating, standard K-factor.
double check valve	1	332911	4210	Double Check Valve Backflow Preventer assembly, ductile iron body, OS&Y shutoff valves.
isolation valves	8	332911	4210	Butterfly or gate valves with supervised tamper switches, flanged or grooved connections.
gate valves	6	332911	4210	Resilient wedge gate valves, Outside Screw and Yoke (OS&Y) type, 250-300 PSI working pressure.
Flow switch	3	332911	4210	Vane-type waterflow detectors with dual SPDT switches,

				adjustable retard mechanism.
tamper switch	8	332911	4210	Supervisory switch for OS&Y or butterfly valves, weatherproof NEMA 4X housing.
FDC	1	332911	4210	Fire Department Connection, Siamese twin inlet (2.5" NPT x 2.5" NPT x 4" back/bottom outlet), brass finish.
escutcheons	225	332911	4210	Two-piece adjustable recessed escutcheons, chrome or white finish, covers ceiling/wall gap.
compressor	1	332911	4210	Air compressor for dry pipe sprinkler systems, oil-less design, automatic pressure switch control.

Name of Product 5: HVAC

Item	Qty	NAICS	PSC	Technical Specifications
PTAC units	64	333415	4210	Packaged Terminal Air Conditioners, 7,000–15,000 BTU cooling/heating capacity, R-410A/R-32 refrigerant, digital controls.
Fan coil units	15	333415	4210	Horizontal/vertical fan coil units, multi-speed ECM motor, hydronic or DX coil configuration.
Baseboard heaters	98	333415	4210	Electric convection baseboard heaters, 120V/240V,

				aluminum heating element, built-in thermal cutout protection.

Name of Product 6: Lighting Package

Item	Qty	NAICS	PSC	Technical Specifications
Building Lighting	TBD	335131	6210	Acoustic architectural LED lighting fixtures, multi-lumen output, sound-absorbing felt fabrics.
Site Lighting	TBD	335131	6210	Exterior pole/bollard LED light fixtures, timber/wood construction accents, IP65/IP66 wet-rated.
J-52” Ceiling Fans	60	335131	6210	Smart ceiling fans, 52" blade span, integrated LED luminaire, DC motor, Wi-Fi/app controlled.
SE5 – Festooning Light	1	335131	6210	Decorative commercial outdoor LED string/festoon accent lighting, shatterproof lamps.
D-Unit Entry	60	335131	6210	Wall-mounted residential unit entry LED sconces, modern geometric design, low-profile.
EM – Emergency Egress	4	335131	6210	Dual-head emergency egress lighting units, 90-minute battery backup runtime, Ni-Cad batteries.
F-Elevator Shaft Light	2	335131	6210	Industrial-grade heavy duty LED vapor tight luminaires, high lumen output, impact-resistant lens.
K – Vanity Lights	60	335131	6210	Modern linear bathroom LED vanity lights, high CRI (90+), diffuse optics for even facial lighting.

L-4” Square Cylinder Lights	12	335131	6210	Surface/pendant mount 4" square cylinder LED downlights, architectural aluminum housing.
M-5” Downlight	496	335131	6210	5-inch recessed architectural LED downlights, dimmable (0-10V/ELV), interchangeable trims.
P1 - Pendant	3	335131	6210	European-designed decorative hanging LED pendants, custom glass or metallic finishes.
P2 – Decorative Pendant	2	335131	6210	Large-format acoustic pendant lights, integrated LED modules, sound-dampening panels.
P3 – Decorative Pendant	3	335131	6210	Mid-sized acoustic dome or drum-style pendant fixtures with high efficacy LED arrays.
P4 – Decorative Pendant	2	335131	6210	Linear or sculptural acoustic hanging lights, dimmable warm-white LED output.
P5 – Decorative Pendant	2	335131	6210	Compact acoustic decorative pendants, sound-mitigating shells, glare-free diffusers.
S4-4’ Surface Mount	13	335131	6210	4-foot linear surface/wrap LED utility light fixtures, frosted acrylic wraps, universal voltage.
SE4 – Step Light	20	335131	6210	Recessed low-voltage outdoor LED step/pathways lights, die-cast aluminum, asymmetric distribution.
ST – Liner LED	16	335131	6210	Continuous architectural linear LED profile systems, recessed or suspended mountings.

STE – Hoist Light	4	335131	6210	Heavy-duty task lighting/high-bay industrial LED fixtures designed for hoistways and mechanical rooms.
T – Elevator Threshold Lighting	10	335131	6210	Low-profile, specialty linear accent strip LED lights for elevator sills and floor boundaries.
V – Unit Vanity Light	60	335131	6210	Residential wall-mounted linear LED bathroom vanities, frosted acrylic diffusers, triac dimming.
X1 – Exit Sign	17	335131	6210	LED Exit signs, universal face, red or green lettering, internal backup battery, damp location rated.
X2 – Exit Sign	2	335131	6210	Edge-lit or heavy-duty industrial LED exit signs, clear acrylic panels, double or single sided.
Lighting Control / occupancy sensors	11	335131	6210	Networked digital occupancy/vacancy wall and ceiling sensors, PIR or dual technology sensing.

Name of Product 7: Plumbing Package

Item	Qty	NAICS	PSC	Technical Specifications
Common Area Faucets	9	332913	4510	Commercial electronic sensor-operated faucets, battery or AC-powered, low-flow aerators.
Kitchen faucets	60	332913	4510	Single or dual handle kitchen sink faucets, pull-down sprayers, durable ceramic disc cartridges.
L-1 Kitchen sinks	54	332913	4510	Stainless steel or composite single-bowl drop-

				in/undermount kitchen sinks, sound-deadening pads.
L-1A Kitchen sinks	6	332913	4510	Double-bowl kitchen sinks, 18-gauge premium stainless steel, center drain placements.
L-C1A ADA Compliant Sinks	4	332913	4510	Wheelchair-accessible wall-hung lavatories, shallow bowl depth, insulated pipe protective shrouds.
S-1 Sink	54	332913	4510	Commercial utility/scullery sinks, heavy-duty stainless steel build, multi-station configurations.

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, electrical, elevator, fire alarm and suppression, HVAC, lighting, and plumbing products.

The grantee completed market research between January 2026 and March 2026 which consisted of outreach to multiple manufacturers or suppliers of the products covered by this waiver. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project.

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, electrical, elevator, fire alarm and suppression, HVAC, lighting, and plumbing products.

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: Arapahoe PSH (Wagoner on the Creek) aka 1900 Chambers PSH- Affordable Housing Project

Recipient Name: City of Aurora and Arapahoe County

Unique Entity Identifier (UEI): KVZATDBDECG8 and NENNKAE18LK6

Federal Award Identification Number (FAIN): M24-DC080221, M25-DC080221 and B-26-CP-CO-0434

Financial Assistance Listing Name: Housing Trust Fund (HTF), HOME Investment Partnerships Program (HOME), and Economic Development Initiative - Community Project Funding (CPF)

Assistance Listing Number: 14.239, 14.251 and 14.275

Federal Financial Assistance Funding Amount: $1,355,000 + $1,600,000

Total Estimated Infrastructure Expenditures: $31,972,002.00