DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBJECT: **Final**: Project-Specific Nonavailability Waiver of Build America Buy America Act (BABA) Requirements to the City of Fort Collins for the Windtrail Park Apartments Rehabilitation Project for multiple products (W-0000203 through W-0000210)

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 a single product 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 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 for multiple products under the Community Development Block Grant (CDBG) program.

Waiver Type: Nonavailability of domestic products in sufficient and reasonably available quantities or of 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 City of Fort Collins for the Windtrail Park Apartments rehabilitation project in Fort Collins, Colorado for multiple products.

Project Summary: The project is in Fort Collins, Colorado. The Windtrail Park Apartments rehabilitation is an affordable housing property rehabilitation located at 2120 Bridgefield Lane and 945 Rolland Moore Drive, Fort Collins, Colorado. The project provides updates and repairs to a property containing 50 apartments for individuals, seniors, and families earning incomes at or below 60% of the area median income.

Length of the Waiver: From October 26, 2026 until the completion of the project, which is anticipated to be March 30, 2027.

Items Covered in Waiver: The City of Fort Collins is being issued a waiver for multiple products across eight (8) packages — Hardware, Flooring, Window Treatments & Hardware, Plumbing & Accessories, HVAC, Electrical, Lighting, and Irrigation — as described in detail below:

Name of Product 1: Hardware Package

Item	**Qty**	**NAICS**	**PSC**	**Technical Specifications**
Gasket/Weather Stripping	10	332510	5340	High-performance EPDM/silicone perimeter architectural glazing seals and weather-stripping joints.
Storefront Door Hardware	2	332510	5340	Commercial aluminum storefront entryway hardware, including push/pull bars, pivots, and deadlocks.
Closer	2	332510	5340	Heavy-duty surface mounted hydraulic door closer, fully adjustable sizing, backcheck/latch control.
Butyl Spacers	1	332510	5340	Insulated glass unit (IGU) butyl rubber

Item	Qty	NAICS	PSC	Technical Specifications
				tape spacers for dual-pane perimeter moisture barrier sealing.
Door Knocker	51	332510	5340	Residential solid brass/zinc alloy door knocker accessory, satin chrome/nickel architectural finish.
Spring Stop	131	332510	5340	Flexible spring door stops, baseboard wall mount type, complete with protective rubber bumpers.
Wall Stop	17	332510	5340	Convex wall-mounted commercial rubber bumper stop with heavy-duty cast metal protective housing.
Hinges	52	332510	5340	Five-knuckle full mortise standard-weight ball bearing steel hinges, template architectural drilling.
Level Sets (Varying Types)	283	332510	5340	Grade 2/Grade 3 residential cylindrical lever locksets, privacy/passage/entry types, ADA compliant.
Door Closer	7	332510	5340	Grade 1 surface hydraulic closer, adjustable sweep/latch speed, cast iron body for high traffic.
Unit - Robe Hook, TP Dispenser, Towel Ring, Towel Bar	92	332510	5340	Matching residential bathroom accessory hardware set, surface concealed multi-screw brackets.
Unit - Shower Rod/Hooks	66	332510	5340	Heavy-duty stainless steel circular shower

Item	Qty	NAICS	PSC	Technical Specifications
				curtain rod, including industrial mounting flanges and hooks.
Clubhouse - Coat Hooks	2	332510	5340	Commercial heavy-duty dual-pronged stainless steel wardrobe coat hooks, satin finish, concealed mount.

Name of Product 2: Flooring Package

Item	Qty	NAICS	PSC	Technical Specifications
Drywall (All Types) Fasteners	43,000	332722	5305	Bugle head fine/coarse thread drywall screws, phosphate/zinc coated, engineered for steel/wood studs.
LVT Flooring Underlayment	13,600	322121	5640	High-density acoustic reduction underlayment membrane for Luxury Vinyl Tile, moisture barrier backing.

Name of Product: Window Treatments & Hardware Package

Item	Qty	NAICS	PSC	Technical Specifications
Fasteners	3	332722	5305	Heavy-duty anchoring masonry/drywall mounting screws, premium zinc plating, high shear capacity.
Cabinet Hardware	733	332510	5340	Decorative concealed European-style hinges and mechanical catches for multi-family residential casework.
Pulls	1,487	332510	5340	Modern solid wire/bar cabinet drawer pulls,

				satin nickel/chrome finish, standard center-to-center drilling.

Name of Product 4: Plumbing & Accessories Package

Item	Qty	NAICS	PSC	Technical Specifications
Copper Pipe	50	327110	4510	Type L seamless rigid copper water tube, standard domestic plumbing supply lines, ASTM B88 compliant.
Gas Pressure Regulator	50	327110	4510	Gas line pressure regulator, certified for residential/commercial multi-appliance natural gas systems.
Lavatory	100	327110	4510	Vitreous china bathroom lavatory sinks, undermount or drop-in profile, front overflow assembly.
Water Closet	100	327110	4510	Two-piece vitreous china elongated water closet toilet, high-efficiency gravity flush, ADA rim height.
Sinks - S-A and S-B	50	327110	4510	Premium 18-gauge stainless steel double/single bowl kitchen sinks, sound-dampening undercoating.
Faucet	100	327110	4510	Single-handle solid brass kitchen/lavatory faucets with ceramic disc cartridges, low-flow aerators.
Water Heaters	51	327110	4510	High-efficiency tankless natural gas water heaters,

Item	Qty	NAICS	PSC	Technical Specifications
				condensing design, digital temperature controls.
Hot Water Piping Insulation	50	327110	4510	Pre-formed fiberglass pipe insulation jacket, ASJ vapor retarder wrap, thermal loss prevention.
Furnaces and Heat pumps	100	327110	4510	Split-system electric heat pumps paired with high-AFUE natural gas furnaces, multi-speed blower.

Name of Product 5: HVAC Package

Item	Qty	NAICS	PSC	Technical Specifications
Thermostats	50	333413	4140	7-day programmable digital electronic thermostats, backlit display, multi-stage HVAC compatibility.
Exhaust Fans – Units	150	333413	4140	Ultra-quiet ceiling bathroom exhaust ventilation fans, low-sone continuous duty brushless ECM motor.
Exhaust Fans – Clubhouse	4	333413	4140	Commercial inline/roof-mounted centrifugal exhaust ventilation fan, direct drive, backdraft damper.

Vent Termination Kit	50	333413	4140	Concentric side-wall combustion air/exhaust vent termination assembly for high-efficiency systems.

Name of Product 6: Electrical Package

Item	Qty	NAICS	PSC	Technical Specifications
Service Feeders	4,689	335313	5925	THHN/THWN copper building wire service conductors, heavy-duty PVC insulation jacket, 600V.
Service Conduit	1,560	335313	5925	Rigid PVC/Electrical Metallic Tubing (EMT) heavy-wall conduit run for power entry protection.
Panel Boards	50	335313	5925	Main lug/breaker electrical distribution panelboards, copper bus, 120/240V single-phase 3-wire.
Circuit Breakers	1,200	335313	5925	Molded case thermal-magnetic branch circuit breakers, plug-on design, standard 10kA AIC rating.
Back Boxes	14,730	335313	5925	Non-metallic PVC electrical outlet, switch, and device boxes for residential drywall walls.
Wire	1,471	335313	5925	THHN/THWN solid and stranded copper branch circuit

Item	Qty	NAICS	PSC	Technical Specifications
				wiring, color-coded insulation sleeves.
Receptacles (Duplex & Quad)	1,471	335313	5925	Commercial specification-grade heavy-duty duplex and quad electrical power receptacles, 15A/20A.
Receptacles (GFCI & Standard)	20	335313	5925	Ground Fault Circuit Interrupter (GFCI) self-test receptacles, feed-through wiring protection.
Receptacle (Recessed, TV Box, Power & Data)	300	335313	5925	In-wall recessed dynamic plastic combo power and low-voltage data connection enclosure boxes.
Cable MC	110	335929	5925	Metal-Clad (MC) armored branch circuit cables, aluminum interlocking armor jacket enclosing copper wire.
Cable NM	120,780	335929	5925	Non-metallic sheathed cable (NM-B), multi-conductor copper residential wiring assembly, 600V rated.
Conduit and Fittings	4,910	335932	5975	Flexible non-metallic corrugated electrical conduit (ENT) tubing, complete with termination fittings.
Low Volt Devices	1	334417	5935	Integrated telecommunications, networking data panels, and

Item	Qty	NAICS	PSC	Technical Specifications
				structural low-voltage distributions.
Occupancy/Daylight Sensor:	8	334512	6240	Ceiling-mounted passive infrared (PIR) network daylight harvesting and occupancy sensor nodes.
Plug Load Power/Relay Pack:	8	335314	5945	Heavy-duty power pack controller unit with isolated high-voltage relay switching for controlled plugs.
Time Switch:	3	334512	6110	Digital programmable astronomical commercial time clock switch, 24-hour schedules, battery backup.
Wall Switch Sensor:	7	334512	6110	Wall-switch style passive infrared occupancy/vacancy motion sensors, integrated manual dimming.
Wall Switch Sensor:	2	334512	6110	Wall-switch passive infrared occupancy sensors, secondary configurations for utility space controls.
Electrified Hardware	3	334310	5836	Access control mechanical integration accessories, electronic fail-safe latch controls.
Compact Access Hub	3	334310	5836	Networked intelligent door access hub controllers, PoE

Item	Qty	NAICS	PSC	Technical Specifications
				driven, reading peripheral management.
Keyfobs	10	334310	5836	High-security encrypted secure proximity contactless access key fobs for automated entryways.
Cameras	3	334310	5836	High-definition IP dome security surveillance cameras, infrared night vision, outdoor weatherproof.
Cameras	1	334310	5836	PTZ/High-performance focal outdoor surveillance camera, optical zoom tracking network capability.
PoE Switches	1	334111	7025	Managed Power-over-Ethernet (PoE+) network gigabit switch, rack mount distribution chassis.

Name of Product 7: Lighting Package

Item	Qty	NAICS	PSC	Technical Specifications
A: 48in Long LED Wraparound	3	335132	6210	4-foot linear surface utility LED wrap fixtures, frosted

Item	Qty	NAICS	PSC	Technical Specifications
				acrylic protective optical diffuser prism.
AA: Cut-Off LED Wall Light W/Photocell	2	335132	6210	Exterior architectural LED wall pack, full cutoff dark-sky compliant, built-in twilight photocell.
B: 24in LED Vanity Light	2	335132	6210	24-inch bathroom linear LED vanity strip light, polished or brushed finish housing, warm white CRI 90+.
BB: 6in LED Downlight W/Dimming Driver	87	335132	6210	6-inch recessed architectural LED downlighting kit, continuous 0-10V dimming power supply module.
C: 22in LED Under Cabinet Light	2	335132	6210	22-inch low-profile kitchen undercabinet task LED fixture, built-in rocker master toggle switch.
C1: 12in LED Undercabinet	1	335132	6210	12-inch micro profile modular linkable under-cabinet counter LED light bar, highly uniform output.
D: 5in LED Downlight	2	335132	6210	5-inch flush ceiling recessed utility LED downlights,

Item	Qty	NAICS	PSC	Technical Specifications
				integrated baffle trim ring configuration.
ER: EM Remote Unit	2	335132	6210	Remote-capable secondary emergency egress backup light fixture lamps, driven by main battery core.
F: 13in LED Downlight	7	335132	6210	13-inch surface or recessed ceiling large-format circular LED downlight, architectural deep reflector.
F1: 7in LED Downlight	7	335132	6210	7-inch intermediate architectural recessed LED downlights, dimmable constant-current driver boards.
H: 6inX4ft Troffer	6	335132	6210	6-inch by 4-foot narrow linear architectural slot grid LED troffer fixtures, grid ceiling ready.
H1: 2ftX4ft Troffer	8	335132	6210	2x4 standard commercial layout drop-ceiling recessed LED troffers, architectural volumetric optics.
X: Single Face LED Exit Light	3	335132	6210	Single-sided thermoplastic LED emergency exit sign,

Item	Qty	NAICS	PSC	Technical Specifications
				universal mounting pattern, battery back module.
CC: 13in LED Post Top Head	41	335132	6210	13-inch outdoor architectural post-top area LED luminaire head, decorative weather-sealed casting.

Name of Product 8: Irrigation Package

Item	Qty	NAICS	PSC	Technical Specifications
Irrigation Sprinkler Heads	340	332919	4820	Pop-up commercial turf irrigation spray sprinkler heads, pressure-regulated water nozzle arrays.
Irrigation Clock	1	332919	4820	Multi-station outdoor automatic commercial irrigation system controller clock with weather monitoring.
Valves	22	332919	4820	Electric inline irrigation control zone solenoid valves, glass-filled nylon body, reverse flow clean.
Valve Boxes	33	332919	4820	Structural poly-plastic protective sub-grade lawn irrigation valve enclosure boxes

				with locking lids.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced products meeting the technical specifications of the project.

The grantee completed market research which consisted of outreach to manufacturers or suppliers for each of the products covered by this waiver. None of the manufacturers or suppliers contacted 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 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: Windtrail Park Apartments Rehabilitation

Recipient Name: City of Fort Collins

Unique Entity Identifier (UEI): VEJ3BS5GK5G1

Federal Award Identification Number (FAIN): M24-MC080008

Financial Assistance Listing Name: Community Development Block Grant (CDBG)

Assistance Listing Number: 14.218

Federal Financial Assistance Funding Amount: $1,000,000.00

Total Estimated Infrastructure Expenditures: $20,283,708.00