Pre-decisional DRAFT

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 Blossom Commons Affordable Housing Project for Door Hardware, Specialties, Plumbing, HVAC Equipment, Electrical & Lighting, Low Voltage, and Fire Alarm System Packages (HUD Waiver #W-0000406)

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 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-0000406 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.

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 door hardware, specialties, plumbing, HVAC equipment, electrical and lighting, low voltage, and fire alarm products in an infrastructure project funded through the HOME Investment Partnerships Program (HOME) and the Community Development Block Grant (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.

Proposed Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Blossom Commons affordable housing project in Westminster, Colorado for door hardware, specialties, plumbing, HVAC equipment, electrical and lighting, low voltage, and fire alarm products.

Project Summary: The project is in Westminster, Colorado. The project consists of a new construction affordable multifamily housing development of 50 apartment homes for older adults with incomes at or below 70% of the Area Median Income (AMI), located at 9145 Eaton Street

Length of the Waiver: From the effective date of the final waiver until the completion of the project, which is anticipated to be December 31, 2027.

Items Covered in Waiver: The County of Adams and the County of Jefferson Human Services are seeking a waiver for the following product packages, as described in detail below:

Name of Product 1: Door Hardware
NAICS: 332510
PSC: 5340
Technical Specifications: Suitable for a multi-family residential building. Includes hinges, mortise and cylindrical locks, interchangeable cores, cylinders, strikes, lever trims, and closers. Must meet applicable ANSI/BHMA and UL 10C standards.

Name of Product 2: Specialties

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NAICS: 332999
PSC: 5340
Technical Specifications: Suitable for a multi-family residential building. Includes washroom accessories, corner guards, storage lockers, mailboxes, and bike racks. Must meet applicable finish and performance specifications.

Name of Product 3: Plumbing
NAICS: 332913
PSC: 4510
Technical Specifications: Suitable for a multi-family residential building. Includes backflow preventers, pipe hangers, valve trim kits, and garbage disposals. Must meet specified fixtures and flow-rate requirements.

Name of Product 4: HVAC Equipment
NAICS: 333415
PSC: 4120
Technical Specifications: Suitable for a multi-family residential building. Includes heat pumps, fan coils, thermostats, and packaged terminal heat pumps (PTHP). Must meet applicable AHRI, ENERGY STAR, and DOE standards.

Name of Product 5: Electrical & Lighting
NAICS: 335931
PSC: 5930
Technical Specifications: Suitable for a multi-family residential building. Includes panelboards, lighting fixtures, switches, covers, dimmers, and media panels. Must meet applicable UL and NEC/CEC standards.

Name of Product 6: Low Voltage (Security, AV, and Communications)
NAICS: 334290
PSC: 5820
Technical Specifications: Suitable for a multi-family residential building. Includes data modules, access control panels/readers, intercom and door stations, and power systems. Must meet applicable UL and ONVIF/RTSP standards.

Name of Product 7: Fire Alarm
NAICS: 334290
PSC: 6350
Technical Specifications: Suitable for a multi-family residential building. Includes fire alarm control units, annunciators, analog sensors, and notification appliances. Must meet all applicable building codes, fire protection codes, and UL standards.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced products.

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The grantee completed market research between July 1 and August 21, 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 significant project delays, increased costs, and the possible loss of funding sources, rendering the project non-viable and preventing the completion of affordable housing needed for 50 senior households.

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: Blossom Commons Affordable Housing Project

Recipient Name: County of Adams; County of Jefferson Human Services

Unique Entity Identifier (UEI): FV56SRLGHGJ6; SAA9XFVG9JW5

Federal Award Identification Number (FAIN): M-25-DC-08-0200; M24-DC-08-0212; M25-DC-08-0212; B-23-UC-08-0003; B-24-UC-08-0003

Financial Assistance Listing Name: HOME Investment Partnerships Program (HOME) and Community Development Block Grant (CDBG)

Assistance Listing Number: 14.239 and 14.218

Federal Financial Assistance Funding Amount: $1,229,122.90

Total Estimated Infrastructure Expenditures: $25,769,239.00