Pre-decisional DRAFT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solicitation of Public Comment for Award-Specific Build America, Buy America Public Interest Waiver Proposal

SUBJECT: Under Evaluation: Award-Specific Public Interest Waiver of Build America Buy America Act (BABA) Requirements to the Mark Stebbins Community Center (HUD Waiver #W-0000331)

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 the public interest 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 other factors should be considered in the evaluation of a waiver.

HUD has determined that applying the domestic content procurement preference to this project would be inconsistent with the public interest. As of September 22, 2026, MSCC does not have an executed grant agreement with HUD, and no Federal funds have been used to purchase non-BABA-compliant materials. Through this public comment period, commenters may provide information relevant to HUD's public interest determination and whether a waiver may not be needed.

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. Public comments on this waiver should be submitted to BuildAmericaBuyAmerica@hud.gov. Please reference HUD Waiver #W-0000331 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 an award-level waiver of the requirements of section 70914 of BABA included in the IIJA, for the Mark Stebbins Community Center project funded through the Community Project Funding (CPF) program.

Waiver Type: Public interest.

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

Proposed Waiver Description: Award-specific public interest waiver of BABA requirements to the Mark Stebbins Community Center project in Manchester, New Hampshire.

Project Summary: The project is located at 306 Kimball Street, Manchester, NH 03102, on the site of the Kelley Falls affordable housing community. It includes a new 20,000-square-foot, multi-service nonprofit center providing before- and after-school care, youth programming, physical and mental health care, access to food, and community navigator services to a high-density, high-poverty community.

Length of the Waiver: From the effective date of the final waiver until the expiration date of March 30, 2027.

Items Covered in Waiver: This award-specific public interest waiver applies to all iron, steel, manufactured products, and construction materials incorporated into the Mark Stebbins Community Center project.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD evaluated the public interest considerations applicable to this project. The MSCC project began planning in 2021, was competitively bid, and the construction contract was executed in November 2024, well before MSCC had any notice that it might receive a CPF award. Throughout the project's planning and procurement phases, MSCC had no reasonable expectation that BABA compliance would be required, and there is no other Federal financial assistance in the project that would have triggered BABA compliance before the CPF award. Other funding sources include support from foundations, businesses, and individuals, including $12,500,000 in construction funds raised through local fundraising efforts. The steel, iron, construction materials, and manufactured products for the project were procured with non-Federal funds and have already been incorporated into the completed facility.

Applying the domestic content procurement preference to this project would be inconsistent with the public interest. Because the building has already been completed and opened to the public, requiring BABA compliance now would obligate MSCC to remove, reorder, and replace materials already incorporated into the facility, which would be infeasible.

Anticipated Impact if No Waiver is Issued

If a waiver is not granted, MSCC would be unable to accept the Congressionally appropriated CPF grant and would need to seek alternative local funding to fill the gap, imposing a significant burden on the community MSCC serves and preventing the grant from being spent for its Congressionally appropriated purpose. A disruption in services would also be inconsistent with the public interest. MSCC will provide coordinated healthcare, youth programming, food access, and family support services to at least 5,000 residents annually on Manchester's West Side, a community classified as both a food desert and an Exceptionally Medically Underserved Population, where nearly half of children under five live below the poverty line, and children are already registered for before- and after-school programming scheduled to begin in September 2026. Delay would also have significant financial consequences for MSCC's nonprofit partners: the Boys & Girls Clubs of Greater Manchester stands to lose approximately $671,500 in revenue, would have to place approximately 75 children back on a waitlist, and would be unable to open a new full-day Pre-K program; and Amoskeag Health, a nonprofit, federally qualified health center providing a wide range of physical and mental health services, projects a loss of approximately $3.35 million if the new site does not open on time.

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: Mark Stebbins Community Center

Recipient Name: Mark Stebbins Community Center

Unique Entity Identifier (UEI): VEJ3BS5GK5G1

Federal Award Identification Number (FAIN): B-26-CP-NH-1379

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Financial Assistance Listing Name: Economic Development Initiative, Community Project Funding, and Miscellaneous grants

Assistance Listing Number: 14.251

Federal Financial Assistance Funding Amount: $2,000,000.00

Total Estimated Infrastructure Expenditures: $18,500,000.00

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