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 Ford Avenue Flats for Bathroom Accessories, Electrical Equipment & Fixtures, and Security & Access Control Systems (HUD Waiver #W-0000445)

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 a 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-0000445 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 multiple products in an infrastructure project funded through the HOME Investment Partnerships Program (HOME) and Housing Trust Fund (HTF).

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 Ford Avenue Flats in Springdale, Arkansas for multiple products.

Project Summary: The project is in Springdale, Arkansas. The project consists of the construction of a 138-unit affordable housing development.

Length of the Waiver: From the effective date of the final waiver until the completion of the project, which is anticipated to be October 31, 2028.

Items Covered in Waiver: The Arkansas Development Finance Authority is seeking a waiver for Bathroom Accessories, Electrical Equipment & Fixtures, and Security & Access Control Systems, as described in detail below:

- **Name of Product Category 1:** Bathroom Dispensers and Accessories

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Common area/Clubhouse toilet tissue dispenser	2	332510	4510	$85.40	USA	Surface-mounted, Type 304 stainless steel, multi-roll capacity with theft-resistant spindles.

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Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Common area/Clubhouse Soap Dispenser	2	332510	4510	$108.16	USA	Surface-mounted, Type 304 stainless steel, liquid or foam soap valve, ADA compliant push-button.
Common area Sanitary Napkin Disposal	1	332510	4510	$141.09	USA	Surface-mounted, Type 304 stainless steel, leak- proof removable plastic waste receptacle.

- **Name of Product Category 2:** Bathroom Hardware and Accessories

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Unit towel rings	245	332913	4510	$2,138.85	China / USA	Wall-mounted, zinc die- cast construction, concealed mounting hardware.
Unit robe hooks	245	332913	4510	$1,781.15	China / USA	Wall-mounted, zinc die- cast construction, double-hook design, concealed mounting.
Unit towel bars	245	332913	4510	$3,640.70	China / USA	8" to 24" length, zinc die-cast posts with stainless steel bar, concealed mounting.
Unit shower rods	245	332913	4510	$9,584.40	China / USA	60" adjustable curved or straight rod, stainless steel or aluminum, rust-resistant finish.
Unit toilet tissue dispenser	245	332913	4510	$2,800.35	China / USA	Wall-mounted, zinc die- cast construction, spring-loaded roller or pivoting arm.

- **Name of Product Category 3:** Electrical Boxes

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Metal boxes	1,200	335932	5975	$2,016.00	USA / Mexico	Drawn or welded pre-galvanized steel, standard single or double-gang configuration, UL listed.

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- **Name of Product Category 4:** Disconnect Switches

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Disconnect switches	183	335313	5930	$27,450.00	USA / Mexico	metallic enclosure, 30A/60A, fused or non- fused, UL listed.

- **Name of Product Category 5:** Wiring Devices

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
GFCI receptacles	646	335931	5930	$8,075.00	Mexico / China	5A or 20A, 125V, tamper- resistant, self-testing, NEMA 5-15R/5-20R, UL listed.
Receptacle cover plates	4,500	335931	5975	$1,800.00	Mexico / China	High-impact thermoplastic or nylon, standard or mid-size, smooth finish.
Receptacles and Switches	4,800	335931	5930	$4,560.00	Mexico / China	15A/120V tamper-resistant receptacles, single-pole toggle or decorator switches, UL listed.

- **Name of Product Category 6:** Ceiling Fans

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Ceiling Fans	386	335210	4140	$34,740.00	China	52" blade span, 3-speed reversible AC motor, optional LED light kit.

- **Name of Product Category 7:** Lighting Fixtures and Exit Signs

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Building lighting	560	335139	6210	$70,000.00	China	LED surface mount or recessed fixtures, 3000K/4000K color temperature, minimum 80 CRI.
Exit Signs	79	335139	6210	$6,715.00	China	Thermoplastic housing, LED illumination, 90-minute NiCad battery backup, UL 924 listed.

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Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Site lighting	27	335139	6210	$94,500.00	USA	Pole-mounted LED area light, Type III/IV distribution, die-cast aluminum housing, IP65 rated.

- **Name of Product Category 8:** Security and Access Control Equipment

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
Access Control head end unit	26	334290	6350	$15,938.00	Spain	Ethernet/PoE connectivity, supports offline and online network topology, AES 128-bit encryption.
Security Cameras	21	334290	6350	$20,156.85	Sweden / EU	IP network camera, 1080p to 4K resolution, wide dynamic range (WDR), IR illumination, PoE, IP66 rated.

- **Name of Product Category 9:** Network Video Recorder Servers

Name of Product	Qty	NAICS	PSC	Estimated Cost	Country of Origin/Manufactured	Technical Specifications
NVR server	5	334111	6350	$11,875.00	Sweden / EU	Rack-mounted, pre-configured video management software, high storage capacity RAID 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 Bathroom Accessories, Electrical Equipment & Fixtures, and Security & Access Control Systems.

The grantee completed market research between August 7 – September 11, 2026 which consisted of outreach to three (3) manufacturers for each of the multiple products. 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 construct the affordable housing 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: Ford Avenue Flats

Recipient Name: Arkansas Development Finance Authority

Unique Entity Identifier (UEI): F8QQUZCG4YM6

Federal Award Identification Number (FAIN): F24-SG050100, M24-SG050100

Financial Assistance Listing Name: HOME Investment Partnerships Program (HOME), Housing Trust Fund (HTF)

Assistance Listing Number: 14.239, 14.275

Federal Financial Assistance Funding Amount: $3,150,000 total ($2,150,000 HOME; $1,000,000 HTF)

Total Estimated Infrastructure Expenditures: $44,290,179

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