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 Broadway Apartments Affordable Housing Project and Humboldt Village project for Multiple Manufactured Products (HUD Waiver #W-0000184)

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-0000184 in the subject line.BuildAmericaBuyAmerica@hud.gov

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 manufactured products (door hardware, electrical panel boards and components, elevators, fire suppression system sprinkler equipment and fittings, HVAC split/VRF system equipment, and plumbing fittings and fixtures) in an infrastructure project funded through the HOME Investment Partnerships Program (HOME).

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 Broadway Apartments affordable housing project and Humboldt renovation project in Chicago, Illinois for multiple manufactured products.

Project Summary: The project is in Chicago, Illinois. The project consists of an affordable multifamily housing development that includes the renovation of the former Von Humboldt elementary school building into 102 residences of affordable housing. The project is located at 5853 North Broadway, Chicago, IL 60660 and 1417 N Talman Ave, Chicago, IL 60622.

Length of the Waiver: From the effective date of the final waiver until the completion of the project, which is anticipated to be June 30, 2028.

Items Covered in Waiver: The City of Chicago is seeking a waiver for the following manufactured products, as described in detail below:

Product	Qty	NAICS	PSC	Technical Specifications
Door Hardware				
Passage Set	722	332510	5340	Commercial door passage hardware set with lever/knob operation, latch, mounting hardware, and specified finish.
Cylinder Core	261	332510	5340	Interchangeable/removable cylinder core for commercial door locks.

Wall Stop	670	332510	5340	Door wall-mounted stop designed to limit door swing and protect adjacent walls.
Flush Bolt	14	332510	5340	Manual flush bolt for the inactive leaf of a pair of doors.
Coordinator Bar	6	332510	5340	Door coordinator used to control the closing sequence of paired doors.
DP Strike / Electric Strike	38	332510	5340	Door strike components, including electrified strikes providing electronic latch release.
Silencer	27	332510	5340	Door frame silencer/gasket to reduce noise and cushion door closure.
Door Viewer	306	332510	5340	Door-mounted optical viewer/peephole.
Hinge Pin Stop	1,862	332510	5340	Hinge-pin stop used to limit door opening and protect adjacent surfaces.
Catch (Ball/Roller)	236	332510	5340	Ball/roller catch hardware used to retain a door in the closed position.
Exit Device Trim	58	332510	5340	Commercial exit device trim hardware for egress doors.
Mortise Cylinder / Rim Cylinder	102	332510	5340	Cylinder lock components for commercial door locking systems.
Mortise Lock	2	332510	5340	Mortise lock hardware for commercial doors.
Push Bar	2	332510	5340	Push bar door hardware used for manual door operation/egress.
Spring Hinge / Hinge	1,530	332510	5340	Commercial door hinge and spring hinge hardware.
Automatic Operator/Closer	2	332510	5340	Automatic door operator/closer hardware for controlled door opening and closing.
Wire Pull / Flush Pull	406	332510	5340	Door pull hardware for manual door operation.
Electrical Panel Boards & Components				
Surge Protectors	2	335313	6150	Electrical surge protection devices protecting connected equipment from transient voltage surges.
Panelboards	26	335313	6150	Low-voltage electrical distribution panelboards with circuit protection devices and bus assemblies.
Meter Centers	10	335313	6150	Electrical meter-center assemblies with metering compartments and distribution equipment.

Load Centers	114	335313	6150	Low-voltage electrical distribution enclosures housing circuit breakers.
Safety Switches	99	335313	6150	Enclosed disconnect/safety switches for manual isolation of circuits and equipment.
Pendant Light Fixtures	3	335313	6150	Commercial/institutional pendant-mounted electric lighting fixtures.
Line Voltage Transformers	12	335313	6150	Dry-type line-voltage transformers for electrical power distribution.
I-Line Plug-In Units	8	335313	6150	Busway plug-in units for electrical power distribution.
Elevators				
Passenger Elevator System	3	333921	3960	Passenger elevator system for building vertical transportation; final capacity, speed, travel distance, drive system, dimensions, and controls to be confirmed.
Fire Suppression System – Sprinkler Equipment and Fittings				
Fire Pump and Controller	2	333998	4210	Fire protection pump and dedicated controller.
Butterfly Valves	12	333998	4210	Butterfly isolation valves for fire-protection piping.
Sprinkler Heads	1,423	333998	4210	Automatic fire sprinkler heads.
Backflow Device	1	333998	4210	Backflow-prevention assembly preventing reverse flow into the potable water system. Equipment and fittings to comply with applicable NFPA requirements.
HVAC Split/VRF System				
VRF HVAC System	1	333415	4120	Variable Refrigerant Flow HVAC system consisting of outdoor units, heat-recovery/branch controller boxes, and indoor fan coils and ceiling cassettes.
Heat Pumps	90	333415	4120	Heat-pump HVAC equipment providing heating and cooling.
Ducted Furnaces	90	333415	4120	Ducted warm-air furnace equipment integrated with the HVAC distribution system.
Electric Coils	90	333415	4120	Electric resistance heating coils for supplemental or primary heating within air-handling equipment.

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Supplemental Cooling Mini-Split	1	333415	4120	Ductless mini-split air-conditioning/heat-pump system for supplemental cooling.
Rooftop Units (RTU)	2	333415	4120	Roof-mounted HVAC units with single-zone and multizone VAV configurations.
Vitreous China / Ceramic				
Toilets	117	327110	4510	Plumbing water closets/toilets; final flush type, flush volume, bowl configuration, material, dimensions, and connection requirements to be confirmed.
Undermount Sinks	4	327110	4510	Undermount plumbing sinks; final dimensions, material, bowl configuration, mounting method, and drain configuration to be confirmed.
Toilets	114	327110	4510	Plumbing water closets/toilets for residential and common-area use.
Toilet Seats	114	327110	4510	Toilet seat hardware for plumbing fixtures.
Undermount Sink	180	327110	4510	Undermount plumbing sink fixtures for residential and common-area use.
Faucets & Fittings				
Lab Faucets	113	332913	4510	Laboratory/lavatory plumbing faucets; final material, finish, mounting configuration, valve type, outlet, and flow rate to be confirmed.
Bath Waste & Overflow	90	332913	4510	Bathtub waste-and-overflow drain assemblies; final material, connection size, finish, and configuration to be confirmed.
Mop Sink Faucets	11	332913	4510	Service/mop-sink faucets; final material, finish, spout configuration, valve type, and connection size to be confirmed.
Lab Faucets	186	332913	4510	Plumbing lavatory/faucet fixtures for residential and common-area use.
Bath Waste & Overflow	117	332913	4510	Bath waste and overflow plumbing assemblies.
Mop Sink Faucet	3	332913	4510	Faucet fixture for mop/utility sinks.
Plumbing Pumps & Mechanical				
Recirculation Pumps	2	333911	4320	Plumbing/hot-water recirculation pumps; final flow rate, head pressure,

				horsepower, voltage, connection size, and controls to be confirmed.
Recirculation Pumps	103	333911	4320	Domestic hot-water recirculation pumps for plumbing systems.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced products for each of the packages listed above.

The grantee completed market research between May 2025 and April 2026, which consisted of outreach to manufacturers and suppliers for each product package. 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 independent online search of manufacturers and suppliers for each product package and did not locate any manufacturers or suppliers that could provide BABA-compliant products meeting the project's technical specifications.

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 products described above.

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: Broadway Apartments Affordable Housing Project and Humboldt renovation project

Recipient Name: City of Chicago

Unique Entity Identifier (UEI): NDHBBJ4B1LN5

Federal Award Identification Number (FAIN): M-25-MC-17-0201

Financial Assistance Listing Name: HOME Investment Partnerships Program (HOME)

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Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: $17,066,002.00

Total Estimated Infrastructure Expenditures: $172,878,049.00

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