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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 Redevelopment of Campello for Load Center/Circuit Breaker, Fire Alarm System, and VRF Systems (HUD Waiver #W-0000343)

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-0000343 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, Housing Trust Fund, Public Housing Capital Fund, and Public Housing Operating Fund.

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 Redevelopment of Campello affordable housing project in Brockton, Massachusetts for multiple products.

Project Summary: The project is in Brockton, Massachusetts. The project consists of the consists of the replacement of 144 aging, existing units with newly constructed one- and two-bedroom apartments. Once vacated, the existing towers will be demolished.

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

Items Covered in Waiver: The Executive Office of Housing and Livable Communities, City of Brockton, and Brockton Housing Authority is seeking a waiver for multiple products as described in detail below:

- **Name of Product 1:** Load center/circuit breaker
  - **NAICS:** 335313
  - **PSC:** 6110
  - **Technical Specifications:** Circuit breakers must comply with all applicable standards, including Underwriters Laboratories (UL), National Electrical Manufacturers Association (NEMA), National Fire Protection Agency (NFPA) 70, National Electric Code (NEC), American National Standards Institute (ANSI), and Restriction of Hazardous Substances (RoHS).
    - BR Breaker 100 A/2 pole

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- (1) BR Breaker 20A/2 pole
- (1) BR Breaker 201/1 pole
- (1) 2 Pole 50A
- (1) BR Dual Function AF/GF
- (1) 15 amp Single pole
- (1) 20 amp single pole

- **Name of Product 2:** Fire Alarm System
  - **NAICS:** 334290
  - **PSC:** 6350
  - **Technical Specifications:**
    - Addressable fire alarm system shall comply with applicable NFPA 70, NFPA 72, Massachusetts Electrical Code, Massachusetts State Building Code, and applicable local code requirements.
    - Each and all items of the Fire Alarm System shall be listed as a product of a single fire alarm system manufacturer under the appropriate UL category and shall bear the UL label.
    - All control equipment shall be listed under UL Category UOJZ as a single control unit; partial listing shall not be acceptable.
    - All peripheral devices connected to or associated with the fire alarm control panel shall be compatible with UL listed for use the fire alarm control panel provided.
    - Peripheral devices shall be compatible with the control panel and manufactured by the control panel manufacturer.
    - Alarm, trouble, and supervisory signals from intelligent reporting devices shall utilize Class A Signaling Line Circuits (SLC). Initiating Device Circuits (IDC) and Notification Appliance Circuits (NAC) shall be Class A.
    - The FACP shall contain a microprocessor-based CPU.
    - Strobe units shall meet ADA requirements and UL standard 1971.

- **Name of Product 3:** VRF Systems
  - **NAICS:** 238220
  - **PSC: 4120**
  - **Technical Specifications:**
    - Indoor Cassette: 8,000BTU/h Cooling Cap / 9,000 BTU/h Heating Capacity, 24,000 BTU/h Cooling Capacity/ 27,000 BTU/h Heating Capacity, 5,000 BTU/h Heating Capacity / 5,600 BTU/h Heating Capacity, 12,000 BTU/H Cooling Capacity / 13,500 BTU/h Heating Capacity
    - Outdoor Condensers: 18,000 BTU/h Cooling Capacity / 23,000 BTU/h Heating Capacity, 96,000 BTU/h Cooling Capacity / 108,000 BTU/h Heating Capacity, 120,000 BTU/h Cooling Capacity / 135,000 BTU/h Heating Capacity, 144,000 Cooling Capacity /160,000 BTU/h Cooling Capacity

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Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain a domestically produced Load Center/Circuit Breaker, Fire Alarm System, and VRF Systems.

The grantee completed market research between March to July 2026 which consisted of outreach to three (3) manufacturers or suppliers of 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 install the required multiple products.

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: The Redevelopment of Campello

Recipient Name: Executive Office of Housing and Livable Communities (HLC), City of Brockton, Brockton Housing Authority

Unique Entity Identifier (UEI): G9PBNNBRK2N9, EKQEQ1PA2D38, K3ZRAJVMMHG5

Federal Award Identification Number (FAIN):

- HLC: F-24-SG-25-0100, M-24-SG-25-0100
- City of Brockton: M-24-MC-25-0201
- Brockton Housing Authority: MA01P02450122 – MTW 1492, MA01P02450123 – MTW 1492, MA01P02450124 – MTW 1492, MA01P02450125 – MTW 1492, MA01P02450126 – MTW 1492, MA01P02450127 – MTW 1492, MA024-00000225D, MA024-00000226D, MA024-00000125D, MA024-00000126D

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Financial Assistance Listing Name: HOME Investment Partnerships Program, Housing Trust Fund, Public Housing Capital Fund, Public Housing Operating Fund

Assistance Listing Number: 14.239, 14.275, 14.872, 14.850

Federal Financial Assistance Funding Amount: $7,284,159.35

Grant Number	**Funding Source**	**Amount**
F-24-SG-25-0100	HLC NHTF	$1,800,000
M-24-SG-25-0100	HLC 2024 HOME	$1,000,000
M-24-MC-25-0201	City of Brockton HOME	$1,000,000
Capital Fund Grant MA01P02450122 – MTW 1492	Brockton Housing Authority CFP	$500,000
Capital Fund Grant MA01P02450123 – MTW 1492	Brockton Housing Authority CFP	$500,000
Capital Fund Grant MA01P02450124 – MTW 1492	Brockton Housing Authority CFP	$650,000
Capital Fund Grant MA01P02450125 – MTW 1492	Brockton Housing Authority CFP	$1,500,000
MA024-00000225D	Brockton Housing Authority Op Fund	$334,159.35

Total Estimated Infrastructure Expenditures: $103,258,399

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