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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 Switchgrass Crossing Affordable Housing Project for an Electrical Materials Package and Related Manufactured Products (HUD Waiver #W-0000359)

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

BuildAmericaBuyAmerica@hud.govThe 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-0000359 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 an electrical materials package and related manufactured products (including conduits and fittings, solar wiring, electrical fasteners, structured cabling, wire bundling, electronic accessories, electronic access controls, a fire alarm system, roofing and metal framing components, and utilities and materials) in an infrastructure project funded through the Community Development Block Grant (CDBG) program and 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 Switchgrass Crossing affordable housing project in Fort Collins, Colorado for the manufactured products described in the tables below.

Project Summary: The project is in Fort Collins, Colorado. Switchgrass Crossing is a new-build affordable housing property located at 3800 South Mason Street. The project will provide necessary housing for seniors earning income below 60% of the area median income.

Length of the Waiver: From the effective date of the final waiver until the completion of the project, which is anticipated to be March 30, 2027.

Items Covered in Waiver: The City of Fort Collins is seeking a waiver for the manufactured products organized into the ten (10) product packages described in detail below:

Conduits & Fittings & Solar Wiring Package

Item	NAICS	PSC	Technical Specifications

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1-Inch Electrical Metallic Tubing (EMT) Conduit	335931	5975	1-inch Electrical Metallic Tubing (EMT) conduit, 10-foot.
1-Inch Raintight EMT Compression Connector	335931	5975	1-inch raintight EMT compression connector, steel.
1-Inch Raintight EMT Compression Coupling	335931	5975	1-inch raintight EMT compression coupling, steel.
1-Inch Grounding Bushing with Lay-In Lug	335931	5975	1-inch grounding bushing with lay-in lug, insulated.
3/4-Inch Electrical Metallic Tubing (EMT) Conduit	335931	5975	3/4-inch Electrical Metallic Tubing (EMT) conduit, 10-foot.
3/4-Inch Raintight EMT Compression Connector	335931	5975	3/4-inch raintight EMT compression connector, steel.
3/4-Inch Raintight EMT Compression Coupling	335931	5975	3/4-inch raintight EMT compression coupling, steel.
3/4-Inch Grounding Bushing with Lay-In Lug	335931	5975	3/4-inch grounding bushing with lay-in lug, insulated.
1-Inch Electrical Metallic Tubing (EMT) Conduit	335931	5975	1-inch Electrical Metallic Tubing (EMT) conduit, 10-foot.
Male MC4 Solar PV Connector	335931	5975	1000V rated male MC4 solar PV connector, including pins.
Female MC4 Solar PV Connector	335931	5975	1000V rated female MC4 solar PV connector, including pins.

Electrical Fasteners Package

Item	NAICS	PSC	Technical Specifications
1/4-Inch Strut Channel Spring Nut	332722	5310	1/4-inch strut channel spring nut, electro-galvanized.
Hex Head Tap Bolt	332722	5310	3/8 x 1-1/2 inch hex head bolt, zinc- plated.
Fender Washer	332722	5310	3/8 x 1 inch fender washer, zinc-plated.

Structured Cabling and Rack Infrastructure Package

Item	NAICS	PSC	Technical Specifications
24-Port 1U Network Patch Panel	335932	5975	24-port 1U patch panel, Cat6 compatible.
8-Port Network Rack Cable Management Bar	335932	5975	8-port network rack cable management bar.

Rack-Mount Power Distribution Strip	335932	5975	Rack-mount power distribution strip, 8 outlets.
Cat6 Wire	335932	5975	Category 6 Ethernet network cable, 23 AWG, plenum-rated (CMP).
Cat6 Trims	335932	5975	Keystone jacks and faceplate trims for Cat6 connectivity.

Wire Bundling Package

Item	NAICS	PSC	Technical Specifications
Hook-and-Loop Cable Securing Strap	326199	5975	14-inch cable bundling and securing hook-and-loop device.
Nylon Cable Ties	326199	5975	12-inch 50lb tensile strength nylon cable tie, UV-resistant.

Electronic Accessories Package

Item	NAICS	PSC	Technical Specifications
5/8 x 8' ground rods	335932	5975	5/8-inch x 8-foot copper-clad steel grounding rod.
5/8 ground rod clamps	335932	5975	5/8-inch grounding rod clamp, bronze.
Standard notch plates	335932	5975	Standard steel electrical cable notch protective plates (nail plates).
Green ground screws	335932	5975	Green-colored electrical box grounding screw, 10- 32.
Standard 15 amp receptacles and covers	335932	5975	15A 125V duplex receptacle, tamper-resistant, with cover.
Standard 15 amp switches single pull	335932	5975	15A single-pole, 3- way, or 4-way wall switch.
Standard 15 amp switches 3 way	335932	5975	15A single-pole, 3- way, or 4-way wall switch.
Standard 15 amp switches 4 way	335932	5975	15A single-pole, 3- way, or 4-way wall switch.
Standard switch covers single gang	335932	5975	Standard nylon wall switch cover plate (1- 3 gang).
Standard switch covers 2 gang	335932	5975	Standard nylon wall switch cover plate (1- 3 gang).
Standard switch covers 3 gang	335932	5975	Standard nylon wall switch cover plate (1- 3 gang).
Standard 20 amp receptacles and covers	335932	5975	20A 125V duplex receptacle, tamper-resistant, with cover.
Standard 20 amp switches single pull	335932	5975	20A single-pole, 3- way, or 4-way wall switch.
Standard 20 amp switches 3 way	335932	5975	20A single-pole, 3- way, or 4-way wall switch.

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Standard 20 amp switches 4 way	335932	5975	20A single-pole, 3- way, or 4-way wall switch.
Energy foam gaskets receptacles	335932	5975	Insulating foam gasket for wall receptacles/switches.
Single switches 1 gang	335932	5975	A single-rocker, 250V/10AX flush- mount module designed to control one independent lighting circuit.
Single switches 2 gang	335932	5975	A dual-rocker, 250V/10AX flush- mount module designed to control
Single switches 3 gang	335932	5975	A triple-rocker, 250V/10AX flush- mount module designed to control three independent lighting circuits from a single faceplate.
Duct tape	335932	5975	Professional-grade duct tape, 2-inch width.
EMT connectors set	335932	5975	EMT set-screw connector or
EMT connectors set screw/couplings 3/4"	335932	5975	EMT set-screw connector or coupling, 1/2 to 4 inch.
EMT connectors set screw/couplings 1"	335932	5975	EMT set-screw connector or coupling, 1/2 to 4 inch.
EMT connectors set screw/couplings 2"	335932	5975	EMT set-screw connector or coupling, 1/2 to 4 inch.
EMT connectors set screw/couplings 3"	335932	5975	EMT set-screw connector or coupling, 1/2 to 4 inch.
EMT connectors set screw/couplings 4"	335932	5975	EMT set-screw connector or coupling, 1/2 to 4 inch.
Weatherproof connectors & couplings 1/2"	335932	5975	Weatherproof conduit connector/coupling, 1/2 to 4 inch.
Weatherproof connectors & couplings 3/4"	335932	5975	Weatherproof conduit connector/coupling, 1/2 to 4 inch.
Weatherproof connectors & couplings 1"	335932	5975	Weatherproof conduit connector/coupling, 1/2 to 4 inch.
Weatherproof connectors & couplings 2"	335932	5975	Weatherproof conduit connector/coupling, 1/2 to 4 inch.
Weatherproof connectors & couplings 3"	335932	5975	Weatherproof conduit connector/coupling, 1/2 to 4 inch.
Weatherproof connectors & couplings 4"	335932	5975	Weatherproof conduit connector/coupling, 1/2 to 4 inch.
60 amp nonfused AC disconnects	335932	5975	60A non-fused NEMA 3R outdoor air conditioning disconnect.
3P fused 60 amp disconnects	335932	5975	60A 3-pole fused electrical disconnect switch.

4 wire 30 amp dryer receptacles & covers	335932	5975	30A 4-wire dryer receptacle with wall cover.
50 amp range receptacles with cover	335932	5975	50A electric range receptacle with wall cover.
Anchors blues & screws	335932	5975	Concrete/masonry anchor and screw set.
8/32 x 3 screws	335932	5975	8-32 x 3 inch electrical box machine screws.
6/32 x 3 screws	335932	5975	6-32 x 3 inch electrical box machine screws.
10s screws 1"	335932	5975	Size 10 x 1 or 2 inch steel wood/metal screws.
10s screws 2"	335932	5975	Size 10 x 1 or 2 inch steel wood/metal screws.
Seal tight flex with connectors 1/2"	335932	5975	Liquid-tight flexible conduit with connector, 1/2 to 1- 1/4 inch.
Seal tight flex with connectors 3/4"	335932	5975	Liquid-tight flexible conduit with connector, 1/2 to 1- 1/4 inch.
Seal tight flex with connectors 1"	335932	5975	Liquid-tight flexible conduit with connector, 1/2 to 1- 1/4 inch.
Seal tight flex with connectors 1 1/4"	335932	5975	Liquid-tight flexible conduit with connector, 1/2 to 1- 1/4 inch.
Bell box single gang	335932	5975	Single or double gang weatherproof electrical bell box.
Bell box 2 gang	335932	5975	Single or double gang weatherproof electrical bell box.
Weatherproof blank covers single gang	335932	5975	Weatherproof blank cover plate, single or double gang.
Weatherproof blank covers 2 gang	335932	5975	Weatherproof blank cover plate, single or double gang.
Any use bubble covers single gang	335932	5975	Weatherproof 'in-use' bubble cover, single or double gang.
Any use bubble covers 2 gang	335932	5975	Weatherproof 'in-use' bubble cover, single or double gang.
Weatherproof GFIs 15 amp	335932	5975	15A or 20A weatherproof GFCI receptacle.
Weatherproof GFIs 20 amp	335932	5975	15A or 20A weatherproof GFCI receptacle.
Standard GFIs 15 amp	335932	5975	15A standard indoor GFCI receptacle.
Electrical tape	335932	5975	Premium vinyl electrical tape, 7 mil, flame retardant.
CAT 6 low voltage 16 to 18 gauge	335932	5975	16-18 AWG low- voltage control wire.
Porch pans pancake light boxes	335932	5975	Shallow 'pancake' electrical fixture box.
Single pull contactors 1 pull	335932	5975	1-6 pole electrical contactor, 24V coil.

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Single pull contactors 2 pull	335932	5975	1-6 pole electrical contactor, 24V coil.
Single pull contactors 3 pull	335932	5975	1-6 pole electrical contactor, 24V coil.
Single pull contactors 4 pull	335932	5975	1-6 pole electrical contactor, 24V coil.
Single pull contactors 5 pull	335932	5975	1-6 pole electrical contactor, 24V coil.
Single pull contactors 6 pull	335932	5975	1-6 pole electrical contactor, 24V coil.
Single pull time clock	335932	5975	Single-pole automatic time clock switch, 24-hour cycle.
Photocells	335932	5975	Automatic light- sensing photocell controller, 120V.
Integrated Electronic Light Fixture / Sconce	335932	5975	Integrated electronic light fixture.
Integrated Electronic LED Light Fixture	335932	5975	Integrated electronic light fixture, LED series.
Integrated Electronic Light Fixture	335932	5975	Integrated electronic light fixture, specialized series.

Electronic Access Controls and Materials Package

Item	NAICS	PSC	Technical Specifications
Intelligent Access Control Module	334290	6350	Intelligent access control module.
Standard Credential Reader with Status Indicato	334290	6350	Standard credential reader with status indicator.
Bluetooth/RFID Smart Card Mini-Reader	334290	6350	Bluetooth/RFID smart card mini-reader.
Bluetooth/RFID Smart Card Extended-Range Reader	334290	6350	Bluetooth/RFID smart card extended-range reader.
Controller Interface Module	334290	6350	Controller interface module.
DIN-Rail Mounted IP Access Controller	334290	6350	DIN-rail mounted IP access controller.
DIN-Rail Hardware Expansion Module	334290	6350	DIN-rail hardware expansion module.
Access Control Enclosure (NEMA 1)	334290	6350	Access control enclosure, NEMA 1.
Encrypted Proximity Access Tag	334290	6350	EV3 encrypted proximity access tag.

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Access Control Power Management Module	334290	6350	Electronic access control power management module.
Network Workstation / Controller Unit	334290	6350	Network workstation/controller unit.
Boxed Power Supply (250W) for Access Control	334290	6350	Boxed 250W power supply for access control.
Boxed 8-Channel Power Distribution Module	334290	6350	Boxed 8-channel power distribution module.
Boxed 8-Channel Access Control Module	334290	6350	Boxed 8-channel access control module.
Boxed 4-Channel Access Control Module	334290	6350	Boxed 4-channel access control module.
Boxed 6-Zone Expansion Module	334290	6350	Boxed 6-zone expansion module.
Water-Based Duct Sealing Mastic	334290	6350	Water-based duct sealing mastic, fire- rated.
Sealed Lead-Acid (SLA) Battery	334290	6350	12V 7Ah sealed lead- acid (SLA) battery, general purpose.
Nylon Tie Wires	334290	6350	Heavy-duty nylon cable ties, 8-inch, UV-resistant.
NEMA 1 Steel Screw Cover Enclosure	334290	6350	NEMA 1 rated 12x12x8 inch steel screw cover enclosure.

Fire Alarm System Package

Item	NAICS	PSC	Technical Specifications
Addressable monitor module, Class “A”	334290	6350	Class A addressable fire monitor module.
Addressable output relay control module	334290	6350	Fire alarm output relay control module.
Analog photoelectronic sensor, Velociti only, bright white color	334290	6350	Analog photoelectronic smoke sensor, bright white.
Analog photoelectronic sensor, remote test capable, Velociti only, bright white color	334290	6350	Remote test- capable smoke sensor, bright white.
Thermal sensor 135°, Velociti only, bright white color	334290	6350	135-degree heat sensor, bright white.
Intelligent addressable low frequency 520 Hz	334290	6350	520 Hz sounder base for fire sensors.

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sounder base - For Velociti sensors only, Bright White			
6" base, flanged, low profile, use with analog sensor or Velociti sensors, bright white color	334290	6350	6-inch low-profile smoke detector base.
Backup Battery Pack (12V 18Ah)	334290	6350	12V 18Ah backup battery pack.
InnovairFlex intelligent duct detector, non-relay, does not include head	334290	6350	Intelligent HVAC duct smoke detector, non-relay.
InnovairFlex sampling tube, steel, 5’ with holes	334290	6350	5-foot steel sampling tube with holes.
CLSS GATEWAY, WITH ENCLOSURE (LOCK AND CABLE KIT,	334290	6350	Gateway for fire system remote monitoring/cloud integration.
10.0 AMPS, 120VAC, REMOTE POWER SUPPLY, RED	334290	6350	10A 120VAC remote fire alarm power supply, red enclosure.
Low-frequency sounder, 15, 30, 75, 95, 110, 135, 185 cd, wall, white	334290	6350	Wall-mount low- frequency fire alarm sounder/strobe.
Fault Isolator module	334290	6350	Fire system loop fault isolator module.
Multi-Criteria Photoelectric and CO Sensor	334290	6350	Combined photoelectric and CO sensor.
Addressable single action pull station	334290	6350	Addressable single-action manual fire pull station.
HORN/STRB LED RED WALL OUTDOOR 2X4	334290	6350	Outdoor red wall- mount LED horn/strobe.
HORN/STRB LED 2W WHITE WALL 4X4	334290	6350	White wall-mount LED horn/strobe.
Encapsulated, 24VAC/24VDC/115VAC relay, 10 amp, Form C	334290	6350	10A Form C universal fire system relay, encapsulated.
Remote test station; with switch, alarm and power LEDs, key reset	334290	6350	Key-reset remote fire sensor test station.
SLP add-on SLC module, System Sensor. 1 loop-318 devices. Required for SLP panel order	334290	6350	SLC loop expansion module for SLP panel.

Smart Loop Panel addressable FACP, Black enclosure with 7A power supply, LCD-SLP display. Requires SLC-PM or SLC95-PM for SLC loops	334290	6350	Addressable fire alarm control panel, black enclosure.
STROBE LED WHITE WALL 4X4	334290	6350	White wall-mount LED fire strobe.

Roofing and Metal Framing Components Package

Item	NAICS	PSC	Technical Specifications
Sealing Gasket Material	326199	5330	Professional-grade roofing/sealing gasket material.
Roofing Nails	326199	5330	Professional-grade galvanized roofing nails.
1" Staples	326199	5330	1-inch heavy-duty fasteners.
Reinforcing Fiberglass Wall Mesh	326199	5330	Reinforcing fiberglass mesh for wall systems.
Wide-Crown Pneumatic Framing Stapler	326199	5330	Wide-crown pneumatic stapler for wall framing.
Hammer Tacker Staple Refills	326199	5330	Hammer tacker staple refills.

Utilities and Materials Package

Item	NAICS	PSC	Technical Specifications
CEDAR - RAISED GARDEN BEDS	332510	5340	Naturally rot/insect- resistant Western Red Cedar / Douglas Fir framing timber for exterior site landscaping.
Handrail Brackets	332510	5340	Heavy-duty architectural metal handrail mounting brackets, wall-anchored,
Common Bath Accessories	332510	5340	Commercial grade 304 stainless steel washroom accessory set (towel dispensers, waste receptacles, soap dispensers).
1/4" COPPER	332510	5340	1/4" O.D. seamless copper tubing (Type L/K or ACR), annealed/drawn, suitable for refrigeration or water lines.
3/8" COPPER	332510	5340	3/8" O.D. seamless copper tubing, high- purity ASTM B88 compliant for plumbing and HVAC piping systems.
Unit Shower Rods	332510	5340	Commercial stainless steel curtain/shower rods, wall-flange mounted, rust-resistant finish.

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Grab Bars	332510	5340	ADA-compliant 18-gauge 304 stainless steel safety grab bars, concealed mounting, supports up to 250+ lbs load.

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 described above.

The grantee conducted market research between February 2026 and July 2026, which consisted of outreach to manufacturers and suppliers for each product category. 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 on the above 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 manufactured products, jeopardizing the electrical, life-safety, roofing, framing, and utility systems of the project and placing the project at risk.

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: Switchgrass Crossing Affordable Housing Project

Recipient Name: City of Fort Collins

Unique Entity Identifier (UEI): VEJ3BS5GK5G1

Federal Award Identification Number (FAIN): M24-MC080008 and B24-MC080008

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

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Assistance Listing Number: 14.218 and 14.239

Federal Financial Assistance Funding Amount: $970,633.00

Total Estimated Infrastructure Expenditures: $25,920,719.00

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