

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 Requirements to the Columbia Renaissance Square III Affordable Housing Development for Sub Water Meters, Bath Accessories, Exhaust Fans, HVAC Equipment, and Smart Locks (HUD Waiver #W-0000157)

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-0000157 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 sub water meters, bath accessories, exhaust fans, HVAC equipment, and smart locks 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 Columbia Renaissance Square III affordable housing project in Fort Worth, Texas for sub water meters, bath accessories, exhaust fans, HVAC equipment, and smart locks.

Project Summary: The project is in Fort Worth, Texas. The project consists of the development of Columbia Renaissance Square III, an affordable housing development for families to be located at 2757 Moresby Street, Fort Worth, Texas, 76105.

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

Items Covered in Waiver: The City of Fort Worth is seeking a waiver for sub water meters, bath accessories, exhaust fans, HVAC equipment, and smart locks, as described in detail below:

- **Name of Product 1:** Sub Water Meters
 - **NAICS:** 334514 - Consumption meters (e.g., gas, water) manufacturing
 - **PSC:** 4610- Water Purification Equipment
 - **Technical Specifications:**
 - Meter Type: Single-jet dry-dial with shielded magnetic coupling.
 - Accuracy: AWWA C701 spec compliant (97% - 103%).
 - Body Material: Typically, brass or nickel-plated brass (lead-free options available).

- Connection Size: 5/8" x 3/4" (ANSI/ASME B1.20.1-1983; 1-11.5 NPSM thread).
 - Installation: Indoor, horizontal or vertical (risers/downpipes).
 - Mounting Length: 5.12 inches (130 mm).
 - Weight: Approximately 1.32 - 1.35 lbs.
 - Max Temperature (Cold Water): Up to 30°C - 50°C (standard cold), though some models are rated higher (up to 180°F/90°C)
- **Name of Product 2: Smart Locks**
 - o **NAICS:** 332510-Hardware Manufacturing
 - o **PSC:** 5340 – Hardware, Commercial
 - o **Technical Specifications:**
 - ANSI/BHMA Grade 1 Certified (highest residential security rating)
 - UL Listed FCC Compliant
 - ADA compliant thumbturn (interior operation)
 - Meets applicable residential building code requirements
- **Name of Product 3: Single Stage Heat Pumps**
 - o **NAICS:** 333415 – Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
 - o **PSC:** 4120 – Air Conditioning Equipment
 - o **Technical Specifications:**
 - Outdoor Unit Model: Single-Stage Heat Pump / Air Conditioner Condensing Unit
 - Indoor Unit Model: Multi-Position Air Handler with ECM Motor
 - Cooling Capacity: As scheduled (nominal 1.5 to 5 tons typical range)
 - SEER Rating: Up to 15–16 SEER (minimum per code requirements)
 - EER: As per AHRI certification
 - Heating (if heat pump): HSPF compliant with current DOE standards
 - Sound Level: Low operating sound (approx. 70–76 dBA outdoor unit)
- **Name of Product 4: Grilles**
 - o **NAICS:** 333415 – Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
 - o **PSC:** 4120 – Air Conditioning Equipment
 - o **Technical Specifications:**
 - Construction & Core: Available in either stamped steel or stamped aluminum.
 - Damper: Features an integral multi-shutter damper with a metal lever.
 - Finish: Standard Ceiling White (CW) enamel
- **Name of Product 5: Exhaust Fans**
 - o **NAICS:** 333415 – Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
 - o **PSC:** 4120 – Air Conditioning Equipment
 - o **Technical Specifications**

- Airflow Capacity: 150 CFM (Cubic Feet per Minute) at 0.10 in. static pressure Noise Level: 1.4 Sones (a very quiet, comfortable level similar to a normal conversation)
Room Coverage: Ideal for spaces up to 140 sq. ft. Motor Speed: Low RPM (770 RPM) for quiet, continuous operation
 - Electrical & Efficiency Voltage: 120 V AC, 60 Hz Amperage: 0.5 Amps Power Consumption: ~51
 - Watts Certification: ENERGY STAR® Qualified, HVI-2100 Certified
- **Name of Product 6: Thermostat**
 - o **NAICS:** 333415 – Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
 - o **PSC:** 4120 – Air Conditioning Equipment
 - o **Technical Specifications:**
 - Digital programmable thermostat for single-stage (1 Heat/1 Cool) conventional HVAC systems; supports 7-day or 5-1-1 day programmable schedules.
 - Operating Temperature: Adjustable control range of 44°F to 90°F (7°C to 32°C) with configurable heating and cooling cycle rate (swing) settings for improved comfort and energy efficiency.
 - Electrical Requirements: Operates on 18–30 VAC, 50/60 Hz and may be powered by 24 VAC hardwired power or two AA alkaline batteries.
 - Display & Controls: Equipped with a 2-square-inch blue backlit LCD display, push-button controls, and menu-driven programming with intuitive Wake, Leave, Return, and Sleep scheduling icons.
 - Installation: Universal wall-mounted thermostat with color-coded terminal blocks and a universal sub-base for simplified installation; compatible with horizontal or vertical mounting on a wall or standard junction box.
 - **Name of Product 7: Dryer Box**
 - o **NAICS:** 333415 – Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
 - o **PSC:** 4120 – Air Conditioning Equipment
 - o **Technical Specifications:**
 - Dimensions: 10" W × 17" H × 4.25"
 - DWall Framing Compatibility: Designed to fit standard 2" × 6" wood or 6" metal framing
 - Fire Rating: Tested and designed to meet a 1-hour equal F&T (Flame and Temperature) through-penetration firestop system rating
 - Material & Finish: 24-gauge, white powder-coated, galvanized metal
 - Weight: 3.4 lbs
 - Compatibility: Can be used with all dryer types in both single-family homes and multi-unit construction

- **Name of Product 8: Bath Accessories**

Bath Accessories			
Item	Qty	PSC	NAICS
Unit - TP holder	170	7290	332999
Unit - towel bar	340	7290	332999
Unit - anchors	1700	7290	332999
Unit - HC shower seat	5	7290	332999
Unit - 12" grab bar	5	7290	332999
Unit - 18" grab bar	5	7290	332999
Unit - 24" grab bar	15	7290	332999
Unit - 36" grab bar	5	7290	332999
Unit - 42" grab bar	10	7290	332999
Unit - Shower curtain rod	170	7290	332999
Common area - paper towel dispenser	1	7290	332999
Common area - Dual TP Dispenser	1	7290	332999
Common area - soap dispenser	1	7290	332999
Common area - mop and broom holder	1	7290	332999
Common area - 18" grab bar	1	7290	332999
Common area - 36" grab bar	1	7290	332999
Common area - 42" grab bar	1	7290	332999
Amenity - TP dispenser/waste	4	7290	332999
Amenity - Dual TP dispenser	4	7290	332999
Amenity - soap dispenser	4	7290	332999
Amenity - sanitary napkin disposal	3	7290	332999
Amenity - baby changing station	2	7290	332999
Amenity - coat hook	4	7290	332999
Amenity - mop and broom holder	2	7290	332999
Amenity - 18" grab bar	4	7290	332999
Amenity - 36" grab bar	4	7290	332999
Amenity - 42" grab bar	4	7290	332999

- **NAICS:** 332999 - Bathroom fixtures, metal, manufacturing
- **PSC:** 7290- Miscellaneous Household and Commercial Furnishings and Appliances
- **Technical Specifications:**
 - o Bathroom Accessories, including toilet paper holder, towel bar, shower curtain rod, and wall anchors.
 - Constructed of corrosion-resistant stainless steel, zinc alloy, or heavy-duty commercial-grade metal with satin, brushed, or chrome finish.
 - Concealed mounting hardware with vandal-resistant fasteners where applicable.
 - Designed for installation on drywall, tile, or solid wall construction using manufacturer-recommended anchors.
 - Moisture- and corrosion-resistant finish suitable for residential bathroom environments.
 - Dimensions and mounting heights shall comply with project drawings and accessibility requirements where applicable.
 - o ADA Grab Bars

- Fabricated from 18-gauge minimum Type 304 stainless steel with a satin, peened, or brushed finish.
- Outside diameter of 1-1/4 inches to 1-1/2 inches for ADA-compliant gripping surface.
- Capable of supporting a minimum concentrated load of 250 pounds in accordance with ADA and ICC A117.1 requirements.
- Concealed mounting flanges with stainless steel fasteners.
- Available in lengths of 12, 18, 24, 36, and 42 inches as indicated on project drawings.
- Corrosion-resistant for wet environments and commercial restroom applications.
- o **Handicap (ADA) Shower Seat**
 - Wall-mounted, folding shower seat constructed of phenolic, solid polymer, or stainless steel.
 - Stainless steel mounting brackets and corrosion-resistant hardware. Designed to support a minimum static load of 250 pounds when properly installed.
 - ADA-compliant dimensions and installation height.
 - Smooth, non-porous surface resistant to moisture, mildew, and cleaning chemicals.
- o **Public Restroom Dispenser**
 - Heavy-duty commercial-grade stainless steel or impact-resistant ABS construction.
 - Surface-mounted or recessed installation as indicated.
 - Tamper-resistant locking mechanism for maintenance access.
 - Corrosion-resistant finish suitable for high-moisture environments.
 - Compatible with standard commercial paper towels, toilet tissue rolls, or liquid/foam soap cartridges.
 - Designed for high-traffic public restroom applications.
- o **Restroom Waste & Hygiene Accessories**
 - Constructed of Type 304 stainless steel with satin finish.
 - Surface-mounted or recessed configuration as specified.
 - Leak-resistant waste container with removable liner.
 - Self-closing disposal door for sanitary operation.
 - Corrosion-resistant and easy-to-clean surfaces.
- o **Baby Care Accessories**
 - Horizontal or vertical wall-mounted changing station constructed of high-density polyethylene (HDPE) or injection-molded polypropylene.
 - Steel mounting chassis with concealed hardware.
 - Integrated safety strap and antimicrobial surface.
 - Minimum load capacity of 250 pounds.
 - ADA-compliant installation where required.

- Meets applicable ASTM and safety standards for commercial restroom installations.
- **Utility Storage Accessories**
 - Wall-mounted storage rack constructed of stainless steel, aluminum, or heavy-duty polymer.
 - Rubber roller grips or spring-loaded clamps to securely hold cleaning tools.
 - Multiple storage positions with integrated utility hooks.
 - Corrosion-resistant materials suitable for janitorial closets and utility rooms.
 - Concealed mounting hardware for secure installation.
- **Coat Hook**
 - Heavy-duty stainless steel or zinc alloy construction with satin or chrome finish.
 - Concealed mounting hardware.
 - Rounded, snag-resistant design for user safety.
 - Minimum load capacity of 35 pounds.
 - Corrosion-resistant finish suitable for restroom, locker room, and changing area applications.
- **Name of Product 9: Water Cooler**
 - **NAICS:** 332913 – Plumbing Fixture Fitting and Trim
 - **PSC:** 4510 (Plumbing Fixtures and Accessories (includes toilets, urinals, etc.))
 - **Technical Specifications:**
 - Refrigerated drinking water system providing approximately 8.0 gallons per hour (GPH) of chilled water capacity (based on manufacturer testing conditions).
 - Bottle filler dispensing rate approximately 1.1 gallons per minute (GPM) with laminar flow to minimize splashing
 - 115 VAC, 60 Hz power supply.
 - Rated approximately 370 watts with approximately 5 full-load amps for refrigerated models.
 - Integrated filter system capable of reducing contaminants such as chlorine taste/odor and particulates.
 - Filter systems commonly certified to NSF/ANSI 42 and NSF/ANSI 53 (model dependent).
 - ADA-compliant wall-mounted design.
 - Designed to meet ADA and ICC A117.1 accessibility requirements.
 - Touchless sensor-activated bottle filler.
 - Push-bar activated drinking fountain.
 - Visual filter status indicator.
 - Bottle counter/Green Ticker™ feature on applicable models.
 - Antimicrobial components on selected models.
 - UL 399 Drinking Water Coolers.

- NSF/ANSI 61 and NSF/ANSI 372 (lead-free materials).

Description of Efforts Made to Avoid the Need for a Waiver

The grantee conducted market research in September 2025. The grantee's team conducted interviews with three suppliers or manufacturers within each product category and documented its due-diligence findings as follows:

Smart Locks

The project team contacted three manufacturers via email. All were determined to be non-compliant. Despite extensive online research and direct inquiries to company personnel, city found no documentation or evidence demonstrating BABA compliance. Due to the absence of verifiable certification, these companies were deemed ineligible as potential suppliers for the project. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of four additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Sub Water Meters

Market research was conducted through direct outreach (email and telephone) to three leading submetering service providers and vendors to determine the availability of domestically manufactured submeters. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of three additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Single-Stage Heat Pump

The project team contacted three manufacturers. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of three additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Dryer box

The project team contacted three manufacturers. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of four additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Exhaust fans

The project team contacted three manufacturers for verification. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of five additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Thermostat

Pre-decisional DRAFT

The project team contacted three manufacturers for verification. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of four additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Grilles

The project team contacted three manufacturers for verification. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of eight additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products that meet the technical specifications of this project. One manufacturer offers some BABA compliant grilles, but they do not meet the technical specifications required.

Bath Accessories

Market research was conducted through direct outreach (email and telephone) to three leading bath accessories manufactures and vendors. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of fourteen additional manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

Water Cooler

Market research was conducted through direct outreach (email and telephone) to four leading bath accessories manufactures and vendors. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project. Similarly, HUD conducted an online search of three additional manufacturers and suppliers including 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 complete this 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

Pre-decisional DRAFT

Title of Project: Columbia Renaissance Square III Affordable Housing Development

Recipient Name: City of Fort Worth

Unique Entity Identifier (UEI): ENS6MKS1ZL18

Federal Award Identification Number (FAIN): M24MC480204

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

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: \$8,023,547.00

Total Estimated Infrastructure Expenditures: \$31,972,002.00