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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 Timber Ridge Affordable Housing Project for Nine Manufactured Products (HUD Waiver #W-0000183)

#### **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](mailto:BuildAmericaBuyAmerica@hud.gov). Please reference HUD Waiver #W-0000183 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

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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 nine manufactured products 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 Timber Ridge affordable housing project in Davenport, Iowa for nine manufactured products.

**Project Summary:** The project is in Davenport, Iowa. The project consists of site improvements including the new construction of 52 affordable apartment units for people 62 years of age and older, located at 2345 West 54th Street, Davenport, Iowa 52806.

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

**Items Covered in Waiver:** The Iowa Finance Authority is seeking a waiver for the following nine (9) products – a fire suppression system reduced pressure backflow preventer assembly, fire suppression system sprinkler heads, electrical wiring devices, access control system components, fire alarm system components, emergency lighting equipment, LED light fixtures, closed-circuit television (CCTV) system components, and residential door and auxiliary hardware, each as described in detail below:

| Name of Product                                                        | NAICS  | PSC  | Technical Specifications                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------|--------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fire Suppression System – Reduced Pressure Backflow Preventer Assembly | 332919 | 4610 | Reduced-pressure-zone backflow prevention assembly designed to prevent reverse flow and protect potable water systems from contamination; includes backflow prevention valves and test/relief components. Must meet all applicable plumbing and building codes. |

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|-------------------------------------------|--------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fire Suppression System – Sprinkler Heads | 332911 | 4210 | Automatic fire sprinkler for fixed fire suppression systems; thermally activated discharge device designed to distribute water over a protected area during a fire event. Must meet all applicable building and fire protection codes and UL standards.                                                                                                                                                       |
| Electrical Wiring Devices                 | 335931 | 5930 | Duplex receptacles, single-pole and three-way wall switches, GFCI and USB-A/USB-C combination receptacles, and associated wall/switch plates; ratings including 15A/125V, 15A/120V, 30A, and 50A configurations; tamper-resistant where applicable. Must meet all applicable building and electrical codes and UL standards.                                                                                  |
| Access Control System Components          | 334290 | 6350 | Electronic access control system components for building entry and security control. Must meet all applicable building codes and life-safety requirements.                                                                                                                                                                                                                                                    |
| Fire Alarm System Components              | 334290 | 6350 | Addressable fire alarm control panel, power supplies/chargers, input/output/monitor/relay/control modules, manual pull stations, intelligent addressable smoke and heat detectors, annunciator/remote display, cellular communicator, audible sounder bases, and LED horn/strobe, strobe, and horn notification appliances. Must meet all applicable building codes, fire protection codes, and UL standards. |
| Emergency Lighting Equipment              | 335139 | 6210 | Emergency illumination fixtures designed to provide lighting during loss of normal power; typically includes integral emergency battery backup and LED illumination; suitable for building egress and life-safety applications. Must meet all applicable building codes and UL standards.                                                                                                                     |

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|----------------------------------------------------|--------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LED Light Fixtures                                 | 335139 | 6210 | LED lighting fixtures (Types A1, A2, A4, and A8) for general building illumination; surface/ceiling-mounted configurations designed for energy-efficient interior residential/commercial applications. Must meet all applicable building and electrical codes and UL standards.  |
| Closed-Circuit Television (CCTV) System Components | 334220 | 5820 | Network video recorder, managed PoE network switches, IP surveillance cameras, camera wall mounts, surveillance hard disk drives, equipment rack and shelf, and HDMI video capture/distribution device. Must meet all applicable building codes and manufacturer specifications. |
| Residential Door and Auxiliary Hardware            | 332510 | 5340 | Passage and privacy door levers, single-cylinder deadbolts, classroom/storeroom function locksets, door closers, door stops, kick plates, thresholds, seals, viewers, and related auxiliary hardware. Must meet all applicable building codes and accessibility requirements.    |

### Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced products meeting the technical specifications of the project.

The grantee completed market research between April 22 and July 15, 2025 which consisted of outreach to three (3) manufacturers or suppliers of the subject 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 manufactured 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

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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: Timber Ridge Affordable Housing Project

Recipient Name: Iowa Finance Authority

Unique Entity Identifier (UEI): MNSRLUJXL4W3

Federal Award Identification Number (FAIN): M-24-SG-19-0100

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

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: \$800,000.00

Total Estimated Infrastructure Expenditures: \$10,058,008.00