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 Jewel City 2 Affordable Housing Project for a Surveillance System and an Access Control System (HUD Waiver #W-0000322 and #W-0000329)

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-0000322 and #W-0000329 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

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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 a surveillance system and an access control system 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 Jewel City 2 affordable housing project in Rolla, North Dakota for a surveillance system and an access control system.

Project Summary: The project is in Rolla, North Dakota. The project consists of the rehabilitation of a rural 7-unit senior affordable housing project. The project is located at 304 2nd Ave SE, Rolla, ND 58367.

Length of the Waiver: From the effective date of the final waiver until August 30, 2028.

Items Covered in Waiver: The North Dakota Housing Finance Agency is seeking a waiver for a surveillance system and an access control system, as described in detail below:

- **Name of Product 1:** Surveillance System
- **Category:** Manufactured Product
- **NAICS:** 334290
- **PSC:** 6350
- **Technical Specifications:** Network-based video surveillance system consisting of security cameras, recording equipment, network components, and associated hardware for continuous monitoring of designated interior and exterior areas.
- High-resolution cameras with appropriate field of view, low-light performance, and day/night recording capabilities to support clear image capture under varying lighting conditions.

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- Centralized video management and recording system with live viewing, playback, video storage, and retrieval of recorded footage.
- Secure network communications, user authentication, and role-based access controls to protect video feeds, recorded footage, and system administration functions.
- Durable, weather-resistant cameras and enclosures suitable for the intended installation environment, with compatibility with existing security infrastructure and provisions for system expansion.
- **Name of Product 2:** Access Control System
- **Category:** Manufactured Product
- **NAICS:** 334290
- **PSC:** 6350
- **Technical Specifications:** Centralized electronic access control system with programmable user permissions and the ability to manage multiple doors and access points.
- Compatible access control panels, card readers, electronic locks, and associated hardware supporting secure credential authentication and encrypted communication.
- Real-time or near-real-time access authorization, credential management, and searchable audit logs of access events.
- Integration capabilities with existing building security systems, including CCTV surveillance and fire alarm/emergency systems, as applicable.
- Reliable operation with backup power capabilities, durable commercial-grade hardware, and compatibility with the project's specified security infrastructure.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced surveillance and access control systems.

The grantee completed market research in September 2026, which consisted of supplier scouting through the MEPNN Supplier Scouting Program (Scouting Opportunity Nos. 2026-551 and 2026-537) administered by Missouri Enterprise, soliciting manufacturers capable of supplying the required surveillance system and access control system. Based on the results documented in the completed scouting materials, no qualifying domestic product was identified. 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 surveillance system and access control system, which are necessary to provide security monitoring and controlled resident access for this rural 7-unit senior affordable housing project. HUD further believes this waiver is justified because most items used in this project will be compliant with

BABA, and this waiver is for items whose total value is less than one (1) percent of the total infrastructure expenditures for 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

Title of Project: Jewel City 2 Affordable Housing Project

Recipient Name: North Dakota Housing Finance Agency

Unique Entity Identifier (UEI): LX46RGQ1KR13

Federal Award Identification Number (FAIN): M24-SG380100

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

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: $1,385,850.00

Total Estimated Infrastructure Expenditures: $2,416,289.00

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