

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 Columbia Renaissance Square III Affordable Housing Development for Water Cooler, Supply Lines, Floor Sink, Circulator Pump, RPZ, and ADA Signaling (HUD Waiver #W-0000351)

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-0000351 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 water cooler, supply lines, floor sink, circulator pump, RPZ, and ADA signaling 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 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 development in Fort Worth, Texas for a water cooler, supply lines, floor sink, circulator pump, RPZ, and ADA signaling.

Project Summary: The project is in Fort Worth, Texas. The project consists of the construction of an affordable housing development for families 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 a water cooler, supply lines, floor sink, circulator pump, RPZ, and ADA signaling, as described in detail below:

Item	Qty	PSC	NAICS	Tech Spec
Water Cooler	1	4510	326191	Bottle-filling station/refrigerated drinking fountain; stainless steel, wall-mount, 2-station, 8.0 GPH chilling, 115V/60Hz, 260W; filtered, hands-free, vandal-resistant;

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Item	Qty	PSC	NAICS	Tech Spec
				ADA & ICC A117.1, NSF/ANSI
Water Closet Supply Lines	155	4510	326191	Stainless-steel braided toilet connector; 3/8" compression × 7/8" ballcock × 12" length; reinforced PVC hose, brass fittings, 125 PSI max, 40–160°F; lead-free (NSF 372), IAPMO/ASME A112.18.6
Dishwasher Supply Lines	100	4510	326191	Braided dishwasher connector; 3/8" compression × 3/8" compression × 7/2" length w/ 3/4" garden-hose elbow; PVC braid, brass barb/nuts, 125 PSI max, 40–160°F; lead-free
Floor Maintenance Sink	1	4510	326191	Mop basin; 24"×24"×10" deep, molded high-density composite, integral molded drain w/ stainless strainer & gasket, connects to 3" PVC; meets ANSI Z124.2
Laundry Faucet	1	4510	326191	Two-handle wall- mount service sink faucet; chrome- plated solid brass, ceramic disc cartridges, integral stops, 3/4" hose- thread spout, 1/2"-14 NPT; ASME A112.18.1, ASSE 1001, cUPC/IAPMO listed
Circulator Pump	1	4120	238220	Circulator pump; 1/25 HP, 115V, 1- phase, 60 Hz, 0–17

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Item	Qty	PSC	NAICS	Tech Spec
				GPM; cast-iron body, 3-speed, integral check valve
Aquastat Kit	1	4120	238220	1/2" clip-on aquastat kit (85°F–105°F); clip-on mount for 5/8" OD system piping, 85°F–105°F (1/2" ID copper tubing or 3/8" steel pipe); shielded wire with 2-ft. PVC-jacketed cable
Signaling Devices	26	6350	238210	ADA emergency signaling/notification device (audible/visual).
RPZ (Watts 1-1/2")	4	4510	326191	Reduced-pressure zone backflow assembly; 304 stainless steel housing, dual torsion-spring checks + differential relief valve, groove-end connections; lead-free (<0.25% Pb); for health-hazard backflow protection

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain a domestically produced water cooler, supply lines, floor sink, circulator pump, RPZ, and ADA signaling.

The grantee completed market research in June 2026 which consisted of outreach to three (3) manufacturers or suppliers of 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.

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 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: 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