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 Opportunity Pointe for Residential Door and Auxiliary Hardware (HUD Waiver #W-0000459)

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 a single product 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-0000459 in the subject line.BuildAmericaBuyAmerica@hud.gov

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 residential door and auxiliary hardware 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 a single product for a single project. No other project will utilize the waiver.

Proposed Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Opportunity Pointe affordable housing project in Columbus, Ohio for residential door and auxiliary hardware.

Project Summary: The project is in Columbus, Ohio. The project consists of the new construction of two (2) buildings on the same parcel (Opportunity Pointe I and II) with 84 apartments each, located at 365 E. Spring Street, Columbus, Ohio 43215.

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

Items Covered in Waiver: The City of Columbus is seeking a waiver for residential door and auxiliary hardware, as described in detail below:

- **Name of Product 1**: Residential Door and Auxiliary Hardware
  - **NAICS:** 332510
  - **PSC:** 5340
  - **Technical Specifications:** Residential-grade interior and exterior doors constructed of wood, metal, or composite materials, as specified, to provide durability, security, and reliable operation. Door assemblies sized and configured to meet project requirements, including appropriate thickness, frame dimensions, and fire-resistance ratings where applicable. Auxiliary hardware includes hinges, locksets, latches, deadbolts, door handles, knobs, stops, closers, strike plates, and other mounting accessories, as required. Hardware to provide secure locking, smooth operation, corrosion

resistance, and compatibility with the specified door and frame assemblies. All components to be installed in accordance with manufacturer specifications, applicable building codes, accessibility requirements, and project specifications.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced residential door and auxiliary hardware.

The project team and suppliers completed a good faith and comprehensive market search from April through May 2026, which consisted of outreach to four (4) manufacturers, distributors, or suppliers of residential door and auxiliary hardware to determine whether compliant products were available for multifamily residential applications. Suppliers confirmed via letter that their products are manufactured outside of the United States and do not meet BABA requirements, that their commercial locks, door closers, commercial door hardware, and residential door locks are not BABA compliant, and that residential and light commercial door hardware typically used in multifamily developments is generally not available in BABA compliant versions, with auxiliary hardware products commonly manufactured overseas. No compliant products were identified that meet the required performance, compatibility, availability, and certification requirements.

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 require the project team to redesign portions of the residential door hardware systems. Denial of this waiver would likely result in procurement delays, impacts to the project schedule, additional coordination with suppliers and installers, potential redesign of door assemblies and hardware sets, and increased project costs.

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: Opportunity Pointe

Recipient Name: City of Columbus

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Unique Entity Identifier (UEI): E212WH2HVV55

Federal Award Identification Number (FAIN): M24-MC390210

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

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: $2,400,000.00

Total Estimated Infrastructure Expenditures: $31,393,727.00

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