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 Switchgrass Crossing Affordable Housing Project for Elevator, Electronic Fireplace, HVAC, Plumbing, Fire Sprinkler, Lighting Fixtures, Network Electronics, Opening Hardware, and Flooring & Tile Products (HUD Waiver #W-0000358)

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-0000358 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.

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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 multiple product packages in an infrastructure project funded through the Community Development Block Grant (CDBG) and 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 Switchgrass Crossing affordable housing project in Fort Collins, Colorado for the product packages described below.

Project Summary: The project is in Fort Collins, Colorado. Switchgrass Crossing is a new-build affordable housing property located at 3800 South Mason Street. The project will provide housing for seniors earning below 60% of the area median income.

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

Items Covered in Waiver: The City of Fort Collins is seeking a waiver for the following product packages, as described in detail below:

- **Name of Product Package 1: Elevator**

Item	Qty	NAICS	PSC	Technical Specifications
Counterweights, wiring, guide rail brackets, pit channels, electrification control, signalization, traveling cable	2	333921	3960	Complete elevator mechanical sub-assembly including steel counterweight frame, pit channels, brackets, and traveling cable harness.

Door operator, hanger tracks, governor	2	333921	3960	High-speed automatic car door operator mechanism, heavy- duty hanger tracks, and overspeed safety governor assembly.
Shaft mechanics	2	333921	3960	Hoistway structural hardware, guide shoes, buffer assemblies, and shaft safety interlock mechanisms.
Hoisting machine, wire rope, sheaves and mounting assemblies, autotransformers, hanger tracks, car and counterweight steel guide rails, sling, and counterweight frame	2	333921	3960	Gearless elevator traction hoist machine, steel wire suspension ropes, drive sheaves, autotransformers, and T-section guide rails.
Drives	2	333921	3960	Regenerative Variable Voltage Variable Frequency (VVVF) elevator motor drive system for energy-efficient operation.
Communication gateway, guiderail Lubricator	2	333921	3960	IoT remote elevator monitoring communication gateway unit paired with automatic guide rail wick/drip lubricators.
Signalization circuit boards	2	333921	3960	Microprocessor- based elevator control circuit boards for hall call fixtures, car operating panels, and indicator displays.
Entrance doors and frames, car and platform	2	333921	3960	Fire-rated passenger elevator landing door frames, cab structural platform frame, subfloor, and enclosure assemblies.

- **Name of Product Package 2: Electronic Fireplace**

Item	Qty	NAICS	PSC	Technical Specifications
60” Electric Fireplace	1	335220	4520	60-inch wall-mounted electric fireplace, LED flame.

- **Name of Product Package 3: HVAC Equipment**

Item	Qty	NAICS	PSC	Technical Specifications
25 Multi-Zone High-Heat Mini Split Heat Pump with Basepan Heater	40	333415	4120	18,000 BTU Multi- zone heat pump condenser.
24000 Btuh Heat Pump Condensing Unit	4	333415	4120	24,000 BTU Multi- zone heat pump condenser.
30000 Btuh Heat Pump Condensing Unit	2	333415	4120	30,000 BTU Multi- zone heat pump condenser.

36000 Btuh Heat Pump Condensing Unit	3	333415	4120	36,000 BTU Multi- zone heat pump condenser.
Ductless 9000 Btuh Heat Pump Condensing Unit	1	333415	4120	9,000 BTU high- efficiency inverter heat pump.
Ductless high-wall indoor heat pump unit	12	333415	4120	9,000 BTU high-wall indoor fan coil unit.
Ductless 12000 Btuh Heat Pump High Wall Unit	43	333415	4120	12,000 BTU high- wall indoor fan coil unit.
BTU ductless heat pump indoor high-wall air handler	52	333415	4120	18,000 BTU high- wall indoor fan coil unit.
Ductless 33000 Btuh Heat Pump High Wall Unit	1	333415	4120	33,000 BTU high- wall indoor fan coil unit.
Wired Thermostat	108	333415	4120	Programmable digital wired wall-mounted thermostat.
Condenser Mounting FF-600	50	333415	4120	Heavy-duty rooftop condenser mounting stand.
Condensate Pump	108	333415	4120	Automatic condensate removal pump for HVAC systems.

- **Name of Product Package 4: HVAC Distribution**

Item	Qty	NAICS	PSC	Technical Specifications
8" x 8" A544 Grille	11	332323	5670	Steel return air grille, 8x8 inch, powder-coated white.
12" x 12" A544 Grille	21	332323	5670	Steel return air grille, 12x12 inch, powder- coated white.
8" x 8" 270 Grille	143	332323	5670	Adjustable louvered supply air grille, 8x8 inch, multi-directional.
18" x 12" 170 Grille	90	332323	5670	Adjustable louvered supply air grille, 18x12 inch, multi-directional.
14x14" A690 Access Door	34	332323	5670	Steel hinged wall/ceiling access door, screwdriver-operated latch.
CAR II Balancing Damper	135	332323	5670	Adjustable round duct balancing damper, galvanized steel.
Rooftop Duct Supports	6	332323	5670	Adjustable rooftop duct support stand, non- penetrating base.

- **Name of Product Package 5: Plumbing**

Item	Qty	NAICS	PSC	Technical Specifications
Heat Pump- Water Heater	10	332913	4510	High-efficiency heat pump system with integrated control units.
ST-1 & 2 Storage Tanks	2	332913	4510	Commercial-grade steel storage tanks for potable water systems.

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SWT-1 Swing Tank	1	332913	4510	Modular swing tank designed for recirculating plumbing applications.
CP-1 Recirculating Pump	1	332913	4510	Bronze-bodied circulator pump for residential/commercial hot water loops.
SP-1 Sump Pump	1	332913	4510	Submersible sump pump with high-head capacity for wastewater drainage.
WC-1 Water Closet	37	332913	4510	High-efficiency floor- mounted vitreous china water closet.
WC-1A Water Closet	8	332913	4510	Wall-hung high- efficiency water closet, ADA compliant.
WC-C1A	3	332913	4510	Commercial-grade water closet carrier and mounting hardware.
L-1 & L-1A Lav Faucet	45	332913	4510	Single-handle centerset lavatory faucet, chrome finish.
L-1 & L-1A Lav Sink	45	332913	4510	Wall-mounted vitreous china lavatory sink.
L-C1A Lav Faucet	3	332913	4510	Commercial-grade lavatory faucet with laminar flow aerator.
S-1 Kitchen Faucet	37	332913	4510	Single-handle pull-out kitchen faucet, stainless steel finish.
GD-1 Garbage Disposal	45	332913	4510	1/2 HP continuous feed food waste disposer.
S-1A Kitchen Faucet	8	332913	4510	Single-handle kitchen faucet with side spray.
S-C1A Kitchen Faucet	1	332913	4510	Commercial kitchen faucet, deck mount, swivel spout.
SH-1A Valve and Trim	8	332913	4510	Pressure-balanced shower valve with trim kit.
SH-2 Valve and Trim	37	332913	4510	Thermostatic shower valve with integrated diverter and trim.
FD-1 Trap Guard	4	332913	4510	Drain trap primer/seal protection device for floor drains.
FD-2 Floor Drain	7	332913	4510	Cast iron floor drain with adjustable grate.
FD-2 Trap Guard	7	332913	4510	Replacement trap guard for FD-2 floor drain.
FS-1 Trap Guard	2	332913	4510	Universal floor sink trap guard.
Angle Stop	239	332913	4510	1/2 inch compression x 3/8 inch OD angle valve.
Supply Lines	239	332913	4510	Braided stainless steel flexible water connector lines.
Chrome Escutcheons	239	332913	4510	Chrome-plated steel pipe flange covers.

Trim P-Trap	96	332913	4510	Chrome-plated adjustable P-trap with cleanout.

- **Name of Product Package 6: Fire Sprinkler**

Item	Qty	NAICS	PSC	Technical Specifications
16 GA Stud Guard	250	332911	4820	16-gauge steel protective plate for wall studs (pipe shielding).
Lineset Wall Mount Brackets	192	332911	4820	Steel wall- mounted support for HVAC linesets, weather- resistant finish.
Backflow	1	332911	4820	Reduced pressure zone (RPZ) backflow preventer assembly, 1-inch connection.
Floor Controls	4	332911	4820	Fire sprinkler system floor- level control valve assembly (OS&Y type).
Hangers	2,000	332911	4820	Adjustable steel clevis pipe hangers, 1-inch to 2-inch pipe capacity.
Steel Fittings/Couplings	300	332911	4820	Rigid grooved steel couplings and fittings for sprinkler piping.
Sprinkler Heads	600	332911	4820	Automatic fire suppression sprinkler heads, 155°F rating, quick- response.
1.66" Round Tubing	368	332911	4820	1.66 inch outer diameter structural steel round tubing, 16-gauge.
Wall Brackets	110	332911	4820	Steel wall support brackets for structural tubing, load- bearing.
90 Degree Elbows	71	332911	4820	90-degree steel elbow fitting, threaded, 1-1/4 inch.
1.66" Round Tubing	30	332911	4820	1.66 inch outer diameter structural steel round tubing, 16-gauge.
2" Square (11ga) Pre-Galvanized Tubing	544	332911	4820	2x2 inch square 11- gauge structural steel tubing, pre- galvanized.
4" Square (11ga) Pre-Galvanized Tubing	328	332911	4820	4x4 inch square 11- gauge structural steel tubing, pre- galvanized.

- **Name of Product Package 7: Lighting Fixtures**

Item	Qty	NAICS	PSC	Technical Specifications
Architectural LED Luminaire	3	335122	6210	Architectural LED luminaire.
5-Inch LED Downlight	118	335122	6210	5" LED Downlight, 700lm, Switchable White (SWW5), 90 CRI, 120V FRPC.
7-Inch LED Downlight	9	335122	6210	7" LED Downlight, 1000lm, Switchable White (SWW5), 90 CRI, 120V FRPC.

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4-Foot Linear Direct LED Light Fixture	6	335122	6210	4ft Slim Direct Linear LED fixture, 3000K, 90 CRI.
Wall-Mounted LED Sconce / Fixture	3	335122	6210	LED wall-mounted fixture/sconce.
7-Inch LED Downlight	370	335122	6210	7" LED Downlight, 1000lm, Switchable White (SWW5), 90 CRI, 120V FRPC.
Architectural LED Light Fixture	96	335122	6210	Architectural series LED light fixture.

- **Name of Product Package 8: Network Electronics**

Item	Qty	NAICS	PSC	Technical Specifications
Wi-Fi 6 Indoor Access Point	14	334210	7G21	Wi-Fi 6 Indoor Access Point, high-density capability.
Network Gateway Console / Router with Built-in NVR	1	334210	7G21	All-in-one Network Gateway Console with built-in NVR.
48-Port Managed Network Switch with PoE+	2	334210	7G21	48-port Managed Layer 3 Switch with PoE+ support.

- **Name of Product Package 9: Opening Hardware**

Item	Qty	NAICS	PSC	Technical Specifications
3200 Series Recessed	1	332510	5340	Recessed high- security key vault for rapid access.
Interior Hinges	1	332510	5340	Standard commercial-grade steel hinges.
Door Hardware	1	332510	5340	Commercial door locksets and closer assemblies.
Sure-Close Hinges	2	332510	5340	Hydraulic, self- closing gate/door hinge system.
Dura-glide Sliders	1	332510	5340	Automated sliding door mechanism and track system.
Magic Force Openers	10	332510	5340	Low-energy automatic swing door operator.

- **Name of Product Package 10: Flooring & Tile**

Item	Qty	NAICS	PSC	Technical Specifications
Luxury Vinyl Tile Flooring (6" x 48" Planks)	23,332	332510	7220	Luxury Vinyl Tile, 6" x 48" plank, durable wear layer.
Flexible Vinyl Trim / Cove Base	45	332510	7220	Flexible vinyl trim/cove base for tub perimeter.
Ceramic Wall Tile (3" x 6")	1,275	332510	7220	3" x 6" glazed ceramic wall tile, Arctic White Gloss.
Ceramic Wall Tile (6" x 6")	1,275	332510	7220	6" x 6" ceramic wall tile, Reverb Ash finish.

Carpet Adhesive / Glue	5	332510	7220	High-tack adhesive for carpet installation.
Wall Base Trim / Baseboard (5.25")	3,360	332510	7220	5.25" wall base trim, Pearl finish.
Ceramic Wall Tile (3" x 12")	21	332510	7220	3" x 12" ceramic wall tile, Aloe glaze.
Decorative Ceramic Wall Tile (3" x 12")	384	332510	7220	3" x 12" decorative ceramic wall tile, Spirit finish.
Tile Transition Profile	5	332510	7220	Reno-TK transition profile for ceramic to vinyl tile.
Edge Protection Profile / Tile Trim	12	332510	7220	Jolly edge-protection profile, Satin Nickel.
Edge Transition Profile	4	332510	7220	AU100AT edge profile for carpet-to-tile transition.
Cove Movement Joint Profile	34	332510	7220	Dilex-AHK cove- shaped movement joint profile.
Metal Tile Edge Trim	11	332510	7220	Jolly metal tile edge trim, horizontal application.
Metal Tile Edge Trim	18	332510	7220	Jolly metal tile edge trim, horizontal application.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced products for each of the packages listed above.

The grantee completed market research between February 2026 and July 2026, which consisted of outreach to manufacturers and suppliers for each product package. None of the manufacturers or suppliers contacted were able to provide BABA-compliant products that met the technical specifications of the project.

HUD conducted an independent online search of manufacturers and suppliers for each product package and did not locate any manufacturers or suppliers that could provide BABA-compliant products meeting the project's technical specifications.

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 described above.

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: Switchgrass Crossing Affordable Housing Project

Recipient Name: City of Fort Collins

Unique Entity Identifier (UEI): VEJ3BS5GK5G1

Federal Award Identification Number (FAIN): M24-MC080209 and B24-MC080008

Financial Assistance Listing Name: Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME)

Assistance Listing Number: 14.218 and 14.239

Federal Financial Assistance Funding Amount: $970,633.00

Total Estimated Infrastructure Expenditures: $25,920,719.00

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