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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 Mid-Ohio Food Collective Anti-Hunger Center for Automatic Sliding Door Systems, Lighting Fixtures and Associated Components, Rooftop Make-Up Air Units, Mini-split Systems, and Fire Detection and Alarm Systems (HUD Waiver #W-0000163)

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

BuildAmericaBuyAmerica@hud.govThe 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-0000163 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 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

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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 automatic sliding door systems, rooftop units and make-up air units, a mini-split HVAC system, and a fire alarm system in an infrastructure project funded through the Community Development Block Grant program (Community Project Funding).

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 Mid-Ohio Food Collective Anti-Hunger Center in Columbus, Ohio for automatic sliding door systems, rooftop units and make-up air units, a mini-split HVAC system, and a fire alarm system.

Project Summary: The project is in Columbus, Ohio. The project consists of renovating a vacant 67,000-square-foot former grocery store into a multi-purpose neighborhood center anchored by a Mid-Ohio Market, an innovative emergency feeding model that mirrors a grocery store experience, along with holistic wrap-around services such as benefits assistance, City services, WIC, and additional services tailored to the community's unique needs. A commercial kitchen will be installed to support Mid-Ohio Food Collective's ability to create nutritious prepared meals and expand grab-and-go meal service. In a second phase, primary healthcare and a medical pharmacy for patients will be added. The project is located at 4485 Refugee Rd, Columbus, OH 43232.

Length of the Waiver: From the effective date of the final waiver until the completion of the project. The waiver is anticipated to expire on June 30, 2027.

Items Covered in Waiver: The recipient is seeking a waiver for automatic sliding door systems, rooftop units and make-up air units, a mini-split HVAC system, and a fire alarm system, as described in detail below:

Name of Product 1: Automatic Sliding Door Systems

- **NAICS:** 332321 (Metal Window and Door Manufacturing)
- **PSC:** 2040 (Marine Hardware and Hull Items)
- **Technical Specifications:** Unit includes operator, header and track, jambs, sliding door panel(s), fixed sidelight panel(s), and threshold. Material: Extruded aluminum, 6063T-5 alloy, 0.125-inch thickness. Header Section: Continuous, extruded aluminum concealing support track and ball-bearing wheels; track must be replaceable without removing the operator. Door Panel(s): Sliding panel(s) installed on the inside of the fixed sidelight; assembly shall allow the panels to swing outward for emergency egress without the need for lower door pivot support. Sidelights shall swing out and allow sliding panels to break away to the full open position to provide instant egress at any point in the door's movement, in compliance with NFPA 101. Doors in the breakout mode shall disconnect

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automatic operation to allow for safe egress. Provide door holders for all panels to control door swing in the direction of egress. Stile and Rail Doors: 1-3/4-inch-thick, glazed doors with minimum 0.125-inch-thick, extruded-aluminum tubular stile and rail members; mechanically fasten corners with reinforcing brackets that are welded or incorporate concealed tie-rods that span the full length of top and bottom rails. Weatherstripping: Manufacturer's standard type, provided around the complete perimeter of the door panels. Locking Device: Fail-secure electric solenoid lock with self-contained solid-state electronic control, factory-mounted inside header.

Name of Product 2: Rooftop Units (RTUs) and Make-Up Air Units (MUAs)

- **NAICS:** 238220 (Plumbing, Heating, and Air-Conditioning Contractors)
- **PSC:** 4120 (Air Conditioning Equipment)
- **Technical Specifications:** Standard cooling coil, electric heating coil, condensate drain pan, centrifugal blower, supply duct connections, and louvered front return air panels. All units shall be approved for installation with 0-inch clearance to combustible material. Blower wheels shall be centrifugal, forward-curved, direct-drive type and dynamically balanced for smooth, quiet operation. Cabinets shall be constructed of heavy-gauge galvanized steel with painted panels; the interior of the cabinets shall be completely insulated with a minimum of 1/2-inch insulation for thermal and acoustical treatment. Units shall be furnished with a single-point electric power connection, terminal-strip connections, and circuit breakers for use as a local disconnect. Provide a digital electronic, 7-day programmable, manual-changeover, hard-wired thermostat with backlit display and a built-in cycle protector. A non-bleed-type thermal expansion valve for refrigerant shall be provided for each unit.

Name of Product 3: Mini-Split HVAC System

- **NAICS:** 238220 (Plumbing, Heating, and Air-Conditioning Contractors)
- **PSC:** 4120 (Air Conditioning Equipment)
- **Technical Specifications:** The air conditioning system shall be a split system with Variable Speed Inverter Compressor technologies, consisting of a wall-mounted indoor section with a wired, wall-mounted controller and a horizontal-discharge, single-phase outdoor unit. The indoor unit cabinet shall be wall-mounted by means of a factory-supplied mounting plate, formed from high-strength molded plastic with front-panel access for filter cleaning and service, and shall be factory assembled, wired, and tested. The unit, in conjunction with the wired, wall-mounted digital controller, shall have a self-diagnostic function, a 3-minute time-delay mechanism, an auto-restart function, and an emergency/test-run switch. The indoor unit coil shall be of nonferrous construction with pre-coated aluminum fins on copper tubing. Electrical power shall be 208V, single-phase, 60 Hz, capable of satisfactory operation within voltage limits of 198 to 253 volts. The indoor unit shall be provided with A-Control, requiring that the indoor unit be powered and controlled directly from the outdoor unit using a 14-gauge (AWG) 3-wire connection plus ground. The controller shall have the capability of controlling up to sixteen indoor units and shall operate over a maximum developed control-cable distance of 1,650 feet (500 meters).

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Name of Product 4: Fire Detection and Alarm System

- **NAICS:** 561621 (Security Systems Services)
- **PSC:** 6350 (Alarm, Signal, and Security Detection Systems)
- **Technical Specifications:** Fire detection and alarm system components suitable for a multi-purpose commercial/community facility. The system shall comprise detection, signaling, and security detection devices and associated components meeting all applicable building codes, fire protection codes, NFPA standards, and UL listings.

Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced versions of the products covered by this waiver.

The project team conducted market research between November 2025 and February 2026. For the automatic sliding door systems, the project team contacted three (3) manufacturers or suppliers. For the rooftop units and make-up air units, the project team contacted three (3) manufacturers or suppliers. For the mini-split HVAC system, the project team contacted three (3) manufacturers or suppliers. For the fire alarm system, the project team contacted three (3) manufacturers or suppliers. None of the manufacturers or suppliers contacted were able to provide BABA-compliant products that met the technical specifications and requirements 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 project delays that would likely require redesign, resubmittals, extended procurement timelines, and additional review and approval cycles associated with revised specifications and product selections. Such delays would postpone the opening of the Anti-Hunger Center and delay access to essential food, healthcare, and social support services for thousands of households in the surrounding community.

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: Mid-Ohio Food Collective Anti-Hunger Center

Recipient Name: Mid-Ohio Food Bank (co-recipient: City of Columbus)

Unique Entity Identifier (UEI): L89VBGYNJVP7

Federal Award Identification Number (FAIN): E310865343 (Mid-Ohio Food Bank); B25MC390009 (City of Columbus)

Financial Assistance Listing Name: Community Development Block Grants (Community Project Funding)

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: $4,000,000.00

Total Estimated Infrastructure Expenditures: $18,500,000.00

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