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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 Donner Field Senior Apartments Project for Door Hardware, Bathroom Exhaust Fans, a Variable Refrigerant Flow (VRF) System, Elevators, Heat Pump Water Heaters and Storage Tanks, and Fire Sprinklers (HUD Waiver #W-0000227)

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-0000227 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 door hardware, bathroom exhaust fans, a variable refrigerant flow (VRF) system, elevators, heat pump water heaters and storage tanks, and fire sprinklers in an infrastructure project funded through the HOME Investment Partnerships Program (HOME) and the Housing Opportunities for Persons With AIDS (HOPWA) program.

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 Donner Field Senior Apartments project in Sacramento, California for door hardware, bathroom exhaust fans, a variable refrigerant flow (VRF) system, elevators, heat pump water heaters and storage tanks, and fire sprinklers.

Project Summary: The project is in Sacramento, California. Donner Field Senior Apartments is a proposed new construction development on 1.23 acres of land at 4501 9th Avenue in Sacramento. The development is comprised of 67 units, including 65 one-bedroom and two two-bedroom units (one unit reserved for an on-site manager). This senior (age 55+) community will be affordable to households at or below 50 percent Area Median Income (AMI).

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

Items Covered in Waiver: The Sacramento Housing and Redevelopment Agency is seeking a waiver for the following products, as described in detail below:

Name of Product 1: Door Hardware
NAICS: 332510
PSC: 5340

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Technical Specifications: As required by CBC, hardware (door locks, levers, and panic hardware) must be operable with one hand, not require tight grasping, pinching, or twisting of the wrist, and typically be located 30 to 44 inches above the floor.

Name of Product 2: Bathroom Exhaust Fans
NAICS: 423730
PSC: 4140
Technical Specifications: Fully adjustable 80-110 CFM with continuous operation at 30, 50, 60 or 80 CFM.

Name of Product 3: Variable Refrigerant Flow (VRF) System
NAICS: 333415
PSC: 4130
Technical Specifications: The outdoor unit is 208/230 3-phase equipment, and the indoor units are 208/230 single-phase equipment. They range in capacity from 0.5-ton to 6-ton.

Name of Product 4: Elevators
NAICS: 333921
PSC: 3960
Technical Specifications: Capacity & Speed: 3500 lb (1588 kg) passenger cab / 150 fpm (.76 mps); Equipment: Machine roomless with machine at top of hoistway; Power Supply: 208 volts, 3-PH AC, 60 Hz; Rise/Stops & openings: 20 ft 7 in (6274 mm) / 3 stops with 3 openings; Code Compliance: ASME A17.1/CSA B44.

Name of Product 5: Heat Pump Water Heaters and Storage Tanks
NAICS: 333415
PSC: 4120
Technical Specifications: Heat Pump Water Heaters: Uniform Energy Factor 3.75; Uniform First Hour Rating 115 gallons; Nominal Heating Capacity 15,400 Btu/h (4.5 kW); Water Temperature Setting 145 or 150 degrees F; Power 208/230V-1Ph-60Hz; ENERGY STAR. Storage Tanks: Uniform Energy Factor 3.66-3.80; Nominal Water Storage Volume 43-83 gallons; Pressure Relief Valve 150 Psig & 210 degrees F; ENERGY STAR.

Name of Product 6: Fire Sprinklers
NAICS: 238220
PSC: 6350
Technical Specifications: Maximum working pressure 175 psi (12 bar); factory tested hydrostatically to 500 psi (34.5 bar); thread size 1/2" (15 mm) NPT; nominal K-factor 4.9 U.S. (70.6 metric); glass-bulb fluid temperature rating; standard and quick-response concealed pendent sprinkler.

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Description of Efforts Made to Avoid the Need for a Waiver

Both the grantee and HUD made every effort to obtain domestically produced products. The grantee's market research was conducted between September 2025 and February 2026.

Door Hardware: The general contractor conducted outreach to four (4) manufacturers or suppliers of door hardware. 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 independent search of manufacturers and suppliers and did not identify any able to provide BABA-compliant products that met the project's required technical specifications.

Bathroom Exhaust Fans: The general contractor conducted outreach to three (3) manufacturers or suppliers of bathroom exhaust fans. 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 independent search of manufacturers and suppliers and did not identify any able to provide BABA-compliant products that met the project's required technical specifications.

Variable Refrigerant Flow (VRF) System: The general contractor conducted outreach to three (3) manufacturers or suppliers of variable refrigerant flow (VRF) systems. 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 independent search of manufacturers and suppliers and did not identify any able to provide BABA-compliant products that met the project's required technical specifications.

Elevators: The general contractor conducted outreach to four (4) manufacturers or suppliers of elevators. 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 independent search of manufacturers and suppliers and did not identify any able to provide BABA-compliant products that met the project's required technical specifications.

Heat Pump Water Heaters and Storage Tanks: The general contractor conducted outreach to three (3) manufacturers or suppliers of heat pump water heaters and storage tanks. 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 independent search of manufacturers and suppliers and did not identify any able to provide BABA-compliant products that met the project's required technical specifications.

Fire Sprinklers: The general contractor conducted outreach to three (3) manufacturers or suppliers of fire sprinklers. 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 independent search of manufacturers and suppliers and did not identify any able to provide BABA-compliant products that met the project's required technical specifications.

Anticipated Impact if No Waiver is Issued

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Failure to grant a waiver for this project would result in the inability of the developer to install the required door hardware, bathroom exhaust fans, variable refrigerant flow (VRF) system, elevators, heat pump water heaters and storage tanks, and fire sprinklers.

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: Donner Field Senior Apartments

Recipient Name: Sacramento Housing and Redevelopment Agency

Unique Entity Identifier (UEI): SEWMCB9EXL34

Federal Award Identification Number (FAIN): HOME: M25MC060210; HOPWA: CAH23F002, CAH24F002

Financial Assistance Listing Name: HOME Investment Partnerships Program (HOME) and Housing Opportunities for Persons with AIDS (HOPWA)

Assistance Listing Number: 14.239 (HOME), 14.241 (HOPWA)

Federal Financial Assistance Funding Amount: $9,800,000

Total Estimated Infrastructure Expenditures: $36,735,507

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