**CONTRACTOR/PURCHASER BUILD AMERICA, BUY AMERICA (BABA) ACT COMPLIANCE SELF-CERTIFICATION**

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| This form is to be completed by construction prime contractors and subcontractors (“contractors”hereafter) and other purchasers of covered materials to certify compliance with the ***Build America, Buy America (BABA) Act*** for a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funded project awarded through the [*State of Wisconsin CDBG Small Cities Program*](https://energyandhousing.wi.gov/Pages/CommunityResources.aspx), administered by the Department of Administration – Division of Energy, Housing and Community Resources (DEHCR). BABA and the Buy America Preference (BAP) apply to projects undertaken with CDBG funds that involve construction, alteration, maintenance, or repair of public infrastructure, and affordable housing development projects with five or more units. The terms and conditions of BABA apply to subrecipients at all tiers. All grantees/units of general local government (UGLGs), subrecipient organizations, contractors, developers, etc., who receive BABA “covered” HUD CDBG funds through a grantee must comply. * *A prime contractor must submit this BABA certification and covered materials list to the Grantee/UGLG upon contract award.*
* *A subcontractor/other purchaser must submit the BABA certification documents to the prime contractor/payor with the first payment request.*
* *A prime contractor must submit subcontractors’ BABA certification documents to the Grantee/UGLG with payment requests.*
* *A Grantee/UGLG is to submit prime contractors’ BABA certification documents to DEHCR with the Notice of Award; and submit the subcontractors’/other purchasers’ BABA certification documents to DEHCR with payment requests.*
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| **Grantee Name (Municipality/UGLG):** |   |
| **Contractor Company/Organization Name:** |   |
| **CDBG Project Grant Agreement # or Title:** |   |
| **Date:** |   |
| ***Check one (1) of the options below:*** |
|[ ]  All iron and steel, construction materials, and manufactured products (i.e., covered materials) used in this project that are subject to BABA – BAP will be/have been produced in the United States in a manner that complies with the BABA requirements applicable to the above-named CDBG project. The undersigned also agrees to obtain the required pre-approval from the CDBG Grantee/UGLG prior to claiming a *de minimis general waiver* for any covered material. The threshold amount for such waiver must be based on the total cost of *all* covered materials for the project, regardless of their status in HUD’s BABA phase-in implementation. The *de minimis* waiver allows for the procurement and utilization of covered materials that have a country of origin other than the U.S. for the CDBG project that cumulatively comprise no more than a total of five percent (5%) of the total cost of *all* covered materials, or $1,000,000, whichever is less. |
|[ ]  This CDBG project qualifies under HUD's *Small Project General Applicability Waiver*, as verified by the CDBG Grantee/ UGLG. The grant award is less than $250,000 or each subaward issued under the grant is/will be for less than $250,000. |
|[ ]  Pursuant to Section 70914 of the BABA Act, the undersigned contractor has submitted the required waiver request documents to the Grantee/UGLG; *and* received approval authorized by DEHCR, HUD and other federal agencies funding the project, as applicable, and the U.S. Made in America Office (MIAO), for a waiver of BABA requirements pertaining to project materials procured by the undersigned in the execution of construction contract obligations. |

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| By signing this document, I hereby certify the following on behalf of the contractor named above:* I am an authorized representative of the above-named contractor, signing this certification on the company’s behalf;
* The contractor commits and agrees to comply with the BABA requirements for the above named project, as specified in the procurement information and requirements set forth in the [*CDBG BABA Requirements*](https://energyandhousing.wi.gov/Documents/CDBG/ImplementionHandbook/Attach03-J%20CDBG%20BABA%20Requirements.pdf) insertion in the construction contract (Attachment 3-J on the Wisconsin [*CDBG Implementation Handbook*](https://energyandhousing.wi.gov/Pages/AgencyResources/CDBG-Implementation-Handbook.aspx) website under the “Chapter Attachments/Fillable Forms” section, with more details available in Chapter 3 of the Wisconsin [*CDBG Implementation Handbook*](https://energyandhousing.wi.gov/Pages/AgencyResources/CDBG-Implementation-Handbook.aspx));
* Documentation on the country of origin for all covered materials incorporated into or affixed to the above-named project by the contractor, which are included on the list of covered materials attached, shall be retained, and provided to the CDBG grantee and other regulating entities upon request;
* The information provided in this form and the list of covered materials attached are complete and accurate; and I understand and agree that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any; and
* I understand that failure to comply with applicable BABA requirements shall entitle the contracting entity (HUD, State, UGLG, and/or other contract owner) to recoup from the losses, expenses, or costs resulting from any such compliance failure.
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 ***ATTACH A COMPLETED “PURCHASER LIST OF COVERED MATERIALS” (Attachment 3-M on the*** [***CDBG Implementation Handbook***](https://energyandhousing.wi.gov/Pages/AgencyResources/CDBG-Implementation-Handbook.aspx) ***website)*** *or a similar document with the same information (material, total cost, country of origin, verification source(s), etc.)*

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|  Name of Authorized Representative |  | Position Title |  | Signature |

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