

SUMMARY OF BUY AMERICA, BUILD AMERICA (BABA) COMPLIANCE DOCUMENTS & REQUIREMENTS FOR CDBG PROJECTS

“Contractors” refers to all construction prime contractors and subcontractors unless otherwise noted.

DOCUMENT:	WHEN APPLICABLE OR DUE:	COMPLIANCE REQUIREMENT
1. HUD Notice CPD-2023-12 : <i>Public Interest Phased Implementation Waiver for FY2022 and 2023 of BABA Provisions as Applied to Recipients of HUD Federal Financial Assistance</i> [88 FR 17001]	<ul style="list-style-type: none"> Effective for grantees upon CDBG award 	<ul style="list-style-type: none"> State/DEHCR, CDBG grantees, subrecipients, and construction contractors must comply
2. HUD Notice CPD-2025-01 : <i>CPD Implementation Guidance for the BABA's Buy America Preferences</i>	<ul style="list-style-type: none"> Effective for grantees upon CDBG award 	<ul style="list-style-type: none"> Same as above
3. CDBG grant agreement – Attachment F [#8. BABA] (<i>executed in 2023 and later</i>)	<ul style="list-style-type: none"> Effective upon CDBG award date and CDBG grant agreement execution date 	<ul style="list-style-type: none"> State/DEHCR must include in grant agreements; CDBG grantee is subject to terms and conditions
4. Chapter 3: Procurement and Contracting of the CDBG Implementation Handbook [BABA Requirements section] (<i>Released 9/8/23, Updated 4/14/25</i>)	<ul style="list-style-type: none"> Effective upon CDBG award date 	<ul style="list-style-type: none"> CDBG grantee is subject to compliance and ensuring subrecipients' and construction contractors' BABA compliance
5. BABA Contract Requirements contract insertion [<i>Handbook, Attachment 3-J</i>] (<i>Released 9/8/23, Updated 4/14/25</i>)	<ul style="list-style-type: none"> Due/required in prime construction contract bid packets and contracts AND construction subcontracts 	<ul style="list-style-type: none"> CDBG grantee and all contractors must include in all construction prime contract bid packets prime contracts, and subcontracts
6. BABA Project-Specific Waiver Request Form [<i>Handbook, Attachment 3-K</i>] (<i>Released 1/31/24, Updated 4/14/25</i>)	<ul style="list-style-type: none"> Due after contract award, before purchasing the item(s) for which a waiver is sought, if applicable 	<ul style="list-style-type: none"> Must be submitted to DEHCR (or other federal funding agency for project) by grantee (grantee receives from contractors); DEHCR (or other agency) submits to federal agency and Made In America Office (MIAO). May take 6 weeks or more for review
7. Contractor/Purchaser BABA Self-Certification [<i>Handbook, Attachment 3-L</i>] (<i>Released 4/14/25</i>)	<ul style="list-style-type: none"> Due upon award of the construction contract for contractors Due upon submission of request for payment for any other purchasers (e.g., grantee, developer, subrecipient, etc.) 	<ul style="list-style-type: none"> Contractors must submit to CDBG grantee Payments to contractors should not be issued until Attachment 3-L and 3-M are received* CDBG grantee must submit with Notice of Contractor Award for primes; and with requests for payment for subcontractors and any other purchasers**
8. Contractor/Purchaser BABA Covered Materials List [<i>Handbook, Attachment 3-M</i>] (<i>Released 4/14/25</i>)	<ul style="list-style-type: none"> Due upon award of the construction contract for contractors Updates due with each request for payment for contractors and any other purchasers 	<ul style="list-style-type: none"> Contractors must submit to CDBG grantee Payments to contractors should not be issued until Attachment 3-L and 3-M are received* CDBG grantee must submit with Notice of Contractor Award for prime contractors; and with requests for payment for subcontractors and any other purchasers, as updated**
9. BABA Summary of BABA Compliance Documents & Requirements for CDBG Projects [<i>Handbook, Attachment 3-N</i>] (<i>Released 4/14/25</i>)	<ul style="list-style-type: none"> Applicable upon award for grantees, and contract award for construction contractors 	<ul style="list-style-type: none"> Guidance document for informational purposes for CDBG grantees, subrecipients and construction contractors

*Non-compliance with this requirement may result in the costs being deemed ineligible for payment. The entity that paid the contractor prior to receiving the required BABA documentation may be responsible for those costs if deemed ineligible for the CDBG project. Non-compliance may also result in project ineligibility.

**DEHCR may withhold grant payment until the required BABA documentation is received.