**STATE OF WISCONSIN**

#### **HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) RENTAL HOUSING DEVELOPMENT (RHD)**

#### **BUILD AMERICA, BUY AMERICA ACT REQUIREMENTS (BABA)**

**BUILD AMERICA BUY AMERICA**

**PROJECT-SPECIFIC WAIVER REQUEST**

This form is for submitting a project-specific waiver request under the provisions of the Build America, Buy America (BABA) Act for U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) funded infrastructure projects awarded through the Rental Housing Development (RHD) program administered by the Department of Administration – Division of Energy, Housing and Community Resources (DEHCR).

Instructions: The HOME Grantee/Owner entity requesting a project-specific BABA waiver (i.e., the “Requesting Entity”) is to review the Build America, Buy America (BABA) (i.e., Buy America Preference (BAP)) requirements and waiver information provided in the [HOME](https://energyandhousing.wi.gov/Documents/CDBG/ImplementionHandbook/Attach03-J%20CDBG%20BABA%20Requirements.pdf) RHD contract insertion document available on the RHD website. The Requesting Entity must complete, sign, and submit within this form and the required supporting documentation. Contractors, grant subrecipients, and other non-Grantee entities are to email their waiver request documents to the HOME Grantee/Owner. The HOME Grantee/Owner is to email waiver request documents to the DEHCR Project Representative assigned to the project. Upon reviewing the waiver request documentation and verifying that it is complete and in compliance, DEHCR will submit the required information and additional documentation to the appropriate HUD representative for further review and processing by HUD and the Made In America Office (MIAO).\*

***\*Note: The*** ***waiver request review and decision issuance by HUD and the MIAO may require six (6) weeks or more.***

**BABA PROJECT-SPECIFIC WAIVER REQUEST:**

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| HOME Grantee and Requesting Entity Information: |
| 1. HOME Grantee/ Owner Name:
 |   | 1. HOME Grant Agreement #:
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| 1. Requesting Entity Company/Org. Name:
 |   | 1. Requesting Entity Street Address:
 |   |
| 1. Entity City Address:
 |   | 1. Entity State & Zip Code:
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| 1. Entity Owner or Chief Executive Officer (CEO) Name(s):
 |   | 1. Entity Owner or CEO Position Title(s):
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| 1. Entity Contact Name:
 |   | 1. Entity Contact Position Title:
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| 1. Entity Contact Email Address:
 |   | 1. Entity Contact Phone Number:
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| 1. Listing of Materials, Technical Specifications, and Quantity:
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|  13.1 HUD requires the name of the iron or steel item, manufactured product, or construction material proposed to be excepted from BABA requirements, including name, cost, countries of origin (if known), and relevant Product Service Code (PSC) and North American Industry Classification System (NAICS) code. **A separate waiver request must be submitted for each item/product for which a waiver is requested.** Links to manuals that provide the PSC and NIACS codes are provided below:* **PSC Codes:** [*https://www.acquisition.gov/psc-manual*](https://www.acquisition.gov/psc-manual)
* **NAICS Codes:** [*https://www.census.gov/naics/*](https://www.census.gov/naics/)
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| 13.1A Item/Product/Material: | 13.1B Cost: | 13.1C Countries of Origin:(if known) | 13.1D PSC Code | 13.1E NAICS Code |
|   |   |   |   |   |
| 13.2 Technical specification description of the item to be waived, if applicable.    |
| 13.3 Quantity required:   |

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| 1. Waiver Type:
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| Check ONE option of the three waiver types listed in this section and only answer the questions applicable to the chosen waiver type. |
|  | Nonavailability waivers: Complete section 14.1 |
|  | Unreasonable Cost waivers: Complete section 14.2 |
|  | Public Interest waivers: Complete section 14.3 |
| 14.1 Nonavailability Waiver:Applicable responses to the following are required: |
| 14.1.1 Description of the due diligence performed by the applicant, including names and contact information of the manufacturers, distributors, or suppliers contacted for quotes (*minimum 3*), and the responses provided. *Attach documentation for additional support if needed.* |
|  Company Name: | Contact Date(s): | Contact Name and Title: | Company Location (City, State) | Contact Information *(Info. used to make the contact):* | Response Date(s): | Response: |
| ***EXAMPLE:*** ABC Corporation | 6/1/24, 6/6/24 | John Doe, Chief Sales Manager | Dayton, OH | Ph: (608) 111-2222; jdoe@abccorp.com | 6/7/24 | Item not available until 9/1/26 |
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| List Each Attachment for Section 14.1.1 Included with this Waiver Request:  |
| 14.1.2 In the instance that the lead time to obtain a BABA compliant item is excessive, please attach documentation which indicates: the sum of the project cost and product that was identified, the cost differential between the BABA compliant product and the Non-BABA compliant product that increases the overall project cost to be above the threshold of 25%, and any quality or quantity issues that were interfaced in the BABA compliant process. Attach documentation for additional support if needed. |
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| List Each Attachment for Section 14.1.2 Included with this Waiver Request:  |
| 14.2 Unreasonable Cost Waiver (BABA compliance increases total project cost by more than 25%) Applicable responses for to the following are required for 14.2: |
| 14.2.1 What is the additional cost of the BABA compliant item, compared to using iron and steel, manufactured products, and construction materials of non-domestic or unknown origin? Please demonstrate how the BABA compliant item increases the total project cost by more than 25%.  Attach documentation of prices for BABA compliant and non-compliant items for the cost comparison. Attach documentation for additional support if needed.List Each Attachment for Section 14.2.1 Included with this Waiver Request:  |
| 14.3 Public Interest Waiver |
| Explain how waiving the BABA requirement for this project or product serves the public interest. Attach documentation for additional support the information provided in 14.3 if needed. List Each Attachment for Section 14.3 Included with this Waiver Request:  |

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| 1. Additional Waiver Information
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| Provide any additional information for consideration of the requested waiver:  |
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| 16. Anticipated Impacts |
| Identify any anticipated impacts if no waiver is issued: *(Attach documentation for additional support if needed.)*  |

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| 17. Certification |
| Certification that the contractor made a good faith effort to purchase domestic products in accordance with the terms of the BABA requirements. |
| I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. *WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802).”* |
| Requesting Entity Authorized Representative Signature: |  |
| Printed or Typed First and Last Name: |   |
| Position Title: |   |

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| 18. Proprietary Information – Waiver of Public Disclosure |
| Public Posting of Waiver Request Information The BABA domestic sourcing requirements waiver authority generally requires the Federal awarding agency to post this waiver information for a period of public comment and review. DEHCR and the federal awarding agency(s) will not publicly post information considered to be personally identifiable information (PII), including signatures and specific contact information such as an email address and phone number. However, all other information contained in this form, along with any supporting documentation, may be publicly posted by the federal awarding agency so that the public has adequate information to comment on the requested waiver of the BABA domestic sourcing requirements. If you think some of the information contained in this waiver request is “proprietary information” and do not want this information disclosed, please follow the instructions in “Submission of Proprietary Information” below. Please note that your designations of exempt material are not binding on DEHCR or the federal awarding agency(s).Submission of Proprietary Information The Freedom of Information Act (FOIA) exempts from mandatory disclosure any “trade secrets or commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. 552(b)(4) (Exemption 4). In accordance with Exemption 4, DEHCR and the federal awarding agency(s) will maintain as confidential any documents submitted by an entity that are both customarily and actually treated as private by the entity, or closely held and not publicly disseminated. If you feel that some or all of this submission falls within the scope of Exemption 4 and is entitled to confidential treatment, you must indicate the specific information the entity considers proprietary in a cover attachment to this form. Please note that your designations of exempt material are not binding on DEHCR or the federal awarding agency(s). |
|   | Check here if a cover attachment is being provided with this waiver request, specifying the information considered to be proprietary and exempt from public disclosure, falling under the scope of Exemption 4. |