

**STATE OF WISCONSIN  
HOUSING TRUST FUND (HTF) PROGRAM  
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) Housing Trust Fund (HTF) funded projects awarded through the *State of Wisconsin* administered by the Department of Administration – Division of Energy, Housing and Community Resources (DEHCR).

**Instructions:** The 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 Housing Trust Fund (HTF) Program Guide contract insertion document (also linked as Attachment 3-J on the Wisconsin Housing Trust Fund (HTF) web page. The Requesting Entity must complete, sign, and submit this form and the required supporting documentation. Contractors, grant subrecipients, and other non-Grantee entities are to email their waiver request documents to the HTF Grantee. The HTF Grantee 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.

**Resources:** [HUD Exchange BABA website](#), [BABA Waiver Resources](#), [HUD Notice CPD-2025-01](#), [HUD Notice CPD-2023-12](#), [OMB Memo M-24-02](#)

**BABA PROJECT-SPECIFIC WAIVER REQUEST:**

| HTF Grantee and Requesting Entity Information:            |  |   |  |
|---|--|---|--|
| 1. HTF Grantee Name:                                      |  | 2. HTF Grant Agreement #:                 |  |
| 3. Requesting Entity Company/Org. Name:                   |  | 4. Requesting Entity Street Address:      |  |
| 5. Entity City Address:                                   |  | 6. Entity State & Zip Code:               |  |
| 7. Entity Owner or Chief Executive Officer (CEO) Name(s): |  | 8. Entity Owner or CEO Position Title(s): |  |
| 9. Entity Contact Name:                                   |  | 10. Entity Contact Position Title:        |  |
| 11. Entity Contact Email Address:                         |  | 12. Entity Contact Phone Number:          |  |

| 13. Listing of Materials, Technical Specifications, and Quantity:   |             |  |                |                  |
|---|-------------|--|----------------|------------------|
| <p>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.</p> <p><b>A separate waiver request must be submitted for each item/product for which a waiver is requested.</b></p> <p>Links to manuals that provide the PSC and NIACS codes are provided below:</p> <ul style="list-style-type: none"><li>• <b>PSC Codes:</b> <a href="https://www.acquisition.gov/psc-manual">https://www.acquisition.gov/psc-manual</a></li><li>• <b>NAICS Codes:</b> <a href="https://www.census.gov/naics/">https://www.census.gov/naics/</a></li></ul> |             |  |                |                  |
| 13.1A Item/Product/Material:  | 13.1B Cost: | 13.1C Countries of Origin:<br>(if known) | 13.1D PSC Code | 13.1E NAICS Code |

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|---|--|--|--|--|
|   |  |  |  |  |
| 13.2 Technical specification description of the item to be waived, if applicable. |  |  |  |  |
| 13.3 Quantity required:   |  |  |  |  |

|   |   |                                |                                       |  |                          |                                  |
|---|---|--------------------------------|---------------------------------------|--|--------------------------|----------------------------------|
| <b>14. Waiver Type:</b>   |   |                                |                                       |  |                          |                                  |
| Check <u>ONE</u> option of the three waiver types listed in this section and only answer the questions and provide the supporting documentation applicable to the chosen waiver type.   |   |                                |                                       |  |                          |                                  |
| <input type="checkbox"/>  | Nonavailability waiver: Complete section 14.1   |                                |                                       |  |                          |                                  |
| <input type="checkbox"/>  | Unreasonable Cost waiver: Complete section 14.2 |                                |                                       |  |                          |                                  |
| <input type="checkbox"/>  | Public Interest waiver: Complete section 14.3   |                                |                                       |  |                          |                                  |
| <b>14.1 Nonavailability Waiver:</b><br><br>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 ( <i>minimum 3</i> ), and the responses provided.<br><i>Attach supporting documentation verifying the information provided.</i> |   |                                |                                       |  |                          |                                  |
| <i>Company Name:</i>  | <i>Contact Date(s):</i>                         | <i>Contact Name and Title:</i> | <i>Company Location (City, State)</i> | <i>Contact Information (Info. used to make the contact):</i>               | <i>Response Date(s):</i> | <i>Response:</i>                 |
| <b>EXAMPLE:</b> ABC Corporation   | 6/1/25, 6/6/25                                  | Chris Doe, Chief Sales Manager | Dayton, OH                            | Ph: (608) 111-2222; <a href="mailto:jdoe@abccorp.com">jdoe@abccorp.com</a> | 6/7/25                   | Item not available until 10/1/26 |
| 1.  |   |                                |                                       |  |                          |                                  |
| 2.  |   |                                |                                       |  |                          |                                  |
| 3.  |   |                                |                                       |  |                          |                                  |
| 4.  |   |                                |                                       |  |                          |                                  |
| 5.  |   |                                |                                       |  |                          |                                  |
| 6.  |   |                                |                                       |  |                          |                                  |
| 7.  |   |                                |                                       |  |                          |                                  |
| 8.  |   |                                |                                       |  |                          |                                  |
| 9.  |   |                                |                                       |  |                          |                                  |
| 10.   |   |                                |                                       |  |                          |                                  |
| 14.1.2 In the instance that the lead time to obtain the specified BABA compliant item is excessive, please provide additional explanation, not previously included in 14.1.1 within this section, as applicable:<br><i>Attach supporting documentation that verifies the additional information provided.</i>     |   |                                |                                       |  |                          |                                  |
| 14.1.3 Describe any additional quality or quantity issues that were interfaced in the BABA compliant process, not previously included in 14.1.1 within this section, as applicable:<br><i>Attach supporting documentation that verifies the additional information provided.</i>                                  |   |                                |                                       |  |                          |                                  |

List Each Attachment **for Section 14.1** Included with this Waiver Request:

**14.2 Unreasonable Cost Waiver** (if BABA compliance increases total project cost by more than 25%):

Applicable responses for the following are required for 14.2:

14.2.1 Provide the additional cost information, including the cost for the specified BABA compliant iron/steel item, manufactured product or construction material, compared to the cost of the comparable item of non-domestic or unknown origin (demonstrating 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, and additional supporting documentation as needed, to verify the information provided.*

|   |        |
|---|--------|
| a) Cost of specified BABA compliant iron/steel, manufactured product or construction material   | \$0.00 |
| b) Cost of comparable item of non-domestic or unknown origin  | \$0.00 |
| c) Cost differential amount between BABA-compliant and non-compliant item   | \$0.00 |
| d) Total Cost of Project with specified BABA compliant iron/steel, manufactured product or construction material                                  | \$0.00 |
| e) Total Cost of Project with specified non-compliant iron/steel, manufactured product or construction material of non-domestic or unknown origin | \$0.00 |
| f) Cost Differential Amount of Total Project Cost with specified BABA-compliant item vs. non-compliant item:                                      | \$0.00 |
| g) Cost Differential Percentage of Total Project Cost with specified BABA-compliant vs. non-compliant item:                                       | 0.00 % |

14.2.2. In the instance that the lead time to obtain a BABA compliant item is excessive, resulting in an increase in cost either to use the specified BABA compliant item or to purchase a non-compliant alternative with a shorter lead time, please provide additional explanation to further justify the waiver, as needed:  
*Attach supporting documentation that verifies the additional information provided.*

List Each Attachment **for Section 14.2** 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 supporting documentation that verifies the information provided.*

List Each Attachment **for Section 14.3** Included with this Waiver Request:

**15. Additional Waiver Information**

Provide any additional information for consideration of the requested waiver, as applicable:

#### 16. Anticipated Impacts

Identify any anticipated impacts if no waiver is issued:  
*Attach documentation for additional support if needed.*

#### 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:

#### 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.