



United States  
Department of Housing and Urban Development  
Build America, Buy America (BABA)  
HUD's Implementation of BABA

Grantee User Manual

Revised: February 2024

## USER MANUAL ROLE: Grantee

- For general inquiries, please contact: [BuildAmericaBuyAmerica@hud.gov](mailto:BuildAmericaBuyAmerica@hud.gov)
- For questions on submitting a BABA waiver, please contact [BABAwaiver@hud.gov](mailto:BABAwaiver@hud.gov)
- For program-specific inquiries, please contact [your Local HUD Field Office](#)
- If additional assistance is needed with completing this form, please contact the HUD representative for your award.

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### INTRODUCTION

The Build America, Buy America Act (the Act), enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022. The intention of the Act is to promote domestic manufacturing and employment by requiring a percentage of iron, steel, manufactured products, and construction materials that are used in covered infrastructure projects, are produced in the United States. Infrastructure projects that cannot procure materials domestically will require a waiver submission pursuant to Section 70914(c). Link: [Build America, Buy America Act Provisions](#).

Developed using the components of Salesforce CRM under FedRAMP approved Salesforce Government Cloud Plus platform, the Build America, Buy America Act BABA Waiver System (BABA WS) is an Information Technology (IT) system for the Department of Housing and Urban Development (HUD). The BABA WS enables Grantees receiving Federal Financial Assistance for infrastructure projects to submit waiver submissions intended for HUD officials via web-enabled electronic form(s). The functionality of receiving, processing, and storing of waivers is also implemented under this system. Compared against the handling of waiver submissions under a manual approach, the BABA WS capabilities of streamlining and automating repetitive tasks provides a higher level of efficiency, accuracy, and scalability under an IT solution.

## PURPOSE

The purpose of this document is to guide you through the process of submitting a BABA waiver as a Grantee. This User Manual is specific to the Build America, Buy America Act BABA Waiver System.

For information about waivers and the waiver review process, we highly recommend that you first review the guidance provided at [HUD.gov/BABA](https://www.hud.gov/BABA) before applying for a BABA waiver.

## APPLICABILITY CHECKLIST

**Before applying for a BABA Waiver, please first confirm that:**

- ✓ You have determined that the project is subject to BABA based on the applicable HUD program implementation materials on [HUD.gov/BABA](https://www.hud.gov/BABA), and in consultation with your local HUD office.
- ✓ You have reviewed the list of HUD's General Waivers on [HUD.gov/BABA](https://www.hud.gov/BABA) and determined that the project does not qualify for relief under existing HUD public interest waivers. Projects that qualify for a waiver of the Buy America Preference for all or a portion of the products used in an infrastructure project should maintain documentation demonstrating the conclusion that the project meets the conditions of each waiver, without the need for a project-specific waiver from HUD.
- ✓ You have conducted the necessary market research to support the need for a waiver, such as documenting results of supplier scouting services from the Manufacturing Extension partnership. For more information about Supplier Scouting, please contact your [local MEP Center](#).
- ✓ You are the direct HUD recipient. The HUD direct recipient, such as grantees and public housing authorities, are strongly encouraged to coordinate with your subgrantee(s) or subcontractor(s) to collect the necessary information a waiver application submitted on behalf of project partners.

These steps will help ensure the waiver application to HUD is necessary and contains all the information required by the Office of Management and Budget's Made In America Office for their final consideration of HUD waiver applications.

**Please note a few important things about the platform:**

- No log in is required. That means you need all information before you begin your application. There is no mechanism to save an unfinished application and return or update information. If you find you need to update information, you will need to communicate with us by email or submit a new waiver.
- Please review the [PDF Waiver Form](#) questions on [HUD.gov/BABA](https://www.hud.gov/BABA) and gather the information you need before you begin. We encourage you to share this PDF Waiver Form with your subgrantee(s) or subcontractor(s) to collect any information needed.

Once you have confirmed these items, you are ready to complete your waiver application.

## WAIVER INSTRUCTIONS

To submit a waiver form, please navigate to [waiver submission page on HUD.gov/BABA](#).

This computer system, including all related equipment, networks, and network devices (specifically including Internet access) contains data belonging to the U.S. Government, and is provided for authorized U.S. Government use only. Access requires the use of one or more Multi-factor Authentication methods, which ties the account to an authorized user, validated by either the account number and password or PIV ID card and PIN that must never be shared with anyone at any time. Doing so increases the risk of access by an unauthorized person posing as you. Authorized personnel will treat information about HUD computing resources (i.e., system names, technologies employed, etc.) as sensitive and will not reveal it to unauthorized personnel. This computer may be monitored for all lawful purposes, including ensuring that its use is authorized, facilitating protection against unauthorized access, and verifying operational security. During monitoring, information may be examined, recorded, copied, and used for authorized purposes. All activities and information, including personal information, associated with the use of this system may be monitored. Use of this computer system, authorized or unauthorized, constitutes consent to monitoring. Misuse or unauthorized use may subject you to criminal prosecution. Evidence of unauthorized use collected during monitoring may be used for administrative, criminal, or other adverse action. The use of this system implies an understanding of these terms and conditions. Authority: U.S. Federal Criminal Code (18 USC 1030, Fraud and Related Activity with Computers) and HUD Information Technology Security Policy 2400.25.

Authority: Section 2 of The Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3531, which establishes the Department "to encourage the solution of problems of housing [and] urban development... and to provide for full and appropriate consideration, at the national level, of the needs and interests of the Nation's communities and of the people who live and work in them" allows for the collection of this information.

Routine Use(s): Any PII collected via this online web form will not be shared outside of HUD or used for any other purposes than coordination and scheduling.

**Principal Purpose:** This system provides an intuitive, easy-to-use, web form for Grantees to submit BABA waiver application forms. Contact information including names, emails, and phone numbers will be required in order for HUD to coordinate application review and communication with Grantees.

I Agree to the Terms and Conditions

\* Enter Unique Entity Identifier (UEI)

Grantee Name

Figure 1.

- After reading the privacy statement (**Figure 1**), select "I Agree to the Terms and Conditions"
- Select the organization's **Unique Entity Identifier (UEI) received from SAM**.
  - Using the search function, please enter the direct HUD grant recipient's Unique Entity Identifier, or UEI. The UEI is a unique 12-character organization identifier. Information on registering with System for Award Management ([SAM.gov](#)) may be obtained by visiting the [Grants.gov](#) website.
  - If you have already registered but you don't know your UEI, you can locate it by logging in to SAM.gov and viewing your entities. Your entity's grants management office may also be able to assist you.
  - Once selected, Grantee Name should auto-fill. If your Unique Entity Identifier is not included in the drop-down list below, please contact HUD at [BABAwaiver@hud.gov](mailto:BABAwaiver@hud.gov).
- Select "Next" Button.

Submitter Information 4% Complete

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**1. Submitter Contact Information**

Legal Name (Grantee Name)  Unique Entity Identifier (UEI)

\* Address 1

Address 2

\* City  County/Parish  State / Province

Territory/Province  \* Country  \* Zip / Postal Code

Zip Last 4

**2. Submitter Email**

**3. Submitter Phone Number**

[Next](#)

Figure 2.

1. **Submitter Contact Information in (Figure 2):**
  - **Legal Name:** This information should be auto filled. This is the organization that has registered with the System for Award Management (SAM). Information on registering with SAM may be obtained by visiting [SAM.gov](https://sam.gov).
  - **Address:** This information should be auto filled. If necessary, edit the fields for accuracy to ensure the contact information is correct for the direct HUD recipient: **Address 1; City; County, State; Country; 9-digit ZIP Code**. If +4 does not exist or it is unknown for the address, enter “0000”.
2. **Submitter Email:** Enter the email of the person submitting the waiver request.
3. **Submitter Phone Number:** Enter the area code and phone number of the person submitting the waiver request. Include the phone extension if applicable. Please use the required format: ##### – with no dashes. Select “Next” Button.

Financial Details 25% Complete

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**4. Federal Financial Assistance Identification Number (FAIN/Award Number) and Name**

\* 4.1 Provide the SAM.gov Assistance Listing number:

\* 4.2 Provide the SAM.gov Assistance Listing name:

**5. Housing and Urban Development (HUD) Program Name**

\* Program Name

**6. Federal Financial Assistance Funding Amount**

\* Funding Amount

Figure 3.

4. **Federal Financial Assistance Identification Number (FAIN/Award Number) and Name (Figure 3):**
  - **Provide the SAM.gov Assistance Listing number.**
  - **Provide the SAM.gov Assistance Listing name.**
5. **Housing and Urban Development (HUD) Program Name (Figure 3):** Enter the HUD program name of the grant. If multiple HUD programs funded your project, please include each HUD program that contributed funding to the project and the total assistance provided from each program. Refer to [the Programs of HUD](#) for additional guidance.

**6. Federal Financial Assistance Funding Amount in (Figure 3):** Report the total funding amount for the award for your project in whole dollars. This amount includes only funding from HUD. Please use numerical values only.

**7. Infrastructure Project**

\* 7.1 State the Infrastructure Project description and location, to the extent known.

\* 7.2 Is your project co-funded by other Federal Agencies beside HUD?

Yes

\* 7.2.1 Does HUD provide the largest amount of funding to the project? Please note, if HUD is not the largest funder, you must apply for a waiver through the Federal Agency that provided the largest amount of funding to the project.

Yes

\* 7.2.1a Please list the other Federal Agencies involved, including the Program, Office, and contact information for each Agency.

| * Federal Agency  | * Office  | * Program   | * Contact Information                                     |
|---|---|---|---|
| <div style="border: 1px solid #ccc; height: 20px;"></div> |
| <div style="border: 1px solid #ccc; height: 20px;"></div> |
| <div style="border: 1px solid #ccc; height: 20px;"></div> |

Figure 4.

**7. Infrastructure Project (Figure 4):**

**7.1 State the infrastructure project description and location** (to the extent known). The location can be an address (street, city, state, country, and postal code, e.g., 820 1st St. NE, Washington, DC 20002) or a description of an area, such as a roadway or tract of land. Global Positioning System (GPS) location information may also be used. Providing the HUD program, grant number, and any IDIS/DRGR associated activity numbers will help the review process.

- If your project is funded by multiple sources, please include a description of the breakdown of funding from all sources including HUD, other federal entities, and non-Federal entities (e.g., HUD funding: \$500,000, non-HUD federal funding: \$250,000, non-Federal funding: \$100,000).

**7.2 Is your project co-funded by other Federal Agencies beside HUD?** Please select yes if your project is co-funded by other Federal Agencies beside HUD. This information is necessary because HUD will have to coordinate with other Federal Agencies on waivers if needed. If your project was only funded by HUD, please select no and proceed to question 8.

**7.2.1 If you answered yes to question 7.2, does HUD provide the largest amount of funding to the project? Please note, if HUD is not the largest funder, you must apply for a waiver through the Federal Agency that provided the largest amount of funding to the project.** Please let us know if HUD is the largest co-funder. This information identifies HUD as lead coordinator with other Federal Agencies as part of HUD’s review process to submit one set of waiver information to the Office of Management and Budget’s Made in America Office for approval.

**7.2.1 (a) If you answered yes to question 7.2.1, please list the other Federal Agencies involved, including the Program, Office, and contact information for each Agency.** Please provide the following information on your co-funding Agencies: name(s) of Federal Agencies, Office(s) within these Agencies,

name(s) of grant programs, and contact information (i.e., name, email address) for each co-funding Federal Agency.

### 7. Infrastructure Project

\* 7.1 State the Infrastructure Project description and location, to the extent known.

\* 7.2 Is your project co-funded by other Federal Agencies beside HUD?

Yes

\* 7.2.1 Does HUD provide the largest amount of funding to the project? Please note, if HUD is not the largest funder, you must apply for a waiver through the Federal Agency that provided the largest amount of funding to the project.

No

\* 7.2.1 Please explain why you are submitting a waiver application to HUD. You must apply for a waiver through the Federal Agency that provided the largest amount of funding to the project. Your application will not be reviewed by HUD unless an explanation is provided.

Figure 5.

- 7.2.1 (b) If you answered no to question 7.2.1, please explain why you are submitting a waiver application to HUD. Please note that you must also apply for a waiver through the Federal Agency that provided the largest amount of funding to the project (Figure 5).** Please explain why you are submitting a waiver application to HUD. For example, you previously applied for a waiver with the majority funding Agency, and HUD funding came in substantially after those waivers had already been issued.

### 8. Total funding, including federal and non-federal shares

\* Total Funding

\* Total Estimate

Previous Next

Figure 6.

- 8. Total Funding, including Federal and non-Federal shares (Figure 6):** Please report the total Financial Assistance from all sources, including HUD program funds. This means the total funding amount for the project, in whole dollars. If the entity is contributing non-Federal funds, sometimes known as cost sharing or match, add that to the Federal funding amount and report the sum of the two figures in the field. Please use numerical values only.
- Please remember to include the description of the breakdown of funding from all sources including HUD, other federal entities, and non-Federal entities in the textbox in question 7.1.
- 9. Total estimated infrastructure costs, including all federal and non-federal shares (to the extent known) (Figure 6):** List the portion of the total award amount that represents infrastructure costs from non-Federal sources. Please use numerical values only. Please remember to include the description of the breakdown of funding by HUD, non-HUD federal entities, and non-Federal entities in the textbox in question 7.1. Select “Next” Button.

### 10. Listing of Materials, Technical Specifications, and Quantity

List of iron or steel items, manufactured products, and construction materials proposed to be excepted from BABAA requirements, including name, cost, countries of origin (if known), and relevant Product Service Code (PSC) and North American Industry Classification System (NAICS) code for each. List each item separately. List the name of the product, how much the product costs, in U.S. dollars, the country or countries of origin, if known, and the relevant PSC and NAICS for each product. Links to manuals that provide the PSC and NAICS codes:

- PSC Codes: <https://www.acquisition.gov/psc-manual>
- NAICS Codes: <https://www.census.gov/naics/>

\* 10.1 Technical specification descriptions of items to be waived, if applicable

\* 10.2 Quantity required

Figure 7.

**10. Listing of Materials, Technical Specifications, and Quantity (Figure 7):** HUD requires a list of iron or steel item(s), manufactured products, and construction material(s) proposed to be excepted from Buy America requirements, including name, cost, country(ies) of origin (if known), and relevant Product and Service Code (PSC) and North American Industry Classification System (NAICS) code for each.

Below are links to manuals that provide the PSC and NAICS codes:

- PSC Codes: <https://www.acquisition.gov/psc-manual>
- NAICS Codes: <https://www.census.gov/naics/>

**10.1 Technical specifications description of items to be waived, if applicable.** Provide the technical specifications for the item to be waived. Please note the definitions of manufactured products and construction when describing your item:

- **Manufactured Products**
  - (1) Articles, materials, or supplies that have been:
    - i. Processed into a specific form and shape; or
    - ii. Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.
  - (2) If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.
- **Construction Material** - Articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.
  - The listed items are:
    - Non-ferrous metals
    - Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables)

- Glass (including optic glass)
    - Fiber optic cable (including drop cable)
    - Optical fiber
    - Lumber
    - Engineered wood
    - Drywall
  - Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.
- 10.2 **Quantity required:** For the quantity required in question 10.2, please list each product and each product quantity. For example, “furnace – 100 units; Smart thermostat – 100 units; steel chimney liners – 700 linear feet.” If needed, you may leverage the text field above to list each product and each product quantity and provide the total quantity of products here.

Figure 8.

11 **Waiver type (Figure 8):** Choose one of the three waiver types listed in this section and only answer the questions applicable to the chosen waiver type:

- 11.1 **Nonavailability waivers:** Complete section 11.1.
- 11.2 **Unreasonable Cost waivers:** Complete section 11.2.
- 11.3 **Public Interest waivers:** Complete section 11.3.

Provide sufficient information with descriptions and documentation/attachments (such as receipts, search engine screenshots, etc., if applicable) related to the specific request. HUD is available to assist with market research as needed.

Please note that you will receive a pop-up confirmation once your documents have been uploaded. This means that your documents have been uploaded, even if you do not see a record of uploads after closing out of the pop-up. You will not be able to remove files. If the incorrect file is uploaded, please upload the correct file with a file name indicating that it is the file HUD should review.

**11. Waiver Type**

\*Waiver Type

Nonavailability Waivers

**11.1 Nonavailability Waiver**

11.1.1 A 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.*

\*Explain how you are unable to utilize this product due to non-availability.

11.1.2 In the instance that the lead time to obtain a BABA compliant item is excessive, please attach documentation that indicates in an itemized manner: the sum of the project cost and products that were identified, the cost differential between the BABA compliant products and the Non-BABA compliant products that increase 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.*

Upload supporting documents. (Accepted file formats .docx,.xls,.xlsx,.pptx,.txt,.pdf,.csv,.jpeg,.png & a file size less than 2GB limit)

Upload Files Or drop files

Figure 9.

**11.1 Nonavailability Waiver (Figure 9):** Check this box if seeking a Nonavailability waiver. This selection means you are unable to obtain the American-made iron, steel, manufactured product, or construction material in sufficient and reasonably available quantities or of a satisfactory quality for an infrastructure project. You are requesting HUD to waive the application of the Build America Preference for this product. To qualify for the waiver, you must demonstrate you have done sufficient market research, which may be accomplished with assistance from HUD, and have adequately considered qualified alternate items, products, or materials.

Applicable responses to the following are required:

**11.1.1** A description of the due diligence is to be 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. Please note that you will receive a pop-up confirmation once your documents have been uploaded. This means that your documents have been uploaded, even if you do not see a record of uploads after closing out of the pop-up. You will not be able to remove files. If the incorrect file is uploaded, please upload the correct file with a file name indicating that it is the file HUD should review.

**Waiver Considerations:** Waivers should describe the market research activities and methods to identify domestically manufactured items capable of satisfying the requirement, including the timing of the research and conclusions reached on the availability of sources. You are encouraged to engage with the Made in America Council to develop resource lists for common items, goods, or materials.

**11. Waiver Type**

\* Waiver Type

Unreasonable Cost Waivers

**11.2 Unreasonable Cost Waiver** (BABA compliance increases total project cost by more than 25 percent)

11.2.1 What is the additional cost of the BABA compliant items, compared to using iron and steel, manufactured products, and construction materials of non-domestic or unknown origin? If the additional cost is less than 25 % of the total project cost, please state, in an itemized manner, which items the Grantee is requesting to be waived. Attach documentation of prices for BABA compliant and non-compliant items for items to be included in the cost comparison. *Attach documentation for additional support if needed.*

\* Explain how adhering to BABA poses an unreasonable cost to your project.

Upload supporting documents. (Accepted file formats: .docx,.xls,.xlsx,.pptx,.txt,.pdf,.csv,.jpeg,.png & a file size less than 2GB limit)

Upload Files Or drop files

Figure 10.

**11.2 Unreasonable Cost (Figure 10):** (BABA compliance increases total project cost by more than 25 percent). This checkbox is chosen when the inclusion of iron, steel, a manufactured product, or a construction material produced in the United States will increase the total project cost to the overall project by more than 25 percent. You are requesting HUD to waive the application of the BABA domestic preference. You must provide documentation to HUD that no domestic alternatives are available within the cost parameter. You may receive assistance from HUD in gathering documentation.

Applicable responses to the following are required:

**11.2.1** 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 percent. Attach documentation of prices for BABA compliant and non-compliant items for the cost comparison. Attach documentation for additional support if needed. Please note that you will receive a pop-up confirmation once your documents have been uploaded. This means that your documents have been uploaded, even if you do not see a record of uploads after closing out of the pop-up. You will not be able to remove files. If the incorrect file is uploaded, please upload the correct file with a file name indicating that it is the file HUD should review.

You may use the following formulas if useful.

- Percentage increase in total project cost due to BABA (= 10 percent multiplied by (BABA Cost – Non-BABA Cost)/Non-BABA Cost):
- Dollar amount to be waived (= BABA Cost – 1.25 multiplied by Non-BABA Cost): Indicate which item the applicant wishes to waive from the BABA requirements to bring the total costs below 25 percent of the non-BABA total project cost.

Waiver Considerations: For requests citing unreasonable cost as the statutory basis of the waiver, the waiver justification must include a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign-origin products, pursuant to the requirements of the applicable Made in America law. Publicly available cost comparison data may

be provided in lieu of proprietary pricing information. Unreasonable cost waivers should be no broader than necessary.

The screenshot shows a web form with the following elements:

- 11. Waiver Type**: A dropdown menu with "Public Interest Waivers" selected.
- 11.3 Public Interest Waiver**: A section header.
- \* 11.3.1 Explain how waiving the BABA requirement for this project or product serves the public interest.**: A large text input area.
- Upload supporting documents.**: A note with accepted file formats (.docx, .xls, .xlsx, .pptx, .txt, .pdf, .csv, .jpeg, .png) and a 2GB limit.
- Upload Files**: A button with an upload icon.
- Or drop files**: A text label.

Figure 11.

### 11.3 Public Interest Waiver (Figure 11)

**11.3.1 Explain how waiving the BABA requirement for this project or product serves the public interest.** By choosing this checkbox, you will explain how waiving the BABA domestic preference for this project or product serves the public interest. You can demonstrate definite impacts on the community if the specific item, product, or material is not utilized in an infrastructure project. You are requesting HUD waive the application of the BABA domestic preference because the domestic content preference would be inconsistent with the public interest. If requesting a project level waiver, include how you will maximize the use of products made in America.

- A description of the due diligence is to be 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. Please note that you will receive a pop-up confirmation once your documents have been uploaded. This means that your documents have been uploaded, even if you do not see a record of uploads after closing out of the pop-up. You will not be able to remove files. If the incorrect file is uploaded, please upload the correct file with a file name indicating that it is the file HUD should review.

**Waiver Considerations:** A waiver in the public interest may be appropriate where it is determined that other important policy goals cannot be achieved consistent with the Buy America requirements established by BABA and the proposed waiver would not meet the requirements for a non-availability or unreasonable cost waiver.

- Such waivers must be used judiciously and construed to ensure the maximum utilization of goods, products, and materials produced in the United States. To the extent permitted by law, determination of public interest waivers must be made by the head of the agency with the authority over the Federal financial assistance award.
- All proposed waivers citing the public interest as the statutory basis must include a detailed written statement, which must address all appropriate factors, such as potential obligations under international agreements, justifying why the requested waiver is in the Public Interest.

- The waiver should be project-specific whenever possible, as what is in the public interest may vary depending upon the circumstances of the project, recipient, and specific items, products, or materials in question.

**11. Waiver Type**

\* Waiver Type

--None--

**12. Additional Waiver Information**

Provide any additional information for HUD's consideration of the requested waiver.

Upload supporting documents. (Accepted file formats .docx,.xls,.xlsx,.pptx,.txt,.pdf,.csv,.jpeg,.png & a file size less than 2GB limit)

Upload Files Or drop files

Previous Next

Figure 12.

- 12 Additional Waiver Information (Figure 12):** Indicate any additional information for HUD’s consideration of the requested waiver and/or upload a supporting document. Please note that you will receive a pop-up confirmation once your documents have been uploaded. This means that your documents have been uploaded, even if you do not see a record of uploads after closing out of the pop-up. You will not be able to remove files. If the incorrect file is uploaded, please upload the correct file with a file name indicating that it is the file HUD should review. Select the “Next” Button.

Impacts & Certification 85% Complete

**13. Anticipated Impacts**

\* Identify any anticipated impacts if no waiver is issued.

Complete this field.

Upload supporting documents. (Accepted file formats .docx,.xls,.xlsx,.pptx,.txt,.pdf,.csv,.jpeg,.png & a file size less than 2GB limit)

Upload Files Or drop files

**14. Certification**

Certification that the Federal official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

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)."

**15. Certifying Official Name**

\* Name

**16. Certifying Official Title**

\* Title

**17. Date of Certification**

\* Date

Dec 21, 2023

Figure 13

- 13 Anticipated Impacts (Figure 13):** Identify any anticipated impacts if no waiver is issued. Provide a narrative that will explain the impact to the award, project, or the public should the waiver be denied. Attach additional files if needed. Please note that you will receive a pop-up confirmation once your documents have been uploaded. This means that your documents have been uploaded, even if you do not see a record of uploads after closing out of the pop-up. You will not be able to remove files. If the incorrect file is uploaded, please upload the correct file with a file name indicating that it is the file HUD should review.
- 14 Certification (Figure 13):** Certification that the Federal assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
- 15 Certifying Official Name (Figure 13):** The name of the person who is certifying the waiver request.
- 16 Certifying Official Signature (Figure 13):** The signature of the person who is certifying the waiver request will sign this section.
- 17 Date of Certification (Figure 13):** Provide the date (MM/DD/YYYY) that the signature was provided. Select “Submit” Button.
- 18** After Certification, read the three notices related to the “Public Posting of Waiver Request Information,” “Submission of Proprietary Information,” and “Paperwork Burden Statement” in Figure 14. Once you have completed reading these notices, please review your whole application for accuracy by using the “Previous” button.
- 19** Once you are ready to submit your waiver application, click “Submit.”
- Clicking 'Submit' will redirect you to a confirmation page that says your application has been submitted to HUD Office of the Chief Financial Officer. You will also be provided with a Grantee Reference Number, e.g., W-0000048. Please save your Grantee Reference Number, as it may be helpful to reference when asking questions about your application later in the waiver review process.
  - An email confirmation with your Grantee Reference Number will be sent to you as well. If needed, a HUD representative will reach out to you for additional information regarding your application.
  - If you receive an error message upon submission, please ensure that you have completed all forms marked as “required.” If you have any other technical difficulties with submission, try resubmitting first before contacting HUD at [BABAwaiver@HUD.gov](mailto:BABAwaiver@HUD.gov). You should receive a response within 72 hours.
- 20 Requesting a Confirmation of Submission**
- If you would like confirmation that your waiver application has been submitted, please email a request for a copy of your application and all attachments to [BABAwaiver@HUD.gov](mailto:BABAwaiver@HUD.gov). In your email request, you must include the subject line “Request to Confirm Waiver Submission: [Grantee Reference Number, e.g., W-0000048].” You should receive a response within 72 hours.
- 21 If Your Waiver is Denied**
- If your waiver is denied, you may submit an updated waiver for HUD with additional information you believe will impact the review decision. In submitted the updated waiver, please complete and submit a new waiver with the Grantee Reference Number from the previous waiver stated clearly in your application. HUD will reevaluate your waiver and request additional information if needed.

#### Public Posting of Waiver Request Information

The BABAA domestic sourcing requirements waiver authority generally requires the Federal awarding agency to post this waiver information for a period of public comment and review. The Department 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 so that the public has adequate information to comment on your requested waiver of the BABAA domestic sourcing requirements. If you feel that 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 the Department.

#### Submission of Proprietary Information

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, the Department will maintain as confidential any documents submitted by you, or prepared by the applicant or grantee, that are both customarily and actually treated as private by the applicant or grantee, 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 applicant or grantee considers proprietary in a cover attachment to this form. Please note that your designations of exempt material are not binding on the Department.

#### Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 2511-0002. Public reporting burden for this collection of information is estimated to average 10 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is *required to obtain or retain a benefit* (with section 70914 of the [Build America Buy America Act](#) (Pub. L. No. 117-58 §§ 70901-70952)). If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact your assigned program officer directly.

[Previous](#) [Submit](#)

Figure 14

## APPENDIX

### Quick Resources

- HUD BABA Website: [HUD.gov/BABA](https://www.hud.gov/BABA)
  - This website includes general information about BABA, including FAQs, Implementation Notices by Program Office, and trainings for Grantees.
- HUD Field Office Directory: <https://www.hud.gov/local>
- Federal Register: <https://www.federalregister.gov/>
- The Made in America Office (MIAO) website: [MadeInAmerica.gov](https://www.madeinamerica.gov)
  - Fully approved waivers will be posted here.
- BABA email: [BuildAmericaBuyAmerica@hud.gov](mailto:BuildAmericaBuyAmerica@hud.gov)
- Hollings Manufacturing Extension Partnership (MEP): <https://www.nist.gov/mep/about-nist-mep>
  - Grantees may identify domestic products through the above association, in addition to trade associations, local manufacturers, and local stores.
- Legislation and other Federal guidance on BABA:
  - [Build America, Buy America Act](#)
  - [Executive Order 14005](#)
  - [OMB Memorandum M-24-02](#)
  - [2 CFR 184](#)