

REQUEST FOR A WAIVER FROM THE BUILD AMERICA, BUY AMERICA ACT REQUIREMENT

This request for a waiver from the Build America, Buy America Act (BABA) requirement is completed by a PENNVEST funding recipient when there is a need to use a non-domestic iron and steel item, manufactured product or construction material and the component is not expected to be placed on the De Minimis list.

PENNVEST Funding Recipient		
PENNVEST Project Name:		
ME Number:		
UEI Number:		
Recipient/Engineer Contact Name:		
Telephone Number:		Extension Number:
Email Address:		
Project Description:		
Estimated Overall Project Cost:		
Estimated Project Start Date		
Estimated Project Completion Date:		
Estimated Amount of Federal Financial Assistance:		
Other Federal Financial Assistance?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Sources of other Federal Financial Assistance:		

Waiver requested on the basis of:

- ☐ **Nonavailability (complete the General Section and Sections A, D and E below)**
- ☐ **Public Interest (complete the General Section and Sections B, D and E below)**
- ☐ **Unreasonable Cost (complete the General Section and Sections C, D and E below)**

Waivers may be requested using more than one basis.

PLEASE SUBMIT WAIVER REQUEST TO:

Completed requests can be either mailed or emailed to:
Dharmendra Kumar
Division of Municipal Facilities, Municipal Finance Section
P. O. Box 8774
Harrisburg, PA 17105-8774

Email: RA-EPBABA@pa.gov

Phone: 717.772.3377

General Section

Waiver requested for: ☐ Iron and Steel item; ☐ Manufactured product; ☐ Construction material

Describe the non-compliant (foreign-made) iron and steel items, manufactured products, or construction materials proposed for the project. Include Product Service Code (PSC) and North American Industry Classification System (NAICS) code for each of them. Attach the section of biddable plans and specifications relevant to the items, products, and/or materials.

Additional materials attached. (☐)

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/>

When is the product needed for installation? (Month/Year): _____

A. Nonavailability (N/A ☐)

Product(s) is not available or will not be available in a reasonable time

Describe requirements in the project plans, specifications or permits which describe the required quantity and quality of the product:

Technical specification description of items, products, and/or materials to be waived from plans, specifications and/or permits must be attached.

Provide a description of the due diligence performed and the responses provided from obtaining three (3) quotes. Include names and contact information of the manufacturers, distributors or suppliers contacted:

Additional materials attached. (☐)

Provide information from potential domestic suppliers:

Name of Domestic Supplier Contacted	Supplier Contact Details	Availability	Delivery Date (Month/Year)
	Name:		
	Email:		
	Name:		
	Email:		
	Name:		
	Email:		

Additional materials attached. (☐)

B. Public Interest (N/A ☐)

Explain applying the domestic content procurement preference would be inconsistent with the public interest and how waiving the BABA requirement for this item/product/material serves the public interest. Attach documentation for additional support if needed. You can demonstrate definite impacts on the community if specific items, products or materials are not utilized in an infrastructure project.

Additional materials attached. (☐)

C. Unreasonable Cost (N/A ☐)

What is the additional cost of the BABA compliant item, compared to using iron and steel items, manufactured products, and construction materials of non-domestic or unknown origin? Please demonstrate how the inclusion of BABA compliant iron and steel items, manufactured products, or construction materials increases the total project cost by more than 25 percent.

Attach documentation of prices for BABA compliant and non-compliant item for the cost comparison. Attach documentation for additional support if needed.

Cost of project with domestic components: \$ _____

Cost of project with foreign-made components: \$ _____

Will the use of domestic components increase the project cost by more than 25%? ☐ Yes ☐ No

If no, cost is not a valid basis.

If yes, attach a detailed cost comparison of the domestic and foreign-made options.

D. Provide additional Waiver Information as you feel appropriate:

E. Describe the anticipated impact(s) if this waiver is not issued: