

## 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 Minimus list. Complete a separate form for each component for which you are seeking a waiver.

PENNVEST Funding Recipient	_____	
PENNVEST Project Name:	_____	
ME Number:	_____	
Recipient/Engineer Contact Name:	_____	
Telephone Number:		Extension Number:
Email Address:	_____	

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](mailto:RA-EPBABA@pa.gov)  
Phone: 717.772.3377

### **General Section**

Waiver requested for:  Iron and Steel item;  Manufactured product;  Construction material (**Select One**)

Describe the non-compliant (foreign-made) iron and steel item, manufactured product, or construction material proposed for the project. Include Product Service Code (PSC) and North American Industry Classification System (NAICS) code:
Additional materials attached. ( <input type="checkbox"/> )

Proposed non-domestic iron and steel item, manufactured product, or construction material manufacturer:
Name: _____
Mailing Address: _____
Email Address: _____

Describe the domestic-made iron and steel item, manufactured product, or construction material available for the project. (If none are available, click N/A <input type="checkbox"/> ) :
Additional materials attached. ( <input type="checkbox"/> )

List Domestic-made component manufacturer(s) (If none are available, click N/A <input type="checkbox"/> ) :
Name: _____
Mailing Address: _____
Contact person details: _____
Email address: _____
Name: _____
Mailing Address: _____
Contact person details: _____
Email address: _____
Name: _____
Mailing Address: _____
Contact person details: _____
Email address: _____

Please note if you have multiple products you would like EPA to review, please submit an waiver application 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/>

**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 the item 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. ( <input type="checkbox"/> )

Provide information from potential domestic suppliers:			
Name of Domestic Supplier Contacted	Supplier Contact Person/Email	Availability	Delivery Date (Month/Year)
Additional materials attached. ( <input type="checkbox"/> )			

When is the product needed for installation: Month \_\_\_\_\_ Year \_\_\_\_\_

**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. For example, is the use of a non-domestic iron and steel item, manufactured product, or construction material necessary because of compatibility with existing components in the water or wastewater system, or other reason?

Additional materials attached. ()

**C. Unreasonable Cost** (N/A )

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 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:**

[Empty response box]