

MAINEHOUSING LEAD PROGRAMS BABA CHECKLIST

Large Project

Applying BAP and HUD Waivers to a
Office of Lead Hazard Control and Healthy Homes (OLHCHH) funded project

Project Location:

CAA:

Total Project Assistance (This Form Only Applies When Total Project Assistance is Greater than \$250,000):

Step 1: Does BABA Apply?

Is this an infrastructure project, as defined by BABA?

Infrastructure projects are projects that involve construction, alteration, maintenance, or repair of buildings and real property (and other types of infrastructure) in the United States. For OLHCHH grants, this includes lead hazard reduction activities and healthy homes interventions.

YES

NO

If **YES**, proceed to Step 2.

If **NO**, BAP does not apply. Sign below and the Checklist is complete.

Signature
Name and Title:

Date

Step 2: Funding Source

Check funding sources included in this project:

- Community Development Block Grant Formula Programs (CDBG)
- Community Project Funding (CPF)/Economic Development Initiatives (EDI)
- Lead Hazard Reduction
- Health Homes Production Grant

If none of these funding sources apply, BAP does not apply.

If one of these funding sources apply, proceed to Step 3.

Step 3: Materials

Identify the materials that will be used in this infrastructure project. Check all that apply.

- Iron and Steel
- Specifically Listed Construction Materials
- Not-Listed Construction Materials
- Manufactured Products

If any of these materials are being used, proceed to Step 4.

If none are being used, BAP does not apply.

Step 4: Date of Obligation

Identify the date the grant agreement(s) was signed for the funding sources that apply.

Funding Source	Date Grant Agreement Was Signed

Determine if the BAP applies:

BAP will apply to...	Iron and Steel	Specifically Listed Construction Materials	Not Listed Construction Materials	Manufactured Products
CDBG Formula Grants	All funds obligated on or after November 15, 2022	As of the date HUD obligates new FFA from FY24 appropriations	As of the date HUD obligates new FFA from FY25 appropriations	As of the date HUD obligates new FFA from FY25 appropriations
Choice Neighborhood, Lead Hazard Reduction, and Healthy Homes Production Grants	New FFA obligated by HUD on or after February 22, 2023	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024
Recovery Housing Program (RHP) Grants	New FFA obligated by HUD on or after August 23, 2023	As of the date HUD obligates new FFA from FY24 appropriations	As of the date HUD obligates new FFA from FY25 appropriations	As of the date HUD obligates new FFA from FY25 appropriations

All other HUD FFA except HOME, HTF, and Public Housing FFA used for maintenance projects	New FFA obligated by HUD on or after February 22, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024
All HUD FFA	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024	New FFA obligated by HUD on or after August 23, 2024

If **YES** proceed to Step 5.

If no, the BAP does not apply.

Step 5: General Waivers

Determine if a General Waiver applies:

- Exigent Circumstances Waiver
 - Is there a urgent need to immediately complete the project because of a threat to life, safety, or property of residents and the community?

YES NO

- *De Minimis* Waiver
 - Is the cost of the products for which the waiver is sought no more than 5% of the total cost of all the iron and steel, construction materials and manufactured products used in the project (not to exceed \$1 million).

YES NO

If you answered **YES** to any of the above, review the General Waiver Form submitted by the CAA and ensure proper documentation has been provided to justify the waiver. Complete the General Waiver Form either approving, approving in part or denying the request and listing any conditions.

If no General Waiver applies, move to Step 6.

Step 6: Project-Specific Waivers

Determine if a Project-specific waiver applies. Project-specific waivers are available on limited, case-by-case basis, after HUD’s consultation and review with OMB’s Made In America Office (“MIAO”).

- Public Interest Waiver

- Would applying the BAP to the project be inconsistent with public interest?

YES

NO

- Nonavailability Waiver

- Is a particular iron, steel, manufactured product, or construction material not produced in the United States in sufficient quantities or of a satisfactory quality?

YES

NO

- Unreasonable Cost Waiver

- Would the inclusion of iron, steel, manufactured products or construction materials produced in the United States increase the cost of the overall project (total project cost/total development cost) by more than 25%?

YES

NO

If you answered **YES** to any of the above, review the corresponding Project-Specific Waiver Form submitted by the CAA and ensure proper documentation has been provided to justify the waiver. If the waiver is justified, approve the corresponding Project-Specific Waiver Form and proceed to Step 7.

If you answered **NO** to all of the above, or if the waiver is not justified, BAP applies and the CAA will have to comply with it. Complete the corresponding Project-Specific Waiver Form denying the request. Then skip to Step 8.

Step 7: Submitting a Project-Specific Waiver to HUD

The Energy and Housing Services Department is responsible for gathering all of the required information needed in order to submit a Project-Specific Waiver to HUD. In determining whether or not a waiver is justified the Waiver Review Team, which will be made up of members from the Energy and Housing Services Department and the Legal and Compliance Department, will review the waivers and make a decision. Upon receipt of all the required information and an approval of moving forward with a waiver, the Energy and Housing Services Department will provide the information to the Legal and Compliance Department who will submit the waiver to HUD.

1. Contact CPDBABA@hud.gov for BABA technical assistance as needed.
2. Prepare a *Build America Buy America Waiver Request Form* with the information required by the MIAO.
3. Submit a waiver application with all necessary information to HUD at BuildAmericaBuyAmerica@hud.gov
4. Provide additional information as requested by HUD during the review process to proceed with public comment in the Federal Register, and final approval by MIAO.

5. HUD reviews waivers before they are posted to the Federal Register for public comment and sent to the MIAO for approval. If approved, the waiver is posted on MadeInAmerica.gov.

Step 8: Compliance

All backup documentation for the below must be stored in the project files.

1. For products that cost less than \$100 per product, a copy of a label that indicates the product was made in the United States; or
2. A certificate from the manufacturer or reseller that the product complies with BABA; or
3. For product purchases below the simplified acquisition threshold, either a copy of a product specification that provides sufficient detail to conclude that the product complies with BABA, or a communication other than a certification from a manufacturer or reseller that confirms that the product complies with BABA

If you answered NO to any of the above questions and a waiver does not apply you must go back to the CAA and have the items completed. Please explain corrective actions:

Signature
Name and Title

Date