

WEST VIRGINIA HOUSING DEVELOPMENT FUND BUILD AMERICA BUY AMERICA WAIVER REQUEST EXHIBIT F

This data collection is for submitting a waiver request to the Build America, Buy America requirements. According to the Build America Buy America Act (BABAA), none of the funds made available for a HOME- or HTF-funded projects may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.

Waivers are explained in the WVHDF BABA Policy. Each waiver request must provide responses to the form questions, as applicable. For questions concerning this form, please contact WVHDF.

Instructions: The project owner must complete questions 1 through 17, sign and certify the form, and upload to the Borrower Submissions folder of the project's Microsoft Team as item 3.37c.

Required fields are marked with an asterisk (*)

Questions to be answered by the Project Owner

1. Project Owner Information

Legal Name *	Unique Entity Identifier (UEI) *	
Address 1 *		
Address 2		
City *	State	Zip

2. Project Owner Email *

3. Project Owner Phone Number *

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

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5. Federal Financial Assistance Funding Amount *

6. Project Name*

6.1 Project description and location

6.2 Is your project co-funded by other Federal Agencies beside HUD? * Yes No

- If yes: Complete section 6.2.1
 - If no: Proceed to question 7
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6.2.1 If you answered yes to question 6.2, 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. Yes No

6.2.1 a If you answered yes to question 6.2.1, please list the other Federal Agencies involved, including the Program, Office, and contact information for each Agency.

Federal Agency	Office	Program	Contact Information

6.2.1 b If you answered no to question 6.2.1, 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.

7. Total funding, including federal and non-federal shares: *

8. Total estimated project costs, including all federal and non-federal shares (to the extent known): *

9. Listing of Materials, Technical Specifications, and Quantity: *

HUD requires the name of the iron or steel item, manufactured product, or construction material 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. Please note if you have multiple products you would like HUD to review, please submit a 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/>

9.1 Technical specification description of the item to be waived, if applicable.

9.2 Quantity required:

10. Waiver Type *

Choose **ONE** of the three waiver types listed in this section and only answer the questions applicable to the chosen waiver type.

- **Nonavailability waivers:** Complete section 10.1
- **Unreasonable Cost waivers:** Complete section 10.2
- **Public Interest waivers:** Complete section 10.3

10.1 Nonavailability Waiver

Applicable responses to the following are required:

10.1.1 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.*

10.1.2 In the instance that the lead time to obtain a BABA compliant item is excessive, please attach BABA Exhibit A, which indicates: the sum of the project cost and product that was identified, the cost differential between the BABA compliant product and the Non-BABA compliant product that increases 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.*

10.2 **Unreasonable Cost Waiver** (BABA compliance increases total project cost by more than 25 percent). Applicable responses to the following are required:

10.2.1 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 BABA Exhibit A and documentation of prices for BABA compliant and non-compliant items for the cost comparison. *Attach documentation for additional support if needed.*

10.3 Public Interest Waiver

10.3.1 Explain how waiving the BABA requirement for this project or product serves the public interest. *Attach documentation for additional support if needed.*

11. Additional Waiver Information

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

12. Anticipated Impacts *

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

13. Certification *

Certification that the Project Owner made a good faith effort to solicit bids for domestic products supported by terms included in plans and specifications, construction contract, and communications with the architect and general contractor.

I, 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)."

14. Project Owner Name and Title: *

16. Project Owner Signature: *

17. Date of Certification: *
