



**NONAVAILABILITY PROJECT-SPECIFIC WAIVER FORM  
Build America, Buy America (BABA)**

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

NH Housing Loan Number: \_\_\_\_\_

Date of Request: \_\_\_\_\_

**Please answer the questions below and attach all supporting documentation.**

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

YES                      NO

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

2. What type of purchase is this?

Micro-purchase (\$10,000 or less)

Small Purchase (\$10,001 - \$249,999)

Large Purchase (\$250,000+)

**Depending on the type chosen, answer the questions below that are applicable to that type.**

3. Micro-Purchase

- You must search “made in America” or “made in the USA” using Google, Bing or Yahoo or Home Depot, Lowe’s, or Ace Hardware’s websites. Which search engine or Home Improvement Retailer did you use:  
\_\_\_\_\_

- Did any of the **top 10** search results indicate the product was made in America?

YES                       NO

- If **NO**, attach a screen shot/PDF of the search results (including the web page showing the search terms and results) and the due diligence is complete.
- If **YES**, you must contact each of the product makers (by email or phone) that indicates the product is made in America and confirm BABA compliance.

- If the product maker states it is not BABA compliant or compliance is uncertain, please attach a copy of the email or a summary of the phone call. For phone call evidence, you must include:
  - Dates and times of phone communications
  - Phone numbers used
  - Whether the phone communication was successful or unsuccessful (busy, left a message, disconnected)
  - If the phone communication was successful, name of person you talked to;
  - Notes describing the conversation.
- If the maker does not respond within two business days, provide proof of that and the due diligence is complete.

#### 4. Small Purchases

- You must make **TWO** search attempts to find “made in America” or “made in the USA” using Google, Bing or Yahoo or Home Depot, Lowe’s, or Ace Hardware’s websites. Which search engine or Home Improvement Retailer did you use:

- Did any of the **top 20** search results indicate the product was made in America?

YES       NO

- If **NO**, attach a screen shot/PDF of the search results (including the web page showing the search terms and results) and the due diligence is complete.
- If **YES**, you must contact each of the product makers (by email or phone) that indicates the product is made in America and confirm BABA compliance.
  - If the product maker states it is not BABA compliant or compliance is uncertain, please attach a copy of the email or a summary of the phone call. For phone call evidence, you must include:
    - Dates and times of phone communications
    - Phone numbers used
    - Whether the phone communication was successful or unsuccessful (busy, left a message, disconnected)
    - If the phone communication was successful, name of person you talked to;
    - Notes describing the conversation.
  - If the maker does not respond within two business days, provide proof of that and the due diligence is complete.

#### 5. Large Purchases

Contractors are encouraged to use the services of New Hampshire Manufacturing Extension Partnership (NH MEP) at [NHMEP.org](http://NHMEP.org) for assistance with locating American made products that comply with the requirements. There is no charge for the services they provide. NH MEP- Manufacturing Extension Partnership  
172 Pembroke Rd. Concord, NH 03301 603-226-3200 [info@nhmep.org](mailto:info@nhmep.org)

- You must make **THREE** search attempts to find “made in America” or “made in the USA” using Google, Bing or Yahoo or suppliers websites. Which search engine or Home Improvement Retailer did you use:

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- Did any of the **top 3** search results indicate the product was made in America?

YES       NO

- If **NO**, attach a screen shot/PDF of the search results (including the web page showing the search terms and results) and the due diligence is complete.
- If **YES**, you must contact each of the product makers (by email or phone) that indicates the product is made in America and confirm BABA compliance.
  - If the product maker states it is not BABA compliant or compliance is uncertain, please attach a copy of the email or a summary of the phone call. For phone call evidence, you must include:
    - Dates and times of phone communications
    - Phone numbers used
    - Whether the phone communication was successful or unsuccessful (busy, left a message, disconnected)
    - If the phone communication was successful, name of person you talked to;
    - Notes describing the conversation.
  - If the maker does not respond within two business days, provide proof of that and the due diligence is complete.

6. Total estimated Infrastructure Costs (**iron & steel, construction materials and manufactured products**):

\$ \_\_\_\_\_

Federal Funds		Developer Funds		Other Funds	
Description	Cost	Description	Cost	Description	Cost

7. Total estimated Project Costs (**everything**): \$ \_\_\_\_\_

Federal Funds		Developer Funds		Other Funds	
Description	Cost	Description	Cost	Description	Cost

8. Please complete the below for the product you are seeking a waiver for.

Product Name	Product Classification (I&S, CM or MP)	Countries of origin (if known)	Made in America Cost	Foreign Cost	PSC or NAICS (see below)
<b>Total</b>			\$	\$	
<b>Percentage Difference</b>					%

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

9. If the lead time to obtain a BABA compliant item is excessive, please complete the below for the product. **Attach documentation evidencing this.**

Product Name	Made in America Cost	Foreign Cost	Difference in %	Quality or Quantity Issues

**Note: In order to receive a waiver for excessive lead time, the BABA compliant product must increase the overall project cost to be above the threshold of 25%.**

10. Identify any anticipated impacts if no waiver is granted.

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The undersigned hereby certifies that they 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).***

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Printed Name and Title of Authorized Official

\_\_\_\_\_  
Signature Date

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**FOR NEW HAMPSHIRE HOUSING USE ONLY**

Waiver(s) approved, approved in part or denied:

- Approved
- Approved in Part
- Denied

Conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name Title Date