
AIS/BABA Waiver Request Form Instructions

WIFIA borrowers seeking a waiver to American Iron and Steel (AIS) or the Build America Buy America (BABA) requirements should complete and submit this form and provide requested attachments to the WIFIA Program. Waivers should only be sought when all avenues of procuring AIS-compliant or BABA-compliant products have been exhausted. In many cases, a borrower may find that an availability waiver is not needed.

WIFIA borrowers must comply with either the AIS or BABA requirements. Under the AIS requirements, borrowers must install iron and steel products that are produced in the U.S. for the project. Under the BABA requirements, borrowers must install iron and steel products, manufactured products and construction materials that are produced in the U.S. for the project. The WIFIA statute allows the EPA to grant project waivers in specific circumstances: (1) if the requirement is inconsistent with the public interest; (2) if the products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) if the products will increase the cost of the project by 25% or more.

Borrowers may submit a request for a public interest, product availability or cost waiver from either the AIS or BABA requirements. Borrowers should answer all the questions in this form and submit all required attachments pertaining to the type of waiver request they are submitting (i.e. public interest, product availability, or cost). The borrower's authorized representative must sign the form. Borrowers do not need to submit this waiver request form for approved program waivers, national waivers or EPA agency-wide waivers. This waiver request form applies to project-specific waiver requests only.

When finished, this waiver request form and attachments may be submitted by emailing the form to WIFIA_portfolio@epa.gov with the subject line "[NAME OF BORROWER/PROSPECTIVE BORROWER] – [NAME OF PROJECT] – AIS/BABA Waiver Request Form". Upon receipt of the form, the WIFIA program will provide a confirmation email to the contacts listed in the form.

More information about the AIS and BABA requirements are available in the Borrower Guide to Federal Requirements.

Burden

The public reporting and recordkeeping burden for this collection of information is estimated to average 15 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, included through the use of automated collection techniques to the Director, Regulatory Support Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Warning

Falsification or misrepresentation of information or failure to file or report information required to be reported may be the basis for denial of financial assistance by EPA. Knowing and willful falsification of information required to be submitted and false statements to a Federal Agency may also subject you to criminal prosecution. See, for example, 18 U.S.C. §1001.

Additional information about the WIFIA program and the letter of interest form is available at <https://epa.gov/wifia> and by contacting wifia@epa.gov.



AIS/BABA Waiver Request Form

Provide the following information in this form or as an attachment.

Borrower and Project Information

1. Legal name of borrower or prospective borrower and WIFIA Loan ID:

2. WIFIA Project name:

3. Waiver Request Contact List. Provide the names and email addresses of all person(s) who should be contacted in regards to this waiver request:

Waiver Request Information

1. Under which domestic preference requirements is the waiver being requested? **Please select only one.** If applying for a waiver under BABA, there is no need to apply for a separate waiver under AIS.

- AIS
- BABA

2. Type of waiver being requested:

- Product Availability
- Public Interest
- Cost

3. Briefly explain the need for a waiver:



4. For **product availability** waiver requests, provide the information below on each product for which the waiver is being requested and *attach a copy of the relevant technical specifications for the product to this form.*

- Product Name
- Material Type and Size(s) Needed
- Unit Cost of non-domestic alternatives being considered
- Unit Cost of domestic alternatives identified (if any)
- Estimated Quantity of the product that is needed
- Date the Product is needed for install

5. For **product availability** waiver requests, describe the efforts made to source products compliant with AIS or BABA. The narrative may include a list of manufacturers or suppliers contacted and responses received. Include any email correspondence with manufacturers or suppliers as an attachment to this form.

6. For **public interest** waiver requests, please provide a brief explanation why compliance with AIS or BABA is not in the public's interest. Public interest waivers may be requested for the entire project or for specific products. If the waiver is being requested for specific products, please include a list of the products in the narrative.



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7. For **cost** waiver requests, identify the total project cost without AIS or BABA requirements and demonstrate that the total project cost increases by more than 25 percent with the requirements. Include supporting costs documentation, such as itemized cost estimates comparing projects costs with either AIS or BABA requirements versus without the requirements, as an attachment to this form.
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8. **For all waiver requests**, identify the total estimated material costs of the project:
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Signature: The undersigned is an authorized representative of the (prospective) borrower. By signing below, the undersigned is certifying that the borrower or prospective borrower 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 designer and prime contractor(s).

Signature: _____

Date Signed: _____

Name: _____

Title: _____

Organization: _____

Phone: _____

E-mail: _____