

**Department of Education Data Elements for Build America, Buy America Act (BABAA)
Domestic Sourcing Requirements Waiver - United States Department of Education
BABAA Waiver Request Form**

For a proposed construction or broadband infrastructure project a grantee, or its subrecipient may submit a waiver to the Build America Buy America Act (BABAA) sourcing requirements using the Build America, Buy America Act (BABAA) Domestic Sourcing Requirements Waiver - United States Department of Education BABAA Waiver Request Form (BABAA Waiver Request Form) to the Department of Education (the Department) before, during, or after it solicits bids for the project that are subject to the BABAA sourcing requirement, i.e., requiring American-made iron, steel, manufactured products, or construction materials. In accordance with BABAA, waiver requests may be submitted for the following types of waivers:

Public Interest Waiver: Applying the domestic content procurement preference would be inconsistent with the public interest (a “public interest waiver”).

☐ **Nonavailability Waiver:** Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”).

Unreasonable Cost Waiver: The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “unreasonable cost waiver”).

The BABAA Waiver Request Form must include the following consistent with BABAA and OMB Memorandum [M 22-11](#), *Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure*:

1. Entity name.
2. Entity UEI.
3. Grant program name.
4. Grant program Assistance Listing Number (ALN).
5. Grant PR/Award Number (if applicable).
6. Total grant award amount.
7. Waiver request contact person name.
8. Waiver request contact person title.
9. Waiver request contact person email.
10. Waiver request contact person phone.
11. Total cost of infrastructure project(s).
12. Amount of costs supported by the grant.
13. Infrastructure project description and location.
14. Whether a project covered under the waiver will be funded by any other Federal financial assistance.
15. The type of waiver being sought (i.e., Public Interest Waiver, Non-availability Waiver, or Unreasonable Cost Waiver).
16. Whether the waiver is for a specific product or a category of products.

- If for a category of products, a description of products, including the type or category of item (i.e., Iron or Steel; Manufactured Product; Construction Material; and country of origin, if known).
 - If for a specific product, identification that it is Iron or Steel; Manufactured Product; or Construction Material; and country of origin, if known.
17. Product and Service Codes (PSC) and North American Industry Classification System (NAICS) code for each.
- PSC codes describe products, services, and research and development purchased by the Federal government. PSC codes can be found in the Product Service Code sections of the [Product and Service Code Manual](#) on [Product and Service Code Manual | Acquisition.GOV](#).
 - The NAICS codes are used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS codes classify businesses based on the particular product or service supplied. A business will generally have a primary NAICS code, but it can also have multiple NAICS codes if it sells multiple products and services. NAICS codes can be found by conducting a keyword search in the NAICS search fields at [U.S. Census Bureau](#) or by accessing the NAICS code lists under the Reference File tab on [U.S. Census Bureau](#).
18. Waiver Timeline.
- Explanation that the waiver will be in place for either the entire period of performance of the grant or for a limited time during the period of performance.
19. Waiver justification narrative including any anticipated impact if the waiver request is disapproved.
- For a Public Interest Waiver, a description of the specific circumstances that may be in the public interest to grant a waiver from the BABAA domestic sourcing requirements.
 - For a Non-availability Waiver, a description of why identified domestic iron, steel, manufactured products, or construction products are unavailable, and the steps taken to determine their unavailability.
 - For an Unreasonable Cost Waiver, a description reflecting how the determination was made that the cost of domestic iron, steel, manufactured and construction products will increase the cost of the overall project(s) by more than 25 percent, and the market research and/or industry outreach performed to make this determination.
20. Waiver supporting documentation, which could include such information as price quotes, market research, industry outreach, or public interest supporting documentation.