

**Supporting Statement for Paperwork Reduction Act Submissions**  
**(Name of Collection)**  
**(OMB# 2502-XX)**

**A. Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This information collection request will enable HUD to collect information for conducting waiver reviews, as mandated by the provisions specified in section 70914(c) of the Build America Buy America (BABA) Act. The purpose of this collection is to ensure HUD's compliance with the outlined requirements of the BABA Act and facilitate an effective and thorough assessment of waiver requests. The respondents for this information collection request are the HUD recipients of Federal financial assistance grants that exceeds \$250,000. Each proposed waiver submitted should include the following information, as applicable:

1. Submitter Contact Information

- i. Legal Name \*
  - ii. Unique Entity Identifier (UEI) \*
  - iii. Address 1 \*
  - iv. Address 2
  - v. City \*
  - vi. County/Parish
  - vii. State
  - viii. Territory/Province
  - ix. Country \*
  - x. Zip/Postal Code \*
2. Submitter Email
  3. Submitter Phone Number
  4. Federal Financial Assistance Identification No. (FAIN)
  5. HUD Program Name

6. Federal Financial Assistance Funding Amount

7. Infrastructure Project

7.1 State the Infrastructure Project description and location to the extent known

7.2 Are products used in projects funded by other Agencies beside HUD?

8. Total funding (Federal & Non-Federal shares)

9. Total estimated infrastructure costs (Federal & Non-Federal shares) to the extent known

10. Is this waiver for a specific product or a category of products?

a. Specific Product

b. Category of Products)

11. Listing of Materials, Technical Specifications, and Quantity

11.1 Technical specification descriptions of items to be waived, if applicable

11.2 Quantity Required

12. Scope and Level of Waiver

12.1 Waiver level:

a. Award Level

c. Agency Level

b. Project Level

d. Program Level

12.2 Describe the scope of waiver

13. Waiver Type (Non-availability vs Unreasonable Cost vs Public Interest)

13.1 Nonavailability Waiver

13.1.1 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.

13.1.2 In the instance that the lead time to obtain a BABA compliant item is excessive, please attach documentation which indicates in an itemized manner: the sum of the project cost and products that were identified, the cost differential between the BABA compliant products and the Non-BABA compliant products that increase 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.

13.2 Unreasonable Cost Waiver (BABA compliance increases total project cost by more than 25 percent)

13.2.1 What is the additional cost of the BABA compliant items, compared to using iron and steel, manufactured products, and construction materials of non-domestic or unknown origin? If the additional cost is less than 25 % of the total project cost, please state, in an itemized manner, which items the Grantee is requesting to be waived. Attach documentation of prices for BABA compliant and non-compliant items for items to be included in the cost comparison.

13.3 Public Interest Waiver

13.3.1 Explain how waiving the BABA requirement for this project or product serves the public interest

14 Provide any additional information for HUD's consideration of the requested waiver

15 Identify any anticipated impacts if no waiver is issued

16 Certification that the Federal official or assistance recipient 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

17 Certifying official name

18 Certifying official signature

19 Date of Certification

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

This information will be reported by the grant recipients to HUD. The collected information will constitute the necessary documentation for the BABA waiver review conducted by HUD. Once the grantee has submitted all the required information to seek exemption from BABA requirements, HUD will perform the review process as outlined in section 70914(c) of the BABA Act.

This is a newly introduced information collection request and aims to facilitate the review and granting of waivers to HUD grantees who qualify for exemption from BABA requirements.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The collection of this information will utilize the existing information technology systems and reporting channels already in place at HUD. To streamline the process, a new PDF waiver form will be introduced, and all waiver requests will be processed using this form. This approach has been specifically adopted to minimize any additional burden on HUD's grant recipients. By leveraging the existing systems and implementing an easily accessible PDF form, HUD aims to facilitate the submission and processing of waiver requests while minimizing any potential challenges for grant recipients.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

BABA Waiver form is a new process to collect information from HUD's infrastructure grant recipients. An assessment was performed and found that the information collection using BABA waiver will be a new process, therefore this collection effort would not result in any duplication of efforts.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I) describe any methods used to minimize burden.

To ease the burden on small entities HUD's field office staff will be available to answer any BABA related inquiries as well as a dedicated BABA mailbox for waiver inquiries.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without this effort, HUD will not be in compliance with the BABA Act. The successful implementation of this effort is crucial for HUD to maintain compliance with the BABA Act. Failure to meet the BABA requirements would have significant implications, including potential funding delays for HUD's grant recipients. These delays could, in turn, lead to project setbacks, hindering HUD's ability to fulfill its mission of providing affordable housing. Furthermore, without this information HUD will have no way to make a waiver determination, leaving grant recipients in non-compliance and violation of federal law.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more than quarterly;

Not applicable. As grantees would only apply if they needed a waiver and quarterly reporting is not needed.

- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

Not applicable, as the collection of information will only be applied when the grantee submits a waiver.

- requiring respondents to submit more than an original and two copies of any document;

Not applicable.

- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

Not applicable.

- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;

Not applicable.

- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

Not applicable.

- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

Not applicable.

- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Not applicable.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

- Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping disclosure, or reporting format (if any) and the data elements to be recorded, disclosed, or reported.
- Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.

A notice requesting public comments for 7 days will be published in the Federal Register on TBD, Volume TBD, Number TBD, Page TBD. TBD comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

Not applicable, as there are no payments or gifts to respondents of this collection effort.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation or agency policy.

There are no assurances of confidentiality provided or needed for these collections. The Privacy Act of 1974 provided privacy protection to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not applicable, as this collection effort does not solicit any information of a sensitive nature as described above.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices;
- if this request covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I; and
- provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

<b>Information Collection</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Responses Per Annum</b>	<b>Burden Hour Per Response</b>	<b>Annual Burden Hours</b>	<b>Hourly Cost Per Response</b>	<b>Annual Cost</b>
<b>HUD Grantees</b>	<b>5000-6500</b>	<b>20-100/Week</b>	<b>&lt;5,000</b>	<b>30 Min – 1 Hr</b>	<b>2500-5000 hrs</b>	<b>\$31.12</b>	<b>\$77,800-\$155,600</b>

### Estimated Number of Respondents:

The respondents for this information collection request are the HUD's grant recipients who received infrastructure grants with amount over \$250,000 and are not covered by other any other General Applicability or Public Interest waivers HUD has obtained.

The estimate of ~5,000 respondents used for this calculation is based on the number of recipients of the HUD's infrastructure grants.

### Frequency of Response:

This information is to be captured when a grantee submits a waiver request to HUD to be exempted from BABA requirements, outlined in the reporting requirements section of the BABA Act.

### Average Hours per Response:

30 Minutes – 1 Hour to complete one waiver. These values were calculated for each waiver type based on the fields required.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14).
  - The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s) and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities;

Not applicable, as there are no additional costs associated with this collection.

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10) utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Not applicable, as there are no additional costs associated with this collection.

- generally, estimates should not include purchases of equipment or services, or portions thereof made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Not applicable, as there are no additional costs associated with this collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

<b>Information Collection</b>	<b>Number of Respondents (Annual Estimate)</b>	<b>Frequency of Response</b>	<b>Responses Per Annum</b>	<b>Burden Hour Per Response</b>	<b>Annual Burden Hours</b>	<b>Hourly Cost Per Response</b>	<b>Annual Cost</b>
<b>BABA Waiver</b>	<b>5000-6500</b>	<b>20-100/week</b>	<b>&lt;5000</b>	<b>2 hrs</b>	<b>10,000hrs</b>	<b>\$53.67</b>	<b>\$536,700</b>

15. Explain the reasons for any program changes or adjustments reported in Items 13 and 14 of the OMB Form 83-I.

Not applicable. This information collection request will not require any program changes or adjustments.

16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable. The information obtained as a result of this collection request will not be included in any reports or publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.



Not applicable, as HUD is not seeking approval for this.

18. Explain each exception to the certification statement identified in item 19.

Not applicable, as there are no exceptions to the certification statement from item 19

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