

Oakland County Neighborhood & Housing Development BABA Checklist for CDBG Infrastructure Projects

The Build America, Buy America Act (BABA) requires that all iron and steel, construction materials, and manufactured products used in federally funded infrastructure projects are produced in the United States. This requirement, known as the "Buy America Preference" (BAP), is detailed in the [Infrastructure Investment and Jobs Act, Pub. L. 117-58](#) and [2 CFR 184](#). Infrastructure is defined by HUD as activities involving rehabilitation, maintenance, and construction of housing, public facilities, and improvements.

This form is utilized during HUD's Phased Implementation to determine which phase and if any waivers apply for projects subject to BAP. All projects that use any amount of CDBG or other federal grant fund, is an infrastructure project, and total cost from all sources is equal to or greater than \$250,000, will be subject to BABA under BAP. Projects with a total cost under \$250,000 does not apply due to De Minimis, Small Grants, and Minor Components Waiver.

CVT Name_____

Activity_____ PY(s)_____

Estimated **Total Project Cost** including all funding sources:_____

Is the BAP language incorporated into all agreements including subawards, contracts, and purchase orders? Y N

De Minimis General Waiver applies (projects under \$250,000)? Y N

Exigent Circumstances General Waiver applies? Y N

Tribal Recipient General Waiver applies? Y N

Does this project involve (check all that apply):

- ☐ Housing improvements, rehabilitation, maintenance, or construction
- ☐ Public facility improvements, rehabilitation, maintenance, or construction

Project Description_____

Does this project have an obligation or contract date on or before 11/15/22? Y N

Will this project use FY24 funds (infrastructure contracts signed 10/1/23 – 9/30/24)? Y N

Will this project use FY25 funds (infrastructure contracts signed 10/1/24 – 9/30/25)? Y N

Materials that could be needed, check all that apply:

Phase I (Projects that have contracts signed on or after 11/15/2022)

- ☐ Iron
- ☐ Steel

Phase 2 (Projects using FY2024 funding – infrastructure contracts signed 10/1/23 – 9/30/24)

- ☐ Non-ferrous metals
- ☐ Lumber
- ☐ Plastic
- ☐ Polymer-based composite building materials
- ☐ Pipe
- ☐ Tube

Phase 2 (Projects using FY2025 funding – infrastructure contracts signed 10/1/24 – 9/30/25)

- ☐ All other plastic and polymer-based products
- ☐ Glass
- ☐ Fiber optic cable
- ☐ Optical fiber
- ☐ Engineered wood
- ☐ Drywall
- ☐ Manufactured products

A Project-specific Waiver request was made through the Office of Management and Budget, Made in America Office (MIAO) on _____ by _____ (and a copy is attached to this form) for the following:

- ☐ Materials used in the project not produced in the United States or not available in sufficient quantities?
- ☐ The use of domestically produced materials increases the cost of the overall project by more than 25 percent?

<https://www.hudexchange.info/resource/6953/baba-quick-guide-cdbg/>