

Massachusetts CDBG Program FFY 2024 Application
 Build America, Buy America Act (BABA)
 Review Documentation

In order to apply for FFY 2024 CDBG funds, all applicants for infrastructure projects must demonstrate consideration of BABA requirements and factor into applicable cost estimates compliance with these requirements. This form must be completed for each project that triggers compliance and uploaded to the “Miscellaneous” Tab in the application.

Infrastructure projects for this purpose are defined as “any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States”. This includes most physical activities traditionally supported by the CDBG Program including rehabilitation of buildings and real property, construction of public facilities and improvements, utilities, water systems, electrical transmission facilities, broadband and transportation infrastructures. Note: This will not likely apply to single family housing rehabilitation programs, as there is a dollar threshold that applies to individual projects and not the program as a whole.

For FFY 2024 projects funded with CDBG dollars, awardees will be required to apply the Buy America Preference (BAP) for certain products. These include iron and steel and specific construction materials (non-ferrous metals, lumber, plastic- and polymer- based composite building materials, pipe, and tube). All manufacturing processes for iron and steel, as well as construction material must occur in the U.S.

If a municipality is working with a consultant, the consultant may prepare this document, but municipal staff must also concur with the determination(s) and both persons must sign/date at the end of this document. The municipal staff signing should be a person with oversight and/or management responsibilities related to this CDBG program year, as identified in the management plan.

Name of Project:	
Project Budget (breakdown from all sources):	
1) Is this an infrastructure project, as defined in the second paragraph above?	YES NO
If yes, go to question 2.	
If no, describe directly below why this is not an infrastructure project and sign and date this document.	
2) Is the project budget from all sources more than \$250,000?	YES NO
If you answered yes to question 2, proceed to question 3.	

<p>If no, the BAP does not apply to this project. Please type DOES NOT APPLY in the row directly below and sign and date this document.</p>
<p>3) Does the project use products subject to the BAP, as defined in the third paragraph above?</p> <p>YES NO</p>
<p>If yes, please list the products and quantities directly below.</p>
<p>If no, the BAP does not apply. Please type DOES NOT APPLY in the row directly below and sign and date this document.</p>
<p>***Please Note: If the BAP applies to products in this project, you must factor this into the cost estimate, as applicable.</p>

HUD does provide three potential project-specific waivers that may be considered:

1. Is applying the BAP to this project inconsistent with the public interest?
2. Are the materials used in the project not produced in the United States or not available in sufficient quantities?
3. Would inclusion of the domestically produced materials increase the cost of the overall project by more than 25%?

If the initial analysis determined that the BAP applies to this project, but you think that one of the above waivers may apply, please indicate this below and provide the rationale. Please note, this is all new, and the process for approval of such waiver appears to be long involving multiple federal reviews and a public comment period. Completing this section is for informational purposes only and is not intended to imply that a waiver has been initiated. **Applying for a waiver could result in feasibility and timeline issues.**

<p>Please list waiver number(s) (1-3) and rationale:</p>
<p> </p>

Grantees will be required to document and collect records to demonstrate compliance with BABA requirements, including this document.

Information and guidance for the BAP may also be found at 2 CFR 184 and 2 CFR 200.322.

** Certification – By signing this document, the municipality (and consultant, if applicable) certifies that the information is accurate, prepared with due diligence and is free of misleading and/or fraudulent statements.*

Signed/Prepared by (if applicable, include title)

Date

Signed by (municipal staff) (include title)

Date