



Substantive Material Modification Form

SECTION I: GENERAL INFORMATION			
A CDBG grantee may request a project-specific waiver from the Buy America Preferences on a limited, case-by-case basis. Grantees must complete each section providing sufficient information and attaching required documentation to effectively evaluate the change order request. Engineers/architects are required to complete this form. <i>Instructions are provided on pages 6, 7 & 8.</i>			
1. Grantee	2. Grant ID	3. OCRA's Program Name	
4. Grant Administrator	5. Grant Administrator Email	6. Grant Administrator Phone #	
7. Engineer	8. Engineer Email	9. Engineer Phone #	
10. Project location address	11. City/Town	12. Zip code	13. State

SECTION 2: PROJECT FINANCING		
1. What are the total estimated infrastructure costs, including all federal and non-federal shares?		
2. How much CDBG federal funding was awarded to the infrastructure project?		
3. Is the project co-funded by other Federal or Pass-through Agency besides CDBG, OCRA HUD pass-through? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If "yes" to Q3, ensure that OCRA is the designated cognizant agency, and the largest amount of federal funding is CDBG. Proceed to complete Q4 through Q9. If "no" proceed to Q10.		
4. Federal or Pass-through Agency Name	5. Funding Program Name	6. Contact Information
7. Federal or Pass-through Agency Name	8. Funding Program Name	9. Contact Information

SECTION 3: MATERIALS
Products that are part of the infrastructure project should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Specifically Listed Construction Materials; (iv) Not Listed Construction Materials; or (iv) Section 70917(c) materials. Check all applicable categories that apply to the product(s) that requires a waiver request.
<input type="checkbox"/> Iron and Steel (IS) means an article, material, or supply that consists wholly or predominantly of iron or steel, or a combination of both.
<input type="checkbox"/> Specifically Listed Construction Material (SLCM) means (a) non-ferrous metals; (b) lumber; (c) composite building materials; and (d) plastic and polymer-based pipe and tube.

Not Listed Construction Materials (NLCM) means (a) plastic and polymer-based products other than composite building materials or plastic and polymer-based pipe or tube, (b) glass (including optic glass); and (c) drywall.

Manufactured Products (MP) means articles, materials, or supplies that have undergone a specific form and shape processing or have been combined with other articles, materials, or supplies to produce a product with different properties than the individual components. A component of a manufactured product may include construction materials, iron or steel products, or section 70917(c) materials.

SECTION 3.1: LISTING OF MATERIALS

The responsible entity must acquire information on the iron or steel item, manufactured product, or construction material proposed to be used in the infrastructure project, including name, quantity required to complete the project, price, country of origin and relevant [Product Service Code](#) (PSC) and [North American Industry Classification System](#) (NAICS) code. Information should be limited to the product(s) requiring a waiver.

Quantity	Price	County of Origin	Code		List of Materials	Categorization of Product
			PSC	NAICS		

SECTION 3.2 TECHNICAL SPECIFICATIONS

Technical specification description of the item to be waived, if applicable.

SECTION 4: SOURCING DOMESTIC PRODUCTS
This section requires information on the efforts made to source domestic products in compliance with the Buy America Preferences.
1. Were efforts made to source or solicit bids for the domestic product(s) outlined in Section 3? Yes <input type="checkbox"/> No <input type="checkbox"/>
If "yes" proceed to Q.2 and Q.3. If "no" you must have evidence to demonstrate that an effort was made to procure domestic product to complete this request.
2. How many days was the solicitation available to bidders/suppliers?
3. How many attempts were made to source or solicit bids for the material or product outlined in Section 3?
4. Were there any other methods used to source domestic products from manufacturers?
5. Provide a description of the due diligence performed including names and contact information of the manufacturers, distributors, or suppliers contacted for quotes (minimum 3), and the responses provided.
Attach relevant documentation to support the information provided above.

SECTION 5: EVALUATION OF APPLICABLE WAIVERS
Choose only one category of the four applicable waiver types mentioned in this section that best fit the specifications of the infrastructure project. Once you have selected the relevant type, provide answers only to the questions that are applicable to the chosen waiver type.
<input type="checkbox"/> Minor Components Waiver: If selected, applicable responses are required to the following.
6. What is the cumulative cost of the products or materials used in the project?
7. What is the cost of the product or material that cannot be sourced domestically?
8. Does the cost of the product or material requesting a waiver exceed 5% of the total cost of the iron, steel, manufactured products, and construction materials used in the project?
Attach relevant documentation to support the information provided above.

Public Interest Waiver: If selected, applicable responses are required to the following.

1. Would applying the Buy America Preference to the infrastructure project be inconsistent with the public interest?

2. Why would the Buy America Preference be inconsistent with the public interest?

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

Attach relevant documentation to support the information provided above.

Nonavoidable Waiver: If selected, applicable responses are required to the following.

1. Are the types of iron, steel, manufactured products, or construction materials used in the project not produced in the United States in sufficient and reasonable available quantities or of a satisfactory quality?

In the instance that the lead time to obtain a BABA compliant product or material is excessive, please attach documentation and provide information in Q2 through Q4.

2. The sum of the project cost and the non- BABA compliant product that was identified.

3. The cost differential between the BABA compliant product and the non-BABA compliant product increases the overall project cost to be above the threshold of 25%.

4. Any quality or quantity issues that were interfaced in the BABA compliant process.

Attach relevant documentation to support the information provided above.

Unreasonable Cost Waiver: If selected, applicable responses are required to the following.

1. Would the inclusion of iron, steel, manufactured products, or construction materials produced in the United States increase the cost of the overall project by more than 25 percent?

2. What is the additional cost of the BABA compliant product, compared to using iron and steel, manufactured products, and construction materials of non-domestic or unknown origin? Please demonstrate how the BABA compliant item increases the total project cost by more than 25 percent.

Attach documentation of prices for BABA compliant and non-compliant items for the cost comparison. Attach documentation for additional support if needed.

SECTION 6: ANTICIPATED IMPACT

1. Identify any anticipated impacts if no waiver is issued. Attach documentation for additional support if needed.

SECTION 7: CERTIFICATION

I, engineer/ architect, hereby confirm that my company and/or a lower tier contractor overseeing by my company has made a diligent effort to source domestic products in accordance with the requirements in the Build America, Buy America Act as specified in the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58, §§ 70901-70953) as demonstrated in requests for proposals, contracts, and other non-proprietary communications with potential suppliers. Despite my company and/or a lower tier contractor best effort, we have been unable to procure the required domestic product needed to complete the infrastructure project. I attest that there are no comparable domestic products available in the market that complies with the provisions of the Build America, Buy America Act as specified in the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58, §§ 70901-70953) to satisfactory complete the infrastructure project. I hereby consent to refrain from procuring non-domestic products prior to receiving direct confirmation from the Office of Community and Rural Affairs on the status of this substantive material modification request.

1. Engineer/ architect Printed Name	2. Engineer/ architect Signature	3. Date
-------------------------------------	----------------------------------	---------

I, Chief Elected Official and certifying official for the Grantee, confirm that I have thoroughly verified the information provided herein, the engineer/architect has provided me with evidence that the sourcing for domestic products was conducted and no satisfactory responses were received. I hereby affirm that the Grantee will continue to maintain the project funded with Community Development Block Grant funds in compliance with the requirements.

1. Chief Elected Official Printed Name	2. Chief Elected Official Signature	3. Date
--	-------------------------------------	---------

Instructions

This form must be completed if the Office of Community and Rural Affairs is the designated cognizant agency to the infrastructure project and a need to replace a domestic product with a non-domestic product after a good faith effort was made to solicit bids or source domestic product(s). The engineer/ architect must fill out all fields and provide relevant documentation. The engineer/architect and any lower tier contractor must refrain from procuring non-domestic products with CDBG federal funding without OCRA's approval of the request.

SECTION 1: GENERAL INFORMATION

This section requests information from an individual(s) who can provide satisfactory details regarding the project and participants of the project. It is advisable to coordinate with the grantee's grant administrator to ensure accurate information is provided.

SECTION 2: PROJECT FINANCING

It is important to have sufficient knowledge of the project financing to complete this section accurately. This section requires identification of the source(s) of the project funding, including any CDBG funding or other Federal agency funding that is required to comply with BABA. If the project is funded in part with other federal funding sources, answer 'yes', proceed to provide the required information in question 4 through question 9. If federal funding is provided through a federal or pass-through state agency in addition to CDBG funding from the Office of Community and Rural Affairs, identification of the designated cognizant agency is required to ensure the correct procedures are followed and avoid duplicative efforts by separate agencies.

SECTION 3: MATERIALS

This section requires information about the domestic product(s) that were unable to be source domestically and require a waiver to substitute with a non-domestic product. The engineer/architect selected for the project must provide information about the product(s) that was planned to be utilized in this infrastructure project. The information required include categorization of product, name, quantity required to complete the project, price, country of origin and [relevant Product Service Code](#) (PSC) and [North American Industry Classification System](#) (NAICS) code. Information must be provided to justify the need for a waiver.

The following are definitions to complete the categorization of product in Section 3.1.

1. **Iron and Steel (IS)** The term "iron and steel products" is defined in 2 CFR 184.3 and means an article, material, or supply that consists wholly or predominantly of iron or steel, or a combination of both.
 - 1.1 **Predominantly iron or steel or a combination of both** is defined in 2 CFR 184.3 and means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components. These products must be classified under iron and steel.
2. **Specifically Listed Construction Materials (SLCM)** refers to materials used in HUD programs includes:

- a) non-ferrous metals;
 - b) lumber;
 - c) composite building materials; and
 - d) plastic and polymer-based pipe and tube.
3. **Not Listed Construction Materials (NLCM)** refers to the category of construction materials that are subject to the BAP, but not included in HUD's specifically listed construction materials, as defined in the "[Phased Implementation Waiver](#)". This includes:
- a) plastic and polymer-based products other than composite building materials or plastic and polymer-based pipe or tube;
 - b) glass (including optic glass); and
 - c) drywall.
4. **Manufactured Products (MP)** means an articles, materials, or supplies that have been: (i) Processed into a specific form and shape; or (ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies, as defined in 2 CFR 184.3 and

If an item is classified as an iron or steel product, a construction material, or a section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in this section, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) may include components that are construction materials, iron or steel products, or section 70917(c) materials.

SECTION 4: SOURCING DOMESTIC PRODUCTS

This section request information on the efforts made and the due diligence performed to source domestic product(s) information must be provided including names and contact information of the manufacturers, distributors, or suppliers contacted for quotes (minimum 3), and the responses provided. Provide relevant documentation to support the information provided in this section.

SECTION 5: EVALUATION OF APPLICABLE WAIVERS

This section requires review of HUD' [De Minimis, Small Grants, and Minor Components Waiver](#) and HUD's [CPD- 2023-12 Notice](#) and [OMB M-24-02 Notice](#) both notices provide guidance on the specification required for the submission of a project specific waiver. Utilized the resources that are relevant to the infrastructure project. Choose only **one** category of the four applicable waiver types mentioned in section 5 that best fit the specifications of the infrastructure project. Once you have selected the relevant type, provide answers only to the questions that are applicable to the chosen waiver type. Provide relevant documentation that supports the information provided.

SECTION 6: ANTICIPATED IMPACTS

This section requires a description of the project impacts if a waiver is not approved.

SECTION 7: CERTIFICATION

This section of the form requires a wet ink signature from both the engineer/architect who has filled out the form and the Chief elected officer. The purpose of this signature is to certify that the engineer/architect has



made a good faith effort to source domestic products and that they must refrain from purchasing non-domestic products prior to receiving clear guidance and approval from OCRA. The Chief elected officer is also required to provide a wet ink signature to submit the request to OCRA. This signature certifies that the relevant information has been thoroughly examined, including all information provided in the form and any attached documentation.