

Department of Energy
Build America, Buy America Act
Proposed Project -Specific Non -availability Waiver
For Building Automation Controls and LED Fixtures
BABA WAV 2026-28

Proposed Waiver Summary: The United States Department of Energy (DOE) Office of State and Community Energy Programs is issuing a project nonavailability waiver of the manufactured products and construction materials domestic preference requirements of section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117 -58) as applied to one federal financial assistance award for the Richmond Public School District . This limited nonavailability waiver allows the Richmond Public School District to purchase Building Automation Controls and LED lighting fixture upgrades.

Duration of the waiver: The effective date of this waiver is from date of issue to June 30, 2028.

Applicability: The waiver applies to eligible expenditures incurred by the recipient on or after the effective date of the final waiver for the period that the waiver is active.

Recipient: The School Board of the City of Richmond (QQNBNYU8ADM4)

Total estimated project cost related to infrastructure: \$19,719,298

Waiver Type: Non-availability waiver of the BABA manufactured product and construction material requirements for the products listed below.

Waiver Level: Project-specific waiver for one award.

Funding Mechanics: Funding for the infrastructure project is made available through the 2024 Funding Opportunity Announcement for Energy Improvements at Public K -12 School Facilities – Bipartisan Infrastructure Law (BIL) – Renew America’s Schools . The location of the project is the City of Richmond, Virginia. The period of performance of this award is 36 months, from January 1st, 2025, to December 31st, 2027.

Description of Covered Items: *Please refer to Appendix A for a table of all covered items submitted for public comment under this proposed waiver.*

Building Automation Controls: Starting in late 2024 and continuing all the way through summer of 2025 the recipient, and their General Contractor, the Department of Energy and their National Lab Partners conducted market research via internet searches, phone calls and emails to all known suppliers that might be able to provide products for this project that would meet BABA requirements. In addition to the aforementioned communications the recipient also communicated with the International Trade Association, the US Commercial Service and the National Institute of Standards and Technology. All cases of direct communication with the suppliers and general market research found that Building Automation Control equipment meeting the requirements of BABA is not available.

LED Lighting Fixtures: LED Lighting market research was conducted between February and June 2025 via email correspondence and phone calls with all known LED equipment product manufacturers and distributors. The market research was conducted by the General Contractor for Richmond Public Schools.

Justification: (Non-availability) None of the manufacturers contacted were able to comply with BABA requirements. Primary reasoning provided generally pointed to their LED light fixtures and controls not being fully produced in the US. Furthermore, while manufacturers were identified that offered BABA compliant equipment, their offerings only partially fulfilled the Bill of Materials for the project. Only limited domestic manufacturing exists to meet the 55% cost of components requirement for LED diodes, polycarbonate lenses, drivers and sensors required for the project's completion. After extensive outreach, no domestic manufacturer was able to provide the materials necessary to completely meet BABA requirements. As noted, the US Department of Energy's 2020 LED Manufacturing Supply Chain Study, "virtually no LED lamp manufacturing is taking place in the United States today."

Impact Absent the waiver: If a waiver is not issued, Richmond Public Schools cannot install all the planned Controls and Lighting measures which are some of the primary benefits of the federal award. These measures are included to provide energy efficiency and utility bill savings alongside upgraded indoor air quality and a more comfortable and learning-centric building environment for teachers, students and support staff.

Currently Richmond Public Schools has aged, pneumatic controls at many of their schools; their lighting is inefficient, and in many cases, not functioning – including several outdoor lighting areas that affect the safety of the community. If the waiver is not issued, BABA compliant lighting would not be as efficient as the planned solution and would also be significantly more expensive. Since there is a cap on this grant, and the school has no budget to supplement, this would mandate cutting scope to accommodate this change. This would likely cut out much of the lighting scope entirely and leave Richmond Public

Schools with aging, failing, and inefficient lighting and controls systems across their 22 public schools.

Assessment of Cost Advantage of a Foreign-Sourced Product: Under OMB M-24-02, agencies are expected to assess “whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products” as appropriate before granting a nonavailability waiver. DOE’s analysis has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

Solicitation for Comments: The proposed waiver will be posted on DOE’s public facing webpage and a notice of the proposed waiver was also posted to the Made in America website to satisfy the requirement to publish any Build America, Buy America Act Project Waiver and provide the public with fifteen (15) days to submit comments. DOE is seeking public and industry comments from all interested parties and encouraging current manufacturers of the subject products to submit comments regarding potential availability. Comments should be submitted to the Program Official, Christian Philipsen, at Christian.philipsen@doe.gov.

Appendix A – Table of Items Proposed to be Covered Under this waiver

Description	PSC	NAICS Code
2.5 inch Electrical Metallic Tube (EMT) LB	4120	333415
2 inch Electrical Metallic Tube (EMT) LB	4120	333415
200 Amp Fuse	4120	333415
Plant Controller, CPO-PC410	7042	334512
Analog input module, XF821A	7042	334512
Digital input module, XF823A	7042	334512
Analog output module, XF822A	7042	334512
Relay output module, XFR824A	7042	334512
Terminal socket analog modules, XS821-22	7042	334512
Terminal socket binary input, XS823	7042	334512
Screw terminal, XSU824-25	7042	334512
Room Controller, CPO-RL5	7042	334512
Temp wall module w Lon jack, TR21/U	7042	334512
Temp wall module, TR23/U	7042	334512
Wall Module, Temp, TR40	7042	334512
Flush wall temp sensor, C7772A1012/U	7042	334512
Duct Temp Sen, 18in, C7041C2003/U	7042	334512
Duct Temp Sen, 6in, C7041B2005/U	7042	334512
Duct Avging Temp Sen, C7041J2007/U	7042	334512
CPO VAV Controller, CPO-VAV2A-US	7042	334512
DC Motor Direct Damper, MS7520A2007/U	7042	334512
Damper Actuator Spring, MS7520A2205/U	7042	334512
Unitary controller, UN-RL1644MSB24NMD	7042	334512
Unitary controller, UN-RS0844MSB24NMD	7042	334512
Full size ring cabinet, 14506635-002/U	7042	334512
Door with lock, full size, 14506636-002/U	7042	334512
Sub panel, full size, 14506747-002/U	7042	334512
Spud mounted relay, RIBU1C	7042	334512
Transformer 100VA, TR100VA001US	7042	334512
Transformer 50VA, TR50VA001US	7042	334512

Description	PSC	NAICS Code
20W LED Wall Pack feat Color Select, Small/Entryway Style Housing, Series 1 with built in photocell. 120-277V Input, 3000K/4000K/5000K. White Housing. Dimmable	6210	335132
35W LED Slim Open Face Wall Pack, Power Select 35/25/15W, Color Select 30/40/50K, 120-277V Input, 0-10V Dimmable, Photocell, Bronze Housing	6210	335132
40W LED Canopy with Power and Color Select and OpticSwap, 9in. Round Housing, White	6210	335132
6in Circular LED Commercial Downlight feat. Power Select and Color Select. 18.5/13/9W, 120-277V Input, 3000/3500/4000K, 80CRI, 0-10V Dimming	6210	335132
8in Circular LED Commercial Downlight feat. Power Select and Color Select. 29/23/16.5W, 120-277V Input, 3000/3500/4000K, 80CRI, 0-10V Dimming	6210	335132
Emergency Light (Bug Eye) 2W - Polycarbonate, Remote Capable, White Housing, Battery Backup	6210	335132
Exit Sign 1W - Polycarbonate, White Housing Red/Green Letters, Battery Backup	6210	335132
Exit Sign 3.5W Emergency Light (Bug Eye) Combo. - Polycarbonate, Remote Capable, White Housing Red/Green Letters, Emergency Combination, Battery Backup	6210	335132
CLED, Canopy 15, 20, 25W, 2000, 2700, 3400 Lumen, 3000, 4000, 5000K, 120-277V	6210	335132
CLED, Canopy 15, 20, 25W, 2000, 2700, 3400 Lumen, 3000, 4000, 5000K, 120-277V, Bronze, Photocontrol	6210	335132
CLED, Canopy 15, 20, 25W, 2000, 2700, 3400 Lumen, 3000, 4000, 5000K, 120-277V, White, Photocontrol	6210	335132
CLED, Canopy 20, 30, 40W, 2700, 4100, 5500 Lumen, 3000, 4000, 5000K, 120-277V, Bronze, Photocontrol	6210	335132
CLED, Canopy 20, 30, 40W, 2700, 4100, 5500 Lumen, 3000, 4000, 5000K, 120-277V, White, Photocontrol	6210	335132
FLED Flood 15, 25, 35W, 2400, 3875, 5250 Lumen, Color Selectable, 120-277V, 0-10V Dimming, Photocontrol, Knuckle & Yoke Mount, Bronze	6210	335132
FLED Flood 40, 50, 60W, 6400, 7750, 9000 Lumen, Color Selectable, 120-277V, 0-10V Dimming, Photocontrol, Knuckle & Yoke Mount, Bronze	6210	335132
FLED Flood 45, 60, 75W, 7300, 9500, 11250 Lumen, Color Selectable, 120-277V, 0-10V Dimming, Photocontrol, Slipfitter & Trunnion Mount, Bronze	6210	335132
FLED Flood 80, 90, 100W, 12800, 14000, 15000 Lumen, Color Selectable, 120-277V, 0-10V Dimming, Photocontrol, Slipfitter & Trunnion Mount, Bronze	6210	335132
FLED Flood 9, 12, 15W, 1400, 1850, 2250 Lumen, Color Selectable, 120-277V, 0-10V Dimming, Photocontrol, Knuckle & Yoke Mount, Bronze	6210	335132
Keystone FLED Flood 9, 12, 15W, 1400, 1850, 2250 Lumen, Color Selectable, 120-277V, 0-10V Dimming, Photocontrol, Knuckle & Yoke Mount, White	6210	335132
Linear High Bay 65, 90, 105W 10100, 13400, 15200 Lumen, 120-277V, Bluetooth Mesh PIR Occupancy Sensor	6210	335132
WPLED Door Pack 20W, 2500 Lumen, 3000, 4000, 5000K, Forward Throw, 120-277V, 0-10V Dimming, Photocontrol, Bronze	6210	335132
WPLED Wall Pack 80W, 11900 Lumen, Color Selectable, Forward Throw, 120-277V, 0-10V Dimming, Photocontrol, Bronze	6210	335132

Description	PSC	NAICS Code
WPLED, Forward Throw Wall Pack 35, 45, 55W, 5075, 6450, 7650 Lumens, 3000, 4000, 5000K, 120-277V, Bronze, Photocontrol	6210	335132
12" Flush Mount (Drum) 13W - RAB Low Profile, 2700, 3000, 3500, 4000, 5000K, 1000 Lumen	6210	335132
12" Flush Mount (Drum) 24W - RAB Low Profile, 2700, 3000, 3500, 4000, 5000K, 2000 Lumen	6210	335132
15" Flush Mount (Drum) 15W - RAB Low Profile, 2700, 3000, 3500, 4000, 5000K, 1300 Lumen	6210	335132
RAB ALED5S Area/Site Light 141W, 17400 Lumen, 120-277V, Photocell, Type V Square	6210	335132
RAB SMS Bullet Flood 26W, 2500 Lumen, 120-277V, PC, Motion Sensor	6210	335132
JLS-G2 Wrap 4', 32, 40, 48W, 3700, 4600, 5500 Lumens, 3500, 4000, 5000K, 120-277V, Bi-Level Dimming	6210	335132
G2PNL-R - 1x4 Flat Panel Door Kit 18, 22, 25W, 3500, 4000, 5000K, 2300, 2800, 3100 Lumens, Bi-level Dimming, Battery Backup	6210	335132
G2PNL-R - 1x4 Flat Panel Door Kit 18, 22, 25W, 3500, 4000, 5000K, 2300, 2800, 3100 Lumens, 0-10 Dimming, Occupancy Sensor	6210	335132
G2PNL-R - 2x2 Flat Panel Door Kit 18, 22, 25W, 3500, 4000, 5000K, 2300, 2800, 3100 Lumens, Bi-level Dimming	6210	335132
G2PNL-R - 2x4 Flat Panel Door Kit 23, 30, 36W, 3500, 4000, 5000K, 2900, 3800, 4500 Lumens, Bi-level Dimming, Battery Backup	6210	335132
G2PNL-R - 2x4 Flat Panel Door Kit 23, 30, 36W, 3500, 4000, 5000K, 2900, 3800, 4500 Lumens, Bi-level Dimming	6210	335132
G2PNL-R - 2x4 Flat Panel Door Kit 23, 30, 36W, 3500, 4000, 5000K, 2900, 3800, 4500 Lumens, 0-10 Dimming, Occupancy Sensor	6210	335132
G2PNL-R - 2x4 Flat Panel Door Kit 35, 40, 46W, 3500, 4000, 5000K, 4400, 5000, 5800 Lumens, Bi-level Dimming	6210	335132
G2PNL-R - 2x4 Flat Panel Door Kit 35, 40, 46W, 3500, 4000, 5000K, 4400, 5000, 5800 Lumens, 0-10 Dimming, Occupancy Sensor	6210	335132