BABA WAV 2026-29

Department of Energy

Build America, Buy America Act

Project-Specific Non-availability Waiver

for 72.5 kV Dead Tank Circuit Breakers

Waiver Summary: The United States Department of Energy (DOE) – Office of Electricity (OE) is proposing a project specific nonavailability waiver of the manufactured products domestic preference requirement 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 Fort Pierce Utilities Authority (FPUA). This limited project-specific waiver allows FPUA to purchase the non-compliant 72.5 kV Dead Tank Circuit Breakers.

Duration of the waiver: The effective date of this waiver is from date of issue through the project performance period (estimated September 2027).

Applicability: The waiver will apply to eligible expenditures incurred by the recipient on or after the effective date of the final waiver for the period of the project performance.

Recipient: Fort Pierce Utilities Authority (DCAYPEMKJJQ1)

Total estimated project cost related to infrastructure: $ 6,913,580.00

Waiver Type: Non-availability waiver of the BABA manufacturer product requirement 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 2023 Funding Opportunity Announcement for Grid Resilience and Innovation Partnerships (GRIP) – Bipartisan Infrastructure Law (BIL) – Smart Grid (DE-FOA-0002740).

Description of Covered Items: This waiver covers 72.5 kV Dead Tank Circuit Breakers. FPUA will use these products to install a ring bus configuration at a major substation. This technology falls under NAICS: 335313 & PSC: 5925.

Market Research and Justification: The recipient completed exhaustive due diligence activities in March 2024 to December 2024 to support this project, including speaking extensively with the vendor's sales representatives to discern whether their products were American-made and/or whether they offered alternative US options. The specified model is the uniform standard for circuit breakers installed throughout the FPUA grid. Maintaining this standardization is essential to ensuring operational efficiency, cost-effectiveness, and system reliability. Deviating from this standardized model would require re-engineering their existing system to accommodate multiple circuit breaker types, leading to inefficiencies, increased costs, and potential service disruptions. A uniform system allows for faster part replacement and maintenance, ultimately improving service reliability for customers. Procuring these circuit breakers from the original supplier ensures timely delivery and access to necessary technical support, both of which are critical for meeting project milestones and avoiding costly delays. The

inability to maintain their standardized circuit breaker infrastructure would weaken grid resilience, making it more difficult to restore power quickly following outages or severe weather events. Fort Pierce, as a coastal community, faces unique weather-related challenges, and ensuring a reliable storm-ready grid is essential to minimizing disruptions and protecting residents.

National Energy Technology Laboratory (NETL) performed due diligence activities on behalf of DOE between February 2026 and March 2026 to confirm and augment the market research performed by the recipient, including making circuit breaker inquiries to multiple vendors. While most manufacturers offer 72.5 kV class breakers, not all options are interchangeable in practice. The closer a product remains to this specific type of self-blast dead tank model, the more directly it aligns with the existing standardized system. One manufacturer indicated that while it offers SF dead tank breakers in the 38 kV and 72.5 kV range, these units are manufactured exclusively in Canada and therefore do not meet Build America, Buy America requirements. The other manufacturers were unresponsive.

In conclusion, 72.5 kV dead tank circuit breakers are available domestically. However, they do not meet the 55% BABA domestic-content BABA requirement, therefore no BABA compliant products are reasonably available that meet the technical specification requirements of this project. Given other (competitive) manufacturers' global footprints, it is highly likely comparable 72.5 kV breakers are produced outside the United States or rely on globally sourced, high-value components that would preclude compliance. It is reasonable that with breaker standardization, FPUA can maintain grid-wide uniformity on a proven platform, helping to minimizing customer impact and avoid service disruptions that would result from introducing non-standard equipment.

Impact Absent the waiver: Absent this waiver, the recipient's project may not progress, as the covered items are a key enabling technology to support the recipient's modernization efforts and no supplier can meet BABA today. Without the waiver, FPUA would be forced to procure alternative circuit breakers that are not part of FPUA's standardized system, introducing compatibility issues, reliability concerns, and increased failure risks across the grid. Further, non-standard breakers may not offer the same redundancies and quick reaction times as FPUA's current model, potentially impacting system reliability, particularly during high-demand periods or storm related outages. The inability to maintain FPUA's standardized circuit breaker infrastructure would weaken grid resilience, making it more difficult to restore power quickly following outages or severe weather events. Fort Pierce, as a coastal community, faces unique weather-related challenges, and ensuring a reliable, storm-ready grid is essential to minimizing disruptions and protecting residents. FPUA's system is engineered around a single, standardized circuit breaker model. Requiring different equipment would necessitate costly re-engineering, extensive retraining, and potential modifications to grid infrastructure. If non-standard breakers were introduced, response times during outages could increase, as field crews would need additional training and may encounter delays due to unfamiliar equipment. As a municipal utility serving a disadvantaged community, FPUA has an obligation to provide cost-effective, reliable electricity to its customers. Disrupting FPUA's standardized system would increase costs, potentially leading to higher utility rates or reduced service efficiency. Denial of this waiver could result in longer power outages and increased maintenance downtime, disproportionately impacting vulnerable residents who rely on stable electricity for daily living. Moving away from FPUA's standardized circuit breaker model would increase procurement, training, and

maintenance costs, diverting funds that could otherwise be used for infrastructure improvements and customer-focused initiatives. Operating a grid with multiple circuit breaker types would reduce efficiency and increase the likelihood of costly emergency repairs due to compatibility issues. The requested circuit breakers play a crucial role in protecting electrical infrastructure and preventing equipment failures that could lead to unsafe conditions, including overloads or short circuits. Standardization ensures that safety protocols are consistent and well-practiced, minimizing risks to field crews, customers, and critical infrastructure. If the waiver is not granted, FPUA will face higher costs, reduced efficiency, increased grid vulnerabilities, and a greater risk of outages - all of which would negatively impact the residents and business of Fort Pierce. Approving this waiver is essential to maintaining a resilient, cost-effective, and reliable power system for the Fort Pierce community.

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: DOE is seeking public comments for all interested parties, including industry members and current manufacturers of the covered products listed above regarding the potential availability of project-compliant products from domestic manufacturers. The proposed waiver is available for public comment for fifteen (15) calendar days. **Comments are due no later than Month Day, Year**, and must be submitted by email to the DOE Contracting Officer at **BABAWaiverComment@netl.doe.gov**. Please put "BABA WAV 20XX-## - FPUA" in the subject line of the email.