

Waiver Number: 2026-17

Issued: June 22, 2026

Expires: June 30, 2030

Department of Energy
Build America, Buy America Act
Partial Project-Specific Waiver
for Photovoltaic Rapid Shutdown System

Waiver Summary: The United States Department of Energy (DOE) Office of Clean Energy Demonstrations (OCED) is issuing a project-specific 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 Wisconsin Office of Sustainability and Clean Energy (WI OSCE). This limited project-specific waiver allows WI OSCE to purchase the solar PV rapid shutdown device and transmitter kit that is not fully BABA compliant.

Duration of the waiver: The effective date of this waiver is from date of issue to June 30, 2030.

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: State of Wisconsin (UEI: EQL7FFLJRC99)

Total estimated project cost related to infrastructure: \$8,201,198

Waiver Type: Partial waiver of the BABA manufactured product requirements for the product listed below, to waive the domestic content standard.

Waiver Level: Project-specific waiver for one award.

Funding Mechanics: Funding for the infrastructure project is made available through Bipartisan Infrastructure Law Energy Improvement in Rural or Remote Areas DE-FOA-0002970. There are twenty-nine project sites for the project's proposed equipment installation which include Washburn Town Hall & Garage Microgrid; Grand View New Garage Microgrid; Grand View WWTP Microgrid; Kelly Town Hall & Garage Microgrid; Drummond Town Hall Microgrid; Drummond Well #1; Drummond Fire Hall Microgrid; Drummond Town Garage Microgrid; Mason Fire Microgrid; Mason Ambulance Microgrid; Port Wing Town Hall Microgrid; Port Wing Fire Hall Microgrid; Port Wing Town Garage Microgrid; Port Wing Well #1 Microgrid; Bayfield County Forestry Garage Microgrid; Clover Town Hall & Garage Microgrid; Grand View Town Hall/Fire Hall/Garage Microgrid; Mason Town Hall & Garage Microgrid; Port Wing WWTP Microgrid; Mason WWTP Microgrid; Bayfield County Cable Garage Microgrid; Bayfield County Iron River Garage Microgrid; Bayfield County Mason Garage Microgrid; Bayfield County Port Wing Garage Microgrid; Bayfield Russell Garage Microgrid; Bayfield County Grand View Garage Microgrid; Bayfield County Courthouse / Jail Microgrid Expansion; Red Cliff Health Clinic; Red Cliff Transportation Center, in Bayfield County, WI. The period of performance of this award is approximately six years, from November 2024 to June 2030.

Description of Covered Items: This waiver covers a photovoltaic rapid shutdown device with Rapid Shutdown System (RSS) Transmitter. The RSS allows for quick and safe de-energization of a solar PV array in compliance with national and local fire codes. The RSS requires a Rapid Shutdown Device (RSD) installed on each solar PV module as well as an RSS Transmitter Kit, unless the RSS transmitter is

integrated in the particular solar inverter (which is not the case in this project).

This technology falls under NAICS code 238210. Associated PSC code is 6117.

Country of origin: U.S.; however, some components are made outside the U.S.

WI OSCE will utilize the photovoltaic rapid shutdown device with Rapid Shutdown System (RSS) Transmitter to quickly and safely de-energize the project's solar PV arrays in compliance with national and local fire codes.

Market Research and Justification: The recipient is requesting a partial waiver for the BABA domestic content standard. The recipient completed exhaustive due diligence activities from January 2025 to February 2025 to support this project. The project developer engaged with multiple leading Rapid Shutdown System Transmitter manufacturers and distributors, including APsystems, ShopSolar, and Solar Edge. The U.S.-based suppliers were unable to identify any fully BABA-compliant photovoltaic rapid shutdown systems compatible with the project's technical specifications, including compatibility with hybrid solar-battery inverters, due to foreign-sourced components.

Additionally, the recipient notes that photovoltaic rapid shutdown systems (PVRSS) are required to comply with national and local fire codes. In Wisconsin SPS 316 specifically adopts NFPA 70 and NEC 690.12 "Rapid Shutdown of PV Systems on Buildings." The project developer also confirmed that there are no fully BABA-compliant PVRSS compatible with hybrid solar-battery inverters.

The Integrated Energy Systems Office (IESO) within the Office of Critical Minerals and Energy Innovation performed due diligence activities on behalf of DOE from March 2026 to April 2026 to confirm and augment the market research performed by WI OSCE, including assessment of the availability and viability of identifying and utilizing BABA compliant products. Based on this input, although there are similar components made in America, they are not intended to be used on large systems of this size. If DOE directed the recipient to try to piece this together with BABA compliant products, it would require a redesign of the system, which would increase cost and project delays outside of allowable threshold. Therefore, we are seeking a partial waiver of the BABA domestic contents standard due to the inclusion of foreign-sourced components.

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 any known BABA-compliant rapid shutdown devices compatible with hybrid inverters that meet the requirements of the project, either the stakeholders would be forced to pay for all the rapid shutdown devices and transmitters with non-grant funds, or the hybrid inverters would need to be replaced with a BABA-compliant PVRSS system such as APsystems microinverters.

In the first case, given that many of the projects are small-budgeted town halls and highway garages, an unexpected cost of \$4,210.50 (average, range of \$766.70 to \$34,640.50) could stop the project entirely, or at minimum delay it for several to many months until another source of funding can be secured.

In the second case, BABA-compliant PVRSS would have to be sourced and designed into the drawing, along with change-order requests to the subcontractors. In addition, the hybrid inverter would need to be changed, since there is no known BABA-compliant PVRSS which integrates with a hybrid inverter, and the impacts would be the same as the denial of the hybrid inverter BABA waiver.

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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” most relevant for unreasonable cost waivers. 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 but rather the unavailability of required compatible products in the U.S. market.

Solicitation for Comments: The Applicant’s waiver request was posted on the DOE’s public facing webpage, and a notice of the waiver request was also posted to the OMB’s Made in America website to satisfy the required fifteen (15) day public comment period. The comment period for the waiver was from June 22, 2026, to July 07, 2026. No comments were received during the public comment period for this waiver. Therefore, the waiver will be implemented as proposed without any additional changes.