

WAIVER NUMBER: 2026-01

Issued: 02/06/2026

Expires: December 31, 2027

Department of Energy

Build America, Buy America

**Final Project-Specific Nonavailability Waiver for PV Inverter with Automatic
Shutdown/Power Curtailment and Data Manager**

BABA WAV 2026-01

Final 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 the Northwest Arctic Borough (NAB). This limited project-specific nonavailability waiver allows NAB to purchase the non-BABA compliant PV Inverter with Automatic Shutdown/Power Curtailment and Data Manager.

Duration of the waiver: The effective date of this waiver is from the date of issue to December 31, 2027.

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: Northwest Arctic Borough (X9BGKCFEV966)

Total estimated project cost related to infrastructure: \$58,264,649

Estimated total cost of products being waived: \$389,679

Waiver Type: Nonavailability waiver of the BABA manufactured product 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 Bipartisan Infrastructure Law Energy Improvement in Rural or Remote Areas DE-FOA-0002970. The locations of the project's proposed equipment installations include Ambler, AK; Buckland, AK; Deering, AK; Kiana, AK; Kivalina, AK; Kobuk, AK; Kotzebue, AK; Noatak, AK; Noorvik, AK; Selawik, AK; and Shungnak, AK. The period of performance of this award is approximately 3 years, from November 2024 to December 2027.

Description of Covered Items: This waiver covers

- Solar PV Inverter - SMA Highpower Peak 3
 - Total cost: \$10,000.59 per unit
 - Quantity: 38 (thirty-eight)
 - Country of origin: Germany
 - Product Service Codes (PSC): 6117
 - North American Industry Classification System (NAICS) codes: 335999 – All Other Miscellaneous Electrical Equipment and Component Manufacturing
- Solar PV Inverter - Data Manager
 - Total cost: \$877.85 per unit
 - Quantity: 11 (eleven) – 2 for Kotzebue, 1 for Shungnak/Kobuk, and 1 for each of the other villages
 - Country of origin: Germany
 - Product Service Codes (PSC): 6117
 - North American Industry Classification System (NAICS) codes: 335999 – All Other Miscellaneous Electrical Equipment and Component Manufacturing

NAB will install a total of 3.8 megawatts (MW) of solar photovoltaic (PV) capacity across the eleven villages of the Northwest Arctic. The solar PV capacities currently planned for installation in each village are: Ambler (525 kW-DC), Buckland (320 kW-DC), Deering (140 kW-DC), Kiana (507 kW-DC), Kivalina (360 kW-DC), Kotzebue (300kW-DC), Noatak (220 kW-DC), Noorvik (562 kW-DC), Selawik (703 kW-DC), and Shungnak-Kobuk (160 kW-DC).

Market Research and Justification: The recipient completed exhaustive due diligence activities from November 2024 to March 2025 to support the project, including engaging four renewable energy system vendors to explore inverters that could satisfy the technical and utility requirements of the project. Ultimately, the SMA Highpower Peak 3 inverter was selected for its ability to meet all necessary criteria.

OCED performed due diligence activities on behalf of DOE in January 2025 – February 2025 to confirm and augment the market research performed by NAB, including contacting the DOE Solar Energy Technologies Office (SETO) about the availability of domestically-manufactured PV inverters. SETO identified a particular BABA compliant PV inverter for consideration, however DOE OCED determined that the identified PV inverter did not meet the technical requirements for this project, particularly the requirement for automatic shutdown or power curtailment on loss of communications.

Impact Absent the waiver: No supplier of inverters compliant with the utility's requirement for automatic shutdown or power curtailment during a communication loss (features that are critical for each community's small, isolated grid) can meet BABA today. Selecting an inverter that does

not meet this requirement could lead to utility rejection of the project or unsafe operating conditions.

The project is intended to improve energy affordability by reducing dependence on diesel fuel imports to a remote region of Alaska. Reducing reliance on diesel generation also reduces the cost of maintaining the existing diesel generators, which also improves energy affordability. A denied waiver could prevent this project from progressing, thereby compromising these goals.

Grid instability caused by inverters that do not meet the project's technical requirements could lead to frequent outages or system failures, adversely affecting homes, schools, and businesses in each 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: The proposed waiver request was publicly posted by the DOE for comments for the required 15 days during the period of December 5, 2025, through December 22, 2025. Reference attachment A for a summary of the public comments and agency response. Clarifying changes were made to this waiver.

Attachment A: Summary of Public Comments

Entity	Type of Response	Public Response	Agency Response
Kotzebue Electric Association	Comment	Q: There are other projects in the region that are faced with similar challenges and not currently included in this waiver. Specifically, the solar PV project in Ambler, Alaska that is proposed under DOE Office of Indian Energy (OIE) Clean Energy Technology Deployment on Tribal Lands funding opportunity. These inverters are an essential element of this project as well... I support consideration of including the Ambler DOE OIE award in this waiver.	A: If a financial assistance award is issued for the installation of a solar PV array in Ambler, Alaska under the “Clean Energy Technology Deployment on Tribal Lands – 2023” funding opportunity announcement, it is expected that BABA waiver 2025-12 would cover the purchase of the SMA Highpower Peak 3 solar PV inverter with data manager under that award; thus, it is unnecessary for that award to be covered by this BABA waiver (i.e. BABA waiver 2026-01).