Department of Energy

Build America, Buy America Act

Proposed Project Specific Non-Availability Waiver

For Mini 5G Mobile Cellular Routers

BABA WAV 2026-08

Proposed Waiver Summary: The United States Department of Energy (DOE) Grid Deployment Office (GDO) is proposing a project 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 Surry Yadkin Electric Membership Corporation (SYEMC) . This proposed limited nonavailability waiver allows the recipient to purchase non-BABA compliant Mini 5G Mobile Cellular Routers.

Duration of the Waiver: The effective date of this waiver is from date of issue through the project performance period (until September 2029).

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: Surry Yadkin Electric Membership Corporation (SYEMC) (EUEERA5HE297)

Total estimated project cost related to infrastructure: $10,471,050

Estimated total cost of the products being waived: $246,600

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). The location of the project is Surry County, NC.

Description of Covered Items: The infrastructure project includes Mini 5G Mobile Cellular Routers (Qty. 274) (NAICS: 334220 and PSC: 5895).

Description of Market Research: The applicant informed their supplier of the need for BABA compliant mobile routers needed for the project. The applicant then emailed the link to 2 CFR 184 to their supplier. The supplier then contacted 3 manufacturers and inquired about if they could or could not meet BABA requirements for the project and also provided them with the link to 2 CFR 184 for review. None of the manufacturers are able to meet BABA requirements. DOE conducted market research between June 2025 – July 2025. The DOE utilized both online searches and consulted with industry experts. Based on the information reviewed, DOE recommends granting the nonavailability waiver for the 274 Mini 5G Mobile Cellular routers, as no domestic manufacturer currently meets BABA compliance for a product with the required functionality.

Justification: The recipient's and DOE's market research was not able to yield manufacturers who were able to meet the 55% cost of components requirement for the manufactured products listed above that are required for the project's completion. After extensive outreach, no domestic manufacture was able to provide the materials necessary to meet the BABA requirements for the product specified in this waiver. Mobile routers will be deployed at 416 locations across the system. These routers will serve as the critical link between the device in the field and the hardware/software at the Surry-Yadkin Electric Membership Corporation's headquarters.

Impact Absent the waiver: Should a waiver not be issued there will be multiple negative impacts to the project. If a waiver is not be granted, Surry-Yadkin Electric Membership Corporation will have to change the scope of the project. The communications, command, control, grid visibility, and data back haul for all multi-phase and single-phase solid-state sectionalizing device will be eliminated. The devices could still be operated in the field by field staff for sectionalizing purposes, however all remote capability would not exist. Additionally, the six self-healing circuits in the project would be eliminated without the router for device-todevice communications.

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.

Summary of Public Comments: The proposed waiver request was publicly posted by the Department of Energy for comments during the period of February 27, 2026, through March 14, 2026. No comments were received from the public, and therefore no substantive changes were made in response.