

Department of Energy
Build America, Buy America Act
Project-Specific Non-availability Waiver
For Modular Static Synchronous Series Compensator (M-SSSC) Device, End-to-End (E2E)
Communication and Control Systems, and Associated Components
BABA WAV 2025-06

Waiver Summary: The United States Department of Energy (DOE) Grid Deployment Office (GDO) is issuing 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 Electric Power Research Institute, Inc. (EPRI). This limited nonavailability waiver allows the Recipient to purchase BABA non-compliant modular static synchronous series compensator (M-SSSC) device, end-to-end (E2E) communication and control systems, and associated components.

Duration of the Waiver: The effective date of this waiver is from date of issue through December 31, 2028, the estimated equipment installation date.

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 that the waiver is active.

Common Government-wide Accounting Classification (CGAC): 089

Recipient: Electric Power Research Institute, Inc. (EPRI) (JBV2SMLRBK29)

Total estimated project cost related to infrastructure: \$36,034,716

Estimated total cost of the products being waived: \$20,731,440

Waiver Type: Non-availability waiver of the BABA manufacturer 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 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 Milton, Vermont.

Description of Covered items: The infrastructure project includes modular static synchronous series compensator (M-SSSC) device, end-to-end communication and control (E2E) systems, and associated components specific power flow control device with its specific hardware for end-to-end control and communication (NAICS Code 335311).

Market Research and Justification: Market research and industry outreach was conducted by the Recipient in May 2022 to May 2024. DOE conducted market research between May 2024 to October 2024 and NIST Scouting Supplier Opportunity between September 2024 to October 2024.

The Recipient confirmed through market research that there does not appear to be any other domestic manufactures in the U.S. that provide the specifications the recipient requires, that are also BABA compliant. The manufactured products are approximately 43% U.S. components.

DOE market research revealed that there does not appear to be any additional manufacturers in the U.S. that provide the specifications the recipient requires, that are also BABA compliant.

Justification: The recipient'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. These products were found to be manufactured in the United States but did not meet the 55% cost of components test. After extensive outreach, no domestic manufacturer was able to provide the materials necessary to meet the BABA requirements for all products specified in this waiver. These requirements are important for the systems total lifetime cost and to meet the owner's energy savings targets

Impact Absent the waiver: Absent this waiver, the project would not be able to be completed. There are critical-path timelines already in place for the project, when products must be installed, and the availability of solely domestic product is outside this timetable.

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 Department of Energy for comments during the period of December 13-27, 2024. No comments were received from the public, and therefore no substantive changes were made in response. Clarifying changes were made to this waiver.