

Department of Energy
Build America, Buy America Act
Proposed Project-Specific Non-availability Waiver
For Conductors and Miscellaneous Line Components

Proposed Waiver Summary: The United States Department of Energy (DOE) Office of Electricity is issuing a project-specific nonavailability waiver of the manufactured products 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 to the Indiana Office of Energy Development. This proposed limited nonavailability waiver allows the recipient/sub-recipient to purchase non-compliant conductors and other miscellaneous line components.

Duration of the Waiver: The effective date of this waiver is from date of issue through the project performance period (until December 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 that the waiver is active.

Recipient: Indiana Office of Energy Development (GU6MA18T2Q83)

Sub-Recipient: Carroll White REMC (HXESYN7GJJZ5)

Total estimated project cost related to infrastructure: \$64,999

Waiver Type: Non-availability waiver of the BABA manufactured products requirement for the products listed below.

Waiver Level: Project-specific waiver for one sub-award.

Funding Mechanics: Funding for the infrastructure project is made available through the Funding Opportunity Announcement Infrastructure Investment and Jobs Act (IIJA) - Preventing Outages and Enhancing the Resilience of the Electric Grid Formula Grants to States and Indian Tribes (DE-FOA-0002736). The project will take place in Monon, IN.

Description of Covered Items:

The primary products listed under this request are as follows:

Description	Material #	Quantity	PSC Code	NAICS Code
1/0 Aluminum Conductor	#1/0 ACSR Raven	48,760	S112, N061	221122
8ft Crossarm	8ft-Crossarm REA Type 03FS	50	S112, N061	221122
Copper Wire	0411PLB	450	S112, N061	221122
Distribution Arrester	2137097324	35	S112, N061	221122
Deadend Crossarm	33607	7	S112, N061	221122

Description	Material #	Quantity	PSC Code	NAICS Code
Single Phase Bracket	1SBM18DFCLH	32	S112, N061	221122
10M-Guy	M2.59L7-COIL	2500	S112, N061	221122
Deadend Insulator	4010150215	75	S112, N061	221122
Deadend Clamp	ASO-398-1-N	102	S112, N061	221122
100A Cutout	SC15HG110-CD	11	S112, N061	221122
10ft Crossarm	10ft-Crossarm REA Type 05FS	10	S112, N061	221122
Pin Insulator	HPI-55-3	168	S112, N061	221122

39 other associated minor components are included in the estimated total cost of products being waived under this waiver. The total costs associated with these items is less than 5% of the total material cost subject to the Buy American preference.

Description of Market Research and Justification: Carroll White REMC Warehouse Lead, Distribution System Engineer, reached out to multiple distributors in August and early September 2025 to discuss the availability along with costs associated with purchasing American made materials. The distributors estimated multiple-month lead times, up to four to six months, on certain American made products compared to much shorter lead times on non-domestic products. Some other items requested did not have an American made option available to the distributors. The recipient and subrecipient decided to go with a distributor that had the most American made material available and with shorter lead times. DOE-NETL completed market research for this waiver request in December 2025 and found that non-BABA compliance for the various components is consistent with prior research, which identified similar limitations in the market for these types of distribution hardware. This alignment with prior findings demonstrates that the observed nonavailability is not unique to this project but reflects broader market constraints. While the request covers 51 total products, only 12 of the products exceed the 5% of total applicable project cost. Taken together, the Indiana Office of Energy Development project data, cost analysis, and prior DOE due diligence suggest that the identified distribution components are not reasonably available as BABA compliant products.

Impact Absent the waiver:

Anticipated impacts if no waiver is issued include delaying the construction by many months, large increases in material costs, and renewing of permitting with the county highway department and railroad company. If no BABA compliant item is available for a certain specification, a nondomestic item must be purchased in that case. If nondomestic materials are not able to be used, the project will not be able to continue towards construction. Many of the nondomestic items are materials required in basic pole line construction.

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 product items 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 write “BABA WAV 2026-## - Indiana – Carroll White REMC” in the subject line of the email.