

Department of Energy
Build America, Buy America Act
Proposed Project-Specific Non-availability Waiver
For Advance Metering Infrastructure (AMI) Technologies

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 North Dakota Industrial Commission. This proposed limited nonavailability waiver allows the recipient/sub-recipient to purchase non-compliant Advance Metering Infrastructure (AMI) technologies.

Duration of the Waiver: The effective date of this waiver is from date of issue through the project performance period (estimated September 2028).

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: North Dakota Industrial Commission (QAVPCS9X3QS8)

Sub-Recipient: City of Northwood (D6TWX3SK7FS6)

Total estimated project cost related to infrastructure: \$302,134.68

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 location of the project is Northwood, North Dakota.

Description of Covered Items:

- C2SXD 1S CL100 240V w/ Disconnect w/ Software Installed (PSC: 7G22; NAICS: 334290)
- C2SXD 2S CL200 240V w/ Disconnect w/ Software Installed (PSC: 7G22; NAICS: 334290)
- C1SX 2S CL320 240V w/ Software Installed (PSC: 7G22; NAICS: 334290)
- C1SX 4S CL20 w/ Software Installed (PSC: 7G22; NAICS: 334290)
- Centron Poly 3 - 16S CL200 w/ Software Installed (PSC: 7G22; NAICS: 334290)
- Centron Poly 3 - 2S CL200 w/ Software Installed (PSC: 7G22; NAICS: 334290)

- Centron Poly 3 - 16S CL320 w/ Software Installed (PSC: 7G22; NAICS: 334290)
- Centron Poly 3 - 8/9S CL20 w/ Software Installed (PSC: 7G22; NAICS: 334290)
- Centron Poly 3 - 4S CL20 w/ Software Installed (PSC: 7G22; NAICS: 334290)
- RT-4250 Cellular Gateway (PSC: 7E20; NAICS: 334290)
- VC-931 Versa Collector Pole Mounted (PSC: 7E20; NAICS: 334290)
- VC-820 Cell Modem (PSC: 7E20; NAICS: 334290)
- DT-116 Reset Key (PSC: 7E20; NAICS: 334290)
- DT-410-BUN Programming Kit (PSC: 7E20; NAICS: 334290)
- TC-1216 Single Phase Module (PSC: 6625; NAICS: 334515)
- TC-1220RD Single Phase Remote Disconnect Module (PSC: 6625; NAICS: 334515)
- PP-1320 Poly Phase Module - CP3 (PSC: 6625; NAICS: 334515)

Description of Market Research and Justification: The recipient conducted market research and outreach from December 2025 – February 2026 to determine if domestically sourced AMI meters and associated components would be available for their project needs. After a comprehensive search, no BABA compliant options would suffice for this project. The recipient provided a list of 9 manufacturers investigated.

DOE completed market research from September 2025 – March 2026. Drawing on responses from leading AMI suppliers to a recent market survey (regarding product content and BABA compliance) - none of the surveyed manufacturers are currently able to comply with BABA content requirements. Most of the respondents' AMI material and equipment—meters, modules, and network devices—are built or assembled in Mexico, Thailand, the Philippines, India, or Canada, with some content in the United States. Foreign manufacturers dominate the supply of critical components - printed circuit boards (PCBs), liquid crystal displays (LCDs), and metrology electronics - making BABA compliance unachievable for the respective U.S. meter products. The manufacturer-volunteered estimates of their respective U.S. content ranged from less than 5% up to about 15%, depending on supplier and their specific models. The most expensive components of leading U.S. AMI power meters (endpoints, resins, printed circuit boards, meter electronics and batteries), are manufactured and assembled outside of the U.S. While there was a single domestic source found producing AMI smart meters, it was determined that it is not suitable for the use case defined in this project. This industrial-grade, domestic product is used most notably at grid interconnection points such as substations, transmission, and distribution interfaces.

Impact Absent the waiver: Only non-US residential electric meters are available, so if a waiver is not granted for the purchase of the electric meters, the City of Northwood will not be able to execute the grid resilience project.

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 AMI 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-## - North Dakota – City of Northwood” in the subject line of the email.