



Oregon Department of Environmental Quality

CWSRF Build America, Buy America Waiver Request

Prior to starting this Waiver Request, please contact your [Regional Project Officer with questions or concerns.](#)

Loan Recipient: _____

Project Name: _____

Loan Number: _____

A. General Waivers

	Type of Waiver	Documentation
<input type="checkbox"/>	De Minimus: product < 5% of project	BABA De Minimus tracking
<input type="checkbox"/>	Small Projects Waiver: Loan amount < \$250,000.	None, project officer will place this completed checklist in file.
<input type="checkbox"/>	Ferrous Minor Components	Manufacturers acknowledge use of this Minor Components waiver when providing notice through their certification letters to document their product's compliance with the Build America, Buy America requirements.
<input type="checkbox"/>	Design Waiver: Only available for projects in design prior to May 14, 2022 AND projects with FY22 and FY23 funding.	Documentation to support any 1 of the following [satisfaction of only 1 of the 8 is sufficient]:
	<input type="checkbox"/>	<ul style="list-style-type: none"> Submitted preliminary engineering report, or equivalent (to the state or to the assistance recipient),
	<input type="checkbox"/>	<ul style="list-style-type: none"> Issued a Request for Proposal or execution of a contract for design or engineering services (regardless of funding source),
	<input type="checkbox"/>	<ul style="list-style-type: none"> Execution of an SRF assistance agreement – that includes design
	<input type="checkbox"/>	<ul style="list-style-type: none"> For project designed by assistance recipient, documentation of design initiation (such as completed preliminary engineering report),
	<input type="checkbox"/>	<ul style="list-style-type: none"> Solicitation of construction contract bids, or

Non-discrimination statement

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<input type="checkbox"/>	<ul style="list-style-type: none"> Submitted plans and specifications (do not need to be complete) to state authority, or
<input type="checkbox"/>	<ul style="list-style-type: none"> Public referendum or public meeting held regarding proposed project,
<input type="checkbox"/>	<ul style="list-style-type: none"> Evidence of new bonds passed or other new funding backing secured for project.

B. Individual Project Waiver

Project-specific waiver requests should generally include:

	Documentation
<input type="checkbox"/>	(1) Brief summary of the project
<input type="checkbox"/>	(2) Description and explanation of the need for the waiver for the product(s) in question
<input type="checkbox"/>	(3) Brief summary of the due diligence conducted in search of domestic alternatives <ul style="list-style-type: none"> Correspondence between assistance recipient and supplier/distributors
<input type="checkbox"/>	(4) Quantity and materials of the product(s)
<input type="checkbox"/>	(5) Engineering specifications and project design considerations
<input type="checkbox"/>	(6) Approximate unit cost of items (both foreign and domestic), estimated cost of the materials, overall project cost
<input type="checkbox"/>	(7) Date any products will be needed on site in order to avoid significant project schedule disruptions
<input type="checkbox"/>	(8) All other pertinent information relevant to EPA's consideration of the waiver <ul style="list-style-type: none"> Project dates (plans and spec submission, construction initiation, expected project completion) Special considerations: zoning, ordinances, seismic, noise or odor requirements, etc. Is it an equivalency project?

C. Additional Documentation for waiver requests based on increased costs:

Borrower must clearly show that implementation of the BABA requirements will increase the overall project cost **more than 25 percent**.

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Documentation	
<input type="checkbox"/>	Documentation must be provided to justify the cost waiver
<input type="checkbox"/>	Should compare project costs with and without BABA
<input type="checkbox"/>	May include itemized cost estimates or bid tabulation cost comparison.

Loan Recipient Printed

Loan Recipient's Representative Signature

Date

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