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DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
ACQUISITION LOGISTICS AND TECHNOLOGY
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

SAAL-ZP

Agency: The Department of Defense, Department of Army, National Guard Bureau

Action: Notice of Final Waiver: Nonavailability Waiver under the Build America, Buy America Act Project-Specific Waiver for a Fire Alarm System

Waiver Number: SAALZP-2025-001

Waiver Summary: The Department of the Army, National Guard Bureau is proposing to issue a nonavailability waiver of the manufactured products requirement pursuant to the Buy America Preference set forth in section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), under the authority of section 70914(b), for non-domestic fire alarm system components for the construction project of the National Guard Readiness Center in Reno, Nevada.

Waiver Type: Non-Availability Waiver of the BABA manufactured product requirements for fire alarm system components.

Waiver Level and Scope: Project-level waiver for a single product. No other project or award will utilize the waiver.

Waiver Justification Summary: The fire alarm system designed for this project meets the safety, operational, and design specifications of the project, as confirmed by the project's design consultant. No fire alarm system was found during extensive market research to meet these requirements while also being BABA-compliant. This is a project-specific waiver. No other project or award may utilize this waiver

Length of the Waiver: The proposed waiver will be in effect from the effective date of the final waiver through 01 November 2025, the anticipated completion of the project.

1. Background

- a. The Buy America preference in section 70914 of the Build America, Buy America Act included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), requires all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the United States.
- b. Under section 70914(b), 2 CFR 184.7, and in accordance with the Office of

Management and Budget's (OMB) Oct 25, 2023, implementation guidance memorandum on the subject (M-24- 02), an agency may waive the application of the Buy America preference, in any case in which it finds that: types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality. All waivers must have a written explanation for the proposed determination; provide a period of not less than 15 calendar days for public comment on the proposed waiver; and submit the proposed waiver to the Office of Management and Budget Made in America Office for review to determine if the waiver is consistent with policy.

2. Project Summary:

a. The National Guard Readiness Center project in Reno, Nevada, which began on February 16, 2021, involves the construction of a substantial addition and alteration spanning 59,650 square feet. This facility is designed to meet the Nevada Army National Guard's (NVARNG) training, administrative, and logistical requirements. The project aims to address the current training space deficiencies, as the existing facility is operating at over 200% capacity. With a total project cost of approximately \$47 million, funding is allocated under the Military Construction Cooperative Agreement, with an anticipated completion date of November 01, 2025.

b. Significant construction activities will enhance the operational capacity of the NVARNG, facilitating improved training and support for its personnel. Among the proprietary systems required for this project is a fire alarm system, valued at \$27,166.00, which encompasses various components sourced from multiple countries.

c. The system must comply with the safety and operational specifications outlined in the design plans, which are standard for a building of this type and use. Market research did not find any BABA compliant fire alarm system that fully met all necessary requirements for fire safety and operational compliance as outlined in the project design.

3. Manufactured Products: Listed are the categories of manufactured products included in the fire alarm system for which the BABA requirements apply and are proposed to be waived with a total value of \$27,166.00:

a. Fire Alarm System Components: This includes various proprietary components essential for the fire safety compliance of the facility

b. Adjustable Speed and Variable Frequency Drives

c. Electrical Isolation Products

d. Electrical Materials and Systems

- e. Gaskets, Water stops, and Joint Sealants
- f. Instrumentation and Controls
- g. Non-ferrous Pipe and Fittings
- h. Valve Actuators
- i. Product Service Code (PSC) 6350
- j. North American Industry Classification System Code (NAICS) 236220

4. Anticipated Impact if No Waiver is Issued:

- a. The fire alarm system is integral to the building's fire safety compliance. If a waiver is not granted, the project will be unable to install a fully functional fire alarm system, which would prevent the building from meeting essential safety codes and regulations. Granting this waiver is crucial to ensuring the project's completion and maintaining the facility's operational and fire code compliance.
- b. The existing Army de minimis waiver has been expended other with noncompliant BABA material and was insufficient to resolve all the product non-compliance issues. A manufactured product Non-Availability Waiver is necessary due to the inability to source BABA-compliant fire alarm system components.

5. Description of Efforts Made to Avoid the Need for a Waiver

- a. Within the past six months, extensive market surveys and outreach efforts have been conducted with four major fire alarm manufacturers - Edwards-EST, Gamewell-FCI, Notifier, and Potter. These manufacturers have confirmed that they are unable to provide a complete BABA-compliant fire alarm system that meets the necessary specifications. The contractors have thoroughly explored options to comply with BABA requirements but have concluded that no domestic manufacturers can deliver a complete fire alarm system.
- b. The Nevada National Guard made every reasonable effort to explore the availability of BABA-compliant products for the fire alarm system; however, no domestic manufacturers are capable of providing a fully compliant system.
- c. The fire alarm system specified in the project design could not be fully sourced domestically. The fire alarm panel, as defined in the project specifications, is a unique and specialized system with no available domestic alternatives.
- d. Due to the lack of any compliant alternatives, no cost comparison can be made, as no BABA-compliant fire alarm systems are known to exist.

6. Assessment of Cost Advantage of a Foreign-Sourced Product

a. Under OMB M-24-02, agencies are required 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 Non-Availability Waiver. The Nevada National Guard has determined that this assessment is not applicable to this waiver, as the basis for the waiver is not related to the cost of foreign-sourced products. Instead, the waiver is being requested due to the non-availability of a fully compliant BABA fire alarm system, as outlined in the project specifications.

7. Description of Award

a. Recipient Name and/or Unique Entity Identifier: Administration, Nevada Department of – V7NCCQPM9918

b. Federal Financial Assistance Identification Number (FAIN): W9124X-21-2-2001

c. Federal Financial Assistance Listing Name: Military Construction National Guard

d. Federal Financial Assistance Listing Number: 12.400

e. Awarding Agency Common Governmentwide Accounting Classification (CGAC) Code: 012

f. Federal Financial Assistance Funding Amount:

- 1) Construction \$21,600,000.00
- 2) Construction Obligated \$16,813,413.75
- 3) Design \$2,108,370.00
- 4) Design Obligated \$2,041,181.25
- 5) Total Project Cost \$23,708,370.00
- 6) Total Project Cost Obligated \$18,854,595.00

g. Total Cost of Infrastructure Expenditures:

- 7) Federal Appropriated Funds \$23,708,370.00
- 8) State Appropriated Funds \$23,300,470.00
- 9) Total \$47,008,840.00

8. Solicitation for Comments:

This notice was posted on January 31, 2025, to satisfy the requirement to publish proposed Buy America waivers and provide the public with a reasonable amount of time for notice and comment. The DA sought public and industry comment from all interested parties. The notice closed for comments February 13, 2025. No comments were received. No changes have been made to the waiver at this time.

For more information on the Build America, Buy America preference, please reference [MadeinAmerica.gov](https://www.madeinamerica.gov).

The Department of the Army website link is: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://api.army.mil/e2/c/downloads/2025/01/29/c38116db/da-ngb-non-availability-nvng-readiness-center-fire-alarm-system-draft-waiver.pdf>.

Effective Date of the Waiver:

The waiver is effective from date of signature through 01 November 2025.

Kimberly D. Buehler
Acting Deputy Assistant Secretary
of the Army (Procurement)