

Build America, Buy America Act  
Proposed Project Specific Non-Availability Waiver  
NATIONAL GUARD READINESS CENTER ADD/ALT – Reno, Nevada

1. Summary

Agency: Department of Army, National Guard Bureau

Common Government-wide Accounting Code: 021

Waiver Summary: The Department of the Army, National Guard bureau is proposing to issue a nonavailability waiver of the manufactured products 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 Edwards system meets the safety, operational, and design specifications of the project, as confirmed by the project's design consultant. No other 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 November 01, 2025, the anticipated completion of the project.

2. 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.

3. 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 the Edwards Fire Alarm System, valued at \$27,166.00, which encompasses various components sourced from multiple countries.
  - c. The Edwards Fire Alarm System complies with the safety and operational specifications outlined in the design plans, which are standard for a building of this type and use. There are no unique or extraordinarily salient characteristics of the Edwards Fire Alarm System beyond its compliance with these typical project specifications. However, its proprietary nature and compatibility with the project's specific design ensure it meets all necessary requirements for fire safety and operational compliance.
4. 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. Edwards 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

5. 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 product specific Non-Availability Waiver is necessary due to the proprietary nature of the system and the broader challenge of sourcing BABA-compliant fire alarm components.

6. 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 for the project is proprietary and no domestic products are compatible with the system. 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. The proprietary nature of the specified system, combined with the absence of competing BABA-compliant products, has left Edwards Fire Alarm system as the only viable option.

## 7. 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.

## 8. 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:
  - 1) Federal Appropriated Funds 23,708,370.00
  - 2) State Appropriated Funds 23,300,470.00
  - 3) Total 47,008,840.00

## 9. Solicitation for Comments:

- a. The proposed waiver is posted on the Department of the Army and the National Guard Bureau's public facing webpages and a notice of the proposed waiver will also be posted to the Made in America website to satisfy the requirement to publish any Build America, Buy America Act Project Waiver and provide the

public with fifteen (15) days to submit comments.

- b. Public comments on this waiver should be submitted the Office of the Deputy Assistant Secretary for Acquisition – Procurement Grants inbox  
[usarmy.ncr.hqda-as-a-alt.mesg.pi-grants-team@army.mil](mailto:usarmy.ncr.hqda-as-a-alt.mesg.pi-grants-team@army.mil).
- c. The Department of the Army website link is: