November 1, 2026

Build America Buy America Proposed Nonavailability Waiver
Families Flourish Northeast
All-in-One Heating/Ventilating/Cooling System

1. Summary

Agency: United States Department of Agriculture (USDA)

Waiver: The United States Department of Agriculture is proposing a nonavailability waiver of the manufactured product 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) for an All-in-One HVAC System for use at Families Flourish Northeast, Inc. in Lebanon, NH. This limited non-availability waiver would allow the recipient to purchase and use the All-in-One HVAC System. The U.S. Department of Housing and Urban Development (HUD) joined the Northern Border Regional Commission (NBRC) in issuing a project-specific nonavailability waiver for an all-in-one air source heat pump system for this project. The waiver was approved on March 6, 2026 and expires on March 31, 2028.

Applicability: This proposed waiver action permits the use of the All-in-One HVAC System. This product will be obtained by Families Flourish Northeast, Inc. for a new facility in Lebanon, NH, and incorporated into the subject project, prior to the expiration date of the waiver.

Waiver Type: Nonavailability waiver of the BABA manufactured product requirements for the All-in-One HVAC System.

Summary of Items Covered in Waiver: All in One HVAC System.

Waiver Justification Summary: The All-in-One HVAC System incorporated into the design is unavailable from a BABA-compliant manufacturer.

Length of the Waiver: This waiver will be in effect upon approval and will remain in effect until March 31, 2028.

2. Background

The Buy America Preference set forth 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.

Under section 70914(b), the Agency may waive the application of the Buy America Preference, in any case in which it finds that: applying the domestic content procurement preference would be inconsistent with the public interest; 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; or the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%. All waivers must have a written explanation for the proposed determination; provide a period of not less than 15 days for public comment on the waiver; and submit the waiver to the Office of Management and Budget Made in America Office for review to determine if the waiver is consistent with policy.

Heat pump system
This infrastructure project includes an all-in-one heat pump system. The system consists of 27 all in one vertical stack units. The unit is a packaged heat pump that integrates an inverter heat pump, energy recovery ventilation (ERV), a MERV 13 filter, and a bathroom exhaust fan into a single unit.

3. Description of Award

Title of Project: Families Flourish Northeast, Inc.

Infrastructure Project Description and Location: The project is located in Lebanon, NH. The proposed 17,592 square feet (sf) newly constructed recovery facility will provide 12 beds for women with substance use disorder and their children.

Description of Project: Families Flourish Northeast, Inc. (FFNE) will receive FY26 Congressionally Directed Spending $1,000,000 funds, to provide a 17,592 sf recovery facility with 12 beds for women with substance use disorder and their children in Lebanon, NH.

Families Flourish Northeast, Inc.is set to develop a state-of-the-art residential treatment facility to provide essential living space and recovery services for up to 12 women with severe substance use disorder (SUD)/opioid use disorder (OUD) and their children, ages 0-12. The project is located within walking distance of Dartmouth Hitchcock Medical Center which will allow for consistent connections for residents with medical staff and clinical support as well as access to their Neonatal Intensive Care Unit. The trauma informed design includes

administrative/program space as well as living/dining/kitchen areas on the first floor; bedrooms, bathrooms, group meeting spaces and staff rooms on the second and third floors; and access to the natural environment within enclosed porches and fenced backyard areas. These elements are critical to achieving FFNE's vision of supporting lifelong health, healing, and recovery for women, children, families, and communities by interrupting the intergenerational cycle of addiction.

Recipient Name: Families Flourish Northeast, Inc.

Unique Entity Identifier: MGU2JNWBD4M1

Federal Award Identification Number (FAIN): N/A

Federal Financial Assistance Listing Number and Name: 10.766 Community Facilities Loans and Grants

Federal Financial Assistance Funding Amount: USDA Rural Development (RD): FY26 Congressionally Directed Spending $1,000,000

Total Cost of Infrastructure Expenditure: $9,439,000

4. Description of Covered Items

Manufactured Products: The waiver seeks an exception to the Buy America requirements for the following manufactured products:

- Qty: 1 - This waiver contains All in One HVAC System
- Total Cost: 27 units x $13,037 = $352,000
- Product: All in One HVAC System
- NAICS: 333415
- PSC: NO41

5. Waiver Justification Summary

Anticipated Impact if No Waiver is Issued: Absent a waiver issued, the mechanical system would need to be redesigned which would take time and increase the project costs. The current design using All in One air source heat pumps is a cost effective, energy efficient heating/ventilating/cooling system.

Description of Efforts Made to Identify Domestic Products: The All-in-One vertical stack heat pump units incorporated into the project's design are unavailable from a BABAA compliant manufacturer. Research was conducted from May 2025

through late July 2025. Heat pumps are considered manufactured products. Research could not find manufacturers that are able to meet the 55 percent cost of components requirement for manufactured products. Research included online manufacturer searches as well as outreach to suppliers with further support from mechanical trades and HVAC design engineers in the region.

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. USDA’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: The proposed waiver will be posted on USDA’s public facing webpage and a notice of the proposed waiver will also be posted on 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. USDA is seeking public and industry comments from all interested parties and encouraging current manufacturers of the subject products to submit comments regarding potential availability.