

Issued: July 14, 2026
Expires: December 31, 2027

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**Build America Buy America Final Nonavailability Waiver
Town of Walpole Emergency Operations Center
Variable Refrigerant Flow HVAC 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 HVAC ductless split systems for use at the Town of Walpole Emergency Operations Center in Walpole, NH. This limited non-availability waiver would allow the recipient to purchase and use non-compliant Variable Refrigerant Flow (VRF) HVAC system.

Applicability: This waiver action permits the use of a VRF HVAC system. This product will be obtained by the Town of Walpole for renovations and an addition to the existing fire station (Town of Walpole Emergency Operations Center) in Walpole, New Hampshire, 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 VRF HVAC system.

Summary of Items Covered in Waiver: VRF HVAC system

Waiver Justification Summary: The VRF 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 December 31, 2027.

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.

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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.

3. Description of Award

Title of Project: Town of Walpole Emergency Operations Center

Infrastructure Project Description and Location: The project is located in Walpole, NH. The proposed 6,000 square feet (sf) expansion and partial rehabilitation of the Walpole Fire and EMS Station will expand the facility to 15,538 sf and seeks to resolve the deficiencies of the existing facility.

Description of Project: The Town of Walpole received a FY24 Congressionally Directed Spending \$1,000,000, obligated 12/29/2025, to provide a 6,000 sf expansion and partial rehabilitation of the Walpole Fire and EMS Station to expand the facility to 15,538 sf for use as an Emergency Operations Center in Walpole, NH. The following spaces will be included in the proposed 6,000 sf expansion and partial rehabilitation of existing building:

- State of the art decontamination facilities for personnel, gear and equipment.
 - Full ADA compliance.
 - EOC facility for centralized town and region emergency operations.
 - Future facilities for 24-hour staffed in-house coverage.
 - Expanded administrative offices and workspace for Fire and EMS officers and staff.
 - Expanded vehicle capacity for additional ambulance and rescue services.
 - Expanded and secure storage for EMS supplies.
- Sustainable design incorporating higher performance building envelope and mechanical systems for reduced energy consumption and occupant health and safety

Recipient Name: Town of Walpole

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Unique Entity Identifier: HF2LDYPT27J3

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):
FY24 Congressionally Directed Spending \$1,000,000

Total Cost of Infrastructure Expenditure: \$3,800,000

4. Description of Covered Items

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

- **Qty:** 15 - This waiver contains Ductless & Ducted VRF Units
- **Product:** Ductless & Ducted Variable Frequency Refrigerant Unit
- **NAICS:** 334513
- **PSC:** 4130
- **Technical Specifications:** Variable refrigerant flow (ductless) HVAC system consists of an outdoor unit, branch controller and multiple indoor units. This system provides the highest energy efficiency of any presently known HVAC systems as they rely on electricity.

5. Waiver Justification Summary

Anticipated Impact if No Waiver is Issued: Absent a waiver issued, the project would need to be redesigned which would take time and delay the project. A redesign would require design of a system that runs on fossil fuels such as oil or gas in lieu of electricity. Fossil fuels are not an energy efficient fuel source.

Description of Efforts Made to Identify Domestic Products: HVAC Variable Refrigerant Flow heat pumps and indoor units provide the highest energy efficiency of any presently known HVAC systems as they rely on electricity. Research was conducted in the spring and early summer of 2025 through Design Day Mechanical- the engineer of record, a local HVAC company and the Construction Management Firm for the project. Design Day Mechanical reached out to FW Webb and other suppliers to determine availability of any domestic manufacturers of HVAC Variable Refrigerant Flow heat pumps and indoor units. These units are a manufactured product. Research outcomes included reaching

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out to 14 vendors. None of the vendors produced BABA-compliant Ductless and Ducted VRF units available domestically that could meet the 55% component requirements.

In addition, USDA RD's outreach included their own searches with a consultant performing market research which did not yield a manufacturer that could meet the BABA requirements.

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 was posted on USDA's public facing webpage during the period of June 23 – July 8, 2026, and a notice of the proposed waiver was 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. No comments were received from the public, and therefore no substantive changes were made in response.