Northern Border Regional Commission
Build America Buy America Project Specific Public Interest Waiver

1. **Summary**

   Agency**:** Northern Border Regional Commission (NBRC)

   Common Governmentwide Accounting Classification (CGAC):
   NBRC: 573

   Waiver: NBRC is issuing a project-specific public interest waiver of the domestic preference requirements for iron, steel, manufactured products and construction materials requirements of Section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. 117- 58) for the Bangor Region YMCA.

   Applicability: This waiver permits the use of non-compliant iron, steel, manufactured products and construction materials to construct an Early Childhood Education and Before & Afterschool facilities and a Lifestyle Medicine Primary Care Practice as part of a new YMCA. These products will be obtained by the Bangor Region YMCA for renovations to their building in Bangor, ME and incorporated into the subject project, prior to the expiration date of the waiver.

   Waiver Type: Public interest waiver of the BABA iron, steel, manufactured products and construction materials requirements.

   Waiver Justification Summary: For the reasons set forth in this notice, NBRC believes that it is in the public interest to issue a limited waiver of Build America, Buy America Act (BABAA) domestic preference requirements for iron, steel, manufactured products and construction materials for this project that was planned prior to BABA requirements being a part of the project. Plans for the schematic design were completed in 2024, however they did not apply for NBRC funds until October 2025 and the funds were not obligated until January 2026.

   Length of the Waiver: This waiver will be in effect July 20, 2026 to July 30, 2027, the estimated remainder of the project's construction schedule.

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.

3. Description of Award

Title of Project: Bangor Region YMCA

Infrastructure Project Description and Location: The project is located in Bangor, ME. They are intending to construct an Early Childhood Education and Before & Afterschool facilities and a Lifestyle Medicine Primary Care Practice as part of a new YMCA.

Description of Project: The project involves the construction of an Early Childhood Education and Before & Afterschool facilities and a Lifestyle Medicine Primary Care Practice. The project will replace parts dating back to the 1800s to meet modern energy-efficiency standards and provide a functional space public use.

Recipient Name: Bangor Region YMCA

Unique Entity Identifier: NBD9RAE77PS9

Federal Award Identification Number (FAIN)
NBRC: FAIN25GME00

Federal Financial Assistance Listing Number and Name:
NBRC: 90.601 Northern Border Regional Development

Federal Financial Assistance Funding Amount:
NBRC award amount: $1,000,000

Total Cost of Infrastructure Expenditure
$3,373,278.00

4. Waiver Justification Summary

The Bangor YMCA received a $1 million grant from NBRC, obligated in January 2026, to assist with the increased costs and financing gap needed to complete construction for the previously planned project. The NBRC project, approximately $4.1 million, is limited solely to the Early Childhood Education and Lifestyle Medicine rooms of the overall project.

The project design for the Early Childhood Education and Lifestyle Medicine rooms began in February 2024 and was completed prior to the incorporation of any BABA requirements. The NBRC award was obligated in January 2026, after design was complete and construction had already begun on other portions of the facility. At the time of design and procurement, there was no reasonable basis to anticipate BABA applicability. The project included multiple funding sources, none of which required BABA compliance. As a result, design specifications and bid documents did not include domestic sourcing requirements. Subcontractors therefore relied on standard materials and existing supply chains. Incorporating BABA at this stage would require redesign, rebidding, and replacement of materials already integrated into the broader project approach, resulting in significant cost increases and delays.

Anticipated Impact if No Waiver is Issued: The application of BABA to this previously planned upgrade to the Bangor Region YMCA and the resulting costs are of particular concern for NBRC.

The Bangor Region YMCA project is a $57.8 million, 82,000 square-foot facility replacing an aging and inadequate YMCA in Bangor. The old facility was overcrowded, inefficient, and unable to meet regional demand for childcare, workforce programming, and health services. The new YMCA will expand access to critical services for more than 150,000 residents while supporting downtown revitalization and regional economic growth.

Further, contractor's availability would be impacted due to a change in schedule if the project was needed to be re-scoped which would require termination of several existing contracts and changing terms for others. Re-scoping the project to comply with BABA would also increase project costs due to the need for environmental controls that would need to be in place during a stop-work period. Further the costs of storing materials during this period would also be significant. The delay in opening the new Bangor Region YMCA would also result in a loss of operational revenue of over $2 million dollars and an increase in interest charges of $437,500.

For the reasons set forth in this notice, NBRC believes that it is in the public interest to issue a limited waiver of BABA domestic preference requirements for iron, steel, manufactured products and construction materials for this project that was planned prior to the BABA applicability.

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. NBRC'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 waiver was posted June 22 to July 7, 2026 on NBRC’s public facing webpage and the Made in America website to satisfy the requirement to publish any Build America, Buy America Act Project Waiver and provide the public with the opportunity to submit comments. No comments were received.