

**NBRC Project Specific Non-Availability Waiver
Build America Buy America Product Waiver: mini splits
Berlin & Coos County Historical Society**

1. Summary

Agency: Northern Border Regional Commission (NBRC)

Common Governmentwide Accounting Classification (CGAC):
NBRC: 573

Waiver: NBRC is issuing a project-specific 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. 117- 58) for the Berlin & Coos County Historical Society. This limited non-availability waiver would allow the recipient to purchase and use a non-compliant mini split heat pump.

Applicability: This waiver action would permit the use of a non-compliant mini split heat pump. The heat pump will be obtained by the Berlin & Coos County Historical Society for renovations to their building in Berlin, 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 mini split heat pump.

Summary of Items Covered in Waiver: mini split heat pump.

Waiver Justification Summary: The mini split heat pump incorporated into the design are unavailable from a BABA-compliant manufacturer.

Length of the Waiver: This waiver will be in effect upon approval and will remain in effect until September 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: Berlin & Coos County Historical Society

Infrastructure Project Description and Location: The project is located in Berlin, NH. They are intending to renovate existing buildings. The Historical Society houses properties that house valuable artifacts, archives and exhibits. The struggling north country economy, where the City of Berlin is the most challenged, would benefit from the full attention of the BCCHS on its museum capabilities. With concerns about its physical structures and upgrades to its display capacity out of the way, the BCCHS can play a cornerstone role in fostering year-round economic opportunities in the tourism industry providing diversification to a weather and seasonal economy that also serves to attract people to the City of Berlin.

Description of Project: The rehabilitation will include some building repair and renovations to two of BCCHS's four educational museums, which are also used as community spaces. Stabilizing and modernizing BCCHS's buildings includes the installation of an accessibility elevator to the Berlin Falls House's (main exhibit building) second floor and the critical replacement of its roof. Energy efficient HVAC/mini splits will be installed in both the Berlin Falls and Moffett Houses. Both houses will receive renovations to their exterior where the weather threatens building integrity. The Moffett house also has a retaining wall in need of stabilization.

Recipient Name: Berlin & Coos County Historical Society

Unique Entity Identifier: YVCPHYF4PGZ6

Federal Award Identification Number (FAIN)
NBRC: FAIN24GNH05

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

Federal Financial Assistance Funding Amount:
NBRC award amount: \$496,709.00

Total Cost of Infrastructure Expenditure
\$620,886.50

4. Description of Covered Items

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

- Mini Splits
 - NAICS: 238220
 - PSC: 4120

Technical Specifications: Cooling Ambient Range: 14°F to 115°F (-10°C to 46°C); Heating Ambient Range: -13°F to 75°F (-25°C to 15.6°C); Sound Pressure Level: 55 dBA (cooling) / 57 dBA (heating); Power Supply: 208/230V, 60 Hz, 1-phase; Minimum Circuit Amps (MCA): 34.4 A; Max Overcurrent Protection (MOP): 35A; Refrigerant Type: R-32 (factory pre-charged up to 131.6 ft); Max Line Set Length: 230 ft; Max Height Difference: 49 ft; Dimensions (H x W x D): 34-1/4" x 43-5/16" x 18-1/8"; Unit Weight: 213 lb.

5. Waiver Justification Summary

Anticipated Impact if No Waiver is Issued: Absent a waiver being issued, the recipient would be unable to move forward with project as alternative systems do not provide the heating and cooling necessary for museum facilities in this specific geographic region.

Description of Efforts Made to Identify Domestic Products: Market research was conducted from January 2026 to July 2026 by the recipient, the Town planner and contractor. Their research included online searching, outreach to manufacturers and other contractors in the region. The market research did not yield any US manufactured equivalents that have the necessary efficiency ratings and reliability as the designs required for this facility. These systems are necessary to maintain stable temperature and humidity levels for preservation of historical materials. Further given the space limitations domestically produced mini splits do not have the compact design requirements that are uniquely suited for low-impact installation requiring minimal alteration necessary to preserve the historic nature of the buildings.

NBRC verified this with their own research and was not about to yield a domestically manufactured system.

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 for public comment August 3, 2026 to August 18, 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.