

**NBRC Project Specific Non-Availability Waiver
Build America Buy America Product Waiver: heat pump
The Center for Cartoon Studies**

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 Center for Cartoon Studies. This non-availability waiver would allow the recipient to purchase and use a non-compliant heat pump.

Applicability: This waiver action would permit the use of a non-compliant heat pump. These products will be obtained by the Center for Cartoon Studies for renovations to their building in White River Junction, Vermont 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 heat pumps.

Summary of Items Covered in Waiver: heat pump

Waiver Justification Summary: The heat pumps 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, 2028 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: The Center for Cartoon Studies

Infrastructure Project Description and Location: The project is located in White River Junction, VT. They are intending to renovate an existing historic building. Once renovated the building will house a production lab, a learning center, original art archive, studio space, classrooms for on-location and online instruction, a public gallery, and a bookstore. The project will not only remove a contaminated structure from the rolls but will also provide state-of-the-art facilities for the Center for Cartoon Studies students expanding their presence nationally and locally.

Description of Project: The rehabilitation will include renovating an existing downtown historic landmark building and making it available both to incoming students and to the public for art exhibitions and retail book purchasing. In addition, classrooms will be made available to nonprofits and community groups for events and meetings. groups for events and meetings at no or little cost.

Recipient Name: The Center for Cartoon Studies

Unique Entity Identifier: TXQJM6G3QX5

Federal Award Identification Number (FAIN)
NBRC: FAIN23GVT07

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

Federal Financial Assistance Funding Amount:
NBRC award amount: \$971,315.00

Total Cost of Infrastructure Expenditure
\$3,204,236.00

4. Description of Covered Items

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

- Heat pump
 - NAICS: 333415
 - PSC: 4120

The heat pump system must feature a variable-speed swing compressor designed to deliver strong, energy-efficient performance with excellent heating capacity. It must be suitable for both cold climates and high-ambient regions, providing reliable year-round comfort. The system must offer selectable sound levels, operating as low as 47 dBA for enhanced acoustical comfort. It must be compatible with a smart thermostat, communicating HVAC equipment, and an integrated home comfort ecosystem, while also supporting AHRI 1380 Demand Response functionality. The system must include advanced control algorithms, Intelligent Defrost Mode, and built-in diagnostic intelligence provide optimized performance and simplified troubleshooting through diagnostic indicator lights, a seven-segment LED display, and fault code storage. Additional performance features should include a field-selectable Boost Mode that increases compressor speed during unusually high heating or cooling loads, hot start technology for improved comfort during startup, and a hot gas base pan that eliminates the need for an additional drain pan heater in temperatures down to 5°F. A 3-stage heater kit is also available as a field-installed option. The system is rated under indoor conditions of 95°F dry bulb / 75°F wet bulb and heating conditions of 47°F dry bulb / 43°F wet bulb, ensuring dependable operation under standard rating conditions.

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: There was extensive research conducted by the recipient and the recipients' contractors from January to June 2026. They consulted multiple manufacturers and suppliers through their trade networks, including direct outreach to manufacturers. Further, domestic manufacturers consulted were unwilling to provide the certification required. NBRC did their own internet research on these products and were not able to locate a domestic equivalent.

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 will be posted for fifteen days 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. Comments can be emailed to Rdourmashkin@nbro.gov.