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BABA: Build America, Buy America
Compliance & Waivers: Lessons from the Field

Practical Guidance for Owners Receiving Federal Funding

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July 28, 2026

BABA Is More Than Buying American

Many owners begin a federally funded project believing BABA is simply about purchasing American-made products.

One of the first lessons we've learned is that BABA is really a project management challenge - not a purchasing requirement.

Successful compliance requires planning, coordination, documentation, procurement strategy, and ongoing decision-making from project kickoff through closeout.

The earlier your team begins planning, the more options you'll have - and the fewer surprises you'll face.

Successful Compliance Starts Long Before Construction

One of the biggest surprises we've seen is how many decisions influence BABA compliance before materials are ever purchased.

Successful projects consider BABA throughout the entire project lifecycle:

- Funding & Applicability
- Covered Materials
- Procurement Strategy
- Documentation
- Waivers
- Construction Administration
- Project Closeout

Lesson learned: Every decision builds on the one before it. Missing an early step can create challenges later in the project.

Lessons We've Learned from the Field

Start Earlier Than You Think

- The projects with the fewest challenges begin discussing BABA during planning – not procurement.

Everyone Has a Role

- Owners, architects, contractors, suppliers, and funding recipients all contribute to successful completion.

Documentation Is a Team Process

- One lesson we've learned is that documentation works best when expectations are established before the first submittal is ever received.

No Two Projects Are Exactly Alike

- Agency guidance, funding structures, and project conditions vary. A strategy that worked on one project may not work on another.

Waivers Require Planning

- One of the biggest surprises for many owners is that waiver timing can become a schedule issue if it isn't considered early.

Questions Every Owner Should Be Asking

Every project raises different questions

Some of the most common include:

- Does my project trigger BABA requirements?
- Which materials are considered covered?
- Which federal agency's guidance applies to my project?
- What documentation should we collect – and when?
- How should our team plan for potential waivers?
- Who is responsible for what throughout the project?

What Successful Projects Have in Common

Working across multiple BABA projects, we've noticed several consistent patterns.

Successful Owners:

- Bring the project team together early.
- Discuss documentation before procurement begins.
- Identify potential risks before purchasing decisions are made.
- Build time into the schedule for compliance-related activities.
- Treat BABA as part of overall project management – not as a last-minute compliance exercise

Lesson learned: The projects that seem to navigate BABA most smoothly aren't necessarily simpler – they simply begin planning sooner.

How Cap Ex Can Help

Every project is different. Funding sources, agency guidance, procurement strategies, and project teams all bring unique challenges.

One lesson we've learned is that a proactive strategy is far easier - and ultimately less costly - than reacting to compliance issues after they arise.

Cap Ex partners with owners to:

- Determine BABA applicability
- Develop practical compliance strategies
- Coordinate owners, designers, contractors, and funding recipients
- Establish documentation expectations
- Identify potential waiver needs early
- Reduce procurement and schedule risk

Our goal is simple: Help owners navigate BABA with confidence while keeping projects moving.

Thank You

Federal funding creates tremendous opportunities, but it also introduces new responsibilities.

One lesson we've learned is that the most successful BABA projects aren't the ones with the fewest challenges – they're the ones that plan for those challenges early.

If you're planning a federally funded project – or simply wondering how BABA may affect one – we'd be happy to continue the conversation.

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