



Rural Development

Rural Utilities Service

Water & Environmental Programs

1400 Independence Ave SW
Washington, DC 20250

DECISION MEMORANDUM

DATE: May 17, 2021

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Four Gate Valves and Two Swing Check Valves for the Dade County Water and Sewer Authority’s Water System Improvements (Contract No.3 – Booster Pump Station Upgrades), Dade County, GA

Waiver Number: 21-001

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Date: 2021.05.17 10:07:54 -05'00'

Decision: The U.S. Department of Agriculture (USDA) is hereby granting an availability-based project-specific waiver of the American Iron and Steel (AIS) requirements to the Dade County, Georgia, Water and Sewer Authority, for the purchase of three 6-inch gate valves, one 10-inch gate valve, and two 6-inch swing check valves for their Water System Improvements (Contract No.3 – Booster pump Station Upgrades). This waiver permits the use of these valves because no known domestic manufacturers can deliver a product that meets the project’s technical specifications in a reasonable timeframe.

This is a project-specific waiver which applies only to the use of the specified products for the referenced project funded by the USDA Rural Development (RD) Rural Utilities Service (RUS) Water and Waste Disposal (WWD) Loan and Grant program under the Water and Environmental Programs (WEP). Any other project that wishes to use the same product(s) must submit a separate waiver request based on the specific project circumstances.

Rationale: The AIS provision of the Consolidated Appropriations Act of 2017 (Public Law 115-31) and subsequent statutes require WEP assistance recipients to use domestic iron and steel products unless RD determines that it is necessary to waive this requirement. USDA has the authority to issue waivers in accordance with section 746 (b)(2) of P.L.115-31, which states in part: “[the requirements] shall not apply in any case or category of cases in which the Secretary of Agriculture ... or the designee of the Secretary finds that ...iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.” As per the delegation memo of July 2017, approval of project specific waivers has been delegated to the Director of WEP’s Engineering and Environmental Staff (EES).

Background of Waiver Request: The valves are to be installed on the discharge side of a booster pumping station that pumps from a valley (elevation 798’) to a 500,000 gallon tank on top of Sand Mountain (elevation 1770’). The working

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water pressure when one pump is running would be approximately 460 pounds per square inch (psi). Both pumps running would create a higher discharge pressure. As a result, the project specifications require that the valves are rated for 600 psi cold water working pressure.

This is an unusually high pressure for a potable water system and domestically manufactured valves with pressure ratings for this application are not available in a timeframe that would not significantly delay the project. The project identified one manufacturer that stated they could supply AIS compliant valves, but with a 30-32 week lead time.

This lead time is unacceptable due to the critical need for the timely completion of the project. The project involves replacing an existing high pressure pump station that has only one remaining pump in service in a duplex pumping scenario. One of the pumps cannot be repaired and if the remaining pump were to fail, the only alternative would be to use a pump station that was removed from service approximately 15 years ago. This decommissioned pump station was recently hit by lightning and suffered major electrical damage. As a result, any issue with the operational pump would lead to the community losing water service for an unknown period of time.

Assessment of Waiver Request: RD conducted market research on the supply and availability of 6-inch and 10-inch gate valves, and 6-inch swing check valves. 22 manufacturers were contacted and none could provide AIS compliant valves meeting the project specifications, with the exception of the manufacturer previously identified by the project as requiring a 32 week lead time. Per statutory requirement, the waiver request has been posted on RD's AIS website for the mandatory 15-day public comment period, and the Agency received no public comments.

Finding: USDA is granting an availability-based waiver from the AIS requirements to the Dade County, Georgia, for their Water System Improvements (Contract No.3 – Booster pump Station Upgrades) with respect to three 6-inch gate valves, one 10-inch gate valve, and two 6-inch swing check valves. This waiver permits the purchase of these six valves using WEP funds as documented in Dade County's waiver request submittal, dated April 15, 2021.

Legal Authority: Legal authority for the AIS requirements for WEP projects is included under the Consolidated Appropriations Act of 2017 and subsequent statutes, section, under the authority of section 746 (b)(2) of P.L.115-31.

If you have questions concerning the contents of this memorandum, please contact EES Engineering at ESEngineering@usda.gov.