**KANSAS CDBG**
**POLICY BULLETIN 2026-04**

Kansas
Department of Commerce

**DATE:** November 16, 2026
**TO:** Potential CDBG Applicants and New Grantees
**FROM:** Andrew Hayman, CDBG Program Manager
**RE:** BABA Requirements for Infrastructure Projects

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The purpose of this bulletin is to remind applicants and grantees of Build America, Buy America (BABA) requirements for applications and projects. Discussion of BABA is **NOT** an exercise which should occur later in the project, when construction is in progress or nearing completion. Compliance issues can result in costly overruns, legal disputes, and even withdrawal/repayment of your CDBG grant.

## Before You Procure Professional Services

Pursuant to CPD notice 25-01, the Buy American Preference is fully applicable to iron and steel, construction materials, and manufactured products used in infrastructure projects with federal financial assistance obligated to the state in fiscal year 2025. This compliance requirement applies to both 2024 and 2025 open projects and any future projects.

Applicants and grantees must solicit and award firms and contractors that can reliably document all BABA requirements. Professional design services must be able to source BABA-compliant materials and contractors must certify this effort for each pay application with Commerce. These criteria can be used as an evaluation factor during procurement and bid letting.

It is the view of Commerce that product- or project-specific waivers from HUD are not to be relied on when selecting design elements, and general waiver use must be discussed early and often with all parties.

## BABA Recordkeeping Requirements

Grant administrators should take the list of BABA-covered products from the engineer or architect and the certifications that the contractor submitted for each product in the project and include them in Commerce's Project Items BABA Status Worksheet throughout the project. The worksheet should be filled out and sent to the CDBG project manager with Quarterly Progress Reports and/or requests for payment where appropriate.

**No construction payment will be approved without certification that the contractor has met BABA requirements for that respective claim**. Documentation for this claim may occur with the Certificate of Compliance form provided by Commerce. The expectation is that the certification submittal should begin prior to the start of construction.

For each construction payment, the contractor will certify that the materials used in that particular pay request are BABA-compliant. Professional services consultants may review certifications for input and grantees will provide the form for the contractor to certify. Upon submitting an RFP, the grantee will certify that the claim is BABA-compliant. Grantees should have certifications on file documenting compliance. The grantee will be required to keep records of the certification documentation consistent with existing records retention.