

EXHIBIT 4.37 – BUY AMERICA CERTIFICATION FORM

PURPOSE: The “Buy America Certification Form” is used to certify that, as required by federal law, all of the iron, steel, specific construction materials – non-ferrous metals, lumber, composite building materials, plastic and polymer based pipe and tube all construction materials, including manufactured products (for FY25 funded projects and forward) utilized in federally funded projects with an aggregate of \$250,000 or more funds, including HUD CDBG and HOME funds, are produced in the United States in a manner that complies with the Build America, Buy America Act (BABA), unless an applicable waiver applies or is reviewed by HUD and approved by the Made in America Office of Management and Budget (MIAO). More information and a complete step by step waiver type and application approval process can be found at <https://www.hudexchange.info/programs/baba/>.

GENERAL INFORMATION: BABA guidance requires the following Buy America preference (BAP): 1) All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; 2) All listed manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and, for FY 2025 funded projects forward; 3) All (listed and non-listed) construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States. The Build America, Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

CERTIFICATION: I hereby certify the materials to be installed pursuant to the attached Bid Submittal conform to the Build America, Buy America Act (BABA) requirements under 2 CFR § 184. Signing this document does not relieve the signee of providing evidence of compliance upon request by OCH&CD or HUD.

Prime Contractor: _____

Phone Number: _____

Email: _____

The Prime Contractor is responsible for all subcontractors and for ensuring that all manufacturers and suppliers certify materials with the understanding that those certifying the material assume full legal responsibility of the material and are subject to providing documentation verifying the material meets all requirements upon demand. Any additional materials needed for the project should be itemized, specify if BABA applies, and then certified by the engineer or designee.

*** Attach the itemized cost estimate that identifies all materials subject to BABA.**

Covered Product	Obligation Date
Iron and Steel	The BAP applies to the purchase of iron and steel for infrastructure projects beginning with funding obligations from FY2023 CDBG funds.
Specifically Listed Construction Materials (non-ferrous metals; lumber; and plastic-and polymer-based composite building materials, pipe, and tube)	The BAP will apply to the purchase of specifically listed construction materials beginning with funding obligations from FY2024 CDBG and HOME funds, as well as iron and steel.
Not Listed Construction Materials (all other plastic – and polymer-based products, glass, fiber optic cable, optical fiber, engineered wood, and drywall) Manufactured Products	The BAP will apply to the purchase of not listed construction materials and manufactured products beginning with funding obligations from FY2025 CDBG and HOME funds, as well as specifically listed construction materials, iron, and steel.