Lake Mills Area School District BESS Nonavailability waiver to use Sol-Ark batteries

Waiver type: Nonavailability
Waiver Recipient name: Lake Mills Area School District
UEI: LEQ2MQVZZBA3
Granting Agency: Dept of Energy
Award information (Federal Award Identification Number, Assistance Listing number): DE-EE0010109.0
Waiver Level: project (WI PSC OEI EIGP)
Product Service Code (PSC) : 6140
Is this a general applicability waiver? No

Procurement Summary
The Lake Mills Area School District in Wisconsin is requesting a Nonavailability partial waiver of the manufactured products requirements of Section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. 117- 58) from the Dept of Energy (DOE) for Sol-Ark batteries manufactured by Sol-Ark in China for a BESS solar project at the Middle School in Lake Mills, WI.

Brief Description of Project/Location/Infrastructure:
The Lake Mills Area School District (LMASD) is updating their Elementary School with solar & integrating solar and battery technology at the Middle Schools to be Community Resilience Center (CRC). LMASD will collaborate with the City of Lake Mills and the Red Cross to update procedures for providing critical care/power in the event of an emergency. Critical power will come from the proposed solar plus storage system; including solar modules, racking, inverters, and battery equipment. Energy management training, incorporating solar and emerging technology into curriculum, and educational tours focusing on CRC(s)
are also a priority. The project is being constructed in Lake Mills, WI in Jefferson County. This waiver is pertaining to the Sol-Ark 240kWh battery system. Two Sol-Ark 60kW Inverters will be connected to and communicating with the BESS system installed as part of the Middle School's Community Resilience Center, providing 240 kWh of total battery storage.We are asking for a waiver to apply from now until June 2026, at which time the project is planned to be commissioned and in service. For recipient expenditures to be covered by this waiver, the batteries will be installed by May 2026, with “Installed by” meaning batteries being permanently fastened to their support structure at the project site.

Waiver Level and Scope:
Project-level waiver for a single project (Lake Mills Middle School). No other project or award will utilize the waiver

Total estimated project/infrastructure cost, with estimated federal share and recipient cost share breakdowns:
The grant was awarded April 2024. Total project cost is estimated at $1,389,663. Funding in the amount up to $416,899.00 is provided using funds granted by the U.S. Department of Energy to cover the project costs as detailed in the budget section. The grant was awarded by the local

Public Service Commission (PSC) Office of Energy Innovation's Energy Innovation Grant Program. A project cost share of $972,764.00, or 70.00 percent is required.

Description of items, products and materials or categories of such anticipated to be covered by this waiver including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each:

As provided by Sol-Ark:
Sept 2025
805 S. Central Expressway
Allen, TX 75013
(313) 756-6472
To: Wes Slaymaker, P.E.
WES Engineering
706 S. Orchard St
Madison WI 53715

Component	***% Total Cost***	***Origin***
Sol-Ark HV-60 Battery	100%	China

Best,
Kyle Ramer
Regional Sales Manager - Midwest & Canada
(313) 756-6472
Kyle.ramer@sol-ark.com

A detailed justification as to how the non-domestic item(s) is/are essential to the project:
The BESS system planned and designed for this project was carried out in late 2023, and the specifics of the system (BESS), which includes inverter technology, is precise to the location, voltage, and amperage that it will be connected to as it powers up the school's Community Resilience Center. The Sol-Ark equipment are the critical components for achieving deployment speed, system functionality, and energy resilience, and were the best brand in both quality and quantity during the time of project planning and design. It was important to site the battery system indoors and this Sol Ark commercial battery system, paired with Sol-Ark inverters may be the only available option, as most larger battery systems are all designed in large cabinets meant for outdoor installation. These indoor units come with fire suppression in each battery module, and further external fire suppression will be added. The chosen location is a concrete walled utility room, with close access to the main electrical room where the project connects to the main panel service and the backup generator circuit. As local brownouts, electrical surges, and increasingly extreme weather have been impacting this school district, this technology provides them the reliability necessary for resilience and maximizing the proposed solar plus storage system. BABA-compliant BESS systems do not have the time-tested reliability of other pre-existing technology on the market. With the Sol-Ark inverters acting like the 'brain' of the entire system, it is necessary that the best, most reliable products be used, regardless of where it is manufactured

to avoid costly repairs and replacements. Largely untested and unproven BABA-compliant BESS systems, if they exist, are currently not manufactured to meet the standards necessary of a locally designated emergency response area. Lake Mills Middle School is the designated emergency response and Red Cross response area for the region and needs to service a population reliably and without interruption.
This waiver will encourage community-serving investments while bringing the benefits of Community Resilience Centers to US communities, especially those like Lake Mills, where the system is designed and finalized. BABA compliance is causing costly delays in the process and since the school is publicly funded, it is in the public's (and school's) best interest to remain on schedule and install the Sol-Ark BESS system which is the best, and least costly, technology..

A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers:

Planning and design for this Community Resilience Center (CRC) which incorporates BESS technology began in 2023 when there were no American Made batteries that met our technical specifications for this project.
We have attached a letter from a local distributor stating that there were no BABA compliant BESS systems at the time of the planning and design of this project, necessary for the technical specifications required by the Community Resilience Center.

Suppliers contacted and the responses provided:
Werner Electric - Green Bay, WI; Sean Menor. smenor@wernerelectric.com Office: 920-3374064
Response provided July 2025: "Our Sol-Ark rep did say that there are pretty much zero battery options in this size that are BABA compliant currently. Sol-Ark has final assembly in the US for their inverters but the batteries don't have any domestic content. He stated that waivers are available for this."

Greentech Renewables - Madison WI; Alexander Tam. alex.tam@greentechrenewables.com
608.400.5700 - Office. Response provided Nov 2025:
"However, to the best of our knowledge, amongst the commercial battery and commercial hybrid inverter manufacturers that Greentech is partnered with, there are not and will not be any BABA compliant batteries or hybrid inverters within the next 6 months."
Sincerely,
Alex | Outside Sales
Greentech Renewables – Madison WI
4502 Helgesen Drive
Madison, WI 53718
608.400.5700 - Office
512.592.2299 - Cell

Renon Power- USA - Texas; Joshua Brown. joshua@renon-usa.com (833) 736-6687 - Office
Response provided Nov 2025:
"This letter serves to confirm that, to the best of our knowledge, there are currently no

commercially available Solar Battery Energy Storage Systems (BESS) that are compliant with the Build America, Buy America (BABA) provisions outlined in the Infrastructure Investment and Jobs Act (IIJA).
At this time, no manufacturers of complete solar BESS solutions meet the full domestic content requirements as defined under BABA, which include U.S. manufacturing and sourcing standards for iron, steel, manufactured products, and construction materials.
While certain components may be partially produced or assembled in the United States, full-system compliance for integrated solar BESS has not yet been achieved within the market."

A justification statement—based on one of the applicable justifications outlined above—as to why the listed items cannot be procured domestically, including a description of the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the recipient in an attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation
Market research, industry outreach, cost analysis and cost-benefit done in the planning stages of this project in 2023, led to the contractor determining that Sol-Ark inverters paired with Sol-Ark batteries were the best quality technology with the best cost/benefit ratio to serve the school's CRC. We were hopeful that a WI startup could provide us sodium batteries for our project, but delays of their product release meant forgoing that product. Due to the high voltage nature of our technical specifications to serve the school (480V), the inverters and batteries have to be uniquely paired to invert and store power, and be able to dispense at higher voltages. The few BABA compliant batteries are built for utility and data center scale which are much larger and meant for DC wiring and to be kept outside which does not meet our technical specification. Brands like Power Sonic (designed for utility scale power), Caban Energy (designed for telecommunication and software backup), and Myers (large, outdoor utility setups), may be Made In America but do not meet the technical, voltage specifications, resiliency capabilities or size and weight required for and indoor setup at a public school.

A description of the market research performed. This must include relevant details, including who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research.
Both the contracted solar installer (WES Engineering) and the solar/grant consultant on the project who is associated with an organization that procures solar panels (Couillard Solar Foundation), called, emailed and visited manufacturers and vendors for several months (April 2025-August 2025) regarding their availability of BABA compliant modules. We never found or spoke to a vendor that had BABA compliant batteries available for installation in 2025. Our grant was awarded in April 2024, and we've already extended this project well beyond original expectation.

Anticipated impact to the project if no waiver is issued.
To our understanding of the stipulations of this grant, our entire award ($416,899.00) will be disqualified if we do not get a waiver for this BESS system. This effect will be profound in the

community, which approved a large referendum under the expectation that a large source of outside funds would be applied to (and support) this project and community resilience effort. Without access to sufficient domestic supplies of batteries and inverters, the pace of project deployment will be significantly hampered.

Solicitation for Comments:
The proposed waiver will be posted on the Lake Mills Area School District's "Facilities Planning" webpage and a notice of the proposed waiver will also be posted to the Made in America website to satisfy the requirement to publish any Build America, Buy America Act Project Waiver and provide the public with fifteen (15) days to submit comments.
This notice is being posted on December 1st, 2025, to satisfy the requirement to publish proposed Buy America waivers and provide the public with a reasonable amount of time for notice and comment. The Administration is seeking public and industry comment from all interested parties. Relevant information and comments will help the agency understand completely the facts surrounding the waiver request and the agency's proposal. The notice will close for comments on December 1st, 2025. Comments may be sent to tonya.olson@lakemills.k12.wi.us. Please reference the associated waiver title in the subject line of the email. Comments received prior to the public comment closing date will be reviewed and considered by the Administration. The waiver is posted to the following site: https://www.lakemills.k12.wi.us/

See DOE BESS Waiver for Nonavailability below, which was awarded to another project in Wisconsin for reference:

Department of Energy Build America, Buy America Act Proposed Project Specific Non-availability Waiver for Distribution System Battery Energy Storage Systems (BESS) and Associated Components.

BABA WAV 2025-01 Proposed Waiver Summary: The United States Department of Energy (DOE) Grid Deployment Office, Building Technologies Office, and Office of State and Community Programs are proposing a combined project specific nonavailability waiver of the manufactured products domestic preference requirements of section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) applicable to four federal financial assistance awards. This proposed limited nonavailability waiver would allow the recipients to purchase non-compliant Distribution System Battery Energy Storage Systems (BESS) and associated components.

Waiver Type: Nonavailability waiver of the BABA manufactured product requirements for the Distribution System BESS and associated components needed for each award.

Duration: The effective date of this waiver is from date of issue until December 2028.

Applicability: The waiver will apply to eligible expenditures incurred by the four recipients or subrecipients listed below, on or after the effective date of the final waiver for the period that the waiver is active.

Description of Market Research and Justification: The four recipients and subrecipients listed below conducted market research and extensive industry outreach to identify BABA-compliant Distribution System BESS. In some cases, this included issuing requests for proposals, followed by industry outreach to multiple manufacturers. The recipients determined that no manufacturer could provide a BABAcompliant product at the size, type, and voltage required for each of the projects. DOE Technical Project Officers and Building Technologies staff confirmed, through online searches and consultation with industry experts, that there do not appear to be any BABA-compliant Distribution System BESS manufactured in the U.S. that provide the specifications needed for each of the projects.

1. Colorado Energy Office – Platte River Power Authority Recipient: Colorado Energy Office (JLVGQ4E7RD53) Sub-Recipient: Platte River Power Authority (U1J7ERTJ3NU6) Total estimated project cost related to infrastructure: $553,000 Estimated total cost of the products being waived: $469,000 Funding Mechanics: Funding for the infrastructure project is made available through both the 2022 and 2023 Funding Opportunity Announcement Bipartisan Infrastructure Law (BIL) - Preventing Outages and Enhancing the Resilience of the Electric Grid Formula Grants to States and Indian Tribes (DE-FOA0002736). The location of the project is in Estes Park, Colorado. Description of products being waived: This waiver proposes to waive one 5MW/20MWh lithium iron phosphate battery system. (PSC 6140 and NAICS 335911/35912).

2. City Public Service Board, San Antonio TX Recipient: City Public Service Board (CPS Energy) (N6AVFBEGT9K3) Total estimated project cost related to infrastructure: $37,700,000 Estimated total cost of the products being waived: $33,000,000 Description of Products Being waived: This waiver proposes to waive two Distribution BESS, one 20 MWh and one 40MWh NAICS. (PSC 6140 and NAICS 335910). Funding Mechanics: Funding for the infrastructure project is made available through the 2023 Funding Opportunity Announcement for Grid Resilience and Innovation Partnerships (GRIP) – Bipartisan Infrastructure Law (BIL) – Smart Grid (DE-FOA-0002740). The location of the project is San Antonio, Texas. Planned procurement winter 2024. Estimate installation by fall 2025 and spring 2026.

3. City of Madison, Wisconsin Recipient: Slipstream Group, Inc. (M5PTTWHDPVV3) Total estimated project cost related to infrastructure: $7,840,000 Estimated total cost of products being waived: $435,000 Funding Mechanics: Funding for the infrastructure project is made available through the Connected Communities Funding Opportunity Announcement DE-FOA-0002206. The location of the project is Madison, Wisconsin. The period of performance of this award is 18 months, from October 2024 to April 2026. Purchase of the items is expected by December 2024. Description of Covered Items: This waiver proposes to waive a 430 kWh and a 238 kWh behind-themeter stationary battery and associated electrical components (NAICS 335311).

4. Matchbook Learning Centers Recipient: Matchbook Learning Centers (HSDKWLPJKXC7) Total estimated project cost related to infrastructure: $5,320,798 Estimated total cost of products being waived: $273,596 Funding Mechanics: Funding for the infrastructure project is made available through the 2022 Funding Opportunity Announcement for Energy Improvements at Public K-12 School Facilities – Bipartisan Infrastructure Law (BIL) – Renew America's Schools. The location of the project is Indianapolis, Indiana. The period of performance of this award is one year, from January 4, 2024 to September 30, 2025. Installation of the items is expected by November 2024. Description of Covered Items: This waiver proposes to waive one 50kW/186kWh Battery Energy Storage System (NAICS code 335911, manufactured product) Impact Absent the waiver: Absent this waiver, these four projects would not be able to be completed. Specifically for the Matchbook Learning Centers project, the project would not be able to be completed given that Battery Energy Storage System is essential to storing excess PV energy, demand reduction strategies, and providing a resilient resource to use the facility as an emergency shelter as required in the scope of the DOE grant.

Specifically for the City of Madison Wisconsin project, the goal of this effort is to demonstrate how Grid Interactive Efficient Buildings (GEB) can be cost-effective at scale. The subject equipment of the request for waiver, behind-the-meter (BTM) batteries, represent a key component to GEB systems. BTM batteries at the individual or household level, combined with the right incentives, can unlock demand-side flexibility and ease system integration of electricity from wind and solar energy. There are critical-path timelines already in place for the project, including when the BTMs must be installed, and the availability of solely domestic product is outside this timetable.

Assessment of Cost Advantage of 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 products 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. DOE'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 proposed waiver will be posted on DOE's public facing webpage on October 8, 2024 and a notice of the proposed waiver was also posted to the Made in America website on October 8, 2024, to satisfy the requirement to publish any Build America, Buy America Act Project Waiver and provide the public with fifteen (15) calendar days to submit comments.