

Buy American Provision

The School Food Authority (SFA) will to the maximum extent practical purchase American grown products as required by participation in the federal school meals programs. Domestic commodities or food products are agricultural commodities produced and/or processed in the United States. For unprocessed foods, agricultural commodities must be domestic. Processed foods must be processed domestically using agricultural food components that are comprised of over 51% domestically grown food items by weight or volume (7 CFR 210.21, 220.16, SP38-2017). Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States.

The SFA must ensure the Buy American Provision is included in the SFA's procurement plan/procedures, all procurement solicitation/contracts and bid specifications. The SFA must ensure the Buy American Provision is followed for all informal purchasing and micro-purchasing.

Limited Exceptions to the Buy American Provision

Federal regulations require all foods purchased for USDA Child Nutrition Programs to be of domestic origin to the maximum extent practical. There are limited exceptions to the Buy American provision, these include:

- a. The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality.
- b. Competitive bids from vendors reveal the cost of a U.S. product is significantly higher than a non-domestic product.

Vendors must notify the SFA prior to delivery when a non-domestic product is substituted for a domestic product. Vendors must provide the school food service director with documentation to support the substitution, which would include product availability and/or cost information. The food service director must approve the substitution of a non-domestic product for a domestic product prior to delivery. Any non-domestic product delivered to the school without the prior approval of the food service director, may be rejected and returned to the vendor at vendor's expense.

Food Items that **do not** require an **exemption form**, as they are not available domestically in accordance with [CFR 25.103\(b\)\(1\)\(i\)](#): anise, bamboo shoots, **bananas**, beef/corned/canned, beef extract, Brazil nuts, capers, cashew nuts, castor beans/castor oil, chestnuts, cocoa beans, coconut/coconut meat, coffee/raw/green bean, grapefruit sections/canned, olive oil, olives/green, **oranges/mandarin/canned**, **pineapple/canned**, spices/herbs/bulk, sugars/raw, tea/bulk, vanilla beans, water chestnuts, yeast/active dry, and yeast/instant active dry.

Buy American Justification

Complete this form when purchasing a **non-domestic food** product due to the following exceptions: **availability and/or cost**.

Vendor's Name:	
Vendor Contact Information:	
Food Product Name:	
Food Product Country of Origin:	
Purchase Unit (example: case, lbs., each)	
<p>Indicate reason below for purchase of non-domestic food item:</p> <p><input type="checkbox"/> Availability – Poor market conditions exist (weather, and/or supply availability).</p> <p>Provide explanation: </p> <p><input type="checkbox"/> Cost – Domestic food product is significantly higher in cost than non-domestic food product. Complete cost information below.</p>	
Cost per Purchase Unit for Domestic Food Product	\$
Cost per Purchase Unit for Non-Domestic Food Product	\$
What other alternatives were considered prior to using this non-domestic food product?	
Explain why the non-domestic food product was used and an alternate food product was not used:	
Foodservice Director	Date
Authorized Representative	Date