

Buy American

Joe Clark

Senior Accountant

Susanne Reeves

Education Specialist

ALSDE CNP School Programs





BUY AMERICAN

School food authorities (SFAs) in the continental United States must purchase domestic agricultural commodities and food products. For foods that are unprocessed, the agricultural commodities must be domestic, and for foods that are processed, they must be processed domestically using domestic agricultural food components that are comprised of over 51% domestically grown items, by weight or volume. A domestic creditable food component is the portion that counts toward a reimbursable school meal (meats/meat alternates, grains, vegetables, fruits, and fluid milk).



BUY

AMERICAN

The non-
domestic
food
purchase
cap will be:

10% beginning School Year 2025-2026

8% beginning School Year 2028-2029

5% beginning School Year 2031-2032



BUY AMERICAN

There are two limited exceptions for non-domestic purchases

- The product is listed on the *Federal Acquisitions Regulations Nonavailable articles* list found at *48 code of federal regulations (CFR)*, Section 25, 104 and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality

<https://www.ecfr.gov/current/title-48/chapter-1/subchapter-D/part-25/subpart-25/section-25.104>

- Competitive bids reveal the costs of a domestic product are significantly higher than the non-domestic product

BUY AMERICAN



All Sponsors will be required to track all non-domestic food purchases beginning School Year 2025-2026.

This includes items that meet the limited exception rule.

Sponsors are required to request an accommodation if the 10 percent threshold cannot be met.

BUY AMERICAN

What can SFAs do to prepare?

- Ensure Buy American is included in all procurement solicitations, bid specifications and contracts – ex: include country of origin on invoices, procedures for contact when a non-domestic product will be substituted...etc.
- Use USDA Foods and food products processed in the United States using USDA Foods.
- Before using an exception consider a domestic alternative.
- Plan menus to utilize domestic products when possible.
- Provide staff training about the Buy American provision. Example: Reviewing country of origin on food packaging and invoices, food products align with the terms and conditions of the contract...etc.
- Periodically review storage areas to ensure products received are what was solicited and awarded and comply with the Buy American provision.

Sample Statement for contracts

BUY AMERICAN STATEMENT

It is the intent of the [School District's Name] Board of Education to strictly adhere to the USDA's "Buy American" Provision. The District participates in the National School Lunch Program and School Breakfast Program and is required to use the nonprofit food service funds, to the maximum extent practicable, to buy domestic commodities or products for Program meals. A domestic commodity or product is defined as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. as provided in 7 CFR 210.21(d). Exceptions to the Buy American provision are very limited; however, an alternative or exception may be approved upon request. To be considered for an alternative or exception, the request must be submitted in writing to the CNP Coordinator, a minimum of 3 days in advance of delivery. The request must include the reason for exception:

- (1) The food or food product is not produced or manufactured in the United States in sufficient and reasonably available quantities of satisfactory quality; or
- (2) Competitive bids reveal the cost of the United States food or food product is significantly higher than the non-domestic product.
 - (a) Price of the original domestic food product as bid has increase significantly above the Agricultural Marketing Services (AMS) and/or Consumer Price Index (CPI); and
 - (b) The non-domestic product meets the required specifications of the domestic product.

Vendors should provide market news reports from AMS or the CPI to document requested exceptions.

Sample substitution documentation from vendors

Provided below is an example of the substitution for domestic products provided by the vendor/distributor:

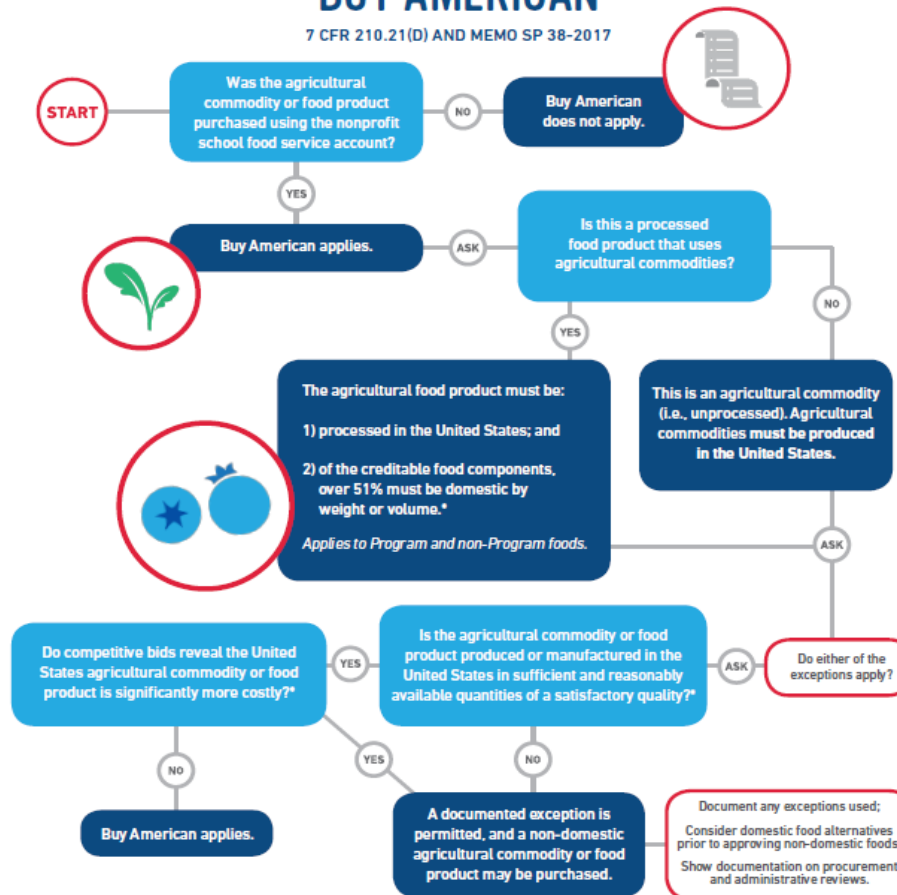
Documenting Non-Domestic Products:	
Vendor Name:	
Domestic Agricultural Product:	
Storage Area for Product:	
	Dry
	Cooler/refrigerator
	Freeze
Country of Origin of Non-domestic substitution:	
<u>Select Reason for Exception:</u>	
1.)	The food or food product is not produced or manufactured in the United States in sufficient and reasonably available quantities of satisfactory quality
2.)	Competitive bids reveal the cost of the United States food or food product is significantly higher than the non-domestic product.
(a)	Price of the original domestic food product as bid has increase significantly above the Agricultural Marketing Services (AMS) and/or Consumer Price Index (CPI); and
(b)	The non-domestic product meets the required specifications of the domestic product.
<u>Date range for the substitution:</u>	
Beginning Date:	
Ending Date:	
<u>Supporting Documentation Provided:</u>	
	Documentation that the product is not produced or manufactured in the United States in sufficient and reasonably available quantities of satisfactory quality
	Documentation that the price of the original domestic food product as bid has increase significantly above the Agricultural Marketing Services (AMS) and/or Consumer Price Index (CPI)
Vendor Representative's Name (Print)	
Vendor Representative's Name (Signature)	
Date:	
SFA Representative's Name (Print)	
SFA Representative's Name (Signature)	
Date:	



United States Department of Agriculture

BUY AMERICAN

7 CFR 210.21(D) AND MEMO SP 38-2017



*As determined by the SFA.

SFAs can obtain information on Buy American at: <https://www.fns.usda.gov/school-meals/compliance-enforcement-buy-american> or by contacting their State agency.





BUY AMERICAN

Tracking Non-domestic Purchases

Beginning SY 2025-25, SFAs will need to track non-domestic purchases to ensure no more than 10% of federal funds are used to purchase those items.

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	#	SCHOOL NAME	INVOICE NUMBER	INVOICE DATE	SOURCE	PRODUCT DESCRIPTION	FOOD COMPONENT	NON-DOMESTIC	EXCEPTION TYPE	UNIT	PRICE PER UNIT	NUMBER OF UNITS	TOTAL AMOUNT
2	Count.	If relevant.	If relevant.	(MM/DD/YYYY)	What is the origin of the invoice?	(e.g., lettuce mix, applesauce, whole wheat rolls, ground beef, etc.)	Select the most appropriate food component label for the product purchased.	Was this product produced in one of the 50 states, the District of Columbia, Puerto Rico, or any U.S. territory? If not, confirm by selecting "Non-domestic". Does this product consist of more than 51 percent of domestically grown food by weight or volume? If not, confirm by selecting "Non-domestic".	Exception 1. The product is listed on the Federal Acquisitions Regulations Nonavailable articles list found at 48 CFR 25.104 and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality. Exception 2. Competitive bids reveal the cost of a U.S. product is significantly higher than the non-domestic product.	Optional (e.g., case, dozen, pound, bunch). If you prefer not listing items by unit, you can leave this column blank or enter "N/A".	Optional. If you prefer not listing items by unit, you can leave this column blank or enter zero.	Optional. If you prefer not listing items by unit, you can leave this column blank or enter "N/A".	Enter the total cost for this line. If you choose to include price per unit and number of units, you can use this column to calculate the total by multiplying price per unit by number of units.
3	1	Montlake School	1200AT6B	8/15/2025	Fresh Food Hub	Tomatoes, diced, #10 can	Vegetables	Non-domestic	Exception 2	Case	\$ 40.00	25	\$ 1,000.00
4	2	Lakemont School	1459AT6B	8/20/2025	Star Food	Bananas, whole, fresh	Fruits	Non-domestic	Exception 1, listed on the Nonavailable articles list	N/A	\$ -	N/A	\$ 300.00
5	3							Non-domestic		Case	\$ 25.00	100	\$ 2,500.00
6	4									Case	\$ 25.00	50	\$ 1,250.00
7	5									\$ -	\$ -	\$ -	\$ -
8	6									\$ -	\$ -	\$ -	\$ -
9	7									\$ -	\$ -	\$ -	\$ -
10	8									\$ -	\$ -	\$ -	\$ -
11	9									\$ -	\$ -	\$ -	\$ -
12	10									\$ -	\$ -	\$ -	\$ -
13	11									\$ -	\$ -	\$ -	\$ -
14	12									\$ -	\$ -	\$ -	\$ -
15	13									\$ -	\$ -	\$ -	\$ -
16	14									\$ -	\$ -	\$ -	\$ -
17	15									\$ -	\$ -	\$ -	\$ -
18	16									\$ -	\$ -	\$ -	\$ -
19	17									\$ -	\$ -	\$ -	\$ -
20	18									\$ -	\$ -	\$ -	\$ -

<

>

☰

🔒 Overview

🔒 Exceptions Tracker

🔒 Exceptions Summary

+

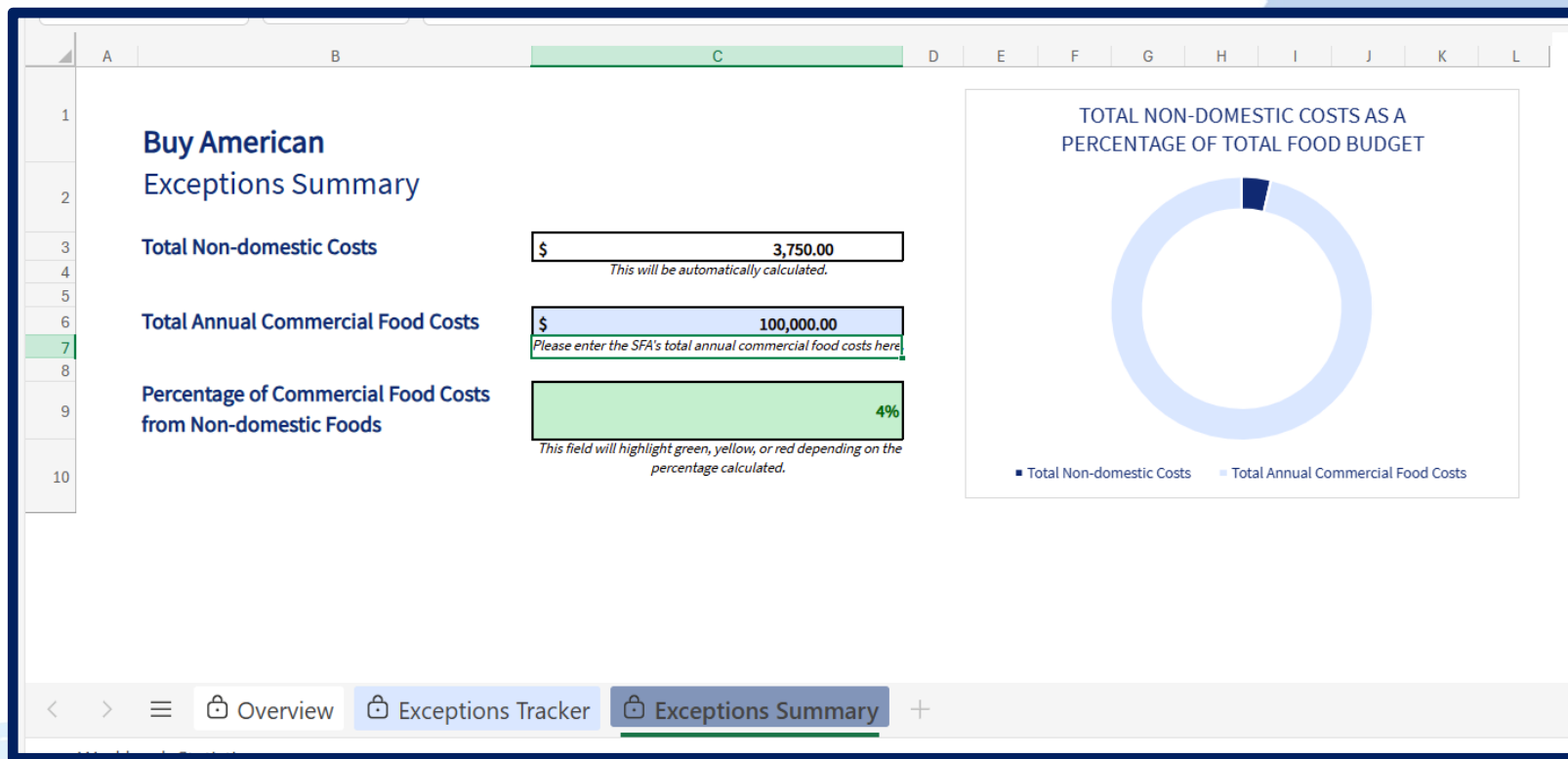


BUY AMERICAN

Tracking Non-domestic Purchases

Beginning SY 2025-25, SFAs will need to track non-domestic purchases to ensure no more than 10% of federal funds are used to purchase those items.

A tracking tool has been created & will be provided to all SFAs





BUY AMERICAN

Temporary Accommodation

- If the 10% threshold will not be met, sponsors must request a temporary accommodation
- This accommodation should be used while making efforts to meet the 10% requirement
- Fields are fillable
- Link or QR code to this document to come

SFA Accommodation Plan SY 2025-2026

Please select all categories of food that require an accommodation from the threshold requirement (i.e. exceeding 10 percent):

- ☐ Fruit
- ☐ Vegetables
- ☐ Fruit/Vegetable Juices
- ☐ Cereals
- ☐ Other, please specify _____

Please select all that apply for reasons for the accommodation from the threshold requirement (i.e. exceeding 10 percent):

- ☐ Timing of procurement cycle
- ☐ Student preference/anticipated participation impacts
- ☐ Items that help meet meal standards
- ☐ Items that facilitate meal service models (e.g. grab n' go, Breakfast in the Classroom)
- ☐ Other, please describe _____

Please briefly describe the anticipated timeline to make modifications to meet the Buy American requirements (this could include timing of calculating the baseline percentage of non-domestic food purchases (or include the baseline percentage if available), obtaining documentation, and balancing the accommodation and exception process with making menu changes).

USDA Non-Discrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1.mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2.fax:

(833) 256-1665 or (202) 690-7442; or

3.email:

Program.Intake@usda.gov

This institution is an equal opportunity provider.