Buy American Justification Form for the School Nutrition Programs

This form documents the school food authority's (SFA) compliance with the Buy American requirement for the U.S. Department of Agriculture's (USDA) school nutrition programs, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Seamless Summer Option (SSO) of the NSLP, Afterschool Snack Program (ASP) of the NSLP, and Fresh Fruit and Vegetable Program (FFVP), in accordance with 7 CFR 210.21 (d) of the NSLP regulations, 7 CFR 220.16 (d) of the SBP regulations, and the USDA final rule, *Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*.

The Buy American requirement specifies that schools and institutions must purchase domestic commodities or products to the maximum extent practicable. A "domestic commodity or product" is an agricultural commodity that is produced in the United States (U.S.), and a food product that is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. "Substantially" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically.

The Buy American requirements are summarized in the Connecticut State Department of Education's (CSDE) resource, *Buy American Requirement for the School Nutrition Programs*, and USDA Memo SP 23-2024: *Buy American Provisions Related to the Final Rule Titled, Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans*. For additional resources, visit the "Buy American Requirement" section of the Connecticut State Department of Education's (CSDE) Procurement for School Nutrition Programs webpage.

Instructions

SFAs must complete this form when both conditions below apply.

1. Funds from the nonprofit school food service account (NSFSA) are used to purchase non-domestic food products.
2. The non-domestic food product is not listed on the Federal Acquisitions Regulations (FAR) Non-available Articles List (FAR 25.104) or competitive bids reveal the cost of the U.S. product is significantly higher than the non-domestic product.

Complete one form annually for each non-domestic food product served in the NSLP, SBP, ASP, SSO, and FFVP. Maintain these forms on file in accordance with the records retention requirements for the school nutrition programs. For additional guidance on records retention, refer to the CSDE's resource, *Records Retention Requirements for the School Nutrition Programs*.

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Product name: _____

Country of origin: _____

Estimated annual usage (specify unit e.g., case): _____

A. Non-domestic Source

1. Is this food product only available from a non-domestic source?

   ☐ Yes: Answer the two questions below. ☐ No: Complete parts B and C.

   a. What alternatives to using this non-domestic food product were considered?

   _____

   b. What is the justification for using the non-domestic food product?

   _____

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B. Pricing

1. Bid cost per purchase unit for domestic food product: _____
2. Bid cost per purchase unit for non-domestic food product: _____
3. Country of origin for non-domestic food product: _____
4. Estimated annual cost of domestic food product (annual usage x bid cost per purchase unit): _____
5. Estimated annual cost of non-domestic food product (annual usage x bid cost per purchase unit): _____
6. If the SFA uses a non-domestic food product because the price of the domestic food product is significantly higher, answer both questions below:

    a. What alternatives to using this non-domestic food product were considered?

    _____

    b. Explain why this cost is significant to the school nutrition program:

    _____

C. Seasonality

1. If the food product is not available domestically for part of the school year, indicate the months it is non-domestic and attach supporting documentation (other than a vendor statement).

   a. Did the SFA serve the domestic food product during the months it was available?

   ☐ Yes ☐ No: Explain why below.

   _____

   b. What alternatives to using this non-domestic food product were considered?

   _____

Signature of food service director: _____

Date _____

Signature of SFA authorized signer * _____

Date _____

* The signature of the SFA authorized signer is required only if the district contracts with a food service management company.

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For more information, visit the "Buy American Requirement" section of the CSDE's Procurement for School Nutrition Programs webpage or contact the procurement staff at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841. This document is available at https://portal.ct.gov/-/media/sde/nutrition/nslp/procure/buy_american_form_snp.pdf.

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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

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