

State Update - Buy American

SNAL Conference



October 2, 2026

The Importance of Buy American

The Buy American provision is essential to the purpose of the National School Lunch Program, found in Section 2 of the National School Lunch Act (42 U.S.C. 1751), which states: “It is declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food.”

The Buy American provision supports the mission of the Child Nutrition Programs, which is to serve children nutritious meals and support American agriculture.

The Buy American provision applies to NSLP and SBP, as well as to SFAs that also operate the CACFP or SFSP out of the same food service account.



The Buy American provision isn't just a rule; it is foundational to the National School Lunch Program (NSLP). Congress established this policy under Section 2 of the National School Lunch Act with a dual purpose: safeguarding children's health and strengthening national security through food independence.

The provision directly connects Child Nutrition Programs with local economies. This ensures that public funds actively support domestic farmers, ranchers, and agricultural businesses while providing nutritious meals to students.

The Buy American Provision requirement strictly applies to both the National School Lunch Program (NSLP) and the School Breakfast Program (SBP).

It also extends to School Food Authorities (SFAs) that manage the Child and Adult Care Food Program (CACFP) or Summer Food Service Program (SFSP), provided they operate out of the same unified food service account.

Buy American Definitions

Domestic commodity or product means:

- (A) An agricultural commodity that is produced in the United States; and
- (B) A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

Substantially using agriculture commodities that are produced in the United States means over 51 percent of a food product must consist of agricultural commodities that were grown domestically.

[7 CFR 210.21\(d\)\(1\)](#)



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The definitions on this slide are listed in 7 CFR 210.21(d)(1), which governs procurement rules for federal school meal programs. The regulation ensures that federal funds spent on school nutrition programs directly support American agriculture and domestic businesses. The first regulation talks about Agricultural commodities, which are any raw agricultural product that must be 100% produced and grown within the United States. The next part covers processed food products, which are either manufactured or a multi-ingredient food that must be processed in the U.S. and utilize mostly domestic ingredients.

Now we will be defining the word "Substantially", within 7 CFR 210.21(d)(1)(ii) it means the agricultural commodity must contain at least 51 percent of the final food product's total agricultural components must be grown domestically.

Buy American Provision Requirements

A school food authority must purchase, to the maximum extent practicable, domestic commodities or products. [7 CFR 210.21\(d\)\(2\)](#)

School food authorities must include language requiring the purchase of foods that meet the Buy American requirements in all procurement procedures, solicitations, and contracts. [7 CFR 210.21\(d\)\(3\)](#)



A school food authority is required to purchase domestic commodities or products to the maximum extent practicable. There are a few exceptions to this requirement that we will discuss later in the slides. This mandate comes from 7 CFR 210.21(d)(2).

If you look at the second regulation on the slide it states that an SFA must include the Buy American provision into all procurement procedures, solicitations, and contracts. By embedding this requirement directly into bidding documents, schools ensure that commercial distributors and manufacturers are legally obligated to supply domestic foods.

One thing to keep in mind is even though you as the SFA have included the Buy American language in your solicitation it is still up to you to ensure the vendor is in compliance with the products they send and if they are not able to get a product that is non compliant with the Buy American provision they communicate with you about this. It is your job to ensure that contract language is present and that vendors actively follow it.

State agencies look for this language in your contracts during procurement reviews. If this is not in your contracts then this will result in a finding. When we are conducting an Administrative Review we will look in your store room, refrigerator and freezer to ensure the products that you are using to feed the children is compliant with the Buy American.

Buy American Factsheet



United States Department of Agriculture

BUY AMERICAN: SUPPORTING DOMESTIC AGRICULTURE IN SCHOOL MEALS




The **BUY AMERICAN PROVISION** safeguards the health and well-being of our Nation's children and supports the thriving, economic American farmers, and small and local agricultural businesses (7 CFR 210.211-10) and National SMP 38-2015).

School Food Assistance (SFAF) in the continental United States¹ must purchase domestic agricultural commodities and food products. For foods that are imported, the agricultural commodities must be domestic, and for foods that are processed, they must be processed domestically using domestic agricultural food components that are composed of over 51% domestically grown items, by weight or volume. A domestic creditable food component is the portion that contains a non-dominant source of agricultural food products, including: grains, vegetables, fruit, and food oils.

- Foods and food products of South American Samoa, U.S. Virgin Islands, Puerto Rico, and the Northern Mariana Islands are considered domestic.

How SFAFs Can Buy American Foods

- **Storage:** ensure that storage only domestic foods and domestic food products.²
- **Include the Buy American provision** and Geographic Preference option in written government procurement, specifications or solicitations, and contracts for food, for use to make contract procurement.
- **Require suppliers to attest** that their final food products are either 100% domestic agricultural or a food product containing over 51% domestic food components, by weight or volume.
- **Use USDA Foods and food products** produced in the United States using USDA Foods.
- **Participate in WIC® Farm to School Grant Program.**

Exceptions to Buy American

There are two limited exceptions when domestic foods may be purchased. These exceptions are determined by the USDA.

- **The food or food product is not produced or manufactured in the United States:** In sufficient and reasonably available quantities of a satisfactory quality or.
- **Competitive bid:** reveal the cost of a United States food or food product is significantly higher than the non-domestic product.

REMEMBER:
Domestic exceptions are rarely needed!

¹ Puerto Rico, U.S. Virgin Islands, and Northern Mariana Islands are not included in the Buy American provisions. However, U.S. Department of Agriculture (USDA) Food and Nutrition Assistance (FNA) programs are authorized to purchase food products produced in Puerto Rico or U.S. Virgin Islands, as determined by the USDA, and 7 CFR 210.211-10.

² Puerto Rico, U.S. Virgin Islands, and Northern Mariana Islands are not included in the Buy American provisions. However, U.S. Department of Agriculture (USDA) Food and Nutrition Assistance (FNA) programs are authorized to purchase food products produced in Puerto Rico or U.S. Virgin Islands, as determined by the USDA, and 7 CFR 210.211-10.

Information on availability of domestic foods available at: <http://www.ams.usda.gov/nationalmeals>



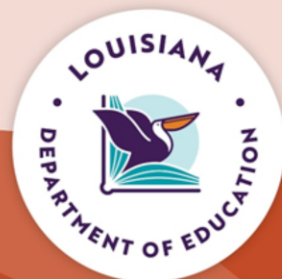


<https://www.fna.usda.gov/schoolmeals/buy-american-factsheet>



Here on the slide is excellent resource that USDA has created in order to help SFAs understand what the Buy American is. We have heard they may be updating this form, but have to wait and see. We will pass it along if they do.

Buy American Documentation and Reporting Requirements



Buy American Exception Documentation and Reporting Requirements

SFAs must document the use of exceptions to purchase non-domestic products and must be able to produce this documentation as needed.

SFAs do not need pre-approval or a waiver from the State or FNS to use an exception under the Buy American provision.

When SFAs purchase a product found on the FAR 25.104 Nonavailable articles list, this must be included on the tracker for the purpose of accurately tracking total non-domestic costs.

However, when a school food authority purchases a food item found on the FAR 25.104 Nonavailable articles list, no further documentation is required.



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Buy American Documentation

Buy American Provision Certification Form for Food Purchases for all non-domestic items

- unless on FAR list

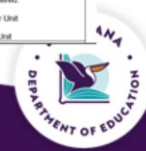
BUY AMERICAN PROVISION CERTIFICATION FORM FOR FOOD PURCHASES

SFA Name: [Click or tap here to enter text.](#)

The Buy American Provision (7 CFR Part 210.21(c)) requires School Food Authorities to purchase, to the maximum extent practical, domestically grown and processed foods. "Domestic" is defined as a product that is grown in the United States, or with processed food items, the product must be processed in the United States of food that is produced and grown domestically in the United States. Any product processed by a responsive vendor must contain over 51% of the food component, by weight or volume, from U.S. origin.

The vendor must include all component items proposed by the company that do not meet the definition of "domestic". This document must be included as a part of the proposal or bid. This document is provided in Microsoft Word format so the vendor may add additional food items.

VENDOR MUST CERTIFY EITHER: (CHECK NUMBER 1 OR 2)	
☐ 1	I certify that all food products proposed by my company are 100% produced in the U.S., or processed in the U.S. with the final processed product including over 51% of food that was grown in the U.S.
☐ 2	I certify that all food products proposed by my company are 100% produced in the U.S., or processed in the U.S. with the final processed product including over 51% of food that was grown in the U.S., with the EXCEPTON of the following items listed below:
NAME OF FOOD ITEM Click or tap here to enter text.	COMPLETE BELOW AND CHECK THE APPROPRIATE REASON THE NON-DOMESTIC PRODUCT IS PROPOSED FOR EACH ITEM. This product includes ☐ % U.S. Content. The product is grown in ☐ The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality. OR ☐ The cost of the U.S. product is significantly higher than the non-domestic product. List prices and unit pack size below for item to be considered: \$ Price of Domestic or U.S. Grown Product Per Unit \$ Price of Non-Domestic Product Per Unit Click or tap here to enter text. This product includes ☐ % U.S. Content. The product is grown in ☐ The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality. OR ☐ The cost of the U.S. product is significantly higher than the non-domestic product. List prices and unit pack size below for item to be considered: \$ Price of Domestic or U.S. Grown Product Per Unit \$ Price of Non-Domestic Product Per Unit



Here's what the Buy American Certification Form looks like. This form should be included in your bid documents for vendors to complete for any items that are non-domestic.

This lets you know when your vendor submits their bid what they cannot get domestically. We look at this form when we conduct a procurement review. If it is not included with your bid documents we will cite a finding for the missing form and require you to incorporate this in your bid documents for future procurement.

Those items that the vendor cannot get domestically must be tracked which we will talk about on the other slide.

Streamlining with the FAR Exception

- Highlight a key administrative timesaver: Items officially listed on the Federal Acquisition Regulation (**FAR**) Nonavailable Articles list are pre-exempted.
- Explain that SFAs **do not** need to fill out or retain a separate exception form for items on this specific list (such as certain tropical fruits or specialized spices). This reduces paperwork for the procurement team. [\[1, 2, 3\]](#)

Executing the Certification Form (Visual Walkthrough)

- Direct attention to the sample tracking form on the right.
- Emphasize that when a non-domestic item is *not* on the FAR list, the SFA must utilize this form to document one of two valid exceptions: **lack of domestic availability** in sufficient quantity/quality, or a **significantly higher cost** for the domestic alternative.
- Note that the SFA must establish its own clear local methodology or percentage threshold to define what constitutes a "significantly higher" cost during competitive bidding.

[\[1, 2, 3\]](#)

Buy American Exceptions

7 CFR 210.21(d)(5)

Limited Exceptions to the Buy American Requirement

- The product is listed on the Federal Acquisitions Regulations Non-available 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; or
- Competitive bids reveal the costs of a U.S. product is significantly higher than the non-domestic product.
- Non-domestic food purchases must not exceed 10 percent of total annual commercial food costs that a SFA purchases per school year.
- SFAs must maintain documentation, except when the item purchased is found on the FAR Non-available Articles List, when using the Buy American Exception.
- SFAs must maintain documentation, to demonstrate that when using a Buy American Exception, their non-domestic food purchases do not exceed the annual threshold.



The regulations have changed slightly concerning the Buy American provision. The regulation for Exceptions to the Buy American Requirement can be found in 7 CFR 210.21(d)(5)

In the past exceptions were given for availability and cost of the product. The exceptions in the regulations have changed slightly. The first way to claim an exception is

1. The product is listed on the Federal Acquisitions Regulations Non-available articles list found at 48 CFR 25.104. This list within 48 CFR 25.104 gives the products that are known to not be produced or manufactured in the U.S. in sufficient quantity. So this is talking about availability of a product. For example pineapple is a product that schools use but it is included FAR non available articles list because they already know that it is not available domestically.

2. The second way is that competitive bids reveal the costs of a U.S. product is significantly higher than the non-domestic product.

USDA also implemented that SFA's must now track their non domestic food purchases.

Last year starting on July 1, 2025, Non-domestic food purchases (those that do not meet the definition of domestic commodity or product, as defined above) must not exceed ten (10) percent of total annual commercial food costs that an SFA purchases per school year. 7 CFR 210.21(d)(5)(ii)(A).

SFAs must maintain documentation for non domestic purchases, except when that item purchased is found on the FAR Non-available Articles List, when using the Buy American Exception.

Additionally, SFAs must now maintain documentation, to demonstrate that when using a Buy American Exception, their non-domestic food purchases do not exceed the annual threshold specified in bullet point #3 listed, which is currently set at 10%. There is a USDA Exceptions Tracking Standard Form that can be used by you in order to stay in compliance with the ten percent total annual commercial food cost purchases.

USDA is allowing one more year for SFA's that are unable to comply with the Buy American Exceptions 10% tracking during SY26-27, that SFAs should complete the Buy American Accommodation Request form with our office. This form can be found on the CNP website.

Harvested Fish under Buy American Requirement – 7 CFR 210.21(d)(6)

1. To meet the definition of a domestic commodity or product, harvested fish must meet the following requirements:
 - a. Farmed fish must be harvested within the U.S. or any territory or possession of the US, and
 - b. Wild caught fish must be harvested within the Exclusive Economic Zone of the US or by a US flagged vessel.

Buy American Exceptions Tracking

[Buy American Exceptions Tracking Standard Form Template](#)

- Optional template that school food authorities can use to document the use of exceptions to purchase non-domestic foods
- Purpose of this form is to track both the exceptions and costs related to non-domestic product purchases
- SFAs can input data related to non-domestic product costs in the Exceptions Tracker tab
- Exceptions Summary tab will help the SFA calculate its percentage of costs from non-domestic products within a specified time frame
- When SFAs purchase a product found on the FAR 25.104 Nonavailable articles list, **this must be included on the tracker** for the purpose of accurately tracking total non-domestic costs.
- SFAs must maintain documentation, to demonstrate that when using an exception their non-domestic food purchases do not exceed the annual threshold.



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[Buy American Exceptions Tracking Standard Form Template](#)

The Exceptions Tracking Standard Form is an optional template that school food authorities can use to document the use of exceptions to purchase non-domestic foods under the Buy American provision.

The link on this slide will take you to the USDA website where you can find the tracking form which is under the resources materials. We can send the slides out later so you can have the link.

The purpose of this form is to track both the exceptions and costs related to non-domestic product purchases.

SFAs can input data related to non-domestic product costs in the Exceptions Tracker tab, and the Exceptions Summary tab will help the SFA calculate its percentage of costs from non-domestic products within a specified time frame.

When SFAs purchase a product found on the FAR 25.104 Nonavailable articles list, this must be included on the tracker for the purpose of accurately tracking total non-domestic costs.

The tracker can be reviewed throughout the year by you so you can see if you are in line to meet the 10% cap or not. If you are not going to meet the threshold then you will know that juice may not be able to be served as many times throughout the year for example.

Cap on Non-Domestic Food Purchases

Non-domestic food purchases (those that do not meet the definition of domestic commodity or product, as defined in paragraph (d)(1) of this section) must not exceed the following caps by the established deadlines:

By July 1, 2025, non-domestic food purchases must not exceed 10 percent of total annual commercial food costs that a school food authority purchases per school year.

By July 1, 2028, non-domestic food purchases must not exceed 8 percent of total annual commercial food costs that a school food authority purchases per school year.

By July 1, 2031, non-domestic food purchases must not exceed 5 percent of total annual commercial food costs that a school food authority purchases per school year.

[7 CFR 210.21\(d\)\(5\)\(ii\)](#)

[7 CFR 220.16\(d\)\(5\)\(ii\)](#)



USDA established in regulations a new threshold for school food authorities that use exceptions. The limit on the percent of total commercial food costs from non-domestic foods will be phased in over 7 school years. This phased-in approach will allow schools to gradually adjust to the new requirement and will allow USDA to continue to collect data on use of the Buy American exceptions.

You have until SY2027-28, to be in compliance with the non-domestic food purchasing cap of 10%

Then in July 1 2028, which is SY 29 through SY2030-31, the non-domestic food purchasing cap will be decreased to 8%

Then it will even change in SY2031-32 on, the non-domestic food purchasing cap will be 5%.

But as of now the Non-domestic food purchases must not exceed 10 percent of total annual commercial food costs as outlined in [7 CFR 210.21\(d\)\(5\)\(ii\)](#) and [7 CFR 220.16\(d\)\(5\)\(ii\)](#)

Buy American Exceptions Tracking Standard Form

INVOICE NUMBER	INVOICE DATE	SOURCE	PRODUCT DESCRIPTION	FOOD COMPONENT	NON-DOMESTIC	EXCEPTION TYPE	UNIT	PRICE PER UNIT	NUMBER OF UNITS	TOTAL AMOUNT
<i>If relevant.</i>	<i>(MM/DD/YYYY)</i>	<i>What is the origin of the invoice?</i>	<i>(e.g., lettuce mix, applesauce, whole wheat rolls, ground beef, etc.)</i>	<i>Select the most appropriate food component label for the product purchased.</i>	<i>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".</i> <i>Does this product consist of more than 51 percent of domestically grown food by weight or volume? If not, confirm by selecting "Non-domestic".</i>	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.	<i>Optional (e.g., case, dozen, pound, bunch).</i> <i>If you prefer not listing items by unit, you can leave this column blank or enter "N/A".</i>	<i>Optional.</i> <i>If you prefer not listing items by unit, you can leave this column blank or enter zero.</i>	<i>Optional.</i> <i>If you prefer not listing items by unit, you can leave this column blank or enter "N/A".</i>	<i>Enter the total cost for this line.</i> <i>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.</i>
1200AT68	8/15/2025	Fresh Food Hub	Tomatoes, diced, #10	Vegetables	Non-domestic	Exception 2	Case	\$ 40.00	25	\$ 1,000.00
1459AT68	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
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -

Buy American Exceptions Summary

Total Non-domestic Costs
This will be automatically calculated.

Total Annual Commercial Food Costs
Please enter the SFA's total annual commercial food costs here.

Percentage of Commercial Food Costs from Non-domestic Foods
This field will highlight green, yellow, or red depending on the percentage calculated.

Overview Exceptions Tracker Exceptions Summary



Here is a snippet of the Buy American Exceptions Tracking Standard Form

The first tab is the Overview of the Buy American Exception Tracking Standard Form. The Exceptions Tracker tab is a spreadsheet that has some cells that have some required cells and some cell that auto calculate. This is where you enter in all of the non-domestic products.

The Exceptions Summary Tab calculates the percentage of commercial food costs from non-domestic foods based on the data inputted into the Exceptions Tracker.

Temporary Accommodation

[7 CFR 220.16\(d\)\(8\)](#)

For school food authorities that demonstrate they cannot meet the threshold, State agencies may provide an accommodation for temporary relief from the requirement as the State agency works with the school food authority to increase domestic purchases.



Like mentioned earlier Per [7 CFR 220.16\(d\)\(8\)](#) SFAs that demonstrate they cannot meet the threshold, State agencies may provide an accommodation for temporary relief from the requirement as the State agency works with the SFA to increase domestic purchases.

Buy American Accommodation Process for School Year 2026-2027

- Refer to USDA Memo [SP 09-2026](#) Buy American Accommodation Process for School Year 2026-2027
- SFAs seeking a temporary accommodation from the Buy American threshold requirement should complete and submit to their State agency the “SFA Accommodation Plan SY 2026-27” included in the memo
- State agencies must report to their USDA regional offices on a quarterly basis the total number of accommodations requested, the total number approved, and the types of non-domestic food products purchased by SFAs requesting the accommodation
- State agency will provide technical assistance to SFAs to support the temporary accommodation as SFAs demonstrate they are unable to meet the requirement



Refer to USDA Memo SP 09-2026 Buy American Accommodation Process for School Year 2026-2027, this will explain the accommodation request process.

<https://www.fna.usda.gov/schoolmeals/buy-american-sy26-27>

SFAs seeking a temporary accommodation from the Buy American threshold requirement should complete and submit to their state agency the “SFA Accommodation Plan for SY 2026-27”

State agencies must report to their USDA regional offices on a quarterly basis the total number of accommodations requested, the total number approved, and the types of non-domestic food products purchased by SFAs requesting the accommodation.

If we see you are not on track to meet your 10% cap we will provide technical assistance to SFAs to support the temporary accommodation as SFAs demonstrate they are unable to meet the requirement.

SFA Buy American Accommodation Plan SY 2026-2027

Submit form to
ChildNutritionPrograms@LA.GOV

LDOE will notify the SFA in writing if approved.

State agency will provide technical assistance to SFA to support the temporary accommodation as the SFA demonstrates they are unable to meet the requirement.



SFA Accommodation Plan SY 2026-2027

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

- ☐ Fruits
- ☐ Vegetables
- ☐ Fruit/Vegetable Juices
- ☐ Meats/Meat Alternates
- ☐ Grains (Cereals)
- ☐ Other, please specify:

Select all that apply as 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 (grab n' go, Breakfast in the Classroom)
- ☐ Difficulty in procuring items due to seasonality
- ☐ Vendor-related issues (e.g., pricing, documentation, and tracking)
- ☐ Other, please specify:

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).



The is what the SFA Accommodation Plan form looks like. You will submit the form to childnutritionprograms@la.gov

The SFA Accommodation Plan SY 2026-2027 form has been added to the LDOE CNP website.

The State agency will review the completed requests for accommodation in a timely manner and may approve these requests. LDOE will notify the SFA in writing if approved.

State agency will provide technical assistance to SFA to support the temporary accommodation as the SFA demonstrates they are unable to meet the requirement.

Administrative Review and Procurement Review



Buy American

Review

- Use of Domestic Agricultural Products



- Are you using domestic whenever possible, and documenting a reason when you can't?
- Are you tracking the non-domestic products?

Documents

- Exception Documentation
- Buy American Tracking Tool

Prepare

- Check Item Packaging
- Contact your Suppliers/Distributors
- Keep up to date with the Buy American tracking tool

7 CFR 210.21(d) [https://www.ecfr.gov/current/title-7/part-210#p-210.21\(d\)](https://www.ecfr.gov/current/title-7/part-210#p-210.21(d))



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Buy American

In this section, the Use of Domestic Agricultural Products will be reviewed during your Administrative review.

- We are ensuring that you are using domestic whenever possible, and documenting a reason when you can't?
- And are you tracking the non-domestic products?

Documents Needed:

- Exception Documentation
- Buy American Tracking Tool

How to Prepare:

- Check Item Packaging
- Contact your Suppliers/Distributors
- Keep up to date with the Buy American tracking tool
- Stay on top of your vendors because they do substitute products that may not be domestic. A good rule of thumb is to have them let you know when they will be substituting a non domestic product.
- Communicate with your staff if you receive new products in so they can look at labels or packaging to ensure they are domestic products and if they are not they are including them on a tracking sheet.

Administrative Reviews and Procurement Reviews

State agencies conducting administrative reviews and procurement reviews must ensure SFA compliance with the Buy American provision.

- Determine if SFAs are purchasing domestic commodities as defined in [7 CFR 210.21\(d\)](#)
- Check solicitations and contracts for Buy American language
- Review invoices and receipts for domestic products
- Determine if solicited for foods were provided by the awarded contractor
- Review the labels on a variety of food products in SFA storage facilities
- Request documentation justifying the limited exception(s)



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This slide pretty much reiterates what I just mentioned on the other slide. State agencies conducting administrative reviews and procurement reviews must ensure SFA compliance with the Buy American provision.

- We will determine if SFAs are purchasing domestic commodities as defined in [7 CFR 210.21\(d\)](#)
- We will look at your solicitations and contracts for Buy American language
- We will Review invoices and receipts for domestic products
- Determine if solicited for foods were provided by the awarded contractor
- We review the labels on a variety of food products in SFA storage facilities
- Request documentation justifying the limited exception(s)

Administrative Reviews and Procurement Reviews

Non-compliance with Buy American requires issuing findings and require corrective actions such as:

- Requiring the review of food deliveries for contractor compliance
- Monitoring to ensure the correct domestic food components contracted for are delivered
- Prior to accepting foods, ensuring that an alternative domestic food component, or an exception to purchase non-domestic foods, has been approved for delivery
- Developing policies and procedures for monitoring and ensuring compliance with the Buy American provision.
- Requiring contract amendments to include language to supply domestic foods, or a new solicitation if the contract amendment is determined to be a material change
- Attending a procurement training to increase compliance with procurement standards, including the Buy American provision
- Fiscal action for repeat or egregious findings, on a case-by-case basis

<https://www.fna.usda.gov/nsfp/compliance-enforcement-buy-american>



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- Requiring contract amendments to include language to supply domestic foods, or a new solicitation if the contract amendment is determined to be a material change
- Attending a procurement training to increase compliance with procurement standards, including the Buy American provision
- Fiscal action for repeat or egregious findings, on a case-by-case basis

<https://www.fna.usda.gov/nsfp/compliance-enforcement-buy-american>

Buy American - Common Findings

- Lack of Buy American documentation
- Insufficient monitoring of vendors
- Lack of tracking Buy American products



Some common findings with Buy American were found on previous reviews:

- Lack of Buy American documentation
- Insufficient monitoring of vendors
- Lack of tracking Buy American products

Best Practices for Findings Related to Buy American

- Add language about the Buy American provision to all solicitation documents
- Document exceptions
- Track non-domestic products
- Monitor vendor performance

[7 CFR 210.21\(d\)](#)



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Some best practices for addressing errors within the Buy American section of the AR:

First, you should add language in all solicitation documents that specifies the requirement for domestic food products. By adding the language to your solicitation this notifies the Vendor of your need to comply with the Buy American provision. This will help you actively monitor vendor compliance by reviewing invoices, and product labels to confirm that the products received are domestic.

If a product cannot meet the Buy American provision then you need to document the non-domestic product is purchased, retain documentation justifying the exception based on a valid reason, such as unavailability or unreasonable cost.

This year you were required to start tracking your non-domestic purchases and stay within a 10% CAP.

Monitor your vendor performance and address any issues relating to Buy American.

Some resources resources to use are:

Federal Regulations [7 CFR 210.21\(d\)](#)

Monitoring Compliance



Monitoring Contractor/Vendor Compliance

Monitoring contractor compliance is a critical function in enforcing the Buy American provisions.

The SFA is responsible for contract management. It is critical that the SFA is prudent in monitoring the contract throughout its duration so potential problems can be eliminated as early as possible.

It is imperative that the contract contains clear and precise language that addresses penalties for non-compliance with the Buy American provision and other terms of the contract.

SFA should establish penalties if vendors fail to comply with the Buy American provision and no documentation of any exceptions exists.

- Termination of contract
- Refusal of product



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Monitoring Contract/Vendor Compliance

- Reviewing products and delivery invoices or receipts to ensure the domestic food that was solicited for and awarded is the food that is received.
- Conduct a periodic review of storage facilities, freezers, refrigerators, dry storage, and warehouses to ensure the products received are the ones solicited for and awarded, and these comply with the Buy American provision unless a documented exception was approved by the SFA prior to delivery.
- SFAs can also require their suppliers to provide certification of domestic origin on food products delivered and on invoices submitted.
- SFAs may deem a bid or response unresponsive and ineligible for contract award for noncompliance with the terms and conditions of contract award, if such certifications are solicited for, but not included.
- Ask any supplier for specific information about the percentage of U.S. content in any processed end product. In order for SFAs to be able to document the domestic content, they should include in their bidding process a requirement for certification



What are some ways that the SFA can monitor your contracts/vendors for compliance?

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- Ask any supplier for specific information about the percentage of U.S. content in any processed end product. In order for SFAs to be able to document the domestic content, they should include in their bidding process a requirement for certification
- Also train your staff to look at products as they come in of the truck so they can help you track your non domestic products.

Buy American Consider Alternatives

Consider these questions when approving a product substitution for a non-domestic item:

- Are there other domestic sources for this product? Is there a domestic product that could be easily substituted?
- Am I soliciting bids for this product at the best time of year? If I contracted earlier or later in the season, would prices and/or availability change?
- What was the reason for the substitution? Was I satisfied with the explanation from the vendor?
- How did I find out about the substitution? Did the vendor call in advance, or did I find out about it once the non-domestic product was delivered?
- Is this product substitution an ongoing occurrence? If so, what actions did I take to ensure Buy American compliance? Is there supporting documentation for each occurrence of the product substitution?
- Am I using third-party verification, such as through USDA Agricultural Marketing Service's (AMS), to determine the cost and availability of domestic and non-domestic foods?
- How am I monitoring for compliance with the contract? Does the contract contain specific language pertaining to Buy American provision and approved substitutions?



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- How am I monitoring for compliance with the contract? Does the contract contain specific language pertaining to Buy American provision and approved substitutions?

Agricultural Marketing Service

DALLAS : PEACHES Offerings : VERY LIGHT.

PEACHES Package: 25 lb cartons loose Variety: VARIOUS YELLOW FLESH VARIETIES

Date	Low-High Price	Mostly Low-High Price	Origin	Origin District	Item Size
04/24/2020	25.00 - 26.00		CHILE		60s

PEACHES Package: cartons 1 layer tray pack Variety: VARIOUS YELLOW FLESH VARIETIES

Date	Low-High Price	Mostly Low-High Price	Origin	Origin District	Item Size
04/24/2020	25.00 - 26.00		CHILE		30s

<https://www.ams.usda.gov/market-news>

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The SFA Director must also sign the Buy American Certification Form after researching all items the vendor is proposing to use that are non-domestic and determining that the product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of satisfactory quality or that the cost of the U.S. product is significantly higher than the non-domestic product and is approving the use of the non-domestic product. One way of researching is to use the Agricultural Marketing Service website. The website provides guidance to the SFA in determining if domestic products are available. The downside of using this website is that the information being provided includes only the information available for the particular day you search.

In the snapshot on this slide, we are looking to see if domestic peaches are available domestically. According to the chart, peaches are available in the Dallas Terminal Market only from Chile. No domestic peaches are available.

Many fresh items are seasonally available in the U.S. You can require the vendor to only use a non-domestic product only if it is out of season in the USA.

USDA Foods Available For School Year 2026-27

USDA FOODS DESCRIPTION	WBSUM ID	PACK SIZE
FRUITS		
Apples, Empire, Fresh	100517	40 lb case
Apples, Fuji, Fresh	100522	40 lb case
Apples, Gala, Fresh	100521	40 lb case
Apples, Granny Smith, Fresh	110543	40 lb case
Apples, Honeycrisp, Fresh	111895	40 lb case
Apples, Red Delicious, Fresh	100514	40 lb case
Apple Juice, 100%, Unsweetened, Cups, Frozen	111790	96/4 oz cup
Apple Slices, Unsweetened, Canned	100206	6/810 can
Apple Slices, Unsweetened, Frozen (Individually Quick Frozen)	100238	30 lb case
Applesauce, Unsweetened, Canned (Kosher)	110541	6/810 can
Applesauce, Unsweetened, Cups, Shelf-Stable	110361	96/4.5 oz cup
Apples (For Processing)	110149	Bulk Pounds
Apricots, Diced, Cups, Frozen	100261	96/4.5 oz cup
Apricots, Diced, Extra Light Syrup, Canned	100216	6/810 can
Blueberries, Wild, Unsweetened, Frozen	100243	30 lb case
Blueberries, Wild, Unsweetened, Frozen	100242	8/3 lb bag
Blueberries, Unsweetened, Frozen	110624	30 lb case
Blueberries, Unsweetened, Frozen	110623	12/2.5 lb bag
Cherries, Tart, Dried	100299	4/4 lb bag
Cherries, Tart, Dried, Individual Portion	111643	250/1.36 oz bag
Cherries, Sweet, Pitted, Unsweetened, Frozen (Individually Quick Frozen)	110872	12/2.5 lb bag
Cranberries, Dried, Individual Portion	110723	300/1.16 oz bag
Mixed Berries (Blueberries, Strawberries), Cups, Frozen	110859	96/4 oz cup
Mixed Fruit (Apples, Cherries, Cranberries, Raisins), Dried	110161	5/5 lb bag
Mixed Fruit (Peaches, Pears, Grapes), Extra Light Syrup, Canned	100212	6/810 can
Peaches, Diced, Extra Light Syrup, Canned	100220	6/810 can
Peaches, Diced, Cups, Frozen	100241	96/4.4 oz cup
Peaches, Sliced, Frozen	100239	20 lb case
Peaches, Sliced, Frozen	100238	12/2 lb bag
Peaches, Sliced, Extra Light Syrup, Canned	100219	6/810 can
Pears, Diced, Extra Light Syrup, Canned (Kosher)	100225	6/810 can
Pears, Halvers, Extra Light Syrup, Canned	100226	6/810 can
Pears, Sliced, Extra Light Syrup, Canned	100224	6/810 can

<https://www.fns.usda.gov/usda-fis/foods-available>

[illegible]

USDA FOODS DESCRIPTION	WISDOM ID	PACK SIZE
BEANS, PEAS AND LENTILS		
Beans, White Kidney, Low-sodium, Canned	1001373	6.78/10 can
Beans, Black, Low-sodium, Canned	1001359	6.78/10 can
Beans, Black-eyed Pea, Low-sodium, Canned	1001366	6.78/10 can
Beans, Garbanzo, Low-sodium, Canned (Chickpeas)	1001360	6.78/10 can
Beans, Great Northern, Low-sodium, Canned	1001372	6.78/10 can
Beans, Kidney, Dark, Low-sodium, Canned	1001361	6.78/10 can
Beans, Pink, Low-sodium, Canned	1001369	6.78/10 can
Beans, Pinto, Dark, Low-sodium, Canned	1001362	3.12/ 8 oz bag
Beans, Pinto, Low-sodium, Canned (Kosher)	1001365	6.78/10 can
Beans, Pinto Dry (For Processing)	1135853	20000 lb totes
Beans, Refried, Low-sodium, Canned	1001381	6.78/10 can
Beans, Small Red, Low-sodium, Canned	1001368	6.78/10 can
Beans, Vegetarian, Low-sodium, Canned	1001364	6.78/10 can
Black Bean Burger, Patties, Cooked, 2.0 Mpat/Mpat Alternate, Frozen	3.11460	30 lb case
FISH PRODUCTS		
Alaska Pollock, Frozen (For Processing)	1110651	45.0 lb totes
Alaska Pollock, Whole (For Fish-Breaded Steaks, Frozen	1110651	6.75 lb or 4.10 lb bag
Catfish, Whole (For Fish-Breaded Filet Steaks, Frozen	1001201	6.75 lb or 4.10 lb bag
PORK PRODUCTS		
Ham, 9.75 Fat Fat, Water-Added, Cooked, Frozen	1001184	4.75 lb or 10 lb totes
Ham, 9.75 Fat Fat, Water-Added, Cooked, Frozen	1001189	6.75 lb or 4.10 lb bag
Ham, 9.75 Fat Fat, Water-Added, Cooked, Sliced, Frozen	1001187	6.75 lb package
Corned, Corned, Corned, Canned	1001185	6.75 lb can
Pork Leg Roast, Pkg, Frozen	1001173	30-42 lb case
Pulled, Cooked, Cooked, Cooked	1110726	4.75 lb bag
Pork, Boneless, Plain, Frozen (For Processing)	1001193	60 lb case
REEF PRODUCTS		
Reef, Corair Ground, Cooked, Canned	1001127	24/24 oz can
Reef, Crumbles (No Protein Product), Cooked, Frozen	1001134	4.75 lb bag



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The USDA Foods Available List can also be used to assist in determining whether food items are available domestically because USDA purchases only domestically grown products.

Here are some snippets of what is included on the 26-27 list

<https://www.fns.usda.gov/usda-fis/foods-available>

Ingredients

100% Grape Juice (Water sufficient to reconstitute Grape Juice Concentrate)

Made in the USA. Contains concentrate from USA, Argentina, Chile, Mexico and/or Spain.

Buy American Certification

100% Juice is produced in our facilities located in the USA and may contain domestic and/or imported juice concentrates, as a portion of the ingredients, based on availability and cost. No

100% juice products are imported and produced outside of the USA.

Juice meets the "Limited Exceptions" clause as identified in USDA Memos SP14-2012, SP 24-2016 and SP 38- 2017.

Shipping Specifications

GTIN	00774840905015
Gross Weight	21.75 lbs.
Cube	.75
Dimensions	18 x 12 x 6
Tie x High	8 x 10

Nutrition Facts

1 serving per container

Serving size 4 fl. oz. (118 mL)

Amount per serving

Calories 80

% Daily Value*

Total Fat 0g 0%

Saturated Fat 0g 0%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 10mg 0%

Total Carbohydrate 19g 7%

Dietary Fiber 0g 0%

Total Sugars 18g

Includes 0g Added Sugars 0%

Protein 0g

Vitamin D 0mcg 0%

Calcium 10mg 0%

Iron 0mg 0%

Potassium 70mg 1%

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.



Here's an example of a product label that can be misleading. Under the ingredients section, it states Made in the USA. **Contains concentrate from USA, Argentina, Chile, Mexico, and/or Spain.**

Under the Buy American Certification section, it states, Juice is produced in our facilities located in the USA and **may contain domestic and/or imported juice concentrates**, as a portion of the ingredients, based on availability and cost. No juice products are imported and produced outside of the USA.

Juice meet the "limited exceptions" clause as identified in USDA memos.

This language does not deem this product as a domestic product.

This does not specify the percentage of USA content of the end product. Although is has a Buy American Certification section, it does not meet requirements.

Therefore, this product would need to be tracked as part of your non-domestic products.

Best Practices

- Plan menus around Buy American requirements
 - Focus on domestic products and minimize the use of known non-domestic products
 - Evaluate your current menu for items that are not available domestically
- Identify USDA Foods on the menu and consider planning the menu around available USDA Foods
 - Utilize USDA Foods entitlement
- Include Buy American requirements in solicitations and bids
- Monitor vendors to ensure contract compliance
- Implement a process to track all non-domestic purchases
 - Maintain supporting documentation for Buy American exceptions
 - If you anticipate exceeding the 10% threshold, submit accommodation plan



Here are some suggested best practices for Buy American compliance.

- Plan menus around Buy American requirements
 - Focus on domestic products and minimize the use of known non-domestic products
 - Evaluate your current menu for items that are not available domestically
- Identify USDA Foods on the menu and consider planning the menu around available USDA Foods
 - Utilize USDA Foods entitlement
- Include Buy American requirements in solicitations and bids
- Monitor vendors to ensure contract compliance
- Implement a process to track all non-domestic purchases
 - Maintain supporting documentation for Buy American exceptions
 - If you anticipate exceeding the 10% threshold, submit accommodation plan

Purchasing Local Foods



Local Procurement is growing

74.1%

of SFAs reported participating
in farm to school activities in
SY 2022-2023

45.6M

students in SFAs that
participated in farm to school
activities in SY 2022 -2023



Looking at how Procurement is growing , the USDA Farm to school Census back in 2022-23

SFAs using local food in school year 2022–2023

SFAs report using local food in a variety of Child Nutrition Programs. Using local foods at lunch was most commonly reported.

		Percent of SFAs Offering Program	Number of SFAs
Use local foods in NSLP ⓘ		57.2%	10,509
Use local foods in SBP ⓘ		51.9%	8,122
Use local foods in the FFVP ⓘ		57.1%	2,634
Use local foods in CACFP ⓘ		56.5%	961
Use local foods in CACFP At-Risk ⓘ		58.3%	1,172
Use local foods in SFSP/SSQ ⓘ		56.0%	4,159

Percentages of local products being used in our programs

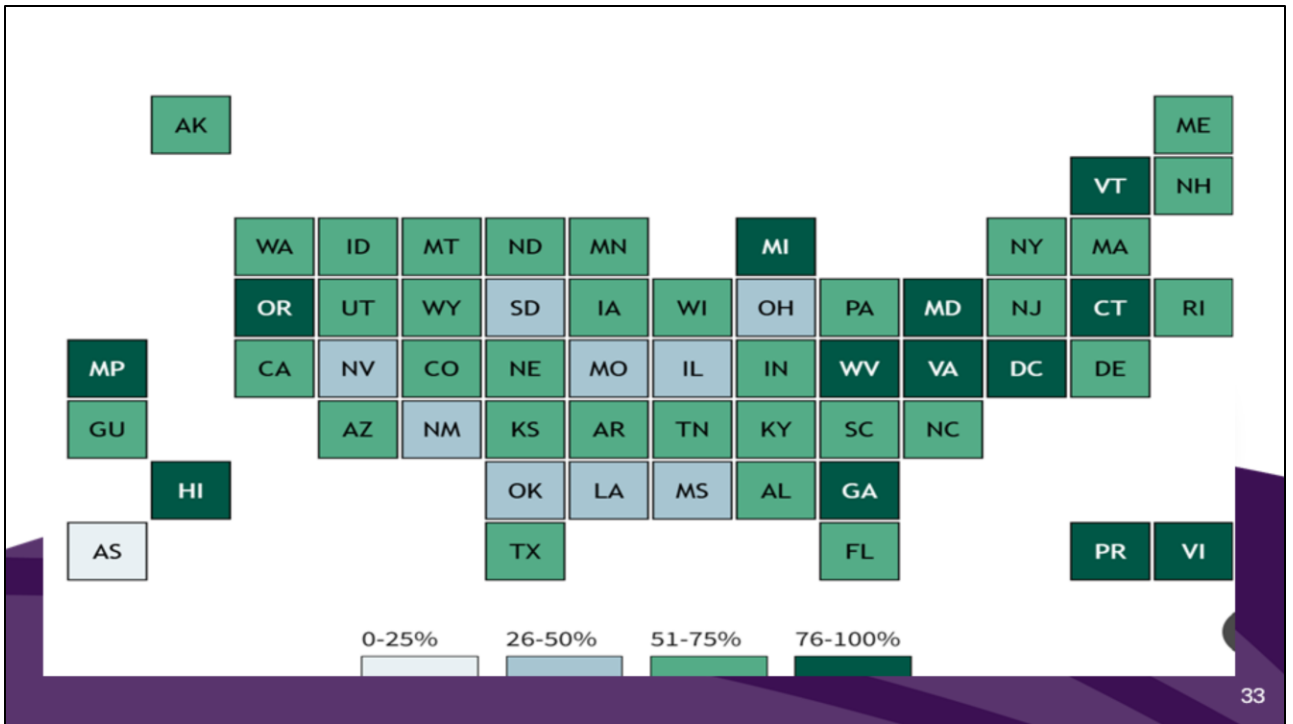
32

This slide is from the last Census in 2022-2023 school year and you can see how much of a percentage of local foods are being used in the NLSP Program. Nearly 57.2% percent of schools are using local products in the National school lunch program.

In the breakfast program 51.9 % of the SFAs are using local foods products in their program

And in FFVP 57.1 % are using local products for the program

So we are sitting about half of the schools using local products.



Here is a map showing all the States in the US and how much local products they are using. If you look at Louisiana we are sitting a little on the lower side at only about 26-50% of school using local products in the state.

Harvest to Hallways - Resources for Procuring Local Foods in School Year 2026-2027

<https://www.fna.usda.gov/schoolmeals/harvest-to-hallways>

Local Procurement Policy Memos and Regulations

Local Procurement Fact Sheets

Farm to School Data and Statistics

Patrick Leahy Farm to School Grant Program

The Dirt: Farm to School e-Newsletter



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In August, USDA announced Harvest to Hallways Initiative to Invest in Child Nutrition Programs. The initiative includes several actions to improve school meals and strengthen the connection between American agriculture and America's children. One of the ways is by expanding local procurement.

There was a memo released entitled Resources for Procuring Local Foods in School Year 2026-2027.

This memo included:

- Local Procurement Policy Memos and Regulations
- Local Procurement Fact Sheets
- Farm to School Data and Statistics
- Patrick Leahy Farm to School Grant Program
- The Dirt: Farm to School e-Newsletter

<https://www.fna.usda.gov/schoolmeals/harvest-to-hallways>

Procuring Local Foods for Child Nutrition Programs Guide

<https://fns-prod.azureedge.us/sites/default/files/resource-files/June22F2SProcurementGuide508.pdf>

Information and resources that districts need to purchase local products for the school cafeteria.

- Menu planning basics
- Fundamental principles of procurement
- Potential sources of local products
- Mechanisms that can be used to procure products
- Resources for defining local and finding local foods
- Details of crafting a solicitation to target local products



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In this guide, USDA provides the information and resources that districts need to purchase local products for the school cafeteria. This information includes menu planning basics, the fundamental principles of procurement, the many potential sources of local products, and the variety of mechanisms that can be used to procure these products.

This guide can be generally split into two sections: (1) what to do before a solicitation is issued and (2) how to craft a solicitation to target local products.

The first part of the guide introduces resources for defining local and finding local foods and menu planning, since deciding what to serve drives the procurement process. These sections will help districts explore local foods and determine how local foods fit into their menus.

The second part of the guide focuses on the details of crafting a solicitation to target local products. Fundamentals of procurement and the procurement methods (informal and formal) are all covered in detail. Opportunities for targeting local products are highlighted throughout, and application of geographic preference is discussed extensively.

<https://fns-prod.azureedge.us/sites/default/files/resource-files/June22F2SProcurementGuide508.pdf>



Here is a picture of the cover of the Procuring local foods for child nutrition programs
<https://fns-prod.azureedge.us/sites/default/files/resource-files/June22F2SProcurementGuide508.pdf>

Using Federal Funds to Purchase Local Foods

<https://www.fna.usda.gov/schoolmeals/federal-funds-purchase-local>

Strategies for purchasing local food include:

- **Using the Geographic Preference Option** - CNP operators may voluntarily apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products through a small purchase or formal procurement. The CNP operator must define local for their solicitation.
- **Targeting Local Food through Purchasing Methods** - CNP operators may use the micropurchase and small purchase methods to target local food by contacting only local producers or vendors offering local foods. CNP operators using these methods must know that the product is locally available, the planned purchase or purchases are under the micro-purchase or informal purchase threshold, and producers or other vendors of local foods can offer these products while meeting all other solicitation requirements.
- **Targeting Local through Product Specifications and Technical Requirements** - CNP operators may target local foods through technical requirements sometimes associated with locally grown, raised, or caught foods, when using the small purchase and formal procurement methods if they do not overly restrict competition.



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- Targeting Local through Product Specifications and Technical Requirements - CNP operators may target local foods through technical requirements sometimes associated with locally grown, raised, or caught foods, when using the small purchase and formal procurement methods if they do not overly restrict competition.

<https://www.fna.usda.gov/schoolmeals/federal-funds-purchase-local>

Bid Solicitation Development Where to Target Local Products



You can infuse the desire for local products into any section of a bid solicitation document. The level of detail depends on the type of bid. There are three types of bids - formal and the two informal bids – small purchase and micro-purchase.

Informal bids – small purchases and micro-purchases – don't generally require a bid solicitation document and therefore, won't have all the sections listed on this slide. However, the purchaser must still have clear product specifications, requirements, and be able to communicate them to the potential vendor, in writing or verbally.

Formal bids require a bid solicitation document that includes the sections on this slide. The sections may be ordered differently or have different names. We will use the sections of a formal bid solicitation to discuss where and how product specifications and technical requirements that target local products can be included.

Formal bid solicitations include:

- A cover page that typically states the contract type.
- The introduction, which provides information on the scope of the solicitation.
- The General Description of Good and Services section. This is where you will include the specifications for each product and service needed.
- A Technical Requirements section, where you will include criteria to determine if the vendor is responsive and responsible. You might also include delivery and insurance requirements here.
- The timeline and procedures section. This is where you will communicate when bids are due, the date of any pre-bid meetings, the date of bid opening, when the contract will be awarded and any other procedural information
- Some formal bid solicitations also include an evaluation criteria section, which will be discussed later in the presentation.**

Direct Final Rule: Simplified Geographic Preference Procurement in Child Nutrition Programs

- USDA Food and Nutrition Administration (FNA) published a direct final rule that clarifies existing guidance about how Child Nutrition Program operators may apply geographic preferences when purchasing local agricultural products.
- This direct final rule amends geographic preference option language in NSLP, SBP, SMP for Children, CACFP, and SFSP regulations.
- The changes are customer-focused and intended to simplify program regulations and make them easier to understand. They do not change the meaning of the regulations or their implementation.
- This rule will become effective on Nov. 9, 2026.
- USDA invites interested persons to submit written comments on this direct final rule by October 9th.

<https://www.fna.usda.gov/schoolmeals/fr-090926>



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USDA Food and Nutrition Administration (FNA) published a direct final rule that clarifies existing guidance (from the 2024 final rule) about how Child Nutrition Program operators may apply geographic preferences when purchasing local agricultural products.

The 2024 final rule expanded the scope of the geographic preference option by allowing CNP operators to use local (e.g., "locally grown," "locally raised," or "locally caught") as a procurement specification in addition to using geography as a preference or "selection criteria," as already allowed in solicitations for unprocessed agricultural products purchased for CNP meals and snacks.

With the 2024 final rule, CNP operators may use both geographic preference option strategies:

- Using local as a procurement specification; and/or
- Applying a defined scoring advantage.

This direct final rule amends geographic preference option language in NSLP, SBP, SMP for Children, CACFP, and SFSP regulations.

The changes are customer-focused and intended to simplify program regulations and make them easier to understand. They do not change the meaning of the regulations or their implementation.

This direct final rule codifies clarifying aspects from that guidance by removing unnecessary language, clearly outlining geographic preference option strategies, and making nonsignificant copy edits.

Accordingly, this direct final rule amends 7 CFR 210.21(g), 215.14a(e), 220.16(f), 225.17(e), and 226.22(c) to clarify how to apply the geographic preference option for the procurement of local, unprocessed agricultural products.

This rule will become effective on Nov. 9, 2026. This rule will become effective on November 9, 2026, unless the Department receives written adverse comments on or before October 9, 2026. USDA invites interested persons to submit written comments on this direct final rule by October 9th. If written adverse comments within the scope of the rulemaking are received, the Department will publish timely notification of withdrawal of this rule or a portion.

USDA will publish a memo on the rule soon, clarifying the changes and the agency's intent.

In the meantime, check out the updated rule and consider how geographic preference can help your CNP source more local.

<https://www.fna.usda.gov/schoolmeals/fr-090926>

Here is an example of Geographic Preference

	Laurie's Legumes	Paula's Pulses	Gary's Grains
Price = 40	30	35	40
Contractor able to meet all specifications Product quality = 15 Delivery = 10 Packaging and Labeling = 5	25	30	30
Three references, past history = 10	10	10	10
Able to provide farm/facility tour or classroom visits = 5	0	5	5
Able to provide state of origin on all products = 5	0	5	5
Able to provide products from within the state = 10	0	10	7
100 possible points	65	95	97



RFPs may include evaluation criteria that allow for consideration of factors in addition to price and can result in either a fixed-price or cost-reimbursable contract. Reductions in price are not the only way to confer preference to local products.

Geographic preference can be added as a selection criteria. For example, a school district issues an RFP for beans and grains and makes it clear that bids will be evaluated using a 100-point system. Using a rubric like the chart on the previous slide, ten preference points will be awarded when over 70% of the requested items come from within the state, 7 points for 50–69%, and 5 points for 25–49%. Points for local sourcing will be evaluated with other factors. **This would have to be carefully spelled out in the solicitation, so potential respondents understand how the preference will be applied.**

In the example, Paula's Pulses is able to source 75% of their products from within the state, earning them ten points in the scoring process in the local products' category. Gary's Grains can source 55%, earning them seven points, and Laurie's Legumes is unable to guarantee any products from within the state, so they receive zero points in the local preference category. After evaluation of all the criteria, Gary's Grains wins the contract.

USDA Foods

USDA Foods are domestic, therefore, it complies with Buy American requirements.

USDA makes USDA Foods available to CNP in three ways: direct delivery, USDA Foods processing, and the USDA DoD Fresh Fruit and Vegetable Program.

However, if an SFA purchases a further processed end product that contains USDA Foods, that end product must contain over 51% domestic product, by weight or volume and be processed in the United States.

USDA Foods: A Resource for Maximizing Food Budgets To Buy Local

<https://www.fna.usda.gov/f2s/usda-foods>

USDA DoD Fresh Program: A Source for Locally Grown Produce

<https://www.fna.usda.gov/f2s/using-dod-fresh-buy-local>



USDA Foods are domestic, therefore, it complies with Buy American requirements.

USDA foods are domestic products as well. The agricultural products that USDA procures are 100% American grown and American produced agricultural products. This supports domestic agriculture and feed children in school meal programs.

USDA Foods are available to Child Nutrition Programs in three ways: direct delivery (brown box), USDA Foods processing, and the USDA DoD Fresh Fruit and Vegetable Program.

However, if an SFA purchases a further processed end product that contains USDA Foods, that end product must contain over 51% domestic product, by weight or volume and be processed in the United States.

USDA Foods: A Resource for Maximizing Food Budgets To Buy Local

<https://www.fna.usda.gov/f2s/usda-foods>

USDA DoD Fresh Program: A Source for Locally Grown Produce

<https://www.fna.usda.gov/f2s/using-dod-fresh-buy-local>

QUESTIONS

Contact LDOE Division of Nutrition Support
(225) 342-9661

ChildNutritionPrograms@LA.GOV



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(225) 342-9661
<mailto:ChildNutritionPrograms@LA.GOV>