Montana Office of Public Instruction
School Nutrition Programs

Sample Buy American Exception Form

This form helps school food authorities (SFAs) comply with the documentation required when purchasing nondomestic food products with nonprofit school food service account funds, in accordance with 7CFR 210.21(d). **SFAs should complete this form for each nondomestic food product being served in the USDA school nutrition programs.**

The BUY AMERICAN PROVISION safeguards the health and well-being of our Nation's children and supports the U.S. economy, American farmers, and small and local agricultural businesses (7 CFR 210.21 (d) and Memo SP 38-2017). 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. Information on availability of domestic foods is available at: https://www.ams.usda.gov/market-news.

Exceptions to Buy American: There are two limited exceptions when non-domestic foods may be purchased. A documented exception is permitted for these two exceptions, and a non-domestic agricultural commodity or food product may be purchased. Schools should consider domestic food alternatives prior to approving non-domestic foods and show documentation on procurement and administrative reviews. These exceptions are determined by the SFA:

- **Availability**: 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
- **Cost**: Competitive bids reveal the cost of a United States food or food product is significantly higher than the nondomestic product.

Non-Domestic Product Name: _____

Reason for not procuring acceptable domestic product (check all that apply):

☐ **Availability**: Limited availability (the agricultural food component is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality. *Include documentation from vendors, with specific product names.

☐ **Cost**: Competitive bids reveal the cost of domestic agricultural food components are significantly higher than the non-domestic ones. *Attach documentation showing increased cost over nondomestic product.

1. Describe in detail the reason for using the nondomestic food product?

2. Describe the efforts taken to find domestic products that meet the Buy American provision:

Signature of Food Service Director _____ Date _____

This institution is an equal opportunity provider.