

Buy American Guidelines

Purpose

This procedure sets forth guidelines for food service procurement and inventory practices to support the purchase of domestic commodities and products for use in the National School Lunch Program (NSLP) and School Breakfast Program (SBP).

Scope

This procedure applies to the Superintendent, Chief Financial Officer, and district food service employees.

Procedure

1. As required by a provision of the National School Lunch Act (7 CFR 210.21(d)), the district's food services procurement practices will aim to purchase, whenever possible, domestic commodities and products for use in the NSLP/SBP.
 - 1.1. A "domestic" commodity or product means an agricultural commodity produced in the United States, or a food product that is processed in the United States using substantial (over 51% of final processed product) agricultural commodities grown in the U.S.
 - 1.2. This provision applies to all meal components purchased using funds from the non-profit Food Service Account.
 - 1.3. Products from Guam, American Samoa, Virgin Islands, Puerto Rico and the Northern Mariana Islands are allowed as territories of the United States.
2. Exceptions to the Buy American provision are allowed when a product is not produced or manufactured in the U.S. in sufficient and reasonable quantities of a satisfactory quality, or the cost of the U.S. product is significantly higher than a foreign product.
 - 2.1. Before utilizing this exception, food services staff will explore other purchasing options such as the timing of orders for products only available seasonally, seeking other domestic sources for the product, or considering if a product substitution could be used.
 - 2.2. Non-domestic products may be used if the product is unavailable in the U.S. and a reasonable substitute is not available, or when extreme weather conditions temporarily cause insufficient U.S.-sourced supplies.
3. To support compliance with the Buy American provision, practices will include periodic inventory and/or inspection of goods and products to ascertain if food distributors are meeting the Buy American clause.
 - 3.1. Staff will consistently review product packaging and/or delivery invoices and receipts to determine if the country of origin for the product(s) is identified and document any exceptions.

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- 3.2. Once per quarter of the school term, a food service staff member will inspect products held in the dry storage, cooler and freezer for a “Product of the U.S.A.” label and document any exceptions.
- 3.2.1. The Kitchen Manager will randomly select up to four (4) unlabeled products for further investigation of its country of origin. The distributor will be contacted and asked to provide proof of U.S. origin or asked to explain why the product cannot be purchased in the U.S.
 - 3.2.2. A report of the results of this periodic stock inspection and inquiry will be completed and filed by the Kitchen Manager (Form #6701F7-Buy American Product Inspection Report). Products already examined and explained in previous reports will not be re-inspected.
 - 3.2.3. Products provided by USDA Commodity Foods or the Department of Defense (DoD) Fresh Fruit and Vegetable Program will not be inspected.
 - 3.2.4. Products or commodities known to be unavailable from U.S. agricultural sources during the season of inspection will not be inspected. For example, U.S. grown strawberries are not available in December, and U.S. grown bananas and pineapple are unavailable at any time.
 - 3.2.5. The Kitchen Manager will remind distributors to label products with the country of origin as required in the Nutrition Labeling and Education Act of 1990 (21 U.S.C. Chapter 9 § 301).
- 3.3. District food services procurement practices and documents, such as Requests for Proposals, bids and/or contracts, will include a “Buy American” clause. Staff will refer to OSPI/Child Nutrition Services guidance to support compliance with this provision.

Supporting Documentation

6701F7-Buy American Product Inspection Report

SP 38-2017, USDA Food and Nutrition Service Guidance

OSPI Child Nutrition Services Procurement webpage at
<http://www.k12.wa.us/ChildNutrition/Procurement.aspx>

Document History

Action:	Date:
New	September 19, 2018
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