

Prototype Buy American Exception Document

Per 7 CFR Part 210.21(d), the Department shall require that a SFA purchase, to the maximum extent practicable, domestic products. However, there are two situations which are exceptions to the Buy American provision and permit purchases of foreign products:

1. **Availability:** when the product is not manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality.
2. **Cost:** when responses to solicitations reveal that the cost of a U.S. product is significantly higher than the cost of a comparable foreign product.

Before utilizing an exception, alternatives to purchasing non-domestic food products should be considered:

- Are there other domestic sources for this product?
- Is there a domestic product that could be easily substituted, if the non-domestic product is less expensive (ex: substitute domestic pears for non-domestic apples)?
- 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?

Although exceptions to the Buy American provision exist, they are to be used as a last resort. Documentation justifying the exception is required.

LEA Name: _____

School Food Authority Contact: _____

Product for which the exemption is requested: _____

Hardship(s) experienced in procuring acceptable American product (Check all that apply)

- ☐ Financial hardship (Attach documentation showing increased cost)
- ☐ Limited availability (Include documentation from vendors, with specific product names)

Describe in detail the hardships you indicated above.

Describe the efforts you have taken to find products that meet the Buy American requirement.

- ☐ I am aware of the exceptions to the Buy American provision and have exhausted all resources to ensure that this provision is being followed. I will reevaluate our situation yearly, to find alternative resources in order to comply with the Buy American provision.
- ☐ I understand that this exemption request only applies to the product identified above. I also agree that approval of this exemption does not exempt the entire menu from meeting the Buy American act.

Authorized Signature: _____ **Date:** _____