

Attachment 3

Waiver Request to Use Foreign Food Products

Contractor shall purchase for resale through the Agreement, to the maximum extent practicable, domestic Food Service Products and shall comply, as applicable, and shall cause each of its sub-vendors to comply, with the applicable requirements and responsibilities set forth in the Buy American Provision of federal regulations 7 CFR 210.21(d) and 7 CFR 220.16(d).

Domestic Food Service Products mean:

1. An agricultural commodity that is produced in the United States, and;
2. A Food Service Product that is processed in the United States substantially using agricultural commodities that are produced in the United States.
 - a. As required by the Buy American provision, all products must be of domestic origin as required by 7 CFR Part 210.21(d).
 - b. The District participates in the National School Lunch Program and School Breakfast Program and is required to use the nonprofit food service funds, to the maximum extent practical, to buy domestic commodities or products for Program meals. A “domestic commodity or product” is defined as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. as provided in 7 CFR Part 210.21(d).
 - c. Substantially means over 51% of the final processed product (by weight or volume) must consist of agricultural commodities that were grown domestically.
 - d. Exceptions to the Buy American provision should be used as a last resort; however, an alternative or exception may be approved upon request. To be considered for the alternative or exception, the request must be submitted in writing to a designated official, a minimum of 10 days in advance of delivery.

The request must include the:

1. Reason for exception: limited/lack of availability or price (include price): Price of the domestic food product; and Price of the non-domestic product that meets the required specification of the domestic product.
2. Alternative substitute (s) that are domestic and meet the required specifications:
 - a. Price of the domestic food alternative substitute (s); and
 - b. Availability of the domestic alternative substitute (s) in relation to the quantity ordered

Contractor shall provide the district with point of origin for all products and alert the district if product cannot reasonably be provided domestically due to lack of availability or without a significant price increase.

Original Items				Domestic Alternative Items				
Distributers Code	Item	Reason for Waiver Request	Price per Serving	Distributor’s Code	Domestic Alt Manf #	Alternative’s Name	Availability of Alternative	Alternative Price Per Serving

Add additional pages if necessary.

Vendor

Name

Signature (a typed signature constitutes an e-signature)

Title

Date

BSD Approval to Ship (required PRIOR to shipping)

Ship Domestic Alternative Ship Original Non-Domestic Item Do NOT Ship

Term of Approval

Start Date

End Date

Name

Title

BSD NS Representative Signature

Date