

## Pulaski County School District

### Buy American Provision

#### Buy American Provision

The Buy American Provision requires School Food Authorities (SFAs) to purchase, to the maximum extent possible, domestic commodities or products. This provision supports the mission of the Child Nutrition Programs (CNP), which is to serve children nutritious meals in schools and support American Agriculture.

The Buy American Provision also supports SFA's working with local, or small, minority, and women-owned businesses. SFA's are encouraged to purchase food products from local and regional sources when expanding farm-to-school efforts.

SFA's must comply with this standard when purchasing commercial food products served in school meal programs. The Buy American Provision language must be included in procurement procedures, solicitations and contracts, and SFAs must track non-domestic products.

#### Exceptions to the Buy American Provision

Limited exceptions to the Buy American Provision allow for the purchase of products not meeting the "domestic" standard. These exceptions include:

1. The product is listed on the [Federal Acquisitions Regulations \(FAR\) Non-available articles list](#) found at 48 CFR 25.104 and/or is not produced or manufactured in the US in sufficient and reasonably available quantities of satisfactory quality; or
2. Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.

A threshold that limits the percent of total commercial food cost from non-domestic foods went into effect on July 1, 2025. The phased-in approach will allow SFAs to adjust to these limits over a seven-year time span.

- SY 2025-26 – the non-domestic food purchase cap will be 10 percent
- SY 2028-29 – the non-domestic food purchase cap will be 8 percent
- SY 2031-32 – the non-domestic food purchase cap will be 5 percent

The items listed on the FAR Non-Available Articles list must be counted toward the cap on non-domestic purchases when it goes into effect.

#### Buy American Accommodation Request for SY 2025-2026

School Food Authorities (SFAs) may request an accommodation to the 10% cap on non-domestic food purchases for SY 2025-26 established in the Buy American Provision using the online form below. The accommodation will allow SFAs to exceed the 10% cap of non-domestic food purchases that qualify under one or more of the regulatory exceptions in [7 CFR 210.21\(d\)\(5\)](#) and [7 CFR 220.16\(d\)\(5\)](#). The online form should take 5–10 minutes to complete and all fields are required. SFAs that submit a request will receive an email confirmation with additional information. School Food Authorities (SFAs) that are not able to meet the threshold limit for non-domestic food purchases for the 2025-26 school year. The accommodation will allow

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SFAs to exceed the ten percent while they work toward meeting the Buy American threshold requirements. The accommodation applies to non-domestic purchases that meet one or more of the exceptions listed above.

SFAs that need the temporary accommodation must complete the Buy American Temporary Accommodation Form. Pulaski County School District will provide ongoing technical support and training as SFAs work toward meeting the required threshold.

[Buy American Accommodation Request Form for SY 2025-2026.](#)

### Buy American Tracking and Justification

It is the SFA's responsibility to document the use of non-domestic exceptions. Items listed on the FAR non-available articles list do not require additional documentation but will count toward the total limit on non-domestic purchases. The following tools can assist SFAs in tracking non-domestic requirements.

[USDA Buy American Tracker](#) helps SFAs monitor the costs and exceptions to non-domestic purchases as a percentage of total purchases.

The [Pulaski Co. School District Buy American Tracker](#), a modified version of the USDA Tracker, allows sponsors to track non-domestic purchases by item or vendor.

The [Pulaski Co. School District Buy American Justification Form](#) can be used to document non-domestic purchases.

### Example Solicitation and Contract Language

Pulaski County School District participates in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and is required to use the nonprofit food service funds, to the maximum extent practicable, 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 210.21(d).

### USDA Foods

SFA's are encouraged to maximize their use of USDA Foods, which comply with the Buy American Provision requirements. However, processed end products that contain USDA Foods need to meet the minimum requirement of 51 percent domestic, by weight or volume.

### Geographic Preference

The USDA Expanded Geographic Preference Option helps to ease challenges for Child Nutrition Programs (CNP) related to buying local products. CNP operators may now use "locally grown", "locally raised", or "locally caught" as a specification for local unprocessed agricultural products. CNP operators can also apply a geographic preference through additional points or credit during an evaluation for local unprocessed agricultural products. More information about the Expanded Geographic Preference Option can be found in USDA Memo SP 22-2024, CACFP 08-2024, SFSP 13-2024: [Geographic Preference Expansion Related to the Final Rule titled, Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans.](#)

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### **Federal Regulation State Law**

National School Lunch Act (NSLA) of the Williams F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336).

Section 12(n) to the NSLA (42 USC 1760(n))

[2 CFR 200.322](#)

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

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

### **TRAINING**

[USDA Webinar - Buy American Webinar Related to the Final Rule](#)

[Buy American: U.S. Agriculture Supporting Health School Meals – Institute of Child Nutrition](#)

### **Templates and Resources**

[48 CFR 25.104 Non-available article list](#)

[Pulaski Co. School District Justification Form](#)

[Pulaski Co. School District Buy American Tracking Form](#)

[USDA Buy American Fact Sheet](#)

### **USDA Program Guidance**

[SP 23-2024 - Buy American Provisions Related to the Final Rule Titled, Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans](#)

[SP 22-2024, CACFP 08-2024, SFSP 13-2024 Geographic Preference Expansion Related to the Final Rule titled, Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans](#)

[SP 32-2019 Buy American and the Agriculture Improvement Act of 2018](#)

[SP 38-2017 Compliance with and Enforcement of the Buy American Provision in the NLSP](#)

[SP 29-2006 - Buy American Reminder](#)