



Buy American Tracking and Temporary Accommodation



Health and Nutrition Services
Arizona Department of Education

Contents

| | |
|---------------------------------------|---------|
| Buy American Requirements | Page 4 |
| Contributions to Total Food Purchased | Page 8 |
| Temporary Accommodation | Page 10 |
| Frequently Asked Questions | Page 12 |



Introduction

WHAT IS A QUICK GUIDE?

Quick Guides are an abbreviated resource developed by the Arizona Department of Education (ADE) Health and Nutrition Services (HNS) Division. Quick guides are intended to compliment ADE's Step-by-Step Instruction: How-to Guides. They do not count towards Professional Standards training hours.

INTENDED AUDIENCE

This resource is intended for School Food Authorities (SFAs) operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) .

PURPOSE OF THIS QUICK GUIDE

The purpose of the quick guide is to provide the operator with a brief explanation of the Buy American requirements, including tracking non-domestic purchases/exceptions, and an explanation of how to complete a temporary accommodation if needed.



Buy American Requirements

SFAs participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) must follow the Buy American Provision found in program regulations 7 CFR 210.21(d) and 7 CFR 220.16(d), respectively.

A domestic commodity or product means:

An agricultural commodity that is produced in the United States; and
A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

Substantially using agriculture commodities that are produced in the United States means over 51 percent of a food product must consist of agricultural commodities that were grown domestically.

A School Food Authority (SFA) must purchase, to the maximum extent practicable, domestic commodities or products.

Buy American Provisions from the Final Rule

Revisions to Meal Patterns Consistent with the 2020-2025 DGAs - Buy American Webinar



The Buy American provision requires SFAs to purchase, to the maximum extent practicable, domestic commodities or products which are defined as agricultural commodities that are produced in the United States (U.S.) and food products that are processed in the U.S. substantially using agricultural commodities produced in the U.S.

- Limited exceptions from the Buy American Requirement
- Documentation and Reporting Requirements
- Procurement Procedures
- Defines “Substantially” as over 51 percent of a food product must consist of agricultural commodities that were grown domestically.
- Clarifies requirement around Fish

Buy American Overview

Effective July 1, 2025 - Non-domestic food purchases by the SFA cannot exceed the annual threshold, which for SY 2025-26 is 10 percent of total commercial food purchases.

Beginning School Year (SY) 2025-26, there are new thresholds on non-domestic foods (including items on the [Federal Acquisitions Regulations \(FAR\) 25.104 Nonavailable articles list](#)).



- 10% by SY 2025-26
- 8% by SY 2028-29
- 5% by SY 2031-32

Limited Exceptions

There are two regulatory exceptions for non-domestic purchases at 7 CFR 210.21(d)(5)(i) and 7 CFR 220.16(d)(1)(i), which are available for SFAs to use to support non-domestic purchases. Exceptions from the Buy American provision are only permitted for the following reasons:

Availability

- The product is listed on the FAR list and/or is not produced or manufactured in the US in sufficient and reasonably available quantities of satisfactory quality; or

Price

- Competitive bids reveal the cost of a US product are significantly higher than the non-domestic product.
 - SFAs have the discretion to define “significantly higher”.

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

- Are there domestic sources for this product?
- When the non-domestic product is less expensive: Is there a domestic product that could be easily substituted (for example, domestic pears for non-domestic apples)?
- Lastly, is there a better time of year to solicit bids for this product?



Items on the FAR (**F**ederal **A**cquisitions **R**egulations) list are exempt from documentation requirements, but are still counted toward the threshold on non-domestic purchases.

Tracking

SFAs must track:

- Use of exceptions
- Non-domestic food purchases not exceeding the annual threshold

SFAs must maintain documentation to demonstrate when using an exception (except for items that appear on the FAR list-the FAR list can serve as the documentation for those items). SFAs must also track the purchases of all non-domestic foods purchased under the exception to ensure that the annual threshold is not exceeded. To assist with this tracking, USDA has provided an Optional Exceptions Tracking Standards form that the SFA may choose to use as a way to document using exceptions. The Optional Exceptions Tracking Standards form provides:

- Documentation for Buy American exceptions
- A space to track costs of non-domestic purchases
- Calculation of the percentage costs over a specified time frame

Optional Exceptions Tracking Standard Form



| INVOICE NUMBER | INVOICE DATE | SOURCE | PRODUCT DESCRIPTION | FOOD COMPONENT | NON-DOMESTIC | EXCEPTION TYPE | UNIT | PRICE PER UNIT | NUMBER OF UNITS | TOTAL AMOUNT |
|---------------------|---------------------|---|--|--|---|--|---|--|---|--|
| <i>If relevant.</i> | <i>(MM/DD/YYYY)</i> | <i>What is the origin of the invoice?</i> | <i>(e.g., lettuce mix, applesauce, whole wheat rolls, ground beef, etc.)</i> | <i>Select the most appropriate food component label for the product purchased.</i> | <i>Was this product produced in one of the 50 states, the District of Columbia, Puerto Rico, or any U.S. territory? If not, confirm by selecting "Non-domestic".</i> <i>Does this product consist of more than 51 percent of domestically grown food by weight or volume? If not, confirm by selecting "Non-</i> | Exception 1. <i>The product is listed on the Federal Acquisitions Regulations Nonavailable articles list found at 48 CFR 25.104 and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality.</i> Exception 2. <i>Competitive bids reveal the cost of a U.S. product is significantly higher than the non-domestic product.</i> | <i>Optional (e.g., case, dozen, pound, bunch).</i> <i>If you prefer not listing items by unit, you can leave this column blank or enter "N/A".</i> | <i>Optional.</i> <i>If you prefer not listing items by unit, you can leave this column blank or enter zero.</i> | <i>Optional.</i> <i>If you prefer not listing items by unit, you can leave this column blank or enter "N/A".</i> | <i>Enter the total cost for this line.</i> <i>If you choose to include price per unit and number of units, you can use this column to calculate the total by multiplying price per unit by number of units.</i> |
| 1200AT6B | 8/15/2025 | Fresh Food Hub | Tomatoes, diced, #10 can | Vegetables | Non-domestic | Exception 2 | Case | \$ 40.00 | 25 | \$ 1,000.00 |
| 1459AT6B | 8/20/2025 | Star Food | Bananas, whole, fresh | Fruits | Non-domestic | Exception 1, listed on the Nonavailable articles list | N/A | \$ - | N/A | \$ 300.00 |
| | | | | | | | | \$ - | | \$ - |
| | | | | | | | | \$ - | | \$ - |
| | | | | | | | | \$ - | | \$ - |



Contributions to Total Food Purchased

Required language: SFAs must include language requiring the purchase of foods that meet the Buy American requirements in all procurement procedures, solicitations, and contracts.

What contributes to total food purchased?

COST OF COMMERCIALY PURCHASED END-PRODUCTS

- End products are defined as food items created from USDA Foods bulk materials, resulting in a convenient or ready-to-use product.
- School Food Authorities (SFAs) will cover the costs of these products through their NPFSA, making sure to account for the total price of the end product while subtracting the value of the USDA bulk food.

Example: Calculation of Eligible Costs Contributing to Total Domestic Food Purchases

\$80.00 (End product price) - \$38.00 (USDA Foods value) = \$42.00
(eligible contribution to domestic purchase)

\$80.00 (End Product Price)



\$38.00 (USDA Foods Value).

\$42.00 (Eligible Contribution
to Domestic Purchase)



Track this figure to contribute to the annual total food purchased.



Temporary Accommodation

In SY 2025-26 and using the Food and Nutrition Services (FNS) guidance outlined at SP 09-2025, HNS will offer an accommodation that will temporarily allow the SFA to exceed the 10 percent threshold for non-domestic food purchases. HNS will provide technical assistance to SFAs to support the temporary accommodation consistent with the availability of the two regulatory exceptions for non-domestic purchases, if the SFA demonstrates they are unable to meet the requirement. Temporary accommodation for the threshold requirement is only available for non-domestic purchases that qualify under one or more of the regulatory exceptions outlined above. To receive this temporary accommodation, SFAs must complete a Buy American Accommodation Plan.

Buy American Accommodation

SFA Reasons for a Temporary Accommodation

- Challenges the SFA has with purchasing domestic items during the procurement process;
- SFAs realizing that commonly purchased items aren't domestic and are not able to quickly adapt their purchases;
- If the SFA is having challenges organizing and tracking purchases.

Accommodation Plan Requirements

Accommodation Plan Webform



- Contact Information
- Reasonable explanations of why the accommodation is needed and the 10% threshold is being exceeded. Examples:
 - timing of the procurement cycle;
 - student preference/anticipated participation impacts;
 - items that help meet meal standards;
 - items that facilitate meal service models.
- Categories of food that require the accommodation
- Anticipated timeline to make modifications to meet the Buy American requirement



Frequently Asked Questions



FAQs

How should SFAs track products with an unknown country of origin?

Revisit contract terms to ensure Buy American requirements are clearly stated, or request a domestic certification statement.

Are non-program foods subject to the Buy American provision (ex., smart snacks or items used for the Fresh Fruit and Vegetable Program-FFVP)?

The “Buy American” requirement in the National School Lunch Program (as provided in 7 CFR 210.21(d)) applies to purchases made with FFVP funds. Produce such as bananas, which are generally not available as a domestic product, may be purchased even though they are not domestic. These items fall under the limited exceptions to the Buy American provision. Limited exceptions include:

- The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.

If an SFA is using one of the above exceptions, there is no requirement to request a waiver from the state agency or FNS in order to purchase a non-domestic product. SFAs must, however, **keep documentation** justifying their use of exception(s). The documentation of these purchases should follow requirements set forth in the Buy American regulations.

Because the 10% Buy American threshold (cap) on non-domestic purchases for SY 25-26 only applies to the School Breakfast Program and National School Lunch Program, SFAs **do not** need to track purchases used outside of these programs (ex. purchases for non-program foods or FFVP) or include them in the non-domestic and total commercial food purchase calculations.

FAQs

Does the spices/condiments/etc. category get included as counting towards the 10% non-domestic threshold (cap) if these items are listed on the Federal Acquisitions Regulation (FAR) list? Should items listed on the FAR list be documented?

Items purchased from the FAR list fall under the limited exceptions to the Buy American provision. This means SFAs are not required to keep documentation justifying their use of the products on this list. However, the cost of the use of these products does count towards the non-domestic purchase total. SFAs must apply for a temporary accommodation should non-domestic purchases exceed more than 10% of total commercial purchases in SY 25-26.

Is it possible to shorten the period of Buy American compliance assessment to a reference period rather than reviewing annual purchases?

Because the requirement is based on total annual commercial food purchases in recognition that nondomestic and domestic purchases may fluctuate month to month, State agencies will need to review the entire year.

What help is available for SFAs requiring additional assistance with the Buy American regulations and requirements?

SFAs are encouraged to contact their assigned Health and Nutrition Services Specialist or submit a request for service through HelpDesk by using the link: <https://helpdeskexternal.azed.gov/>. Additionally, SFAS may connect with other SFAs to for discussion and ideas through the [Peer-to-Peer Support for Child Nutrition Professionals](#).

Thank you!

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