

# Buy American Justification Form

This form helps school food authorities (SFAs) comply with the documentation required when purchasing nondomestic food products with nonprofit school food service account funds, in accordance with [7CFR 210.21\(d\)](#). SFAs should complete this form annually, filling out all sections that apply. Complete one form for each nondomestic food product being served in the U.S. Department of Agriculture's (USDA) school nutrition programs, including the National School Lunch Program (NSLP), School Breakfast Programs (SBP), Afterschool Snack Program (ASP) of the NSLP, and Seamless Summer Option (SSO) of the NSLP, and Fresh Fruit and Vegetable Program (FFVP).

The Buy American requirements are summarized in [USDA Memo SP 38-2017: Compliance with and Enforcement of the Buy American Provision in the NSLP](#). For additional resources, visit the "Procurement" section of the South Dakota Department of Education's [Child and Adult Nutrition Programs](#) website.

**Product name:** \_\_\_\_\_

**Country of origin:** \_\_\_\_\_

**Estimated annual usage** (specify unit e.g., case): \_\_\_\_\_

A. Is this food product only available from a nondomestic source?

Yes: Answer the two questions below.  No: Complete parts B and C.

1. What alternative to using this nondomestic food product were considered?

2. What is the justification for using the nondomestic food product?

## B. Pricing

1. Bid cost per purchase unit for domestic food product: \_\_\_\_\_
2. Bid cost per purchase unit for nondomestic food product: \_\_\_\_\_
3. Country of origin for nondomestic food product: \_\_\_\_\_
4. Estimated annual cost of domestic food product  
(annual usage x bid cost per purchase unit): \_\_\_\_\_
5. Estimated annual cost of nondomestic food product (annual usage x bid cost per purchase unit): \_\_\_\_\_

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6. If you choose to use nondomestic food products because the price of domestic food products was higher, answer the following:
  - a. What alternatives to using this nondomestic food product were considered?  

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  - b. Explain why this cost is significant to your program:  

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### C. Seasonality

1. If the food item is not available domestically for part of the school year, indicate the months it is nondomestic and attach supporting documentation (other than a vendor statement).  

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- a. Did you serve the domestic source of the food product during the months it was available?

Yes  No: Explain why below.  

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- b. What alternatives to using this the nondomestic food product were considered?  

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Signature of food service director

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Date

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Signature of SFA authorized signer \*

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Date

\* This signature is required only if the district contracts with a food service management company

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For more information, visit the SD Department of Education, Child and Adult Nutrition Services website or contact CANS at 605-773-3413, or [DOE.SchoolLunch@state.sd.us](mailto:DOE.SchoolLunch@state.sd.us).

This form is available at <https://doe.sd.gov/cans/documents/Buy-American-Form.pdf>

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To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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