



Subject: **BUY AMERICAN PROVISION**

PURPOSE

The purpose of this procedure is to outline the steps Food and Nutrition takes to purchase to the maximum extent practicable, domestic commodities or products.

A domestic commodity is an agricultural food component that is produced 100 percent domestically (United States and its territories). A domestic product is a food product that is processed 100 percent domestically and is comprised of over 51 percent domestic food components by weight or volume. Water is not considered an agricultural commodity. The Buy American Provision applies to all entities that purchase on behalf of Food and Nutrition (i.e. group purchasing cooperatives, Food Service Management Companies, etc.). *Buy American Provision is outlined in further detail in the U.S. Department of Agriculture (USDA) Policy Memorandum (PM) SP-38-2017, June 30, 2017*

PROCEDURE

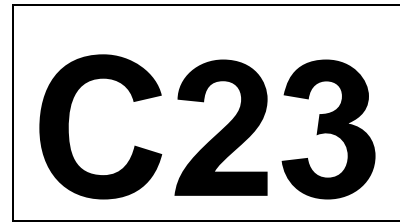
Before utilizing an exception to the Buy American Provision, Food and Nutrition should consider the following:

- A. Are there other domestic sources for this product?
- B. Is there another domestic product that could be used, if the non-domestic product is less expensive (i.e. substitute domestic apples for non-domestic pears)?
- C. Could the solicitation occur at a different time of the year? Could the contract occur earlier or later in the season for better prices and/or availability?

Food and Nutrition must retain written documentation for exceptions to the Buy American Provision requirement when one of the following two conditions exist:

- A. The food product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality, or
- B. Proper procurement methods reveal the costs of a United States product are *significantly* higher than the nondomestic food product. **Note:** Food and Nutrition has deemed that if the cost of a United States product is 15% higher than the nondomestic food product, then the exception to the Buy American Provision requirement can be utilized.

**FOOD AND NUTRITION
PROCEDURES**
Miami-Dade County Public Schools



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If and when Food and Nutrition utilizes an exception to the Buy American Provision, the *Buy American Provision Exception Documentation Worksheet* or equivalent documentation for exception must be completed and filed.

Food and Nutrition takes the following steps to ensure compliance with the Buy American Provision:

- A. Ensures product packaging and/or delivery invoice identify the country of origin.
- B. Conducts periodic reviews of inventory to ensure products comply with the Buy American Provision.
- C. Includes the required “Buy American Clause” in all product specifications, solicitations, purchase orders, and other procurement documents.

Reference:

- ✓ [7 CFR 210.21\(d\)](#)
- ✓ [SP38-2017 Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program](#)

For Action By: Department of Food and Nutrition, Food Service Managers, Satellite Assistants

Refer Questions to: Department of Food and Nutrition

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