

# Attachment 5

## **Buy American Exception Form**

[USDA Memo SP-38-2017](#), Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, requires school food authorities (SFAs) to purchase, to the maximum extent practicable, domestic commodity or product.

There are limited exceptions to the Buy American provision which allow for the purchase of products not meeting the “domestic” standard as described above (“non-domestic”) in circumstances when use of domestic products is truly not practicable. These exceptions should be used as a last resort:

1. The product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality.
- AND/OR**
2. Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product. For our purposes, we are defining significant as 10% or more expensive than a like non-domestic item.

I hereby certify that the following product is exempt from the Buy American Provision for the reason(s) stated:

|          |  |
|----------|--|
| Product: |  |
|----------|--|

|                                    |  |
|------------------------------------|--|
| Exception 1 and/or 2 (from above): |  |
|------------------------------------|--|

If citing Exception 2, (price), please provide the following:

|                | Case Size | Price |
|----------------|-----------|-------|
| Domestic Item: |           |       |
| Imported item: |           |       |

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Company Name

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Authorized Representative Name (Printed)

  
Signature

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Date