



Office of P-20 Education Policy  
Child Nutrition Program Administration  
89 Washington Avenue, Room 375 EBA, Albany, NY 12234  
(518) 473-8781 Fax (518) 473-0018  
[www.cn.nysed.gov](http://www.cn.nysed.gov)

## Formal Bidding Exemption for New York State Food

### Approval Application Form for orders over \$150,000

Complete this application to request approval from the New York State Education Department (SED) to utilize the formal bidding exemption for NYS Food on an order over \$150,000 up to the federal small purchase threshold (currently set at \$250,000). **Submit the completed application to [farm2school@nysed.gov](mailto:farm2school@nysed.gov).**

Requests will only be approved for purchases that will be made directly from producers or growers or an association of owners of farms when no other producers or growers have made offers. Purchases exceeding \$150,000 from a distributor are subject to formal bidding requirements. For more information on the formal bidding exemption for NYS food, please see the toolkit [here](#).

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**School Food Authority (SFA)/Board of Cooperative Services (BOCES) Name:**

**LEA Code:**

**Contact Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**1. Purchase order amount:** \_\_\_\_\_

**2. Name of producer/grower that will be procured from:** \_\_\_\_\_

**3. Product(s) to be purchased:**

Allowable food items must be grown, produced or harvested in New York State and include:

- |                                    |  |   |
|------------------------------------|--|---|
| <input type="checkbox"/> Eggs      | <input type="checkbox"/> Grains                          | <input type="checkbox"/> Fresh Fruit      |
| <input type="checkbox"/> Livestock | <input type="checkbox"/> Juice                           | <input type="checkbox"/> Fresh Vegetables |
| <input type="checkbox"/> Fish      | <input type="checkbox"/> Dairy Products (excluding milk) |   |

**4. Was an attempt made to conduct informal or formal procurement for the order?**

☐ **No. Explain:** \_\_\_\_\_

☐ **Yes. Were other producers/growers willing to sell their products?** ☐ **Yes** ☐ **No**

**5. Provide additional justification to utilize the formal bidding exemption:**



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## Attestation

*The attestation statement must be signed by the applicant's chief school/administrative officer. The food service director may not sign the application.*

I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate.

I further certify, \_\_\_\_\_ (SFA/BOCES Name) is in compliance with all federal, State and local procurement laws, regulations and requirements and that any ensuing program and activity will be conducted in accordance with all applicable federal, State and local laws, regulations and requirements and that the local procurement policy contains the required language for the utilization of the formal bidding exemptions of NYS Food.

It is understood by the applicant that approval of this application must be received prior to implementing the requested flexibility. It is also understood by the applicant that immediate written notice will be provided to the SED Child Nutrition program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

I have read and understand the guidelines and requirements of the Formal Bidding Exemption for New York State Food provided in General Municipal law 103.9 and the Regulations of the Commissioner of Education 114.3, and, if approved, agree to implement the procurement as outlined above in a manner consistent with the policies and procedures established.

I understand that if the SED Child Nutrition Program Administration determines the SFA to be noncompliant with one or more of the requirements set forth in Child Nutrition Program laws, regulations, guidance and policy, participation in the Child Nutrition Program (s) may be denied or terminated and the SFA may be subject to fiscal sanctions.

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Signature

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Date

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Print Name

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Title

**This institution is an Equal Opportunity Employer.**