



Office of P-12 Instructional Support  
Child Nutrition Program Administration  
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## Request for Application Local Food for Schools Cooperative Agreement Program

### Introduction

The New York State Education Department (SED) has entered into a cooperative agreement with the United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), to administer the Local Food for Schools Cooperative Agreement Program (LFS). The LFS is authorized by section 5(c) of the Commodity Credit Corporation Charter Act (15 US 714c(c)).

Through the LFS, SED has been allocated \$11,891,161 in total funding to subaward to eligible School Food Authorities (SFAs) for the purchase of unprocessed or minimally processed domestic, locally grown foods from local producers, small businesses, and socially disadvantaged farmers/producers.

The purpose of this program is to increase purchasing of local and regional foods for use in schools and to achieve the overarching goals below:

1. Provide an opportunity to strengthen local and regional food systems
2. Help support local, small, and socially disadvantaged farmers/producers through building and expanding economic opportunities
3. Establish and broaden partnerships with farmers/producers and schools to ensure distribution of fresh and nutritious foods

To receive funding through this noncompetitive opportunity, eligible SFAs must submit a complete application and must adhere to all terms, conditions and reporting requirements as described in this Request for Application (RFA).

### Eligible Applicants

All SFAs currently approved by SED to participate in the National School Lunch Program (NSLP) in New York State are eligible to apply for funding including public school districts, non-profit nonpublic schools and residential childcare institutions.

### How to Apply

Eligible SFAs must complete and submit the [Local Food for Schools Cooperative Agreement Program Application form](#). **Complete applications must be submitted by email to [farm2school@nysed.gov](mailto:farm2school@nysed.gov) by January 18<sup>th</sup>, 2023.**

### Allowable uses of LFS Funding

LFS funds must be used to purchase **unprocessed or minimally processed domestic and local food from local or regional producers**, as defined in the [definitions section](#) of this RFA. Funds may also be used to cover the costs of storage and distribution of agricultural products to schools however, the expectation of this program is for SFAs to spend awarded funds on food purchases.

Applicants may not use the LFS funds to pay direct or indirect costs associated with developing or administering the program.

All sub-awards are subject to the terms and conditions, cost principles, and other considerations described in the [Agricultural Marketing Service \(AMS\) Grants Division General Terms and Conditions](#).

### Unprocessed/Minimally Processed Food Items

Use the chart below to help determine what food items are considered unprocessed and/or minimally processed.

Allowable Foods that are considered Unprocessed/Minimally Processed	Unallowable Foods considered to be Processed
<p>Unprocessed or minimally processed domestic local foods in a variety of minimal processing states and/or forms:</p> <ul style="list-style-type: none"> <li>• whole, cut, pureed, etc.</li> <li>• fresh, frozen, canned, dried, etc.</li> </ul> <p>Examples of allowable foods:</p> <ul style="list-style-type: none"> <li>• fluid milk (unflavored and flavored)</li> <li>• Other dairy foods such as cheese and yogurt (unflavored and flavored)</li> <li>• fruits and vegetables (including 100% juices)</li> <li>• grain products such as pastas and rice</li> <li>• meats (whole, pieces, or food items such as ground meats)</li> <li>• meat alternates such as beans or legumes</li> </ul>	<p>Foods that are generally understood to be significantly processed or prepared:</p> <ul style="list-style-type: none"> <li>• Pre-made/ready to eat foods:               <ul style="list-style-type: none"> <li>○ pre-made pizza</li> <li>○ chicken nuggets</li> <li>○ breads, muffins, crackers</li> <li>○ pre-packaged sandwiches</li> <li>○ pre-packaged/ready to eat meals</li> </ul> </li> </ul>

### Eligible Beneficiaries of LFS Funds

Eligible beneficiaries of purchases include those involved in the production and distribution of local domestic food.

**Contracts must be awarded to farmers, producers, processors, or distributors of local domestic product that meet the definition of a local or regional producer in the [definitions section](#) of this RFA.**

SFAs are also required to target purchases from small business and socially disadvantaged farmers/producers to the extent practicable.

Awarded SFAs will be connected with a Cornell Cooperative Extension (CCE) Farm to School Coordinator who will assist the SFA in finding local producers.

### Method of Award

Funds will be sub-awarded directly to eligible SFA applicants through a noncompetitive process. Only SFA applicants that submit a complete application by the application due date will be considered.

The total funding amount of \$11,891,161 will be equitably distributed to all eligible applicants based on the number of lunch meals served by each SFA as reported on the January 2022 NSLP claim for

reimbursement. The most recent NSLP claim for reimbursement will be used for new SFAs in their first year of operation that do not have a NSLP claim for reimbursement on file for January 2022.

### SFA Funding Amount

As all available funding will be equitably distributed among all eligible applicants, exact SFA funding amounts will be determined after the SFA application deadline and after all applications have been approved.

SED has established minimum funding amounts each SFA can expect to receive based on every eligible SFA applying. The minimum funding amounts can be found [here](#).

Please note, that the actual funding amount will be determined based on the number of SFAs that have applied and have been approved therefore, each SFA funding amount may be higher than the estimated minimum amount noted.

### SFA Award Notice

Written notification of award and SFA funding amount will be sent by email to the contact listed on the application. Awards will also be posted to the Child Nutrition Knowledge Center (CNKC) website.

All SFAs receiving LFS funds must sign and return the written agreement form provided at the time of approval. Further, non-public schools and charter schools receiving over \$15,000 will be required to enter a contract with SED prior to receiving funds.

### Payment to SFAs

Approved SFA applicants will receive the LFS funds as a reimbursement payment for allowable purchases.

SFAs will use the Child Nutrition Management System (CNMS) to place LFS claims for reimbursement as needed and as often as each month through February 2024.

When submitting a LFS claim for reimbursement, the SFA will be required to report at least the following information for the claim period timeframe:

- Total dollar value of purchases to be reimbursed broken down by:
  - Dollar value spent at small businesses
  - Dollar value spent at socially disadvantaged farmers/producers
  - Dollar value spent at other local producers/vendors
- Total number of farmers/producers/vendors broken down by:
  - The number of small businesses purchased from
  - The number of socially disadvantaged farmers/producers purchased from
  - The number of other local producers/vendors purchased from

Further instructions on submitting LFS claims will be provided upon approval.

### Procurement

As with all Child Nutrition Program purchases, SFAs are required to follow all federal, State, and local procurement requirements and regulations. As a reminder, federal regulations at 2 CFR 200 includes the provision to allow the utilization of emergency noncompetitive procurements during a public emergency.

Purchases must comply with Section 7, Procurement, of the [AMS General Terms and Conditions](#).

## Timeframe

The LFS funds must be used by the SFA by February 2024.

## Documentation & Oversight

Awarded SFAs must maintain appropriate records to support the proper use of LFS funds.

SFAs receiving LFS funding are required to maintain proper documentation on the procurement and purchasing of allowable food items from eligible beneficiaries. Documentation needed to support use of funds may include invoices, receipts, proof of domestic local product, etc.

SFAs are expected to track the amount of LFS funds spent at socially disadvantaged farmers/producers and small businesses.

## Administrative and National Policy Requirements

All applicable Federal statutes and regulations as well as the resulting Cooperative Agreement and [AMS General Terms and Conditions](#) must be adhered to. Compliance will be monitored by SED through quarterly performance reports and regular Child Nutrition Program monitoring.

SFAs are required to comply with record retention and audit requirements in accordance with 7 CFR 210.9(b)(17). Upon request, make all accounts and records pertaining to its school food service available to SED and to USDA, for audit or review, at a reasonable time and place. Such records shall be retained for a period of 3 years after the date of the final Claim for Reimbursement for the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for resolution of the issues raised by the audit.

## Reporting Requirements

Awarded SFAs will be required to submit data and information necessary for SED to complete and submit quarterly financial and progress reports to USDA.

SED will collect required reporting information through the SFAs submission of LFS claims for reimbursement using CNMS, as described above. Additional information will be collected through Survey Monkey, as necessary. The information collected from these reports will be used by SED and USDA to measure the outcome of the program.

Information collected will include:

- Name of vendors and dollar value awarded to vendors receiving contracts and type of food purchased (fruit, vegetable, dairy, seafood, other).
- Break-down of number of small businesses awarded contracts, dollar value of purchases, and type of commodity purchased (fruit, vegetable, dairy, seafood, other).
- Break-down of number of socially disadvantaged farmers/producers awarded contracts, dollar value of purchases, and type of commodity purchased (fruit, vegetable, dairy, seafood, other).
- Description of the following activities conducted during the reporting period including:
  - budget information,
  - deviations from the proposed plan,
  - difficulties encountered,
  - solutions developed to overcome difficulties/best practices, and

- major planned activities for the next quarter

Additionally, at the end of the performance period, recipients will be required to also provide a final report by **March 29, 2024** that includes:

- A summary of the data from the quarterly progress reports
- A narrative addressing questions 1 through 3 below:
  1. Percentage of new marketing opportunities established by purchasing from local and regional farmers/producers, and of those, what percentage will likely be sustained after the funding is expended.
  2. Percentage of new marketing opportunities established by purchasing from socially disadvantaged farmers/producers, and of those, what percentage will likely be sustained after the funding is expended.
  3. Percentage of new marketing opportunities established by purchasing from small businesses, and of those, what percentage will likely be sustained after the funding is expended.
- Responses to question 1, 2, and 3 above should compare the number of partnerships built through the LFS to partnerships in existence prior to the program, and of those, the percentage that will continue at the conclusion of the program.

## Resources

Cornell Cooperative Extension (CCE), Harvest NY

NYSED has partnered with CCE Harvest NY team to assist SFAs with finding local farmers and producers. Upon application approval, a CCE farm to school coordinator will reach out to the SFA.

To find a CCE farm to school coordinator in your area, [please click here](#).

## Resources

- [Procurement Information | Child Nutrition | NYSED](#)
- [Farm to School Resources | Food and Nutrition Service \(usda.gov\)](#)
- [Farm to School Training & Guidance | Child Nutrition | NYSED](#)

Contact NYSED Child Nutrition Program Office

SFAs should reach out to a Special Team representative from the Child Nutrition Program Office with any questions at 518-473-8781 or by [email](#).

## LFS Questions & Answers

Click [here](#) to read through the LFS Questions & Answers

## Definitions

**Local or regional producers** are farmers, ranchers, producer, processors or distributors and other businesses involved in food production or distribution that are located in the state or within 400 miles of the delivery destination.

**Local or regional food.** Locally and Regionally Produced Food means food that is raised, produced, aggregated, stored, processed, and distributed in the locality or region where the final product is marketed to consumers, so that the total distance that the product travels between the farm or ranch

where the product originates and the point of sale to the end consumer is at most 400 miles, or both the final market and the origin of the product are within the same state or territory.

**Domestic Food.** “Agricultural Commodity” means a product grown, processed, and otherwise prepared for sale or distribution exclusively in the United States or its territories, except with respect to minor ingredients. Minor ingredients from nondomestic sources will be allowed to be utilized as a United States product if such ingredients are not otherwise: (1) produced in the United States; and (2) commercially available in the United States at fair and reasonable prices from domestic sources. The following ingredients are determined by AMS Commodity Procurement as not available at fair and reasonable prices and are waived from U.S. origin restrictions: (1) Vitamin A (Retinol Palmitate), (2) Vitamin D, (3) Carageenan (stabilizing agent), (4) Sorbic Acid (preservative), (5) Potassium Sorbate (preservative), (6) Rennet (coagulant), (7) Items excepted from the Buy American Act under FAR 25.104 Nonavailable Articles.

**Socially Disadvantaged producers.** Socially Disadvantaged Farmer or Rancher is a farmer or rancher who is a member of a Socially Disadvantaged Group. A Socially Disadvantaged Group is a group whose members have been subject to discrimination on the basis of race, color, national origin, age, disability, and, where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program.

**Schools.** 7 CFR 210.2: School means: (a) An educational unit of high school grade or under, recognized as part of the educational system in the state and operating under public or nonprofit private ownership in a single building or complex of buildings; (b) any public or nonprofit private classes of preprimary grade when they are conducted in the aforementioned schools; or (c) any public or nonprofit private residential child care institution, or distinct part of such institution, which operates principally for the care of children, and, if private, is licensed to provide residential child care services under the appropriate licensing code by the state or a subordinate level of government, except for residential summer camps which participate in the Summer Food Service Program for Children, Job Corps centers funded by the Department of Labor, and private foster homes. The term “residential child care institutions” includes, but is not limited to: homes for the mentally, emotionally or physically impaired, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care facilities for chronically ill children; and juvenile detention centers. A long-term care facility is a hospital, skilled nursing facility, intermediate care facility, or distinct part thereof, which is intended for the care of children confined for 30 days or more.

**Small Business.** A small business is generally defined by the U.S. Small Business Administration (SBA) as a business that is: a for profit-businesses of any legal structure; independently owned and operated, not nationally dominant in its field, and physically located and operated in the U.S. or its territories.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

[program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.