

# Selling Food (or Donating Food) to Institutional Settings: Traditional and Non-Traditional Foods

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# Overview

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Why are we interested in institutional setting sales or donation of foods?

Perspective of the Producer: Managing Risk

The Farm Bill sections

Guidance

Review The Example: Farm to School (Pamela Kingfisher)

# Why Institutional Settings

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## Institutional Settings

- Child care institutions (head start, child care, early childhood development centers, home-based care, etc.)
- Schools (K-12)
- Colleges, Universities, higher education and technical education settings
- Elder centers
- Nursing homes
- Hospitals
- Elder Care Day Care
- Clinics
- Other public settings: community facilities used for community purposes
- Basically, places that aren't necessarily "retail" settings for food

# Why do we care?

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**MARKET:** Public institutional settings buy millions and sometimes aggregate billions of dollars in food purchases annually

**TREND:** Rising national trend to encourage and support the sale of local and regional foods into those settings

**LEVERAGE:** Ability to drive change in food access (healthy food access) at the local regional level by leveraging the purchasing power (\$) of those institutions

**CONNECT:** Can bypass large national distributors and favor local and regional producers

**For Indian Country - - this is a powerful way to favor and support our local and regional Native producers and our neighbors**

# Perspective of Producer

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Producers can tailor their production to the needs of the bigger institutional buyer

Can focus on certain types of products (ONLY) and streamline their deliveries

The institutional sales account can support their operations (some call it an “anchor contract”)

However, there are certain challenges and ways to manage risk that must be considered

- Still need to deliver on time, in the quality and quantity you agreed to, and it has to be safe (and you need to be able to prove it) or people won't rely on you
- Among those are: how to plan for your production and manage the risk of loss
- All the more reason to consider buying crop insurance if your are moving into this type of market

# Additional Perspectives

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## Logistics & Other Issues to Consider

- Smooth deliveries - - how to ensure this will occur
- Ongoing access to these markets = ongoing planning on the farm
- Labor
  - Will you have the labor you need to actually harvest, pack and deliver when you need to?
- Food safety
  - How will you prove to the institution that your food is safe
  - Some institutional settings will require you to prove your food is safe
  - GAP certification? HACCP plan?
  - Do you have insurance (FLIP) that covers food safety general liability issues that could pop up?
- Records - - not just to plan your production but to plan your business and for sure to plan for food safety
- Contracts - - will you have contracts between you and the buyer?

# Another sense of magnitude

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Largest food management companies make up 45% of all institutional food service purchases with up to \$33b in sales

The 2 largest food distribution companies bring in about \$65b in combined annual sales and make up 75% of the national market

## Local Foods

Many of the institutional food management companies are now requiring that certain % (some as high as 20%) of their food products purchases come from local regional radius locations

# Perspective of the Community

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Most communities haven't figured out how much \$\$\$ they are spending on the various foods coming into these institutional settings

Also haven't figured out who their local producers are who could be partnered with to provide those foods

And haven't figured out how they would adjust their "recipes" on a daily/weekly/monthly/annual basis if they moved a portion of their spending into these spaces

Food Sovereignty Assessment Tool - - essential to use this tool and run the numbers: [www.firstnations.org](http://www.firstnations.org).

## KNOW YOUR NUMBERS

Example: Iowa did study - - if 25% of the 22,000 institutions purchased local and regional foods

- 800m annually
- 4259 farms supported
- 12,320 jobs supported



# Perspective of the Tribal Government

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Local institutional settings that Tribal governments manage and operate can be powerful ways to stabilize your food systems

Support your producers in new ways

Spend your money locally to support your own people

Lead to new ways to coordinate inter-tribally

But - -

- Tribal governments need to consider and enact Tribal codes that protect their producers, their markets, and their institutional settings

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# Most Recent Farm Bill Sections

# Farm Bill 2014: Section 4033

## Service of Traditional Food in Public Facilities

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### **SEC. 4033. SERVICE OF TRADITIONAL FOODS IN PUBLIC FACILITIES.**

(a) PURPOSE—

(1) to provide access to traditional foods in food service programs;

(2) to encourage increased consumption of traditional foods to decrease health disparities among Indians, particularly Alaska Natives;  
and

(3) to provide alternative food options for food service programs.

# Section 4033

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(b) DEFINITIONS.—In this section:

(3) FOOD SERVICE PROGRAM.—The term “food service program” includes—

- (A) food service at residential child care facilities that have a license from an appropriate State agency;
- (B) any child nutrition program (as that term is defined in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)));
- (C) food service at hospitals, clinics, and long-term care facilities; and
- (D) senior meal programs.

# Section 4033

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## (5) TRADITIONAL FOOD

(A) IN GENERAL.—The term “traditional food” means food that has traditionally been prepared and consumed by an Indian tribe.

(B) INCLUSIONS.—The term “traditional food” includes—

- (i) wild game meat;
- (ii) fish;
- (iii) seafood;
- (iv) marine mammals;
- (v) plants; and
- (vi) berries.

# Section 4033

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(c) PROGRAM.—The Secretary and the Commissioner shall allow the donation to and serving of traditional food through food service programs at public facilities and nonprofit facilities, including facilities operated by Indian tribes and facilities operated by tribal organizations, that primarily serve Indians if the operator of the food service program—

- (1) ensures that the food is received whole, gutted, gilled, as quarters, or as a roast, without further processing;
- (2) makes a reasonable determination that—
  - (A) the animal was not diseased;
  - (B) the food was butchered, dressed, transported, and stored to prevent contamination, undesirable microbial growth, or deterioration; and
  - (C) the food will not cause a significant health hazard or potential for human illness;

# Section 4033

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- (3) carries out any further preparation or processing of the food at a different time or in a different space from the preparation or processing of other food for the applicable program to prevent cross-contamination;
- (4) cleans and sanitizes food-contact surfaces of equipment and utensils after processing the traditional food;
- (5) labels donated traditional food with the name of the food;
- (6) stores the traditional food separately from other food for the applicable program, including through storage in a separate freezer or refrigerator or in a separate compartment or shelf in the freezer or refrigerator;
- (7) follows Federal, State, local, county, **tribal**, or other non-Federal law regarding the safe preparation and service of food in public or nonprofit facilities; and
- (8) follows other such criteria as established by the Secretary and Commissioner.

# Section 4033

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## (d) LIABILITY.—

- (1) IN GENERAL.—The United States, an Indian tribe, and a tribal organization shall not be liable in any civil action for any damage, injury, or death caused to any person by the donation to or serving of traditional foods through food service programs.
- (2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) alters any liability or other obligation of the United States under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 1450 et seq.).



# Farm Bill 2014: Section 4004

## Study of Feasibility of Tribal Administration of Federal Food Assistance Programs

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### **SEC. 4004. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.**

#### **(b) FEASIBILITY STUDY, REPORT, AND DEMONSTRATION PROJECT FOR INDIAN TRIBES.—**

- (2) STUDY.—The Secretary shall conduct a study to determine the feasibility of tribal administration of Federal food assistance programs, services, functions, and activities (or portions thereof), in lieu of State agencies or other administering entities.

Study July 11, 2016:

<http://www.fns.usda.gov/sites/default/files/ops/TribalAdministration.pdf>

# Section 4003: Demonstration Project Traditional and Local Foods

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TRADITIONAL AND LOCAL FOODS DEMONSTRATION PROJECT.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pilot a demonstration project by awarding a grant to 1 or more tribal organizations authorized to administer the food distribution program on Indian reservations under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) for the purpose of purchasing nutritious and traditional foods, and when practicable, foods produced locally by Indian producers, for distribution to recipients of foods distributed under that program.

No action taken to date on this issue, although USDA has been taking steps to purchase more traditional and local foods

# General Guidance FNS: Procuring Local Foods & Defining Local

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## Procuring Local Foods for Child Nutrition Programs

- Refer to the Guide Prepared by the USDA Food and Nutrition Service (FNS): Procuring Local Foods
- [http://www.fns.usda.gov/sites/default/files/f2s/F2S\\_Procuring\\_Local\\_Foods\\_Child\\_Nutrition\\_Prog\\_Guide\\_BW.pdf](http://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide_BW.pdf)
- There is no federal definition of 'local'
- Definitions of local will vary by location
- "Local" should be identified by the local purchasing entity
- Can be within the community; within the county; within the reservation; within the state; within the region and may differ by type of food available

# Questions to Consider When Defining Local

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## QUESTIONS TO CONSIDER WHEN DEFINING LOCAL

- What products do you want to source first, and where can you find them?
- What is the vision for your local buying program and what types of producers can support that vision?
- Is there state based legislation regarding local purchasing that you would like to be aligned with? Note that an SFA's definition of local may differ from the state's definition.
- Do you want to bring as much local product as possible onto the menu as quickly as possible?
- Do you want to couple local purchases with farm visits and educational activities with producers and suppliers?
- What products are you already sourcing from your nearby area?
- Does your distributor offer products from your state or region?

# Sourcing Local

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## Sourcing Local

- Straight from the Producer
- From Producer Cooperatives
- From Food Hubs
- From Distributors
- From Food Processors
- From FSMCs (food service management companies)
- From School Gardens

\*If purchasing through third parties, consult the contracts between the purchaser and the third party (FSMC, Food distributors, etc.)

# Competitive Requirements

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## Competitive Food Purchasing Required

- Some purchasers require competitive bids from producers or suppliers
- Some purchasers have contracts with producers in advance of the growing season (specifying volume of product and intended purchase prices)
- Some purchasers plan menus and identify ranges of products they will need and then bid later
- Others solicit bids month-to-month
- Some require producers to deliver straight to the consumption location - - others require delivery to a central warehouse
- Most will require quantity, quality, packaging, etc.

# From School Gardens and Farm

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USDA does not prohibit schools from using products grown in school gardens in school meals, snacks, and taste tests.

- Likely won't have enough produced to make a dent in the need
- But can be used to enhance nutrition education and supplement meals

Schools may use funds from the non-profit food service account to competitively purchase seeds, fertilizer, rakes, watering cans and other items for the school garden, as long as the garden is used within the context of the program (e.g., served through a taste test or as part of a school meal).

Produce from the garden can be donated, purchased through an intergovernmental agreement, or competitively procured.

# From School Gardens and Farms

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Before operating a school garden or using garden-grown foods in school meals, schools should become familiar with all applicable local health and sanitation requirements.

For more information, please see *Appendix A: Procurement Resources* for two guidance memos on school gardens.



# Four Principles Guiding Federal Procurement (and Reimbursement for Local Purchases)

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4 Principles Guide purchasing that is reimbursable to local purchasing entities of child nutrition programs

- Buy American
  - State and Local Regulations
  - Full and Open Competition
  - Responsible and Responsive Vendors
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- SFAs and sponsors administering Child and Adult Care Food Programs and Summer Food Service Programs must comply with federal procurement regulations when using federal funds.

# Requirements

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Is the expenditure being paid for from the non-profit food service account "allowable"

- Necessary, reasonable and allocable
- Does the expense support or improve the child nutrition programs
  - *Farm to School and School Garden Expenses (SP06-2015)*
  - *Assessing Proposed Nutrition Education Costs in the National School Lunch Program and School Breakfast Program (SP 07-2015)*
- Buy American requires domestically grown and processed foods to the maximum extent practicable
  - Produced in the US
  - Processed in the US with at least 51% US grown products
  - *Procurement Questions Relevant to the Buy American Provision (SP14-2012)*

# Local Policies

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## May differ greatly

- Some require GAP certified farms only
- Others require farms carry a certain amount of insurance and require evidence of liability or workers' compensation insurance
- Some require very specific products specifications
- Some use different types of bidding processes
- Do your homework - - check with your local school
- For Tribes:       What are your policies?

# Competition

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The federal regulations use the term “full and open competition,” which essentially means all potential suppliers are on a level playing field.

The goal is to have as many suppliers as possible (with a recommended minimum of three) respond to every solicitation.

## Examples of Reasonable Terms:

- Respondents must meet the minimum requirements for liability insurance and worker’s compensation coverage as stated in this document;
- Respondents shall provide documentation with sufficient evidence of at least five years’ experience;
- District reserves the right to require a performance bond upon award; or
- Responses are due within four weeks from notification e.g., public notification such as new papers ad or direct notification such as phone call, in person, or email.

# Schools Cannot:

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## **In order to ensure full and open competition, schools cannot:**

- place unreasonable requirements on firms in order for them to qualify to do business (e.g., a school cannot require that a vendor have at least 100 people on staff);
- require unnecessary experience or excessive bonding (e.g., a school cannot require that vendors have at least 50 years' experience serving schools);
- award contracts to or order from one vendor without competition;
- have organizational conflicts of interest (e.g., a school cannot award a contract to a school board member, employee or family member, etc.);

# Cannot:

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## Schools also cannot

- specify only a brand name product instead of allowing an equal product to be offered;
- make any arbitrary decisions in the procurement process (e.g., a school cannot grant a contract because it liked one company's branding);
- write bid specifications that are too narrow and limit competition;
- allow potential contractors to write or otherwise influence bid specifications;
- provide insufficient time for vendors to submit bids; or,
- use local as a product specification
- Cannot restrict to ONLY local

# Threshold of \$150k

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## Federal Threshold Purchases = \$150,000

- If above the Federal Threshold, a Formal Bid (sealed bid and competitive proposal) process is required; public advertisement is required
- If below the Federal Threshold, an “Informal” or “small purchase” can be made
  - Requires price quotes
  - From at least 3 bidders
  - Micro-purchase
    - Value of purchase may not exceed \$3000
    - Non-competitive purchase

# Micro-Purchases

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## Micro-Purchase Process

- Develop specifications
- Conduct market research (who has what, how much, cost, etc.)
- Contact vendor and make purchase
- Manage the contract
- Distribute micro-purchases equitably among qualified suppliers

Regulations prohibit breaking up solicitations into smaller pieces to avoid the formal procurement process unless specific circumstances exist to justify splitting the purchase.



# Informal Procurement

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## Informal Procurement

- Draft specifications in writing
- Identify and gather at least 3 quotes from suppliers that are eligible, able, and willing to provide products
- Evaluate bidders' responses to your specifications
- Determine most responsive and responsible bidder at the least price and award contract
- Manage the contract

Regulations prohibit breaking up solicitations into smaller pieces to avoid the formal procurement process unless specific circumstances exist to justify splitting the purchase.

# Contract Requirements

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Federal regulations and guidance discuss:

- Particular varieties to a region
- Origin labeling
- Ability to provide farm, cafeteria, classroom visits
- Biographical information about the farmer and history of the farm
- Delivery within 48 hours of harvest (or similar)
- Delivery within a mileage requirement from the location of use
- Harvest techniques
- Crop diversity
- Customer service

# Production Standards

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Purchaser is also allowed to require

## Production standards

- Grass-fed
- Cage-free
- Pesticide-free
- Certified
- Organic no-till
  
- Allowed so long as they do not overly restrict competition

# Geographic Preference

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The 2008 Farm Bill directed the Secretary of Agriculture to encourage schools operating child nutrition programs to purchase **“unprocessed agricultural products, both locally grown and locally raised, to the maximum extent practicable and appropriate,”** and to **“allow institutions to use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.”**

- “The Food, Conservation and Energy Act of 2008, Subtitle C - Child Nutrition and Related Programs, Section 4302 - Purchases of Locally Produced Foods” (Public Law 110-246, 18 June 2008)

# Geographic Preference

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The geographic preference option applies to operators of all child nutrition programs, including the National School Lunch Program, the National School Breakfast Program, the Fresh Fruit and Vegetable Program, the Summer Food Service Program, and the Child and Adult Care Food Program.

It enables schools to state a preference for local products, but does not require that purchases be made from local sources.

Geographic preference can be used in any of the procurement methods, formal or informal.

About 80 percent of all foods for school meal programs are sourced with cash assistance, including federal reimbursement, student payments, and, in some cases, state and/or local funding.

The geographic preference option can be used for purchasing unprocessed agricultural products with the cash assistance portion of school food funds.

# Geographic Preference

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Geographic preference applies only to unprocessed locally grown or raised agricultural products. Unprocessed products are those that retain their inherent character.

The following food handling and preservation techniques are not considered to change a product's character and thus are allowable:

- Refrigerating
- Freezing
- Size adjustment made by peeling
- Slicing
- Dicing
- Cutting

# Geographic Preference

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- Chopping
- Shucking
- Grinding
- Forming ground products into patties without any additives or fillers
- Drying or dehydration
- Washing
- Packaging (such as placing eggs in cartons)
- Vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package)
- Adding of ascorbic acid or other preservatives to prevent oxidation
- Butchering livestock and poultry
- Cleaning fish
- Pasteurizing milk

# Geographic Preference

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Unallowable food handling and preservation techniques include heating and canning. A school can use the geographic preference procurement option to procure local tomatoes and onions for tomato sauce, but not to procure the tomato sauce itself since the sauce would have been heated.

Ex:

- Canned Green Beans - - no - - canning changes the inherent characteristic of the product
- Dried Beans - - yes - - drying is allowable process
- Fresh Apples - - yes - - fresh, unprocessed fruits/vegs allowed
- Frozen Mixed Veggies - - yes - - products frozen, cut, mixed, bagged
- Tortillas - - no - - cooked product
- Hamburger meat - - maybe - - depends on whether it is seasoned, preservation agents or binding agents are added (no); or if just made into patties (yes)



# Buying Local Meat

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The Federal Meat Inspection Act<sup>19</sup> (FMIA) and the Poultry Products Inspection Act<sup>20</sup> (PPIA) are the two main regulations governing meat and poultry inspection.

The FMIA defines meat as livestock such as cattle, sheep, swine or goat.

The PPIA defines poultry as any domesticated bird such as turkeys, chickens, ducks, geese, guinea fowl and ratites (emus, rhea and ostrich).

Child nutrition programs are not restricted to using only meats slaughtered or processed at USDA inspected facilities.

# Buying Local Meat

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Some states operate under a cooperative agreement with Food Safety and Inspection Service (FSIS). State programs must enforce requirements “at least equal to” those imposed under the Federal Meat and Poultry Products Inspection Acts and the Humane Methods of Slaughter Act of 1978.

## **State-inspected facilities:**

- 27 states operate under the State Meat and Poultry Inspection (MPI) program where FSIS holds cooperative agreements with the state agencies.
- Under the MPI program, states provide inspections “at least equal to” those imposed under FMIA and PPIA. Districts can buy meat or poultry from these slaughter and processing facilities or from vendors which buy meat from MPI facilities.
- These meats are for intrastate distribution only.

# Buying Local Meat

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## Cooperative Interstate Shipment facilities:

- In four states where the Cooperative Interstate Shipment (CIS) program operates, a state-inspected plant (those noted above) can operate as federally-inspected facilities, under specific conditions, and ship their products in interstate commerce.
- Schools within those four states or states surrounding those four states can buy local or regional meat products from those facilities or vendors which buy meat from CIS program participants.
- Further detail about each of these inspection programs is provided in *Appendix R: Meat and Poultry Inspection Programs*. For the most up to date information about purchasing local meat, visit the USDA Farm to School program website ([usda.gov/farmentoschool](http://usda.gov/farmentoschool)).

# Buying Local Meat

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In addition to meeting food safety, inspection, labeling and packaging legal requirements, local purchasers may also require:

All meat products must be properly labeled and include the appropriate seal of state or federal inspection.

All ingredients must be declared on the product label and conform to the Food Allergen Labeling and Consumer Protection Act as required by the Food and Drug Administration.

Cases of product shall be clearly and legibly labeled with product name, product code, production date (actual or coded), case count, and net weight.

# Buying Local Meat

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Exempt poultry must be labeled in accordance to the following suggestions:

Labels must contain the name of the farm and name of the producer, the address of the farm (including zip code), producer contact information, the statement “Exempted— P.L. 90–492” prominently displayed in addition to safe handling and cooking instructions.

## Samples and Product Evaluation:

- Each item offered by the vendor may be subject to a product evaluation conducted by a representative from the district.
- Vendor must provide product sample for taste testing, product will be rated on a pass/fail basis if using an IFB and if using an RFP, the district may use a scale.

# Buying Local Meat

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## Inspection:

- The district is accepting meat and poultry from USDA inspected facilities and state facilities operating under the Meat and Poultry Inspection program and/or the Cooperative Interstate Shipment program.
- Vendors may provide “the district” with state inspected meat products bought from a slaughter house, state processor or a combined state slaughter and processing facility.

## Inspection of Facilities:

- The district reserves the right to inspect the facilities or have the facilities inspected of the bidder prior to award of the contract.
- The district may request to review the bidder’s current Hazard Analysis Critical Control Points (HACCP) food safety system for their facility in order to insure proper storage and distribution practices.
- If the district determines after such inspection that the bidder is not capable of performance within the “district” standards, their bid will not be considered.

Any rancher, vendor or processor used by “the district” will allow food service staff to conduct tours and/or inspections of any production, slaughter and/or processing facilities should it be deemed necessary to do so by “the district”.

# Buying Local Meat

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## Certificates and Verification:

Any vendor or broker selling such meats (except exempt poultry products) to “the district” is required by law to register with the USDA if they deal in meat and poultry products in or for commerce via FSIS Form 5020-1. Local licenses are also expected, if required. It is the vendor’s responsibility to know such rules and provide such information to the district.

All products furnished must conform with the specifications and will be subject to inspection and approval of the district.

# Supporting Local Foods in Tribal Schools

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Indian Tribal Organizations (ITOs) offering more traditional foods in schools

One of the biggest myths is that school systems cannot serve traditional food items in cafeterias.

USDA encourages tribal, charter, public, and Bureau of Indian Education (BIE) school systems in Indian Tribal Organization (ITO) communities to use traditional food products as part of school meals.

When soliciting for traditional food items the same procurement rules apply for Indian Tribal Organizations. For more information on this topic, please review *Child Nutrition Programs and Traditional Foods* (TA01-2015).



# Tribal Schools

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ITOs cannot use the “Buy Indian Act” to preference Indian owned business when conducting procurements for child nutrition programs (CNP).

- The Buy Indian Act does not apply to CNPs

BIE schools are required to comply with CNP regulations to achieve competition in all procurement procedures using federal reimbursement funds.

While a preference or set-aside for Indian-owned businesses is not allowable, SFAs (or an organization acting on behalf of an SFA such as the Bureau of Indian Education) do have a few options to ensure that Indian-owned businesses are able to compete effectively

# Tribal Schools

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Many purchases that tribal schools are making may fall under the applicable small-purchase threshold

Informal procurements are not required to be publicly advertised.

Schools can request bids from any vendors they like, including exclusively Indian-owned businesses

- Should still try and gather at least three quotes in an informal procurement to steer clear of competition requirements

Regulation does not allow schools to preference or create a set-aside for minority businesses

- Does allow SFAs to ensure that minority businesses are on solicitation lists and are contacted whenever they are potential vendors

Regulation permits districts to divide solicitations in order to encourage participation of minority-owned businesses

Can use "geographic preference" also

# Resources

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## Decision Tree for Purchasing Local

- [http://www.fns.usda.gov/sites/default/files/f2s//Local\\_Procurement\\_Decision\\_Tree.pdf](http://www.fns.usda.gov/sites/default/files/f2s//Local_Procurement_Decision_Tree.pdf)

## 10 Facts

- [http://www.fns.usda.gov/sites/default/files/f2s/FactSheet\\_10\\_Facts.pdf](http://www.fns.usda.gov/sites/default/files/f2s/FactSheet_10_Facts.pdf)

## Geographic Preference

- [http://www.fns.usda.gov/sites/default/files/f2s/FactSheet\\_Geographic\\_Preference.pdf](http://www.fns.usda.gov/sites/default/files/f2s/FactSheet_Geographic_Preference.pdf)

## Resource for producers

- [http://www.fns.usda.gov/sites/default/files/f2s/FactSheet\\_Selling\\_Local.pdf](http://www.fns.usda.gov/sites/default/files/f2s/FactSheet_Selling_Local.pdf)

## Meat in Schools

- [http://www.fns.usda.gov/sites/default/files/f2s/FactSheet\\_Local\\_Meat.pdf](http://www.fns.usda.gov/sites/default/files/f2s/FactSheet_Local_Meat.pdf)

# Child Nutrition Programs and Traditional Foods

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Guidance - - TA 01-2015

[http://www.fns.usda.gov/sites/default/files/TA01-2015\\_Child\\_Nutrition\\_Programs\\_and\\_Traditional\\_Foods.pdf](http://www.fns.usda.gov/sites/default/files/TA01-2015_Child_Nutrition_Programs_and_Traditional_Foods.pdf)

- Discusses Food Buying Guide
- Discusses Crediting Traditional Food Purchases
- Traditional Foods that Do Not Contribute Towards the Meal Pattern Requirements
- Wild Game Meats

# Game Meats

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## Game Meats

Meat from cultivated game animals and wild game animals, including bison, venison and reindeer, may be served in CNPs

- Animals need to be slaughtered and inspected in a Federal inspected facility, State inspected program, or be from an approved source as established by the State and local regulatory authority that licenses and inspects food service operations

**\*\***State and local authorities may have stricter regulations, preventing the service of cultivated and wild game animals, or may even have regulations that restrict the movement of slaughtered wild game

Check local and state laws surrounding you

Tribal governments need to pass laws in this area

# Not Crediting Towards Meal Pattern Requirements

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## Traditional Foods That Do Not Contribute Towards the Meal Pattern Requirements

- Not all traditional foods meet the nutrition standards and contribute towards a reimbursable meal.
- Traditional foods that do not contribute to a specific meal pattern requirement (i.e., meats/meat alternatives, grains, fruits, or vegetables component) may be served, but will not credit toward a reimbursable meal
- When served, these foods must be accounted for when assessing compliance in the weekly nutrient analysis and count toward dietary specifications (limits on calories, saturated fat, sodium, and trans fat).
- Example: acorns do not credit due to their low protein content. The acorns may be served with a reimbursable meal, but will not contribute towards meal pattern requirements, and would be included in the nutrient analysis

# FDPIR and Local Food Purchases

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In many ways, the Food Distribution Program on Indian Reservations does not comply in its purchasing activities and FNS guidance with the geographic preference and local food FNS requirements or the traditional foods guidance used in other FNS programs

- FDPIR food purchasing is done on a "national" basis and as such procurement is much more complicated and onerous on the producer
- Tribal governments, to date, have had no positive impact on moving the FDPIR procurement program to a local model
- Tribal consultation is underway to move FDPIR in that direction

In the meantime, if producers wish to become vendors to FDPIR they will be required to deal with the federal government in all aspects of bid specifications, procurement trends, food safety compliance, etc.

# Guidance for Producers

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If you wish to sell institutionally:

- Understand the purchasing process the school, tribe, child care, elder care or other institution must comply with
- Understand if the food budget relies on federal procurement guidelines and reimbursement
- Be prepared to understand that your local purchaser may be constrained by federal guidelines
- Be prepared to keep impeccable records
- Be prepared to carry insurance and meet all certification requirements
- Carry insurance – you may need it some day
- Carry crop insurance in case your crop fails
- Understand every clause in your contract - - each clause means something!
- Be prepared



# Final Guidance for Producers

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Know the Institution & Their Staff

Know the Rules of Procurement & the Preferences within the Institution

Engage in Proper Risk Management

- Legal risk
- Production risk
- Marketing risk
- Labor risk
- Financial risk

Buy Crop Insurance if it is available

Use contracts between you and the institution to identify the roles and responsibilities of all the parties

Monitor your own operation and have great RECORDS!



School of Law

## *Indigenous Food and Agriculture Initiative*

The nation's first law school initiative focusing on Tribal food law and policy supporting food systems, agriculture and community sustainability

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