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# A BILL FOR AN ACT

RELATING TO FARM TO SCHOOL PROCUREMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that building farm to  
2 school connections can improve student access to healthy, local  
3 foods, provide numerous public health benefits, and contribute  
4 to the local agricultural industry. The National Farm to School  
5 Network reports that increasing local food procurement in  
6 schools provides economic benefits to school districts by  
7 increasing student and teacher meal participation and decreasing  
8 school meal program costs.

9           The legislature also finds that local food procurement  
10 provides economic benefits to local food systems by providing a  
11 long-term revenue stream for farmers and other food producers,  
12 promoting market diversification, and increasing income and  
13 economic growth opportunities for individual farmers. The 2008  
14 Farm Bill directed the Secretary of Agriculture to encourage  
15 schools to purchase unprocessed locally grown and locally raised  
16 products "to the maximum extent practicable and appropriate."  
17 The Secretary was also instructed to allow child nutrition



1 program operators to use a "geographic preference" when  
2 procuring unprocessed locally grown and locally raised  
3 agricultural products.

4 The purpose of this Act is to require the department of  
5 education to adopt rules for the procurement of goods and  
6 services related to the administration of food programs at  
7 public schools that incorporate a geographic preference for  
8 unprocessed locally grown and locally raised agricultural  
9 products. This Act will thereby facilitate the increase of  
10 locally grown and locally raised food products from Hawaii  
11 farmers, ranchers, and food producers and allow school complexes  
12 to regionalize their menus.

13 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 **"§302A- Food program; procurement; geographic**  
17 **preference; exemption.** (a) The department shall adopt rules  
18 pursuant to chapter 91 for the procurement of goods and services  
19 related to the administration of food programs at public schools  
20 that incorporate a geographic preference for unprocessed locally  
21 grown and locally raised agricultural products.



1       (b) The rules adopted pursuant to this section shall be in  
2 accordance with federal guidance on geographic preference  
3 pursuant to the final rule published on April 22, 2011, 76  
4 Federal Register 22603, et seq.

5       (c) The rules adopted pursuant to this section shall also  
6 incorporate requirements for:

7       (1) Maintaining internal policies and procedures for the  
8 timely and efficient procurement of goods and  
9 services, including post-award contract management and  
10 oversight procedures, that are consistent with the  
11 goals of public accountability and public procurement  
12 practices;

13       (2) Posting the following information on the department's  
14 website:

15       (A) Procurement policies;

16       (B) All solicitations, including any bid openings and  
17 additional solicitation documents; and

18       (C) All contracts awarded by the department for goods  
19 and services related to the administration of  
20 food programs at public schools that incorporate  
21 a geographic preference for unprocessed locally



1                   grown and locally raised agricultural products,  
2                   including contracts involving realizations and  
3                   in-kind benefits;  
4       (3) Prohibiting contracts involving cost plus percentage  
5                   of cost pricing calculations;  
6       (4) Considering quality, delivery, best value,  
7                   sustainability, nutritional value, and past  
8                   performance when determining the most advantageous  
9                   proposal;  
10       (5) Prohibiting artificial division or parceling that  
11                   would avoid competitive bidding or competitive  
12                   proposals; and  
13       (6) Implementing a dispute resolution process for  
14                   procurement award and post-award contract actions.  
15       (d) All contracts made for the procurement of goods and  
16 services pursuant to rules adopted under this section shall  
17 include a period of performance.  
18       (e) Nothing in this section shall be construed to permit  
19 the awarding of contracts based on geographic preference to  
20 supersede the competitive bidding process."



- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Public School Food Programs; Farm to School; Department of Education; Geographic Preference; Locally Grown Food

**Description:**

Requires the department of education to establish rules for the procurement of goods and services related to the administration of food programs at public schools that incorporate a geographic preference for unprocessed locally grown and locally raised food products. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

