

JAN 27 2021

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 create a limited procurement
5 exemption system for the purchase of goods and services by the
6 department of education related to the administration of food
7 programs at public schools that will incorporate a geographic
8 preference for unprocessed locally grown and locally raised food
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 establish
18 rules pursuant to chapter 91 for the procurement of goods and
19 services related to the administration of food programs at
20 public schools that incorporate a geographic preference for



1 unprocessed locally grown and locally raised agricultural
2 products.

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

6 (c) The rules shall also 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



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- 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) Except for section 103D-1002, all contracts made for
19 the procurement of goods and services pursuant to rules adopted
20 under this section shall be exempt from chapter 103D.



1 (f) Nothing in this section shall be construed to permit
2 the awarding of contracts based on geographic preference to
3 supersede the competitive bidding process."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2021.

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INTRODUCED BY: _____



S.B. NO. 967

Report Title:

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

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. Except for the provision relating to Hawaii products, exempts the department's food program from the Hawaii public procurement code.

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