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A 50-STATE POLICY SCAN ON THE ROLE OF STATE PROCUREMENT POLICY IN BUYING COLORADO FOOD

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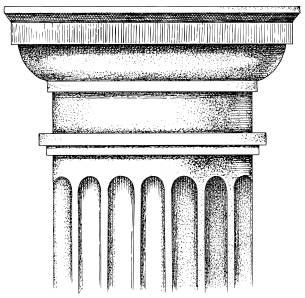


PURPOSE

Colorado institutions, like schools, universities, health systems, corrections, defense, childcare, senior care, and public facilities, spend millions of taxpayer dollars each year to purchase food. In many cases, these institutions' food purchasing practices are significantly impacted by state rules, regulations, and reporting requirements administered by state agencies like Colorado's Department of Human Service (CDHS), Department of Education (CDE), Department of Public Health & Environment (CDPHE), Department of Agriculture (CDA), Department of Higher Education (CDHE), Department of Health Care Policy & Financing (HCPF), and the Department of Corrections (DOC). State procurement rules and regulations are commonly highlighted as a key lever for spending more public dollars to procure Colorado grown food.

The purpose of this Issue Brief is to: 1) outline the current state of procurement regulations in Colorado that provide a preference for Colorado produced foods; 2) highlight examples of local food procurement policies from other states; 3) summarize evidence of other states' local food procurement policies impacts, and 4) provide recommended next steps for the State of Colorado.

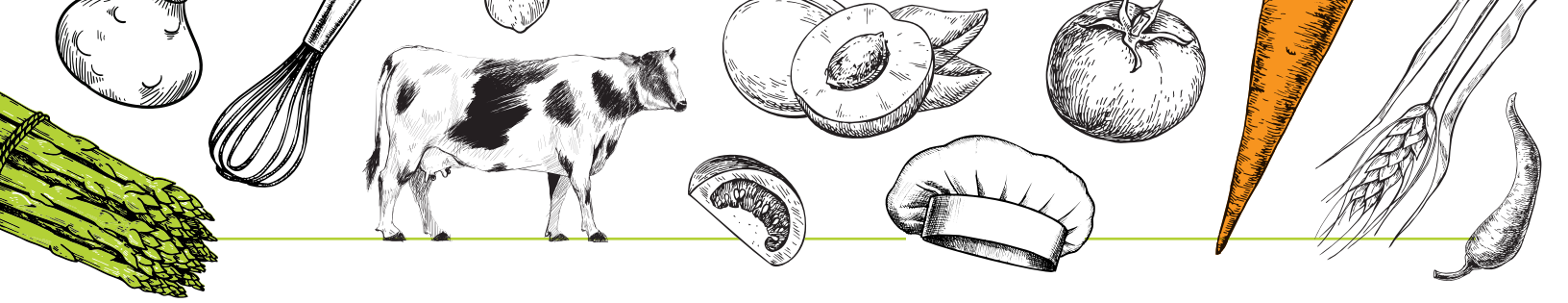
ISSUE BRIEF LIMITATIONS

For the purposes of this Issue Brief we have excluded a deep exploration of policies and practices at specific institutions, federal and county/municipal governments, and private businesses. To note, the wide range of institutional procurement practices does create additional barriers to entry and growth for Colorado businesses - especially for smaller, disadvantaged, and limited resource businesses. Opportunities across institutions are further complicated by the variability of food service operating models ranging from fully self-operated food service to institutions with fully outsourced food service management companies and hybrid models. Future Issue Briefs will need to deal with this complexity especially if seeking to explore institution-specific barriers and opportunities, e.g. school food service. Additionally this Issue Brief did not seek to include an assessment of Colorado's concessions programs including the Business Enterprise Program[1] (BEP).

KEY DEFINITIONS

Taken broadly, "procurement" refers to the process of sourcing, contracting, buying, and acquiring products or services. In this Issue Brief, we will explore eight procurement approaches that could be used to prioritize the procurement of Colorado grown food.

1) Tie-Breaker Preference: A Tie-Breaker preference is used when two or more producers can provide the same product for equal terms, but only one of the producers is producing the food within the state. States vary in the criteria they consider when



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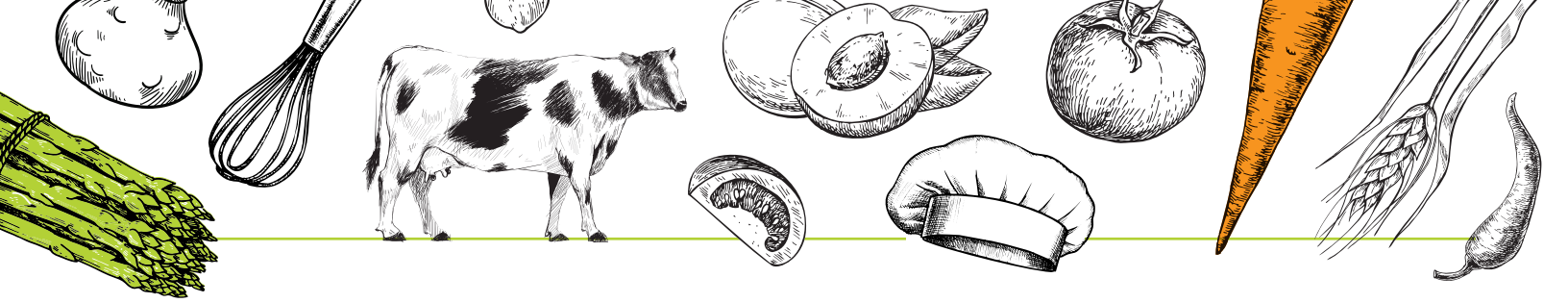

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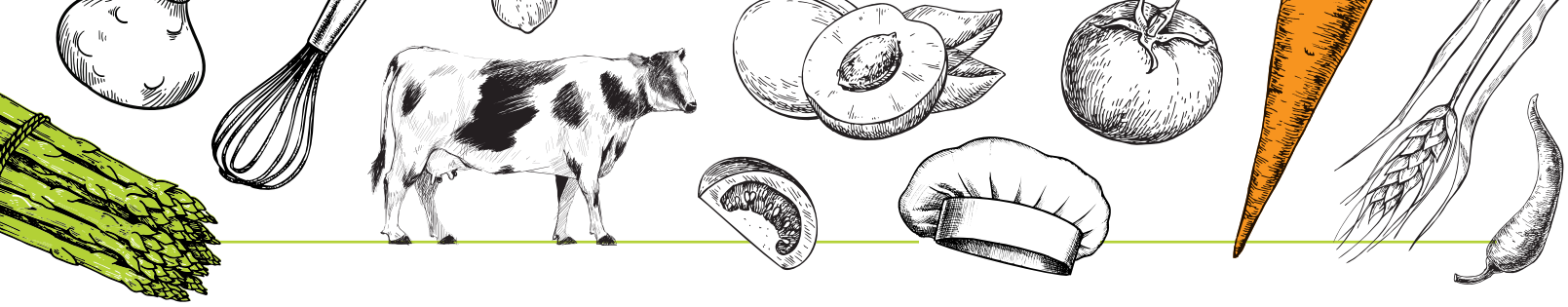


KEY DEFINITIONS CONTINUED...

deciding whether the in-state and out-of-state bids are equal (e.g., quality, quantity, availability), but all states adopting this type of preference require the price to be equal. **When producers are tied on price and terms, the purchaser is required to favor the home-state producer.**

2) Price "Reasonably Exceeds" Preference: Similar to the tie-breaker preference summarized above, this procurement policy goes one step further by allowing higher priced, in-state items to be preferred if the price "reasonably exceeds" the out-of-state product. With the "reasonably exceeds" preference policy, if two producers can provide the same product and the products are equal on other criteria (e.g. quality, quantity, availability), then the in-state producer will be favored, despite the higher price. The higher price may only "reasonably exceed" the lower bid in order to be eligible for the preference. "Reasonably exceeds" is generally defined as a price that is both "reasonable" and one that can be covered by the purchaser's existing budget.

3) Price Percentage Preference: This procurement preference strategy is similar to the "Reasonably Exceeds" approach above and permits, or sometimes requires, governments to purchase higher priced products from an in-state producer, so long as the higher price is within a certain percentage range of the lower priced item. If two producers can provide the same product and are equal in quality, quantity and availability, the in-state producer will be favored despite the higher price. In-state preferences are limited by the percentage set, which varies from state to state.

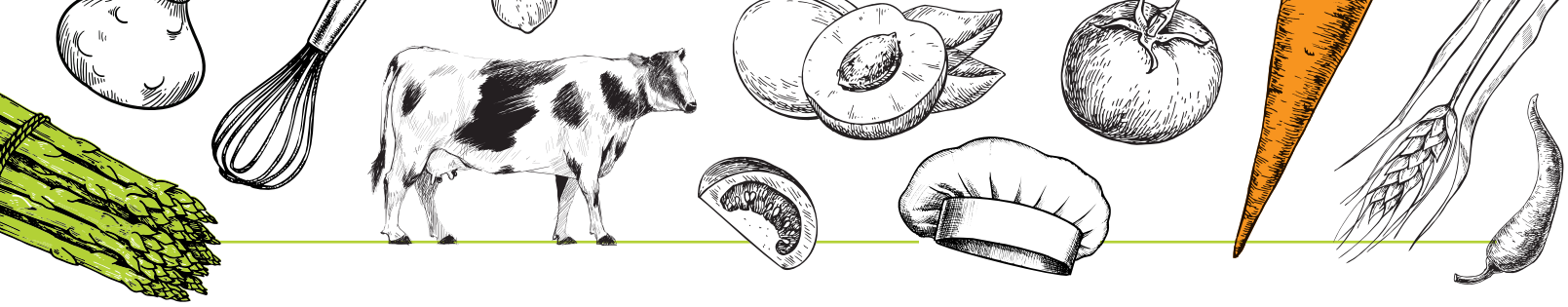
4) In-State Geographic Preference: This preference strategy is broader than other preference laws. These purchasing preference policies that do not specify purchasing metrics for state agencies (e.g. how and when they should be preferring in-state products through the use of local food quotas, price differences, etc), and instead provide a general allowance for state purchasers to prefer products based on geography or "prevailing market rates."

5) Reciprocal Preference: Reciprocal preference refers to an advantage a state applies to match a preference given by another state. A reciprocal preference, or simply reciprocity, defines a bidding situation in which a state gives a preference to its resident bidder against the bid of a non-resident bidder, equal to the preference given by the other state to its own resident bidders.

6) Local Food Purchase Quotas: Some states set "quotas" for the purchase of in-state food products under a target percentage policy or law. These laws and policies require that a certain percentage of all food purchases be procured from in-state or local sources. Generally, quotas establish a percentage of the total food products that should be purchased from in-state producers and are tied to predetermined timelines. Quotas are designed to incrementally increase the percentage of food that comes from in-state producers. Quota-based approaches sometimes set incentives with reimbursement opportunities, but often quota-based approaches lack detail about enforcement and/or penalties for non-compliance. More research is needed to understand and evaluate enforcement mechanisms and is beyond the scope of this Issue Brief.

7) State Supported Local Food Incentives: Over the past years states have become increasingly interested in finding innovative financial incentives to help support local food producers. For the purposes of this Issue Brief, state-supported local food incentives include a wide range of policies from the allocation of tax credits to the direct purchase of food and farm products. Allocations that were included in the state budget process, but not tied to a separate distinct bill were excluded from this scan.

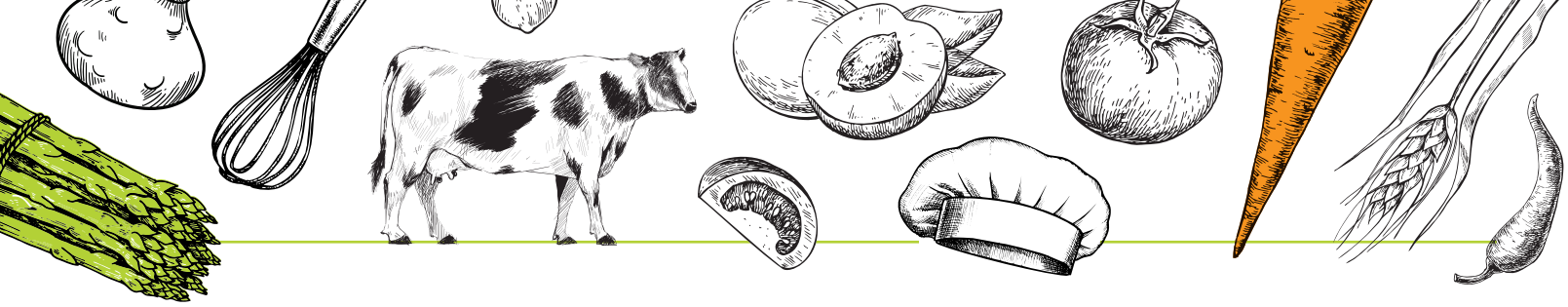
8) Small Purchase Thresholds: Small Purchase Thresholds were also examined as policies that



impact state procurement outcomes. Small purchase thresholds allow state agencies to avoid competitive bid processes if the annual purchase amount is under a certain dollar threshold. If states raise their small purchase threshold to the allowable federal maximum ($250,000), agencies and schools would have more opportunity to use greater portions of their budgets to procure food from local sources without going through the formal bid process. These more informal purchases can increase agency and school autonomy by giving them more control over which vendors answer small purchase solicitations; that is, schools and agencies can directly choose and solicit local vendors for small purchases and have more flexibility to select vendors based on values and not cost alone.[2] This $250,000 threshold amount is a ceiling, not a floor; states and state entities, local governments, higher education, schools districts, etc. may have a more restrictive threshold. If so, the most restrictive threshold must be followed. In Colorado, for example, school districts/local education authorities (LEAs) have the authority to establish lower small-purchase thresholds and schools must adhere to the lowest established threshold amount.[3]

It is important to note that all procurement decisions require prioritization based on values. In many cases, economic costs and convenience have become the default prioritization criteria as most states' procurement language adopts the federal default where "low-cost" is the determining factor. For example, the federal rule on Sealed bids states: "Sealed bids. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price."[4]

As a result of this "low-cost" decision making, substantial public dollars flow to non-local (or even international) companies and their corresponding supply chains. While this Issue Brief will not provide a comprehensive literature review on values-based procurement, we will highlight the underlying values and principles implicit in different procurement preferences. Though not the focus of the research, we also encountered and thus have highlighted some examples of public agencies using procurement and legislative tools to support other values, including supporting socially disadvantaged farm and agriculture businesses and supporting environmentally friendly practices. Importantly these values and identities are also currently considered priorities by the USDA and other federal agencies which provides potentially helpful definitions and criteria for future state level efforts.



THE CURRENT STATE OF PROCUREMENT IN COLORADO

COLORADO'S CURRENT PROCUREMENT POLICY AND PRACTICES

Currently, Colorado law includes 5 key procurement policies: a Price Reasonably Exceeds" Preference; a Reciprocity Preference; a Small Purchase Threshold and "Competition Not Required" Procurement Rule; a Environmentally Preferable Purchasing Law; and several state supported local food incentives including a program for Local School Food Purchasing, the Food Pantry Assistance Grant, and Healthy Food Incentive program.

1) "Price Reasonably Exceeds" Preference. Currently, Colorado follows the "Price Reasonably Exceeds" Preference as its default procurement paradigm. This procurement policy allows higher priced Colorado agricultural products to be preferred if the price "reasonably exceeds" other out-of-state products.[5] A qualifying " CO agricultural product" must be grown, raised, or processed in the state.

Overall this preference requires a government purchaser to give preference to an in-state producer's bid, but only if the quality is equal, the product is suitable for use, the producer is able to supply sufficient quantity, and the price is either equal to or "reasonably exceeds" the lowest price. Importantly each government purchaser has the sole discretion to determine whether the higher price "reasonably exceeds" the lower price. To meet this standard, the higher price must be 1) reasonable, and 2) fit within the existing budget without any further supplemental or additional appropriation.

Another potential barrier to this approach is that bidders that would like to qualify for this preference must certify and provide documentation confirming that their agricultural product was produced in the state. The governmental body may rely in good faith on such certification and documentation without further validation.

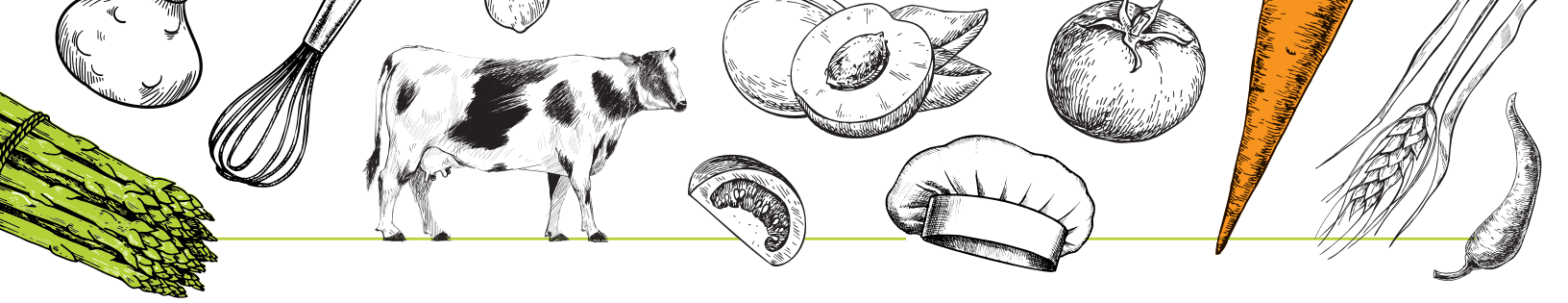
This procurement preference does not however apply to school districts.[6]

2) Colorado's Reciprocity Preference: Allows a resident bidder a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident for state purchases of commodities or services.[7]

3) Colorado's Environmentally Preferable Purchasing Law: More research is needed to determine if local or sustainable agricultural products could be included under Colorado's Environmentally Preferable Purchasing (EPP) or Green Purchasing law.[8] Environmentally Preferable products are broadly defined and include products that have a lesser or reduced negative effect or increased positive effect on human health and the environment when compared with competing products that serve the same purpose. The EPP Policy was created in 2015 to reduce consumption, waste, and possible environmental impacts by considering life cycle when making purchasing decisions. It is notable that agricultural products are not expressly exempted from this law, in contrast to purchases of services, including construction services, that are expressly exempted.[9]

4) Colorado's Small Purchase Thresholds and "Competition Not Required" Procurement: State agencies with delegated purchasing authority may procure goods or services up to a limit of $25,000 without benefit of competition.[10] $25,000 is a ceiling, not a floor, and some state government bodies have opted to set a lower small purchase limit, i.e. the Colorado Department of Education, the City and County of Denver, and the University of Colorado system all have a small purchase threshold of $10,000.[11]

5) Colorado Supported Local Food Incentives: Colorado has three primary state supported local food incentive programs: the Local School Food Purchasing



Program, the Food Pantry Assistance Grant, and the Healthy Food Incentive program.

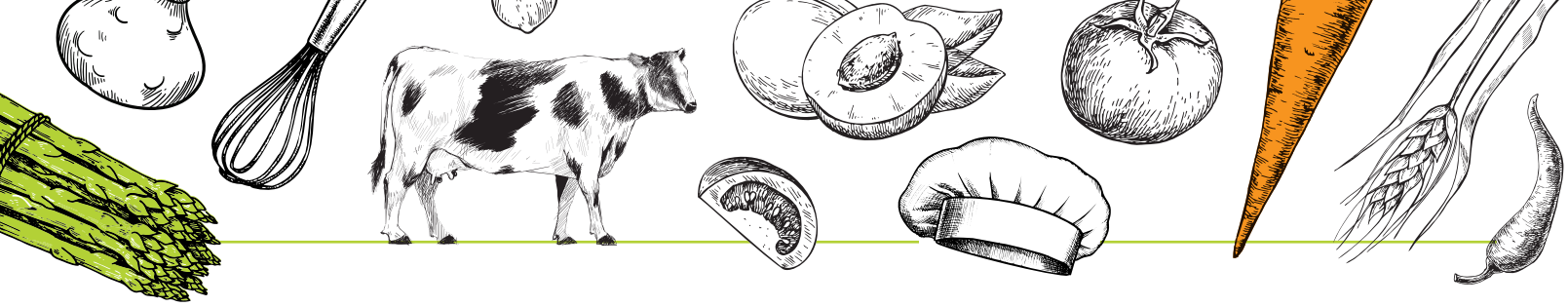
- **Local School Food Purchasing Program:** Through HB 19-1132, Colorado provides incentives for local agricultural products by reimbursing "participating providers" for purchases of Colorado grown, raised, or processed products.[12] "Participating providers" include school districts, charter schools, boards of cooperative services that operate a public school, or residential child care centers that participate in the federal "Richard B. Russell National School Lunch Act" and that have been selected by the department to participate in the school food purchasing program.[13]

  Each October, starting in 2021, the Department of Education will reimburse each participating provider five cents for every school lunch that the participating provider provided in the previous school year. Participating providers will not be reimbursed for the amount of value-added processed products that exceeds twenty-five percent of the total of the Colorado grown, raised, or processed products it purchased. The Department of Education will also be required to submit a report to the legislature on the effect of the school food purchasing program on the amount of Colorado grown, raised, or processed products purchased by participating providers.[14]

  For the 2019-20 state fiscal year, $168,942 is appropriated to the Department of Education for this program. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.3 FTE.[15] This legislation will sunset in 2024.

- **The Food Pantry Assistance Grant:** FPAG increases the purchasing power of food pantries to buy Colorado products, including produce, proteins, and dairy. FPAG was first funded with one-time only funding in 2018 through the state legislature General Fund, and distributed just over $450,000 to 94 food pantries. Participating food pantries bought 449,185 pounds of food from 130 local farmers. In 2019, the Joint Budget Committee allocated $100,000 for the year. HB20-1422 was introduced in 2020 and resulted in a total $600,000 of state spending that year. During the late 2020 special COVID legislative session, an additional $5 million was allocated for this program. Again in 2021 the JBC approved an additional $500,000 annual appropriation for this program, which the Governor is expected to approve as part of the state budget in June 2021.

- **The Healthy Food Incentive Fund:** This fund is a standing line item in the state budget. In 2018, the Joint Budget Committee of the state legislature made an annual appropriation of $200,000 to support the Healthy Food Incentive Fund. The footnote was written to ensure the funds were used to increase access to produce for lower-income Coloradans through the purchase of Colorado-grown fruits and vegetables and that 95% of the funds go directly to this purchasing: "It is the General Assembly's intent that the General Fund in this line item go to a statewide not-for-profit organization to provide healthy eating program incentives among Colorado's low-income populations. As a part of the designated department's (in this case, the Colorado Department of Health and Environment also known as CDPHE) responsibilities under section 25-20.5-104, C.R.S., such funds are to be used for improving access to fresh Colorado grown fruits and vegetables. This amount is calculated based on the assumption that the Department will minimize administrative expenses and use no more than $10,000 for such purposes, and that the statewide not-for-profit organization use no portion of this appropriation for administrative expenses." Again in 2021 the JBC approved an additional $300,000 annual appropriation for the fund. The Governor is expected to approve this in the state budget in June 2021.



COLORADO'S CURRENT PROCUREMENT DATA

The Center for Good Food Purchasing estimates $120B in annual institutional purchasing across the US. However, in Colorado, as in most other states, data is not comprehensively available for public agency and institutional purchases[16]. Some agencies and institutions do rely on the Colorado Proud brand[17] to make purchasing decisions that preference Colorado food products, but market channel specific sales data are not comprehensively collected by the Colorado Department of Agriculture at this time[18].

The 2017 Census of Agriculture therefore provides the most timely state level data. In 2017 across the state of Colorado, an estimated 492 farms sold $91,315,000 in local or regionally branded products directly to retail markets, institutions, and food hubs (an average of $185,600 per participating farm)[19].

A more specific example of the potential for institution purchasing comes from the "USDA Farm to School Census: Colorado Snapshot" which highlights that Colorado school districts spent and estimated $17,854,400 on locally sourced foods (or 4% of their total food budgets)[20], yet 33% of school districts aimed to further increase their local purchasing[21].

A series of case studies collected by the University of Colorado - Colorado Springs, detailed in Table 2, found that institutions across Colorado spent between 0%-25% of their total food budget on Colorado produced foods.[22] Similarly, in the 2018 calendar year, 22% of the City of Denver's purchases were considered to be from Colorado sources[23]. See Table 1.

The City of Denver, including the Denver Museum of Nature and Science (DMNS), and several other institutions across the state are starting to use the Good Food Purchasing Program (GFPP) guidelines[24] to develop a stronger baseline of their current purchasing patterns as well. The GFPP is one interesting example of a multiple value framework for assessing values-based purchasing. It includes, for example, specific values and measurements for the impact of procurement on the local economy, workforce, nutrition, environment, and animal welfare[25].

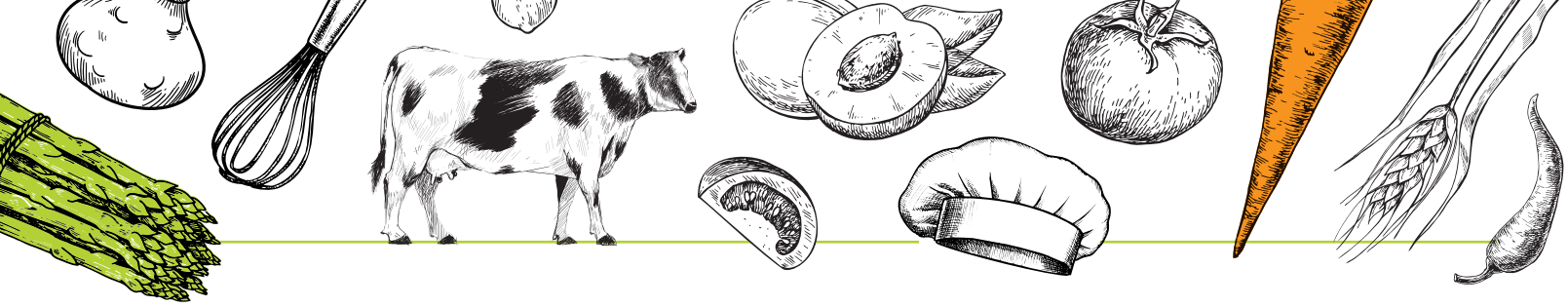
Eventually more complete data can help institutions make decisions about purchasing in greater alignment with their organizational and stakeholders values. For example, the Denver Museum of Nature and Science's (DMNS) baseline assessment revealed that:

- DMNS invested $129,215 (or 15% of the total food spend) in suppliers with fair labor practices, exceeding the Valued Workforce baseline goal by almost threefold, and outreached to suppliers in its supply chain with significant labor law violations. Suppliers with fair labor practices are those with union contracts. In reaching out to those with labor violations, DMNS required information on how these were being addressed by the supplier[26].
- DMNS participates in a "Meatless Monday" campaign, uses 100% compostable flatware, dishes, cups and other service items, and serves no bottled water, earning the maximum number of extra points in the Environmental Sustainability category[27].
- DMNS also sources $35,729 from local farmers and ranchers and a small woman-owned farm, earning the majority of the extra points available in the Local Economies category[28].

BEST PRACTICES AND INNOVATIONS FROM OTHER STATES

BACKGROUND

In 2011, the Colorado Department of Public Health and Environment (CDPHE) issued a 50-State Survey Report[29] cataloguing state geographic preference procurement laws in the U.S. The goal of that report was to support the Colorado Farm to School Task Force and other statewide efforts to use locally



grown food in schools. The report reflected enacted, pending and unsuccessful legislative proposals and examined individual procurement statutes, described six nationwide trends, and detailed Colorado's current procurement statutes governing local food purchases. In the past decade, however, many new procurement policies have emerged that can serve to inform future opportunities for Colorado.

GEOGRAPHIC PROCUREMENT POLICIES

The following section outlines findings from an updated 50-state scan of geographic procurement policies organized into sections based on the type of preference policy (e.g. Tie-Breaker Preference; Price "Reasonably Exceeds" Preference: Price Percentage Preference; In-State Geographic Preference; Reciprocal Preference; Local Food Purchase Quotas; State Supported Local Food Incentives; and Small Purchase Thresholds.

Tie-Breaker Preference

A Tie-Breaker preference is used when two or more producers can provide the same product for equal terms, but only one of the producers is producing the food within the state. States vary in the criteria they consider when deciding whether the in-state and out-of state bids are equal (e.g., quality, quantity, availability), but all states adopting this type of preference require the price to be equal. When producers are tied on price and terms, the purchaser is required to favor the home-state producer. At least 18 states have relatively similar Tie-Breaker Preference policies, including: California[30], Connecticut[31], D.C.[32], Florida[33], Idaho[34], Iowa[35], Kentucky[36], Mississippi[37], New Hampshire[38], North Carolina[390], North Dakota[40], Oklahoma[41], Oregon[42], South Carolina[43], South Dakota[44], Tennessee[45], Texas[46], Utah[47], and Virginia[48]. **See Table 2 for more detail.**

Price "Reasonably Exceeds" Preference

Similar to the tie-breaker preference, this procurement policy goes one step further by allowing higher priced, in-state items to be preferred if the price "reasonably exceeds" the out-of-state product. With the "reasonably exceeds" preference policy, if two producers can provide the same product and the products are equal on other criteria (e.g. quality, quantity, availability), then the in-state producer will be favored, despite the higher price. The higher price may only "reasonably exceed" the lower bid in order to be eligible for the preference. "Reasonably exceeds" is generally defined as a price that is both "reasonable"and one that can be covered by the purchaser's existing budget. Colorado is one of three states that have relatively similar Price "Reasonably Exceeds" Preference policies. More details about Colorado[49], Georgia[50], and Montana[51] **See Table 3**.

Price Percentage Preference

This procurement preference strategy is similar to the "Reasonably Exceeds" approach above and permits, or sometimes requires, governments to purchase higher priced products from an in-state producer, so long as the higher price is within a certain percentage range of the lower priced item. If two producers can provide the same product and are equal in quality, quantity and availability, the in-state producer will be favored despite the higher price. In-state preferences are limited by the percentage set, which varies from state to state. 15 states have relatively similar Price Percentage Preference policies that range from 0.25% for diary in Rhode Island, up to a maximum of 15% for some products in Alaska[52] and Hawaii[53]. Six other states have an active or pending 5% preference and five states have an active or pending 10% preference. **For more detail see Table 4**.

In-State Geographic Preference

This preference strategy is broader than other preference laws. These purchasing preference policies do not specify purchasing metrics for state agencies (e.g. how and when they should be preferring in-state products through the use of local

food quotas, price differences, etc), but instead provide a general allowance for state purchasers to prefer products based on geography or "prevailing market rates". Six states have active or pending In-State Geographic Preference policies, including Hawaii[54], Illinois[55], Iowa[56], Michigan[57], Rhode Island[58], and Vermont[59]. **See Table 5 for more detail.**

Reciprocal Preference

Reciprocal preference refers to an advantage a state applies to match a preference given by another state. A reciprocal preference, or simply reciprocity, defines a bidding situation in which a state gives a preference to its resident bidder against the bid of a non-resident bidder, equal to the preference given by the other state to its own resident bidders. The following 15 states have similar Reciprocal Preference policies: Colorado[60], Connecticut[61], Hawaii[62], Idaho[63], Illinois[64], Nebraska[65], New Jersey[66], North Carolina[67], North Dakota[68], Oklahoma[69], Oregon[70], Pennsylvania[71], South Dakota[72], Virginia[73], Wisconsin[74]. **See Table 6 for more detail.**

Local Food Purchase Quotas

Local food purchase quotas are laws and policies that require that a certain percentage of all food purchases be procured from in-state or local sources. Six states have relatively similar active or pending Local Food Purchase Quota policies requiring local food purchases to make up at least 20% to 50% of total food purchases. In many states, local food purchase quotas are phased in over time to reflect the complexity and time needed for many institutions to shift their supply chains and practices. Furthermore, some states limit their quotas to only apply to schools, but federal procurement rules for schools participating in the National School Lunch Program (or other Federal Child Nutrition Programs) supersede and limit state agencies ability to create procurement policies or even to procure local food on behalf of school[75]. **For more detail see Table 7.**

State Supported Local Food Incentives

State Supported Local Food Incentives are a wide category of state efforts intended to help support local food producers. Several states, like New York and Rhode Island offer tax credits while other states like Alaska[76], California[77], Colorado, D.C.[78], Maine[79], Michigan[80] , New York[81], New Mexico[82], and Oregon[83] offered time-limited and recurring purchase of local foods - typically with a focus on schools, childcare facilities, food pantries, or providing meals for other vulnerable populations. Relatedly, states like Vermont[84] have allocated dollars to also help improve the equipment and other infrastructure needed by K-12 schools and child care centers to increase scratch cooking and the use of local food. **See Table 8 for more detail.**

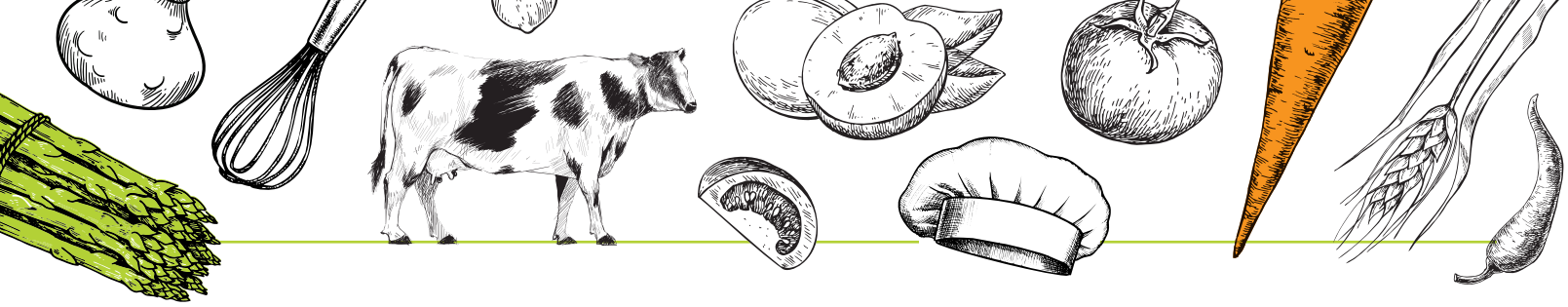
Small Purchase Threshold

Small Purchase Thresholds allows states to avoid competitive bid processes if the annual purchase amount is under a certain dollar threshold. The following six states have relatively similar Small Purchase Thresholds policies: Alabama[85], Colorado[86], Connecticut[87], Louisiana[88], Massachusetts[89], and Vermont[90]. Importantly many states, including Colorado, also establish a different small purchase limitation for schools. **More detail is included in Table 9.**

OTHER INNOVATIVE PROCUREMENT POLICIES

The 50 state policy scan detailed above also highlighted other innovative federal and state approaches to procurement. At the National-level, a Kids Eat Local Act has been introduced that seeks to leverage a unique policy strategy around product specifications.

At the state level, multiple other innovative procurement approaches were identified, but not comprehensively assessed, including procurement policies focused on: equity, environmental impacts, and procurement



planning and reporting. These policies are important examples of the other value-based impacts of procurement practices and are therefore summarized in the section below.

PRODUCT SPECIFICATION

The 2008 Farm Bill amended the federal Richard B. Russell National School Lunch Act to encourage institutions operating Child Nutrition Programs to purchase raw, unprocessed agricultural products from local producers[91]. Under current rules[92], schools participating in the NSLP (or other Federal Child Nutrition Programs) have to comply with Federal procurement rules which allow a geographic preference option, but only for certain products[93]. Schools often struggle to purchase locally produced foods using this geographic preference option. Under the proposed federal Kids Eat Local Act,[94] introduced in 2021, however, schools would be allowed to specify "locally grown," "locally raised" or "locally caught" in their product specification procurement language, and then make the award to the lowest bidder who can meet that specification. The local product specification option enabled by this proposed law could provide an easier, more direct method for procuring local foods[95]. At the time of this publication, the Kids Eat Local Act 2021 legislation had not yet been released on the official legislative tracking website for the U.S. Congress. However, similar legislation was introduced, and failed, in 2019, which sought to amend Paragraph (3) of section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) by explicitly allowing institutions receiving funds to (A) use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised; or (B) use locally grown, locally raised, or locally caught as a product specification".[96]

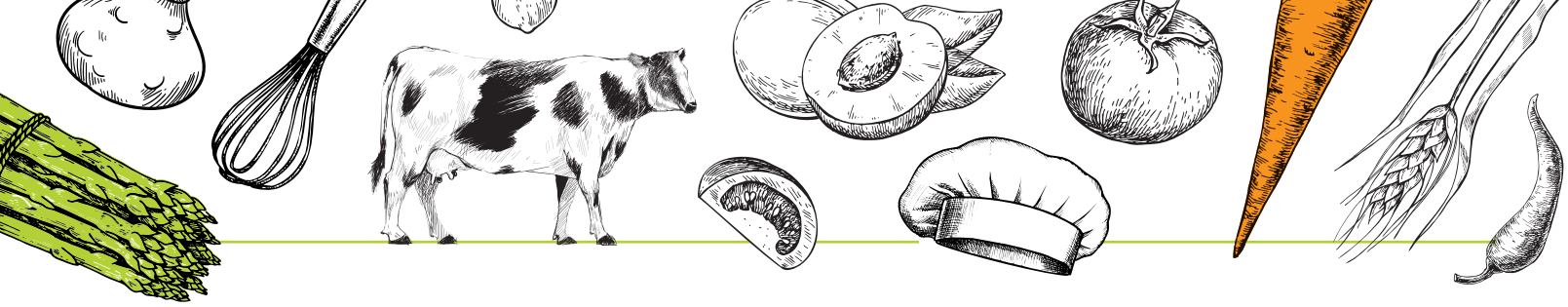
OTHER STATE PROCUREMENT POLICIES FOCUSED ON EQUITY

Connecticut[97] state law requires a set-aside mandate of 25% for small businesses with 25% percent of that amount to be awarded to minority business enterprises. "Minority business enterprise" is any small contractor (A) fifty-one per cent or more of the capital stock, if any, or assets of which are owned by a person or persons who (i) exercise operational authority over the daily affairs of the enterprise, (ii) have the power to direct the management and policies and receive the beneficial interest of the enterprise, (iii) possess managerial and technical competence and experience directly related to the principal business activities of the enterprise, and (iv) are members of a minority, as such term is defined in subsection (a) of section 32-9n, or are individuals with a disability, or (B) which is a nonprofit corporation in which fifty-one per cent or more of the persons who (i) exercise operational authority over the enterprise, (ii) possess managerial and technical competence and experience directly related to the principal business activities of the enterprise, (iii) have the power to direct the management and policies of the enterprise, and (iv) are members of a minority, as defined in this subsection, or are individuals with a disability.

D.C.[98]awards 10% to "Equity impact enterprises," meaning a business that is resident-owned and a small business enterprise that can demonstrate that it is at least 51% owned by: (A) Economically disadvantaged individuals; or (B) Individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities."[99]

Florida[100] allows any county, municipality, community college, or district school board may set aside up to 10% or more to procure personal property and services with minority business enterprises. These contracts would be competitively solicited only among minority business enterprises. The set-aside funds must be used to redress present effects of past discriminatory practices and are subject to periodic reassessment.

While pending, HB 3089 in Illinois[101] was re-referred to the Rules Committee on March 27, 2021. The bill would require state contracts to award 10% preference to socially disadvantaged farmers.



"Socially disadvantaged farmers" means farmers who have been subjected to racial or ethnic prejudices or who have been placed at a disadvantage because of their identity as a member of a racial or ethnic group without regard to their individual qualities. "Socially disadvantaged" includes farmers who identify as a "minority person" as defined under Section 2 of the Business Enterprise for Minorities, Women and Persons with Disabilities Act.

Minnesota[102] allows for a 6% preference on state procurement to small businesses located in an economically disadvantaged area. A business is located in an economically disadvantaged area if: (1) the owner resides in or the business is located in a county in which the median income for married couples is less than 70 percent of the state median income for married couples; (2) the owner resides in or the business is located in an area designated a labor surplus area by the United States Department of Labor; or (3) the business is a certified rehabilitation facility or extended employment provider as described in chapter 268A.

New York established a state target of 30% of state contracts with minority and women-owned businesses and a 6% percent goal for veteran with disability-owned businesses.

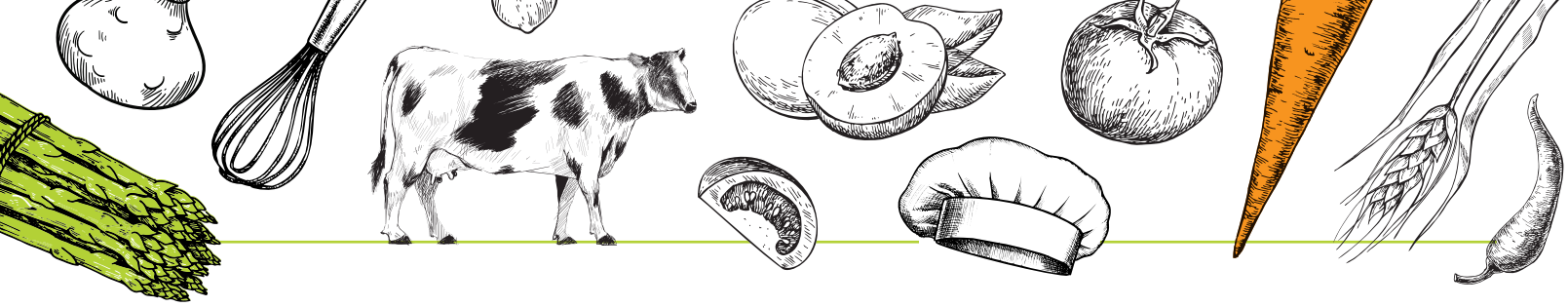
Oregon[103] law states that in carrying out an affirmative action goal, policy or program, a contracting agency may limit competition for a public contract estimated to cost $50,000 or less, to contracting entities owned or controlled by persons disadvantaged by reason of race, color, religion, sex, national origin, age or physical or mental disability or disabled veterans.

In Wisconsin[104], minority business or disabled veteran-owned business, or a business that is both a minority business and a disabled veteran-owned business, will receive a 5% preference compared to the lowest bid. The purchasing agency must maximize the use of Wisconsin minority businesses or disabled veteran-owned businesses. Under this law, "minority group members"means any of the following: Black American, Hispanic American, American Indian, Eskimo, Aleut, native Hawaiian, American Asian-Indian, and an American of Asian-Pacific origin.

OTHER STATE PROCUREMENT POLICIES FOCUSED ON ENVIRONMENTAL IMPACTS

In Delaware[105] state purchasers must consider the environmental impacts of agricultural product purchases, including reduced fuel consumed to reach market/Agency recipients. The allows for 10% of the total points awarded or costs of the goods/ services in consideration of environmental impact. If state agencies are making small purchases (under the $25,000 formal bidding threshold), they must obtain 3 quotes from local distributors, one of which must be a supplier or farmer within 25 miles of need to reduce the impact of transportation to market and the consumption of fossil fuels. Further, to support the Delaware Farm to School Initiative, fresh produce is required to be delivered within 2 days of harvest

Several other states also have "Environmentally Preferable Purchasing Laws" similar to Colorado, including: Executive Order No. 515 (2009) and the Environmentally Preferable Products Procurement Program in the Commonwealth of Massachusetts; Environmentally Preferable Purchasing Law (2002) Public Contract Code Section 12400-12404 and Executive Order B-18-12 (2012) in California; Environmentally Preferable Procurement Policy & Program in Maine; Executive Order No. 4 (2008) in New York; Executive Order No. 12-05: Fostering Environmentally-Friendly Purchasing and Product Design (2012) in Oregon; Environmentally Preferred Purchasing Policy (2009) in South Carolina; the Environmentally Preferable Purchasing Program in Vermont; and multiple Environmentally Preferable Purchasing Policies in the State of Washington. More research is needed however, to identify crossover opportunities between food procurement and these environmental procurement policies.



OTHER STATE PROCUREMENT POLICIES FOCUSED ON PLANNING AND REPORTING

While still pending, SB0723/HB0831 in Maryland[106] has been sent to the Governor for Signature. The bill will establish the Maryland Food System Resiliency Council which is tasked with, among other things, developing a plan to increase the production and procurement of Maryland certified food. The Council is also required to submit an interim report by November 1, 2021, and to provide recommendations on a statewide food policy council to the General Assembly by November 1, 2022. The bill includes a fiscal note for $93,015 in fiscal year 2022 to hire one program manager to staff the council, assist the council in working toward its stated goals, collaborate with stakeholders, and submit the required reports.

Similarly, Rhode Island established a Governor-appointed state Director of Food Strategy position, whose responsibilities include supporting institutional procurement of local food[107]. This nonbinding, at-will position is now housed in the Commerce Corporation.

Vermont[108] took a slightly different tack in requiring agencies to work together to track local purchases made by state-funded entities.

IMPACT POTENTIAL OF PROCUREMENT POLICIES

To assess the potential impacts of local food procurement policies, a rapid scan of national and state-level procurement program evaluations and impact assessments was conducted. The rapid scan excluded research over five years old as well as economic impact assessments focused on determining economic multipliers and nutritional assessments focused on the healthfulness of foods as both methods can yield results that are difficult to compare.

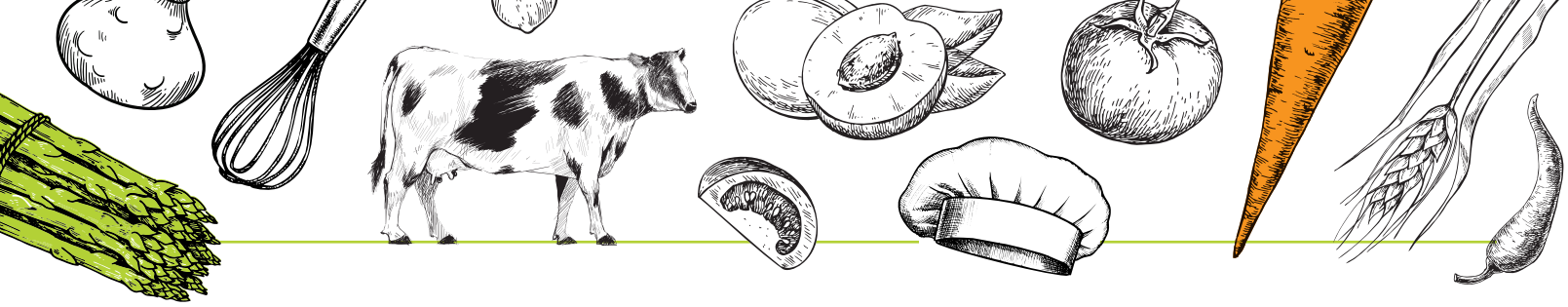
IMPACTS DEMONSTRATED FROM NATIONAL REVIEWS OF PROCUREMENT POLICY CHANGES

While comprehensive literature reviews and meta-analyses of the impacts of local food procurement policies were not identified during the rapid scan, several national publications did broadly discuss the impacts of geographic preference policies and institutional purchasing, however, each failed to detail specific impact metrics and outcomes.

For example, ATTRA's publication, Bringing Local Food to Local Institutions: A Resource Guide for Farm to Institution Program[109] makes the following assertions without the backing of qualitative or quantitative data:

> *"For farmers, ranchers, and food processors, building a relationship with an institution can: Diversify the customer base; create a stable market for products; provide opportunities to engage the community in an agricultural operation. . . For food-service professionals, buying fresh food from local producers can: Increase participation in meal programs; improve the quality of the institution's food service; earn the institution recognition and increased business for its efforts around local food. . . For parents, community organizers, and educators, helping to build a farm to institution program can: Increase community awareness of local farming and food systems, encourage healthy lifestyles and improve access to fresh, nutritious food, engage the community in collaborative, hands-on learning experiences, and strengthen local economies and food-based livelihoods."*

Additionally, PolicyLink's "Equitable Development Toolkit: Local Food Procurement" asserts that "a movement to purchase



locally sourced, sustainably grown, and healthy food is beginning to build momentum – and these efforts are already helping families gain better access to healthy food, creating quality food system-related jobs, and supporting local entrepreneurship." The authors go on to assert that "several states including Vermont and New Hampshire, and cities such as Los Angeles and New York City, are leading the way to enact equitable procurement policies that are benefitting low-income entrepreneurs of color, small family farmers and farmer workers, while providing consumers access to healthy food. Growing attention has been paid to the two-fold role of public institutions and government agencies in achieving this goal – both as a major purchaser of goods and services and also in their organizing role in developing regulation and policies around procurement." None of these assertions are backed with data so it is difficult to assess the specific outcomes of local procurement policies.[110]

IMPACTS DEMONSTRATED FROM STATE SPECIFIC INSTITUTIONAL POLICY CHANGES

Additional evidence is available from the rapid scan, however, on the impacts of specific states's procurement policies and practices. The following section highlights evidence of impacts from procurement policy change in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Maine, Michigan, Arkansas, New Mexico, Florida, and Colorado.

State Profiles Metrics Dashboard for Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

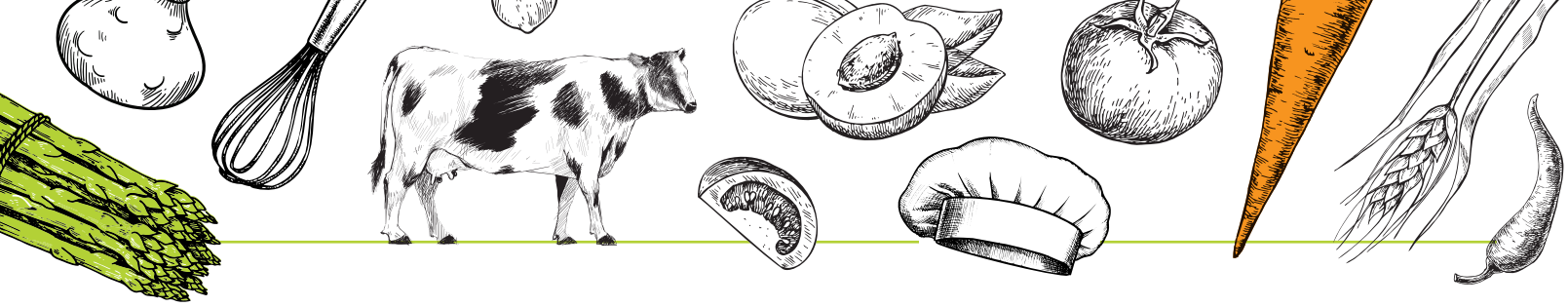
Farm to Institution New England (FINE) is a six-state network of nonprofit, public and private entities working together to increase the amount of good, local food served in schools, hospitals, colleges, correctional facilities and other institutions. FINE's Metrics Dashboard[111] provides state-level metrics, outcomes and infographics on farm to institution procurement for their six member states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont). As a whole, in 2019, 47% of food sold by New England distributors goes to institutions and there were $59 million estimated local food sold to institutions in New England.[112]

While very limited in impact data, Farm to Institution New England's (FINE's) paper, "Regional Trends in New England Farm to Institution Procurement Policy" does highlight some key challenges, like unclear terms leading to variable interpretations that undermine the intent of the policy, as well as key recommendations, including:

> *"In considering any future local food procurement legislation, state legislatures should prioritize the importance of data-tracking mechanisms, concrete program goals, and clear timelines to ensure the effectiveness of policy in practice. Funded staff support to oversee these duties can help to ensure that the mandates of the legislation are carried out in the manner and to the extent desired by the legislature."*[113]

Impacts of Maine's Preference Policies

Maine has a local produce fund, available to K-12 schools, that provides a $1.00 match for every $3.00 spent on local food purchases, up to $1,000, and requires 20% of all food procured by state institutions are Maine products by 2025.[114] Additionally, the University of Maine has surpassed its goal of sourcing 20% of its food purchases locally by 2020[115] where local purchases account for 24% of campus food spending. The University of Maine System defines locally sourced food as any food produced or harvested by a producer or processor, including in Maine, within 175 miles of the University of Maine System's seven primary campuses.



Maine's State Farm to Institution Metrics Profile[116] outlines the key impacts of those programs detailed **in Table 10**.

Impacts of Michigan 10 Cents a Meal Program

Michigan's 10 Cents A Meal For Kids & Farms[117] is a state incentive program providing schools and early childhood education centers with match incentive funding up to 10 cents per meal to purchase and serve Michigan-grown fruits, vegetables, and legumes.[118] Highlights from the 2018/2019 Legislative Report are outlined below:

- 121 school districts applied, more than double the 57 that could be funded
- 67 total new Michigan-grown fruits, vegetables, and dry beans tried for the first time
- 93 different fruits, vegetables, and beans purchased, grown by 143 farms located in 38 counties, plus 20 additional businesses such as processors, distributors, and food hubs.

Impacts of Arkansas Act 796

In 2019, Arkansas passed Act 796, which institutes a goal of at least 20% of an agency's purchases of food products be spent on local farm and food products, and requires institutions to annually report spending.[119] The study brief, "Local food procurement in state-funded institutions: Barriers, motivators, and future plans," funded by the Arkansas Dept. of Agriculture, surveyed 1,980 Arkansas institutions including schools, universities, state agencies, and childcare centers in a web-based survey. Eligibility for the survey required that an institution receive at least $25,000 in state funding and offer a food service program. Current local food procurement was approximately 15% for institutions completing the survey. Commonly reported approaches for increasing this percentage include local engagement with farms, farmers' markets, and vendors; learning more about legislative requirements; and improving local food tracking methods. Institutions also highlighted significant barriers of food supply as well as knowledge of where and how to purchase local foods. These findings provide a baseline for FTI in Arkansas under Act 796.[120] To note, this analysis does not provide insight into who might be benefiting from Arkansas preference and local food quota policies.

Impacts of New Mexico Procurement Legislation

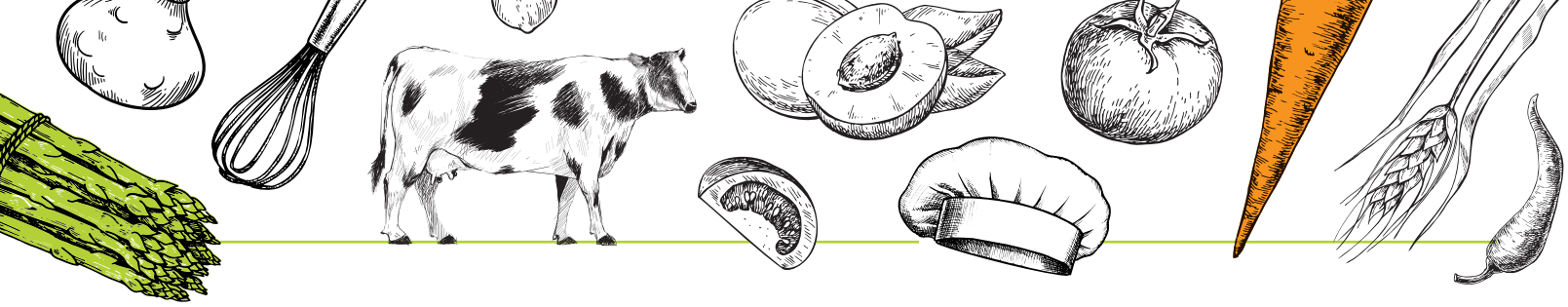
The New Mexico Grown Fresh Fruits and Vegetables for School Meals and the New Mexico Grown Local Producer Grant provide funding to encourage farm to school programing and local food access for New Mexico schoolchildren.[121] The New Mexico Public Education Department worked to distill "who benefits and how" in their 2019-2020 "New Mexico Grown.

Farm to School Program Impact Report"[122], summarizing:

- $1,042,364 was invested in New Mexico-grown fruits and vegetables in school year 2019-2020, with the average school district spending 15% of their produce budget on local products.
- An estimated 171,000 students were served school meals featuring local produce items across the state.
- 64 vendors sold to schools through the program, including distributors, grower cooperatives, and individual farming operations.
- In school year 2021, they project supporting 53 grantees across 514 sites and serving approximately 183,318 students.

Impacts of Florida Procurement Legislation

In the paper "Economic Analysis of Local Food Procurement in Southwest Florida's Farm-to-School Programs," the authors analyzed seasonal purchase variations and market prices of local and out-of-state fresh fruits, vegetables, and egg purchases for 38 public schools in the Sarasota County School District (SCSD). In this paper, they present an approach to estimate the potential of local procurement viability in the context of an



emerging districtwide Farm-to-School program and recommend system changes based on the success of procurement efforts in SCSD and surrounding school districts in Southwest Florida.

Producers agreed that selling to schools is an important marketing opportunity, and small producers expressed strong interest in forming a cooperative to sell fresh fruits and vegetables to schools. The total market value, and therefore the total cost to the SCSD for all fresh fruit and vegetable purchases (excluding eggs) and regardless of origin totaled US$849,817. Sarasota County purchased 36 different Florida-grown fruit and vegetable products with a market value of US$269,379 or 31.7% of the total spend for the academic year.[123]

Impacts of Massachusetts Procurement Legislation

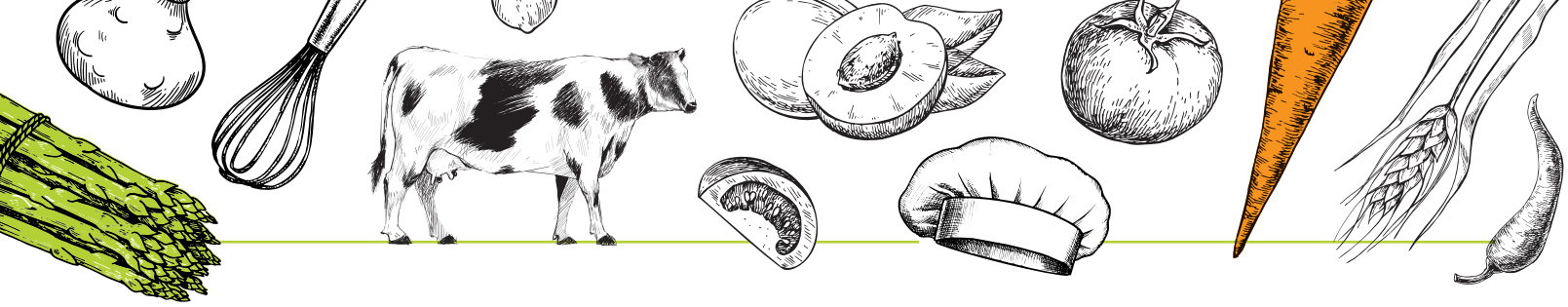
This Harvard study looks at the impact of Massachusetts preference legislation passed in 2006, amended in 2010 (Chapter 7, Section 23B of its General Laws) to require state agencies, as well as state colleges and universities, to prefer foods grown or produced within Massachusetts so long as they are less than 10% more expensive than comparable out-of-state foods (state colleges and universities are not required to meet this standard; instead, they must make "reasonable efforts" to prefer in-state foods). When this research paper was published in 2015, the authors noted: "While Section 23B reflects the state legislature's desire to increase the amount of Massachusetts-grown foods, not much local food is being purchased by Massachusetts state agencies. **Many state agencies have yet to achieve full implementation of the 10% price preference as required by Section 23B."**

Discussions with agency officials and purchasers revealed that **little progress has been made since Section 23B's enactment in establishing contracts with vendors who source agricultural products from Massachusetts farms." Further, it was noted that there were various barriers to successfully implementing Section 23B's goal of increasing local food procurement: "the** bar for agency compliance with Section 23B is very low. Further, the bar for vendor compliance is also low; vendors that expressly acknowledged that they did not purchase locally grown food were still awarded contracts. Unlike other procurement support programs, there is very little information about Section 23B or how to increase local food purchasing on OSD's [the state procurement agency] website. There is no mechanism to track nor report the amount of locally grown food. Without adequate tracking and reporting mechanisms, it is nearly impossible to measure and report ongoing progress in implementing Section 23B."

The authors go on in their analysis: "Although Section 23B provides a price preference for locally grown food purchased by agencies, it does not provide much incentive to purchase local food. Other states have used a benchmark to give agencies an indicator to work toward; a benchmark requires an agency to purchase a set amount of food or spend a certain amount of money on local food. Massachusetts does not have any kind of benchmark to push agencies to purchase local food. Farmer enrollment in the Small Business Purchasing Program and the Supplier Diversity Program is almost nonexistent. Finally, the prime grocer contract requires bidders to be able to provide food that can be locally grown as well as food that cannot be locally grown. This could preclude local farmers from bidding on the prime grocer contract as vendor or subvendor."[124]

Impacts of Illinois Procurement Legislation

The Yale Law Review published "The Illinois Pilot Project A New Model For State-Level Food Procurement Legislation" to assess Illinois' statewide food procurement legislation, The Food, Farms, and Jobs Act of 2007. The legislation, which focused primarily on local purchasing, encouraged state agencies to procure 20% of food locally and entities funded in-part by the State to procure 10% of food locally by 2020.



The authors note that progress on this 2020 target "should be evaluated" and "new, more aggressive targets should be set." The authors also point out that there has been "limited statewide progress tracking." This whitepaper notes that states' procurement legislation "place an overarching emphasis on developing programs to prioritize "local" procurement" and while this can "provide critical financial support for small-scale farmers and food producers" local food is not always more ecologically farmed, or better for the environment, animals, or people" and does not always reflect values-based purchasing; i.e. depending on the jurisdiction's specifications, local vendors could potentially include concentrated animal feeding operations (CAFOs) and other food conglomerates. Instead, the authors recommend food procurement legislation that both prioritizes "local" food and considers broader, more comprehensive environmental and workers' rights standards at the same time.[125]

POTENTIAL IMPACTS DEMONSTRATED FROM STATE PROCUREMENT IN COLORADO

Colorado Farm to School

In addition to the information summarized at the beginning of this Issue brief, "The Impact of State Farm to School Procurement Incentives on School Purchasing Decisions,"[126] report by Abigail Long, Becca Jablonksi, et. al., analyzed Colorado's 2019 legislation that provides per-meal incentives for purchasing local foods.[127] The paper considers the role of local food purchasing in the National School Lunch Program (NSLP) and asked if policies incentivizing local food procurement influence school food service purchasing decisions. The researchers worked with three Northern Colorado school districts and used data to calibrate an optimization model mimicking decisions made by Food Service Directors (FSDs), and then simulate the impacts of Colorado House Bill 19-1132: School Incentives to Use Colorado Food and Producers, on FSDs' FFV procurement behavior. Results help to inform policymakers' understanding of whether different levels of subsidy change the composition of school FFV purchases, and by how much. The authors found that, assuming 2017 and 2018 purchasing behavior, at $0.05 per meal reimbursement, FSDs would increase fresh fruit and vegetable purchasing by 11-12% in August-October, but by only 0-1% in November-December, likely due to seasonality constraints. The authors note that "an increase in FTS procurement was expected, but the magnitude of the potential increase when aligned with the Colorado growing season is notable. This work underscores that adequately funded reimbursement-based FTS policies can increase FTS procurement without disrupting normal cost-minimizing purchasing behavior."

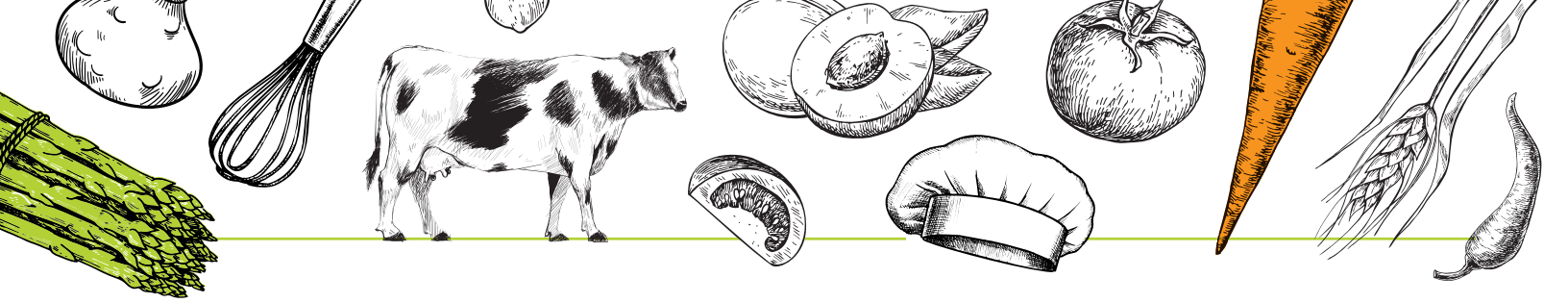
As a critical finding, seasonality and weather in Colorado - along with the risks of future water shortages and drought conditions - must always be considered when assessing the impact of food procurement policies due to the uncontrollable variability that can impact local food availability, price and consistency in Colorado.

RECOMMENDED NEXT STEPS FOR COLORADO

RECOMMENDATION 1: Develop common procurement metrics and collect baseline data for Colorado

Given the unclear impacts of past procurement policies and the limited available data on current local food procurement practices (or a lack thereof), Colorado should first seek options to establish a local food procurement benchmark enabled by developing shared data definitions and common data collection standards.

Several strong model programs exist in other states and can form the basis for Colorado's program, including Farm to Institution New England (FINE) state profiles[128], Cultivate Michigan's tracking portal[129], and Oregon's Procurement Grant baseline and tracking approach[130]. Other potentially helpful collaborative data standards and data sharing tools



are being piloted by the National Farm to Institution Metrics Collaborative[131] and the Ecotrust's Farm to Institution Metrics Platform[132], respectively.

In addition to tracking spending, it is essential that baseline and updated reports track the true beneficiaries of procurement policies to ensure equitable and just outcomes. Colorado should develop data standards that include identity characteristics of suppliers (for example, size of farm, age of farm, annual revenue, racial/ethnic identity of farmer) and of end consumers (for example, geography, free and reduced lunch (FRL) rates, racial/ethic identity).

RECOMMENDATION 2: Complete more comprehensive literature review of value-based procurement impacts across institutional purchasing programs and values

Overall, evidence is not yet conclusive on the past or potential impacts of local food procurement programs and policy interventions. As alluded to throughout this issue brief, additional research is also needed to assess the potential impacts of the full range of value attributes that can influence purchasing decisions for example: public health impacts (e.g. population level outcomes, diet/nutritional quality, etc.); economic impacts (e.g. economic consolidation vs diversification; regional economic impacts; job/wealth creation); farm viability impacts (e.g. farmer share of food dollar, viability, ownership structure (e.g. family owned), product diversity, scale); diversity, equity, and inclusion impacts (e.g. systemic inclusion vs historical/systemic exclusion, racial justice and equity); food access impacts (e.g. nutritional security, critical calories for vulnerable populations); value chain impacts (e.g. supporting mid-tier value chain actors, food hubs, co-ops); and environmental impacts (e.g. production systems/practices, reduced transportation, soil health and conservation, regenerative).

By assessing what is known about the full life-cycle costs and benefits of procurement across the full set of values, policy makers and advocates will be prepared to better balance potential tradeoffs and more empirically identify if there are a set of policies that work better than another set.

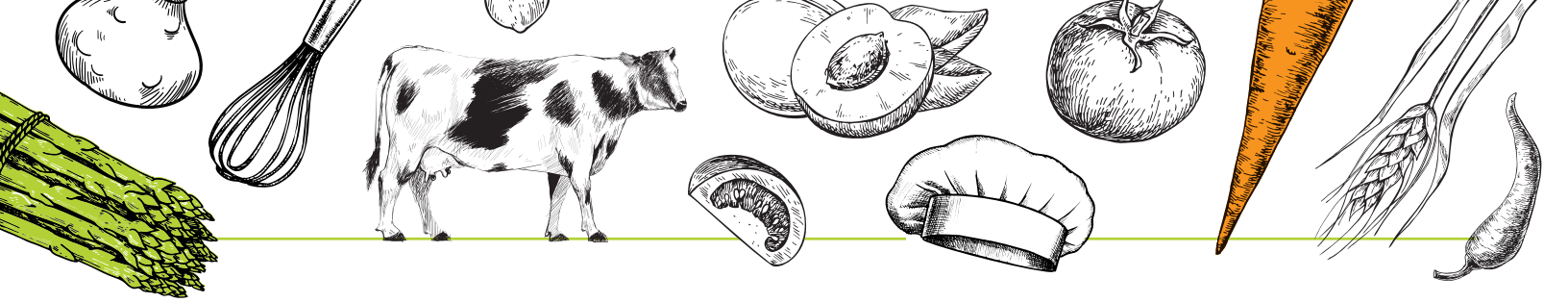
RECOMMENDATION 3: Support and fund state pilots with robust measurement and evaluation

While the evidence base is not comprehensive, sufficient indicators and rationale do exist to suggest that deeper experimentation and applied research on the impacts of local food procurement is warranted. The state of Colorado can continue to inform the potential impacts of potential policy change by supporting and funding strategic pilots including: refunding HB 19-1132 School Food Incentive and identify other opportunities to leverage stimulus dollars (e.g. scratch cooking infrastructure); continuing and expanding the Healthy School Food Incentive fund and Food Pantry Assistance grant programs; and exploring new ways to integrate local food purchasing into childcare, education, and health spending especially using one time dollars, like those from the American Rescue Plan.

As the state experiments with increasing purchases from Colorado producers using federal, state and other public dollars, pilots should attempt to explicitly identify the cost and benefits of price percentage, in-state preference, incentives, and/or quotas policy changes for Colorado.

RECOMMENDATION 4: Continue to research and develop policy options for Colorado focusing on values, impacts, and beneficiaries

Colorado's current dominant procurement paradigm of "price reasonably exceeds" is complicated for vendors and leaves significant discretion up to each government purchaser. By integrating baseline data, literature reviews, and evidence from the pilots described above, Colorado will be better positioned to assess multiple standalone or mutually-reinforcing policy options (for example, quotas plus incentives). Policy assessments should focus on identifying



the beneficiaries of each policy option and on maximizing impacts across values, while reducing negative tradeoffs. It will be critical to assess any policies for Colorado schools relative to the federal procurement policies that currently supersede state procurement policies for schools participating in the NSLP (or other Federal Child Nutrition Programs).

In addition to exploring price percentage, in-state preference, incentives, and/or quotas policy changes for Colorado, a key goal should be the overall standardization, simplification, and transparency of local food procurement standards and processes across levels of governments and institutions. Increasing the transparency of opportunities and reducing complexity will lower the barriers to entry and better support the full range of local food producers. Additionally, technical assistance and training for procurement staff, as well as prospective local food vendors, will be imperative for supporting effective policy implementation that yields real and persistent benefits for Colorado.

RECOMMENDED CITATION

Taber Ward and Blake Angelo. A 50-State Policy Scan on the Role of State Procurement Policy on Buying Colorado Food. Colorado Food Systems Advisory Council Issue Brief. TBD 2021.

ACKNOWLEDGEMENTS

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TABLES 1-10

Table 1: Local and regional procurement case studies in the State of Colorado[133]

Institution	Region	Local Purchasing %	Total Food Budget
Pre-K	Northern CO	0%	$40,130
K-12	Southwest CO	25%	$596,224
	Northern CO	25%	$4,000,000
	North Metro	25%	$4,000,000
Higher Ed	CO Springs	19%	$2,000,000
	San Luis Valley	<10%	$500,000
	Southwest CO	3%	$768,000
Hospitals	Southwest CO	<5%	$280,000
	San Luis Valley	<10%	$300,000

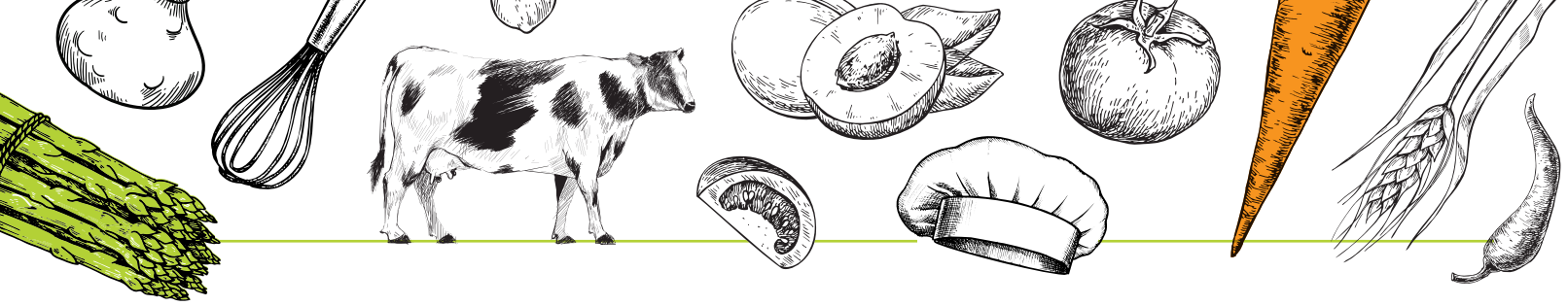


Table 2: States with Tie-Breaker Preferences

States with Tie-Breaker Preferences	Description
California[134]	In California, school districts must follow the "Tie-Breaker" Preference policy and can only prefer state products that do not exceed the lowest bid and are of equal quality. It is notable that state-owned or state-run institutions must award up to 5% preference to agricultural products grown in California so long as the quality of products are equal. This does not apply to public universities and colleges and school districts. *(See, Price Percentage Preference survey, below)*
Connecticut[135]	In Connecticut, school purchasing preferences require food service management companies responding to an RFP to include information in their bid demonstrating consistency with the Connecticut Farm to School Program and purchases from local farmers. When choosing among equal bids, boards of education must give preference to bids that facilitate purchases from local farmers. All else being equal, state agencies must prefer local dairy products, poultry, eggs, beef, pork, lamb, farm-raised fish, fruits or vegetables in bids.[136]
D.C.[137]	D.C. requires public schools and public charter schools to give a preference to locally grown, locally processed, and unprocessed foods produced in D.C., Maryland, or Virginia. Schools are required to serve local foods from growers "engaged in sustainable agriculture practices'' whenever possible. "Sustainable agriculture practices"is defined as "an integrated system of plant and animal production practices having a site-specific application that will, over the long term: a) satisfy human food and fiber needs; b) enhance environmental quality and the natural resource base upon which the agricultural economy depends; c) make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls; d) sustain the economic viability of farm operations; and e) enhance the quality of life for farmers and society as a whole."[138]
Florida[139]	Florida requires the in-state bidder to receive preference when competing bids are equal in price, quality and service.
Idaho[140]	In Idaho, in the event of a tie bid, preference is given to local and domestic production or a vendor with a significant Idaho economic presence.
Iowa[141]	In a tied-bid, an Iowa vendor will receive preference over an out-of-state vendor.
Kentucky[142]	Requires Kentucky-grown agricultural products to be purchased if available and the vendor can meet quality and pricing requirements. The vendor must be a participant in the Kentucky Proud Program and certify in writing that products are Kentucky-grown agricultural products. Purchasers are required to submit an annual report detailing the type, quantity and cost of each product purchased.
Mississippi[143]	Preference for in-state commodities grown, processed or manufactured in Mississippi so long price, quality and service are equal.
New Hampshire[144]	Preference for New Hampshire businesses in the state bidding process to break a low-tie bid.
North Carolina[145]	North Carolina law requires the purchase of in-state products so long as price and quality are not sacrificed.
North Dakota[146]	Requires that if there is a tie for the lowest bid, preference must be given to bids or proposals submitted by North Dakota vendors.
Oklahoma[147]	Requires state agencies to give preference to in-state goods and services if the price, fitness, availability and quality are otherwise equal.
Oregon[148]	Requires preference for goods or services that have been manufactured or produced in-state if price, fitness, availability and quality are equal.

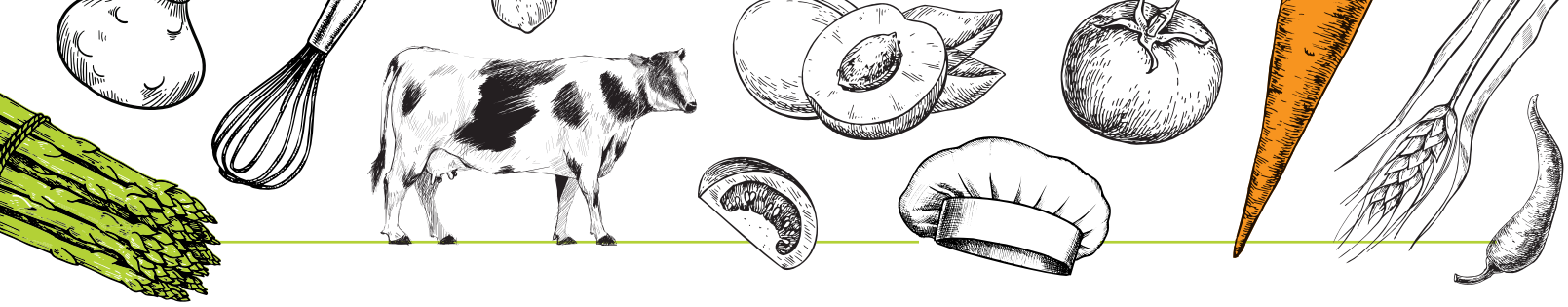


Table 2 Continued:

States with Tie-Breaker Preferences	Description
South Carolina[149]	If two or more bidders are tied in price while otherwise meeting all of the required conditions, awards must be made automatically to the South Carolina business or commodity.
South Dakota[150]	Prefers in-state bidder if all things are equal, including the price and quality of the supplies or services.
Tennessee[151]	Requires all state institutions and schools using state funds to give preference to an in-state producer if the terms, conditions and quality are equal to those from another producer. Applies to both agricultural products and the purchase of meat.
Texas[152]	Requires state agencies and school districts purchasing agricultural products to give a preference to products produced, processed or grown in state, so long as the cost and quality of the products are equal.
Utah[153]	In the event of tie bids, contracts are awarded to procurement items offered by Utah resident bidders.
Virginia[154]	In the case of a tie bid, preference is given to goods produced in Virginia.

Table 3: States with Price "Reasonably Exceeds" Preferences:

States with "Reasonably Exceeds" Preferences	Description
Colorado[155]	Statute allows higher priced, Colorado agricultural products to be preferred if the price "reasonably exceeds" the out-of-state product. This procurement preference does not apply to school districts.[156]
Georgia[157]	Requires public elementary and secondary schools to give preference to in-state products if "reasonable and practical," as long as quality is not sacrificed. Requirement only applies to public schools. When the purchase exceeds $100,000, the local school district is required to consider other factors, including the effect on the local and state economy. Requires state and local authorities to give preference to in-state agricultural products, excluding beverages for immediate consumption, as long as it is "reasonable and practicable" and quality is not sacrificed. Factors that determine "reasonableness" include: whether the total purchase amount is over $100,000, if it is over $100,000 must also consider the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state.[158]
Montana[159]	Permits government bodies to directly purchase food products produced in Montana so long as the quality is substantially equivalent to out-of-state producers; the producer is able to provide sufficient quantity; and the price is equal to or "reasonably exceeds" the lowest bid or price quote. A bid reasonably exceeds the lowest bid or price quoted when the authorized state purchaser when the higher bid is reasonable and capable of being paid out of the existing budget without any further supplemental or additional appropriation.

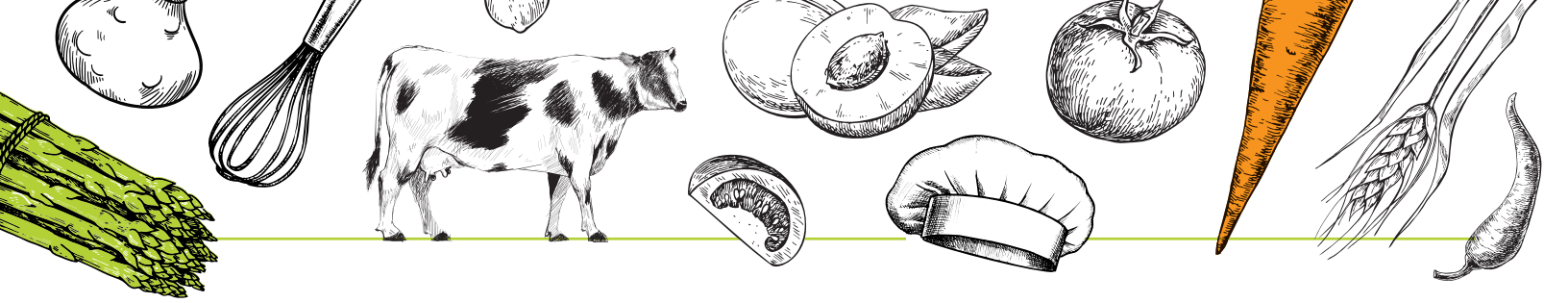


Table 4: States with Price Percentage Preferences

States with Price Percentage Preferences	Description
Alabama[160]	Awards 5% preference to "**preferred vendors,**" i.e. persons, firms, or corporations who are granted preference priority because they (1) produce or manufacture products within the state, (2) have an assembly plant or distribution facility for the product within the state, or (3) are incorporated in Alabama and have at least one retail outlet in the state.
Alaska[161]	When agricultural and fisheries products are purchased by the state or by a school district that receives state money, a preference not less than seven percent nor more than 15% must be applied to the price of products harvested in the state.
Arkansas[162]	Allows state agencies to purchase local foods that cost up to 110% of the lowest responsible bid.
California[163]	State-owned or state-run institutions must award up to 5% preference to agricultural products grown in California so long as the quality of products are equal. This does not apply to public universities and colleges and school districts. School districts must follow the "Tie-Breaker" Preference policy and can only prefer state products that do not exceed the lowest bid and are of equal quality.
D.C.[164]	Awards 5% preference to resident-owned businesses.
Florida[165]	Awards a 5% preference to vendors whose principal place of business is within the State of Florida.
Hawaii[166]	Awards a 10-15% preference, depending on the class of product, to Hawaii products. Then, the lowest total bid or proposal, taking the preference into consideration, will be awarded.
Indiana[167]	Permits a governmental body to give a producer as much as 10% price preference for agricultural products grown, produced or processed in the state.
Louisiana[168]	Requires the purchase of products planted, grown, harvested or processed in the state if the producer certifies the origin and quality is equal to or better than non-local products. For meat and meat products, domesticated or wild catfish, crawfish, eggs and produce, the price cannot exceed 7% of the out-of-state product. For milk and dairy products produced or processed in the state, the price cannot exceed the out-of-state product by more than 10%.
Massachusetts[169]	Permits a governmental body, by majority vote, to establish a price percentage preference of as much as 10% for products grown or produced in the state. A "governmental body" is defined as a city, town, district, regional school district, county, or any agency, board, commission, authority, department or instrumentality of a city, town, district, regional school district or county.[170]
New York	PENDING: A.B. 3954 /S.B. 549 - Referred to Agriculture (3/11/21 and 3/4/21) To meet the goals of locally food quotas for state and state-funded entities, awards at 10% preference to in-state farm and food products.
Nevada[171]	Requires state purchasing contracts to award a 5% preference for Nevada-based business. A Nevada-based business is defined as a business which certifies that either its principal place of business is in Nevada or that a majority of goods for a proposed state purchasing contract are produced in Nevada. Does not apply to contracts that use federal money unless such a preference is authorized by federal law.

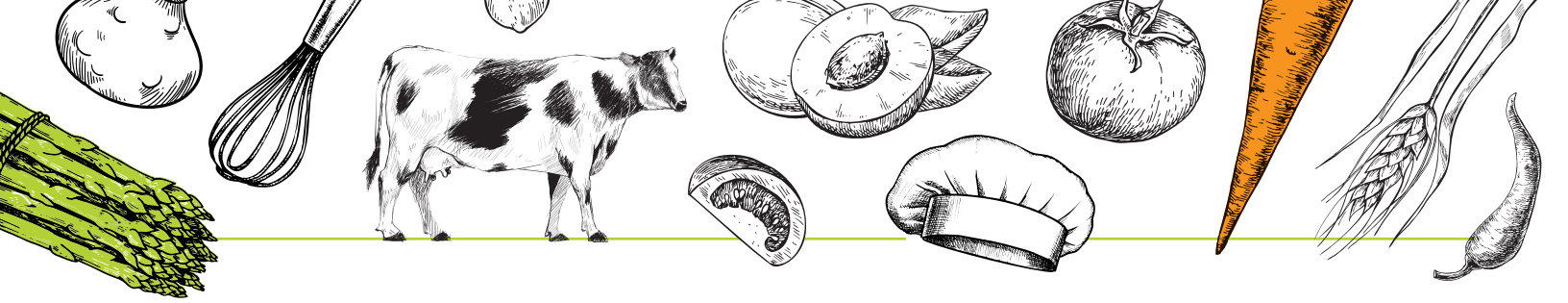


Table 4 Continued:

States with Price Percentage Preferences	Description
Ohio[172]	The Buy Ohio bid preferences requires bids containing products that are produced in Ohio or a border state to be selected for contract award even if they exceed prices offered in bids not containing Ohio, border state, or American products by no more than 5%. If the low bid is one other than an Ohio bid or border state bid offering a domestic source end product, apply 5% to the price. If the apparent low bidder offers a foreign product, apply 6% to the price.
Rhode Island[173]	Requires in-state milk producers and distributors to receive a one quarter of one percent (0.25%) preference over any out-of-state milk provider. Preference only applies to milk.
South Carolina[174]	South Carolina end-products would receive a 7% price preference over out-of- state end-product purchases. "South Carolina end product" means an end product made, manufactured, or grown in South Carolina.
Texas[175]	PENDING: HB 923 - Referred to State Affairs on 3/1/2021 Would amend Texas Tie-Breaker preference into a "price percentage preference." Texas agricultural products would be preferred so long as they are of equal quality and do not exceed 105% of the cost of out-of-state products.

Table 5: States with In-State Geographic Preferences

States with In-State Geographic Preferences	Description
Hawaii[176]	PENDING: HB 702 - Referred to EDU/AEN, WAM on March 9, 2021 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.
Illinois[177]	In contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract using agricultural products grown in Illinois
Iowa[178]	State agencies are required to procure Iowa products so long as they are: 1) in marketable quantities; 2) of a quality reasonably suited to the purpose intended; and 3) can be secured without additional cost. If a school district is participating in the federal school lunch or breakfast program, then this section will not apply.
Michigan[179]	Michigan requires that schools purchasing food for school lunch or breakfast "prefer" food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.
Rhode Island[180]	Establishes a local foods preference where state purchasing agents must purchase local food options when available at prevailing market price.
Vermont[181]	Establishes a purchasing preference, all else being equal, for procurement of local food by state-funded institutions.

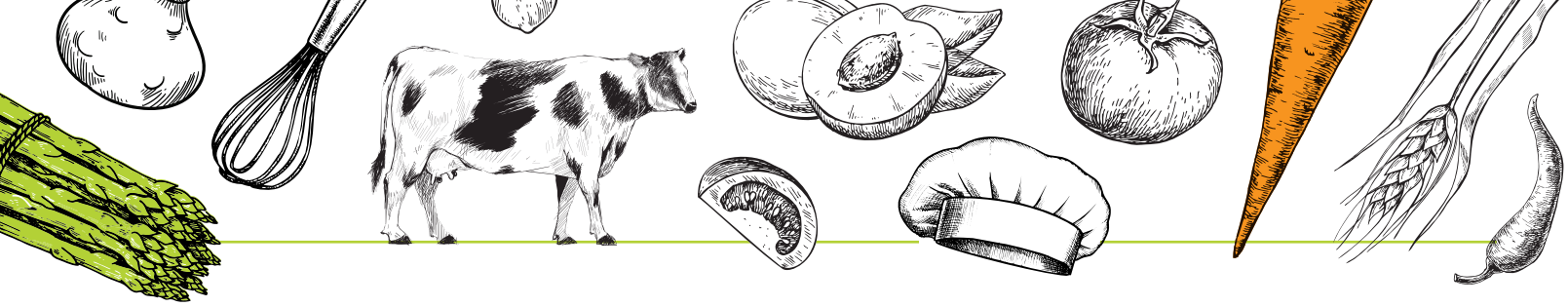


Table 6: States with Reciprocal Preferences

States with Reciprocal Preferences	Description
Colorado[182]	Allows a resident bidder a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident for state purchases of commodities or services.
Connecticut[183]	State contracting agencies must increase bids submitted by out-of-state businesses by a percentage equal to any preference those businesses receive in their home states. If the increase results in an in-state business becoming the lowest responsible qualified bidder, the agency must award the contract to the in-state business if that business agrees to meet the original lowest responsible qualified bid.
Hawaii[184]	To ensure fair and open competition for Hawaii businesses engaged in contracting with other states, Hawaii may impose a reciprocal preference against bidders from those states which apply preferences. The amount of the reciprocal preference would be equal to the amount by which the non-resident preference exceeds any preference applied by this State.
Idaho[185]	Idaho applies a reciprocal preference for vendors within their borders and adds a percentage to bids received from outside states. The amount of the reciprocal preference would be equal to the amount by which the non-resident preference exceeds any preference applied by this State.
Illinois[186]	Requires the in-state bidder to receive preference when competing bids are from states that enact preference laws. The amount of the reciprocal preference would be equal to the amount by which the non-resident preference exceeds any preference applied by this State.
Nebraska[187]	A resident bidder shall be allowed a preference over a nonresident bidder from a state which gives or requires a preference to bidders from that state so long as price is equal. The preference awarded to the in-state bid shall be equal to the preference required by the state of the nonresident bidder.
New Jersey[188]	A reciprocal preference is applied on a reciprocal basis against an out-of-state bidder, any in-state preference which is applied in favor of that bidder by the state or locality in which the bidder maintains its principal place of business.
North Carolina[189]	If bids are over $25,000, it is required that a percent of increase be added to a bid of a nonresident bidder that is equal to the percent of increase, if any, that the state in which the bidder is a resident adds to bids from bidders who do not reside in that state.
North Dakota[190]	Requires preference given to a resident North Dakota bidder be equal to the preference given or required by the state of the nonresident bidder. A bidder is “resident” if it maintains a bona fide place of business within North Dakota for at least one year prior to the date the contract was awarded.. When a bid or proposal is received from a nonresident bidder, the purchasing agent must determine whether the bidder’s state of residence has a preference law.
Oklahoma[191]	Requires state agencies to reciprocate the bidding preference given by other states or nations to bidders domiciled in their jurisdictions. The State Purchasing Director must prepare and distribute a schedule providing which states give bidders in their states a preference and the extent of the preference to agency procurement officers. For purposes of awarding contracts state agencies must add a percent increase to the bid of a nonresident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides.
Oregon[192]	Requires all state and local contracting agencies to add a percent increase to the bid of a nonresident bidder equal to the percent, if any, of the preference given to the bidder in its state of residence. The Oregon Department of Administrative Services must publish a list of states that give preference to in-state bidders with the percent increase applied in each state.

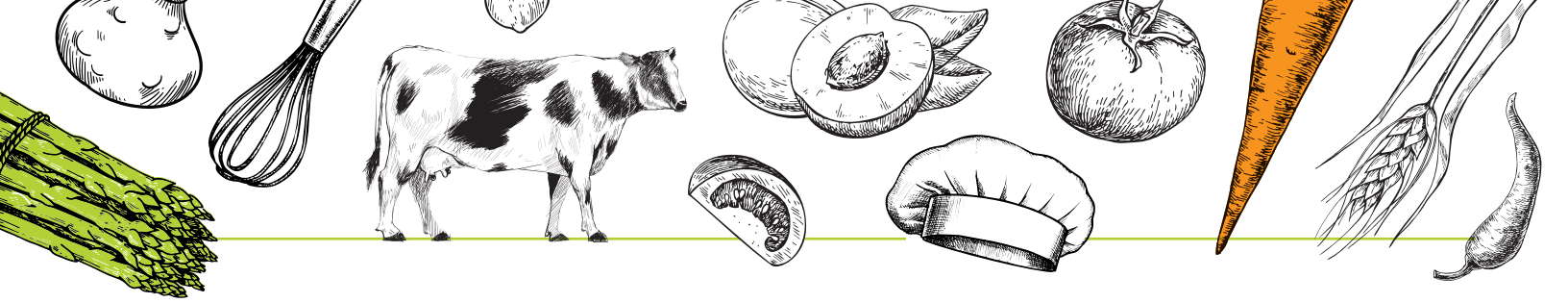


Table 6 Continued:

States with Reciprocal Preferences	Description
Pennsylvania[193]	Requires all state agencies to give preference to in-state bidders over out-of-state bidders if out-of-state bidders are from states with geographic preferences. The amount of the preference awarded to Pennsylvania bidders should be equal to the amount of the preference applied by the other state for that particular supply.
South Dakota[194]	A resident bidder must be preferred over nonresident bidder from a state or foreign province that has preference for resident bidders. The amount of the preference given to the resident bidder shall be equal to the preference in the other state or foreign province.
Virginia[195]	If the lowest responsive and responsible bidder is out-of-state and their home state allows for a state a percentage preference, a like preference will be allowed to the lowest responsive and responsible bidder who is a resident of Virginia and is the next lowest bidder.
Wisconsin[196]	If the low bidder is not a Wisconsin business and the state in which the bidder resides grants an in-state preference in making governmental purchases, the agency will give a preference to a Wisconsin business, if any, by penalizing the non-Wisconsin business when awarding an order or contract. The agency will apply the penalty at the same percentage preference as is applied by the bidder's home state.

Table 7: States with Local Food Purchase Quotas

States with Local Food Purchase Quotas	Description
Arkansas[197]	The Local Food, Farms, and Jobs Act (Local Food Act) was enacted in 2017 and amended in 2019 to create, strengthen, and expand local farm and food economies throughout the state. The Act sets specific procurement goals, encouraging state agencies to purchase 10% of foods locally in fiscal year 2018, and 20% in the years following. The bill requires agencies to track and report on these purchases and their local food procurement budget[198]. And because local foods may not always be the lowest cost option, the measure also allows state agencies to purchase local foods that cost up to 110% of the lowest responsible bid.
Hawaii[199]	PENDING: HB 767 - To Governor for Signature as of May 10, 2021. Establishes a programmatic goal for the Department of Education that at least 30% of food served in public schools consist of locally sourced products by 2030. Creates an annual reporting requirement.
Illinois[200]	Establishes a statewide goal for state agencies and state-owned facilities requiring 20% of all food and food products to be purchased from local farm or food producers by 2020. Local farm or food products include those products grown, processed, packaged or distributed by Illinois citizens in Illinois businesses or farms. Establishes a statewide goal of 10 percent of food products purchased locally by 2020 for entities funded in part or in whole by State dollars and spending more than $25,000 per year on food products. These entities include, without limitation, public schools, child care facilities, after-school programs, and hospitals.
Illinois[201] (New)	PENDING: HB 3089 - Re-referred to Rules Committee on March 27, 2021 Requires that at least 20% of all food and food products purchased by State agencies and State-owned facilities be local farm or food products produced by socially disadvantaged farmers. Requires the Local Food, Farms, and Jobs Council to support and encourage that 10% of food purchased by entities funded in part or in whole by State dollars shall be local farm or food products produced by socially disadvantaged farmers. Requires tracking and reporting of local food purchases.

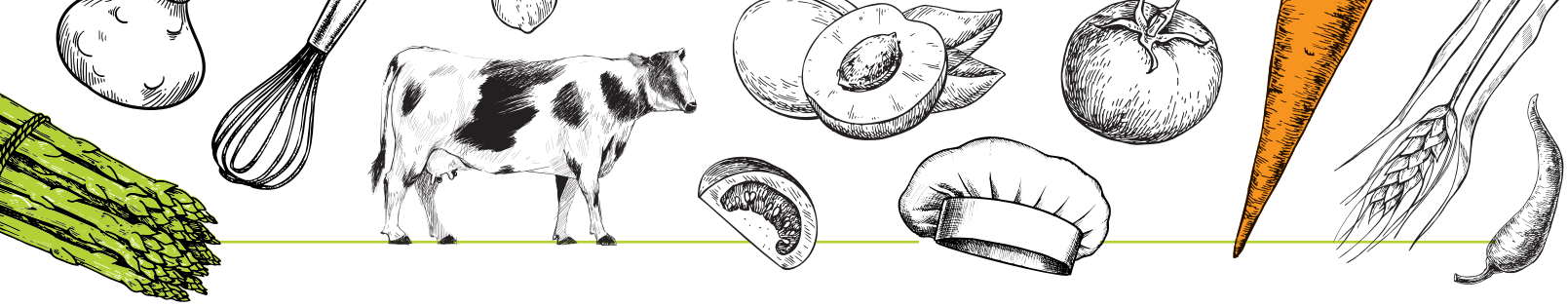


Table 7 Continued:

States with Local Food Purchase Quotas	Description
Maine[202]	Establishes a local food procurement program with the goal that by 2025, 20% of all food procured by state institutions are Maine food or food products.
New York[203]	If a school food authority purchases at least 30% of total foods from in-state producers, schools receive up to 25 cent reimbursement per school lunch served. Food items must be grown, harvested, or produced in New York State (NYS); or processed inside or outside NYS comprising over 51% agricultural raw materials grown, harvested, or produced in NYS, by weight or volume. For the 2020-2021 SY Lunches: $.1901 for each free and paid lunch meal bringing total State reimbursement to 25 cents/lunch and $.0519 for every reduced-price lunch meal bringing the total State reimbursement rate up to 50 cents/lunch.
New York (New)	PENDING: A.B. 3954 /S.B. 549 - Re-committed to Agriculture Committee on March 11, 2021/ Referee to Agriculture on March 4, 2021 Requires that state agencies and state-owned facilities purchase 20% local farm and food products by 2022. By 2026, the requirement will increase to 50%. If entities receive state funding, the NY Food Policy Council will support and encourage these entities to purchase 25% locally by 2023, and 40% locally by 2028. Tracking and reporting requirements are: (1) identifying the percentage of local farm or food products purchased in 2022 as a baseline and (2) tracking and reporting local farm or food products purchases on an annual basis.
Vermont[204]	The State Farm-to-School Network goal aims to establish school food system purchases of 50% of food from local or regional food sources. Also requires that school boards operating a school lunch, breakfast, or summer meals program purchase at least 20% of all food for those programs from local producers by 2022[205]

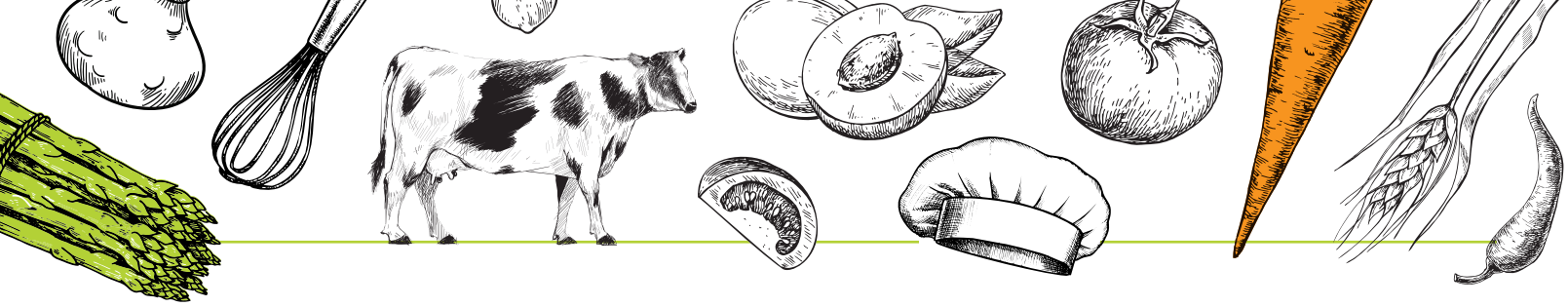


Table 8: State Supported Local Food Incentives

State Supported Local Food Incentives	Description
Alaska[206]	The Nutritional Alaskan Foods in Schools Program was last funded in FY 2015. A total of $9 million dollars was distributed to Alaska School Districts over three years. Additional funding is not anticipated at this time. The Program's purpose was to encourage every Alaskan school district to purchase nutritious Alaska-grown, caught, or harvested foods.
California[207]	In 2017-2018, the California-Grown Fresh School Meals Grant Program appropriated a one-time amount of $1,500,000 from the General Fund to fund California-grown ingredients for school meals. The grants provide up to $125,000 per school site.
Colorado	As described in detail above, Colorado has three primary state supported local food incentive programs: the Local School Food Purchasing Program, the Food Pantry Assistance Grant, and the Healthy Food Incentive program.
D.C.[208]	The Healthy Tots Act of 2014 created a Fund to finance various programs that promote children's health. For example, the Fund provides competitive grants to childcare facilities to support physical activity, nutrition, gardens, natural play areas, and farm to preschool programs. The Healthy Tots Fund provides additional money for schools meals and reimburses childcare facilities an additional 5 cents per meal served when at least one component of a meal is comprised entirely of locally-grown, unprocessed foods.
Maine[209]	Establishes a local produce fund, available to K-12 schools, that provides a $1.00 match for every $3.00 spent on local food purchases, up to $1,000. PENDING LEGISLATION TO AMEND THE FUND: LD 636/SP 250 (2021) Status: Referred to Committee on Education and Cultural Affairs on Mar 1, 2021. This bill changes the name of the Local Produce Fund within the Department of Education to the Local Foods Fund. It also requires that the fund's maximum state match for the purchase of produce or minimally processed foods is $7,500 per school administrative unit in fiscal year 2021-22 and subsequent years or $10,000 per school administrative unit if the school administrative unit sends a food service employee to local foods training administered by the Department of Education. The amendment would require that the food the fund may be used to help purchase may include value-added dairy and protein and that food may be purchased from local food processors and food service distributors.
Maine[210] (New)	PENDING: LD 691 / HP 503 - Referred to Committee on Agriculture, Conservation and Forestry on Mar 2, 2021 and Tabled Would establish a Fund to provide incentives to federal food and nutrition assistance program participants for the purchase of locally grown fruits and vegetables and to support outreach for and administration of programs that offer nutrition incentives to participants. The fund would match contributions from private and public sources of up to $50,000 annually. Fund recipients must be state-based organizations that support local food producers, local food production or low-income individuals in receiving food and nutrition assistance. Requires reporting and audit requirements for recipients to ensure proper use of the funds and appropriates funds to capitalize the fund.
Michigan[211]	Allocated $200,000.00 from the General Fund and $1,800,000 from the State School Aid Fund in 2020-2021 to support school districts and sponsors of child care centers to purchase locally grown fruits and vegetables. Commonly known as the 10 Cents a Meal Program this program will match with incentive funding up to 10 cents per meal to purchase and serve Michigan-grown fruits, vegetables, and legumes. The 2021 Appropriations Bill (2021 MI S.B. 188) seeks to re-fund the program for 2021-2022 ($200,000.00 from the General Fund and $1,800,000 from the State School Aid Fund).

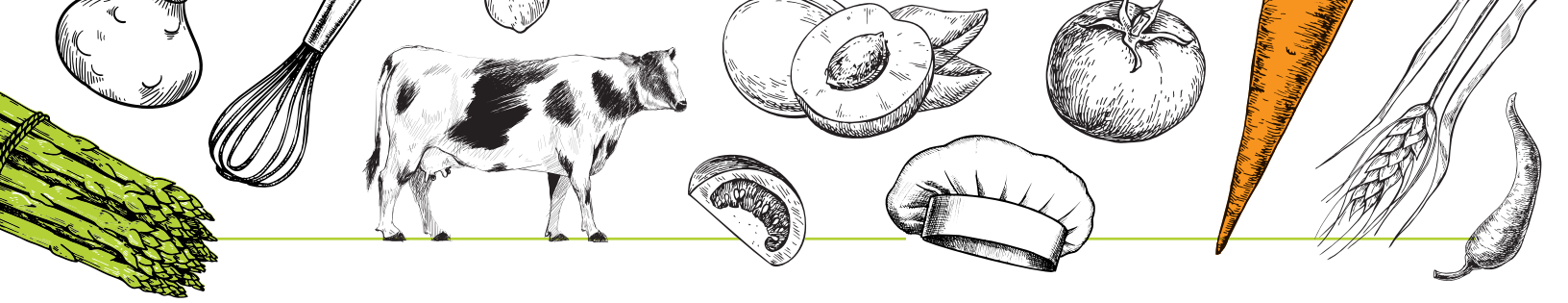


Table 8 Continued:

State Supported Local Food Incentives	Description
New Mexico[212]	The New Mexico Grown Fresh Fruits and Vegetables for School Meals and the New Mexico Grown Local Producer Grant provide funding to encourage farm to school programing and local food access for New Mexico schoolchildren.
New York[213]	If a school food authority purchases at least 30% of total foods from in-state producers, schools receive up to 25 cent reimbursement per school lunch served. Food items must be grown, harvested, or produced in New York State (NYS); or processed inside or outside NYS comprising over 51% agricultural raw materials grown, harvested, or produced in NYS, by weight or volume. For the 2020-2021 school year: **$.1901** for each **free** and **paid** lunch meal bringing total State reimbursement to 25 cents/lunch, and **$.0519** for every **reduced-price** lunch meal bringing the total State reimbursement rate up to 50 cents/lunch.
New York (New)	PENDING - A4631A and S2645 - In Committees Authorizes a tax credit for a business that is selling local products, defined as products grown, raised, produced, or manufactured by a producer within New York State, from seed or conception through final product. If 40% of net sales are local products, then $3,000 credit. If 60% of net sales are local products, then $6,000 credit. If 80% of net sales are local products, then $12,000 credit. If 100% of net sales are local products, then $25,000 credit. Vendors must submit a computer-generated report with tax returns to claim the credit. The report must include the (1) name of the producer, (2) physical address of the place of production, (3) the amount paid by the business/grocer to the producer and units purchased.
New York (New)	PENDING: A5781A/ S4892 - In Committees Establishes the Nourish New York program to facilitate programming that ensures that certain surplus agricultural products are provided to food relief organizations at competitive wholesale prices.
Oregon[214]	In 2019 HB 2579 passed with unanimous support in both the House and the Senate, increasing farm to school and school garden funding from $4.5 million to $15 million. The legislation includes $5 million in recurring funding for Oregon Department of Education to continue their programming. This effort is codified in Oregon State Statute as the "Farm to School Grant Program." Funding can be used for procurement and/or educational purposes.
Rhode Island[215]	Provides an income tax credit for purchases of produce grown in state that are used to satisfy the purchaser's contract to provide food to schools. The tax credit is 5% of the cost of the food product grown or produced in the state
Vermont[216]	Creates a grant program to fund equipment and other purchases for K-12 public schools and child care centers to increase use of local food.

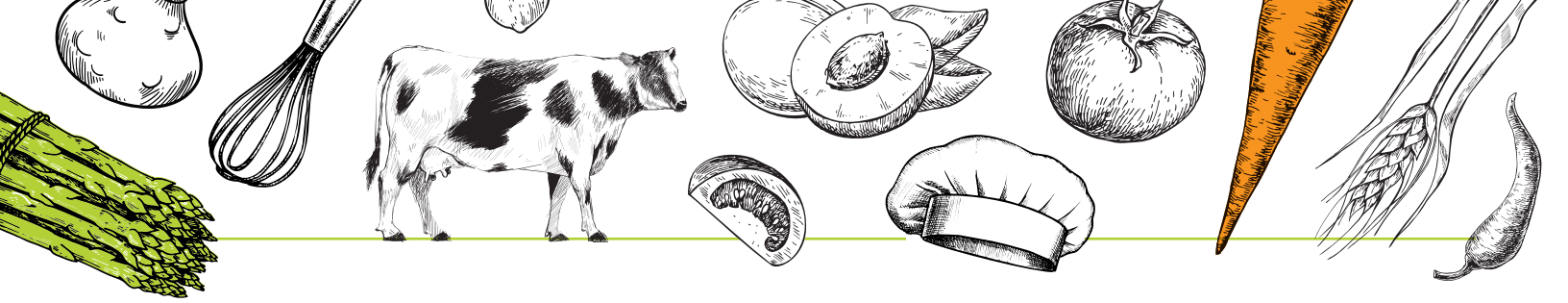
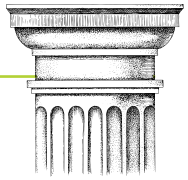


Table 9: States with Small Purchase Thresholds

States with Small Purchase Thresholds	Description
Alabama[217]	Alabama allows school districts to use simplified contract procedures to purchase unprocessed agricultural products costing less than $150,000, the federal small purchase threshold. The state had previously allowed schools to use informal procedures to purchase unprocessed agricultural goods that cost less than $100,000. By allowing schools to use informal contract procedures for goods costing less than $150,000, the small purchase threshold makes it easier for schools to purchase from local farmers.
Colorado[218]	State agencies with delegated purchasing authority may purchase goods and services up to $25,000 without benefit of competition.
Connecticut[219]	Establishes a small purchase threshold for state agencies that simplifies bidding requirements for purchases of $50,000 or less, and waives the competitive bidding process for purchases of $10,000 or less.
Louisiana[220]	School districts may use the simplified acquisition procedures for small purchases up to the federal small purchase threshold of $250,000 to procure local agricultural products. State laws govern school food purchasing as long as the state laws are at least as restrictive as USDA rules, meaning that they cannot be more lenient on competition or other requirements than the federal rule. In this case, Louisiana state law is more restrictive than federal regulation, specifying a small purchase threshold or simplified acquisition at $30,000 except for local agricultural products. Therefore, under state law, schools in Louisiana may utilize the informal federal procurement process when purchasing local agricultural products.
Massachusetts[221]	Establishes a local food small purchase threshold, allowing local government bodies, including school districts, to purchase up to $35,000 of Massachusetts agricultural products without soliciting more than one price quote.
Vermont[222]	Aligns the small purchase threshold for school food purchases with the federal threshold.

Table 10: State of Maine's Farm to Institution Metrics

Program	Metrics
Maine Farm to School	• 16% average percent of food budget spent on local food • $3,782,660 spent on local food
Maine Farm to College	• 25.7% average percent of food budget spent on local food • $4,804,991 spent on local food
Maine Farm to Healthcare	• 5% average percent of food budget spent on local food • $508,200 spent on local food
Maine Farmers and Producers	• $667 million farm product sales each year • $74.5 million sales directly to local retail, institutions, and food hubs



ENDNOTES

[1] https://dvr.colorado.gov/dvr-programs-and-services/blind-and-low-vision/business-enterprise-program

[2] *See* U.S. DEP'T OF AGRIC., PROCURING LOCAL FOODS FOR CHILD NUTRITION PROGRAMS. Aug. 2015, at 44.

[3] Colo. Dept. of Education, "Procurement - Small/Informal Purchases." https://www.cde.state.co.us/nutrition/procurementsmallinformalpurchases#:~:text=The%20federal%20small%20 purchase%20 threshold,restrictive%20threshold%20must%20be%20followed

[4] 2 C.F.R. § 200.320

[5] COLO. REV. STAT. ANN.. § 24-103-907 (2017) [Formerly COLO. REV. STAT. ANN. § 8–18–103 (2005)]

[6] The Colorado procurement preference only applies to the "governmental bodies of the executive branch" and school districts are not included in this definition. "Governmental body" means any department, commission, council, board, bureau, committee, institution of higher education, agency, government corporation, or other establishment or official, other than an elected official, of the executive branch of state government in this state; except that the governing board of each institution of higher education. See, COLO. REV. STAT. ANN.. §§ 24-101-301(18); 105(1)(a).

[7] *Id.* § 24-103-906.

[8] COLO. REV. STAT. ANN.. § 24-103-904 (2017). See also, ENVIRONMENTALLY PREFERABLE PRODUCTS

[9] *Id*. § 24-103-904 (2).

[10] 1 CCR 101-9:R-24-103-201-01

[11] University of Colorado, Purchasing Thresholds, https://www.cu.edu/psc/purchasing-thresholds.

[12] *Id.* § 22-100-102 (2019).

[13] *Id.* § 22-100-101.

[14] *Id.* § 22-100-104.

[15] Local School Food Purchasing Programs, CO H.B.19-1132, https://www.cde.state.co.us/nutrition/hb1132.

[16] Nanna Meyer. 2018. Summary for Local & Regional Procurement Success Stories in the State of Colorado, 2017/2018.

[17] Colorado Department of Agriculture's Colorado Proud Program. https://ag.colorado.gov/markets/colorado-proud

[18] Nanna Meyer. 2018. Summary for Local & Regional Procurement Success Stories in the State of Colorado, 2017/2018.

[19] USDA (2017). Census of Agriculture: Colorado State Data. https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Colorado/st08_1_0002_0002.pdf

[20] Colorado Snapshot. (2017). USDA Farm to School Census. Accessible at: https://farmtoschoolcensus.fns.usda.gov/census-results/states/co

[21] Colorado Snapshot. (2017). USDA Farm to School Census. Accessible at: https://farmtoschoolcensus.fns.usda.gov/census-results/states/co

[22] Nanna Meyer (April 29, 2021). Summary for Local & Regional Procurement Success Stories in the State of Colorado, 2017/2018. University of Colorado-Colorado Springs

[23] City of Denver, Dept. of General Services. Personal Communications. May 2021.

[24] https://goodfoodpurchasing.org/program-overview/

[25] https://goodfoodpurchasing.org/program-overview/

[26] Electronic communications with Marion Kalb, Institutional Food Program Administrator, City and County of Denver on June 7, 2021

[27] *Id.*

[28] *Id.*

[29] Meghan Scully, Susan M. Motika, and Taber Ward. (2011). Government Purchasing Preferences that Support Local Farmers: A 50 State Review. Colorado Department of Public Health and Environment. Accessible at: http://coloradofarmtoschool.org/wp-content/uploads/downloads/2012/11/State-food-procurement-report-FINAL.pdf

[30] CAL. FOOD & AGRICc. CODE § 58595 (2018).

[31] CONN. GEN. STAT. § 10-215j (2016).

[32] D.C. CODE § 38-823.01 (2010).

[33] FLA. STAT. § 287.082 (1995).

[34] IDAHO CODE ANN. § 67-9210 (2020).

[35] IOWA ADMIN. CODE r. 11-117.6(8A).

[36] KY. REV. STAT. ANN. § 45A.645 (2009).

[37] MISS. CODE. ANN. § 31-7-15 (2005).

[38] N.H. Rev. Stat. Ann § 21-I:11-b (2014).

[39] N.C. GEN. STAT. ANN. § 143-59 (2013).

[40] N.D.C.C. § 44-08-01.1.

[41] 74 OKL. ST. ANN. § 85.17A (2020).

[42] OR. REV. STAT. ANN. § 279A.120(2)(a) (2005).

[43] S.C. CODE ANN. § 11-35-1520 (2019).

[44] S.D. CODIFIED LAWS § 5-18A-25 (2010).

[45] TENN. CODE ANN. §§ 12-3-1108, 1109, 1113 (2013).

[46] TEX. EDUC. CODE ANN. § 44.042 (2011) and TEX. GOV'T. CODE ANN § 2155.444 (2019).

[47] UTAH ADMIN. CODE, R33-6-111.

[48] VA. CODE. ANN. § 2.2-4324(A) (2011).

[49] COLO. REV. STAT. ANN.. § 24-103-907 (2017) [Formerly COLO. REV. STAT. ANN. § 8–18–103 (2005)]

[50] GA. CODE ANN. § 20-2-500 (2012)

[51] MONT. CODE ANN. § 18-4-132 (2019).

[52] AK STAT § 36.15.050 (2019)

[53] HAW. REV. STAT. ANN. § 103D-100 (2009)

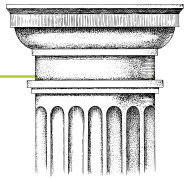
[54] Hawaii 2021 HB 702.

[55] ILL. COMP. STAT. ANN 500/45-50.

[56] IOWA CODE § 73.1 (2010) and

[57] MICH. COMP. LAWS. ANN. § 388.1631(d) &(f) (2014).

[58] R.I. GEN. LAWS ANN. § 37-2-8 (1989).



[59] VT. STAT. ANN. tit. 29, § 909 (2011).

[60] COLO. REV. STAT. § 24-103-906 (2017).

[61] CONN. GEN. STAT. ANN. § 4e-48 (2009).

[62] HAW. REV. STAT. ANN. § 103D-1004

[63] IDAHO CODE ANN. § 67-2349

[64] ILL. COMP STAT. ANN, 520/2 and 500/45-1.

[65] NEB. REV. STAT. ANN. § 73-101.01.

[66] N.J, ADMIN CODE 17:12-2.13(b).

[67] N.C. GEN. STAT. ANN. § 143-59 (2013).

[68] NDCC § 44-08-02.

[69] 74 OKL. ST. ANN. § 85.17A (2020).

[70] OR. REV. STAT. ANN. § 279A.120(2)(b) (2005).

[71] 2002 PA. LEGIS. SERV. ACT 2002-142 (H.B. 2674)

[72] S.D. CODIFIED LAWS § 5-18A-31 (2010).

[73] VA. CODE ANN.. § 2.2-4324 (2011).

[74] State Procurement Manual. Reciprocity Law: http://vendornet.state.wi.us/vendornet/procman/proc20.pdf

[75] 2 CFR 200.319

[76] HCS CSSB 119(FIN) am H (2014). https://www.commerce.alaska.gov/web/Portals/4/pub/NAFS%20Fiscal%20Year%202015%20Capital%20Bill%20Citation.pdf

[77] California-Grown Fresh Schools Meals Grant, California Dept. Of Education, https://www.cde.ca.gov/fg/fo/r9/cgfsm17rfa.asp (2017)

[78] D.C. CODE § 38-282 (2016).

[79] ME. STAT. ANN. tit. 20-A, § 6602(12).

[80] MICH. COMP. LAWS. ANN. § 388.1631j (2020).

[81] The 30% NYS Initiative, http://www.cn.nysed.gov/content/30-nys-initiative-application-state-subsidy

[82] The New Mexico Public Education Department Farm to School Webpage, https://webnew.ped.state.nm.us/bureaus/student-success-wellness/nutrition/farm-to-school/

[83] OR. REV. STAT. ANN. § 336.431

[84] VT. STAT. ANN. tit. 6, § 4721 (2017).

[85] ALA. CODE § 16-1-46 (2017).

[86] 1 CCR 101-9:R-24-103-201-01.

[87] CONN. GEN. STAT. ANN. § 4a-57.

[88] LA. STAT. ANN. § 17:194D

89 MASS. GEN. LAWS. ANN. ch. 30B, § 4(d) (2016).

[90] 16 VT. STAT. ANN. § 559 (2019).

[91] https://www.federalregister.gov/documents/2011/04/22/2011-9843/geographic-preference-option-for-the-procurement-of-unprocessed-agricultural-products-in-child

[92] 2 CFR 200.319 which states "Competition. (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section... and (b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference."

[93] https://www.fns.usda.gov/cfs/geographic-preference

[94] KIDS EAT LOCAL ACT (S. 1401, H.R. 2896)

[95] https://sustainableagriculture.net/wp-content/uploads/2019/06/Kids-Eat-Local-6.13.19.pdf

[96] S.B. 1817, https://www.congress.gov/bill/116th-congress/senate-bill/1817/text and H.R. 3220, https://www.congress.gov/bill/116th-congress/house-bill/3220

[97] CONN. GEN. STAT. ANN. § 4a-60g (2019).

[98] D.C. CODE ANN. § 2-218.43 (2020)

[99] *Id.*

[100] FLA. STAT. ANN. § 287.093 (2002)

[101] Illinois 2021 HB 3089

[102] MINN. STAT. ANN. § 16C.16 (2016).

[103] OR. REV. STAT. ANN. § 279A.100 (2009).

[104] WIS. STAT. ANN. § 16.75 (2018). Also, see Wisconsin's General Policy: MINORITY BUSINESS ENTERPRISE POLICY at http://vendornet.state.wi.us/vendornet/procman/prod1.pdf and

[105] 19 Del. Admin. Code 4106-11.0 (2013)

[106] Maryland 2021 SB0723 and HB 0831

[107] https://commerceri.com/about-us/sue-anderbois/

[108] 2007 VT. ADV. LEG. SERV. 38

[109] Barbara C. Bellows, Rex Dufour, and Janet Bachmann. "Bringing Local Food to Local Institutions: A Resource Guide for Farm to Institution Program." 2003. Updated May 2013 By Camille Green and Nancy Moore, NCAT Program Specialists, https://attra.ncat.org/product/bringing-local-food-to-local-institutions/.

[110] *PolicyLink's "Equitable Development Toolkit: Local Food Procurement." PolicyLink, March 2015. Available at:* https://www.policylink.org/resources-tools/local-food-procurement

[111] New England Farm to Institution Dashboard, http://dashboard.farmtoinstitution.org/state-profiles

[112] New England Farm to Institution Metrics Project Maine State Profile 2019

[113] Hartman, Alyssa, Sophia Kruszewski, et al. "Regional Trends in New England Farm to Institution Procurement Policy." Farm to Institution New England, August 2019. Available at: https://www.farmtoinstitution.org/sites/default/files/imce/uploads/Regional-Trends-in-New-England-Farm-to-Institution-Procurement-Policy.pdf.

[114] ME. REV. STAT. ANN. tit. 7, § 220 (2020)

[115] University of Maine Dining at https://umaine.edu/dining/local/

[116] New England Farm to Institution Metrics Project Maine State Profile 2019, https://static1.squarespace.com/static/5611a020e4b00b12a23c69fe/t/5dc1a4c70224df094fdaeea2/1572971719842/FINE-ME-Profile-2019.pdf.

[117] 10 Cents A Meal For Michigan's Kids & Farms 2018/2019 Legislative Report, https://www.tencentsmichigan.org/about

[118] MICH. COMP. LAWS. ANN. § 388.1631j (2020).

[119] ARK. CODE § 15-4-3800 ET SEQ (2019).

[120] English, E., Bailey, M., Lane, S., & Long, C. (2020). O14 local food procurement in state-funded institutions: Barriers, motivators, and future plans. Journal of Nutrition Education and Behavior, 52(7), S7-S7. https://doi.org/10.1016/j.jneb.2020.04.026

[121] The New Mexico Public Education Department Farm to School Webpage, https://webnew.ped.state.nm.us/bureaus/student-success-wellness/nutrition/farm-to-school/.

[122] New Mexico Grown Farm to School Program Impact Report, NM PUblic Education Department (2019-2020), https://webnew.ped.state.nm.us/wp-content/uploads/2020/08/New-Mexico-Grown-Program-Data.pdf, Contact: Kendal Chavez | Kendal.Chavez@state.nm.us | (505) 827-1807 for more information.

[123] Watson, J. A., Treadwell, D., & Bucklin, R. (2018). Economic Analysis of Local Food Procurement in Southwest Florida's Farm-to-School Programs. Journal of Agriculture, Food Systems, and Community Development, 8 (3), 61-84. https://doi.org/10.5304/jafscd.2018.083.011

[124] Condra, Alli, Emily Broad Leib, et al. "Increasing Local Food Procurement by Massachusetts State Agencies." Harvard Law School Food Law and Policy Clinic, 2015. Available at: https://www.chlpi.org/wp-content/uploads/2013/12/Increasing-Local-Procurement-by-Massachusetts-State-Agencies_FINAL_FULL-REPORT.pdf

[125] Cisneros, Tony, Brooke Dekolf, et al. "The Illinois Pilot Project A New Model For State-Level Food Procurement Legislation" Climate, Animal, Food, and Environmental Law & Policy Lab at Yale Law School, Spring 2020. Available at: https://law.yale.edu/sites/default/files/area/center/leap/document/state-level_food_procurement_-_cafe_lab_v.2.pdf.

[126] Long, A.B., Jablonski, B.B.R., Costanigro, M. and Frasier, W.M. (2021), The Impact of State Farm to School Procurement Incentives on School Purchasing Decisions. J School Health, 91: 418-427. https://doi.org/10.1111/josh.13013

[127] COLO. REV. STAT. ANN. § 22-100-102 (2019).

[128] State Profiles: http://dashboard.farmtoinstitution.org/state-profiles

[129] https://www.cultivatemichigan.org

[130] Oregon collects baseline (from first-time participants in the procurement grant, from all in ED grant), progress and final reports. Baseline is due before they can claim, progress due Sep 30 after first year, final due Sep 30 after second year. More at https://www.oregon.gov/das/OPM/Pages/Index.aspx; https://www.oregon.gov/das/OPM/Pages/overview.aspx

[131] https://ftimetrics.localfoodeconomics.com/

[132] https://ecotrust.org/publication/farm-to-institution-metrics-platform/

[133] Nanna Meyer (April 29, 2021). Summary for Local & Regional Procurement Success Stories in the State of Colorado, 2017/2018. University of Colorado-Colorado Springs

[134] CAL. FOOD & AGRICc. CODE § 58595 (2018).

[135] CONN. GEN. STAT. § 10-215j (2016).

[136] Id. § 4a-51 (2013).

[137] D.C. CODE § 38-823.01 (2010).

[138] *Id.* § 38-821.01 (2010).

[139] FLA. STAT. § 287.082 (1995).

[140] IDAHO CODE ANN. § 67-9210 (2020).

[141] IOWA ADMIN. CODE r. 11-117.6(8A).

[142] KY. REV. STAT. ANN. § 45A.645 (2009).

[143] MISS. CODE. ANN. § 31-7-15 (2005).

[144] N.H. Rev. Stat. Ann § 21-I:11-b (2014).

[145] N.C. GEN. STAT. ANN. § 143-59 (2013).

[146] N.D.C.C. § 44-08-01.1.

[147] 74 OKL. ST. ANN. § 85.17A (2020).

[148] OR. REV. STAT. ANN. § 279A.120(2)(a) (2005).

[149] S.C. CODE ANN. § 11-35-1520 (2019).

[150] S.D. CODIFIED LAWS § 5-18A-25 (2010).

[151] TENN. CODE ANN. §§ 12-3-1108, 1109, 1113 (2013).

[152] TEX. EDUC. CODE ANN. § 44.042 (2011) and TEX. GOV'T. CODE ANN § 2155.444 (2019).

[153] UTAH ADMIN. CODE, R33-6-111.

[154] VA. CODE. ANN. § 2.2-4324(A) (2011).

[155] COLO. REV. STAT. ANN.. § 24-103-907 (2017) [Formerly COLO. REV. STAT. ANN. § 8–18–103 (2005)]

[156] The Colorado procurement preference only applies to the "governmental bodies of the executive branch" and school districts are not included in this definition. "Governmental body" means any department, commission, council, board, bureau, committee, institution of higher education, agency, government corporation, or other establishment or official, other than an elected official, of the executive branch of state government in this state; except that the governing board of each institution of higher education. See, COLO. REV. STAT. ANN.. §§ 24-101-301(18); 105(1)(a).

[157] GA. CODE ANN. § 20-2-500 (2012)

[158] *Id.* at § 50-5-61 (2009)

[159] MONT. CODE ANN. § 18-4-132 (2019).

[160] AL ST 41-16-20 (c) (2018)

[161] AK STAT § 36.15.050 (2019)

[162] ARK. CODE § 15-4-3800 ET SEQ (2017)

[163] CAL. FOOD & AGRICc. CODE § 58595 (2018)

[164] D.C. CODE ANN. § 2-218.43 (2020)

[165] FLA. STAT. ANN.. § 287.084

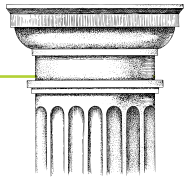
[166] HAW. REV. STAT. ANN. § 103D-100 (2009)

[167] IND. CODE § 5-22-15-23.5 (2011).

[168] LA. STAT. ANN. §§ 39:1604 B, D (2015).

[169] MASS. GEN. LAWS ANN. ch. 30B § 20 (2006).

[170] *Id.* 30B § 2 (2010).



[171] NEV. REV. STAT. ANN. § 333.3354 (2017).

[172] OHIO REV. CODE ANN. § 125.11 (2015) and OAC 123:5-1-06.

[173] R.I. GEN. LAWS § 21-4.1-8 (1992).

[174] S.C. CODE ANN. § 11-35-1524 (2009).

[175] 2021 Texas House Bill No. 923, Texas Eighty-Seventh Legislature.

[176] Hawaii 2021 HB 702.

[177] ILL. COMP. STAT. ANN 500/45-50.

[178] IOWA CODE § 73.1 (2010) and

[179] MICH. COMP. LAWS. ANN. § 388.1631(d) &(f) (2014).

[180] R.I. GEN. LAWS ANN. § 37-2-8 (1989).

[181] VT. STAT. ANN. tit. 29, § 909 (2011).

[182] COLO. REV. STAT. § 24-103-906 (2017).

[183] CONN. GEN. STAT. ANN. § 4e-48 (2009).

[184] HAW. REV. STAT. ANN. § 103D-1004

[185] IDAHO CODE ANN. § 67-2349

[186] ILL. COMP STAT. ANN, 520/2 and 500/45-1.

[187] NEB. REV. STAT. ANN. § 73-101.01.

[188] N.J, ADMIN CODE 17:12-2.13(b).

[189] N.C. GEN. STAT. ANN. § 143-59 (2013).

[190] NDCC § 44-08-02.

[191] 74 OKL. ST. ANN. § 85.17A (2020).

[192] OR. REV. STAT. ANN. § 279A.120(2)(b) (2005).

[193] 2002 PA. LEGIS. SERV. ACT 2002-142 (H.B. 2674)

[194] S.D. CODIFIED LAWS § 5-18A-31 (2010).

[195] VA. CODE ANN.. § 2.2-4324 (2011).

[196] State Procurement Manual. Reciprocity Law: http://vendornet.state.wi.us/vendornet/procman/proc20.pdf

[197] ARK. CODE § 15-4-3800 ET SEQ (2019)

[198] https://www.agriculture.arkansas.gov/arkansas-department-of-agriculture-programs/the-local-food-farms-and-jobs-act/

[199] Hawaii 2021 HB 767

[200] 30 ILL. COMP. STAT. ANN. 595/10 (2009).

[201] Illinois 2021 HB 3089

[202] ME. REV. STAT. ANN. tit. 7, § 220 (2020)

[203] The 30% NYS Initiative, http://www.cn.nysed.gov/content/30-nys-initiative-application-state-subsidy

[204] VT. STAT. ANN. tit. 6, § 4719 (2017)

[205] VT STAT. ANN. tit. 16, § 1264 (2019).

[206] HCS CSSB 119(FIN) am H (2014). https://www.commerce.alaska.gov/web/Portals/4/pub/NAFS%20Fiscal%20Year%202015%20Capital%20Bill%20Citation.pdf

[207] California-Grown Fresh Schools Meals Grant, California Dept. Of Education, https://www.cde.ca.gov/fg/fo/r9/cgfsm17rfa.asp (2017)

[208] D.C. CODE § 38-282 (2016).

[209] ME. STAT. ANN. tit. 20-A, § 6602(12).

[210] Maine 2021 LD 691 / HP 503

[211] MICH. COMP. LAWS. ANN. § 388.1631j (2020).

[212] The New Mexico Public Education Department Farm to School Webpage, https://webnew.ped.state.nm.us/bureaus/student-success-wellness/nutrition/farm-to-school/

[213] The 30% NYS Initiative, http://www.cn.nysed.gov/content/30-nys-initiative-application-state-subsidy

[214] OR. REV. STAT. ANN. § 336.431.

[215] R.I. GEN. LAWS § 44-30-27 (2007).

[216] VT. STAT. ANN. tit. 6, § 4721 (2017).

[217] ALA. CODE § 16-1-46 (2017).

[218] 1 CCR 101-9:R-24-103-201-01.

[219] CONN. GEN. STAT. ANN. § 4a-57.

[220] LA. STAT. ANN. § 17:194D.

[221] MASS. GEN. LAWS. ANN. ch. 30B, § 4(d) (2016).

[222] 16 VT. STAT. ANN. § 559 (2019).