

SB0177/373826/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 177  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Control Authority** –”; in line 3, after “**Purchasing**” insert “**Program**”; in line 4, strike “authorizing” and substitute “requiring”; strike beginning with “to” in line 4 down through “food” in line 9 and substitute “. in coordination with the Department of General Services and the Department of Agriculture, to establish a program to procure certain local food for local school systems from certain providers under certain circumstances; altering a certain percentage price preference adopted by the Board of Public Works by regulation; requiring the Board to adopt certain regulations relating to limiting responses for certain procurements”; in line 18, strike beginning with “12–101(a)” through “13–113(a)” and substitute “12–107(b)(2)(ix), 14–407, and 14–702”; and strike in their entirety lines 21 through 25, inclusive.

On page 2, in line 2, strike “13–101(a) and (e) and”.

AMENDMENT NO. 2

On page 2, in line 9, after “(A)” insert “(1)”; strike beginning with “IN” in line 9 down through “MAY” in line 11 and substitute “THE DEPARTMENT SHALL ESTABLISH A PROGRAM, WHEN FUNDING IS AVAILABLE, TO”; in line 11, strike “OR CONTROL”; in line 12, after “OF” insert “LOCAL FOOD FOR LOCAL SCHOOL SYSTEMS.”; strike beginning with the colon in line 12 down through “ARTICLE” in line 20 and substitute:

“(2) THE PROGRAM SHALL PROCURE PRODUCTS THAT ARE:

(1) FOODS GROWN AT A CERTIFIED LOCAL FARM, AS DEFINED IN § 14–701 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(II) CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDED BY A CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDER, AS DEFINED IN § 14-701 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(III) FOODS GROWN WITHIN A 250-MILE RADIUS FROM AN ELEMENTARY OR SECONDARY SCHOOL IN THE STATE.

(3) THE PROGRAM SHALL GIVE PREFERENCE TO PROVIDERS QUALIFYING UNDER PARAGRAPH (2)(I) AND (II) OF THIS SUBSECTION”;

in line 22, after “AGRICULTURE” insert “, THE DEPARTMENT OF GENERAL SERVICES,”; in line 23, after “ESTABLISH” insert “THE PROGRAM, INCLUDING”; strike beginning with “MASTER” in line 28 down through “PROVIDERS” in line 32 and substitute “PROCUREMENT CONTRACTS FOR LOCAL FOOD AT LOCAL SCHOOLS, INCLUDING THE NUMBER OF THESE CONTRACTS THAT ARE WITH CERTIFIED LOCAL FARMS OR CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDERS”.

On page 3, strike in their entirety lines 2 through 11, inclusive; and after line 14, insert:

“(2) the Department of General Services may:

(ix) coordinate with governmental entities and local entities to maximize use of intergovernmental purchasing agreements established in accordance with § 13-110 of this article, INCLUDING WORKING WITH THE STATE DEPARTMENT OF EDUCATION TO PROCURE LOCAL FOOD FOR LOCAL SCHOOL SYSTEMS IN ACCORDANCE WITH § 7-136 OF THE EDUCATION ARTICLE;”.

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On pages 3 through 5, strike in their entirety the lines beginning with line 15 on page 3 through line 13 on page 5, inclusive.

On page 5, after line 13, insert:

“14-407.

(a) (1) In this section the following words have the meanings indicated.

(2) “Locally grown food” means food grown [in the State] AT A CERTIFIED LOCAL FARM DEFINED IN § 14-701 OF THIS TITLE.

(3) “Percentage price preference” means the percent by which a responsive bid from a responsible bidder whose product is a locally grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a locally grown food.

(b) (1) The Board shall adopt regulations that require State schools and facilities to establish a percentage price preference, not to exceed [5%] 10%, for the purchase of locally grown food.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL ADOPT REGULATIONS AUTHORIZING STATE SCHOOLS AND FACILITIES TO CONDUCT AN INDIVIDUAL PROCUREMENT THAT IS LIMITED TO RESPONSES FROM CERTIFIED LOCAL FARMS AS DEFINED IN § 14-701 OF THIS TITLE.

(c) A percentage price preference under this section may not be used in conjunction with any other percentage price preference established under this title.

(Over)

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(d) Each State school and facility shall review the procurement specifications currently used and, to the extent practicable, require the use of a percentage price preference in their purchase of locally grown food.

(e) (1) Except as provided in paragraph (2) of this subsection, this section is broadly applicable to all procurements by State schools and facilities if the locally grown food is consistent with the requirements of the bid specification.

(2) Only to the extent necessary to prevent the denial of federal money or eliminate the inconsistency with federal law, this section does not apply to a procurement by a State school or facility if it is determined that compliance with this section would:

(i) cause denial of federal money; or

(ii) be inconsistent with the requirements of federal law.”.

On page 6, after line 1, insert:

“14-702.

(a) (1) There is an Office for the Certified Local Farm and Fish Program in the Department.

(2) The purpose of the Office is to administer the Program and facilitate the participation of certified local farms and certified Chesapeake invasive species providers in the Program.

(b) (1) There is a Certified Local Farm and Fish Program in the Office.

(2) The purpose of the Program is to encourage each unit to try to achieve an overall percentage goal of 20% of the unit’s total dollar value of procurement

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contracts for food from certified local farms and certified Chesapeake invasive species providers.

(c) The Department shall create two positions to provide staff for the Office.

**(D) THE DEPARTMENT, ALONG WITH THE DEPARTMENT OF GENERAL SERVICES, SHALL COORDINATE WITH THE STATE DEPARTMENT OF EDUCATION TO PROCURE LOCAL FOOD FOR LOCAL SCHOOL SYSTEMS IN ACCORDANCE WITH § 7-136 OF THE EDUCATION ARTICLE.”**