



# Boston City Council

## Committee on Government Operations

Michael F. Flaherty, *Chair*

### Report of Committee Chair

March 15, 2019

Dear Councilors:

***Docket #0139, An Ordinance Regarding Good Food Purchasing Standards in the City of Boston*** was sponsored by Councilor Michelle Wu and referred to the Committee on Government Operations on January 9, 2019. The Committee on Government Operations held a working session on this docket on February 25, 2019. Docket #0139 is an amended refile of Docket #0413, on which a public hearing was held on December 6, 2018.

Docket #0139 is an ordinance that will help the City of Boston leverage its purchasing and procurement power to support local economies, nutrition, a valued workforce, environmental sustainability, and animal welfare. It is modeled after the Good Food Purchasing Program (GFPP) developed in 2012 by the Center for Good Food Purchasing. The ordinance lays out GFPP values, which are purposefully left open for flexibility and interpretation based on a department's or agency's procurement needs and realities of the landscape. It provides for a multi-year implementation process for conforming to GFPP goals, including a baseline assessment, establishment of accountability measures, incorporation of GFPP standards into procurement requests, and commitment to public review during the implementation process, as well as ongoing reporting and public review provisions. The ordinance is meant to apply to departments or agencies responsible for procurement or service contracting of foods, which currently applies primarily to the Boston Public Schools (BPS), with its \$18 million food budget.

During the hearing and working session testimony was heard from Laura Benavidez, Executive Director of Food and Nutrition Services (FNS) for BPS. Ms. Benavidez explained how the GFPP fits in with current BPS FNS food and nutrition goals, and an ongoing initiative involving grocery list requests for proposals (RFPs), which would serve as a benchmark for the feasibility of implementing Good Food Purchasing Standards. Ms. Benavidez also shared her experience with the roll-out of a GFPP in Los Angeles, the first school district to adopt GFPP standards, where she previously served as the Los Angeles Unified School District's Deputy Director of Food Services. The Committee discussed the logistics of implementation and financial implications. Ms. Benavidez estimated that additional manpower could be needed to review the GFPP and procurement request responses, and that food costs could potentially increase, though price varies with supply and purchasing power. At the hearing in 2018, support was heard for a GFPP from Jim Carvalho of the United Food and Commercial Workers Union, Suzanne Adely of the American Society for the Prevention of Cruelty to Animals, Stephanie Shapiro Berkson of the Boston Citywide Parent Council, Brett Tolley of the Northwest Atlantic Marine Alliance, and Sherina McKinley of the Commonwealth Kitchen.

At the working session, the Committee addressed concerns raised during the hearing about transparency and confidentiality regarding the procurement process and decision-making. The

amendments made between Docket #0413 and Docket #0139 were explained to represent a consensus between advocates and the Administration.

After the hearing, changes were made to the docket, including:

- Inclusion of health insurance and child care access to the definition of protection of workers' rights under *Purpose, 4-9.1*;
- Amending references to "requests for proposals" and "proposals" to "procurement requests" and "responses" throughout, as Ms. Benavidez explained that BPS may use various procurement methods;
- Acknowledgement of potential future changes to departmental procurement that could bring a new department into the purview of the ordinance under *Requirements for Departments and Agencies, 4-9.2*;
- Clarification of the role of the Office of Neighborhood Services, under *Transparency, 4-9.4*;
- Addition of language that extends the role of the Community Advisory Council beyond implementation, as requested by departments and agencies, in *Community Advisory Council, 4-9.4*;
- Addition of print requirements for reports and records under *Reporting, 4-9.5*;
- Clarification, under *Reporting, 4-9.5*, that department and agency reports shall be provided to the City Council annually, regardless of request;
- Clarification, under *Reporting, 4-9.5(b)*, that departments and agencies are presenting and publishing annually assessments they have requested and received from the Center for Good Food Purchasing;
- Other minor changes to formatting and phrasing.

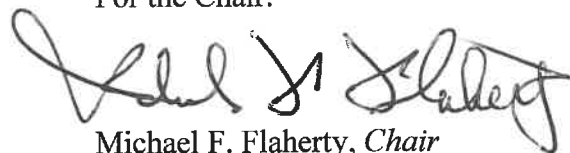
This ordinance codifies a commitment by the City to Good Food Purchasing Standards, with specific left to be determined by departments and agencies as implementation takes effect. The core component of this commitment is transparency, in order to measure progress towards these goals.

By the Chair of the Committee on Government Operations, to which the following was referred:

***Docket #0139, An Ordinance Regarding Good Food Purchasing Standards in the City of Boston,***

submits a report recommending that the docket **ought to pass in new draft.**

For the Chair:



Michael F. Flaherty, *Chair*  
Committee on Government Operations

Offered by Councilor Michelle Wu



## CITY OF BOSTON IN CITY COUNCIL

### AN ORDINANCE REGARDING GOOD FOOD PURCHASING STANDARDS IN THE CITY OF BOSTON

*WHEREAS:* Individual and collective choices regarding food purchasing and consumption affect the health, sustainability, working conditions, and economic opportunity in our communities; *and*

*WHEREAS:* The City of Boston is focused on creating and building wealth in our neighborhoods and supporting small business owners and employees in addressing income inequality in our city; *and*

*WHEREAS:* The Good Food Purchasing Program was developed in 2012 as a national standard for local procurement to incentivize public institutions to procure Good Food produced through values-driven purchasing standards; *and*

*WHEREAS:* The Center for Good Food Purchasing manages the Good Food Purchasing Program, working with institutions to adopt and implement these values and build a cohesive movement; *and*

*WHEREAS:* The City of Boston would like to implement the use of Good Food values, while providing departments and agencies with flexibility to adapt Good Food Purchasing into their procurement processes in a way that best fits the demands and realities of the City's procurement landscape; *and*

*WHEREAS:* An example of Good Food Purchasing Standards in action includes a Massachusetts General Laws requirement that all State agencies purchasing agricultural products (defined to include processed foods and seafood) prefer those grown in the state or end products made using products grown in the state. When given the choice between Massachusetts-produced products and those from out of state, state agencies are required to buy the local products if they are not more than 10% more expensive than the out-of-state choices; *and*

*WHEREAS:* Connecting Boston food procurement to Massachusetts food producers through

Good Food Purchasing Standards by giving broad discretion to city institutions to purchase Massachusetts-produced food directly from farmers and other suppliers would support local farms and small businesses; create more jobs in food processing, manufacturing, and distribution; promote self-reliance and preservation of family farms; protect workers' rights; promote safe working conditions; and ensure fair compensation for all farm and food workers; *NOW*

*THEREFORE BE IT ORDERED:*

SECTION 1. That the City of Boston Code, Ordinances is hereby amended in Chapter IV by adding the following section after CBC 4-8:

#### 4-9 REQUIRING CITY DEPARTMENTS AND VENDORS TO ADOPT GOOD FOOD PURCHASING STANDARDS

*4-9.1 Purpose.* In order to leverage City of Boston purchasing and procurement to improve public health, sustainability, fair working conditions, and local opportunity across the City and Commonwealth of Massachusetts, the City of Boston embraces the Good Food Purchasing Program (GFPP) as a strategy to help improve our region's food system through the adoption and implementation of Good Food Purchasing Standards, which emphasize values that would:

1. Support small and mid-sized agricultural and food processing operations within the local area or region;
2. Support producers that employ sustainable production systems that reduce or eliminate synthetic pesticides and fertilizers; avoid the use of hormones, antibiotics, and genetic engineering; conserve soil and water; protect and enhance wildlife habitat and biodiversity; and reduce on-farm energy consumption and greenhouse gas emissions;
3. Protect workers' rights to freedom of association, to organize a union and collectively bargain in order to better ensure safe and healthy working conditions, fair compensation, and access to health insurance and affordable child care for all food chain workers;
4. Ensure farmers a fair price for their products that covers the cost of production and fair remuneration for their management and labor;
5. Provide healthy and humane care for farm animals; and
6. Promote health and well-being by offering generous portions of vegetables, fruit, and whole grains; reducing salt, added sugars, fats, and oils; and by eliminating artificial additives.

Additionally, in support of The State of Equity in Metro Boston Policy Agenda 2017 (*including Metro Future Goals #22, 38, 39*), the following goal is also adopted and implemented to address ongoing inequities and issues caused by unequal access to resources:

1. Encourage prospective food vendors to invest in our disadvantaged and minority communities by including in procurement requests preferences for prospective vendors who demonstrate a track record of hiring and investing in local disadvantaged communities; provide living wages to all their employees, including frontline food workers; are local minority, disabled, and/or women-owned businesses; and are local producers and processors operating in low-income communities and employing non-toxic, environmentally sustainable methods.

*4-9.2 Requirements for Departments and Agencies.* City departments and agencies requiring procurement or service contracting of foods shall adopt Good Food Purchasing Standards as a framework for guiding values driven purchasing. City departments and agencies that purchase or procure food or food services shall take the following steps in support of Good Food Purchasing:

1. Within 12 months of the passage of this ordinance, or in the case of a newly created department or agency or new procurement responsibilities for an existing department or agency, within 12 months of the start of new repeated procurement practices, communicate Good Food Purchasing Standards to appropriate and selected suppliers, including distributors and food service companies, and request them to share data that will help the department or agency complete a baseline Good Food Purchasing assessment of food procurement practices;
2. Within 6 months after the baseline assessment has been completed, develop and adopt a multi-year action plan with benchmarks to measure success towards Good Food Purchasing Standards, including accountability systems with appropriate vendors or distributors to verify sourcing commitments and assess current food procurement practices;
3. To the extent permitted by law, within one year after the baseline assessment has been completed, incorporate Good Food Purchasing Standards into new procurement requests and contracts; and
4. Commit to reasonable public review, robust analysis and full transparency during implementation of the Good Food Purchasing Standards, which shall include but not be limited to:
  - a) The release of the baseline assessment by each respective department or agency for public comment at least 30-days prior to the public hearing provided for in following subsection; and
  - b) Hold a public hearing to receive public testimony on the baseline no later than 90 days after completion of the assessment.

*4-9.3. Transparency.* Good Food Purchasing Policy reflects multiple values of diverse stakeholders. Therefore, maximum transparency, along with adequate time for public review and comments, are essential to ensure the best possible outcomes for department and agency procurement decisions to reflect GFPP values to the greatest degree possible, and to charter an ever-improving path towards greater sustainability in Boston food procurement. Departments and agencies must therefore balance the legitimate confidentiality needed for maintaining the integrity of a fair, competitive process with the right of the public to have adequate time with and access to all relevant information, in order to provide meaningful comments to the departments and agencies and their respective final decision-makers for the purpose of improving the implementation of the Good Food Purchasing Policy in the future.

1. A representative from the Office of Neighborhood Services, as a representative of City constituents, shall serve as a member of the departmental or agency team evaluating responses to procurement requests.
2. Within 60 days of final approval and acceptance of responses to procurement requests, the department or agency shall hold a public hearing on the final response chosen.
  - a) At least 30 days prior to the public hearing, the department or agency shall make available for public comment on an agency website:
    - i. The department or agency's evaluation process and rationale for selection of the final response;
    - ii. All successful and unsuccessful responses to procurement requests, along with all supporting information, including but not limited to, the GFPP scoring method, for all responses;
    - iii. Except that no confidential business information protected by the State will be included in the release of the information required in these subsections.
  - b) The agency shall compile and forward all public comments, along with the public hearing record, to the Community Advisory Council created in Section 4-9.4.

*4-9.4. Community Advisory Council.* The head of the respective department or agency shall convene a Community Advisory Council comprised of community stakeholders, including a minimum of one representative from each of the GFPP value categories, including those as delineated in Section 4-9.1 to support departments and agencies in the process of implementation as laid out in this ordinance and ongoing as requested by departments and agencies.

*4-9.5. Reporting.*

a. Participating City departments and agencies shall provide annual progress reports, including compliance data, to the City Council. Such progress reports shall be made readily available to the public online and in print by request.

b. Within two years of completion of the baseline assessments, each participating department and agency will begin requesting an annual assessment from the Center for Good Food Purchasing. The departments and agencies will hold public annual hearings where they will present their GFPP assessment, to receive public comment on the progress made by each respective department or agency, and associated suppliers, toward more sustainable procurement under the Good Food Purchasing Program. Community stakeholders will have sufficient time to ask questions and make public comment. All department or agency assessments will be made publicly available online and at Boston Public Libraries in print form at least 30 days prior to the hearing.

*4.9-6. Severability.* The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any contract, approval or determination which previously has been issued.

SECTION 2. That these provisions shall take effect immediately upon passage.

Offered by Councilor Michelle Wu



## CITY OF BOSTON IN CITY COUNCIL

### AN ORDINANCE REGARDING GOOD FOOD PURCHASING STANDARDS IN THE CITY OF BOSTON

**WHEREAS:** Individual and collective choices regarding food purchasing and consumption affect the health, sustainability, working conditions, and economic opportunity in our communities; *and*

**WHEREAS:** The City of Boston is focused on creating and building wealth in our neighborhoods and supporting small business owners and employees in addressing income inequality in our city; *and*

**WHEREAS:** The Good Food Purchasing Program was developed in 2012 as a national standard for local procurement to incentivize public institutions to procure Good Food produced through values-driven purchasing standards; *and*

**WHEREAS:** Connecting Boston food procurement to Massachusetts food producers through Good Food Purchasing Program standards by giving broad discretion to city institutions to purchase Massachusetts-produced food directly from farmers and other suppliers would support local farms and small businesses; create more jobs in food processing, manufacturing, and distribution; promote self-reliance and preservation of family farms; protect workers' rights; promote safe working conditions; and ensure fair compensation for all farm and food workers; *and*

**WHEREAS:** Massachusetts law (MGL c.7, §23B) requires all state agencies purchasing agricultural products (defined to include processed foods and seafood) to prefer those grown in the state or end products made using products grown in the state. When given the choice between Massachusetts-produced products and those from out of state, state agencies are required to buy the local products if they are not more than 10% more expensive than the out-of-state choices; ***NOW THEREFORE BE IT***

**ORDERED:** That the City of Boston Code, Ordinances is hereby amended in Chapter IV by adding the following section after CBC 4-8:



#### 4-9 REQUIRING CITY DEPARTMENTS AND VENDORS TO ADOPT GOOD FOOD PURCHASING STANDARDS

*4-9.1 Purpose.* In order to leverage City of Boston purchasing and procurement to improve public health, sustainability, fair working conditions, and local opportunity across the City and Commonwealth of Massachusetts, the City of Boston embraces the Good Food Purchasing Program (GFPP) as a strategy to help improve our region's food system through the adoption and implementation of Good Food Purchasing Standards, which emphasize values that would:

1. Support small and mid-sized agricultural and food processing operations within the local area or region;
2. Support producers that employ sustainable production systems that reduce or eliminate synthetic pesticides and fertilizers; avoid the use of hormones, antibiotics, and genetic engineering; conserve soil and water; protect and enhance wildlife habitat and biodiversity; and reduce on-farm energy consumption and greenhouse gas emissions;
3. Protect workers' rights to freedom of association, to organize a union and collectively bargain in order to better ensure safe and healthy working conditions and fair compensation for all food chain workers;
4. Ensure farmers a fair price for their products that covers the cost of production and fair remuneration for their management and labor;
5. Provide healthy and humane care for farm animals; and
6. Promote health and well-being by offering generous portions of vegetables, fruit, and whole grains; reducing salt, added sugars, fats, and oils; and by eliminating artificial additives.

Additionally, in support of The State of Equity in Metro Boston Policy Agenda 2017 (*including Metro Future Goals #22, 38, 39*), the following goal is also adopted and implemented to address ongoing inequities and issues caused by unequal access to resources:

1. Encourage prospective food vendors to invest in our disadvantaged and minority Communities by developing bonus scores for Requests for Proposal reviews for prospective vendors who demonstrate a track record of hiring and investing in local disadvantaged communities; provide living wages to all their employees, including frontline food workers; are local minority, disabled, and/or women-owned businesses; and are local producers and processors operating in low-income communities and employing non-toxic, environmentally sustainable methods

*4-9.2 Requirements for Departments and Agencies.* City Departments and Agencies requiring procurement or service contracting of foods shall adopt Good Food Purchasing Standards as a framework for guiding values driven purchasing. City Departments and Agencies undergoing

purchasing or procurement of food or food services shall take the following steps in support of Good Food Purchasing:

1. Within 12 months of the passage of this ordinance, communicate Good Food Purchasing Standards to appropriate and selected suppliers, including distributors and food service companies, and request them to share data that will help the City complete a baseline Good Food Purchasing assessment of food procurement practices;
2. Within 6 months after the baseline assessment has been completed, develop and adopt a multi-year action plan with benchmarks to measure success towards Good Food Purchasing Standards, including accountability systems with appropriate vendors or distributors to verify sourcing commitments and assess current food procurement practices;
3. To the extent permitted by law, within one year after the baseline assessment has been completed, incorporate Good Food Purchasing Standards into new procurement requests and contracts for City Departments and Agencies that have previously participated in the baselining process; and
4. Commit to reasonable public review, robust analysis and full transparency during implementation of the Good Food Purchasing Standards, which shall include but not be limited to:
  - a. The release of the baseline assessment by each respective Department or Agency which provides for at least a 30-day public comment period after completion of the initial baseline assessment, but prior to the public hearing provided for in subsection 4-9.2(4)(b); and
  - b. Hold a public hearing to receive public testimony on the baseline no later than 90 days after completion of the assessment.

*4-9.4. Transparency.*

a. The Good Food Purchasing Policy reflects multiple values of diverse stakeholders. Therefore, maximum transparency, along with adequate time for public review and comments, are essential to ensure the best possible outcomes for Department and Agency procurement decisions to reflect GFPP values to the greatest degree possible, and to charter an ever-improving path towards greater sustainability in Boston food procurement. Department and Agency must therefore balance the legitimate confidentiality needed for maintaining the integrity of a fair, competitive process with the right of the public to have adequate time, and access to all relevant information, in order to provide meaningful comments to the Departments and Agencies and their respective final decision-makers for purpose of improving the implementation of the Good Food Purchasing Policy in the future.

b. Therefore within 60 days of final approval and acceptance of the proposals, the Department or Agency shall hold a public hearing on the proposal recommendations. At least 30 days prior to the public hearing, the agency shall make available for public comment on an agency website:

1. The agency's evaluations and recommendations of proposals to the final decision-making person or entity;
2. The rationale explaining why each recommended proposal was recommended over all the other proposals; and
3. All successful and unsuccessful proposals, along with all supporting information, including but not limited to, the GFPP scoring method, for all proposals.

Except that no confidential business information protected by state will be included in the release of the information required in subsection 4-9.4(b)(1),(2), and (3). The agency shall compile and forward all public comments, along with the public hearing record, to the Community Advisory Council created in Section 4-9.4

c. A representative from the Office of Neighborhood Services for the relative community will be a member of the evaluation committee in evaluating proposals submitted in response to Request for Proposals.

*4-9.4. Community Advisory Council.* The City shall convene a community advisory council comprised of community stakeholders, including a minimum of one representative from each of the five GFPP value categories, to support the City and Boston Public Schools in the process of implementation.

*4-9.5. Reporting.*

a. Participating City Departments and Agencies shall provide progress reports, including compliance data, to the City Council, acting through its Committee on Government Operations, upon the request of that Committee. Such progress reports shall be made readily available to the public online.

b. Within two years of completion of the baseline assessments, each participating department and agency will begin to hold public annual hearings where departments and agencies will present their annual GFPP assessments from the Center for Good Food Purchasing to receive public comment on the progress made by each respective Department or Agency, and associated suppliers, on the progress made toward more sustainable procurement under the Good Food Purchasing Program. Community stakeholders will have sufficient time to ask questions and make public comment. All agency annual reports will be made available publicly available online at least 30 days prior to the hearing.

*4.9-6. Severability.*

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

*BE IT FURTHER ORDERED:* That these provisions shall take effect immediately upon passage.

Filed on: January 7, 2019