

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