
By: Delegates Morhaim, Cardin, Hubbard, ~~and Stull~~ Stull, Hammen, Goldwater, Barve, Benson, Boteler, Bromwell, Costa, Donoghue, Elliott, Frank, Kach, Kohl, Kullen, Mandel, McDonough, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon

Introduced and read first time: February 8, 2006
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2006

CHAPTER _____

1 AN ACT concerning

2 **Procurement - Percentage Price Preference - Locally Grown Foods**

3 FOR the purpose of providing a certain price preference for locally grown foods under
4 certain circumstances; requiring the Board of Public Works to adopt certain
5 regulations concerning the establishment of a certain percentage price
6 preference; requiring certain schools and facilities to review certain
7 procurement specifications and, to the extent practicable, require the use of a
8 percentage price preference in their purchase of food; defining certain terms;
9 and generally relating to a percentage price preference for the procurement of
10 locally grown food.

11 BY adding to
12 Article - State Finance and Procurement
13 Section 14-407
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2005 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Finance and Procurement**

2 14-407.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "LOCALLY GROWN FOOD" MEANS FOOD GROWN IN THE STATE.

6 (3) "PERCENTAGE PRICE PREFERENCE" MEANS THE PERCENT BY WHICH
7 A RESPONSIVE BID FROM A RESPONSIBLE BIDDER WHOSE PRODUCT IS A LOCALLY
8 GROWN FOOD MAY EXCEED THE LOWEST RESPONSIVE BID SUBMITTED BY A
9 RESPONSIBLE BIDDER WHOSE PRODUCT IS NOT A LOCALLY GROWN FOOD.10 (B) THE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE STATE SCHOOLS
11 AND FACILITIES TO ESTABLISH A PERCENTAGE PRICE PREFERENCE, NOT TO EXCEED
12 5%, FOR THE PURCHASE OF LOCALLY GROWN FOOD.13 (C) A PERCENTAGE PRICE PREFERENCE UNDER THIS SECTION MAY NOT BE
14 USED IN CONJUNCTION WITH ANY OTHER PERCENTAGE PRICE PREFERENCE
15 ESTABLISHED UNDER THIS TITLE.16 (D) EACH STATE SCHOOL AND FACILITY SHALL REVIEW THE PROCUREMENT
17 SPECIFICATIONS CURRENTLY USED AND, TO THE EXTENT PRACTICABLE, REQUIRE
18 THE USE OF A PERCENTAGE PRICE PREFERENCE IN THEIR PURCHASE OF LOCALLY
19 GROWN FOOD.20 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS
21 SECTION IS BROADLY APPLICABLE TO ALL PROCUREMENTS BY STATE SCHOOLS AND
22 FACILITIES IF THE LOCALLY GROWN FOOD IS CONSISTENT WITH THE
23 REQUIREMENTS OF THE BID SPECIFICATION.24 (2) ONLY TO THE EXTENT NECESSARY TO PREVENT THE DENIAL OF
25 FEDERAL MONEYS OR ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW, THIS
26 SECTION DOES NOT APPLY TO A PROCUREMENT BY A STATE SCHOOL OR FACILITY IF
27 IT IS DETERMINED THAT COMPLIANCE WITH THIS SECTION WOULD:

28 (I) CAUSE DENIAL OF FEDERAL MONEYS; OR

29 (II) BE INCONSISTENT WITH THE REQUIREMENTS OF FEDERAL
30 LAW.31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2006.

