

1 HB670
2 136768-2
3 By Representatives Beech, Wallace, Jones, Sessions, Gaston,
4 Hurst, Johnson (R), Jackson, Baker, Drake, Faust, Brown,
5 Williams (P), Mask, Vance, Bridges, Barton and Boothe
6 RFD: Education Policy
7 First Read: 10-APR-12

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8 SYNOPSIS: This bill would establish the Farm-To-School
9 Procurement Act to provide for the coordination and
10 development of certain farm-to-school procurement
11 processes and procedures by the State Department of
12 Education and the Department of Agriculture and
13 Industries.

14 This bill would also allow purchases of
15 fresh food by a local board of education by the
16 small purchase procedure as long as purchased with
17 a total cost of less than one hundred thousand
18 dollars (\$100,000).

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to public K-12 education; to provide for
25 the coordination and development of certain farm-to-school
26 procurement processes and procedures by the State Department
27 of Education and the Department of Agriculture and Industries;

1 to provide for procedures and recommendations for certain farm
2 product producers to access school-related food programs; to
3 provide for the dissemination of certain information to
4 schools and farm product producers; and to amend Section
5 16-13B-2, Code of Alabama 1975, to allow certain food
6 purchases by a local board of education by the small purchase
7 procedure.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. (a) This section shall be known and may
10 be cited as the Farm-To-School Procurement Act.

11 (b) For the purposes of this section, unprocessed
12 agricultural products means only those agricultural products
13 that retain their inherent character. The effects of any of
14 the following handling and preservation techniques shall not
15 be considered as changing an agricultural product into a
16 product of a different inherent character: Cooling,
17 refrigerating, freezing; size adjustment through size
18 reduction made by peeling, slicing, dicing, cutting, chopping,
19 shucking, and grinding; drying or dehydration, or both;
20 washing; the application of high water pressure or cold
21 pasteurization; packaging, such as placing eggs in cartons,
22 and vacuum packing and bagging, such as placing vegetables in
23 bags; butchering livestock, fish, and poultry; and the
24 pasteurization of milk.

25 (c) (1) The Alabama Department of Agriculture and
26 Industries and the State Department of Education shall
27 collaborate and cooperate by means of a memorandum of

1 understanding executed between the departments in order to
2 implement this section.

3 (2) As part of the collaboration, the State
4 Department of Education shall do all of the following:

5 a. Investigate the potential of various procurement
6 procedures and tools for school food authorities to purchase
7 local farm products and abide by federal regulations
8 including, but not limited to, the small purchase threshold.

9 b. Educate food service directors on the small
10 purchase threshold and tools to promote their use for
11 farm-to-school initiatives.

12 c. Implement food preparation training for food
13 service staff to accommodate sourcing fresh and local foods.

14 d. Encourage school food service directors to
15 include local farmers, processors, and suppliers when
16 procuring farm products that fall under the small purchase
17 threshold.

18 e. Encourage all new school construction projects to
19 consider kitchen facilities capable of producing fresh and
20 healthy school meals and opportunities for hands-on learning.

21 (3) As part of the collaboration, the Alabama
22 Department of Agriculture and Industries shall do all of the
23 following:

24 a. Hire a farm-to-school point person to coordinate
25 efforts between the Alabama Department of Agriculture and
26 Industries, the State Department of Education, and the Alabama
27 Department of Public Health, who shall be responsible for

1 identifying local farmers, processors, and suppliers and shall
2 work with the State Department of Education to make that
3 information available to school food service directors and for
4 creating and disseminating information on the school food
5 procurement process to help farmers, processors, and suppliers
6 learn more about the process.

7 b. Identify, target, and promote job creation around
8 farm-to-school initiatives.

9 c. In cooperation with commodity groups and growers'
10 associations, utilize existing web-based market development
11 tools or adopt a voluntary web-based directory of farmers
12 searchable by location. The directory shall be routinely
13 updated and consistently maintained and usable by anyone
14 interested in locating farmers and Alabama farm products.

15 d. Investigate opportunities for farmers to supply
16 their products to commercial distributors.

17 (d) The State Department of Education and the
18 Alabama Department of Agriculture and Industries may accept
19 funds from any federal, state, or private source to implement
20 this section.

21 Section 2. Section 16-13B-2 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§16-13B-2.

24 "(a) Competitive bids shall not be required for
25 utility services for county or city boards of education, the
26 rates for which are fixed by law, regulation, or ordinance,

1 and the competitive bidding requirements of this chapter shall
2 not apply to:

3 "(1) The purchase of insurance.

4 "(2) Contracts for securing services of attorneys,
5 physicians, architects, teachers, superintendents of
6 construction, artists, appraisers, engineers, consultants,
7 certified public accountants, public accountants, or other
8 individuals possessing a high degree of professional skill
9 where the personality of the individual plays a decisive part.

10 "(3) Contracts of employment in the regular civil
11 service.

12 "(4) Contracts for fiscal or financial advice or
13 services.

14 "(5) Purchases of products made or manufactured by
15 the blind or visually handicapped under the direction or
16 supervision of the Alabama Institute for Deaf and Blind in
17 accordance with Sections 21-2-1 to 21-2-4, inclusive.

18 "(6) Purchases of maps or photographs from any
19 federal agency.

20 "(7) Purchases of manuscripts, books, maps,
21 pamphlets, or periodicals.

22 "(8) The selection of paying agents and trustees for
23 any security issued by a public body.

24 "(9) Existing contracts up for renewal for
25 sanitation or solid waste collection, recycling, or disposal
26 and those providing the service.

1 "(10) Purchases of computer and word processing
2 hardware when the hardware is the only type that is compatible
3 with hardware already owned by the entity taking bids and
4 custom software.

5 "(11) Contractual services and purchases of
6 commodities for which there is only one vendor or supplier and
7 contractual services and purchases of personal property which
8 by their very nature are impossible to award by competitive
9 bidding.

10 "(12) Contractual services and purchases of products
11 related to, or having an impact upon, security plans,
12 procedures, assessments, measures, or systems, or the security
13 or safety of persons, structures, facilities, or
14 infrastructures.

15 "(13) Purchases of goods made as a part of any
16 purchasing cooperative sponsored by the National Association
17 of Counties, or its successor organization. This subdivision
18 shall not apply to goods for which a service or service
19 contract, whether subject to competitive bidding under this
20 chapter or not, is necessary to utilize the goods. Such
21 purchases may only be made if all of the following occur:

22 "a. The goods being purchased are available as a
23 result of a competitive bid process approved by the Department
24 of Examiners of Public Accounts for each bid.

25 "b. The goods are either not at the time available
26 to local boards of education on the state purchasing program

1 or are available at a price equal to or less than that on the
2 state purchasing program.

3 "c. The purchase is made through a participating
4 Alabama vendor holding an Alabama business license if such a
5 vendor exists.

6 "(14) Purchases of fresh unprocessed agricultural
7 products as defined in subsection (b) of Section 1 of the act
8 adding this subdivision.

9 "(b) This chapter shall not apply to:

10 "(1) Any purchases of products where the price of
11 the products is already regulated and established by state
12 law.

13 "(2) Purchases made by individual schools of the
14 county or municipal public school systems from moneys other
15 than those raised by taxation or received through
16 appropriations from state or county sources.

17 "(c) The city and county boards of education shall
18 establish and maintain such purchasing facilities and
19 procedures as may be necessary to carry out the intent and
20 purpose of this chapter by complying with the requirements for
21 competitive bidding in the operation and management of each
22 city and county board of education.

23 "(d) Contracts entered into in violation of this
24 chapter shall be void, and anyone who violates this chapter
25 shall be guilty of a Class C felony."

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.