

percentage price preference in their purchase of food; defining certain terms; and generally relating to a percentage price preference for the procurement of locally grown food.

BY adding to

Article – State Finance and Procurement

Section 14–407

Annotated Code of Maryland

(2001 Replacement Volume and 2005 Supplement)

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

**Article – State Finance and Procurement**

14–407.

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

(2) “LOCALLY GROWN FOOD” MEANS FOOD GROWN IN THE STATE.

(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) THE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE STATE SCHOOLS AND FACILITIES TO ESTABLISH A PERCENTAGE PRICE PREFERENCE, NOT TO EXCEED 5%, FOR THE PURCHASE OF LOCALLY GROWN FOOD.

(C) A PERCENTAGE PRICE PREFERENCE UNDER THIS SECTION MAY NOT BE USED IN CONJUNCTION WITH ANY OTHER PERCENTAGE PRICE PREFERENCE ESTABLISHED UNDER THIS TITLE.

(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 MONEYS 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 MONEYS; OR