

SENATE No. 1437

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Improve Public Contracting with Massachusetts Farmers..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 30B of the Massachusetts General Laws, section 4, subsection (d)
2 is hereby replaced with the following

3 (d) A procurement officer may award a contract valued at less than \$50,000 for the
4 procurement of products of agriculture as defined in section 1A of chapter 128 including, but not
5 limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products and
6 products processed into value added products as part of a Massachusetts farm operation, that are
7 grown or produced using products grown in the commonwealth as well as fish, seafood and other
8 aquatic products, without seeking quotations as required under subsection (a), and the officer
9 shall follow generally accepted business practices.

10 SECTION 2. Chapter 7 of the General Laws is hereby amended by replacing Section 23B
11 with the following :—

12 Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the
13 extent permitted by federal law, a state agency or authority, or the trustees or officers of a state

14 college designated by them when purchasing products of agriculture as defined in section 1A of
15 chapter 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops,
16 horticultural products or products processed into value added products as part of a Massachusetts
17 farm operation, shall prefer products grown in the commonwealth or products produced using
18 products grown in the commonwealth as well as fish, seafood, and other aquatic products.

19 (b) To effectuate the preference for those products of agriculture grown or produced
20 using locally grown products, the state purchasing agent responsible for procuring the products
21 on behalf of a state agency or authority, or the trustees or officers of a state college designated by
22 them shall: (1) in advertising for bids, contracts or otherwise procuring products of agriculture,
23 make reasonable efforts to facilitate the purchase of such products of agriculture grown or
24 produced using products grown in the commonwealth; and (2) purchase the products of
25 agriculture grown or produced using products grown in the commonwealth, unless the price of
26 the goods exceeds, by more than 10 per cent, the price of products of agriculture grown or
27 produced using products grown outside of the commonwealth.