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ChangeLab Solutions

Homegrown

Implementing State & Local Preferences for Food Procurement

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Introduction

California produces an abundance of fruits, vegetables, and other agricultural products and has robust local food systems – that is, networks that integrate various elements of the food supply chain and the people and businesses involved.[1, 2, 3, 4, 5] At the same time, millions of households and individuals across the state experience food and nutrition insecurity[6, 7, 8, 9, 10] and diet-related chronic diseases.[11, 12]

Key Terms: Food Insecurity and Nutrition Insecurity

The US Department of Agriculture (USDA) defines *food insecurity* as "a household-level economic and social condition of limited or uncertain access to adequate food."[13] Food insecurity is distinct from hunger, which is defined as "an individual-level physiological condition that may result from food insecurity."[14] By contrast, *food security* refers to "access by all people at all times to enough food for an active, healthy life."[15]

Food insecurity is closely linked to poor nutrition, prompting an increased focus on nutrition security in food policy discussions.[16, 17] The term *nutrition insecurity* emphasizes a lack of consistent access to nutritious foods that support overall health and well-being, not just access to enough calories.[18] Accordingly, *nutrition security* is defined as "consistent access to and availability and affordability of foods that promote well-being and prevent disease."[19]

Government entities in California can further strengthen local food systems and improve nutrition security and diet-related health outcomes by adopting and implementing a *geographic preference for food procurement* that prioritizes foods grown or produced locally or within the state. Government entities and their contractors buy food to provide meals in schools, public universities and colleges, childcare centers, senior programs and residences, correctional facilities, shelters, and public hospitals. They also purchase food to sell to employees and the public in retail outlets such as vending machines, cafeterias, and concession stands on government property, including parks, courthouses, hospitals, and office buildings.

Purchasing and offering nutritious, locally sourced foods in public spaces can increase healthy eating,[20] and has the potential to improve the physical[21, 22, 23] and mental[24, 25] health of employees, clients, patients, students, patrons, visitors, and nearby residents. Many government institutions and programs serve people with low incomes and others who experience high rates of food insecurity, hunger, and diet-related chronic diseases.[26, 27, 28] Therefore, these are important sites for ensuring access to healthy foods and addressing sociodemographic disparities in diet-related health outcomes. Additionally, providing nutritious options in public spaces can help to avoid health care costs associated with unhealthy diets.[29, 30, 31, 32, 33, 34, 35] The impact of obesity on the California state budget in 2022 was estimated to be nearly $10.5 billion, including $6.5 billion in lost tax revenue and $4 billion in increased costs for Medicaid, public assistance, and state health insurance.[36]

When government entities leverage their purchasing power to support local food producers, they can also drive positive social and economic outcomes in their communities.[37, 38] A 2023 report by the Center for Good Food Purchasing indicates that sourcing food locally translates to more local jobs, economic opportunities for local businesses, and tax revenues to fund critical services; it also creates greater resilience against disruptions in the global food supply chain, which can disproportionately harm people who are marginalized based on income, race, ethnicity, and other factors.[39] For example, the report estimates that increasing local sourcing in the San Francisco region would create over 100,000 new jobs and increase the annual economic impact of the local food system by 18.8%.[40] Creating food-related employment opportunities can increase food security and other positive health outcomes by helping lift people out of poverty.[41]

Additional Resources from ChangeLab Solutions

Government entities and other large institutions can promote a range of values that contribute to community health through their purchasing decisions. In addition to supporting local food systems — which is the focus of this guide — government entities and institutions can leverage the power of procurement to promote fair labor practices, environmental sustainability, supplier diversity, nutrition, and more. Refer to our procurement resource collection for additional tools to put these ideas into action.

Building food systems that are healthy and just requires varied strategies and collaboration between a range of partners. Geographic preferences for food procurement are one piece of the puzzle, but there are many other policies that changemakers can consider and pursue. For information on centering racial equity in food systems research and a menu of policy options, refer to Justice on the Menu: Legal & Policy Strategies to Address Structural Discrimination in the US Food System. Additionally, Legal & Policy Strategies for Health Care & Food System Partners presents a helpful framework for food system collaborations, along with legal and policy considerations for interventions addressing food insecurity, implementing healthier food purchasing, and supporting local food production and retailing.

Getting Started

This guide unpacks how California changemakers can partner with businesses, organizations, and community partners to design and implement geographic preferences for food procurement. The following is a roadmap for getting started:

1. **Build an understanding of the legal landscape for public procurement. State and local laws generally require government entities to follow a competitive procurement process and to award contracts for goods to suppliers offering the lowest price. However, there are sometimes exceptions that allow governments to make purchasing decisions that account for factors other than price, such as the geographic origin of products or the location of suppliers. Understanding sources of state and local authority for procurement, general requirements, and possible**

exceptions that allow governments to make values-based purchasing decisions can help build a foundation for changemakers looking to support local food systems through procurement. For more details, see What Is the Legal Landscape for Public Procurement?

2. **Identify your current or potential role and possible partners. Developing, adopting, and implementing geographic preferences for food procurement requires collaboration among diverse multisector partners. Once changemakers understand the legal landscape and procurement process, they can identify their current or potential roles and opportunities to collaborate on policy changes to support local food systems. For a list of roles and ways to contribute, see** Who Are the Key Players?
3. **Explore possible policy approaches. Geographic preferences for food procurement can be designed in various ways, and they may work in concert with other laws, such as benchmarks requiring government entities to source a specific percentage of overall food purchases from local producers. To learn more about existing geographic preference laws in California and different options that other states and localities within California have pursued, see** What Are the Possible Policy Approaches?
4. **Assess potential legal limitations. There are several legal considerations that may limit the application of a geographic preference for procurement in certain circumstances. Understanding these limitations can help facilitate conversations among government officials, attorneys, and community partners working together to support local food purchasing and ensure a geographic preference for food procurement is an appropriate course of action. For more information, see** What Limitations Should Government Entities Consider?

Each section concludes with a list of actions that changemakers can take and links to additional resources to learn more.

What Is the Legal Landscape for Public Procurement?

This guide focuses on public procurement — the process by which government entities such as departments, offices, boards, commissions, courthouses, or schools purchase goods and services. As further described below, state and local laws authorize and establish general requirements for purchasing by government entities. Although private institutions and businesses also make purchasing decisions, they are not subject to the same laws. Procurement by private entities is outside the scope of this resource.

State & Local Government Authority

California's Public Contract Code and Government Code govern purchasing by most state government entities.[42] These state-level statutes grant authority to the California Department of General Services' (DGS) Procurement Division to handle most state procurements.[43] The statutes also allow DGS to delegate its procurement authority to other state-level government entities that meet certain requirements.[44] For example, DGS has delegated procurement authority to the California Department of State Hospitals and the California Department of Corrections and Rehabilitation. Like DGS, procurement officials within these agencies must follow the general requirements established in the Public Contract Code and the Government Code when purchasing food to serve in state prisons and state mental health facilities.[45, 46]

Key Terms: Legislation and Regulations

Any law drafted and adopted by a legislative body, such as the US Congress, state legislatures, or city councils, is considered *legislation*. Terminology for adopted legislation differs depending on the level of government. At the federal and state levels, legislation that has been enacted and incorporated into a government's legal code is called a *statute*; at the local level, it is called an *ordinance*.

Regulations are laws developed by administrative agencies, such as the US Food and Drug Administration (FDA) or US Environmental Protection Agency (EPA) at the federal level or state and local health departments. Regulations can fill in the details of broad legislation, such as by specifying how laws will be enforced or clarifying ambiguities. Health departments and other administrative agencies can only issue regulations when a piece of legislation gives them the power to do so, and at the local level, this authority varies widely by jurisdiction.

The laws that authorize and guide purchasing by local government entities in California, such as local departments of health, parks and recreation, and community services, vary across jurisdictions. For government entities in general law cities and counties, the state-level procurement statutes described above guide the procurement process.[47] For government entities in charter cities and counties, requirements set out in the local code of ordinances often guide the process.[48, 49] A charter city or county is one that has adopted a charter — similar to a constitution — that gives the locality authority over municipal affairs, such as procurement.[50, i] One way charter cities and counties exercise their authority is by enacting ordinances. For example, the city council in Chico, California, a charter city, has adopted ordinances that establish "a centralized purchasing system" overseen by a purchasing officer who handles "[a]ll purchases and sales of supplies, services, and equipment by the city, or by any department, board, commission . . . officer, employee, or agency thereof."[51] The procurement officer may delegate procurement

i In some localities, procurement authority and requirements may be established in the local charter as opposed to, or in addition to, the code of ordinances. Notably, if a local charter requires contracts to be awarded to the lowest bidder and does not include an exception for local preferences, then a locality should be extremely cautious and consult with an attorney before adopting a local preference by ordinance.

authority to any other local agency or official, so long as the purchasing process used is consistent with the general requirements set out in the local ordinances governing procurement.[52]

School districts, which are their own unique category of local government in California, are subject to specific procurement requirements set out in the state Public Contract Code.[53, 54] For food purchasing, they are also subject to federal laws governing the administration of child nutrition programs (CNP) such as the National School Lunch Program and School Breakfast Program (described later in this resource).[55, 56] Local school districts often have procurement offices, such as the Bakersfield City School District Department of Stores and Purchasing, which "support[s] the district's operations with an uninterrupted flow of supplies, equipment, and services, purchased in accordance with legal codes, Board Policies, and sound business practices, and . . . buy[s] competitively and wisely, dealing with all vendors fairly and without favor."[57]

The procurement requirements established in state and local legislation may be supplemented by various types of laws and policies issued by executive branch officials, such as executive orders issued by the governor or local mayors or regulations and policy manuals issued by state and local government agencies. These supplemental sources of authority may elaborate on broad legislation, provide guidance to help government employees and contractors navigate the procurement process, or establish aspirational goals for procurement.[58, 59] For example, DGS' Procurement Division has published a State Contracting Manual that "provides the policies, procedures and guidelines to promote sound business decisions and practices in securing necessary services for the State."[60]

Notably, although executive orders, regulations, and policy manuals can supplement legislative requirements, they cannot override them. Indeed, the State Contracting Manual expressly states, "This manual does not eliminate or override statutory requirements, or requirements implemented by way of superseding Executive Orders and Management Memos."[61] Agencies and other executive branch officials typically need authority from a piece of enabling legislation to issue mandatory (as opposed to discretionary or aspirational) policies establishing new rules and requirements for procurement.[62, 63] If you have questions about a government entity's legal authority to issue a particular procurement policy, consult an attorney licensed to practice in your jurisdiction.

Learn More About the Legal Landscape

To learn more about the structure and authority of local governments in California, including the differences between general law and charter cities and counties, refer to this helpful overview from the Georgetown University Law Library and this summary from the League of California Cities. You can also create a free account on the League of California Cities' website to access its City Directory and view all general law and charter cities in the state.

To learn more about the relationship between legislation, regulations, and policies, watch the following video shorts from ChangeLab Solutions' Public Health Law Academy:

- What Are the Basic Structure and Functions of Government?
- What Types of Laws Can Governmental Agencies Enact and Enforce?

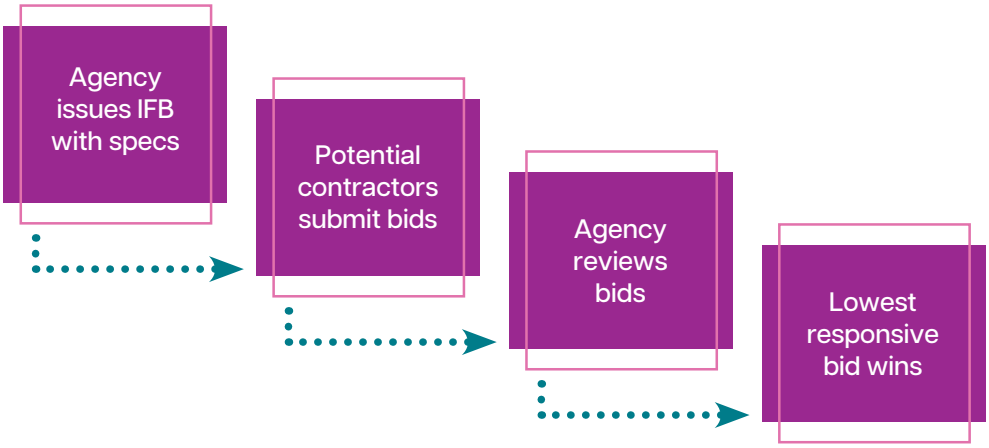
The Procurement Process

Most government entities in California are required to use a competitive process when making purchasing decisions. Requirements for competitive solicitation are established in the state Public Contract Code[64] and local ordinances.[65] These requirements seek to ensure that governments are expending public funds responsibly, prevent favoritism, and provide equal opportunity to all potential contractors that wish to do business with the government.[66, 67] In general, competitive solicitation means that, when purchasing food and other goods, government entities must award contracts to the businesses offering the lowest price, a process called *least-cost procurement*.[68] When purchasing services – such as design-build services – government entities often may factor price alongside other preferred factors, like experience and past performance, into a total score, where the bidder with the highest score wins. This approach is known as *best value procurement*.[69]

Least-cost procurement typically involves the following steps: (1) a government entity issues an invitation for bids (IFB) specifying the goods it wants to purchase and any conditions, often referred to as specifications or specs;[70] (2) potential contractors submit bids demonstrating they are responsible (i.e., possess the

necessary qualifications) and responsive (i.e., can meet the specifications and provide the goods at a proposed price); (3) the government entity reviews the bids; and (4) the government entity selects the *lowest responsive bid* (i.e., the lowest-cost bid that meets the material terms of the specifications) and negotiates a contract with the winning bidder.[71]

Figure 1. Purchasing Goods Using Least-Cost Procurement



Although awarding contracts to the lowest responsive bidder is the norm in public procurement, there are exceptions.[72] Many states and localities – including California and many of its cities and counties – have adopted legislation allowing government entities to give a competitive advantage to suppliers that meet certain criteria when responding to an IFB.[73,74,75] This introduces a factor other than cost into the contract selection process and allows governments to align purchasing decisions with community interests and values – from supporting small businesses and local economies to promoting environmental sustainability, good working conditions, and nutrition.[76] For government entities that wish to support local food systems through procurement, criteria may relate to a supplier's geographic location or the geographic origin of the supplier's goods. This is called a *geographic preference*.

It is important to underscore that geographic preferences for food procurement are inconsistent with the general requirement to award contracts to bidders that offer the lowest price set forth in state and local legislation. Because regulations, executive orders, and policies issued by individual government entities cannot override legislative requirements, they are typically not an available pathway for

establishing geographic preferences. Therefore, when we discuss geographic preferences for food procurement, we are referring to state or local legislation that creates an exception allowing government entities to give a competitive advantage to local suppliers within a least-cost procurement process.

However, some nonlegislative policy levers may be used to support local food purchasing by government entities. For example, agencies may issue policies or guidance setting aspirational goals for sourcing a certain percentage of foods locally (also known as a *procurement benchmark*). Additionally, there may be exceptions allowing government entities to use best value methods instead of least-cost procurement when purchasing food, especially at the local level. This allows governments to give points to bidders that meet certain standards, potentially including those related to supporting local economies. These various policy approaches are described later in this resource.

Geographic Preferences Across the Country

According to a survey by the National Association of State Procurement Officials (NASPO), as of 2022, forty-eight states and the District of Columbia have some type of geographic preference for procurement, though this number is not strictly limited to food purchasing and includes in-state preferences for other types of goods and services.[77] NASPO's State Preference Repository allows users to view or download tables listing different types of bidding preferences adopted across all fifty states.

For a fifty-state snapshot of procurement preferences as of 2025, with a specific focus on food purchasing, see Appendix A in Maximizing the Impact of Nutrition Interventions with Local Food Procurement (PDF) from the Center for Health Law and Policy Innovation at Harvard Law School.

Removing Barriers to Participation in Procurement Opportunities

Government entities can often go above and beyond minimum procedural requirements for procurement to remove barriers to contracting participation and ensure that procurement opportunities are accessible to everyone. Navigating procurement requirements and becoming a government contractor can be complicated, especially for small businesses that may have fewer resources and less capacity to dedicate to the contracting process. The following strategies can help remove barriers to participation in procurement opportunities and boost financial stability for small businesses — a significant number of which are owned by women and people of color:[78, 79, 80]

- Sharing information about upcoming procurement opportunities to give businesses more time to prepare
- Conducting outreach and providing technical assistance to help small businesses navigate the contracting process and to support businesses after they win a bid
- Unbundling contracts to create smaller, more manageable contracting opportunities81

To learn more, see the Urban Institute report, Removing Barriers to Participation in Local and State Government Procurement and Contracting for Entrepreneurs of Color, the National League of Cities' resource, Inclusive Procurement and Contracting, and Supporting Economic Inclusion in Disadvantaged Communities from LISC Los Angeles.

The California Department of General Services, Procurement Division maintains a webpage, How to do Business with the state of California, with resources in both English and Spanish to support certified small businesses and disabled veteran business enterprises pursuing contracts with the state. It also has a Statewide Supplier Diversity Program that implements strategies and provides assistance to state agencies, cities, and counties to "foster diversity and equity in state contracting."

Action Steps & Additional Resources

Changemakers can take the following steps to learn more about procurement processes and practices in California or their local jurisdiction:

- Review information about procurement available from state and local government websites and policy manuals (e.g., California Department of General Services, Procurement Division, Doing Business with the City [Oakland]).
- Contact government offices or information lines (e.g., 311) to ask questions and request information.
- Reach out to community-based organizations, local food policy councils, and technical assistance providers that work on public procurement, food systems, agriculture, nutrition, public health, or related issues (e.g., Center for Good Food Purchasing, ChangeLab Solutions, Los Angeles Food Policy Council) to ask questions or obtain support.

For more detailed information on the procurement process and options for promoting nutrition through procurement, refer to ChangeLab Solutions' Understanding Healthy Procurement: Using Government Purchasing Power to Increase Access to Healthy Food.

Who Are the Key Players?

Developing, adopting, and implementing legislation establishing a geographic preference for food procurement requires collaboration among many different partners. While state and local legislators are primarily responsible for developing and adopting new procurement-related legislation, government employees responsible for purchasing and contracting decisions oversee its implementation. As described earlier, the California Department of General Services' Procurement Division has primary authority for implementing procurement laws at the state level and may delegate procurement authority to other state agencies. At the local level, cities, counties, and schools often have their own procurement offices that implement applicable procurement laws and may sometimes delegate procurement authority to individual agencies.

In exercising their implementation authority, government employees responsible for procurement may work with other partners both within and outside of government. Within government, partners may include staff who work in programs where food is served or sold, such as hospital nutrition managers or food service administrators who may help manage relationships with food suppliers and fulfill any paperwork or reporting requirements, such as those related to reimbursements for federally funded programs. Outside of government, partners may include farmers, food businesses, caregivers of public school students, senior program participants, and others, whose experiences and expertise can help to inform the development of procurement policies and legislation, or can help to improve implementation.

Support for Procurement Policy Development and Implementation

State and local legislators as well as government procurement, contracting, and food service staff are primarily responsible for driving policy changes to strengthen local food systems through public procurement. Because geographic preference policies may be new or innovative, these chaangemakers can often benefit from training, technical assistance, and resources — like this one! — to support policy development and implementation. Please refer to the action steps and additional resources throughout this guide and contact ChangeLab Solutions with any questions.

The following table helps changemakers identify potential roles in the procurement process and opportunities to collaborate with partners to strengthen local food systems. Some strategies may be most relevant for establishing geographic food procurement preferences, while others focus on improving implementation of existing policies. The table outlines key changemakers, the roles they can play, and voluntary opportunities for engagement throughout the policy process.

Table 1. Key Players & Ways to Contribute

Key Players	Examples	Ways to Contribute
People who interact with public programs or spend time in government-owned spaces where food is served or sold	• Caregivers of public school students • People who stay in emergency shelters • Senior program participants • Patients of public hospitals • Government employees	• Engage with policymakers and government officials (e.g., via public meetings) to share preferences and context to inform food procurement policy (e.g., considerations related to cultural, health, medical, and other personal goals or needs). • Make connections and share stories to support food procurement policy development, adoption, and implementation.
People who grow, produce, or sell local foods	• Farm workers • Food business owners and employees	• Identify shared goals for local procurement among food producers and purchasers. • Provide feedback to policymakers and government officials on logistics implications of policy approaches and possible solutions.

Key Players	Examples	Ways to Contribute
People involved in food-related advocacy organizations, community-based organizations, or organizational or business groups	• Members of parent-teacher associations • Members of local chambers of commerce • Members of small business associations • Members of farm bureaus • Union members	• Organize members of the public to advocate for geographic preferences for food procurement and provide supporting materials (e.g., talking points). • Issue public statements on proposed procurement policy changes. • Obtain copies of food procurement and vending contracts to ensure they align with goals for local food purchasing (e.g., procurement benchmarks).
Government staff who work in or are responsible for implementing programs where food is served or sold	• School nutrition or food service staff • Public hospital nutrition managers or chefs	• Request training and support from government procurement and contracting staff, attorneys, and technical assistance providers to better understand procurement policy changes. • Share information with government procurement staff and policymakers about local food sourcing successes and challenges, including stories and feedback from food producers, program participants, or members of the public.

Key Players	Examples	Ways to Contribute
Government procurement or contracting staff or attorneys	• Procurement managers • Contracting officers • Purchasing agents	• Review existing food service and sourcing contracts to identify barriers to implementing geographic preferences or to achieving local food purchasing benchmarks. • Consider how IFBs can be drafted to better accommodate a range of potential contractors. • Issue requests for information to better understand local supplier challenges and possible solutions. • Provide guidance and technical assistance to help state and local government employees with delegated purchasing authority implement procurement preferences.
Government officials with expertise in food, agriculture, or nutrition	• Health department staff • Agriculture department staff	• Share data and information with policymakers and other decision-makers about benefits of local sourcing, market conditions, and community interests. • Evaluate the efficacy of state and local procurement preferences and suggest updates to policies as needed. • Connect other key players (e.g., via coalitions or partner calls) to inform the development, implementation, and revision of procurement preferences.

Key Players	Examples	Ways to Contribute
Elected officials	• Governor • State legislators • Mayors • City council members • School board members	• Work with other key players to develop legislation establishing geographic preferences for food procurement or to make changes to existing legislation (e.g., via public hearings, listening sessions, town halls, informal meetings, or committees). • Draft and adopt laws and policies allowing or requiring government agencies to give a contracting preference to locally grown and produced food and agricultural products.

Action Steps & Additional Resources

After changemakers identify their current or potential roles in the procurement process, they can decide which ways to contribute are most appropriate given local context, policy status, political realities, budgetary considerations, and other factors and reach out to key partners as appropriate to initiate collaborations.

The Good Food Purchasing Program offers many tools and resources to help build multisector coalitions (e.g., agenda templates for stakeholder meetings, campaign-building materials, policy briefs, training curricula), as well as sample policies and legislation to support local economies and other causes, such as environmental sustainability, workers' rights, animal welfare, and nutrition, through procurement. ChangeLab Solutions' procurement case studies show how local governments and community partners have collaborated on good food purchasing policies. Finally, the Prevention Institute has developed the Collaboration Multiplier, an interactive framework and tool that changemakers can use to identify possible partners and analyze collaborative efforts.

What Are the Possible Policy Approaches?

State and local governments can employ a range of policy approaches to support local food systems through procurement, including geographic preferences and mandatory or aspirational benchmarks. Some types of geographic preferences – namely *tiebreaker* and *price preferences* – function as exceptions to the general requirement to award contracts for goods to the lowest bidder within a least cost procurement process. Other types of geographic preference policies step outside of least cost procurement completely – namely, *bid preferences* that apply within a best value procurement process. Finally, mandatory or aspirational benchmarks for sourcing local food may complement any or all of the previous options, or they may stand alone in the absence of an existing geographic preference policy. These different policy options are described in greater detail below.

Although courts have often upheld procurement preferences for state and local goods and services, the legal framework governing procurement can be nuanced.[82, 83] For this reason, changemakers should always consult an attorney to ensure that procurement preferences are drafted in ways that minimize legal risk.

Tiebreaker & Price Preferences

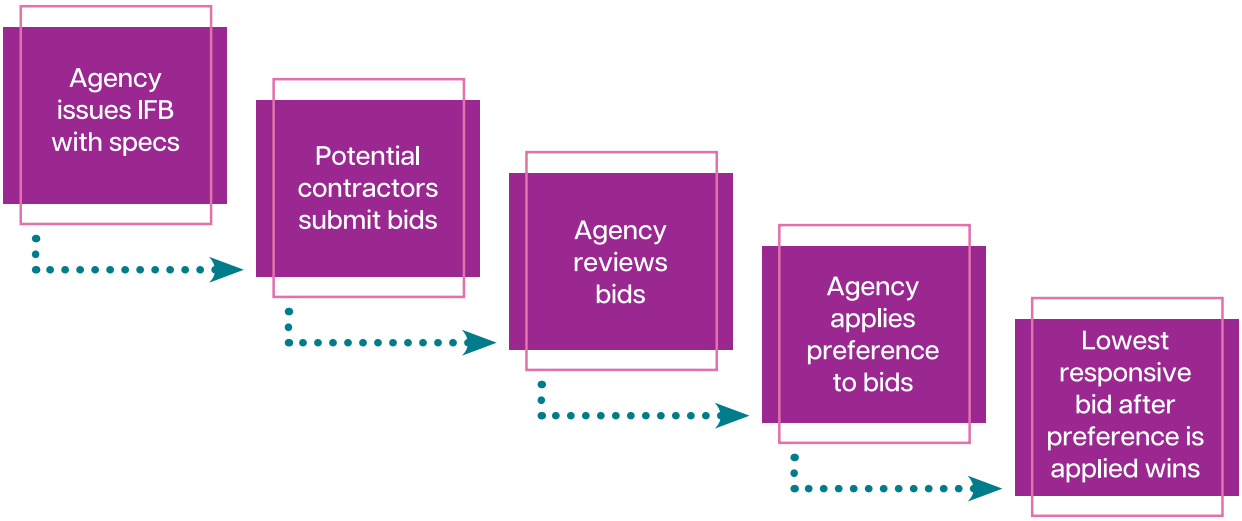
Geographic preferences for food procurement that apply within a least cost procurement process can be designed in various ways. A *tiebreaker preference* is a law that allows government entities to select local foods when they are equal in price and quality to those sourced from outside a defined local region. In general, when government entities apply a tiebreaker preference, they first consider whether the bids are responsive, then rank them based on price. If there is a tie for the lowest price, preference is given to the bid from within the geographic preference region. For example, California law requires local educational agencies, such as schools and school districts, to purchase agricultural food products grown within the state if their price does not exceed the lowest bid or price for a comparable out-of-state product.[84] California also has a law requiring "any body, officer, or other person" making purchases for use by the state or any city or county to prefer supplies

manufactured or produced in the state, so long as their price, fitness, and quality are equal to those of out-of-state supplies.[85]

Geographic preferences can also be designed to require or allow government entities to purchase local food products even if they are more expensive than comparable out-of-state options. This is known as a *price preference*.[86] In states and localities with price preferences, legislators have determined the benefits of buying local food – such as the health and economic benefits described earlier – are worth the price difference. Government entities first assess bids for responsiveness and cost, then apply a percentage preference to discount bids within the geographic preference region. If a bid within the geographic preference region is lowest after the adjustment, that bid is awarded the contract.

As of the date of this publication, California does not have any state law establishing a price preference for local food procurement. Looking to out-of-state examples, Oregon has a discretionary price preference that allows any contracting agency that uses public funds to opt for goods "fabricated or processed" entirely within the state, so long as the in-state goods cost no more than 10% more than out-of-state goods.[87] Nevada has a mandatory price preference that requires state agencies to treat bids from businesses that certify that the majority of contracted goods are produced within the state as 5% lower than the actual bid.[88]

Figure 2. Applying a Geographic Preference Within a Least-Cost Procurement Process[i]



i The actual process may vary depending on how the preference is designed, agency practices, state and local laws, and other factors.

Reciprocity Laws

Geographic preferences for food procurement favor in-state suppliers, thereby disadvantaging out-of-state bidders. To counteract this effect, some legislatures pass reciprocity laws, which require state agencies to increase bids from out-of-state bidders by the same percentage by which those bidders are favored in their home states. For example, suppose California adopted legislation discounting bids from in-state food vendors by 10%. Nevada, a neighboring state, already has a reciprocity law in place.[89] If a California-based vendor bids on a Nevada state agency's contract, Nevada would increase that vendor's bid by 10%. States have no power to change other states' laws, but reciprocity laws enable them to protect local businesses. NASPO reports that thirty-seven states have some type of reciprocity law as of 2022.[90]

Bid Preferences

Government entities in California may sometimes use best value procurement methods instead of least-cost procurement, in particular when soliciting unique goods.[91] As described earlier, best value procurement allows government entities to score potential suppliers based on their satisfaction of certain criteria in addition to cost, where the vendor with the highest score wins. This allows government entities to apply a *bid preference*, which does not affect a bidder's price, but is instead applied to the bidder's overall score to favor a certain type of bidder. In California, Alameda County and several other local governments have adopted Good Food Purchasing Programs based on a framework developed by the Center for Good Food Purchasing, which provide bid preferences to small and mid-sized agricultural and food processing operations within a specific area or region.[92, 93]

Aspirational & Mandatory Benchmarks

Another way to support local food systems through procurement is to establish a benchmark for sourcing a certain percentage of overall food purchases from producers or businesses located in the state or within a defined geographic region.[94] These benchmarks may be aspirational goals set in agency policy or mandatory quotas specified by a legislation or executive order.[95] For example, California law requires each state institution to ensure that, by December 2025, at least 60% of the agricultural food products it purchases annually are grown or produced in

the state.[96] Similarly, in 2020, the City of San Francisco adopted an ordinance that requires public hospitals operated by the San Francisco Department of Public Health to source "at least 15% of food from very large family-owned producers (as defined by USDA Standards) within 250 miles."[97] The ordinance mandates separate benchmarks for local sourcing of foods served in jails operated by the Sheriff's Department.[98]

Although benchmarks may be adopted on their own, as a standalone policy, they are more effective when used to complement geographic preference laws. Geographic preference laws reinforce benchmark policies by helping government entities achieve percentage goals for local purchasing. Reporting requirements are another way to hold government entities accountable to procurement benchmarks. For example, San Francisco's ordinance requires periodic reporting to assess whether the public hospitals and jails are adhering to goals for local sourcing.

Procurement Preferences for Small Businesses and Sustainable Products

Small Businesses

Some states and localities have adopted legislation establishing procurement benchmarks and preferences for small businesses.[99] Such laws can support small, locally owned farms and food businesses, though they are not strictly limited to food purchasing. For example, California law requires state agencies to set a minimum goal of 25% participation by small businesses, including microbusinesses, in the procurement of goods and services.[100] The law also directs state agencies to provide a 5% bid preference to small businesses and microbusinesses when awarding contracts for goods and services.[101]

In addition to supporting local economies and food systems, procurement preferences for small businesses can promote values such as innovation, job creation, and fair competition with large corporations.[102] Governments may also enact such preferences with the awareness that a significant number of small businesses are owned by women and people from minoritized racial and ethnic groups.[103, 104, 105]

Sustainable Products

California has established the Environmentally Preferable Purchasing (EPP) Program, through which the Department of General Services supports state agencies in purchasing goods and services "that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose."[106] This program may support agencies in purchasing local foods, for example, which require less fuel to transport and often have less packaging. Typically, EPP criteria are considered only when government entities are using best value procurement methods.

Action Steps & Additional Resources

Changemakers can take the following steps to learn more about procurement policies in California or their local jurisdiction and identify opportunities to advance policies that support local food systems:

- Ask for research support from organizations, law school clinics, and technical assistance providers that work on public procurement, food systems, agriculture, nutrition, public health, or related issues.
- Depending on local context and changemaker role, it might be appropriate to contact policymakers (e.g., city council members, school board members) to express interest procurement policies that support local food systems, and explore ways to partner.

For more examples of policy levers to support local food systems through procurement and a fifty-state summary of local food purchasing preference laws, refer to Maximizing the Impact of Nutrition Interventions with Local Food Procurement (PDF) from the Center for Health Law and Policy Innovation at Harvard Law School. For examples of how California uses policy to integrate local produce into the state corrections system, refer to this suite of resources from the University of California Nutrition Policy Institute, Impact Justice, and ChangeLab Solutions. Finally, Optimizing Food Distributor Contracts to Achieve Local Food Procurement Targets from the Center for Agriculture and Food Systems at Vermont Law and Graduate School offers guidance to help public sector procurement teams effectively implement procurement benchmark policies. It includes appendices with sample documents such as requests for information, bid scoring criteria, and contract clauses.

What Limitations Should Government Entities Consider?

This section provides questions and flowcharts to help changemakers determine whether applying a geographic preference for food procurement is legally permissible and aligned with the terms of any applicable funds or contracts. Understanding these opportunities and limitations can help facilitate conversations between government officials who are directly responsible for procurement (e.g., purchasing agents, contracting officials) and their attorneys. This context can also support community changemakers in holding implementation accountable to local sourcing requirements.

Does the Funding Source Restrict the Use of a Geographic Preference?

When purchasing food and other goods, government entities may use funds from a variety of sources, including federal, state, or local general funds or financial assistance from other levels of government (e.g., grants, cooperative agreements, federal transfers). When accepting funds from another entity, recipients accept any conditions the funder places on use of the monies, even if those conditions differ from state or local law. If the funder prohibits the use of a geographic preference when spending the funds, the recipient must not apply one; doing so may risk loss of funds and other penalties. This is a threshold question to answer, because restrictions on the use of funds can trump procurement preferences established in state or local laws.

For example, regulations for awarding federal grants and cooperative agreements to state, local, and tribal governments require grantees and subgrantees to "conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference."[107] Therefore, unless a specific federal program expressly permits the use of a geographic preference, state and local agencies cannot apply one when spending federal funds even when a preference would otherwise be required under state or local law.

A notable exception is the federal law that encourages the use of geographic preferences when purchasing unprocessed, locally grown agricultural products with Child Nutrition Act funds (for more information, see Schools & Other Institutions Using Child Nutrition Act Funding).

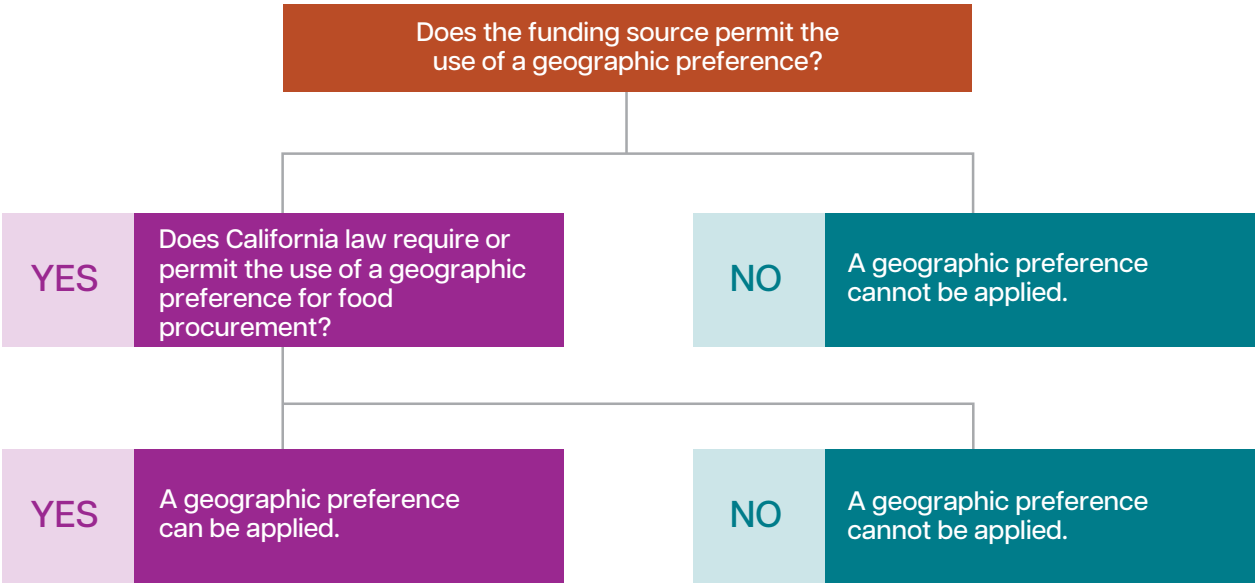
Does State or Local Law Require or Permit the Use of a Geographic Preference?

If the funding source does not restrict the use of a geographic preference, changemakers should next consider whether a preference is required or permitted by state or local law to identify opportunities for supporting local food systems.

State Government Entities

As described earlier, California has its own procurement laws that govern whether agencies can use a geographic preference when purchasing food. Because state law may change over time, state agencies should work with government attorneys to stay apprised of relevant changes.

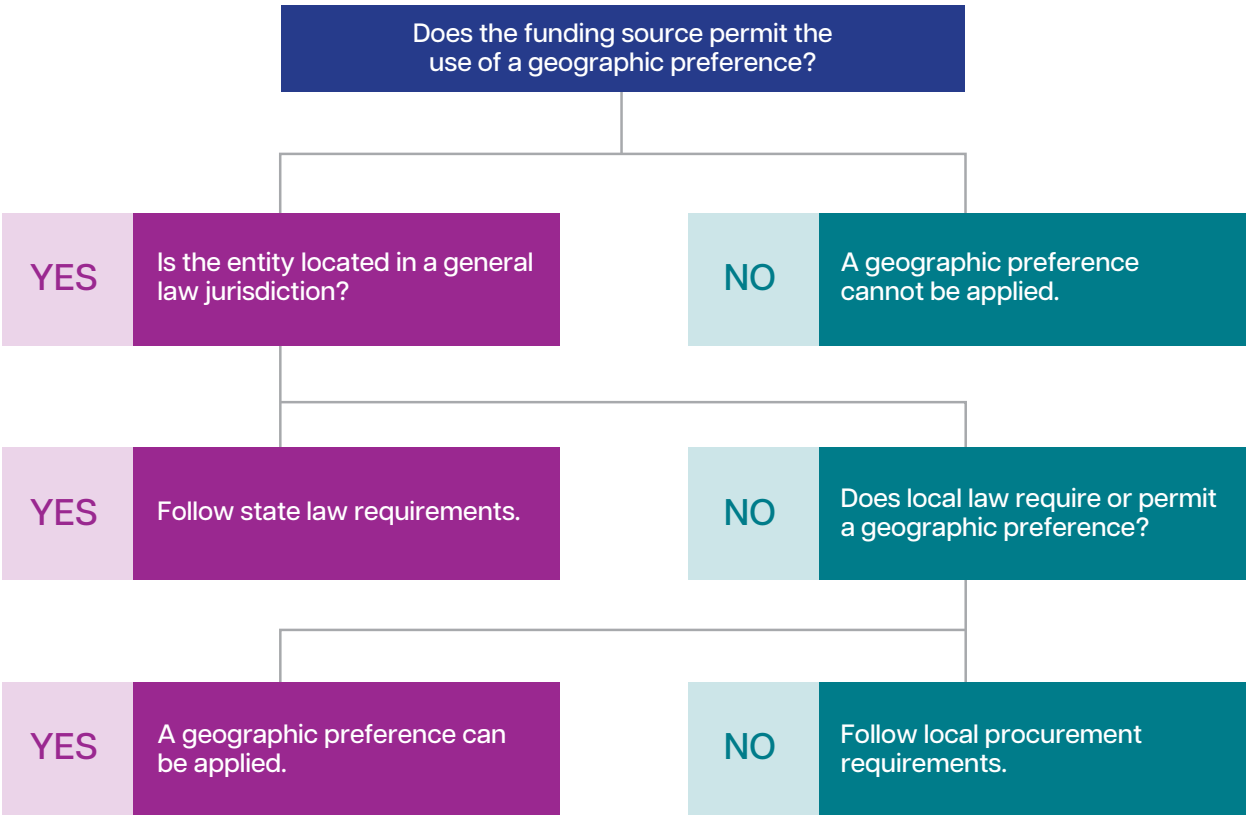
Figure 3. Evaluating Whether a State Government Entity Can Apply a Geographic Preference



Local Government Entities

Determining whether a local government entity may apply a geographic preference requires consideration of both state and local law. (Note that this section excludes local educational agencies, such as schools and school districts, which are subject to special requirements addressed in the next section.) As described earlier, in general law cities and counties, state-level procurement statutes guide the procurement process.[108] In charter cities and counties, requirements set out in the local code of ordinances often guide the procurement process.[109] However, if a charter city or county has not adopted its own procurement requirements, the state requirements apply.[110]

Figure 4. Evaluating Whether a Local Government Entity Can Apply a Geographic Preference



Schools & Other Institutions Using Child Nutrition Act Funding

School districts and other institutions that receive federal funding through CNPs are subject to a specific federal law regarding local purchasing preferences. The 2008 Farm Bill amended the Richard B. Russell National School Lunch Act, directing the secretary of agriculture to encourage institutions operating CNPs, including the National School Lunch Program and the School Breakfast Program, to purchase unprocessed locally grown or locally raised agricultural products."[111] The bill also authorized CNP operators to use a geographic preference when procuring unprocessed agricultural products.[112]

In April 2011, USDA published a final rule clarifying how CNP operators should implement the geographic preference option.[113, 114] Per the rule, the option applies to "unprocessed, locally grown, and locally raised agricultural products," which are defined in a way that allows for minimal processing, food handling, and preservation.[115] The rule also allows CNP operators to give preference to locally grown food by granting additional points or credits for products from a specified geographic area during their evaluation of bids.[116] Although the rule did not permit the use of "local" as a procurement specification in 2011, USDA expanded the geographic preference option in 2024 to allow it, as well as the use of a defined scoring advantage for local products.[117] As of the date of this resource's publication, CNP operators may use "local" as a procurement specification in an IFB, apply a scoring advantage for local, unprocessed agricultural products, combine both strategies, or elect not to use either.[118] CNP operators that do choose to implement a geographic preference have discretion to define what they mean by "local."[119]

Although federal regulations do not require the use of a geographic preference for food procurement, as noted above, California law requires local educational agencies, such as schools and school districts, to purchase agricultural food products grown within the state if their price does not exceed the lowest bid or price for a comparable out-of-state product.[120] Therefore, at a minimum, CNP operators' definition of "local" should include California-grown products.[121] However, CNP operators may also choose to apply a narrower preference.[122] For example, a school district may determine that there are sufficient vendors within a 400-mile radius and apply this as a local preference, or specify a preference for purchasing

foods grown in certain nearby counties. Regardless, CNP operators are always subject to federal "Buy American" requirements,[123] and those in border counties must limit any preferred geographic area to the United States.

Action Steps & Additional Resources

Changemakers can take the following steps to learn more about navigating federal funding restrictions:

- Contact the Procurement Resources Unit within the California Department of Education's Nutrition Services Division (NSDProcurementReview@cda.ca.gov) with questions about applying geographic preferences when making purchases for CNPs, such as the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program.
- Review information on procuring local foods from California's Farm to School program.

The California Department of Education also maintains a detailed Procurement in Child Nutrition Programs webpage.

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113 Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs, 76 Fed. Reg. 22603 (April 22, 2011) (codified at 7 C.F.R. §§ 210, 215, 220, 225, 226), federalregister.gov/d/2011-9843.

114 Management Bulletin from the California Department of Education's Nutrition Services Division to Child Nutrition Program Operators re Applying Geographic Preferences in Procurement, CNP-03-2024 (November 2024), cde.ca.gov/ls/nu/sn/cnp032024.asp.

115 Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs, 76 Fed. Reg. 22603 (April 22, 2011) (codified at 7 C.F.R. §§ 210, 215, 220, 225, 226), federalregister.gov/d/2011-9843; *see also, e.g.*, 7 C.F.R. § 210.21(g)(2) (defining "unprocessed locally grown or locally raised agricultural products" for purposes of the National School Lunch Program and listing food handling and preservation techniques that will not be considered to change the inherent character of agricultural products).

116 Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs, 76 Fed. Reg. 22603 (April 22, 2011) (codified at 7 C.F.R. §§ 210, 215, 220, 225, 226), federalregister.gov/d/2011-9843; Management Bulletin from the California Department of Education's Nutrition Services Division to Child Nutrition Program Operators re Applying Geographic Preferences in Procurement, CNP-03-2024 (November 2024), cde.ca.gov/ls/nu/sn/cnp032024.asp.

117 U.S. Department of Agriculture. Geographic Preference Expansion Related to the Final Rule titled, Child Nutrition Programs: Meal Patterns Consistent With the 2020–2025 Dietary Guidelines for Americans. Published May 22, 2024. Accessed December 17, 2025. fns.usda.gov/f2s/geographic-preference-expansion.

118 *Ibid*.; *see also* Management Bulletin from the California Department of Education's Nutrition Services Division to Child Nutrition Program Operators re Applying Geographic Preferences in Procurement, CNP-03-2024 (November 2024), cde.ca.gov/ls/nu/sn/cnp032024.asp.

119 Management Bulletin from the California Department of Education's Nutrition Services Division to Child Nutrition Program Operators re Applying Geographic Preferences in Procurement, CNP-03-2024 (November 2024), cde.ca.gov/ls/nu/sn/cnp032024.asp.

120 Cal. Food & Ag. Code § 58595(c).

121 California Department of Education. Applying Geographic Preference in Procurement MB. November 2024. Accessed March 18, 2026. cde.ca.gov/ls/nu/sn/cnp032024.asp (stating, "[A]t a minimum, CNP operators' definition of 'local' should include California-grown agricultural products.").

122 *Ibid*. (stating that Local Education Agencies "may further refine a geographic area within California when defining local for solicitations.").

123 2 C.F.R. § 200.322(a) ("The recipient or subrecipient should, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactsured products). The requirements of this section must be included in all subawards, contracts, and purchase orders under Federal awards.").