

INSTITUTIONAL PROCUREMENT OF LOCAL FOOD: NEW HAMPSHIRE POLICY SNAPSHOT

This snapshot is part of a six-state series exploring demand-side policies in New England that support public institutions' ability to increase purchases of local food. These **snapshots**, links to **resources**, a **regional report** with comparative findings and recommendations, a **database** and **scan** of all policies discussed, and other related information can be found on [FINE's policy page](#). These documents are current as of May 2019.

KEY STATE LAWS AND INITIATIVES:

- [Rev. Stat. Ann § 21-I:11-b](#): Establishes a **purchasing preference** for New Hampshire businesses in the state bidding process.
- [Rev. Stat. Ann. § 425:2-a](#): Establishes the **Granite State Farm to Plate Program** to uphold the importance of and encourage local agriculture, including local food procurement.

KEY PLAYERS:

A number of organizations in New Hampshire are actively working to increase the amount of locally grown foods available to, and purchased by, state institutions. The [University of New Hampshire's Sustainability Institute](#) is the hub for much of the supporting work in New Hampshire related to institutional procurement. [New Hampshire Farm to School](#), the [New Hampshire Food Alliance](#), and [Food Solutions New England](#) are all housed within the University of New Hampshire Sustainability Institute. Additionally, a number of aggregation and distribution partners operate throughout the state and work to increase institutional access to and ease of purchasing for locally grown products. The [New Hampshire Department of Agriculture, Markets and Foods](#) (NHDAMF) also coordinates activities and events to connect buyers and food producers.

BACKGROUND ON LOCAL PROCUREMENT INITIATIVES IN NEW HAMPSHIRE:

New Hampshire has two demand-side procurement policies that encourage or require action from institutions when they are making food purchases. The New Hampshire legislature codified the **purchasing preference** language in 2010 and enacted the **Granite State Farm to Plate Program** in 2014. Additionally, in 2008, the New Hampshire legislature established a Commission on Prevention of Childhood Obesity. The Commission [published a report in 2009](#) which included 14

recommendations to reduce the prevalence of childhood obesity in New Hampshire. One of the commission's recommendations was to increase schools' participation in the New Hampshire Farm to School program.

CURRENT STATUS OF LOCAL PROCUREMENT NEW HAMPSHIRE:

The **purchasing preference** law in New Hampshire applies to all government bids, although in conversations with stakeholders throughout the state, it does not appear to be commonly used in the food procurement context. According to Gail McWilliam Jellie, Director of the Department of Agricultural Development at the NHDAMF, agencies find it challenging to make purchases from local businesses because those services are often more costly. Without explicit language in the law aimed at farmers and food purchases, including permission for state agencies to accept a higher-cost bid when coming from a local entity, this policy does not significantly aid local farmers or other New Hampshire businesses in accessing institutional markets.

New Hampshire's **Granite State Farm to Plate Program** created a state policy position and set of priorities related to institutional procurement of local food. The language in the statute outlines the need to support local food economies, increase access to healthy foods for all New Hampshire residents, and support the growing demand for these products within institutions. The Granite State Farm to Plate Program describes the types of agriculture the state wants to promote, and clarifies who must coordinate this promotion. These entities include the NHDAMF, Business and Economic Affairs, Health and Human Services, Environmental Services, Transportation, and Education; the University of New Hampshire College of Life Sciences and Agriculture; and the University of New Hampshire Cooperative Extension. Additionally, the policy states that local governments should, to the extent possible, consider the Granite State Farm to Plate Program when adopting new laws or enforcing existing laws. Unfortunately, because the Granite State Farm to Plate Program includes neither a specific mandate for purchasers, nor reporting, tracking, or associated funding mechanisms, its impact, and recognition throughout the state, has been limited.

Over the past four decades, a number of reports have addressed New Hampshire's food system and identified opportunities for growth within the institutional sector as a possible tactic to increase farm revenues and improve citizen health. The **1979 Recommendations for a New Hampshire Food Policy** was the first of these documents. This publication, and others that followed, cite institutional procurement as an opportunity area for investment and growth. More recently, in 2015, the New Hampshire Food Alliance published the **Farm, Fish, & Food Enterprise Viability Initiative**. This document is intended to guide the work of entities in New Hampshire that share the goal of creating a food system that works for all residents of the state. The Viability Initiative specifically recommends the creation and facilitation of strategic connections with institutional markets, as well as the development of contract language to increase local food purchases through institutions' bidding processes.

New Hampshire Farm to School has been especially instrumental in supporting institutional purchasing by connecting schools and distributors with local farms and food. Their **website** houses important resources for building these connections within New Hampshire's communities. According to the **2015 USDA Farm to School Census**, schools in New Hampshire spent over \$12 million on local food in the 2013 – 2014 school year. Stacey Purslow, NH Farm to School Program Coordinator, says that "New Hampshire schools that buy local food are making purchases weekly, with most procuring food from traditional distributors. Only about 35 percent of the schools who purchase locally are buying directly from farms. Apples are the most commonly purchased local product."

Josh Marshall of the [New Hampshire Farm Bureau Federation](#) says that “New Hampshire is unique in that local and regional initiatives are oftentimes more prevalent than state programs. People are really involved in town politics, and tradition is an important part of the culture. Granite Staters may be less motivated to support top-down innovation.” Possibly because of this dynamic, many of the initiatives occurring within the state are at the local or regional level. For example, a number of New Hampshire nonprofits such as [The Cornucopia Project](#), [Grow Nashua](#), [Upper Valley Farm to School Network](#), and [Greater Nashua Food Council](#) are pursuing farm to institution efforts in their communities. Institutions throughout the state are also making efforts to purchase locally grown goods. The [University of New Hampshire’s Dining program](#) purchases local food, and these purchases are a component of [UNH’s platinum sustainability ranking](#). The Upper Connecticut Valley Hospital also makes local purchases and participates in the [New Hampshire Harvest of the Month](#) program.

The nature of the state’s legislature, the third largest English-speaking legislative body in the world, presents both challenges and potential opportunities. The legislative body is made up of 424 individuals, all of whom are re-elected every two years and paid only \$100 per year plus a transportation reimbursement for their service. This election cycle, and the de facto volunteer status of legislators, creates the potential for a high degree of turnover within the legislature, providing opportunity for a continuous infusion of new perspectives and energy in the State House, while also possibly reducing institutional knowledge and policy consistency. Frequent turnover requires significant work from advocates to conduct continual, effective outreach, and education for policymakers.

Marshall noted that the New Hampshire legislature can be hesitant to spend money on new programs, potentially reducing the efficacy of some procurement efforts. However, he added that “the legislature is always willing to work with agriculture,” and has supported spending measures in the past such as agritourism bills and a dairy drought-relief package. One option Marshall recommended to increase institutional procurement of local food includes a targeted focus on state-level support for food hubs.

The New Hampshire Food Alliance is increasingly interested in food policy work, including policies related to increasing institutional procurement of local food. Jennifer Wilhelm, who coordinates the New Hampshire Food Alliance, shared these thoughts about the work of the Food Alliance: “We are starting with the 1979 food policy recommendations, that was the last collaborative effort to write policy recommendations in the state, and we’re folding in everything related to it that’s happened since. This includes the **Granite State Farm to Plate Program**, recommendations from Governor Lynch’s Food Task Force, and the Farm, Fish, & Food Enterprise Viability Initiative. We’re going to use those as a starting point to see what progress has been made, and also as an opportunity to highlight the work that’s already been done. The team really wants to focus on a broader spectrum of policies, including climate change adaptation and resilience, fisheries, food access and security, and equity and democratic empowerment. Institutional markets are an important piece of the work that we’re focusing on.”

KEY TAKEAWAYS:

- New Hampshire procurement law requires that state entities select the lowest bidder in procurements unless they can provide explicit information as to why the more expensive service is necessary or different from the lowest cost option.
- The **Granite State Farm to Plate Program** provides a comprehensive statewide approach to support increased institutional purchasing, among other goals. However, this policy is limited because it lacks discrete, actionable mandates for agencies to implement, and the political will and recognition of the program to use it as justification for agency initiatives.
- The nature of New Hampshire's legislative body can act as both an asset and a challenge to the passage of future local procurement policy in the state.
- In the absence of extensive state legislation, institutional purchasers and nonprofit organizations are working independently to increase procurement of local food.

RECOMMENDATIONS:

- The **purchasing preference** could be amended to expressly permit the award of contracts to New Hampshire businesses even if they are not the lowest cost provider of services. More New Hampshire entities—particularly food producers, distributors, and others involved in local procurement—could also be encouraged by the state to engage in the bidding process.
- The **Granite State Farm to Plate Program** could be amended to include clear timelines, goals, metrics, and mandates to encourage agency action. Interested stakeholders could also work to find agency advocates for local food procurement, and support them with the information and connections they might need to help carry out the goals of the Granite State Farm to Plate Program.

THANK YOU TO THOSE WHO CONTRIBUTED CRITICAL INSIGHTS AND FEEDBACK FOR THIS REPORT, INCLUDING:

- **Jennifer Wilhelm**, Research and Network Coordinator, New Hampshire Food Alliance
- **Stacey Purslow**, Farm to School Program Coordinator, University of New Hampshire Sustainability Institute
- **Josh Marshall**, Communications Director, New Hampshire Farm Bureau Federation
- **Gail McWilliam Jellie**, Director of the Division of Agricultural Development, New Hampshire Department of Agriculture, Markets and Food
- **Roger Noonan**, President, New England Farmers Union

The analysis and recommendations in this snapshot do not necessarily reflect the entirety of the opinions of any of the contributors. Rather, individuals who provided insights and feedback for this project provided their expertise to specific portions of this document's contents. We have done our best to create an accurate representation of the information collected through research and interviews, and we welcome feedback on this product.

RESEARCH TEAM:

- **Alyssa Hartman**, Student Clinician, Center for Agriculture and Food Systems, Vermont Law School
- **Lizzie Fainberg**, Student Clinician, Center for Agriculture and Food Systems, Vermont Law School
- **Sophia Kruszewski**, Clinic Director, Center for Agriculture and Food Systems, Vermont Law School
- **Erica Morrell**, Policy Fellow, Farm to Institution New England
- **Peter Allison**, Executive Director, Farm to Institution New England

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To learn more about the Center for Agriculture and Food Systems at Vermont Law School, visit: www.vermontlaw.edu/CAFS



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