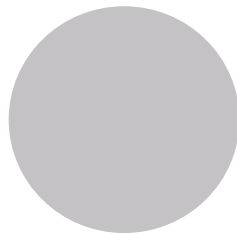
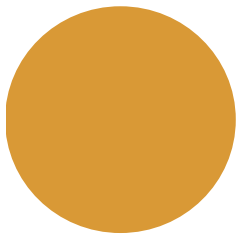
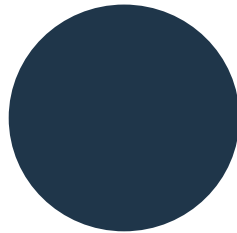
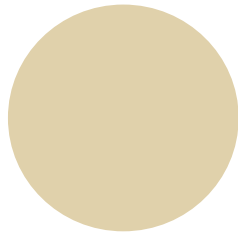
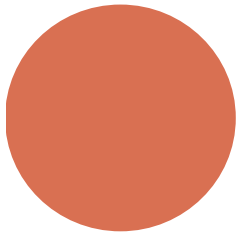
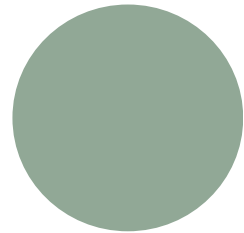
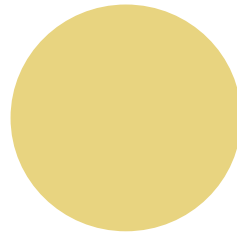
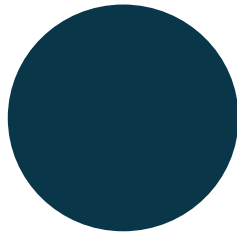


LOCAL SUSTAINABLE FOOD PROCUREMENT

For Municipalities and the Broader Public Sector

-TOOLKIT-



SUSTAIN  ONTARIO
the alliance for healthy food & farming

Publication Date: November, 2015

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Sustain Ontario is a province-wide cross-sectoral alliance that is working to create a food system that is healthy, ecological, equitable and financially viable. Sustain Ontario engages with its membership to take a collaborative approach to research, policy development, and action by addressing intersecting issues related to healthy food and local sustainable agriculture.

Thank you to the following individuals for contributing their expertise and insight to this guide, as well as the many others championing transformative procurement policies and initiatives.

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EXECUTIVE SUMMARY

Ontario Broader Public Sector Institutions currently spend \$1.8 billion on food and beverages annually. This considerable spending power puts institutions and municipalities in an important position to leverage their public dollars to encourage greater production of sustainably produced food in their local food systems. Increasing amounts of evidence show the positive effects of local sustainable food procurement on the local economy, the environment, and the community. Although many municipalities and institutions are interested in local food procurement, there are some perceived barriers, specifically in procurement and trade laws. This toolkit demonstrates the tremendous opportunities that exist for sustainable procurement despite the perceived barriers.

Key Findings:

- **There is evidence that local sustainable food positively impacts economies, societies, and the environment.** The report provides evidence-based rationale for local sustainable food that demonstrates the positive benefits, such as creating new jobs, building up the local economy, and reducing food miles. The provided statistics will support groups and individuals making the case for local, sustainable food procurement to potential managers and decision-makers.
- **Cities across North America model successful sustainable procurement policies that can be adapted or replicated.** Local Sustainable food procurement policy examples from Ontario and other North American municipalities and institutions are highlighted in this report. Each example includes their criteria for evaluating local sustainable food, as well as excerpts of their policy language in both RFPs and Sustainability Policies, as applicable.
- **There are sound opportunities for local sustainable procurement within the context of current domestic policies and international trade agreements.** Leaders in sustainable procurement policy development have informed this analytical overview of procurement policies and trade agreements that may have an effect on local sustainable food procurement (including the CETA, AIT, BPS Procurement Directive, DBPA, and the Local Food Act). This summary also specifies opportunities within these policies or trade agreements that allow for local, sustainable food procurement.
- **Procurement managers are finding ways to track and increase their local sustainable purchases.** Guidelines to tracking and evaluating local, sustainable food purchases are central to measuring impact and furthering the implementation of sustainable procurement policies. This section includes a list of commonly cited barriers to tracking, and examples of best practices to overcome commonly noted obstacles.

Public Sector Institutions and Municipalities have immense buying power to reshape our food system. Through the Request for Proposal (RFP) process Public Sector Institutions can strategically determine what is important to measure and request this information from bidders. This process gives institutions tremendous power to influence the food system. A community of practice is necessary to have champions, newcomers, and interested partners working together to share insights, ideas, and best practices. Communities of practice would help support the culture shift that is required across institutional food service in order to create new norms around the importance of local sustainable food. Public sector and industry participation in events with ample knowledge-transfer opportunities and involvement with formal and informal networking groups, such as the Municipal Regional Food Policy Network hosted by Sustain Ontario, is a critical step to advancing the movement for institutional leadership in local sustainable food systems.

The Local, Sustainable Procurement Guide has been designed specifically for municipalities and Broader Public Sector institutions in Ontario to advance sustainable procurement policies and practices across the province. Currently, Ontario Broader Public Sector institutions spend an estimated \$1.8 billion on food and beverages annually.¹ There is great potential for institutions and municipalities to leverage their public dollars to encourage greater production of sustainably produced food. The size of Ontario's purchasing power could allow for municipalities and institutions to harness their power to serve local, sustainable food while also offering benefits to regional economic development, while protecting farmland, improving the health of residents and providing better work environments for food industry workers across the value chain.

This guide is designed to provide resources and tools for municipalities and institutions to initiate their own local, sustainable procurement policies and programs. The focus is on analyzing perceived barriers to local sustainable food procurement, specifically policy and trade agreements, these sections are featured in blue. While providing examples of policy language to show what other municipalities and institutions have accomplished, these sections are featured in orange. Best practices could provide a foundation for other Municipalities, along with the rationale section, and our workbook (found on [our website](#)), to begin the stages of local, sustainable procurement.

A FEW DEFINITIONS TO GET STARTED

Local Food Procurement

Procurement is the purchase of goods and services, normally obtained at the lowest possible cost in consideration with other qualifiers such as quality of the product. Local food procurement is the formal acquisition of food defined as local.

Defining Local

Although there is not an unanimous definition of local, many local food procurement policies in Ontario use the definition outlined by [Foodland Ontario](#), which is based on provincial borders, as a baseline.² The City of Toronto's [Local Food Procurement Policy](#) is an example of local as defined by Foodland Ontario.

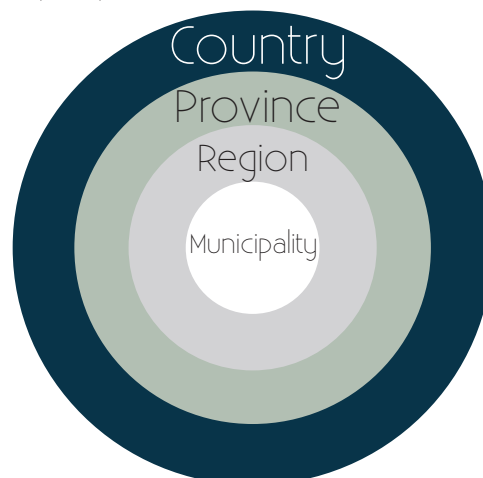
Sample Clause from the City of Toronto's Local Food Procurement Policy³

In accordance with the policy, the following definitions of local food have been adopted:

- *Fresh foods means the product must be grown in Ontario and adhere to the Foodland Ontario definitions.*
- *Value added or Processed foods means that the primary agricultural ingredients (e.g., chicken in chicken pot pie) and the majority (i.e., 51 percent or greater.) of remaining ingredients must be of Ontario origin and/or 80% of the processing costs must be returned to Ontario, or any amended definition provided by Foodland Ontario.*

Concentric circle model

Some Municipalities use a **concentric circle model** (or tiered approach) that starts with the municipality, then region, then province, then country. This definition allows certain foods to be bought within the relevant scale for that municipality, or season.



Request for Proposals (RFP)

A request for proposal (RFP) is the first stage in the contracted procurement process. RFPs inform suppliers that an institution or municipality are interested in procurement of a commodity and/or service, which in this case is food. The priorities of the buyer are communicated through the evaluation matrix at the end of the RFP, which enumerates their criteria and how it is weighted. Product information, price, and other qualifiers are then provided by bidders in a proposal. The buyer determines the winner of the contract using their evaluation matrix. The contracting process is regulated through the BPS Procurement Directive to be “fair and transparent” for all contracts valued over \$100,000.

Sample clause of a Concentric Circle model from IOOF Seniors Homes Inc :

“Local food is defined as food produced within the county of Simcoe and the province of Ontario. Local food must meet safety and quality requirements”⁴

Beyond Local Towards Sustainable Procurement

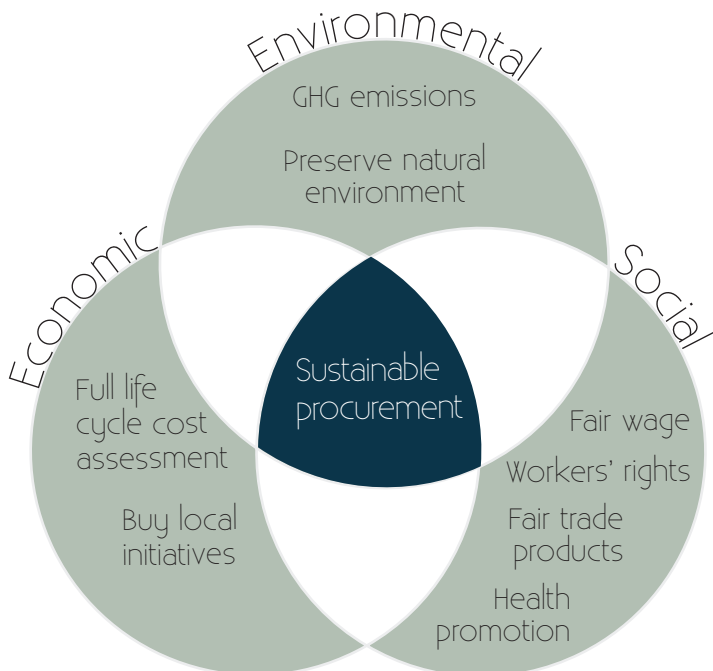
Municipalities and institutions already use, or are beginning to implement sustainable procurement policies that encompass a wider range of eligibility requirements. Sustainable food procurement policies often include local procurement, as well as other factors that lead to a stronger more resilient community and food system. This also provides room for consideration when necessary goods and services are not available locally.

Sustainable Procurement

Sustainable procurement is an approach to purchasing that considers the environmental, societal and economic impacts associated with the life cycle of the good and services being purchased.⁶

As in Nova Scotia’s Sustainable Procurement Policy, the following considerations may be integrated into the procurement process:⁷

- **Economic:** e.g., Support for the Local Economy Life Cycle Cost, Fiscal Responsibility
- **Environmental:** e.g., Greenhouse Gas Reduction, Waste Reduction, Toxic Use Reduction
- **Social:** e.g., Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion



MASH

MASH stands for Municipalities, Academics (Universities and Colleges), School boards, and Hospitals. The MASH sector in procurement refers to regional, local, or other forms of municipal government, school boards, publicly-funded academic, health and social service entities, including entities owned or controlled by the preceding.⁵

RATIONALE FOR LOCAL, SUSTAINABLE FOOD PROCUREMENT

Local and sustainable food procurement **allows public dollars to be leveraged to purchase food that is better for the environment, the local economy, and communities.** This section provides the most salient reasons for implementing local, sustainable food procurement policies that make sense from an economic, environmental and social perspective.

ECONOMIC RATIONALE



The Multiplier Effect⁸

- The multiplier effect is the amount of local economic activity that is triggered by the purchase of any one item.⁹ According to this idea, **the more a dollar circulates in a defined region, and the faster it circulates the more income, wealth and jobs it creates.**¹⁰
- In 2008 it was estimated that Broader Public Sector Institutions in Ontario spent \$1.8 billion on food and beverages.¹¹ The Thunder Bay Area Food Strategy Report (2014) states that **“shifting even 10% of purchases to locally grown and processed foods would create a \$1 million market for farmers and processors”** in the Thunder Bay Area.¹²

ENVIRONMENTAL RATIONALE



Food Miles

- Food miles measure the distance that food travels from farm to plate. A study in Waterloo region found that **if the region started to produce 58 items that the region could to produce, the associated annual greenhouse gas emissions would be reduced by an amount between 49,485 and 51,442 tonnes.**¹³ However, transportation is only one stage in the life-cycle of a food item, and researchers have highlighted the importance of Life Cycle Analysis approach to food systems.¹⁴
- **Life Cycle Analysis (LCA) is a method of calculating the environmental impacts of a product at each stage of production.**¹⁵ LCA is often beyond the scope of any municipality or institution to research, however it underlines the importance of sustainable over local procurement for certain products or within certain regions or seasons.

- The City of Toronto's Local Food Procurement Policy was created to help reduce greenhouse gases and smog causing emissions that are generated from the import of food from outside Ontario.¹⁶

SOCIAL RATIONALE

Increased Nutritional Value

- Nutritional values of certain fruits and vegetables decrease after harvest. Thus the longer time between harvest and consumption results in less nutritional value.¹⁷ Produce that is transported far distances is often picked prematurely in order to prevent it from rotting. This premature picking further decreases nutritional values.¹⁸

Job Creation and Fair Work

- According to research by the Columbia Institute, **procurement is one of the few economic levers that governments under free trade can still use to promote local economic development and job creation.**¹⁹
- Studies have shown that **food workers also lack access to healthy food, with over 63% of seasonal or temporary farm workers being food insecure**, and half of agriculture workers relying on government assistance for food. This is commonly contributed to the fact that **many workers within the production, processing, distribution or retail of food are paid below a living wage.**²⁰
- There is a **real opportunity for procurement policies to ensure that vendors provide better working conditions** by: ensuring compliance with existing labour and employment laws, paying employees a living wage, providing workers' compensation and other benefits, in addition to allowing workers to bargain freely and collectively for decent working conditions.²¹ The [LA Good Food Purchasing Program](#) and [Campaign for Fair Food Procurement](#) are leading examples of procurement policies that include workers' rights.



Broader social benefits

- A Nova Scotia Department of Agriculture study examining the perceived benefits of purchasing food from local food suppliers for publicly funded institutions found **social benefits included greater flexibility compared to non-local suppliers, and a distinct sense of community and customer service.**²²

HOW MUNICIPAL DEPARTMENTS CAN CHAMPION SUSTAINABLE FOOD PROCUREMENT

Municipal and regional governments operate at a scale ripe with opportunities to test initiatives and develop policies that strengthen local food systems to the benefit of the citizens that they serve. The following chart identifies departments and roles commonly found within Ontario local governments that may have decision-making influence related to food procurement policies, as well as departments that may require special consideration because of their implication in procurement processes.

Department	Role
Public Health	In many communities, public health units have been involved in local food procurement by supporting food initiatives like student nutrition programs or good food boxes. These initiatives provide opportunities to support local farmers and purchase locally sourced and sustainable food.
Supply Management	Supply management divisions are responsible for the centralized purchases for civic departments. Directors of Supply Management have the ability to leverage dollars to purchase local, sustainable goods and services. They may also have the ability to influence new policies and programs that support progressive procurement standards.
Economic Development	Economic development departments function to support job creation and sustain economic growth. Their work can support local food suppliers and related businesses by recognizing their economic impacts and assessing new investment opportunities to this effect. In doing so, they can also help create favourable positions to support the growth of local, sustainable food in their community.
Planners	Planners can support increased local procurement through promoting the necessary infrastructure (such as food processing facilities or food hubs that allow for safe storage and more efficient distribution of food within the municipality). Planners may also be able to provide procurement officers with relevant information on potential local suppliers.

Department	Role
Finance Department	Finance departments provide financial and purchasing services and develop financial policies, procedures and management standards. Staff in this department may use their expertise to help develop financially sound local and sustainable procurement plans that are in line with municipal budgets.
Legal Department	Local and sustainable procurement is often believed to be inhibited by legal frameworks. Staff in this department have the technical knowledge and expertise to fully understand possibly limiting legislations and advise on potential exceptions. This allows them to influence the adoption of innovative approaches to policy and procurement and can lead to the adoption of a local food procurement policy.
Procurement Officer / Supply Management	Municipal Procurement Officers are directly involved in municipalities sourcing of goods and services. Their knowledge and expertise on procurement may allow them to support new policies that encourages the purchase of food from local farmers and food manufacturers by municipal departments or agencies.

LEADING EXAMPLES OF LOCAL, SUSTAINABLE PROCUREMENT POLICIES

CITY OF THUNDER BAY

By-law Number 113-2011

“2.03

Sustainable Environmental and Ethical Procurement

The Corporation is committed to a procurement process for Goods and Services that takes into account sustainable environmental and ethical procurement considerations. Suppliers and potential suppliers to the Corporation must respect fundamental human rights, and treat their workers fairly and with respect. They are also expected to strive continually towards minimizing the environmental impact of their operations and the Goods and Services provided.”²³

The City of Thunder Bay is a leading example of local, sustainable food procurement in Ontario. The City of Thunder Bay’s Local Food Procurement Project (2013-2015) is dedicated to increasing the amount of local food purchased by seven institutions through the Supply Management Division. These seven institutions have an annual budget of 1.5 million for food, serving 3000 meals and snacks each day.²⁴ In 2015 the project **aims to increase local food purchases by at least 10% from the 2014 baseline.**²⁵

It is through [the City of Thunder Bay’s Supply Management by-law](#) article 2.03 Sustainable Environmental and Ethical Procurement that allows for the support of local food procurement. The by-law article states that suppliers are **“expected to strive continually towards minimizing the environmental impacts of their operations and the Goods and Services provided.”**²⁶

Highlights of by-law 113/2011

- **Follows trade agreements:** the by-law abides by the Broader Public Sector Procurement Directive (see page *insert*).
- **Language flexibility allows for local procurement:** although the by-law does not specifically mention food, the scope of goods specification may support a preference for local for both competitive and noncompetitive processes.
- **Covers multiple Municipal facilities:** governing food procurement decision-making by managers and staff of long-term care facilities and child care facilities.
- **Social and environmental considerations:** this holistic policy includes social and environmental factors related to procurement, building potential to foster a more resilient food system.

THE LOS ANGELES FOOD POLICY COUNCIL'S GOOD FOOD PURCHASING PROGRAM

The [Good Food Purchasing Program \(GFPP\)](#) was developed by the Los Angeles' Food Policy Council and was adopted by the City of Los Angeles in 2012. The GFPP is regarded across North America as one of the most comprehensive procurement policies, by taking into consideration multiple aspects of the food system.

The [Good Food Purchasing Guidelines](#) emphasize five values:²⁷

- 1. Local Economies** : Small and mid-sized agricultural and food processing operations within the local area or region
- 2. Environmental Sustainability** : Sustainable production systems that conserve soil and water, emphasize good pest management practices, and protect and enhance wildlife habitat and biodiversity
- 3. Valued Workforce** : Safe and healthy working conditions and fair compensation for all food chain workers and producers from production to consumption
- 4. Animal Welfare** : Healthy and humane care for livestock
- 5. Nutrition** : Foods that promote health and well-being by offering generous portions of vegetables, fruit, and whole grains and reducing salt, added sugars, fats, and oils, and eliminating artificial additives.

The Good Food Purchasing Guidelines include a series of implementation steps that guides the City of Los Angeles to achieve their procurement goals:²⁸

- **A baseline** that must be maintained throughout participation
- **Multi-year benchmarks** that recognize the time it takes to make changes and allow the shift to occur incrementally
- **A tiered value system** that recognizes and rewards higher tiers of achievement
- **Traceability** by asking purchasers to work with suppliers to establish transparent reporting systems to verify product source
- **Annual progress reports** to ensure continuous achievement and improvement.

City of Los Angeles
Executive Directive NO.
24 Issue Date:
October 24, 2012

All City departments with food purchases of greater than \$10,000 annually, through their department budgets and/or contracts and concessions, shall adopt the Good Food Purchasing Pledge and initiate plans to follow the Good Food Purchasing Guidelines. The departments will sign the pledge and commit to implementing the Good Food Purchasing Guidelines in all future food procurement, and make best efforts to incorporate the Good Food Purchasing Guidelines into new contracts for food purchases.

PROCUREMENT POLICIES AND TRADE AGREEMENTS

Many municipalities wishing to support local food are afraid to show local preference for fear of contravening procurement and trade laws. However, opportunities for more sustainable procurement is clarified with closer examination of the legislation commonly cited as barriers.

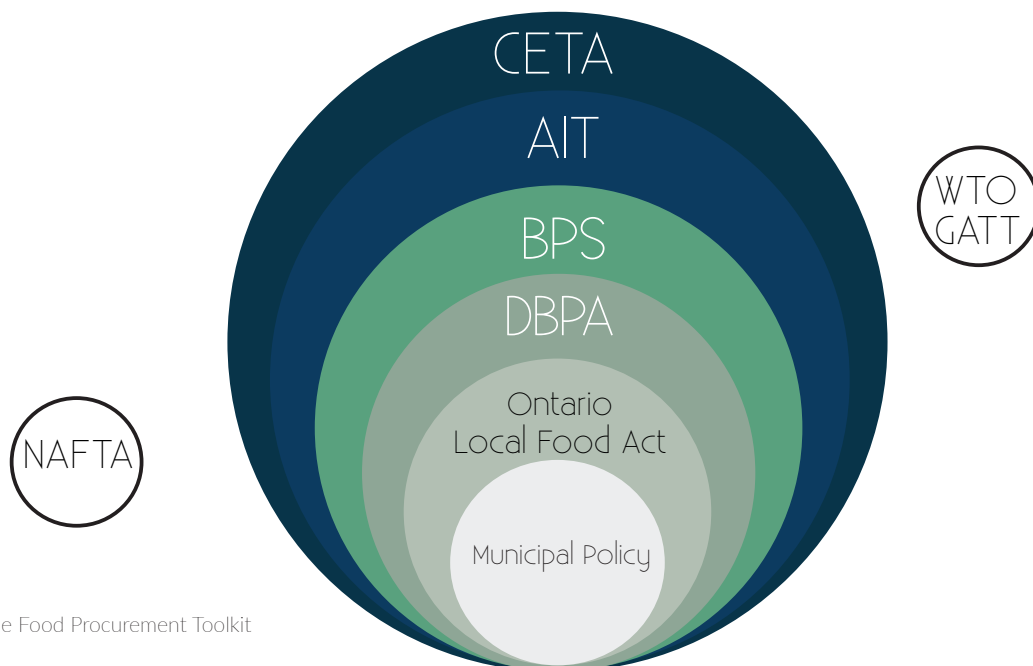
This section provides a brief overview of trade agreements and policies that influence public sector procurement, specifically related to local, sustainable food procurement.

Policies and trade agreements that may limit a buy-local procurement policy are explained below, highlighting who the policy impacts, and how it may affect municipal food procurement.

Policies and trade agreements that may influence municipal procurement

- The **C**omprehensive **E**conomic **T**rade **A**greement (**CETA**)
- **A**greement on **I**nternal **T**rade (**AIT**)
- The **B**roader **P**ublic **S**ector (**BPS**) Procurement Directive
- The **D**iscriminatory **B**usiness **P**ractice **A**ct (**DBPA**)
- The Ontario Local Food Act
- Municipal/institutional policy

Municipal procurement policy is not limited by common law, NAFTA (North American Free Trade Agreement) or the World Trade Agreement (WTO) Agreement on Government Trade.²⁹



COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

The Comprehensive Economic and Trade Agreement (CETA) is a free trade agreement between Canada and the European Union that is awaiting ratification. All articles referenced in this section refer to Chapter 21, government procurement, from the September 2014 version.³⁰

Where does the CETA apply ?

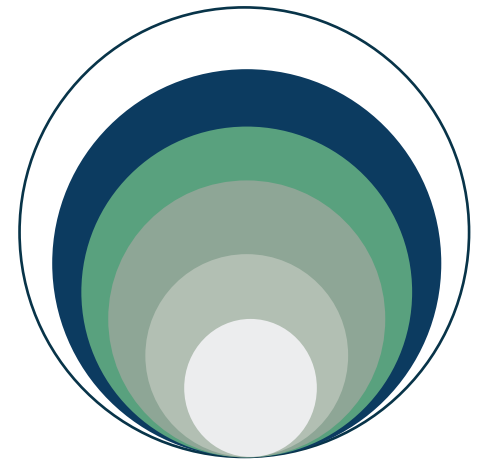
The CETA procurement chapter covers purchasing by all provincial ministries and agencies, with some notable exceptions such as the Ontario Infrastructure and Lands Corporation. Importantly, CETA's new procurement rules apply to school boards and publicly-funded academic, health and social service entities and municipalities, although municipal energy entities are excluded.³¹

The CETA and Municipal Food Procurement

The CETA may create many restrictions that will affect local food procurement. Specifically within the following articles and definition:

- **Article 2.6:** While only contracts over the monetary threshold of \$300 000 CDN are covered, municipalities and/or institutions will not be able to subdivide contracts to bring them under the monetary thresholds.
- **Article 2.7:** "Recurring contracts" will need to be valued on an annual basis, which will significantly curtail the ability of the MASH sector to establish local food contracts.
- **Article 4.1:** Non-Discrimination: preference cannot be given for local foods, thus contradicting provincial commitments to increase local food (e.g. Ontario's Local Food Act, 2014).
- **Offset Definition:** According to a Columbia Institute study, municipalities will be prohibited from using procurement as a way to encourage local within CETA.³²

A potential way to include buy-local food policies that aligns with the aforementioned articles is through employing social and environmental rationale. As the Canadian Council for Policy Alternatives suggests, **buy-local food policies may be permissible if labels or technical specifications do not make reference to political boundaries.** Therefore using criteria such as carbon footprint limits would provide an environmentally sustainable rationale that could incorporate local food and may be permissible within the CETA.³³



CETA

As the Canadian Council for Policy Alternatives suggests, buy-local policies may be permissible if labels or technical specifications do not make reference to political boundaries. Therefore using environmentally sustainable rationale could incorporate local food and may be permissible within the CETA.

AGREEMENT ON INTERNAL TRADE

The Agreement on Internal Trade (AIT) intends to foster interprovincial trade by removing barriers and allowing for the free movement of goods across Canada. The AIT regulates interprovincial trade to ensure that all Canadian suppliers have equal access to public sector tendering opportunities.³⁴

Where does the AIT apply ?

The AIT applies to all municipalities, municipal organizations, school boards and publicly funded academic, health and social service entities, for contracts that meet or exceed \$100 000.³⁵



AIT

The AIT & Municipal Food Procurement

The AIT has a non-discrimination clause that may limit a buy-local municipal procurement policy. The nondiscrimination clause forbids procurement that differentiates between suppliers based on location of goods, either based on origin, place of manufacturing or production.³⁶ Research conducted by My Sustainable Canada highlights potential exceptions to this through Annex 502.4: legitimate objectives and regional economic development.³⁷

Legitimate objectives: There is the potential for exemptions to the procurement process for legitimate objectives which may include: protection of environment, protection of well-being of workers.³⁸

Regional Economic Development: A province may be able to exclude procurement of certain goods by an application for economic development purposes, these exclusions need to be reported and justification must be given for the exclusion.³⁹

The AIT may provide some challenges to local food procurement policies, particularly the non-discriminatory clause. However, there may be ways to work within the agreement through using the framework of regional economic development. See previous Rationale section.

BROADER PUBLIC SECTOR PROCUREMENT DIRECTIVE

The Broader Public Sector (BPS) Procurement Directive⁴⁰ specifies procurement rules for goods and services that are purchased by broader public organizations using public funds, as such, the BPS Procurement Directive helps to enforce the rules of the AIT, under the Broader Public Sector Accountability Act, 2010.⁴¹

Where does the BPS apply ?

The BPS Procurement Directive applies to all designated broader public sector organizations, under section 12 of the Broader Public Sector Accountability Act, 2010, and any organization that procures food on their behalf.⁴² The Directive does not apply to broader public sector institutions that are owned and administered by municipalities. However, many municipalities in Ontario follow the rules outlined by the Directive in their own procurement policies and by-laws.⁴³

BPS Procurement Directive & Municipal Food Procurement

The non-discrimination rules of the BPS are often regarded to have implications with the procurement of local food. Non-discrimination restricts organizations from differentiating between suppliers based on geographic location.⁴⁴

However, there are ways to work within the BPS Procurement Directive and still purchase local, sustainable food. The Greenbelt Fund provides potential solutions to the non-discrimination rules that apply to local food procurement⁴⁵:

Less than \$100 000: The Directive applies to contracts or purchases of the amount \$100 000 or greater. For amounts less than \$100 000 BPS facilities still need to demonstrate that a competitive process was used. There is potential to strategically use the informal procurement process to identify local food suppliers and give preference to local food.

Less than \$ 25 000: The 2013 Local Food Procurement Policy by the province of Ontario asks for ministries and provincial agencies to consider local food for purchases under \$25 000.

Legitimate Objectives: The Procurement Directive (like the AIT) includes several “legitimate objectives” which may provide exceptions to the rule. Environmental protection is one of these objectives, and was used by the City of Markham and Local Food Plus to focus on local and sustainable procurement.

Identifying Local in the RFP: If there is increased demand for local food from those that the institution serves, then institutions can request that vendors, including food service management companies, identify which foods are local. This information could be used to give preference to someone who includes local, as long as the BPS facilities demonstrate a competitive process was used.



BPS

Get Creative with Qualifiers

The Greenbelt Fund also identifies other ways to “be creative” with policy asks, such as focusing on seasonal foods or on fresh, unprocessed foods.

DISCRIMINATORY BUSINESS PRACTICE ACT

The Discriminatory Business Practice Act (DBPA) (R.S.O. 1990, c. D.12) is legislation that prevents discriminatory practices in business relationships, including public procurement, when the refusal is based on an individual's "attributes"⁴⁶, which includes: *place of origin and geographical location of a person.*⁴⁷



DBPA

Where does the DBPA apply ?

Rather than outlining who the act applies to, the DBPA specifies where the act does not apply. The DBPA does not apply in one of the two circumstances: (1) Withholding services of employment due to a lawful strike, lock-out or labour dispute, and (2) A discriminatory business practice engaged in in accordance with a policy of the Government of Canada directed toward trade with a country other than Canada or persons in a country other than Canada or of the Government of Ontario directed toward persons in Provinces or Territories other than Ontario.⁴⁸

The DBPA and Municipal Food Procurement

The interpretation of place of origin and geographical location of a person, are the potential areas where the DBPA may limit local food procurement. According to Municipal World however, there is **no reported decisions that considers how the DBPA applies to local preferences in public procurement.**⁴⁹ While the article states that the DBPA should not be dismissed when considering local food procurement, it also states that it should not restrict buy-local preferences that are done properly. Dan Munshaw, Manager of Supply Management for the City of Thunder Bay, explains the important distinction to be made between the origin of the product and the bidder which may be seen as exemption within the DBPA:

"this subsection [of the DBPA] does not prohibit a person in Ontario from seeking or providing a statement, whether written or oral, to the effect that any goods or services supplied or rendered by any person or government originate in whole or in part in a specific location."⁵⁰

Hence, **there is a distinction here between specifying the place of origin of the product and restricting the place or origin or geographical location of the bidder.**⁵¹ Thus, the DBPA leaves room for local, sustainable food procurement policies .

"You are not prohibiting a local, provincial, national or international company from bidding, you are only requiring them to provide you with foods which come from local sources."⁵⁰

Dan Munshaw

Ontario's Local Food Act, Bill 36, was enacted in November 2013. One of the three goals of the Local Food Act is to **"encourage increased use of local food by public sector organizations"**.⁵² Specific targets and goals have not yet been set by the government related to local food. The [best practices guide for municipalities](#) can be found online.

Where does the Local Food Act apply ?

The local food act defines 'public sector organizations' to include provincial agencies, municipalities, universities and colleges, hospitals, long-term care homes, school boards, and other publicly governed organizations.

The Local Food Act and Municipal Food Procurement

As explained in Ontario's Local Food Report⁵³ **the Local Food Procurement Policy does not override requirements for a competitive process and respects all trade obligations.** Specific targets and goals are still undefined by the province.⁵⁴ However certain municipalities have set their own targets and goals, such as the City of Thunder Bay, as acknowledged in the act's 2014-2015 annual report:

*"The City of Thunder Bay is working to bridge the gap between public sector purchasers and others in the agri-food supply chain. The project has increased the interest of Thunder Bay area food system players in boosting production capacity to meet the potential demand for local food products. By January 2016, it is anticipated that new policies and procurement processes will be in place for the city and other local institutions - with the city expecting to increase its local food spending by 10 per cent compared to 2015."*⁵⁵

There is great potential with the Local Food Act for municipalities to champion this cause, and create their own targets and goals for local, sustainable procurement. Municipalities may also create their own local food procurement policies, like the City of Toronto, that support the goals of Ontario's Local Food Act.



Local Food Act

"encourage increased use of local food by public sector organizations"

TORONTO'S LOCAL FOOD PROCUREMENT POLICY

[Toronto's Local Food Procurement Policy](#) provides an example of municipal level support for local food procurement. This type of policy provides validation of local food language in procurement documents as they will align with, and support the city's vision.⁵⁶ Research on behalf of the Ontario Municipal Knowledge Network found that **policies and programs that are supported by, and embedded within the municipality, lead to more successful local food endeavours.** Policies embedded within the municipality will help to create a culture that supports local food.⁵⁷

Sample Clause from the City of Toronto's Local Food Procurement Policy

Policy

All RFPs and RFQs to purchase food for City of Toronto operations (greater than \$3,000) **will include language indicating that it is a policy objective of the City to increase the percentage of food that is grown locally** when all factors, including costs, quality, and availability are equal.

Procedure

1. All RFPs and RFQs to purchase food for City operations will include language indicating that it is a policy objective of the City to increase the percentage of food that is grown locally.

4. Each division issuing food purchasing documents will, according to their situation and business needs, define specific criteria that must be addressed by potential vendors.

Staff may, when their divisions determine that it is appropriate:

- **require vendors to provide a catalogue of the available items that meet the City's definition of local;**¹ i.e., 51 percent or greater.
- through divisional cooperation, issue joint purchasing documents to select a primary vendor for specific goods; and
- insert in procurement documents seeking food vendors, **evaluation criteria favouring local food.**

Staff may also include in procurement documents requirements that potential vendors:

- indicate how they can meet the City's policy objective and defined criteria;
- identify the expected costs of local food in comparison to items that may not be produced in Ontario; and
- indicate their ability to **track and calculate the percentage of local products** being purchased by site and by division.

Toronto's Local Food Procurement Policy grew out of recommendations from the City's Climate Change, Clean Air, and Sustainable Energy Action Plan. In 2008, City Council approved the initiation of a Local Food Procurement Policy for the City of Toronto with a phased approach, beginning with Children's Services. City staff initiated a project to create seasonal menus and a series of local food recipes for use in City-run child care centres. An updated version of the Procurement Policy was adopted by City Council in 2011 and guides all City Divisions making food purchases greater than \$3000.⁵⁸

LOS ANGELES'S GOOD FOOD PURCHASING PROGRAM

The Good Food Purchasing Program (GFPP) was adopted by the City of Los Angeles in 2012. Later that year the Los Angeles Unified School District, the largest food purchaser in Los Angeles, also signed the Good Food Purchasing Pledge. The LAUSD integrated the pledge into their RFP, as well as made the Good Food Purchasing Program a part of their evaluation criteria for potential suppliers.

The GFPP is listed as one of their evaluation criteria:

Vendors whose plans show a commitment to comply with the Good Food Purchasing Pledge, at the five-star level as outlined in the Good Food Purchasing Guidelines.

The highest-scoring plan will evidence the greatest, earliest commitment to the following Good Food Purchasing Guidelines Values in supplying the District's need in the particular Product Category:

- Local Economies (with respect to "locally grown or locally raised agricultural products" only; see definition below)
- Environmental Sustainability
- Valued Workforce
- Animal Welfare and
- Nutrition

The Los Angeles Unified School District (LAUSD) purchased over \$50 million from local business in 2013, thus keeping money in the local economy which lead to the creation of 150 new jobs in the food chain.⁵⁹

Sample Clauses from the LAUSD's Request for Proposal

In signing the pledge, vendors are committing to the following:

WE WILL COMMIT OUR COMPANY TO TAKING THE FOLLOWING STEPS IN SUPPORT OF GOOD FOOD FOR LAUSD STUDENTS:

- 1.** As outlined in the [Good Food Purchasing Guidelines](#) for Food Service Institutions, **we will commit to annually increasing our procurement of Good Food** to assist the Los Angeles Unified School District in meeting the LAUSD's identified multi-year benchmarks for five value categories – local economies, environmental sustainability, valued workforce, animal welfare, and nutrition.
- 2. Establish supply chain accountability and a traceability system** with suppliers to verify sourcing commitments made in our Good Food Purchasing Plan.
- 3.** Report annually on implementation progress of the Good Food Purchasing Guidelines.

INSTITUTIONAL FOOD PROCUREMENT EXAMPLES

Local and sustainable food procurement policies in institutions help the institution to **clarify what they consider local, develop measurement metrics, and set annual targets for procurement.** Institutional level policies are important. Presently, the majority of the progress is being made at the institutional level, since there are not yet many municipal level policies in place. In places where municipal policies exist, institutional policies can provide further guidance and specifications.

Toronto is an example where the municipal level policy broadly incorporates food language, and the various institutions like Humber and Ryerson have outlined more detailed specifications for local, sustainable food in their RFPs. **Instituting formal policies is essential to ensure the continued advancement of local, sustainable food procurement,** even if the local champion leaves their position.

Previous research recommends that facilities **adopt local food language in their contracts with vendors to ensure food is local when possible, and to set up the ability to track and set targets.**⁶⁰ This section will provide examples of policy language in institutional level policies and request for proposals.

HUMBER COLLEGE

Humber College partnered with the [Public Purse Purchasing \(3P\) Mentorship Program](#) from 2014-2015 to use their buying power for sustainable food purchasing. Participation in the program launched a campus-wide conversation about integrating local, sustainable food into Humber College's food service, culinary program, and curriculum. The sample clauses below demonstrate how Humber places preference to environmentally and socially responsible products in their RFP.

Sample Clauses from Humber College's RFP

*Humber supports environmental and socially responsible products and services. Notwithstanding price, **Humber may give preference to environmental and socially responsible products and services.** Consideration will be given to products and services that:*

1. *Are durable, reusable and contain maximum recycled content.*
2. *Eliminate or reduce waste.*
3. *Are independently recognized for meeting high environmental standards.*
4. *Are purchased from manufacturers and vendors that have a registered environmental management system.*

Humber is committed to increasing their local, sustainable food purchases by 2.5% annually.

5. *Meet health and safety standards.*
6. *Are competitively priced.*
7. **Are purchased from local sources.**
8. *Reduced / eliminated disposal fee or can be reused at the end of its life cycle.*

Provide a complete outline of your sustainability, composting and recycling initiatives and procedures you intend and commit to implement under this contract including, but not limited to, education and communication plan:

1. *Reuse, recycling and reduction programs and practices.*
2. **Sustainable food i.e. Local and regional purchase commitment for retail and catering.**
3. *Waste diversion and reduction standard of practices.*
4. *Energy reduction practice.*
5. *Fair Trade and/or other sustainable campus programs.*
6. *Education, marketing and communication.*

RYERSON UNIVERSITY

Ryerson University is committed to purchasing healthy, culturally appropriate, sustainable local food for their students. This commitment is demonstrated in their RFP process for food management services.

Sample Clauses from Ryerson University's RFP

Proposed Food Management Services Program Requirements

The Successful Supplier will be required to use trans-fat free products and local and sustainably sourced food products;

*The food service outlets must be operated in a manner that does not, in the sole judgement of RU, conflict with the campus life enjoyment of RU community. **The Successful Supplier will operate the food service outlet(s) consistent with the highest quality offerings which will include healthy, local, organic, wholesome product** choices made from scratch with skill & care;*

Sustainability Expectations for Food services

*The Successful Supplier's Proposal will be **expected to demonstrate how they have addressed sustainability issues** in Food Management Services as these will become future key performance metrics. The following sustainability practices are already in place at RU:*

Menus:

- **Seasonal menus featuring local produce, milk and eggs;**
- **Express' coffee program offers fair trade and organic coffee;**

Ryerson has an established a baseline of 25% of annual food purchases (food cost) to be sourced from local and sustainable growers, increasing by 2% annually.

Procurement:

- **Purchasing food from local farms** (limited quantity);
- Procurement of meats from federally inspected local meat suppliers;
- Use of recycled content, chlorine-free food napkins; and
- Use of ECOLAB environmentally friendly cleaning agents.
- **A minimum of 25% of annual estimated annual food purchases** (food cost) **must be sourced from local and sustainable growers and suppliers.**
 - The annual minimum amount to increase 2% per year (year 2, 25% + 2% = 27% and so forth).
 - Packaged and unit items costs are excluded from the food comprising the 25% amount.
 - To ensure variety and support for a wide base of farmers and suppliers, a maximum of 25% of the total dollar amount can be allocated to any one commodity group e.g. milk, meat, fruit etc.

Sanitation, Food Safety & Waste Management

The Proposal must outline a strategy for a **food waste mitigation program** to package and transport surplus food. The Successful Supplier will build relationships with relevant organizations both on and off campus that could be recipients of surplus prepared food.

INDEPENDENT ORDER OF ODD FELLOWS (IOOF) SENIORS HOME INC.

IOOF Seniors Home in Barrie instituted their [Local Food Procurement Policy](#) in 2013 to ensure their residents received fresh seasonal foods from local vendors.

Sample Clause from IOOF Local Food Procurement Policy

Policy:

The Local Food Procurement Policy (LFPP) supports the above by **ensuring fresh seasonal foods are purchased from local vendors**, and menus are developed to ensure purchasing practices are made more sensitive to seasonal availability of produce in managing cost impacts of local procurement.

Procedure:

2. Menus at the long-term care home and assisted living facilities are developed and/or altered based on seasonality and availability of local fresh products.
3. Food items purchased local will be sourced through food suppliers as recommended by the group purchasing organization (GPO) and through local food producers and processors (eg. farms, Farmer's Markets, greenhouses).

TRACKING AND EVALUATING YOUR LOCAL FOOD PURCHASES

Tracking is an important part of food procurement. Conducting a food origin audit allows municipalities or institutions to determine the origin of the food they purchase, and then determine a baseline for the amount of local, sustainable food they wish to purchase. Once completed, it allows the purchaser to set targets and evaluate their progress. This section will briefly highlight the main barriers to tracking, and provide some example RFP policy language to demonstrate how some institutions and municipalities have: defined local food; requested vendors to provide food origin information; and indicated their targets for local, sustainable food procurement.

As outlined in a [Report by the Greenbelt Fund](#), common barriers to tracking and evaluating include:⁶¹

- [Defining local](#)

Determining how to define local can make it difficult to identify, purchase and market local foods.

- [Processed foods](#)

Definitions for local become more complicated with processed foods as it is difficult to track all the ingredients, and the raw ingredients may change frequently. It is important to be able to identify and measure processed products as they make up the majority of public sector purchases.

- [Identifying food origins and tracking ingredients](#)

Traditionally distributors did not record the origins of fresh foods⁶² and food processors rarely track where the raw ingredients come from.⁶³ [Conducting Food Origin Audits: a step-by-step guide](#) provides a succinct guide on the audit process.

- [Receiving information from suppliers](#)

A major barrier for many institutions is receiving information about their products, including the origin of products, from the suppliers. There are resources that demonstrate how to write a letter requesting this information from suppliers (refer to the Local Sustainable Food Procurement Workbook).

- [Creating a baseline](#)

It's necessary to first establish a baseline in order to evaluate progress, this can be difficult if the current vendor does not have a record of food origins (refer to [this guide](#) to learn how to conduct an origins report)

Sample Clauses from Humber College

Humber College's RFP outlines how they define local and sustainable procurement, specifies their baseline and targets for procurement, as well as how they request tracking information from their vendors.

Defining Local

1.0 Local Procurement from Ontario Foodland

A minimum of 22% of estimated annual food purchases (food cost) must be sourced from local and sustainable growers and vendors, using the definition: [Ontario Foodland definition](#): **Food must be grown/raised and processed in Ontario.**

The annual minimum amount to increase annual food purchases sourced from local and sustainable growers and vendors is 2% per year:

- Year 2 – 24%
- Year 3 – 26%
- Year 4 – 28%
- Year 5 – 30%

2.0 Local Procurement from Ontario (CFIA)

A minimum of 30% of estimated annual food purchases (food cost) must be sourced from Ontario sustainable growers and vendors, using the definition:

[Canadian Food Inspection Agency \(CFIA\) interim policy](#):

- food produced in the province or territory in which it is sold.
- food sold across provincial borders within 50 km of the originating province or territory.

NOTE: the minimum 22% based on the Foodland definition may NOT be included in this 30% minimum. These percentages must be separate, making up a total of 62% of all estimated annual food purchases in year 1.

The annual minimum amount to increase annual food purchases sourced from Ontario sustainable growers and vendors is 2% per year:

- Year 2 – 32%
- Year 3 – 34%
- Year 4 – 36%
- Year 5 – 38%

3.0 Local and Sustainability Procurement STARS requirements: Food Purchases

A minimum of 75% of the dining services purchases of food and beverages must meet at least one of the following by Year 2, Summer 2016 (see STARS definitions below):

- 1.** Third party verified to be ecologically sound, fair and/or humane.
AND/OR
- 2.** Local and community-based.

**Food and beverages that meet both criteria listed above should not be double counted.*

5.0 Low Impact Dining STARS requirements

Conventionally produced animal products comprise less than 30 percent of the institution's total dining services food purchases.

Conventionally produced animal products include all food products that contain animal derived (i.e. meat, fish, egg, dairy) ingredients that have not been verified to be sustainably produced. Sustainably produced animal products have been either:

Requesting Tracking

8.3 Provide a practical and realistic implementation schedule of the above and how would you track and/or measure, and report target results and success, which can be used by different authorities for reporting and comparing statistics i.e. Provincial KPI, comparing with other institutions.

8.4 Explain where you purchase your food products from for all food/product types. Define what must be purchased from head office verses directly from the supplier. Do you purchase local, organic, community based and/or third party verified food whenever possible? Please provide examples and statistics.

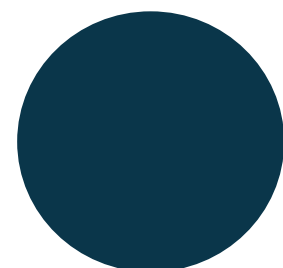
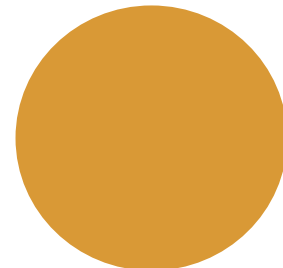
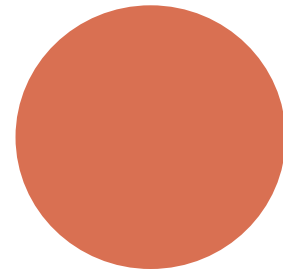
NEXT STEPS: ADVANCING ONTARIO'S LOCAL FOOD SYSTEMS

Ontario's Broader Public Sector institutions and municipalities are well-positioned to advance sustainable procurement policies and practices across the province. This guide is intended to provide the resources and tools for municipalities and institutions to initiate their own local, sustainable procurement programs and policies.

An important step for any food systems changemaker is to find a community of practice, where champions, newcomers, and interested partners can work together to share insights, ideas, and best practices. Communities of practice help support the culture shift that is required across institutional food service in order to create new norms around the importance of local sustainable food. Public sector and industry participation in events with ample knowledge-transfer opportunities and involvement with formal and informal networking groups, such as the Municipal Regional Food Policy Network hosted by Sustain Ontario, is a critical step to advancing the movement for institutional leadership in local sustainable food systems.

Sustain Ontario has also aggregated a selection of procurement process tools into a workbook to accompany this guide. The Local, Sustainable Procurement Workbook contains a compilation of tools and resources from institutions across North America, to assist with the development of policies or programs at any stage of procurement. This workbook will provide the starting blocks for many institutions and municipalities interested in beginning the local sustainable food procurement process.

At time of writing, Sustain Ontario is also in the planning stages of an online resource sharing platform for municipal and regional food policy that allows for dynamic updates as new policies and programs develop across the province. This aggregation of supportive resources and tools will help provide a foundation for institutions and municipalities across Ontario to design and implement local, sustainable procurement programs and policies.



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