



Office of
General Services

2018

**New York State
Food Metrics Annual Report**



Andrew M. Cuomo
Governor
State of New York

RoAnn M. Destito
Commissioner
Office of General Services

Introduction & Reporting Requirements

The New York State Office of General Services (OGS) submits the following annual report to the Governor and Honorable Members of the Legislature. This report constitutes the annual report as required by the Food Metrics Law and also provides an overview of efforts to support the BuyNY food initiative, including outreach activities and progress toward increasing the purchase of food grown, harvested, produced, or processed in New York State. The data contained in this Annual Report reflects purchases made between January 1, 2018 and December 31, 2018.

Report Required by the Food Metrics Law

State Finance Law (SFL) § 165(4), first enacted in 1995, gives State agencies the authority, when purchasing food, to mandate that some or all of the required food products be grown, produced or harvested in New York State or that any processing of such food products takes place in facilities located in New York State. The law also sets out the procedures that agencies must follow if they choose to mandate that some or all of the food come from New York.

SFL § 165(4) was amended in 2013, and the amendments became effective on March 18, 2014. The amendments require OGS and the Department of Agriculture and Markets (Ag&Mkts) to (i) establish guidelines that will assist State agencies in increasing their use and purchase of NYS food products; (ii) publish such guidelines on the OGS website, disseminate such guidelines to agencies, and train contracting personnel on implementing such guidelines; and (iii) provide for monitoring of implementation.

The amendments also require OGS to issue an annual report to the Governor and the Legislature on the implementation of SFL § 165(4). The report must include a description of OGS's efforts to improve and increase the tracking of information relating to NYS food products procured by agencies and a compilation of the dollars spent by State agencies when, in making food purchases, such agencies have elected to mandate that some or all of the food come from New York. The purchasing data is required to be broken out by food products and processed food and include:

- (1) total dollar value of NYS food products procured by State agency;
- (2) total dollar value of food products from outside New York procured during the food products' listed New York availability period; and
- (3) total dollar value of all other food products from outside New York State.

As required by the 2013 amendments to the Food Metrics Law, OGS, in consultation with Ag&Mkts, established Guidelines for Purchasing New York State Food Products, which describes the process that agencies should follow when, in accordance with SFL § 165(4), an agency chooses to require that some or all of the food it is seeking to purchase must be grown, harvested, produced, or processed in New York State. The Guidelines contain definitions, how-tos for requiring NYS products, sample solicitation language, vendor certification requirements, and reporting requirements.

The Guidelines and a reporting template are published on the OGS website at <https://ogs.ny.gov/procurement/buyny-guidelines>.

OGS sent multiple requests to all agencies asking them to submit reports of food purchases made in accordance with SFL § 165(4) using the reporting template. Reports were received from 22 State agencies, with most reporting they had no food purchases made in accordance with SFL § 165(4).

The table below reflects agency-reported purchases from agency-specific food contracts where, in accordance with SFL § 165(4), the agency has determined that all or some of the food products to be purchased must be New York State food products.

State Agency Name	Total Food Purchases (\$)	Total NYS Food (\$)	Total NYS Processed Food (\$)
New York State Office of Mental Health	\$704,631	\$280,096	\$415,535
NYS Department of Corrections and Community Supervision	\$3,279,931	\$1,841,177	\$0
Office of Parks, Recreation, and Historic Preservation	\$739,352	\$682,050	\$0
TOTAL	\$4,723,914	\$2,803,323	\$415,535

NYS Food means a food item that is composed of raw materials from inside NYS only (grown, harvested, or produced in NYS).

NYS Processed Food means a food item that is composed of raw materials from both inside and outside NYS if: (i) its predominant value is derived from food grown, harvested, or produced in NYS, and (ii) the processing of such food products takes place in facilities that are located in NYS.

Other Efforts to Support the BuyNY Food Initiative

Office of General Services

OGS works to support the BuyNY food initiative through the establishment of centralized contracts for food, through collaborative efforts with other agencies and organizations, and through its participation in the USDA School Foods Pilot Project.

OGS ensures that NYS food is available on centralized contracts.

State agencies are required by SFL § 163(3)(c) to purchase commodities such as food through centralized contracts established by OGS unless such centralized contracts do not meet an agency's form, function, and utility. As a result, many of the food purchases by agencies serving populations in institutions, such as the Department of Corrections and Community Supervision (DOCCS) and the Office of Mental Health (OMH), are made through the OGS centralized food contracts. The solicitations for all five OGS centralized food contracts currently in place (three commercial, one retail, and one baked goods) were issued prior to the March 2014 effective date of the amendments to SFL § 165(4). Consequently, those contracts did not contain reporting requirements that matched the changes in the law regarding NYS food items.

However, because centralized contracts are a major source of food for many agencies, OGS continuously works with the food contractors to identify the NYS food products on their contracts and to modify the reporting requirements to include NYS food products. In addition, if OGS learns that a purchasing agency is seeking particular NYS food products, OGS requests that the contractors identify those products on their price guides and specify those NYS food products in their sales reports. These modifications are a significant step in helping agencies to identify and purchase NYS food products because of the volume of food purchased under these contracts.

OGS identifies NYS food products through the commercial and retail grocery contracts. Each contractor is required to identify NYS food products in published price guides. In addition, contractors are also required to submit monthly reports to OGS that identify NYS food products. Based on sales reports submitted by contractors, the tables below show that approximately 20% of all food purchased from OGS commercial and retail grocery contracts by State agencies were NYS food products, approximately 76% of baked goods and fresh bread purchased from OGS baked goods and fresh bread contracts were NYS food products, and approximately 82% of milk (fluid) purchased from OGS milk (fluid) contracts were NYS food products.

Commercial and Retail Food Contracts			
Contractor	Total Food Purchases (\$)	Total NYS Food (\$)	NYS Food (%)
Driscoll (Retail)	\$3,574,963.80	\$339,061.99	9.48%
Driscoll	\$13,333,207.49	\$3,523,248.15	26.42%
H Schrier	\$7,535,803.96	\$1,468,181.98	19.48%
Sysco	\$18,919,805.00	\$3,487,327.22	18.43%
TOTALS	\$43,363,780.25	\$8,817,819.34	20.33%

Baked Goods and Fresh Bread Contracts			
Contractor	Total Food Purchases (\$)	Total NYS Food (\$)	NYS Food (%)
Bimbo Bakeries	\$4,491,533.71	\$3,413,092.72	75.99%

Milk (Fluid) Milk Contracts			
Contractor	Total Food Purchases (\$)	Total NYS Food (\$)	NYS Food (%)
Boice Bros. Dairy Inc.	\$707,796.76	\$707,796.76	100.00%
Byrne Dairy, Inc.	\$2,337,716.37	\$2,337,716.37	100.00%
Cream-O-Land Dairies, LLC	\$1,044,077.44	\$0.00	0.00%
Upstate Niagara Cooperatives, Inc.	\$1,815,316.74	\$1,815,316.74	100.00%
TOTALS	\$5,904,907.31	\$4,860,829.87	82.32%

OGS works with key partners for the BuyNY initiative.

OGS continues to work with Ag&Mkts, OMH, DOCCS, Department of Health, State University of New York, NYC Department of Education, and Cornell Cooperative Extension on initiatives to increase the purchase of NYS food.

OGS continues to participate in the USDA School Foods Pilot Project.

In 2014, OGS was selected to participate in the USDA Pilot Project for Unprocessed Fruits and Vegetables. The goal of the pilot project was to develop additional opportunities for schools to purchase fresh fruits and vegetables with USDA funding, and develop new relationships with farmers, growers, produce wholesalers, and distributors. The USDA pilot program encouraged the use of locally grown foods in national school lunch programs by allowing locally grown foods to be purchased with the USDA funds annually allocated to schools.

For the 2018–19 School Year, 255 schools dedicated \$3.4 million of USDA entitlement to procure fresh produce through the Pilot Program. New York is also capped at \$3.5 million for the 2019–20 School Year.

Department of Corrections & Community Supervision

DOCCS, in cooperation with OGS, Ag&Mkts, and Cornell Cooperative Extension, advances the BuyNY initiative by being a leader in the purchase of NYS grown, produced, and processed food products. Additionally, DOCCS continues to change menu items and ingredients to promote the use of NYS food products when possible.

The following is a list of annual purchases of NYS products for the period of January 1, 2018 to December 31, 2018:

- All diced potatoes used at the Food Production Center are NYS grown and processed. Purchases: 426,500 pounds; Cost \$156,610.00.
- DOCCS has been serving 4 oz. vanilla yogurt on its menus since September 2014. Purchases: 1,547,424 cups; Cost \$399,383.26.
- Frozen diced apples. Purchases: 293,960 pounds; Cost \$248,366.40.
- Kosher grape juice is made from NYS juice concentrate. Purchases: 34,100 gallons; Cost \$383,300.00.
- Powdered milk. Purchases: 9,500 pounds; Cost \$10,735.00.
- Dry beans. Purchases: 274,000 pounds; Cost \$141,184.00.
- Ice cream sundae cups. Purchases: 100,296 cups; Cost \$28,028.94.
- Halal Jamaican beef patty (5 oz) made primarily with NYS ingredients and is processed in NYS. Purchases: 881,000 patties; Cost \$491,940.38.
- Fresh NYS-grown cabbage. Purchases: 782,099 pounds; Cost \$280,002.34.
- Fresh NYS-grown bean sprouts. Purchases: 30,170 pounds; cost \$17,204.70.
- Beef/TVP burger patty (4 oz) made with local beef trim. Purchases: 373,352 patties; Cost \$278,081.40.
- Meatballs are made with local beef trim. Purchases: 352,050 pounds; Cost \$590,932.29.

Office of Mental Health

OMH continues to source NYS food for its facilities wherever possible.

- OMH issued a new procurement solicitation in the downstate region for bread products that was awarded to a NYS bakery.
- OMH maintains contracts with NYS manufacturers of snack cookies and NYS growers for sliced apples.
- OMH is in the process of re-issuing a solicitation for NYS beef patties.
- OMH facilities purchase NYS fluid milk and yogurt where regionally available on NYS centralized contracts.
- The quality assurance team at OMH's Cook Chill Production Center actively searches for local ingredients for use in recipes. In 2018, a NYS vegan Worcestershire sauce was identified and included in product development.
- A variety of NYS grown vegetables (corn, peas, green beans, carrots) are purchased for use in recipes at OMH's Cook Chill Production Center.
- A variety of NYS manufactured herbs, gelatin, pastas, beef, and gravies are purchased for use in recipes at OMH's Cook Chill Production Center.
- OMH continues to partner with NYS DOCCS to purchase NYS grape juice.