



Office of
General Services

2019

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, 2019 and December 31, 2019.

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.

The law was amended in 2013 to 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 2013 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 34 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 (\$)
Division of Human Rights	\$5,514	\$0	\$5,514
NYS Department of Corrections and Community Supervision	\$8,539,509	\$1,724,529	\$0
New York State Office of Mental Health	\$680,859	\$256,327	\$424,532
Office of Parks, Recreation and Historic Preservation	\$911,000	\$908,000	\$0
TOTAL	\$10,136,882	\$2,888,856	\$430,046

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 2013 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 18% of all food purchased from OGS commercial and retail grocery contracts by State agencies were NYS food products, approximately 84% of baked goods and fresh bread purchased from OGS baked goods and fresh bread contracts were NYS food products, and approximately 80% 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 (%)
Metropolitan Foods Inc., dba Driscoll Foods (Retail)	\$3,473,098.14	\$367,468.55	10.58%
Metropolitan Foods Inc., dba Driscoll Foods	\$13,310,541.67	\$3,477,722.74	26.13%
H. Schrier & Co., Inc.	\$8,030,415.7	\$1,471,280.32	18.32%
Sysco Syracuse, LLC	\$19,253,421.01	\$2,687,165.47	13.96%
TOTALS	\$44,067,476.52	\$8,003,637.07	18.16%

Baked Goods and Fresh Bread Contracts			
Contractor	Total Food Purchases (\$)	Total NYS Food (\$)	NYS Food (%)
Bimbo Bakeries USA, Inc.	4,106,160.83	3,439,131.40	83.76%

Milk (Fluid) Milk Contracts			
Contractor	Total Food Purchases (\$)	Total NYS Food (\$)	NYS Food (%)
Boice Bros. Dairy Inc.	\$763,436.30	\$763,436.30	100.00%
Byrne Dairy, Inc.	\$2,087,084.55	\$2,087,084.55	100.00%
Cream-O-Land Dairies, LLC	\$1,178,379.66	\$0.00	0.00%
Upstate Niagara Cooperatives, Inc.	\$1,833,736.24	\$1,833,736.24	100.00%
TOTALS	\$5,862,636.75	\$4,684,257.09	79.90%

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 encourages 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 2019-20 School Year, 244 schools dedicated \$3.5 million of USDA entitlement to procure fresh produce through the Pilot Program. New York is capped at \$3.5 million for the 2020-21 School Year.

Department of Corrections & Community Supervision

DOCCS continues to work in cooperation with OGS, Ag&Mkts, and Cornell Cooperative Extension to support BuyNY. Additionally, DOCCS continue to change menu items and ingredients to promote the use of NY products when possible.

The following is a list of annual purchases of NYS products for the period of January 1, 2019 to December 31, 2019.

- Diced Potatoes. 412,000 pounds; cost \$170,850.00
- Frozen Diced Apples. 264,000 pounds; \$227,680.00
- Powdered Milk. 7,850 pounds; cost \$10,465.00
- Dry Beans. 226,000 pounds; cost \$122,760.00
- Fresh Cabbage. 710,000 pounds; cost \$250,920.00
- Fresh Bean Sprouts. 28,210 pounds; cost \$16,820.11
- Jamaican Beef Patty (5 oz). 841,050 patties; cost \$528,887.29
- Vanilla Yogurt (4 oz cup). 1,404,048 cups; cost \$369,468.27
- Kosher Grape Juice Concentrate. 22,800 gallons; cost \$331,600.00
- Ice Cream Sundae Cups. 263,640 cups; cost \$63,640.49
- Bell Peppers. 48,312 pounds; cost \$21,784.85
- Pizza Shells. 120,820 shells; cost \$294,184.38

Office of Mental Health

OMH continues efforts to support the BuyNY initiative by leveraging existing food contract opportunities and pursuing agency contracts for NYS grown and manufactured foods. Towards those ends OMH consistently modifies recipes and menus to enhance nutritional content and incorporate local foods to the greatest extent possible.

- OMH has established contracts with growers of NYS apples and processors of NYS beef.
- OMH maintains contracts with NYS manufacturers of snack cookies, bean pies, bread, and rolls.
- OMH facilities purchases of NYS fluid milk, yogurt, and sour cream where regionally available on NYS centralized contracts.
- The quality assurance team at the Cook Chill Production Center actively searches for local ingredients and has incorporated NYS seasonings in recipe development.
- A variety of NYS-grown vegetables (corn, peas, green beans, and carrots) are purchased for use in recipes at OMH's Cook Chill Production Center.
- A variety of NYS-manufactured flavorings, gelatin, pastas, beef, and gravies are purchased for use in recipes at OMH's Cook Chill Production Center.
- OMH continues its partnership with DOCCS to purchase NYS grape juice as well as a variety of other goods produced at the DOCCS Cook Chill Production Center.