

## Agenda

Massachusetts Food Policy Council Meeting, Monday, November 25, 2013, 9:30 AM – 12:30 PM,  
Worcester Union Train Station, Union Hall, CMRPC

In attendance:

Cynthia Taft Bayerl, MA Depart. of Public Health for Commissioner Bartlett  
Kerry Bowie, Depart. of Environmental Protection  
Jeff Cole, Federation of MA Farmers Markets  
Manny Costa, Costa Foods  
Michael Hunter, Undersecretary, MA Dept. of Housing and Economic Development  
Steve Kulik, State Representative  
John Lee, Allandale Farm  
Kate Millet, Depart. of Education  
Vivian Morris, MA Public Health Association (arrived at 11:20)  
Bonita Oehlke, MA Depart. of Agricultural Resources  
Frank Martinez- Nocito, MA Depart. of Transitional Assistance  
Greg Watson, Commissioner, MA Depart. of Agricultural Resources

Jessica Burgess, MA Depart. of Agricultural Resources, provided legal counsel

Meeting called to order at 9:56 AM

Commissioner Watson welcomed everyone and briefly explained the open meeting and procurement process the Council was about to embark on. He asked if any FPC member should recuse themselves in regards to the upcoming discussion. Jeff Cole described Mass Farmers Markets' work with the Metropolitan Planning Council and service agreement for \$700 as part of the MA in Motion grant work. However he has no direct or as best as he can see other financial incentive from the award of this contract being decided today. MDAR legal staff observed that he is probably far enough removed but that the matter should be noted in the minutes.

Jeff Cole questioned the state procurement rules that require public comment after the presentations and award will have been made. Commissioner Watson provided clarification that it is unusual to have a contract review in public, but this process combines state procurement and open meeting rules, necessary due to the decisions of the MA Food Policy Council. Public comment after a decision follows the State of MA procurement rules.

**1. Approval of minutes:** Reading of the minutes was suspended by consensus. A motion to accept the minutes was made by Representative Kulik and seconded by John Lee. The motion passed on unanimous voice vote.

**2. Reports of Officers-** none

**3. New Business:** Three presentations were made in response to the RFR for a facilitating entity to develop a statewide strategic food systems plan.

Clarifying questions to address during the 30 minute presentations were developed by the Review Committee and provided to the bidders in advance:

- Coordination of key personal and regional coordination in Massachusetts
- Policy formation including Federal policy needs, barriers and recommendations in relation to MA
- Stakeholder participation outreach plan and communication
- Facilitation of working groups and how to ensure their involvement
- Details for the web platform
- How Phase II interplays with future activities of the council
- Identifying baselines for the evaluation process

Presentations were given by:

**Changing Tastes** <https://changingtastes.net>

Arlin Wasserman, Partner and Founder

Holly Fowler, Project Director

**Metropolitan Area Planning Council** <http://www.mapc.org/>

Marc Draisen, Executive Director

Julie Conroy, AICP; MAPC Senior Environmental Planner

Mary Prauss, Franklin Regional Council of Governments, Land Use Planner

David Elvin, Pioneer Valley Planning Commission, Senior Planner

Alex Risley Schroeder, MA Workforce Alliance

**Dialogos** <http://dialogos.com/>

Bill Isaacs, CEO, Dialogos, Senior Lecturer, MIT

Joanne Burke, Thomas W. Haas Professor in Sustainable Food Systems, UNH

Skip Griffin, Senior Consultant, Dialogos

David Miller, Consultant, Dialogos

Aaron Frederick, Consultant, Dialogos

Rebecca Niles, Consultant, Dialogos

Commissioner Watson sought and reminded Council members that they could only ask additional clarifying questions based on the info found in the responses and these must be addressed to all respondents.

Question: What will be the ongoing support/maintenance/process of the website beyond the period of the planning process?

Changing Tastes: There will be a continued living, dynamic platform though we don't plan to be the group that maintains the website. Our vision is like the Vermont Farm to Plate system and it can be built off any number of existing platforms.

MAPC: We have our own web development staff and not only will develop the site but will maintain it over time and throughout Food Policy implementation as needed.

Dialogos: We will build the content management system that would allow it to be maintained. We will maintain it through the planning process. Thereafter another, as yet unidentified, party would be responsible and we can help decide who the right party would be.

Question: How will work be coordinated to create maximal efficiency of personnel, knowledge collection, and build community engagement?

Dialogos: We propose 10 - 12 engagement sessions in varying parts of the state that will be developed in interviews with experts. We will set up the infrastructure with ongoing coaching and engagement of the self identified groups so that groups can weigh in on all topics.

MAPC: We see two elements to the question, administration and community engagement. We will be the key administrators/managers, and fiduciary agents for the project. Julie Conroy has the most food systems experience and will be the project director. FRPC, PVRC and Workforce Alliance and other groups will work directly with Julie topically and geographically. They will be the project advisory committee, set up through an interactive Food Policy Council process to be sure that areas of expertise and interest are represented. The advisory committee would operate, except in rare instances, like a board of directors and be responsible for community engagement. Other regional planning commissions will be engaged and can also assign resources in this effort. This is a common activity for us. We see a two step process:

- 1) Design with input from the MA FPC.
- 2) How. We are open to being real listeners and are open to changes in perspective seeking not to come to the process with pre-existing conditions.

Changing Tastes: We look to the FPC for how often to engage. Holly is available on a daily basis if needed. Arlin and Cynthia will provide support and expertise. We're in MA frequently, more than once a month. A distinction is that we think of ourselves as partners to the FPC. We've worked by leveraging and managing relationships, which is what is needed and points to Sodexo and work with 10,000 food service managers as an example. The website platform is for large numbers of non- traditional stakeholders. For it to be a lasting resource it may reside within the FPC or MDAR or wherever it makes sense. As a team we will be talking about this project every day and have few competing engagements. We have worked with groups that are geographically bounded as well as several countries. We know the value of shared experience to come to a shared vision.

The FPC members were provided 10 to 15 minutes for individual evaluation and scoring. The full council was reconvened for a discussion and awarding of the contract @ 12:14 PM.

FPC member general impressions and statements were solicited as the first step:

All three groups had strong content and the clarifying questions which they responded to provided additional information that is helpful.

Overall this has been very impressive. All the groups touched on important issues including economic development, entrepreneurship and food security. It was good to hear acknowledgement that there is a problem with food security, and a commitment to look for a way to address this problem.

Interesting to get a better sense of what is the FPC really looking for: How much do facilitators need to know about the topic; is it important to have topical knowledge within the facilitating entity? Who has strong experience in facilitation engagement to be open and strong listeners without existing opinions?

The three presentations were very thoughtful. What's the balance between what they are bringing to the table and their strength/skills in facilitating?

The proposals showed the different way of relating to the broad food and ag community and different ways of getting to yes. The ideas for the roadmap were impressive and acknowledged the challenge of pulling in all the relevant people. Food safety for producers and consumers should be included.

The proposals were all enlightening. Each of the proposals gets us to where we want to be. The legislative implications are important. The plan should be a strategic plan that is a living document for regulatory, funding, and new initiatives

All three were very good presentations with different approaches. Environmental justice perspective as well as the Governor's push for innovation and infrastructure was a lens to review the proposals. There are several directions from tried and true to innovative, but perhaps risky.

The presentations were fantastic. It's very encouragement to get this type of response. The presentations had important themes around approaches to engagement, content specific knowledge and knowledge of stakeholders across the state, which can be an advantage and also a disadvantage.

The Review Committee was thanked for their time to review the proposal and develop the clarifying questions. The wave of the future is more community involvement while at the same time, environmental and other changes are important. We need many partners.

Jeff Cole voiced grave concerns about the procurement process. He asked: 1) Does an unwritten MDAR policy on procurement bind the FPC? 2) Does MDAR legal opinion bind the FPC and is it wise for the Council to accept the opinion without getting its own in respect to the decision that it is the responsibility of the Review Committee to disqualify a bidder? (A bid was disqualified because a member of the team was part of the Advisory Committee RFR process.) 3) Is it wise to for the FPC to accept MDAR's legal opinion that the Ethic Commission's Ruling of no conflict with the disqualified bidder applied only to ethics and has no bearing on procurement, or should we seek our own legal opinions through the Attorney General of perhaps Governors office? 4) Given our mandate to procure the best possible public outcome of this process and that, as previously stated by Commissioner Watson, this has been a highly unusual procurement process should the FPC accept the opinion that procurement rules prevent public input before award and shouldn't the FPC work directly with the State Procurement Officer in this process?

Jeff Cole made a motion to postpone making the award until there is additional consideration on the process and independent legal advice. The motion was seconded by John Lee ("for the sake of discussion").

Discussion:

The FPC took on additional responsibilities after enabling legislation was passed, to have the gravitas of the FPC for this process. A number of process scenarios were discussed for the RFR and the current process was agreed upon by the FPC. The process would be imperfect if there were no viable options among the bidders; however that is not the case. There has been a practical time frame to accomplish this process. Abandoning this process now is cause for concern.

Response from MDAR legal: This is a procurement issue. When the Ethics Commission makes a decision, it is based on the individual posing the questions they think are relevant. Procurement issues are separate. Fairness is a procurement requirement. MDAR reached out to State Procurement staff. MDAR also reached out to other state agencies regarding procurement. Therefore not just MDAR's legal opinion is in play. All procurement rules were followed. If the award is delayed, another RFR may be required since the responses are valid for only 90 days. The decision to disqualify a bidder was very difficult. MDAR does not have an unwritten policy; decisions were made based on state procurement rules. The procurement management team, in this case the Review Committee, was charged with making any disqualification decisions.

As a member of the Review Committee, more communication about the procurement process could have been helpful but this has been a hybrid process with an ambitious timeline. In the end, three very well qualified candidates were indentified. The process was accepted with confidence about MDAR's due diligence.

The motion to postpone making the award failed on voice vote with one vote in favor and all other votes no.

The Review Committee was again commended for their work on behalf of the FPC.

FPC members were asked to share their first and second choice rankings. Vivien Morris recused herself from the ranking since she missed the first two presentations at this meeting. She shared her hope that the breath of the state be included as well as underrepresented groups.

PFC member rankings:

MAPA 2,2,1,1,1,1,1,1,1: Total 7 first, two second.

Changing Tastes 1,1,2,2,2,2,2,2,2: Total two first, 7 second.

Dialogos 1,2

Representative Kulik moved to award the contract to MAPC and instruct the Department to take all necessary steps under state procurement rules to negotiate and execute the contract in accordance with the specifications set forth in the RFR. Kerry Bowie seconded. The motion passed on voice vote with Jeff Cole abstaining and all others in favor.

Representative Kulik made a motion that in the event that the contract cannot be executed with MAPC, that MDAR enter into a contract with Changing Tastes. Kerry Bowie seconded the motion, which passed on voice vote with Jeff Cole abstaining and all others in favor.

Commissioner Watson asked for FPC to designate a representative of the FPC to work with MDAR during the contract drafting process to ensure contract meets FPC specifications set forth at the meeting and in the RFR. Katie Millet volunteered.

#### 5. Other business

FPC members received Open Meeting Law packet information, and acknowledgment receipts to sign.

#### 6. a. Member Announcements (none)

#### 7. Public Comment

Hugh Joseph, Friedman School of Nutrition wished he could have shared this information before the vote. The RFR gave 23 business days to submit a proposal. This was an impossible task. It was released in August, a terrible time for schools, which was communicated to the Commissioner and the FPC. He had asked at that time for the RFR be postponed or the response time extended. The qualities of the proposals or the rankings are not being criticized, but who is not here - who didn't apply. Not one institute of higher learning was able to send in a proposal. This was the shortest response time to any RFR of any grant that I have ever seen. This is the first RFR that has come out with food systems implications for decades, in 40 years. The biggest disappointment of this incredible planning process is that we couldn't even respond. Hugh brought a letter for the record.

Joan Squire, HTC Consulting, shared a hope that the MAPC will address the vision and funding which are both too small. This is the largest concentrations of universities in the world and higher education was not part of the dialog. Higher education has been left out. There is also untapped potential for funding for sustainable food systems. We are the economic drivers for the region. Hopefully the missing pieces can be added.

Representative Kulik and Jeff Cole made a motion to adjourn at 1:15 PM which was seconded by John Lee and Manny Costa, and passed on unanimous voice vote.