

**REQUEST FOR RESPONSE: Agricultural Fairs Improvement Program**  
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

**RFR No. AGR-AFIP-2010**

**Due Date: January 15, 2009**

**Contact:** Melissa Guerrero  
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Massachusetts Department of Agricultural Resources  
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**This Request for Response (RFR) contains three sections; Section I - Program Description, Section II - Application, Section III - Financial Statement. Those responding (Responders) must complete Sections II and III and return to the contact noted above by December 4, 2009 in order to be considered for participation in the program.**

**SECTION I – PROGRAM DESCRIPTION**

**(1) Purpose:**

The Massachusetts Department of Agricultural Resources (hereinafter “Agricultural Resources”) invites responses from Massachusetts’ Agricultural Fair organizations (hereinafter “Fairs”) to participate in the Agricultural Fairs Improvement Program. These Fairs must be willing in Phase I, to commit sufficient time to properly participate in the business planning process. If they advance to Phase II, the Fairs must be willing to implement components of an improvement plan and enter into an agreement. All awards pursuant to this Program are contingent upon legislative authorization and administrative appropriation.

The overall purpose of the Agricultural Fairs Improvement Program (hereinafter the “Program”) is to assist Fairs with improving their viability with anticipation of sustaining the fair through the development and implementation of an Agricultural Fair Improvement Plan (hereinafter “Business Plan” or “Plan”). A comprehensive Business Plan is developed in Phase I by a team comprised of consultants engaged by Agricultural Resources displaying knowledge and expertise within the agricultural fair sector. The Plan suggests ways for a fair to increase income through such methods as improved management practices, diversification of activities, marketing, and promotion. In addition, the Plan may make recommendations concerning environmental and resource conservation measures or meeting regulatory requirements on the agricultural fair property.

Fairs that develop Business Plans with Agricultural Resources in Phase I are eligible to participate in Phase II of the Program upon a declaration of interest by the Fair, Agricultural Fair Organization (hereinafter the “Organization”), and upon a favorable decision of Agricultural Resources. Phase II of the Program requires the execution of

a contract between Agricultural Resources and the Fair. In exchange, Agricultural Resources provides the Fair with funding to implement specific portions of the Plan. Participation in Phase II is based, in part, on the financial needs of the Participant and/or the Plan's ability to improve the economic viability and possibly the environmental integrity of the Fair.

The anticipated schedule for the Program is as follows:

- Review of responses to this RFR January 2010.
- Pending the availability of funds, notification of acceptance into Phase I shall be made beginning in February 2010.
- Orientation for Fairs that are accepted into the Program will take place during the month of February at a location to be determined.
- The Plans will be developed before May 30, 2010 (Phase I).
- If all the necessary documentation is provided as detailed below, Agricultural Resources will make a good faith effort to release payment to the fair within six weeks of the date that all the documents are made is available and the Plan accepted. During this time an agreement will be constructed.
- Depending on the availability of funds, Agricultural Resources approval of contracts and release of funds is expected to take place in May and June 2010.

**Costs incurred prior to contract in Phase II cannot be reimbursed and will not qualify as Program expenditures.** Should additional funds become available, Agricultural Resources may select other Responders, not initially chosen for participation, to participate in the Program at any time during Fiscal Year 2010 (July 1, 2009 – June 30, 2010).

Approved uses of funds in a contract have included improvements to meet regulatory requirements, infrastructure (electricity, water/ sewer, building repair or remodeling), enhancing exhibits, construction of new buildings, campsites, energy efficiency, renewable energy opportunities, etc. Ineligible use of funds: paying debt, entertainment fees and marketing/promotion costs, buying land, and operating costs.

## **(2) Contract and Performance Specifications:**

### **A. Eligibility**

To be eligible for participation in the Program, a Responder must manage an agricultural fair for at least the three previous years.

Only Fairs that are non-profit organizations are eligible for this Program.

## **B. Criteria for Selection in Phase I (see Exhibit 1: Evaluation Form)**

Applications will be evaluated and selected based on the following criteria. They are listed in order of importance.

(1) **Degree of threat to the continuation of the Fair and/or the Land.** A threat can include, but is not limited to, financial instability, development encroachment, market forces, or management changes that may negatively impact continuance of the Fair. **This factor is the most important consideration in reviewing applications and selecting Fairs to participate in the Program under this RFR.**

(2) Number of days that the fair is in operation and the number of years that the Fair has existed the type of agricultural involvement and the willingness of the Fair to explore new opportunities that might include improved management and efficiency methods. Identification of problems and examples of opportunities for growth or possible solution paths for the Fair are contained in the application.

(3) Degree to which the project would develop and accomplish renewable energy opportunities for the protection or conservation of water resources and conservation of energy / use of renewable sources of energy. Those responses that have undergone and implemented an energy audit and rate the need for the development of renewable energy opportunity as 'High' will be more competitive in the review process.

(4) Other unique factors that tend to support eligibility such as historical, open space or aesthetic amenities, and providing opportunities for expansion and growth of the Fair.

(5) Extent to which new opportunities that might include additional year round activities at the fair.

(6) Extent and type of matches provided by the applicant.

## **C. Funding For Plan Implementation – Phase II**

Once a Business Plan has been developed and approved by Agricultural Resources (the completion of Phase I), funding for Plan implementation will be available (Phase II). As commemorated by the establishment of a standard contract with Agricultural Resources. Funding from the Program is based upon a satisfactory completion of the application and that it is received by the due date. Awards may be rescinded at anytime during the technical assistance and business plan development phase (Phase I). Funds only distributed during Phase II and once an agreement has been reached. Both the Fair and Agricultural Resources must agree upon which selected elements from the Business Plan will be implemented prior to proceeding on to Phase II. Depending on the availability of funding, Agricultural Resources may offer the Participants one of two funding options.

(1) In exchange for up to twenty-five thousand (\$25,000) dollars, the Participants will agree to (a) enter into an agreement with the

Agricultural Resources (b) implement agreed upon components of the Business Plan and (c) provide a match of in kind services and/or cash at the level described in the application.

- (2) In exchange for up to fifty-thousand (\$50,000) dollars, the Participants will agree to (a) enter into an agreement with the Agricultural Resources (b) implement agreed upon components of the Business Plan and (c) provide a minimum in kind services and/or cash in the amount of twenty-five thousand (\$25,000) dollars.

Responders will be informed which option the Agricultural Resources intends to offer when notified of acceptance into Phase I. Participants must agree to all the conditions contained in either (1) or (2). Determination of which option is offered to a Responder rests solely with Agricultural Resources. **Fairs receiving funding from the Program will be issued a Form 1099 Misc indicating income from Agricultural Resources.**

Sample agreements will be available from Agricultural Resources to Responders accepted into Phase II of the program.

Agricultural Resources reserves the right to amend the terms and conditions set forth therein it deems necessary in its sole discretion.

#### **D. Reporting and Documentation (Phase III)**

- (1) Program Participants must provide Agricultural Resources with all the records and receipts of the expenditures made with the funds received at a date specified in the contract.

- (2) In order to evaluate the impact of the Program and upon request from Agricultural Resources, Participants must submit information and financial data pertaining to their Fair operation to Agricultural Resources for a period of up to five years following the termination date specified on the contract. All such financial data shall be considered confidential.

#### **(3) Instructions for Submission of Responses**

Anyone interested in submitting a response to this Request for Response must submit the completed **Section II - Application** and a completed **Section III - Financial Statement**.

**A response must be submitted both as a signed hard copy mailed to the Department and as an electronic copy emailed to [Melissa.Guerrero@state.ma.us](mailto:Melissa.Guerrero@state.ma.us) .**

**\*\*Submission deadline is to be received no later than January 15, 2010\*\***

**A. Application Evaluation**

A staff review team (hereinafter the “Review Team”) will consider all complete responses and rank them according to the stated criteria. The Review Team will be comprised of Agricultural Resources staff and Program consultants. The Advisory Committee will consider the rankings and then convey recommendations to the Commissioner of Agricultural Resources for final decisions. Agricultural Resources will make notifications of acceptance and rejection to applicants in writing. A Responder can withdraw a response at any point. Agricultural Resources reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criterion. **All acceptances will be conditional upon the availability of funding.**

**B. Deadline For Responses**

Responses (Section II and Section III) with ALL requested supporting documents, noted in Section III, 5., must be received no later than 3 P.M., January 15, 2010 at the following address: Melissa Guerrero, Massachusetts Department of Agricultural Resources, 251 Causeway Street, Suite 500, Boston, MA 02114-2151. **A hardcopy is required by the deadline with original signatures. Electronic copies and Facsimiles may be accepted in addition to the hardcopy.**

**(4) RFR Attachments:**

- A.** At the beginning of Phase II, a Participant must be willing to execute a contract, and the following documentation must be supplied, in addition to other requested documentation.
- A accurate copy of a recorded deed showing ownership and a description of all the current land used by the Fair.
  - If Responder is not the owner of the land used by the Fair, a copy of an executed lease agreement and/or contract evidencing the Responders right to use land for said purposes.
  - A notarized, signed and dated copy of the Fair’s bylaws
  - A clerk certificate, in recordable form, clarifying in specific the names and addresses of the current Corporate officer’s of the Fair, Board members, managers of applicable and the person(s) in charge, with decision making capabilities.
- B.** Any Participant (also called a Contractor or Bidder on the attachment forms) who is accepted for participation in Phase II of the Program must complete the following:
1. Commonwealth Terms and Conditions. If the Bidder already has executed and filed the Commonwealth Terms and Conditions, please indicate this in your Response. The Commonwealth Terms and Conditions shall be incorporated by reference into any Contract for Commodities and Services executed pursuant to

this RFR. A Bidder is required to execute the Commonwealth Terms and Conditions only once.

2. Verification of Taxation Reporting Information (W-9) Form.
3. Commonwealth Standard Contract.
4. Electronic Funds Transfer Form (EFT). (Optional)
5. Contractor Authorized Signatory Listing
6. Scope of Services and Budget

**It is not necessary to complete any of the above forms as part of the response to this RFR.** Once a Responder has been selected to be a Participant in the Program, Agricultural Resources will provide a copy of these Attachments to the Participant for completion and execution in the contract approval process.

**(5) Notice to Responders:**

**A.** This RFR is distributed electronically using the Comm-PASS system. It is the responsibility of every Responder to check Comm-PASS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Responders who fail to check for amended RFRs and submit inadequate or incorrect Responses. Potential Responders are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure that they have the most recent RFR files. Comm-Pass is available on line at <http://www.Comm-PASS.com>. For those utilizing the Comm-PASS system, the RFR attachments listed herein are available on line on the "Forms Page" of the Operational Services Division web site ([www.mass.gov/osd](http://www.mass.gov/osd)).

**B.** Responders may not alter the RFR language or any RFR component files. Responders must respond in accordance to the RFR directions and complete only those sections, which prompt the Responder for Response. Modifications to the body of this RFR, specifications, terms, and conditions, or which change the intent of this RFR are prohibited. Any unauthorized modifications will disqualify a Response.

**(6) Contract Type:** Maximum Obligation

**(7) Acquisition Methods:** Purchase\Fee for Service

**(8) Number Of Vendors Required (Single or Multiple):** Multiple

**(9) Single or Multiple Department Users:** Single; Only Agricultural Resources

**(10) Anticipated Contract Duration:** Through December 31, 2010 with 1 (one) 1 year option to renew.

**(11) Anticipated Expenditures, Funding or Compensation:** Maximum of \$50,000 per Program Participant.

**RFR—Required Specifications**

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in *801 CMR 21.00* (and *808 CMR 1.00*, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "*☞ Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

Affirmative Market Program (AMP). Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Affirmative Market Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the AMP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of AMP objectives, the Affirmative Market Program (AMP) Plan for large procurements greater than \$50,000 will be evaluated at 10% or more of the total evaluation. Once an AMP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SOMWBA certified contractors to fulfill their own AMP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size, however, submission of an AMP Plan is mandated only for large procurements over \$50,000.

This RFR will contain some or all of the following components as part of the Affirmative Market Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Growth and Development activities to increase M/WBE capacity,
- Ancillary use of certified M/WBE firms,
- Past Performance or information of past expenditures with certified M/WBEs and
- Additional incentives for bidders to commit to at least one certified MBE and WBE in the submission of AMP plans.

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the State Office of Minority and Women Business Assistance (SOMWBA). All certified businesses that are included in the bidder's AMP proposal are required to submit an up to date copy of their SOMWBA certification letter. The purpose for this certification is to participate in the Commonwealth's Affirmative Market Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SOMWBA certification, contact their office at 1-617-973-8692 or via the Internet at [mass.gov/somwba](http://mass.gov/somwba).

Affirmative Market Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Affirmative Market Program (AMP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required

attachments electronically through Comm-PASS.

Comm-PASS. Comm-PASS is the official system of record for all procurement information which is publicly accessible at no charge at [www.comm-pass.com](http://www.comm-pass.com). Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via Comm-PASS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support Bidder submission of written questions associated with a Solicitation and publication of official answers. All records on Comm-PASS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each Bidder's responsibility to check Comm-PASS for:

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab, and
- Any Bidders' Forum records related to this Solicitation (see Locating a Online Bidders' Forum for information on locating these records).

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Response based on an out-of-date Solicitation or on information received from a source other than Comm-PASS.

Comm-PASS SmartBid Subscription. Bidders may elect to obtain an optional SmartBid subscription which provides value-added features, including automated email notification associated with postings and modifications to Comm-PASS records. When properly configured and managed, SmartBid provides a subscriber with:

- A secure desktop within Comm-PASS for efficient record management
- A customizable profile reflecting the subscriber's product/service areas of interest
- A customizable listing in the publicly accessible Business Directory, an online "yellow-pages" advertisement
- Full-cycle, automated email alert whenever any record of interest is posted or updated
- Access to Online Response Submission, when allowed by the Issuer, to support:
  - paperless bid drafting and submission to an encrypted lock-box prior to close date
  - electronic signature of OSD forms and terms; agreement to defer wet-ink signature until Contract award, if any
  - withdrawal of submitted bids prior to close date
  - online storage of submitted bids

Every public purchasing entity within the borders of Massachusetts may post records on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for all public entities in Massachusetts. SmartBid fees are only based on and expended for costs to operate, maintain and develop the Comm-PASS system.

Contract Expansion. If additional funds become available during the contract duration period, the

department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. ☞ *Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the State Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds

other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the State Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the State Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](#) page ([www.mass.gov/osd](http://www.mass.gov/osd)). Additional information about EFT is available on the [VendorWeb](#) site ([www.mass.gov/osc](http://www.mass.gov/osc)). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- **Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.**
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Filing Requirements. *☞ Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical,

and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Bidders responses/bids made in response to this RFR must remain in effect for at least 90 days from the date of bid submission.

Pricing: Federal Government Services Administration (GSA) or Veteran's Administration Supply. The Commonwealth reserves the right to request from the successful bidder(s) initial pricing schedules and periodic updates available under their GSA or other federal pricing contracts. In the absence of proprietary information being part of such contracts, compliance for submission of requested pricing information is expected within 30 days of any request. If the contractor receives a GSA or Veteran's Administration Supply contract at any time during this contract period, it must notify the Commonwealth contract manager.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the

contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

**REQUEST FOR RESPONSE – AGR-AFIP -2010**

**MASACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES  
Agricultural Fairs Improvement Program**

**Section II - APPLICATION**

*It is important that you read the Section I entitled Program Description before completing this Section II entitled Application. Key information is contained in Section I. In this Section, special instructions are in bold and Italics. Please read carefully and respond to each question carefully.*

*Please type or print clearly in ballpoint pen.*

Date\_\_\_\_\_

Municipality	Date received (official use only)
County	Received by:(official use only)

**1. Applicant(s) Sole contact with decision making authority to the Department**

Name of Fair: _____		
Contact Person: _____		
Mailing Address: _____		
Town:	Zip:	E-Mail:
Home Phone:	Other Phone:	

**1b. Fair Owner(s) of record or operator if different from applicant(s):**

1. Name:	2. Name:
Address:	Address:
Phone:	Phone:

2. Describe the activities conducted during the Fair (the use of additional paper is acceptable).

3. How many people earn fulltime income(s) from the Fair operation? \_\_\_\_  
How many staff are employed throughout the year?\_\_\_\_  
How many staff are employed during the Fair Season?\_\_\_\_  
How many people volunteer to help operate the Fair?\_\_\_\_

How many people are employed part time throughout the year? \_\_\_\_  
How many seasonal employees are hired? \_\_\_\_ For what period?  
\_\_\_\_\_

Please indicate Fair attendance:

Paid \_\_\_\_\_  
Volunteers, staff, exhibitors \_\_\_\_\_  
Total \_\_\_\_\_

4. All Plans include an environmental assessment and suggest options for actions that can be taken to improve environmental viability. How high would you rate the importance of an environmental assessment at your Fair?  
High\_\_\_\_\_ Moderate\_\_\_\_\_ Low\_\_\_\_\_

5. Describe any activities that take place on the fairgrounds property other than the Fair?

**Request for Response AGR-AFIP 08**  
**MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES**  
**Agricultural Fairs Improvement Program**

**SECTION III - FINANCIAL STATEMENT**

*It is important that you read Section I entitled Program Description before completing this Financial Statement. Key information is contained there. In the Financial Statement below, special instructions are in bold and Italics. Please read carefully. This section is to be completed by the farm operator(s). **ALL QUESTIONS MUST BE ANSWERED.***

1. List any liens or encumbrances, and the amounts, on the Land as described in the Application – Section II.

Encumbrance (to whom is the money owed)	Amount owed

2. To complete this section, applicants should use their 2006, 2007 and 2008 Tax Forms. Copies of these records are not needed by Agricultural Resources at this time, but will have to be presented to representatives of Agricultural Resources during Phase I of the Program. Please complete the following summary. If taxes for 2008 are not completed, estimate gross and net income.

Tax Year	Gross Income	Net Income	
2006			
2007			
2008			

3. Please include off Fair Season income/jobs generated

Off Season Activity	Jobs Created

- 4a. The Program’s goal is to provide the Fair with a plan of action to make their Fair more viable. Agricultural Resources wants to know what challenges and opportunities you see for your Fair operation. Please describe why your Fair operation is under extreme stress at this time. ***Please note: this is the most important consideration in reviewing applications. Be thorough in explaining your circumstances.*** The following information is critical. Extra sheets of paper may be attached.



4b. What do you think should be done to improve the economic viability of the Fair?


Those who will receive the grant award must sign this application. Substitutes or signatures initialed by another person will not be accepted. Officers and Representatives who have signatory authority for the Fair **MUST** sign Section III. Substitutes or signatures initialed by another person will not be accepted.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Send to:      Melissa Guerrero  
                 Massachusetts Department of Agricultural Resources  
                 251 Causeway Street Suite 500  
                 Boston, MA 02114-2151  
                 617-626-1730  
                 [Melissa.Guerrero@state.ma.us](mailto:Melissa.Guerrero@state.ma.us)