

**RFR TITLE: Massachusetts Food Plan – Facilitating Entity**  
**RFR#: AGR-FoodPlan-2014**

**Posting Date: August 6, 2013**

**Submission Due Date: September 9, 2013 at 5:00 p.m.**

**Procuring Agency: The Massachusetts Department of Agricultural Resources**

**1. PURPOSE OF PROCUREMENT:** To select the organization or entity that will be responsible for ensuring planning process design, stakeholder facilitation and project management, and completing a well laid-out vision and plan to increase agricultural production, processing and distribution that will serve as economic stimulus and address multiple related public health and food security issues. Initiated by in-- the Commonwealth's Massachusetts Food Policy Council (the Council or FPC), the planning process that a facilitating entity will coordinate will specifically result in the development of a Massachusetts Strategic Food System Security Plan with the following components :

- State level recommendations with opportunity for addressing local and regional issues
- Identification of federal policy needs, barriers and recommendations
- Broad political and public buy-in for State resources allocated to the Massachusetts food system through a variety of key points
- A set of indicators for measuring progress
- A responsive system for emerging issues and collaboration

The selected organization or team will report to the Council as agreed upon.

**PROJECT BACKGROUND:** Established in November 2010 through enabling legislation, the Council is a 17-member entity comprised of state agency, legislative and industry representatives. That same legislation required that the Council appoint an Advisory Committee consisting of members representing a range of specific stakeholder groups. The Advisory Committee currently consists of eleven members representing a range of organizations in the Commonwealth. The Council and Advisory Committee envision a strong, abundant, and resilient food system that is rooted in communities; provides quality jobs; contributes to a vibrant economy; utilizes, enriches, and sustainably manages our state's natural resources; and supplies healthy, affordable, and accessible food for all residents of the Commonwealth.

The Council began meeting in July 2011, and in March 2012, appointed 10 members to the mandated Advisory Committee, several of whom are also members of the Alliance. The Advisory Committee had its first meeting in May 2012. In June 2012, the Advisory Committee recommended that the Council take the lead on a **Massachusetts Food Systems Planning Initiative**. The Council, in turn, tasked the Advisory Committee with the development of a concept document that would provide a potential framework for such a statewide comprehensive strategic food system plan, including a process for stakeholder and agency involvement, an estimated timeline, a draft budget, and a general framework for goals and objectives that will improve Massachusetts' agricultural economy, enhance the resiliency of the Commonwealth's food system, and improve the nutritional health of the state's population. The Advisory Council made significant progress to this end and it was determined that coordination and facilitation would be needed to move the process forward.

The Council and Advisory Committee are committed to an inclusive and transparent planning process with ample opportunities for stakeholder participation and guidance.

Under the auspices and authority of the Council, the selected entity will support the formation of a comprehensive, multi-year Massachusetts Food Plan that:

- is guided by a unified vision
- is created by broad stakeholder involvement/engagement
- identifies a multi-year strategy
- outlines immediate and on-going actions and initiatives
- creates measurement tools by which progress is monitored according to project goals which should include economic impacts which may include but are not limited to USDA, FDA and other state and federal agencies

The selected proposal will:

- identify a lead agency or team of contributors to the functions of project management, facilitation and data collection.
- demonstrate how the team intends to communicate with the Council and Advisory Committee in accordance with this RFR
- Include a well developed planning and stakeholder engagement process with meaningful goals and performance measurements

**2. Identify Acquisition Method:** Grant

**3. Number of Contractors:** Only one entity will receive a contract

**4. Departments using this contract:** Only the Department of Agricultural Resources shall be using this contract.

**5. Contract Duration: Approximately 18 months. It is estimated that** all work shall be completed 18 months after the contract has been signed, with a goal for completion by March 31, 2015.

**6. Compensation Structure:** The contract shall be awarded a grant with a maximum obligation of no more than \$350,000.00. All funding is subject to appropriation. Grant disbursement shall be made in accordance with a developed Contract (see Invoicing under the Budget section of this RFR)

**7. Performance Specifications**

**THE PLANNING PROCESS:** The food system planning project should be informed by the work already completed by the Advisory Committee and ideally improve upon that work. These materials will be provided to applicants upon request. Contact Mr. Daniel Rhodes at [Daniel.Rhodes@state.ma.us](mailto:Daniel.Rhodes@state.ma.us) for this information.

The planning process will involve significant stakeholder engagement among a wide range of sectors and groups in the Commonwealth, especially among those that are not yet effectively connected to food systems work. To that end, the planning process will reach across the state to ensure maximum participation among diverse constituencies, including practitioners—i.e., farmers and food producers—as well as activists, investors, landowners, health and nutrition professionals, public officials, policy makers, and others positioned to lead food system changes. It will highlight best practices, provide missing data, identify gaps, prioritize solutions, link to work underway across the region for a

coordinated Northeast food system, and make policy recommendations. The effort will highlight all dimensions of the Massachusetts food system with specific emphasis on planning to increase agricultural production, processing and distribution to serve as an economic stimulus and address multiple related public health and food security issues in a just and equitable manner.

Goals of the initiative include:

- To analyze, learn from, and build upon past efforts;
- To develop a strategic action plan that includes steps (policies, investments, strategies, recommendations, priorities) with short and long term objectives informed by practice based evidence through a continuous feedback loop that consistently advances network objectives and moves the Commonwealth cumulatively closer to the overall vision;
- To create a set of metrics to measure progress over time from an established baseline.
- To engage multiple partners across various sectors (government, agriculture, economic development, public health and healthcare, etc.) in a coordinated effort to change the food system; and engage as many Massachusetts residents as possible in the conversation. This is both network and movement building, and
- To promote, support, and facilitate community organizing and capacity building strategies that empower broad-based, grassroots networks to implement the overarching vision in every region of the state;

**STRUCTURE:** The selected entity will seek guidance and take direction from the Council, with input from the Advisory Committee. The entity will be informed by the initial elements of a planning process that have been discussed by the Advisory Committee. The selected entity will report to a representative of the Council as directed.

**FUNDING:** The Massachusetts Food Plan will be a public-private initiative with funding coming from the Commonwealth of Massachusetts' Executive Office of Energy & Environmental Affairs, legislative appropriations and private philanthropy. Based on the preliminary work of the Advisory Committee, the projected budget for Phases I and II is between \$300,000-\$350,000. All funding and the award of a contract is subject to appropriation.

**ELIGIBLE APPLICANTS:**

The Department will accept proposals for any entity that is eligible to enter into a contract with the Department.

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. All applicants must be in compliance with all federal, state, and local statutes, regulations, ordinances, and bylaws and must execute a contract with MDAR and comply with the Commonwealth standard terms and conditions. **PROJECT PERIODS (suggested):**

Phase I:

- Confirm/secure personnel and partners
- Finalize work plan and budget for the initiative
- Develop communications and media plan for in-reach to the network and outreach to the public
- Develop online web platform, as first step of implementing the communications and media plan

Phase II: Target date of draft plan: December 2, 2014

- Develop metrics/indicators and collect baseline data
- Assess current food system efforts and analyze gaps
- Develop maps to show baseline data and extent of current food system development work
- Conduct outreach to network, including community forums and conversations with key informants, with intention of creating Work Groups to support the efforts
- Develop action agenda with a few specific activities selected (may already be in motion) to accelerate and amplify.
- Connect MA food system planning process to regional planning process
- Present the plan to the MA Food Policy Council with recommendations for implementation and approval
- Write, print, publish, and distribute the plan

**PROPOSAL REQUIREMENTS:** The successful applicant will receive funding for Phases I and II. All proposals should contain the following:

Organizational information: A list of the applicant organization's board of directors or advisory committee.

Narrative: Provide a (25 pages max.) narrative that addresses the following elements:

- Applicant's organizational history (founding date, mission, region served, populations served, current programs, etc.)
- Key project personnel – roles, qualifications, experience/relationship with diverse food sectors and/or multi-stakeholder process design
- Collaborative partners' capacity, roles, and responsibilities
- Steps necessary to establish baseline data, conduct broad outreach to a diverse range of stakeholders, develop the plan, and ensure implementation
- Outputs and outcomes – short, medium, and long term impacts
- Evaluation - plan and methodology
- Sustainability – a process for distribution of the plan and for future collaboration and funding
- Work plan - activities and time line

**BUDGET:**

The selected Contractor will fulfill all managerial and project coordination tasks including:

- providing oversight and direction to all subcontractors, as approved by this RFR.
- be the entity that is in direct communication with the Department about all issues pertaining to the Contract
- inform the Department of any difficulties with subcontractors.
- Any subcontractor must be in compliance with state law and the terms and conditions of the contract.

Only those costs directly associated with project activities are eligible to be reimbursed. Staff time, fringe benefits, and general operating expenses may be funded only if incurred as a direct result of the project work. Overhead will be considered on a case by case basis, but will not exceed 25% of the proposal request. In general, proposals without overhead are more competitive than those that include overhead expenses. The contribution of overhead expenses to the project by the applicant organization is considered a demonstration of the applicant's commitment to the proposed project and willingness to assume some of the risk involved in a new venture. This program does not generally fund capital purchases, defined as those with a lifespan of longer than five years.

Travel is allowable under this contract as is mileage. The costs for travel must be at the per diem rate approved by the Department.

Invoicing: Grant disbursements are made in increments of 50% (initial), 25% (interim), and 25% (final/) of the grant award. Grant awardees will submit a reports as well as a detailed invoice per the schedule outlined in the grant contract. The detailed report should include but not be limited to a narrative of progress, timeline, expenses incurred. Funds cannot be disbursed for any work done outside of the grant contract period. Work performed following the close of the contract period cannot be funded.

Letters of agreement: If more than one organization is involved in your proposal, provide a letter or Memorandum of Agreement (each 1 page max.) signed by an authorized representative of participating organizations that explain their level of involvement

#### **EVALUATION CRITERIA:**

- Proposal is clear, well written, and follows the requirements, including page limits; (Fix bullet formatting here)Personnel (including those involved in sub-contracts), ideally identified, are committed and are qualified to ensure the success of the project (with experience in community organizing, food system development, analysis, mapping not to include old standard cartography. Mapping must be compatible with general public and state agency utilization and communications strategies);
- Demonstrated experience with collaborations and partnerships with commitment from other organizations involved as partners;
- Demonstrated ability to involve producers, researchers, community organizations, and other relevant stakeholders;
- Demonstrated capacity for constituency building and policy formation;
- Presentation of a realistic timetable outlining the project's activities;
- Inclusion of criteria and process for selecting indicators and measuring progress toward plan implementation over time;
- Identifies how a baseline will be established, how accomplishments will be measured and evaluated, and a process for revisiting the plan over time;
- Familiarity with state and regional food planning processes and their role for creating social change;
- Demonstrated capacity to facilitate/manage a broad-based strategic planning process;
- A well-justified and detailed budget appropriate to carrying out the project's objectives, showing any matching funds applied for or already secured;
- Amount of indirect costs;
- Demonstrate details about outreach including how outreach will be organized and what it will encompass.

- Demonstrates an understanding of Massachusetts food and agriculture.

The review team will be composed of up to 9 representatives including: philanthropy (1 member), Food Policy Council (3 members), Advisory Committee (2 members), MDAR staff (1 member), and members of stakeholder community, (2 members).

Any contract award is subject to appropriation.

After reviewing the proposals based on the criteria above, the review team will select up to three proposals to be presented by the applicant to the Food Policy Council prior to the final award of the contract. Selected finalists must be available to meet with the Food Policy Council at a public meeting that is tentatively scheduled to be held on **Friday, October 4, 2013**. The final award will be made to one applicant by the Food Policy Council. All contracts and funding is subject to appropriation.

**8. Instructions for submission of responses:** The bidder shall submit one signed original and 9 copies of the response to:

Daniel Rhodes  
Massachusetts Department of Agricultural Resources  
Procurement Officer  
251 Causeway Street  
Suite 500  
Boston, MA 02114

All responses must be received (not postmarked) by the due dates specified.

In addition to the above hard copy, bidders shall submit an electronic copy to [daniel.rhodes@state.ma.us](mailto:daniel.rhodes@state.ma.us) by the due date specified.

## **9. Procurement Calendar**

RFR Posted to Comm-pass: August 6, 2013

Amendment Deadline: September 8, 2013 at 5:00 p.m.

Responses due: September 9, 2013 at 5:00p.m.

Estimated Start date for Contract: TBD

Question and Answer period: August 6, 2013 to September 9, 2013 at 5:00 p.m. Questions and answers will be posted on Comm-pass and available for review by all interested parties. Questions should be submitted by email to Daniel Rhodes at [daniel.rhodes@state.ma.us](mailto:daniel.rhodes@state.ma.us).

## **10. RFR Attachments / Required Specifications**

Any successful respondent will be required to enter into a contract with the Department and sign and complete the following documents.

1. Standard Contract Form
2. Commonwealth Terms and Conditions
3. Contractor Authorized Signatory Listing
4. Electronic Funds Transfer Form
5. Form W-9

All forms can be found on the OSD website [www.mass.gov/osd](http://www.mass.gov/osd) and on this RFR's comm.-pass listing [www.comm-pass.com](http://www.comm-pass.com) under the forms tab.

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*.

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 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 Supplier Diversity 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 SDP

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 SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified contractors to fulfill their own SDP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

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

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Ancillary use of certified M/WBE firms,
- Growth and Development activities to increase M/WBE capacity,

All certified businesses that are included in the bidder's SDP proposal are required to submit an up to date copy of their certification letter. For further information on SDO certification, contact the Supplier Diversity Office at (617) 502-8831 or via the Internet at [www.mass.gov/sdo](http://www.mass.gov/sdo). Other resources are available to M/WBE firms that may qualify for SDO certification at [www.mass.gov/sdp](http://www.mass.gov/sdp).

Supplier Diversity 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 Supplier Diversity Program (SDP) 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](http://www.mass.gov/osd) page ([www.mass.gov/osd](http://www.mass.gov/osd)). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) 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.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Executive Order # 509 Guidance](#).

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: 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.