Division of Agricultural Conservation & Technical Assistance

Agricultural Food Safety Improvement Program

Fiscal Year 2017

(July 1, 2016 to June 30, 2017)

Request for Response (RFR): RFR File: AFSIP-17

For the implementation of
agricultural food safety practices for
produce and aquaculture operations

Responses must be postmarked or hand delivered by
4:00 PM on !dzƎdzǎǔ MH^th, 2016.

Contact: Laura J. Maul
Telephone: 617-626-1739
Email: laura.maul@state.ma.us

Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114

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EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Matthew A. Beaton, Secretary
Grant Announcement
RFR ID: RFR-AFSIP-2017
Dated: Wdzfè cth, 2016

Agricultural Food Safety Improvement Program

1. GRANT OPPORTUNITY SUMMARY:

A.	Proposals Sought For:	Reimbursement grants provided directly to agricultural operations to implement eligible upgrades that help prevent or reduce a food safety risk.
B.	Overview and Goals:	To increase competitive market access by meeting buyer demands for demonstrated practices that work towards protecting public health and food safety.
C.	Eligible Projects:	Practices that help prevent or reduce a food safety risk (See further detail on eligible projects in section 2B).
D.	Eligible Applicants:	Produce operations and aquaculture operations engaged in production agriculture for commercial purposes as defined by Massachusetts law (See further detail on eligible applicants in section 2A).
E.	Application Deadline:	!dz∃dzǎǔ MHth, 2016 (See further detail on deadlines and grant program calendar in section 4).
F.	Funding Availability:	Total anticipated amount of funding is $200,000. Maximum funding amount is $20,000 per applicant or 75% of total project costs. (See further detail on Funding Availability in section 2C).
G.	Match Requirement:	Minimum of 25% of total project costs including materials and labor. (See further detail on the match requirement in section 2D).
H.	Total Anticipated Duration of Contract:	July 1st, 2016 to June 30th, 2017 with no extensions. (See further detail on anticipated duration of contract(s) in section 2F).
I.	Contact Information:	Laura J. Maul Department of Agricultural Resources 251 Causeway Street, Ste 500 Boston, MA 02114 (617) 626-1739 Laura.Maul@state.ma.us www.mass.gov/eea/agencies/agr/about/divisions/aeep.html

2. Performance and Contract Specifications

A. Eligible Applicants:	
Eligible Applicants	• Produce farmers and aquaculturists engaged in production agriculture for commercial purposes as defined by Massachusetts law (eg. M.G.L. c.128, sec.1A; M.G.L. c. 130, sec. 57; M.G.L. c. 131, sec. 23); • Eligible shellfish growers must have a current valid shellfish aquaculture license.
Size of Operation	• There is no minimum size requirement; however, projects that address significant food safety concerns are more likely to receive funding.
Permits	• Proposals which are favorably reviewed and awarded a contract must apply for and receive all required permits, licenses, and any other federal, state, or local approvals necessary for the project prior to any reimbursement from the Department.
Previously Funded Applicants	• Proposals from individuals who have been previously funded by the Department under AFSIP will be considered a lower priority for funding, but are still eligible to apply.
Ineligible Proposals	• Proposals from applicants who are out of compliance with any federal, state or local laws or regulations. • Proposals from applicants that are not engaged in commercial agriculture. • Proposals for vehicles. • Labor contribution by the operation towards the proposed practice is not an eligible reimbursement cost. • Proposals from applicants failing to meet requirements for previous Department Standard Contracts and/ or assistance programs or from individuals or groups unable to perform or having performance issues with previous contractual obligations with the Department. • Proposals for projects that have already been completed for which the applicant seeks reimbursement.

B. Eligible Projects:	
Though all agricultural projects that meet AFSIP requirements will be considered, examples of some frequently funded practices are listed in their respective categories.	
	• Water systems, delivery, treatment devices, testing equipment & improvements, processing and washing equipment • Fixed or portable restrooms (does not include septic systems or sewer connections) • Hand-washing sinks (mobile or stationary) • Crop production equipment to reduce food safety risks • Field harvest systems to reduce food safety risks • Packing shed walls, ceilings, and light fixtures • Drainage systems for coolers and packing sheds • Wildlife fencing; Pest deterrent
	• Cold Storage • Ice Machines/Ice making equipment • Insulated Vats – Shellfish Icing Containers • Harvest gear upgrades • Shading

C. Funding Availability, Budgeting Guidelines & Allowable Expenditures	
Maximum Reimbursement	• Each applicant must submit a proposal and budget requesting not more than $20,000 in AFSIP grant funding. If grant funding is available, the Department may increase the maximum threshold at its discretion.
Appropriation	• **All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.**
D. Match Requirements	
Match	• Applicants are required to contribute at least 25% of the total costs of the project.
E. Project Terms	
Terms	• If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. Please note that EEA does not guarantee that any contracts may result from this RFR or that any particular funding level will be awarded. It is anticipated that projects could commence immediately upon EEA's decision. • If applicable, applicant must obtain all approvals required under their APR. A grant award DOES NOT guarantee an APR certificate of approval. Applicant(s) must be in compliance with the terms of the APR or resolve any outstanding compliance or legal issues with the Department prior to contract signature.
Field Visits	• All projects which are favorably reviewed in the initial evaluation process will require a field visit prior to final award determinations being made. A favorable initial evaluation and field visit DOES NOT guarantee funding for a proposed project. The purposes of the field visit are as follows: ○ To verify the information that is presented in the proposal; ○ View the agricultural operation and assess the resource to be addressed; ○ Verify that the operation is engaged in commercial agriculture; ○ Determine the appropriateness of the practice proposed for the farm; ○ Confirm the ability to implement and maintain the practice; ○ To explore other items deemed necessary, and ○ Develop a basis for future “before and after” comparisons. • Agricultural Resources staff may alter or add to the scope of the proposed project to more effectively achieve environmental goals.
F. Anticipated Duration of Contracts	
Duration	• All projects must be completed by June 30th, 2017 with no options for extensions.

G. Deliverables, Ownership, and Credit Due	
Installation Standards & Permits	• The funded contractual activity will be evaluated prior to full reimbursement. Work will be evaluated for satisfactory completion and compliance to standards. Spot inspections may be conducted at the Department's discretion on all work for the life of the project. Only work that satisfies the terms and conditions of this RFR, contract, and any other instructions by the Department shall be eligible for reimbursement.
H. Reporting	
Reporting	• There are no written reporting requirements, however, the Department will periodically check on the progress of awarded projects to ensure they will meet completion deadlines
I. Invoicing	
Invoicing	• Disbursement of funds under this RFR will be done on a reimbursement basis and will require that acceptable documentation be submitted to the Department prior to any payment. **Only expenses incurred during the period of the contract are eligible for reimbursement. Any incurred project costs that occur prior to an executed contract are NOT eligible for reimbursement from the Department.** • Satisfactory documentation in the form of cancelled checks, receipts, invoices, etc. for costs associated with approved projects must be dated prior to the June 30th, 2017 deadline, submitted to MDAR and approved prior to reimbursement.

3. Instructions for Application Submissions

A. Evaluation Criteria: Each response will be scored using the following measures:

Responses are evaluated based upon criteria which are ranked in importance by awarding points, including review of the following:

- Project is listed in one of the high priority categories.
- Project is for an operation with direct farming practices and is primarily for agricultural use.
- Applicant is a participant in the Commonwealth Quality Program (CQP), audited under a Good Agricultural Practices (GAP) certifier or the project is covered under the Commonwealth's Vibrio Management Plan for aquaculture.
- Project application is in compliance with submission requirements and format presentation for this response.
- Produce has a written food safety plan that can be verified upon request.
- Produce operation has completed a food safety training course.
- Project has adequate supporting documentation in for the form of quotes and maps.
- Project has an adequate implementation schedule.
- Applicant has adequately identified any contingencies and permit needs.
- Applicant has demonstrated adequate project economics.
- Project demonstrates an increase to competitive market access by meeting buyer demands.
- Project directly addresses a significant food safety concern and demonstrates an immediate potential to minimize the risk of contamination by implementation.
- All proposals being considered for award will need a site visit. Information gathered during the field visit can be used as evaluation criteria. The Department reserves the right to fund only proposals that receive an initial favorable review and a satisfactory field visit to verify proposal details.

B. Application Submission Instructions:
A proposal form is attached and must be completed and mailed/delivered to Agricultural Resources by the response date deadline. Applications that are sent by fax or electronically will NOT be accepted. **Please do not staple or put the application in a binder.** Applications must be postmarked no later than Friday, August 12th, 2016 or may be hand delivered by 4:00 PM on Friday, August 12th, 2016. All materials must be sent to the attention of: **Laura J. Maul** **Program Coordinator** **Department of Agricultural Resources, Suite 500** **251 Causeway Street, Boston, MA 02114**
C. Additional Required Documentation
If selected, the Respondent will be required to submit the following forms to complete the contract: • Commonwealth Standard Contract Form, filled out and signed by the Respondent • EEA Scope and Budget Form • Commonwealth Terms and Conditions filled out by and signed by the Respondent* • Commonwealth W-9 tax information form filled out and signed by the Respondent* • Completed Contractor Authorized Signature Verification Form • Completed Electronic Funds Transfer Form * If not already on file These forms do not need to be completed as part of the response. Assistance to complete these forms will be provided to Respondents selected to participate in the Program. These forms are available for review at www.mass.gov/osd or by request.

4. Deadlines and Procurement Calendar

A. Release of RFR:	**Wdzfè cth, 2016**
B. Information Sessions:	None. Please direct questions to Laura Maul at 617-626-1739.
C. Application Due Date:	**hNλƎλyl·f 5l·ûŜ June 8th, 2016Y 9ÈûŜyŘŜŘ û2 ! dzƎdzăû мнûKΣ нлмс**
D. Estimated Award Date:	Awards are estimated to be announced on September олth, 2016.
E. Estimated Contract Start Date:	hŏû2ōŜN нуth, 2016. Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form.

5. MISCELLANEOUS

A. Type of Procurement:

- Grant

B. Use of This Procurement by Single or Multiple Departments:

- This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by EEA.

C. Request for Single or Multiple Contractors:

- Single

D. RFR Distribution Method:

- This RFR has been distributed by the Department's Farm and Market Newsletter, posted to the program's website at www.mass.gov/agr, and by a distribution list of requested applicants.
- This RFR has been distributed electronically via CommBuys. It is the responsibility of every Applicant to check CommBuys 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 Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files.
- Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

E. List of Attachments:

A. Application Form
B. RFR Required Specifications

Department Use Only
Date Received: _____
Received By: _____

ATTACHMENT A

Agricultural Food Safety Improvement Program Application Form (Fiscal Year 2017)

All of the information on this application must be completed or identified as Not Applicable.

1. Agricultural Operation Information:

Applicant Name

Operation Name

Legal Structure ☐ Sole Proprietor ☐ Corporation ☐ Partnership ☐ LLC ☐ Other _____

Mailing Address

City, State, Zip

Home Phone | Mobile Phone

E-mail | County

How did you hear about the program? ☐ Website ☐ I am a previous applicant ☐ Word of Mouth ☐ Workshop ☐ Other:_____

2. Site Address for Operation (if different from above):

Site Address

City, State, Zip

3. Eligibility (Check boxes where applicable):

I am a produce or aquaculture operation as identified in Massachusetts General Laws Chapter 128. sec.1A; Chapter. 130. sec. 57; and Chapter 131. sec. 23. ☐

I am a shellfish grower and posses a current shellfish aquaculture license from the Massachusetts Division of Marine Fisheries: ☐

License Number | Year

4. Agricultural Operation Details: Please complete the appropriate section.

Produce Section:

Acreage Owned ☐ Acreage Leased ☐ Acreage in Production ☐

Crops Processed ☐

Livestock Type(s) ☐

Do you have a written food safety plan? ☐ Yes ☐ No

Are you a new farmer (5 years or less)? ☐ Yes ☐ No

Has your farm had a third party audit? ☐ Yes ☐ No

How is your produce marketed? ☐ Wholesale ☐ Direct Market ☐ Both

Do you buy product from another farm? ☐ Yes ☐ No

What size is your farm?
☐ Extra Small (<$25,000) ☐ Small (>$25,000 but <$250,000)
☐ Medium (>$250,000 but <$500,000) ☐ Large (>$500,000)

Aquaculture Section:

Acreage Leased ☐ When does the lease end? ☐

HACCP Certified? ☐ Yes ☐ No

Are you a new farmer (5 years or less)? ☐ Yes ☐ No

Dealer? ☐ Yes ☐ No

Wholesaler? ☐ Yes ☐ No

5. Participation in Agricultural Resources Programs:

This farm has an Agricultural Preservation Restriction (APR). If yes, please answer the questions below and list the name of farm and the year the restriction was recorded. ☐ Yes ☐ No

a. Will this project be implemented on APR restricted land? ☐ Yes ☐ No

Will this project require a Certificate of Approval (COA) from the APR Program? ☐ Yes ☐ No

Year APR Recorded ☐ Name on APR Restriction ☐

b. Has your farm been accepted into or completed other Department Programs. If yes, check the program(s) participated in: ☐ Yes ☐ No

☐ APR Improvement ☐ MEGA ☐ FVEP ☐ Ag-Energy ☐ AEEP

c. Is your farm a participant in the Commonwealth Quality Program (CQP)? ☐ Yes ☐ No

6. Project Details: Attach additional pages if necessary.			
Is the proposed project listed in project categories?		☐ Yes	☐ No
Have you participated in a food safety training class?		☐ Yes	☐ No
Section 6A: Overview of Business	Please provide a basic description of your business, including a brief history, ownership and management, and markets sold to. For produce, state whether or not you have previously been GAP audited, which GAP certifier you use, or plan on using, and for USDA GAP which scopes you have been audited for. If you are in CQP please state when you joined or if you are planning to join.		
Section 6B: Proposed Project Description	Please describe the proposed investment (project) for which you are seeking assistance and how it will improve your food safety system. If this project is associated with a third party audit, please describe how this project will comply with issued raised in the audit.		

Section 6C: **Outcomes**	Please explain how the proposed investment will allow you to improve your market access and maintain or create jobs. Please also include information on projected financial returns to your business, and how this investment will help your business to retain markets and become more profitable.
Section 6D: **Project Timeline**	Please provide a project timeline for the project. Assuming successful funding, when do you expect to complete this project?
Section 6E: **Contingencies & Permits**	Please list any other applications upon which your project is contingent (i.e. other grants or bank loans). Please list any state, local, or federal permits or approvals that will be necessary for you to implement this project, and their status.

7. Budget:

AFSIP may reimburse applicants for the costs of a project up to a maximum of 75%, with a 25% minimum contribution towards the project coming from the applicant. The Department has the option to negotiate the budget before entering into a contract with the applicant. Preliminary budgets are acceptable for the evaluation process but upon request applicants must receive quotes from vendors or contractors before a contract will be given. The Department will decide if an applicant has adequately addressed this requirement. *Applicants who provide budgets from a vendor or contractor with their application will receive a higher evaluation.*

Project *(Example: Fencing)*	Materials Needed *(Example: high tensile fencing)*	Cost per Unit *(Example: $0.25 ft)*	Number of Units *(Example: 500 ft)*	Total Costs *(Example: $125)*
				$
				$
				$
				$
				$
		Total Cost of Materials:	Box A	$

Project	Labor & Equipment	Cost per Hour	Number of Hours	Total Costs
				$
				$
				$
				$
				$
		Total Cost of Labor:	Box B	$

Total Project Costs (Box A + Box B):	Box C	$
Eligible Project Costs (Box C – 25%):	Box D	$
Total Dollars Requested for Funding Through AFSIP: (Request cannot be greater than $20,000 or 75% of Total Project Costs)	Box D or $20,000	$ _____

8. Attestation:

By signing this application you attest all statements herein are accurate and true. You also give permission to have a site visit by MDAR staff which will be necessary before a funding decision is made. All site visits will be arranged with you in advance.

Signature: _____ Date: _____

Attachment B
RFR - Required Specifications

Issue Date: March 24, 2015

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. Other terms not defined elsewhere in this document may be defined in OSD's Glossary of Terms. 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.*

COMMBUYS Market Center. COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at www.commbuys.com. Information contained in this document and in COMMBUYS, including file attachments, and information contained in the related Bid Questions and Answers (Q&A), are all components of the Bid, as referenced in COMMBUYS, and are incorporated into the Bid and any resulting contract.

Bidders are solely responsible for obtaining all information distributed for this Bid via COMMBUYS. Bid Q&A supports Bidder submission of written questions associated with a Bid and publication of official answers.

It is each Bidder's responsibility to check COMMBUYS for:

- Any amendments, addenda or modifications to this Bid, and
- Any Bid Q&A records related to this Bid.

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

COMMBUYS Subscription. Bidders may elect to obtain a free COMMBUYS Seller subscription which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, in order to respond to a Bid, Bidders must register and maintain an active COMMBUYS Seller subscription account.

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

The COMMBUYS system introduces new terminology, which bidders must be familiar with in order to conduct business with the Commonwealth. To view this terminology and to learn more about the COMMBUYS system, please visit the COMMBUYS Resource Center.

Multiple Quotes. Bidders may not submit Multiple Quotes in response to a Bid unless the RFR authorizes them to do so. If a Bidder submits multiple quotes in response to an RFR that does not authorize multiple responses, only the latest dated quote submitted prior to the bid opening date will be evaluated.

Quote Content. Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

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. Similarly, Executive Order 546 established the Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) Program to encourage the participation of businesses owned and controlled by service-disabled veterans in all areas of state procurement and contracting, thereby including them in the SDP. 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 and/or SDVOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs and/or SDVOBEs 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 commitment, expressed as a percentage of contract revenues, is approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified M/WBE contractors and the Center for Veterans Enterprise certified SDVOBEs to fulfill their own SDP expenditure benchmarks. M/WBE and SDVOBE 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.

Unless otherwise specified in the RFR, the following SDP forms are required to be submitted by the deadlines noted below in order to meet the mandatory participation requirements of the SDP:

SDP Plan Form #/Name	Submitted By	When Submitted
SDP Plan Form #1 – SDP Plan Commitment	All Bidders	With Bid Response
SDP Plan Form #2 – Declaration of SDP Partners	Newly Awarded Contractors	Within 30 days of contract execution
SDP Plan Form #3 – SDP Spending Report	Contractors	Within 45 days of the end of each quarter

Supplier Diversity Program (SDP) Resources:

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found at: www.mass.gov/sdp
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division's SDO webpage at: www.mass.gov/sdo
- The Operational Services Division's Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found at: http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/osd-events-and-training/osd-training-and-outreach.html In addition, the SDP Webinar can be located on the SDP website at www.mass.gov/SDP.

Supplier Diversity Program Subcontracting Policies. In addition to the Subcontracting Policies (See Subcontracting Policies section below and see Section 9, Subcontracting By Contractor, in the Commonwealth Terms and Conditions) that apply to all subcontracted services, agencies may define specific required deliverables for a contractor's SDP Plan, including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Business Enterprises (SDVOBE) for the purpose of monitoring and enforcing commitments made in a contractor's Supplier Diversity Program (SDP) Plan.

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 Strategic Sourcing Team or SST (formerly referred to as Procurement Management Team or 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 SST 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 SST 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 COMMBUYS.

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 that issued the RFR. 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

- 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 Operational Services Division, Legal, Policy and Compliance Office, 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 Operational Services Division 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 Operational Services Division 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 on COMMBUYS 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 SST, including requests for clarification. The SST 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 SST 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). Additional information about EFT is available on the VendorWeb site (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 SST 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 SST will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In the event that paper submissions are required and in an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all required paper responses that are 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 Quote (Bid Response) Duration. Bidders Quotes made in response to this Bid must remain in effect for at least 90 days from the date of quote submission.

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 as an attachment for this Bid on COMMBUYS.
Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the SST. The SST 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 SST 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 SST 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.