



## COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF AGRICULTURAL RESOURCES  
251 CAUSEWAY STREET, Suite 500  
BOSTON, MA 02114

### REQUEST FOR RESPONSE (RFR)

RFR File No. AGR-SC-2017

FOR

Specialty Crop Block Grant Program (SCBGP)

**Initial responses due no later than**

April 14, 2017

Purchasing Department: **Department of Agricultural Resources**

Address: **251 Causeway Street**

**Suite 500**

**Boston, MA 02114**

Telephone Number: **(617) 626-1730**

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Email: **John.Rosa@state.ma.us**

Fund RFR File Number: **AGR-SC-2017**

Procurement Team Leader / RFR Contact Person: **John Rosa- Grants Accountant IV**

Request for Response: Specialty Crop Block Grant Funding  
 RFR#: AGR-SC-2017  
 Department: Massachusetts Department of Agricultural Resources (MDAR)  
 Release Date: March 10, 2017  
 SCBGP Grant Application Due: April 14, 2017 by 4:30 pm

Contact: John Rosa - Grants Accountant IV  
 251 Causeway Street  
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 Boston, MA 02114  
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**Specialty Crop Block Grant Program 2017 Solicitation Timeline**

April 14, 2017 April 28, 2017	Phase I – SCBGP Grant Application (“Form C”) (Received or hand delivered by 4:30 pm)/ <b>April 28, 2017 Invitations</b> for in person proposal presentations
May 15 and 16, 2017	Phase II –In-person proposal presentations scheduled and Completed
June 15, 2017	State Plan Submitted to the USDA

**Grant Program Description:**

The Massachusetts Department of Agricultural Resources (“MDAR”) is soliciting proposals for projects that specifically address the goals the United States Department of Agriculture (“USDA”) has for **solely enhancing the competitiveness of Specialty Crops**. *Specialty crops are defined by the USDA as fruits and vegetables, dried fruit, tree nuts, horticulture (including maple syrup and honey), nursery crops (including floriculture).* **Note: Feed crops, food grains, livestock, dairy products, seafood products and oil seed crops are NOT eligible.**

A full definition and a list of *Specialty Crops* can be found on the USDA—Specialty Crop Website, [www.ams.usda.gov/scbgbp](http://www.ams.usda.gov/scbgbp) or see attachment A “USDA’s List of Specialty Crops”. The USDA is the final approver and funding entity for the Specialty Crop Grant Program. While MDAR will conduct the initial review of project proposals and make recommendations to USDA, USDA shall make the final decision concerning grant awards.

**Who May apply:**

Socially disadvantaged<sup>1</sup> and beginning farmers, eligible non-profit organizations, local government entities, for-profit organizations, industry trade associations, producer groups, and commodity commissions can submit projects that aim to enhance the production and competitiveness of Massachusetts specialty crop industries, provided their proposals meet all the specifications in this Request for Response (RFR) and the USDA.

<sup>1</sup> For a definition of “socially disadvantaged,” see: **U.S. Code Title 7 Chapter 55 § 22797 (U.S. Code § 2279)**

Grant funds will **not be awarded** for projects that solely benefit a particular commercial product or provide a profit to a single organization, institution, or individual. Single organizations, institutions, and individuals are encouraged to participate as project partners.

### **How to Respond:**

MDAR'S Specialty Crop Block Grant Program has a **Two-Phase application** process.

#### **Phase I:**

The first phase is the development of the SCBGP Application ("Form C"). All applicants must complete, and submit the required application (**Form C**). Any other format will not be accepted, and the application will be deemed ineligible for funding. The SCBGP application (form C) is due by April 14, 2017 by 4:30 pm.

**No application will be accepted after the due date.** Form C is competitively ranked, and scored by a Review Panel. Applicants must fill out the SCBGP application posted both on Commbuys listed as Form C and also posted on MDAR's website.

#### **Phase II:**

The second phase is an in-person presentation of the applicant's proposal. Applicants who are invited to the In-person proposal presentation must present their plans to an MDAR review panel and be able to answer questions regarding their proposal. Presentations should include a brief discussion of need for the project, and should further describe the project's approach, deliverables, and specific measurable outcomes. Visual materials (e.g., PowerPoint slides) are allowed, but are not required. Presentations will be used to augment Form C and allow applicants to clarify questions in their Form C submissions.

Additional information regarding presentations will be sent to applicants invited to the in person presentation.

The review panel will meet and hear proposals at the following dates and locations.  
(Subject to change):

- Monday, May 15, at MDAR's **Boston** office (251 Causeway Street, Boston)
- Tuesday, May 16, at MDAR's **Amherst** office (101 University Drive, Amherst)

#### **Required Submissions:**

Phase I: SCBGP Application (Form C).

Phase II: In Person Proposal Presentation

#### **Submission Instructions:**

Four (4) copies of the SCBGP application (Form C) must be **received** at MDAR's office (**not postmarked**) by April 14, 2017, 4:30 p.m., and one (1) copy must be emailed to [john.rosa@state.ma.us](mailto:john.rosa@state.ma.us)

Mail proposals to the Massachusetts Department of Agricultural Resources,  
Attn: John Rosa, Grant Accountant IV, 251 Causeway St. Suite 500, Boston, MA 02114.

Applications received after the deadline will not be considered, including those that are late due to lost or delayed mail.

**Acquisition Method:**

Grants: Contracts.

**Number of Grantees:**

MDAR is looking to award multiple grants.

**Identify if Single or Multiple Departments may use this RFR:**

Single Department.

**Anticipated Contract Duration:**

The Department, subject to notification of awards by the USDA, will negotiate with all successful respondents within the established three year grant period. The grant period may begin on October 1, 2017 or later. All projects shall be completed by September 29, 2020 or earlier.

**Contract Expenditures:**

The Department intends to fund *approximately* \$350,000 in projects which will result from this competitive RFR process. All funding is subject to appropriation. The suggested dollar value of projects is between \$40,000 and \$90,000 per project.

A successful respondent will enter into a contract with MDAR. MDAR reserves the right to fund the project in part, add and delete tasks, and ask for clarification on the work plan, timeline and budget. MDAR may ask grantees to acknowledge MDAR as a grantor where appropriate. No contract shall be entered into until MDAR is satisfied with all the specifications of the project.

Any grant award is dependent upon the availability of federal funds and the final approval from the USDA. Any successful contractor will be required to follow all the applicable federal and state regulations that pertain to the Specialty Crop Block Grant Program.

Successful Applicants will receive funding on a reimbursement basis only. Contracts shall require the applicant to invoice the Department on a pre-determined schedule unless a waiver is provided by the Department. All invoices at a minimum must include:

- Date(s) of service covered;
- Invoice number;
- Invoice date;
- Full contact information for the contracted entity, and;
- Sufficient supporting documentation to show that all reimbursed costs are allowable, reasonable/necessary, and allocable. Supporting documentation may include, but is not limited to, canceled checks, receipts, paid bills, payroll, and contracts.

**Invoices that are incomplete, fail to meet the invoicing schedule, and/or include unauthorized charges will not be paid, and may result in a site visit by MDAR staff to review financial and programmatic documents. Repeated invoicing issues may result in ineligibility for future SCBGP grants.**

**Progress Reports:**

Potential Responders are hereby notified that all successful grantees shall be required to submit progress reports on a regular basis. Due dates for progress reports shall be specified in the contract's Work Plan. The reports may require, among other things, a narrative detailing how project goals are being completed, details of obstacles that are preventing the project from being completed, and an expenditure report detailing how the grant funding is being expended.

**Late or incomplete reports will result in a site visit by MDAR staff to assess program performance, and may result in the suspension of the project and any related payments. Ongoing reporting issues may result in ineligibility for future MDAR grants.**

**Eligible Projects:**

Projects must be *solely* related to enhancing the competitiveness of Specialty Crops; specifically in regards to the following areas specified by USDA. Visit <http://www.ams.usda.gov/AMSV1.0/scbgp> and click "Awarded Grants" to view grant awards for projects that have been funded from 2006 – 2016.

**Examples of Eligible Projects:**

- Increasing child and adult nutrition knowledge and consumption of specialty crops;
- Improving efficiency and reducing costs of distribution systems;
- Assisting all entities in the specialty crop distribution process in implementing practices and standards that improve food safety which may include but are not limited to the "Commonwealth Quality Program", "Good Agricultural Practices", "Good Handling Practices", "Good Manufacturing Practices", and in cost-share arrangements for funding audits of such systems for small farmers, packers and processors;
- Investing in specialty crop research, including research to focus on conservation and environmental outcomes;
- Developing new and improved seed varieties and specialty crops;
- Pest and disease control;
- Development of organic and sustainable production practices

**Examples of Ineligible Projects:**

- A proposal for funds to purchase starter plants or equipment used to plant, cultivate, and grow a specialty crop for the purpose of making a profit, or to expand production of a single business;
- A proposal for funds from a specialty crop organization to promote their members' businesses;
- A proposal for capital expenditures for general purpose equipment, buildings, and land;
- A proposal that seeks additional funds to support a current or previously funded state or federal project;
- A proposal that seeks to support a non-specialty crop project.

**Evaluation:****Phase I:**

The Application (Form C) must be submitted, and shall be evaluated based upon how well it meets the required criteria. Applications with the highest scores will serve as recommendations to the Commissioner as to which applicants should be asked to complete the second phase of the application

process. All “required” criteria must be satisfied for the proposal to be deemed eligible for consideration.

**Criteria:**

- a. The proposal identifies at least one (1) Expected Measurable Outcome, as defined by USDA (see below), that directly and meaningfully supports the project’s purpose (REQUIRED);
- b. The proposal demonstrates a explicit project purpose that addresses a specific issue, problem, interest or need that is timely and important (REQUIRED);
- c. The proposal demonstrates a clear project approach with unambiguous goals and objectives (REQUIRED);
- d. The proposal demonstrates effective timeline with task accountability throughout project implementation (REQUIRED);
- e. The proposal includes a well-constructed and detailed budget (REQUIRED);
- f. If **Program Income** is expected to be earned as part of the project, describe how it will be used to further expand the project or program objectives and solely enhance the competitiveness of eligible specialty crops.
- g. The project will add to new knowledge or expertise to effectively promote the competitiveness of Specialty Crops as a whole;
- h. The project will demonstrate and disseminate replicable practices and results;
- i. For applicants with **previous history** of receiving MDAR grant funding, ***the applicant has consistently met reporting and invoicing requirements.***

**Phase II:**

The second phase is an in-person presentation of the applicant’s proposal. Applicants invited to the In-person proposal presentation must present their plans to an MDAR review panel and answer any subsequent questions. Presentations should include a brief discussion of need for the project, and should describe the project’s approach, deliverables, and specific measurable outcomes. Visual materials (e.g., PowerPoint slides) are allowed, but are not required. Presentations will be competitively ranked, and scored by a Review Panel. Projects with the highest combined scores will be recommended to the Commissioner for application approval.

**Fiscal Year 2017- Expected Measurable Outcomes (See Criterion a.)**

The USDA Agricultural Marketing Service (AMS) is required to report on the outcomes of the SCBGP at a national scale to demonstrate the performance of this program. By collecting, aggregating, and reporting performance data across all states and territories, AMS can share the impact of the SCBGP with all stakeholders, including the Office of Management and Budget (OMB), Congress, the agricultural community, and the general public.

Full Proposals must identify at least one (1) of the AMS-defined expected measurable outcomes listed below, and at least one (1) indicator for each selected outcome. Additionally, if there are multiple sub-indicators under the selected indicator, select at least one (1). If the indicator(s) below the selected outcome(s) are not relevant to a project, a project specific indicator(s) may be developed which will be subject to approval by MDAR and AMS.

**Expected measurable outcomes #4 - #8 have been identified by the MDAR SCBGP review team as the best matches for the Commonwealth’s specialty crops priorities. Proposals that include at least one of these outcomes and indicators, and make a clear case for their projects generating substantial gains for the Commonwealth within these categories, will receive additional consideration for funding.**

Funded entities will be required to provide progress updates using identified indicators on all performance reports and final reports. AMS will aggregate the data collected to assess the overall impact of the program and report to OMB and Congress on these national outcome measures. AMS will review the quality of the information received in subsequent performance reports and modify the outcomes and indicators as needed over time to lead to better results in showing the impact of the SCBGP.

**Outcome/Indicator Options:**

**Outcome 1:** *“To enhance the competitiveness of specialty crops through increased sales.” THIS OUTCOME IS MANDATORY FOR ALL MARKETING AND PROMOTION PROJECTS.*

**Outcome Definition:**

Marketing and Promotion

Marketing and promotion projects focus efforts to sell, advertise, promote, market, and generate publicity, attract new customers, or raise customer awareness for specialty crops or a specialty crop venue. These include, but are not limited to:

- Uses of social media to market and promote;
- Specialty crop local, regional and national campaigns;
- Specialty crop only tradeshow;
- Website promotion and development;
- Use/development of billboards, radio, television, magazine and email ads, marketing materials such as direct mail, brochures;
- Agritourism;
- Export market development;
- Retail promotions including point-of-purchase items, labels, packaging etc.;
- Farmers market promotions; and
- Marketing and promotion campaigns with an education component directed to consumers.

The specific measure must be expressed as a dollar value and percentage increase in sales of one or more specialty crops in one or more States or foreign markets as a result of marketing and/or promotion activities. For example, an expected outcome of growth in sales from 5% to 10% is not acceptable by itself, but in combination with an increase in sales of \$1 million to \$2 million it is acceptable. This requirement means that an established baseline of sales in dollars should already exist at the time of application. For projects that do not already have a baseline of sales in dollars, one of the objectives of the project must be to determine such a baseline in order to meet the requirement to document the value of sales increases by the end of the project.

**Indicator:**

Sales increase from \$\_\_\_\_\_ to \$\_\_\_\_\_ and by \_\_\_\_ percent, as result of marketing and/or promotion activities AMS understands that sales can be impacted by a host of unrelated issues including trade disputes, phytosanitary issues, export conditions, weather, and other factors affecting the farmer, supply chain, retailers, wholesalers and/or consumers. The above factors demonstrate that even a perfectly executed marketing campaign can result in sales remaining constant or even declining. These factors and events that either positively or negatively impacted the sales of a project can be explained in the performance report.

**Outcome 2:** *“Enhance the competitiveness of specialty crops through increased consumption.”*

**Indicators:**

1. Of the \_\_\_\_\_ total number of children and youth reached:
  - a. The number that gained knowledge about eating more specialty crops.
  - b. The number that reported an intention to eat more specialty crops.
  - c. The number that reported eating more specialty crops.
2. Of the \_\_\_\_\_ total number of adults reached:
  - a. The number that gained knowledge about eating more specialty crops.
  - b. The number that reported an intention to eat more specialty crops.
  - c. The number that reported eating more specialty crops.
3. Number of new and improved technologies and processes to enhance the nutritional value and consumer acceptance of specialty crops (excluding patents) \_\_\_\_\_.
4. Number of new specialty crops and/or specialty crop products introduced to consumers \_\_\_\_\_.

**Outcome 3:** *“Enhance the competitiveness of specialty crops through increased access and awareness.”*

**Indicators:**

1. Of the \_\_\_\_\_ total number of consumers or wholesale buyers reached:
  - a. The number that gained knowledge on how to access/produce/prepare/preserve specialty crops.
  - b. The number that reported an intention to access/produce/prepare/preserve specialty crops.
  - c. The number that reported supplementing their diets with specialty crops that they produced/preserved/obtained/prepared
2. Of the \_\_\_\_\_ total number of individuals (culinary professionals, institutional kitchens, specialty crop entrepreneurs such as kitchen incubators/shared-use kitchens, etc.) reached:
  - a. The number that gained knowledge on how to access, produce, prepare, and/or preserve specialty crops \_\_\_\_\_.
  - b. The number that reported an intention to access/produce/prepare/preserve specialty crops \_\_\_\_\_.
  - c. The number that reported supplementing their diets with specialty crops that they produced/prepared/preserved/obtained \_\_\_\_\_.
3. Number of existing delivery systems/access points of those reached that expanded and/or improved offerings of specialty crops:
  - a. Farmers markets \_\_\_\_\_.
  - b. Produce at corner stores \_\_\_\_\_.
  - c. School food programs and other food options (vending machines, school events, etc.) \_\_\_\_\_.
  - d. Grocery stores \_\_\_\_\_.
  - e. Wholesale markets \_\_\_\_\_.
  - f. Food hubs that process, aggregate, distribute, or store specialty crops.
  - g. Home improvement centers with lawn and garden centers \_\_\_\_\_.



- h. Lawn and garden centers \_\_\_\_\_.
  - i. Other systems/access points, not noted \_\_\_\_\_.
  - j. Total (if not reported above) \_\_\_\_\_.
4. Number of new delivery systems/access points offering specialty crops:
- a. Farmers markets \_\_\_\_\_.
  - b. Produce at corner stores \_\_\_\_\_.
  - c. School food programs and other food options (vending machines, school events, etc.) \_\_\_\_\_.
  - d. Grocery stores \_\_\_\_\_.
  - e. Wholesale markets \_\_\_\_\_.
  - f. Food hubs that process, aggregate, distribute, or store specialty crops.
  - g. Home improvement centers with lawn and garden centers \_\_\_\_\_.
  - h. Lawn and garden centers \_\_\_\_\_.
  - i. Other systems/access points, not noted \_\_\_\_\_.
  - j. Total (if not reported above) \_\_\_\_\_.

**Outcomes 4-8 will receive additional consideration for funding. You may select more than one outcome/indicator combination.**

**Outcome 4:** *“Enhance the competitiveness of specialty crops through greater capacity of sustainable practices of specialty crop production resulting in increased yield, reduced inputs, increased efficiency, increased economic return, and/or conservation of resources.”*

**Indicators:**

1. Numbers of plant/seed releases (i.e., cultivars, drought-tolerant plants, organic, enhanced nutritional composition, etc.) \_\_\_\_\_.
2. Number of habitat acres established and maintained for the mutual benefit of pollinators and specialty crops \_\_\_\_\_.
3. Adoption of best practices and technologies resulting in increased yields, reduced inputs, increased efficiency, increased economic return, and conservation of resources (select at least one below):
  - a. Number of growers/producers indicating adoption of recommended practices \_\_\_\_\_.
  - b. Number of growers/producers reporting reduction in pesticides, fertilizer, water used/acre \_\_\_\_\_.
  - c. Number of producers reporting increased dollar returns per acre or reduced costs per acre \_\_\_\_\_.
  - d. Number of acres in conservation tillage or acres in other best management practices \_\_\_\_\_.

**Outcome 5:** *“Enhance the competitiveness of specialty crops through more sustainable, diverse, and resilient specialty crop systems.”*

**Indicators:**

1. Number of new or improved innovation models (biological, economic, business, management, etc.), technologies, networks, products, processes, etc. developed for specialty crop entities including producers, processors, distributors, etc. \_\_\_\_\_.
2. Number of innovations adopted \_\_\_\_\_.
3. Number of specialty crop growers/producers (and other members of the specialty crop supply chain) that have increased revenue expressed in dollars \_\_\_\_\_.
4. Number of new diagnostic systems analyzing specialty crop pests and diseases. [Diagnostic systems refer to, among other things: labs, networks, procedures, access points.] \_\_\_\_\_.
5. Number of new diagnostic technologies available for detecting plant pests and diseases. [The intent here is not to count individual pieces of equipment or devices, but to enumerate technologies that add to the diagnostic capacity.] \_\_\_\_\_.
6. Number of first responders trained in early detection and rapid response to combat plant pests and diseases \_\_\_\_\_.
7. Number of viable technologies/processes developed or modified that will increase specialty crop distribution and/or production \_\_\_\_\_.
8. Number of growers/producers that gained knowledge about science-based tools through outreach and education programs \_\_\_\_\_.

**Outcome 6:** *“Enhance the competitiveness of specialty crops through increasing the number of viable technologies to improve food safety.”*

**Indicators:**

1. Number of viable technologies developed or modified for the detection and characterization of specialty crop supply contamination from foodborne threats \_\_\_\_\_.
2. Number of viable prevention, control and intervention strategies for all specialty crop production scales for foodborne threats along the production continuum \_\_\_\_\_.
3. Number of individuals who learn about prevention, detection, control, and intervention food safety practices and number of those individuals who increase their food safety skills and knowledge \_\_\_\_\_.
4. Number of improved prevention, detection, control, and intervention technologies \_\_\_\_\_.
5. Number of reported changes in prevention, detection, control, and intervention strategies \_\_\_\_\_.

**Outcome 7:** *“Enhance the competitiveness of specialty crops through increased understanding of threats to food safety from microbial and chemical sources.”*

**Indicators:**

1. Number of projects focused on (select at least one below):
  - a. Increased understanding of fecal indicators and pathogens \_\_\_\_\_.
  - b. Increased safety of all inputs into the specialty crop chain \_\_\_\_\_.
  - c. Increased understanding of the roles of humans, plants and animals as vectors \_\_\_\_\_.
  - d. Increased understanding of pre-harvest and postharvest process impacts on microbial and chemical threats \_\_\_\_\_.

2. Number of growers or producers obtaining on-farm food safety certifications (such as Good Agricultural Practices or Good Handling Practices) \_\_\_\_\_.

**Outcome 8:** *“Enhance the competitiveness of specialty crops through enhancing or improving the economy as a result of specialty crop development.”*

**Indicators:**

1. Number of new rural careers created \_\_\_\_\_.
2. Number of new urban careers created \_\_\_\_\_.
3. Number of jobs maintained/created \_\_\_\_\_.
4. Number of small businesses maintained/created \_\_\_\_\_.
5. Increased revenue/increased savings/one-time capital purchases (in dollars) \_\_\_\_\_.
6. Number of new beginning farmers who went into specialty crop production \_\_\_\_\_.
7. Number of socially disadvantaged famers who went into specialty crop production \_\_\_\_\_.

**Additional information/definitions:**

- “Jobs” specifically refers to net a gain of paid employment. “Careers” can indicate new businesses created or adopted.
- “Beginning Farmer” is an individual or entity that has not operated a farm or ranch for more than 10 years and substantially participates in the operation.
- “Socially Disadvantaged Farmer” is a farmer who is a member of a socially disadvantaged group. A Socially Disadvantaged Group is a group whose members have been subject to discrimination on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program.

### **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. 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](http://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. Likewise, Executive Order 565 established categories within the Supplier Diversity Program for Veteran Business Enterprise (VBE); Lesbian, Gay, Bisexual, and Transgender Business Enterprise (LGBTBE); and Disability-Owned Business Enterprise (DOBE). 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, VBEs, LGTBTBEs, and DOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with qualifying Supplier Diversity Program businesses 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 Supplier Diversity Office (SDO) certified contractors to fulfill their own SDP expenditure benchmarks. Participation of certified SDP businesses 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:

<b>SDP Plan Form #/Name</b>	<b>Submitted By</b>	<b>When Submitted</b>
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)**, **Women Business Enterprises (WBE)**, and **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division’s SDO webpage at: [www.mass.gov/sdo](http://www.mass.gov/sdo)
- The Operational Services Division’s Supplier Diversity Program webpage includes resources for vendors on SDP plan requirements, including frequently asked questions and a webinar showing how to fill out the SDP form. Visit [www.mass.gov/SDP](http://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), Service-Disabled Veteran-Owned Business Enterprises (SDVOBEs), Veteran Business Enterprises (VBEs), Lesbian, Gay, Bisexual, and

Transgender Business Enterprises (LGBTBEs); and Disability-Owned Business Enterprises (DOBEs) 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 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.

**Debarment/Suspension.** Contractors and sub-contractors who have been debarred or suspended from participating in federal government contracts are ineligible to apply for or receive federal grant funding. Contracts executed as a result of this application shall include a Statement of Non-Debarment to be signed by the contractor and all sub-contractors. No payments will be issued to contractors or sub-contractors found to be on a current federal debarment and suspension lists.

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
- 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 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](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 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.

Records Retention.

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of any non-Federal entity which are pertinent to a Federal award, in order to make audits, examinations, excerpts, and transcripts. This right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

Pre-Award Costs.

Pre-award costs are costs incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award, and only with prior written approval from AMS.

A recipient may incur pre-award costs 90 calendar days before AMS makes the award without prior written approval. Expenses incurred more than 90 calendar days pre-award require written prior approval from AMS. Allowable expenses contained in the original approved budget, (not in addition to it) are eligible for prior written approval.

The request for prior written approval for allowable pre-award costs must include the following information:

1. A brief description of the pre-award activities completed; and
2. An updated budget, clearly indicating the associated dollar amount of award funds expended during the pre-award period.

Note that AMS is under no obligation to reimburse such costs if the award is less than anticipated and inadequate to cover such costs. If a recipient has incurred expenses during the pre-award period that are not covered in the approved budget, AMS does not have any obligation to reimburse recipients for such expenses.

For SCBGP, you must use the same format as provided in the Project Profile Template for presenting the information with changes noted.

For SCMP, you must use the same format for presenting the information that was used in the approved application with changes noted.

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 are 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.

**Attachment A:**

THE UNITED STATES DEPARTMENT OF AGRICULTURE’S LIST OF SPECIALTY CROPS

Please go to [www.usda.gov](http://www.usda.gov) and the specialty crop block grant page in order to see the USDA’s list of eligible specialty crops and other key resources.

Fruit and Tree Nuts					
Almond	Apple	Apricot	Avocado	Banana	Blackberry
Blueberry	Breadfruit	Cacao	Cashew	Citrus	Cherimoya
Cherry	Chestnuts (for nuts)	Coconut	Coffee	Cranberry	Currant
Date	Feijoa	Fig	Filbert (hazelnut)	Gooseberry	Grape (including raisin)
Guava	Kiwi	Litchi	Macadamia	Mango	Nectarine
Olive	Papaya	Passion Fruit	Peach	Pear	Pecan
Persimmon	Pineapple	Pistachio	Plum (including prune)	Pomegranate	Quince
Raspberry	Strawberry	Suriname	Walnut		

		Cherry	
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Vegetables					
Artichoke	Asparagus	Bean (snap or green Lima dry, edible)	Beet, table	Broccoli (including broccoli raab0)	Brussels sprouts
Cabbage (including Chinese)	Carrot	Cauliflower	Celeriac	Celery	Chive
Collards (including kale)	Cucumber	Edamame	Eggplant	Endive	Garlic
Horseradish	Kohlrabi	Leek	Melon (all types)	Mushroom (cultivated)	Mustard and other greens
Okra	Pea (garden, English or edible pod)	Onion	Opuntia	Parsley	Parsnip
Pepper	Potato	Pumpkin	Radish (all types)	Rhubarb	Rutabaga
Salsify	Spinach	Squash (winter and summer)	Sweet corn	Sweet potato	Swiss chard
Taro	Tomato (including tomatillo)	Turnip	Watermelon		

Culinary Herbs and Spices					
Ajwain	Allspice	Angelica	Anise	Annatto	Artemisia (all types)
Asafetida	Basil (all types)	Bay (cultivated)	Bladder wrack	Bolivian Coriander	Borage
Calendula	Chamomile	Candle nut	Caper	Caraway	Cardamom
Cassia	Catnip	Chervil	Chicory	Cicely	Cilantro
Cinnamon	Clary	Cloves	Comfrey	Common rue	Coriander
Cress	Cumin	Curry	Dill	Fennel	Fenugreek
Filé (gumbo, cultivated)	Finger root	French Sorrel	Galangal	Ginger	Hops
Horsehound	Hyssop	Lavender	Lemon thyme	Lovage	Mace
Mahlab	Malabathrum	Marjoram	Mint (all types)	Nutmeg	Oregano
Orris root	Paprika	Parsley	Pepper	Rocket (arugula)	Rosemary
Rue	Saffron	Sage (all types)	Savory (all types)	Tarragon	Thyme
Vanilla	Wasabi	Water cress			

Medicinal Herbs					
Artemisia	Arum	Astragalus	Boldo	Cananga	Comfrey
Coneflower	Fenugreek	Feverfew	Foxglove	Ginkgo biloba	Ginseng

Goat's rue	Goldenseal	Gypsywort	Horehound	Horsetail	Lavender
Licquorice	Marshmallow	Mullein	Passion flower	Patchouli	Pennyroyal
Pokeweed	St. John's wort	Senna	Skullcap	Sonchus	Sorrel
Stevia	Tansy	Urtica	Witch hazel	Wood betony	Wormwood
Yarrow	Yerba Buena				

**Note: Under the Specialty Crop Block Grant Program (SCBGP), turfgrass sod is not eligible. Under the Specialty Crop Block Grant Program—Farm Bill (SCBGP-FB), horticulture was added to the definition making turfgrass sod and seed eligible.**

Nursery, Floriculture and Horticulture Crops					
Christmas Trees	Cut Flowers	Honey	Turfgrass	Tea leaves	Maple Syrup
Honey					