MDAR
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

Division of Agricultural Conservation & Technical Assistance

Agricultural Energy Grant Program

Fiscal Year 2017

(July 1, 2016 to June 30, 2017)

Request for Response (RFR): RFR File: AGR-AGENERGY-2017

For the implementation of agricultural projects that
improve energy efficiency
and facilitate alternative clean energy needs

Responses must be received by MDAR or postmarked no later than 4:00 PM on June 8th, 2016.

Contact: Gerry Palano
Telephone: 617-626-1706
Email: Gerald.Palano@state.ma.us

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

Contents of Request for Response

Description of Agricultural Energy Grant Program Request	*page*
1. Grant Opportunity Summary	3.
2. Performance and Contract Specifications	
a. Eligible Applicants	4.
b. Eligible Projects and Eligible Proposals	4 -5.
c. Funding Availability	6.
d. Match Requirement	6.
e. Project Terms	6.
f. Anticipated Duration of Contracts	7.
g. Deliverables, Ownership, and Credit Due	7.
h. Reporting	7.
i. Invoicing	8.
3. Instruction for Application Submissions	
a. Evaluation Criteria	8.
b. Application Submission Instructions	9.
c. Additional Required Documentation	9.
4. Deadlines and Procurement Calendar	9.
5. Miscellaneous	
a. Type of Procurement	10.
b. Use of This Procurement by Single or Multiple Departments	10.
c. Request for Single or Multiple Contractors	10.
d. RFR Distribution Method	10.
e. List of Attachments	10.
Attachment A: Ag-Energy Program Response Form (Fiscal Year 2017)	
1-8. Application Details	11-16.
Attachment B: RFR Required Specifications	
Attachment B RFR Required Specifications	17-21.

EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Matthew A. Beaton, Secretary
Grant Announcement
RFR ID: ENER-2017
Dated: April 8th, 2016

Agricultural Energy Grant Program

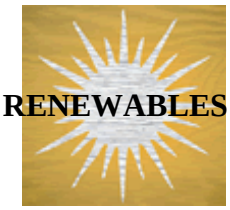
1. GRANT OPPORTUNITY SUMMARY:

A.	Proposals Sought for:	Implementation of agricultural projects that improve energy efficiency and facilitate alternative clean energy needs.
B.	Overview and Goals:	Funding for agricultural energy projects in an effort to improve energy efficiency and to facilitate adoption of alternative clean energy technologies. By implementing these projects, the agricultural operation will help farms become more sustainable while contributing to the goals of the; MA Farm Energy Program (MFEP); MA Energy Efficiency and Renewable Energy Implementation; MA Food Systems Plan and the MA Global Warming Solutions Act; and to advance technologies that can be replicated at other agricultural operations in Massachusetts. By implementing these projects agricultural operations can become more sustainable and the Commonwealth can maximize the environmental and economic benefits from these technologies.
C.	Eligible Projects:	Energy Efficiency and Renewable Energy projects that meet Ag-Energy Program requirements including: (See further detail on eligible projects in section 2B).
D.	Eligible Applicants:	Agricultural operations as defined by M.G.L. c. 128, Sec. 1A that are principally and substantially engaged in the business of production agriculture or farming for commercial purposes. (See further detail on eligible applicants in section 2A).
E.	Application Deadline:	Wednesday, June 8th, 2016. (See further detail on deadlines and grant program calendar in section 4).
F.	Funding Availability:	Total anticipated program funding is $500,000. Maximum funding per applicant shall be $30,000 which shall be for the direct costs associated with the materials and labor for implementing the project. (See further detail on Funding Availability in section 2C).
G.	Match Requirement:	There is not a specific dollar match requirement but it is expected there be a demonstrated cost share in either dollars or in-kind services. (See further detail on the match requirement in section 2D).
H.	Total Anticipated Duration of Contract:	All projects will need to be complete by the June 30th, 2017 deadline. (See further detail on anticipated duration of contract(s) in section 2F).
I.	Contact Information:	Gerry Palano Department of Agricultural Resources 251 Causeway Street, Ste. 500 Boston, MA 02114 (617) 626-1706 Gerald.Palano@state.ma.us www.mass.gov/agr

2. Performance and Contract Specifications

A. Eligible Applicants:	
Eligible Applicants	• Agricultural operations as defined by M.G.L. c. 128, Sec. 1A that are principally and substantially engaged in the business of production agriculture or farming for commercial purposes and: ○ are legally recognized entities within the Commonwealth and have the ability to enter a legally binding agreement with the Commonwealth; ○ have demonstrated the capacity to implement and administer projects and programs as defined in the responsive proposals to this RFR; ○ Demonstrate evidence of a match of dollars or of in-kind support to the funding requested by the responsive proposal to this RFR.
Energy Efficiency Audit	• Applicant's farming operation must have received a general energy efficiency audit, or demonstrate the initiation of such which shall be completed as part of program fulfillment.

B. Eligible Projects:	
Though all farm related energy efficiency and renewable energy projects that meet Ag-Energy Program requirements will be considered, higher priority project proposals should focus on either of two (2) specified categories and respective technologies listed.	
Category One:	Energy Efficiency
	• Plate Cooler • Variable Speed Vacuum Pumps • Refrigeration Heat Recovery / Free-Heaters
	• Thermal Blankets / Energy Screens • Envelope Insulation • Natural Ventilation • Root Zone Heating • Electronic Temperature Controls
	• High Efficiency Evaporators • Reverse Osmosis (RO) Systems • Heat Recovery & Steam Enhanced Units
	• Process Heat Recovery • High Efficiency Refrigeration (optimally with heat recovery) • Higher Efficiency Heating Systems • Energy efficient technologies advancing urban food gardens • Cold Storage Systems

Category Two:	Renewable Energy
	• Photovoltaics • Wind • Solar Thermal • High Efficiency Air Source/Ground Source Heat Pumps/Geothermal • Bio-fuel Production • High Efficiency Advanced Gasification Biomass • Advanced Biomass (gasification) Outdoor Wood Boilers (OWB) • Renewable technology advancing urban food gardens
B. Eligible Proposals:	
Eligible Proposals	• Energy efficiency and renewable energy projects that support agricultural operations and activities defined by M.G.L. c. 128, Sec. 1A. • Eligible farm stands need to meet the intent of M.G.L. 40A, Sec. 3 whereby the purpose of the farm stand shall be to sell agricultural products, a majority of which are produced by the applicant's farming operation.
Project Specific Energy Assessment & Project Design	• Projects should include, or demonstrate the commitment of, professional design and engineering support needed for building the project. This includes receiving quotes for the labor and materials that would be necessary to complete the project. • Preference shall be given to applicants who demonstrate that they are construction ready. • **NOTE: All Project Proposals must include a specific technical assessment, attached to this application, which provides all of the back-up and supporting documentation required within the application.** • Proposals should include a project specific energy efficiency** and/or renewable energy assessment documenting the proposed project energy savings and project cost-benefit.
Large Scale Renewable Projects	• Higher priority will be given to non-utility scale or non-large scale commercial projects that demonstrate predominantly agriculturally related renewable energy usage. • Utility-scale and large-scale projects shall be considered those that are 500kW and greater and generate more than 200% of average annual or projected agriculturally related energy usage.
Ineligible Proposals	• Proposals from applicants whose operation is out of compliance with any federal, state or local laws or regulations. • Proposals from applicants failing to meet requirements for previous or existing MDAR Standard Contracts, such as licenses, permits, certificates of approval, certificates of completion, including APR and/or assistance programs or from applicants with poor past contract performance as determined by MDAR. • Requests for audits or feasibility studies.

C. Funding Availability, Budgeting Guidelines & Allowable Expenditures	
Maximum Funding	• Maximum funding per applicant shall be $30,000 which shall be for the direct costs associated with the materials and labor associated with implementing the project. • As MDAR would like to fund as many eligible projects as possible, MDAR encourages projects requesting less than the maximum $30,000. MDAR reserves the right to revise the initial funding request based upon project evaluation. • Funding requests can be for specific components of a project. However, an applicant must demonstrate that the result of such a request will result in a complete functional and operable system. • New construction and new equipment incentives shall be based on incremental costs from minimum code and standard efficiency baselines.
Additional Funding Requirements	• Projects receiving and/or applying to receive other program funds, such as the Massachusetts Clean Energy Center (MassCEC), United States Department of Agriculture Rural Energy for America Program (USDA REAP), United States Department of Agriculture Environmental Quality Incentives Program (USDA EQIP), Massachusetts Farm Energy Program (MFEP), Massachusetts Solar Energy Renewable Energy Certificates(MA SRECs) and Federal Investment Tax Credit (ITC), known or anticipated, must provide this information by agency in Section II.3A/3B Project Economics and shall be considered as funds contributed to those relevant projects. • Preference shall be given to applicants who demonstrate having the balance of funding needed to implement the proposed project. • Agricultural operations with less access to federal and state electric and natural gas energy efficiency incentive rebate and grant programs are encouraged to apply.
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	• Though there is no maximum percentage of total project cost funding that can be requested, it is desired that projects are able to demonstrate contributions from other sources. This includes evidence of a match of dollars or of in-kind support to the funding requested in this RFR. • Cost Share is required either in the form of cash or in-kind services.
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.

Site 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.

F. Anticipated Duration of Contracts	
Duration	• All projects must be completed by June 30, 2017 with no options for extensions.
G. Deliverables, Ownership, and Credit Due	

Installation Standards & Permits	• All construction shall be completed and installed in accordance with all applicable federal, state and local codes, ordinances and regulations. Equipment and materials must be considered new and shall meet relevant IEEE certifications and must be UL listed.
	• Solar PV, Solar Thermal and Wind projects shall meet MassCEC program requirements and shall be installed by contractors engaged, licensed and certified in the relevant technology and meet the same contractor requirements for installing these technologies as originally or currently established by MassCEC.
	• Bio-fuel Production - provided demonstration of all federal, state and local process permits and approvals are identified and will be provided as part of the project installation, including but not limited to product pre- and post- storage, hazardous materials, and process effluents.
	• High Efficiency Advanced Gasification Biomass - thermal boilers or furnaces intended for indoor use only, utilizing wood pellets, wood chips, cordwood or kernel corn, meeting all current federal, state and/or local construction, DOER Biomass Boiler Criteria established under the Commercial/Industrial Biomass Pilot Program, emission and efficiency standards, and regulations and certified for MA installation.
	• Advanced Biomass (gasification) Outdoor Wood Boilers (OWB) -Requirements that must be met include a demonstration that the OWB system shall:
	  a. meet all local Board of Health requirements
	  b. be installed and certified under Mass Department of Environmental Protection regulations
	  c. comply with all certified equipment requirements; MassDEP certified OWB equipment is listed at: www.mass.gov/dep/air/community/certohh.htm
	  d. Existing OWB must be recycled or destroyed – not reused
	• 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.

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 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:

- Project application is in compliance with the submission requirements and format presentation for this RFR.
- Adequate supporting project documentation in the form of a general energy audit, project specific assessments, energy saving calculations, contractor quotes and plans and equipment and material specifications.
- Adequate project economics for either energy efficiency or renewable energy as defined herein.
- Adequate identification of permit needs.
- Adequate project implementation schedule.
- Adequate identification of any on-going operation & maintenance and/or periodic replacement needs and how they will be accomplished to ensure project longevity.
- Project has a realistic opportunity to be a successful long term implementation given the expected life of the equipment and the resulting cost savings, cost avoidance, and other revenue streams contributing to the project cash flow.
- Project has a realistic opportunity to be a successful implementation given the scope, budget, necessary permits and timeline.
- Team make-up and past experience and demonstrated capacity and ability to administer projects of the scope and value described by the responsive proposal to this RFR.
- Project provides product and labor warranties and guarantees.
- Project demonstrates funding from other or in-kind sources.
- Applicant demonstrates the capacity to implement and administer projects and programs as defined in the responsive proposals to this RFR.
- Applicants that have been previously funded will be considered a lower priority for funding.
- Preference shall be given to applicants with construction related projects and to those projects that have completed or will be in the process of design engineering, receiving quotes for materials and labor from qualified professionals engaged in the field of work specified, intend to begin and complete the construction/ implementation stage and can demonstrate balance of funding to implement the proposed project
- All project priorities and preferences stated herein.
- 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 **June 8th, 2016** or may be hand delivered by **4:00 PM on June 8th, 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** Failure to provide any of the materials listed below may result in the disqualification of the Proposal: Projects must include the following: ❑ An Application attestation signature must be signed by an authorized signatory for the applicant organization, located on the last page of Attachment A, AGRICULTURAL ENERGY GRANT RESPONSE FORM. ❑ A project specific technical assessment, attached to the application, that provides all of the back-up and supporting documentation required within the application. ❑ The completion of a general energy audit for the agricultural operation, or the commitment to complete such prior to proposed project completion and funding reimbursement.
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 (if not already on file) • Commonwealth W-9 tax information form filled out and signed by the Respondent (if not already on file) • Completed Contractor Authorized Signature Verification Form • Completed Electronic Funds Transfer Form 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:	**April 8th, 2016**
B. Information Sessions:	No information session will be held but questions can be directed to Gerry Palano at 617-626-1706 or Gerald.Palano@state.ma.us
C. Application Due Date:	**Wednesday, June 8th, 2016**
D. Estimated Award Date:	Awards are estimated to be announced on September 15th, 2016.
E. Estimated Contract Start Date:	September 30th, 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

Attachment A

Official Use Only
Date Received: _____
Received by: _____

AGRICULTURAL ENERGY GRANT RESPONSE 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. Agricultural Operation Details:

Type of Operation: ☐ Maple ☐ Beef ☐ Produce ☐ Cranberry ☐ Greenhouse ☐ Livestock ☐ Dairy ☐ Nursery ☐ Other

Acreage Owned | Acreage Leased | Acreage in Production

4. Participation in Agricultural Resources Programs:		
a.	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
	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.	My farm has been accepted into or completed other MDAR funding programs. If yes, check the program(s) participated in: ☐ APR Improvement ☐ MEGA ☐ FVEP ☐ AEEP ☐ AFSIP	☐ Yes ☐ No
c.	Is the proposed project involved with other State/Federal funding programs? Check all that apply. ☐ CEC ☐ SRECs ☐ USDA EQIP ☐ USDA REAP ☐ ELEC/NAT GAS ☐ FED ITC	

5. Project Details: Complete each section. **Attach additional documentation if necessary or as required within**.		
Issue(s) of Concern:	☐ Energy Efficiency	☐ Renewable Energy
Is proposed project listed in the 'Project Categories' found in Section 2 (page3)?	☐ Yes	☐ No
Section 1A:	Provide a clear description of the agricultural operation including crops grown and/or livestock raised.	
Section 1B:	Provide a clear description of the proposed energy project and how the project will impact and benefit the agricultural activities within the operation.	

Section 2	**Energy Efficiency Details** **NOTE: All energy audits and energy assessments must be attached and submitted as part of this application.**	
1.	Was a general energy efficiency audit conducted for this site? If yes, please attach to the application: Name of auditor	☐ Yes ☐ No
2.	Is the proposed efficiency project assessment included as part of the general energy efficiency audit conducted for this site?	☐ Yes ☐ No
3.	Is there a separate specific energy efficiency project assessment conducted only for the proposed project? If yes, please attach to the application.	☐ Yes ☐ No
4.	What amount of existing energy will be saved by the proposed efficiency project? Please state fuel type, .i.e., kWh, gals, therms, cords	
5.	What percentage of energy currently used by the application will be saved by implementing the proposed energy efficiency project?	**%**

Project Economics: Energy Efficiency Projects
Attach supporting quotes from vendors or contractors.

A.	**Total Project Costs:**	$
B.	**Expected Annual Cost Savings:**	$
C.	Expected (or Anticipated) Rebates, Grants, Incentives:	
	1. Electric/Gas Utility Energy Efficiency Incentives	$
	2. Mass Farm Energy Program (MFEP)	$
	3. USDA REAP or EQIP	$
	4. Other (please list): _____	**$**
	C. TOTAL (1+2+3+4):	**$**
D.	**MDAR Ag Energy Request ($30,000 or less)**	**$**
E.	**Applicant Contribution to Project**	**$**

[Total Project Costs (A) – (Rebates, Grants, Incentives (C+D))] **/** (Annual Cost Savings (B)) = Simple Payback Years	Years

Section 3	**Renewable Energy Details** **NOTE: All energy audits and renewable assessments must be attached and submitted as part of this application.**	
1.	Was a specific renewable energy assessment conducted for the proposed project? If yes, please attach to the application:	☐ Yes ☐ No
2.	What is the proposed annual renewable energy generation for the proposed project?	
3.	What is the current annual energy consumption for the operation?	
4.	What percentage of energy currently used by the application will be saved by implementing the proposed renewable energy project?	%

Project Economics: Renewable Energy Projects
Attach supporting quotes from vendors or contractors

A.	**Total Project Costs:**	$
B.	**Expected Annual Cost Savings:**	$
C.	**Annual Average Renewable/Alternative Energy Credits (RECs, SRECs, AECs)**	$
D.	**Expected (or Anticipated) Rebates, Grants, Incentives:**	
	1. Clean Energy Center (CEC)	$
	2. Mass Farm Energy Program (MFEP)	$
	3. USDA REAP	$
	4. Federal Investment Tax Credit (ITC)	$
	5. Other (please list): _____	$
	D. TOTAL (1+2+3+4+5):	**$**
E.	**MDAR Ag Energy Request ($30,000 or less)**	**$**
F.	**Applicant Contribution to Funding**	**$**

[Total Project Costs (A) – (Rebates, Grants, Incentives (D+E))] **/** (Annual Cost Savings (B) + Annual Average RECs/SRECs/AECs (C)) = Simple Payback Years	Years

Section 4:	**Permits:** Provide a list of all necessary permits and when they will be secured for the project
Section 5:	**Schedule:** Provide a schedule of implementation including design, permits, site mobilization, purchases, delivery, installation, start up, customer training, etc.
Section 6:	**Warranties:** Provide a list of all project warranties and guarantees
Section 7:	**Operation & Maintenance:** Provide operation and maintenance necessary to maintain equipment
Section 8:	**Team Members:** List team members and their capacity to achieve the goals of proposed project

6. Amount Requested:

Supported by the information provided in Section 2 and/or Section 3, above, please state your requested Agricultural Grant Energy funding request. MDAR has the option to negotiate the requested amount before entering into a contract with the applicant.

TOTAL COST REQUESTED FOR FUNDING THROUGH AG-ENERGY GRANT	**$ _____** **(Maximum of $30,000)**

7. Attestation:

By signing this application, you attest all statements herein are accurate and true. By signing this application, you 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: _____

Please complete and return the proposal response form and appropriate documentation by the appropriate deadline as described on page 9.

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.