



**Division of Agricultural Conservation & Technical
Assistance**

Matching Enterprise Grants for Agriculture Program

Fiscal Year 2017

(July 1, 2016 to June 30, 2017)

Request for Response (RFR): RFR File: AGR-MEGA-7

To assist farmers who have been in business between 1 and 5 years who aspire to develop their farms into commercially viable operations.

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

**Contact: Melissa Adams
Telephone: 413-268-8269
Email: Craig.Richov@state.ma.us**



**Massachusetts Department of Agricultural Resources
101 University Drive Suite C4
Amherst, MA 01002**

EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Matthew A. Beaton, Secretary
Grant Announcement
RFR ID: AGR-MEGA-7
Dated: April 11, 2016

Matching Enterprise Grants for Agriculture Program

1. GRANT OPPORTUNITY SUMMARY:

A. PROPOSALS SOUGHT FOR: The Massachusetts Department of Agricultural Resources (“Department”) invites responses from Massachusetts farmers who wish to participate in the Matching Enterprise Grants for Agriculture Program (“MEGA Program”) and who meet the eligibility criteria set forth in this RFR.

B. OVERVIEW AND GOALS: The purposes of the MEGA Program are to:

- Help farmers who have been in business for at least one, but no more than five years, acquire equipment and other non-land assets that can help insure the financial viability of their farm businesses;
- Support the needs of newer farmers through the provision of business and technical assistance and capital;
- Bring new ideas, products, skill sets and enthusiasm to the Massachusetts food and agriculture industry.

It is the objective of the MEGA Program to assist farmers who aspire to develop their farms into commercially viable operations. Priority will be given to farms that can use program investment to increase farm production, marketing, and income. It is not the objective of the MEGA Program to support “hobby” or rural lifestyle enterprises where only minor consideration is given to the success of the business of agriculture. The MEGA Program provides business and technical assistance to Respondents selected to the Program, resulting in a MEGA Plan (“Plan”) that identifies planned uses of grant and matching funds for farm improvements. Grant awards will be offered to active participants upon approval of their Plan for implementation of identified farm improvements, subject to the availability of funding.

C. ELIGIBLE PROJECTS: Grant and matching funds must be used for approved on-farm capital improvement projects or farm equipment that has the potential to enhance the farm’s viability (See detail on eligible projects in section 2B).

D. ELIGIBLE APPLICANTS: Massachusetts farmers with active commercial farms that meet the program eligibility criteria. (See further detail on eligible applicants in section 2A).

E. APPLICATION DEADLINE: June 8, 2016

F. FUNDING AVAILABILITY: For Fiscal Year 2017, the total amount available for the program is expected to be around \$100,000. Depending on the availability of funding, the Department may offer selected participants up to \$10,000 in grant funding which will be made available on a one to one matching basis. The Department reserves the right to offer funding to selected projects at an amount less than requested in the application budget. (See eligible uses of funds and further detail on funding availability and requirements in section 2C).

G. MATCH REQUIREMENT: Funding provided by the MEGA Program will be made available on a one to one matching, cost reimbursement grant basis. The maximum grant award shall be \$10,000. (See further detail on the match requirement in section 2D).

H. TOTAL ANTICIPATED DURATION OF CONTRACT(S): All projects will begin at contract start date - anticipated to be in January or February 2017 - and must be complete by June 30, 2017. (See further detail on anticipated duration of contract(s) in section 2F).

I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: *Chapter 286 of the Acts of 2014*

J. CONTACT INFORMATION: Melissa Adams
 Massachusetts Department of Agricultural Resources
 101 University Dr. Suite C4
 Amherst MA 01002
 413-268-8269
 Craig.Richov@state.ma.us

2. PERFORMANCE AND CONTRACT SPECIFICATIONS

A. Eligible Applicants:

Eligible Respondents	<p>Responders to the MEGA Program must meet all of the following criteria:</p> <ul style="list-style-type: none"> • Have operated their farm business for at least one year, but no more than five (5) years. • Have secure access (own, lease) to land on which the operator is farming. If renting, lease must be in writing, and have a term long enough for the farmer to complete the proposed improvement project and see a return on the investment. • Have ability to raise project funds from personal resources, loans or other (non-Department) grants. (Grant funds are provided on a reimbursement basis.)
Ineligible Respondents	<p>The following are <u>ineligible</u> for participation in the Program:</p> <ul style="list-style-type: none"> • Non-profit organizations and non-profit farms are ineligible for funding from this program. • Former participants of the Farm Viability Enhancement Program (FVEP) or the APR Improvement Program (AIP) are ineligible for this Program. • Former MEGA Program grant recipients may not apply to the MEGA Program for a second award. • Applicants must be in full compliance with MDAR’s rules and regulations.

B. Eligible Projects:

	<p>Use of grant and matching funds is for fixed capital improvements (e.g., barns, sheds, greenhouses, farm stands) and equipment (e.g., tractors, field equipment, fencing, farm vehicles) that have the potential to enhance the farm’s viability. Program staff and/or consultants, with the farm operator’s active participation, will provide business and technical assistance to confirm the use of grant funds for farm improvements. The participant(s) and the Department must agree to planned use(s) of funds before a contract is signed.</p>
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C. Funding Availability, Budgeting Guidelines & Allowable Expenditures	
	<p>Grant awards will be offered to active participants upon approval of their MEGA Plan completed through the program for identified uses of grant and matching funds on capital improvements on the farm and/or farm equipment, subject to the availability of funding. Funding provided by the MEGA Program will be made available on a one to one matching, cost reimbursement basis. The maximum grant award shall be \$10,000. The Department and the MEGA Program participant shall invest equal funding into the agreed upon improvement project(s). Copies of bank statements, loan agreements, grant award letters or other similar documents shall be required to demonstrate that funds are available to complete the project. In-kind services (e.g., labor) or prior investment will not be acceptable as a match. Grant funds awarded must be spent on labor and materials associated with the capital project(s) and/or equipment purchases outlined in the Scope of Services attached to the contract with the Department. Funds may <u>not</u> be used for operating or overhead expenses, payment of debt, purchase of livestock or purchase of land.</p> <p>The Department reserves the right to offer funding to selected projects at an amount less than requested in the application budget. To receive funding a farm must operate in compliance with all applicable federal, state, and local regulations. Landowner must obtain all approvals required under their particular APR, if applicable. A grant award DOES NOT guarantee an APR certificate of approval. Landowner(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</p>
Appropriation	<p>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.</p>
D. Match Requirements	
Match	<p>Funding provided by the MEGA Program will be made available on a one to one matching cost reimbursement basis. The maximum grant award shall be \$10,000. The Department and the MEGA Program participant shall invest equal funding into the agreed upon improvement project(s). Copies of bank statements, loan agreements, grant award letters or other similar documents shall be required to demonstrate that funds are available to complete the project. In-kind services (e.g., labor) or prior investment will not be acceptable as a match.</p>
E. Project Terms	
Terms	<p>Landowner(s) must be in compliance with DAR or resolve any outstanding compliance or legal issues with the Department for selection and participation. 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. Any extensions granted will not necessarily change, or increase, the monetary value of the contract. If farm is subject to an Agricultural Preservation Restriction (APR), landowner must obtain all approvals required under their particular APR, if applicable. A grant award DOES NOT guarantee an APR certificate of approval. Landowner(s) must be in compliance with the terms of the APR or resolve any outstanding compliance or legal issues with the Department.</p>

F. Anticipated Duration of Contracts	
Duration	All projects must be completed by June 30, 2017 with no options for extensions. All forms of satisfactory documentation in the form of cancelled checks, receipts, invoices, etc. for costs associated with approved projects must be dated prior to the June 30 th , 2017 deadline.
G. Deliverables, Ownership, and Credit Due	
Installation Standards & Permits	Program Participants must provide the Department with approved documentation verifying expenditures have occurred within the contract period prior to receiving grant funds. (See detail about acceptable documentation for reimbursement in Section 2I).
H. Reporting	
Reporting	<p>A Plan will be developed with assistance from program staff and/or consultants. Planned use of funds and cost estimates from this document will be used to develop a Scope of Services to attach to Contract with the Department that specifies how grant and matching funds will be spent. Invoices and documentation evidencing completion of services and cost of completed services must be submitted to the Department by June 30, 2017 for reimbursement.</p> <p>Once the project is complete and all funds spent, a closeout visit will be conducted by program staff or consultant to view improvements made through program participation and interview participants to complete a program evaluation form. It is expected that participants will respond to any MDAR requests for financial and/or other data showing Program impact on the farm operations for evaluation purposes up to 5 years after contract end date.</p>
I. Invoicing	
Invoicing	All payments shall be made on a reimbursement basis, no upfront lump sum payments shall be made to any selected Responder. Reimbursements shall be made either in partial or full amounts only after the Department has received the request for payment through an invoice and supporting documentation within the contract period. Approved supporting documentation shall include, but not be limited to, the following: contractor invoices, canceled checks, payment records, and other documents that allow the Department to verify the grantee has incurred allowable grant costs and is entitled to payment under the terms of the contract. Program participants must provide the Department with receipts verifying expenditures have occurred within the contract period prior to receiving grant funds. Costs incurred prior to contract execution cannot be reimbursed and will not qualify as Program expenditures.

3. INSTRUCTIONS FOR APPLICATION SUBMISSIONS

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

A staff review team (“Review Team”) shall consider all complete responses and rank them according to the stated criteria. The Review Team shall be comprised of the Department’s staff and Program consultants. Their ranking and recommendations shall be conveyed to the Commissioner of Agricultural Resources and Secretary of Energy and Environmental Affairs for final decisions. The Department shall make notifications of acceptance and rejection to applicants, in writing, on or about September 30, 2016. A Responder may withdraw a response at any point. The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criteria. All awards are subject to the availability of funding.

Each eligible response will be scored based on the following criteria:

- Applicants have direct experience in, and knowledge of, agricultural production related to what the farm produces and sells.
- Demonstrates applicants have customers and markets/outlets for their products/services.
- Demonstrates applicants have invested significant cash and/or sweat equity into starting the farm.
- Indicates potential for applicants to manage a successful farm business.
- Demonstrates the potential to expand farm productivity, marketing and farm income.
- Clearly identifies how the MEGA Program assistance and grant will help improve farm success.

B. Application Submission Instructions:

To submit a response to this Request for Response owners and operators must submit a completed, signed **Attachment A Application** to the following address by the deadline stated below:

**Melissa Adams, MEGA Coordinator
Massachusetts Department of Agricultural Resources
101 University Drive Suite C4
Amherst, MA 01002**

Applications must be received by **4:00 P.M. on June 8, 2016**. **Applications must be mailed or hand-delivered; those sent by fax or electronically will NOT be accepted.**

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
- Scope and Budget
- Commonwealth Terms and Conditions filled out by and signed by the Respondent*
- Commonwealth W-9 tax information form filled out and signed by the Respondent*
- Completed Contractor Authorized Signatory Listing form
- Completed Electronic Funds Transfer Sign Up Form

** If not already on file*

These forms do not need to be completed as part of the response. Assistance to complete these forms will be provided to Respondents selected to participate in the Program.

4. DEADLINES AND PROCUREMENT CALENDAR

A. Release of RFR:	April 11, 2016
B. Information Sessions:	None planned at this time
C. Application Due Date:	Must be received by 4:00 PM June 8, 2016 in Amherst MDAR office
D. Estimated Award Date:	On or about September 30, 2016
E. Estimated Contract Start Date:	<u>Estimated Contract Start Date: January or February 2017.</u> 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:
<ul style="list-style-type: none">Grant
B. Use of This Procurement by Single or Multiple Departments:
<ul style="list-style-type: none">This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by MDAR.
C. Request for Single or Multiple Contractors:
<ul style="list-style-type: none">Multiple
D. RFR Distribution Method:
<ul style="list-style-type: none">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:
<ul style="list-style-type: none">A. Application FormB. RFR Required Specifications

Attachment A
Matching Enterprise Grants for Agriculture Program (MEGA) Response Form
AGR-MEGA-7
Fiscal Year 2017 Application

MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

It is important that you read the Section 1 through 4 for program information before completing this application. Please read carefully and respond to each question. You may attach up to two (2) additional sheets if necessary. Be sure your name is on any attachments. Please type or print clearly in ballpoint pen.

Date received by (official use only) _____

1. Applicant(s):

Name(s):		
Mailing Address:		
TOWN:	Zip:	E-Mail:
PREFERRED PHONE:	Alternate Phone:	

Farm Name:		
Farm Address:	Town:	Zip:
Website:	Name of farm land owner:	
When did you begin your farm business (month/year)?		
What year did you begin generating revenue from farm sales (as reported on Schedule F or relevant tax forms)?		
How long have you been operating a farm business at the above location?		
What is your business legal structure? (<i>sole proprietor, partnership, S corporation, corporation, LLC, Other</i>)		
HOW MANY ACRES DO YOU OWN?	HOW MANY ACRES DO YOU RENT OR LEASE <u>TO</u> OTHER FARMERS?	HOW MANY ACRES DO YOU RENT OR LEASE <u>FROM</u> OTHERS?
When did you purchase the land?		
If renting, do you currently have a lease? Yes ___ No ___ If Yes, when does the lease expire? _____ (<i>You must have a written lease available for review if you are accepted</i>)	Is the land you are farming under a state Agricultural Preservation Restriction (APR) Yes ___ No ___ If yes, what was the name of the original grantor?	
Describe the farm resource you use: total acres, acres cropland, acres woodland, acres wetland.		

2. Farm Business Background:

Who is/are the owners/partners of the farm business?

Experience:

List (with dates) farming experience and business operating experience of owners/partners.

Education & Training:

List relevant degrees received as well as any farm education or Agricultural training courses or workshops owners/partners have completed (with dates and institution). (i.e., courses through Department's Ag Business Training Program, New England Small Farm Institute, New Entry Sustainable Farming Project, CISA or other).

Name any farming associations or trade groups that owners/partners belong to.

Farm Employees:

How many employees do you currently have? part-time/seasonal ____ full-time _____

Do you have a written business plan? Yes ____ No ____ If Yes, Date of plan: _____

If Yes, is the plan available in an electronic file? Yes ____ No ____

3. Farm Business Information:

Describe your farm business.

What products, and how much did you produce for sale in 2015? (e.g., acres, square feet, number of bales of hay, gallons of maple syrup, dozens of eggs, number of animals, crops harvested – be specific)

What products, and how much do you plan to produce for sale in 2016?

Markets – Where or how did you market/sell your products in 2015? (e.g., number of farmers markets, CSA memberships, wholesale customers, farm stand, etc.)

Where or how will you market/sell your products in 2016?

What was the gross farm income from the sale of farm products in 2015?

What is your projected gross farm income for 2016?

What are your long-term financial goals for your farm business? (e.g. to provide 50% of family income, to increase gross sales to \$x within 5 years)

What investments have you made in your farm to date? (e.g., purchased land and/or equipment, built farm stand, made improvements to barn, purchased livestock, installed fencing for livestock, dug well, cleared land for planting, planted fruit trees)

4. Farm Opportunities & Assistance

What are the opportunities for your farm business to grow and succeed?

How would the MEGA Program be of assistance to you? How do you propose to use a MEGA grant and your matching funds and how will this investment help improve your farm's success?

Attachment B 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*. 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* are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00. 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.

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 Registration. Bidders may elect to obtain a free COMMBUYS Seller registration 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 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-training-events-and-outreach/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.

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-reusable 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: [Tools and Resources for Implementation of Executive Order 509.](#)

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.

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.