



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Chrystal Kornegay, Undersecretary

## **REQUEST FOR RESPONSES**

### **Emergency Solutions Grant**

**PLEASE NOTE: This Word document is one of many documents that together with the RFR attachments comprise the entire Solicitation published on COMMBUYS. A list of all of these documents is on page 18 of this RFR. All Bidders are responsible for reviewing and adhering to all information, forms and requirements found on all COMMBUYS tabs for the entire Solicitation.**

**The terms of 801 CMR 21.00, Procurement of Commodities and Services are incorporated by reference into this RFR. Contract and Fiscal Requirement terms used in this RFR shall have the meanings defined in 801 CMR 21.00.**

<b>Document Number:</b>	DHCD2016-11 ESG – Federal Fiscal Year 2016
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<b>Date of RFR Release:</b>	January 12, 2016
<b>Deadline for Written Questions:</b>	3:00 PM Friday, January 29, 2016
<b>Bidders Conference</b>	10:00 AM Friday, February 5 <sup>th</sup> 10:00 AM
<b>Response Deadline:</b>	3:00 PM Friday, February 26, 2016

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## **SECTION I: BACKGROUND AND PURPOSE**

The purpose of this Request for Response (RFR) is to solicit qualified, cost effective, creative, and competitive applications to develop and operate Emergency Solutions Grant (ESG) eligible projects across the Commonwealth. Funding for this RFR is through the Emergency Solutions Grant Massachusetts Nonentitlement grant awarded to the Department of Housing and Community Development (DHCD) by the Department of Housing and Urban Development (HUD). Information regarding the Emergency Solutions Grant program can be found [here or at www.hudexchange.info/programs/esg](http://www.hudexchange.info/programs/esg).

Respondents should be aware that rules and regulations established under previous ESG procurements no longer apply. Responsive organizations should consult the ESG HUD Interim Rule before responding to this RFR. A PDF of the ESG Interim Rule can be found [here](#). HUD may release a final ESG rule and / or updated guidance at any time. Contracts issued as an outcome of this RFR will be required to comply with all regulations established by HUD during the contract period. DHCD will provide ongoing technical assistance and training around HUD rules and regulations. However, respondents are expected to have a basic understanding of ESG requirements before responding to this procurement.

All responses must clearly demonstrate how the proposed projects will support HUDs overall vision for the Emergency Solutions Grant, how the proposal supports Opening Doors, the Federal strategic plan for ending homelessness, and how each application supports the work of DHCD, and the local Continuum of Care in ending homelessness. Rather than solely utilizing ESG funding to create separate or distinct programs, respondents are encouraged to think strategically about how ESG funding may be leveraged with other funding sources to help support existing efforts to reduce and end homelessness within your region and the Commonwealth.

## **SECTION II: ELIGIBILITY & ACTIVITIES**

### **A. OVERVIEW / SCOPE**

Applicants may request funding under the following four components:

- Street Outreach
- Emergency Shelter
- Homelessness Prevention
- Rapid Re-housing (RRH)

Respondents may request funding for multiple components within one response in order to share staff, operational costs, and streamline services. For example, a respondent may request funding for both emergency shelter and rapid re-housing services in one response OR a respondent may request both rapid re-housing and homelessness prevention funding. There is no limit to the number of funding components which may be requested in one response.

Responses may include requests for Homelessness Management Information System (HMIS) funding to support proposed ESG project(s). Responses requesting funding for HMIS only will not be awarded.

Though respondents may request funding for multiple components in one response, eligibility criteria and services are specific to each component of funding. Eligible services are outlined in §576.100 through §576.576.109 of the [ESG interim rule](#).

## B. PARTICIPANT ELIGIBILITY

All participants must meet the minimum eligibility requirements specified by HUD for the component from which they will receive services. Participant eligibility for each eligible component under this RFR has been briefly summarized below. However, respondents will benefit from referring to the ESG interim rule for detailed guidelines around participant eligibility.

### Street Outreach Eligibility:

Per the interim rule, street outreach participants must “be an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.”

### Emergency Shelter Eligibility:

Per §576.2, “homeless means: An individual or family who lacks a fixed, regular, and adequate nighttime residence...” Participants receiving emergency shelter services must be homeless according to the definition established by HUD. For a detailed description of homelessness, please refer to the interim rule. Households that have been deemed eligible for DHCD Emergency Assistance are eligible for services funded through the emergency shelter component.

### Homelessness Prevention Eligibility:

Homelessness Prevention participants must meet the HUD *at risk of homelessness* definition specified in §576.2 of HUD’s ESG Interim Rule and have an annual income below 30 percent of the area median income as established by HUD. All households must be at imminent risk of becoming literally homeless.

DHCD cautions that not every household facing eviction in housing court will become literally homeless. Rather than limiting prevention services to households that have a court ordered eviction notice, DHCD asks that respondents work with shelter providers in their area to determine what common characteristics lead a household to become literally homeless in their region. Respondents should then structure prevention services to target households that meet these characteristics and are likely to become literally homeless without immediate prevention assistance.

### Rapid Re-housing Eligibility:

Rapid Re-housing participants must meet the HUD *homeless* definition specified in §576.2 of HUD’s ESG Interim Rule. Rapid Re-housing projects should work with providers within their continuum to identify households that meet this definition. Rapid Re-housing services should not be limited to only those households in emergency shelter. Rapid Re-housing services may be provided to EA eligible households in conjunction with other state resources, including HomeBASE.

### C. ELIGIBLE PROGRAM ACTIVITIES & COSTS

Respondents should consider their actual program needs when developing their budget and request funding that will allow them to effectively provide the services they are proposing. Many expenses that are routinely categorized as administrative activities may be eligible program costs. Applicants should refer to the ESG interim rule, §576.101 through §576.108, for information on what costs are programmatically eligible and what costs are considered administrative activities. Due to the variety of costs that are programmatically eligible under the ESG interim rule, DHCD is limiting requests for agency administrative support to 3.5% of each funding request, including agency administrative support requested through proposed subcontracts.

#### Street Outreach:

Respondents should refer to §576.101 of the Interim Rule for a complete list of eligible program activities. ESG Street Outreach funding must be used to connect unsheltered, literally homeless, people to emergency shelter, housing, or critical services. Street Outreach funding may be used to serve individuals and/or families. DHCD does not wish to expand already existing street outreach programs, but will consider proposals for street outreach in communities where there is none.

#### Emergency Shelter:

As of the date of publishing, the Massachusetts Nonentitlement ESG award has not been announced. DHCD anticipates that our award amount will be approximately \$4 million based on previous year's awards. Per HUD regulations, no more than 60% of our total award may be used for emergency shelter expenses.

There are three categories of spending under Emergency Shelter: 1) Essential Services, 2) Renovation, and 3) Shelter Operations. Applications for emergency shelter may request funding under any or all of the three categories.

#### *Essential Services:*

Proposals requesting funding for emergency shelter essential services may include a variety of activities detailed in §576.102 of the interim rule. This procurement does not wish to further limit eligible activities under ESG. However, DHCD will prioritize applications requesting funding for services that are not, nor have historically been funded by other sources.

#### *Renovation:*

Proposals requesting funding for renovations only, outside of minor or routine maintenance, are not a priority for DHCD under the Emergency Solutions Grant. Additionally, DHCD will not fund capital expenses. Proposals that include a one-time renovation request necessary to create new shelter units, including family units, or to improve the quality of existing shelters, will be considered.

#### *Shelter Operations:*

DHCD will continue to fund non-rehab, non-capital, and shelter operation expenses. Per the Interim Rule, shelter operations costs include:

- Maintenance (including minor or routine repairs);
- Rent;

- Security;
- Fuel;
- Furnishings;
- Supplies necessary for the operation of the emergency shelter.

Per HUD regulations, hotel or motel vouchers may be paid for by ESG only in the instance that no appropriate emergency shelter is available. Proposals that request funding to provide extremely short term hotel or motel vouchers will be accepted as long as the proposal sufficiently demonstrates the need for such funding. Two possible examples of this include:

- Organizations already receiving EA diversion funding may request ESG funding to provide for very short term hotel/motel based emergency shelter services, to avoid the households being placed into traditional EA emergency shelter where they are no longer able to access diversion services.
- Temporary hotel stay for a person or household fleeing domestic violence that is not safely sheltered within an emergency shelter facility.

DHCD reserves the right to negotiate hotel/motel expenses on a per contract basis.

#### Homelessness Prevention:

Respondents should refer to §576.103, §576.105, and §576.106 of the Interim Rule for a complete list of eligible program activities. Homelessness prevention projects funded under this RFR may provide services to individuals and/or families. Proposed homelessness prevention projects may supplement services received through Residential Assistance for Families in Transition (RAFT), Tenancy Preservation Program (TPP), or other prevention programs, though they may not propose to offer the same type of service to the same household at the same time. For example, organizations may propose to utilize ESG funds for case management services to support households receiving RAFT financial assistance to prevent eviction.

Homelessness prevention applications should include a variety of activities with the intent of preventing homelessness and assisting those households with establishing housing stability. Therefore, respondents should carefully consider personnel needs in order to provide non-financial services, as well as the need for funding for financial services.

#### Rapid Re-housing:

Respondents should refer to §576.104, §576.105, and §576.106 of the Interim Rule for a complete list of eligible program activities. Rapid Re-housing projects funded under this RFR may provide services to individuals and/or families. Proposed Rapid Re-housing projects may supplement services received through HomeBASE or other Rapid Re-housing programs, though they may not propose to offer the same type of service to the same household at the same time.

Respondents should remember that ESG may provide many financial and non-financial activities. Rapid Re-housing applications should propose to offer a variety of activities with the intent of rapidly re-housing homeless households and assisting those households with establishing stability in their new unit. Therefore, respondents should carefully consider personnel needs in order to include non-financial activities, as well as the need for funding for financial activities.

#### D. CONSULTATION WITH CONTINUA OF CARE

As a state recipient of ESG funding, DHCD is required by HUD to consult annually with each continuum of care (CoC) within the Commonwealth on how to allocate ESG funding. DHCD continues to meet this requirement through a variety of methods and strives to incorporate applicable feedback from CoC's into our administration of the Emergency Solutions Grant. In fact, many of the requests made through the consultation process have been incorporated into this RFR. To help support this effort and to continue to encourage conversations about the best use of funding at the local level, DHCD is also requesting that each respondent consult with their continua of care about their intended ESG response. The outcomes of this process should be reflected in each response.

DHCD is aware that Continua of Care are in various stages of implementing a coordinated entry system. As much as it is applicable, respondents should be prepared to discuss how their requested projects will be incorporated into the coordinated entry system established within their CoC. As part of this process, we recognize that CoC's are having strategic conversations about prioritizing services to residents of their continuum. DHCD does caution that responses which incorporate residency requirements into their eligibility criteria will be asked to remove the residency requirement prior to funding approval. Multiple responses within a single CoC requesting funding for duplicative rapid rehousing and prevention projects are not likely to all be funded. DHCD encourages any organization interested in applying for ESG funding to contact their CoC lead to discuss coordinating their response with other responses from organizations within the same jurisdiction.

### **SECTION III: FISCAL SPECIFICATIONS**

#### A. ACQUISITION METHOD

Successful respondents will receive a contract with DHCD. Federal funds will be used to fund this contract.

#### B. ANTICIPATED FUNDING, EXPENDITURES AND COMPENSATION STRUCTURE

A contract awarded through this procurement, will have an annual Maximum Obligation Amount. The contractor will be paid through a cost reimbursement system.

#### C. VALUE OF PROCUREMENT

The value of this procurement is approximately \$20,000,000.00 over a five year period. Initial contracts will total approximately \$4,000,000.00 with the option to renew each year for four years. The exact amount will be determined based on HUD ESG allocations.

#### D. MATCH REQUIREMENTS

Per HUD's ESG Interim Rule (See §576.201 in the interim rule), as the ESG recipient, DHCD must match all grant funds with the exception of the first \$100,000 of the fiscal year grant. DHCD will continue to use state funding to meet the match requirement. However, each proposed project should include a description of any cash or in-kind match to be used for their proposed project. Including matching funding within an application will help demonstrate how the proposed project will work to enhance existing homeless services as well as demonstrating actual project costs.

Documentation of either cash or in-kind match should be included where applicable in the response budget (Attachment 1).

## **SECTION IV: RESPONSE SPECIFICATIONS**

### **A. SCHEDULE**

RFR Release	January 12, 2016
Deadline for Submission of Written Questions:	January 29, 2016 by 3:00 PM
Bidders' Conference:	February 5, 2016, 10:00 AM
Answers to Written Questions:	February 9, 2016
Response Due Date:	February 26, 2016 by 3:00 PM

### **B. RFR SPECIFICATIONS**

If one or more proposed applications are selected by DHCD for funding, then the following specifications shall apply:

1. Single or Multiple contracts for ESG Funds
2. Single Department Procurement. This RFR is a "Single Department Procurement."
3. Anticipated Duration of Contract: April 1, 2016 through March 31, 2017.
4. Initial Duration: 1 year with option to renew for up to 4 years, determined annually.
5. Bidder's conference 10:00 AM February 5, 2016 at 100 Cambridge Street, Boston MA
6. Opportunity for submission of written questions: Written questions may be e-mailed to [gordon.calkins@state.ma.us](mailto:gordon.calkins@state.ma.us) before 3:00 PM Friday, January 29. Emails containing RFR questions should clearly identify on the subject line of the e-mail: "ESG 2016 RFR Questions." A question and answer document will be published on COMMBUYS.

If additions or changes to selected responses are required based on the ESG specific RFR, DHCD's Procurement Management Team (PMT) will work with respondents selected to assist each to make the necessary changes.

**C. SUBMISSION INSTRUCTIONS** Responses may be hand-delivered, sent by courier, or mailed to:

Procurement Manager – DHCD 2016-11  
Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

**RESPONDENTS MUST ALLOW SUFFICIENT TIME TO HAVE THEIR  
RESPONSE TIME STAMPED BY 3:00 PM. RESPONSES NOT RECEIVED AND  
TIME STAMPED AT THE DESIGNATED ADDRESS BY 3:00 PM, FRIDAY,  
FEBRUARY 26, 2016 WILL BE DISQUALIFIED.**



## **SECTION V: RESPONSE CONTENT**

Each response must include the following items in the order indicated below:

### **A. LETTER OF TRANSMITTAL**

A standard business letter, on official letterhead, signed by an individual authorized to negotiate and execute a contract for the respondent must be submitted. The Letter of Transmittal shall state that the response is effective for a period of one hundred and twenty (120) days from the response due date and that the respondent accepts all the guidelines, terms and conditions set forth in this RFR in their entirety and without modification or amendment. The letter must contain the applicants' full address, employer or tax identification number and contact information (including title, phone number and e-mail address) for the person with whom DHCD should communicate about your application.

If the respondent is a general purpose local government organization, the Letter of Transmittal shall indicate that if funded, ESG funds would not replace funds the local government provided for the same services during the immediately preceding 12-month period.

### **B. APPLICATION**

Appendix A must not exceed seven pages.

### **C. BUDGET**

Please use Attachment 1. Match funding included in the budget provided by an entity other than the respondent should be documented through a letter from the entity providing the match funding.

### **D. HMIS**

Include verification that the respondent organization has the capacity to provide all HUD required deliverables in an accurate and timely manner. This can be demonstrated by attaching an HMIS data quality report from currently funded projects, an ESG CAPER report, or through a letter from the HMIS lead for the respondent's CoC.

### **E. DEBARMENT**

A statement that the respondent is not now or ever has been subject to any state or federal debarment order or determination, or a statement detailing the date and circumstances of any such debarment. DHCD will not contract with a vendor that is currently debarred.

### **F. DOCUMENTATION OF RESPONDENT ELIGIBILITY**

1. Respondents must document status as a state or local government, or instrumentality of state, or a non-profit organization. Document non-profit status with a 501(c)(3) determination from the Internal Revenue Service as a state "charitable" tax-exempt non-profit. Please note: Housing Authorities are prohibited from receiving ESG funding by HUD.
2. Project applicants are required to have a Data Universal Numbering System (DUNS) number and an active registration in the Central Contractor Registration (CCR)/System for Award

Management (SAM) in order to apply for funding under the Continuum of Care (CoC) competition. More information on the CCR/SAM registration can be found at: <http://portal.hud.gov/hudportal/HUD?src=/topics/grants>. DHCD is requiring verification of registration with CCR/SAM as it is a HUD requirement for funding.

#### **G. FINANCIAL DOCUMENTS**

Responses should include a copy of the respondent organization's most recent audited financial statement.

#### **H. SUPPLIER DIVERSITY PROGRAM PLAN FORM**

A completed Supplier Diversity Program Plan Form (blank form is attached to the Forms & Terms tab of the COMMBUYS page for this RFR).

#### **I. COMPLETED SUBMISSION CHECKLIST**

Please use Attachment 2.

### **SECTION VI: RESPONSE EVALUATION**

The Procurement Management Team (PMT) will first review each response to determine if it satisfies the RFR's minimum evaluation criteria. Any response that does not meet the minimum evaluation criteria may be considered non-responsive and may be disqualified without further evaluation. The PMT may, at its discretion, determine that noncompliance is insubstantial and can be corrected, or that an alternative proposed by the respondent is an acceptable substitute. In such case, the PMT may seek clarification, allow the respondent to make minor corrections, apply appropriate penalties in the evaluation, or apply a combination of all three remedies.

The PMT will operate under the direction of the Associate Director for the Division of Housing Stabilization. Input from additional DHCD program and fiscal staff may be requested by the PMT as questions arise. The PMT will complete a single evaluation form for each response that reflects its consensus evaluation. The Associate Director will submit the PMT's recommendations to the Deputy Undersecretary of the Department of Housing and Community Development. The Deputy will process the paperwork with the Department's Undersecretary for final approval.

#### **A. MINIMUM EVALUATION CRITERIA**

1. The response is complete.
2. Neither the respondent nor any proposed subrecipient is currently subject to any state or federal debarment order or determination. A respondent that was previously debarred, but is not presently debarred, may be disqualified if the PMT concludes that the circumstances of the debarment would render the Respondent inappropriate as a provider of the proposed services.
3. The response complies with HUD requirements as specified in the RFR and in the HUD ESG Interim Rule.

## B. SELECTION & NOTIFICATION

After each response has been evaluated according to the above criteria and the PMT's final recommendation has been approved at DHCD, DHCD will notify each respondent which, if any, applications were selected for funding.

## C. EVALUATION CRITERIA

### 1. Scope of Services and Proposed Outcomes **(30%)**

Degree to which the proposed project demonstrates:

- a. An understanding of the Emergency Solutions Grant objectives and requirements;
- b. A cost effective project with documentable and realistic outcomes;
- c. Support for Opening Doors, the Federal strategic plan to end homelessness, the work of DHCD, and local CoC to support and end homelessness;
- d. A strategic plan to leverage and support other funding sources to reduce and end homelessness;
- e. Degree to which the response describes a coherent, realistic and practical program, outreach and implementation strategies.

### 2. Organizational Capacity **(20%)**

- a. Relative experience of the individual(s) who shall have primary responsibility for the oversight and management of the proposed project(s);
- b. Relative capacity of Respondent's organizational infrastructure to establish and administer the project, including demonstrated capacity to meet HUD reporting requirements through HMIS and to provide all HUD required deliverables in an accurate and timely manner.

### 3. Experience **(20%)**

- a. Demonstrated experience of Respondent in establishing and operating ESG, or similar projects, for at-risk and literally homeless persons.
- b. Relative performance similar to existing or previously funded projects (i.e. past performance outcomes)
- c. Relative experience in collaborating with relevant public and/or private entities to obtain appropriate mainstream services on behalf of the population to be served.

### 4. Budget **(20%)**

Relative cost effectiveness including the cost per household housed (if applicable), the amount of funds documented as available for match.

### 5. Supplier Diversity Plan (SDP) **(10%)**

All respondents must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to comply with this section and encourage bidder's participation in SDP objectives, the SDP Plan for large procurements greater than \$150,000 will be evaluated at 10% of the total evaluation.

## **SECTION VII: RENEWAL AWARDS**

It is the intent of DHCD to renew contracts awarded through this procurement annually up to four times. As part of the annual renewal process, each contractor will be responsible for reviewing project outcomes with their CoC and negotiating necessary changes with DHCD in order to continuously meet the needs of homeless persons, and those at risk of homelessness, within their CoC.

## **SECTION VIII: GENERAL PROCUREMENT INFORMATION**

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in *801 CMR 21.00* (and *808 CMR 1.00*, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

**Supplier Diversity Program (SDP):** The Supplier Diversity Program (formerly known as Affirmative Market Program) was established in September, 2010 via Executive Order 524 to promote equality in the state contracting market by ensuring full participation of minority and women owned business enterprises (M/WBEs) in all areas of state contracting including construction, design, goods and services. The Executive Order consolidates the State Office of Minority and Women Assistance (SOMWBA) and Affirmative Market Program (AMP) into a new Supplier Diversity Office (SDO) that is part of the Operational Services Division. 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. The essence of both Executive Orders is to provide policies to promote the award of state contracts in a manner that develops and strengthens certified M/WBEs and SDVOBEs, because a diverse business community strengthens the economy and is beneficial to all of the citizens of the state.

In support of both Executive Orders, the state tracks SDP spending through POS contracts. As a result, providers that are issued a contract from this procurement will be required to submit a

“Supplier Diversity Program (SDP) Plan Form for Purchase of Service (POS)” on a yearly basis with their Uniform Financial Report (UFR) through the Operational Services Division (OSD) eFiling site. Providers that file a UFR exemption request are required to submit the SDP Plan Form for POS with their exemption request. The plan will be evaluated yearly by the Commonwealth Department with the most Purchase of Service funding to a provider during the previous fiscal year. This Department is commonly referred to as the Principal Purchasing Agency (PPA).

Bidders are to submit a copy of their most recently submitted “SDP Plan Form for POS” with their proposal to signify to the Procurement Management Team that a form has been submitted. Bidders that do not currently hold POS contracts with Commonwealth Departments are required to complete the Form and include it with their proposal. The “SDP Plan for POS” can be found in the File Attachments Section of the respective Bid Solicitation on [www.COMMBUYS.com](http://www.COMMBUYS.com). The evaluation criteria for this POS solicitation do not dedicate a specific percentage of the total evaluation points to the SDP Plan. However the Strategic Sourcing/Procurement Management Team (SST/PMT) has developed strong evaluation benchmarks in order to identify robust plans. While the Plan is not assigned any points in the evaluation process, the Department is unable to issue a contract to an organization that has not submitted a Plan that demonstrates a strong commitment to working with M/WBEs and SDVOBEs.

Resources available to assist providers in identifying SDP Certified Partners include:

- Potential Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) partners can be found on the Supplier Diversity Program webpage ([www.mass.gov/sdp](http://www.mass.gov/sdp)). For a complete list of certified vendors, refer to:  
<https://www.sdo.osd.state.ma.us/BusinessDirectory/BusinessDirectory.aspx>
- Resources available to assist providers in finding potential Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) partners can be found on the Supplier Diversity Office Webpage ([www.mass.gov/sdo](http://www.mass.gov/sdo)).
- The Operational Services Division offers SDP trainings for providers. The dates of upcoming SDP trainings can be found on the OSD Training & Outreach Webpage. In addition, the SDP Webinar can be located on the Supplier Diversity Program webpage ([www.mass.gov/sdp](http://www.mass.gov/sdp)).

Supplier Diversity Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder’s Supplier Diversity Program (SDP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through COMMBUYS.

COMMBUYS. COMMBUYS is the official system of record for all procurement information which is publicly accessible at no charge at [www.commbuys.com](http://www.commbuys.com). Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via COMMBUYS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support Bidder submission of written questions associated with a Solicitation and publication of official answers. All records on COMMBUYS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

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

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab, and
- Any Bidders' Forum records related to this Solicitation.

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Response based on an out-of-date Solicitation or on information received from a source other than 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. Requests for an appeal must be sent to the attention of the State Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the State Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the State Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](#) page ([www.mass.gov/osd](http://www.mass.gov/osd)). Additional information about EFT is available on the [VendorWeb](#) site.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract

requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non-re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security



regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Bidders responses/bids made in response to this RFR must remain in effect for at least 120 days from the date of bid submission.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

## **SECTION IX: RFR ATTACHMENTS**

All required RFR forms are incorporated herein by reference and published on the Forms & Terms tab of the COMMBUYS page for Solicitation Document Number DHCD2016-11. The following list describes each form, and includes an action description for each. The **six (6)** forms SHALL be returned as part of the response package are noted below.

<b>Document Description</b>	<b>Action Description</b>
Massachusetts Substitute W-9 Form	<b>Complete form and submit with response package.</b>
Contractor Authorized Signatory Listing	<b>Complete form and submit with response package.</b>
Supplier Diversity Plan form	<b>Complete form and submit with response package.</b>
Standard Contract Form	<b>FOR YOUR REVIEW.</b> Execute only upon contract award.
Commonwealth Terms & Conditions	<b>FOR YOUR REVIEW.</b> Execute only upon contract award.
Authorization for Electronic Funds Transfer	<b>FOR YOUR REVIEW.</b> Execute only upon contract award.
RFR Required Specifications	<b>IMPORTANT RFR TERMS. Please read.</b>
Appendix A – RFR Response Document	<b>Complete form and submit with response package.</b>
Attachment 1 - Budget	<b>Complete form and submit with response package.</b>
Attachment 2 – Submission Checklist	<b>Complete form and submit with response package.</b>