



Division of Agricultural Conservation & Technical Assistance

**FARM TRANSFER PLAN ASSISTANCE (“Farm-Pass”)**

Request for Response (RFR): RFR File: **AGR-FTPA-FY25-26**

*Seeking farm owners that have identified a successor(s) and are interested in receiving assistance to develop a Farm Transfer Plan.*

**Applications will be received via Rolling Submissions  
through April 15, 2025**

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## **Contents of Request for Response**

<b>Farm Transfer Plan Assistance – Request for Response</b>		<b>page</b>
Grant Opportunity Summary		3
1. Eligible Applicants		4
2. Scope of Service and Deliverables		4
3. Funding Availability and Allowable Expenditures		5
4. Project Terms		
a. Terms		5
b. Review Process		5
c. Evaluation Criteria		6
d. Duration of Contracts		6
5. Instruction for Application Submissions		
a. Application Submission Instructions		7
b. Additional Contract Documentation		7
6. Deadlines and Procurement Calendar		8
7. Miscellaneous		8
<b>Attachments</b>		
Attachment A	Application Details	9-12
Attachment B	Environmental Justice Policy & Questionnaire	2 Pages
Attachment C	RFR Required Specifications	5 Pages

## GRANT OPPORTUNITY SUMMARY

<p style="text-align: center;"><b>Executive Office of Energy &amp; Environmental Affairs</b>  <b>Rebecca L. Tepper, Secretary</b>  <b>RFR ID: AGR-FTPA-FY25-26</b>  <b>Dated: June 18, 2024</b></p> <p style="text-align: center;"><b>Grant Announcement: Farm Transfer Plan Assistance (“Farm Pass”)</b></p>	
<b>Proposals Sought For</b>	The Massachusetts Department of Agricultural Resources (“MDAR” or the “Department”) seeks responses from owners of commercial farms in Massachusetts that have identified a successor(s) to transfer the farm to and are seeking assistance to develop a farm transfer plan, as defined in section 2 below (the “Farm Transfer Plan”).
<b>Overview &amp; Goals</b>	To provide guided one-on-one assistance from an assigned technical service provider that meets with farmland owner(s), successor(s) and any other party involved in the farm transfer process to facilitate discussion, identify goals and actions, and develop a written Farm Transfer Plan.
<b>Eligible Applicants</b>	Owners of land in Massachusetts that is used for commercial agriculture proposed as defined in Massachusetts law M.G.L. c. 61A, §§ 1 - 2, who are planning to retire within the next 10 years and have identified a successor interested in taking over the farm management and obtaining the farm’s assets. Applicants must meet all eligibility criteria stated in section 1 below.
<b>Application Deadline</b>	<p>This is a rolling RFR. Applications will be accepted on a rolling basis as received, through April 15, 2025. Applications will be considered for approval according to the following review schedule, as long as funding remains available.</p> <p>Applications received by</p> <ul style="list-style-type: none"> <li>• July 15, 2024 – for participation to start by August 30, 2024</li> <li>• Jan 15, 2025 – for participation to start by March 1, 2025</li> <li>• Apr 15, 2025 – for participation to start by June 1, 2025</li> </ul> <p>To be considered for participation under this RFR, <u>applications must be submitted by April 15, 2025 at the latest.</u></p>
<b>Funding Availability</b>	No funds are being offered directly to applicants. The service being offered to applicants is described in section 3 below.
<b>Match Requirement</b>	There is no match requirement for participation.
<b>Duration of Contract</b>	The contract duration for each selected participant to receive assistance will be for up to one year
<b>Contact Information</b>	<p>Melissa Adams <a href="mailto:Melissa.L.Adams@mass.gov">Melissa.L.Adams@mass.gov</a> 857-276-2377</p> <p>Laura Barley <a href="mailto:Laura.Barley@mass.gov">Laura.Barley@mass.gov</a> 857-507-5548</p>

# 1. APPLICANTS

## 1A. Eligible Applicants

To be eligible an applicant must meet all of the following criteria:

- Owners of land in Massachusetts that is used for agriculture as defined under Massachusetts law M.G.L. c. 61A, § 1-2 for commercial purposes.
- Applicant must be an owner of the main farm land and, if different, include the owner of the farm business.
- Applicants are planning to retire and transfer ownership of farm management and assets within the next 10 years upon submitting an application.
- Applicants that have already identified a successor(s) that is interested in transitioning to ownership and management of the Applicant's farm within the next 10 years. The identified successor does not need to be a member of Owner Applicant's family. All farm owners must agree on the successor identified in the application before an applicant is selected for participation.
- Current landowners and farm business owners and identified successor(s) must sign Application.
- Applicants must comply with Department policies and if they own land restricted by an Agricultural Preservation Restriction ("APR") must be in compliance with the terms of the APR.

## 1B. Ineligible Applicants

- Nonprofit organizations and nonprofit farms.
- Farms that have not yet identified an interested successor for future transfer.

# 2. SCOPE OF SERVICE

This program provides guidance, through one-on-one technical assistance from an assigned technical assistance provider ("TAP") contracted with the Department, to assist participants in developing a Farm Transfer Plan. Applicants selected for participation, along with their identified successor and any other identified stakeholders relevant to the process, will be expected to invest significant time attending meetings with their assigned TAP during the term of the contract. The TAP will facilitate conversations among stakeholders, ask questions to help retiring owners and identified successors identify goals, define plans and courses of action, and set a timeline in order to transfer farm management, land, and other assets to the identified successor to achieve overall goals of continued commercial farm operations on the Applicants' farm property.

A Farm Transfer Plan template will be provided by the Department that provides guidance and topics for the TAP to facilitate discussions with all involved stakeholders. The Farm Transfer Plan will also be used to summarize and document information including but not limited to:

- Identify people to be involved in the process
- Describe current business goals of current owner(s) and successor(s)
- Farm management transfer plans
- Financial plans
- Communications plan
- Land use options
- Action plan table
- Identifies action steps for stakeholders including any professional consultation needed outside of this Scope of Work to determine tools to initiate the transfer.

TAPs will NOT give legal, or tax advice and the Farm Transfer Plans shall not constitute legal or tax advice. All information, content, and materials provided to the Applicants through the TAPs, Farm transfer Plan, and this RFR shall be for general informational purposes only.

## **2A. Deliverables**

The TAP will draft a detailed and comprehensive Farm Transfer Plan that will be signed by the applicants and successor and may be viewed by the Department. It will be expected that the owner, identified successor, and any relevant stakeholders provide significant time and input into the development of the Farm Transfer Plan document and will be expected to review and approve the final document. Contract length will be for no more than one year.

To the extent any materials, information, or Farm Transfer Plans are submitted to the Department, either voluntarily or by request, such will be the property of the Department and subject to any public records request in accordance with applicable public records laws.

## **3. FUNDING AVAILABILITY & ALLOWABLE EXPENDITURES**

This program is offered at no cost to applicants that are selected for participation. Applicants selected to participate will not be provided any direct funding through this service, and no associated costs incurred by participants are reimbursable.

The cost of the service being provided to each participant will be paid by the Department directly to the TAP under contract with the Department as a result of a separate request for bid process through COMMBUYS.

Applicants selected through this RFB must sign a contract with the Department agreeing to participate in the Farm Transfer Plan process with an assigned TAP before funding can be approved. Said contract is further described below in section 4A. Contract length will be for no more than one year.

Services 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. MDAR may lift the suspension if available funding is received. In the absence of foreseeable available funding, MDAR may terminate the contract.

## **4. PROJECT TERMS**

### **4A. Terms**

If selected for participation, applicants will be required to execute a \$0 standard contract with the Department and 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. The Department does not guarantee that any contracts or services may result from this RFR. Contract length will be for no more than one year.

### **4B. Review Process**

MDAR cannot assist in the preparation of grant applications. In order to maintain integrity of the competitive grant process, MDAR is unable to advise or provide individuals with any information regarding specific applications during the solicitation process.

#### 4C. Evaluation Criteria

Complete applications for eligible applicants will be evaluated and ranked by the review team according to the following selection criteria:

- The viability and economic impact of current agricultural business, based on income, production level, employment & impact on other MA agricultural producers;
- The potential success of the identified successor through their demonstrated farming experience, any recent business plan, and the suitability of the type of business for success at this location;
- The readiness and fit for applicants to participate in the process to complete a Farm Transfer Plan, based on prior trainings, identified stakeholders, any initial steps taken, and timeframe for transfer;

Additional considerations in the review process:

- Additional points provided in review process if applicant and/or identified successor identifies as a Historically Underserved Applicant in one or more of the following categories as defined by USDA: *Limited Resource Farmer, Beginning Farmer, Socially Disadvantaged Farmer, Veteran Farmer*
- Final selection may take into account overall distribution of service based on geographic location and type of farm. These determinations rest solely with the Department.

#### 4D. Duration of Contracts

The contract duration for selected Applicants' participation may vary, depending on when the application is received and the funding available at that time, but will be for no more than one year.

## 5. INSTRUCTIONS FOR APPLICATION SUBMISSIONS

### 5A. Application Submission Instructions

An application form to apply for this service is attached and must be completed in its entirety and signed by Applicants, including the owner of the current business and owner of the farm property, and successor. Once completed, the Application form must be either emailed or a hard copy may be mailed or hand-delivered to the Massachusetts Department of Agricultural Resources by deadline:

**Applications will be accepted on a rolling basis throughout the year until April 15, 2025.**

Applications received by

- July 15, 2024 – to be considered for participation to start by August 30, 2024
- Jan 15, 2025 –to be considered for participation to start by March 1, 2025
- Apr 15, 2025 –to be considered for participation to start by June 1, 2025

**Applications submitted to the Department after April 15, 2025 will not be reviewed for approval.**

- Applications may be sent via:
  - Email to: [Laura.Barley@mass.gov](mailto:Laura.Barley@mass.gov)  
or
  - Hard Copy sent by Mail\*:
    - **Attention: Laura Barley**  
**MA Department of Agricultural Resources**  
**138 Memorial Avenue, Suite 42**  
**West Springfield, MA 01089**
  - or
  - Hand delivered to physical address:
    - **Attention: Laura Barley**  
**MA Department of Agricultural Resources**  
**42 Century Way**  
**West Springfield, MA 01089**

\*Postmarks shall NOT be considered. Faxes cannot be accepted.

### 5B. Additional Contract Documentation

If selected, the Applicant will be required to submit the following forms to complete the contract:

- Commonwealth Standard Contract Form, including Commonwealth's Terms and Conditions and the agreed Scope of Service.
- Completed Contractor Authorized Signature Verification Form

These forms do NOT need to be completed as part of the initial application response. Assistance to complete these forms will be provided to Applicants selected to participate in the Program. These forms are available for review at [www.mass.gov/osd](http://www.mass.gov/osd) or by request.

## 6. DEADLINES AND PROCUREMENT CALENDAR

<b>Release of RFR</b>	June 18, 2024
<b>Application Due Date</b>	<p>Applications will be accepted on a rolling basis. Applications accepted on a rolling basis and evaluated according to the following review schedule, as funding allows:</p> <ul style="list-style-type: none"> <li>• July 15, 2024 – for participation to start by August 30, 2024</li> <li>• Jan 15, 2025 – for participation to start by March 1, 2025</li> <li>• Apr 15, 2025 – for participation to start by June 1, 2025</li> </ul> <p>Applications must be received by April 15, 2025 at the latest.</p>
<b>Estimated Award Date</b>	Applicants will be notified in writing as to whether or not they have been accepted for participation in the program approximately 30 days after the due date for applications for each round as stated above.
<b>Estimated Contract Start Date</b>	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 that date that the contract is signed by a Department representative.

## 7. MISCELLANEOUS

<b>Type of Procurement</b>	Grant
<b>Use of This Procurement by Single or Multiple Departments</b>	This RFR is a single department procurement. All contracts awarded under this RFR will be utilized by MDAR.
<b>Single or Multiple Contractors</b>	Multiple
<b>RFR Distribution Method</b>	<p>This RFR has been distributed by MDAR's Farm and Market Newsletter, posted to the program's website at <a href="http://www.mass.gov/agr">www.mass.gov/agr</a>.</p> <p>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.</p>
<b>List of Attachments</b>	<p>A. Application Form</p> <p>B. Environmental Justice Policy &amp; Questionnaire</p> <p>C. RFR Required Specifications</p>

**ATTACHMENT A**  
**FARM TRANSFER PLAN ASSISTANCE**  
**APPLICATION RESPONSE FORM (FY2025-26)**

Date received (official use only) \_\_\_\_\_

**1. Applicant Information**

**Applicant(s)** (include  
business owner &  
landowner)

**Farm Name**

**Farm Business  
Structure**

☐ Sole Proprietor ☐ Corporation ☐ Partnership ☐ LLC ☐ Other \_\_\_\_\_

**Mailing Address:**

**Town, State, Zip:**

**Phone:**

**Email:**

**Farm Address** (if different -  
Street/Town)

How many acres of farmland does the applicant own?

# acres

How many of these owned acres are currently in agricultural production?

# acres

Is any owned land in an Agricultural Preservation Restriction? ☐ Yes ☐ No # acres

Do you lease any additional land for your farm operation? ☐ Yes ☐ No # acres

How many years have your current farm business been in operation?

# years

What was the **Gross Farm Income** of the farm business in the prior year  
(based on *Schedules F or 11205S or 1120C tax forms*)

\$

**Operation Type**

(check all that apply):

☐ Produce ☐ Orchard ☐ Dairy ☐ Greenhouse ☐ Nursery ☐ Cranberry ☐ Horse  
☐ Forestry ☐ Maple ☐ Livestock ☐ Value-added ☐ Other:

**Briefly describe your current farm business. Include markets and crops grown/livestock raised with number of acres in operation for each:**

**How many farm employees do you have?** Full-Time

Part-time

**Of these, how many are family members?**

## 2. Farm Transfer - Current Owner

**Briefly describe current farm owners' goals/plans for retirement and the future of your farm property:**

**What is the age range of the current landowner(s)?**

- |  |  |
|--|--|
| <input type="checkbox"/> < 35 years    | <input type="checkbox"/> 35 – 44 years |
| <input type="checkbox"/> 45 – 54 years | <input type="checkbox"/> 55 – 64 years |
| <input type="checkbox"/> 65 – 74 years | <input type="checkbox"/> > 75 years    |

**How soon do you expect to be ready to transition the management and/or ownership of your operation?**

- ☐ Within 1-2 years
- ☐ Within 3-5 years
- ☐ Within 5-10 years
- ☐ Unsure – Please explain:

**Have you taken any steps towards farm transfer planning in the past? Please check all that apply:**

- ☐ Attended a workshop related to succession planning (i.e. Land for Good's Succession School, virtual workshops, etc.)

Please state name of event and date/year if known:

- ☐ Conducted or updated a business plan for your operation – Year of plan:

- ☐ Started the conversation with family members

- ☐ Started planning with your identified successor(s)

- ☐ Spoken with a professional for advice or planning regarding transferring your farm assets or business. Please state type of professional, such as an attorney, tax or financial planner, land use planner, mediator, or other service provider:

**How would the planning assistance offered through this Program help you achieve your goals for the transfer of the farm?**

**Briefly describe your needs.**

### 3. Farm Transfer - Identified Successor

Tell us more about your Identified Successor - the individual(s) that are interested in eventually owning a new or continued agricultural operation on the farm property that the Applicant currently owns.

Identified Successor's  
Name (s):

Identified Successor's  
Farm Business Name:

Describe the Identified Successor's farm operation planned for the property and their goals related to the transfer.

How many years of farming experience does the Identified Successor have?

Does Identified Successor have a business plan for their current operation? ☐ Yes ☐ No Year of plan:

Is the applicant or identified successor a **Historically Underserved Farmer** as defined by USDA at link below? Check any of following that apply: <https://www.nrcs.usda.gov/getting-assistance/underserved-farmers-ranchers>

☐ Limited Resource

☐ Beginning Farmer

☐ Socially Disadvantaged Farmer

☐ Veteran Farmer

List names/roles of any other family members or other individuals expected to be involved in this planning process.

### 4. Final Steps

**What is your preferred start date for the planning process?** (Note: Actual start date for selected applicants will be determined by the Department based on submission date, timing of review and approval process, and available budget).

☐ August 2024

☐ March 2025

☐ June 2025

**Are Applicants, Identified Successor and any others identified above prepared to meet regularly with a technical assistance provider for up to one year to set goals and plan action steps to develop a written plan for the future transfer of your farm?**

☐ Yes ☐ No

➤ **Signatures are required on the next page for application to be complete.**

## 5. Required Signatures: Applicants: Farm Business Owner, Landowners

Farmland owner and farm business owner (if different) and the identified successor must sign below. By signing below, you certify the information provided in this application is true and accurate to the best of your knowledge. In addition, by signing below all parties are expressing a willingness to meet with an assigned service provider towards the completion of a Farm Transfer Plan. Substitutes or signatures initialed by another person shall not be accepted.

\_\_\_\_\_  
Signature of Applicant/ Farmland Owner(s)

\_\_\_\_\_  
Printed Name(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Business Owner(s) (if different  
than above)

\_\_\_\_\_  
Printed Name(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Identified Successor

\_\_\_\_\_  
Printed Name(s)

\_\_\_\_\_  
Date

**If submitting electronically, Applicants must utilize Adobe Signature OR**

**Print, Sign and Scan this page and include it with your submission**

The Department will accept signatures executed by an authorized signatory in any of the following ways:

1. Traditional "wet signature" (ink on paper) either mailed or scanned;
2. Electronic signature that is either:
  - a. Hand drawn using a mouse or finger if working from a touch screen device; or
  - b. An uploaded picture of the signatory's hand-drawn signature
3. Electronic signatures affixed using a digital tool such as Adobe Sign or DocuSign.

If using an electronic signature, the signature must be visible, include the signatory's name and title, and must be accompanied by a signature date.

Please be advised that typed text of a name not generated by a digital tool such as Adobe Sign or DocuSign, even in computer-generated cursive script, or an electronic symbol, are not acceptable forms of electronic signature.

## Attachment B

### Environmental Justice Policy

For the purposes of this RFR, “Environmental Justice” is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distribution of energy and environmental benefits and burdens.

While encouraged, the following questions are voluntary and will not impact eligibility. Answers to these questions help MDAR track progress towards the goals set forth in the [2021 Environmental Justice Policy](#), and the [2022 Environmental Justice Strategy](#), which require MDAR to a) report the amount of public funds used in Environmental Justice Communities, and b) track the number of new applicants for grant programs from Environmental Justice Communities and BIPOC Farmers. More information can be found in below. MDAR encourages stakeholders to provide feedback on the Environmental Justice Policy and Strategy, by visiting [mass.gov/environmental-justice](https://mass.gov/environmental-justice).

#### Environmental Justice Questions *Answers to the following questions are optional. This information will not in any way affect your eligibility for MDAR programs and is used for statistical purposes only.*

Has the applicant applied for MDAR funding programs before this current application?

☐ Yes ☐ No ☐ I don't know

Has the applicant received funding from any MDAR funding programs?

☐ Yes ☐ No ☐ I don't know

#### Questions for Farmer or Individual Applicants:

A. Select one or more of the racial categories below:

☐ American Indian/Alaskan Native/Indigenous ☐ Black or African American ☐ Native Hawaiian or other Pacific Islander ☐ White  
☐ Asian/South Asian ☐ Middle Eastern or North African ☐ Other: \_\_\_\_\_ Please state with the understanding that the races above may not be reflective of everyone.

B. Select one or more of the ethnic categories below:

☐ Not Hispanic or Latino ☐ Hispanic or Latino ☐ Other: \_\_\_\_\_ Please state with the understanding that the races above may not be reflective of everyone.

C. Are any applicants a Historically Underserved Farmer? Please check any of the following categories that apply based on these USDA definitions:

<https://www.nrcs.usda.gov/getting-assistance/underserved-farmers-ranchers>

☐ Limited Resource Farmer (With direct or indirect gross farm sales not more than the current indexed value in each of the previous two years, and who has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous two years. A Self-Determination Tool is available to the public and may be completed on-line at: <https://lrftool.sc.egov.usda.gov/>)  
☐ Socially Disadvantaged Farmer (Individual or entity who is a member of a socially disadvantaged group. A socially disadvantaged group is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.)  
☐ N/A  
☐ Beginning Farmer (Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years)  
☐ Veteran Farmer (Served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve component thereof; was released from service under conditions other than dishonorable; and has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years; or Who first obtained status as a veteran during the most recent 10-year period.)

**Question for Organization/Collective-Applicants** For organizations, regardless of formal legal status, or other collective applicants – does the majority of your board membership, majority owner (or owners), majority of your leadership team, fall into one or more of these groups? MDAR has adapted USDA's definition of Historically Underserved Farmers and Ranchers to allow organizations or entities representing multiple applicants to respond.

☐ Limited Resource Farmer, Low-Income Individuals, or Individuals with Lived Experience Relevant to the Organization's Mission  
☐ Beginning Farmers  
☐ Veteran Farmers  
☐ N/A  
☐ Socially Disadvantaged Groups (American Indian/Alaska Native/Indigenous, Asian/South Asian, Black or African American, Middle Eastern or North African, Native Hawaiian or Other Pacific Islands, Hispanic or Latino) **Other:** \_\_\_\_\_ Please state with understanding that the races and ethnicities above may not be reflective of everyone

If you feel that this application did not allow you to fully explain the diversity of the applicant for this grant (whether you are applying as an individual or on behalf of an entity), please explain here:

If you have any input on this form, please complete [this feedback form](#). The review team will not see this information, and responses will not affect eligibility

## RFR - Further Information on MDAR's Environmental Justice Goals

Revision Date: February 23, 2024

MDAR strives to promote and integrate EJ considerations across their programs, policies, and activities to ensure the equal access and meaningful involvement of all people residing in the Commonwealth with respect to agricultural economic and environmental sustainability and the equitable development, implementation, and accessibility to information and resources.

Among the priorities and goals outlined in the [2021 Environmental Justice Policy](#), and the [2022 Environmental Justice Strategy](#), EEA agencies are tasked with ensuring that Environmental Justice neighborhoods benefit from positive impacts of environmental programs, grants and investments.

### A. Environmental Justice Populations

EJ populations are those segments of the population that EEA has determined to be most at risk of being unaware of or unable to participate in environmental decision-making or to gain access to state environmental resources, or are especially vulnerable.

"Environmental Justice Population" is defined by the Environmental Justice Policy, issued by the Massachusetts Executive Office of Energy and Environmental Affairs in 2017, and updated in June, 2021, as

- A. a neighborhood that meets 1 or more of the following criteria:
  - i) the annual median household income is not more than 65 per cent of the statewide annual median household income;
  - ii) minorities comprise 40 per cent or more of the population;
  - iii) 25 per cent or more of households lack English language proficiency; or
  - iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or
- B. a geographic portion of a neighborhood designated by the Secretary as an environmental justice population in accordance with law.

### B. MA Environmental Justice Map Viewer

The [MA Environmental Justice Map Viewer](#) was designed to map Environmental Justice populations as census block groups in Massachusetts.

Please note - The data submitted in your application will be used to determine whether your project falls within an Environmental Justice block group, and will be used to design a map, available on the MDAR website, to show the positive impact of its grant awards, demonstrating the reach of its programs in EJ communities.

For more information on MDAR's Environmental Justice Program, or to provide feedback, please visit <https://www.mass.gov/info-details/mdars-environmental-justice-program>.

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OPERATIONAL SERVICES DIVISION

## RFR - Required Specifications for Commodities and Services

Revision Date: July 13, 2023

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 also may 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.

**1. COMMBUYS Market Center.** COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at [www.commbuys.com](http://www.commbuys.com). Information contained in this document and in COMMBUYS, including file attachments, and information contained in the related Bid Questions and Answers (Q&A), are 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.

**2. COMMBUYS Registration.** Bidders may elect to register for a free COMMBUYS Seller account which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, 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; and 4) in the event the Commonwealth adopts an alternate e-procurement platform, 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).

COMMBUYS uses terminology with which bidders must be familiar to conduct business with the Commonwealth. To view this terminology and to learn more about COMMBUYS, please visit the [Learn about COMMBUYS Resources](#) page on mass.gov.

**3. 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.

**4. 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.

**5. Supplier Diversity Office (SDO) Programs.** Pursuant to [Executive Order 599](#), the Commonwealth supports the use of diverse and small businesses through the Small Business Purchasing Program (SBPP) and the Supplier Diversity Program (SDP). Based on the estimated value of the procurement, one of the above-mentioned programs shall be applicable to this RFR. For more information on the program that applies to this solicitation, see the body of this RFR.

### **6. Small Business Purchasing Program (SBPP)**

**Program Background.** The Massachusetts [Small Business Purchasing Program](#) (SBPP) was established pursuant to [Executive Order 599](#) to increase state contracting opportunities with small businesses having their principal place of business within the Commonwealth of Massachusetts. Pursuant to the SBPP, it is the intention of the issuing department to award this Small Procurement to one or more SBPP participating business(es) as described below.

# RFR - Required Specifications for Commodities and Services

**SBPP Award Preference.** While all businesses, no matter the size or principal place of business, may submit responses to this solicitation, should an SBPP participant respond and meet the best value criteria described in this solicitation, the SBPP participant shall be awarded the contract. The Strategic Sourcing Services Team (SST) will not evaluate submissions from non-SBPP participants unless no SBPP Bidder meets the SST's best value evaluation criteria.

**SBPP Participation Eligibility.** To be eligible to participate in this procurement as an SBPP participant, an entity must meet the following criteria, and be marked as an SBPP-registered business in [COMMBUYS](#):

1. Have its principal place of business in the Commonwealth of Massachusetts;
2. Been in business for at least one year;
3. Employ a combined total of 50 or fewer full-time equivalent employees in all locations, or employees work less than a combined total of 26,000 hours per quarter; and
4. Have gross revenues, as reported on appropriate tax forms, of \$15 million or less, based on a three-year average.

Non-profit firms also must be registered as a non-profit or charitable organization with the MA Attorney General's Office and be up to date with all filings required by that office and be tax exempt under Section 501(c) of the Internal Revenue Code.

**SBPP Compliance Requirements.** It is the responsibility of the Bidder to ensure that their SBPP status is current at the time of submitting a response and throughout the life of any resulting contract. Misrepresentation of SBPP status will result in disqualification from consideration, and may result in debarment, contract termination, and other actions. To learn more about the SBPP, including how to apply, visit the SBPP webpage, <http://www.mass.gov/sbpp>.

**Program Resources and Assistance.** Bidders and Contractors seeking assistance regarding SBPP may visit the [SBPP Webpage](#), or contact the SBPP Help Desk at [sbpp@mass.gov](mailto:sbpp@mass.gov).

## **7. Supplier Diversity Program (SDP)**

**Program Background.** Pursuant to [Executive Order 599](#), the Commonwealth's [Supplier Diversity Program](#) (SDP) promotes business-to-business relationships between awarded Contractors and diverse businesses and non-profit organizations ("SDP Partners") certified or recognized (see below for more information) by the [Supplier Diversity Office \(SDO\)](#).

All Bidders and Contractors are strongly encouraged to create a profile on the SDO's Supplier Diversity Hub to access the Commonwealth's supplier diversity resources and tools.

**Financial Commitment Requirements.** All Bidders responding to this solicitation are required to make a significant financial commitment ("SDP Commitment") to partnering with one or more SDO-certified or recognized diverse business enterprise(s) or non-profit organization(s). This SDP Commitment must be expressed as a percentage of contract sales resulting from this solicitation that would be spent with the SDP Partner(s).

After contract award (if any), the Total SDP Commitment shall become a contractual requirement to be met annually on a Massachusetts fiscal year basis (July 1 – June 30) for the duration of the contract. The minimum acceptable Total SDP Commitment in response to this solicitation shall be 1%. Bidders shall be awarded additional evaluation points for higher SDP Commitments.

No contract shall be awarded to a Bidder without an SDP Commitment that meets the requirements stated herein. This requirement extends to **all** Bidders regardless of their own supplier diversity certification.

### **Eligible SDP Partner Certification Categories**

SDP Partners must be business enterprises and/or non-profit organizations certified or recognized by the SDO in one or more of the following certification categories:

- Minority-Owned Business Enterprise (MBE)
- Minority Non-Profit Organization (M/NPO)
- Women-Owned Business Enterprise (WBE)
- Women Non-Profit Organization (W/NPO)
- Veteran-Owned Business Enterprise (VBE)
- Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)
- Disability-Owned Business Enterprise (DOBE)
- Lesbian, Gay, Bisexual, and Transgender Business Enterprise (LBGTBE)

**Eligible Types of Business-to-Business Relationships.** Bidders and Contractors may engage SDP Partners as follows:

- **Subcontracting**, defined as a partnership in which the SDP partner is involved in the provision of products and/or services to the Commonwealth.
- **Ancillary Products and Services**, defined as a business relationship in which the SDP partner provides products or services that are not directly related to the Contractor's contract with the Commonwealth but may be related to the Contractor's own operational needs.

Other types of business-to-business relationships are not acceptable under this contract. All provisions of this RFR applicable to subcontracting shall apply equally to the engagement of SDP Partners as subcontractors.

# RFR - Required Specifications for Commodities and Services

**Program Flexibility.** The SDP encompasses the following provisions to support Bidders in establishing and maintaining sustainable business-to-business relationships meeting their needs:

- SDP Partners are **not** required to be subcontractors.
- SDP Partners are **not** required to be Massachusetts-based businesses.
- SDP Partners **may be changed or added** during the term of the contract, provided the Contractor continues to meet its SDP Commitment.

**SDP Plan Form Requirements.** All Bidders must complete the SDP Plan Form included in this solicitation and attach it to their bid response. In addition to proposing an SDP Commitment, each Bidder must propose one or more SDP Partner(s) to utilize to meet its SDP Commitment. Certified diverse Bidders may not list their own companies, their subsidiaries, or affiliates as SDP Partners and may not meet their SDP Commitment by spending funds internally or with their own subsidiaries or affiliates.

**Bidders may propose SDP Partners that are:**

- **Certified or recognized by the SDO:** Such partners appear in the [SDO Directory of Certified Businesses](#) or in the [SBA Veteran Small Business Certification \(VetCert\)](#) directory. After contract award (if any), spending with such partners will contribute to meeting the Contractor's SDP Commitment.
- **Not yet certified or recognized by the SDO:** Such partners must be certified in eligible categories by a third-party certification body, such as another city or state supplier diversity certification office, the [National Minority Supplier Development Council](#), the [Women Business Enterprise National Council](#), [Disability: IN](#), or the [National LGBT Chamber of Commerce \(NGLCC\)](#), but are not listed in the above-mentioned directories. Self-certification is not acceptable. While Bidders may list such proposed SDP Partners on their SDP Plans, spending with such partners will not contribute to meeting the Contractor's SDP Commitment unless they apply for and are granted SDO supplier diversity certification or recognition. If proposed SDP Partners do not receive SDO supplier diversity certification or recognition, the Contractor must find alternative SDP Partners to meet the SDP Commitment.

It is the responsibility of the Contractor to ensure that their proposed SDP Partners obtain such certification or recognition by the SDO after contract award (if any). The issuing department and the SDO will not conduct outreach to proposed SDP Partners to ensure their certification. Furthermore, no guarantee may be made that a proposed SDP Partner will be certified, or regarding the time it may take to process a proposed SDP Partner certification. Contractors may direct partners to the SDO's homepage, [www.mass.gov/sdo](http://www.mass.gov/sdo) and the [Certification Self-Assessment Tool](#) for guidance on applying for certification.

It is **desirable** for Bidders to provide an SDP Focus Statement that describe the bidder's overall approach to increasing the participation of diverse businesses in the provision of products and services under this proposal/contract (subcontracting) and in the Bidder's general business operations (ancillary products and services). Such a description may include but not be limited to:

- A clearly stated purpose or goal.
- Specific types of diverse and small businesses targeted.
- Which departments/units within the business are responsible for implementing supplier diversity.
- Types of opportunities for which diverse and small businesses are considered.
- Specific measures/methods of engagement of diverse and small businesses.
- An existing internal supplier diversity policy.
- Public availability of the Bidder's supplier diversity policy.

It also is **desirable** for Bidders to use the SDP Plan Form to describe additional creative initiatives (if any) related to engaging, buying from, and/or collaborating with diverse businesses. Such initiatives may include but not be limited to:

- Serving as a mentor in a mentor-protégé relationship.
- Technical and financial assistance provided to diverse businesses.
- Participation in joint ventures between nondiverse and diverse businesses.
- Voluntary assistance programs by which nondiverse business employees are loaned to diverse businesses or by which diverse business employees are taken into viable business ventures to acquire training and experience in managing business affairs.

**Evaluation of SDP Forms.** To encourage Bidders to develop substantial supplier diversity initiatives and commitments as measures valuable to the Commonwealth, at least 25% of the total available evaluation points for this bid solicitation shall be allocated to the evaluation of the SDP Plan submissions. Because the purpose of the SDP is to promote business-to-business partnerships, the Bidders' workforce diversity initiatives will not be considered in the evaluation.

**SDP Spending Reports.** After contract award, Contractors must submit reports at least annually to demonstrate compliance with the agreed-upon SDP Commitment. To submit SDP spending reports using the Hub, Contractors must create a profile in the Hub. Contractors must follow report submission instructions from the issuing department and the SDO.

**SDP Spending Compliance.** Only spending with SDP Partners that appear in the [SDO Directory of Certified Businesses](#) or in the [SBA Veteran Small Business Certification \(VetCert\)](#) directory shall be counted toward a Contractor's compliance with their SDP Commitment. Spending with SDP Partners that do not appear in the directories above shall not be counted toward meeting a Contractor's SDP Commitment. It is the responsibility of the Contractor to ensure they meet their SDP Commitment, and the SDO and the issuing department assume no responsibility for any Contractor's failure to meet its SDP Commitment.

# RFR - Required Specifications for Commodities and Services

**SDP Spending Verification.** The SDO and the contracting department reserve the right to contact SDP Partners at any time to request that they attest to the amounts reported to have been paid to them by the Contractor.

**Program Resources and Assistance.** Contractors seeking assistance in the development of their SDP Plans or identification of potential SDP Partners may visit the SDP webpage, [www.mass.gov/sdp](http://www.mass.gov/sdp), or contact the SDP Help Desk at [sdp@mass.gov](mailto:sdp@mass.gov).

**8. 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, and/or fur-bearing animals; and any forestry or lumbering operations.

**9. Best Value Selection and Negotiation.** The Strategic Sourcing Services Team or SSST may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SSST 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.

**10. Bidder Communication.** Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SSST 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.

**11. 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.

**12. 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.

**13. 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 SSST, including requests for clarification. The SSST 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 SSST to be lost or rejected by any means including email or spam filtering.

**14. 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 is able to 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 may track and verify payments made electronically through the Comptroller's [Vendor Web system](#). A link to the EFT application may be found on the [OSD Forms](#) page ([www.mass.gov/lists/osd-forms](http://www.mass.gov/lists/osd-forms)). Additional information about EFT is available on the [VendorWeb](#) site ([www.mass.gov/osc](http://www.mass.gov/osc)). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval, and forwarding to the Office of the Comptroller. If the bidder already is 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 SSST 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 SSST will consider such requests on a case-by-case basis and communicate the findings to the bidder.

**15. 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](#).

## RFR - Required Specifications for Commodities and Services

**16. 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.

**17. 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.

**18. Prompt Payment Discounts (PPD).** All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth's Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder provides 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 (EFT) 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 may be tracked and verified through the Comptroller's Vendor Web system. The PPD form may 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 SSST. The SSST 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 SSST 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.

**19. 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, including marking by bidders of information as confidential during the quote submission process in COMMBUYS, shall be disregarded.

**20. 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 SSST reserves the right to reject unreasonable requests.

**21. 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.

**22. 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.

### **23. Acceptable Forms of Signature**

Effective June 15, 2021, for all 1) CTR forms, including the Standard Contract Form, W-9s, Electronic Funds Transfer (EFT) forms, ISAs, and other CTR-issued documents and forms, or 2) documents related to state finance and within the statutory area of authority or control of CTR (i.e. contracts, payrolls, and related supporting documentation), CTR will accept signatures executed by an authorized signatory in any of the following ways: 1. Traditional "wet signature" (ink on paper); 2. Electronic signature that is either: a. Hand drawn using a mouse or finger if working from a touch screen device; or Page 2 b. An uploaded picture of the signatory's hand drawn signature 3. Electronic signatures affixed using a digital tool such as Adobe Sign or DocuSign. If using an electronic signature, the signature must be visible, include the signatory's name and title, and must be accompanied by a signature date. Please be advised that typed text of a name not generated by a digital tool such as Adobe Sign or DocuSign, even in computer-generated cursive script, or an electronic symbol, are not acceptable forms of electronic signature.