



Division of Agricultural Conservation & Technical Assistance

**Agricultural Composting Improvement Program  
Fiscal Year 2022  
(July 1, 2021 to June 30, 2022)**

Request for Response (RFR): RFR File: **AGR-COMPOST-FY22**

**For purchase of equipment and project expenditures, which will enhance the overall management of agricultural composting operations, improve efficiencies, and encourage on-farm compost use.**

Applications must be received in the Boston office by Tuesday, June 1, 2021 at 4:00 PM

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

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# 1. GRANT OPPORTUNITY SUMMARY

<p>Executive Office of Energy &amp; Environmental Affairs          Kathleen A. Theoharides, Secretary          Grant Announcement          RFR ID: RFR-AGR-COMPOST-FY22          Dated: April 1, 2021          Agricultural Composting Improvement Program</p>	
<p><b>Proposals Sought For:</b></p>	<p>The Massachusetts Department of Agriculture Resources (“Department” or “MDAR”) is soliciting bids from MDAR Registered Agricultural Composters and other eligible on-farm composters to provide funding for equipment and projects which will enhance the overall management of their composting operations and facilitate agricultural use of compost. Funds can be used for the purchase of equipment or materials to improve composting management practices, and address impacts on the environment including air and water resources. Examples of eligible projects include the purchase of equipment to facilitate the composting process (such as material mixers, windrow turners, etc.); equipment to facilitate compost usage (such as screeners and spreaders), construction of a compost pad, retention basins, leachate management, or new compost technologies, such as in-vessel or static aerated systems.</p>
	<p>The goal of the Agricultural Composting Improvement Program (“Program”) is to help agricultural composters improve the overall management of their agricultural composting operations, and to facilitate compost use on agricultural units (in compliance with the Department’s Plant Nutrient Regulations, 330 CMR 31.00).</p>
<p><b>Eligible Projects</b></p>	<p>Equipment or facility upgrades which meet the goals of the program.  <b>Purchase of equipment is limited to new equipment only.</b></p>
<p><b>Eligible Applicants</b></p>	<p>Farmers engaged in agriculture for commercial purposes, which are registered with the Department in the Agricultural Composting Program, or those in the process of applying <b>prior to release of this RFR</b> are eligible to apply. Agricultural composting farms, which are exempt from registration are eligible to apply. <b>A farm which is exempt from registration is one which ONLY composts materials produced on the farm, and does not bring on materials from off-site for composting. Farms which receive organic material from off-site without being registered with MDAR as an Agricultural Composter are NOT eligible to apply.</b> Composting operations which are registered with MassDEP are NOT eligible to apply.</p> <p>Farms planning to apply for a new MDAR Agricultural Composting Registration are eligible, but will not be given first consideration.</p>
<p><b>Application Deadline</b></p>	<p>Tuesday, June 1, 2021 at 4:00 PM</p>
<p><b>Funding Availability</b></p>	<p>Total anticipated amount of Program funding is \$250,000. Maximum funding per applicant is 75% of total project or equipment costs up to \$75,000.</p>
<p><b>Match Requirement</b></p>	<p>Minimum match of 25% of total project or equipment costs is required. (See further detail regarding match requirement on Match Requirement in section 5c).</p>
<p><b>Duration of Contract</b></p>	<p>Contract Effective Date ends June 30, 2022 with no extensions.</p>
<p><b>Contact Information</b></p>	<p>Sean Bowen: 617-626-1724 or <a href="mailto:sean.bowen@mass.gov">sean.bowen@mass.gov</a></p>

## 2. ELIGIBLE PROJECTS

Examples of eligible equipment are listed below. Projects that meet program goals but are not listed below **will** be considered in the review process.

Category	Examples
Equipment Purchases	<ul style="list-style-type: none"> <li>• Screeners</li> <li>• Spreaders</li> <li>• Windrow Turners</li> <li>• Mixers</li> <li>• Windrow Covers</li> </ul>
Projects	<ul style="list-style-type: none"> <li>• Purchase of material to construct, improve compost pad.</li> <li>• Hiring of outside company to construct compost pad, retention pond, etc.</li> <li>• Other projects which improve the agricultural composting operation or reduce negative environmental effects associated with agricultural composting.</li> <li>• Improved technology systems, such as static aerated or in-vessel systems.</li> </ul>
Maximum Funding Per Applicant \$75,000	

## 3. APPLICANTS

### 3A. Eligible Applicants

- Farmers engaged in agriculture for commercial purposes, which are registered with the Department in the Agricultural Composting Program, or those in the process of applying **prior to release of this RFR** are eligible to apply. Agricultural composting farms, which are exempt from registration are eligible to apply. **A farm which is exempt from registration is one which composts ONLY materials produced on the farm, and does not bring on materials from off-site for composting. Farms which receive organic material from off-site without being registered with MDAR as an Agricultural Composter are NOT eligible to apply.** Composting operations which are registered with MassDEP are NOT eligible to apply.
- Farms planning to apply for a new MDAR Agricultural Composting Registration are eligible, but will not be given first consideration.
- Are legally recognized entities within the Commonwealth and have the ability to enter a legally binding agreement with the Commonwealth.
- Awards are limited to one per agricultural operation using a unique tax identification number per round of funding.
- Are engaged in commercial agriculture and whose primary source of income is derived from the agricultural operation.
- Have the capacity to implement and administer projects and programs as defined in this RFR; and
- Demonstrate evidence of matching dollars to the funding requested by the responsive proposal to this RFR.
- If applicable, applicant must obtain all approvals required under their Agricultural Preservation Restriction (APR). A grant award DOES NOT guarantee an APR Certificate of Approval (COA). Applicant must be in compliance with the terms of their APR or resolve any outstanding compliance or legal issues with the Department prior to contract signature.

- Not otherwise deemed ineligible under Section 4B.

### 3B. Size of Operation

There is no minimum size requirement; however, projects that address significant compost management concerns are more likely to receive funding.

### 3C. Leased Property

If the proposed project is on a property not owned by the applicant, a lease agreement must demonstrate a long-term, legal right to use the property by the applicant. This typically means a lease agreement for not less than three (3) years. The proposed project must also be allowed under the terms of the lease agreement. The Department may request a copy of the lease agreement as part of its review.

### 3D. Permits

Proposals which are favorably reviewed and awarded a contract must apply for and receive all required permits/licenses, as applicable, and any other federal, state, or local approvals necessary for the project prior to any reimbursement from the Department.

### 3E. Locator Maps

Proposals should include a map with the property boundaries drawn and the exact location of the project described in the application.

### 3F. Applicants with an Agricultural Preservation Restriction (APR)

APR applicants must obtain all approvals required under their APR, and must be in compliance with the terms of the APR or resolve any outstanding compliance or legal issues with the Department prior to submitting their proposal. Unless otherwise specifically required by the APR, funding under this Program does **NOT** require an original APR to be modified to any current APR format. Applicants who have chosen to protect their farm through the APR program will receive enhanced ranking.

## 4. PROPOSALS

### 4A. Eligible Proposals

Proposals must meet the minimum requirements listed below in order to be considered for funding.

- Composting projects that support agricultural operations and activities defined by M.G.L. c. 128, Sec. 1A, unless otherwise deemed ineligible under Section 4B.
- Purchase of new equipment, which will facilitate on-farm compost use, improve compost process management, or alleviate negative environmental conditions associated with the farm's composting operation.
- Eligible applicants must have either an Agricultural Composting Registration from the Department, or be an agricultural composter exempt from MDAR or MassDEP registration. Refer to Section 3A. for further information regarding applicant eligibility.

### 4B. Ineligible Proposals

- Proposals from applicants whose operation is out of compliance with any federal, state, local laws, or regulations.

- Proposals for the purchase of used equipment.
- Proposals for the purchase of front end loaders or tractors.
- Proposals from applicants who are not engaged in commercial agriculture.
- Proposals from composting operations which are NOT agricultural composters.
- Proposals from applicants failing to meet requirements of previous or existing MDAR Standard Contracts, including, but not limited to, licenses, permits, certificates of approval, certificates of completion, including APR and assistance programs or from applicants with poor past contract performance, as determined by MDAR.
- Labor performed by the operation in completing the proposed project is not an eligible reimbursement expense.
- Proposals for projects that have already started work or been completed for which the applicant seeks reimbursement.
- Unless otherwise registered with the Department as an Agricultural Research Pilot Program under M.G.L. c. 128, Sections 116 through 123 and in accordance with the Agricultural Act of 2014, all projects involving marijuana or hemp shall not be eligible for funding from the Department at this time.

## **5. FUNDING AVAILABILITY, BUDGETING GUIDELINES, & ALLOWABLE EXPENDITURES**

### **5A. Maximum Funding**

Each applicant must submit a proposal and budget requesting not more than \$75,000 in ACIP grant funding.

If grant funding is available, the Department may increase the maximum threshold at its discretion. All contracts shall be subject to available funding, whether through the allocation 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. The Department may lift the suspension if available funding is received. In the absence of foreseeable available funding, the Department may terminate the contract.

### **5B. Match**

Applicants are required to contribute a minimum of 25% of the total costs of the project and/or equipment.

## **6. PROJECT TERMS**

### **6A. Terms**

If awarded, all projects will be required to execute 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. No project may commence until a contract has been executed by all parties.

## 6B. Site Visits

All projects which are favorably reviewed in the initial evaluation process will require a field visit prior to final award determinations being made. A favorable initial evaluation and field visit DOES NOT guarantee funding for a proposed project.

## 6C. Duration of Contracts

All projects must be completed by June 30, 2022 with no options for extensions.

# 7. DELIVERABLES, OWNERSHIP, AND CREDIT DUE

## 7A. Installation Standards & Permits

- The funded contractual activity will be evaluated prior to full reimbursement. Work will be evaluated for satisfactory completion and compliance to standards. Spot inspections may be conducted at the Department's discretion on all work for the life of the project. Only work that satisfies the terms and conditions for this RFR, contract, and any other instructions by the Department shall be eligible for reimbursement.
- ACIP-funded projects must use USDA-NRCS Standards & Specifications as installation standards when receiving funding under both NRCS and ACIP, or when required by the Department.
- Proposals which are favorably reviewed and awarded a contract must apply for and receive all required permits, licenses, and any other federal, state, or local approvals necessary for the project prior to any reimbursement from the Department.

## 7B. Reporting

There are no written reporting requirements; however, the Department will periodically check on the progress of awarded projects to ensure they will meet completion deadlines.

## 7C. Invoicing

- Disbursement of funds under this RFR will be done on a reimbursement basis and will require that acceptable documentation be submitted to the Department prior to any payment. **Only expenses incurred during the period of the contract are eligible for reimbursement. Any incurred project costs that occur prior to an executed contract are NOT eligible for reimbursement from the Department.**
- Satisfactory documentation in the form of cancelled checks, receipts, invoices, etc. for costs associated with approved projects must be submitted to MDAR and approved prior to reimbursement.

## 8. INSTRUCTIONS FOR APPLICATION SUBMISSIONS

### 8A. Application Submission Instructions

A proposal form is attached and must be completed and **received** by the Department of Agricultural Resources by the response date deadline.

Applications that are sent by fax or electronically will **NOT** be accepted for consideration for this RFR.

**Please do not staple or put the application in a binder.**

- **Applications must be received in the Boston office by Tuesday, June 1, 2021 at 4:00 PM**

- All materials must be sent to the attention of:

**Dorothy Du**

**Department of Agricultural Resources, Suite 500**

**251 Causeway Street, Boston, MA 02114**

### 8B. Additional Required Documentation

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

- Commonwealth Standard Contract Form, filled out and signed by the Respondent
- Scope and Budget Form
- Commonwealth Terms and Conditions filled out by and signed by the Respondent (if not already on file)
- Commonwealth W-9 tax information form filled out and signed by the Respondent (if not already on file)
- Completed Contractor Authorized Signature Verification Form
- Completed Electronic Funds Transfer Form

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

### 8C. Evaluation Criteria

- Project application is in compliance with the submission requirements and format presentation for this RFR.
- MDAR registered agricultural composters which demonstrate a need to utilize compost for agricultural purposes on their farm.
- MDAR registered agricultural composters which are dairies, beef or poultry producers, or other livestock farms which utilize composting as manure management.
- Proposals demonstrate alleviation of adverse environmental conditions.
- Facilitation of on farm compost usage.
- Improvement of efficiency in composting process.
- Confirmation that there is a need for the activity.
- Priority will be given to applicants whose primary source of income is derived from the agricultural operation.
- Priority will be given to applicants who have not previously received funding through this grant program,
- Applicants that include supporting documentation, such as quotes from vendors or contractors will receive additional consideration.



All proposals being considered for award will require a Department site visit. Information gathered during the field visit can be used as evaluation criteria. The Department reserves the right to fund only proposals that receive an initial favorable review and a satisfactory field visit to verify proposal details.

## 9. DEADLINES & PROCUREMENT CALENDAR

<b>Release of RFR</b>	<b>April 1, 2021</b>
<b>Application Due Date</b>	<b>Received by Tuesday, June 1, 2021 at 4:00pm.</b>
<b>Estimated Award Date</b>	Targeting August-September 2021.
<b>Estimated Contract Start Date</b>	Targeting August-September 2021. Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form.

## 10. 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>Request for Single or Multiple Contractors</b>	Multiple
<b>RFR Distribution Method</b>	<p>This RFR has been distributed by the Department's Farm and Market Newsletter, posted to the program's website at <a href="http://www.mass.gov/agr">www.mass.gov/agr</a>, and by a distribution list of requested applicants.</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.</p> <p>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/Response Form</p> <p>B. RFR Required Specifications</p>

# AGRICULTURAL COMPOST IMPROVEMENT PROGRAM GRANT RESPONSE FORM (FISCAL YEAR 2022)

## 1. Agricultural Operation Information

**Applicant Name:**

**Operation Name:**

**Legal Structure:**  Sole Proprietor  Corporation  Partnership  LLC  Other \_\_\_\_\_

**Mailing Address:**

**City, State, Zip:**

**Home Phone:**

**Mobile Phone:**

**E-Mail:**

**Site Address**

**Site City, State, Zip**

**County**

**Is the property rented or leased?**

**Who is the owner of the property?**

**What year does the lease end?**

**Do you have the lease in writing?**

**I am a farmer as identified in Massachusetts General Laws Chapter 128, Sec. 1A:**  Yes  No

**Are you a new farmer (5 years or less)?**  Yes  No

**Farm Purpose**  Primary Enterprise  Secondary Enterprise

**Acreage** Owned  Leased  Production

**Estimated Sales**  \$0 - \$24,999  \$24,999 - \$249,999  \$250,000 - \$499,999  \$500,000 +

## 2. Agricultural Operation Details

Type of Operation:  Produce  Beef  Dairy  Greenhouse  Nursery  Cranberry  Horse  
 Vineyard  Sheep/Goats  Livestock Other  Other \_\_\_\_\_

Please list all commodities your operation grows:

If your operation has livestock, please specify the type(s) and numbers:

## 3. Compost Operation Details

Is the primary purpose of your compost operation to handle manure generated from your farm?  Yes  No

Identify the anticipated percentage of finished compost to be used on your farm and off-farm : \_\_\_\_\_ % used off-farm \_\_\_\_\_ % used on farm

What is the size of your composting operation? \_\_\_\_\_ Acres

How many cubic yards of compost do you produce in a year? \_\_\_\_\_ Cubic yards

Compostable Materials: Identify the materials you compost. Specify type of material, source of the material, rate of accumulation, and estimated total quantity in tons or cubic yards.

#### 4. Involvement with Other Programs

My operation has an agricultural preservation restriction (APR)  Yes  No

This project will require a Certificate of Approval (COA) from the APR Program  Yes  No

Name on the APR Restriction

My operation has been accepted into or completed other MDAR funding programs:  Yes  No

ACRE  AEEP  AFSIP  AIP  FVEP  MEGA  SARA  Other \_\_\_\_\_

#### 5. Project Details

Project Title: Concisely describe the project in 15 words or less (e.g. "Purchase of new compost spreader for application of compost to cropland")

##### 5A. Proposed Description:

Please provide details on your proposed project and how it will improve the agricultural composting operation on your farm.

**5b. Timeline:**

Provide a project schedule. Assuming successful funding, when do you expect to complete this project/purchase this equipment?

**6. Budget:**

ACIP may reimburse applicants for the costs of a project up to a maximum of 75%, with a 25% minimum contribution towards the project coming from the applicant. The Department has the option to negotiate the budget before entering into a contract with the applicant. The application should include quotes for the purchase of equipment or services. The Department will decide if an applicant has adequately addressed this requirement. Applicants who provide quotes from a vendor or contractor with their application will receive a higher evaluation.

Project	Description	Qty.	Estimated Hours	Hourly Rate	Total
<b>Total Project Costs:</b>					\$ _____
<b>Eligible Project Costs (75% of Total Project Costs up to \$75,000)</b>					\$ _____
Total Dollars Requested Through ACIP (75% of Total Project Costs or \$75,000)					\$ _____

**7. Amount Requested:**

Please state your requested ACIP funding request. MDAR has the option to negotiate the requested amount before entering into a contract with the applicant.

Total Cost Requested For Funding Through ACIP Grant:      \$

**8. Attestation:**

By signing this application, you attest all statements herein are accurate and true. By signing this application, you have granted permission to have a site visit by MDAR staff which may be necessary before a funding decision is made. All site visits will be arranged with you in advance.

Signature       Date

Print Name

## Attachment B

### RFR - REQUIRED SPECIFICATIONS FOR COMMODITIES AND SERVICES

Revision Date: June 6, 2016

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions*. However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00.

The terms of *801 CMR 21.00: Procurement of Commodities and Services* are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00. Additional definitions may also be identified in this RFR. Other terms not defined elsewhere in this document may be defined in OSD's [Glossary of Terms](#). Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

#### Of Special Note:

*All state agencies are subject to 815 CMR 2.00, State Grants, Federal Grant Awards, Federal Sub-grants and Subsidies as well as the [Office of the Comptroller's policy on State Grants, Federal Sub-Grants, and Subsidies](#). Departments must use COMMBUYS to publicly post the availability of a discretionary Grant or Grant Program and publish the results of grantee selections. Use of COMMBUYS to receive electronic quotes for grant opportunities is optional; however, state agencies are encouraged to require grantees to register and submit quotes (applications) through COMMBUYS, which provides a central repository for receipt of electronic applications. As more grantees use COMMBUYS to identify grant opportunities, they will have a single location to apply for grants from multiple state agencies, resulting in efficiencies for both the grantees and the state agencies.*

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

Bidders are solely responsible for obtaining all information distributed for this Bid via COMMBUYS. Bid Q&A supports Bidder submission of written questions associated with a Bid and publication of official answers.

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

- Any amendments, addenda or modifications to this Bid, and
- Any Bid Q&A records related to this Bid.

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Quote based on an out-of-date Bid or on information received from a source other than COMMBUYS.

COMMBUYS Registration. Bidders may elect to obtain a free COMMBUYS Seller registration which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, in order to respond to a Bid, Bidders must register and maintain an active COMMBUYS Seller account.

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the CommPASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

The COMMBUYS system introduces new terminology, which bidders must be familiar with in order to conduct business with the Commonwealth. To view this terminology and to learn more about the COMMBUYS system, please visit the [COMMBUYS Resource Center](#).

**Multiple Quotes.** Bidders may not submit Multiple Quotes in response to a Bid unless the RFR authorizes them to do so. If a Bidder submits multiple quotes in response to an RFR that does not authorize multiple responses, only the latest dated quote submitted prior to the bid opening date will be evaluated.

**Quote Content.** Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

**Supplier Diversity Program (SDP).** Massachusetts [Executive Order 565](#) reaffirmed and expanded the Commonwealth's policy to promote the award of state contracts in a manner that develops and strengthens certified Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Minority and Women Nonprofit Organizations (M/WNPOs), Veteran Business Enterprises (VBEs), Service-Disabled Veteran-Owned Business Enterprises (SDVOBEs), Disability-Owned Business Enterprises (DOBEs), and Lesbian, Gay, Bisexual and Transgender Business Enterprises (LGBTBEs).

**Partnerships with certified diverse businesses:** All bidders are **required** to make a significant financial commitment to partner with certified M/WBEs, M/WNPOs, VBEs, SDVOBEs, DOBEs and/or LGBTBEs certified or verified by the Supplier Diversity Office (SDO). Bidders must identify a commitment in the form of a specific percentage of sales made under the resulting contract that will be spent with an SDP Partner(s) on a Massachusetts fiscal year basis, using SDP Plan Form #1 – SDP Plan Commitment. This percentage commitment will extend for the life of any resulting contract.

This requirement extends to all bidders regardless of their certification status, and no bidder will be awarded a Contract unless and until the above requirement is met. Bidders may not list themselves or affiliates as SDP Partners. In order to ensure compliance with this section and encourage bidder participation, SDP Plans will be evaluated at 10% or more of the total evaluation score for all for Large Procurements (those with a total value of greater than \$150,000). SDP Plan submission is encouraged but not required for Small Procurements (those with a total value equal to or less than \$150,000).

Once an SDP commitment is approved, the agency will monitor the Contractor's performance, and use the Contractor's reported expenditures with M/WBEs, M/WNPOs, VBEs and SDVOBEs to fulfill their own SDP expenditure benchmarks. The Commonwealth reserves 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.

**SDP Forms:** Unless otherwise specified in the RFR, the following SDP forms are required to be submitted by the deadlines noted below in order to meet the mandatory participation requirements of the SDP:

SDP Plan Form #/Name	Submitted By	When Submitted
SDP Plan Form #1 – SDP Plan Commitment	All Bidders	With Bid Response
SDP Plan Form #2 – Declaration of SDP Partners	Newly Awarded Contractors	Within 30 days of contract execution
SDP Plan Form #3 – SDP Spending Report	Contractors	Within 45 days of the end of each quarter

In addition to the requirements above, all bidders must follow the requirements set forth in the Supplier Diversity Program (SDP) Plan Section of the RFR. During the life of the contract, the Commonwealth reserves the right to expand the range of certified business categories available for SDP partnerships to all those mentioned above and/or request reports on the Contractors' spending with such certified business categories.

**Supplier Diversity Program (SDP) Resources:** Bidders may refer to the [SDP Resources for Vendors and Contractors](#) webpage for additional program information, training and compliance resources.



Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

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

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

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

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

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](#) page ([www.mass.gov/osd](http://www.mass.gov/osd)). 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 is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the SST on a case-by-case basis if participation in the program would

be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The SST will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Tools and Resources for Implementation of Executive Order 509](#).

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Quote (Bid Response) Duration. Bidders Quotes made in response to this Bid must remain in effect for at least 90 days from the date of quote submission.

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

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

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

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes, including marking by bidders of information as confidential during the quote submission process in COMMBUYS, shall be disregarded.

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

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

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