



Division of Agricultural Conservation & Technical Assistance

**Agricultural Preservation Restriction
Improvement Program (AIP)
Fiscal Year 2021
(July 1, 2020 to June 30, 2021)**

Request for Response (RFR): RFR File: **AGR-AIP-FY21-12**

***To help sustain active commercial farming on land that has already
been protected through the Department's Agricultural Preservation
Restriction (APR) Program.***

**Responses must be received no later than
4:00 PM on April 13, 2020**

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Executive Office of Energy & Environmental Affairs
Kathleen A. Theoharides, Secretary
RFR ID: RFR-AIP-FY21-12
Dated: February 24, 2020
Grant Announcement:
Agricultural Preservation Restriction Improvement Program (AIP)

GRANT OPPORTUNITY SUMMARY

Proposals Sought For	The Massachusetts Department of Agricultural Resources (“Department”) invites responses from Massachusetts farmers with active commercial farms on Agricultural Preservation Restriction (“APR”) Program land who wish to participate in the APR Improvement Program (“Program”). This program provides business planning and technical assistance resulting in a Departmental Contract for an APR Improvement Program Plan (“AIP Plan”) for the farm business. Upon AIP Plan completion, and if an identified project is approved, participants may enter into a Service Contract Amendment with the Department to spend funds on agreed upon farm infrastructure improvements identified in the AIP Plan for reimbursement. There is no guarantee of funding for Program participants who are selected to receive business planning services or for any proposal.
Overview & Goals	The purpose of the Program is to help sustain active commercial farming on land that has already been protected by Department funds through the APR Program. The Program offers business planning assistance to farmers operating established, privately owned Massachusetts APR farms that have proven success in producing and selling agricultural products. The Program goal is to help improve the productivity and profitability of participating farms to enhance the significance of APR farm operations and their contribution to the state’s agricultural industry. In Phase I, the AIP business plan will be developed with program assistance that identifies planned use of funds for farm improvements. In Phase II, Grant awards will be offered to active participants, subject to the availability of funding, upon approval of their AIP Plan and proposed use of grant funds by the Department. (See Program Objectives in section 3A)
Eligible Applicants	Massachusetts farmers who have been actively operating a commercial farm for at least the 3 previous years on Agricultural Preservation Restriction (“APR”) Program land that was protected with Department funds on or before December 31, 2016 and meet all program eligibility requirements. (See Eligible Applicants in section 1A)
Eligible Projects	Funds must be used primarily for capital improvements to farm infrastructure or agricultural resources that will help maintain or enhance the APR farm property. All projects involving marijuana shall not be eligible for funding from the Department at this time. (See Eligible Projects in section 2)
Application Deadline	4:00 PM on April 13, 2020.
Funding Availability	Depending on the availability of funding, the Department may offer selected participants one of three (3) funding options: \$40,000; \$80,000; or \$120,000. (See Budgeting Guidelines & Grant Levels in section 3B).
Match Requirement	Grants awards must be matched by a minimum cash contribution of 25% of the grant amount by the participant. (See Match in section 3E).
Duration of Contract	Phase 2 Project Contract Amendments are expected to be approved around March/April 2021 and must be completed by June 30, 2021. (See Contract Duration in section 5B)
Contact Information	Michael Parker, (413) 726-2008 or Michael.Parker@mass.gov .
Regulations, Statutes, or Authorization Governing this Grant Program	Authorized in M.G.L. Chapter 20, Section 27: Farm viability technical assistance and implementation funding

1. Applicants:	
A. Eligible Applicants	<p>To be eligible for participation in this program, Applicants must meet the following requirements:</p> <ul style="list-style-type: none"> • Responder(s) must own, or be a Co-Responder with the owner of, an Agricultural Preservation Restriction (APR) farm that was protected through Department funds on or before December 31, 2016. • Responders must be in legal compliance with the APR program and the Massachusetts Department of Agricultural Resources' (MDAR) rules and regulations. • Responder(s) must own, or operate through a written agreement, an APR farm that is currently in active agricultural use and has been managed as a commercial agricultural enterprise by the Responder or Co-Responder for at least the three (3) previous years. • Gross Farm Income of farm business of applicant must have been at least \$10,000 (as shown on Schedule F or Form 1120, or other relevant tax statements from most recent tax year). • All Responders, including landowners and farm business owners, must sign this application. • Applicants and landowners must be in good standing with all applicable local, state, and federal laws, ordinances, bylaws and/or programs at the time the application is made, prior to, and at all times during the terms of the contract.
B. Ineligible Applicants	<p>The following are <u>NOT eligible</u> for participation in this program:</p> <ul style="list-style-type: none"> • APR farms owned by non-profit organizations. • APR farms owned by municipalities. • Prior recipients of MDAR APR Improvement Program funding. • Prior recipients of MDAR Farm Viability Enhancement Program funding, until after the covenant on their unrestricted land has expired. A farm that has already received 2 grants from FVEP is not eligible to apply to this Program. • Prior participants of the MDAR Matching Enterprise Grants for Agriculture (MEGA) Program until a period of three (3) years following the start date of their MEGA contract has passed. • All projects involving marijuana or hemp shall not be eligible for funding from the Department at this time under this program.
2. Eligible Projects:	
Eligible Projects	<p>Funds must be used for approved capital improvements that will help maintain or enhance the APR farm property. Eligible uses of funds include resource improvements and maintenance or new or improved agricultural infrastructure on the farm property. Examples of resource improvements and maintenance include, but are not limited to, pasture improvements, fencing, reseeding hay land, establishing perennial crops, improving drainage, and installing irrigation. Examples of agricultural infrastructure include, but are not limited to, farm buildings such as farmstands, livestock housing, processing facilities, and hay or equipment storage barns. Up to 10% of the grant award may be available for approved non-infrastructure uses, such as production or marketing improvements or professional services.</p>

3. Funding Availability, Budgeting Guidelines & Allowable Expenditures

A. Funding Availability

The total amount available for Program in Fiscal Year 2021 is expected to be around \$650,000. Grant awards will be offered, subject to the availability of funding, to active participants upon approval of their business plan, for implementation of agreed upon farm improvements identified in the AIP Plan. In order to receive funding, it is mandated by the enabling legislation for this program that at least one of the following program objectives be met through implementation:

- Improve the economic viability of the farm;
- Retain or create private sector jobs and tax revenue either directly or indirectly associated with a farm business;
- Improve farm productivity and competitiveness;
- Expand farm facilities as part of a business plan; or
- Support renewable energy or environmental remediation projects on farms;
- Expand and support markets and infrastructure to strengthen the farming industry.

B. Budget Guidelines and Grant Levels

The level of funding offered to eligible participants shall vary depending on the number of acres on an applicant's farm that are currently enrolled in the APR Program, the scale of the farm as determined by the operation's gross farm income (Schedule F or Form 1120, or other relevant tax statements from the most recent tax year) and the 3-year projected gross farm income in the participant's AIP plan. Depending on the availability of funding, the Department may offer a participant one of the following grant levels, provided on a cost reimbursement basis, to be determined using the following guidelines and requirements:

Level	Eligibility Guidelines	AIP Grant (max.)	Required Farm Match	Project Total Cost
1	\$10,000 to \$100,000 gross income	\$40,000	\$10,000	\$50,000
2	\$100,000+ gross income	\$80,000	\$20,000	\$100,000
3	\$150,000+ gross income and 100+ acres in APR	\$120,000	\$30,000	\$150,000

Responders will be informed which option the Department intends to offer when notified of acceptance. However, notification of acceptance into the Program is not confirmation that the participant will receive a project grant award. A final determination of award, and the amount, to be offered to a participant will be made by the Department once the AIP business planning process has been satisfactorily completed. These determinations rest solely with the Department and may be based on additional factors such as: availability of funding in the annual program budget, farm productivity, intensity of use, substantial gross farm income, high capital needs for large improvement projects, or projects that will have a positive impact on other agricultural producers. Costs incurred prior to the contract in Phase II cannot be reimbursed and shall not qualify as Program expenditures.

C. Allowable Expenditures

Awarded grant funds must be spent on contracted labor and/or the purchase of materials associated with the land improvement or building project(s) outlined in the agreed upon Scope of Services to be attached to the contract with the Department. Funds may NOT be used for operating expenses, payment of debt, purchase of livestock, farm owner or employee labor, or to purchase land.

D. Appropriation	All contracts for grants shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.
E. Match	Participants must provide a cash match contribution of at least 25% of the AIP grant award level offered towards the agreed upon project within the contract period. See Budget Guidelines and Grant Levels section 3B for details about grant award eligibility.
F. Reporting	<p>A business plan (“AIP Plan”) will be developed with active participation of selected farmers with assistance from program staff and/or consultants. Respondents selected to the Program who have completed a business plan through MDAR’s Growing Your Farm course in FY2019 or FY2020 may waive the Phase I AIP business planning process upon approval of the plan by the AIP Coordinator. <u>These applicants should submit their completed business plan along with this application or via email to Michael Parker at Michael.Parker@mass.gov.</u> (Note: only the business plan will be accepted electronically, <u>not</u> the AIP application).</p> <p>Once the project is complete and all funds spent, a closeout visit will be conducted by program staff or consultant to view improvements as a result of purchases made through program participation and interview participants to complete a program evaluation form.</p> <ul style="list-style-type: none"> • Program participants must provide the Department with records and paid receipts verifying that expenditures were made during the contract period in the amount of the grant funds received. • In order to evaluate the impact of the Program, upon request from the Department, participants must submit information and financial data pertaining to their farming operation to the Department for a period of up to five (5) years following the termination date specified on the contract. All such financial data shall be considered confidential to the extent permitted by M.G.L. c. 4, Section 7(26).
4. Permits & Approvals	
Permits & Approvals	<p>Participants who sign a contract for a grant must apply for and receive all permits and any other federal, state, or local approvals necessary for the project. Participants must complete agreed upon purchases identified from their AIP Plan and provide documentation for expenses incurred prior to reimbursement.</p> <p>Landowner must obtain all approvals required under their particular APR. Notification of being accepted to participate in the program DOES NOT guarantee an APR certificate of approval.</p>

5. Project Terms	
A. Terms	<p>Landowner(s) must be in compliance with the terms of the APR and with MDAR rules and regulations or resolve any outstanding compliance or legal issues with the Department prior to contract signature. If awarded, all projects will be required to execute and abide by the Standard Commonwealth of Massachusetts Terms and Conditions and are subject to successful negotiation of a Final Scope of Services and Budget.</p> <p>If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services and Budget. Please note that EEA does not guarantee that any contracts may result from this RFR or that any particular funding level will be awarded. It is anticipated that projects could commence following completion of Phase I and execution of contract amendments to receive a project grant. No contract extensions will be allowed under this Program.</p>
B. Contract Duration	<p>Contracts to receive business planning and technical assistance services are expected to be executed around September or October 2020. Contract amendments to receive a project grant for an approved project are expected to be approved in March or April 2021. All projects must be completed by June 30, 2021 with no option for extensions. All forms of satisfactory documentation in the form of cancelled checks, paid receipts or sales receipts showing payment of expenses associated with approved projects must be dated on or after start date of contract and prior to the June 30, 2021 deadline.</p>

6. Instructions for Application Submissions	
A. Application Submission Instructions	<p>To submit an application in response to this Request for Response, owners and operators must submit a completed Attachment A Application that is signed by all applicants and all landowners along with any required attachments (see additional required documentation section 6B. below) to the following address by the deadline stated below:</p> <p style="text-align: center;">APR Improvement Program Massachusetts Department of Agricultural Resources 138 Memorial Ave, Suite 42 West Springfield, MA 01089</p> <p><u>Applications must be received by 4:00 P.M. on April 13, 2020.</u> Applications must be mailed or hand-delivered; those sent by fax or electronically will NOT be accepted. Postmarks shall NOT be considered.</p> <p>Special Note:</p> <p><i>All State agencies are subject to 815 CMR 2.00, State Grants, Federal Grants 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 the grantee selections. Use of COMMBUYS to receive electronic quotes for grant opportunities is <u>optional</u>; 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.</i></p> <ul style="list-style-type: none"> For more information regarding the benefits of registering in COMMBUYS, you may go to COMMBUYS support pages.

<p>B. Additional Required Documentation</p>	<p>In addition to submitting a completed Attachment A application, a Responder must include the following along with the completed application:</p> <ul style="list-style-type: none"> • Aerial photograph or map with your farm property outlined. * • Copy of signed lease agreement with the landowner if the applicant does not own the farmland. <p>* Aerial photos are available online or can be prepared by your USDA-NRCS field office with advance notice. If you have an up-to-date NRCS Farm Conservation Plan, you may submit copies of maps or aerial photos from the plan.</p>
<p>C. Additional Contract Documentation</p>	<p>If selected, the Respondent will be required to submit the following forms to complete the contract:</p> <ul style="list-style-type: none"> • Commonwealth Standard Contract Form, filled out and signed by the Respondent • Scope and Budget Form • Completed Contractor Authorized Signature Verification Form • Commonwealth W-9 tax information form filled out and signed by the Respondent • Completed Electronic Funds Transfer Form <p>These forms do not need to be completed as part of the response. Assistance to complete these forms will be provided to Respondents selected to participate in the Program. These forms are available for review at www.mass.gov/osd or by request.</p>
<p>D. Review and Evaluation Criteria</p>	<p>A review team (“Review Team”) will consider all complete responses from eligible responders and rank them according to the stated criteria. The Review Team will be comprised of Department staff and Program consultants who shall convey recommendations to the Commissioner of Agricultural Resources and Secretary of Energy and Environmental Affairs for final decisions. All respondents will be mailed written notification of acceptance to or rejection from the Program once all approvals are final – estimated to be around September 2020. A Responder can withdraw a response at any point. The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criteria. All acceptances shall be conditional upon the availability of funding.</p> <p>Each eligible response will be scored based on the following criteria:</p> <ol style="list-style-type: none"> 1) Clearly identifies needs that are a barrier to continued success of farm operation. 2) Proposes farm improvements to address identified needs that meet the purpose and objectives of the Program and are eligible use(s) of funds. 3) Clearly describes how proposed use of grant funds will improve the financial viability of the farm. 4) Shows long-term commitment to keeping farm business viable and land in active agricultural production or identifies interest in succession planning to help transition farm within the family. 5) Overall, application indicates the highest potential for increased profitability and sustainability as a result of Program investment. <p>Additional considerations in the review and selection of applicants will include:</p> <ul style="list-style-type: none"> • Older APR farms (closed 1980 – 2000) will receive higher priority. • Responders that have participated and received funding from the Farm Viability Enhancement Program will be given lower priority than applicants that have not. • Participants of 2020 Growing Your Farm Business planning course offered by MDAR will receive higher priority. • Responders with a USDA Natural Resources Conservation Service (NRCS) farm conservation plan dated 2015 or later will receive higher priority.

7. Deadlines and Procurement Calendar	
Release of RFR:	February 24, 2020
Information Sessions:	None planned at this time
Application Due Date:	Must be received by 4:00 PM April 13, 2020
Estimated Award Date:	Notification of acceptance to program is estimated around September 2020.
Estimated Contract Start Date:	<p><u>Phase I: Contracts for the AIP Planning process are estimated to be around September or October 2020.</u></p> <p><u>Phase II: If approved, the Estimated Project Contract Amendment Start Date: Around March or April 2021.</u></p> <p>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.</p>

8. Miscellaneous	
Type of Procurement:	Grant
Use of This Procurement by Single or Multiple Departments:	This RFR is a single department procurement. All contracts award under this RFR will be utilized solely by MDAR.
Single or Multiple Contractors:	Multiple
RFR Distribution Method:	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.
List of Attachments to this RFR:	<p>A. Application Form</p> <p>B. RFR Required Specifications</p>

ATTACHMENT A
AGRICULTURAL PURCHASE RESTRICTION IMPROVEMENT PROGRAM (AIP)
APPLICATION RESPONSE FORM (FY 2021)

Date received by (official use only) _____

1. Applicant Information

Applicant Name:

Farm Name:

Legal Structure: Sole Proprietor Corporation Partnership LLC Other _____

Mailing Address:

City, State, Zip:

County:

Home Phone:

Mobile Phone:

E-Mail:

Website:

Site Address is same as above

Site Address

Site City, State, Zip

Owner of record is same as above

Owner(s) of Record

City, State, Zip

Home Phone:

Is this owner a Trust? Yes No If yes, name:

Is the owner a Corporation? Yes No If yes, name:

Name of landowner(s) who received the APR payment:

Date APR property was originally closed/recorded (if known):

Current owner of APR:

Date APR property transferred to current owner (if applicable)

2. Agricultural Operation Details

Type of Operation (check all that apply):
 Produce Orchard Dairy Greenhouse Nursery Cranberry Horse
 Forestry Maple Livestock Value-added Other:

Please list all crops your operation grows with number of acres for each:

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

List any additional agricultural activities on the farm in 2019 with associated volume (i.e. maple taps & gallons)

3. Marketing

What is the current % breakdown between wholesale and retail sales of your farm products?

____ % Wholesale ____% Retail

How are your agricultural products marketed? (check all that apply)

- Distributor Restaurants Pick-Your-Own
 Stores Farmstand CSA- Number of shares? ____
 Farmers Markets- number of markets? ____

Other - please describe

Is there a value-added operation? Yes No

If yes, please describe:

4. Farmland Use

How many acres of land does the applicant own? Acres

How many acres of owned land are under APR? Acres

How many acres of farmland do you rent, lease, or use *from* other people? Acres

Do you rent land *to* others? Yes No Use: Acres

Please complete the following table:

Land Type or Use	Acres Owned	Acres Rented	Total Acres
Example: Tillable Cropland	70	30	100
Tillable Cropland			
Non-tillable Cropland			
Nursery – Orchard – Cranberry Bog			
Pasture			
Managed Woodland			
Non-managed Woodland			
Ponds - Wetlands			
Land Occupied by Farm Buildings			
Land Occupied by Residences			
Totals:			

5. Farm Management

How many years has the Responder managed the APR farm as a commercial agricultural enterprise?

How many farm employees do you have? Full-Time

Part-time

Of these, how many are immediate family members (children, spouse, siblings)?

List the current managers on the farm, their roles, and years of experience:

Has the manager completed a course through MDAR's Agricultural Training Program? Yes No

If yes, which course(s)?

<input type="checkbox"/> Tiling the Soil of Opportunity	Year Completed:	<input type="text"/>
<input type="checkbox"/> Growing your Farm Business	Year Completed:	<input type="text"/>
<input type="checkbox"/> Planning for Startup	Year Completed:	<input type="text"/>
<input type="checkbox"/> Exploring the Small Farm Dream	Year Completed:	<input type="text"/>

List any other business/management training relevant to your farming enterprise:

Has the applicant ever participated in any of the following MDAR grant programs?

Program	Yes	No	If Yes, Year of Participation
APR Improvement Program (AIP)			
Farm Viability Enhancement Program (FVEP)			
Matching Enterprise Grants for Agriculture (MEGA)			
Agricultural Climate Resiliency & Efficiencies (ACRE)			
Agricultural Environmental Enhancement Program (AEEP)			
Agricultural Energy Grant Program (ENER)			
Agricultural Food Safety Improvement Program (AFSIP)			
Stewardship Assistance & Restoration on APRs (SARA)			

Do you have a United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) conservation plan for your farm? Yes, Date of Plan _____

No

If No, have you contacted NRCS to begin process of developing or updating a conservation plan?

Yes No

Do you already have a written business plan for the farm business? Yes, Date of Plan _____

No

If Yes, did you complete it through an MDAR business planning course?

Yes No

Has the farm family done any succession planning for future farm transfer? Yes No

If Yes, explain:

Would you like assistance with succession planning if accepted into the Program? Yes No

Please attach to this application a topographic or aerial map of the APR farm owned, with APR boundaries outlined and any excluded area identified. *You may request a map from your district USDA Natural Resource Conservation Service office but allow plenty of time for this request to be processed so that the map can be submitted with this application by the deadline.*

6. Financial Information

List any loans or other debt for the farm under Encumbrances (to whom money is owed) and \$ amounts:

Encumbrance(s)	\$ Amount Owed

Do any of these include a lien on your residence or a mortgage on the property including your home? Yes No

Check here if there is no debt associated with the farm.

Please complete the following table:

To complete this table, applicants should use their 2017, 2018, and 2019 Schedules F or 11205S or 1120C tax forms. If taxes for 2019 are not complete, estimate gross and net income. Do not send copies of these records with the application. They will need to be presented to representatives of the Department if selected for Phase I of the Program.

Tax Year	Gross Farm Income	Net Farm Income	Other Farm Income (rent, custom work, gravel sales)
2017			
2018			
2019			

Do you live solely off the farm income now? Yes No

Please include any off-farm income/jobs that immediate farm family members have:

Relationship	Name	Off-farm Income that contributes to family farm
Operator		\$ Estimated Annual
Partner/Spouse		\$ Estimated Annual
Other:		\$ Estimated Annual

7. Proposal

Please provide answers to the following questions in the space provided. Do not attach any additional information in response to these questions as it cannot be considered.
One extra page may be attached if needed to respond to these questions.

7A. Challenges and Needs:

Please describe any challenges and/or needs that you have on your farm that are a barrier to the continued success of your operation?

7B. Proposed Project:

How could program assistance and funding help you address these needs? What farm improvements do you propose for use of any AIP grant funds and how would they improve the financial viability of the farm?

8. Required Signatures: All Applicants and landowners

By signing below, you certify that the information provided in this application is true and accurate to the best of your knowledge and authorize the Department to conduct a field inspection of the APR farmland. In addition, those signing below express a willingness to execute an agreed upon Performance Contract with the Department. All Respondents including farmland owners and farm business owners must sign below for application to be complete. Substitutes or signatures initialed by another person will not be accepted.

_____	_____	_____
Signature of APR farmland owner	Printed Name	Date
_____	_____	_____
Signature of APR farmland owner	Printed Name	Date
_____	_____	_____
Signature of farm business owner (if different)	Printed Name	Date
_____	_____	_____
Signature of farm business owner (if different)	Printed Name	Date

END OF APPLICATION

(See Application Submission Instructions on page 7)

ATTACHMENT B

Operational Services Division 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.

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

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

It is each Bidder's responsibility to check COMMBUYS for: Any amendments, addenda or modifications to this Bid, and Any Bid Q&A records related to this Bid.

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

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

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the 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). Additional information about EFT is available on the VendorWeb site (www.mass.gov/osc). Click on MASSfinance.

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

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

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.