



Contract User Guide for FAC104

FAC104: Landscaping Products, Parks and Recreation Equipment and Related Products, Supplies and Service

UPDATED: January 29, 2020

Contract #:	FAC104
MMARS MA #:	FAC104*
Initial Contract Term:	July 1, 2017 – June 30, 2019
Maximum End Date:	Two (2) year extension(s) to 2023
Current Contract Term:	July 1, 2019 – June 30, 2021
Contract Manager:	Kelly Thompson Clark, (617) 720-3184, kelly.thompsonclark@mass.gov
This Contract Contains:	Environmentally Preferable Products, Small Business Purchasing Program, MBE/MWBE/WBE, Service Disabled, Veteran-Owned Business
UNSPSC Codes:	10-15-20 Nursery Products; 10-15-00 Turf and Landscape Products; 11-12-17 Compost and Mulch; 11-11-00 Soil Aggregate Products; 10-17-00 Fertilizer, Including Organic; 49-24-15 Playground Equipment; 49-22-15 Playground Surfaces; 56-10-16 Site Furnishings/Amenities; 49-20-00 Sport and Fitness Equipment; 56-10-16 Outdoor Shelter/Shade Structures; 49-24-16 Splash Pads and Water Play; 72-14-13 Parks and Recreation Installation and Maintenance; 56-10-16 Fencing, Railing, Decking, Partitions and Lockers

*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS).

Table of Contents: (NOTE: To access hyperlinks below, scroll over desired section and CTL + Click)

- [Contract Summary](#)
- [Contract Categories & UNSPSC Codes](#)
- [Benefits and Cost Savings](#)
- [Find Bid/Contract Documents](#)
- [Who Can Use This Contract](#)
- [Subcontractors](#)
- [Construction Requirements](#)
- [Pricing, Quotes and Purchase Options](#)
- [Instructions for MMARS Users](#)
- [Environmentally Preferable Products](#)
- [Emergency Services](#)
- [Additional Information/FAQ's](#)
- [Performance and Payment Time Frames Which Exceed Contract Duration](#)
- [Strategic Sourcing Team Members](#)
- [Vendor List and Information](#)
- [Appendix A: Category Descriptions](#)

TIP: To return to the first page throughout this document, use the CTL + Home command.



Contract User Guide for FAC104

Contract Summary

This is a Statewide Contract for Landscaping, Turf and Nursery Products, Parks & Recreation Equipment, Water & Outdoor Play Structures and Related Products, Supplies and Services.

Contract Categories & UNSPSC Codes

This contract includes 14 categories of products and service with their identifying (UNSPSC Codes) listed below:

Category 1: Nursery Products

Category 2: Turf and Landscape Products

Category 3: Compost and Mulch

Category 4: Soil Aggregate Products

Category 5: Fertilizer, Including Organic

Category 6: Playground Equipment

Category 7: Playground Surfaces

Category 8: Site Furnishings/Amenities

Category 9: Sport and Fitness Equipment

Category 10: Outdoor Shelter/Shade Structures

Category 11: Splash Pads and Water Play

Category 12*: Parks and Recreation Installation and Maintenance

Category 13: Fencing, Railing, Decking, Partitions and Lockers)

Category 14: Related Specialty EPP Products

See full Category description by clicking [Appendix A](#)

Benefits and Cost Savings

Statewide contracts are an easy way to obtain benefits for your organization by leveraging the Commonwealth's buying power, solicitation process, contracting expertise, vendor management and oversight, and the availability of environmentally preferable products.

- The Strategic Sourcing Team (SST) has awarded the contract to Contractors who provided competitive pricing and/or discounts for the products and services being offered.
- Prompt Pay Discounts are offered by all Contractors.
- Volume Purchase Discounts are available from some Contractors. Please reference Contractor's attached "Price Sheet" on COMMBUYS for details.
- Contractors provide services that represent environmentally preferable practices wherever possible.

Find Bid/Contract Documents

- To find all contract-specific documents, including the Contract User Guide, RFR, specifications, and other attachments, visit COMMBUYS.com and search for FAC104 to find related Master Blanket Purchase Order (MBPO's) information. All common contract documents are located in the



“Conversion Vendor” Master Blanket Purchase Order (MBPO) for FAC104 and can be accessed directly by visiting [PO-17-1080-OSD03-SRC02-11112](#)

- To find vendor-specific documents, including price sheets, see links to individual vendor MBPOs on the [Vendor Information](#) page.

Who Can Use This Contract

Applicable Procurement Law

Executive Branch Goods and Services: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00;

Eligible Entities

Please see the standard list of Eligible Entities on our [Who Can Use Statewide Contracts](#) webpage.

Subcontractors

The awarded vendor’s use of subcontractors is subject to the provisions of the Commonwealth’s Terms and Conditions and Standard Contract Form, as well as other applicable terms of this Statewide Contract.

Construction Requirements

Purchasers must ensure that any services involving construction are limited to \$50,000 or less.

Purchasing entities are responsible for compliance with applicable construction law requirements. Information concerning specific M.G.L. c. 149 and c. 30 construction requirements may be found in the Office of the Inspector General’s Public Procurement Charts at: <https://www.mass.gov/info-details/oig-guides-and-advisories>. It is the responsibility of the Eligible Entity to determine whether installation work includes construction as defined by M.G.L. c.149 or M.G.L. c.30, §39M. Chapter 30B Procurement Assistance from the Office of the Inspector General is available at [mass.gov/ig/procurement-assistance](https://www.mass.gov/info-details/procurement-assistance). Access the 30B Hotline at (617) 722-8838 or email them at: 30BHotline@massmail.state.ma.us. **OSD does not provide guidance on Construction law; questions around Construction Law should be directed to the Eligible Entities legal counsel, the [Office of the Attorney General](#), and/or the [Office of the Inspector General](#).**

See [Quotes Including Construction Services Requirements](#) below for information on quoting these types of projects.

Pricing, Quotes and Purchase Options

Purchase Options

The purchase options identified below are the only acceptable options that may be used on this contract:

All published contract pricing, including but not limited to firm pricing, contract discounts and all other pricing published under this contract is ceiling (not-to-exceed) pricing. Pricing is in each Contractor’s MBPO in COMMBUYS. All orders should include reference to SWC FAC104 to ensure Eligible Entities are receiving SWC pricing.



Pricing Options

- **Ceiling/Not-to-Exceed:** Contract discounts and other pricing published under the contract represents “ceiling” or “not-to-exceed” pricing and may be further negotiated.

Product/Service Pricing and Finding Vendor Price Files

Product pricing may be found by the [vendor information](#) page, where links to all the vendors MBPO’s should be provided.

Setting Up a COMMBUYS Account

COMMBUYS is the Commonwealth’s electronic Market Center supporting online commerce between government purchasers and businesses. If you do not have one already, contact the COMMBUYS Help Desk to set up a COMMBUYS buyer account for your organization: (888)-627-8283 or COMMBUYS@state.ma.us.

When contacting a vendor on statewide contract, always reference FAC104 to receive contract pricing.

Quick Search in COMMBUYS

Log into COMMBUYS and use the Search box on the COMMBUYS header bar to locate items described on the MBPO or within the vendor catalog line items. Select Contract/Blanket or Catalog from the drop-down menu.

How to Purchase from the Contract

Process for Ordering

For orders up to \$10,000 Eligible Entities may purchase directly from the Contractor of their choice without requesting multiple quotes. Although not required for orders under \$10,000 OSD strongly encourages Eligible Entities to request pricing and service information from multiple contractors to obtain the best value.

For orders over \$10,000 Eligible Entities are required to solicit multiple quotes from Contractors of their choice prior to issuing an order.

For existing play structures where replacement parts must be the same manufacturer, users are not required to solicit quotes if only one Contractor offers that manufacturer.

- **Solicit quotes and select and purchase quoted item in COMMBUYS**

This COMMBUYS functionality provides a mechanism to easily obtain quotes, as specified by the Contract. The buyer would create a Release Requisition, and then convert it to a Bid. After approval by the buyer approving officer, the bid is then sent to selected vendors to request quotes.

For a description of how to complete this purchase in COMMBUYS, visit the [Job Aids for Buyers](#) webpage, and select:



- The *COMMBUYS Purchase Orders* section and choose the *How to Create a Solicitation Enabled Bid Using a Release Requisition* job aid or one of the quick reference guides.
- **Directly purchase a non-fixed price item (\$0-line item) through COMMBUYS**

Once a service and price are determined, the ordering process is as follows:

- Initiate a new requisition
- Search for the category (Use FAC104) in the description
- Select the Contractor you will be placing an order with
- Select the appropriate catalog line
- Enter "1" in the Quantity field and the total price in the Unit Cost field
- Attach the Contractor quote and/or a detailed order summary
- Submit for approval
- For a description of how to complete this purchase in COMMBUYS, visit the [Job Aids for Buyers](#) webpage and select:
 - The *COMMBUYS Requisitions* section and choose the *How to Create a Release Requisition and Purchase Order (Contract Purchase)* job aid.

Prevailing Wage Requirements

The buyer has a legal obligation to request a prevailing wage schedule from the Department of Labor Standards (DLS) at www.mass.gov/dols. Questions regarding the Prevailing Wage Law may be answered by accessing the DLS website or by calling the DLS Prevailing Wage Program at (617) 626-6953.

Eligible Entities must obtain a copy of the Contractors weekly payroll records to ensure that Prevailing Wage was paid. The weekly payroll record must be reviewed prior to paying any invoice that includes Prevailing Wage. Chapter 149, § 27B requires the following information be contained on certified payroll records: For each employee, the name, address, occupational classification, hours worked, and wages paid. For each apprentice, in addition to the aforementioned information, a photocopy of the apprentice's ID card. Example of certified payroll record (report form) can be found under the [Prevailing Wage Program at the Department of Labor Standards](#).

If prevailing wage is required, make sure to include this information in your quotes or bids so vendors know to include prevailing wage.

Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor. Contact the Comptroller Help and Support Desk at 617-973-2468 or via email at Comptroller.Info@state.ma.us for additional support.



Environmentally Preferable Products (EPP)

[EPP Products and Services Guide](#)

Emergency Services

Many statewide contracts are required to provide products or services in cases of statewide emergencies.

[ML - 801 CMR 21](#) defines emergency for procurement purposes. Visit the [Emergency Contact Information for Statewide Contracts](#) list for emergency services related to this contract.

Additional Information/FAQs

County Coverage

Contractors provide products and/or services based on County. A spreadsheet has been developed for buyers to determine the Contractors awarded in each County based on the category(s) being purchased from. This is located as an Agency attachment in the [Conversion Vendor](#) in COMMBUYS titled "FAC104 Vendor Information" and included in the Contractor Information section. Please see the [county list link](#) for reference.

Delivery Specifications

All orders are Free on Board (FOB) Destination. The Eligible Entity takes delivery of the goods once it arrives at the delivery location specified by the Eligible Entity. Contractors own the products while they are in transit and ownership passes once arriving to the Eligible Entity. Freight charges must be included upfront in order cost as a separate line. Bidders may not charge additional freight, delivery, or fuel surcharges.

Pre-payments

Contractors must not request any form of pre-payments by the Eligible Entity before the service is rendered. For special projects implemented in phases, by mutual agreement of the Eligible Entity and the Contractor, invoices must be issued after each phase is completed to the Eligible Entity's satisfaction.

Compliance with Construction Law

This contract may be used for construction related services as limited herein to *Category 12 Parks and Recreation Installation and Maintenance*.

Geographical Service Area

[Massachusetts County Map from the Secretary of the Commonwealth](#)

Other Discounts

- **Prompt Pay Discounts:** A discount given to the buyer if paid within a certain time period. These discounts may be found in the [Vendor List and Information](#) section below. All discounts offered will be taken in cases where the payment issue date is within the specified number of days listed by vendor and in accordance with the Commonwealth's Bill Paying Policy. Payment days will be measured from the date goods are received and accepted / performance was completed OR the date an invoice is received by the Commonwealth, whichever is later to the date the payment is issued as an EFT



(preferred method) or mailed by the State Treasurer. The date of payment “issue” is the date a payment is considered “paid” not the date a payment is “received” by a Contractor.

- **Volume Discounts:** discount is negotiated to buyer if a certain volume of product or service is purchased.

If the Needed Product Can Not be Found

If a product and/or service cannot be found in the vendor’s price sheet, it is recommended to contact the vendor directly to inquire if it is available for purchase on this contract. If the product and/or service meet the scope of the product category, the vendor may be able to add it to their product offerings.

If the product is not listed in the scope of the product category, a buyer may contact the Strategic Sourcing Lead to inquire whether the product may be purchased.

Performance and Payment Time Frames Which Exceed Contract Duration

All term leases, rentals, maintenance or other agreements for services entered into during the duration of this Contract and whose performance and payment time frames extend beyond the duration of this Contract shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written agreement). No written agreement for category 12 services* shall extend more than 3 months beyond the current contract term of this Statewide Contract or September 30, 2021. *This section applies to Category 12 only. No new leases, rentals, maintenance or other agreements for services may be executed after the Contract has expired.

Memorandum of Understanding/Statement of Work

For any agreements, buyers should always reference statewide contract FAC104 to ensure that they are receiving statewide contract pricing.

FAC104 Strategic Sourcing Team Members:

Owen K. Silbaugh, Jr.	MassDOT Aeronautics Division
Patricia M. Carey	Town of Needham
Frank Antonucci	Town of Ipswich
Julia Wolfe	Operational Services Division (OSD)
Rob Moreschi	City of Everett
Sandra P. Libby	Department of Conservation & Recreation (DCR)
Joshua Soojian	Department of Conservation & Recreation (DCR)
Sean Sylver	Department of Environmental Protection (DEP)
Dean Harris	Revere Housing Authority



Vendor List and Information*

Company Name	Contract Manager	Phone	Email	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6	Category 7	Category 8	Category 9	Category 10	Category 11	Category 12	Category 13	Category 14	County Barnstable	County Berkshire	County Bristol	County Dukes	County Essex	County Franklin	County Hampden	County Hampshire	County Middlesex	County Nantucket	County Norfolk	County Plymouth	County Suffolk	County Worcester
Bigelow Nurseries, Inc.	Tim Hay, System Administrator	508-845-2143	timhay@bigelownurseries.com	X														X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cavicchio Greenhouses, Inc.	Darren Young, Landscape Manager	978-639-6289	darren@Cavicchio.com	X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X
Creative Recreation LLC	John Hollerbach – President	860-953-5336	john@creativerec.com						X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
DesignBuilt LLC / DBA Childscapes	Timothy J. Pesko	Office: 781-837-6412 Cell: 617-947-1757	tpesko@childscapes.net						X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
Douglas William Knotts, DBA Premier Park & Play	Douglas Knotts, President	617-244-3317	premierparkplay@verizon.net						X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
Dynamo Industries Inc	Ivan Hoffmann – Business Development	613-446-0030 x 1041	ivan.hoffmann@dynamoplaygrounds.com						X			X						X	X	X	X	X	X	X	X	X	X	X	X	X	X
Harrell's LLC	Greg Nicoll	908-698-2106	gnicoll@harrells.com		X			X										X	X	X	X	X	X	X	X	X	X	X	X	X	X
Helena Agri-Enterprises, LLC	Christopher Leonard	339-793-3705	LeonardC@helenaagri.com		X			X										X	X	X	X	X	X	X	X	X	X	X	X	X	X
John Whelan Kinchla DBA Amherst Nurseries	John Kinchla, Owner	413-834-8873	jwk@amherstnurseries.com	X														X	X	X	X	X	X	X	X	X	X	X	X	X	X
Kompan, Inc.	Elizabeth (Lisa) Devine	800-426-9788	elidev@kompan.com						X	X	X	X	X		X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
M. E. O'Brien & Sons, Inc.	Meghan O'Brien	508-359-4200	meghan@obrienandsons.com						X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
M. Huberman, Incorporated	Claire Williams, Office Manager	781-233-4682	cwilliams@watergripmedia.com	X													X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
MRC Inc. (Marturano Recreation Company)	Megan Kerr, Bid Sales Manager	800-922-0070 x1026	contracts@mrcrc.com						X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X
New England Recreation Group, Inc.	Charles Ramondo Jr.	508-393-1963	nerg@nerecgroup.com						X	X	X	X	X	X				X	X	X	X	X	X	X	X	X	X	X	X	X	X
New England Recycling Co., Inc.	Peter Wolski	508-813-1278	PWolski@GLopes.com		X	X	X			X										X									X		

NOTE: Contract User Guides are updated regularly. Print copies should be compared against the current version posted on mass.gov/osd.

Updated: January 29, 2020



Appendix A: Category Descriptions

1. **Nursery Products** – includes live (plant) stock (shrubs, trees, bushes, ground covers, perennials and annuals, etc.), sod, low water plants, plants native to MA, and related products
2. **Turf and Landscape Products** – includes seed, sod, pesticide and related products including contractor and arborist tools and supplies, irrigation and water management supplies, landscape lighting, decorative stone, and related products
3. **Compost and Mulch** – includes compost and compost-manufactured loam (CML) for agricultural, landscaping, erosion control, and other appropriate applications
4. **Soil Aggregate Products** – includes items that can be added to the soil for enhancement purposes, whether for growth, aesthetics, drainage or safety, including but not limited to stone, gravel, soil amenities sand, topdressing and loam
5. **Fertilizer, Including Organic** – includes fertilizers, both synthetic and organic, and related tools and accessories
6. **Playground Equipment** – includes composite structures and individual components primarily for age groups 2-5 and 5-12
7. **Playground Surfaces** – includes athletic surfaces, tiles, synthetic grass, wear mats, engineered wood fiber (EWF), and poured in place (PIP) rubber for playgrounds, splash pads, courts, fields, and other related outdoor recreation
8. **Site Furnishings/Amenities** – includes but not limited to benches, trash receptacles, bike parking/racks, planters, tables and chairs, tree guards and gates, signage, grills, fire rings, bleachers, flag poles, water bubblers, pet friendly features, etc.
9. **Sport and Fitness Equipment** – includes sports related equipment for skate parks, bike parks, basketball courts, soccer fields, football fields, pickle ball courts, lacrosse fields, field hockey fields, tennis courts, volleyball courts, baseball fields, track and field events and other related sports facility equipment
10. **Outdoor Shelter/Shade Structures** – includes but is not limited to shelters, kiosks, bus stops, picnic shelters, dugouts, gazebos, park pavilions, playground shelters, sidewalk covers, portable restroom shelters, and sheds
11. **Splash Pads and Water Play** – includes splash pad/water play structures, sprays and individual components
12. **Parks and Recreation Installation and Maintenance** – labor is limited to \$50K or less under this contract per engagement
13. **Fencing, Railing, Decking, Partitions and Lockers** – includes fencing, railing, decking, partitions and lockers
14. **Related Specialty EPP Products** – products in this category must demonstrate environmental benefits e.g. less toxic athletic marking paint