

THE COMMONWEALTH OF MASSACHUSETTS

**EXECUTIVE OFFICE OF ENERGY &
ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

ONE WINTER STREET, BOSTON, MA



Grant Announcement

Document Title: FFY 19 604b Water Quality Management Planning

Agency Document Number:

RFR#: DEP-BRP-RFR-2019-04-604B

Bid# BD-19-1045-BWR00-BWR01-33608

February 15, 2019

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2. Grant Summary:

A. Overview and Goals of Grant: The Department of Environmental Protection (MassDEP), Bureau of Water Resources, is pleased to issue this Request for Responses (GRANT ANNOUNCEMENT) for §604(b) Water Quality Management Planning Program Grants for Federal Fiscal Year 2019. MassDEP is seeking project proposals from eligible applicants that will identify water quality problems and provide preliminary designs for BMPs to address these problems.

For FFY 2019, the Department will focus 604b grant funds towards nonpoint source assessment and planning projects leading to the:

- 1) determination of the nature, extent and causes of water quality problems and determination of pollutant load reductions necessary to meet water quality standards;
- 2) development of municipal and regional approaches to stormwater issues including coordination of technical information sharing among communities and creation of stormwater utilities in regulated and non-regulated communities;
- 3) development of Watershed-based Plans (WBPs) for 319 grant projects. An on-line tool to support development of WBPs can be found at: <http://prj.geosyntec.com/MassDEPWBP>;
- 4) development of green infrastructure projects that manage wet weather to maintain or restore natural hydrology; or
- 5) development of preliminary designs and implementation plans that will address water quality impairments in impaired watersheds.

Background information

Eligible public organizations are invited to submit responses for Section 604(b) U.S. EPA federal grants. Section 604b of the federal Clean Water Act (CWA) authorizes the awarding of funds through the Environmental Protection Agency to states for water quality assessment and management planning grants. The 1987 amendments to the Clean Water Act mandated that 40% of each state's award be granted, or "passed through", to Regional Public Comprehensive Planning Organizations and Interstate Organizations. In Massachusetts, these funds are administered by the Department of Environmental Protection (MassDEP).

The Department expects to receive approximately **\$220,000** in 604b disbursement funds from the U.S. Environmental Protection Agency (EPA) as the 40% pass-through allocation under 604b for FFY 19. A local match is not required for 604b projects. Provision of a local match, however, either in cash or in-kind services can increase the competitiveness of a proposal by demonstrating local commitment to the project.

This GRANT ANNOUNCEMENT contains eligibility requirements, funding priorities, selection criteria, the GRANT ANNOUNCEMENT schedule and a checklist for a completed FFY 19 604b Application. Additional information needed to complete the FFY 19 604b Application including: GRANT ANNOUNCEMENT/Contract Requirements and Conditions, blank proposal forms, EEO/AA and DBE requirements, Standard Terms & Conditions, and Standard Contract forms are provided in this GRANT ANNOUNCEMENT.

The United States Environmental Protection Agency (EPA) has instituted a rule that replaces the existing Minority and Women Business Enterprise rules with a Disadvantaged Business Enterprise (DBE) rule. This rule requires that women and minority owned firms be both socially

and financially disadvantaged to qualify as a DBE. While the new rule still requires the use of Minority Business Enterprises (MBE) and Women Business Enterprises (WBE), these firms must also be certified as DBEs to be utilized to meet the revised DBE goals. The new goals are 4.2% D/MBE and 4.5% D/WBE of the total project cost. The Supplier Diversity Office (SDO), formerly SOMWBA, has certified approximately 950 DBEs, which are acceptable for use by 604b grantees.

B. Grant Applications: MassDEP is seeking grant applications for Water Quality projects for the 604b grant program that will identify water quality problems and provide preliminary designs for BMPs to address these problems.

Assessment work performed under the 604b program should address assessment information needs (pathogens, nutrients, metals, etc.) contained in the Massachusetts Integrated List of Waters (303d List). The 2016 Integrated List of Waters and a listing of TMDL reports are available on the MassDEP Web Site at: <https://www.mass.gov/total-maximum-daily-loads-tmdls>.

Additionally, MassDEP’s Water Quality Assessment reports for select watersheds are available at: <https://www.mass.gov/service-details/water-quality-assessments>.

Priority will be given to assessment type activities that will result in information that can be used by MassDEP to support additional water quality assessment work and/or to help develop recommendations relative to future nonpoint source pollution BMP implementation projects, the water withdrawal permitting process, and management strategies for restoration and protection of surface water and groundwater resources. Each project should include a public awareness component involving coordinated efforts with local boards, town officials and other appropriate interest groups and agencies working in the area.

C. Grant Announcement Calendar and Grant Application Deadline:

PROCUREMENT EVENT	DATE
Grant Announcement Posted	December 2018
Pre RFR Informational meetings	January 29 – 30, 2019
RFR posted on MassDEP web site	February 15, 2019
Deadline for submission of written questions to Mass DEP Grant Contact person (see Section 2E)	March 1, 2019 5:00 PM
Answers posted on MassDEP website	March 8, 2019
Grant Application due date	March 29, 2019 1:00 PM
Announcement of awards on MassDEP Website	August 2019
Contract Start Date	September 2019

D. Grant Contact Information:

Gary Gonyea
604b Program Manager
Massachusetts Department of Environmental Protection
Bureau of Water Resources
One Winter Street, 5th Floor
Boston, MA 02108
Gary.Gonyea@mass.gov

E. Written questions via the Bid Q&A

All questions and correspondence regarding this RFR must be directed to: Gary Gonyea, 604b Program Manager, MassDEP, Bureau of Water Resources, Division of Municipal Services, 1 Winter Street, Fifth Floor, Boston, MA. 02108 or Gary.Gonyea@mass.gov and received no later than 5:00 P.M., March 1, 2019. Responses will be posted on the MassDEP BWR web page by March 8, 2019.

<https://www.mass.gov/service-details/grants-financial-assistance-watersheds-water-quality>.

3. Eligibility

A. Eligible Applicants: Pursuant to Section 604(b) of the Clean Water Act, eligible grant applicants include: regional planning agencies, council of governments, counties, conservation districts, cities and towns.

Subcontracting: Applicants may propose a subcontractor or team of subcontractors as part of their application and proposal. Subcontractors working for the applicant are subject to the same terms and conditions as the applicant, as defined in this Grant Announcement.

Multiple applications: An eligible applicant may submit more than one proposal for distinct water quality projects.

B. Eligible Projects/Scope of Work:

Generally, the following types of assessment/planning tasks that focus on watershed or sub-watershed-based nonpoint source assessment efforts will be considered for funding. All proposals should provide a locus map of the project area, and a detailed map of the project area. If feasible, the proposal should include the 303d listing from the 2016 Integrated List of Waters with the specific water quality impairment (s) for the project area. Other Water Quality data collected for the project area should be summarized in the proposal.

❖ **Water Quality Assessment** - Identification and characterization of a specific nonpoint source pollution problem site or resource of particular concern via water quality sampling. Results should be used to develop recommendations and conceptual designs for BMP implementation projects and management strategies consistent with the Department's policies and programs. Projects that propose to conduct water quality sampling will be required to provide or develop a MassDEP and EPA approved Quality Assurance Project Plan.

- ❖ **Development of Watershed-based Plans.** EPA requires nine-element watershed based plans to support implementation projects that are funded through s.319. The development of one or more watershed-based plans at the sub-watershed level can be carried out using 604b funds. MassDEP has developed a web-based tool to assist with development of 9-element watershed based plans for lakes, rivers, and estuaries. The WBP tool can be found at: <http://prj.geosyntec.com/MassDEPWBP>.
- ❖ **Development of Stormwater Utilities in NPDES Stormwater regulated and non-regulated communities** – including initial research to see if a stormwater utility is appropriate for a Town or group of Towns, quantifying the current and future cost of storm water management programs, estimating the costs to comply with MS4 requirements, development of regional agreements and funding structures to address the cost of stormwater management and MS4 compliance, and development of regional approaches to stormwater issues including coordination of technical information sharing among communities.
- ❖ **Green Infrastructure & Low Impact Development – Assessment of water quality issues and development of conceptual designs for projects that manage wet weather to maintain and restore natural hydrology by infiltrating, evapotranspiring, capturing and using stormwater.** Other project examples include: Green streets, water reuse projects, porous pavement, bioretention, tree box filters, hydromodification to establish or restore riparian buffers, floodplains, or wetlands, and retro fit programs including downspout disconnection to keep wet weather out of all types of storm sewers.
- ❖ **Development of Implementation Plans** - including conceptual drawings and engineering studies, which can be submitted for funding to other grant sources and that, will lead to remediation of water quality impairments and restoration of beneficial uses.

The types of projects that received 604b funding in previous years are provided in Project Summaries available at:

<https://www.mass.gov/service-details/grants-financial-assistance-watersheds-water-quality>.

or from the 604b Coordinator. Projects are expected to commence within approximately eight (8) months of the notice of grant award and be completed within two years of receipt of the Notice to Proceed letter.

C. Selection Criteria/ Evaluation Process

Applications for funding will be evaluated by MassDEP according to the following criteria at a minimum:

- Extent to which the project, scope of services and targeted watersheds would further MassDEP water quality management priorities, or other suitable water quality management goals.
- Quality and responsiveness of the proposal including; completeness, organization, and conciseness.

- Provision of a local match either in cash or in-kind services while not required by 604b can increase the competitiveness of a proposal by demonstrating local commitment to the project.
- Technical approach including the logic of the plan, clarity of the proposal in problem identification and relevant objectives, discrete project deliverables and results identified, and realistic implementation schedule.
- Adequacy of the project to successfully address the problems identified in terms of the proposed tasks. Applicant's commitment and qualifications to solving the problems to be addressed by the grant. Applicant's past performance in conducting projects funded under this or other grant programs administered by MassDEP and other EEA Agencies. Likelihood of success of the project, including usefulness of resulting products, and proposed implementation strategies.
- Cost effectiveness of the proposal.

Applicant scores will be used to rank Applicants and will determine which Applicants will proceed to subsequent stages of the evaluation and/or enter into negotiations with the Commonwealth to receive a Contract award. See Selection Criteria listed above.

4. Definitions

The following definitions supplement the definitions provided in Code of Massachusetts Regulations, 801 CMR 21.00 (Procurement of Commodities and Services) and 815 CMR 2.00 (Grants and Subsidies). These definitions are used for this solicitation and may be used throughout implementation of the grant contract after award:

Applicant: An Applicant is any entity identified in Section 3A of this Grant Announcement that responds to this Grant Announcement with a completed application, and other required documentation as specified herein. For definition purposes, an Applicant is the same as an “applicant” as defined in 801 CMR 21.00 (Procurement of Commodities and Services).

Bureau of Water Resources (BWR): The Bureau within MassDEP responsible for the procurement and implementation of the contract. MassDEP’s 604b Program Manager and Contract manager are assigned to BWR.

COMMBUYS: The Commonwealth’s Procurement Access and Solicitation Site (COMMBUYS) is a free, around-the-clock internet access site that provides bid/solicitation/procurement documents for all goods and services. It may also provide announcements for Grant Opportunities under 815 CMR 2.00 (Grants and Subsidies).

Evaluation: The process, conducted by the Grant Review Team (GRT), of reviewing, scoring and ranking the submitted applications.

FY- See Fiscal Year

Fiscal Year: The year beginning with July 1st and ending with the following June 30th as defined in MGL Chapter 4 Section 7. This may also be referred to as “State Fiscal Year”

Grant Review Team (GRT): The Massachusetts state personnel who are responsible for conducting the evaluation of the applications and recommending one or more responding entities for award of a grant contract to the Commissioner of MassDEP and the Secretary of Energy and Environmental Affairs for concurrence with the selection.

Grant - Discretionary and non-discretionary (designated) funds of financial assistance provided under contractual terms between a Grantor department and a Grantee to assist the Grantee in the achievement or continuation of a specified public purpose to benefit the general public or a segment of the general public consistent with the Grantor department's Legislative Authorization. Grants to Non-Public Entities may be made from trust and federal funds but may not be made from appropriated state funds absent specific Legislative Authorization stating that Grants or financial assistance may be made from the appropriated state funds and that recipients may include Non-Public Entities.

Grant Contract: A contract between the Commonwealth of Massachusetts and a Grantee, as executed by a co-lateral agreement sealed by a *Commonwealth Standard Contract Form* and a *Commonwealth Terms and Conditions* signed by signatories for the Commonwealth and the Grantee. For Grant Contract procurements, the terms "Grant Contract" and "Contract" can be used interchangeably.

Grantee: A Public or Non-Public Entity selected as a recipient of Grant.

Massachusetts Department of Environmental Protection (MassDEP): MassDEP is an Executive Department under the EEA. Within EEA, MassDEP administers the 604b Program.

5. Procurement and Grant Contract Information

A. Procurement for Grant Contracts: Solicitations and procurements are governed by specific Commonwealth regulations, and where federal funding is employed, also by federal requirements contained in the federal grant that issues the funds to the Commonwealth. Projects awarded as part of this funding opportunity will be awarded as a grant. The regulation governing this procurement is 815 CMR 2.00, with some provisions of 801 CMR 21.00. The terms of 815 CMR 2.00: Grants and Subsidies and 801 CMR 21.00: Procurement of Commodities and Services are incorporated by reference into this Grant Opportunity/Announcement. Words used in this Grant Opportunity document shall have the meanings defined in 815 CMR 2.00 and where applicable 801 CMR 21.00. Additional definitions are also provided in Section 4 of this document.

B. Total Anticipated Duration of Grant Contract(s): The base period of the grant contract is two (2) years with two (2) additional one-year renewal options, for a maximum grant contract period of four (4) years. No agreements for services may be executed after the grant contract has expired. Extension of the contract is at the sole discretion of MassDEP.

C. Funding Availability, Budgeting Guidelines & Allowable Expenditures: The total anticipated expenditures for water quality projects under this Grant Announcement are **\$220,000**. Grant contracts will have a maximum obligation amount. MassDEP is under no obligation to disburse a specific sum of funding. There is no guarantee that monies will be awarded. All grant contracts shall be subject to available funding.

MassDEP will only reimburse costs and expenses that relate directly to the proposed water quality project and that will be incurred if the project is implemented. For grant contracts that are implemented under this Grant Opportunity, changes to the Scope of Services will require a formal grant contract amendment; however shifts in budget amounts between line items that do not substantively alter the Scope of Services may be considered administrative changes that will not require a formal grant contract amendment, but may require a project change order. The

decision as to whether a grant contract amendment is required is solely within the discretion of the MassDEP 604b Program. See Attachment C (Supplemental Terms and Conditions) Section 3 (Compensation and Payment of Grant Funds) for additional requirements and restrictions on payment.

D. Matching Funds: Matching funds are not required for a project to be eligible for funding; however MassDEP encourages applications that leverage additional funding and in-kind services because it extends the availability of 604b funds and therefore increases the resource benefits provided to the public by the funds. If a cash or in-kind match will be provided by an entity outside the Applicant organization, a letter from the authorized agent of the match provider must be submitted, stating a commitment to provide the match.

E. Grant Contract Award: Funding for projects selected under this Grant Announcement will be through a grant contract issued and administered by the MassDEP's 604b Program. MassDEP may fund multiple awards to multiple organizations within the limits of the available funding. However, MassDEP could award all of the funding for a single project, depending on the number of applications received and the results of the evaluation and ranking of the applications and projected costs.

Projects that are awarded a grant contract shall abide by the terms and conditions set forth in Section 7 (Terms and Conditions) and the additional terms and conditions set forth in Attachment C (Supplemental Terms and Conditions) to this Grant Announcement. Additionally, final grant contracts are subject to successful negotiation of the Final Scope of Services. Grant contracts are not final until MassDEP and the Grantee signatories have signed the Commonwealth's Standard Contract form, and a Notice to Proceed has been issued by the 604b Program Manager.

MassDEP does not guarantee that any grant contracts may result from this Grant Announcement, or that any particular funding amount will be awarded. It is anticipated that projects could commence immediately upon MassDEP's award of a contract. Awarded contracts will be reviewed during the contract term and upon request by the Grantee, may be extended or otherwise amended at the sole discretion of MassDEP. Any extension granted will not necessarily change, or increase, the monetary value of the contract.

F. Applicant Communication with MassDEP and the Commonwealth: Applicants are prohibited from communicating directly with any employee of the procuring department or any member of the GRT regarding this Grant Opportunity except as specified in this Grant Announcement, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this Grant Announcement. Applicants may contact the contact person for this Grant Announcement in the event this Grant Announcement is incomplete or the applicant is having trouble obtaining any required attachments. Note that there is an open period to submit written questions up to the deadline specified in this Grant Announcement. MassDEP's response to questions from all prospective applicants that are pertinent to this procurement will be answered and posted on the MassDEP website for this Grant Announcement.

G. Grant Announcement Distribution Method: This Grant Announcement has been distributed electronically using the Commonwealth's electronic procurement and solicitation website COMMBUYS and the MassDEP website. The documents including this Grant Announcement and all the Attachments are posted on the MassDEP BWR website. It is the responsibility of every Applicant to check the MassDEP website for any addenda or

modifications to the Grant Announcement 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 Grant Announcements and submit inadequate or incorrect responses.

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

I. Prohibition of Changes to the Grant Announcement/Application: Applicants may not alter the Grant Announcement language or any Grant Announcement component files. Those submitting an application must respond in accordance to the Grant Announcement directions and complete only those sections that prompt an Applicant for a response. Modifications to the body of this Grant Announcement, specifications, terms and conditions, or which change the intent of this Grant Announcement are prohibited. Any unauthorized alterations will cause rejection of the response by the MassDEP. If an Applicant finds an error where a change may be required, the Applicant should immediately contact the MassDEP Contact listed in Section 2D of this Grant Announcement.

J. Minimum 90 day Effective Time for the Application: The application, and supporting documentation submitted in response to this Grant Announcement must remain in effect for at least 90 days from the closing date of the solicitation, including but not restricted to the proposed prices, key personnel, proposed contractors and subcontractors, and any other features of the submittal that may have bearing on the evaluation and ranking of the submittal by MassDEP.

K. Failure to Provide a Complete and Compliant Application: Submittals that are received that are incomplete and/or non-compliant with the requirements stated in this Grant Announcement are subject to rejection by the GRT.

L. Reasonable Accommodation: Applicants with disabilities or hardships that seek reasonable accommodation, which may include the receipt of Grant Announcement 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.

M. Selection for Award of a Grant Contract: Applications that are determined to be eligible for grant funding as described in this Grant Announcement, and meet the evaluation criteria and the terms and conditions of the Grant Contract, as determined by the GRT, may be awarded a Grant Contract. However, the grant funds for water quality projects have a definite limit, as cited in Section 2 of this Grant Announcement. If Applications are received that meet the eligibility and other requirements and goals for this procurement, but the total projected costs for all eligible responses exceed the available funding, the GRT will evaluate and rank the submittals to ensure the funding limits will not be exceeded. In this case, the GRT will use the Commonwealth "best value" evaluation methods to select those projects that will be awarded grants under this Grant Announcement to ensure the grant fund will not be exceeded.

Failure of the Applicant to be awarded a grant under this Grant Announcement shall not eliminate their eligibility or consideration for any future potential grant funds that may be available through the 604b Program.

6. Instructions for Submitting an Application

The Application, including all required and completed documents, must be delivered to MassDEP no later than the date and time listed in Section 2C of this Grant Announcement: **March 29, 2019 at 1:00 PM. Applications received after that date and time will not be accepted.** Refer to Attachment A (Application/Proposal) and Attachment B (Detailed Application Requirements) of this Grant Announcement for specific requirements.

Hand delivered applications shall be delivered to the Massachusetts Department of Environmental Protection Reception Desk, One Winter Street, Boston, MA, 2nd Floor. You must receive a receipt showing the date and time of delivery from the receptionist as proof of delivery before the deadline. Hand delivered application packages must have the address provided above on the package.

Help reduce waste: See Attachment C (Supplemental Terms and Conditions), Section 5 of this Grant Announcement for Environmental Response Submission Compliance guidelines.

HOW TO SUBMIT A PAPER APPLICATION

INSTRUCTIONS FOR SUBMITTING APPLICATIONS – APPLICANTS MUST SUBMIT THEIR RESPONSE IN A SEALED ENVELOPE THAT IS CLEARLY MARKED WITH THE RFR REFERENCE NUMBER BWR 2019-04, BY RFR DUE DATE, TO THE ADDRESS PROVIDED BELOW.

LATE RESPONSES WILL NOT BE CONSIDERED.

One original copy signed with all forms, three (3) paper copies without forms, and one CD or Flash drive with a Microsoft Word version of the complete proposal including an Administrative Summary page, prepared in accordance with the format prescribed in this RFR, must be received no later than 1 P.M. on Friday, March 29, 2019. All proposal copies must be printed Double-sided. The proposals should be mailed or hand delivered to:

**Gary Gonyea
604b Program Manager
Department of Environmental Protection
Division of Municipal Services
One Winter Street, 5th Floor
Boston, MA 02108**

Postmarks will not be accepted in meeting the proposal deadline. A facsimile proposal shall not qualify as a submission for deadline purposes in advance of or in lieu of a hard copy submission.

One (1) copy of any **Letters of support** from participant towns, organizations, and agencies must be submitted with the proposal on **March 29, 2019.**

Respondents are required to submit as part of their proposals a statement of their qualifications and those of their subcontractors, as applicable, to perform the proposed project. Such statements should resumes of

key personnel and examples of similar work, if available. Respondents are encouraged to provide a link/URL for Company Profile materials.

Proposals should include a brief **narrative** to explain the objective(s) of the project and describe the activities, a **locus map** of the project area, and a **detailed map** of the **project site**. Proposals must also include a **scope of services** with tasks/activities, discrete deliverables, a **milestone schedule**, and a **budget**. Proposal forms (Attachment A) should be used when preparing the narrative, scope of services, budget, and milestone schedule. **The complete proposal including the Administrative Summary must be submitted in MicroSoft Word format on a CD or flash drive.**

In order for their proposals to be considered complete and responsive to this GRANT ANNOUNCEMENT, **Applicants must provide with their proposals** the appropriate Equal Employment Opportunity/Affirmative Action (EEO/AA) and Disadvantaged Minority/Women Business Enterprise (D/MBE or D/WBE) information listed below. **Supplier Diversity Plan requirements are not applicable to the 604b program.**

EEO/AA Proposal Requirements

For proposals, each Applicant **must** provide a **signed EEO/AA Policy Statement** on the organization's letterhead, which outlines its company's/agency's commitment to EEO/AA as a company/agency objective of equal importance to other company/agency objectives. Please refer to the EEO/AA Requirements and EEO/AA Policy Guidance Statement in Attachment A.

DBE Utilization Requirements

Regardless of the dollar value of a project awarded a Grant pursuant to this GRANT ANNOUNCEMENT, the Federal s. 604(b) Grant Program requires that any prime contracts or subcontracts for services, construction, goods or equipment procured by a Grantee to implement the project funded from the Grant must contain the applicable Federal "Fair Share" DBE Utilization Goals.

In May 2008 a new United States Environmental Protection Agency (EPA) rule became effective that changed the Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Program to a Disadvantaged Business Enterprise (DBE) Program.

For firms to qualify under the old MBE/WBE program they needed to be socially disadvantaged and had to be certified by the Supplier Diversity Office (SDO). Under the new DBE rule, the firms must be both **socially** and **economically** disadvantaged, citizens of the United States, and certified as a DBE either by the state or the federal government. Women and certain minorities are presumed to be socially disadvantaged. The economic disadvantage is measured by the owner's initial and continuing personal net worth of less than \$1,320,000.

Because the Clean Water Act requires the use of MBEs and WBEs, these firms can still be utilized, but they must also be certified as DBEs. **In essence, the new regulations mean that only a subset of the universe of MBEs and WBEs can be used – those who are also certified as DBEs.**

The **DBE utilization goals are 4.2% D/MBE and 4.5% D/WBE**, respectively for any subcontract for services, construction, goods or equipment.

SDO will continue to be the certifying agency for DBEs.

For the purposes of being awarded a Grant pursuant to this GRANT ANNOUNCEMENT, all Applicants must include a written statement in their proposals (on their organization's letterhead) which clearly acknowledges that the Applicant, as Grantee, shall comply with the DBE utilization requirements contained in this GRANT ANNOUNCEMENT, during the implementation of its project. The proposed project budget contained in the Applicant's proposal must also identify specific expense categories (with associated dollar amounts) that the Applicant expects to

procure to meet or exceed the applicable D/MBE and D/WBE goals during project implementation.

All Applicants must clearly indicate in their proposed budgets the specific tasks with dollar amounts that will be used to meet or exceed the DBE "Fair Share" requirement described above.

If and only if an Applicant is selected by the Department to perform the services of this project, and after execution of a Standard Contract with the Department, the Applicant (now Contractor) must comply with the following requirements and must submit to the Department the documents listed below when selecting its subcontractors. In addition, the Federal Grant Program requires that, in awarding subcontracts, the prime Contractor must take the six affirmative steps stated in 40 CFR 31.36(e), and it requires the Department to submit reports to the EPA on the utilization of DMBEs/DWBEs under the federal grant. The Department requires all Contractors to report their DMBE/DWBE utilization quarterly. Please refer to Attachment A for a description of the six steps.

- A **Statement of Intent to Subcontract to DBE Firms**, listing the services, supplies and equipment the Contractor proposes to obtain from DBE firms, and a **Letter of Intent**, for each D/MBE and D/WBE to be utilized, describing the work to be performed and its dollar and percentage value, **signed by both the D/MBE and/or D/WBE, and by an authorized signatory for the organization**, as applicable.
- Alternatively, the Contractor must submit a written statement that it is unable to meet the full percentage DBE utilization requirement and is requesting a waiver from such requirement. In the event of a waiver request, the Contractor must submit a completed waiver request Form EEO-BMF-490 to the Department no later than five (5) business days after the Contractor's selection of its subcontractor(s). **All such waiver requests must document to the Department's satisfaction the good faith efforts made by the Contractor to meet the above stated DBE Fair Share percentages. A copy of Form EEO-BMF-490C is included in Attachment A. Failure to demonstrate a good faith effort can significantly delay the execution of the contract.**
- The Department requires evidence of state approval of D/MBEs and D/WBEs before it will consider firms having such status. State certification of D/MBEs and D/WBEs is provided by the Supplier Diversity Office (SDO). SDO is located at The McCormack Building One Ashburton Place, Room 1313 Boston, MA 02108 and can be contacted for assistance at 617-502-8831 or at <https://www.mass.gov/supplier-diversity-office>. A business must either be certified by SDO as a D/MBE or D/WBE or have applied for such certification at the time the Applicant's proposal is submitted, and must be certified by the time the contract is awarded by the Department.
- Applicants are further advised that failure to comply with DBE requirements under the contract, including all reporting requirements, shall be considered a major breach of the contract and may be grounds for suspension, cancellation of the contract, or other appropriate penalty and result in sanctions against the Contractor.

C. Requirements for Application Structure and Content: The required structure and submission items for the Application are specified in Attachment B (Detailed Application Requirements) of this Grant Announcement.

7. Terms and Conditions of Grant Contract Award

Any Grant Applicant receiving an award must comply with the following requirements:

A. Commonwealth Terms and Conditions: The general terms and conditions for this contract are set forth in two standard Commonwealth documents:

- Commonwealth of Massachusetts Standard Contract Form; and
- Commonwealth Terms and Conditions

The terms and conditions contained in these two documents supersede any and all other terms that may be defined explicitly or implied in this Grant Announcement. It is important that the entity submitting proposals fully understand all of the terms and conditions contained in these documents, and the referenced terms in these documents and how the terms apply to their agency, organization or business. A Grantee that fails to comply with the terms and conditions required by this Grant may be terminated from the contract.

In addition to meeting the requirements of this Grant Announcement, the Grantee's authorized signatory must sign and submit the "Commonwealth Terms and Conditions" and the "Standard Contract Form" with the completed Grant Application documents.

B. Supplemental Terms and Conditions: Supplemental terms and conditions are requirements that are specific to the contracts resulting from this Grant Announcement. The Supplemental Terms and Conditions are provided in Attachment C (Supplemental Terms and Conditions).

C. Additional Requirements: In addition to complying with the requirements of this section, any Applicant receiving a Grant Award must adhere to all requirements of the Grant Application, and all documentation submitted in support of that application. If, after award of a Grant to a recipient, the GRT receives information that there has been a material omission or misrepresentation by the Grant Applicant regarding any aspect of the proposed project, this may constitute grounds for invalidating the Grant award.

8. List of Attachments:

Attachment A: Application/proposal

Attachment B: Detailed Application Requirements

Attachment C: Supplemental Terms and Conditions

Attachment D: Conflict of Interest guidance and Disclosure Statement Form

Attachment E: GRANT ANNOUNCEMENT - Required Specifications

Attachment F: Instructions for Execution and Submission of Commonwealth Standard Forms

ATTACHMENT A
PROPOSAL
WATER QUALITY MANAGEMENT PLANNING GRANTS
604b PROGRAM
FEDERAL FISCAL YEAR 2019

ADMINISTRATIVE SUMMARY

APPLICANT: Address: Telephone: Facsimile: eMail:

PROJECT TITLE:

MUNICIPALITIES AND WATERSHED SERVED BY THIS PROJECT:

(Attach required participation letters)

AMOUNT OF FUNDING REQUESTED AND LOCAL MATCH (IF ANY) PROPOSED:

Federal 604b Funds via MassDEP	\$ _____
Cost Share Proposed	\$ _____ (not required)
Total Project Budget	\$ _____

PROJECT SUMMARY/OBJECTIVES:

PRINCIPAL CONTACT:

_____	() _____
Name and Title	Telephone
_____	() _____
eMail	Facsimile

AUTHORIZED SIGNATORY:

Signature and Title required Date

PROPOSAL FORMS

PROPOSAL GUIDELINES

PROJECT NARRATIVE

Provide a brief narrative (no more than three (3) pages total) in response to the following two elements. Provide a locus map of the project area and a detailed map of the project site.

1. **CONCISE STATEMENT OF THE PROBLEM** (Provide background, describe the issue, furnish a statement of need for the selected communities and or watershed, and provide overall project justification):

Provide concise descriptions, information, and/or discussion that answer the following questions: What are the issues that this project intends to address? Give a brief history/background leading up to the current situation. Who are the "stakeholders" involved in this issue? What will the stakeholders gain from the project? Why is this project needed in this watershed, or in these particular communities in this watershed?

2. **APPROACH TO THE PROBLEM** (Provide a description of the project and the strategy to be implemented in response to the identified problem, including how appropriate interest groups in the watershed will be made aware of the project and how results of the project will be disseminated to these groups):

When describing the approach to the problem, be as specific as possible. When appropriate, be quantitative in your description (tell where, how many, how frequently, etc.). Present the approach in a logical, step-wise fashion. Identify who will be involved in each step (if the project has multiple participants), and how the tasks will be coordinated. Describe how the major tasks will be accomplished -- be specific. Identify any special skills or techniques that will be used to accomplish certain tasks; for example GIS capabilities, trained wetlands biologists, water quality sampling experience, computer modeling skills, etc. Finally, how will the "stakeholders" be informed about the project (i.e., public meeting(s), mass mailing(s), informational brochure)?

Please note that the following tasks must be included in your proposal if your project includes the specific assessment activities stated below.

FOR PROPOSALS THAT INCLUDE COLLECTION, EVALUATION OR USE OF WATER QUALITY DATA:

1. A quality assurance project plan (QAPP) must be approved by EPA and the Department before any sampling is initiated and should be included in the scope of services as a discrete project task. Additionally, QAPPs are required for projects that carry out non-WQ monitoring tasks too. QAPPs are required if a project includes the collection, evaluation, or use of environmental data; the use of environmental models; or the design, construction or operation of environmental technology.
2. A preliminary sampling plan should be provided in proposals that include water sampling as a task. The plan should describe the general sampling approach (at a minimum). If possible, be specific about how many samples and where, how frequently sampling will occur, what kind of sampling event (i.e., stormwater, groundwater, sediments, biological assessment, dry weather, etc.), analyses to be performed (i.e., bacteria, flow, PCB's, heavy metals, macroinvertebrates, etc.). State how the results will be analyzed and presented. **When sampling relatively low phosphorus concentration waters, applicants are advised to check with the labs performing the analysis to confirm their ability to accurately analyze low phosphorus levels. The lab analytical methods should be documented in the QAPP.**

3. All surface water quality or quantity data or other assessment data collected under this contract shall be submitted to the Watershed Planning Program following the external data submittal requirements provided at:

<https://www.mass.gov/guides/external-data-submittals-to-the-watershed-planning-program>.

The data submittal should include: a cover letter, data files containing the data elements described in the data submittal template, a statement of data integrity, and an electronic copy of the approved QAPP/SOP for the data being submitted. Electronic data files and related information can be sent via email to the DWM-WPP at: WQData.Submit@mass.gov. For regular mail delivery (e.g., CD), data can be sent to the following address:

**External Data Coordinator
Massachusetts Department Of Environmental Protection
Division Of Watershed Management-Watershed Planning Program
8 New Bond St., Worcester, MA 01606**

FOR PROPOSALS THAT INCLUDE GEOGRAPHIC INFORMATION SYSTEMS (GIS) WORK AS A TASK:

Projects that propose to use GIS to perform land-use assessments or identify and map sources of pollution within a watershed or subwatershed should provide information on the type of database(s) that will be used, describe any ground-truthing of information, and state scale of maps to be produced. Additionally, at the end of the project, all GIS data should be provided to MassDEP, and other end users as appropriate, on disk in either an ESRI file geo-database or shapefile.

FOR PROPOSALS TO DEVELOP REGIONAL STORMWATER UTILITIES:

One community should serve as the applicant and lead partner on the project. The proposal must include letters of commitment from each community that will be a part of the regional project

ALL PROPOSALS - REPORTING

*All projects will require quarterly progress reports, a draft final report and a final report. This task is the primary end product of all water quality assessment and management projects funded under this grant program. These reports will be used by the Division of Watershed Management and other state, federal and local agencies, as well as public and private stakeholder groups. Because of this, it is expected that the final reports produced under these grants will be comprehensive, professionally written and produced, and contain useful recommendations based on sound technical assessment/planning information gathered during the project. Usually the Department requires **10 copies of the final report (four printed copies and six CDs or Flash Drives)**.*

**PROPOSAL
SCOPE OF SERVICES**

Please provide a brief descriptive statement for each objective and the task/activity, followed by the deliverable product(s) to be submitted. Tasks are to be content-specific which result in discrete deliverable products:

OBJECTIVE / TASK #1:

DELIVERABLES:

COST:

OBJECTIVE / TASK #_:

DELIVERABLES:

COST:

OBJECTIVE / TASK #_: Reporting

DELIVERABLES: A) Quarterly Reports
 B) Final Draft Report and Final Report
 C) Other

COST:

**PROPOSAL
FFY 2019**

PROJECT BUDGET

(This budget is for proposal evaluation purposes. Use whole dollar method.)

Expense Items	604 (b) Amount	Cost Share (not required)	Total Amount
Applicant's Salary - By Title and salary range			
Subcontractual Services			
Equipment			
Supplies (including printing, mailing)			
Travel (for mileage only @ 0.45 cents/mile)			
Other			
Total Amounts:	\$	\$	\$

OVERHEAD RATE (%)

%

TOTAL REQUEST FOR GRANT:\$_____ 604 (b) Funds

TOTAL COST SHARE: \$_____ (Not Required)

TOTAL BUDGET AMOUNT: \$_____

All Applicants must clearly indicate in their proposal budgets the specific tasks with dollars amounts that will be used to meet or exceed the DBE "Fair Share" requirements.

**PROPOSAL
2019
PROJECT MILESTONE SCHEDULE**

(Provide a timeline by "xing" out the duration of the task activity)

TASK	MONTH																								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Task #1																									
Task #2																									
Task #3																									
Task #4																									
Task #5																									
Task #6																									
Task #7																									

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION FORMS

Equal Employment Opportunity/Affirmative Action Requirements for Proposals
Utilization of DBEs under the Federal Grant
Guidance for EEO/AA Policy Statement
Sample EEO/AA Policy Statement
Letter of Intent
Request for Waiver

AFFIRMATIVE ACTION AND DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

AFFIRMATIVE ACTION REQUIREMENTS FOR PROPOSALS:

For all proposals, an **Equal Employment Opportunity/Affirmative Action Policy Statement** must be submitted with the proposal.

UTILIZATION OF DBEs UNDER THE FEDERAL GRANT

In May 2008 a new United States Environmental Protection Agency (EPA) rule became effective that changed the Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Program to a Disadvantaged Business Enterprise (DBE) Program.

For firms to qualify under the old MBE/WBE program they needed to be socially disadvantaged and had to be certified by the Supplier Diversity Office (SDO). Under the new DBE rule, the firms must be both **socially** and **economically** disadvantaged, citizens of the United States, and certified as a DBE either by the state or the federal government. Women and certain minorities are presumed to be socially disadvantaged. The economic disadvantage is measured by the owner's initial and continuing personal net worth of less than \$1,320,000.

Because the Clean Water Act requires the use of MBEs and WBEs, these firms can still be utilized to meet utilization goals, but they must also be certified as DBEs. In essence, the new regulations mean that only a subset of the universe of MBEs and WBEs can be used – those who are also certified as DBEs.

MassDEP has undertaken an availability analysis to develop new DBE goals. These new goals are 4.2% D/MBE and 4.5% D/WBE respectively for any subcontract for services, construction, goods or equipment.

SDO will continue to be the certifying agency for D/MBEs and D/WBEs.

The grantee according to 40 CFR, Part 33 Subpart C will make the following good faith efforts whenever procuring construction, equipment, services and supplies.

(2) The six Good Faith Efforts shall include:

- (i) Require the DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. This will include placing qualified disadvantaged minority business and women's business enterprises on solicitation lists and soliciting them whenever they are potential sources;
- (ii) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids for a minimum of 30 calendar days before the bid or proposal closing date;
- (iii) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. This will include dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs;
- (iv) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually;
- (v) Use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (vi) If the prime subcontractor awards subcontracts, require the prime contractor to take the steps listed in paragraphs (i) through (v) of this section.

GUIDANCE FOR EEO/AA POLICY STATEMENT

The policy statement outlines your company's/agency's commitment to equal employment opportunity and affirmative action as a company/agency objective of equal importance to other company/agency objectives.

The Policy Statement should include:

- A. Non-Discrimination in employment and service delivery as an organizational priority and practice.
- B. Access to employment and service delivery by all otherwise eligible persons regardless of their race, creed, color, sex, national origin, political affiliation, age, or disability.
- C. Goal of having staff at all levels of the organization reflect the proportion of minority, female and disabled persons represented in the service delivery area.
- D. Identification of an individual in the organization who is entrusted with enforcing the non-discrimination policy.
- E. Signature and title of the organization's Chief Executive Officer.

You may use the attached sample statement as a model. It must be completed and submitted to MassDEP on your agency letterhead. The Chief Executive Officer of your company/agency must sign the Statement, expressing the management endorsement of the policy and assigning responsibility for making that endorsement. The Policy Statement is the basis for the rest of the Affirmative Action Plan, which describes how you will put your commitment to Affirmative Action in practice. The Policy Statement can function as the introduction to your Affirmative Action Plan.

The key individual for developing and implementing the Affirmative Action Program is your company's Affirmative Action Officer. When assigning/appointing the individual designated on the Policy Statement it should be kept in mind that for the Affirmative Action Officer to be effective, he/she should:

- Participate in the planning, development and implementation of policies involving the budget, personnel, recruitment, contract compliance, training, performance appraisals and program and policy development. The Affirmative Action Officer should work in conjunction with the appropriate staff assigned to the aforementioned responsibilities.
- Be actively involved with minority and women's organizations, training programs and other organizations relating to people identified as members of protected groups.
- Conduct periodic audits of training programs and hiring and promotion patterns to remove barriers to goals and objectives, as well as audits of other plans.
- Review company/agency policies to assure equal opportunity for protected groups and prevent possible adverse impact on these groups.
- Hold regular discussions with managers and supervisors to advise them of their responsibilities and accountabilities, and review progress toward divisional affirmative action goals and implementation of agency affirmative action policies.
- Monitor and review the qualifications of all employees to ensure that minorities, women and other protected group members are given full opportunities for training and promotion.
- Be familiar with, and understand the various State and Federal regulations that impact employment practices (i.e., Title VII, Section 504, Chapter 533, Age Discrimination Act).
- Meet regularly with the hiring sources to review progress toward agency affirmative action goals.

Letterhead of Organization

EEO/AA POLICY STATEMENT

_____ (Name of Organization) has a statutory mandate under law to guarantee equal treatment for all who seek access to its services or opportunities for employment and advancement. No discrimination will be tolerated on the basis of race, creed, political affiliation, color, sex, national origin, age, or handicap. The ultimate goal is for personnel of this organization to reflect the proportions of minority, female, and handicapped persons in the populations they serve.

_____ (Name of Organization) will meet its legal, moral, social, and economic responsibilities for Equal Employment Opportunity/Affirmative Action as authorized and required by all pertinent state and federal legislation, executive orders and rules and regulations, including the following:

1. Title II of the Civil Rights Act of 1964 (42 USC s2000e et seq, which prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin; and
2. The Age Discrimination in Employment Act of 1967 (29 USC s621 et seq.), which prohibits discrimination in employment on the basis of age with regard to those individuals who are at least 40 years of age, but less than 65 years of age; and
3. Section 504 of the Rehabilitation Act of 1973 (29 USC s794), and the regulations promulgated pursuant thereto (45 CFR Part 84), which prohibit discrimination against qualified handicapped individuals on the basis of handicap and requires employers to make reasonable accommodations to known physical or mental limitations of otherwise qualified handicapped applications and employees; and
4. M.G.L. c. 151B s4 (1), as amended by Chapter 533, 1983, which prohibits discrimination in employment on the basis of race, color, sex, religious creed, national origin, ancestry, age or handicap,

In addition, the Provider agrees to be familiar with and abide by:

- * Massachusetts Executive Order 524
- * Massachusetts Executive Order 526
- * Equal Pay Act of 1963
- * Massachusetts Architectural Barriers Board Act
- * Federal Executive Orders 11246 and 11375 as amended.

All employees, unions, sub contractors and vendors must make genuine and consistent efforts:

1. To ensure equal employment opportunities for present and future employees, and
2. To implement affirmative action, as legally required, to remedy the effects of past employment discrimination and social inequalities.

The responsibility for implementing and monitoring this policy has been delegated to:

Name and Title of Employee

Furthermore, _____ (Name of Organization)

prohibits that any employee, or applicant, be subjected to coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under this program. No portion of this Equal Employment Opportunity/Affirmative Action Policy shall be construed as conflicting with any existing or future judicial or legislative mandate where a constricton consistent with that mandate is reasonable.

Signature of Chief Executive

Title of Chief Executive

Date

REQUEST FOR WAIVER

Upon exhausting all known sources and making every possible effort to meet the minimum requirements for DBE participation, the contractor may seek relief from these requirements by filing this form with the bid and submitting a completed waiver package no later than five (5) business days after the contractor's selection of its subcontractor (s). Failure to comply with this process shall be cause to reject the bid thereby rendering the contractor not eligible for award of the subcontract.

General Information

Project Title: _____ Project Location: _____

Project Number: _____
Bid Opening
(time/date) _____

Contractor: _____

Mailing Address: _____

Contact Person: _____ Telephone
No. () Ext. _____

Minimum Requirements

The Contractor must show that good faith efforts were undertaken to comply with the percentage goals as specified. The Contractor seeking relief must show that such efforts were taken appropriately in advance of the time set for opening bid proposals to allow adequate time for response(s) by submitting the following:

- A. A detailed record of the effort made to contact and negotiate with disadvantaged minority and/or woman owned businesses, including:
1. names, addresses, telephone numbers and contact dates of all such companies contacted;
 2. copies of written notice(s) which were sent to DBE potential subcontractors prior to bid opening;
 3. a detailed statement as to why each subcontractor contacted (i) was not willing to do the job or (ii) was not qualified to perform the work as solicited; and
 4. in the case(s) where a negotiated price could not be reached the applicant should detail what efforts were made to reach an agreement on a competitive price.
 5. copies of advertisements, dated not less than ten (10) days prior to bid opening, as appearing in general publications, trade-oriented publications, and applicable minority/women-focused media detailing the opportunities for participation;

December 2011

EEO-DEP-490

GRANT ANNOUNCEMENT # BWR 2019-04

ATTACHMENT B

Detailed Application Requirements

A. Requirements for Language, Measurements and Currency: Unless otherwise specified in this Grant Announcement, all communications, responses, and documentation for this Grant Application, Grant Award and the implementation of the project after award must be in English, all measurements must be provided in United States Customary Units (miles, yards, feet, inches, acres, pounds, tons, etc.) and all cost proposals and monetary figures in U.S. currency (US dollars).

B. Required Structure and Content for the Application

The Application structure is designed to: 1) provide GRT evaluators with the project information to assure consistency with the goals of the 604b Program, 2) provide MassDEP assurance that the Applicant's organization can successfully manage and implement the project, and 3) provide the Commonwealth required documents and signatures needed to enter into a Grant Contract with the Applicant and for the Applicant to receive funding for the project if selected for award.

Proposals should include a brief **narrative** to explain the objective(s) of the project and describe the activities. A **locus map** of the project area and a **detailed map** of the **project site** must be provided. Proposals must also include a **scope of services** with tasks/activities, discrete deliverables, a **milestone schedule**, and a **budget**. Proposal forms (Attachment A) should be used when preparing the narrative, scope of services, budget, and milestone schedule. **The complete proposal must be submitted in MicroSoft Word format on a CD or flash drive.**

Proposal must have:

Administrative Summary – (see page 14 of RFR for format)

Project Narrative- include a statement of the water quality problem including: specific water body impairment(s), 303d listing, and approach to addressing the problem(s).

Project Area- provide a **locus map** of the project area and a **detailed map** of the project site

Scope of Services- include a task by task description of objectives, deliverables and costs

Project Budget- include a breakdown of costs by expense category

Project Milestone Schedule

Statement of Qualifications- include resumes of key personnel and examples of similar work (if available)

Letter(s) of support

Provide **three printed copies** of the Administrative Summary, Proposal Narrative, Project Area, Scope of Service, Budget and Milestone Schedule. Do not include forms with these copies. Letters confirming access to potential project areas, whether public or privately owned should be included with these copies.

All copies must be printed DOUBLE-SIDED.

Provide one copy of Administrative Summary, Proposal Narrative, Project Area, Scope of Service, Budget and Milestone Schedule in MicroSoft WORD format on a CD or Flash drive.

Forms That Must be Submitted With the Original Copy of Your Proposal

One original signed copy of all forms listed below:

(See <https://www.macomptroller.org/forms-for-vendors>)

- **Completed and executed Commonwealth Terms and Conditions**

- **Contractor Authorization Signatory Listing Form**

- **W-9 Form with DUNS number**

- **Electronic funds Transmittal Form**

- **Equal Employment Opportunity/Affirmative Action (EEO/AA) Policy Statement**

- **A statement of intent on the Applicant's letterhead acknowledging that Applicants will comply with DBE requirements.**

ATTACHMENT C
Supplemental Terms and Conditions
604b Water Quality Program
Solicitation/Contract No.: BWR-604b-2019-04

In addition to the Commonwealth Terms and Conditions cited in Section 7A of the Grant Announcement, the following supplemental terms and conditions apply to the grant contracts issued as a result of this Grant Announcement:

Supplemental terms and conditions are requirements that are specific to the contracts resulting from this Grant Announcement.

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

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

3. Compensation and Payment of Grant Funds: Costs which are not specifically identified in the Applicant's response, and/or accepted by MassDEP as part of a grant contract, will not be compensated under any contract awarded pursuant to this Grant Announcement. The Commonwealth will not be responsible for any costs or expenses incurred by Applicants responding to this Grant Announcement.

Upon award of a contract, the following terms and conditions apply to compensation and payment to the Grantee.

a. Payment for Services Delivered: Contracts will be paid on a reimbursement of costs basis and under maximum obligation contract basis. The payment procedure for awards is

reimbursement for costs incurred for the project during the contract period. Only project costs incurred during the contract period will be eligible for payment.

b. Payment only for MassDEP Accepted Services: Compensation will be made for services delivered and accepted by MassDEP's 604b Program Manager and Contract manager provided the project budget is not exceeded, and the scope of the services falls within the scope defined in the approved work plan or subsequent MassDEP approved scope changes, such as a change order document.

c. Payment Restrictions: The following are restrictions that may result in non-payment to the Grantee:

- Costs which are not specifically identified in the Grantee's application (e.g. Work and Cost Plan) and/or accepted by MassDEP as part of a contract, will not be compensated under any grant contract awarded pursuant to this Grant;
- Costs incurred after the end date of the grant contract will be ineligible for payment;
- Grantees are at risk for non-payment of claims that exceed the MassDEP approved budget for the project, and cost elements within the project that are tracked as part of the financial management and reporting requirements as determined on a project specific basis; and
- The Commonwealth will not be responsible for any costs or expenses incurred by the Applicants responding to this Grant Announcement.

See also Section 5C (Funding Availability, Budgeting Guidelines & Allowable Expenditures) of this Grant Announcement for additional budget and payment restrictions.

d. Payment through the Commonwealth's Electronic Funds Transfer (EFT): All Grantees must comply with the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the Grantee can provide compelling proof that it would be unduly burdensome. The requirement for EFT participation is stipulated in the general Commonwealth of Massachusetts – Standard Contract Form (page 4). The link to the EFT Form is: https://massfinance.state.ma.us/VendorWeb/EFT_FORM.pdf.

If the Grantee is already enrolled in the program, it may so indicate in its response. Because the Authorization for EFT 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 MassDEP on a case-by-case basis if participation in the program would be unduly burdensome on the Grantee. If a Grantee is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. MassDEP will consider such requests on a case-by-case basis and communicate the findings with the Grantee.

e. Invoices Submitted for Reimbursement of Costs: Invoices that are submitted to MassDEP for reimbursement must have sufficient detail to document the validity of the costs being claimed. At a minimum, the invoice must parallel the task breakdown structure and cost elements contained therein so the invoice can be directly compared to the approved budgets for the various cost elements. The level of detail and breakdown of the cost elements in the budget and the invoices will be determined on a project specific basis.

Invoice Supporting Documentation: MassDEP requires supporting documentation for certain costs that have been billed to the Grantee and are included in the claim for compensation in the invoice. Supporting documentation includes items such as copies of bills and invoices from subcontractors, laboratories, travel expenses when lodging or vehicle rental is required, police detail bills, permit fees, purchases of equipment, materials and supplies that exceed certain cost thresholds, etc. In some cases, where construction services from a subcontractor are included, MassDEP may require daily and/or weekly labor and equipment use logs from the construction contractors. The required supporting documentation will be determined on a project specific basis by MassDEP; however, the Grantee may assume that the items cited in this clause will be required.

f. Exemption from Massachusetts Sales Tax: No payments shall be made for Massachusetts sales tax as defined in M.G.L Chapter 64H, sec. 6, as applicable to the Grantee. Grantees are required to obtain and complete valid Sales Tax exemption forms for use on the project. For example, Forms ST-2 or ST-5 may be applicable depending on the nature of the Grantee.

g. Fair and Reasonable Pricing: The Applicant must agree that prices included in any and all cost proposals, cost estimates, and bills and invoices for services to be compensated by contract funds are fair and reasonable, and are of fair market value where applicable, including but not limited to prices for labor, equipment rental and leases, equipment purchases, materials and supplies, vehicle usage, and all other costs to be compensated by the funds from the contract. If the Commonwealth believes that it is not receiving fair and reasonable prices from the Grantee, and the Grantee cannot justify the prices to the MassDEP, then MassDEP reserves the right to suspend work and compensation until a satisfactory price is established.

4. MassDEP Authorized Approval Authorities: For this contract, the following are the titles, persons, and their approval authorities to direct and approve the Grantees' technical and financial implementation of the projects throughout the period of performance of the contract:

604b Program Manager: Authority to approve the technical and administrative aspects of the project, including initial approval and approval of changes to technical and administrative items that do not involve impacts to project costs or impact terms and conditions of the contract. Co-authority, with the Contract manager, to approve budgets, changes to budgets, acceptance or rejection of invoices, approval or disapproval for payment of invoices or partial payments,

negotiations regarding payments, and terms and conditions of the contract that are open to negotiation, usually on a project specific basis.

The current 604b Program Manager is: Gary Gonyea, MassDEP, BWR, DMS Boston Office.

BWR 604b Contract Manager: Co-approval authority, with the 604b Program Manager, to approve the budgets, cost estimating and invoicing format on a project specific basis, acceptance or rejection of invoices, payment approval or disapproval of invoices or partial payment of invoices, negotiations regarding payments, and terms and conditions of the contract that are open to negotiation, usually on a project specific basis.

The current BWR 604b Contract manager is: Chris Palmer, MassDEP, BWR, DMS Boston Office.

Co-approval is defined, for this contract, to mean the Grantee must receive written approval from both the 604b Program Manager and Contract manager before the Grantee can implement the work, and incur costs eligible for compensation. Written approval, as defined for this contract, is any written documentation clearly approving the project item, including e-mails as well as letters. Failure of the Grantee to receive written approval may result in non-payment of an invoice claiming costs for the unapproved work, or resulting in a budget exceedance.

In the absence of either the 604b Program Manager or 604b Contract manager, approval and signature “for” authority may be delegated to other MassDEP staff, as appropriate.

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

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

be submitted.

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

7. Restriction on the Use of the Commonwealth Seal: Applicants and Grantees 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 are prohibited by law.

8. Subcontracting Policies: Concurrence of the Department is required for any subcontracted service of the contract. Grantees are responsible for the satisfactory performance and adequate oversight of its subcontractors. See also, Article 9 of the Commonwealth Terms and Conditions.

9. Confidential Information: The Grantee acknowledges that, in the performance of this Contract, it may acquire information that the Department deems confidential and not a public record as defined by M.G.L. chapter 4, subsection 7, including but not limited to policies, procedures, guidelines, and case information and that the unauthorized disclosure of such information would cause the Department, in the execution of its functions, irreparable damage. The Grantee shall comply with all laws and regulations relating to confidentiality and privacy, including any rules, regulations, or directions of the Department.

Security of Confidential Information: The Grantee agrees to take reasonable steps to ensure the physical security of such data under its control, including but not limited to: fire protection; protection against smoke and water damages; alarm systems; locked files, guards or other devices reasonably expected to prevent loss or unauthorized removal of manually held data; passwords, access logs, badges or other methods reasonably expected to prevent loss or unauthorized access to electronically or mechanically held data; limited terminal access, access to input documents and output documents, and design provisions to limit use of personal data.

Flow-down the Confidentiality Provision to Subcontractors: The Grantee shall include language in agreements with each of its Subcontractors, which binds the Subcontractors to compliance with the confidentiality provisions of this Contract.

10. Conflict of Interest: Applicants and Grantees must assure and certify that there are no improper activities or circumstances involving conflict of interest (COI) in preparing and submitting the proposal and application and during the implementation of the work. The process requires that the Applicant or Grantee disclose any and all relationships or situations that could pose a real, potential or appearance of a COI to MassDEP, and MassDEP then

determines whether or not the issue is or is not a COI, or the degree to which the issue poses or does not pose a COI.

The Applicant or Grantee must document its assurance that, to the best of the Applicant's or Grantee's knowledge, no COI exists, or that any real, potential or appearance of a COI has been disclosed to MassDEP. The Applicant or Grantee will certify this by its signatory signing the COI Guidance and Disclosure Statement Form provided in Attachment D of this Grant Announcement and submitting it with the Applicant/Grantee's signatory with the proposal.

A real, potential, or appearance of COI may include, but is not limited to, the following examples:

- An undisclosed person who will get a indirect or direct monetary benefit from the project;
- An undisclosed business relationship with the Applicant or Grantee that will get a direct or indirect monetary benefit from work under the contract;
- Purchase goods or services under the contract from a business or other entity where the members of the Applicant or Grantee have a family or other significant personal relationship with the owners or partners, or where the members of the Applicant or Grantee have part ownership or other monetary interest in the business or other entity;
- Purchase goods or services, or award subcontracts without an appropriate and fair competitive process; and
- The Grantee has an undisclosed motive for the project not consistent with the goals of the 604b Program.

It is the responsibility of the Applicant or Grantee to immediately disclose any actual, potential or appearance of COI to the MassDEP as stated in this section. MassDEP maintains the right to make final decisions on all actual, potential or appearances of a COI.

The following subsections further detail of the requirements for identifying, disclosing and avoiding a COI:

Grantee's Affirmative Duty: By submitting a response to this Grant Announcement, and if awarded a Contract, the Applicant acknowledges its affirmative duty to identify and report to MassDEP any and all professional and/or personal relationships and situations, both currently and in the past, and including any state or federal sites that might pose an actual, potential, or appearance of a COI. The Grantee's affirmative duty under this provision includes all circumstances where the Grantee's personnel, its subcontractor's personnel, or the Grantee's organization were or are a party to receiving any personal monetary or personal gain not directly related to the goals and objectives of the project.

In all cases where the Grantee identifies an actual, potential or appearance of a conflict, the Grantee must immediately notify and disclose the potential conflict to the MassDEP 604b Program Manager and 604b Contract Administrator.

Grantee’s Obligations and MassDEP’s Rights Regarding Actual or Potential or Appearance of Conflicts of Interest: In the event that a Grantee’s relationship with other entities or individuals creates or has the potential to create a COI, the Department reserves the right:

- To require the Grantee to take any action necessary to remove the conflict; or
- To require the Grantee to propose a plan to mitigate the conflict that will be evaluated by MassDEP; or
- If the conflict cannot be mitigated to an extent satisfactory to the MassDEP, to terminate the Grantee’s involvement with the particular project, or terminate the Contract.

Applicant’s Written Disclosures and Grantee’s Continued Diligence: As previously described in this section, the Grantee must disclose in writing any professional or personal relationships or situations which may be perceived to be a COI including any actual, potential or appearance of a COI as discussed.

After award of a contract, the Grantee is responsible for continued diligence in identifying and disclosing any actual, potential or appearances of a COI that may arise or become known during implementation of the project. As stated in the “Grantee’s Affirmative Duty” above, the Grantee has a duty to immediately report any actual, potential or appearance of a conflict of interest during the implementation of the project. The written disclosure must, at a minimum:

- describe the condition where an actual, potential or an appearance of a COI exists;
- describe the time-frame over which this condition existed;
- if the Grantee has just become knowledgeable of a pre-existing actual, potential or appearance of a COI, then describe how and when the Grantee became knowledgeable of the condition;
- describe whether or not the condition still exists, and, if so, to what extent; and
- where applicable, provide a mitigation plan to eliminate the COI with the project.

Flow-down the Conflict of Interest Provisions to Subcontractors: The Grantee shall include language in agreements with each of its Subcontractors, which binds the Subcontractors to compliance with the confidentiality provisions of this Contract.

Relations with State Employees: All matters pertaining to the performance of work under this Contract shall be conducted by the Grantee and its employees, agents, subcontractors, and representatives at arm’s length, and both the Grantee and its subcontractors are prohibited from paying or giving any fees, commission, compensation, gift, gratuity, or consideration of any amount or kind, directly or indirectly, to any state employee, agent or officer in violation of M.G.L. c. 268A during the term of this Contract. Any engagement in these prohibited activities

by the Grantee and/or its employees, agents, subcontractors, or representatives shall be grounds for termination of the Contract regardless of whether such activity constitutes a violation of any applicable criminal or other statute.

Grantees understand and agree that certain Grantee and/or subcontractor personnel providing services under this Contract may or will become special state employees subject to the provisions of M.G.L. c. 268A.

Failure to Comply with the COI Provisions: Grantees are advised that failure to comply with the provisions of this conflict of interest section, or failure to comply with any other conflict of interest requirements of this Contract, shall result in the Department's implementation of sanctions, including, but not limited to, the following:

- Immediate suspension of the project issued pursuant to this Contract;
- Disqualification from future projects for a period of time to be determined by the Department;
- Termination of this Contract in accordance with the Contract provisions; and/or
- Disqualification (debarment) from future Departmental procurement.

11. Fraud, Waste, and Abuse, and False Statements: Applicants and Grantees that commit fraud, waste, and/or abuse or supply MassDEP or its representatives false statements shall result in the applicant being disqualified from Grant eligibility, and Grantees being suspended or terminated from the project. Misstatements meant to mislead MassDEP or its representatives, and other elements of fraud, waste or abuse of funds may also result in debarment of the Grantee from future Departmental projects, and potential legal action depending on the nature of the violation of this section.

12. Performance, Progress Reporting, and Funding Reference for Printed and Internet Posted Materials: The Grantees will be required to demonstrate satisfactory performance under this contract through periodic review by the MassDEP 604b Program. Projects will have progress reports, with the timing and number to be determined by the MassDEP 604b Program on a case-by-case basis, and a final project completion report. Reporting requirements will include a narrative of the project progress and accomplishments, photographs, monitoring data and analysis, and additional site- and project- specific information, as necessary and appropriate. All projects will have a final project completion report. All projects and descriptions, in print and on the Internet, must contain the following statement: "This project has been financed partially with Federal Funds from the Environmental Protection Agency (EPA) to the Massachusetts Department of Environmental Protection (the Department) under Section 604(b) of the Clean Water Act. The contents do not necessarily reflect the views and policies of EPA or of the Department, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use."

ATTACHMENT D
Conflict of Interest Guidance and Disclosure Statement Form

604b Assessment Program
Solicitation No: BWR-604b-2019-04

Applicant/Grantee Name:

I, _____, as the authorized representative and a signatory for the Applicant/Grantee, hereby affirm that, to the best of the Applicant's/Grantees' knowledge and belief, the Applicant/Grantee warrants that there are no relevant facts or circumstances which could give rise to an actual, potential, or an appearance of a conflict of interest for this project as defined in the Grant Announcement and its Attachments, or that the Applicant/Grantee has disclosed, in writing, all such relevant information to the MassDEP 604b Program Manager and Contract manager.

The Applicant/Grantee agrees that if an actual, apparent or potential conflict of interest is discovered at any time after award, whether before or during performance, the Applicant/Grantee will immediately make a full disclosure in writing to the MassDEP 604b Program Manager and Contract manager. This disclosure shall include a description of actions which the Contractor has taken or proposes to take to avoid, mitigate, or minimize the actual, potential or appearance of a conflict of interest.

The Applicant/Grantee agrees that the conflict of interest terms and conditions defined in the Grant Award Contract will also apply to any and all subcontractors and/or consultants that may be selected and used on this Contract. Further, the Applicant/Grantee agrees that a COI Statement will be submitted, or a disclosure will be made, when and if new subcontractors, new consultants or new members are added to the key personnel for this contract.

Signed: _____ Date: _____

Printed or Typed Name of Signatory: _____

Title of Signatory: _____

APPLICANT/GRANTEE NAME

ATTACHMENT E GRANT ANNOUNCEMENT - REQUIRED SPECIFICATIONS

COMMBUYS Registration. Applicants 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, Applicants must register and maintain an active COMMBUYS Seller account.

All Applicants 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) Applicant understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this GRANT ANNOUNCEMENT, 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 Applicants 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 applicants 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](#).

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

Successful applicants, 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 applicant 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 GRT on a case-by-case basis if participation in the program would be unduly burdensome on the applicant. If an applicant is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The GRT will consider such requests on a case-by-case basis and communicate the findings with the applicant.

ATTACHMENT F
INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF
COMMONWEALTH STANDARD FORMS

The purpose of this appendix is to provide guidance to Applicants on the Commonwealth Standard forms to be submitted (in addition to the other forms and documents required) and how they must be executed and submitted. Please note that these instructions are meant to supplement the Instructions found on each of these forms. It is advisable to print this document first so that it may be referenced when filling out these forms.

Some of the forms listed below can be electronically signed by the Applicant, see Electronic Signatures. However, online Applicants must, if notified of Contract award, submit the following four (4) forms on paper with original ink signatures unless otherwise specified below, within the timeframe referenced in the GRANT ANNOUNCEMENT section entitled Ink Signatures: the Commonwealth Standard Contract Form, the Commonwealth Terms and Conditions, the Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form) and the Contractor Authorized Signatory Listing.

Commonwealth Standard Contract Form

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

By executing this document or signing it electronically, the Applicant certifies, under the pains and penalties of perjury, that it has submitted a Response to this GRANT ANNOUNCEMENT that is the Applicant's Offer as evidenced by the execution of its authorized signatory, and that the Applicant's Response may be subject to negotiation by the GRT. Also, the terms of the GRANT ANNOUNCEMENT, the Applicant's Response and any negotiated terms shall be deemed accepted by the Operational Services Division and included as part of the Contract upon execution of this document by the State Purchasing Agent or his designee.

If the Applicant does not have a Vendor Code beginning with "VC," or does not know what their Vendor Code is, the Applicant should leave the Vendor Code field blank. The Applicant should NOT enter a Vendor Code assigned prior to May 2004, as new Vendor Codes have been assigned to all companies since that time.

Signature and date MUST be handwritten in ink, and the signature must be that of one of the people authorized to execute contracts on behalf of the Contractor on the Contractor Authorized Signatory Listing (See below).

Commonwealth Terms and Conditions

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If the Applicant has already executed and filed the Commonwealth Terms and Conditions form pursuant to another GRANT ANNOUNCEMENT or Contract, a copy of this form may be included in place of an original. If the Applicant's name, address or Tax ID Number have changed since the Commonwealth Terms and Conditions form was executed, a new Commonwealth Terms and Conditions form is required. The Commonwealth Terms and Conditions are hereby incorporated into any Contract executed pursuant to this GRANT ANNOUNCEMENT.

This form must be unconditionally signed by one of the authorized signatories (see Contractor Authorized Signatory Listing, below), and submitted without alteration. If the provisions in this document are not accepted in their entirety without modification, the entire Proposal offered in response to this Solicitation may be deemed non-responsive.

The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form).

Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form)

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If an Applicant has already submitted a Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form) and has received a valid Massachusetts Vendor Code, an original W-9 form is not required. A copy of the form as filed may be included in place of an original. If the Applicant's name, address or Tax ID Number have changed since the Mass. Substitute W9 Form was executed, a new Mass. Substitute W9 Form is required. The information on this form will be used to record the Applicant's legal address and where payments under a State Contract will be sent. The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Commonwealth Terms and Conditions. Please do not use the U.S Treasury's version of the W9 Form.

Contractor Authorized Signatory Listing

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

In the table entitled "Authorized Signatory Name" and "Title," type the names and titles of those individuals authorized to execute contracts and other legally binding documents on behalf of the Applicant. Applicants are advised to keep this list as small as possible, as Contractors will be required to notify the Procurement Manager of any changes. If the person signing in the signature block on the bottom of the first page of this form will also serve as an "Authorized Signatory," that person's name must be included in the typed table.

With regard to the next paragraph, which begins "I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor..." if your organization does not have these titles, cross them out and handwrite the appropriate title above the paragraph.

The signature and date should be handwritten in ink. Title, telephone, fax and eMail should be typed or handwritten legibly.

The second page of the form (entitled "Proof of Authentication of Signature") states that the page is optional. However, the "optional" aspect of the form is that Commonwealth Departments are not required to use it. In the case of Statewide Contracts, this page is REQUIRED, not optional. The person signing this page must be the same person signing the Standard Contract Form, the Commonwealth Terms and Conditions, and the GRANT ANNOUNCEMENT Checklist.

Please note that in two places where the form says "in the presence of a notary," this should be interpreted to mean "in the presence of a notary or corporate clerk/secretary." Either a notary or corporate clerk/secretary can authenticate the form; only one is required.

Organizations whose corporate clerks/secretaries authenticate this form are not required to obtain a Corporate Seal to complete this document.