



**Massachusetts Cranberry Bog Renovation  
Grant Program  
Fiscal Year 2025  
(July 1, 2024 to June 30, 2025)**

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

**For the implementation of cranberry bog renovations  
that promote more efficient bogs both in design and production  
while enhancing business and environmental sustainability**

**Responses must be received by 4:00 PM on May 24, 2024**

Contact: Laura J. Maul  
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(857) 507-5972

Applications must be submitted as instructed on page 8  
or they will not be accepted.



Massachusetts Department of Agricultural Resources  
30 Riverside Drive, Suite 202  
Lakeville, MA 02347

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## GRANT OPPORTUNITY SUMMARY

<p><b>Executive Office of Energy &amp; Environmental Affairs</b>  <b>Rebecca Tepper, Secretary</b>  <b>Grant Announcement</b>  <b>RFR ID: RFR-CranBogReno-FY25</b>  <b>Massachusetts Cranberry Bog Renovation Grant Program Fiscal Year 2025</b></p>	
<b>Applications Sought For:</b>	Funding to implement cranberry bog renovations that promote more efficient bogs both in design and production while enhancing the business and environmental sustainability of the cranberry operation.
<b>Overview &amp; Goals:</b>	By providing reimbursement grants directly to cranberry operations that implement eligible projects that create more efficient bogs both in design and production while at the same time working to prevent, reduce, or eliminate environmental impacts, the program achieves the goals of minimizing environmental effects while enhancing the business and environmental sustainability of these operations.
<b>Eligible Projects:</b>	Cranberry bog renovations that result in more efficient bog design and production while adopting known conservation practices that help prevent impacts on water quality, ensure efficient use of water and other conservation benefits or promote other environmental goals (see further detail on eligible projects in Section 3).
<b>Eligible Applicants:</b>	<p>Agricultural operations engaged in cranberry production for commercial purposes as defined by Massachusetts law (see further detail on eligible applicants in Section 2A).</p> <p>The property must be in active agricultural use and managed as a commercial enterprise by the applicant for at least the three previous years to the date of application.</p> <p>Bogs must be greater than one acre and must be active as defined by 310 CMR 10.04.</p>
<b>Application Deadline:</b>	<p>Received by 4:00 PM on Friday May 24, 2024.</p> <p>(See further detail on deadlines and grant program calendar in Section 8).</p>
<b>Funding Availability:</b>	<p>Maximum funding is \$25,000 per acre up to a total of \$125,000.</p> <p>(See further detail on funding availability in Section 4A).</p>
<b>Match Requirement:</b>	Minimum of 25% of total project costs including materials and off-farm contracted labor (see further detail on match requirement in Section 4C).
<b>Duration of Contract:</b>	Contract end date is June 30, 2025, with no extensions.
<b>Contact Information:</b>	<p>Laura J. Maul – Program Coordinator  30 Riverside Drive, Suite 202  Lakeville, MA 02447  <a href="mailto:Laura.Maul@mass.gov">Laura.Maul@mass.gov</a>  Phone: (857) 507-5972</p>

# 1. INTRODUCTION

The Massachusetts Department of Agricultural Resources' ("MDAR") Cranberry Bog Renovation Grant Program ("Program"), now in its sixth year, addresses potential challenges to the Commonwealth's cranberry industry by working to add value to the industry's producers, products, and services. Competitive grants will be awarded to projects to renovate existing cranberry bogs, providing higher yields and more efficient methods of cranberry production for participating growers.

## 2. APPLICANTS

### 2A. Eligible Applicants

Applicant must be an agricultural operation as defined by M.G.L. c. 128, Section 1A that is engaged in the business of cranberry production agriculture and the property must be in active agricultural use and managed by the applicant for a minimum of the previous three years to the date of the application.

### 2B. Size of Operation

Bogs must be greater than one acre in size and in agricultural use as set forth in 310 CMR 10.04. Grower and acreage must be defined based on individual USDA/FSA farm and track number.

### 2C. Leased Property

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

### 2D. Locator Maps

Applications should include a map or aerial photo with the property boundaries drawn and the exact location of the project described in the application. Maps are available on-line, or if you already have an up-to-date NRCS Farm Conservation Plan, you may submit copies of maps and aerial photos from the plan.

### 2E. Previously Funded Applicants

Proposals from individuals/operations that have been previously funded under MDAR funding programs are eligible for funding under this Program. Applicants that have not been funded will receive additional points in the review.

## 2F. Applicants with an Agricultural Preservation Restriction (“APR”)

Before applying to the Program, Agricultural Preservation Restriction (“APR”) landowners should consult with MDAR’s APR Program (or holder of the APR) to determine if there are any requirements that apply to the proposed project under the terms of their APR. APR applicants must obtain, or be in the advanced stages of receiving, all approvals required under their APR and must be in compliance with the terms of the APR or resolve any outstanding compliance or legal issues with MDAR prior to submitting their proposal. Failure to do so will render proposals ineligible. The APR Program is not able to provide technical assistance with the development or drafting of any proposal. To find your APR contact, please call or email Jill Ward at [jill.ward@mass.gov](mailto:jill.ward@mass.gov) or (413) 726-2011.

## 2G. Environmental Justice Policy

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

For more information, please review the Environmental Justice Policy in Attachment B of this RFR. We also encourage you to complete the Environmental Justice Questions form also contained in Attachment B.

## 2H. Conservation Plan

Applicants should provide proof of a Natural Resources Conservation Service (“NRCS”) Conservation Plan that has been completed or updated within the last five years. Providing such proof is optional, but applicants who do provide proof will receive additional points during the review. It is not necessary to include the entire plan with the response.

# 3. ELIGIBLE PROJECTS

## 3A. Projects

Projects must result in a completed renovation of a cranberry bog. Proposals can be for the entire renovation or components that will allow the applicant to complete a renovation. Projects that will not result in a bog renovation are not eligible under this grant. Applicants must submit documentation demonstrating how the project will result in a completed renovation. Project examples are listed below. Projects that still meet cranberry bog renovation goals but are not listed below **will** be considered in the review process.

Example Projects:	
<ul style="list-style-type: none"><li>• Cranberry Vines</li><li>• Sand and Leveling</li><li>• Water Management Structures</li></ul>	<ul style="list-style-type: none"><li>• Excavation Equipment or Services</li><li>• Infrastructure Costs</li><li>• Other Equipment</li></ul>

### 3B. Ineligible Expenditures

- Proposals for bogs less than one acre.
- Proposals from applicants whose operation is out of compliance with any federal, state, or local laws or regulations.
- Proposals from applicants who are not engaged in commercial cranberry production or who are not engaged in “farming” or “agriculture” as defined by M.G.L. c. 128, § 1A.
- Proposals for projects that do not meet requirements specified under Eligible Applicants, Section 2A.
- Proposals from applicants failing to meet requirements of previous or existing MDAR Standard Contracts, including, but not limited to, licenses, permits, certificates of approval, certificates of completion, including APR and assistance programs, or from applicants with poor past contract performance as determined by MDAR.
- Requests for audits, feasibility studies, and vehicles are not eligible for consideration under this program.
- Labor performed by the agricultural operation in completing the proposed project is not an eligible reimbursement expense.
- Non-labor costs (e.g., management) and fees associated with project oversight and administration costs are not eligible for reimbursement.
- Proposals for used equipment or materials, or both.
- Proposals for projects that have already started work or that have been completed for which the applicant seeks reimbursement.
- Projects that do not result in the complete renovation of cranberry production acreage.

## 4. FUNDING AVAILABILITY, BUDGETING GUIDELINES, & ALLOWABLE EXPENDITURES

### 4A. Maximum Funding

Each applicant must submit an application and budget requesting not more than **\$125,000** in Program funding. If extra grant funding becomes available, MDAR may increase the maximum threshold at its discretion.

- All funding is subject to appropriation as set forth in Section 4B.
- As MDAR would like to fund as many eligible projects as possible, MDAR encourages projects requesting less than the maximum stated.
- MDAR reserves the right to offer an award amount different than the amount requested, including amounts lower or higher in its sole discretion.
- Awards are limited to one per agricultural operation using a unique tax identification number.
- Grant funding is limited to \$25,000 per acre.

### 4B. Appropriation

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. MDAR may lift the suspension if available funding is received. In the absence of foreseeable available funding, MDAR may terminate the contract.

## 4C. Budgeting Guidelines

- MDAR has the option to negotiate the budget before entering into a contract with the applicant.
- Applications must include an adequate budget for the proposed project. Preliminary budgets are acceptable for the evaluation process, but applicants must receive quotes from vendors or contractors before a contract will be awarded. Applicants who provide quotes from a vendor or contractor with their response will receive additional points in the review.
- As this is a reimbursement program, applicants who demonstrate having the balance of funding needed to implement the proposed project by providing bank credit reference letters, line of credit reference letters, or an executed loan will receive additional points in the review.
- Applicants are required to contribute a minimum of 25% towards the total costs of the project. In-kind contributions can be used as an eligible match.
- If in-kind contributions are being used as the 25% match, applicant must document eligible costs such as vine cuttings, sand, equipment, etc. Labor is not eligible as an in-kind match.

## 5. PROJECT TERMS

### 5A. Terms

If awarded, all projects will be required to execute and abide by the standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. No project may commence until a contract has been executed by all parties.

### 5B. Review Process

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

There will be two steps of review following the grant application period.

**Step I:** An initial review to evaluate eligibility and completeness to determine if all required information based on the criteria listed in Evaluation Criteria, Section 7D.

**Step II:** All projects which are favorably reviewed during Step I may require a field visit prior to final award determinations being made. A favorable initial evaluation and field visit DOES NOT guarantee funding for a proposed project. The purposes of the field visit are to:

- Verify the information that is presented in the application;
- View the agricultural operation and assess the project request;
- Verify that the operation is engaged in commercial cranberry production;
- Determine the appropriateness of the practice proposed for the operation;
- Confirm the ability to implement and maintain the practice;
- Explore other items deemed necessary, and
- Develop a basis for future 'before and after' comparisons.
- MDAR staff may modify the scope of the proposed project to more effectively achieve Program goals.

### 5C. Duration of Contracts

All projects must be completed by June 30, 2025, with no options for extensions.

## 6. DELIVERABLES, OWNERSHIP, AND CREDIT DUE

### 6A. Installation Standards & Permits

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

### 6B. Reporting

- A final Project Summary Report may be required forty-five days after close of the Fiscal Year (June 30<sup>th</sup>, 2025);
- MDAR may reach out periodically over the next five years for additional information to gauge funding impact and efficacy of this Program.

### 6C. Invoicing

- Disbursement of funds under this RFR will be done on a reimbursement basis and will require that acceptable documentation be submitted to MDAR prior to any payment.
- Only expenses incurred during the period of the contract are eligible for reimbursement. Any incurred project costs that occur prior to an executed contract are NOT eligible for reimbursement from MDAR.
- Satisfactory documentation in the form of cancelled checks, receipts, invoices, etc. for costs associated with approved projects must be submitted to MDAR and approved prior to reimbursement.
- All charges must be occurred and submitted for payment before June 30, 2025.

## 7. INSTRUCTIONS FOR APPLICATION SUBMISSION

### 7A. Application Submission Instructions

An application form is attached and **must** be completed in its entirety. The completed application form **must** be submitted by one of the methods below to MDAR by the response date deadline.

- **Applications must be received by MDAR by 4:00pm on Friday, May 24, 2024.**
- Applications may be submitted by:
  - Email to: [MDARGrants@mass.gov](mailto:MDARGrants@mass.gov)
  - Hard Copy sent by Mail or Hand Delivered to:

**Laura J. Maul,  
MA Department of Agricultural Resources (MDAR)  
30 Riverside Drive, Suite 202  
Lakeville, MA 02347**



### Special Note:

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

- For more information regarding the benefits of registering in COMMBUYS, you may go to [COMMBUYS](#) support pages.

## 7B. Additional Application Documentation

- Balance of funding needed to implement the proposed project by providing bank credit reference letters, line of credit reference letters, demonstration of other grant funds for the project, or an executed loan will receive additional points in the review (See Section 4C).
- Vendor or contractor quotes (See Section 4C).
- Applicants that have an updated Natural Resources Conservation Service ("NRCS") Conservation Plan should include documentation of the plan. A copy of the entire plan is not required (See Section 2H).
- Applications should include a map or aerial photo with the property boundaries drawn and the exact location of the project described in the application (See Section 2D).
- Applications should include a design and installation plan for the project's implementation.

## 7C. Additional Contract Documentation

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

- Commonwealth Standard Contract Form & Commonwealth Terms and Conditions completed and signed by the applicant;
- Commonwealth W-9 tax information form filled out and signed by the applicant;
- Completed Contractor Authorized Signature Verification Form; and
- Completed Electronic Funds Transfer (EFT) Form.

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

## 7D. Evaluation Criteria

Applications will be evaluated based upon the following criteria:

- Application follows the submission requirements and format presentation for this RFR;
- Cranberry operation is located within drinking water protection zones or overlies an aquifer;
- Extent that the proposed project demonstrates environmental benefits in terms of water conservation benefits, energy savings, water quality improvements, etc.;
- Application presents a clearly planned out design and installation plan for the project's implementation including project specific areas of infrastructure such as equipment, vines, sand, etc.;
- Application demonstrates how the project will support a more productive bog that will increase sustainability and productivity for the agricultural entity and will result in a completed bog renovation;
- Applicant adequately addresses how the project will be maintained for maximum longevity of the practice including any post-construction management;
- Applicant identifies any permits or approvals required for the implementation of their project;
- Projects that show a clearly planned timeframe for implementation and the ability to complete the project on or before June 30, 2025;
- Adequate project economics are presented. Applicants that demonstrate the balance of funding resources needed to implement the project will receive additional points in the ranking;
- Applicant's that demonstrates they have a written and updated Conservation Plan with NRCS (within the last five years) will receive additional points in the ranking;
- Priority will be given to applicants who are established in commercial cranberry production and whose primary source of income is derived from their operation;
- Applicants that include supporting documentation in the form of maps and quotes from vendors or contractors will receive additional points in the ranking;
- Applicants that have not been previously funded will receive additional points in the review.

Applications being considered for award may require a site visit. Information gathered during the field visit can be used as evaluation criteria. MDAR reserves the right to fund only applications that receive an initial favorable review and a satisfactory field visit to verify application details.

## 8. DEADLINES & PROCUREMENT CALENDAR

Release of RFR	Wednesday, March 27, 2024
Application Due Date	Must be received by 4:00 pm on Friday, May 24, 2024
Estimated Award Date	September, 2024
Estimated Contract Start Date	September 2024. Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form. No work under the contract may be performed prior to the effective start date. Any work performed before this date will not be eligible for reimbursement from MDAR.

## 9. MISCELLANEOUS

Type of Procurement	Grant
Use of This Procurement by Single or Multiple Departments	This RFR is single department procurement. All contracts awarded under this RFR will be utilized by MDAR.
Request for Single or Multiple Contractors	Multiple.
RFR Distribution Method	<p>This RFR has been distributed by MDAR's Farm and Market Newsletter, posted to the program's website at <a href="http://www.mass.gov/agr">www.mass.gov/agr</a>, and by a distribution list of requested applicants.</p> <p>This RFR has been distributed electronically via COMMBUYS. It is the responsibility of every applicant to check COMMBUYS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential applicants are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files.</p> <p>Applicants may not alter RFR language or any RFR component files. Those submitting an application must respond in accordance to the RFR directions and complete only those sections that prompt an applicant for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.</p>
List of Attachments	<p>A. Application Form</p> <p>B. Environmental Justice Policy &amp; Questions</p> <p>C. RFR Required Specifications</p>

**RFR- ATTACHMENT A  
CRANBERRY BOG RENOVATION GRANT PROGRAM  
GRANT RESPONSE FORM (FY 2025)**

**1. Agricultural Operation Information**

**Applicant Name:** First  Last

**Operation Name:**

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

**Mailing Address:**

**City, State, Zip:**

**Home Phone:**

**Mobile Phone:**

**E-Mail:**

☐ Site Address is same as above

**Site Address:**

**Site City, State, Zip:**

**County:**

**Is this property leased?** ☐ Yes ☐ No

**Do you have the lease in writing?** ☐ Yes ☐ No

**What year does the lease end?**

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

**I am a cranberry grower as identified in Massachusetts General Laws Chapter 128. Sec. 1A** ☐ Yes ☐ No

**How many years have you been farming on this property?**

**Is the applicant's primary income from the sales of the farm's agricultural products?** ☐ Yes ☐ No

**Estimated Sales** ☐ \$0 - \$24,999 ☐ \$25,000 - \$249,999 ☐ \$250,000 - \$499,999 ☐ \$500,000 +

## 2. Agricultural Operation Details

Acreage:      Owned       Leased       In Production

If any, list any other agricultural products produced by your operation in addition to cranberries:

Please list the percentage of your business that is based on cranberry production:

Please specify if your operation is located within a drinking water protection zone or overlies an aquifer?

## 3. Involvement with Other Programs

My operation has an Agricultural Preservation Restriction (APR)? ☐ Yes ☐ No

Will this project be implemented on APR Restricted Land? ☐ Yes ☐ No

I have contacted the APR Program to determine if this project needs a Certificate of Approval: ☐ Yes ☐ No

Will this project require a Certificate of Approval from the APR Program? ☐ Yes ☐ No

Year the APR was recorded:       Name on the Restriction:

Name of APR contact person:

My operation has a written and updated Conservation Plan (within the last five years) from NRCS for the bogs where this renovation project is proposed? ☐ Yes ☐ No

NRCS contact person:

Year Conservation Plan was created:

My operation has applied for financial assistance through a NRCS funding program for this project? ☐ Yes ☐ No

If yes, program and date:

## 4. Project Details

### 4A. Overview of Business:

Please provide a brief description of your current cranberry operation, your background in cranberry production, and how you market your products.

#### 4B. Project Overview:

How many acres do you plan to renovate under this grant program?

What is the variety of the vines to be planted under this renovation?

What is the current variety of the vines on the acreage to be renovated?

What are the current production levels on this acreage?

What are the long-term projected production levels for this acreage by completing this renovation?

Are you renovating any additional acreage outside of the proposed acreage for this grant?

☐ Yes ☐ No

If yes, how many acres?

#### 4C. Environmental Benefits:

If your project has proposed environmental benefits, please describe them. For example, anticipated water conservation benefits, energy savings, reduction in fuel use, etc. Where possible please quantify these benefits (examples: water savings, greenhouse gas reductions, fuel use reductions).

**4D. Design and Installation:**

Please describe the design and installation of your proposed project and how it will result in a completed bog renovation. Explain how the project follows relevant UMass Cranberry Station Best Management Practice (BMPs) guides or otherwise. If you have a design for the proposed project, please include it as an attachment.



#### **4E. Sustainability & Productivity**

Please describe how this project will improve agricultural productivity and business sustainability within your cranberry operation. This includes increasing on-farm profitability, any impacts to short and long-range business planning, and financial stability.

#### **4F. Maintenance**

Please describe how the project will be maintained for maximum longevity and functionally. Note any planned post-construction management.

**4G. Contingencies & Permits:**

Please list any state, local, or federal permits or approvals that will be necessary for you to implement this project and their status.

**4H. Timeline:**

Provide a detailed project schedule. Assuming successful funding, please specify an anticipated start date and a date you expect to complete the project.

## 5. Budget:

The Cranberry Renovation Grant Program may reimburse applicants for the costs of a project up to \$125,000, with a 25% minimum match contribution towards the project coming from the applicant. Maximum per acre is \$25,000.

Materials				
	Description	Amount	Qty	Total Costs
1	Vines			
2	Irrigation			
3	Drainage			
4	Sand			
Contractual Costs/Labor (expenses for services performed by someone other than the applicant)				
	Description	Rate	Hours	Total Costs
1				
2				
3				
Equipment Rental (Rented equipment required to complete the project)				
	Description	Rate	Hours	Total Costs
1				
2				
Other Costs				
	Description	Amount	Qty	Total Costs
1				
2				
3				
4				
Total Project Costs:				\$
Applicant Amount (25% minimum):				\$
Eligible Project Costs (Maximum of \$125,000 – See Maximum Funding Section 4A )				\$

## 6. Amount Requested:

Please state your requested Cranberry Renovation Grant Program funding amount. MDAR has the option to negotiate the requested amount before entering into a contract with the applicant. Any project costs incurred prior to an executed contract with MDAR are not eligible for reimbursement from MDAR.

**Total Grant Amount Requested:**

\$

## 7. Attestation:

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

**Signature**

**Date**

**Print Name**

# ATTACHMENT B

## Environmental Justice Policy

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

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

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

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

☐ Yes ☐ No ☐ I don't know

Has the applicant received funding from any MDAR funding programs?

☐ Yes ☐ No ☐ I don't know

#### Questions for Farmer or Individual Applicants:

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

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

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

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

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

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

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

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

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

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

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

# ATTACHMENT B

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

Revision Date: February 23, 2024

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

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

### A. Environmental Justice Populations

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

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

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

### B. MA Environmental Justice Map Viewer

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

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

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

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OPERATIONAL SERVICES DIVISION

## RFR - Required Specifications for Commodities and Services

Revision Date: July 13, 2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sensitivity level - low

# ATTACHMENT C

## RFR - Required Specifications for Commodities and Services

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# ATTACHMENT C

## RFR - Required Specifications for Commodities and Services

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

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

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

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

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

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

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

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

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

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

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

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

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

# ATTACHMENT C

## RFR - Required Specifications for Commodities and Services

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

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

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

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

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

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

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

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

**14. Electronic Funds Transfer (EFT).** All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder is able to provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe, and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors may track and verify payments made electronically through the Comptroller's [Vendor Web system](#). A link to the EFT application may be found on the [OSD Forms](#) page ([www.mass.gov/lists/osd-forms](http://www.mass.gov/lists/osd-forms)). Additional information about EFT is available on the [VendorWeb](#) site ([www.mass.gov/osc](http://www.mass.gov/osc)). Click on MASSfinance.

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

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

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

# ATTACHMENT C

## RFR - Required Specifications for Commodities and Services

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

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

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

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

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

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

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

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

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

**23. Acceptable Forms of Signature**

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