



Contract User Guide for GRO38

GRO38: Prime Grocers Statewide Contract

UPDATED: February 12, 2024

Contract #:	GRO38
MMARS MA #:	GRO38*
Current Contract Term:	January 1, 2024 –December 31, 2028
Maximum End Date:	One (1) – five (5) year extension to December 31, 2028
Initial Contract Term:	January 1, 2019 – December 31, 2023
Contract Manager:	Michael Barry, 617-720-3182, michael.barry3@mass.gov
This Contract Contains:	Environmentally Preferable Products (EPP)-Organic/Non-Organic Products, Supplier Diversity Program (SDP)
UNSPSC Codes:	50 19 00 Prepared and Preserved Foods
Updated:	Contract renewal information.

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

Table of Contents:

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

- [Contract Summary](#)
- [Contract Categories](#)
- [Benefits and Cost Savings](#)
- [Find Bid/Contract Documents](#)
- [Who Can Use This Contract](#)
- [Supplier Diversity Requirements](#)
- [Pricing, Quotes and Purchase Options](#)
- [Instructions for MMARS Users](#)
- [Emergency Services](#)
- [Shipping/Delivery>Returns](#)
- [Additional Information/FAQ's](#)
- [Strategic Sourcing Team Members](#)
- [VENDOR LIST AND INFORMATION](#)

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



Contract Summary

This is a Statewide Contract GRO38 for Prime Grocers of various grocery/food products and Opportunity Buys of grocery/food products at special volume pricing. The contract is currently awarded to six (6) vendors across two (2) categories.

Contract Categories

This contract includes two (2) categories of products as listed below.

Prime Grocers Category 1 – This category does provide various selections of groceries/food products that includes and is not limited to: canned goods, cereals, meats, frozen foods, pasta, specialty foods, fruits & vegetables-non-organic and organic etc. and other identified products within the contractor’s monthly market basket order guide. The vendors are identified below [VENDOR LIST AND INFORMATION](#)

Opportunity Buys Category 2 - Groceries/food opportunity purchases that contractors may offer special products at special pricing from manufacturers as an over run, volume discounts or any other circumstances. Products may include and not be limited to: canned goods, cereals, meats, frozen foods, pasta, specialty foods, fresh fruits, vegetables etc. or any other product categories. Category 2 vendors are identified in the section [VENDOR LIST AND INFORMATION](#)

The contract does promote the Massachusetts laws and directives aimed at the purchasing of locally grown products, as well as more nutritional, pesticide free produce and products wherever possible.

Nutritional Standards — Executive Order (EO) 509 is a directive signed by the Governor that requires state agencies that provide a package of services, which include foods beverages, to clients who are dependent on the state to follow specific nutrition standards when contracting for the purchase of foods and beverages. To ensure compliance please refer to [Executive Order 509](#) for detailed information.

Benefits and Cost Savings

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

The statewide contract provides a market basket list of the most commonly used grocery items with available pricing on a monthly basis. The benefits and potential cost savings are as follows:



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- Pricing - The identified market basket grocery items have fixed pricing identified by the contractor in their monthly food order guide. Monthly Food Order Guides are made available each month on the COMMBUYS website <https://www.commbuys.com/bso/> as an attachment in order for entities to place their food orders accordingly.
- Competitive Pricing – The Strategic Sourcing Team (SST) has awarded the contract to one (1) contractor US Foodservice who provides cost effective pricing for the identified market basket items.

Find Bid/Contract Documents

- To find all contract-specific documents, including the Contract User Guide, RFR, specifications, price sheets and other attachments, visit [COMMBUYS.com](https://www.commbuys.com) and search for GRO38 to find related Master Blanket Purchase Order (MBPO) information. All common contract documents are located in the “Master Contract Record” Master Blanket Purchase Order (MBPO) for GRO38 and can be accessed directly by visiting Master Blanket Purchase Order [PO-19-1080-OSD03-SRC01-15693](#).
- To find vendor-specific documents, including price sheets, see links to individual vendor MBPOs on the [Vendor Information](#) page.

Who Can Use This Contract

Applicable Procurement Law

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

Eligible Entities

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

Supplier Diversity Requirements

Contract User Guides that provide for direct vendor selection should include the following language:

When selecting contractors and placing orders, Executive departments shall utilize diverse and small businesses to the extent possible based on contract terms, SDO and departmental policies, laws, and regulations. Additionally, departments shall make a preference for contractors with higher SDP commitments and/or performance whenever such information is available (or is requested from contractors by the department) and the preference is feasible.

OSD provides up-to-date information on the availability of diverse and small businesses on statewide contracts through the [Statewide Contract Index](#) available on the COMMBUYS home page. See the “Programs (SDO and SBPP)” tab for current certification and small business status of contractors on this contract.

Contract User Guides that require the department to solicit quotes or issue a statement of work:

When soliciting quotes, the following requirements apply:

Expected annual value of the RFQ	RFQ process requirements
Less than or equal to \$250,000/year	<ul style="list-style-type: none"> • Notify at least two small businesses capable of providing the product or service of the opportunity, if available. • Include SBPP contract language and place it prominently within the RFQ.

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Updated: February 12, 2024

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Page 3 of 11

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	<ul style="list-style-type: none">• Evaluate bids received from, and award a contract to, an SBPP-participating small business that meets the department’s best value criteria.• Award to a large business only if there is no SBPP participating in business meeting departments’ best value criteria.• Conduct a clarification/BAFO/negotiation before disqualifying an SBPP-participating business based on price or desirable criteria.• See the Best Value Evaluation of Responses to Small Procurements: A Guide for Strategic Sourcing Teams for additional guidance.
More than \$250,000/year	<ul style="list-style-type: none">• Notify at least two diverse and/or small businesses capable of providing the product or service of the opportunity, if available.• Make a preference for contractors with higher SDP commitments and/or performance whenever such information is available (or is requested from contractors by the department) and the preference is feasible.• Note: Departments may ask the prime Contractor for an additional SDP commitment specifically related to the Department’s purchase or engagement. SDP spending for such a purchase or engagement must be reported by the Contractor using the SDP Reporting Form directly to the Department and may not be included in any other SDP reporting filed by the Contractor.

OSD provides up-to-date information on the availability of diverse and small businesses on statewide contracts through the [Statewide Contract Index](#) available on the COMMBUYS home page. See the “Programs (SDO and SBPP)” tab for current certification and small business status of contractors on this contract.

Pricing, Quote and Purchase Options

Purchase Options

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

- Purchases made through this contract will be direct, outright purchases

Pricing Options

- **Fixed Pricing:** Contract pricing has been negotiated, and no further negotiations may be made.

Product/Service Pricing and Finding Vendor Price Files

Product pricing may be found by referencing and clicking on the vendors MBPO number available on the [vendor information](#) or by searching on COMMBUYS website <https://www.commbuys.com/bsa/>. [If needed product cannot be found guidance.](#)

Setting Up a COMMBUYS Account

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

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Updated: February 12, 2024

Template version: 7.0

Page 4 of 11

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Per **801 CMR 21.00**, Executive Branch Departments must use established statewide contracts for the purchase of commodities and services. Specifically, Executive Departments are required to use OSD's statewide contracts, including designated statewide contracts, if available, for their specific commodity and service needs. Exceptions will only be permitted with prior written approval from the Assistant Secretary for Operational Services, or designee.

When contacting a vendor on statewide contract, always reference GRO38 to receive contract pricing.

Quick Search in COMMBUYS

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

How To Purchase From The Contract

- **Directly purchase fixed price items through COMMBUYS**

This contract allows buyers to find and quickly purchase specific products/services with pricing within COMMBUYS. In other words, it allows you to create a Release Requisition in COMMBUYS, submit the requisition for approval, and send the vendor a Release Purchase Order.

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

- The *COMMBUYS Requisitions* section and choose the *Make a Statewide Contract Purchase in COMMBUYS* job aid.

- **Document items in COMMBUYS that have already been purchased**

This type of contract allows buyers to document a contract purchase in COMMBUYS that already has taken place through a Request for Payment Authorization (RPA) Release Requisition. It also allows MMARS users to easily keep track of spend. NOTE: MMARS and COMMBUYS do not interface –payment request and invoice should be reported in both MMARS and COMMBUYS separately.

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

- The *COMMBUYS Requisitions* section and choose the *How to Create an RPA Requisition* job aid.

Product Trials, Pilots, and Demonstrations

Sample products for evaluation - Sample products for evaluation purposes only may be requested by eligible entities using the statewide contract. Sample MUST be provided to requesting departments at no additional cost to the Commonwealth.

Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor.

Emergency Services

Many statewide contracts are required to provide products or services in cases of statewide emergencies. [ML - 801 CMR 21](#) defines emergency for procurement purposes. Visit the [Emergency Response Supplies, Services and Equipment Contact Information for Statewide Contracts](#) list for emergency services related to this contract.

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Updated: February 12, 2024

Template version: 7.0

Page 5 of 11

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Shipping/Delivery/Returns

Delivery: All deliveries are FOB and no additional delivery charges are allowed. All orders will be processed, confirmed and delivered based on established delivery schedules. The ordering location will define delivery requirements and will establish a mutually agreed upon delivery schedule with Contractors. The Contractor(s) must make delivery of items as requested by the ordering facility. The Contractor(s) must call the facility to schedule a delivery. Any change in the specified delivery schedule requires approval by the ordering facility. The ordering location will determine delivery time and date. Locations may establish weekly, semi-weekly, or daily scheduled deliveries. Locations may also schedule individual deliveries when placing the order. Any items not delivered on schedule may be canceled at no cost to the Commonwealth. If the ordering facility must purchase non-delivered items from another source, the contractor must cover any additional costs incurred by the facility for these items.

The Contractor must place grocery products in the delivery location coolers, if applicable, immediately upon delivery. Any spoilage due to non-compliance with this requirement will be returned at the Contractor's expense. Delivery staff must rotate products in the delivery location's freezer upon making a new delivery. Departments are not required to accept any product that is visibly damaged, dented, squeezed or torn. The contractor must replace any item received in unacceptable condition at no cost to the ordering facility.

Delivery Requirement for the Department of Correction – The Contractor(s) must meet all Department of Correction security requirements applicable to each facility. Requirements may include but are not limited to: inspection and search of all delivery vehicles including driver; cab and all contents thereof; locking gas or fuel caps, all drivers must pass a CORI background check no split load deliveries where required; strict delivery time requirements and any other security requirements as deemed necessary by the department or institution. Contractors may be asked to deliver products outside the established delivery schedule to respond to emergency situation.

“Will call” - orders are orders that are to be picked up by the contract user within 24 hours of request and the Contractor(s) will provide for “will call” orders if immediate delivery is necessary and the contract user is willing to pick up the order. The Contractor(s) may be asked to provide emergency delivery at no cost to the Commonwealth.

Order Fill Rates: The contractor must provide each contract user with a minimum 99% fill rate per month. The fill rates for Food and Nonfood items will be calculated separately. The fill rate for Food items will be calculated for each contract user by dividing the number of line items delivered on time by the number of line items scheduled for delivery during that month and multiplying the results by 100. Item substitutions that are accepted by the contract user will contribute towards a higher fill rate but item substitutions that are not accepted by the contract user will reduce the fill rate. If this rate is less than 99%, the contract user will notify the contractor within 15 days after the first day of the following month, that they are invoking the “fill rate credit”. The fill rate for Nonfood items will be calculated for each contract user by dividing the number of line items delivered on time by the number of line items scheduled for delivery during that month and multiplying the results by 100. Back orders will be used in the above calculations if a delivery date was established. If back orders are delivered on time, they will contribute towards a higher fill rate but if back orders are late, they will reduce the fill rate. If a delivery date is not given for a back order, it will be counted against the fill rate. If this rate is less than 99%, the contract user will notify the contractor within 15 days after the first day of the following month, that they are invoking the “fill rate credit”. Failure to meet the stated fill rate will result in a 0.5% credit on the total volume of orders placed in the applicable month by the contract user that is invoking the “fill rate credit”. The contractor will issue that contract user a credit on an invoice for the following month in the amount of the imposed fee. The contractor may appeal to the contract user with documentation

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Updated: February 12, 2024

Template version: 7.0

Page 6 of 11

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showing a justifiable reason for the lower percent that month. The contract user may make an adjustment to the number of line items ordered and recalculate the percent fill rate in the following situations: 1) contractor is unable to obtain the items from its supplier; 2) multiple orders of the same line item in a three-day period for that contract user; or 3) The contract user may appeal the contract user decision to the SST, whose decision will be final.

Returns: Contract users may not accept the delivery of any product that is expired or visibly damaged. Within seven (7) days of delivery. The Product will be inspected, and the contractor will be notified of any rejected product(s). Contractor(s) must replace rejected product(s) immediately at no additional expense to the facility. Contractor(s) will give a full credit and pick up items incorrectly ordered or delivered within three days of the contract user request. Contractor(s) will allow for the return of items in unopened, unmarked original packaging.

Additional Information/FAQs

Label Specifications: Any product delivered under this contract must meet FDA label guidelines unless otherwise specified by the ordering facility. Contractor must supply ingredient list and nutritional analysis on their website and/or by providing a nutritional analysis upon request of contract users. Due to the increased incidence of food allergies, contractors may be asked to participate in developing a notification of ingredient changes program during the life of the contract.

Opportunity Buys: The contractor will expeditiously facilitate the purchase of any commodity that will be financially beneficial to the Commonwealth. These items or commodities will be referred to as opportunity purchases that manufacturers may offer as an over run, volume discounts or any other circumstances. The contractor will agree to charge the Commonwealth no more than 1.5 % mark-up to make opportunity purchases.

Other Discounts: Contractors must pass along any additional discounts available they receive under this statewide contract.

Recalls: The contractor(s) will provide timely (24 hours) notification to all contract users that have ordered and have received a product that has been recalled. The contractor(s) will issue a credit to the user's account for all recalled products. The contractor will be responsible for picking up, replacing product and appropriately disposing of all recalled items at no additional cost to the Commonwealth.

Inspection: The contractor(s) must not permit any part of the services called for by this contract to be performed under working conditions that are unsafe or unsanitary. All products furnished under this contract must conform to all local, state and federal sanitation codes. The SST and its agents reserves the right to inspect contractors', fleet, distribution centers, or any other aspect of the food service operation, with 24 hours' notice to the contractor. Copies of all site inspections by permitting, certifying or licensing divisions of any governmental entity or trade or professional organization, must be forwarded to the SST, and must include plans of correction addressing deficiencies identified.

Other Discounts

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

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Updated: February 12, 2024

Template version: 7.0

Page 7 of 11

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of payment “issue” is the date a payment is considered “paid” not the date a payment is “received” by a Contractor.

If the Needed Product Can Not be Found

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

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



OPERATIONAL SERVICES DIVISION

Contract User Guide for GRO38

Strategic Sourcing Team Members

- Christopher Gendreau, Dept. of Correction, Milford
- Stephen Burnett, Dept. of Correction, Walpole
- Dave Dimeco, Dept. of Correction
- Matthew Strauss, Dept. of Correction
- Tina Urato, MEMA- Mass. Emergency Management Agency
- Julia Wolfe, Operational Services Division
- David Sargeant (inactive), Operational Services Division

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Updated: February 12, 2024

Template version: 7.0

Page 9 of 11

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Contract User Guide for GRO38

Vendor List and Information*

Vendor	Master Blanket Purchase Order #	Contact Person	Phone #	Email	Prompt Pay Discount (PPD) Volume Purchase Discount (VPD) and other available discounts as listed below	SDO Certification Type	SDP Commitment Percentage	Awarded Category/Percentage mark-up
Master Contract Record	PO-19-1080-OSD03-SRC01-15693	Michael Barry	(617) 720-3182	Michael.barry3@mass.gov	N/A	N/A	N/A	N/A
US Foods	PO-19-1080-OSD03-SRC01-15098	Tuesday Evans	(508) 259-7301 (508) 326-9841	tuesday.evans@usfoods.com david.godfrey@usfoods.com	PPD: .35% - 10 days <ul style="list-style-type: none"> ➤ Volume Discount/Quarterly Rebate Incentives ➤ Culinary Equipment and Supplies (CES) Non-Stock Markup – 9.75% ➤ Organic and Non-Organic Food products available 		.5%	Awarded Prime Grocers Category 1 Food Products - Markup 9.5%
Performance Food Group	PO-19-1080-OSD03-SRC01-15654	Agata Beynor	(800) 388-0257 or (413) 846-5464	ABEYNOR@PFGC.COM	PPD: ½% -15 days <ul style="list-style-type: none"> ➤ Dock Delivery Discount available check response form in COMMBUYS for details. ➤ Organic and Non-Organic Food products available 		10%	Awarded Prime Grocers Category 1 Food Products Markup 9.7%
B&B Trading	PO-19-1080-OSD03-SRC01-15656	James Lampert	(617) 442-1400	JLAMPERT@BANDBTRADING.NET	PPD: 1% -15 days <ul style="list-style-type: none"> ➤ Markups are not applicable – Special priced products are available and products/pricing offers may vary. Please contact vendor 		.25%	Awarded Prime Grocers/Opportunity Buys Category 2
Global Foods	PO-19-1080-OSD03-SRC01-15651	Amanda Childers	(702) 212-4537	amandav@globalfoodslv.co	PPD: ½% 10 days, ¼%-15 days <ul style="list-style-type: none"> ➤ Markups are not applicable – Special priced products are available and products/pricing offers may vary. Please contact vendor 		5%	Awarded Prime Grocers/Opportunity Buys Category 2
National Food Group	PO-19-1080-OSD03-SRC01-15653	Rachelle McCoy	(800) 886-6866 or (248) 560-2315	rmccoy@nationalfoodgroup.com	PPD 1%-10 days <ul style="list-style-type: none"> ➤ Markups are not applicable – Special priced products are available and products/pricing offers may vary. Please contact vendor 		.10%	Awarded Prime Grocers/Opportunity Buys Category 2
New England Food	PO-19-1080-OSD03-SRC01-15652	Mark Harrington	(781) 341-1650	mark@nefood.net	PPD: .5% - 10 days, .25% -15 days, .125% 20 days <ul style="list-style-type: none"> ➤ Markups are not applicable – Special priced products are available and products/pricing offers may vary. Please contact vendor 		.25%	Awarded Prime Grocers/Opportunity Buys Category 2

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Updated: February 12, 2024

Template version: 7.0

Page 10 of 11

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*Note that COMMBUYS is the official system of record for vendor contact information.

**The Master MBPO is the central repository for all common contract files. Price files may be found in the individual vendor's MBPO.

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Updated: February 12, 2024

Template version: 7.0

Page 11 of 11

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