

# Contract User Guide GRO39: Drinking Water - General and Emergency Services

## Contract Overview

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| --- | --- |
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| Contract Term | * **Current Contract Term:** 08/01/2021 – 07/31/2026 * **Maximum End Date:** One three-year extension to 2029 |
| Massachusetts Management Accounting and Reporting System (MMARS) Master Agreement (MA) Number | **GRO39\*** and **GRO39SinglUsePlastic\***  **Note:** \*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS). |
| Quote Requirements | Quotes are required for purchasing. Refer to the [Quote Response and Requirements](#_Quote_Response_and) section for guidelines. |
| Vendor List | Refer to [Vendor List and Information](#_Appendix_A:_Vendor) for eligible vendors on this contract. |
| Updates | Environmental Preferable Products Section |

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## Contract Summary

This is a Statewide Contract for Drinking Water – General and Emergency Services. It is the primary Statewide Contract used by Executive Agencies of the Commonwealth for the acquisition of Bottled Water, Water Filtrations Services including Reverse Osmosis with Related Supplies and Services, Coffee Services, and Emergency Bottled Water.

### Executive Order NO:619 Eliminating the Purchase by the Executive Department of Single-Use Plastic Bottles

Effective September 21, 2023 and in compliance with Executive Order NO.619, “Eliminating the Purchase by the Executive Department of Single-Use Plastic Bottles,” OSD no longer will allow purchases of Single-Use plastic bottles under 21 fluid ounces by Executive Departments. As defined in EO No.619 “single-use plastic bottles” refer to a beverage in a sealed rigid plastic bottle having a capacity of 21 fluid ounces or less.

Governor Healey’s Executive Order on September 21, 2023, recognizes that climate change is significantly and adversely affecting humans, wildlife, communities, the economy, and infrastructure of the Commonwealth of Massachusetts.

### Justify Single-Use Plastic Bottle Purchasing, Use, or Sale (New Justification Form)

Purchases of Single-Use plastic bottles now require Executive Agencies to file the [Single-Use Plastic Bottle Procurement Justification Form](https://www.mass.gov/doc/emergency-single-use-plastic-bottle-procurement-justification) as part of their Procurement File in COMMBUYS. Purchases are limited to the following circumstances:

1. No alternative is available or practicable;
2. Necessary to protect health, safety, and welfare;
3. Compliance with the EO would conflict with contract requirements or labor agreements in existence as of September 21, 2023, or conflict with agreements solicited before September 21, 2023
4. To prepare for an emergency – See instructions for MMARS users, below.

**Note:** This contract may be used to procure the goods or services described herein **at any dollar amount**. Any limitations, including for procurements involving **construction**, are outlined in this Contract User Guide.

For Master Contract Record, refer to the [Master Blanket Purchase Order **(**MBPO**)** with RFR](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-22-1080-OSD03-SRC3-22638&releaseNbr=0&external=true&parentUrl=close).

### Benefits and Cost Savings

Statewide contracts are an easy way to obtain benefits for your organization by:

* Leveraging the Commonwealth’s buying power
* Simplifying the solicitation process
* Providing contracting expertise
* Enhancing vendor relationships through proactive management and oversight
* Offering competitive pricing
* Partnering with a pool of qualified and experienced vendors
* Offering Prompt Payment Discount
* Accessing a wide range of environmentally preferable products and services

**Cost savings include:**

* Bottled Water - Contract users using Bottled Water pay NO cooler rental fees for standard coolers or bottle deposits under this contract.
* Water Filtration Services – Pricing for coolers will include everything which will specifically include filters, membranes, and any other materials required to properly service the system.
* Labor for scheduled maintenance is fixed priced for all vendors except Quench USA that offers free maintenance services included in product pricing.
* Reverse Osmosis - There is no cost to the Commonwealth and/or eligible entities for the installation of Reverse Osmosis (RO) water system, the only cost users are required to pay is the monthly service fee.
* Competitive Pricing – The Strategic Sourcing Team (SST) has awarded the contract to those vendors who provided the most competitive pricing under each category. Pricing for all categories is available as an attachment file “Price List” and at the line “Item” level on COMMBUYS for each awarded contractor. Departments may reference the available pricing information on COMMBUYS to make a cost comparison of pricing to determine which contractor is providing the best value pricing for the required services.
* Prompt Pay Discount (PPD) – is available from all contractors.

## Contract Categories

This contract includes four categories of products and services as listed below:

**Category 1:** Bottled Water with Related Supplies and Services including 5-gal bottled water, 1-gal, 24-oz purified or spring water

**Category 2:** Water Filtration Systems and Coolers including Reverse Osmosis Water Systems (R.O.), Hot/cold floor models, cook/cold floor models, cook/cold countertop model, under the sink filtration, and Touch – free Hot/Cold Floor Model

**Category 3:** Coffee Services, Commercial Coffee various blends and size packs

**Category 4:** Emergency Bottled Water, 16/9-oz., 1-gal., 24-oz., 5-gal bottles, tankers (potable and non-potable)

## Who May Use the Contract

The following is a complete list of the types of organizations generally allowed to use the Operational Service Division’s (OSD's) Statewide Contracts (SWCs). Some SWCs may be open to additional organizations, and some are more restricted in usage.

* Cities, towns, districts, counties, and other political subdivisions
* Executive, Legislative, and Judicial Branches, including all departments and elected offices therein
* Independent public authorities, commissions, and quasi-public agencies
* Local public libraries, public school districts, and charter schools
* Public hospitals owned by the Commonwealth of Massachusetts
* Public institutions of higher education
* Public purchasing cooperatives
* [Non-profit](https://www.mass.gov/info-details/non-profit-purchasing-programs), UFR-certified organizations that are doing business with the Commonwealth
* Other states and territories and their cities, towns, districts, counties, other political subdivisions, and public institutions of higher education without prior approval from the State Purchasing Agent
* Other entities when designated in writing by the State Purchasing Agent

## Pricing Options

The price files and vendor catalogs are accessible through public view in COMMBUYS; therefore, buyers may access the price files and vendor catalogs without signing into a COMMBUYS account.

For GRO39,pricing is fixed but further negotiations can be made.

Product pricing may be found on the [vendor information](#_Appendix_A:_Vendor) page, where links to all the vendors’ MBPOs are provided.

## Quote Response and Requirements

### Quotes Including Construction Services

Please note specific requirements that apply for quoting construction services, depending upon the scope of your bid:

* Where the construction services are less than $10,000: Select a vendor based on sound business practices, consistent with your entity’s procurement policies and procedures.
* For construction services valued from $10,000-$50,000: Must solicit a minimum of three quotes and receive two written responses; award to lowest responsible bidder.

### Estimates

If contract requires labor, vendor should provide estimates in observance of internal procurement regulations.

## Purchase Options

This contract provides for multiple methods of purchase:

* Quote Solicitation: Buyers may solicit quotes from multiple vendors (refer to the [Vendor MBPO Listing](#_Appendix_A:_Vendor)), award vendors, and place orders through COMMBUYS. A solicitation-enabled contract allows the buyer to solicit quotes from vendors who have Master Blanket Purchase Orders (MBPOs) or Statewide Contracts in COMMBUYS. The buyers may create a solicitation-enabled bid using a release requisition, converting the requisition to a bid, and then requesting quotes from eligible vendors.

Refer to the [How to Request Quotes from Vendors on Statewide Contracts](https://www.mass.gov/doc/how-to-request-quotes-from-vendors-on-statewide-contracts/download) job aid for more details.

* **G2B Punchout:** Buyers may purchase directly from the vendor’s eCommerce site using the Government to Business (G2B) functionality in COMMBUYS. Refer to the [Vendor MBPO Listing](#_Appendix_A:_Vendor) for G2B Punchout-enabled vendors. A COMMBUYS punchout provides the ability to purchase directly from the website of certain sellers (vendors). Buyers can “punch out” to a seller’s online shopping website to search for and choose the desired items. Once the items are selected and checked out, the system transfers these items to COMMBUYS to complete a release requisition.

Refer to the [How to Purchase from a COMMBUYS G2B Punchout](https://www.mass.gov/doc/how-to-purchase-from-a-commbuys-g2b-punchout/download) job aid for more details.

* **Direct Purchase of Fixed Price Items on COMMBUYS:** Used for products and services with fixed pricing and is viewable in vendor catalogs or price files. Refer to the [Vendor MBPO Listing](#_Appendix_A:_Vendor) for a list of eligible vendors. The buyer can submit a request for goods and services from a Statewide Contract (SWC) or a Designated SWC. This option is for users with Basic Purchaser or Department Access privileges in COMMBUYS. Once the requisition is approved, a Purchase Order (PO) is generated and can be sent to the vendor. Requisitions are documents used to request goods and services. A requisition is the first document used to generate a PO.

Refer to the [How to Make a Statewide Contract Purchase in COMMBUYS](https://www.mass.gov/doc/how-to-make-a-statewide-contact-purchase-in-commbuys/download) job aid for more details.

* **Direct Purchase of Non-Fixed Price Item ($0 Line Item) on Vendor’s MBPO:** Applicable to products and services that may require customized quoting. Review the [Vendor MBPO Listing](#_Appendix_A:_Vendor) for a list of eligible vendors. The Buyer can create a Release Requisition in COMMBUYS, submit the requisition for approval in COMMBUYS, and then send the vendor a Release Purchase Order.

View the [How to Make a Statewide Contract Purchase in COMMBUYS](https://www.mass.gov/doc/how-to-make-a-statewide-contact-purchase-in-commbuys/download) job aid for more details.

* **Document Items in COMMBUYS That Have Already Been Purchased:** This contract enables buyers to retroactively record a previously made contract purchase within the COMMBUYS system. This is done through a Request for Payment Authorization (RPA) Release Requisition, which also allows MMARS users to easily keep track of spending.

For a description on how to complete this purchase in COMMBUYS, refer to the [How To Record a Contract Purchase Previously Made (RPA Release)](https://www.mass.gov/doc/qrg-how-to-record-a-contract-purchase-previously-made-rpa-release/download)job aid*.*

**Note:** MMARS and COMMBUYS do not interface. Payment request and invoice must be reported in both MMARS and COMMBUYS.

## Setting Up a COMMBUYS Account

COMMBUYS is the Commonwealth of Massachusetts' e-procurement platform, serving as a central marketplace for state agencies and other Eligible Entities to procure goods and services, connecting government buyers and businesses. It aims to streamline the purchasing process, ensuring transparency and efficiency in the procurement process.

For Executive Agencies, COMMBUYS is required. Per 801 CMR 21.00, Executive Agencies must use established Statewide Contracts (SWCs) for the purchase of products and services. To set up a COMMBUYS buyer account or to update an existing agency account, the buyers must email the [OSD Help Desk](mailto:OSDhelpdesk@mass.gov) or call 1-888-627-8283.

While COMMBUYS use is not mandated for Non-Executive Agencies and other Eligible Entities, it is highly recommended to streamline the procurement process and assist buyers in making informed purchasing choices. Eligible entities should follow their internal guidelines for COMMBUYS use.

## Finding Contract Documents

Buyers may view contract documents (including Contract User Guides, Request for Response, specifications, and other attachments) on COMMBUYS without requiring a COMMBUYS account or logging in.

To find contract documents in COMMBUYS, follow these steps:

1. On the [COMMBUYS](http://www.commbuys.com/) home page, enter **GRO39** in the search tool and select **Blankets** from the drop-down list.
2. Select the Search icon. The related Master Blanket Purchase Orders (MBPOs) information opens in a table format.
3. To view the associated contract documents, under the **Blanket #** column, select on the applicable Purchase Order (PO) link. The MBPO opens for the selected PO and the attachments may be found in the **Agency Attachments** or **Vendor Attachments** section.

All standard contract documents are within the Master Contract Record. Access them directly by selecting [Master Blanket Purchase Order PO-22-1080-OSD03-SRC3-22638](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-22-1080-OSD03-SRC3-22638&releaseNbr=0&external=true&parentUrl=close).

## Finding Vendor-Specific Documents

To find vendor-specific documents, including price lists, refer to the links to the individual vendor MBPOs on the [Vendor Information](#_Appendix_A:_Vendor) page, and follow these steps:

1. On the [Vendor Information](#_Appendix_A:_Vendor) page, under the **Master Blanket Purchase Order #** Column, select the applicable Purchase Order (PO) link. The Master Blanket Purchase Order (MBPO) opens for the selected PO.
2. On the MBPO, scroll down to the **Vendor Attachments** section to find the vendor-specific documents.
3. To view, select the desired document link.

## Construction and Construction-Related Labor Requirements

This contract may include construction, reconstruction, alteration, installation, demolition, maintenance, and repair work, including associated materials. The Eligible Entity is responsible for consulting with legal counsel to determine if work sought under this contract qualifies as construction under [G.L. c. 149 or G.L. c.30, § 39M](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30/section39m).

Please refer to the following construction and construction-related labor requirements:

* Purchasing entities are responsible for compliance with applicable construction procurement law requirements. Information concerning specific G.L. c. 149 and c. 30 construction requirements may be found in the [Office of the Inspector General’s Public Procurement Charts](https://www.mass.gov/lists/oig-forms-guides-and-advisories).
* It is the responsibility of the Eligible Entity to determine whether installation work includes construction as defined by M.G.L. c.149 or M.G.L. c.30, §39M.Chapter 30B Procurement Assistance from the Office of the Inspector General is available on the [OIG Public Procurement](https://www.mass.gov/how-to/get-public-procurement-assistance-from-our-chapter-30b-team) web page. To access the 30B Hotline, please call 617-722-8838 or email [30B Hotline](mailto:OIGProcurementSupport@mass.gov).
* For further information about the public construction bidding laws, please email the [Attorney General’s Office Bid Unit](mailto:AGOBidUnit@mass.gov). Visit the Attorney General’s [Public Construction](https://www.mass.gov/public-construction) web page to learn more about Public Bidding Laws. **Note:** Operational Services Division (OSD) does not provide legal guidance on construction law.

### Construction Thresholds

Please refer to the following requirements:

* Construction services purchased under this contract are limited to $50,000 or less per engagement (job/project). The total cost of all maintenance and service agreements, including those spanning multiple years, shall not exceed $50,000 over the life of the contract.
* For construction materials and labor valued from **$10,000-$50,000**, the buyers **must** solicit a minimum of three (3) quotes and receive two written responses. The contract shall be awarded to the responsible bidder who offers the lowest price.
* For construction materials and labor estimated to cost less than **$10,000**, a Buyer may use sound business practices to award the work to a vendor without seeking additional quotes. Using an OSD statewide contract satisfies the sound business practices requirement of G.L. c. 149 for jobs costing less than $10,000.

## Prevailing Wage Law Requirements

The Massachusetts prevailing wage laws require that covered employees on public works projects be paid a minimum hourly rate set by the Department of Labor Standards (DLS). The prevailing wage laws apply to both union and non-union employers and employees. The buyer has a legal obligation to request a prevailing wage schedule from the [Department of Labor Standards (DLS)](http://www.mass.gov/dols). To get the proper rates for your region/job, you must request a determination. Questions regarding the Prevailing Wage Law may be answered by accessing the DLS website or by calling the DLS Prevailing Wage Program at 617-626-6953.

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

In addition, all contracts by a state agency or state-assisted contracts for design, construction, reconstruction, installation, demolition, maintenance, or repair must contain Workforce Participation Goals for minorities and women. This is required by [G.L. c. 149, § 44A(2)(G)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/section44a). A “state-assisted contract” is a construction project undertaken by a political subdivision of the Commonwealth or two or more subdivisions thereof for planning, acquisition, design, construction, demolition, installation, repair, or maintenance whose costs are paid for, reimbursed, grant funded, or otherwise supported, in whole or in part, by the Commonwealth. An affected awarding authority’s bid documents must include a reference to the specific goals that will be contained in the contract. The contract must also include the processes and procedures to ensure compliance with the Workforce Participation Goals, including reporting and enforcement provisions. For questions about the Workforce Participation Goals law, please email the [Attorney General’s Office Bid Unit](mailto:AGOBidUnit@mass.gov).

The Office of the Attorney General’s Fair Labor Division is responsible for enforcing the prevailing wage laws. Review [Prevailing Wage Enforcement](https://www.mass.gov/prevailing-wage-enforcement) for more information.

Buyers should always refer to a vendor’s Bidder Response Form (located in their COMMBUYS file) for their mark-up over prevailing wage and materials as well as a vendor’s charge for emergency services, holidays, and non-business hours.

### Labor Hours

Business Hours (excluding holidays) are defined as Monday through Friday 7:00 a.m. to 5:00 p.m. Non-Business Hours are defined as periods outside of Business Hours.

**Note:** Many state facilities operate continuously (24/7).

### Apprentice Labor Rates

Bidders may only include apprentice labor rates if they are participating in the Commonwealth's Approved Apprentice Program and can provide the required documentation. Refer to [Information for apprentices](https://www.mass.gov/information-for-apprentices) to learn more.

## Supplier Diversity Office (SDO) Requirements

Please refer to the following guidelines:

* Executive Departments must use diverse and small businesses to the extent possible based on contract terms, [Supplier Diversity Office (SDO)](https://www.mass.gov/orgs/supplier-diversity-office-sdo), and departmental policies, laws, and regulations.
* The [Small Business Purchasing Program (SBPP)](https://www.mass.gov/info-details/small-business-purchasing-program-sbpp?_gl=1*flb0s8*_ga*NDExMTU1ODA0LjE3MzYzNDk5NDE.*_ga_MCLPEGW7WM*czE3NTY5MTE2ODkkbzM2OSRnMSR0MTc1NjkxMzg1NCRqMjgkbDAkaDA.) applies to small procurements ($250,000 or below annually), while the [Supplier Diversity Program (SDP)](https://www.mass.gov/supplier-diversity-program-sdp?_gl=1*1dd4k06*_ga*NDExMTU1ODA0LjE3MzYzNDk5NDE.*_ga_MCLPEGW7WM*czE3NTY5MTE2ODkkbzM2OSRnMSR0MTc1NjkxMzk5MCRqNTckbDAkaDA.) applies to large procurements (over $250,000 annually). Executive Departments must consider these requirements when soliciting quotes or issuing Statements of Work (SOWs).
* Operational Services Division (OSD) provides a list of SDO businesses through the [Statewide Contract Index](https://www.mass.gov/doc/statewide-contract-index). Refer to the **SDO Programs (SDP and SBPP)** tab on the index (scroll to view the tab).

### Supplier Diversity Program (SDP) Requirements

Please view the following guidelines:

* In cases where all other factors are equal, and particularly when adhering to a best value approach, the department will favor the vendor with stronger SDP commitment.
* For more information, refer to [Best Value Evaluation of SDP Plan Forms: A Guide for Strategic Sourcing Teams](https://www.mass.gov/doc/best-value-evaluation-of-sdp-plan-forms-a-guide-for-strategic-sourcing-teams/download).
* Vendor SDP commitment percentages may be found on the [vendor list](#_Appendix_A:_Vendor) table.

### Small Business Purchasing Program (SBPP) Requirements

Please view the following guidelines:

* If available, departments must notify at least two certified small businesses capable of providing the product or service. Bids received from SBPP-participating small businesses must be evaluated, and if one meets the department’s best value criteria, the contract must be awarded to that vendor.
* For more information, refer to [Best Value Evaluation of Responses to Small Procurements: A Guide for Strategic Sourcing Teams](https://www.mass.gov/doc/best-value-evaluation-of-responses-to-small-procurements-a-guide-for-strategic-sourcing-teams/download).
* Vendor SBPP Certification status can be found on the [vendor list](#_Appendix_A:_Vendor) table in the **SDO Certification Type** column.

## Shipping, Delivery, and Returns

For shipping, delivery, and returns, please follow these guidelines:

* **Delivery** Must be made at no extra cost to the Commonwealth with all deliveries being FOB destination. Delivery must be made between six (6) to twelve (12) hours after request by user department. Where this is an event driven emergency procurement, all deliveries must be made within the timeframe mentioned or any other timeframe agreed upon by user department. All orders will be processed, confirmed, and delivered based on established delivery times, schedules, and locations. Any change in the specified delivery schedule is subject to approval by the ordering facility. Stock items will be delivered within specified hours of order receipt unless the ordering department requests a specific delivery schedule. Any item not delivered during an established delivery period may be canceled at no cost to the Commonwealth. Any additional costs incurred by the Commonwealth, as a result of the vendor’s failure to deliver is the responsibility of the vendor(s). Any product delivered that does not conform to this requirement will be returned at the vendor’s expense.
* **“Will Call Orders”** are orders that are to be picked up by the contract user within 24 hours of request and the vendor(s) will provide for “will call” orders if immediate delivery is necessary and the contract user is willing to pick up the order.
* **For Deliveries to the Department of Correction** 
  + The vendor(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. Vendors may be asked to deliver products outside the established delivery schedule to respond to emergency situations.
* **Returns:** Contract users may not accept the delivery of any product that is expired or visibly damaged. Product will be inspected upon receipt of delivery. If a product fails inspection by the receiving facility, the product will be rejected, and the vendor(s) must replace it immediately at no additional expense to the facility.
* **Safety:** It is against state and federal law to use disinfectants in a manner that is not intended by the instructions on the label (for example, wide area spraying of a chemical that is not specified for use in this way). The use of disinfectants does not require a license in Massachusetts, but purchasers should review [OSHA guidance and standards](https://www.osha.gov/SLTC/covid-19/), and ensure the individuals using disinfectants are aware of the guidance.

## Additional Discounts

Vendors in this statewide contract offer the following discounts, which may vary for each vendor:

* **Prompt Payment Discount:** A percentage discount given to the buyer if the invoice is paid within a specified time, in accordance with the [Commonwealth’s Bill Paying Policy](https://www.macomptroller.org/policies/). These discounts may be found in the Vendor List and Information section below. All discounts offered will be taken in cases where the payment issue date is within the specified number of days listed by vendor and in accordance with the Commonwealth’s Bill Paying Policy. Payment days will be measured from the date goods are received and accepted / performance was completed OR the date an invoice is received by the Commonwealth, whichever is later to the date the payment is issued as an EFT (preferred method) or mailed by the State Treasurer. The date of payment “issue” is the date a payment is considered “paid” not the date a payment is “received” by a Contractor.
* **Dock Delivery Discount:** A discount is provided if the product is delivered directly to the loading dock. Currently, W.B. Mason is the only vendor on contract that offers 2% Dock Delivery Discount.
* **Expiration of Contract:** the awarded contractor must leave all coolers in place for at least 45 days after the expiration of the contract. The accounting records of the User Department and the contractor will determine the final accounting of bottles and coolers. Any discrepancies regarding inventory will be resolved by review of semi-annual reports submitted to the Contract Manager.
* **Cancellation of Service:** when a department using the Vendor’s service wishes to cancel that service it will give the Vendor 60 days’ notice. The Vendor and Department will agree upon a date of termination of the service and for the removal of the equipment supplied by the Vendor. If notice is not given the Vendor may charge the Department a maximum amount not to be greater than two (2) months of cooler charges.

**Note:** Vendor discounts are detailed in the [vendor list](#_Appendix_A:_Vendor) table and the price files within each vendor's Master Blanket Purchase Order (MBPO) or Master Contract Record MBPO.

## Emergency Services

Vendors on this contract may be required to provide products or services in cases of statewide emergencies. The [801 CMR 21.05(3)](https://www.mass.gov/doc/801-cmr-21-procurement-of-commodities-or-services-including-human-and-social-services/download?_ga=2.5187184.276064254.1754065769-411155804.1736349941&_gl=1*sw9tsp*_ga*NDExMTU1ODA0LjE3MzYzNDk5NDE.*_ga_MCLPEGW7WM*czE3NTQwNzY0MjMkbzMyMyRnMSR0MTc1NDA3NjQ1NSRqMjgkbDAkaDA.) defines emergency for procurement purposes. Visit the [Emergency Response Supplies, Services and Equipment Contact Information for Statewide Contracts](https://www.mass.gov/doc/emergency-response-supplies-services-and-equipment-contact-information) list for emergency services related to this contract.

Contractors may be called upon during a declared state of emergency to supply and/or deliver to the Commonwealth on a priority basis commodities and/or services which are currently under Statewide Contract. To accommodate such requests, Contractors may be asked, and must make every effort to service, these requests from regular sources of supply at the rates set forth in any Statewide Contract resulting from this RFR.

## Vendor Performance

Key points concerning vendor performance are outlined below:

* Provide actionable feedback on vendors for this contract to optimize performance through the [Procurated Platform](https://go.procurated.com/ma-statewide/). On the Procurated website, select an OSD contract, choose **Select**, and then choose **Provide a Review** for the applicable vendor listed.
* Buyers are encouraged to reach out to the Category Manager ([Michael Barry](mailto:michael.barry3@mass.gov)or[Kelly Minichello](mailto:kelly.minichello@mass.gov)) if vendors are not meeting their contractual obligations and buyers may be surveyed for vendor performance feedback.
* Vendors will be evaluated on their current performance and may be asked to work with the Commonwealth toward improvement.
  + If vendor performance is unacceptable but may be corrected, the vendor will be given the opportunity to develop and implement a Corrective Action Plan (CAP), working collaboratively with OSD and the relevant purchasing entities.
  + If vendor performance is inadequate or breaches the RFR terms, including attachments and agreements, the OSD Category Manager(s) may issue a warning, implement a CAP, or suspend/terminate the contract.
* Vendors must meet all contractual requirements throughout the life of the contract, including requirements for timely and accurate report submission, to remain in good standing under the contract.
* An awarded vendor must always maintain an acceptable level of customer service during the life of the contract. Vendor contract manager contact information is contained below on the [Vendor List](#_Appendix_A:_Vendor)

## General Procurement Guidelines and Best Practices

For general procurement guidelines and best practices, follow these recommendations:

* Buyers should inform vendors to reference Statewide Contract **GRO39** on all quotes and invoices.
* No prepayment should be made for products not yet delivered or services not yet rendered.
* No sales tax should be applied to invoices.
* No fees or surcharges (including travel, fuel, delivery) should be applied to invoices.
* Special order fees must be agreed upon by both parties upfront.
* Payments for products or services provided must be paid within 45 days per Massachusetts Bill Payment Policy, or sooner if applying Prompt Payment Discount.
* Buyers are not required to sign additional agreements with vendors that conflict with the Request for Response (RFR) Terms and Conditions. Contact the Category Manager ([Michael Barry](mailto:michael.barry3@mass.gov)or[Kelly Minichello](mailto:kelly.minichello@mass.gov)) for guidance.
* Vendors must notify buyers of product substitutions.

## Adding a Product

To add a product to the list of eligible products sold under this contract, buyers must contact the Category Manager ([Michael Barry](mailto:michael.barry3@mass.gov)or[Kelly Minichello](mailto:kelly.minichello@mass.gov)) for approval. The new products requested must comply with the established specifications and scope of the contract.

## Environmentally Preferable Products and Services (EPPS)

This contract includes environmentally preferable requirements and other options. State agencies must comply with Massachusetts [Executive Order 515](https://www.mass.gov/executive-orders/no-515-establishing-an-environmental-purchasing-policy), which mandates the procurement of EPPs when they meet performance standards and offer best value.

**Water Coolers:** All water coolers must comply with the [Massachusetts Appliance Energy and Water Efficiency](https://www.mass.gov/info-details/appliance-energy-and-water-efficiency-standards) effective January 1st, 2023. Specifically:

* Products in covered categories may only be sold or installed in Massachusetts if they are certified by their manufacturer as compliant with 225 CMR 9.00.
* To ensure compliance, check DOER’s [**Compliance for Sellers and Installers page**](https://www.mass.gov/info-details/appliance-efficiency-standards-compliance-for-sellers-and-installers) for detailed instructions for how to comply.
* Must meets version 2.0 of [ENERGY STAR](https://www.energystar.gov/)®.

**Other Equipment**:

* Water cooler dispensers and coffee service equipment must conform to the latest version of [ENERGY STAR](https://www.energystar.gov/)®.
* For Category 2, all water cooler dispenser units including touch-free models must:
  + Be certified to NSF/ANSI Standards 61 and 372
  + Comply with the Massachusetts Uniform State Plumbing Code
  + Be listed by Underwriters Laboratories to U.S. and Canadian standards UL399
  + Be ADA compliant
  + Use EPA-approved refrigerants that comply with 310 CMR 7.76, which prohibits certain hydrofluorocarbons in refrigeration and other applications.

**Cleaning and Sanitizing Services:** must use safer active ingredients including hydrogen peroxide, lactic acid, citric acid, and caprylic acid, peroxyacetic acid or any product that is certified by [Green Seal](https://greenseal.org/), [UL Ecologo](https://spot.ul.com/) or [US EPA Safer Choice](https://www.epa.gov/pesticide-labels/dfe-certified-disinfectants) under the EPA’s Design for the Environment (DfE) program. It is prohibited to use chlorine bleach, hydrogen chloride, QUATS, Silver and thyme oil for sanitizing purposes.

**Post-Consumer Recycled Content/Compostable Options:** For Categories 1 & 3, vendors must offer paper and hot cups made from recycled content or a biobased material:

* Biobased cups should meet or exceed ASTM D6868/FSC/SFI standards
* Must be certified by either
  + the Biodegradable Products Institute [https://bpiworld.org](https://bpiworld.org/)
  + The Composting Manufacturing Alliance [https://compostmanufacturingalliance.com](https://compostmanufacturingalliance.com/)

**Additional Recommendations:**

* Request bottles with post-consumer recycled content
* Select coffee that is certified [Fair Trade](https://www.fairtradecertified.org/what-we-do/what-we-certify/coffee/) or [Equal Exchange](https://www.info.equalexchange.coop/)
* Consider reverse osmosis systems that are zero-waste
  + Uses a semi permeable membrane to purify drinking water.
  + Able to supply multiple dispensers from a single central head unit, enhancing efficiency and reducing waste.

**Consider Switching to a Bottle less System:** Bottle-less cooler systems offer significant advantages:

* Potential savings of 30–70% in monthly water costs compared to bottled water delivery.
* Reduced labor and time spent refilling or replacing bottles.
* Minimized exposure to bacteria and germs from bottle changes.
* Lower risk of employee injuries from lifting heavy bottles.
* Closed systems eliminate environmental exposure and contamination.

**Learn More:** Explore the [Environmentally Preferable Products (EPP) Procurement Program](https://www.mass.gov/environmentally-preferable-products-epp-procurement-program) and discover detailed guidance in the [EPP Products and Services Guide](https://www.mass.gov/handbook/environmentally-preferable-products-and-services-guide).

## Instructions for Massachusetts Management Accounting and Reporting System (MMARS) Users

When placing orders with a contractor, MMARS users **must** include a reference to the Statewide Contract ID number **GRO39\*** and **GRO39SinglUsePlastic\*** in the Agreement ID field in MMARS for encumbrances related to purchases from Statewide Contracts. Please address all inquiries regarding MMARS technical support and job aids by emailing the [Comptroller Help Desk](mailto:Comptroller.Info@mass.gov) or by calling 617-973-2468.

When purchasing 21.0 oz containers or less, MMARS users must use GRO39 Master Agreement – MA GRO39SingleUsePlastic.\* Use this master agreement to record Single Use Plastic emergency orders consistent with item number 4 above. All other GRO39 purchasing activities must be under the GRO39000000000000000 MA.

## Geographical Service Area

GRO39 vendors collectively provide service that covers the entire State of Massachusetts as detailed in the [County Map](https://www.sec.state.ma.us/cis/cispdf/County_Map.pdf). Vendor specific information is found in the [Vendor Information](file:///S:/Sourcing/Procurement%20Files/GRO39%20-%20Drinking%20Water/9%20Contract%20Management/_Contract%20User%20Guide/GRO39%20Contract%20User%20Guide%2008.10.21.docx#_Appendix_A:_Vendor) section.

## Vendor List and Information

| **Vendor[[1]](#footnote-2)** | **Master Blanket Purchase Order Number** | **Contact Person** | **Phone Number** | **Email** | **Categories** | **Counties** | **Discounts**  **(PPD,**  **Dock Delivery,**  **Other)** | **Supplier Diversity Office (SDO) Certification Type** | **Supplier Diversity Program (SDP) Commitment Percentage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Master MBPO[[2]](#footnote-3)  (All contract documents) | [PO-22-1080-OSD03-SRC3-22638](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-22-1080-OSD03-SRC3-22638&releaseNbr=0&external=true&parentUrl=close) | Michael Barry  Kelly Minichello | 617-720-3182  351-667-9536 | [michael.barry3@mass.gov](mailto:michael.barry3@mass.gov)  [kelly.minichello@mass.gov](mailto:kelly.minichello@mass.gov) | N/A | N/A | N/A | N/A | N/A |
| Quench USA, Inc. | [PO-22-1080-OSD03-SRC3-22647](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-22-1080-OSD03-SRC3-22647&releaseNbr=0&external=true&parentUrl=close) | Tommy Modica | (347)881-5704 | tmodica@quenchwater.com | 2, 3 | All | PPD: 2% - 10 days  PPD: 2% - 15 days  PPD- 1% - 20 days | N/A | 5% |
| DS Services of America | [PO-22-1080-OSD03-SRC3-22834](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-22-1080-OSD03-SRC3-22834&releaseNbr=0&external=true&parentUrl=close) | Sharyea Jackson | (678)-486-3503 | [SJackson@DSServices.com](mailto:SJackson@DSServices.com) | 1, 2, 3, 4 | All except Nantucket | PPD: 2% - 30 days | N/A | 10% |
| BlueTriton Brands (Ready Refresh/ Nestle) | [PO-22-1080-OSD03-SRC3-22645](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-22-1080-OSD03-SRC3-22645&releaseNbr=0&external=true&parentUrl=close) | Brian Sullivan | (508)-962- 1279 | [brian.sullivan@bluetriton.com](mailto:brian.sullivan@bluetriton.com) | 1, 2, 4 | All except Berkshire, Dukes, Nantucket | PPD: 1% - 10 days | N/A | 1% |
| W.B. Mason | [PO-22-1080-OSD03-SRC3-22646](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-22-1080-OSD03-SRC3-22646&releaseNbr=0&external=true&parentUrl=close) | Gregg Manning | (800) 242-5892 x8273 | [gregg.manning@wbmason.com](mailto:gregg.manning@wbmason.com) | 1, 2, 3 | All except Dukes and Nantucket | PPD: 3% - 10 days  PPD: 3% - 15 days  PPD: 3% - 25 days  PPD: 3% - 30 days | N/A | 1% |

## United Nations Standard Products and Services Code® (UNSPSC®)

UNSPSC® for **GRO39**:

* 50–20–23 Water
* 50–20–00 Beverages
* 50–20–17 Coffee
* 14–11–00 Paper Products

1. Note that COMMBUYS is the official system of record for vendor contact information. [↑](#footnote-ref-2)
2. The Master Contract Record MBPO is the central repository for all common contract files. The price files may be found in the individual vendor’s MBPO. [↑](#footnote-ref-3)