



OPERATIONAL SERVICES DIVISION

# Contract User Guide for GRO39

## GRO39: Drinking Water – General and Emergency Services

UPDATED: May 9, 2024

<b>Contract #:</b>	GRO39
<b>MMARS MA #:</b>	GRO39* and GRO39SinglUsePlastic*
<b>Current Contract Term:</b>	08/01/2021 – 07/31/2026
<b>Maximum End Date:</b>	One three-year extension to 2029
<b>Initial Contract Term:</b>	08/01/2021 – 07/31/2026
<b>Contract Manager:</b>	Michael Barry, 617-720-3182, michael.barry3@mass.gov
<b>This Contract Contains:</b>	Environmentally Preferable Products
<b>UNSPSC Codes:</b>	50 20 23 Water, 50 20 00 Beverages, 50 20 17 Coffee, 14 11 00 Paper Products
<b>Notes:</b>	GRO39 replaces GRO34 Drinking Water – General and Emergency Services
<b>Updated:</b>	Redlines

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

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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.

### 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](#), and ensure the individuals using disinfectants are aware of the guidance.

## 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](#) 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.

## Instructions for MMARS Users

When purchasing 16.9 oz containers, 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 GRO3900000000000000 MA.

## 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

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- 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)

## 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.

- 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.

## Find Bid/Contract Documents

- To link directly to the MBPO for GRO39 visit Master Blanket Purchase Order [PO-22-1080-OSD03-SRC3-22638](#).
- To find all contract-specific documents, including the Contract User Guide, RFR, specifications, and other attachments, visit [COMMBUYS.com](#) and search for GRO39 to find related Master Blanket Purchase Order (MBPO’s) information. All common contract documents are located in the “Master Contract Record” Master Blanket Purchase Order (MBPO) for GRO39 and can be accessed directly by visiting Master Blanket Purchase Order [PO-22-1080-OSD03-SRC3-22638](#).
- 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;

Construction Materials and Services: G.L. c. 149, s. 44A; G.L. c. 30, § 39M.

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### Eligible Entities

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

## Construction Requirements

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

Purchasing entities are responsible for compliance with applicable construction law requirements. Information concerning specific M.G.L. c. 149 and c. 30 construction requirements may be found in the Office of the Inspector General’s Public Procurement Charts at: <https://www.mass.gov/download-oig-public-purchasing-and-public-construction-manuals>. It is the responsibility of the Eligible Entity to determine whether installation work includes construction as defined by M.G.L. c.149 or M.G.L. c.30, §39M. Chapter 30B Procurement Assistance from the Office of the Inspector General is available at <https://www.mass.gov/how-to/get-public-procurement-assistance-from-our-chapter-30b-team>. Access the 30B Hotline at 617-722-8838 or [email them at: 30BHotline@massmail.state.ma.us](mailto:30BHotline@massmail.state.ma.us).

Questions about public construction bidding should be directed to Deborah Anderson, Counsel II for the Attorney General’s Office, at 617-963-2371. Visit the Attorney General’s [Public Construction web page](#) to learn more about Public Bidding Laws.

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

## Supplier Diversity Requirements

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"> <li>• <b>Notify at least two small businesses</b> capable of providing the product or service of the opportunity, if available.</li> <li>• Include SBPP contract language and place it prominently within the RFQ.</li> <li>• Evaluate bids received from, and award a contract to, an SBPP-participating small business that meets the department’s best value criteria.</li> <li>• Award to a large business only if there is no SBPP participating business meeting departments’ best value criteria.</li> <li>• Conduct a clarification/BAFO/negotiation before disqualifying an SBPP-participating business based on price or desirable criteria.</li> <li>• See the <a href="#">Best Value Evaluation of Responses to Small Procurements: A Guide for Strategic Sourcing Teams</a> for additional guidance.</li> </ul>

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More than \$250,000/year	<ul style="list-style-type: none"><li>• <b>Notify at least two diverse and/or small businesses</b> capable of providing the product or service of the opportunity, if available.</li><li>• 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.</li><li>• <b>Note:</b> 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.</li></ul>

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 going directly to individual vendor MBPOs on the [vendor information](#) page, where links to all the vendors MBPO’s should be provided.

### Setting Up a COMMBUYS Account

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

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 GRO39 to receive contract pricing.

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## 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.

## Obtaining Quotes

### 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.

## Prevailing Wage Requirements

The buyer has a legal obligation to request a prevailing wage schedule from the [Department of Labor Standards \(DLS\) at www.mass.gov/dols](#). Questions regarding the Prevailing Wage Law may be answered by accessing the DLS website or by calling the DLS Prevailing Wage Program at (617) 626-6953. For this contract, the following prevailing wage categories include: Classification: Plumber.

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 M.G.L. c. 149, § 44A(2)(G). 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

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provisions. For questions about the Workforce Participation Goals law, please contact Deborah Anderson at the Attorney General's Office at 617-963-2371, or visit the Attorney General's [Public Construction Bidding in Massachusetts FAQ](#).

The Office of the Attorney General's Fair Labor Division is responsible for enforcing the prevailing wage laws. Visit [www.mass.gov/prevailing-wage-enforcement](http://www.mass.gov/prevailing-wage-enforcement) for more information.

## Instructions for MMARS Users

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

## Environmentally Preferable Products (EPP)

All water supplied under GRO39 as well as the filtration systems are NSF certified and meet or exceed all applicable standards provided by the Federal Food and Drug Administration (FDA), Title 21 of the Code of Federal Regulations. Water bottles and paper cups are made with a percentage of post-consumer recycled plastic content or from bio-based material. Paper cups meet or exceed ASTM D6868/FSC/SFI standards and are certified by either the Biodegradable Products Institute or the Composting Manufacturing Alliance. Cleaning and sanitizing operations are expected to use safer active ingredients including hydrogen peroxide, peroxyacetic acid, lactic acid, citric acid, and caprylic acid or any product that is certified by Green Seal, UL Ecologo or US EPA Safer Choice under the Design For the Environment (DfE) program. It is prohibited to use chlorine bleach, hydrogen chloride, QUATS, Silver, and thyme oil for GRO39 sanitizing purposes.

Further, according to data switching to bottle-less cooler systems can save from 30% to 70% in monthly water costs versus bottled water delivery from month one via a rental program. Eliminating messy and cumbersome water bottles also saves time lost to refilling or changing bottles, especially in larger offices. Constantly changing water bottles exposes the water coolers to bacteria and germs, making traditional water coolers a rather unsanitary option. Each awarded vendor on this contract offers one or more types of bottle-less coolers that conform to the latest set of ENERGY STAR® requirements.

If circumstances within an agency prohibit the use of bottle-less systems, purchasers should know that the plastic bottles used under the new contract are free of Bisphenol A (BPA - a chemical linked to numerous diseases and developmental problems). In addition, the bottles are picked up by the vendor, cleaned and reused numerous times to help reduce waste.

For more information on the GRO39 EPP please visit the [EPP Products and Services Guide](#)

### EPP Requirements:

State buyers are reminded that [Environmentally Preferable Products \(EPP\) Procurement Program](#) requirements for the use of environmentally preferable disinfectants, and some cleaning supplies, has been waived due to the availability of the products impacted by the demand caused by COVID-19. As the EPP supply replenishes, buyers are reminded that these disinfectants and other third-party certified products remain recommended for use and are selected for public health and environmental standards. For additional guidance, visit the Toxics Use Reduction Institute's [COVID-19: Safely Clean & Disinfect](#) webpage.

**Massachusetts Appliance Efficiency Standards:** Pursuant to G.L. c. 25B, the Department of Energy Resources (DOER) has adopted regulations at 225 CMR 9.00 for testing the energy efficiency of certain appliances and lamps (listed here).

Beginning January 1<sup>st</sup>, 2023, products in the covered categories may only be sold or installed in Massachusetts if they are certified by their manufacturer as compliant with the regulations. Compliant products are listed in the Northeast Energy NOTE: Contract User Guides are updated regularly. Print copies should be compared against the current version posted on [mass.gov/osd](http://mass.gov/osd).

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Efficiency Partnerships State Appliance Standards Database ([SASD](#)) which may be found at [State Appliance Standards Database \(SASD\)](#) Products not certified on the SASD database within covered categories are prohibited to be sold on this contract.

**MA Appliance Efficiency Standards:** [Appliance Energy and Water Efficiency Standards | Mass.gov](#)

**How to Check if Product Meets The Standards:**

State Appliance Standard Database: [State Appliance Standards Database - Homepage \(mendixcloud.com\)](#)

Modernized Appliance Efficiency Database System (MAEdbS): [State Appliance Standards Database - Homepage \(mendixcloud.com\)](#)

## 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.

## Shipping/Delivery/Returns

**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 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.

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## Additional Information/FAQs

### Geographical Service Area

GRO39 vendors collectively provide service that covers the entire State of Massachusetts as detailed in the County Map located here: [https://www.sec.state.ma.us/cis/cispdf/County\\_Map.pdf](https://www.sec.state.ma.us/cis/cispdf/County_Map.pdf). Vendor specific information is found in the [Vendor Information](#) section.

### Other Discounts

- **Prompt Pay Discounts:** A discount given to the buyer if paid within a certain time period. These discounts may be found in the [Vendor List and Information](#) section below. All discounts offered will be taken in cases where the payment issue date is within the specified number of days listed by vendor and in accordance with the Commonwealth's Bill Paying Policy. Payment days will be measured from the date goods are received and accepted / performance was completed OR the date an invoice is received by the Commonwealth, whichever is later to the date the payment is issued as an EFT (preferred method) or mailed by the State Treasurer. The date of payment "issue" is the date a payment is considered "paid" not the date a payment is "received" by a Contractor.
- **Dock Delivery Discount:** discount is provided if 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 expiration of 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 a 60 days' notice. The Vendor and Department will agree upon a date of termination of the service and for 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.

### If the Needed Product Can Not be Found

If a product or service cannot be found in the vendor's catalog or price sheet it is recommended to contact the vendor directly to inquire if it is available for purchase on this contract. If the product or service meets the scope of the product category, the vendor may be able to add it to their product offerings after approval of the OSD Contract Manager has been granted.

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

### Performance and Payment Time Frames Which Exceed Contract Performance

GRO39 does not have any language which extends payment time frames beyond the current end date of 7/31/2026.

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## Strategic Sourcing Team Members

- Tina Urato, Mass Emergency Management Agency (MEMA)/CDA
- Shane Pacheco, Department of Correction/Facilities & Divisions
- Ariola Molla (inactive), OSD/Strategic Sourcing Lead

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## Vendor List and Information\*

Vendor	Master Blanket Purchase Order #	Contact Person	Phone #	Email	Categories	Counties	Discounts (PPD, Dock Delivery, Other)	SDO Certification Type	SDP Commitment Percentage
Master MBPO** (All contract documents)	<a href="#">PO-22-1080-OSD03-SRC3-22638</a>	Michael Barry	617-720-3182	<a href="mailto:michael.barry3@mass.gov">michael.barry3@mass.gov</a>	N/A	N/A	N/A		N/A
Quench USA, Inc.	<a href="#">PO-22-1080-OSD03-SRC3-22647</a>	Tommy Modica	(347)881-5704	<a href="mailto:tmodica@quenchwater.com">tmodica@quenchwater.com</a>	Cat 2, 3.	All	PPD: 2% - 10 days PPD: 2% - 15 days PPD- 1% - 20 days		5%
DS Services of America	<a href="#">PO-22-1080-OSD03-SRC3-22834</a>	Sharyea Jackson	(678)-486-3503	<a href="mailto:SJackson@DSServices.com">SJackson@DSServices.com</a>	Cat. 1, 2, 3, 4.	All except Nantucket	PPD: 2% - 30 days		10%
BlueTriton Brands (Ready Refresh/ Nestle)	<a href="#">PO-22-1080-OSD03-SRC3-22645</a>	Brian Sullivan	(508)-962-1279	<a href="mailto:brian.sullivan@bluetriton.com">brian.sullivan@bluetriton.com</a>	Cat. 1, 2, 4.	All except Berkshire, Dukes, Nantucket	PPD: 1% - 10 days		1%
W.B. Mason	<a href="#">PO-22-1080-OSD03-SRC3-22646</a>	Gregg Manning	(800) 242-5892 x8273	<a href="mailto:gregg.manning@wbmason.com">gregg.manning@wbmason.com</a>	Cat. 1, 2, 3.	All except Dukes and Nantucket	PPD: 3% - 10 days PPD: 3% - 15 days PPD: 3% - 25 days PPD: 3% - 30 days		1%

\*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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