

Contract User Guide for GRO41

GRO41: Dairy Products and Baked Goods

UPDATED: April 2, 2024

Contract #:	GRO41
MMARS MA #:	GRO41* or GRO41SinglUsePlastic*
Initial Contract Term:	April 1, 2023 – March 31, 2028
Maximum End Date:	March 31, 2028
Current Contract Term:	April 1, 2023 – March 31, 2028
Contract Manager:	Michael Barry, Phone: (617) 720-3182, michael.barry3@mass.gov
This Contract Contains:	Environmentally Preferable Products
UNSPSC Codes:	50-13-00 Dairy products and eggs, 50-18-19 Bread and biscuits and cookies
Updated:	Vendor list layout

*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 Dairy Products and Baked Goods. GRO41 replaces statewide contracts GRO36 Dairy Products and GRO37 Baked Goods. The Strategic Sourcing Team (SST) made the executive decision to merge these two contracts into one to enhance the purchasing experience for contract buyers.

The buying structure of this contract uses a Market Basket which allows users to purchase items from a list of discounted items, but also allows users to purchase from the Contractors' additional list of catalog items if the products fall within the scope/description of this Dairy Products and Baked Goods statewide contract.

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 GRO41 Master Agreement – MA GRO41SingleUsePlastic.* Use this master agreement to record Single Use Plastic emergency orders consistent with item number 4 above. All other GRO41 purchasing activities must be under the GRO4100000000000000 MA.

Contract Categories

This contract includes two [2] categories of products as listed below.

- **Category 1: Dairy Products** - includes, but are not limited to, dairy products in various size cartons, containers, bottles, etc. and various flavors of milk, juices, yogurts, cream cheese and ice cream.
- **Category 2: Baked Goods** - includes, but are not limited to, hamburger rolls, hot dog rolls, dinner rolls, sub rolls, whole wheat bread, sliced breads, English muffins, and donuts.

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Additional Dairy and Baked Goods products not identified in the *Contract Award* may also be purchased from the contractor if the products fall under the scope/description of the Dairy Products and Baked Goods Statewide Contract. In addition, contractors may be asked to make cooler and freezer equipment available for contract users.

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 to purchase environmentally preferable products. Additional benefits and potential cost savings are as follows:

- **Prompt Pay Discounts:** allows user to receive discounts for paying early. See [Other Discounts](#) section for more information.
- **Market Basket:** The price sheet identifies a list of most purchased items and includes discounted fixed pricing for Dairy Products and Bakery Products for the contract duration, with and without Equipment. Market Basket pricing remains firm through March 31, 2024, which allows users to order and plan menus accordingly at a fixed price for the contract period. Any updates to vendor pricing information can be found in the vendor specific MBPO.

Find Bid/Contract Documents

- All common contract documents are located in the "Master Contract Record" of the (MBPO) for GRO41 may be accessed directly by visiting the Master MBPO PO-23-1080-OSD03-SRC02-28719.
- To find vendor-specific documents, including price sheets, see links to individual vendor MBPOs on the [Vendor Information](#) page below.

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.

Subcontractors

The awarded vendor's use of subcontractors is subject to the provisions of the Commonwealth's Terms and Conditions and Standard Contract Form, as well as other applicable terms of this Statewide Contract.

It is permissible to use subcontractors to provide services to the Commonwealth. However, the primary Contractor will be held responsible for all performance of the subcontractor. In addition, the primary Contractor must inform OSD who the subcontractors are and the facilities they will be serving and may be required in writing. OSD reserves the right to request change/termination of subcontractors due to lack of performance. Failure to accommodate such a request may result in contract termination. Subcontracting will not increase the prices offered by the Contractor in response to this RFR. All invoicing and billing must be conducted by the awarded contract vendor.

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Supplier Diversity Requirements

When selecting vendor(s) without soliciting quotes or a statement of work, Executive Departments should follow below guidance:

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.

When selecting vendor(s) from multiple quotes and statement of work, Executive Departments should follow below guidance:

Requirements of the Small Business Purchasing Program for Small Procurements (expected annual value of \$250,000 or less) or the Supplier Diversity Program for Large Procurements (expected annual value exceeding \$250,000) apply to Executive Departments soliciting quotes or issuing statements of work.

Small Business Award Preference: In accordance with the Supplier Diversity Office’s SBPP Policy, Departments must award contracts for Small Procurements to SBPP-participating small business bidders if both of the following conditions are met:

- The response is received from an eligible small business; AND
- The response meets the Department’s best value criteria as defined in the RFR or RFQ.

SDP Commitment: Businesses awarded large Commonwealth contracts for goods and services (also called prime contractors or prime vendors) are required to make measurable financial commitments to do business with one or more diverse businesses (often called SDP Partners). This business-to-business relationship requirement applies to all Large Procurements for goods and services, which were historically defined as those expected to exceed \$150,000 in total spending. Effective July 1, 2021, Large Procurements will be defined as those expected to exceed \$250,000 in annual spending.

Executive departments should take into consideration contracted vendors SDP commitments when evaluating responses. Specifically, the following fields of the new SDP Plan Form correspond to the goals stated above:

Type of information collected from bidders	Possible use of the information by the SST
SDP focus statement	Assess the bidder’s level of integration of supplier diversity into company operations.
SDP policy link or attachment (if any)	
Additional creative initiatives (if any)	
SDP commitment – subcontracting	Evaluate the bidder’s SDP commitment.
SDP commitment – ancillary	
SDP commitment – total	
List of proposed partners	Assess the likelihood of the bidder meeting their SDP commitment.
Company prior year spending with the list of partners (if available)	

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Company average gross annual revenue	If deemed necessary by the Agency or Statewide Contract Strategic Sourcing Team (SST) and included in the evaluation criteria, consider the bidder’s company size during the evaluation of the ancillary SDP commitments and total prior year spending.

Key Evaluation Requirements

The following key requirements apply to the evaluation of submitted SDP Plans:

- At least 25% of the available evaluation score must be dedicated to the evaluation of the bidder’s SDP Commitment.
- The majority of the SDP evaluation score should be dedicated to the bidder’s SDP commitment.
- bidders offering more value in their SDP Plan submissions must receive higher scores.

Other Requirements:

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. See SDO Template Language. • 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 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. • See the Best Value Evaluation of SDP Plan Forms: A Guide for Strategic Sourcing Teams for additional guidance. <p>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</p>

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	Reporting Form directly to the Department and may not be included in any other SDP reporting filed by the Contractor.
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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

Ceiling/Not-to-Exceed: Contract discounts and other pricing published under the contract represents “ceiling” or “not-to-exceed” pricing and may be further negotiated.

Product/Service Pricing and Finding Vendor Price Files

Product pricing may be found by visiting the [vendor information](#) page below, and choosing the specific link to the vendor MBPO, and selecting the price file/list.

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.

*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 GRO41 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

User departments should do a cost comparison between the listed Contractors to determine which Contractor is providing the lowest price and the best value for the products being purchased, then the user department may place their order with that Contractor. Awarded vendors contact information is listed below in the [Vendor List and Information](#) Contract users may request a Buyer’s Guide to assist in ordering directly from the Contractors.

- **How to directly purchase fixed price items through COMMBUYS**

This contract allows buyers to find and quickly purchase specific products/services with pricing within COMMBUYS.

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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.

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)

USDA Certified Organic and locally sourced produced options (meaning sourced within 60 miles of the Massachusetts boarder) are available on this contract. These may be found in the vendor quote response attached to the vendor specific MBPO.

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

- There is a \$25 order minimum per delivery.
- Delivery:
 - All deliveries are Free on Board (FOB) destination.
 - All orders will be processed, confirmed, and delivered based on established delivery schedules.
 - The ordering location will define delivery requirements (delivery time and date) and will establish a mutually agreed upon delivery schedule with the contractor(s). Delivery schedules will conform to location requirements.
 - Contractor(s) must make delivery of items as requested by the ordering facility and call the facilities to schedule delivery. Any change in the specified delivery schedule is subject to approval by the ordering facility. The contractor(s) may not attempt to make deliveries to any facility on official state holidays, unless requested to do so by the ordering facility.
 - Locations will have the option of establishing weekly, semi-weekly, or daily scheduled deliveries, or to schedule individual deliveries when placing the order.
 - Any item not delivered during an established delivery period may be canceled at no cost to the Commonwealth and the Commonwealth reserves the right to purchase such items elsewhere if deemed necessary. Any additional costs incurred by the Commonwealth because of the contractor's failure to deliver will be the responsibility of the contractor(s).

Additional Requirements by Category:

Category 1- Dairy Products: Contractor(s) must place dairy products in the delivery location coolers immediately upon delivery. Any spoilage due to non-compliance with this requirement will be returned at the contractor's expense. All dairy products must be delivered in refrigerated trucks only. Delivery staff must rotate products in the delivery location's

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refrigerator and or freezer upon making a new delivery. The temperature of the dairy products upon delivery must not be warmer than 41 degrees Fahrenheit. Any dairy product delivered that does not conform to this requirement will be returned at the contractor's expense. No minimum orders will be allowed for Dairy Products, and it is desirable that no minimum order be required for Ice Cream Products.

Category 2- Baked Goods: All products must be delivered within 48 hours of baking with an additional 96 hours of documented shelf life upon receipt of delivery. Ordering and delivery information must be made available to contract users upon request. Contract users must be notified of any incorrect or short orders prior to delivery. Incorrect or short orders must be corrected to the contract user's satisfaction within 24 hours. Will Call 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. Product will be inspected upon receipt of delivery. Contract users may not accept the delivery of any product that is expired or visibly damaged. If a product fails inspection by the receiving facility, the product will be rejected, and the contractor(s) must replace it immediately at no additional expense to the facility.

Specific Delivery Requirements for the Department of Correction The contractor(s) must meet all Department of Correction security requirements applicable to each facility. All drivers must pass a CORI background check. 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, 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 situations.

Additional Information/FAQs

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 and 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 the <https://www.mass.gov/files/documents/2016/09/ts/eo509-fact-sheet.pdf> for detailed information.

Label Specifications: Any product delivered under this contract must meet FDA label guidelines unless otherwise specified by the ordering facility. The contractor must supply an ingredient list and nutritional analysis upon request by 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.

Performance and Payment Time Frames Which Exceed Contract Duration: GRO41 does not have any language which extends payment time frames beyond the current end date of 03/31/2028.

Geographical Service Area

Geographical Service Area information is available in Appendix A: Geographic Service.

Product Specifications, including Environmental Standards and Requirements

Category 1 - Dairy Products: Any milk product, even though it is still within code, appears and/or taste spoiled/sour and cannot be served by any user department it will be the responsibility of the vendor to replace and/or credit spoiled

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product immediately at no additional cost to the user department. All dairy products must be date coded in an easy-to-read format. The contractor must provide clear instruction on reading date-coded information.

Category 2: Baked Goods: Products provided under this contract must not contain poppy seeds, sesame seeds or lard unless expressly requested by the ordering facility. Grain/bread products provided under the contract must be made from enriched whole-grain meal or flour unless expressly requested by the ordering facility. All baked goods must be date coded in an easy-to-read format.

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.

Performance and Payment Time Frames Which Exceed Contract Duration: GRO41 does not have any language which extends payment time frames beyond the current end date of 03/31/2028.

If the Needed Product Can Not be Found

If a product cannot be found in the vendor's catalog, price sheet, it is recommended to contact the vendor directly to inquire if it is available for purchase. A request for the addition of commodities and/or services to GRO41 Statewide Contract must be submitted by the Purchasing Entity in writing to the Contract Manager. The Contract Manager along with the SST reserves the right to add additional products or services beyond those stated in this RFR as the needs of the Purchasing Entities require. If the product meets the scope of the product category, the vendor may be able to add it to their product offerings.

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Strategic Sourcing Team Members

- Stephen Burnett, Department of Correction (DOC)
- Christopher Gendreau, Department of Correction (DOC)
- Carol Noonan, Lawrence Public Schools
- Michael Goldberg (inactive), Operational Services Division (OSD)

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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 Contract Record] [Master MBPO] (All contract documents)	PO-23-1080-OSD03-SRC02-28719	Michael Barry	617-720-3182	michael.barry3@mass.gov	N/A	N/A	N/A	N/A	N/A
***Category one – Dairy Products Solicitation Enabled MBPO (for requesting quotes)	PO-23-1080-OSD03-SRC02-28726	Michael Barry	617-720-3182	michael.barry3@mass.gov	N/A	N/A	N/A	N/A	N/A
***Category 2 – Baked Goods Solicitation Enabled MBPO (for requesting quotes)	PO-23-1080-OSD03-SRC02-28720	Michael Barry	617-720-3182	michael.barry3@mass.gov	N/A	N/A	N/A	N/A	N/A
DFA Dairy Brands Fluid, LLC dba Garelick Farms FRA	PO-23-1080-OSD03-SRC3-28707	Liz Connolly	888-215-7774	Liz.connolly@dfamilk.com	Dairy Products	See Appendix A	.25% at 15 days		1%
Rosev Dairy Foods Inc	PO-23-1080-OSD03-SRC3-28717	Stephen Jamgochian	978-886-0787	sjamgochian@rosevdairy.com	Dairy Products	See Appendix A	1% at 10 days .75% at 15 days .5% at 20 days	N/A	1%
Bimbo Bakeries USA Inc	PO-23-1080-OSD03-SRC3-28706	Ed Pinkerton	518-389-8409	edward.pinkerton@grupobimbo.com	Baked Goods	See Appendix A	N/A	N/A	1%
Calise & Sons Bakery	PO-23-1080-OSD03-SRC3-28705	Charlie Stephanopoulos	401-255-4805 or 401-334-3444	cstephanopoulos@calisebakery.com	Baked Goods	See Appendix A	2% at 30 days and under	N/A	1%

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

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**The Master Contract Record MBPO PO-23-1080-OSD03-SRC02-28719 is the central repository for all common contract files. Price files may be found in the individual vendor’s MBPO.

*** The Solicitation Enabled MBPO PO-23-1080-OSD03-SRC02-28726 is the MBPO for soliciting quotes for Category 1 – Dairy Products

*** The Solicitation Enabled MBPO PO-23-1080-OSD03-SRC02-28720 is the MBPO for soliciting quotes for Category 2 – Baked Goods

Appendix A: Geographic Service

Summary of geographic service coverage area for each vendor is provided below

Vendor	Counties / Geographic Coverage
DFA Dairy Brands Fluid, LLC dba Garelick Farms FRA	<ul style="list-style-type: none">· Berkshire/ No· Hampshire/ Yes· Franklin/ Yes· Worcester/ Yes· Hampden/ Yes· Middlesex/ Yes· Essex/ Yes· Suffolk/ Yes· Norfolk/ Yes· Plymouth/ Yes· Bristol/ Yes· Barnstable/ No

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Vendor	Counties / Geographic Coverage
	<ul style="list-style-type: none"> · Dukes/ No · Nantucket/ No
Bimbo Bakeries USA Inc	<ul style="list-style-type: none"> · Berkshire / No · Hampshire/ Yes · Franklin/ No · Worcester/ Yes · Hampden/ Yes · Middlesex/ Yes · Essex/ No · Suffolk/ Yes · Norfolk/ No · Plymouth/ Yes · Bristol/ Yes · Barnstable/ No · Dukes/ No · Nantucket/ No
Calise & Sons Bakery	<ul style="list-style-type: none"> · Berkshire/ No, only a couple towns · Hampshire/ No, only a couple towns · Franklin/ No, only a couple towns · Worcester / Yes · Hampden/ Yes but only half the towns · Middlesex / Yes · Essex/ Yes · Suffolk/ Yes · Norfolk/ Yes · Plymouth / Yes

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Vendor	Counties / Geographic Coverage
	<ul style="list-style-type: none"> · Bristol / Yes · Barnstable / Yes, except P-Town · Dukes/ Yes · Nantucket/ Yes
Rosev Dairy	<ul style="list-style-type: none"> · Berkshire/ Yes · Hampshire/ Yes · Franklin/ Yes · Worcester/ Yes · Hampden/ Yes · Middlesex/ Yes · Essex/ Yes · Suffolk/ Yes · Norfolk/ Yes · Plymouth/ Yes · Bristol/ Yes · Barnstable/ Yes · Dukes/ Yes · Nantucket/ Yes

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