



Division of Agricultural Conservation & Technical Assistance

Massachusetts Food Ventures Program Round 2 for Fiscal Year 2021

Request for Response (RFR): RFR File: [AGR-MFVP-FY21-2](#)

For the implementation of projects that increases access to healthy, affordable food options, sourcing Massachusetts grown, caught or harvested healthy food and to improve economic opportunities for low to moderate income communities.

**Responses must be received by
4:00 PM on March 5, 2021**

**Contact: Rose Arruda
Email: Rose.Arruda@mass.gov**



**Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114**

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EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Secretary Kathleen A. Theoharides
Grant Announcement. RFR ID: **RFR-MFVP-FY21-2** Dated: **February 9, 2021**
Massachusetts Food Ventures Program

1. GRANT OPPORTUNITY SUMMARY:

Proposals Sought For	<p>The Massachusetts Department of Agricultural Resources (“MDAR”) seeks proposals for funding projects that will advance the Massachusetts Food Ventures Program (“MFVP”), help to implement the objectives of the Massachusetts Local Food Action Plan and provide economic opportunities that promote job creation enterprises or new commercial businesses. MDAR is seeking to award grants statewide, primarily in communities of low or moderate income, to individuals or entities with experience developing and supporting commercial food businesses.</p>
Overview and Goals	<p>The overall goal of the MFVP is to increase access to healthy, affordable food options and improve economic opportunities for low to moderate income communities. The MFVP will provide funding through grants to support food ventures, sited primarily in or near communities of low or moderate income, including Gateway Cities and rural communities. The MFVP will help implement goals of the Massachusetts Local Food Action Plan and contribute to the financing needs of local Massachusetts food enterprises. With expanded investment, completed projects will improve access to Massachusetts grown, harvested or caught food products through the development of collaborations with local agricultural enterprises and private/public entities.</p> <p>Key areas for investment include: farm co-ops infrastructure to meet the needs of the expanding local food system; Organizations and Farm businesses seeking to improve distribution systems to support opportunities for equitable access to fresh local food; and retail outlet strategies that enhance access to healthy food and job creation.</p> <p>All projects must include measures and documentation to demonstrate:</p> <ul style="list-style-type: none">• increased food access investment for low-moderate income communities
Funding Availability	<p>Reimbursement grants of up to \$133,950.00 will be awarded on a competitive basis. A 50% match requirement for the total grant request must be demonstrated through identifying cash in hand or a guaranteed loan to be disbursed during the reimbursement period of the grant. Applicants submitting successful proposals will be required to sign a contract with MDAR. Preference is given to firsttime applicants or applicants who have not been previously awarded any grant funding through MDAR. Returning applicants must provide documentation to illustrate previous projects success and data.</p> <p>All contracts are subject to Department funding availability.</p>
Deadline	4:00 PM, March 5, 2021

Contact	Rose Arruda , Department of Agricultural Resources 251 Causeway Street, Suite 500, Boston, MA 02114 email: Rose.Arruda@mass.gov
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2. PERFORMANCE AND CONTRACT SPECIFICATIONS

A. Eligible Applicants:

Eligible Applicants

- Massachusetts Municipalities
- Massachusetts Non-Profit or For-Profit Organizations
- Individual Residents of Massachusetts

B. Eligible Project Areas:

While all projects that meet MFVP requirements will be considered, the categories listed below are examples of potential projects listed in their respective categories.

Food Processing Infrastructure

Creation of commercial food processing infrastructure to ensure availability of Massachusetts produced foods, creating greater food access and which can benefit low and moderate income households.

Non Retail: Food Commissaries

Innovative proposals by commercial food commissaries that connect local farms and partners, create new permanent jobs, create new local food retail markets, or improve marketing within low income communities to increase food access. Proposals may include requests for support for infrastructure, distribution, processing and marketing plans that demonstrate increased access to low to moderate income communities.

Farm Co-Ops

Proposals for construction, renovation or build-out of existing farm facilities that will create new permanent jobs and/or greater access to affordable, fresh food to low-moderate income communities.

Greenhouses and Farmers' markets

Develop and build facilities designed to increase year round access of diverse food production and distribution to existing or new markets to benefit low to moderate income communities.

Food Hubs

Capital for infrastructure to build or renovate sites for new or existing ventures that creates new permanent jobs and improves commercial food access in low to moderate income communities.

Commercial Markets

Innovative projects that connect local food producers and partners in order to develop, build or renovate a large scale retail market, designed to improve commercial distribution of affordable, healthy, locally produced food. Proposals may include initiatives for new construction or the renovation of an existing building. Must clearly document a community demand and outline a marketing strategy for expansion of commercial food access and distribution in low to moderate income areas.

Mobile Markets/ Innovative Markets	To purchase, design, and upgrade vehicles to provide healthy Massachusetts food including meats, seafood, vegetables, and fresh or frozen produce for purchase. Must provide marketing strategy that demonstrates the expansion of commercial access and distribution in low to moderate income communities.
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C. Ineligible Project Areas:

- Funding for audits, feasibility studies or design work.
- Operation or maintenance costs associated with the proposed grant investment.
- Staff or consultant time on proposals for projects that have already been completed or for which the applicant seeks reimbursement.

D. Funding Availability & Allowable Expenditures

Maximum Reimbursement	Reimbursements of up to \$133,950.00 will be awarded on a competitive basis. The minimum grant award is \$35,000.
Property Ownership or Lease	If the proposed project is on property not owned by the Applicant, a lease agreement must demonstrate a long-term, legal right to use the property by the Applicant. This typically means a lease agreement for not less than three (3) years, depending on the size, scale, and cost of the project. The proposed project must also be allowed under the terms of the lease agreement. MDAR may request a copy of the lease agreement as part of its review.
Funding	Use of grant funds is limited to costs identified in the grant application project budget. Grant and matching funds may not be used to pay rents or for normal operating or overhead costs. No indirect or fringe costs may be charged to the grant. MDAR reserves the right to offer funding to selected projects at an amount less than requested in the application budget. Project funding must be expended and project work completed by the end of the state fiscal year, June 30, 2021. In the absence of foreseeable available funding, MDAR may terminate the contract. All funding is subject to appropriation.
Invoicing and Disbursement of Grant Funds	<p>Funds will be disbursed on a reimbursement basis only. All funding requested for the project must be expended on or before June 30, 2021. Documentation of all expenses is required and subject to audit. Satisfactory documentation in the form of cancelled checks, receipts, invoices, etc. for costs associated with approved projects must be dated prior to the June 30, 2021, deadline, submitted to MDAR and approved prior to the Department processing reimbursement.</p> <p>Vendors shall submit for reimbursement utilizing an organizational invoice clearly stating the reimbursement period on the invoice. No project may commence until a contract has been executed by all parties.</p> <p>Only expenses incurred during the period of the contract are eligible for reimbursement. Any project costs that were incurred prior to an executed contract are NOT eligible for reimbursement from MDAR.</p>

Match	Applicants are required to contribute at least a 50% cash match of the <u>total grant request</u>.
E. Project Terms	
Site Visits	<p>The Department will require the applicant to cooperate in a field visit prior to final award determinations being made. A field visit DOES NOT guarantee funding for a proposed project. The purpose of the field visit may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> ○ To verify the information that is presented in the proposal; ○ View the operation and assess the resource to be addressed; ○ Confirm the ability to implement and maintain the project; ○ Develop a basis for future “before and after” comparisons.

F. Reporting	
Reporting	<p>The contract will require quarterly written reporting and a final report. Quarterly-project progress reports must provide the status, description and background of work performed. Reports must include a detailed timeline with milestones relating to all appropriate phases, describing deliverables completed, or if not completed, the work done towards completion. MDAR will review the progress of awarded projects, on a monthly basis, to ensure they will meet completion deadlines.</p>
G. Evaluation Criteria: Responses will be scored using the following measures:	
<ul style="list-style-type: none"> • Project Feasibility: Proposal clearly identifies project objectives and outcomes and outlines measures to evaluate project performance. Project budget is clear, justified, accurately reflects needs and shows eligible match; • Proposal demonstrates how program funding will increase year round access to Massachusetts produced, caught or harvested food and describes benefits to low to moderate income communities; • Proposal shows how funds will have broad application and positive impacts on targeted communities; • Creates new markets or builds new infrastructure that will increase Massachusetts commercial food distribution, access or income and maximizes opportunities for training or permanent job creation; • Project proposal is based on market research to determine community need and demand for proposed project; • Depth of applicant’s management experience with similar scale projects, including years and number-; • Clearly outlined how project will result in job creation including the number and types of full-time, part-time and or seasonal jobs to be created from identified communities; • Proposals sourcing of 50% or more of food grown, caught or harvested by Massachusetts growers, along with documentation, will receive higher ranking; • Large scale projects must be “shovel ready”, with all necessary permits and funding secured; • Secures matching funds to maximize the impact of the MDAR grant investment; • Creates partnerships and supports collaboration at the local level; • First time applicants will receive preference in review process; • Previous grantees, please note that poor past performance, such as lack of responsiveness or failure to adhere to project timeline and delivery of required documents be taken into consideration by the review team; • Previous grantees must provide documentation on past projects and resulting outcomes, including data. 	

H. Application Submission Instructions:

An application form is attached and must be completed and received by the Massachusetts Department of Agricultural Resources by the response deadline. **Please send completed application to Rose.Arruda@Mass.gov.** Applications must be received **by 4:00PM on March 5, 2021.**

**Rose Arruda, Program Coordinator, Department of Agricultural Resources,
Suite 500, 251 Causeway Street, Boston, MA 02114**

I. Additional Required Documentation

If selected, the Respondent will be required to submit the following forms to complete the contract: Commonwealth Standard Contract Form, filled out and signed by the Respondent; EEA Scope and Budget Form; Commonwealth Terms and Conditions filled out by and signed by the Respondent*; Commonwealth W-9 tax information form filled out and signed by the Respondent*; Completed Contractor Authorized Signature Verification Form; Completed Electronic Funds Transfer Form; Proof of entity good standing in Massachusetts and IRS letter of Determination as 501 entity, if applicable.* If not already on file These forms do not need to be completed as part of the response. Assistance to complete these forms will be provided to Respondents selected to participate in the Program. These forms are available for review at www.mass.gov/osd or by request

3. DEADLINES AND PROCUREMENT CALENDAR

A. Release of RFR:	February 9, 2021
B. Information Inquiry:	Questions should be emails, no phone calls. Email Rose.Arruda@mass.gov
C. Application Deadline:	March 5, 2021 at 4:00 PM
D. Estimated Award Date:	Awards are estimated to be announced by late-March 2021.
E. Estimated Contract Start Date:	Anticipated in late-March 2021. Only after an award is issued and a final scope of services has been negotiated and executed by all parties, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form.

4. RFR SPECIFICATIONS

A. Type of Procurement: Grant

- Grant

B. Use of This Procurement by Single or Multiple Departments:

- This RFR is a single department procurement. Contracts awarded under this RFR will be utilized solely by MDAR.

C. Request for Single or Multiple Contractors:

- Multiple

D. RFR Distribution Method:

- This RFR has been distributed by the Department's Farm and Market Newsletter, posted to the program's website at www.mass.gov/agr, and by a distribution list of requested applicants.
- This RFR has been distributed electronically via CommBuys. It is the responsibility of every Applicant to check CommBuys for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files.
- Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

Official Use Only

Date Received: _____

Received By: _____

5. APPLICATION FORM**MASSACHUSETTS FOOD VENTURES PROGRAM (MFVP) (ROUND 2 FOR FISCAL YEAR 2021-2)****SECTION ONE. APPLICANT INFORMATION:**

Applicant Name

Organization

☐ Corporation; ☐ Partnership; ☐ LLC; ☐ Individual Business;
☐ Nonprofit /501(c)(3) ☐ Municipality;

Mailing Address

County

Contact Person
and Title

Office Phone

Cell Phone

Email

SECTION TWO. PROJECT SUMMARY:

In **six sentences or less**, **provide the amount you are requesting** and a brief and clear description of the objectives and scope of work of the proposal :

SECTION THREE. PROJECT DETAILS:

In a separate attachment fully describe in writing the project for which you are seeking funds. Applicants should respond to all of the items listed below. This section should not exceed **6 pages (three double sided pages)**. Font size should not be less than Times New Roman 10. Any additional documentation or attachments do not count toward the page limit.

A. Detailed Project Description:

1. Project Description: Describe purpose/objectives/scope of work for all tasks and a detailed timeline with milestones for all phases of the project, in monthly increments. Address all of the criteria outlined in **Section G: Evaluation Criteria on Page 6**. The proposal should describe how the project will create access to Massachusetts grown, harvested or caught fresh food, support Massachusetts agriculture and create employment.

2. Qualifications and Experience: Describe and document relevant qualifications and experience of the applicant organization and the principals that will be involved in the grant funded activity. List relevant work, projects and those of any external partnering entity and demonstrate that the applicant has sufficient, relevant experience and success in developing and operating a large scale enterprise. List the individuals who will work on the project and the respective roles.

3. Permits and Approvals: Proof of all necessary permits and approvals needed and any responsible agencies.

B. Project Budget:

1. Provide Budget: include all costs, an itemized, detailed listing of all costs, including match expenditures, associated with the scope of work (Items not identified in the application will not be eligible for award).

2. Project funding sources: List all funding sources including matching funding commitments and copies of commitment letters.

C. Project Evaluation :

1. Criteria: Define your criteria or proposed methods for evaluating and measuring project success.

2. Long Term Plan: Outline your plan **for** sustaining the project beyond the grant period.

3. Past applicants: Provide a brief summary regarding projects that have received funding from the MFVP. Please include data and other information that will demonstrate the results and current status of project,

4. Final Report: All applicants accepted for funding will be required to complete a final report evaluating project outcomes and any lessons learned that could be applied elsewhere.

SECTION FOUR : ATTACHMENTS

Provide the following documents as attachments to your application. Attachments do not count towards the 6 page maximum requirement for Project Details :

- Resumes of project manager and key staff;
- Demographic data and participant/beneficiary information, as well as data identifying the targeted population in meeting the project criteria;
- **Financial documents that show all necessary financing is secured, including partner organizations;**
- Signed agreements in place with identified investors and other project partners and description of roles and the relationship between the applicant and project partner;
- Proof of ownership or long term lease of land that is the subject of the grant, if any;
- Three competitive quotes for items over \$5,000, no exceptions;
- Business plan
- Any missing required documentation will result in a 10% deduction in final score.

Construction or renovation projects will be required to provide:

- Initial design of architecture plans, stamped by engineer or architect, including proposed layout of structure;
- A list of all required permits needed for the completion of project and proof of all permits needed for the completion of project;
- Timeline for benchmarks for project completion;
- Final stamped design of proposed building;
- Final layout of proposed structure;
- Inventory or description of equipment and materials to be purchased.

SECTION FIVE: ATTESTATION:

By signing this application you attest all statements herein are accurate and true. You also give permission to a site visit conducted by MDAR before a funding decision is made, if requested. All site visits will be arranged with you in advance.

Signature: _____ Title: _____ Date: _____

RFR - REQUIRED SPECIFICATIONS FOR COMMODITIES AND SERVICES

Revision Date: June 6, 2016

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

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

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

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

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

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

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

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

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

The COMMBUYS system introduces new terminology, which bidders must be familiar with in order to conduct business with the Commonwealth. To view this terminology and to learn more about the COMMBUYS system, please visit the [COMMBUYS Resource Center](#).

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

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

Supplier Diversity Program (SDP). Massachusetts [Executive Order 565](#) reaffirmed and expanded the Commonwealth's policy to promote the award of state contracts in a manner that develops and strengthens certified Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Minority and Women Nonprofit Organizations (M/WNPOs), Veteran Business Enterprises (VBEs), Service-Disabled Veteran-Owned Business Enterprises (SDVOBEs), Disability-Owned Business Enterprises (DOBEs), and Lesbian, Gay, Bisexual and Transgender Business Enterprises (LGBTBEs).

Partnerships with certified diverse businesses: All bidders are **required** to make a significant financial commitment to partner with certified M/WBEs, M/WNPOs, VBEs, SDVOBEs, DOBEs and/or LGBTBEs certified or verified by the Supplier Diversity Office (SDO). Bidders must identify a commitment in the form of a specific percentage of sales made under the resulting contract that will be spent with an SDP Partner(s) on a Massachusetts fiscal year basis, using SDP Plan Form #1 – SDP Plan Commitment. This percentage commitment will extend for the life of any resulting contract.

This requirement extends to all bidders regardless of their certification status, and no bidder will be awarded a Contract unless and until the above requirement is met. Bidders may not list themselves or affiliates as SDP Partners. In order to ensure compliance with this section and encourage bidder participation, SDP Plans will be evaluated at 10% or more of the total evaluation score for all for Large Procurements (those with a total value of greater than \$150,000). SDP Plan submission is encouraged but not required for Small Procurements (those with a total value equal to or less than \$150,000).

Once an SDP commitment is approved, the agency will monitor the Contractor's performance, and use the Contractor's reported expenditures with M/WBEs, M/WNPOs, VBEs and SDVOBEs to fulfill their own SDP expenditure benchmarks. The Commonwealth reserves the right to contact SDP Partners at any time to request that they attest to the amounts reported to have been paid to them by the Contractor.

SDP Forms: Unless otherwise specified in the RFR, the following SDP forms are required to be submitted by the deadlines noted below in order to meet the mandatory participation requirements of the SDP:

SDP Plan Form #/Name	Submitted By	When Submitted
SDP Plan Form #1 – SDP Plan Commitment	All Bidders	With Bid Response
SDP Plan Form #2 – Declaration of SDP Partners	Newly Awarded Contractors	Within 30 days of contract execution
SDP Plan Form #3 – SDP Spending Report	Contractors	Within 45 days of the end of each quarter

In addition to the requirements above, all bidders must follow the requirements set forth in the Supplier Diversity Program (SDP) Plan Section of the RFR. During the life of the contract, the Commonwealth reserves the right to expand the range of certified business categories available for SDP partnerships to all those mentioned above and/or request reports on the Contractors' spending with such certified business categories.

Supplier Diversity Program (SDP) Resources: Bidders may refer to the [SDP Resources for Vendors and Contractors](#) webpage for additional program information, training and compliance resources.

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

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

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

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

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

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

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

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

records request.

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

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

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

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

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

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

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

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

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

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

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