



Division of Agricultural Conservation & Technical Assistance

Matching Enterprise Grants for Agriculture Program (MEGA)

Fiscal Year 2021

(July 1, 2020 to June 30, 2021)

Request for Response (RFR): RFR File: **AGR-MEGA-FY21-11**

To assist farmers who have been in business between one and six years who aspire to develop their farms into commercially viable operations.

**Responses must be received no later than
4:00 PM on April 20, 2020**

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Massachusetts Department of Agricultural Resources
138 Memorial Drive, Suite 42
West Springfield, MA 01089

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Executive Office of Energy & Environmental Affairs
Kathleen A. Theoharides, Secretary
RFR ID: RFR-AGR-MEGA-FY21-11
Dated: February 24, 2020
Grant Announcement: Matching Enterprise for Agriculture Program (MEGA)

GRANT SUMMARY

Proposals Sought For	The Massachusetts Department of Agricultural Resources (“Department”) invites responses from Massachusetts farmers who wish to participate in the Matching Enterprise Grants for Agriculture Program (“MEGA Program”) and who meet the eligibility criteria set forth in this RFR. This program provides business planning and technical assistance resulting in a Departmental Contract for a Matching Enterprise for Agriculture business Plan (“MEGA Plan”) for the farm business. Upon MEGA Plan completion, and if an approved project is identified, participants may enter into a Project Contract Amendment with the Department to spend funds on agreed upon projects as identified in the MEGA Plan for reimbursement. There is no guarantee of funding for Program participants who are selected to receive business planning services or for any proposal.
Overview & Goals	<p>The purposes of the MEGA Program are to:</p> <ul style="list-style-type: none"> • Help farmers who have been in business for at least one, but no more than six years, acquire equipment and other non-land assets that can help insure the financial viability of their farm businesses; • Support the needs of newer farmers through the provision of business assistance and capital; • Bring new ideas, products, skill sets and enthusiasm to the Massachusetts food and agriculture industry. <p>It is the objective of the MEGA Program to assist farmers who aspire to develop their farms into commercially viable operations. Priority will be given to farms that can use program investment to increase farm production, marketing, and income. It is not the objective of the MEGA Program to support “hobby” or rural lifestyle enterprises where only minor consideration is given to the success of the business of agriculture.</p> <p>In Phase I of the program, business planning and technical assistance and required active participation by the applicant selected to the Program will result in the MEGA business Plan. In Phase II, Grant project awards will be offered to active participants, subject to the availability of funding, upon approval of their MEGA Plan and proposed use of grant funds by the Department.</p>
Eligible Applicants	Massachusetts farmers with active commercial farms between 1 and 6 years in business that meet the program eligibility criteria. (See further detail on eligible applicants in Section 1).
Eligible Projects	Grant and matching funds must be used for approved on-farm capital improvement projects or farm equipment intended to enhance the farm’s viability (See detail in Section 2).
Application Deadline	4:00 PM on April 20, 2020.
Funding Availability	Grant levels are up to \$10,000 per farm, available on a one to one matching basis and shall be made at the discretion of the Department. (See further details in Section 3).
Match Requirement	Funding provided by the MEGA Program will be made available on a one to one matching, cost reimbursement grant basis. The maximum grant award shall be \$10,000. (See further detail on the match requirement in Section 3D).
Duration of Contract	Phase 2 Project Contract Amendments are expected to be approved around March/April 2021 and must be completed by June 30, 2021. (See Contract Duration in section 2D).
Contact Information	Melissa Adams, (413) 726-2001 or Melissa.L.Adams@mass.gov

1. Applicants:	
<p>A. Eligible Applicants</p>	<p>Responders to the MEGA Program must meet all the following criteria:</p> <ul style="list-style-type: none"> • Have operated their farm business for at least one year, but no more than six (6) years. • Must have filed taxes as a farm for at least prior year by IRS tax filing deadline and provide a copy of tax form by July 29, 2020 that demonstrates Gross Farm Income that year of at least \$7,500. Gross Farm Income is the total revenue before subtracting expenses or income tax. • Have secure access (own or lease) to land on which the operator is farming. If applicant does not own the land they are farming, they must have a written lease with a term long enough for the farmer to complete the proposed improvement project and see a return on the investment and the landowner must sign application. • Have project funds available for upfront payment of grant and match from personal resources, loans or other (non-Department) grants. (Grant funds are provided on a reimbursement basis.) • All Responders must be in legal compliance with MDAR's rules and regulations including the terms of the Agricultural Preservation Restriction (APR) Program for APR farms.
<p>B. Ineligible Applicants</p>	<p>The following are <u>ineligible</u> for participation in the Program:</p> <ul style="list-style-type: none"> • Non-profit organizations and non-profit farms are ineligible for funding from this program. However, for-profit commercial farms leasing land from a non-profit may apply (see above for eligibility conditions if applicant does not own the land). • Farms that do not yet have at least one year of farm production or that have been in operation for more than 6 years are ineligible. • Farms that have less than \$7,500 Gross Income. • Former participants of the Farm Viability Enhancement Program (FVEP) or the APR Improvement Program (AIP) are ineligible for this Program. • Prior MEGA Program grant recipients may not apply to MEGA for another award. • All projects involving marijuana shall not be eligible for funding from the Department at this time under this program.

2. Eligible Projects:	
<p>Eligible Projects</p>	<p>Use of grant and matching funds is for fixed capital improvements (such as barns, sheds, greenhouses, farm stands) and farm equipment (such as tractors, field equipment, fencing, farm vehicles) that have the potential to enhance the farm's viability. Program staff and/or consultants, with the farm operator's active participation, will provide business assistance to confirm the use(s) of grant funds for farm improvements. The participant(s) and the Department must agree to use(s) of funds before a contract is executed.</p>

3. Funding Availability, Budgeting Guidelines & Allowable Expenditures	
A. Maximum Funding	<p>The total amount available for Program in Fiscal Year 2021 is expected to be around \$100,000.</p> <p>Grant awards will be offered, subject to the availability of funding, to active participants, upon approval of their business plan, for identified uses of grant and matching funds towards on-farm capital improvements and/or farm equipment. Funding provided by the MEGA Program will be made available on a one to one matching, cost reimbursement basis. Maximum grant levels are \$10,000 per farm.</p>
B. Budget Guidelines	<p>Grant funds awarded must be spent on contracted labor and/or materials associated with the capital project(s) and/or equipment purchases outlined in the Scope of Services attached to the contract with the Department. Funds may <u>not</u> be used for operating or overhead expenses, payment of existing or prior debt, purchase of livestock, owner/employee labor, or for the purchase of land. Copies of bank statements, loan agreements, grant award letters or other documents shall be required to demonstrate that funds are available to pay costs upfront and complete the project.</p> <p>The Department reserves the right to offer funding to selected projects at an amount less than requested in the application budget. To receive funding a farm must operate in compliance with all applicable federal, state, and local regulations and participate in the MEGA business planning process resulting in a business plan that receives approval by the Department. Landowner must obtain all approvals required under their particular APR, if applicable. A grant award DOES NOT guarantee an APR certificate of approval. Landowner(s) must be in compliance with the terms of the APR or resolve any outstanding compliance or legal issues with the Department within the timeframe available prior to contract signature.</p>
C. Appropriation	<p>All contracts for grants shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.</p>
D. Match	<p>Funding provided by the MEGA Program will be made available on a one to one matching cost reimbursement basis. The participant's contribution must equal or exceed the grant amount. The participant will be responsible for funding the entire project upfront with reimbursement made for the amount of the grant <i>after</i> project completion. The Department and the MEGA Program participant shall invest equal funding into the agreed upon improvement project(s). Copies of bank statements, loan agreements, grant award letters or other documents shall be required to demonstrate that funds are available to pay costs upfront and complete the project. In-kind services (e.g., owner or employee labor) or prior investment will not be acceptable as a match.</p>
E. Reporting and Invoicing	<p>In Phase 1, the MEGA Plan will be developed with active participation of selected farmers with assistance from program staff and/or consultants. Respondents selected to the Program who completed a business plan through MDAR's 2020 Growing your Farm course in FY2019 or FY2020 may waive the Phase 1, MEGA Plan business planning process upon approval of the plan by the MEGA Coordinator. <u>These applicants should submit their completed business plan along with this application via email to Melissa Adams at Melissa.L.Adams@mass.gov</u> (Note only the business plan will be accepted electronically, not the MEGA application).</p> <p>In Phase II, planned use of funds and cost estimates from this document will be used to develop a Scope of Services and Budget to attach to a Project Contract Amendment with the Department that</p>

	<p>specifies how grant and matching funds must be spent. Acceptable invoices and documentation evidencing completion of services and cost of completed services must be submitted to the Department by June 30, 2021 for reimbursement. All payments of grant awards to participants shall be made on a reimbursement basis; no upfront lump sum payments shall be made to any selected Responder. Reimbursements shall be made only after the Department has received the request for payment through an invoice and supporting documentation showing payment was made within the contract period. Approved supporting documentation shall include, but not be limited to, the following: contractor invoices with a zero balance, cancelled checks, payment records, and other documents that allow the Department to verify the grantee has incurred allowable grant costs and is entitled to payment under the terms of the contract. Costs incurred prior to contract execution cannot be reimbursed and will not qualify as Program expenditures.</p> <p>Once the project is complete and all funds spent, a closeout visit will be conducted by program staff or consultant to view improvements made through program participation and interview participants to complete a program evaluation form. It is expected that participants will respond to any MDAR requests for financial and/or other data showing Program impact on the farm operations for evaluation purposes up to 5 years after contract end date.</p>
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4. Permits and Approvals	
Permits & Approvals	<p>Participants who sign a contract must apply for and receive all permits and any other federal, state or local approvals necessary for the project. Participants must complete agreed upon purchases identified from their MEGA Plan and provide documentation verifying expenditures incurred within the contract period prior to receiving grant funds. (See detail about acceptable documentation for reimbursement in Section 2E).</p>

5. Project Terms	
A. Terms	<p>If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services and Budget. If farm is subject to an Agricultural Preservation Restriction (APR), landowner must obtain all approvals required under their particular APR, if applicable. Notification of being accepted to participate in the program DOES NOT guarantee an APR certificate of approval. Landowner(s) of APR farms must be in compliance with the terms of the APR or resolve any outstanding compliance or legal issues with the Department prior to contract execution.</p>
B. Contract Duration	<p>Contracts to receive business planning and technical assistance services are expected to be executed around September or October 2020. Contract amendments to receive a project grant for an approved project are expected to be approved in March or April 2021. All projects must be completed by June 30, 2021 with no option for extensions. All forms of satisfactory documentation in the form of cancelled checks, paid receipts or sales receipts showing payment of expenses associated with approved projects must be dated on or after start date of contract and prior to the June 30, 2021 deadline.</p>

6. Instructions for Application Submissions	
<p>A. Application Submission Instructions:</p>	<p>To submit a response to this Request for Response owners and operators must submit a completed, signed Attachment A Application, along with copy of 2019 tax form (Schedule F, Schedule K, or Form 1120) (or statement of 2019 farm income and expenses with application if 2019 taxes not yet complete, with tax form submitted by July 29, 2020) and copy of signed lease or grant of access to waters for aquaculture farms, to the following address by the deadline stated below:</p> <p style="padding-left: 40px;">MEGA Program Massachusetts Department of Agricultural Resources 138 Memorial Drive, Suite 42 West Springfield, MA 01089</p> <p>Applications must be received by 4:00 P.M. April 20, 2020. Applications must be mailed or hand-delivered; those sent by fax or electronically will NOT be accepted. Postmarks shall NOT be considered.</p> <p>Special Note: <i>All State agencies are subject to 815 CMR 2.00, State Grants, Federal Grants Awards, Federal Sub-grants and Subsidies as well as the Office of the Comptroller’s policy on State Grants, Federal Sub-Grants, and Subsidies. Departments must use COMMBUYS to publicly post the availability of a discretionary Grant or Grant Program and publish the results of the grantee selections. Use of COMMBUYS to receive electronic quotes for grant opportunities is <u>optional</u>; however, state agencies are encouraged to require grantees to register and submit quotes (applications) through COMMBUYS, which provides a central repository for receipt of electronic applications. As more grantees use COMMBUYS to identify grant opportunities, they will have a single location to apply for grants from multiple state agencies, resulting in efficiencies for both the grantees and the state agencies.</i></p> <ul style="list-style-type: none"> • For more information regarding the benefits of registering in COMMBUYS, you may go to COMMBUYS support pages.
<p>B. Additional Required Documentation</p>	<p>In addition to submitting a completed attachment A application, a Responder must <u>include the following along with the completed application</u>:</p> <ul style="list-style-type: none"> • Copy of signed lease agreement with the landowner if the applicant does not own the farmland. • Copy of the permit or grant allowing access to water for aquaculture operations. • Copy of your 2019 tax form (Schedule F, Schedule K, Form 1120, or other relevant tax statement that shows annual farm income and expenses). If 2019 taxes are not yet complete please provide a Profit & Loss statement or other statement of estimated 2019 total farm income and expenses.
<p>C. Additional Contract Documentation</p>	<p>If selected, the Respondent will be required to submit the following forms to complete the contract:</p> <ul style="list-style-type: none"> • Commonwealth Standard Contract Form, filled out and signed by the Respondent • Scope and Budget Form • Completed Contractor Authorized Signature Verification Form • Commonwealth W-9 tax information form filled out and signed by the Respondent • Completed Electronic Funds Transfer Form <p>These forms <u>do not</u> 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.</p>
<p>D. Evaluation Criteria</p>	<p>A staff review team (“Review Team”) shall consider all eligible responses and rank them according to the stated criteria. The Review Team shall be comprised of Department staff and Program consultants. Their ranking and recommendations shall be conveyed to the Commissioner of Agricultural Resources</p>

	<p>and Secretary of Energy and Environmental Affairs for final decisions. The Department shall make notifications of acceptance and rejection to applicants, in writing, on or about September 2020. A Responder may withdraw a response at any point until a contract is executed. The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criteria. All awards are subject to the availability of funding.</p> <p><u>Each eligible response will be scored based on the following criteria:</u></p> <ul style="list-style-type: none"> • Applicants have direct experience in, and knowledge of, agricultural production related to what the farm produces and sells. • Demonstrates applicants have customers and markets/outlets for their products/services. • Demonstrates applicants have invested significant cash and/or sweat equity into starting the farm. • Indicates potential for applicants to manage a successful farm business. • Demonstrates the potential to expand farm productivity, marketing, and farm income. • Clearly identifies how the MEGA Program assistance and grant will help improve farm success.
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7. Deadlines and Procurement Calendar	
Release of RFR:	February 24, 2020
Information Sessions:	None planned at this time
Application Due Date:	Must be received by 4:00 PM April 20, 2020
Estimated Award Date:	Notification of acceptance to program estimated in September 2020.
Estimated Contract Start Date:	<p><u>Phase I: Contracts for the MEGA Planning process are estimated to be around September or October 2020).</u></p> <p><u>Phase II: If approved, the Estimated Project Contract Amendment Start Date: Around March or April 2021.</u></p> <p>Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, 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.</p>

8. Miscellaneous	
A. Type of Procurement:	Grant
B. Use of This Procurement by Single or Multiple Departments:	This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by MDAR.
C. Request for Single or Multiple Contractors:	Multiple

<p>D. RFR Distribution Method:</p>	<p>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.</p>
<p>E. List of Attachments:</p>	<ul style="list-style-type: none"> A. Application Form B. RFR Required Specifications

**ATTACHMENT A Response Form
Fiscal Year 2021 APPLICATION
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES
Matching Enterprise Grants for Agriculture Program**

Date received by (*official use only*) _____

1. Applicant Information

Applicant Name:

Farm Name:

Legal Structure: Sole Proprietor Corporation Partnership LLC Other _____

Mailing Address:

City, State, Zip:

County:

Preferred Phone:

Alternate Phone:

E-Mail:

Website:

Farm Address is same as above

Farm Address

Site City, State, Zip

Landowner is same as above

Landowner(s) Name

City, State, Zip

Home Phone:

2. Agricultural Operation Details:

Who is/are the owner(s) of the farm business?

List (with dates) farming experience and business operating experience of farm owner(s).

Describe your farm business.

When did you begin your current farm operation?
(month/year)

How long have you been operating a farm business at
your current location?

What year did your farm business begin generating
revenue from sales of farm products/services
(as reported on schedule F or relevant tax forms)?

What products, and how much did you produce for sale in 2019? (i.e. number of bales of hay, gallons of maple syrup, dozens of eggs, number of animals, crops harvested – be specific.)

What products, and how much do you plan to produce for sale in 2020?

3. Marketing

What is the current % breakdown between wholesale and retail sales of your farm products?

% Wholesale

% Retail

How are your agricultural products sold? Please check all that apply and note estimated % of total sales for each.

Distributor _____

Stores _____

Restaurants _____

Farmstand _____

Pick-Your-Own _____

CSA _____

Farmers markets _____

Other: _____

Please describe

Please note any planned changes to your sales outlets for 2020.

4. Farmland Use

Describe the farm resource you use: total acres, acres in cropland and/or pastureland, acres of woodland, acres of wetland.

How many acres of land does the applicant own? Acres

Is the land you are farming under a state Agricultural Preservation Restriction (APR)? Yes No Acres

If yes, name of the original owner when land was put into APR?

Do you rent land from others? Yes No Acres

If Yes, do you have a written lease? Yes No Acres

If Yes, when does the lease expire?

6. Farm Management

How many farm employees do you have? Full-time Part-time

Of these, how many are immediate family members (children, spouse, siblings)?

List the current managers on the farm.

Has manager(s) completed a course through MDAR's Agricultural Training Program? Yes No

If yes, which course(s)?

- | | |
|---|-----------------------|
| <input type="checkbox"/> Tiling the Soil of Opportunity | Year Completed: _____ |
| <input type="checkbox"/> Growing Your Farm Business | Year Completed: _____ |
| <input type="checkbox"/> Planning for Startup | Year Completed: _____ |
| <input type="checkbox"/> Exploring the Small Farm Dream | Year Completed: _____ |

List any other business or agricultural training, courses or degrees owner(s) have completed with dates and institution.

Do you have a written business plan for your farm that you can provide electronically if accepted into the program? *(no need to include with this application)*

Yes No

6. Financial Management

What was the gross farm income from the sale of farm products or services in 2019? (Gross income is the total income before subtracting any expenses, taxes, or owner's draw.)

What is your projected gross farm income for 2020?

What are your financial goals for your business? (for example -to provide 50% of family income, to increase gross sales to \$x within 5 years, etc.)

Please submit a copy of your 2019 tax form (Schedule F, Form 1120, or other relevant tax statements) with your application. **If 2019 taxes are not yet complete, please provide a Profit & Loss or other statement of estimated 2019 total farm income and expenses with this application. A copy of 2019 tax form for farm must be sent in when filed, to be received by the Department by July 29, 2020, to verify eligibility.**

If selected for the program you will need to provide copies of up to 3 years' tax forms to a Department representative for use in developing your MEGA Plan.

Debt: List any loans or other debt for the farm under and \$ amounts in the following table:

Organization/Entity to whom the money is owed:	\$ Amount Owed

Do any of these include a lien on your residence or a mortgage on the property including your home?

Yes No

Check here if there is no debt associated with the farm.

7. Proposal – Please provide answers to the following questions in the space provided. Do not attach additional information in response to these questions as it cannot be considered.

7A. Needs and Opportunities:

What are the needs and opportunities for your farm business to grow and succeed?

7B. Proposed Project:

How could program assistance and funding help you address these needs? How do you propose to use a MEGA grant and your matching funds to help improve your farm's success?

7C. Proposed Project Budget:

In the table below, List eligible items you propose for use of grant and matching funds below. Estimated costs should reflect out of pocket expenses only. Do not include any "sweat equity," donated labor or materials, or pre-purchased materials or equipment. Source(s) of matching funds must be in cash (e.g., personal savings, loans, other non-MDAR grants). Maximum grant amount is \$10,000. (Note: MDAR may offer less than the amount requested.)

Whether or not participants will receive a grant, and if so what amount, will be determined once their MEGA Plan is completed and approved in Phase I to determine entry into Phase II for a contract.

Proposed Project	Item to be purchased (equipment or fixed capital improvement)	Cost Estimate
		\$
		\$
		\$
		\$
		\$
		\$
(A) Total Project Costs		\$
(B) Amount Request from MEGA (\$10,000 max)		
(C) Matching Funds (must equal or exceed B)		\$

Source of Matching Funds: _____

8. Required Signatures: All Applicants and Landowners

By signing below, you certify the information provided in this application is true and accurate to the best of your knowledge and you are authorizing the Department to conduct a field inspection of the land to be considered for inclusion in the Covenant. In addition, those signing below are expressing a willingness to execute an Agricultural Covenant which will be recorded at the Registry of Deeds. All farm business owners and farmland owners must sign; Substitutes or signatures initialed by another person shall not be accepted.

Signature of Farmland owner (For aquaculture, Shellfish Constable or town representative)	Printed Name	Date
Signature of Farmland owner	Printed Name	Date
Signature of Farm Business Owner (if different)	Printed Name	Date
Signature of Farm Business Owner (if different)	Printed Name	Date

END OF APPLICATION
(See Application Submission Instructions on page-7)

ATTACHMENT B
Operational Services Division
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.