

THE COMMONWEALTH OF MASSACHUSETTS

**EXECUTIVE OFFICE OF ENERGY AND  
ENVIRONMENTAL AFFAIRS -**

**MASSACHUSETTS DEPARTMENT OF  
AGRICULTURAL RESOURCES**

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251 CAUSEWAY STREET, SUITE 500  
BOSTON, MA 02114-2151



**Statewide Contract PRF61:  
Management Consultants, Program Coordinators & Planners Services  
Category: Environmental Consulting Services**

**Request for Quote (RFQ)**

**Document Title: Glyphosate Scientific Review  
Document Number: AGR-GlyphostateStudy-FY22-2**

Responses will be received online, via COMMBUYS through 2 PM, on January 17, 2022



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<b>Issue Date:</b>	January 3, 2022
<b>Purchasing Department</b>	Department of Agricultural Resources
<b>Address</b>	251 Causeway Street, Suite 500
<b>City, State Zip Code</b>	Boston, MA 02114-2151
<b>RFR Name/Title</b>	Glyphosate Scientific Review
<b>RFR Number</b>	AGR-GlyphostateStudy-FY22-2

**1. Description or Purpose of Procurement:**

The Massachusetts Department of Agricultural Resources (“MDAR”), on behalf of the Glyphosate Commission (“Commission”) established by FY2022 budget line item 2511-0100 (“Budget Line Item”), seeks applicants to conduct a scientific review on the potential public health and ecological effects of glyphosate. The Commission is working with a very tight timeline as required by the budget line item. An initial report shall be submitted to the Commission three weeks after the start of the contract, and a final Report and presentation on the Report and findings must be submitted to the Commission no later than March 1, 2022. However, with the understanding that March 1, 2022 will be a challenging deadline to meet, consideration will be given to applications that provide in detail what findings can be completed by March 1, 2022 and what findings would need to be completed after March 1, 2022. Responses should be specific in terms of when findings would be provided, along with a final Report and presentation, and preference shall be given to applications that can meet the March 1, 2022 deadline or come as close to it as possible.

Massachusetts regulates pesticides through M.G.L. c. 132B, the Massachusetts Pesticide Control Act (“Act”). This law, enacted in 1978, places the power of pesticide regulation with MDAR. MDAR has authority to promulgate regulations under its authority set forth in the Act, which can be found at 333 CMR 2.00 through 14.00. The Act also created a Pesticide Board Subcommittee, which is charged with registering pesticides in the Commonwealth in accordance with M.G.L. c. 132B, Section 7A. Pesticide registration requirements include ecological risk assessments to ensure that the intended use will not cause unreasonable adverse effects on the environment.

The Budget Line Item created the Commission and authorized it to conduct a scientific review of the potential impacts of glyphosate and its most common alternative herbicides on the environment and public health. The legislature also stipulated that “pesticide subcommittee established under section 3A of chapter 132B of the General Laws shall use said scientific review as part of an individual conducted under 333 C.M.R 8.03 to determine chapter 132B of the General Laws to determine whether current uses of glyphosate pose unreasonable adverse effects to the environment, and whether current registered uses of glyphosate should be altered or suspended.”

Scope

The Commission is seeking proposals from contractors to conduct a scientific review of the potential impacts of glyphosate and its most common alternative herbicides on the environment and public health. This review must be undertaken in collaboration with the Massachusetts Natural Heritage and Endangered Species Program to evaluate the potential impacts of glyphosate and most common alternative herbicides on:

- (i) all species of plants and animals that have been determined to be endangered, threatened, or of special concern pursuant to chapter 131A of the General Laws; and

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- (ii) all significant habitats designated pursuant to said chapter 131A; provided further, that the commission may expend any portion of its funds it deems necessary to enable the collaboration of the natural heritage and endangered species program

Deliverables (Phase 1)

- Complete an initial report consisting of the following:
  1. a summary of available information on the use of glyphosate in the Commonwealth and key herbicide agent alternatives (e.g., pelargonic acid; glufasinate); this should identify and summarize use restrictions and requirements to minimize impacts.
  2. a list of key assessments (e.g., recent assessments by recognized authorities including, for example, USEPA; peer reviewed publications; precedential judicial decisions), of the potential public health and environmental impacts of glyphosate and its alternatives; and
  3. a list of key stakeholders to be consulted (for example, NAISMA).
- The initial report will be provided to the Commission **three weeks after the start of the contract** and will serve to inform elements to be included in the final report. The Commission will review and affirm the submission to be used to complete the tasks below and may suggest additions.

Deliverable (Phase 2)

- Detailed assessment of the use of glyphosate in the Commonwealth, including methodologies (how) and rationale for use (why), and its key herbicide agent alternatives informed by the Phase 1 deliverable described above. Alternatives should also include discussion of non-pesticide methods of vegetation control (e.g., mechanical methods). The summary of uses should include a review of the effectiveness, application methods and other approaches to avoid or minimize impacts.
- In consultation with the Massachusetts Natural Heritage and Endangered Species Program, summarize the potential impacts of glyphosate and alternative herbicide agents on species determined to be endangered, threatened or of special concern and significant habitats, or habitats of concern.
- Identify and collect regulatory assessments, peer-reviewed scientific publications and other sources of information and data on glyphosate and alternative agents.
- Review, analyze and summarize key assessments, such as recent assessments by recognized authorities (e.g., USEPA), publications in the peer reviewed literature; and precedential judicial decisions) informed by the Phase 1 deliverable.
- Summarize legislation, regulations, and other management requirements for these herbicides by federal agencies, New England states, and any state implementing new management techniques or programs. Summarize key findings of fact from precedential judicial decisions.
- Compare potential public health and environmental impacts of glyphosate and alternative herbicide Agents based on key assessments, informed by the Phase 1 deliverable, and addressed under (4) above.
- Consult with other State, local, and national agencies as well as stakeholder groups identified or informed by the Phase 1 deliverable, on data and information collection.
- Consult and collaborate with the Commission and its support staff on the development of review documents.

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Deliverables (Final)

- Develop a report on the review of studies and information collected as noted above. A presentation of the Report will be made to the Commission **no later than March 1, 2022** (or as soon as possible thereafter).

**2. Applicable Procurement Law**

Check :	Type of Purchase	Executive Branch Goods & Services- Applicable Laws
<input checked="" type="checkbox"/>	Goods and Services	MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00
<input type="checkbox"/>	Grants	MGL c. 7A, § 7; St. 1986 c. 206, § 17; 815 CMR 2.00

**3. Acquisition Method:**

Check All Applicable:	Category
<input checked="" type="checkbox"/>	Fee-For-Service

**4. Bid Calendar Type:**

Check	Type	Description
<input checked="" type="checkbox"/>	<b>Standard</b>	Procurement will not be reopened after the Bid Opening Date (Response deadline date)
<input type="checkbox"/>	<b>Rolling</b>	Submissions will be accepted during the entire contract period

**5. Whether Single or Multiple Contractors are Required for Contract:**

Check	Number of Contractors		
<input checked="" type="checkbox"/>	<b>Single Contractor</b>	<b>Target Number of Contracts</b>	One Contract will be Awarded
<input type="checkbox"/>	<b>Multiple Contractors</b>	<b>Target Number of Contracts</b>	<b>No Maximum</b>

- a. **Adding Contractors after initial Contract Award:** NA
- b. The Department may award more or fewer contracts, if it is in the best interest of the Commonwealth to do so.

**6. Entities Eligible to Use the Resulting Contract**

Check	Limited User Contract- Eligible Entities/Agencies
<input checked="" type="checkbox"/>	<b>Restricted to Use by Defined Entities Only:</b> <ul style="list-style-type: none"> <li>• MDAR- Department of Agricultural Services and</li> <li>• MDEP-Department of Environmental Protection</li> </ul>

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**7. Expected Duration of Contract (Initial Duration and any Options to Renew):**

Contract Duration	Number of Options	Number of Years/Months
Initial Duration		<u>Contract Effective Date through June 30, 2022</u>
Renewal Options	<u>0</u>	
Total Maximum Contract Duration		

**8. Anticipated Expenditures, Funding or Compensation:**

Check:	Compensation Type
<input type="checkbox"/>	<b>Maximum Obligation Contract</b>
<input checked="" type="checkbox"/>	<b>Rate Contract-</b> Contract will NOT have a Maximum Obligation
<input type="checkbox"/>	<b>Rate Contract-</b> Subject to Quoted Price Lists from Pre-Qualified List of Contractors

The funding for any contract is at least \$50,000. Additional funds may be made available.

**9. Contract Performance and Business Specifications:**

Work Requirements

- Summarize the use of glyphosate and its key herbicide alternatives agents in MA.
- In consultation with the MA natural heritage and endangered species program, summarize the potential impacts of glyphosate and alternative herbicide agents on species determined to be endangered, threatened or of special concern and significant habitats.
- Consult with MDAR relative to the pesticide laws and regulations that pertain to pesticides and pesticide product registration.
- Consult with any other state agency which the contractor feels necessary.
- Collect, review, and analyze to the extent feasible key regulatory and peer-reviewed scientific information and data on these agents.
- Summarize legislation, regulations, and other management requirements for these herbicides by federal agencies and key states.
- Identify other publications and assessments.
- Prepare a qualitative comparison of potential public health and environmental impacts of these agents based on key assessments.
- Consult with other State, local, and national agencies as well as stakeholder groups on data and information collection.
- Consult and collaborate with the Commission and its support staff on the development of review documents.
- Develop reports and summaries on the review of studies and information collected.
- Attend the Commission meetings.
- Present the final review to the Commission.
- Present the final review to the Pesticide Board Subcommittee.
- Report must be submitted to the Department **no later March 1, 2022 (or as soon as possible thereafter)**.

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Minimum Qualifications Required

- Ability to collect, review, evaluate and synthesize summaries of knowledge, information, data related to toxicity and risks of certain pesticides.
- Ability to compose relevant reports and related documents.
- Ability to effectively communicate in writing and orally.
- Ability to read, understand, and relay scientific information in the context of a pesticide regulatory program.
- Experience in scientific writing and communication

Preferred Qualifications

- Graduate degree in Ecology, Toxicology, Environmental Science, Entomology, or related fields.
- Experience or knowledge of ecological risk assessment
- Knowledge of federal and state pesticide regulation and supporting risk assessment procedures
- Research and Field experience in a biological or ecological setting.

**10. Small Business Purchasing Program**

Check	Size of Procurement Annually	SDP Commitment
<input checked="" type="checkbox"/>	Small Procurement (</= \$250,000)	SBPP section applies to this Procurement
<input type="checkbox"/>	Large Procurement (> \$250,000)	SBPP section does not apply to this Procurement

**Program Background:** The Massachusetts [Small Business Purchasing Program](#) (SBPP) was established pursuant to [Executive Order 523](#) to increase state contracting opportunities with small businesses having their principal place of business within the Commonwealth of Massachusetts. Pursuant to the SBPP, it is the intention of the issuing department to award this Small Procurement to one or more SBPP participating business(es) as described below.

**SBPP Award Preference:** While all businesses, no matter the size or principal place of business, may submit responses to this solicitation, should an SBPP participant respond and meet the best value criteria as described in this solicitation, the SBPP participant shall be awarded the contract. The Strategic Sourcing Services Team (SSST) will not evaluate submissions from non-SBPP participants unless no SBPP Bidder meets the SSST's best value evaluation criteria.

**SBPP Participation Eligibility:** To be eligible to participate in this procurement as an SBPP participant, an entity must meet the following criteria, and be marked as an SBPP-registered business in [COMMBUYS](#):

1. Have its principal place of business in the Commonwealth of Massachusetts;
2. Been in business for at least one year;
3. Employ a combined total of 50 or fewer full-time equivalent employees in all locations, or employees work less than a combined total of 26,000 hours per quarter; and
4. Have gross revenues, as reported on appropriate tax forms, of \$15 million or less, based on a three-year average.

Non-profit firms also must be registered as a non-profit or charitable organization with the MA Attorney General's Office and be up to date with all filings required by that office and be tax exempt under Section 501(c) of the Internal Revenue Code.

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**SBPP Compliance Requirements:** It is the responsibility of the Bidder to ensure that their SBPP status is current at the time of submitting a response and throughout the life of any resulting contract. Misrepresentation of SBPP status will result in disqualification from consideration, and may result in debarment, contract termination, and other actions. To learn more about the SBPP, including how to apply, visit the [SBPP Webpage](#).

**Program Resources and Assistance:** Bidders and Contractors seeking assistance regarding SBPP may visit the SBPP webpage, <http://www.mass.gov/sbpp>, or contact the SBPP Help Desk at [sbpp@mass.gov](mailto:sbpp@mass.gov).

**11. Supplier Diversity Plan**

Check	Size of Procurement Annually	SDP Commitment
<input checked="" type="checkbox"/>	Small Procurement (<= \$250,000)	Submission is <b>NOT</b> required for this Procurement
<input type="checkbox"/>	Large Procurement (> \$250,000)	Submission is <b>MANDATORY</b> for Procurements with estimated annual values <b>exceeding \$250,000</b>

Supplier Diversity Plan is not required for this Procurement

**12. Environmentally Preferable Products**

Products and services purchased by state agencies must be in compliance with [Executive Order 515](#), issued October 27, 2009. Under this Executive Order, Executive Departments are required to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) whenever such products and services perform to satisfactory standards and represent best value, consistent with 801 CMR 21.00. In line with this directive, all Contracts, whether departmental or statewide, must comply with the specifications and guidelines established by OSD and the EPP Program. EPPs are products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Bid responses must identify how a contractor meets these goals.

**13. Environmental Justice Policy**

For the purposes of this RFQ, “Environmental Justice” is defined as the equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distribution of energy and environmental benefits and burdens. Environmental Justice is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income or English language proficiency.

“Environmental Justice Population” is defined by the Environmental Justice Policy, issued by the Massachusetts Executive Office of Energy and Environmental Affairs in 2017, as neighborhoods where one or more of the following criteria are met:

- Annual median household income equal to or less than 65 percent of the statewide median
- 25% of its population is minority; or
- 25% or more of the residents have English Isolation.

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**14. Evaluation Criteria**

Contractors must submit responses that meet all the submission requirements of the RFQ. Only responsive proposals that meet the submission requirements will be evaluated, scored and ranked by the evaluation team according to the evaluation criteria. Additional information may be requested for evaluation purposes.

General Evaluation: The Department will consider no responses received after the deadline. The Department will award Contracts to the most responsive bidder(s) that offers the best value. The fulfillment of the qualifications listed in this RFQ, the completion of all required forms as listed in the RFQ, and a determination by the Department that contracting with the bidder will provide the “best value” to the Commonwealth will determine the basis for evaluation. In making this determination, the Department will consider and score a number of factors including price, experience, geographic location for ease of service, and quality. The Department may disqualify Responses that are incomplete or inaccurate at its own discretion.

**15. Instructions for Submission of Responses:**

Only electronic quotes submitted via COMMBUYS will be accepted in response to this RFQ. Responses must be sent via the “Create Quote” functionality in COMMBUYS. For instructions concerning how to submit a Quote, please see Appendix B.

Any submission which fails to meet the submission requirements of the RFQ will be found non-responsive without further evaluation unless the evaluation team, at its discretion, determines that the non-compliance is insubstantial and can be corrected. In these cases, the evaluation team may allow the vendor to make minor corrections to the submission.

**COMMBUYS Submission Instructions:**

Include at a minimum the following with your submission:

- Company/Vendor overview and credentials.
- Methodology/Approach of the project
- Quote for Project or rates- Include any additional rates if applicable.
- Sample report
- Confirmation you can meet the report deadline. (If not, provide closest completion date)

All terms, conditions, requirements, and procedures included in this RFQ must be met for a Response to be determined responsive. If a Respondent fails to meet any material term, condition, requirement or procedure, its Response may be deemed unresponsive and disqualified. The Department reserves the right to request additional information from a Respondent to clarify their response to this RFQ, provided that, in the Department's view, any such opportunity to provide further information does not prejudice the interests of the other Respondents.

Note: Prices submitted by the vendor will be set for the full duration of the Initial Contract. Any change in pricing will be submitted and approved in advance by the Department upon each renewal option.

Additional Invasives or services may be agreed upon and added at time of renewal, or mid agreement, via a contract amendment.



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**16. Estimated Procurement Calendar**

<b>Procurement Activity</b>	<b>Date</b>
<b>Original Release of this RFR/RFQ/Bid:</b>	January 3, 2022
<b>Amended RFR Document Released:</b>	NA
<b>Application Due Date: (COMMBUYS Bid Opening Date)</b>	January 17, 2022 by 2PM
<b>Estimated Contract Start Date:</b>	January 31, 2022

*\*Bidders are required to monitor COMMBUYS for changes to the procurement calendar for this Bid.*

- a. **\*\*Estimated Contract Start Date:** The actual start date will be the Contract Effective Date which is the date the Department countersigns the Standard Contract form.
- b. **COMMBUYS Online Questions (Bid Q&A):**

Written Questions must be entered using the “Bid Q&A” tab for the Bid in COMMBUYS no later than the “Online Questions Due” date and time indicated in the Estimated Procurement Calendar (above). The issuing department reserves the right to not respond to questions submitted after this date. It is the Bidder’s responsibility to verify receipt of questions.

It is the responsibility of the prospective Bidder and awarded Contractor to maintain an active registration in COMMBUYS and to keep current 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 Purchasing Department, including requests for clarification. The Purchasing Department 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 Purchasing Department to be lost or rejected by any means including email or spam filtering.

**Written Responses to Questions** will be released on or about the “Responses to Questions Posted Online” date indicated in the Estimated Procurement Calendar (above). Written questions and responses will be posted on the Bid Q&A Tab for this Bid in COMMBUYS.)

**Required RFQ Attachments Included:**

**Appendix A: Required Specifications**

**Appendix B: COMMBUYS Electronic Quote Submission Instructions**

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**RFQ Attachments**

**Appendix A: Required Specifications**

**RFQ - Required Specifications for Commodities and Services**

**Revision Date: October 5, 2021**

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 RFQ 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 RFQ. Words used in this RFQ shall have the meanings defined in 801 CMR 21.00. Additional definitions also may be identified in this RFQ. Other terms not defined elsewhere in this document may be defined in OSD's [Glossary of Terms](#). Unless otherwise specified in this RFQ, 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 RFQ.

**1. COMMBUYS Market Center.** COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at [www.commbuys.com](http://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 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.

**2. COMMBUYS Registration.** Bidders may elect to register for a free COMMBUYS Seller account which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, 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; and 4) in the event the Commonwealth adopts an alternate e-procurement platform, 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).

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COMMBUYS uses terminology with which bidders must be familiar to conduct business with the Commonwealth. To view this terminology and to learn more about COMMBUYS, please visit the [Learn about COMMBUYS Resources page on mass.gov](#).

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

**4. 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.

**5. Supplier Diversity Office (SDO) Programs.** Pursuant to Executive Orders [523](#) and [565](#), the Commonwealth supports the use of diverse and small businesses through the Small Business Purchasing Program (SBPP) and the Supplier Diversity Program (SDP). Based on the estimated value of the procurement, one of the above-mentioned programs shall be applicable to this RFQ. For more information on the program that applies to this solicitation, see the body of this RFQ.

### **6. Small Business Purchasing Program (SBPP)**

**Program Background.** The Massachusetts [Small Business Purchasing Program](#) (SBPP) was established pursuant to [Executive Order 523](#) to increase state contracting opportunities with small businesses having their principal place of business within the Commonwealth of Massachusetts. Pursuant to the SBPP, it is the intention of the issuing department to award this Small Procurement to one or more SBPP participating business(es) as described below.

**SBPP Award Preference.** While all businesses, no matter the size or principal place of business, may submit responses to this solicitation, should an SBPP participant respond and meet the best value criteria described in this solicitation, the SBPP participant shall be awarded the contract. The Strategic Sourcing Services Team (SST) will not evaluate submissions from non-SBPP participants unless no SBPP Bidder meets the SSST's best value evaluation criteria.

**SBPP Participation Eligibility.** To be eligible to participate in this procurement as an SBPP participant, an entity must meet the following criteria, and be marked as an SBPP-registered business in [COMMBUYS](#):

5. Have its principal place of business in the Commonwealth of Massachusetts;
6. Been in business for at least one year;
7. Employ a combined total of 50 or fewer full-time equivalent employees in all locations, or employees work less than a combined total of 26,000 hours per quarter; and
8. Have gross revenues, as reported on appropriate tax forms, of \$15 million or less, based on a three-year average.

Non-profit firms also must be registered as a non-profit or charitable organization with the MA Attorney General's Office and be up to date with all filings required by that office and be tax exempt under Section 501(c) of the Internal Revenue Code.

**SBPP Compliance Requirements.** It is the responsibility of the Bidder to ensure that their SBPP status is current at the time of submitting a response and throughout the life of any resulting contract. Misrepresentation of SBPP status will result in disqualification from consideration, and may result in debarment, contract termination, and other actions. To learn more about the SBPP, including how to apply, visit the SBPP webpage, <http://www.mass.gov/sbpp>.

**Program Resources and Assistance.** Bidders and Contractors seeking assistance regarding SBPP may visit the [SBPP Webpage](#), or contact the SBPP Help Desk at [sbpp@mass.gov](mailto:sbpp@mass.gov).

### **7. Supplier Diversity Program (SDP)**

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**Program Background.** Pursuant to [Executive Order 565](#), the Commonwealth's [Supplier Diversity Program](#) (SDP) promotes business-to-business relationships between awarded Contractors and diverse businesses and non-profit organizations ("SDP Partners") certified or recognized (see below for more information) by the [Supplier Diversity Office \(SDO\)](#).

**Financial Commitment Requirements.** All Bidders responding to this solicitation are required to make a significant financial commitment ("SDP Commitment") to partnering with one or more SDO-certified or recognized diverse business enterprise(s) or non-profit organization(s). This SDP Commitment must be expressed as a percentage of contract sales resulting from this solicitation that would be spent with the SDP Partner(s).

After contract award (if any), the Total SDP Commitment shall become a contractual requirement to be met annually on a Massachusetts fiscal year basis (July 1 – June 30) for the duration of the contract. The minimum acceptable Total SDP Commitment in response to this solicitation shall be 1%. Bidders shall be awarded additional evaluation points for higher SDP Commitments.

No contract shall be awarded to a Bidder without an SDP Commitment that meets the requirements stated herein. This requirement extends to **all** Bidders regardless of their own supplier diversity certification.

**Eligible SDP Partner Certification Categories**

SDP Partners must be business enterprises and/or non-profit organizations certified or recognized by the SDO in one or more of the following certification categories:

- Minority-Owned Business Enterprise (MBE)
- Minority Non-Profit Organization (M/NPO)
- Women-Owned Business Enterprise (WBE)
- Women Non-Profit Organization (W/NPO)
- Veteran-Owned Business Enterprise (VBE)
- Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)
- Disability-Owned Business Enterprise (DOBE)
- Lesbian, Gay, Bisexual, and Transgender Business Enterprise (LBGTBE)

**Eligible Types of Business-to-Business Relationships.** Bidders and Contractors may engage SDP Partners as follows:

- **Subcontracting**, defined as a partnership in which the SDP partner is involved in the provision of products and/or services to the Commonwealth.
- **Ancillary Products and Services**, defined as a business relationship in which the SDP partner provides products or services that are not directly related to the Contractor's contract with the Commonwealth but may be related to the Contractor's own operational needs.

Other types of business-to-business relationships are not acceptable under this contract. All provisions of this RFQ applicable to subcontracting shall apply equally to the engagement of SDP Partners as subcontractors.

**Program Flexibility.** The SDP encompasses the following provisions to support Bidders in establishing and maintaining sustainable business-to-business relationships meeting their needs:

- SDP Partners are **not** required to be subcontractors.
- SDP Partners are **not** required to be Massachusetts-based businesses.
- SDP Partners **may be changed or added** during the term of the contract, provided the Contractor continues to meet its SDP Commitment.

**SDP Plan Form Requirements.** All Bidders must complete the SDP Plan Form included in this solicitation and attach it to their bid response. In addition to proposing an SDP Commitment, each Bidder must propose one or more SDP Partner(s) to utilize to meet its SDP Commitment. Certified diverse Bidders may not list their own companies, their

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subsidiaries, or affiliates as SDP Partners and may not meet their SDP Commitment by spending funds internally or with their own subsidiaries or affiliates.

**Bidders may propose SDP Partners that are:**

- **Certified or recognized by the SDO:** Such partners appear in the [SDO Directory of Certified Businesses](#) or in the [U.S. Dept of Veterans Affairs VetBiz Vendor Information Pages](#) directory. After contract award (if any), spending with such partners will contribute to meeting the Contractor's SDP Commitment.
- **Not yet certified or recognized by the SDO:** Such partners must be certified in eligible categories by a third-party certification body, such as another city or state supplier diversity certification office, the [National Minority Supplier Development Council](#), the [Women Business Enterprise National Council](#), [Disability: IN](#), or the [National LGBT Chamber of Commerce \(NGLCC\)](#), but are not listed in the above-mentioned directories. Self-certification is not acceptable. While Bidders may list such proposed SDP Partners on their SDP Plans, spending with such partners will not contribute to meeting the Contractor's SDP Commitment unless they apply for and are granted SDO supplier diversity certification or recognition. If proposed SDP Partners do not receive SDO supplier diversity certification or recognition, the Contractor must find alternative SDP Partners to meet the SDP Commitment.

It is the responsibility of the Contractor to ensure that their proposed SDP Partners obtain such certification or recognition by the SDO after contract award (if any). The issuing department and the SDO will not conduct outreach to proposed SDP Partners to ensure their certification. Furthermore, no guarantee may be made that a proposed SDP Partner will be certified, or regarding the time it may take to process a proposed SDP Partner certification. Contractors may direct partners to the SDO's homepage, [www.mass.gov/sdo](http://www.mass.gov/sdo) and the [Certification Self-Assessment Tool](#) for guidance on applying for certification.

It is **desirable** for Bidders to provide an SDP Focus Statement that describe the bidder's overall approach to increasing the participation of diverse businesses in the provision of products and services under this proposal/contract (subcontracting) and in the Bidder's general business operations (ancillary products and services). Such a description may include but not be limited to:

- A clearly stated purpose or goal.
- Specific types of diverse and small businesses targeted.
- Which departments/units within the business are responsible for implementing supplier diversity.
- Types of opportunities for which diverse and small businesses are considered.
- Specific measures/methods of engagement of diverse and small businesses.
- An existing internal supplier diversity policy.
- Public availability of the Bidder's supplier diversity policy.

It also is **desirable** for Bidders to use the SDP Plan Form to describe additional creative initiatives (if any) related to engaging, buying from, and/or collaborating with diverse businesses. Such initiatives may include but not be limited to:

- Serving as a mentor in a mentor-protégé relationship.
- Technical and financial assistance provided to diverse businesses.
- Participation in joint ventures between nondiverse and diverse businesses.
- Voluntary assistance programs by which nondiverse business employees are loaned to diverse businesses or by which diverse business employees are taken into viable business ventures to acquire training and experience in managing business affairs.

**Evaluation of SDP Forms.** To encourage Bidders to develop substantial supplier diversity initiatives and commitments as measures valuable to the Commonwealth, at least 25% of the total available evaluation points for this bid solicitation shall be allocated to the evaluation of the SDP Plan submissions. Because the purpose of the SDP is to promote business-to-business partnerships, the Bidders' workforce diversity initiatives will not be considered in the evaluation.

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**SDP Spending Reports and Compliance.** After contract award, Contractors shall be required to provide reports demonstrating compliance with the agreed-upon SDP Commitment as directed by the department, which in no case shall be less than annually.

Only spending with SDP Partners that appear in the [SDO Directory of Certified Businesses](#) or in the [U.S. Dept of Veterans Affairs VetBiz Vendor Information Pages](#) directory shall be counted toward a Contractor's compliance with their SDP Commitment. Spending with SDP Partners that do not appear in the directories above shall not be counted toward meeting a Contractor's SDP Commitment.

It is the responsibility of the Contractor to ensure they meet their SDP Commitment, and the SDO and the issuing department assume no responsibility for any Contractor's failure to meet its SDP Commitment.

**SDP Spending Verification.** The SDO and the contracting department reserve 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.

**Program Resources and Assistance.** Contractors seeking assistance in the development of their SDP Plans or identification of potential SDP Partners may visit the SDP webpage, [www.mass.gov/sdp](http://www.mass.gov/sdp), or contact the SDP Help Desk at [sdp@mass.gov](mailto:sdp@mass.gov).

**8. 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, and/or fur-bearing animals; and any forestry or lumbering operations.

**9. Best Value Selection and Negotiation.** The Strategic Sourcing Services Team or SSST may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SSST and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFQ 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.

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

**11. 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 RFQ 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.

**12. 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 RFQ. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFQ.

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**13. 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 SSST, including requests for clarification. The SSST 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 SSST to be lost or rejected by any means including email or spam filtering.

**14. Electronic Funds Transfer (EFT).** All bidders responding to this RFQ must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder is able to 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 may track and verify payments made electronically through the Comptroller's [Vendor Web system](#). A link to the EFT application may be found on the [OSD Forms](#) page ( [www.mass.gov/lists/osd-forms](http://www.mass.gov/lists/osd-forms)). Additional information about EFT is available on the [VendorWeb](#) site ([www.mass.gov/osc](http://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 already is 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 SSST 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 SSST will consider such requests on a case-by-case basis and communicate the findings to the bidder.

**15. 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](#).

**16. 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 RFQ 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 RFQ 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 RFQ for any further HIPAA details, if applicable.

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**17. 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.

**18. Prompt Payment Discounts (PPD).** All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth's Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder provides 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 (EFT) 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 may be tracked and verified through the Comptroller's Vendor Web system. The PPD form may 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 SSST. The SSST 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 SSST 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.

**19. Public Records.** All responses and information submitted in response to this RFQ 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.

**20. Reasonable Accommodation.** Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFQ 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 RFQ. The SSST reserves the right to reject unreasonable requests.

**21. 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.

**22. 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.

**23. Acceptable Forms of Signature**

Department will instruct contractor on what form of Signature will be required for this procurement. Effective June 15, 2021, for all 1) CTR forms, including the Standard Contract Form, W-9s, Electronic Funds Transfer (EFT) forms, ISAs, and other CTR-issued documents and forms, or 2) documents related to state finance and within the statutory area of authority or control of CTR (i.e. contracts, payrolls, and related supporting documentation), CTR will accept signatures executed by an authorized signatory in any of the following ways: 1. Traditional "wet signature" (ink on paper); 2. Electronic signature that is either: a. Hand drawn using a mouse or finger if working



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from a touch screen device; or Page 2 b. An uploaded picture of the signatory's hand drawn signature 3. Electronic signatures affixed using a digital tool such as Adobe Sign or DocuSign. If using an electronic signature, the signature must be visible, include the signatory's name and title, and must be accompanied by a signature date. Please be advised that typed text of a name not generated by a digital tool such as Adobe Sign or DocuSign, even in computer-generated cursive script, or an electronic symbol, are not acceptable forms of electronic signature.

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**Appendix B: Instructions for Vendors Responding to Bids**

**Introduction**

COMMBUYS refers to all solicitations, including but not limited to Requests for Proposals (RFP), Invitations for Bid (IFB), Requests for Response (RFQ), Requests for Quote (RFQ), as “Bids.” All responses to Bids are referred to as “Quotes.”

**Steps for Bidders to Submit a Quote**

1. Launch the COMMBUYS website by entering the URL ([www.COMMBUYS.com](http://www.COMMBUYS.com)) into the browser.
2. Enter Bidder login credentials and click the **Login** button on the COMMBUYS homepage. Bidders must be registered in COMMBUYS in order to submit a Quote. Each Vendor has a COMMBUYS Seller Administrator, who is responsible for maintaining authorized user access to COMMBUYS.
3. Upon successful login, the Vendor home page displays with the Navigation and Header Bar as well as the Control Center. The Control Center is where documents assigned to your role are easily accessed and viewed.
4. Click on the **Bids** tab
5. Clicking on the Bid tab opens four sections:
  - a. Request for Revision
  - b. Bids/Bid Amendments
  - c. Open Bids
  - d. Closed Bids
6. Click on the blue **Open Bid** hyperlinks to open and review an open bid
7. A new page opens with a message requesting you acknowledge receipt of the bid. Click **Yes** to acknowledge receipt of the bid. Bidders should acknowledge receipt to receive any amendments/updates concerning this bid.
8. After acknowledgement, the bid will open.

The top left half of the page contains the following information:

- a. Purchaser
- b. Department
- c. Contact for this bid
- d. Type of purchase
  - i. Open Market
  - ii. Blanket
- e. Pre-Bid Conference details (if applicable)
- f. Ship-to and Bill-to addresses
- g. Any attachments to the bid, which may include essential bid terms, response forms, etc.

The top right half of the bid includes the following information:

- h. Bid Date
- i. Required Date
- j. Bid Opening Date – date the bid closes and no further quotes will be accepted

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- k. Informal Bid Flag
  - l. Date goods/services are required
9. The lower half of the page provides information about the specific goods/services the bid is requesting.
10. Click **Create Quote** to begin.
11. The General tab for a new quote opens. This page is populated with some information from the bid. Fields available to update include:
- a. Delivery days
  - b. Shipping terms
  - c. Ship via terms
  - d. Is “no” bid – select if you will not be submitting a quote for this bid
  - e. Promised Date
  - f. Info Contact
  - g. Comments
  - h. Discount Percent
  - i. Freight Terms
  - j. Payment Terms

It is important to note that the bid documents (RFQ and attachments) may specify some or all of these terms and may prohibit you from altering these terms in your response. Read the bid documents carefully and fill in only those items that are applicable to the bid to which you are responding.

Update these fields as applicable to the bid and click **Save & Continue** to save any changes and create a Quote Number.

The page refreshes and messages display. Any message in Red is an error and must be resolved before the quote can be submitted. Any message in Yellow is only a warning and will allow processing to continue.

The following messages are received:

Terms & Conditions is not acknowledged – to resolve this, click on the Terms & Conditions tab and accept the terms. Your quote has not been submitted – information message; no action required

12. Click on the Terms & Conditions Tab. This tab refers to the terms and conditions that apply to this bid. The terms and conditions must be accepted before your quote can be submitted. If your acceptance is subject to any exceptions, those exceptions must be identified here. Exceptions cannot contradict the requirements of the RFQ, or required Commonwealth standard forms and attachments for the bid. For instance, an RFQ may specify that exceptions may or will result in disqualification of your bid.
13. Click the **Items** tab. The Items tab displays information about the items requested in the bid. To view additional details about an item, click the item number (blue hyperlink) to open.

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14. The item opens. Input all of your quote information and click **Save & Exit**.
  15. **CONFIDENTIAL INFORMATION:** If documents uploaded in your quote response contain confidential information (security sensitive, EFT, W9, Commonwealth Terms and Conditions), **you must mark each item as confidential**. The confidential column on the Attachments view allows the user to select whether the attached form is confidential or not. Place a check box under the confidential column for each confidential attached form.
  16. Click on the **Attachments** Tab. Follow the prompts to upload and name all required attachments and forms and bid response documents in accordance with the instructions contained in the solicitation or bid documents. After uploading each individual file or form, click **Save & Continue**. After you have uploaded all required documents click **Save & Exit**. Be sure to review your attachments to make sure each required document has been submitted.
  17. Click the Summary tab. Review the information and update/correct, as needed. If the information is correct, click the **Submit Quote** button at the bottom of the page.
  18. A popup window displays asking for verification that you wish to submit your quote. Click **OK** to submit the quote.
  19. The Summary tab redisplay with an updated Status for the quote of **Submitted**.
  20. Your quote submission is confirmed only when you receive a confirmation email from COMMBUYS. If you have submitted a quote and have not received an email confirmation, please contact the COMMBUYS Help Desk at [COMMBUYS@state.ma.us](mailto:COMMBUYS@state.ma.us).
- If you wish to revise or delete a quote after submission, you may do so in COMMBUYS: (1) for a formal bid, prior to the bid opening date, or (2) for an informal bid (which may be viewed upon receipt), prior to the opening of your quote by the issuing entity or the bid opening date, whichever is earlier.

Bidders may not submit Multiple Quotes in response to a Bid unless the Bid authorizes Multiple Quote submissions. If you submit multiple quotes in response to a bid that does not allow multiple quotes, only the latest submission prior to the bid opening date will be evaluated.