



Division of Agricultural Conservation & Technical Assistance

**Stewardship Assistance and Restoration
on APRs Program (SARA)**

**Fiscal Year 2025
(July 1, 2024 to June 30, 2025)**

Request for Response (RFR): RFR File: **AGR-SARA-FY25-14**

To help address stewardship issues and restore active commercial farming on farmland that has already been protected through the Department's Agricultural Preservation Restriction (APR) Program

Application Deadline:

Responses must be received by email or at the MDAR Southborough office by
2:00 pm on Thursday, April 18, 2024

Contact: Julie Weiss
Email: Julie.Weiss@mass.gov
Telephone: (617) 913-5317



Massachusetts Department of Agricultural Resources
100 Cambridge St, 9th Floor
Boston, MA 02114

GRANT OPPORTUNITY SUMMARY

Executive Office of Energy & Environmental Affairs Rebecca L. Tepper, Secretary Grant Announcement- Massachusetts Department of Agricultural Resources RFR ID: RFR-AGR-SARA-FY25 Date: March 1, 2024 Stewardship Assistance and Restoration on APRs Program (SARA)	
Proposals Sought For:	Massachusetts farmers who own or operate farmland placed under an Agricultural Preservation Restriction ("APR") held by the Massachusetts Department of Agricultural Resources ("MDAR" or "Department") who wish to participate in the Stewardship Assistance and Restoration on APRs Program ("SARA") to improve the overall utilization of APR land resources for commercial agriculture ("Program").
Overview & Goals	The Department has made a long and consistent commitment to preserving farmland in Massachusetts. In keeping with that commitment, this Program helps improve the status and condition of land protected by an APR. The Program helps farmers and APR landowners meet their responsibility to uphold the agricultural and preservation values of the land into the future.
Eligible Proposals	Funds must be used for activities related to restoring inactive farmland for active commercial agricultural use or project implementation costs associated with resource restoration for increased agricultural production on existing farmland. (See further detail on eligible projects in Section 2A)
Eligible Applicants	APR landowners and those engaged in farming activities on APRs who have been actively operating a commercial farm or have the background and experience to manage productive farm resources on APR lands protected with Department funds on or before June 30, 2021, and meet all program eligibility requirements.
Application Deadline	Applications must be received by 2:00 pm on Thursday, April 18, 2024. (See further detail on deadlines & program calendar in Section 7).
Funding Availability	Maximum funding per applicant is 85% of total project costs, up to a maximum amount of \$35,000, subject to funding availability. (See further details on Funding Availability in Section 3).
Match Requirement	Minimum 15% of total project costs, including materials and contracted labor. (See further detail on the Match Requirement in Section 3D).
Duration of Contract	All projects will begin at the contract start date, anticipated to be in late Summer/Fall of 2024, and the contract end date is June 30, 2025, with no extensions. (See further detail on the anticipated duration of contracts in section 4C).
Contact Information	Julie Weiss – (617) 913-5317 Julie.Weiss@mass.gov 225 Turnpike Road Southborough, MA 01772

1. APPLICANTS

1A. Eligible Applicants

To be eligible for participation in the Program, Applicants must meet all of the following eligibility requirements:

- Applicant must own a farm that is restricted by a Massachusetts Department of Agricultural Resources APR that was purchased prior to June 30, 2021 with Department funds;
- **Applicant(s) cannot be the owner of the property at the time of the recording of the APR unless** the proposed restoration is clearly in response to damage caused by a natural disaster or damage perpetrated by a third-party and which could not have been prevented by the owner (e.g., storm events, abutter runoff), including effects on the land such as flooding or drought generally resulting from climate change. Ditch maintenance may be requested by the original owner if in response to natural disaster/climate change;
- Applicant may be a Co-Applicant with the owner, provided the Co-Applicant has a lease or use agreement on the land for at least three (3) years beginning from the closing date of the RFR. Leases may be held by a farmer expected to be the successor to the current owner. A copy of said lease should be included with the application. Lessee must currently be farming fields or show demonstrated plan with funding in place to plant crops or include animals during the 2025 growing season;
- If the current owner took possession within one year after the APR closed and/or has owned the APR for longer than five years, the applicant must justify in **detail** how the project is addressing a need that is no fault of the owner through Sections 4D and 4E of the application;
- The areas needing restoration must have been in active commercial farming at the time of APR closing;
- Applicant(s) must be in compliance with the terms of the APR on the subject property at the time of application to be considered for the Program. If an Applicant is accepted under the condition that an identified compliance issue be resolved, then the issue must be resolved within the timeframe that is available for a contract to be executed and
- Are not otherwise deemed ineligible under Section 2B.

1B. Size of Operation

There is no minimum acreage requirement. Projects that provide the most state benefits per grant dollar are more likely to receive funding.

1C. Previously Funded Applicants

Proposals from individuals/operations previously funded by the Department under the SARA Program or other Department programs will be considered a lower priority for funding but are still eligible for consideration under the Program. Those who have not received funds will score higher during the review process than farms/Applicants who have previously received Department grant funds.

1D. Project Terms

Successful Applicants must follow the terms in the recorded APR and request and receive any required Certificates of Approval or any other approvals or be in the advanced stages of obtaining all approvals required under their APR. They must comply with the terms of the APR or resolve any outstanding compliance or legal issues with the Department before a contract signature with the Department. Specifically, the landowner must not have violated the terms of the applicable APR to such an extent that the violation is detrimental to the actual or potential agricultural use of the land. However, if the Applicant is seeking funding to resolve underutilization of land issues, the Applicant may still be eligible for the grant **ONLY IF** the abandonment or underutilization was the result of a prior owner's inaction and this fact can be proven to the satisfaction of the Department.

2. PROPOSALS

2A. Eligible Proposals

Proposals must meet the minimum requirements listed below to be considered for funding.

- The Program provides funding to reimburse Program participants for expenses directly associated with the restoration of agricultural land on an APR farm that is inactive through no fault of the Applicant(s);
- The Program will help fund approved stewardship/restoration activities on an APR that will enhance the continued use of the agricultural resource. These lands must have been in agricultural use at the time of APR closing, and inactivity must not have been caused by the current owner. Projects will be considered on land under a long term lease to a farmer who is working to bring areas back into commercial production. Projects that still meet SARA goals but are not listed below will be considered in the review process. Projects could include work, including but not limited to, the following:
 1. Clearing inactive fields or field edges of brush and/or invasive vegetation; it is recommended that reseeding and nutrient supplementation be included with these types of restoration activities
 2. Stabilizing soil loss, including along stream banks and of eroded lands
 3. Trash cleanup and disposal
 4. Regrading or repair farm access roads
 5. Demolition and removal of abandoned and unused structures and filling of unused wells, perc pits, etc.
 6. Removal of dilapidated fence lines; care should be taken not to remove boundary fence posts or stone walls. Replacement of existing pasture fence as part of the restoration may be allowed.
 7. Renovating pasture or cropland use that has been negatively impacted by erosion, flooding, natural disasters, or inactivity.
 8. Ditch repair/clearing – existing drainage ditches can be cleared of debris, excess plant material and sediment to remove excess water and allow drainage. Ditches should be reshaped and water flow restored.
 9. Remediate storm damage - it must be clearly evident that the need for restoration is the result of storm damage or storm events.
- Funds must be used for identified improvements to help restore or enhance the protected land resources on an APR farm property.
- Eligible uses of funds for restoration projects include the costs associated with contracted labor, equipment rental costs, and purchase of associated materials to complete the project. Fuel costs must be itemized as a line item by contractor if included.
- Proposals should include plans or engineering designs for projects that are extensive or involve significant soil disturbance or water redistribution.
- Identified projects and cost estimates should complete a project as cost-effectively as possible. The intention of the Program is to restore the agricultural resource to a productive condition similar to it's condition at the time the land was placed under the APR.
- Projects which propose the complete restoration of the resource will score higher during the review process.

2B. Ineligible Proposals

- Proposals for which the need for restoration has been caused by the current owner or Applicant's inaction or lack of stewardship/maintenance;
- Proposals in which grant funds and matching funds would be used to pay farm owners, operators, or farm employees for their own labor.
- Proposals from Applicants whose operation is out of compliance with any federal, state, or local laws or regulations.

- Proposals with the intent to help APR farmers with normal ongoing operating costs of farming operations such as applying lime or fertilizer, rotating crops, or transitioning active farmland use from one crop or enterprise to another.
- Proposals which include improvements to buildings, payment of debt, purchase of farm equipment, or purchases of land.
- Proposals which include clearing woodland UNLESS the land had been in productive agricultural use while under the APR and proposed use of the funds seeks to restore the land to the previous condition of agricultural production. Any proposal to clear woodland must also include information about all necessary approvals to ensure compliance with all applicable laws. This may also include the need for additional environmental reviews.
- Proposals for funds to be used for normal operating expenses, payment of debt, purchase of livestock or equipment, or purchase of used materials.
- Proposals which include non-labor costs (e.g., management) and fees associated with project oversight and administration costs.
- Proposal seeking reimbursement for fuel UNLESS it is included as a line item in an invoice from the contractor.
- Proposals that include significant soil disturbance or engineering activities but do not include plans or engineered drawings.
- Proposals from Applicants failing to meet requirements of previous or existing Department Standard Contracts, including but not limited to licenses, permits, certificates of approval, certificates of completion, including APR or assistance programs, or from applicants with poor past contract performance as determined by the Department.
- Proposals involving marijuana and hemp shall not be eligible for funding from the Department at this time.
- Proposals for projects that have already started work or projects that have been completed for which the applicant seeks reimbursement.

2C. Location Maps

Proposals should include a map or aerial photo with the property boundaries drawn and the exact location of the project described in the application. Maps are available online at (<https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html>) or can be prepared by your USDA-NRCS field office. Maps and photos provided by USDA-NRCS are a free service provided to farmers. Responders should plan on contacting NRCS as soon as possible, as it may take several weeks before they receive any map or photo. If you already have an up-to-date NRCS Farm Conservation Plan, you may submit copies of maps and aerial photos from the plan. **Proposals that do not include a clear map that details the location of the proposed work site will score lower during the review process.**

3. FUNDING AVAILABILITY, BUDGETING GUIDELINES, & MATCH REQUIREMENTS

3A. Maximum Funding

- Each applicant must submit a proposal and budget requesting not more than \$35,000 in SARA grant funding.
- Awards are limited to one (1) per Applicant and property, using a unique tax identification number per fiscal year of funding and parcel identification information.
- The Department reserves the right to offer an award amount different than the amount requested for all or a portion of the proposal.

3B. Appropriation

- All contracts 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. The Department may lift the suspension if available funding is received. Without foreseeable available funding, the Department may terminate the contract.
- All acceptances shall be conditional upon verification of information in the application and funding availability.

3C. Budget Guidelines

- Proposals must include an adequate budget for the proposed project. Applicants who provide reputable quotes from a vendor or contractor with their response will receive additional points in the review. If the project contains multiple components, they must be listed as separate line items.
- The level of funding shall be based on eligible uses of funds proposed in the application budget but may be changed by the Department following fact finding and planning at any time up until a contract is offered.
- Determination of the final contract award amount rests solely with the Department and may be based on other factors such as farm productivity, the intensity of use, impact on other natural resources, and the complexity and scale of the problem to be addressed. Grant funds awarded must be spent on contracted labor and materials associated with the project(s) which will be outlined in the Scope of Services attached to the contract with the Department. Funding can only be supplied for work within the APR boundaries, even if the project work area extends beyond the APR land.
- Funds may not be used for normal operating expenses, payment of debt, purchase of livestock, purchase of farm equipment or buildings, purchase of land, or to pay for labor that is provided by the landowner, farm owner, or farm employees.

3D. Match

- Applicants are required to contribute at least a 15% cash match of the total costs of the approved stewardship restoration project, receipts for which will be required.

3E. Environmental Justice Policy

- For the purposes of this RFR, "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 is 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.

For more information, please review the [Environmental Justice Policy](#) in **Attachment B** of this RFR. We also encourage you to complete the [Environmental Justice Questions](#) form in **Attachment B**.

4. PROJECT TERMS

4A. Terms

- Successful Applicants must follow the terms in the recorded APR and request and receive any required Certificates of Approval and all required permits, licenses, and any federal, state, or local approvals necessary.
- Successful Applicants must comply with the Department's programs, regulations, rules, and orders or resolve any outstanding compliance or legal issues with the Department before contract signature. Specifically, the

landowner must not have violated the terms of the applicable APR to such an extent that the violation is detrimental to the actual or potential agricultural use of the land. However, if the Applicant is seeking funding to resolve underutilization of land issues, the Applicant may still be eligible for the grant ONLY IF the abandonment or underutilization was the result of a prior owner's inaction and this fact can be proven to the satisfaction of the Department.

- Funds may not be used for normal operating expenses, payment of debt, purchase of livestock, or purchase of equipment or used materials.
- If awarded, all projects must 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.
- Please note that the Department does not guarantee that any contracts may result from this RFR or that any particular funding level will be awarded. Projects may not commence until the parties execute a contract.
- An Applicant may withdraw a response at any point.
- Upon completion, restored lands must remain in commercial agriculture.

4B. Review Process

The Department cannot assist in the preparation of grant applications. To maintain the integrity of the competitive grant process, the Department cannot advise or provide individuals with any information regarding specific applications during the solicitation process.

There will be three steps of review following the grant application period.

Step I: SARA Grant coordinator will review all applications and, at their discretion, perform pre-scoring visits, especially if program staff is unfamiliar with the current status and uses of the APR or proposed project.

The purposes of the field visit are as follows:

- Verify that the operation is engaged in commercial agriculture and assess the proposal request;
- Determine the appropriateness of the project proposed for the farm;
- Confirm the ability to implement and maintain the project;
- To explore other items deemed necessary, and
- Develop a basis for future 'before and after' comparisons.
- Department staff may modify the proposed project's scope to achieve Program goals more effectively.

Step II: A staff review team ("Review Team") will consider all complete responses from eligible applicants and rank them according to the Evaluation Criteria (Section 6D). The Review Team will comprise Department staff who shall convey recommendations to the Commissioner of the Department and the Secretary of Energy and Environmental Affairs for final decisions.

Step III: All projects which are favorably reviewed in steps I and II may require an additional field visit(s) before final award determinations being made. A favorable initial evaluation and field visits DO NOT guarantee funding for a proposed project.

4C. Duration of Contracts

All projects will begin at the contract effective date, and all projects must be completed by the end of the fiscal year, June 30, 2025, with no options for extensions. All satisfactory documentation in the form of canceled checks, receipts, paid invoices, etc., for reimbursement of costs associated with approved projects must be dated before June 30, 2025.

5. DELIVERABLES, OWNERSHIP, AND CREDIT DUE

5A. Installation Standards & Permits

- The funded contractual activity will be evaluated before full reimbursement. Work will be evaluated for satisfactory completion and compliance with standards. Spot inspections may be conducted at the Department's discretion on all work for the project's life. Only work that satisfies the terms and conditions for this RFR, contract, and any other instructions by the Department shall be eligible for reimbursement.
- Program participants must provide the Department with approved documentation verifying expenditures have occurred within the contract period before receiving grant funds. (See details about acceptable documentation for reimbursement in Section 5C).
- Proposals that are favorably reviewed and awarded a contract must apply for and receive all required COAs, permits, licenses, and any other federal, state, or local approvals necessary for the project before any reimbursement from the Department.

5B. Reporting and Follow-up

- Planned use of funds and cost estimates from the budget in the application, along with any input from this Department, other agencies, or professionals, will be used to develop a Scope of Services to attach to the Contract with the Department that specifies how grant funds will be spent.
- Invoices and documentation evidencing completion of services and cost of completed services must be submitted to the Department for reimbursement by June 30, 2025. Once the project is complete and all funds spent, a closeout visit will be conducted by Program staff to view improvements made through Program participation.
- There are no written reporting requirements; however, the Department will periodically check on the progress of awarded projects to ensure they meet completion deadlines.
- Site visits by Department Staff or contracted monitors will be required for up to 3 years to ensure restored lands are maintained and remain in commercial agriculture. Maintenance and level of commercial use may be used as a benchmark for future funding and scoring criteria.

5C. Invoicing

- Disbursement of funds under this RFR will be done on a reimbursement basis and will require that acceptable documentation be submitted to the Department before any payment. **No upfront payments of any amount shall be made to any selected Applicant.**
- **Only expenses incurred during the contract period are eligible for reimbursement. Any incurred project costs before an executed contract are NOT eligible for reimbursement from the Department.**
- Reimbursements shall be made in full amounts only after the Department has received a request for payment from the participant through an invoice and supporting documentation within the contract period. Approved supporting documentation shall include, but not be limited to, the following: contractor invoices, canceled checks, credit card receipts, or bank checks, payment records, and other documents that allow the Department to verify the Applicant has incurred allowable grant costs and is entitled to payment under the terms of the contract. Program participants must provide the Department with receipts verifying expenditures have occurred within the contract period before receiving grant funds. No reimbursement for payments made in cash will be allowed.

6. INSTRUCTIONS FOR APPLICATION SUBMISSIONS

6A. Application Submission Instructions

A proposal form is attached and **must** be completed in its entirety. Once completed, the proposal form **must** be either emailed to Julie.Weiss@mass.gov or a hard copy may be mailed or hand-delivered to the Department by the response date deadline. Applications that are sent by fax will NOT be accepted for consideration. **If sending a hard copy, print only single sided and please do not staple or put the application in a binder.**

- **The Department must receive applications by 2:00 PM on Thursday, April 18, 2024.**

- Applications may be sent via either:

- Email to: Julie.Weiss@mass.gov or

- Hard Copy sent by Mail or Hand Delivered to:

Julie Weiss, SARA Program Coordinator
MA Department of Agricultural Resources
225 Turnpike Road, Southborough, MA 01772

- The Department will confirm receipt of all submissions.

All Bidders are advised to allow adequate time to submit their proposal by considering potential online impediments like Internet traffic, Internet connection speed, file size, file volume, mail, or other delivery methods.

The Department is not responsible for delivery delays encountered by Bidders or their agents or for a Bidder's local hardware failures, such as computers or related networks, associated with bid compilation or submission. Bids submitted via email are time stamped by the OUTLOOK system clock, which is considered the official time of record of when submission is RECEIVED by the Department, not when it was SENT by the applicant. Please do not wait until just before the deadline to submit. Applications received after 2:00 PM Thursday, April 18, 2024, will not be eligible.

Special Note:

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 optional; 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.

- For more information regarding the benefits of registering in COMMBUYS, you may go to [COMMBUYS](#) support pages.

6B. Additional Application Documentation

- Applicants should provide a map of their farm property boundaries (see Section 2C).
- Applicants should provide reputable quotes from vendors or contractors (see Section 3C).

6C. Additional Contract Documentation

If selected, the Respondent will be required to submit the following forms to complete the contract:

- Commonwealth Standard Contract Form, including Commonwealth's Terms & Conditions
 - Completed Contractor Authorized Signature Verification Form
 - Commonwealth W-9 tax information form
 - Completed Electronic Funds Transfer Form

These forms do not need to be completed as part of the response. Assistance to complete these forms will be provided to Respondents selected to participate in the Program. These forms are available for review at www.mass.gov/osd or by request.

6D. Evaluation Criteria

- Project proposal has adequate supporting documentation in the form of designs, material/labor quotes, and location maps.
- Applicant adequately identifies a resource concern, and the proposal demonstrates how implementing the project will address it. Higher scores will be given for a project that will complete the restoration of the resource.
- Project demonstrates an activity that provides for identified improvements to help restore or enhance the protected land resources on an APR farm property.
- Resource need/issue rises to the level of requiring financial assistance, and the proposed project meets the program's intention, as defined above.
- Receipt of grant funds will benefit the commercial agricultural use of the land subject to the APR. Consideration of commercial use and confirmation that most APR land available for production is in active commercial use.
- The Applicant has made substantial improvements (financial or resource-based) to the APR land since the Applicant's acquisition.
- The Applicant has invested time or resources into business, financial, or succession planning to improve the overall viability of the operation.
- Based on the proposed total project costs and RFR priorities, this project is a good investment for the Commonwealth.
- Applications from private entities or landowners receive additional points compared to municipalities and non-profits.
- Applications from landowners who have received SARA funding within the past 3 fiscal years will receive lower scores.
- Applications from landowners who have received past Department funding will receive lower scores.
- Applications from landowners who identify as a Historically Underserved Farmer will receive additional points.
- All proposals being considered for funding will require a site visit. Information gathered during the site visit can be used as additional evaluation criteria for funding. The Department reserves the right to fund only proposals that received a satisfactory site visit and an initial favorable review verifying proposal details.
- Project application complies with the submission requirements and format presentation for this RFR.
- Applicant has adequately identified any contingencies and permit needs and provided an adequate implementation schedule to show how the project will be completed by the June 30, 2025 deadline.
- Adequate identification of any ongoing operation & maintenance or periodic replacement needs and how they will be accomplished to ensure project longevity.
- All acceptances shall be conditional upon verification of information in the application and the availability of funding.
- The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criteria.

7. DEADLINES & PROCUREMENT CALENDAR

Release of RFR	March 1, 2024
Application Due Date	Received by 2:00 PM on Thursday, April 18, 2024
Estimated Award Date	September-October 2024
Information Sessions	None planned at this time.
Estimated Contract Start Date	October 2024. 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.

8. MISCELLANEOUS

Type of Procurement	Grant
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 by the Department.
Request for Single or Multiple Contractors	Multiple
RFR Distribution Method	This RFR has been distributed by the Department's Farm and Market Newsletter, posted to the program's website at www.mass.gov/agr, and by a distribution list of requested Applicants. This RFR has been distributed electronically via COMMBUYS. It is the responsibility of every Applicant to check COMMBUYS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files. Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.
Required Submissions	To present a clear demonstration of the need for stewardship funds, Applicants should present aerial photographs, photographs, plans, sketches, maps, leases or other exhibits and documents with the application to help identify the problem or show the area on the APR farm planned for improvement. <u>Each eligible response will be scored based on the presence of project location demonstration.</u>
List of Attachments	A. Application Form - Up to 5 pages of 8' x 11" attachments will be accepted. B. Environmental Justice Policy, Questionnaire, and Further Information C. RFR Required Specifications for Commodities and Services Postings

ATTACHMENT A: FY2025 GRANT RESPONSE FORM **STEWARDSHIP ASSISTANCE & RESTORATION ON APRS (SARA)**

It is important that you read above sections 1 through 8 for program information before completing this application. Please read carefully and respond to each question. Be sure your name is on any attachments.

1. Applicant Information

Applicant Name:

Operation Name:

Legal Structure: ☐ Sole Proprietor ☐ Corporation ☐ Partnership ☐ LLC ☐ Other _____

Are you applying as a non-profit organization or a municipality? ☐ Non-Profit ☐ Municipality ☐ N/A

Mailing Address:

City, State, Zip:

County:

Home Phone: **Mobile Phone:**

E-Mail: **Website:**

☐ APR Address is same as above

APR Address

APR City, State, Zip

Name of person in Residence:

☐ Owner of record is same as above

Owner of Record

City, State, Zip

Phone:

If the owner is different from the applicant, is there a lease agreement with the owner? ☐ Yes ☐ No

Is the lease in writing? ☐ Yes ☐ No

What year does the lease end?

Name of the landowner who received the APR payment?

Date APR was originally closed/recorded (if known)?

Current owner of the APR?

Date APR property transferred to current owner?

Relationship of current owner to original APR landowner?

2. Additional Information

How many acres of land are in APR?

Acres

How many of these acres are tillable?

Acres

How many acres are in agricultural production?

Acres

Who is the current farm manager on the APR property?

How many years has the farm manager operated the APR farm as a commercial enterprise?

How many total years of farming experience does the farm manager have (on all farms)?

Is applicant a Historically Underserved Farmer?* ☐ Limited Resource Farmer, ☐ Beginning Farmer,
☐ Socially Disadvantaged Farmer, ☐ Veteran Farmer, ☐ Not Applicable

**As defined in the 2018 US Farm Bill. For reference, please see USDA definition link:*

[Historically Underserved Farmers and Ranchers | Natural Resources Conservation Service \(usda.gov\)](https://www.usda.gov/historical-underserved-farmers-and-ranchers/natural-resources-conservation-service)

Has the applicant applied for funding from any of Department funding programs before this current application?

☐ Yes ☐ No ☐ Don't know

Has the applicant received funding from any of Department funding programs?

Please mark Yes or No for each, in the table below. If Yes, state the year the grant was received:

Program	Yes	No	Year
APR Improvement Program (AIP)			
Farm Viability Enhancement Program (FVEP)			
Matching Enterprise Grants for Agriculture (MEGA)			
Food Security Infrastructure Grant (FSIG)			
Climate Smart Agriculture Program (CSAP)			
Agricultural Environmental Enhancement Program (AEEP)			
Agricultural Energy Grant Program (ENER)			
Agricultural Food Safety Improvement Program (AFSIP)			
Agricultural Climate Resiliency & Efficiencies Program (ACRE)			
Stewardship Assistance & Restoration on APRs Program (SARA)			

3. Agricultural Operation Details

3A. Please list current agricultural activities carried out on the APR farm.

State what crops you grow with number of acres for each crop, livestock produced with kind and number; number of taps and gallons of maple syrup per year; square feet of greenhouse space, etc. If inactive or changing use, state so with proposed use.

3B. Describe improvements you have already made on the APR farm property and your long-term plans for keeping the farm business viable and the farmland in active agricultural use.

3C. Describe the time or resources you have invested in business, financial, or succession planning to help achieve long term farm viability.

4. Project Details

4A. What APR farmland resources are in need of restoration or remediation:

4B. How long have resources been affected or fields been out of production?

4C. What caused the land to go out of production and/or the need for restoration?

4D. Describe any efforts the owner and/or operators have made to date to try to restore these resources or resolve the issue.

4E. What, if anything, has prevented the owner from restoring these fields or resolving the issue earlier? (i.e. land was under someone else's management; not able to find a qualified operator to lease the land; not a priority based on condition of fields; was not able to prioritize financial resources to maintain; or other.)

4F. What farmland improvement(s) do you propose using SARA funds to address the described needs on the farm and what will the restored land be used for? Note: proposed activities must be within the protected APR farmland boundaries.

4G. Team Members: Briefly describe qualifications of any contractors or team members and their capacity to achieve the goals of the proposed project.

4H. Maintenance: Briefly describe any follow up ongoing operation activities or maintenance you expect to preform to ensure project longevity.

4I. Permits/Approvals: Will this project require any local permits (Conservation Commission etc.) or a Certificate of Approval from the APR Program? Note: Local Conservation Commission and APR Stewardship Planners are resources for the need for permits etc. **Work in wetlands shall not be permitted unless prior approval is obtained following the Massachusetts Wetlands Protection Act (310 CMR 10).**

4J. Completion: Do you expect the proposed activities at the Total Project Cost in Budget section below will complete the restoration project?

☐ Yes ☐ No If no, what else will still need to be done to restore the resource?

5. Budget:

SARA may reimburse applicants up to 85% of total project costs up to \$35,000. A minimum contribution of 15% towards the total project costs must come from the applicant. The Department has the option to negotiate the budget before entering into a contract with the applicant. Preliminary budgets are acceptable for the evaluation process but upon request applicants must provide quotes from vendors or contractors before a contract will be given. The Department will decide if an applicant has adequately addressed this requirement. Applicants who provide a detailed budget and quotes from a vendor or contractor with their application will receive a higher evaluation.

Component	Description	Quantity	Estimated Hours	Estimated Timeline	Estimated Cost/Quote
Total Project Costs					\$
Applicant's Contribution Towards Project (minimum 15%)					\$
Eligible Project Costs (85% of Total Project Costs up to \$35,000)					\$ _____

6. Amount Requested:

Please state your requested SARA funding request. MDAR has the option to negotiate the requested amount before entering into a contract with the applicant.

Total Cost Requested For Funding Through SARA Grant:

\$

7. Attestation:

By signing this application, you attest all statements herein are accurate and true. By signing this application, you give permission to have a site visit by MDAR staff which may be necessary before a funding decision is made. All site visits will be arranged with you in advance.

Signatures

Signature of Farmland owner

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

Attachment B

Environmental Justice Policy

For the purposes of this RFR, “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 is 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.

While encouraged, the following questions are voluntary and will not impact eligibility. Answers to these questions help MDAR track progress towards the goals set forth in the [2021 Environmental Justice Policy](#), and the [2022 Environmental Justice Strategy](#), which require MDAR to a) report the amount of public funds used in Environmental Justice Communities, and b) track the number of new applicants for grant programs from Environmental Justice Communities and BIPOC Farmers. More information can be found in below. MDAR encourages stakeholders to provide feedback on the Environmental Justice Policy and Strategy, by visiting mass.gov/environmental-justice.

Environmental Justice Questions *Answers to the following questions are optional. This information will not in any way affect your eligibility for MDAR programs and is used for statistical purposes only.*

Has the applicant applied for MDAR funding programs before this current application?

☐ Yes ☐ No ☐ I don't know

Has the applicant received funding from any MDAR funding programs?

☐ Yes ☐ No ☐ I don't know

Questions for Farmer or Individual Applicants:

A. Select one or more of the racial categories below:

☐ American Indian/Alaskan Native/Indigenous ☐ Black or African American ☐ Native Hawaiian or other Pacific Islander ☐ White
☐ Asian/South Asian ☐ Middle Eastern or North African ☐ Other: _____ Please state with the understanding that the races above may not be reflective of everyone.

B. Select one or more of the ethnic categories below:

☐ Not Hispanic or Latino ☐ Hispanic or Latino ☐ Other: _____ Please state with the understanding that the races above may not be reflective of everyone.

C. Are any applicants a Historically Underserved Farmer? Please check any of the following categories that apply based on these USDA definitions:

<https://www.nrcs.usda.gov/getting-assistance/underserved-farmers-ranchers>

☐ Limited Resource Farmer (With direct or indirect gross farm sales not more than the current indexed value in each of the previous two years, and who has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous two years. A Self-Determination Tool is available to the public and may be completed on-line at: <https://lrftool.sc.egov.usda.gov/>)
☐ Socially Disadvantaged Farmer (Individual or entity who is a member of a socially disadvantaged group. A socially disadvantaged group is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.)
☐ N/A
☐ Beginning Farmer (Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years)
☐ Veteran Farmer (Served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve component thereof; was released from service under conditions other than dishonorable; and has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years; or Who first obtained status as a veteran during the most recent 10-year period.)

Question for Organization/Collective-Applicants For organizations, regardless of formal legal status, or other collective applicants – does the majority of your board membership, majority owner (or owners), majority of your leadership team, fall into one or more of these groups? MDAR has adapted USDA's definition of [Historically Underserved Farmers and Ranchers](#) to allow organizations or entities representing multiple applicants to respond.

☐ Limited Resource Farmer, Low-Income Individuals, or Individuals with Lived Experience Relevant to the Organization's Mission
☐ Beginning Farmers
☐ Veteran Farmers
☐ N/A
☐ Socially Disadvantaged Groups (American Indian/Alaska Native/Indigenous, Asian/South Asian, Black or African American, Middle Eastern or North African, Native Hawaiian or Other Pacific Islands, Hispanic or Latino) **Other:** _____ Please state with understanding that the races and ethnicities above may not be reflective of everyone

If you feel that this application did not allow you to fully explain the diversity of the applicant for this grant (whether you are applying as an individual or on behalf of an entity), please explain here:

If you have any input on this form, please complete [this feedback form](#). The review team will not see this information, and responses will not affect eligibility

RFR - Further Information on MDAR's Environmental Justice Goals

Revision Date: February 23, 2024

MDAR strives to promote and integrate EJ considerations across their programs, policies, and activities to ensure the equal access and meaningful involvement of all people residing in the Commonwealth with respect to agricultural economic and environmental sustainability and the equitable development, implementation, and accessibility to information and resources.

Among the priorities and goals outlined in the [2021 Environmental Justice Policy](#), and the [2022 Environmental Justice Strategy](#), EEA agencies are tasked with ensuring that Environmental Justice neighborhoods benefit from positive impacts of environmental programs, grants and investments.

A. Environmental Justice Populations

EJ populations are those segments of the population that EEA has determined to be most at risk of being unaware of or unable to participate in environmental decision-making or to gain access to state environmental resources, or are especially vulnerable.

"Environmental Justice Population" is defined by the Environmental Justice Policy, issued by the Massachusetts Executive Office of Energy and Environmental Affairs in 2017, and updated in June, 2021, as

- A. a neighborhood that meets 1 or more of the following criteria:
 - i) the annual median household income is not more than 65 per cent of the statewide annual median household income;
 - ii) minorities comprise 40 per cent or more of the population;
 - iii) 25 per cent or more of households lack English language proficiency; or
 - iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or
- B. a geographic portion of a neighborhood designated by the Secretary as an environmental justice population in accordance with law.

B. MA Environmental Justice Map Viewer

The [MA Environmental Justice Map Viewer](#) was designed to map Environmental Justice populations as census block groups in Massachusetts.

Please note - The data submitted in your application will be used to determine whether your project falls within an Environmental Justice block group, and will be used to design a map, available on the MDAR website, to show the positive impact of its grant awards, demonstrating the reach of its programs in EJ communities.

For more information on MDAR's Environmental Justice Program, or to provide feedback, please visit <https://www.mass.gov/info-details/mdars-environmental-justice-program>.



OPERATIONAL SERVICES DIVISION

RFR - Required Specifications for Commodities and Services

Revision Date: July 13, 2023

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 also may 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.

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. 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).

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 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.

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 Order 599](#), 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 RFR. For more information on the program that applies to this solicitation, see the body of this RFR.

6. Small Business Purchasing Program (SBPP)

Program Background. The Massachusetts [Small Business Purchasing Program](#) (SBPP) was established pursuant to [Executive Order 599](#) 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.

Sensitivity level - low

RFR - Required Specifications for Commodities and Services

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 SST'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.

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.

7. Supplier Diversity Program (SDP)

Program Background. Pursuant to [Executive Order 599](#), 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 \(SDO\)](#).

All Bidders and Contractors are strongly encouraged to create a profile on the SDO's Supplier Diversity Hub to access the Commonwealth's supplier diversity resources and tools.

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 RFR applicable to subcontracting shall apply equally to the engagement of SDP Partners as subcontractors.

RFR - Required Specifications for Commodities and Services

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 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 [SBA Veteran Small Business Certification \(VetCert\)](#) 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 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.

SDP Spending Reports. After contract award, Contractors must submit reports at least annually to demonstrate compliance with the agreed-upon SDP Commitment. To submit SDP spending reports using the Hub, Contractors must create a profile in the Hub. Contractors must follow report submission instructions from the issuing department and the SDO.

SDP Spending Compliance. Only spending with SDP Partners that appear in the [SDO Directory of Certified Businesses](#) or in the [SBA Veteran Small Business Certification \(VetCert\)](#) 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.

RFR - Required Specifications for Commodities and Services

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, or contact the SDP Help Desk at 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 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.

10. Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SSST 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.

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 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.

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

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 RFR 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). 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 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](#).

RFR - Required Specifications for Commodities and Services

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 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.

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 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.

20. 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 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

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 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.