



Division of Agricultural Conservation & Technical Assistance

Stewardship Assistance and Restoration on APRs Program (SARA)

Request for Response (RFR): RFR File: AGR-SARA-21-9

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

Responses must be received at the MDAR Boston office or by email by 4:00 P.M., April 3, 2020.

See Section 3B: Application Submission Instructions

**Contact: Taylor Arsenault
Email: Taylor.Arsenault@mass.gov
Telephone: 617-655-3870**



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

EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Kathleen A. Theoharides, Secretary

Grant Announcement

RFR ID: RFR # AGR-SARA 21-9

Dated: February 7, 2020

Stewardship Assistance and Restoration on APRs

1. GRANT OPPORTUNITY SUMMARY:

A. PROPOSALS SOUGHT: The Massachusetts Department of Agricultural Resources (“Department”) invites responses from Massachusetts farmers who own or operate farmland placed under the Agricultural Preservation Restriction (“APR”) Program who wish to participate in the Stewardship Assistance and Restoration (“SARA”) on APRs Program (“Program”) to improve the overall utilization of APR land resources for commercial agriculture.

B. OVERVIEW AND GOALS: The Department has made a long and consistent commitment to the preservation of farmland in Massachusetts. In keeping with that commitment, this Program helps improve the status and condition of land that has been 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. The Program provides funding to reimburse program participants for expenses directly associated with 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 activities on an APR that will enhance the continued use of the agricultural resource, such as: clearing field edges of brush; invasives removal; stabilizing soil loss; and reactivating pasture or cropland use that has been negatively impacted by erosion, flooding, natural disasters, or inactivity.

C. ELIGIBLE PROJECTS: 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 2B).

D. ELIGIBLE APPLICANTS: Massachusetts farmers and APR landowners who have been actively operating a commercial farm or have the background and experience to manage productive farm resources on APR lands that were protected with Department funds on or before June 30, 2017 and meet all program eligibility requirements. (See eligibility requirements in Section 2A). Because hemp and marijuana are not permitted on land subject to an APR, all projects involving marijuana or hemp shall not be eligible for funding from the Department at this time under this RFR.

E. APPLICATION DEADLINE: Applications must be received by April 3, 2020 at 4:00 P.M.

F. FUNDING AVAILABILITY: The Department may offer to reimburse a participant up to \$25,000, subject to the availability of funding. (See guidelines for determining award amounts, eligible uses of funds and further detail on funding requirements in Section 2C).

G. MATCH REQUIREMENT: Applicants are required to contribute at least 15% cash match of the total costs of the assistance/restoration project. In-kind labor by owner or employee(s) is not an eligible match.

H. TOTAL ANTICIPATED DURATION OF CONTRACT(S): All projects will begin at contract start date, anticipated to be in Summer of 2020, - and must be completed by the end of the Fiscal Year, June 30, 2021. (See further detail on anticipated duration of contract(s) in Section 2F).

I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: FY21 EEA Capital Budget and the terms of the applicable APR.

J. CONTACT INFORMATION: Taylor Arsenault: 617-655-3870 Taylor.Arsenault@mass.gov
Massachusetts Department of Agricultural Resources

2. PERFORMANCE AND CONTRACT SPECIFICATIONS

A. Eligible Applicants:

<p align="center">Eligible Applicants</p>	<p>To be eligible for participation in the Program, Applicants must meet <u>all</u> of the following eligibility requirements:</p> <ul style="list-style-type: none"> • Applicant(s) must own a farm that is restricted by an APR that was purchased prior to June 30, 2017 with Department funds, or 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; • The areas needing restoration must have been in active commercial farming at time of APR closing. • Applicant(s) must not have been the original owner of the property when the land was placed under the APR unless the proposed restoration is clearly in response to damage caused by a natural disaster (e.g., storm); • The need for restoration must not have been caused by the current owner or Applicant’s inaction or lack of stewardship/maintenance; • 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 offered acceptance 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.
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B. Eligible Projects:

<p align="center">Eligible Use of Funds</p>	<p>The purpose of this program is to address stewardship or restoration issues on farmland resources in order to maximize productive agricultural use of the protected resource. 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 contracted labor, equipment rental costs and purchase of associated materials to clear land or reclaim inactive fields back to active cropland use such as clearing vegetation, pulling rocks or stumps, cutting back grown-in field edges, or reseeding or applying soil or crop amendments to inactive cropland or pastureland in order to bring it back into production. Funding may also be used to hire contractors or rent equipment to clean up debris, regrade farm access roads, address drainage issues and/or restore farm resources that have been negatively impacted by flooding, erosion, storms, tornadoes or other natural disasters. 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 how it was at the time the land was placed under the APR.</p>
<p align="center">Ineligible Use of Funds</p>	<p><u>Ineligible Uses of Funds:</u> Grant funds and matching funds CANNOT be used to pay farm owners, operators, or farm employees for their own labor. It is NOT the intent of this program to help APR farmers with normal ongoing operating costs of farming operations like applying lime or fertilizer, nor rotating crops, nor transitioning active farm land use from one crop or enterprise to another. Improvements to buildings, payment of debt, purchase of farm equipment, and purchases of land are all NOT eligible uses of funding from this program. Clearing woodland is NOT an eligible use of funds unless it 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.</p>

C. Funding Availability, Budgeting Guidelines & Allowable Expenditures	
Budgeting Guidelines	<p>Grant awards will be offered to Applicants upon successful compliance review, approval of an agreed upon budget and the provision of appropriate written lease or use agreements when needed and are subject to the availability of funding. Awards will be limited to no more than \$25,000 per Applicant and could be less than requested. 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.</p> <p>Determination of the final contract award amount rests solely with the Department and may be based on other factors such as: farm productivity, 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. 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.</p>
Appropriation	<p>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. In the absence of foreseeable available funding, the Department may terminate the contract.</p>

D. Match Requirements	
Match	<p>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.</p>

E. Project Terms	
Terms	<p>Successful Applicants must follow the terms in the recorded APR, and request and receive any required Certificates of Approval.</p> <p>Successful Applicants must be in compliance with the Department's programs, regulations, rules, and orders or resolve any outstanding compliance or legal issues with the Department prior to contract signature. Specifically, the landowner must not have violated the terms of the applicable APR to such an extent as 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.</p> <p>If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. 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 a contract is executed by the parties.</p>

F. Anticipated Duration of Contracts	
Duration	<p>All projects must be completed by the end of the fiscal year, June 30, 2021, with no options for extensions. All satisfactory documentation in the form of cancelled checks, receipts, paid invoices, etc. for reimbursement of costs associated with approved projects must be dated prior to June 30, 2021.</p>

G. Deliverables, Ownership, and Credit Due

Deliverables	Program participants must provide the Department with approved documentation verifying expenditures have occurred within the contract period prior to receiving grant funds. (See detail about acceptable documentation for reimbursement in Section 2I).
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H. Reporting

Reporting	<p>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 for reimbursement to the Department by June 30, 2021. 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.</p> <p>In order to evaluate the impact of the Program, upon request from the Department, participants must submit any information and financial data pertaining to their farm operation to the Department for up to five (5) years following the termination date specified on the contract. All information submitted is subject to disclosure under M.G.L. c. 66, the Massachusetts Public Records Law, unless otherwise exempt pursuant to M.G.L. c. 4, Section 7(26).</p>
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I. Invoicing

Invoicing	All payments shall be made on a reimbursement basis. No upfront payments of any amount shall be made to any selected Applicant. 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, 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 prior to receiving grant funds. Costs incurred prior to contract execution cannot be reimbursed and will not qualify as Program expenditures.
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3. INSTRUCTIONS FOR APPLICATION SUBMISSIONS

A. Application Review

A staff review team (“Review Team”) will consider all complete responses from eligible Applicants and rank them according to the stated criteria. An Applicant can withdraw a response at any point. The Review Team will be comprised of Department staff who shall convey recommendations to the Commissioner of the Department of Agricultural Resources and Secretary of Energy and Environmental Affairs for final decisions. All Applicants will be mailed written notification of acceptance to, or rejection from, the Program approximately 60 -75 days after application deadline. Work eligible for reimbursement under the Program cannot commence prior to execution of a contract. The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criteria. All acceptances shall be conditional upon verification of information in the application and the availability of funding.

After each response is qualified by meeting the eligibility criteria in Sections 2(A) and 2(B) above, **each eligible response will be scored based on the following criteria.**

For proposed projects, whether the:

- 1) Need/issue rises to the level of requiring financial assistance;
- 2) Proposed project meets the intention of the program, as defined in 1.B. above;
- 3) Receipt of grant funds will benefit the commercial agricultural use of the land subject to the APR;

- 4) Majority of APR land available for production is in active commercial use;
- 5) The Applicant has made substantial improvements (financial or resource based) to the APR land since Applicant's acquisition;
- 6) Estimated total project cost is a good value in that it is reasonable for the work being proposed;
- 7) If the farm/Applicant has received grant funds from other Department programs in the past. Those who have not received funds will score higher review process than farms/Applicants who have;
- 8) Applicant provides a clear description of the project location; and
- 9) Applicant is a nonprofit organization or municipality.

B. Application Submission Instructions:

To present a clear demonstration of the need for stewardship funds, Applicants should present aerial photographs, photographs, plans, sketches, maps or other exhibits and documents with the application to help identify the problem or show the area on the APR farm planned for improvement. Each eligible response will be scored based on the presence of project location demonstration.

1. Up to 5 pages of 8' x 11" attachments will be accepted.
2. Once the attached application is completed in its entirety, the proposal form must be either;
 - Emailed to Taylor.Arsenault@mass.gov or
 - A hard copy may be mailed or hand-delivered to:
Taylor Arsenault
Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114
 - **Application must be received by 4:00 P.M. on April 3, 2020. Applications received after this date and time or that are sent by fax will NOT be accepted for consideration.**

C. Additional Required Documentation

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

- Commonwealth Standard Contract Form, filled out and signed by the Applicant
- Scope and Budget
- Commonwealth W-9 tax information form filled out and signed by the Applicant
- Completed Contractor Authorized Signatory Listing form
- Completed Electronic Funds Transfer Sign Up Form

*It is not necessary to complete any of the above forms as part of the response to this RFR. The Department shall provide a copy of these forms to accepted participants for completion and execution in the contract approval process.

4. DEADLINES AND PROCUREMENT CALENDAR

A. Release of RFR:	February 7, 2020
B. Information Sessions:	None planned at this time
C. Application Due Date:	April 3, 2020
D. Estimated Award Date:	July – August, 2020
E. Estimated Contract Start Date:	The Estimated Contract Start Date is anticipated to be within 45 days of the award notification. 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.

5. MISCELLANEOUS

A. Type of Procurement:
<ul style="list-style-type: none">Grant
B. Use of This Procurement by Single or Multiple Departments:
<ul style="list-style-type: none">This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by the Massachusetts Department of Agricultural Resources.
C. Request for Single or Multiple Contractors:
<ul style="list-style-type: none">Multiple
D. RFR Distribution Method:
<ul style="list-style-type: none">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 Applicants 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.Applicants 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 Applicant 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.
E. List of Attachments:
<ul style="list-style-type: none">A. Application FormB. RFR Required Specifications

REQUEST FOR RESPONSE: AGR-SARA 21-9
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES
Stewardship Assistance and Restoration on APRs Program

Attachment A - APPLICATION

Official Use Only: Received By: _____ Date _____

It is important that you read sections 1 through 5 for program information before completing this application. Please read carefully and respond to each question. Be sure your name is on any attachments. Please type or print clearly in ballpoint pen.

1. Farmer Applicant(s):

Name:		
Mailing Address:		
Municipality:	Zip:	E-Mail:
Phone #(s):		
Website address for farm:		

APR location (if different from above):

Address:	Town:	Zip:
Phone:		
Name of person in residence:		

Owner(s) of record if different from Applicant(s):

1. Name:	2. Name:
Address:	Address:
Phone:	Phone:

Is the owner a Trust or Corporation? Yes ___ No ___
 Is the owner a non-profit organization or municipality? Yes ___ No ___
 If the owner is different from Applicant(s), is there a written lease agreement with the owner? Yes ___ No ___
 If Yes, expiration date of lease _____

2a Farm name, Corporate, Trust or Business name, if any:

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2b. Name of owner(s) who signed the APR document:

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2c. Date APR was originally closed/recorded (if known) _____

(day - month - year)

2d. Current owner of APR:

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2e. Relationship of current owner of APR to landowner who received the APR payment: *(if none, state "none")*

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2f. Date APR property transferred to current owner (if applicable) _____

(day - month - year)

3a. How many acres of land are under APR? _____ acres

3b. How many of these acres are tillable? _____ acres

3c. How many acres of the APR are currently in agricultural production? _____ acres

4a. Who is the current Farm Manager on the APR property? _____

4b. How many years has the Farm Manager operated the APR farm as a commercial agricultural enterprise? _____ yrs

4c. How many total years of farming experience does the Farm Manager have (on this & any other properties?) _____ yrs

5. List current agricultural activities carried out on the APR farm (i.e. 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 green house space, etc.) If inactive or changing use, state so with proposed use.

6. Have Applicant(s) received grant(s) from any of the following MDAR programs?

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

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

7. Financial Statement

A. List any liens or encumbrances, and the amounts, on the farm listed on the first page of application.

Encumbrance (to whom the money is owed)	\$ Amount owed

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

____ Yes ____ No Check here if there is no debt associated with the farm ____

C. To complete this section, Applicants should use their most recent Schedule Fs or 1120S or 1120C tax form.

Tax Year	Gross Farm Income	Net Farm Income	Other Farm Income (i.e. rent, custom work, gravel sales)

8. Narrative - Responses to questions in this section are important considerations in the review of applications. Be thorough in explaining your circumstances. One page of information may be attached to respond to these questions if necessary (letter size paper, font size no smaller than 12).

The Stewardship Assistance and Restoration on APRs (SARA) Program aims to assist participants in making farm resource improvements to restore and enhance agricultural lands for commercial agricultural production.

A. 1) What APR farmland resources are in need of restoration or remediation?

2) How long have resources been affected or fields been out of production?

3) What caused the land to go out of production and/or the need for restoration?

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

5) 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.)

B.1) What farmland improvement(s) do you propose using SARA funds to address the described needs on the farm? *Note: proposed activities must be on the protected APR farmland.*

2) PROPOSED PROJECT BUDGET

If accepted into the Program, what investment(s) do you propose on the APR farm for use of SARA grant and matching funds? List planned activities and purchases in the table below.

Materials, tasks, services, fees	Cost Estimate <i>(use contractor quotes if available)</i>	Estimated Timeline
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
A. Total Project Cost (estimated)	\$ _____	
B. SARA Grant Amount Request <i>(85% of Total Project Cost up to \$25,000 max)</i>	\$ _____	
C. Estimated farm contribution <i>(must be at least 15% of A. Total Project Cost)</i>	\$ _____	

3. Briefly describe qualifications of any contractors to be hired to complete the proposed project.

4. Do you expect that the proposed activities at the Total Project Cost in Budget section above will complete the restoration project?

Yes No If No, what else will still need to be done?

C. 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.

Required Applicant Signatures: All Owner/Operators

By signing below, you are certifying that the information provided on this application is true and correct and authorizing the Department to conduct a field inspection of the APR farmland. In addition, those signing below are expressing a willingness to execute a performance contract with the Department.

All farm owners and operators must sign below for application to be complete. Substitutes or signatures initialed by another person will not be accepted.

Signature of Owner (Printed Name) Date _____

Signature of Owner (Printed Name) Date _____

Signature of Operator (if different than owner) (Printed Name) Date _____

Signature of Operator (if different than owner) (Printed Name) Date _____

END OF APPLICATION
(See Application Submission instructions on page 6)

Attachment B RFR Required Specifications

Revision Date: June 6, 2016

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

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

Of Special Note:

All state agencies are subject to 815 CMR 2.00, State Grants, Federal Grant 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supplier Diversity Program (SDP) Resources:

- Lists of M/WBEs, M/WNPOs, VBEs, SDVOBEs, DOBEs and LGBTBEs certified or verified by the Supplier Diversity Office (SDO) are located at www.mass.gov/sdo.
- Resources to assist Prime Bidders in finding potential Certified Partners can be found at www.mass.gov/sdp.
- The Operational Services Division offers trainings on compliance with the SDP Plan requirements. Registration information for upcoming trainings can be found on the [Supplier Diversity Program Trainings](#) webpage.

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

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

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

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

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

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

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

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

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

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

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

for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

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

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

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

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

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

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

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

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