



Division of Agricultural Conservation & Technical Assistance

State Owned Farmland Licensing Program

Former Monson Developmental Center,
Monson Fiscal Year 2023

Request for Response (RFR): **RFR # AGR-SFLP-MONSON-FY23**

For proposals for the agricultural use of multiple parcels totaling approximately 44.8+/- acres
located at the former Monson Developmental Center (MDC) in Monson, Massachusetts

Responses must be received by MDAR no later than 3:00 PM May 22, 2023

Contact: Barbara Hopson
Regional Planner
Telephone: 617-459-8545
Email: barbara.hopson@mass.gov



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

Contents of Request for Response

Description of Agricultural Land Use RFR	page
1. Land Licensing Opportunity Summary.....	3.
2. Performance and Contract Specifications	4.
a. Eligible Applicants.....	4.
b. Contract Specifications.....	5.
c. Proposal Terms	7.
3. Instruction for Application Submissions	8.
a. Evaluation Criteria	8.
b. Proposal Submission Information Deadline.....	8.
c. Additional Required Documentation	9.
4. Deadlines and Procurement Calendar	9.
5. Miscellaneous	10.
a. Type of Procurement	10.
b. Use of This Procurement by Single or Multiple Departments	10.
c. Request for Single or Multiple Contractors	10.
d. RFR Distribution Method	10.
e. List of Attachments	10.

Attachment A: Proposal to License State Owned Agricultural Fields – Former Monson Developmental Center

1-8. Proposal Details...	11-16.
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Attachment B: License Areas and Use Areas (Separate Document)

Attachment C: RFR Specifications

EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

REBECCA L. TEPPER, Secretary

RFR Announcement: RFR ID: RFR # AGR-SFLP-MONSON-
FY23

April 17, 2023

1. LAND LICENSING OPPORTUNITY SUMMARY

a.	Proposals Sought For:	The agricultural use of approximately 44.8 +/- acres located on 3 parcels at the former Monson Developmental Center (MDC) in Monson, Massachusetts.
b.	Overview and Goals:	The Commonwealth of Massachusetts Department of Agricultural Resources (MDAR), in conjunction with the Division of Capital Asset Maintenance and Management (DCAMM) is soliciting proposals for the agricultural use of one or more multiple parcels totaling approximately 44.8 +/- acres located at the former Monson Developmental Center (MDC) in Monson, Massachusetts (the "Property"). The Property is owned by the Commonwealth, under the care and control of DCAMM.
c.	Eligible Applicants:	Agricultural operations as defined by M.G.L. c. 128, Sec. 1A that are principally and substantially engaged in the business of production agriculture or farming for commercial purposes. An agreement may be reached with a single or multiple applicants.
d.	Application Deadline:	May 22, 2023 at 3:00 pm
e.	Total Anticipated Duration of Contract:	5 years with the option to renew for up to five years.
f.	Regulations, Statutes, or Authorization Governing this Grant Program:	330 CMR 18.00 ; M.G.L. c.128, s. 7A-7F
g.	Contact Information:	Barbara Hopson, Regional Planner Department of Agricultural Resources 138 Memorial Avenue, Suite 42 West Springfield, MA 01089 617-459-8545; barbara.hopson@mass.gov

2. PERFORMANCE AND CONTRACT SPECIFICATIONS

a. Eligible Applicants:

Eligible Applicants	<ul style="list-style-type: none">• Agricultural operations as defined by M.G.L. c. 128, Section 1A that are principally and substantially engaged in the business of production agriculture or farming for commercial purposes and:<ul style="list-style-type: none">○ are legally recognized entities within the Commonwealth and have the ability to enter a legally binding agreement with the Commonwealth;○ have demonstrated the capacity to implement and administer projects and programs as defined in the responsive proposals to this RFR;○ if the applicant is not an individual doing business under his/her own name, the proposal must describe the status of the organization (whether a non-profit or charitable institution, a partnership, a business association, or a joint venture) and indicate the jurisdiction under whose laws it is organized and operating. <p>Only proposals for agricultural uses will be considered. Uses must comply with the regulations promulgated under M.G.L. Chapter 128, Sections 7A-7F.</p> <ul style="list-style-type: none">• Applicants must be in compliance with other federal, state, and local statutes, regulations, ordinances, and bylaws.• Applicants who have existing agricultural operations shall be subject to a site visit.• Applicants should be residents of the Commonwealth.
Ineligible Proposals	<ul style="list-style-type: none">• Proposals from applicants whose operation is out of compliance with any Department programs or regulations.• Proposals from applicants failing to meet requirements for previous or existing MDAR Standard Contracts, such as licenses, permits, certificates of approval, certificates of completion, including APR and/or assistance programs or from applicants with poor past contract performance as determined by MDAR.• Proposals for the growing of marijuana or hemp are not eligible.• Proposals for compost operations are not eligible.

b. Contract Specifications.

Agricultural Field Descriptions: Please refer to the attached plan for individual fields (Attachment B). All soil type acreages are approximate.

FIELD NAME	ACREAGE AND SOILS DESCRIPTION
AF1	26.1+/- acres used previously for corn production. Soils consist of 49% (12.9 acres) prime farmland soils; Pootatuck fine sandy loam, 0-3% slopes [10.5 acres]; Sudbury fine sandy loam, 3-8% slopes [2.4 acres]; and 19% (5 acres) soils of state significance to farming; Merrimac fine sandy loam, 8-15% slopes [4.5 acres] and Essex gravelly fine sandy loam, 8-15% slopes, very stony [0.5 acres].
AF2	13.9 +/- acres used previously for hay production. Soils consist of 62% (8.7 acres) soils of state significance to farming; Scituate fine sandy loam, 8-15% slopes [6.9 acres] and Essex gravelly fine sandy loam, very stony, 8-15% slopes [1.8 acres].
AF3	4.8 +/- acres used previously for hay production. Soils consist of 100% (4.1 acres) soils of state significance to farming; Scituate fine sandy loam, 8-15% slopes [4.1 acres] and Essex gravelly fine sandy loam, 8-15% slopes, very stony 0.7 acres].

Condition of the Licensed Premises	<ul style="list-style-type: none"> • Licensee accepts the Licensed Premises in “as-is, where-is” condition. • Licensors are under no obligation to make any repairs, renovations, or alterations to the Licensed Premises. • Licensors have made no representations or warranties whatsoever regarding the Licensed Premises, including, without limitation, no representations or warranties regarding fitness of the Licensed Premises for Licensee’s intended purpose or use. • Licensee shall neither cause nor suffer any waste of the Licensed Premises and shall maintain the Licensed Premises in good order at all times. Licensee’s responsibilities shall include, but not be limited to, the repair of any and all damage or breakage resulting from acts of vandalism or the intentional or negligent acts of Licensee or others, but excluding damage or breakage caused by employees, agents, or contractors of Licensors. All repairs made by Licensee shall be performed in a manner satisfactory to Licensors. Licensors shall have the option to make such repairs for the account of Licensee, in which event Licensee shall reimburse Licensors for any and all costs incurred by Licensors to make such repairs. Licensee shall make payment within ten business days after written demand by Licensors. • Licensee shall neither cause nor suffer any environmental damage to the Licensed Premises. If Licensee’s use of the Licensed Premises results in the need for any notification, assessment, or other action under any applicable federal, state or local environmental law, regulation or requirement (including but not limited to a response action under applicable legal requirements related to hazardous materials, as defined in federal or Commonwealth statute concerning hazardous or toxic materials), Licensee shall, without delay, prepare any required notification to authorities under applicable legal requirements and provide telephone notice to DCAMM and MDAR Designated Representative as soon as possible and no later than 48 hours of the triggering event or circumstance.
Utilities	<ul style="list-style-type: none"> • The Licensed Premises are not served by any utilities. • Installation of water lines may be allowed with prior approval of DCAMM and MDAR. Any payment for city water shall be the sole responsibility of the Licensee(s). • If Licensors provide any utility system or service at the Licensed Premises or agree to pay for the cost of any utility service, Licensors make no representation or warranty whatsoever with respect thereto, including, without limitation, no representation or warranty as to the adequacy of the same for the purposes and use of Licensee. • Licensors shall not be responsible for any interruption in utility service. • Licensors may, at any time, require Licensee to contract directly with the supplier of such service.
Minimum Acceptable Rent	<ul style="list-style-type: none"> • No minimum acceptable rent has been established for the agricultural fields and license areas. Acceptable rent will be based on the proposed use of the fields and license areas and will reflect current market rates. • All rent shall be payable to the Commonwealth of Massachusetts

c. Proposal Terms	
Use Guidelines and Eligibility	<ul style="list-style-type: none"> A license agreement will be negotiated and executed between the Commonwealth and the selected applicant(s) to outline the terms and conditions of use. Rental period shall be for five (5) years with an option to renew for an additional period of up to five (5) years. PLEASE NOTE: THE INITIAL TERM FOR AF1 IS FOR TWO YEARS WITH THE OPTION TO RENEW.
Insurance	<ul style="list-style-type: none"> Licensee shall keep in force, at Licensee's sole cost and expense during the full term of this License and during such other times as Licensee occupies the Licensed Premises or any part thereof, the following insurance policies: <p>Comprehensive General Liability Insurance insuring Licensee against all claims and demands for personal injury or damage to property that may be claimed to have occurred upon or about the Licensed Premises. Said insurance shall be written on an occurrence basis to afford protection in the amount of not less than fifty thousand dollars, combined single limit for personal and bodily injury and death and for property damage, with a so-called "broad-form" endorsement and contractual liability coverage insuring the performance by Licensee.</p> <p>Vehicle Liability Insurance covering each vehicle of Licensee entering the Licensed Premises in an amount not less than the compulsory coverage required in Massachusetts.</p> <p>Workers Compensation Insurance covering Licensee's employees upon the Licensed Premises in such amounts as are required by law.</p> All insurance coverage required shall be by standard policies obtained from financially sound and responsible insurance companies authorized to do business in Massachusetts. Each said insurance policy shall name the Commonwealth of Massachusetts as an additional insured and shall contain a provision stating that such coverage shall not be cancelled, reduced, or otherwise materially altered without at least ten days prior written notice to Licensor. Licensee shall provide to the Commonwealth a Certificate of Insurance evidencing compliance with this provision prior to signing a License Agreement and upon the annual anniversary of the start date of the License.

3. INSTRUCTIONS FOR APPLICATION SUBMISSIONS

a. Evaluation Criteria: Each response will be scored using the following measures:

MDAR will select proposals that best fit each location based on the following criteria:

- Project application is in compliance with the submission requirements and format presentation for this RFR and includes adequate supporting proposal documentation.
- Proposal is for agricultural uses as defined under M.G.L. Chapter 128, Section 1A. Uses must comply with the regulations promulgated under M.G.L. c. 128, Sections 7A-7F.
- Applicant is a resident of the Commonwealth.
- Applicant is a Historically Underserved Farmer as defined in the 2018 USDA Farm Bill. This includes Beginning Farmers, Socially Disadvantaged Farmers, Limited Resource Farmers and Veteran Farmers¹.
- Applicant is a farmer who leases, owns, or operates a farm.
- Applicant has not previously been awarded a license from the Department.
- Past experience and demonstrated capacity (e.g. access to farm machinery etc.) of applicant to manage land for commercial agricultural purpose as defined in M.G.L. Chapter 128, Section 1A.
- Demonstrated skill/experience of applicant as documented in resume or qualification statement of applicant and a copy of the resumes/qualification statements of all parties involved in the farming operation. How well the response outlines a viable management plan for commercial use of the property, stewardship of the agricultural resource and is compatible with nearby and abutting land use.
- How well the response outlines a viable management plan for commercial use of the property, stewardship of the agricultural resource and is compatible with nearby and abutting land use.
- Agricultural Land Use plan promotes sustainable agricultural practices and includes the following at a minimum:
 - Activities to improve the property for agricultural use (e.g. improvement of soil fertility, implementation of Best Management Practices (BMPs)).
 - Provisions for soil conservation measures recommended by the County Conservation District and the Natural Resources Conservation Service (e.g. crop rotation, cover cropping).
 - Commitment to minimizing pesticide use (e.g. implementation of an Integrated Pest Management Plan (IPM)).
 - Intention to farm the property to its maximum possible commercial extent.
- Proposed license fee per year.

b. Proposal Submission Information Deadline

A proposal form is attached and must be completed and mailed/delivered to Agricultural Resources by the response date deadline. Envelopes must be marked in the lower left-hand corner with the following:

“Proposal for use of state-owned farmland at the former Monson Developmental Center”

Envelopes not so marked are likely to be opened before that time and will be returned to the sender. Proposals received by 'MDAR's Land Use Administrator later than 3:00 PM. on May 22, 2023 will be returned to their respective owners.

Applicants are cautioned to allow sufficient time for their proposals to be received by the Land Use Administrator as only proposals RECEIVED by MDAR by the response date will be reviewed and considered. Electronic proposals are

¹ As defined in the 2018 US Farm Bill. For reference please see USDA definitions:
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/people/outreach/slbfr/?cid=nrcsdev11_001040

acceptable provided that the proposal is successfully received by the Land Use Administrator prior to the opening date and time.

All materials must be sent to the attention of:

Barbara Hopson
Regional Planner
Department of Agricultural Resources,
138 Memorial Avenue, Suite 42, West Springfield, MA 01089
Telephone: 617-459-8545
Email: barbara.hopson@mass.gov

c. Additional Required Documentation

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

- A License Agreement which will be adapted to the specific licenses area and to reflect the terms agreed upon by the parties to accomplish the purposes of the RFR.
- Commonwealth W-9 tax information form filled out and signed by the Respondent (if not already on file)
- Completed Contractor Authorized Signature Verification Form
- A deposit of one year's rent in the form of a **certified** personal check, cashier's check, or money order made payable to: The Commonwealth of Massachusetts

Respondents are encouraged to review these forms prior to submission of a Response. They are available as attachments to this document.

4. DEADLINES AND PROCUREMENT CALENDAR

A. Release of RFR:	April 17, 2023
B. Information Sessions:	No information session will be held but questions can be directed to Barbara Hopson at 617-459-8545 or barbara.hopson@mass.gov . Questions must be submitted no later than one week prior to the submission deadline. Questions and Answers will be posted on Commbuys.
C. Application Due Date:	May 22, 2023 at 3:00 PM
D. Estimated Award Date:	Awards are estimated to be announced by May 26, 2023
E. Estimated Contract Start Date:	Notwithstanding any verbal representations by the parties, 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 License Agreement 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 License Agreement.

5. MISCELLANEOUS

a. Type of Procurement:

- License

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

- This RFR is for single department procurement. All licenses awarded under this RFR will be utilized solely by MDAR.

c. Request for Single or Multiple Contractors:

- Multiple

d. RFR Distribution Method:

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

e. List of Attachments:

Attachment A: Proposal to License State-Owned Agricultural Fields- Templeton Developmental Center
Attachment B: License Areas
Attachment C: RFR – Required Specifications for Commodities and Services

Date Received: _____
Received By: _____

Attachment A: PROPOSAL TO LICENSE STATE-OWNED AGRICULTURAL FIELDS- MDC

All of the information on this application must be completed or identified as Not Applicable.

1. Agricultural Operation Information:

Applicant Name	<input type="text"/>		
Operation Name	<input type="text"/>		
Legal Structure Or Employer	<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> LLC <input type="checkbox"/> Other _____		
	<input type="checkbox"/> I do not currently own or lease land but am an experienced farm worker seeking to lease land		
Historically Underserved Farmer ²	<input type="checkbox"/> Limited Resource Farmer	<input type="checkbox"/> Beginning Farmer	<input type="checkbox"/> Socially Disadvantaged Farmer <input type="checkbox"/> Veteran Farmer
Mailing Address	<input type="text"/>		
City, State, Zip	<input type="text"/>		
Home Phone	<input type="text"/>	Mobile Phone	<input type="text"/>
E-mail	<input type="text"/>	County	<input type="text"/>

2. Current Agricultural Operation Details:

Type of Operation:	<input type="checkbox"/> Maple	<input type="checkbox"/> Beef	<input type="checkbox"/> Produce	<input type="checkbox"/> Cranberry	<input type="checkbox"/> Greenhouse	<input type="checkbox"/> Livestock
	<input type="checkbox"/> Dairy	<input type="checkbox"/> Nursery	<input type="checkbox"/> Other	<input type="text"/>		
Acreage Owned	<input type="text"/>	Acreage Leased	<input type="text"/>	Acreage in Production	<input type="text"/>	

² As defined in the 2018 US Farm Bill. For reference please see USDA definitions:
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/people/outreach/slbfr/?cid=nrcsdev11_001040

3. Site Address for Current Operation (if different from above):

Site Address

City, State, Zip

4. Proposal Details: Complete each section.**a. Identify which parcels and / or license areas you wish to license (farmers may seek licenses for more than one parcel and/ or license area)**

PARCEL	YES	NOT INTERESTED
AF1	<input type="checkbox"/> Yes	<input type="checkbox"/> No
AF2	<input type="checkbox"/> Yes	<input type="checkbox"/> No
AF3	<input type="checkbox"/> Yes	<input type="checkbox"/> No

5. Proposal Details: Complete each section.

AGRICULTURAL LAND USE PLAN- TEMPLETON DEVELOPMENTAL CENTER

a. Provide a clear description of how you intend to use the licensed parcels for agricultural purposes including crops grown and/or livestock raised and a planting/ growing/ harvesting schedule. Where will the agricultural products be sold? (Submit separate information for each parcel if necessary). This will be considered your “land use plan” and granted a license, you will be required to maintain the land according to this plan:

b. Describe your farming experience

c. Provide any other relevant information

d. Describe equipment you possess to allow you to utilize, maintain and work the agricultural resource to its fullest potential?

e. Please provide the name, address and phone number of three references, at least one of which shall be from a landowner from whom you currently rent/use land

1.NAME:	
POSITION/ TITLE	
RELATIONSHIP TO YOU:	
PHONE:	
EMAIL:	

2.NAME:	
POSITION/ TITLE	
RELATIONSHIP TO YOU:	
PHONE:	
EMAIL:	

3.NAME:	
POSITION/ TITLE	
RELATIONSHIP TO YOU:	
PHONE:	
EMAIL:	

f. What is the proposed rent per parcel?

PARCEL	Acres	Proposed Total Annual Rent
AF1	26.1	
AF2	13.9	
AF3	4.8	

NOTE: INITIAL PERIOD FOR AF1 IS FOR 2 YEARS WITH THE OPTION TO RENEW.

5. 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 decision is made. All site visits will be arranged with you in advance.

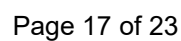
Signature: _____

Date: _____

Print Name: _____

Please complete and return the proposal response form along with your resume and a resume for all others involved in the farming operation by the appropriate deadline as described on page 9.

EXHIBIT A



Attachment C

RFR - REQUIRED SPECIFICATIONS FOR COMMODITIES AND SERVICES

Revision Date:

June 6, 2016

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

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

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

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

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

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

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

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

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

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

Best Value Selection and Negotiation. The Strategic Sourcing Team or SST may select the response(s) which

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human

and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors

