



Massachusetts Urban Agriculture Grant Program Fiscal Year 2021

Request for Response (RFR): RFR File # AGR-UrbanAg-FY21

For the implementation of projects that will advance urban food production in the Commonwealth.

Responses must be received via email submission
NO LATER THAN 4:00 PM on *June 12, 2020*

Contact: Rose Arruda
Email: Rose.Arruda@mass.gov



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

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EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Secretary Kathleen A. Theoharides
Grant Announcement: Massachusetts Urban Agriculture Program
RFR ID: AGR-URBANAG-FY21 Dated: March 24, 2020

1. GRANT OPPORTUNITY SUMMARY:

Proposals Sought For	The Massachusetts Department of Agricultural Resources (“MDAR”) seeks proposals from state and local governmental entities (including, but not limited to, state agencies, municipalities, and schools) and Non-profit 501(c)(3) organizations and individual farmers for projects that will advance urban food production in the Commonwealth. Additional edibility criteria and requirements are described in this RFR.
Overview and Goals	<p>The purpose of the MDAR Urban Agriculture Program is to advance Commonwealth goals and objectives, leverage collective resources, and support projects designed to increase the production, processing, and marketing of produce grown and sold in urban centers across the Commonwealth and allow municipal governments and non-profits to enhance the development of community gardens. MDAR’s Urban Agriculture Program (“MUAP” or the “Program”) seeks proposals that demonstrate strategies for municipalities to increase access to affordable, fresh food for urban residents, address the challenges of small-scale farming in densely populated centers, and create direct markets in low-moderate income neighborhoods.</p> <p>Urban agriculture encompasses a wide variety of activities related to the growing of plants and the raising of animals for food including, but not limited to: production techniques such as land-based outdoor and greenhouse cultivation, rooftop open air and greenhouse production, hydroponics, aquaculture, aquaponics, beekeeping, and egg-producing poultry. Each project proposal must represent long-term, capital investments such as infrastructure improvements, building upgrades, purchase of computer software and systems, land procurement, or purchase of farm equipment. Projects will also foster youth development, small business development, and job training directly related to commercial urban farming.</p> <p>The Program also seeks proposals from Municipal agencies and non-profits for the development of urban community gardens or infrastructure for existing urban community gardens to implement climate change tools/infrastructure. *MDAR defines a community garden as a single piece of land, gardened collectively, by a group of people. Community gardens utilize either individual or shared plots on private or public land while producing fruit, vegetables, and/or plants grown for personal consumption.</p>
Funding	Use of grant funds is limited to costs identified in the grant application project budget. Grants and matching funds may not be used to pay rents or for normal operating or overhead costs. No indirect or fringe costs may be charged to the grant beyond the State approved rate. Administrative expenses are allowable up to 8% of the state share of the grant. Administrative expenses include staff salaries, fringe, and indirect costs associated with the grant. The Department reserves the right to offer funding to selected projects at an amount less than requested in the application budget. Projects must be completed, and all funding must be expended by the end of the state fiscal year, June 30, 2021. All funding is subject to appropriation and to Department funding availability.
Deadline	4:00 PM, June 12, 2020
Contact	Rose Arruda Massachusetts Department of Agricultural Resources Email: Rose.Arruda@mass.gov

2. PERFORMANCE AND CONTRACT SPECIFICATIONS

A. Eligible Applicants:

Eligible Applicants	<p>Open to Massachusetts:</p> <ul style="list-style-type: none"> • Municipalities; • Nonprofit 501(c)(3) Organizations (MDAR may request proof of status); • Public or non-profit educational or public institutions; • Established urban farmer with more than three (3) years of commercial urban farming experience.
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B. Eligible Project Areas:

While all projects that meet MUAP requirements will be considered, the categories listed below are examples of potential projects listed in their respective categories.

Soil Management	Initiatives that address the issues of soil quality in urban environments with particular emphasis on improving soil fertility in blighted areas;
Land	Proposals for acquisition of land for food production in urban settings;
Equipment	Mobile market vehicles, small farm equipment or hand tools;
Green Infrastructure	Demonstrations of greenhouse, hoop house, cold frame and other technologies to help urban farmers scale up the volume, quality and enable year-round production or to manage energy and water usage, or allow for more intensive and efficient food production in urban environments;
Climate Change Infrastructure	Compost tumblers, and water conservation methods such as drip irrigation or rainwater recovery systems;
Organic Farming Support	Capital infrastructure to support an urban farm's transition to a certified organic organization;
Innovative Growing Technology	Demonstrate practical/economically viable approaches to urban aquaculture/aquaponics and vertical farming and other innovative growing methods to make available local sourced food and products to low-moderate income communities;
Marketing, Distribution, Transportation	Improve the distribution of locally grown products from farm to customer such as food hubs sourced from local urban farms or other innovative technologies designed to aid/improve cost-effective distribution of food produced on urban farms to urban residents.

C. Match Requirement

For all projects, other than land/property access, matching funds of 25% are required for requests over \$15,000. The degree of matching funding commitments will be one factor weighed in the evaluation of project proposals. In-kind services, donations of land, or other services are not eligible as matching funds. Land projects require a 25% cash match.

D. Funding Availability & Allowable Expenditures

<p>Maximum Reimbursement</p>	<p>This program will provide grant awards in the range of \$5,000 to \$50,000 for commercial urban agriculture projects, \$1,000 - \$15,000 for community garden projects. Funding will also be available for land acquisition proposals; land acquisition proposals are eligible for a maximum award of \$100,000 but must meet the criteria listed in Section E.</p>
<p>Property Ownership or Lease</p>	<p>If the proposed project is on property not owned by the Applicant, a lease agreement must demonstrate a long-term, legal right to use the property by the Applicant. This typically means a lease agreement for not less than three (3) years, depending on the size, scale, and cost of the project. The proposed project must also be allowed under the terms of the lease agreement. MDAR may request a copy of the lease agreement as part of its review.</p>
<p>Invoicing and Disbursement of Grant Funds</p>	<p>Funds will be disbursed on a reimbursement basis only. All funding requested for the project must be expended on or before June 30, 2021. Documentation of all expenses is required and subject to audit. Satisfactory documentation in the form of cancelled checks, receipts, invoices, etc. for costs associated with approved projects must be dated prior to the June 30, 2021 deadline, submitted to MDAR and approved prior to the Department processing reimbursement.</p> <p>Vendors shall submit for reimbursement utilizing an organizational invoice clearly stating the reimbursement period on the invoice. No project may commence until a contract has been executed by all parties.</p> <p>Only expenses incurred during the period of the contract are eligible for reimbursement. Any project costs that were incurred prior to an executed contract are NOT eligible for reimbursement from MDAR.</p>

E. Instructions for Completing Application

The Application Form is provided in Attachment A of this document. **Please follow the structure of the application in your responses and ensure that you provide all requested documentation. Failure to do so may impact scoring during review process.**

1. Applicant:

- Name/address/county/contact information;
- Name of sponsoring agency, municipality, or non-profit organization (if relevant);
- If non-profit, brief summary of organization's programs and operating budget; proof of IRS 501(c)(3) designation, website;
- Project applicant or organization's qualifications to perform the work. List relevant work; projects and qualifications or those of any external partnering entity;
- Identify all necessary permits and agencies responsible for providing; and
- Provide total commercial sales and/or production data (*lbs. grown, sold and/or value of produce*) for past year.

2. Project Description:

- Project Name, location/address;
- How this project meets the purpose of the MDAR commercial urban agriculture program or community gardens;
- Total grant request including purpose/objectives/scope of work for all tasks for which funds will be used;
- Estimated Project Timeline, in monthly increments;
- Individuals who will be working on project and respective roles;
- Provide information regarding water and electricity availability;
- If relevant, other project partners and description of roles and responsibilities; and
- Past awardees must give a short description (1-2 paragraphs) on the gains in: total production (in lbs.), net income from production and revenue increase as a direct result of past grants from this program (commercial projects only)
- **Business Plan:** Not required, yet applications that include a business plan will receive additional points in review process. The Commercial Farm Business Plan should demonstrate how the applicant engages in commercial agriculture and include at a minimum the applicant's commercial farm experience, an identification of all land uses on the parcel, production information and products to be sold, use of existing structures and need for additional structures or capital improvements, a description of markets and personnel information.

3. Project budget:

- Budget including all costs for total project, in detail, associated with every work scope task. (Items not identified in the application will not be eligible for award), this includes itemizing match expenditures, if applicable;
- List of all project funding sources, including matching funding commitments, specifically for this proposal and copies of commitment letters, or funding sources that may be pending (other grant applications).

4. Project Evaluation/Final Report Deliverables:

- Define criteria/proposed methods for evaluating and measuring project success;
- Plan for sustaining the project beyond the grant period;

- All applicants accepted for funding **will be required** to complete a final report evaluating project outcomes and any lessons learned that could be applied elsewhere.

5. Required Attachments

Please note that applications with any missing documentation will receive a penalty in the review process.

For Non-Land Acquisition Proposals

- Resumes of project manager or key staff;
- If project is land based, proof of ownership or lease of land that is the subject of the grant;
- If applicable, documentation verifying farm operation has employed a farmer/farm manager for a minimum of 3 years;
- **3 competitive quotes, preferably from MA Companies, for any expenditure over \$500, all other expenditures over \$100-\$499 must have at least one quote;**
- Site design plan must be submitted, showing at a minimum: layout, grading, and utilities, if applicable to project;
- If applicable, list the names and addresses of market sites or the specific sales channels your organization utilizes for farm’s products, if applicable;
- Copy of land/site lease or title for property or proof of ownership;
- Copy of permits for structures, production, and water connections, if applicable;
- Estimates from appropriate agency for water connections for site, if part of project;
- If applicable, documentation showing a minimum of 50 % of applicant’s food production is utilized for commercial sales;
- **Commercial applicants** must provide documentation of gross sales of applicant’s product, food production (in pounds) for the past two years (include production space measured in square ft.), as well as gross sales of food aggregated from other farms;
- Proposed, new farm sites must have proof of water source.

For Land Acquisition Proposals

In addition to all of the above, land acquisition proposals will require:

a) Land acquisition appraisal: Applications must include a full narrative appraisal by a real estate appraiser certified or licensed pursuant to M.G.L. c. 112 and dated no earlier than one year prior to the application submission deadline. The Applicant or one of the Applicant’s project partners must be the client for the appraisal. The owner of the property cannot be the client and cannot donate money to cover the cost.

b) Estimates for Water Connections: Projects requiring water connections must provide estimates and documentation from said municipality or contractor for projected cost.

c) Purchase and sale agreement or option to purchase the land;

If selected, the following will be required prior to funding:

- Survey of land, if applicable
- Title Certification and title insurance policy at MDAR selection

d) Use: Applicants must sufficiently demonstrate that the proposed use of the property will be allowed either by right or by special permit under current local law, including, but not limited to, local zoning bylaws.

e) Covenants: If a land acquisition proposal is accepted, additional materials including those confirming the use of the land for agriculture, along with the execution a non-development

covenant, may be required to restrict the use of the property for up to ten (10) years for agricultural use. Covenants will be recorded with the appropriate registry of deeds. No funding shall be provided in the event MDAR and the applicant fail to agree to the terms of a covenant.

f) Business Plan: Applicants must provide a Farm Business Plan which the Department deems complete and which must present a viable and achievable plan that is compatible with the land and location. The Farm Business Plan must demonstrate how the applicant will engage in commercial agriculture and must include at a minimum the applicant's commercial farm experience, an identification of all land uses on the parcel, production information and products to be sold, use of existing structures and need for additional structures or capital improvements, a description of markets and personnel information.

LAND PROPOSALS: For land acquisition proposals, applicant must have for a minimum of 3 consecutive years of commercial agriculture experience. The maximum grant award for a single acquisition project is \$100,000.

Applicants selected to receive grant funding for land acquisition must use funds from non-state sources equal to at least 25% of the total eligible project cost. For example, the maximum award for land acquisition projects, \$100,000 must have a \$25,000 cash match from non-state sources.

For all projects: approved expenditures must not be made until after the selected Applicant has an executed contract with the Commonwealth.

F. Evaluation Criteria:

Commercial Urban Farming Projects:

Preference will be given to new applicants. Each application will be evaluated and ranked according to the following measures:

- Project Feasibility (Clearly identifies goals/objectives, outcomes/ measures to evaluate project performance, along with a reasonable budget);
- Clearly demonstrates how program funding will increase the profitability or sustainability of an established commercial urban farm operation;
- Demonstrates new systems, methods, and approaches to commercial urban agriculture that will have broad application and far-reaching impact;
- Creates new markets or builds new infrastructure that will increase commercial urban farm food production or income;
- Clearly demonstrates how infrastructure improvements will increase production and benefit community;
- Secures additional matching funds to maximize the impact of MDAR grant investments;
- Addresses the unique barriers to, and opportunities of, urban commercial agriculture;
- Maximizes job training or job creation;
- Creates partnerships in the food, farming, and public health sectors that will improve community health, food access and nutrition in USDA mapped food deserts or urban neighborhoods with a high concentration of fixed and low-income residents;
- Demonstrates increased food production and affordable food access for low-moderate communities;
- Past applicants demonstrate commercial productivity/improvements in revenue from past funding from MDAR UAG Program;
- Materials and supplies should be sourced from Massachusetts companies, adequate justification must be provided for not doing so; and
- Previous grantees, please note that poor past performance, such as lack of responsiveness or failure to adhere to project timeline and delivery of required documents will be taken into consideration by the review team;

Criteria for Urban Community Garden Projects:

- Project Feasibility (Clearly identifies goals/objectives, outcomes/ measures to evaluate project performance, along with a reasonable budget);
- Clearly demonstrates how program funding will increase the sustainability of the community garden;
- Demonstrates new/improved systems, methods and approaches that will have broad application and far-reaching impact;
- Implements tools or materials to mitigate impacts of climate change;
- Clearly demonstrates how infrastructure improvements will increase production and benefit community
- Addresses the unique barriers and opportunities of community gardens;
- Maximizes growing space for greater production;
- Demonstrates increased food production and affordable food access for low-moderate communities;
- Materials and supplies are sourced from Massachusetts companies, adequate justification must be provided for not doing so.

REVIEW PROCESS: A project selection committee comprised of Department staff will review all complete responses and rank them according to the evaluation criteria listed above. All awards are conditioned upon the availability of funding.

- **Site inspections:** If applicable, a member of the Selection Committee will contact you to schedule an inspection of the property, proposals will not be funded on a sight unseen basis.

G. Application Submission Instructions:

An application form is attached and must be completed and received by the Massachusetts Department of Agricultural Resources by the response deadline. Please send completed application to:

Rose.Arruda@Mass.gov
by 4:00pm on June 12, 2020.

This BID requires the submission of email proposals. All Bidders are advised to allow adequate time for submission of their proposal by considering potential online impediments like Internet traffic, Internet connection speed, file size, and file volume. MDAR is not responsible for 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.

All email submissions will receive an email confirmation of submission.

H. Additional Required Documentation

If selected, the Respondent will be required to submit the following forms to complete the contract: Commonwealth Standard Contract Form, filled out and signed by the Respondent; EEA Scope and Budget Form; Commonwealth Terms and Conditions filled out by and signed by the Respondent*; Commonwealth W-9 tax information form filled out and signed by the Respondent*; Completed Contractor Authorized Signature Verification Form; Completed Electronic Funds Transfer Form; Proof of entity good standing in Massachusetts and IRS letter of Determination as 501 entity, if applicable.* If not already on file 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

3. DEADLINES AND PROCUREMENT CALENDAR

A. Release of RFR:	March 24, 2020
B. Information Inquiry:	Please email Rose.Arruda@Mass.gov for questions.
C. Application Deadline:	June 12, 2020 at 4:00 PM
D. Estimated Award Date:	Awards are estimated to be announced by August 2020
E. Estimated Contract Start Date:	Anticipated in August 2020. Only after an award is issued and a final scope of services has been negotiated and executed by all parties, 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.

4. RFR SPECIFICATIONS

A. Type of Procurement: Grant
<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. Contracts awarded under this RFR will be utilized solely by MDAR.
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 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.

Official Use Only
Date Received: _____
Received By: _____

5. APPLICATION FORM

MASSACHUSETTS URBAN AGRICULTURE PROGRAM (MUAP) (FISCAL YEAR 2021)

SECTION ONE. APPLICANT INFORMATION:

Applicant Name	<input style="width: 95%;" type="text"/>	<input type="checkbox"/> Past MUAP grant recipient
Organization	<input type="checkbox"/> Public Institution <input type="checkbox"/> Partnership; <input type="checkbox"/> Individual Business; <input type="checkbox"/> Nonprofit /501(c)(3) <input type="checkbox"/> Municipality;	
Mailing Address	<input style="width: 95%;" type="text"/>	
County	<input style="width: 95%;" type="text"/>	
Contact Person and Title	<input style="width: 95%;" type="text"/>	
Office Phone	<input style="width: 20%;" type="text"/>	Cell Phone
	<input style="width: 20%;" type="text"/>	Email
		<input style="width: 20%;" type="text"/>

SECTION TWO. PROJECT SUMMARY:

Please give a **2-3 sentence summary** of your proposed project, the address where it is sited, and amount of request.

SECTION THREE. PROJECT DETAILS:

In a separate attachment, fully describe, in writing, the project for which you are seeking funds. Applicants should respond to all of the items listed below. This section should not exceed 6 pages (three double-sided pages). Font size should not be less than Times New Roman 10. Any additional documentation or attachments do not count toward the page limit. See the below Section Three: A-C for specifics.

A. Detailed Project Description:

- 1. Project Description:** Describe purpose/objectives/scope of work for all tasks and a detailed timeline with milestones for all phases of the project, in monthly increments. Address all of the criteria outlined in Section G: Evaluation Criteria on Page 8-9. Also provide information regarding water and electricity availability for this project.
- 2. Qualifications and Experience:** Describe and document relevant qualifications and experience of the applicant organization and the principals that will be involved in the grant funded activity. List relevant work, projects and those of any external partnering entity and demonstrate that the applicant has sufficient, relevant experience and success in developing and operating a large-scale enterprise. List the individuals who will work on the project and the respective roles. If applicable, past awardees must provide a short description on the gains from their award: provide total production in pounds, net profit and revenue increase, as a direct result of past grants from the MUAP.
- 3. Permits and Approvals:** Proof of all necessary permits and approvals needed and any responsible agencies. Please include documentation of your City's approval for agricultural use.

B. Project Budget:

- 1. Provide Budget:** Include all costs, an itemized, detailed listing; associated with the scope of work (Items not identified in the application will not be eligible for award). Please list, if applicable, what expenditures are targeted for your matching funds
- 2. Project funding sources:** List all funding sources including matching funding commitments and copies of commitment letters.

C. Project Evaluation :

- 1. Criteria:** Define your criteria or proposed methods for evaluating and measuring project success.
- 2. Long Term Plan:** Outline your plan for sustaining the project beyond the grant period.
- 3. Final Report:** All applicants accepted for funding will be required to complete a final report evaluating project outcomes and any lessons learned that could be applied elsewhere.

SECTION FOUR : ATTACHMENTS

Provide the following documents as attachments to your application. Attachments do not count towards the 6-page maximum requirement for Project Details:

1. Map of Project Area (if applicable);
2. Resumes of Project Manager or Key Staff;
3. Documentation of past two (2) years gross food sales(lbs.), square footage utilized for its production, as well as gross sales of food aggregated from other farms (C.G. exempt);
4. **3 Competitive quotes for items over \$500;** at least one quote for all items \$100-\$499;
5. Documentation verifying farm has employed a farmer/farm manager for minimum of 3 years (C.G. exempt);
6. IRS 501(C)(3) Certification;

7. Site design plan, if applicable;
8. Lease or document of ownership of land that is the subject of the grant;
9. Proof of permits and approvals needed for completion of project;
10. Estimates for water connections for project/site, if applicable;

For Land Applications

11. Appraisal document for land (C.G. exempt); and
12. Purchase and Sale or Option Agreement (C.G. exempt)
13. Farm Business Plan (C.G. exempt)

All bidders shall submit an **electronic copy** to Rose.Arruda@mass.gov by the due date specified above. Any **application received after the deadline will not be considered.**

Application Signatures: Those who would receive the grant award must sign this application. Substitutes or signatures initialed by another person will not be accepted.

SECTION FIVE: ATTESTATION:

By signing this application, you attest all statements herein are accurate and true. You also give permission to a site visit conducted by MDAR before a funding decision is made, if requested. All site visits will be arranged with you in advance.

Signature: _____ Title: _____ Date: _____

Appendix A: Required Specifications
OPERATIONAL SERVICES DIVISION
RFR - REQUIRED SPECIFICATIONS FOR COMMODITIES AND SERVICES

Revision

Date:

June 6, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or

representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through COMMBUYS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

