



Division of Agricultural Conservation & Technical Assistance

## Massachusetts Food Trust Program Fiscal Year 2018

Request for Response (RFR): RFR File: [RFR-MFTP-2018](#)

To establish a financing infrastructure that increases access to healthy, affordable food options, with a preference for fresh locally sourced Massachusetts grown, caught or harvested healthy food and to improve economic opportunities for nutritionally underserved communities in urban, rural and suburban localities.

**Responses must be received by**  
4:00PM, January 5, 2018

**Contact: Rose Arruda**  
**Email: [Rose.Arruda@state.ma.us](mailto:Rose.Arruda@state.ma.us)**



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

**[Contents of Request for Response](#)**

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**EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS**  
 Grant Announcement. RFR ID: RFR-MFTP-2018. Dated: **November 17, 2018**  
**Matthew A. Beaton, Secretary**  
**Massachusetts Food Trust Program**

<b>1. GRANT OPPORTUNITY SUMMARY:</b>	
<b>Proposals Sought For:</b>	The Massachusetts Department of Agricultural Resources (“MDAR”) seeks proposals to establish a financing infrastructure that increases access to healthy, affordable food options, with a preference for fresh, locally-sourced, Massachusetts grown, caught or harvested healthy food, and to improve economic opportunities for nutritionally underserved communities in urban, rural and suburban localities.
<b>Overview and Goals:</b>	The overall goal of the Massachusetts Food Trust Program (“MFTP”) is to increase access to healthy, affordable food as a means to improve health outcomes and to encourage innovation in healthy food retailing and distribution in nutritionally underserved communities. The MFTP will provide funding through grants to Community Development Financial Institutions (“CDFI”) and Community Development Corporations (“CDC”) who will invest or award funding to sub-recipients to support healthy food initiatives in underserved communities. This statewide program is designed to meet the financing needs of fresh food retailers and distributors that plan to operate in underserved communities where costs and credit needs cannot be filled solely by conventional financing institutions. <b>All projects must include measures to demonstrate the benefits of investment for low to moderate income communities.</b>
<b>Funding Availability:</b>	Reimbursement grants will be awarded on a competitive basis. The total amount of funding available is \$1,000,000. This is a competitive grant program that seeks to award at least one grant per region (see Section 2.A. for more information). Applicants submitting successful proposals will be required to sign a contract with MDAR.  All contracts are subject to Department funding availability.
<b>Matching Funds:</b>	Applications that leverage Commonwealth funds by factors of greater than one-to-one will be considered more competitive.
<b>Reporting Requirements:</b>	The recipient is required to report quarterly on activities related to the grant to MDAR. Reporting includes the CDFI/CDC, who is the direct recipient, monitoring the activity of the sub-grantee and reporting to the Department. The direct recipient will also be required to present the results of the grant at a Massachusetts Food Policy Council meeting at a date to be determined (see Section 2.F. for more information).
<b>Deadline:</b>	<b>Applications must be received by 4:00 PM, January 5, 2018. Postmarks will not be considered.</b>
<b>Contact</b>	<b>Rose Arruda</b> , Department of Agricultural Resources 251 Causeway Street, Suite 500, Boston, MA 02114 Email: <a href="mailto:Rose.Arruda@state.ma.us">Rose.Arruda@state.ma.us</a>

## 2. PERFORMANCE AND CONTRACT SPECIFICATIONS

### A. Eligible Applicants:

<b>Eligible Applicants</b>	Eligible applicants are: Community Development Financial Institutions certified by the United States Treasury, and Community Development Corporations certified under Chapter 40H of the Massachusetts General Laws. Successful applicants will also have previous experience working with food related entities that operate in underserved communities.
<b>Eligible Activities of Sub-Recipient</b>	<p><b>I. Types of Activity</b></p> <p>a. Fresh Food Retailing or Distribution, or</p> <p>b. Upgrades and conversions of existing stores to provide fresh, affordable products</p> <p><b>II. Type of Entities</b></p> <p>a. For-profit (corporation, LLC, sole proprietor, partnership), or</p> <p>b. Nonprofit organization, or</p> <p>c. Cooperative (open to the public without requiring a membership).</p>

### B. Eligible Project Areas:

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

With the funding, applicants may provide loans, grants and technical assistance to support entities that have shown a meaningful commitment to sell fresh products. The types of entities the Commonwealth is interested in supporting are:

**Projects must agree to accept federal and state benefits (e.g. SNAP & WIC).**

<b>Food Processing Infrastructure</b>	Creation of commercial food processing infrastructure to ensure availability of Massachusetts produced foods and which can benefit low and moderate income households.
<b>Non Retail Food Commissaries</b>	Innovative proposals by commercial food commissaries that connect local farms and partners, create new local food retail markets, or improve marketing within low to moderate income communities. Proposals may include requests for support for infrastructure, distribution, processing, and marketing plans that demonstrate increased access to low to moderate income communities.
<b>Food Co-Ops</b>	Proposals for construction, renovation, or build-out of existing facilities that will create new, permanent jobs and/or greater access to affordable, fresh food.

<b>Greenhouses and Farmers' markets</b>	Develop and build facilities designed to increase year round access of diverse food production and distribution to existing or new markets to benefit low to moderate income communities.
<b>Food Hubs</b>	Capital for infrastructure to build or renovate sites for new or existing ventures that improve commercial food access in low to moderate income communities.
<b>Commercial Markets</b>	Innovative projects that connect local food producers and partners in order to develop, build, or renovate a large scale retail market, designed to improve commercial distribution of healthy, locally produced food. Proposals may include initiatives for new construction or the renovation of an existing building. Must clearly document a community demand and outline a marketing strategy for expansion of commercial food access and distribution in low to moderate income areas.
<b>Mobile Markets/ Innovative Markets</b>	To purchase, design, and upgrade vehicles to provide healthy Massachusetts food including meats, seafood, vegetables, and fresh or frozen produce for purchase. Must provide marketing strategy that demonstrates the expansion of commercial access and distribution in low to moderate income communities.

### C. Ineligible Project Areas:

- Funding for audits, feasibility studies or design work.
- Operation or maintenance costs associated with the proposed grant investment.
- Proposals for which the applicant seeks reimbursement of already completed projects, or portions of projects, including staff or consultant time and/or actual project costs already incurred.

### D. Funding Availability & Allowable Expenditures

<b>Funding</b>	Use of grant funds is limited to costs identified in the grant application project budget. Grant 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. MDAR reserves the right to offer funding to selected projects at an amount less than requested in the application budget. Project funding must be expended by the end of the State Fiscal Year, June 30, 2018. In the absence of foreseeable available funding, MDAR may terminate the contract. All funding is subject to appropriation.
<b>Invoicing and Disbursement of Grant Funds</b>	All funding shall be dispersed to successful applicants by June 30, 2018. Although funding will be disbursed before the end of Fiscal Year 2018, the duration of the contract shall extend through Fiscal Year 2019 for reporting purposes.


**E. Reporting**

<b>Reporting</b>	<p>The contract will require quarterly written reporting and a final report provided to MDAR along with a presentation to the Massachusetts Food Policy Council. Quarterly project progress reports must provide, at a minimum, the status, description, and background of work performed. Reports must also include a detailed timeline with milestones relating to all appropriate phases, describing deliverables completed, or if not completed, the work done towards completion. MDAR will review the progress of awarded projects on a quarterly basis to ensure they will meet completion deadlines.</p>
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**F. Evaluation Criteria: Responses will be scored using the following measures:**

- Demonstrates viable plan to implement program goals;
- Previous experience working with food enterprises in food deserts;
- Overall experience working as a community development financial entity;
- Matching funds made available by the applicant and/or partner to support the grant;
- Partnerships with other organizations to implement the program; and ;
- Experience providing technical assistance to assist application to foster business growth.

### 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 provide 4 copies and an original application and an electronic version** as well. Applications that are sent by fax will NOT be accepted. Please do not staple or put the application in a binder. Applications must be received in MDAR's Boston office **by 4:00PM on January 5, 2018**. **Postmarks will be not considered.** All materials must be sent to the attention of:

**Rose Arruda, Program Coordinator, Department of Agricultural Resources,  
Suite 500, 251 Causeway Street, Boston, MA 02114**

[Rose.Arruda@state.ma.us](mailto:Rose.Arruda@state.ma.us)

### H. Additional Required Documentation

**If selected**, the applicant(s) will be required to submit the following forms to complete the contract: Commonwealth Standard Contract Form, filled out and signed by the applicant(s); Scope and Budget Form; Commonwealth Terms and Conditions filled out by and signed by the applicant(s)\*; Commonwealth W-9 tax information form filled out and signed by the applicant(s); 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](http://www.mass.gov/osd) or by request.

## 3. DEADLINES AND PROCUREMENT CALENDAR

<b>A. Release of RFR:</b>	<b>November 17, 2017</b>
<b>B. Application Deadline:</b>	<b>4:00PM, January 5, 2018</b>
<b>C. Estimated Award Date:</b>	Awards are estimated to be announced by mid-January, 2018.
<b>D. Estimated Contract Start Date:</b>	Anticipated in January 2018. Eligible costs are those incurred only after an award is issued and a final scope of services has been negotiated and executed by all parties. Costs incurred prior to the executed contract shall not be eligible for reimbursement. 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

- Grant

##### B. Use of This Procurement by Single or Multiple Departments:

- This RFR is single department procurement. Contracts 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](http://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.

<b>Official Use Only</b>
Date Received: _____
Received By: _____

**5. APPLICATION FORM**

**MASSACHUSETTS FOOD TRUST PROGRAM (MFTP) (FISCAL YEAR 2018)**

**SECTION ONE. ORGANIZATIONAL INFORMATION:**

Organization Name:					
Physical Address:					
Mailing Address:					
Contact Person and Title:					
Region applying for:		EIN Number:			
Office Phone		Cell Phone		Email	

Registered CDFI or CDC (Yes/No)	<input type="checkbox"/>
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Amount of Grant Funds Requested:	
Amount of Non State Matching Funds Leveraged:	

**SECTION TWO. PROJECT SUMMARY:**

In six sentences or less, provide a brief and clear narrative overview of the proposed use of Commonwealth grant funds to increase access to fresh healthy affordable food with a preference for locally sourced Massachusetts grown, caught or harvested food in underserved communities. of the objectives and scope of work of the proposal :

**Project goals and intended outcomes.**

**Please describe how this grant application responds to the underserved areas in your region.**

**Please detail if the applicant proposes to match to the Commonwealth's funds.**

**Applicants are encouraged to seek and create partnerships with private, public, non-profit, and academic organizations. Please describe any partnerships that will support the implementation of your proposal.**

**How the applicant will evaluate its proposal if selected. Proposals are encouraged to include both process evaluations (developing and monitoring indicators of progress towards the objectives) and outcome evaluations (to determine whether the objectives were met).**

**Budget Narrative.**

**Briefly demonstrate impactful and responsible lending policies, strong internal financial controls, and the financial health and soundness of the applicant. Applicants may attach an independent auditor's review of an annual report and financial statements, in lieu of a narrative response to this question.**

**Describe the types of small business finance activity your organization typically engages in.**

**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.

**SECTION FOUR: 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: \_\_\_\_\_

## **RFR - REQUIRED SPECIFICATIONS:**

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). 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* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). 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.

Items with the text, "*☞ Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

COMMBUYS Market Center. COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at [www.commbuys.com](http://www.commbuys.com). Information contained in this document and in COMMBUYS, including file attachments, and information contained in the related Bid Questions and Answers (Q&A), are 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 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. Similarly, Executive Order 546 established the Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) Program to encourage the participation of businesses owned and controlled by service-disabled veterans in all areas of state procurement and contracting, thereby including them in the SDP. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor’s inclusion of M/WBEs and/or SDVOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs and/or SDVOBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder’s participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP commitment, expressed as a percentage of contract revenues, is approved, the agency will then monitor the contractor’s performance, and use actual expenditures with SDO certified M/WBE contractors and the Center for Veterans Enterprise certified SDVOBEs to fulfill their own SDP expenditure benchmarks. M/WBE and SDVOBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

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:

<b>SDP Plan Form #/Name</b>	<b>Submitted By</b>	<b>When Submitted</b>
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

**Supplier Diversity Program (SDP) Resources:**

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found at: [www.mass.gov/sdp](http://www.mass.gov/sdp)
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division’s SDO webpage at: [www.mass.gov/sdo](http://www.mass.gov/sdo)
- The Operational Services Division’s Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found at: <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/osd-events-and-training/osd-training-and-outreach.html> In addition, the SDP Webinar can be located on the SDP website at [www.mass.gov/SDP](http://www.mass.gov/SDP).

Supplier Diversity Program Subcontracting Policies. In addition to the Subcontracting Policies (See Subcontracting Policies section below and see Section 9, Subcontracting By Contractor, in the Commonwealth Terms and Conditions) that apply to all subcontracted services, agencies may define specific required deliverables for a contractor's SDP Plan, including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Business Enterprises (SDVOBE) for the purpose of monitoring and enforcing commitments made in a contractor's Supplier Diversity Program (SDP) Plan.

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 (formerly referred to as Procurement Management Team or PMT) 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.

Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department that issued the RFR. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and

guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or

2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Operational Services Division, Legal, Policy and Compliance Office, Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the Operational Services Division shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Operational Services Division shall not prohibit the department from proceeding with executing contracts.

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](http://www.mass.gov/osd)). Additional information about EFT is available on the [VendorWeb](#) site ([www.mass.gov/osc](http://www.mass.gov/osc)). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder 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.

Environmental Response Submission Compliance. In the event that paper submissions are required and in an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all required paper responses that are submitted should comply with the following guidelines:

- All copies should be printed double sided.

- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- **Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.**
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

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: [Executive Order # 509 Guidance](#).

Filing Requirements. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

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.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

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 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.

Workplace Violence and Prevention and Crisis Response Plan. *☞ Required for POS Only. Not applicable to non-POS bidders.* 101 CMR 19.00, Workplace Violence and Prevention and Crisis Response Plan, governs the procedures and criteria for workplace violence prevention and response plans for programs that provide direct services to clients that are operated, licensed, certified or funded by a department, commission, office, board, division, institution or other entity within the Executive Office of Health and Human Services under M.G.L. c. 6A § 16. Any direct service program that contracts with the Executive Office of Health and Human Services (EOHHS) or the constituent agencies of EOHHS must comply with 101 CMR 19.00, including having a plan that meets the criteria set forth in 101 CMR 19.04, which is updated annually, available electronically and provided to any human service worker upon request. The regulations and response plan guidelines are available at the following web site: [www.mass.gov/hhs/HSW-safety-regs](http://www.mass.gov/hhs/HSW-safety-regs)

