

**Division of Agricultural Conservation & Technical Assistance**

Agricultural Preservation Restriction Improvement Program (AIP)

Fiscal Year 2019  
(July 1, 2018 to June 30, 2019)

Request for Response (RFR): RFR File: AGR-AIP 19-10

***To help sustain active commercial farming on land that has already been protected through the Department’s Agricultural Preservation Restriction (APR) Program.***

**Responses must be received at MDAR by 4:00 PM on April 10, 2018**

**Contact: Melissa Adams**

**Telephone: 413-548-1904**

**Email: Melissa.L.Adams@state.ma.us**

|  |  |
| --- | --- |
| **logo_small** | **Massachusetts Department of Agricultural Resources**  **101 University Drive Suite C4**  **Amherst, MA 01002** |

EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Matthew A. Beaton, Secretary

Grant Announcement

RFR ID: RFR # AGR-AIP 19-10

Dated: February 2, 2018

APR Improvement Program

1. Grant Opportunity Summary:

**A. Proposals Sought For:** The Massachusetts Department of Agricultural Resources (“Department”) invites responses from Massachusetts farmers with active commercial farms on Agricultural Preservation Restriction (“APR”) Program land who wish to participate in the APR Improvement Program (“Program”). This program provides business planning and technical assistance resulting in an APR Improvement Program Plan (“Plan”) for the farm business. Upon approval, participants may enter into a Service Contract with the Department to spend funds on agreed upon farm infrastructure improvements identified in the Plan for reimbursement.

B. Overview and Goals: The purpose of the Program is to help sustain active commercial farming on land that has already been protected by Department funds through the APR Program. The Program offers business assistance to farmers operating established, privately owned Massachusetts APR farms that have proven success in producing and selling agricultural products. The Program goal is to help improve the productivity and profitability of participating farms to enhance the significance of APR farm operations and their contribution to the state’s agricultural industry. A Plan will be developed with program assistance that identifies planned use of funds for farm improvements. Grant awards will be offered to active participants, subject to the availability of funding, upon approval of their Plan by the Department.

**C. Eligible Projects**: Funds must be used primarily for capital improvements to farm infrastructure or agricultural resources that will help maintain or enhance the APR farm property. (See detail on eligible projects in section 2B). Unless otherwise registered with the Department as an Agricultural Research Pilot Program under M.G.L. c. 128, Sections 116 through 123 and in accordance with the Agricultural Act of 2014, all projects involving marijuana or hemp shall not be eligible for funding from the Department at this time.

D. Eligible Applicants: Massachusetts farmers that have been actively operating a commercial farm for at least the 3 previous years on Agricultural Preservation Restriction (“APR”) Program land that was protected with Department funds on or before December 31, 2014 and meet all program eligibility requirements. (See eligible applicants in section 2A).

**E. Application Deadline: April 10, 2018**

F. Funding Availability: Depending on the availability of funding, the Department may offer selected participants one of four (4) funding options: $25,000; $50,000; $75,000; or $100,000. (See guidelines for determining award amounts, eligible uses of funds and further detail on funding requirements in section 2C and 2D).

G. Match Requirement: For grants up to $75,000 there is no match requirement. The highest grant award level of $100,000, if available and offered, requires a match by the participating farm of $50,000 cash contribution towards a total project cost of at least $150,000. (See further detail on match requirements in section 2D).

**H. Total Anticipated Duration of Contract(s):** Approved projects will begin at contract start date, anticipated around March, 2018, and must be complete by June 30, 2019.(See detail on anticipated duration of contract(s) in section 2F).

**I. Regulations, Statutes, or Authorization Governing this Grant Program:** Massachusetts General Laws Chapter 20, Section 27(See further detail in Attachment B).

**J. Contact Information:** Melissa Adams, Massachusetts Department of Agricultural Resources

101 University Dr. Suite C4 Amherst, MA 01002 [Melissa.L.Adams@state.ma.us](mailto:Melissa.L.Adams@state.ma.us) 413-548-1904

# 

|  |  |
| --- | --- |
| 2. Performance and Contract Specifications | |
|  | |
| **A. Eligible Applicants:** | |
| **Eligible Respondents** | To be eligible for participation in the Program, Responders must meet all of the following eligibility requirements:   * Responder(s) must own, or be a Co-Responder with the owner of, an Agricultural Preservation Restriction (APR) farm that was protected through Department funds on or before December 31, 2014. * Responders must be in legal compliance with the APR program and the Massachusetts Department of Agricultural Resources’ (MDAR) rules and regulations. * Responder(s) must own, or operate through a written agreement, an APR farm that is currently in active agricultural use and has been managed as a commercial agricultural enterprise by the Responder or Co-Responder for at least the three previous years. |
| **Ineligible Respondents:** | The following are NOT eligible for participation in the Program:   * APR farms owned by non-profit organizations. * APR farms owned by municipalities. * Prior recipients of MDAR APR Improvement Program funding. * Prior recipients of MDAR Farm Viability Enhancement Program funding, until after the covenant on their unrestricted land has expired. * Prior participants of the MDAR Matching Enterprise Grants for Agriculture (MEGA) Program until a period of three (3) years following the start date of their MEGA contract has passed. |

|  |  |
| --- | --- |
| **B. Eligible Projects:** | |
|  | Funds must be used for approved capital improvements that will help maintain or enhance the APR farm property. Eligible uses of funds include resource improvements and maintenance or new or improved agricultural infrastructure on the farm property. Examples of resource improvements and maintenance include, but are not limited to, pasture improvements, fencing, reseeding hay land, establishing perennial crops, improving drainage, and installing irrigation. Examples of agricultural infrastructure include, but are not limited to, farm buildings such as farmstands, livestock housing, processing facilities, and hay or equipment storage barns. Up to 10% of the grant award may be available for approved non-infrastructure uses, such as production or marketing improvements or professional services. |

|  |  |
| --- | --- |
| **C. Funding Availability, Budgeting Guidelines & Allowable Expenditures** | |
| **Budgeting Guidelines** | Grant awards will be offered to active participants upon approval of their Plan completed through the program for implementation of identified farm improvements, subject to the availability of funding. In order to receive funding it is mandated by the enabling legislation for this program that at least one of the following program objectives be met through implementation:  - improve the economic viability of the farm;  - retain or create private sector jobs and tax revenue either directly or indirectly associated with a farm business;  - improve farm productivity and competitiveness;  - expand farm facilities as part of a business plan; or  - support renewable energy or environmental remediation projects on farms;  - expand and support markets and infrastructure to strengthen the farming industry.  The level of funding offered to eligible participants shall vary depending on the number of acres on an applicant’s farm that are currently enrolled in the APR Program, the significance and productivity of the farm as determined by the operation’s gross farm income over the past two (2) years (Schedule F line 11, 1120S line 6, or other relevant statements) and the projected farm income through plan implementation. Depending on the availability of funding, the Department may offer a participant one of the following funding options, provided on a cost reimbursement basis, which are determined using the following guidelines:   * Owners of an APR farm generating up to $50,000 gross farm income may receive up to $25,000. * Owners of an APR farm generating a minimum of $50,000 gross farm income may receive up to $50,000. * Owners with at least 50 acres under APR and generating a minimum of $100,000 gross farm income may receive up to $75,000. * If funding is available, owners with more than one hundred 100 acres of APR land and generating more than $150,000 gross farm income may be qualified to receive $100,000 if they contribute $50,000 towards total project cost of at least $150,000.   Responders will be informed which option the Department intends to offer when notified of acceptance. However, notification of acceptance into the Program is not confirmation that the participant will receive a grant award. A final determination of award, and the amount, to be offered to a participant will be made by the Department once the business assistance process has been satisfactorily completed. These determinations rest solely with the Department and may be based on additional factors such as: availability of funding in the annual program budget, farm productivity, intensity of use, substantial gross farm income, high capital needs for large improvement projects, or projects that will have a positive impact on other agricultural producers. |
| **Allowable Expenditures** | Awarded grant funds must be spent on contracted labor and/or the purchase of materials associated with land improvement or building project(s) outlined in the agreed upon Scope of Services to be attached to the contract with the Department. Funds may not be used for operating expenses, payment of debt, purchase of livestock, farm owner or employee labor, or purchase of land. |
| **Appropriation** | All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract. |
| **D. Match Requirements** | |
| **Match** | While participants may contribute their own funds towards identified project costs, there is no match required by program participants for grant awards up to $75,000. For a participant that is eligible for and offered the highest grant award amount of $100,000, a match contribution of $50,000 will be required by the participant towards a total project cost of at least $150,000. |
| **E. Project Terms** | |
| **Terms** | Landowner must obtain all approvals required under their particular APR. Notification of being accepted to participate or to receive a grant award DOES NOT guarantee an APR certificate of approval.  Landowner(s) must be in compliance with the terms of the APR and with MDAR rules and regulations or resolve any outstanding compliance or legal issues with the Department prior to contract signature. If awarded, all projects will be required to execute and abide by the Standard Commonwealth of Massachusetts Terms and Conditions and are subject to successful negotiation of a Final Scope of Services. |
| **F. Anticipated Duration of Contracts** | |
| **Duration** | All projects must be completed by June 30, 2019 with no option for extensions. All forms of satisfactory documentation in the form of cancelled checks, paid receipts or invoices showing payment of expenses associated with approved projects must be dated on or after start date of contract and prior to the June 30th, 2019 deadline. |

|  |  |
| --- | --- |
| **G. Deliverables, Ownership, and Credit Due** | |
| **Installation Standards & Permits** | Program Participants must provide the Department with approved documentation verifying expenditures have occurred within the contract period prior to receiving grant funds. (See detail about acceptable documentation for reimbursement in Section 2I). |

|  |  |
| --- | --- |
| **H. Reporting** | |
| **Reporting** | A Plan will be developed with assistance from program staff and/or consultants. Planned use of funds and cost estimates from this document will be used to develop a Scope of Services to attach to contract with the Department that specifies how grant and any required matching funds will be spent. Invoices and documentation evidencing completion of services and cost of completed services must be submitted to the Department by June 30, 2019 for reimbursement.  Once the project is complete and all funds spent, a closeout visit will be conducted by program staff or consultant to view improvements made through program participation and interview participants to complete a program evaluation form. It is expected that participants will respond to any MDAR requests for financial and/or other data showing Program impact on the farm operations for evaluation purposes up to 5 years after contract end date. All data provided will be kept confidential to the extent permitted by M.G.L. c. 4, Section 7(26). |
| **I. Invoicing** | |
| **Invoicing** | All payments shall be made on a reimbursement basis. No upfront lump sum payments shall be made to any selected Responder. Reimbursements shall be made in full amounts only after the Department has received the request for payment through an invoice and supporting documentation that shows payment within the contract period. Approved supporting documentation shall include, but not be limited to, the following: contractor invoices showing a $0 balance, canceled checks, payment records, and other documents that allow the Department to verify the grantee has incurred allowable grant costs and is entitled to payment under the terms of the contract. Program Participants must provide the Department with receipts verifying expenditures have occurred within the contract period prior to receiving grant funds. Costs incurred prior to contract execution cannot be reimbursed and will not qualify as Program expenditures. |

|  |
| --- |
| 3. Instructions for Application Submissions |
|  |
| **A. Evaluation Criteria** |
| A review team (“Review Team”) will consider all complete responses from eligible responders and rank them according to the stated criteria. The Review Team will be comprised of Department staff and Program consultants who shall convey recommendations to the Commissioner of Agricultural Resources and Secretary of Energy and Environmental Affairs for final decisions. All respondents will be mailed written notification of acceptance to or rejection from the Program once all approvals are final – estimated to be around September 2018. A Responder can withdraw a response at any point. The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criteria. All acceptances shall be conditional upon the availability of funding.  Each eligible response will be scored based on the following criteria:   1. Clearly identifies needs that are a barrier to continued success of farm operation.   2) Proposes farm improvements to address identified needs that meet the purpose and objectives of the Program and are eligible use(s) of funds.  3) Clearly describes how proposed use of grant funds will improve the financial viability of the farm.  4) Shows long-term commitment to keeping farm business viable and land in active agricultural production or identifies interest in succession planning to help transition farm within the family.  5) Overall, application indicates the highest potential for increased profitability and sustainability as a result of Program investment.  Other considerations in the review and selection of applicants will include the following:   * Older APR farms (closed 1980 – 2000) will be given higher priority. * Responders that have participated and received funding from the Farm Viability Enhancement Program will be given lower priority than applicants that have not. * Responders with a USDA Natural Resources Conservation Service (NRCS) farm conservation plan dated 2013 or later will receive higher priority. |
| **B. Application Submission Instructions:** |
| To submit a response to this Request for Response owners and operators must submit a completed, signed **Attachment A** **Application** to the following address by the deadline stated below:  **Melissa Adams, APR Improvement Program**  **Massachusetts Department of Agricultural Resources**  **101 University Drive, Suite C4**  **Amherst, MA 01002**  Applications must be received by **4:00 P.M. on April 10, 2018.** Applications must be mailed or hand-delivered; those sent by fax or electronically will NOT be accepted. Postmarks shall NOT be considered. |

|  |
| --- |
| **C. 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 * Scope and Budget * 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 Signatory Listing form * Completed Electronic Funds Transfer Sign Up Form   \* *If not already completed and submitted within the last 2 years*  These forms do not need to be completed as part of the response. Assistance to complete these forms will be provided to Respondents that are selected to participate in the Program. |

|  |  |
| --- | --- |
| 4. Deadlines and Procurement Calendar | |
|  | |
| **A. Release of RFR:** |  |
| **B. Information Sessions:** | None planned at this time |
| **C. Application Due Date:** | **Must be received by 4:00 PM April 10, 2018 in MDAR Amherst office.** |
| **D. Estimated Award Date:** | Notification of acceptance to program estimated in September 2018 |
| **E. Estimated Contract Start Date:** | Estimated Contract Start Date: Around March 2019. Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form. |

|  |
| --- |
| 5. Miscellaneous |
|  |
| **A. Type of Procurement:** |
| * Grant |
| **B. Use of This Procurement by Single or Multiple Departments:** |
| * This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by MDAR. |
| **C. Request for Single or Multiple Contractors:** |
| * Multiple |

|  |
| --- |
| **D. RFR Distribution Method:** |
| * This RFR has been distributed electronically via CommBuys. It is theresponsibility 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:** |
| 1. Application Form 2. Policies, Regulations, and Legislation Guiding this Grant Program 3. RFR Required Specifications |

**ATTACHMENT A: Response Form**

**Fiscal Year 2019 APPLICATION**

**MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES**

APR Improvement Program

*Official Use Only*: Received By: \_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_

***It is important that you read Sections 1 through 5, which contain program information, before completing this application. Please read and respond to each question carefully. Be sure your name is on any attachments, including map of APR property (see 4e on page 11). Please type or print clearly in ballpoint pen.***

1. Applicant(s):

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

Farm location (if different from above):

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

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

|  |  |
| --- | --- |
| 1. Name: | 2. Name: |
| Address: |  |
| Phone: | Phone: |

Is the owner a Trust or Corporation? Yes \_\_\_\_\_ No \_\_\_\_

Is the owner a non-profit organization? Yes \_\_\_\_\_ No \_\_\_\_

If the owner is different from applicant(s), is there a written lease agreement with the owner? Yes \_\_\_ No \_\_\_\_

*If yes, be prepared to provide the Department a copy upon request.*

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

|  |
| --- |
|  |

2a. Name of land owner(s) who received the APR payment:

|  |
| --- |
|  |

Date APR was originally closed/recorded (if known) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(day - month - year)

2b. Current owner of APR:

|  |
| --- |
|  |

Date APR property transferred to current owner (if applicable) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(day - month - year)

3a. What are the primary farm businesses and/or crops currently on the farm? Check all that apply:

Dairy \_\_\_

Other Livestock \_\_\_

Vegetable \_\_\_

Orchard \_\_\_

Nursery \_\_\_

Greenhouse \_\_\_

Maple \_\_\_

Hay \_\_\_

Forestry \_\_\_

Retail stand or store \_\_\_

Value-added operation \_\_\_

Other (state) \_\_\_\_\_\_\_\_\_\_\_\_

3b. Please provide a brief description of your farm business (include what you produce and how you sell it).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3c. List agricultural activities currently taking place on the farm (crops grown with number of acres for each crop, livestock produced with type and number, number of taps & gallons of maple syrup per year, square feet of green house space, etc.)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

4 a. How many acres of farmland does the applicant own? \_\_\_\_\_\_ acres owned

b. How many acres of owned land are under APR? \_\_\_\_\_\_ APR acres owned

c. How many acres of farmland do you use or rent or lease *from* other people? \_\_\_\_\_\_ acres leased

d. Do you rent farmland *to* others? Yes \_\_\_\_ No \_\_\_\_ If Yes, how many acres? \_\_\_\_\_\_ acres leased out

If Yes to d., indicate how the land you rent to others is used \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**4e. *Please attach to this application a topgraphic or aerial map of the APR farm owned - with APR boundaries outlined and any excluded area identified.*** *You may request a map from your district USDA Natural Resource Conservation Service office, but allow plenty of time for this request to be processed so that the map can be submitted with this application by the deadline. (Note: electronic submissions cannot be accepted).*

5. Please complete this table:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| LAND TYPE OR USAGE | Acres rented- by use | Acres owned by use | | | TOTAL Acres by use |
| Example: Tillable cropland | **30** | **70** | | | **100** |
| A. Tillable cropland |  |  | | |  |
| B. Non-tillable cropland |  |  | | |  |
| C. Nursery – Orchard – Cranberry Bog |  |  | | |  |
| D. Pasture |  |  | | |  |
| E. Managed woodland |  |  | | |  |
| F. Non-managed woodland |  |  |  |  |  |
| G. Ponds, wetlands |  |  | | |  |
| H. Land occupied by farm buildings |  |  | | |  |
| I. Land occupied by buildings or residences |  |  | | |  |
| **Totals** |  |  | | |  |

6. How many years has the Responder managed the APR farm as a commercial agricultural enterprise? \_\_\_\_\_\_\_

7a. How many people earn full time income(s) from the farm? \_\_\_\_\_\_

Of these, how many are immediate family? (children, spouses, siblings) \_\_\_\_\_\_

How many people are employed part time? \_\_\_\_\_ Of these, how many are immediate family? \_\_\_\_\_

How many seasonal employees are hired? \_\_\_\_\_ For what months? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. Who are the current farm managers on the farm, what are their roles, and how many years of farming experience does each have?

Farm Manager: Role: # of Years farming: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8a Have any of the manager(s) completed an MDAR Agricultural Business Training Program course? Yes \_\_\_ No \_\_\_ If Yes, circle which one: Exploring Your Small Farm Dream, Planning for Start-up, Tilling the Soil of Opportunity

List any other business or management training of managers:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8b. Has the applicant ever participated in any of the following MDAR grant programs?

*Please mark Yes or No for each, and if Yes, please list the year of participation:*

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

9. Do you have a United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) conservation plan for your farm? Yes \_\_\_\_\_ Date of Plan \_\_\_\_\_\_\_\_ No \_\_\_\_

If No, have you contacted NRCS to begin process of developing or updating a conservation plan? Yes \_\_\_ No \_\_\_

10a. Do you have a written business plan for the farm business? Yes Date of Plan No\_\_\_

*(If yes, you do not need to attach to this application but will be asked to share with Department staff if selected to the program)*

10b. Has the farm family done any succession planning for future farm transfer? Yes \_\_\_\_ No \_\_\_\_

If Yes, explain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Would you like assistance with succession planning if accepted into the Program? Yes \_\_\_\_ No \_\_\_\_

**FINANCIAL INFORMATION*:***

11A. List any liens or encumbrances, and the amounts, on the farm listed on first page of application.

|  |  |
| --- | --- |
| **Encumbrance(s) *(to whom the money is owed)*** | **$ Amount owed** |
|  |  |
|  |  |
|  |  |

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

\_\_\_\_\_Yes \_\_\_\_ No Check here if there is no debt associated with the farm \_\_\_\_\_

11B.To complete this section, applicants should use their 2015 & 2016 Schedule Fs or 1120S or 1120C tax forms and estimate 2017 gross and net income (unless 2017 taxes are complete in which case use 2017 actuals). (*Tax forms do not need to be attached to this application, but participants will have to present copies to Department representatives if selected to the program.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Tax Year** | **Gross Farm Income** | **Net Farm Income** | **Other Farm Income**  **(rent, custom work, gravel sales)** |
| 2015 |  |  |  |
| 2016 |  |  |  |
| 2017 estimated |  |  |  |

Do you live solely off the farm income now? Yes \_\_\_\_ No \_\_\_\_

11C. Please include off-farm income/jobs that immediate family members have.

|  |  |
| --- | --- |
| **Name/Relationship** | **Off-farm income that contributes to family** |
| Operator | $ estimated annual |
| Partner/Spouse | $ estimated annual |
| Other: | $ estimated annual |

**12. Narrative** - **Responses to the following questions are important considerations in the review of applications. Be thorough in explaining your circumstances.** *Up to two (2) extra pages of additional information may be attached if needed to respond to these questions (letter size paper, font size no smaller than 12).*

APR Improvement Program aims to assist participants in making farm improvements to increase farm viability.

**A. What needs do you have on your farm for the continued success of the operation?**

*Examples: resource needs, improved marketing/outreach, need to expand production, family succession issues, moving from wholesale to retail, storage space, improved livestock housing conditions, etc.*

|  |
| --- |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

**B. What farm improvement(s) do you propose for use of AIP funds to address these needs and improve the financial viability of the farm?**

|  |
| --- |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

**C. Describe your long-term plans for keeping the farm business viable and the farmland in active agricultural use.**

|  |
| --- |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

**13. Proposed Project Budget – In the table below, list the capital project(s) that you propose on your farm for use of grant funds and any farm contribution with a cost estimate for each**. *Do not include in-kind labor from farm owners or employees or any pre-purchased materials. Final determination of approved use of funds for selected participants will be made upon completion and approval of the Plan.*

Use the following guidelines for eligible grant amount:

* Owners of an APR farm generating up to $50,000 gross farm income may receive up to $25,000.
* Owners of an APR farm generating a minimum of $50,000 gross farm income may receive up to $50,000.
* Owners with at least 50 acres in APR & generating a minimum of $100,000 gross farm income may receive up to $75,000.
* Owners with more than one 100 acres of APR land and generating more than $150,000 gross farm income may be qualified to receive up to $100,000, if funding is available. This funding level requires a farmer contribution of $50,000 towards total project cost of at least $150,000.

**Proposed Capital Project(s) Cost Estimate**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**A. Total Estimated Project Costs $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**B. Eligible AIP Grant Amount $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**C. Estimated Farm Contribution (if any) $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(*Note: A - B should = C*)**

**Required Responder Signatures: All Owners**

*By signing below, you certify that the information provided in this application is true and accurate to the best of your knowledge and authorize the Department to conduct a field inspection of the APR farmland. In addition, those signing below express a willingness to execute an agreed upon Performance Contract with the Department.*

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_

Signature of APR Farmland owner (Printed Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_

Signature of APR Farmland owner (Printed Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_

Signature of Farm Business Owner *(if different)* (Printed Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_

Signature of Farm Business Owner *(if different)* (Printed Name)

**END OF APPLICATION**

*(See Application Submission Instructions on page 7)*

**Attachment B**

**Policies, Regulations, and Legislation Guiding this Grant Program**

**Massachusetts General Laws Chapter 20, Section 27**

Notwithstanding any general or special law to the contrary, the department may offer farm viability technical assistance and implementation funding to an owner of land subject to an agricultural preservation restriction, as defined by section 31 of chapter 184 if such owner demonstrates, in the case of implementation funding, that the implementation shall improve the economic viability of the farm; retain or create private sector jobs and tax revenue either directly or indirectly associated with a farm business; improve farm productivity and competitiveness; expand farm facilities as part of a modernization or business plan; support renewable energy or environmental remediation projects on farms; or expand and support markets and infrastructure to strengthen the farming industry. The department shall adopt regulations to carry out this section.

**Attachment C**

**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*. 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](http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/glossary-of-terms.html). 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](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](http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/conduct-a-procurement/commbuys/quick-click-resource-center.html).

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](http://www.mass.gov/courts/docs/lawlib/eo500-599/eo524.pdf)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](http://www.mass.gov/courts/docs/lawlib/eo500-599/eo546.pdf) 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:

| **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 |

**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-training-events-and-outreach/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 madein a contractor’sSupplier 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.

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](http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/osd-forms.html) page ([www.mass.gov/osd](http://www.mass.gov/osd)). Additional information about EFT is available on the [VendorWeb](https://massfinance.state.ma.us/VendorWeb/vendor.asp) 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-reusable 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: [Tools and Resources for Implementation of Executive Order 509](http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/mass-in-motion/about-mim/components/tools-and-resources-for-executive-order-509.html).

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](http://www.commbuys.com/).

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 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 purposesis 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.