



Massachusetts Department of Higher Education

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Carlos E. Santiago, *Commissioner*
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Massachusetts Board of Higher Education

Updated March 31, 2017 COMMBUYS BID Template

COMMBUYS Bid #:	BD-18-1088-RGT01-RGT01-25648
Alternate ID (Internal DHE Number):	Nursing & Allied Health Grants 2018
Bid Title:	Nursing and Allied Health Grant Program
Strategic Sourcing Service Lead (SSSL) Name:	David Cedrone
SSSL Title and Unit:	Associate Commissioner Department of Higher Education
SSSL Telephone # and Email Address:	617 943 9240 dcedrone@dhe.mass.edu

1	Brief Description of Bid (Limited to 500 Characters): Proposals are solicited for the Department of Higher Education's Nursing and Allied Health grant program. Nursing grant award(s) will be made for projects that address the priorities identified by working groups of the Massachusetts Action Coalition. Allied Health grant award(s) will be made for projects that advance the work of the AHAG with the goal of transitioning this initiative to a sustainable funding source and leadership organization in FY19.																
2	Acquisition Method: <input checked="" type="checkbox"/> Fee for Service <u>or</u> <input type="checkbox"/> Outright Purchase (commodity)																
3	Number of Vendors: <input checked="" type="checkbox"/> Single (if in the best interest of the Commonwealth, the Department reserves the right to award this procurement to multiple vendors) <input type="checkbox"/> Multiple: (if in the best interest of the Commonwealth, the Department reserves the right to award this procurement to a single vendor)																
4	Contract User(s): <input checked="" type="checkbox"/> Department of Higher Education Only <input type="checkbox"/> For use by another agency (City/Town/School/Districts) with execution of separate contract																
5	Expected Duration of Contract: Initial Duration: From: Approval Date – To: December 31, 2018 Renewal Option: <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No If yes: # of Renewals * up to a maximum of 12 months for each renewal option Renewal Dates: From: to																
6	Anticipated Expenditures, Funding or Compensation for Expected Duration: (please select only 1 option) 1. <input checked="" type="checkbox"/> Contract will have a Maximum Obligation Amount (Initial Duration Amount Only): \$100,000.00 2. <input type="checkbox"/> Contract will be based on Rates (Initial Duration Amount Only): \$ _____ Total Contract Amount (Initial Duration PLUS Renewal Amount): \$ _____																
7	Funding Source: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Federal Funds</td> <td style="width: 10%;">Yes <input type="checkbox"/></td> <td style="width: 10%;">No <input type="checkbox"/></td> <td style="width: 10%;">Amount: _____%</td> </tr> <tr> <td>State Funds</td> <td>Yes <input checked="" type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Amount: <u>100%</u></td> </tr> <tr> <td>Trust Funds</td> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Amount: _____%</td> </tr> <tr> <td>Capitol Funds</td> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Amount: _____%</td> </tr> </table>	Federal Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: _____%	State Funds	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Amount: <u>100%</u>	Trust Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: _____%	Capitol Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: _____%
Federal Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: _____%														
State Funds	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Amount: <u>100%</u>														
Trust Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: _____%														
Capitol Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: _____%														
8	How to respond to this bid posting : (Email is not an acceptable format) All responses must be uploaded to the COMMBUYS website (www.commbuys.com) for this bid, by the bid opening date (which is the final date/time the bid will be open on COMMBUYS – once this date has passed, the Commonwealth will be																

	able to download the bids and open them for review – hence the bid opening date). If you need assistance with registering on COMMBUYS and/or uploading your response please contact the COMMBUYS helpdesk at: COMMBUYS@state.ma.us or 1-888-627-8283 or 617-720-3197.
	BIDDERS IMPORTANT NOTE: When uploading your response on COMMBUYS please be sure to enter a \$0 dollar amount and check off the “no charge” option, otherwise your upload will default to the No Bid option. This step will ensure accuracy when the bid closes for review and the department awards the bid. Failure to follow this step may result in disqualification of your response due to the department not being properly notified of your response.
9	Bid opening date (all bids must be uploaded to COMMBUYS no later than the date and time below): Bid opening date: May 25, 2018 Bid opening time: 5:00 (Eastern Time) <input type="checkbox"/> AM / <input checked="" type="checkbox"/> PM <input type="checkbox"/> Check Here if Departmental Master Agreement Rolling Enrollment Bid (If bid is being set up as a Master Agreement, bids will be accepted on an on-going basis from the Date the Bid is Posted: _____ to the Final Open Date: _____)
10	Pre-Bid Conference: <input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes Date: Time: Location: Contact Person: Any Additional Information: RFP Questions may be submitted to David Cedrone at dcedrone@dhe.mass.edu by April 27, 2018

The following sections contain mandatory language that is required to be posted with all BIDs for the Commonwealth of Massachusetts. Please read for details.

Required Specifications - Massachusetts Department of Higher Education

- The Massachusetts Department of Higher Education reserves the right to reject any and all BIDs.
- The Massachusetts Department of Higher Education will award contracts based on the quality of the BIDs and the acceptability of the bids for services / products offered.
- The Massachusetts Department of Higher Education may request a personal interview prior to entering into a contractual agreement.
- The Massachusetts Department of Higher Education may request a bidder to modify specific aspects of their BID prior to being offered a contract.
- The Massachusetts Department of Higher Education may award one Bid to several vendors to ensure availability. Being awarded a contract from the DHE does not guarantee services to be used.
- By submitting a response to this bid you are indicating that you understand and will adhere to all specifications for the Commonwealth of Massachusetts.
- The Massachusetts Department of Higher Education complies with all Commonwealth of Massachusetts’ procurement laws and regulations as set forth and overseen by the Commonwealth’s Operational Services Division when awarding contracts as well as all the state’s grant award requirements as mandated and overseen by the Office of the State Comptroller when dispersing these funds. These state requirements are consistent with federal procedures for procurement under 34 CFR Part 74.40-8 and Part 80.36. If this project is funded through Federal sources, the vendor agrees to provide access to its books and records to both the Commonwealth of Massachusetts and Federal Funding Sources, should such a request occur.
- By submitting a response to this bid, you are indicating that you will comply with the Commonwealth Accessibility Standards: <http://www.mass.gov/anf/research-and-tech/policies-legal-and-technical-guidance/tech-guidance/accessibility-guidance/web-accessibility-standards.html>

RFR - REQUIRED SPECIFICATIONS FOR COMMODITIES AND SERVICES

Revision Date: June 6, 2016

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the Massachusetts Department of Higher Education Posting Template | 2

Commonwealth Terms and Conditions. However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supplier Diversity Program (SDP) Resources:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BID - Other Specifications – Operational Services Division

Issue Date: November 1, 2005

Refresh Date: June 6, 2016

The following RFR provisions appear in this section at the department's discretion. If a specification is selected by the department, it is required of the bidder.

Access to Security-Sensitive Information. This solicitation contains security-sensitive information which, pursuant to MGL c. 4, s. 7, cls. 26(n), is generally exempt from public disclosure under the Commonwealth's public records laws and must, for public safety purposes, be safeguarded from widespread public disclosure. This security-sensitive information is in the form of blueprints, plans, policies, procedures, schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, and/or any other records relating to the security or safety of persons (pursuant to M.G.L. c. 66A) or buildings, structures, facilities, utilities, transportation, information technology or other infrastructure located within the commonwealth.

Qualified prospective bidders that are interested in accessing this information for the purpose of preparing a bid response must, before being allowed to access the information, sign a confidentiality agreement, thereby agreeing to:

1. restrict the use of these sensitive records for any other purpose than as authorized and for the purpose of putting together a bid proposal;
2. safeguard the information while it is in their possession (consistent with Section 6 of the *Commonwealth Terms and Conditions*); and
3. return such records and materials to the Commonwealth upon completion of the project.

Alternatives. A response which fails to meet any material term or condition of the RFR, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, bidders may submit responses proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated RFR specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the contract. The response should describe how any alternative achieves substantially equivalent or better performance to that of the RFR specifications.

The department will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this RFR is to provide the best value of commodities and services to achieve the procurement goals of the department. Bidders that propose discounts, uncharged commodities and services or other benefits in addition to the RFR specifications may receive a preference or additional points under this RFR as specified.

Contractors may also propose alternatives for equivalent, better or more cost effective performance than specified under the contractor's original response to enable the department to take advantage of enhanced technologies, commodities or services which become available during the term of the contract.

Brand Name or Equal. Unless otherwise specified in this RFR, any reference to a particular trademark, trade name, patent, design, type, specification, producer or supplier is not intended to restrict this RFR to any manufacturer or proprietor or to constitute an endorsement of any commodity or service, and the department may consider clearly identified offers of substantially equivalent commodities and services submitted in response to such reference.

Debriefing. (This specification is at the department's discretion for non-POS RFRs.) Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. "POS" refers to 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, Auditing and Reporting and for Human and Social Services.

Emergency Standby Commodities and/or Services. Due to a declaration of a state of emergency where the safety and well-being of Commonwealth citizens are at risk, the Commonwealth of Massachusetts may request specific commodities and/or services from its contractors. Contractors may be called upon to supply and/or deliver to the Commonwealth on a priority basis such commodities and/or services currently under contract.

Such accommodations may be requested from a contractor during an actual emergency. To accommodate such requests, contractors may be requested and must make every effort to service these requests from regular sources of supply at the rates set forth in any standard contract resulting from this RFR.

Environmentally Preferable Products and Services. The department and contractor(s) may negotiate during the contract term to permit the substitution or addition of Environmentally Preferable Products (EPPs) when such products are readily available at a competitive cost and satisfy the department's performance needs.

Estimated Provisions. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this RFR. Any estimates or past procurement volumes referenced in this RFR are included only for the convenience of bidders, and are not to be relied upon as any indication of future purchase levels.

Performance and Payment Time Frames Which Continue Beyond the Duration of the Contract. All term leases, rentals, maintenance or other agreements for services entered into during the duration of this contract and whose performance and payment time frames extend beyond the duration of this contract shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written agreement). No new leases, rentals, maintenance or other agreements for services may be executed after the contract has expired. Any contract termination or suspension pursuant to this section shall not automatically terminate any leases, rentals, maintenance or other agreements for services already in place unless the department also terminates said leases, rentals, maintenance or other agreements for service, which were executed pursuant to the main contract.

Reverse Auction Participation and Payment. In addition to negotiations and Best and Final Offers (BAFOs) that may be conducted with bidders pursuant to 801 CMR 21.00, the SST will be conducting a Reverse Auction subsequent to the submission of proposals. After the conclusion of the reverse auction and the determination of the winning bidder(s), the winning bidder(s) will be responsible for paying the cost for this reverse auction, not to exceed \$3,000 per event, directly to the Commonwealth's reverse auction contractor. That payment must be made within 30 days of the end of the auction event or of the contract award date, whichever is later. In the case of multiple winners, the department will determine how payments will be made in a fair and equitable manner. In addition, the SST reserves the right to employ the use of reverse auctions at any time during the contract term under the same payment terms as referenced above in this section.

ENVIRONMENTALLY PREFERABLE PRODUCTS (EPPS) PURCHASING PROGRAM - General Information, Requirements and Guidance

Issue Date: November 1, 2007

Refresh Date: August 13, 2007

General EPP Program Information

The Environmentally Preferable Products (EPP) Purchasing Program, administered by the Operational Services Division, works with the partnership support of the Massachusetts Executive Office for Administration and Finance (ANF), the Executive Office of Energy and Environmental Affairs (EOEEA) and the Department of Environmental Protection (DEP) to promote the purchase and use of environmentally preferable commodities and services throughout state and local Commonwealth departments. The purpose of the EPP Program is to strengthen markets for recyclable materials and minimize the environmental and health impacts associated with products during their use and disposal in a cost-effective manner.

In this effort, the OSD EPP Program staff work to establish statewide contracts for environmentally preferable products, conduct outreach to the environmental business community and provide education and technical assistance to state agencies and political subdivisions (including municipalities) on broad-based environmental issues and specific questions related to purchasing EPPs. They also offer workshops to procurement officials and cooperative purchasing organizations and sponsor an annual Environmentally Preferable Product (EPP) Vendor Fair and Conference.

The statewide contracts, established by OSD under this program, designate products and services with minimum specifications for recycled content, energy efficiency, water conservation, toxic use reduction and waste prevention. Cost savings of EPPs are most often measured through lower purchase price, operations and maintenance costs (including energy and water savings) and/or reduced disposal fees. The list of designated EPPs is updated periodically by OSD, in cooperation with EOEEA and DEP. PMTs should check with OSD for the latest information or refer to the EPP Purchasing Program's website www.mass.gov/epp. A complete Guide for State Contracts that contain EPPs is also available for download at the site using the bullet titled, *Download Publications, Reports and Tools*.

Procuring Department Responsibilities for EPP Purchasing

In 1988, [Executive Order #279](#) directed the State Purchasing Agent to develop a Recycled Materials procurement plan and to implement a statewide buy-recycled program. In 1993, [Executive Order #350](#) directed, among other things, that all Massachusetts Executive departments develop programs for purchasing recycled content and other environmentally preferable products. In 2002, [Executive Order #438](#) further expanded these directives by creating an oversight Council which is now called the Leading by Example Council as established by Executive Order #484 and authorizing all state agencies to increase the purchase and use of EPPs and innovative technologies and institutionalize sustainable purchasing practices in order to reduce the environmental and health impacts of state purchasing.

Most recently, [Executive Order #484](#), issued in April 2007, requires state agencies to prioritize practices and programs that address resource use at state facilities, including reducing energy consumption derived from fossil fuels and emissions associated with such consumption. The new EO, among other things, sets specific target dates to reduce greenhouse gas emissions that result from state government operations, reduce overall energy consumption at state owned and leased buildings, and reduce state use of potable water, while providing strategies to encourage the use of renewable energy sources.

In order to build upon the successful track record of "green" or sustainable purchasing in Massachusetts state government, procuring Commonwealth departments are, in general, required to:

- follow the mandatory EPP purchasing and specification requirements described below whenever any of the listed commodities are being purchased;
- adhere to the EPP purchasing and specification recommendations below whenever possible;
- promote the procurement and use of EPPs which have not been designated by OSD whenever feasible;
- educate and inform all staff about EPPs and state requirements;
- identify in BIDs that additional points will be awarded to bidders of EPPs and establish evaluation criteria for selecting EPPs whenever feasible;
- maintain records of all procurements and purchases of EPPs in their procurement files;
- adopt specific measures to meet the energy and water conservation targets established in the Governor's Executive Order #484 where applicable.

Mandatory Department Purchasing and BID Specifications for Designated EPP Products

OSD has determined that the commodities listed below are available at a value and quality comparable to non-environmentally preferable counterparts. In an effort to assist departments, OSD has established statewide contracts for each of the commodities listed in this section. Non-Executive departments and other public entities are encouraged to use these statewide contracts whenever feasible. Executive departments are required to use these statewide contracts. If any unusual circumstances necessitate a separate procurement of these designated commodities, and OSD has approved the procurement, the BID must include the mandatory minimum specifications presented below. Responses that do not meet the mandatory minimum specifications should be considered unresponsive and be disqualified.

Paper Products and Office Supplies

- **printing and writing papers, computer paper and forms, envelopes** – minimum 30% post-consumer content for all products in this group, except for coated papers which may be 10% post-consumer content
- **printed materials** – minimum 30% post-consumer content, except for coated papers which may be 10% post-consumer content; printers must comply with all applicable federal, state and local environmental laws and regulations; printing facilities located in Massachusetts must also comply with the requirements of DEP's Environmental Results Program (www.mass.gov/dep/erp/about.htm).

- **file folders** – minimum 10% post-consumer content
- **writing tablets, message pads and all other office paper** – minimum 20% post-consumer content
- **corrugated cardboard boxes** – minimum 35% post-consumer content

Janitorial Products

- **paper towels** – minimum 100% total recycled content, 40% post-consumer content
- **toilet tissue** – minimum 100% total recycled content, 20% post-consumer content
- **facial tissue** – minimum 100% total recycled content, 10% post-consumer content
- **napkins** – minimum 100% total recycled content, 30% post-consumer content
- **paper wipes, disposable** – 50% post-consumer content
- **wiping rags, cotton** – 100% reused cotton
- **plastic trash bags** – minimum of 20% post-consumer content
- **janitorial paper products as part of cleaning service contract** – specifications as listed above

Automotive Products

- **anti-freeze** – minimum 100% recycled ethylene glycol or 100% propylene glycol
- **re-refined motor oil** – minimum 75% re-refined base stock; must be certified by the American Petroleum Institute (API)
- **traffic cones** – 50% total recovered PVC or Low Density Polyethylene (LDPE) or crumb rubber material, 8% post-consumer content
- **glass beads** – 100% total recycled glass

Flooring and Facilities/Recreational Products

- **carpeting/broadloom and tiles** – minimum 10% total recycled content (post/pre-consumer mix) by weight, with preference for styles made with the greatest percentage of post-consumer content; all carpet products must also be recycled unless the department can verify in writing that the condition of the carpet (e.g. contamination) prohibits recycling
- **compost bins, plastic** – minimum 50% post-consumer content
- **Electrical supplies, equipment, devices, lamps and ballasts** – energy efficient lighting, ballasts, exit signs, office equipment and more in compliance with Executive Order #484; such items must also be recycled or reused (as appropriate) through available statewide contracts
- **fuels/vehicle use** – ultra-low sulfur diesel and bio-diesel (low emission/low particulate matter) where applicable
- **rubber matting and flooring** – 80% post-consumer content
- **office waste and recycling containers** – 20% post-consumer plastic or 25% post-consumer steel
- **plastic lumber benches, tables, dimensional lumber, site amenities** – minimum 25-100% post-consumer recycled plastic (see contract for specifics)
- **recycling carts, plastic** – minimum 20% post-consumer content
- **recycling set out containers, plastic** – minimum 75% recycled plastic (50% post-consumer content)

Office Equipment

- **computers, monitors, laptops** – must be EPEAT-registered at the Bronze level or higher (www.epeat.net). Products must also comply with the latest set of Energy Star® guidelines (www.energystar.gov) and be shipped with the Energy Star power management features enabled; contractors must provide training to all customers on the use and benefits of Energy Star features.
- **copiers, printers, facsimile and multifunctional equipment** – must comply with the latest set of Energy Star® guidelines (www.energystar.gov) and be shipped with the Energy Star power management features enabled; copiers with speeds of 15 cpm and over, black and white laser/LED printers with speeds of 21 ppm and over and color laser/LED printers with speeds of 6 ppm and over must include automatic double-sided copying/printing functionality. Contractors must provide training to all users on the use and benefits of Energy Star and double-sided copying/printing features.

Recommended Department Purchasing and BID Specifications for Designated EPP Products and Services

OSD has determined that the commodities listed below are frequently available at a value and quality comparable to non-environmentally preferable counterparts. They also often offer a significant cost saving potential within a short period of time. OSD has established EPP statewide contracts for the items listed below. Non-Executive departments and other public entities are encouraged to use these EPP statewide contracts whenever feasible. Executive departments must use these statewide contracts. Some of the contracts offer both EPP and non-EPP alternatives. Departments are encouraged to select the EPP alternative whenever possible or include the following specifications in their own BIDs:

- **binders, office supplies and accessories** – minimum 25% post-consumer content/plastic binders, etc.

- **building materials and supplies** – sustainable roofing, certified wood, water conservation and energy efficient products
- **compost and mulch** – compost which meets state specifications
- **fuels/heating**, ultra-low sulfur diesel and biodiesel that meet contract specifications
- **hospital equipment** – remanufactured beds, wheelchairs, lifts, transfer devices and other equipment
- **insulation** – 5%-75% recycled content, depending on type of insulation, e.g., fiberglass, cellulose
- **integrated pest management** – less toxic pesticides and an integrated approach to controlling pests
- **janitorial cleaners** – minimum specifications must meet Green Seal GS-37 standards for Institutional and Industrial Cleaning Products (see www.greenseal.org)
- **non-mercury alternatives** – digital thermometers, sphygmomanometers (blood pressure equipment), etc.
- **office panels** – re-manufactured; meets all Original Equipment Manufacturer (OEM) specifications
- **paint** – low volatile organic compounds (VOCs)
- **paper plates, bowls, trays** – compostable/biodegradable materials or 25%-100% total recycled content paper (post-consumer/industrial)
- **pool disinfecting equipment** – pool ionization systems which reduce chlorine use by 60%-80%
- **promotional and marketing items** – wide range of paper, plastic, fabric and other items made with post-consumer recycled content
- **retread tires** – the entire retreading process must be in full compliance with the most recent edition of the industry standards *Retread Requirements Manual* of the Cooperative Tire Qualification Program CTQP-441; any passenger car tires, pursuit and emergency high speed tires, light truck tires, truck/bus tires and off-road severe application tires (ORSA) must be listed in Cooperative Approved Tire List (CATL) in effect as of the date the retreading work is performed.
- **solid waste and recycling services** – various options for creating a cost-effective waste management program
- **toilets/composting** – waterless, odorless alternative for portable sanitation in specific areas
- **toner cartridges** – re-manufactured; meets all Original Equipment Manufacturer (OEM) specifications
- **vehicles/alternative fuel** – compressed natural gas, bi-fuel and ethanol flex-fuel vehicles
- **vehicle/engine lubricants** – re-refined or bio-based, wherever possible, that meet API Certifications
- **vehicles/hybrid** – fuel-efficient gasoline/electric hybrid vehicles are available in several models
- **vehicle parts, motorized** – remanufactured parts, accessories and supplies
- **vehicles/diesel emission control technologies** – available for many types of vehicles and equipment

Recycled Content Purchasing Requirements for State Departments Utilizing Federal Funds

Any state agency which receives federal funding for a given program or project and intends to use such funding to purchase at least \$10,000 worth of recycled products designated by the U.S. Environmental Protection Agency, must, under the provisions of Section 6002 of the Federal Resource Conservation and Recovery Act (RCRA) and Presidential Executive Order 13101, follow federal guidelines for the procurement of such products. The guidelines primarily govern minimum levels of recycled content which must be specified for these products. PMTs seeking current information on which products are subject to the federal guidelines may call the RCRA hotline at (800) 424-9346, or contact OSD.

Guidance for Requests for Responses

EPPs and Best Value: When a department pursues the procurement of commodities or services not designated by OSD as environmentally preferable, and has identified an EPP which provides best value, they may specify mandatory or desirable EPP criteria in their BIDs by following this guidance. Departments should consider specific environmental criteria which are relevant to the products or services being solicited by the BID, or develop their own criteria based on available research and information.

An BID may indicate that an EPP will be considered best value even when the purchase price is greater than that of a non-EPP. When considering best value, PMTs and departments are strongly encouraged to examine a wide range of financial implications and environmental criteria related to the commodity purchase price, as well as operational and disposal costs. BIDs may also consider other environmental and health benefits which provide best value to employees, customers and the public, such as an improved work environment, environmental protection and resource conservation. Departments should consider the “total cost of ownership” or the costs and benefits of EPPs over the life of the product to determine their true cost.

Contract Language Requiring an Environmental Plan: Departments are in a position to encourage awarded vendors to work with them during the contract term to enhance their environmental profiles by requiring them to create an environmental plan and commit to implementing it. Such an agreement, described below, removes the onus from all bidders and places it just with those actually awarded a contract. In addition, it allows the procuring department to actively encourage the contractor(s) to expand their environmental initiatives during the contract term. The details of such an environmental plan depend on the interests of the procuring department. The following sample language may be included in the BID:

Throughout the contract duration, awarded contractors must agree to work with OSD and the PMT to examine the feasibility of

implementing an environmental plan.

Such a plan may include, but not be limited to, the following:

- A plan to implement the recycling of materials used or produced in normal business operations.
- Environmental initiatives at a corporate and/or manufacturing level, such as clearly identifying recycled content of packaging on the packaging, use of recycled content papers for marketing

materials, use of alternative vehicles for delivery or in the corporate fleet, product life cycle assessments and the elimination of the ozone depleting chemical usage in the manufacturing process and internal environmental auditing related to pollution control for the purpose of identifying ways to reduce the impact of manufacturing on the environment.

- Collaboration with the PMT to develop and distribute information and/or materials to Commonwealth customers on the contractor's environmental practices and initiatives throughout the term of the contract.
- Development and publication of a corporate environmental policy, sustainability plan and/or an environmental management system (EMS).
- Obtain industry certifications to verify environmental benefits and claims.

The PMT may award points to bidders who provide evidence of these and other measures already in place within their operations, as well as for responses detailing a commitment to action contingent upon receipt of a contract award.

Additional Points for EPPs and Use of the EPP Form: As mentioned above, procuring departments are encouraged to offer additional points to bidders which incorporate environmental initiatives into their business operations (whether or not a specific environmental plan is proposed). In order to collect and score information on such initiatives, departments may attach to the BID the *Additional Environmentally Preferable Product Information* form (available on the OSD Forms page and in the Comm-PASS library).

Response Submissions:

Bidders should be encouraged to submit information identifying any and all environmental attributes of the requested product or services, even when such attributes have not been required and verify the percentage of recycled content in their commodities. Departments may use this information to develop specifications in the future which incorporate EPP criteria. Departments are also encouraged to ask Bidders to provide an EPP as an alternative (or replacement) for their conventional product wherever possible. Such requests serve to reveal new EPPs in the marketplace.

The following text is included in the *Request for Response (BID) Required Specifications*:

In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses 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.

Documenting Usage of EPPs: In order to fulfill EPP tracking goals, departments should include language in BIDs which requires awarded contractors to report on the quantity and value of EPPs purchased by the department. If the BID requires EPP plans and/or reporting, the department must maintain the winning bidder's EPP plan and/or reports in the procurement file. Alternatively, departments may choose to do their own tracking of EPP purchases. This type of tracking helps to meet the reporting requirements of the Leading by Example Council (established by EO #484, 2007) and assists OSD in any statewide reporting it may conduct. Record keeping should be on a fiscal year basis and should include the total amount of the product purchased, e.g., cases, cubic yards, etc., as well as its total dollar value.

To quickly and easily track the environmental and cost saving benefits of various EPPs, departments should use the EnviroCalc, developed by the Operational Services Division's EPP Program. This web-based tool simply requires purchasers to input basic information (e.g. product type, quantity, etc.) that can be obtained from suppliers and it will automatically and immediately produce the benefits data. Visit www.mass.gov/epp and use the bullet titled, Download Publications, Reports and Tools to access the simple step-by-step user guide and download the tool for free.

Substituting or Adding EPPs to an Existing Contract: Departments should include language in all BIDs which stipulates that negotiations between the department and contractor may occur during the contract term to permit the substitution or addition of EPPs when such products become available at a competitive cost, are readily available and satisfy the department's performance needs.

EPP Technical Assistance

Departments may wish to clarify these guidelines or obtain additional information about the products listed here or other products. Departments are encouraged to engage in discussions with existing contractors about possible environmental criteria for products being purchased, or attend various workshops as well as the annual Environmentally Preferable Product (EPP) Vendor Fair and Conference, sponsored by OSD, the Department of Environmental Protection and the Executive Office of Energy and Environmental Affairs.

All other inquiries should be directed to the environmental procurement staff listed below or to the appropriate Procurement Team Leader at OSD:

Director of Environmental Purchasing - Operational Services Division
One Ashburton Place, Room 1017
Boston, MA 02108
(617) 720-3356 - (617) 727-4527 fax - www.mass.gov/epp

*Small Business Purchasing Program Language:

This is a Small Procurement targeted to verified small businesses participating in the Commonwealth's Small Business Purchasing Program (SBPP). The Department intends to award a contract to one or more SBPP-participating businesses verified through COMMBUYS who submits a quote that meets or exceeds the best value requirements. Subcontracting in SBPP procurements is limited to no more than 20% of the total value of the contract, unless it is with another verified SBPP participant. If it is determined that there is inadequate SBPP capacity, or no SBPP-participating vendors provide a responsive quote, the Department may award the solicitation to vendors who submitted responses and are not participating in the SBPP. To determine eligibility and to participate in the SBPP, please review the eligibility criteria and general program information at www.mass.gov/sbpp. *** This language only pertains to bids with dollar amounts under \$150,000. (This is only a requirement for new opportunities and not when seeking quotes from a pre-qualified list under a departmental Master Agreement or Statewide Contract)**

CORI Requirement

Department of Higher Education

Criminal Offender Record Information

The Department of Higher Education (the Department) is authorized by Massachusetts' Criminal History Systems Board to conduct criminal offender record information (CORI) background checks on vendor staff or subcontractors working for or on behalf of the Department in the Department's offices or in educational settings, who may have direct and unmonitored contact with children.

The Department shall require otherwise qualified prospective vendors to identify any and all vendor personnel or subcontractors who will be working under this contract with students, or working in an educational setting, or who will be assigned to work at the Department of Higher Education's offices, for the purpose of assisting the Department in completing required CORI checks. Also, the successful vendor shall: (a) notify the Department before making any staffing changes during the term of the contract, so that the Department may conduct a CORI check, if necessary, prior to any new personnel commencing work under the contract; and (b) notify the Department of any issues that may affect the eligibility of identified vendor personnel or subcontractors to work for or on behalf of the Department under the contract. The Department may need to contact identified vendor personnel or subcontractors directly for the purpose of completing required background checks.

Completion of any and all CORI checks of all identified personnel, if necessary, will be the final step in executing the contract.

All vendor and vendor staff procured under this solicitation may be subject to a CORI check. Other entities (including but not limited to state agencies, Commonwealth cities, towns, districts, counties, authorities and school districts), who are open to utilize

this procurement under a separate contract execution, must complete their own vendor CORI check, if applicable. Prequalification on this departmental master service agreement did NOT include a CORI check.