THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

MASSACHUSETTS ENVIRONMENTAL POLICE

200 ARLINGTON STREET, CHELSEA MA 02150

Request for Response (RFR)

Document Title: MEP Maritime Fuel, Vessel Maintenance & Accessories

COMMBUYS Bid#: BD-25-1042-OLE-OLE01-111330

Agency Document Number: MEP-2025-1007-02

January 9th, 2025

Contact Name: Rebecca Ely, Contract Manager

Email: Rebecca.ely@mass.gov

Please Note: This is a single document associated with a complete Bid (also referred to as Solicitation) that may be found on COMMBUYS (www..com). Bidders are responsible for reviewing and adhering to all information, forms, and requirements for the entire Bid, which are incorporated into the Bid. Bidders also may contact the OSD Help Desk at OSDHelpDesk@mass.gov or by phone at 1-888-MA-STATE (627-8283). The OSD Help Desk is staffed from 8:00 p.m. to 5:00 p.m. Monday through Friday, Eastern Time, except during federal, state, and Suffolk county holidays.

1 RFR INTRODUCTION AND GENERAL DESCRIPTION 1

1.1 Procurement Scope and Description 1
1.2 Background information 1
1.3 Applicable Procurement Law 1
1.4 Number of awards 1
1.5 Adding Contractors after initial Contract award 1
1.6 Eligible Entities 1
1.7 Acquisition Method(s) 1
1.8 Contract Duration 1

2 ESTIMATED PROCUREMENT CALENDAR 2

2.1 Written questions via the Bid Q&A on COMMBUYS 2
2.2 Locating Bid Q&A 3
2.3 Amendment Deadline 3

3 SPECIFICATIONS 4

3.1 Small Business Purchasing Program 4
3.1.1 Program Background 4
3.1.2 SBPP Award Preference 4
3.1.3 SBPP Participation Eligibility 4
3.1.4 SBPP Compliance Requirements 4
3.1.5 Program Resources and Assistance 4
3.2 Supplier Diversity Program 5
3.2.1 Program Background 5
3.2.2 Financial Commitment Requirements 5
3.2.3 Eligible SDP Partner Certification Categories 5
3.2.4 Eligible Types of Business-to-Business Relationships 5
3.2.5 Program Flexibility 6
3.2.6 SDP Plan Form Requirements 6
3.2.7 Evaluation of SDP Forms 7
3.2.8 SDP Spending Reports and Compliance 7

3.2.9 SDP Spending Verification 8
3.2.10 Program Resources and Assistance 8
3.3 Environmental Specifications 8
3.3.1 Executive Order 515, Establishing an Environmental Purchasing Policy 8
3.3.2 Environmental plan 8
3.4 Compensation Structure/Pricing 8

4 OTHER TERMS 8

4.1 Orders 8

5 AUDIT 9

6 HOW TO SUBMIT A QUOTE 10

6.1 Quote Submission Method 10
6.2 COMMBUYS Quote Submission Training and Instructions 10
6.3 COMMBUYS Support 10
6.4 Bid Opening Date/Time 10
6.5 Quote Contents 11
6.5.1 Electronic Signatures 11
6.5.2 Ink Signatures 11
6.6 Limits and Restrictions 11
6.6.1 Document Pages 11
6.6.2 File Format Restrictions 11
6.6.3 Documents and items that cannot be submitted electronically 11
6.7 Withdrawing a Quote 12
6.7.1 Prior to Bid Opening Date/Time 12
6.7.2 After Bid Opening Date/Time 12

7 APPENDIX 1 – REQUIRED TERMS FOR ALL RFRS 13

7.1 General Procurement Information 13
7.1.1 Alterations 13
7.1.2 Ownership of Submitted Quotes 13
7.1.3 Prohibitions 13
7.2 Terms and Requirements Pertaining to Awarded Contracts 13
7.2.1 Commonwealth Tax Exemption 13
7.2.2 Contractor's Contact Information 13
7.2.3 Contractual Status of Orders and Service Contracts 14
7.2.4 Publicity 14

8 APPENDIX 2 - RFR - REQUIRED SPECIFICATIONS 14

9 APPENDIX 3 - INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF COMMONWEALTH STANDARD FORMS 15

9.1 Commonwealth Standard Contract Form 15
9.2 Commonwealth Terms and Conditions/Commonwealth IT Terms and Conditions ... 15
9.3 Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form) 15
9.4 Contractor Authorized Signatory Listing 16
9.5 Supplier Diversity Program Plan Form 16
9.6 Prompt Payment Discount Form 16

10 APPENDIX 4 – INSTRUCTIONS FOR VENDORS RESPONDING TO BIDS ELECTRONICALLY THROUGH COMMBUYS 17

1 RFR INTRODUCTION AND GENERAL DESCRIPTION

1.1 Procurement Scope and Description

The Commonwealth of Massachusetts, Massachusetts Environmental Police is soliciting Bidders for the acquisition of vendors to provide maritime fuel, maintenance to maritime vessels and any accessories needed.

1.2 Background information

The MEP utilizes numerous different maritime vessels to assist with their duties. These vehicles require fuel, maintenance and occasionally accessories. Therefore, the MEP is looking to create a pool of qualified vendors who could provide this work to the various vessels within their fleet. The current contract is set to expire at the end of 2024, and as such the MEP is seeking responses to ensure the ability to continue this service across their fleet for all future work.

1.3 Applicable Procurement Law

This Bid is issued under the following law(s):

- MGL c. 7, § 22; c. 30, § 51, § 52; and 801 CMR 21.00 (Goods and Services)

1.4 Number of awards

The target maximum number of Contractors is 80. This is a target number; the Strategic Sourcing Services Team (SSST) may award more or fewer Contracts if it is in the best interests of the Commonwealth to do so.

1.5 Adding Contractors after initial Contract award

If, over the life of the Contract, the SSST determines that additional Contractors should be added, these may first be drawn from qualified companies that responded to this Bid but were not awarded contracts. If necessary to meet the requirements of the Commonwealth, the Bid may be reopened to obtain additional Quotes.

1.6 Eligible Entities

Limited User Contract – Restricted to Use by Defined Entities Only. Any contract resulting from this Bid will be open for use by the Issuing Entity as well as the following other entities: Department of Fish and Game, Department of State Police, Department of Environmental Protection, Department of Conservation and Recreation, MASSDOT.

1.7 Acquisition Method(s)

The acquisition method(s) to acquire goods and/or services from this Bid are Outright Purchase.

1.8 Contract Duration

The expected duration of this contract is as follows:

Contract Duration	Number of Options	Number of Years/Months	Instructions
Initial Duration		**5 months**	Contract will run from the execution date through 06/30/2025
Renewal Options	**9 options**	**1 year**	There will be nine options to renew for one year each.
Total Maximum Contract Duration		**9 years, 5 months**	7 months for initial options with nine options to renew for 1 year, totaling 9 years and 5 months.

No goods may be ordered and no new leases, rentals, maintenance, or other agreements for services may be executed after the Contract has expired.

2 ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
Bid Release Date	January 9th, 2025
Deadline for Submission of Questions through COMMBUYS "Bid Q&A"	January 22nd,2025@11:59 PM
Official Answers for Bid Q&A published (Estimated)	January 24th,2025 @5:00 PM
Bid Amendment Deadline / Online Quote submission begins. Bid documents will not be amended after this date.	January 24th,2025
Notification of Apparent Successful Bidder(s) (Estimated)	January 28th, 2025
Estimated Contract Start Date	January 31st, 2025

Times are Eastern Standard/Daylight Savings (US), as displayed on the COMMBUYS system clock displayed to Bidders after logging in. If there is a conflict between the dates in this Procurement Calendar and dates in the Bid's Header, the dates in the Bid's Header on COMMBUYS shall prevail. Bidders are responsible for checking the Bid record, including Bid Q&A, on COMMBUYS for Procurement Calendar updates.

2.1 Written questions via the Bid Q&A on COMMBUYS

The "Bid Q&A" provides the opportunity for Bidders to ask written questions and receive written answers from the SSST regarding this Bid. Bidders' questions must be submitted through the Bid Q&A found on COMMBUYS (see below for instructions) and prior to the Deadline for Submission of Questions stated in the Estimated Procurement Calendar. The issuing department reserves the right not to respond to questions submitted after this date. It is the Bidder's responsibility to verify receipt of questions.

Please note that questions submitted to the SSST using any other medium (including those that are sent by mail, fax, email, or voicemail, etc.) will not be answered. To reduce the number of redundant or duplicate

questions, Bidders are asked to review all questions previously submitted to determine whether the Bidder's question has already been posted.

Bidders are responsible for entering content suitable for public viewing since all questions are accessible to the public. Bidders must not include information that could be considered personal, security sensitive, inflammatory, incorrect, collusory, or otherwise objectionable, including information about the Bidder's company or other companies. The SSST reserves the right to edit or delete submitted questions that raise any of these issues or that are not in the best interest of the Commonwealth or this Bid.

All answers are final when posted. Any subsequent revisions to previously provided answers will be dated.

It is the responsibility of the prospective Bidder and awarded Contractor to maintain an active registration in COMMBUYS and to keep current 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 Purchasing Department, including requests for clarification. The Purchasing Department 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 Purchasing Department to be lost or rejected by any means, including email or spam filtering.

2.2 Locating Bid Q&A

Log into COMMBUYS, locate the Bid, acknowledge receipt of the Bid, and scroll down to the bottom of the Bid Header page. The "Bid Q&A" button allows Bidders access to the Bid Q&A page.

2.3 Amendment Deadline

The SSST reserves the right to make amendments to the Bid after initial publication. It is each Bidder's responsibility to check COMMBUYS for amendments, addenda, or modifications to this Bid, and any Bid Q&A records related to this Bid. The SSST and 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.

3 SPECIFICATIONS

Additional required terms appear in the Appendices to this RFR.

3.1 Small Business Purchasing Program

3.1.1 Program Background

The Massachusetts Small Business Purchasing Program (SBPP) was established pursuant to Executive Order 599 to increase state contracting opportunities with small businesses having their principal place of business within the Commonwealth of Massachusetts. Pursuant to the SBPP, it is the intention of the issuing department to award this Small Procurement to one or more SBPP participating business(es) as described below.

3.1.2 SBPP Award Preference

While all businesses, no matter the size or principal place of business, may submit responses to this solicitation, should an SBPP participant respond and meet the best value criteria as described in this solicitation, the SBPP participant shall be awarded the contract. The Strategic Sourcing Services Team (SSST) will not evaluate submissions from non-SBPP participants unless no SBPP Bidder meets the SSST's best value evaluation criteria.

3.1.3 SBPP Participation Eligibility

To be eligible to participate in this procurement as an SBPP participant, an entity must meet the following criteria, and be marked as an SBPP registered business in COMMBUYS:

1. Have its principal place of business in the Commonwealth of Massachusetts;
2. Been in business for at least one year;
3. Employ a combined total of 50 or fewer full-time equivalent employees in all locations, or employees work less than a combined total of 26,000 hours per quarter; and
4. Have gross revenues, as reported on appropriate tax forms, of $15 million or less, based on a three-year average.

Non-profit firms also must be registered as a non-profit or charitable organization with the MA Attorney General's Office and be up to date with all filings required by that office and be tax exempt under Section 501(c) of the Internal Revenue Code.

3.1.4 SBPP Compliance Requirements

It is the responsibility of the Bidder to ensure that their SBPP status is current at the time of submitting a response and throughout the life of any resulting contract. Misrepresentation of SBPP status will result in disqualification from consideration, and may result in debarment, contract termination, and other actions. To learn more about the SBPP, including how to apply, visit the SBPP webpage, http://www.mass.gov/sbpp.

3.1.5 Program Resources and Assistance

Bidders and Contractors seeking assistance regarding SBPP may visit the SBPP webpage or contact the SBPP Help Desk at sbpp@mass.gov.

3.2 Supplier Diversity Program

3.2.1 Program Background

Pursuant to, Executive Order 599 the Commonwealth's Supplier Diversity Program (SDP) promotes business-to-business relationships between awarded Contractors and diverse businesses and non-profit organizations ("SDP Partners") certified or recognized by the Supplier Diversity Office (SDO).
All Bidders and Contractors are strongly encouraged to create a profile on the SDO's Supplier Diversity Hub to access the Commonwealth's supplier diversity resources and tools.

3.2.2 Financial Commitment Requirements

All Bidders responding to this solicitation are required to make a significant financial commitment ("SDP Commitment") to partnering with one or more SDO-certified or recognized diverse business enterprise or non-profit organization. This SDP Commitment must be expressed as a percentage of contract sales resulting from this solicitation that would be spent with the SDP Partner(s).

After contract award (if any), the Total SDP Commitment shall become a contractual requirement to be met annually on a Massachusetts fiscal year basis (July 1 – June 30) for the duration of the contract. The minimum total SDP Commitment acceptable in responses to this solicitation shall be 1%. Bidders shall be awarded additional evaluation points for higher SDP Commitments.

No contract shall be awarded to a Bidder without an SDP Commitment that meets the requirements stated herein. This requirement extends to **all** Bidders regardless of their own supplier diversity certification.

3.2.3 Eligible SDP Partner Certification Categories

SDP Partners must be business enterprises and/or non-profit organizations certified or recognized by the SDO in one or more of the following certification categories:

- Minority-Owned Business Enterprise (MBE)
- Minority Non-Profit Organization (M/NPO)
- Women-Owned Business Enterprise (WBE)
- Women Non-Profit Organization (W/NPO)
- Veteran-Owned Business Enterprise (VBE)
- Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)
- Disability-Owned Business Enterprise (DOBE)
- Lesbian, Gay, Bisexual, and Transgender Business Enterprise (LBGTBE)

3.2.4 Eligible Types of Business-to-Business Relationships

Bidders and Contractors may engage SDP Partners in the following two ways:

- **Subcontracting**, defined as a partnership in which the SDP partner is involved in the provision of products and/or services to the Commonwealth.
- **Ancillary Products and Services**, defined as a business relationship in which the SDP partner provides products or services that are not directly related to the Contractor's contract with the Commonwealth but may be related to the Contractor's own operational needs.

Other types of business-to-business relationships are not acceptable under this contract. All provisions of this RFR applicable to subcontracting shall apply equally to the engagement of SDP Partners as subcontractors. These may include but are not limited to the following examples: professional services (e.g., IT, legal, advertising, HR, accounting etc.), maintenance services (e.g., cleaning, landscaping,

tradespersons services, etc.), office expenses (e.g., office supplies, furniture, IT supplies, etc.). Anything declared as a business expense in which a certified vendor is used would qualify.

Other types of business-to-business relationships are not acceptable under this contract. If subcontracting is proposed, it must meet all the subcontracting provisions (if any) listed in this RFR.

3.2.5 Program Flexibility

The SDP encompasses the following provisions to support Bidders in establishing and maintaining sustainable business-to-business relationships meeting their needs:

- SDP Partners are **not** required to be subcontractors.
- SDP Partners are **not** required to be Massachusetts-based businesses.
- SDP Partners **may be changed or added** during the term of the contract provided the Contractor continues to meet its SDP Commitment.

3.2.6 SDP Plan Form Requirements

All Bidders must complete the SDP Plan Form included in this solicitation and attach it to their bid response. In addition to proposing an SDP Commitment, each Bidder must propose one or more SDP Partner(s) to utilize to meet its SDP Commitment. Certified diverse Bidders may not list their own companies, or their subsidiaries or affiliates, as SDP Partners and may not meet their SDP Commitment by spending funds internally or with their own subsidiaries or affiliates.

Bidders may propose SDP Partners that are:

- **Certified or recognized by the SDO:** Such partners appear in the SDO Directory of Certified Businesses or in the SBA Veteran Small Business Certification (VetCert) directory. After contract award (if any), spending with such partners will contribute to meeting the Contractor's SDP Commitment.
- **Certified by one of SDO's recognized third-party certification bodies but not yet listed in the SDO Directory of Certified Businesses:** Such partners must be certified in eligible categories by one of SDO's recognized third-party certification bodies, which include the City of Boston, the Greater New England Minority Supplier Development Council (GNEMSDC), the Center for Women & Enterprise (CWE), Disability: IN, National LGBT Chamber of Commerce (NGLCC), or the National Veteran Owned Business Association (NaVOBA) but have not yet opted to be listed in the SDO Directory of Certified Businesses. In order to opt into SDO's Directory of Certified Businesses, the SDP partner must follow the applicable expedited instructions on SDO's Apply for Recognition as a Third-Party Certified Business webpage. Self-certification is not acceptable. While Bidders may list such proposed SDP Partners on their SDP Plans, spending with such partners will not contribute to meeting the Contractor's SDP Commitment unless they apply for and are granted SDO supplier diversity certification or recognition. If proposed SDP Partners do not receive SDO supplier diversity certification or recognition, the Contractor must find alternative SDP Partners to meet the SDP Commitment.
- **Not yet certified or recognized by the SDO or one of SDO's recognized third-party certification bodies**: Such partners must be certified in eligible categories by other third-party certification bodies that are not yet recognized by the SDO, such as another city or state supplier diversity certification office, the National Minority Supplier Development Council, or the Women Business Enterprise National Council, but are not listed in the above-mentioned directories. Self-certification is not acceptable. While Bidders may list such proposed SDP

Partners on their SDP Plans, spending with such partners will not contribute to meeting the Contractor's SDP Commitment unless they apply for and are granted SDO supplier diversity certification or recognition. If proposed SDP Partners do not receive SDO supplier diversity certification or recognition, the Contractor must find alternative SDP Partners to meet the SDP Commitment.

It is the responsibility of the Contractor to ensure that their proposed SDP Partners obtain such certification or recognition by the SDO after contract award (if any). The issuing department and the SDO will not conduct outreach to proposed SDP Partners to ensure their certification. Furthermore, no guarantee may be made that a proposed SDP Partner will be certified, or regarding the time it may take to process a proposed SDP Partner certification. Contractors may direct partners to the SDO's homepage, www.mass.gov/sdo and the Certification Self-Assessment Tool for guidance on applying for certification.

It is **desirable** for Bidders to provide a description of supplier diversity businesses practices. Specifically, listing contact information for the individual or unit responsible for establishing and maintaining supplier diversity relationships, and including a written policy for establishing and maintaining supplier diversity relationships.

It also is **desirable** for Bidders to use the SDP Plan Form to describe additional creative initiatives (if any) related to engaging, buying from, and/or collaborating with diverse businesses. Such initiatives may include but not be limited to:

- Serving as a mentor in a mentor-protégé relationship.
- Technical and financial assistance provided to diverse businesses.
- Participation in joint ventures between nondiverse and diverse businesses.
- Voluntary assistance programs by which nondiverse business employees are loaned to diverse businesses or by which diverse business employees are taken into viable business ventures to acquire training and experience in managing business affairs.

3.2.7 Evaluation of SDP Forms

To encourage Bidders to develop substantial supplier diversity initiatives and commitments as measures valuable to the Commonwealth, at least 25% of the total available evaluation points for this bid solicitation shall be allocated to the evaluation of the SDP Plan submissions. Because the purpose of the SDP is to promote business-to-business partnerships, the Bidders' workforce diversity initiatives will not be considered in the evaluation.

3.2.8 SDP Spending Reports & Compliance

After contract award, Contractors must submit reports at least annually to demonstrate compliance with the agreed-upon SDP Commitment. To submit SDP spending reports using the Hub, Contractors must create a profile in the Hub. Once registered, awarded contractors must report information such as, but not limited to, SDO or SDO-recognized SDP partner(s), spend with SDO partner(s), and total contract sales. Contractors must follow report submission instructions from the issuing department and the SDO.

SDP Spending Compliance

Only spending with SDP Partners that appear in the SDO Directory of Certified Businesses or in the SBA Veteran Small Business Certification (VetCert) directory shall be counted toward a Contractor's

compliance with their SDP Commitment. Spending with SDP Partners that do not appear in the directories above shall not be counted toward meeting a Contractor's SDP Commitment.

It is the responsibility of the Contractor to ensure they meet their SDP Commitment. The SDO, and the issuing department assume no responsibility for any Contractor's failure to meet its SDP Commitment.

3.2.9 SDP Spending Verification

The SDO and the contracting department reserve 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.

3.2.10 Program Resources and Assistance

Contractors seeking assistance in the development of their SDP Plans or identification of potential SDP Partners may visit the SDP webpage, www.mass.gov/sdp, or contact the SDP Help Desk at sdp@mass.gov.

3.3 Environmental Specifications

3.3.1 Executive Order 515, Establishing an Environmental Purchasing Policy

Products and services purchased by state agencies must comply with Executive Order 515, issued October 27, 2009. Under this Executive Order, Executive Departments are required to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) whenever such products and services perform to satisfactory standards and represent best value, consistent with 801 CMR 21.00. In line with this directive, all contracts, whether departmental or statewide, must comply with the specifications and guidelines established by OSD and the EPP Program. EPPs are products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Questions concerning the EO or the appropriate specifications may be directed to OSD's EPP Procurement Program, www.mass.gov/epp. The Order may be seen at https://www.mass.gov/executive-orders/no-515-establishing-an-environmental-purchasing-policy.

3.4 Compensation Structure/Pricing

Compensation for the project will be rate based/per unit provided to the Massachusetts Environmental police. Contractors will be paid based on the units of supplies provided in each order.

4 OTHER TERMS

4.1 Orders

Online/web capability

Prior to the Contract Start Date, the Contractor will establish and enable a COMMBUYS-compatible online catalog, which may be hosted in COMMBUYS or by the Contractor. The catalog must utilize the Commonwealth's commodity codes based on the United Nations Uniform Product and Service Code (UNSPSC) and must provide specified Eligible Entities with the capability to order only those products and/or services authorized by the vendor's contract with the Commonwealth from the Contractor using COMMBUYS. The Contractor is required to maintain the catalog for the duration

of the contract and must receive prior approval from the SSSL before posting updates or changes to the catalog, which must be consistent with the terms of the contract.

5 AUDIT

During the term of this Agreement and for a period of six years thereafter, Massachusetts Environmental Police, its auditors, the Operational Services Division, the Office of the Inspector General, or other authorized representatives shall be afforded access at reasonable times to Contractor's accounting records, including sales information on any system, reports or files, to audit all records relating to goods sold or services performed pursuant to this Agreement. If such an audit indicates that Contractor has materially overcharged Massachusetts Environmental Police, then the Contractor shall remit the overcharged amount and be responsible for payment of any costs associated with the audit.

6 HOW TO SUBMIT A QUOTE

All Bidders may begin creating and compiling Quote materials as soon as the Bid and all attachments are in the Sent document status in COMMBUYS. Bidders are instructed not to submit Quotes before the Bid Amendment Deadline has been reached (see Estimated Procurement Calendar).

6.1 Quote Submission Method

Online Quote Submission via COMMBUYS is required.

All Bidders must submit Quotes online using tools available only to Sellers registered in COMMBUYS. COMMBUYS provides Seller registration functionality at no charge. To register, go to www.COMMBUYS.com and click on the "Register" link on the home or landing page. Bidders who are awarded a contract resulting from this Bid, if any, will be required to maintain an active COMMBUYS account for the duration of the Contract, by reviewing their registration information regularly and maintaining its accuracy.

6.2 COMMBUYS Quote Submission Training and Instructions

The following resources are provided to assist Bidders in submitting Quotes:

- **Appendix 4, Instructions for Vendors Responding to Bids Electronically through COMMBUYS, which is part of this document;**
- An online job aid on How to Create a Quote
- Webcast video on How to Find Bids (Solicitations) and Submit Quotes (Responses) through COMMBUYS.

6.3 COMMBUYS Support

Technical assistance is available during the procurement process. Every effort is made to respond to inquiries within one business day.

Website: Go to www.mass.gov/osd/commbuys to access COMMBUYS resources, including new bid postings, job aids, and training schedules for buyers, among others.

Email: Send inquiries to the OSD Help Desk at OSDHelpDesk@mass.gov

Telephone: Call the OSD Help Desk at 1-888-MA-STATE (1-888-627-8283). The Help Desk is staffed from 8:00 a.m. to 5:00 p.m., Monday through Friday Eastern Time, except on federal and state holidays.

Bidders are advised that COMMBUYS will be unavailable during regularly scheduled maintenance hours of which all users will be notified.

6.4 Bid Opening Date/Time

All Bids must be posted in COMMBUYS before the specified date, month, year, and time displayed as the Bid Opening Date/Time in the Header Information section of the Bid in COMMBUYS. Times are Eastern Time. All Bidders are advised to allow adequate time for Bid submission by considering potential online submission impediments such as Internet traffic, Internet connection speed, file size, and file volume. OSD is not responsible for delays encountered by Bidders or their agents, or for a Bidder's local hardware failures, such as computers or related networks, associated with bid compilation or submission. Bids submitted via COMMBUYS are time stamped by the COMMBUYS system clock which is considered the

official time of record. COMMBUYS will not accept Bids submitted after the Bid Opening Date/Time deadline.

6.5 Quote Contents

Bidders must comply with the requirements below.

6.5.1 Electronic Signatures

Quotes submitted via COMMBUYS must be signed electronically by the Bidder or the Bidder's Agent by accepting the terms and conditions of the bid on the "Terms & Conditions" tab of the Bid in COMMBUYS. By selecting "Save & Continue" on the "Terms and Conditions" tab after accepting the terms and conditions of the bid, the submitter attests that she/he/they is an agent of the Bidder with authority to sign on the Bidder's behalf, and that she/he/they has read and assented to each document's terms.

6.5.2 Acceptable Forms of Signature

Effective June 15, 2021, for all 1) CTR forms, including the Standard Contract Form, W-9s, Electronic Funds Transfer (EFT) forms, ISAs, and other CTR-issued documents and forms, or 2) documents related to state finance and within the statutory area of authority or control of CTR (i.e. contracts, payrolls, and related supporting documentation), CTR will accept signatures executed by an authorized signatory in any of the following ways: 1. Traditional "wet signature" (ink on paper); 2. Electronic signature that is either: a. Hand drawn using a mouse or finger if working from a touch screen device; or Page 2 b. An uploaded picture of the signatory's hand drawn signature 3. Electronic signatures affixed using a digital tool such as Adobe Sign or DocuSign. If using an electronic signature, the signature must be visible, include the signatory's name and title, and must be accompanied by a signature date. Please be advised that typed text of a name not generated by a digital tool such as Adobe Sign or DocuSign, even in computer-generated cursive script, or an electronic symbol, are not acceptable forms of electronic signature.

6.6 Limits and Restrictions

6.6.1 Document Pages

Bidders should submit no more than 10 double-sided pages (excluding the required forms and attachments) of narrative in response to the questions asked and information requested. If Bidders exceed the page limits, the SSST may make provisions to penalize the Bidder in the Evaluation Criteria, read and evaluate only those pages up to the page limit referenced above or take other steps as determined by the SSST.

6.6.2 File Format Restrictions

All scanned documents must be in .pdf or .gif format, and must be scanned in such a way that they may be read on a computer monitor and printed on 8 1/2" x 11" paper, unless otherwise specified. Forms provided for the Bidder to complete, with the exception of the forms requiring ink signatures, must be completed and sent via email to the Commonwealth Contract Manager in their original formats. These Forms should not be scanned and submitted as PDFs or other file types.

6.6.3 Documents and items that cannot be submitted electronically

Documents and items that may not be submitted electronically, such as confidential business references submitted by the Bidder or requests for material samples, respectively, must be submitted to the following address, Rebecca.ely@mass.gov, in accordance with all Quote submission

requirements, including Bid Opening Date/Time, Bid Package, and Environmental Response Submission Compliance provisions.

6.7 Withdrawing a Quote

6.7.1 Prior to Bid Opening Date/Time

Quotes may be withdrawn using the “Withdraw Quote” button offered under the Summary tab of a submitted Quote in COMMBUYS.

6.7.2 After Bid Opening Date/Time

Quotes may not be withdrawn after the Bid Opening Date/Time. If the Bidder wants to remove a Quote from consideration, contact the Strategic Sourcing Services Lead for guidance.

7 APPENDIX 1 – REQUIRED TERMS FOR ALL RFRS

7.1 General Procurement Information

7.1.1 Alterations

Bidders may not alter (manually or electronically) the Bid language or any Bid component files, except as directed in the RFR. Modifications to the body of the Bid, specifications, terms and conditions, or which change the intent of this Bid are prohibited and may disqualify a Bid.

7.1.2 Ownership of Submitted Quotes

The SSST shall be under no obligation to return materials submitted by a Bidder in response to this Bid. All materials submitted by Bidders become the property of the Commonwealth of Massachusetts and will not be returned to the Bidder. The Commonwealth reserves the right to use any ideas, concepts, or configurations that are presented in a Bidder's Quote, whether or not the Quote is selected for Contract award.

Quotes stored on COMMBUYS in the encrypted lockbox are the file of record. Bidders retain access to a "read-only" copy of this submission via COMMBUYS, as long as their account remains active. Bidders also may retain a traditional paper copy or electronic copy on a separate computer, or network drive or separate media, such as CD or DVD, as a backup.

7.1.3 Prohibitions

Bidders are prohibited from communicating directly with any employee of the procuring Department or any member of the SSST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide information or respond to questions or inquiries concerning this RFR. Bidders may contact the individual listedin contact information section of the Header Information this Bid in the event that this RFR is incomplete or information is missing. Bidders experiencing technical problems accessing information or attachments stored on COMMBUYS should contact the OSD Help Desk (see the document cover page for contact information).

In addition to the certifications found in the Commonwealth's Standard Contract Form, by submitting a Quote, the Bidder certifies that the Quote has been arrived at independently and has been submitted without any communication, collaboration, or without any agreement, understanding, or planned common course of action with any other Bidder of the commodities and/or services described in the RFR.

7.2 Terms and Requirements Pertaining to Awarded Contracts

7.2.1 Commonwealth Tax Exemption

Invoices or invoices submitted to Massachusetts government entities must not include sales tax.

7.2.2 Contractor's Contact Information

It is the Contractor's responsibility to keep the Contractor's Contract Manager information current. If this information changes, the Contractor must notify the Contract Manager by email immediately, using the address located in the Header Information of the Purchase Order or Master Blanket Purchase Order on COMMBUYS. The Contractor's COMMBUYS account also must be updated to reflect the new information.

The Commonwealth assumes no responsibility if a Contractor's designated email address is not current, or if technical problems, including those with the Contractor's computer, network, or internet service provider (ISP), cause email communications between the Bidder and the SST to be lost or rejected by any means, including email or spam filtering.

7.2.3 Contractual Status of Orders and Service Contracts

Orders or service engagements placed under the Contract established as a result of this Bid by Eligible Entities shall be considered separate Contracts between the Eligible Entity and the Contractor, and shall be deemed to incorporate all of the terms and conditions of the Contract. Nothing contained in any order or service contract shall amend or vary the terms of the Contract. Additional terms which do not conflict with the Commonwealth's Terms and Conditions, the Massachusetts Standard Contract Form, this Bid and any amendments, or the Bidder's Quote, may be included in an order or service contract if mutually agreed upon by the Contractor and eligible entity.

7.2.4 Publicity

Any Contractor awarded a contract under this Bid is prohibited from selling or distributing any information collected or derived from the Contract, including lists of participating Eligible Entities, Commonwealth employee names, telephone numbers, addresses, or other information except as specifically authorized by the SSST.

8 APPENDIX 2 - RFR - REQUIRED SPECIFICATIONS

Names of Standard Forms	Instructions
Instructions for Vendors Responding to Bids Electronically	Read and agree prior to submitting a Response.
RFR - Required Specifications	Read and agree prior to submitting a Response.
RFR – Required Specifications for Information Technology	
Prompt Payment Discount Form	Complete electronically and submit as an attachment to Quote.
Commonwealth Terms & Conditions	Read and agree. Sign and submit original with wet signature upon Award, if any.
Commonwealth Terms and Conditions for Information Technology Contracts	
Contractor Authorized Signatory Listing	Read and agree. Sign and submit original with wet signature upon Award, if any.
Authorization for Electronic Funds Transfer (contact MMARS Liaison for copy of this form)	Read and agree. Sign and submit original with wet signature upon Award, if any.
Request for Taxpayer Identification Number and Certification (W-9)	Read and agree. Sign and submit original with wet signature upon Award, if any.
Standard Contract Form and Instructions & Contractor Certifications	Read and agree. Sign and submit original with wet signature upon Award, if any.

9 APPENDIX 3 - INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF COMMONWEALTH STANDARD FORMS

The purpose of this appendix is to provide guidance to Bidders on the Commonwealth Standard forms to be submitted (in addition to the other forms and documents required) and how they must be executed and submitted. Please note that these instructions are meant to supplement the Instructions found on each of these forms

Forms listed below may be electronically signed by the Bidder, see Acceptable Forms of Signatures. Bidders must, if notified of Contract award, submit the following four (4) forms within the timeframe referenced in the RFR section entitled Acceptable Forms of Signatures: the Commonwealth Standard Contract Form, the Commonwealth Terms and Conditions, the Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form) and the Contractor Authorized Signatory Listing.

9.1 Commonwealth Standard Contract Form

By executing this document, the Bidder certifies, under the pains and penalties of perjury, that it has submitted a Response to this RFR that is the Bidder's Offer as evidenced by the execution of its authorized signatory, and that the Bidder's Response may be subject to negotiation by the SSST. Also, the terms of the RFR, the Bidder's Response, and any negotiated terms shall be deemed accepted by the Department and included as part of the Contract upon execution of this document by the State Purchasing Agent or his designee.

If the Bidder does not have a Vendor Code beginning with "VC" or does not know their Vendor Code , the Bidder should leave the Vendor Code field blank. The Bidder should NOT enter a Vendor Code assigned prior to May 2004, as new Vendor Codes have been assigned to all companies since that time.

9.2 Commonwealth Terms and Conditions/Commonwealth IT Terms and Conditions

If the Bidder has executed and filed the appropriate Commonwealth Terms and Conditions form pursuant to another RFR or Contract, a copy of this form may be included in . If the Bidder's name, address, or Tax ID Number have changed since the Commonwealth Terms and Conditions form was executed, a new Commonwealth Terms and Conditions form is required. The Commonwealth Terms and Conditions are hereby incorporated into any Contract executed pursuant to this RFR.

This form must be unconditionally signed by one of the authorized signatories (see Contractor Authorized Signatory Listing, below), and submitted without alteration. If the provisions in this document are not accepted in their entirety without modification, the entire Proposal offered in response to this Solicitation may be deemed non-responsive.

The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form).

9.3 Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form)

If a Bidder previously submitted a Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form) and has received a valid Massachusetts Vendor Code, an original W-9 form is not required. A copy of the form as filed may be included. If the Bidder's name, address, or Tax ID Number have changed since the Mass. Substitute W9 Form was executed, a new Mass. Substitute W9 Form is required. The information on this form will be used to record the Bidder's legal address and where payments under a State Contract will be sent. The company's correct legal name and legal address must

appear on this form, and must be identical to the legal name and legal address on the Commonwealth Terms and Conditions. Please do not use the U.S Treasury's version of the W9 Form.

9.4 Contractor Authorized Signatory Listing

In the table entitled "Authorized Signatory Name" and "Title," type the names and titles of those individuals authorized to execute contracts and other legally binding documents on behalf of the Bidder. Bidders are advised to keep this list as small as possible, as Contractors will be required to notify the Procurement Manager of any changes. If the person signing in the signature block at the bottom of the first page of this form also will serve as an "Authorized Signatory," that person's name must be included in the typed table.

With regard to the next paragraph, which begins "I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk, or Legal Counsel for the Contractor…," if your organization does not have these titles, cross them out and handwrite the appropriate title above the paragraph.

The second page of the form (entitled "Proof of Authentication of Signature") states that the page is optional. However, the "optional" aspect of the form is that Commonwealth Departments are not required to use it. In the case of Statewide Contracts, however, this page is **required**, not optional. The person signing this page must be the same person signing the Standard Contract Form, the Commonwealth Terms and Conditions, and the RFR Checklist.

Please note that in two places where the form states "in the presence of a notary," this should be interpreted to mean "in the virtual presence of a notary or corporate clerk/secretary." Either a notary or corporate clerk/secretary may authenticate the form; only one is required.

Organizations whose corporate clerks/secretaries authenticate this form are not required to obtain a Corporate Seal to complete this document.

9.5 Supplier Diversity Program Plan Form

Download this form and complete as directed by the form instructions; include with online submission. Ink signature is not required.

The specific Supplier Diversity Program (SDP) requirements for this procurement may be found earlier in this document. Bidders are required to state a specific percentage of contract revenues that will represent the annual SDP commitment for the entire contract period, including any renewals.

9.6 Prompt Payment Discount Form

Download this form and complete as directed below; include with online submission. Ink signature is not required.

Pursuant to the Prompt Payment Discount terms set forth in the RFR Required Specifications for Contracts and on the Prompt Payment Discount Form itself, all Bidders must execute this form. After entering the "Bidder Name" and "Date of Offer for Prompt/Early Payment Discount," the Bidder must identify the prompt payment discount(s) terms by indicating the "Percentage Discount off of the Proposed Pricing" and the "Turn-around-time for Payments." In the event of a hardship that prevents the Bidder from offering a prompt payment discount, the Bidder must document this fact and provide supporting information. If awarded a contract, the final negotiated prompt payment discounts should be reflected on the Commonwealth Standard Contract Form.

APPENDIX 4 – INSTRUCTIONS FOR VENDORS RESPONDING TO BIDS ELECTRONICALLY THROUGH COMMBUYS

Introduction

COMMBUYS refers to all solicitations, including, but not limited to, Requests for Proposals (RFP), Invitations for Bid (IFB), Requests for Response (RFR), Requests for Quote (RFQ), as "Bids." All responses to Bids are referred to as "Quotes."

Steps for Bidders to Submit a Quote

1. Launch the COMMBUYS website by entering the URL (www.COMMBUYS.com) into the browser.
2. Enter Bidder login credentials and click the **Login** button on the COMMBUYS homepage. Bidders must be registered in COMMBUYS to submit a Quote. Each Vendor has a COMMBUYs Seller Administrator, who is responsible for maintaining authorized user access to COMMBUYS.
3. Upon successful login, the Vendor home page displays with the Navigation and Header Bar, as well as the Control Center. The Control Center is where documents assigned to your role are easily accessed and viewed.
4. Click on the **Bids** tab
5. Clicking on the Bid tab opens four sections:
    a. Request for Revision
    b. Bids/Bid Amendments
    c. Open Bids
    d. Closed Bids
6. Click on the blue **Open Bid** hyperlinks to open and review an open bid
7. A new page opens with a message requesting you acknowledge receipt of the bid. Click **Yes** to acknowledge receipt of the bid. Bidders should acknowledge receipt to receive notifications of amendments/updates concerning this bid.
8. After acknowledgement, the bid will open.
   The top left half of the page contains the following information:

    a. Purchaser
    b. Department
    c. Contact for this bid
    d. Type of purchase
        i. Open Market
        ii. Blanket
    e. Bidders' Conference details (if applicable)
    f. Ship-to and Bill-to addresses

g. Any attachments to the bid, which may include essential bid terms, response forms, etc.

The top right half of the bid includes the following information:

h. Bid Date
i. Required Date
j. Bid Q&A Close Date – date after which bidders no longer may ask questions about the bid
k. Bid Opening Date – date the bid closes and no further quotes will be accepted
l. Informal Bid Flag
m. Date goods/services are required

9. The lower half of the page provides information about the specific goods/services the bid is requesting.
10. Click **Create Quote** to begin.
11. The General tab for a new quote opens. This page is populated with information from the bid. Fields available to update include:
    a. Delivery days
    b. Shipping terms
    c. Ship via terms
    d. Is "no" bid – select if you will not be submitting a quote for this bid
    e. Promised Date
    f. Info Contact
    g. Comments
    h. Discount Percent
    i. Freight Terms
    j. Payment Terms

    It is important to note that the bid documents (RFR and attachments) may specify some or all of these terms and may prohibit you from altering these terms in your response. Read the bid documents carefully and fill in only those items that are applicable to the bid to which you are responding.

    Update these fields as applicable to the bid and click **Save & Continue** to save any changes and create a Quote Number. The page refreshes and messages display. Any message in Red is an error and must be resolved before the quote may be submitted. Any message in Yellow is a warning and will allow processing to continue.

The following messages are received:

- Terms & Conditions is not acknowledged – to resolve this, click on the Terms & Conditions tab and accept the terms.
- Your quote has not been submitted – information message; no action required

12. Click on the **Terms & Conditions** tab. This tab refers to the terms and conditions that apply to this bid. The terms and conditions must be accepted before your quote may be submitted. If your acceptance is subject to exceptions, those exceptions must be identified here. Exceptions may not contradict the requirements of the RFR or required Commonwealth standard forms and attachments for the bid. For instance, an RFR may specify that exceptions may or will result in disqualification of your bid.

13. Click the **Items** tab. The Items tab displays information about the items requested in the bid. To view additional details about an item, click the item number (blue hyperlink) to open.
14. The item opens. Input your quote information and click **Save & Exit**.
15. **CONFIDENTIAL INFORMATION**: If documents uploaded in your quote response contain confidential information (security sensitive, EFT, W9, Commonwealth Terms and Conditions), **you must mark each item as confidential**. The confidential column on the Attachments view allows the user to select whether the attached form is confidential or not. Check the box in the confidential column for each attached form that contain confidential information.
16. Click on the **Attachments** Tab. Follow the prompts to upload and name all required attachments and forms and bid response documents in accordance with the instructions contained in the solicitation or bid documents. After uploading each individual file or form, click **Save & Continue**. After you have uploaded all required documents click **Save & Exit**. Be sure to review your attachments to ensure each required document has been submitted.
17. Click the **Summary** tab. Review the information and update/correct, as needed. If the information is correct, click the **Submit Quote** button at the bottom of the page.
18. A popup window displays asking for verification that you wish to submit your quote. Click **OK** to submit the quote.
19. The **Summary** tab redisplays with an updated Status for the quote of **Submitted**.
20. Your quote submission is confirmed only when you receive a confirmation email from COMMBUYS. If you have submitted a quote and have not received an email confirmation, please contact the OSD Help Desk at OSDHelpDesk@mass.gov. If you wish to revise or delete a quote after submission, you may do so in COMMBUYS: 1) for a formal bid, prior to the bid opening date, or 2) for an informal bid (which may be viewed upon receipt), prior to the opening of your quote by the issuing entity or the bid opening date, whichever is earlier.

Bidders may not submit Multiple Quotes in response to a Bid unless the Bid authorizes Multiple Quote submissions. If you submit multiple quotes in response to a bid that does not allow multiple quotes, only the latest submission prior to the bid opening date will be evaluated.