PLEASE READ THIS ENTIRE DOCUMENT CAREFULLY BEFORE REACHING OUT WITH ANY QUESTIONS OR COMPLETING/SUBMITTING A BID RESPONSE

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

DEPARTMENT OF CONSERVATION & RECREATION

10 PARK PLAZA, SUITE 6620
BOSTON, MA 02116

Request for Response (RFR)

Document Title:
Facility Equipment Parts & Supplies

Agency Document Number:
DCR-946

August 12, 2024

Please Note: This is a single document associated with a complete Bid (also referred to as Solicitation) that can be found on www.COMMBUYS.com. All Bidders are responsible for reviewing and adhering to all information, forms and requirements for the entire Bid, which are all incorporated into the Bid. Bidders may also contact the COMMBUYS Helpdesk at OSDHELPDesk@mass.gov or the COMMBUYS Helpline at 1-888-MA-STATE. The Helpline is staffed from 8:00 AM to 5:00 PM Monday through Friday Eastern Standard or Daylight time, as applicable, except on federal, state and Suffolk county holidays.

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Purchasing Department	**Department of Conservation & Recreation**
Address	**10 Park Plaza, Suite 6620**
City, State Zip Code	**Boston, MA 02116**
Procurement Contact Person	**John Masters**
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RFR Name/Title	**Facility Equipment Parts & Supplies**
RFR Number	**DCR-946**
COMMBUYS Bid Number	**BD-**
Procurement Category	**Goods & Services**

1 RFR INTRODUCTION AND GENERAL DESCRIPTION

1.1 Procurement Scope and Description

The Massachusetts Department of Conservation & Recreation (DCR) is soliciting bidders from across the Commonwealth for parts, hardware, accessories, and other relevant supplies not available on statewide contract that are needed to maintain and repair the Department's unique/specialty facility equipment. DCR staffing includes a team of in-house mechanics across the state that repair and maintain a wide variety of departmental assets and unique/specialty facility equipment. Some of the unique/specialty equipment owned by the Department requires parts, hardware, accessories, and other relevant supplies only available through the manufacturer as they have propriety rights or are only available through vendors that specialize in older models of equipment. Examples include facility equipment such as: boats/vessels, snowmobiles, hydraulic lifts, wood and brush chippers, beach sanitizers, surf rakes, ice re-surfacers, roadside mobile message boards and arrow boards, light towers, snowplows, sanders, stump cutters, industrial sweepers, trash compactors, leaf vacs, mixers, compressors, boom lifts, graders, and forklifts.

The purpose of this procurement is to create a Master Service Agreement (MSA) with a pre-qualified list of vendors from which the Department may engage with for the purchase of the aforementioned facility equipment parts and supplies.

The Department will use statewide contracts for all parts and supplies available through statewide contract.

1.2 Applicable Procurement Law(s) & Regulations

This Bid is issued under the following law(s) and regulations: MGL c. 7, § 22; c. 30, § 51, § 52; and 801 CMR 21.00

1.3 Number of awards

DCR will award contracts to multiple vendors based upon bidder responses and the best interests of the Department in meeting its needs statewide.

1.4 Rolling Enrollment Contract and Adding Contractors after initial Contract Award

This solicitation will result in rolling enrollment, which means that proposals may be submitted and may be evaluated at any time after the initial deadline of the solicitation. After initial contract awards are made, however, DCR reserves the right to begin evaluating submissions as they are received.

DCR also reserves the right to suspend the review of additional submissions or close the solicitation for new responses entirely if it deems that the number of contractors awarded at that point adequately meets the DCR's needs.

1.5 Eligible Entities

Limited User Contract - Any contract(s) resulting from this bid will be open for use by the Issuing Entity only.

1.6 Acquisition Method(s)

- Outright Purchase

1.7 Contract Duration

The expected duration of this contract is as follows:

Contract Duration	Number of Options	Number of Years/Months	Instructions
Initial Duration		**5 years**	From contract execution through August 31, 2029
Renewal Options	**0**	**0 years**	N/A
Total Maximum Contract Duration		**5 years**	Through August 31, 2029

1.8 Estimated Value of the Contract

The estimated annual value of this procurement is approximately $230,000 per year.

1.9 Contract Structure & Pricing/Compensation

This RFR will establish a Master Service Agreement (MSA) with several vendors providing similar goods/products. An MSA is a pre-qualified list of contract vendors from which DCR may purchase/procure goods and/or services.

Contract(s) resulting from this Bid will be set up as Rate Contract(s) and will not have a maximum obligation amount. The Commonwealth makes no guarantee that any commodities or services will be purchased from any Contract resulting from this Bid. Funding for any contract resulting from this procurement is conditioned upon available funding.

All invoicing and payments must be made in accordance with the Commonwealth's Bill Payment Policy. Unless otherwise specified at the time of purchase, all invoices should be submitted to the individual that placed the service order. Invoices submitted by the vendor shall encompass the entirety of a completed service request and should include a Department purchase order number. Vendors shall be responsible for providing accurate backup documentation with each invoice. In accordance with Commonwealth policies, the department cannot pay in advance for services. Payments shall be made after services have been rendered. In addition, unless a vendor provides a Prompt Payment Discount (PPD) for early payment, payments for services will not be released by the Commonwealth until 45 days after services are rendered ("service to" date) or the date the department receives an invoice, whichever is the latter date.

2 ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
Bid Release Date	8/12/2024
Deadline for Submission of Questions	8/26/2024 at 3:00PM EST
Official Answers for Bid Q&A published (Estimated)	8/29/2024 at 5:00PM EST
Bid Amendment Deadline / Online Quote submission begins. Bid documents will not be amended after this date.	8/29/2024 at 5:00PM EST
Deadline for Quotes/Bid Responses ("Bid Opening Date/Time" in COMMBUYS)	**Initial deadline: 9/16/2024 at 3:00 PM** (this is when DCR will begin review of all proposals submitted) This contract will also be a rolling enrollment contract. After the initial deadline and review of proposals, DCR may allow prospective vendors to submit proposals through August 31, 2029
Notification of Apparent Successful Bidder(s) (Estimated)	9/27/2024
Estimated Contract Start Date	10/14/2024

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.

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2.1 Written questions via the Bid Q&A on COMMBUYS

Written Questions must be entered by pressing the "Bid Q&A" tab for the Bid in COMMBUYS no later than the "Online Questions Due" date and time indicated in the Estimated Procurement Calendar (above). 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.

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 DCR, including requests for clarification. The DCR 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 DCR to be lost or rejected by any means including email or spam filtering.

Written Responses to Questions will be released on or about the "Official Answers for Bid Questions Issued" date indicated in the Estimated Procurement Calendar (above).

Written questions and responses will be posted on the Bid Q&A Tab for this Bid in COMMBUYS.

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 Department reserves the right to make amendments to the Bid after initial publication. 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 Department 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 PROCUREMENT SPECIFICATIONS

3.1 <u>Facility Equipment Parts & Supplies</u>

The Massachusetts Department of Conservation & Recreation (DCR) is soliciting bidders from across the Commonwealth for parts, hardware, accessories, and other relevant supplies not available on statewide contract that are needed to maintain and repair the Department's unique/specialty facility equipment. DCR staffing includes a team of in-house

mechanics across the state that repair and maintain a wide variety of departmental assets and unique/specialty facility equipment. Some of the unique/specialty equipment owned by the Department requires parts, hardware, accessories, and other relevant supplies only available through the manufacturer as they have propriety rights or are only available through vendors that specialize in older models of equipment. Examples include facility equipment such as: boats/vessels, snowmobiles, hydraulic lifts, wood and brush chippers, beach sanitizers, surf rakes, ice re-surfacers, roadside mobile message boards and arrow boards, light towers, snowplows, sanders, stump cutters, industrial sweepers, trash compactors, leaf vacs, mixers, compressors, boom lifts, graders, and forklifts.

The Department will use statewide contracts for all parts and supplies available through statewide contract.

All parts and supplies must be equivalent to the equipment manufacturer's specifications unless specified by the Department.

DCR may pay reasonable costs associated with shipping/delivery and charges associated with pick-up or towing of equipment for service as well as any delivery or drop-off charges for return of serviced equipment.

3.2 Contract/Account Manager:

The awarded vendor must assign/identify one contact person to serve as contract/account manager for DCR when reaching out for repair/maintenance parts and supplies. The contract/account manager will be responsible for:

- Proper operation and administration of the contract by the awarded vendor.
- Responding in a timely manner (within 24 hours) by phone or email to all information requests or inquiries from DCR
- Supplying information and serving as liaison between the awarded vendor and DCR

3.3 Warranties

It is required that all awarded vendors maintain customer satisfaction in accordance with the provisions of this RFR. All parts, hardware, accessories, and supplies must meet standard manufacturer's specifications and warranties unless otherwise specified. All parts, hardware, accessories and supplies shall be new and of recent manufacture and may be tested and inspected at any time by the Department unless specified and documented.

4 OTHER PROVISIONS & SPECIFICATIONS

4.1 Small Business Purchasing Program (SBPP) Initiative

4.1.1 Small Business Participation Goal

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, **the department has set a goal making at least 50% of the awards resulting from this solicitation to SBPP-participating Massachusetts-based small businesses recognized as such in COMMBUYS. All bidders are encouraged to apply for SBPP status as described below.**

The department also encourages the participation of SDO-certified businesses, which may also contribute to the award goal.

4.1.2 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:

(A) Have its principal place of business in the Commonwealth of Massachusetts;
(B) Been in business for at least one year;
(C) 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
(D) Have gross revenues, as reported on appropriate tax forms, of $15 million or less, based on a three-year average.

4.1.3 SBPP Registration Instructions

Bidders that meet the requirements above, must complete or renew their company or organization's SBPP registration in COMMBUYS. Guidance on completing the task is available in the job aid Completing Small Business Purchasing Program (SBPP) Application.

If the automatic COMMBUYS SBPP validation is not successful, bidders that believe that they meet SBPP eligibility requirements will be asked to provide supporting documentation by email for SDO review.

4.1.4 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 by Bidders and Contractors will result in disqualification from consideration, and could result in debarment, contract termination, and other actions. To learn more about SBPP, including how to apply, visit the SBPP Webpage.

4.1.5 Program Resources Assistance

Bidders and Contractors seeking assistance regarding SBPP may visit the SBPP webpage, http://www.mass.gov/sbpp, or contact the SBPP Help Desk at sbppreview@mass.gov.

4.2 Executive Order 515: Establishing an Environmental Purchasing Policy

Products and services purchased by state agencies must be in compliance 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 considered to be 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 can be seen at:
http://www.mass.gov/Agov3/docs/Executive%20Orders/executive_order_515.pdf.

4.3 Failure to Perform Contractual Obligations

In accordance with the Commonwealth Standard Contract Form, Terms & Conditions, and this RFR, if a contract vendor has not performed services as required by this RFR, corrective action will be taken by the Department. The Department may terminate a contract if a contract vendor's performance continues to be inadequate despite DCR warnings and opportunities to take corrective action.

5 EVALUATION CRITERIA

Bidders must submit responses that meet all the submission requirements of this RFR. Only responsive proposals that meet the submission requirements will be evaluated and scored by the Procurement Team according to the evaluation criteria. Additional information may be requested for evaluation purposes.

Bidders must submit a completed Bidder Response Form as part of their bid response in CommBuys. The Bidder Response Form is included in the Attachments Tab of the bid solicitation in CommBuys.

Responses will be evaluated using the following general criteria:

- Vendor ability to provide the goods outlined in Section 3 of this RFR
- Number of years vendor has been in business
- Number of stores or distribution locations
- Store/Distribution Location availability
- Ability to ship/deliver goods/products
- Parts/Supplies discount off retail price or MSRP
- Prompt Payment Discounts (PPD)
- Environmentally Preferable Products/Practices (EPP)

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6 INSTRUCTIONS FOR SUBMISSION OF QUOTES

6.1 Submittal via COMMBUYS

Only electronic quotes submitted via COMMBUYS will be accepted in response to this RFR. Responses must be sent via the "Create Quote" functionality contained in COMMBUYS. All Bidders may begin creating and compiling response materials as soon as the Bid with all attachments is in the Sent document status. Bidders are instructed not to submit bid responses before the Bid Amendment Deadline has been reached (see Estimated Procurement Calendar).

All Bidders must submit responses online using tolls 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 front page. All Bidders who are awarded a contract resulting from this Bid, if any, will be required to maintain an active account during the duration of the Contract, by reviewing their registration information regularly and maintaining its accuracy.

The following resources are provided to assist Bidders in submitting responses/quotes:

- An online job aid on How to Create A Quote in COMMBUYS
- Vendor Webcast Trainings on how to register in COMMBUYS and how to find bids (solicitations) and submit quotes (responses) through COMMBUYS
- COMMBUYS Support:
    - **Website**: Key resources on the COMMBUYS Resource Center website
    - **Email**: Send inquiries to the COMMBUYS HelpDesk at OSDHelpDesk@mass.gov
    - **Telephone**: Call the COMMBUYS HelpDesk at 1-888-MA-STATE (1-888-627-8283). The HelpDesk is staffed from 8:00 AM to 5:00 PM Monday through Friday Eastern Standard or Daylight time, as applicable, except on federal and state holidays.

Any submission which fails to meet the submission requirements of the RFR will be found non-responsive without further evaluation unless the evaluation team, at its discretion, determines that the non-compliance is insubstantial and can be corrected. In these cases, the evaluation team may allow the vendor to make minor corrections to the submission.

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RFR ATTACHMENTS FOR GOODS & SERVICES CONTRACT

The following attached forms are part of this RFR, are hereby incorporated by reference and are to be part of any agreement between bidder(s) and DCR. Bidders must complete, execute and deliver, as applicable, all forms for contract award.

APPENDIX A – REQUIRED SPECIFICATIONS FOR COMMODITIES & SERVICES (JULY 13, 2023)

Set forth in full below and available online at: https://www.mass.gov/doc/rfr-required-specifications-for-commodities-and-services

APPENDIX B – STANDARD CONTRACT FORM (7/22/2021) (INCORPORATES BY REFERENCE COMMONWEALTH TERMS & CONDITIONS)

APPENDIX C – STANDARD CONTRACT FORM INSTRUCTIONS & CONTRACTOR CERTIFICATIONS (8/6/2021)

APPENDIX D – COMMONWEATH TERMS & CONDITIONS FOR HUMAN & SOCIAL SERVICES (10/25/2019)

APPENDIX E – PROMPT PAYMENT DISCOUNT FORM

https://www.macomptroller.org/wp-content/uploads/form_prompt-pay-discount.pdf

APPENDIX F – ENVIRONMENTALLY PREFERABLE PRODUCT INFORMATION

APPENDIX G – SUPPLIER DIVERSITY PROGRAM (SDP) FOR PURCHASE OF SERVICE (POS)
(Not applicable to this RFR as this is a Small Business Purchasing Program (SBPP) Procurement)

https://www.mass.gov/lists/sdo-forms#supplier-diversity-program-(sdp)-plan-forms-for-goods-and-services-

APPENDIX H – CONTRACTOR AUTHORIZED SIGNATORY LISTING (INCLUDED HERE FOR INFORMATIONAL PURPOSES ONLY. REQUIRED UPON AWARD OF CONTRACT)

https://www.macomptroller.org/announcement/new-contractor-authorized-signatory-listing-casl-forms/

APPENDIX I – MASSACHUSETTS SUBSTITUTE W-9 FORM (INCLUDED HERE FOR INFORMATIONAL PURPOSES ONLY. REQUIRED UPON AWARD OF CONTRACT)

https://www.macomptroller.org/wp-content/uploads/form_w-9.pdf

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APPENDIX A

RFR - REQUIRED SPECIFICATIONS FOR COMMODITIES & SERVICES (JULY 13, 2023)
Revision Date: July 13, 2023

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

The terms of *801 CMR 21.00: Procurement of Commodities and Services* are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00. Additional definitions also may 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.

1. 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 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.

2. COMMBUYS Registration. Bidders may elect to register for a free COMMBUYS Seller account which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, 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; and 4) in the event the Commonwealth adopts an alternate e-procurement platform, 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).

COMMBUYS uses terminology with which bidders must be familiar to conduct business with the Commonwealth. To view this terminology and to learn more about COMMBUYS, please visit the Learn about COMMBUYS Resources page on mass.gov.

3. 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.

4. 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.

5. Supplier Diversity Office (SDO) Programs. Pursuant to Executive Order 599, the Commonwealth supports the use of diverse and small businesses through the Small Business Purchasing Program (SBPP) and the Supplier Diversity Program (SDP). Based on the estimated value of the procurement, one of the above-mentioned programs shall be applicable to this RFR. For more information on the program that applies to this solicitation, see the body of this RFR.

6. Small Business Purchasing Program (SBPP)

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.

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 described in this solicitation, the SBPP participant shall be awarded the contract. The Strategic Sourcing Services Team (SST) will not evaluate submissions from non-SBPP participants unless no SBPP Bidder meets the SSST's best value evaluation criteria.

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.

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.

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.

7. Supplier Diversity Program (SDP)

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 (see below for more information) 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.

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(s) or non-profit organization(s). 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 acceptable Total SDP Commitment in response 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.

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)

Eligible Types of Business-to-Business Relationships. Bidders and Contractors may engage SDP Partners as follows:

- **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.

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.

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, 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.

- **Not yet certified or recognized by the SDO**: Such partners must be certified in eligible categories by a third-party certification body, such as another city or state supplier diversity certification office, the National Minority Supplier Development Council, the Women Business Enterprise National Council, Disability: IN, or the National LGBT Chamber of Commerce (NGLCC), 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.

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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 an SDP Focus Statement that describe the bidder's overall approach to increasing the participation of diverse businesses in the provision of products and services under this proposal/contract (subcontracting) and in the Bidder's general business operations (ancillary products and services). Such a description may include but not be limited to:

- A clearly stated purpose or goal.
- Specific types of diverse and small businesses targeted.
- Which departments/units within the business are responsible for implementing supplier diversity.
- Types of opportunities for which diverse and small businesses are considered.
- Specific measures/methods of engagement of diverse and small businesses.
- An existing internal supplier diversity policy.
- Public availability of the Bidder's supplier diversity policy.

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.

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.

SDP Spending Reports. 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. 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, and the SDO and the issuing department assume no responsibility for any Contractor's failure to meet its SDP Commitment.

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.

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.

8. 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, and/or fur-bearing animals; and any forestry or lumbering operations.

9. Best Value Selection and Negotiation. The Strategic Sourcing Services Team or SSST may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SSST 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.

10. Bidder Communication. 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 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.

11. 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.

12. 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.

13. 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 SSST, including requests for clarification. The SSST 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 SSST to be lost or rejected by any means including email or spam filtering.

14. 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 is able to 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 may track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application may be found on the OSD Forms page (www.mass.gov/lists/osd-forms). 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 already is 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 SSST 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 SSST will consider such requests on a case-by-case basis and communicate the findings to the bidder.

15. 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.

16. HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department

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

17. 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.

18. Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth's Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder provides 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 (EFT) 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 may be tracked and verified through the Comptroller's Vendor Web system. The PPD form may 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 SSST. The SSST 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 SSST 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.

19. 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.

20. 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 SSST reserves the right to reject unreasonable requests.

21. 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.

22. 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.

23. 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.