

RFR 13-100
Cultural Resources Recovery Firms
Massachusetts Emergency Assistance Program

Massachusetts Board of Library Commissioners
98 North Washington Street, Boston, MA 02114
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I. Description

A. Emergency Assistance Program - Background

The Massachusetts Board of Library Commissioners (MBLC) established its Emergency Assistance Program in the late 1990s to help public libraries in the event of an emergency or disaster. Through this program, a recovery contractor has been chosen through a bid process to provide freezing and drying services to public libraries in the Commonwealth once the firm has been contacted by the MBLC. The MBLC will then provide some financial assistance to that library for charges not covered by insurance. Currently, the recovery firm on contract is Polygon.

Since the mid-1990s, the MBLC has conducted a significant number of disaster preparedness workshops to encourage institutions to develop their own institutional disaster plans as well as continuity of operations plans, improve inventory control and records management, improve facility maintenance, storage areas, and environmental controls. All these steps serve to prevent or mitigate damage in the event of a disaster. When setting salvage priorities, which are an important part of disaster planning, cultural heritage institutions, state agencies, and municipal records-holding entities must also consider retention schedules, when applicable.

However, in the event that a non-public library, cultural heritage institution, state agency, or municipal records facility suffers an emergency or disaster or that the Commonwealth suffers a catastrophic and widespread disaster such as a severe hurricane, tornado, ice storm, or blizzard; it is important that cultural heritage institutions, state agencies, and municipal entities be able to choose a firm from among vendors qualified to recover books, records, and documents as well as audio/visual and electronic media according to accepted preservation standards and practices.

It is also important to note that each contracting entity will need to find money for these services from its own or insurance funds. Therefore, state agencies, municipal offices, and non-profit cultural heritage organizations are urged to consider a contract with the successful recover firms as just one of the pillars of emergency preparedness. Contract users must be prepared to discuss the work plan and treatment options with the vendor before agreeing to the proposed services. These discussions should also address the needs of sensitive, classified, and valuable records and collections that would require additional security considerations during recovery.

Time is of the essence in responding to a disaster. The faster that rescue and recovery of records and cultural heritage collections can begin, the more successful, and cheaper, the work will be. Having this contract in place will assist institutions in being able to contract with a qualified vendor in a timely manner and result in a more rapid response to recovering the records and/or cultural heritage collections.

B. This Procurement

This procurement is designed for use in the aftermath of an institutional or widespread disaster when the affected institution(s) cannot cope on its/their own. It addresses the availability of qualified disaster recovery firms to provide pack-out, freezing, drying, and recovery services to cultural heritage institutions and state or municipal records-holding entities on a statewide basis both in an individual emergency/disaster situation or in the event of a statewide or widespread catastrophic disaster.

The object of this procurement is to develop a list of qualified firms on state contract that can respond to the needs of cultural heritage institutions, state agencies, and municipal entities following an emergency or disaster. These firms will have the knowledge, experience, equipment, and capabilities to handle, pack-out, freeze, dry, remove mold, and decontaminate large quantities of wet or otherwise affected books, manuscripts, public records, photographs, videos, CDs, DVDs, audio/visual materials, and electronic media and return them to the owning institution in as usable form as possible. While this procurement is mainly focused on the materials listed above, the contracting entities may require assistance with textiles, ceramics, wood, and metal objects. It is not intended for the actual conservation of the materials, such as paper repairs or re-binding.

Moreover, the selected firms will have the knowledge, experience, equipment, and capability to dry, remove mold, and decontaminate carpets, walls, floors, stacks, etc. affected by water resulting from a flood, pipe-break, fire hoses, or other sources. It is not intended for services such as roof repair, plumbing, or electrical work. Such firms will respond 24 hours a day, 7 days a week, 365 days a year and within 24 hours of being contacted to institutions requesting assistance within the Commonwealth of Massachusetts.

C. Authority

The Massachusetts Board of Library Commissioners (the “Agency”) is the agency of state government responsible for the development and maintenance of library services for all residents of the Commonwealth. Among the programs administered by the Agency is the federal Library Services and Technology Act. Under state law (MGL, Chapter 78, Section 19) the Agency is specifically designated as the state library administrative agency authorized to administer these federal library funds for Massachusetts.

II. Acquisition Method

Any contract emanating from this RFR will be conducted on a Fee for service basis.

III. Multiple Contractors

The Agency will contract with multiple providers for all required services listed in this RFR.

IV. Multiple Departments May Contract Under This RFR

These services are being solicited for the use of the Board of Library Commissioners, and the opportunity to contract under this RFR, without further bidding, is extended to other Commonwealth Agencies, Departments, Municipalities, and Political subdivisions.

V. Anticipated Duration Of Contract

The term of this Contract is five (5) years, with no renewals.

VI. Total Anticipated Expenditures

The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this Solicitation. This procurement is being done for the first time and where this is an event driven procurement/contract there is no data that allows an approximate unit or dollar amount to be made available for potential bidders.

VII. Contract and Performance Specifications

A. Vendor Qualifications

- Have the capacity to respond to a disaster scene at any time (24 hours a day, 7 days a week, 365 days a year) and within 24 hours of being called.
- Have the facilities, knowledge, experience, qualifications, and expertise to provide professional advice as to the most practical and efficient options for the salvage packing, freezing, drying, and rehabilitation of library, archival, or museum materials, including, but not limited to, books, papers, documents, manuscripts, public records, photographs, videos, CDs, DVDs, audio/visual materials, and electronic media to Massachusetts cultural heritage institutions, state agencies, and municipal records–holding entities affected by an individual emergency/disaster or by a statewide or widespread (catastrophic) disaster.
- Be able to provide freezer trucks, packing supplies, and other equipment as needed and personnel to assist Massachusetts cultural heritage institutions, state agencies, and municipal records–holding entities that have been affected by an emergency or disaster that is beyond their capability of handling. Provide for freezer truck rental, if needed, including a driver for delivery and pick-up.
- Have written procedures and policies in place for the removal of cultural heritage materials and/or state or municipal records, in any format, from a disaster-stricken institution, state agency, or municipal entity to ensure that all the materials have been identified, inventoried, and kept in as much order as possible, given the degree of the disaster in the facility. Use appropriate procedures and systems to secure sensitive records and maintain records confidentiality, when necessary.
- Have the capacity to freeze large quantities of materials, books, or records, when appropriate, if the quantity of materials to be dried is too large for the current drying capacity of the firm due either to the current availability of space or the amount of material.
- Have the capacity, experience, qualifications, and expertise to handle and respond to the needs of multiple cultural heritage institutions and/or state agencies or municipal entities simultaneously or in a reasonable amount of time following a statewide or widespread (catastrophic) disaster.
- Have the facilities and expertise to dry varying amounts of materials of varying degrees of wetness and to remove mold and decontaminate the materials when necessary.
- Have the capability to conduct vacuum freeze-drying operations, when appropriate, if the affected materials warrant this type of action, based on the quantity and type of materials.
- Have written policies and procedures in place to determine when the materials have reached normal equilibrium. Ensure that all materials are completely dry, but not overdry, and not stuck together.
- Have the capability for cleaning the materials after they have been dried when appropriate.
- Be capable of returning the materials to the affected cultural heritage institution or state or municipal entity in original order, in appropriate boxes, etc., and in as usable form as possible, considering the degree of the disaster.
- Provide protection for the unaffected materials and holdings, either by the use of on-site dehumidification or removal of the materials from the affected site.

- Have the capabilities to dry and clean the affected institutional facilities, buildings, and equipment affected by water damage of any sort or from any source, including puffbacks, soot, or other fire damages, mold or other particles left on the materials, carpet cleaning and water extraction.

B. Required Services

- Respond to an emergency/disaster scene within 24 hours of being contacted by a cultural heritage institution, state agency, or municipal records-holding entity to pack out, and if necessary, freeze, if appropriate, and dry the affected materials (24 hours a day, 7 days a week, 365 days a year).
- Provide advice to librarians, archivists, collections curators, or state or municipal records custodians, once on site, as to the most practical and efficient options for salvage, recovery, and rehabilitation of their collections, whether this means packing, freezing, and vacuum freeze-drying; packing, freezing, and drying the materials and building in place; or other options.
- Have systematic procedures and policies in place for the removal of public records and cultural heritage collections from a disaster site to ensure that all the materials have been identified, inventoried, and kept in order, including having the necessary records management systems in place to maintain records confidentiality.
- Work with the affected facility and/or collections staff, state agency or municipal personnel, and the insurance company to provide the best recovery of the cultural heritage institution, state agency, or municipal facility and its collections or holdings.
- Provide options for the cultural heritage institution, state agency, or municipal entity to restore the affected space to include drying, carpet cleaning, water extraction, etc.
- Providing freezer trucks, packing supplies, and personnel for the operation as necessary and freezer trailer rentals, when necessary, including the driver for delivery and pickup.
- Provide appropriately sized boxes for pack-out purposes. Pack properly and remove the affected materials for freezing, when appropriate, and drying.
- When dealing with the affected materials, provide protection for the rest of the collections, either by use of on-site dehumidification or removal of the materials from the affected site.
- Freeze, when appropriate, and completely dry, but not overdry, the collections affected by a disaster and return these materials to the cultural heritage institution, state agency, or municipal entity in as usable a form as possible, considering the degree of the disaster.
- During the drying process constantly monitor the materials to ensure that they have reached normal equilibrium, are completely dried but not overdried, and not stuck together.
- When the affected materials would be damaged by vacuum freeze-drying, provide desiccant drying services to ensure the drying of these materials with the least possible damage.
- Work with the cultural heritage institution, state agency, or municipal entity to determine what is needed in the way of the cleaning needs of the collections once the drying has been completed. If

so decided, provide cleaning services, including labor, for fire, puffbacks, soot, mold, or other particles left on the materials.

VIII. Instructions for Submission of Responses:

A. Delivery of Responses

One Original and three complete copies of the Response must be submitted. For the required forms described in Section X, it is only necessary to submit the original and no copies. All Responses must be delivered to:

Massachusetts Board of Library Commissioners
Deborah Shalit
98 North Washington Street, Suite 401
Boston, MA 02114
Attn: RFR 13-100

Responses may be mailed or hand delivered, but must be at the Board offices by 2:00 p.m. on Tuesday, September 5, 2012.

B. Format of Responses

Proposal

The Proposal must include the following four sections:

a) Vendor Qualifications – 30%

A section describing in detail the bidder’s qualifications to perform the duties enumerated in this RFR. This response should be in the form of a narrative with other supporting evidence such as institutional descriptions/profiles.

b) Required Services – 30%

A section describing, in detail, how the bidder intends to meet each of the required services listed in the RFR. This response should be in the form of a narrative with other supporting evidence such as institutional descriptions/profiles.

c) Company Profile – 30%

The bidder should append a brief company history, a summary of clients and relevant projects, and any experience with libraries or library organizations. Include reference information for at least three current clients. If any Commonwealth Agency has been a customer, the contractor must provide it as a reference.

d) Key Personnel – 10%

The bidder shall identify one staff member as the person to coordinate projects under this RFR. The bidder shall also provide brief resumes of all key personnel who will work on this project for the agency.

IX. Miscellaneous

A. Written Inquiries

All bidders are invited to submit written inquiries (via fax, email or post), which will be accepted until 2:00 p.m. on Monday, August 6, 2012.

Contact Person:

Deborah Shalit
Massachusetts Board of Library Commissioners
98 North Washington Street, Suite 401
Boston, MA 02114
Phone: (617) 725-1860
Fax: (617) 725-0140
Email: Deborah.Shalit@state.ma.us

All inquiries and their responses are estimated to be posted on the Comm-Pass website no later than 2:00 p.m. on Monday, August 13, 2012.

B. Response Evaluation

All proposals will be evaluated by a four-person, cross-functional committee. Proposals will be evaluated on the four Proposal sections: Vendor Qualifications, Required Services, Company Profile, and Key Personnel. Finalists may be invited for a one hour interview. Information gleaned from the interview may be combined with the earlier evaluations to select a vendor.

C. Procurement Calendar

RFR Posted on Comm-Pass – Monday, July 23, 2012
Deadline for submission of inquiries – Monday, August 6, 2012, 2:00 p.m.
Posting of responses to inquiries – Monday, August 13, 2012
Deadline for submission of responses – Tuesday, September 5, 2012, 2:00 p.m.
Panel evaluation of responses – Week of September 10th – 14th, 2012
Evaluation results posted on Comm-Pass – Monday, September 17, 2012

X. Response Attachments

The following attachments are required by the Commonwealth. Required [forms](#) must be submitted with the bidder's proposal as indicated below.

Issue Date: November 1, 2005

Refresh Date: March 7, 2011

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

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this

RFR.

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

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor’s inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder’s participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP Plan is submitted, negotiated and approved, the agency will then monitor the contractor’s performance, and use actual expenditures with SDO certified contractors to fulfill their own SDP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

This RFR will contain some or all of the following components as part of the Supplier Diversity Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Ancillary use of certified M/WBE firms,
- Growth and Development activities to increase M/WBE capacity,

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the Supplier Diversity Office (SDO). All certified businesses that are included in the bidder’s SDP proposal are required to submit an up to date copy of their SDO certification letter. The purpose for this certification is to participate in the Commonwealth’s Supplier Diversity Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SDO certification, contact their office at 1-617-502-8851 or via the Internet at mass.gov/SDO.

Supplier Diversity Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder’s Supplier Diversity Program (SDP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

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

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

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT 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 Comm-PASS.

Comm-PASS. Comm-PASS is the official system of record for all procurement information which is publicly accessible at no charge at www.comm-pass.com. Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via Comm-PASS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support Bidder submission of written questions associated with a Solicitation and publication of official answers. All records on Comm-PASS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each Bidder's responsibility to check Comm-PASS for:

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab, and
- Any Bidders' Forum records related to this Solicitation (see Locating a Online Bidders' Forum for information on locating these records).

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

Comm-PASS SmartBid Subscription. Bidders may elect to obtain an optional SmartBid subscription which provides value-added features, including automated email notification associated with postings

and modifications to Comm-PASS records. When properly configured and managed, SmartBid provides a subscriber with:

- A secure desktop within Comm-PASS for efficient record management
- A customizable profile reflecting the subscriber's product/service areas of interest
- A customizable listing in the publicly accessible Business Directory, an online "yellow-pages" advertisement
- Full-cycle, automated email alert whenever any record of interest is posted or updated
- Access to Online Response Submission, when allowed by the Issuer, to support:
 - paperless bid drafting and submission to an encrypted lock-box prior to close date
 - electronic signature of OSD forms and terms; agreement to defer wet-ink signature until Contract award, if any
 - withdrawal of submitted bids prior to close date
 - online storage of submitted bids

Every public purchasing entity within the borders of Massachusetts may post records on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for all public entities in Massachusetts. SmartBid fees are only based on and expended for costs to operate, maintain and develop the Comm-PASS system.

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

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

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

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

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

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the

bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

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

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

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current 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 PMT, including requests for clarification. The PMT 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 PMT to be lost or rejected by any means including email or spam filtering.

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

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

The requirement to use EFT may be waived by the PMT 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 PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

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

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

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

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

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business

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

Minimum Bid Duration. Bidders responses/bids made in response to this RFR must remain in effect for at least 90 days from the date of bid submission.

Pricing: Federal Government Services Administration (GSA) or Veteran's Administration Supply. The Commonwealth reserves the right to request from the successful bidder(s) initial pricing schedules and periodic updates available under their GSA or other federal pricing contracts. In the absence of proprietary information being part of such contracts, compliance for submission of requested pricing information is expected within 30 days of any request. If the contractor receives a GSA or Veteran's Administration Supply contract at any time during this contract period, it must notify the Commonwealth contract manager.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

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

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT 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 PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

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

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

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

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

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