

**ISSUE DATE: August 30, 2021**

<b>Purchasing Department</b>	<b>Department of Fish and Game/ Division of Marine Fisheries</b>
<b>Address</b>	<b>251 Causeway Street, Suite 400</b>
<b>City, State Zip Code</b>	<b>Boston, MA 02114</b>
<b>Procurement Contact Person</b>	<b>Wendy Mainardi</b>
<b>Telephone Number</b>	<b>Please email to set up a call</b>
<b>Fax Number</b>	<b>Email for information</b>
<b>E-Mail Address</b>	<a href="mailto:Wendy.mainardi@mass.gov">Wendy.mainardi@mass.gov</a>
<b>RFR Name/Title</b>	<b>Seafood Marketing Grant Program</b>
<b>RFR Number</b>	<b>RFR DMF-22002</b>
<b>COMMBUYS Bid Number</b>	<b>BD-22-1046-DMF-FW003-66092</b>
<b>Procurement Category</b>	93-14-00 Community and social service; 50-12-00 Seafood

**1. Description or Purpose of Procurement:**

The Massachusetts Division of Marine Fisheries (DMF) is accepting applications for the 2021 Massachusetts Seafood Marketing Grant Program. The goal of this Grant Program, established by [DMF's Seafood Marketing Program](#) (which seeks to increase awareness and demand for Massachusetts seafood) in 2016, is to enhance the viability and stabilize the economic environment for local commercial fishing and seafood industries and communities.

This year, the Seafood Marketing Grant Program is partially funded by Woods Hole Sea Grant (WHS), enabling a total of \$150,000 to be awarded to projects supporting the seafood industry which has been so negatively affected by COVID-19. Proposals should support the commercial seafood and fishing/aquaculture industries and communities through education, promotion, and marketing, among other strategies.

The 2021 Massachusetts Seafood Marketing Grant Program anticipates funding 5-10 projects. Typical award sizes are expected to be in the range of \$10,000-\$25,000, however the program will allow for awards from \$5,000 up to \$50,000 per project (exceptions can be made). This program is open to industry, advocates, organizations, communities, and individuals. The project can be specific to species or region and can be a piece of a larger undertaking. Priority will be given to those proposals that are for the greatest good of the Commonwealth's seafood industry as a whole, and that will address the continued impacts associated with the COVID-19 pandemic on the seafood industry in Massachusetts. Project outcomes, materials created, and reporting from the project should provide information and insight to those in the region doing work with similar goals.

This year's Seafood Marketing Grant Program application process will be two-step:

1. Applicants will submit a one-page description of their proposed project and a one-page estimated budget. The project proposal should include: a rationale, goals, target demographic/beneficiaries, implications for the MA seafood market, and shareability of the project outcomes (see Evaluation

**REQUEST FOR RESPONSE**  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

Criteria for more details). The budget can include broad expense categories. The written submissions will be ranked by a team of reviewers from MA DMF and WHSG;

2. The top ranked project ideas will be selected and invited to present a five-minute virtual project pitch before a panel of judges, followed by a 5-minute Q&A session. Specifics on the pitch event will be given to those teams that are selected. The judges, representing a range of seafood-related industries, will make the determination of which projects are funded.

Our intent is to attract a broad sector of grant applicants by conducting a pitch event rather than the standard written proposal because this format may be more attractive to groups unfamiliar with the more traditional grant application process.

For more details, please read the following Scope of Services, Evaluation Criteria, and Appendix A. Contact Wendy Mainardi, Seafood Marketing Coordinator, at [wendy.mainardi@mass.gov](mailto:wendy.mainardi@mass.gov) with questions.

This opportunity is intended to reach all components of the seafood industry, including but not limited to the fishing community, commercial shellfish harvesters, aquaculturists, retailers, wholesalers, processors, restaurants, tourism, and related non-profit organizations. We value inclusivity and encourage applications from minoritized communities/businesses/individuals. We will not discriminate against applicants based on race, color, sex, age, national origin, religion, sexual orientation, gender identity and/or expression, status as a veteran, and basis of disability or any other federal, state or local protected class.

**2. Applicable Procurement Law**

Check Appropriate Box ("X"):	Type of Purchase	Applicable Laws
	<b>Executive Branch Goods and Services</b>	
<input type="checkbox"/>	Goods and Services	MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00
<input type="checkbox"/>	Human and Social Services	MGL c. 7, § 22, § 22N; c. 30, § 51, § 52; 801 CMR 21.00; 808 CMR 1.00
<input type="checkbox"/>	Legal Services	MGL c. 30, § 51, § 52 and § 65; c. 7, § 22; and 801 CMR 21.01(2) (b)
<input checked="" type="checkbox"/>	Grants	MGL c. 7A, § 7; St. 1986 c. 206, § 17; 815 CMR 2.00

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

**3. Acquisition Method:**

Check All Applicable (“X”):	Category
<input checked="" type="checkbox"/>	Fee-For-Service
<input type="checkbox"/>	Outright Purchase
<input type="checkbox"/>	Rental (not to exceed 6 months)
<input type="checkbox"/>	Term Lease
<input type="checkbox"/>	Tax Exempt Lease-Purchase (TELP)
<input type="checkbox"/>	License
<input type="checkbox"/>	Other:

**4. Whether Single or Multiple Contractors are Required for Contract:**

Check One (“X”):	
<input type="checkbox"/>	Single Contractor
<input checked="" type="checkbox"/>	Multiple Contractors

**a. Estimated Number of Awards**

The target maximum number of Contractors is 20; the Purchasing Department may award more or fewer contracts, if it is in the best interests of the Commonwealth to do so.

**b. Adding Contractors after initial Contract Award**

If, over the life of the contract, the Purchasing Department determines that additional Contractors may be added, these may be drawn from qualified companies which responded to this Solicitation but were not awarded Contracts. If necessary to meet the requirements of the Commonwealth, the Solicitation may be reopened to obtain additional Bids.

**5. Entities Eligible to Use the Resulting Contract**

Check One (“X”):	Eligible Entities
<input type="checkbox"/>	<p><b>Limited User Contract – Restricted to Use by Defined Entities Only.</b> Any Contract(s) resulting from this Bid will be open for use by the issuing Purchasing Department and the following other entities:</p> <p>The Purchasing Department reserves the right to add or remove additional authorized users during the contract term.</p>
<input checked="" type="checkbox"/>	<p><b>Limited User Contract – Restricted to Use by Issuing Entity Only.</b></p>

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

**6. Expected Duration of Contract (Initial Duration and any Options to Renew):**

<b>Contract Duration</b>	<b>Number of Options</b>	<b>Number of Years/Months</b>	
<b>Initial Duration</b>			The term of the contract is from the effective start date through June 30, 2023.
<b>Renewal Options</b>		<u>N/A</u>	
<b>Total Maximum Contract Duration</b>		<u>N/A</u>	

**7. Anticipated Expenditures, Funding or Compensation:**

Estimated Value of Procurement: \$150,000 in total, \$50,000 maximum per project. Possible exceptions made, also partial project funding is possible.

**8. Contract Performance and Business Specifications:**

**Scope of Services:**

Projects shall support the commercial seafood and fishing industries and communities including (but not limited to) increasing awareness and preference for seafood from Massachusetts, economic development, resilience on the working waterfront, and strategies that can help strengthen Massachusetts businesses as a result of the COVID-19 pandemic. The scope of such projects can include:

- a. education about seafood and commercial fishing industries, history, fishing practices, Massachusetts seafood availability, health benefits, environmental sustainability, etc. or;
- b. consumer engagement, outreach, and events or;
- c. enhancing value-added or consumer-driven product attributes or;
- d. development of harvest, handling, or processing technology or;
- e. market access, supply chain efficiencies, or traceability or;
- f. community, demographic, or infrastructure insights or;
- g. showcasing of environmental sustainability in MA seafood products or;
- h. strategies to increase the resilience of the seafood resources sector to respond to future disruptions or;
- i. demonstrating new ways to reach consumers displaced from traditional channels by the pandemic or;
- j. development and distribution of educational materials;
- k. strengthening the seafood supply chain: production and distribution or;
- l. increasing markets/market share/market access or;
- m. community networking and organization or;
- n. research on any of the above topics

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

Priority will be given to projects that serve the greatest good of the Commonwealth's seafood industry as a whole and be within the scope of the goals of DMF's Seafood Marketing Program. Scope of Services is not limited to this list.

*Consistent with the Commonwealth's Standard Terms and Conditions, a work created "for hire" by a contractor of the Department of Fish and Game(DFG)/Division of Marine Fisheries (i.e. any tangible product to be delivered as an element of performance under a DFG contract that is purchased or developed with state funds) is owned by the Commonwealth. Consequently, no such work "for hire" shall be copyrighted by the DFG contractor or the specific person employed by the DFG contractor who created the work.*

**Fiscal Terms:** Terms will be developed with selected contractor(s) during contract negotiation.

**Performance Measures:** Performance measures will be described in the project narrative. Proposed projects must include metrics for measuring impact and success. It must be evident that the applicant's project team has the experience or expertise required to complete the development of the proposed product or project within the allotted time frame after receiving funding. The project outcomes will provide information, insight, and advance the Commonwealth's seafood sector.

**9. Small Business Purchasing Program**

This is a small procurement targeted to businesses participating in the Commonwealth's Small Business Purchasing Program ("SBPP"). The Department intends to evaluate bid responses from and to award a contract to a SBPP-participating business(es) who submit a bid that meets or exceeds the solicitation criteria only. Subcontracting in these types of procurements is limited to no more than 20% of the value of the contract, unless it is with another SBPP registered participant. If determined that there is inadequate SBPP capacity, or no SBPP-participating vendors provide a responsive bid, the Department will evaluate and award bid responses received from non-SBPP businesses. To determine eligibility and to participate in the SBPP, please review the requirements and general program information at [www.mass.gov/sbpp](http://www.mass.gov/sbpp).

**10. Supplier Diversity Plan (SDP) Plan**

Not mandatory, more information in Appendix B.

**11. Environmentally Preferable Products**

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,

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products.

**12. Evaluation Criteria**

Contractors must submit responses that meet all the submission requirements of the RFR. Only responsive proposals that meet the submission requirements will be evaluated, scored and ranked by the evaluation team according to the evaluation criteria. Additional information may be requested for evaluation purposes.

As described in the first section of this RFR, the proposal review process will happen twice: the written proposal will be evaluated by a team from the Massachusetts Division of Marine Fisheries and Woods Hole SeaGrant then chosen projects will be invited to present their ideas at a virtual pitch event and a panel of judges made up of industry and other sectors will do the final evaluation of the projects. Both rounds of evaluation will use the criteria below. The pitch presentation is a chance to demonstrate enthusiasm and discuss the project in more detail.

Relevancy (60%)

- a. background, context, and rationale for the proposed project
- b. goal(s) of the project, beneficiaries, and statewide/regional/species/market implication
- c. transferability: shareable outcomes (report, materials, research, etc.) that can be used by others in the seafood, commercial fishing, and related industries.

Execution (40%)

- d. estimated budget, estimated timeline, and feasibility of completion within timeframe
- e. partnerships, experience, or related ongoing work of applicant
- f. performance measures/achievement: reasonable and quantifiable metrics presented

**13. Instructions for Submission of Responses:**

Response deadline is October 15<sup>th</sup>, 2021 at 11:59 p.m. Responses can be emailed as a PDF attachment to [wendy.mainardi@mass.gov](mailto:wendy.mainardi@mass.gov) **OR** via the “Create Quote” functionality contained in COMMBUYS. For emailed responses, please get confirmation of receipt before deadline. For instructions concerning how to submit a quote via COMMBUYS, please see Appendix B.

SPECIAL NOTE: Applicants whose written proposals are selected and invited to pitch are required to set up a COMMBUYS account prior to pitch event. Applicants do not need to set up an account in COMMBUYS to submit the written proposals.

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

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

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.

**14. Estimated Procurement Calendar**

<b>Procurement Activity</b>	<b>Date</b>	<b>Time</b>
Bid Release Date	<b>August 26, 2021</b>	
Deadline for Quotes/Bid Responses	<b>October 15, 2021</b>	<b>11:59 p.m.</b>
Notification of Apparent Successful Bidder(s) (Estimated)	<b>November 15, 2021</b>	
Pitch Event	<b>December 2021 (TBD)</b>	
Funding Notification	<b>Early 2022 (TBD)</b>	
Estimated Contract Start Date	<b>Upon notification and acceptance of required paperwork</b>	
Contract End Date	<b>June 30, 2023</b>	<b>11:59 p.m.</b>

Bidders are required to monitor COMMBUYS for changes to the procurement calendar for this Bid.

It is the responsibility of the prospective Bidder and awarded Contractor to maintain an active registration in COMMBUYS and to keep current the email address of the Bidder’s contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the Purchasing Department, including requests for clarification. The Purchasing Department and the Commonwealth assume no responsibility if a prospective Bidder’s/awarded Contractor’s designated email address is not current, or if technical problems, including those with the prospective Bidder’s/awarded Contractor’s computer, network or internet service provider (ISP) cause email communications sent to/from the prospective Bidder/Awarded contractor and the Purchasing Department to be lost or rejected by any means including email or spam filtering.

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

**15. Required Forms**

If proposal is granted, the following additional forms will be required (if not already on file):

Check if applicable (“X”)	Form/Document	Notes/Instructions (If any)
<input checked="" type="checkbox"/>	Request for Taxpayer Identification Number & Certification (Massachusetts Substitute W-9 Form)	Wet Ink Signature Required
<input checked="" type="checkbox"/>	Standard Contract Form and Instructions	Wet Ink Signature Required
<input type="checkbox"/>	Contractor Authorized Signatory Listing	Wet Ink Signature Required
<input checked="" type="checkbox"/>	Authorization for Electronic Funds Transfer	Electronic Submission
<input type="checkbox"/>	Additional Environmentally Preferable Products/Practices	Electronic Submission
<input type="checkbox"/>	Supplier Diversity Plan Form 1 (SDP Plan Commitment)	Electronic Submission
<input checked="" type="checkbox"/>	Prompt Payment Discount Form	Electronic Submission
<input type="checkbox"/>	Business Reference Form	Electronic Submission

The above forms are available for download at:

<https://www.mass.gov/lists/osd-forms>

**16. Instructions and Attachments**

**Appendix A:** Application Instructions

**Appendix B:** Electronic Quote Submission Instructions

**Appendix C:** RFR – Additional Specifications [Informational]



REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR #\_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

**Appendix A: Application Instructions**

By October 15, 2021 at 11:59 p.m. email a PDF of your application as an attachment to [wendy.mainardi@mass.gov](mailto:wendy.mainardi@mass.gov) OR attach a document to your application in COMMBUYS containing the following:

- A. Cover sheet including title of project, and COMPLETE contact information of applicant. If applying as a partnership, please indicate principal applicant contact person.
- B. Project narrative (no more than ONE page). Please see evaluation criteria for guidance.
- C. Project budget (no more than ONE page). Project budget can be educated estimates, however refinement is expected for pitch event.

**Appendix B: Electronic Quote Submission Instructions**

**Instructions for Vendors Responding to Bids**

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

**Introduction**

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

**Steps for Bidders to Submit a Quote**

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

The top left half of the page contains the following information:

- a. Purchaser
- b. Department
- c. Contact for this bid
- d. Type of purchase
  - i. Open Market
  - ii. Blanket
- e. Pre-Bid Conference details (if applicable)
- f. Ship-to and Bill-to addresses
- g. Any attachments to the bid, which may include essential bid terms, response forms, etc.

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

- h. Bid Date
- i. Required Date

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR #\_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

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

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

Update these fields as applicable to the bid and click **Save & Continue** to save any changes and create a Quote Number.

12. The page refreshes and messages display. Any message in **Red** is an error and must be resolved before the quote can be submitted. Any message in **Yellow** is only a warning and will allow processing to continue.
13. Click the **Items** tab. The Items tab displays information about the items requested in the bid. To view additional details about an item, click the item number (blue hyperlink) to open.
14. The item opens. Input all of your quote information and click **Save & Exit**.
15. Click on the **Attachments** Tab. Follow the prompts to upload and name all required attachments and forms and bid response documents in accordance with the instructions contained in the solicitation or bid documents. After uploading each individual file or form, click **Save & Continue**. After you have uploaded all required documents click **Save & Exit**. Be sure to review your attachments to make sure each required document has been submitted.
16. Click on the **Terms & Conditions** Tab. This tab refers to the terms and conditions that apply to this bid. The terms and conditions must be accepted before your quote can be submitted. If your acceptance is subject to any exceptions, those exceptions must be identified here. Exceptions cannot contradict the requirements of the RFR, or required Commonwealth standard forms and attachments for the bid. For instance, an RFR may specify that exceptions may or will result in disqualification of your bid.

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR #\_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

17. Click the Summary tab. Review the information and update/correct, as needed. If the information is correct, click the **Submit Quote** button at the bottom of the page.
18. A popup window displays asking for verification that you wish to submit your quote. Click **OK** to submit the quote.
19. The Summary tab redisplay with an updated Status for the quote of **Submitted**.
20. Your quote submission is confirmed only when you receive a confirmation email from COMMBUYS. If you have submitted a quote and have not received an email confirmation, please contact the COMMBUYS Help Desk at [COMMBUYS@state.ma.us](mailto:COMMBUYS@state.ma.us).

If you wish to revise or delete a quote after submission, you may do so in COMMBUYS: (1) for a formal bid, prior to the bid opening date, or (2) for an informal bid (which may be viewed upon receipt), prior to the opening of your quote by the issuing entity or the bid opening date, whichever is earlier.

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

REQUEST FOR RESPONSE  
Seafood Marketing Grant Program  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

**Appendix C: RFR Additional Specifications**

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. 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.

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*.

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

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

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

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

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

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

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

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

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

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

Supplier Diversity Program (SDP). Massachusetts Executive Order 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. Similarly, Executive Order 546 established the Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) Program to encourage the participation of businesses owned and controlled by service-disabled veterans in all areas of state procurement and contracting, thereby including them in the SDP. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs and/or SDVOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs and/or SDVOBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP commitment, expressed as a percentage of contract revenues, is approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified M/WBE contractors and the Center for Veterans Enterprise certified SDVOBEs to fulfill their own SDP expenditure benchmarks. M/WBE and SDVOBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

**REQUEST FOR RESPONSE**  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

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

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

**Supplier Diversity Program (SDP) Resources:**

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found at: [www.mass.gov/sdp](http://www.mass.gov/sdp)
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division’s SDO webpage at: [www.mass.gov/sdo](http://www.mass.gov/sdo)
- The Operational Services Division’s Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found at: <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/osd-events-and-training/osd-training-and-outreach.html> In addition, the SDP Webinar can be located on the SDP website at [www.mass.gov/SDP](http://www.mass.gov/SDP).

Supplier Diversity Program Subcontracting Policies. In addition to the Subcontracting Policies (See Subcontracting Policies section below and see Section 9, Subcontracting By Contractor, in the Commonwealth Terms and Conditions) that apply to all subcontracted services, agencies may define specific required deliverables for a contractor’s SDP Plan, including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Business Enterprises (SDVOBE) for the purpose of monitoring and enforcing commitments made in a contractor’s Supplier Diversity Program (SDP) Plan.

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

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

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

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

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

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

Debriefing. ☞ *Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department that issued the RFR. 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



REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

- 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 Operational Services Division, Legal, Policy and Compliance Office, 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 Operational Services Division 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 Operational Services Division 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 on COMMBUYS the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the SST, including requests for clarification. The SST and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the SST to be lost or rejected by any means including email or spam filtering.

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

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

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

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

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

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non 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

REQUEST FOR RESPONSE  
**Seafood Marketing Grant Program**  
RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

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

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

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

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

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.

**REQUEST FOR RESPONSE**  
**Seafood Marketing Grant Program**  
RFR #\_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

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 SST reserves the right to reject unreasonable requests.

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

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