

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS STATE LOTTERY COMMISSION

60 COLUMBIAN STREET
BRAINTREE, MA 02184



Request for Response (RFR)

Document Title:

Criminal Background Screening Servicers LOT Number 1406

COMMBUYS Bid Number: BD-14-1062-LOT-00001-00000000421

Lottery Document Number: *RFR LOT Number 1406*

May 12 2014

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



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1 RFR INTRODUCTION AND GENERAL DESCRIPTION

1.1 Procurement Scope and Description

The Commonwealth of Massachusetts State Lottery Commission (MSLC) is soliciting Bidders for the acquisition of criminal background screening records check services in accordance with MSLC statutory and regulatory mandates (M.G.L. c. 10, §§ 22-35; 961 CMR 2.00, et seq.).

1.2 Background Information

The MSLC performs criminal background screening records check on persons/applicants (to include any natural person, joint venture, partnership, corporation or other business or legal entity) who have applied to be licensed as a Lottery Retail Sales Agent in order to sell Lottery products. Said criminal record screening must be conducted in all states in which the applicant has resided, been employed, or attended school. The MSLC, in its discretion, may identify other grounds to establish a nexus between the applicant and a locale. The Massachusetts State Lottery Commission (MSLC) is seeking responses for criminal background screening services in accordance with MSLC statutory and regulatory mandates (M.G.L. c. 10, §§ 22-35; 961 CMR 2.00, et seq.).

The MSLC anticipates that the Successful Bidder will conduct criminal background screening records check on all new Lottery Retail Sales Agent applicants, and/or upon a change of corporate officers or substantial authority at an existing Lottery Retail Sales Agent location. The MSLC reserves the right to also request criminal background screening records check on existing Lottery Retail Sales Agents during the routine update of their Lottery account.

1.3 Applicable Procurement Law

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

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

1.4 Number of Awards

The target maximum number of Contractors is one (1). This is a target number; the Strategic Sourcing Team/Procurement Management Team (SST/PMT) may award more or fewer, contracts if it is in the best interests of the Commonwealth to do so.

1.5 Adding Contractors after Initial Contract Award

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

1.6 Eligible Entities

Any contract resulting from this Bid will be open for use to the Issuing Entity Only. It is the intent of this contract that the MSLC is the only user.

1.7 Acquisition Method

The acquisition method to acquire good and/or services from this Bid is a Fee for Service.

1.8 Performance and Payment Time Frames Which Continue Beyond Duration of the Contract

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

also terminates said leases, rentals, maintenance or other agreements for service, which were executed pursuant to the main contract.

1.9 Contract Duration

The expected duration of this contract is as follows:

Contract Duration	Number of Options	Number of Years/Months
Initial Duration		Three (3) years (36 months) commencing on the resulting contract start date.
Renewal Options	Two (2)	Two (2) options to renew for one (1) year (12 months) each - The MSLC shall have the option to extend the term of any Contract(s) resulting from this RFR for up to two (2) one (1) year (12 months) periods. The MSLC shall exercise its option by submitting written notice to the Vendor at least thirty (30) days prior to the termination.
Total Maximum Contract Duration		Five (5) years (60 months) – Initial Number of years: three (3) years (36 months) with two (2) options to renew for one (1) year (12 months) each.

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

1.10 Estimated Value of the Contract

The estimated value of purchase(s) resulting from this Bid is to be determined (TBD).

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

If, due to unforeseen circumstances, the scope of services is substantially changed or modified, the MSLC maintains the right to amend the contract to increase or decrease the maximum obligation in order to obtain the best value. The Vendor will be bound by the terms of the contract and the MSLC will not be responsible for price increases due to market fluctuations or product availability.

2 SST/PMT ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
Bid Release Date	May 12, 2014
Deadline for Submission of Questions through COMMBUYS "Bid Q&A"	May 19, 2014 at 1:00 p.m.
Official Answers for Bid Q&A published (Estimated)	May 23, 2014 (Estimated)
Bid Amendment Deadline Bid documents will not be amended after this date.	June 9, 2014
Deadline for Quotes/Bid Responses ("Bid Opening Date/Time" in COMMBUYS)	June 10, 2014 at 1:00 p.m.
Oral/Demonstration Presentations for Selected Bidder(s) - (Estimated)	Bidders will be notified individually and be given at least One (1) week notice if Presentations are required.
Notification of Apparent Successful Bidder(s) - (Estimated)	July 2014 (Estimated)
Estimated Contract Start Date	July 2014 (Estimated)

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

2.1 Written Questions via the Bid Q&A on COMMBUYS

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

Please note that any questions submitted to the SST using any other medium (including those that are sent by mail, fax, email or voicemail, etc.) will not be answered. To reduce the number of redundant or duplicate questions, Bidders are asked to review all questions previously submitted to determine whether the Bidder's question has already been posted.

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

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

It is the responsibility of the prospective Bidder and awarded Contractor to maintain an active registration in COMMBUYS and to keep current the email address of the Bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the MSLC, 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 MSLC to be lost or rejected by any means including email or spam filtering.

2.2 Locating Bid Q&A

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

2.3 Amendment Deadline

The SST/PMT reserves the right to make amendments to the Bid after initial publication. It is each Bidder's responsibility to check COMMBUYS for any amendments, addenda or modifications to this Bid, and any Bid Q&A records related to this Bid. The SST/PMT and the Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Quote based on an out-of-date Bid or on information received from a source other than COMMBUYS.

2.4 Oral Presentations/Product Demonstrations

Selected Bidders who are asked to participate in Oral Presentations/Product Demonstrations will be expected to prioritize this in their schedules. The SST/PMT will make every effort to find a mutually convenient time for the Bidder and the SST/PMT. However, failure to appear at the scheduled time of the presentation/demonstration may result in disqualification, reduction of points or other action that the SST/PMT deems appropriate.

3 SST/PMT SPECIFICATIONS

Additional required terms appear in the Appendices to this RFR.

3.1 Bidder Qualifications

3.1.1 Company Certifications and Affiliations

Company affiliations
Statutory, certification and license requirements

3.1.2 Company Experience

Business background
Years in business
Years in the industry of the Bid
Organizational chart

3.1.3 Financial Stability Including Bankruptcy, Litigation and Contract Defaults (see Appendix 1 for questions)

Most current audited annual financial statements
Gross annual revenue for most recently completed fiscal year
Last bankruptcy and current/pending litigation
Defaults on contracts
Current days to pay <supplier invoices>
Date of last order

3.1.4 References and Reference Information and/or Requirements (see Appendix 1 for questions)

Largest customers in MA if applicable;

Largest state government customers if applicable;

Bidders must complete the Business Reference Form (Attachment F) complete as directed:

Bidders must provide all requested information on this form for three (3) business references.

In completing this form, note that the "Bidder" is the name of the company submitting a Quote in response to this RFR and the "RFR Name/Title" and the "Agency Document Number" can be found on the cover of the RFR document and in the Short Description field in the Header Information of the Bid record in COMMBUYS. Also, please note that: "Reference Name" is the name of the organization (if not applicable, then name of the individual) that is providing the reference; "Contact" is the name of the individual inside the organization that will provide the reference; and the "Address," "Phone Number" and "Fax/Internet Address" are those of the "Contact" so that the SST/PMT may be able to reach them.

3.1.5 Employee Requirements (see Appendix 1 for questions)

Employee technical/business experience, certifications, licenses

Resumes

Background/CORI check requirements

3.1.6 Warranties and Guarantees (see Appendix 1 for questions)

3.1.7 Availability Guarantees of service (see Appendix 1 for questions)

3.1.8 Upgrades & Upgradeability (see Appendix 1 for questions)

3.1.9 Operating Manuals (see Appendix 1 for questions)

3.2 Technical Support (for questions see Appendix 1)

Describe contact, staffing, times available (e.g. 9 a.m. – 5 p.m. EST), response time (e.g. within x hours), and escalation procedures (see Appendix 1 for specifics).

3.2.1 Capacity Plan, Resources and Infrastructure for this Contract

Capacity plan for meeting the contractual requirements for delivery of services (see Appendix 1 for specifics).

3.2.2 Emergency Response Plans/Preparedness

A list of emergency contact information including name, position/title, phone, email and cell phone (see Appendix 1 for specifics).

3.2.3 Training & Training Materials (refer to Appendix 1 for questions)

Use of Contractor training facilities

Use of eligible entity facilities

Content, media, delivery and time frames

Ownership and copyright provisions of training materials designed under this contract

Ownership and rights of copyrighted training materials

Environmental issues to be included in general product/service training (e.g. Energy Star, climate change considerations, recycling of old product, etc.)

3.2.4 Statement of Work (SOW) Requirements (refer to Appendix 1 for questions)

Responsibilities of the user

Responsibilities of the Contractor

Work schedules and performance dates

Scheduled payments
Change management procedures
Ownership of intellectual property developed under the contract

3.3 Executive Order 515, Establishing an Environmental Purchasing Policy

Products and services purchased by state agencies must be in compliance with Executive Order 515, issued October 27, 2009. Under this Executive Order, Executive Departments are required to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) whenever such products and services perform to satisfactory standards and represent best value, consistent with 801 CMR 21.00. In line with this directive, all contracts, whether departmental or statewide, must comply with the specifications and guidelines established by OSD and the EPP Program. EPPs are considered to be products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Questions concerning the EO or the appropriate specifications may be directed to OSD's EPP Procurement Program; the order can be seen at:

www.mass.gov/epp http://www.mass.gov/Agov3/docs/Executive%20Orders/executive_order_515.pdf.

3.4 Compensation Structure/Pricing

The Bidder must offer a fixed cost one (1) charge per person/applicant searched which will cover any and all criminal background records checks (A fixed cost per person/applicant search). Cost Tables – Attachment C completed and the Quote must be submitted in COMMBUYS as directed (see Section Seven (7) for additional information).

3.4.1 Cost Tables – (Attachment C)

Compensation will be based solely on the cost tables or catalogs supplied by the Bidder, accepted by the SST/PMT. Cost tables (Attachment C) must contain all goods and services to be provided on this contract. Compensation will be based on these cost tables, which will form the basis for Vendor's catalog in COMMBUYS (refer to Appendix 1 for specifics and Cost Table Attachment C).

3.4.2 Evaluation Criteria (Components)

The evaluation criterion is designed to select Bid Proposals that offer the best value to the Lottery. Only responsive proposals that meet all required specifications and procedures, as outlined in the RFR, will be evaluated, scored and qualified by the SST/PMT. The following components will be some of the criteria considered by the SST/PMT when evaluating each Quote Response:

- Cost (Attachment C – including only years one (1), two (2), and three (3) for scoring purposes)
- Desirables
- Highly Desirables
- Invest in Massachusetts Data Form (see Attachment J)
- Supplier Diversity Program (SDP) [see Attachment G]

Bidder scores will be used to rank Bidders and will determine which Bidders will proceed to subsequent stages of the evaluation and/or enter into negotiations with the MSLC to receive a contract award.

4 OTHER TERMS

4.1 Reporting

Contractors are responsible for compliance with all other contract reporting requirements including, but not limited to, Supplier Diversity Program (SDP) and other contract reports, as required by this contract. Please refer to Appendix 1 for additional information.

4.2 Security and Confidentiality

Successful Bidders must comply with any and all state and federal statutory and regulatory requirements in connection with the transmittal of personally identifying information (PII). The Bidder must also establish minimum security requirements to improve, streamline, and secure the criminal background screening process. The Contractor shall comply fully with all security procedures of the Commonwealth and Commonwealth Agencies in performance of the contract. The Contractor shall not divulge to third parties any confidential information obtained by the Contractor or its agents, distributors, resellers, subcontractors, officers or employees in the course of performing contract work, including, but not limited to, security procedures, business operations information, personally identifiable information, or commercial proprietary information in the possession of the Commonwealth Agency (see Appendix 1 for questions).

4.3 Contract Management (Contractor's Interface with Commonwealth's Contract Manager)

The "Purchaser" contact listed in the Master Blanket Purchase Order on COMMBUYS for this contract may be the Commonwealth Contract Manager or a Contract Manager will be assigned as appropriate. Please refer to Attachment B (Commonwealth Standard Contract Form) for specifics.

All contract questions must be directed to the Commonwealth Contract Manager.

- Timely response to requests

- Meetings

- Commonwealth Contract Manager

- Other Contractors

- Contractor providing electronic documents for up-to-date transparent pricing of:

- Catalogs

- Contract Cost Tables

- Web sites specifically designed for this contract

- Change notification:

- Changes to the Contractor's contact information, company name, legal address, payment address, tax identification number, authorized signatories, SDO-certification status, or EFT information must be promptly reported via email to the Commonwealth Contract Manager.

- In some cases additional paperwork will be required to effect the change

- Contractor Account Team

- Single Point of Contact (Contractor Contract Manager)

- Replacement of Contractor staff

- Adding commodities and/or services to the Contract

- Cost requirements (see Attachment C (Cost Table) for specifics)

- Report requirements & due dates see Appendix 1 for specifics

- Supplier Diversity Program (SDP) Spending Report (Attachment G)

- Identification and approval of subcontractors & joint ventures (see [Subcontracting Policies](#) and the Commonwealth Terms and Conditions)

4.4 Alternatives

Contractors may propose alternatives for equivalent, better or more cost effective performance than specified under the Contractor's original Quote at any time during the life of the contract.

4.5 Failure to Perform

Contractual obligations as outlined in the Standard Contract Form, Terms and Conditions, and RFR may result in the following (see Attachments A & B for specifics):

- Termination
- Suspension
- Adding additional contractors
- Cover/Replacement Costs
- Liquidated Damages

5 AUDIT

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

6 EVALUATION CRITERIA

Bidder scores will be used to rank Bidders and will determine which Bidders will proceed to subsequent stages of the evaluation and/or enter into negotiations with the MSLC to receive a contract award.

6.1 Mandatory Requirements

Mandatory Specifications must be met in order for a Bid to be evaluated and may be used to disqualify Bidders. In addition, certain mandatory specifications have desirable components to them that may be evaluated by the SST/PMT. The SST/PMT reserves the right, in its discretion, to determine if non-compliance with a Mandatory Specification is insignificant or can be easily corrected.

Bid sections that include terms such as: "must", "shall", "will" and "required" are "mandatory." Failure to meet the requirements of a mandatory specification without providing an alternate that is acceptable to the evaluators may result in the disqualification of a Bidder's proposal.

6.2 Highly Desirable and Desirable Specifications

Highly Desirable and Desirable specifications will be scored according to the Evaluation Criteria as established by the SST/PMT.

RFR specifications prefaced with language such as: "highly desirable", "desirable", "could," "can," "should," "preferably," "prefers," "suggested," and "requested" identify a discretionary item or factor which will receive points in the evaluation criteria.

6.3 Alternatives

A Quote which fails to meet any material term or condition of the Bid, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, Bidders may submit Quotes proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated Bid specifications. These alternatives may include related commodities or services that may be available to enhance performance during

the period of the contact. The Quote should describe how any alternative achieves substantially equivalent or better performance to that of the Bid specifications.

The SST/PMT will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this Bid is to provide the best value of commodities and/or services to achieve the goals of the procurement.

6.4 Evaluation Components

The following components will be some of the criteria considered by the SST/PMT when evaluating each Quote (see Appendix 1 for particulars regarding these topics).

6.4.1 Price/Cost

Please note that price will carry a significant weight in the evaluation process.

6.4.2 Supplier Diversity Plan (formerly Affirmative Market Plan) (minimum of 10% weight)

Bidders responding to this RFR are required to submit a Supplier Diversity Plan. Requirements for the Supplier Diversity Plan are included in Attachment G.

6.4.3 Invest in Massachusetts (minimum of 5% weight)

Bidders must execute and submit an Invest in Massachusetts Data Form (the "IMD Form") [see Attachment J]. Bidders, regardless of their certification status, are required to complete Parts I and II of the IMD Form in order to be deemed responsive and eligible for consideration.

6.4.4 Company certifications and affiliations (see Appendix 1 for specifics)

6.4.5 Company experience (see Appendix 1 for specifics)

6.4.6 Financial stability including DUNS Reports, bankruptcy, litigation and contract defaults (see Appendix 1 for specifics)

6.4.7 References and reference information and/or requirements (see Appendix 1 for specifics)

6.4.8 Employee requirements (see Appendix 1 for specifics)

6.4.9 Capacity plan, resources and infrastructure for this contact

6.4.10 Customer forecasting

6.4.11 Environmental specifications

6.4.12 Online/web capability (see Appendix 1 for specifics)

6.4.13 Other Highly Desirable and Desirable or optional specifications (see Appendix 1 for specifics)

7 INSTRUCTIONS FOR VENDORS RESPONDING TO BIDS (WWW.COMMBUYS.COM)

INTRODUCTION

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

Steps for Bidders to Submit a Quote

1. Launch the COMMBUYS website by entering the URL (www.COMMBUYS.com) into the browser.

2. Enter Bidder login credentials and click the **Login** button on the COMMBUYS homepage. Bidders must be registered in COMMBUYS 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
 - 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.
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.

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.

Bid Opening Date/Time (aka Deadline for Quotes) Responses are due no later than **June 10, 2014 at 1:00 p.m.** and **must** be submitted in COMMBUYS as directed.

LATE QUOTES WILL NOT BE CONSIDERED.

7.1 Environmental Quote Submission Compliance

In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all Quotes 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 Quote.
- Unless absolutely necessary, all Quotes and copies should minimize or eliminate use of non-recyclable or non-reusable 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 Quotes are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.
- Please refer to Appendix 1 for any questions.

8 APPENDIX 1 RFR – REQUIRED SPECIFICATIONS, HIGHLY DESIRABLE AND DESIRABLE (PERFORMANCE AND CONTRACT SPECIFICATIONS)

Performance Requirements Background

The Massachusetts State Lottery Commission (MSLC) is seeking responses for criminal background screening records check services. The MSLC is statutorily **required** to perform a criminal background records check on persons (to include any natural person, joint venture, partnership, corporation or other business or legal entity) who have applied to be licensed as a Lottery Retail Sales Agent in order to sell Lottery products in accordance with MSLC statutory and regulatory mandates (M.G.L. c. 10, §§ 22-35; 961 CMR 2.00, *et seq.*). Searches **shall** also include criminal background screening records check on persons/applicants who hold a position of substantial authority in the business or any location to be licensed on behalf of the person/applicant. Said criminal background screening records check **shall** be conducted in all states in which the person/applicant has resided, been employed, or attended school. The MSLC, in its discretion, may identify other grounds to establish a nexus between the person/applicant and a locale.

The MSLC anticipates that the Successful Bidder **will** conduct a criminal background screening records check on all new Lottery Sales Agent applicants, and where there is a change of corporate officers or substantial authority at an existing agent location. The MSLC reserves the right to also request criminal background screening records check on existing Lottery Retail Sales Agent(s) during the routine update of their Lottery account. The MSLC requests Bids that **will** demonstrate one (1) charge per person/applicant searched which **will** cover any and all **required** criminal background screening records check.

Bidders **must** develop and implement a system to conduct criminal background screenings records check in accordance with MSLC statutory and regulatory mandates (M.G.L. c. 10, §§ 22-35; 961 CMR 2.00, *et seq.*). Said system must be satisfactory to the MSLC. Contractors **may be required** to make system

changes as necessary to meet all needs of the MSLC. The Successful Bidders **must** comply with any and all state and federal statutory and regulatory requirements in connection with the transmittal of personally identifying information (PII). The Successful Bidder **must** also establish minimum security requirements to improve, streamline, and secure the criminal background records check screening process.

Electronic Quote Requirement for Bids

The Massachusetts State Lottery Commission (MSLC) is soliciting responses for criminal background screening records check services. Bidders are advised that MSLC (1) restricts submission of written questions to the Bid Q&A tool and (2) requires all responses to be submitted using the online submission tools available to active COMMBUYS account holders only, and (3) requires submission of a Supplier Diversity Program (SDP) Plan as specified in the RFR file attached to this Bid. Bidders are solely responsible to monitor this site for Bid amendments, if any. Bidders may monitor the record by frequently checking the Header Information for the list of Amendments. Bidders with active COMMBUYS accounts may also monitor the record through COMMBUYS email notification and record tracking tools enabled when a vendor acknowledges receipt of a bid. To establish a COMMBUYS account, bidders must select the Register link on www.commbuys.com and complete the online subscription process.

Important

The MSLC, in its sole discretion, **will** identify the principal(s) deemed to have "significant authority" in the Agent(s)' operation. For each such person identified, the MSLC **will** request that a criminal background screening records check be performed. The MSLC **will** provide the Successful Bidder with the following information for each criminal background screening records check request:

- 1) First and last name (to include known alias or prior names, including maiden name);
- 2) Social Security Number (SSN);
- 3) Date of Birth (DOB);
- 4) Current Home Address (Street, City, State, and Zip Code);
- 5) MSLC Reference Number;
- 6) Applicant Business Name.

In response to each criminal background screening records check request submitted by the MSLC, the Selected Bidder **must** submit through an electronic report format approved by the Lottery's MIS Unit on a secure file server:

1. **Must** verify the identity and SSN of the person/applicant; (SSN validation).
2. **Must** determine all states in which the person/applicant has previously resided, been employed or attended school;
3. **Must** perform current criminal background screening records check in all such states where the person/applicant has an established nexus this should also contain a multi-state or national criminal database search and county criminal search. The scope of the search should be as far back as the record(s) allows;
4. **Must** submit a response on each person individually; grouping of records **will not** be permitted. Said response **must** include all of the information provided by the MSLC (detailed as 1-6 in the section above). A listing of all states in which it was determined that the person/applicant had a nexus, as well as a notation of "criminal record" or "no criminal record".
 - a. If the person/applicant has "no record," the Selected Bidder **will be required** to maintain the official criminal background screening records check return documents, and simply report that there is no negative information concerning the applicant.

- b. If the person/applicant has a criminal record, the Selected Bidder **must** supply the MSLC with the actual criminal background screening records check report.
- c. If the Selected Bidder determines that the person/applicant's name does not match his/her Social Security Number (SSN), the MSLC **shall** be notified immediately.
- d. The Selected Successful Bidder agrees it **shall** maintain the criminal background screening records check report for the life of the contract or as **required** by statute in a format that is easily accessible and agreeable to the MSLC and in compliance with all state federal and local laws and regulations such as: 201 CMR 17.00: Standards for the Protection of Personal Information of residents of the Commonwealth and Personally identifiable information (PII) Acts.

Additional requirements - the Selected Bidder must

- 1. **Must** be available to accept work as requested;
- 2. **Must** complete investigations within fifteen (15) days or less, unless mutually agreed upon by the MSLC and the Selected Bidder **must** provide a written "Status Report" available on-line to review the standing of a submitted request within one (1) business day;
- 3. Individual person/applicant results **must** be returned upon completion;
- 4. **Must** have the ability to perform approximately twenty (20) to fifty (50) criminal background screening records check per week, although the Lottery makes no representations or guarantees about the number of checks/searches to be conducted.
- 5. The Docket Number, or other reference number, if applicable, **must** be made available, if requested by the MSLC.

Required Submissions

- 1) Bidders **must** provide a detailed description of how they perform a criminal background screening records check both locally and nationally including the sources of information used or contacted in the course of such criminal background screening records check.
- 2) Bidders **must** provide a sample report similar to the report required by this RFR with all names and privileged information redacted this should include a representative sample of each service offering. i.e., contains criminal record etc.
- 3) Bidders **must** provide a detailed narrative description of the work performed for other private clients, government agencies, etc., in which the work was similar to the requirements specified herein and/or which the Bidder feels the work would provide the MSLC a better understanding of their capabilities.
- 4) Bidders **must** identify the specific individual(s), who **will** coordinate and perform the services to the MSLC and include a detailed resume of the individual's educational and professional background, experience and accomplishments. The Selected Bidder **shall** commit to providing a team and a team lead for the MSLC. If the Team Lead(s) are re-assigned or no longer assigned to the MSLC account, the Bidder **shall** fill the vacant position with an individual who has comparable or better experience, and training. That replacement **shall** be made subject to MSLC's approval.
- 5) Bidders **must** provide a summary description of the Bidders' company (entity) including but not limited to the structure (proprietorship, partnership, corporation, etc.), principals of the entity, number of employees, locations, etc. Also provide a description of the resources available to the entity to assist in performing the work **required** in this RFR, such as computer resources and proper records retention.
- 6) Bidders **must**, if applicable, list and describe all litigation (including outcome) for the last five (5) years which relates to any action taken by a private, state or federal actor against the Bidder as a whole or

an employee(s) specifically, which emanates from the improper conduct of any employee/former employee(s) during their term of employment with the Bidders. This **must** include, but not be limited to, actions of perjury, bribery, corruption, conflict of interest, larceny, environmental violation, and other civil and/or criminal actions which would be contrary to the accepted conduct of a Vendor working in partnership with a State Agency. The Successful Bidder **must** continue to provide any such new information, including but not limited to notices of bankruptcy, litigation, and contract defaults, during the life of the contract period. The Successful Bidder **must** also include: the most current audited annual financial statements, gross annual revenue for the most recently completed fiscal year, last bankruptcy and current/pending litigation, defaults on contracts, current days to pay, date of last order, etc., as appropriate.

- 7) Bidders **must** provide Financial Statements (audited if available) from the last three (3) complete years.
- 8) Bidders **must** describe the format they intend to use to invoice the Lottery. The invoices **must** provide the Lottery with easily understood information to be able to properly and completely monitor project status relative to payments. This **must** include, but not be limited to: MSLC Reference Number, Contract Number, dates of service, a unique Invoice Number, specific tasks, etc. (Electronic submission of invoices is acceptable to the MSLC's Finance Accounts Payable Division upon request of the format).

Contract Requirements

To be eligible for contract award, a Bidder **must** meet the following qualifications:

1. The Bidder **must** agree to the terms and conditions contained within the Commonwealth Terms and Conditions attached hereto as Attachment A and the Standard Contract Form attached hereto as Attachment B.
2. The Bidder **must** comply with all Federal, State, and local rules and regulations as they apply to the work to be performed under this RFR.
3. Bidders **must** have been in a business similar to that described in this RFR for a minimum of three (3) years and have the demonstrated experience and capacity to handle the requirements herein.
4. Bidders **must** provide the retained clients retention rate (retained clients) for the last three (3) years.
5. Bidders **must** provide a minimum of three (3) references from the past three (3) years for which work has been performed preferably similar in scope and size to that specified in this RFR (See Attachment F - Business Reference Form).
6. The Successful Bidder **must** be affiliated with a recognized association for criminal background screeners.
7. The Bidder **must** offer a fixed cost one (1) charge per person/applicant searched which **will** cover any and all records checks (A fixed cost per person/applicant search). Cost Tables – Attachment C **must** be fully completed.
8. Bidders **must** provide a copy of their current security policy, data retention, and disposal policies as an Attachment.
9. The Bidder **must** exercise due diligence when handling, transmitting or otherwise disclosing confidential person/applicant information, to properly protect the confidentiality of all personally identifiable information (PII) contained in any disclosure and dispose of confidential information appropriately and securely as mandated by law. Please detail how this is accomplished.
10. Each criminal background screening records check **must** include known alias or prior names, including maiden name).
11. **Must** include a statement that the Bidder has read and understands the technical and business specifications of this RFR and agrees that its Quote meets all the technical and business requirements of this RFR.

12. **Must** state that pursuant to M.G.L. c. 7, § 22 (20) the undersigned certifies under the penalties of perjury that this proposal is in all respects bona fide, fair and made without collusion or fraud with any other person. The word “person” shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

Desirable and Highly Desirable Specifications

(Bidders may receive evaluation points for “highly desirable” and “desirable”)

- 1) It is **highly desirable** that the Successful Bidder maintain ongoing security certification of their online system such as: CyberTrust, or SAS 70 Type II or SSAE16. Please provide evidence of such.
- 2) It is **highly desirable** that the Successful Bidder be affiliated with the National Association of Professional Background Screener(s) [NAPBS].
- 3) It is **highly desirable** that the Successful Bidder provides a detailed description to outline the manner in which the Bidder will exercise due diligence when handling, transmitting or otherwise disclosing confidential applicant information, properly protect the confidentiality of all personally identifiable information contained in any disclosure and dispose of confidential information appropriately and discretely as mandated by law.
- 4) It is **highly desirable** that the Successful Bidder provide a detailed description to outline the manner in which the Bidder will respond to inquiries made by the MSLC, including the hours of operation of the Bidder, access to personnel to handle telephone inquiries, as well as strategies designed to resolve problems and or disputes.
- 5) It is **highly desirable** that the Successful Bidder provide a detailed description to define the MSLC's computer access to the information provided by the Bidder, including a description of strategies for technical issue resolution.
- 6) It is **highly desirable** that the Successful Bidder's reputation be of the highest quality and integrity. Please provide any evidence of the firm's reputation locally, nationally, and internationally. Please also provide:
 - a. A brief overview of the history/background of the firm.
 - b. A description of the current ownership, incorporation, etc.
- 7) It is **desirable** that the Successful Bidder provide a detailed description to define the training program for MSLC employees, including the number of on-site training sessions, manuals, telephone access, and e-mail inquiries.

The MSLC reserves the right to obtain, from sources other than the Bidder, information concerning a Bidder, the Bidder's capabilities and the Bidder's performance under other contracts which the MSLC deems pertinent to this RFR and to consider such information in evaluating the Bidder's bid.

8.1 General Procurement Information

8.1.1 Alterations

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

8.1.2 Ownership of Submitted Quotes

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

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

8.1.3 Prohibitions

Bidders are prohibited from communicating directly with any employee of the procuring Department or any member of the SST/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 using the contact information provided in the Header Information this Bid in the event that this RFR is incomplete or information is missing. Bidders experiencing technical problems accessing information or attachments stored on COMMBUYS should contact the [COMMBUYS Helpdesk](#) (see the document cover page for contact information).

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

8.2 Terms and Requirements Pertaining to Awarded Contracts

8.2.1 Commonwealth Tax Exemption

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

8.2.2 Contractor's Contact Information

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

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

8.2.3 Publicity

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

9 APPENDIX 2 – RFR – REQUIRED SPECIFICATIONS

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.

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

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

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

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

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

COMMBUYS 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 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.

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

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

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
- 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
- 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.

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.

Best Value Selection and Negotiation. The Strategic Sourcing Team or SST/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/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 SST/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 COMMBUYS.

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

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

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current on COMMBUYS the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the SST/PMT, including requests for clarification. The SST/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 SST/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) {Attachment I} 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 check. 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 SST/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 SST/PMT 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.

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 I, 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 ninety (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/PMT. The SST/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 SST/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.

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/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.

10 APPENDIX 3 – OTHER SPECIFICATIONS

Estimated Provisions. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this RFR. Any estimates or past procurement volumes

referenced in this RFR are included only for the convenience of bidders, and are not to be relied upon as any indication of future purchase levels.

11 APPENDIX 4 – REQUIRED TERMS FOR ALL INFORMATION TECHNOLOGY RFRS

11.1 Enterprise Policy and Standards

All IT systems and applications developed by, or for Executive department agencies or operating within the Massachusetts Access to Government Network (MAGNet), must conform with the Enterprise Information Technology Policies, Standards and Guidance promulgated by the Commonwealth's CIO as they existed at the time the Request for Quote or other Solicitation was posted, unless otherwise specified in the Request for Quote or other Solicitation, or the resulting contract (That is, the policies will be those in effect when specifications for particular engagements are posted, NOT those in effect at the time this RFR was posted.). Non-conforming IT systems cannot be deployed unless the purchasing agency and their Contractor have jointly applied for and received in writing from the Commonwealth's CIO or his designee, notice that a specified deviation will be permitted. The Enterprise Information Technology [Policies, Standards & Guidance](#), with the exception of the Enterprise Public Access Policy For e-Government Applications and the Enterprise Public Access For e-Government Applications Standards, are available at mass.gov/itd. The Enterprise Public Access Policy For e-Government Applications and the Enterprise Public Access For e-Government Applications Standards are available in hard copy from the purchasing agency. Purchasing agencies may also obtain a current copy of these documents, on behalf of their Contractor, by contacting the Information Technology Division's CommonHelp group at commhelp@state.ma.us or 1 (866) 888-2808.

Contractors should only request the Public Access Architecture documentation when they are bidding on specific projects or services, and should request it of the Contracting Department which has posted the Request for Quotes or other Solicitation. Bidders must not request a copy of the Commonwealth's Public Access Architecture in connection with responding to this RFR.

Please Note: Given the pace of information technology innovation, purchasing agencies and their contractors are encouraged to contact the Information Technology Division's CommonHelp group at commhelp@state.ma.us or 1 (866) 888-2808 to signal a system or application design and development initiative. Such advance notice helps to ensure conformance with the relevant Enterprise Technology Policies, Standards and Procedures.

Contractor delivery of IT systems and applications that fail to conform to the Commonwealth's Enterprise Information Technology Policies, Standards and Procedures, absent the Commonwealth CIO's grant of written permission for a deviation, shall constitute breach of any contract entered as a result of this Request for Response and any subsequent Request for Quotes. The Commonwealth may choose to require the Contractor, at his own cost, to re-engineer the non-conforming system for the purpose of bringing it into compliance with Commonwealth Enterprise Information Technology Policies, Standards and Procedures.

11.2 Clarification of Language in Section 11, Indemnification of the Commonwealth Terms and Conditions

Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the Contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall

the Contractor be liable for, damages for the Commonwealth's use of Contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the contract scope of work) that is the subject of the claim. Section 11 sets forth the Contractor's entire liability under a contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions.

12 APPENDIX 5 INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF COMMONWEALTH STANDARD FORMS

The purpose of this appendix is to provide guidance to Bidders on the Commonwealth Standard forms to be submitted (in addition to the other forms and documents required) and how they must be executed and submitted. Please note that these instructions are meant to supplement the Instructions found on each of these forms. It is advisable to print this document first so that it may be referenced when filling out these forms.

Some of the forms listed below can be electronically signed by the Bidder, see [Electronic Signatures](#). However, online Bidders must, if notified of contract award, submit the following four (4) forms on paper with original ink signatures unless otherwise specified below, within the timeframe referenced in the RFR section entitled [Ink Signatures](#): the Commonwealth Standard Contract Form, the Commonwealth Terms and Conditions, the Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form) and the Contractor Authorized Signatory Listing.

12.1 Commonwealth Standard Contract Form

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date (see Attachment B).

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

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

Signature and date MUST be handwritten in ink, and the signature must be that of one of the people authorized to execute contracts on behalf of the Contractor on the Contractor Authorized Signatory Listing (see below).

12.2 Commonwealth Terms and Conditions

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below. (See Attachment A)

If the Bidder has already executed and filed the Commonwealth Terms and Conditions form pursuant to another RFR or contract, a copy of this form may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Commonwealth Terms and

Conditions form was executed, a new Commonwealth Terms and Conditions form is required. The Commonwealth Terms and Conditions are hereby incorporated into any contract executed pursuant to this RFR.

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

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

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

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If a Bidder has already submitted a Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form) and has received a valid Massachusetts Vendor Code, an original W-9 form is not required. A copy of the form as filed may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Mass. Substitute W9 Form was executed, a new Mass. Substitute W9 Form is required. The information on this form will be used to record the Bidder's legal address and where payments under a State contract will be sent. The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Commonwealth Terms and Conditions. Please do not use the U.S Treasury's version of the W9 Form (see Attachment D).

12.4 Contractor Authorized Signatory Listing

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date (Attachment H).

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

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

The signature and date should be handwritten in ink. Title, telephone, fax and email should be typed or handwritten legibly.

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

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

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

12.5 Supplier Diversity Program Plan Form 1

Download this form and complete as directed below; include with online submission. Ink signature is not required (see Attachment G).

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

12.6 Additional Environmentally Preferable Products/Practices

In line with the Commonwealth’s efforts to promote products and practices which reduce our impact on the environment and human health, Bidders are encouraged to provide information regarding their environmentally preferable/sustainable business practices as they relate to this contract wherever possible. Bidders must complete this form and submit it with their RFR Response.

12.7 Prompt Payment Discount Form

Download this form and complete as directed below; include with online submission. Ink signature is not required (see Attachment K).

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

12.8 Business Reference Form

Download this form and complete as directed below; include with online submission. Ink signature is not required (see Attachment F).

Bidders must provide all requested information on this form for three (3) SST/PMT business references. In completing this form, note that the “Bidder” is the name of the company submitting a Quote in response to this RFR and the “RFR Name/Title” and the “Agency Document Number” can be found on the cover of the RFR document and in the Short Description field in the Header Information of the Bid record in COMMBUYS. Also, please note that: “Reference Name” is the name of the organization (if not applicable, then name of the individual) that is providing the reference; “Contact” is the name of the individual inside the organization that will provide the reference; and the “Address,” “Phone Number” and “Fax/Internet Address” are those of the “Contact” so that the SST/PMT may be able to reach them.

12.9 Invest in Massachusetts Data Form Massachusetts Data Form

Download this form and complete as directed below; include with online submission. Ink signature is not required. Bidders must execute and submit an Invest in Massachusetts Data Form (the "IMD Form"). Attachment J. Bidders, regardless of their certification status, are required to complete Parts I and II of the IMD Form in order to be deemed responsive and eligible for consideration. (See Attachment J – Invest in Massachusetts Data Form).

12.10 Commonwealth of Massachusetts State Lottery Commission's Disclosure Statement

Download this form and complete as directed below; include with online submission. Ink signature is not required. Bidders must execute and complete with an accurate responses. In the event any information changes regarding these responses the MSLC must be notified via email to the Commonwealth Contract Manager in (writing) immediately. (See Attachment L – Commonwealth of Massachusetts State Lottery Commission's Disclosure Statement).

12.11 Certification of Compliance Concerning Personal Information and Personal Data Form

Download this form and complete as directed below; include with online submission. Ink signature is not required Bidders must read, complete and sign the Certification of Compliance Concerning Personal Information and Personal Data (see Attachment M).

13 APPENDIX 6 – GLOSSARY

In addition to the definitions found in 801 CMR 21.00, which apply to all procurements for goods and services, the definitions found below apply to this Solicitation. Those definitions below designated with an asterisk ("*") are quoted directly from 801 CMR 21.00 and are included below for quick reference purposes.

Agency – See Department

Bid – While a bid may generally refer to an offer or response submitted in response to a Solicitation or Request for Response (RFR), in COMMBUYS, a "bid" refers to the solicitation, RFR or procurement.

Bidder * - An individual or organization proposing to enter into a contact to provide a Commodity or Service, or both, to or for a Department or the State.

Commonwealth Contract Manager – See /Strategic Sourcing Services Lead/PTL

Contract * - A legally enforceable agreement between a Contractor and a Department. ANF, OSD and CTR shall jointly issue Commonwealth Terms and Conditions, a Standard Contract Form and other forms or documentation that Departments shall use to document the Procurement of Commodities or Services, or both. COMMBUYS refers to contact records as "Purchase Orders" or "Blanket Purchase Orders."

Contractor * - An individual or organization which enters into a contact with a Department or the State to provide Commodities or Services, or both.

Contractor Contract Manager – The individual designated by the Contractor to interface with the Commonwealth.

Department – For the purposes of this Solicitation, the terms "Department," "Eligible Entity," "Agency," "Commonwealth Agency," and "Contracting Department" include all entities listed in the Eligible Entities section of this RFR. COMMBUYS refers to such entities as "Organizations."

Eligible Entity – See Department

Environmentally Preferable Product (EPP) – A product or service that has a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products or services may include, but are not limited to, those which contain recycled content, minimize waste, conserve energy or water, and reduce the amount of toxic materials either disposed of or consumed.

Evaluation – The process, conducted by the Strategic Sourcing Team, of reviewing, scoring and ranking the submitted Quotes related to this Bid.

FY – See Fiscal Year

Fiscal Year – The year beginning with July first and ending with the following June thirtieth as defined in M.G.L. Chapter 4, Section 7. This may also be referred to as the “State Fiscal Year.”

Organization – See Department

Procurement Team Leader (PTL) – See Strategic Sourcing Services Lead

PTL – See Procurement Team Leader

Purchasing Entity – Same as “Eligible Entity.”

Quote or Response – generally refers to the offer submitted in response to a Bid or Request for Response (RFR).

Request for Response (RFR) * – The mechanism used to communicate Procurement specifications and to request Quotes from potential Bidders. An RFR may also be referred to as a “Bid” or “Solicitation.”

Response – The Bidder’s complete submission (or “Quote” as referenced in COMMBUYS) in response to a Solicitation, in other words, a “Bid” or “Proposal.”

Solicitation – See Request for Response (RFR)

SST/PMT – See Strategic Sourcing Team

SSSL/PTL – See Strategic Sourcing Services Lead

Strategic Sourcing Team or Procurement Management Team (SST/PMT) – Representatives from various eligible entities and interested stakeholders that design procurements, develop specifications, conduct Solicitations, evaluate responses to Bids and award Statewide or Department Contracts. The SST/PMT also monitors Contractor performance through performance measures and the level of customer satisfaction throughout the life of the Contract. In some agencies, SST/PMTs are referred to as “Procurement Management Teams (PMT).”

Strategic Sourcing Services Lead or Procurement Management Lead (SSSL/PTL) – Individual designated by the procuring Department to lead the Strategic Sourcing Team or Procurement Management Team and the solicitation and resulting contract. In some agencies SSSLs/PMLs are referred to as “Procurement Team Leads (PTL).” COMMBUYS Refers to the SSSL in the Header Information section of a Bid as the “Purchaser.”

14 APPENDIX 7 – RFR – ATTACHMENTS AND TABLE 1

It **shall** be the Bidder’s responsibility to read this entire document, review all referenced attachments, and comply with all requirements. Bidders are responsible for reviewing COMMBUYS for all the listed specifications and the **required** Forms that should be submitted with the RFR Response (in order to be considered for selection). Any change or electronic alteration to the official version of these forms is void.

Specific instructions for completing these documents are included on the forms. Failure to submit the **required** Forms with the RFR Response, as specified, **will** be considered sufficient grounds for rejection of the Bidder's Response.

Attachment A – Commonwealth Terms and Conditions [Two Pages]

Attachment B – Standard Contract Form [Five Pages including the Standard Contract Form (One Page) and Instructions (Four Pages)]

Attachment C – Cost Table [Four Pages]

Attachment D – W-9 Request for Verification of Taxation Reporting Information [Two Pages]

Attachment E – Certificate of Compliance [One Page]

Attachment F – Business Reference Form [Two Pages]

Attachment G – Supplier Diversity Plan (SDP) Forms [Three Forms] – New

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

Attachment H – Contractor Authorized Signatory Listing [Two Pages]
(**Required** for Contracts Anticipated to exceed \$50,000, or as **required** by the RFR)

Attachment I – Authorization for Electronic Funds Transfer (EFT) Payments [One Page]

Attachment J – Invest in Massachusetts Data Form [Two Pages]

Attachment K – Prompt Pay Discount Form [One Page]

Attachment L – Commonwealth of Massachusetts State Lottery Commission's Disclosure Statement [Three Pages]

Attachment M – Certification of Compliance Concerning Personal Information and Personal Data Form [One Page]

Attachment N – Certificate of Compliance Concerning Conflicts of Interest [One Page]

Note: Attachments A, B, C, D, E, F, G, H, I, J, K, L M, and N, are available in electronic form at <http://www.COMMBUYS.com>

Table 1 – Bidder Checklist for Mandatory Requirements

Bidders are invited to review their quote against the following checklist of **mandatory** requirements before submission. Respondents are reminded that all **mandatory** requirements **must** be met in order for bids to be eligible for the evaluation processes. Bidders are responsible for verifying contents for all mandates. This table serves as a guide only.

See Section 8 – Appendix 1 for details

In Table 1 below RFR Response Page Number should represent the page number where Bidder's responses to the **mandatory** requirements are answered in their submission.

Count	Requirement Heading	Requirement (Yes/No)	Response Page #
1	Bidders must develop and implement a system to conduct criminal background screenings in accordance with MSLC statutory and regulatory mandates (M.G.L. c. 10, §§ 22-35; 961 CMR 2.00, <i>et seq.</i>). Said system must be satisfactory to the MSLC.		
2	The MSLC requests Bids that will demonstrate one (1) charge per person/applicant searched which will cover any and all required criminal background screening records check.		
3	Bidders must comply with any and all state and federal statutory and regulatory requirements in connection with the transmittal of personally identifying information (PII).		
4	The Bidder must also establish minimum security requirements to improve, streamline, and secure the criminal background screening process.		
5	Searches shall also include criminal background screening records checks on persons/applicants who hold a position of substantial authority in the person/applicant business or any location to be licensed on behalf of the person/applicant. Said criminal background screening records check shall be conducted in all states in which the person/applicant has resided, been employed, or attended school.		
6	In response to each criminal background screening records check request submitted by the MSLC, the Selected Bidder must submit through an electronic report format approved by the Lottery's MIS Unit on a secure file server:		
7	Must verify the identity and SSN of the person/applicant; (SSN validation).		
8	Must determine all states in which the person/applicant has previously resided, been employed or attended school;		
9	Must determine all states in which the person/applicant has previously resided, been employed or attended school;		
10	Must perform current criminal background screening records check in all such states where the person/applicant has an established nexus this should also contain a multi-state or national criminal database search and county criminal search. The scope of the search should be as far back as the record(s) allows;		

11	Must submit a response on each person individually; grouping of records will not be permitted. Said response must include all of the information provided by the MSLC (detailed as 1-6 in the section above). A listing of all states in which it was determined that the person/applicant had a nexus, as well as a notation of “criminal record” or “no criminal record”. a. If the person/applicant has “no record,” the Selected Bidder will be required to maintain the official criminal background screening records check return documents, and simply report that there is no negative information concerning the applicant. b. If the person/applicant has a criminal record, the Selected Bidder must supply the MSLC with the actual criminal background screening records check report. c. If the Selected Bidder determines that the person/applicant’s name does not match his/her Social Security Number (SSN), the MSLC shall be notified immediately. d. The Selected Successful Bidder agrees it shall maintain the criminal background screening records check report for the life of the contract or as required by statute in a format that is easily accessible and agreeable to the MSLC and in compliance with all state federal and local laws and regulations such as: 201 CMR 17.00: Standards for the Protection of Personal Information of residents of the Commonwealth and Personally identifiable information (PII) Acts.		
	The Selected Bidder must:		
12	Must be available to accept work as requested;		
13	Must complete investigations within fifteen (15) days or less, unless mutually agreed upon by the MSLC and the Selected Bidder must provide a written “Status Report” available on-line to review the standing of a submitted request within one (1) business day;		
14	Individual person/applicant results must be returned upon completion		
15	Must have the ability to perform approximately twenty (20) to fifty (50) criminal background screening records check per week, although the Lottery makes no representations or guarantees about the number of checks/searches to be conducted		
16	The Docket Number, or other reference number, if applicable, must be made available, if requested by the MSLC.		
17	Bidders must provide a detailed description of how they perform a criminal background screening records check both locally and nationally including the sources of information used or contacted in the course of such criminal background screening records check.		
18	Bidders must provide a sample report similar to the report required by this RFR with all names and privileged information redacted this should include a representative sample of each service offering. i.e., contains criminal record etc.		
19	Bidders must provide a detailed narrative description of the work performed for other private clients, government agencies, etc., in which the work was similar to the requirements specified herein and/or which the Bidder feels the work would provide the MSLC a better understanding of their capabilities.		

20	Bidders must identify the specific individual(s), who will coordinate and perform the services to the MSLC and include a detailed resume of the individual's educational and professional background, experience and accomplishments. The Selected Bidder shall commit to providing a team and a team lead for the MSLC. If the Team Lead(s) are re-assigned or no longer assigned to the MSLC account, the Bidder shall fill the vacant position with an individual who has comparable or better experience, and training. That replacement shall be made subject to MSLC's approval.		
21	Bidders must provide a summary description of the Bidders' company (entity) including but not limited to the structure (proprietorship, partnership, corporation, etc.), principals of the entity, number of employees, locations, etc. Also provide a description of the resources available to the entity to assist in performing the work required in this RFR, such as computer resources and proper records retention.		
22	Bidders must , if applicable, list and describe all litigation (including outcome) for the last five (5) years which relates to any action taken by a private, state or federal actor against the Bidder as a whole or an employee(s) specifically, which emanates from the improper conduct of any employee/former employee(s) during their term of employment with the Bidders. This must include, but not be limited to, actions of perjury, bribery, corruption, conflict of interest, larceny, environmental violation, and other civil and/or criminal actions which would be contrary to the accepted conduct of a Vendor working in partnership with a State Agency. The Successful Bidder must continue to provide any such new information, including but not limited to notices of bankruptcy, litigation, and contract defaults, during the life of the contract period. The Successful Bidder must also include: the most current audited annual financial statements, gross annual revenue for the most recently completed fiscal year, last bankruptcy and current/pending litigation, defaults on contracts, current days to pay, date of last order, etc., as appropriate.		
23	Bidders must provide Financial Statements (audited if available) from the last three (3) complete years.		
24	Bidders must describe the format they intend to use to invoice the Lottery. The invoices must provide the Lottery with easily understood information to be able to properly and completely monitor project status relative to payments. This must include, but not be limited to: MSLC Reference Number, Contract Number, dates of service, a unique Invoice Number, specific tasks, etc. (Electronic submission of invoices is acceptable to the MSLC's Finance Accounts Payable Division upon request of the format).		
	Contract Requirements Selected Bidder must:		
25	The Bidder must agree to the terms and conditions contained within the Commonwealth Terms and Conditions attached hereto as Attachment A and the Standard Contract Form attached hereto as Attachment B.		
26	The Bidder must comply with all Federal, State, and local rules and regulations as they apply to the work to be performed under this RFR.		

27	Bidders must have been in a business similar to that described in this RFR for a minimum of three (3) years and have the demonstrated experience and capacity to handle the requirements herein.		
28	Bidders must provide the retained clients retention rate (retained clients) for the last three (3) years.		
29	Bidders must provide a minimum of three (3) references from the past three (3) years for which work has been performed preferably similar in scope and size to that specified in this RFR (See Attachment F – Business Reference Form).		
30	The Successful Bidder must be affiliated with a recognized association for criminal background screeners.		
31	The Bidder must offer a fixed cost one (1) charge per person/applicant searched which will cover any and all records checks (A fixed cost per person/applicant search). Cost Tables – Attachment C must be fully completed.		
32	Bidders must provide a copy of their current security policy, data retention, and disposal policies as an Attachment.		
33	The Bidder must exercise due diligence when handling, transmitting or otherwise disclosing confidential person/applicant information, to properly protect the confidentiality of all personally identifiable information (PII) contained in any disclosure and dispose of confidential information appropriately and securely as mandated by law. Please detail how this is accomplished.		
34	Each criminal background screening records check must include known alias or prior names, including maiden name).		
35	Must include a statement that the Bidder has read and understands the technical and business specifications of this RFR and agrees that its Quote meets all the technical and business requirements of this RFR.		
36	Must state that pursuant to M.G.L. c. 7, § 22 (20) the undersigned certifies under the penalties of perjury that this proposal is in all respects bona fide, fair and made without collusion or fraud with any other person. The word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.		