

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

One Hundred Cambridge Street
Boston, MA 02114



Request for Response (RFR)

**Document Title: Legal Services Related to
Representing the Executive Office of Energy and Environmental
Affairs and Department of Environmental Protection in
Pending Litigation in Superior Court and Subsequent Appeals**

Document Number: BD-21-1042-ENV-ENV01-62089

ENV 21 LEG 01

May 3, 2021

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.

1 RFR INTRODUCTION AND GENERAL DESCRIPTION

1.1 Procurement Scope and Description

The Executive Office of Energy and Environmental Affairs (EEA) and the Department of Environmental Protection (DEP) are seeking an attorney or law firm (the “Attorney”) to represent these agencies in pending litigation in Suffolk Superior Court and in subsequent appeals to the Appeals Court and potentially the Supreme Judicial Court. The Suffolk Superior Court recently decided cross-motions for summary judgment in a manner adverse to EEA and DEP. While the litigation involves challenges to the EEA Secretary’s April 30, 2018 approval of the Downtown Waterfront District Municipal Harbor Plan, submitted by the City of Boston, the reasoning of the court’s decision implicates all municipal harbor plans submitted by the City of Boston and a dozen other municipalities. The Superior Court found that DEP’s Waterways Regulations, 310 CMR 9.00, contain an invalid delegation of authority to EEA insofar as they incorporate standards from Municipal Harbor Plans approved by EEA rather than DEP itself.

The Attorney will represent EEA and DEP in any remaining proceedings in the trial court and an appeal to the Appeals Court and potentially the Supreme Judicial Court.

1.2 Background Information

EEA is headed by a cabinet-level secretary, the governor’s chief advisor on energy and environmental matters (“Secretary”). The Secretary is responsible for setting the Commonwealth’s environmental and energy policies and managing the related programs and activities designed to implement such policies. The Secretary oversees several divisions within the executive office, as well as EEA’s six constituent agencies listed in M.G.L. c. 21A, § 7, including DEP. As both EEA and DEP are state agencies as defined in M.G.L. c. 29, § 1, they are ordinarily represented in court by the Office of the Attorney General of the Commonwealth (“AGO”). However, the AGO has declined representation in this instance. Thus, the Attorney selected through this procurement will serve as a Special Assistant Attorney General (“SAAG”) for EEA and DEP in the above-described litigation, subject to approval by the AGO.

The purpose of DEP’s Waterways Regulations, 310 CMR 9.00, is to protect and promote the public’s interest in filled and flowed tidelands, Great Ponds, and non-tidal rivers and streams in accordance with the Public Trust Doctrine. In 1990, DEP promulgated these regulations, and EEA promulgated the Municipal Harbor Plan (MHP) Regulations, 301 CMR 23.00, to establish a coordinated program for the administration and licensing of tidelands in the Commonwealth. The Waterways Regulations included criteria for how DEP would make licensing decisions and determinations of a proper public purpose for nonwater-dependent uses under M.G.L. c. 91, § 18. The MHP Regulations were promulgated to provide municipalities with a voluntary process to prepare MHPs that, once approved by the Secretary, would “inform and guide state agency actions affecting the implementation of waterway management programs at the local level,” and “be of direct assistance to [DEP] in making regulatory decisions pursuant to [c. 91] that are responsive to municipal objectives and priorities, harbor-specific conditions, and other local and regional circumstances.” 301 CMR 23.01(2). These complementary regulations were designed to facilitate community-based waterfront planning for changes in land use and harbor and watershed management while preserving and enhancing the public’s rights in tidelands.

For thirty years, this process worked well to serve the public and public interest in tidelands. By combining local and state-level input, the Commonwealth has been able to achieve tremendous benefits for the public through municipal harbor planning and the tailoring of dimensional and use standards to particular locations along the coast. Municipal harbor plans provide the opportunity through offsetting measures to enhance tidelands beyond baseline standards by improving the public realm with consistent and uniform design standards across a planning area, expanding water transportation, encouraging climate resilient design, activating tidelands with community and educational programming, and providing other amenities specific to the goals of the municipality.

On April 30, 2018, the Secretary of EEA approved a municipal harbor plan ("MHP") submitted by the City of Boston to revitalize the downtown waterfront area. This litigation followed, in which certain residents of the area covered by the MHP and the Conservation Law Foundation challenged the Secretary's decision. While many of the plaintiffs' counts were dismissed, following briefing on cross-motions for summary judgment the Superior Court found for the plaintiffs on the theory that DEP's Waterways Regulations were an improper delegation of authority from DEP to EEA.

The above-referenced cases were docketed as follows:

Conservation Law Foundation et al. v. Matthew A. Beaton, in his official capacity as Secretary of the Executive Office of Energy and Environmental Affairs, and Martin Suuberg, in his official capacity as Commissioner of the Massachusetts Department of Environmental Protection, Suffolk Superior Court, SUCV 2018-02144

Katharine Armstrong et al. v. Matthew A. Beaton, in his official capacity as Secretary of the Executive Office of Energy and Environmental Affairs; Martin Suuberg, in his official capacity as Commissioner of the Massachusetts Department of Environmental Protection; and RHDC 70 East India LLC, Suffolk Superior Court, SUCV 2018-02132

Following her appointment as Secretary of EEA, Kathleen Theoharides was substituted for Matthew Beaton as a party.

DEP and EEA have been represented in the Superior Court by an attorney selected through a competitive process in 2018. That attorney will continue to represent DEP and EEA until the conclusion of this procurement and may submit a quote/response as part of this procurement.

1.3 Applicable Procurement Law

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

- MGL c. 30, § 51, § 52 and § 65; c. 7, § 22; and 801 CMR 21.01(2)(b)

1.4 Number of Awards

The target maximum number of Contractors: Multiple. EEA and DEP 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 - Calendar Rule Type - Open Procurement

If, over the life of the Contract, the Strategic Sourcing Team (SST) determines that additional Contractors should be added, these may first be drawn from qualified companies that responded to this Solicitation but were not awarded contracts. If necessary to meet the requirements of the Commonwealth, the Solicitation may be reopened to obtain additional bids. EEA and DEP specifically reserve the right to reopen the Solicitation to obtain bids from attorneys specializing in additional practice areas, including appellate practice, in the event the above-referenced litigation proceeds to appeals.

1.6 Eligible Entities

Any contract resulting from this Bid will be open for use to the Issuing Entities Only.

1.7 Acquisition Method(s)

The acquisition method(s) to acquire goods and/or services from this Solicitation: Fee for Service.

1.8 Contract Duration

The initial term of any Contract resulting from this Solicitation will be two (2) years, plus any time increment necessary to end that year on the same date as the end of the Commonwealth's fiscal year (i.e., June 30). EEA and DEP will have three (3) options to renew of up to one year each. The actual duration of the Contract will depend on the outcome of the litigation described above, and may be extended beyond the initial term and available options to renew in order to complete the litigation, if necessary.

1.9 Estimated Value of the Contract

The estimated value of purchase(s) resulting from this Bid is less than \$150,000 for the initial two-year Contract period. The Commonwealth makes no guarantee that any commodities or services will be purchased from any Contract resulting from this Bid. Any estimates or past procurement volumes referenced in this Bid are included only for the convenience of Bidders, and are not to be relied upon as any indication of future purchase levels.

2 ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
Solicitation: Release Date	May 3, 2021
Deadline for submission of questions	May 10, 2021
Estimated date for EEA and DEP to respond to questions	May 13, 2021
Bid amendment deadline/online Quote submission begins. EEA and DEP reserve the right to amend this RFR at any time prior to the date the responses are due. Any such amendment will be posted to the Commonwealth's procurement website, CommBuys (www.commbuys.com). Bidders are advised to check this site regularly, as this will be the sole method used for notification of changes.	May 14, 2021
Deadline for Quotes/Responses (Bid Opening Date/Time) in COMMBUYS	May 19, 2021 at 5:00 p.m.
Contract: Estimated Contract Start Date	June 7, 2021, subject to approval from the Attorney General

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 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. EEA and DEP

reserve 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 reserves the right to edit or delete any questions that raise any of these issues or that are not in the best interest of the Commonwealth or this Bid.

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

It is the responsibility of the prospective Vendors and awarded Vendor to maintain an active registration in COMMBUYS and to keep current the email address of the Vendor's contact person and prospective Contract Manager, if awarded a Contract, and to monitor that email inbox for communications from EEA and/or DEP, including requests for clarification. EEA, DEP and the Commonwealth assume no responsibility if a prospective Vendor's/awarded Vendor's designated email address is not current, or if technical problems, including those with the prospective Vendor's/awarded Vendor's computer, network or internet service provider ("ISP") cause email communications sent to/from the prospective Vendor/awarded Vendor and EEA to be lost or rejected by any means including email or spam filtering.

2.2 Locating Bid Q&A

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

2.3 Amendment Deadline

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

3 SPECIFICATIONS

The selected Attorney will provide legal representation of EEA and DEP in court proceedings pertaining to the litigation described above.

Specific tasks will include the following:

- Continue representation of EEA and DEP in the Superior Court as necessary.
- Draft and file motions and briefs on behalf of EEA and DEP.
- Advise on whether and how to prosecute appeal, whether to seek direct appellate review and, if necessary, draft an application for direct appellate review
- Review and advise on filings by other parties.
- Draft additional pleadings and other papers in response to filings by other parties (if necessary or appropriate).
- Prepare for and conduct oral argument.
- While the subject litigation is not anticipated to generate extensive discovery, the selected Attorney will be required to conduct any related discovery that may arise, including document

production, depositions, and interrogatories. If appropriate, EEA and DEP staff may collaborate in these activities to achieve cost savings.

- Provide legal analysis and advice. A separate scope of work will be part of the Contract and will lay out the specific process for how work is reviewed and authorized.
- Conduct meetings and calls with EEA and DEP staff to provide legal advice, conduct fact-gathering, and discuss legal strategy.

3.1 Bidder Qualifications

3.1.1 Experience

Attorneys wishing to be selected must demonstrate that they are licensed members in good standing of the Massachusetts state bar and have at least five years of litigation experience in the appellate courts of the Commonwealth. Prior experience with representing public agencies is also desirable. In addition, preference will be given to attorneys with substantial knowledge and expertise in state administrative and constitutional law, including the organization of the Executive Branch, separation of powers issues, public waterways law, including Chapter 91 regulations and licensing, and substantial experience with appellate advocacy. Bidders must submit the requirements identified in this paragraph as an attachment titled "Bidder Expertise and Experience," and should be as specific as possible in their descriptions.

3.1.2 Proposed Staffing

Bidders must submit resumes and hourly rates for all attorneys and paralegals who would be working on matters for EEA and DEP. Bidders are required to complete and submit Attachment A, Bidder Submission Form, which includes the hourly rates that the bidder proposes to charge if the bidder is awarded a Contract by EEA and DEP. Bidders should also indicate the extent to which each individual has familiarity with the relevant topic areas.

3.1.3 Conflicts and Litigation

Bidders must identify any past, pending, or threatened litigation or administrative or state ethics board, bar overseers or similar body proceedings to which any attorney or other staff (or for law firms, any partner) who would be working on matters for EEA or DEP is a party and that would either materially impair the ability to perform the services described herein, or could materially affect the financial condition of the attorney or firm.

Any Contracting Bidders selected must not have any conflicts of interest that under applicable ethics laws or rules of professional responsibility would prevent them from representing EEA or DEP.

Selection and award of a contract are subject to review and approval by the Massachusetts Attorney General in accordance with G.L. c. 30 § 65. Accordingly, selected Bidders will be required to provide any information required for such review and approval including any information regarding potential conflicts. Bidders are not required to submit such information with their initial bid. Such information will be requested once Bidders are selected.

3.1.4 References and Reference Information and/or Requirements

Bidders are required to complete the Business Reference form with three references.

3.2 Environmental Specifications

3.2.1 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 the Operational Services Division (“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 Executive Order may be directed to OSD’s EPP Procurement Program, www.mass.gov/epp. The Order can be seen at http://www.mass.gov/Agov3/docs/Executive%20Orders/executive_order_515.pdf.

3.3 Compensation Structure/Pricing

All-inclusive hourly rate for each bidder-provided staff person that will perform work under the Contract will remain in effect for two years with a cap on percentage increases after that date. In addition, the Bidder may propose a blended hourly rate for services provided by the Bidder. All reimbursements will be negotiated as part of the Scope of Work. Commuting expenses and legal research expenses will not be reimbursed. Payments are subject to Comptroller office bill payment policies. Monthly invoicing will be required. See Attachment A to fill in this information and submit with the quote.

Bidders **must** submit a budget identifying, for each phase of the appellate process, the anticipated number of hours to be worked by each staff person or, if a blended hourly rate is proposed, the anticipated number of hours to be worked overall.

While the contract will be awarded on a best value basis, preference will be given to Bidders who propose capped or flat fees, including capped or flat fees for particular phases of the appellate process.

4 EVALUATION CRITERIA

4.1 Evaluation of Proposals

EEA and DEP reserve the right to negotiate final prices and performance specifications within the scope of this RFR during the period of the contract(s).

4.1.1 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. EEA and DEP reserve 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.

4.1.2 Desirable specifications

Desirable specifications may be scored according to the Evaluation Criteria.

RFR specifications prefaced with language such as: "desirable", "could," "can," "should," "preferably," "prefers," "suggested," and "requested" identify a desirable or discretionary item or factor that is considered by EEA and DEP to be "desirable." EEA and DEP have listed all desirable specifications which will receive points in the evaluation criteria.

4.1.3 Initial Evaluation Process

Bidder proposals will be evaluated by a team of EEA and DEP employees. This team will evaluate every proposal submitted by the deadline date that has met the Mandatory Specifications and select a Qualified Contractor based on the thoroughness and completeness of the RFR response; demonstrated knowledge of the subject matter; past performance; professional references; proposed rates; and, at EEA's and DEP's discretion, Bidder presentations and/or interviews. EEA and DEP reserve the right to limit the number of Bidders interviewed and reserves the right to request writing samples. Geographic location may also be considered.

4.1.4 Selection/Utilization Method

This RFR does not constitute a guarantee that EEA and DEP will engage any Bidder; and there is no guarantee of any expenditures being made to Bidder(s). EEA and DEP reserve the right to seek additional information including, but not limited to, further explanation of Bidder expertise in the desired area and review of similar recently completed work by the Bidder.

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 Section 7 (Appendix 2).

5 HOW TO SUBMIT A QUOTE

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

5.1 Quote Submission Method

Online Quote Submission via COMMBUYS is required.

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

5.2 COMMBUYS Quote Submission Training and Instructions

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

- **Appendix 9**, Instructions for Vendors Responding to Bids Electronically through COMMBUYS, which is part of this document;
- Training sessions focused on online Quote submission, if offered, are noted in the Estimated Procurement Calendar;
- An online job aid on [How to Create a Quote](#);
- Webcast video on [How to Find Bids \(Solicitations\) and Submit Quotes \(Responses\) through COMMBUYS](#).

5.3 COMMBUYS Support

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

Website: Go to www.mass.gov/osd/commbuys and select the COMMBUYS Resource Center link offered under Key Resources.

Email: Send inquiries to the COMMBUYS Helpdesk at COMMBUYS@state.ma.us

Telephone: Call the COMMBUYS Help Desk at 1-888-MA-STATE (1-888-627-8283). The Help Desk is staffed from 8:00 AM to 5:00 PM Monday through Friday Eastern Standard or Daylight time, as applicable, except on federal and state holidays.

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

5.4 Bid Opening Date/Time

All Bids must be received before the specified date, month, year and time displayed as the Bid Opening Date/Time in the Header Information section of the Bid in COMMBUYS. Times are Eastern Standard/Daylight Savings (US), as applicable. All Bidders are advised to allow adequate time for submission by considering potential online submission impediments like Internet traffic, Internet connection speed, file size, and file volume. EEA and DEP are not responsible for delays encountered by Bidders or their agents, or for a Bidder's local hardware failures, such as computers or related networks, associated with bid compilation or submission.

5.5 Quote Contents

Bidders must comply with the requirements below.

5.5.1 Response Submission Requirements

The following six (6) components specific to this RFR must be included with your response:

- A. Bidder Submission Form, Attachment A (Word Document)
- B. Bidder Expertise and Experience (PDF or Word Document)
- C. Completed Bidder Reference form (PDF or Word Document)

- D. Resumes for all attorneys and paralegals who would be working on matters for EEA and DEP. Bidders should also indicate the extent to which each individual has familiarity with the relevant topic areas.
- E. Supplier Diversity Program (SDP) Plan Form #1
- F. Prompt Payment Discount Form

See RFR Section 5.5.4, File Naming Conventions, for additional submission instructions. Failure to include the required documentation above and all of the requested information on those forms and submissions may result in rejection of the Bidder's submission or the inability to fully evaluate the Bidder's proposal.

Bidders are required to read and agree to the terms of the following standard forms attached to the Bid, but are instructed **not** to submit these completed forms with their Quotes. By submitting a quote, the submitter attests that s/he is an agent of the Bidder with authority to sign on the Bidder's behalf, and that s/he has read and assented to each document's terms, including the forms listed below. Completion and submission of these forms will be required only after contract award:

- Standard Contract Form
- Commonwealth Terms and Conditions
- Contractor Authorized Signatory Listing
- Request for Taxpayer Identification and Verification (Mass. Substitute W9 Form)
- Electronic Funds Transfer Sign Up Form

Each attachment including confidential or personally identifiable information must be marked as a "confidential" attachment when submitted.

5.5.2 Electronic Signatures

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

5.5.3 Ink Signatures

Original ink signatures are required only after contracts have been awarded. The Commonwealth requires Contractors to submit original ink-signature versions of the following forms:

- Standard Contract Form
- Commonwealth Terms and Conditions
- Contractor Authorized Signatory Listing
- Request for Taxpayer Identification and Verification (Mass. Substitute W9 Form)
- Electronic Funds Transfer Sign Up Form

Successful Bidders must submit the above forms with ink signatures within seven (7) calendar days of award notification or their contract may not be executed by the Commonwealth. Bidders who have previous contract(s) with the Commonwealth and have up-to-date, ink-signature versions of the Commonwealth Terms and Conditions and Request for Taxpayer Identification and Verification (Mass. Substitute W9 Form) on file with the Office of the State Comptroller may submit copies of the signed forms. However, a new Standard Contract Form and Contractor Authorized Signatory Listing with original ink signatures must be submitted for each new contract with the Commonwealth.

5.5.4 File Naming Conventions

Files submitted via email must follow the file naming convention specified below, which will ensure each file is readily identified by Company Name and content.

RFR Section or Quote Component	Description - Enter in COMMBUYS during upload	File Name Assign when creating files
Bidder Submission Form, Attachment A (Word Document)	Bidder Submission Form, Attachment A	Bidder Submission Form_CompanyName.doc
Bidder Expertise and Experience (Include in Bidder Submission Form or include in separate document as PDF or Word Document)	Bidder Expertise and Experience	Bidder Expertise and Experience_CompanyName.doc or .pdf
Bidder Reference form (PDF or Word Document)	Bidder Reference Form	Bidder Reference Form_CompanyName.doc or .pdf
Resumes (attorneys and paralegals)	Resumes	Resumes_CompanyName.doc or .pdf
Supplier Diversity Program (SDP) Plan Form #1	SDP Plan Form #1	SDP Plan Form #1_CompanyName.doc or .pdf
Prompt Payment Discount Form	Prompt Payment Discount	Prompt Payment Discount_CompanyName.doc or .pdf

5.5.5 File Format Restrictions

All scanned documents must be in the PDF format, and must be scanned in such a way that they can be read on a computer monitor and printed on 8 1/2" x 11" paper, unless otherwise specified. Forms provided for the Bidder to complete, with the exception of the forms requiring ink signatures, must be completed and submitted in their original formats, NOT scanned and submitted as PDF or other file types.

5.6 Additional Quote Terms

5.6.1 Prohibition regarding contract terms

Bidders must not, as part of their Quote, propose additional contractual terms, or supplemental or clarifying language pertaining to contractual terms, even if the proposed additions/clarifications are not in conflict with the Commonwealth Terms and Conditions, the Standard Contract Form, or other documents comprising this RFR. Contractors who wish to propose additional non-conflicting contractual terms, or supplemental or clarifying language, must provide all such terms in their responses for consideration by the issuing entity.

5.6.2 Required Terms for all RFRs

See attachment containing Section 6 (Appendix 1), which is incorporated by reference into this RFR.

5.6.3 RFR - Required Specifications

See attachment containing Section 7 (Appendix 2), which is incorporated by reference into this RFR.

5.6.4 Instructions for Execution and Submission of Commonwealth Standard Forms

See attachment containing Section 8 (Appendix 3), which is incorporated by reference into this RFR.

5.6.5 Instructions for Vendors Responding to Bids Electronically through COMMBUYS

See attachment containing Section 9 (Appendix 4), which is incorporated by reference into this RFR.

Attachment A – Bidder Submission Form

Bidders **must** complete and submit this form with their response in order for their bid to be considered.

1. Bidder General Information

Provide the following information about your firm:

Company Information	Use this column for the answer
Company name	
Street address, city, state, zip	
Main phone number	
Website	

2. Designated Contract Manager

Bidders must provide the contact information requested below for the designated Contract Manager who will be responsible for the overall management, reporting and for ensuring adherence to the performance measures of this contract during normal business hours.

Contract Manager	Use this column for the answer
Name, Title	
Phone number (office and mobile, if available)	
Fax number	
Email	

3. Bidder Expertise and Experience

- 1. General firm information and summary of experience per RFR Section 3.1.1.** Please use this box to provide the required information or attach a separate document. The box will expand to accommodate your responses.

- 2. List of key personnel to be assigned responsibility for this project.** Include a summary of their background and training with a focus on services listed in the RFR, identify the main point of contact, and specify the role of each individual in the proposed project. Please use this box to provide the required information or attach a separate document. The box will expand to accommodate your response.

4. All Inclusive Hourly Rates for Each Attorney/Paralegal that Will Provide Services if Bidder is Awarded a Contract:

Attorney/Paralegal Name	Position/Title	Hourly Rate	Resume Attached*	Relevant Experience / Topic Area(s)
		\$	<input type="checkbox"/>	
		\$	<input type="checkbox"/>	
		\$	<input type="checkbox"/>	
		\$	<input type="checkbox"/>	
		\$	<input type="checkbox"/>	

*Resumes must be submitted for all staff identified in this form.

6. Proposed Blended Rate (If applicable)

Please describe in the space provided your proposal for a blended hourly rate, as mentioned in RFR Section 3.3.

7. Certification

Bidders must be prepared to submit signed originals of the MA Standard Contract Form, the MA Commonwealth Terms and Conditions, the MA Request for Taxpayer Identification Number and Certification (Massachusetts Substitute W-9 Form, NOT the IRS Version), and the MA Contractor Authorized Signatory Listing within ten (10) business days of notice that they have been selected for contract award.

I hereby certify that I have read the “()” RFR and all documents referenced therein, that this proposal is in compliance with all mandatory requirements, and that all RFR specifications requiring the Bidder’s agreement, and/or the Contractor’s actions if awarded a Contract, will be met.

☐ I am an authorized signatory of the company, and I have read and agreed with the above terms.

Name:	
Title:	
Date:	