



OPERATIONAL SERVICES DIVISION



COVID-19 Rapid Antigen Test Kit FAQs for Local Government Organizations and Other Entities

Q. What entities are eligible to order kits through OSD's Statewide Contracts (SWCs)?

A. Executive Departments are required to use the Operational Services Division's Statewide Contracts (SWCs) for their purchases of Rapid Antigen Test Kits. Many other public and quasi-public entities in the Commonwealth are eligible to use SWCs. Eligible entities include cities, towns, counties, public school districts, public hospitals, and non-profits associated with the Commonwealth. OSD *temporarily* expanded the list of eligible entities to include private educational institutions, early childhood education programs, private hospitals and other health care facilities to allow these organizations to purchase Test Kits through OSD's SWCs.

Q. What SWCs offer Rapid Antigen Test Kits?

A. There are three SWCs that offer FDA EUA Rapid Antigen Test Kits. All test kits offered on these contracts received Emergency Use Authorization (EUA) from the US Food and Drug Administration (FDA) and are approved for non-prescription, at-home use.

The newly available contract category ([HSP41 – Category 10](#)) was established to allow for purchases direct from three manufacturers. As of January 10 2022, the manufacturers available under this contract category are Becton, Dickinson and Company; Ellume USA LLC; InBios International Inc.; iHealth Labs, Inc.; Pure Blue Medical, Inc., DBA Intrivo Diagnostics, Inc.; and Quidel Corporation. Additional manufacturers are expected to be added to this contract category through the bid posting/rolling enrollment period, which closes on March 31, 2022. Based on manufacturer requirements, including minimum order requirements, this option may not work for all buyers.

Additional test kits also are available for purchase from distributors by utilizing the existing Statewide Contracts (HSP40, HSP41 – Category 3, and HLS06).

OSD has developed a [Resource Guide](#) which lists all of the manufacturers added to HSP41 – Category 10; as well as those distributors on HLS06, HSP40, and HSP41 – Category 3, which offer Rapid Antigen Tests that have received Emergency Use Authorization (EUA) from the US Food and Drug Administration (FDA) for non-prescription, at-home use. The Resource Guide also provides pricing and quantities available from the vendors (as of 12/28), as well as minimum order quantities and, in some instances, payment terms. There is no limit to the number of tests a single entity may order.

Q. What are the differences between the manufacturer and distributor contracts?

A. The newly available contract category (HSP41 – Category 10) allows for direct purchase from manufacturers. There are six manufacturers currently available and additional manufacturers are expected to become available in the coming weeks. Each manufacturer has a minimum required purchase quantity of test kits and availability dates vary by manufacturer. Shipping costs are not included in the prices quoted by manufacturers. (See next page for information about shipping costs.)

The existing contract categories (HSP40, HSP41 – Category 3, and HLS06) allow for direct purchase from certain distributors. Shipping through normal channels is free, as it is assumed it is covered in the price of the product. Additionally, the distributors offer Prompt Pay Discounts as part of their contract awards.

Q. When can an entity start ordering kits?

A. Kits are available for purchase now and OSD recommends ordering the quantity of kits needed to meet your current and future needs.

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Q. Is there a limit on the number of kits an entity may purchase?

A. No. However, there may be minimum order requirements on certain contracts. Refer to the [Resource Guide](#) for information such as contract numbers, vendor contract information, number of tests per kit, pricing, minimum quantities, and availability.

Q. How does an entity order test kits?

A. The three contracts that offer Rapid Antigen Test Kits are "direct, outright purchases," which means buyers are not required to seek quotes and may contact vendors (manufacturers and distributors) directly to purchase or may process a Direct Release through COMMBUYS.

Given the current high demand for kits, OSD recommends:

- » Requesting kits that have received EUA from the FDA and are approved for non-prescription, at-home use.
- » Contacting multiple manufacturers and distributors to obtain price quotes. The demand for Rapid Antigen Test Kits is high and inventories are changing rapidly. Be sure to identify the SWC Number to ensure that you are receiving the state-negotiated pricing.
- » Reviewing all price quotes and placing an order with the vendor(s) who meet your due diligence requirements based on product availability, cost, and need.
- » Be sure to order now for the items needed today and in the near future.
- » Entities eligible to purchase and procure goods and services from OSD's Statewide Contracts (not Executive Departments) are reminded to conduct procurements in accordance with all laws and regulations that pertain to that entity ([Chapter 30B](#) for municipal organizations, as an example). Check with your local legal counsel for advice.

Q. Is it required to use COMMBUYS to order test kits or is it possible to order direct from the distributors or manufacturers?

A. With the exception of Executive Departments, which are required to use COMMBUYS to order test kits, other eligible entities are not required to do so. Eligible Entities may contact the manufacturers and distributors directly to request product information, pricing, purchase requirements, or other contract-specific terms (such as minimum order amounts and shipping costs). You must advise the vendors that you are ordering under the OSD Statewide Contract(s) (HLS06, HSP40, HSP41- Categories 3 and 10) to obtain state-negotiated prices.

All purchase transactions occur directly between the eligible entity and the manufacturer/distributor.

Be aware that manufacturers/distributors may require purchase orders to initiate sales.

Also, remember to conduct procurements in accordance with all laws and regulations that pertain to the Eligible Entity (Chapter 30B for municipal organizations, as an example). Check with your local legal counsel for advice.

Q. How do entities pay for the test kits?

A. All purchase transactions occur directly between the eligible entity and the manufacturer/distributor.

Purchasers must identify the source of funds from their budgets, and are responsible for payments to the manufacturers and/or distributors. Please note that some vendors require 50% prepayment or payment on delivery. Buyers should check with their budget/finance director to determine if they are allowed to provide a pre-payment.

Q. May we use ARPA or FEMA funds to purchase Test Kits?

A. OSD does not provide guidance on the use of ARPA or FEMA funds. We recommend purchasers contact their organization's budget/finance director or legal counsel to learn about the use of these funds.

Q. Are entities able to join together to place larger orders?

A. Yes, entities may pool their orders if they are able to provide a single entity for invoicing and payment purposes. The entities also should be prepared to provide a single delivery location.

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Q. Will entities be charged sales tax on orders placed with manufacturers and distributors?

A. Executive Departments and municipal organizations will not be charged sales tax. However, Non-Profit and Not-for-Profit organizations are advised to alert the vendor of their tax-exempt status when placing orders and be prepared to provide their tax-exempt number. Taking this action will avoid confusion when invoices are issued by the vendors.

Q. Will entities be charged shipping fees on orders placed with distributors and manufacturers?

A. For orders placed through distributors on Statewide Contracts HLS06, HSP40, and HSP41- Category 3, shipping through normal channels is free, as it is assumed that it is covered in the price of the product. However, special shipping arrangements, including expedited delivery, must be quoted by the seller and agreed to by the buyer as part of the purchase order and subsequent invoice from the seller.

Orders placed through HSP41 - Category 10 will incur shipping costs, which must be quoted by the manufacturer and agreed to by the buyer as part of the purchase order and subsequent invoice from the manufacturer.

Q. As an organization, we have our own Terms and Conditions, which may differ from those Terms and Conditions established for OSD's Statewide Contracts. May we add our Terms and Conditions to our purchase order?

A. No. Eligible Entities must abide by the Terms and Conditions the Commonwealth has established with awarded manufacturers and distributors.

Q. How does an organization determine whether to order test kits from a manufacturer or a distributor?

A. The manufacturers and certain distributors have minimum order quantities, which are noted on the [Resource Guide](#). If an order meets the minimum quantity expressed by a manufacturer, place the order. Also, when ordering from manufacturers, pay close attention to the numbers of test kits per case and per pallet and orders should reflect those specifications. Manufacturers will not break up cases or pallets to fulfill orders. While manufacturers have minimum quantity thresholds, there is no maximum threshold (depending upon availability).
If an order falls below the minimum quantities indicated by the manufacturers or distributors, organizations should order Test Kits from distributors who have no minimum thresholds (depending upon availability). Entities also may pool resources to place larger orders, if they are able to provide a single entity for invoicing and payment purposes. The entities also should be prepared to provide a single delivery location.

Q. Do the test kits have expiration dates?

A. Yes. A test kit's shelf-life varies and typically changes on a shipment-by-shipment basis. Expiration dates should be discussed with the manufacturers and distributors.

Additionally, this information also may be found in the [Emergency Use Authorization \(EUA\)](#) issued by the U.S. Food and Drug Administration for a particular test.

Q. What is an Emergency Use Authorization?

A. Product EUAs may be found [online](#); it is strongly recommended that entities carefully read the EUA for any product they are considering ordering, as it will contain information about usage, age ranges, temperature ranges, and more.

Q. May Eligible Entities distribute test kits to the general public?

A. Eligible entities may purchase kits for distribution as they see fit to local residents/general public. However, it is recommended that purchasers consult their organization's legal counsel or finance/budget director regarding any restrictions that may apply depending on the anticipated funding source.

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Q. Beyond ordering test kits, are there SWCs to order items for outdoor test kit distribution centers, such as tents, generators, heaters, tables, chairs?

A. OSD has received inquiries about items needed by communities to establish temporary outdoor facilities to distribute COVID-19 Rapid Antigen Test Kits. Related items are available for purchase and rental through OSD's Statewide Contracts:

- » **Purchases**
 - › Tents and Traffic Cones: [HLS06](#)
 - › Generators: [FAC100](#), [FAC101](#), [FAC105](#)
- » **Rentals**
 - › Tents, Chairs, Tables, Generators, Heating Units, Light Towers, Portable Potties, among other items: [FAC112](#)
 - › Fences: [FAC93](#)

[Link](#) to our list of vendors providing these products.

Q. How do consumers obtain free test kits or buy test kits through your contracts?

A. Consumers (the general public) have been reaching out to OSD to express interest in obtaining test kits from the COVID-19 Test Kit Statewide Contracts. Unfortunately, the general public is not eligible to acquire test kits through the Statewide Contracts.

We advise consumers (the general public) to inquire about the availability of test kits from their local officials or to purchase test kits from a local or online retailer.

Q. Are there additional resources to help me learn more?

A. Go to the [OSD pages on mass.gov](#) or the [COMMBUYS homepage](#) for additional information.