

TOWN OF WEST BOYLSTON, MASSACHUSETTS

**REQUEST FOR PROPOSALS
FOR
DEVELOPMENT OF A
PARCEL OF TOWN-OWNED LAND**

INTRODUCTION

Pursuant to G.L. c. 30B, §16, the Town of West Boylston, Massachusetts, acting through its Board of Selectmen, is soliciting proposals for the development of a parcel of town-owned land. The Town owns a parcel of land located on Paul X. Tivnan Drive, containing approximately 35.5 acres, more or less (hereafter referred to as the “Property”), which is shown as “Parcel B” on a plan of land entitled “Plan of Land in West Boylston, Massachusetts Owned by Commonwealth of Massachusetts (Formerly Land of County of Worcester, Mass.,” dated November 4, 1999, revised June 6, 2002, prepared by R.W. Hart Associates, Inc., recorded with the Worcester South District Registry of Deeds in Plan Book 804, Page 81 (the “Property”). The Property was conveyed to the Town by the Commonwealth of Massachusetts by deed recorded with said Deeds in Book 32654, Page 314. The parcel is subject to a restriction requiring its use for “municipal services, including parks and recreational uses”. Title to the land reverts to the Commonwealth in the event the land is used for some other purpose. However, the reverter will not apply if the Commonwealth provides prior approval of the use of the land for some other purpose. The Town is soliciting offers for the purchase or ground lease of a portion of the Property consisting of approximately 10 to 12 acres.

This conveyance is subject to G. L. c. 30B, §16, G.L. c. 40, §3 and the award of any sale or ground lease pursuant to this solicitation will be contingent upon a Town Meeting vote authorizing the transaction, as well as any prior approval of the Commonwealth required depending upon the proposed use of the land. The Town reserves the right to reject any and all proposals, or to cancel this RFP.

RFP AND SELECTION PROCESS

To select a developer to implement the proposed development the Town will generally evaluate: (1) the economic benefit of the proposed facility to taxpayers and residents, and (2) the overall environmental and community impact of the proposed use.

Copies of this RFP may be obtained by contacting the Town Administrator at the West Boylston Municipal Offices, 127 Hartwell Street, West Boylston, MA 01583 after December 1, 2009, Telephone Number: (508) 835-3490. Potential developers are advised that any and all questions concerning the interpretation or meaning of any provision of this RFP must be submitted in writing, addressed to the Office of the Town Administrator, West Boylston Town Hall, at the above address, or by e-mail addressed to the Town Administrator, Leon A. Gaumond, Jr. at lgaumond@westboylston-ma.gov no later than January 28, 2010. No verbal response to any questions posed by a potential developer shall be binding on the Town. Responses to all questions raised in writing to the Town Administrator shall be issued as an addendum to this RFP and forwarded to all developers who have requested a copy of the RFP at the address they provided for this purpose.

PRE-PROPOSAL CONFERENCE AND SITE VISIT

A pre-proposal conference will be held in the West Boylston Municipal Office (see above address) at 1:00 p.m. on January 15, 2010 to respond to any questions concerning the RFP or the process for the award of the ground lease. This meeting will be followed by a site visit at 2:00 p.m. on the same day.

SUBMISSION OF PROPOSALS

Proposals shall be submitted in a sealed envelope clearly marked “**Proposal for the Development of Town Property on Paul X. Tivnan Drive**” and with the developer’s name and address. Developers shall submit eight (8) copies of their proposal. Sealed proposals shall be received in the Office of the Town Administrator, West Boylston Town Hall, 127 Hartwell Street, West Boylston, MA 01583 **no later than 1:00 p.m. on January 28, 2010, at which time proposals will be opened publicly.**

Any cost incurred by a developer for preparation and submittal of a proposal shall be borne entirely by the developer and no costs related to the proposal will be refunded by the Town under any condition. The Town reserves the right to waive any formality in any proposal submission or reject any or all proposals or select any offer deemed to be in the best interests of the Town.

A developer may correct, modify, or withdraw a previously submitted proposal by written notice received by the Town at the address indicated above prior to the time and date for the opening of proposals. Proposal modifications must be submitted in a sealed envelope clearly marked, with the bidder’s name and address and the bid title ““**Proposal for the Development of Town Property on Paul X. Tivnan Drive**”– **Modification No. __**”.

All proposals shall remain in effect for a period of 90 days from the submission deadline stated above. The Board of Selectmen shall determine the offer that is the most advantageous to the Town in its sole discretion and reserves the right to award the sale or ground lease on the basis of the evaluation of the non-monetary characteristics of a proposal as well as the compensation offered to the Town. The Board of Selectmen shall not be required to make the award to the developer offering the highest payment to the Town.

RESTRICTIONS ON FUTURE USE

Pursuant G.L. c. 30B, §16(a), the Determination of Availability for lease voted by the Board of Selectmen on May 17, 2006, imposes the following restrictions on the future use of the Property:

1. The Town will entertain proposals for the purchase or ground lease of a 10 to 12 acre parcel to be developed for a purpose which may not be consistent with the existing deed restriction on the Property, provided the proposed use is approved by the Commonwealth so as to negate the reverter provision in the existing deed. The exact location of the 10 to 12 acre parcel to be dedicated to such use will be determined in negotiations with the successful developer.
2. The Town will designate an area within the 35.5 acre Property to be dedicated to park/recreational uses by vote of the Town Meeting.
5. The Town has determined that six acres of the Property will be dedicated as the site for a new Department of Public Works (DPW) facility, the designation of a particular location for such use is subject to a vote of Town Meeting.
6. The selected developer shall bear all costs of permitting, engineering and design, construction, operation and continuing maintenance of the proposed development, and shall pay all legal costs incurred by the Town in connection with this transaction.
7. The successful developer shall be responsible for the cost of extending public water and sewer services to the site, or for providing alternative on-site facilities for such services, to meet the needs of both the private development and those of the municipal park and Department of Public Works facilities to be located on the Property.

PROPERTY DESCRIPTION

The offered Property, with an area totaling one million, five hundred forty eight thousand and five hundred twenty four (1,548,524) square feet (35.5492 acres), more or less, situated in the Town of West Boylston, located on the northeast side of Paul X. Tivnan Drive as shown on the Worcester County Registry of Deeds Plan Book 804, plan 81, titled 'Parcel B'.

No state or federal wetland resource areas have been identified on the site, and none are expected to be found. Final determination of whether any such resource areas are present will be the responsibility of the successful developer. Suitability of the site soils for the proposed use shall also be the responsibility of the developer.

ZONING REGULATIONS

The entire 35.5 acres acre land parcel is split by a zoning boundary with approximately 10 acres falling into the industrial zone, and the remaining area within the conservation zone. The uses of right allowed within each district is as follows:

Industrial Zone

- a. agricultural uses such as farms, stock farms, greenhouses, nurseries, truck gardens, and the sale of farm or garden produce where the major part of such goods is raised on the premises;

- b. municipal structures, religious buildings, cemeteries, and certain educational philanthropic, historical or charitable organizations;
- c. private clubs, business associations, and professional membership organizations;
- d. carriers for hire;
- e. retail businesses where the major portion of goods being sold is manufactured on site;
- f. eating places, except fast food and drive-in restaurants;
- g. bank or financial services;
- h. wholesale business;
- i. personal or business services such as barber shops, dry cleaners, or print shops;
- j. warehousing as an adjunct to a retail or wholesale business;
- k. research laboratories;
- l. light manufacturing;
- m. warehousing or trucking;
- n. removal of sand, gravel or loam subject to restrictions.

Conservation Zone

- agricultural uses such as farms, stock farms, greenhouses, nurseries, truck gardens, and the sale of farm or garden produce where the major part of such goods is raised on the premises;
- and municipal structures, religious buildings, cemeteries, and certain educational philanthropic, historical or charitable organizations;

In the event the developer’s proposed project will require modification of existing zoning, the response to this RFP shall indicate the zoning changes necessary.

PROPOSAL CONTENTS

1. Minimum Firm Qualifications

Following are minimum qualifications that a developer must demonstrate in its proposal. Any proposal that fails to demonstrate that the developer possesses the following minimum criteria shall be rejected without any further consideration.

Corporate History and Structure

The developer shall identify itself by name, including without limitation corporate name or partnership name, joint venturers, if applicable, and list all officers, directors, primary stockholders, and/or partners or joint venturers involved in the proposal. Firms shall describe the corporate structure, partnership and/or nature of the joint venture, if applicable, and shall identify the role each participating partner or joint venturer will play in the proposed development and operation of the facility. The developer shall also provide a certified corporate vote or other certification of authority to submit its proposal.

Development Experience

The developer shall have a minimum of five years experience in the design, construction and operation of a development similar to the proposed use of the parcel. The developer shall provide information on all similar developments, undertaken by them over the past five years, and specify the current status of each such development. The general description of the developer’s contractual responsibilities for each development shall be listed. The developer shall identify a local municipal official and/or state regulatory

official that may have knowledge of each development referenced that the Town can contact to discuss the developer's past and ongoing operations, contract and regulatory compliance history.

Developers are encouraged to present any and all related information that demonstrates its commitment and general capability to perform the proposed services.

Compliance Record

Each developer shall provide a summary of the permitting of all developments that it has owned, managed, constructed or operated over the last ten (10) years. Any outstanding or past consent orders, administrative orders, penalties, legal proceedings or other litigation related to the development of each referenced facility shall be detailed in writing. For litigation, orders or penalties that remain unresolved or otherwise outstanding, the developer shall provide a current status, including the reason(s) for lack of resolution.

2. Proposed Use and Facility Description

The developer's proposal shall describe in detail the proposed development in terms of the improvements to be constructed on the land, the uses to be involved, where appropriate the proposed capacity of the facility, hours of operation, anticipated traffic impacts, proposed routing of vehicles entering and leaving the facility, local jobs to be created. The description of the development shall indicate whether the developer intends to retain title to the improvements constructed on the parcel, or in the alternative intends to sell or lease the improvements to others. An anticipated timeline for the permitting process for the proposed development shall also be included.

3. Proposed Site Layout and Architectural Sketches

The developer shall submit a concept plan of the proposed development, showing the preferred location for the 10 to 12 acre site to be leased; the proposed routes of access to the site and anticipated daily traffic impacts in terms of numbers of deliveries or trips by owners, employees, or users of the facilities provided; project layout and overall development scheme including a depiction of areas dedicated to the various uses, structures or activities to be included in the project, screening and buffer zones to be provided along the site boundaries, open space areas. Draft architectural renderings showing typical building style; elevations showing the proposed layout of structures to be constructed, a landscape concept plan shall also be submitted. These plans shall be submitted on unmounted 2'x 3' sheets at a minimum of 100' scale to allow the Town to fully evaluate the project and to compare competing proposals.

4. Development Impact Analysis

The developer shall provide a brief assessment of the negative and/or positive impacts that the proposal will have on the Town of West Boylston. Describe potential mitigation measures that will alleviate the negative impacts to the Town. This impact analysis shall include at a minimum impacts on:

- A. Water Resources
 - 1. Water withdrawals, if any
 - 2. Wastewater management
 - 3. Stormwater management using best management practices

- B. Traffic Impact Analysis
 - 1. Estimate traffic generation and the extent of impacts on local roads.
 - 2. Address possible mitigation strategies to alleviate project impacts to the local transportation network
 - 3. Address any need for upgrading or improvement to existing town ways providing access to the Property, and the extent to which the developer will assume such costs.

- C. Municipal Infrastructure Analysis
 - 1. Infrastructure assets and liabilities
 - a. Public safety, including possible impacts on the Town's Police and Fire Departments
 - b. Roadway network
 - c. Public utilities such as water and sewer service.
 - d. Provision for other utilities, including electricity, telephone/DSL or cable service needed to support the developer's computer system.
 - e. impacts on other Town services, including potential impact on the public schools.

5. Financial Benefits

The developer shall define the community benefits to be provided as consideration for the award of the sale or ground lease. In addition, the developer shall define how the proposed development of the Property will enhance Town's revenues on a continuing basis through impact on the local property tax base, and what other economic benefits both in terms of monetary payments to the Town as well as in-kind benefits are to be provided. The following information will be included in this portion of a developer's response: monetary community benefits to be paid to Town; job creation; other community benefits of both a monetary and non-monetary nature to be provided by the developer. This portion of the response shall also take into consideration or identify any potential negative impacts such as infrastructure maintenance (for example roads and drainage) costs associated with this proposal and how the developer will assist the Town in meeting such costs.

6. Payments to the Town

The developer shall set out all proposed payments to the Town in detail, including the timing and terms of payment.

7. Permitting Strategy

The developer shall include a project timeline from award of the ground lease to project build out, particularly identifying the anticipated start date for the project permitting process. The permitting strategy shall include, at a minimum, a list of required permits and approvals required for the proposed use and a timeline indicating the anticipated length of the permitting process.

8. Proposed Project Team

The following project specific information shall be included with each proposal to describe the project team; if the proposer is a partnership or joint venture, identify which partner or joint venturer each individual of the project team is employed by:

- A. A description of the project team;
- B. The name and resume of the developer's main contact person who will be responsible for acting as the liaison between the Town and the developer's project team. The resume shall identify all prior projects of a similar kind for which this individual has performed a similar function, including the name, location and brief description of each project, and the name, address and phone number of an official of the local government body who worked directly with the contact person in the development of the project;
- C. The name and resume of all project team members; identify the role each team member will play, for example architect, overall project manager, construction manager, etc. Each resume shall identify all prior projects of a similar kind for which the individual has performed a similar function, including the name, location and brief description of each project;
- D. A clear description of the proposing business entity's structure, including an organizational chart; and
- E. Detailed information describing similar projects completed by each member of the project team, identifying the project name, location, and the role each member played in each development.

9. Project Schedule

The developer shall provide a timeline for the project development, including permitting, design, construction phasing, completion schedule and expected full build-out of the project. The timeline shall include the anticipated date for full build-out.

10. Financing

The developer shall describe in detail the source of its project financing, including any financing contingencies associated with the proposal.

11. Required Forms

Each proposal shall include the following forms:

- a. A Non-collusion Certificate (Exhibit A)
- b. A Tax Compliance Certificate (Exhibit B)
- c. A Statement of Beneficial Interest (Exhibit C)
- d. A Certificate of Authority (Corporate entities only) (Exhibit D)

EVALUATION CRITERIA

Proposals will be reviewed to determine if each submission contains all required forms and certifications, as well as a complete description of the proposed development including all the categories of information outlined above under the heading of "Proposal Content". Any proposal found to be lacking in any respect shall be considered non-responsive, shall be rejected and given no further consideration during the evaluation process.

Proposals that are determined to be responsive shall be further evaluated in light of the following criteria, and will be ranked in order of preference from most beneficial to least beneficial. An evaluation of each proposal shall state the basis for its ranking, and identify the strength and weaknesses of the proposal, both objectively and in comparison to the other proposals submitted in response to the RFP.

Preferences for Potential Development

The Town's preference for potential development is a proposal that maximizes the benefits to the Town in terms of financial impact, as well as providing a development that is either consistent with the current deed restrictions on the Property, or one that is likely to obtain the prior approval of the Commonwealth for a use that is not consistent with the restrictions, but nevertheless acceptable to the Commonwealth. The most advantageous proposal is one that meets these requirements and also maximized maximizes the monetary and non-monetary benefits provided to the Town as determined by the Board of Selectmen.

The Board of Selectmen, in its sole discretion, shall make an award to the proposer whose overall development proposal offers the most beneficial use of the Property, taking into consideration the plan of development, the proposed uses, the design, the impact on adjacent land uses and the overall character of the Town, as well as financial and non-monetary benefits provided by the proposal, and the likelihood of obtaining approval from the commonwealth in those instances in which it is required. The Board of Selectmen shall not be required to award the sale of the Property to the proposer offering the highest compensation to the Town. If the successful developer fails to finalize the sale or execute a lease acceptable to the Town within thirty (30) days of an award by the Board of Selectmen, the Town reserves the right to rescind the award and to award the sale or ground lease to another developer, or to determine not to make an award. The Board of Selectmen reserves the right to reject any and all proposals, or to cancel this RFP.

Proposals will be reviewed in light of the following criteria and given a ranking for each:

HIGHLY ADVANTAGEOUS (HA) will be assigned to a proposal that substantially exceeds the Town's requirements in each category.

ADVANTAGEOUS (A) will be assigned to proposals that meet the Town's minimum requirements.

NOT ADVANTAGEOUS (NA) will be assigned to proposals that fail to fully meet the Town's requirements.

Comparative Evaluation Criteria

1. Nature of Applicant

Not Advantageous - An applicant who does not demonstrate adequately that they have the integrity or experience to enter into a lease with the Town of West Boylston.

Advantageous - An applicant who adequately demonstrates that they have the integrity or experience to enter into a lease with the Town of West Boylston.

Highly Advantageous - An applicant who clearly demonstrates that they have the superior integrity and business sense to enter into a lease with the Town of West Boylston.

2. Proposed Benefit to the Community

Not Advantageous - No measurable benefit to the community.

Advantageous – Benefit to the community through experience and knowledge.

Highly Advantageous – Widespread and direct benefit to the community through experience and knowledge.

3. Community need

Not Advantageous - Plan fails to address any community need as mentioned in our Master Plan.

Advantageous – Plan is complete, clear as to key aspects of the community needs as mentioned in our Master Plan.

Highly Advantageous – Plan is complete, clear as to key aspects of the manner in which tasks will be performed and demonstrates an intention to meet needs mentioned in our Master Plan.

Proposals will be rated as indicated above. The Selectmen shall assign a composite rating to each proposal and shall prepare a narrative evaluation of the overall advantages and disadvantages of each proposal. References familiar with the past performance and experience of the developers shall be contacted. The Board of Selectmen, in its sole discretion, shall determine the most qualified developer offering the most advantageous proposal taking into consideration the nature of the proposed facility and the financial and in-kind benefits to the Town. The Board expressly reserves the right to award the ground lease to a developer other than the one offering the highest payment to the Town. The award of the ground lease to the successful developer by the Board of Selectmen shall be contingent upon the approval of the West Boylston Town Meeting.