Rec'd Townsend Town Clerk
16 JUN '23 PM1:16

I. Overview

A. Request for Proposals

The Town of Townsend is requesting proposals for a unique opportunity:

> The rehabilitation of the property located at 276 Main St., Townsend MA, the Hart Free Library, shown on Assessors Maps as Map 51, Block 1, Lot 0, consisting of .5 acres, more or less.

B. Summary of Purpose

The Town is seeking proposals for the rehabilitation of the structure on the property into three commercial/office/gallery spaces, two on the first floor and one in the basement. The structure should have common, updated bathrooms and a plan for ADA compliant entrances to all three spaces. A septic solution should also be a part of the proposal.

More specifically, the purpose of this RFP is to identify and select a proposal that:

- Maintains and rehabs the historic exterior of the structure; and
- Modernizes the interior of the structure with shell space suitable for conversion to office, commercial or gallery space by a future tenant.

II. Process for Submitting Proposals

A. Schedule

Following the release of this RFP, the selection process will be completed in approximately 4 weeks. The process will include:

- Evaluation of the responses according to a list of criteria following the submission deadline.
- Final selection.
- Execution of the rehabilitation contract.

B. Submission Requirements

The following must be submitted by 10:00 am on July 21, 2023

1. **Proposal**
   The proposal should include the cost (if any) to the Town for the rehabilitation of the property and the proposed payment schedule. Proposals should supply all of the information described below, and should demonstrate the ability of the applicant to undertake the challenges associated with the proposal. Proposals should be persuasive as to their feasibility and should reflect an understanding of the qualities of the Property and its value. It is intended that the substance of a Proposal, as approved by the Town, will be incorporated into all agreements which may result from the process. A cover letter

may accompany any proposal. Proposals must include responses to all applicable sections of this RFP as detailed below:

i. Applicant Information

List the names, addresses and telephone numbers of all principals, partners and others participating in the project.

ii. Statement of Qualifications

Provide a statement describing past experience and qualifications rehabilitating historic structures**. As much as** possible, this statement should reflect experiences similar to the uses and activities proposed for the property.

iii. Certificate of State Tax Compliance as attached hereto

The Certificate of State Tax Compliance attached hereto must be executed and accompany all proposals.

iv. Certificate of Good Faith as attached hereto

The Certificate of Good Faith attached hereto must be executed and accompany all proposals

v. Disclosure Statement Concerning Beneficial Interest as attached hereto

The disclosure statement attached hereto must be executed and accompany all proposals.

vi. Anti-Discrimination

By submitting a proposal, the proposer agrees that in the construction of any future improvements and otherwise through any agreements made hereafter regarding the Property, it shall cause all contractors, tenants and users to comply with all applicable laws, ordinances, regulations and orders from time to time in effect relating to nondiscrimination, equal employment opportunity, contract compliance and affirmative action.

C. Submitting Proposals

Three (3) copies (one unbound) of the Price are to be submitted.

1. Proposals should be submitted as follows and are to be **received** no later than 10:00 am on July 21, 2023 to

   Eric Slagle
   Town Administrator
   Town of Townsend
   272 Main Street
   Townsend, MA 01469

2. Proposals received after the deadline will be rejected. Proposers are requested to examine this Request for Proposals and make sure that all pages are included. The Town assumes no responsibility for a proposal submitted on the basis of an

incomplete Request for Proposals package. Proposers are expected to review all requirements and instructions of this Request; failure to do so will be at the Proposer's risk. Each proposer should furnish all the information required by this Request. The Town reserves the right to waive formalities in any Proposal, and may, if it determines that such action is in the best interests of the Town, select a Proposal which does not conform in all details with the requirements of this RFP. Likewise, the Town reserves the right to reject any and all Proposals, to waive technical or legal deficiencies, and to accept any proposal that it deems to be in the best interest of the Town of Townsend. This RFP does not commit the Town to enter into any disposition of real property interest; or to pay any costs, including costs associated with any studies or designs, incurred by any party in the preparation and submission of a Proposal. Proposals will not be returned but will be retained by the Town for the official record.

3. **Inquiries and Explanations**
   All inquiries concerning this Request for Proposals should be directed to:

   Eric Slagle
   Town Administrator
   Town of Townsend
   272 Main Street
   Townsend, MA 01469
   (978) 597-1700 ext. 1701
   eslagle@townsendma.gov

   Any explanation desired by a Proposer regarding the meaning or interpretation of this RFP must be submitted in writing and with sufficient time allowed for a reply to reach the Proposer prior to the submission of their Proposal. Verbal explanations or instructions shall not be binding on the Town. Any information given in writing to a prospective Proposer will be furnished to all known prospective proposers and known recipients of the RFP at the time of the question if such information is deemed to be necessary to Proposers in their preparation and submission of Proposals, or prejudicial to uninformed Proposers if they were to lack such information.

IV. Proposal Evaluation and Selection Procedure

A. Criteria for Evaluation

The following criteria will be used in evaluating all proposals:

The proposal

1. Meets the goals and guidelines of this RFP;
2. Demonstrates ability, capacity and experience of the Proposer.
3. Is, in scope and nature, a public benefit to the citizens of Townsend;
4. Represents the highest and best use of the property consistent with the purposes and criteria set forth in this RFP.

B. Selection Process

1. **Review of Proposals**
   The Town, through its Town Administrator will review and analyze all Proposals based on the evaluation criteria described in this Request for Proposals. During this process the Town may terminate further consideration of any Proposal at its own discretion; it may also request that a Proposer submit additional information.

2. **Proposal Selection**
   Upon completion of evaluation of proposals, the Town will select a successful applicant. The Town reserves the right to request further information from a Proposer prior to final selection. The Town reserves the right to waive any formalities.

3. **Provisional Tenant Designation**
   Following selection of a Proposer, the Town will provisionally designate a successful applicant for the property. All Proposers will be notified in writing of this designation. Following designation, the successful applicant and the Town, through its Town Administrator will negotiate a contract for the rehabilitation of the Property and present to the Townsend Board of Selectmen for execution.

VI. Reservations and Conditions

A. General Reservations

1. The Town makes no express or implied representations or warranties as to the accuracy and/or completeness of any of the information provided as part of this Request for Proposals, including information that is available upon request. This information is provided subject to errors, omissions, change of cost, lease or conditions, additional changes in and different interpretations of laws and regulations, prior sale, lease or financing.

2. The Town reserves the right to suspend, withdraw or amend this RFP at any time without notice.

3. The Town reserves the right to seek additional information or revised proposals from respondents or finalists at any time prior to selection of developers through written notice to all respondents. The Town reserves the right to change the selection process or schedule with written notice to all respondents to the RFP or finalists, as necessary.

4. The Town reserves the right to reject, in its sole discretion, any proposal not submitted in conformance with this RFP and any amendments hereto, or to reject any and all proposals, in its sole discretion, for any reason. the Town further reserves the right to waive or decline to waive irregularities in any proposal when it determines that it is in the Town's best interest to do so. If a contract is not executed with the Selected Applicant, the Town may choose to execute a contract with an alternate applicant from the pool of respondents, to terminate the selection process, or to begin a new selection process.

5. The Town reserves the right to discontinue its selection of any Proposer, or the entire RFP process for any reason whatsoever or for no reason, prior to the execution of a contract.

B. Conflict of Interest and Collusion

1. By submitting a proposal, a Respondent certifies that no relationship exists between the Respondent or any of its officers, employees, agents, or representatives and the Town, or any officer, employee, or agent of the Town that constitutes unfair competition or conflict of interest or that may be adverse to the Town.

2. By submitting a proposal, a Respondent certifies that it has not acted in collusion with any other Respondent or other entity doing business with the Town in a way that would constitute unfair competition.

C. Confidentiality

1. Respondents should assume that all material submitted in response to the RFP will be open to the public, with the exception of the Respondents personal financial information which the Town shall endeavor to keep confidential, if included.

2. No Respondent has proprietary rights to any ideas or materials submitted in its response to the RFP. All material submitted becomes the sole property of the Town.

D. Respondent's Responsibilities

Respondents shall be entirely responsible for verifying zoning requirements, design guidelines, environmental regulations, and any other regulatory information. Respondents shall be entirely responsible for verifying any and all site conditions of the Leased Property and surrounding Property. Copies and summaries of this information are included in this RFP only as a convenience and the Town is not liable for any mistakes, damages, or other consequences arising from use of this information

CERTIFICATE OF STATE TAX COMPLIANCE

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A
_____, authorized signatory for
name of signatory
_____, whose
name of Proposer
principal place of business is at _____,
_____does hereby certify under the pains and penalties of perjury that
_____ has paid all
name of Proposer
Massachusetts taxes and has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

_____
Signature Date

_____
Name

_____
Federal Tax ID # or Social Security #

CERTIFICATION OF GOOD FAITH

The undersigned certifies under pains and penalties of perjury that this potential lease award has been obtained in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

The Proposer by:

_____
Print Name

_____
Title/Authority

DCAMM Disclosure of Beneficial Interests Form

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of every legal entity and every natural person that has or will have a direct **or** indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Towner for Real Estate
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor, Boston, MA 02108

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGEEMENT, or DOCUMENT:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

_____Lessor/Landlord _____Lessee/Tenant

_____Seller/Grantor ____Buyer/Grantee

_____Other (Please describe):

_____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange Town, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME	RESIDENCE

(7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

☐ NONE

NAME: POSITION:

(8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:
No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the Towner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange Town, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.
Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The Towner shall notify the state ethics Town of such names, and shall make copies of any and all disclosure statements received available to the state ethics Town upon request.
The Towner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

(9) This Disclosure Statement is hereby signed under penalties of perjury.

PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM / DD / YYYY)

_____
PRINT NAME & TITLE of AUTHORIZED SIGNER