

TOWN OF WAREHAM



REQUEST FOR PROPOSALS

FOR THE LEASE OF THE OLD TOWN HALL

Legal Notice

TOWN OF WAREHAM

REQUEST FOR PROPOSALS

FOR THE LEASE OF THE OLD TOWN HALL

The Town of Wareham is seeking sealed proposals for the lease of the building known as the Old Town Hall, which is located at 505 Main Street, Wareham, MA and the land surrounding the building including the parking areas and driveways thereon. Proposals shall be received on behalf of the Awarding Authority, the Wareham Town Administrator, at the Office of Procurement, Memorial Town Hall, 54 Marion Road, Wareham, MA 02571, until 1:00 p.m., Wednesday, September 7, 2016 at which time and place they will be publicly opened and read. Phone calls, telegrams, postmarks, etc. will not be considered. Proposals will only be accepted from non-profit organizations. Additionally, use of the property shall be restricted to said non-profit organizations solely for use in communication and/or educational purposes. Proposals not submitted on original forms shall be deemed non-responsive. **Proposals must be submitted in a sealed envelope clearly marked “RFP-for the Lease of the Old Town Hall-September 7, 2016, 1:00 p.m.”.** The Town of Wareham assumes no liability for proposals mistakenly opened due to improperly labeled envelopes and will return same to proposer without notice.

The Town of Wareham reserves the right to reject any and all proposals, in whole or in part, and to make awards in a manner deemed in the best interest of the Town as provided by M.G.L.

The Town of Wareham is an equal opportunity employer. The Town of Wareham encourages proposals from Women and Minority Business Enterprises.

Notice of this RFP is published in the Central Register, which is a weekly publication of the Office of the Secretary of the Commonwealth, the Wareham Week (a newspaper of general circulation) and posted on the Town website (www.wareham.ma.us) under Bid Postings.

The Town of Wareham is seeking sealed proposals to lease the Old Town Hall and surrounding land, located at 505 Main Street, Wareham, Massachusetts. Any option to extend the lease period beyond the initial term not to exceed a total of five (5) years shall be at the exclusive option of the Town of Wareham. All proposals and disposition of property shall be in accordance with MGL Chapter 30B, Section 16 and all other applicable sections of the General Laws as most recently amended which govern the award of this contract.

POTENTIAL USES OF THE PROPERTY

The preferred uses (“highly recommended”) for the future occupation of the premises are as non-profit service providers whose vision, mission and structure of services align with the goals of the Town of Wareham’s efforts to provide governmental, academic and non-academic supports, and focuses on community and family engagements.

The Town of Wareham recognizes the need to partner with community stakeholders to support the public as a whole, and to provide opportunities for the town’s residents to improve their quality of life, engage in their children’s education and non-academic, positive social and behavioral supports. Community support and family engagement has been central to numerous initiatives and this focus is central to consideration of the proposals submitted by potential, appropriate lessees for the Old Town Hall.

I. SUBMISSION REQUIREMENTS

A. One original Proposal must be submitted.

- 1.) The proposal may be withdrawn or amended without prejudice between the time of submission and the time of opening.

B. Proposals must be submitted in a sealed envelope clearly marked -“Lease the Old Town Hall-September 7, 2016, 1:00 p.m.”. The Town of Wareham assumes no liability for proposals mistakenly opened due to improperly labeled envelopes and will return same to proposer without notice.

In the event that Town Hall is closed due to any reason, including but not limited to inclement weather, this bid will be opened at the same time and place on the next week day that Town Hall is in operation. To be considered responsive, proposals must meet the submission requirements set out in this RFP. Proposals received after the deadline will be rejected and returned to the proposer unopened. Proposals submitted prior to the deadline may be corrected, modified or withdrawn by written notice received in the Town Administrator’s Office prior to the submission deadline stated in Section B.

C. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, it is suggested that all bids submitted comply with the following guidelines:

- 1.) All copies should be printed double sided.
 - 2.) All submittals and copies should be printed on recycled paper with a minimum of 20% post-consumer content.
 - 3.) All proposals and copies should minimize or eliminate the use of non-recyclable or 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.
 - 4.) Vendors should submit materials in a format which allows for easy removal and recycling of paper materials.
 - 5.) Vendors are encouraged to use other products which contain reduced content in their bid documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc.
 - 6.) Unnecessary samples, attachments or documents not specifically requested, should not be submitted. Bidders should avoid superfluous use of paper, such as separate title sheets or chapter dividers.
- D. Where the word "signed" appears, it refers to the handwritten signature of the individual authorized to execute the contract and where applicable the corporate seal must be affixed. Proposals "signed" by any way other than described here will be considered non-responsive.
- E. Signed (and sealed when applicable) certification that the proposer has paid all State taxes due (use form attached).
- F. Signed (and sealed when applicable) certification that the proposer has not colluded with any other party in the preparation and submission of his/her bid.
- G. Signed and sealed certification of vote (for use by Corporations). (Proposers may submit their own certificate of corporate vote.)
- H. The proposal shall contain a detailed description of the Proposer's intended use of the property.
- I. The lease proposal to the Town of Wareham shall remain valid for 90 days past the submission deadline, unless extended by mutual agreement. Proposals will be publicly opened on the date, and at the time and place indicated in Section B. The name of each proposer and the lease price of each proposal shall be recorded. Proposals become public information when they are opened.
- J. Proposals shall provide all the information required in this request for proposals and the attached forms, and may include additional information such as narrative summaries, business brochures, letters of recommendation, etc.

K. Any agreement resulting from this RFP shall be awarded to the proposer(s) whose proposal(s) is (are) deemed to be the most advantageous to the Town based on the evaluation criteria and price. The Town will be the sole judge in determining whether a proposal satisfies the requirement of this RFP and whether or not a proposal will prove to be the most advantageous to the Town. The evaluation committee will submit evaluation to the Town Administrator, which evaluations shall become part of the public file. The successful Proposer(s) will be bound to the terms of the Lease Agreement, as well as, the terms and provisions of any documents listed or referred to thereunder.

L. All Proposers will be notified of the selection decision.

M. Should Proposers choose to, they may contact Mr. David Menard, Director of Municipal Maintenance at 508-295-5300 to schedule a walk-through appointment on August 31, 2016 at 1:00 p.m.

II. ADDENDUM OR PROPOSAL MODIFICATION

If any changes are made to this RFP, an addendum will be posted on the Town's website, under Bid postings. It is the sole responsibility of the bidder to ascertain the existence of any addendum and/or modifications issued by the Town. As this RFP has been published on the Town's website (www.wareham.ma.us) all bidders are responsible for checking the website for any addendum and/or modifications that are subsequently made to this RFP.

The Town accepts no liability for and will provide no accommodations to bidders who fail to check for amendments and/or modifications to this RFP and subsequently submit inadequate or incorrect responses. Bidders may not alter (manually or electronically) the RFP language or any RFP component files. Modifications to the body of the RFP, Scope of Work, terms and conditions, or which change the intent of this RFP are prohibited and may disqualify a response.

III. CONTRACT DOCUMENT

The contract documents will consist of all bid forms as attached hereto. In addition, the following documents will be included:

1. All submissions required by Sect. I 'Submissions'
2. Any RFP addendum
3. Notification of Intent to Award
4. Any other document(s) by mutual agreement of the Town and successful proposer

IV. TERM OF CONTRACT

- A. TIME IS OF THE ESSENCE

- B. Only One (1) contract will be awarded.
- C. This contract will be awarded within sixty (60) days of the proposal opening date.
- D. All proposals for this project are subject to applicable public bidding laws of Massachusetts, including G.L. Chapter 30B.

V. INSURANCE

Commercial General Liability Insurance - Contractor is to maintain Casualty Insurance as follows:

Commercial General Liability Insurance with an insurance company qualified to do business in the Commonwealth of Massachusetts and acceptable to the Town, providing a limit of liability of not less than \$1,000,000 per occurrence and general aggregate. Such insurance is to include the following extension of coverage.

- 1.) Contractual Liability - \$1,000,000 per occurrence
- 2.) Premises Operation Liability - \$1,000,000 per occurrence
- 3.) Independent Contractors Liability - \$1,000,000 per occurrence
- 4.) Explosion, Collapse and Underground Property Damage - \$1,000,000 per occurrence
- 5.) Personal Liability - \$1,000,000 per occurrence
- 6.) Products Liability - \$1,000,000 per occurrence

Automobile Liability Insurance with an Insurance Company qualified to do business in the Commonwealth of Massachusetts and acceptable to the Town providing a limit of liability not less than those specified below. Such insurance is to include claims arising out of vehicles owned by contractor, hired by contractor, or owned by others acting on behalf of or under the direction of the contractor.

Bodily Injury Liability of not less than \$500,000 per accident, bodily injury and property damage combined.

Workmen's Compensation Insurance - The contractor shall furnish the Town with certificates of insurance showing that all his/her employees who shall be connected with this work are protected under Workmen's Compensation Insurance Policies.

- 1.) Coverage A - Massachusetts
- 2.) Coverage B - \$500,000 per insuring agreement

Prior to the commencement of the lease, the lessee will cause to be delivered to the Procurement Office, Town of Wareham Certificates of Insurance evidencing the foregoing. The Certificates of Insurance are to provide that the Town of Wareham in care of its Procurement Officer shall be given at least 30 days advance notice of cancellation, intent not to renew, or material change in coverage.

Bidder hereby agrees to save and hold the Town of Wareham, its agents, servants, and employees,

harmless from any and all claims arising out of the activities of the contractor, its agents, servants, employees, and invitee or subcontractors.

VI. PROPOSAL REQUIREMENTS

The evaluation Committee shall reject and not recommend to the Town Administrator proposals that do not meet the following minimum requirements.

1. The Proposer must provide a list of personnel, name and title, who will be assigned to represent it in its dealings with the Town.
2. The proposal must be signed by the organization's duly authorized representative.
3. The Proposer must also submit the following information:
 - a. Contact information: The name, contact person (phone number and address), narrative description of proposer's organization and experience in operating a similar entity.
 - b. List of qualifications of key personnel.
 - c. Business References: Provide three (3) references from community leaders in the Town of Wareham with personal knowledge of the organization's activities and its governing board.
 - d. Financial Capability: State the number of years in operation and provide a list of three (3) references with detailed knowledge of the financial condition of the organization.
 - e. Proposed use: Provide a detailed description of all proposed occupant activities, including the following:
 1. Types of services available
 2. Hours of Operations
 3. Estimated number of employees
 4. Other relevant information that describes the proposed occupancy and use of the property
 5. Five-Year Organization Plan
 - a. A mission statement
 - b. A list of goals for achieving the mission
 - c. Organizational objectives for the next five (5) years

VII. CRITERIA FOR EVALUATION

A scoring rubric will be used to evaluate the following features of each proposal .

1. Proposed activities promote positive social, emotional, physical and intellectual health and growth for the community.

2. Proposed activities enhance a standard of practice understood and practiced by multiple member organizations within the community
3. Proposed practices integrate a range of resources from both within the organization and the larger community to form a robust coalition of organizations and agencies that have demonstrated effective tools for communication.
4. Proposed practices integrate a range of resources from both within the organization and the larger community to form a robust coalition of organizations and agencies that have demonstrated effective tools for collaboration.
5. Proposed activities, policies and practices.

VIII PROPOSAL EVALUATION

The Evaluation Committee will use the comparative criteria for each separate rating area, and based upon those criteria, will assign an overall rating to each proposal as permitted under MGL Chapter 30B. Each of the six (6) criteria contain ratings of:

Not Advantageous – 1 Point

Advantageous - 2 Points

Highly Advantageous - 3Points

The Town of Wareham reserves the right to award leases to the Proposers for the proposals deemed to be the most advantageous to the Town, taking into account proposal quality, references and proposal price.

1. **Terms of Lease:**

Not Advantageous: Less than one (1) years

Advantageous: Three years

Highly Advantageous: Five (5) years or more

2. **Organizational Experience:**

Proposer should demonstrate in the proposal the history of their experience including the experience of the principal(s) of the organization. Clearly define and clarify the experience your organization has in government, arts, cultural, and educational areas.

Not Advantageous: Less than five (5) years' experience in non-profit arts, cultural, governmental or educational group.

Advantageous: Five (5) years in non-profits arts, cultural, governmental or educational group

Highly Advantageous: Five (5) or more years' experience in non-profit arts, cultural, governmental, communications or educational group

3. **Operation Plan:**

The Proposer shall submit a five year Operational plan and three (3) business references clearly establishing the viability of the organization for the lease period.

Not Advantageous: Operation Plan and only one (1) reference indicate the organization will most likely be successful during the lease period.

Advantageous: Operation Plan and only two references clearly indicate the organization will be successful during the lease period.

Highly Advantageous: Operation Plan and three (3) or more references clearly indicate the organization has a high probability of success during the lease period.

4. Proposed Use(s)

Not Advantageous: uses are as follows: repair shop, building trade and light manufacturing.

Advantageous uses are as follows: research facility that is compatible with the surrounding area, personal service shop, lodge and club, religious use, child care.

Highly Advantageous uses as follows: child care, disabled, educational, cultural or professional office or a wireless communication facility.

5. Financial Capability

Proposer submits clear and complete list of financial references with personal knowledge of the organization's current and future financial situation or financial records showing expenses, income and investments.

Not Advantageous: Only three (3) or fewer of the references have detailed personal knowledge of the financial situation of the organization and responses indicate the proposer would have difficulty meeting the financial obligations stated in the proposal for the entire period of the lease agreement or Proposer with incomplete financial information that does not demonstrate the financial ability to meet the obligation stated in the proposal for the entire period of the lease agreement.

Advantageous: Only four (4) or fewer of the references have detailed personal knowledge of the financial situation of the organization and responses indicate the proposer mostly has the ability to meet the obligation stated in the proposal over the entire period of the lease agreement or Proposer with financial documents demonstrating the ability to meet all financial obligation stated in the proposal over the entire period of the lease agreement.

Highly Advantageous: Five (5) or more references have detailed personal knowledge of the financial situation of the organization and responses indicate the Proposer clearly has the ability to meet the obligations stated in the proposal over the entire period of the lease agreement or Proposer with complete financial documents clearly demonstrating the ability to meet all the financial obligations stated in the proposal over the entire period of the lease agreement.

IX. SPECIFICATIONS FOR LEASE

A lease is available for the building known as the Old Town Hall, the land area surrounding the building including the parking areas and driveways. The lessee accepts the building “AS IS”, after having the opportunity to examine the building and the Town makes no representations or warranties of any kind nor does it have any kind of obligation to do any work or improvements on the building.

Proposers must demonstrate that they have the financial resources to support the proposed development, such information shall indicate both internal financing, as well as anticipated borrowing; proposers must be willing to provide the evaluation committee with financial statements and bank references, if requested.

X. RENT PAYMENT EVALUATION

The lessee will have complete responsibility for all expenses related to the operation and maintenance of the leased space for the full term of the lease, including taxes as required by law (real estate and personal property, if applicable), rubbish removal, all utilities, and all repairs required to maintain the building and land in compliance with all applicable provisions of law, regulations, and building codes.

XI. TERMS OF LEASE AND CONDITIONS

The successful proposer will be expected to execute a Lease Agreement within thirty (30) days of receiving the award.

THE TOWN RESERVES THE RIGHT TO TERMINATE ANY LEASE PROCURED HEREUNDER UPON 60 DAYS WRITTEN NOTICE TO LESSEE IF AT ANY TIME DURING THE TERM OF THIS LEASE THE ESTIMATED COST OF REPAIRS TO THE OLD TOWN HALL EXCEEDS THE AMOUNT OF RENT COLLECTED FROM THE LESSEE IN THE PRECEEDING TWELVE (12) MONTH PERIOD. THE TOWN SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING BUT NOT LIMITED TO, DIRECT AND CONSEQUENTIAL DAMAGES OR COSTS OF RELOCATION.

XII. AWARD

The Town Administrator or his designee will evaluate proposals, with the assistance of such additional consultants or Town officials or employees as the Committee shall deem warranted. He shall rate all responsive proposals, evaluating the advantages and disadvantages of each. The

Chief Procurement Officer shall select the successful proposer, taking into consideration which proposal is in the best interests of the Town. The successful proposal need not be the one offering the highest rental payment. The Town Administrator reserves the right to negotiate with the successful proposer as to the final terms and conditions of the lease agreement. Award of the lease shall be subject to the approval of the Wareham Town Administrator and then the Wareham Board of Selectmen.

The Town will require a Certificate of Insurance indicating General Liability Coverage, and Workers Compensation Statutory Coverage. The successful lessee will be required to indemnify and hold harmless the Town for and against any claims, actions, demands, damages, costs or expenses arising out of or related to lessee's use of the premises. The Lessee will be required to name the Town on the General Liability Certificate "As an Additional Insured".

XIII. RESTRICITONS AND LIMITATIONS

The following are restrictions and limitations for leasing the premises:

1. Requirements of the Town's Zoning Bylaws.
2. Public parking is available on first come first served basis.
3. Allowed uses: professional office, educational, religious, research facility, child care or communications.
4. Signage per the Town's Bylaws insistent with the historic character of the area subject to approval by the Selectmen.
5. Occupancy limitations are based on applicable Municipal Codes.

XIV. AFFIRMATIVE ACTION

It is understood and agreed that it shall be a material breach of any contract resulting from this proposal for the contractor to engage in any practice which shall violate any provision of Massachusetts General Laws, Chapter 151B, relative to discrimination in hiring, discharge, compensation, or terms, conditions or privileges of employment because of race, color, religious creed, national origin, sex, age or ancestry.

Town of Wareham
PROPOSAL FORM
OLD TOWN HALL

Date:

Name and address of Individual, Corporation or other Entity submitting this proposal:

The following information shall be provided on this form or on such additional sheets as shall be required.

1. The Individual, Corporation or other entity submitting this proposal operates on a non-profit basis.. ____ Yes ____ No

2. Provide a brief history of the entity submitting this proposal, including length of time in existence, name and address of officers or trustees, current location, description of current operations, including number of employees, students, patients, clients, visitors, etc. prior leased properties and name and address of landlord in each instance.

3. State the proposed annual rent and payment schedule. Rent may be stated as an initial annual rent payment, provided that at no time shall adjusted rent be reduced below the level of the prior year. It is the intent of the Town that rental payments shall commence upon execution of the lease, regardless of the timing of occupancy of the leased premises.

4. The Prospective Lessee agrees to execute a Lease Agreement within thirty (30) days of delivery of such lease by the Town. ____ Yes ____ No

Proposal Submitted By:

(Signature) (Title)

CONTRACT PRICES

The bidder above-mentioned declares and certifies:

That said bidder has carefully examined the instructions to bidders, schedules, and specifications prepared under the direction of the Town Administrator, and will, if successful in the bid, furnish and deliver at the prices bid and within the time stated, all the materials, services or labor for which this bid is made.

No plea of mistake in an accepted bid shall be available to the undersigned bidder.

All bidders are required to answer the following survey questions. Bids not answering the following questions may be deemed non-responsive.

	Yes	No
a. Is the bidder a Minority Business Enterprise (MBE)?	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the bidder a Women Business Enterprise (WBE)?	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the bidder possess a business certificate in the Town of Wareham?	<input type="checkbox"/>	<input type="checkbox"/>
d. Has the bidder provided services or goods to the Town of Wareham at any time during the past 24 months?	<input type="checkbox"/>	<input type="checkbox"/>
e. Has the bidder ever forfeited a bid or performance bond relating to a bid with the Town of Wareham?	<input type="checkbox"/>	<input type="checkbox"/>
f. Is this bid for contracted services?	<input type="checkbox"/>	<input type="checkbox"/>
1. If yes, will any portion be sub-contracted?	<input type="checkbox"/>	<input type="checkbox"/>
2. Approximately how many people in total will work on this contract?		_____

Price as specified in the RFP for the lease of the Old Town Hall.

***Not including Utilities or Maintenance**

Per Month \$ _____
(Written amount in Words)

Per Year \$ _____
(Written amount in Words)

Authorized Signature

Name and Title (Print or Type)

Telephone Number

Fax Number

Corporate Seal

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section the word 'person' shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.

Authorized Signature

Date

Social Security Number or Federal
Identification Number

Legal Name of Business Entity (Please Print or Type)

Address: _____



Corporate Seal

**STANDARD HOLD HARMLESS AND INDEMNITY CLAUSE
FOR USE IN
LEASES, USE AGREEMENTS, PROCUREMENT CONTRACTS ETC.**

_____, its officers and members all,
Legal Name of Bidder's Business Entity

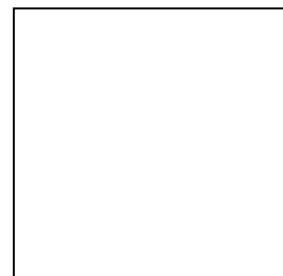
through the signing of this document by an authorized party or agent, indemnify, hold harmless and defend the Town of Wareham and its agents and employees from all suits and actions, including attorneys' fees and all costs of litigations and judgment of every name and description brought against the Town as a result of loss, damage or injury to person or property by reason of any act by_____, its agents, servants or employees.

Legal Name of bidder's Business Entity

Authorized Signature

Name and Title (Print or Type)

Date



Corporate Seal

CERTIFICATION TO PAYMENT OF TAXES BY CONTRACTOR

Pursuant to G.L. c. 62C, §49A, I hereby certify that _____
Legal Name of Bidder's Business Entity

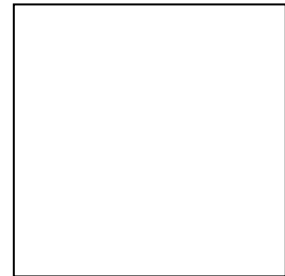
has complied with all laws of the Commonwealth of Massachusetts relating to the
payment of taxes.

Signed under the penalties of perjury.

Authorized Signature

Name and Title (Print or Type)

Date



Corporate Seal

CERTIFICATE OF VOTE
(Corporations Only)

At a duly authorized meeting of the Board of Directors of the _____
(Name of Corporation)

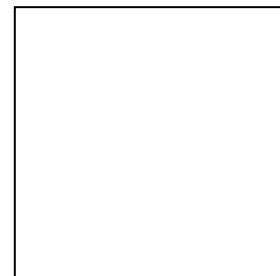
held on _____ it was voted, that _____
(Date) (Name)

_____ of this company, be and hereby is
(Officer)

authorized to execute contracts and bonds in the name and on behalf of said company, and affix its corporate seal hereto; and such execution of any contract or obligation in this company's name on its behalf by such officer under seal of the company, shall be valid and binding upon this company. I hereby certify that I am the clerk of the above named corporation and that _____ is the duly elected officer as above of said company, and that the above vote has not been amended or rescinded and remains in full force and effect as the date of this contract.

Clerk

Date



Corporate Seal