



## **TOWN OF WAREHAM**

### **REQUEST FOR PROPOSALS FOR THE LEASE OF THE ONSET BATH HOUSE BUILDING**

In accordance with the provisions of General Laws, Chapter 30B, §16 the Town of Wareham is hereby soliciting proposals for a ninety-nine (99) year lease of the property known as the Onset Bath House (hereinafter, “the building”).

#### **POTENTIAL USES OF THE PROPERTY**

The preferred use (highly recommended) of the premises shall be a community oriented water related facility with an educational component, under the auspices of a 501C(3) non-profit organization, which shall be highly recommended.

A less desirable but acceptable use (recommended) of the premises shall be a community oriented water related facility under the auspices of a 501C(3) non-profit organization, which shall be recommended.

A less desirable use (not recommended) of the premises shall be the sale of foods and /or beverages only, which shall be not recommended.

#### **SUBMISSION OF PROPOSALS**

Proposals must be submitted in a sealed envelope clearly marked “Proposal for the Lease of the Onset Bath House” with the name and address of the proposer on the outside of the envelope.

Six (6) copies of the proposal must be received no later than 1 PM on April 22, 2016

at the office of the Harbor Master, Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, 02571. Proposals received after this time will be returned unopened. In order to be considered responsive, proposals must meet the submission requirements set out in this RFP.

All proposals shall include: a Security Deposit of two thousand dollars (\$2,000) in the form of a certified, cashier's or bank check, Proposal Form and required information, Certificate of State Tax Compliance, Certificate of Tax Status, Certificate of Corporate Vote (if required), Disclosure Statement and a Non-Collusion Statement.

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 Proposals submitted prior to the deadline may be corrected, modified or withdrawn by written notice received in the Town Administrator's Office prior to the submission deadline stated above. Any such modification or correction of a proposal previously delivered to the Town Administrator's Office must be submitted in a sealed envelope, marked as the original with the title "Proposal for the Lease of the Onset Bath House", the proposer's name and address, and must indicate, "Modification No. \_\_\_" or "Correction No. \_\_\_" on the outside of the envelope. Any submission intended to withdraw a previously submitted proposal must be similarly labeled and clearly indicate on the outside of the envelope that it is intended as a notice of withdrawal.

Proposals will be publicly opened on April 25<sup>th</sup>, 2016 at 9:00 AM at the Town Administrator's Office, 54 Marion Road, Wareham, MA, 02571. The name of each proposer and the lease bid price of each proposal shall be recorded. Proposals become public information when they are opened. The Town reserves the right to reject any and all proposals if it deems it to be in the public interest to do so.

## **TERMS OF LEASE AGREEMENT**

The building is described as follows:

Twenty-five and one half feet by one hundred and seventy-five feet (25.5 feet by 175 feet) of structure in poor condition situated on property as shown on Attachment B.

The proposed lease will also be subject to the following terms and conditions:

The lease shall be for a term of ninety-nine (99) years, and the Board of Selectmen shall have the right to review the conditions and terms of the lease at the end of twenty (20) years, with the approval of Town Meeting.

The lessee will have complete responsibility for all expenses related to the improvement, 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 in compliance with all applicable provisions of law, regulations, and building codes.

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 audited financial statements and bank references, if requested.

### **PROJECT DESCRIPTION TO BE INCLUDED IN THE PROPOSAL SUBMISSION**

A full description of the proposed use of the premises including intensity of use (e.g. number of students/attendees, staff and potential traffic impacts).

### **CRITERIA FOR EVALUATION**

The ratings of “highly recommended,” “recommended,” “not recommended” will be used to evaluate the following features of each proposal.

All finalists on the shortlist will be required to provide evidence of financial ability and will be subject to one additional evaluation as follows

- A. The proposer’s financial position: Internal assets are sufficient to fully support proposed use: Highly Recommended.
- B. Proposer has provided a letter from a Lender indicating availability of adequate financing: Recommended.

C. Proposer has not provided information regarding financing: Not Recommended.

### **1) Renovation of Facility**

-The proposer has submitted plans to spend a minimum of \$200,000 renovating the property within twenty-four (24) months of the signing of the lease: Highly Recommended.

-The proposer has submitted plans to spend a minimum of \$100,000 renovating the property within twenty-four (24) months of the signing of the lease: Recommended.

-The proposer has submitted plans to spend less than \$100,000 within twenty-four (24) months, or, has submitted no renovation plan: Not Recommended.

### **2) Education**

-The proposer has submitted a plan that provides for a public educational program that uses the property: Highly Recommended.

-The proposer has submitted a plan that provides for a private educational program that uses the property: Recommended.

-The proposer has submitted a plan that has no educational component: Not Recommended.

### **3) Municipal Use**

-The proposal sets aside 10% of the building area for municipal use: Highly Recommended.

-The proposal sets aside 5% of the building area for municipal use: Recommended.

-The proposal sets aside less than 5% of the building for municipal use: Not Recommended.

## **RENT PAYMENT EVALUATION.**

State the proposed annual rent and payment schedule. Rent may be stated as an initial annual rent payment, with periodic adjustment to reflect changes in an identified index, such as the Metropolitan Boston consumer price index, 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.

The price proposal shall include real property tax payments.

## **TERM OF LEASE AND CONDITIONS**

The general terms and conditions of the anticipated lease will be negotiated between the successful proposer and the Wareham Board of Selectmen, provided that the Board of Selectmen are so authorized to negotiate said lease agreement by the Wareham Town Meeting. The successful proposer will be expected to execute a Lease Agreement in substantially the form set out in the Attachment A within thirty days of the delivery of the final lease agreement.

## **ADDITIONAL INFORMATION**

Any questions concerning the content or interpretation of this RFP must be submitted in writing to the office of the Town Administrator no later than April 18<sup>th</sup>, 2016. The Town shall waive any informality in a proposal submission or allow the proposer to correct them. Any response to such questions will be provided in writing to all parties that have been provided a copy of this RFP. The Town will not be bound by any oral interpretation(s) or representation(s) made by any Town official or employee with respect to the terms and conditions of this RFP procedure or of the condition of the School.

Proposals received after the deadline will be rejected and returned to the proposer unopened. Persons submitting a proposal by mail or other delivery service shall bear full responsibility for delivery to the designated office prior to the submission deadline.

Failure to execute the lease will result in forfeiture of the security, otherwise, the deposit will be credited toward the first rent payment. Security of unsuccessful proposers will be returned upon the execution of the lease.

### **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 Town Administrator 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 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".

### **REQUIRED STATEMENTS**

All proposals shall include the following statement:

#### **CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and submitted 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 or individuals.

\_\_\_\_\_  
Name of person signing bid or proposal or Business

CERTIFICATE OF COMPLIANCE WITH STATE TAX LAWS AND  
UNEMPLOYMENT COMPENSATION CONTRIBUTION REQUIREMENTS

Pursuant to M.G.L. Chapter 62C, Sec. 49A, I \_\_\_\_\_ as authorized signatory  
for \_\_\_\_\_ whose principal place of business is at

\_\_\_\_\_ do hereby  
certify under penalties of perjury that has filed all state tax returns and paid all taxes  
as required by law and has complied with all state laws pertaining to contributions to  
the unemployment compensation fund and to payments in lieu of contributions.

The Business Organization Social Security Number or Federal Identification Number  
is: \_\_\_\_\_.

Signed under the penalties of perjury the \_\_\_\_\_ day of 2016.

Signature: \_\_\_\_\_

Name and Title: \_\_\_\_\_

CERTIFICATE OF CORPORATE VOTE

If a corporation, complete below or attach to each signed copy of a contract a and  
submit with the proposal a notarized copy of vote of corporation authorizing the  
signatory to sign this contract submit the proposal and to enter into a lease if an award  
is made by the Town. If attesting clerk is same as individual executing contract,  
signing the proposal, have signature notarized below.

At a duly authorized meeting of the Board of Directors of the  
\_\_\_\_\_ held on \_\_\_\_\_  
(Name of Corporation) (Date)

At which all the Directors were present or waived notice, it was VOTED That,  
\_\_\_\_\_  
(Name) (Officer)

of this company be and hereby is authorized to execute contracts and bonds in the name and behalf of said company, and affix its corporate seal thereto, and such execution of any contract or obligation in this company's name on its behalf by such

\_\_\_\_\_  
(Officer) of the company, shall be valid and binding upon this company.

I hereby certify that I am the Clerk of the

\_\_\_\_\_  
that \_\_\_\_\_ is the duly  
elected

\_\_\_\_\_ of said company, and that the above vote has not been  
amended or rescinded

(Officer)

in full force and effect as of the date of this contract.

A true copy,

ATTEST \_\_\_\_\_

Clerk

Place of Business \_\_\_\_\_

Corporate

\_\_\_\_\_ Seal

SWORN TO AND SUBSCRIBED BEFORE ME THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_, 2016

\_\_\_\_\_  
NOTARY PUBLIC

TOWN OF WAREHAM

PROPOSAL FORM

ONSET BATH HOUSE

Date:

Name and address if 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:

The Individual, Corporation or other entity submitting this proposal operates on a not-for-profit basis. Evidence of not-for-profit status is attached to this proposal form.  
 Yes  No

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.

4. State the proposed annual rent and payment schedule. Rent may be stated as an initial annual rent payment, with periodic adjustment to reflect changes in an identified index, such as the Metropolitan Boston consumer price index, 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.

5. The Prospective Lessee agrees to execute a Lease Agreement in substantially the form included in the Request for Proposals within thirty (30) days of delivery of such lease by the Town.  Yes  No

Proposal Submitted By:

\_\_\_\_\_  
(Signature) (Title)