

1207 MASSACHUSETTS AVENUE REQUEST FOR PROPOSALS

RFP No. 16-52



**1207 Massachusetts Avenue
Arlington, Massachusetts**

Town of Arlington, Massachusetts
Office of the Town Manager
730 Massachusetts Avenue
Arlington, Massachusetts 02476
781-316-3010

REQUEST FOR PROPOSALS
For the Disposition of Town-Owned Real Estate

1207 MASSACHUSETTS AVENUE
ARLINGTON, MA

RFP No. 16-52

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FORMS:

- Disclosure of Beneficial Interests Statement
- Certificate of Non-collusion
- Certificate of Tax Compliance
- Purchase Proposal
- Zoning Compliance Statement

I. INTRODUCTION, HISTORY, & GOALS

This building is available for purchase and re-use in “as-is” condition, having been approved for disposition by the Arlington Board of Selectmen and Town Meeting. 1207 Massachusetts Avenue constitutes **4,645 square foot (more or less) parcel** of land improved with a one-story masonry commercial building with approximately **2,700 square feet** of usable floor space.

The Town, through its Board of Selectmen and Town Manager, is seeking proposals for the purchase and future use of the parcel with highly advantageous bidders accepting a 40-year deed restriction to require mixed-use development of the property consistent with recent revisions to the Arlington Zoning Bylaws, and defined as “[a] Combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.” Such advantageous bidders shall receive waivers of building and special permit fees in additional consideration.

A. Property Description

This parcel was generally known as the DAV Club (Disabled American Veterans), 1207 Massachusetts Avenue, Arlington, Massachusetts. It has been owned by the Town since 1901, though it has been largely maintained and exclusively used by the DAV for many years, until the recent closing of the local chapter. Original construction was completed in approximately 1920, and the exterior presents a brick and stucco facade with steel doors, high-set transom windows, and a rubber membrane roof installed within the last five years. The interior of the building is generally in average condition and set up as a bar with additional club meeting rooms and spaces. The property has minimal finishes, but currently includes two lavatories, a kitchen, and gas-fired heating and hot-water systems.

Attachment A is an image showing the lot as improved.

Lot Area:	approx. 4,645 sq. ft.
Structure:	One-story brick and stucco
Gross Structure Area:	Total: 2,700 sq. ft.
Zoning:	B-2 Neighborhood Business Zoning District
Assessed Value:	Building value: \$ 182,200 Land value: \$ 206,400 Total value: \$ 388,600
Assessor’s Map/	Map 57, Block 4, Lot 14

Parcel Number	057.0-0004-0014.0
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B. Environmental

The property has been used as the DAV Club for many years, but is believed to have been a commercial property prior to DAV use. The Town is not aware of any environmental contamination or conditions, but expressly makes no warranties regarding conditions. The building and parcel are being sold in “as-in” conditions, and it shall be the responsibility of the successful bidder to inspect the property prior to closing.

C. Goals

The Town has established the following goals for the leasing and management of the premises:

1. Sell the property at the best price in “as is” condition with a minimum sale price of \$750,000.00
2. Ensure the intended use and/or development of the property is causes minimal disruption to the residential and commercial properties in the neighborhood;
3. Ensure that all intended uses and/or development complies with relevant laws, regulations.
4. Secure a Mixed-Use Deed Restriction. Highly advantageous bidders will accept sale subject to a 40-year deed restriction limiting its development to any of the myriad allowable mixed-uses as defined by Arlington Zoning Bylaws revised by 2016 Town Meeting. This restriction shall be implemented by way of a restrictive covenant signed and recorded by the successful proposer at the time of closing.

D. Disposition Terms

1. Purchase & Sale Agreement, Restrictive Covenant, Deposit, Closing.

The Board of Selectmen intends to award the contract to purchase the property to the proposer submitting the successful proposal. Within ___ days after the award is made, the successful proposer and the Town Manager or his designee shall commence negotiation of a Purchase & Sale Agreement with the successful proposer incorporating the restrictions and conditions set forth in this Request for Proposals.

Such Purchase & Sale shall include a restrictive covenant meeting the description set forth above in Section I.C.2 If the parties are unable to negotiate a Purchase & Sale Agreement within 30 days of commencing

negotiation, the Board of Selectmen will be authorized, but not required, to withdraw its award of the contract, award the contract to an alternate proposer that the Board deems responsive and responsible, or to reject all proposals.

2. At the time a Purchase & Sale Agreement is executed, the successful proposer shall pay to the Town a deposit equal to 10% of the purchase price set forth in the selected proposal.
3. The Purchase & Sale Agreement will govern disposition of the deposit and all other issues relating to the conveyance of Town property.
4. Conveyance will be made by quitclaim deed.
5. Reservation of Rights, No Representations or Warranties. The Town reserves the right to accept or reject any or all proposals as it may deem to be in the best interest of the Town and to waive minor informalities in determining who is a responsive proposer.

The property is offered on an “as is, as where” basis, without warranties or representations of any kind except as may be expressly set forth herein. The successful proposer will be responsible for the mitigation or removal of any hazardous materials or petrochemicals contained in the building. Proposers are responsible for conducting their own due diligence research, including title examination, verification of the location and dimensions of the property, and confirmation of the property’s compliance with applicable law, statutes regulations, codes, or other legal requirements.

II. REQUIRED SUBMITTALS

A. Submission Instructions

One original and 10 copies of each proposal must be submitted. All proposals must be in writing and submitted in a double envelope addressed to:

Purchasing Officer
Town of Arlington
Arlington Town Hall - First Floor Annex
730 Massachusetts Avenue
Arlington, MA 02476

B. Pre-Bid Tour

There will be two site visits at the property, one on **November 29, 2016, at 10:00 a.m.**, and a second on **December 6, 2016, at 10:00 a.m.** Attendance by prospective bidders at one of these two visits is recommended.

C. Proposal Deadline

All proposals must be received in the Town Hall by **2:00 PM** on **Thursday December 22, 2016**. Proposals may not be sent by e-mail or facsimile transmission. Postmarks will not be considered.

D. Content of Proposals

1. **Identity of Proposers**: Each proposal shall contain the names, addresses, and contact information of all principals, partners, and others participating in the acquisition and re-use of the property, including the legal organizational structure of each corporation or partnership identifying all partners or shareholders and the amounts of their interests. If a joint venture is proposed, the joint venture agreement should be included.
2. **Financial Information**: Each proposal must include:
 - (a) **financing plan**, to include all funding sources;
 - (b) **financing proposal and lender commitment**, to include current (no more than 30 days old) lender commitment letters; and
 - (c) **financial statement**, to include proposer's most recent complete financial statement.
3. **Use**: Each proposal shall describe in detail the intended use of the property, as well as any planned renovation or reconstruction, including any terms for a restrictive covenant regarding mixed-use development.
4. **Evaluation Criteria**: Each proposal shall refer to the evaluation criteria listed below and shall explain in writing how the criteria will be met by the proposal.
5. **Forms**: All proposals must include completed and executed:
 - Disclosure of Beneficial Interests Statement
 - Certificate of Non-collusion
 - Certificate of Tax Compliance
 - References
 - Purchase Proposal
 - Zoning Compliance Statement

6. Price: Each proposal shall contain a total purchase price, including any pertinent financing arrangements.

III. GENERAL PROCEDURES

A legal advertisement noticing the availability of this RFP has been placed in The Arlington Advocate on November 24, 2016, and December 1, 2016, and in the state Central Register on November 16, 2016. In addition, notice of the availability of this RFP has been conspicuously posted at the Arlington Town Hall since November 10, 2016 .

Those wishing to submit a proposal must obtain a copy of the RFP packet. The RFP packet is available on the Town website www.arlingtonma.gov/purchasing.

The Town of Arlington Town Manager's Office will conduct two (2) tours of the property on **November 29, 2016, at 10:00 a.m.** and **December 6, 2016, at 10:00 a.m.**; the tours will commence at the entrance of the premises at 1207 Massachusetts Avenue (note that parking is limited). All those submitting proposals are **encouraged to attend one of these tours.** Contact Domenic Lanzillotti at 781-316-3003 or dlanzillotti@town.arlington.ma.us for information on the tours.

Proposals are invited and must be received on or before 2 p.m., December 22, 2016 at the Town Manager/Purchasing Department, First Floor, Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476. Proposals received later than this time and date will be returned unopened as non-responsive. All times will be ascertained by reference to the date and time clock utilized by the Town Manager/Purchasing Office.

If, at the time of the scheduled opening of the proposals, Town Hall is closed due to uncontrolled events such as fire, snow, ice, wind, or building evacuation, the opening of the proposals will be postponed until 11 a.m. on the next normal business day. Proposals will continue to be accepted until that time.

A proposer may correct, modify, or withdraw a proposal by written notice received by the Town prior to the time and date set for the opening of the proposals. Each modification to proposals must be submitted in a sealed envelope clearly labeled "Modification #16-52." Each modification must be numbered in sequence, and must reference the original RFP.

After the opening of the proposals, a proposer may not change any provision of the proposal in a manner prejudicial to the interests of the Town or fair competition. Minor informalities will be waived, or the proposer will be allowed to correct them. Minor informalities are minor deviations, insignificant mistakes, and matters of form rather than

substance, of the proposal, that can be waived or corrected without prejudice to other offerors, potential offerors, or the Town of Arlington. If a mistake and the intended proposal are clearly evident on the face of the proposal document, the mistake will be corrected to reflect the intended correct proposal, and the proposer will be notified in writing; the proposer may not withdraw the proposal. A proposer may withdraw a proposal if a mistake is clearly evident on the face of the proposal document, but the intended correct proposal is not similarly evident.

The Town may cancel this RFP, or reject in whole or in part any and all proposals, if the Town determines that cancellation or rejection serves the best interests of the Town.

The Town also reserves the right to select the winning proposal based on the evaluation of the proposer's overall submittal, and the extent to which the proposal meets the evaluation criteria in this RFP. Thus, the Town may exercise its right to select a proposal that may not have offered the highest purchase price.

If any changes are made to this RFP, an addendum will be issued. Addenda will be mailed, faxed, or emailed to all proposers on record as having picked up the RFP.

Questions concerning this RFP must be submitted in writing to: Domenic Lanzillotti, Purchasing Officer, Office of the Town Manager, Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476. Questions may be delivered or mailed to this address; or faxed to 781-316-3019 (clearly addressed to: Domenic Lanzillotti); or emailed to dlanzillotti@town.arlington.ma.us.

All questions must be received by **4 p.m. on December 8, 2016**. Written responses will be posted on the Town website no later than **December 14, 2016**.

IV. EVALUATION PROCEDURES

The Purchasing Officer will screen the proposals for completeness. Proposals deemed to be incomplete will be rejected. The Town Manager's Office will then review each completed proposal to ensure that it meets all of the minimum quality criteria listed in **Section V**, Minimum Quality Criteria, below. Those proposals that meet all of the minimum quality criteria, and that are determined to be responsive, will be further reviewed using the Comparative Quality Evaluation Criteria listed in **Section VI**, Comparative Quality Evaluation Criteria, below.

The Town Manager and designated representative of the Board of Selectmen will rate each of the first five (5) mandatory Comparative Quality Evaluation Criteria listed below using the listed ratings. Once evaluated and rated with respect to the first five (5) mandatory Comparative Quality Evaluation Criteria, the Town Manager and Board Representative will then decide whether to conduct interviews of proposers. In either case listed immediately below, the Town

Manager and Board Representative shall jointly evaluate and assign an overall rating to each proposal. The Town Manager shall either:

- A. Recommend to the Board of Selectmen which proposer to negotiate the purchase and sale with, based on the most advantageous overall ratings of the five (5) mandatory Comparative Quality Criteria, and the Purchase Evaluation Criterion; or,
- B. Conduct the Optional Interview/Presentation jointly with a designee of the Board of Selectmen with the top-ranked proposers; and then recommend to the full Board of Selectmen which proposer to negotiate the purchase and sale with, based on the overall most advantageous ratings of all six (6) of the Comparative Quality Criteria, and on the Purchase Evaluation Criterion.

Proposers are reminded that purchase price alone is not the final determining factor leading to the execution of a purchase and sale agreement.

V. MINIMUM QUALITY CRITERIA

Following are the Minimum Quality Criteria that proposers must meet. Failure to meet these Minimum Quality Criteria will result in the immediate rejection of the proposal. Proposers must clearly indicate, and explain in detail, compliance with these Minimum Quality Criteria in a *separate chapter of the proposal* (see **Section II**, Required Submittals).

1. In addition to the technical requirements of Required Submittals and General Procedures, successful proposers must meet goals 1-3 listed in **Section II.C**, “Goals,” above;
2. Proposers must agree to purchase the property in “as is” condition. The Town will make no modifications, repairs, renovations, or provide any warranties as a condition of sale;

VI. COMPARATIVE QUALITY EVALUATION CRITERIA

Each of the Comparative Quality Evaluation Criteria below may contain ratings of highly advantageous, advantageous, not advantageous, and not advantageous. Proposers must clearly indicate, and explain in detail, the level of compliance with these Comparative Quality Evaluation Criteria in a *separate chapter of the proposal* (see **Section II**, Required Submittals, above).

1. Purchase for Mixed-Use Development

Highly Advantageous – Proposer will accept a 40-year deed restriction requiring that redevelopment of the property would be restricted to “mixed-use,” defined as follows:

A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

As part of its consideration for such restriction the Town will agree to waive special permit and building permit fees for proposed mixed-use developments.

Advantageous – Proposer presents a means of confirming commitment to mixed use development of the parcel by alternate means than a deed restriction.

Not Advantageous – Proposer does not intend to develop the parcel for mixed-use.

2. Proposed Community Benefits

A. How will the proposed use benefit the neighborhood and residents in the immediate vicinity?

Highly Advantageous – Proposed use(s) benefits the surrounding neighborhood in a multiple ways consistent with mixed-use development, benefiting many different types of neighbors – residents, neighborhood businesses, and other institutions.

Advantageous – Proposed use benefits some types of neighbors, but not all.

Not Advantageous – Proposed use does not benefit the surrounding neighborhood.

B. How will the proposed use provide employment opportunities for Arlington residents?

Highly Advantageous – Proposal provides detailed projections of potential employment opportunities of Arlington residents in a mixed-use or comparable use of the space.

Advantageous – Proposal provides generalized plan for mixed or strictly commercial use of the space to provide employment opportunities for Arlington residents.

Not Advantageous – Proposed use does not project to provide employment opportunities for Arlington residents.

C. How will the proposed use create a customer base for Arlington businesses?

Highly Advantageous – Proposal provides detailed projections of potential creation of customer bases for Arlington businesses in a mixed-use or comparable use of the space.

Advantageous – Proposal provides generalized plan for creating a customer base for Arlington businesses for mixed, commercial, or residential use of the space.

Not Advantageous – Proposed use does not project create a customer base for Arlington businesses.

3. Level of Disruption Caused by Proposed Use

Highly Advantageous – Proposed use does not potentially cause any significant disruption to existing uses or the neighborhood.

Advantageous – Proposed use does not potentially cause any substantial disruption to existing uses or the neighborhood.

Not Advantageous – Proposed use does potentially cause substantial disruption to existing uses or the neighborhood.

4. Demonstrated Sufficient Financial Resources and Development Experience

Highly Advantageous – Proposer has the demonstrated sufficient financial resources to ensure completion of the disposition and maintenance of the property, as well as sufficient resources to execute any redevelopment plans articulated in the proposal.

Advantageous – Proposer has the demonstrated sufficient financial resources to ensure completion of the disposition and maintenance of the property.

Not Advantageous – Proposer does not possess the demonstrated sufficient financial resources to ensure completion of the disposition and maintenance of the property.

5. Optional Interview/Presentation

Highly Advantageous – Well-designed, concise, original presentation, with specific focus on, and clarification of, the written proposal, made by prospective purchaser; concise, “on-point” answers to questions.

Advantageous – Average presentation, with general focus on, and clarification of, the written proposal, or average answers to questions, made by prospective purchaser.

Not Advantageous – Poor presentation, with very little focus on, and clarification of, the written proposal, or poor answers to questions, made by prospective purchaser.

VII. PURCHASE PRICE EVALUATION CRITERION

Purchase Price will be evaluated based on the highest proposed price.

VIII. RULE FOR AWARD AND DISPOSITION TERMS

The proposal selected for award of the disposition will be the most advantageous proposal from a proposer who is both responsive and responsible, taking into consideration purchase price and all other evaluation criteria set forth in this RFP. A *responsive* proposer is one who meets all of the basic requirements as outlined in this RFP, and whose proposal contains the required information and properly executed forms; a *responsible* proposer is one who possesses the capability, integrity, and reliability to enter into purchase and sale agreement with the Town of Arlington.

DISCLOSURE OF BENEFICIAL INTERESTS STATEMENT

PARTY TO REAL PROPERTY TRANSACTION WITH A PUBLIC AGENCY

M.G.L. c. 7(C), s. 38 (FORMERLY M.G.L. c. 7, s.40J)

FOR SALE OF 1207 MASSACHUSETTS AVENUE

TOWN OF ARLINGTON, MASSACHUSETTS

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

REAL 2700 square feet, more or less, of space

PROPERTY 1207 Massachusetts Avenue

Arlington, MA 02476

TERM OF Purchase

DISCLOSING Town of Arlington Disclosing Party is a Public

PARTY Town of Arlington Entity

Town Hall Annex

730 Massachusetts Avenue

Arlington, MA 02476

ROLE OF PARTY Lessor/Landlord Lessee/Tenant

(check appropriate) Seller/Grantor Buyer/Grantee

Other (Please describe):

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 commission, 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. 7(C), s. 38, are hereby disclosed as follows (attach additional pages if necessary):

Print Name

Address

None of the aforementioned persons is an official elected to public office in the Town of Arlington, or an employee of the Town of Arlington, or is an employee of the Division of Capital Asset Management and Maintenance, except as follows (insert "none" if none):

Print Name

Address

The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7(C), 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 commissioner 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 commission, 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 commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

This statement is hereby signed under penalties of perjury.

Signature

Print Name

Title

Date Signed

CERTIFICATE OF NON-COLLUSION

FOR SALE OF 1207 MASSACHUSETTS AVENUE

TOWN OF ARLINGTON, MASSACHUSETTS

Pursuant to Massachusetts General Laws, Chapter 268A, I certify under penalties of perjury that this bid or proposal has been made 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 of individuals.

Signature of Individual Submitting Proposal

Print Name of Individual Submitting Proposal

Print Name of Business

Date Signed

**BY STATE LAW THIS
NON-COLLUSION FORM
MUST BE SIGNED AND
SUBMITTED WITH THE BID
OR PROPOSAL**

CERTIFICATE OF TAX COMPLIANCE

FOR SALE OF 1207 MASSACHUSETTS AVENUE

TOWN OF ARLINGTON, MASSACHUSETTS

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I certify under the penalties of perjury that I have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security Number or

Federal Identification Number

Signature of Individual or Responsible

Corporate Officer

Print Name of Individual or Responsible

Corporate Officer

Date Signed

**BY STATE LAW THIS
CERTIFICATE OF TAX COMPLIANCE
FORM MUST BE SIGNED AND
SUBMITTED WITH THE BID
OR PROPOSAL**

PURCHASE PROPOSAL

REQUEST FOR PROPOSALS (RFP)

FOR SALE OF 1207 MASSACHUSETTS AVENUE AS AN

ARLINGTON INNOVATION INCUBATOR

TOWN OF ARLINGTON, MASSACHUSETTS

SELLER: Board of Selectmen, Town of Arlington

Town Hall Annex

730 Massachusetts Avenue

Arlington, MA 02476

PURCHASER: _____

PREMISES: 1207 Massachusetts Avenue

Arlington, MA 02474

PROPOSED PURCHASE PRICE: _____

PROPOSED PURCHASE PRICE (IN WORDS) _____

Signature

Title

Print Name

Date Signed

