TOWN OF BELMONT

REQUEST FOR PROPOSALS

GROUND LEASE OF PROPERTY AND THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN

ICE SKATING RINK

LOCATED AT
345 CONCORD AVENUE
BELMONT, MASSACHUSETTS

September 19, 2019

TOWN OF BELMONT
OFFICE OF COMMUNITY DEVEOPMENT
HOMER MUNICIPAL BUILDING
19 MOORE STREET
BELMONT, MA 02478

TOWN OF BELMONT

REQUEST FOR PROPOSALS

**GROUND LEASE OF PROPERTY AND
THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ICE SKATING RINK**

**LOCATED AT
345 CONCORD AVENUE
BELMONT, MASSACHUSETTS**

The Town of Belmont (the "Town"), acting by and through its School Committee, is issuing this Request for Proposals (RFP) to invite proposals from qualified respondents to enter into a long-term lease of a piece of property located at 345 Concord Avenue, Belmont, MA (the "Site") and the development thereon of an ice skating rink (the "Facility") that will be owned, operated, and maintained by the selected respondent(s).

Qualifications-based Selection:
This project shall be awarded to the respondent deemed best qualified to construct, operate, and manage the Facility, based on the criteria and the evaluation process, described herein. Final contract terms, including scope specifications, project schedule and budget, will be negotiated with the selected firm(s).

Submission Deadline:
All proposals shall be submitted by Wednesday, October 30, 2019, at 12:00 noon (the "Proposal Due Date") at which time, they will become the property of the Town and are subject to applicable Public Record Laws. **Late proposals will not be accepted.** Postmarks will not be considered. It is the responsibility of the respondent to ensure timely delivery of proposals.

Respondents shall provide one (1) original, twenty (20) paper copies and one (1) electronic copy of the proposal package clearly marked "Town of Belmont, Ice Skating Rink Proposal". proposals shall be delivered to:

Jeffrey A. Wheeler, Senior Planner
Office of Community Development
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

All proposals shall comply with the requirements of this Request for Proposals (RFP) and shall be signed by the respondent with the business address and place of business.

The Town makes no representations or warranties, expressed or implied, as to the accuracy and/or completeness of the information provided in this RFP. Respondents will be expected to undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, reuse potentials, and other

development, ownership and legal considerations (including, but not limited to, any applicable public construction and/or fair wage laws).

The Town of Belmont reserves the right to reject any or all proposals and to make the award as may be determined to be in the best interests of the Town of Belmont.

Pre-Bid Meeting and Site Visit:
A pre-bid meeting followed by a site visit will occur in Town Hall, Conference Room 2 on Wednesday, October 9, 2019, at 10:00 am; the site walk will start at approximately 11:30 am. All Respondents are strongly encouraged to visit the Site at the arranged site walk before submitting a proposal. The text of all questions that the Town determines relevant, and the answers provided, will be forwarded to all prospective firms who have requested a copy of the RFP by October 23, 2019.

The site will be delivered "as is", without any warranty or representations by the Town with regard to existing conditions.

The preparation of the RFP response shall be at the expense of the respondent. It is the sole responsibility of the respondent to fully examine this RFP's attachments and referenced documents. Questions shall be addressed in writing to Jeffrey A. Wheeler, Senior Planner, Homer Municipal Building, Office of Community Development, 19 Moore Street, Belmont, MA 02478 or emailed to jwheeler@belmont-ma.gov by Wednesday, October 16, 2019, by 4:00 pm. Answers to timely submitted questions will be in writing and the questions and answers will be shared with all those on record as having received a copy of the RFP by October 23, 2019. Contact with other Town officials regarding this RFP is prohibited.



TOWN OF BELMONT

REQUEST FOR PROPOSALS

**GROUND LEASE OF PROPERTY AND
THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ICE SKATING RINK**

**ICE SKATING RINK AT
345 CONCORD AVENUE, BELMONT, MASSACHUSETTS**

Table of Contents

1.0 Introduction
- 1.1 Scope of Services 6
- 1.2 Town of Belmont 6
- 1.3 Governance 6
- 1.4 Public/Private Partnership 6

2.0 Project Overview
- 2.1 Site Information 7
- 2.2 Expected Site Layout 7
- 2.3 Neighborhood Description 7
- 2.4 Utilities 7
- 2.5 Infrastructure 8
- 2.6 Zoning 8
- 2.7 Anticipated Permitting Requirements 9

3.0 Building Overview
- 3.1 Programmatic Use for the Facility 9
- 3.2 Lease Oversight Committee 12
- 3.3 Construction Schedule 12
- 3.4 Existing Ice Skating Rink 13
- 3.5 Athletic Fields and Throwing Circles 13
- 3.6 Insurance 13
- 3.7 Financial Proposal and Business Terms 13

4.0 Submission Requirements
- 4.1 Technical Proposal Submission Enclosures 13
- 4.2 The Development Team 13
- 4.3 The Development Concept 15
- 4.4 The Management Team 16
- 4.5 Preliminary Plans 16
- 4.6 Implementation Plan and Project Timetable 17
- 4.7 Project Financing & Financial Analysis 17
- 4.8 Financial Qualifications 17

4.9 Required Forms 17
4.10 Submission Process 18

5.0 Review and Selection Process
5.1 Pre-Bid Meeting and Site Visit 19
5.2 Questions/Request for Additional Information/Proposal Modifications 19
5.3 Interviews 19
5.4 RFP Dates of Note 20

6.0 Selection Criteria
6.1 Minimum Evaluation Criteria 21
6.2 Comparative Evaluation Criteria 22

7.0 Contract Negotiation and Payment Procedures
7.1 Contract Negotiation Process 28
7.2 Project Budget and Payment Terms 29

8.0 Conditions, Terms, and Limitations 29

Appendices:

Appendix A: Site Plan of the Site West of Harris Field (the football stadium) 31
Appendix B: Photographs of the Site 32
Appendix C: Site Context/Neighborhood Map 33
Appendix D: Dimensional Regulations 34
Appendix E: Parking Regulations 35
Appendix F: Site Access Evaluation 36
Appendix G: Design and Site Plan Review 65
Appendix H: Draft Lease 68
Appendix I: Disclosure Statement 85
Appendix J: Statements of Tax Compliance 86
Appendix K: Certification of Non-Collusion 87

REQUEST FOR PROPOSALS

GROUND LEASE OF PROPERTY AND THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN

ICE SKATING RINK AT 345 CONCORD AVENUE, BELMONT, MASSACHUSETTS

1.0 INTRODUCTION

1.1 Scope of Services

This RFP concerns a public-private partnership between the Town of Belmont and a private entity to construct and operate a new ice skating rink ("Facility") and to provide ongoing management and maintenance services.

1.2 Town of Belmont

Belmont is an inner-ring, suburban community located in the heart of the Greater Boston Metropolitan Area. Known to long-time residents as "The Town of Homes", Belmont is a primarily residential community located in close proximity to the region's economic centers. A part of Middlesex County, Belmont is situated on Cambridge's western border and is approximately eight (8) miles from downtown Boston. The Town also borders Watertown, Waltham, Lexington, and Arlington.

1.3 Governance

The Belmont School Committee is an unpaid six (6) -member board elected to three (3) -year terms at Belmont's annual Town Election. Terms overlap so two (2) members are elected per year. By state law, the School Committee is the policy setting entity for the public schools. It also appoints the Superintendent, approves several other key positions, approves the budget, and negotiates with school unions.

The Town of Belmont is governed by a Select Board ("Board") and Town Meeting. The Board is an elected three (3) member body who is responsible for the oversight of Belmont's Town Government. The Board appoints a Town Administrator to run day-to-day operations and assist with long-term projects. The Board works with their Administrator, and other elected Boards to develop the Town Budget, prepare the Town Meeting Warrant, and perform the many other tasks that are necessary to keep the Town running smoothly.

Town Meeting makes all of the decisions about the Town's budgets and local Bylaws. Belmont's government is a Representative Town Meeting, which means that only Town Meeting Members can vote at Town Meeting, unlike the Open Town Meeting form of government. The Town is divided into eight (8) precincts with the residents within each precinct voting for Town Meeting Members to represent them.

1.4 Public/Private Partnership

A public-private partnership involves a collaboration between a government agency and a private-sector company that can be used to finance, build, and operate projects, such as

public transportation networks, parks, and convention centers. Financing a project through a public-private partnership can allow a project to be completed sooner or make it a possibility in the first place.

2.0 PROJECT OVERVIEW

2.1 Site Information

The Site for the Facility will be Belmont School Department property along the north side of Concord Avenue, bounded by Harris Field (the football stadium) to the east, commercial properties to the west, and the Massachusetts Bay Transportation Authority (MBTA) commuter rail right-of-way to the north. A plan of the site west of Harris Field is attached as Appendix A. The Site currently contains the Viglirolo Ice Skating Rink (the existing ice skating rink to be replaced by the Facility) and athletic fields that serve the high school. Access to the site is currently provided by a long driveway that runs parallel to and along the north side of Concord Avenue. Parking for approximately 25-30 vehicles is provided along the driveway. Pedestrian access to the site is provided by sidewalks along Concord Avenue and walkways that connect the fields and ice rink with the high school. The existing ice skating rink currently serves Belmont High School and is open to residents for recreational purposes during the winter months. The existing athletic fields are used by Belmont High School's junior varsity athletic teams. Photographs of the site are attached as Appendix B.

2.2 Expected Site Layout

In addition to the Facility, three (3) regulation, Junior Varsity, grass, athletic fields (baseball, softball, and soccer), two (2) throwing circles (shot put and discus), and 110 parking spaces (90 for student use and 20 for daytime use of the Facility) will be located on the Site. The fields and parking lot will be constructed by the Town as a separate project. The Facility will be a maximum of 1-1/2 sheets of ice to minimize building lot coverage and will be sited so as to accommodate all of these programmatic needs. It is acceptable for the fields to overlap in order to fit them on site and to orient them to take into consideration the sun and other natural elements. Belmont sports teams are members of the Middlesex League and as such these fields shall be sufficient for both home and tournament games.

2.3. Neighborhood Description

The Site is bound by a single-family residential district to the south, the new middle and high school to the east, a commercial district to the west, and the MBTA commuter rail right-of-way to the north, with single-family district located on the other side of the right-of-way. The residential district is a very active neighborhood who have been significantly involved in the development and construction of the middle and high school project. See Appendix C for the site context/neighborhood map.

2.4 Utilities

It is anticipated that the Facility will be connected to the Town water, sewer, and electric utilities. The selected respondent will be responsible for determining whether or not the utilities adequately service the Facility on the Site. If necessary, the selected respondent will be responsible for upgrading the utilities.

The Town Meeting adopted a non-binding Climate Action Resolution on November 16, 2009, with the goal of reducing the community's carbon dioxide emissions 80% by 2050

based on 2007 emissions. The objectives of the Resolution include: 1) maximize efficiency in construction of capital assets; 2) promote efficiency for institutions; and 3) explore implementing renewable energy use. As a result of these objects, the Town prefers a Facility that is zero net energy. Construction methods and equipment used to achieve zero net energy in this Facility include:

- a well-insulated and airtight building envelope and roof system;
- waste heat recovery system for space heating, snowmelt, and the water to be used for ice resurfacing;
- computerized building energy management system to optimize both indoor air quality as well as the functioning of the cooling and other systems;
- correct sizing of heating and ventilation systems
- highly efficient lighting and plumbing fixtures;
- building orientation for solar readiness and passive solar heating;
- installation of solar panels;
- all equipment with highest and best energy efficiency ratings; and,
- plantings and overhangs designed for summer and solar shading.

2.5 Infrastructure

The selected respondent shall be responsible for the maintenance of the sidewalks and landscaping (lawn, bushes, and site furnishings) surrounding the Facility. Additionally, the selected respondent shall be responsible for removal of trash generated by operation of the Facility. Once selected, a site plan will be prepared to delineate the area of responsibility for the selected respondent and that of the Town. Plowing of and snow removal for the parking lot shall be the responsibility of the Town.

2.6 Zoning

The following description of provisions of the Town of Belmont Zoning By-Law (Zoning By-Law) is for informational purposes only. It should not be relied upon without independent verification by any respondent.

- **Use**: The site is located in a General Residence Zoning District (GR), which currently does not allow the proposed use – a private entity constructing, operating, and maintaining an ice skating rink with specified hours reserved for the Town. Therefore, in order to proceed with this project, the Town's Zoning By-Law will have to be amended. The Planning Board will bring a Zoning By-Law amendment before a Special Town Meeting in November 2019 to allow the proposed private/public partnership ice skating rink.

  Additionally, Design and Site Plan Review is required to determine the required number of parking spaces and because of the size of the Facility (§7.3.2 of the Zoning By-Law).

- **Dimensional Regulations** (§4.2 of the Zoning By-Law - Appendix D) Complying with the dimensional regulations will be based on the entire middle and high school site. Additional zoning by-law amendments to the dimensional regulations may be considered by the Town depending on the selected proposal.

Maximum Lot Coverage	30%
Minimum Open Space	40%
Minimum Front Setback	20
Minimum Side Setback	10
Minimum Rear Setback	20
Maximum Building Height - Feet	33
Maximum Building Height - Stories	2-1/2

- **Parking** (Appendix E): The off-street parking requirements do not provide a required number of parking spaces for the Facility. The adequacy of the amount of proposed parking will need to be justified under the Planning Board Design and Site Plan Review process (§5.1.1 and 5.1.2 of the Zoning By-Law).

  The new Belmont Middle and High School was permitted to have 400 parking spaces on the entire middle and high school campus. Of these 400 parking spaces, a minimum of 90 parking spaces are to be located west of Harris Field (the football stadium) and will be set aside for student use only when school is in session. After school hours, these parking spaces will be open to students and those utilizing the other Town facilities within the area (i.e., pool, football stadium, and library). In addition to the 90 student parking spaces, an additional twenty (20) spaces may be needed to accommodate the daytime usage of the Facility, for a total of 110 parking spaces. The need for parking at the Facility will need to be validated by the selected respondent during the Planning Board's Design and Site Plan Review process.

- **Traffic and Roadway Improvements:** Traffic impacts related to the Facility will be considered under the review of the Planning Board Design and Site Plan Review process. Projects determined to have a negative impact on traffic and/or the level of service of intersections may be required to make improvements to mitigate such impacts.

  The Town conducted a Site Access Evaluation over the summer of 2019 to determine the appropriate place to locate a curb cut onto the Site. (See Appendix F for further information) The study was conducted by the BSC Group and determined that there are three (3) options for access/egress: option 1 – opposite Cottage Street; option 2 – east of Cottage Street; and option 3 – west of Cottage Street. Option 1 was the only option that did not require any additional roadway work since an opening already exists in the median. If a proposal incorporates either option 2 or 3, the Town may require additional roadwork (e.g., opening the median) at the expense of the selected respondent in order to avoid creating a traffic configuration that necessitates u-turns on Concord Avenue.

2.7 Anticipated Permitting Requirements

The following summary of permits that may be required for the Facility is for informational purposes only and not intended to represent an exhaustive list of all the possible required permits. It should not be relied upon without independent verification by any respondent.

- **Design and Site Plan Review** (§7.3.2 of Zoning By-Law): Design and Site Plan Review from the Planning Board will be required for the construction of 2,500 or more square feet of gross floor area and creation of more the six (6) parking spaces. (Appendix G)

There are no wetlands or other known environmental conditions that require additional permitting or could impact the development

Given that active railroad tracks run parallel to the rear property line, coordination and permitting through the Massachusetts Bay Transportation Authority (MBTA) may be required for this project depending on the final location of the Facility.

- **Additional Required Permits:**
  - Compliance with the Storrmwater Management and Erosion Control Bylaw (§60-325 of the General Bylaws)
  - Building and other construction related permits
  - Street Opening Permit issued by the Department of Public Works

3.0 BUILDING OVERVIEW

3.1 Programmatic Use for the Facility

Respondents are encouraged to consider the Town's preferences, needs, and desires with respect to designing, constructing, operating, and maintaining the Facility.

The Town currently utilizes the existing ice skating rink for the following programs and expects that these will be available to the Town when the new Facility opens.

a. High School Hockey Teams:
   a. Boys and girls Junior Varsity
   b. Boys and girls Varsity

b. Youth Hockey

c. General Public:
   a. Free skate
   b. Learn to skate
   c. Adult leagues
   d. SPORT lessons/training for participants with special needs.

3.1a <u>High School Programs</u> The high school hockey season runs for 15 weeks from the first Monday after Thanksgiving through the third Monday in March. The hockey teams require four (4) consecutive hours per day Monday through Saturday six (6) days per week for a total of 24 hours per week (a total of 360 hours per season). The weekday hours will begin 30 minutes after the end of the regular school day, approximately 3:00 pm to 7:00 pm. For games, the hockey teams require two (2) consecutive two (2) hour time blocks beginning at 5:00 pm and 7:00 pm on the week days and 1:00 pm and 3:00 pm on the weekends. The Town expects that ice time will be allotted at no cost to the School District or the Town of Belmont.

In order to accommodate the hockey program within the Facility, it will need to contain a minimum of four (4) locker rooms with 35 lockers for the Junior Varsity and Varsity girls' teams in two (2) rooms and 45 lockers for the Junior Varsity and Varsity boys' teams. Visiting team boys and girls locker rooms will also be needed so that double headers can be played. Both home and visiting locker rooms should include coaches' offices, showers and storage cabinets. The Facility must also include a referee locker room (with showers and bathrooms), athletic training room (including ice machine and exam table), and wet area. To ensure that spectators can be accommodated in the Facility, it should contain at least 300 spectator seats, public restrooms, and provide skate rental, food concession and other amenities, as appropriate for a high-quality skating facility.

Given the Facility's proximity to athletic fields, the Town expects that the locker rooms and associated spaces will also be able to be used by fall (football, field hockey, boys and girls soccer) and spring sports (boys and girls outdoor track, boys and girls lacrosse and boys and girls rugby). Two locker rooms, one for the home team and one for the away team, should be able to accommodate 75 players and have direct access from the outside. Restrooms should be accessible directly from the outside of the rink as well during fall and spring seasons.

3.1b Youth Hockey

Belmont youth hockey is a very active local program. Youth hockey programs should be allocated ice time at a minimum based on its current schedule. Additionally, programming ice time for the Facility should ensure that the hours and times allotted meet the growing needs of this program.

3.1c Public Programs

The Recreation Department should be listed as a priority user and be enabled to book the Facility for programs and events at a reduced rate. Free skate including, general skating, stick & puck, and figure skating, should be offered at convenient times during the week and on weekends. Learn to skate programs should be offered at times convenient to the general public and charged fees that are consistent with other public rinks in the area. Adult leagues should be offered at similar times as those offered at other public rinks. The Belmont/Watertown SPORT (Special Programs Organized for Recreation Time) program (a year-round program that provides activities for individuals with special needs) should be able to conduct skating lessons/training for 1 hour per week for 14 weeks at no charge to the program. .Finally, the Town, School, and Community Organizations should be allowed to hold fundraising events at the Facility at a reduced rate.

In order to ensure that the Facility meets the programmatic needs of the Town, respondents should specify the following in their proposal:

- Anticipated size of the proposed Facility, parking requirements and any other site requirements;
- Proposed programming, including hours of operation;
- Proposed hours available for use by Town residents and youth hockey and figure skating programs and adult hockey leagues and other local organizations;
- Key design elements, including without limitation integration of the Facility with surrounding neighborhood;
- Key sustainability features including without limitation energy efficiency, LEED certification or considerations, that would be incorporated into the design of the Facility;

and,

- How the quality of the Facility's operation might be characterized in terms of the finish level of various spaces, the specification of mechanical systems, air temperature, ice temperature, ice thickness, humidity levels, etc.

When evaluating proposals, the Town reserves the right to prioritize its programmatic needs as it deems necessary in order to maximize the value gained through this RFP process.

It is understood that the hours of operation for the Facility may be expanded to the whole calendar year to be a year-round operation. Ultimately, the hours of operation will be negotiated with the selected respondent.

3.2 Lease Oversight Committee

The Lease Oversight Committee is a post construction committee that will be established by the Town and will meet periodically, at a minimum annually, to make sure that the terms of the Lease are being fulfilled by the selected respondent. Additionally, the Lease Oversight Committee will review the programmatic needs of the high school and the Town and will work with the selected respondent to make amendments to the Lease as necessary. The Lease Oversight Committee will be appointed by the School Committee and will consist of nine (9) members as listed, or their designee: one(1) from the School Committee, one (1) Select Board member, one (1) from the Permanent Building Committee, one (1) from the Recreation Commission, one (1) direct residential abutter, one (1) person representing the hockey community, one (1) resident with a real estate development/project financing background, and the Town Administrator, and School Superintendent. The Town Administrator and their office will be the point of contact for the Town.

3.3 Construction Schedule

The Town expects that the selected respondent(s) will, upon execution of a long-term ground Lease, the draft of which is available in Appendix H (Lease), undertake and complete pre-development activities and start construction within the time periods and in accordance with the terms and conditions set forth in the Lease.

Before a Lease can be negotiated and signed, Town Meeting has to approve the lease of the land and adopt the Zoning By-Law amendment. Town Meeting will be held on Wednesday, November 13, 2019. Once Town Meeting has completed its business, the Lease can be negotiated and signed. The selected respondent will then meet with the Lease Oversight Committee to finalize a construction schedule. After the Lease is signed, the selected respondent will be able to apply for Design and Site Plan Review (DSPR) from the Planning Board (see Appendix G). The DSPR process can take approximately 6-9 months depending on the public input and the ability of the selected respondent to respond to the Planning Board and public. Once the DSPR process is complete, the selected respondent can apply for a building permit and other necessary permits as outlined in Section 2.6 of this RFP. However, before a permit can be issued, the selected respondent must conducted a Zero Net Energy Life Cycle Cost Analysis with review and input from the Town's Energy Committee. This will ensure that the best construction methods and highest efficiency equipment is used for the Facility. Once the Facility is complete and the selected respondent has obtained the necessary sign-offs from the various Town departments, a Certificate of Occupancy can be issued.

3.4 Existing Ice Skating Rink

The Town prefers that the existing ice skating rink remain in operation while the Facility is under construction. Demolition of the existing ice skating rink will be conducted by the Town unless the area occupied by the rink is necessary to fulfill the Town's programmatic needs. In this case, demolition of the rink will be the responsibility of the selected respondent.

3.5 Athletic Fields and Throwing Circles

While the Town will construct the athletic fields and throwing circles, the selected respondent will be responsible for leaving the area for the fields and throwing circles rough graded to a pre-determined elevation.

3.6 Insurance

The selected respondent will be required to carry insurance as described in the Lease.

3.7 Financial Proposal & Business Terms

Under the terms of the Lease, the selected respondent(s) may be required to provide payment and performance bonds, a guarantee or equivalent, naming the Town as dual obligee, in the full amount of the cost of construction of all buildings, structures, and site improvements. If required, these bonds or equivalent will be released when the development is complete, on the terms and conditions set forth in the Lease. Respondents should assume that the Site will be conveyed "as-is" without any representations with regard to its condition.

4.0 SUBMISSION REQUIREMENTS

4.1 Technical Proposal Submission Enclosures

The Town is interested in receiving proposals that satisfy the requirements set forth in this RFP from any individual, company, firm, partnership, group or organization capable of leasing the Site from the Town and developing and operating it as an ice skating rink. Proposals not providing evidence of the following items may be considered non-responsive and may not be given further consideration:

4.2 The Development Team

The proposal shall include a detailed description of all members of the development team, including the following information:

1. The name, address, and telephone number of the respondent, the name of any representative authorized to act on his/her behalf, the name of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the development team.

2. If the respondent is not an individual doing business under his/her name, a description of the firm and status of the organization (e.g., whether a for-profit, not-for-profit or charitable institution, a general or limited partnership, a corporation, LLC, LLP, business association, or joint venture) and the jurisdictions in which it is registered to do business.

3. The nature of the entity to enter into the Lease.

4. A description of the general skills and nature of the operation of the respondent and the development team.

5. Identification of the respondent and/or any of the respondent's principals, partners, co-venturers and/or subcontractors all principals, partners, co-venturers or sub-developers participating in the development, of the following:

    a. The nature and share of the participants' ownership in and compensation from the project;

    b. The nature of their financial interest in the project; and,

    c. Any involvement that can be considered to create a conflict of interest as defined by Massachusetts laws.

6. Identification of the development team, such as architects, engineers, landscape designers, development consultants, and facility operators, including subcontractors. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, should be provided.

7. A summary of first, the respondent's, and secondly, the respondent team's experience, collectively and individually, and with similar projects. Particular attention should be given to demonstrate experience with projects of a similar scale and complexity. Respondents should demonstrate the ability to perform in accordance with their proposal, including the ability to pursue and carry out permitting, financing, marketing, design and construction, and to complete the project in a competent and timely manner.

8. Identification of the respondent's current and prospective projects that could impact this project.

9. A plan for effective communication between the selected respondent and the Town during all phases of the project.

10. Confirmation that no local, state, or federal taxes are due and outstanding for the development team or any constituent thereof.

11. A disclosure of whether or not the respondent and/or any of the respondent's principals, partners, co-venturers and/or subcontractors participating in the proposal or the project has been dismissed or disqualified from a bid or contract within the past five (5) years, and if yes, the reason(s) why.

12. A disclosure of any conditions (bankruptcy or other financial problems, pending litigation, planned office closures, impending merger) that may affect the respondent's ability to perform contractually. If a joint venture, a disclosure is required for each partner in the joint venture.

13. Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the respondent's (or its principals' or any affiliates') business and/or any of those entities' compliance with laws and other governmental requirements.

14. Descriptions of any procedures that relate to respondent's ability to control costs and keep a project within budget.

15. References: The names, addresses, telephone and fax numbers and email addresses of at least three (3) business references whom we may contact regarding the respondent's business experience. For each, identify the property or properties about which the

individual is informed. References may include building owners, architects, engineers, subcontractors, and other building or development professionals with whom you have worked.

16. Resumes or brochures.
17. Description of Project capital structure (total project budget and amounts of equity and construction financing.
18. Identify source of equity and prospective sources of construction financing.
19. The respondent will be expected to either oversee directly, or subcontract the management and operations of the Facility for the tenure of the lease.

4.3 The Development Concept

The proposal shall include a detailed description of the development concept including but not limited to:

1. Discussion of the physical plan and architectural character of the project and how the various programmatic and physical elements of the development will relate to one another.
2. Proposed total square footage, by use, number, type and size of parking spaces, amenities, height, number of stories, etc.
3. An operation plan, including a business plan detailing the hours that will be made available to the general public and to the Town of Belmont, operation of concessions and other anticipated revenue producing activity.
4. Discussion of environmental impacts, including but not limited to lighting, noise and traffic, during the construction and operating phases of the project. Mitigation should be proposed as necessary and appropriate.
5. A plan/process for working with neighbors and abutters during the construction and during the operation of the Facility.
6. A detailed description of the manner in which the construction and operation of the Facility will be financed, including, but not limited to, approximate amount of equity and construction financing (separately identified), identification of investors, banks, mortgage companies, real estate investment trusts or other financial institutions providing financing, the extent to which the Facility or income derived from the Facility's operation will be used to secure financing and the nature of the security.
7. A Management Plan for the ongoing management and operation of the Facility, including proposed operators/managers and their experience.
8. A 30-year operating pro forma highlighting the key assumptions that demonstrates the projects financial viability. The pro forma should include debt service and property taxes, capital improvements and lease payments to the Town, and anticipated return on investment (ROI).
9. Parking and traffic management, and pedestrian safety are key concerns for the development on this site so support for assumptions of the needs by use for different hours of the day as well as the mitigation plan is expected. If occasional extraordinary events are expected (e.g., big games, meets) the estimates and mitigation plan for those is expected as well. Given the constraints of the site, the respondent is encouraged to

propose creative solutions to traffic and parking for the proposed uses. Please also refer to the Site Access Evaluation at appendix F.

4.4 The Management Team

1. The name, address, and telephone number of the management team, the name of any representative authorized to act on his/her behalf, the name of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the management team.
2. A summary of the past recreational development and/or management and operation experience. Prospective respondents should include a narrative that describes similar projects and explains why and how that experience is relevant to the proposed development project.
3. A plan for effective communication between the management team and the Town during the operation and maintenance of the Facility.
4. Resumes or brochures for the management team.
5. References: The names, addresses, telephone and fax numbers and email addresses of at least three (3) business references whom we may contact regarding the respondent's operation and management experience.
6. Confirmation that no local, state, or federal taxes are due and outstanding for the development team or any constituent thereof.
7. A disclosure of whether or not the respondent and/or any of the respondent's principals, partners, co-venturers and/or subcontractors participating in the proposal or the project has been dismissed or disqualified from a bid or contract within the past five (5) years, and if yes, the reason(s) why.
8. A disclosure of any conditions (bankruptcy or other financial problems, pending litigation, planned office closures, impending merger) that may affect the respondent's ability to perform contractually. If a joint venture, a disclosure is required for each partner in the joint venture.
9. Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the respondent's (or its principals' or any affiliates') business and/or any of those entities' compliance with laws and other governmental requirements.

4.5 Preliminary Plans

The proposal shall include a 1"-20' or 1"-40 site plan that describes parking layout and numbers of parking spaces, building layout, access/egress, major landscaping features (including, the athletic fields, throwing circles, and parking spaces previously discussed), etc. All other plans submitted shall be at a scale that allows ease of review. The proposal should also include architectural plans, with elevations, exterior and interior renderings and typical floor plans. Renderings should include a view from Concord Avenue during the day and night. The plans should also contain information about materials used and should highlight any interesting features such as sustainability, energy efficiency, and LEED certification or considerations.

4.6 Implementation Plan and Project Timetable

The proposal shall include a description of how the development concept will be implemented, including but not limited to:

1. Detailed development schedule for all elements of the plan, including key permitting, financing, construction and operational milestones and projected completion/occupancy timeframes.
2. Outline of required land use, environmental, operational and other governmental or regulatory approvals, including land use, zoning, development, and environmental permits. The respondent should provide a schedule for securing approvals as part of the proposal. The respondent should note zoning variances or amendments, special permits or modifications required, and should factor time into the proposed schedule for securing same.

4.7 Project Financing & Financial Analysis

The proposal shall include:

1. Sufficient information to demonstrate the respondent's ability to obtain financing for the project in accordance with its schedule.
2. A description of the entity funding predevelopment costs associated with the project, and demonstration of its capacity to fund such costs.
3. A financial plan, presenting a detailed description of all "sources and uses" of funds as well as a statement and plan for financing the development.
4. A financial plan of operations and maintenance, including a debt amortization schedule, a depreciation schedule and a 30-year projection of the Facility. The projection should include annual statements of income and cash flow.

The financial analysis provided in this section shall be sufficient to demonstrate the financial feasibility of the proposal and the timeframe within which the project will be completed.

4.8 Financial Qualifications

The proposal shall include evidence of the financial status of the respondent, demonstrating the financial strength to carry out the proposed development, including management and operation of the Facility. This shall include current financial statements for three (3) years from the respondent. Also, provide the name, address, telephone and fax numbers, and email addresses of a contact at one or more financial institutions that are familiar with your current financial status and past experience. Provide contacts for lenders on all projects carried out within the last five (5) years, including all current projects.

4.9 Required Forms

All proposals shall include the following required forms:

- Disclosure of Beneficial Interests Form–M.G.L. c.7C, 38 (see Appendix I)
- Statement of Tax Compliance Form – M.G.L. c. 62C, 49A (see Appendix J)

- Certificate of Non-Collusion Form (see Appendix K)

4.10 Submission Process

The Request for Proposals proposal package will be available starting at 9:00 A.M. on Wednesday, September 25, 2019 at the Office of Community Development. Respondents can request an RFP proposal package be mailed.

All documents including proposals, supplementary materials, maps, plans, etc. prepared as part of the submission shall become the property of the Town and shall be considered public information. All such documents shall be provided both in native form (e.g. Word documents, Excel spreadsheets) and in "pdf" form.

Completed copies of the RFP proposal shall be submitted in a sealed envelope clearly marked "Town of Belmont". One (1) original, twenty (20) copies and one (1) electronic copy of the complete proposal shall be received by NOON on Wednesday, October 30, 2019, at the same location addressed to:

Jeffrey A. Wheeler, Senior Planner
Office of Community Development
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

All determinations as to the completeness or compliance of any proposals, or as to the eligibility or qualification of any respondent, will be within the sole discretion of the Town. Incomplete proposals or proposals received after the deadline will not be considered. It is the respondent's responsibility to ensure that the proposal arrives on time to the Town of Belmont Office of Community Development.

Late proposals will not be accepted.

Upon review, if any items are missing and/or incomplete, the Town may reject the proposal. Additionally, submission of proposals shall be deemed to incorporate the permission of the respondent to make any inquiries concerning the respondent as considered necessary by the Town to fully review qualifications.

The Town reserves the right to reject any and all proposals if it determines that it is in the best interest of the Town to do so. All decisions are at the sole and absolute discretion of the Town

5.0 REVIEW AND SELECTION PROCESS

The review process will consist of two (2) phases. First, all proposals shall meet the Minimum Evaluation Criteria in Section 6.1. Second, all proposals that meet the Minimum Evaluation Criteria will be reviewed under the Comparative Evaluation Criteria listed in Section 6.2. Each criterion will be assigned a rating of Highly Advantageous, Advantageous, Non-Advantageous, and Unacceptable. Respondents meeting the Minimum Evaluation Criteria may be asked for an interview and oral presentation to the Town. Any interview and/or oral presentation will be rated according to the same scale as the Comparative Evaluation Criteria. After all of the ratings have

been compiled, the Town will determine the most advantageous proposal from one or more responsible and responsive respondents, taking into consideration the overall financial benefit to the Town and all evaluation criteria set forth in the RFP.

The most advantageous proposal or proposals from one or more responsive and responsible respondent(s), taking all evaluation criteria set forth in the RFP, will be selected.

5.1 Pre-Bid Meeting and Site Visit

A pre-bid meeting and a site visit is scheduled for Wednesday October 9, 2019 at 10:00 am. A meeting followed by a site walk will occur in Town Hall, Conference Room 2 on Wednesday, October 9, 2019, at 10:00 am; the site walk will start at approximately 11:30 am. Regardless of whether or not a respondent participates in this site visit, submission of a proposal will constitute an acknowledgement that the respondent is aware of existing conditions at the Site.

5.2 Questions/ Requests for Additional Information/ Proposal Modifications

Respondents may submit written questions pertaining to the Scope of Work to Jeffrey Wheeler at the above address by Wednesday, October 16, 2019 by 4:00 pm. Answers to timely submitted questions will be in writing and the questions and answers will be shared with all those on record as having received a copy of the RFP by October 23, 2019.

During the review process, the Town may ask the respondent to clarify any unclear statements, and/or may request additional information.

The Town may also request changes to short-listed proposals to bring them into compliance with state or Town regulations, or for other reasons. Respondents will be informed of any such requested changes at the time they are notified they have been selected as a short-listed firm.

5.3 Interviews

The Town will select and interview the highest rated proposal(s) based on the ranking process described herein. Preliminary interviews will be scheduled at a mutually convenient time and will be held at Belmont Town Hall. At a minimum, the respondent shall be represented at the preliminary and final interview, if selected, by its project manager. In addition to Mr. Wheeler, other Town staff, and members of the public may attend the interviews, if appropriate. If more than one proposal is received, two (2) finalists will be chosen for a final interview with the School Committee.

It is anticipated that all respondents will be notified of the results of the selection process in writing within 90 days of the submission deadline.

The Town will review proposals and select a respondent with whom to negotiate the lease, substantially in the form of the sample ground lease which can be found in the Appendix H. If the Town and selected respondent are unable to come to agreement after a reasonable period of time as determined by the Town on the terms and conditions for proceeding with the Facility, the Town will proceed to the next highest ranked finalist and ask that party to negotiate until an agreement is reached with a satisfactory respondent or respondents, or until the Town terminates the process.

5.4 RFP Dates of Note

Wednesday, September 25	Request for Proposal/Lease published in *Central Register*
Thursdays, September 26 & October 30	Request for Proposal/Lease advertised in *Belmont Citizen Herald*
Wednesday, October 9	Pre-Bid Meeting and Site Visit
Wednesday, October 16	Questions due
Wednesday, October 23	Answers to questions forwarded to respondents
Wednesday, October 30	Town receives proposals
October 30 – November 4	Internal Working Group evaluates proposals based on criteria identified within the Request for Proposal
Monday, November 4	School Committee selects best proposal
Wednesday, November 13	1. Town Meeting votes to lease Site to a private entity(s) 2. Town Meeting votes to amend Zoning By-Law 2/3s vote required for both actions. Attendance at Town Meeting is required by the selected respondent.
Tuesday, November 26	School Committee award contract to the winning proposal
November 27 – December 11	School Committee negotiate lease with selected respondent

6.0 SELECTION CRITERIA

Proposals will be reviewed and evaluated by an internal working group, including the Town Administrator, School Superintendent, representatives from the Select Board, School Committee, Permanent Building Committee, the Middle and High School Building Committee, and the Energy Committee, and other Town staff, as appropriate. The reviewers will generally consider the following, in no particular order:

- Completeness and responsiveness to the RFP. Specifically, respondent's understanding of the project requirements, technical competency to address all project elements, and originality and thoughtfulness of proposed approach to achieving completion of the project described in the RFP.

- Professional qualifications and experience of the proposed project team members, especially the project manager, in the evaluation, design, and construction of public works facilities in general and in particular, construction of an ice skating rink.

- Professional qualification and experience of the proposed project team members with respect to operating and managing an ice skating rink.

- Adequacy of proposed project team in terms of training, experience and availability of proposed project team members for this project.

- Respondent's demonstrated ability to prepare, support, and implement a project of this type and scale, including design, engineering, construction cost estimation, and facilities management, among other skills.

- Respondent's demonstrated ability to complete deliverables on time and within budget.

- Respondent's financial plan.

6.1 Minimum Evaluation Criteria

All proposals shall meet the Minimum Evaluation Criteria specified as follows:

a) One (1) original, twenty (20) complete copies and one (1) complete electronic copy of the proposal with all required enclosures described in Section 4.0 shall be submitted.

b) Project submission shall include information and details necessary for the Town to have confidence the proposed plan can withstand the scrutiny of the Town's approval process including the Planning Board's Design and Site Plan Approval Process and the respondent can obtain necessary permits within twelve (12) months after the selection date. The Town can extend this deadline for good cause.

c) All traffic and stormwater/drainage mitigation required for permitting, subject to compliance with the Stormwater and Erosion Control Bylaw, shall be clearly highlighted, with respondent to be solely responsible for all costs and expenses in connection with such work.

d) Project shall provide significant benefits to the Town and/or its residents, including but not limited to, energy efficiency and sustainability.

e) Respondent shall identify if it has any major issues relating to the Lease, and if so, what those issues are.

Failure to meet these minimum evaluation criteria will result in the rejection of the proposal.

6.2 Comparative Evaluation Criteria

All respondents who meet the Minimum Evaluation Criteria will be evaluated and ranked based on Comparative Evaluation Criteria that are summarized below. With these criteria the Town will be able to look at the relative merits of the proposals.

Criteria	Rating Scale	
1. Facility and Site		
Lease	Very Advantageous	Respondent has no major issues with the proposed Lease.
	Advantageous	Respondent has some major issues with the proposed Lease, but those are likely to be able to be resolved.
	Non-Advantageous	Respondent has numerous major issues with the proposed Lease that could be difficult to resolve to the Town's satisfaction.
	Unacceptable	Respondent has a substantial number of issues with the proposed Lease that likely could not be resolved to the Town's satisfaction.
Experience of Developer	Very Advantageous	Developer has designed and built a significant number of facilities that were successful and similar to the Town's goals and expectations.
	Advantageous	Developer designed and built some facilities that were successful that were similar to the Town's goals and expectations.
	Non-Advantageous	Developer has designed and built some facilities that were successful that had different goals from the Town's.
	Unacceptable	Developer has a minimal number of projects developing similar types of facilities or developer has designed and built similar facilities that were not considered a success.
Financials – creditworthiness, insurance, bondable	Very Advantageous	Excellent financial capacity and conservative equity investment plan.
	Advantageous	Very good financial capacity and sufficient equity investment plan.
	Non-Advantageous	Good financial capacity and uncertain or to be determined equity investment plan.
	Unacceptable	Insufficient financial capacity.

Criteria	Rating Scale	
1. Facility and Site		
Financials - Certainty of project funding, including construction, operation, and maintenance.	Very Advantageous	Pro Forma and financing plan for the project give great comfort that the project can be capitalized within the time required to obtain permits, operate highly profitably and be able to maintain a high quality Facility.
	Advantageous	Pro Forma and equity plan for the project give comfort that the project can be capitalized within the time required to obtain permits, operate sufficiently profitably while maintaining the Facility.
	Non-Advantageous	Pro Forma and equity plan require favorable assumptions for the project to be capitalized within the time required to obtain permits, be successful and to allow for high quality maintenance.
	Unacceptable	Pro Forma or the equity plan seem insufficient for the project to be capitalized within the time required to obtain permits and support the project and its expected maintenance over the life of the project.
The Town does not intend to be involved with managing the development of the Facility.	Very Advantageous	No Town management of the Facility and one (1) point of contact for respondent.
	Advantageous	No Town management of the Facility, and one (1) point of contact with respondent, but sub-respondent(s) engaged for portion(s) of the project
	Non-Advantageous	Two (2) or more points of contact for the Town with distinct areas of responsibility for elements of the Facility for each.
	Unacceptable	Town oversight and management required.
Site Layout	Very Advantageous	Site layout includes three (3) regulation Junior Varsity athletic fields that are oriented to take into consideration the sun and other elements; two (2) throwing circles; and 110 parking spaces.
	Advantageous	Site layout includes three (3) regulation Junior Varsity athletic fields; two (2) throwing circles; and 110 parking spaces.
	Non-Advantageous	Site layout includes at least two (2) regulation athletic fields, two (2) throwing circles, and 110 parking spaces.
	Unacceptable	Site layout includes at least two (2) regulation athletic fields, two (2) throwing circles, and less than 110 parking spaces.

Criteria	Rating Scale	
1. Facility and Site		
Design elements and integration of Facility with surrounding abutters and neighborhood.	Very Advantageous	Facility respects abutters' views, provides walkways around and through site. High curb appeal.
	Advantageous	Facility respects some of the following: abutters' views, provides walkways around and through site. High curb appeal.
	Non-Advantageous	Facility doesn't provide any curb appeal.
	Unacceptable	Doesn't respect surrounding neighborhood
Sustainability	Very Advantageous	The Facility uses the current best practices for sustainability and will achieve a platinum LEED certification.
	Advantageous	The Facility uses many of the current best practices for and will achieve a gold LEED certification.
	Non-Advantageous	The facility uses some of the current best practices for sustainability, and will achieve a silver LEED certification.
	Unacceptable	The Facility does not use the current best practices for sustainability and/or does not achieve any level of LEED certification.
Energy efficiency	Very Advantageous	The Facility uses the current best practices for energy efficiency, and achieves zero net energy.
	Advantageous	The Facility uses the current best practices for energy and water efficiency, recycled materials, and commits to alternative sources of energy.
	Non-Advantageous	The Facility uses some of the current best practices for energy and water efficiency and recycled materials, and commits to alternative sources of energy.
	Unacceptable	The Facility does not use the current best practices for energy and water efficiency and recycled materials, and reflects little consideration of alternative sources of energy.

Criteria	Rating Scale	
2. Traffic and Parking		
Parking shall be based on best practices for facilities such as these. Documentation providing the basis for the estimated number of vehicles is expected in the submission.	Very Advantageous	100% of required parking during peak hours located on Site. Ability to accommodate buses in parking lot. 100% of required parking for special events held on Site.
	Advantageous	100% of required parking during peak hours located on Site. Ability to accommodate buses in parking lot. Plan provided for required parking for special events held on Site.
	Non-Advantageous	<100% of required parking during peak hours located on Site. Ability to accommodate buses for shuttling on site or plan for nearby. Will "develop plan with Town" for parking for special events.
	Unacceptable	<100% of required parking during peak hours available. Not able to accommodate buses
Traffic considerations.	Very Advantageous	Project proposes sufficient mitigation for anticipated traffic impacts and plans to fund 100% of the cost.
	Advantageous	Project proposes sufficient mitigation for anticipated traffic impacts and plans to fund 80% of the cost.
	Non-Advantageous	Project proposes sufficient mitigation for anticipated traffic impacts and plans to fund 50% of the cost.
	Unacceptable	Project mitigation plan does not mitigate expected traffic impacts and funds less than 50% of the cost.
Parking and Traffic sustainability considerations.	Very Advantageous	Project proposes significant parking and traffic sustainability measures to reduce demand for on-site parking and reduces traffic impacts.
	Advantageous	Project proposes some parking and traffic sustainability measures to reduce demand for on-site parking and reduces traffic impacts.
	Non-Advantageous	Project proposes significant parking and traffic sustainability measures to reduce demand for on-site parking and reduces traffic impacts.
	Unacceptable	Project does not propose significant parking and traffic sustainability measures to reduce demand for on-site parking and reduces traffic impacts.

Criteria	Rating Scale	
2. Traffic and Parking		
Pedestrian and Bicycle Safety and Circulation.	Very Advantageous	Project promotes bicycle and pedestrian access to and on the site and is well connected with abutting Town facilities.
	Advantageous	Project promotes bicycle or pedestrian access to and on the site.
	Non-Advantageous	Project provides safe bicycle and pedestrian on the site.
	Unacceptable	Project does not support bicycle and pedestrian access to and around the site.
Vehicular Site Access	Very Advantageous	Access/Egress to the site utilizes the existing roadway network without requiring any redesign/construction of Concord Avenue.
	Advantageous	Access/Egress to the site requires minimal redesign/construction of Concord Avenue.
	Non-Advantageous	Access/Egress to the site requires redesign/construction of Concord Avenue to be paid for by the selected respondent.
	Unacceptable	Access/Egress to the site requires redesign/construction of Concord Avenue to be paid for by the Town.

Criteria	Rating Scale	
3. Operation and Maintenance		
The Town does not intend to be involved with the operation of the Facility.	Very Advantageous	No Town management of Facility with one (1) point of contact for operator.
	Advantageous	No Town management of Facility and one (1) point of contact with operator, but sub-operators engaged to operate different uses.
	Non-Advantageous	Two (2) or more points of contact for the Town, with clear lines of operating and reporting responsibility.
	Unacceptable	Town oversight and management required.
Noise is more troublesome late at night through early in the morning. Noise includes things such as trash pickup, car doors closing, talking, mechanical systems.	Very Advantageous	Site noise that would impact the neighbors to be mitigated.
	Advantageous	Site noise to be no greater than current site noise
	Non-Advantageous	Noise would impact the neighbors
	Unacceptable	Significant noise that would impact the neighbors
Compensation for the land lease (which may include cash, reduced resident fees, desirable free resident use times, preferred scheduling, or other quantifiable considerations for the Town).	Very Advantageous	Benefits to Town are significantly above the market rate expectation.
	Advantageous	Benefits to Town are above the market rate expectation.
	Non-Advantageous	Benefits to the Town meet the market rate expectation.
	Unacceptable	Benefits below market rate, or no benefits to the Town.
Advantages for Belmont Residents and in-town organizations - number of hours available.	Very Advantageous	Town residents and organizations have first access. Some “free” access also is provided.
	Advantageous	Town residents and organizations have first access.
	Non-Advantageous	Town residents and organizations have first access only during certain times.
	Unacceptable	Preferential access is not provided to Town residents and organizations.
Advantages for Belmont Residents and in-town organizations - preference of hours for use.	Very Advantageous	Substantial Town team scheduling preference and special resident pricing.
	Advantageous	Either substantial Town scheduling preference or special resident pricing.
	Non-Advantageous	Some scheduling preference.
	Unacceptable	Minimal scheduling preference.

Criteria	Rating Scale	
3. Operation and Maintenance		
Experience of Operator	Very Advantageous	Operator has a significant number of years operating similar types of facilities that match the Town's goals for this site
	Advantageous	Operator has a reasonable number of years operating similar types of facilities that match those project's goals and quality expectations
	Non-Advantageous	Operator has some years' operating similar types of facilities that have survived multiple business cycles.
	Unacceptable	Operator has a minimal number of years operating similar types of facilities.

7.0 CONTRACT NEGOTIATION AND PAYMENT PROCEDURES

7.1 Contract Negotiation Process

As described above, the respondent may suggest changes to the Scope of Services, with supporting rationale, in its proposal. The Town will respond to any suggested changes from short listed respondents *only*, indicating whether the changes are acceptable, not acceptable, or acceptable with conditions. Also, the Town may request that a short-listed respondent accept modifications to its proposal, which respondent may deem acceptable, not acceptable, or acceptable with conditions.

Substantive differences between the Town and respondent (i.e. changes deemed not acceptable by either party) will need to be resolved before selecting a respondent. Any remaining (minor) differences will be resolved before a contract is awarded. If substantive differences cannot be resolved the Town may terminate negotiations with winning respondent and engage in negotiations with second place respondent.

Following respondent selection, the successful respondent will be recommended to the School Committee for contract award.

7.2. Project Budget and Payment Terms

The Town will not pay for (and the respondent should not bill for) services, training, equipment or other items that the respondent, in representing itself as qualified to bid on the RFP, would be reasonably expected to possess. Specific examples include, but are not limited to:

- Professional training of any kind.
- Computer hardware, software or any reusable equipment.

8.0 CONDITIONS, TERMS, AND LIMITATIONS

This Request for Proposals is subject to the specific conditions, terms and limitations stated below:

1. The Site is to be conveyed by lease “as is” without any representations with regard to its condition.

2. The Facility shall conform to, and be subject to, the provisions of all other applicable laws, regulations, and ordinances of Federal, State, Regional and Town authorities having jurisdiction.

3. Valid permits and approvals, as required by Town, Regional, State and Federal agencies, shall be obtained by the selected respondent prior to commencing work.

4. No transaction will be consummated if any principal of any selected respondent is in arrears or in default upon any debt, lease, contract or obligation, including without limitation, real estate taxes and any other municipal liens or charges to any local, state, or Federal authority, including the Town of Belmont, or to any other party. The Town reserves the right to reject any proposal by any such respondent.
5. The Town is not obligated to pay, nor shall in fact pay, any costs or losses incurred by any respondent at any time including the cost of responding to the RFP.

6. This RFP does not represent any obligation or agreement whatsoever on the part of the Town.

7. This RFP, and any agreement resulting therefrom, are subject to all applicable laws, rules and regulations promulgated by any Federal, State, regional or municipal authority having jurisdiction over the subject matter thereof.

8. The Town reserves the right to reject any and all proposals received, to negotiate with any qualified source, or to cancel, in part or in its entirety, this RFP as in the best interest of the Town, and to award contracts as may be in the best interest of the Town. This solicitation in no way obligates the Town to award a contract.

9. The expense of preparing and submitting a proposal is the sole responsibility of the Designer.

10. The successful respondent shall comply with all applicable Federal and State laws in the performance of services including:

    a. M.G.L. Chapter 62a, Appendix 49A, "Certification of Tax Compliance;"

    b. "Certification of Non-Collusion."

11. The Town shall consider all proposals submitted without regard to race, color, sex, age, handicap, religion, political affiliation, national origin, sexual orientation, or gender identity and expression.

12. Except as otherwise stated, the mounts of such insurance shall be for each policy, not

less than:

a. Workers' Compensation Insurance: as required by the laws of Massachusetts and Employer's Liability Insurance: not less than $500,000/$500,000/$500,000.

b. Commercial General Liability Insurance: Written on an occurrence basis including personal injury liability coverage, products - completed operations coverage, premises operations liability coverage, contractor's protective liability and contractual liability insurance, coverage; not less than $1,000,000 per occurrence and not less than $3,000,000 aggregate limit. Extraterritorial and guest clause shall be included.

c. Contractor's Operation and Professional Services Environmental Liability Insurance: combined single limit not less than $3,000,000.

d. Automobile Liability Insurance: Combined Single Limit not less than $1,000,000 covering all leased, owned, hired and non-owed vehicles.

e. Excess Liability Insurance: Umbrella Form, not less than $5,000,000 each occurrence and $5,000,000 aggregate limit. Excess liability insurance, umbrella form shall be following form, which shall provide coverage over Commercial General Liability Insurance, Employer's Liability Insurance under Workers' Compensation Insurance, Contractor's Operations and Professional Services Environmental Liability Insurance, and Automobile Liability Insurance. (Coordinate with §5.2 of the Lease – George to help draft)

13. Further, the Certificates of Insurance shall list the Town of Belmont, P.O. Box 56, Belmont, MA 02478 as the named insured.