

**TOWN OF WAYLAND**

**REQUEST FOR PROPOSALS (RFP)  
RFP # 20-1048**

**PURCHASE OF LAND, PURCHASE OF BUILDING WITH  
APPURTENANT PARKING, OR LEASE OF BUILDING WITH  
APPURTENANT PARKING**

**FOR A  
COUNCIL ON AGING AND COMMUNITY CENTER**

Louise L. E. Miller  
Town Administrator  
[lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us)

RFP Issue Date: December 28, 2020

RFP Responses Due: Monday January 27, 2020 by 1:00 PM

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**REVISED**  
**LEGAL NOTICE**  
**TOWN OF WAYLAND**  
**#20-1048-RFP**

**REQUEST FOR PROPOSALS**  
**FOR**  
**PURCHASE OF LAND, PURCHASE OF BUILDING WITH APPURTENANT PARKING, OR LEASE**  
**OF BUILDING WITH APPURTENANT PARKING**  
**COUNCIL ON AGING AND COMMUNITY CENTER**

In accordance with the provisions of Chapter 30B, Section 16 of the Massachusetts General Laws, the Town of Wayland (“Town” or “Wayland”), by and through its Town Administrator, is requesting proposals for the purchase of land, purchase of a building and appurtenant parking, or lease of a building of a minimum of fourteen thousand seven hundred fifty (14,750) square feet to approximately twenty-one thousand (21,000) square feet with appurtenant parking of a minimum of 125 parking spaces to be used as a town council on aging and community center.

One (1) original and five (5) copies of each Proposal shall be delivered to the attention of Louise Miller, Town Administrator, Town of Wayland, 41 Cochituate Road, Wayland, MA 01778, by **1:00 PM on Monday, January 27, 2020**. The Proposer assumes the risk of any delay in the mail. Proposals received after the official Proposal Due Date and time will not be accepted or reviewed. No faxed or conditional proposals shall be accepted. In the event of the office being closed for some unforeseen reason, the proposal will be due by 1:00 PM on the next business day in which the Town of Wayland is open.

Any questions about this request for proposals (RFP) shall be directed in writing to Elizabeth Doucette, Assistant Town Administrator, Town of Wayland, 41 Cochituate Road, Wayland, MA 01778, or by email to [edoucette@wayland.ma.us](mailto:edoucette@wayland.ma.us) to be received by the Town by the close of business on **Monday, January 20, 2020**. Questions presented after this time shall not be considered. No question shall be considered which is not submitted in writing. Any questions requiring consideration shall be answered in an addendum delivered to all registered Proposers.

Copies of the Request for Proposals will be available for no cost on or after **2:00 PM, December 28, 2019** and may be electronically downloaded from the Town’s website at [www.wayland.ma.us/bids](http://www.wayland.ma.us/bids) by selecting “**20-1048-RFP Real Property Acquisition CoACC**” or may be obtained at the Procurement Office, 1<sup>st</sup> Floor, Town of Wayland, 41 Cochituate Road, Wayland, MA 01778. The attention of all potential respondents is directed to the provisions of the contract documents.

The Town reserves the right to accept any bid, in whole or in part, to reject any/or all bids and to waive minor irregularities and/or informalities as it deems to be in the best interest of the Town.

Louise L. E. Miller  
Town Administrator

*Central Register*, Wednesday, November 27, 2019  
Wayland Town Crier, Thursday November 28, 2019 & Thursday, December 5, 2019  
Wayland Town Crier, Thursday January 2, 2020 & Thursday, January 9, 2020

## INTRODUCTION

The Town of Wayland (“Town” or “Wayland”) intends to house the offices and all activities of its Council on Aging, the offices and some activities of its Recreation Department, the offices of its Youth and Family Services Department, and other community activities of the Town in one building. Accordingly, the Town is seeking proposals for the purchase of land, purchase of a building and appurtenant parking, or lease of a building of a minimum of fourteen thousand seven hundred fifty (14,750) square feet to approximately twenty-one thousand (21,000) square feet with appurtenant parking of a minimum of 125 parking spaces. All properties must be in Wayland, Massachusetts.

The Town’s desired time frame for purchasing property or a building, or leasing a building is following a Special Town Meeting in the fall of 2020, which is anticipated to take place sometime in October or November 2020, where the Town would request an appropriation for the purchase or lease price. The Town would anticipate closing on a purchase of land or a building, or signing lease documents and entering into an agreement with a landlord on or before January 1, 2021.

Wayland’s preferred option is to purchase land via a fee simple acquisition. In that case, the Town would design and build a new building and perform all related site development. Alternatively, the Town seeks to acquire an existing building with sufficient parking to meet its needs, in which case the Town would design and build all improvements to the building and land. Finally, the Town would consider leasing an existing building with certain leasehold improvements to meet the Town’s specific needs. The land and building must be located in Wayland.

## PROPOSAL SUBMITTALS

### Sealed Written Proposals

Proposals shall be submitted in writing in two separate parts consisting of a Real Property (Non-Price) Proposal and a Price Proposal, each in a separately sealed envelope, marked “Town of Wayland RFP 20-1048 Non-Price Proposal” and “Town of Wayland RFP 20-1048 Price Proposal”. All Proposals shall be properly signed. The name and address of the person or entity submitting the proposals should be clearly marked on the envelope. Respondents to this RFP shall provide one (1) original and five (5) copies of the Real Property (Non-Price) Proposal and one (1) original of the Price Proposal. No faxed or conditional proposals shall be accepted.

### Delivery of Proposals

Sealed proposals will be received at the following address until 1:00 PM on Monday, January 27, 2020:

Procurement Office, 1<sup>st</sup> Floor  
Town of Wayland, Wayland Town Building  
Attn: Louise Miller, Town Administrator  
41 Cochituate Road  
Wayland, MA 01778

### Questions

Any questions about this RFP should be directed in writing to Elizabeth Doucette, Assistant Town Administrator, at the above-mentioned address, or by email to [edoucette@wayland.ma.us](mailto:edoucette@wayland.ma.us) to be received by the Town no later than **Monday, January 20, 2020. The Town will respond only to questions that are required for the submission of a fair and competitive proposal.** No question shall be considered which is

not submitted in writing. Responses to questions will be issued via addendum to all prospective RFP Respondents having registered with current contact information including the name and address of the interested firm or individual, a valid e-mail address, and phone number.

It is the responsibility of all prospective RFP Respondents to register on the Town of Wayland website at [www.wayland.ma.us/bids](http://www.wayland.ma.us/bids) and by selecting “**20-1048 RFP Real Property Acquisition – Council on Aging/Community Center**” to receive any addenda that may be issued. Notwithstanding the foregoing, it is the prospective RFP Respondent’s responsibility to ensure that it has obtained all RFP Addenda issued prior to the submission deadline.

#### Late Proposals

No late proposals will be accepted. All proposals shall be delivered to the attention of Louise Miller, Town Administrator, Town of Wayland, 41 Cochituate Rd., Wayland, MA 01778, by **1:00 PM** local time as indicated by the Town of Wayland’s clock, on **Monday January 27, 2020**. The RFP Respondent assumes the risk of any delay in the mail. Proposals received after the official proposal due date and time will not be accepted or reviewed. **In the event of the office being closed for some unforeseen reason**, the proposal will be due by 1:00 PM on the next business day in which the Town of Wayland is open.

#### Changes, Modifications, or Withdrawal of Proposals

Changes, modifications or withdrawal of Proposals shall be submitted in writing to the Town of Wayland prior to the deadline and shall be contained in a sealed envelope clearly marked “CORRECTION, MODIFICATION OR WITHDRAWAL OF PROPOSAL FOR RFP 20-1048 RFP Real Property Acquisition – Council on Aging/Community Center.” **No corrections, modifications, or withdrawal of Proposals are permitted after Proposals have been opened.**

No RFP Respondent may withdraw its Proposal prior to the execution of the purchase and sale (P&S) or lease unless an award is not made after ninety (90) calendar days from the opening of the sealed Proposals. All prices submitted in response to the RFP shall remain firm for ninety (90) calendar days following the opening of Proposals.

#### Conditional Proposals

No conditional proposals shall be accepted.

#### Consideration of Proper Submittals and Length of Time Proposal To Remain Open

Each Proposal shall be submitted in accordance with the Proposal Submission Requirements in order to be considered for award. Any Proposal submitted shall be binding for ninety (90) calendar days subsequent to the time of the opening of Proposals. The Proposals will be reviewed according to the requirements, specifications, and evaluation process by which this contract will be awarded.

#### Reimbursement of Costs

The Town of Wayland will not reimburse RFP Respondents for any costs incurred in preparing Proposals in response to this RFP.

#### Errors in the Request for Proposals

Submission of a Proposal shall be conclusive evidence that the RFP Respondent has examined this RFP and is familiar with all the conditions.

Upon finding any omissions or discrepancy in this RFP, the respondent shall notify the Town of Wayland immediately so that any necessary addenda may be issued. Failure of the respondent to be thoroughly familiar with this RFP and any addenda shall in no way relieve any such respondent from any obligation with respect to a Proposal.

Obligation to Enter into a Purchase and Sale or Lease Agreement

By submission of a Proposal, the respondent agrees, if its Proposal is accepted, to enter into a Purchase and Sale or Lease Agreement with the Town that incorporates all of the requirements of this RFP. If the selected proposal entails a lease of property, the successful respondent shall be required to execute a Lease substantially similar to the Sample Lease attached hereto and incorporated herein by reference (Appendix B).

Any purchase of property or lease by the Town of Wayland will be awarded, if at all, pursuant to Massachusetts General Laws Chapter 30B, Section 16, to a responsible and responsive RFP respondent who has submitted the most advantageous Proposal, taking into consideration price and all other evaluation criteria set forth in the RFP.

Nothing in this RFP will compel the Town of Wayland to award a purchase or lease of property. The Town of Wayland may cancel this RFP, may waive, to the extent allowed by law, any informalities, and may reject any and all proposals, if the Town, in its sole discretion, determines said action to be in its best interest. The Town of Wayland may reject as non-responsive any proposal that fails to satisfy any proposal submission requirements.

Public Document

Information contained in the response from the RFP Respondent may be deemed Public Record as required by the laws of the Commonwealth of Massachusetts.

## PROPOSAL EVALUATION CRITERIA

Form of Response

The Town sets forth below each evaluation criterion that it will use in evaluating proposals submitted. Each proposal meeting the minimum threshold criteria will be evaluated and rated on the basis of the following comparative evaluation criteria: **Highly Advantageous**, **Advantageous**, **Passable/Not Advantageous** and **Unacceptable**, if applicable. Each response should be formatted to respond to the numbered criteria as listed:

1. Location of Property

Property being offered for sale or lease must be located in Wayland, Massachusetts. The Town will not consider property that is not located in Wayland.

2. Type of Transaction

The Town seeks proposals for the purchase of land, purchase of a building and appurtenant parking, or lease of a building with appurtenant parking. The Town will review proposals in the order of preference for the transaction: with the purchase of land as the most advantageous, the purchase of a building and appurtenant parking as highly advantageous, and the lease of a building with appurtenant parking as advantageous. Within each of the transactions as ordered, the Town will further rate each of the transaction using the criteria below.

3. Required Materials

Proposals must include all due diligence materials prior to the Town's determination of suitability of the proposed properties and acceptance of due diligence materials shall be at the Town's sole discretion. Such materials shall include but not be limited to septic or wastewater capacity, asbestos surveys, lead-based paint disclosures, mechanical, electrical, and plumbing reports.

4. Purchase of Land

a. Property Suitable for Desired Building

- A **Highly Advantageous** rating will be given to a proposal of a property large enough to support a building planned to house office and activity space for the Town's Council Aging and Recreation Department. This includes a building with up to 21,000 square feet of usable space and the required utilities for operating the Town's Council on Aging and Recreation Department. This also includes at least .25 acres of outdoor space for outdoor activities.
- An **Advantageous** rating will be given to a proposal of a property large enough to support a building planned to house office and activity space for the Town's Council Aging and Recreation Department. This includes a building with up to 14,750 square feet of usable space and the required utilities for operating the Town's Council on Aging and Recreation Department. This also includes less than .25 acres of outdoor space for outdoor activities.
- A **Passable/Not Advantageous** rating will be given to a proposal of a property large enough to support a building planned to house office and activity space for the Town's Council Aging and Recreation Department. This includes a building with up to 14,750 square feet of usable space and the required utilities for operating the Town's Council on Aging and Recreation Department. This also includes some limited space for outdoor activities.

b. Parking

- A **Highly Advantageous** rating will be given to a proposal of a property large enough to accommodate a minimum of 125 parking spaces, including wheelchair and van and bus drop-off capability.
- An **Advantageous** rating will be given to a proposal of a property large enough to accommodate a minimum of 100 parking spaces, including wheelchair and van and bus drop-off capability.
- A **Passable/Not Advantageous** rating will be given to a proposal of a property that is not large enough or technically cannot support a minimum of 100 parking spaces, the required utilities for operating the Town's Council on Aging and Recreation Department

c. Property Location

- A **Highly Advantageous** rating will be given to a proposal of a property located in a commercial zone or a mixed use district with access to Wayland's major roads.
- An **Advantageous** rating will be given to a proposal of a property located in a residential zone with access to Wayland's major roads.
- A **Passable/Not Advantageous** rating will be given to a proposal of a property located in a commercial or residential zone with limited access to Wayland's major roads.

5. Purchase of a Building with Appurtenant Parking

a. Minimum Criteria

The building must be able to be retrofitted to meet all building code requirements.

b. Building Criteria

- A **Highly Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet and includes potential expansion space up to 21,000 square feet of usable space, together with the required utilities for operating the Town's Council on Aging and Recreation Department.
- An **Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, together with the required utilities for operating the Town's Council on Aging and Recreation Department.
- A **Passable/Not Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, together with the required utilities for operating the Town's Council on Aging and Recreation Department.

c. Parking

- A **Highly Advantageous** rating will be given to a proposal where the property is large enough to accommodate a minimum of 125 parking spaces, including wheelchair and van and bus drop-off capability.
- An **Advantageous** rating will be given to a proposal where the property is large enough to accommodate a minimum of 100 parking spaces, including wheelchair and van and bus drop-off capability.
- A **Passable/Not Advantageous** rating will be given to a proposal where the property is not large enough or technically cannot support a minimum of 100 parking spaces, the required utilities for operating the Town's Council on Aging and Recreation Department.

d. Building Retrofit Criteria

- A **Highly Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet and includes potential expansion space up to 21,000 square feet of usable space, which can be retrofitted by the Seller to meet the space requirements as set forth in the description of existing and expansion space needs and grouping requirements for the Council on Aging and Recreation Department (Appendix A). This includes walls/flooring-finishes consistent with outline specifications in the Wayland Community Center Feasibility (Kang) Report (Appendix C)  
<https://www.wayland.ma.us/coacc-advisory-committee/files/community-center-feasibility-study>.
- An **Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet and includes potential expansion space up to 21,000 square feet of usable space, which cannot be retrofitted to meet the specific space requirements as set forth in the description of existing and expansion space needs and grouping requirements for the Council on Aging and Recreation Department (Appendix A). This includes walls/flooring-finishes consistent with outline specifications in the Wayland Community Center Feasibility (Kang) Report (Appendix C)  
<https://www.wayland.ma.us/coacc-advisory-committee/files/community-center-feasibility-study>.
- A **Passable/Not Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, which



can be retrofitted by the Town to meet the current space requirements as set forth in the description of existing space needs for the Council on Aging and Recreation Department (Appendix A).

- An **Unacceptable** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, and cannot be retrofitted to meet the current space requirements as set forth in the description of existing space needs for the Council on Aging and Recreation Department (Appendix A).

*e. Property Location*

- A **Highly Advantageous** rating will be given to a proposal where the property is located in a commercial zone or a mixed use district with access to Wayland's major roads.
- An **Advantageous** rating will be given to a proposal where the property is located in a residential zone with access to Wayland's major roads.
- A **Passable/Not Advantageous** rating will be given to a proposal where the property is located in a commercial or residential zone with limited access to Wayland's major roads.

*f. Outdoor Space*

- A **Highly Advantageous** rating will be given to a proposal where the property has at least .25 acres of outdoor space that can be used for outdoor programs.
- An **Advantageous** rating will be given to a proposal where the property has less than .25 acres of outdoor space that can be used for outdoor programs.
- A **Passable/Not Advantageous** rating will be given to a proposal where the property has no outdoor space that can be used for programs.

6. Lease of a Building with Appurtenant Parking

*a. Minimum Criteria*

1. The building must be able to be retrofitted to meet all building code requirements.
2. Parking spaces shall be available for the exclusive use of the Town.
3. The first lease term for the property shall be ten (10) years. Thereafter, the Town will have two (2) ten-year (10) options to renew, exercisable at the sole discretion of the Town.

*b. Building Criteria*

- A **Highly Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet and includes potential expansion space up to 21,000 square feet of usable space, together with the required utilities for operating the Town's Council on Aging and Recreation Department.
- An **Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, together with the required utilities for operating the Town's Council on Aging and Recreation Department.
- A **Passable/Not Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, together with the required utilities for operating the Town's Council on Aging and Recreation Department.

c. Parking

- A **Highly Advantageous** rating will be given to a proposal where the property is large enough to accommodate a minimum of 125 parking spaces, including wheelchair and van and bus drop-off capability.
- An **Advantageous** rating will be given to a proposal where the property is large enough to accommodate a minimum of 100 parking spaces, including wheelchair and van and bus drop-off capability.
- A **Passable/Not Advantageous** rating will be given to a proposal where the property is not large enough or technically cannot support a minimum of 100 parking spaces, the required utilities for operating the Town's Council on Aging and Recreation Department.

d. Building Retrofit Criteria

- A **Highly Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet and includes potential expansion space up to 21,000 square feet of usable space, which can be retrofitted by the Landlord to meet the space requirements as set forth in the description of existing and expansion space needs and functional grouping requirements for the Council on Aging and Recreation Department (Appendix A). This includes walls/flooring-finishes consistent with outline specifications in the Wayland Community Center Feasibility Center (Kang) Report (Appendix C).  
<https://www.wayland.ma.us/coacc-advisory-committee/files/community-center-feasibility-study>
- An **Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, which can be retrofitted by the Town to meet the specific space requirements as set forth in the description of existing and expansion space needs and functional grouping requirements for the Council on Aging and Recreation Department (Appendix A). This includes walls/flooring-finishes consistent with outline specifications in the Wayland Community Center Feasibility (Kang) Report (Appendix C).  
<https://www.wayland.ma.us/coacc-advisory-committee/files/community-center-feasibility-study>
- A **Passable/Not Advantageous** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with potential expansion space up to 21,000 square feet of usable space, which cannot be retrofitted to meet the current space requirements as set forth in the description of existing space needs for the Council on Aging and Recreation Department (Appendix A).
- An **Unacceptable** rating will be given to a proposal where the building available contains a minimum of 14,750 square feet with no potential expansion space up to 21,000 square feet of usable space, and cannot be retrofitted to meet the current space requirements as set forth in the description of existing space needs for the Council on Aging and Recreation Department (Appendix A).

e. Property Location

- A **Highly Advantageous** rating will be given to a proposal where the property is located in a commercial zone or a mixed use district with access to Wayland's major roads.
- An **Advantageous** rating will be given to a proposal where the property is located in a residential zone with access to Wayland's major roads.
- A **Passable/Not Advantageous** rating will be given to a proposal where the property is located in a commercial or residential zone with limited access to Wayland's major roads.

*f. Outdoor Space*

- A **Highly Advantageous** rating will be given to a proposal where the property has at least .25 acres of outdoor space that can be used for outdoor programs.
- An **Advantageous** rating will be given to a proposal where the property has less than .25 acres of outdoor space that can be used for outdoor programs
- A **Passable/Not Advantageous** rating will be given to a proposal where the property has no outdoor space that can be used for programs

*g. Number of Tenants of Proposed Lease Space*

- A **Highly Advantageous** rating will be given to a proposal where the Town is the sole tenant of the property proposed to be leased.
- An **Advantageous** rating will be given to a proposal where there are multiple tenants of the proposed leased property. The Town will have a dedicated entrance to be used only by the Town.
- A **Passable/Not Advantageous** rating will be given to a proposal where the property is leased to multiple tenants who share the same entrance.

*h. Number of Floors of Proposed Lease Space*

- A **Highly Advantageous** rating will be given to a proposal where all space is on the ground floor.
- An **Advantageous** rating will be given to a proposal where all space is on one (1) floor but is not on the ground floor.
- A **Passable/Not Advantageous** rating will be given to a proposal where space is on ground and 2nd (2) floors.
- An **Unacceptable** rating will be given to a proposal where space is over multiple floors and does not include ground floor space.

*i. Entrance*

- A **Highly Advantageous** rating will be given to a proposal where there is an entry plaza, visible from the street and with a canopy.
- An **Advantageous** rating will be given to a proposal where there is not an entry plaza, but an entry plaza can be installed on site with a canopy and that will be visible from the street.
- A **Passable/Not Advantageous** rating will be given to a proposal where there is no entry plaza and none can be installed.

*j. Net Zero Energy (NZE) Design*

- A **Highly Advantageous** rating will be given to a proposal that meets NZE or Passive House guidelines.
- An **Advantageous** rating will be given to a proposal that exceeds MA Energy Code by 10%.
- A **Passable/Not Advantageous** rating will be given to a proposal that does not meet Advantageous.

**NOTE: Appendix B, a Sample Lease Agreement based on this RFP, will be issued in Addendum #1.**

## PROPOSAL SUBMISSION REQUIREMENTS

### I. PRICE PROPOSAL

RFP Respondents shall submit price proposals. For Purchase of Land or Building please submit EXHIBIT 1A – Price Proposal for Purchase of Land or Building. For Lease of Building please submit EXHIBIT 1B – Price Proposal for Lease of Building. Please indicate the total cost that will be charged to the Town of Wayland. Price Proposals must be signed to be considered.

### II. REAL PROPERTY (NON-PRICE) PROPOSAL

RFP Respondents shall submit their Real Property (Non-Price) proposal to include the following documents:

#### A. Letter of Transmittal

RFP Respondents shall submit a cover letter with their Proposals. Each cover letter shall be signed by a person authorized to sign proposals and enter into contracts on behalf of the RFP Respondent. The letter of transmittal shall include the full name of the RFP Respondent and the full name of the person signing the proposal on behalf of the RFP Respondent. The letter of transmittal shall also include an affirmative statement that the Proposal is effective for at least ninety (90) calendar days from the opening of Proposals.

#### B. Proposal

RFP Respondents shall submit the following items, in order and numbered 1 to 11, as part of their REAL PROPERTY (NON-PRICE) Proposal.

#### 1. Description of the property

- a. A full legal description of the property, with a complete address, and the ownership interest of the RFP Respondent in the property
- b. A summary of the property (with descriptions of location, building systems, parking, access to highways, etc.)
- c. Photographs of the property are highly suggested
- d. The RFP Respondent shall also include reasonable times when the property will be available for the Town to view

#### 2. Certificates

- a. A fully executed Certificate of Non-Collusion - EXHIBIT 2 (M.G.L. c.30B, §10)
- b. A fully executed Certificate of Tax Compliance - EXHIBIT 3 (M.G.L. c.62C, §49A)
- c. A fully executed Certificate of Corporate Authority - EXHIBIT 4, *if applicable*
- d. A fully executed Certificate of Non-Debarment - EXHIBIT 5
- e. A fully executed Disclosure Statement for Transaction with a Public Agency Concerning Real Property - EXHIBIT 6 (M.G.L. c.7C, §38)
- f. A fully executed certification of compliance with:
  - Conflict of Interest (M.G.L. c.268A)
  - Unlawful Discrimination (M.G.L. c.151B)
  - Pending Litigation (M.G.L. c.184, §15)

#### 3. Minimum Evaluation Criteria

A statement of compliance with the Minimum Evaluation Criteria Responses

**4. Comparative Evaluation Criteria**

Completed Evaluation Criteria Responses

**5. Completed Client List and Reference Form**

**6. Certificate of insurability** from an insurance company that is licensed to do business in the Commonwealth of Massachusetts indicating that all the provisions of the specifications can be met

**7. Primary Contact Information**

The name, address, telephone number and email address of the individual submitting the Proposal who will serve as the organization's primary contact with the Town of Wayland

**8. Description of organization**

The year of founding, its mission/purpose, legal status (specifying any parent/subsidiary companies), its membership composition, and its leadership structure and a list of members of the board of directors

**9. Experience**

A description of experience with similar government leases within the last ten (10) years, including a brief description of the location and costs of such leases

**10. A statement of any legal proceedings**

pending or concluded within the past five (5) years relating to the leasing or purchasing of the proposed property

**11. Financial Statements, if requested**

As part of this RFP the Town may require a statement of financial stability. Upon request the RFP Respondent shall provide the last two (2) year-end Financial Statements with supplemental schedules or last two (2) year's Balance Sheets. Financial information shall generally not be considered a public record, as defined by M.G.L. c. 4, §7, cl. 26.

## **PROPOSAL EVALUATION PROCESS**

The Town will review all proposals received by the filing deadline in accordance with the Minimum Criteria and Comparative Evaluation Criteria, and the following procedure:

- Proposals meeting the Minimum Criteria will be evaluated and rated by the Town and/or its designees who will individually rate the proposals according to the Comparative Evaluation Criteria set forth in this RFP.
- The Town will select the most advantageous proposal from the responsible and responsive RFP Respondents, taking into consideration the Comparative Evaluation Criteria. A composite rating will then be assigned to each RFP Respondent.
- The Price Proposals will then be opened to make a final selection.
- A decision will not be based solely on price. It is the intention of the Town to select the most qualified RFP Respondent that meets the technical, administrative and financial needs of the Town; this determination will be final.

The Town reserves the right to accept or reject any or all proposals if the Town determines that it is in its best interest to do so. The Town reserves the right to waive any informalities in a proposal and to accept the proposal for processing when deemed to be in the best interest of Town. The Town reserves the right to make an award as deemed to be in the best interest of the Town. The Town reserves the right to seek additional information from any RFP Respondent after the opening of Proposals but before entering into an Agreement.

### **RULE FOR AWARD**

It is the intent of the Town to accept the proposal and make an award based on the proposal that will best promote the public interest and is determined to be the most advantageous proposal from a responsible and responsive RFP Respondent, taking into consideration all evaluation criteria set forth in the RFP and price. The minimum and comparative criteria attached hereto will be used in evaluating all proposals.

The lowest price will be determined by totaling the price per year for all years, including renewal years, and will be compared against other proposals for the same years.

All proposals shall be valid and may not be withdrawn for ninety (90) days after submission.

## **EXHIBIT 1A – PRICE PROPOSAL FORM For Purchase of Land or Building**

**Please provide the Total Purchase Price, including any and all Costs to the Town, with a detailed breakdown of all costs.**

**For the purpose of comparing proposals for Purchase of Land or Building, Line 2, Total Purchase Price, will be used.**

### **1. TOTAL PURCHASE PRICE**

---

*(In Figures)*

### **2. TOTAL PURCHASE PRICE**

---

*(In Words)*

***Provide a detailed breakdown of all costs to the Town. Use additional paper if necessary.***

**EXHIBIT 1A – PRICE PROPOSAL FORM – Page 2**  
**For Purchase of Land or Building**

**On behalf of the Person or Business Submitting the Proposal (“the “RFP Respondent”), having been duly authorized, I represent that:**

The name and address of the RFP Respondent are:

---

---

The name, address, email address, and phone of the RFP Respondent’s principal contact person for all matters concerning this RFP are:

---

---

The RFP Respondent acknowledges receipt of the following Addenda to the RFP:

Addendum \_\_\_\_\_ dated \_\_\_\_\_

Addendum \_\_\_\_\_ dated \_\_\_\_\_

Addendum \_\_\_\_\_ dated \_\_\_\_\_

The RFP Respondent constitutes the following type of entity with the following principals (use separate sheet if necessary):

If a corporation, the State of Incorporation and the officers and directors are:

---

If a limited liability company, the state of organization and the manager and members are:

---

If a partnership or a limited partnership, the state of organization and the general partners are:

---

If a trust, name of trust, the state of organization, the trustees and the Registry book and page for the recorded trust instrument are:

---

If any other form of person or entity, specify the type of entity, state of organization and its principals:

---



**EXHIBIT 1A – PRICE PROPOSAL FORM – Page 3**  
**For Purchase of Land or Building**

**AUTHORIZED SIGNATURE**

This Proposal will remain subject to acceptance by the Town of Wayland for 90 days after the date of submission of proposals or for such additional time as the Town and the RFP Respondent may agree in writing.

---

Signature

---

Name of Person Signing

---

Title

---

Date

---

Email Address

---

Telephone Number

### EXHIBIT 1B – PRICE PROPOSAL FORM For Lease of Building

**Please provide the Annual Building Lease amount and separately provide Additional Annual Costs and One-time Costs to the Town, if any, with a detailed breakdown of all costs.**

**For the purpose of comparing proposals for Lease of a Building, Line 6, Total Cost To Town, will be used.**

**1. ANNUAL LEASE AMOUNT** \_\_\_\_\_

**2. ANNUAL ADDITIONAL COSTS** \_\_\_\_\_  
(services, utilities, maintenance or other costs)

**3. TOTAL ANNUAL COST (lines 1 + 2)** \_\_\_\_\_

**4. ONE-TIME ADDITIONAL COSTS** \_\_\_\_\_

**5. TOTAL COST TO TOWN (line 3 X 30 yrs + line 4)** \_\_\_\_\_  
(In Figures)

**6. TOTAL COST TO TOWN (line 3 X 30 yrs + line 4)** \_\_\_\_\_  
(In Words)

***Provide a detailed breakdown of all costs to the Town. Use additional paper, if necessary.***

**EXHIBIT 1B – PRICE PROPOSAL FORM – Page 2**  
**For Lease of Building**

**On behalf of the Person or Business Submitting the Proposal (“the “RFP Respondent”), having been duly authorized, I represent that:**

The name and address of the RFP Respondent are:

---

---

The name, address, email address, and phone of the RFP Respondent’s principal contact person for all matters concerning this RFP are:

---

---

The RFP Respondent acknowledges receipt of the following Addenda to the RFP:

Addendum \_\_\_\_\_ dated \_\_\_\_\_

Addendum \_\_\_\_\_ dated \_\_\_\_\_

Addendum \_\_\_\_\_ dated \_\_\_\_\_

The RFP Respondent constitutes the following type of entity with the following principals (use separate sheet if necessary):

If a corporation, the State of Incorporation and the officers and directors are:

---

If a limited liability company, the state of organization and the manager and members are:

---

If a partnership or a limited partnership, the state of organization and the general partners are:

---

If a trust, name of trust, the state of organization, the trustees and the Registry book and page for the recorded trust instrument are:

---

If any other form of person or entity, specify the type of entity, state of organization and its principals:

---

**EXHIBIT 1B – PRICE PROPOSAL FORM – Page 3**  
**For Lease of Building**

**AUTHORIZED SIGNATURE**

This Proposal will remain subject to acceptance by the Town of Wayland for 90 days after the date of submission of proposals or for such additional time as the Town and the RFP Respondent may agree in writing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Person Signing

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Telephone Number

## **EXHIBIT 2 - CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that the bid or proposal submitted relative to this project is in all respects bona fide, fair and made without collusion or fraud with any other person, joint venture, partnership, corporation or other business or legal entity.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Person signing Proposal)

\_\_\_\_\_  
(Company)

\_\_\_\_\_  
(Date)

## **EXHIBIT 3 - CERTIFICATION AS TO PAYMENT OF TAXES**

Pursuant to G.L. c.62C, § 49A, I, \_\_\_\_\_, hereby certify under the pains and penalties of perjury that \_\_\_\_\_ (RFP Respondent) has complied with all laws of the Commonwealth of Massachusetts relating to the payment of taxes and has filed all state tax returns and paid all State taxes required under law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized  
Representative of RFP Respondent

\_\_\_\_\_  
Federal ID Number of Contractor

\_\_\_\_\_  
Title

**EXHIBIT 4 – CERTIFICATE OF VOTE**  
(to be filed if Contractor is a Corporation)

I, \_\_\_\_\_, hereby certify that I am the duly qualified  
(Secretary of the Corporation)

and acting Secretary of \_\_\_\_\_ and I further certify that a meeting of the  
(Name of Corporation)

Directors of said Company, duly called and held on \_\_\_\_\_, at which  
(Date of Meeting)

all Directors were present and voting, the following vote was unanimously passed:

VOTED: To authorize and empower

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anyone acting singly, to execute Forms of General Bid, Contracts or Bonds on behalf of the Corporation.

I further certify that the above vote is still in effect and has not been changed or modified in any respect.

By: \_\_\_\_\_  
(Secretary of Corporation)

A True Copy:

Attest: \_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_  
(Date)

## **EXHIBIT 5 – CERTIFICATE OF NON-DEBARMENT**

BIDDER, NOTE: Should your response to this solicitation amount to or exceed \$25,000 the certification below must be executed and returned with your response. No award amounting to \$25,000 or more can be made as a result of this solicitation unless the certification is executed and returned to the Buyer (FAR 52.209-6).

Seller hereby certifies that it and its principals are not debarred, suspended or proposed for debarment by the Federal Government. Seller agrees to notify Town of Wayland in the event it becomes debarred, suspended or otherwise ineligible for any federal program during the performance of any effort under a Town of Wayland purchase order or subcontract.

---

COMPANY NAME

---

CITY, STATE, ZIP

---

AUTHORIZED SIGNATURE

---

TYPED/PRINTED NAME

---

TITLE

---

DATE

## EXHIBIT 6 – REAL ESTATE DISCLOSURE STATEMENT

### DISCLOSURE STATEMENT FOR TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)

Disclosure Statement for Transaction with a Public Agency Concerning Real Property

Required disclosures of beneficial interests in real property transactions required by M.G.L. c. 7C, § 38, should be made using the DCAMM form available at the following website address:

[www.mass.gov/anf/docs/dcam/dlforms/forms/real-estate-transaction-disclosure-instructions-and-form.pdf](http://www.mass.gov/anf/docs/dcam/dlforms/forms/real-estate-transaction-disclosure-instructions-and-form.pdf)

#### INSTRUCTION SHEET

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

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

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

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

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

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

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

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

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



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

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

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

Deputy Commissioner for Real Estate  
Division of Capital Asset Management and Maintenance  
One Ashburton Place, 15<sup>th</sup> Floor, Boston, MA 02108

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

(1) REAL PROPERTY:

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

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

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

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

_____ Lessor/Landlord	_____ Lessee/Tenant
_____ Seller/Grantor	_____ Buyer/Grantee
_____ Other (Please describe): _____	

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange 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. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

\_\_\_\_\_

\_\_\_\_\_

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

☐ NONE

NAME:

POSITION:

- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

*No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the 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.*

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

---

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

---

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

---

PRINT NAME & TITLE of AUTHORIZED SIGNER

## Appendix A – CoA & Recreation Department Space Needs

The attached program of space requirements defines the long-term and short-term space needs of the two major proposed occupants. After a proposal for leasing is accepted, the Town shall engage a design firm to design the building or the interior fit-up of an existing building that is to be renovated for the community center use.

**WAYLAND COMMUNITY  
CENTER PROGRAM  
9/26/2019**

Function	Full Program		Program to Fit Existing		Purpose	Adjacencies	Special Equipment
	Area	Occupancy	Area	Occupancy			
<b>COA</b>							
Parlor/Drop-in	700		650		Welcome/reception area	Front entrance	Kitchenette for serving coffee/snacks
Unisex HP toilet	45	1	45	1			
Library	100		100		Lending library	Parlor/Drop-in	Bookshelves
Admin							
Director	150	1	150	1			
Asst. Director	120	1	120	1			
General Office Area	600	6	600	6		Near drop-in	Service counter
Conference Room	185	12	185	12			
Unisex staff toilet	25	1	25	1			
Individual Services							
Waiting Area	50		50				
Nurse	100	4	100		Health-related clinics		Sink, storage cabinets
Small conference 1	150	5	150	5			
Small Conference 2	150	5					
Confidential file room	50		50				
Medical equipment storage	100		150				
Unisex toilet	275	1					
Activity Rooms							
Activity Room 1	500	25		0	Flexible programming		Sink, storage cabinets
Men's HP toilet	45	1					
Women's HP toilet	45	1					
Activity room storage	250		250				
General storage	250		250		Seasonal storage		
<b>COA Subtotal</b>	<b>3890</b>		<b>2875</b>				
<b>Recreation/Art</b>							
Reception	700				Welcome/reception area	Front entrance	Kitchenette for serving coffee/snacks
Unisex HP toilet	45						
Admin							
Director	150	1					
Asst. Director	120	1					
General Office Area	300	3				Near reception	Service counter
Conference Room	185	12					
Unisex staff toilet	25	1					
Activity Rooms							
Activity Room 1	700	35	700		Flexible programming		Sink, storage cabinets
Activity Room 2	700	35	700		Flexible programming		
Men's HP toilet	45	1	45				
Women's HP toilet	45	1	45				
Activity room storage	250		250				
General storage	250				Seasonal storage		
<b>Recreation/Art Subtotal</b>	<b>3515</b>		<b>1740</b>				
<b>Shared</b>							
Activity Room 1	700	35	600	30	Clean art		Sink, storage cabinets, movable partition
Activity Room 2	700	35	600	30	Messy art		Sink, storage cabinets
Activity Room 3	700	35	600	30	Dance/fitness		Sink, storage cabinets, movable partition
Activity Room 4	700	35	600	30	Flexible programming		Sink, storage cabinets
Kitchenette	150		150		Cooking classes, COA use	Near an activity room	Residential style kitchen
Kiln	80		80			Near an activity room	
Men's HP toilet	45	1	45	1			
Women's HP toilet	45	1	45	1			
Activity room storage	250		100				
Conference Room	400	27	200	13	Board meetings		
Large Function Hall	3000	200	2400	160	Divisible	Separate after hours entrance	
Kitchen	800		600		Catering	Near loading dock	
Men's toilets	140	3	45	1			
Women's toilets	210	5	45	1			
Function hall storage	250		150		Chair and table storage		
Loading kiln	200		200		Staging area for loading & unloading		
<b>Shared Subtotal</b>	<b>8370</b>		<b>6460</b>				
<b>Historical Commission</b>							
Storage	200		100			Near activity rooms	
Display	50		50			Scattered in public places	
<b>Veterans Meeting Room</b>							
Office	120	1	120			Near an activity room	
Secure storage	50						
<b>Combined Total Net Area</b>	<b>16195</b>		<b>11345</b>				
<b>Total Gross Area (1.3xNet)</b>	<b>21054</b>		<b>14749</b>				

## **Appendix B – Sample Lease Agreement**

[ Sample Lease Agreement to be issued with Addendum #1]

**Appendix C– Wayland Community Center Feasibility Study  
July 11, 2018**

[Provided with bid documents and available for download at  
<https://www.wayland.ma.us/coacc-advisory-committee/files/community-center-feasibility-study>]