

NEW BUSINESS

8-24-15



GO GOLD IN SEPTEMBER

AUGUST 16, 2015

Subject: Will You Light Up Your City or Town GOLD this September to Help Kids Fighting Cancer?

To Mr. Allin Frawley
Board of Selectmen Chairman
Middleborough, Massachusetts

September, Childhood Cancer Awareness Month, is fast approaching. I am contacting you as a member of the organization "The GOLD WORLD Project" to ask you to join with dozens of other landmark and iconic buildings across the United States who have partnered with our movement this September to raise awareness by illuminating their structures in GOLD, the color of Childhood Cancer Awareness.

I am also contacting you as a mother of a child of fighting brain cancer since 2011. My son Dylan, now 7-1/2 years old was diagnosed with brain cancer at the age of 3-1/2 on June 10, 2011. Dylan's journey in not a short one but a long and difficult one. He has been through two brain surgeries and four protocols of chemotherapy and will start his fifth protocol of chemotherapy after we recently learned that two of his tumors are growing. Dylan has lost 50% of his vision due to one of his tumors behind his eyes that is inoperable. Surgery is currently

not an option for Dylan so we pray that this next chemotherapy treatment helps keeps his tumors stable and he does not lose any more of his vision. At this point there are only a few chemotherapy options available for Dylan. I have joined The GOLD WORLD Project in their mission to do everything we can to help increase Childhood Cancer Awareness. It would mean the world to so many families like ours to see landmarks in your city or town and to join landmarks such as Boston's Zakim Bridge, The Prudential Building, Atlantic Wharf, The Trade Center in Woburn, MA, Niagara Falls and the Ben Franklin Bridge, The Battleship New Jersey, the Indianapolis Power & Light Co., The Stewart Street Bridge in Dayton, OH, Downtown Indianapolis Canal and The Wrigley Bldg. in IL in turning GOLD this September to help raise awareness of the number one killer in children by disease in our Nation.

More than 2000 children each year are killed by childhood cancer in the U.S., yet they are practically ignored by drug companies and federal funding programs that focus on adult type cancers. Most people don't realize that the FDA has only approved one drug developed specifically for childhood cancer in the last 20 years. Without awareness, childhood cancer will remain underfunded and ignored. But with your help, we can ensure that children fighting cancer will never go through another September without the GOLD of Childhood Cancer Awareness shining everywhere. Please show support for children currently battling the number one killer by disease of our nation's children and those many thousands of children who were taken by this monster.

Please GO GOLD in September. Do this for all children fighting cancer, and for all the families that many left behind.

Sincerely,



Dawn M. Berio (Dylan's mom)



- One in every 285 American children develops cancer before they age of twenty.
- On the average, 36 children and adolescents are diagnosed with cancer every day in the United States.
- Cancer is the leading cause of death by disease in children under the age of 15 in the United States.
- Childhood cancer occurs regularly, randomly and spares no ethnic group, socioeconomic class, or geographic region. In the United States, the incidence of cancer among adolescents and young adults is increasing at a greater rate than any other age group, except those over 65 years of age.
- Despite these facts, childhood cancer research is vastly and consistently underfunded.
- Of the \$5.067 billion in government funding for cancer research, approximately 4% goes to childhood cancers. That's \$208 million dollars. Compared to \$603 million to breast cancer and \$315 million to lung cancer.

Please Join us and Share:

The GOLD WORLD Project

<https://www.facebook.com/thegoldworldproject>

WHEREAS, families, caregivers, charities and research groups across the United States, as well as our national government, are observing the month of September as Childhood Cancer Awareness Month to memorialize the young lives that have been taken too soon, and to honor those fighting and those that have survived, but yet face major health challenges associated with this disease; and,

WHEREAS, approximately 13,500 children under the age of 18 will be diagnosed with cancer in 2015, and approximately one in five children diagnosed with cancer will die within the first five years; and,

WHEREAS, childhood cancer is the leading cause of death among children under the age of eighteen years according to the most recent statistics provided by the Centers for Disease Control.

WHEREAS, while progress against some childhood cancers has been made, cure rates for many forms of childhood cancer remain less than fifty percent; and,

WHEREAS, the incidence of childhood cancers is increasing at a more rapid rate than any other age group; and,

WHEREAS, childhood cancers cross all racial, ethnic, geographic and social backgrounds; and,

WHEREAS, the State of New Hampshire recognizes the lasting devastating effects of childhood cancer on the residents of this state; and,

WHEREAS, this month in the State of New Hampshire, we honor the children fighting the fight, their families and caregivers, the researchers and healthcare professionals, concerned citizen advocates and private philanthropies, who collaborate to provide hope and assistance to the children and their families affected by childhood cancer.

DECAS, MURRAY & DECAS

ATTORNEYS AT LAW

132 NORTH MAIN STREET · MIDDLEBORO · MASSACHUSETTS 02346 · (508) 947-4433

GEORGE C. DECAS (RETIRED)
DANIEL F. MURRAY, ESQUIRE
WILLIAM C. DECAS, ESQUIRE

PHONE: (508) 947-4433
FAX: (508) 947-7147

REPLY TO POST OFFICE BOX 201
MIDDLEBORO, MA 02346-0201
DECASMURRAYDECAS@YAHOO.COM

August 4, 2015

Robert G. Nunes, Town Manager
(hand deliver)

RE: Oliver estate – amendment of purchase & sale agreement

Dear Bob:

I enclose duplicate originals of the referenced. Please ask the Board of Selectmen to sign both originals and return them to me.

Very truly yours,



Daniel F. Murray
Town Counsel

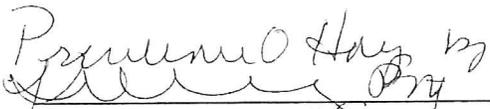
DFM/s
T-1817
Enclosures

AMENDMENT OF PURCHASE AND SALE AGREEMENT

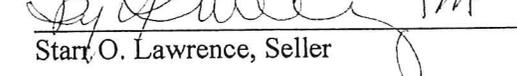
The undersigned parties to a purchase and sale agreement ("agreement") for property on Plymouth Street in Middleborough, Massachusetts, being shown as Lots 2098 and 2867 on Middleborough Assessors Map 41, hereby amend the agreement as follows:

1. The time for closing/performance/delivery of deed with respect to the purchase of a part of the premises shown as Lot B on a plan entitled "ANR PLAN RETREAT LOT SPECIAL PERMIT" dated May 28, 2015 and prepared by G.A.F. Engineering, Inc. shall be extended to Monday, November 30, 2015 at 11:00 a.m. ("extended closing").
2. Buyer shall pay Seller a deposit of One Hundred Thousand Dollars (\$100,000.00). The deposit check shall be payable to Kathleen P. Muncey, Attorney for Seller who shall hold the deposit sum in escrow subject to the terms of the agreement as amended and to be duly accounted for and credited to Buyer towards payment of the purchase price at the extended closing.
4. Paragraph 16 of the agreement is amended to provide for a fuel value adjustment.
5. Seller and Buyer acknowledge and agree that as of the date hereof Lot B is in full compliance with the terms of the agreement and all contingencies. In the event the Middleborough Town Meeting Authorization is hereafter terminated, or other public or private monetary awards or grants are not forthcoming as anticipated, the default provisions in Par. 21 shall continue to apply. A copy of the executed deed for Lot B which has been approved by the Buyer is attached hereto and marked Exhibit A.
6. The agreement as amended is hereby ratified and confirmed, time still being of the essence.

Witness the hands and seals of the undersigned this 31st day of July, 2015.

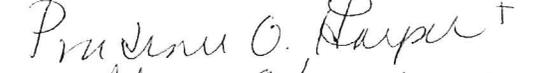


Prudence O. Harper, Seller

Starr O. Lawrence, Seller

Town of Middleborough, Buyer
By:


Atty. Kathleen P. Muncey,
Atty. for Prudence O. Harper and
Starr O. Lawrence

Board of Selectmen

Copy

QUITCLAIM DEED

We, ***Starr O. Lawrence***, also known as Starr Oliver Lawrence, and ***Prudence O. Harper***, formerly known as Prudence Oliver, both of New York, New York, in consideration of Two Hundred Ninety-Seven Thousand Dollars (\$297,000.00) paid, grant to the ***Town of Middleborough***, a Massachusetts municipal corporation of Town Hall, Nickerson Avenue, Middleboro, MA 02346, with QUITCLAIM COVENANTS, a parcel of land on the westerly side of Plymouth Street in Middleboro, Plymouth County, Massachusetts shown as LOT B on a plan entitled "ANR PLAN RETREAT LOT SPECIAL PERMIT – 445 PLYMOUTH STREET – MIDDLEBOROUGH, MA" dated May 28, 2015, prepared by G.A.F. Engineering, Inc. and recorded herewith or recorded in the Plymouth County Registry of Deeds. LOT B contains 43.31 acres of land more or less and consists of two (2) parcels of land, one parcel being registered land and one parcel being unregistered (recorded) land, as follows:

I. Registered Land Parcel - Land on Plymouth Street in Middleboro, Plymouth County, Massachusetts shown as Lot 18 on Land Court Subdivision Plan No. 15663F containing about 7.0 acres of land. See Certificate of Title No. 46057 for title. Said parcel is subject to easements and a taking as recited in said Certificate of Title.

II. Unregistered (recorded) Land Parcel – Land off Plymouth Street in Middleboro, Massachusetts abutting the westerly line of the Registered Land Parcel described above, containing 36.31 acres of land more or less. See the Estate of Peter Oliver (Plymouth County Probate Court Docket No. 79746) for title. See also the deed of Eliot N. Jones, Trustee to Peter Oliver recorded in the Plymouth County Registry of Deeds in Book 1892, Page 191 for title.

Hereby conveying LOT B as shown on said plan dated May 28, 2015 including the two (2) parcels described above, however the same may be bounded and described.

LOT B is acquired for municipal purposes, to wit, for conservation and open space purposes, under the management and control of grantee's Conservation Commission.

Property Address: Plymouth Street, Middleboro, MA 02346.

WITNESS our hands and seals this 25th day of July, 2015.

Starr O. Lawrence
Starr O. Lawrence

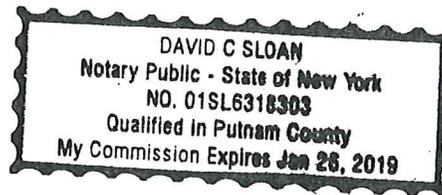
STATE OF NEW YORK

On this 25th day of July, 2015, before me, the undersigned notary public, personally appeared **Starr O. Lawrence**, proved to me through satisfactory evidence of identification, which was a state issued driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

David C Sloan

Notary Public:
(SEAL)

My Commission Expires: 01/26/2019



WITNESS our hands and seals this 27th day of July, 2015.

Prudence O. Harper
Prudence O. Harper

STATE OF NEW YORK

On this 27 day of July, 2015, before me, the undersigned notary public, personally appeared **Prudence O. Harper**, proved to me through satisfactory evidence of identification, which was a state issued driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

My Commission Expires:

[Signature]
Notary Public:
(SEAL)

MARCUS DAMIAN FIDDLE
Notary Public, State of New York
No. 01F10276882
Qualified In New York County
Commission Expires February 26, 2017

Town of Middleborough, MA

REQUEST FOR PROPOSALS

**LEASE OF 445 PLYMOUTH STREET
HISTORIC OLIVER HOUSE**

**Draft for Discussion Only
August 18, 2015**

TABLE OF CONTENTS

REQUEST FOR PROPOSALS	3
OVERVIEW	4
INTENT	4
SUBMISSION DEADLINE AND AWARD DATE	4
OPEN HOUSES	4
QUESTIONS AND ANSWERS	4
PROPERTY DESCRIPTION	5
HISTORY AND RECENT BACKGROUND	5
ARCHITECTURAL DESCRIPTION	6
PRESERVATION RESTRICTION AGREEMENT	7
INTRODUCTION	7
GRANTOR'S COVENANTS	7
PLANNED OCCUPANCY DATE	ERROR! BOOKMARK NOT DEFINED.
CONTRACT TERMS AND CONDITIONS	8
SUBMISSION REQUIREMENTS	8
PROPOSAL CONTENTS	9
EVALUATION CRITERIA	10
MINIMUM EVALUATION CRITERIA	10
COMPARATIVE EVALUATION CRITERIA	10
SELECTION PROCEDURE AND RULE FOR AWARD	10
EXHIBIT 1 - STATEMENT OF UNDERSTANDING OF PRESERVATION RESTRICTION AGREEMENT	12
EXHIBIT 2 – CERTIFICATE OF NON-COLLUSION	13
EXHIBIT 3 - CERTIFICATE OF TAX ATTESTATION	14
EXHIBIT 4 - PRICE PROPOSAL FORM	15
EXHIBIT 5 – PROPERTY LOCATION MAP	16
EXHIBIT 6 - PRESERVATION RESTRICTION AGREEMENT	ERROR! BOOKMARK NOT DEFINED.
EXHIBIT 7 – DRAFT LEASE AGREEMENT	ERROR! BOOKMARK NOT DEFINED.

Request for Proposals

The Town of Middleborough, MA, acting by and through its Town Manager, hereby issues a Request for Proposals (RFP) for disposition by lease of a parcel of Town-owned property of approximately seven acres of land and the historic Oliver House, Carriage Barn, and Barn located at 445 Plymouth Street, Middleborough, MA.

The Town seeks to lease the property to a party that is committed and able to restore the historic house and grounds for the purpose of preserving the architectural and historic features of the property. The property will be subject to a preservation restriction agreement held by Historic New England. The Town's primary purpose for this disposition is to promote the public welfare by ensuring the preservation, restoration, and public access and enjoyment of this historic property.

RFP packets are available for pick-up starting on September 9, 2015. RFP packets may be accessed at [insert link.]

Proposals must be received by 10:00am on Friday, October 23, 2015 and will be opened at this time in the Town Manager's office at 10 Nickerson Ave, Middleborough, MA 02346.

The Town reserves the right to reject any and all proposals.

Overview

Intent

The intention of the Town is to select a bidder to lease the Property in “as is” condition who can:

- a) Demonstrate the experience and capacity necessary to restore and maintain the historic house and grounds
- b) Fully comply with the terms of the Preservation Restriction Agreement
- c) Best meet the Evaluation Criteria delineated in this RFP

Submission Deadline and Award Date

All proposals must be received via U.S. Mail or in person at the Town Manager’s Office, 10 Nickerson Ave, Middleborough, MA 02346 by 10:00am on Friday, October 23, 2015. The winning proposal will be selected by the Town by Friday, December 4, 2015. The Town reserves the right to reject any or all proposals, extend the selection date, or to cancel this Request for Proposals.

Open Houses

The Town will hold two open houses at the Oliver House where attendees will be able to inspect the entire Premises. The open house will be held on the following dates:

- a) Wednesday, September 23, 2015 at 11:00am
- b) Wednesday, October 14, 2015 at 11:00am

Staff from Historic New England will be available on site during the open house to answer any questions regarding the terms of the Preservation Restriction Agreement as well as the approval process for all rehabilitation work to the property.

Questions and Answers

To be fair to all bidders, all questions outside of the open house must be submitted in writing to the Town Manager at 10 Nickerson Ave, Middleborough, MA 02346 no later than 5:00pm Wednesday, October 14, 2015. All questions submitted and the answers thereto will be posted by 5:00pm on Friday, October 16, 2015 at [insert link].

An applicant without internet access may request that the questions and answers be mailed to the address provided by the applicant.

Property Description

This roughly 7-acre property is located in the northwestern quadrant of Middleborough, approximately one mile north of the town center. Though positioned at a major intersection at Plymouth Street and U.S. Route 44, the property is screened from public ways by dense vegetation and an earthen berm. As a result of its setting, the property has a pastoral and secluded feeling.

The estate, built c. 1769, includes a roughly 3,800 s.f. main house with 6 bedrooms and 3 bathrooms, carriage house, barn, and gardens. The compound affords privacy and an opportunity for responsible restoration. The house and barn are set back approximately 350 feet from Plymouth Street. They are accessed by a narrow, linear, gravel entrance drive from Plymouth Street flanked by an allée of white pine trees that runs along the northeastern border of the property and opens into a square-shaped gravel parking lot featuring a Norway Spruce (*Picea Excelsa*) at the western corner of the house. A low-lying stone wall lines the southern side of the entrance road. A sequence of formal gardens constructed in the late 1940s extends northwest from the rear of the house. The focus of the gardens is a symmetrical four-square kitchen garden located at the western corner of the kitchen ell and main portion of the house.

The Peter Oliver, Jr. House is a southeast-facing, rectangular, two-story, wood-frame, hip-roofed Georgian-style building with a five-bay by three-bay main block constructed 1767-1769, a kitchen ell constructed while Thomas Weston owned the house, between 1780 and 1834, extending from its northwest elevation and a carriage shed wing, also constructed anywhere between 1780-1834, extending from its northeast elevation.

A wealth of period architectural detail and design distinguishes the Georgian-style Oliver House as one of the area's most distinctive homes. The house was very well constructed, exhibiting an extremely high level of craftsmanship not seen outside of major urban centers during this time period. The interior of the main block Oliver House, which encompasses a center-hall, double-pile plan, has remained generally intact since its construction, with some alterations to moldings, doors, walls, and fireplace mantels made by three owners of the property within the time periods of 1780-1834, 1892-1946, and 1946-1947.

The property is located in the Residence A (RA) zoning district, which permits single-family dwellings, agricultural uses, religious and educational uses, childcare center, and some accessory uses by right. Other residential, institutional, and commercial uses would require a special permit from the Planning Board or Zoning Board of Appeals, as indicated in the Middleborough Zoning Bylaws.

History and Recent Background

The Peter Oliver, Jr. House was constructed in 1769 by Dr. Peter Oliver, Jr., son of the first Chief Justice of the Massachusetts Bay Colony, the building retains its original character and is an important example of Georgian style architecture, materials and workmanship in the Commonwealth of Massachusetts. The Peter Oliver, Jr. House was host to such

visitors as Governor Thomas Hutchinson and Benjamin Franklin, and was confiscated by the Town of Middleborough as abandoned Tory property during the American Revolution.

The house retains many original features from its date of construction including exterior siding, windows, interior framing members, plaster walls and ceilings, and woodwork. In recognition of these qualities, the Peter Oliver, Jr. House is a contributing property in the Middleborough Center National Register Historic District.

The open space of the Premises consists primarily of lawns and gardens, with a terraced garden located to the rear (northwest) of the Peter Oliver, Jr. House. This open space provides a natural setting that complements the historic structures on the Premises, thereby endowing the Peter Oliver, Jr. House, Carriage Barn, and Barn with scenic, natural and aesthetic value and significance.

In anticipation of Town acquisition, the Town contracted professional services to prepare a Structural Assessment and Reuse Study, which was completed in June 2014 by the Public Archaeology Laboratory and McGinley Kaslow & Associates. The Town also conducted a Phase I 21E environmental study, perc tests, a Title 5 inspection, and an appraisal. These studies and test results are available on the Town's website at: [insert link].

The subject property includes a residential dwelling that was built prior to 1978 and such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The Town has no knowledge of lead-based paint and/or lead-based paint hazards on the property.

In 2015, in recognition of this property's historic, scenic, and environmental value, the Town of Middleborough acquired this property and has the adjacent open space property under agreement to acquire later this year. The land abutting the Oliver House property will be managed by the Town as permanent public open space.

Architectural Description

The Peter Oliver, Jr. House is comprised of a two-story, five-bay, southeast-facing main block (the "Main Block"), a one story entry portico (the "Southeast Entry Portico") attached to the southeast elevation of the Main Block, a one-story side entry portico (the "Northeast Entry Portico") attached to the northeast elevation of the Main Block, a one-story rear ell (the "Rear Ell") attached to the northwest corner of the Main Block, and a one-story carriage barn (the "Carriage Barn") attached to the east corner of the Rear Ell.

The two-story Barn (the "Barn"), located southwest of the Peter Oliver, Jr. House and constructed in the early-nineteenth century, is a significantly intact wood-framed building sided in clapboards and wood shingles with a hip roof.

Preservation Restriction Agreement

The Oliver House is an historically significant property and substantial public financial resources have been provided to protect the historic features of the property. To protect these resources and the public investments made to protect them, a permanent Preservation Restriction Agreement (PRA) has been placed on the property. The PRA is recorded at the Plymouth County Registry of Deeds. Key terms of the PRA are summarized below and a copy of the PRA is attached. All bidders are advised to read the entire PRA to be fully informed as to the PRA's requirements for rehabilitating and maintaining the property.

Introduction

The purpose of the PRA is to preserve the historic, architectural, cultural, scenic, and aesthetic value and significance of the property and to prevent any use that will significantly impair or interfere with the property's character.

Grantor's Covenants

This section describes the property owner's obligations and will apply to the lessee after the Property is leased to the successful bidder. The PRA requires prior review and approval by Historic New England (HNE) for the majority of restoration work that the property owner will undertake and, therefore, the owner should expect to work closely with HNE throughout the restoration period to ensure the appropriateness of this work.

Land Restrictions

This covenant requires the property owner maintain the property to ensure the landscape features are preserved including the existing open space, planting areas, and woodlands.

Exterior Restrictions

No activity can be undertaken that will alter or adversely affect the appearance, materials, workmanship, or structural stability of certain exterior elements of the Peter Oliver, Jr. House, Carriage Barn, or Barn without prior written approval of HNE. The specific elements are detailed in the PRA and include all facades and elevations, roof, chimneys, foundations, and stone steps.

Interior Restrictions

No activity can be undertaken which will alter or adversely affect the appearance, materials, workmanship, or structural stability of specified interior elements of the Oliver House, Carriage Barn, or Barn. The specific elements are detailed in the PRA and include structural members, space configurations, door locations, wood floors, plaster walls and ceilings, woodwork, hardware, and fireplaces and hearths throughout various rooms of the house.

Reversible Alterations

HNE will approve certain reversible alterations after determining that the proposed activity won't alter or adversely affect any protected features, including asphalt or wood

roof shingles, screens, storms, air conditioner units, insulation in attic or cellar, electrical re-wiring, plumbing, painting, etc.

Maintenance

Any successful bidder will agree or covenant to maintain the house and premises in good and sound state of repair.

Demolition and Relocation

Any successful bidder will not be permitted or allowed to demolish the property either through positive action or neglect and no portion of the house shall be moved.

Contract Terms and Conditions

The following terms and conditions will apply to the lease of the property described within this Request for Proposals. A sample lease agreement is provided at [insert link].

1. The lease of the property is subject to approval by a 2/3rds vote of Town Meeting and the selection of the lessee and lease agreement is subject to approval by a majority vote of the Board of Selectmen.
2. The selected lessee must execute a lease agreement with the Town of Middleborough within 45 days of notice by the Town of the approval to lease the property. The Town reserves the right to waive or extend this deadline as it sees fit. The lease agreement will be substantially in the form customarily employed by the Town, a copy of which is posted at [insert link].
3. The selected lessee must occupy the property within 120 days of execution of the lease agreement. The Town reserves the right to extend this deadline as it sees fit.
4. Unless the property is leased for residential purposes, the selected lessee agrees to lease the property "as is" and agrees to be solely responsible for obtaining any and all permits, approvals, waivers, releases or any other requirements necessary to use the property. The selected lessee is responsible for ensuring compliance with Title 5.
5. The lessee will be responsible for all maintenance, cleaning, utilities, rubbish disposal, snow removal, liability and casualty insurance, installation of a new compliant septic system, and restoration of the property per the an annual maintenance and rehabilitation plan, as submitted by the lessee and approved by the Board of Selectmen and Historic New England annually on or by January 31. The Town may consider such expenses in lieu of full market rent for the property.
6. The lease will be for a term of five years, with one option to renew for an additional five-year term. The lease term is subject to compliance with the annual maintenance and rehabilitation plan.

Submission Requirements

The submitted proposal must be complete and must conform to all submission requirements and submitted no later than 10:00am on Friday, October 23, 2015. Ten (10) complete hard copies of the proposal must be received via U.S. Mail or in person at the Town Manager's Office, 10 Nickerson Ave, Middleborough, MA 02346 and must also be submitted by email to clacroix@middleborough.com.

All proposals must be submitted in one sealed envelope containing the proposal clearly labeled with the following:

“ PROPOSAL FOR THE LEASE OF 445 PLYMOUTH ST.”

Proposal Contents

All proposals must contain the following:

- 1) **Certified check** in the amount of \$500 deposit made payable to the Town of Middleborough. Checks will be returned if the proposal is not selected by the Town or if the proposal is withdrawn. A selected proposer who fails to execute a lease will forfeit the deposit.
- 2) **Description and address of the respondent.**
- 3) **Statement of intent and intended use of the property:** Why is the bidder interested in leasing the Oliver House? How does the proposed use(s) provide community benefit?
- 4) **Statement of qualifications:** What makes the bidder a qualified candidate?
- 5) **Operations Plan:** Describe the operating needs of the proposed use and how the use will be financially sustainable. Include a 5-year operating proforma.
- 6) **Rehabilitation Plan:** What rehabilitation work does the bidder propose to undertake to support the proposed use? What are the estimated costs? What is the basis for the costs? Include a 5-year rehabilitation plan.
- 7) **Zoning and Code Compliance:** Does the proposed use require any zoning relief or code waivers? If yes, what is the nature of the needed relief and waivers? What is the timeframe for securing the needed waivers/relief?
- 8) **Statement of financial capacity:**
 - a) This should demonstrate the bidder’s ability to carry out the operations of the proposed use, property rehabilitation, and maintenance of the property.
 - b) Anticipated sources of permanent financing and working capital for operating and rehabilitation work.
 - c) Bank letter of credit and/or loan preapproval, if applicable.
- 9) **Executed Forms:**
 - a) Statement of Understanding of Preservation Restriction Agreement
 - b) Certificate of Non-Collusion
 - c) Certificate of Tax Attestation
 - d) Statement of Proposed Rental Price on Price Proposal Form

In addition, the selected proposer will be required to submit a disclosure of beneficial interests to DCAMM, as required by MGL c.7C s.38.

All information submitted is considered a matter of public record. The Town reserves the right to request additional information from bidders.

Amendments/Modifications to Proposals

The respondent may, at any time prior to the deadline for submission of the Proposals, modify the Proposal by submitting a modification to the address specified in the RFP, in a sealed envelope/package containing the modification and clearly marked with the following:

“445 PLYMOUTH ST. LEASE PROPOSAL MODIFICATION.”

Withdrawal of Proposal

Any respondent may withdraw its Proposal at any time prior to the deadline for submission of Proposals. Any respondent wishing to withdraw a Proposal must provide a written authorization and acknowledgement that they are withdrawing their Proposal and that the Town of Middleborough is held harmless from any responsibility as a result of the Proposal withdrawal.

Evaluation Criteria

Minimum Evaluation Criteria

All bidders must include the following components in their Proposals in order to be considered for review to meet the minimum criteria to be considered responsive to this request for proposals for this property lease:

- a) Respond to all instructions and requirements of this RFP.
- b) Provide a deposit in the amount of \$500 by certified check
- c) Demonstrate good financial standing.

Comparative Evaluation Criteria

- a) Demonstrate financial and technical feasibility of proposal
- b) Demonstrate proposal's compatibility with terms of the Preservation Restriction Agreement.
- c) Demonstrated experience necessary to complete rehabilitation and operate the proposed use.
- d) Demonstrates significant public benefit including frequent public access to property and house.
- e) Offers the best price (including consideration of in-kind services)

Ranking

- a) Highly Advantageous – Proposal meets all or most of the comparative evaluation criteria and all minimum evaluation criteria
- b) Advantageous – Proposal meet some of the comparative evaluation criteria and all minimum evaluation criteria
- c) Not Advantageous - Proposal does not meet comparative evaluation criteria and/or does not meet all minimum evaluation criteria

Selection Procedure and Rule for Award

All proposal packages submitted by the deadline will be opened at [insert time and place] and reviewed for completeness by Town staff. All proposals deemed complete will be reviewed by the Middleborough Board of Selectmen to determine the most advantageous proposal from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the solicitation, will be selected..

The Town reserves the right to make the final selection of bidder. The Town reserves the right to reject any and all proposals if in its sole determination it is in the public interest to do so.

The Board of Selectmen shall award the contract to the responsive and responsible bidder that offers the most advantageous proposal in accordance with the evaluation criteria.

Exhibit 1 - Statement of Understanding of Preservation Restriction Agreement

Statement of Understanding of Preservation Restriction Agreement.

I/We have read the Preservation Restriction Agreement. I/We understand that the successful bidder for the Oliver House property will lease the property subject to the terms of Preservation Restriction Agreement, substantially in the form as presented in at [insert link].

Applicant Signature

Date

Exhibit 2 – Certificate of Non-Collusion

The undersigned certifies under penalties of perjury that this bid is made in good faith and is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section with word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned certifies that no official or employee of the Town of Middleborough, MA is pecuniarily interested in this proposal or in the contract that the bidder offers to execute or in profits expected to rise there from.

Date

(Signature of individual submitting bid or proposal)

Title:

Company Name Street Address:

Exhibit 3 - Certificate of Tax Attestation

Pursuant to M.G.L. Chapter 62C, Section 49A, I hereby certify under penalties of perjury that

Name of Proposer

has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security #/Federal Identification #:

Signature of Individual or Corporation Name: _____

BY, _____

Corporate Office & Title(if applicable): _____

Exhibit 4 - Price Proposal Form

In accordance with the information, terms and conditions attached hereto, I (We) hereby offer to lease from the Town of Middleborough, MA the land identified as:

Oliver House Property
445 Plymouth Street, Middleborough, MA

Rent Offer Written in Figures: _____ per month

Rent Offer Written in Words: _____ Dollars

Signature of Respondent: _____

Print Name: _____

Address: _____

Telephone: _____

Note: If a partnership or corporation, list all partners or all officers of the corporation and include a sealed corporate vote to allow an officer to act on this matter. Partnership or Corporation Officers Names and Address.

The Town reserves the right to reject any and all proposals if in its best interest to do so.

Exhibit 5 – Property Location Map

Instructions

Notice of Appointment of Chief Procurement Officer

Please complete the attached "Notice of Appointment of Chief Procurement Officer" form if your jurisdiction has appointed a Chief Procurement Officer (CPO) as defined by the provisions of M.G.L. c. 30B, § 2.

"Chief Procurement Officer," the purchasing agent appointed pursuant to section one hundred and three of chapter forty-one, or as to any city or town which has not accepted said section, an individual duly appointed in a city having a city manager, by the city manager, in a town having a town manager, by the town manager, in any other town, by the selectmen, or, in any city or town otherwise providing by charter or local by-law for the appointment of a chief procurement officer, in accordance with such charter or local by-law, to procure all supplies and services for the city or town and every governmental body thereof; an individual duly appointed in a district by the prudential committee, if any, otherwise the commissioners to procure all supplies and services for the district; an individual duly appointed in a regional school district by the regional school district committee to procure all supplies and services for the regional school district; an individual duly appointed in a county having a county executive, by the county executive, or in any other county, by the commission, to procure all supplies and services for the county and every governmental body thereof; or an individual duly appointed by the governing board of an authority or other governmental body to procure supplies and services for the authority or governmental body.

The form should be signed by the chief executive of the governing body (*i.e.*, Chairperson of the Board of Selectmen).

Please note: the delegation is specific to the current employee. A new delegation form is required for each new employee.

Notice of Appointment of Chief Procurement Officer

(Type or print legibly)

1. I hereby provide notice to the Office of the Inspector General of the appointment of a Chief Procurement Officer as defined by the provisions of M.G.L. c. 30B, § 2.

Jurisdiction Name: Town of Middleborough

Department: Town Manager

Employee's Title/Position: Robert G. Nunes, Town Manager, Chief Procurement Officer

Name of Current Employee/CPO: n/a

Email of Current Employee: n/a

Date of Appointment: August 24, 2015

2. This appointment is conditioned upon compliance with M.G.L. c. 30B, all applicable statutes, rules, regulations, charters, ordinances, or bylaws, and subject to the following additional **requirements**:

- Designation as a Massachusetts Certified Public Purchasing Official (MCPPO)
- Designation as an MCPPO for Supplies and Services
- Designation as an MCPPO for Design and Construction
- Other Designation/Certification (specify in attachment)
- Completion of the following MCPPO course(s):
 - Public Contracting Overview
 - Supplies and Services Contracting
 - Design & Construction Contracting
 - Construction Management at Risk
 - Other (specify in an attachment)
 - Bidding Basics & Contract Administration
 - Bidding for Better Results
 - Model IFB Course
 - Advanced Topics Update

3. This appointment shall remain in effect until revoked or amended. Otherwise, this appointment shall expire on: _____

Full name of the person appointing the CPO: Allin Frawley

Title: Chairman, Town of Middleborough, Board of Selectmen

Office Address: Middleborough Town Hall, 10 Nickerson Avenue, Middleborough, MA 02346

Office Telephone: (508) 947-0928 MCPPO Certified? Yes No

Email Address of Appointing Employee: afrawley@middleborough.com

Signature: _____ **Date:** _____

I attest under pains and penalties of perjury, the above information is accurate.

Mail the original copy of this form to: Office of the Inspector General, One Ashburton Place, Room 1311, Boston, MA, 02108-1518, Attn: CPO Appointments.



Jacqueline Shanley

From: Jane Kudcey
Sent: Tuesday, August 18, 2015 5:35 PM
To: Jacqueline Shanley
Cc: Robert G. Nunes
Subject: BOS Meeting 8/24
Attachments: MassWorks 2015 BOS Chair Letter.docx

Hi Jackie,

Please put me on the BOS 8/24 meeting agenda:

The OECD requests that the Board vote to approve to have the OECD apply for the 2015 MassWorks Grant for funds to make street/sidewalk renovations in Everett Square and to authorize the Chair to sign the MassWorks Grant Certification Letter.

I am attaching the certification form. Let me know if you have any questions,

Thanks,

Jane

[City/Town Name]
[Street Address]
[City, MA Zip Code]

[Date]

Secretary Gregory Bialecki
Executive Office of Housing and Economic Development
1 Ashburton Place
Boston, MA 02108

Dear Secretary Bialecki:

I, _____ (print), hereby certify that I am duly authorized to submit this application on behalf of _____ (print) and to agree to implement the MassWorks Infrastructure Program requirements on behalf of said municipality. I understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to make the MassWorks Infrastructure grant and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the grant if any of the information provided is inaccurate, misleading, or false.

I hereby certify under the pains and penalties of perjury that the answers submitted in this application and the documentation submitted in support are accurate and complete.

Name	Title	Date
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Please return an original copy of the signed authorization letter to:

MassWorks Infrastructure Program
Executive Office of Housing and Economic Development
1 Ashburton Place, Room 2101
Boston, MA 02108

Jacqueline Shanley

From: Robert Buker
Sent: Wednesday, August 12, 2015 4:30 PM
To: Jacqueline Shanley
Cc: Dorothea Frazier
Subject: One more thing... sorry

Although "Alternative Animal Inspector is not in the GEMEG contract, Allison Feriera advised me that Derel Lee should still be sworn in as such.

So:

Kelly Jaribek = "Animal Control Officer/Inspector"

Derel Lee Twombly = "Alternate Animal Inspector"

Both need to be sworn in as such.

Uggh, sorry.

Robert E Buker REHS/RS
Health Officer
Town of Middleborough
rbuker@middleborough.com
(508) 946-2408

Jacqueline Shanley

From: Robert Buker
Sent: Wednesday, August 12, 2015 4:15 PM
To: Jacqueline Shanley
Cc: Dorothea Frazier
Subject: Actual Animal Control Positions

Hi Jackie,

Sorry for the confusion in Animal Control... again. Due to the way the budget broke down in our Department (Health/Animal Control) there had to be one more tweek on the positioning of people in order for us to hire more required help. The actual positions will be Kelly Jarabek being sworn in as both Animal Control Officer and Animal Inspector; as used to be the case with Jessica Gardner prior to her departure. Derel Lee Twombly will remain Alternative Animal Inspector for the time being, which is not a sworn in position. Sorry again for this confusion. I will be at the meeting on the 24th for the Body Piercing regulations anyhow, so I can be addressed on the matter at that time also. Thanks

Robert E Buker REHS/RS
Health Officer
Town of Middleborough
rbuker@middleborough.com
(508) 946-2408