

## **TOWN OF UXBRIDGE**

### **REQUEST FOR PROPOSALS FOR SALE OF COMMERCIAL LAND**

#### **PROPOSALS DUE BY 2:00 P.M. ON FEBRUARY 19, 2007**

The Town of Uxbridge, Massachusetts, acting by and through its Board of Selectmen is issuing this Request for Proposals (RFP) for the sale and development of that certain parcel of land located off Douglas Street, Uxbridge, Worcester County, Massachusetts shown on Assessors Map 22, Lot 3283 known as the "Property".

The Town has determined that this transaction is subject to the Uniform Procurement Act, G.L. c. 30B. Therefore, the provisions of G.L. c. 30B are hereby incorporated by reference in this Request for Proposals ("RFP").

No proposer may withdraw its proposal for a period of one hundred eighty (180) days after the date set for the opening thereof. The awarding authority is the Board of Selectmen.

The Town reserves the right to reject any and all proposals, to negotiate any and all non-mandatory contract terms with the successful proposer, or to cancel this procurement at any time if it is in the Town's best interest to do so.

Notice of this RFP is published in the Central Register which is a weekly publication of the Office of the Secretary of State and the Milford Daily News which is a newspaper with a circulation sufficient to inform the people of the affected locality.

#### **RESTRICTIONS ON FUTURE USE**

The Property consists of approximately 66.20 acres and is currently zoned for Business use. The Property is vacant land acquired by the Town through tax taking. The Town is seeking proposals that will provide commercial/retail uses only.

The successful purchaser will be responsible for obtaining all applicable approvals and permits, including federal, state, and local approvals as necessary.

The successful property owner(s) must be prepared to enter into a Purchase and Sale Agreement, substantially in the form attached hereto, within thirty (30) days from the opening of this proposal.

Although all information regarding the subject property is from sources deemed reliable, such information has not been verified and no express representation is made, nor is any to be implied, as to the accuracy thereof.

## **DESCRIPTION OF THE REAL PROPERTY**

The Property consists of the land and building(s) thereon located off Douglas Street, and described in Instrument of Taking dated November 21, 1990 and recorded with Worcester District Registry of Deeds in Book 13202, Page 57 as affected by Final Judgment in Tax Lien Case dated December 8, 1993 and recorded in Book 15968, Page 181 and by Notice of Partial Vacation of Judgment dated February 3, 2003 and recorded in Book 31333, Page 336.

By vote under Article 11 of the June 20th, 2006 Town Meeting, the Town of Uxbridge has declared the Premises surplus to its needs and has approved the proposed sale of the Premises pursuant to Chapter 30B of the General Laws.

## **PROPOSAL REQUIREMENTS**

### **A. Preferences for Potential Development**

The purchase price offered for the Property will be an important consideration in the evaluation of the proposals. Proposers are also advised that the project's potential to maximize the increase to the Town's property tax base through commercial and retail development will also be given significant consideration in the proposal evaluation process.

### **B. Proposed Site Layout and Architectural Sketches**

The proposer shall submit a concept plan of the proposed project, showing project layout and overall development scheme including a depiction of open space, parking areas and developed areas. Draft architectural renderings of the proposed building(s) and a landscape concept plan shall also be submitted. Plans shall be submitted on unmounted 2'x 3' sheets at a minimum of 100' scale to allow the Town to fully evaluate the project and to compare competing proposals.

### **C. Development Impact Analysis**

The proposer shall provide a brief assessment of the negative and/or positive impacts that the proposal will have on the Town. Describe potential mitigation measures that will alleviate the negative impacts to the Town including traffic and municipal infrastructure analysis.

### **D. Purchase Price**

The proposer shall set out the purchase price in detail, including the timing and terms of payment.

### **E. Permitting Strategy**

The Town is establishing an expedited program under Chapter 43D. Each proposer shall provide a list of the local approvals such as special permits,

building permits and subdivision plans that might be required to obtain project approval. Each proposer shall include a project timeline from conveyance to project buildout, particularly identifying the anticipated start date for the project approval process.

**F. Proposed Project Team**

The following project specific information shall be included with each proposal to describe the project team; if the proposer is a partnership or joint venture, identify which partner or joint venturer each individual of the project team is employed by:

1. A description of the project team;
2. The name and resume of the proposer's main contact person who will be responsible for acting as the liaison between the Town and the Purchaser's project team. The resume shall identify all prior projects of a similar kind for which this individual has performed a similar function, including the name, location and brief description of each project, and the name, address and phone number of an official of the local government body who worked directly with the contact person in the development of the project;
3. The name and resume of all project team members; identify the role each team member will play, for example architect, overall project manager, construction manager, etc. The project team shall include a licensed site professional to monitor construction. Each resume shall identify all prior projects of a similar kind for which the individual has performed a similar function, including the name, location and brief description of each project;
4. A clear description of the proposing business entity's structure, including an organizational chart; and
5. Detailed information describing similar projects completed by each member of the project team, identifying the project name, location, and the role each member played in each development.

**G. Project Schedule**

Each proposer shall provide a timeline for the project development, including permitting, design, construction phasing, completion schedule and expected full build-out of the project.

**H. Financing**

The proposer shall describe in detail the source of its project financing, including any financing contingencies associated with the proposal.

## **SITE VISIT**

The Town will conduct a site visit to the Property off Douglas Street on January 30<sup>th</sup>, 2007 at 10:00 a.m. Proposers will have to opportunity to ask questions concerning the content of this RFP at that time.

Potential proposers are advised that any and all questions concerning the interpretation or meaning of any provision of this RFP must be submitted in writing, addressed to Ms. Jill R. Myers, Town Manager, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA 01569

No verbal response to any questions posed by a potential proposer shall be binding on the Town. Responses to all questions raised in writing to the Board of Selectmen shall be issued as an addendum to this RFP and forwarded to all proposers who have requested a copy of the RFP at the address they provided for this purpose.

## **SUBMISSION REQUIREMENTS**

Sealed proposals in response to this RFP will be accepted in the office of the Town Manager, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA 01569. All proposals shall be clearly marked on the face of the sealed envelope with the title, "Proposal for the Sale of Land off Douglas Street", with the proposer's name and address also clearly visible on the face of the envelope. Proposals received after the deadline will be rejected and returned to the proposer unopened. Persons submitting a proposal by mail or other delivery service bear the full responsibility for delivery to the designated office prior to the submission deadline.

Proposals submitted prior to the deadline may be corrected, modified or withdrawn by written notice received in the Office of the Town Manager prior to the submission deadline stated above. Any such correction, modification or withdrawal shall be submitted in a sealed envelope, marked as stated above for the original submission, and shall indicate on the face of the envelope whether it is a correction, modification or withdrawal.

Each sealed proposal shall contain the following documents:

1. All documents and information describing the proposed development that are required by this RFP;
2. A Certificate of Non-Collusion;
3. A Tax Compliance Certificate;
4. A Disclosure Statement for the Disposition of Real Property as required by G.L. c. 7, §40J; and

5. For a corporate proposer, a Certificate of Corporate Vote.

## **EVALUATION CRITERIA**

Proposals will be reviewed to determine if each submission contains all required forms and certifications, as well as a complete description of the proposed development including all the categories of information outlined above under the heading of "Proposal Content". Any proposal found to be lacking in any respect shall be considered non-responsive, shall be rejected and given no further consideration during the evaluation process.

Proposals that are determined to be responsive shall be further evaluated in light of the following criteria, and will be ranked in order of preference from most beneficial to least beneficial. An evaluation of each proposal shall state the basis for its ranking, and identify the strength and weaknesses of the proposal, both objectively and in comparison to the other proposals submitted in response to the RFP.

### **A. Preferences for Potential Development**

The Town's preference for potential development is a proposal that maximizes the redevelopment of this site, is compatible with surrounding land uses, and will result in the return of this Property to the Town's property tax base.

### **B. Site Layout and Architectural Plans**

It is the desire of the Town that the development to be constructed on the Property will be complimentary to existing development in the area in terms of scale and density. A development plan, which also shows open space, well-landscaped parking and pedestrian areas will be preferred. The extent to which a proposal clearly and fully demonstrates the above criteria shall determine its ranking relative to the other responsive proposals.

### **C. Development Impact Analysis**

The proposal includes a brief development impact analysis that is complete, concise, written in terms that are clearly understandable and fully addresses all the items listed under subsection III, under Proposal Content above. Proposals which indicate significant positive impact benefits, clearly identify negative impacts and include well developed plans to mitigate the negatives will be considered favorably.

### **D. Permitting Strategy**

The Town will consider most beneficial, a proposer who can demonstrate familiarity with the Town's land use permitting procedures. If a particular proposer cannot offer evidence of such prior experience, the Town will consider experience with similar scale developments which are evidence of the Purchaser's ability to identify permitting

requirements and to establish an efficient and effective permitting strategy, so as to obtain all necessary approvals in a reasonably short period of time.

#### **E. Project Team**

The Town will favor proposals that indicate a highly experienced project team, with key members (for example Project Manager, Architect, Contractor, Construction Manager, Licensed Site Professional) having significant experience in the development of similar projects. The evaluators will look at the years of experience and number of projects completed in similar positions for the key team members and rank teams accordingly.

#### **F. Project Schedule**

Since an important purpose of the sale of the Property is to return the Property to the tax rolls, proposals that indicate a rapid development schedule and complete build-out in the shortest time will be given preference.

#### **G. Financial Benefit Analysis**

This evaluation criteria focuses on the impact of the development on the Town's tax base, its ability to create new employment for residents of the Town and the nature and value of other benefits, both monetary and in-kind, that the proposal is offering. A development that indicates an ability to maximize tax revenues per acre will be most highly ranked. The number and nature of jobs created, including the likely stability of the job opportunities will also be considered significant. Other on or off-site community benefits offered by the proposer will also be considered in assessing the relative merits of the competing proposals.

#### **H. Project Financing**

Projects that indicate strong financial backing, with adequate funding available with no contingencies will be considered the strongest proposals in this category. Projects that indicate financing contingencies that are limited and quantifiable will be considered less favorably. Projects with significant financing contingencies or contingencies which, in the opinion of the Town are difficult to quantify, will not be considered favorably.

#### **I. Purchase Price**

In comparing competing proposals, the Town will consider total purchase price, as well as the proposed payment schedule. The overall value of each proposal will be calculated in terms of net present value of the total purchase price.

The Board of Selectmen will conduct the initial proposal evaluations to determine if the proposals meet the basic requirements of this RFP. As part of the evaluation process, the Town reserves the right to conduct interviews with each proposer at either the initial evaluation, or finalist stage of the evaluation process in order to assure a full

understanding of the proposals. During the initial evaluation process, if there are six or more responsive proposers, the Board of Selectmen may create a short-list of no more than five proposers and limit the interview process to that shortlist.

The Board of Selectmen, in its sole discretion, shall make an award to the proposer whose overall development proposal offers the most beneficial use of the Property, taking into consideration the plan of development, the proposed uses, the design, the impact on adjacent land uses and the overall character of the Town, as well as the purchase price and other financial benefits provided by the proposal. The Board of Selectmen shall not be required to award the sale of the Property to the proposer offering the highest purchase price. If the successful proposer fails to execute a purchase and sale agreement within thirty (30) days of an award by the Board of Selectmen, the Town reserves the right to rescind the award and to award the sale to another proposer, or to determine not to make an award. The Board of Selectmen reserves the right to reject any and all proposals, or to cancel this RFP.

### **SUCCESSFUL PROPOSER'S SECURITY**

As indicated above, the successful proposer (hereafter referred to as the "Purchaser") will be expected to execute a purchase and sale agreement within thirty days of the award by the Board of Selectmen. Upon execution of the Purchase and Sale Agreement, the Purchaser shall pay a deposit of Fifty Thousand and 00/100 (\$50,000.00) and an additional deposit of Fifty Thousand and 00/100 Dollars six months after the execution of the Purchase and Sale Agreement for a total amount of One Hundred Thousand and 00/100 (\$100,000.00) (hereafter the "Deposit"), which shall be applied to the Purchase Price upon closing, but \$50,000.00 of which shall be non-refundable in the event that the Purchaser fails to close the transaction for any reason other than the willful default of the Town. The actual construction of the proposed project is of significant importance to the future physical and financial well being of the Town. The non-refundable portion of the Deposit is intended as liquidated damages to compensate the Town for the delay in the development of the property.

After execution of the Purchase and Sale Agreement, the Purchaser shall diligently pursue the development of the project in a timely manner. If, as of the time for performance under the Purchase and Sale Agreement (hereafter the "closing date"), the Purchaser has not received all necessary approvals for its project in a form and with terms acceptable to the Purchaser, or an appeal of any necessary approval has been filed with a Court of appropriate jurisdiction, the Purchaser may elect to (i) extend the time for performance for a maximum of six (6) months by so notifying the Town in writing on or before the closing date, and in such event the time for performance shall be extended, or (ii) the Purchaser may elect to terminate the Purchase and Sale Agreement by so notifying the Town in writing on or before the closing date, in which event the Purchase and Sale Agreement shall terminate. Upon such termination, the non-refundable portion of the Deposit shall be retained by Town and the remaining balance of the Deposit shall be paid to Purchaser, and all obligations of the parties shall cease.

**PROPOSAL COVER SHEET FOR THE SALE OF SURPLUS TOWN-OWNED  
REAL PROPERTY LOCATED IN THE TOWN OF UXBRIDGE  
MASSACHUSETTS**

The property consists of that certain parcel of land located off Douglas Street, Uxbridge, Worcester County, Massachusetts shown on Assessors Map 22, Lot 3283 and consisting of 66.20 acres of land, more or less.

The proposed purchase price for the Premises is

\$ \_\_\_\_\_  
(type or hand-print the amount in words)

The proposed use for the Premises is:

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

On a separate page(s), describe in detail the proposed use for the Premises and include any and all relevant information as required by the Request for Proposals (RFP). Be specific in describing the proposed use, the development plans, the schedule for development, the evidence of funding, etc.

The undersigned individual or authorized representative of an entity as appropriate, hereby attests to a full understanding of the restrictions, terms and conditions regarding the purchase of and use of the Premises as outlined in the RFP and agrees to comply with said restrictions, terms and conditions.

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

PRINT NAME: \_\_\_\_\_

ENTITY: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Submit the original proposal and one copy no later than 2:00 P.M. on February 19, 2007 to the attention of:

Ms. Jill R. Myers  
Town Manager  
Uxbridge Town Hall  
21 South Main Street  
Uxbridge, MA 01569

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.

\_\_\_\_\_  
(Name of person signing bid)

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

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

**CERTIFICATE OF TAX COMPLIANCE**

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, \_\_\_\_\_, authorized signatory for \_\_\_\_\_, do hereby certify under the pains and penalties of perjury that said contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

DISCLOSURE OF BENEFICIAL INTERESTS IN REAL PROPERTY  
TRANSACTION

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Massachusetts Division of Capital Planning and Operations, as required by M.G.L. c.7, §40J, prior to the conveyance of or execution of a lease for the real property described below. Attach additional sheets if necessary.

1. Public agency involved in this transaction: Town of Uxbridge  
(Name of jurisdiction)

2. Complete legal description of the property:

A parcel of land located off Douglas Street, Uxbridge, Worcester County, Massachusetts shown on Assessors Map 22, Lot 3283 containing 66.20 acres of land more or less.

3. Type of Transaction:  X  Sale   Lease or rental for [term]

4. Seller(s) or Lessor(s): Town of Uxbridge

Purchaser(s) or Lessee(s): \_\_\_\_\_

5. Names and addresses of all persons who have or will have a **direct** or **indirect beneficial interest** in the real property described above. Note: If a corporation has, or will have a direct or indirect beneficial interest in the real property, the names of all stockholders must also be listed except that, if the stock of the corporation is listed for sale to the general public, the name of any person holding less than ten percent of the outstanding voting shares need **not** be disclosed.

Name

Address

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None of the persons listed in this section is an official elected to public office in the Commonwealth of Massachusetts, or is an employee of the Division of Capital Asset Management and Maintenance, except as noted below:

Name:

Position:

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

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

6. This section must be signed by the individual(s) or organizations(s) entering into this real property transaction with the public agency named in item 1. If this form is signed on behalf of a corporation, it must be signed by a duly authorized officer of that corporation.

The undersigned acknowledges that any changes or additions to item 4 of this form during the term of any lease or rental will require filing a new disclosure with the Division of Capital Asset Management within 30 days following the change or addition.

The undersigned swears under the pains and penalties of perjury that this form is complete and accurate in all respects.

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

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_