
TOWN OF EASTON
REQUEST FOR PROPOSALS

12A Highland Street, Easton, MA

1. INVITATION FOR PROPOSALS

The Easton Fair & Affordable Housing Partnership in conjunction with the Easton Board of Selectmen seeks proposals from qualified non-profit organizations to develop one (1) three-bedroom home for use as low-income housing, as defined in M.G.L. c.40B, Sections 20-23, on a vacant parcel of land located at #12A Highland Street in Easton. The disposition of the property is subject to the Uniform Procurement Act, M.G.L. c.30B. The provisions of M.G.L. c. 30B, Section 16, are incorporated here by reference. The designated developer will be required to submit a disclosure of beneficial interest in order to comply with M.G.L. c.7, Section 40J.

Project Summary. The proposed project is to create one unit of affordable housing, designed to fit in with the historic character of the Furnace Village neighborhood in which the parcel is located.

The site (#12A Highland Street) is a vacant parcel of land consisting of approximately 32,125 square feet situated along the southerly side of Highland Street and located within a residential neighborhood. The Town intends to convey fee ownership of the parcel subject to a deed restriction that the lot will be used for the purpose of constructing and selling one homeownership unit with no more than three (3) bedrooms for qualified first-time homebuyers with incomes at or below 80% of area median income (AMI). The unit must be sold in accordance with regulations and guidelines of the Local Initiative Program, 760 CMR 45.00 and qualify for inclusion on the Subsidized Housing Inventory (SHI). As such, the unit must be priced for sale to households with incomes that do not exceed 70% of AMI.

Proposal Deadline: Interested organizations must submit seven (7) copies of proposals on or before **3:30 P.M. EST, Thursday, February 26, 2010** at which time all proposals received will be opened and recorded in public. No faxed or electronic submissions will be accepted. If the Town Hall is closed at the time of the delivery deadline due to uncontrolled events such as fire, snow, or building evacuation, the proposal opening will be postponed until 12:00 p.m. on the next business day. Proposals must be submitted in a sealed envelope and addressed to the Chief Procurement Officer, David Colton:

David Colton, Town Administrator
Town Offices
136 Elm Street
North Easton, MA 02356

Late proposals will be rejected and returned, unopened, to the sender. Proposals should be marked "**Highland Street Property.**" Responses to this RFP must include all required documents, completed and signed per the instructions together with the attached forms included in this bid package.

All communications regarding this RFP must be made in writing to David Colton, Town Manager, 136 Elm Street, North Easton, MA 02356. Emailed questions may be addressed to dcolton@easton.ma.us. Answers to relevant questions will be posted on the Town's website on the Department of Planning & Community Development's homepage no later than Monday, February 15, 2010. **Only questions received by 3:30 p.m. on Thursday, February 11, 2010 will be considered. Phone calls will not be accepted.**

Pre-Submission Meeting: There will be a pre-submission briefing on Monday, **February 8, 2010 at 10:00 a.m.** in the Selectmen's Room, 136 Elm Street, North Easton, MA. If the Town Hall is closed at the time of the pre-submission briefing due to uncontrolled events such as fire, snow, or building evacuation, the briefing will be postponed until 10:00 a.m. on the next business day. The meeting will be followed by a brief tour of the property. The pre-submission meeting is recommended, but not required.

Developer Designation. The Board of Selectmen intends to make a preliminary developer designation within 30 days of the deadline for submission of proposals and may, at its discretion, hold interviews with the Proposers during the review process. All proposals must remain valid through August 31, 2010.

Access to Documents. Proposers seeking a copy of the Easton Zoning Bylaw, Rules and Regulations of Subdivision Control, and other development regulations or policies may obtain them at the Office of the Town Clerk during regular business hours or on the Town's website at www.easton.ma.us. Requests for specific information concerning the subject property should be directed in writing to Mr. Colton, not to Town departments. Upon request and by prior appointment with Mr. Colton, Proposers may inspect records and property data in the town's possession. The Town of Easton does not attest or certify to the accuracy of available data.

General Conditions. The Town reserves the right to reject any proposal that fails to meet the requirements of this RFP or which is incomplete, conditional or obscure, or which contains additions or irregularities, or in which errors occur. The Town reserves the right to waive minor discrepancies, to permit a Proposer to clarify such discrepancies, and to conduct discussions with all qualified Proposers in any manner necessary to serve the best interests of the Town. The Town also reserves the right to designate a developer based on written proposals received, without prior discussions, and to reject any and all proposals if deemed in the public interest to do so. Any fees or other expenses associated with the RFP process are the sole responsibility of the Proposers.

1. DEFINITION OF TERMS IN RFP

Where the following words or phrases appear in this RFP, they shall have the meanings defined below:

Affordable Housing: Dwelling unit occupied by a household with income at or below 80% of AMI, with affordability secured by a use restriction or deed rider approved by the Local Initiative Program.

Developer of Record: The Proposer that receives designation as the developer of the Highland Street Property. In this RFP, “developer of record” and “designated developer” have the same meaning.

Local Initiative Program: Regulations that allow affordable housing units created by means other than a comprehensive permit to qualify for inclusion on the Chapter 40B Subsidized Housing Inventory; see 760 CMR 45.00.

Predevelopment Costs: Appraisals, surveys, development consultants, environmental testing, lead inspection/risk assessment, wetlands delineation, market or feasibility analysis, traffic studies, marketing or pre-leasing materials, topographic mapping, preliminary architectural or engineering plans, Title V design plans, historic preservation or archaeological studies, legal organization or titles.

Project: The development and use of the Highland Street property for community housing purposes approved by the Board of Selectmen, consistent with the Community Preservation Act.

Proposer: The entity submitting a proposal in response to this RFP.

Town: The Town of Easton

2. DESCRIPTION OF PROPERTY

Location and Site Information: This RFP offers for sale a parcel of land, for the purpose of developing one, single-family three-bedroom home subject to a deed restriction as Affordable Housing.

The Site is a rectangular shaped lot consisting of approximately 32,125 square feet of forested land, situated along the southerly side of Highland Street.

Zoning: The property is zoned Residential. The area, frontage, yard, and depth requirements of the Zoning Bylaw do not apply to this lot, as per §4-7 of the Easton Zoning By Law, because the lot was created prior to October 2, 1967; however, any proposed development should conform to current setback requirements, which are 25' from the front lot line, 15' from the side lot lines, and 10' from the rear lot line.

Deed Restrictions:

Recognizing the significant investment that the Town is making in providing this property and the need for affordable housing in Town, the following restrictions will be placed upon the property:

1. Maintain the affordability of the units in perpetuity;
2. Ensure the unit qualifies for the Town's Affordable Housing Inventory as compiled by the Commonwealth;
3. Restrict the re-sale of the property to low-to moderate-income first time homebuyers; and
4. The selected developer will be responsible for marketing and homebuyer selection in compliance with regulations.

Utilities: Electricity and public water are available at the property line.

Suitability for Onsite Sewage Disposal: A development feasibility study was conducted by Nover-Armstrong Associates, Inc. The wetlands were surveyed but have not been confirmed by the Conservation Commission. The property is suitable for the installation of conventional septic system in compliance with Title V. See Attachment H.

Funding: The Town of Easton will accept a purchase price at below-market value in order to facilitate the production of housing affordable to low-or moderate-income first-time homebuyers. The Town will not provide or arrange for any direct subsidy to the project and is under no obligation to assist the developer of record in obtaining financing. The developer of record is responsible for obtaining financing for any future predevelopment and development costs associated with the project.

Proposer's Responsibility for Due Diligence: Notwithstanding the Town's acquisition of a Development Feasibility Study, Attachment G, prospective developers may wish to undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.

3. Development Guidelines

The following development guidelines apply to the use and disposition of the Highland Street Property. These guidelines must be addressed in the proposal and met in the subsequent development of the parcel:

Sale Price. The disposition of this property is for a public benefit, i.e., affordable housing for low- or moderate-income people. The minimum bid is set at \$1.00.

Use Guidelines. The building of a structure on the property must allow for it to be eligible for listing on the Chapter 40B Subsidized Housing Inventory, affordable to qualified, low-income first-time homebuyers, and protected by a perpetual use

restriction approved by the Director of the Department of Housing and Community Development (DHCD) in accordance with M.G.L. c.184.

Building and Unit Design Guidelines. The building of a structure shall be designed to address, at minimum, the following requirements:

- The structure shall maintain an exterior design and appearance in keeping with the neighborhood.
- Building construction must meet the current State Building Code and unit size requirements (minimum floor area) of the Local Initiative Program. Removal of any hazardous materials shall be accomplished in accordance with the current State Building code.
- Appliances, heating and/or air conditioning systems shall be rated for optimal high energy efficiency.
- A septic system shall be in compliance with Title V. Consideration shall be given to the enhanced aesthetics of any proposed retaining walls required to accommodate proposed system and shall require Town review prior to construction.
- The structure must be suitable for family occupancy, with no more or less than three bedrooms, and meet or exceed the minimum floor area requirements of the Local Initiative Program for bedroom dwellings.
- Site design must provide adequate parking. Any proposed parking over the proposed septic system shall require compliance with Title V requirements as to H2O loading.
- Suitable landscaping of the structures in accordance with Town review.

Conveyance Terms. The Purchase and Sale Agreement between the Town and the designated developer will contain the following minimum provisions:

- The affordable unit must remain affordable in perpetuity. The unit shall be protected by a deed rider approved by the Local Initiative Program, recorded at the Bristol Registry of Deeds, granting the Town a right of first refusal to purchase the dwelling unit in the event that a qualified purchaser cannot be found at the time of resale.
- Final plans must be substantially consistent with preliminary plans submitted.
- Sale payment terms to be negotiated with the designated developer.
- Construction must commence within 24 months of the date that the Board of Selectmen designates a developer.
- The Board of Selectmen will not enter into a purchase and sale agreement until the developer has secured all necessary financing and permits. However, upon request

of the designated developer, the Town will execute a conditional agreement to establish site control.

- The designated developer will be required to execute applicable documents, including but not limited to developer's agreement and notice of intent to purchase the premises, within 30 days of the notice of award.
- Proposals must remain valid until August 31, 2010.
- The designated developer is responsible for preparing any applications, forms or other submittals necessary to secure DHCD's approval of the proposed unit(s) for listing on the Chapter 40B Subsidized Housing Inventory.

4. EVALUATION CRITERIA

The Town shall consider the following criteria during the proposal review process:

Minimum (Threshold) Evaluation Criteria

- Submission of a complete proposal, i.e., a proposal that addresses all requirements of this RFP.
- Proposer must have a minimum of three years of experience in developing and/or the rehabilitation of affordable homeownership units, and have developed at least two LIP-eligible homeownership units on land purchased or leased from a municipality in the Commonwealth of Massachusetts in the past five years. Proposals shall include a letter of reference from the Chief Elected Official of each municipality.
- Certification of state tax law compliance.

Comparison Evaluation Criteria

Projects meeting the minimum evaluation criteria will be rated and ranked on the following comparison (competitive) evaluation criteria:

Affordability: Extent to which the project meets the Town's affordable homeownership objectives.

- **Advantageous:** Proposal provides for one unit of housing affordable to first-time homebuyers at or below 80% AMI.
- **Not Acceptable:** Proposal does not provide for at least one unit of housing affordable to first-time homebuyers at or below 80% AMI, or the proposal does not state a specific income target and as a result, it is not clear whether any units will be offered at prices affordable to households at or below 80% AMI.

Creativity to maximize available space: Extent to which the developer can provide a thoughtful and well laid out interior design for living space.

- **Highly Advantageous:** The Proposer has developed a floor plan for the structure that maximizes all available space to accommodate living area for proposed occupants.
- **Advantageous:** The Proposer has developed a floor plan for one structure that maximizes all available space to accommodate living area for proposed occupants.
- **Not Advantageous:** The Proposer depicts no consideration of a floor plan that maximizes all available space to accommodate living area for proposed occupants. Space is left under utilized in both structures as shown on floor plan. Fewer than three bedrooms are proposed.

Development experience: Extent to which the developer’s experience exceeds the minimum criteria; the developer’s prior track record in the construction of affordable housing should be described in detail.

- **Highly Advantageous:** The Proposer has more than five years of demonstrated, successful experience in developing and constructing affordable homeownership housing in partnership with one or more municipalities in the Commonwealth of Massachusetts, and has developed at least four LIP homeownership units in the past five years.
- **Advantageous:** The Proposer has less than five but at least four years of demonstrated, successful experience in developing and constructing affordable homeownership housing in partnership with one or more municipalities in the Commonwealth of Massachusetts, and has developed at least three LIP homeownership units in the past four years.
- **Not Advantageous:** The Proposer meets the minimum criteria for years of development experience (three years), but has not developed any LIP homeownership units in partnership with one or more municipalities in Massachusetts in the past four years.

Sensitivity to site and unit design. Extent to which the developer’s proposed conceptual site plan, landscaping plan and elevation drawings demonstrate an understanding of the site and surrounding neighborhood architecture in accordance with guidance provided by the Town.

- **Advantageous:** Proposed conceptual site plan provides for attractive landscaping and site design sensitive to the existing neighborhood.
- **Not Acceptable:** Proposed conceptual site plan does not propose landscaping or provides site design which is insensitive to the existing neighborhood.

Prior experience with affordable housing development. Extent to which the developer has prior experience with developing affordable homeownership units via land

development agreements with municipalities; the developer's prior track record should be described in detail.

- **Highly Advantageous:** Proposal includes evidence that proposer has successfully developed at least three affordable homeownership units under land development agreements on land sold or leased by one or more municipalities in Massachusetts, and reference checks corroborate the proposal.
- **Advantageous:** Proposal includes evidence that proposer has successfully developed at least two affordable homeownership units under a land development agreement on land sold or leased by one or more municipalities in Massachusetts, and reference checks corroborate the proposal.
- **Not Advantageous:** Proposal includes no evidence that proposer has developed an affordable homeownership unit under a land development agreement on land sold or leased by one or more municipalities in Massachusetts.
- **Not Acceptable:** Proposal includes evidence that proposer has developed at least one affordable homeownership unit under a land development agreement on land sold or leased by one or more municipalities in Massachusetts, but reference checks disclose violations of the agreement or an otherwise unfavorable assessment of the proposer's performance under the agreement.

Evidence of ability to secure financing: Extent to which the proposer's experience and track record suggest a high probability of obtaining financing; prior experience should be described in detail and accompanied by letters of recommendation from lenders.

- **Highly Advantageous:** Proposal includes evidence of the proposer's excellent working relationship with at least two lending institutions on the South Shore, e.g., letters of interest in the proposed project or letters of reference or recommendation from lenders that have worked with the proposer on past successful projects.
- **Advantageous:** Proposal includes evidence of the proposer's excellent working relationship with at least one lending institution on the South Shore, e.g., letters of interest in the proposed project or letters of reference or recommendation from lenders that have worked with the proposer on past successful projects.
- **Not Acceptable:** Proposal includes any letters of reference or recommendation from a lending institution doing business in the Commonwealth of Massachusetts.

5. SUBMISSION REQUIREMENTS

All proposals must include seven (7) copies of the following materials:

- Transmittal letter signed by the proposer's authorized representative(s)

- Narrative description of proposed development, including proposed marketing/lottery plan for the affordable unit(s) and proposed delineation of developer/town responsibilities (three pages maximum)
- Project Information
 - Preliminary development budget: sources and uses (form)
 - Conceptual site plan, landscape plan and exterior building plans and elevations for each structure
 - Proposed floor plan depicting configuration, size and layout for dwelling unit
 - Preliminary identification of permitting requirements and any regulatory relief that will be needed for proposed project
- Projected project schedule (by month/year) for each of the two structures.
- Letter of interest from lender(s)
- Developer information
 - Description of organization, including identification of personnel and/or members of the development team, and references (form)
 - Description of other real estate owned (attach list and description)
- Certification of tax compliance (G.L. c. 62C, 49A) (form)
- Statement of Non-Collusion
- Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the proposers business.

6. RULE FOR AWARD

All packages submitted by the deadline will be opened and recorded in public, and all information contained in the proposals is public information. The Local Housing Partnership shall review and evaluate all proposals received by the submission deadline and recommend to the Board of Selectmen a notice of award. Evaluation of the proposals will be based on the information provided in the proposer's submission in accordance with the submission requirements of this RFP and any interviews, references, and supplemental, clarifying information requested by the Town. The Town will notify all proposers in writing of its award decision within 60 days from opening of the proposals.

The highest ranked developer will be sent a notice indicating its tentative selection as developer, a negotiation schedule and a procedure whereby the developer and the Town shall conduct negotiations. Within thirty days following this notice, the

selected developer will present a draft Purchase and Sale Agreement, together with any other appropriate legal documents for effectuating the transaction, to the Town for review. It is anticipated that a final Purchase and Sale Agreement will be executed within ninety days following the initial notice. The time frames in this paragraph may be extended by mutual consent of both parties.

If within ninety days of the initial notice, the Town determines that satisfactory contract terms and conditions cannot be reached with that developer, the Town may terminate negotiations with that developer and commences negotiations with the then second-ranked developer, and it may continue this procedure through all lower-ranked developers, as necessary.

The selected developer may be required to post a Performance Guarantee acceptable to the Town to guarantee completion of the development in accordance with the Purchase and Sale Agreement and all relevant laws and regulations.

At every point in the selection procedure, the Town reserves the right to waive minor informalities or to allow a proponent to correct them. The Town also reserves the right to reject any or all bids at any time as may be in the best interest of the Town.

The successful proposer will be required to file a Disclosure of Beneficial Interests as required by M.G.L. c.7, 40J. See Attachment G.

7. NON-DISCRIMINATION

The Town shall select a designated developer without consideration of age, sex, race, creed, sexual orientation, color, handicap, or national origin.

ATTACHMENTS

- A. Bid Form
- B. Outline of Deed Restrictions
- C. Development Sources & Uses (Form)
- D. Proposer's Experience, Qualifications & References (Form)
- E. Certification of Tax Compliance (Form)
- F. Statement of Non-Collusion
- G. Disclosure of Beneficial Interests
- H. Development Feasibility Study (12A Highland Street & 249 Prospect Street)
- I. Property Stewardship - G.L. c.60, §77B

ATTACHMENT "A"

BID FORM – 12A HIGHLAND AVENUE

TOWN OF EASTON

BID PRICE FORM FOR PURCHASE OF PROPERTY DESCRIBED IN THIS RFP

Total Bid: \$ _____

Bid Dollar

Amount in Writing: _____

SIGNATURE OF BIDDER: _____

NAME OF BIDDER: _____

DATE: _____

ATTACHMENT "B"

OUTLINE OF DEED RESTRICTIONS

1. Maintain the affordability of the units in perpetuity;

2. Ensure the unit qualifies for the Town's Affordable Housing Inventory as compiled by the Commonwealth;

3. Restrict the re-sale of the property to low-to moderate-income first time homebuyers; and

4. The selected developer will be responsible for marketing and homebuyer selection in compliance with regulations.

ATTACHMENT "C"

SOURCES AND USES OF FUNDS (ESTIMATED)

Purpose	Amount
Acquisition:	
Acquisition (Subtotal)	
Construction:	
Direct Construction (Buildings)	
Wastewater	
Sitework	
Construction Contingency	
Subtotal: Construction	
General Development Costs:	
Architecture and Engineering	
Survey and Permits	
Clerk of the Works	
Environmental Engineer	
Bond Premium	
Legal	
Accounting and Cost Certification	
Marketing and Sales	
Real Estate Taxes	
Insurance	
Appraisal	
Security	
Construction Loan Interest	
Inspecting Engineer	
Other Financing Fees	
Development Consultant	
Title and Recording	
Soft Cost Contingency	
Subtotal: General Development	
Subtotal: Acquisition, Construction, General Development Costs	
Capitalized Reserves	
Developer Overhead	
Developer Fees	
Total Development Cost	

Purpose	Amount
Sources/Uses	
Sale of Units	
Subsidy (where applicable):	
Total Sources	
Total Uses	
Funding Gap	

PROPOSED/ANTICIPATED SUBSIDIES (IF APPLICABLE):

Program/Source	Amount

ATTACHMENT "D"

EXPERIENCE, QUALIFICATIONS & REFERENCES

Proposer must list and provide complete information about affordable homeownership projects of comparable type and scale, developed by the proposer in the Commonwealth of Massachusetts, between 1995-present. Attach additional sheets as necessary for each comparable project.

Project Name: _____

Start/Completion Dates: ____/____/____ - ____/____/____

Type:

- Detached Single-Family
- Two-Family
- Other _____

Total Development Costs: (\$) _____

City/Town: _____

Address: _____

Contact Person (Name): _____

Telephone: _____

Email: _____

Was this project carried out on property owned or controlled by the municipality?

() Yes () No

ATTACHMENT "E"

CERTIFICATION OF TAX COMPLIANCE

The following certification statement is to be signed by the proposer.

I hereby certify that I am a _____ (title of officer of the company) and duly authorized representative of _____ (name of company), whose address is _____ and that I hereby certify that pursuant to MGL Chapter 62, Section 49A, under the penalty of perjury that the above firm or corporation, to the best of my knowledge and belief, has filed all Massachusetts Tax Returns and paid all Massachusetts taxes, reported all employees and contractors, and withheld and remitted child support, as required by law.

Signature

Printed Name

Date

ATTACHMENT "F"

CERTIFICATE OF NON-COLLUSION

_____ declares that, as of the date of this Contract, no Town official, either directly or indirectly, has a financial interest in this Contract, and furthermore, the Contractor pledges that it shall notify the Town in writing should any Town official acquire, either directly or indirectly, a financial interest in this Contract. The Contractor further declares that, as of the date of this Contract, it has not given or donated or promised to donate, either directly or indirectly, to any Town official or employee or to anyone else, for his/her benefit, any sum of money or other thing of value for aid or assistance in obtaining this Contract. The Contractor pledges that neither it nor any other officer, agent or employee of the Contractor shall give or donate or promise to give or donate, either directly or indirectly, to any Town official or employee or to anyone else, for his/her value, for aid of assistance in obtaining any Contract with the town.

(NAME OF COMPANY)

Social Security Number or Federal

Identification Number

By _____
Corporation Officer or Authorized

ATTACHMENT "G"

DISCLOSURE STATEMENT

ACQUISITION OR DISPOSITION OF REAL PROPERTY

For acquisition or disposition of Real Property by _____ the undersigned does hereby state, for the purposes of disclosure pursuant to Massachusetts General Laws, Chapter 7, section 40J, of a transaction relating to real property as follows:

- (1) REAL PROPERTY DESCRIPTION:
- (2) TYPE OF TRANSACTION:
- (3) SELLER or LESSOR:
- (4) BUYER or LESSEE.
- (5) Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above:

NAME

RESIDENCE

- (6) None of the above mentioned persons is an employee of the Division of Capital Asset Management or an official elected to public office in the Commonwealth except as listed below.
- (7) This section must be signed by the individual(s) or organization(s) entering into this real property transaction with the public agency named above. If this form is signed on behalf of a corporation or other legal entity, it must be signed by a duly authorized officer of that corporation or legal entity. The undersigned acknowledges that any changes or additions to items 3 and or 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 and Maintenance within thirty (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: _____

Title: _____

Date: _____

ATTACHMENT "I"
PROPERTY STEWARDSHIP

TO: TOWN OF EASTON

Town Offices

136 Main Street

Easton, MA 02356

I _____, the undersigned, in compliance with M.G.L. c. 60, s.77B, state that neither I nor any person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance; or is delinquent in the payment of real estate taxes to the city or town in which the property is being sold, or if delinquent, that a pending application for abatement of such tax, or a pending petition before the appellate tax board or the county commissioners has been filed in good faith.

If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the board or officer granting the deed has received such statement.

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

Signature:

Printed

Name:

Title:

Date: