



Request for Proposals Fairhaven Mills Sawyer District

New Bedford, Massachusetts • November 2006



1. Advertisement and Project Description.....	3
2. Site Information.....	8
3. Selection Process.....	13
4. Purchase and Sales Agreement.....	23
5. Attachments.....	24



City of New Bedford - Fairhaven Mills Sawyer District
Advertisement and Project Description

REQUEST FOR PROPOSAL ADVERTISEMENT

The City of New Bedford, acting through its Treasurer /Tax Collector, hereby solicits proposals from qualified developers for the disposition and redevelopment of three City owned parcels located within the bounds of the Fairhaven Mills Site (Sawyer District). The subject parcels are shown on City of New Bedford Assessor's Map 93 as Lot 167, containing approximately 157,508 square feet; Lot 262, containing approximately 127,518 square feet and Lot 213 containing approximately 6,600 square feet. Upon conveyance of the subject parcels, the City will retain a perpetual easement of approximately 10,143 square feet in the property shown on City of New Bedford Assessor's Map 25 as Lot 262 for the purpose of operating, maintaining, inspecting repairing and replacing existing pipes and related equipment and facilities deemed necessary for transporting water and wastewater.

The Request for Proposals may be obtained or examined at the City of New Bedford Purchasing Department 133 William Street Room 208 New Bedford, Massachusetts 02740 during normal business hours (Monday through Friday 8:30 AM – 4:00 PM)

The Request for Proposal will be available for pick-up at the above address November 15, 2006 at 10:00 a.m.

Each proposal must be in two parts, submitted in two separate, clearly marked, sealed envelopes: 1) non-price (technical) proposal, and 2) price proposal, in accordance with the submission requirements set forth in the Bid Documents. Each price proposal shall be accompanied by a bid deposit that is at least five percent (5%) of the bid amount. Bid deposits may be in the form of Certified Check, Certificate of Deposit, or Bid Bond, made payable to the City of New Bedford, Massachusetts. There shall be an original and 23 copies submitted of each proposal.

Questions concerning this request for proposals shall be submitted **in writing** to: Debra Travers, 133 William Street, New Bedford, MA before 3:00 p.m. on *December 7, 2006*. Questions may be delivered, mailed, or faxed. Written responses will be mailed or faxed to all bidders on record as having picked up the RFP through an Addendum to this RFP.

All proposals will be received and opened by the Purchasing Department, in the office of the Purchasing Agent, Room 208, City Hall, 133 William Street, New Bedford, Massachusetts, 02740. Proposals will be received no later than:

**December 21, 2006 at
2:00 P.M. Prevailing Time**

The time for award may be extended by mutual agreement between the City and the apparent most advantageous, responsive and responsible proposer, taking into consideration price and all other evaluation criteria.

FAILURE TO SUBMIT PROPER BID SECURITY WILL RESULT IN THE REJECTION OF THE PROPOSAL. No proposer may withdraw his/her proposal for a period of thirty (30) days, excluding Saturdays, Sundays, and legal holidays, after the actual date of the opening thereof.

The proposer must furnish a Non-Collusion Form and Statement of Taxes, with their bid.

The City of New Bedford is the Awarding Authority and reserves the right to waive any minor informality. The Awarding Authority also reserves the right to reject any or all proposals, or to accept any other than the highest priced proposal should it be deemed to be in the best interest of the City of New Bedford, Massachusetts, to do so.

The schedule of this solicitation is as follows:

Schedule

<i>Advertise Solicitation</i>	<i>November 15, 2006</i>
<i>Specifications Available</i>	<i>November 15, 2006</i>
<i>Pre-Proposal Briefing</i>	<i>November 30, 2006 at 2:00 P.M.</i>
<i>Final date for written submission of questions</i>	<i>December 7, 2006</i>
<i>Proposals Due</i>	<i>December 21, 2006 at 2:00 PM</i>
<i>Distribute Proposals to Committee</i>	<i>December 22, 2006</i>
<i>Committee's Recommendation to CPO</i>	<i>January 12, 2007</i>

AWARDING AUTHORITY
CITY OF NEW BEDFORD
DEBRA TRAVERS, CHIEF PROCUREMENT OFFICER
133 William Street
New Bedford, MA 02740
Fax. (508) 991-6148



1.1 Development Vision

The City of New Bedford envisions the development of the Fairhaven Mills Sawyer District as a new vibrant mixed-use project that will transform a primary gateway into the City. The vision of this site is that of a mixed-use development to provide enhanced economic opportunities; improve the quality of life and employment potential for city residents; welcome and attract visitors while maintaining the site's urban mill history and character. The Fairhaven Mills Sawyer District is among the best opportunities in the Commonwealth to achieve a gateway waterfront development project in the heart of a vibrant and vital city.

The Fairhaven Mills Sawyer District project will have a significant and lasting impact on the development and evolution of New Bedford.

1.1.2 The New Bedford Market

The primary attractions of New Bedford are its urban context, arts culture, beautifully preserved architecture, cobblestone streets, and striking harbor. These factors set it apart from most other possible locations in the Eastern Massachusetts real estate market. The Fairhaven Mills Sawyer District provides an opportunity to expand on this market by capitalizing on many of the same features, reinforced by direct visibility and access from Interstate 195 and the opportunity to create new construction which can provide greater flexibility for development to meet contemporary needs than restorations of existing buildings while still capturing the architectural character of a historic city.

Regional and local demographic trends remain strong for downtown urban housing. 29% of households in Massachusetts are single people living alone, while another 39% are couples without children, either empty-nest couples or young couples who have not yet had children. These categories have been and will continue to be among the strongest growth segments of the Eastern Massachusetts housing market. Many of these people are seeking the type of urban environment that can be offered in New Bedford that would not be available in many other locations.

As these residents move Downtown, they have begun to strengthen the local retail and restaurant market. Industry standards suggest that 1,000 market rate housing units can support the equivalent of one block of main street retail within a short walk. If the retail serves a regional market with good vehicle and delivery access, larger areas can be supported.

1.2 Project Objectives

The development will help the City of New Bedford solidify its tax base, strengthen and diversify its north-end market, and bring more employment opportunities into the City. Furthermore, this project will attract additional visitors and tourists as a direct result of its high visibility location. The City recently held a public charrette and various private and public sector meetings to help shape the development vision of the site. Development proposals should reflect the following objectives that stem from that process:

Economic Development Objectives

- Create diverse forms of economic development that may be nontraditional to the city and may include a mix of retail, residential, professional, commercial, governmental and other related uses. Such related space might include tourism businesses, mixed income residential lofts and/or other activities to enhance the multifaceted goal of the project. It is expected that access to the Acushnet River for recreational use will be considered.
- Provide job opportunities across a range of wage levels for New Bedford residents.
- Encourage sustainable growth that will attract future neighboring development throughout the Acushnet Avenue commercial and Hicks Logan Sawyer areas as well as downtown.
- Complement existing business in the general area of the site to the greatest extent possible in an effort not to hurt existing small and family owned businesses in the north end business district.

Tourism Development Objectives

- Capitalize on New Bedford's history, culture and architecture as a means to draw visitors to New Bedford. The gateway location of the site provides for a unique opportunity to attract visitors and provide direct highway access to the site.
- Include uses that are attractive to visitors who are traveling on Interstate 95 to and from Cape Cod such as; a visitor contact station, waterfront and recreation uses and interpretive opportunities that could link with the New Bedford Whaling National Historical Park, Whaling Museum and other city wide cultural attractions.

Historic Preservation and Design Objectives

- To the greatest extent feasible ensure the reuse of remaining mill structures as a significant asset to the community, as they reflect the history and culture of the city and represent New Bedford's prosperous textile era.
- Design new structures and site infrastructure to be consistent with existing architecture. Building materials, scale, and massing should compliment the existing mill architecture of the site.
- Design principles and approach should be reflective of the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- Site design should encourage strong pedestrian connections to adjacent areas such as Riverside Park, Coggeshall Street and the Acushnet River.



City of New Bedford- Fairhaven Mills Sawyer District Selection Information

2.1 Legal Description

The following parcels are located within the bounds of the Fairhaven Mills Site (Fairhaven Mills Sawyer District) and are owned by the city of New Bedford and are being offered for disposition through this solicitation.

The City of New Bedford, through its Treasurer/Tax Collector seeks proposals from qualified developers to redevelop three parcels of land in New Bedford, MA identified on City of New Bedford Assessor’s Map 93 as Lot 167, containing approximately 157,508 square feet; Lot 262, containing approximately 127,518 square feet; and Lot 213 containing approximately 6,600 square feet. Upon conveyance of the subject parcels, the City will retain a perpetual easement of approximately 10,143 square feet in the property shown on City of New Bedford Assessor’s Map 25 as Lot 262 for the purpose of operating, maintaining, inspecting, repairing and replacing existing pipes and related equipment and facilities deemed necessary for transporting water and wastewater.

The three subject properties contain a total of approximately 6.696+/- acres of land with a burned out, partially demolished old mill style building on a portion of one site. The sites are currently zoned mixed-use business (MUB).

2.2 Existing Conditions

These three parcels were part of the Fairhaven Mills complex originally consisting of seven buildings utilized for textile manufacturing. The structure known as “Mill Building No. 1” occupies lot 262 and was partially destroyed by a fire in late 2004 and is partially demolished. The structure on lot 167 has been demolished. A full suite of redevelopment alternatives for these sites has not yet been identified. The zoning for these lots and the entire district is Mixed Use Business (MUB).

These lots abut public right-of-ways (lots 167 & 213 abut Mitchell and Sawyer streets; lot 262 abuts Sawyer Street). Lot 262 faces the shoreline of New Bedford Harbor, but is not immediately contiguous to the waterfront. Access to all utilities for conventional uses is available to all lots. The regional authority provides public transportation services within 2-3 city blocks of the Fairhaven Mills complex. The complex is within 0.8 miles of the site of the proposed North Terminal/New Bedford Intermodal Center Initiative commuter rail station (Planning is continuing on this project). The site is in close proximity to entrance and exit ramps to Interstate 195, State route 18 and a major arterial connecting New Bedford to Fairhaven (Coggeshall Street).

2.2 .1 Private Parcels –Additional Disclosure

The following parcels are located within the bounds of the Fairhaven Mills Sawyer District but are privately owned. These parcels are not being offered for disposition through this solicitation.

Plot/Lot	Owner	Acreage
93/245	Harbor View Realty Trust	1.15
93/263	Aprak Realty	1.83
93/265	U.S. Army Corp of Engineers	
93/264	John Meldon “TR”	3.99
93/265	Elaine Elias trustee	.55
86/10	Ernest Fournier	.21
93/261	Felix Petrarca	1
93/278	System Capital Real Properties	.4
93/275	Felix Petrarca	.43

93/276	Archland Prop. LLC	.91
93/169	Mike Khalife	.28
93/227	Mike Khalife	.18
93/168	Scott Boutin	.1

2.3 Transportation Access

The Fairhaven Mills Sawyer District is well served by transportation infrastructure, with direct off-ramp access from I-195. The site location also provides easy access to the historic downtown and north-end business districts.

2.3.1 Traffic Counts

The following are average daily volume traffic counts for major streets in and near the Fairhaven Mills Sawyer District. These counts do not consider the impact of the projected development.

*assumes 1.5% annual growth rate

Location	Date	Volume (ADT)	2006 Projected ADT*
Coggeshall St @ Fhvn line	6/05	20,680	20,9902
Coggeshall St. @ Fhvn line	2000	16,000	
JFK Highway@Rte 6 (N)	2000	40,300	43,927
I-195 @ Fhvn line	2000	42,800	46,652

2.4 Subsurface Conditions

2.4.1 Environmental

The following documents relative to the sites are available for review at the City of New Bedford Purchasing Department during regular business hours.

- Immediate Response Action Plan for UST No. 2 Fuel Oil Release (Lot 262) dated November 1999
- ASTM Phase I Environmental Assessment for Lots 167 and 213 dated May 2000
- ASTM Phase I Environmental Site Assessment for Lot 262 dated May 2000
- Immediate Response Action Plan Modification dated May 2006
- Immediate Response Action Plan and Immediate Response Action Status Report dated September 2006

Proposers will be given an opportunity to perform due diligence at the Proposer's sole expense prior to proposal submission. It is the City's intent to provide site access to no more than one Proposer on any given day to allow Proposers to perform due diligence efficiently. Therefore, Proposers seeking access to the site to perform due diligence must contact Debra Travers, Purchasing Agent, to schedule site access. Scheduled site access shall be limited to no more than 3 days and will be scheduled on a first come first serve basis. Once site access has been scheduled, the Proposer shall submit to Debra Travers a written request and two completed and executed copies of a Site Access Agreement a copy of which is attached hereto as Exhibit "F".

The Proposer shall not access the site until a fully executed original Site Access Agreement is returned to the Proposer by the City. The Proposer shall provide the city with a copy of any sampling results and/or reports that the Proposer may obtain regarding the site.

The Phase I reports identified the following recognized environmental conditions with respect to oil or hazardous materials and Massachusetts Contingency Plan (MCP) regulatory compliance issues:

Lot 167 and 213

- Historic fill material was observed in test pits. Concentrations of extractable petroleum hydrocarbons (EPH), total petroleum hydrocarbons (TPH), semi-volatile organic compounds (SVOCs), lead and barium were detected above applicable Reportable Concentrations identified in the MCP in samples collected from the fill.
- Lubrication oil/No. 2 fuel oil was detected in a non-representative groundwater sample collected from a test pit (TP-3), which may suggest a release to groundwater
- Confirmed and suspected underground tanks (USTs) were identified

Lot 262

- Historic disposal of dredged sediments from New Bedford Harbor may have been placed along the eastern edge of the site
- PCB containing light ballasts, suspected asbestos containing material and lead based paint throughout the building on site
- Fill and vent lines associated with USTs
- A leaking No. 2 fuel oil UST
- PCBs were identified in one test pit
- EPH, SVOCs were detected above applicable Reportable Concentration identified in the MCP in soil samples

In January 2006 the City contracted for a geophysical survey to confirm the presence and locations of suspected USTs. In July 2006 the City contracted for the removal of product remaining in the USTs, the USTs, associated piping and contaminated soil associated with the USTs. A total of 5 USTs were removed and approximately 300 cubic yards of soil excavated and stockpiled. The City is now evaluating disposal options for the stockpiled soil and plans to complete the removal and dispose of material on or about December 1, 2006. A UST closure report will be prepared upon completion of the soil removal. No further remedial response actions are planned at the site.

2.4.2 Utilities

As an urban site, characterized by former industrial uses, the Fairhaven Mills Sawyer District is well served by electric, gas, water, wastewater, and telecommunications infrastructure.

The City will work with the successful proposer should they wish to relocate any active existing utility lines at their expense. However, active utility service to off-site locations that depends on lines crossing this site must be maintained. The City and private utility companies will retain easements to access, service, and maintain utility lines that are not located within rights-of-way.

2.5 Appraised Value

Based upon an appraisal of the subject parcels, the market value has been determined to be \$2,610,000, based on the hypothetical condition that the property is free of significant environmental contamination.

2.6 Available Economic Development Incentives

2.6.1 State and Local Incentives

The City and its state partners have developed a wealth of incentives to assist business development in New Bedford. The New Bedford Economic Development Council can assist in identifying the programs that might be applicable to each circumstance, but below is a brief description of these incentives:

- **EDIP** – The City of New Bedford is an Economic Target Area. Potential job creation projects within New Bedford, therefore, are eligible to receive tax benefits via the Massachusetts Economic Development Incentive Program (EDIP). The EDIP is both a local, and a state program.
- **TIF** - Locally, the city can offer a **Tax Increment Finance** (TIF) agreement, which would provide an exemption on property taxes on the additional value added to the property. The exemptions can range from 1 to 100% added value of the property for a period of 5 to 20 years.

- **EOA-ITC** – Once the TIF is approved locally by the New Bedford City Council, it allows the company to be eligible for an EOA Investment Tax Credit of 5%. An investment of \$5 million would allow a credit equal to \$250,000 (which includes the standard ITC noted above).
- **ITC** – A manufacturer in Massachusetts could take advantage of the Commonwealth’s 3 % Investment Tax Credit (ITC). An investment in facilities and equipment of \$5,000,000, for example, would receive a standard ITC of \$150,000.
- **Research and Development Tax Credit** – Any costs which would qualify for the Federal R & D tax credit are eligible for a 10% Massachusetts R & D Tax Credit. In addition, a 15% R&D Tax Credit is available for costs related to donations and contributions made to research organizations such as hospitals and universities.
- **Workforce Development** – Grants of up to \$250,000 are available to upgrade skills of incumbent workers in this workforce-training program. The program has no income requirements and is applicable for use for skilled workers.
- **Green Buildings** – The state offers grants up to \$25,000 through the Renewable Energy Trust to fund engineering plans to build green buildings and can also offer up to \$250,000 towards the construction of green buildings.
- **Industry Support Program** – Also through the Renewable Energy Trust, the state can offer grants of up to \$500,000 for businesses in the renewable energy industry.
- **Mass Development** – Mass Development has established a new \$30 million loan fund. With low fixed-rates and longer terms, the loan fund offers real estate acquisition loans, new and used equipment loans, and funding for Brownfield’s.

2.6.2 Tax Credits

State and Federal Historic Building Rehabilitation Tax Credits

The Federal Historic Preservation Tax Incentives program is one of the nations most successful and cost-effective community revitalization programs. The program fosters private sector rehabilitation of historic buildings and promotes economic revitalization. It also provides a strong alternative to government ownership and management of such historic properties. The Federal Historic Preservation Tax Incentives are available for buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income producing and must be rehabilitated according to standards set by the Secretary of the Interior. This credit could apply to the income-producing rehabilitation and reuse of some or all of the historic structures on the site.

The Commonwealth of Massachusetts also offers an historic building rehabilitation tax credit program. Under this program a certified rehabilitation project on an income-producing property is eligible to receive up to 20% of the cost of certified rehabilitation expenditures in state tax credits. The program has an annual cap, so there are selection criteria that ensure the funds are distributed to the projects that provide the most public benefit. The Massachusetts Historical Commission certifies the projects and allocates available credits.

Federal New Market Tax Credits

Mass Development controls a pool of New Markets Tax Credits. They have identified New Bedford as one of their target communities for the use of these credits. More information is available at www.massdevelopment.com.

2.6.3 Energy Programs

Utility Energy Efficiency Programs:

All of the utility companies in MA offer Energy Efficiency programs for businesses, including New Construction as well as retrofit. These programs are funded by the system benefit charge that is applied to all utility bills in the state. The programs range from technical services to cash incentives and rebates for energy efficiency equipment and systems. The utility servicing the New Bedford area is NSTAR Gas and Electric.

Renewable Energy Credits:

Under the MA Energy Restructuring Act, utilities are required to obtain a certain percentage of the power required to serve their customer base from renewable energy sources. If an individual or business is generating electricity from

renewable energy, they are able to sell what are called renewable energy credits (RECs) to their utility. The price of RECs varies from year to year, based on the demand and current supply of renewable energy available in the state. RECs are currently being sold for approximately \$55/MWh. However, the renewable energy project must first receive a statement of qualification from the MA Division of Energy Resources (DOER) certifying it as a new renewable energy source.

Massachusetts Technology Collaborative (MTC) Large Onsite Renewables Initiative (LORI)

The MTC's LORI program provides grants for renewable energy projects greater than 10kW in size.

- Up to \$40,000 is eligible in funding for feasibility studies, with a 20% or \$5000 cost share match.
- Up to \$75,000 is eligible for funding design costs or 75% of actual costs
- Up to \$500,000 is eligible for funding construction costs or 75% of actual costs.

Federal Renewable Electricity Production Tax Credits

The federal Energy Policy Act of 2005 provided for renewable electricity production tax credits for individuals and businesses, varying depending upon the renewable energy technology employed. Each technology also has a different "placed in service date" requirement for receiving the credit. For example, solar systems must be placed in service by December 31, 2007. However, based on the current concerns about energy costs and dependency on foreign sources, it is expected that the tax credits will either be extended or renewed.



City of New Bedford- Fairhaven Mills Sawyer District **Selection Process**

3.1 Evaluation of Proposals

An Evaluation Committee consisting of the eleven members of the City Council, a representative of the Mayor, the Chief Procurement Officer, the Treasurer/Tax Collector, the Executive Director of the New Bedford Economic Development Council, the City of New Bedford's Director of Housing and Community Development, the City of New Bedford's Director of Environmental Stewardship, the City Planner, the Preservation Planner, the Commissioner of Public Facilities, the Commissioner of Public Infrastructure, the City Auditor, the Inspector of Buildings and the Administrative Assistant to the Board of Assessors will review all non-price Technical Proposals submitted in response to this RFP. The Technical Proposals will be screened to ensure that all required submittals have been submitted by the proposer and that the proposal meets the Minimum Evaluation Criteria set forth below. For proposals that are deemed by the Evaluation Committee to be complete and to have met the Minimum Evaluation Criteria, the Evaluation Committee shall assign a rating of highly advantageous, advantageous, not advantageous, or unresponsive for each of the Comparative Evaluation Criteria set forth below.

After a composite rating has been assigned for each proposal, the Evaluation Committee will then make its recommendation to the Mayor. The Mayor shall review, in conjunction with the Evaluation Committee, the price proposals and determine the most advantageous proposal, taking into consideration the non-price proposal ratings and the price. Additional meetings with the top rated proposers may be held to further discuss specifics of the proposal in more detail. If other than the highest priced proposal is selected, the Mayor, with the Evaluation Committee, shall explain in writing why the added benefits of the proposal justify the lower price. The City may cancel this RFP, or reject in whole or in part any and all proposals, if the City determines that cancellation or rejection serves the best interests of the City.

The Proposer shall provide sufficient detail to enable the evaluation Committee to evaluate the non-price proposal in each of the Evaluation Criteria categories listed below:

3.2 Proposal Requirements

The Non-Price Technical Proposal should be developed in two basic sections: Qualifications and Site Development Proposal. The name of the Proposer and title of the project must appear on the outside front cover of each binder. Each page of the response must be numbered consecutively from the beginning of the response through all appended material. The response must contain a detailed description of the proposer's team and illustrate their qualifications to carry out the requirements set forth in the RFP and a detailed description of the proposer's intended development approach, intended uses, and physical plan. The City requires that each prospective proposer follow the guidelines for response format and content so that the evaluation and selection process can occur in an orderly, timely and equitable manner. The information submitted must include, but should not necessarily be limited to, the following items:

- a. A statement in concise terms of your understanding of the nature and scope of this redevelopment project as well as the responsibilities of the proposer's team.
- b. The proposal should show the assignment of specified team members with the required skills for each area of responsibility.
- c. The proposal must identify the persons who will be responsible for directing the work to be performed as part of the redevelopment project. For each individual with identified responsibilities, the proposal must include a complete resume.
- d. A certificate from proposer that they will accept full responsibility for complete environmental remediation and, if proposed, demolition activities of the site.

e. Background data on all participating firms and entities, potentially including the disciplines below and others considered appropriate, who will play a role in the project.

- Architect
- Civil Engineer
- Construction Manager/Contractor
- Developer
- Environmental Engineer
- Equity Partners
- Landscape Architect
- Lender(s)
- Marketing Specialist/Broker
- Urban Designer/Planner

f. A company background statement for the lead proposer to include:

- Name of Legal Entity;
- Addresses and telephone numbers of all entity offices;
- Structure of entity, i.e., individual, partnership, corporation, LLC;
- Size of entity;
- Years entity has been in business;
- Current financial statement and balance sheet and lender commitments to the project¹;
- Names of principals in firm;
- Educational and experiential background of principals and those who will be working on the project;
- Names of those in the firm who will be working on the project and copies of their licenses, registrations or certifications (if applicable);
- Those individuals qualifications for this specific project (based on the following criteria);
- Name of individuals familiar with the developer's work on similar projects who can be contacted as references;
- Listing of any actions taken by any regulatory agency or litigation involving the entity or its agents or employees with respect to any past development projects;
- A Fair Housing compliance & non-discrimination statement/plan².

g. A description of the proposed development strategy, including:

- Timetable and milestones
- Planning and design process
- Community participation
- Involvement of abutting landowners
- Permitting
- Financing
- Marketing
- Construction
- Property management

h. A description of the proposer's vision for the site including proportions of different use types, development density, and general urban design principles, including:

- Proposed use(s)
- Use of historic structures

¹ The committee will use this information only to confirm that the entity is financially capable of completing the project. This information will be used for no other purposes and will remain confidential.

² This information is requested to insure that the Developer complies with all applicable federal, state, and local fair housing and civil rights protections.

- Overall site plan including circulation, sitting of buildings, parking and other features
- Building massing
- Relationship to abutting properties
- Phasing plan

- i. An outline of the Proposer's commitments to meet municipal needs and provide broader public benefit. Contributions might include inclusion of affordable housing, community facilities, a commitment to construct municipal facility (ies) within the development, infrastructure and transportation improvements serving the development, and beautification of public areas within and adjacent to the development, or improvements to the shoreline of the harbor.
- j. Proposed schedule for all phases of the development beginning with the execution of a purchase and sales agreement between the City of New Bedford and the proposer and culminating with full build-out and occupancy. Particular attention should be paid to the activities that will occur prior to groundbreaking.
- k. Acknowledgment of the solicitation requirements
- l. Tax compliance certification
- m. A review of proposer's property tax history will be conducted by the City of New Bedford. A proposer cannot be delinquent in the payment of taxes on any property in the City of New Bedford, or must be current in a pre-existing repayment agreement with the City of New Bedford Treasurer's Office. Applicant(s) must also state if they ever had property on which the City of New Bedford foreclosed, and the circumstances leading to the previous foreclosure(s).
- n. Proposers must state if they have any outstanding code violations on properties that they currently own. The City will review the proposer's history of compliance with the Health Codes and Building Codes.
- o. The proposer must execute and include with the proposal an affidavit of non-conviction of crimes related to arson and that he, she, or they, are not delinquent in the payment of any real estate taxes to the City of New Bedford, or must be current in a pre-existing repayment agreement with the City of New Bedford Treasurer's Office. The proposer must also state if they ever had property on which the City of New Bedford foreclosed, and the circumstances leading to the previous foreclosure(s).
- p. All proposers must certify that the proposal has been made in good faith, without collusion or fraud and that they are in compliance with the laws of the Commonwealth of Massachusetts.

3.3 Comparative Evaluation Criteria:

HA = Highly Advantageous, A = Advantageous, NA = Not Advantageous, U = Unresponsive

The following criteria will be used to evaluate the qualifications section of the proposal.

	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
<u>Development Team</u>				
1. Experience with large-scale (>200,000 square feet) mixed-use projects	Includes three or more examples of large scale (>200,000 square feet) mixed-use projects completed by development team.	Includes at least one example of a large scale (>200,000 square feet) mixed-use projects completed by development team.	Does not include examples of any large scale (>200,000 square feet) mixed-use projects completed by development team .	Does not include any examples of past projects.
2. Experience with pedestrian-friendly transit-oriented development projects	Includes three or more examples of pedestrian-friendly transit-oriented development projects completed by development team	Includes at least one example of a pedestrian-friendly transit-oriented development project completed by development team.	Does not include examples of any pedestrian-friendly transit-oriented development project completed by development team.	Does not include any examples of past projects.
3. Experience with redevelopment of urban sites including Brownfield sites	Includes three or more examples of projects involving the redevelopment of urban sites including Brownfield sites, completed by the development team.	Includes a t least one example of a project involving the redevelopment of an urban site including Brownfield site, completed by the development team.	Does not include examples of any projects involving the redevelopment of urban sites including Brownfield sites, completed by the development team.	Does not include any examples of past projects.
4. Experience with the adaptive reuse of historic structures	Includes three or more examples of projects with the adaptive reuse of historic structures, completed by the development team.	Includes a t least one example of a project involving the adaptive reuse of historic structures, completed by the development team.	Does not include examples of any projects involving the adaptive reuse of historic structures, completed by the development team.	Does not include any examples of past projects.

<p>5. Balance of experience with both residential and commercial development</p>	<p>Includes three or more examples each commercial and residential projects completed by development team.</p>	<p>Includes at least one example each of a commercial and a residential project completed by development team.</p>	<p>Does not include examples of both commercial and residential projects.</p>	<p>Does not include any examples of past projects.</p>
<p>6. Financial capacity to complete project</p>	<p>Two years financial statements along with pre-qualification commitments and letters of reference from lenders and potential equity investors clearly illustrating proposer's capacity to complete all phases of the project.</p>	<p>Financial statements along with letters of reference from lenders and potential equity investors illustrating proposer's capacity to complete all phases of the project.</p>	<p>Letters of interest from lenders and potential equity investors suggesting proposer's potential capacity to complete all phases of the project.</p>	<p>Information provided is not sufficient to make a determination.</p>
<p>7. Familiarity with the local and regional development climate and Providence and Boston area real estate markets</p>	<p>Narrative provided and resumes of key individuals on the proposed development team documenting specific experience, which provides an understanding of applicable real estate market conditions in Eastern Massachusetts.</p>	<p>Narrative provided documenting understanding of applicable real estate market conditions in Eastern Massachusetts.</p>	<p>Narrative provided does not document an understanding of regional real estate market conditions.</p>	<p>Information provided is not sufficient to make a determination.</p>

	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
Design Team				
8. Understanding of mixed-use, pedestrian-friendly, transit-oriented development	Includes three or more examples of mixed-use, pedestrian-friendly, transit-oriented development projects completed by design team.	Includes at least one example of a mixed-use, pedestrian-friendly, transit-oriented development projects completed by design team.	Does not include any examples of mixed-use, pedestrian-friendly, transit-oriented development projects completed by design team.	Does not include any examples of any past projects completed by proposer.
9. Experience with urban redevelopment projects	Includes three or more examples of design team experience in with completed urban redevelopment projects.	Includes at least one example of design team experience with completed urban redevelopment projects.	Does not include any examples of design team experience with completed urban redevelopment projects.	Does not include any examples of any past projects completed by proposer.
10. Familiarity with adaptive reuse and historic preservation	Includes three or more examples of design team familiarity with adaptive reuse and historic preservation.	Includes at least one example of design team familiarity with adaptive reuse and historic preservation.	Does not include any examples of design team familiarity with adaptive reuse and historic preservation.	Does not include any examples of any past projects completed by proposer.
11. Skill and experience designing and building structured parking that does not detract from urban vitality and design context	Includes three or more examples of skill and experience designing structured parking that does not detract from urban vitality and design context	Includes at least one example of skill and experience designing structured parking that does not detract from urban vitality and design context	Does not include any examples of skill and experience designing structured parking that does not detract from urban vitality and design context	Does not include any examples of any past projects completed by proposer.
12. Urban design and master planning skills	Resumes of key individuals on the proposed design team demonstrate through experience and examples of past completed projects that they possess experience in urban design and master planning.	Overall firm profile of the proposed designer demonstrates through examples of past completed projects that they possess experience in urban design and master planning.	Narrative and other written material asserts that the design team possess experience in urban design and master planning but without presenting any examples.	Information provided is not sufficient to make a determination.

	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
Complete Proposer Team				
13. Prior experience in working with municipalities	Proposal includes at least three letters of reference from municipal officials in communities where the development team has previously worked.	Proposal includes at least two strong letters of reference from municipal officials in communities where the development team has previously worked.	Narrative and other written material assert this prior experience in working with municipalities but without corroboration from municipal partners.	Information provided is not sufficient to make a determination.
14. Likelihood to complete the project on schedule in a timely manner.	Proposal illustrates the development team's ability to complete the project within 3-5 years of executing a purchase and sales agreement and incorporates a commitment to do the same.	Proposal illustrates the development team's ability to complete the project within 5-7 years of executing a purchase and sales agreement and incorporates a commitment to do the same.	Proposal does not illustrate the development team's ability to complete the project within 7 years of executing the purchase and sales agreement.	Information provided is not sufficient to make a determination.

	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
Development Criteria				
15. Implementation strategy	Proposers will complete all phases of the development process, including construction and leasing/sales.	Proposer will sell entitled development sites within the district to site developers and demonstrates past examples where they have completed projects using this approach.	Proposer proposes to sell entitled development sites within the district to site developers but does not provide past examples where they have completed projects using this approach.	Proposal does not describe the proposed implementation strategy.
16. Integration with surrounding area	Proposal presents a comprehensive approach to Fairhaven Mills Sawyer district and adjacent areas.	Proposal is integrated with immediately surrounding parcels.	Proposal does not relate to surrounding parcels.	N/A

17. Job creation commitment	Proposer commits to the creation of a maximum number of permanent full time jobs as part of the development plan.	N/A	N/A	Proposer does not commit to the creation of permanent full time jobs as part of the development plan
18. City resources and commitments required	Proposal makes no demands of the City of New Bedford beyond those agreed to and described in this solicitation.	N/A	Proposal demands additional resources and improvements from the City, beyond those agreed to and described in this solicitation.	Information provided is not sufficient to make a determination.
19. Proposed transaction terms	Proposal is for a direct and immediate acquisition with no conditions beyond those agreed to by the City of New Bedford in this solicitation.	N/A	Proposal is not for a direct and immediate acquisition with no conditions beyond those agreed to by the City of New Bedford in this solicitation.	N/A.
20. Financial Offer	Offer in excess of appraisal value	Offer of appraised value	Offer at less than appraised value	N/A.
21. Extent that the proposed development meets the city's objectives in section 1.2	Proposal meets many objectives	Proposal meets several objectives	Proposal meets few objectives	Proposal does not meet objectives

3.3 Submission Requirements

The Request for Proposal **may be obtained and/or examined on or after November 15, 2006** in the office of the:

**City of New Bedford
Purchasing Department
133 William Street, Room 208
New Bedford, MA 02740
(Monday thru Friday – 8:30 AM – 4:00 PM)**

The Request for Proposals may be obtained or examined at the above referenced location during normal business hours (Monday through Friday 8:30 a.m. - 4:00 p.m.)

1. Each proposal must be in two parts, submitted in two separate, clearly marked, sealed envelopes: 1) “Non-Price (Technical) Proposal”, and 2) “Price Proposal”, in accordance with the submission requirements set forth in the Bid Documents. All proposers must submit a certified bank check payable to the “City of New Bedford” in the amount of five percent (5%) of the proposed purchase price. Deposits will be returned to the unsuccessful proposers. In the event that the successful proposer fails, through no fault of the City of New Bedford, to consummate the purchase, meet all requirements of the RFP or enter into a Purchase and Sales Agreement for the subject property the City of New Bedford will retain the proposal deposit.

In order to be considered for selection, proposers shall submit a complete response to the RFP. **ONE ORIGINAL AND TWENTY THREE COPIES** of each response must be submitted to the Purchasing Agent.

All proposals will be received by the Purchasing Department, **in the office of the Purchasing Agent, Room 208, City Hall, 133 William Street, New Bedford, Massachusetts, 02740.**

Proposals will be received and opened:

December 21, 2006 at 2:00 P.M. Prevailing Time*

Written modifications to proposals may be submitted prior to date and time specified for the receipt of proposals.

A proposal may be withdrawn by written request, providing that such a request is received prior to time established herein for the opening of proposals. The City will not consider any requests for withdrawal not received before the proposal opening deadline. No proposer may withdraw his/her proposal after the actual date of the opening or proposals.

The proposer must furnish a Non-Collusion Form and Statement of Taxes, with their bid.

To be eligible for consideration, proposers must submit a completed Proposal Packet by complying with **all** of the following documentation, except as may otherwise be specifically noted:

- **City of New Bedford Price Proposal Form:** Proposals must include a completed Price Proposal Form for the property offered for sale to the City, in response to this RFP. (Price Proposal Form is **Attachment A** of this RFP.) The Price Proposal Form and Bid Deposit must be submitted in a separate, clearly marked, sealed envelope marked “Price Proposal”.
- **Authorization to Submit Proposal:** If the proposal is being submitted by an individual, it must be signed by that individual. If the proposal is being submitted on behalf of an entity, the proposal must include written evidence of the proposer's authority to submit the proposal in the form of legally binding documentation.
- **Certificate of Tax Compliance:** The proposal shall include, as applicable, either the individual or corporate Certificate of Tax Compliance Form attached as **Attachment B** and **Attachment C** to this RFP demonstrating payment of all taxes.

**Please see Attachment G for schedule modifications*

- **Disclosure Statement of Beneficial Interest:** The Proposal Packet must include a completed Disclosure Statement of Beneficial Interest, as required by MGL, Chapter 7, Section 40J attached as **Attachment D** to this RFP.
- **Certificate of Non-Collusion:** The Proposal Packet must include a completed Certificate of Non-Collusion, attached as **Attachment E** to this RFP.

The Purchasing Agent will accept questions between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. Questions must be submitted in writing via mail, fax, or email no later than December 7, 2006 at 3:00 p.m. All responses shall be provided, by written addenda, to all parties who are on record as having obtained copies of this RFP.

The City of New Bedford assumes no responsibility and no liability for costs incurred relevant to the preparation of responses to this RFP. The City shall bear no responsibility or liability due to copies of revisions lost in mailing or not delivered to a prospective proposer due to unforeseen circumstances. Prospective proposers must acknowledge receipt of all addenda within their responses to this solicitation.

3.4 Pre-Proposal Briefing Session

There will be a pre-proposal briefing session held at the City of New Bedford City Hall, 133 William Street, Room 314, New Bedford, MA 02740 MA on *November 30, 2006 at 10:00 a.m.* All interested parties are invited to attend. Weather permitting, representative(s) from the City of New Bedford will accompany all interested parties to the site to address any additional questions following the in-office briefing session.

3.5 Schedule

<i>Advertise Solicitation</i>	<i>November 15, 2006</i>
<i>Specifications Available</i>	<i>November 15, 2006</i>
<i>Pre-Proposal Briefing</i>	<i>November 30, 2006 at 2:00 P.M.</i>
<i>Final date for written submission of questions</i>	<i>December 7, 2006</i>
<i>Proposals Due</i>	<i>December 21, 2006 at 2:00 PM</i>
<i>Distribute Proposals to Committee</i>	<i>December 22, 2006</i>
<i>Committee's Recommendation to CPO</i>	<i>January 12, 2007</i>



City of New Bedford- Fairhaven Mills Sawyer District **Purchase and Sales Agreement**

4.1 Purchase and Sales Agreement

A Purchase and Sale Agreement for the property will include, without limitation, the following terms:

- A non-refundable down payment in the amount of \$1,000.00 will be made upon execution of the Purchase and Sale Agreement. The remaining purchase price, subject to customary and usual adjustments, will be paid to the City at closing, which shall occur on or before March 1, 2007, which may be extended by mutual agreement of the parties.
- Development of the subject property must be completed within the time frame listed in the development schedule submitted by the successful proposer. The time limit for physical development will commence at the time of conveyance of the property. The City reserves the right to waive or extend this deadline.
- The purchaser shall agree to develop the property in accordance with the purchaser's response to the Request for Proposals for the disposition and redevelopment of three City owned parcels located within the bounds of the Fairhaven Mills Site (Fairhaven Mills Sawyer District) and this requirement shall be incorporated into the Deed.
- The City retains a right of reentry for conditions broken by the successful proposer should the proposer fail to comply with the development of the property or any other portion of their Proposal.
- If the Proposer, or any successors or assigns in the ownership of the Property, shall default or violate any of its obligations under the Purchase and Sales Agreement for the Fairhaven Mills Sawyer District, and such default shall not be cured within ninety (90) days after notice in writing, the City, after expiration of the cure period, shall have a right of entry for condition broken which shall be set forth in the deed and shall survive the execution and acceptance of the deed. At such time, the City shall execute and record a statement in writing, duly sworn to, containing: (1) a description of the property; (2) the nature of the right of entry; (3) the reasons for the exercise of such right; (4) the recording information relative to the deed or other instrument collating such right of entry; and (5) the name and address of the owner(s) of the fee to which the right of entry is subject. This statement shall be recorded with the Bristol County Registry of Deeds, and the Land Court Department thereof, if applicable. This right of entry for condition broken shall be applicable ten (10) years from the date of conveyance. The recording of a Certificate of Compliance, executed by the Mayor shall be conclusive evidence that all of the conditions subsequent, and provisions of the Purchase and Sales Agreement have been fulfilled and that the City no longer retains and right of entry for conditions broken.
- The property will be delivered vacant and free of all tenants, occupants and personal property.
- The City of New Bedford shall deliver a good and sufficient quitclaim deed of the property running to the Proposer, which deed shall convey good, clear record and marketable title to the property, subject only to utility easements.
- Upon conveyance, the deed and any other documents or plans relevant to the closing shall be recorded at the proposer's expense.
- Submission of a proposal in response to this solicitation constitutes an agreement by Proposer and any and all grantees in any subsequent deed from the City to be bound by and comply with all provisions of the entire solicitation, including its conditions, which shall survive the execution and acceptance of a deed of the subject property:

AWARDING AUTHORITY
CITY OF NEW BEDFORD
DEBRA TRAVERS, CHIEF PROCUREMENT OFFICER
133 William Street
New Bedford, MA 02740



City of New Bedford- Fairhaven Mills Sawyer District
Attachments

ATTACHMENT A

City of New Bedford Price Proposal Form

ATTACHMENT B

Commonwealth of Massachusetts Individual Certificate of Tax Compliance

ATTACHMENT C

Commonwealth of Massachusetts Corporate Certificate of Tax Compliance

ATTACHMENT D

Beneficial Interest Disclosure Statement

ATTACHMENT E

Certificate of Non-Collusion

ATTACHMENT F

Site Access Agreement

ADDENDUM #1

Change in Time Schedule

Attachment "A"
PRICE PROPOSAL FORM
CITY OF NEW BEDFORD FAIRHAVEN MILLS SAWYER DISTRICT

The undersigned hereby submits the attached proposal for the sale of property to the City of New Bedford in response to the Request for Proposals (RFP) for the acquisition of the Fairhaven Mills Sawyer District in the City of New Bedford.

Proposer's Name:

Owner's Name (if different from proposer):

Owner Entity and State of Incorporation:

Proposer's Address:

Proposer's Telephone:

Proposer's E-Mail:

Proposer's Fax Number:

Parcel Location: Street Address or Location of Property:

Proposed Purchase Price:

Signature of Proposer

Date

Name (Print): _____

Attachment "B"
COMMONWEALTH OF MASSACHUSETTS
INDIVIDUAL CERTIFICATE OF TAX COMPLIANCE

Pursuant to the requirements of G.L. c. 62C, s. 49A, the undersigned does hereby state the following:

I, _____, certify that I have filed all state tax returns, have paid all state taxes required under law, and have no outstanding obligation or unpaid debt to the Massachusetts Department of Revenue.

Signed under the penalties of perjury:

Date Signature

Social Security Number Typed or Printed Name

COMMONWEALTH OF MASSACHUSETTS

On this _____ day of _____, 2006, before me, the undersigned notary public, _____ personally appeared _____, proved to me through satisfactory evidence of identification, which consisted of _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NAME:

Notary Public

My commission expires: _____

Attachment "C"
COMMONWEALTH OF MASSACHUSETTS
CORPORATE CERTIFICATE OF TAX COMPLIANCE

Pursuant to the requirements of G.L. c. 62C, s. 49A, the undersigned does hereby state the following:

I, _____, as the _____ of _____, whose principal place of business is located at _____ do hereby certify that the above

named firm has complied with all laws of the Commonwealth of Massachusetts relating to taxes and has no outstanding obligation to the Massachusetts Department of Revenue.

Signed under the penalties of perjury:

Federal Identification Number Name of Corporation/

Unincorporated Association

Date Signature of President

Date Signature of Treasurer

COMMONWEALTH OF MASSACHUSETTS

On this _____ day of _____, 2006, before me, the undersigned notary public, _____ personally appeared

_____, proved to me through

satisfactory evidence of identification, which consisted of _____

_____, to be the person whose name is signed on the preceding or

attached document, and acknowledged to me that he/she signed it as _____ for

_____, a corporation, voluntarily for its stated purpose.

NAME:

Notary Public My commission

expires: _____

Attachment "D"
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 Asset Management, 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:

_____ (Name of jurisdiction)

2. Complete legal description of the property:

3. Type of transaction: Sale Lease or rental for _____ (term):

4. Seller (s) or Lessor (s):

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

_____	_____
_____	_____
_____	_____
_____	_____

(Continued on next page)

5. Continued

None of the persons listed in this section is an official elected to public office in the Commonwealth of Massachusetts except as noted below:

Name

Title or Position

6. This section must be signed by the individual(s) or organization(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 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: _____

Title: _____

Date: _____

Attachment ‘E’
CERTIFICATE OF NON-COLLUSION

City of New Bedford
133 William Street
New Bedford, MA 02740

The undersigned certifies under penalties of perjury that this bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

Signature of individual submitting bid

Name of business/organization

Attachment "F"
SITE ACCESS AGREEMENT

This Site Access Agreement (the "Agreement") is entered into this _____ day of _____ 2006, by
and
between _____ (the "Proposer"), having
an
address at _____ and the City of New
Bedford, Massachusetts (the "City").

WHEREAS, the City is the current owner of Lots 167, 213 and 262 on New Bedford
Assessor's Map 93 (the "Property");

WHEREAS, the Proposer seeks access to the Property to perform certain due diligence
activities;

WHEREAS, due diligence activities may involve the installation of borings, monitoring
wells, test pits, and collection of soil and/or groundwater samples

NOW, THEREFORE, in order to enable the Proposer to perform due diligence, City agrees
to provide Proposer access to the Property, subject to the following conditions and understandings:

1. The right of access shall include the right to enter the land with personnel, equipment,
tools and other items necessary to perform the tasks described in Part 7.
2. The right of access shall be limited to the following day(s) (**Proposer inserts scheduled
day(s)**):

3. City shall provide all available information related to location of subsurface utilities and other subsurface features that could be damaged as a result of activities to be performed under this Agreement.
4. Proposer shall be responsible for contacting Dig Safe in advance of any subsurface drilling or excavation.
5. Proposer acknowledges that the fire damaged building located on the Property is of questionable structural integrity and assumes all responsibilities and risks to its employees, agents and Contractors for any and all activities on the Property.
6. All activities performed by the Proposer, its employees, agents and/or contractors pursuant to this Agreement shall be performed in accordance with all applicable environmental, health and safety statutes and regulations currently in effect, and in such a way as to minimize interference with the normal operations on the Property.
7. The activities shall consist of (**Proposer inserts description here**)

8. The Proposer shall promptly repair any physical damage to the Property, including any structures affected by the work, and return the Property to substantially the same condition it was prior to the fence installation.

9. The Proposer shall provide the City with a complete copy of any reports prepared for the Property, including any analytical data for soil, groundwater, surface water or building materials samples. The Proposer shall promptly notify the City of any condition identified during the performance of due diligence that requires notification to the Massachusetts Department of Environmental Protection in accordance with the Massachusetts Contingency Plan.
10. The Proposer, its subcontractors, agents or contractors shall provide the City with proof of compliance with the Commonwealth of Massachusetts Worker's Compensation Law. The Proposer, or the party or parties performing due diligence on behalf of the Proposer shall provide the City with proof of Environmental Insurance, in the amount of one million dollars (\$1,000,000) combined single limit. The Proposer, its subcontractors, agents or contractors shall provide the City with proof of General Liability Insurance for bodily injury and property damage in the amount of one million dollars (\$1,000,000) combined single limit and shall provide the City with a certificate of insurance naming the City of New Bedford as an "additional insured" on their general liability policy.
11. The Proposer will defend, indemnify and hold harmless the City for injury to persons or property incurred during and resulting from the Proposer's presence on the Property.
12. The City recognizes that the proposed work may involve minor disruption or damage to the Property. The Proposer and its Contractor agree to make reasonable efforts to minimize the disruption or damage to the Property.
13. Any disputes arising pursuant to this Agreement shall be resolved, if feasible, by good faith consultation between the Parties and their authorized agents.

14. The City, by this written Agreement, has granted the Proposer certain rights of access pursuant to the conditions set forth herein and the City hereby releases and indemnifies the Proposer from any and all claims alleging invalid access, when said access was made pursuant to and in accordance with this Agreement.
15. Except as otherwise provided herein, the City hereby reserves and does not in any manner waive any rights or causes of action against the Proposer or any other party.
16. This document constitutes the entire agreement between the Parties relating to access to the Property in connection with the activities described herein, and shall be governed by and construed in accordance with the laws of the United States and the Commonwealth of Massachusetts.
17. All notices or other submissions required or appropriate under this Agreement shall be sent by first class mail, facsimile, nationally recognized overnight delivery service or certified mail, return receipt requested. Such notices or submissions shall be sent, unless written notice has been given of a change by either Party, to the following persons:

If to City:

If to Proposer:

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as a sealed instrument as of the dates set forth below their respective signatures.

City of New Bedford

Proposer

Name:

Name: _____

Scott W. Lang, Mayor

Date:

Date:

ADDENDUM #1

SCHEDULE MODIFICATIONS

The City of New Bedford issues the following Addendum #1 for
RFP #924-Fairhaven Mills Sawyer District

The following dates reflect modifications to the schedule as advertised:

All proposals will be received and opened by the Purchasing Department, in the office of the Purchasing Agent, Room 208, City Hall, 133 William Street, New Bedford, Massachusetts, 02740. Proposals will be received no later than:

**January 16, 2007 at
2:00 P.M. Prevailing Time**

The time for award may be extended by mutual agreement between the City and the apparent most advantageous, responsive and responsible proposer, taking into consideration price and all other evaluation criteria.

FAILURE TO SUBMIT PROPER BID SECURITY WILL RESULT IN THE REJECTION OF THE PROPOSAL. No proposer may withdraw his/her proposal for a period of thirty (30) days, excluding Saturdays, Sundays, and legal holidays, after the actual date of the opening thereof.

The proposer must furnish a Non-Collusion Form and Statement of Taxes, with their bid.

The City of New Bedford is the Awarding Authority and reserves the right to waive any minor informality. The Awarding Authority also reserves the right to reject any or all proposals, or to accept any other than the highest priced proposal should it be deemed to be in the best interest of the City of New Bedford, Massachusetts, to do so.

The schedule of this solicitation is as follows:

Schedule

Advertise Solicitation	November 15, 2006
Specifications Available	November 15, 2006
Pre-Proposal Briefing	November 30, 2006 at 2:00 P.M.
Final date for written submission of questions	December 21, 2006
Proposals Due	January 16, 2007 at 2:00 PM
Distribute Proposals to Committee	January 17, 2007
Committee's Recommendation to CPO	February 7, 2007

Acknowledgement of this Addendum must be received in writing to:

AWARDING AUTHORITY
CITY OF NEW BEDFORD
DEBRA TRAVERS, CHIEF PROCUREMENT OFFICER
133 William Street
New Bedford, MA 02740
Fax. (508) 991-6148