

TOWN OF PLYMOUTH
PROCUREMENT DIVISION
11 LINCOLN STREET
PLYMOUTH, MASSACHUSETTS 02360

BID 21529, LAND EXCHANGE LOT 59-2 ON ASSESSOR'S MAP 56
HERRING POND ROAD

Issued: May 28, 2015
Due: June 26, 2015, at 10:00 a.m.

TOWN OF PLYMOUTH
11 Lincoln Street
Plymouth, Massachusetts 02360

May 28, 2015

REQUEST FOR PROPOSALS 21529

I. INVITATION

The Town of Plymouth, Massachusetts, is soliciting sealed proposals to dispose of a 5.91 acre parcel of land shown as Lot 59-2 on Assessor's Map 56 on Exhibit A ("Premises") for non-monetary consideration consisting of an offer from the property owner to convey vacant land, consisting of a minimum of 8 acres to the Town of Plymouth.

This Request for Proposals ("RFP") is issued by the Town of Plymouth, Massachusetts, pursuant to Chapter 30B of the General Laws, as amended, which section is incorporated herein by reference. In the event of any conflict between the terms of this RFP and the provisions of Chapter 30B, the latter provisions shall control.

Specifications are available online at <http://www.plymouth-ma.gov/current-bids> and in the Procurement Office, 11 Lincoln St, Plymouth, MA, 02360. The office hours are M-F 7:30 a.m.-4:00 p.m. Call first for availability at 508-747-1620 x210.

Proposals are to be submitted by 10:00 a.m., Friday, June 26, 2015, at which time they will be publicly opened and read. Postmarks will not be considered. All bids must be sealed and made upon forms furnished by the Procurement Division. Proposals submitted on any other form will not be accepted as valid responses. Fax submissions will not be accepted. Envelopes should be clearly marked "Bid 21529, Land" in the lower left corner.

II. INTRODUCTION

The Board of Selectmen is interested in exchanging a vacant parcel of land located off Herring Pond Road (the "Premises") depicted in Exhibit A as Lot 59-2 on Assessor's Map 56, and containing an area of 5.91 acres of land, more or less. The Premises is a portion of Lot 59A described in Book 5585, Page 282 in the Plymouth County Registry of Deeds. The Successful Proposer shall be offered a release deed to the Premises upon receipt of non-monetary consideration consisting of an

offer from the property owner to convey vacant land consisting of a minimum of 8 Acres located in Plymouth to the Town of Plymouth. The Premises will be conveyed "as is" and the Parcel(s) must meet the criteria set forth in detail in the Request for Proposals package.

B. GENERAL AND SPECIAL PROVISIONS

1. Proposals may be withdrawn prior to the scheduled time (or authorized postponement thereof) for the opening of proposals.
2. Any proposal received after the time and date specified shall not be considered. No proposer may withdraw his/her proposal after the general submission deadline.
3. All words, signatures and figures submitted on the proposal shall be in ink. Signatures must be handwritten by the person(s) authorized to dispose of the Parcel(s). Proposals which are conditional, obscure or which contain additions not called for, erasures, alterations or irregularities may be rejected. More than one proposal from the same proposer will not be considered.
4. All proposals submitted to the Town must include all forms included within the contents of the RFP and they must all be filled out and properly executed. Failure to submit all forms properly filled out and executed will be grounds for rejection of the proposal.
5. The Town reserves the right to conduct site visits to verify the information provided in the proposal and to perform detailed evaluations of the Parcel(s) proposed for conveyance to the Town.
6. The Town reserves the right to request additional information from any and all respondents to this solicitation if it is deemed necessary in order to identify the most advantageous proposal.
7. Ownership of Documents: All proposals, materials, drawings, plans, etc. shall become the property of the Town and may be disposed of without notification and shall be considered public information. These documents shall be provided in electronic and paper formats.
8. The successful proposer shall comply with all federal, state and municipal laws, ordinances, rules and/or regulations, including labor laws and laws against employment discrimination;
9. The consideration of all proposals and subsequent selection of the successful proposer shall be made without regard to race, color, sex, age, handicap, religion, political affiliation or national origin.

10. The Town of Plymouth reserves the right to reject all proposals, to waive technicalities, to advertise for new proposals, and to split awards as may be deemed to be in the best interests of the Town. The contract or contracts will be awarded by the Town Manager within thirty (30) business days after opening bids.

11. Once a proposal is submitted and accepted by the Town, the proposer agrees that he may not and will not withdraw it within 180 calendar days after the actual date of the opening of proposals.

12. The Successful Proposer must be prepared to enter into a Purchase and Sale Agreement within ten (10) days from award of this bid.

III. MANDATORY TERMS

The successful proposer shall be required to enter into a Purchase and Sale Agreement ("P&S") with the Town, containing in addition to the usual provisions, the following mandatory terms:

A. The Premises are being disposed of "as is". In the P&S, the successful proposer shall acknowledge that the Premises is being disposed of "as is". The Town shall bear no responsibility for hazardous waste, oil, hazardous material or hazardous substances, as those terms are defined by statute (herein collectively referred to as "Hazardous Waste") on, in, under or emitting from the Premises; successful proposer agrees to defend, with counsel satisfactory to the Town, and, to the extent not prohibited by law, to pay, protect, release, indemnify and save harmless the Town from and against, any and all liabilities, damages, loss, costs, expenses (including any and all attorneys' fees, and expenses of Town), causes of action, suits, claims, demands or judgments of any nature. The provisions of this Paragraph shall survive delivery of the Deed.

No broker's commission shall be paid by the Town and the successful proposer shall indemnify and hold harmless the Town from any claims for such commission.

B. The successful proposer shall, as non-monetary consideration for the acquisition of the Premises, convey the Parcel(s) to the Town of Plymouth. Said Parcel(s) shall meet the following specifications:

1. The Parcel(s) must be located Plymouth.
2. The Parcel(s) must consist of a minimum of 8 acres.
3. The Parcel (s) must have pond frontage or contain wetlands as defined as "wetland" in Town of Plymouth

General Bylaws Chapter 196, Wetland Protection.

4. The Parcel (s) must abut land owned by the Town of Plymouth.
5. There are to be no restrictions in the deed that will materially affect the Town's intended use of the Parcel(s) for a beach for the inhabitants of the Town of Plymouth.
6. Proposer must be able to transfer the Parcel(s) with good and clear record and marketable title. Available title information is to be provided from the proposer.
7. All real estate taxes, water bills, and sewer charges assessed to the Parcel(s) must be current at the time of the sale.
8. Available subsurface soil and groundwater data is to be provided from the proposer.
9. The proposer must provide a time frame which demonstrates that the Parcel(s) will be able to meet all of the requirements in this RFP and be ready for construction and acceptance by the Town no later than the date of closing proposed for the Premises.
10. The proposer must provide an attorney's Certificate of Title for the benefit of the Town relative to the Parcel(s).

IV. SUBMITTAL REQUIREMENTS

A. Minimum Submittal Requirements

The proposer shall provide, at a minimum, the following as part of the proposal:

1. Cover letter. This letter shall provide an expression of interest, identify the proposer and list the name, address and telephone number of all interested parties.
2. Proposed closing date for the conveyance of the Premises and the Parcel(s).
3. Proposed Parcel(s) will be exchanged for non-monetary consideration.

4. Identify the Parcel(s) to be conveyed to the Town including street address, assessor's map and lot number, title reference, acreage and zoning district. Include a copy of the deed(s) to the Parcel(s).
5. Confirmation that the Parcel(s) meet the specifications set forth in Section III above.
6. Three (3) copies of the proposal shall be submitted to the Procurement Officer and must be delivered in a sealed package that is clearly marked "21529, Land."
7. Other. The proposer should include in this section any other information or unique features which the proposer believes the Town should know in order to fully evaluate the proposal.

B. General Submittal Requirements

1. Proposers are cautioned that it is the responsibility of each individual proposer to assure that his/her proposal is in the possession of the responsible official or his designated alternate prior to the stated time and at the place of proposal by the due date. The Town is not responsible for proposals delayed by mail and/or delivery service of any nature.
2. Proposals may be modified only by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.
3. All questions about the meaning or intent of this RFP shall be received in writing by mail in the Office of the Procurement Officer, 11 Lincoln Street, Plymouth, MA 02360; emailed to phagler@townhall.plymouth.ma.us; or faxed to 508-830-4133. Proposers are requested to forward questions early in the procurement process and no later than five (5) calendar days before receipt of proposals. Answers will be in writing and will be distributed by the Procurement Officer to all prospective proposers.
4. The Town reserves the right to terminate any agreement on this transaction if not consummated within twelve (12) months of the date of the proposal opening.
5. The Town reserves the right to make an award to a proposer that offers other than the highest value for

the Premises. The Town will consider the overall value of the offer, including both monetary and non-monetary consideration.

6. The selection of the proposer shall be made without regard to race, color, sex, age, religion, political affiliation, or national origin.

V. AWARD

The Town values the Premises at \$53,000. The Town is interested in conveying the Premises for the highest responsible value. However, the Town reserves the right to make an award to a proposer that offers other than the highest monetary value. The Town will consider the overall value of the offer.

VII. EVALUATION

Proposals will be evaluated based upon Minimum Criteria. The Town will offer to exchange the parcel(s) with the proposer who submits the most advantageous Proposal based on consideration of specified Minimum Criteria.

Minimum Criteria: Each Proposal must meet all of the following criteria in order to be considered for further evaluation:

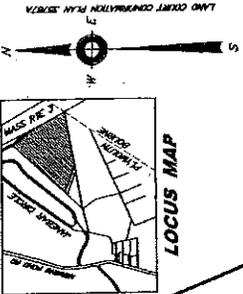
1. Proposer must meet all of the Submittal Requirements set forth above in Section IV.
2. Ability of proposer to meet the obligations of the exchange.
3. Proposer must submit all required forms properly filled out and executed.
4. The Parcel(s) must meet the specifications set forth in Section III above.

VIII. REQUIRED FORMS TO BE SUBMITTED WITH PROPOSAL (ATTACHED)

1. CERTIFICATE OF NON-COLLUSION
2. CERTIFICATE OF TAX COMPLIANCE
3. DISCLOSURE OF BENEFICIAL INTEREST IN REAL PROPERTY TRANSACTION
4. INFORMATION FORM FOR PARCEL(S) TO BE CONVEYED TO TOWN
5. PROPOSAL FOR ACQUISITION OF PREMISES

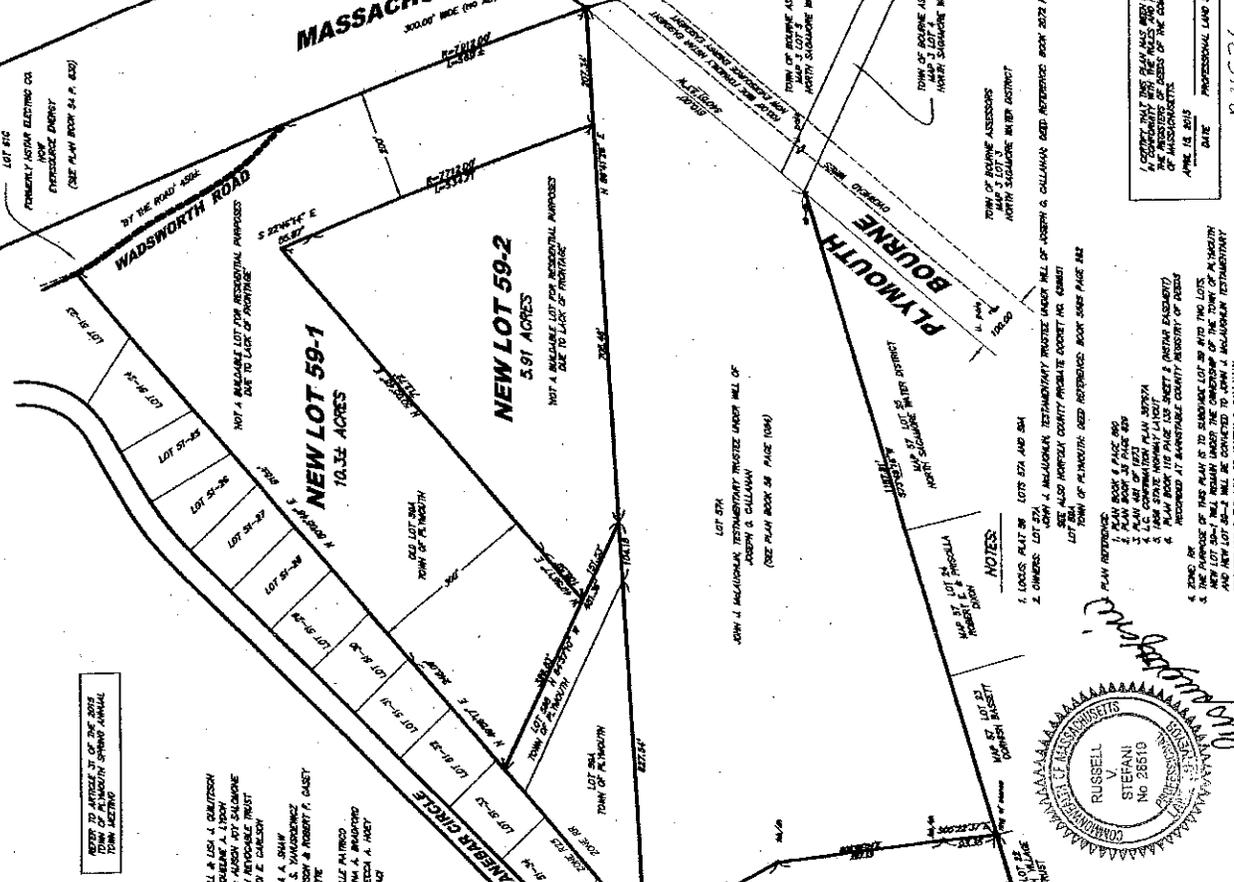
EXHIBIT A

PLAN OF LAND



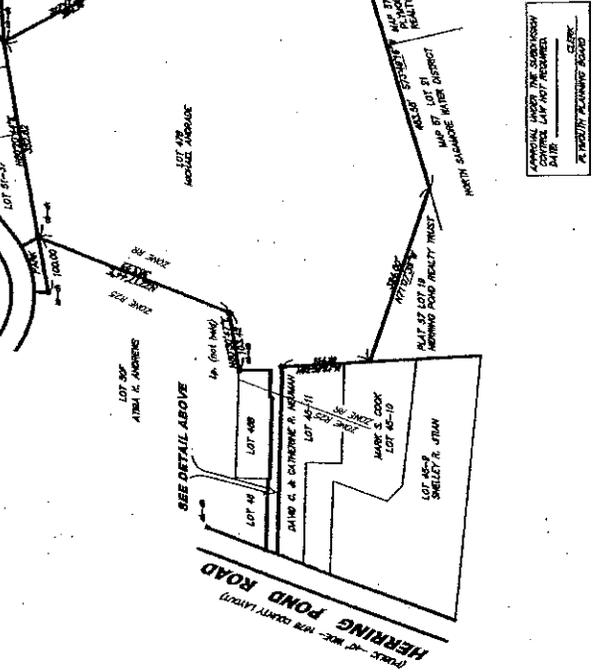
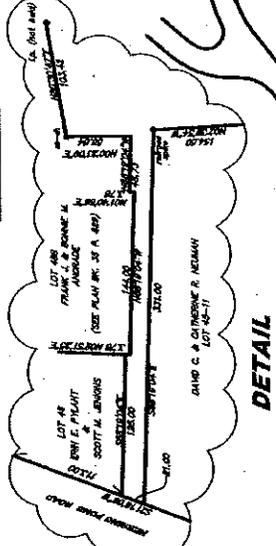
RECEIVED
APR 29 2015
PLANNING BOARD
PLYMOUTH, MA

PROFESSIONAL LAND SURVEYOR
DATE
APR 15 2015



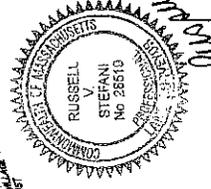
PLAN OF LAND
IN
PLYMOUTH, MASSACHUSETTS
SHOWING LAND OWNED BY
TOWN OF PLYMOUTH
TO BE CONVEYED TO
JOHN J. McLAUGHLIN, TESTAMENTARY TRUSTEE UNDER WILL OF
JOSEPH G. CALLAHAN

SCALE 1"=100'
APRIL 15, 2015
FLAHERTY & STEFANI, INC.
67 SAMCSET STREET
PLYMOUTH, MASSACHUSETTS



PROFESSIONAL LAND SURVEYOR
DATE
APR 15 2015

NOTES:
1. LOCUS, PLAT 98, LOTS 274, AND 284
2. OWNER: LOT 274, LOTS 274, AND 284
3. ALSO REFERRED TO AS 'THE TRUST' UNDER WILL OF JOSEPH G. CALLAHAN
4. ALSO REFERRED TO AS 'THE TRUST' UNDER WILL OF JOSEPH G. CALLAHAN
5. ALSO REFERRED TO AS 'THE TRUST' UNDER WILL OF JOSEPH G. CALLAHAN
6. ALSO REFERRED TO AS 'THE TRUST' UNDER WILL OF JOSEPH G. CALLAHAN
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10. ALSO REFERRED TO AS 'THE TRUST' UNDER WILL OF JOSEPH G. CALLAHAN



PROFESSIONAL LAND SURVEYOR
DATE
APR 15 2015

A4526

RETURN THIS COMPLETED FORM WITH PROPOSAL

The Proposer offers to acquire the Premises offered by the Town of Plymouth for consideration of the conveyance of the parcel(s) described above for no monetary consideration.

OFFEROR _____

AUTHORIZED SIGNATURE

Printed Name and Title

COUNTY _____

PHONE _____

Date Offered

FAX _____

EMAIL _____

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under the penalties of perjury that this bid or proposal 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 person signing bid or proposal)

CERTIFICATE OF TAX COMPLIANCE

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, _____ do hereby certify under the pains and penalties of perjury that said proposer has complied with all laws of the Commonwealth of Massachusetts relating to taxes.

(Signature of person signing bid or proposal)

BENEFICIAL INTEREST DISCLOSURE STATEMENT

SALE OF REAL PROPERTY

For sale of Real Property by the Town of Plymouth the undersigned does hereby state, for the purposes of disclosure pursuant to Massachusetts General Laws, Chapter 7C, Section 38, of a transaction relating to real property as follows:

- (1) REAL PROPERTY DESCRIPTION: Map 56, Lot 59-2
- (2) TYPE OF TRANSACTION: Sale of Real Property
- (3) SELLER: Town of Plymouth
- (4) BUYER:
- (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 and Maintenance 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:

INFORMATION FORM FOR PARCEL(S) TO BE CONVEYED TO TOWN

The Proposer offers to convey the Parcel(s) described below to the Town of Plymouth for no monetary consideration.

1. Parcel(s) Location _____
2. Distance from public way? _____
3. Total Acres _____ Buildable acres _____
Unbuildable acres _____
4. Amount of Frontage _____ on Public
Way _____ (# of feet)
Or Deeded Right-Of-Way Direct Access Frontage _____
_____ (# of feet)
5. Tax Map, Lot Number: Map _____ Lot _____

Submit a copy of the tax map(s) showing placement of the Parcel(s) and a copy of the Assessors property record card(s) for the Parcel(s).

6. A copy of the current deed(s) for the Parcel(s), with the Registry of Deeds Book and Page reference, is to be attached.
7. Utilities already adjacent to the Parcel(s) or explanation included on how this will be accomplished: (State if included or not)

Town Water _____
(Yes or No)
8. How is the Parcel(s) zoned?
9. Are there any easements benefiting the Parcel(s)?
If yes, please attach detailed explanation.
10. Are there any easements or other encumbrances burdening the Parcel(s)?
If yes, please attach detailed explanation.
11. Are there any deed restrictions?
If yes, please attach detailed explanation.
12. Attach a description of the current and past uses of the Parcel(s), including any history of the release or disposal of any oil or other hazardous materials on the Parcel(s).
13. Has the Parcel(s) been surveyed? _____ When?
If yes, then include a copy of the most recent survey plan, if available.

14. Is the Parcel(s) bounded by survey monuments?

15. Is a Plan(s) of the Parcel(s) attached?

16. Current Owner(s) name(s):

Mailing address:

Telephone number:

Fax number:

17. This proposal includes addenda(s) numbered: _____