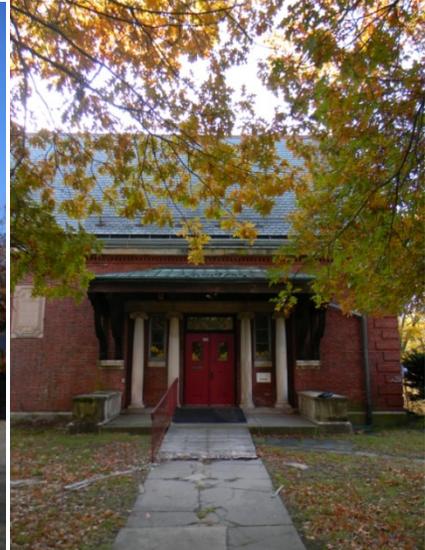


**DISPOSITION OF INTEREST IN REAL PROPERTY AND
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY
TOWN OF WESTON, MASSACHUSETTS**

REQUEST FOR PROPOSALS



ISSUED BY:

Town of Weston
11 Town House Road
Weston, MA 02493

April 5, 2012

TABLE OF CONTENTS

SECTION I INVITATION FOR ADAPTIVE REUSE PROPOSALS

- 1.1 Summary
- 1.2 Offering Components
- 1.3 Eligibility

SECTION II PROPERTY DESCRIPTION

- 2.1 Overview
- 2.2 Location and Access
- 2.3 Description of the Property
 - 2.3.1 Site
 - 2.3.2 Tavern Component
 - 2.3.3 Library Component
 - 2.3.4 Setting
 - 2.3.5 Current Use
 - 2.3.6 Site and Building History
 - 2.3.7 Site and Building Conditions
 - 2.3.8 Utilities/Infrastructure
 - 2.3.9 Historic Resources and Deed Restrictions
- 2.4 Municipal Regulations
 - 2.4.1 Zoning
 - 2.4.2 Site Plan Review, Rules and Regulations
 - 2.4.3 Conservation Rules and Regulations
 - 2.4.4 Other Regulations
- 2.5 Environmental Conditions
- 2.6 Additional Information Resources

SECTION III PROPOSAL AND DEVELOPMENT CONDITIONS

- 3.1 Town Commitments
 - 3.1.1 Proposal Coordination
 - 3.1.2 Old Library Building Stabilization
 - 3.1.3 Relocation of Playground
 - 3.1.4 Reuse Sequence Coordination

- 3.2 Potential Capital Improvement Resources
- 3.3 Long Term Leases and Applicability of State Public Wage Rate and Bidding Requirements to Construction
- 3.4 Minimum Requirements for Renovation of the Barn and Connector
- 3.5 Shared Improvements and Related Proposal Assumptions
 - 3.5.1 Septic System
 - 3.5.2 Parking and Access
- 3.5 Adaptive Reuse Schedule
- 3.7 Business Terms
- 3.8 Reuse Restrictions
- 3.9 Contract Terms and Conditions

SECTION IV PROPOSAL SUBMISSION REQUIREMENTS

- 4.1 Submission Enclosures
- 4.2 Development and Reuse Entities
- 4.3 Development Concept
- 4.4 Conceptual Design Drawings
- 4.5 Implementation and Project Timetable
- 4.6 Management Plan
- 4.7 Financial Proposal and Business Terms
- 4.8 Project Financing and Financial Analysis
- 4.9 Financial Qualifications
- 4.10 Additional Items

SECTION V EVALUATION CRITERIA AND SELECTION PROCESS

- 5.1 Evaluation Criteria
 - 5.1.1 Threshold Criteria
 - 5.1.2 Comparative Evaluation Criteria
 - 5.1.3 Criteria Weighting Factors and Chart
- 5.2 Selection and Disposition Process
 - 5.2.1 Review of Proposals
 - 5.2.2 Rule for Award
 - 5.2.3 Developer Designation

5.2.4 Negotiation and Agreements

5.2.5 Town Approvals

SECTION VI PROPOSAL AND DESIGNATION SCHEDULE

6.1 Deadline

6.2 Site Visits and Briefing

6.3 Questions and Responses

6.4 Interviews

6.5 Designation

APPENDICES

A. Sample Development Budget

B. Prevailing Wage Rate Schedule

ATTACHMENTS

1. Submission Checklist
2. Proposal Cover Sheet
3. Respondent Questionnaire
4. Financial Statement and Credit Release
5. Disclosure Statement Concerning Beneficial Interests
6. Statement of Tax Compliance
7. Certificate of Non-Collusion

SECTION I. INVITATION FOR ADAPTIVE REUSE PROPOSALS

1.1 Summary

The Town of Weston has issued this Request for Proposals (“RFP”) for the disposition of interest in real property and adaptive reuse of its Josiah Smith Tavern, Barn and Connector and the Weston Old Library (the “Disposition Property”) in Weston, Massachusetts. The Town of Weston is offering these historic buildings and sites for adaptive reuse by qualified entities. The Town is seeking redevelopment partners who recognize the unique opportunity to bring new life to this rare set of buildings that occupy a highly visible, park-like site along the Boston Post Road at the edge of Weston’s village center and its expansive Town Green. This RFP is governed by the requirements of G. L. c. 30B, section 16.

This RFP solicits proposals that will promote the high quality adaptive reuse of the historic site and buildings in keeping with the public plans and purposes. The Town leadership has conducted an extensive preparation process leading to this RFP, engaging the community. The Town of Weston’s criteria for redevelopment do not specify a preferred use. Rather, the criteria reflect a conclusion that a range of different use and development concepts could be appropriate if they preserve these historic assets while contributing to the quality and vitality of the area of which the Disposition Property is a part.

The intention of the Town of Weston is to designate a Developer or Developers for the Disposition Property either through sale or long-term lease that:

- Demonstrate the development experience and financial capacity necessary to complete a redevelopment project of this scale and the associated community participation and approvals
- Best meet the Evaluation Criteria delineated in Section 5 of this RFP

Once designation has been completed, negotiations will be conducted and final proposals will be prepared in concert with the proponents to be advanced for all Town approvals that may be needed, including specific Town Meeting approvals that may be required. The Town intends to negotiate a Disposition Agreement, either for long-term lease or sale, with the Developer or Developers that will be executed at the conclusion of related and required approvals.

Proposals to lease or purchase and develop the Disposition Property must be received by Donna S. VanderClock, Town Manager, Town of Weston, 11 Town House Road, Weston, MA 02493, no later than **4:00 PM on June 7, 2012**. Please refer to *Section VI Proposal and Designation Schedule* of this RFP for the proposal submission requirements.

1.2 Offering Components

The Town has distinguished two components (“Components”) of the Disposition Property. These components consist of the Josiah Smith Tavern and Old Library as described below. The Town prefers disposition of both Components to a single Developer at the same time to adaptively reuse the entire site and both Components. However, the Town will accept and consider proposals from Developers for either of the Components for separate disposition and reuse. The Town may proceed

with a disposition of one or both Components separately, if the reuse outcome and other aspects of this approach best meet the Town's criteria and interests. In the event that the Components are separately developed, provisions will be made to include the associated site areas as may be appropriate for each component in the disposition, either by sale or long-term lease, and provide for development coordination and related agreements in the event that common access, shared improvements or other measures are beneficial to the reuse.

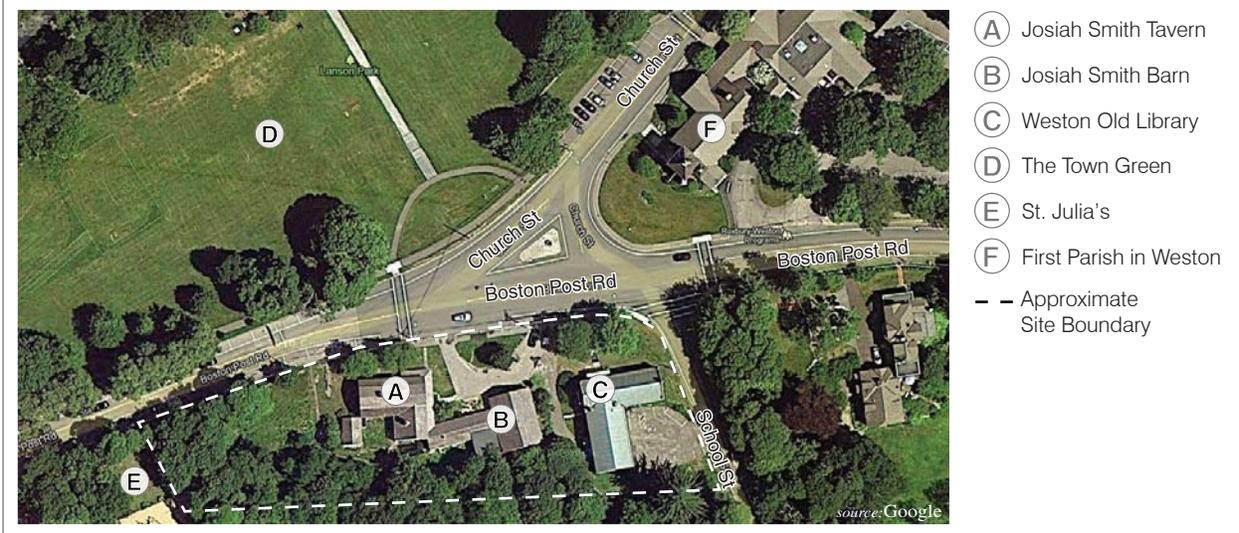
- Josiah Smith Tavern Component ("Tavern Component") – This portion of the Disposition Property includes a rare, original 18th century colonial tavern ("Tavern") along with additions ("Connector") and connected barn ("Barn"). The complex contains approximately 15,000 square feet of floor area. A small, separate shed is attached to the Tavern. The Town acquired the property to preserve its historic architecture. A contributing structure to the surrounding National Register district, the Tavern Component is subject to historic deed restrictions recognizing its genuine character. In recent years, the Town has undertaken exterior restoration of the buildings. The Tavern is unoccupied except for temporary storage of historic artifacts, and retains many original and distinctive interior features. The Barn and Connector have been leased by the Town to the non-profit Women's Community League of Weston (WCL). The lease term will expire on June 30, 2012. Portions of the Tavern are used as office space by the Weston Historical Society through informal arrangement. The Town has no agreement with either entity regarding future tenancy. Both entities are eligible to submit or participate in Proposals that respond to this RFP as prospective tenants.
- Old Library Component ("Library Component") – The original Weston Library, this historic building was constructed in the late 1890's and then expanded in the 1920's. The distinctive masonry structure was designed in the English Revival style by a prominent resident architect. It contains about 8,000 square feet of floor area. The building is a contributing structure of the Historic District, due to its architectural significance. Weston has constructed a large new library and the structure is currently vacant. The Town has recently committed nearly \$1 million to complete a substantial restoration and stabilization project which will restore the exterior integrity of the building and address other issues in anticipation of its reuse.

1.3 Eligibility

Eligible proposers shall consist of a single legally constituted Development Entity that will be fully responsible for the purchase or lease and subsequent redevelopment and management of either the entire Disposition Property or its separate Components, as described above and under the terms of the Disposition Agreement. Development Entities may be associated with other Principal or Controlling Entities. Eligible Development Entities and their proposals must meet threshold criteria, which are described in *Section V Evaluation Criteria and Selection Process* of this RFP. Subsequent to the disposition, the Developer will be responsible for any subleases or condominiums that may be created, subject to the terms and conditions of the Disposition Agreement with the Town.

Other entities may participate as prospective investors, guarantors, financiers or tenants through agreement with an eligible Developer. Participating entities are not required to have exclusive arrangements with any Development Entity, and may be included in multiple submissions.

The Site and the Properties



The Josiah Smith Tavern Complex 358 Boston Post Road



View from Boston Post Road



Barn and Connecting Building

Weston Old Library 356 Boston Post Road



Original Library Building



Library Entrance

SECTION II. PROPERTY DESCRIPTION

2.1 Overview

The Town of Weston is offering the site and complex of buildings that include the Josiah Smith Tavern and Weston Old Library for disposition, by long-term lease or sale, to qualified entities that provide proposals to adaptively reuse these prominent, historic structures. The buildings are adjacent to one another on Town-owned land. The Town has undertaken this step in support of their successful reuse so that they become self-sustaining contributors to the character and qualities of the Town Center.

The Town has determined that neither the buildings nor their sites are required to serve as municipal facilities. The Town is promoting adaptive reuse to fulfill a range of civic and municipal objectives that have arisen out of an extensive, recent community process. This interactive process, sponsored by the Board of Selectmen, set the stage for offering the properties to those who can most effectively revitalize them within this framework. Studies and discussions considered a wide range of reuse scenarios. The results suggested that a variety or mix of possible uses may emerge which could appropriately meet the Town's objectives.

2.2 Location and Access

The site is located at the intersection of Boston Post Road, Church Street and School Street, across from the historic Town Green. Framed by open space, the Tavern and Old Library are at the edge of the Town's traditional commercial and civic center which is near Route 20 as it passes through Weston. The Old Library is located at 356 Boston Post Road on the corner of School Street, which is a major gateway into the Town Center. The Josiah Smith Tavern is located at 358 Boston Post Road.

2.3 Description of the Property

2.3.1 Site

The site is a portion of two existing Town-owned parcels about 7 acres in area. The majority of the existing Town-owned land consists of protected wetlands that will be retained by the Town. The land being offered for reuse is bounded by Boston Post Road, School Street, a line generally corresponding to the limits of existing designated wetlands, and an abutting parcel belonging to St. Julia's Church. Property lines or leasehold lines will be established through negotiation and established as part of the approvals and agreements.

There is an existing Town playground within the limits of the site available for disposition. In the event that reuse requires the use of this land for parking or other purposes associated with the buildings, the Town will relocate the playground off site at its expense.

In the event that the Components of the Disposition Property are sold or leased separately, shared access, parking, and infrastructure may be either necessary or advantageous to the Town or Developers. In this event, the Disposition Agreements will distinguish the site areas associated with each Component along with relevant easements, access or operational arrangements. During the negotiation process the Town will facilitate potential shared sewer and shared parking solutions, and other measures that will facilitate future use and value for both Components.

As noted in *Section 2.3.7 Site and Building Conditions* below, the Town has determined that an updated on-site septic sewer system will be needed for any adaptive reuse of the Disposition Property. Engineering studies commissioned by the Town indicate that an updated system can be provided that will accommodate significant reuse of the buildings and also meet applicable permitting regulations. Limited on-site parking is provided today. Additional on-site parking is likely to be required to support reuse. Site planning studies indicate that the existing supply could be expanded through site improvements that would meet existing zoning standards.

2.3.2 Tavern Component

The Josiah Smith Tavern has several major parts – the Tavern, the Barn, and a Connector. They are located on a parcel of 6.61 acres, much of which is wetlands located behind the building to the south. Interior features include the historic tap room, fireplaces, stairs, and a banquet room. A small shed is attached to the corner of the Tavern. The Barn and Connector were early- to mid-19th century additions, with a main floor and basement. The interior of these buildings has been adapted to contemporary use.

The Tavern consists of about 6,450 gross square feet – 2,845 square feet on the first floor, 2,425 square feet on the second floor and 1,180 square feet in the basement. The Barn and Connector building contain a total of about 8,570 gross square feet – 6,460 square feet on the first floor and 2,110 square feet in the basement.

2.3.3 Library Component

The Old Library was built in 1899 with an addition in the 1920's. The brick structure is an example of the English Revival style. The building has three levels – a main floor, a mezzanine, and a lower floor. The square footage is 7,960 – 3,800 square feet on the main floor, 200 square feet on the mezzanine and 3,880 square feet on the lower level.

2.3.4 Setting

The buildings are located across the Boston Post Road from the Town Green, which was established and configured in the early 20th century in its current form. The Weston Town Green is the central public space for the Town of Weston. This green space serves as the primary gateway into the Town Center and is framed by Town Hall, First Parish Church, the Old Library, Josiah Smith Tavern, Tavernside Park and St. Julia's Church. The Town Green hosts many municipal and community events throughout the year ranging from an annual 9/11 remembrance event to the Weston High School Graduation to public summer concerts. Additional events and activities, which are held at the adjacent institutions, generate activity on the Town Green as a public meeting space and as a passive recreation area.

2.3.5 Current Use

The Women's Community League of Weston (WCL) currently occupies the Barn and Connector space. The Barn is used as function space for WCL as well as other public and private groups. Portions of the Connector space are used by the WCL for its Clothing Exchange – a retail operation with used clothing and other merchandise. The proceeds for retail sales and leasing the Barn are used for various WCL community programs. The WCL has a lease with the Town that was last extended

in 2002 for a 10-year term ending on June 30, 2012. The Weston Historical Society uses portions of the Tavern, including the southwest room, through arrangements with the Town for office and storage. Portions of the Tavern are used for archive storage of various artifacts on an informal basis.

The Old Library has been vacant for several years, and was used intermittently for civic purposes in the past.

2.3.6 Site and Building History

The original portion of the Tavern was constructed by Josiah Smith in 1757. In 1805, the Tavern was doubled in size, including a second floor meeting room. The Connector and Barn were added in the early to mid-19th century. It was used as a tavern until 1838, when it was sold and became used primarily as a dwelling, although the second floor meeting hall continued in use for public gatherings and events for some time. It was bought by John and Marshall Jones in 1842 and was continuously occupied by members of that family until it was left to the Society for the Preservation of New England Antiquities (SPNEA) in 1950.

In 1975 the WCL renovated the barn for its use as a Clothing Exchange and as function space in return for favorable lease terms. In 1983 the Town of Weston acquired the Josiah Smith Tavern property for municipal purposes from SPNEA (since renamed Historic New England). The acquisition included historic deed restrictions, which are described within *Section 2.3.8 Utilities/Infrastructure* below.

The Old Library was constructed in 1899 on a site that previously held a private residence. An addition was created in the 1920's. The building was designed by Alexander Jenney, an architect with the firm of Fox, Jenney & Gale, who was trained at MIT and was a Town resident. The contemporary Arts & Crafts movement provided the stylistic sources for the design. The brick structure has distinctive characteristics associated with the English Revival style, including masonry window framing, exposed heavy timber details on the interior and exterior, and a steep, slate-covered roof. The interior includes a high, vaulted reading room on the main level connected to the main entry.

Tavernside Park contains a play area for children and occupies a portion of the Tavern site.

The Town's commitment to the buildings and engagement in the reuse process is represented, in part, by a series of investments, funded studies and zoning revisions:

- Annual Town Meeting, May 2004 – Appropriation of \$350,000 in Community Preservation Act (CPA) funds for exterior renovation of the Josiah Smith Tavern
- Annual Town Meeting, May 2006 – Appropriation of \$360,000 in CPA funds for exterior renovation of the Josiah Smith Tavern
- Annual Town Meeting, May 2007 – Appropriation of funds for a feasibility study for the reuse of the Josiah Smith Tavern and Old Library
- Special Town Meeting, November 2007 – Appropriation of additional funds for the feasibility study and rezoning of both properties to Business District B
- Annual Town Meeting, May 2008 – Appropriation of funding to conduct professional studies to evaluate proposed reuses; Town Meeting votes to approve a

site-specific liquor license for the Josiah Smith Tavern and Barn; authorization for the Town of Weston to petition the General Court for a site-specific liquor license

- Special Town Meeting, November 2009 – Defeat of requested appropriation to use additional CPA funding for architectural and engineering studies
- Public Charrette, June 2010 – Public discussion of possibilities for reuse
- Public Workshops, December 2010-May 2011 – As part of the *Reuse Study* process, The Cecil Group held public meetings and workshops to gain public input about acceptable reuse scenarios
- Annual Town Meeting, May 2011 – The Town approved expenditures using CPA funds for building renovation of the Old Library in anticipation of future adaptive reuse

2.3.7 Site and Building Conditions

The Town has undertaken a series of studies and investigations of the site and building conditions. Many relevant documents including building plans are listed in *Section 2.7 Additional Information Resources* and are available on-line at the Town's website. A particularly helpful overview of the conditions can be found in the *Feasibility Study for the Re-Use of the Josiah Smith Tavern and the Old Library* (Kang Associates, June 14, 2008).

In general, adaptive reuse will require new mechanical, electrical and plumbing systems. Reuse will also require code-compliant upgrades as dictated by applicable Building Codes and other standards.

The studies have identified several deficiencies and problems with the Barn and Connector buildings that will require correction, regardless of the uses that occur within them. These conditions and the need to provide correcting improvements are noted in *Section 3.4 Minimum Requirements for Renovation of the Barn and Connector*.

The Town has funded and undertaken several building stabilization and restoration programs. With the use of about \$600,000 in Town Community Preservation Act (CPA) funds, Weston repaired and restored the exterior portion of the Tavern including walls, windows and roof and added a new boiler at the Josiah Smith Tavern. These exterior repairs and restorations were undertaken and completed within the last 8 years.

The Town has also allocated approximately \$1 million in CPA funds for renovations to the Old Library to stabilize the building with historic restoration improvements that will contribute towards its complete, adaptive reuse. This improvement project is scheduled to be completed in 2012, and will focus on exterior envelope and moisture-related conditions. All of the improvements will be consistent with the historic preservation of the building. Further information about this improvement program is available on-line at the Town's website.

2.3.8 Utilities/Infrastructure

The site is served by electrical, water, telephone and cable utilities. An on-site septic system provides sanitary sewerage.

The Town has determined that an updated on-site septic sewer system will be needed to accompany adaptive reuse. Engineering studies commissioned by the Town indicate that an updated system can be provided that will accommodate significant reuse of the buildings and also meet applicable permitting regulations. In order to facilitate the process of preparing and reviewing proposals, this RFP will employ a consistent working assumption for all submittals regarding the likely costs associated with an updated septic sewer system. Refer to *Section 3.3 Shared Improvements and Related Proposal Assumptions*.

2.3.9 Historic Resources and Deed Restrictions

The Town's criteria for selection and reuse recognize the historic importance of the structures. The buildings are all contributing resources within the Boston Post Road Historic District which is listed on the National Register of Historic Places. The buildings are potentially eligible for historic tax credits if they meet the standards associated with these incentive programs.

The Tavern component has historic deed restrictions held by Historic New England that protect the interior and exterior of the Tavern. The deed restriction is available on line as described in *Section 2.7 Additional Information Resources*. Historic New England (HNE) will be responsible for reviewing all exterior and interior improvements to confirm consistency with the deed restrictions.

There are no historic deed restrictions in place for the Old Library. However, any renovation and restoration work undertaken with Town CPA funds must be conducted in accordance with the *Secretary of the Interior's Standards for Rehabilitation* and must serve a public purpose which is likely to be evidenced by the imposition of a deed restriction requiring the permanent preservation of the property's historic features.

2.4 Municipal Regulations

The anticipated approach to the Town's approval processes is addressed in *Section 5.2.5 Town Approvals*. The following information and observations are provided as general background.

2.4.1 Zoning

Adaptive reuse proposals will be required to comply with the existing zoning or be subject to Town Meeting approval of changes to the existing zoning as may be needed to accommodate the proposed use and development plan.

The Disposition Property is within the Town's Business District (B) zoning classification. The Business District (B) zoning classification provides for a variety of uses but does not include housing. The Town of Weston's parking requirements for various uses are defined in the Town's *Zoning Bylaw – Section VIII Vehicle Requirements, A. Off-Street Parking Regulations*.

2.4.2 Site Plan Review, Rules and Regulations

Adaptive reuse projects will be subject to the Town's Site Plan review and approvals, including the associated *Rules and Regulations*.

2.4.3 Conservation Rules and Regulations

The anticipated boundaries of the Disposition Property are intended to exclude adjacent regulated wetlands, which will remain in the ownership of the Town. However, portions of the Disposition Property are within the 100-foot wetland buffer as defined by applicable regulations of the Commonwealth of Massachusetts. Changes within the buffer area are subject to review and approval by the Town's Conservation Commission.

2.4.4 Other Regulations

Proposals will be subject to other Town regulations and standards as may be associated with the characteristics of the proposed uses and development.

2.5 Environmental Conditions

The Town makes no representation on the environmental condition of the Disposition Property. Assessment of existing conditions and any associated inspections, permits, approvals and remediation that may be required to provide for adaptive reuse will be the responsibility of the Developer.

2.6 Additional Information Resources

Setting the stage for successful adaptive reuse of the Josiah Smith Tavern and Old Library has occupied several years of civic effort and decisions. A useful summary of the process leading to the current offering of the Disposition Property and various relevant studies, technical and legal documents have been posted on the Town's website and can be accessed at <http://www.weston.org>.

The Town has also posted on this site the responses to the *Request for Letters of Interest for the Adaptive Reuse of the Josiah Smith Tavern and Old Library*, which was issued in November, 2011. These responses were received by the Town in December, 2011 in anticipation of this RFP. Letters of Interest were sought to help gauge the type and extent of interest in the reuse of the properties, provide opportunities for redevelopers to identify other entities that may be interested in participating as tenants or co-developers, and to generally inform the preparation and issuance of this RFP. Submittal of a Letter of Interest is not a prerequisite of a response to this RFP.

SECTION III. PROPOSAL AND DEVELOPMENT CONDITIONS

3.1 Town Commitments

3.1.1 Proposal Coordination

In the event that the Town decides that it is in its best interest to proceed with separate Developers and proposals for each of the reuse components (Tavern Component and Library Component), it will facilitate the negotiation process among all three parties with the goal of establishing mutually acceptable outcomes through the terms and conditions of the Disposition Agreements or other agreements that may be appropriate.

3.1.2 Old Library Building Stabilization

The Town will complete the Old Library Building stabilization and renovation project prior to execution of any Disposition Agreement for that component.

3.1.3 Relocation of Playground

If the proposed reuse requires the playground site, the Town will relocate the existing playground and the removal of all associated improvements after execution of a Disposition Agreement and prior to the construction requirements for reuse projects. Time frames and requirements will be established within the Disposition Agreement.

3.1.4 Reuse Sequence Coordination

In the event that the Town proceeds with the Disposition of only one Component, or with the two Components separately, it will provide for the coordination of construction and operations in the event that simultaneous construction or operations are required.

3.2 Potential Capital Improvement Resources

Based on past studies, the Town has determined that acceptable and appropriate reuse of the existing buildings and site is likely to require public financial assistance in order to facilitate feasible redevelopment. A fundamental goal of the disposition of the properties to other entities is to create a financially sustainable future which will require no Town funds for future operating and maintenance expenses, once the Disposition Agreement has been executed. However, additional commitment to capital improvements by the Town may be needed to initiate reuse.

The Town has used municipal Community Preservation Act (CPA) funding in the past to accomplish building stabilization and restoration in anticipation of further reinvestments. In addition to prior expenditures, the Town has recently approved nearly \$1 million in funds to advance exterior restoration of the Old Library in keeping with its historic character and preparing for future adaptive reuse. The stabilization and restoration will be accomplished in advance of disposition, by long-term lease or sale, of the property.

The Town anticipates the likelihood that some proponents may need and seek additional investment funding through this source as part of their reuse proposals. These proposals could arise for either or

both of the two site components (Josiah Smith Tavern and the Old Library), and will depend upon the specific reuse approach that is advanced during the selection and negotiation process.

The Cecil Group has advised the Board of Selectmen and the Community Preservation Committee of potential funding requests from redevelopment entities, based on various use scenarios prepared by in anticipation of the Request for Proposals. The evaluation considered each of two site components, both separately and in combination. The scenarios ranged from no additional capital funding assistance being required for a single component to about \$5.7 million in combined assistance for both components. As described in the Selection Criteria, however, the cost of any CPA funding is a component of the evaluation process. Confirmation of CPA funding will be subject to the amount requested and confirmation of need as part of the negotiation process with designated preferred reuse proponents. CPA funding would need to meet both legal eligibility standards associated with this source and the subsequent Community Preservation Committee and Town Meeting approvals of the disposition and use of CPA funds.

3.3 Long Term Leases and Applicability of State Public Wage Rate and Bidding Requirements to Construction

Proposers submitting a proposal for a lease of the Disposition Property must be aware that, if any Town funds, including Community Preservation Funds, are committed to the project, any building renovation or construction activity including site work such as parking or the installation of a septic system will require compliance with the applicable Massachusetts Public Construction statutes, including without limitation the Filed Sub-bid Law for building construction (G. L. c. 149, sections 44A through 44), and the Massachusetts Public Works Construction Statute (G.L. c. 30, section 39M.) In addition, any construction activity during the term of the lease will be subject to the Massachusetts Prevailing Wage Law (G.L. c. 149, section 26 through 27F) and the developer will be required to pay Prevailing Wages for all construction work, as required by law. A copy of the Prevailing Wage Rate schedules is attached to this RFP as Appendix B. Compliance with these laws will be required for the entire project even if only a portion of the total cost of construction is funded by a grant or other contribution by the Town. If Town funds are not required for the construction work during the term of the lease, it is nevertheless still likely that the Public Construction and Prevailing Wage Laws will apply in light of the requirements for specific building and site improvements set forth in *Section 3.4*.

If, on the other hand, the proposal is to purchase the Disposition Property and all construction activity occurs after the Town has transferred the ownership in the property to the Developer, the above-note Public Construction and Prevailing Wage Laws will not apply regardless of the degree to which the Town provides financial support in the form of a CPA or other grant.

If a Proposer intends to submit a lease proposal pursuant to this RFP, it is strongly recommended that the Proposer consult with a design professional familiar with the requirements of the Massachusetts Public Construction and Prevailing Wage Laws before submitting a proposal to determine the financial impact of a lease rather than a conveyance.

3.4 Minimum Requirements for Renovation of the Barn and Connector

Improvements to the Barn and Connector will be governed by all applicable codes, rules and regulation associated with the specific reuse proposal, and must comply with the historic deed restrictions associated with these structures. However, the Town requires that certain baseline improvements be accomplished to correct deficiencies in the building conditions that have been identified that may not be otherwise required, but that affect the long-term condition of the structures. All proposals that include the Barn and Connector must include provisions for the following items:

- Replacement or improvement to the granite posts and footings in the basement to provide adequate support for floor loads and other attributed loads for all intended uses as provided in the Massachusetts State Building Code (780 CMR).
- Replacement or enhancements to any framing members that are inadequate to support all calculated loads for the structure and planned uses as provided in the State Building Code (780 CMR).
- Provision of a fire suppression system that meets all applicable codes and standards.
- Provision of a 4” concrete slab with a vapor retarder on an 8” gravel base in basement areas.
- Provision of rated area separations between use and hazard group classifications as would be required to meet current State Building Code (780 CMR) standards.
- Provision of emergency egress and accessible routes fully compliant with Massachusetts Building Code and the Massachusetts Architectural Access Board regulations (MAAB, 521 CMR).
- Correction of any exterior envelope conditions to provide proper exclusion of water intrusion or moisture that would lead to deterioration of the structure or compromise the integrity of the building envelope.

3.5 Shared Improvements and Related Proposal Assumptions

3.5.1 Septic System

The Town has commissioned professional evaluations of the existing septic system and its capabilities relative to prospective reuse of the Disposition Property, taking into account current regulatory standards. Relevant reports are provided on-line as described in *Section 2.6 Additional Information Resources*. It appears likely that a substantial upgrade of the existing system meeting the standards of Massachusetts Title V can be accomplished to serve all of the uses on the site.

The most cost effective approach to enhanced capacity may be a shared septic system located approximately on the site of the existing playground. This approach could accommodate separate development of each component (the Library and Tavern) through agreements. Operating and maintenance costs will be pro-rated to reflect a standard, completely updated septic system according to the final development that emerges. While acknowledging that other approaches or technologies may be proposed or emerge in concert with the advancement of specific use and redevelopment proposals, the Town has established working assumptions regarding the system and its cost. The actual system’s costs and cost allocations will be determined as part of the negotiation to establish appropriate and equitable approaches.

All proposers should employ the following assumptions:

- A fully permitted and operational septic system can be provided within the site limits.
- The capital cost allocation within each proposal includes all design, permitting, and construction and commissioning, including distribution system from a distance of 5 feet of each building, will be as follows:

Tavern Component Allocation	\$200,000
Library Component Allocation	<u>\$150,000</u>
Total Allocation, Disposition Property	\$350,000

- Proposers should provide relevant assumptions within their operating pro formas relative to typical operating and maintenance allocations appropriate to their proposed reuse program, based on an updated, contemporary septic system installation.

3.5.2 Parking and Access

The Disposition Property has a limited total capacity to absorb additional parking. Under some reuse scenarios that have been evaluated, there may be a need to provide for shared parking, access or use agreements among either Development Entities or uses. Proposers should assume that appropriate provisions can be accomplished, if the total parking supply is approved by the Town as consistent with zoning and the site design guidelines provided in this RFP.

The review of responses will use the assumption that a maximum total of 58 spaces can be provided on site, similar in layout and location to the site planning study prepared by Thomas Wirth Associates, Inc. (May 8, 2008) which is available for review as described in *Section 2.6 Additional Information Resources*.

In order for the Town to evaluate all proposals, all proposers must provide the following information:

- Calculation of parking demand based on Town zoning standards.
- Number of spaces that may be required for the development, if greater or less than zoning.
- Proposal for location of parking.
- Number of spaces that may be shared among uses, and related conditions.
- Number of spaces that cannot be provided as-of-right, if the total required spaces exceeds the maximum assumption.
- Method proposed for accomplishing Town approval of additional parking spaces if it exceeds as-of-right standards, taking into account the relief provisions relative to zoning or the potential for zoning amendments.
- All related costs associated with the provision of parking and associated site improvements, including both exclusive and proposed shared parking spaces.

The actual site layout, allocation of costs, provisions for sharing and access agreements and related and necessary Town approvals will be the subject of negotiation and Town processes.

3.6 Adaptive Reuse Schedule

Proposers should assume that the process of negotiation leading to finalization of Town Meeting proposals for disposition and other project-related actions that may be required will extend beyond the scheduled May, 2012 Annual Town Meeting. Scheduling of a Special Town Meeting may be considered for this and other actions. However, the subsequent Annual Town Meeting will occur in May, 2013.

3.7 Proposal Fees and Deposits

The following fees and deposits are required for all proposals:

Fee/Deposit Required	Amount Due	Refund Terms	Comment
Submission of Application	\$2,000	Refunded for proposers who have not met the technical requirements and are not on the short list for interviews. Proposers who are interviewed will received a refund upon designation at Letter of Intent formalization of Designated Developer.	
Signing of Letter of Intent with Designated Developer	\$20,000 for both Components, or \$10,000 if for only one Component	Refund upon closing, or if the Town is not able to deliver the property under the terms of the proposed Disposition Agreement due to lack of Town Meeting approvals.	May be applied to the purchase price or lease payments if proposed and agreed to, upon closing.

3.8 Reuse Restrictions

The reuse of these buildings is predicated on the following restrictions, which are also part of the Threshold criteria discussed in *Section 5.1.1*:

1. Complete use of at least one site Component – No proposal will be accepted for reuse, improvement or stabilization of only a portion of either the Tavern Component or Library Component that are the subject of this RFP.
2. Demonstration of financial capacity – The proposing entity must demonstrate the financial capacity to maintain and operate the premises for the term of the agreement without any operating or ongoing subsidy or expense to the Town.
3. Compliance with all applicable historic preservation restrictions – The reuse and renovation must comply with all existing historic preservation restrictions applicable to the structures.
4. Restriction on demolition – None of the structures subject to the RFP may be demolished.
5. Conformance with Town CPA funding requirements – The reuse or renovation must be consistent with the legal standards and public purposes associated with the Town’s previous or the Developer’s proposed use of Community Preservation Act funds for any of the buildings.

6. Conformance with applicable Massachusetts regulations – The reuse proposal must have no apparent inconsistency with any applicable Massachusetts regulations and standards that would make the project infeasible. These regulations and standards include, but are not limited to wastewater and stormwater regulations, wetlands and waterways, building codes, and accessibility.

In addition, the improvements described in *Section 3.4 Minimum Requirements for Renovation of the Barn and Connector* will be required as a condition of disposition by sale or long-term lease.

3.9 Contract Terms and Conditions

This Request for Proposals is subject to the specific conditions, terms and limitations stated below that will be incorporated and expanded upon in the Letter of Intent and the Disposition Agreement. Counsel for the Town of Weston and the Designated Developer will need to agree to these terms in substantially the same form as written below. Any questions or problems with these terms should be raised through written questions submitted to the Town of Weston.

1. The selection of a Designated Developer will depend on satisfying the documentation and review requirements described in this RFP and will be subject to the selection criteria described in Section 5.1.
2. The Town of Weston makes no representations or warranties, express or implied, as to the accuracy and/or completeness of the information provided in this RFP. The RFP is considered to consist of this document and all attachments and supplements. Reports from independent professionals on the building structure, environmental assessment and other matters are available as described in this RFP. The RFP may have errors or omissions. There may be changes to, additional, and different interpretations of applicable laws and regulations referred to in the RFP.
3. The Town of Weston shall not pay any costs or losses incurred by any applicant at any time including the cost of responding to the RFP.
4. This RFP does not represent any obligation or agreement whatsoever on the part of the Town of Weston.
5. The Town of Weston reserves the right to waive any informality or nonconformity with the submission requirements if it is deemed in the best interest of the Town.
6. The Town of Weston reserves the right, in its sole discretion, to determine the completeness or compliance of any proposals, the eligibility or qualification of any applicant, to reject at any time any or all proposals, to withdraw the RFP, and to negotiate with one or more applicants.
7. Selection of an applicant's proposal will not create any rights on the applicant's part, including, without limitation, rights of enforcement, equity or reimbursement, until all related documents are fully executed and approved by the Town of Weston.

8. The Disposition Property is to be conveyed in its “as is” condition. The Town of Weston makes no representation as to the fitness of the Disposition Property for any proposed use, the suitability of the property for any particular purpose, or as to the ability of developers to obtain any necessary permits or approvals relating to the property. Prospective developers should undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, reuse potentials, and other development, ownership and legal considerations. Developers will be responsible for obtaining all applicable permits and approvals other than those that the Town is itself responsible for obtaining through its Town Meeting to authorize the disposition, by long-term lease or sale, funding or other matters.
9. Disposal of the Disposition Property is subject to approval by Weston’s Town Meeting. The Town intends to work with the Designated Developer to coordinate all Town Meeting-related approvals into a single presentation for one Annual or Special Town Meeting. This proposal would include CPA funding approval, approval of the sale or long-term lease, any necessary zoning changes or any other action requiring Town Meeting approval.
10. It is assumed that the Designated Developer will undertake further due diligence as they may determine is necessary after designation and prior to completing the Disposition Agreement and its submittal to the Board of Selectmen for approval.
11. It is the Designated Developer’s responsibility to determine and verify all title information pertaining to the Disposition Property. The Town of Weston will deliver the Disposition Property with good and clear marketable title.
12. The Town of Weston will complete a survey of the Disposition Property prior to submitting the proposal for Town Meeting approval, in accordance with the terms of the negotiated Disposition Agreement.
13. The Town of Weston may extend the date of the closing at the developer’s request upon terms and conditions to be set by the Board of Selectmen. All approvals, permits, financial closing, and other requirements must be completed prior to closing on a Deed or execution of the Lease.
14. Rights, Remedies and Procedures in the event of a breach by the developer will be incorporated in the contracts.
15. The proposed project shall conform to, and be subject to, the provisions of all other applicable laws, regulations, and by-laws of Federal, State and Town authorities having jurisdiction as amended from time to time.
16. No transaction will be consummated if any principal of the Designated Developer is in arrears or in default upon any debt, lease, contract or obligation to the Town of Weston, including without limitation, real estate taxes and any other municipal liens or charges. The Town of Weston reserves the right not to review any proposal by any such applicant.

17. Contract terms will also include provisions for access to the property, insurance requirements for access to the property, buyer default provisions, and other potential terms and conditions as mutually agreed upon.
18. At the closing of the conveyance of the Disposition Property, or any portion thereof, the Designated Developer will be required to provide payment and performance bonds, naming the Town of Weston as dual obligee, in the full amount of the cost of construction of all buildings, structures and site improvements.

SECTION IV. PROPOSAL SUBMISSION REQUIREMENTS

The Town of Weston is interested in receiving proposals that satisfy the Evaluation Criteria and other requirements set forth in this RFP from any eligible entity that is capable of redeveloping and adaptively reusing the Disposition Property. Proposals not providing evidence of ALL of the following items will be considered non-responsive and shall not be given further consideration.

4.1 Submission Enclosures

A checklist of submission requirements is provided as *Attachment 1*.

The proposal must include a completed Proposal Cover Sheet in the form included in this RFP as *Attachment 2*.

4.2 Developers

The proposal must include a description of the Development Entity and its associated team including the individuals and organizations to be involved in the development, and their experience. The development team may include, without limitation, a development manager, operator, architect, historic preservation consultant, contractor, engineers, consultants, lenders and investors (listed in Respondent Questionnaire, provided as *Attachment 3*). The development team may also include tenants, sub-tenants or other end users.

4.3 Development Concept

The proposal must include a detailed description of the development concept for the Disposition Property and its improvements, including but not limited to:

1. Proposed uses for the Disposition Property and projected total square footage by use, and associated information:
 - Description of the target market, such as tenants and end-users, and the strategy for marketing to these groups.
 - Discussion of the physical plan and architectural character of the project and how the various programmatic and physical elements of the development relate to one another.
 - Identification of septic system assumptions, parking requirements and other needs as described within *Section 3.4 Shared Improvements and Related Proposal Assumptions* of this RFP.
 - Discussion of potential environmental impacts and proposed mitigation as necessary or appropriate.
2. Description of how the proposed reuse will comply with historic preservation goals and requirements, including:
 - Methods for achieving proposed changes or enhancements that will fully comply with the historic deed restrictions on the Tavern Component that will be administered through review and approvals by Historic New England.

- Methods for meeting Secretary of Interior Standards for Historic Preservation if they become applicable to either the Tavern or Library Components because of the intent to secure either Town of Weston CPA support funding or historic tax credits.
 - Description of improvements and associated costs that may be proposed for funding by the Town through its CPA resources, and demonstration that the proposed improvements qualify for such funding in keeping with the associated eligibility requirements as provided by state law and local standards.
3. Description of the benefits and possible impacts of the project to the surrounding area and to the Town of Weston including, without limitation, discussion of:
- Town services that may be required with the new development.
 - A description of any community impacts associated with the development including both social and fiscal impacts.
 - Any other local benefits associated with the proposed development.
4. Analysis of the ways in which the proposal satisfies the evaluation criteria in *Section 5.1* of this RFP.

4.4 Conceptual Design Drawings

The proposal must include a 1"=20' site plan that describes the proposed limits of the Disposition Property, conceptual landscaping, site improvements, parking layout, access, and numbers of parking spaces.

The proposal must also include 1/8" scale architectural drawings for the adaptive reuse of the buildings on the Disposition Property, with rendering of any elevations that will be altered from existing conditions in any way, and floor plans indicating the extent and location of renovation or new construction associated with the proposed reuse.

Employment of computer aided visualization techniques and/or perspective renderings is encouraged but not required to convey the location and character of site improvements and proposed changes to the exterior appearance of the buildings.

4.5 Implementation and Project Timetable

The proposal must include a description of how the development concept will be implemented, including but not limited to:

- Detailed development schedule for all elements of the plan, including key milestones and projected completion/occupancy timeframes.
- Outline of required land use, environmental, operational and other governmental or regulatory approvals, including land use, zoning, development and environmental permits. The Proposer should provide a schedule for securing approvals as part of the proposal.
- Proposed schedule for securing approvals for financial commitment.

4.6 Management Plan

The proposal must include a plan for the ongoing management of the developed facilities, including proposed operators, their experience, and at least three (3) references.

4.7 Financial Proposal and Business Terms

The proposal must include a detailed description of the proposed purchase price and purchase terms or lease amount and terms. It should also include a description of all key business terms proposed.

4.8 Project Financing and Financial Analysis

The proposal must include:

- A detailed statement of the proposed method of financing for both construction and permanent loans, if applicable.
- Letter of interest from both construction and permanent lenders, if applicable.
- A description of the entity funding predevelopment and permanent costs associated with the project, and demonstration of its capacity to fund such costs.
- A detailed development budget, including all hard and soft costs and pro-forma financial projections. A sample Development Budget is provided in the *Appendix* that would be appropriate for a purchase proposal. The budget should include identification of all funding sources with corresponding Letters of Intent/Commitment from each potential funding source. A similar approach is appropriate for lease proposals.
- The statement of costs for a proposed lease must take into account the applicability of prevailing wage and public bidding laws as stated in *Section 3.3*.
- Demonstration of the market feasibility of the proposed development, including clear identification of comparables and other market factors that may solidly support the revenue assumptions of the proposal.

The financial analysis provided in this section must be sufficient to demonstrate the financial feasibility of the proposal.

4.9 Financial Qualifications

The proposal must include evidence of the financial status of the Proposer, demonstrating the financial strength to carry out the proposed development. This shall include current audited financial statements for two (2) years for each Development Entity and associated Principal or Controlling Entities. Unaudited statements may be allowed under the circumstances detailed in *Attachment 4*.

Credit Reference Authorization must be submitted for each individual owner/mortgagor/general partner/guarantor (Financial Statement and Credit Release, provided as *Attachment 4*). Individual financial statements will be required to the extent that corporate statements are not sufficient to determine whether a particular developer will have the financial capability to obtain the necessary financing. Personal financial statements will be kept confidential to the extent possible.

If the General Contractor is preselected, the General Contractor's financial capability will be evaluated as well. Audited financial statements for the past two years will be required from the proposed contractor. Unaudited statements may be allowed under the circumstances detailed in *Attachment 4*.

4.10 Additional Items

Any responder may supplement its proposal with exhibits or attachments to help the Town of Weston in its evaluation of the proposal. Such information may or may not be reviewed by the Town of Weston, at its sole discretion. The Town of Weston may ask for additional information or refinements for any application submitted to assist in its evaluation.

SECTION V. EVALUATION CRITERIA AND PROCESS

5.1 Evaluation Criteria

Evaluation criteria are divided into two types: Threshold criteria (described in *Section 5.1.1*) and Comparative Selection criteria (described in *Section 5.1.2*). Threshold criteria must be met by the proposal. A proposal that fails to meet all seven threshold criteria will be deemed nonresponsive and rejected. Comparative Selection criteria are weighted according to the public purpose goals of the Town of Weston. The calculation of the weightings is described in *Section 5.1.3 Criteria Weighting Factors*.

5.1.1 Threshold Criteria

The following criteria, which evaluation responsiveness and responsibility, must be met by any proposal:

1. Complete use of at least one site Component – No proposal will be accepted for reuse, improvement or stabilization of only a portion of either the Tavern Component or Library Component that are the subject of this RFP.
2. Demonstration of financial capacity – The proposing entity must demonstrate the financial capacity to maintain and operate the premises for the term of the agreement without any operating or ongoing subsidy or expense to the Town. This will include but not be limited to the financial capacity of the proponent to make purchase or lease payments, initial capital improvements not funded by agreement with the Town, taxes, insurance, utilities, maintenance and capital replacement reserves, common charges for shared parking, site maintenance or site septic systems, or any other cost that would be otherwise be the Town's responsibility.
3. Compliance with all applicable historic preservation restrictions – The reuse and renovation must comply with all existing historic preservation restrictions applicable to the structures.
4. Restriction on demolition – None of the structures subject to the RFP may be demolished.
5. Conformance with Town CPA funding requirements – The reuse or renovation must be consistent with the legal standards and public purposes associated with the Town's previous or the Developer's proposed use of Community Preservation Act funds for any of the buildings.
6. Conformance with applicable Massachusetts regulations – The reuse proposal must have no apparent inconsistency with any applicable Massachusetts regulations and standards that would make the project infeasible. These regulations and standards include, but are not limited to wastewater and stormwater regulations, wetlands and waterways, building codes, and accessibility.

7. Completeness of application – The application must meet all submission requirements in *Section IV. Proposal Submission Requirements*, including the completion of all forms.

5.1.2 Comparative Evaluation Criteria

A compliance score will be determined for each criterion according to the table below. Section 5.1.3 describes the compliance score and the calculation for how each criterion will be weighted according to the Town’s public goals.

Heritage and Character

Goal: Retain integrity and provide active use

1. Historic Preservation

(Note: Compliance with existing historic preservation deed restrictions on the Josiah Smith Tavern and Barn is a threshold criterion. The following criteria will be applied to those proposals that have demonstrated their compliance with this threshold.)

1.1 Building Exterior

Highly Advantageous	Restores and maintains building exteriors meeting <i>Secretary of Interior Standards for Historic Preservation</i> .	3
Advantageous	Restores and maintains building exteriors in a historically sensitive manner, but without full compliance with the <i>Secretary of Interior Standards for Historic Preservation</i> .	2
Not Advantageous	Has significant exterior alterations that are prominently visible and inconsistent with the historic character of the original building.	1

1.2 Building Interior

Highly Advantageous	Restores and maintains building interiors meeting <i>Secretary of Interior Standards for Historic Preservation</i> .	3
Advantageous	Restores and maintains building interiors in a historically sensitive manner, but without full compliance with the <i>Secretary of Interior Standards for Historic Preservation</i> .	2
Not Advantageous	Substantially changes interiors in a manner that is inconsistent with the historic character.	1

2. Availability of Building for Active Public Use

Highly Advantageous	Provides one or more civic-oriented uses, services or shops that are likely to be frequently used by a broad range of citizens or patrons	3
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	described and demonstrated in the proposal.	
Advantageous	Provides one or more uses that are open to the public, but none that are likely to be frequented by a broad range of citizens and patrons as described and demonstrated in the proposal.	2
Not Advantageous	Does not propose any use that is normally open to the public.	1

3. Aesthetic Integrity of the Town Center

Highly Advantageous	Improves and maintains the exterior appearance of the existing buildings, provides for landscape improvements visible from the street similar to nearby areas, and limits views of parked cars from the adjacent streets.	3
Advantageous	Improves and maintains the exterior appearance of the existing buildings, does not provide for landscape improvements visible from the street that are similar to nearby areas, but limits views of parked cars from the adjacent streets.	2
Not Advantageous	Improves and maintains the exterior appearance of the existing buildings, does not provide for landscape improvements visible from the street that are similar to nearby areas, does not limit views of parked cars.	1
No Benefit	Does not improve or maintain the exterior appearance of the existing buildings, does not provide for landscape improvements visible from the street that are similar to nearby areas, does not limit views of parked cars.	0

4. Community Orientation

Highly Advantageous	Provides at least one use that will primarily involve and benefit a high number and broad range of citizens of Weston as users and patrons.	3
Advantageous	Provides at least one use that will primarily involve and benefit a relatively small number or relatively limited range of citizens of Weston as users and patrons.	2
Not Advantageous	Provides uses that are available and will benefit citizens of Weston to the same degree as users and patrons from elsewhere.	1
No Benefit	Provides all uses that primarily involve users or patrons from other communities.	0

5. Enhanced Vibrancy of the Town Center

Highly Advantageous	Significantly increases activity on the site from current conditions and provides uses that include activity during weekdays, evenings and	3
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	weekends for a wide spectrum of users such as patrons, citizens and visitors and employees.	
Advantageous	Increases the activity on the site and provides uses that include activity during weekdays, evenings and weekends for a wide spectrum of users such as patrons, citizens and visitors and employees.	2
Not Advantageous	Increases the activity on the site and provides uses that include limited activity during portions of weekdays, evenings or weekends or engages a limited range of users such as patrons, citizens and visitors and employees.	1
No Benefit	Maintains or reduces the same level of activity as current conditions	0

Town Funding and Management

Goal: Lower cost, risk, and maintain Town controls

6. Financial Sustainability

Highly Advantageous	Provides evidence of substantial financial capabilities and specific enforceable mechanisms to ensure financial sustainability without relying on Town expenditures. A lease agreement would be for a long duration.	3
Advantageous	Provides evidence of limited financial capabilities and specific enforceable mechanisms to ensure financial sustainability without relying on Town expenditures.	2
Not Advantageous	Provides limited evidence of limited financial capabilities and no enforceable mechanisms to ensure financial sustainability without relying on Town expenditures. A lease agreement would be for a short duration.	1

7. Comprehensiveness

Highly Advantageous	The proposal includes all the buildings and site.	3
Advantageous	The proposal includes one Component and has no restrictions regarding the use or redevelopment plan for the other Component that would limit the Town's options and actions.	2
Not Advantageous	The proposal includes one Component and has proposed restrictions regarding the use or redevelopment plan for the other Component that would limit the Town's options and actions.	1

8. Town Risk

Highly Advantageous	The Town is unlikely to incur any significant costs in the event of the failure of the proponent or of its tenants to complete the proposed improvements, maintain or use the property as described in the proposal because of the characteristics of the use and improvements.	3
Advantageous	The Town is likely to incur significant short term costs in the event of the failure of the proponent or of its tenants to complete the proposed improvements, maintain or use the property as described in the proposal because of the characteristics of the use and improvements.	2
Not Advantageous	The Town is likely to incur significant short term and long term operating and maintenance costs in the event of the failure of the proponent or of its tenants to complete the proposed improvements, maintain or use the property as described in the proposal because of the characteristics of the use and improvements.	1

9. Town Costs (CPA Sources)

Highly Advantageous	The proponent requires no Town funds (CPA fund resources) to provide for capital improvements associated with their proposal.	3
Advantageous	The proponent requires some Town funds (CPA fund resources) to provide for capital improvements associated with their proposal within the ranges described in this RFP, but less than all other proposals.	2
Not Advantageous	The proponent requires some Town funds (CPA fund resources) to provide for capital improvements associated with their proposal within the ranges described in this RFP, but more than at least one other proposal.	1
No Benefit	The proponent requires some Town funds (CPA fund resources) to provide for capital improvements associated with their proposal but exceeds the ranges described in this RFP.	0

10. Town Control

Highly Advantageous	Proposes measures for providing Town control to ensure the consistency of the project with the approved Disposition Agreement using reliable and practical enforcement mechanisms.	3
Advantageous	Does not include measures for providing Town control to ensure the consistency of the project with the approved Disposition Agreement using reliable and practical enforcement mechanisms.	2

Not Advantageous	Restricts future Town control to ensure the consistency of the project with the approved Disposition Agreement using reliable and practical enforcement mechanisms.	1
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Impacts

Goal: Minimize, mitigate or make compatible

11. Traffic

Highly Advantageous	The proposal would not trigger off-site mitigation to meet typical safety standards for traffic operations directly attributable to the increased traffic demand or circulation patterns created by the project.	3
Advantageous	The proposal would trigger off-site mitigation at proponent's full expense to meet typical safety standards for traffic operations directly attributable to the increased traffic demand or circulation patterns created by the project.	2
Not Advantageous	The proposal would trigger off-site mitigation, expenses to be shared jointly between the Town and the proponent, to meet typical safety standards for traffic operations directly attributable to the increased traffic demand or circulation patterns created by the project.	1
No Benefit	The proposal would trigger off-site mitigation at full Town expense to meet typical safety standards for traffic operations directly attributable to the increased traffic demand or circulation patterns created by the project.	0

12. Parking

Highly Advantageous	The proposal can provide for normal peak parking requirements associated with its uses without compromising the ability to occupy and use all of the buildings on the campus. The parking supply consists of dedicated parking spaces or shared parking spaces on the "campus" with no reliance on nearby-on street parking and is consistent with the Town zoning and discretionary approval process.	3
Advantageous	The proposal can reasonably provide for normal peak parking requirements associated with its uses without compromising the ability to occupy and use all of the buildings on the campus. The parking supply consists of dedicated parking spaces or shared parking spaces on the "campus" and reasonable reliance on nearby-on street as provided for within the Town zoning and discretionary approval process.	2

Not Advantageous	The proposal cannot reasonably provide for normal peak parking requirements associated with its uses and compromises the ability to fully occupy and use all of the buildings, taking into account dedicated parking spaces or shared parking spaces on the “campus,” and reasonable reliance on nearby-on street parking without changes the Town zoning and discretionary approval process.	1
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13. Environment

Highly Advantageous	The proposal provides measures that would enhance the existing environment and would also mitigate any anticipated environmental impacts at the site at the proponent’s cost using technology, design, best management practices or other methods.	3
Advantageous	The proposal provides measures at the proponent’s cost to mitigate any anticipated environmental impacts using technology, design, best management practices or other methods.	2
Not Advantageous	The proposal provides measures that would require Town expenditures to mitigate at least some anticipated environmental impacts using technology, design, best management practices or other methods.	1

14. Abutting Property

Highly Advantageous	The proponent meets all zoning standards and provides specific measures to enhance the visual buffer relative to the adjacent property.	3
Advantageous	The proponent meets all zoning standards.	2
Not Advantageous	The proposal does not meet the minimum zoning standards but suggests alternative approaches to address setbacks and relationships to abutting property, subject to Town Meeting and other approvals.	1
No Benefit	The proposal does not meet zoning standards and does not suggest alternative approaches.	0

5.1.3 Criteria Weighting Factors and Chart

Each criterion above will receive a compliance score based on how advantageous the response is with respect to the Town's goals. The compliance scoring system is as follows:

- Highly Advantageous: 3
- Advantageous: 2
- Not advantageous: 1
- No benefit: 0

These compliance scores will be further weighted by the importance the Town places on each criterion, according to the following definitions:

- Weighting factors – The weighting factors represent the relative importance of each criterion in the Town's selection process and disposition decisions.
- Weighted scores – The weighted scores for each criterion are established by multiplying the compliance score with the weighting factors.
- Total scores – The total score for any proposal is the sum of all weighted scores.

For example, historic preservation of the buildings exterior is of high importance to the Town. A proposal that receives a "highly advantageous" ranking on *1.1 Building Exterior* will receive a score of 3 for that criterion. The score of 3 will be multiplied by 4, which is the weight the Town has given to this goal. The total ranking for this example will be a final weighted score of 12 for this criterion.

The following diagram describes how the criteria and weighting factors will be considered:

Compliance
Score

Weighting
Factor

Weighted
Score

Heritage and Character

Goal: Retain integrity and provide active use

1. Historic Preservation

<input type="text"/>	X	<input type="text" value="4"/>	=	<input type="text"/>	1.1 Building Exterior
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	1.2 Building Interior
<input type="text"/>	X	<input type="text" value="3"/>	=	<input type="text"/>	2. Availability of Building for Active Public Use
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	3. Aesthetic Integrity of the Town Center
<input type="text"/>	X	<input type="text" value="3"/>	=	<input type="text"/>	4. Community Orientation
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	5. Enhanced Vibrancy of the Town Center

Town Funding and Management

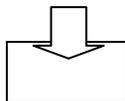
Goal: Lower cost, risk, and maintain Town controls

<input type="text"/>	X	<input type="text" value="4"/>	=	<input type="text"/>	6. Financial Sustainability
<input type="text"/>	X	<input type="text" value="3"/>	=	<input type="text"/>	7. Comprehensiveness
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	8. Town Risk
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	9. Town Costs (CPA Sources)
<input type="text"/>	X	<input type="text" value="1"/>	=	<input type="text"/>	10. Town Control

Impacts

Goal: Minimize, mitigate or make compatible

<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	11. Traffic
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	12. Parking
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	13. Environment
<input type="text"/>	X	<input type="text" value="2"/>	=	<input type="text"/>	14. Abutting Property



Total Proposal Score

5.2 Selection and Disposition Process

5.2.1 Review of Proposals

The Town of Weston will review proposals and select a Developer(s) with whom to negotiate a Disposition Agreement for either both or individual components of this offering. The steps anticipated in the review of proposals are as follows:

- Initial Compliance and Comparative Review – The Town of Weston will undertake an initial compliance review according to the threshold and comparative evaluation criteria, using professional assistance as may be appropriate. An initial written evaluation based on the chart in *Section 5.1.3* will be prepared for all proposals deemed responsive. Responsive proposals are defined as those who have completed the Proposal Submission Requirements in *Section IV* and which have met the technical criteria in *Section 5.1.1*. During this technical review, the Town of Weston may require supplemental information or responses to questions.
- Price – In the event that price becomes a determining factor, the Town will evaluate the potential financial benefit to the Town in the near and long terms for all proposals, whether they be for purchase or lease. The rationale for the evaluation will be made public and the results of any such evaluation will be added to the final written evaluation as described below.
- Shortlist – The shortlist for interviews consists of those proposals deemed responsive.
- Interviews – The shortlisted proposers will be invited to participate in an interview before the Board of Selectmen in a public session, during which public questions and comments will be received.
- Written Evaluation – After the interviews, the Board of Selectmen will re-score the proposals according to the chart in *Section 5.1.3*. A second written evaluation will be produced for each proposal.

5.2.2 Rule for Award

The developer with the highest weighted score after the interview process shall be chosen as the preferred developer. If the proposal is for only one of the Components, the Board of Selectmen may choose more than one developer as the preferred developer, but no more than one developer per Component shall be chosen.

5.2.3 Developer Designation

Following the interviews and any additional responses or information that the Board of Selectmen may request, it will designate a preferred developer (the “Designated Developer”) for the Disposition Property or for one or more of its Components, as they may determine best meet the interests of the Town.

5.2.4 Negotiation and Agreements

The following legal format for designating the Developer and assuring ongoing Developer responsibilities will be followed:

- Letter of Intent – A Letter of Intent will be signed upon the selection of a Designated Developer. This will be a simple document reflecting price and terms of the deal.
- Purchase and Sales Agreement or Lease Agreement – This document will be signed after the Designated Developer and the Board of Selectmen have negotiated all the terms of the disposition in accordance with the RFP and before the permitting phase. The document will provide that the Board of Selectmen will, in conjunction with the Developer, sign all of the necessary permit applications. The Purchase and Sale Agreement or Lease will set forth all of the parties' obligations prior to the conveyance of the land or effective date of the lease.
- Land Disposition Agreement – This document will be negotiated at the same time as the Purchase and Sale Agreement or the Lease and will be included as an exhibit thereto. The Land Disposition Agreement will set forth the parties' obligations after the property is conveyed or the effective date of the Lease. The Land Disposition Agreement will be signed at the same time the property is conveyed or the lease is executed.

This process will be similarly employed if negotiations with the initial Designated Developer do not succeed. In that event, the Town will undertake negotiations with the next highest ranked Developer as determined in the initial process.

5.2.5 Town Approvals

Town Meeting will need to approve the disposition of the land and any CPA funding recommended by the Community Preservation Committee. Town Meeting would also be required to approve any zoning changes. It is the intent of the Town to present one set of articles to Town Meeting for its approval.

Further town approvals are required as detailed in *Section 2.4*. All permits are required before the Purchase and Sale Agreement or Lease Agreement can be executed.

SECTION VI. PROPOSAL AND DESIGNATION SCHEDULE

6.1 Deadline

To comply with this RFP, ten complete paper copies and one electronic copy of each proposal must be received by the Town of Weston at the following address on or before **4:00 PM, June 7, 2012**.

Donna S. VanderClock
Town Manager
Town of Weston
Town Hall
11 Town House Road
Weston, MA 02493
vanderclock.d@westonmass.org

Envelopes must be marked:

“Proposal for the Adaptive Reuse of the Josiah Smith Tavern and Old Library,
Do not open until 4:00 PM June 7, 2012”

Proposals received by the Town of Weston after this time and date will be deemed non-responsive and will be rejected and returned to their respective owners. Proposals only submitted by electronic mail (emailed) without paper copies will be deemed non-responsive and will be rejected and returned to their respective owners.

Proposals will be opened publicly at **4:00 PM, June 7, 2012** at the Town Hall. (These guidelines will be strictly enforced. Proposers are cautioned to hand deliver their proposals or to allow sufficient delivery time for their proposals to be received by the Town of Weston by the deadline). All proposals shall become public when opened.

6.2 Site Visits

Two site visits will be held: one at **10:00 AM on April 25, 2012** and the other at **3:00 PM on May 3, 2012**. Arrangements may also be made if requested for additional times and dates until one week prior to the submittal deadline at the convenience and availability of the Town.

6.3 Questions and Responses

Responders may submit questions in writing or by e-mail to the Town Manager **no later than 3:00 PM on May 10, 2012**. Answers to questions will be provided in writing to all respondents. Written responses will be provided no later than 1 week prior to the submission date.

Donna S. VanderClock
Town Manager
Town of Weston
Town Hall
11 Town House Road
Weston, MA 02493
vanderclock.d@westonmass.org

6.4 Addenda

If the Town of Weston changes the information or requirements in this RFP, the changes will be made available on the Town's website. Addenda may be issued up to one week prior to the submittal deadline. Prospective proposers may submit a request for distribution of addenda by e-mailing the Town Manager. However, it is the obligation of the proposer to consult the Town's website concerning Addenda. All respondents will be required to acknowledge receipt of any Addenda within a cover letter for their responses.

6.5 Interviews

The review period for submittals is anticipated to require approximately 6 weeks. Interviews are anticipated to occur approximately 6 to 10 weeks after submittal. This schedule may vary, according to the number and type of proposals received, and the time required to provide for questions, responses and receipt and review of supplementary information that may be requested.

6.6 Designation

Designation is anticipated within about 4 weeks of completion of interviews.

APPENDIX

Sample Development Budget

A complete proposal must include identification of all costs as indicated below in the sample proforma. In addition please identify all sources of funding—debt, equity, etc and the status in terms of availability. Letters of Intent/commitment should be provided if applicable to back up each potential source of funds. Sources and Uses should be bottom lined so that it is clear whether there is a funding gap or not. If there is a funding gap, the proponent should identify how the funding gap will be closed.

Development Budget:

	<i>Total</i>	<i>Per Unit</i>	<i>Comments</i>
. Acquisition: Land			
. Acquisition: Building			
. Acquisition Subtotal			
. Direct Construction Budget			
. Construction Contingency			% of construction
. Subtotal: Construction			

General Development Costs:

. Architecture & Engineering			
. Survey and Permits			
. Clerk of the Works			
. Environmental Engineer			
. Bond Premium			
. Legal			
. Title and Recording			
. Accounting & Cost Cert.			
. Marketing and Rent Up			
. Real Estate Taxes			
. Insurance			
. Relocation			
. Appraisal			
. Security			
. Construction Loan Interest			
. Inspecting Engineer			
. Fees to:			
. Fees to:			
. MIP			
. Credit Enhancement Fees			
. Letter of Credit Fees			
. Other Financing Fees			
. Development Consultant			
. Other:			
. Other:			
. Soft Cost Contingency			% of soft costs
. Subtotal: Gen. Dev.			
. Subtotal: Acquis., Const., and Gen. Dev.			
. Capitalized Reserves			
. Developer Overhead			
. Developer Fee			
. Total Development Cost			
. TDC, Net			

ATTACHMENT 1
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY, TOWN OF WESTON
SUBMISSION CHECKLIST

- Proposal Cover Sheet (see *Attachment 2*)
- Respondent Questionnaire (see *Attachment 3*)
- Development Concept and Design Drawings
- Implementation and Project Timetable
- Management Plan
- Financial Proposal and Terms
- Project Financing and Financial Analysis
- Financial Statement and Credit Release (see *Attachment 4*)
- Financial Statements (see *Attachment 4*)
- Letter of Interest from a Construction Lender
- Current Workload Description
- Disclosure Statement Concerning Beneficial Interests – M.G.L. c.7, 40J (see *Attachment 5*)
- Certification of Tax Compliance Form – M.G.L. c. 62C, 49A (see *Attachment 6*)
- Certificate of Non-Collusion Form (see *Attachment 7*)

**ATTACHMENT 2
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY, TOWN OF WESTON
PROPOSAL COVER SHEET**

Attached is a proposal for the purchase and development of the property known as the Josiah Smith Tavern and Old Library in Weston, Massachusetts. The undersigned proposes to purchase and develop the property from the Town of Weston upon the terms and conditions specified in this proposal.

I agree that all expenses related to the preparation of this proposal, including any costs related to any brokerage or third party representation engaged by the Proposer, are at the Proposer's sole expense.

I have read, understand, and agree to comply with the terms and conditions set forth in the Town's Request for Proposals dated February 2012.

I have attached ten copies of the proposal for the purchase and redevelopment of the Josiah Smith Tavern and Old Library.

(Signature)

(Date)

Print Name:

Organization:

Address:

Telephone:

ATTACHMENT 3
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY, TOWN OF WESTON
RESPONDENT QUESTIONNAIRE
DEVELOPMENT TEAM INFORMATION

If the Respondent is a joint venture, a separate Respondent Questionnaire must be provided for each entity that comprises the joint venture, as identified below. If additional space is needed, please submit separate sheet(s), stating the question(s) being answered on each sheet. All responses must be typed.

1. Respondent Information

Name of Respondent:

Address:

Name of Contact for Respondent Entity:

Address:

Telephone: _____

Fax: _____

E-mail Address: _____

2. Composition of Respondent Identity and Experience

a. Is the Respondent a joint venture?

Yes No

If yes, list the name, address, telephone and fax numbers, and e-mail addresses of each individual and/or organization that comprises the joint venture, and the percentage of ownership of each joint venturer.

<u>Name of Individual/Organization</u>	<u>Address/Telephone/Fax/E-mail</u>	<u>% of Owners</u>
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b. If Respondent is a joint venture, have the entities involved in the joint venture previously carried out another project? If so, state the name and location of the project(s).

<u>Project Name</u>	<u>Project Location</u>
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c. Provide the name, address, telephone and fax numbers, and e-mail addresses of at least three business references that we may contact regarding your business experience. For each, identify the property or properties about which the individual is informed. References may include building owners, architects, engineers, subcontractors, and other building or development professionals with whom you have worked in the past.

3. Development Team

a. Identify key members of the development team such as the architects, engineers, historic preservation specialists, construction contractors and/or other development professionals that help demonstrate your qualifications to accomplish this project successfully, and attach qualifications.

4. Financial Capacity and References

a. Provide the name, address, telephone and fax numbers, and e-mail addresses of a contact at one or more financial institutions that is/are familiar with your current financial status and past experience. Provide contacts for lenders on all projects carried out within the last five years, including all current projects (Use a separate sheet if necessary). Please include three lender references.

b. If required by the construction lender, would you be willing to personally guarantee the construction loan?

c. Has any Principal identified in this Proposal, or any organization in which the Principal is or was a general partner, corporate officer, or owned more than 10% of the shares of the corporation, been the subject of any of the following:

- Arson conviction or pending case?
 Yes No
- Mortgage foreclosure or currently more than 90 days in arrears on any City loan?
 Yes No
- Default on any contract obligation or agreement of any kind or nature entered into with the Town of Weston or one of its agencies?
 Yes No
- In the past five years, failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any governmental agency?
 Yes No
- In the last seven years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings?
 Yes No

- In the last five years, failed to file any required tax returns, or failed to pay an applicable Federal, State or municipal taxes or other charges?
 Yes No
- Been convicted of fraud, bribery, or grand larceny?
 Yes No

If the answer to any question is yes, provide the following information about each instance: name of Principal(s); name(s) of organization(s) or corporation(s); Principal's status in the organization (e.g., officer); date of action; and current status and disposition.

Name of Entity

Signature

Name and Title of Signatory

Date

ATTACHMENT 4
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY, TOWN OF WESTON
FINANCIAL STATEMENT AND CREDIT RELEASE

Financial statements and credit reports of the Respondent will be reviewed to assess the financial condition of the Respondent and to determine if adequate working capital and net worth are available to meet equity and loan security requirements. Individual financial statements will be required if the Respondent is operating as an individual rather than as a corporate entity.

I. Respondent: An audited financial statement for the two most recent fiscal years must be submitted as part of this Exhibit. *If the most recent audited financial statement is for a period ending more than one year from the date of the application*, then the entity must also submit an unaudited financial statement dated within 6 months of the application submission date. In addition, the treasurer or other appropriate officer of the entity must submit a signed certification (see below) that states that (1) the unaudited financial statement fairly represents the financial condition of the firm, (2) there have been no material adverse changes in net worth or liquidity since the date of the most recent audited financial statement; (3) no significant encumbrances have occurred since the date of the most recent audited financial statement; and (4) the sale, purchase or transfer of any and all major assets since the date of the most recent audited financial statement has been disclosed.

If no audited financial statement exists on the entity, and for entities that have not yet completed their initial fiscal year, the most recent unaudited statement must be submitted together with supporting documentation verifying assets of the entity. In addition, a certification from the treasurer or other appropriate officer must be submitted stating that (1) no audited financial statement exists for the entity; (2) the unaudited financial statement fairly represents the financial condition of the firm, (3) there have been no material adverse changes in net worth or liquidity since the date of the unaudited financial statement; (4) no significant encumbrances have occurred since the date of the most recent financial statement; and (5) sales, purchases or transfers of any major asset since the date of the unaudited financial statement have been disclosed.

The following must be filled out for the Mortgagor/Borrower (if formed) and the Respondent (use additional sheets as necessary):

- a) Name of Entity: _____
- b) Nature of Entity (circle one): Mortgagor/Borrower/Developer/Sponsor

Audited financial statements are attached for fiscal years ending

c) Check either (i), (ii) or (iii) as applicable:

(i) The most recent audited financial statement is for a period ending less than one year from the date of the application.

(ii) The most recent audited financial statement is for a period ending more than one year from the date of the application, and a six-month unaudited statement is attached, dated _____ . In addition, the treasurer or other appropriate officer of the applicant entity hereby attests that, to the best of his/her knowledge, (1) the unaudited financial statement fairly represents the financial condition of the firm, (2) there have been no material adverse changes in net worth or liquidity since the date of the most recent audited financial statement; (3) no significant encumbrances have occurred since the date of the most recent audited financial statement; and (4) the sale, purchase or transfer of any and all major assets since the date of the most recent audited financial statement has been disclosed as follows:

Signed: _____, its _____ Date _____

(iii) No audited financial statement exists on the entity. The most recent unaudited statement is attached, dated _____. In addition, the treasurer or other appropriate officer of the applicant entity hereby attests that, to the best of his/her knowledge, (1) the unaudited financial statement fairly represents the financial condition of the firm, (2) there have been no material adverse changes in net worth or liquidity since the date of the most recent unaudited financial statement; (3) no significant encumbrances have occurred since the date of the most recent unaudited financial statement; and (4) the sale, purchase or transfer of any and all major assets since the date of the most recent unaudited financial statement has been disclosed as follows:

Signed: _____, its _____ Date _____

II. Respondents who are individual persons: For each Respondent who is working as an individual rather than through a corporation, a Personal Financial Statement must be submitted on a conventional individual bank application form. The Credit Reference Authorization Form below must also be submitted.

CREDIT REFERENCE AUTHORIZATION

Note: This credit reference authorization must be submitted for the Respondent that will be seeking financing for the development.

Name _____
Home Address _____
Home Phone _____
Employer _____
Position _____
Business Address _____
Business Phone _____
Social Security Number _____

- Are you presently in default on any loans? If yes, please attach an explanation.
 Yes No
- Are there any judgments, liens or attachments against you? If yes, please attach an explanation.
 Yes No
- Have you had property foreclosed upon, or given title in lieu thereof, in the past five years? If yes, please attach an explanation.
 Yes No
- Have you ever been through bankruptcy or settled any debts for less than the amount owed? If yes, please attach an explanation.
 Yes No
- Are you a maker, co-maker or guarantor on any financial obligation that is in default or has been demanded? If yes, please attach an explanation.
 Yes No
- Have you failed to respond to a public filing such as a lien or a judgment? If yes, please attach an explanation.
 Yes No

I hereby attest under the pains and penalties of perjury that the above information is correct. Further, I hereby give my consent for the agency/lender and its assigned Credit Bureau(s), to have any and all information regarding my employment, checking and/or savings accounts, credit obligations, and all other credit matters which they may require in connection with my application for financing through said lenders/agencies. This form *may be* reproduced, and that copy shall be as effective as the original consent that I signed.

I am aware that the assigned Credit Bureau may call me to clarify information obtained in my credit history or application, in order to expedite the process of the application.

Signature: _____ Date: _____

**ATTACHMENT 5
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY, TOWN OF WESTON
DISCLOSURE STATEMENT CONCERNING BENEFICIAL INTERESTS**

Required by Section 40J of Chapter 7 of Massachusetts General Law

1. Public agency involved in this transaction:

2. Complete legal description of the property:

3. Type of transaction:

4. Seller:

Purchaser(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 are listed below in compliance with the provisions of Section 40J of Chapter 7:

The undersigned also acknowledges and states that none of the above-listed individuals is an official elected to public office in the Commonwealth of Massachusetts, nor is an employee of the State Department of Capital Planning and Operations.

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

Signature; print name and title of Signatory

Date

ATTACHMENT 6
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY, TOWN OF WESTON
STATEMENT OF TAX COMPLIANCE

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I certify
under the penalties of perjury that _____ has fully

Name of Entity

complied with all laws of the Commonwealth of Massachusetts relating to the
payment of taxes.

Name of Entity

Address

Name and Title of Signatory

Signature of Individual Submitting Bid or Proposal

Social Security Number or Federal Identification Number

Date

ATTACHMENT 7
ADAPTIVE REUSE OF THE JOSIAH SMITH TAVERN AND OLD LIBRARY, TOWN OF WESTON
CERTIFICATE OF NON-COLLUSION

The undersigned certifies under 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.

Name of Entity

Address

Name and Title of Signatory

Signature of Individual Submitting Bid or Proposal

Social Security Number or Federal Identification Number

Date