



Request for Proposal
Sale and Development of
The Former Rogers Elementary School
100 Pleasant St.

Fairhaven, Massachusetts

IMPORTANT DATES

Submission of Proposal due:

Inspection of Premises: February 4, 2022 or by appointment. Please contact the Director of Planning & Economic Development to schedule a time to inspect the premises.

Questions: Questions may be submitted, up to one week before the proposal due date, in writing to the Director of Planning & Economic Development (pfoley@fairhaven-ma.gov).

Proposal Due Date: March 11, 2022 at 12:00 Noon

NEWSPAPER ADVERTISEMENT

TOWN OF FAIRHAVEN
REQUEST FOR PROPOSAL (RFP)
FORMER ROGERS ELEMENTARY SCHOOL

The Town of Fairhaven solicits proposals for the sale and development of the former Rogers Elementary School that sits on a 71,751 SF site improved with approximately 46,721 SF of space in the former educational facility. The property is located at 100 Pleasant Street (Map 8 Lot 9). The Town seeks to designate a developer subject to the Terms and Conditions contained in its Request for Proposal (RFP). The RFP will be available at the Fairhaven Town Hall, Board of Selectmen's Office, at 40 Center Street, Fairhaven MA, M-F from 9:00 a.m. to 4:00 p.m. Email: Vloliveira@fairhaven-ma.gov.

Proposal submission due March 11, 2022 by 12:00 noon, Office of the Town Administrator, Fairhaven Town Hall, 40 Center Street, Fairhaven, MA. 02719 The Town reserves the right to reject or accept any and all proposals or to accept that proposal which is deemed in the best interest of the Town of Fairhaven, MA.

REQUEST FOR PROPOSAL (RFP) SUBMISSION REQUIREMENTS OVERVIEW

1. The submittal must be formatted as a single bound volume. Provide one (1) original and six (6) copies, and one (1) electronic copy on a flash drive or CD. All proposals must be submitted in a sealed package clearly labeled with the following:

TITLE: Proposal for Sale of the Former Rogers Elementary School Property
100 Pleasant Street, Fairhaven, MA
FROM: Name and address of proposer(s)
TO: Town of Fairhaven
Town Administrator
40 Center Street,
Fairhaven, MA 02719
(508) 979-4023 Ext.104 EMAIL: Vloliveira@fairhaven-ma.gov FAX: (508) 979-4079

DUE: March 11, 2022, 12:00 Noon. **No submittals will be accepted after said date and time.**

Please check the Town website before filing for any changes or updates to this RFP.

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Real Estate

I.
INTRODUCTION

The Town of Fairhaven, Massachusetts (“the Town”) is seeking to sell a certain property that is no longer necessary for municipal purposes. The Town seeks to facilitate the redevelopment of this property so that they can contribute to the economy of the Town. Through this RFP, the Town will receive sealed Proposals for the sale of a certain property located at 100 Pleasant Street (Rogers Elementary School) also known as the “Rogers School”. The Rogers School property contains approximately 71,751 square feet of land improved by approximately 46,721 square feet of gross building area.

The property is currently zoned Residential (RA). The property is more fully described in Exhibit “A”, Exhibit “B”, Exhibit “C” and Exhibit “D” at the end of this document. The property includes three parcels, (a) the Rogers School property (Map 8 Lot 9) (b) the Union Street Right of Way between Chestnut and Pleasant Streets (40 feet by 250 feet with utility easement, with the understanding that the developer will provide a suitable easement for existing and future utilities, and (c) a 50 foot wide portion of the school yard lot (Map 8, lot 68) adjoining and parallel to the Union Street Right of Way. The Town will consider proposals that call for a portion of the school yard to be included in the project, but preferential consideration will be given to proposals that call for the inclusion of smaller portions of the school yard. See Section IV number 7 below expressing the Town’s desire to preserve as much of the Schoolyard/Park as possible.

II.
SITE LOCATION AND DESCRIPTION

Fairhaven is a Town of 16,000 residents located on Buzzards Bay in Southeastern Massachusetts. The Town shares a working harbor with New Bedford and is approximately 60 miles southeast of Boston and 40 miles east of Providence, RI. It is also on the Gateway leading to Cape Cod.

The Rogers Elementary School is located near the historic center of downtown Fairhaven in a neighborhood of primarily single family homes. The 1885 section of the school is located on Center Street, a few blocks east of the historic Town Hall, Millicent Library, and the Unitarian Memorial Church. The 1885 section of the school is located on Center Street, a few blocks east of the historic Town Hall, Millicent Library, and the Unitarian Memorial Church. The 1885 section of the Rogers School is a beautiful 4-story brick building with a 7-story bell tower in the Queen Anne style designed by architect Warren Briggs with a high level of historical significance. The first and second floors each have four classrooms and the third floor consists of a large assembly/gymnasium space as well as an apartment that was once used by the school custodian and some storage. The 1957 one-story addition located on the south side of the 1885 section includes a gymnasium, small kitchen area, office space, restrooms, and four classrooms. The Rogers School has easy access to I-195 and Route 6, both of which cross through Fairhaven.

III.
DEVELOPMENT CONCEPT

The development project should consider the historical significance of the property as well as the historical and residential character of the neighborhood. The development project should seek to restore the historic building in conformance with applicable preservation standards including incorporating the architectural elements of the building. Further, the architectural design of all project components should resemble the human scale of traditional Fairhaven architecture and shall be compatible with the surrounding municipal, residential and commercial properties. If a proposal includes demolition of the 1950's structure and constructing an addition, attached or near to the historic school building, the proposed addition should be clearly subordinate to the historic 1880's building.

In addition to design improvements, disposition of the Development and Property Rights will help to achieve several financial and planning objectives of the Town of Fairhaven. The Town is receptive to a variety of uses if that is what a respondent believes is required to preserve the building and character of the neighborhood and make the Project work. Developers should be aware that most proposals will likely be subject to Special Permit review under Fairhaven §198-29.8 Historic Site Reuse Special Permit (attached). "The purpose of the historic site reuse special permit is to promote the adaptive reuse of eligible municipally owned buildings no longer used by the Town for municipal purposes for residential use that protects the historic character by modifying those general zoning regulations, including parking and loading, lot and building dimensions, density and use limitations, which would otherwise make such preservation infeasible, while protecting the health, welfare, aesthetics and character of the neighboring community". The project should provide accessibility to people with disabilities and potential developers should consider how the Project will expand housing, employment and business opportunities for residents, minorities, and women.

IV.
DESIGN AND DEVELOPMENT GUIDELINES

DESIGN

The Town will consider proposals for development which must include the following:

1. **Massing and Character**
The project should exhibit strong design relationships with neighboring properties, particularly with the orderly pattern established by the street alignment and sitting of buildings. The design should be compatible with existing construction and renovation in the area. The architectural design of project components and facades should resemble the human scale of traditional Fairhaven architecture.
2. **Provisions for Persons with Disabilities**
The project should be designed to fully comply with the provisions of *Americans with Disabilities Act of 1990* so that persons with disabilities can enter, travel about, and leave the building in a convenient manner without obstruction.

3. Vehicular Access

Developers should consider the potential impacts on neighborhood streets. The scheme should be designed so as not to adversely affect the current traffic flow or markedly increase the trip generation compared to previous uses.

4. Service Areas

Service areas should be inconspicuous, safe and fully enclosed. Use of service areas must not interfere with pedestrian circulation.

5. Landscaping

The premises shall at all times be maintained in an aesthetically appealing manner, free of all debris.

6. Concept

The goal for the Town is a successful and compatible reuse of the historic 1885 Rogers School building and grounds in a manner consistent with the historic character of the area. The Town will entertain a proposal for a single use type or a variety of different uses as long as they can be compatible with the area and one another. The Town's criteria for selection is described in more detail in Section VII of this Request for Proposals.

7. School Yard

The proposal may call for the conveyance of a portion of the schoolyard lot to the developer for use as part of the project. In selecting the preferred development proposal the town will take into consideration the area of that lot that is proposed to be used in the project, as well as the proposed use for that area, with the Town's goal to maintain as much of that lot as possible as open space, and available for public use.

V.**INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF PROPOSALS****A Proposal consists of:**

- Cover Letter and Transmittal
- Proposal Forms
- Required Attachments

For the Town to consider the proposal, the cover sheet and proposal forms must be substantially completed, signed and notarized. The Town asks proposers not to submit their proposal in notebooks or binders.

Sealing and Labeling of Proposals

Proposers must seal copies of their proposals in an envelope with the name "Proposal for Sale of the Former Rogers Elementary School Property" and the submission deadline on the envelope. The name and return address of the proposer must also be indicated on the outside of the envelope(s). Proposals without sufficient identification will be rejected and returned to the sender.

SUBMISSION OF PROPOSALS

Proposals must be received at the following address by 12:00 noon on March 11, 2022.

Office of the Town Administrator

Fairhaven Town Hall

40 Center Street

Fairhaven, MA 02719

Proposals received by the Town after the deadline shall be refused or returned unopened to their respective proposers. A firm deadline is necessary to ensure fairness to all proposers.

VI.**EACH PROPOSAL SHOULD CONTAIN THE FOLLOWING INFORMATION****Applicant Information**

1. Letter of Interest introducing the development team, including the developer, architect and other consultants.
2. Relevant past experience of development team.
3. Developer's Statement of Public Disclosure and Statement of Qualifications and Financial Responsibility (Form Enclosed).

Development Proposal

1. A project summary, including a description of proposed uses and public amenities, proposed ownership structure and anticipated development schedule. A superior summary and proposal will address the Ranking Criteria on page 11 and the requirements for application under §198-29.8.D(2) below to the greatest degree possible at this stage:
 - (2) The application and plans shall provide:
 - a) A statement of the facts supporting the eligibility of the subject building for special permit.
 - b) A description of the proposed project, including the planned alteration or reconstruction of the eligible building, the planned alteration, reconstruction or construction of any other structures and the proposed uses.
 - c) A detailed statement of all proposed modifications to zoning bylaw requirements. (Modifications to the zoning bylaw will be subject to town meeting approval.) If zoning bylaw modifications are proposed, the proposer should explain whether

the project can be developed without those zoning modifications and what changes would have to be made to the project.

- d) An analysis of the project prepared by a qualified professional Massachusetts licensed architect or Massachusetts licensed engineer addressing the feasibility of the project; the reason modification of zoning regulations is needed to make the project feasible; and the impact of each of those modifications on the neighboring community.
 - e) A description of the proposed plans for preservation of the historic building and site, including plans for maintenance and the financial mechanism for the cost of maintenance.
 - f) A proposal, with draft legal documentation, to provide assurance of the continued maintenance of the historic building and site, specifically granting the Town of Fairhaven standing and authority to enforce continued protection and maintenance of the historic site.
2. A separate narrative response to each of the eight (8) questions in Section VIII which refer to the evaluation criteria for the disposition.
 3. Architectural drawing(s) of the proposed Development reduced in size to fit into the response package.

Financial Information

1. Development Schedule and Finance time frame.
2. Evidence of financial capacity to complete proposed project including a Letter of Interest from a financial institution of source of funding for the acquisition, construction, and permanent financing.

Financial Responsibility for Proposal Preparation

The Town accepts no financial responsibility for costs incurred by any proposer in responding to this Request for Proposals. All responses to this Request for Proposals will become the property of the Town and reasonable precautions to ensure the confidentiality of the material will be taken. All material will become public information after the proposal has been opened at the time and date set for the proposal opening.

Withdrawal of Proposals

Proposers may only withdraw their proposals by written notice received by the Town at the address listed in Section VI above, prior to the time and date set for the proposal opening.

VII.

PROCEDURES FOR EVALUATION, SELECTION, SALE AND CONVEYANCE

The Town's objectives are to ensure utilization of the historic structure and of sustainable and compatible redevelopment of the property and protection of its historic character. To this end, the Town shall evaluate all proposals for conformity to the requirements of this Request for Proposals, and for the degree to which they satisfy the selection criteria in Section IX.

The Town will begin to review and evaluate proposals promptly after the Submission Deadline of Evaluation of proposals and selection of the most advantageous proposal will be based solely upon the evaluation and selection criteria listed in Section VIII of this Request for Proposals. The Town reserves the right to waive portions of the Request for Proposals for all proposers, to excuse minor informalities on proposals, or to reject all proposals, if deemed in the best interest of the Town.

Initial Review

The Town will identify any proposals which do not meet the qualification Submission Requirements stated in Section VIII. Such proposals may be rejected and returned to the proposers who submitted them. Interested parties should note that the Town will consider only proposals which include comprehensive development scenarios.

If a proposer does not adequately complete his or her proposal, or if the Town is unable to determine whether the proposal meets the requirements of the Request for Proposals, the Town may attempt to clarify the proposal, but reserves the right to declare the proposal non-qualifying.

The Town will notify in writing the proposers who submitted non-qualifying proposals.

Evaluation of Qualifying Proposals

Once the Town has verified that the remaining proposals meet all the requirements of the Request for Proposals, the Town will analyze them using the qualitative criteria (i.e. categorizing the proposal for that requirement as highly advantageous, advantageous, not advantageous, or unacceptable) to identify the proposal which best meets the Town's needs.

The highest rated proposal will be recommended on the basis that the proposer represents that it is made in good faith.

Financial Review

It is the responsibility of the proposer to designate a competent individual to respond to Town inquiries regarding financial aspects of the proposal. The Town may perform a preliminary analysis of the financial capacity of qualifying proposers to accomplish the proposal and subsequently shall perform an in-depth analysis after the proposer has been conditionally designated. Notwithstanding the previous sentence, the Town may perform the in-depth analysis prior to conditional designation of a proposer.

The Town may withhold Full Designation from a proposer on the basis of responses to the Affidavits required to be submitted as part of the proposal.

Notification to Proposers

Upon selection of a proposal, the Town will notify all proposers of the decision in writing.

Terms of Sale

After a proposal has been selected, the selected proposer will be conditionally designated by the Town. The Town and the Conditionally Designated Developer will negotiate the terms of sale. A firm permitting, construction and development schedule must be submitted and agreed upon by all parties, outlining that the project will be started within six (6) months of receiving permits and be completed within twenty-four (24) months. The final transfer agreement shall require compliance with the schedule and shall include a clause to allow the Town to impose substantial penalties for failure to comply with the schedule. The agreement shall include a reversion clause that the Town may exercise if the proposer fails to substantially proceed with financing, permitting, construction and/or development within the proscribed time. The terms must be consistent with the Request for Proposals.

Conditions of the Properties

An agreement with the successful Proposer shall be subject to all restrictions and conditions of record, insofar as they may be in-force and applicable to said parcel.

Any and all costs, including but not limited to environmental remediation, due to known or unknown conditions, including but not limited to any and all contamination as defined by local, state and federal laws and/or agencies, currently known or unknown to the Town, the designated developer or any other individual at the project site, will be adsorbed and paid for solely by the designated Proposer. The designated proposer will release, indemnify, and hold harmless the Town of Fairhaven from any and all obligations it may have in regards to, or claims that may arise from, any known or unknown conditions at the Project site as stated herein. They will also complete Form 1: (Hazardous Material Release Form).

THE PROPERTY IS PRESENTED TO THE BUYER IN "AS-IN" CONDITION.

The respondent should be aware that as a result of litigation filed by a previous developer there is a "lis pendens" on the property. That lawsuit was dismissed by the Superior Court, but has been appealed by the developer. Until that case is resolved the lis pendens will probably remain on the property title. The selection of any proposal and the performance of a contract for that project will be subject to the removal of the lis pendens.

VIII.
SUBMISSION REQUIREMENTS

Qualifying Submission Requirements

These requirements must be met in order for a proposal to be considered qualifying and undergo further evaluation:

Form:

The proposal must be submitted with a full set of signed Request for Proposal Application Forms and with all required attachments. It must be submitted in a sealed and properly labeled envelope, and must be received by the Town before the deadline of 12:00 noon on March 11, 2022.

Proposed Use:

The proposed use must conform to the uses described in the Request for Proposal. If the proposed use, or aspects of the proposed use, does not conform to the uses described in the RFP you must explain why it is part of the proposal and how it can be justified.

Financial Capacity:

Proposer must show the financial capacity to accomplish the proposed development. Commitment letters from lending sources and financial statements of the proposed development entity and of related parties should be provided.

Reasonable Responses to Selection Criteria Questions:

The proposer must provide reasonable responses to questions 1 through 12 listed in "Ranking Criteria" in this Section VIII. Each question should be answered separately and completely.

Relative Merit

The following criteria will be used to compare the relative merits of qualifying proposals. They should be referred to specifically in each proposal. Please use the questions below to refer to each criterion. All criteria will be used, with more weight given to those criteria which are described as "highly significant" (the ordering of the criteria below is irrelevant). The Town reserves the right to require further detail and/or additional information as the need arises during review of the qualifying proposal.

Evaluation of proposals will be based upon information provided in the proposals and verification of references provided by the proposer or individuals' familiar with the proposer, from other Town files from other generally available and verifiable information.

The rest of this page is intentionally left blank.

IX RANKING CRITERIA

Note: All twelve (12) questions or descriptions must be answered separately by proposer.

1. Short and Long Term Vision (Highly Significant)
Please describe your vision for the property for the short-term (two years) and long-term?
2. Developer Experience (Significant)
Describe your development team's demonstrated production and management experience.
3. Experience with Historical Restoration (Significant)
Do you have any experience in redevelopment of historical buildings?
4. Developer Financial Capacity to Design/Construct (Highly Significant)
Provide evidence of financial commitment to design, permit, construct and manage the project?
5. Developer Financial Capacity for long term management of the Site (Significant)
What experience does the development team have to manage this site over the long-term?
6. Preliminary Design Plans (Significant)
When can the final design be prepared? When can your development team commence?
7. Employment Initiative (Moderately Significant)
What Initiative for employment of Fairhaven residents, minorities, and women does your proposal include during both the construction and the operation phases of the development?
8. Original Historic Building (Highly Significant)
Describe how your plan retains the original historic 1885 Rogers School building.
9. Deed Restrictions (Highly Significant)
Does your plan include providing deed restrictions for the historic building? Does your plan include deed restrictions that would carry over to future sales of the property to retain and maintain the historic building?
10. Purchase Plan (Significant)
What is your proposal to purchase and finance the redevelopment of Rogers School?
11. Cash on Hand or Pre-Approved Financing (Highly Significant)
Do you have cash on hand or pre-approved financing from a financial institution?
12. Other Economic Benefits (Significant)
 - a) What other direct revenue benefits does your development plan offer?
 - b) What other indirect revenue benefits does your development plan offer?

Selection Process**OVERVIEW**

The Town will review all RFP submittals for completeness. Proposers may be required to submit additional information and/or respond to questions prepared by the Town in written form. The Procurement Officer and Town Planner will open the responses to the RFP at the appointed hour. A Town selection committee will review all of the proposals and, based on their evaluation of the proposal's ability to best meet the evaluation criteria, will determine a preferred proposer for preliminary designation with whom the Town will enter into negotiations with. The committee may also rank alternate proposers with whom the Town could enter into negotiations in the event that negotiations with the preferred proposer are unsuccessful.

Note: While the Town will entertain all proposals, those that allow the original 1885 portion of the Rogers School to remain will receive a higher evaluation. Deed Restrictions to maintain historical character: Developers who propose deed restrictions on the 1885 portion of the Rogers School will receive a higher evaluation.

1. RFP Proposal Review Criteria

The following criteria will be used to evaluate the proposals, as may be clarified by any requested information.

- A. Capability of Development Organization – Evidence that the Proposer has the capability, experience, and financial strength to undertake the proposed project and to complete the project successfully, including fulfilling Town objectives for the project, within a reasonable timeframe. Such evidence could include:
 - Evidence of successful financing, management of projects of similar or comparable nature and size/cost or other relevant projects.
 - Evidence of financing relationships and the ability to obtain financing for the project as indicated by letters from financing sources to that effect.
 - Evidence of successful past and/or current dealings with public entities in the development and management of projects, particularly public-private development projects.
 - The Town's selection committee's evaluation of the developer's commitment to, and understanding of, the Town's goals and objectives for the project.
 - References from past and/or current clients that indicate the Proposer's ability to deliver the project.
- B. Capability of the Development Team
 - Evidence of capability of the Proposer development team to carry out the proposed project as indicated by the experience of the individuals playing key roles in the project.
 - Experience with projects of similar, comparable or relevant scope.
- C. References
 - A minimum of three references are required that can specifically address the capability of the proposer to undertake the project. References should include names, titles, full addresses, telephone numbers and a brief description of the relationship to the Proposer with regards to previous experience.

TOWN'S RESERVATION OF RIGHTS

Negotiations

The Town reserves the right to reject or accept any or all proposals, or any item or items of the proposals, and to waive technical defects which are not of a substantive nature if it is determined that it is in the best interest of the Town. The Town will proceed with the selection of that proposal which in its opinion represents the most satisfactory response to its selection criteria and provides the most sustainable and compatible vision for the future.

The Town also reserves the right to negotiate changes in the proposal selected. These negotiations may encompass values and items described in this Request for Proposals, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, the Town may refuse to sell the property even after it has tentatively selected one proposed developer for designation and has entered into the negotiations described in this paragraph.

XI.

EXHIBIT A

(GIS Aerial view of Rogers School, 100 Pleasant Street, Schoolyard and Neighborhood)



EXHIBIT B (Fairhaven Tax Map – 100 Pleasant Street, Map 8 Lot 9)



EXHIBIT C (Tax Map on GIS Aerial showing 100 Pleasant Street with the Union Street Right of Way and 50' of Map 8 Lot 68).



EXHIBIT D (Google Earth oblique view of Rogers School Building from Northeast)



ATTACHED FORMS

Attached are forms which will be required of the selected proposer and a copy of the Historic Site Reuse Special Permit which should be consulted while preparing your proposal and for future permitting.

Attachments:

- Fairhaven §198-29.8 Historic Site Reuse Special Permit
- Form 1: Proposal Form Cover Sheet
- Form 2: Background of Proposal Organizations
- Form 3: Hazardous Material Release
- Form 4: Certificate of Non - Collusion
- Form 5: Disclosure Statement for Transaction With A Public Agency Concerning Real Estate

(Form 1)

PROPOSAL FORM COVER SHEET

SUBMITTED TO: Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

DATE RECEIVED BY TOWN: _____

SUBMITTED BY: Name: _____

Firm: _____

Address: _____

Telephone: _____

Set forth by the Town of Fairhaven, the accompanying proposal is submitted to purchase the Rogers School in the Town of Fairhaven, MA, described therein.

I am fully aware of the requirements established by the Town for selection of a Developer and except these requirements. ***The attached information is complete and accurate.***

Signature

Title

Date

(Form 2) BACKGROUND OF PROPOSING ORGANIZATION

Proposed Purchase Price \$ _____

1. Full Name of Organization:
2. Main Office of Organization:
3. Local Address of Organization:
4. Telephone Number(s):
5. The name(s) and address(es) of all persons participating in this application as principals other than the undersigned are:

(Use separate sheet of paper and attach if further principals are involved).

6. The applicant is a(n):
(Individual/Partnership/Joint/Venture/Corporation/Trust, etc.)

If applicant is a Partnership, state name and residential address of both general and limited partners:

7. The Federal Social Security Identification Number of the applicant (the number used on Employers' Quarterly Federal Tax Return, U.S. Treasurer Department Form 941) is:
8. Number of years organization has been in business under current name:
9. Has organization ever failed to perform any contract, or been disqualified or barred from bidding or working on public projects?
(If answer is 'yes', please state circumstances).

10. Authorization:

Dated at:

This _____ day of _____, 2022.

NAME OF ORGANIZATION: _____

BY: _____

TITLE: _____

11. Attestation

_____, being duly sworn deposes and says that he/she is the _____ of _____ and that all answers to the foregoing questions and all statements contained herein are true and correct.

Subscribed and sworn before me this _____ day of _____, 2022.

Notary Public:
My Commission expires:

NOTE: This application must bear the written signature of the applicant.

If the applicant is an individual doing business under a name other than his own name, the application must state so, giving the address of the individual.

If the applicant is a partnership, the application must be signed by a partner and designated as such.

If the applicant is a corporation, trust or joint venture, the application must be signed by a duly authorized officer or agent of such corporation, trust or joint venture and contain written evidence of the authority to bind the entity.

Town of Fairhaven
Sale and Development of Former Rogers Elementary School

(Form 3) HAZARDOUS MATERIAL RELEASE

**HAZARDOUS MATERIAL RELEASE
("Hold Harmless" AGREEMENT)**

**RELEASE REGARDING HAZARDOUS MATERIALS
ROGERS SCHOOL
100 PLEASEANT STREET
FAIRHAVEN, MA 02719**

The Town assumes no liability for any release of hazardous materials on this Property. The Proposer has not relied upon any representations by the Town with respect to hazardous materials, except to the extent disclosed herein.

The Proposer agrees to release and hold harmless the Town of Fairhaven from any liability arising out of any hazardous materials that may be present on the Property.

PROPOSER: _____ DATE: _____

(Form 4)

CERTIFICATION 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.

(Signature of individual submitting bid or proposal)

(Name of business)

(Form 5)

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of every legal entity and every natural person that has or will have a direct or indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor, Boston, MA 02108

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGEEMENT, or DOCUMENT:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

Lessor/Landlord Lessee/Tenant
 Seller/Grantor Buyer/Grantee
 Other (Please describe): _____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

<u>NAME</u>	<u>RESIDENCE</u>
_____	_____
_____	_____

(7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

NONE

<u>NAME:</u>	<u>POSITION:</u>
_____	_____
_____	_____

- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

- (9) This Disclosure Statement is hereby signed under penalties of perjury.

 PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

 AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM / DD / YYYY)

 PRINT NAME & TITLE of AUTHORIZED SIGNER