Lincoln School Apartments RFP Process Summary

November 24, 2025

Town of Hingham
Hingham Affordable Housing Trust
Prepared by Innes Land Strategies Group, Inc. and RKG Associates

Contents

Introduction

The Hingham Affordable Housing Trust (HAHT) and the Town of Hingham (Town) have been working with the consulting team of Innes Land Strategies Group (Innes) and RKG Associates (RKG) to determine if a Request for Proposals (RFP) should be presented to interested developers for the renovation and/or additional development of the Lincoln St Apartment site.

The scope for the consulting team is to identify (1) if there was interest in the project, (2) what the high-level financial implications were, and (3) how the process would work, and provide (4) a draft Town Meeting article that would begin the process and (5) pre-town meeting materials, if requested.

This report summarizes the process to date and addresses specific questions about the required process for disposing of the property that have arisen during this process.

Task 1: Is there interest in the project?

To determine whether there was interest in the project, a municipality typically issues a Request for Interest (RFI) that describes the proposed project and invites parties to express interest in participating. However, the consulting team has found that, over the past several years, these RFI activities have resulted in few (if any) responses from developers. Follow-up interviews revealed that developers found that the time and expense of submitting a response to an RFI did not make business sense. As a result, the consultant team recommended conducting a series of interviews with developers and architects (architecture firms are often a major component in a development team) to gauge their interest and understand their perspective on the current market.

The consultant team conducted thirteen interviews with twelve companies/firms comprising five development and seven architectural firms (two interviews were conducted with different arms of one of the firms). The interviews were conducted with a clear understanding that the conversation was to be confidential.

The interviewed firms were (in alphabetical order): Davis Square Architects, Harborlight Homes, Icon Architecture, John M. Corcoran & Co., Maugel DeStefano Architects, MPZ Development LLC, Neighborhood Works Housing Solutions, O'Sullivan Architects, Studio G Architects, SV Design, The Architect Team (TAT), and Wingate Companies.

HAHT approved the list from which the questions were drawn. Those questions covered several topic areas: senior affordable housing, expansion opportunities, predevelopment tasks, project experience, property management, engagement, and project schedule.

The interview responses can be summarized in six key points.

- A market for the project exists, but there are still unknowns in the condition of the existing building fabric and the desired scope of the project.
- Most expressed the view that developers would not respond to an RFP if the Town had not voted to dispose of the property first. The reason for this is that without a clear assurance that the Town was on board with the project and that the property was available for disposition, it would not make business sense to incur the expense of a bid proposal.
- Financing will be critical to the success of the project and would need to include the Town providing substantial funding (either direct or soft).

- Low Income Housing Tax Credits (LIHTC) funding rules require the developer to be in the manager role for at least ten years, although that required management period may be as long as 30-50 years depending on the requirements of other involved lenders.
- It would be useful for the Town/AHT to complete and include in the RFP a feasibility study covering existing conditions and other matters, as well as a financial analysis of the property for inclusion in the RFP.
- The RFP should allow for flexibility in the design (to allow creativity) rather than being overly prescriptive.

Overall, the information gathered through the interview process was consistent across the interviewees, with expected development timeframes ranging around 5 years. The timeframe is highly dependent on the financing methods, with LIHTC financing, in particular, likely to extend the timetable due to the application and approval cycles.

There was interest among all interviewees in the project; however, they would all like to understand the existing conditions in greater detail (covered in the above bullets).

Task 2: What are the high-level financial implications?

The RKG team examined four scenarios as part of their analysis to determine the extent of the gap between the existing revenue stream and the required funding. These scenarios were (1) rehabilitation of the existing building only by a third party, (2) rehabilitation and the construction of a new wing with approximately 30 additional income restricted units with the Town retaining ownership of the property, (3) the Town conveying the property by sale or long-term lease to a private developer for similar rehabilitation and expansion as scenario 2, and (4) a variation of scenario 3 in which 6 of the additional units would be market rent and 24 affordable.

As a baseline, the scenarios assumed that the project would address the estimated $3.7M in existing capital needs and a range of unit upgrade costs (centered around $30k per unit) for the existing building, and that the renovation would be conducted while the building was occupied.

The above scenarios that assume conveyance of the property to a developer/manager all had significant multi-million-dollar funding gaps that required using LIHTC and other funding sources to cover them. In the scenario(s) in which the Town retains ownership, it would be unable to access between 40% and 70% of the LIHTC-based funding available to private developers. It would require the Town to cover the difference via some combination of CPA funds, bonding, grants, and HAHT reserves. The Town would also then have the continuing responsibility for the ongoing capital needs as the building continues to age.

The financial analysis conducted by RKG can be summarized in five key points.

- The Lincoln School building needs major reinvestment, which is far more than current rents and reserves can cover. Outside funding or partners will be required.
- Adding new senior housing units on the site can improve financial performance by creating scale, but even with added units, the project still shows a considerable funding gap.
- Successful projects in other Massachusetts towns (Bridgewater, Auburn, Southbridge) were only feasible because developers used LIHTC, historic building tax credits, and other state funding, all tools that the Town cannot use if it keeps ownership.

- If the Town retains ownership, it preserves full control but must pay for nearly all renovation and construction costs itself, using tools like CPA funds, bonding, and limited state grants.
- A public–private partnership with a qualified developer is the most financially viable option, because it enables the use of tax credits and other outside funding to reduce the Town's costs.

Several recent similar Massachusetts projects used a layered financial structure with multiple funding sources, including LIHTC, historic building credits, soft funding from the state, loans from nonprofit lenders, and low-cost permanent mortgages. This stacking of financing is only achievable for third-party developers. Developer interviews confirmed that, without LIHTC and other credits, the project appears to be financially unfeasible.

Additionally, the referenced projects all required CPA and/or other municipal funding (either direct or soft) to meet the local match funding requirements for LIHTC and other state grant sources. If local funding is not available, the RKG financial modeling indicated that the funding gap is "prohibitively high."

Task 3: How will the process work?

The disposition process is governed by Massachusetts General Laws Chapter 30B, the state's procurement law. This law governs the purchase, sale, lease, or rental of municipal real property. The process is discussed later in this report and outlined fully in Appendix B.

In summary, the Town needs first to determine the property's value and then declare it surplus to requirements. Only once this has been completed can an RFP be developed and issued for the property. After RFP proposals are opened, evaluated, and a developer selected, the Town can begin contract negotiations with the developer. This negotiated contract will include a purchase and sale agreement and a Land Disposition (or Development) Agreement (LDA), which describes specific criteria for the development and use of the property.

The process, from the time the property is declared surplus to requirements to the execution of the contract, can take up to a year, as shown in the sample timeline below.

Table 1: Sample Chapter 30B Timeline

Task	Timing	Responsibility
Step 1: Value and Reuse Restrictions • Appraisal(s) • Initial use restrictions	Month 1	Town (Select Board, HAHT)
Step 2: Develop the RFP • Evaluation criteria • Content	Months 2 – 6	Town (Select Board, HAHT)
Step 4: Advertise for proposals • Local paper • *Central Register* • Press release? • Direct distribution?	Month 7 (Timing deadlines)	Town staff
Step 5: Distribute the RFP • Maintain records • Site walk(s)	Month 7	Town staff
Step 6: Open and Evaluate the Proposals • Opening date established in RFP • Evaluation based on criteria in RFP • Written evaluations	Months 8 and 9	Town staff and Evaluation Committee
Evaluation Committee to make recommendations to the Select Board.		
Select Board to designate a preferred development team and begin negotiations for a purchase and sale agreement.		
Step 7: Submit Disclosures • *Central Register*	Month 9	Town staff
Step 8: Execute Contract • *Developer control*	Months 10 and 11	Select Board and/or HAHT if the property was transferred
Step 9: Retain Records	Six years after the last payment was made	Town staff

The RFP process and the final negotiated contract documents enable the Town to specify the property's use, affordability requirements, and development scheduling.

Task 4: Draft Town Meeting Article

Appendix A contains draft text of a warrant article in which the Town would grant the Select Board the authority to proceed with the RFP and subsequent project. It would require a two-thirds majority vote of the Town Meeting.

Response to questions asked during the process.

To date, several questions have arisen during the process that require detailed responses. They are presented below in a Q&A format.

Q. Why does Town Meeting need to vote to authorize the Select Board to dispose of the property before issuing the Request for Proposals (RFP)?

A. A developer will not bid on an RFP if the responsible entity (the Select Board in the Town of Hingham) lacks the authority to complete the transaction because of the greater risk in responding to an RFP if the Select Board does not have authorization for the disposition of the property. The interviews during this process confirmed this position.

The disposition process is governed by Massachusetts General Laws Chapter 30B, which is the procurement law. This law governs the purchase, sale, lease, or rental of municipal real property.[1] Chapter 30B Section 16 states that to sell, lease, or rent real property, the following apply:

> *(a) If a governmental body duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the governmental body shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.*
>
> *(b) The governmental body shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.*
>
> *(c) A governmental body shall solicit proposals prior to:*
>
> > *(1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding $35,000; or*
> >
> > *(2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed $35,000 dollars in value.*
>
> *(g) If the governmental body decides to dispose of property at a price less than the value as determined pursuant to paragraph (b), the governmental body shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.*

To move forward, the Town must vote to dispose of the property at Town Meeting and give the Select Board the authority to issue an RFP for the renovation and lease or sale of the property. The Select Board will issue an RFP and choose a preferred developer. The negotiations will include a purchase and sale agreement and a land disposition (or development) agreement (LDA). The RFP process and negotiated documents enable the Town to specify the property's use, affordability requirements, and development scheduling.

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[1] https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B Chapter 30B Manual: https://www.mass.gov/doc/the-chapter-30b-manual-procuring-supplies-services-and-real-property-legal-requirements-recommended-practices-and-sources-of-assistance-9th-edition/download Additionally, MassDevelopment produced a guide for municipalities that describes the processes and issues involved in property disposal: https://www.massdevelopment.com/assets/document/surplus-municipality-property/Realizing-the-Development-Potential-of-Municipal-Sites.pdf, last accessed November 24, 2025

Q. What are the financing implications regarding Low Income Housing Tax Credits

A. The federal Low Income Housing Tax Credits program provides investor tax credits for the development and rehabilitation of affordable rental housing for low-income individuals. Credits are allocated at the state level (at either 4% or 9%) to private developers through a competitive process with an annual funding round. Credits that are allocated are then claimed over a ten-year period. The maximum award for a new project is $500,000 with a $1,000,000 maximum for other project types.

The Executive Office of Housing and Livable Communities operates the program in Massachusetts and applies the following selection criteria when evaluating applications:

- Conformance with EOHLC Funding Priorities:
  - Housing for extremely low-income individuals, families, and seniors
  - Investment in distressed and at-risk neighborhoods
  - Preservation of existing affordable housing
  - Family housing production in neighborhoods and communities
  - Geographic balance of awards across the state
  - Location and transportation availability
  - Subsidy efficiency
  - Community development impact
- Strength of overall concept
- Strength of the development team
- Demonstrated need for the project in the target neighborhood
- Suitable site and design
- Appropriate scope of rehabilitation or construction
- Appropriate total development cost for properties included in proposal
- Financial viability of the project
- Degree of local support, including local funding commitments
- Evidence of readiness to proceed
- Evidence of satisfactory progress on projects previously funded with EOHLC resources
- Incorporation of sustainable development

In the Winter 2025 Notice of Funding Availability (NOFA)[2], the EOHLC noted the following in regard to LIHTC:

> *...demand for the state low-income housing tax credit has increased significantly during recent rental competitions. HLC anticipates that demand will remain very strong during 2025.*
>
> *Sponsors of projects seeking state LIHTC during the winter 2025 competition should note the following typical limits:*
> - *$400,000 for projects with 40 or fewer units*
> - *$700,000 for projects with 41 to 60 units*
> - *$1,000,000 for projects with 61-99 units*

[2] https://www.mass.gov/doc/winter-2025-nofa/download, p. 7, last accessed November 25, 2025

- *$1,500,000 for projects with 100 or more units*

HLC also strongly encourages all sponsors to limit state credit requests to $10,000 to $12,000 per unit. On a case-by-case basis, HLC may permit applications for higher state LIHTC requests. However, HLC is likely to entertain such requests only for certain very large-scale and/or major-impact projects.

As noted in the financial analysis, LIHTC is a key funding source for developers seeking to rehabilitate and/or develop affordable housing. This funding source is not available to municipalities. One key aspect of the LIHTC funding process is that there is a specific time cycle for the awards (NOFAs are issued twice per year), and missing this schedule (or not being selected in a given funding cycle) can delay funding significantly and delay a project.

Q. What are the pros and cons of carrying out a feasibility study in advance of the issuance of an RFP?

A. During the interview process, several respondents expressed a preference for a feasibility study to have been completed before an RFP is issued so that they would have a clear picture of what they were committing to in the proposal.

Feasibility studies can take many forms, but generally include sections on challenges and opportunities of the site, a market and economic analysis, a financial feasibility study, a legal and regulatory feasibility analysis (are there zoning or other regulatory issues), and outline fit studies – i.e., is it possible to fit a second wing on the site, and if so, how many units could it have? The feasibility study can also confirm whether there is sufficient utility service (electricity, gas, water, and sewer) available to support an expansion in the number of units.

On the pro side, the feasibility study allows for a clear understanding on the Town side of what is possible on the site while still allowing developers to submit proposals that would enable creativity in the design and placement (feasibility studies won't study every possible way to fit a building on a site, but they will confirm that it is at least likely to do so). By confirming (at a high level) the available services, developers gain a basic understanding of what can be done – i.e., they can't propose 100 units if there isn't sufficient water and sewer capacity to service that many new units.

The feasibility study also provides a "gut check" to ensure the project is worth pursuing. Should the feasibility study indicate that it would be challenging to add units (or that there are potential issues with service availability), then a decision can be made as to whether the RFP should be issued solely for the rehabilitation of the existing building and units, or whether an RFP should be issued at all.

On the con side, due to state bid laws (quotes are required over $10,000 and a sealed competitive bid process over $50,000), a feasibility study would either require funding from the HAHT or pursuing a Community One Stop for Growth Grant for technical assistance from one of the state's housing agencies. Either process could delay the issuance of an RFP to the late half of 2026 or the summer of 2027. Depending on how the Town approaches the timing of the surplus property declaration, the article could be included in the Warrant for the 2026 Annual Town Meeting, allowing the feasibility study to be completed. The Town would then determine, before the print deadline, whether to proceed or delay to a later Town Meeting.

Q. What does the RFP and disposition process look like?

A. The Mass Development Municipal Guide (see footnote 1) provides a good outline of the RFP steps required under M.G.L. Chapter 30B and the ideal process to follow to have a successful outcome. The Chapter 30B Manual also provides detailed information on the RFP process and required information.

The main sections of an RFP contain the following basic information:

Description of the property

This section should include background information on the property, as well as other relevant details such as building assessments, identified capital needs, and feasibility study findings.

This section should also include any use restrictions and current ownership interests.

Evaluation criteria

This is a critical section as it outlines how the Town will evaluate bidders. These criteria should include the following items and ensure clarity on the Town's expectations so that bidders can be prepared to respond accordingly.

- What are the must-have items that a bidder needs to satisfy?
- What scoring weights apply to what items?
- What is a disqualifying criterion in a bid (e.g., failure to complete a section)?
- Are there undesirable uses that will be disqualifying in a bid?
- Are there restrictions that bidders need to be aware of?
- Should there be requirements regarding design, or does the Town want to allow bidders to be creative?
- Are there desirable amenities (or must-haves) that bidders should seek to include (e.g., expanded and accessible common room/laundry facilities)?

The only restriction on the rating scheme is that it must allow for open and fair competition and ensure manageable and meaningful comparisons. Towns can use the same rating categories used in Chapter 30B RFPs for supplies and services: highly advantageous, advantageous, not advantageous, and unacceptable.

Rule for award

This section details the specifics of how the proposal will be awarded. It should follow the evaluation criteria scoring and provide weights for the importance of qualifications, project vision, price etc.

Proposal submission requirements

Submissions can be electronic (either to the Town procurement officer or via COMBUYS) and/or delivery of hard copies to the Town. The proposal should detail whether a separate price proposal is required. The document should highlight the date and time by which proposals should be received and how the proposals should be marked (e.g., proposal response, price proposal, etc.). The process for bidders to correct, modify, or withdraw a submitted proposal should also be clearly defined.

Contract terms and conditions

Any terms and conditions the Town will require in the agreement must be specified in the solicitation and in the contract, including use restrictions and the terms of any renewal, extension or purchase options. Chapter 30B does not limit the length of real property contracts, however, there may be other statutory or local restrictions that apply (for example, M.G.L. c. 40, § 3, limits towns to public building leases of 30 years). Town Counsel should advise on the specifics of what can and cannot be included in this section.

Ideally, when the RFP is issued, there should be at least a two-month window for response submission, allowing parties to assemble their teams and develop a solid proposal. The less time allowed, the less likely bids will be submitted (due to the time, effort, and cost involved in creating a proposal).

Once RFP proposals are received, the Town will need to review and score each one in accordance with the scoring criteria outlined in the RFP (which may or may not include price). Once a winning bid is accepted, the Town can begin working on a purchase and sale agreement and a Land Disposition/Development Agreement (LDA) with the developer, which will set the binding terms for the development of the property.

An LDA is a contract between a municipal entity and a developer that transfers parcels of land for development under specific terms, typically consisting of several standard clauses. The actual number of clauses and the details contained can vary (from one page long to 300 pages or more), depending upon the specificity required by the municipality.

The key components of an LDA can be summarized as follows:

1. Scope and Description

This section identifies the parties to the agreement, detailed legal descriptions of the parcels, and often maps and plans of the area to be developed. Where a multi-phased development is proposed, the details of the expected phasing and milestones are outlined here.

2. Terms of Sale

This section details the purchase price (either all parcels at once or per parcel) and the terms of sale (e.g. are all parcels conveyed at once or based on milestone performance). Specific performance requirements regarding permitting, financing, and approvals are also outlined in this section.

3. Development and Use Restrictions

This section outlines any restrictions that apply during the development and subsequent use of the property. This can include detailing uses permitted by zoning or other ordinances, affordable housing provisions and restrictions, and required design standards (e.g., LEED).

4. Infrastructure and Public Improvements

This section outlines any infrastructure or public improvements that the developer is required to construct or connect, along with any coordination requirements with abutters that may necessitate access considerations during construction.

5. Performance and Security

This section outlines the specific financial guarantees that the developer must provide to ensure project completion. Should the developer fail to meet their obligations, the Town should have the right to re-acquire the parcels and enforce, if any, financial penalties on the developer.

6. Assignment and Transfers

The language in this section ensures that the development rights of parcels cannot be reassigned without the Town's approval.

7. Alignment to Municipal Objectives

This section allows the municipality to ensure compliance with master plans, including outlining requirements for public amenities, access, and other public benefits.

An example LDA is provided for reference in Appendix D.

Q. Has MHP/MassHousing seen any trend where towns are keeping vs selling properties for housing development?

A. The consulting team has reached out to both MHP and MassHousing, and at the time of writing, is awaiting a response.

Appendix A

Draft Town Meeting Articles

This draft warrant article would grant the Select Board the authority to proceed with the RFP and subsequent project. It would require a two-thirds majority vote of the Town Meeting.

The following draft comment is included for submission to the advisory committee to provide the reasons for the proposed article.

COMMENT: This article requests that the Town Meeting authorize the Select Board to accept the transfer of the Lincoln School Apartments, comprising 60 senior affordable rental housing units that require rehabilitation and expansion to meet the town's needs for senior affordable rental housing.

Following an initial exploratory review into the feasibility of this project and the desire for private developers to engage in such a development, the Town and the Hingham Affordable Housing Trust have determined to release the Care & Custody to the Select Board. Approval of this transfer will enable the Town to begin to pursue rehabilitation and expansion opportunities.

This vote does not approve a specific development. It simply gives the Select Board the legal authority to act on behalf of the Town in negotiations, agreements, and redevelopment planning, while ensuring compliance with state laws for municipal property sales or leases. The Select Board plans to issue a Request for Proposals (RFP) in Fiscal Year 2027 to developers.

ARTICLE XX

TRANSFER OF THE CARE & CUSTODY OF LINCOLN SCHOOL APARTMENTS

Will the Town vote to transfer care, custody and control of a parcel of land located at 86 Central St, and shown as parcel 71-0-111 and all improvements thereon from the Hingham Affordable Housing Trust to the Select Board for rehabilitation and development of senior housing purposes and to authorize the Select Board to sell or lease, transfer or convey all or any portion of such property for such sum and upon such terms and conditions determined by the Select Board to be in the best interests of the Town, pursuant to G.L. c. 30B, and to authorize the Select Board to execute any and all instruments, including deeds, leases, or other agreements, and take all other actions necessary or appropriate to effectuate the vote taken hereunder, or pass any vote or votes in relation thereto.

Submitted at the request of the Select Board and the Hingham Affordable Housing Trust

RECOMMENDED: That the Town vote to transfer care, custody and control of a parcel of land located at 86 Central St, and shown as parcel 71-0-111 and all improvements thereon from the Hingham Affordable Housing Trust to the Select Board for rehabilitation and development of senior housing purposes and to authorize the Select Board to sell or lease, transfer or convey all or any portion of such property for such sum and upon such terms and conditions determined by the Select Board to be in the best interests of the Town, pursuant to G.L. c. 30B, and to authorize the Select Board to execute any and all instruments, including deeds, leases, or other agreements, and take all other actions necessary or appropriate to effectuate the vote taken hereunder, or pass any vote or votes in relation thereto.

Appendix B

Chapter 30B Process

The following nine steps, along with the timeline at the end, provide a summary of the Chapter 30B requirements for the disposition of municipal land. Since the Chapter 30B Manual[3] is updated periodically, the Town should review the most recent version to ensure that the process has not changed. The steps assume that the property has been declared available for disposition.

STEP 1: VALUE AND REUSE RESTRICTIONS

The Town must determine the value of the property. The Town may use its own assessment if the assessment is recent, the property is valued at 100%, and the procedures for determining the assessment are valid. The Town may also hire an appraiser[4].

The value of the property is important because it triggers two specific actions.

- If the Town chooses to dispose of the property for less than the value, it must post a notice in the *Central Register*. The notice must state:
  - The reason behind the decision.
  - The difference between the determined value and the price the Town expects.
- If the **value** of the property exceeds $35,000, the Town must solicit proposals. The threshold is the value of the property, not the price. For example, if the Town plans to dispose of a property for $1, an RFP is required if the property has a value over $35,000.

These two thresholds are essential as the value of the Lincoln School Apartments is likely to exceed $35,000, and the Town may choose to dispose of this property for less than the determined value.

When the Town declares a property surplus to its requirements, it must also identify any use restrictions as part of that declaration. For example, the Town may require a certain level of affordable housing, or that some or all the building be preserved, or that the community will have access to a specific space or use. The use restrictions will be finalized during the preparation of the RFP, with input from the Town and its working committee.

STEP 2: DEVELOP THE RFP

The Town must develop the RFP (or solicitation). The Chapter 30B Manual recommends that the RFP contain the following basic information:

- Description of the property
- Interest in the property
- Any use restrictions
- Evaluation criteria
- Rule for award
- Proposal submission requirements
- Contract terms and conditions

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3 Ibid

4 Ibid, p 86. Note that the Chapter 30B Manual recommends determining the property's value as the second step following the disposition declaration as step one.

The manual provides additional guidance on each category, which will inform the first draft of the RFP. As a practical matter, the draft RFP will be developed in parallel to the determination of value so that when the City makes the formal declaration, the use restrictions it announces with the declaration are consistent with the draft RFP.

STEP 4: ADVERTISE FOR PROPOSALS

The advertisement has specific requirements for timing, content, and location. As noted above, certain thresholds also trigger advertising in the *Central Register*.

Newspaper of Local Circulation

- The advertisement should be published at least once a week for two consecutive weeks before the day for opening proposals.
- The last publication must occur at least eight days before opening the proposals.

These are the minimum requirements for publication. The Town can choose to publish more frequently or in more locations. Online news outlets, although not meeting the requirements for official advertisements, could also be a good source of information for respondents. The Town's own website would be a useful distribution method.

The advertisement must contain the following information:

- Geographic area
- Terms and conditions
- Time and place for submission
- Time and place for awarding the contract
- Where and when people can obtain the RFP

Central Register

As noted above, if the Town plans to dispose of the property for less than the appraised value, a notice must be placed in the Central Register declaring the property surplus, for what price, and for which reason(s).

The Town must advertise the RFP in the Central Register if the properties are greater than 2,500 square feet. This advertisement must be published at least 30 days prior to opening the proposals.

The deadline for filing is Thursday at 4:00 p.m. for publication the following Wednesday.

Direct Solicitation

The Town may also inform brokers, developers, and other interested parties of the RFP. However, careful records should be kept as to who was directly solicited.

STEP 5: DISTRIBUTE THE RFP

The Town must distribute the RFP to anyone who requests it. The state requires the Town to document the names, email addresses, telephone numbers, and fax numbers of all recipients. Any addenda should go to that same list. If the Town issues addenda, it should request that recipients confirm receipt and consider extending the deadline, if necessary.

STEP 6: OPEN AND EVALUATE THE PROPOSALS

The RFP will specify the date and time for the Town's opening of the proposals. The proposals are public information once they are opened, and the Town should record the name and price.

During the development of the RFP, the Town will establish criteria for evaluating proposals and must include these criteria in the RFP. The Town may only use the criteria within the RFP to evaluate the proposal. The Town will establish these as comparative evaluation criteria; in other words, the Town will not award the proposal solely on the basis of price. The Chapter 30B Manual suggests evaluating proposals based on the comparative criteria first, rejecting those that do not comply, and then by price. The Town should prepare written evaluations.

Note that the Town can, at this point, cancel the process if the proposals received are not in the best interest of the Town.

STEP 7: SUBMIT DISCLOSURES

Before signing a binding contract, the Town must publish the name of the selected proposal and the transaction amount in the *Central Register*. If disposing of the properties for less than their value, the Town must also provide an explanation and note the difference between value and price.

For all submissions to the Central Register discussed in this memorandum, the state has an online submission form available at: https://www.sec.state.ma.us/sprpublicforms/RPSubmissionForm.aspx.

An additional notice to DCAMM is required if a public agency is involved on either side of the transaction.

STEP 8: EXECUTE CONTRACT

The Town's solicitor should include all the mandatory terms and conditions from the RFP in the purchase and sale agreement.

STEP 9: RETAIN RECORDS

The Chapter 30B Manual requires the Town to retain the following written documents for six years from the date of the final payment:

- Declaration that property is available for disposition
- Solicitation documents and any amendments
- Public advertisement
- All *Central Register* notices
- All proposals received
- All evaluation materials
- Copy of the disclosure of beneficial interests
- Signed purchase and sale agreement or lease

TIMELINE:

Task	**Timing**	**Responsibility**
Step 1: Value and Reuse Restrictions • **Appraisal(s)** • **Initial use restrictions**	Month 1	Town (Select Board, HAHT)
Step 2: Develop the RFP • **Evaluation criteria** • **Content**	Months 2 – 6	Town (Select Board, HAHT)
Step 4: Advertise for proposals • **Local paper** • ***Central Register*** • **Press release?** • **Direct distribution?**	Month 7 (Timing deadlines)	Town staff
Step 5: Distribute the RFP • **Maintain records** • **Site walk(s)**	Month 7	Town staff
Step 6: Open and Evaluate the Proposals • **Opening date established in RFP** • **Evaluation based on criteria in RFP** • **Written evaluations**	Months 8 and 9	Town staff and Evaluation Committee
Evaluation Committee to make recommendations to the Select Board.		
Select Board to designate a preferred development team and begin negotiations for a purchase and sale agreement.		
Step 7: Submit Disclosures • ***Central Register***	Month 9	Town staff
Step 8: Execute Contract • ***Developer control***	Months 10 and 11	Select Board or HAHT if the property was transferred
Step 9: Retain Records	Six years after the last payment was made	Town staff

Appendix C

Newburyport School Disposition RFP

The City of Newburyport issued an RFP for the adaptive reuse of the Brown School building in July 2024. The RFP, addenda, and responses can be found at https://www.cityofnewburyport.com/planning-development/brown-school-adaptive-reuse/pages/2024-brown-school-rfp

Appendix D

Sample Land Disposition/Development Agreement (LDA)

See the attached Word document with included explanatory section comments. Note that this LDA is a sample only and does not reflect the requirements for this project.