

TOWN OF MONTAGUE



REQUEST FOR PROPOSALS

**Design and Development of Affordable Housing on
First Street (Assessors Map 4 Lot 31)**

**Proposals Due: Wednesday January 25, 2023 11:00
AM**

1

Request for Proposals (RFP)

The Town of Montague is seeking proposals for the development of between five (5) and twelve (12) units of affordable housing on a municipal lot on First Street (Assessors Map 04 Lot 031) in downtown Turners Falls.

The purpose of this RFP is to select a developer who will:

- Build between 5 and 12 units of affordable owner occupied or rental housing
- Design the units to be of similar location, mass, and orientation of the historic row-housing that was on the site and be of a manner that will match the scale and architecture of the neighborhood.
- Receive ownership of the property

Submission Deadline

Respondents should submit one original and two (2) copies on or before 11:00AM on Wednesday, January 25, 2023 to:

Wendy Bogusz, Selectboard Executive Assistant
One Avenue A, Montague Town Hall
Turners Falls MA 01376

Responses to the RFP must include all required documents. The Town of Montague reserves the right to reject any or all proposals or to cancel this RFP, if it is in the Town's best interests.

The Town of Montague encourages the involvement of minority business enterprises and women's business enterprises in the fulfillment of this Scope of Services.

Any questions regarding this RFP should be directed to Walter Ramsey, Assistant Town Administrator, in writing at the address above or via e-mail to assistant.townadmin@montague-ma.gov prior to 5:00 p.m. on Wednesday, January 18, 2023. Responses to questions will be shared in the form of an addendum posted on www.montague-ma.gov/BIDS.

Site Visit

Town staff will lead a tour of the site on Wednesday, January 11, 2023, at 10:00 a.m. for interested parties. The site visit is not mandatory; however, all bidders should familiarize themselves with the property by undertaking an independent review and analysis of physical conditions, regulatory constraints, required permits and approvals, and other legal considerations.

Affordability

At a minimum, all units must be affordable to households at or below 80% of Area Median Income. Proposals that allow for deeper affordability are encouraged, but not required. The Town of Montague intends to include the resulting affordable units towards the Town's Subsidized Housing Inventory (SHI); therefore, all units must meet the requirements for inclusion in the Department of Housing and Community Development (DHCD) Subsidized Housing Inventory.

The Town of Montague is in the Franklin County HUD Metro FMR Area. The current income limits are defined below.

HUD INCOME LIMITS CHART for FRANKLIN COUNTY (April 2022)

Household Size	1	2	3	4	5	6	7	8
80% Income Limit	\$52,750	\$60,250	\$67,800	\$75,300	\$81,350	\$87,350	\$93,400	\$99,400
100% Income Limit	\$65,900	\$75,300	\$84,750	\$94,150	\$101,650	\$109,150	\$116,750	\$124,250

The 2013 40B Guidelines (Parts 3 - marketing and lottery, and 6 - LIP/LAU) are most helpful for Local Action Units:

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

The LAU application is available online: <http://www.mass.gov/hed/community/40b-plan/local-initiative-program-lip.html>

Proposal Review Process

The Montague Planning Board will review and evaluate all proposals based on the evaluation criteria outlined in this RFP and make recommendations for selection to the Montague Selectboard.

Property Background

On May 7, 2022, Montague’s Town Meeting voted to designate this property as 40R Smart Growth Overlay Zoning District and authorized the Selectboard to sell the First Street property for the purpose of developing low or moderate income housing. In effort to meet the housing production needs of the community, the Planning Board has identified this underutilized municipal overflow parking lot across from Town Hall as highly suitable for new downtown housing due to its proximity to Avenue A and the recreational amenities along the riverfront. The lot was historically used for worker housing through the early 1900’s. The Town has owned the lot since 1963 and has been used as an overflow parking area for Town Hall the last 50+ years.

The addition of housing at this site was identified as a priority action item in the 2021 Downtown Turners Falls Rapid Recovery Plan. The plan concludes that more residents living downtown who are not cost-burdened by housing would have a positive outcome for the economic health and sustainability of the downtown.

The Montague Selectboard authorized the issuance of this Request for proposals on 11/21/222. The assessed value of the property is \$50,500.

Property Description

Site: The lot of +/- 0.65 acres has approximately 259 feet of frontage on First Street and 259 feet of frontage on the First Street Alley. The property has not yet been assigned a mailing address. The property is identified as Assessors Map 04 Lot 31. For current title, see the deed recorded in

the Franklin County Registry of Deeds Book: 1165 Page: 584. A site survey has not been prepared.

Environmental: The property is located outside the riverfront area associated with the Connecticut River. The parcel is also not located within a FEMA mapped floodplain. No filings are anticipated to be required with the Montague Conservation Commission.

Vegetation: The 5 street trees along First Street should be retained and protected during construction. Every effort should be taken to preserve the existing vegetation, however the Town understands that some or all of the mature growth along the alleyway may need to be removed to accommodate residential construction.

Improvements: The proponent will be responsible for the removal of the existing paved parking area. The town installed new sidewalks along First Street in 2019. The sidewalks should not be damaged during construction or otherwise altered without permission from the Montague Department of Public Works. The town prefers to not add new individual curb cuts to First Street.

Utilities and infrastructure: Sewer service is available on First Street. The sewer main and nearby pump station were replaced in 2016. DPW has confirmed there is adequate capacity to accommodate the sewer service for residential uses at this property. Public Water is also available from the Turners Falls Water Department on First Street. The town is under a Natural Gas Moratorium and accordingly, no new natural gas hookups are allowed in Montague.

Subsurface Easement: FirstLight Power holds a subsurface easement on the subject property that protects them from any claims relating to groundwater infiltration onto any planned structures. FirstLight is the utility company that owns the Turners Falls Dam. The easement can be found in Franklin County Registry of Deeds Book 133 Page 750.

Zoning: The selected developer shall comply with all zoning regulations and requirements. The parcel is located in the Neighborhood Business (NB) zoning district and is located in the Turners Falls Smart Growth Overlay District. The proponent may elect to permit the development under either the underlying zoning or the Smart Growth Overlay.

- **Neighborhood Business:** The purpose of the district is to “allow for compatibility of residential and business uses in village areas”. Single- and two- family dwellings are allowed by right. Multi-family dwellings are allowed by special permit. The minimum lot size is 10,000 square feet. Minimum frontage is 75 feet. Minimum street and alley setback is 15 feet. The minimum side yard setback is 10 feet. The maximum building height is 28 feet. Relief from these requirements may be granted by Special Permit from the Zoning Board of Appeals.
- **Smart Growth Overlay:** On May 7, 2022 the town designated this parcel as part of the Turners Falls Smart Growth Overlay District whereby dense housing is allowed by-right subject to the standards identified in the bylaw. This zoning overlay is an optional regulation that property owners may elect to utilize when developing a property. The underlying zoning would otherwise still be in effect. The bylaw requires a minimum of 20% of the housing units in the project be affordable. The minimum lot size is 4,000

square feet and the minimum frontage is 30 feet. The maximum building height is 40 feet. The Planning Board is the Permitting Authority.

Deed Restrictions

All affordable units must have a permanent affordable housing deed restriction subject to approval by the Massachusetts Department of Housing and Community Development (DHCD) through the Local Action Unit Program. The town will welcome proposals for affordable housing at any level below the 80% median income limit.

Bidder's Responsibility for Due Diligence: Bidders should undertake an independent review and analysis concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.

The Town of Montague makes no representation or warranty with respect to the Property, including without limitation, the Town's title to the Property, the value, quality or character of the Property or its fitness or suitability for any particular use and/or the physical and environmental condition of the Property.

The town anticipates being able to share the results of a Phase I Environmental Assessment that is currently underway for the property prior to closing.

The selected developer shall accept the Property on a strictly "as is" basis without any warranty or obligation whatsoever on the part of the Town. The selected developer shall release, defend, indemnify, and hold the Town of Montague harmless from and against any and all claims, damages, losses, penalties, costs, expenses and fees (including without limitation reasonable legal fees) attributable to the physical and environmental condition of the Property.

For homeownership units, the selected developer will be required to prepare and complete all necessary documentation and forms for the sale of the property as a condominium. The documents included but are not limited to a declaration of covenants, conditions and restrictions, articles, rules, bylaw, resale certificate, master deed, and master insurance policy.

Objectives and Guidelines

The guidelines included in this section have been developed by the Town of Montague and must be addressed and met in the proposal for this project.

Program, Use and Design Guidelines: The proposed project should offer, but should not be limited to:

- Design of the building(s) should fit the characteristics of the existing neighborhood, and be similar to the footprint, mass, orientation of the town's preferred development concept plan. (See appendix A). Dwelling units with front porches on First Street are preferred.
- Build between 5 and 12 units of affordable housing. The units may be attached or detached.
- Preference is for owner occupied units, although rental units will be considered.

- Preference is for townhouse style housing, although duplexes and single- family homes may be considered.
- Town will accept proposals for housing that is restricted to households earning at or below 80% of Area Median Income.
- Preference for visitable units. For information on visitability, use this website: <http://www.visitability.org/>
- The proponent shall be responsible for a fair marketing and lottery plan to advertise the affordable units to eligible households.
- Preference for use of energy efficient technologies and building materials.
- Take all necessary precautions to preserve the vegetation, specifically the mature trees on the property. This should include limited soil disturbance and compaction during construction and defining an area of work around each tree.

Role of Town: The Town of Montague intends to transfer the property to the selected developer for a nominal sale price of one dollar (\$1.00).

Role of the Selected Developer: The selected developer shall be responsible for any site preparation and obtaining all applicable land use and building permits. The Town of Montague intends for these units to count on its Subsidized Housing Inventory and the selected developer shall be responsible for following all the requirements set forth by the Massachusetts Department of Housing and Community Development's Local Action Units Program to have the units listed on the inventory.

Implementation Guidelines:

- The development of units may be phased, however the selected developer must secure the first phase building permits within twelve (12) months of contract award date.
- All affordable units must have a permanent affordable housing deed restriction subject to approval by the Massachusetts Department of Housing and Community Development (DHCD) through the Local Action Unit Program.
- The Town of Montague will transfer the property when the developer has secured all necessary financing and permits and has presented the Town with a fair housing marketing plan that has been approved by the Massachusetts Department of Housing and Community Development.
- The selected developer will be required to execute all applicable documents.

Other Requirements

The selected developer shall:

1. Obtain all necessary state and local permits, including inspections.
2. Be responsible for the removal of the pavement from the parking area and all other site work
3. The developer is responsible for on-site electricity and water that may be necessary during the project.
4. Attend at least one public meeting of the Montague Selectboard to present concept design plans.

Criteria for Evaluating Prospective Developers

All proposals must meet the following minimum threshold criteria:

Minimum Threshold Criteria

- The Proposal must be complete and conform with all submission requirements
- The Proposal must be submitted on time
- The Proposal must include certification of compliance for all state and local taxes and must submit a Certificate of Tax Compliance, a Non-collusion Form, and a Disclosure of Beneficial Interests in Real Property Transaction with the RFP response.
- All units are affordable to households earning at or below 80% of Area Median Income (as defined by HUD)
- The bidder must have a minimum of 5 years’ experience in the development of affordable housing.

Projects meeting the minimum threshold criteria will also be judged on the following:

Competitive Evaluation Criteria

Responses will be evaluated competitively using the following criteria.

Ratings	Rationale
Highly advantageous	Exceeds the requirements/preference
Advantageous	Meets the requirements/preference
Not advantageous	Meets minimum requirements
Not acceptable	Does not meet minimum requirements

Development Experience—Extent to which the developer’s experience exceeds or meets the minimum criteria; the developer’s prior track record in the construction of affordable housing and the experience of the development team with regard to the development, financing, and marketing of affordable housing and/or accessible housing for people with disabilities should be described in detail.

Highly Advantageous: The Bidder has 5 or more years of experience developing affordable housing and/or accessible housing.

Advantageous: The Bidder has 5 or more years of experience developing housing.

Not Advantageous: The Bidder has 5 years of experience developing housing.

Not Acceptable: The Bidder has less than 5 years of experience developing housing.

Developer Financial Capacity—Ability to secure financing as evidenced by letter(s) from prospective lender(s); ability to identify subsidy gaps and potential sources for subsidy to complete project.

Highly Advantageous: Proposal includes a letter from a prospective lender for the project and has identified any existing subsidy gaps, has a plan to address those gaps and experience applying for subsidy monies.

Advantageous: Proposal includes a letter from a prospective lender for the project and has identified any existing subsidy gaps.

Not Advantageous: Proposal includes a letter from a prospective lender for the project but does not address whether there are any subsidy gaps.

Not Acceptable: Proposal does not include a letter from a prospective lender.

Feasibility of Proposed Project—*Environmental, permitting issues, construction estimates, soft costs; timeline to completion.*

Highly Advantageous: Proposal clearly describes all necessary steps to complete project, including any environmental and permitting issues, and proposes a timeline to commence work ahead of required time frame (or includes detailed explanation why the required time frame is not feasible).

Advantageous: Proposal clearly describes all necessary steps to complete project, including any environmental and permitting issues, and proposes a timeline to commence work within required time frame (or includes detailed explanation why the required time frame is not feasible).

Not Advantageous: Proposal purports to commence work within required time frame but does not include a detailed timeline and/or the necessary steps to complete project.

Not Acceptable: Proposal does not address feasibility of project.

Site and Unit Design—*Extent to which the project meets or exceeds the minimum Program, Use and Design Guidelines as detailed above.*

Highly Advantageous: Proposal exceeds of the Guidelines and preferences,

Advantageous: Proposal meets the minimum Guidelines and preferences

Not Advantageous: Proposal meets the minimum Guidelines

Not Acceptable: Proposal does not meet the minimum Guidelines

Submission Requirements

All proposals must include the following materials:

- Letter of interest signed by the principal(s) of the bidder
- Narrative description of proposed development
- Development budget sources and uses
- Proposed sales prices or rental amounts, analysis of affordability including any need for subsidy
- Preliminary site plan and elevations
- Proposed unit configuration and ownership structure or rental structure, with sample deed or rental agreement.
- Preliminary identification of permitting and regulatory relief

- Project schedule
- Letter(s) of interest from lender(s) or partners
- Description of development team
- Previous experience of members of team, references and a list of previous projects
- Portfolio of recent projects by developer
- Role of owner/developer/consultant
- Disclosure of Beneficial Interest Form (M.G.L.c.7,40J)
- Certification of tax compliance (M.G.L.c.62C,49A)
- Identification of entity who will carry out the marketing and lottery plan, if known

Proposal Submission Terms and Requirements

Wherever applicable, the conditions of Employment and Prevailing State Wage Rate, as set forth by the Massachusetts Department of Labor and Industries, as contained in specifications, shall prevail in the execution of work under this contract.

The Town of Montague reserves the right to reject any and all proposals in whole or in part, and to waive minor informalities, when at its sole discretion is deemed to be in the best interests of the Town and to the extent permitted by law.

Proposals that meet all quality requirements shall be evaluated based on responsiveness to the criteria, terms and conditions contained in this RFP and its attachments. Failures to follow the instructions, meet the criteria, or agree to the terms and conditions contained in this RFP may be cause for rejection of the proposal as non-responsive.

All proposals shall be submitted to the Town, as and where set forth above, on or before the proposal deadline. Proposals and unsolicited amendments to proposals received by the Town after the proposal deadline will not be considered, and requests for extensions of time will not be granted. Proposers who mail proposals should allow sufficient time for receipt by the Town by the proposal deadline. Proposal received after the proposal deadline will be returned to the proposer unopened.

All proposals shall be signed in ink by the proposer. If the proposer is a corporation, the authority of the individual signing shall be endorsed upon, or attached to, the proposal and certified by the clerk of the corporation.

All proposals submitted shall be binding upon the proposer for a minimum period of forty-five (45) calendar days following the opening of proposals.

Proposals submitted to the Town shall be securely kept and shall remain unopened until the proposal deadline and the opening of proposals.

Proposals once submitted may, upon request of the proposer prior to the proposal deadline, be withdrawn or amended. If amended, resubmission of the proposal shall comply with all requirements of this RFP.

Negligence on the part of the proposer in preparing the proposal confers no right of withdrawal after the proposal deadline. The Town does not assume any responsibility for errors, omissions, or misinterpretations, which may have resulted in whole or in part from the use of incomplete

proposal documents. Any proposer finding an ambiguity, inconsistency, or error shall promptly notify the Town.

If it becomes necessary to revise any part of this RFP or if additional data are necessary to enable an exact interpretation of provisions, such addenda will be provided to all proposers who have requested this RFP. No addenda will be issued within the immediate three (3) business day period prior to the proposal deadline.

By submitting a proposal in response to this RFP, the proposer shall be deemed to have certified that no officer, agent, or employee of the Town has a direct or substantial financial interest in the procurement, that the proposal is submitted in good faith and exclusively on proposer's own behalf, without fraud, collusion or connection of any kind with any other proposer for the same work or with any undisclosed party. Proposer will be required to execute the "CERTIFICATE OF NON-COLLUSION" contained in the "Contract," which shall be filed with the Office of the Inspector General.

All terms and provisions contained in the "LEGAL NOTICE" of this procurement (a copy of which is attached hereto) are incorporated by reference into this RFP.

Proposers may add additional stipulations or otherwise qualify their proposals, but the Town shall retain the sole right to judge the importance of any such stipulation or qualification. If the Town determines that the stipulation or qualification is not in its best interest and/or is materially unacceptable, and if the proposer does not clearly indicate this to be an alternative for consideration, then the Town reserves the right to reject such proposal.

It is understood, agreed upon and made a part hereof, and shall be a part of the contract, that the contract entered into between the Town and the successful proposer shall not be assigned or assignable by way of sub-contract or otherwise, unless or until the Town shall have first assented thereto in writing.

The Town of Montague reserves the right to modify any specifications and submission requirements associated with the proposal and the scope of the project.

All proposals must be submitted on the forms provided or on attachments approved in advance by the Town.

All information concerning materials, warranties, guarantees, complete plans, and complete specifications are due at the time of the proposal opening.

Appendix A- Site Plans

12 Unit Townhouse Development Concept (Preferred Concept A)



6 Unit Single Family Dwelling Unit Concept (Preferred Concept B)

First Street Housing RFP- 6 Detached Single Family Units



Give Feedback to Microsoft | Notes |

m Hall FY23 ST...ndf | Capital Improvem...ndf

Site Locus



ATTACHEMENT A
REQUIRED FORMS

CERTIFICATE OF TAX COMPLIANCE

No contract or other agreement for the purposes of providing goods, services or real estate space to any of the foregoing agencies shall be entered into, renewed or extended with any person unless such person certifies in writing, under penalties of perjury, that he had complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security or Federal I.D. number

Signature: Individual or Corporate Officer

Date

PLEASE PRINT

Corporate Name: _____

Address: _____

City, State, Zip Code: _____

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, business, partnership, corporation, union committee, club or other organization, entity or group of individuals.

Signature of individual submitting bid or proposal

Name of Business

DISCLOSURE OF BENEFICIAL INTERESTS IN REAL PROPERTY TRANSACTION

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Massachusetts Division of Capital Asset Management, as required by M.G.L. Chapter 7, Section 40J, prior to the conveyance of or execution of a lease for the real property described below. Attach additional sheets if necessary.

- 1. Public agency involved in this transaction:
- 2. Complete legal description of the property:
- 3. Type of transaction: Sale Lease or rental for up to four five-year terms:
- 4. Lessor(s):
Lessee:
- 5. Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above. Note: If a corporation has or will have a direct or indirect beneficial interest in the real property, the names of all stockholders must also be listed except that, if the stock of the corporation is listed for sale to the general public, the name of any person holding less than ten percent of the outstanding voting shares need not be disclosed.

Name: Address:

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

Name: Title or Position:

- 6. This section must be signed by the individual(s) or organization(s) entering into this real property transaction with the public agency named in item 1. If this form is signed on behalf of a corporation, it must be signed by a duly authorized officer of that corporation. The undersigned acknowledges that any changes or additions to item 4 of this form during the term of any lease or rental will require filing a new disclosure with the Division of Capital Planning and Operations within 30 days following the change or addition.

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

Signature: _____

Printed Name: _____

Title: _____

Date: _____

CERTIFICATE OF AUTHORITY

At a duly authorized meeting of the Board of Directors of the

_____ held on _____
(Name of Corporation) (Date)

At which all the Directors were present or waived notice, it was voted that,

(Name) (Officer)

of this company, be appointed and is hereby authorized to execute contracts and bonds in the name and behalf of said company, and affix its Corporate Seal thereto, and such execution of any contract or obligation in this company's name on its behalf by said officer, under seal of the company, shall be valid and binding upon this company.

A TRUE COPY,

ATTEST: _____
(Clerk)

Place of Business: _____

DATE OF THIS CONTRACT:

I hereby certify that I am the Clerk of the _____

that _____ is the duly elected _____
of said company, and the above vote has not been amended or rescinded and remains in full force and effect as of the date of this contract.

(Clerk) (Corporate Seal)

ATTACHMENT B
LEGAL AD

INSERTION ORDER

TYPE OF AD: Legal

PUBLICATION(S) & PUBLICATION DATES:

GREENFIELD RECORDER – Wednesday, December 21, 2022 & Wednesday December 28,
2022

PLEASE BILL:

Montague Selectboard Office
One Avenue A Turners Falls, MA 01376

BODY OF AD: The Town of Montague is seeking proposals for the development of between five (5) and twelve (12) units of affordable housing on a municipal lot on First Street (Assessors Map 04 Lot 031) in downtown Turners Falls. The +/- 0.65 acre lot has approximately 259 feet of frontage on First Street. The property has not yet been assigned a mailing address. The property is identified as Assessors Map 04 Lot 31. The deed is recorded in the Franklin County Registry of Deeds Book:1165 Page:584. The Town will count these units on the Subsidized Housing Inventory; therefore, the developer shall be responsible for following all the requirements set forth by the MA Department of Housing and Community Development and their Local Action Units Program.

Requests for proposals may be obtained at <https://montague-ma.gov/BIDS>. Proposals shall be submitted no later than 11:00 a.m. on Wed., Jan. 24, 2023 to Selectboard Office One Avenue A Turners Falls

The Town of Montague reserves the right to reject or accept any or all proposals, in whole or in part. The Selectboard has final approval of all awarded contracts. In accordance with the Town of Montague's M/WBE Program, minority and women-owned business are encouraged to submit proposals.

ATTACHMENT C

TOWN MEETING AUTHORIZATION

ANNUAL TOWN MEETING May 7, 2022 Article # 34

ARTICLE 34. MOVED: To see if the Town will vote to transfer care, custody and control of a parcel of land containing 0.65 acres of land, more or less, located on First Street and identified as Assessors' Parcel ID 04-0-0031, from the Selectboard for general municipal purposes to the Selectboard for general municipal purposes or for developing low or moderate income housing and to authorize the Selectboard to sell or lease, transfer or convey all or any portion of such land for such sum and upon such conditions determined by the Selectboard to be in the best interests of the Town, pursuant to G.L. c. 30B, and to authorize the Selectboard 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.

PASSED/TWO-THIRDS MAJORITY VOTE

ATTACHMENT D
SAMPLE LAND DEVELOPMENT AGREEMENT