



Request for Proposals Consultant Services for the Expansion of the Mixed-Use Overlay District

Date of Request for Proposal:

November 16, 2021

Responses Due By:

December 16, 2021, at 3:00 pm

Deliver Complete Responses To:

Attn: Jenny Gingras, Town Planner
jgingras@town.pepperell.ma.us
1 Main Street
Pepperell, MA 01463

For Further Information Please Contact:

Jenny Gingras, 978-433-0336
E-mail: jgingras@town.pepperell.ma.us

OFFICIAL BID DOCUMENT



COVER SHEET

The Town of Pepperell reserves the right to reject any or all Proposals, to omit any item or items called for, or to accept the bids(s) deemed in the best interest of the Town. Email submission shall include one (1) non-price proposal and one (1) price proposal; hard copy submissions shall include One (1) Original and Five (5) copies of the non-price proposal and one (1) separate and sealed original price proposal, which must be submitted **on or before 3:00 pm on December 16, 2021** to:

Town of Pepperell
Jenny Gingras, Town Planner
jgingras@town.pepperell.ma.us
1 Main Street
Pepperell, MA 01463

The envelope containing the Proposal and required information must be sealed and marked with Proposer's name, title of proposal, RFP number, and date of opening. **The Proposer must sign this and all required forms and signature pages in order for the proposal to be considered.**

BUSINESS/INDIVIDUAL NAME

ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE

EMAIL

INDIVIDUAL/AUTHORIZED SIGNATURE

AUTHORIZED OFFICER NAME (print)

DATE

By signing above, the authorized officer is certifying that a complete examination of all bid/RFP documents has been made and that the goods/services will be delivered within the time specified and at the prices stated.

If bidder/proposer is a corporation, the authorized agent shall execute both copies of the bid/proposal. Evidence of authority to sign must be submitted. The Town of Pepperell reserves the right to reject any or all bids/proposals and waive any informalities deemed to be in the best interests of the Town.



I. PROJECT BACKGROUND

The Town of Pepperell through its Planning Board (the “Town”) is seeking proposals from qualified firms/individuals referred to as the “Proposer”, to provide professional services associated with a Zoning Bylaw Update, specifically to expand and update an existing mixed-use overlay district bylaw that encompasses Pepperell’s full downtown area, including Railroad Square, the adjacent former mill site, and the Main Street economic corridor down to the historic Town Hall.

The current Mixed Use Overlay District (MUOD) Bylaw was adopted by Pepperell Town Meeting in 2014. The MUOD allows the Planning Board to issue a Special Permit in the Commercial and Industrial district on sites of five (5) acres or more. The bylaw is intended to create mixed commercial, residential and open space areas, and to: encourage pedestrian activity by creating a pleasant environment for pedestrians; provide opportunities for retail services, housing and employment in close proximity; and encourage the sharing of parking lots and driveway curb cuts, thereby minimizing the amount of paved parking surface area, and reducing traffic congestion. Currently, the only designated MUOD is the former Pepperell Paper Mill site north of Route 113 on the western bank of the Nashua River.

The target area for expansion has two key properties that can be revitalized through a MUOD extension. The first is the historic Peter Fitzpatrick building, a former elementary school and Town-owned property, which has a prominent position at the crossroads of Rt. 111 and Rt. 113. Located on 19 acres with more than 80,000 square feet of building space, the Peter Fitzpatrick site has great potential as a hub for diverse and vibrant small businesses, but its Town Residential zoning is a barrier to development.

The second property with great potential impact in this area is the former Mill site, which encompasses over 12.6 acres and sits at the juncture where Main Street turns into Railroad Square. This prominent, vacant property abuts the Nashua River, and could be developed in a variety of ways, for example, a home of mixed-use buildings, with parking on a lower level, professional buildings, and affordable housing units: it could also serve as a compelling River Walk that unifies the corridor. Its current Industrial zoning precludes these visions.

Pepperell recently completed its Master Plan in 2020 and a Housing Production Plan in 2021.

The following link is for the current Zoning Bylaw:

<https://town.pepperell.ma.us/DocumentCenter/View/2442/Zoning-Bylaw-rev-7-28-14-ATM-5-5-14?bidId=>

The following link is for the current Zoning Map:

https://town.pepperell.ma.us/DocumentCenter/View/2441/5-6-2014_OfficialZoningMap_30x40L?bidId=

The following link is for the Housing Production Plan:

<https://town.pepperell.ma.us/DocumentCenter/View/5736/Pepperell-Housing-Production-Plan-2021-2025?bidId=>



The firm selected will be required to execute a Contract for Services with the Town of Pepperell pursuant to the Scope of Services (Section IV).

II. PROJECT PURPOSE AND GOALS

The Town is using funding provided through the One Stop for Growth Grant Program to create a Mixed-Use Overlay District (MUOD) bylaw that extends an existing MUOD throughout the Town's central economic area known as Railroad Square/The Main Street Corridor. The extended MUOD is the linchpin in the Town's long-term economic and community development strategy. It should create a pedestrian-friendly downtown district, provide additional housing opportunities, and enhance the economic resiliency and strength of the businesses in this area by establishing a unique destination identity. The proposed MUOD will emphasize and protect the distinctive features and character of this unique area, and encourage a mix of retail, service, office, affordable and age-friendly housing, live-work units, and public activities that coexist naturally with a pedestrian orientation, while taking full advantage of the vitality and resiliency that mixed uses can bring to a community.

The consultant will examine the development potential throughout the area known as Railroad Square/The Main Street Corridor as identified in the Project Area Map. The consultant will assess existing conditions, identify existing and future infrastructure capacities and improvements, identify natural constraints, with a key focus on identifying development potential for the project area. The consultant will engage town residents and officials in public meetings to solicit input to develop a vision for the project area. The end result will be a bylaw that incorporates the above-mentioned topics.

The goals of this bylaw are to:

- Develop a long-term, comprehensive plan for attracting and retaining diverse, sustainable businesses that contribute to a community development philosophy of "Placemaking," with priority given to the revitalization of the Railroad Square/Main Street Corridor, an existing commercial area;
- Identify and address zoning challenges that prevent the sustainable build-out of economic potential;
- Capitalize on the many natural, recreational, cultural, historical, and agricultural assets as a magnet to attract tourism and create/retain complementary small businesses.

III. REQUEST FOR PROPOSAL INSTRUCTIONS

Proposals shall be received by the Planning Office on or before December 16, 2021, at 3:00 PM. Please supply (1) hard copy and one (1) Electronic proposal to:

Jenny Gingras, Town Planner
Planning Office
Pepperell Town Hall
jgingras@town.pepperell.ma.us,
1 Main Street
Pepperell, MA 01463

Any proposal received after that time shall be rejected as non-responsive, Email submission shall include one (1) non-price proposal and one (1) price proposal; hard copy submissions



shall include One (1) Original and Five (5) copies of the non-price proposal and one (1) separate and sealed original price proposal.

Questions concerning this Request for Proposals may be submitted to Jenny Gingras, Town Planner, via email at jgingras@town.pepperell.ma.us, no later than December 9, 2021 at 12:00 PM. Written responses will be posted on the Town website at <https://town.pepperell.ma.us/>.

Required Proposal Documents

All Proposals are required to contain the following forms fully completed and signed. The Proposal Form (Form A) and Proposal Price Form (Form B) should be submitted as separate documents.

- Cover Sheet
- General Proposal Form (Form A)
- Proposal Price Form (Form B)
- Tax compliance
- Certificate of Good Faith/Non-collusion

IV. SCOPE OF SERVICES

The general scope of services shall include, but not be limited to, the following tasks:

1. Document Review and Site Visit(s)

The consultant will assemble and review the Town's existing zoning bylaw, zoning map, and planning documents. The consultant shall make an initial site visit(s) to review existing conditions.

2. Work with Staff and/or a Steering Committee and Conduct Public Outreach

The consultant shall be guided by a committee of local officials and stakeholders. The consultant will be responsible for conducting public meetings and other forms of public outreach to ensure public participation throughout the process. Based on evaluations and public input, the consultant shall provide options for the staff and/or steering committee to consider, whether it be a pure Form Based Code, an Incentive Zoning Code with Design Guidelines or hybrid code. The options shall be vetted in a public meeting(s).

3. Draft Zoning Bylaw and Zoning Map Amendments

The consultant shall develop draft zoning amendments based on public input and guidance from the committee. The draft amendments may include, but not be limited to, the components listed below. Where elements are not necessarily part of zoning, the consultant, at the direction of the Town staff, will create citizen guide material as companion pieces to the zoning bylaw.

- Revision of existing Mixed-Use Overlay District (MUOD). This work shall include developing regulations for the MUOD - both in text and illustrated form - for siting, building form, design and uses.
- New zoning map depicting new district that will correlate with existing districts outside the Railroad Square/Main Street Corridor area.



- Area-based design standards or Form Based/Incentive Zoning with Design Guidelines that establish standards for development that create an appealing place to attract and retain employees, tenants and customers.
- Design standards that encourage developments that will enhance Pepperell for Main Street property owners, employees and all Pepperell residents.

4. Final Zoning Bylaw and Zoning Map Amendments

The Zoning Consultant shall incorporate feedback from Committee and from public meetings to prepare the final zoning map and text amendments. The final zoning amendments shall comply with all applicable State laws, rules and regulations, prepared in traditional code structure or a form-based/smart code format, include master use tables, graphic illustrations, and land use classifications. The final draft amendment shall be clear, legible, and accurate, and shall have internal consistency with the existing zoning bylaw. The Final Zoning Map shall be prepared in an electronic, GIS-compatible format.

V. TECHNICAL PROPOSAL REQUIREMENTS

1. Letter of Interest
2. Project Proposal – not to exceed 10 pages
 - a. Project Goals – a statement of the consultant’s understanding of the Town’s goals for this project.
 - b. Project Approach - a brief description or outline of the methods that the consultant expects to use to accomplish the scope of work. The purpose of this section is to ensure the consultant’s understanding of the work to be done and to provide an opportunity for the consultant to suggest innovative means of producing the intended end results both economically
 - c. Work Program - a detailed description of the work to be done, the sequence of tasks and the results of each task, including specific deliverables to be provided to the Town. The task listings and organization of the technical and price proposal are to be determined by the consultant, but should be structured to ensure inclusion of all work outlined in the RFP.
3. Work Schedule - It is anticipated that the work for the Planning Board’s public hearing on the zoning bylaw amendment will be completed by August 1, 2022 for presentation to Special Town Meeting in November 2022. This includes at least 3 presentations of draft bylaw and map to the Planning Board for its hearing on the zoning bylaw amendment and Town Meeting for its vote.
4. Project Leadership, Organization and Management
 - a. Project Manager and sub-consultants, if used
 - b. Task assignments
 - c. Time commitments by Team Member
5. Estimated level of effort to be provided by task and team member.
6. Consultant Background Information, Experience and Qualifications - not to exceed 10 pages and to include:



- a. Detailed summaries of a minimum of three projects considered to be most representative of the Project Team's experience with comparable projects, with a Form and/or Design Guidelines component.
- b. Resumes for all pertinent project team

VI. MINIMUM EVALUATION CRITERIA

The proposal **must** include all of the items listed under both Required Submittals and Technical Proposal Requirements, and meets all submission requirements set forth in the Request for Proposals.

COMPARATIVE EVALUATION CRITERIA

All proposals meeting the above Minimum Evaluation Criteria will be forwarded to the Evaluation Committee described below for comparative evaluation. Proposals shall be rated according to the following Comparative Evaluation Criteria: These criteria are listed in approximate descending order of importance.

1. Evaluation Criteria – Experience

Number of prior Innovative Zoning amendments and accompanying Design Guidelines projects of similar scope and size in Massachusetts. These could include smart growth, or 40R, projects of a similar scope and size.

Unacceptable: No prior Form Based or Incentive Zoning with Design Guidelines experience.

Not Advantageous: Less than two (2) projects of similar scope and size in Massachusetts.

Advantageous: At least two (2), but less than 5 projects of similar scope and size in Massachusetts.

Highly Advantageous: Five (5) or more projects of similar scope and size in Massachusetts.

2. Evaluation Criteria – Experience & Qualifications

Number of prior inclusive, public outreach programs, designed and run by the proposer, for projects of a similar size and scope successfully reaching the necessary vote of the local legislative body to adopt the new zoning bylaw.

Unacceptable: No prior public outreach program experience.

Not Advantageous: Less than three (3) projects of similar scope and size.

Advantageous: At least three (3), but less than seven (7) projects of similar scope and size.

Highly Advantageous: Seven (7) or more projects of similar scope and size.

3. Evaluation Criteria – Legislative

Experience successfully reaching the necessary vote of the local legislative body to adopt the new zoning bylaw.

Unacceptable: No successful zoning votes of the local legislative body achieved.

Not Advantageous: Less than three (3) successful zoning votes achieved.

Advantageous: At least three (3), but less than seven (7) successful zoning votes achieved.

Highly Advantageous: Seven (7) or more successful zoning votes achieved.

4. Evaluation Criteria – Overall Project Goals

Documented understanding in Proposal Narrative of the Town's overall goals for this zoning and the Railroad Square/Main Street Corridor area.

Unacceptable: Proposer does not demonstrate an understanding of the Town's goals for this zoning and the Railroad Square/Main Street Corridor area.



Not Advantageous: Proposer does not evidence an understanding of the Town's goals for this zoning and the Railroad Square/Main Street Corridor area.

Advantageous: Proposer evidences an understanding of the Town's goals for this zoning and the Railroad Square/Main Street Corridor area.

Highly Advantageous: Proposer has a clear, detailed understanding of the Town's goals for this zoning and the Railroad Square/Main Street Corridor area.

5. Evaluation Criteria – Oral Interview (if deemed necessary for clarification or additional needs)

The proposer is expected to attend an oral interview to present an expressed understanding of project objectives, the region, and required work plan and project approach.

Unacceptable: Proposer does not attend an oral interview to present an expressed understanding of project objectives, the region, and required work plan and project approach.

Not Advantageous: Proposer presents limited expressed understanding of project objectives, the region, and required work plan and project approach.

Advantageous: Proposer presents sufficient expressed understanding of project objectives, the region, and required work plan and project approach.

Highly Advantageous: Proposer presents significant expressed understanding of project objectives, the region, and required work plan and project approach.

Proposal Evaluation

The following process will be used to evaluate the proposal:

1. An Evaluation Committee consisting of the Town Planner, a member of the Planning Board, and a member of the Economic Development Advisory Committee, and a member of the Select Board will evaluate the proposals. The sole purpose of this step is to demonstrate a consultant's overall completeness and responsiveness. The proposals must meet the requirements identified as Minimum Evaluation Criteria to receive further consideration. The Evaluation Committee reserves the right to disqualify proposals that are determined to be incomplete or nonresponsive.
2. Next, the remaining proposals will be evaluated for each of the criteria listed as Comparative Evaluation Criteria. Any proposal that receives an "unacceptable" rating in any criteria may be rejected. Based on this evaluation, each proposal will receive a composite rating of "unacceptable", "acceptable", "advantageous", or "highly advantageous".
3. Next, the Work Program will be evaluated for the criteria stated in this RFP. Any proposal that receives an "unacceptable" rating in any criteria may be rejected. Based on this evaluation, each proposal will receive a composite rating "unacceptable", "acceptable", "advantageous", or "highly advantageous".
4. After completion of steps 1, 2, and 3, as detailed above, the remaining proposals will be evaluated. The results of each proposal evaluation will be compared by the review committee at this step, and a final ranking shall be made. The overall goal of the evaluation process shall be to recommend to interviewees for the Evaluation Committee and to interview and award the contract to the firm whose proposal best meets the requirements of the RFP in the opinion of the Evaluation Committee.



ASSURANCES & DELIVERY

The Town of Pepperell or a departmental representative shall inspect the work and give directions pertaining to the work. The vendor or subcontractor shall notify the Town or his representative of the time of starting work, interruptions and delays.

The Vendor shall keep the work under its personal control and shall not assign by power of attorney or otherwise, or sublet the work or any part thereof without notice and clearance by the Town.

All materials, methods of delivery, and staff involved with delivery must comply with all applicable laws, statutes, policies, and regulations. Ignorance of any law, regulation, policy, or statute is not an excuse for non-compliance with those laws, regulations, policies, or statutes. This includes but is not limited to prevailing wage, MGL 30B, MGL 30, Section 39M, and MGL 149.

Accessories & Insurance

- Insurance
- Must provide the Town of Pepperell with a copy of Insurance certificates documenting amounts of coverages for:
 - Public Liability and Property Damage Liability Insurance,
 - Comprehensive Vehicle Liability and Property Damage Insurance; and
 - Statutory Workman's Compensation Insurance.
- Evidence of existing workers' compensation insurance policy must be provided in accordance with MGL Ch. 152, Section 25C and attached.
- Insurance Requirements are attached below.
- Copy of W9 is required.
- Non-collusion and fraud certification are required, must be signed, and attached.

INSURANCE REQUIREMENTS:

The Contractor shall carry and maintain, for the life of this contract, all insurance as specified below, and in such form as covered by this contract from all claims and liability for damages for personal injury, including accidental death, and for property damage which may arise from operations under this contract, whether such operations be by him/her self or by any person or anyone directly or indirectly employed by either of them. The coverage shall include the Town of Pepperell as an additional insured and amounts of such insurance shall be as follows:

A: Workers Compensation

Statutory State, Massachusetts
Coverage Limit, \$100,000 each employee

B. General Liability

1. Limits of Liability Combined Single Limit
Bodily Injury and Property Damage of \$1,000,000
2. Arrangement of Coverage
 - a. Premises Operations
 - b. Owners and Contractors Protective
 - c. Broad Form Comprehensive General Liability Endorsement or equivalent to include Broad Form Contractual, Personal Injury, Broad Form Property Damage.



Cross Liability

C. Professional Liability

D. Automobile

1. Limits of Liability
Combined Single Limit
Bodily Injury and Property Damage of \$1,000,000
2. Arrangement of Coverage
 - a. Employer non-owned
 - b. Hired Car
 - c. All Owned or Leased Vehicles

Said policies shall be so written that the Town of Pepperell will be notified of cancellation at least thirty (30) days prior to the effective date of such cancellation.

Certificates in duplicate from the insurance carrier stating the limits of liability and expiration date shall be filed with the Town of Pepperell before operations are begun. Such certificates shall contain a statement referring specifically to this contract to the effect that all insurance coverage herein required has been provided. Certificates shall be filed before the award can be made. Signatures on all certificates and insurance forms must be original signatures.

Insurance under which the Town shall be named as in "Insured" or as "Additional Interest" shall be carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts.

The Contractor shall indemnify and save harmless the Town, and all of its officers, agents, and employees from all suits, actions or claims of any character.

VII. SELECTION PROCEDURES

1. Performance Capabilities

Proposers must be capable of providing the specified goods and services on schedule, in working order, in an intact and undamaged condition, and providing any support services in a professional and workmanlike manner.

Time of performance is critical to this RFP. Proposers must reassure the Town of Pepperell of their capacity to perform within the timeframe set out in this RFP.

2. Experience

Proposers must demonstrate competency in the business of providing services specified in this RFP by conformance with the following criteria:

- a. Provision of the specified services is consistent with normal lines of business.
- b. Incorporated to do business in Massachusetts.
- c. Receive favorable ratings from listed required minimum criteria below.
- d. Vendor shall demonstrate that the services offered are the requested specifications.
- e. PROPOSERS that do not meet these minimum qualifications will not be considered.



3. References

PROPOSERS must provide a list of awarded contracts for services made in the last three years. Any omission will be considered grounds to invalidate the PROPOSER's Proposal. Use a separate sheet(s) clearly marked "REFERENCES" to provide the following information for each reference.

1. Customer Name
2. Years as a customer
3. Mailing Address
4. Contact Person
5. Telephone Number
6. E-mail Address

VIII. SERVICES AND PERFORMANCE TERMS

1. Vendor Invoicing

Selected Vendor must direct all invoices to the Department being billed as well as:
Town of Pepperell
Attn: Planning Office
1 Main Street
Pepperell, MA 01463

The Town of Pepperell is tax-exempt. Sales taxes and finance charges will not be paid.

Invoices must contain, or be accompanied by, the following information:

- The Town of Pepperell Contract Number
- Department that was Serviced
- Contact that Ordered Service
- Total Price
- Total Amount Payable

2. Payment

The services procured through this RFP are funded by the Town of Pepperell on an indirect payment basis.

The Town of Pepperell will make payment to Vendors within 30 days of delivery of a payment request to the Town. The Town of Pepperell will make all necessary effort to expedite payment cycles. The Town of Pepperell will not be liable for slow payment cycles.

In analyzing responses to the evaluative criteria, the selection committee shall consider the qualifications of the applicant and make any investigations deemed relevant to the selection process. Attributes of services proposed, investigations into qualifications, project team, prior relevant experience, past performance, ability to meet project time schedules, and responsibility of the applicant may also be considered. The selection committee will confirm claims of past experience and may request finalists to attend an interview to further explain or clarify their summary statement of qualifications or other elements of their proposal.



IX. GENERAL AND SPECIAL PROVISIONS

1. The Town reserves the right to cancel this Request for Proposals, or to accept or reject any and all proposals, waive informalities, and to award contracts as may be in the best public interest of the "Town".
2. All proposals become the property of the Town of Pepperell.
3. The firm selected shall be expected to comply with all applicable federal and state laws in the performance of services.
4. The consideration of all proposals and subsequent selection of a consultant shall be made without regard to race, color, sex, age, handicap, religion, political affiliation, or national origin.
5. The successful firm shall adhere to the provisions of the Fair Employment Practices Law of the Commonwealth of Massachusetts (See Gen. Laws c. 151B).
6. The provisions relating to non-discrimination and affirmative action in employment shall flow through all contracts and sub-contracts that the successful firm may award as a result of this contract.
7. Firms and/or individuals preparing proposals may be asked to provide additional information and/or may be requested to make a presentation of their proposal.
8. Proposals must be unconditional.
9. Selection shall be subject to additional discussions and/or negotiations based on proposals received.
10. The Town is an EEO/AA/MBE employer. Women and minority owned businesses are encouraged to apply.
11. No protests regarding the validity or appropriateness of the specifications or of the Request for Proposals will be considered unless the protest is filed in writing with the Town prior to the closing date for proposals. Should a protest be rejected or disallowed the protester may within forty-eight (48) hours (except Saturdays, Sundays, and State holidays) appeal this decision in writing to the Review Board.



Form A – General Proposal Form

The accompanying Proposal Price Form is hereby submitted in response to the RFP cited above. All information, statements and prices are true, accurate and binding representations of its intentions and commitments in responding to this RFP.

This Proposal applies to the following:

- **Consultant Services for MUOD**

Vendor Name: _____

Mailing Address: _____

Phone: _____

E-mail: _____

Website: _____

Non-Collusion Statement

The undersigned certifies under penalties of perjury that this 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.

Taxes Paid Certification

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am/my company is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and VENDORS, and withholding and remitting child support.

For the Proposer:

X _____ Date: _____

Name: _____

Title: _____



FORM B – PROPOSAL PRICE FORM

The PROPOSER proposes to provide the following services (and as described in detail in Section IV (Scope of Services) of the RFP):

Description

CONSULTANT SERVICES FOR MUOD.

PROPOSAL PRICE

The PROPOSER proposes to provide the following services (and as described in detail in Section IV (Scope of Services) of the RFP):

Creation of revised Mixed-Use Overlay District Bylaw

TOTAL COST:

\$ _____

Please attach estimated budget and breakdown by planning element of professional service fees, assigned project staff and hourly billing rates of staff.

For the Proposer:

X _____ Date: _____

Name: _____

Title: _____

OFFICIAL BID DOCUMENT