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REQUEST FOR QUOTATION  
FOR  
CONSULTING SERVICES  
FOR  
BROOKLINE COMMUNITY PRESERVATION PLAN AND  
CPA APPLICATION

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TOWN OF BROOKLINE, MASSACHUSETTS

Town Hall, 333 Washington Street, Brookline, MA 02445

November 2022

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# TOWN OF BROOKLINE

## *Massachusetts*

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

### REQUEST FOR QUOTATION Consultant Services – Community Preservation Plan and Application

Issue Date: November 16, 2022

Quote #: P-23-10

Quote Due Date & Time: Wednesday December 7, 2022 @ at 2 p.m.

A quotation is requested for items listed on the attached ***Request for Quotation – Consultant Services – Community Preservation Plan and Application***. See Section 1.3 for information regarding this Quotation Submittal.

The following items are to be completed by the bidder and returned together with the completed response to the ***Request for Quotation – Consultant Services – Community Preservation Plan and Application***.

Quotation Date: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

Email: \_\_\_\_\_

Total Cost to complete Scope of Services:

\_\_\_\_\_

Sincerely,

David Geanakakis, Chief Procurement Officer

# **1. Instructions**

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## **1.1. Introduction**

This Request for Quotation (“RFQ”) is being issued by the Town of Brookline (the “Town”) to solicit the services of qualified firms and individuals (the “Consultant”) to support the process to develop the Brookline Community Preservation Plan and to then accept, evaluate, and recommend funding requests for the Community Preservation Fund (the “Plan”) and to create a template application for use by the Community Preservation Committee. The Town envisions a robust community engagement process for developing the plan and the funding process.

### **Background:**

On December 1<sup>st</sup>, 2020, the Town voted to adopt the Community Preservation Act, M.G.L. Chapter 44B. The vote authorized a property tax surcharge of 1% with exemptions for property owned and occupied as a domicile by any person who would qualify for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act. A Community Preservation Committee (CPC) is responsible for making recommendations to a representative Town Meeting for Historic Preservation, Open Space, Recreation, and Community Housing projects. Brookline’s annual tax surcharge totals approximately \$2.6 Million plus the annual state match.

## **1.2. Questions**

Any questions relative to this request must be submitted in writing to David Geanakakis email [dgeanakakis@brooklinema.gov](mailto:dgeanakakis@brooklinema.gov) no later than noon on Wednesday November 30, 2022. If the Town determines the question and its response may materially affect the Submission Requirements, Scope of Services or the Review Criteria, all persons who received this RFQ will receive a copy of the written question and the Town’s answer without identifying the source of the question.

## **1.3. Quotation Submissions**

All proposals from qualified Consultants (“Respondent”) may be submitted to the Town in either electronic or hard copy.

Electronic submissions must be emailed to [dgeanakakis@brooklinema.gov](mailto:dgeanakakis@brooklinema.gov) with the subject “RFQ # P-23-10 for Community Preservation Plan and Application – Consulting Services”.

Hardcopy submissions must be delivered in a sealed envelope, marked: “RFQ # P-23-10 for Community Preservation Plan and Application – Consulting Services” and must be received at:

Town of Brookline  
Town Hall, Purchasing Division  
333 Washington St., 2nd Floor, Room 212  
Brookline, MA 02445

Each hardcopy submission shall include an electronic copy on a USB memory stick or equivalent. The USB memory stick shall be sealed in the same envelope along with the printed submission.

Proposals will be accepted until Wednesday December 7, 2022 at 2 p.m at which time they will be opened.

NOTE: Proposals received electronically or hardcopy after that date and time will be rejected.

It is the sole responsibility of the Proposer to insure that the proposal arrives on time at the designated place or email.

## **Selection Process and Project Oversight / Guidance**

The Community Preservation Committee will create a Working Group to serve as the Selection Committee (the “Committee”), this Committee will determine whether submitted qualification statements meet the minimum review criteria set forth in Section 5 below and will evaluate and rank the qualifications statements of qualified Respondents.

During the review process the Committee will, in the following order:

- review qualification statements that meet the minimum review criteria stated in Subsection 5.1, below;
- pose, as needed, written or in-person questions for clarification;
- evaluate provided references in order to determine each Respondent’s experience, capability, integrity, and reliability to perform the work;
- perform any other due diligence;
- if deemed necessary by the Committee, conduct interviews with the Respondents that have submitted the three (3) top-ranked qualifications statements;
- rank the qualification statements in accordance with the comparative review criteria set forth in the Subsection 5.2 below and any other information gathered, including during any Respondent interviews; and then
- select the Respondents whose qualification statement it deems to be the most beneficial.

The Town will then review the price proposal from the Respondents whose qualifications have been deemed responsive and responsible. If Respondents are found to be similarly qualified, the submission with the lowest fee proposal will be selected. If the Town and the top-ranked Respondent cannot come to a mutually satisfactory agreement and contract terms, the Town will offer an agreement and contract terms with the firm offering the next most responsive and responsible quotation. The Town will continue negotiating with ranked Respondents until a contract is successfully negotiated or the RFQ is canceled.

The Community Preservation Committee is the contracting authority for this contract.

Once the Consultant is selected, the Working Group will be responsible for project oversight and guidance alongside the primary Town of Brookline staff contact.

## **2. Scope of Services**

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The Consultant will help prepare a Community Preservation Plan that complies with the

requirements under MGL Chapter 44B referred to as the Community Preservation Act, and specifically Subsection 5 (b)(1), in consultation with the Community Preservation Committee. The Consultant will also help prepare selection criteria and a template pre-application and application document for use by the Committee to accept, review, and evaluate funding requests.

The Committee is looking for a plan that centers diversity, equity, and inclusion<sup>1</sup> in all CPA funding categories and as part of the evaluation and selection process for projects. To that end, the Committee will utilize a number of existing Town plans<sup>2</sup> as a foundation for a robust community engagement process to solidify community needs, establish funding goals, and identify spending priorities in each funding category.

The consultant will provide services in the following areas:

**Community Preservation Plan: Study and incorporate the needs, possibilities, and resources of Brookline regarding community preservation and establish goals and priorities for grants in the designated areas of Community Housing, Historic Preservation, Open Space and Recreation.**

**1. Community Engagement Minimum Requirements:**

The plan shall be based on a strong community engagement process in coordination with the CPC, gather input from municipal boards, commissions, and community stakeholders, including but not limited to: Planning Board, Conservation Commission, Historical Commission, Brookline Housing Authority, Housing Advisory Board, and other interested parties such as the Department of Public Works, Recreation, Council on Aging, Select Board, Brookline Public Schools, Libraries, and nonprofit and community-based organizations.

- Develop CPA brand marketing, content and templates for social media outreach, the annual report, and the website.
- Develop educational materials about CPA and to assist with plan development
- Develop community-wide survey and assist with analysis of results
- Organize, facilitate, and provide report out of one community charrette
- Organize, facilitate, and provide report out of two community meetings – one to inform the public about the CPA and gather input from the public on draft needs, goals, and priorities based on existing Town plans and the second to review draft plan and gain input into grant criteria
- Organize, facilitate, and provide report out of one focus group for each spending category for a total of four focus group meetings
- Propose other creative methods to garner community input and other targeted activities to reach the diverse populations in Brookline

**2. Draft Application and Review Rubric:**

- Develop a two-step eligibility application process, application forms, and a CPA Eligibility Matrix for reviewing, evaluating, and accepting grant applications.
- Develop a workshop program or recorded video and toolbox to inform the community about the CPA funding guidelines and procedural rules, the funding application process, and the review and evaluation criteria matrix that establishes minimum requirements, desirable elements, and fair evaluation of all applications based on goals and priorities as established in the Community Preservation Plan.
- Develop project Application Guidelines & Scoring Criteria that reflect the community values, goals, priorities, and available CPA funding as established in the Community

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<sup>1</sup> Please see the Town of Brookline's Equity, Diversity and Community Relations policies at <https://www.brooklinema.gov/2327/Policies>

<sup>2</sup> For relevant Town Planning documents please see <https://www.brooklinema.gov/DocumentCenter/Index/3283>

Preservation Plan.

- Develop a calendar and process diagram for the proposal process in line with Brookline's annual budgetary process, and a project recommendation template including project description and costs for annual project funding recommendations to Town Meeting.

### 3. **Plan Outline**

Brookline's Community Preservation Plan shall incorporate these elements:

- a) Vision and Guiding Principles;
- b) History of CPA in Brookline, including adoption date, surcharge and exemptions
- c) CPA in the context of other available Town funding, including Housing Trust and Community Development Block Grant funds
- d) Available Funds Chart (updatable annually);
- e) Composition and Members of the Brookline Community Preservation Committee;
- f) CPA Eligible Projects Matrix;
- g) Summary of Community Engagement
- h) Application Guidelines and Process (two-step) with timeline;
- i) Sections on Open Space and Recreation; Historic Resources; and Community Housing with each section to include:
  - i. Needs, Goals, and Priorities
  - ii. Eligible Activities
  - iii. Detailed Resource Factsheet with project examples
- j) CPC Project Review Guidelines & Scoring Criteria centering diversity, equity and inclusion in application review and decision making;
- k) Proposal and project annual schedule and funding process, including alignment with annual Town budgeting, the Capital Improvement Plan and other Town funding pools.
- l) Recommendations to the CPC regarding plan updates and annual spending plan.

### 4. **Meetings with CPC:**

The selected applicant shall attend a maximum of three meetings with the CPC and stakeholders as follows:

- A public meeting with the CPC to review the draft Plan and obtain comments;
- A public hearing on the revised draft Plan to obtain public comment;
- A meeting with the CPC to review the final Plan.

### 5. **Final Plan:**

The selected consultant shall submit the final plan that incorporates the agreed upon comments from the review process identified in item 4.

## **3. Submittal Requirements**

A narrative describing the proposer's understanding of the scope of work and experience with the specific items shall be submitted in the order listed below:

- a. A statement of qualifications;
- b. Identification of all consultants with resumes attached. In addition, identify the key individual that will bear primary responsibility for completing the work;
- c. Dates and summaries of previous Community Preservation Plans completed by the consultant;
- d. Examples of any previous experience with the CPA implementation process;
- e. Description of how proposer will achieve the public outreach process with the general public, stakeholders, town staff and officials.
- f. Proposed schedule and delivery for completing the Scope of Work;
- g. Three references from projects or previous professional experience of similar scope;
- h. Any other information that the applicant considers relevant for the purpose of evaluating

its qualifications for the project.

#### 4.1 Minimum Qualifications:

- a. Submission of all required documentation;
- b. Demonstrated ability to complete projects on time and within the budget;
- c. Demonstrated ability to meet with appropriate parties and gather relevant project data and documentation;
- d. Demonstrated ability to coordinate public outreach process;
- e. Demonstrated experience in Community Preservation Act implementation.

#### 4.2 Selection Process:

The ideal consultant/firm is thoroughly familiar with the Community Preservation Act and has experience in preparing similar plans and documents. A Selection Committee (the "Committee") will rate each application according to the criteria below and then interview the top candidates.

#### 4.3 Comparative Evaluation Criteria:

In addition to the submittal requirements and the minimum criteria listed above, which the consultant/firm must submit and/or be in compliance, the RFQ will be reviewed and ranked for the degree to which the consultant/firm meets the previously enumerated qualifications and for the skills of assigned staff based upon the comparative evaluation criteria rating system below:

**Highly Advantageous** – Excels on the specific evaluation criterion

**Advantageous** – Fully meets the specific evaluation criterion

**Not Advantageous** – Inadequately meets the specific evaluation criterion

**Unacceptable** – Fails to meet the specific evaluation criterion or insufficient information to determine compliance.

Scoring Category	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
1. Completeness and quality of the application.	The submittal contains complete, concise, informative and highly detailed information that is of superior quality communication and writing skills are excellent.	The submittal is complete, informative, and responsive and of good quality. Communication and writing skills are good.	The submittal has gaps related to the core elements of the required submissions stated in the RFQ.  Communication and writing skills appear to be only adequate.	The submittal is not complete. Communication and writing skills are poor.
2. Qualifications and depth of project experience.	The proposer demonstrates superior experience in providing services related to the Town's requirements. The proposer demonstrates a wide depth of experience with similar recent projects in an urban community of similar size and demographics, and prior experience with municipally funded contracts. Project work samples are of excellent quality in content and technical presentation.	The proposer demonstrates solid experience in providing services related to the Town's requirements. The proposer demonstrates a good depth of experience with similar recent projects in an urban community of similar size and demographics, and prior experience with municipal funded contracts. Project work samples are of good quality in content and technical presentation.	The proposer demonstrates fair or limited experience in providing services related to the Town's requirements or with similar projects in an urban community, and work samples minimally meet current standards for content and technical presentation.	The proposer does not demonstrate experience in providing services related to the Town's requirements or with similar projects.

3. Qualifications of proposed staff	The proposed staff have superior experience with and have substantial evidence of assistance to community boards and knowledge of the Community Preservation Act.	A proposed member has successful experience with assistance to community boards and a proposed member has knowledge of the Community Preservation Act.	No one on the proposed team has substantially contributed to a project involving the Community Preservation Act, but at least one member has other relevant experience.	No one on the proposed team has experience working with community boards or the Community Preservation Act for a municipality in Massachusetts.
4. Approach to the schedule and delivery for completing the Scope of Services.	The elements of the scope of services and schedule demonstrates superior understanding and consideration of the Town and CPC goals for this project.	The elements of the scope of services and schedule demonstrates a clear understanding and consideration of the Town and CPC goals for this project.	The elements of the scope of services do not represent an appropriate approach to the project and gaps in the understanding and consideration of the Town and CPC goals for this project.	There are missing elements which indicate a lack of understanding and consideration of the Town and CPC goals for this project.
5. Familiarity with Brookline and its needs, challenges, and opportunities.	Demonstrates extensive knowledge and familiarity with Brookline and its needs, challenges, and opportunities.	Demonstrates good level of knowledge and familiarity with Brookline and its needs, challenges, and opportunities.	Demonstrates some knowledge and familiarity with the Brookline and its needs, challenges, and opportunities.	No knowledge or familiarity with the Brookline and its needs, challenges, and opportunities.
6. Approach to public engagement.	Describes a robust approach to facilitating community engagement.	Describes an adequate approach to community engagement.	Describes an approach to community engagement that will require refinement.	Does not sufficiently address community engagement.
7. Ability to center equity throughout plan development process and incorporate into final plan and application.	Demonstrates evidence of exemplary ability to apply, center, and elevate an equity lens to entire scope of work and deliverables.	Demonstrates evidence of adequate ability to apply, center, and elevate an equity lens to entire scope of work and deliverables.	Demonstrates evidence of ability to apply, center, and elevate an equity lens to entire scope of work and deliverables.	Does not demonstrate evidence of ability to apply, center, and elevate an equity lens to entire scope of work and deliverables.



## 4. Estimated Timeline

<b>Milestone:</b>	<b>Estimated Due Date:</b>
Deadline for RFQ responses	12/07/2022 @ 2 p.m.
Candidates review process & selection	12/12-12/20 2022
Interviews	12/19 or 12/20
Committee votes to proceed with top candidate	12/20/2022
Consultant to submit deliverables: scope, timeline, cost. Review begins	1/09/2023
Working group meeting to approve deliverables, budget appropriation is negotiated, and committee makes a recommendation to award contract	1/12/2023
Finalize Contract	1/30/2023
Project Starts	2/01/2023
Project Completion	9/01/2023
<b>Expected CPC Meetings &amp; Deadlines</b>	<b>Dates:</b>
Review of Draft Plan	6/12/2023
Public Hearing for Plan	7/17/2023
Review Revised Draft Plan	8/15/2023
Final Plan Submission	9/1/2023

## 5. Budget

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In order to be considered responsive, the proponent must submit a clear budget narrative with a detailed explanation, supporting documentation, and any other information regarding cost and pricing with the full proposal.



# TOWN OF BROOKLINE

## *Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

### **PROPOSAL SIGNATURE FORM**

The undersigned, hereafter called the proposer, having fully familiarized himself with all of the proposer documents, hereby agrees and declares:

1. That prices inserted cover all services, labor, materials, transportation, insurance, and all other necessary expenses to fulfill the conditions of the contract within the time stated.
2. That if a substitute manufacturer's name or model number is not inserted by the proposer under the appropriate column, it is understood that the proposer will furnish only the specified item and no substitute will be accepted.
3. Pursuant to M.G.L. Ch. 62C, sec. 49A, the proposer hereby certifies that the proposer has filed all state tax returns and paid all state taxes required under law.
4. 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.

#### **The following items are to be completed by the proposer:**

Title of Proposal \_\_\_\_\_

Guaranteed Date of Completion \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Social Security or Federal Identification Number \_\_\_\_\_

Our company is:    A Corporation \_\_\_\_\_    A Partnership \_\_\_\_\_    Individually Owned \_\_\_\_\_

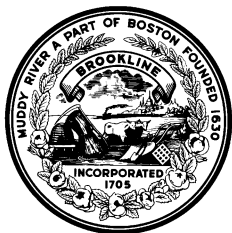
Signature of Company Official \_\_\_\_\_

Telephone Number \_\_\_\_\_

Facsimile Number \_\_\_\_\_

Email Address \_\_\_\_\_

Terms: \_\_\_\_\_ % \_\_\_\_\_ Days, Net \_\_\_\_\_ Days



# TOWN OF BROOKLINE

## *Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

### INSTRUCTIONS TO PROPOSERS

DAVID C. GEANAKAKIS  
Chief Procurement Officer

RICHARD SAVILLE  
Procurement Officer

1. **REQUEST FOR PROPOSAL**, which is enclosed herewith, is an integral part of these instructions.

2. **BID (VENDOR) LISTS**. Vendors who wish to remain on the active bid list must either submit a proposal or a letter of explanation as to the reason for not submitting same, no later than the official PROPOSAL OPENING.

3. **MARKING ENVELOPS**. The Proposal must be filled out on the form(s) prescribed and enclosed in sealed envelopes which shall be marked on the outside with the word "TECHNICAL PROPOSAL" or "PRICE PROPOSAL", the Proposal Title, Proposal Reference Number, and the name and address of the proposer.

4. **SAMPLE**. The Chief Procurement Officer may require the submission of samples either before or after the award of a contract, at no charge to the Town, in order to ascertain whether or not a product will be suitable for the purpose for which it is intended. If it is specifically stated elsewhere in the proposal documents that samples are required, full size samples must be submitted not later than the official PROPOSAL OPENING. Failure to submit said samples may be regarded as a basis for rejecting a proposal. Samples may be impounded until satisfactory completion of a contract. Otherwise, the bidder must call for all samples within (30) days of the award of contracts or said samples will be presumed abandoned and the Chief Procurement Officer will dispose of them as he sees fit.

5. **TAXES**. Purchases by the Town of Brookline are exempt from federal, state or municipal sales and/or excise taxes.

6. **PRICE PROPOSAL FORM**. The proposal price(s) must be typewritten in or written in ink in the space(s) provided on the official PRICE PROPOSAL FORM. In the event of a discrepancy between the unit price and the extension, the unit price will govern. Proposal prices shall encompass everything necessary for furnishing the item(s) specified in, and in accordance with the specifications, including proper packing and the cost of delivery.

INSTRUCTIONS TO PROPOSERS - Page 2.

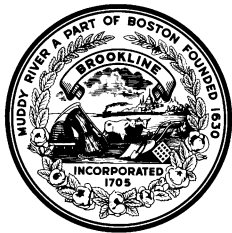
7. **CASH TERMS.** Discounts for prompt payment will be considered when making awards. Minimum time for discount consideration is twenty (20) days.

8. **PROPOSAL DOCUMENTS.** The proposer is to familiarize himself thoroughly with all the documents enumerated herewith, as it is conclusively understood that all proposals are based upon full compliance with the various provisions contained in said documents. The documents comprising the proposal consist of (a) Request for Proposal (b) Article XXIX of the Town of Brookline By-Laws relating to non-discrimination in employment (c) Instructions to Proposers (d) General Conditions (e) Special Conditions (if any) (f) Specifications, and (g) Price Proposal Form. The same documents will be incorporated into the contract documents. One set of the Request for Proposal is given to each proposer. A complete, original set of documents is to be returned, properly signed and executed. A copy of the documents submitted should be kept for the proposer's file.

9. **MINORITY BUSINESS ENTERPRISE PROGRAM.** Minority and women owned business enterprises are encouraged to submit bids and will be given every opportunity to participate in Town of Brookline contracts.

10. **NOTICE CONCERNING UNEXPECTED CLOSURES:** If, at the time of the scheduled proposal opening, Town Hall is closed due to inclement weather or other unforeseeable events, the proposal opening will be postponed until 2:00 PM on the next normal business day. Proposals will be accepted until that date and time

**The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at [rsneirson@brooklinema.gov](mailto:rsneirson@brooklinema.gov)**



# TOWN OF BROOKLINE

## *Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

### GENERAL CONDITIONS

DAVID C. GEANAKAKIS  
Chief Procurement Officer

RICHARD SAVILLE  
Procurement Officer

1. **AWARD DATE.** Award will be made within forty-five (45) days after the BID OPENING unless otherwise stated in the specifications or the time for award is extended by mutual consent of all parties concerned.

2. **EQUIVALENTS.** Where in the specifications, one certain kind, type, catalog number, brand or manufacturer of material is named, it shall be regarded as the required standard of quality. Where two or more are named, these are presumed to be equal and the contractor may select one of the items. If the bidder proposes to offer substitute items as an equal to those named in the specifications, he shall so indicate on the BID FORM the kind, type, catalog number, brand, or manufacturer of material that is offered as an equal, and shall submit data sheets and/or catalog cuts and otherwise describe wherein it differs from the base specifications in similar detail as the description of the component parts of the specified items. Substituted items must be capable of performing all the functions and/or operational features described or indicated in the specifications. Failure to indicate the description of any substitute item on the Bid Form will be interpreted to conclude that the bidder will furnish the specified item.

3. **DELIVERIES.** The contractor shall pay all freight and delivery charges. Unless otherwise stated, items must be delivered within forty-five (45) days of the notice of award. All deliveries must be made inside the building and to the appropriate storeroom as designated by the custodian. Sidewalk or tailgate deliveries will not be accepted. Town personnel are not required to assist in the deliveries and contractors are cautioned to notify their shippers that adequate assistance must be provided at the point of delivery. All items of furniture must be delivered inside the building, in place, set up ready for use. Deliveries are to be made between 8:30 A.M. and 4:00 P.M., Monday through Thursday, except on holidays. Friday deliveries shall be made between 8:30 A.M. and 12:00 Noon. All damaged items, or items which do not comply with specifications will not be accepted and title therefore will not vest to the Town of Brookline until such items are accepted by the receiving department. The contractor must replace, without further cost to the Town of Brookline, such damaged or non-complying items before payment will be made.

GENERAL CONDITIONS - PAGE 2

4. **LABELING.** All packages, cartons, or other containers must be clearly marked with (a) building and room designation; (b) description of contents or item number from specifications; (c) quantity; (d) Town of Brookline's purchase order number; and (e) Vendor's name and order number.

5. **GUARANTEES.** Unless otherwise stipulated in the specifications, furniture, equipment, and similar durable items shall be guaranteed by the contractor for a period of not less than one year from the date of acceptance by the receiving department. In addition, the manufacturer's guarantee shall be furnished. Any items provided under this contract which are or become defective during the guarantee period shall be replaced by the contractor free of charge with the understanding that all replacements shall carry the same guarantee as the original equipment. The contractor shall make any such replacement immediately upon receiving notice from the Chief Procurement Officer.

6. **RIGHT TO KNOW.** Any vendor who receives an order or orders resulting from this invitation agrees to submit a Material Safety Data Sheet (MSDS) for each toxic or hazardous substance or mixture containing such substance, pursuant to M.G.L. C111F SS8, 9 and 10 and the regulations contained in 441 CMR SS21.06 when deliveries are made. The vendor agrees to deliver all containers properly labeled pursuant to M.G.L. C111F S7 and the regulations contained in 441 CMR S21.05. Failure to submit an MSDS and/or label on each container will place the vendor in noncompliance with the contract. Failure to furnish MSDSs and/or labels on each container may result in civil or criminal penalties, including bid debarment and action to prevent the vendor from selling said substances, or mixtures containing such substances within the Commonwealth. All vendors furnishing substances or mixtures subject to Chapter 111F of M.G.L. are cautioned to obtain and read the law and rules and regulations referenced above.

FAILURE TO COMPLY WITH THESE REQUIREMENTS COULD RESULT IN THE CANCELLATION OF YOUR CONTRACT.

# **TOWN OF BROOKLINE, MASSACHUSETTS**

## **By-laws of the Town of Brookline**

### **ARTICLE 4.4**

#### **FAIR EMPLOYMENT PRACTICES WITH REGARD TO CONTRACTS**

##### **SECTION 4.4.1 CONTRACT PROVISIONS AND REQUIREMENTS**

Subject to the exceptions hereinafter stated, all contracts awarded by the Town and all agencies and departments thereof, shall include the following provisions:

During the performance of this Contract, the Contractor, for himself, his assignees and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

(a) The Contractor will comply with the provisions of Chapter 151B, as amended, of the General Laws of Massachusetts relative to non-discrimination which are incorporated herein by reference and made a part of this Contract.

(b) In the performance of work under this Contract, the Contractor shall not discriminate in employment practices or in the selection or retention of subcontractors or in the procurement of materials or rental of equipment on the grounds of race, color, religion, or national origin, or on the grounds of age or sex except when age or sex is a bona fide occupational qualification.

The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of such notice in conspicuous places available to employees and applicants for employment.

(c) In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract and for the procurement of materials and equipment, each potential subcontractor or supplier shall be notified in writing by the Contractor of the Contractor's obligations under this Contract relative to non-discrimination on grounds of race, color, religion, national origin, age or sex, and his obligations to pursue an affirmative course of action as required by paragraph (d).

(d) The Contractor will pursue an affirmative course of action as required by affirmative action guidelines adopted by the Human Relations Commission in effect on the effective date of the contract, or when calls for proposals are made, whichever is sooner, which are herein incorporated by reference, attached hereto, and made a part of this contract and to the nature and size of his work force, to insure that applicants are sought and employed, and that employees are treated, during their employment, without regard to their race, color, national origin or ancestry, or religion. No changes in affirmative action guidelines hereinafter adopted by the Commission shall be effective with respect to contracts already in effect, without the express written consent of the contractor.

- (e) In the event the Contractor fails to comply with the foregoing non-discrimination provisions of this Contract, the contracting agency of the Town, upon advice and counsel of the Human Relations Commission, shall impose such contract sanctions as it may determine to be appropriate, including but not limited to:

- (1) withholding of payment due the Contractor under this contract until the Contractor complies, and/or
- (2) cancellation, termination or suspension of this Contract, in whole or in part.

For the purposes of this section the contracting agency of the Town shall accept as proof of noncompliance with the provisions of Section 4.4.1(a), only final orders or decisions of the Massachusetts Commission Against Discrimination.

- (f) The provisions of this section shall be deemed supplementary to, and not in lieu of, or in substitution for, the provisions of Massachusetts Law relating to non-discrimination, and other applicable Federal, State or Town law, by-law, rule, regulation and directive relative thereto. In the event of a conflict between the provisions of this section and, where inserted or incorporated in this contract, an applicable state or federal law, rule, regulation or directive, the conflicting provisions of the latter shall control.

#### SECTION 4.4.2 EXEMPTIONS

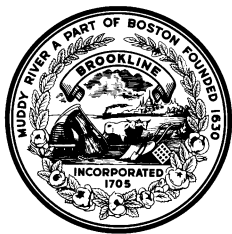
The requirements of Section 4.4.1 shall not apply to the following contracts:

- (a) Whenever work is to be or has been performed outside the state and no recruitment of workers within the state is involved
- (b) those involving standard commercial supplies or raw materials
- (c) When the contractor is a club exclusively social, or a fraternal association or corporation, if such club, association or corporation is not organized for private profit
- (d) when the contractor employs fewer than six persons
- (e) when the total value of the contract is less than \$10,000.00
- (f) contracts involving joint purchases with the state
- (g) contracts with the Commonwealth for construction of public works
- (h) contracts for financial assistance with a government or governmental agency
- (i) notes and bonds of the Town
- (j) employment by the Town of officers and employees of the Town
- (k) whenever it is deemed necessary or appropriate the SelectBoard, upon the advice and counsel of the Human Relations Commission, may exempt any contract not covered by the foregoing exemptions from the operation of this By-law in whole or in part.

#### SECTION 4.4.3 REQUEST FOR PROPOSALS

All requests for proposals for contracts subject to the provisions of this Article shall include a statement notifying all bidders that the contract awarded pursuant to the proposal is subject to the provisions of this Article of the By-laws, relating to non-discrimination in employment.





# TOWN OF BROOKLINE

## *Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

### **CERTIFICATE OF NON – COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

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Signature of individual submitting bid or proposal

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Name of Business

### **TAX COMPLIANCE CERTIFICATE**

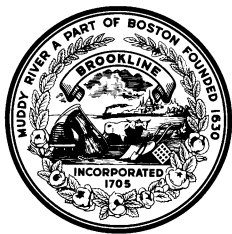
Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

---

Signature of individual submitting bid or proposal

---

Name of Business



# TOWN OF BROOKLINE

## *Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
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617-730-2195  
Fax: 617-264-6446

### **Certificate of Compliance with Article 4.4**

### **FAIR EMPLOYMENT PRACTICES WITH REGARD TO CONTRACTS**

### **of the Town of Brookline By-Laws**

I, \_\_\_\_\_ (printed name of individual/employer contracting with the Town) hereby certify that I shall comply with the Fair Employment Practices in fulfilling the terms of the contract that I propose to enter into with the Town of Brookline, and to which this Certificate is appended. By its signature on this Certification, the undersigned indicates it has reviewed Article 4.4 of the General Bylaws of the Town of Brookline and agrees to incorporate into an Agreement the necessary provisions related to fair employment practices and non-discrimination.

Signed under the pains of penalties of perjury, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

\_\_\_\_\_  
Contractor

### **Certificate of Compliance with Article 4.5**

### **DISCRIMINATION PROHIBITION WITH REGARD TO CONTRACTS**

### **of the Town of Brookline By-Laws**

I, \_\_\_\_\_ (printed name of individual/employer contracting with the Town) hereby certify that I shall not discriminate against any individual because of such individual's race, color, religious creed, national origin, sex, sexual orientation, age or ancestry in fulfilling the terms of the contract that I propose to enter into with the Town of Brookline, and to which this Certificate is appended. By its signature on this Certification, the undersigned indicates it has reviewed Article 4.5 of the General Bylaws of the Town of Brookline and agrees to incorporate into an Agreement the necessary provisions related to non-discrimination.

Signed under the pains of penalties of perjury, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

\_\_\_\_\_  
Contractor

**Certificate of Compliance with Article 4.8**  
**LIVING WAGE**  
**of the Town of Brookline By-Laws**

I, \_\_\_\_\_ (printed name of individual/employer contracting with the Town) hereby certify that I shall pay the Living Wage in fulfilling the terms of the contract that I propose to enter into with the Town of Brookline, and to which this Certificate is appended. By its signature on this Certification, the undersigned indicates it has reviewed Article 4.8 of the General Bylaws of the Town of Brookline and agrees to incorporate into an Agreement the necessary provisions related to Living Wage.

Signed under the pains of penalties of perjury, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

\_\_\_\_\_  
Contractor