

Description of the Property

The Kiosk is located in Harvard Square proximate to the northerly end of the MBTA Red Line subway entrance in Harvard Square, in a building presently entitled “Out Of Town News.” The property is a small one-story wood frame structure.

The Kiosk was constructed in 1928 by the Boston Elevated Railway, the predecessor of the MBTA, to replace the original subway head-house of 1912, which was considered a menace to traffic. Its original function was to shelter the stairs and escalators leading to the station platforms.

The building was designed by a member of the faculty at the Massachusetts Institute of Technology to be transparent to the vehicular traffic that then surrounded the site on all three sides. The low masonry walls used hand-made brick and limestone in a manner imitating the nearby Widener gates to Harvard Yard. The roof is supported on slender brick and limestone pillars and all the intervening spaces were glazed for visibility through the structure.

The Kiosk was restored and adaptively reused as a newsstand in 1984 after having been dismantled and stored off-site during construction of the MBTA’s Red Line Extension project. The restoration was designed by Peter Hopkinson and Edward Tsoi of Skidmore, Owings & Merrill.

The Kiosk was placed on the National Register of Historic Places in 1978, after it was identified by the Cambridge Historical Commission as having extraordinary significance as an example of mass transit architecture and as an internationally recognized symbol of Harvard Square. The structure is and will continue to be protected by a provision of the lease requiring that any exterior alteration, construction, or demolition of the structure or its appurtenances be approved by the Cambridge Historical Commission as though the building were a designated landmark under the provisions of Section 2.78.139A Article III of the Municipal Code or were within a Historic District established under Chapter 40C of the Massachusetts General Laws. The structure is also located in the Harvard Square Conservation District, which carries similar protection. The property is located in a Business B zoning district.

Description of Lease and Financial Arrangements

The tenant space to be occupied by the lessee is in a one-story wood frame structure containing 451 square feet of rentable space and on the outside ground areas directly under the roof overhang of the structure; an additional amount of outside ground area of up to three feet beyond the perimeter of the roof overhang may be available in the City’s discretion if the lessee so desires. The heating and air conditioning are electric. There are no bathroom facilities.

The City’s RFP will require a minimal rental rate of \$130.00 per square foot of area. This rate is based on the history of the location with its current newsstand use, and

because smaller retail spaces historically bring higher per square foot rents. The City Assessor has estimated the market rent for this property as being \$130.00 to \$150.00 per square foot.

I am recommending that the City enter into a lease for five years, with a five-year term of renewal at the City's option. The lease will provide that any additional ground area beyond the perimeter of the roof overhang that the lessee desires to occupy may be added to the lease at the City's option and in its sole discretion at any time during the term of the lease or extension thereof at the rental rate for the leased area then in effect. In addition, the lessee will be responsible for all maintenance and repairs to the building and grounds around the building and all expenses related thereto and for maintaining adequate insurance, and for payment of all taxes, water and sewer charges for the full term of the lease, and snow and ice removal, rubbish removal, all utilities, and all repairs required to maintain the building and outside ground areas leased or maintained, including a minimum of ten feet beyond the perimeter of the entire building and the provision of clear access to the building from all public ways adjacent thereto, in compliance with all applicable provisions of law, regulations, and building codes.

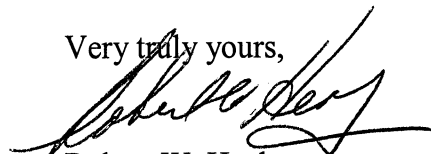
Request for Diminution of Process Stipulated in Chapter 2.110

Chapter 2.110 of the Cambridge Municipal Code on the disposition of city-owned property allows for a diminution of the full process otherwise required by the ordinance if that process would be unduly burdensome. Assuming continued use of the site as a newsstand, I believe that subsection (G) is appropriate for review of this proposal, and I thus request that a limited review process be approved.

Limiting the scope of review for the requested disposition would be consistent with the expressed objective of the procedure required by the Chapter: to render "a fair analysis of how the greatest public benefit can be obtained from the City property in question." I believe that the information furnished in this letter is sufficient to enable the City Council to make a determination on this matter. Carrying out a more detailed review would require a significant amount of money and staff time. Since the procedure set forth in the Chapter would be costly and the use of this property is one that is consistent with City Council policy and has already been successfully in place for some time, I believe this to be the type of disposition anticipated by subsection (G) which allows for a simpler process; and I therefore request that you approve a diminution of the full disposition review process.

I appreciate your consideration of this matter, and welcome any questions you may have.

Very truly yours,



Robert W. Healy
City Manager

DRAFT

**CITY OF CAMBRIDGE
REQUEST FOR PROPOSALS
LEASE OF THE HARVARD SQUARE KIOSK
ZERO HARVARD SQUARE
CAMBRIDGE, MA 02138**

SECTION I. OVERVIEW

The purpose of this Request for Proposals ("RFP") is to solicit proposals for the lease of property owned by the City of Cambridge (the "City") in Harvard Square, known as the Harvard Square Kiosk at Zero Harvard Square (the "Kiosk"). The property is located proximate to the main Massachusetts Bay Transit Authority ("MBTA") Red Line subway entrance in a building presently entitled "Out Of Town News." The Kiosk was restored and adaptively reused as a newsstand in 1984. It is the City's intent that the property continues to be used for newsstand purposes. The Kiosk is listed on the National Register of Historic Places, and will be protected by a provision in the lease that requires that the Cambridge Historical Commission approve any exterior alteration, construction, or demolition.

Offerors must meet all minimum evaluation criteria, must complete the enclosed proposal form and price summary form, and must include the requested documents. The minimum financial terms for a lease of the building shall be \$130.00 per square foot of area. Cambridge has attempted in this RFP to be as accurate as possible, but is not responsible for any unintentional errors herein. No statement in this document shall imply a guarantee on the part of the City as to potential relief from State, Federal or Local regulations.

SECTION II. INSTRUCTIONS TO OFFERORS

1. Failure to complete the attached forms, to answer any question, or to provide the documentation required will be deemed non-responsive and result in an automatic rejection of the proposal unless the City determines that such failure constitutes a minor informality, as defined in M.G.L. c.30B.
2. All proposals shall include a bid deposit of One Thousand Dollars (\$1,000) in the form of a check made payable to the City of Cambridge. The deposit will be refunded after the City selects the successful proposal.
3. All requests for clarification or any questions about information contained in this RFP must be submitted in writing and addressed to Cynthia H. Griffin, Purchasing Agent, City of Cambridge, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139. No requests or questions will be accepted after 5:00 p.m. on [date]. The name, address, telephone number and FAX number of the person to whom such additional information should be sent must be provided by the offeror.
4. Five copies of the proposal must be received by Cynthia H. Griffin, Purchasing Agent, City of

Cambridge, Third Floor of City Hall **prior to 11:00 a.m., Wednesday, [date]**. Proposals must be delivered in a sealed package labeled "Proposal for Harvard Square Kiosk."

5. Offerors may correct, modify or withdraw proposals prior to the proposal opening. An offeror who wishes to withdraw a proposal must make the request in writing. Any corrections or modifications to a proposal must be submitted in writing. Corrections or modifications must be in a sealed envelope when submitted.
6. An offeror's proposal will remain in effect for a period of 90 calendar days from the deadline for submission of proposals or until it is formally withdrawn, a lease (lease) is executed or this RFP is canceled, whichever occurs first.

SECTION III. EVALUATION OF THE PROPOSALS

The Evaluation Committee will review all proposals in accordance with M.G.L. c.30B, and final selection will be based upon an evaluation and analysis of the information and materials required under this RFP. The Purchasing Agent will designate the Evaluation Committee. The lease will be awarded to an offeror who meets the minimum evaluation criteria, submits the required documents, has the demonstrated experience and resources to fulfill the terms of the lease, and best meets the comparative evaluation criteria.

The City will award a lease to only one responsive and responsible, eligible offeror. The City reserves the right to reject any and all proposals if it determines that it is in the best interest of the City to do so. The City also reserves the right to waive any informality in the proposal process or to accept the proposal deemed to be in the best interest of the City.

SECTION IV. DESCRIPTION OF PROPERTY

Offerors are advised to familiarize themselves with the site prior to submitting a proposal.

The Kiosk is located in Harvard Square proximate to the northerly end of the MBTA Red Line subway entrance in Harvard Square, in a building presently entitled "Out Of Town News." The property is a one-story wood frame structure containing 451 square feet of rentable space and the outside ground areas directly under the roof overhang of the structure; an additional amount of ground area of up to three feet beyond the perimeter of the roof overhang may be included in the area to be leased if desired by lessee, in the City's discretion. The heating and air conditioning are electric. There are no bathroom facilities.

The Kiosk was constructed in 1928 by the Boston Elevated Railway, the predecessor of the MBTA, to replace the original subway head-house of 1912 that was considered a menace to traffic. Its original function was to shelter the stairs and escalators leading to the station platforms.

The building was designed by a member of the faculty at the Massachusetts Institute of Technology to be transparent to the vehicular traffic that then surrounded the site on all three

sides. The low masonry walls used hand-made brick and limestone in a manner imitating the nearby Widener gates to Harvard Yard. The roof is supported on slender brick and limestone pillars and all the intervening spaces were glazed for visibility through the structure.

The Kiosk was restored and adaptively reused as a newsstand in 1984 after having been dismantled and stored off the site during construction of the MBTA's Red Line Extension project. Peter Hopkinson and Edward Tsoi of Skidmore, Owings & Merrill designed the restoration.

The Kiosk was placed on the National Register of Historic Places in 1978, after it was identified by the Cambridge Historical Commission as having extraordinary significance as an example of mass transit architecture and as an internationally recognized symbol of Harvard Square. The structure will be protected by a provision of its lease that requires that the Cambridge Historical Commission approve any exterior alteration, construction, or demolition as though the building were a designated landmark under the provisions of Section 2.78.139A Article III of the Municipal Code or were within a Historic District established under Chapter 40C of the Massachusetts General Laws. The structure is also located in the Harvard Square Conservation District, which carries similar protection. The property is located in a Business B zoning district.

SECTION V. LEASE TERMS & CONDITIONS

The successful bidder shall execute a lease with the City, which shall include the following terms and conditions.

1. The City shall have the right to terminate the lease with thirty (30) days' notice to lessee.
2. The term of the lease shall be for five years, with a second five-year term at the sole discretion of the City.
3. The Lessee shall pay the rent monthly in advance without demand. The rent in the second year of the lease shall be an amount equal to the annual rent payable during the initial year hereof increased, but not decreased, proportionately with the increase in the most recent Consumer Price Index for all Boston area urban consumers (CPI/U) published by the Bureau of Labor Statistics, United States Department of Labor between the first month of the initial year of this lease and the first month of the second year of this lease, or 3% whichever is greater. Calculation of the lease payment in the ensuing years will use the same formula used to calculate year one and year two lease increases.
4. Lessee shall provide appropriate insurance on the property, naming the City as an additional named insured during the term of occupancy, so as to protect the interests of the City in the property, with limits acceptable to the City. The successful lessee will be required to indemnify and hold harmless the City, in form acceptable to the City Solicitor, for and against any claims, actions, demands, damages, costs or expenses arising out of or related to lessee's use of the premises, including attorneys' fees.

5. Lessee shall covenant and agree that neither the lease nor the term thereof, nor the estate thereby granted, nor any interest herein or therein, shall be assigned, mortgaged, pledged, encumbered or otherwise transferred and that neither the premises, nor any part thereof, shall be encumbered in any manner by reason of any act or omission of lessee, or used or occupied, or permitted to be used or occupied, by anyone other than lessee and its employees, or for any use or purpose other than stated in its proposal to the City, or be sublet, or offered or advertised for subletting, without in each case, the City's prior express written consent.
6. The lessee will have complete responsibility for the operation and maintenance of the building and grounds around the building and all expenses related thereto, including a minimum of ten feet beyond the perimeter of the entire building and the provision of clear access to the building from all public ways adjacent thereto, for the full term of the lease including taxes as required by law (real estate and personal property, if applicable), snow and ice removal, rubbish removal, all utilities, and all repairs required to maintain the building and outside ground areas leased or maintained in compliance with all applicable provisions of law, regulations, and building codes.
7. The Lessee shall agree that no changes shall be made to the exterior of the structure or its appurtenances that would require a Certificate of Appropriateness or a Certificate of Hardship if the premises were within a Historic District established under Chapter 40C of the Massachusetts General Laws, without in either case in each instance obtaining such a Certificate from the Cambridge Historical Commission, and effecting such changes in accordance with such Certificate, and shall thereby consent and agree to the jurisdiction and procedures of said Commission with respect to the application for and granting of such Certificate as fully as if the land were within a historic district within the City of Cambridge.
8. The premises shall be used for newsstand purposes only, including the sale of merchandise normally offered for sale at newsstands as described by the lessee in its proposal. Lessee shall not encroach on land surrounding the Kiosk without the prior express written consent of the City. Such prior express written consent may be given and payment for such exterior space will be at the same square foot rate as the lessee may then be paying, subject to the increases set forth in the lease as to the leased area.
9. In case the premises or any part thereof during said term is destroyed or damaged by fire or other casualty, so that the same shall be thereby rendered unfit for use and habitation, then, and in such case, the rent reserved, or a just and proportional part thereof, according to the nature and extent of the injuries sustained, shall be suspended or abated until the premises shall have been put in proper condition for use and habitation by the Lessee, which restoration the lessee shall promptly make, or the lease shall thereby be determined and ended at the election and sole discretion of the City.

SECTION VI.

COMPARATIVE EVALUATION CRITERIA

The ratings of “highly advantageous”, and “not advantageous” will be used to evaluate the following features of each proposal.

1. Proposed use of the building:

A rating of highly advantageous will be given to the offeror who will provide a richly diverse selection of publications and materials consistent with the diversity of the Cambridge population and visitors to the Harvard Square area.

A rating of not advantageous will be give to the offeror who will provide a limited diversity of publications and materials consistent with the diversity of the Cambridge population and visitors to the Harvard Square area.

2. Years of experience in the newsstand business:

A rating of highly advantageous will be given to the offeror who possesses at least ten (10) years in the newsstand business in a highly diverse and highly trafficked area similar to Harvard Square.

A rating of not advantageous will be given to the offeror who possesses at least five (5) years in the newsstand business in a highly diverse and highly trafficked area similar to Harvard Square.

3. Price

A rating of highly advantageous will be given to the offeror who offers the highest per square foot price above the minimum allowed.

A rating of not advantageous will be given the offeror who offers the lowest per square foot price above the minimum allowed.

SECTION VII.

DOCUMENT SUBMISSION REQUIREMENTS

The following documents must accompany the proposal. Failure to provide any of the requested documents may result in the determination that the offeror is non-responsive.

1. A detailed description of the products and merchandise to be sold, materials and services that will be offered at the Kiosk, including an organizational chart of the lessee together with contact information, their background and credentials.
2. Proposal Form
3. Anti-Collusion and Tax Compliance Certificate

4. Price Summary Form
5. Disclosure of Beneficial Interest
6. A copy of the most recent annual financial report (audited by a Certified Public Accountant).
7. A list of five references, including contact name and telephone number. The City reserves the right to contact these references and any other it deems important in determining whether the offeror is responsible. The City reserves the right to use itself as a reference.

**CITY OF CAMBRIDGE, PURCHASING DEPARTMENT
795 MASSACHUSETTS AVENUE, RM. 303
CAMBRIDGE, MA 02139**

**PROPOSAL FORM FOR LEASE OF REAL ESTATE
Harvard Square Kiosk**

1. Name of person submitting proposal: _____

Address: _____

Telephone: _____

2. Please check one of the following:

☐ Corporation, incorporated in the State of: _____

☐ Partnership, names of partners are: _____

☐ Individual

☐ Other: _____

3. Minimum Evaluation Criteria

The City of Cambridge will reject any proposal that does not meet the minimum evaluation criteria. A "NO" response or a failure to respond to any of the following minimum evaluation criteria will result in a rejection of your proposal. Please check YES or NO for each of the minimum criteria listed below:

- A. The offeror has sufficient assets to fulfill the payment requirements under the lease as demonstrated by its latest annual financial report (audited by a Certified Public Accountant).

YES ____ NO ____

- B. The offeror has been in business for at least five years.

YES ____ NO ____

ANTI-COLLUSION AND TAX COMPLIANCE CERTIFICATE

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 person. As used in this certification, "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization or other group of individuals.

As required by MGL Chapter 62C, Section 49A, the undersigned further certifies under penalty of perjury that the bidder has complied with all of the laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature: _____

Name of person signing proposal: _____

Title of officer signing for firm, if applicable: _____

Name of business, of applicable: _____

Address: _____

Signature of all firm partners, if applicable: _____

PRICE SUMMARY FORM

LEASE
HARVARD SQUARE KIOSK

\$_____ per square foot for 451 sq. ft. for Year One

\$_____
(TOTAL LUMP SUM)

(AMOUNT IN WORDS)

(Company)
CITY OF CAMBRIDGE

DISCLOSURE STATEMENT OF SELLER OR LESSOR
ACQUISITION OF REAL PROPERTY

For acquisition of real property by the City of Cambridge, the undersigned does hereby state, for the purpose of disclosure of a transaction relating to real property pursuant to Massachusetts General Law c. 7 s. 40J, as follows:

1. Real Property: _____
2. Term: _____
3. Buyer or Lessee: _____
4. Names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property, including any official elected to public office in the Commonwealth or any employee of the Division of Capital Planning and Operations:

Signed under the penalties of perjury.

Name _____

Title _____

Date _____

THIS PAGE MUST BE SUBMITTED WITH YOUR PROPOSAL



32.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager

Richard C. Rossi, Deputy City Manager

August 4, 2003

To the Honorable, the City Council:

I am submitting a request that the City Council authorize me to issue a Request for Proposals ("RFP") to solicit proposals for the lease of property owned by the City in Harvard Square, known as the Harvard Square Kiosk at Zero Harvard Square (the "Kiosk"). The property is located proximate to the main Massachusetts Bay Transit Authority ("MBTA") Red Line subway entrance in a building presently entitled "Out Of Town News." The Kiosk was restored and adaptively reused as a newsstand in 1984 and has been so used since then. The Kiosk is listed on the National Register of Historic Places, and is protected by a provision in the current lease that requires that the Cambridge Historical Commission approve any exterior alteration, construction, or demolition. For many years the City Council has supported the use of the property as a newsstand. The current lease will expire on September 30, 2003. If the City Council continues to support that use at the site, then in my opinion it would make sense to diminish the process for disposition, and move directly to preparation of an RFP soliciting proposals from anyone interested in leasing the property for use as a newsstand. I have attached a draft RFP for your information. If, alternatively, the City Council does not wish to continue the newsstand use of the site, then I will begin the full process for disposition. This proposal requires action by the City Council.

First, the proposal must be considered by the Council pursuant to Chapter 2.110 of the Cambridge Municipal Code, which governs the disposition of city-owned property. I believe this disposition may properly be subject to Section 2.110.010 (G) of that ordinance. Section G provides for the disposition of city-owned property where the full process of the ordinance would be unduly burdensome. Under this section, the City Manager may request of the City Council a diminution of the process in the ordinance; approval of this request requires a two-thirds vote of the City Council. Assuming continued use of the site as a newsstand, I recommend such approval at this time.

Secondly, Section 2.110.010 also requires a two-thirds vote of the City Council to authorize the City Manager to grant the lease to the bidder whose proposal best meets the comparative evaluation criteria as set forth in the RFP. I also recommend that the City Council vote to authorize me to issue the RFP, to grant the lease to the successful bidder, and to execute and deliver a lease in such form and substance as I determine is necessary or advisable.

5234

Consent Agenda #32

Transmitting communication from
Robert W. Healy, City Manager,
relative to a request to issues a
Request for Preposals (RFP) to solicit
proposals for the lease of property
owned by the City in Harvard Square,
known as the Harvard Square Kiosk
at Zero Harvard Square.

In City Council August 4, 2003

**REFERRED TO FINANCE
COMMITTEE**