**Attachment C-1**

**2024-MSBA-Office-Space**

# INSTRUCTIONS FOR PREPARATION, AND SUBMISSION OF LEASE PROPOSALS

1. **Preparation of Proposals**

Proposals must be submitted on the Massachusetts School Building Authority Lease Proposal form included with this RFP. A proposal consists of the Lease Proposal form and required attachments.

1. **Submission of Proposals**

Proposals must be received on or before the proposal submission deadline specified on Page 1 of this RFP.

All additional Submission information may be found in the **Request for Proposal** in Section A-3 **SUBMITTAL REQUIREMENTS.**

1. **Submission of Multiple Proposals**

Proposers may submit separate proposals for premises in different buildings or for different premises within the same building. Proposers may also submit alternative proposals for the same premises.

**THIS OFFICIAL FORM MAY NOT BE ALTERED. ANY CHANGES OR ALTERATIONS**

**MADE TO THIS FORM MAY RESULT IN DISQUALIFICATION OF THE PROPOSAL.**

## LEASE PROPOSAL

Tenant: **Massachusetts School Building Authority (MSBA)** 2024-MSBA-OfficeSpace

To: Siobhan Tolman

The Massachusetts School Building Authority

40 Broad Street, Suite 500

Boston, MA 02109

Via email: procurement@massschoolbuildings.org

The undersigned has read the Request for Proposals (RFP), including the MSBA Office Lease (the Lease) which was provided with the RFP. Attachments, and the specifications in § B. General Specifications. The undersigned acknowledges that the proposed property must comply with all RFP specifications before occupancy by the Tenant unless unambiguously stated otherwise in this Proposal, the undersigned is an eligible proposer as defined in the RFP and there are no known obstacles to prevent the owner from executing a lease or that could invalidate such lease. The undersigned confirms that the owner of the proposed property will 1) enter into a lease substantially in the form of the MSBA Office Lease, 2) provide a statement under oath listing the names and addresses of all persons having a direct or indirect beneficial interest in the property, as required by G. L. chapter 7C, § 38, 3) provide a certification that all state taxes and employment-security contributions have been paid by the owner in accordance with G. L. chapter 62C, § 49A and chapter 151A, § 19A (b), and 4) execute under oath a Certificate of Compliance with Executive Order No. 481. The official forms for items 2), 3), and 4) immediately follow the Lease that is referenced in item 1). **The undersigned acknowledges that the MSBA may reject all proposals or waive portions of the RFP for all proposals if the MSBA deems such rejection, waiver, or both to be in the MSBA’s best interests.**  The undersigned proposes to lease property to the MSBA as follows:

**1. Proposal Summary**

1.1 Location:

Street Address of Proposed Building:

Floor Number:

City State Zip:

1.2 Premises:

Proposed Usable Area:  USF (as described in Amount of Space in the RFP)

Proposed Rentable Area: RSF 18,000-20,000

1.3 Term

Proposed Term of Lease: A. Five Years, with Renewal Options, or

B. 10 Years with Termination Right after 7 Years, with Renewal Options after the end of the 10th year.

**Termination Option:**

In Option B, Tenant shall have a one-time option to terminate the Lease at the end of the seventh (7th) year (“Expiration Date”). If Tenant elects to exercise this option, Tenant shall provide Landlord with twelve (12) months advance written notice and pay a termination fee, on the Expiration Date, equal to the unamortized portion Tenant Improvement Allowance and leasing commissions, which shall be amortized on a straight-line basis over the Lease term (beginning on the Commencement of Rent Obligation) using an interest rate of six percent (6%).

**Renewal Options:**

Tenant shall have the right to renew the Lease for the Premises upon the same terms and conditions as in the initial Lease Term (except for the terms as described herein) for two (2) additional five (5) year terms, provided Tenant gives Landlord at least six (6) months’ notice prior to the then expiring Lease Term.

If the Option to Renew is exercised, the Base Rent during each renewal period Term shall be 95% of the then prevailing fair market rent. The “fair market rent” shall mean the amount that a willing, comparable, renewal tenant would pay and a willing, comparable, landlord of a comparable office in the market area would accept at arm’s length, giving appropriate consideration to tenant improvements, brokerage commissions, new Base Years, and other applicable terms and conditions of the tenancy in question. Any disputes over fair market rent shall be settled by a third-party commercial office broker agreed to by both Tenant and Landlord who shall determine the fair market rent.

**Right of First Offer:**

Tenant shall have an on-going right of first offer on available, contiguous space during the Term (to include any Renewal Terms) of the Lease to expand the Premises subject to prior rights (identified below) and based on the terms as stipulated in Landlord’s written notice to Tenant. Tenant shall have ten business (10) days to accept Landlord’s terms.

**Holdover:**

Upon six (6) months prior written notice, Tenant shall have the option to extend the initial lease term and any subsequent renewal terms at the then-existing base rental rate for three (3) months. Thereafter, holdover rent shall be at 125% of the then-existing base rental rate. In no event shall Tenant be liable for any consequential or incidental damages in the event of a holdover.

**Security Deposit:**

Tenant shall not be required to provide Landlord a security deposit or any prepaid rent.

1.4 Proposer

Name of Proposer:

Contact:  Office Phone:

Company Name:  Cell Phone:

Address:

City State Zip:  Email:

Proposer is submitting this proposal as (see RFP Section 2 for definition of “Eligible Proposer”):

Record Owner  Broker or Agent  Prospective Purchaser  Tenant whose lease permits subleasing

Proposer represents and warrants that 1) the information and statements in this Proposal are complete and accurate to the best of the Proposer’s ability to make them so, and 2) the Proposer has not communicated with any representative of the Commonwealth of Massachusetts or MSBA regarding preparation of this Proposal other than the MSBA Project Manager or the MSBA’s agent.

**Proposer’s Signature:** **Date:**

1.5 Proposed Landlord

Name:

Name of Principal(s):  Office Phone:

Address:  Cell Phone:

City State Zip:  Email:

MA corporation:        MA LLC:       Other MA entity:

Entity organized in another state (specify state and type of entity):

**2. Cost**

Include all cost and rent information for the proposal on this page pursuant to the following economic factors. Please add anything that may not have been included.

**Base Rent**: Please define.

**Free Rent**: Please define.

**Electricity**: Please define estimated costs and how electricity is measured.

**Real Estate Tax Base Year**: Please define base year & 2 years historical figures.

**Operating Expenses**: Please define base year & 2 years historical figures.

2.2 Landlord Improvements

**Tenant’s space program is attached. Please respond on a turnkey basis.**

Landlord, at Landlord’s cost, shall provide a proposed test fit with proposal.

**­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

2.3 Landlord Services

Please define Landlord’s Services. Please confirm that all Controllable Operating Expenses shall not increase by more than 4% per year for the term of the lease on a non-cumulative and non-compounding basis. “Controllable Operating Expenses” are all Operating Expenses other than real estate taxes and special assessments, insurance, utilities and snow removal.

Please include a copy of the Building’s janitorial specifications.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3. Parking**

Please identify how your proposal accommodates the requirements outlined in the RFP. This can include Standard, Accessible, Reserved and Drop off parking needs. Please define parking costs.

**4. Building Conditions: Exterior Envelope, Systems and Common Areas**

4.1 Flood Plain

Is the property located in a flood plain?  Yes  No

4.2 Barrier-Free Access

Confirm that the Building does or will comply with the requirements for access for individuals with disabilities.  Yes  No

Check **E** for those that are accessible now, and **P** for those that are not but will be made accessible prior to occupancy.

Site Building

Entrance(s)

Common Area Restrooms

Parking

Common Area

Hallways

Elevators

Proposed Premises

4.3 Hazardous Substance (see § 5.6 of the Lease)

Owner has no knowledge of, and has not received any notice of, the current or past existence of any material, currently considered to be a Hazardous Substance, that is existing, deposited, or discharged on or from, or across, or migrating toward or across the Premises, the Building, or the land upon which the Building is located.  Yes  No

*If you answered No, identify all conditions about which there is knowledge or notice. The MSBA may request a copy of all reports on such conditions.*

Owner represents that each Hazardous Substance, whether presently known or subsequently discovered, has been or will be remediated (or in the case of encapsulated asbestos, have a management plan in place) in accordance with the provisions of § 5.6 of the Lease and all applicable laws and regulations before the MSBA takes occupancy of the proposed Premises and the Building.  Yes  No

4.4 Building Statistics

Building rentable sf:  Building usable sf:

Year of initial construction:  Original use:

# of Floors Above Grade:  Below Grade:

# of Elevators:  Passenger:  Freight:

Please provide information on current and planned amenities and any additional costs associated with amenity use:

4.5 Life Safety Systems

Check **E** for those that exist and meet current code requirements, and **P** for those that do not exist but that will be provided as required by current codes prior to occupancy.

Emergency Egress

Smoke Detectors

Audio and Visual

Fire Alarm System

Sprinkler

Exit Signs

Fire Doors/Walls

Exit Route Diagrams

Emergency Lighting

Fire Extinguishers

Describe all proposed improvements to life safety systems:

4.6Electrical System

Please provide a description of the electrical service and the watts per USF available to the proposed Premises. How is the electricity metered to the Premises?

Is there a back-up generator?   Yes  No

If yes, please describe the size age and any capacity for Tenant Premises beyond life safety.

4.7 Heating and Air Conditioning System

Please describe the HVAC system utilized for the Premises. Please confirm the annual maintenance schedule for the system and provide a checklist of maintenance review items, ie; filters, motors, etc.

Are Preventative Maintenance Logs available during a site visit?  Yes  No

Describe all proposed improvements to Building systems:

**If the MSBA’S Project Manager determines during a site visit that the proposed Premises is a realistic option and an impartial review of the condition of the systems should be conducted due to age or concern from visual inspection, will Landlord conduct and pay for the review?**  Yes  No

4.8 Security

Please describe any and all security protocols used for the property and the parking areas (if applicable).

**5. Sustainability**

Does the proposal support the Tenant’s efforts to reduce its environmental impact as described in Executive Order 594? (Refer to RFP § 6.1) Yes No

*If you answered Yes, identify all environmental impact practices using the list below.*

CURRENT PLANNED

Energy Star Building:  Y  N  Y  N

Energy conservation and efficiency:  Y  N  Y  N

Clean energy practices:  Y  N  Y  N

Energy procurement:  Y  N  Y  N

LEED Certified Building:  Y  N  Y  N

Water conservation:  Y  N  Y  N

Waste reduction and recycling:  Y  N  Y  N

Environmentally preferable procurement:  Y  N  Y  N

Toxics-use reduction:  Y  N  Y  N

Sustainable transportation:  Y  N  Y  N

Access to electrical vehicle charging stations:  Y  N  Y  N

Other:   Y  N  Y  N

Identify all other practices to reduce environmental impact, and comment on current and planned practices identified above:

**6. Proposed Premises Condition**

6.1 Characteristics of the Proposed Premises:

Floor Number(s):  Contiguous block of space:  Yes  No

Ceiling Height:  feet from the finished floor to underside of slab above

feet from finished floor to finished ceiling

# of Means of Egress:

Describe the existing conditions:

Date and scope of latest improvements:

If available, attach plans in CAD for each floor included in the proposed Premises, as further described in § 10.

6.2 Availability of Space

Is the proposed space vacant?  Yes  No

Date when the space will be vacant and construction of Landlord’s Improvements can commence:

Identify existing tenants who currently occupy, or have the option to occupy, the proposed space, and the term of any rental agreement:

**7. Landlord Information and Landlord Capacity**

7.1 Landlord Information Please identify ownership and its structure.

Does Landlord entity have any employees?  Yes  No

7.2 Landlord’s Management Services

Please provide details related to the property management company serving the Premises. Relevant details include number of square feet under management, years of experience managing similar properties, years of managing this property.

7.3 Permitting, Design and Construction

Names of firms and persons (e.g., architect and engineer) expected to prepare Working Drawings:

If known, name of company (e.g., general contractor) expected to complete Landlord’s Improvements (if known):

**7.**4Financing

Is there currently debt on the property? If yes, please name the Lender.

In many circumstances the MSBA seeks an SNDA. If you believe this unlikely for this transaction, please provide the reason.

**8. References**

8.1 The MSBA reserves the right to contact other parties who may be familiar with the Building and/or the landlord.

8.2 Rental Agreements with the Commonwealth of Massachusetts

List all rental agreements between the owner and the Commonwealth of Massachusetts which were in effect within the last five years.

| Agency | Address | Phone |
| --- | --- | --- |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**9. Intentionally Omitted**

**10. Requested Documents**

Please attach any documents you feel would be beneficial for the selection process. These could include a property brochure, pictures of the interior, description of existing furniture systems available as part of the proposal, etc. At a minimum, we would like to receive:

10.1 Verified floor plans to scale (1/8” = 1’0” or greater) in CAD for each floor included in the proposed Premises. These drawings should identify the following:

10.2 Please provide information on current building maintenance practices including but not limited to HVAC maintenance, filter changes and air quality.

**11. Proposer Comments**

Please provide any commentary you wish the MSBA to consider related to your proposed space. These comments may include: present conditions that are not exactly to the RFP requirements but would save the MSBA rent expense if the plan can adapt; alternative HVAC designs to achieve better emission standards or reduce expense; changes to present public transportation routes that would benefit the MSBA’s employees/clients, etc.