



DIVISION OF
CAPITAL ASSET
MANAGEMENT &
MAINTENANCE



**Project Proposal to the Asset Management Board:
Executive Office of Public Safety and Security,
Acquisition of Office and Crime Laboratory Lease for
Department of State Police
Public Hearing June 16, 2023 at 2:00 p.m.**

PROJECT PROPOSAL: EOPSS - POL

The Executive Office of Public Safety and Security and the Department of State Police seek approval from the Asset Management Board to enter into a lease for:

- Use as a state crime lab
- An initial lease term of 20 years, with two 10-year extension option terms
- A premises of not more than 250,000 usable square feet
- A location within a search area comprised of the cities and towns of Auburn, Berlin, Boylston, Grafton, Hopkinton, Hudson, Marlborough, Millbury, Northborough, Shrewsbury, Southborough, Upton, West Boylston, Westborough, or Worcester

PROJECT PROPOSAL: EOPSS - POL

Public Purpose and Benefits

- C. 7C authorizes leases for a term not exceeding 10 years.
- Extending the term to 20 years, plus 2 10-year extension options, provides greater opportunity to manage lease portfolio risk.
- Extending the term enables the Commonwealth to:
 - Take advantage of premises that continue to support an agency's operations after 10 years
 - Continue to benefit from the investment made in costly lab-specific tenant improvements
 - Maintain continuity of operations at an established location for employees and the visiting public
 - Avoid the potential for unnecessary move costs

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Description of Project

- The Commonwealth currently leases 94,480 usable square feet of laboratory space at 124 Acton Street, Maynard.
- The Commonwealth also occupies 14,408 usable square feet of state-owned laboratory space at 59 Horse Pond Road, Sudbury.
- Both facilities have maximized capacity as much as possible, however, current operations require more square footage for POL to properly operate a crime lab and no state-owned facility is able to meet this need.
- Additionally, because core functions of the lab are split between two facilities, evidence must be transported between Sudbury, the main intake facility, and the larger Maynard facility five days a week, creating workflow inefficiencies and effectively limiting the ability of the lab to further streamline their processes.
- Having a centralized, right-sized facility will allow the lab to become more efficient and better meet the needs of the Commonwealth.

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Alternative Acquisition Process

Following AMB approval of a Project Proposal for this Project, DCAMM, in coordination with EOPSS, will undertake the following process to select a proposal and enter into a lease:

- Prepare RFP
- Advertise RFP The RFP will be advertised in accordance with the provisions of Chapter 7C, Section 36.
- Receive Proposals, Evaluate, Select Proposal: Proposals will be evaluated based on the requirements and criteria specified in the RFP. DCAMM will select the most advantageous proposal based on evaluation of the proposals received and the recommendations of EOPSS and POL.
- Execute Lease

PROJECT PROPOSAL: EOPSS – POL

Anticipated Milestones

	Approximate Date
Issue RFP; advertise in accordance with c. 7C, §36	4 th Quarter 2023
Proposal Submission Deadline	1 st Quarter 2024
Proposal Selected	2 nd Quarter 2024
Lease Executed	3 rd Quarter 2024

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Laws and Regulations to be Waived

M.G.L. Chapter 7C, Section 33-37, except Section 36 (10 Year Limitation) – These sections govern the acquisition of real property by lease, including the limitation of the length of the term of any lease acquisition to a maximum of 10 years. These sections should be waived to make clear the acquisition of this lease is pursuant to AMB authorization, not M.G.L. Chapter 7C.

M.G.L. Chapter 30, Sections 39F through 39R inclusive (but not Section 39H)
M.G.L. Chapter 149, Sections 44A through 44J inclusive, except for certification of non-collusion in contracting requirement – These laws govern competitive procurement of construction contracts by state authorities, departments and municipalities. While a competitive process will be required, the selection will be based on factors including, but not limited to, cost of construction and therefore the public construction laws will not apply. The noncollusion in contracting requirement would not be waived, nor would any laws pertaining to the payment of prevailing wages for improvements constructed on state-owned property.

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Laws and Regulations to be Waived Continued

810 CMR 2.06(2)(c) (Polling Requirement) – The second sentence of Section 2(c) requires the DCAMM Commissioner to certify that the project does not conflict with the current and foreseeable needs of any agency of the Commonwealth. Since this transaction does not require state polling, the requirement in this second sentence should be waived to make it clear that the Commissioner’s certification is not required.

810 CMR 2.05(3) (Public Hearing Requirement, in part) - The EOPSS Lease Search Area is Cities and Towns of Auburn, Berlin, Boylston, Grafton, Hopkinton, Hudson, Marlborough, Millbury, Northborough, Shrewsbury, Southborough, Upton, West Boylston, Westborough, and Worcester. One public hearing was held remotely, rather than holding separate hearings in each legislative district as the asset to be acquired is unknown and not located in any specific legislative district.

PROJECT PROPOSAL: EOPSS – POL

Public Participation, Review and Comment

- EOPSS published a “Notice of Intent to Submit a Proposal and Public Hearing” with an invitation for public comment in accordance with regulations as follows:
 - The Worcester Telegram and the Metrowest Daily News for two consecutive weeks
 - The Central Register for two consecutive weeks
 - On the Mass.gov website with a downloadable copy of the Project Proposal
- Notices were sent to members of the General Court with districts located within the acquisition search area, the Secretary of the Commonwealth of Massachusetts with a copy to the Executive Office of Administration and Finance, Central Massachusetts and the Metropolitan Area Planning Councils, municipal officials located within the acquisition search area, and to members of the Asset Management Board.
- Public comment period closes Tuesday, June 20, 2023 at 4 P.M. ET. Comments may be emailed to bruce.tebo@mass.gov.

PROJECT PROPOSAL: EOPSS – POL

Project Proposal

In accordance with 810 CMR 2.06(2), the Project Proposal includes:

- A detailed description of the Project with all noted items
- Secretariat approval
- Identification of agency needs for a Project location
- Public comments and agency response
- Statement of conflicting laws and regulations to be waived and description of competitive disposition process
- Agency plan to assist AMB in monitoring the Project
- Statement of agency responsible for Project implementation
- A schedule for implementation showing major milestones and completion dates

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Conclusion

The Executive Office of Public Safety and Security (EOPSS) believes that project is in the best interest of the Executive Office and the Commonwealth, and meets the standards set forth in M.G.L. Chapter 7B and in 810 CMR 2.02(1)(a) through (g).

Should the AMB approve this Project Proposal, EOPSS and POL, in collaboration with DCAMM, will issue a Request for Proposals for the procurement of a lease through the competitive selection process identified in this Project Proposal.

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