



The Commonwealth of Massachusetts
Department of Conservation and Recreation

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Commonwealth Of Massachusetts
Department Of Conservation and Recreation

Questions and Answers For

Operation of the Marina at Pope's Island, New Bedford

RFP # DCR 2025-100

Question #1: Section II of the RFP, states that the proposed Lease Area does not include the parking lot or the marina building, yet it acknowledges that DCR's Chapter 91 license #1882 requires DCR to provide public access to the marina from the parking lot and also requires that DCR provide access for the public to the marina, to public toilets, and to showers. The building and the parking lot are owned by the New Bedford Port Authority and the City of New Bedford, respectively. Please explain how you expect the NBPA and the City to put out to public bid for access and utilization of the parking lot and marina building to allow a private party to operate the marina, should such an operator be selected.

Answer #1: As noted in the Title Report, title to the upland area that includes the parking lot and building is subject to, among other things, the recorded Chapter 91 license. Per the terms of the license, "[t]he general public shall be granted pedestrian access to the property subject to this license, as well as, access to public parking for a minimum of one hundred-fifty (150) motor vehicles. Within the Facilities Building, adequate public toilets, showers and a Dockmaster's Office shall be made available." Consequently, as noted in the RFP, the public has the non-exclusive right to park in the parking lot and access certain facilities in the building as well as the Marina, and no separate agreement or charge is necessary for the public to exercise those rights.

Question #2: The RFP dictates that proposers propose "a minimum annual rent payable to DCR, in quarterly installments, 10 per cent of the annual gross revenues defined as total gross revenues after deduction of up to \$100,000 in documented capital improvements to the Marina." Can you confirm that the \$100,000 annual capital

improvement expenses are the only deductions to gross revenues that will be allowed, or can you provide more detail on what DCR will consider gross revenues (for example, net of repair and maintenance expenses)?

Answer #2: Gross revenues as used in the RFP means the sum of all revenues collected during the year in question. The only deduction permitted from the annual gross revenue number is the amount of any documented expenditures for capital improvements made by the lessee to the Marina up to a maximum deduction of \$100,000. Please note that the “up to \$100,000” figure is deducted from gross revenues *before* making the 10% calculation to arrive at an annual rent payment. The deduction is not made from the annual rent payment.

Question #3: In 2024, the Secretary of Energy and Environmental Affairs identified a “5 Point Plan” focused on the long-term operations of the marina. One of those points was to transfer the care and control from DCR to another state agency. Please confirm that any lease terms and landlord obligations executed under the provisions of this RFP will automatically transfer to any potential successor entity or agency.

Answer #3: Any lease arising from this RFP will be binding upon authorized successors and assigns of both parties.

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Question #4: Ever since the original establishment of the marina, it has served two primary goals: A) to provide an affordable recreational resource for the citizens of the Commonwealth, and B) to provide an additional revenue stream for the New Bedford Port Authority to help minimize operational costs charged to the commercial fishing fleet. Since this RFP requires the payment of a percentage of gross revenues (under a section specifically titled entitled “Compensation for the Commonwealth”) and has no limit on customer slip rates (which limitations have been in place since the marina’s inception) or other customer affordability requirements, the primary public goal of the RFP appears to be revenue to DCR and the Commonwealth only, while also seeking to transfer the state’s capital improvement obligations to the prospective tenant. This proposed transfer of capital obligations is despite several legislative authorizations for state expenditures for capital improvements at the marina. Please confirm that the RFP reflects a new state policy that the exclusive public benefit derived from the marina will solely be revenue to the Commonwealth?

Answer #4: DCR was directed by the legislature to issue the RFP, per Section 296 of Chapter 238 of the Acts of 2024. The RFP “solicits proposals that will provide affordable, high-quality, and safe Marina operation with individual slips available to the public.” RFP, p. 1. All prospective bidders are free to formulate what they believe to be an affordable rate for slip rental by members of the public. The continued use of the Marina by members of the public at affordable rates is the primary public benefit associated with the RFP.