

Town of Kennebunk, Maine



REQUEST FOR PROPOSALS RFP # EVD-001 WIRELESS TELEPHONE COMMUNICATIONS FACILITY

Proposals Due:

October 10, 2024 2:30 P.M.
Town Manager's Office
Room 205, Town Hall
1 Summer Street
Kennebunk, ME 04043

Please note corrected date in Item 2-1 Project Description:
Proposals shall be accepted no later than October 10, 2024 at 2:30 P.M.

1. INTRODUCTION

1.1. Summary

1. SCOPE OF SERVICES SUMMARY

The Town of Kennebunk is soliciting proposals to enter into a land lease with a qualified and experienced Proposer for the purpose of designing, permitting, developing, and maintaining a telecommunication tower with the capability of accommodating the placement of public safety radio equipment and no fewer than two (2) vertical antenna spaces for commercial users. The successful Proposer shall prove by their qualifications, experience, and plan for the work, that they will best serve the overall needs of the Town. The selection of the successful Proposers shall be at the Town's discretion after receipt and evaluation of all responses. If you are interested in preparing a response to this RFP, please complete all the requirements set forth in this RFP document. Under the proposal process, the stipulations set forth herein are fully binding on the Proposer to the extent that you confirm acceptance by your electronic signature on the Respondent's Certification.

2. PRE-RESPONSE CONFERENCE

Accessing the RFP document on the Town's website will require Proposers to sign up to the Town's plan-holder list which will be used to schedule the pre-response conference. A pre-response conference is required for this RFP, and a site visitation will be scheduled after concluding the pre-response conference.

Addendum #1 - The pre-response conference mentioned in the previous paragraph has been specified to occur on September 18, 2024 at 11:00 AM. The meeting location will be both remote access via a zoom meeting (info below) and in-person at 1 Summer Street in Kennebunk, ME on the 3rd Floor of the Kennebunk Town Hall in room 306 (see Addendum #1 at end of document).

3. CONTRACT FOR SERVICES

The selected Proposer will be required to negotiate and execute a Lease Agreement with the Town.

4. MINIMUM PROPOSER QUALIFICATIONS

In order for a Proposal to be considered by the Town, Proposers shall demonstrate, in their proposals, experience in developing telecommunications towers and providing tower telecommunications services or demonstrate relationships with telecommunications service providers who are interested in use of the telecommunications tower on the site.

5. PERSONNEL

The work shall be performed and directed by the key personnel identified in the submittal from the awarded firm in response to this RFP. The awarded firm shall not subcontract, assign or transfer any work under the agreement without the prior written consent of the Town. Subconsultants must be identified in the submittal and shall be subject to the approval of the Town. Any changes in the identified personnel shall be subject to the prior review and approval of the Town. When directed by the Town, Subconsultants personnel whose performance or behavior is determined to be unsatisfactory shall be immediately removed. The awarded firm shall provide a sufficient number of qualified personnel as necessary to effectively carry out its responsibilities under the agreement.

1.2. Background

The Town of Kennebunk is a community of nearly 12,000 residents, covering over 40 square miles in York County, located in Maine. To obtain general information about the Town of Kennebunk, access www.kennebunkmaine.us.

1.3. Contact Information

RFP Coordinator

Tina Radel

1 Summer Street

Kennebunk, ME 04043

Email: tradel@kennebunkmaine.us

Phone: (207) 604-1377

1.4. Timeline

Release Date	Question Submission Deadline	Pre-Response Conference	Proposal Submission Deadline
August 13, 2024	September 5, 2024	September 18, 2024 at 11:00am	October 10, 2024 by 2:30pm

2. DETAILED PROJECT DESCRIPTION AND REQUIREMENTS

2.1. Project Description

The Town of Kennebunk is soliciting for qualified Proposers to enter into a land lease agreement with the Town in order to construct, operate and maintain a communications tower to host commercial mobile cellular carriers and public safety radio equipment. Details of the activities and implementation of the scope should be addressed in response to section 3.5 PROJECT UNDERSTANDING AND PROPOSED APPROACH.

As the site is located adjacent to neighborhoods, non-obtrusive equipment should be used to maintain the integrity of the community. Proposals shall be accepted no later than ~~October 3~~ October 10, 2024 at 2:30 PM Local Time. All Proposers are advised that under Maine law, all responses are deemed a public record and open to the public as provided for in said statute.

2.2. Terms of Agreement

Once a Proposer has been deemed acceptable by the Evaluation Committee, and a successful completion of negotiation of a Lease Agreement, the Lease Agreement must be approved by a Town Meeting vote. The Lease Agreement shall require the construction of a telecommunications tower and the provision of space on the tower for the Town's public safety communications.

2.3. Rent

Proposer shall pay the Town the annual rental as agreed by the Proposer in equal monthly installments commencing thirty (30) days after written notice from the Town is received by the Proposer that the Proposer may proceed with the necessary physical preparation of the site to construct and operate their communications tower. Monthly rate to be paid on or before the day it is due to the Town. Rental amounts and periodic escalations should be included in the Proposal as set forth in section 5.3.

2.4. Use of Properties

The Proposer shall use the leased property for the purpose of constructing, operating and maintaining a communications tower to host commercial carriers and public safety radio equipment. All improvements shall be at the Proposer's sole expense and the installation of all improvements shall be at the discretion and option of the Proposer but must have prior written consent of the Town. The Proposer shall maintain the communication/transmission system and its components in a safe condition and in good order and repair at all times. The Proposer shall not store motor vehicles or materials anywhere on the subject properties.

2.5. Non-Interference

In the event the Proposer's transmissions and equipment create interference with the County's or Town's Public Safety radio system, television, and or radio reception of equipment in use by the Town or with equipment in use by the residents of the Town which can be verified, the Proposer agrees, upon notification of such interference, to promptly remedy same to the reasonable satisfaction of the Town and at the Proposer's cost and expense and, if necessary, to cease operations (except for testing) until such remedy is accomplished.

2.6. Governmental Authority

The Proposer's ability to use the properties is contingent upon its obtaining all licenses, certificates, permits, and other approvals required by any federal, state, county, or local authorities or agencies, and to comply with any and all codes and ordinances applicable to the Proposer's operations.

The Town shall cooperate to the extent possible with the Proposer in its efforts to obtain such approvals. If any of the Proposer's applications are rejected, or any certificate, permit, license or approval issued to Proposer is cancelled, expires, lapses, or is otherwise withdrawn or terminated by a governmental authority so that the Proposer is unable to use the properties for its intended purposes, both the Proposer and the Town shall have the right to terminate the Lease Agreement. Notice of the Proposer's exercise of its right to terminate shall be given to the Town in writing by certified mail, return receipt requested, and shall be effective upon receipt of such notice by the Town as evidenced by the return receipt. All rentals paid to said termination date shall be retained by the Town.

2.7. Maintenance and Utilities

The Proposer shall be responsible for the maintenance and care of its equipment, its associated structures, encompassing areas are to be kept in conformance with all federal, state, county, local and any and all other codes and regulations

applicable to the operation of the transmission/communication devices and associated equipment. If permitted by the local utility company servicing the property, the Proposer shall furnish and install its own direct meter for electricity. Utility installation required emergency power back-up generator equipment and alarm monitoring equipment shall be solely at the Proposer's cost and expense.

2.8. Taxes

Any real estate taxes or assessments of any kind, which are attributable to the leased property and the improvements constructed by the Proposer, shall be the responsibility of, and paid by, the Proposer.

2.9. Security

The Proposer shall be solely responsible for providing and maintaining controlled access to the leased property and all improvements on that property at all times. In addition, the Proposer shall perform background checks on all personnel that shall access the property on their behalf, including but not limited to all subcontractors, technicians, consultants, administrative staff, vendors, suppliers,.

The Proposer shall provide the Town with full contact information for a single point of contact, or delegate, whom can be contacted immediately in the event of unsatisfactory performance or in case of an emergency. Said contact information shall include the means whereby the Proposer can be reached during both business and non- business hours. The Town shall be able to reach the Proposer at any time in case of an emergency.

2.10. Required Documentation

In addition to all required documentation and attachments outlined herein to be submitted with your proposal, you shall also provide the Town with all of the following information:

1. A detailed list and picture of all structures and equipment to be installed.
2. A detailed list of all firms partnering on this project.
3. A detailed outline as to how your firm is proposing to install and implement the transmission/communication equipment and include the transmission frequency along with the required elevation height.
4. A complete account as to the overall tower structural load capacity and wind loading.
5. A copy of all pertinent certifications, licenses, permits, documented approvals, copy of certified and sealed engineer drawings demonstrating compliance with all structural requirements, required to install, maintain, and operate the telecommunications tower and related equipment being placed on the leased property.

2.11. Cell Tower Site Available

The Town's site for the lease for a telecommunications tower is Town-owned property located at (0) Factory Pasture Lane, identified on the Town's Tax maps as MBL 052-044. This site is selected because of its location within proximity of downtown and expected commercial cell phone demand and functionality for public safety equipment, because it has sufficient lot area to accommodate the needed infrastructure and because it is in the Industrial zone where *communications tower* is an allowed as a use with special exception and other review. Information about the site is included in Appendix A.

3. PROPOSAL CONTENT / FORMAT

In order to achieve a more consistent evaluation of all proposals, proposals shall be submitted in the following format and include the following information:

1. TITLE PAGE

1. The title page shall list the subject "RFP # EVD-001" It shall also contain the proposing firm's full legal name, physical address, mailing address (if different than physical address), telephone number and e-mail address, as well as the name, address, telephone and/or cell phone number, and e-mail address of a contact person.
2. Proposer details
 - a. DBA
 - b. Authorized Representative Name and Title

2. TABLE OF CONTENTS

The table of contents shall list all major topics with their corresponding section title or heading and beginning page number.

3. INTRODUCTORY LETTER

Describe information about your Firm and explain why your Firm is best suited to meet the services for this RFP.

4. QUALIFICATIONS AND EXPERIENCE

All firms that submit a proposal shall meet, but not be limited to, the following minimum qualifications:

1. Sub-Contractors - Proposers must list project tasks that are likely to be delegated to a sub-contractor and provide a list of sub-contractors that shall be used to accomplish the scope of services. If no subcontractors are going to be used, state as such within proposal.
2. Financial Information - Provide an official letter from the Proposer's financial institution detailing the financial status of the Proposer. The letter shall include a contact name, address, phone number, and fax number. The failure to produce financial requirements may be grounds for disqualification of your offer.
3. Provide a statement as to whether the Proposer has, in the last five years, been a party to a lawsuit of any kind related to, in any manner, the type of services requested in this RFP. If any such litigation exists, provide a statement as to type of litigation, the jurisdiction in which it was filed and the status.

5. PROJECT UNDERSTANDING AND PROPOSED APPROACH

1. Proposer shall include a proposed approach for delivering items in the Scope of Services as understood by the Firm and the ability of the Firm to provide such resources.
2. Define the adequacy of resources, including personnel, labor, equipment and supply resources, and other requirements to provide the requested services
3. Provide a clear statement of the specific services and tasks to be performed. Include any available information concerning each task and staff committed to accomplish each task.
 - a. A schedule of key actions
 - b. A plan for public outreach to garner support and address needs
 - c. A description of the cell service needs of the target area
 - d. Details of approach to meeting regulations and permitting requirements
 - e. Visual proposal of the site plan and construction details
 - f. Details for addressing any environmental factors
 - g. A proposed scheme for the tower, height, position of equipment and vertical separation. Details of proposed carrier Proposers.
4. Provide an implementation schedule for proposed services including any management and planning strategies, and the details and duration of any proposed lease agreements.
5. Provide information regarding any proposed innovative concepts that may enhance the value and quality of the services to be performed.

6. SIMILAR PROJECTS

To demonstrate experience and success in conducting similar work, the Proposer shall provide a minimum of three (3) similar contracts that best illustrates the proposed team's qualification for the scope of services indicated in this RFP. This shall include project name, project start and completion date, client name and contact information, project staff involved from the proposed project team as listed on the organization chart (to be included with submittal); and a detailed description of the project and its applicability to evaluation of this RFP. Do not include the Town of Kennebunk as a reference.

7. COMPLIANCE FORMS

1. Respondent's Certification
 - I have carefully examined the Request for Proposals.
 - I hereby propose to furnish the services specified in the Solicitation.
 - I certify that all information contained in this submittal is truthful. I further certify that I am duly authorized to provide this submittal on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if my proposal is accepted.
 - I further certify, under oath, that this submittal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation tendering a submittal for the same service, that no officer, employee or agent of the Town of Kennebunk or any other respondent is interested in said submittal; and that the undersigned executed this Respondent's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

4. INSTRUCTIONS TO PROPOSERS

4.1. ACKNOWLEDGEMENT

1. Submission of a proposal shall constitute an acknowledgement by the Proposer and certifies that they have thoroughly examined and is familiar with the Request for Proposal. The failure or neglect of the Proposer to examine the RFP shall in no way relieve them of any obligations with respect to either their proposal or the RFP. No claim for additional compensation will be allowed which is based upon a lack of knowledge of the Request for Proposal.
2. All proposals must be signed with the firm's name and by an authorized signer of the firm. Obligations assumed by such signature must be fulfilled.
3. Alternate proposals will not be considered.
4. From the issue date of this solicitation packet until a selection decision is made, no unauthorized contact related to this solicitation will be allowed between a Proposer, their employees or subcontractors and any elected or appointed officials, Town Manager or any Town staff. Any unauthorized contact will disqualify the Proposer from further consideration.
5. The selected Proposer agrees that it and its subcontractors have a Drug-Free Workplace Program that complies with Maine Statute.
6. The selected Proposer shall submit only one proposal in response to this solicitation packet, and shall have no financial interest in other entities submitted proposals responses for the same solicitation packet.
7. Neither the selected Proposer, nor its affiliates, nor anyone associated with them shall have any potential conflict interest due to any other clients, contracts, business relationships or property interests for this solicitation packet's scope of work.
8. No member of the selected Proposer's ownership, management, or staff shall have a vested interest in any of the Town, nor any business or other relationship with any of the Town's employees, officers, directors, or elected officials that create a conflict of interest or the appearance of a conflict of interest. All Proposers must disclose with their Proposal the name of any officer, director, or agent, who is also an employee of the Town. Further, all Proposers must disclose the name of any Town employee who owns, directly or indirectly, any interest in the Proposer's firm or any of its branches. The Award hereunder is subject to provisions of State Statutes and Town Ordinance.
9. No member of the selected Proposer's ownership or management is presently applying for an employee position or actively seeking an appointment with the Town.
10. The selected Proposer, or authorized signatory, shall provide written notice to the Town in the event that a conflict of interest is identified at any time.

4.2. REQUEST FOR ADDITIONAL INFORMATION

The respondent shall furnish such additional information as the Town of Kennebunk may reasonably require. This includes information which indicates financial resources as well as ability to provide the services. The Town reserves the right to make investigations of the qualifications of the respondent as it deems appropriate, including but not limited to, a background investigation.

4.3. ECONOMY OF PREPARATION

Submittals should be prepared simply and economically, providing a straightforward, concise description of the respondent's ability to fulfill the requirements.

4.4. GENERAL INFORMATION

Proposer shall prepare Proposals in accordance with the requirements of these Instructions to Proposers. A proposal that does not comply with these Instructions will be considered irregular and may be rejected.

1. COMMON TERMS

The following phrases each shall have the meaning provided here and indicated phrases may be used interchangeably:

1. "Proposer(s)" shall mean the organization, party, person, firm, company, corporation, partnership, joint venture, or other type of entity responding to this solicitation.
2. "Solicitation" shall mean, "Request for Proposal(s)", "RFP", "to which the Proposer is responding.
3. "Proposal(s)" or "Submittal(s)" shall mean the documents formally submitted to the Town of Kennebunk by each of the Proposers responding to this solicitation packet.

2. WITHDRAWAL

Proposals may not be withdrawn, altered, or resubmitted after the Proposal due date and time. The Town of Kennebunk may request clarifications and additional information after proposal submission.

4.5. SUBMITTAL OF THE PROPOSAL

Correctly submitted proposals will be sealed.

4.6. PROPOSAL PREPARATION COSTS

The Town of Kennebunk shall not compensate any Proposer for preparation of responses to this Request for Proposals.

4.7. CLARIFICATIONS

If a prospective Proposer has doubt as to the true meaning of any part of the solicitation, they may submit a question via the Website through the Questions and Answers Tab unless the deadline for questions has passed, in which case requests for interpretations shall be sent to tradel@kennebunkmaine.us. The Proposer should reference the Request for Proposals Package page number and section heading on any clarification requests.

Failure of the Proposer to request information or make inquiries will not relieve them of any responsibility to perform under the terms of any contract awarded for the work in accordance with subsequent clarifications.

The Town of Kennebunk shall issue an addendum to all Proposers, via the Website, following the deadline for questions. Proposers are responsible for reviewing the Website for any addenda.

Addendum #2 – Responses to Questions (see Addendum #2 at end of document).

Addendum #3 – Additional Updates and Information (see Addendum #3 at end of document).

4.8. LOCAL CONDITIONS

Each Proposer shall have thorough knowledge of conditions, factors, and scope of work, which would affect the execution and completion of the requested work. Proposers shall investigate properly and consider all such factors in the preparation of every Proposal submitted. The Town of Kennebunk shall not permit claims for financial adjustment based on the lack of prior information or its effect on the cost of the work.

4.9. SOLICITATION OPENING

The Town of Kennebunk shall open Proposals on the RFP Due date and time.

4.10. SOLICITATION SCHEDULE

The Town of Kennebunk shall adhere to the stated schedule during the solicitation process, unless a change notice is issued to the Proposers via a written addendum posted on the Website. The Town of Kennebunk reserves the right to postpone the date and time announced for the opening of proposals at any time.

4.11. PROPOSAL ACCEPTANCE AND REJECTION

The Town of Kennebunk reserves the right to accept or reject any and/or all Proposals for any reason when the Town determines such action to be in the best interest of the Town. The Town also reserves the right to withdraw all or part of this request at any time in order to protect the Town's interest. The Town of Kennebunk reserves the right to make such investigation as it deems necessary to make this determination. Additional information shall be provided by the Proposer if requested by the Town. Such information may include, but shall not be limited to, current financial statements, verification of availability of equipment and personnel, and past performance goals. The Town reserves the right to negotiate modifications to proposals that it deems acceptable, reject any and all proposals, and to waive irregularities in the procedure if, in the Town's judgment, it will best serve the Town's interests. The desire of the Town of Kennebunk to pursue proposals shall in no way obligate the Town to execute a lease or other agreement with Proposer(s).

4.12. CANCELATION

Prior to the final execution of the required lease agreement, the Town of Kennebunk reserves the right to rescind said award without prior notice to Proposers.

4.13. AWARD

The Town of Kennebunk will present the selected Proposer to the Select Board for approval or rejection within a timely manner.

4.14. TAXES, PERMITS, AND LICENSES

The Proposer's attention is directed to the General Terms and Conditions and the Maine Statutes regarding taxes, permits, and licenses. It shall be the Proposer's responsibility to determine the applicable taxes, permits, and licenses. If the Proposer has doubt as to whether or not a tax, permit, or license is applicable, they shall state in their proposal whether this item has been included in their proposal price and the amount of the applicable tax, permit, or license in question.

4.15. ERRORS AND OMISSIONS

Proposers or their authorized representatives are expected to be fully informed as to their conditions, requirements and specifications before submitting proposals; failure to do so will be at the Proposer's own risk.

5. EVALUATION CRITERIA

5.1. Qualifications and Experience

All firms that submit a proposal shall meet, but not be limited to, the following minimum qualifications:

1. Characterize your firm's experience with projects similar to this and give recent examples of successfully executed projects of this kind.
2. Convey specific abilities to achieve the scope of services, to deliver a functional site and attract a feasible set of commercial Proposers.

Weight (Points): 51 points (51% of Total)

5.2. Accommodations for Public Safety Equipment

Include a description of how the project will accommodate room for communications equipment for the Police and Fire departments.

Weight (Points): 25 points (25% of Total)

5.3. Project Understanding and Proposed Approach

1. Proposer shall include a proposed approach for providing the services outlined in the requested "Scope of Services" as understood by the Firm and the ability of the Firm to provide such resources.
2. Define the adequacy of resources, including personnel, labor, equipment and supply resources, and other requirements to provide the requested services
3. Provide a clear statement of the specific services and tasks to be performed. Include information concerning each task and staff committed to accomplish each task.
4. Provide an implementation schedule for proposed services including any management and planning strategies.
5. Provide information regarding any proposed innovative concepts that may enhance the value and quality of the services to be performed.

Weight (Points): 14 points (14% of Total)

5.4. Rent Amount Proposal

Proposed rental amount paid to Town.

Weight (Points): 10 points (10% of Total)

6. INSURANCE REQUIREMENTS

The lease agreement shall include the insurance requirements set forth in this section. The certificate of liability insurance must reflect the following:

Insurers

Must have an A.M. Best Financial Strength Rating of A- or better and Financial Strength Category of VII or better. Proof of the insurer's rating and category size must accompany the certificate of liability insurance.

Commercial General Liability*

Required for all Proposer and any contractors or subcontractors.

- \$1,000,000 Each Occurrence
- \$50,000 Fire Damage (Any one fire)
- \$0 Medical Expenses (Any one person)
- \$1,000,000 Personal and Advertisement Injury
- \$2,000,000 General Aggregate
- 1,000,000 Products – Comp/Op Aggregate

Auto Liability*

Required for the Proposer, any contractor or subcontractor when vehicle:

- \$1,000,000 Combined Single Limit
(required when vehicle is used to perform work on the lease premises or is being driven to or from the leased premises)

Excess Liability*

Required when specified by contract.

- \$2,000,000

Worker's Compensation*

Required if two or more employees are employed. WC Statutory limits must be marked.

Other (as applicable)*

- Builder's Risk Insurance: Completed project amount
- Environmental/Pollution Liability Insurance: \$1,000,000 minimum
- Professional Liability: \$1,000,000 minimum
- Other: Project specific

Description of Operations

The Town of Kennebunk must be listed as an Additional Insured on CGL and automobile liability policies, with any required endorsement on the policy. The project name and dates (both begin and end dates) must be included.

Certificate Holder Should be listed as follows:

Additional insured: Town of Kennebunk

Attention: Tina Radel

1 Summer Street

Kennebunk, Maine 04043

A sample of the certificate of liability insurance is included with the proposal.

**The Town of Kennebunk reserves the right to require increased limits of coverage if required by changes to law.*

7. General Terms and Conditions

As applicable, the following provisions apply to the Proposer or any Consultant or Subconsultant engaged to perform any aspect of the Proposal.

7.1. SUBMISSION OF PROPOSALS:

Proposers shall submit Proposals in accordance with the instructions and schedule included in the solicitation containing these specifications and documents.

7.2. EXECUTION OF PROPOSAL:

The Proposal must contain a manual signature of authorized representative in the space(s) provided. The Proposal must be typed or printed in black ink. Use of erasable ink is not permitted. All corrections made by the Proposer to any Proposal entry must be initialed. The company name shall appear in the space(s) provided.

7.3. PROPOSAL OPENING:

The Proposal opening shall be public on the date and time specified. Proposal must be submitted on forms provided by the Town. No other forms will be accepted. Telephone, email or fax Proposals will not be considered. Proposal may not be modified after opening.

7.4. DELIVERY REQUIREMENTS:

Any Proposals received after stated time and date will not be considered. It shall be the sole responsibility of the Proposer to have their Proposal delivered to Town of Kennebunk for receipt on or before the stated time and date. If a Proposal is sent by U.S. Mail, the Bidder/Proposer shall be responsible for the timely delivery to the Town.

7.5. CLARIFICATION/CORRECTION OF PROPOSAL ENTRY:

The Town of Kennebunk reserves the right to allow for the clarification of questionable entries and for the withdrawal of obvious mistakes. Each Proposer shall examine all Proposal submittal documents and shall judge all matters relating to the adequacy and accuracy of such documents. All inquiries, suggestions, or requests concerning interpretation, clarification, or additional information pertaining to the Proposal shall be sent via e-mail to tradel@kennebunkmaine.us. No oral requests or interpretations shall be made. The issuance of a written Addendum is the only official method whereby interpretation, clarification, or additional information can be given. If any addenda are issued to this Proposal, the Town of Kennebunk will attempt to notify all plan holders. It will be the responsibility of the Proposer to contact the Town prior to submitting a Proposal to ascertain if any addenda have been issued, to obtain such addenda, and to return executed addenda with their Proposal.

7.6. ADDITIONAL TERMS & CONDITIONS:

The Town of Kennebunk reserves the right to accept or reject any and/or all Proposals, to waive irregularities and technicalities. Also, the Town of Kennebunk reserves the right to accept all or any part of the Proposal. Any sole response received on the original proposal submittal date may or may not be rejected by the Town of Kennebunk depending on available competition and timely needs of the Town of Kennebunk.

7.7. GOVERNING LAWS:

Any lease or other contractual arrangement between the Town of Kennebunk and the Proposer shall be consistent with, and be governed by, the laws of the State of Maine, without regard to any conflict of law provisions. Any and all litigation arising under any contractual arrangement shall be brought in the appropriate court in York County, Maine.

7.8. ASSIGNMENT:

The successful Proposer shall not assign or sublet the resulting lease or any contract or subcontract any of the work required to be performed without prior written approval of the Town of Kennebunk.

7.9. REFERENCES:

References for the company reflecting the experience in the specific service or requirement being requested in the Proposal shall be made part of your response. All reference materials provided shall become the property of the Town of Kennebunk and will become public record. The Town reserves the right to expand its reference requirements at any time.

7.10. PERIOD OF LEASE AGREEMENT:

Agreement shall be awarded for the optimal term as agreed to between the parties and as approved by the Town.

7.11. OPTION TO EXTEND:

The lease resulting from this Proposal may include provisions for one or more extensions upon mutual agreement between the Proposer and the Town of Kennebunk.

Appendix A, Assessor Card For MBLU 052 - 044

052-043

052-044

052-037

052-027

052-040

Factory Pasture Ln

Search Results

List Details

Owner: TOWN OF KENNEBUNK
FACTORY PASTURE LANE
KENNEBUNK, ME

Location: PASTURE LANE
KENNEBUNK, ME

MBLU: 052 / 044 /

Assessment: \$32,700

Act#: 2709

Vision ID: 3932

Primary Photo: [View](#)

Google Maps Link: [View](#)

Bing Maps Link: [View](#)

Assessment

Valuation Year: 2023

Improvements:

Land: \$32,700

Total: \$32,700

Clean & Green Land

Clean & Green Total

Owner of Record

Owner: TOWN OF KENNEBUNK

Town of Kennebunk, Maine



Addendum No. 1

REQUEST FOR PROPOSALS RFP # EVD-001 WIRELESS TELEPHONE COMMUNICATIONS FACILITY

Date: 8/16/2024

Addendum No. 1

To All Prospective Proposers:

Please be advised that the following modification is being made to the Request for Proposals EVD-001 issued on 8/13/2024.

Pre-Response Conference Date:

The pre-response conference mentioned in the RFP # EVD-001 has been specified to occur on September 18, 2024 at 11:00 AM. The meeting location will be both remote access via a zoom meeting (info below) and in-person at 1 Summer Street in Kennebunk, ME on the 3rd Floor of the Kennebunk Town Hall in room 306.

All other terms and conditions of the RFP remain unchanged.

This addendum becomes an integral part of the RFP.

The registration link and the meeting link for the zoom meeting is:

<https://us02web.zoom.us/meeting/register/tZEldO-ppzoiHdOEtlW4qgOD3HljJiUIbU2m>

Town of Kennebunk, Maine



Addendum No. 2

REQUEST FOR PROPOSALS RFP # EVD-001 WIRELESS TELEPHONE COMMUNICATIONS FACILITY

Date: 9/17/2024

Addendum No. 2

To All Prospective Proposers:

Please be advised that the following modification is being made to the Request for Proposals EVD-001 issued on 8/13/2024.

This addendum includes Town responses to any questions submitted before 9/6/2024. It also includes a map and information about a discovered water main that runs through the property.

Question: After the RFP is awarded and a lease agreement between the successful Proposer and the Town has been approved by Town meeting vote, does the successful Proposer then still need to apply to Planning for a Special Use Permit under Article 7 Section 4 Special Exceptions

Answer: Yes

Question: As part of its federal permitting for a proposed telecommunications facility, the successful Proposer would need to conduct an environmental assessment of the subject property. A review of the property reveals that the tower would be located very near wetlands, which may include vernal pools and endangered species. Has the Town conducted an environmental assessment (including a wetland study) of the subject property to identify any environmental concerns?

Answer: According to the best information available to the Town, the wetlands are not of a special significance.

However, a review to determine if the wetland has significant vernal pools would need to be conducted to assure that determination is factual.

Question: According to the Kennebunk Zoning Map, the subject property is located within the Mousam River Wildlife Sanctuary (MRWS) and designated as State Conserved Lands. Is this correct? If so, are there any restrictions which would be problematic or even prevent a telecommunications facility to be developed within this zone?

Answer: The property is not in the MRWS. The layer is not correctly shown when it is turned on. The MRWS does abut the property as seen when looking at the base layer on the GIS. This should not be an issue moving forward.

Question: Were there any other different parcels that were considered to be featured in the RFP? Is there a specific reason why the location was chosen over other options?

Answer: There were other properties that were evaluated because they are owned by the Town and in sufficient proximity to the downtown. There were a combination of reasons that led to the selection of the property at Factory Pasture. The parcel has road access, sufficient lot area and no known environmental prohibitions. The selected parcel is located in the Industrial zone where telecommunications tower is an allowable use. The parcel is abutted by other industrial or utility land uses and is not next to residential or historical land uses.

Question: At the new location, there are overhead wires and a water main bisecting the property per the GIS mapping. Are there any access restrictions or any other development restrictions that limit areas on the property that may be used as the facility for the tower itself, or access?

Answer: We were unable to find any such restrictions in the registry. The Town has had discussions with utility districts relating to electrical wires, stored equipment and water mains in anticipation of a selected proposal and expects to resolve any obstacles to a feasible project that might arise.

Question: We have also noted the property falls under State Conservation Land. Will this restrict the use of the property?

Answer: No

Question: Is there a list of future public safety equipment that should be included in our proposal?

Answer: There are not detailed specifications at this time. However, public safety operators have indicated they will likely need two locations. The first would seek to be at the top of the tower and would be radio receivers for multiple public applications (The Fire and Public Services use UHF and Police uses VHF. For an 800 MHz setup they anticipate three antennas: TX, RX and Test). Then a lower location would be sought for higher power transmitters (25-100 Watts).

Question: Is the Town aware of any environmental issues, including wetlands or setback requirements, given the location of the pond and the power lines?

Answer: No

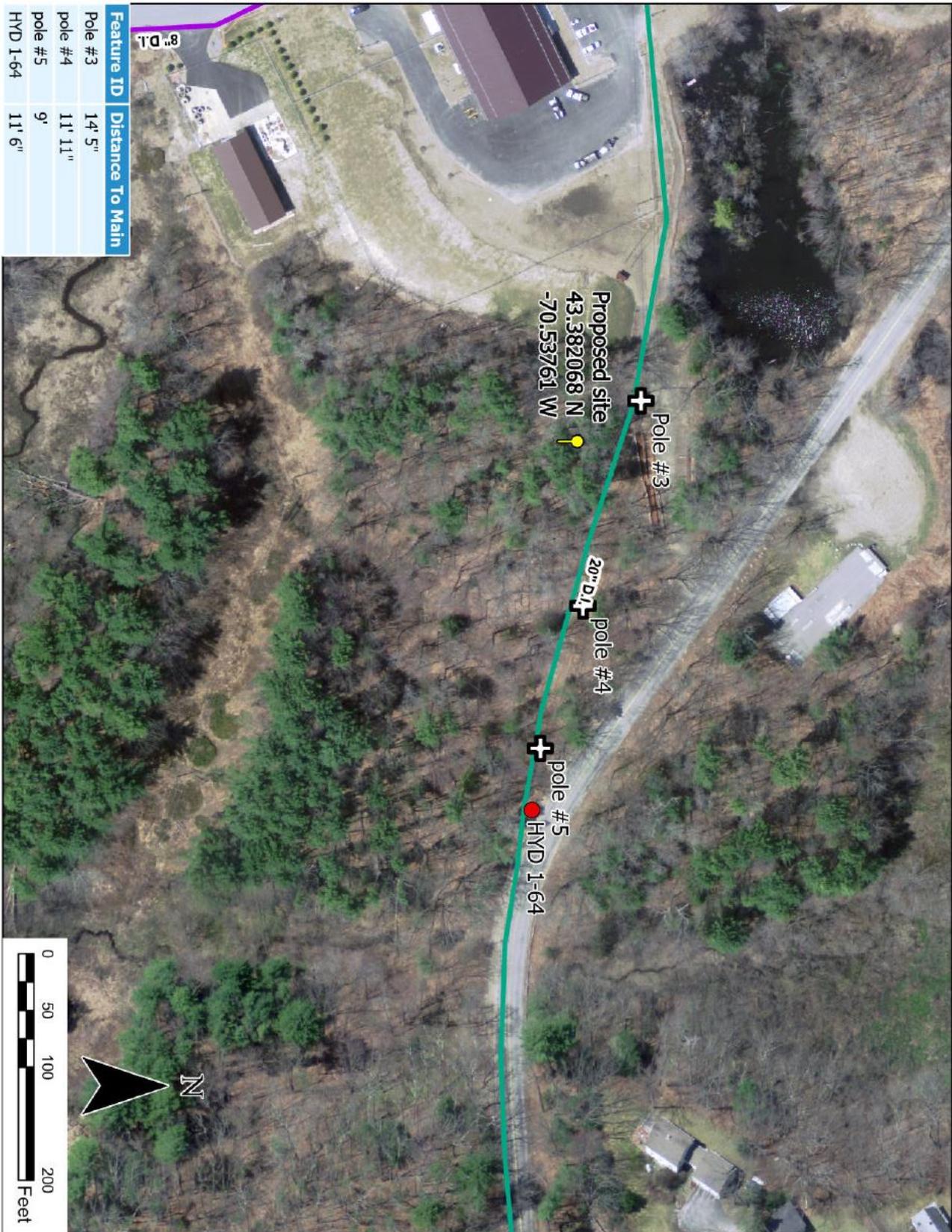
Question: Is there a preferred location on the parcel?

Answer: No. Proposers should include a location that is responsive to the scoring criteria and consider likely input from its permitting process and public engagement.

Question: When the successful Proposer applies in order to get the Planning Board approval to construct the facility, the tower on the subject property would violate the setback provision as Article 10, Section 22(D) which requires towers to be set back 125% of their height from all property lines. This means that 190-foot tower would need to be set back 250 feet from all property lines. The triangular shape (600'x268'x490') does not allow for 250 feet from all property lines. Did the Town consider this zoning set back provision and how does it propose to waive this requirement?

Answer: Response will be provided pending legal review.

Map image provided by Water District including location of water main, hydrant and electrical poles



Town of Kennebunk, Maine



Addendum No. 3

REQUEST FOR PROPOSALS RFP # EVD-001 WIRELESS TELEPHONE COMMUNICATIONS FACILITY

Date: 9/25/2024

Addendum No. 3

To All Prospective Proposers:

There was interest in additional detail about the space needs of public safety equipment on a proposed tower.

Answer: The Town requires that the top 3 ft. of tower be reserved for mounting apparatus that would serve public safety omnidirectional antenna(s) extending above the top commercial tenant. In addition, a lower tower mounting location shall be reserved for public safety antennas, at the highest location possible, no lower than 80 ft. in elevation. Both mounting locations shall accommodate 28 ft. of town owned mounting and antenna equipment without overlap and allowing for vertical separation required by adjacent commercial tenants.

Question: When the successful Proposer applies in order to get the Planning Board approval to construct the facility, the tower on the subject property would violate the setback provision as Article 10, Section 22(D) which requires towers to be set back 125% of their height from all property lines. This means that 190-foot tower would need to be set back 250 feet from all property lines. The triangular shape (600'x268'x490') does not allow for 250 feet from all property lines. Did the Town consider this zoning set back provision and how does it propose to waive this requirement?

Answer: The Town of Kennebunk is willing to entertain pursuing a zoning ordinance amendment to provide a reduced fall zone requirement onsite that may consider an allowance for a fall zone to extend across a property line provided that an easement on the adjacent property is secured. Additionally prospective proposers may submit supplemental language for consideration that could allow for an alternative fall zone requirement based on structural design that would be in alignment or more stringent than the latest version of the TIA-222 standards. Any tower design that could not meet the current fall zone requirement on-site would have to be able to comply with either of those proposed ordinance amendments.