



OFFICE OF THE BOARD OF APPEALS

Littleton, Massachusetts 01460

Document Control List Civil Engineering Peer Review 15 Great Road – amended application 2-16-12

1. Civil Engineering Peer Review - Request for Proposal
2. Email dated March 9, 2012 from Attorney Dan Hill re: Civil Eng RFP submittals

Michelle Cobleigh

From: Michelle Cobleigh
Sent: Thursday, February 23, 2012 4:51 PM
To: ~~Manager@bscgroup.com~~
Subject: 15 Great Road - civil engineering peer review
Attachments: Civil Eng RFP - 15 Great Road.pdf; attachments to civil eng RFP.pdf

Importance: High

Request for Proposal – Fifteen Great Road – Civil Engineering Peer Review

The Town of Littleton Zoning Board of Appeals is soliciting proposals from experienced, qualified professional firms to perform an independent civil engineering review of any civil engineering plans, reports and/or documents submitted in connection with the 15 Great Road II LLC amended application for a comprehensive permit. The RFP is attached.

More information regarding this project can be found on the towns website at <http://www.littletonma.org/content/49/3596/65/8458/11136/default.aspx> under revised Comprehensive Permit Application – February 2012.

Proposals shall be submitted to the Zoning Board of Appeals office, Room 303, 37 Shattuck Street, Littleton MA 01460. **The proposal submission deadline is noon on March 8, 2012. Late proposals shall not be accepted.**

Any questions please contact Shelly Cobleigh in the Zoning Board of Appeals office 978-540-2420 or email mcobleigh@littletonma.org

**List of Engineers to receive
RFP- Civil Engineering Peer Review - 15 Great Road**

1	Beals & Thomas	Rich Kosian, P.E. LEED AP	144 Turnpike Road	Southborough, MA 01772
2	BSC Group Inc.	Leslie Fanger, R.L.A.	33 Waldo Street	Worcester, MA 01608
3	Comprehensive Environmental, Inc	David Nyman, P.E.	225 Cedar Hill Street	Marlborough, MA 01752
4	Graves Engineering	Jeffrey Walsh	100 Grove Street	Worcester, MA 01605
5	Green International Inc.	Ko Ishijura, P.E.	239 Littleton Rd, Ste 3	Westford, MA 01886
6	Judith Nitsch Engineering , Inc.	Sandra Brock P.E.	186 Lincoln Street, Ste 200	Boston, MA 02111-2403
7	PSC	Thomas Houston P.E.	10 Lincoln Road, Suite 201	Foxborough MA 02035
8	Tetratech	Sean Reardon		
9	Vanasse, Hagen, Brustlin, Inc.	Donald Cooke, P.E.	101 Walnut St, PO Box 9151	Watertown, MA 02472
10	Whitman-Bingham Associates, Inc	Brian J. Millisci, P.E.	510 Mechanic Street	Leominster, MA 01543
Conflicts:				
		Joseph Pezniola, P.E.	315 Elm Street	Marlborough, MA 01752
		Stephen Mullaney, P.E.	305 Whitney Street, Ste 200	Leominster, MA 01543
				working w/ Omni on active multiple conflicts - see em!

REQUEST FOR PROPOSALS

CIVIL ENGINEERING PEER REVIEW

FOR

15 GREAT ROAD APARTMENTS

A COMPREHENSIVE PERMIT DEVELOPMENT PROPOSED IN LITTLETON, MA

The Town of Littleton, Massachusetts (the “Town”) is soliciting proposals from experienced, qualified professional firms to perform an independent civil engineering review of any civil engineering plans, reports and/or documents submitted in connection with the 15 Great Road II LLC application for a comprehensive permit.

The Town reserves the right to accept or reject any or all proposals, to waive any informalities, and to award the contract as may be deemed to be in the best interest of the Town.

1.0 PROJECT DESCRIPTION:

The Zoning Board of Appeals of the Town of Littleton (the “Board”) is in the process of reviewing an application submitted by 15 Great Road II LLC (the “Applicant”) for a comprehensive permit under MGL Chapter 40B. The project consists of a proposed development of 200 rental apartments with associated parking spaces (garage and surface) and a waste water treatment plant (WWTP) on $20.26 \pm$ acres of land located at 15 Great Road in Littleton (the “Development”).

2.0 AUTHORITY OF THE BOARD OF APPEALS, PURPOSE OF THE PEER REVIEW:

The Zoning Board of Appeals is permitted to undertake an independent peer review of any reports or documents submitted with an application for a comprehensive permit. The Applicant is obligated to pay for any such peer review in accordance with the Board’s Comprehensive Permit Rules. The peer review is intended to provide an independent analysis of civil engineering-related materials submitted to the Board by the Applicant.

3.0 SCOPE OF WORK:

The selected firm and its personnel will serve as agents to the Town of Littleton. The Peer Reviewer (the “Peer Reviewer” or “Consultant”) shall examine all civil engineering-related documents and data submitted and obtained in connection with the Comprehensive Permit

application. Reports shall be based on the following Scope of Work:

1. Conduct a site visit to verify existing conditions as well as gain an understanding of the subject property.
2. Review the proposed Development with respect to local regulations relevant to the Development and any relevant state and/or federal laws or regulations; standards for Comprehensive Permits; the requirements of the Code of Massachusetts Regulations (CMR); and conformance with good engineering practices.
3. Review the 40B submittal plans and calculations with regard to layout, grading, parking, utilities and on-site circulation. No specific review of the operations of the WWTP shall be required other than general comments on the proposed location and relationship to the overall site plan. Comment on the adequacy and accuracy of the plans and calculations and appropriateness of the methods used. Notify the Board in writing within three days of the awarding of the contract if any additional information needs to be submitted by the Applicant in order to complete a thorough Peer Review. The selected Consultant is expected to be familiar with submission requirements and procedures for Comprehensive Permit applications and relevant local regulations and by laws. All review personnel/teams must be directed by a Professional Engineer licensed in the State of Massachusetts. All required reports must be signed by a Professional Engineer licensed in the State of Massachusetts.
4. Review the soil logs provided by the Applicant and Natural Resources Conservation Service (formerly Soil Conservation Service) information along with the seasonal high groundwater information to determine its impact on the proposed project as it relates to the proposed design, including the WWTP, and surrounding environs.
5. Review the storm water management system design and calculations including methods of drainage controls, detention basin design, erosion and sedimentation controls, implementation of Best Management Practices (BMP), and conformance to the Department of Environmental Protection's (DEP) Stormwater Management Regulations and any applicable Town of Littleton Stormwater Management Bylaws. Comment on the adequacy and accuracy of the plans and calculations and appropriateness of the methods used.
6. Review the site plan, architectural plans and landscape plans to ensure the design is consistent with reasonable standards related to spacing between buildings, fire protection access to site and buildings, emergency access for other public safety vehicles, school bus operations, setbacks and landscaping and any other civil engineering standards normally applicable for comparable projects.
7. Prepare an **Initial Draft Peer Review Report** documenting findings and submit the Initial Draft Peer Review Report to the Zoning Board of Appeals within (15) business days of the awarding

of the contract. The Board will promptly post the Initial Draft Peer Review Report on the Town's web site and distribute the Initial Draft Peer Review Report to the Applicant, Town Administrator, Planning Board, Board of Health, Fire Department, Littleton Electric Light and Water, Conservation Commission, Building Inspector, Highway Department, Police Chief, Fire Chief and other town department as determined by the Board for review and comment. Neighbors will be able to access the Initial Draft Peer Review Report at the Town's web site. These parties shall have no more than seven business days to submit comments to the Board. The Board shall promptly forward any comments received to the Consultant. The Board will authorize the Peer Reviewer to work with the Applicant and its development team to attempt to resolve any technical issues outside of the public hearing process. All discussions shall be documented with detailed meeting notes by the Peer Reviewer for presentation to the ZBA.

8. Based upon any feedback from the Applicant, the various town departments/boards listed above and other interested parties, prepare a **Second Draft Peer Review Report** which will be sent to the Applicant by the Board to provide the Applicant an opportunity to comment and make changes to the plans, if applicable. The **Second Draft Peer Review Report** shall be completed within ten business days of receiving the above noted comments from the Board. The Board will authorize the Peer Reviewer to work with the Applicant and its development team to attempt to resolve any technical issues outside of the public hearing process. All discussions shall be documented with detailed meeting notes by the Peer Reviewer for presentation to the ZBA. The Consultant shall present its **Second Draft Peer Review Report** at a public hearing for the subject Development.
9. Perform a final review and prepare a **Final Peer Review Report**. The Peer Reviewer's presentations and reports must identify areas of concern and/or problems, reasons why they are of concern and/or problems, and include specific recommendations to the Board as appropriate. The Peer Reviewer should expect to aid the Board in the process of review of the technical issues including any comments, reviews, and responses of other Town Boards and Departments. The Board will authorize the Peer Reviewer to work with the Applicant and its development team to attempt to resolve any technical issues outside of the public hearing process. All discussions shall be documented with detailed meeting notes by the Peer Reviewer for presentation to the ZBA. The Consultant shall present its **Final Peer Review Report** at a public hearing for the subject Development.
10. If applicable, recommend potential Comprehensive Permit conditions that should be considered by the Board to protect the public health and provide public safety.
11. Review the list of civil engineering and/or zoning - related waivers requested by the Applicant and make recommendations on the appropriateness of each requested waiver.
12. The Peer Reviewer shall be required to attend one meeting with the Applicant to review in advance either the Initial Draft Peer Review Report or the Second Draft Peer Review

Report and one meeting to review the Final Peer Review Report. The Peer Reviewer shall be required to attend three meetings of the Littleton ZBA. These meetings are held at the Littleton Town Hall on weekday evenings. The Peer Reviewer shall be required to review additional information submitted and/or follow-up on outstanding items for the Board during the ongoing review process.

13. Required reports must be submitted to the Board in a timely manner. If applicable in regard to the respective agendas for scheduled public hearing meetings, such reports must be submitted no later than four (4) days prior to the scheduled public hearing. However, earlier submission is preferred so that the Applicant will have sufficient time to review the outstanding items prior to the public hearing date.

The documents to be reviewed are available online at Town of Littleton website in the folder titled "Revised Comprehensive Permit Application-Feb 2012 including:

Item (a) - Requested Waivers Amended 2 16 2012.pdf

Item (b) Site Development Plans Amended 2 16 2012.pdf

Item (c) Report Amended 2 16 2012.pdf

Item (c1) Attachment Adjacent Buildings and Uses.pdf

Item (d) Preliminary Architectural Plans Amended 2 16 12.pdf

Item (e) Chart of Impervious and Open Space Areas Amended 2 16 12.pdf

Item (e) Building Footage Amended 2 16 2012.pdf

Item (g) Utility Plan Amended 2 16 2012.pdf

Item (j) Certified Plan of Land Amended 2 16 2012.pdf

In addition, the Peer Reviewer shall be required to review any anticipated supplemental civil engineering-related documents submitted by the Applicant, including but not limited to Existing and New Soils Data Information, Grading Plan, Drainage Calculations, Landscape Plan, Outline Specifications, and any other information submitted by Town Departments or the public that are related to civil engineering matters.

4.0 PROPOSAL SUBMISSION INSTRUCTIONS

Proposals shall be submitted to Zoning Board of Appeals Office.

THE PROPOSAL SUBMISSION DEADLINE IS NOON ON MARCH 8, 2012. LATE PROPOSALS SHALL BE REJECTED.

Deliver proposals to the following address: Town Offices, Zoning Board of Appeals Office, Room No. 303, 37 Shattuck Street, Littleton, MA 01460.

Postmarks will not be considered. It is the sole responsibility of the proponent to be sure that the proposal arrives on time. The time received will be stamped on each proposal. Proposals should be clearly marked "**RFP – PEER REVIEW OF COMPREHENSIVE PERMIT APPLICATION**". The firm's name and address should also be on the envelope.

5.0 PROPOSAL REQUIREMENTS:

The Consultant shall submit five (5) copies of the proposal. In addition, one electronic copy shall be submitted to mcobleigh@littletonma.org.

Proposals shall include, at a minimum, the following information:

5.1 The name of the person with the primary responsibility for performing the work;

5.2 The educational and professional credentials of the person performing the work;

5.3 The work experience of the person performing the work;

5.4 Experience with previous peer reviews of a similar nature (include type and number of reviews);

5.5 A description of the work to be performed;

5.6 Time schedule to perform the review;

5.7 A stipulated maximum cost unless additional scope is approved beyond the scope listed herein. The stipulated maximum cost must include all expenses. A breakdown of anticipated labor hours for each person working on the project and billing rates for all project personnel must be included.

5.8 Signed Certificates of Tax Compliance and Non-Collusion (attached to this RFP);

5.9 The Engineer will provide proof of the following insurances in the submission

- a. Worker's Compensation coverage that meets or exceeds legal requirements;
- b. Architects and Engineers professional liability insurance coverage with minimum limits of \$500,000 per claim and/or occurrence

6.0 CONSULTANT SELECTION, FEES AND PAYMENTS:

6.1 All proposals will be reviewed by the Board of Appeals. The selection of the finalists will be based, at minimum, on the following criteria/qualifications:

- a. Identity and qualifications of the consultants who will work with the Town and Applicant on the project – the consultant(s) must possess an educational degree in or related to civil engineering and at least three (3) years of practice in the field of civil engineering.
- b. Prior comparable experience – The consultant must provide a detailed description of recent similar projects on which the consultant has performed similar services, identifying references as well as the personnel who worked on those projects and stating whether those individuals will be assigned to this project.
- c. Possession of all necessary current licenses and registrations.
- d. Satisfactory evidence of insurance for general liability, workers' compensation and professional services liability, as required.
- e. Submission of required statements and forms.

6.2 All proposals meeting the minimum criteria/qualifications will then be evaluated based upon the specific comparative evaluation criteria. The primary evaluation criteria shall be:

- a. Firm's prior experience on comparable peer review projects;
- b. The credentials and experience of the designated engineer who will have the primary responsibility for performing the work and other staff who will be working on the peer review;
- c. The quality and responsiveness of the RFP response submitted.

The following point schedule will be used:

<i>Highly advantageous</i>	5 points	Response excels on the specific criterion
<i>Advantageous</i>	3 points	Response meets evaluation standard for the criterion
<i>Least Advantageous</i>	1 point	Response does not fully meet the criterion or leaves a question or issue not fully addressed

Two members of the Board of Appeals will review the proposals and identify the three top

ranked individuals or firms to present to the entire Board of Appeals and the Applicant for review. The Board of Appeals will then make a final selection.

6.3 Prior to paying the review fee the Applicant may appeal the selection of the Consultant to the Board of Selectmen in accordance with the provisions of the Board of Appeals' Comprehensive Permit Rules. No contract shall be issued until the appeal is resolved. Any appeal must be filed with the Board of Selectmen's Office within seven days (or 5 business days) of the Consultant's selection

6.4 The review fee will be deposited in a special account established by the Town Treasurer pursuant to MGL Chapter 44, Section 53G. Funds may be expended in accordance with the provisions of the Board of Appeals' Comprehensive Permit Rules;

7.0 DOCUMENTS TO BE PROVIDED BY THE CONSULTANT:

Prior to site visit and/or commencement of work, consultant will (1) execute the attached Contract for Services, including a Certificate of Tax Compliance and Certificate of Non-Collusion; and (2) provide appropriate Certificates of Insurance to Board of Appeals, as required by the Contract.

The Consultant shall provide the Board with fifteen (15) copies and one electronic copy mcobleigh@littletonma.org of each required report.

8.0 ATTACHMENTS:

Price Proposal
Certificate of Tax Compliance
Certificate of Non-Collusion
Proposal Information
Certificate of Authority

PRICE PROPOSAL

When quoting, the bidder shall submit one signed copy of this proposal and specifications with this quotation, and if the Town accepts quotation, wholly or in part, shall constitute part of the contract.

The undersigned, as Bidder, having examined the specifications/information to bidders with related documents, and being familiar with all the conditions surrounding the proposed purchase, including the availability of required materials and experienced labor, hereby proposes to furnish all labor, materials, supplies, transportation, insurance, fees for permits, necessary to furnish and deliver this material in accordance with the bid documents within the time set forth herein according to schedules for delivery, and at the price(s) stated above. These price(s) are to cover all expenses incurred in performing the work for providing this material under the bid documents, of which this proposal is a part.

PRICE: _____

Social Security Number or
Federal Identification Number

Company Name

Date _____ By: _____

Authorized Signature of Bidder

Title of Bidder

Business Address

City/Town and State Zip

(Area Code) Telephone Number

CERTIFICATE OF PAYMENT OF TAXES
CERTIFICATE OF NON-COLLUSION

Pursuant to Massachusetts General Laws Chapter 62C, Section 49A, I (the undersigned) certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all tax returns and paid all state taxes required by law.

The undersigned further certifies under the penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this paragraph the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

**Social Security Number or
Federal Identification Number**

Company Name

Date _____

By:

Authorized Signature of Bidder

Title of Bidder

Business Address

City/Town and State **Zip**

(Area Code) Telephone Number

This page must be signed by an individual(s) with authority to commit the Bidding entity to a binding agreement. Corporation must attach required certification.

A notarized attestation of the signature(s) is required, or in the case of a corporation, attestation by the Secretary or Clerk of the Corporation with the corporate seal affixed, that the signature is the signature of an officer authorized to bind the corporation to a contractual agreement.

PROPOSAL INFORMATION

Bidder's attention is called to Chapter 268A of the General Laws. Pursuant to this statute, the Bidder is requested to submit the following information and any other information deemed necessary by the Bidder:

Give full names and residences of all the persons and parties interested in the foregoing proposal:

(NOTE: Give first and last names in full; in case of corporations, give name of President, Treasurer, and Manager; in case of firms, give names of individual members).

NAMES	ADDRESSES

Kindly furnish the following information regarding the Bidder:

(1) If Proprietorship:

Name of Owner _____

Business Address _____

Home Address _____

(2) If Partnership:

Full Names and Addresses of All Partners:

NAMES	ADDRESSES

Business Address _____ Tel#: _____

* (3) If Corporation: Full Legal Name _____ Tel#: _____

State of Incorporation _____

Principal Place of Business _____

Qualified in Massachusetts _____

Place of Business in Massachusetts _____

* ON A SEPARATE SHEET, FURNISH A NOTARIZED STATEMENT AUTHORIZING A PARTICULAR INDIVIDUAL OR CORPORATE OFFICER TO SIGN FOR YOUR COMPANY.

CERTIFICATE OF AUTHORITY

At a duly authorized meeting of the Board of Directors of the _____
(Name of Corporation)

held on _____ at which all the Directors were present or waived notice, it was voted that
(Date)

(Name) _____ of this company be
(Officer/Title) _____

hereby authorized to execute contracts and bonds in the name and on behalf of said company, and affix its Corporate Seal thereto, and such execution of any contract or obligation in this company's name on its behalf of such _____ under seal of the company, shall be valid and binding
(Officer)
on this company.

TRUE COPY,

ATTEST: _____
(Signature & Title)

Place of Business:

I hereby certify that I am the _____ of the _____
(Title) (Name of Corporation)

that _____ is the duly elected _____ of said _____
(Officer Name) (Title)

company, and the above vote has not been amended or rescinded and remains in full force and effect as of the date of this contract.

(Signature & Title)

(Typed Name and Title)

(Date)

Subscribed and sworn before me
this _____ day of _____, 20____.

Notary Seal

Notary Public

My Commission Expires

Michelle Cobleigh

From: Daniel Hill [dhill@danhilllaw.com]
Sent: Friday, March 09, 2012 9:41 AM
To: Michelle Cobleigh; Sherrill Gould; Cheryl Cowley Hollinger; Alan.bell@edwardjones.com; Edward Marchant
Cc: Keith Bergman; tom@miyares-harrington.com
Subject: RE: Civil Engineering Peer Review Proposals



Dear Michelle:

I would like to offer the following comments on the proposals submitted to the Zoning Board on the 15 Great Road civil peer review assignment. The firms that in my opinion would be acceptable for this project are, in order of preference:

- (1) Beals and Thomas. As I mentioned before, I have worked closely with Gerry Preble and Rich Kosian on several 40B projects in my capacity as attorney for a municipal zoning board (Wrentham, Carlisle) and as counsel for interested parties (Berlin). I have a very high degree of confidence that this firm would manage this assignment appropriately and diligently.
- (2) Professional Services Corporation. As noted before, I have worked with Tom Houston on several 40B projects as ZBA counsel in Norfolk and Lunenburg, and have worked with him on other non-40B matters as well. He most likely has more 40B civil peer review experience than any other engineer in the state, and certainly the most HAC expert testimony of any peer review engineer. His analytical and presentation skills are impeccable.
- (3) Graves Engineering. I have worked with Graves as a ZBA civil peer review engineer on four 40B projects in the Town of Grafton, where I have been special counsel. This firm does not have the breadth of experience as the first two firms, but I have found Jeff Walsh's skills comparable in every manner. His work is extremely professional.
- (4) VHB. I have not personally worked with VHB, but have the same reservations I stated with respect to their traffic proposal – this firm works primarily for developers, not municipalities, and therefore I question their ability to be completely objective and impose the required level of professional skepticism to the developer's plans and reports. That being said, I was generally pleased with the traffic peer review work they did on this project.

I have no experience with the other firms that submitted proposals, and I would have strong concerns with the Board selecting Green International, which has limited peer review and especially 40B experience. I understand BSC Group to be a reputable firm, but note that they do a fair amount of work for the development community.

I would like to make a suggestion that the Board consider the experience, qualifications, and hourly rate of the engineer as the most important factors. In my opinion, any overall price stated in these proposals is of little value to your consideration. Any firm will be billing the Board by the hour, and will be doing as much, or as little work as you ask them to. A firm that agrees to a "not to exceed" price is either cheating itself, or more likely will cheat the Board once they realize that they underbid the work – the amount of effort put in by the firm will most likely suffer. More importantly, you get what you pay for, and for a project of this size and importance to the Town, there is no excuse to pinch pennies. The peer review costs to this applicant is a minuscule percentage of its overall development costs and its overall project profit.

Thank you for the opportunity to comment on this important matter.

Daniel C. Hill, Esq.