

## **NAGOG HILL ORCHARD**



### **REQUEST FOR PROPOSALS (RFP)**

#### **TO LEASE, MANAGE AND OPERATE**

#### **THE NAGOG HILL ORCHARD OWNED BY TOWN OF LITTLETON**

**August 15, 2024**

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Thank you for your interest in the Nagog Hill Orchard in Littleton, Massachusetts. The Town of Littleton (“Town”), through its Select Board, seeks proposals from qualified individuals and organizations to lease, manage and operate a Town-owned orchard and related structures for agricultural use on approximately 56 acres of land located off Nagog Hill Road known as the Nagog Hill Orchard. This Request for Proposals (“RFP”) is being issued pursuant to the provisions of the Uniform Procurement Act, M.G.L. c. 30B, § 16.

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### **BACKGROUND INFORMATION**

The Town of Littleton is situated at the junction of State Route 2 running west from Boston, and Interstate Route 495. Littleton is 16.5 sq. miles with a population of approximately 10,200 residents. Littleton is favored for its highly regarded school system and is known as a great town for raising families. It enjoys excellent access from Boston and surrounding employment centers along Route 495. Littleton is bordered by Acton, Westford, Groton, Ayer, Harvard and Boxborough. For more information about Littleton can be found by visiting the “Welcome to Littleton” portion of our website at [www.littletonma.org](http://www.littletonma.org).

Over the years Littleton's farm landscape has remained stable along Route 2A while other areas of town have been developed with residential and commercial properties. One of the major concerns expressed by residents over the years is the threat of new development replacing large tracts of farmland. In 1999, a key piece of agricultural property became available and on December 13, 1999, Special Town Meeting voted to acquire the Morrison/Nagog Hill Orchard property. This land is permanently protected through conservation, APR and self-help parcel restrictions. Located off Nagog Hill Road the property includes several walking trails through the property, as well as connections to the Sarah Doublet Forest and the Cobb Memorial Forest.

In May of 2020, the Town terminated an 18-year lease held by Nagog Fruiters, Inc. for failure to maintain the orchard or its structures. The property has received minimal care since that time.

### **SUBMISSION DEADLINE**

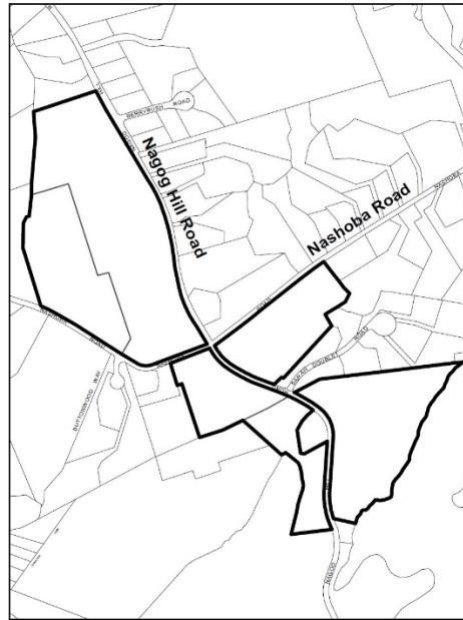
**All proposals must be received and registered by the Office of the Town Administrator, Town Offices, Room 306, 37 Shattuck Street, Littleton, MA 01460, no later than Friday, September 20, 2024, at 10:00 AM.** The building is staffed Monday-Thursday from 8:30 am-4:00 pm and Friday from 8:30 am-Noon. Prior to the due time and date, proposals can be submitted via USPS, FedEx, or drop-off. All proposals should be marked "Proposal to Lease, Manage and Operate the Nagog Hill Orchard".

### **QUESTIONS, ADDENDUM OR RFP MODIFICATION**

Questions concerning this Request for Proposals (RFP) must be submitted in writing to: Lisa Montgomery, Town Offices, 37 Shattuck Street, Littleton, MA 01460 or Email [lmontgomery@littletonma.org](mailto:lmontgomery@littletonma.org). All inquiries received by September 12, 2024, 12:00 PM, will be considered. Written responses will be posted to the Town website and sent to all parties who have registered for this RFP. If any changes are made to this RFP, an addendum will be issued and sent to all vendors who have registered as having requested the RFP. Respondents may correct, modify, or withdraw a proposal by written notice received by the Town prior to the submission deadline. Proposal modifications must be marked with the proposer's name and contact information.

### **DESCRIPTION OF PROPERTY**

The Nagog Hill Orchard property, shown below, is comprised of Littleton Assessor's Map Parcels R02-9-1, R04-8-0, R02-3-0, R02-4-0, R04-5-0 and R02-10-0 (the "Property"). The Property, located to the north and south of the Nagog Hill Road/ Nashoba Road intersection, consists of 94.2 acres with an orchard last active used circa 2020, primarily apples but also contains peach, plum, pear, and nectarine varieties. The Property also consists of a farm stand, cottage, barn(s), and forested open space.



## NAGOG HILL ORCHARD

### Legend

- Property Lines
- Orchard Property

The area to be leased (the “Premises”) consists of an approximate 52+/- acre portion of the Property as shown below. The area to be leased consists of Parcels and portions of Parcels included in the Agricultural Protection Restriction as follows (and detailed in the map below):

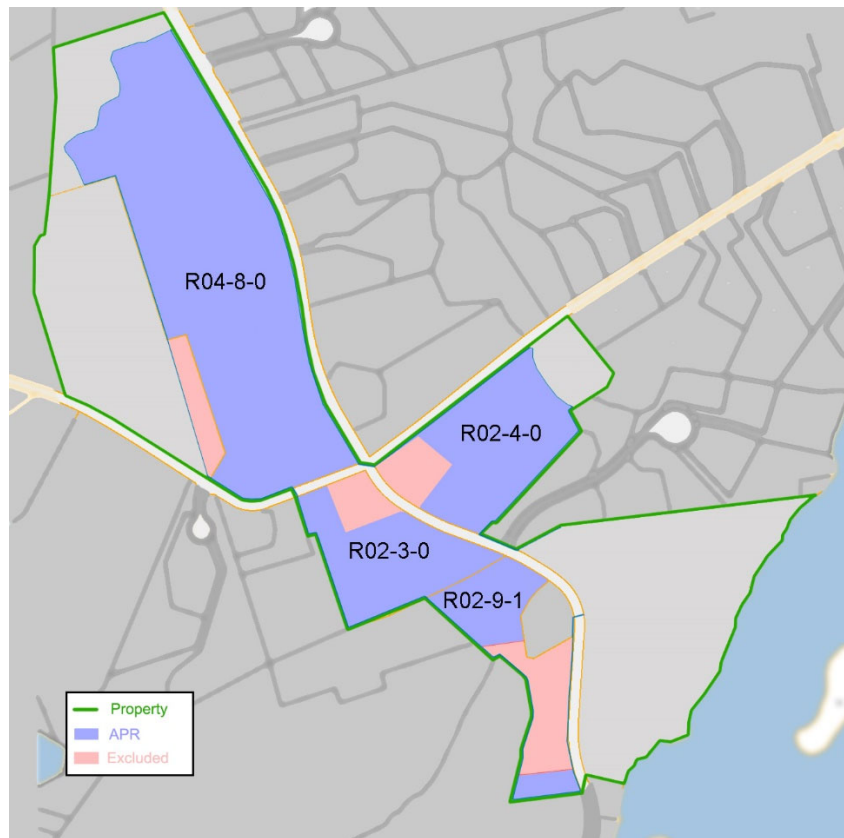
Assessor’s Parcel	Total Acreage	APR Acreage
R04-8-0	33.16	29.53
R02-3-0	7.56	6.05
R02-4-0	12.25	9.21
R02-9-1	6.89	3.88

Excluded from the leased Premises are those parcels of land that are in the care, custody, management, and control of the Conservation Commission. However, portions of those parcels will be licensed to the selected respondent and included in the agreement as portions of the orchard that the selected respondent is expected to manage. The area excluded from the lease but included as land to be managed consists of approximately 4.18 +/- acres of land.

A farmstand that includes cold storage and barn, a second barn, and small cottage are located within the Premises. Leasing these buildings is optional. Respondents should indicate their interest to lease any or all of these buildings in their proposal. Buildings are further described in the Existing Conditions section, below.

Also excluded from the leased Premises is the Residential Structure (70 Nagog Hill Road/Lot 104). Built in 1900, the structure has three floors of residential space and a basement. The basement level also includes a separate living space with access from the rear of the house. The Structure is approximately 4,900 of living area, contains lead paint, and needs many repairs, including repairs to the HVAC system, electrical upgrades, a new roof and gutters. It also has recently experienced a burst pipe and flooding. Significant work must be done to the interior in order to make it habitable. The exterior is largely well-maintained. The structure is uninhabitable in its current state and is therefore excluded from this RFP.<sup>1</sup>

Both the Premises and those areas to be managed by the selected respondent are depicted in the sketch below:



## **VISION**

The Town is committed to ensuring that this land continues to be an example of sustainable agriculture and best environmental practices and operated consistent with the Town's values as a community. We are seeking someone with passion, knowledge and commitment to land preservation and agriculture in New England, and who has progressive ideas and community-oriented goals to ensure the Orchard remains viable and productive for years to come.

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<sup>1</sup> – \_NOTE THE RESIDENTIAL STRUCTURE NOT INCLUDED IN THIS RFP. INFORMATION ABOUT THIS STRUCTURE IS PROVIDED FOR BACKGROUND/INFORMATIONAL PURPOSES ONLY.

A desirable candidate would honor the intent of this land and utilize the property for marketable and sustainable agricultural purposes; have an economically viable business; and demonstrates the ability to ensure the property is managed responsibly and held to the standards expected by Town officials and the residents of Littleton.

The following is a detailed description of the management and operational requirements for the Orchard.

- a. Plant and grow seasonal crops. We understand that not all seasonal crops need to be grown for food. Proposals may (but are not required) to include an option to plant and produce agricultural products not for human consumption.
- b. Perform Integrated Pest Management. Control noxious weeds, rodents, and other vertebrate and pests on the property and take commercially reasonable measures to protect the orchard and buildings from such infestations.

*The Town makes no representations or warranties, expressed or implied, as to the accuracy and/or completeness of the information provided in this RFP. Prospective Lessees are encouraged to undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals.*

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### **EXISTING CONDITIONS**

**Buildings** – The Premises contain three buildings that may be included in a Lease. The conditions of those Buildings is as follows:

- **Main Barn** (75 Nagog Hill Road) – Built in 1940, the structure has three levels. The lower level contains approx. 2,400 sq. ft. and opens onto Nagog Hill Road. The lower level includes of retail space, general storage, and temperature controlled cold storage. The main floor contains approx. 3,260 sq ft of space divided into a larger storage area and workshop areas. Stairs are on the main level that go to the approx. 2,400 sq. ft. second floor, which is used for storage. There are two exterior sliding doors that provide access to the second-floor storage area by a forklift. A small one-story residential structure containing approx. 540 sq. ft. is located off the south side of the barn, which contains a small kitchen and bathroom.
- **Lower Barn** (94 Nagog Hill Road/Lot 107) – Built in 1950, the barn has three levels and contains approx. 6,600 sq. ft. The main level of the barn is accessed through a large sliding door. There is loft space accessed by ladders and can accommodate a forklift. To the right of the main door is a separate workshop area. The rear of the main barn floor is partially finished with vinyl flooring. Adjacent to the barn is a connected three car garage. The

lower level is accessed by a driveway to the right of the barn. There are a series of five garage doors that secure the lower-level storage areas of the barn.

- **Cottage** (94 Nagog Hill Road/Lot 107) – While on the same parcel as the barn at 94 Nagog Hill Road, no separate address is provided for the one-story residential structure. The cottage contains 500 sq. ft. of living space including a bathroom, and kitchen.

In the buildings listed above, reference to living space is based off how the buildings were previously used and may not reflect current conditions.

**Equipment** – The property contains some agricultural equipment however the Town makes no expressed or implied warranty as to the type, condition, or function of these items.

**Irrigation System** – The property includes an obsolete irrigation system; the Town makes no representation as to condition of these facilities. Our preliminary inspection of the equipment leads us to believe that the system is largely or completely unusable.

**Agricultural Preservation Restriction (“APR”)** - In 2002, the Town placed an Agricultural Preservation Restriction with Option to Purchase at Agricultural Value (“APR”) on approximately 49 acres of the Premises consisting of some redrawn portions of the following: Lot 102-A, Lot 104, Lot 105, Lot 111 and Lot 109, shown in Exhibit A. The Town requires that any future use of the land will be in compliance with the APR under Massachusetts General Law. The selected respondent will be expected to remain in compliance with the terms of the APR at all times. The APR is recorded in the Middlesex South Registry of Deeds Book 27448, Page 259.

**Fruit Trees** - Based on advice from local experts, there are no commercially viable fruit trees on the Premises

### **OPPORTUNITIES AND EXPECTATIONS**

The Town appreciates that partnering with a new tenant presents an opportunity for growth and rebirth of the Nagog Hill Orchard. It is our hope that through this process we remain mindful of the heritage of this land and retain some of the natural landscapes that are meaningful and important to our community.

Overall maintenance and upkeep are extremely important. Weed management, watering, pruning, harvesting, mowing and any other work necessary to keep the Orchard healthy is required.

Equally important is the keeping the ancillary buildings on the property in good working condition.

In accordance with M.G.L. c. 59, § 2B, property of the Town that is leased to a for-profit business is taxed to a lessee in the same manner and to the same extent as if such lessee were the owner in fee. The **approximate** value of annual property taxes on the accessory buildings and the land is as follows:

Lot	Parcel	Description	Acreage	Taxes
72 Nagog Hill	R02-4-0	APR Land	11.25	284.25
75 Nagog Hill	R02-3-0	Barn/APR	7.56	1,784.09
94 Nagog Hill	R02-10-0	Garage/Cottage	20.076	2,995.06
Nagog Hill	R02-9-1		6.89	173.33
Nagog Hill	R04-8-0		33.16	834.27
Nashoba Road	R04-5-0		14.25	358.21

The approximate value of annual property tax is based on the property being enrolled under Chapter 61A. Governmental charges of whatever nature that may be levied, assessed, charged or imposed either against the Premises or on Lessee's estate during the term of the lease and from which Lessee does not obtain an exemption are solely the responsibility of Lessee.

### **OBJECTIVES**

It is the Town's intent to execute one or more leases for up to thirty-year terms with a renewal option and management agreement with a Lessee that will continue to operate the Nagog Hill Orchard as a working orchard or for other agricultural purposes.

Proposals should contain a narrative describing how the respondent intends to conduct activities on the Orchard that are described herein as **"Required Uses"** and what other activities respondent proposes for the Orchard which may be incorporated into the Lease as **"Permitted Uses"**.

### **REQUIRED USES**

The Lessee shall maintain and manage the Premises consistent with the terms of the APR, provide normal maintenance and upkeep to the Orchard land, perform integrated pest management, mitigate invasive species, and carry out any other necessary agricultural operations.

The Lessee will be responsible for the costs of utilities on the Premises including, electric, water and telephone. The Lessee will be responsible for minor maintenance and repairs on all physical structures that do not require skilled labor and are needed to prevent deterioration of the property.

Substantial improvements that require skilled labor such as structural work involving barns and fences, exterior siding, roofing, water supply systems, etc., shall be brought to the attention of the Select Board via written notice to the Town Administrator within 72 hours of realizing the need for such an improvement.

Annual reporting to the Town of Lessee's activities on the Premises, including types of plantings, crop yields, and prices, maintenance activities, improvements to structures and the Orchards will be provided to the Town as part of the Lease and approved Management Plan as described herein.

### **PERMITTED USES**

Respondents should describe in their proposal what additional uses they may intend to use the Orchard for. If awarded the lease, the Town may incorporate some or all of those uses into the lease as “Permitted Uses.” Examples of such proposed Permitted Uses may include: wholesale activities; educational programs; functions or gatherings; agritourism activities; etc. Respondents are encouraged to read the APR in its entirety and to familiarize themselves with the APR program in order to understand the limitations of permitted uses of APR land.



## **SUBMISSION OF PROPOSALS**

Submission of a proposal is in two parts: the **Non-Price Proposal** and **Price Proposal**. See **Form A and Form Attached to this RFP**.

*Please note, the Town is not seeking a fully developed Management Plan at this stage. A plan in outline form that covers the identified topics, to the best of respondent's knowledge and ability at this stage, is sufficient.*

The non-price proposals will be evaluated first by the Chief Procurement Officer using the information listed in the non-price proposal Form A. A list will be developed of all proposals that meet the minimum criteria. Proposals that do not meet the minimum criteria will be judged non-responsive and will not be reviewed further.

Proposals that meet the minimum criteria will then be evaluated using the comparative criteria, below. The Town may invite those respondents that meet the minimum criteria to participate in an interview. The Town, acting by and through the Town Administrator, will award the lease to the "responsive and responsible proposer" whose proposal is deemed the most advantageous, taking into consideration all of the minimum and comparative evaluation criteria and price.

## **SCHEDULE**

Posting to Central Register	August 15, 2024
Posting to Lowell Sun	August 20 and 27, 2024
RFP Questions Deadline	September 12, 2024 12:00 PM
RFP Questions Response	September 13, 2024 5:00 PM
RFP Submission Deadline	September 20, 2024 10:00 AM

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## **COMPARATIVE EVALUATION CRITERIA**

The following Comparative Evaluation Criteria will be applied to those proposals that meet the Minimum Criteria listed below.

Each of the following criteria will be evaluated as: Beginner; Intermediate; Experienced; or Advanced.

### **Criteria #1 – Experience operating and/or managing a farm**

- Fewer than three (3) years = Beginner

- Three (3) to five (5) years = Intermediate
- Five (5) to ten (10) years = Experienced
- More than ten (10) years = Advanced

**Criteria #2 Capital investment plan for equipment that respondent intends to use in the farming operations.**

- No equipment investment plan = Beginner
- Equipment investment plan is minimal and demonstrates an intention to operate the orchard with minimal intervention = Intermediate
- Equipment investment plan is larger and that demonstrates an intention to operate the Orchard in a conventional manner = Experienced
- Equipment investment plan is substantial and demonstrates an intention to operate the Orchard in a manner consistent with commercial operation = Advanced

**Criteria #3 – Experience and licensing for pesticide application.**

- No experience or licensing of pesticide application in Massachusetts = Beginner
- Some experience, but fewer than three (3) years licensing and experience of pesticide application in Massachusetts = Intermediate
- Licensing and between three (3) and five (5) years' experience of pesticide application in Massachusetts = Advanced
- Licensing and five (5) or more years' experience of pesticide application in Massachusetts = Experienced

**Criteria #4 – Comprehensiveness and quality of proposed Management Plan.**

- Does not meet the minimum requirements of the RFP = Beginner
- Meets the minimum requirements of the RFP but lacks sufficient detail to permit the Town to properly evaluate the plan = Intermediate
- Management Plan is robust and detailed containing all of the information requested by the Town = Advanced
- Management Plan is robust and detailed containing a more comprehensive plan than the minimum requested by the Town = Experienced

The successful respondent will also be required to submit the following before signing the Lease, draft copies of which are attached for review: (1) Certificate of Non-Collusion (Attachment); (2) Certificate of Tax Compliance (Attachment); (3) Disclosure of Beneficial Interests Form (Attachment).

**FORM A**

**NON-PRICE PROPOSAL NAGOG HILL ORCHARD LEASE**

Submit this form in a **separate envelope** clearly marked on the outside as  
**“Non-Price Proposal – NAGOG HILL ORCHARD LEASE”** Use additional paper as  
necessary

**A. RESPONDANT:** \_\_\_\_\_

Contact Person (if other than Respondent) \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**B. CURRENT AGRICULTURAL BUSINESS**

This section is if you are currently operating your own agricultural business. **If you do not own an agricultural business, leave this section blank.**

Legal Name of Business: \_\_\_\_\_

Name(s) of Owner: \_\_\_\_\_

Date Established: \_\_\_\_\_

Type of Business (Sole Proprietorship, General Partnership, LLP, LLC, Corporation 501(c)(3), etc.  
\_\_\_\_\_

For consideration, all proposals must provide the following information for further evaluation:

1. A narrative describing:

- (a) Respondent's current agricultural business, including the ownership interest, number of acres, description of crops and/or goods respondent grows and sells and the livestock Respondent raises;

- (b) the number of employees Respondent has;
  - (c) how Respondent intends to use Nagog Hill Orchard in conjunction with their existing business in a manner that will comply with the APR;
  - (d) an equipment investment plan describing the farming equipment respondent owns, leases or intends to procure that would be used in the operation and maintenance of the Orchard;
  - (e) the experience and licensing of the Respondent to perform pesticide management;
  - (f) which of the parcels and Buildings/structures the Respondent proposes to lease and for what purpose;
  - (g) Respondent's educational background
2. Proposal contains a Preliminary Management Plan for the Orchard, equipment and Building/structures, based on what the respondent knows about the property, which may be developed into a formal Management Plan during lease negotiations if respondent is selected to lease the property.
3. The Preliminary Management Plan should contain any information that the respondent considers important for their vision for the property and also provide for (a) pesticide management; (b) periodic reporting to the Town of the number and types of plantings, crop yields, and prices; (c) a schedule and description of best management practices that will be utilized; (d) a schedule and description of all minor/routine maintenance activities that respondent intends to perform on structures included with the lease; and (e) annual inspections by the Town.

The Town is not seeking a fully developed Management Plan at this stage. A plan in outline form that covers the identified topics, to the best of respondent's knowledge and ability at this stage, is sufficient.

I understand that Proposals that do not meet the Minimum Evaluation Criteria will be judged non-responsive and will not be reviewed further. I also understand that this nonprice proposal information will be evaluated by the Town and separate from the price proposal.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM B**

**PRICE PROPOSAL NAGOG HILL ORCHARD LEASE**

Submit this form in a **separate envelope** clearly marked on the outside as  
**“Price Proposal – NAGOG HILL ORCHARD LEASE”**  
(Use additional paper as necessary)

**A. RESPONDANT:** \_\_\_\_\_

Contact Person (if other than Respondent) \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**B. CURRENT AGRICULTURAL BUSINESS**

This section is if you are currently operating your own agricultural business. **If you do not own an agricultural business, leave this section blank.**

Legal Name of Business: \_\_\_\_\_

Name(s) of Owner: \_\_\_\_\_

Date Established: \_\_\_\_\_

After non-price proposals are evaluated, the Town will evaluate the price proposals. Price proposals should contain the Respondent’s proposed price for an annual lease payment plus additional compensation proposed in connection with Respondent’s proposed permitted uses. All lease payments will escalate throughout the term of the lease at a rate to be negotiated with the selected lessee.

(a) The Respondent proposes the following annual lease payment for the term of the lease as compensation for use of the Orchard and associated (optional) Buildings in connection with the **Required Uses** of the property:

\$ \_\_\_\_\_

(b) The Respondent proposes the following additional compensation to the Town for use of the Orchard and associated (optional) Buildings in connection with the Respondent's proposed **Permitted Uses** of the property:

\$ \_\_\_\_\_

I acknowledge that the proposed lease payments are in addition to any real and property tax that may be assessed to me as Lessee of the Premises. Governmental charges of whatever nature that may be levied, assessed, charged or imposed either against the Premises or on my estate during the term of the lease and from which I do not obtain an exemption are solely the responsibility of me as Lessee.

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Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_