



MASSACHUSETTS
HISTORICAL COMMISSION
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

MASSACHUSETTS
PRESERVATION
PROJECTS
FUND

APPLICATION
INSTRUCTIONS

Round 22

Due Date: March 23, 2016

MASSACHUSETTS PRESERVATION PROJECTS FUND APPLICATION INSTRUCTIONS

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The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

MASSACHUSETTS PRESERVATION PROJECTS FUND APPLICATION INSTRUCTIONS

INTRODUCTION AND GENERAL INFORMATION

The Massachusetts Preservation Projects Fund (MPPF) is a 50% matching grant reimbursement program established for the preservation of historic properties, landscapes, and sites (cultural resources) that are listed in the State Register of Historic Places. Properties must be in municipal or nonprofit ownership.

The MPPF program has been a continual source of matching preservation dollars since its re-establishment in August 1994. It is anticipated that funding for Round 22 will be in the range of the previous grant round, Round 21, which was funded at \$780,000. Round 22 Applications are due March 23, 2016 and grant awards will be announced June 8, 2016. The end date for project completion will be June 30, 2017. Please note that grant disbursement is subject to appropriation and the availability of sufficient allocated funds pending extension of the state bond cap.

Applications chosen for funding will be those that best meet the selection criteria, appear to be able to accomplish the scope of work within the MPPF time schedule, and demonstrate the ability to fund the grant match. An architect or preservation consultant is required to prepare Section V - Technical Planning of the Application for development grants. All sections of the Application, however, must be submitted together. The attached material explains the application process and program requirements. Applicants with questions not covered in this material should contact the MHC at (617) 727-8470 any time during the grant process and consider attending one of the two workshops currently scheduled.

To send e-mail to MHC staff listed below, use the first and last name of the person you wish to contact, separated by a dot, followed by **@sec.state.ma.us** For example, for Paul Holtz, send e-mail to: **Paul.Holtz@sec.state.ma.us** Applications and Instructions are available for download from the MHC website. Limited quantities of the hardcopy version of the Application and Instructions will be made available upon request and at each workshop.

Brona Simon, Executive Director & State Historic Preservation Officer, MHC

Grants Division Staff:

Paul A. Holtz, Co-Director/Historical Architect
Ross Dekle, Preservation Planner

Nancy Maida, Co-Director/Fiscal Manager
Tracey A. Fortier, Preservation Planner

Applications for Round 22 are due March 23, 2016.
Postmarks of that date will be acceptable.

NO FAXED SUBMISSIONS WILL BE ACCEPTED.

Brona Simon, Executive Director & State Historic Preservation Officer
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
Phone (617) 727-8470; Fax (617) 727-5128
Website: <http://www.sec.state.ma.us/mhc/>

MPPF ROUND 22 SCHEDULE

March 23, 2016	Applications due at Massachusetts Historical Commission. Postmark of this date is acceptable. (Municipalities must allow adequate time for Designer Selection procedures under M.G.L. Chapter 7C, §§44-57 in order to meet this deadline.) NOTE: If awarded a grant, project personnel must attend the July 13, 2016 LPC workshop meeting listed below. Plan accordingly.
June 8, 2016	Funding allocations made by Massachusetts Historical Commission. Written notification regarding award status will follow.
July 13, 2016	Deadline for awardee acceptance letters.
July 13, 2016	LPC Workshop - Recipients meet with MHC Grants staff to discuss program requirements and material needed to execute a contract with MHC. Project architect attendance is highly recommended.
July 13 – 29, 2016	Recipients meet with MHC grant staff to establish final project scope of work.
July 13 – Aug. 31, 2016	Architects prepare bid-level construction documents. Pre-Development grant Recipients finalize Request for Proposals (RFP).
August 31, 2016	Deadline for submission of final approved construction documents (or RFP for pre-development projects).
Sept. 1 – Oct. 14, 2016	Project bid/advertisement period.
October 31, 2016	All recipients must be under contract with MHC by October 31, 2016. Development Projects: deadline for completion of procurement process and selection of construction contractor. Pre-Development Projects: deadline for consultant selection.
November 2016	Targeted construction/pre-development planning work for all projects to commence by this date. Deadline for placement of project sign. The project sign must remain in place until the project is closed out.
June 30, 2017	Deadline for completion of all MHC-funded project work. Project Completion Report and final payment financial documentation due at MHC by July 31, 2017.
July – August, 2017	State Accounts Payable period ends.

State funds may be released in two payments. The first payment is contingent on expenditure of 50% of the total project budget (contract) and the procurement documentation, financial documentation, Preservation Restriction, and Endowment Fund materials (if applicable) being in place and on file at the MHC. Final payment will be released upon submission and approval of the Completion Report and final payment financial documentation.

GENERAL INFORMATION

GUIDELINES

A. Eligible Applicants/Properties

Nonprofit organizations and municipalities who own or have a long-term interest* in the property are eligible to apply for funds. The property for which assistance is being requested must be listed in the State Register of Historic Places.

IMPORTANT NOTE #1: If you are unsure, applicants should contact the Massachusetts Historical Commission or their local historical commission to ascertain State Register status of the property before applying for grant funds.

The State Register of Historic Places is the official list of the state's cultural resources deserving preservation consideration. The State Register is a compilation of eight different types of local, state, and federal designations. The most common designations on the State Register are National Historic Landmarks, National Register properties, and local historic districts. Eligible properties can be listed individually or as contributing elements of a National Register or local historic district.

**Long-term means at least a 25-30 year lease.*

For Unlisted Properties:

The largest single category on the State Register is from National Register nominations. The MHC can only accept National Register nominations from communities that have completed a comprehensive survey of their historic properties.

To find out if your community has a comprehensive survey or to initiate the process of evaluating a property for listing on the National Register, contact the Preservation Planning Division of the MHC.

Applicants of unlisted properties may be instructed to seek a determination of eligibility from MHC for listing in the National Register of Historic Places and submit a recently prepared or amended MHC inventory form (and possibly additional photos of significant interior and exterior features). MHC staff will use the National Register criteria and evaluation procedures specified in the National Register regulations. Forms are available through the MHC website at:

<http://www.sec.state.ma.us/mhc/mhcform/formidx.htm>

IMPORTANT NOTE #2: National Register listing involves substantial lead-time and therefore procedures for nominating eligible unlisted properties should be implemented well in advance of the Application submittal deadline. If the property is found eligible, applicants would need to submit a complete, fully edited National Register nomination by the March 23, 2016 grant application deadline.

B. Eligible Activities/Scope of Proposed Work

1. PRE-DEVELOPMENT PROJECTS:

Requests may be submitted to conduct studies necessary to enable future development or protection of a State Register-listed property including: the preparation of an historic structures report, feasibility studies which may include plans and specifications, and certain archaeological investigations. With planning projects, the architectural/engineering fees to conduct such studies are eligible for funding. Costs associated with the project sign, photography, and legal ads are also eligible for reimbursement.

2. DEVELOPMENT PROJECTS:

Requests may be submitted for construction activities including stabilization, protection, rehabilitation, and restoration. Grant funding (grant plus matching share) can only be used to cover costs of materials and construction labor necessary to ensure the preservation, safety, and accessibility of historic cultural resources. Development of universal access is allowable **only** as part of a larger project (ideally, no more than 30% of the grant funding).

IMPORTANT NOTE #3: With construction or “bricks & mortar” projects, the associated architectural/engineering fees are not eligible for funding or use as matching share.

Allowable costs*: Overall building preservation, building code compliance, and barrier-free access where historic fabric is directly involved are eligible as well as the cost of a project sign, photography, recording of the Preservation Restriction, and legal ads.

Non-allowable costs: Project work involving routine maintenance, upgrading of mechanical systems (i.e., heating, ventilation, air conditioning, electrical, plumbing), renovation of non-historic spaces, moving of historic buildings, or construction of additions are not eligible. Projects involving the interior of buildings actively used for religious purposes are generally not considered eligible.

IMPORTANT NOTE #4: Grant funding (grant plus matching share) cannot be used toward ineligible work including routine maintenance, upgrading of mechanical systems, renovation of non- historic spaces, moving of historic buildings, and construction of additions. Projects involving the interior of buildings actively used for religious purposes are generally not considered eligible.

**Please contact Grants Division staff to review your scope of work or individual work items if you are unsure about eligibility.*

3. ACQUISITION:

Requests may be submitted to acquire State Register properties that are imminently threatened by inappropriate alteration or destruction.

C. Amount of Grant Request

1. PRE-DEVELOPMENT:

The **minimum grant request is \$5,000**, resulting in a total project cost of at least \$10,000. The **maximum request is \$30,000**, resulting in a total project cost of at least \$60,000.

2. DEVELOPMENT AND ACQUISITION:

The **minimum grant request is \$7,500**, resulting in a total project cost of at least \$15,000. The **maximum grant request is \$100,000**, resulting in a total project cost of at least \$200,000.

Grant requests are often higher than the grant amount actually awarded. Matching share capability is a critical determinant in grant funding. MPPF grant funding can be a significant incentive, serving as “seed money” to encourage funding from other sources. Many MPPF projects have been funded with a grantee’s share greater than 50% match of the grant allocation.

D. Funding Options

1. 50% MATCHING SHARE GRANT:

Applicants must provide a 50% match (dollar for dollar) to the grant amount requested.

Matching funds shall consist of cash only. Firm and binding letters of commitment must be included with the Application.

IMPORTANT NOTE #5: Other state funds, as well as in-kind services or volunteer time, are not eligible as matching share and uncollected pledges will not be considered.

IMPORTANT NOTE #6: Due to the reimbursement nature of the program, in order to have an adequate cash flow for the needs of the project during research or construction, matching funds equal to or greater than 75% of the estimated total project cost for the grant-assisted portion of the project must be in place at the time the Application is submitted.

IMPORTANT NOTE #7: For municipalities, if the matching funds are dependent upon a Town Meeting vote that will not occur until after the March 23, 2016 application deadline, please include a copy of the warrant article and state when the meeting is scheduled to occur. The Town Meeting vote results must be provided no later than May 9, 2016, which is 30 days prior to the June 8, 2016 grant award date.

2. ENDOWMENT OPTION FOR DEVELOPMENT PROJECTS ONLY:

The applicant may request that 75% of the total project cost be funded by an MPPF grant. The grant recipient agrees to set aside an additional amount equivalent to 25% of the total project cost in an endowment fund. The interest from the fund would be limited to use for the physical maintenance of the grant-assisted property.

The final decision on which option—matching or endowment—will be made by the MHC, with consideration given to the funding level of the MPPF and scope of work proposed.

E. Preservation Restriction

As a condition of funding, grant applicants must agree to execute and record an interior and exterior MHC Preservation Restriction and maintenance agreement on the property’s deeded parcel of land (**i.e., restriction will cover the interior and exterior of the resource as well as the parcel of land associated with the resource**). A copy of the standard Preservation Restriction is in Appendix C and should be reviewed carefully by the applicant, owner(s), and owner’s attorney *prior* to submission of the Application. The standard restriction will be tailored to your resource; however, the terms are fixed.

IMPORTANT NOTE #8: In order for the Application to be considered complete, a letter of intent to execute a Preservation Restriction, signed by the owner of record and those with an interest in the property (such as mortgage holders), must be included along with a legal

opinion prepared by the owner's attorney, current Assessor's map, and any legally recorded plot plans or surveys that may exist.

For pre-development projects, the duration will depend on the amount of the grant award (see page 15). For development and acquisition projects, the Preservation Restriction will run in perpetuity with the deed.

INSTRUCTIONS

APPLICATION SUBMISSION INFORMATION

- ♦ Applications for Round 22 are due at the Massachusetts Historical Commission on March 23, 2016. Applications **postmarked** by this date are acceptable.
- ♦ Submit one copy of the Application form with all attachments in a simple three ring binder. **All required signatures must be live and in blue pen.**
- ♦ Please follow the enclosed line-by-line instructions carefully while filling out the Application. For each item of the Application, refer to the corresponding instruction section. For example, there is Section I - Project Overview in the Application and a corresponding Section I - Project Overview in the Instructions.
- ♦ You may download the pdf of the Application from the MHC website onto your desktop, enter your information into the form fields, save the file, and then print (Adobe Reader privileges have been extended so that the completed form may be saved off for additional editing and/or future reference; however, you must have Adobe Reader v 8.0 or higher):

<http://www.sec.state.ma.us/mhc/>

- ♦ Label all photos with project name and address. Please do not place labels on the front side of photographs.
- ♦ Please make your narrative brief and descriptive. Length is not a criterion.
- ♦ **Mail Application to:**

Brona Simon
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission
Massachusetts Archives Building
220 Morrissey Boulevard
Boston, MA 02125

SECTION I PROJECT OVERVIEW

A. Property Information

1. PROPERTY NAME & LOCATION:

Please provide the correct historic name and address **as listed in either the State or National Register of Historic Places**, including the name of the historic district if applicable (put common name, if different, in parentheses). Please check with your local historical commission on the accuracy of the information. Also include a location map at street level scale and directions to the resource.

2. PROPERTY USE:

Identify current and future use in the Application and summarize the current and future proposed use of the resource on a separate sheet of paper.

Identify the status of barrier-free access for the property in the Application and include a discussion on the status in the property use summary. For the purposes of the MPPF program, the Massachusetts Architectural Access Board (MAAB) regulations are in effect. Barrier-free access is defined as building and facilities accessible to and functioning for persons with disabilities. Please note that integration of creative and responsive solutions to barrier-free access is an allowable grant cost.

B. Applicant and Owner Information

1. APPLICANT:

Indicate your organization's status: nonprofit or municipality. The applicant is the entity that will be the grant recipient and/or manage the grant-assisted project.

IMPORTANT NOTE #9: For NONPROFITS only, you must submit:

- 1) a copy of your 501(c) 3 IRS determination letter (or equivalent),**
- 2) a copy of your operating budget,**
- 3) a separate sheet stating if your organization has any existing endowments and if so, what they are used for and how (and if) they are restricted, and**
- 4) the completed Massachusetts Request for Taxpayer Identification Number and Certification Form MA- W-9 (Rev. April 2009) from the Appendix with the original, live signature in blue pen of the person qualified to represent your organization and has signature authority. Faxes or stamped signatures will not be accepted.**

2. PROPERTY OWNER(S):

For nonprofits: the president, executive director, or treasurer is usually designated as the fiduciary representative. **For municipalities:** the signer must be the designated legal authority (usually the current Mayor, Town Manager, or Board of Selectmen Chair).

In cases where the applicant is not the owner, **the property owner must indicate his/her authorization of the Application.** The property owner is defined as the Owner of Record. If the owner is neither a municipality or nonprofit, the applicant must document a long-term

interest in the property, such as a 25-30 year lease.

3. PROJECT PARTICIPANTS:

a. Local Project Coordinator (LPC):

The LPC is responsible for submitting the Application and must be able to answer questions about it. MHC recommends that the LPC prepare Sections I - IV of the Application and that the architect/engineer or preservation consultant prepare Section V (for development projects only). Section V must be submitted with the rest of the Application.

The LPC (assign one person only) will be the person authorized to assume responsibility for the administration of the project including: the preparation and submission of financial documentation, Project Completion Report, and other information. All correspondence and questions regarding either the Application or, if funded, the project itself, will be directed to the LPC. With development projects, the LPC will also act as the liaison between the architect, engineer or consultant (see below), and MHC.

- b. Architect or Landscape Architect,
- c. Engineer,
- d. Other (i.e., preservation consultant)

For Pre-Development Projects: Project participants are limited solely to the LPC. Only if funded, will these projects require architects, engineers, or consultants on your team.

IMPORTANT NOTE #10: Design professionals cannot be pre-selected for pre-development projects. Potential design professionals should play no role in shaping the Application to avoid conflict of interest.

For Development Projects: The applicant **must retain** an architect, landscape architect, or engineer to prepare outline plans and specifications for the proposed project work. If funded, development projects will also require a design professional—preferably the same person—to prepare bid-level (full) construction documents by August 31, 2016 and supervise grant-assisted work. List the contact information for all of the primary and secondary professionals that will be involved with your proposed project.

IMPORTANT NOTE #11: You must identify whether or not the lead architect/engineer that you've listed is currently, or will be, under contract to provide professional services starting immediately in July 2016, if grant is awarded.

MHC recommends applicants consider a design professional with previous experience with historic buildings or buildings listed in the National Register of Historic Places and the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (and, if appropriate, with *Guidelines for the Treatment of Cultural Landscapes* or the *Standards for Treatment of Historic Vessels*). The design professional will be responsible for seeing that the contractor carries out all work satisfactorily.

IMPORTANT NOTE #12: The contractor is the professional, along with his or her co-workers and employees, who performs the actual grant-assisted work. The contractor becomes

involved AFTER the grant allocation is made and cannot be pre-selected.

The contractor must be chosen competitively, in accordance with competitive procurement requirements, and preferably be experienced in historic preservation projects. Municipalities must select a contractor pursuant to M.G.L. Chapter 149, M.G.L. Chapter 30B, and M.G.L. Chapter 30, §39M and who complies with all other applicable local and state regulations. The contractor works under contract for the grant recipient, and has no formal involvement with MHC.

For BOTH Pre-Development and Development Projects:

IMPORTANT NOTE #13: The applicant must NOT advertise, bid out, or begin project work prior to or during MHC's application review period as well as before grant allocations or if funded, the applicant is under contract with the MHC. Funding for any of these activities cannot be applied retroactively. Eligible work performed outside of the MHC contract period of performance will NOT be eligible for grant funding.

SECTION II PROJECT AUTHORIZATION

A. Project Contact

In the Application, list the name, title, address, daytime telephone number, fax number, and e-mail address of the person designated as the Local Project Coordinator or the main contact for the project.

B. Authorization

On a separate sheet of paper, state who will be preparing project reports and who is authorized to execute a contract agreement with MHC, oversee and report on procurement, enter into contracts for project work, arrange for grant funding acknowledgment including the project sign, and sign the Preservation Restriction and disburse funds.

C. Certificate of Authorization

Complete the Certificate of Authorization form as shown. **Do not modify.** This document certifies that the person signing your organization's Application (as owner) is authorized to enter into a contract with MHC and sign the Preservation Restriction. The nonprofit organization or municipality must hold a recent vote to designate this authority. Please see Appendix D for Certificate of Authorization examples.

In the case where the applicant is not the owner of record, only the owner can vote to designate the authorized signatory. For those municipalities with a mayoral form of government, the date that your mayor was elected to office may be inserted in lieu of a new, recent vote date. This form must be completed in order to process the MHC contract with the grantee.

PLEASE NOTE: The individual who is designated as the contract signer may not be the same person who attests in the Certificate of Authorization.

D. Preservation Restriction: Legal Opinion and Statement of Intent

As a condition of funding, grant applicants must agree to execute and record an interior and exterior MHC Preservation Restriction and maintenance agreement (PR) on the property's deeded parcel of land (**i.e., restriction will cover the interior and exterior of the resource as well as the parcel of land associated w/the resource**). **The PR will be tailored to your resource; however, the terms are fixed.**

The owner of a property funded for a development project must enter into and record a Preservation Restriction and maintenance agreement in perpetuity under the provisions of M.G.L. Chapter 184, Sections 31-33.

Owners of properties funded for pre-development projects must enter into and record a Preservation Restriction and maintenance agreement of the following duration, depending on the grant amount awarded:

- ♦ 5 years - grant amount of \$0 - \$14,999
- ♦ 10 years - grant amount of \$15,000 - \$30,000

A copy of the standard Preservation Restriction is in Appendix C and should be reviewed carefully by the applicant, owner(s), and owner's attorney *prior* to submission of the Application.

Please attach the following two items with your Application. In order to consider your Application complete; both attachments must be included.

1. LEGAL OPINION - prepared by your attorney, which states or includes:

- a. that a deed restriction for the property can be recorded in the Registry of Deeds.
- b. that this Preservation Restriction will not be subordinate to any other restrictions, which may already be on the property.
- c. copies of any existing restrictions.
- d. a copy of the deed, the owner's deed citation for the transfer of property from previous owner (i.e., registry, book and page number, and date of the original deed), and the legal boundary description. If a deed does not exist, the legal boundary description or a legally recorded plot plan or survey must be included (with Legal Opinion or Statement of Intent.)
- e. list the correct names of the real owners, and the correct names of all those who have an interest in the property who should be signatories to the Preservation Restriction, including mortgagees, if any.

2. STATEMENT OF INTENT:

A statement or letter of intent to execute and record the required Preservation Restriction, if selected for a grant, signed by the owner(s) and those with interest in the property, including mortgagees, if any, must be included in the Application. In the case that one entity owns the resource and another owns the land, letters of intent from both parties must be submitted. (see Appendix C) With the statement of intent, include a copy of the most current Assessor's map and copies of any/all legally recorded plot plans or surveys that may exist. PLEASE NOTE: You may have to have the parcel professionally surveyed to establish property boundaries, if a plan and deed on the property do not exist. Confer with your attorney; SEE item 1.d. above.

The Restriction itself does not have to be executed until the project is underway, but the ability of the applicant to comply with this requirement must be established before any grant allocations can be made. Recording an MHC Preservation Restriction is a requirement which must be met before any grant funds are disbursed.

If the agreement to sign the Preservation Restriction has to be ratified by a committee or town vote, be sure to schedule such activity well before the Application deadline. Please attach a certified copy of the vote (this will be recorded with the restriction). Municipalities should check with their legal counsel to see if a town meeting vote is required or a Board of Selectman vote will suffice. See Appendix C for an example of a certified copy of vote attached to the standard restriction.

IMPORTANT NOTE #14: For municipalities, if entering into the Preservation Restriction is dependent upon a Town Meeting vote that will not occur until after the March 23, 2016 application deadline, please include a copy of the warrant article and state when the meeting is scheduled to occur. The Town Meeting vote results must be provided no later than May 9, 2016, which is 30 days prior to the June 8, 2016 grant award date.

After a grant award is made, MHC will prepare the Restriction and mail it to the recipient. It is the responsibility of the recipient to sign and record the Preservation Restriction with the local Registry of Deeds.

The Preservation Restriction does not prevent an owner from transferring or selling the property. A Preservation Restriction runs with the land and is binding on present and future owners for the term of the Restriction.

IMPORTANT NOTE #15: If an active MHC Preservation Restriction in perpetuity currently exists on the property, please simply include a photocopy of the existing preservation restriction along with a current Assessor's map and copies of any/all legally recorded plot plans or surveys that may exist. You do NOT need to submit a legal opinion or statement of intent.

E. Assurance of Compliance

In order to be considered for grant funding, the Applicant must agree to comply with the twenty program items listed on the form found on pages 6 & 7 of the grant application. The Assurance of Compliance must be carefully reviewed by the authorized signatory prior to signing (in blue pen) and submission with the Application.

Many of the items on the form are self-explanatory; however, for those items requiring further explanation, please see the selected item explanations below:

3. Financial Management/Record-Keeping:

MHC requires that applicants maintain adequate financial management and record keeping systems. If necessary, applicants should plan to set up a separate account within existing bookkeeping systems for the grant project. MHC requires auditable records (itemized invoices and copies of both sides of cancelled checks or itemized bank statement report) for the cost of each grant project. Cash receipts will not be accepted. Project costs which are not supported by acceptable, auditable records, will not be considered allowable costs. Municipalities may submit city or town warrants as proof of payment.

7. Preservation Restriction:

The applicant will record an interior & exterior Preservation Restriction and maintenance agreement in perpetuity under the provisions of M.G.L. chapter 184, sections 31-33, except that Pre-Development grant recipient organizations shall agree to a specific duration based on the amount of funds provided. If applicant is not the sole owner, written consent must be obtained from all owners/mortgagees and included with the Application.

8. Contracts:

The LPC coordinates the signing of contracts. Every project selected will involve a standard state contract between MHC and the grant recipient before work is bid or begun. The major provisions of the agreement are that the grant recipient agrees to:

- a. Carry out work specified in the approved plans and specifications or RFP, which will be incorporated into the contract directly or by reference;
- b. Carry out work within the approved project period in accordance with applicable laws, regulations and program requirements;
- c. Record the MHC Preservation Restriction on the property;
- d. Allow MHC to inspect the project work and records;
- e. Submit acceptable evidence of actual project costs; and
- f. Report on the project progress and submit a report at the completion of the project. MHC also requires grant recipients to execute appropriate contracts with their contractors/ consultants, to provide copies of these contracts to MHC, and to ensure adequate contract administration and compliance.

Funds will be transferred from MHC to the grant recipient on the basis of contract compliance.

10. Project Sign:

All grant recipients must acknowledge state assistance by means of a temporary but prominently displayed project sign. The sign should be at least 4' x 4' and must be erected within 30 days of an executed contract with MHC and remain in place until the project is completed and funds disbursed. Project signs are an eligible project cost and may be included in the budget. MHC suggests \$500 as an estimate figure. Details on the required wording of the project sign are available from the MHC. The MHC will require a photograph of the sign as evidence of compliance with this requirement.

11. Monitoring/Site Visits/Progress Reporting:

Grant projects must adhere to the Project Schedule as outlined in the first section of these instructions.

During the course of the project, the LPC should report on progress at designated stages and arrange for site visits with MHC staff. The LPC should either produce, or make arrangements for, in-progress project notes, meeting minutes, and photographs.

12. Completion Report:

At the completion of project work, the LPC submits a Completion Report, according to MHC's format. The Completion Report is often written by the architect or consultant and submitted to the LPC. After a final site visit by MHC staff and acceptance of the work, final matching funds are disbursed and the project is closed out. Any work accomplished outside the MHC contract project period **will not be eligible for matching funds.**

15. & 16. Procurement Requirements:

The Application should indicate the proposed method of selecting the contractor for project work and the type of contract which is intended to be used. MHC procurement standards must be met.

Procurement procedures will differ for nonprofit projects where the total project cost is more than \$100,000 (i.e., grant award greater than \$50,000).

The intent of these requirements is to ensure that all procurement transactions are conducted in a manner that provides open and free competition regardless of the dollar value. In all circumstances, MHC will require evidence that acceptable procurement standards have been met. **Refer to Appendix E** for a detailed description of procurement requirements.

19. Notification of Local Historical Commission/Local Historic District Commission:

MHC requires that local historical commissions/local historic district commissions be notified of MPPF grant applications for properties within their municipalities **before applications are submitted. Local historical commission and local historic district commission (if applicable) approval must be obtained in writing and included with the Application.**

If you do not know whether your community has a local historical commission, contact your City or Town Hall. If the project is in a local historic district, then you must file an application for a certificate of appropriateness for the work with the local historic district commission.

SECTION III GRANT REQUEST

A. Proposed Scope of Work

1. TYPE OF PROJECT:

Identify whether Pre-Development, Development, or Acquisition. Check only one.

2. PROJECT DESCRIPTION:

Briefly describe the proposed work in order of priority with a short explanation of what the work is and why it is being proposed.

3. PROJECT COST ESTIMATE:

Only allowable costs associated with the grant project scope of work should be included. The cost estimate for each grant project should clearly indicate the total estimated cost of the proposed project, both construction and non-construction components. MHC advises you to obtain costs based on informed estimates. This could be from an architect or preservation consultant, estimator, or contractor.

Not all project costs are eligible for inclusion within the grant project cost estimate. For various reasons, grant applicants may choose not to include certain costs as part of the grant projects. The costs included in the grant project estimate should only be for eligible costs, which will constitute the basis for fund disbursement. Please refer to GUIDELINES, B. Eligible Activities/Scope of Proposed Work within the General Information section. If you have any questions on the cost estimate, please consult with grants division staff before you submit your Application.

a. Pre-Development Projects:

Since pre-development projects are very diverse, please consult MHC staff to discuss how best to develop the Application, scope of work, and project cost estimates. Applicants for pre-development projects may not use the endowment option. All projects must provide equal match for grant funds.

Sample categories for cost estimates for Pre-Development projects might be:

1) Consultant fees (which include travel, photography, printing):

List by title or function the types of consultants who will be associated with the project and dollar amount or total dollars estimated.

2) Other:

List other allowable costs necessary to the project (i.e., publication costs, recording of Preservation Restriction, legal ads, or project sign).

b. Development Projects:

The costs listed in this section are for the MHC-eligible preservation/construction work items comprising your grant project. If funded, please note that documentation in the form of invoices and cancelled checks (or an itemized bank statement report) must be provided in order to claim matching funds.

- ♦ Photography: Visual documentation in the form of prints are required. These costs are eligible grant costs.
- ♦ Project sign: This is a grant requirement and an eligible grant cost.
- ♦ Construction: The construction work should be broken down into the proper division categories by type or trade, such as Div. 1 – General Requirements, Div. 4– Masonry, Div. 7 – Roofing, Div. 9 - Painting, etc. Follow the sections of the Uniform Construction Index as applicable to your project. Please see Appendix F.

IMPORTANT NOTE #16: Designer fees and contingency costs for construction projects are not eligible for reimbursement and should not be included in the estimated project cost listed.

c. Acquisition Projects:

The cost of the acquired property must be based on an appraisal by an independent professional appraiser. Appraisal reports must conform to “Data Documentation and Appraised Reporting Standards” which will include analysis of highest and best use, and value estimate by comparative market approach.

Applicants must also document that acquisition is the only way to assure the preservation of this historic resource. Discuss alternative preservation methods that were pursued prior to this current request.

4. PROJECT PERIOD:

Please refer to the MPPF Round 22 Project Schedule on page 3 for allowed project duration and again, remember **IMPORTANT NOTE #13** states that:

The applicant must NOT advertise, bid out, or begin project work prior to or during MHC’s application review period as well as before grant allocations or if funded, the applicant is under contract with the MHC. Funding for any of these activities cannot be applied retroactively. Eligible work performed outside of the MHC contract period of performance will NOT be eligible for grant funding.

B. Grant Request

Please select the funding option—50% match or Endowment—and indicate the exact amount of your request and matching share (do not include ranges). The total project cost is the sum of the two. If your grant project is a part of a larger project, please indicate the overall project cost.

1. 50% MATCHING SHARE:

Grant recipients must provide a 50% match (dollar for dollar) to the grant amount. For both pre-development and development projects, matching funds shall consist of cash only.

2. ENDOWMENT OPTION:

For development projects only: the applicant may request that 75% of the total project cost be funded by an MPPF grant. The recipient agrees to set aside an additional amount equivalent to 25% of the total project cost in an endowment fund, the interest from which would be limited to use for the physical maintenance of the property.

Endowment funds must be established with new cash only. Cash transferred from other, existing endowments is not acceptable. The final decision on the funding option (50/50 or

75/25) will be made by MHC. Consideration will be given to the funding level of the MPPF and scope of work proposed.

If you are applying for the Endowment Fund option, you must provide the following information in addition to the sources and commitment of matching share for the construction portion of the project in your matching share summary:

- a. Statement that your organization has the funds available and will commit such funds to a restricted endowment fund for the benefit of the property. Transfer of funds from existing endowments is not allowable.
- b. A certified copy of a resolution adopted by your organization or a vote of your municipality that a sum of money equivalent to 25% of the funded construction portion of the project will be appropriated and set aside in the restricted endowment.

C. Matching Share Source(s) Statement

As stated previously, other state funds, as well as in-kind services or volunteer time, are not eligible as matching share. Please refer any questions you may have on matching share requirements to grants division staff *before* submitting your Application.

The applicant must provide a signed statement certifying the sources, kinds and amounts of matching funds (the non-state share of the grant project) as well as the date these funds will be available.

The statement must be signed by the person legally authorized to certify and commit applicant funds. If matching funds come from a third party, applicants must provide evidence of pledges being **in hand** at the time the Application is submitted.

IMPORTANT NOTE #17: Uncollected private individual pledges may not be considered a firm commitment or part of the available project funds. Firm and binding letters of award, however, from corporations, private foundations, and public agencies (other than state agencies) for work that will be completed within a specified timeframe are acceptable.

Keep in mind that the Massachusetts Preservation Projects Fund is a matching share and **reimbursement** program. Grants are usually disbursed in two payments and at least four weeks are required to process payments once proper documentation has been received by the MHC. Applicants must be prepared, therefore, to have funds available **greater than** their share for adequate cash flow to support the project until MPPF payment is processed. To reiterate **IMPORTANT NOTES #6 and #7:**

Due to the reimbursement nature of the program, in order to have an adequate cash flow for the needs of the project during research or construction, matching funds equal to or greater than 75% of the estimated total project cost for the grant-assisted portion of the project must be in place at the time the Application is submitted.

For municipalities, if the matching funds are dependent upon a Town Meeting vote that will not occur until after the March 23, 2016 application deadline, please include a copy of the warrant article and state when the meeting is scheduled to occur. The Town Meeting vote results must be provided no later than May 9, 2016, which is 30 days prior to the June 8, 2016 grant award date.

Note that Massachusetts Community Preservation Act (MCPA) funds are considered local funds and **may be used as matching share**, provided the municipality's Community Preservation Committee recommends such a purpose as required by M.G.L. Chapter 44B, Section 14. The MHC will require written documentation of the recommendation and approval of the local Community Preservation Committee. MCPA funds utilized as a matching share must be firmly in place prior to the potential grant award.

Applications which do not provide clear and accurate information on matching share will be considered incomplete and will not be considered for grant allocations.

NOTE: Letters of intent to "consider" a loan application are not acceptable as a firm commitment.

Matching share summary examples are provided below:

Example I Source: City of Anywhere, Community Development Block Grant Funds
Kind: Cash
Amount: \$20,000
Date Available: May 1, 2017
Commitment: Attached is a letter of commitment from Mayor Smith.

Example II Source: First National Bank of Someplace
Kind: Construction Loan (cash)
Amount: \$20,000
Date Available: March 1, 2017
Commitment: Attached is a letter from the First National Bank certifying a firm loan commitment.

Example III **Endowment option:**
Source: Ye Olde Historical Society
Kind: Cash
Amount: \$20,000
Date Available: Immediately
Commitment: Attached is a letter from the Society stating their commitment to establish a restricted endowment fund in the amount of \$20,000.

SECTION IV PROJECT EVALUATION

Selection Criteria and Guidance Statements

Applications are evaluated according to the Selection Criteria listed below. **Bold** indicates text taken from the “Standards for Awarding of a Matching Grant Pursuant to the Massachusetts Preservation Projects Fund,” 950 CMR 73.00: Office of the Secretary of the Commonwealth (please see Appendix B.) Please address criteria as fully as possible. Your Application will be evaluated based on your response to the selection criteria. Criteria marked with an asterisk (*) are determined by MHC; responses are not mandatory. You may address these if you wish.

A. Level of Significance

Level of significance with preference given to those [properties] with state or national level significance. This will be defined by the level of significance noted on the National Register nomination or through the MHC evaluation process.

B. Potential for Loss or Destruction

Potential for loss or destruction of the property, or a significant portion thereof. Priority will be given to those properties, which are under immediate threat of loss, or partial or complete destruction. Preference will be given to projects involving buildings, landscapes or sites that would be severely damaged, altered or destroyed without grant assistance. The degree of threat to the property must be documented by photographs, structural analysis reports, and/or reports which document vandalism or other threats.

- ♦ Is the property facing serious structural or water penetration problems?
- ♦ Is the property actually under threat of loss or destruction, including demolition or inappropriate adaptive use without MHC intervention?

In cases where funds are requested to acquire property in order to prevent demolition or destruction, the applicant must demonstrate that it is the developer of last resort.

C. Administrative and Financial Management Capabilities

Administrative and Financial Management Capabilities evidenced through a clearly articulated and organized Application including commitment letters, compliance and authorization forms and willingness to enter into a Preservation Restriction with the MHC. Describe your capabilities to administer the funds and the grant project to ensure completion in a timely and effective manner.

Assessment of capabilities will be based on:

- ♦ Is LPC data and Assignees complete?
- ♦ Has the applicant hired a preservation architect/consultant yet? (for development projects only)*
- ♦ Are Matching Share and Commitment Letters included with the Application?
- ♦ Preservation Restriction: Is the legal opinion, statement of intent letter, and copy of the deed for the property included with the Application?
- ♦ Are the Compliance and Authorization forms included with the Application?
- ♦ Nonprofits: has the 501 (c)(3) IRS letter (or equivalent), operating budget, and Massachusetts “Request for Taxpayer Identification Number and Certification” Form MA-W-9 (Rev. April 2009) been submitted?

*If the applicant is submitting a development project, discuss the ability of your design professional to produce draft and final approved construction documents by the deadlines listed in the Project Schedule on page 3.

D. Appropriateness of Proposed Work

Appropriateness of Proposed Work consisting of technical information, including a project description, budgetary breakdown, clearly established set of priorities, and compliance with Secretary of the Interior's *Standards* shall be demonstrated in all applications. The Application shall also require outline plans and specifications. Describe the proposed work and the justification for each item. **Reference the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (and, if appropriate, with *Guidelines for the Treatment of Cultural Landscapes* or the *Standards for Treatment of Historic Vessels*)** and describe the appropriateness of funding by the MPPF program. Please see Appendix A.

- ♦ Is the project description and draft Request for Proposals (pre-development) or outline plans and specifications (development) submitted with the Application?
- ♦ Is the budget realistic, reflecting eligible costs?
- ♦ Is the proposed work in keeping with the Secretary of the Interior's *Standards*?
- ♦ Is there a clearly established sense of priorities? Is the Survey of Physical Conditions (Building Elements Checklist or Historic Structures Report/Conditions Assessment) complete with photo documentation as requested?

E. Statement of [Financial] Need

Statement of need encompassing an explanation of financial circumstances including extent of financial hardship, fund-raising efforts and demonstration of the importance of receipt of grant to the successful completion of the project.

Describe:

- ♦ the circumstances that led to the present physical condition of the property;
- ♦ the extent and nature of fundraising efforts* for the project; and
- ♦ how grant funds will enable preservation work to proceed that could not otherwise be accomplished by the applicant.

***IMPORTANT NOTE #18: Be sure to state if you are applying for or have received 1) federal and/or state historic preservation tax credits (now and/or any time in the past), 2) Community Preservation Act funds, and/or 3) any other type of state or federal funding (e.g., Community Development Block Grant, Massachusetts Cultural Council grant, etc.).**

F. Extent and Nature of Public Support

Extent and nature of public support including support from appropriate users, community leaders, public officials, etc. and evidence that the applicant has approached the local historical commission (and local historic district commission, if applicable) for comment and consideration.

Attach **current** letters of support with a summary cover sheet (project, location, name, title and organization represented by the support letter). Preference will be given to projects that demonstrate public benefit and support from users, professional or historical organizations, local businesses, and community leaders. Applications **must** include recommendations from the local historical commission (if any) of the community in which the property is located, or evidence that the applicant requested a recommendation. Letters of support from public officials are also accepted. **Outdated letters of support or ones written to other funding sources will not be accepted.**

PLEASE INCLUDE ALL LETTERS OF SUPPORT WITH THE APPLICATION. DO NOT SEND SEPARATELY.

- ♦ Is a letter of support from the local historical commission (and local historic district commission, if applicable) included with the Application?
- ♦ Does the applicant demonstrate public support from appropriate user and community groups as well as legislators?

***G. Consistency with Preservation and Revitalization Plans**

Consistency with Preservation and Revitalization Plans and priorities for development and protection on the state and local levels.

Describe how the grant property impacts or is impacted by priorities for development or protection as established in existing local or state preservation planning documents.

MHC will also consider how the grant property complements other federal, state, or regional planning and revitalization efforts that focus on preservation, conservation, recreation, or cultural activities. MHC will apply this criterion only to projects which are in close proximity to properties or areas subject to state revitalization efforts.

H. Use of Traditional Materials (For Development projects only)

Use of traditional materials and historically appropriate building techniques.

Describe how the proposed work program uses appropriate traditional materials and technologies through repair or in-kind replacement of historic building fabric.

***I. Compliance with Relevant State Laws and Executive Orders**

Compliance with relevant state laws and executive orders, including Local House Policies and State Development Assistance (E.O. 215) and Affirmative Action (E. O. 227) when awarding funds to cities and towns.

***J. Geographic Distribution**

Geographic distribution with consideration given to the size of the project, as well as the city or town.

***K. First Time Grants**

First time grants in a community will be given additional consideration.

SECTION V TECHNICAL PLANNING/SURVEY

Pre-Development Projects:

With pre-development projects, the technical planning statement, historical research, and conditions survey of the property need not—and should not—be developed by a design professional. MHC grants staff simply needs a sense of your short- and long-term plans, history, and physical condition of your resource.

A. Technical Planning

The purpose of this section is to provide a clear overview of the property's history and development, to analyze its present physical condition, to develop a clear plan for its management and repair/restoration, and to present and justify the proposed grant work.

This section should be organized according to the following outline:

Part 1 - Brief Overview Statement: This should briefly explain the purpose of the proposed work, with reference to how it relates to both the history of the property, its physical needs, and its present and future use.

Part II - Research and Conditions Summary: The MHC understands that the pre-development project applicant is seeking funding assistance to hire a qualified preservation professional to conduct the actual historical research for and conditions assessment of the resource. We need to know, however, how much information has been gathered so far and the general condition of your resource in order to evaluate the scope of your proposed planning project.

For pre-development project applicants, therefore, please provide any historical research information, photos, previous studies, maintenance information, etc. you may have on hand and photo document, as best you can, the current condition of the resource (exterior and interior).

As part of this research section, please submit a photocopy of the existing MHC Inventory Form for your historic resource, if one exists. Please check first with your local historical commission to see if the form is on file with them. Otherwise, contact the grants division staff to determine if a form exists and if so, obtain a copy of the form.

Adequate photographic documentation is an essential part of our evaluation. High-quality digital images (**300 dpi or higher; at least 800x600 pixels**) printed out onto photo-quality paper will be acceptable. Applications with inadequate documentation or photocopies of photos will receive lesser consideration.

More specifically, please submit the following information:

- A. One 8" X 10" glossy photo or digital color image printed out onto photo-quality paper (manufacturer of printer, paper, and ink must all be the same) of the property (3/4 view showing front and one side elevation).
- B. One digital color image of property (3/4 view showing front and one side elevation) taken with a 3-megapixel or higher camera at the highest setting, on a non-generic CD. This item is **not optional**; Grants Staff needs the image for the final PowerPoint presentation to the Commission on the day that awards are made.

- C. Additional photographs as necessary should be taken to document the condition of the structure and illustrate important parts of the building. **Photographs must include a view of every elevation of the building, detailed views of significant materials, deteriorated conditions, and major alterations as well as document the interior spaces/significant elements of the resource.**
- D. Please indicate property name, photographer, and date of photography on all photographs submitted. All photographs may be numbered and keyed to a sketch plan. Provide a list of all photographs on an attached sheet.

Part III - Planning: The applicant should use the research and planning components of the Application to help determine the most important and necessary work to be included in the grant Application. These sections are intended to be tools which will assist both the applicants and the MHC to make the choices which give proper recognition to the unique qualities of the property and address its most crucial needs in a prioritized order. The MHC and the applicant will use this material as the basis for any enlargement or reduction of the scope of the grant project work on accepted applications, depending on actual available levels of funding from both parties

Part IV - Request for Qualifications (RFQ) /Request for Proposals (RFP):

The required submission should be a PRELIMINARY DRAFT Request for Qualifications/Proposals for architectural/engineering design services that includes an introduction and overview with phases, goals, tasks, and products of each phase. **Examples of RFQs & RFPs for previous MPPF projects are available electronically upon request for use as a template.** Minimum and Comparative Evaluation Criteria should be included. Municipalities should consult/work with their procurement officer or purchasing department to develop the draft RFQ.

B. Ground Disturbance

The MHC is required to consider the possible impact on significant archaeological deposits adjacent to State Register properties resulting from grant-assisted activities or from non-grant activities which will occur during the period of grant assistance. Any work which will involve ground disturbance (i.e., foundation reinforcement, drainage systems, landscaping) might affect archaeological resources. In order to help the Commission's staff archaeologist evaluate archaeological potential, please provide the following information:

For projects involving ground disturbance:

- a. a description of the proposed ground disturbance
- b. a detailed plan showing the exact location of proposed land modifications
- c. a description of the extent of previous land disturbance in the area, if known

Applicants should be aware that ground disturbance in areas determined to be of potential archaeological significance by the MHC staff archaeologist may require an archaeological survey in order to assess the project's impact on archaeological resources. These surveys are an eligible project cost. A permit from the State Archaeologist will be required for such a survey.

C. Procurement

It is the mandate of the MHC to promote open and free competition in the selection of qualified preservation professionals for pre-development projects. Applicants should indicate the method of procurement best designed to meet their projects goals and the goal of open competition. Please consult the section on Procurement in Appendix E.

Development Projects:

For development project applications, this section of the Application is generally prepared or arranged by the architect/engineer or consultant and is submitted to the Local Project Coordinator so that the budget figures may be integrated into Section III. A complete Application package must be assembled for submission to the MHC. Please do not submit Section V separately.

The scope and quality of all aspects of proposed work in a development project Application will be reviewed and are subject to the approval of the MHC. The basis for evaluation will be the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (and, if appropriate, *with Guidelines for the Treatment of Cultural Landscapes* or the *Standards for Treatment of Historic Vessels*).

Be certain that you and your design professional have read these standards and these instructions carefully before you begin to prepare your Application. **In situations where the grant project work may be only a part of a larger project, the MHC will expect to review and approve plans and specifications for the larger project.** The MHC is responsible for ensuring that no part of the total project in which they are involved has an adverse effect on historic resources.

A. Technical Planning

The purpose of this section is to provide a clear overview of the property's history and development, to analyze its present physical condition, to develop a clear plan for its management and repair/restoration, and to present and justify the proposed grant work. All applicants must retain a qualified architect or consultant to assist in the preparation of this section.

The Technical Planning section should be organized according to the following outline:

Part 1 - Brief Overview Statement: This should briefly explain the purpose of the proposed work, with reference to how it relates to both the history of the property, its physical needs, and its present and future use.

Part II - Research and Conditions Summary: There are two components to this section: historical research and a conditions survey. The material in this section should describe the major physical conditions and significant historical events associated with the property and will serve as the basis for evaluating the proposed work.

Research:

The extent of the research section should be commensurate with the type of work proposed for grant funding. Projects involving restoration will require substantially more historical documentation to justify proposed work than simple repair/preservation projects and should include copies of historic period photographs, prints, and maps that justify specific proposed restoration treatments. These should be photographic prints rather than photocopies whenever possible. Simple repair/preservation projects can refer to the National Register forms for the property, require less extensive documentation, and should clearly justify the proposed project work.

As part of this research section, please submit a photocopy of the existing MHC Inventory Form for your historic resource, if one exists. Please check first with your local historical commission to see if the form is on file with them. Otherwise, contact the MHC Grants Division staff to determine if a form exists and if so, obtain a copy of the form.

Survey of Physical Condition:

The second component is a comprehensive survey of the physical condition of the historic resource. The purpose of the survey is to provide basic information about the current physical condition of the building (exterior AND interior), a chronology of change or alteration, and the documentation that will serve as the basis for the interior/exterior MHC Preservation Restriction on the entire resource.

An individual who is knowledgeable about the resource and the preservation treatment options, such as an architect/engineer or landscape architect, should prepare the Survey of Physical Condition for development projects. The survey should include each significant element, documenting its existing condition through photographs. Please indicate the name and title of survey preparer, date of building construction and original architect. Previously prepared surveys older than 3 years will need to be updated.

Examining the resource from top to bottom, inside and out, the surveyor may consult the Building Elements List below to organize the survey. For each element, please identify:

Historical integrity: Identify whether the element is original, has experienced minimal alteration, or has been significantly changed.

Material: Identify the current materials and the original, if known.

Condition: Describe the current condition.

If the proposed project is not a building (for example, an historical landscape, vessel, monument, or bridge), provide a survey appropriate to the resource type.

NOTE: The information provided here along with photographs will be a major component of the evaluation of the merits of this project and the appropriateness and severity of need.

Building Elements Checklist - The following list is meant to serve as a guideline for a comprehensive survey of physical condition:

Exterior:

Gutters & Downspouts
Flashings
Chimney
Siding

Porches
Paint coating
Caulking and sealants
Structural frame

Cornices
Decorative trim
Windows

Foundation
Site drainage
Evidence of settlement or structural distress

Blinds	Evidence of extensive moisture damage
Doors	Evidence of pest infestation
Roofing	

Interior:

Floor plan: original, major alterations, minor changes. Briefly describe which features preserve historic material: Staircases
Doors
Trim
Plaster
Walls: wallpaper and paint
Paneling
Fireplaces
Other:

Mechanical systems:

Heating Electrical
Security and fire detection
Plumbing

Landscapes: Outbuildings

Garden structures
Fences, walls, or gates Water
features Monuments or
sculptures Circulation
systems Lighting
Site furnishings
Potential Archaeological features such as well, privy hole, trash pits, root cellars, former buildings. Have artifacts ever been discovered during site or yard work? If so, please describe.

Adequate photographic documentation is an essential part of our evaluation. High-quality digital images (**300 dpi or higher; at least 800x600 pixels**) printed out onto photo-quality paper will be acceptable. Applications with inadequate documentation or photocopies of photos will receive lesser consideration.

More specifically, please submit the following information:

- A. One 8" X 10" glossy photo or digital color image printed out onto photo-quality paper (manufacturer of printer, paper, and ink must all be the same) of the property (3/4 view showing front and one side elevation).
- B. One digital color image of property (3/4 view showing front and one side elevation) taken with a 3-megapixel or higher camera at the highest setting, on a non-generic CD. This item is **not optional**; Grants Staff needs the image for the final PowerPoint presentation to the Commission on the day that awards are made.
- C. Additional photographs as necessary should be taken to document the condition of the structure and illustrate important parts of the building. **Photographs must include a view of every elevation of the building, detailed views of significant**

materials, deteriorated conditions, and major alterations as well as document the interior spaces/significant elements of the resource.

D. Photographs should be keyed to plans/elevations to show their location.

Please indicate property name, photographer, and date of photography on all photographs submitted. All photographs may be numbered and keyed to a sketch plan. Provide a list of all photographs on an attached sheet.

Part III - Planning: The applicant should use the research and planning components of the Application to help determine the most important and necessary work to be included in the grant Application. These sections are intended to be tools which will assist both the applicants and the MHC to make the choices which give proper recognition to the unique qualities of the property and address its most crucial needs in a prioritized order. The MHC and the applicant will use this material as the basis for any enlargement or reduction of the scope of the grant project work on accepted applications, depending on actual available levels of funding from both parties.

NOTE: Some types of work may require specific additional analysis reports on such items as historic paint or mortar. Usually, such work will not be done prior to the start of the project. In such cases, a statement describing the applicant's intention to have the analysis conducted should be included and provisions made in the plans and specifications to address this issue.

Part IV - Development Projects:

Outline Plans and Specifications:

At a minimum, applicants must submit detailed outline plans and specifications, developed by a design professional/preservation consultant for work items to be accomplished under the proposed grant. These work items should be based upon Parts II and III above (Research and Planning sections), and must follow the format of the Uniform Construction Index of 16 divisions (see Appendix F). The specifications must include a clear initial statement of the scope of work covered and must describe the quality and type of materials, construction techniques, and level of workmanship required.

It is not necessary to submit general and special conditions, invitations to bid, and other "boilerplate" parts of the contract documents with the Application. These documents will be required of successful applicants when the project is put out to bid.

IMPORTANT NOTE #19: Contractors' (or stained glass studios') bid estimates or quotes may NOT be substituted for clear, professionally written outline plans and specifications.

Bid-level documents, including full specifications and construction drawings, will be required of grant applicants immediately after notification of grant award. For applicants selected for grant awards, final bid-level plans and specifications will form the basis of the contract agreement between the applicant and the MHC. Work must also be certified by the architect or consultant and approved by MHC staff through on-site project inspection.

MHC requires that the following statement be included in the specifications:

This property is listed in the State Register of Historic Places or is a contributing property within an historic district listed in the National/State Registers of Historic Places. All work performed must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties (and/or Guidelines for the Treatment of Cultural Landscapes or the Standards for Treatment of Historic Vessels, as applicable).

NOTE: For non-building-type restoration projects (e.g. monument restoration), applicants may submit a draft Request for Proposals (RFP) for conservation services in lieu of outline plans and specifications developed by an architect.

You may consult with the MHC staff to determine the level of research as well as the scope and quality of work necessary for the Application. We would suggest that you write down all your questions as you go through this material and have them available during your discussion with MHC grants staff.

B. Ground Disturbance

The MHC is required to consider the possible impact on significant archaeological deposits adjacent to State Register properties resulting from grant-assisted activities or from non-grant activities which will occur during the period of grant assistance. Any work which will involve ground disturbance (i.e., foundation reinforcement, drainage systems, landscaping) might affect archaeological resources. In order to help the Commission's staff archaeologist evaluate archaeological potential, please provide the following information:

For projects involving ground disturbance:

- a. a description of the proposed ground disturbance
- b. a detailed plan showing the exact location of proposed land modifications
- c. a description of the extent of previous land disturbance in the area, if known

Applicants should be aware that ground disturbance in areas determined to be of potential archaeological significance by the MHC staff archaeologist may require an archaeological survey in order to assess the project's impact on archaeological resources. These surveys are an eligible project cost. A permit from the State Archaeologist will be required for such a survey.

C. Procurement

It is the mandate of the MHC to promote open and free competition in the selection of qualified contractors (or architects/consultants for Pre-Development projects). Applicants should indicate the method of procurement best designed to meet their projects goals and the goal of open competition. Please consult the section on Procurement in Appendix E.

APPENDICES

- A. The Secretary of the Interior's *Standards for the Treatment of Historic Properties*
- B. 950 CMR 73.00 Standards for the Awarding of Matching Grant Pursuant to the MPPF
- C. Preservation Restriction Agreement and Restriction Guidelines, Sample Letters, & Vote
- D. Certificate of Authorization Examples
- E. Procurement Procedures
- F. Uniform Construction Index
- G. Request for Taxpayer Identification Number and Certification (W-9)

September 1995

**The Secretary of the Interior's
Standards for the Treatment of Historic Properties
1995**

**U. S. Department of the Interior
National Park Service
National Center for Cultural Stewardship
& Partnership Programs
Heritage Preservation Services
Washington, D.C.**

The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed in or eligible for the National Register of Historic Places.

Treatments

There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties-- Preservation, Rehabilitation, Restoration, and Reconstruction. **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.) **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. **Restoration** is undertaken to depict a property at a particular period of time in its history, while removing evidence of other periods. **Reconstruction** re-creates vanished or non-surviving portions of a property for interpretive purposes.

In summary, the simplification and sharpened focus of these revised sets of treatment Standards is intended to assist users in making sound historic preservation decisions. Choosing an appropriate treatment for a historic property, whether preservation, rehabilitation, restoration, or reconstruction is critical. This choice always depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation.

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.

2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

10. Designs that were never executed historically will not be constructed.

Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Preservation as a Treatment. When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment. Prior to undertaking work, a documentation plan for Preservation should be developed

Rehabilitation as a Treatment. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.

Restoration as a Treatment. When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

Reconstruction as a Treatment. When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment. Prior to undertaking work, a documentation plan for Reconstruction should be developed.

The Secretary of the Interior's *Standards for the Treatment of Historic Properties* may be applied to one historic resource type or a variety of historic resource types; for example, a project may include a complex of buildings such as a house, garage, and barn; the site, with a designed landscape, natural features, and archeological components; structures such as a system of roadways and paths or a bridge; and objects such as fountains and statuary.

Historic Resource Types & Examples

Building: houses, barns, stables, sheds, garages, courthouses, city halls, social halls, commercial buildings, libraries, factories, mills, train depots, hotels, theaters, stationary mobile homes, schools, stores, and churches.

Site: habitation sites, funerary sites, rock shelters, village sites, hunting and fishing sites, ceremonial sites, petroglyphs, rock carvings, ruins, gardens, grounds, battlefields, campsites, sites of treaty signings, trails, areas of land, shipwrecks, cemeteries, designed landscapes, and natural features, such as springs and rock formations, and land areas having cultural significance.

Structure: bridges, tunnels, gold dredges, fire towers, canals, turbines, dams, power plants, corn-cribs, silos, roadways, shot towers, windmills, grain elevators, kilns, mounds, cairns, palisade fortifications, earthworks, railroad grades, systems of roadways and paths, boats and ships, railroad locomotives and cars, telescopes, carousels, bandstands, gazebos, and aircraft.

Object: sculpture, monuments, boundary markers, statuary, and fountains.

District: college campuses, central business districts, residential areas, commercial areas, large forts, industrial complexes, civic centers, rural villages, canal systems, collections of habitation and limited activity sites, irrigation systems, large farms, ranches, estates, or plantations, transportation networks, and large landscaped parks.

The Technical Preservation Services Branch (TPS), Heritage Preservation Services Division, prepares illustrated guidelines to assist property owners and others in applying the treatment Standards to specific property types, such as historic buildings and landscapes. Guidelines establish a model process to follow when planning for treatment, providing technical and design recommendations within a consistent philosophical context. Please write: Technical Preservation Services, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127 for further information as well as order forms.

TPS publishes other educational information on preserving, rehabilitating, and restoring historic buildings and landscapes. Many TPS publications, such as the *Preservation Briefs* series, are available from the Superintendent of Documents, Government Printing Office. Write to TPS at the above address for a free copy of the current *Catalog of Historic Preservation Publications*, which includes stock numbers, prices, and a convenient order form.



Secretary of the Interior's Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings

Agency Publisher: Interior Dept., National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services

Price: \$29.50

Quantity

USA List Price: **\$29.50** [Display International Price](#)

Availability: **In Stock**

GPO Stock Number: **024 -005 -01157-9** ISBN: **9780160480614**

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\$14.50
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[The Secretary](#)

Description

Publication measures 9 x 11 in. Provides guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to treatment of historic buildings. L.C. card 95-23913.

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The Secretary of the Interior's Standards for the Treatment of Historic Properties With Guidelines for the Treatment of Cultural Landscapes

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Description

Provides guidance to cultural landscape owners, stewards and managers, landscape architects, preservation planners, architects, contractors and project reviewers prior to and during the planning and implementation of cultural landscape Historic Preservation Projects. Part of the Secretary of Interior's Standards for the Treatment of Historic Properties which addresses the 4 treatments of historic properties: preservation, rehabilitation, restoration and reconstruction. This set of Guidelines illustrate how to apply these four treatments to cultural landscapes in a way that meets the Standards.

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950 CMR 73.00: STANDARDS FOR THE AWARDING OF A MATCHING GRANT PURSUANT TO THE MASSACHUSETTS PRESERVATION PROJECTS FUND

Section

- 73.01: Purpose
- 73.02: Administration
- 73.03: Definitions
- 73.04: Disbursement of Funds
- 73.05: Application Process
- 73.06: Selection Criteria
- 73.07: Project Agreements
- 73.08: Emergency Funds

73.01: Purpose

The Massachusetts Preservation Projects Fund provides matching funds and emergency funds for the preservation of historic properties, landscapes and sites listed or eligible to be listed in the State Register of Historic Places. The Massachusetts Historical Commission will award grant matching funds to those projects that best meet the selection criteria and can accomplish the scope of work within the time schedule for project completion. The Secretary is authorized to distribute emergency funds.

73.02: Administration

The Massachusetts Historical Commission is under the supervision of the Secretary of the Commonwealth. The Secretary may make, amend and rescind such rules, forms, applications, and orders as are contemplated by the provisions of the General Law and 950 CMR 73.00. Where good cause appears and waiver is not contrary to statute, and/or if applicable, the Secretary of the Interiors Standards For Historic Preservation Projects, the Secretary may permit deviation from 950 CMR 73.00.

73.03: Definitions

Allowable Costs shall mean the applicant's costs associated with pre-development, construction, and acquisition activities, where historic fabric is directly involved. The computation of these costs will be the basis of the grant request.

Application shall be the form provided by the Massachusetts Historical Commission, from which final selections are made for funding. The application sets forth the scope of the proposed project, as well as conditions of funding, and will provide details of the project and its implementation. The Massachusetts Historical Commission will provide the applicant with published guidelines and instructions relative to the completion and evaluation of an application.

Eligible Applicants shall include any non-profit organization and municipality which owns or has an interest in property, a landscape or a site and which is listed or eligible to be listed as further defined in application guidelines in the State Register of Historic Places.

Eligible Projects shall consist of pre-development, which may include the conducting of studies necessary to enable future development or protection of a State Register property, such as historic structures report, feasibility studies and certain archaeological investigations; development, which may include preservation, stabilization, protection, rehabilitation and restoration of endangered historic properties; and, acquisition which encompasses a request to acquire State Register properties that are imminently threatened with inappropriate treatment, alteration or destruction.

73.03: continued

Endowment Option is available for development projects only. The applicant may request that 75% of the total project cost be funded by a Massachusetts Preservation Projects Fund grant. The recipient agrees to set aside an additional amount equivalent to 25% of the total project cost in an endowment fund, the interest from which would be limited to use for maintenance of the grant assisted property. Endowment funds must be established with new cash only.

Grant shall include matching share and endowment option monies awarded by vote of the MHC to eligible applicants in accordance with procedures described herein. This shall not include emergency funds, which are to be distributed solely by the Secretary.

Ineligible Costs shall mean that projects consisting primarily of routine maintenance, replacement of mechanical systems, renovation of non-historic spaces, or construction of additions, will generally not be considered. Architectural/engineering fees are not eligible for funding.

MHC shall mean, unless the context otherwise requires, the Massachusetts Historical Commission, a division within the Office of the Secretary of the Commonwealth, and its staff, as established pursuant to M.G. L. c. 9, § 26. Notices of MHC meetings are posted as required by M.G. L. c. 30A, § 11A½ and are open to the public.

MPPF shall mean the Massachusetts Preservation Projects Fund established and funded pursuant to St. 1994, c. 85, § 2. Matching Share unless otherwise defined, shall mean that each applicant must provide a 50% dollar to dollar match to the amount of the grant. Other state funds may not be used as part of the matching share.

Preservation Restriction shall mean the instrument executed by or on behalf of the owner of the property which mandates maintenance of the property and disallows or limits acts or uses detrimental to appropriate preservation of the structure or site as described in M.G.L. c. 184, § 31. Said preservation restriction, which will be defined by the MHC, must be recorded at the appropriate Registry of Deeds before any funds will be released to a recipient. In the case of emergency funds, preservation restrictions must be filed with the appropriate Registry of Deeds and recorded within year, before the release of funds.

Secretary shall mean the Secretary of the Commonwealth, who, pursuant to M.G.L. c. 9, § 26 is the designated chairman of the MHC.

Secretary of the Interior's Standards shall mean the United States Secretary of the Interior's Standards for Historic Preservation Projects, as set forth in 36 C.F.R Part 68. This reference is available for inspection and copying at the offices of the MHC.

State Register shall mean the State Register of Historic Places which is maintained pursuant to M.G.L. c. 9, § 26C. The State Register shall contain the following properties:

- (a) all districts, sites, buildings, or objects determined eligible for listing or listed in the National Register of Historic Places. These include properties listed in the National Register under provisions outlined in 36 C.F.R. Part 60, or properties formally determined eligible for listing in the National Register by the Secretary of the Interior under provisions outlined in 36 C.F.R. Part 63;
- (b) all local historic districts established pursuant to M.G.L. c. 40C, or special legislation;
- (c) all landmarks designated under local ordinances or by-laws;
- (d) all structures and sites subject to preservation easements approved or held by the MHC pursuant to M.G.L. c. 184, §§ 31 and 32;
- (e) all historical or archaeological landmarks certified pursuant to M.G.L. c. 9, § 27; and,
- (f) all properties listed by the MHC pursuant to M.G.L. c. 9, § 26D.

73.04: Disbursement of Funds

- (1) Grants will be awarded by the MHC in cycles established by the MHC staff. Said grant cycles will be published in the Central Register and press releases will be distributed to newspapers of general and regional circulation, as well as being sent to all local historical commissions, local historic district commissions and interested parties, and will be available for inspection and copying at the offices of the MHC.
- (2) Consistent with the number of applications and qualified projects, the MHC may, at its discretion, limit the maximum amount of money which may be made available for any one project or project type. This amount shall be published with the grants cycle.
- (3) Funds will be released by the MHC once a grant recipient has expended the total project costs associated with the project and has submitted the required documentation, including evidence of a recorded preservation restriction.

73.05: Application Process

- (1) The grant program will be extremely competitive and each eligible applicant applying for a matching grant from the MPPF for allowable costs associated with eligible activities must successfully complete the following two part application process:

Applicant will submit to the MHC an application with supporting documentation, as described in guidelines published by the MHC staff, by a date specified in the published grant cycle. Applications will be reviewed, using the selection criteria set forth in 950 CMR 73.05, by the MHC staff and an ad-hoc subcommittee, to be formed from the full Commission.
- (2) The MHC staff and ad-hoc subcommittee will present those projects with the highest overall ratings to the MHC for consideration and discussion during a scheduled public meeting of the MHC.
- (3) The MHC will make the final decision on whether a matching or endowment grant will be made, with consideration given to the funding level of the MPPF and scope of the proposed work.
- (4) The MHC will decide, by a majority vote in open session, which qualified applicants will be awarded a grant.

73.06: Selection Criteria

- (1) The application will be reviewed by the MHC staff and assigned a numerical value for satisfying the following criteria:
 - (a) Level of Significance, with preference given to those projects with state and national significance;
 - (b) Potential for Loss or Destruction of the property, or a significant portion thereof. Priority will be given to those properties which are under immediate threat of loss or partial or complete destruction;
 - (c) Administrative and Financial Management Capabilities evidenced through a clearly articulated and organized application including commitment letters, compliance and authorization forms and willingness to enter into a preservation restriction with the MHC;
 - (d) Appropriateness of Proposed Work consisting of technical information, including a project description, budgetary breakdown, clearly established set of priorities and compliance with Secretary of the Interior's Standards shall be demonstrated in all applications. The application shall also require outline plans and specifications;
 - (e) Statement of Need encompassing an explanation of financial circumstances including extent of financial hardship, fund-raising efforts and demonstration of the importance of receipt of grant to the successful completion of the project;

73.06: continued

- (f) Extent and Nature of Public Support including support from appropriate users and community leaders as well as evidence that the applicant has approached the local historical commission for comment and consideration;
- (g) Consistency with Preservation and Revitalization Plans and priorities for development and protection on the state and local levels;
- (h) Use of Traditional Materials and historically appropriate building techniques;
- (i) Compliance with Relevant State Laws and Executive Orders, including Local Housing Policies and State Development Assistance (E.O. 215) and Affirmative Action (E.O. 227) when awarding funds to cities and towns;
- (j) Geographic distribution with consideration given to the size of the project, as well as the city or town; and,
- (k) First Time Grants in a community will be given additional consideration.

73.07: Project Agreements

- (1) Each grant recipient shall enter into a project agreement with the MHC for the funding of the project. Such project agreement shall contain provisions which shall include, but not be limited to, the following:
 - (a) MHC approved scope of work;
 - (b) a preservation project schedule with targeted deadlines for the completion of various stages of the project;
 - (c) an agreement that the grant recipient will erect a sign prescribed by the MHC, at the project site indicating that it has received matching state funds for the project;
 - (d) scheduled periodic site visits by MHC to inspect the progress of the project, including final inspection upon completion of the work; and,
 - (e) for any total project cost in excess of \$100,000, non-profit organizations may only award construction contracts to those contractors and subcontractors that make payments to hospitalization and medical benefits for all their employees employed on the project, make contributions to a retirement plan, and supplementary unemployment benefit plans for their employees; however, this requirement shall not apply where the service being contracted for is of such a specialized nature that only a limited number of sources for the service exist, and the non-profit organization has provided documentation to MHC that sources of such services is extremely limited and MHC has made the determination that the services are of a specialized nature; and,
 - (f) an assurance that required documentation will be submitted upon completion of the work
 - (g) where no bids have been received from contractors that satisfy both the requirements of 950 CMR 73.07(e) and the historic preservation quality assurance requirements, the Secretary of the Commonwealth may waive the requirements of 950 CMR 73.07(e) where it has been demonstrated to his satisfaction that no qualified bids have been received.
- (2) Failure to comply with the terms established in the project contract may result in loss of the grant award.
 - (a) The project agreement will set forth the notice requirements which must be met prior to loss of an award.
 - (b) A grant award may only be revoked upon majority vote of the MHC at a scheduled public meeting.

73.08: Emergency Funds

- (1) The Secretary, as Chairman of MHC, will set aside a separate pool of emergency funds of a minimum of \$200,000.00 for each grant cycle, to be distributed by the Secretary. Any money not used in a given cycle will remain in the emergency fund, until the last year of the grant cycle, at which time all funds must be expended.
- (2) The pool of funds will be maintained for distribution by the Secretary to applicants seeking money immediately to stabilize listed properties, or properties evaluated eligible for listing, which are considered by the Secretary to be in imminent danger. Money will not be released from the emergency fund for properties which are partially destroyed through fault of the owner, because of improper maintenance of the property.

- (3) Applicants must demonstrate the ability to match the grant award within three years of receipt of the emergency grant.
- (4) When the total amount of emergency funds has been expended in a grant cycle, the Secretary in his/her discretion may utilize funds available in the next grant cycle.

REGULATORY AUTHORITY

950 CMR 73.00: St. 1994, c. 85, § 2; M.G.L. c. 9, § 2.

PRESERVATION RESTRICTION AGREEMENT
between the COMMONWEALTH OF MASSACHUSETTS
by and through the MASSACHUSETTS HISTORICAL COMMISSION
and the

The parties to this Agreement are the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission located at the Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, Massachusetts 02125, hereinafter referred to as the Commission, and the (Grantor of the PR and their address), hereinafter referred to as the Grantor.

WHEREAS, the Grantor is the owner in fee simple of certain real property with improvements known as (the Property name) thereon as described in a deed dated _____, from _____ to _____, recorded with the _____ Registry of Deeds, Book _____, Page _____. and which is located at (physical address of the property), hereinafter referred to as the Premises. The Premises is also described in Exhibit A (full legal boundary description from deed cited above or Registry copy of deed cited above and legal plot plan referenced as an additional Exhibit) attached hereto and incorporated herein by reference; and

WHEREAS, the Premises includes, but is not limited to, the following (brief description of building(s), structure(s), and other features present on the Premises); and is also shown as Parcel _____ on the Assessor's Map attached as Exhibit B hereto and incorporated herein by reference.

WHEREAS, the Grantor wishes to impose certain restrictions, obligations and duties upon it as the owner of the Premises and on the successors to its right, title and interest therein, with respect to maintenance, protection, and preservation of the Premises in order to protect the architectural, archaeological and historical integrity thereof; and

WHEREAS, the Premises is significant for its architecture, archaeology and/or associations, and was listed in the State and National Registers of Historic Places on (date listed) as a contributing resource to the _____ District, and therefore qualifies for a preservation restriction under M.G.L., Chapter 184, section 32; and

WHEREAS, the preservation of the Premises is important to the public for the enjoyment and appreciation of its architectural, archaeological and historical heritage and will serve the public interest in a manner consistent with the purposes of M.G.L. Chapter 184, sections 31, 32, and 33 hereinafter referred to as the Act; and

WHEREAS, the Commission is a government body organized under the laws of the Commonwealth of Massachusetts and is authorized to accept these preservation restrictions under the Act;

NOW, THEREFORE, for good and valuable consideration, the Grantor conveys to the Commission the following preservation restrictions, which shall apply (in/for the period of the restriction) to the Premises.

PURPOSE

It is the Purpose of these preservation restrictions to ensure the preservation of those characteristics which contribute to the architectural, archaeological and historical integrity of the Premises which have been listed in the National and/or State Registers of Historic Places, under applicable state and federal legislation. Characteristics which contribute to the architectural, archaeological and historical integrity of the Premises include, but are not limited to, the artifacts, features, materials, appearance, and workmanship of the Premises, including those characteristics which originally qualified the Premises for listing in the National and/or State Registers of Historic Places.

TERMS

The terms of the Agreement are as follows:

1. Maintenance of Premises: The Grantor agrees to assume the total cost of continued maintenance, repair and administration of the Premises so as to preserve the characteristics which contribute to the architectural, archaeological and historical integrity of the Premises in a manner satisfactory to the Commission according to the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" (36 CFR 67 and 68), as these may be amended from time to time. The Grantor may seek financial assistance from any source available to it. The Commission does not assume any obligation for maintaining, repairing or administering the Premises.
2. Inspection: The Grantor agrees that the Commission may inspect the Premises from time to time upon reasonable notice to determine whether the Grantor is in compliance with the terms of this Agreement.
3. Alterations: The Grantor agrees that no alterations shall be made to the Premises, including the alteration of any interior, unless (a) clearly of minor nature and not affecting the characteristics which contribute to the architectural, archaeological or historical integrity of the Premises, or (b) the Commission has previously determined that it will not impair such characteristics after reviewing plans and specifications submitted by the Grantor, or (c) required by casualty or other emergency promptly reported to the Commission. Ordinary maintenance and repair of the Premises may be made without the written permission of the Commission. For purposes of this section, interpretation of what constitutes alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines which are attached to this Agreement and hereby incorporated by reference.
4. Notice and Approval: Whenever approval by the Commission is required under this restriction, Grantor shall request specific approval by the Commission not less than (30) days prior to the date Grantor intends to undertake the activity in question. A request for such approval by the grantor shall be reasonably sufficient as a basis for the Commission to approve or disapprove the request. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Commission to make an informed judgment as to its consistency with the purposes of this Preservation Restriction.

Within (30) days of receipt of Grantor's reasonably sufficient request for said approval, the Commission shall, in writing, grant or withhold its approval, or request additional information relevant to the request and necessary to provide a basis for its decision. However, should the Commission determine that additional time is necessary in order to make its decision the Commission shall notify the Grantor. The Commission's approval shall not be unreasonably withheld, and shall be granted upon a reasonable showing that the proposed activity shall not materially impair the Purpose of this Agreement. Failure of the Commission to make a decision within sixty (60) days from the date on which the request is accepted by the Commission or notice of a time extension is received by the Grantor shall be deemed to constitute approval of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

5. Assignment: The Commission may assign this Agreement to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of historic properties only in the event that the Commission should cease to function in its present capacity.

6. Validity and Severability: The invalidity of M.G.L. c. 184 or any part thereof shall not affect the validity and enforceability of this Agreement according to its terms. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.

7. Recording: The Grantor agrees to record this Agreement with the appropriate Registry of Deeds and file a copy of such recorded instrument with the Commission.

8. Archaeological Activities: The conduct of archaeological activities on the Premises, including without limitation, survey, excavation and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the State Archaeologist of the Massachusetts Historical Commission (M.G.L. Ch.9, Section 27C, 950 CMR 70.00).

9. Enforcement: The Commission shall have the right to prevent and correct violations of the terms of this preservation restriction. If the Commission, upon inspection of the Premises, finds what appears to be a violation, it may exercise its discretion to seek injunctive relief in a court having jurisdiction. Except where the Commission determines that an ongoing or imminent violation will irreversibly diminish or impair the cultural, historical and/ or architectural importance of the Premises, the Commission shall give the Grantor written notice of the violation and allow thirty (30) calendar days to correct the violation before taking any formal action, including, but not limited to, legal action. If a court, having jurisdiction, determines that a violation exists or has occurred, the Commission may seek to obtain an injunction to stop the violation, temporarily or permanently. A court may also issue a mandatory injunction requiring the Grantor to restore the Premises to a condition that would be consistent with the preservation purposes of the grant from the Massachusetts Preservation Projects Fund and the Massachusetts Historical Commission. In any case where a court finds that a violation has occurred, the court may require the Grantor to reimburse the Commission and the Commonwealth's Attorney General for all the Commonwealth's expenses incurred in stopping, preventing, and/ or correcting the violation, including, but

not limited to, reasonable attorney's fees. The failure of the Commission to discover a violation or to take immediate action to correct a violation shall not bar it from doing so at a later time.

10. Other Provisions: None applicable.

The burden of these restrictions enumerated in paragraphs 1 through 10, inclusive, shall run with the land and is binding upon future owners of an interest therein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20__.

TITLE OF ORGANIZATION

By: _____

Name:

Title:

COMMONWEALTH OF MASSACHUSETTS

_____,ss.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes.

Notary Public

My Commission Expires _____

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION

The undersigned hereby certifies that the foregoing preservation restrictions have been approved pursuant to Massachusetts General Laws, Chapter 184, section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By _____
Brona Simon
Executive Director and Clerk
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was (~~a current driver's license~~) (~~a current U.S. passport~~) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

Notary Public

My Commission Expires _____

RESTRICTION GUIDELINES

The purpose of the Restriction Guidelines is to clarify Paragraph Three of the Terms of the Preservation Restriction Agreement, which deals with alterations to the Premises. Under this Paragraph, prior permission from the Massachusetts Historical Commission is required for any major alteration. Alterations of a minor nature, which are part of ordinary maintenance and repair, do not require the Commission's prior review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, which must be reviewed by the Commission, the following list has been developed. By no means is this list comprehensive: it is only a sampling of some of the more common alterations, which may be contemplated by building owners.

PAINT

Minor - Exterior or interior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including murals, stenciling, wallpaper, ornamental woodwork, stone, decorative or significant original plaster.

WINDOWS AND DOORS

Minor - Regular maintenance including caulking, painting and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows as well as any level of stained glass window conservation/restoration. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

EXTERIOR

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - Large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e., removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot repointing of masonry. Structural stabilization of the Premises is also considered a major alteration.

LANDSCAPE/OUTBUILDINGS

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing buildings or Premises; altering of Premises; altering or removing significant landscape features such as gardens, vistas, walks, plantings; ground disturbance affecting archaeological resources.

WALLS/PARTITIONS

Minor - Making fully reversible changes (i.e., sealing off doors in situ, leaving doors and door openings fully exposed) to the spatial arrangement of a non-significant portion of the building.

Major - Creating new openings in walls or permanently sealing off existing openings; adding permanent partitions which obscure significant original room arrangement; demolishing existing walls; removing or altering stylistic features; altering primary staircases.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor - Repair of existing systems.

Major - Installing or upgrading systems which will result in major appearance changes (i.e., dropped ceilings, disfigured walls or floors, exposed wiring, ducts, and piping); the removal of substantial quantities of original plaster or other materials in the course of construction.

Changes classified as major alterations are not necessarily unacceptable. Under the Preservation Restriction, such changes must be reviewed by the Commission and their impact on the historic integrity of the Premises assessed.

It is the responsibility of the owner of the Premises (Grantor) to notify the Commission in writing when any major alterations are contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of the Preservation Restriction is to enable the Commission to review proposed alterations and assess their impact on the integrity of the Premises, not to preclude future change. Commission staff will attempt to work with Grantors to develop mutually satisfactory solutions, which are in the best interests of the Premises.

SUGGESTED FORM OF LETTER OF INTENT AND LEGAL OPINION RE: PRESERVATION RESTRICTION

LETTER OF INTENT

[Date]

Dear:

On behalf of [applicant], I by this letter and as owners of record, confirm our intention to record a permanent Preservation Restriction and maintenance agreement on the [property name] in [town], should we be awarded a grant from the Massachusetts Preservation Project Fund. The Preservation Restriction shall be recorded under the provisions of M.G.L., Chapter 184, sections 31-33. There is no mortgage on the property.

[If others have an interest in the property, (i.e., mortgagees), attach or include their intent to sign the Preservation Restriction.] [Attach a copy of the most current Assessor's map and copies of any/all legally recorded plot plans or surveys that may exist.]

Sincerely,
[Authorized Signer]

LEGAL OPINION:

Prepared by your attorney which states or includes:

- a. that a deed restriction for the property can be recorded in the Registry of Deeds.
- b. that this Preservation Restriction will not be subordinate to any other restrictions, which may already be on the property.
- c. copies of any existing restrictions.
- d. a copy of the deed, the owner's deed citation for the transfer of property from previous owner (i.e., registry, book and page number, and date of the original deed), and the legal boundary description. If a deed does not exist, the legal boundary description or a legally recorded plot plan or survey must be included (with Legal Opinion or Statement of Intent.)
- e. a list the correct names of the real owners, and the correct names of all those who have an interest in the property who should be signatories to the Preservation Restriction, including mortgagees, if any.

Town of Provincetown



Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Facsimile (508) 487-9560
Telephone (508) 487-7000

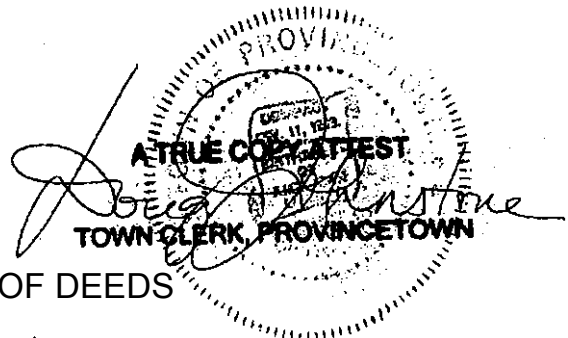
Article 12. Town Hall Historic Preservation Restriction To see if the Town will vote to transfer the care, custody, management and control of the Town Hall land, located at 260 Commercial Street, Provincetown, and having an assessor's parcel identification number of 11-3-81-0-E, from the Board of Selectmen for the purpose of a town hall, to the Board of Selectmen for the purpose of a town hall and for the purpose of conveying a perpetual historic preservation restriction therein, and to authorize the Board of Selectmen to convey a perpetual historic preservation restriction encumbering said Town Hall land and building to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate, or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager

BOARD OF SELECTMEN RECOMMENDS: 5-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION.

Austin Knight moved that the Town vote to approve Article 12 as printed in the warrant.

Motion Passed,(2/3'd's Vote Declared)



BARNSTABLE REGISTRY OF DEEDS

SECTION II – PROJECT AUTHORIZATION

A. Project Contact

LOCAL PROJECT COORDINATOR (Name & Title) Gail Fortes, Executive Director
Address 20 South Sixth Street
City/Town New Bedford, MA Zip 02740
Telephone No. 508-999-3255 FAX 508-999-2802
E-mail address: gfortes@ywcasema.org

B. Authorization

Indicate on a separate sheet the name, title and address of who is authorized to:

- | | |
|--|--|
| 1) execute a contract with the MHC | 5) arrange for grant funding acknowledgment including the project sign |
| 2) oversee and report on procurement | 6) administer and disburse funds for project |
| 3) enter into contracts for project work | 7) sign the preservation restriction |
| 4) prepare progress and completion reports | |

C. Certificate of Authorization

The Directors of the YWCA Southeastern Massachusetts on March 20, 2010 at which a quorum
Name of Organization/Municipality Date of vote or election
was present, the following resolution was adopted:

VOTED: That
Gail Fortes
Name of Contract Signer
Executive Director
His/Her Title

of this corporation be and he/she is hereby authorized to execute a contract, enter into contracts for project work, sign preservation restrictions, and disburse funds or designate appropriate persons to do so.

A true copy. ATTEST:


Signature of Clerk/Secretary of Corporation (in blue pen)
20 South Sixth Street, New Bedford, MA 02740
Address of Organization/Municipality
3/20/2010
Signing Date

I hereby certify that I am the Clerk of

the YWCA Southeastern Massachusett, that Gail Fortes is the
Name of Organization/Municipality Name of Contract Signer
duly elected Executive Director of said corporation, and that the above vote has not
His/Her Title

been amended or rescinded and remains in full force and effect as of the date of this Application.


Signature of Clerk/Secretary of Corporation (in blue pen)

SECTION II – PROJECT AUTHORIZATION

A. Project Contact

LOCAL PROJECT COORDINATOR (Name & Title) Paul Scarlett, ATA Board President
 Address 47 Carroll Road
 City/Town North Grafton MA Zip 01536
 Telephone No. 508-864-9675 FAX 774-437-4949
 E-mail address: pscarlett@unum.com

B. Authorization

Indicate on a separate sheet the name, title and address of who is authorized to:

- | | |
|--|--|
| 1) execute a contract with the MHC | 5) arrange for grant funding acknowledgment including the project sign |
| 2) oversee and report on procurement | 6) administer and disburse funds for project |
| 3) enter into contracts for project work | 7) sign the preservation restriction |
| 4) prepare progress and completion reports | |

C. Certificate of Authorization

The Directors of the Town of Grafton on April 6, 2010 at which a quorum
Name of Organization/Municipality Date of vote or election
 was present, the following resolution was adopted:

VOTED: That
Christopher LeMay
Name of Contract Signer
Chairman, Board of Selectmen
His/Her Title

of this corporation be and he/she is hereby authorized to execute a contract, enter into contracts for project work, sign preservation restrictions, and disburse funds or designate appropriate persons to do so.

A true copy. ATTEST:

Maura A. Clark (in blue pen)
Signature of Clerk/Secretary of Corporation
30 Providence Road, Grafton MA 01519
Address of Organization/Municipality
April 7, 2010
Signing Date

I hereby certify that I am the Clerk of

the Town of Grafton, that Christopher LeMay is the
Name of Organization/Municipality Name of Contract Signer
 duly elected Chairman of said corporation, and that the above vote has not
His/Her Title

been amended or rescinded and remains in full force and effect as of the date of this Application.

Maura A. Clark (in blue pen)
Signature of Clerk/Secretary of Corporation

PROCUREMENT PROCEDURES *for*

Development Projects

These standards are intended to ensure that quality materials and services are obtained in an open and fair manner, efficiently, economically, and in compliance with provisions of applicable State Law and Executive Orders. They are applicable to projects receiving Massachusetts Preservation Projects Fund through the MHC.

GENERAL INFORMATION ON PROCUREMENT

- A. All procurement transactions must be conducted in a manner that provides maximum open and free competition regardless of dollar value.
- B. Grantees should work closely with their architect/engineer to ensure broad participation, seeking qualified contractors at the best price. Qualification requirements *must be included* in the bidding documents.
- C. A written contract and contract provisions are required for all contracts and subcontracts.
- D. The “cost plus a percentage of cost” and “percentage of construction cost” methods *cannot* be used for grant-assisted projects. Also, grant recipients are not allowed to negotiate with prospective contractors during the procurement period in an effort to obtain a lower bid or what is sometimes referred to as a “best and final offer.”
- E. Grant recipients must ensure that contractors perform according to their contracts.
- F. Affirmative steps must be taken to assure that small, minority or women’s businesses are utilized when possible as sources of supplies, equipment, construction and services.
- G. The method of procurement must receive the *prior approval* of the MHC.
- H. Pre-bid meetings are advised to acquaint bidders on the scope of work, conditions and to give you the opportunity to gain some knowledge of prospective bidders.

METHODS OF PROCUREMENT

While grant recipients may propose the method or methods to be used on the project, **the MHC must approve the method to be used.** Failure to receive such prior approval or the use of an inappropriate method may result in the cancellation of the grant allocation.

The type of bidding selected will depend on the legal status of the Grantee—either municipality or nonprofit—and the total project cost. The form of bidding must ensure the most cost-effective and best-quality preservation work.

MUNICIPALITIES

Cities and Towns must be in compliance with M.G.L. Chapter 149, M.G.L. Chapter 30B and M.G.L. Chapter 30-39M. See the charts on the following pages for a breakdown of the required procurement procedures, based on the estimated contract amount or project budget, for the proposed restoration and repair work.

Please familiarize yourself with “Designing and Constructing Public Facilities - Legal Requirements, Recommended Practices, Sources of Assistance, 8th Edition” issued in August 2014 by the Massachusetts Office of the Inspector General found at:

<http://www.mass.gov/ig/publications/manuals/>

The LPC must coordinate with the municipality’s designated procurement officer in the bidding process and work closely with the architect/engineer and MHC in developing the bidding and contractor qualification requirements—specific to your project—for the legal ad and construction documents.

Please note the following:

- 1) Along with advertising in the *Central Register*, you will place a formal paid ad in a newspaper of general circulation in the community in which the project is located inviting bids. **Prior to advertisement, the LPC must submit a draft of the legal ad containing the language identified below to MHC for review and approval:**
 - a) The advertisement should include the statement, “State Law prohibits discrimination,” and statements about Affirmative Action and Equal Opportunity.
 - b) The advertisement should state that the site is listed in the State Register of Historic Places, all work must comply with the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*, and the project is being partially funded with a grant from the Massachusetts Preservation Projects Fund, Massachusetts Historical Commission.
- 2) Once bids are received, the **bid tabulation(s) must be submitted immediately to MHC for review.**
- 3) **The construction contract cannot be awarded until MHC concurs with the contractor selection and the MHC contract has been fully executed.**
- 4) Any and all bids may be rejected when it is in the grant recipient’s best interest to do so, and when such rejections are in accordance with acceptable Federal, State and local laws. You must communicate with MHC before rejecting bids. **Documentation justifying bid rejection must be retained for audit purposes and a summary provided to MHC.**

M.G.L. c. 149 -- BUILDING CONSTRUCTION CONTRACTS

Estimated Contract Amount	Under \$10,000 ¹	\$10,000 to \$25,000	Over \$25,000 to \$100,000	Over \$100,000	Over \$10,000,000
Procurement Procedure	Sound business practices	Solicit written responses.	Sealed bids (using M.G.L. c. 30, § 39M procedure).	Sealed bids.	Solicit statements of qualifications prior to soliciting sealed bids.
Advertising Requirements	No.	Advertise in the <i>Central Register</i> and COMMBUYS and post a notice on your jurisdiction's website and in the office at least two weeks before responses are due. ²	Advertise in the <i>Central Register</i> and a newspaper at least two weeks before bids are due, and post a notice in your jurisdiction's office for at least one week before bids are due. ³ Posting on COMMBUYS or your website is optional.	Advertise in the <i>Central Register</i> and a newspaper at least two weeks before bids are due, and post a notice in your jurisdiction's office for at least one week before bids are due. ³ Posting on COMMBUYS or your website is optional.	Advertise the request for qualifications in the <i>Central Register</i> , a newspaper, and COMMBUYS at least two weeks before responses are due. ⁴
DCAMM Certification	No.	No.	No.	Required for general bidders and filed sub-bidders.	Required for general bidders and filed sub-bidders.
OSHA Training	No.	Yes.	Yes.	Yes.	Yes.
City/Town Prequalification	No.	No.	No.	Optional. ⁵	Yes.
Filed Sub-bids	No.	No.	No.	Yes (\$20,000 and over).	Yes (\$20,000 and over).
Bid Deposit	No.	No.	5% of the value of the total bid.	5% of the value of the total bid, or sub-bid.	5% of the value of the total bid, or sub-bid.
Payment Bond	No.	No.	50% payment bond.	100% payment bond.	100% payment bond.
Performance Bond	No.	No.	No.	100% performance bond.	100% performance bond.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.	Yes.
Contractor Evaluation	No.	No.	No.	Yes.	Yes.

¹ M.G.L. c. 149, § 44A(2)(A), as amended by Chapter 188 of the Acts of 2010.

² M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 188 of the Acts of 2010 and Section 16 of Chapter 409 of the Acts of 2010.

³ M.G.L. c. 149, § 44J.

⁴ The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification evaluation process, you are required to post a notice in your jurisdiction and on COMMBUYS listing those general and subcontractors who have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$100,000 apply.

⁵ If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the "Over \$10,000,000" column.

**M.G.L. c. 30, § 39M -- PUBLIC WORKS (NON-BUILDING)
CONSTRUCTION CONTRACTS (WITH LABOR)**

Estimated Contract Amount	\$10,000 and under	Over \$10,000 to \$25,000		Over \$25,000
		M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option ¹	
Procurement Procedure	No.	Sealed bids.	Sealed bids.	Sealed bids.
Advertising Required	No.	Advertise once in the <i>Central Register</i> ² and your local newspaper at least two weeks before bids are due, and post a notice on your jurisdiction's bulletin board for one week before bids are due.	Advertise once in the <i>Central Register</i> ² and your local newspaper at least two weeks before bids are due, and post a notice on your jurisdiction's bulletin board for one week before bids are due.	Advertise once in the <i>Central Register</i> ² and your local newspaper at least two weeks before bids are due, and post a notice on your jurisdiction's bulletin board for one week before bids are due.
DCAMM Certification	No.	No.	No.	No.
OSHA Training	No.	Yes.	Yes.	Yes.
City/Town Prequalification	No.	No. ³	No.	No.
Filed Sub-bids	No.	No.	No.	No.
Bid Deposit	No.	5% of the value of the total bid.	No.	5% of the value of the total bid.
Payment Bond	No.	No.	No.	50% payment bond.
Performance Bond	No.	No.	No.	No.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.

¹ Authorized by M.G.L. c. 30, § 39M(d). Even though the M.G.L. c. 30B, § 5, threshold increased from \$25,000 to \$35,000 on July 1, 2014, M.G.L. c. 30, § 39M(d), applies to "any contract of not more than \$25,000." Therefore, you may only use M.G.L. c. 30B, § 5, for projects that cost \$10,000 but not more than \$25,000.

² M.G.L. c. 149, § 44J(a), M.G.L. c. 9, § 20A, and accompanying regulations require all contracts for construction services and all contracts for construction materials costing \$10,000 or more to be advertised in the *Central Register*.

³ Although M.G.L. c. 30, § 39M, does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Department of Transportation is required for contracts of \$50,000 or more where the awarding authority receives State Aid funds under M.G.L. c. 90, § 34, or the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c. 90, § 34.

NONPROFIT ORGANIZATIONS

The procurement procedures that nonprofits are required to use have been patterned after state requirements for municipalities. The LPC should consult with MHC and the project architect/engineer in determining the best method of procurement and must obtain approval from MHC *before* starting the bidding process.

A. Small Purchase Procedures

- 1) May be used when the total estimated project cost is \$10,000 or less. Projects with a larger estimated total cost cannot generally use this method unless there is a justifiable reason for dividing the work into smaller components (e.g., the work items would not normally be grouped together).
- 2) Efforts must be made to obtain estimates from an adequate number of qualified sources (this is generally defined as at least 3 contractors). Estimates must be received in writing, but they may be solicited informally by telephoning or writing potential contractors—a newspaper ad is not a requirement although this method should be considered if informal solicitation results in an inadequate response.

B. Competitive Bids - **THIS IS THE FORM OF BIDDING MOST GRANTEES WILL USE.**

WHERE THE MHC-FUNDED PORTION OF THE TOTAL PROJECT COST IS LESS THAN OR EQUAL TO \$100,000 (I.E., GRANT AWARDS OF \$50,000 OR LESS)

- 1) Requires a formal paid ad in a newspaper of general circulation in the community in which the project is located inviting bids. Advertisements should be published at least two times. This can be either two successive times in one publication, or one time published in two different publications.
 - a) The advertisement should include the statement, “State Law prohibits discrimination,” and statements about Affirmative Action and Equal Opportunity.
 - b) The advertisement should state that the site is listed in the State Register of Historic Places, all work must comply with the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*, and the project is being partially funded with a grant from the Massachusetts Preservation Projects Fund, Massachusetts Historical Commission.
 - c) Sample legal ad (project manual “Invitation to Bid” language) for nonprofits found on the following page:
- 2) There may be further requirements imposed by the funds used as the matching share of the project (such as Community Development Block Grant funds).

For nonprofits only:

Invitation to Bid

The Trustees of Historic Museum, Boston, Massachusetts, the Awarding Authority, request bids for the replacement of wood shingles and flashing on the roofs of the summer kitchen and shed of the circa 1800 Historic Museum, Boston, Massachusetts which is listed in the State and National Registers of Historic Places.

The project is being partially funded with a grant from the Massachusetts Preservation Projects Fund through the Massachusetts Historical Commission. All work must be performed in accordance with the documents prepared by Smith & Jones and Associates, Architect, Washington Street, Boston, Massachusetts 02119 (Telephone: 617-555-1919) and meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. State law prohibits discrimination. Awarding of this contract is subject to Affirmative Action and Equal Opportunity guidelines. A copy of the bidding documents may be obtained by writing or telephoning the architect at the above address.

A pre-bid meeting will be held at the Historic Museum at the corner of Main and Washington Streets, on Friday, November 20, 2016, at 10:00 AM.

Bids shall be evaluated on the basis of price, previous experience with similar types of construction projects, ability to perform the work in a timely manner, and references. All bids must be delivered to the architect's office at the above address prior to Friday, November 27, 2016, to be eligible for consideration and all of the grant-funded work must be completed by June 30, 2016.

- 3) Bid response time must be at least 20 days unless a longer period is required by state or local laws/regulations, by other funding sources, or by MHC if it is determined appropriate for an individual project by the nature of the work. A shorter period may be allowed (15 day minimum) for a second bid round **only with the approval** of MHC if the first round was unsuccessful. **The bid tabulation(s) must be submitted immediately to MHC for review.**
- 4) A fixed price contract must be awarded to the **best value and qualified bidder** whose bid is responsive to the invitation and is most advantageous considering price, discounts, transportation costs, taxes, and the contractor's ability to fulfill the contract. **The contract cannot not be awarded until MHC concurs with the contractor selection and the MHC contract has been fully executed.**
- 5) Alternates may be a flexible means of adding or deducting items to scope of work. The bidding documents should list the alternates in the order of priority for implementation. The alternates should be approved by MHC in advance of actual bidding.
- 6) Any and all bids may be rejected when it is in the grant recipient's best interest to do so, and when such rejections are in accordance with acceptable Federal, State and local laws. You must communicate with MHC before rejecting bids. **Documentation justifying bid rejection must be retained for audit purposes and a summary provided to MHC.**

C. Non-Competitive Negotiation (Sole Source)

- 1) This method is only used under special circumstances or if, after solicitation of a number of sources, competition is determined to be inadequate.

CONTRACTING WITH SMALL AND MINORITY FIRMS AND WOMEN'S BUSINESS ENTERPRISES

Efforts to encourage the participation of small and minority firms and women's business enterprises should be made whatever method of procurement is used. Efforts can include:

- A. Contacting public/private agencies that work with small and minority/women's businesses for assistance, such as the Supplier Diversity Office (SDO).

Supplier Diversity Office (SDO)
The McCormack Building
One Ashburton Place, Room 1313
Boston, MA 02108

(617)502-8831; fax: (617)502-8841
e-mail: wso@state.ma.us
www.somwba.state.ma.us/

- B. Placing ads in a minority newspaper or newsletter circulated by an agency which has contact with such firms such as The Bay State Banner, www.baystatebanner.com
- C. Sending invitations to bid or requests for proposals to qualified small and minority or women's businesses or to general contractors who use such firms as sub-contractors.

PROCUREMENT DOCUMENTATION

No reimbursements will be made unless complete, adequate procurement documentation is on file at the MHC. The enclosed checklist entitled "Procurement Requirements" must be completed and submitted as a cover sheet with the following procurement documentation within 30 days of executing contract with selected contractor:

- 1a. *A copy of the project advertisement(s).* Submit a copy of the entire page on which the ad was printed, for each ad, showing the date of publication and the name of the newspaper. Projects which are approved to use small purchase procedures are not required to place a paid ad and may wish to mail or telephone requests for written estimates and submit a copy of this solicitation list instead.

Municipalities are expected to submit a copies of both the newspaper and *Central Register* advertisements.

- 1b. *A copy of the solicitation list.* Submit a list of contractors that were contacted directly about your project and when.

2. Copies of all responses or bid forms (including proposals from RFPs) received and the date that bid tabulation(s) were submitted to MHC. (**PLEASE NOTE:** be sure to contact the MHC with information on bid process or proposal costs *after* you have received responses but *before* the contract is awarded.)
- 3a. Provide a recommendation letter from the architect/engineer/consultant justifying contractor selection. If the lowest bidder is not selected, briefly describe the reason for the selection based on the review of bids/proposals and reference checking.
- 3b. A copy of MHC's concurrence letter or e-mail message. Identify when & how MHC concurred with selection recommendation.
4. A copy of the written notice (and/or Notice to Proceed) awarding the contract.
5. A copy of the signed contract for the project work. Insert name and address of the selected contractor.
6. A description of the methods used to encourage small and minority businesses and women's business enterprises.

PROCUREMENT REQUIREMENTS (Development Projects)

Date: _____ Grant Round: _____ (or Emergency Project:) End Date: JUNE 30, _____

City/Town: _____ Property: _____

METHOD OF PROCUREMENT

- A. Small Purchase Procedures
- B. **Competitive Bids - Nonprofits Only**
Total project cost for MHC-funded work is:
 under or equal to \$100,000 - Grant of \$50,000 or less
 over \$100,000 - Grant award over \$50,000
- C. Non-Competitive Negotiation
- D. **Municipalities** (M.G.L. Chapter 149, M.G.L. Chapter 149, M.G.L. Chapter 30B, and M.G.L. Chapter 30-30M)

PROCUREMENT DOCUMENTATION ATTACHED

- 1a. Copy of Advertisements -AND- 1b. Solicitation List (may be used alone only when project has been approved for Small Purchase Procedures)
published on: _____ published on: _____
published in: _____ published in: _____
response time: _____ days response time: _____ days
- 2. Copies of all bid forms (or RFP proposals) Bid tabulation(s) previously submitted on: _____
Number of bids received: _____
- 3a. Copy of recommendation letter from Architect/Eng'r/Consultant justifying contractor selection and based on:
 lowest offer or because: _____
- 3b. MHC concurred on: _____ via: phone enclosed e-mail message/letter
- 4. Copy of written notice awarding the contract (and/or Notice to Proceed)
- 5. Copy of executed contract with:
Name _____ Address – Street No. and Name, City, State _____
(Contractor) (Contractor's Address)
- 6. Affirmative steps taken to encourage small and minority or women's business enterprises or to procure goods/services from labor surplus areas:

PROCUREMENT PROCEDURES *for*

Pre-Development Projects

These standards are intended to ensure that quality materials and services are obtained in an open and fair manner, efficiently, and economically. They are applicable to projects receiving Massachusetts Preservation Projects Funds through the MHC. Grant recipients may use their own procurement procedures which reflect applicable State and local laws and regulations, provided that they conform to these standards and State Law.

This section is intended to highlight some of the important sections of the attached standards, to clarify MHC policies and procedures regarding their use, and to describe what compliance documentation will be required by MHC.

GENERAL INFORMATION ON PROCUREMENT

- A. These standards apply to projects receiving State Grant Funds administered by the MHC. Grant recipients are expected to comply with these standards.
- B. All procurement transactions must be conducted in a manner that provides maximum open and free competition regardless of dollar value. Selection committee comprised of 3 or more persons should be established to review and evaluate submitted proposals. Evaluation process and subsequent proposal ranking should be reflected in a composite chart, based on the minimum qualification/proposal requirements and selection criteria identified in the Request for Qualifications (RFQ) or RFP.
- C. A written contract and contract provisions are required for all contracts and subcontracts.
- D. The “cost plus a percentage of cost” and “percentage of construction cost” methods *cannot* be used for grant-assisted projects. Also, grant recipients are not allowed to negotiate with prospective consultants/contractors during the procurement period in an effort to obtain a lower price or what is sometimes referred to as a “best and final offer.” MHC recommends using the “fixed-fee” approach as opposed to “not-to-exceed”.
- E. Grant recipients must ensure that consultants perform according to their contracts.
- F. Project sponsors must ensure against conflict of interest.
- G. Affirmative steps must be taken to assure that small and minority or women’s businesses are utilized when possible as sources of supplies, equipment, construction and services.
- H. The method of procurement must receive the *prior approval* of the MHC (see “Methods of Procurement” on the following page).
- I. Interviews of the top-ranked consultants are advised to acquaint architects/consultants with the scope of work and conditions and to give you, as the Grantee, the opportunity to gain some knowledge of prospective architect/consultant(s).

METHODS OF PROCUREMENT

While grant recipients may propose the method or methods to be used on the project, **the MHC must approve the method to be used**. Failure to receive such prior approval or the use of an inappropriate method may result in the cancellation of the grant allocation.

The type of procurement selected will depend on the legal status of the grantee—either municipality or private non-profit—and the form of bidding that will ensure the most cost-effective and best-quality preservation work. Please note that, in all cases, the **MHC recommends using the “fixed-fee” approach as opposed to “not-to-exceed”**.

The LPC should work closely with MHC in developing the Request for Qualifications (RFQ) or Request for Proposals (RFP) and legal ad and then seek approval from MHC **before** advertising RFP. The most appropriate, electronic examples of previous project RFQs or RFPs and legal ads will be provided by your grants manager to aid in their development. Example advertisements are found on pages 14 and 15.

MUNICIPALITIES

Cities and Towns must be in compliance with M.G.L. Chapter 7C, §§44-57. Please see the chart on page 12 for clarification on procurement law.

The LPC should coordinate with the municipality’s designated procurement officer in the RFQ process. Please familiarize yourself with *Designing and Constructing Public Facilities - Legal Requirements, Recommended Practices, Sources of Assistance, 8th Edition* issued in August 2014 by the Massachusetts Office of the Inspector General and found at:

<http://www.mass.gov/ig/publications/manuals/>

NONPROFITS

Patterned after municipal procurement, MHC requires nonprofit organizations to essentially follow the same process for designer selection. We suggest using either M.G.L. Chapter 7C, §§44-57 above or M.G.L. Chapter 30B as a model for procurement of supplies and services for contracts of \$35,000 or more, as outlined below in procuring architectural/engineering services to complete a pre-development project study as a conditions assessment, feasibility study and set of construction documents or historic structures report. Regardless of total project cost, our experience has shown that this proposal-based, evaluative method of procurement ensures broad participation and the most objective process in securing the best qualified preservation architect/engineer for your project.

For the Chapter 30B approach, all LPCs should refer to Chapter 5 of *The Chapter 30B Manual: Legal Requirements, Recommended Practices, and Sources of Advice for Procuring Supplies, Services, and Real Property*, 7th edition, August 2014 by the Massachusetts Office of the Inspector General and found at:

<http://www.mass.gov/ig/publications/manuals/30bmanl.pdf>

Open Selection Process – Supply and Service Contracts of \$35,000 or more: Proposal

- 1) Requires a paid ad requesting proposals with a minimum of 20 days allowed for the receipt of proposals (a longer period may be required by MHC if it is determined appropriate for an individual project by the nature of the work to be done); a shorter period may be allowed (15 day

minimum) if the first solicitation was unsuccessful with the approval of the MHC. All ads must contain non-discrimination clause. Advertisements should be published at least two times. This can be either two successive times in one publication or one time published in two different publications.

- 2) Pre-Development projects such as a feasibility study or historic structures report should use a fixed-fee approach in procuring the professional services of participating consultants. A fixed fee should be set in consultation with MHC staff and should be based on cost-setting experience with similar projects.

The Request for Proposals (RFP) must identify specific items including the scope of services, qualification requirements, and selection criteria (minimum and comparative) or the factors to be used to evaluate the proposals such as previous experience with similar types of projects, time to perform the work, etc.

Identifying selection criteria is critical. The following are some suggestions for the evaluation of competing proposals.

- Depth of experience with similar projects; familiarity with the area.
 - Prior experience with public or private not-to-exceed contracts, or specifically, MHC-funded contracts.
 - Strength and credibility of client references.
 - Professional qualifications, including training and educational background appropriate to the project, for all project personnel.
 - Responsiveness and desirability of approach to the project, and demonstrated understanding of the objectives and process to achieve them.
 - Excellence of communication and documentation skills.
- 3) Proposals should be evaluated by a designated selection committee comprised of three or more employees within the organization with knowledge of architecture, historic preservation, engineering, etc. Each committee member shall document reasoning behind ranking of each proposer or complete the organization's proposal evaluation form as part of the proposal ranking process. A composite chart of all the evaluations should also be written.
 - 4) A copy of all of the evaluation charts, plus the top three ranked proposals, need to be sent to the MHC in order for staff to concur that the top three consultants meet the minimum requirements set forth by the Secretary of the Interior.
 - 5) After MHC staff concurrence of qualifications, the LPC should prepare a contract with the chosen preservation consultant. A copy of this contract must be forwarded to the MHC and approved by staff, before awarding of the contract can take place.

- 6) After receiving MHC's approval of the contract, the LPC should notify the Preservation consultant of their choice and the contract should be sent. (Note: the MHC grant contract must be fully executed prior to contract award to the preservation consultant).

CONTRACTING WITH SMALL AND MINORITY FIRMS AND WOMEN'S BUSINESS ENTERPRISES

Efforts to encourage the participation of small and minority firms and women's business enterprises should be made by both municipalities and nonprofits whatever method of procurement is used. Efforts can include:

- A. Contacting public/private agencies that work with small and minority/women's businesses for assistance, such as the Supplier Diversity Office (SDO).

Supplier Diversity Office (SDO)
The McCormack Building
One Ashburton Place, Room 1313
Boston, MA 02108

(617)502-8831; fax: (617)502-8841
e-mail: wso@state.ma.us
www.somwba.state.ma.us/

- B. Placing ads in a minority newspaper or newsletter circulated by an agency which has contact with such firms such as The Bay State Banner, www.baystatebanner.com
- C. Sending RFPs directly to qualified small and minority or women's businesses found through the SDO.

M.G.L. c. 7C, §§ 44-57, PUBLIC BUILDING PROJECTS DESIGN SERVICES – Cities, Towns, Regional School Districts, and Horace Mann Charter Schools¹

Estimated Construction Cost (ECC)/Estimated Design Fee (EDF)	ECC \$100,000 or less or EDF less than \$10,000	ECC more than \$100,000 and EDF \$10,000 or more (both ECC and EDF thresholds must be met before the designer selection procedure is required.) ²
Procurement Procedure	No. Recommend soliciting qualifications and prices from at least three designers.	Qualifications-based selection process. Jurisdiction must either set the design fee or set a not-to-exceed fee limit and negotiate the fee with the top-ranked designer within the fee limit.
Advertising Required	No.	Advertise once in the <i>Central Register</i> and your local newspaper at least two weeks before the deadline for filing applications.
Designer Selection Board³	No.	No -- adopt selection procedure in writing. ^{3A} Use "DSB Application for Municipalities."
Designer Evaluation (Submit to DCAMM and Designer Selection Board)	No.	Yes.
Registration	Yes.	Yes.
Insurance	No.	10% of the total cost of the project or \$1 million, whichever is less.
Prevailing Wage	No.	No.

²As of December 2008, the Designer Selection Board revised its "Guidelines for City and Town Building Projects" to clarify that both thresholds must be met.

¹ Executive Departments of the Commonwealth and Commonwealth Charter Schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$10,000 or more and the construction project is estimated to cost \$100,000 or more.

² Cities, Towns, School Districts, and Horace Mann Charter Schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in M.G.L. c. 7C, §§ 44-57 and noted herein. See the *Model Designer Selection Procedures for Municipalities and Other Local Public Agencies* developed by this office at <http://www.mass.gov/ig/publications/guides-advisories-other-publications/model-designer-selection-procedures-municipalities-and-other-local-public-agencies-nov-2009.html>.

³ Housing Authorities must follow the procedures established by the Department of Housing and Community Development for design of state-funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.

M.G.L. c. 30B PROCUREMENT OF SUPPLIES AND SERVICES

Estimated Contract Amount	Under \$10,000	\$10,000 to \$34,999	\$35,000 and over
Procurement Procedure	Sound business practices. ¹	Solicit three written or oral quotes.	Sealed bids or proposals. (M.G.L. c. 30B, §§ 5 or 6).
Advertising Required	No.	No.	Advertise once in a newspaper of general circulation at least two weeks before bids or proposals are due, and post a notice on your jurisdiction's bulletin board or website for two weeks before bids or proposals are due. If \$100,000 or more, advertise once in the <i>Goods and Services Bulletin</i> at least two weeks before bids or proposals are due.
Award contract to:	Person offering the best price.	Responsible ² and responsive ³ person offering the best price.	Under § 5, the responsible and responsive bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.
Written Contract Required⁴	No.	Yes.	Yes.
Maximum Contract Term⁵	Three years, unless majority vote authorizes longer.		

¹ M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

² M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as "a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance."

³ M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as "a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals."

⁴ M.G.L. c. 30B, § 17(a), states "All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract."

⁵ M.G.L. c. 30B, § 12(b), states "Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option."

EXAMPLE ADVERTISEMENT

NONPROFITS

REQUEST FOR PROPOSALS

December 14, 2012

The Nichols House Museum, located at 55 Mount Vernon Street, Boston, MA, seeks proposals from qualified consultants to prepare a Historic Structures Report. The museum (built in 1804 and attributed to architect Charles Bulfinch) is individually listed on the National Register of Historic Places and is a contributing resource in the Beacon Hill National Historic Landmark District.

Applicants must have a.) a Bachelor's Degree in Historic Preservation, Architectural History, History, Art History or a closely related field and at least two years full-time experience in an area relevant to the project; or b.) a Master's Degree in Historic Preservation, Architectural History, History, Art History or a closely related field. Experience with buildings of this era and stature is preferred.

Consultant's fee is fixed at \$50,000. A site visit will be held on December 20, 2012 at 9:00 AM. Bids will be due on January 4, 2013 by 5:00 PM. The Nichols House Museum is an Equal Opportunity/Affirmative Action Employer. Please contact the Executive Director at executivedirector@nicholshousemuseum.org for a copy of the RFP, or call 617.227.6993. The Nichols House Museum reserves the right to reject any and all proposals.

PROCUREMENT DOCUMENTATION

No reimbursements will be made unless complete, adequate procurement documentation is on file at the MHC first. The checklist on the following page entitled “Procurement Requirements” must be completed and submitted as a cover sheet with the following procurement documentation:

1. *RFP/RFQ* – send copy of the RFP/RFQ developed with MHC and sent for solicitations
- 2a. *Advertisement(s)* – send copy of entire page, showing ad & name and date of publication
- 2b. *Solicitation List* – submit a list of preservation consultants that were contacted directly about your project and when they were contacted
- 3a. *Tabulation of all proposals* – send list of all responses to solicitations
- 3b. *Reviewers’ Evaluation Charts* – send selection committee evaluation charts (and final composite chart) for all proposals, submitted to MHC for review
- 3c. *Top 3 ranked proposals* -send the top three ranked submissions in response to ad, posting, or direct mail
4. *Recommendation Letter* – send letter from LPC recommending the choice of preservation consultant and justifying their selection
5. *MHC Concurrence* – note in what manner MHC sent their concurrence of the preservation consultant, and if in writing, include a copy of that notice
6. *Award Notice* – send copy of written notice awarding the contract (and/or Notice to Proceed)
7. *Preservation Consultant Contract* – send copy of the executed contract with the preservation consultant (Note: MHC must review the contract before it can be presented to and signed by the preservation consultant)
8. *A description of the methods used to encourage small and minority and/or women’s business enterprises*

You should plan to consult with MHC Grants Staff after you have received responses but **before** the contract is awarded and to submit the requested documentation promptly. Again, matching grant funds cannot be released until the complete procurement package is on file with the MHC. **Also, MHC must concur with your selection and the fully executed MPPF grant contract must be in place prior to contract award to the preservation consultant.**

PROCUREMENT REQUIREMENTS (Pre-Development Projects)

Date: _____ End Date: JUNE 30, _____

Grant Round: # _____ (or Emergency Project: FY _____ or Other Project Type _____)

City/Town: _____ Property: _____

Attach all of the following items:

- 1. Copy of RFP/RFQ
- 2a. Copy of Advertisements
published on: _____ published on: _____
published in: _____ published in: _____
response time: _____ days response time: _____ days
- 2b. Solicitation List (may be used alone only when approved for Small Purchase Procedures)
- 3a. Tabulation of all proposals
- 3b. Reviewers' Evaluation Charts for all proposals
- 3c. Top 3 ranked proposals
- 4. Copy of recommendation letter from LPC justifying consultant selection
- 5. MHC concurred on: _____ via: phone enclosed e-mail message/letter
- 6. Copy of written notice awarding the contract (and/or Notice to Proceed)
- 7. Copy of executed contract with:

Name	Address – Street No. and Name, City, State
_____	_____
(Consultant)	(Consultant's Address)
- 8. Affirmative steps taken to encourage small and minority or women's business enterprises or to procure goods/services from labor surplus areas:

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16500 LIGHTING
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16850 HEATING AND COOLING
16900 CONTROLS AND INSTRUMENTATION

Request for Taxpayer Identification Number and Certification

Completed form should be given to the requesting department or the department you are currently doing business with.

Please print or type

Name (List legal name, if joint names, list first & circle the name of the person whose TIN you enter in Part I-See **Specific Instruction** on page 2)

Business name, if different from above. (See **Specific Instruction** on page 2)

Check the appropriate box: Individual/Sole proprietor Corporation Partnership Other ▶

Legal Address: number, street, and apt. or suite no. **Remittance Address:** if different from legal address number, street, and apt. or suite no.

City, state and ZIP code

Phone # () Fax # () Email address:

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). **However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instruction on page 2.** For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Social security number
- - -
OR
Employer identification number
- - -

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Vendors:
Dunn and Bradstreet Universal Numbering System (DUNS)

DUNS

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
- I am not subject to backup withholding because: **(a)** I am exempt from backup withholding, or **(b)** I have not been notified by the Internal Revenue Services (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or **(c)** the IRS has notified me that I am no longer subject to backup withholding, **and**
- I am an U.S. person (including an U.S. resident alien).
- I am currently a Commonwealth of Massachusetts's state employee: (check one): No Yes If yes, **in compliance with** the State Ethics Commission **requirements**.

Certification instructions: You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply.

Sign Here	Authorized Signature ▶	Date ▶
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Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify you are not subject to backup withholding

If you are a foreign person, use the appropriate Form W-8. See **Pub 515**, Withholding of Tax on Nonresident Aliens and Foreign Corporations.

What is backup withholding? Persons making certain payments to you must withhold a designated percentage, currently 28% and pay to the IRS of such payments under certain

conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. **Payments you receive will be subject to backup withholding if:**

- You do not furnish your TIN to the requester, or
- You do not certify your TIN when required (see the Part II instructions on page 2 for details), or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions on page 2.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. Enter your **individual** name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, **enter the owner's name on the "Name" line.** Enter the LLC's name on the "Business name" line.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Part I - Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box.

If you are a **resident alien** and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a **sole proprietor** and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are an **LLC** that is **disregarded as an entity** separate from its owner (see **Limited liability company (LLC)** above), and are owned by an individual, enter your SSN (or "pre-LLC" EIN, if desired). If the owner of a disregarded LLC is a corporation, partnership, etc., enter the owner's EIN.

Note: See the chart on this page for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5**, Application for a Social Security Card, from your local Social Security Administration office. Get **Form W-7**, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or **Form SS-4**, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site www.irs.gov.

If you do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments.

The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Part II - Certification

To establish to the paying agent that your TIN is correct or you are a U.S. person, or resident alien, sign Form W-9.

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

Dunn and Bradstreet Universal Numbering System (DUNS) number requirement –

The United States Office of Management and Budget (OMB) requires all vendors that receive federal grant funds have their DUNS number recorded with and subsequently reported to the granting agency. If a contractor has multiple DUNS numbers the contractor should provide the primary number listed with the Federal government's Central Contractor Registration (CCR) at www.ccr.gov. Any entity that does not have a DUNS number can apply for one online at <http://www.dnb.com/us/> under the DNB D-U-N Number Tab.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold a designated percentage, currently 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number to Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹ The minor ²
3. Custodian account of a minor (Uniform Gift to Minors Act)	The grantor-trustee ¹
4. a. The usual revocable savings trust (grantor is also trustee)	The actual owner ¹
b. So-called trust account that is not a legal or valid trust under state law	
5. Sole proprietorship	The owner ³

For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

If you have questions on completing this form, please contact the Office of the State Comptroller. (617) 973-2468.

Upon completion of this form, please send it to the Commonwealth of Massachusetts Department you are doing business with.