

REQUEST FOR PROPOSALS  
BILLBOARD CONSULTING AND REVENUE ENHANCEMENT SERVICES

REQUEST FOR PROPOSALS

**BILLBOARD CONSULTING AND REVENUE  
ENHANCEMENT SERVICES**

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Proposal Opening:	<b>March 29, 2022 At 11:00am</b>
Proposals Opened At:	<b>Foxborough Town Hall 40 South Street Foxborough, MA 02035</b>

**Contact**

Procurement Administrator Audrey Strom  
Astrom@foxboroughma.gov

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BILLBOARD CONSULTING AND REVENUE ENHANCEMENT SERVICES**

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LEGAL NOTICE

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**Request for Proposal**

The Town is seeking proposals for a qualified professional consulting firm/individual with proven experience in the development of non-tax, non-fee revenues stemming from the development of beneficial hosting agreements, lease agreements and monitoring services of billboard related construction and advertising services. Bid documents will be available starting March 14, 2022 on our website at <https://foxboroughma.gov/departments/procurement>. Sealed bids will be opened on Tuesday, March 29, 2022 at 11:00AM.

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Posted in Town Hall  
Commbuys  
Goods and Services  
Newspaper  
Procurement Website

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GENERAL INFORMATION

**1. INTRODUCTION:**

The Town of Foxborough is exploring ways to maximize revenues from the development of electronic billboard and advertising opportunities within the community. Foxborough is specifically interested in understanding how this potential revenue stream can be developed within its borders through the use of Town owned land, facilities, or rights of way. To assist the Town in this effort, the Town is seeking the services of a qualified professional consulting firm/individual with proven experience in the development of non-tax, non-fee revenues stemming from the development of beneficial hosting agreements, lease agreements and monitoring services of billboard related construction and advertising services.

Proposers shall demonstrate their ability to perform this work to the satisfaction of the Town by retaining a minimum of twenty years' experience cumulatively in the development, management and monitoring of this field of work. Experience with Massachusetts regulatory process and familiarity with applicable regulatory agencies is an important qualification for consideration. Specific experience in the development of municipal or public agreements that yield long-term, sustainable financial benefits to the community is also beneficial for consideration. No proposing firm shall have a full or partial ownership stake in any billboard construction or advertising proposal submitted to the Town of Foxborough for consideration.

The Town of Foxborough is strategically located between New England's three largest cities – Boston, Providence and Worcester. Foxborough is 29 miles from Boston; 22 miles from Providence and 47 miles from Worcester. The Town is located at the intersections of Interstates 95 and 495. Population is estimated at slightly fewer than 18,000 people living in 6,650± households.

Foxborough, MA is a tale of two "towns": the first is a traditional mixed-use mill town with a Town Common and downtown commercial district, and the second is the Route 1 area, home to the National Football League's New England Patriots. The Route 1 area includes the 68,000 seat Gillette Stadium, adjacent Patriot Place shopping center with eateries, entertainment venues, shops, a museum, medical facilities, and vast parking lots, as well as nearby hospitality entities.

Much of Foxborough is a residential community, serving as a home for people who work in Boston and other regional job centers. Foxborough, however, has also retained its traditional manufacturing job base at Schneider Electric (which purchased the Foxboro Company), as well as commercial centers at Gillette Stadium and Patriot Place. Residents enjoy the historic charm of Foxborough Center, as well as contemporary suburban housing and shopping experiences toward the edges of town. Foxborough is served by two interstate highways (I-95 and I-495), one MBTA commuter rail station at the stadium, and another MBTA station just over the border in Mansfield.

**DECISION TO USE COMPETITIVE SEALED PROPOSALS:** The Town's Chief Procurement Officer or Designee has determined that in order to select the most advantageous proposal for Billboard Consulting and Revenue Enhancement Services for the Town of Foxborough that a Request for Proposal (RFP) process must be conducted. The Town believes that the individuals/firm(s) providing these services must have a broad range of experience in this field. The RFP process will enable the Town to provide higher

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rating to vendors whose key personnel have extensive experience in providing similar services to other comparable communities in Massachusetts, particularly where they have been able to work with local objectives, policies, issues and goals. The consultants may also be interviewed.

**SCOPE OF SERVICES**

**PROPOSALS REQUIREMENTS: Technical Proposals**

The purpose of the Technical Proposals is to demonstrate the qualifications, competence and capacity of the firms seeking to provide Billboard Consulting and Revenue Enhancement Services in the Town of Foxborough in conformity with the requirements of this request for Proposals. As such, the substance of Proposals will carry more weight than their form or manner of presentation. The Technical Proposals should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify the approach that will meet the request for Proposals requirements.

***THERE SHOULD BE NO PRICES, DOLLAR UNITS, OR TOTAL COSTS INCLUDED IN THE TECHNICAL PROPOSALS DOCUMENT.***

The Technical Proposals should address all the points outlined in the request for Proposals (excluding any cost information which should only be included in the sealed Price Proposal). The Proposals should be prepared with sufficient detail to provide a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for Proposals. The proposer shall have a proven track record in providing successful negotiations which have resulted in revenue enhancements for their clients, preferably municipalities in Massachusetts.

**A. Evaluation Criteria**

Proposals will be evaluated in accordance with the requirements in the Request for Proposals. Firms meeting the mandatory criteria will have their Proposals evaluated and ranked for both technical qualifications and price. The following represent the principal selection criteria which will be considered during the evaluation process.

**B. Oral Presentations**

During the evaluation process, the Selection Committee may, at its discretion, request all firms to make oral presentations. Such presentations will provide firms with an opportunity to answer any questions the Selection Committee may have on a firm's Proposal.

**C. Final Selection**

The Town of Foxborough will select a firm based upon the recommendation of the Selection Committee to the Chief Procurement Officer or their designee based upon the most advantageous proposal. The contract award is contingent upon on the successful negotiation of any revisions to the proposer's plan that the evaluator(s) identified during the evaluation phase of the process. It is anticipated that a firm will be selected in April, 2022.

**D. Right to Reject Proposals**

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Submission of a Proposal indicates acceptance by the firm of the conditions contained in this Request for Proposals. The Town of Foxborough reserves the right without prejudice to reject any or all Proposals.

**2. PROPOSAL DOCUMENTS AVAILABLE**

Proposal documents will be available starting 11:00am March 14, 2022 on the Procurement webpage on the Town's website. <https://foxboroughma.gov/departments/procurement>.

**PRE-PROPOSAL CONFERENCE**

There is no pre-proposal conference.

**3. QUESTIONS**

Direct all inquiries in writing to [Astrom@foxboroughma.gov](mailto:Astrom@foxboroughma.gov). No inquiries will be accepted after **March 17, 2022 @ 12:00pm**. Responses to inquiries that affect all proposers will be issued as addenda.

**4. ADDENDA**

Written addenda issued by the Town of Foxborough will be posted to the Procurement webpage at the Town of Foxborough.  
<https://foxboroughma.gov/departments/procurement>.

THE PROPOSAL PROCESS

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**5. PROPOSAL SUBMITTAL**

This Request for Proposals is governed by the requirements of M.G.L c30b. Proposals must be submitted in a clearly marked envelope and it must contain a separate sealed envelope with the following information that is clearly marked:

- **TECHNICAL PROPOSAL:**  
***Billboard Consulting and Revenue Enhancement***
- **PRICE PROPOSAL in a separate sealed envelope**  
***Billboard Consulting and Revenue Enhancement – Price Proposal***

Proposers shall submit one (1) CLEARLY MARKED ***unbound single sided*** original copy of all required documents, three (3) copies of their proposal and one electronic copy in PDF to the Town on or before **March 29, 2022 @11:00am** in the Office of the Town Manager, 40 South Street, Foxborough, MA 02035. Proposals shall provide all the information required in the Request for Proposal and attached proposal forms, and may include additional information, such as narrative summaries, business brochures, resumes, letters of recommendation, etc. The contents of the proposals will only be made public after a decision of an award has been made by the Chief Procurement Officer or Designee.

The evaluation team shall review, evaluate and assign a score to each proposal, in accordance with the rating evaluation criteria contained in the Request for Proposal. The Chief Procurement Officer or Designee shall consider the submissions, recommendations of the evaluation team and shall determine the proposal that is in the over-all best interest of the Town.

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The Town may, depending on the number and quality of proposals, elect to interview all of the proposers that meet the minimum criteria specified in this Request for Proposal. If the Town elects to follow this procedure, various aspects of the interview performance will be rated in accordance with the rating form contained in this Request for Proposal for a composite overall score. *Interviews may be held **April 6, 2022**, if the evaluation team deems it necessary.*

The Town of Foxborough reserves the right to retain all Proposals submitted and use any idea in a submitted Proposal, regardless of whether that Proposals is selected

**TECHNICAL PROPOSAL COMPONENTS:** The Consultant will submit the following items in their response.

Title Page

Title page showing the request for Proposals subject; the firm's name; the name, address and telephone number of the contact person; and the date of the Proposals.

Table of Contents

Letter of introduction and certification that your firm meets the minimum requirements of this Request for Proposal.

**Section 1:** A brief company profile, including the types of services offered, the form of the organization, and the location of office.

- A description of the Proposer's experience in performing work of a similar nature to that solicited in this RFP. Emphasize work for clients with similar goals and similar operating conditions and highlight the participation in such work by the key personnel proposed for assignment to this project as well as some of the results achieved by your work.
- Provide the names and resume of the personnel that will be assigned to the Town of Foxborough to perform this work.
- Provide a minimum of five (5) client references where similar work has been performed. Furnish the name, title, address, and telephone number of the person(s) at the client organization who is most knowledgeable about the work performed. Provide project name and location, description of work, name of company and the estimated cost of the work performed.
- Provide detailed information to substantiate the amounts of revenue that the proposer has generated for clients from the lease of Town-owned property for electronic billboard use along with the revenues achieved through the sale of advertisements on the billboard over a set number of years not less than twenty (20).
- Demonstrate the proposer's knowledge for understanding state regulatory process by providing an example of a time-table for obtaining applicable billboard construction and advertising permits.
- Demonstrate the proposer's knowledge for understanding the municipal government approval process for allowing the lease of public land for billboard development and advertising purposes. This would be demonstrated by providing clear examples of how this approval process was achieved in a similarly situated community (preferably

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in Massachusetts).

- Any Proposer must demonstrate that they have no conflicts of interest as to the development of properties for billboard use particularly as it relates to any future development for such use in Foxborough.

**Section 2:** The Proposer shall provide specific information to the Town in regard to the following elements of a billboard revenue generation program.

- The Proposer's interest in the management and structure of a revenue generation program focused on billboard development;
- The Proposer's approach for the negotiation and execution of favorable hosting agreements associated with electronic billboard development in Foxborough;
- The Proposer's approach to the development of the revenue sharing elements of a ground lease for the development of an electronic billboard on Town land;
- The Proposer's approach to the development of a financially favorable revenue sharing agreement with the firm who will be advertising on the billboard;
- The Proposer's approach to the elements of a management program for maintaining physical condition of the billboard structure and for managing the conditions contained in the advertising contract(s).
- The Proposer will also identify how they intend to protect the community from liability stemming from any failure on the proposers' part to properly represent the Town's interests.

**Section 3:** Detailed Plan showing the means and methods by which you are going to manage this project **(The fee associated will be listed on the price form which is submitted in a separate sealed envelope.)**

**Section 4:** Required Forms All proposals are required to contain the following forms fully completed, signed and incorporated by reference:

- General Proposal Form** (*Form A*)
- Statement of Competency -- with list of references** (*Form B*)
- Proposal Price Form** (*Form C*) *in a separate sealed envelope*
- A fully executed and signed contract** (*Form D*)
- W9**
- Insurance Certificates**

**6. COMPLIANCE WITH REQUEST FOR RESPONSE**

Proposers must comply with all requirements of this REQUEST FOR PROPOSAL in order to be eligible for contract award.

Minor informalities will be waived or the Proposer will be allowed to correct them. If a mistake in a proposal is evident and the intended proposal is clear on the face of the **Proposal Price Form**, the mistake will be corrected to reflect the intended correct



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proposal and the Proposer will be notified in writing. The Proposer may not withdraw such a proposal. The Town of Foxborough may reject or a Proposer may withdraw a proposal if a mistake is clearly evident on the face of the **Proposal Price Form**, yet the intended correct proposal is not similarly evident.

Proposals must be signed as follows:

- **If the Proposer is an individual**, by her/him personally;
- **If the Proposer is a partnership**, by the name of the partnership, followed by the signature of each general partner; and
- **If the Proposer is a corporation**, by the name of the corporation, followed by the signature of an authorized officer, whose signature must be attested to by the Clerk/Secretary of the corporation with the corporate seal affixed.

**Accessories & Insurance**

The contractor shall provide statutory Worker's Compensation Insurance for all labor employed on the contract that may come within the protection of such laws. Evidence of an existing worker's compensation policy must be provided in accordance with MGL C 152 § 25c before this contract may be considered valid.

Insurance

- Must provide the Town of Foxborough with a copy of Insurance certificates documenting amounts of coverage- Naming the Town of Foxborough as Additionally Insured. Provide confirmation of insurance coverage for both the motor coach company and the tour company. The following limits of insurance are required for both companies:
  - Workers' compensation - statutory limits
  - General Liability - \$1.0 million combined single limit
  - Motor Vehicle Liability - \$1.0 million combined single limit
  - Umbrella Liability - \$1.0 million
- Evidence of existing workers' compensation insurance policy must be provided in accordance with MGL Ch. 152, Section 25C and attached.

**7. PROPOSAL PRICE FORM**

Financial Proposals must be submitted on the **Proposal Price Forms** in a separate sealed envelope.

**8. MODIFICATIONS TO PROPOSALS**

A Proposer may correct, modify, or withdraw a proposal by written notice received by the Town of Foxborough not later than the close of business on the day before the proposal opening. Proposal modifications must be submitted in a sealed envelope clearly labeled "Modification No.\_\_\_\_." Each modification must be numbered in sequence, must reference the original REQUEST FOR PROPOSAL, and must be signed by the same person who signed the **General Proposal Form** or a surrogate so authorized in writing.

After the proposal opening, a Proposer may not change any provision of the proposal in a manner prejudicial to the interests of the Town of Foxborough or fair competition as determined by the Town.

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**9. PROPOSAL OPENING**

Sealed proposals will be accepted at **Office of the Town Manager Town Hall 40 South Street, Foxborough, MA 02035** until 11:00am on March 29, 2022 they will be opened and then graded. Proposals will be made available after a Proposer is chosen upon request by public records law.

**Unforeseeable Deterrents** - If at the time of the scheduled proposal opening, the designated site is unavailable due to circumstances beyond the control of the Town of Foxborough, the proposal opening will be automatically postponed (with or without notice to potential Proposers) until 12:00 Noon at the same location on the next normal business day. In the event the same location cannot be used to accommodate a postponement, the proposal opening will be formally postponed with notification to all parties who have been provided with solicitation documents by the Town of Foxborough. In the case of this situation, proposals will be accepted until the newly scheduled time as noted above.

**RULE OF AWARD**

**An award will be made as follows:**

The Chief Procurement Officer or Designee shall consider the consultant proposals and shall determine the proposal that is in the over-all best interest of the Town. The award will be based upon an evaluation of the technical proposal, interview and price proposal and shall determine which consultant and award to the consultant that offers the best value to the Town of Foxborough.

**10. TIME FRAME FOR AWARD**

All proposal prices submitted in response to this REQUEST FOR PROPOSAL must remain firm for 45 (forty- five) days following the proposal opening or until the contract is executed, whichever occurs first.

ACTIVITY	DATE
Bid Advertised –Goods & Services, Town Hall, Newspaper, Commbuys, Website	March 14, 2022
Documents Available	March 14, 2022 @ 11:00am
Questions due by:	March 17, 2022 @ noon
Questions answered estimate	March 21, 2022
Bids Due	March 29, 2022 @ 11:00am
Interview – week of ( if necessary)	April 6, 2022

**11. RESERVED RIGHTS**

The Town of Foxborough reserves the right to:

Cancel this REQUEST FOR PROPOSAL at any time, with or without notice to prospective Proposers. Reasonable efforts will be made to give timely notice.

- Accept or reject, in whole or in part, any and all proposals as permitted by law.
- Award contracts as it deems best serves the interests of the Town of

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Foxborough.

- Waive or adjust non-statutory proposal requirements before or after proposals are opened in whatever ways it deems best serves the interests of the Town of Foxborough, while also being non-prejudicial to the interests of fair competition.
- The Town of Foxborough may at its discretion conduct reference checks from other sources including municipalities, internet sources in addition to the references that are listed. All sources may affect the award ratings of the consultant.

**12. CONTRACT**

A signed contract, Form D, will result from this REQUEST FOR PROPOSAL, and will remain in effect for one year with two options to renew. The Town may determine at the time of award to determine to exercise all options and award a three-year contract.

**PROPOSER QUALIFICATION REQUIREMENTS**

**13. QUALIFICATION AND PERFORMANCE CAPABILITIES**

**MINIMUM EVALUATION CRITERIA**

Proposers must be capable of providing the specified services and providing any support services in a professional manner. Proposers that do not meet the minimum qualifications will not be considered. Proposers need to provide in their plan of services a description of their organization, including full names, addresses and legal status of corporation (including state if incorporated) and name of staff who will participate in the contract and details of their role (s).

- Name of Proposer – Proposers must describe in detail the name and address of the proposer, the names and addresses of all partners (if a partnership), directors (if a corporation), or owner (is a sole proprietorship). Ownership Information – If the Proposer is an individual, partnership, corporation and principals
- Qualifications and Experience – Proposers will have a minimum of ten (10) years successful experience in the business of conducting Billboard consulting and Revenue Enhancement Services for Municipal Government.
- References - Proposers must provide the following contact information for a minimum of five (5) customers, of which no less than three (3) must have been active within the 36 months prior to this REQUEST FOR PROPOSAL’s proposal opening date. The Town may also do independent internet searches on the proposers. Use a separate sheet(s) clearly marked "REFERENCES" to provide the following information for each reference.

1. Customer Name
2. Years as a customer
3. Street
4. City, State, Zip

**Poor references may be used as a basis for determining that a PROPOSER is not responsible. The Town of Foxborough can and will act as its own reference.**

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5. Contact Person
  6. Telephone number
- In addition, the proposer must provide the following additional Minimum Criteria documents, duly completed and signed:
    - General Proposal Form (Form A)
    - Statement of Competency – with list of References (Form B)
    - Proposal Price Form (Form C) in a separate sealed envelope
    - A fully executed and signed contract (Form D)
    - W-9

**COMPARATIVE EVALUATION CRITERIA**

Proposals from contractors who meet or exceed the minimum criteria will be evaluated and rated on the basis of the following comparative criteria. The Town reserves the right to ask any respondent to provide additional supporting documentation in order to verify the response.

Ratings of Highly Advantageous (HA); Advantageous (A); Not Advantageous (NA); or Unacceptable (U) will be given to each of the following criteria for each respondent. A composite rating will then be determined. A composite rating of Highly Advantageous or Advantageous may be assigned only if a proposal has received at least one such rating among the criteria listed below.

To the extent that an Evaluation Criterion requires the certification of fact, the proposer's certification as to that fact shall be an adequate response provided, however, that on request the proposer shall provide to the Town such evidence as the Town may request to support that fact.

Proposals which meet the Minimum Criteria will be evaluated based on the following comparative criteria:

**EXPERIENCE**

Highly Advantageous: Proposer has twenty (20) or more years' experience in providing Billboard Consulting and Revenue Enhancement Services for municipalities.

Advantageous: Proposer has ten (10) years' experience in in providing Billboard Consulting and Revenue Enhancement Services for municipalities.

Not Advantageous: Proposer has five (5 but less than ten (10) years' Billboard Consulting and Revenue Enhancement Services for municipalities.

Unacceptable: Proposer has less than five (5) years' experience in in providing Billboard Consulting and Revenue Enhancement Services for municipalities.

**SIMILAR BILL BOARD AND REVENUE ENHANCEMENT SERVICES**

Highly Advantageous: Proposer has completed more than ten (10) similar municipalities in the

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last three (3) – five (5) years.

Advantageous: Proposer has completed more than five (5) but less than similar services for municipalities in the last three (3) – five (5) years.

Not Advantageous: Proposer has completed more than (3) but less than (5) similar services municipalities in the last three (3) – five (5) years.

Unacceptable: Proposer has completed less than (3) similar services for municipalities in the last three (3) – five (5) years.

**STAFF**

Highly Advantageous: Proposer assigns a principal Proposer to the project who has participated in at least ten (10) Billboard Consulting and Revenue Enhancement Services for municipalities.

Advantageous: Proposer assigns a principal Proposer to the project who has participated in at least five (5), but less than ten (10) Billboard Consulting and Revenue Enhancement Services for municipalities.

Not Advantageous: Proposer assigns a principal Proposer to the project who has participated in less than five (5) but more than three (3) Billboard Consulting and Revenue Enhancement Services for municipalities.

Unacceptable: Proposer assigns a principal Proposer to the project who has participated in less than three (3) Billboard Consulting and Revenue Enhancement Services for municipalities.

**PLAN OF SERVICES**

Highly Advantageous: Proposer has a well-defined and developed Plan of Services in response to this Request for Proposals and demonstrates a clear understandable implementation strategy.

Advantageous: Proposer has a sufficiently defined and developed Plan of Services in response to this Request for Proposals and demonstrates an adequate but not exceptional implementation strategy.

Not Advantageous: Proposer has a weakly defined and developed Plan of Services in response to this Request for Proposals and demonstrates an undefined implementation strategy.

Unacceptable: Proposer has inadequately defined and developed Plan of Services in response to this Request for Proposals and demonstrates an undefined implementation strategy and a non-balanced panel.

**REFERENCES**

Highly Advantageous: Proposer provides five (5) or more references who give the Proposer an overall rating of “highly advantageous.”

Advantageous: Proposer provides more than three (3), but less than five (5) references whom give the Proposer an overall rating of “advantageous.”

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Not Advantageous: Proposer provides references and one (1) of whom rates the Proposer as “not advantageous.”

Unacceptable: Proposer provides references and two (2) of whom rates the Proposer as “not advantageous.”

**INTERVIEW** *(if the Town determines this is necessary)*

Highly Advantageous: Proposer receives an overall rating of “highly advantageous” from the interview panel based upon materials provided, clarity of presentation and public presentation skills.

Advantageous: Proposer receives an overall rating of “advantageous” from the interview panel based upon materials provided, clarity of presentation and public presentation skills.

Not Advantageous: Proposer receives an overall rating of “not advantageous” from the interview panel based upon materials provided, clarity of presentation and public presentation skills.

Unacceptable: Proposer performed was provided inadequate materials, was unclear in their presentation and did not present well.

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**Form A - General Proposal Form**

The accompanying **Statement of Competency** and **Proposal Price Form** are hereby submitted in response to the REQUEST FOR PROPOSAL cited above. All information, statements and prices are true, accurate and binding representations of its intentions and commitments in responding to this REQUEST FOR PROPOSAL.

This proposal applies to the category(s) of goods and/or services marked with an "X" below.

**Billboard Consulting and Revenue Enhancement Services**

<b>Vendor Name:</b>	_____		
<b>Street:</b>	_____		
<b>City:</b>	<b>State:</b> ____	<b>Zip:</b> _____	
<b>Phone:</b>	_____	<b>e-mail:</b>	_____
<b>Web Address:</b>	_____		

**Non-Collusion Statement**

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

**Taxes Paid Certification**

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am/my company is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and PROPOSERS, and withholding and remitting child support.

**Certification of Conflicts of Interest**

I certify that I do not have any conflicts of interest as to the development of properties for billboard use particularly as it relates to any future development for such use in Foxborough.

For the Proposer:

X \_\_\_\_\_

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

Title: \_\_\_\_\_

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

**Attach certificate of corporate vote  
(if required)**

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**Form B - Statement of Competency**

I hereby certify that the Proposer meets or exceeds the competency criteria set out in this REQUEST FOR PROPOSAL. I further attest to the following assertions:

1. Proposer is a professional in providing of **Billboard Consulting and Revenue Enhancement Services**
2. The Proposer has been in business for a minimum of 5 years.
3. Provision of the items specified in this REQUEST FOR PROPOSAL is consistent with the Proposer's normal lines of business.
4. The Proposer is incorporated, and if required licensed, to do business in Massachusetts.
5. The Proposer will receive favorable ratings from the following references, **must list at least (5) references**. Please provide a direct contact person who is available by telephone. Your references must include all the information listed on the chart. Failure to reach your references may affect your overall rating.
6. Do not list the Town of Foxborough as a reference

REFERENCES:

	CONTACT PERSON	ADDRESS/EMAIL ADDRESS	TELEPHONE NUMBER
1			
2			
3			
4			
5			

For the Proposer:

X \_\_\_\_\_

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

Title: \_\_\_\_\_

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



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**Form C – Financial Proposal Price Form**

***THIS MUST BE IN A SEPARATE, SEALED ENVELOPE***

The Town will weigh the proposed fee against the technical proposal. The Proposer offering the most competitive rates will be deemed highly advantageous.

- The Proposer will identify the fee and method of payment that they will require to develop this entire program on the Town's behalf.

Management and Advisement Fee: \$ \_\_\_\_\_

**Mitigation host agreement:**

1 sided board: \$ \_\_\_\_\_

2-sided board: \$ \_\_\_\_\_

**Additional Added Revenue:**

Sale of advertisements:

Each advertisement sold \$ \_\_\_\_\_

5 – 10 Advertisements \$ \_\_\_\_\_

11-15 Advertisements \$ \_\_\_\_\_

16 + Advertisements \$ \_\_\_\_\_

**Lease agreement - Town own land:**

Advising and negotiation assistance \$ \_\_\_\_\_

Proposer: \_\_\_\_\_

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

Name of Firm: \_\_\_\_\_

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

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BILLBOARD CONSULTING AND REVENUE ENHANCEMENT SERVICES**

Form D - Contract

**CONTRACTUAL AGREEMENT**

**ARTICLE 1**

**CONTRACTING PARTIES**

1. **THIS AGREEMENT** made effective by dated signature of the Parties hereto, by and between the

**Town of Foxborough**, and \_\_\_\_\_<sup>\*</sup>  
**[Contractor]**,

whose principal office address is:

\_\_\_\_\_  
\_\_\_\_\_

**ARTICLE 2**

**SUBJECT OF AGREEMENT**

2. **WHEREAS**, The Town of Foxborough desires to retain the Contractor to provide goods and/or services to the Town, and the Contractor is willing to accept such engagement, pursuant to the terms and conditions of this Agreement, including any Additional and Special Terms and Conditions listed in Exhibit C, and the following Request for Proposals **[RFP]**:

**RFP – Billboard Consulting and Revenue Enhancement Services.**

As it relates to provision of the items specified in and as hereinafter set forth.

3. **NOW, THEREFORE**, in consideration of the mutual covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**ARTICLE 3**

**ENGAGEMENT OF THE CONTRACTOR**

**3.1** The Town of Foxborough hereby engages the Contractor, and the Contractor hereby accepts the engagement, to provide goods to and/or perform certain services for the Town, as described in Article 2.

**3.2** In the performance of service under this Agreement, the Contractor acts at all times as an independent Contractor. There is no relationship of employment or agency between the Town, on the one hand, and the Contractor on the other, and neither party shall have nor exercise any control or direction over the method by which the other performs its work or functions aside from such control or directions as provided in this Agreement which the parties view as consistent with their independent Contractor relationship.

**ARTICLE 4**

**SERVICES OF THE CONTRACTOR**

**4.1** The Contractor will provide the goods and/or services as described in the RFP cited in Section 2 **[the Work]**.

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**4.2** The Contractor shall report, and be responsible, to the Town or its designee as set forth on Exhibit B.

**4.3** There shall be no modification to the list of goods, including substitutions of specific products offered in the Contractor's bid, or amendment of the scope of services provided for in this Agreement, without the prior written approval of the Town. The Town of Foxborough shall be under no obligation to pay for any goods or services not so authorized.

**4.4** The Contractor represents and warrants to the Town of Foxborough as follows:

**4.4.1** That it and all its personnel (whether employees, agents or independent Contractors) are qualified and duly licensed as required by law and/or local municipal code to provide the goods and/or services required by this Agreement.

**4.4.2** That it further agrees to perform services, including manufacturing, in a professional manner adhering to a reasonable standard of care and in accordance with all applicable State or Federal laws, rules and regulations.

**4.4.3** That it will obtain any and all permits, bonds, insurances and other items required for the proper and legal performance of the work.

**4.4.4** That it is not a party to any agreement, contract or understanding, which would in any way restrict or prohibit it from undertaking or performing its obligations hereunder in accordance with the terms and conditions of this Agreement.

**4.4.5** That it does not now, and will not during the term of this Agreement, conduct business with parties located in or supported by countries identified by the U.S. government as funding, harboring, supporting, promoting or otherwise facilitating terrorist organizations or activities, nor will it provide goods or services produced under such circumstances.

## **ARTICLE 5**

### **TERM**

**5.1** The term of this Agreement shall commence on the date of its execution by both parties and continue until its purpose is accomplished and acknowledged by formal acceptance and acknowledgment of the Contractor's performance by the Town of Foxborough, or until otherwise terminated as provided by this Agreement or the RFP. The Town at its sole discretion may exercise the options to renew for a term not to exceed three years in totality.

**5.2** The Contractor agrees to proceed with the Work promptly upon execution of this Agreement and to diligently and faithfully prosecute the Work to completion in accordance with the provisions hereof. The Contractor acknowledges that time is of the essence as it relates to performance under this Agreement.

## **ARTICLE 6**

### **PAYMENTS TO THE CONTRACTOR**

**6.1** Compensation due the Contractor shall be paid as specified in Form C – Bid Price Form.

## **ARTICLE 7**

### **TERMINATION**

**7.1** Either the Town of Foxborough or the Contractor may terminate this Agreement for

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cause upon written notice given by the non-defaulting party. For the purposes of this provision, "cause" shall include the failure of a party to fulfill its material duties hereunder in a timely and proper manner.

**7.2** The Town of Foxborough shall have the right to terminate this Agreement for its convenience upon ten (10) days written notice.

**7.3** Following termination of this Agreement, the parties shall be relieved of all further obligations hereunder except that:

**7.3.1** The Town shall remain liable for payments for the services and/or expenses of Contractor accrued prior to the effective date of the notice of termination in compliance with this Agreement (less all costs reasonably incurred by the Town as a result of the Contractor's default, if any), as determined by the Town, but for no other amounts including, without limitation, claims for lost profits on work not performed.

**7.3.2** The Contractor shall remain liable for any damages, expenses or liabilities arising under this Agreement (including its indemnity obligations) with respect to work performed pursuant to the Agreement.

## **ARTICLE 8**

### **INSURANCE AND INDEMNIFICATION**

**8.1** The Contractor agrees to indemnify, defend, and save harmless The Town of Foxborough from and against any and all manner of suits, claims, or demands arising out of any errors, acts, omissions or negligence of or by the Contractor (including all its employees or agents) in performing the **WORK**, or any breach of this Agreement. The Contractor shall reimburse the Town for any and all costs, damages and expenses, including reasonable attorney's fees, which the Town pays or becomes obligated to pay, by reason of such errors, acts, omissions, negligence or breach. The provisions of this Section shall be in addition to and not a limitation on any other rights and remedies available to the Town under this Agreement, at law or in equity.

**8.2** Before commencing **WORK**, the Contractor shall obtain, and shall maintain throughout the term of this Agreement, insurance at limits specified in the **RFP** and provide written documentation of such in the form specified in the **RFP**.

**8.3** The Contractor shall give the Town of Foxborough 20 days (twenty) written notice and copies of documentation in the event of any change or cancellation of coverage.

## **ARTICLE 9**

### **GENERAL PROVISIONS**

**9.1** Upon the expiration or termination of this Agreement for any reason, any data, drawings, specifications, reports, estimates, summaries and other work product which have been accumulated, developed or prepared by the Contractor (whether completed or in process) shall become the property of the Town of Foxborough. The Contractor shall immediately deliver or otherwise make available all such material to the Town.

**9.2** Neither party may assign, transfer or otherwise dispose of this Agreement or any of its rights hereunder or otherwise delegate any of its duties hereunder without the prior written consent of the other party. Any such attempted assignment or other disposition without such consent shall be null and void and of no force and effect.

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**9.3** Except as otherwise expressly provided in this Agreement, any decision or action by the town of Foxborough relating to this Agreement, its operation, or termination, shall be made only by the Town or its designated representative identified in **Exhibit B**.

**9.4** This Agreement, together with its **Exhibits**, the **RFP** referenced above and its **Addenda**, the required supplemental documents and any additional exhibits, constitute the entire agreement between the Town of Foxborough and the Contractor with respect to the matters set forth therein and may not be changed (amended, modified or terms waived) except by a writing signed by both parties. Any notices required or allowed shall be sent by receipt-verified mail, e-mail, fax or courier to the persons designated in **Exhibit B**.

**9.5** In the event any terms and conditions of this Agreement conflict with those contained in the **RFP** and its **Addenda**, the **RFP** and its **Addenda** shall prevail.

**9.6** This Agreement is governed by the laws of Massachusetts and shall be construed in accordance therewith.

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**ARTICLE 10**

**SIGNATURES**

**10.1 For the Town of Foxborough:**

        
Signature

        
Name

**Town Manager**  
Title

        
Date

**10.2 For the Contractor:**

        
\* Signature

        
\* Title

        
\* Name

        
\* Date

        
\* Company Name

        
\* Street/P.O. Box

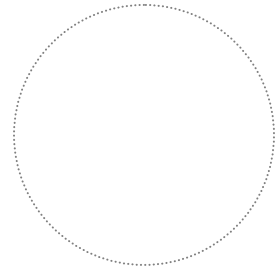
        
\* City, State, ZIP

        
\* Phone

        
\* Fax

        
\* e-mail

\* Affix Corporate Seal ⇔  
(or mark "n/a")



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**EXHIBIT A**

**List of Procured Items**

The following list contains all items procured through and subject to this contract.

<b>Item #</b>	<b>Description</b>
	<b>Billboard Consulting and Revenue Enhancement Services</b>

Initialed for:

Town of Foxborough: \_\_\_\_\_

\* Contractor: \_\_\_\_\_

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**EXHIBIT B**

**NOTICE ADDRESSES**

**A.1 For Town of Foxborough:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail

**A.2 For the Contractor:**

\_\_\_\_\_  
\* Name

\_\_\_\_\_  
\* Title

\_\_\_\_\_  
\* Street Address

\_\_\_\_\_  
\* City, State, ZIP

\_\_\_\_\_  
\* Phone

\_\_\_\_\_  
\* Fax

\_\_\_\_\_  
\* e-mail



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**EXHIBIT C**

**ADDITIONAL AND SPECIAL TERMS AND CONDITIONS**

The Town of Foxborough and the Contractor agree that the following additional and special conditions apply to and shall be held in full force and effect during the term of this contract:

Initialed for:

Town of Foxborough: \_\_\_\_\_

\* Contractor: \_\_\_\_\_

**EXHIBIT D**

**ATTACHMENTS**

**1.0 Request for Proposals – Billboard and Revenue Enhancement Services**

**2.0 Other Bid Documents:**

- **Form A: General Bid Form**
- **Form B: Statement of Competency**
- **Form C: Bid Price Form**
- **Form D: Contract**

**3.0 Other Documents:**

- **Insurance Certificate(s)**\_\_ (to be provided for contract execution)
- **W-9**
  
- **Workers Compensation Affidavits**