



Farmland Licensing Program – Request for Responses

The Nantucket Islands Land Bank (“NLB”) is soliciting Requests for Responses (“RFR”) from Farmers interested in pursuing agricultural activities on the NLB property located at portions of 160 & 168 Hummock Pond Road. Mt. Vernon Farm has been in continuous agricultural use from the 1850s to present. This prominent location has previously been used for various farming endeavors including the growing of vegetables and apples, production of dairy and meats, as well as the sale of livestock. With this diverse history of uses, the NLB is currently seeking proposals for any agriculture endeavors.

The selected Farmer will be expected to play a stewardship role and be a public representative of the Land Bank in managing this agricultural property. Preference will be given to farming proposals that articulate clear public benefits and respect the existing environmental conditions of the property as well as the aesthetic character of the area. Preference will be given to collaborative farming endeavors that incorporate multiple farmers or farm businesses.

Please be advised that any written proposal submitted to the Land Bank in response to this RFR will become public record and subject to disclosure upon request under the provisions of the Massachusetts Public Records Law.

1. RFR Release Date	March 30, 2023
2. Site Visit	April 10, 2023
3. Response Due Date	May 4, 2023
4. Proposal Review and Interview Period	May 8-19, 2023
5. Notification and Award Date	May 23, 2023
6. Agricultural Activities Begin	May 25, 2023

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1. Land Licensing Opportunity Summary

- a. Responses Sought For: The agricultural use of approximately 9+ acres located at 160 & 168 Hummock Pond Road, an agricultural property in Nantucket, Massachusetts.
- b. Overview and Goals: In furtherance of the agricultural component of the Nantucket Islands Land Bank's ("NLB") mission, this solicitation seeks to attract farming proposals aimed at increasing local food production on the island of Nantucket by making additional land available for agricultural use. The property is currently owned and under the care and control of the NLB.
- c. Eligible Applicants: Individuals or Entities that are principally and/or substantially engaged in the business of agriculture or farming for commercial purposes. The term "agriculture" or "farming" as used in this document is defined in accordance with the NLB's Agricultural Policy, appended hereto as **Attachment C**. An agreement may be reached with a single or multiple applicants. The NLB is seeking farmers who have dedicated a minimum of 3 years to the practice of agriculture.
- d. A site visit will be held on April 10, 2023 at 1pm
- e. Application Deadline: **May 4, 2023 by 4pm**
- f. Application Process: After submission, the Responses will be reviewed by a Committee appointed by Jesse Bell, Executive Director of the NLB. Responses will be assessed using a categorical grading system that includes the following tiers: *Highly Advantageous*, *Advantageous*, and *Not Advantageous*. The Committee will conduct in-person interviews with all candidates and may elect to invite a candidate or candidates for a walk-through on farm property to better understand their proposal. After all Responses have been fully reviewed and ranked, and references have been contacted, a recommendation reflecting the consensus of the Committee will be presented to the NLB Commission for a license award to the highest-ranking Response.
- g. Total Anticipated Duration of Contract: Five (5) years with the option to renew for additional five (5) year periods up to fifteen (15) years. In the case of termination of contract at the end of five (5) years, an updated Request for Response will be issued. In the case of consecutive renewals for up to fifteen (15) years from the initial date of the original license period, an updated Request for Response will be issued for the property.
- h. The selected Farmer shall be expected to comply with all applicable federal, state and local laws and regulations in the performance of their work.
- i. Contact Information:

Rachael Freeman
Director of Environmental and Agricultural Resources
Nantucket Islands Land Bank
Nantucket, MA 02554
508-228-7240; rfreeman@nantucketlandbank.org

j. This solicitation is not subject to or being undertaken pursuant to any of the procurement laws of the Commonwealth of Massachusetts, including, but not limited to, Chapters 30B or 149 of the General Laws.

2. Performance and Contract Specifications

a. Eligibility

Eligible Applicants:

Agricultural operations (as defined by the NLB Agricultural Policy) constitute activities performed by individuals and/or entities who are principally and substantially engaged in the business of production agriculture or farming for commercial purposes and:

- Are legally recognized entities within the Commonwealth and have the ability to enter a legally binding agreement with the NLB.

- Have demonstrated the capacity to implement and administer projects and programs as defined in the evaluative criteria of this RFR.

- If the applicant is not an individual doing business under his/her own name, the Response must describe the status of the organization (whether a non-profit or charitable institution, a partnership, a business association, or a joint venture) and indicate the jurisdiction under whose laws it is organized and operating.

Only Responses for agricultural uses which comply with the uses described in the NLB Agricultural Policy shall be considered as eligible.

Applicants are required to comply with all federal, state, and local statutes, regulations, ordinances, and bylaws applicable to the performance of their work.

Applicants who maintain existing agricultural operations shall be subject to a site visit with advance notice.

Applicants are required to be residents of the Commonwealth.

Ineligible Responses:

Responses from applicants whose operation is out of compliance with any programs, laws or regulations pertaining to agriculture.

Responses from applicants failing to meet requirements for previous or existing licenses, permits, certificates of approval, certificates of completion, including Agricultural

Preservation Restrictions and/or assistance programs or from applicants with poor past contract performance as determined by NLB in its sole discretion.

Responses for the growing of marijuana or hemp are not eligible.

b. Contract Specifications

Agricultural Field Descriptions:

Please refer to the attached plan for individual fields (**Attachment B**). All soil types and acreages are approximate.

All property and field information provided in **Attachment B** are provided for informational purposes only and NLB makes no guarantees or warranties concerning the condition of the property. Applicants are encouraged to familiarize themselves with existing conditions and independently inspect the property.

Condition of the Licensed Premises:

Applicants shall review and the selected Applicant (the “Licensee”) shall be subject to all terms and conditions contained in the License Agreement attached hereto as **Attachment D**. Submission of a Response constitutes an acknowledgment that the Licensee accepts the terms and conditions stated in the License as well as this Request for Responses.

Utilities:

The Licensed Premises are served by all utilities.

There is not an existing well. Installation of additional water lines or wells may be allowed with prior approval of NLB. Any payment for Town water (if utilized) shall be the sole responsibility of the Licensee(s).

If NLB (the “Licensor”) provides any utility system or service at the Licensed Premises or agrees to pay for the cost of any utility service, Licensor makes no representation or warranty whatsoever with respect thereto, including, without limitation, no representation or warranty as to the adequacy of the same for the purposes and use of Licensee.

Licensor shall not be responsible for any interruption in utility service.

Licensor may, at any time, require Licensee to contract directly with the supplier of such service.

Minimum Acceptable Rent:

No minimum rent has been established for the agricultural fields and/or license areas. All rents will be negotiated and determined based on the proposed use of the fields and license areas with the selected Licensee.

All rent shall be payable to the “Nantucket Islands Land Bank”.

c. Response Terms

Use Guidelines and Eligibility:

A license agreement will be negotiated and executed between the NLB and the selected applicant(s) to outline the terms and conditions of use. The License Agreement shall contain, at minimum, the terms set forth in **Attachment D**. The License Agreement shall be for a term of five (5) years with the option to renew for additional five (5) year periods up to fifteen (15) years.

Insurance:

Licensee shall keep in force, at Licensee’s sole cost and expense during the full term of this License and during such other times as Licensee occupies the Licensed Premises or any part thereof, the following insurance policies:

Comprehensive General Liability Insurance insuring Licensee against all claims and demands for personal injury or damage to property that may be claimed to have occurred upon or about the Licensed Premises.

Vehicle Liability Insurance covering each vehicle of Licensee entering the Licensed Premises.

Workers Compensation Insurance covering Licensee's employees upon the Licensed Premises in such amounts as are required by law.

All insurance coverage required shall be by standard policies obtained from financially sound and responsible insurance companies authorized to do business in Massachusetts.

Licensee shall provide to the NLB a Certificate of Insurance evidencing compliance with this provision prior to signing a License Agreement and upon the annual anniversary of the start date of the License.

In no case shall the limits of liability be less than the following:

1. Contractor's Liability Insurance

a. Workers' Compensation:

1. State: Statutory

2. Employer Liability:

\$_1,000,000_ Bodily Injury by Accident

\$_1,000,000_ Bodily Injury by Disease - policy limit

\$_1,000,000_ Bodily Injury by Disease - each

b. Commercial General Liability (including Premises-Operations; Independent Contractor's Protective; Products and Completed Operations; Broad Form Property Damage (including coverage for XCU hazards), Contractual Liability, and Personal Injury).

1. \$_1,000,000_ Each Occurrence

\$_2,000,000_ Aggregate (applies per project)

2. Products and Completed Operations insurance shall be maintained for a minimum period of 2 years after final payment and Contractor shall continue to provide evidence of such coverage to Owner on an annual basis during the aforementioned.

c. Comprehensive Automobile Liability (for all owned, non-owned, and hired vehicles entering the Licensed Premises) covering Bodily Injury and Property Damage:

1. \$_1,000,000_ Combined Single Limit – Each Accident

d. Umbrella Liability Coverage

\$_5,000,000_Each Occurrence/Aggregate.

Policy must provide follow form coverage and excess limits over Commercial General Liability, Automobile Liability, and Employers Liability

- e. Pollution Liability Coverage: Insurance with a limit of not less than \$1,000,000 per occurrence and in the aggregate. Policy should include coverage for ongoing and completed site operations, transportation incidents and non-owned disposal sites. It shall include coverage for liability and clean up expenses. Coverage under a “claims made” policy shall remain in effect for a period of two years after final completion of all work.

Except for Workmen's Compensation, all liability coverage shall name the Town of Nantucket and Nantucket Islands Land Bank as an additional insured and shall provide for 30 days prior written notice of any modification or termination of coverage provided thereby. The Contractor shall provide the Town of Nantucket and Nantucket Island Land Bank with appropriate certificate(s) of insurance evidencing compliance with this provision prior to the commencement of any work under this Agreement.

3. Instructions For Submission of a Response

- a. Evaluation Criteria: Each Response will be graded using the following standards as well as the specific criteria listed in **Attachment A: Applicant Response Form**.

Response complies with submission requirements and formatting template provided in this RFR and includes adequate supporting documentation.

Response includes agricultural activities which fall under the scope defined by the NLB Agricultural Policy attached as **Attachment C**.

Applicant is a resident of the Commonwealth.

The NLB recognizes the Town of Nantucket as a DEI community and values diversity in its agricultural licensing program. Accordingly, socially disadvantaged farmers, limited resource farmers, women, minorities, and veteran farmers are encouraged to submit a Response and indicate how they would contribute to promoting diversity in the program.

Applicant is a farmer who leases, owns or operates a farm or has historically been involved in agricultural operations.

Applicant has past experience and demonstrates knowledge and capacity (e.g. access to farm machinery, etc.) with land management for commercial agricultural purposes.

Applicant and all supporting staff engaged in the farming operation demonstrate a high level of proficiency in managing a farm in terms of skill/experience as documented in resume(s) and/or qualification statement(s) and/or references.

The Response clearly outlines a viable farm plan for commercial use of the property that includes stewardship of the land in a way that is consistent with NLB values and the character of the area.

Agricultural land use plan promotes sustainable agricultural practices and includes but is not limited to the following:

- Activities to improve the property for agricultural use (e.g. amendments for soil fertility, implementation of Best Management Practices (BMPs)).

- Provisions for soil conservation measures recommended by the County Conservation District and the Natural Resources Conservation Service (e.g. crop rotation, cover cropping).

- Commitment to minimizing pesticide use (e.g. implementation of an Integrated Pest Management Plan (IPM)).

- Intention to farm the property to its maximum possible commercial extent.

b. Response Submission Information Deadline

Responses must be received by mail, hand delivery, or electronically via email no later than **Thursday, May 4, 2023, at 4pm.**

All materials must be delivered to:

Rachael Freeman

Director of Environmental and Agricultural Resources

Nantucket Islands Land Bank

22 Broad Street

Nantucket, MA 02554

Telephone: 508-228-7240

Email: rfreeman@nantucketlandbank.org

c. Additional Required Documentation

If selected, the Respondent will be required to submit the following forms to complete the contract:

-A License Agreement which will be adapted to the specific license area and to reflect the terms agreed upon by the parties to accomplish the purposes of the RFR (**Attachment D**).

- Completed Certificate of Tax Compliance (**Attachment E**).

-Completed Certificate of Corporate Authority (**Attachment F**).

-A deposit of one year's rent in the form of a **certified** personal check, cashier's check, or money order made payable to: Nantucket Island's Land Bank.

Respondents are encouraged to review these forms prior to submission of a Response. They are available as attachments to this document.

4. Deadlines and Procurement Calendar

- a. Release of RFR: Thursday, March 30, 2023
- b. Site Visit: Thursday, April 10, 2023, 1pm
- c. Application Due Date: Thursday, May 4, 2023
- d. Estimated Award Date: Tuesday, May 23, 2023
- e. Estimated Contract Start Date: Thursday, May 25, 2023

5. Miscellaneous

- a. Type of Agreement: License
- b. RFR Distribution Method

This RFR has been made available via the NLB website at <https://www.nantucketlandbank.org/about/legal-notices/>

Respondents may not alter RFR language or any RFR component files. Those submitting a Response must respond in accordance with the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

- c. List of Attachments

1. Attachment A: Applicant Response Form
2. Attachment B: Property Description, License Areas and Use Areas
3. Attachment C: NLB Agricultural Policy
4. Attachment D: License to Operate a Farm at 160 & 168 Hummock Pond Road
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