

IFB for Personal Wireless Service Providers or Infrastructure Providers for Lease of Land to Construct and Operate a Wireless Facilities Tower

Background

After two unsuccessful prior iterations, five responses were received on 4/30/2024: Wireless EDGE, Allo Towers, Diamond Towers V LLC, Green Mountain Realty, Vertex Towers

Select Board minimum parameters were base rent at \$20,000/year, with a minimum annual escalator of 2.5% per year.

- All five respondents met the minimum financial parameters set by the Select Board.
- All met the high-level criteria for being *responsive*.
- The five criteria for *responsible* (demonstrated evidence of experience building/operating towers in MA, evidence of financial ability, list of 3 towers currently operating in MA, landlord detail, and other such information relevant to the bid) were met by three respondents.

The top three financially advantageous bidders' packages were compared, and the most financially advantageous respondent's package was reviewed in extensive detail, references checked, and lease exceptions cited in respondent's package were assessed by Isotrope.

On Monday, we had a follow-up call with the most financially advantageous respondent's President & CEO, and their National Tower Operations Manager. The intent was to discuss their lease exceptions (per David Maxant, 'de minimus'), and relay in the interests of full disclosure our recent discovery of a potentially competing Tower. They were amenable to proceeding.

Next Step

- ➔ The next step is a vote by the Select Board to enter into a lease with **Wireless EDGE** of Rhinebeck NY. This is the first step in a long process (relevant detail from IFB page 15 attached).
- Note that this vote is **not** to execute a lease (and all bids remain in full force and effect until lease execution).

- b. The Town also reserves the right to reject any or all bids, to accept any bid, or any part of a bid, to waive any informalities or to do anything else it deems to be in the best interest of the Town, including, but not limited to, a determination by the Town that any or all leasing pursuant to this IFB will not further the one or more of the Objectives set out in Section III above.

17. Bids Become Property of the Town

All bids and related materials submitted in response to the IFB shall become the property of the Town and will not be returned to bidders unless otherwise determined by the Town in its sole discretion.

VIII. Pre-Lease Process and Requirements

Select Board Vote Required

The grant of a Lease is contingent upon a vote by the Select Board. All bids shall remain in full force and effect until lease execution.

1. Site Plan Meeting and Balloon Test

Within fourteen (14) days of the selection of the Successful Bidder by the Town in accordance with the IFB, the Town will hold a site plan meeting at the Harvard Town Hall with the Successful Bidder regarding the development of a preliminary site plan. A balloon test shall be conducted proximate to the site plan meeting (before, during or after, as agreed between the parties).

2. Preliminary Site Plan

The Lessee shall no later than 30 days after Site Plan Meeting, prepare and provide to the Town a Preliminary Site Plan. The Preliminary Site Plan shall consist of a plot plan of the Site showing the existing and proposed locations and dimensions of the components of the Tower Facility including the Tower and common infrastructure, as well as any Wireless Facilities intending to occupy the Tower Facility on or near Lease Commencement. The preliminary plan shall also show the location of the Site on the Parcel, and the existing access and utility easements. A proposed driveway and utilities access route shall also be shown. Trees shall be mapped for girth, type and height and proposed tree removal shall be shown. Other factors affecting the siting of the Tower Facility, such as wetlands or ledge, shall be presented. Photo-simulations based on the balloon test shall be submitted with the Preliminary Site Plan. The Town shall make the final determination as to all matters and issues arising from the Preliminary Site Plan, consistent with the provisions of this IFB. This may require revisions to the Preliminary Site Plan for further discussion and approval prior to moving forward with the design process.

3. Execution of Lease After Vote By the Select Board

Subject and subsequent to a vote by the Select Board to enter into the Lease, the Successful Bidder shall execute a Lease substantially conforming to the one provided by the Town