

**HOUSE . . . . . No. 753**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to golf courses owned by the Commonwealth..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The commissioner of the division of capital asset management and  
2 maintenance, hereinafter referred to as the commissioner, on behalf of and in consultation with  
3 the department of conservation and recreation, hereinafter referred to as the department, is  
4 hereby authorized, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General  
5 Laws and section 54 of said chapter, and using such competitive proposal process as the  
6 commissioner of said division deems necessary or appropriate, to enter into lease or other  
7 agreements, for terms not to exceed 25 years, to provide for the continued use, operation,  
8 maintenance, repair and improvement of the following state-owned structures and facilities  
9 together with the land and appurtenances associated therewith: Ponkapoag Golf Course, Canton,  
10 and Leo J. Martin Memorial Golf Course, Weston, both of which hereinafter referred to as the  
11 properties.

12           Any such lease shall or agreement shall contain a provision requiring the lessee to carry  
13 comprehensive general liability insurance with the commonwealth named as a co-insured and

14 protecting the commonwealth against any and all personal injury or property damage on the land  
15 during the term of the lease.

16 Such leases and other agreements shall be on terms acceptable to the commissioner after  
17 consultation with the department, and notwithstanding any general or special law to the contrary,  
18 shall provide for the management, operation, improvement, repair, and maintenance of the  
19 properties. Any provisions in such leases or agreements relative to capital improvements to the  
20 properties shall include (i) a description of the required capital improvements and (ii)  
21 performance specifications. Such leases and other agreements shall provide that any benefits to  
22 the commonwealth and the costs of improvements and repairs made to the properties provided by  
23 the tenants or the recipients of the properties shall be taken into account in determining the  
24 amount of lease payments. The commissioner, in consultation with the department, shall  
25 structure each lease or other agreement to minimize disturbance of the current rights of any  
26 tenants who may currently use any part of properties, whether under a written lease or other  
27 arrangement. All consideration paid in connection with any lease of the properties shall be  
28 deposited in the General Fund. The lessees of the properties shall bear all costs deemed  
29 necessary or appropriate by the commissioner of the division of capital asset management and  
30 maintenance for the transaction, including, without limitation, all costs for legal work, survey,  
31 title and the preparation of plans and specifications.

32 The division of capital asset management and maintenance, in consultation with and on  
33 behalf of the department of conservation and recreation, shall solicit proposals through a request  
34 for proposals which shall include key contractual terms and conditions to be incorporated into  
35 the contract, including but not limited to (1) a comprehensive list of all golf courses operated by  
36 the responsive bidder in the last four years, (2) other facilities management or experience of the

37 responsive bidder, (3) other sports management experience of the responsive bidder, (4) a  
38 residential discount program, (5) reservation policies, (6) proposed reasonable rates that will  
39 ensure continued public access, (7) required financial audits, (8) policies to encourage use of the  
40 course by persons of all races and nationalities, (9) safety and security plans, (10) seasonal  
41 opening and closing dates, and (11) hours of operation.

42           The inspector general shall review and approve any request for proposal issued by the  
43 division before issuance.

44           The division, in consultation with the department, when evaluating proposals that are  
45 otherwise comparable, shall prefer any proposal to lease a course that is submitted by a city or  
46 town where the course is located.

47           It shall be a mandatory term of any request for proposals issued by the commissioner and  
48 of any contract entered into by the commonwealth with any party regarding the subject matter of  
49 this section that any party which has entered into a contract pursuant to this section with the  
50 commonwealth shall require, in order to maintain stable and productive labor relations and to  
51 avoid interruption of the operation of the courses and to preserve the safety and environmental  
52 conditions of those courses, that all employees currently working on the operation and  
53 maintenance of the courses be offered employment by any party entering into a contract pursuant  
54 to this section. Upon the execution of any agreements authorized by this section, the department  
55 of conservation and recreation shall reassign or relocate those employees who do not accept  
56 employment with the lesser, to comparable positions within the department subject to applicable  
57 collective bargaining agreements.

58           The provisions of any general or special law or rule or regulation relating to the  
59 advertising, bidding or award of contracts, to the procurement of services or to the construction  
60 and design of improvements shall not be applicable to any selected lessee which is awarded a  
61 contract pursuant to this section, except as provided in this section.