

SENATE No. 1424

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the Max Ulin rink..

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. Notwithstanding section 54 of chapter 7 of the General Laws, the division
2 of capital asset management and maintenance, on behalf of and in consultation with the
3 department of conservation and recreation, is hereby authorized, notwithstanding sections 40E to
4 40I, inclusive, of chapter 7 of the General Laws and using such competitive proposal process as
5 the commissioner of said division deems necessary or appropriate, to lease and enter into other
6 agreements, for terms not to exceed 20 years, to or with 1 or more offerors who participate in
7 that process, The Max Ulin Rink in the Town of Milton, so as to provide for the continued use,
8 operation, maintenance, repair and improvement of the Max Ulin Rink and facilities together
9 with the land and appurtenances associated therewith.

10 There shall be an option for renewal or extension for operations and maintenance services
11 not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the
12 division of capital asset management and maintenance in accordance with the original contract
13 terms and conditions or contract terms and conditions more favorable to the state. All leases
14 must contain a provision that requires the lessee to carry comprehensive general liability

insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the rink or on the land during the term of the lease.

Such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation, and, notwithstanding any general or special law to the contrary, shall provide for the lessees to manage, operate, improve, repair and maintain the properties. Any such leases or other arrangements requiring capital improvements to be made to any buildings or surface areas shall include a description of the required capital improvements and, at a minimum, performance specifications. Such leases and other agreements shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties provided by the tenants or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. The division, in consultation with the department, shall structure each lease or other agreement to minimize disturbance of the current rights of any tenants who may currently use any part of the rink or adjoining facilities, whether under a written lease or other arrangement. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

(b) The division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated

into the contract, including but not limited to (1) a comprehensive list of all rinks operated by the responsive bidder or offeror in the last four years, (2) other facilities management or experience of the responsive bidder or offeror, (3) other skating or hockey management experience of the responsive bidder or offeror, (4) a residential discount program, (5) reservation policies, (6) proposed reasonable rates that will ensure continued public access, (7) required financial audits, (8) policies to encourage use of the rink by persons of all races and nationalities, (9) safety and security plans, (10) seasonal opening and closing dates, (11) hours of operation and (12) how the operator will satisfy the following ice time allocation guidelines. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following priority order: general public skating; non-profit youth groups; school hockey; youth groups other than non-profit youth groups; and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, provided that general public skating shall be booked at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all