



March 15, 2010

Dear Interested Party,

This letter is in response to inquiries regarding the Max Ulin Rink in Milton. As you may know, the Department of Conservation and Recreation (DCR) recently solicited proposals from interested parties to manage and maintain five urban rinks (Flynn Memorial Rink and LoConte Memorial Rink in Medford, Shea Memorial Rink in Quincy, Ulin Memorial Rink in Milton, and Veterans Memorial Rink in Somerville) for use by the general public as well as skating and hockey organizations. Given the level of interest in these rinks and DCR's desire to ensure an open and informative public process, please consider the following information regarding the RFP process.

Currently, 29 of 43 state-owned rinks are operated by non-state entities. Of those 29 facilities, 19 are private operators, one is a non-profit organization, and nine are operated by municipalities. Rinks are managed under the state's uniform guidelines with public skating requirements, non-discriminatory access via mandatory ice schedule meetings, restrictions on fee increases, minimum maintenance and capital expenditure requirements, regular facility inspections by DCR, and insurance and performance bond requirements.

Leasing arrangements are competitive and transparent, with no cost to the taxpayer for capital improvements and facility management. Generally, an operator must invest an average of \$2.5 million in capital over the term of the lease. The current RFP does not require capital improvement as part of the lease agreement. Under the terms of all agreements, existing ice schedules are honored and priority is given to the following:

- 1.) Public skating
- 2.) Nonprofit youth groups
- 3.) School hockey
- 4.) Youth groups other than non-profit
- 5.) Adult organizations or informal groups

DCR also ensures that public skating hours are not reduced, and requires these facilities to provide a minimum of 12 hours per week in the urban rinks and 16 hours per week in state park rinks. On average, a leased rink operates five months longer than state-operated rinks with a longer skating season. As a result, these facilities provide more public skating hours on an annual basis.

With respect to the 14 remaining state-operated facilities, DCR issued a Request for Proposals on January 11, 2010, for five of these facilities, including Ulin Rink, inviting bidders the

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opportunity to enter into a five-year license arrangement for these rinks. The RFP contained a prequalification procedure that permitted any municipality wishing to be prequalified to submit an application to DCR no later than February 17, 2010.

On March 4, 2010, DCR extended the deadline for municipalities seeking pre-qualification to Monday, May 3, 2010, at 4 p.m. All other proposals are due Thursday, May 20, 2010 at 4 p.m. The deadline for submitting questions has been extended to Wednesday, April 21, 2010, and all previously posted dates for the other four rinks remain the same.

The RFP also includes certain contract provisions that ensure public access, ice availability, and a termination clause should DCR find neglect or failure to perform by the Permittee. Specifically, the "Mandatory Nonnegotiable Terms and Conditions" provision provides:

ALLOCATION OF ICE TIME TO USER GROUPS

1. Ice time at rinks shall be allocated to the following user groups listed in priority order: (i) general public skating; (ii) non-profit youth groups; (iii) school hockey; (iv) youth groups other than nonprofit groups; and (v) adult organizations or informal groups. Ice time may be allocated at the discretion of Permittee with the following restrictions: general public skating sessions must be scheduled, at a minimum, 16 hours per week, in two-hour increments, as follows: Monday - Friday, mornings; Saturday and Sunday, afternoons; if the foregoing does not encompass the requisite minimum of 16 hours per week (i.e., at least 6 two-hour sessions per week), such additional two-hour session(s) necessary to achieve the minimum general public skating session weekly requirement shall be scheduled by Permittee on such day(s) and at such time(s) as Permittee may reasonably determine.
2. The Permittee shall remit a public skating schedule each year for review and approval by the DCR.

ANNUAL PUBLIC ICE SCHEDULING MEETING

1. The Permittee shall host and lead an annual ice scheduling meeting at each rink during the month of May.
2. Said meeting shall be open to the public and must be conspicuously advertised at least one (1) month in advance and in not less than one (1) regional newspaper.
3. Comprehensive meeting notes shall be remitted to the DCR within one (1) week of said meeting.
4. A DCR representative may attend said meeting.

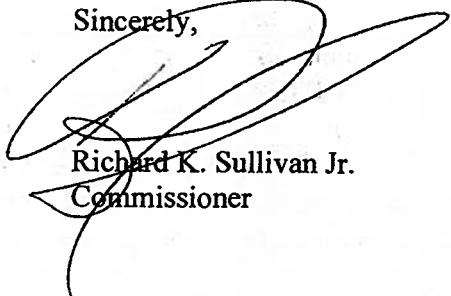
TERMINATION

1. Either party may terminate the agreement at will or for cause or for any reason given at law or pursuant to any term or condition of this agreement with thirty (30) days written notice to the other.
2. The Permittee hereby expressly agrees that neglect or failure to perform any of its agreements or obligations under the agreement shall be cause for termination in accordance with this section.
3. As the awarded agreement is a license, the DCR reserves the right to revoke said license at its discretion and request bids under a new RFP.

Since 2002, when the state began leasing the management of ice rinks to non-state entities, non-state operators have invested more than \$14 million in capital improvements to the rinks at no cost to taxpayers. These improvements have included energy conservation measures, new lighting and mechanical systems, and new ice slabs. Given the potential of the private sector to invest significant resources in skating rinks facilities that are vital to their local communities, DCR is seeking to expand this program to the Ulin Rink as well Flynn Memorial Rink and LoConte Memorial Rink in Medford, Shea Memorial Rink in Quincy, and Veterans Memorial Rink in Somerville. The total estimated annual operational cost savings for the Commonwealth for these five rinks based on the FY2009 season is approximately \$1.3 million (Ulin Rink = \$334,000/yr).

I hope you find this information helpful. If you have any questions or would like additional information, please contact me or DCR's Legislative Liaison, Dan Bertrand at 617-626-1390.

Sincerely,



Richard K. Sullivan Jr.
Commissioner