



**The Commonwealth of Massachusetts**  
**House of Representatives**  
State House, Boston 02133-1054

March 1, 2024

MassDevelopment  
Attn: President and CEO Dan Rivera  
99 High Street  
Boston, MA 02110

Re: New Bedford State Pier

Dear Dan:

We are writing in our role as the five House members who represent the City of New Bedford at the State House with regard to the re-issued RFP process for opportunities at DCR's New Bedford State Pier.

Now that the RFP submission date of February 28, 2024 has passed, a new stage begins in the review effort of the submissions you have received. We wanted to renew our requests since 2022 to you and the administration for a process in the coming weeks which will allow for the most complete public understanding, vetting and opportunity for stakeholder input about the future of the State Pier. While the process and steps used by MassDev under the prior administration lacked transparency, much less even disclosure of who the bidders were, that history need not be followed again.

We believe there is now a great opportunity to have a sound result in 2024 which is complementary to the diverse marine related uses which makes State Pier already an active part of our Port. To state the obvious, fishing industry needs, shipping, cold storage and ferry service to the islands already constitute the backbone of the State Pier uses, and any result from the new RFP should continue to reflect those critical elements of our port. In addition, our legislative enactments over the years in terms of other uses particularly on the west side of the property have given DCR and MassDev opportunities which have yet to be realized.



### **Public Disclosure by Respondents**

Our first recommendation to you is that MassDev immediately revoke the 'gag order' which was placed within the RFP on bidders to share their ideas with the public. Section 8.5 of the RFP contains the following unnecessary language:

No respondent shall hold any press conference, issue news releases, or make announcement concerning its position in this subject/process prior to MassDevelopment's public release of this information; thereafter any such press conference, release, or announcement shall be made only after obtaining the written approval of MassDevelopment.

Respectfully, you should not be the gate-keeper of what information is shared by respondents in a matter of great interest and moment involving the future of the Port of New Bedford. The submissions are in, the time period is closed and we see no legitimate public interest which is served by MassDev having the ability to lock down what is available to the stakeholders, public and even us as state legislators about this RFP.

Eliminating the MassDev imposed gag order on the respondents in no way relates to possible questions of trade secrets or proprietary financial information. By definition, the respondents would now be able to share or explain their proposals with their own interests presumably in mind. In other words, you do not have to worry about them in deciding what information about themselves or their project they want the public to know.

Your immediate correction on this matter is expected.

### **Public Engagement Process**

Our second request is that MassDev and the administration undertake a determined and serious public engagement effort to invite and permit public input regarding the submissions under the current RFP. A resolute public engagement process can only assist you in learning more about the nature of our port, its future opportunities and its current successes. A full schedule of public sessions with a publicly announced comment period would make this a complete process where the information could only enhance the outcome. For example, had such a process been employed in 2022 under the prior administration, the legal and technical deficiencies in prior submissions would have been promptly revealed and we would have saved two years in this effort.

There are other state agencies with much experience in public engagement process who we are sure can assist MassDev in how to proceed.

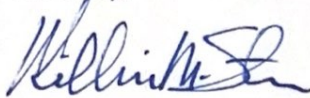
### **Technical and Legal Issues**



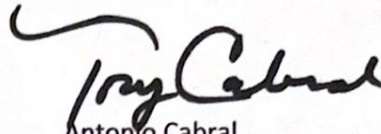
Since we do not know the specifics of the proposals you have received, we are not in a position to offer our views on their consistency with existing law. One issue worth flagging however, might arise (depending on the proposals) with regard to Section 6.4 of the RFP. That section is entitled 'Award of redevelopment rights'. We caution that MassDevelopment cannot award rights beyond what it possesses in State Pier, which is owned by DCR. On this point, depending on the nature of the responses you have received, we think you should be aware of the specific interplay among MassDev, DCR and DCAMM which we included in Section 58(a) and (b) of Chapter 228 of the Acts of 2018, (amended by Section 73 of Chapter 24 of the Acts of 2021). Without going too far into the weeds, MassDev may not have the rights at present, as are suggested in Section 6.4 of the RFP you issued.

We look forward to your response and would be happy to sit down with you to answer any questions you might have to these simple but important requests.

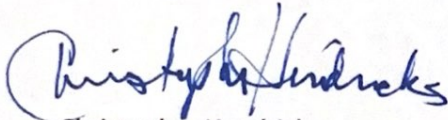
Sincerely,



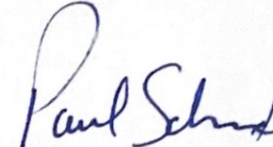
William Straus  
10<sup>th</sup> Bristol



Antonio Cabral  
13<sup>th</sup> Bristol



Christopher Hendricks  
11<sup>th</sup> Bristol



Paul Schmid  
8<sup>th</sup> Bristol



Christopher Markey  
9<sup>th</sup> Bristol

Cc: Secretary Yvonne Hao, Executive Office of Economic Development