

600-RICR-00-00-1

TITLE 600 – STATE PROPERTIES COMMITTEE

CHAPTER 00 – NA

SUBCHAPTER 00 – NA

PART 1 – Rules and Regulations of the State Properties Committee

1.1 GENERAL PROVISIONS

1.1.1 Purpose

The purpose of these rules and regulations is to establish standard rules of procedure and regulations for matters coming before for the State Properties Committee. These rules and regulations are intended to fulfil the directive set forth by R.I. Gen. Laws § 37-6-1 that the State Properties Committee act in cooperation with the departments, boards, bureaus, commissions, and agencies of the State for the purpose of acquiring, administering, and disposing of interests in land and other real property for the improvement of the administration of the State government, the advancement of commerce, and the protection and improvement of the health, welfare, and safety of the inhabitants of the State, and to preserve and protect the State’s interest in open space values in accordance with R.I. Gen. Laws § 42-17.9-7.

1.1.2 Authority

These rules and regulations are promulgated pursuant to R.I. Gen. Laws § 37-6-2(a).

1.1.3 Scope

Unless exempt by law, these rules and regulations shall apply to all departments, boards, bureaus, commissions, and agencies of the State for all matters over which the State Properties Committee has jurisdiction by statute or by practice.

1.1.4 Definitions

- A. Wherever used in these rules and regulations, the following terms shall be construed as follows unless the context in which they are used clearly requires a different meaning:
1. “Action” means the purchase, sale, lease, license, transfer, conveyance, or grant of easement of real property or any amendment of interest in State-owned property.

2. “Agency” means any department, division, unit, bureau, board, commission, council, committee, institution, or other entity established by the State not specifically exempted from the provisions of R.I. Gen. Laws § 37-6-1 *et seq.* and R.I. Gen. Laws § 37-7-1 *et seq.*
3. “Commerce Corporation” means the public corporation created and established pursuant to R.I. Gen. Laws § 42-64-4.
4. “Committee” or “State Properties Committee” means the committee established by R.I. Gen. Laws § 37-6-1.
5. “Director of Administration” means the head of the Department of Administration as established by R.I. Gen. Laws § 42-11-1.
6. “Division of Planning” means that division established by R.I. Gen. Laws § 42-11-10(b)(2).
7. “Executive Secretary” means the person assisting the State Properties Committee for administrative matters whose position is recognized by R.I. Gen. Laws § 36-4-2(a)(5)(x) or such person as otherwise designated by the Committee.
8. “Open space” means undeveloped or partially developed real property owned by an agency of the State of Rhode Island that includes, but is not limited to, the following: conservation land, forested land, wetlands, recreation land, agricultural land, critical habitat, recreational areas, management areas, and corridor parks. Such lands may include amenities such as small parks, green buffers along roadways, or any open area that is owned by an agency. While many parcels are specifically designated as open space, open space may also refer to undesignated, undeveloped land with particular conservation or recreation interest.
9. “Open space values” means interests established by law or by investment of public resources and shall include the natural resource, recreational, scenic, habitat and ecological, water supply, agricultural, soil conservation, and forestry values of lands, wetlands, and waters, acquired, preserved, conserved, and/or protected under the provisions of law.
10. “State Purchasing Agent” means the person appointed in accordance with R.I. Gen. Laws § 37-2-1. It also means any person with delegated authority in accordance with procedures prescribed by the State Purchasing Regulations, to enter into and administer contracts and make written determinations and findings with respect to contracts.
11. “State Purchasing Regulations” means those rules and regulations promulgated by or on behalf of the Director of Administration pursuant to R.I. Gen. Laws § 37-2-13.

12. "State" means the State of Rhode Island and Providence Plantations.

1.1.5 Construction and Severability

- A. These rules and regulations shall be broadly and liberally construed and applied to effectuate the proper administration of R.I. Gen. Laws § 37-6-1 *et seq.*, § 37-7-1 *et seq.*, and § 42-17.9-1 *et seq.*
- B. If any provision of these rules and regulations, or the application thereof to any person or circumstance, is deemed invalid by a court of competent jurisdiction, the validity of the remainder of these rules and regulations shall not be affected thereby.

1.1.6 Standard Forms

The Committee is authorized to establish, amend, and repeal standard forms. The Committee may direct and require agencies to submit information, certifications, and/or other records to the Committee through the utilization of standard forms.

1.1.7 Standard Notice to Interested Parties

Whenever an agency is soliciting proposals or bids from or is engaged in negotiations with interested parties, it shall communicate to all interested parties that no action is final until approved by the Committee.

1.2 ACQUISITION OF LAND, SPACE, OR OTHER REAL PROPERTY BY LEASE

No agency shall become a lessee of land, space or other real property unless said action is approved by the Committee.

1.2.1 Assessment of Need and Survey of Available and Suitable State Property

- A. The agency must prepare a needs statement setting forth in writing all factors relevant to its assessment, including but not limited to:
 - 1. The amount of land, space and/or other real property necessary;
 - 2. The level of finish desired for any interior space;
 - 3. Location requirements;
 - 4. Utility needs or requirements; and
 - 5. Any special needs or requirements.

- B. The agency shall determine whether land, space, or other real property under its control or under the control of other agencies is suitable to its needs and available.

1.2.2 Notice to the Rhode Island Commerce Corporation

To satisfy the requirements of R.I. Gen. Laws § 37-6-6, the agency shall give written notice to the Commerce Corporation of its intent to lease land, space or other real property and shall afford the Commerce Corporation with not less than seven (7) business days from the date of the notice to reply. The Commerce Corporation may provide the agency with a recommendation or it may request additional time to conduct a study and/or make a recommendation. If the Commerce Corporation fails to reply to the agency within seven (7) business days or other due date as determined by the agency, it shall constitute a waiver of the Commerce Corporation's opportunity to provide a recommendation on the proposed action.

1.2.3 Preliminary Review

- A. The agency shall request to come before the Committee for a preliminary review of a proposed action to lease.
- B. An agency's request for a preliminary review must include the following records which shall be submitted to the Committee:
 - 1. A written request for preliminary review;
 - 2. A copy of the agency's needs statement;
 - 3. The results of the agency's consideration to utilize available and suitable land, space, or other real property owned by or under the control of the State;
 - 4. Evidence that the Commerce Corporation was notified of the intent to lease land, space, or other real property and any response from the Commerce Corporation; and
 - 5. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following receipt of a written request made by the agency, the Committee may, in its sole discretion, waive the preliminary review of the proposed action.
- D. Following the satisfactory submission of all appropriate records and information, the Committee shall conduct a preliminary review of the proposed action and may provide the agency with substantive and/or procedural guidance for the completion of the leasing process.

1.2.4 Solicitation and Evaluation of Proposals

- A. Unless the agency or the agency's particular transaction is exempt from complying with the State Purchasing Regulations pursuant to 220-RICR-30-00-1.2(B), all solicitations to procure land, space, and/or other real property by lease shall be issued by the Division of Purchases on behalf of the agency in accordance with 220-RICR-30-00-5 or issued in a manner otherwise approved in writing by the Chief Purchasing Officer.
- B. If the agency or the agency's particular transaction is exempt from complying with the State Purchasing Regulations pursuant to 220-RICR-30-00-1.2(B), all solicitations to procure land, space, and/or other real property by lease shall be issued in a manner that adheres to the general principles, policies, and practices set forth in R.I. Gen. Laws § 37-2-1 *et seq.*
- C. The Committee is authorized to direct agencies to include certain terms or provisions within a solicitation.
- D. As part of its evaluation of proposals, the agency must utilize the siting criteria set forth in R.I. Gen. Laws § 37-6-2(b).
- E. To comply with R.I. Gen. Laws § 37-6-2(b)(4), for the lease of office space only, the agency shall request an evaluation by the Division of Planning. The agency shall give written notice to the Division of Planning of its preferred leasing proposal and shall afford the Division of Planning with not less than seven (7) business days from the date of the notice to reply. The Division of Planning may provide the agency with the results of its evaluation or it may request additional time to complete an evaluation. If the Division of Planning fails to reply within seven (7) business days or other due date as determined by the agency, it shall constitute a waiver of the Division of Planning's opportunity to evaluate the proposed action.

1.2.5 Federal Funding Agency Notification

- A. If the agency anticipates utilizing federal funds, either in full or in part, to make lease payments and the receipt or utilization of such federal funds is conditioned upon the agency satisfying certain federal requirements, the agency shall provide the appropriate federal official or federal grant officer with a copy of the solicitation and the proposal that agency recommends.
- B. Upon request by the Committee, the agency shall provide the Committee with a summary of the requirements and assurance that the agency has fulfilled or is fulfilling such requirements.

1.2.6 Long-term Leases

- A. If the proposed action requires approval of a resolution by the General Assembly pursuant to R.I. Gen. Laws § 37-6-2(d), the agency shall request that the Committee submit a resolution to the General Assembly. As part of its request, the agency must submit the following information to the Committee:
1. Information relating to the purpose of the lease agreement;
 2. The agency's current lease costs;
 3. The expiration date of any present lease agreement;
 4. The range of costs of a new lease agreement;
 5. The proposed term of a new lease agreement; and
 6. The location and owner of the desired property.

1.2.7 Certification of Good Standing and Disqualification for Tax Delinquency

- A. All prospective lessors and other individuals and entities who intend to enter into a lease agreement with the State shall provide the agency with a certificate (letter) of good standing issued by State Tax Administrator.
- B. All prospective lessors and other individuals and entities who intend to enter into a lease agreement with the State shall provide the agency with certification that, in regard to the property that is the subject matter of the lease agreement, all property taxes owed to the city or town in which the property is located are current or will be current at the time of execution of the lease agreement.
- C. Any prospective lessor or other individual or entity who is unable to certify that he or she or it is in good standing in regard to State taxes and, in regards to the property that is the subject of the lease agreement, certify that all local property taxes are current shall be disqualified from entering into a lease agreement with the State; provided, however, that the Committee may waive this requirement under the following circumstances and the Committee may require additional safeguard provisions be incorporated into the lease agreement:
1. The prospective lessor or other individual or entity who would otherwise be disqualified from entering into a lease agreement with the State submits a sworn statement setting forth a truthful listing of all taxes alleged to be owed on the property, together with proposed schedules of payment of said taxes. The payment schedule must be approved, in writing, by the appropriate authority of the city or town that is owed the taxes. Said payment schedule shall be incorporated into the lease agreement, and, in the event that the contracting party shall fail to comply with the schedule the contracting party shall notify the Director of Administration and the State may, in its sole discretion, rescind the lease agreement with no

penalty to the State, or make payments to the city or town on behalf of the contracting party in accordance with the proposed schedule, said payments to be in lieu of any payments that would otherwise be due the contracting party, or both; or

2. The prospective lessor or other individual or entity who would otherwise be disqualified from entering into a lease agreement with the State submits a sworn statement that any taxes owed are the subject matter of a timely tax appeal, specifying the amount of tax, the nature of the dispute, and the status of the tax appeal. Said statement shall further acknowledge that in the event the contracting party does not prevail in the appeal, the contracting party agrees to timely pay to the State, city, or town all taxes adjudged to be due and owing.

1.2.8 Request for Approval of Lease

- A. The agency shall request to come before the Committee for approval to lease land, space, or other real property. An agency's request for approval shall not be submitted until the agency is satisfied that an acceptable lease agreement has been agreed to by the agency and the prospective lessor(s), and that all applicable conditions required by §§ 1.2.1 through 1.2.7 of this Part have been met.
- B. An agency's request for approval must include the following records which shall be submitted to the Committee:
 1. A written request for approval;
 2. Any updates to the records submitted as part of the preliminary review;
 3. A copy of the selected proposal;
 4. The agency's evaluation of the proposal including an explanation of the rating system used and documentation as to scoring;
 5. The proposed lease agreement of which the agency is seeking Committee approval;
 6. For the lease of office space only, evidence that the Division of Planning was requested to participate in the evaluation and any response from the Division of Planning;
 7. Any substantive written communications between the agency, or the Division of Purchases or other purchasing unit acting on behalf of the agency, and the prospective lessor(s);

8. Certification of no conflict of interest for every State employee who has acted or is in acting in the selection of the site;
 9. Certificate of disclosure disclosing the information of the lessor(s);
 10. Certificate of authority, if the lessor is a corporation, partnership, or other entity, showing that the person executing the lease agreement on behalf of the lessor is duly authorized to bind the entity;
 11. Certificate (letter) of good standing for all lessors issued by the State Tax Administrator;
 12. Certification of local property tax compliance that demonstrates that all property taxes linked to any property being leased are current;
 13. Evidence of insurance, identifying authorized insurer, with coverage in amount and type as required by the Committee.
 14. Evidence and/or assurances demonstrating agency compliance with federal funding conditions;
 15. Certificate of compliance with accessibility for people with disabilities, in conformity with R.I. Gen. Laws § 37-8-15.1, or a waiver of said law granted by the Governor's Commission on Disabilities, and the Building Commissioner's certification of conformance with the remaining sections of the accessibility standard;
 16. Copy of any applicable resolutions approved by the General Assembly; and
 17. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether the agency has demonstrated that the proposed lease is necessary or advantageous to the establishment, acquisition, construction, development, betterment, or maintenance of any governmental facility, public work, or public improvement and whether approval of the proposed action is in the best interest of the State.
- D. If the Committee votes to approve the proposed action, the Committee will provide the agency with certification attesting to its approval.
- E. In addition to the Committee's approval of the proposed action, the lease agreement as executed by the agency and the lessor(s) must be approved as to

substance by the Director of Administration and approved as to form by the Attorney General prior to becoming valid.

1.2.9 Electronic Copy of Executed Leases

- A. In order to comply with R.I. Gen. Laws § 37-6-30, the agency shall provide the Executive Secretary with an electronic copy of the executed lease within three (3) business days of execution. In addition, the agency shall provide the Executive Secretary with indexing information including the following:
1. The name and address of the lessee;
 2. The name and address of the lessor;
 3. The address of the property being leased;
 4. The date the lease begins;
 5. The date the lease was approved by the Committee; and
 6. The date the lease expires.

1.3 ACQUISITION OF LAND OR OTHER REAL PROPERTY INTEREST BY PURCHASE, GIFT, DEVISE, OR CONDEMNATION

No agency shall acquire land, or other real property interest in the name of the State by purchase, gift, devise, or condemnation unless said action is approved by the Committee.

1.3.1 Valuation of Land

- A. The agency shall perform a real estate valuation for property interests proposed to be acquired in accordance with the following.
1. For all proposed acquisitions, except acquisitions by gift or devise or by transfer from a governmental entity, the agency shall obtain a real estate appraisal of the land or other real property interest to be acquired by the State. The appraisal shall be prepared by an appraiser who is certified by the State in accordance with R.I. Gen. Laws § 5-20.7-1 *et seq.* Upon request by the Committee, the agency shall obtain an appraisal to be conducted by an appraiser who is not an employee of the agency.
 2. For all proposed acquisitions by gift or devise or by transfer from a governmental entity, the agency shall provide the Committee with an estimate of value determined by a current municipal tax assessment or other documentation satisfactory to the Committee.

3. Upon request by the agency, the Committee may waive or loosen the appraisal requirements if it is in the best interest of the State.

1.3.2 Notice to the Commerce Corporation

- A. To satisfy the requirements of R.I. Gen. Laws § 37-6-6, and subject to § 1.3.2(B) of this Part, the agency shall give written notice to the Commerce Corporation of its intent to acquire land or other real property by purchase, gift, devise, or condemnation and shall afford the Commerce Corporation with not less than seven (7) business days from the date of the notice to reply. The Commerce Corporation may provide the agency with a recommendation or it may request additional time to conduct a study and/or make a recommendation. If the Commerce Corporation fails to reply to the agency within seven (7) business days or other due date as determined by the agency, it shall constitute a waiver of the Commerce Corporation's opportunity to provide a recommendation on the proposed action.
- B. The agency is not required to give notice the Commerce Corporation for acquisition by condemnation.

1.3.3 Authority to Acquire Property Interest by Condemnation

- A. For proposed acquisition of land or other real property interests by condemnation, the agency shall request to come before the Committee for authorization to commence acquisition by condemnation proceedings to be conducted in accordance with R.I. Gen. Laws § 37-6-13 *et seq.* An agency's request for authorization shall not be submitted to the Committee until all applicable conditions required by § 1.3.1 of this Part have been met.
- B. An agency's request for authorization must include the following records which shall be submitted to the Committee:
 1. A written request for authorization;
 2. A summary of the agency's valuation findings including any appraisal results;
 3. The proposed funding sources and amounts;
 4. An explanation of the purpose of the acquisition;
 5. Aerial photographs, dimensional site maps, locus maps, and/or other documentation that clearly displays the size, location, and condition of the subject property; and
 6. Any other information and/or records requested by the Committee that are reasonably necessary for its review.

- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. For condemnation for road purposes or for the construction of State office buildings, the Committee shall consider whether the request conforms to statutory requirements provided by R.I. Gen. Laws § 37-6-13 *et seq.* For condemnation for all other purposes, the Committee shall consider whether the agency has demonstrated that the proposed acquisition is necessary or advantageous to the establishment, acquisition, construction, development, betterment, or maintenance of any governmental facility, public work, or public improvement and whether authorization for condemnation is in the best interest of the State.
- D. Within six (6) months after the Committee has authorized condemnation proceedings, the agency shall file the necessary documentation in accordance with R.I. Gen. Laws § 37-6-14.
- E. When condemnation is authorized by the Committee, the agency shall not be required to come before the Committee other than for final approval of the action or as otherwise required by the condemnation proceedings set forth by R.I. Gen. Laws § 37-6-13 *et seq.*

1.3.4 Request for Approval of Purchase and Sales Agreement

- A. Subject to §§ 1.3.3(E) and 1.3.4(B) of this Part, the agency shall request to come before the Committee for approval of a purchase and sales agreement. An agency's request for approval shall not be submitted to the Committee until the agency is satisfied that an acceptable purchase and sales agreement has been agreed to by the agency and the prospective seller(s), and that all applicable conditions required by §§ 1.3.1 and 1.3.2 of this Part have been met.
- B. In the event an agency is exempt from obtaining the Committee's approval of a purchase and sales agreement as a condition of a federal or State grant, the agency shall notify the Committee of its exemption.
- C. An agency's request for approval of a purchase and sales agreement must include the following records which shall be submitted to the Committee:
 - 1. A written request for approval of a purchase and sales agreement;
 - 2. The purchase and sales agreement of which the agency is seeking Committee approval;
 - 3. A summary of the agency's valuation findings including appraisal results;
 - 4. Evidence that the Commerce Corporation was notified of the intent to acquire land or other real property and any response from the Commerce Corporation;

5. The proposed funding sources and amounts;
 6. An explanation of the purpose of the acquisition;
 7. Aerial photographs, dimensional site maps, locus maps, and/or other documentation that clearly displays the size, location, and condition of the subject property;
 8. Certification of no conflict of interest for every State employee who has acted or is in acting in the selection of the site;
 9. Certificate of disclosure disclosing the information of the seller(s);
 10. Certificate of authority, if the seller is a corporation, partnership, or other entity, showing that the person executing the purchase and sales agreement on behalf of the seller is duly authorized to bind the entity; and
 11. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- D. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether the agency has demonstrated that the proposed acquisition is necessary or advantageous to the establishment, acquisition, construction, development, betterment, or maintenance of any governmental facility, public work, or public improvement and whether approval of the purchase and sales agreement is in the best interest of the State.
- E. If the Committee votes to approve the proposed action, the agency may continue the process to acquire the land or other real property interest in accordance with the terms and conditions of the purchase and sales agreement.

1.3.5 Title Examination

The agency shall have a title examination of the property performed to determine that all rights intended for purchase by the State are sufficiently provided for by the seller. This requirement may be waived by the Committee for good cause.

1.3.6 Survey

The agency shall perform a property survey that meets a Class I Survey standard as set forth in the rules and regulations as established, and as may be amended from time to time, by the Board of Registration for Professional Land Surveyors pursuant to R.I. Gen. Laws § 5-8.1-4. This requirement may be waived by the Committee in instances where the property acquisition is by gift or devise or for other good cause.

1.3.7 Request for Approval of Acquisition

- A. The agency shall request to come before the Committee for approval to acquire land or other real property interests. An agency's request for approval shall not be submitted to the Committee until all applicable conditions required by §§ 1.3.1 through 1.3.6 of this Part have been met.
- B. An agency's request for approval must include the following records which shall be submitted to the Committee:
 - 1. A written request for approval;
 - 2. The legal acquisition document(s) (deed, conservation easement, deed to development rights, etc.) of which the agency is seeking Committee approval;
 - 3. Any updates to the records submitted in connection with the Committee's approval of a purchase and sales agreement;
 - 4. A copy of the title insurance commitment and other relevant title insurance documents;
 - 5. The results of any surveys; and
 - 6. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether the agency has demonstrated that the proposed acquisition is necessary or advantageous to the establishment, acquisition, construction, development, betterment, or maintenance of any governmental facility, public work, or public improvement and whether approval of the proposed action is in the best interest of the State.
- D. If the Committee votes to approve the proposed action, the Committee will provide the agency with certification attesting to its approval.
- E. In addition to the Committee's approval of the proposed action, the legal acquisition documents as executed by the agency and the seller(s) must be approved as to substance by the Director of Administration and approved as to form by the Attorney General prior to becoming valid.

1.3.8 Copy of Legal Acquisition Documents

The agency shall provide the Executive Secretary with an electronic copy of the executed legal acquisition documents within three (3) business days of execution or, if applicable, recording.

1.4 CONVEYANCE OF STATE-OWNED LAND, SPACE, OR OTHER REAL PROPERTY BY LEASE

No agency shall become a lessor of land, space, or other real property unless said action is approved by the Committee.

1.4.1 Notice to the Commerce Corporation

To satisfy the requirements of R.I. Gen. Laws § 37-6-6, the agency shall give written notice to the Commerce Corporation of its intent to make available by lease land, space, or other real property and shall afford the Commerce Corporation with not less than seven (7) business days from the date of the notice to reply. The Commerce Corporation may provide the agency with a recommendation or it may request additional time to conduct a study and/or make a recommendation. If the Commerce Corporation fails to reply to the agency within seven (7) business days or other due date as determined by the agency, it shall constitute a waiver of the Commerce Corporation's opportunity to provide a recommendation on the proposed action.

1.4.2 Open Space and Natural Resources Value Evaluation

For proposed leases for a period greater than one year, the agency, except when exempt by law, shall conduct an open space and natural resources values evaluation consistent with "Rules and Regulations Governing the Preservation and Protection of State Open Space" or other such rules as promulgated by the Department of Environmental Management in furtherance of the Preservation of State Open Space Act as set forth in R.I. Gen. Laws § 42-17.9-1 *et seq.*

1.4.3 Preliminary Review

- A. The agency shall request to come before the Committee for a preliminary review of a proposed action to make available by lease land, space, or other real property.
- B. An agency's request for a preliminary review must include the following records which shall be submitted to the Committee:
 - 1. A written request for preliminary review;
 - 2. Evidence that the Commerce Corporation was notified of the intent to make available by lease land, space, or other real property and any response from the Commerce Corporation; and

3. For proposed leases for a period greater than one year, a copy of the open space and natural resources values evaluation as set forth in § 1.4.2 of this Part;
 4. An appraisal or other determination of value if available;
 5. Any evidence of previous encroachment on the subject property for private use without prior authorization from the State.
 6. Indication of the process that the agency intends to utilize to solicit a lessee, and if the agency is seeking a non-competitive process, it must include a written explanation as to why it determined that it would be in the best interest and convenience of the public and the State to utilize a non-competitive process; and
 7. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following receipt of a written request made by the agency, the Committee may, in its sole discretion, waive the preliminary review of the proposed action.
- D. Following the satisfactory submission of all appropriate records and information, the Committee shall conduct a preliminary review of the proposed action and may provide the agency with substantive and/or procedural guidance for the completion of the leasing process.

1.4.4 Notification to Prior Owner and Municipality for Property Acquired by Condemnation

- A. If the land, space, or other real property proposed to be leased was taken by condemnation, the agency is responsible for satisfying the requirements of R.I. Gen. Laws § 37-7-3, including notice provisions. To satisfy the notice provisions, the following actions must be taken:
1. The agency shall give written notice by registered or certified mail to the person or persons, if living, in whom the title to the property was vested at the time of the taking of its intent to lease the property and offer the person or persons the same terms and conditions of the intended lease, subject to any conditions, stipulations, or restrictions as may be imposed by the Committee. The person or persons shall have thirty (30) days from the date of mailing to accept the offer or his or her or their right to lease the property shall be deemed waived.
 2. The agency shall give written notice by registered or certified mail to the city or town clerk and to the chief executive officer of the municipality in which the property is located of its intent to lease the property and offer the municipality the same terms and conditions of the intended lease,

subject to any conditions, stipulations, or restrictions as may be imposed by the Committee and subject to the first right held by the person or persons, if living, in whom the title to the property was vested at the time of the taking. The municipality shall have thirty (30) days from the date of mailing to accept the offer or its right to lease the property shall be deemed waived.

- B. Certain properties may be restricted to or dedicated for a specific use or purpose by statute or as a condition of the funding used to acquire the property. The Committee recognizes that in these instances, the property is not available for general lease and therefore such properties are exempted from the requirements set forth by § 1.4.4(A) of this Part.

1.4.5 Solicitation of Lessee

- A. In order to provide a competitive and fair process, agencies seeking to lease property shall utilize an invitation to bid or request for proposals or other competitive process to solicit interest from potential lessees. Request for proposals shall be used in all cases where the highest offer is not the sole or primary consideration for determining a selection. All solicitations must conform to the State Purchasing Regulations and other terms as may be required by the Committee.
- B. Notwithstanding § 1.4.5(A) of this Part, the agency may seek a non-competitive lease if the agency determines that it would be in the best interest and convenience of the public and the State to do so. The agency shall consider the following when determining the appropriateness of a non-competitive lease:
 - 1. Whether due to size, location, configuration, or other physical or legal restrictions, the subject property could not be of use to more than one potential contracting party;
 - 2. Whether the cost of preparing a request for proposals is excessive in relation to the proposed lease; and
 - 3. Whether, in the absence of a request for proposals, the public's confidence in the integrity of the leasing process is likely to be eroded.

1.4.6 Additional Assessment for Encroachment

- A. When there is reasonable evidence of previous encroachment on State-owned property for private use, without prior authorization from the State, a one-time ten percent (10%) charge of the appraised annual fair market rent of the property may be assessed to the tenant or prospective lessee and shall be payable as part of the first month's rent or as otherwise agreed upon by the parties, subject to §§ 1.4.6(B) and (C) of this Part.

- B. The Committee shall have the discretion to reduce this amount, in whole or in part, in recognition of one or more of the following mitigating circumstances:
1. That the encroachment does not involve physical improvements such as construction of structures, signage, or paved parking;
 2. That the encroachment has been in place for a limited period of time, and/or it is considered likely that the property owner now seeking the lease was unaware of the encroachment onto State property;
 3. That an encroachment onto a land abutting a State highway involves the maintenance of a landscaping amenity that would be considered an area improvement and one that relieves Department of Transportation staff of maintenance responsibilities; or
 4. For other good cause.
- C. The Committee shall have the discretion to increase this amount, in whole or in part, in situations where the encroachment on State-owned property is particularly egregious and/or has continued after the abutting owner had been instructed to discontinue use of such State-owned property for private purposes.
- D. In no event shall a payment of or willingness or refusal to pay a one-time charge assessed by the Committee pursuant to this section be construed as to deprive the State or any aggrieved party of any legal remedy that may exist in law or in equity. Furthermore, in no event shall any payment of or willingness to pay a one-time charge assessed by the Committee pursuant to this section be construed as an admission of guilt.

1.4.7 Request for Approval to Grant a Lease

- A. The agency shall request to come before the Committee for approval to grant a lease of land, space, or other real property. An agency's request for approval shall not be submitted to the Committee until the agency is satisfied that an acceptable lease agreement has been agreed to by the agency and the prospective lessee(s), and that all applicable conditions required by §§ 1.4.1 through 1.4.5 of this Part have been met.
- B. An agency's request for approval must include the following records which shall be submitted to the Committee:
1. A written request for approval;
 2. For proposed leasing of property that was acquired by condemnation, the results of the agency's notification to the prior owner(s) and the municipality in which the property is located;

3. The proposed lease agreement of which the agency is seeking Committee approval;
 4. Any updates to the records submitted as part of the preliminary review;
 5. Certificate of disclosure disclosing the information of the lessee(s);
 6. Certificate of authority, if the lessee is a corporation, partnership, or other entity, showing that the person executing the lease agreement on behalf of the lessee is duly authorized to bind the entity; and
 7. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether the property to be leased is currently surplus to State needs; whether approval of the action is advantageous to the public and in the best interest of the State; and whether the proposed action is consistent with the provisions of R.I. Gen. Laws § 42-17.9-1 *et seq.*
- D. If the Committee votes to approve the proposed action, the Committee will provide the agency with certification attesting to its approval.
- E. In addition to the Committee's approval of the proposed action, the lease agreement as executed by the agency and the lessee(s) must be approved as to substance by the Director of Administration and approved as to form by the Attorney General prior to becoming valid.

1.4.8 Electronic Copy of Executed Leases

- A. In order to comply with R.I. Gen. Laws § 37-6-30, the agency shall provide the Executive Secretary with an electronic copy of the executed lease within three (3) business days of execution. In addition, the agency shall provide the Executive Secretary with indexing information including the following:
1. The name and address of the lessee;
 2. The name and address of the lessor;
 3. The address of the property being leased;
 4. The date the lease begins;
 5. The date the lease was approved by the Committee; and
 6. The date the lease expires.

1.5 LICENSE TO USE STATE-OWNED LAND, SPACE, OR OTHER REAL PROPERTY BY LICENSE

No agency shall grant a license for the use of land, space, or other real property unless said action is approved by the Committee.

1.5.1 Notice to the Rhode Island Commerce Corporation

- A. To satisfy the requirements of R.I. Gen. Laws § 37-6-6, and subject to § 1.5.1(B) of this Part, the agency shall give written notice to the Commerce Corporation of its intent to license land, space, or other real property and shall afford the Commerce Corporation with not less than seven (7) business days from the date of the notice to reply. The Commerce Corporation may provide the agency with a recommendation or it may request additional time to conduct a study and/or make a recommendation. If the Commerce Corporation fails to reply to the agency within seven (7) business days or other due date as determined by the agency, it shall constitute a waiver of the Commerce Corporation's opportunity to provide a recommendation on the proposed action.
- B. The agency is not required to give notice the Commerce Corporation for licenses terminable by will.

1.5.2 Open Space and Natural Resources Value Evaluation

For proposed licenses for a period greater than one year, the agency shall conduct an open space and natural resources values evaluation consistent with "Rules and Regulations Governing the Preservation and Protection of State Open Space" or other such rules as promulgated by the Department of Environmental Management in furtherance of the Preservation of State Open Space Act as set forth in R.I. Gen. Laws § 42-17.9-1 *et seq.*

1.5.3 Additional Assessment for Encroachment

- A. When there is reasonable evidence of previous encroachment on State-owned property for private use, without prior authorization from the State, a one-time ten percent (10%) charge of the annual cost of the license may be assessed to the tenant or prospective lessee and shall be payable as part of the first license payment or as otherwise agreed upon by the parties, subject to §§ 1.5.3(B) and (C) of this Part.
- B. The Committee shall have the discretion to reduce this amount, in whole or in part, in recognition of one or more of the following mitigating circumstances:
 - 1. That the encroachment does not involve physical improvements such as construction of structures, signage, or paved parking;

2. That the encroachment has been in place for a limited period of time, and/or it is considered likely that the property owner now seeking the license was unaware of the encroachment onto State property;
 3. That an encroachment onto a land abutting a State highway involves the maintenance of a landscaping amenity that would be considered an area improvement and one that relieves Department of Transportation staff of maintenance responsibilities; or
 4. For other good cause.
- C. The Committee shall have the discretion to increase this amount, in whole or in part, in situations where the encroachment on State-owned property is particularly egregious and/or has continued after the abutting owner had been instructed to discontinue use of such State-owned property for private purposes.
- D. In no event shall a payment of or willingness or refusal to pay a one-time charge assessed by the Committee pursuant to this section be construed as to deprive the State or any aggrieved party of any legal remedy that may exist in law or in equity. Furthermore, in no event shall any payment of or willingness to pay a one-time charge assessed by the Committee pursuant to this section be construed as an admission of guilt.

1.5.4 Request for Approval to Grant a License

- A. The agency shall request to come before the Committee for approval to grant a license for the use of land, space, or other real property. An agency's request for approval shall not be submitted to the Committee until the agency is satisfied that an acceptable license agreement has been agreed to by the agency and the prospective licensee(s), and that all applicable conditions required by §§ 1.5.1 and 1.5.2 of this Part have been met.
- B. An agency's request for approval must include the following records which shall be submitted to the Committee:
1. A written request for approval;
 2. The proposed license agreement of which the agency is seeking Committee approval;
 3. Evidence that the Commerce Corporation was notified of the intent to grant a license not terminable by will and any response from the Commerce Corporation;
 4. For proposed licenses for a period greater than one year, a copy of the open space and natural resources values evaluation as set forth in § 1.5.2 of this Part;

5. If a preliminary review was conducted, any updates to the records submitted as part of a preliminary review;
 6. Any evidence of previous encroachment on the subject property for private use without prior authorization from the State.
 7. Certificate of disclosure disclosing the information of the licensee(s);
 8. Certificate of authority, if the licensee is a corporation, partnership, or other entity, showing that the person executing the license agreement on behalf of the licensee is duly authorized to bind the entity;
 9. Evidence of insurance, identifying authorized insurer, with coverage in amount and type as required by the Committee; and
 10. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether granting the license is consistent with the provisions of R.I. Gen. Laws § 42-17.9-1 *et seq.* and is in the best interest of the State.
- D. If the Committee votes to approve the proposed action, the Committee will provide the agency with certification attesting to its approval.
- E. In addition to the Committee's approval of the proposed action, the license agreement as executed by the agency and the licensee(s) must be approved as to substance by the Director of Administration and approved as to form by the Attorney General prior to becoming valid.

1.6 GRANT OF EASEMENT TO USE STATE-OWNED LAND, SPACE, OR OTHER REAL PROPERTY

No agency shall grant an easement for the use of land, space, or other real property unless said action is approved by the Committee.

1.6.1 Notice to the Rhode Island Commerce Corporation

To satisfy the requirements of R.I. Gen. Laws § 37-6-6, and subject to § 1.5.1(B) of this Part, the agency shall give written notice to the Commerce Corporation of its intent to license land, space, or other real property and shall afford the Commerce Corporation with not less than seven (7) business days from the date of the notice to reply. The Commerce Corporation may provide the agency with a recommendation or it may request additional time to conduct a study and/or make a recommendation. If the Commerce Corporation fails to reply to the agency within seven (7) business days or other due date as determined by the

agency, it shall constitute a waiver of the Commerce Corporation's opportunity to provide a recommendation on the proposed action.

1.6.2 Open Space and Natural Resources Value Evaluation

For proposed easements for a period greater than one year, the agency shall conduct an open space and natural resources values evaluation consistent with "Rules and Regulations Governing the Preservation and Protection of State Open Space" or other such rules as promulgated by the Department of Environmental Management in furtherance of the Preservation of State Open Space Act as set forth in R.I. Gen. Laws § 42-17.9-1 *et seq.*

1.6.3 Request for Approval to Grant an Easement

- A. The agency shall request to come before the Committee for approval to grant an easement for the use of land, space, or other real property. An agency's request for approval shall not be submitted to the Committee until the agency is satisfied that an acceptable agreement has been agreed to by the agency and the prospective grantee, and that all applicable conditions required by §§ 1.6.1 and 1.6.2 of this Part have been met.
- B. An agency's request for approval must include the following records which shall be submitted to the Committee:
1. A written request for approval;
 2. The proposed easement agreement of which the agency is seeking Committee approval;
 3. Evidence that the Commerce Corporation was notified of the intent to grant an easement and any response from the Commerce Corporation;
 4. For proposed easements for a period greater than one year, a copy of the open space and natural resources values evaluation as set forth in § 1.6.2 of this Part;
 5. If a preliminary review was conducted, any updates to the records submitted as part of a preliminary review;
 6. Certificate of disclosure disclosing the information of the grantee(s);
 7. Certificate of authority, if the grantee is a corporation, partnership, or other entity, showing that the person executing the easement agreement on behalf of the grantee is duly authorized to bind the entity;
 8. Evidence of insurance, identifying authorized insurer, with coverage in amount and type as required by the Committee; and

9. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether granting the easement is consistent with the purposes of R.I. Gen. Laws § 42-17.9-1 *et seq.* and is in the best interest of the State.
- D. If the Committee votes to approve the proposed action, the Committee will provide the agency with certification attesting to its approval.
- E. In addition to the Committee's approval of the proposed action, the easement agreement as executed by the agency and the grantee(s) must be approved as to substance by the Director of Administration and approved as to form by the Attorney General prior to becoming valid.

1.6.4 Copy of Executed Easement Agreements

The agency shall provide the Executive Secretary with an electronic copy of the executed easement agreement within three (3) business days of execution.

1.7 CONVEYANCE OF STATE-OWNED LAND OR OTHER REAL PROPERTY BY SALE OR GIFT

No agency shall convey any State-owned land or other real property until said conveyance is approved by the Committee.

1.7.1 Valuation of Land

- A. The agency shall perform a real estate valuation for property interests proposed to be conveyed in accordance with the following.
 1. For all proposed conveyances, the agency shall obtain a real estate appraisal of the land or other real property interest to be disposed of by the State. The appraisal shall be prepared by an appraiser who is certified by the State in accordance with R.I. Gen. Laws § 5-20.7-1 *et seq.* Upon request by the Committee, the agency shall obtain an appraisal to be conducted by an appraiser who is not an employee of the agency.
 2. Upon request by the agency, the Committee may waive or loosen the appraisal requirements if it is in the best interest of the State.

1.7.2 Notice to the Commerce Corporation

To satisfy the requirements of R.I. Gen. Laws § 37-6-6, the agency shall give written notice to the Commerce Corporation of its intent to dispose of the property and shall afford the Commerce Corporation with not less than ten (10)

days from the date of the notice to reply. The Commerce Corporation may provide the agency with a recommendation or it may request additional time to conduct a study and/or make a recommendation. If the Commerce Corporation fails to reply to the agency within ten days or other due date as determined by the agency, it shall constitute a waiver of the Commerce Corporation's opportunity to provide a recommendation on the proposed action. This notice provision shall not apply to proposed transfers of property between State agencies.

1.7.3 Notice to State Agencies

For all developed property or for parcels of land that are buildable under the municipal zoning ordinance, the agency shall give written notice to State agencies of its intent to dispose of the subject property and shall afford those agencies the opportunity to state their interest in obtaining the property or to offer comments on its disposition. At a minimum, the notice shall be provided to a list of State agencies as approved and maintained by the Committee. Agencies shall be permitted thirty (30) days from the date of notice to make known their interest in the subject property.

1.7.4 Open Space and Natural Resources Value Evaluation

The agency shall prepare an open space and natural resources values evaluation consistent with "Rules and Regulations Governing the Preservation and Protection of State Open Space" or other such rules as promulgated by the Department of Environmental Management in furtherance of the Preservation of State Open Space Act as set forth in R.I. Gen. Laws § 42-17.9-1 *et seq.*

1.7.5 Evaluation of Consistency with the State Guide Plan

The agency shall consider the consistency of the proposed action with the State Guide Plan as established by R.I. Gen. Laws § 42-11-10(d). The agency shall give written notice and supporting materials to the Division of Planning requesting an evaluation and finding as to whether the proposed action is consistent with the State Guide Plan. The Division of Planning may provide the agency with the results of its evaluation or it may request additional time to complete an evaluation. If the Division of Planning fails to reply within ten (10) business days or other due date as determined by the agency, it shall constitute a waiver of the Division of Planning's opportunity to evaluate the proposed action. If an inconsistency is found, the Division may provide recommendations as to how the action could be modified to achieve consistency. The Division may also provide suggestions as to how the action could be modified to better achieve the goals and policies of the State Guide Plan.

1.7.6 Evaluation of Consistency with the Municipal Comprehensive Plan

The agency shall give written notice of its proposed action to the city or town planner, or if no such position exists, to the chief executive officer in which the subject property is located and shall afford the municipality the opportunity to comment on the consistency of the proposed action with the municipality's comprehensive plan. The agency may combine this request with the notification required by § 1.7.8(B) of this Part or it may submit a separate notice to the municipal planner or chief executive officer. The municipality may provide the agency with the results of its evaluation or it may request additional time to complete an evaluation. If the municipality fails to respond within thirty (30) days from the date of the mailing, it shall constitute a waiver of the municipality's opportunity to evaluate the proposed action.

1.7.7 Preliminary Review

- A. The agency shall request to come before the Committee for a preliminary review of a proposed action to convey State-owned land or real property by sale or gift.
- B. An agency's request for a preliminary review must include the following records which shall be submitted to the Committee:
 - 1. A written request for preliminary review;
 - 2. An explanation of the purpose of the conveyance;
 - 3. Aerial photographs, dimensional site maps, locus maps, and/or other documentation that clearly displays the size, location, and condition of the subject property;
 - 4. Evidence that R.I. Gen. Laws § 37-2-45 has been satisfied;
 - 5. Evidence that the Commerce Corporation was notified of the intent to dispose of the land or other real property and any response from the Commerce Corporation;
 - 6. For developed property or for parcels of land that are buildable under the municipal zoning ordinance, evidence that the approved list of State agencies were notified of the agency's intent to dispose of the land or other real property and any responses received;
 - 7. A copy of the open space and natural resources values evaluation as set forth in § 1.7.4 of this Part;
 - 8. Evidence that the Division of Planning was requested to evaluate the proposed action for consistency with the State Guide Plan and any response received;

9. Evidence that the municipality in which the subject property is located was requested to evaluate the proposed action for consistency with the municipal comprehensive plan and any response received;
 10. Any evidence of previous encroachment on the subject property for private use without prior authorization from the State.
 11. Indication of the process that the agency intends to utilize to solicit an offer or proposal, and if the agency is seeking a non-competitive process, it must include a written explanation as to why it determined that it would be in the best interest and convenience of the public and the State to utilize a non-competitive process; and
 12. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall conduct a preliminary review of the proposed action and may provide the agency with substantive and/or procedural guidance for the completion of the leasing process.

1.7.8 Notification to Prior Owner and Municipality for Property Acquired by Condemnation

- A. If the land, space, or other real property proposed to be disposed of was taken by condemnation, the agency is responsible for satisfying the requirements of R.I. Gen. Laws § 37-7-3, including notice provisions. To satisfy the notice provisions, the following actions must be taken:
1. The agency shall give written notice by registered or certified mail to the person or persons, if living, in whom the title to the property was vested at the time of the taking of its intent to lease the property and offer the person or persons the same terms and conditions of the intended lease, subject to any conditions, stipulations, or restrictions as may be imposed by the Committee. The person or persons shall have thirty (30) days from the date of mailing to accept the offer or his or her or their right to lease the property shall be deemed waived.
 2. The agency shall give written notice by registered or certified mail to the city or town clerk and to the chief executive officer of the municipality in which the property is located of its intent to lease the property and offer the municipality the same terms and conditions of the intended lease, subject to any conditions, stipulations, or restrictions as may be imposed by the Committee and subject to the first right held by the person or persons, if living, in whom the title to the property was vested at the time of the taking. The municipality shall have thirty (30) days from the date of

mailing to accept the offer or its right to lease the property shall be deemed waived.

- B. Certain properties may be restricted to or dedicated for a specific use or purpose by statute or as a condition of the funding used to acquire the property. The Committee recognizes that in these instances, the property is not available for general sale and therefore such properties are exempted from the requirements set forth by § 1.7.8(A) of this Part.

1.7.9 Public Auction

The Committee may authorize either an open bid auction or a sealed bid auction, depending on which method the Committee concludes is in the best interest of the public and the best interest of State government. Upon authorization, the agency shall arrange with the State Purchasing Agent for an auction in accordance with R.I. Gen. Laws § 37-7-1 *et seq.*

1.7.10 Request for Proposals

- A. The agency may seek to convey the property through a Request for Proposals (RFP) in all cases where the highest offer is not the sole or primary consideration used in determining a selection.
- B. The agency shall consider the following in determining the appropriateness of an RFP:
 - 1. Whether an RFP would be more likely than a public auction to result in development proposals that would best provide for the administration of State government, the advancement of commerce, and the protection and improvement of the health, welfare, and safety of the inhabitants of the State.
 - 2. Whether an RFP would be a better method than a public auction to restrict the subject property to a specific use in accordance with the results of the evaluation conducted under §1.7.7 of this Part. In such instances, RFP's shall require respondents to describe how they will satisfy the conditions of the specific required use as well as the amount offered for the property.
- C. RFP's must conform to all purchasing rules of the Department of Administration and other terms as may be required by the Committee.

1.7.11 Non-competitive Sales

- A. To the extent consistent with the provisions of R.I. Gen. Laws § 37-7-5, the agency may seek to convey the property through a non-competitive sale if the agency determines that it would be in the best interest and convenience of the public and the State to do so.

- B. The agency may seek to convey property through a non-competitive sale at fair market value to an abutting landowner if it determines that the subject property is deemed unbuildable either due to size or inability for access. If the land has more than one abutter, each abutter shall be contacted and offered the opportunity to purchase the land. If more than one abutter agrees to the fair market value of the land, its disposition shall be by means of a sealed bid auction.
- C. The agency may seek to convey buildable property through a non-competitive sale at fair market value to any interested party upon the determination that:
 - 1. Neither a public auction nor a RFP would likely result in multiple responses; or
 - 2. The cost of preparing for an auction or issuing a RFP would be excessive in relation to the proposed sale; and
 - 3. The public's confidence in the integrity of the conveyance process would not likely be eroded by a non-competitive sale.

1.7.12 Additional Assessment for Encroachment

- A. When there is reasonable evidence of previous encroachment by the acquiring party on State-owned property for private use, without prior authorization from the State, a one-time ten percent (10%) charge of the appraised value of the property may be assessed to the acquiring party, subject to §§ 1.7.12(B) and (C) of this Part.
- B. The Committee shall have the discretion to reduce this amount, in whole or in part, in recognition of one or more of the following mitigating circumstances:
 - 1. That the encroachment does not involve physical improvements such as construction of structures, signage, or paved parking;
 - 2. That the encroachment has been in place for a limited period of time, and/or it is considered likely that the property owner now seeking acquisition was unaware of the encroachment onto State property;
 - 3. That an encroachment onto a land abutting a State highway involves the maintenance of a landscaping amenity that would be considered an area improvement and one that relieves Department of Transportation staff of maintenance responsibilities; or
 - 4. For other good cause.
- C. The Committee shall have the discretion to increase this amount, in whole or in part, in situations where the encroachment on State-owned property is

particularly egregious and/or has continued after the abutting owner had been instructed to discontinue use of such State-owned property for private purposes.

- D. In no event shall a payment of or willingness or refusal to pay a one-time charge assessed by the Committee pursuant to this section be construed as to deprive the State or any aggrieved party of any legal remedy that may exist in law or in equity. Furthermore, in no event shall any payment of or willingness to pay a one-time charge assessed by the Committee pursuant to this section be construed as an admission of guilt.

1.7.13 Request for Approval of Purchase and Sales Agreement

- A. The agency shall request to come before the Committee for approval of a purchase and sales agreement. An agency's request for approval shall not be submitted to the Committee until the agency is satisfied that an acceptable purchase and sales agreement has been agreed to by the agency and the prospective buyer(s), and that all applicable conditions required by §§ 1.7.1 through 1.7.11 of this Part have been met.
- B. An agency's request for approval of a purchase and sales agreement must include the following records which shall be submitted to the Committee:
1. A written request for approval of a purchase and sales agreement;
 2. If the acquiring party was selected through an auction or RFP, the identity of the highest bidder or offeror and the winning bid amount;
 3. For the conveyance of property that was acquired by condemnation, the results of the agency's notification to the prior owner(s) and the municipality in which the property is located;
 4. The purchase and sales agreement of which the agency is seeking Committee approval;
 5. A summary of the agency's valuation findings including appraisal results;
 6. Any updates to the records submitted as part of the preliminary review;
 7. Certificate of disclosure disclosing the information of the acquiring party(s);
 8. Certificate of authority, if the acquiring party is a corporation, partnership, or other entity, showing that the person executing the purchase and sales agreement on behalf of the acquiring party is duly authorized to bind the entity; and

9. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether the proposed conveyance is consistent with the purposes of R.I. Gen. Laws § 42-17.9-1 *et seq.*, and whether the agency has demonstrated that the proposed conveyance is advantageous to the public interest and is in the best interest of the State.
 - D. If the Committee votes to approve the proposed action, the agency may continue the process to convey the land or other real property interest in accordance with the terms and conditions of the purchase and sales agreement.
 - E. The agency may request in writing that the Committee allow the purchase and sales agreement and the legal document of conveyance to be considered for concurrent approval. Any such request must include an explanation supporting the request.

1.7.14 Request for Approval to Convey Land or other Real Property

- A. The agency shall request to come before the Committee for approval to convey land or other real property. An agency's request for approval shall not be submitted to the Committee until the agency is satisfied that all applicable conditions required by §§ 1.7.1 through 1.7.11 of this Part have been met.
- B. An agency's request for approval must include the following records which shall be submitted to the Committee:
 1. A written request for approval;
 2. The legal conveyance document(s) of which the agency is seeking Committee approval;
 3. Any updates to the records submitted in connection with the preliminary review or the Committee's approval of a purchase and sales agreement; and
 4. Any other information and/or records requested by the Committee that are reasonably necessary for its review.
- C. Following the satisfactory submission of all appropriate records and information, the Committee shall review the proposed action. The Committee shall consider whether the proposed conveyance is consistent with the purposes of R.I. Gen. Laws § 42-17.9-1 *et seq.*, and whether the agency has demonstrated that the proposed conveyance is advantageous to the public interest and is in the best interest of the State.

- D. If the Committee votes to approve the proposed action, the Committee will provide the agency with certification attesting to its approval.
- E. In addition to the Committee's approval of the proposed action, the legal conveyance documents as executed by the agency and the acquiring party(s) must be approved as to substance by the Director of Administration and approved as to form by the Attorney General prior to becoming valid.

1.7.15 Copy of Executed Conveyance Agreements

The agency shall provide the Executive Secretary with an electronic copy of the executed purchase and sale agreement and/or legal document of conveyance agreement within three (3) business days of execution.

1.8 TRANSFER OF CUSTODY, CONTROL, AND SUPERVISION OF LAND OR OTHER REAL PROPERTY BETWEEN STATE AGENCIES

- A. Prior to, and in accordance with R.I. Gen. Laws § 37-7-6, any agency requesting that the Governor execute a certificate transferring custody, control, and supervision of land or other real property to another entity of State government, the agency who has custody of the land or other real property shall request the Committee's evaluation by submitting the following:
 - 1. A written request for the Committee's evaluation and recommendation;
 - 2. Aerial photographs, dimensional site maps, locus maps, and/or other documentation that clearly displays the size, location, and condition of the subject property;
 - 3. An explanation of the purpose of the transfer; and
 - 4. An open space and natural resources values evaluation consistent with "Rules and Regulations Governing the Preservation and Protection of State Open Space" or other such rules as promulgated by the Department of Environmental Management in furtherance of the Preservation of State Open Space Act as set forth in R.I. Gen. Laws § 42-17.9-1 *et seq.*
- B. The Committee shall review all such requests and offer findings and recommendations to the Governor.