



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

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Chair

SENATE COMMITTEE ON
POST AUDIT AND OVERSIGHT

Chair

SENATE COMMITTEE ON
INTERGOVERNMENTAL AFFAIRS

September 23, 2025

Via Electronic Mail

Honorable Monica G. Tibbits-Nutt
Massachusetts Department of Transportation
Ten Park Plaza, Suite 4160
Boston, MA 02116
m.tibbits.nutt@dot.state.ma.us

RE: Service Plaza Operator Procurement

Dear Secretary Tibbits-Nutt:

The Senate Committee on Post Audit and Oversight is in receipt of the department's letter dated September 18th declining to participate in the upcoming hearing scheduled to take place on Wednesday, September 24th. As Chair of this Committee, I wish to express our disappointment and surprise that public officials refuse to answer basic questions that have emerged concerning a long-term lease of publicly-owned land. Similarly, Applegreen had no problem appearing in person when seeking the long-term deal but now seem to feel that they can deploy well connected Beacon Hill lobbyists and Washington D.C. lawyers to do their bidding without public accountability.

The financial impact this project will have on the Commonwealth and the taxpayer is quite staggering, as demonstrated by the stark difference between the guaranteed rents from the selected bid versus the runner-up. MassDOT's own financial expert, KPMG, determined that Global's Minimum Annual Guaranteed Rent (MAG) would reach MassDOT's FY2023 level by 2034 while Applegreen's rent would not reach this same level until 2053. Additionally, the KPMG analysis stated that Applegreen's proposed rent would result in \$623M to \$994M to MassDOT over the life of the contract while Global's rent would generate between \$1,285M and \$1,465M. The public is being thwarted in its right to know how such a discrepancy led to the selection of the lower bidder because MassDOT refuses to appear before this committee under the guise of protecting the "integrity of the judicial process". ***What about the integrity of the legislative process and the taxpayer?***

Furthermore, official meeting minutes and video footage of the June 11, 2025 Capital Programs Committee meeting reveal a stunning lack of information provided to committee members prior to a

formal vote recommending Applegreen's proposal to the full Board. One committee member is quoted in the official meeting minutes as stating, "despite the fact that the procurement for this project began at least eighteen months ago, the Directors haven't received any substantial information on the project before today." When pressed for an explanation, department officials provided an inadequate excuse that legal counsel advised them to withhold the information.

In response, the Capital Programs Committee did not take a vote to recommend Applegreen's proposal to the full board. ***Failing to provide Board members with key information prior to a vote for a long-term lease of public land is a serious concern.*** Furthermore, this process continued to the full Board of Directors despite the lack of a formal recommendation from the Capital Programs Committee.

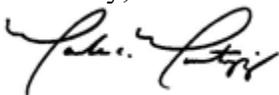
The public must entrust public officials to carry out their duties to the best of their ability, but it is difficult to understand how Directors could have been equipped to properly handle this matter without the provision of critical information and the opportunity to ask meaningful questions. Instead, Directors were rushed into taking a vote or risk, as they were told, the Commonwealth being put into an expensive extension with current operators. By refusing to appear before this committee, MassDOT is effectively denying the public an explanation regarding this troublesome process.

Finally, ongoing litigation concerning this issue is a public record and freely accessible to the public on the trial court's website. In fact, it is this record that revealed the department's omission to this committee of numerous text messages and emails between a member of MassDOT's Selection Committee and principals representing the successful bidder and its associates. These communications reveal a concerning relationship that the public has a right to examine and that MassDOT failed to provide to this committee despite its formal request. Rather than tell this committee that MassDOT was "not aware of any contact made" between agency officials and bidder representatives, it should have immediately disclosed the communications and explained what, if any impact, those communications could have had on this process.

Omitting key records in response to the committee's request and failing to appear is totally unrelated to ongoing litigation and demands a formal explanation to this committee and the public to whom we serve.

In closing, MassDOT failed to satisfactorily respond to this committee and is denying public scrutiny necessary by refusing to appear before this committee. Without further information or insight, we are left with no other option but to accept the documented fact that the losing bid offered significantly higher returns than the selected proposal and taxpayers will have to bear that burden for the next 35 years. As Chair of this Committee, I urge MassDOT to cease its current contracting activities and pursue this procurement anew.

Sincerely,



Mark Montigny, Chair