

DUDLEY STREET COMMERCIAL PARCEL RFP – WITH TRACKED CHANGES

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01

Introduction & Instructions

Overview

The City of Boston Department of Neighborhood Development (DND), formerly the Public Facilities Department, is the local government agency in the City of Boston that:

- Creates affordable and mixed-income housing;
- Establishes short and long term housing policy and priorities for the City;
- Implements programs to support economic development in Boston neighborhoods;
- Provides homeownership opportunities, grants, loans and trainings;
- Assists renters in housing crisis to find housing stability;
- Partners with organizations across Boston to end homeless in our City;
- Supports the preservation of historic architecture; and
- Develops open spaces, including community gardens and farms.

DND is also responsible for disposing of tax foreclosed and surplus real property that is under the care and custody of the Public Facilities Commission. DND's property disposition process operates in accordance with Massachusetts General Law (M.G.L.), Chapter 30B which governs municipal property dispositions. Accordingly, **DND is hereby offering the Dudley Street Commercial Parcel in Roxbury, MA** under this Request for Proposals ("RFP").

RFPs are an opportunity to offer local and historically disadvantaged businesses a unique opportunity to enhance their capacity. It is the intent of

the Mayor that these opportunities provide a framework and model for inclusiveness both in the development teams and throughout the various levels of contracting.

Before offering a property such as this, DND consults extensively with local residents, community organizations, and community leaders to establish development guidelines that reflect the community preferences for acceptable and unacceptable uses of the offered property. Those preferences are then incorporated into the RFP and set the parameters of the final contract between the City and the selected developer for the property ("Successful Proposer"). DND reviews all proposals it receives; disqualifies any that do not meet the "Minimum Eligibility Criteria" described in Section 8 of this RFP; ranks the remaining proposals according to the Comparative Evaluation Criteria and Compliance Review set forth in Section 8; and then designates the selected developer for the property.

The parcels included in this RFP were included in the **PLAN: Dudley Square** workshops. The objective of this RFP is to redevelop these parcels consistent with the community vision expressed throughout this process. For more information on this process and a summary of what was heard, see the PLAN: Dudley Square Roxbury summary attached to this RFP and visit: bit.ly/PlanDudley.

Purpose

The purpose of this Request for Proposals ("RFP") is to solicit proposals for the redevelopment and disposition of property owned by the City of Boston Department of Neighborhood Development ("DND"), consisting of approximately 125,212 square feet (2.9 acres) of vacant land at 135 Dudley Street in the Roxbury neighborhood of Boston (the "Property").

DND will consider conveying this Property in order to allow the development of commercial uses and residential housing with ground floor mixed use. A significant public open space must also be part of the development proposal. Proposals will be subject to review and approval by DND in collaboration with the Boston

Redevelopment Authority d/b/a Boston Planning & Development Agency (“BPDA”). Review will include applicable planning and zoning controls, and the development objectives and guidelines described herein. Proposals must meet all minimum evaluation criteria, complete the enclosed proposal form and price summary form, and include the requested documents.

The Developer will enter into a 99-year ground lease with the DND. [DND is currently developing rent guidelines for the ground lease]

The Developer will enter into a 99-year ground lease with the DND. [DND is currently developing rent guidelines for the ground lease]

DND has attempted to be as accurate as possible in this RFP, but is not responsible for any unintentional errors herein. No statement in this RFP shall imply a guarantee or commitment on the part of DND as to potential relief from state, federal or local regulation. DND reserves the right to cancel this RFP at any time until proposals are opened or reject all proposals after the proposals are opened if it determines that it is in the best interest of the DND and BPDA to do so. DND and BPDA reserve the right to waive any minor informalities.

Instructions

The RFP will be available for download beginning on ~~April XX~~**March 26, 2018** at bit.ly/PlanDudley and www.boston.gov/dnd/rfps. Proposals can also be picked up at the Bid Counter, located at 26 Court Street, 10th floor, Boston, MA 02108

Proponents should register when downloading the RFP to ensure they receive any addendum. Requests for clarification or any questions about the RFP must be submitted in writing by either e-mail or U.S. mail and addressed as shown below:

E-mail: donald.wright@boston.gov

U.S. Mail: Department of Neighborhood Development

Attn: Donald Wright, Deputy Director
26 Court Street, 8th Floor
Boston, MA 02108

Bidders Conference

Proposers are advised to avail themselves to attend a technical assistance workshop. The workshop will be held at 26 Court Street, 1st floor, Winter Chambers on the following dates:

Friday, May xx, 2018 from 10:00 am until 12 noon

Friday, June xx, 2018 from 10:00 am until 12 noon

No requests or questions regarding the RFP will be accepted after **June 26, 2018 at 4:00 PM**. Proponents must include their name, address, telephone number and email address with any questions. An addendum with questions and answers will be emailed to all prospective responders on record and posted on the City website prior to the RFP deadline.

Disclaimer: DND will attempt to communicate any changes/addenda to this RFP; however, it is the Proposer's responsibility to check the DND's website regularly for any updates, corrections or information about deadline extensions.

Proposers MUST submit **one (1) original and three (3) printed copies and a complete digital copy on a CD or USB drive** of the proposal in a sealed envelope. The Design Submission include: (1) full set of reduced drawings in an 8 1/2" x 11" format; and one (1) set of the drawings at full scale; and one (1) set of drawings mounted on boards, no smaller than 30"x 40" in presentation form.

Three (3) sealed copies and one (1) original of the Financial Submission must be provided separately from the Development Submission and Disclosures and Design Submission. Proposals must be submitted (in person or by mail) no later than **Tuesday, June 26, 2018 at 4:00 PM to:**

Department of Neighborhood Development, Bid Counter
26 Court Street, 10th Floor

Boston, MA 02108

The Bid Counter hours are Monday—Friday from 9:00 am - 4:00 pm.

No late proposals will be accepted. Any proposals received after the date and time specified in this RFP will be rejected as non-responsive, and not considered for evaluation.

Notice to Proposers Regarding Downloadable RFPs

If you have picked up this Request for Proposals from DND's Bid Counter, you should know that this RFP is also available for download at: <http://www.boston.gov/dnd/rfps> The online version of the RFP is identical to the version available through the Bid Counter. To access this function you will need the most recent edition of Adobe Reader installed on your computer. A link to the free download program is provided in the right hand column of the webpage listed above.

02

Property Description

Site Description

The Property consists of three parcels totaling approximately 125,212 SF (2.9 acres) of vacant land located at 135 Dudley Street, Roxbury (the “Proposed Project Site”). Proposers at a minimum are required to apply for the main site at 135 Dudley Street, which consists of 69,835 SF (1.6 acres). Proposers are strongly encouraged to also include Optional Parcel 1, currently used as a parking lot by the Boston Police Department, and Optional Parcel 2, currently undeveloped.

If the proposed project includes the use of Option Parcel 1, all existing parking spaces on this parcel must be maintained or replaced for the exclusive use of the Boston Police Department (“BPD”) in a secure parking area that is clearly separated from any other proposed parking. BPD may have additional requirements that must be met for the protection and separation of this parking area based on its proposed location and configuration. BPD must not have a gap in access to their current number of parking spaces, so proposals must include a phasing plan that describes how the BPD’s parking will remain continuously operational throughout construction. As the neighborhood grows, the police may need additional parking -> Therefore Pproposals should develop a conceptual framework demonstrating how the BPD parking area could be expanded to provide up to 30% more parking spaces in the future.

BPD has an existing driveway on the 135 Dudley Street parcel that spans across a corner of the lot from the Courthouse parcel to Optional Parcel 1. If the project proposal includes only the 135 Dudley Street parcel, an easement must be included for BPD to maintain the use of this driveway. If one or both of the optional parcels are included in the project, other driveway solutions [that provide similar access to the courthouse](#) may be acceptable.

Roxbury, one of Boston’s oldest neighborhoods, is home to a number of parks, schools, churches, and historic sites. At the heart of the city and home to the region’s busiest bus station, Dudley Square is a prime corridor for job creation, commerce, and transit-oriented development.

The Proposed Project Site is part of the Dudley Economic Development Area. Within a half-mile radius there are over 15,000 residents, over 50% of whom are under the age of thirty-five. The site has access to major thoroughfares and public transit.

[The neighborhood has been the subject of several extensive planning initiatives, including the Roxbury Strategic Master Plan, Dudley Vision, and most recently, PLAN: Dudley Square.](#)

Address	Assessor’s Parcel Number	Lot Size (square feet)
135 Dudley Street	TBD	69,835 SF (1.6 acres)
Option Parcel 1	TBD	29,059 SF (0.7 acres)
Optional Parcel 2	TBD	26,321 SF (0.6 acres)
		Total = 125,212 SF (2.9 acres)

The neighborhood has been the subject of several extensive planning initiatives, including the Roxbury Strategic Master Plan, Dudley Vision, and most recently, PLAN: Dudley Square.

Planning and Zoning Context

For zoning purposes, the Property is part of the Dudley Square EDA as shown on Map 6A-6C of the Boston Zoning Maps in the Roxbury District, and therefore is principally governed by the provisions of Article 50 of the Boston Zoning Code ("Code"). Please consult:

https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeId=ART50TA for details on zoning.

The Property is also located within a Boulevard Planning District (~~"BPD"~~) with overlays to underlying sub-districts. Within Boulevard Planning District ~~BPDs~~, special design review requirements and design guidelines apply as set forth in Subsection 50-38.1, Section 50-39, and Section 50-40; and screening and buffering requirements apply as set forth in Section 50-41. The Code and maps can be found at www.bostonplans.org/zoning. Zoning relief may be required to achieve the requirements of this RFP.

03

Development Objectives and Guidelines

Development Objectives

After careful analysis of the property, the Department of Neighborhood Development (“DND”) and the Boston Planning & Development Agency (“BPDA”), in collaboration with neighborhood residents and the Roxbury Strategic Master Plan Oversight Committee, have established development guidelines for the property.

The Proposer must address [the development objectives each of the considerations](#) below in a development concept narrative, construction description narrative, and design documents as appropriate. Further, the Proposer must agree to work with DND and the community to resolve any future issues or concerns that may arise as the development project moves forward.

Proposals with commercial uses must promote local business and job opportunities. Special emphasis is to be made in the proposals to provide the maximum opportunities for local, small and disadvantaged businesses, as well as people of color and women, in the areas of job creation and training, business development and the procurement of goods, services and construction services in association with construction projects. Proposals that combine adjoining parcels to increase economic feasibility, create jobs, and improve vehicular and pedestrian access are encouraged. If the proposed design makes use of adjacent parcels, the

Proposer must demonstrate site control of such other parcels by way of a fully executed, and currently dated, Purchase and Sale Agreement or a signed, and currently dated, Option Agreement.

Development teams are required to incorporate the vision of past planning projects, such as [Roxbury Strategic Master Plan](#) and [Dudley Vision](#) while capturing and addressing the current needs of the community for affordable housing, economic development, and job opportunities. Emphasis on making the development a catalyst for the Arts, Culture, Commercial, Retail and History of this historic neighborhood are to remain paramount. Neighborhood amenities such as museums, art galleries, bookstores, entertainment venues, performance spaces, ~~and~~ artist live/work spaces, and public open spaces of varying sizes are encouraged. Evening amenities and programming are strongly encouraged to provide activities that allow residents to stay local to the Dudley Square area for entertainment, shopping and dining to support local businesses. Preference will be given to projects that include uses that support neighborhood control and/or household wealth creation, whether it be through homeownership, the creation of a cooperative, and/or control by a community land trust.

Economic Development

An important priority of the PLAN: Dudley Square initiative is that parcels be developed in a manner that supports the economic growth of the district and provides opportunities for area residents to participate in those expanding sectors of Boston's economy. Development teams submitting proposals should are to describe how the proposed consider including uses ~~that~~ will generate new employment prospects in such areas of interest as education, health, finance and the sciences. Similarly respondents are to describe their experience should have proven experience in and capacity to for attracting new local employment opportunities through the such uses proposed.

Implicit in the priority for economic development is the desire that wages associated with both construction and permanent jobs for projects being proposed for these parcels be appropriate for their associated categories and provide for enhanced good quality of life and the prospect of economic mobility.

Affordable/Income-Restricted Housing

Proposals that include rental housing must be consistent with the affordable housing goals identified in the most recent series of public discussions with the community. Specifically, a minimum of two thirds of all housing units must be income-restricted affordable housing with one third targeting low and moderate income households and one third targeting middle income households. These requirements vary for homeownership versus rental development. Proposals should target one resident minimum per bedroom for affordable units.

All proposals must provide a minimum of one-third of units to low-income households (ranging from less than 30% to 50% of Area Median Income ("AMI") as defined by the U.S. Department of Housing and Urban Development), and one-third of units to moderate-income households (up to 80% of AMI). Up to but not more than one-third of units may be market rate. Additionally, proposals must describe measures they will take to avoid displacement of existing residents of the Roxbury neighborhood. Where proposals include rental housing, it must be consistent with the affordable housing goals identified in the most recent series of public discussions with the community. All proposals must provide a minimum of one-third of units to low-income households (ranging from less than 30% to 50% of Area Median Income ("AMI") as defined by the U.S. Department of Housing and Urban Development), and one-third of units to moderate-income households (up to 80% of AMI). Up to but not more than one-third of units may be market rate. Proposals should avoid displacement of existing residents of the Roxbury neighborhood.

Rental housing proposals must provide a minimum of one-third of units to low income households and one-third to middle income households. The low income housing component must include units targeted to households making less than 30% of Area Median Income ("AMI") with the maximum AMI for these units not to exceed 50% of AMI. DND requires that projects provide a minimum of 10% of the overall units (i.e. one third of the required low income units) as homeless set-aside units at 30% or less of AMI. The middle income units should also include a range of affordability options with the average AMI not to exceed 80% AMI.

Where homeownership units are included, a minimum of two-thirds of the units must be targeted to households with a range of incomes, from 60% to 100% of AMI, with the average AMI not to exceed 80% of AMI, and the remaining one-third of units may be market rate.

Community members have expressed a strong preference for projects which can exceed these minimum affordability standards. Developments which can reach deeper levels of affordability and/or a higher percentage of income-restricted housing are preferred. Preference will also be given to projects that include affordability at many income levels (e.g. 30%, 40%, 50%, 60%, 80%, 100% of AMI, etc.). In addition, while the AMI is defined by the U.S. Department of Housing and Urban Development for the Greater Boston region, developers are encouraged to present their affordable housing proposals in the context of the Boston-specific median income.

DND and BPDA affordability requirements require owner occupancy of income restricted homeownership units and prohibit subleasing of income restricted rental units. On this proposed project site, DND and BPDA will also require that market rental units have rental periods of at least one year. Market rental units will also be subject to sub-leasing restrictions, prohibiting either short-term rentals or rental services.

Please note that this parcel is in the vicinity of the Whittier Choice Neighborhoods program. This HUD funded initiative seeks to rebuild the existing Whittier BHA development, but also seeks to deconcentrate poverty and invest in the people and places surrounding Dudley Square. This initiative is encouraging the creation of homeownership in nearby developments, and if a nearby development is rental, project-based Section 8 vouchers may be available to assist with more deeply affordable units.

Development Without Displacement

Proposals must describe measures they will take to avoid displacement of existing residents of the Roxbury neighborhood. As part of their submission, developers must present a narrative explaining how their proposal supports the community's

goal of “development without displacement.” More details on the requirements of the development without displacement narrative can be found below in section 4 - submission requirements.

Community Benefits

Proposals must also describe specific contributions to the project above and beyond the development objectives described above. These should support the PLAN Dudley Vision through direct support of programming, creation of institutions, financial support of existing institutions, and direct initiatives whose mission is to promote and maintain the underlying Vision of the community represented in this RFP and the Roxbury Strategic Master Plan. Community Benefits could take many forms, such as:

- Incorporation of specific uses into the proposal such as Cultural, Arts, Entertainment and Performance uses
- Initiatives that for example foster the incubation of new entrepreneurs, educational opportunities that prepare local residents and young adults for future career opportunities
- Seed funding and organizational support to existing local and/or non-profit organizations including organizations that support business improvement or cultural district within Dudley Square

In order to achieve the development objectives within this RFP (around the affordability of housing, good jobs, economic development opportunities and development without displacement) it is expected that there may be a significant contribution of city resources to achieve these goals. Proposals that rely heavily on government subsidies to achieve the development objectives of this RFP may understandably not have significant additional resources to commit to community benefits. However all proposals must submit a community benefits narrative which speaks to overall community contribution of the proposed development.

DesignDevelopment Guidelines

The development is subject to both BPDA and DND Development Review Guidelines as well as the guidelines as set forth below. The agencies' guidelines can be found online at:

<http://www.bostonplans.org/projects/development-review> and
<https://www.boston.gov/departments/neighborhood-development/neighborhood-development-housing-policies>
<https://www.boston.gov/departments/neighborhood-development/neighborhood-development-housing-policies#addendum>
https://www.boston.gov/sites/default/files/design_standards-revised-2017-08-17.pdf

Planning and Urban Design Context

Dudley Street Commercial site, along with the Dudley Public Library, the Roxbury Municipal Courthouse, and the Dudley bus terminal form a cluster of civic buildings that create ~~creating~~ a mixed use civic anchor on the southern end of Dudley Square. Development in this cluster has the potential to add density, a mix of uses that capitalizes on the bus terminal, and add 24-hour pedestrian activity to the area. A mixed use commercial and residential development with a significant public open space would complement the existing civic uses. The shape, size, and location of the former B-2 police station parcel is appropriate for a higher density mixed use (residential/commercial) development site.

Use Guidelines

The use guidelines are reflective of the engagement process and are set forth to ensure alignment with community desires. Key use guidelines are as follows:

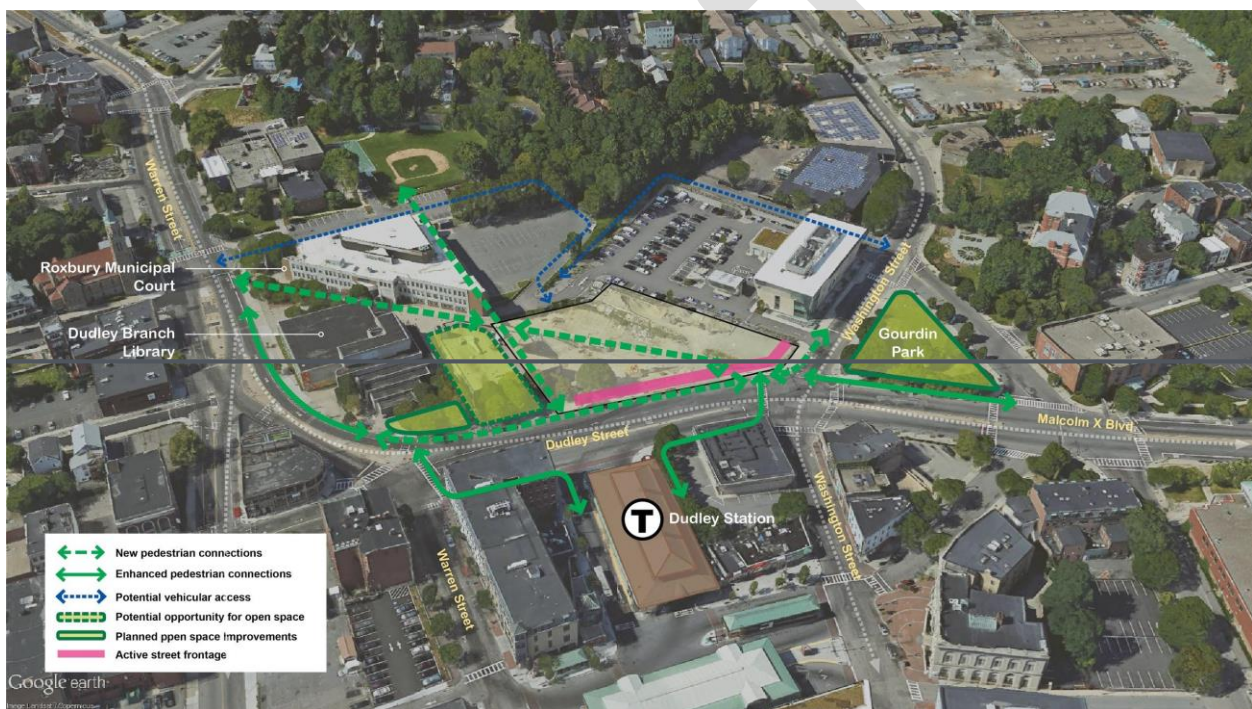
1. The base of the building must be a combination of retail, cultural and/or entertainment uses that contribute to the identity of the Dudley Square Cultural District. Office uses are possible at the ground floor as long as they create an active and engaging streetscape for the neighborhood.

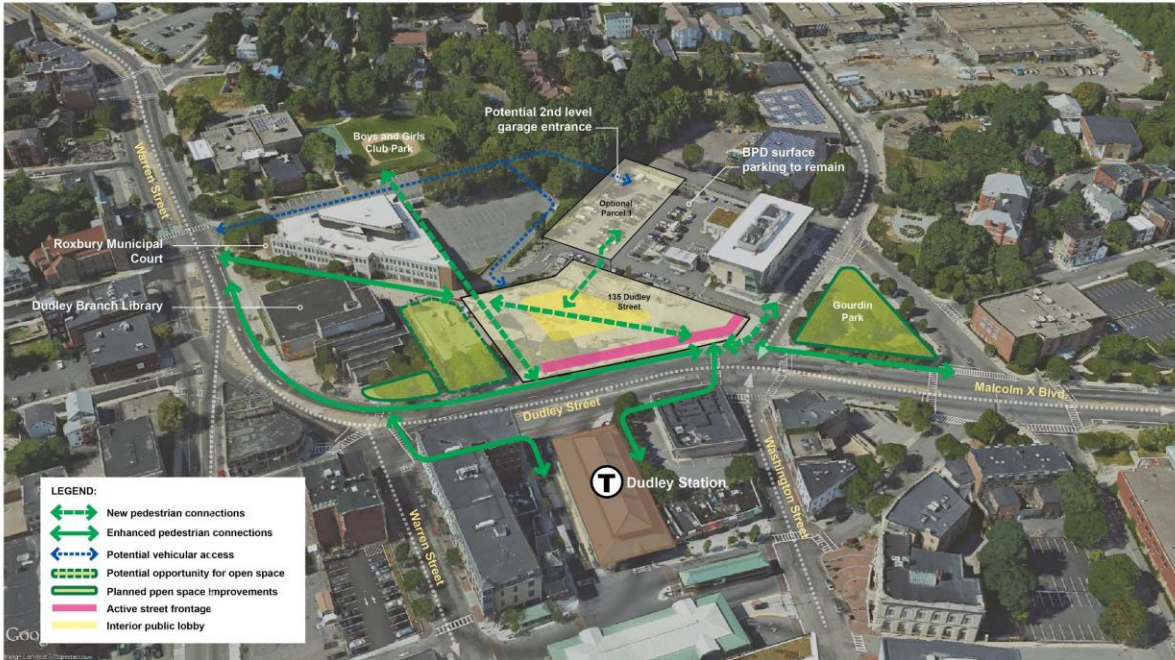
2. The upper levels must be a mix of housing and commercial uses that address the housing and job creation needs in Dudley Square as described under Development Objectives.
3. The community has expressed a strong preference for retail/commercial/cultural uses that would relate to the adjacent library (e.g. a research center), create meeting spaces, and that would provide spaces of activity and interaction for children and seniors, opportunities for small business growth (e.g. ownership opportunities and work share spaces), and job opportunities/education for local residents (e.g. businesses that offer training programs or maker spaces). Some residents have also expressed a preference for having a health center on this site since there currently aren't any in the center of Roxbury. Commercial uses on the site must address job creation that meets the needs of the neighborhood.
4. A portion of the site must be used for a significant new public open space including both programmed or programmable spaces as well as well as passive green spaces for relaxation and neighborhood beautification. The community would like to have a park that acts like a town common on this site with spaces that could be programmed by the library, nearby Hibernian Hall, or other local cultural/entertainment groups. The community has expressed a need for more park space in Dudley Square with trees, grass, and social space that helps people to spend time outside.
5. Proposers are encouraged to make use of Optional Parcels 1 & 2 to address the parking needs for the project and ~~potentially for~~ the neighborhood at large. Optional Parcel 1 ~~This parcel~~ is concealed from the street and it could contain a parking garage that provides parking for the site, the BPD (replacement parking), and the public. Optional Parcel 2 could be used to provide vehicular access to a garage. The community has expressed a strong preference for public parking on this site behind a mixed-use development. Many other empty lots in the neighborhood that are currently used for informal or formal parking are too small to provide significant public parking if/when they are developed, and this site is best suited for providing a parking structure. Proposals could explore revenue-generating parking agreements with local businesses or residents. Proponents are encouraged

to anticipate future parking needs with electric charging stations and other innovations.

Urban Design Guidelines

The urban design guidelines set forth will ensure that the development of the Property reflects the community desires that have been expressed throughout the PLAN: Dudley Square engagement process.





Massing, Height and Orientation

Massing heights of 6-12 story heights were discussed with the community. Proponents may propose projects of additional heights if the proposed project clearly demonstrates meeting the Development Objectives outlined in this RFP. Buildings should employ a variety of setbacks and building heights that create a volume that is articulated, varied and dynamic, responds to special views and corridors, reinforces existing street wall conditions, making certain the building fits well into its surrounding context.

1. Building massing should acknowledge the special nature of the corner towards Washington Street and Justice Edward O. Gourdin Veterans' Memorial Park. Building massing should relate to the new police station on the adjacent parcel.
2. Building heights could be significantly taller than the surrounding buildings, with taller building elements set back from the street edge.
3. Taller building mass on the site should be set towards the middle of the site.

4. Buildings must be sited to respect views down Washington Street and Warren Street.
5. Buildings on the site must employ a variety of setbacks and building heights that respond to the immediate context, and create a volume that is articulated, varied and dynamic, so as to reduce a monolithic wall-like effect along Dudley Street and as seen from the bus terminal.
6. Proposed interior program should be shaped to make use of natural light within the design of the building.
- 5.7. A selected project may need to perform wind tunnel testing as part of the Article 80 Review process due to a building's height, relative height, or context. All projects should consider wind patterns at the surrounding pedestrian level while developing their proposals' massing.

Architectural Design & Character

New buildings should contribute to the identity of Dudley Square by recognizing its rich cultural and architectural history through careful consideration of building materials.

1. Develop an architectural character and place-specific design that acknowledges the context set by the historic Dudley Station bus terminal building as well as the new Bolling Building.
2. Building materials must be of a high quality and expressive of the prominent location and special nature of the corner of Washington Street and Dudley Street. Material usage should ground the building in the present and convey stability into the future.
3. Proposals are to express the distinction of retail, commercial, and other public uses at ground level to animate the edges of the street and help define the streetscape along Dudley Street.
4. Proposed buildings must maintain the continuity of the street wall and provide a high percentage of transparency at ground level to achieve a continuous and engaging pedestrian experience along Dudley Street.
5. Building construction, materials and MEP systems must be of good quality and take advantage of sustainable building principles.

6. Disposal areas, accessory storage areas or structures and dumpsters must ~~should~~ be placed at the rear of the property and must be appropriately screened from view.

Access and Circulation

New development must be oriented ~~strategically~~ to make easy connections through the building and the site to nearby community amenities such as transit stations, landmarks and public parks ~~in order as well as~~ to create and strengthen major public corridors to enhance pedestrian activity, encourage public transit and promote bicycle use. The City is seeking to reduce car dependency by requiring the provision of spaces for car sharing that are easily accessible to local area residents and businesses.

1. Primary building entrances ~~must should~~ be on located on Dudley Street, with service access from the rear of the site. Vehicular access will not be allowed from Dudley Street. There is a strong possibility of acquiring an easement to access the site through the existing driveway on the adjacent Courthouse parcel.
2. The design of publicly accessible interior spaces such as lobbies, atriums and courtyards as intermediate public zones that allow for pedestrian connections between Dudley Street and Warren Street is highly encouraged.
3. Any development on the site must consider topography (grade levels) throughout site to address vehicular and pedestrian circulation through the site.
4. Building(s) must be sited to create an integrated public/civic open space between this site and the newly renovated library, as well as to reinforce connections to surrounding recreational amenities such as The Boys & Girls Club Park beyond.
5. Safety, views, and ease of navigation must be considered in the site design.
6. Near the point where the parcel boundary meets the library and courthouse parcels, there is a significant grade change. The topography in this area must be resolved to harmoniously connect these three parcels. Similarly the border shared with the library has a stair and grade changes, and the transition between the parcels should be as seamless as possible. There is a

possibility of changing or relocating the stair on the library's property if desirable. The library stair likely needs to be replaced, so proposals can assume some flexibility in this location. A selected development team must work closely with the library and the courthouse to design the project's boundaries on the east and southeast portion of the parcel.

7. Providing public parking is highly encouraged since there is a need for it in Dudley Square, and this site, unlike many others, could contain a concealed parking garage that would not occupy prime street frontage.

4.8. If a parking garage (with or without other program above) is proposed on Optional Parcels 1 & 2, the anticipated vehicular access for the residential uses, commercial uses, and the public would be via an easement to use the courthouse parcel's driveway and then to enter a garage one level above the BPD parking. The existing BPD parking and driveway access would likely remain as-is. BPD currently has a back driveway to the courthouse driveway, and this would either need to be maintained as-is or replaced to provide similar access.

5.9. The design should encourage bike and public transit use and must provide secure on-site bike storage for all users and residents.

10. A parking ratio of a maximum of XXX spaces per unit and YY space per 1,000 sq.ft of commercial use is recommended. A transportation access plan must be submitted that describes ride share and other creative solutions to managing transportation needs and impacts of the project. CHECK WITH BTD

6-11. A selected project will have a transportation/traffic study performed as part of the Article 80 Review process. If multiple sites in the Plan Dudley Square disposition process are being designed at the same time, the projects will combine studies so that the analysis is thorough, coordinated, and accurate.

Open Space/Public Realm/Public Art

The quality of the public realm surrounding any new development will play a significant role in shaping the everyday experience of the district. A Project should strive to define a distinct and memorable public realm with innovative landscape

design, enhanced paving, distinctive street furniture (light fixtures, benches, street trees) and create opportunities for temporary and permanent public art.

1. The creation of a new public/civic open space between the Dudley Public Library and the development site is a critical contribution. It must contribute to creating the future public realm of Dudley Square that is engaging, community focused, active and programmable.
2. Create a bold and inventive site design incorporating public art, particularly installations that are interactive and have a direct influence on the community, encouraging a sense of place.
3. Proposals that include a large significant green park space will be viewed more favorably than other proposals. From a 2017 survey of 170 Roxbury residents by Roxbury In Motion, the following park features were identified as desirable. For green space and urban agriculture, in order of priority: More trees in public spaces (sidewalks, parks, etc.), ground-level community gardens for residents to grow food, greenhouses for growing fresh produce year-round and rooftop gardens. For physical activity infrastructure, in order of priority: Parks and open space (plazas, gathering spaces, etc.), playgrounds and outdoor play areas for kids (publicly accessible park and/or hardscaped plazas) and active transportation amenities (bike racks, bike repair stations, Hubway, etc.). Other specific park elements that the community supports include grassy areas, seating, desire-line footpaths, public viewing areas, and public art.
4. The community has expressed a preference that the public nature of the open space on this site be protected.
- 3.5. Rooftop gardens that help to reduce the heat island effect will be viewed favorably.
- 4.6. The selected proponent must repair and/or replace, as appropriate, any alteration or damage of existing sidewalks, paving, lights and street trees that occurs during construction.
- 5.7. Build and maintain a vibrant and enlivened streetscape by providing innovative landscape design and/or a mix of distinctive street furniture (light fixtures, benches, street trees), and wider sidewalks that allow for public and

semi-public active spaces, especially where adjacent to new and existing retail, service, and cultural/civic uses.

8. Provide attractive and well maintained plantings throughout the site. Use plants appropriate to the region and to all seasons that require little or no irrigation or irrigate with collected stormwater or gray water. Consider incorporating gardening opportunities into the landscape strategy. Plant trees that will form tree canopies.

6.9. All exterior spaces must be well-maintained throughout the life of the project for the benefit of the neighborhood.

Resilient Development and Green Building Design Guidelines

Proposed projects should support the community's and City of Boston's Carbon Free, Climate Resilient, and Healthy Community goals.

The Dudley Square area is subject to multiple climate change related hazards based upon the City's comprehensive climate vulnerability and preparedness study, Climate Ready Boston (2016). Proposed projects should include resilient building and site strategies to eliminate, reduce, and mitigate potential impacts:

1. **Greenhouse Gas Reduction:** Proposed projects should exemplify Mayor Walsh's Carbon Free 2050 goals by striving for net zero or net positive energy use.
2. **Higher Temperatures & Heat Events:** Proposed projects should reduce heat exposure and heat retention in and around the building. Strategies should include the use of higher albedo building and paving materials and increased shade areas through landscaping, expanded tree canopy and shade structures. Green roofs with plantings should be considered, especially for smaller sites that may have less open space.
3. **More Intense Precipitation:** Integrate strategies to both mitigate the impact of stormwater flooding to the site and reduce the site's contribution to stormwater flooding in the neighborhood. Strategies should focus on pervious site materials, enhanced landscaping and Low Impact Development measures to capture and infiltrate stormwater.

4. **Rising Sea Levels:** Reduce risks of coastal and inland flooding through the elevating the base floor, critical utilities, mechanical systems and infrastructure above anticipated flood levels. Utilization of flood proof materials below any future flood level and relocating vulnerable use to higher floors.
5. **Sheltering in Place** - Provide for a cool/warm community room and essential systems to allow for extended sheltering in place and accommodating local residents during an extreme weather event or extended disruption of utility services.

Green buildings support a comprehensive approach to addressing the adverse impacts of the built environment and to promoting human health and wellbeing of our communities. **Proposed projects should include the following:**

1. **Green Buildings:** Proposed projects should strive to achieve and surpass the US Green Building Council's (USGBC's) requirements for LEED Platinum with a minimum requirement of LEED Silver Certified. Projects are to be registered upon Tentative Designation and certified by the USGBC within one year of construction completion.
2. **Integrated Project Planning:** Project Teams should include a LEED Accredited Professional(s) with the appropriate specialty(s) and, for residential uses, a LEED Homes Rater. Proposals should describe the team's approach to integrated project planning including the use of preliminary and whole building energy modeling.
3. **Site Development:** Proposed projects should employ strategies to eliminate construction phase impacts including off-site tracking of soils and construction debris. Site designs should include strategies to reduce heat island and stormwater runoff impacts, and promote area natural habitats.
4. **Connectivity:** Proposed projects should promote and support non-personal vehicle means of travel including walking and bicycling, public transit, and reduced personal vehicle travel. Strategies should include easily accessible, secure and enclosed bicycle storage space (see [Boston Bicycle Parking Guidelines](#)), shared parking, transit pass programs, and car and bike share

programs. Other elements that promote connectivity include open space courtyards with landscaping and seating, desire-line footpaths, public viewing areas, and communal gardening spaces.

5. **Water Efficiency:** Proposed projects should minimize water use and reuse storm and wastewater. Strategies should include low flow plumbing fixtures; rainwater harvesting for gardens and building systems and ground water recharging; and drought resistant planting and non-potable water irrigation.
6. **Energy Efficiency:** Proposed designs should minimize all energy uses with a priority on passive building strategies. Small residential buildings should surpass a HERS Index of 40 with a minimum of 45 (based on current Mass. Stretch Code of 55). All other buildings should surpass modeled performance 30% or more below the current Mass. Stretch Code with a minimum performance of 20% below code (not including on-site renewable energy).
 - a. Passive building strategies should include: building orientation and massing; high performance building envelopes that are airtight, well insulated, and include high efficiency windows and doors; and natural ventilation and daylighting.
 - b. Active building strategies should include: Energy Star high efficiency appliances and building heating, cooling, and hot water systems sized to meet, but not exceed, occupant needs; and high efficiency LED lighting fixtures and advanced lighting control systems and technologies.
7. **Renewable, Clean Energy Sources and Storage:** Proposed projects should include and maximize the potential for onsite solar PV. Additionally, clean energy (e.g. combined heat and power), electric battery, and thermal energy storage systems should be considered.
8. **Energy Efficiency Incentives:** Proposed projects should fully utilize federal, state, and utility energy efficiency and renewable energy programs. The proposal describe supporting programs.
9. **Indoor Environmental Quality:** Proposed projects should provide high quality healthy indoor environments. Strategies should include extended roof overhangs, proper ground surface drainage and non-paper gypsum board in moist areas; passive and active fresh air systems and active ventilation at moisture and combustion sources; building products and

construction materials should be free of VOC's, toxins, hazardous chemicals, pollutants and other contaminants; entryway walk-off mats and smooth floors that reduce the presence of asthma triggers, allergens and respiratory irritants; and easily cleaned and maintained finishes.

10. **Materials Selection:** Proposed projects should include sustainably harvested and responsibly processed materials. Strategies should include products made with recycled and reclaimed materials; materials and products from responsibly harvested and rapidly renewable sources; and locally sourced products and materials (within 500 miles).
11. **Innovation:** Project teams are strongly encouraged to utilize both "off-the-shelf" products and practices as well as innovative strategies and "cutting edge" products to increase the sustainability and performance of the building.

04

Minimum Submission Requirements

Proposals should include the Minimum Submission Requirements described in this section and be submitted in accordance with the instructions set forth in Section 01.

Development Submission

In addition to the required forms found in the submission checklist, the following information shall be submitted in the written Proposal Summary. This is an opportunity for the Proposer to convey, in their own words to the Evaluation Team, how the proposed project will be a highly-beneficial use of the Property that will be cost-effective, timely, and provide options superior to those currently available to the community. Omission of any of the required information may lead to a determination that the proposal is non-responsive. Please provide the following items as listed:

Introduction/Development Team. A letter of interest signed by the principal(s). This letter should introduce the development team and organization structure, including the developer, attorney, architect, contractor, marketing agent/broker, management company, and any other consultants for the proposed development. For joint ventures, provide a copy of the Partnership Agreement detailing the

authority and participation of all parties. A chief contact person for each specialty should be listed. A description of any lawsuits brought against the Proposer or principals in courts situated within the United States within the past five years should also be included.

Development Plan. A description that conveys that the Proposer understands the services to be performed. The Proposer must indicate and fully explain their plan for development and how it coincides with DND's stated scope for PLAN: Dudley Square and the project requirements. Also, the Proposer must provide a credible scheme for accomplishing its stated goals and/or objectives. A time schedule proposed to accomplish the tasks listed in the development timetable, Scope of Project as well as the goals/objectives unique to the submitted proposal.

Operational Plan

Summary of the plan for the operation of the facility once development is complete. Include the anticipated annual costs, as well as the planned sources of funding.

Boston Residents Jobs Policy. Proposals must describe the planned approach to meeting the goals outlined in the Boston Residents Jobs Policy which can be accessed via the following link: <https://www.boston.gov/departments/economic-development/boston-residents-jobs-policy-construction-projects>

Diversity and Inclusion Plan. ~~To the greatest extent possible, proponents shall~~ **Proponents must** include a narrative setting forth a plan (hereinafter, a "Diversity and Inclusion Plan") for establishing and overseeing a minority outreach program aimed at creating increased opportunities for people of color, women, and M/WBEs to participate in the development of the Property. Proposals should reflect the extent to which the proponent plans to include meaningful participation by people of color, women, and M/WBEs in the following professional fields:

Construction;
Design;
Development;
Financing;
Operations; and
Ownership.

A Minority Business Enterprise or "MBE" is a firm that is owned, operated, and controlled by one or more individuals who are African American, Hispanic American, Native American, or Asian American who have at least 51% ownership of the firm.

A Woman Business Enterprise or "WBE" is a firm that is owned, operated, and controlled by one or more women who has or have at least 51% ownership of the firm.

Proposals will be considered and rated based on the comprehensiveness of the Proponent's Diversity and Inclusion Plan for creating increased opportunities for people of color, women, and M/WBEs to participate in the development of the Property, including specific strategies to achieve maximum participation by people of color, women, and M/WBEs in the fields of construction, design, development, financing, operations, and/or ownership. The Diversity and Inclusion Plan should be realistic and executable.

Developer Qualifications, Experience and References

A narrative supported by relevant data regarding qualifications and past experience with similar projects. Proposer must provide detailed descriptions of previous relevant work completed and the results or outcome of that work. Proposers shall also furnish three current references including, names, addresses, e-mail addresses, phone numbers, and principal contacts in which the Proposer has provided comparable services.

Development Without Displacement Plan

Developers must present a narrative explaining how their proposal supports the community's goal of "development without displacement." Specifically, this narrative should address how the proposed development will assist the current residents of Roxbury to remain in their community in the future, afford housing, and find pathways to economic opportunity. At a minimum this narrative should include the affordable housing production goals of the project and how the proposed rents meet the needs of Boston and Roxbury residents. This discussion should also identify how proposed sizes of units meet the needs of community members. Community members have suggested that larger unit sizes (2, 3 and 4 bedrooms) are needed for local families, while smaller unit sizes may be appropriate for seniors.

The development teams track record for supporting projects and policies which promote development without displacement should also be included. If applicable, the development team should include their experience preventing eviction of tenants when acquiring, developing and operating property. If the proposed development will result in the direct eviction of any current tenants on property owned or acquired by the development team, this must be disclosed and will generally be viewed negatively.

Community members have expressed interest in innovative strategies to support community stability - such as cooperative ownership, land trust participation, and rent-to-own strategies. Including elements such as these or other innovative strategies to prevent displacement will dramatically increase the favorability of the proposal.

Community Benefits Plan

As described in the Development Objectives, proposals must include a narrative of the community benefits supported by the development, including any benefits to the local community that are above those generated by the development itself.

Permits/Licenses

A list of relevant business permits/licenses including expiration dates.

Subcontractors or Partnerships

If applicable, explain the relationship(s) between the Proposer and any third-party developers, subcontractors, or community partners that might influence the Proposer's development plan.

Additional Data

Any other relevant information the Proposer believes is essential to the evaluation of the proposal (i.e., aesthetic designs, environmental sustainability goals, property management plans, ideas for selection of subcontractors, methods of obtaining community engagement, etc.).

Development Concept

1. Describe the proposed project uses and the total square footage of each use, along with a description of how the proposed uses and design will satisfy the Development Objectives and Development Guidelines of this RFP.
2. Describe how the proposed project will benefit the surrounding community.
3. Estimate the number of construction and permanent jobs that will be generated by the proposed project.
4. Provide an outline of all required regulatory approvals and a projected timeline to obtain these approvals. The proponent should note the currently applicable zoning districts, overlays and provisions that govern development of the Property and discuss the type of zoning amendments or variances that are required for the proposed development, or indicate if the proposed development can be constructed "as-of-right" under existing zoning.

Design Submission

All drawings must be submitted in both hard copy and digital format (PDF or JPEG, at minimum 300 DPI). The Design Submission ~~must~~should include, but not be limited to, the following materials:

1. ~~A written and graphic description explaining how the proposed design will meet the Development Objectives & Design Guidelines of this RFP and the PLAN: Dudley Square document. These documents must describe and illustrate all the program elements and the organization of these spaces within the building.~~A written and graphic description explaining how the proposed design will meet the Urban Design Guidelines of this RFP and the PLAN: Dudley Square document. This description should also include all program elements and space allocation, zoning requirements and preliminary zoning calculations.
2. ~~A Neighborhood Plan (at appropriate scale, e.g.1"=40') and Site Plan (1"= 20' scale) showing how the proposed design will fit within the immediate context of existing buildings and within the larger context of the Dudley Square neighborhood. The neighborhood plan is to illustrate how the project meets the Urban Design Guidelines established for this site in the RFP. The proposed building, existing building footprints, lot lines, streets, street names and any other relevant contextual information is to be included in the plan. The site plan is to illustrate the building footprint & placement on the site, the general building organization, open space,landscape elements, driveways, curb cuts, fencing, walkways, streetscape improvements. The neighborhood and site plan should coordinate with renderings, perspective drawing and aerial views of the project. A neighborhood plan (at appropriate scale, e.g.1"=40') showing how the proposed design will fit within the context of existing buildings and the larger Dudley Square neighborhood. It should include the proposed and any existing building footprints, lot lines, streets and street names. The neighborhood plan should illustrate how the projects meets the larger Urban Design Guidelines in relating to Dudley Square. These drawings will also be available to the public to assist in their assessment of the proposal.~~

3. Schematic floor plans (1/8" = 1'-0" scale) showing the basement, ground floor, upper floor(s), and roof including room dimensions, square footage of rooms, overall building dimensions, and the gross square footage of the building.
4. Building Elevations (1/8" = 1'-0" scale) showing all sides of the proposed building, architectural details, building height and notations of proposed materials.
5. Street elevations (at appropriate scale, e.g. 1/8"=1'-0") showing the relationships of the proposed building to the massing, building height and architectural style of adjacent buildings. This street context drawing may combine drawings with photographs in any manner that clearly depicts the relationship of the new building to existing buildings.
6. Perspective drawings drawn at eye-level and aerial views that show the project in the context of the surrounding area.
7. A description and illustration of the bicycle parking, automobile parking and transportation plan for the proposed development based on the Urban Design Guidelines established for this site in the RFP.
8. A preliminary zoning analysis.
9. A written and graphic description of how the proposed project will satisfy the Resilient Development and Green Building guidelines of this RFP that includes:
 - a. The team's approach to integrated project design and delivery;
 - b. Performance targets for energy use and carbon emissions (or HERS score);
 - c. Preliminary LEED Checklist;
 - d. Preliminary Boston Climate Resiliency Checklist reflecting proposed outcomes;

~~8. Street elevations (at appropriate scale, e.g. 1/8"=1'-0") showing the relationships of the proposed building to the massing, building height and architectural style of adjacent buildings. This street context drawing may combine drawings with photographs in any manner that clearly depicts the relationship of the new building to existing buildings.~~

~~9.10. Perspective drawings drawn at eye-level and aerial views that show the project in the context of the surrounding area.~~

Financial Submission

The financial submission shall include, but not be limited to the information listed below. The pro forma should provide separate sources and uses for each project component (e.g. commercial, housing, parking, etc.) or phase, if applicable, as well as a combined budget for the entire project. The pro forma should be provided in both hard copy and flash drive form in Microsoft Excel. Projects should use the Development and Operating Pro Forma format shown in [the submission checklist Appendix B](#) or a similar format. **The Financial Submission must be submitted in a separate, sealed envelope and include a formal price offer on the Price Proposal form attached as Appendix G.**

1. Development Program: Tabulate gross and net square footage for each project component and include the number of parking spaces and/or commercial or office space, as well as totals for the complete project.
2. Development and Operating Pro Forma (all costs should be provided on a total and per gross square foot basis):
 - a. Property acquisition costs.
 - b. Hard costs (disaggregated into site work, foundations, base building, garage, tenant improvements, FFE, contingencies, etc.).
 - c. Soft costs (disaggregated into individual line items such as architectural, engineering, legal, accounting, development fees, other

professional fees, insurance, permits, real estate tax during construction, contingencies, etc.).

- d. Any other project-related costs that are not included within the above categories, including any linkage fees, costs of providing community benefits, etc.
- e. Total development cost.
- f. Sources of construction and permanent financing, including all assumptions regarding terms (fees, interest rates, amortization, participation, etc.) and required financial returns (return on cost, internal rate of return, etc.).
- g. Sources and anticipated amount requested of any public funding/subsidies that may be required to create a financially feasible project.
- h. For entering Sources and Uses of Funds, operating budget and other budget items, Applicants must use a One-Stop Application format that can be downloaded from www.mhic.com (in the site, see tab "One Stop Center" then "Downloads" then "OneStop2000"). If the proposal includes a combination of unit types for different income categories, the applicant will be required to submit a separate budget that illustrates that the costs associated with the development of the different income levels are covered by eligible sources. Sources must equal uses. If applicable, land costs for privately owned parcels that would be included in the proposed development must be identified in the "Acquisition" line. At the time of application to DND, the applicant must have an accepted offer to purchase, an executed purchase and sale agreement or a deed and the price must be supported by an as-is appraisal for that property.

3. Ten-year operating pro forma (income and expenses should be provided on a total, and per net square foot basis) that includes:
 - a. A schedule of all rents.
 - b. Anticipated operating expenses and real estate taxes with a division of owner and tenant expenses clearly identified.
 - c. All other revenue, expenses and vacancy assumptions that are required to calculate net operating income.
 - d. Calculation of net operating income, debt service, before tax cash flow, and debt coverage ratios.
4. Condominium sales pro forma (if applicable), including, but not limited to, the following information:
 - a. A schedule of unit types showing the average net square feet (NSF), number of bedrooms, condominium fees, price per unit and price per NSF for each unit type. Comparable data should also be provided for commercial and parking spaces that will be sold.
 - b. Gross Sales Revenue
 - c. Sales costs, including brokerage, legal, and other conveyance costs.
 - d. Net Sales Revenue.
 - e. Assumptions regarding pre-sales and projected sell-out period.
5. Preliminary market study, using empirical market data, that demonstrates the feasibility of the proposed sale and/or lease rates of the project.
6. Financing
 - a. Developer Equity: The Proponent must demonstrate the availability of financial resources to fund working capital and equity requirements

for the proposed project. Acceptable documentation includes current bank statements, brokerage statements, and/or audited financial statements.

- b. Financing Commitments: Letters of interest and/or commitment from debt and equity sources for construction and permanent financing. Letters should include a term sheet that provides the Loan-To-Value ("LTV") and Debt Service Coverage ("DSC") requirements, fees, term, amortization, etc.

Submission Checklist

The following is a list of all documents necessary for a complete proposal. Submitting these documents in the order listed below will facilitate the City's ability to determine if your application is complete and eligible for further review. Incomplete proposals will be rejected.

1. Proposal Summary
2. Development Submission
3. Design Submission
4. Financial Submission
5. Required Forms
 - a. [Statement of Proposer's Qualifications Form](#) (see link)
 - b. [One Stop Application for Development Budget](#)- (see link)(see link)
 - c. [Preliminary Development Budget Form](#) (see link)
 - d. [Preliminary Operating Budget Form](#) (see link)
 - e. [Development Timetable Form](#) (see link)
 - f. [Construction Employment Statement Form](#) (see link)
 - g. [Property Affidavit Form](#) (see link)
 - h. [Affidavit of Eligibility Form](#) (see link)/95
 - i. [Chapter 803 Disclosure Statement Form](#) (see link)
 - j. [Beneficial Interest Statement Form](#) (see link)

6. Presentation Boards

Each proposal must include the following for public exhibit purposes:

- a. A maximum of two, 30" x 40", horizontal formatted presentation boards depicting the proposed building(s) and site design and highlighting features including program, civic, urban design, green building, and resiliency elements.
- b. Provide high quality, high resolution digital presentation board images in JPG image and PDF formats.

(Items 5&6 on the Submission Checklist are referred to as the "Disclosures")

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05

Evaluation of Proposals

Description of Evaluation Process

Proposals must meet the City's Minimum Eligibility Criteria as described below. The Selection Committee shall then assign a composite ranking for each proposal it evaluates based upon the weighted Comparative Evaluation Criteria as described below. The Most Highly Advantageous proposal from a Proposer meeting both the Minimum and Comparative Evaluation Criteria will be selected.

Only Proposals that satisfy the Minimum Eligibility Criteria will be comparatively evaluated based on the weighted Comparative Evaluation Criteria below. A ranking of Highly Advantageous, Advantageous or Not Advantageous will be decided for each criterion. The Selection Committee will formulate a comparative composite ranking to determine the Most Highly Advantageous proposal.

To facilitate DND's final evaluation of Comparative Evaluation Criteria, DND will require Proposers that meet threshold criteria to present their plans of development to the community and respond to questions and comments from the Roxbury Strategic Master Plan Oversight Committee. The Selection Committee will then factor community input received at this presentation into the final overall rating.

Award of Contract

Prior to designation by the Public Facilities Commission, the “Most Highly Advantageous Proposer,” who has satisfied the Minimum Eligibility Criteria and is found to have the overall most highly advantageous composite rating based on the Comparative Evaluation Criteria, will be subject to a final Statutory Compliance Review to determine compliance with various City regulations, ordinances and policies. DND will review and evaluate proposals promptly after the submission deadline ~~of June 26, 2018~~.

DND reserves the right to obtain the opinion of Counsel regarding the legality and sufficiency of proposals. A proposal may be rejected if it is incomplete, illegible, or conditional. DND reserves the right to award contracts to multiple Proposers, to reject any or all proposals, to waive any informality in the proposal process, or to cancel in whole, or in part, this solicitation if it is in the best interest of the City to do so.

An acceptable offer will not include conditional requirements, such as:

- Altering the square footage of the Property;
- Proposing a use for the Property beyond those specified in Section 3. Development Guidelines and Objectives; or
- Proposing a use for the Property that does not benefit the residents of Boston.

The contract will be awarded, if at all, to the responsive, responsible Proposer(s) that receives the highest overall composite rating in the evaluation process.

Minimum Threshold Requirements

All proposals must meet the following minimum threshold criteria:

1. Only proposals that are received by the date, time, and at the location indicated in Section 5 of this RFP will be accepted.
2. Proposals must include all documentation specified under Submission Requirements.

3. Proposals must meet or exceed the affordable housing goals of the development guidelines if a residential component is included.

3.4. If proposals include Optional Parcel 1, they must provide BPD replacement parking, demonstrate how BPD's parking will be kept separate from any other parking, and indicate how the project will be phased so that BPD's access to their current amount of parking spaces is not interrupted at any time.

4.5. The proponent must not be experiencing any financial problems that might render it unable to complete the redevelopment of the Property.

5.6. The proponent must demonstrate that it has adequate insurance and an appropriate risk management strategy.

6.7. The City shall have determined that the proponent is in compliance with all applicable statutes governing conflict of interest.

Withdrawal of Proposals

Proposals may be withdrawn either personally, by written request or by electronic request at any time prior to the scheduled closing time of receipt of proposals.

Comparative Evaluation Criteria

The City will use the following Comparative Evaluation Criteria to compare the merits of all qualifying proposals. For each evaluation criterion set forth below, the City's selection committee shall assign a rating of Highly Advantageous, Advantageous or Not Advantageous. The selection committee shall then assign a composite rating of Highly Advantageous, Advantageous or Not Advantageous for each proposal it evaluates. All comparative evaluation criteria shall be weighed equally.

To facilitate evaluation of these Criteria, DND and BPDA will seek community input in the form of a developer's presentation with opportunity for public comment as supported and directed by the Roxbury Strategic Master Plan Oversight Committee.

1. Development Concept

This Criterion is an evaluation of the Proposer's development plan relative to the Development ~~Guidelines & Objectives~~ set out in Section 34. Proposals that better fulfill the Development ~~Objectives Guidelines~~ and affordability requirements relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Development ~~Objectives Guidelines~~ will be considered less advantageous. ***To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.***

Detailed, realistic proposals for development of the Property that are consistent with and which successfully address the Development Objectives ~~and Development Guidelines~~, including delivering affordable housing options that are more deeply affordable than outlined in the Development Objectives, will be ranked as **Highly Advantageous**.

Realistic proposals for development of the Property that are consistent with the Development Objectives ~~and Development Guidelines~~ but do not completely or satisfactorily address all issues identified in them will be ranked as **Advantageous**.

Proposals for development of the Property that are not consistent with the Development Objectives ~~or Development Guidelines~~ and/or do not address most of the issues identified by them will be ranked as **Not Advantageous**.

2. Design Concept

This Criterion is an evaluation of the Proposer's development plan relative to the ~~D~~esign ~~G~~uidelines outlined in Section 3. Proposals that better fulfill the

Design ~~Guidelines~~~~Considerations~~ relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Design ~~Guidelines~~ ~~Considerations~~ will be considered less advantageous. ***To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.***

Proposals that are highly compatible with the Design ~~Guidelines described in Principles and Objectives~~ Section of this RFP and meet more of the identified objectives than competing proposals will be ranked ~~as~~ **Highly Advantageous.**

Proposals that include most, but not all required drawings and design documents, with designs that ~~follow~~ ~~achieve~~ most, but not all of the Design ~~Guidelines~~~~Principles and Objectives~~ outlined in this RFPs ~~and/or utilize adequate, but not high quality, durable materials~~ will be ranked ~~as~~ **Advantageous.**

Proposals that include few of the required drawings and design documents, with designs that do not adequately ~~follow~~ ~~achieve~~ most of the Design ~~Guidelines~~~~Principles and Objectives~~ outlined in this RFP, and/or utilize inferior quality materials will be ranked ~~as~~ **Not Advantageous.**

3. Sustainable Development

This Criterion is an evaluation of the Proposer's sustainable and resilient development strategies relative to the objectives as specified in Section ~~34~~(e). Proposals that better fulfill the Sustainable Development Objectives relative to other proposals will be considered to be more advantageous. Proposals that do not meet the Sustainable Development Objectives will be considered less advantageous. ***To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.***

Proposals that provide a detailed plan that exceeds LEED Silver certification and exceed the other requirements outlined in the Resilient Development and Green Building Design Guidelines will be ranked as **Highly Advantageous**.

Proposals that provide a feasible plan for LEED Silver certification and meet Resilient Development and Green Building Design Guidelines will be ranked as **Advantageous**.

Proposals that fail to provide a plan for LEED Silver certification and do not meet minimum Resilient Development and Green Building Design Guidelines will be ranked as **Not Advantageous**.

4. **Development Team Experience**

This Criterion is an evaluation of the Proposer's experience and capacity to undertake the proposed project. This will be evaluated based on the Proposer's experience relative to that of other Proposers. Newly formed development teams and or Joint Venture Partnerships will be evaluated based on their combined development experience. Development teams with the greatest experience, especially experience in the city of Boston, will be considered to be more advantageous than development teams with less experience.

Proposals that provide all of the requested information regarding the development team's experience and capacity and demonstrate that the development team has successfully completed one or more similar projects in the city of Boston in the last five years, will be ranked as **Highly Advantageous**.

Proposals that provide most of the requested information regarding the development team's experience and capacity and illustrates that, although the development team has not successfully completed any similar projects in the City of Boston, it has successfully completed one or more similar projects

elsewhere, or can demonstrate transferable experience from another type of project, will be ranked as **Advantageous**.

Proposals that do not include any of the requested information regarding the development team's experience and capacity and do not demonstrate that the development team has successfully completed a similar project to the one proposed, will be ranked as **Not Advantageous**.

5. **Financial Capacity**

This Criterion evaluates the relative strength of the Proposer's financing plan relative to other proposals. Proposals that can show that they have confirmed financing offers to generate enough capital to fund most or all of their Development Budget will be considered to be more advantageous. Proposals that do not have confirmed financing sources or have confirmed financing for only part of the Development Budget will be considered less advantageous.

Proposals that include approved or conditionally approved financing to initiate and complete the proposed development within a definitive timeframe, ~~Proposals that~~ illustrate if the project will require federal, state or local subsidy, and otherwise provides a financial plan detailing and evidencing any and all proposed, available resources will be ranked as **Highly Advantageous**.

The Proposer must be able to demonstrate experience in successfully raising funds in this manner for another significant project. Proposals that provide a feasible financing plan using public (federal, state or local subsidy) sources, and private funding, to initiate and complete the development and include letters of interest for all sources of debt and equity, indicated with timelines for commitments, will be ranked as **Advantageous**.

Proposals that provide a financing plan to initiate and complete the development but do not include letters of interest from funding sources or any other evidence of potential sources of private and public debt and

equity; and/or include little to no documentation of a financial plan, will be ranked as **Not Advantageous**.

6. Financial Impact¹

This Criterion evaluates the financial impact to the City of Boston of the Proposer's Net Offer Price, which will be calculated by summing the Offer Price with any included request or identified need for funding relative to offers of other proposers. Proposals with a Net Offer Price above that of other proposers will be considered to be ~~a~~ more advantageous proposals, provided they remain consistent with the objectives and preferences outlined in this RFP. Proposals with a Net Offer Price below that of other proposers will be considered to be less advantageous proposals.

Proposals that rely on no sources of public funding; and includes an Offer Price to the City not less than the Appraised Value will be ranked as **Highly Advantageous**.

Proposals that include an Offer Price less than the Appraised Value ~~and/or but~~ rely on ~~reasonably justified no~~ sources of public funding will be ranked as **Advantageous**.

Proposals that offer less than the appraised value and do not justify the basis for the reduction will be ranked as **Not Advantageous**.

~~**Proposals that include a Development Plan that is compatible with the Development Guidelines and Objectives; relies on no sources of public funding, and includes an Offer Price to the City not less than the Appraised Value will be ranked as Highly Advantageous.**~~

~~**Proposals that include an Offer Price less than the Appraised Value, but reasonably justified as necessary in order to maintain compatibility of the Development Plan with the Development Guidelines and Objectives**~~

¹ The primary objective for the sale of tax-foreclosed properties is to positively impact the community by placing properties back into productive, community-supported use while recovering unpaid tax revenues and maintenance expenses. For tax-foreclosed properties, the City's policy is to consistently set the asking price at the current appraised value for the property. If a Proposer is unable to meet the stated objectives and minimum requirements at that price, the City will entertain lesser offers

~~while relying on no sources of public funding, will be ranked as Advantageous.~~

~~Proposals that include a Development Plan that is either not compatible with the Development Guidelines and Objectives, or relies heavily on public sources of funding that adversely impact the Development Schedule relative to other Proposals will be ranked as Not Advantageous.~~

7. **Development Cost Feasibility and Operating Pro Forma**

This Criterion evaluates the relative strength and completeness of the Proposer's Development Budget relative to other proposals. Proposals that most completely specify all anticipated costs and contingencies and are in line with current industry standards will be considered to be more advantageous. Proposals that have incomplete development budgets or have costs that are not consistent with industry standards will be considered less advantageous.

Proposals that include a Development and Operating Pro Forma that is consistent with the use DND and BPDA requested in this RFP, ~~and~~ includes cost estimates that are appropriate for the proposed project and its ongoing operations, and is supported by documents such as estimates from recognized professionals or price quotes from licensed builders or contractors, will be ranked as **Highly Advantageous**.

Proposals that include a Development and Operating Pro forma that is consistent with the use DND and BPDA requested in this RFP and includes cost estimates that are appropriate for the proposed project and its ongoing operations, but do not provide supporting documentation for the most significant costs will be ranked as **Advantageous**.

Proposals that do not submit a Development and Operating Pro forma or include a Development and Operating Pro forma that is lacking in detail, or

not realistic or appropriate for the project and its ongoing operations, will be ranked as **Not Advantageous**.

8. Diversity and Inclusion

This is an evaluation of the relative strength of the proposal for achieving diversity and inclusion in the proposed project. Proposals will be considered and rated based on the comprehensiveness of the Developer's planned approach to achieving participation, including specific strategies to achieve maximum participation of MWBEs in non-traditional functions as defined in the Diversity and Inclusion Plan in the Minimum Submission Requirements. The planned approach should be realistic and executable. *To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.*

Proposals that provide a comprehensive, highly reasonable, and justifiable Diversity and Inclusion Plan for a project of the type proposed that is clearly superior to that of all other proposals shall be ranked **Highly Advantageous**.

Proposals that provide a reasonable and justifiable Diversity and Inclusion Plan for a project of the type proposed that is similar or equal to all other submitted proposals shall be ranked **Advantageous**.

Proposals that do not provide a credible or detailed Diversity and Inclusion Plan for a project of the type proposed, and/or propose a Diversity and Inclusion Plan that is substantively inferior to all other submitted proposals shall be ranked **Not Advantageous**.

9. Development Timetable

This Criterion evaluates the relative strength of the Proposer's Development Timetable relative to that of other proposers. Proposals that are able to start construction in a timely manner and have a realistic construction schedule will be considered to be a more advantageous ~~proposal~~. Proposals that are

unable to commence in a timely manner, or have unrealistic construction schedules will be considered to be less advantageous proposals.

Proposals that provide a detailed development timetable that is feasible, demonstrates an understanding of the development process, and provides clear indication that the project does not need additional funding and can close within twelve (12) months of tentative designation and will be completed within twelve (12) to eighteen (18) months of closing conveyance will be ranked as **Highly Advantageous**.

~~Proposals that provide a detailed development timetable that is feasible, demonstrate an understanding of the development process, and provide clear indication that the project will close within six (6) months of receiving all necessary funding and be completed within twelve (12) to eighteen (18) months of closing will be ranked as~~
~~Proposals that provide a feasible development timetable, demonstrate a general understanding of the development process, but either lack detail and/or indicate that the project will be completed in more than eighteen (18) months to twenty-four (24) months of conveyance will be ranked as~~
Advantageous.

Proposals that fail to provide a development timetable or propose a development timetable that is either impractical, demonstrates a lack of understanding of the development process or indicates that the project will not close within six (6) months of receiving all necessary funding or that it will be completed in more than 18-24 months following closing will be ranked as **Not Advantageous**.

10. Good Jobs Standards for Full Time Employees

This Criterion evaluates the relative strength of the Proposer's employment strategy relative to the Boston Residents Jobs Policy and other employment opportunity preferences stated in this RFP. Good Jobs Standards are currently being developed.

11. Development Without Displacement

This is an evaluation of the relative strength of the proposal for achieving the development without displacement articulated by the community. Proposals will be considered and rated based on the comprehensiveness of the Developer's planned approach to assisting the current residents of Roxbury to remain in their community in the future, afford housing, and find pathways to economic opportunity. **To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.**

Proposals that provide a comprehensive, highly reasonable, and achievable Development Without Displacement strategy for a project of the type proposed that is clearly superior to that of all other proposals shall be ranked **Highly Advantageous**.

Proposals that provide a reasonable and justifiable Development Without Displacement strategy for a project of the type proposed that is similar or equal to all other submitted proposals shall be ranked **Advantageous**.

Proposals that do not provide a credible or detailed Development Without Displacement strategy for a project of the type proposed, and/or propose a Development Without Displacement strategy that is substantively inferior to all other submitted proposals shall be ranked **Not Advantageous**.

11.12. Additional Benefits

This Criterion evaluates the Proposer's relative ability to provide benefits to the local community that are above those generated by the development itself. Proposals that offer benefits that the community most desires will be considered to be ~~a~~ more advantageous ~~proposal~~. Proposals that offer less or no community benefits will be considered to be ~~a~~ less advantageous ~~proposal~~. **To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.**

Proposals that describe and quantify specific benefits that it will provide to the community, aside from the development of the property. The level of benefits provided will be superior to those provided by other Proposers will be ranked as **Highly Advantageous**.

Proposals that describe and quantify specific benefits that it will provide to the community, aside from the development of the property. The level of benefits provided will be equal to those provided by other Proposers will be ranked as **Advantageous**.

Proposals that do not sufficiently describe and quantify specific benefits to the community, aside from the development of the property. The level of benefits provided would be inferior to those provided by other Proposers will be ranked as **Not Advantageous**.

13. Parking

This Criterion is an evaluation of the proposed projects' parking strategy relative to the parking goals outlined in the Use Guidelines and Access and Circulation subsections in Section 3. The parking goals go above and beyond the minimum parking requirements for this site. Proposals that better fulfill the parking goals relative to other proposals will be considered more advantageous. Proposals that do not meet the parking goals will be considered less advantageous. ***To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.***

Proposals that provide plentiful public parking and adequate parking for the development uses will be ranked **Highly Advantageous**.

Proposals that provide some public parking and adequate parking for the development uses will be ranked **Advantageous**.

Proposals that fail to provide any public parking or adequate parking for the development uses will be ranked **Not Advantageous**.

14.. Open Space

This Criterion is an evaluation of the proposed projects' open space concept relative to the open space goals outlined in the Use Guidelines and Open Space/Public Realm/Public Art subsections in Section 3. Proposals that better fulfill the open space goals relative to other proposals will be considered more advantageous. Proposals that do not meet the open space will be considered less advantageous. ***To facilitate its evaluation of this Criterion, we will seek community input in the form of a developer's presentation with opportunity for public comment.***

Proposals that provide a large public plaza or park with programmable space, plentiful green space, and several of the specific outdoor amenities that the community desires will be ranked **Highly Advantageous**.

Proposals that provide an adequately-sized public plaza or park with programmable space and adequate green space, but that don't indicate that they will provide any of the more specific outdoor amenities that the community desires will be ranked **Advantageous**.

Proposals that fail to provide an adequately-sized public plaza or park with programmable space, adequate green space, or any of the more specific outdoor amenities that the community desires will be ranked **Not Advantageous**.

06

Contract Terms and Conditions

Disposition Price

The most advantageous proposal from a responsive and responsible Proposer/Proponent, taking into consideration price and all other evaluation criteria set forth in this RFP, shall be recommended to the DND Public Facilities Commission for tentative designation. Such a process will allow for the selection of a Proposer/proponent with the financial and technical capacity to redevelop the property in a manner consistent with the goals set forth in the RFP.

The Developer will enter into a 99-year ground lease with the DND. [DND is currently developing rent guidelines for the ground lease]. expects a ground lease price proposal of at least \$ 2.05 per gross square foot of floor area developed per year. The fixed rent shall escalate every five years at a rate determined by the cumulative increase in the Consumer Price Index for the preceding five year period. Since price is a factor in this RFP, Proponents are strongly encouraged to submit price proposals in excess of \$2.05 per gross square foot of floor area per year.

While the BRA expects a ground lease price proposal of at least \$2.05 per square gross foot of floor area per year, a lower price proposal will not be automatically rejected. A Proponent offering less than \$2.05 per square gross foot of floor area

~~per year shall provide with their price proposal a compelling and quantifiable narrative as to the merits and strengths of their proposal while also setting forth the reasons as to why the proposal cannot meet the \$2.05 per square foot of floor area per year threshold.~~

~~The appraised value of the parcel is \$XXX. Offered price is one of the many factors used in determining the most highly advantageous proposal. Proposers are encouraged to make competitive offers. For more information on comparative evaluation criteria, please refer to Section 05.~~

~~A Proposer may offer less than the appraised value, but they must credibly demonstrate that their development concept maximizes the public benefit and foregoes more lucrative opportunities in order to be consistent with community preferences, resulting in a concept not financially feasible at the asking price. Reasons may include, but are not limited to specific community benefits (such as affordable housing, community programming space, etc.) that the development will provide that will prohibit the Proposer from maximizing development revenues and/or operating income.[4] In order to offer less than the asking price the Proposer must include a detailed written explanation of why their offer price is reduced and provide development budgets and pro formas that support the lower offer price. **The minimum price that can be accepted is \$X00, or \$100 per parcel.**~~

~~A proposer may offer more than the asking price for the land. However, if a use different than those specified in the RFP guidelines is proposed, a narrative describing the rationale must be provided to use for review and presentation to the community for input.~~

~~If the successful Proposer is applying for federal grant funding from either the City or State in connection with this project, their purchase price may be adjusted downward to comply with federal subsidy layering rules.~~

~~*If a Proposer is a church or religious entity, in compliance with the Commonwealth of Massachusetts Declaration of Rights, he/she/they must offer **100% of the appraised value**. Failure to make such an offer will be grounds for disqualification of the proposal.~~

07

Ground Lease Terms

~~The Ground Lease will be for 99 years, and include an acknowledgement that the designated Proponent is familiar with the Proposed Project Site and agrees to accept it in "as-is" condition. Any environmental conditions existing at the Project Site will be the responsibility of the designated Proponent. The designated Proponent will assume any and all liability for any environmental clean-up pursuant to M.G.L. c. 21E.~~

~~The designated Proponent will be solely responsible to obtain all permits and approvals necessary to obtain a Certificate of Occupancy for the building.~~

~~[DND is currently developing rent guidelines for the ground lease]Upon the initial sale of any market rate units to be built on the Proposed Project Site, 4% of the gross sale price of each unit shall be payable to the BRA. Upon future resales of the market rate units, 2% of the gross sale price will be payable to the BRA. These restrictions will be placed in the Ground Lease and/or any other document that the BRA deems appropriate. Such funds will be used by the BRA for the creation of affordable housing.~~

~~The land and improvements on the Proposed Project Site will be assessed and taxed by the City of Boston under normal real estate taxation procedures in accordance with Chapter 59 of the Massachusetts General Laws (M.G.L.). The~~

ground lease will require the designated Proponent to be responsible for paying applicable taxes and fees ~~as well as the fixed rent.~~

~~Fixed rent shall be negotiated between the parties to the ground lease, but shall be calculated as explained above. Rent shall be NNN.~~

All site improvements, including sidewalks, street lights and street trees, shall be paid by the designated Proponent, and the estimated costs for such improvements must be documented in the development Pro Forma. The designated Proponent will pay for the cost of any utility relocation not paid by a utility company.

The proposed project shall comply with the City of Boston's zoning and building regulations and procedures; the Boston Job Policy; and any other applicable City and/or State code(s).

During the construction period, the designated Proponent shall provide at their expense, and display, a City of Boston/BPDA proposed project development sign, which should be approved by the BPDA staff prior to installation. The designated Proponent should also provide signage that describes the proposed project, including the number of affordable units if included in the proposed project. If the designated Proponent is represented by a real estate broker, currently licensed in the Commonwealth of Massachusetts, the designated Proponent is fully responsible for any brokerage commission. ~~DNDThe BRA~~ will not pay a broker's fee to any individual or ~~firm~~~~concern~~ in the conveyance of the Project Site.

The designated Proponent shall be responsible for any and all costs incurred in connection with the planning and development of the Proposed Project Site. ~~The BRA and the~~ City of Boston shall not be liable for any such costs nor shall be required to reimburse the Proponent for such costs.

All other material price terms and conditions of the ground lease will be negotiated following Tentative Designation of a developer within the time period specified in the Tentative Designation Resolution.

Proponent Designation and Conveyance

After the evaluation process is complete, DND will recommend to the Public Facilities Commission, the tentative designation of the proponent whose proposal best meets the criteria in this RFP. During tentative designation the developer must apply for building permits, acquire zoning variance(s), complete the project design drawings, secure financing, etc. Once the developer satisfactorily completes the aforementioned tasks prior to the expiration of the tentative designation, a Conveyance vote is submitted to the Public Facilities Commission.

Final designation will be granted upon satisfactorily completing all required terms and conditions. The proposal will be subject to subsequent stages of City development and design review, including Article 80 if required.

Compliance Review (“Disqualifiers”)

1. **Tax Delinquency Review.** The City of Boston Collector-Treasurer’s Office will conduct a review of the selected proposer’s property tax history. The selected proposer cannot be delinquent in the payment of taxes on any property owned within the City of Boston. The selected proposer must cure any such delinquency prior to the conveyance of the Property. If the selected proposer has been foreclosed upon by the City of Boston for failure to pay property taxes, then said proposer will be deemed ineligible for conveyance of the Property offered pursuant to this RFP, unless such proposer promptly causes the decree(s) or judgment(s) of foreclosure to be vacated by the Land Court and the City made whole. DND, in its sole discretion, shall determine the timeliness of the selected proposer’s corrective action in this regard and will disqualify the proposer if vacating the tax-title foreclosure is not prosecuted expeditiously and in good faith, so as to avoid undue delay.
2. **Water and Sewer Review.** The City of Boston Water and Sewer Commission will conduct a review of the selected proposer’s water and sewer account(s). The selected proposer cannot be delinquent in the payment of water and

sewer charges on any property owned within the City of Boston and, if found to be delinquent, must cure such delinquency prior to a vote request to the Public Facilities Commission for conveyance of the Property.

3. **Property Portfolio Review.** The City will review the selected proposer's portfolio of property owned to ascertain whether there has been abandonment, Inspectional Services Department ("ISD") code violations, or substantial disrepair. If unacceptable conditions exist in the selected proposer's property portfolio, DND may deem the selected proposer ineligible for conveyance of the Property.
4. **Prior Participation Review.** The City will review the Proposer's prior participation in any City of Boston programs, including BPDA and DND programs, to ascertain Proposer's previous performance. Proposers found to have not fulfilled their duties or obligations under previous agreement with the City may be deemed to be ineligible for conveyance of the Property.
5. **Employee Review.** Neither the Proposer, nor any of the Proposer's immediate family, nor those with whom s/he has business ties may be currently, or have been within the last twelve (12) months, an employee, agent, consultant, officer, or an elected official of the Department of Neighborhood Development or the Boston Planning & Development Agency. An "immediate family member" shall include parents, spouse, siblings or children, irrespective of their place of residence. Any proposer who fails to satisfy this requirement may be deemed to be ineligible for conveyance of the Property.

5. **Compliance with DND Eviction Prevention Efforts.** Data collected from Boston Housing Court in 2015 indicates that at least 67% of evicted tenants were evicted from subsidized units. Because tenants that are evicted often find themselves with no place to go and may be disqualified from future affordable housing opportunities, we are implementing eviction prevention efforts. DND's expectation is that our partners, who develop affordable housing using City resources, are doing what they can to prevent evictions.

Applicants that receive an award of funds will be required to submit information on the number of evictions and terminated tenancies in their portfolio of developments during the previous 12 month period and may be asked to submit an eviction prevention plan. If the information submitted indicates a substantial issue, the award of funds may be suspended.

All forms required for DND's Compliance Reviews are included in the links located at the end of the Table of Contents of this Request for Proposals.

Additional Terms and Conditions

1. **Good Jobs Standards Policy.** Pending approval of updated language, construction on this project must comply with the Good Jobs Standards Policy. For original standards agreed upon by the Roxbury Strategic Master Plan Oversight Committee see the Good Jobs Standards Fact Sheet in the appendix.
2. **Boston Resident Jobs Policy.** Construction on this project must comply with the Boston Residents Jobs Policy. Compliance review includes an assessment of whether the project is meeting the following employment standards:
 - a. At least 51 percent of the total work hours of journey people and fifty-one percent of the total work hours of apprentices in each trade must go to Boston residents;
 - b. at least 40 percent of the total work hours of journey people and forty percent of the total work hours of apprentices in each trade must go to people of color, and
 - c. at least 12 percent of the total work hours of journey people and twelve percent of the total work hours of apprentices in each trade must go to women.

For more information on how to achieve compliance with the Boston Residents Jobs Policy, please see City of Boston Code, Ordinances, Section 8-9, and Exhibit H."

3. **Development Costs.** The preparation and submission of all proposals by any person, group or organization is totally at the expense of such person, group or organization. Proponents shall be responsible for any and all costs incurred in connection with the planning and development of the Property. The BPDA and the City of Boston shall not be liable for any such costs nor shall be required to reimburse the applicants for such costs.
4. **Site improvements.** All site improvements, including sidewalks, street lights and street trees, shall be paid by the designated Proponent, and the estimated costs for such improvements must be documented in the development pro forma. The selected Proponent will pay for the cost of any utility relocation not paid by a utility company. The selected Proponent will assume any and all liability for any environmental clean-up pursuant to Chapter 21E of the Massachusetts General Laws. The designated Proponent may be responsible for having the Property surveyed, with plans that are suitable for recording, at the expense of the proponent.
5. **Policies and Regulations.** Development of the Property shall comply with the City of Boston's zoning and building regulations and procedures and any other applicable City and/or State code(s). The project will be assessed and taxed by the City of Boston under normal real estate taxation procedures pursuant to M.G.L. Chapter 59.
6. **Signage During Construction.** During the construction period, the proponent shall provide and display, at their expense, appropriate signage as required by the BPDA. Such signage must be approved by the BPDA prior to installation. The proponent should also provide signage that describes the project, including the number of affordable units, if applicable.
7. **Assumption of Risk.** The City accepts NO financial responsibility for costs incurred by Proposers in responding to this Request for Proposals. Proposers are responsible for any and all risks and costs incurred in order to provide the City with the required submission.

8. **Public Property.** Proposals submitted to DND will become property of the City. After opening, all proposals become public documents and are subject to the requirements of the Massachusetts Public Records Law (M.G.L. c. 4, § 7(26)).
9. **Terms of Land Lease Sale.** After a final proposal has been selected, the Successful Proposer will be contacted by DND to finalize the terms of the land leasesale. The terms of the sale will and MUST be consistent with this Request for Proposals, including the advertised purchase-price and Project Requirements.
10. **"As Is" Conveyance.** DND will convey the property in "AS IS CONDITION" without warranty or representation as to the status or quality of title. The Successful Proposer/Buyer shall, to the fullest extent permitted by law, assume any and all liability for environmental remediation pursuant to Chapter 21E of the Massachusetts General Laws. Finally, any and all site improvements, such as utility connections and/or street repairs, are the responsibility of the Successful Proposer.
11. **Negotiations.** DND reserves the right to negotiate for changes to the selected proposal. These negotiations may encompass values described in the Request for Proposal, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, DND may decline to sell the property even after the selection process is complete and negotiations have begun.
12. **Design Review.** The Successful Proposer must coordinate with and obtain DND's approval of proposed building elevations prior to submission to the BPDA, ISD, and any other authority having jurisdiction. Acceptance of a Proposal in response to this RFP does not constitute approval of proposed designs.
13. **Closing.** The Successful Proposer must execute a Purchase and Sales Agreement and then close on the sale within ninety (90) days of the date of

execution, unless otherwise agreed upon (in writing) by DND. Failure to comply with the obligations of closing may result in the rescission of any prior agreement(s) with DND regarding the Property.

14. **Monitoring.** The Successful Proposer must coordinate and comply with DND's regular on-site monitoring of the proposed development from construction through final completion, providing reports on progress, schedule, and budget as requested by DND.
15. **Restrictions on Transfer.** Properties sold by DND will have particular deed riders and mortgages, as appropriate to the particular disposition, restricting the use of the Property. Unless authorized in writing by DND, the Successful Proposer may not substantially alter the use of the property; permanently cease operations; transfer title of the property; or have any unauthorized financial liens placed on the property. Such actions will trigger a reversionary clause in the deed, if applicable, automatically transferring title of the Property back to DND.
16. **Payment.** Unless otherwise agreed to by DND in writing, the Successful Proposer is required, at the time of conveyance, to make full payment for the Property by Treasurer's or Cashier's Check. In addition, the Successful Proposer will be responsible for paying all recording and registrations fees (including the cost of recording the deed and conveyance documents at the Suffolk County Registry of Deeds), and making a pro forma tax payment.
17. **Reservation of Rights.** DND reserves the right to postpone or withdraw this RFP; to accept or reject any and all proposals; to modify or amend the terms of this RFP through an addendum; to waive any informality, and to interview, question and/or hold discussions regarding the terms of any proposal received in response to this RFP. DND reserves the right to cancel a sale for any reason. DND reserves the right to select the next highest ranked proposal, if the initially Successful Proposer is unable to proceed in a timely manner or otherwise fails to satisfactorily perform. DND reserves the right to waive any requirement or restriction set forth in this RFP or conveyance

documents, if such waiver is deemed appropriate by DND, in its sole discretion.

18. **Changes to Program.** DND reserves the right to change aspects of the development program outlined in this RFP, using its best judgment as to the needs of the program and the furtherance of its mission, provided that the rights of the Proposers are not prejudiced.

Successful Proposer Terms and Conditions

1. General

- a. While DND has conducted a title examination of the property, DND makes no warranty or representations as to its accuracy and recommends that Proposers conduct their own title examinations.
- b. The developer shall prepare and deliver to their assigned DND Project Manager a monthly status report. The report should include a description of the work completed that month regarding, but not limited to, the following:
 - i. Zoning Board of Appeal (ZBA) Application(s)
 - ii. Inspectional Services Department (ISD) Permit(s)
 - iii. Final Design Specifications
 - iv. Environmental Testing or Remediation
 - v. Acquisition of Financing
 - vi. Community Feedback
- c. The Successful Proposer shall designate qualified representatives as points of contact to assist DND, as needed, throughout the engagement. Names, phone numbers, and e-mail addresses of proposed representatives are to be listed in the proposal.

2. Redevelopment Plan

- a. The Successful Proposer will produce an appropriate redevelopment plan that meets the City's requirements within specified time frames. The Proposer must fully explain its plan for development and how it coincides with DND's stated scope for the Project.
- b. The contract period of performance to close on the acquisition, funding, and permitting for the proposed development shall be for twelve (12) months from the tentative designation award. If the Property has not been made development-ready within twelve (12) months, DND may at its discretion choose to grant additional time for performance or to rescind the award. Projects needing funding subsidies will likely need additional time to secure funding, and it is likely that the tentative designation award will be extended if the project is proceeding in compliance with the relevant policies and expectations.
- c. The determination of whether services were performed satisfactorily is at the sole discretion of DND.
- d. The Successful Proposer will confirm all scheduled project milestones with DND prior to initiating work.

3. Operational

- a. The Successful Proposer shall maintain a safety and environmental program that complies with all applicable local, state and federal regulations.
- b. After conveyance the Successful Proposer will be responsible for the condition of the property. He/she/they must take any steps necessary to keep the property free of trash, debris, and snow.
- c. The Successful Proposer will affirmatively and fairly solicit qualified subcontractors from residents of the local community.
- d. The Successful Proposer shall comply and cooperate with DND's regular on-site monitoring of the development project during construction through completion in an effort to ensure compliance with the accepted plan of development and final terms of the sale of the property.

4. Urban Design

DND's Design Standards are described in a document that can be found on DND's website at the following location:

https://www.boston.gov/sites/default/files/design_standards-revised-2017-08-17.pdf

- a. The Successful Proposer shall comply with DND's Design Review policy, which, at a minimum for unsubsidized market rate developments, shall require DND approval of building elevations prior to submission to BPDA, ISD, and other authorities having jurisdiction.
- b. The Architectural Approval Process is described on DND's website at the following location:

<https://www.boston.gov/departments/neighborhood-development/neighborhood-development-housing-policies#architectural-approval-process>.