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Draft

# 01

## *Introduction & Instructions*

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### *Purpose*

The purpose of this Request for Proposals ("RFP") is to solicit proposals for the disposition and redevelopment of vacant land presently owned by the Boston Redevelopment Authority, d/b/a the Boston Planning & Development Agency (the "BPDA"), the City of Boston, and the Massachusetts Department of Transportation ("MassDOT"), consisting of approximately 78,520 square feet of contiguous, vacant land parcels in the South End Urban Renewal Area, Mass. Project No. R-56, Parcels X-30A, X-30A-1, X-30B, X-30C, X-30D and X-35; and in the Campus High School Urban Renewal Area, Mass. Project No. R-129, Parcels X-35 and X-35-1; with addresses of 1130 Tremont Street, 175-177 Ruggles Street, 0 Tremont Street, four adjacent parcels each known as 0 Melnea Cass Boulevard and 0 St. Francis de Sales Court in the Roxbury neighborhood of Boston, often referred to as the "Crescent Parcel." The Crescent Parcel is located at the corner of Melnea Cass Boulevard and Tremont Street.

The BPDA will consider conveying the Crescent Parcel in order to allow the development of commercial uses or mixed use consisting of residential housing with ground floor retail and/or commercial use(s). Proposals will be subject to review and approval by the BPDA and DND, including applicable

planning and zoning controls and the development objectives and guidelines described herein.

The BPDA 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 the BPDA as to potential relief from state, federal or local regulation. The BPDA 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 BPDA to do so. The BPDA reserves the right to waive any minor informalities.

### Instructions

The RFP will be available for download beginning on **XXXXX XX, 2019** on the BPDA website at [bit.ly/PlanNubian](http://bit.ly/PlanNubian) and the [BPDA Procurement Webpage](#).

Proponents must 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 to:

Morgan McDaniel, Real Estate Development Officer  
Boston Planning & Development Agency (BPDA)  
One City Hall Square  
Boston, MA 02210  
[Morgan.E.McDaniel@boston.gov](mailto:Morgan.E.McDaniel@boston.gov)

The BPDA will not respond to any requests for clarification or questions concerning the RFP received after **XXXX xx, 2020**. With any request for clarification or question, proponents must include their name, address, telephone number and email address. An addendum with questions and answers will be emailed to all prospective responders on record and posted on the BPDA website prior to the RFP deadline.

A pre-proposal conference will be held on **XXXX xx, 2020 at 11:00 AM** at the **Bruce C. Bolling Municipal Building, 2<sup>nd</sup> Floor School Committee Room, 2300 Washington St, Roxbury**. Attendance at the pre-proposal conference is optional. However, all proponents are strongly encouraged to attend. A site tour will follow the pre-proposal conference.

There is a fee of One Hundred Dollars (\$100.00) to submit the RFP, which check should be made payable to the Boston Redevelopment Authority.

Eight (8) sealed copies of the Development Submission and Disclosures (as defined in the Submission Requirements Section) along with a flash drive containing the Development Submission and Disclosures submitted in a sealed envelope are required. The Design Submission include in hard copy form: (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, along with the drawings in flash drive format.

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 no later than **Monday, xxx 2020 at 12:00 pm (noon) to:**

Teresa Polhemus,  
Executive Director/Secretary  
Boston Planning & Development Agency  
Room 910  
Boston City Hall  
One City Hall Square  
Boston, MA 02201

**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.

BPDA will communicate any changes/addenda to this RFP by posting any addenda to the BPDA website; however, the Proponent shall check the BPDA website regularly for any addenda concerning updates, corrections, deadline extensions, or other information.

Proponents should assume that all material submitted in response to this RFP will be available to review by the public, except to the extent there is an exemption therefor under the Massachusetts public records law or under any federal or state privacy laws. Neither MassDOT nor the BPDA shall be liable for disclosure or use of any information or data submitted. All information submitted in response to this RFP becomes the property of the BPDA and MassDOT.

### **Additional Reservations and Conditions**

All of the terms, conditions, specifications, appendices and information included in this RFP shall constitute the entire RFP package and shall be incorporated by reference into each proposal. No conditions other than those specified in this RFP will be accepted, and conditional proposals may be disqualified.

Each of the BPDA and MassDOT makes no representation or warranty as to the accuracy, currency, and/or completeness of any or all of the information provided in this RFP or that such information accurately represents the conditions that would be encountered on or in the vicinity of any of the Property, now or in the future. The furnishing of information by the BPDA and/or MassDOT shall not create or be deemed to create any obligation or liability upon them for any reasons whatsoever, and each Proponent, by submitting a proposal to the BPDA in response to this RFP, expressly agrees that it shall not hold the BPDA or MassDOT, or any of their respective officers, agents, contractors, consultants, or any third party liable or responsible therefor in any manner whatsoever.

If any matter or circumstance under this RFP requires the consent or approval of MassDOT or that such matter be satisfactory to MassDOT, then the same may be granted, withheld, denied or conditioned by MassDOT in the exercise of its sole discretion.

Awards of tentative and final designation shall be made in compliance with the Enabling Act and shall not discriminate on the basis of race, creed, color, sex, national origin, disability, gender identity, sexual orientation or veterans status in consideration for an award.

The BPDA reserves the right to waive or decline to waive any irregularities, informalities, minor deviations, mistakes, and matters of form rather than substance in any bid when it determines that it is in the BPDA's and MassDOT's best interests to do so, and to waive any defects in the RFP submission process when it determines such defects are insubstantial or non-substantive. No officer, employee, agent or consultant of the BPDA or MassDOT is authorized to waive this reservation.

Proponents shall be entirely responsible for any and all expenses incurred in preparing and/or submitting any Proposals in response to this RFP, including any costs or expenses resulting from the issuance, extension, supplementation, withdrawal, or amendment of this RFP or the process initiated hereby.

No broker commissions or fees whatsoever shall be due or payable by the BPDA or MassDOT, their contractors or their respective employees. Notwithstanding the foregoing, MassDOT shall be solely responsible for any fees due and owing to Greystone for its services to MassDOT as MassDOT's representative on this matter.

The BPDA reserves the right to extend, suspend, supplement, withdraw, or amend this RFP or the RFP selection process or schedule for any reason, or for no reason, at any time. Neither the BPDA nor MassDOT shall be liable to any actual Proponent, potential Proponent, or the Selected Proponent for

costs or expenses incurred by them as a result of the issuance, extension, supplementation, withdrawal, or amendment of this RFP or the process initiated hereby.

The BPDA reserves the right to reject any proposal that does not include all requested forms, that is not submitted in conformance with this RFP or any amendments thereto, or that contains responses to the submission requirements set forth in this RFP that are not responsive or satisfactory to the BPDA, or to reject any or all Proposals, in its sole discretion, for any reason or for no reason.

In the event of any default by any Selected Proponent hereunder, then in addition to the BPDA's other rights hereunder, the BPDA may proceed to select another Proponent as the Selected Proponent, terminate the RFP, or begin a new selection process.

The BPDA reserves the right to discontinue its selection of any Proponent up to time of tentative designation. Neither the BPDA nor MassDOT shall not be liable to any such Proponent for costs or expenses incurred by it as a result of this discontinuance.

The BPDA reserves the right to seek additional information from any or all Proponents. Until such time as the BPDA has received Proposals in response to this RFP and has received any and all additional information and/or revised Proposals that the BPDA may request pursuant to this RFP, such Proposals shall not be deemed to be complete.

# 02

## Property Description

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### *Site Description*

The Crescent Parcel is an approximately 74,208 square feet site located at the southwest corner of the intersection of Melnea Cass Boulevard and Tremont Street, to the north of the Whittier Street Housing Development and the Renaissance Building a nine-story office building, located at 1125 Tremont Street. It is bordered by Melnea Cass Boulevard to the north, Tremont Street to the west, Ruggles Street to the south, and the Madison Park Housing Development to the east and is located within the Campus High School Urban Renewal Area, Project No. Mass. R-129 as well as the South End Urban Renewal Area, Project No. Mass. R-56.

The Crescent Parcel is comprised of eight parcels of vacant land; two owned by the BPDA, four owned by the Massachusetts Department of Transportation (“MassDOT”) and two owned by the City of Boston. Prior to Final Designation to the Selected Proponent (as further described in section 06 below), the BPDA will acquire rights in the parcels not owned by the BPDA sufficient to permit the BPDA to convey the Crescent Parcel to such Selected Proponent pursuant to a long-term ground lease (the “Ground Lease”).

Located on a prominent corner at the intersection of Melnea Cass Boulevard and Tremont Street, the Crescent Parcel abuts the Madison Park Housing Development to the west, (consisting of 93 homeownership units, 125



student housing units and 1,117 rental apartments) and Saint Katharine Drexel Parish Church to the southwest. Also located at the southwest corner of this Tremont Street intersection is Renaissance Park, an academic administration building and parking garage owned by Northeastern University, and 0.74 acre site slated for an extended stay hotel.

### **Crescent Parcel Urban Renewal Parcels**

Parcel I.D. Numbers	URA Parcel #	Street #	Street Name	Sq. Ft.	Owner
0902284000	X-35	1130	Tremont Street	27,255	BPDA
0902279000	X-35	175-177	Ruggles Street	11,300	BPDA
0902240020	X-30D		Tremont Street	10,258	City of Boston
0902240010	X-30A		Melnea Cass Blvd.	12,710	MassDOT
0902225000	X-30C		Melnea Cass Blvd.	5,400	MassDOT
0902225005	X-30B		Melnea Cass Blvd.	3,942	MassDOT
0902240000	X-30A-1		Melnea Cass Blvd.	7,285	MassDOT
0902346010	X-30-1		St. Francis deSales Ct.	370	City of Boston
Total				78,520	

The Crescent Parcel, served by prominent roadways, public transit, pedestrian and bicycle networks, has frontage on both Tremont Street leading to Downtown Boston, and Melnea Cass Boulevard linking it to Boston's regional highway network, including the Central Artery-Southeast

Expressway, the Massachusetts Turnpike and the Longwood Medical Area. It is located across from the Ruggles Station stop on the Massachusetts Bay Transportation Authority (“MBTA”) subway Orange Line, Commuter Rail, along the proposed Urban Ring, and approximately a quarter of a mile from the MBTA’s Dudley Square Bus Station. These connections provide access to the full range of intermodal transit options provided by the MBTA for public transit access throughout the city and region.

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

## *Urban Renewal Context*

The Crescent Parcel is located in both the Campus High School and the South End Urban Renewal Areas. The Crescent Parcel is comprised of South End Urban Renewal Area, Mass. Project No. R-56, Parcels X-30A, X-30A-1, X-30B, X-30C, X-30D and X-35; and in the Campus High School Urban Renewal Area, Mass. Project No. R-129, Parcels X-35 and X-35-1. The 2018 minor modifications to the Campus High School Urban Renewal Plan and the South End Urban Renewal Plan permits residential and/or commercial uses on the Crescent Parcel.

## *Planning and Zoning Context*

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

Square. Proponents should familiarize themselves with these documents and prepare their proposals based upon the principles discussed therein.

For zoning purposes, the Crescent Parcel is part of the Roxbury Neighborhood zoning district and multi-family residential sub-district as shown on Map 6A-6C of the Boston Zoning Maps, and therefore is principally governed by the provisions of [Article 50 of the Boston Zoning Code](#) ("Code").

The Crescent Parcel is within a U-district where the BPDA is requiring a maximum FAR of 3.0 and a maximum height of 150 feet, and is subject to Article 50 of the Boston Zoning Code which also contains additional design, use, and dimensional regulations that govern redevelopment of this site.

The Crescent Parcel is also located within a Boulevard Planning District ("BPD") with overlays to underlying sub-districts. Within 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](http://www.bostonplans.org/zoning). Zoning relief may be required to achieve the requirements of this RFP.

## *Title*

Proponents are fully responsible for conducting their own title examination to ensure that the title to the Crescent Parcel is clear. To the best of the BPDA's knowledge, the Crescent Parcel is owned by the [BPDA, MassDOT and the City of Boston.] However, neither the BPDA nor MassDOT make any representation or warranty as to the accuracy of any title examinations it may have conducted and recommends that proponents conduct their own title examinations. The BPDA recommends that proponents commission their own boundary surveys to determine the existence of any encroachments that could exist.

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# 03

## *Development Objectives and Guidelines*

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### *Overview*

After careful analysis of the property, BPDA and DND, in collaboration with neighborhood residents and the Roxbury Strategic Master Plan Oversight Committee (“RSMPOC”), have established development objectives and guidelines for the Crescent Parcel.

Proponents must address the Development Objectives and Urban Design Guidelines below in a development concept narrative, construction description narrative, and design documents as appropriate. Further, Proponents must agree to work with the BPDA, DND, and the community to resolve any future issues or concerns that may arise as the development project moves forward.

If the proposed design makes use of adjacent parcels, the Proponent 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 Objectives*

### *Consistency with Area Planning History*

In addition to PLAN: Nubian Square, the area has also been the subject of the [Roxbury Strategic Master Plan](#) (“RSMP”) and [Dudley Vision](#). Proponents must incorporate the combined visions of these planning documents, while capturing and addressing the current needs of the community for affordable housing, economic development and job opportunities. In 2017, the area was designated by the Mass Cultural Council as a [“Cultural District”](#).

As articulated in the planning documents and as embodied in the Cultural District designation, mindfulness regarding the rich cultural history of this important neighborhood is paramount. Proponents should use development as a catalyst to promote the arts, culture, education, commercial, and retail enterprise in the area. Neighborhood cultural amenities such as museums, art galleries, bookstores, entertainment venues, performance spaces and artist live/work spaces are strongly favored. Amenities and programming associated with the Crescent Parcel should activate the area in the evening, encouraging residents to “stay local” to support Nubian Square businesses for their entertainment, shopping and dining experiences.

### *Sustainable, Resilient, and Healthy Development*

Proposals should support and exemplify the community’s and the City’s goals for sustainable, resilient and healthy new construction including Mayor Walsh’s Carbon Neutral Boston 2050 commitment. Proposals should target net zero energy or net zero carbon performance. New buildings should be designed as green low energy all electric structures that prioritize enhanced building envelope solutions and passive system strategies, and that are optimized for and include onsite solar renewable energy generation. As necessary projects should identify off site and procured renewable energy solutions sufficient for achieving net zero carbon emissions.

Proposals should include strategies that extend beyond the specific development site and enhance the sustainability, resiliency, and health of the surrounding community. The community has identified increased extreme heat conditions as a leading concern and seeks proposals that reduce Heat Island conditions in the Nubian Square area and development site.

### *Economic Development*

Proposals with commercial uses must promote local business and job training and creation, with special emphasis on providing maximum opportunities for local, small and disadvantaged businesses and job creation and training for people of color and women. This emphasis should take place in all aspects of redevelopment -- the construction phase, business development phase, in the procurement of goods and services, as well as in permanent jobs created. Wages associated with all jobs should be appropriate for their associated categories and provide for an enhanced quality of life and the prospect of economic mobility for area residents.

The community has expressed a preference for proposals that include the creation of commercial condominiums for small businesses. Creative equity building strategies such as rent-to-own business condominium ownership are encouraged. Developers should include proactive marketing and outreach practices within the immediate community to locate commercial tenants. Developers should place a special emphasis on commercial tenants that are locally-based, employ from within the community, are minority-owned business enterprises (MBEs), or are women-owned business enterprises (WBEs). See Section 4 for definitions of WBEs and MBEs. The community has suggested outreach strategies such as community business tenant fairs and “speed dating” events to match potential tenants / commercial condo buyers with available spaces.

In addition, the Crescent Parcel should be developed in a manner that supports the economic growth of the district by providing opportunities for area residents to participate in expanding sectors of Boston’s economy.

Proponents should describe how their proposed uses will generate new employment prospects in education, health, medicine, bio and life sciences and/or finance. Proponents should also describe their experience in and capacity to attract such new local employment opportunities through the uses they propose.

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.

### *Affordable/Income Restricted Housing*

Proposals that include housing must be consistent with the affordable housing goals identified in the most recent series of public discussions with the community as part of the Plan: Nubian Square process. 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.

Rental housing 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), with the maximum AMI for these units not to exceed 50% of AMI.

- A minimum of 10% of the overall units (*i.e.*, one third of the required low income units) must be 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.



- 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 homeownership units are included, a minimum of two-thirds of the homeownership units must be targeted to households with a range of incomes, from 60% to 100% of AMI, with the maximum AMI not to exceed 80% of AMI. 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 using both AMI and the corresponding, qualifying income ranges.

Community members have expressed the need for larger unit sizes of two, three and four bedrooms appropriate for families. A unit mix including higher numbers of family-sized units will be considered more highly advantageous.

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

Please note that since this Crescent Parcel is in the vicinity of the Whittier Choice Neighborhoods program, this HUD funded initiative seeks not only to rebuild the existing Whittier BHA development, but also to deconcentrate

poverty and invest in the people and places surrounding Nubian Square. Because the initiative includes enhanced assistance for target area homebuyers, the Boston Housing Authority (“BHA”) and BPDA are encouraging the creation of homeownership opportunities in nearby developments. If rental units are proposed, project-based Section 8 vouchers may be available to assist with more deeply affordable units. Proponents should contact Andrew Gouldson at the BHA at [Andrew.Gouldson@bostonhousing.org](mailto:Andrew.Gouldson@bostonhousing.org) for more information.

All housing developments utilizing City funds or City land must comply with the City’s Affirmative Marketing Program requirements. Proposals that include 1 to 4 units of housing (small housing developments) must also comply as follows:

- Proposers of small housing developments using City funds or City Land must advertise in a neighborhood newspaper or daily general and list on Metrolist.
- Owner-occupants of City-funded projects with fewer than five units must be informed of the services provided by Metrolist and encouraged to list vacancies for rental units through the [Metrolist listing form](#).
- DND will notify the Boston Fair Housing Commission of these projects by sending the Affirmative Marketing Program a copy of the project approval letter to [affirmativemarketing@boston.gov](mailto:affirmativemarketing@boston.gov).

### *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 04 - Submission Requirements.

## *Community Benefits*

Proposals must also describe specific contributions to the project above and beyond the development objectives described above. These contributions should support the PLAN: Nubian Square vision through direct support of programming, creation of institutions, financial support of existing institutions, and direct initiatives with missions 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 educational, cultural, arts, entertainment and performance uses;
- Initiatives that foster, for example, the incubation of new entrepreneurs, and/or educational opportunities that prepare local residents and young adults for future career opportunities; and/or
- Seed funding and organizational support for existing local and/or non-profit organizations including organizations that support a business improvement or cultural district within Nubian Square.

In order to achieve the development goals of housing affordability, good jobs, economic development opportunities and development without displacement, a significant contribution of public resources may be necessary. Proponents that rely heavily on public subsidy to achieve the development objectives of this RFP may lack the additional resources to commit to offering community benefits. However, all proposals must include a community benefits narrative in order to address the overall community contribution of the proposed development.

## *Development Guidelines for the Property*

This development is subject to both [BPDA Development Review Guidelines](#) and [DND Development Review Guidelines](#) as well as the guidelines set forth below.

### Planning and Urban Design Context

The Crescent Parcel is part of the “Ruggles Cluster” that is composed of the multiple transformative development opportunities for the relatively extensive area along Tremont Street and Melnea Cass Boulevard. As the Site is positioned at such a strategic location in this “Ruggles Cluster”, it is highly expected that new development should serve as a celebrative gateway to both the Roxbury community and the City of Boston. Redevelopment should enhance the Crescent Parcel as a place-making opportunity and ensure a safe and active pedestrian environment for the intersection of Tremont Street, Melnea Cass Boulevard and Columbus Avenue. Redevelopment should be coordinated with the Melnea Cass Boulevard Reconstruction Project for the redesign of the South West corner of the intersection at Tremont Street and Melnea Cass Boulevard, as well as the Ruggles Street Reconstruction Project.

In addition, redevelopment of the Crescent Parcel is required to play an integral role in ensuring the compatible transition in urban form and scale among potential redevelopments along the frontage of Tremont Street and Melnea Cass Boulevard: the Parcel P-3 site, the current Whittier Street Housing site and the Madison Park in-fill housing development site. The illustrative diagram below is to capture the key urban design principles, such as visual and physical connection, connectivity network, development edges, and open spaces and place-making opportunities.



### Use Guidelines

The 1.8-acre site, along with the gateway location, can be programmed for a variety of uses, including, but not limited to: housing, institutional/commercial office, education, retail, community or cultural uses, and space for the health sector and green jobs. Uses and spaces dedicated to locally owned businesses that cater to the community and activate the corner of Tremont Street and Melnea Cass Boulevard are strongly encouraged.

1. The base of the building must be a combination of various uses, such as retail, cultural and/or entertainment uses that contribute to the identity as the gateway and also the Cultural District. Office uses are possible at the ground floor as long as they create an active and engaging streetscape for the area.
2. The upper levels may have residential or institutional/commercial office uses.



3. The community has expressed a strong preference for cultural uses and community gathering spaces that can serve as the heart of the local community.
4. Proposals including retail uses should provide analysis showing the viability of retail in the Ruggles Cluster.

## *Urban Design Guidelines*

### Massing, Height and Orientation

Building heights may range between 60 and 100 feet. Building heights should be thoughtfully designed to reinforce the surrounding physical characteristics, expressing the gateway location as well as recognizing the scale of the adjacent residential developments. Proposals that include exceptionally taller height must clearly demonstrate the greater benefits to the community. Development should also respect the overall low scale Madison Park housing site and step down towards the property edge on Raynor Circle.

A variety of setbacks and building heights should be employed to create a volume that is articulated, varied and dynamic, reinforcing special views and corridors and existing street wall conditions. Massing and buildings should be modulated to reduce the appearance of size and carefully articulated to fit well into the surrounding neighborhood and context.

1. Proposals should take a thoughtful approach towards frontage on Melnea Cass Boulevard, Tremont Street, and Raynor Circle.
2. Massing should be set back significantly from the Ruggles Street line to preserve the view corridor from the Ruggles Station to the steeple of the Saint Katharine Drexel Parish Center.
3. A proposal for a building that is taller than adjacent surrounding buildings should modulate and step massing so as to define a building height that is contextually appropriate with adjacent buildings.
4. Massing and buildings should provide permeable breaks for light, air, views and circulation.

5. Configure massing so as to allow natural light down to the street and into open spaces that are internal and external to the building.
6. Proposed interior program should be shaped to make use of natural light within the design of the building.
7. Use the building's massing and articulation to break down the scale of the site and respect the surrounding character.
8. 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 and Character

Development proposals, through careful consideration of building design and materials, should contribute to building a strong architectural identity at this gateway location, recognizing the urban context of the area under transformation along Tremont Street and Melnea Cass Boulevard.

1. Material usage should ground the building in the present and convey stability into the future. Architectural detailing (windows, doors, exterior cladding, masonry, etc.) are to be attractive and should be executed using materials of the highest quality and be compatible with existing and new buildings in the area.
2. The selection of building materials should consider the longevity of the building itself in the exterior design of the building.
3. Proposals are to express the distinction of retail, commercial, and other public uses at ground level to animate the street edges and help define the area character along Tremont Street and Melnea Cass Boulevard.
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 Tremont Street and Melnea Cass Boulevard.

5. Building construction, materials and MEP systems must be of good quality and take advantage of sustainable building principles.
6. Building mechanical equipment and ventilation openings, screen and caps should not be visible from the public streets.
7. Disposal areas, accessory storage areas or structures and dumpsters must be appropriately screened from view from Melnea Cass Boulevard, Tremont Street, and Raynor Circle

#### Access, Circulation, Connectivity, and Continuity

New development must be oriented strategically to make easy connections through the building to nearby community amenities such as transit stations, landmarks and public parks as well as create and strengthen major public corridors to enhance pedestrian activity, encourage public transit, and promote bicycle use, and must provide secure on-site bike storage for all users and residents in compliance with the Boston Transportation Department's [Bicycle Parking Guidelines](#). 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.

In addition, new development should work with the Melnea Cass Boulevard Reconstruction Project to further improve safe and comfortable pedestrian and bicycle connections across Tremont Street and Melnea Cass Boulevard. Currently, a redesign initiative of Ruggles Street is led by the City's Public Works Department, in partnership with other city departments and agencies. New development must help reinforce Ruggles Street as a multi model connection from Ruggles Station to Nubian Square.

1. Primary building entrances, lobbies and street frontage should be located on Tremont Street and/or Melnea Cass Boulevard and development should also pay careful attention to ensure active frontage design towards the Church and the Madison Park housing development.



2. Development should reinforce the street connectivity by aligning its pedestrian and vehicular circulations with the existing and or proposed streets.
3. Safety, views, and ease of navigation must be promoted in the site design. Night safety is a particular concern of some neighborhood residents, so structures must be designed with clear sight lines, and the exterior lighting design must create well-lit open spaces and streetscapes without dark pockets at night.
4. General and service vehicular access through Raynor Circle from Ruggles Street and potentially from Brook Marshall Road should be thoughtfully designed to minimize the impacts on the residential neighborhood.
5. Service loading and unloading facilities should be located off-street and screened and buffered from view. They should be designed to prevent truck back-up maneuvers in the public right-of-way.
6. Development should encourage bike and public transit use and must provide secure on-site bike storage for all users and residents. Proponents are encouraged to identify tenants who commit to providing T-Pass subsidies to employees.
7. Consider shared parking strategies that maximize off-hours use of commercial parking spaces (for use by residents and other establishments) and minimize the overall need and cost for off street parking.
8. Surface parking should be located behind the building and screened and buffered from street views with landscaping and fencing. Building-integrated or below-grade parking should not break the continuity of the street frontage nor create exposed parking areas along the street frontage.
9. A selected project will have a transportation/traffic study performed as part of the Article 80 Review process. If multiple sites along Tremont Street and Melnea Cass Boulevard are being developed at the same

time, the projects will combine studies so that the analysis is thorough and accurate.

#### Open Space/Public Realm/Public Art

The quality of the public realm surrounding new development will play a significant role in shaping the everyday experience of the area, particularly given the location of the site that calls for strong place-making opportunities. The corners of Ruggles Street and Tremont Street, as well as Melnea Cass Boulevard and Tremont Street, are identified as place-making opportunities that emphasize these locations as gateways to Nubian Square.

Proponents 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. In addition, development should advance the goals of the Roxbury Cultural District to find and recognize Roxbury's cultural assets, and create tools, strategies, resources, and spaces that elevate the arts in Roxbury.

1. Buildings along Tremont Street and Melnea Cass Boulevard must provide for an enhanced sidewalk and public realm experience, through close coordination with the City's street improvement initiatives in the area such as the Melnea Cass Boulevard and Ruggles Street Projects.
2. Public realm improvements of sidewalks, street trees, and furniture should be well integrated into the development and create a continuously engaging street level experience along Tremont Street and Melnea Cass Boulevard.
3. 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.
4. 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 storm or gray water. Plant trees that will form tree canopies. Projects that incorporate gardening opportunities into the landscape strategy will be viewed favorably.
5. Use open spaces and green spaces to organize the site and building internally. Provide a mix of usable semi-private open spaces, including outdoor passive open spaces for building occupants.
  6. Proposals should include public open spaces such as courtyards or gardens that are available for public use. The community has expressed a desire for open space that can serve as a community gathering space.
  7. Rooftop gardens that help to reduce the heat island effect will be viewed favorably. Some amount of planted space must be provided on the site, and given any potential limitations, the rooftop may be a good location to maximize the site's planted area. Proposals with more green space will be viewed more favorably than those with less green space.
  8. The selected proposer must repair and/or replace, as appropriate, any alteration or damage of existing sidewalks, paving, lights and street trees that occurs during construction.
  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 including the 2019 Carbon Free Boston report and DND's Zero Emission Buildings guidebook for affordable housing projects. [See Article 37 Green Building and Climate Resiliency Guidelines](#) for additional information.

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

- 1. Greenhouse Gas Reduction:** Proposed projects should exemplify Mayor Walsh's Carbon Free Boston 2050 goals by striving for zero carbon emission or energy positive performance. New buildings should be designed as green low energy all electric structures that prioritize enhanced building envelope solutions and passive system strategies and that are optimized for and include onsite solar renewable energy generation. As necessary projects should identify off site and procured renewable energy solutions sufficient for achieving net zero carbon emissions. Proposals should include a preliminary energy model with a Zero Carbon Building Assessment. Projects should assess these strategies in a first and life cycle cost analysis.
- 2. Higher Temperatures & Heat Events:** Proposed projects should reduce heat exposure and heat retention in and around the building(s) and surrounding district. Strategies should include the use of building and paving materials with high Solar Reflectance and Solar Reflectance Index values and increased shade areas through landscaping, expanded tree canopy and shade structures. At a minimum projects should achieve the LEED Sustainable Sites, Heat Island Reduction credit. Consider the inclusion of Green Roofs with plantings, especially for accessible roof spaces and sites limited access to open space.
- 3. More Intense Precipitation:** Proposed projects should integrate strategies to both mitigate the impact of storm water flooding to the site and reduce the Property's contribution to storm water flooding in the neighborhood. Strategies should focus on pervious site materials,

enhanced landscaping and Low Impact Development measures to capture, retain, and infiltrate storm water.

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

Green buildings provide a comprehensive approach to reducing the adverse impacts of the built environment and to promoting human health and the wellbeing of our communities. **Proposed projects should exemplify leading green building and sustainable development practices and target zero energy or zero carbon emission performance.**

- 1. Green Buildings:** Achieve and surpass the United States Green Building Council's ("USGBC") requirements for LEED Platinum and LEED Zero with a minimum requirement of achieving LEED Gold utilizing the most appropriate LEED rating system. Projects should seek USGBC certification and should be registered upon tentative designation and certified by the USGBC within one year of construction completion.
- 2. Integrated Project Planning:** Projects should fulfill the Integrated Process requirements and 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:** Employ strategies to eliminate construction phase environmental impacts including off-site tracking of soils and construction debris. Site designs should include strategies to reduce heat island and storm water runoff impacts, and promote area natural habitats. Projects should include storm water systems and strategies for retaining and infiltrating the first 1.25" of rain water.
4. **Connectivity:** Promote and support non-personal vehicle means of travel including walking, 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:** Minimize water use and reuse storm and wastewater. Strategies should include low flow plumbing fixtures; rainwater harvesting for gardens and building systems; and drought resistant planting and non-potable water irrigation.
6. **Energy Efficiency:** Buildings should be designed as low-energy, all-electric structures that prioritize enhanced building envelope solutions and passive system strategies. Small residential buildings should target a HERS Index of 40 or lower (based on a current Commonwealth of Massachusetts Stretch Code of 55). Large residential / commercial buildings should target modeled performance at least 25% below the current Commonwealth of Massachusetts Stretch Code. Projects seeking DND funding for affordable housing should adhere to DND's Zero Emission Buildings guidelines.
  - a. Passive building strategies should include optimized building orientation and massing; high performance building envelopes that are airtight, well insulated, have appropriate window to wall

ratios, and include high efficiency windows and doors; and natural ventilation and daylighting.

- b. Active building strategies should include Energy Star high efficiency equipment, dedicated outside air systems with energy recovery ventilation, air and ground source heat pump systems for building thermal conditioning and hot water systems, and high efficiency LED lighting fixtures and advanced lighting control systems and technologies. Residential appliances should be Energy Star rated and all electric.

- 7. **Renewable Energy Generation and Storage:** Buildings should be designed to maximize the potential for onsite renewable energy generation and include installed solar photo voltaic (PV) systems. Building roof tops and vehicular parking areas should be designed to maximize the solar PV system performance. Additionally, electric battery and thermal energy storage systems should be considered.
- 8. **Energy Efficiency Assistance and Incentives:** Fully utilize any available federal, state, and utility energy efficiency and renewable energy programs, funding, and assistance. Proposals should identify potential assistance and funding resources.
- 9. **Indoor Environmental Quality:** Provide high quality healthy indoor environments by utilizing strategies including: extended roof overhangs, proper ground surface drainage and non-paper gypsum board in moist areas to reduce mold risks; passive and active dedicated outdoor (fresh and filtered) air systems; active ventilation at moisture and no indoor combustion; building products and construction materials that are 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; easily cleaned and maintained finishes; and green cleaning and maintenance practices.

10. **Materials Selection:** Include sustainably harvested and responsibly processed materials. Strategies should include low embodied carbon 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:** 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.

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# 04

## *Minimum Submission Requirements*

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Proposals must include all Submission Requirements set forth in this section. These Submission Requirements must also be submitted in accordance with the instructions set forth in Section 01 of this RFP.

### *Development Submission*

In addition to the required forms listed in the submission checklist, the following information shall be submitted in the written Proposal Summary. This is an opportunity for the Proponent to convey how the proposed property will be a highly-beneficial use of the Crescent Parcel that will be cost-effective, completed in a timely fashion, and provide options superior to those currently available to the community.

Omission of any of the Submission Requirements 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) of the Proponent. 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, the Proponent shall provide a copy of the Partnership Agreement detailing the authority and participation of all parties. A chief contact person for each specialty must be listed. The proponent shall provide a listing/description of any lawsuits brought against the Proponent or any principals of the Proponents in courts situated within the United States within the past five years should also be included.

**Development Plan.** A description that demonstrates that the Proponent understands the development plan to be performed. The Proponent must indicate and fully explain their plan for development and how it coincides with BPDA's stated scope for PLAN: Nubian Square and the project requirements. Additionally, the Proponent must provide a credible scheme for accomplishing its stated goals and/or objectives, a proposed time schedule to accomplish the tasks listed in the development timetable, a project scope and an articulation of the goals and objectives unique to the submitted proposal.

**Operational Plan.** A summary of the plan for the operation of the Proposed Development upon development completion. 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 (Appendix A).

**Good Jobs Strategy Plan:** Proponents must include a narrative explaining how their proposal supports the community's expressed priorities regarding the creation and sustainment of good permanent jobs in all phases of the development and in particular, end user jobs that will be located in the development. This includes engaging in fair hiring practices which will foster and encourage the participation of the people of Roxbury and the immediate neighborhood. The narrative should include the proponent's commitments

towards achieving the seven (7) “Good Jobs Standards criteria” (“GJS”) listed below. Proponents will be required to make their commitments public and these commitments will be evaluated and enforced on a long term basis after construction is complete. While the Boston Residents Jobs Policy is focused primarily on construction hiring, GJS are not only more expansive, but focus more on the people employed at the Crescent Parcel after construction is complete.

If the proponent believes that it is not able to achieve any of the individual GJS listed below, this should be clearly indicated in the narrative and an alternative commitment should be crafted.

The seven (7) priority “good job standards” are:

1. At least 51% of the total employees working on the parcel shall be bona fide Boston Residents. Please note that the community has expressed a preference for developers to select tenants for retail spaces who are committed to hiring Roxbury residents specifically. Proponents are expected to work with community partners as an element of their employee recruitment.
2. At least 51% of the total employees working on the parcel shall be people of color.
3. At least 51% of the total employees working on the parcel shall be women.
4. All employees shall be paid a “**good wage**”, defined as a salary or hourly wage equal to or greater than the Boston Living Wage, which shall be defined as \$17.62 on January 1, 2019 and thereafter increasing annually by the rate of inflation.
5. At least 75% of all employees working on the Property, and at least 75% of all employees of each lessee, sub-lessee, or tenant working on

the Property, shall be **full-time employees**. “Full time” shall mean at least 30 hours per week.

6. All employees shall work “**stable shifts,**” which include a predictable schedule that is appropriate for the particular field of work. Such a work schedule allows employees to reasonably schedule other family care, educational, and work obligations. A schedule that does not include “on-call” time and has a set weekly pattern that does not change more than two times per year shall be presumed to be stable.
7. All full-time employees shall be offered benefits, defined as the opportunity to opt into a company sponsored health insurance plan with coverage that meets Massachusetts Minimum Creditable Coverage (“MCC”).

The BPDA does not believe these job standards are applicable to small businesses, defined as those with fewer than 15 employees and less than \$2.5 million in annual revenue. However, the BPDA expects all proponents to make their best-faith efforts to meet the GJS to the extent that is economically feasible. Therefore, if all commercial businesses proposed are intended to be small businesses of this size or smaller, the proponent should submit a good jobs narrative describing which of the GJS the proponent can commit to, which GJS the proponent will make a good faith effort to achieve, and which are not economically feasible.

The City of Boston plans to monitor business’s performance against GJS commitments. Monitoring will be performed by the Boston Employment Commission. The selected proponent will be responsible for providing requested data.

The most advantageous proposals will include a comprehensive and credible GJS strategy. This may include elements such as:

- an explanation of how the proponent’s vision for retail tenants meets the spirit of the GJS;
- the proponent’s strategy to recruit tenants demonstrating an ability to comply with the GJS;
- the plan for the development’s property management office to meet the GJS.

**Diversity and Inclusion Plan.** 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 Commonwealth of Massachusetts-certified Minority and Women-Owned Business Enterprises (“M/WBEs”) to participate in the development of the Crescent Parcel. 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 Crescent Parcel, 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. Proponents must provide detailed descriptions of previous relevant work completed and the results or outcome of that work. Proponents shall also furnish three (3) current references including: names, addresses, e-mail addresses, phone numbers, and principal contacts in which the Proponent has provided comparable services.

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

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

**Development without Displacement Plan.** Proponents must include 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 articulate how the proposed rents meet the needs of Roxbury residents, as well as other local residents. This discussion should also identify how proposed sizes of units meet the needs of community members, taking into consideration that community members have suggested that larger unit sizes of two, three and four bedrooms are needed for local families, while smaller unit sizes may be appropriate for seniors.

The development team's 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. Proponents must disclose if the proposed development of the Crescent Parcel will result in the direct eviction of any current tenants living in property owned or acquired by the development team. (Note that while the property being disposed of by the BPDA in this RFP is vacant, proponents including any abutting or nearby properties in their proposals should disclose if any direct evictions are contemplated on these properties).

Community members have expressed enthusiasm for innovative strategies that support community stability such as cooperative ownership, land trust participation, and rent-to-own strategies. The inclusion of these or similar elements and/or other innovative strategies to prevent displacement will increase the advantageousness 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.

**Additional Data.** Any other relevant information the Proponent 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 property 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 property will benefit the surrounding community.
3. Estimate the number of construction and permanent jobs that will be generated by the proposed property.
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 Crescent Parcel 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.
5. Describe how the proposal addresses the conservation and preservation restrictions and the obligation to construct and perpetually maintain the required public park.

### *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 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 and Urban Design Guidelines of this RFP and the PLAN: Nubian Square context document. These documents must describe and illustrate all the program elements and the organization of these spaces within the building.
2. A neighborhood plan (at appropriate scale, e.g. 1"=40') as well as a site plan (1" = 20') showing how the proposed design will fit within the immediate context of existing buildings and within the larger context of the Nubian Square neighborhood. The purpose of the neighborhood plan is to illustrate how the project meets the Urban Design Guidelines set forth in this RFP. Therefore, the proposed building(s), existing building footprints, lot lines, streets, street names and any other relevant contextual information should be included in the neighborhood plan. The purpose of the site plan is to illustrate the building footprint and its placement on the site, the general building organization, open space, landscape elements, driveways, curb cuts, fencing, walkways and streetscape improvements. The neighborhood plan and site plan should coordinate through the inclusion of renderings, perspective drawings and aerial views of the project.
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 and circulation plan for the proposed development based on the Urban Design Guidelines set forth in this RFP.
8. A preliminary zoning analysis.
9. A written and graphic description of how the proposed property 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. Zero Carbon Building Assessment including performance targets for energy use and carbon emissions (or Home Energy Rating System ("HERS") index score);
  - c. Preliminary LEED Checklist;
  - d. Preliminary Boston Climate Resiliency Checklist reflecting proposed outcomes;
  - e. Key resilient development; and
  - f. Green building strategies.

## *Financial Submission*

The Financial Submission should include, but not be limited to the information listed below. The financial submission should be provided in

both hard copy and flash drive form in Microsoft Excel. **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 B.**

**1. Formation Documents:**

- a. Articles of Incorporation;
- b. Certificate of Status/Good Standing;
- c. Certificate of Incorporation;
- d. By-laws;
- e. Certificate of Organization (LLC 1, or LLP 1 in some states, if applicable);
- f. Borrowing Resolution;
- g. Operating/Partnership Agreement (if LLC or LLP); and
- h. Certificate of Registration as a Foreign Entity (if applicable).

**2. Financial Documents:**

- a. Financial Statements or Annual Reports for the three most recent fiscal years;
- b. Interim Financial Statements for Proponent (if applicable, most recent month ending within thirty days);
- c. Personal Financial Statement of principal owners of Proponent (upon request);
- d. Financial Statements of any tenants, lessees and occupants intended to occupy the premises (if applicable); and financing

commitments or project specific letters of interest from recognized funding sources.

- 3. Financial Submission Workbook:** Using the template provided in Appendix B, provide the following information: with 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.
  - a. Sheet 1: Development Program**
  - b. Sheet 2: Development Cost Pro Forma.** All costs identified must be supported by realistic funding sources and uses must equal sources.
  - c. Sheet 3:** Stabilized Operating Pro Forma.
  - d. Sheet 4:** Fifteen Year Operating Pro-Forma
- 4. One-Stop:** If the sources of funds for the Proposed Project include City or State subsidies for affordable housing, the financial submission must include a One-Stop Application that can be downloaded from [www.mhic.com](http://www.mhic.com) (see tab "One Stop Center," then "Downloads," then "OneStop2000.") The One Stop should only include financial information for the affordable housing portion of the Proposed Project. 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 BPDA, 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.
- 5. Financial Narrative:** In addition to the pro forma spreadsheets, the Proposal must include a narrative which describes the following:

- a. An implementation plan for the proposed development, including a development schedule with key milestone dates and a projected occupancy date. The development schedule should outline the required regulatory approvals for the proposed development and the anticipated timing for obtaining such approvals;
- b. All contingencies, specifying whether for hard costs, soft costs or total costs, design or construction, financing or other critical components of the total project costs;
- c. Sources of debt and equity for the total project cost;
- d. All assumptions regarding financing terms on acquisitions, pre-development, construction, and permanent loans;
- e. Any other project related expense not included in the above categories; and
- f. Calculation of total project costs.

**6. Ground Lease Price Proposal:** The Selected Proponent will enter into a [70 year] Ground Lease with the BPDA. The full and fair market value of the Property, as determined through a valuation done by a professional appraiser licensed by the Commonwealth of Massachusetts, was determined to be \$XX.XX per square foot per year. For the purpose of preparing a Development and Operating Pro Forma, proponents should use this amount. While the BPDA expects a Ground Lease price offer of at least \$XX.XX per square gross foot of floor area per year, a lower price proposal will not be automatically rejected. A Proponent offering less than \$XX.XX 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 \$XX.XX per square foot of floor area per year price threshold.

Using the price proposal form included in Appendix B, clearly outline the financial offer to the BPDA by indicating the amount of your offer per gross square foot of the development constructed. This form must be signed by the authorized principal.

**7. Preliminary market study**, using empirical market data, that demonstrates the feasibility of the proposed sale and/or lease rates of the project.

**8. 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; and
- 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.

## *Disclosures*

Proponents must submit the following forms, which are referred to as the "Disclosures" (Appendix B):

1. Disclosure Statement for Transaction with a Public Agency Concerning Real Property
2. BPDA & City of Boston Disclosure Statement

3. Certificate of Tax, Employment Security and Contract Compliance
4. HUD Form 6004: Developer's Statement for Public Disclosure and Developer's Statement of Qualifications and Financial Responsibility (Only required for proposals with affordable housing use)
5. MassDOT Form D
6. MassDOT Form J: FHWA and MEPA Agreement

### *Submission Checklist*

1. Submission Fee of \$100.00
2. Development Submission
3. Design Submission
4. Financial Submission
5. Disclosures
6. Submission Checklist

# 05

## *Evaluation of Proposals*

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### *Description of Evaluation Process*

Proposals must meet the Minimum Threshold Requirements as described below. Only proposals that satisfy the Minimum Threshold Requirements will be comparatively evaluated based on the Comparative Evaluation Criteria below. A ranking of Highly Advantageous, Advantageous or Not Advantageous will be decided for each criterion. The selection committee shall then assign a composite ranking for each proposal it evaluates based upon the Comparative Evaluation Criteria as described below.

To facilitate final evaluation of Comparative Evaluation Criteria, Proponents that meet the Minimum Threshold Requirements will be required to present their plans of development to the community and respond to questions and comments from the RSMPOC. The Selection Committee will then factor community input received at this presentation into the final overall rating.

### *Rule for Award*

The most advantageous proposal from a responsive and responsible proponent, taking into consideration price and all comparative evaluation criteria set forth in this RFP, shall be recommended to the BPDA Board for tentative designation.



### 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 1 of this RFP will be accepted.
2. Proposals must include all documentation specified under Submission Requirements.
3. The proponent shall have the necessary finances in place to pursue this project.
4. The proponent must demonstrate that it has adequate insurance.
5. Proponents shall comply with the Conflict of Interest Law.

### *Comparative Evaluation Criteria*

The BPDA will use the following Comparative Evaluation Criteria to compare the merits of all qualifying proposals. For each evaluation criterion set forth below, the BPDA's selection committee, in collaboration with DND, will assign a rating of Highly Advantageous, Advantageous or Not Advantageous. The selection committee will then assign a composite rating of Highly Advantageous, Advantageous or Not Advantageous for each proposal it evaluates.

To facilitate evaluation of the Comparative Evaluation Criteria, BPDA and DND will take into account community input received as a result of developer(s)' presentation(s) with opportunity for public comment as supported by the RSMPOC.

#### *1. Development Concept*

This Criterion is an evaluation of the Proponent's development plan relative to the Development Objectives set out in Section 03. Proposals that better fulfill the Development Objectives 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 will be considered less advantageous. **To facilitate its evaluation of this criterion, the selection committee will seek community input in the form of a developer’s presentation with opportunity for public comment.**

Detailed, realistic proposals for development of the Crescent Parcel that are fully consistent with and which successfully address all of the Development Objectives and Development Guidelines, including delivering affordable housing options that are more deeply affordable than that of other proposals submitted, will be ranked as **Highly Advantageous**.

Realistic proposals for development of the Crescent Parcel that are consistent with the Development Objectives and Development Guidelines but do not completely or satisfactorily address all issues identified in them, and deliver affordable housing options that are comparable in affordability to those of other proposals submitted, will be ranked as **Advantageous**.

Proposals for development of the Crescent Parcel that are not consistent with the Development Objectives or Development Guidelines, and deliver affordable housing options that are less deeply affordable than other proposals submitted, will be ranked as **Not Advantageous**.

## *2. Urban Design*

This Criterion is an evaluation of the proponent’s development plan relative to the Urban Design Guidelines set out in Section 03. Proposals that better fulfill the Urban Design Guidelines relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Urban Design Guidelines will be considered less advantageous. **To facilitate its evaluation of this criterion, the selection committee will seek community input in the form of a developer’s presentation with opportunity for public comment.**

Proposals that are highly compatible with the Urban Design section of this RFP and fully address each subsection, provide more detail and meet more of the identified objectives than other proposals will be ranked as **Highly Advantageous**.

Proposals that are mostly compatible with the Urban Design section of this RFP and address each subsection), provide less detail and meet fewer of the identified objectives than other proposals will be ranked as **Advantageous**.

Proposals that are not compatible with the Urban Design section of this RFP and fully address each subsection provide little detail and meet fewer or none of the identified objectives than other proposals will be ranked as **Not Advantageous**.

### *3. Sustainable Development*

This criterion is an evaluation of the extent to which the Proponent addresses the Resilient Development and Green Building Guidelines specified in Section 4. Proposals that better fulfill these objective relative to other proposals will be considered to be more advantageous. Proposals that do not meet these objectives will be considered less advantageous. **To facilitate the evaluation of this criterion, BPDA will seek community input in the form of developer(s)' presentation(s) with opportunity for public comment.**

Proposals that provide a detailed plan that addresses all subsections, exceeds LEED Platinum certifiability, exceeds Zero Carbon Building performance, and exceeds the other requirements outlined in the Resilient Development and Green Building Design Guidelines, will be ranked as **Highly Advantageous**.

Proposals that address most subsections, provide a feasible plan for LEED Gold certifiability, and meet Resilient Development and Green Building Design Guidelines will be ranked as **Advantageous**.

Proposals that address few subsections, do not provide a plan for LEED Gold certifiability, 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 Proponent's experience and capacity to undertake the proposed project. This will be evaluated based on the proponent's experience relative to that of other proponents. 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 the greatest detail in the required information regarding the development team's experience and capacity and demonstrate that the development team has successfully completed one or more similar projects to the one proposed that are located in the city of Boston in the last five years, will be ranked as **Highly Advantageous**.

Proposals that provide adequate detail in the requested information regarding the development team's experience and capacity and illustrate 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 provide less detail in 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 proponent's financing plan relative to other proposals. Proposals that provide evidence of confirmed financing offers to generate sufficient capital to fund most or all of their development budget will be considered to be more advantageous. Proposals that do not provide evidence of confirmed financing sources or only partially confirmed financing will be considered less advantageous.

Proposals that provide a complete financial submission, along with financial commitments and/or letters of interest from lenders, funders and/or equity investors; documentation of liquid equity and/or evidence of fundraising or financing to fully satisfy the development budget as presented; and demonstrate experience in previously successfully financing a similar development will be ranked as **Highly Advantageous**.

Proposals that provide a mostly complete financial submission, along with financial commitments and/or letters of interest from lenders, funders and/or equity investors, documentation of liquid equity and/or evidence of financing to fully satisfy the development budget as presented; but do not specifically demonstrate previous experience in successfully financing a similar development will be ranked as **Advantageous**.

Proposals that do not provide a complete financial submission nor evidence of, or documentation for any financing, funding sources or equity to satisfy the development budget; or the documentation or evidence of financing is insufficient or outdated, will be ranked as **Not Advantageous**.

## *6. Development and Operating Cost Feasibility*

This Criterion evaluates the relative strength and completeness of the proponent's development budget relative to other proposals. Proposals that most completely specify all anticipated costs and contingencies, are most reasonable in any subsidy assumptions, and are consistent with current industry standards will be ranked as more advantageous. Proposals that

contain incomplete development budgets or costs that are inconsistent with industry standards, will be ranked as less advantageous.

Proposals with development and operating pro formas that include cost estimates that are appropriate for the proposed project and its ongoing operations, include reasonable subsidy assumptions if applying for subsidies, and are supported by documents such as estimates from recognized professionals or price quotes from licensed builders or contractors, will be ranked as **Highly Advantageous**.

Proposals with development and operating pro formas that include cost estimates that are appropriate for the proposed project and its ongoing operations, include reasonable subsidy assumptions if applying for subsidies, but do not provide supporting documentation for the most significant costs will be ranked as **Advantageous**.

Proposals that do not submit development and operating pro formas or include development and operating pro formas that lack in detail, or are not realistic or appropriate for the project and its ongoing operations, or include unreasonable subsidy assumptions if applying for subsidies will be ranked as **Not Advantageous**.

### *7. Diversity and Inclusion Plan*

This is an evaluation of the relative strength of a proposal's plan to achieve diversity and inclusion in the development and operation of the proposed Project Site. Proposals will be considered and rated based on the comprehensiveness of the Proponent's planned approach to achieving maximum participation of M/WBEs and people of color, including specific strategies to fulfill this objective, with particular emphasis on non-traditional functions as defined in the Diversity and Inclusion Plan section of the Minimum Submission Requirements. The Proponent must also demonstrate that its Diversity and Inclusion Plan is realistic and executable. **To facilitate the evaluation of this Criterion, BPDA will seek community input in the**

**form of developer(s)' presentation(s) with opportunity for public comment.**

Proposals that provide a detailed and documented Diversity and Inclusion Plan that is superior to that of other proposals and is able to clearly demonstrate how it will attain its objectives, will 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 will 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 will be ranked **Not Advantageous**.

**8. Development Timetable**

This Criterion evaluates the relative strength of the proponent's development timetable relative to that of other proponents. Proposals that are able to start construction in a timely manner and have a realistic construction schedule will be considered to be more advantageous. 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 will be completed within a time frame that is efficient and reasonable for a project of its type, will be ranked as **Highly Advantageous**.

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 a longer time period than other similar projects will be ranked as **Advantageous**.

Proposals that fail to provide a development timetable or propose a development timetable that is not timely or practical and/or demonstrates a lack of understanding of the development process will be ranked as **Not Advantageous**.

### *9. Good Jobs Standards for Full Time Employees*

This criterion evaluates the relative strength of the proponent's employment strategy narrative to respond to the seven point "Good Jobs" standard as articulated in the Submission Requirements section of this RFP. Narratives that are more comprehensive, complete and are able to document a credible implementation plan, will be ranked more highly advantageously. **To facilitate its evaluation of this Criterion, BPDA will seek community input in the form of a developer's presentation with opportunity for public comment.**

Proposals that provide a comprehensive, complete and documented GJS Plan narrative that is superior to that of other proposals and is able to clearly explain its strategy for how it will attain its objectives, will be ranked **Highly Advantageous**.

Proposals that provide a comprehensive, complete and documented Good Jobs Plan that is similar or equal to all other submitted proposals will be ranked **Advantageous**.

Proposals that do not provide a comprehensive, complete and documented Good Jobs Plan that is inferior to other submitted proposals will be ranked **Not Advantageous**.

### *10. Development Without Displacement*

This is an evaluation of the relative strength of the proposal for achieving the objective of development without displacement as articulated by the



community. Proposals will be considered and rated based on the comprehensiveness of the Proponent'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. **BPDA will seek community input in the form of developer(s)' presentation(s) 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. *Additional Community Benefits***

This criterion evaluates the Proponent's relative ability to provide benefits to the local community that are in addition to those generated by the development of the Project Site itself. Proposals that offer benefits that the community most desires will be considered to be more advantageous. Proposals that offer fewer, or do not offer any additional community benefits will be considered to be less advantageous. **To facilitate its evaluation of this Criterion, BPDA will seek community input in the form of developer(s)' presentation(s) with opportunity for public comment.**

Proposals that describe and quantify specific benefits that will be provided to the community, aside from the development of the property, and offer a

level of benefits that are superior to those provided by other proposals will be ranked as **Highly Advantageous**.

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

Proposals that do not sufficiently describe and quantify specific benefits to the community, other than the development of the property, and the level of benefits provided are inferior to those provided by other proposals will be ranked as **Not Advantageous**.

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## *Contract Terms and Conditions*

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### *Proponent Designation and Conveyance*

Upon a satisfactory review of all proposals submitted to the BPDA pursuant to this RFP, as well as the completion of any subsequent applicable reviews resulting therefrom and relating thereto, BPDA and MassDOT will recommend Tentative Designation for the proponent whose proposal best meets the objectives set forth herein. BPDA staff will request Board approval to award a proponent Tentative Designation status. The Tentative Designation status of such proponent (the “Selected Proponent”) shall be for a nine-month period. During the Tentative Designation period, the Selected Proponent shall accomplish, among other things, the following in order to be considered for Final Designation status:

- Within 150 days after the award of Tentative Designation status, negotiate and execute a letter of intent by and among the Selected Proponent, the BPDA and MassDOT with respect to the terms of the Ground Lease;
- Provide evidence of necessary financing and equity;
- Obtain approval of its development schedule including submittal of development plans;
- Successfully complete BPDA Design Review;

- Achieve Article 37 Initial Filing Compliance;
- Complete the Article 80 process with the BPDA;
- Obtain issuance of all required building permits; and
- Complete negotiation of terms and conditions of a Ground Lease with the BPDA.

Final Designation will be granted upon satisfactorily completing all required terms and conditions, including the completion of the negotiation of the Ground Lease. The proposal will be subject to subsequent stages of BPDA development and design review, including Article 80 if required. Final Designation will be automatically rescinded without prejudice and without any further authorization or approvals by the BPDA's Board if the Ground Lease has not been finalized and executed by a designated time frame established by the BPDA Board.

The portion of the Crescent Parcel owned by MassDOT was acquired using Federal highway funds. Pursuant to regulations of the Federal Highway Administration ("FHWA"), the disposition of or change in use or occupancy of the MassDOT-owned portion of the Crescent Parcel must be approved by the FHWA. Therefore, any ground lease of the MassDOT-owned portion of the Crescent Parcel may be subject to all applicable FHWA regulations, including, without limitation, review and approval by the FHWA if the Ground Lease and any other instruments affecting the disposition of the Crescent parcel. Although it is anticipated that FHWA approval will occur primarily after Tentative Designation of the Selected Proponent, MassDOT will keep FHWA informed throughout the selection process. A copy of the applicable FHWA regulations (23 CFR 710) is included in this RFP in Appendix A.

Neither MassDOT nor the BPDA will be liable for any costs or damages in the event that MassDOT is unable to deliver a Ground Lease of its portion of the Crescent Parcel or the delivery of a Ground Lease is delayed because FHWA approval does not occur or is restricted in any way.

Subject to necessary approval by the MassDOT Board, MassDOT will be authorized to execute and deliver a Ground Lease of its portion of the Crescent Parcel to the BPDA for a term equal to the term proposed for the Ground Lease to the designated proponent and containing such terms and conditions that may be negotiated by the BPDA and MassDOT. Subject to all necessary approvals by the BPDA Board, the Director of the BPDA will be authorized for and on behalf of the BPDA to execute and deliver a Ground Lease of the entire Crescent Parcel to the designated proponent, containing such terms and conditions as are acceptable to the BPDA and MassDOT.

## *Investigation of Property / Due Diligence*

**Investigation of the Property.** As a condition to being allowed access to the Property, the selected proponent and all proponents participating in the site visit each agrees to release and indemnify the BPDA and MassDOT and agrees to defend the BPDA and MassDOT and save the BPDA and MassDOT harmless from and against any and all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgments of any nature whatsoever including, without limitation, those related to personal injuries or death, that may be imposed upon, incurred by, or asserted against the BPDA and/or MassDOT because of the condition of the Crescent Parcel as a result of such proponent, its employees, contractors or consultants being on the Crescent Parcel to conduct any investigation. Prior to entry on the Crescent Parcel, the Selected Proponent (or its consultant) must execute a license agreement and may also have to apply for an access permit if required by MassDOT's Highway Division and must provide the BPDA and MassDOT with a certificate or certificates of insurance covering all days that Selected Proponent and Selected Proponent's consultants and/or contractors will be on the Crescent Parcel before closing, complying with the license agreement and access permit.

**Environmental and Other Due Diligence.** The Selected Proponent will have the ability to conduct due diligence, subject to the provisions of a license agreement to be entered into among the BPDA, MassDOT and the Selected Proponent [in substantially the form attached included in Appendix B], which agreements shall contain provisions, among others, specifying the scope of permitted investigations, establishing procedures for notice prior to entry upon the Crescent Parcel, and providing for insurance and indemnification requirements. Invasive testing of the MassDOT-owned portion of the Crescent Parcel shall be subject to MassDOT's prior written consent in its sole and absolute discretion.

### **Available Utilities, Environmental and Subsurface Conditions**

Prospective proponents are responsible for determining the adequacy and availability of utilities that exist within or serve the Crescent Parcel, conditions that exist on the Crescent Parcel (including active and inactive utilities whether documented or not), and environmental conditions or hazardous materials, provided, however, no subsurface or soil or water testing may be conducted except by the Selected Proponent after signing the Ground Lease and subject to the terms thereof.

## *Additional Terms and Conditions*

**As Is, Where Is Condition.** The Crescent Parcel and any appurtenant rights, if any, shall be delivered to the selected proponent on an "as is", "where is" basis and with all defects, subject to all liens, encumbrances, restrictions, and all other acts, matters or occurrences as of the closing, without representation, warranty, condition or covenant, express or implied, of any kind whatsoever, including, without limitation, representation, warranty, condition or covenant as to legal title, access, condition (whether with respect

to the existence, location or condition of utilities, subsurface structures, the presence of hazardous materials, or otherwise), matters which an accurate instrument survey of the property would disclose, past, present or future use, construction, development, investment potential, tax ramifications or consequences, merchantability or fitness or suitability for any use or purpose, compliance of the property with federal, state or local requirements with respect to hazardous materials affecting or pertaining to the property, all of which are hereby expressly disclaimed. These provisions shall survive the closing and the execution and delivery of any Ground Lease.

**Reserved Rights.** MassDOT will reserve non-exclusive easements for any existing MassDOT utilities (including, without limitation, drainage facilities) on the Crescent Parcel serving surrounding MassDOT land. The Selected Proponent's survey/boundary plan must show the location of any utilities and before closing must be amended to show the location of these MassDOT reserved easements, if any. No structures or improvements of any nature on the Crescent Parcel may impede transportation uses or be located in the highway right of way.

**Non-Discrimination and Affirmative Action.** The Ground Lease will be subject to the goals of Massachusetts Executive Order 526. The Selected Proponent will be required to comply with MassDOT's Non-Discrimination and Affirmative Action Requirements and certify as provided in [MassDOT Form D] (Appendix B).

**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:

- 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;

- 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
- 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 Appendix A.

**Development Costs.** The preparation and submission of all proposals by any person, group or organization is entirely 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 MassDOT shall not be liable for any such costs nor shall be required to reimburse the applicants for such costs. Neither the BPDA nor MassDOT shall be liable for any costs or damages in the event that the delivery of the Ground Lease is conditioned or delayed because any required approvals are not issued or are conditioned in any way.

**[Survey and Plans.** The Selected Proponent shall, at its sole cost and expense prior to the closing, prepare a plan in recordable form showing the Crescent Parcel as a separate legal lot measured according to ALTA standards and shall obtain any necessary governmental approvals for the Crescent Parcel to constitute a separate lot for tax and building purposes or as a parcel to be combined with other land of the Selected Proponent. The Selected Proponent shall submit such boundary plan to the BPDA for review and approval prior to closing. The plan shall also show all utilities and drainage to and from any surrounding MassDOT land and any easements or rights reserved by MassDOT.]



**Documentary Taxes; Recording Fees.** All costs and liabilities associated with the payment of any required transfer and documentary taxes, if any, arising out of the lease of the Crescent Parcel shall be the sole responsibility of the Selected Proponent. The Selected Proponent shall be responsible for recording at the Registry, at the Selected Proponent's sole cost and expense.

**Selected Proponent Pre-Closing Expenses.** Any and all expenses incurred by the Selected Proponent prior to and after the closing will be the responsibility of the Selected Proponent and are entirely at its own risk.

**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 Crescent Parcel surveyed, with plans that are suitable for recording, at the expense of the proponent.

**Policies and Regulations.** Development of the Crescent Parcel 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.

**Signage During Construction.** During construction at the Property, the selected 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 selected proponent should also provide signage that describes the project, including the number of affordable units, if applicable.

In addition, the selected proponent agrees to use a construction wrap for the Crescent Parcel approved by BPDA design staff in its reasonable discretion. The selected proponent shall be responsible for any and all costs associated with designing, printing and installing the construction wrap.

**Compliance with City of Boston 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. Our 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.