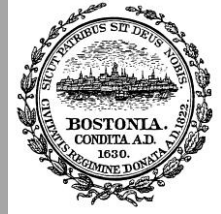


# REQUEST FOR PROPOSALS

## 8 Old Road & 14 Ellington Street Dorchester

CITY OF BOSTON  
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT



Contact Information:

Department of Neighborhood Development  
26 Court Street, 9<sup>th</sup> Floor,  
Boston, MA 02108  
Attn: Carl Hyman  
[carl.hyman@boston.gov](mailto:carl.hyman@boston.gov)  
(617) 635-0465

How to obtain the Request for Proposals and supporting documents via the DND website:

Go to:  
<http://dnd.cityofboston.gov/#page/rfps>  
Click on "Request a Copy".  
If you have any problems accessing the system, please call (617) 635-4191.

Proposal Submittal Deadline:

Proposals will be received until  
**September 26, 2016 at 4:00 pm (EST)**  
at:  
Department of Neighborhood Development  
26 Court Street, 10<sup>th</sup> Floor (Bid Counter)  
Boston, MA 02108

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**Notice to Proposers Regarding Downloadable RFPs**

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

**FORMS:**

**DND does not accept electronic submissions. You will still need to submit paper copies of your proposal to the Bid Counter in the form specified in this RFP. Each of the following forms MUST be completed and returned with your proposal. These are links to the fillable forms. Remember to select “save as” on your computer before printing to ensure you retain an electronic copy. DND will provide paper copies of these forms upon request. Contact the Sr. Project Manager, Carl Hyman, at 617-635-0465.**

1. [Proposal Form-Price](#)
2. [State Proposers Qualif](#)
3. [Prelim Develop Bdgt-Rev2](#)
4. [Prelim Ops Bdgt](#)
5. [Development Timetable-Proposers](#)
6. [Construction Employment Statement](#)
7. [Property Affidavit-From Intranet](#)
8. [AFFIDAVIT OF ELIGIBILITY](#)
9. [Conflict of Interest Affidavit](#)
10. [Ver 2-Ch 803 Disclosure Statement](#)
11. [Ver 1-Beneficial Interest Statement](#)

## 1. OVERVIEW – DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

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

1. Creates affordable and mixed-income housing;
2. Assists small businesses and community job generators with commercial property development opportunities;
3. Supports the preservation of historic architecture;
4. Develops open spaces, including community gardens and farms;
5. Provides homeownership opportunities, grants, loans and trainings; and
6. Implements programs to support the economic development of small businesses.

DND is also responsible for disposing of tax foreclosed and surplus real property that is under the care and custody of the Public Facilities Commission. DND's property disposition process operates in accordance with Massachusetts General Law (M.G.L.), Chapter 30B which governs municipal property dispositions. Accordingly, **DND is hereby offering 8 Old Road & 14 Ellington Street Dorchester, MA** under this Request for Proposals (RFP).

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

## 2. SCOPE OF PROJECT

The purpose of this RFP is to establish a contract with a qualified reputable developer, capable of developing the offered property in a manner that is agreeable to the City of Boston and the residents of Dorchester. The following parcels are being made available under this RFP:

<b>Address</b>	<b>Assessor's Parcel Number</b>	<b>Lot Size (square feet)</b>
8 Old Road	14-02464000	6,537
14 Ellington Street	14-02463000	7,051



**a. Current Zoning:**

The property is located in District: Dorchester, Sub-District: 3F-5000, Overlay: None.

**b. The Neighborhood:**

The property is located on 8 Old Road & 14 Ellington Street, in the Franklin Park area of the Dorchester neighborhood of the City of Boston. Property uses along Ellington Street are a mix of commercial, and residential buildings. The site has access to major thoroughfares and public transit. For neighborhood information:

<http://www.bostonredevelopmentauthority.org/neighborhoods/dorchester/at-a-glance>

**c. Property Viewing:**

Proposers are advised to avail themselves of the opportunity to view the site July 26 10:00 AM - 12:00PM and August 9 10:00 AM-12:00PM in order to aid in the preparation of their proposals.

**3. DEVELOPMENT GUIDELINES AND OBJECTIVES**

After careful analysis of the property by DND, the development guidelines and objectives in this section were crafted with community input collected at a community meeting, The Greater Four Corners Action Coalition Charette as well as from phone calls, e-mails, and on-line comments received by DND.

The Proposer must address the following considerations in his/her development concept narrative, construction description narrative and design documents, as appropriate. Further, the Proposer must agree to work with the community to resolve any future issues or concerns that may arise as the development project moves forward.

**See Attachment 1 on page 15** – Development Guidelines for 8 Old Road & 14 Ellington Street Dorchester.

**See Attachment 2 on page 17** – Environmental History of 8 Old Road & 14 Ellington in Dorchester.

**a. Preferred Use of the Property:**

It is preferred that the property be developed as an Institutional or commercial building. Although mixed use and residential development are not a community preferred use they are acceptable uses for the sites. **The property is currently zoned residential but the Department of Neighborhood Development will strongly support a zoning variance for the above uses that are preferred by the community.**

The development should activate the street, create jobs, create a community destination / connection and promote pedestrian access. The design should be of high quality, strengthen Franklin Park Neighborhood’s urban fabric and take into consideration the context of the existing neighborhood. The project should also be energy efficient. See Attachment 1 on page 15.

**b. Unacceptable Use of the Property:**

The community discourages, and will not support, uses such as a gas station, gun shop, medical marijuana store, liquor store or any other use considered to detract from the quality of life of neighborhood residents.

**4. PROJECT REQUIREMENTS**

**a. General**

The asking price for the sites are **\$312,000 for 8 Old Road and \$336,000 for 14 Ellington Street which is the appraised value\* of the property. The total combined asking price is \$648,000.** Offered price is one of the many factors used in determining the most highly advantageous proposal, so proposers are encouraged to make competitive offers. For more information on comparative evaluation criteria, please refer to Section 8b.

A Proposer may offer less than the asking price, but he/she must credibly demonstrate that his/her development concept is not financially feasible at the asking price. Reasons for this may include, but not be limited to, extraordinary expenses to be incurred, or specific community benefits that the development will provide which will prohibit the Proposer from maximizing operating income. In order to offer less than the asking price, the Proposer must include a written description of why his/her offer price is reduced, and provide development pro formas that support the lower offer price.

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

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

- i. While DND has conducted a title examination of the property, DND makes no warranty or representations as to its accuracy and recommends that Proposers conduct their own title examinations.
- ii. If selected as a finalist, a Proposer may be required to present his/her/their plan of development at a community meeting organized by DND.
- iii. Performance under this Request for Proposals will be closely coordinated with the Project Manager and any other staff member designated by DND. Questions pertaining to requests for technical guidance and direction should be directed in writing to the assigned Project Manager, or other designated DND representative. However, such DND representative(s) will under no circumstances change the terms and conditions of this engagement.
- iv. The developer shall prepare and deliver to their assigned DND Project Manager a monthly status report. The report should include a description of the work completed that month regarding, but not limited to, the following:
  - 1. Zoning Board of Appeal (ZBA) Application(s)
  - 2. Inspectional Services Department (ISD) Permit(s)
  - 3. Final Design Specifications
  - 4. Environmental Testing or Remediation
  - 5. Acquisition of Financing
  - 6. Community Feedback
- v. The Successful Proposer shall designate qualified representatives as points of contact to assist DND, as needed, throughout the engagement. Names, phone numbers, and e-mail addresses of proposed representatives are to be listed in the proposal.

**b. Developmental**

- i. The Successful Proposer will produce an appropriate plan of development that meets the City's requirements within specified time frames. The Proposer must indicate and fully explain its plan for redevelopment and how that redevelopment coincides with DND's stated scope for the Project.
- ii. The contract period of performance shall be for twelve (12) months from the tentative designation award. If the Property has not been made development-ready within twelve (12) months, DND may choose to grant additional time for performance or to rescind the award, at its discretion.
- iii. The determination of whether services were performed satisfactorily is at the sole discretion of DND.
- iv. The Successful Proposer will confirm all scheduled project milestones with DND prior to initiating work.

**c. Operational**

- i. The Successful Proposer shall maintain a safety and environmental program that complies with all applicable local, state and federal regulations.
- ii. After conveyance, the Successful Proposer will be responsible for the condition of the property. He/she/it must take any steps necessary to keep the property free of trash, debris, and snow.

- iii. The Successful Proposer will affirmatively and fairly solicit qualified subcontractors from residents of the local community.
- iv. If the Successful Proposer is a for-profit firm with 25 or more full time employees, or a non-profit firm with 100 or more employees, it will be required to make its best efforts to adhere to the Boston Jobs and Living Wage Ordinance, and the provisions of the Promulgated Regulations, including the "First Source Hiring Agreement" provisions of said Ordinance.

**d. Design**

- i. Building construction must take into consideration the existing standards of the community, i.e., building height (**Community preference not to exceed 4 stories**), mass, and scale.
- ii. Building materials must be of good quality and take advantage of sustainable building principles and MEP systems.
- iii. A Proposer must present a design that includes a thoughtful exterior, with attractive windows, doors, and exterior cladding and/or masonry. **Community preference is to see a design that is well landscaped with trees, shrubs, grass and flowers.**
- iv. Any construction of permanent structures on the property must comply with the Boston Zoning Code and Massachusetts Building Code, whether as-of-right or by variance.
- v. If the proposed design makes use of adjacent parcels, the Proposer must demonstrate site control of such other parcels by way of a fully executed, and currently dated, Purchase and Sale Agreement or a signed, and currently dated, Option Agreement.
- vi. Parking and traffic plan

**5. SUBMISSION INSTRUCTIONS**

Proposers MUST submit an **original and three (3) copies** of the proposal in a sealed envelope to the Department of Neighborhood Development, Bid Counter (either in person or by mail) by **September 26, 2016** no later than 4:00 pm.

26 Court Street, 10<sup>th</sup> Floor  
Boston, MA 02108

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

**Any proposals received after the date and time specified in this RFP will be rejected as non-responsive, and not considered for evaluation.**

**6. REQUIRED SUBMISSION DOCUMENTS**

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

**a. Introductory Documents:**

- i. Appendix 1: *Cover Sheet Form* (see link)
- ii. Proposal Summary (see Section 7) pg. 7

**b. General Evaluation Criteria Documentation:**

- i. Appendix 2: *Statement of Proposer's Qualifications Form* (see link)
- ii. Appendix 3: *Preliminary Development Budget Form* (see link)
- iii. Appendix 4: *Preliminary Operating Budget Form* (see link)
- iv. Appendix 5: *Development Timetable Form* (see link)
- v. Appendix 6: *Construction Employment Statement Form* (see link)

**c. Compliance Review Documentation:**

- i. Appendix 7: *Property Affidavit Form* (see link)
- ii. Appendix 8: *Affidavit of Eligibility Form* (see link)
- iii. Appendix 9: *Chapter 803 Disclosure Statement Form* (see link)
- iv. Appendix 10: *Beneficial Interest Statement Form* (see link)

**7. PROPOSAL SUMMARY**

In addition to the required forms listed in Section 6, the following information must be submitted in the Proposer's written Proposal Summary. This is an opportunity for the Proposer to convey, in his/her/its own words to the Evaluation Team, how the proposed project will be a highly-beneficial use of the Property; how it will also be cost-effective, timely, and provide options superior to those currently available to the community. Omission of any of the required information may lead to a determination that the proposal is non-responsive. Please provide the following items as listed:

**a. Introduction**

- i. An overall introduction to the Proposer that includes a statement of the Proposer's interest in Project.
- ii. A description of the Proposer's organizational structure, including a list of qualified representatives and key personnel. Please provide resumes.
- iii. A description of any lawsuits brought against the Proposer or principals in courts situated within Massachusetts within the past five years.

**b. Development Plan**

- i. A description that conveys that the Proposer understands the services to be performed. The Proposer must indicate and fully explain its plan for development and how it coincides with DND's stated scope for the Project and the Project Requirements. Also, the Proposer must provide a credible scheme for accomplishing its stated goals and/or objectives.
- ii. A time schedule proposed to accomplish the tasks listed in Section 3, Scope of Project as well as the goals/objectives unique to the submitted proposal.
- iii. In digital format (one copy either on a CD or a flash drive), copies of drawings that best represent the proposed plan including rendering(s), and site plan(s), and any relevant floorplan(s) if buildings are proposed. These drawings will also be available to the public to assist in their assessment of the proposal.

**c. Operational Plan**

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

**d. Developer Qualifications, Experience and References**

- i. A narrative supported by relevant data regarding qualifications and past experience with similar projects. Proposer must provide detailed descriptions of previous relevant work completed and the results or



outcome of that work. Proposers shall also furnish three current references including, names, addresses, e-mail addresses, phone numbers, and principal contacts in which the Proposer has provided comparable services.

**e. Permits/Licenses**

i. A list of relevant business permits/licenses (with expiration dates).

**f. Subcontractors or Partnerships**

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

**g. Additional Data**

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

**8. EVALUATION PROCESS**

Proposals will be reviewed and selected using a 3-part process.

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

Only Proposals that satisfy the Minimum Eligibility Criteria will be comparatively evaluated based on the Comparative Evaluation Criteria. A rating of Highly Advantageous, Advantageous or Not Advantageous will be decided for each criterion. The selection committee will formulate a comparative composite rating to determine the Most Highly Advantageous proposal. To facilitate DND's final evaluation of Comparative Evaluation Criteria, DND may require Proposers meeting threshold criteria, to present their plans of development to the community. The committee will then factor community input received at this presentation, into the final, overall rating.

Prior to designation by the Public Facilities Commission, the "Most Highly Advantageous Proposer," one who has satisfied the Minimum Eligibility Criteria and is found to have the overall most highly advantageous composite rating based on the Comparative Evaluation Criteria, will be subject to a final Statutory Compliance Review to determine compliance with various City regulations, ordinances and policies.

**a. Minimum Eligibility Criteria:**

i. **Proposal Received by Deadline.** Only proposals that are received by the date, time, and at the location indicated in Section 4 of this RFP will be accepted.

ii. **Complete Proposal Submission.** Proposals must contain all necessary forms and documents as required in Section 6 of this RFP, including all required signatures and certifications.

**b. Comparative Evaluation Criteria:**

i. **Developer Experience and Capacity.** This Criterion is an evaluation of the Proposer's experience and capacity to undertake the proposed project. This will be evaluated based on the Proposer's experience relative to that of other Proposers. The Proposer's current pipeline of projects with the

Department of Neighborhood Development will also be evaluated. 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.

*Highly Advantageous:* A development team that has successfully completed at least one similar project in scope and use to the one proposed, located in the City of Boston.

*Advantageous:* A development team that has successfully completed at least one similar project in scope and use to the one proposed, in a location other than Boston.

*Not Advantageous:* A development team that has not completed a similar project in scope and use to the one proposed.

- ii. **Plan of Development and Design Concept.** This Criterion is an evaluation of the Proposer's development plan relative to the Development Guidelines & Objectives set out in Section 2 and the Design Considerations as specified in Section 3(d). Proposals that provide a full set of drawings (Site Plans, Floor Plans, Elevations & Landscape Plans) that better fulfill the Development Guidelines and Design Considerations relative to other proposals will be considered to be more advantageous. Proposals that do not furnish all the necessary drawings or do not meet the objectives specified Development Guidelines and Design Considerations as well as other proposals will be considered less advantageous. To facilitate its evaluation of this Criterion, DND may seek community input in the form of a developer's presentation.

*Highly Advantageous:* The Proposer provides a set of preliminary drawings including a site plan, floor plans, elevations, landscaping plans. The Proposal is compatible with Development Guidelines and Objectives and fully addresses all design considerations.

*Advantageous:* The Proposer supplies some preliminary drawings. The Proposal is compatible with most, but not all Development Guidelines and Objectives and addresses most but not all design considerations.

*Not Advantageous:* The Proposer's drawings lack detail.

The Proposal is not compatible with many of the Development Guidelines and Objectives and addresses few design considerations.

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

*Highly Advantageous:* The development budget is complete, thorough and appears accurate for the proposed project. The budget includes appropriate contingency expenses. Because of these factors, the development cost appears to be highly feasible.

*Advantageous:* The development budget is complete and thorough, but deviates from projects similar to the one proposed. Some expenses in the budget appear inaccurate or atypical, and there is no further justification or

explanation for this apparent deviation. Because of these factors, the development cost appears to be reasonably feasible.

*Not Advantageous:* The development budget is incomplete, lacks detail and/or appears very inaccurate for the proposed project. Because of these factors, the development cost appears to have a low likelihood of feasibility or to be infeasible.

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

*Highly Advantageous:* The Proposer is able to provide documentation of necessary cash on hand, lines of credit or other liquid equity to fully satisfy the Preliminary Development Budget as presented.

*Advantageous:* The Proposer is able to provide evidence of a credible fund raising program or capital campaign program underway to raise sufficient funds in a reasonable time frame in order to fully satisfy their Preliminary Development Budget. The Proposer must be able to demonstrate experience in successfully raising funds in this manner for another significant project.

*Not Advantageous:* The Proposer does not provide evidence of or documentation for any financing, funding sources or equity to satisfy the development budget; or the documentation or evidence is insufficient or out dated.

- v. **Operational Feasibility.** This Criterion evaluates the relative strength of the Proposer's Operating Plan relative to that of other proposals. Proposals that provide evidence that the income stream in the proposed budget is achievable and have an Operating Budget that is reasonable for a project of its type given market conditions and standard operating expenses will be considered to be a more advantageous proposal. Proposals without a reasonably secure income stream or have operating expenses that are not in line with industry standards will be considered to be a less advantageous proposal.

*Highly Advantageous:* The Proposer provides a highly reasonable and justifiable operating budget for a project of the type proposed. The Proposer is able to document with high likelihood, that the sources of funds will be available to sustain the operations as described.

*Advantageous:* The Proposer provides a reasonable and justifiable operating budget for a project of the type proposed. The Proposer is able to document with reasonable likelihood that the sources of funds will be available to sustain the operations as described.

*Not Advantageous:* The Proposer does not provide a credible or detailed enough operating budget or is unable to reasonably document the source of funds to sustain operations, and/or fails to properly demonstrate the likelihood of securing such funds.

- vi. **Development Schedule.** This Criterion evaluates the relative strength of the Proposer's Development Timetable relative to that of other proposers. Proposals that are able to start construction in timely manner and have a realistic construction schedule will be considered to be a more advantageous proposal. Proposals that are unable to commence in a timely manner, or have unrealistic construction schedules will be considered to be a less advantageous proposal.
- Highly Advantageous: The Proposer provides a highly reasonable and justifiable development schedule for a project of the type proposed. The Proposer's development timetable, readiness to proceed and capacity are clearly superior to that of all other Proposers.
- Advantageous: The Proposer provides a reasonable and justifiable development schedule for a project of the type proposed. The Proposer's development timetable, readiness to proceed and capacity are sufficient to complete the project in a timeframe that is equal to other Proposers.
- Not Advantageous: The Proposer does not provide a credible or detailed enough development schedule for a project of the type proposed. The Proposer's development timetable, readiness to proceed and capacity are inferior to those of other Proposers.
- vii. **Offer Price.** This Criterion evaluates the Proposer's Offer Price relative to offers of other proposers. Proposals with an Offer Price above that of other proposers will be considered to be a more advantageous proposal. Proposals with an Offer Price below that of other proposers will be considered to be a less advantageous proposal.
- Highly Advantageous: The Proposer's offered price is the highest price offered.
- Advantageous: The Proposer's offered price is higher than or equal to the average of all prices offered.
- Not Advantageous: The Proposer's offered price is less than the average of all prices offered
- viii. **Community Benefits.** This Criterion evaluates the Proposer's relative ability to provide benefits to the local community that are above those generated by the development itself. These benefits can include local jobs in construction (the community has expressed a goal of 50% Boston based residents, 25% Minorities, 10% Women) and in the end use of the building, funding for community activities and improvements, or creation/maintenance of open space on the development site. Proposals that offer benefits that the community most desires will be considered to be a more advantageous proposal. Proposals that offer less or no community benefits will be considered to be a less advantageous proposal. To facilitate its evaluation of this Criterion, DND may seek community input in the form of a developer's presentation.
- Highly Advantageous: The Proposer describes and quantifies specific benefits that it will provide to the community, aside from the renovation of the property. The level of benefits provided will be superior to those provided by other Proposers.
- Advantageous: The Proposer describes and quantifies specific benefits that it will provide to the community, aside from the renovation of the property.

The level of benefits provided will be equal to those provided by other Proposers.

*Not Advantageous:* The Proposer does not sufficiently describe and quantify specific benefits to the community, aside from the renovation of the property. The level of benefits provided would be inferior to those provided by other Proposers.

**c. Compliance Review (“Disqualifiers”):**

- iv. **Tax Delinquency Review.** The City of Boston Collector-Treasurer’s Office will conduct a review of the selected proposer’s property tax history. The selected proposer cannot be delinquent in the payment of taxes on any property owned within the City of Boston. The selected proposer must cure any such delinquency prior to the conveyance of the Property. If the selected proposer has been foreclosed upon by the City of Boston for failure to pay property taxes, then said proposer will be deemed ineligible for conveyance of the Property offered pursuant to this RFP, unless such proposer promptly causes the decree(s) or judgment(s) of foreclosure to be vacated by the Land Court and the City made whole. DND, in its sole discretion, shall determine the timeliness of the selected proposer’s corrective action in this regard and will disqualify the proposer if vacating the tax-title foreclosure is not prosecuted expeditiously and in good faith, so as to avoid undue delay.
- v. **Water and Sewer Review.** The City of Boston Water and Sewer Commission will conduct a review of the selected proposer’s water and sewer account(s). The selected proposer cannot be delinquent in the payment of water and sewer charges on any property owned within the City of Boston and, if found to be delinquent, must cure such delinquency prior to a vote request to the Public Facilities Commission for conveyance of the Property.
- vi. **Property Portfolio Review.** The City will review the selected proposer’s portfolio of property owned to ascertain whether there has/have been abandonment, Inspectional Services Department (ISD) code violations or substantial disrepair. If unacceptable conditions exist in the selected proposer’s property portfolio, DND may deem the selected proposer ineligible for conveyance of the Property.
- vii. **Prior Participation Review.** The City will review the Proposer’s prior participation in any City of Boston programs, including DND programs, to ascertain Proposer’s previous performance. Proposers found to have not fulfilled their duties or obligations under previous agreement with the City may be deemed to be ineligible for conveyance of the Property.
- viii. **Employee Review.** Neither the Proposer, nor any of the Proposer’s immediate family, nor those with whom s/he has business ties may be currently, or have been within the last twelve (12) months, an employee, agent, consultant, officer, or an elected official of the Department of Neighborhood Development. An “immediate family member” shall include parents, spouse, siblings or children, irrespective of their place of residence. Any proposer who fails to satisfy this requirement may be deemed to be ineligible for conveyance of the Property.

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

## 9. AWARD OF CONTRACT

DND will review and evaluate proposals promptly after the submission deadline of **September 26, 2016**.

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

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

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

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

## 10. WITHDRAWAL OF PROPOSALS

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

## 11. QUESTIONS

The last day for questions **September 12, 2016 at 4:00 pm**. All questions must be submitted in writing by either e-mail or U.S. mail and addressed as shown below.

E-mail: [carl.hyman@boston.gov](mailto:carl.hyman@boston.gov)

U.S. Mail: Department of Neighborhood Development  
Attn: Carl L. Hyman, Sr. Project Manager  
26 Court Street, 9<sup>th</sup> Floor  
Boston, MA 02108

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

## 12. TERMS AND CONDITIONS

- a. Assumption of Risk.** The City accepts NO financial responsibility for costs incurred by Proposers in responding to this Request for Proposals. Proposers are responsible for any and all risks and costs incurred in order to provide the City with the required submission.
- b. Public Property.** Proposals submitted to DND will become property of the City. After opening, all proposals become public documents and are subject to the requirements of the Massachusetts Public Records Law (M.G.L. c. 4, § 7(26)).

- c. Terms of Sale.** After a final proposal has been selected, the Successful Proposer will be contacted by DND to finalize the terms of the sale. The terms of the sale will and MUST be consistent with this Request for Proposals, including the advertised purchase price and Project Requirements.
- d. "As Is" Conveyance.** DND will convey the property in "AS IS CONDITION" without warranty or representation as to the status or quality of title. The Successful Proposer/Buyer shall, to the fullest extent permitted by law, assume any and all liability for environmental remediation pursuant to Chapter 21E of the Massachusetts General Laws. Finally, any and all site improvements, such as utility connections and/or street repairs, are the responsibility of the Successful Proposer.
- e. Negotiations.** DND reserves the right to negotiate for changes to the selected proposal. These negotiations may encompass values described in the Request for Proposal, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, DND may decline to sell the property even after the selection process is complete and negotiations have begun.
- f. Closing.** The Successful Proposer must execute a Purchase and Sales Agreement and then close on the sale within ninety (90) days of the date of execution, unless otherwise agreed upon (in writing) by DND. Failure to comply with the obligations of closing may result in the rescission of any prior agreement(s) with DND regarding the Property.
- g. Restrictions on Transfer.** Properties sold by DND will have particular deed riders and mortgages, as appropriate to the particular disposition, restricting the use of the Property. Unless authorized in writing by DND, the Successful Proposer may not substantially alter the use of the property; permanently cease operations; transfer title of the property; or have any unauthorized financial liens placed on the property. Such actions will trigger a reversionary clause in the deed, if applicable, automatically transferring title of the Property back to DND.
- h. Payment.** Unless otherwise agreed to by DND in writing, the Successful Proposer is required, at the time of conveyance, to make full payment for the Property by Treasurer's or Cashier's Check. In addition, the Successful Proposer will be responsible for paying all recording and registrations fees (including the cost of recording the deed and conveyance documents at the Suffolk County Registry of Deeds), and making a pro forma tax payment.
- i. Reservation of Rights.** DND reserves the right to postpone or withdraw this RFP; to accept or reject any and all proposals; to modify or amend the terms of this RFP through an addendum; to waive any informality, and to interview, question and/or hold discussions regarding the terms of any proposal received in response to this RFP. DND reserves the right to cancel a sale for any reason. DND reserves the right to select the next highest ranked proposal, if the initially Successful Proposer is unable to proceed in a timely manner or otherwise fails to satisfactorily perform. DND reserves the right to waive any requirement or restriction set forth in this RFP or conveyance documents, if such waiver is deemed appropriate by DND, in its sole discretion.
- j. Changes to Program.** DND reserves the right to change aspects of the development program outlined in this RFP, using its best judgment as to the needs of the program and the furtherance of its mission, provided that the rights of the Proposers are not prejudiced.

**END OF  
8 Old Road & 14 Ellington Street  
REQUEST FOR PROPOSALS.  
DND THANKS YOU FOR YOUR INTEREST**



**8 Old Road & 14 Ellington Street**

**Development Guidelines**

In cooperation with neighborhood residents and the Greater Four Corners Action Coalition Neighborhood Charette, the Department of Neighborhood Development (DND) has established the following development guidelines for the property. The developer must address each of the following considerations, as expressed by the community, in a development concept narrative, construction description narrative & design documents, and agree to work with DND and community on any future issues that arise.

**Land Use**

**Development Concept** – The preference is for a Institutional and Commercial development in order to create jobs for local residents, as well as to act as a catalyst for additional economic development in the surrounding area. Although mixed use and residential development are not a community preferred use, they are acceptable uses for the sites.

**Institutional/Commercial** The proposed Institutional or commercial uses must have limited noise and traffic impacts and not adversely affect the quality of life of the immediate abutters. The proposed development should not include passive commercial uses such as warehouse or storage. In addition, the following uses are strongly discouraged: gas station, medical marijuana store, gun shop and liquor store. Rather, it should include clean commercial uses that bring jobs and training to the community.

**Parking** – The proposed development must clearly demonstrate that it is providing adequate on-site parking for all residents, employees and/or customers in order to not overburden street parking used by area residents.

**Design**

**Context** – Any new construction should be contextual with the existing neighborhood in terms of height, scale, massing, construction materials and visual appearance.

**Energy Efficiency** – Designs that exhibit superior energy efficiency, low carbon emissions and utilize green building technologies are preferred. Proposals that conform to the United States Green Building Council’s “Leadership in Energy & Environmental Design” (LEED) Silver certification standard, or better, are encouraged.

**Traffic** – The design should minimize any increase in traffic, particularly as it impacts abutters.

**Excavation** – The design should not include any excavation activities that could undermine the structural integrity of the foundations of abutting properties.

**Drainage** – The design must appropriately address any drainage issues that impact abutters.

**Landscaping** – The design should provide adequate screening and buffering for the abutters, including green space where appropriate.

**Improvements** – Preference will be given for the following design elements; improved streetscape, lighting and signage.

### **Construction**

**Building Demolition** – If necessary, the developer must agree to demolish existing structures in a manner that is of minimal disruption to the surrounding residences, in order to make way for a vacant site suitable to build a structure that is more energy efficient, functional and attractive.

**Construction Plan** – The construction plan must demonstrate how it will mitigate construction impacts on abutters during the construction period and the developer must have the capacity to complete the development quickly and efficiently to minimize disruption to the neighborhood.

**Environmental** – The construction plan should be cognizant of the property’s former uses in order to be able to safely address any potential environmental hazards present, including but not limited to; asbestos, lead paint and underground storage tanks, if any.

**Employment** – The developer will abide by the Boston Resident Job Policy at a minimum and work with the community to maximize opportunities for construction employment and business opportunities for local residents, people of color and women on the project. The community prefers that the project exceeds the standards advocated by the Boston Jobs Coalition.

**8 Old Road & 14 Ellington Street, Dorchester**

**Environmental Conditions**

The site, keep approximately 6,537 and 7,051-square foot parcels, is located at 8 Old Road & 14 Ellington Street in Dorchester, Massachusetts. Both parcels have historically been utilized for gasoline filling and automotive repair purposes.

In 2006, underground storage tanks were removed from the 8 Old Road property. Soil sampling conducted at that time did not indicate a release to the environment had occurred. Additional assessment conducted in 2013 further supported this finding.

In 2010, a Phase I Environmental Site Assessment was conducted on behalf of DND for the 14 Ellington parcel. The Phase I indicated the presence or potential presence of underground storage tanks, hydraulic lift bases, and an oil/water separator.

In 2013, a Phase II Assessment was conducted which included a Ground Penetrating Radar (GPR) survey and soil and groundwater sampling. The GPR survey indicated the potential presence of up to three USTs at the 14 Ellington property. The subsurface investigation revealed the presence of petroleum compounds as well as polychlorinated biphenyls (PCBs), arsenic, lead, and chromium at concentrations exceeding Massachusetts Contingency Plan (MCP, 310 CMR 40) reportable concentrations.

A Release Notification Form was subsequently filed with the Massachusetts Department of Environmental Protection (MassDEP), and Release Tracking Number 3-31830 was assigned to the 14 Ellington site.

The successful Proposer will be required to retain a Licensed Site Professional (LSP) to manage the assessment and cleanup of 14 Ellington in accordance with the MCP and other applicable regulations. Proposers are encouraged to discuss their plans and capacity to clean up the site in their proposal narrative. Assessment reports associated with both parcels are available to prospective proposers upon request.