



REQUEST FOR PROPOSALS

CITY of BOSTON • DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

174-180 Norfolk Street, Dorchester



Contact Information:

Department of Neighborhood Development
26 Court Street, 8th Floor
Boston, Massachusetts 02108
Attn: Christopher Rooney, Development Officer
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**How to obtain the
Request for Proposals and
supporting documents
via the DND website:**

Go to: <https://www.boston.gov/dnd/rfps>
Click on "Request a Copy."

**Proposal
Submittal Deadline:**

Applications will be received until March 12, 2020 at
4:00 p.m. (EST) at:
Department of Neighborhood Development
26 Court Street, 10th Floor (Bid Counter)
Boston, Massachusetts 02108

CITY of BOSTON
Martin J. Walsh, *Mayor*

DEPARTMENT of NEIGHBORHOOD DEVELOPMENT
Sheila A. Dillon, *Chief and Director*



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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: <https://www.boston.gov/dnd/rfps> The online version of the RFP is identical to the version available through the Bid Counter. To access this function you will need the most recent edition of Adobe Reader installed on your computer. A link to the free download program is provided in the right hand column of the webpage listed above.

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.

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| <ul style="list-style-type: none"> 1. Appendix 1 (Proposal Form) 2. Appendix 2 (Project Summary Form) 3. Appendix 3 (One Stop Form) 4. Appendix 4 (Proposer’s Qualification) 5. Appendix 5 (Development Budget) 6. Appendix 6 (Operating Budget) 7. Appendix 7 (Development Timetable) | <ul style="list-style-type: none"> 8. Appendix 8 (Employment Statement) 9. Appendix 9 (Property Affidavit) 10. Appendix 10 (Affidavit of Eligibility) 11. Appendix 11 (Conflict of Interest) 12. Appendix 12 (c.803 Disclosure) 13. Appendix 13 (M.G.L. c.7C Disclosure) |
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1. OVERVIEW – DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

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

- 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 174-180 Norfolk Street, Dorchester under this Request for Proposals (RFP).

RFPs and other procurement vehicles are an opportunity to offer local and historically disadvantaged businesses a unique opportunity to grow and enhance their capacity. It is the intent of the Mayor that these opportunities provide a framework and model for inclusiveness throughout the various levels of contracting.

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. Proposals that include funding requests will be considered, subject to availability of funds. The following parcels are being made available under this RFP:

Addresses	Assessor's Parcel Numbers	Lot Sizes (square feet)
174 Norfolk Street Norfolk Street 180 Norfolk Street	1701971000 1701970000 1701969000	4,859 4,194 <u>6,379</u> 15,432 (Total)



- a. **Current Zoning:**
The property is located in - District: Dorchester Neighborhood, Sub-District: 2F-5000, Overlay: None
- b. **The Neighborhood:**
The property is located at the corner of Norfolk Street and Thetford Avenue in the Codman Square area of the Dorchester neighborhood of the City of Boston. Property uses along Norfolk Street are a mix of commercial, mixed-use and residential buildings. The site has access to major thoroughfares and public transit.

More information about the neighborhood is available at: www.cityofboston.gov/neighborhood/dorchester.

3. DEVELOPMENT GUIDELINES AND OBJECTIVES

The development guidelines and objectives in this section were crafted from information collected at community meetings, phone calls, e-mails, and on-line comments received by DND.

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

Special emphasis should be made to ensure that maximum opportunities are afforded to local, small and disadvantaged businesses, as well as people of color and women, in the areas of job creation and training, business development and the procurement of goods, services and construction services in association with construction projects.

a. Preferred Uses of the Property:

- Residential Use or Mixed-Use (residential and commercial).
- Total of eight (8) residential units.
- All of the residential units affordable to households earning up to 60% of the Area Median Income (AMI).
- Residential affordability mix of less than 30% AMI (50% of the units), up to 50% AMI (25% of the units) and up to 60% AMI (25% of the units).
- All residential units at least 2-Bedrooms, with a minimum of 25% of the units being 3-Bedrooms.

Please Note: The community has expressed strong interest in "development without displacement." Specifically, beyond the preferred deep affordability of the project and larger unit sizes mentioned above, community members have expressed interest in innovative strategies to support community stability - such as cooperative ownership, land trust participation, and rent-to-own strategies.

- If commercial space is included, the use should provide a community benefit, such as; providing healthy food options for neighborhood residents, urban agriculture, etc.
- As an additional community benefit, provide indoor and/or outdoor space that is accessible to neighborhood residents.
- Access/Egress to/from the property on Thetford Avenue.
- Sufficient parking on-site to accommodate the proposed development.

b. Unacceptable Uses of the Property:

The community is not in favor of proposed developments that include passive commercial uses. In addition, any use considered to detract from the quality of life of neighborhood residents is strongly discouraged.

c. Design

The project design should be contextual with the neighborhood, yet consistent with the scale of Norfolk Street.

d. Recognizing the Significance of Norfolk Street:

Any proposal must place an emphasis on the importance of Norfolk Street as a major thoroughfare running through a vibrant community. The proposed building(s) should set a tone in terms of the significance of the size of the site and the potentially transformative nature of the site. The building(s) should strive to be iconic, yet contextual with the neighborhood in terms of height, massing, and visual appearance. The building(s) should be constructed of high quality construction materials and incorporate character-defining architectural features both inside and out to give significance to the importance of Norfolk Street.

4. PROJECT REQUIREMENTS

a. General

The appraised value for the site is Six Hundred Fifty Thousand Dollars (\$650,000). 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 8.

A Proposer may offer less than the appraised value, as well as request subsidy funding for the proposed development, but they must credibly demonstrate that their development concept maximizes the public benefit and foregoes more lucrative opportunities in order to be consistent with community preferences, resulting in a concept not financially feasible at the full appraised value. Reasons may include, but are not limited to, specific community benefits (such as Affordable Housing) that the development will provide which will prohibit the Proposer from maximizing development revenues and/or operating income. In order to offer less than the asking price, the Proposer must include a detailed written explanation of why their offer price is reduced, and provide development budgets and proformas that support the lower offer price. The minimum price that can be accepted is \$100 per parcel.

A Proposer may offer more than the asking price for the land, but if proposing a use different than the guidelines specified in the RFP, must provide a narrative describing their proposed use for review.

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

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

- 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. Proposers may be required to present 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 Successful Proposer 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 development and how that development coincides with DND's stated scope for the Project.**
- ii. For submitting Sources and Uses of Funds, Operating Budgets, and other budget items, Proposers must use a One-Stop Application format that can be downloaded from www.mhic.com (in the site, see tab "One Stop Center" then "Downloads" then "OneStop2000"). If the proposal includes a combination of unit types for different income categories, the Proposer will be required to submit a separate budget that illustrates that the costs associated with the development of the different income levels are covered by eligible sources. Sources must equal Uses. If applicable, land costs for privately owned parcels that would be included in the proposed development must be identified in the "Acquisition" line. At the time of application to DND, the Proposer 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.**
- iii. 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.**
- iv. The determination of whether performance is satisfactory is at the sole discretion of DND.**
- v. 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. They 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.
 - v. The Successful Proposer shall comply and cooperate with DND’s regular on-site monitoring of the development project during construction through completion in an effort to ensure compliance with the accepted plan of development and final terms of the sale of the property.

- d. **Housing Affordability**
 - i. To the extent housing is incorporated into the Development Guidelines and Objectives, the Successful Proposer shall present a plan consistent with the Goals and Actions outlined in [HOUSING A CHANGING CITY: BOSTON 2030](#).
 - ii. The Successful Proposer will produce a development plan that prioritizes and maximizes the affordability of the proposed development beyond applicable regulatory requirements.

- e. **Design**
 - i. Building construction must take into consideration the existing standards of the community, i.e., building height, 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.
 - 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. The Successful Proposer shall comply with DND’s Design Review policy, which at a minimum for unsubsidized market rate developments, shall require DND approval of building elevations prior to submission to BPDA, ISD, and other authorities having jurisdiction.

f. Diversity and Inclusion

- i. Proposals must describe the planned approach to meeting the goals outlined in the Boston Residents Jobs Policy which can be accessed via the following link: <https://www.boston.gov/departments/economic-development/boston-residents-jobs-policy-construction-projects>
- ii. The Successful Proposer will prescribe procedures to establish and oversee a minority outreach program to ensure the inclusion, to the maximum extent possible, of opportunities for people of color and women, and entities owned by people of color and women, in the development of the proposed project.
- iii. Proposals should reflect the extent to which the Developer/Development Team plans to include meaningful participation of MWBEs and/or individuals in the following activity areas:
 1. Construction
 2. Design
 3. Development
 4. Financing
 5. Operations
 6. Ownership

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, 26 Court Street, 10th Floor, Boston, MA 02108 (either in person or by mail) by March 12, 2020 no later than 4:00 pm.

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

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: Proposal Form (see link)
 - ii. Proposal Summary and Narrative (see Sections 4 and 7)
- b. **General Evaluation Criteria Documentation:**
 - i. Appendix 2: Project Summary Form (see link)
 - ii. Appendix 3: One Stop Application (see link)
 - iii. Appendix 4: Statement of Proposer's Qualifications Form (see link)
 - iv. Appendix 5: Preliminary Development Budget Form (see link)
 - v. Appendix 6: Preliminary Operating Budget Form (see link)
 - vi. Appendix 7: Development Timetable Form (see link)
 - vii. Appendix 8: Construction Employment Statement Form (see link)
- c. **Compliance Review Documentation:**
 - i. Appendix 9: Property Affidavit Form (see link)
 - ii. Appendix 10: Affidavit of Eligibility Form (see link)
 - iii. Appendix 11: Conflict of Interest Affidavit Form (see link)
 - iv. Appendix 12: Chapter 803 Disclosure Statement Form (see link)
 - v. Appendix 13: M.G.L. c. 7C Disclosure Statement Form (see link)

7. PROPOSAL SUMMARY

In addition to the required forms listed in Section 6, the following information shall be submitted in the Proposer's written Proposal Summary. This is an opportunity for the Proposer to convey, in their own words to the Selection Committee, 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 plan 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. Housing Affordability Plan
 - i. Summary of the housing affordability of the proposed development. Include proposed affordability mix.
 - ii. Summary of the [HOUSING A CHANGING CITY: BOSTON 2030](#) Goals and Actions impacted by the proposed development.
- e. Diversity and Inclusion Plan
 - i. Applicants must design and propose a comprehensive program for achieving diversity and inclusion in the proposed project.
- f. 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.
- g. Permits/Licenses
 - i. A list of relevant business permits/licenses (with expiration dates).
- h. 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.
- i. 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. **Development Plan.** This Criterion is an evaluation of the Proposer's development plan relative to the Development Guidelines & Objectives set out in Section 3. Proposals that better fulfill the Development Guidelines relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Development Guidelines 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 with opportunity for public comment.*
 - **Highly Advantageous:** The Proposer's development plan is highly compatible with the Development Guidelines and Objectives and meets more of the identified objectives than competing proposals.
 - **Advantageous:** The Proposer's development plan is compatible with most, but not all Development Guidelines and Objectives, meeting fewer of the identified objectives than competing proposals.
 - **Not Advantageous:** The Proposer's development plan is not compatible with many of the Development Guidelines and Objectives.
- ii. **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, but are not limited to, creation of local jobs in the end use of the building; generation of evening and weekend commercial and social activities that have a positive impact on the neighborhood; funding for community activities and improvements; creation or maintenance of open space on or near the development site; greater housing affordability than outlined in the objectives; greenways, trees, and/or bike parking, storage, and repair facilities; locally-owned retail opportunities; preservation of historic character, markers, and/or places; etc. 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 with opportunity for public comment.*
 - **Highly Advantageous:** The Proposer describes and quantifies specific benefits that it will provide to the community, aside from the development of the property. The level of benefits provided will be superior to those provided by other Proposers.
 - **Advantageous:** The Proposer describes and quantifies specific benefits that it will provide to the community, aside from the development of the property. The level of benefits provided will be equal to those provided by other Proposers.
 - **Not Advantageous:** The Proposer does not sufficiently describe and quantify specific benefits to the community, aside from the development of the property. The level of benefits provided would be inferior to those provided by other Proposers.
- iii. **Design Concept.** This Criterion is an evaluation of the Proposer's development plan relative to the Design Considerations as specified in Section 4(e). Proposals that better fulfill the Design Considerations relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Design Considerations 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 with opportunity for public comment.

- **Highly Advantageous:** The Proposer's development plan is highly compatible with the Design Considerations and Objectives and meets more of the identified objectives than competing proposals.
 - **Advantageous:** The Proposer's development plan is compatible with most, but not all Design Considerations and Objectives, meeting fewer of the identified objectives than competing proposals.
 - **Not Advantageous:** The Proposer's development plan is not compatible with many of the Design Considerations and Objectives.
- iv. **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. 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.
- v. **Financial Impact.** This Criterion evaluates the financial impact to the city of Boston of the Proposer's Net Offer Price, which will be calculated by summing the Offer Price with any included request or identified need for funding relative to offers of other proposers. Proposals with a Net Offer Price above that of other proposers will be considered to be a more advantageous proposal, provided they remain consistent with the objectives and preferences outlined in this RFP. Proposals with a Net Offer Price below that of other proposers will be considered to be a less advantageous proposal.
- **Highly Advantageous:** The proposed Development Plan is compatible with the Development Guidelines and Objectives; relies on no sources of public funding; and includes an Offer Price to the City not less than the Appraised Value.
 - **Advantageous:** The proposed Offer Price is less than the Appraised Value, but reasonably justified as necessary in order to maintain compatibility of the Development Plan with the Development Guidelines and Objectives while relying on no sources of public funding.
 - **Not Advantageous:** The proposed Development Plan is either not compatible with the Development Guidelines and Objectives, or relies heavily on public sources of funding that adversely impact the Development Schedule relative to other Proposals.
- vi. **Developer's Financial Capacity.** This Criterion evaluates the relative strength of the Proposer's financing plan relative to other proposals. Proposals that can show that they have confirmed financing offers to generate enough capital to fund most or all of their Development Budget will be considered to be more advantageous. Proposals that do not have confirmed financing sources or have confirmed financing for only part of the Development Budget will be considered less advantageous.
- **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.
- vii. **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. 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. 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. The development cost appears to have a low likelihood of feasibility or to be infeasible.
- viii. **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.
- ix. **Diversity and Inclusion.** This is an evaluation of the relative strength of the proposal for achieving diversity and inclusion in the proposed project. Proposals will be considered and rated based on the comprehensiveness of the Developer's planned approach to achieving participation, including specific strategies to achieve maximum participation of MWBEs in non-traditional functions. The planned approach should be realistic and deliverable.
- **Highly Advantageous:** The Proposer provides a highly reasonable and justifiable Diversity & Inclusion Plan for a project of the type proposed that is clearly superior to that of all other Proposers.

- **Advantageous:** The Proposer provides a reasonable and justifiable Diversity & Inclusion Plan for a project of the type proposed that is equal to that of all other Proposers.
 - **Not Advantageous:** The Proposer does not provide a credible or detailed enough Diversity & Inclusion Plan for a project of the type proposed, and/or the Plan is inferior to those of all other Proposers.
- x. **Housing Affordability.** This Criterion evaluates the relative strength and completeness of the Proposer’s Housing Affordability Plan relative to other proposals. Proposals that prioritize housing affordability and are consistent with the Goals and Actions of [HOUSING A CHANGING CITY: BOSTON 2030](#) will be considered to be more advantageous. Proposals that are not responsive to these Goals and Actions, or proposals that include no affordability, will be considered less advantageous.
- **Highly Advantageous:** The development includes deed-restricted affordable housing units beyond that which would otherwise be required and in excess to that proposed by others.
 - **Advantageous:** The development includes deed-restricted affordable housing units in an amount equal to that of other proposers and/or at the minimum that would otherwise be required.
 - **Not Advantageous:** The development does not include deed-restricted affordable housing units.
- c. **Compliance Review (“Disqualifiers”):**
- i. **Tax Delinquency Review.** The City of Boston Collector-Treasurer’s Office will conduct a review of the Proposer’s property tax history. The Successful Proposer cannot be delinquent in the payment of taxes on any property owned within the City of Boston. The Proposer must cure any such delinquency prior to the conveyance of the Property. If the 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.
 - ii. **Water and Sewer Review.** The City of Boston Water and Sewer Commission will conduct a review of the Proposer’s water and sewer account(s). The 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.
 - iii. **Property Portfolio Review.** The City will review the 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 Successful Proposer’s property portfolio, DND may deem the selected proposer ineligible for conveyance of the Property.
 - iv. **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.
 - v. **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 March 12, 2020.

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 is February 27, 2020. All questions must be submitted in writing by either e-mail or U.S. mail and addressed as shown below.

E-mail: christopher.m.rooney@boston.gov

U.S. Mail: Department of Neighborhood Development
Attn: Christopher Rooney, Development Officer
26 Court Street, 8th 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. **Design Review.** The Successful Proposer must coordinate with and obtain DND’s approval of proposed building elevations prior to submission to the BPDA, ISD, and any other authority having jurisdiction. Acceptance of a Proposal in response to this RFP does not constitute approval of proposed designs.
- g. **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.
- h. **Monitoring.** The Successful Proposer must coordinate and comply with DND’s regular on-site monitoring of the proposed development from construction through final completion, providing reports on progress, schedule, and budget as requested by DND.
- i. **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.
- j. **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.
- k. **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.

- I. **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 174-180 NORFOLK STREET REQUEST FOR PROPOSALS.
DND THANKS YOU FOR YOUR INTEREST.***