

REQUEST FOR PROPOSALS FOR 115 WINTHROP SQUARE

ADDENDUM NO. 6

APRIL 12, 2016

Questions submitted since March 30, 2016, and the answers thereto.

Question No. 1: How will the BRA acquire ownership of the Winthrop garage site? Will it be transferred to the BRA by PFC after a valid City Council vote is taken, or will the BRA exercise an eminent domain taking, as a so-called "demonstration project"? If there is a taking, it will not be based on a valid "blight" finding (e.g., eight developers have already vied for it), and it will be subject to legal challenge like Yawkey Way, which is now in court; the BRA's Motion to Dismiss has already been denied.

Answer No. 1: The City of Boston ("City") holds title to the property located at 115 Federal Street, Assessor's Parcel ID # 0304225000. If the Public Facilities Commission ("PFC") approves the transfer of this parcel from the City to the Boston Redevelopment Authority ("BRA"), it is anticipated that the conveyance will be accomplished through a deed from the City to the BRA. Should subsequent title issues arise after conveyance, the BRA reserves its right to exercise its authority to resolve such issues in accordance with applicable law.

Question No. 2: Is this process a competitive bid as compliant with MGL Chapter 30B, and if so, why does the BRA not allow proposers to bid on the purchase price of the property? How can a competitive bid be conducted without bidding? The City Councilors requested, before they voted, valuations of the property under various development scenarios and the BRA never provided these. This information is still essential for the City to weigh various options and trade-offs. The way to get them is to have each proposing developer state his purchase bid price as well as his development scenario. If it is not a 30B-compliant bid, note that it will be subject to legal challenge, like Yawkey Way, because the BRA is not exempt from Chapter 30B outside of Urban Renewal Plan areas.

Answer No. 2: The BRA is seeking proposals for the redevelopment of this property through a Request for Proposal ("RFP") process. Accordingly, the BRA, in consultation with the City, will select the most advantageous development proposal from a responsive and responsible proposer, taking into consideration the evaluation criteria set forth in the RFP. As set forth in Section 7.8 of the RFP, each proponent "shall provide a sources and uses of funds/development pro forma that

includes all of the information normally found in a real estate development pro forma.” The development pro forma is expected to contain financing terms on acquisition. As this is an RFP, rather than a bid process, other factors, in addition to price, will be taken into account in evaluating proposals.

Question No. 3: Why doesn't the City dispose of this property in the normal way: In a public planning process, create zoning parameters for use, size, and design; invite price bids from developers who will meet these constraints; publicly open the sealed bids on the appointed date; award the land to the highest bidder whose project meets the zoning constraints. If any tweaking or re-negotiating is desired, do it in a public re-bid process so every developer has an opportunity to refine his/her design and/or bid. That will prevent political cronyism and assure that the City gets the best project for the highest financial return to the City's taxpayers. Why are we not doing it this way?

Answer No. 3: The City has determined that the BRA, as the City's urban planning and economic development agency, is the most appropriate entity to manage the disposition of this property. The City has further determined that an RFP process will allow for the selection of a proponent with the financial and technical capacity to redevelop this property in a manner consistent with the City's economic development and planning goals.

Question No. 4: On page 1 of the RFP, prior to the Table of Contents, the RFP states “All deliverables will become property of the BRA.”

Is it the intent of this provision to provide the BRA permission to utilize the submission during the decision making and marketing of the RFP process rather than to obtain full ownership of the design and documents for future development? As further clarification of this point, we ask that the language be amended whereby the Owner/Applicant (Architect/Consultant Team) retain ownership, per the AIA standard terms, yet the Owner/Applicant hereby grants to the BRA, a non-exclusive, non-terminable, royalty-free, worldwide license to use the Work Product as an illustrative example of the design limited to any required due diligence, decision making or marketing during the RFP process.

Answer No. 4: Every document that the BRA receives in response to the RFP shall be presumed a public record, unless a specific statutory exemption requires the document to be withheld in whole or in part. Accordingly, respondents should expect that proposals will be posted on the BRA's website and made available for public review. Apart from its obligations under the public records law, the BRA

shall not otherwise claim ownership or control over any deliverables, including any intellectual property, submitted in response to the RFP.

Question No. 5: I would like to better understand the reasoning as to why the decision was made to value/convey the property using an appraisal requested by the Boston Redevelopment Authority rather than asking bidders to include a financial offer for the property's purchase in a separate envelope? It seems as though the RFP defines well what the City/BRA are looking for so that the current market would dictate the selling price while still allowing controls for the development.

Answer No. 5: Pursuant to Section 7 of the RFP, respondents must provide a Development and Design Submission. Further, respondents are directed to provide a Financial Submission in a separate, sealed envelope.

Question No. 6: Can you please confirm that no signature from the Office of Boston Residents Jobs Policy is required on Appendix VII- Certificate of Compliance with Boston Jobs Policies prior to including it in our RFP response submission?

Answer No. 6: There is no need for Respondents to submit a Certificate of Compliance with Boston Jobs Policies ("Certificate") signed by the Office of Boston Residents Jobs Policy at the RFP deadline. A completed Certificate will be required of the selected developer.

Question No. 7: Does Appendix XI- Certificate of Compliance with Fair Housing Policies need to be executed by the Boston Fair Housing Commission, or is this form only to be signed by an authorized representative of the Respondent prior to submission to the BRA to be in accordance with the RFP response?

Answer No. 7: There is no need for Respondents to submit a Certificate of Compliance with Fair Housing Policies ("Compliance Certificate") signed by the Boston Fair Housing Commission at the RFP deadline. A completed Compliance Certificate will be required of the selected developer.