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# 01

## Introduction & Instructions

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### Purpose

The purpose of this Request for Proposals ("RFP") is to solicit proposals for the disposition and redevelopment of vacant land, consisting of two parcels identified as Assessor's Parcel Number 08-02426-030 with an address of Washington Street ("SR-25"), and Assessor's Parcel Number 08-02426-040 with an address of Harrison Avenue (the "City Parcel"). SR-25 is currently under the care, custody, and control of the Commonwealth of Massachusetts' Department of Conservation and Recreation ("DCR"), and the City Parcel is currently under the care, custody, and control of the City of Boston's Department of Neighborhood Development ("DND"). Together, SR-25 and the City Parcel total approximately 47,333 square feet (the "Proposed Property Site"). The Proposed Property Site fronts Melnea Cass Boulevard and is located on a block bounded by Washington Street, Eustis Street and Harrison Avenue in the Roxbury neighborhood of Boston.

The Boston Redevelopment Authority, doing business as Boston Planning & Development Agency ("BPDA"), is hereby issuing this RFP in conformance with and pursuant to legislation enacted in 2014 by the Massachusetts General Court through Chapter 281 of the Acts of 2014, *An Act Authorizing the Transfer of a Parcel of Land from the Department of Conservation and Recreation to the Boston Redevelopment Authority and the City of Boston* (the "Act"), a copy of which is attached to this RFP as Appendix A. The Act permits the transfer of SR-25 from the Commonwealth of Massachusetts to the BPDA and requires, among other things, that an approximately 8,626 square feet portion of SR-25 located on the corner of Washington Street and Melnea Cass Boulevard ("the Park"), be redeveloped as a public park, subject to preservation and conservation restrictions, attached hereto as Appendix C. More specifically, in accordance with the Act, the public park shall not disturb any archaeology, shall include appropriate interpretation of the historic

former uses of the site and shall serve as a gateway to the Roxbury community.

The BPDA will consider conveying the Proposed Property Site in order to allow the development of commercial uses or mixed use consisting of residential housing with ground floor commercial and/or retail use. Proposals will be subject to review and approval by the BPDA, including applicable planning and zoning controls, and the development objectives and guidelines described herein.

Proposals must meet all minimum evaluation criteria, complete the enclosed proposal form and price summary form, and include all required documents. In accordance with the Act, any development or other improvement on SR-25 shall delineate and preserve the northeast corner of the parcel as a public park. The public park shall not disturb any archaeology, shall include appropriate interpretation of the historic former uses of the site and shall serve as a gateway to the Roxbury community. Further, the park design shall be subject to the approval of DCR. The park shall be constructed, operated, maintained and repaired at the sole cost of the selected Proponent, the park shall be subject to the rules and regulations of the City of Boston ("City"), as approved by DCR, and the park shall be open to the general public.

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

## **Instructions**

The RFP will be available for download beginning on TBD 2019 on the BPDA website at <http://www.bostonplans.org/work-with-us/rfps-rfqs-bids>. Proponents must register when downloading the RFP to ensure they receive any addendums.

Requests for clarification or any questions concerning the RFP must be submitted in writing to:

Muge Untemir, Senior Planner or  
Reay L. Pannesi, Senior Manager for Disposition Services

Boston Planning & Development Agency (BPDA)  
One City Hall Square  
Boston, MA 02210  
[muge.untemir@boston.gov](mailto:muge.untemir@boston.gov)  
[Reay.L.Pannesi@boston.gov](mailto:Reay.L.Pannesi@boston.gov)

The BPDA will not respond to any requests for clarification or questions concerning the RFP received after TBD 2019. With any request for clarification or question, proponents must include their name, address, telephone number and email address. An addendum with questions and answers will be emailed to all prospective responders on record and posted on the BPDA website prior to the RFP deadline.

Proponents may visit the Proposed Property Site with BPDA staff on TBD 2019 at 10:00a.m. Staff will not be answering questions, but will take written questions to answer in an addendum, if necessary.

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

Eight (8) sealed copies of the Development Submission and Disclosures (as defined in the Submission Requirements Section) are required. The Design Submission shall include: one (1) full set of reduced drawings in an 8 1/2" x 11" format; one (1) set of the drawings at full scale; and one (1) set of drawings mounted on boards, no smaller than 30"x 40" in presentation form.

Three (3) sealed copies and one (1) original of the Financial Submission must be provided separately from the Development Submission and Disclosures and Design Submission. Proposals must be submitted no later than TBD 2018 at 12:00 pm (noon) to:

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

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

**DRAFT FOR DISCUSSION PURPOSES ONLY**

# 02

## Property Description

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### Site Description

The Proposed Property Site consists of approximately 47,333 square feet of vacant land fronting on Melnea Cass Boulevard on a block bounded by Washington Street, Eustis Street and Harrison Avenue. This block also includes the historic Owen Nawn Factory building and adjacent land, the Eliot Burying Ground and Eustis Street Firehouse at 20 Eustis Street, and the privately-owned Harrison Supply Company building which occupies the Harrison Avenue and Eustis Street corner of the block. Located to the west is Madison Tropical Foods and the Melnea Hotel and Residences. The Boston Water and Sewer Commission headquarters and the Morgan Memorial Goodwill Industries building are located to the north and east, respectively.

Parcel ID No.s	Street Address	Square Feet	Survey ID #	Owner
0802426040	Harrison Ave.	9,068	38-1-c	City of Boston
0802426030	Washington Street	38,265	SR-25	MA DEP (DCR)
Total		<b>47,333</b>		

The Proposed Property Site is formed by an assemblage of the City Parcel and SR-25 shown on the survey attached hereto as Appendix B (the "Plan"). Parcel SR-25, as described on the Plan, is currently owned by the Commonwealth. Parcel 38-1-C as shown on the Plan (the "City Parcel") is currently owned by the City of Boston. At closing, the BPDA will acquire SR-25 from the Commonwealth of Massachusetts (the "Commonwealth"), acting by its Division of Capital Asset Management and Maintenance

("DCAMM"), and the City Parcel from the City of Boston and simultaneously thereafter convey the Proposed Property Site to the selected Proponent.

## **Explanation of Mandated Disposition Transaction**

As authorized by the Act, BPDA anticipates that the Commonwealth will convey SR-25 to the BPDA. At the same time, the City of Boston will convey the City Parcel to BPDA; the Proposed Property Site will ultimately be conveyed to the selected Proponent. This conveyance is subject to a number of requirements explained as follows:

1. To ensure a no-net-loss of lands protected under Article 97 of the Amendments to the State Constitution, the Act requires that the consideration for SR-25 shall be the full and fair market value for SR-25, as established by an independent professional appraisal commissioned by DCAMM and prepared by a professional appraiser licensed by the Commonwealth of Massachusetts. As a result of this appraisal, the value of SR-25 is determined to be \$5,010,000 (the "Necessary Cash Proceeds") according to the appraisal commissioned by DCAMM, dated October 15, 2018. The Act requires that the Necessary Cash Proceeds be used for improvements to the DCR's Roxbury Heritage Park (the "Park Property"). DCR is required to make improvements on the Park Property with the Necessary Cash Proceeds derived from the sale of SR-25 and paid to the DCR at the closing for this purpose. Therefore, the selected Proponent's offer price must equal or exceed the Necessary Cash Proceeds, which shall be paid by the Proponent to DCR at the closing conveying SR-25. In order to sufficiently fund the obligations of DCR for improvements to the properties of the Roxbury Heritage State Park as described in the Act.

2. As required by Section 5 of the Act, certain areas of the Proposed Property Site as shown on the Plan will be conveyed subject to a Preservation Restriction retained in the deed in the form attached as Appendix C. The Preservation Restriction will be held by the Massachusetts Historical Commission ("MHC"). In addition, the same area of the Proposed Property Site shown on the Plan will be conveyed subject to a Conservation Restriction in the form attached as Appendix C. These forms have been negotiated and agreed upon by BPDA, the DCAMM, the Massachusetts Historical Commission ("MHC") and the City of Boston Department of Neighborhood Development ("DND").

3. SR-25 will be conveyed by DCAMM, in consultation with DCR, to the BPDA/selected Proponent subject to a requirement that the selected Proponent construct and perpetually maintain a public park on an 8,626 square feet portion of Parcel SR-25 shown on Appendix B. A credit for the Park was determined within the appraisal that established the Necessary Cash Proceeds. No further credit will be made against the Necessary Cash Proceeds. The requirements for the Park, will be agreed upon by the BPDA (with input from the City of Boston Parks & Recreation Department, Boston Conservation Commission and Boston Landmarks Commission) and DCR and with input from MHC, and are also discussed in Section 0X of this RFP and in the deed attached as Appendix X.

4. Because SR-25 is DCR "Article 97" property, its conveyance from DCR to the BPDA/selected Proponent requires prior compliance with the Massachusetts Environmental Policy Act, G.L. c. 30, §§ 61-62I and its implementing regulations at 301 CMR 11.00 ("MEPA"). MEPA requires the filing of an Environmental Notification Form ("ENF") at least due to the proposed "land transfer" involving SR-25) and, if the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA) so requires, an Environmental Impact Report. The selected Proponent will be required to complete and submit the ENF and complete the MEPA process prior to the closing on any transfer of the Proposed Property Site. As such, the BPDA will require that the selected proponent complete and submit an ENF to EOEEA and if required an EIR, and complete the MEPA process as part of BPDA's Article 80 project review, prior to any land transfer by DCAMM involving SR-25. As part of the MEPA process, DCR's Section 61 Finding under MEPA will confirm that the required Necessary Cash Proceeds will be received by DCR at the closing on SR-25 and used by DCR for improvements to Roxbury Heritage State Park. The Secretary's MEPA Certificate on the ENF (or EIR) also is expected to make the receipt and use of the Necessary Cash Proceeds a project mitigation condition for the conveyance of SR-25 consistent with the Act and the EOEEA Article 97 Land Disposition Policy.

5. As part of the Proposed Property Site, the City Parcel will be simultaneously deeded to BPDA/selected proponent at this closing as well.

## **Planning and Zoning Context**

The neighborhood has been the subject of several extensive planning initiatives, including the [Roxbury Strategic Master Plan](#), [Dudley Vision](#), and most recently, [PLAN: Dudley Square](#). Proponents should familiarize themselves with these documents and prepare their proposals based upon the principles discussed therein.

For zoning purposes, the Proposed Property Site is part of the Roxbury Heritage State Park Community Facilities zoning district and Eustis Street Protection Area as shown on Map 6A-6C of the Boston Zoning Maps in the Roxbury District, and therefore is principally governed by the provisions of Article 50 of the Boston Zoning Code ("Code"). Please consult: [https://library.municode.com/ma/boston/codes/redevelopment\\_authority?nodeld=ART50TA](https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeld=ART50TA) for details on zoning.

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

# 03

# Development Objectives and Design Guidelines

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## Development Objectives

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

The Proponent must address the development objectives below in a development concept narrative, construction description narrative, and design documents as appropriate. Further, the Proponent must agree to work with the BPDA and the community to resolve any future issues or concerns that may arise as the development project moves forward.

**Conservation and Preservation Requirements for the Park.** DCR envisions a passive park with minimal hardscape that functions as a gateway to Dudley Square historical interpretive installations. Proponents must include detailed plans for the Park as well as outline how they will: a) comply with the mandatory obligation to build and maintain the public park and; b) comply with the mandatory conservation and preservation restrictions on the Park. **The design of the Park is subject to review and approval by DCR.**

The following guidelines should be used for design of the Park:  
(FILL IN GUIDELINES FROM BPDA/DCR.)

### **DCR Minimum Park Requirements:**

The park should:

- Serve as a Gateway to the Dudley Square neighborhood,
- Provide a passive recreational opportunity, and
- Celebrate the historic and cultural values of the site.

Minimum park design elements should include:

- A combination of lawn areas and hardscape, i.e. paving,

- Planting beds and trees,
- Benches,
- Lighting,
- Trash receptacles, and
- Signage and interpretive features.

The value of these minimum park requirements should run between \$80 and \$90/sq. foot

**Consistency with Area Planning History.** In addition to PLAN: Dudley Square (Appendix X), the area has also been the subject of the Roxbury Strategic Master Plan and Dudley Vision. Proponents must incorporate the combined visions of these planning documents, while capturing and addressing the current needs of the community for affordable housing, economic development and job opportunities. As articulated in these documents, being mindful of the rich cultural history of this important neighborhood is paramount. Proponents should use development as a catalyst to promote the arts, culture, commercial and retail enterprise in the area. Neighborhood cultural amenities such as museums, art galleries, bookstores, entertainment venues, performance spaces and artist live/work spaces are strongly favored. Amenities and programming associated with the Proposed Property Site should activate the area in the evening, encouraging residents to “stay local” to support Dudley Square businesses for their entertainment, shopping and dining experiences.

**Whittier Critical Community Improvements Choice Neighborhoods Grant.**

The City of Boston was the recipient of a HUD Choice Neighborhoods grant in 2015. A separate RFP from the City of Boston will be used to redevelop the Nawn Factory in order to access funding available from the HUD Choice Neighborhoods grant. This site abuts the Proposed Property Site and interested parties for the Nawn Factory location should review the City of Boston RFP.

**Economic Development.** Proposals with commercial uses must promote local business and job creation, with special emphasis on providing maximum opportunities for local, small and disadvantaged businesses and Job creation and training for people of color and women. This emphasis should take place in all aspects of redevelopment -- the construction phase, business development phase, in the procurement of goods and services, as well as in permanent jobs created. Wages associated with all jobs should be appropriate for their associated

categories and provide for an enhanced quality of life and the prospect of economic mobility for area residents.

In addition, the Proposed Property Site should be developed in a manner that supports the economic growth of the district by providing opportunities for area residents to participate in expanding sectors of Boston's economy. Proponents should describe how their proposed uses will generate new employment prospects in education, health, medicine, bio and life sciences and/or finance. Proponents should also describe their experience in and capacity to attract such new local employment opportunities through the uses they propose.

Preference will be given to projects that include uses that support neighborhood control and/or household wealth creation, whether it be through homeownership, the creation of a cooperative, and/or control by a community land trust.

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

- Rental housing proposals must provide a minimum of one-third of units to low-income households (ranging from less than 30% to 50% of Area Median Income ("AMI")) as defined by the U.S. Department of Housing and Urban Development), with the maximum AMI for these units not to exceed 50% of AMI. For projects seeking affordable housing subsidy DND requires that the project provide a minimum of 10% of the overall units (i.e. one third of the required low income units) as homeless set-aside units at 30% or less of AMI. The middle income units should also include a range of affordability options with the average AMI not to exceed 80% AMI. Up to but not more than one-third of units may be market rate. Additionally, proposals must describe measures they will take to avoid displacement of existing residents of the Roxbury neighborhood.
- Where homeownership units are included, a minimum of two-thirds of the units must be targeted to households with a range of incomes, from 60% to

100% of AMI, with the maximum AMI not to exceed 80% of AMI, and the remaining one-third of units may be market rate.

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

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

Please note that since this Proposed Property Site is in the vicinity of the Whittier Choice Neighborhoods program, this HUD funded initiative seeks not only to rebuild the existing Whittier BHA development, but also to deconcentrate poverty and invest in the people and places surrounding Dudley Square. Because the initiative includes enhanced assistance for target area homebuyers, the Boston Housing Authority ("BHA") and BPDA are encouraging the creation of homeownership opportunities in nearby developments. If rental units are proposed, project-based Section 8 vouchers may be available to assist with more deeply affordable units. Proponents should contact Beth Lane at the BHA at [beth.lane@bostonhousing.org](mailto:beth.lane@bostonhousing.org) for more information.

### **Development without Displacement**

Proposals must describe measures they will take to avoid displacement of existing residents of the Roxbury neighborhood. As part of their submission, Proponents must include a narrative describing how their proposal supports the community's goal of "development without displacement." More details on the requirements of the development without displacement narrative can be found below in section 04 - Submission Requirements.

## Community Benefits

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

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

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

## Urban Design Guidelines

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

<http://www.bostonplans.org/projects/development-review>

<https://www.boston.gov/departments/neighborhood-development/neighborhood-development-housing-policies>

[https://www.boston.gov/sites/default/files/design\\_standards-revised-2017-08-17.pdf](https://www.boston.gov/sites/default/files/design_standards-revised-2017-08-17.pdf)

### Planning and Urban Design Context

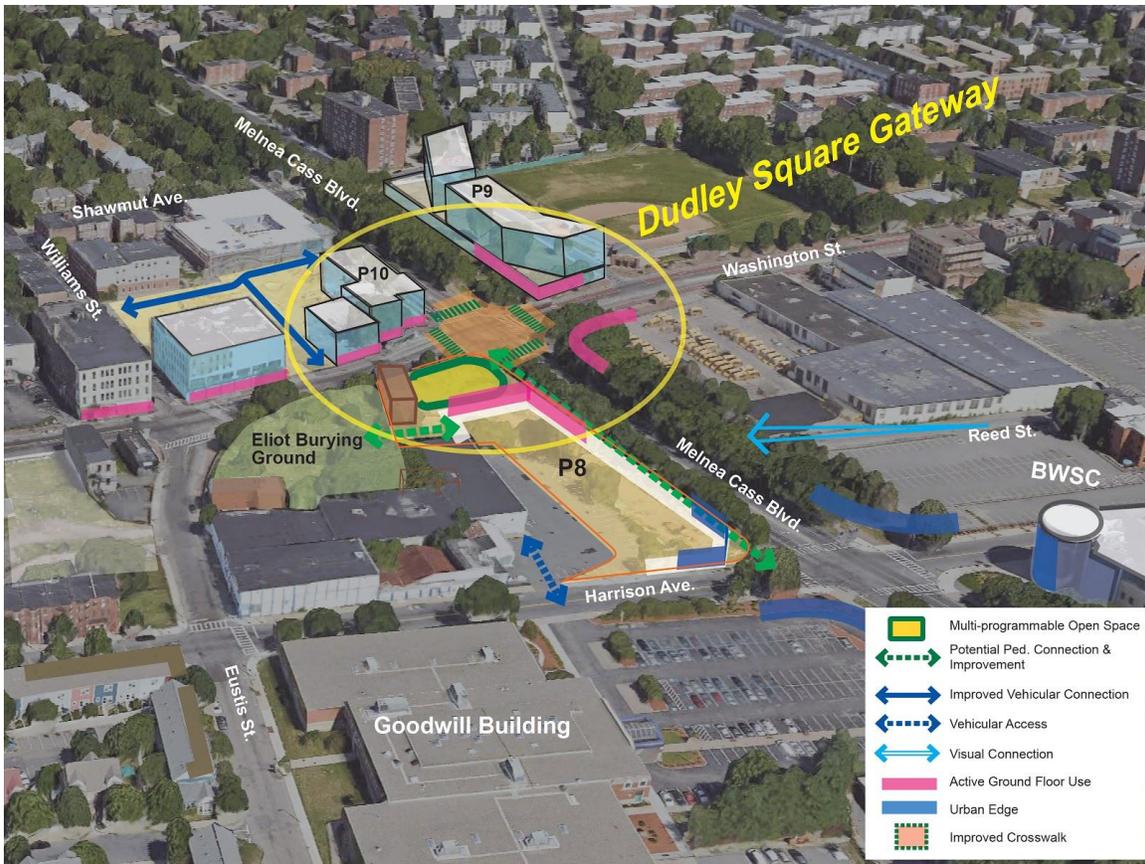
Proposed buildings and site design must be consistent with the PLAN: Dudley Square Urban Design Guidelines. The Proposed Property Site along with Parcels 9 and 10 forms the “gateway” into Dudley Square along Washington Street from the north. Therefore, along with use, the massing, architecture, façade articulation, and location of entries must be reflective of the role that the Proposed Property Site plays in the larger context of the square. To reflect the site’s location within the Dudley Square Cultural District, any development must incorporate a complementary mix of uses and design that is innovative, contextually appropriate, and highlights the historic sites that are adjacent to the Proposed Property Site.

Proposals that combine adjoining parcels to increase economic feasibility, public benefits and improve vehicular and pedestrian access are encouraged. If the proposed design makes use of adjacent parcels, the Proponent must demonstrate site control of such other parcels by way of a fully executed, and currently dated, Purchase and Sale Agreement or a signed, and currently dated, Option Agreement.

### Use Guidelines

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

1. The base of the building must be a combination of retail, cultural and/or entertainment uses that contribute to the identity of Dudley Square Cultural District. Office uses are permissible at the ground floor level, provided that they create an active and engaging streetscape to enliven the neighborhood.
2. The upper levels are required to have residential uses in order to address the housing needs in Dudley Square. However, partial commercial use is also permitted, as long as housing is a majority of the use of the upper floors.



## Massing, Height and Orientation

Buildings should employ a variety of setbacks and building heights that create a volume that is articulated, varied and dynamic, responds to special views and corridors, and reinforces existing street wall conditions making certain the building fits well into its surrounding context.

1. New buildings must front and define the street edges along Melnea Cass Boulevard and Harrison Avenue. Buildings must remain set back from the corner of Washington Street and Melnea Cass Boulevard to allow for a significant open space that addresses the historic significance of the Nawn Factory building and the Eustis Street Architectural Conservation District.
2. Building heights may vary from six to 15 stories with lower heights/massing stepping down towards Washington Street and the Eliot Burial Ground. Building masses above six stories should be set towards Harrison Avenue. Proponents should be aware of the guidelines associated with the Eustis Street Architectural Conservation District, as taller building heights will require approval from the Landmarks Commission.

3. Building massing along Melnea Cass Boulevard should employ visual or physical breaks to provide for light, air and views and reduce a monolithic feel or wall-like effect along the street.

### **Architectural Design & Character**

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

1. Building character should acknowledge the special nature and gateway opportunity of the corner at Washington Street and Melnea Cass Boulevard.
2. The Nawn factory building must be preserved and integrated into the development of the Proposed Property Site. New buildings may be contemporary in design, but must manifest an awareness of their immediate context by taking into account both the area's history as well as current needs, allowing for a blend of old and new architectural expressions.
3. Proposals shall express the distinction of retail, commercial, and other public uses at the ground level in order to animate the edges of the street and help define the character of the neighborhood along Melnea Cass Boulevard and Washington Street.
4. Proposed buildings must maintain the continuity of the street wall and provide a high percentage of transparency at the ground level in order to achieve a continuous and engaging pedestrian experience along Melnea Cass Boulevard.
5. Architectural detailing (windows, doors, exterior cladding, masonry, etc.) should be attractive and be executed using materials of the highest quality, as well as being compatible with existing buildings in the area. Materials usage should strive to ground the building in the present and convey stability into the future.

### **Access and Circulation**

New development must be oriented strategically to make easy connections through the building(s) to nearby community amenities such as transit stations, landmarks and public parks as well as create and strengthen major public corridors to enhance pedestrian activity, encourage public transit and promote bicycle use.

1. Primary pedestrian building entrances should be on Melnea Cass and Washington Street, with vehicular and service access from Harrison Avenue.
2. Design should respond to landscape, pedestrian and bike accommodation improvements that are part of the Boston Transportation Department's Melnea Cass Design project by providing secure on-site bike storage for users and residents, in order to encourage bike use.
3. Proposals must demonstrate provisions of adequate but not excessive on-site parking for new residents, employees, and/or customers and strategies to prevent overburdening street parking used by area residents.
4. Safety, views and ease of navigation must be promoted in the design of the Proposed Property Site. Night safety is a particular concern of neighborhood residents, so structures must be designed with clear site lines. In addition, exterior lighting design must create well-lit open spaces and eliminate dark pockets in streetscapes.

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

The quality of the public realm surrounding any new development will play a significant role in shaping the everyday experience of the district. A project should strive to define a distinct and memorable public realm with innovative landscape design, enhanced paving, distinctive street furniture (light fixtures, benches, street trees) and create opportunities for temporary and permanent public art.

Accordingly, projects should address each of the following:

1. Provide a new distinct and memorable public realm, with an enhanced sidewalk experience around the site that creates an active, vibrant, and attractive public area that encourages people to gather.
2. Repair and/or replace, as appropriate, any alteration or damage of existing sidewalks, paving, lights and street trees that occurs during construction.
3. Create an inviting open space at the corner of Washington Street and Melnea Cass Boulevard. This space should recognize the historic character of the adjacent Nawn Factory and Eustis Street Architectural Conservation District.
4. Provide a public realm of sidewalks, street trees, and street furniture that is well integrated into the Proposed Property Site and creates a

- continuous and engaging street level activity along Washington Street from Melnea Cass into Dudley Square.
5. Create a bold and inventive site design incorporating public art, particularly installations that are interactive and have a direct influence on the community, encouraging a sense of place.
  6. Place disposal areas, accessory storage areas or structures and dumpsters at the rear of the property. Such areas must not abut the Eliot Burying Ground and must be appropriately screened from view.

### Resilient Development and Green Building Design Guidelines

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

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

1. **Greenhouse Gas Reduction:** Proposed projects should exemplify Mayor Walsh's Carbon Free 2050 goals by striving for net zero or net positive energy use.
2. **Higher Temperatures & Heat Events:** Proposed projects should reduce heat exposure and heat retention in and around the building. Strategies should include the use of higher albedo building and paving materials and increased shade areas through landscaping, expanded tree canopy and shade structures.
3. **More Intense Precipitation:** Integrate strategies to both mitigate the impact of storm water flooding to the site and reduce the site's contribution to storm water flooding in the neighborhood. Strategies should focus on pervious site materials, enhanced landscaping and Low Impact Development measures to capture and infiltrate storm water.
4. **Rising Sea Levels:** Reduce risks of coastal and inland flooding through the elevating the base floor, critical utilities, mechanical systems and infrastructure above anticipated flood levels. Utilization of flood proof

materials below any future flood level and relocating vulnerable use to higher floors.

5. **Sheltering in Place:** Provide for a cool/warm community room and essential systems to allow for extended sheltering in place and accommodating local residents during an extreme weather event or extended disruption of utility services.

Green buildings support a comprehensive approach to addressing the adverse impacts of the built environment and promote human health and wellbeing of communities. As such, **proposed developments should include the following:**

1. **Green Buildings:** Strive to achieve and surpass the United States Green Building Council's requirements for LEED Platinum with a minimum requirement of LEED Silver Certified. Projects are to be registered upon Tentative Designation and certified by the United States Green Building Council ("USGBC") within one year of construction completion.
2. **Integrated Project Planning:** Include a LEED Accredited Professional(s) with the appropriate specialty(s) on the project team, and LEED Homes Rater for residential uses. Proposals should describe the team's approach to integrated project planning and delivery, including the use of preliminary and whole building energy modeling.
3. **Site Development:** Employ strategies to eliminate construction phase impacts, including off-site tracking of soils and construction debris. Site designs should include strategies to reduce heat island and storm water runoff impacts, and promote area natural habitats.
4. **Connectivity:** Promote and support non-personal vehicle means of travel including walking and bicycling, public transit, and reduced personal vehicle travel. Strategies should include easily accessible, secure and enclosed bicycle storage space (see [Boston Bicycle Parking Guidelines](#)), shared parking, transit pass programs, as well as car and bike share programs. Other elements that promote connectivity include open space courtyards with landscaping and seating, desire-line footpaths, public viewing areas and communal gardening spaces.
5. **Water Efficiency:** Minimize water use and reuse, storm and wastewater. Strategies should include low flow plumbing fixtures;

rainwater harvesting and ground water recharging; and drought resistant planting and non-potable water irrigation.

6. **Energy Efficiency:** Minimize all energy uses with a priority on passive building strategies in design. Residential buildings should strive to achieve and surpass a HERS Index of 40 with a minimum of 45 (current Massachusetts Stretch Code is 55). Non-residential buildings should strive to achieve modeled performance 15% or more below the current Massachusetts Stretch Code with a minimum performance of 10% below code.
  - a. Passive building strategies should include: building orientation and massing; high performance building envelopes that are airtight, well insulated, and include high efficiency windows and doors; and natural ventilation and daylighting.
  - b. Active building strategies should include: Energy Star high efficiency appliances and building heating, cooling, and hot water systems sized to meet, but not exceed, occupant needs; and high efficiency LED lighting fixtures and advanced lighting control systems and technologies.
7. **Renewable, Clean Energy Sources and Storage:** Include and maximize the potential for onsite solar PV. Additionally, clean energy (e.g. combined heat and power), electric battery, and thermal energy storage systems should be considered.
8. **Energy Efficiency Incentives:** Fully utilize federal, state, and utility energy efficiency and renewable energy programs. The proposal must describe any supporting programs utilized.
9. **Indoor Environmental Quality:** Provide high quality, healthy indoor environments. Strategies should include extended roof overhangs, proper ground surface drainage and non-paper gypsum board in moist areas; passive and active fresh air systems and active ventilation at moisture and combustion sources; building products and construction materials that are free of VOC's, toxins, hazardous chemicals, pollutants and other contaminants; entryway walk-off mats and smooth floors to reduce the presence of asthma triggers, allergens and respiratory irritants; and easily cleaned and maintained finishes.
10. **Materials Selection:** Include sustainably harvested and responsibly processed materials. Strategies should include products made with recycled and reclaimed materials; materials and products from

responsibly harvested and rapidly renewable sources; and locally sourced products and materials (within 500 miles).

11. **Innovation:** Utilize both "off-the-shelf" products and practices, as well as innovative strategies and "cutting edge" products to increase the sustainability and performance of the building(s).

# 04

## Submission Requirements

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

### Development Submission

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

Omission of any of the Submission Requirements may lead to a determination that the proposal is non-responsive. Please provide the following items as listed:

**Introduction/Development Team.** A letter of interest signed by the principal(s) of the Proponent. This letter should introduce the development team and organization structure, including the developer, attorney, architect, contractor, marketing agent/broker, management company, and any other consultants for the proposed development. For joint ventures, the Proponent shall provide a copy of the Partnership Agreement detailing the authority and participation of all parties. A chief contact person for each specialty must be listed. The proponent

shall provide a listing/description of any lawsuits brought against the Proponent or any principals of the Proponents in courts situated within the United States within the past five years should also be included.

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

**Operational Plan.** A summary of the plan for the operation of the Proposed Development upon development completion. Include the anticipated annual costs, as well as the planned sources of funding.

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

**Good Jobs Strategy Plan:** Proponents must include a narrative explaining how their proposal supports the community's expressed priorities regarding the support of good permanent jobs in all phases of the development and in particular, end user jobs that will be located in the development. This includes engaging in fair hiring practices which will support the participation of the people of Roxbury and the immediate neighborhood. The narrative should include the proponent's commitments towards achieving the seven (7) "good job standards criteria" listed below. Proponents will be required to make their commitments public and these commitments will be evaluated and enforced on a long term basis after construction is complete. While the Boston Residents Jobs Policy is focused primarily on construction hiring, Good Jobs Standards are not only more expansive, but focus more on the people employed at the Property after construction is complete.

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

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

1. At least 51% of the total employee work-hours performed on the Property, and for each employer occupying the Property, shall be by bona fide Boston Residents.
2. At least 51% of the total employee work-hours performed on the Property, and for each employer occupying the Property, shall be by people of color.
3. At least 51% of the total employee work-hours performed on the Property, and for each employer occupying the Property, shall be by women.
4. All employees shall be paid a “**good wage**”, defined as a salary or hourly wage equal to or greater than the Boston Living Wage, which shall be defined as \$16.89 on January 1, 2017 and thereafter increasing annually by the rate of inflation.
5. At least 75% of all employees working on the Property, and at least 75% of all employees of each lessee, sub-lessee, or tenant working on the Property, shall be **full-time employees**. “Full time” shall mean at least 30 hours per week.
6. All employees shall work “**stable shifts**,” which include a predictable schedule that is appropriate for the particular field of work. Such a work schedule allows employees to reasonably schedule other family care, educational, and work obligations. A schedule that does not include “on-call” time and has a set weekly pattern that does not change more than two times per year shall be presumed to be stable.
7. All full-time employees shall be offered benefits, defined as the opportunity to opt into a company sponsored health insurance plan with coverage that meets Massachusetts Minimum Creditable Coverage (“MCC”).

The BPDA does not believe these job standards are applicable to small businesses, defined as those with fewer than 15 employees or less than \$5 million in annual revenue. Therefore, if all commercial businesses proposed are intended to be small businesses of this size or smaller, the proponent should submit a good jobs narrative to explain why the jobs standards is not applicable. The proposal will then be evaluated as "not applicable" on this criterion.

**Diversity and Inclusion Plan.** Proponents must include a narrative setting forth a plan (hereinafter, a "Diversity and Inclusion Plan") for establishing and overseeing a minority outreach program aimed at creating increased opportunities for people of color, women, and Commonwealth of Massachusetts-certified Minority and Women-Owned Business Enterprises ("M/WBEs") to participate in the development of the Proposed Property Site. Proposals should reflect the extent to which the proponent plans to include meaningful participation by people of color, women, and M/WBEs in the following professional fields:

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

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

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

Proposals will be considered and rated based on the comprehensiveness of the Proponent's Diversity and Inclusion Plan for creating increased opportunities for people of color, women and M/WBEs to participate in the development of the Proposed Property Site, including specific strategies to achieve maximum participation by people of color, women, and M/WBEs in the fields of construction,

design, development, financing, operations, and/or ownership. The Diversity and Inclusion Plan should be realistic and executable.

**Developer Qualifications, Experience and References.** A narrative supported by relevant data regarding qualifications and past experience with similar projects. Proponents must provide detailed descriptions of previous relevant work completed and the results or outcome of that work. Proponents shall also furnish three (3) current references including: names, addresses, e-mail addresses, phone numbers, and principal contacts in which the Proponent has provided comparable services.

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

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

**Development without Displacement Plan.** Proponents must include a narrative explaining how their proposal supports the community's goal of "development without displacement." Specifically, this narrative should address how the proposed development will assist the current residents of Roxbury to remain in their community in the future, afford housing, and find pathways to economic opportunity. At a minimum this narrative should include the affordable housing production goals of the project and articulate how the proposed rents meet the needs of Roxbury residents, as well as other local residents. This discussion should also identify how proposed sizes of units meet the needs of community members, taking into consideration that community members have suggested that larger unit sizes of two, three and four bedrooms are needed for local families, while smaller unit sizes may be appropriate for seniors.

The development team's track record for supporting projects and policies which promote development without displacement should also be included. If applicable, the development team should include their experience preventing eviction of tenants when acquiring, developing and operating property. Proponents must disclose if the proposed development of the Proposed Property Site will result in the direct eviction of any current tenants living in property owned or acquired by the development team. (Note that while the property being disposed of by the BPDA in this RFP is vacant, proponents including any abutting

or nearby properties in their proposals should disclose if any direct evictions are contemplated on these properties).

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

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

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

Development Concept:

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

## Design Submission

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

1. A written and graphic description explaining how the proposed design will meet the Development Objectives and Urban Design Guidelines of this RFP and the PLAN: Dudley Square context document. These documents must describe and illustrate all the program elements and the organization of these spaces within the building.
2. A neighborhood plan (at appropriate scale, e.g. 1"=40') as well as a Site Plan (1"=20' scale) showing how the proposed design will fit within the immediate context of existing buildings and within the larger Dudley Square neighborhood. The neighborhood plan must illustrate how the proposed property meets the Urban Design Guidelines set forth in this RFP. The proposed building(s), existing building footprints, lot lines, streets and street names and any other relevant contextual information should be included in this plan. The site plan should illustrate the building footprint and placement on the Proposed Property Site, the general building organization, open space and landscape elements, driveways, curb cuts, fencing, walkways and streetscape improvements. The neighborhood and site plans should coordinate with renderings, perspective drawings and aerial views of the project and the neighborhood plan should illustrate how the project meets the larger Urban Design Guidelines in relating to Dudley Square.
3. Schematic floor plans (1/8" = 1'-0" scale) showing the basement, ground floor, upper floor(s), and roof including room dimensions, square footage of rooms, overall building dimensions, and the gross square footage of the building.
4. Building Elevations (1/8" = 1'-0" scale) showing all sides of the proposed building, architectural details, building height and notations of proposed materials.
5. Street elevations (at appropriate scale, e.g. 1/8"=1'-0") showing the relationships of the proposed building to the massing, building height and architectural style of adjacent buildings. This street context drawing may

combine drawings with photographs in any manner that clearly depicts the relationship of the new building to existing buildings.

6. Perspective drawings drawn at eye-level and aerial views that show the project in the context of the surrounding area.
7. A description and illustration of the bicycle parking, automobile parking and transportation plan for the proposed development based on the Urban Design Guidelines for this site set forth in this RFP.
8. A preliminary zoning analysis.
9. A written and graphic description of how the proposed property will satisfy the Resilient Development and Green Building guidelines of this RFP that includes:
  - a. The team's approach to integrated project design and delivery;
  - b. Performance targets for energy use and carbon emissions (or Home Energy Rating System (HERS) score);
  - c. Preliminary LEED Checklist;
  - d. Preliminary Boston Climate Resiliency Checklist reflecting proposed outcomes;
  - e. Key resilient development; and
  - f. Green building strategies.
10. A conceptual drawing of the required public park and all improvements.

## Financial Submission

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

Financial Submission Required Documents:

1. Development Program: Tabulate gross and net square footage for each project component (i.e., housing, retail, commercial office, etc.) and include the number of parking spaces as well as total square footage in each category for the complete project.
2. Development and Operating Pro Forma (all costs should be provided on a total and per gross square foot basis):
  - a) Property acquisition costs;
  - b) Hard costs (disaggregated into site work, foundations, base building, garage, tenant improvements, FFE, contingencies, etc.);
  - c) Soft costs (disaggregated into individual line items such as architectural, engineering, legal, accounting, development fees, other professional fees, insurance, permits, real estate tax during construction, contingencies, etc.);
  - d) Any other project-related costs that are not included within the above categories, including any linkage fees, costs of providing community benefits, etc.;
  - e) Total development cost;
  - f) Sources of construction and permanent financing, including all assumptions regarding terms (fees, interest rates, amortization, participation, etc.) and required financial returns (return on cost, internal rate of return, etc.); and
  - g) Sources and anticipated amount requested of any public funding/subsidies that may be required to create a financially feasible project.
3. Ten-year operating pro forma (income and expenses should be provided on a total, and per net square foot basis) that includes:
  - a) A schedule of all rents;

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

term sheet that provides the Loan-To-Value ("LTV") and Debt Service Coverage ("DSC") requirements, fees, term, amortization, etc.

## 7. Completed Price Proposal Form

### Submission Checklist

1. Submission Fee of \$100.00
2. Development Submission
3. Design Submission
4. Financial Submission
5. Developer's Statement for Public Disclosure and Developer's Statement of Qualifications and Financial Responsibility (Appendix C)
6. Disclosure Statement Concerning Beneficial Interest (Appendix D)
7. City of Boston Disclosure Statement (Appendix E)
8. Certificate of Tax, Employment Security, and Contract Compliance (Appendix F)
9. Price Proposal Form (Appendix G)

(Items 5-8 on the Submission Checklist are referred to as the "Disclosures")

# 05

## Evaluation of Proposals

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### Description of Evaluation Process

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

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

#### Rule for Award

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

### Minimum Threshold Requirements

All proposals must meet the following minimum criteria:

1. Only proposals that are received by the date, time, and at the location indicated in Section 01 of this RFP will be accepted.
2. Proposals must include all documentation specified in the Section 04 Submission Requirements.
3. The proponent shall have the necessary finances in place to pursue this project.
4. The proponent must demonstrate that it has adequate insurance.

Proponents shall comply with the Conflict of Interest Law.

### Comparative Evaluation Criteria

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

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

## **1. Development Concept**

This Criterion is an evaluation of the Proponent's development plan relative to the Development Objectives set out in Section 03. Proposals that better fulfill the Development Objectives and affordability requirements relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Development Objectives will be considered less advantageous. To facilitate its evaluation of this criterion, the BPDA will seek community input in the form of a developer(s)' presentation(s) with opportunity for public comment.

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

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

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

## **2. Design Concept**

This criterion is an evaluation of the Proponent's development plan relative to the Urban Design Guidelines outlined in Section 3. Proposals that better fulfill the Urban Design Guidelines relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Urban Design Guidelines will be considered less advantageous. To facilitate the evaluation of this Criterion, BPDA will seek community input in the form of developer(s)' presentation(s) with opportunity for public comment.

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

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

Proposals that are not compatible with the Urban Design Guidelines described in this RFP and do not fully address each subsection, provide little detail, and meet fewer or none of the objectives compared with other proposals, will be ranked as Not Advantageous.

### **3. Sustainable Development**

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

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

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

Proposals that address few subsections, do not provide a plan for LEED Silver certifiability, and do not meet minimum Resilient Development and Green Building Design Guidelines will be ranked as Not Advantageous.

### **4. Development Team Experience**

This Criterion is an evaluation of the Proponent's experience and capacity to undertake the proposed property. This will be evaluated based on the

Proponent's experience relative to that of other Proponents. Newly formed development teams and or joint venture partnerships will be evaluated based on their combined development experience. Development teams with the greatest experience, especially experience in the City of Boston, will be considered to be more advantageous than development teams with less experience.

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

Proposals that provide most of the requested information regarding the development team's experience and capacity and illustrate that, although the development team has not successfully completed any similar projects in the City of Boston, it has successfully completed one or more similar projects elsewhere, or can demonstrate transferable experience from another type of project, will be ranked as Advantageous.

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

## **5. Financial Capacity**

This criterion evaluates the relative strength of the Proponent's financing plan relative to other proposals. Proposals that can demonstrate confirmed financing to generate sufficient capital to fund most or all of the development budget presented, will be considered to be more advantageous. Proposals that do not have confirmed financing sources or have confirmed financing for only part of the Development Budget will be considered less advantageous.

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

Proposals that provide a feasible financing plan that are entirely funded by federal, state or local subsidy and/ or capital campaigns to initiate and complete the development; and include letters of interest for all sources of debt and equity, indicated with timelines for commitments, will be ranked as Advantageous.

Proposals that provide a financing plan to initiate and complete the development but do not include letters of interest from funding sources or any other evidence of potential sources of private and public debt and equity; and/or include little to no documentation of a financial plan, will be ranked as Not Advantageous.

## **6. Financial Offer**

This criterion evaluates the ability of the Proponent to pay, at closing, the Necessary Cash Proceeds for SR-25 in order to comply with the Act, as well as the proposed purchase price for the City parcel.

Proposals that exceed the Necessary Cash Proceeds for SR-25 and have a higher proposed purchase price for the City parcel relative to other proposals will be considered to be more advantageous. Proposals that meet the Necessary Cash Proceeds for SR-25 and have a lower proposed purchase price relative to other proposals for the City parcel will be considered to be less advantageous.

Proposals that include a realistic offer price that exceeds the Necessary Cash Proceeds for SR-25 and exceeds the price offered by other proponents for the City parcel will be ranked as Highly Advantageous.

Proposals that provide a realistic offer price that meets the Necessary Cash Proceeds for SR-25 and/or is roughly equivalent to prices offered by other proponents for the City parcel will be ranked as Advantageous.

Proposals that offer an unrealistic offer price and/or an offer price that is substantially inferior to other proponents will be ranked as Not Advantageous.

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

This criterion evaluates the relative strength and completeness of the Proponent's development budget relative to other proposals. Proposals that most thoroughly specify all anticipated costs and contingencies and are consistent with current industry standards for similar projects, will be considered to be more advantageous. Proposals that have incomplete development budgets or have

costs that are inconsistent with industry standards will be considered less advantageous.

Proposals that include a development pro forma and an operating pro forma that include cost estimates that are appropriate for the proposed property and its ongoing operations, and are supported by documentation such as estimates from recognized professionals or price quotes from licensed builders or contractors, will be ranked as Highly Advantageous.

Proposals that include a development pro forma and an operating pro forma that include cost estimates that are appropriate for the proposed property and its ongoing operations, but do not provide supporting documentation for all significant costs will be ranked as Advantageous.

Proposals that do not submit a development pro forma and an operating pro forma or include a development pro forma and/ or an operating pro forma that is lacking in detail, or not realistic or appropriate for the project and its ongoing operations, will be ranked as Not Advantageous.

## **8. Diversity and Inclusion**

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

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

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

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

### **9. Development Timetable**

This criterion evaluates the relative strength of the Proponent's development timetable relative to that of other Proponents. Proposals that are able to start construction in a timely manner and have a realistic construction schedule will be considered to be more advantageous. Proposals that are unable to commence in a timely manner, or have unrealistic construction schedules will be considered to be less advantageous.

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

Proposals that provide a detailed development timetable that is feasible, demonstrates an understanding of the development process, and provides clear indication that the project will close within six (6) months of receiving all necessary funding and be completed within twelve (12) to eighteen (18) months of closing will be ranked as Advantageous.

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

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

This criterion evaluates the relative strength of the proponent's employment strategy narrative to respond to the seven point "Good Jobs" standard as articulated in the Submission Requirements section of this RFP. Narratives that are more comprehensive, complete and are able to document a credible

implementation plan, will be ranked more highly advantageously. To facilitate its evaluation of this Criterion, BPDA will seek community input in the form of a developer(s) presentation(s) with opportunity for public comment.

Proposals that provide a comprehensive, complete and documented Good Jobs Plan narrative that is superior to that of other proposals and is able to clearly demonstrate how it will attain its objectives, will be ranked Highly Advantageous.

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

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

### **11. Development Without Displacement**

This is an evaluation of the relative strength of the proposal for achieving the objective of development without displacement as articulated by the community. Proposals will be considered and rated based on the comprehensiveness of the Proponent's planned approach to assisting the current residents of Roxbury to remain in their community in the future, afford housing, and find pathways to economic opportunity. BPDA will seek community input in the form of developer(s)' presentation(s) with opportunity for public comment.

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

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

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

## 12. Additional Benefits

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

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

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

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

# 06

## Contract Terms and Conditions

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### Disposition Price Proposal

In accordance with Section Two of the Act, the Division of Capital Asset Management and Maintenance (“DCAMM”) hired the services of an independent professional appraiser to determine the full and fair market value of SR-25. In accordance with the requirements of Section Two of the Act, DCAMM has established that the full and fair market value of SR-25 is Five Million, Ten Thousand Dollars (\$5,010,000.00). Accordingly, any Proposal for the Proposed Property Site must reflect a minimum purchase price of Five Million, Ten Thousand Dollars (\$5,010,000) for SR-25; a Proposal reflecting anything less than a purchase price of Five Million, Ten Thousand Dollars (\$5,010,000) for SR-25 shall be rejected.

The Price Proposal must also reflect a purchase price for the City Parcel; a minimum purchase price of \$100,00 has been established for the City Parcel. An appraisal commissioned by the City of Boston determined the value of the City Parcel to be \$XXX. While BPDA expects a price proposal of at least that value, a lower price proposal will not be automatically rejected. A Proponent offering a lower price shall provide with their price proposal a compelling and quantifiable narrative as to the merits and strengths of their proposal while also setting forth the reasons as to why the proposal cannot meet the appraised value.

The BPDA is selling both SR-25 and the City Parcel (together, “the Parcels”) to one (1) entity; any proposals to purchase only one (1) of the Parcels shall be rejected.

For the purpose of preparing a Development and Operating Pro Forma, proponents should use these amounts (or greater if the offer exceeds them).

The SR-25 proceeds will be provided to the Commonwealth upon conveyance of SR-25 and deposited in the Division of State Parks and Recreation Trust Fund and expended by the Department of Conservation and Recreation (“DCR”) on improvements to the properties of the Roxbury Heritage State Park. “Roxbury Heritage State Park” shall mean: the Dillaway-Thomas House property and adjacent parcels presently under the care and control of DCR, located at 183 Roxbury Street, and any land to be acquired by DCR expressly for addition to Roxbury Heritage State Park.

## Proponent Designation and Conveyance

After the evaluation process is complete, BPDA staff will recommend that the BPDA Board approve tentative designation to the proponent submitting the most advantageous proposal. The designated Proponent must meet the terms and conditions for final designation within 270 days or the tentative designation shall be rescinded without prejudice and without further action by the BPDA Board.

Final designation will be granted upon satisfactorily completing of all required terms and conditions. The proposal will be subject to subsequent stages of BPDA development and design review, including Article 80 if required. The Director of the BPDA will then be authorized for and on behalf of the BPDA to execute and deliver, a Land Disposition Agreement (“LDA”), a sample of which is shown in Appendix H. The LDA restricts the use of the Proposed Property Site to those specifically approved by the BPDA. The final designation will be automatically rescinded without prejudice and without any further authorization or approvals by the BPDA's Board, if the Proposed Property Site has not been conveyed by a designated time frame established by the BPDA Board.

## Additional Terms and Conditions

1. **Boston Resident Jobs Policy.** Construction on this project must comply with the Boston Residents Jobs Policy. Compliance review includes an assessment of whether the project is meeting the following employment standards:
  - a. At least 51 percent of the total work hours of journey people and fifty-one percent of the total work hours of apprentices in each trade must go to Boston residents;

- b. at least 40 percent of the total work hours of journey people and forty percent of the total work hours of apprentices in each trade must go to people of color, and
- c. at least 12 percent of the total work hours of journey people and twelve percent of the total work hours of apprentices in each trade must go to women.

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

2. **Development Costs.** The preparation and submission of all proposals by any person, group or organization is at the sole expense of such person, group or organization. Proponents shall be responsible for any and all costs incurred in connection with the planning and development of the Proposed Property Site. The BPDA and the City of Boston shall not be liable for any such costs nor shall the BDPA or the City of Boston be required to reimburse the applicants for such costs.
3. **Site improvements.** All site improvements, including sidewalks, street lights and street trees, shall be paid for by the selected Proponent, and the estimated costs for such improvements must be documented in the development pro forma. The selected Proponent will pay for the cost of any utility relocation not paid by a utility company. The selected Proponent will assume any and all liability for any environmental clean-up pursuant to Chapter 21E of the Massachusetts General Laws. The selected Proponent may be responsible for having the Proposed Property Site surveyed, with plans that are suitable for recording, at the expense of the Proponent.
4. **Policies and Regulations.** Development of the Proposed Property Site shall comply with the City of Boston's zoning and building regulations, procedures and any other applicable City and/or State code(s). The project will be assessed and taxed by the City of Boston pursuant to M.G.L. Chapter 59.
5. **Signage during Construction.** During the construction of the Proposed Property Site, the selected Proponent shall provide and display, at their

expense, appropriate signage as required by the BPDA. Such signage must be approved by the BPDA prior to installation. The proponent should also provide signage that describes the project, including the number of affordable units, if applicable.

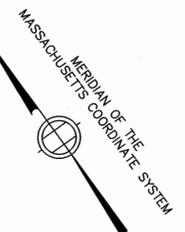
**DRAFT FOR DISCUSSION PURPOSES ONLY**

# Appendix A

## Location Maps

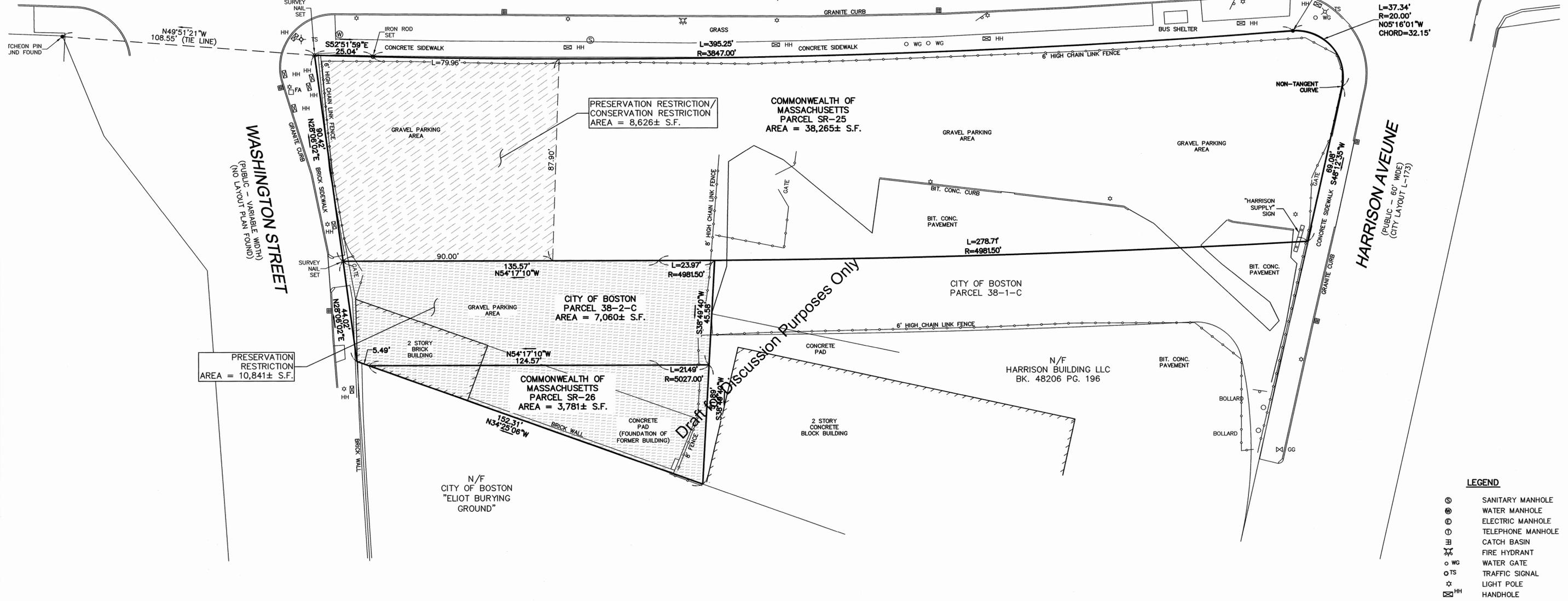
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**DRAFT FOR DISCUSSION PURPOSES ONLY**



# MELNEA CASS BOULEVARD

(PUBLIC - VARIABLE WIDTH)  
(CITY LAYOUT L-11192 THROUGH L-11196)



WASHINGTON STREET  
(PUBLIC - VARIABLE WIDTH)  
(NO LAYOUT PLAN FOUND)

HARRISON AVENUE  
(PUBLIC - 60' WIDE)  
(CITY LAYOUT L-175)

PRESERVATION RESTRICTION/  
CONSERVATION RESTRICTION  
AREA = 8,626± S.F.

COMMONWEALTH OF  
MASSACHUSETTS  
PARCEL SR-25  
AREA = 38,265± S.F.

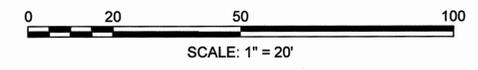
CITY OF BOSTON  
PARCEL 38-2-C  
AREA = 7,060± S.F.

COMMONWEALTH OF  
MASSACHUSETTS  
PARCEL SR-26  
AREA = 3,781± S.F.

PRESERVATION  
RESTRICTION  
AREA = 10,841± S.F.

### LEGEND

- ⊙ SANITARY MANHOLE
- ⊕ WATER MANHOLE
- ⊖ ELECTRIC MANHOLE
- ⊙ TELEPHONE MANHOLE
- ⊕ CATCH BASIN
- ⊖ FIRE HYDRANT
- ⊙ WG WATER GATE
- ⊙ TS TRAFFIC SIGNAL
- ⊙ LIGHT POLE
- ⊕ HH HANDHOLE



I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS AND WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

INFORMATION SHOWN ON THIS PLAN WAS OBTAINED FROM AN ON-THE-GROUND FIELD SURVEY PERFORMED BETWEEN MAY 5, 2013 AND AUGUST 30, 2016. SITE FEATURES WERE UNDER CONSTRUCTION AT THE TIME OF FIELD SURVEY.

THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.



P.L.S. Matthew Lowry  
MATTHEW LOWRY, P.L.S. MASS. REGISTRATION NO. 49625  
DATE: Sept. 12, 2017

### PLAN REFERENCES:

- BK. 16286 PG. 64
- BK. 15823 PG. 218
- BK. 8310 PG. 374
- BK. 8331 PG. 465 (SHLO 5819)
- BK. 8616 PG. 209 (SHLO 5898)
- BK. 7968 PG. 632
- BK. 7654 PG. 143
- PLAN 345 OF 2010
- CITY PLAN L-1212
- CITY PLAN L-11194
- CITY PLAN K-30

### LOCUS TITLE INFORMATION

WASHINGTON STREET, MELNEA CASS BLVD.  
& HARRISON AVENUE  
OWNER: COMMONWEALTH OF MASSACHUSETTS  
DEED REFERENCE: BK. 15823 PG. 218  
PLAN REFERENCE: BK. 15823 PG. 218

### Design Consultants, Inc.

CIVIL ENGINEERS and LAND SURVEYORS  
120 MIDDLESEX AVENUE 68 PLEASANT STREET  
SOMERVILLE, MA 02145 NEWBURYPORT, MA 01950  
617-776-3350 978-358-7173

PLAN OF LAND  
IN THE CITY OF BOSTON  
SUFFOLK COUNTY  
OWNED BY THE COMMONWEALTH OF MASSACHUSETTS  
PREPARED FOR THE DIVISION OF CAPITAL ASSET MANAGEMENT & MAINTENANCE  
OF BEHALF OF THE DEPARTMENT OF CONSERVATION AND RECREATION

SCALE: 1" = 20' NOVEMBER 2, 2016

PREPARED BY:  
DESIGN CONSULTANTS, INC.

RESERVED FOR REGISTERS USE ONLY

**Appendix B**  
**2014 Massachusetts Sessions Law**  
**Chapter 281**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# **Appendix C**

## **Preservation & Conservation**

### **Restriction**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# **Appendix D**

## **Development & Operating**

### **Pro Forma Sample**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

**Appendix E**  
**HUD Form 6004:**  
**Developer’s Statement for Public**  
**Disclosure and Developer’s**  
**Statement of Qualifications and**  
**Financial Responsibility**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

**Appendix F  
Disclosure Statement for  
Transaction with a Public Agency  
Concerning Real Property (MGL c.  
7C, s. 38)**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# **Appendix G**

## **City of Boston and BPDA Disclosure Statement**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# **Appendix H**

## **Certification of Tax, Employment Security and Contract Compliance**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# Appendix I

## Price Proposal Form

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# **Appendix J**

## **Sample Land Disposition Agreement (LDA)**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# **Appendix K**

## **Boston Residents Jobs Policy**

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**DRAFT FOR DISCUSSION PURPOSES ONLY**

# Appendix L

## Submission Checklist

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### SUBMISSION CHECKLIST

This checklist should be completed and included as part of the proposal submission. If items are not included, a written explanation of why they have been omitted should be included.

- Development Submission**
- Design Submission**
- Financial Submission**
- Disclosure Statement for Transaction with a Public Agency Concerning Real Property (MGL c. 7C, s. 38) (Appendix D)**
- BPDA and City of Boston Disclosure Statement (Appendix E)**
- Certificate of Tax and Employment Security Compliance (Appendix F)**
- Lease Price Offer Proposal Form (Appendix G)**
- Submission Checklist (this form)**

Any other materials deemed necessary to indicate the development team's ability to satisfy the evaluation criteria.

# AN ACT AUTHORIZING THE TRANSFER OF A PARCEL OF LAND FROM THE DEPARTMENT OF CONSERVATION AND RECREATION TO THE BOSTON REDEVELOPMENT AUTHORITY AND THE CITY OF BOSTON

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to allow for the restoration, adaptive reuse and permanent protection of a deteriorated historic building in the Roxbury section of the city of Boston and to promote economic redevelopment and improvement in the community, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding [sections 32 to 38](#), inclusive, of [chapter 7C of the General Laws](#) or any general or special law to the contrary and pursuant to such additional terms and conditions as the commissioner of capital asset management and maintenance may prescribe, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may convey by deed and related agreements and instruments to the Boston Redevelopment Authority a certain parcel of state-owned land located along Melnea Cass Boulevard in the Roxbury section of the city of Boston, containing approximately 38,265 square feet, as shown on the city of Boston assessors' maps as parcel No. 0802426030, and is identified as parcel SR-25 in an instrument dated May 31, 1989 and recorded in the Suffolk registry of deeds in book 15823, page 218. The parcel is presently under the care, custody and control of the department of conservation and recreation and held for conservation and recreation purposes in connection with the Roxbury Heritage State Park, as described in section 2. The parcel may be conveyed to the Boston Redevelopment Authority for redevelopment purposes including, but not limited to, private development, subject at all times to the conservation and preservation restrictions described in section 4. The exact location and boundaries of the areas to be transferred shall be determined by the commissioner of capital asset management and maintenance in consultation with the department of conservation and recreation.

**SECTION 2.** To ensure a no-net-loss of lands protected for natural resource purposes, the consideration for the conveyance authorized in section 1 shall be the full and fair market value of the parcel, as determined by the division of capital asset management and maintenance based upon an independent professional appraisal

and subject to sections 3 and 4. The appraisal required by this section shall be subject to the review and approval of the inspector general and such review shall include an examination of the methodology utilized for the appraisal. Within 60 days after receiving an appraisal, the inspector general shall prepare a report of such review and file the report with the division of capital asset management and maintenance. After receiving the inspector general's report and at least 15 days before the Boston Redevelopment Authority executes any agreement or instrument for the conveyance of the parcel, the division shall submit the report to the house and senate committees on ways and means and the house and senate committee on bonding, capital expenditures and state assets. All consideration received shall be deposited in the Division of State Parks and Recreation Trust Fund established in section 34 of chapter 92 of the General Laws and shall be expended by the department of conservation and recreation on improvements to the properties of the Roxbury Heritage State Park owned by the commonwealth and under the care and control of the department of conservation and recreation. For purposes of this act, "Roxbury Heritage State Park" shall mean: the Dillaway-Thomas House property and adjacent parcels presently under the care and control of the department of conservation and recreation, located at 183 Roxbury Street, and any land to be acquired by the department expressly for addition to Roxbury Heritage State Park.

**SECTION 3.** Except as otherwise expressly provided in this act, the Boston Redevelopment Authority shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the conveyance authorized in this act as those costs may be determined by the division of capital asset management and maintenance and acceptable to the Boston Redevelopment Authority. Notwithstanding any general or special law to the contrary, upon conveyance of the parcel by the commonwealth, the Boston Redevelopment Authority or its lessee or successor in interest, as the case may be, shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel described in section 1.

**SECTION 4.** The Boston Redevelopment Authority may pay the consideration under section 2 as follows: (i) \$1.00 at the time of the conveyance; and (ii) at the time of any subsequent sale, mortgage, lease, encumbrance or other disposition of the parcel or any portion thereof, the full appraised value, less any credits or adjustments agreed to by the parties, to the division of capital asset management and maintenance, and such amount shall be adjusted for the timing of the receipt of payment under any subsequent lease or other conveyance agreements to a successor in interest and

deposited into the Division of State Parks and Recreation Trust Fund, established by section 34 of chapter 92 of the General Laws to be held and expended in accordance with section 2.

**SECTION 5.** Any development or other improvements on the parcel shall delineate and preserve the northeast corner of the parcel as public parkland and such parkland shall not disturb any archaeology, shall include appropriate interpretation of the historic former uses of the site and shall serve as a gateway to the Roxbury community. Subject to the approval of the department of conservation and recreation, the Boston Redevelopment Authority and the city of Boston, the commissioner of capital asset management and maintenance shall delineate the parkland area with due regard to the issues identified by the department and the city of Boston from within or arising from the archaeological survey referred to in section 9. In furtherance of that purpose, as part of the deed or by separate instrument, the division of capital asset management and maintenance shall retain a perpetual preservation restriction, either under the care and control of, and subject to the approval of, the department of conservation and recreation or the Massachusetts historical commission, and shall convey a perpetual conservation restriction to the city of Boston within the meaning of [section 31 of chapter 184 of the General Laws](#) and with the benefit of [section 31 of said chapter 184](#). The preservation restriction shall protect the historic and archaeological resources. The conservation restriction shall be conveyed to the city of Boston, under the care and control of its conservation commission and shall include at a minimum that: (i) the parkland design shall be subject to the approval of the department; (ii) the park shall be constructed, operated, maintained and repaired at the sole cost of the owner of the fee interest or any lessee; (iii) the park shall be subject to the rules and regulations of the city of Boston as approved by the department of conservation and recreation; and (iv) shall be open to the general public by a date to be specified in an agreement between the division of capital asset management and maintenance and the Boston Redevelopment Authority, and approved by the department of conservation and recreation, prior to the conveyance of the parcel. The conservation and preservation restrictions shall not be subordinate or junior to any mortgage, lease, lien, condition, covenant, encumbrance, easement, restriction or any other matter or interest in the land, whether recorded or unrecorded. The costs of constructing the park, subject to approval by the division of capital asset management and maintenance and the department, may be credited by the division against the consideration due under section 4.

**SECTION 6.** Notwithstanding [sections 32 to 38](#), inclusive, of [chapter 7C of the General Laws](#) or any general or special law to the contrary and pursuant to such additional terms and conditions as the commissioner of capital asset management and maintenance may prescribe, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may convey by deed, for no monetary consideration, to the city of Boston, the state-owned parcel, including the portion of the building thereon, described in section 7. The parcel is presently under the care, custody and control of the department of conservation and recreation and held for conservation and recreation purposes in connection with the Roxbury Heritage State Park. The parcel shall be conveyed to the city of Boston, subject to the preservation restriction described in section 8. The exact location and boundaries of the areas to be transferred shall be determined by the commissioner of capital asset management and maintenance in consultation with the department of conservation and recreation. The commissioner of capital asset management and maintenance shall establish the value of the property for both the highest and best use of the property as currently encumbered and for the purposes described in said section 8. The commissioner shall place notification of the conveyance in the central register, the amount of the transaction and the difference between the calculated value and the price received.

**SECTION 7.** The parcel referenced in section 6 is located along Washington street in the Roxbury section of the city of Boston, containing approximately 3,781 square feet, shown on the city of Boston assessors' maps as Parcel No. 0802426010 and identified as parcel SR-26. An instrument transferring care, custody and control of the parcel from the department of public works to the department of environmental management, dated September 18, 1989, and recorded in the Suffolk registry of deeds in book 15823, page 218.

**SECTION 8.** As part of the deed or by separate instrument for the parcel described in section 7, the division of capital asset management and maintenance shall retain a perpetual preservation restriction, within the meaning of [section 31 of chapter 184 of the General Laws](#) and with the benefit of [section 32 of said chapter 184](#), either under the care and control of and subject to the approval of, the department of conservation and recreation or the Massachusetts historical commission to ensure the restoration and preservation of the historic Owen Nawn Factory building by the city of Boston, its lessees, or its successors and assigns. The preservation restriction shall apply to the entire building and all of the land, whether the portion located on

land is shown on the city of Boston assessors' maps as Parcel No. 0802426010 or on the city of Boston assessors' maps as Parcel No. 0802426020. Notwithstanding any general or special law to the contrary, upon conveyance of the parcel by the commonwealth, the city of Boston or its lessee or successor in interest, as the case may be, shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel described \_\_\_\_\_ in \_\_\_\_\_ section \_\_\_\_\_ 6.

**SECTION 9.** In accordance with the requirements of [sections 26 to 27C](#), inclusive, of [chapter 9 of the General Laws](#), the department of conservation and recreation may undertake and fund an archaeological survey upon all or a portion of the land described in section 1 and all or a portion of the adjacent city-owned land shown on the city of Boston assessors' maps as parcel No. 0802426040. The disposition of the parcels described in sections 1 and 7 shall not occur unless the department moves forward with the archaeological survey and the archaeological survey is completed to the satisfaction of the department, the Boston Redevelopment Authority and the city of Boston

Approved, August 11, 2014.

Draft for Discussion Purposes Only