



# REQUEST FOR PROPOSALS

CITY of BOSTON • DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

22 KENILWORTH STREET, ROXBURY

March 18, 2019



## Contact Information:

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

Go to: <https://www.boston.gov/dnd/rfps>.  
Click on "Request a Copy."  
If you have problems accessing the system, please call  
(617) 635-4828.

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## Proposal Submittal Deadline:

Applications will be received until **April 29, 2019 at 4:00 p.m. (EST)** at:  
Department of Neighborhood Development  
26 Court Street, 10<sup>th</sup> Floor (Bid Counter)  
Boston, Massachusetts 02108

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### **Notice to Proposers Regarding Downloadable RFPs**

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

### **FORMS:**

**DND does not accept electronic submissions. You will still need to submit paper copies of your proposal to the Bid Counter in the form specified in this RFP. Each of the following forms MUST be completed and returned with your proposal. These are links to the fillable forms. Remember to select "save as" on your computer before printing to ensure you retain an electronic copy. DND will provide paper copies of these forms upon request.**

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|--|--|
| 1. <a href="#">Appendix 1 (Proposal Form)</a>            | 8. <a href="#">Appendix 8 (Employment Statement)</a>       |
| 2. <a href="#">Appendix 2 (Project Summary Form)</a>     | 9. <a href="#">Appendix 9 (Property Affidavit)</a>         |
| 3. <a href="#">Appendix 3 (One Stop Form)</a>            | 10. <a href="#">Appendix 10 (Affidavit of Eligibility)</a> |
| 4. <a href="#">Appendix 4 (Proposer's Qualification)</a> | 11. <a href="#">Appendix 11 (Conflict of Interest)</a>     |
| 5. <a href="#">Appendix 5 (Development Budget)</a>       | 12. <a href="#">Appendix 12 (c.803 Disclosure)</a>         |
| 6. <a href="#">Appendix 6 (Operating Budget)</a>         | 13. <a href="#">Appendix 13 (M.G.L. c.7C Disclosure)</a>   |
| 7. <a href="#">Appendix 7 (Development Timetable)</a>    |  |

**1. OVERVIEW – DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT**

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

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

DND is also responsible for disposing of tax foreclosed and surplus real property that is under the care and custody of the Public Facilities Commission. DND’s property disposition process operates in accordance with Massachusetts General Law (M.G.L.), Chapter 30B which governs municipal property dispositions. Accordingly, **DND is hereby offering 22 KENILWORTH STREET** under this Request for Proposals (RFP).

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

Before offering a property such as this, DND consults extensively with local residents, community organizations and associations, and community leaders to establish development guidelines that reflect the community preferences for acceptable and unacceptable uses of the offered property. Those preferences are then incorporated into the RFP and, eventually, set the parameters of the final contract between the City and the selected developer for the property (“Successful Proposer”). DND reviews all proposals it receives, disqualifies any that do not meet the “Minimum Eligibility Criteria” described in Section 9 of this RFP, ranks the remaining proposals according to the Comparative Evaluation Criteria and Compliance Review set forth in Section 9, and then designates the selected developer for the property.

DND recognizes its community partner, the Highland Park Project Review Committee (HPPRC). DND and the HPPRC have collaborated on identifying and assessing best uses for public land in Highland Park, and in the case of 22 Kenilworth Street, have worked together to establish development and design guidelines for the RFP.

**2. SCOPE OF PROJECT**

The purpose of this RFP is to establish a contract with a qualified reputable developer or owner-builder capable of developing the offered property in a manner that is agreeable to the City of Boston and the residents of Highland Park. The following parcel is being made available under this RFP:

Address	Assessor’s Parcel Number	Lot Size (square feet)
22 KENILWORTH STREET	0903213000	4,050



**a. Current Zoning:**

The property is located in - District: Roxbury, Sub-District: 3F-4000, Overlay: Neighborhood Design Review.

**b. The Neighborhood:**

The property is a dilapidated building in the Highland Park area of Roxbury. The property is important for its historic character and intact historic interior. It is in poor condition with some exterior deterioration and interior damage. It is in need of a historically sensitive restoration.

More information about the neighborhood is available at: <https://www.boston.gov/neighborhood/roxbury>.

**3. PROPERTY VIEWINGS**

Viewings of the property will be held on **Friday, March 29, 2019 from 10:00 am – 12:00 pm** and **Friday, April 12, 2019 from 10:00 am – 12:00 pm**. DND staff will be there to answer any questions you may have about this Request for Proposals.

**4. DEVELOPMENT GUIDELINES AND OBJECTIVES**

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

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

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

**a. Minimum Requirements**

The building is a vacant 3,200 s.f. attached single-family residence in deteriorated condition. The property is being offered for purchase and rehabilitation as either a single-family residence; two-family residence; or two-unit condominium, with specific priority given to the restoration of period elements still present in the building. If proposing a two-family or two-unit use, Proposers will need to seek all necessary approvals to change from the current single-family occupancy to a two-unit occupancy.

Given the historic character of the building, the property requires a historically sensitive restoration. At a minimum, there must be full exterior restoration, including masonry, lintels, front steps, retaining wall, front doors and hardware, rebuilding of the chimneys and retention of all exterior design elements on the front façade.

Additionally, all proposals must address the exterior and interior conditions with a restoration plan that addresses all building components and finishes, specifically including, but not limited to:

- Exterior envelope, including repointing and repair of brick, lintels, doors, windows, and roof;
- Structural repair, including stone foundation, exterior brick, and interior framing;
- Building systems, including mechanical, electrical, and plumbing;
- Interior finishes, including flooring, walls and ceilings, doors and trim, cabinetry, kitchens, and baths;
- Energy efficiency, including insulation, lighting, mechanical equipment, etc.
- Landscaping, including stone steps, railings, and retaining walls in a manner consistent with historic character of the building.

Finally, all proposals must include a detailed development timeline. It is expected that construction will begin by the fall of 2019 so as to minimize further degradation of the structure.

**b. Preferred Uses of the Property:**

The level of rehabilitation and repair necessary is consistent with a complete historic restoration. The exterior restoration must be consistent with both the historic context of the building as well as the attached residential property. The interior restoration must prioritize the preservation of as many period details as possible while balancing cost, market conditions and demand, and must consider

refurbishment of the existing historical details in the interior, including but not limited to the front stairway, pocket doors, original doors and hardware throughout, existing window and pediment door trim, fireplaces and mantels, interior shutters, original windows and hardware.

**c. Alternative Uses of the Property:**

DND will entertain offers from owner-builders as well as from turn-key developers. Under either scenario, the only permissible occupancy is for an owner-occupant, meaning the owner must occupy the property as their primary residence. The term of owner-occupancy will be for 15 years.

If submitting a proposal as an owner-builder, the Proposer must clearly demonstrate their ability to secure financing (e.g. lender term sheets, financial statements), assemble a development team, including architect and contractor, and successfully complete the project in a reasonable timeframe.

DND will also entertain offers to redevelop the property as a two-family residence, including a two-unit condominium. If proposing such use, the Proposer must clearly demonstrate their plan to maximize the preservation of historic elements on the interior and exterior in light of a proposed use different from the current layout as a single-family residence.

**d. Unacceptable Uses of the Property:**

There shall be no addition of dormers on the front, and no additions or structural changes on either the front or side.

## 5. PROJECT REQUIREMENTS

**a. General**

The appraised value for the property, which is typically the basis for the offer price, is \$500,000 in its current condition as a single-family residence. However, given the level of rehabilitation necessary to restore the property as required under this RFP, a Proposer may offer less than the appraised value, but they must credibly demonstrate that their development concept maximizes the public benefit and foregoes more lucrative opportunities in order to be consistent with community preferences, resulting in a concept not financially feasible at the full appraised value. At the same time, the owner-builder, two-family, and two-unit condominium development options are included in the RFP in addition to the single-family option to maximize property value and enhance development feasibility, so as to offer the Proposer a greater opportunity to meet, or come close to, the as-is appraised value.

In order to offer less than the appraised value, the Proposer must include a detailed written explanation of why their offer price is reduced, and provide development budgets and proformas that support the lower offer price.

Still, offered price is one of the many factors used in determining the most highly advantageous proposal, so proposers are encouraged to make competitive offers. For more information on comparative evaluation criteria, please refer to Section 9.

A Proposer may offer more than the asking price for the property.

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

- i. While DND has conducted a title examination of the property, DND makes no warranty or representations as to its accuracy and recommends that Proposers conduct their own title examinations.
- ii. Proposers may be required to present their plan of development at a community meeting organized by DND.
- iii. Performance under this Request for Proposals will be closely coordinated with the Project Manager and any other staff member designated by DND. Questions pertaining to requests for technical guidance and direction should be directed in writing to the assigned Project Manager, or other designated DND representative. However, such DND representative(s) will under no circumstances change the terms and conditions of this engagement.
- iv. The developer shall prepare and deliver to their assigned DND Project Manager a monthly status report. The report should include a description of the work completed that month regarding, but not limited to, the following:

1. Zoning Board of Appeal (ZBA) Application(s)
  2. Inspectional Services Department (ISD) Permit(s)
  3. Final Design Specifications
  4. Environmental Testing or Remediation
  5. Acquisition of Financing
  6. Community Feedback
- v. The Successful Proposer shall designate qualified representatives as points of contact to assist DND, as needed, throughout the engagement. Names, phone numbers, and e-mail addresses of proposed representatives are to be listed in the proposal.

**b. Developmental**

- i. The Successful Proposer will produce an appropriate plan of development that meets the City's requirements within specified time frames. The Proposer must indicate and fully explain its plan for development and how that development coincides with DND's stated scope for the Project.
- ii. The contract period of performance to close on the acquisition and start construction shall be for twelve (12) months from the tentative designation award. If the Property has not been made development-ready within twelve (12) months, DND may choose to grant additional time for performance or to rescind the award, at its discretion.
- iii. The determination of whether performance is satisfactory is at the sole discretion of DND.
- iv. The Successful Proposer will confirm all scheduled project milestones with DND prior to initiating work.
- v. The Successful Proposer shall maintain a safety and environmental program that complies with all applicable local, state and federal regulations.
- vi. After conveyance, the Successful Proposer will be responsible for the condition of the property. They must take any steps necessary to keep the property free of trash, debris, and snow. Before and during construction, the Successful Proposer will take all necessary steps to preserve and maintain the integrity of the property, with the specific objective of shoring up the structural integrity of the subject property and abutting residence.
- vii. The Successful Proposer will affirmatively and fairly solicit qualified subcontractors from residents of the local community.
- viii. If the Successful Proposer is a for-profit firm with 25 or more full time employees, or a non-profit firm with 100 or more employees, it will be required to make its best efforts to adhere to the Boston Jobs and Living Wage Ordinance, and the provisions of the Promulgated Regulations, including the "First Source Hiring Agreement" provisions of said Ordinance.
- ix. The Successful Proposer shall comply and cooperate with DND's regular on-site monitoring of the development project during construction through completion in an effort to ensure compliance with the accepted plan of development and final terms of the sale of the property.

**c. Design**

- i. Building construction and landscape elements must take into consideration the existing standards of the community, i.e., building height, mass, and scale and the historic character of the Highland Park neighborhood.
- ii. Building materials must be of good quality and take advantage of sustainable building principles and MEP systems.
- iii. A Proposer must present a design that includes a thoughtful exterior, with attractive windows, doors, and exterior cladding and/or masonry.
- iv. Any construction of permanent structures on the property must comply with the Boston Zoning Code and Massachusetts Building Code, whether as-of-right or by variance.
- v. The Successful Proposer shall comply with DND's Design Review policy, which at a minimum for unsubsidized market rate developments, shall require DND approval of building elevations prior to submission to BPDA, ISD, and other authorities having jurisdiction.

**d. Historic Preservation**

- i. Proposals must show the planned approach to preserving and restoring historic elements on the exterior and interior of the house. In particular, preservation and – to the extent possible financially – restoration in the front two parlors on the ground floor and the interior should be prioritized.
- ii. Proposals should describe procedures for restoration.
- iii. Proposers shall provide evidence of past historic preservation work and expertise.

**e. Diversity and Inclusion**

- i. Proposals must describe the planned approach to meeting the goals outlined in the Boston Residents Jobs Policy which can be accessed via the following link:

<https://www.boston.gov/departments/economic-development/boston-residents-jobs-policy-construction-projects>.

- ii. The Successful Proposer will prescribe procedures to establish and oversee a minority outreach program to ensure the inclusion, to the maximum extent possible, of opportunities for people of color and women, and entities owned by people of color and women, in the development of the proposed project.
- iii. Proposals should reflect the extent to which the Developer/Development Team plans to include meaningful participation of MWBEs and/or individuals in the following activity areas:
  1. Construction
  2. Design
  3. Development
  4. Financing
  5. Operations
  6. Ownership

## 6. SUBMISSION INSTRUCTIONS

Proposers MUST submit an **original and three (3) copies** of the proposal in a sealed envelope to the Department of Neighborhood Development, Bid Counter, 26 Court Street, 10<sup>th</sup> Floor, Boston, MA 02108 (either in person or by mail) by **April 29, 2019** no later than 4:00 pm.

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

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

## 7. REQUIRED SUBMISSION DOCUMENTS

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

### a. Introductory Documents:

- i. Appendix 1: Proposal Form (see link)
- ii. Proposal Summary and Narrative (see Sections 5 and 8)
  - If an owner-builder Proposer, describe ability to secure financing (e.g. lender term sheets, financial statements); outline the development team, including architect and contractor, that will be involved; and note other factors that will enable the development to be completed in a reasonable timeframe. If proposing a two-family or two-unit condominium redevelopment, describe the plan for historic preservation in light of the alternative use.

### b. General Evaluation Criteria Documentation:

- i. Appendix 2: Project Summary Form (see link)
- ii. Appendix 3: One Stop Application (see link)
- iii. Appendix 4: Statement of Proposer's Qualifications Form (see link)
- iv. Appendix 5: Preliminary Development Budget Form (see link)
  - If an owner-builder Proposer, attach personal financial statements and lender term sheets.
- v. Appendix 6: Preliminary Operating Budget Form (see link)
- vi. Appendix 7: Development Timetable Form (see link)
- vii. Appendix 8: Construction Employment Statement Form (see link)

### c. Compliance Review Documentation:

- i. Appendix 9: Property Affidavit Form (see link)
- ii. Appendix 10: Affidavit of Eligibility Form (see link)
- iii. Appendix 11: Conflict of Interest Affidavit Form (see link)
- iv. Appendix 12: Chapter 803 Disclosure Statement Form (see link)
- v. Appendix 13: M.G.L. c. 7C Disclosure Statement Form (see link)

## 8. PROPOSAL SUMMARY

In addition to the required forms listed in Section 7, the following information shall be submitted in the Proposer's written Proposal Summary. This is an opportunity for the Proposer to convey, in their own words to the Selection Committee, how the proposed project will be a highly-beneficial use of the Property; how it will also be cost-effective, timely, and provide options superior to those currently available to the community. Omission of any of the required information may lead to a determination that the proposal is non-responsive. Please provide the following items as listed:

- a. Introduction**
  - i. An overall introduction to the Proposer that includes a statement of the Proposer's interest in Project.
  - ii. A description of the Proposer's organizational structure, including a list of qualified representatives and key personnel. Please provide resumes.
  - iii. A description of any lawsuits brought against the Proposer or principals in courts situated within Massachusetts within the past five years.
- b. Development Plan**
  - i. A description that conveys that the Proposer understands the services to be performed. The Proposer must indicate and fully explain its plan for development and how it coincides with DND's stated scope for the Project and the Project Requirements. Also, the Proposer must provide a credible plan for accomplishing its stated goals and/or objectives.
  - ii. A time schedule proposed to accomplish the tasks listed in Section 4, Scope of Project as well as the goals/objectives unique to the submitted proposal.
  - iii. In digital format (one copy either on a CD or a flash drive), copies of drawings that best represent the scope of work and proposed plan including rendering(s), and site plan(s), and any relevant floorplan(s) if buildings are proposed. These drawings will also be available to the public to assist in their assessment of the proposal.
- c. Diversity and Inclusion Plan**
  - i. Applicants must design and propose a comprehensive program for achieving diversity and inclusion in the proposed project.
- d. Developer Qualifications, Experience and References**
  - i. All Proposers must provide a narrative supported by relevant data regarding qualifications and past experience with similar projects. Proposer must provide detailed descriptions of previous relevant work completed and the results or outcome of that work. Proposers shall also furnish three current references including, names, addresses, e-mail addresses, phone numbers, and principal contacts in which the Proposer has provided comparable services. For Proposer of owner-builder residence, include a narrative describing ability to secure financing (e.g. lender term sheets, financial statements); and outlining of the development team, including architect and contractor, that will be involved; and a noting of other factors that will enable the development to be completed in a reasonable timeframe
- e. Permits/Licenses**
  - i. A list of relevant business permits/licenses (with expiration dates).
- f. Subcontractors or Partnerships**
  - i. If applicable, explain the relationship(s) between the Proposer and any third-party developers, subcontractors, or community partners that might influence the Proposer's development plan.
- g. Additional Data**
  - i. Any other relevant information the Proposer believes is essential to the evaluation of the proposal (i.e., aesthetic designs, environmental sustainability goals, property management plans, ideas for selection of subcontractors, methods of obtaining community engagement, etc.).

## 9. EVALUATION PROCESS

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

First, proposals must meet the City's Minimum Eligibility Criteria as described below. Once DND has completed the Minimum Eligibility review, a Selection Committee shall then review each proposal based on the Comparative Evaluation Criteria. The Selection Committee shall then assign a composite rating for each proposal it evaluates based upon the Evaluation Criteria set forth below. The most advantageous proposal from a responsive and responsible applicant, taking into consideration all Evaluation Criteria and reflecting the scoring from the Selection Committee will be selected.



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

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

**a. Minimum Eligibility Criteria:**

- i. **Proposal Received by Deadline.** Only proposals that are received by the date, time, and at the location indicated in Section 6 of this RFP will be accepted.
- ii. **Complete Proposal Submission.** Proposals must contain all necessary forms and documents as required in Section 7 of this RFP, including all required signatures and certifications.
- iii. **RFP Objective.** Only proposals that comply with the Development Objectives as outlined in Section 4 will be considered.

**b. Comparative Evaluation Criteria:**

- i. **Development Plan.** This Criterion is an evaluation of the Proposer's development plan relative to the Development Guidelines & Objectives set out in Section 4. Proposals that better fulfill the Development Guidelines relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Development Guidelines will be considered less advantageous. **To facilitate its evaluation of this Criterion, DND will seek community input in the form of a developer's presentation with opportunity for public comment.**
  - **Highly Advantageous:** The Proposer's development plan is highly compatible with the Development Guidelines and Objectives and meets more of the identified objectives than competing proposals.
  - **Advantageous:** The Proposer's development plan is compatible with most, but not all Development Guidelines and Objectives, meeting fewer of the identified objectives than competing proposals.
  - **Not Advantageous:** The Proposer's development plan is not compatible with many of the Development Guidelines and Objectives.
- ii. **Design Concept.** This Criterion is an evaluation of the Proposer's development plan relative to the Design Considerations as specified in Section 5(c). Proposals that better fulfill the Design Considerations relative to other proposals will be considered to be more advantageous. Proposals that do not meet the objectives specified in the Design Considerations will be considered less advantageous. **To facilitate its evaluation of this Criterion, DND will seek community input in the form of a developer's presentation with opportunity for public comment.**
  - **Highly Advantageous:** The Proposer's development plan is highly compatible with the Design Considerations and Objectives and meets more of the identified objectives than competing proposals.
  - **Advantageous:** The Proposer's development plan is compatible with most, but not all Design Considerations and Objectives, meeting fewer of the identified objectives than competing proposals.
  - **Not Advantageous:** The Proposer's development plan is not compatible with many of the Design Considerations and Objectives.
- iii. **Historic Preservation.** This Criterion is an evaluation of the Proposer's development plan relative to the Historic Preservation requirements as specified in Section 5(d). Proposals that better fulfill the Historic Preservation requirements, including specific strategies to preserve specific interior and exterior elements, will be considered to be more advantageous. **To facilitate its evaluation of this Criterion, DND will seek community input in the form of a developer's presentation with opportunity for public comment.**
  - **Highly Advantageous:** The Proposer's development plan is highly compatible with the Historic Preservation requirements and meets more of the identified objectives than competing proposals. The Proposer has a high degree of expertise in the

- area of historic preservation and has a track record of successfully completed restoration projects that are clearly superior to other Proposers.
- *Advantageous:* The Proposer's development plan is compatible with most, but not all Historic Preservation requirements, meeting fewer of the identified objectives than competing proposals. The Proposer shows reasonable and justifiable commitment to historic preservation that is equal to other Proposers.
  - *Not Advantageous:* The Proposer's development plan is not compatible with many of the Historic Preservation requirements and objectives. The Proposer's development plan does not show a detailed or credible enough plan for restoration and/or the plan is inferior to other Proposers.
- iv. **Developer Experience and Capacity.** This Criterion is an evaluation of the Proposer's experience and capacity to undertake the proposed project. This will be evaluated based on the Proposer's experience relative to that of other Proposers. Development teams with the greatest experience, especially experience in the city of Boston, will be considered to be more advantageous than development teams with less experience.
- *Highly Advantageous:* A development team that has successfully completed at least one similar project in scope and use to the one proposed, located in the City of Boston.
  - *Advantageous:* A development team that has successfully completed at least one similar project in scope and use to the one proposed, in a location other than Boston.
  - *Not Advantageous:* A development team that has not completed a similar project in scope and use to the one proposed.
- v. **Financial Impact.** This Criterion evaluates the financial impact to the city of Boston of the Proposer's Offer Price. Proposals with an Offer Price above that of other proposers will be considered to be a more advantageous proposal, provided they remain consistent with the objectives and preferences outlined in this RFP. Proposals with an Offer Price below that of other proposers will be considered to be a less advantageous proposal.
- *Highly Advantageous:* The proposed Development Plan is compatible with the Development Guidelines and Objectives; relies on no sources of public funding; and includes an Offer Price to the City not less than the Appraised Value.
  - *Advantageous:* The proposed Offer Price is less than the Appraised Value, but reasonably justified as necessary in order to maintain compatibility of the Development Plan with the Development Guidelines and Objectives while relying on no sources of public funding.
  - *Not Advantageous:* The proposed Development Plan is either not compatible with the Development Guidelines and Objectives, includes an Offer Price that is unreasonably below the Appraised Value or relies heavily on public sources of funding that adversely impact the Development Schedule relative to other Proposals.
- vi. **Developer's Financial Capacity.** This Criterion evaluates the relative strength of the Proposer's financing plan relative to other proposals. Proposals that can show that they have confirmed financing offers to generate enough capital to fund most or all of their Development Budget will be considered to be more advantageous. Proposals that do not have confirmed financing sources or have confirmed financing for only part of the Development Budget will be considered less advantageous.
- *Highly Advantageous:* The Proposer is able to provide documentation of necessary cash on hand, lines of credit or other liquid equity to fully satisfy the Preliminary Development Budget as presented.
  - *Advantageous:* The Proposer is able to provide evidence of a credible fund raising program or capital campaign program underway to raise sufficient funds in a reasonable time frame in order to fully satisfy their Preliminary Development Budget. The Proposer must be able to demonstrate experience in successfully raising funds in this manner for another significant project.
  - *Not Advantageous:* The Proposer does not provide evidence of or documentation for any financing, funding sources or equity to satisfy the development budget; or the documentation or evidence is insufficient or out dated.
- vii. **Development Cost Feasibility.** This Criterion evaluates the relative strength and completeness of the Proposer's Development Budget relative to other proposals. Proposals that most completely specify all anticipated costs and contingencies and are in line with current industry standards will be considered to be more advantageous. Proposals that have

incomplete development budgets or have costs that are not consistent with industry standards will be considered less advantageous.

- Highly Advantageous: The development budget is complete, thorough and appears accurate for the proposed project. The budget includes appropriate contingency expenses. The development cost appears to be highly feasible.
- Advantageous: The development budget is complete and thorough, but deviates from projects similar to the one proposed. Some expenses in the budget appear inaccurate or atypical and there is no further justification or explanation for this apparent deviation. The development cost appears to be reasonably feasible.
- Not Advantageous: The development budget is incomplete, lacks detail and/or appears very inaccurate for the proposed project. The development cost appears to have a low likelihood of feasibility or to be infeasible.

viii. **Diversity and Inclusion.** This is an evaluation of the relative strength of the proposal for achieving diversity and inclusion in the proposed project as specified in Section 5(e). Proposals will be considered and rated based on the comprehensiveness of the Developer's planned approach to achieving participation, including specific strategies to achieve maximum participation of MWBEs in non-traditional functions. The planned approach should be realistic and deliverable.

- Highly Advantageous: The Proposer provides a highly reasonable and justifiable Diversity & Inclusion Plan for a project of the type proposed that is clearly superior to that of all other Proposers.
- Advantageous: The Proposer provides a reasonable and justifiable Diversity & Inclusion Plan for a project of the type proposed that is equal to that of all other Proposers.
- Not Advantageous: The Proposer does not provide a credible or detailed enough Diversity & Inclusion Plan for a project of the type proposed, and/or the Plan is inferior to those of all other Proposers.

**c. Compliance Review ("Disqualifiers"):**

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

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

## 10. AWARD OF CONTRACT

DND will review and evaluate proposals promptly after the submission deadline of **April 29, 2019**.

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

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

- Altering the square footage of the building;
- Proposing a use for the Property beyond those specified in Section 4 Development Guidelines and Objectives; or
- Proposing a use for the Property that does not benefit the residents of Boston.

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

## 11. WITHDRAWAL OF PROPOSALS

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

## 12. QUESTIONS

The last day for questions is **April 26, 2019**. All questions must be submitted in writing by either e-mail or U.S. mail and addressed as shown below.

E-mail: [winnie.zhang@boston.gov](mailto:winnie.zhang@boston.gov)

U.S. Mail: Department of Neighborhood Development  
Attn: Winnie Zhang, Project Manager  
26 Court Street, 8<sup>th</sup> Floor  
Boston, MA 02108

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

**13. TERMS AND CONDITIONS**

- a. **Assumption of Risk.** The City accepts NO financial responsibility for costs incurred by Proposers in responding to this Request for Proposals. Proposers are responsible for any and all risks and costs incurred in order to provide the City with the required submission.
- b. **Public Property.** Proposals submitted to DND will become property of the City. After opening, all proposals become public documents and are subject to the requirements of the Massachusetts Public Records Law (M.G.L. c. 4, § 7(26)).
- c. **Terms of Sale.** After a final proposal has been selected, the Successful Proposer will be contacted by DND to finalize the terms of the sale. The terms of the sale will and MUST be consistent with this Request for Proposals, including the advertised purchase price and Project Requirements.
- d. **“As Is” Conveyance.** DND will convey the property in “AS IS CONDITION” without warranty or representation as to the status or quality of title. The Successful Proposer/Buyer shall, to the fullest extent permitted by law, assume any and all liability for environmental remediation pursuant to Chapter 21E of the Massachusetts General Laws. Finally, any and all site improvements, such as utility connections and/or street repairs, are the responsibility of the Successful Proposer.
- e. **Negotiations.** DND reserves the right to negotiate for changes to the selected proposal. These negotiations may encompass values described in the Request for Proposal, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, DND may decline to sell the property even after the selection process is complete and negotiations have begun.
- f. **Design Review.** The Successful Proposer must coordinate with and obtain DND’s approval of proposed building elevations prior to submission to the BPDA, ISD, and any other authority having jurisdiction. Acceptance of a Proposal in response to this RFP does not constitute approval of proposed designs.
- g. **Closing.** The Successful Proposer must execute a Purchase and Sales Agreement and then close on the sale within ninety (90) days of the date of execution, unless otherwise agreed upon (in writing) by DND. Failure to comply with the obligations of closing may result in the rescission of any prior agreement(s) with DND regarding the Property.
- h. **Monitoring.** The Successful Proposer must coordinate and comply with DND’s regular on-site monitoring of the proposed development from construction through final completion, providing reports on progress, schedule, and budget as requested by DND.
- i. **Restrictions on Transfer.** Properties sold by DND will have particular deed riders and mortgages, as appropriate to the particular disposition, restricting the use of the Property. Unless authorized in writing by DND, the Successful Proposer may not substantially alter the use of the property; permanently cease operations; transfer title of the property; or have any unauthorized financial liens placed on the property. Such actions will trigger a reversionary clause in the deed, if applicable, automatically transferring title of the Property back to DND.
- j. **Payment.** Unless otherwise agreed to by DND in writing, the Successful Proposer is required, at the time of conveyance, to make full payment for the Property by Treasurer’s or Cashier’s Check. In addition, the Successful Proposer will be responsible for paying all recording and registration fees (including the cost of recording the deed and conveyance documents at the Suffolk County Registry of Deeds), and making a pro forma tax payment.
- k. **Reservation of Rights.** DND reserves the right to postpone or withdraw this RFP; to accept or reject any and all proposals; to modify or amend the terms of this RFP through an addendum; to waive any informality, and to interview, question and/or hold discussions regarding the terms of any proposal received in response to this RFP. DND reserves the right to cancel a sale for any reason. DND reserves the right to select the next highest ranked proposal, if the initially Successful Proposer is unable to proceed in a timely manner or otherwise fails to satisfactorily perform. DND reserves the right to waive any requirement or restriction set forth in this RFP or conveyance documents, if such waiver is deemed appropriate by DND, in its sole discretion.
- l. **Changes to Program.** DND reserves the right to change aspects of the development program outlined in this RFP, using its best judgment as to the needs of the program and the furtherance of its mission, provided that the rights of the Proposers are not prejudiced.

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**END OF 22 KENILWORTH REQUEST FOR PROPOSALS.  
DND THANKS YOU FOR YOUR INTEREST.**

**14. APPENDIX A: Hazardous Building Materials and Lead Inspection Reports**

A hazardous building materials survey and a lead inspection were completed at this property. The reports can be downloaded where the RFP is accessed, at <https://www.boston.gov/dnd/rfps>.