

Thank you for your interest in this draft version of the Request for Proposals (RFP) for the West End Branch Library site.

This document, when released in early 2023, will guide applicants submitting proposals for a mixed-use project combining a new library branch with affordable housing above the branch.

This draft version represents the collaboration and input of many community members and City of Boston staff who have worked together since 2020 to define the vision for this site.

Please visit the project page for further details and background:

<https://www.boston.gov/buildinghousing/west-end-library-housing-public-assets>

All questions, comments, and feedback on this draft version are welcome.

This document is a draft! It is meant to capture the current status of the RFP but should not be considered final or definitive. Thank you for your understanding if you encounter typos or other formatting issues – we will address them prior to releasing this RFP in 2023.

**REQUEST FOR PROPOSALS FOR REAL ESTATE
HOUSING WITH PUBLIC ASSETS:
WEST END LIBRARY
151 Cambridge St, Boston 02114**



**RFP Issue Date: _____, 2023
Proposal Due Date: _____, 2023**



**CITY of BOSTON
Michelle Wu, Mayor**

**MAYOR'S OFFICE of HOUSING
Sheila A. Dillon, Chief and Director**

**BOSTON PUBLIC LIBRARY
David Leonard, President**

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1. OFFERING SUMMARY

151 Cambridge St

This section is provided for the convenience of applicants to facilitate easier navigation of this Request for Proposals. All information included in this section is explained in further detail later in the request. For applicants that have downloaded this from the web, you can get more detailed information by selecting the More Information links provided here that will take you directly to the appropriate section of this document.

<p>Available Property</p>	<p>151 Cambridge St, Boston</p> <p>City of Boston Assessing Information</p>
<p>Location</p>	<p>The current site of the West End Branch Library, just north of the Beacon Hill neighborhood.</p>
<p>Preferred Uses (Development and Objectives)</p>	<p>Guidelines</p> <p>New affordable rental housing development co-located with a new West End Library branch.</p>
<p>Price</p>	<p>For price information, see Section 4</p>
<p>Public Funding</p>	<p>Housing Development- Applicants may apply for MOH funding up to \$150,000 per affordable unit if qualified. The total funding request shall not exceed \$1.5 million per project.</p> <p>All applicants are required to be in compliance with MOH policies. https://www.boston.gov/departments/housing/policies.</p> <p>To qualify for funding from MOH, proposals for rental housing must meet MOH’s Homeless Set-Aside Policy and an additional 10% of the units must be set-aside for low income tenants not to exceed 50% of AMI. MOH recognizes the tremendous demand for more units at lower levels of affordability across the City. Therefore, we encourage applicants to strive for the deepest levels of affordability possible throughout a project. Production applications that propose an additional 10% of the units or more to be targeted to tenants with incomes up to</p>

	<p>30% AMI may be eligible for additional funding.</p> <p>The Boston Housing Authority is also prepared to make a special rental income subsidy available for a portion of units at this site. Section 4 includes detailed information that applicants can use to inform their proposals.</p> <p>Section 5 and Section 6 below include detailed information regarding standard MOH Project Requirements and Cost guidelines that all applicants must follow.</p>
Submission Deadline	<p>_____, 2023 no later than 4:00pm</p> <p>For submission instructions see Section 7</p>
Applicant Conference	<p>[TBD]</p> <p>Visit project page for date and zoom link:</p> <p>https://www.boston.gov/buildinghousing/west-end-library-housing-public-assets</p>
MOH Contacts	<p>The MOH contacts for Development are:</p> <p>Joseph Backer, Senior Development Officer: 617-635-0226 joseph.Backer@boston.gov</p> <p>Stephanie Silva, Development Officer: 617-635-0347 stephanie.silva2@boston.gov</p> <p>Mayor's Office of Housing 12 Channel Street, 9th Floor Boston MA 02210</p>

2. OVERVIEW – MAYOR’S OFFICE OF HOUSING

Since its inception in 1966, the Mayor’s Office of Housing (MOH), formerly the Department of Neighborhood Development (DND), has acted as the primary local government agency charged with providing affordable housing opportunities for the residents of the City of Boston (City). As an agency of the City, established under Massachusetts statute and through the general policy direction of the Housing Authority and the Public Facilities Commission, MOH has been directly responsible for the planning, financing and implementation of publicly assisted housing programs. MOH has also worked in collaboration with

governmental agencies and private entities to educate the community, policy leaders, and various stakeholders about the issues surrounding affordable housing, and identify potential actions to address the affordable housing shortage.

MOH applies its resources to the following areas of work:

1. Creating affordable and mixed-income housing;
2. Developing open spaces, including community gardens and farms;
3. Providing homeownership opportunities and trainings; and
4. Providing homeowner assistance in the upkeep of their homes.

The City, through MOH, sells City-owned parcels to private buyers to encourage development in the City. One of the goals of MOH's land disposition is to reduce the amount of unused, neglected property existing in the City, placing it back on the tax rolls and adding to the inventory of available housing. MOH's land disposition process helps to alleviate the housing crisis by enabling MOH to offer buildable lots to home builders/developers to encourage construction of housing in Boston's neighborhoods.

MOH is also responsible for disposing of tax foreclosed and surplus real property that is under the care and custody of the Public Facilities Commission. MOH's property disposition process operates in accordance with Massachusetts General Law (M.G.L.), Chapter 30B which governs municipal property dispositions. Accordingly, MOH is hereby offering one parcel at 151 Cambridge St, the current site of the West End Library, under this Request for Proposals (RFP).

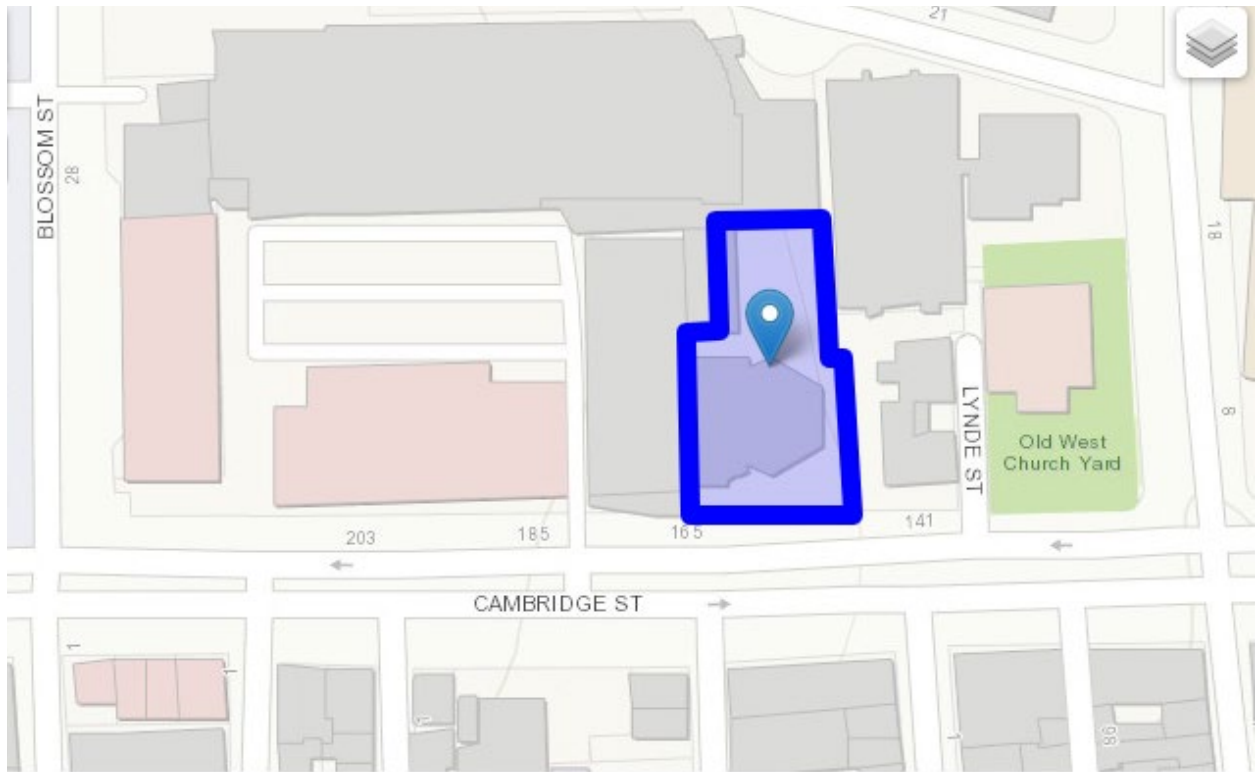
RFPs and other procurement vehicles offer local and historically disadvantaged businesses a unique opportunity to grow and enhance their capacity. It is the intent of the Mayor that these opportunities provide a framework and model for inclusiveness throughout the various levels of contracting.

Before offering a property such as this, MOH consults 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 applicant"). MOH 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 8, and then designates the selected developer for the property.

3. SCOPE OF PROJECT

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

Address	Ward/Parcel #	Parcel Area (approximate)	Assessed Value
151 Cambridge St	03-00656-000	20,383	\$7,632,100



Environmental Conditions

The existing West End branch of the Boston Public Library and a parking lot cover the site.

A National Resources Conservation Service web based soil survey was conducted for the property. The entire property is comprised of #602 – Urban Land, 0 to 15 percent slopes. Urban Land typically describes excavated and filled land. It is also not assigned a hydrologic soil group and is typically assumed to have poor drainage characteristics. Additional soil explorations are required as part of the development to further evaluate soil conditions, specifically site drainage capabilities.

The Selected Proponent will assume any and all liability for any environmental clean-up pursuant to Chapter 21E of the Massachusetts General Laws.

MOH Funding And Other Funding

Applicants may apply for MOH funding up to \$150,000 per affordable residential unit if qualified. The total funding request shall not exceed \$1.5 million per project.

All applicants are required to be in compliance with MOH policies:

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

To qualify for funding from MOH, proposals for rental housing must meet MOH's Homeless Set-Aside Policy and an additional 10% of the units must be set-aside for low income tenants not to exceed 50% of AMI. MOH recognizes the tremendous demand for more units at lower levels of affordability across the City. Therefore, we encourage applicants to strive for the deepest levels of affordability possible throughout a project. Production applications that propose an additional 10% of the units or more to be targeted to tenants with incomes up to 30% AMI may be eligible for additional funding.

The Boston Housing Authority is also prepared to make a special rental income subsidy available for a portion of units at this site. Section 4 includes detailed information that applicants can use to inform their proposals.

Applicants are expected to seek support from other agencies where appropriate.

As noted below, proponents must include in their development program a core and shell space containing sufficient square footage on either the ground floor or first two floors that is configured and built according to the specifications set forth in Appendix A, as able to accommodate the required community space. The City anticipates that, subject to appropriation in the City's budget and availability of funds, the City would acquire the core and shell at cost from the developer at a time to be agreed upon in advance of the start of construction.

4. DEVELOPMENT GUIDELINES AND OBJECTIVES

Community Vision

Community meetings and previous City of Boston planning helped shape the basic outline of the vision for the site. Local residents and other neighborhood participants in a half-dozen public meetings, dating back to October of 2020, have provided crucial input to shape this Request for Proposals. The core goal of the community vision is to strongly encourage development proposals for a mixed-use development that includes a world-class public library as well as affordable rental housing above the library, with an emphasis on maximizing both the amount and the depth of affordability. Ideally, this will include units of housing created in partnership with the Boston Housing Authority (BHA), utilizing a dedicated rental income subsidy described in greater detail below. The community expressed a desire to include a range of income levels and unit sizes to meet the needs of different residents, including families and seniors. The successful applicant will place special emphasis on ensuring 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.

Site Description

The site is located at 151 Cambridge St., just north of the Beacon Hill neighborhood. The library property is listed as Parcel ID 0300656000, with a site area of 20,383 SF. The lot has a width of 118' along Cambridge St. and a depth of approximately 202'. The existing library footprint has an area of 7,142 sf. The site is constrained on three sides by adjacent properties; Otis House Museum, and Charles River Plaza and 165 Cambridge Street with various tenants

including Massachusetts General Hospital. Across the street from the site are multi-use buildings with commercial developments on the ground floor and residential above.

Zoning

The title for 151 Cambridge shows the deed was granted to the City of Boston by the Boston Redevelopment Authority (BRA) in 1967, and that the property is both recorded and registered land within Parcel 6 of the West End Urban Renewal. The Urban Renewal Plan zones this property for Public Use and would require a minor modification to the Urban Renewal Plan by the Boston Planning and Development Agency (BPDA) to allow mixed-use development on the site. The other Urban Renewal zoning restrictions for height and FAR will also require minor modifications. The BPDA will be responsible for bringing this proposed modification to its Board, and will do so once a specific proposal has been selected for the site.

The site is also in the Cambridge Street North zoning district, which limits height at 65 ft and FAR at 5. Given the surrounding context on Cambridge Street, it is expected that a developer will seek a variance to allow the building to exceed this limit.

Ultimately the development potential of the site with housing is subject to Article 80 project review with the Boston Planning & Development Agency (BPDA) and will need to be coordinated through the Article 80 project review process with community input.

The demolition of the existing library may need to go through the Article 85 demolition delay because the library is more than 50 years old. City staff from MOH and BPL will assist the selected development team to acquire the needed approvals.

The Certificate of Title describes a small easement to the City of Boston along the south property line given for ‘public improvement of the layout of Cambridge St.’ Other than this area, the Title does not appear to show any encumbrances that would be of concern. The abutting property (141 Cambridge Street) owned by the Society for the Preservation of New England Antiquities has an existing parking area with a driveway on the library property. The deed for 141 Cambridge does not show an access easement by the City for SPNEA to access their parking spaces.

Respondents to this RFP are encouraged to submit proposals that best respond to the Guidelines and Objectives stated within this document. It is expected that respondents shall review all applicable zoning and seek approval for any deviations from the zoning code through the Board of Appeal and/or the Boston Zoning Commission, if required.

Boston Zoning Codes and Maps can be found at: <https://www.bostonplans.org/zoning>

A New Library

In order to support the shared vision for the site, proponents must include a community core and shell space of approximately 17,500 to 19,000 usable square feet on either the ground floor or the first two floors of the development, which shall be provided at cost to the Boston Public Library (“BPL”) for the term of the ground lease. The final square footage of this space shall be determined after Tentative Designation based on the specific needs identified for the space.

The City, the BPL, and community members strongly support the construction of a new branch for the West End library in the development of the Property. At this time, it is anticipated that the community core and shell space delivered through this RFP will be built out by BPL and serve as the location for the West End branch library. To establish a branch library at this location, the BPL would require either the ground floor or the first two floors of the building, comprising approximately 17,500 to 19,000 square feet of usable, programmable core and shell space, which the BPL would then design and fit out for library use at its own expense after acquiring the space. This size is consistent with test fit studies (Appendix A) examining the requirements for a new West End branch library.

Proponents must include in their development program a core and shell space containing sufficient square footage on either the ground floor or first two floors that is configured and built according to the specifications set forth in Appendix A, as able to accommodate the required community space. The City anticipates that, subject to appropriation in the City's budget and availability of funds, the City would acquire the core and shell at cost from the developer at a time to be agreed upon in advance of the start of construction. The developer should not be designing the interior of this core and shell space.

The BPL commissioned a highly detailed Programming Study for this branch that was published in October, 2021, and which all proponents are strongly encouraged to reference when creating their proposals for this site. The full report, along with materials published during the extensive community engagement process, can be found at: <https://www.bpl.org/west-end-project/>

For the BPL to successfully locate the West End branch at the Property, it would be necessary to comply with real estate acquisition laws under M.G.L. Chapter 30B in the acquisition of the core and shell, as well as public bidding procurement as set forth in Chapter 149 for the build out of the space. Therefore, the City plans to seek legislative relief from any and all Commonwealth of Massachusetts general or special laws relating to the procurement and award of contracts for the construction, reconstruction, installation, demolition, maintenance or repair of the buildings to be constructed on the property in conjunction with the proposed redevelopment. It is anticipated that these exemptions would only be applicable to the construction of the core and shell of the BPL space by the developer, and that the City will not seek any exemptions applicable to the fit out of space for library uses by the City. It is further anticipated that the City would not seek any exemption from laws requiring the payment of prevailing wages on the project during construction of the core and shell. The City cannot proceed with seeking this legislative relief until a developer has been selected for tentative designation because the details of the specific development must be known in order to file such legislation.

Residential Use and Affordability

The special combination of a library with housing on this site makes rental housing the best fit, as it helps ensure a productive management relationship between the housing management entity and the City and BPL.

Community members have expressed a strong preference for projects which can exceed minimum affordability standards, and applicants should maximize the proportion of income-restricted, affordable units created. Developments which can achieve 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 Area Median Income), to meet the needs of different residents, with as many units available for low- and extremely low-income households as is feasible¹. This income gradient will also help to affirmatively further fair housing in the area, which is currently underweighted towards households of color compared to the City as a whole.²

Community conversation has indicated a willingness to consider proposals that include a relatively small proportion of units that are unrestricted and/or restricted at workforce housing levels (e.g., 120% of AMI), if this helps enhance the public benefits of the proposal or can deliver a cross-subsidy to deeply affordable housing. However, at minimum, a majority of overall units must be income-restricted according to the guidelines above.

Variety of Household Types

Throughout the community process, there has been strong support in particular for both senior housing and family-friendly housing. This site may be a particularly good fit for families, as children will greatly benefit from the resources offered at the library branch, and only 9.8% of households in the immediate area currently have children under age 18, as compared to 22.4% citywide. Proposals should include a mix of unit sizes ranging from studios to 3 bedrooms that can meet the needs of the different households contemplated in the proposal. Proposals should specify what resident services will be available to serve those living in the building.

Boston Housing Authority Subsidy

This site presents an opportunity to partner with the Boston Housing Authority (BHA) to deliver additional deeply-affordable units thanks to a dedicated rental income subsidy, which could expand and deepen the affordable housing available to residents. Boston is approximately 2,500 units below its “Faircloth Limit,” the maximum number of federal public housing units for which Boston can receive subsidy, as set by a 1999 federal law that capped the amount of federal public housing in each city. This project, which will be co-located with another public asset (the West End library) and sits in a neighborhood context appropriate for higher-density development, is an opportunity to include new “Faircloth units” as a portion of the overall housing development. These units could in turn be converted to project-based Section 8 via HUD’s Rental Assistance Demonstration (RAD) program, to secure permanent and predictable rental subsidy, and this subsidy could be used as a means to achieving deeper affordability in the overall unit mix of the proposal. This would align with the BHA’s commitment to affirmatively furthering fair housing, as currently only 1% of neighborhood households utilize housing vouchers, compared to 4.7% citywide.

In order to ensure that a significant percentage of the overall housing units on this site are deeply affordable to Boston’s lower-income residents, the BHA is prepared to make the

¹ The Mayor’s Office of Housing (MOH) requires that any project receiving City subsidy must guarantee that at least 40% of the overall units are income-restricted. This includes restricting 10% of the overall units as homeless set-aside units at 30% or less of Area Median Income (AMI), and 10% of the overall units at 50% or less of AMI.

² The Housing and Household Composition Community Profile for this site, as provided as part of the BPDA’s Affirmatively Furthering Fair Housing Assessment tool, can be found [here](#). Data comparing the immediate surrounding area to the City as a whole throughout these draft development objectives can be found in that report.

Faircloth subsidy available for a qualified proposal. Because of the possible use of Faircloth-to-RAD subsidy, and given high demand city-wide for Section 8 vouchers, the City and BHA do not anticipate making conventional Project-Based Vouchers available for this project.

Through the Faircloth-to-RAD process, units are created as public housing units and, once constructed, converted to project-based Section 8 subsidy contracts. The RAD program limits Section 8 rents to levels comparable to the resources currently provided for public housing; and are thus somewhat lower than Section 8 standards (FMRs). These rents will, however, be adjusted annually by the Operating Cost Adjustment Factor (OCAF).

City and BHA modeling has contemplated between 8 and 11 of these “Faircloth units” being included in this site, depending on the total number of housing units built. A U.S. Department of Housing and Urban Development (“HUD”) prohibition against family units in high-rise buildings may apply to a building including “Faircloth units,” so if the building proposed meets the Boston definition of a “high-rise” and if the building includes family-sized Faircloth units, the Housing Authority will need to seek a waiver from HUD. Please note that creating new family housing on this site is a priority for the City, and that the Housing Authority is committed to working with the selected developer to secure any necessary HUD waivers.

Rents for Faircloth-to-RAD units cannot be determined precisely in advance. **However, developers should expect that the rents for these units will be sized to cover operating expenses, but not to support any debt service.** Section 8 rents for the units created by the Faircloth-to-RAD process will be comparable to the RAD rents calculated for comparable properties in the BHA portfolio. These rents are published annually on the HUD website, and can be found at: <https://www.hud.gov/RAD>

HUD will provide estimated RAD rents for a Faircloth-to-RAD project at the time that an eligible housing authority requests these rents for a specific project. Since it is too early in the development process to submit such a request, the BHA suggests using the following rents for underwriting purposes, based on the published RAD rents for the property the Housing Authority believes to be the closest comparable for new construction on this site.

Unit size	Rent Level
Studio/Efficiency	\$944
One bedroom	\$1,025
Two bedrooms	\$1,228
Three bedrooms	\$1,495

Please note that while the process of developing public housing units and subsequently converting them through the RAD process to permanent Section 8 subsidy involves a certain amount of complexity, the BHA is committed to working closely with the selected developer and providing the necessary collaboration and technical support to ensure that this process

is successfully executed. At the end of the process, the building's owners, the residents and the community will benefit from deeply-affordable units that are permanently subsidized with predictable, and predictably-inflation-adjusted, rents through the familiar Section 8 program.

The Faircloth-to-RAD process is not expected to add materially to the development timeline. However, developers should anticipate that they will need to dedicate some administrative efforts to conversion from public housing to Section 8 post-closing. The specific timing requirements from HUD may also lead to some delay in the start of the subsidized portion of the rents for the Faircloth units; so developers should include in their budgets extra reserves, covering six to nine months of the subsidy portion of rents for the Faircloth units.

Appendix X includes an example of the control agreement that would govern the obligations of the proponent to the BHA in constructing and maintaining these "Faircloth units." Please contact [TBD] for more information. The Boston Housing Authority (BHA) will maintain sole discretion for the review and award of application for subsidy, subject to final HUD approval.

Open Space Use

The current library is set back from the street, with landscape in front. A new landscaped area that combines green space and an urban plaza in front of the library would create a space for the public and help connect the internal library programs to the active, urban street life of the area.

Open space that is accessible, attractive, and inviting to residents is required in City-funded affordable housing, and programmable open space at this development, such as a roof deck above the library, has been raised by the community as an important amenity. This open space should be accessible to all housing residents and distinct from open space supporting the library branch. This residential open space should be mindful of and correspond to what is appropriate for the different categories of residents that will live in the building.

Building Height and Massing; Character and Materials; Orientation and Street Wall

The scale, density, height, materiality, and orientation of the project should match the context of Cambridge Street and the surrounding buildings, especially those that share the northern side of the street with the branch library. Many of the existing or planned buildings near the library are as tall as, or taller than, 80-100 feet. Careful consideration to shading should be given to the neighboring Otis House, which is 45 feet tall. Given the surrounding context on Cambridge Street, it is expected that a developer will seek a variance to allow the building to exceed the 65 foot height limit.

Access & Parking

No parking is required for this development, given the site constraints, close proximity to public transit, and the prohibitive costs of building sub-surface parking. The current library has much of the rear of the site taken by parking; due to the needs of fitting expanded program areas on the site, this parking area may be removed.

There are approximately 8 parking spaces for the Otis House Museum on their side of the mutual property line, but they are accessed from the library property via an access drive that utilizes a curb cut along Cambridge Street. The curb cut and parking access drive will remain

and be integrated into the site plan to allow for continued parking access for the Otis House Museum. The two metered parking spaces along the Cambridge Street parking space shall also remain. The Programming Study for the West End branch library study recommends coordinating with the Boston Transportation Department (BTD) to assign one of these parking spaces as a Handicapped Parking Space and the other as a pick-up/drop-off space during library hours.

(Additional information can be found in the Programming Study for the West End branch library: <https://www.bpl.org/west-end-project/>)

Site Planning and Streetscape

The site currently has a number of large, mature trees that obstruct views of the library and buffer the library from the street, creating a sense of oasis. This portion of the Cambridge Street streetscape is distinct in that the three street trees are mature and are planted at the rear of the sidewalk against the property line, rather than at the back of curb, like the street trees on the rest of the street. The three mature trees are European Littleleaf Lindens, and appear to be in good health, though the easternmost one is leaning precariously over the sidewalk. The entire sidewalk will need to be reconstructed as part of this project due to the required access for construction, and the construction activity itself. The sidewalk will be reconstructed to City of Boston Complete Streets standards, with replacement-in-kind of the existing streetscape elements. New bike racks shall be added to the sidewalk furnishing zone to accommodate 7 bicycles for library visitor use. The street trees will not survive the construction of the new building, and are also idiosyncratically located at the rear of the sidewalk. Some consideration may be given to preserving the westernmost tree, given that it is mostly out of harm's way. Proponents should indicate the extent to which their proposals may or may not protect existing mature trees on the site, as well as clearly indicate all new plantings to replace or surpass existing foliage.

(Additional information can be found in the Programming Study for the West End branch library: <https://www.bpl.org/west-end-project/>)

Otis House Synergy

To the east of the site is the First Harrison Gray Otis House, a National Historic Landmark. Built in 1795–96, it was designed by Charles Bulfinch and built for Massachusetts politician Harrison Gray Otis and his wife Sally Foster Otis. It is one of the earliest three-story brick houses that came to represent the Federal style of architecture and the complex represents some of the last remaining historic buildings of the West End. The Otis House complex is owned by nonprofit Historic New England, and comprises the 1796 mansion and two connected 19th-century row houses. It currently serves as a historic house museum, library and archives, and public programming site. Historic New England is engaged in its own ambitious planning project to reimagine the Otis House complex as a civic and cultural anchor in the community, and welcomes collaboration in this effort.

Proponents are encouraged to consider opportunities to collaborate with Historic New England to create a shared cultural district or shared educational experience between the Otis House and the library branch.

Please contact Vin Cipolla, Historic New England President and CEO, for more information about Otis House, Historic New England, and planned future improvements at that site: VCipolla@HistoricNewEngland.org

City Land Ownership

The land will remain under City ownership, with the housing operator entering into a long-term land lease agreement with the City of Boston. Each component of the building – library and residential – will be contained within a separate condominium entity of the overall structure. To the extent that some of the residential units are new public housing/RAD units, as described above, those subset of units will be governed by a control agreement between the selected developer and the BHA, an example of which is provided in Appendix X.

High Labor Standards

This site will involve vertical construction on land that will remain under City ownership. Depending on the funding source, developers may be expected to adhere to Davis-Bacon prevailing wage standards. All projects funded by MOH must also meet or exceed the construction employment standards of the Boston Residents Jobs Policy:

- at least 50 percent of the total work hours in each trade must go to Boston residents,
- at least 25 percent of the total employee work hours in each trade must go to people of color; and
- at least 10 percent of the total employee work hours in each trade must go to women.

5. MOH PROJECT REQUIREMENTS

General

- i. While the City has conducted a title examination of the property, MOH makes no warranty or representations as to its accuracy and recommends that Successful Applicants conduct their own title examinations.
- ii. If determined to be an Eligible Applicant, all Applicants will be required to present their plan of development at a community meeting organized by MOH.
- iii. Performance under this Request for Proposals will be closely coordinated with the Development Officer and any other staff member designated by MOH. Questions pertaining to requests for technical guidance and direction should be directed in writing to the assigned Development Officer, or other designated MOH representative. However, such MOH representative(s) will only provide necessary background information and guidance; they will under no circumstances change the terms and conditions of this engagement.
- iv. The Successful applicant shall prepare and deliver to their assigned MOH Development Officer 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
- v. Proposals must reflect the extent to which the Developer/Development Team plan includes meaningful participation of WMBEs and/or individuals in the following activity areas: Construction, Design, Development, Financing, Operations and Ownership.
- vi. The Successful Applicant shall designate qualified representatives as point of contact to assist MOH, as needed, throughout the engagement. Names, phone numbers, and e-mail addresses of proposed representatives must be listed in the proposal.

Disposition Price

The most advantageous proposal from a responsive and responsible Proposer, taking into consideration price and all other evaluation criteria set forth in this RFP, shall be recommended to the MOH Public Facilities Commission for tentative designation. Such a process will allow for the selection of a Proposer with the financial and technical capacity to redevelop the property in a manner consistent with the goals set forth in the RFP.

The Developer will enter into a 99-year ground lease with MOH; MOH expects a ground lease price proposal of at least \$X.XX per gross square foot of floor area developed per year. The fixed rent shall escalate every five years at a rate determined by the cumulative increase in the Consumer Price Index for the preceding five year period. Since price is a factor in this RFP, Proponents may submit price proposals in excess of \$X.XX per gross square foot of floor area per year.

The independent appraisal deemed the fee simple value of the development rights consistent with this RFP to be \$XX.XX per square foot of proposed development. The fee simple value was multiplied by a MOH estimated X% capitalization rate to determine the \$X.XX per gross square foot of floor area per year lease rate.

While MOH expects a ground lease price proposal of at least \$X.XX per square gross foot of floor area per year, a lower price proposal will not be automatically rejected. A Proponent offering less than \$X.XX per square gross foot of floor area per year 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 \$X.XX per square foot of floor area per year threshold.

Ground Lease Terms

The Ground Lease will be for 99 years, and include an acknowledgement that the designated Proposer is familiar with the Proposed Project Site and agrees to accept it in “as-is” condition. Any environmental conditions existing at the Project Site will be the responsibility of the designated Proposer. The designated Proposer will assume any and all liability for any

environmental clean-up pursuant to M.G.L. c. 21E. The designated Proposer will be solely responsible to obtain all permits and approvals necessary to obtain a Certificate of Occupancy for the building.

The land and improvements on the Proposed Project Site will be assessed and taxed by the City of Boston under normal real estate taxation procedures in accordance with Chapter 59 of the Massachusetts General Laws (M.G.L.). The ground lease will require the designated Proposer to be responsible for paying applicable taxes and fees.

All site improvements, including sidewalks, street lights and street trees, shall be paid by the designated Proposer, and the estimated costs for such improvements must be documented in the development Pro Forma. The designated Proposer will pay for the cost of any utility relocation not paid by a utility company.

The proposed project shall comply with the City of Boston's zoning and building regulations and procedures; the Boston Residents Job Policy; and any other applicable City and/or State code(s). To the extent that the proposed project requires relief from the Boston Zoning Code, the proponent must obtain authorization from the zoning board of appeal.

During the construction period, the designated Proposer shall provide at their expense, and display, a MOH/BPDA proposed project development sign, which should be approved by the MOH/BPDA staff prior to installation. The designated Proposer should also provide signage that describes the proposed project, including the number of affordable units if included in the proposed project. If the designated Proposer is represented by a real estate broker, currently licensed in the Commonwealth of Massachusetts, the designated Proposer is fully responsible for any brokerage commission. MOH will not pay a broker's fee to any individual or firm in the conveyance of the Project Site.

The designated Proposer shall be responsible for any and all costs incurred in connection with the planning and development of the Proposed Project Site. The City of Boston shall not be liable for any such costs nor shall be required to reimburse the Proposer for such costs.

All other material price terms and conditions of the ground lease will be negotiated following Tentative Designation of a developer within the time period specified in the Tentative Designation Resolution.

Development

- i. The Successful Applicant will produce an appropriate plan of development that satisfies the City's needs within specified time frames.
- ii. The contract period of performance shall be for twelve (12) months from the tentative designation award. If the Property has not been made development-ready within twelve (12) months, MOH may choose to grant additional time for performance or to rescind the award, at its discretion.
- iii. The determination of whether the services were performed satisfactorily is at the sole discretion of MOH.
- iv. The Successful Applicant will confirm all scheduled project milestones with MOH

prior to initiating work.

- v. For entering Sources and Uses of Funds, operating budget and other budget items, Applicants must use a One-Stop Application format that can be downloaded from www.mhic.com (in the site, select the “Resources” drop-down menu and then click “OneStop Application”). If the proposal includes a combination of unit types for different income categories, the developer will be required to submit a separate budget that illustrates that the costs associated with the development of the different income levels are covered by eligible sources (See Section 16: Forms/Documents Required, Appendix 13). Sources must equal uses. If applicable, land costs for privately owned parcels that would be included in the proposed development must be identified in the “Acquisition” line. At the time of application to MOH, the applicant must have an accepted offer to purchase, an executed purchase and sale agreement or a deed and the price must be supported by an as-is appraisal for that property.

Cost Containment and Limitations

MOH has participated in the Commonwealth’s working group to reduce development costs. As a result of this work, MOH has adopted streamlined and simplified Design Standards & Guidelines that should assist with cost containment. In addition, similar to MOH’s existing cap on allowable developer fee, overhead and consulting line items in a development budget, MOH is implementing limitations on certain other third-party costs, such as architectural and legal cost. These measures are being taken to meet the State’s newly established per unit cost limits.

Design

- i. Successful Applicants are required to comply with MOH Design Standards and Development Objectives for the site (See below).
- ii. Applicants must propose a development design plan that addresses site and design information provided in this RFP with schematic designs for the siting, unit configuration, non-residential program, open space, parking, etc. Variations of the zoning requirements will be considered for project proposals that offer an appropriate and reasonable design approach that is consistent with building context and neighborhood character and is consistent with the RFP design standards.
- iii. Building materials must be of good quality and take advantage of sustainable building principles and MEP systems.
- iv. All new MOH construction must be designed based on a Co2 target budget of 0.7-1.1 tons/person/year, or 1800kWh per person annually and must use electricity and on-site photovoltaics as the sole (or primary) fuel source. This target relates to the residential portion of a mixed use and multifamily projects.
- v. Respondents to this RFP must comply with the Zero Emissions Building (ZEB) requirements outlined in the MOH (DND) Design Standards ([link below](#)). The ZEB

requirements are mandatory. Applicants are advised to also review the [2020 MOH \(DND\) guidebook for Zero Emissions Buildings](#).

- vi. The respondent should only be representing the community core and shell space as an empty space meeting the square feet, placement and configuration requirements of BPL. No interior layout designs should be included for the library space.

MOH Design Standards

Applicants must comply with MOH's Design Standards. Applicants are to consult the standards in regard to site planning, unit layout and other design requirements. See the below link and see links to "Design Standards" and "Design Checklists" in *Section 15: MOH Development and Underwriting Policies*. The MOH Design Standards include specific requirements related to Zero Emissions Building, Green Building and Sustainability principles outlined below.

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

Zero Emissions Buildings

On January 28, 2019, in support of Boston's Carbon Neutral Boston 2050 commitment, the Green Ribbon Commission released the "[*Carbon Free Boston*](#)" report. Two key strategies identified in the report are i) electrification and deep energy retrofits of existing buildings, and ii) moving to a net-zero carbon or better standard for new construction. Since 2008, MOH, working with the Boston Planning & Development Agency, Environment Department, energy providers, architects and affordable housing developers, has successfully facilitated a number of activities in pursuit of the City's Green Building Initiatives Program. These projects, aimed at reducing the carbon footprint of our development activities, include several Solar PV, Net Zero Energy, E+ (energy positive) and Passive House residential developments. These efforts have also recognized the impact that building health has on resident health. We look forward to continuing and expanding green building practices that encourage healthy housing and positive health outcomes for residents.

MOH's ZEB requirements are based on the recommendations contained with the [2020 guidebook for Zero Emission Buildings](#). The study team discovered that there is a total construction cost increase in the range of 2.5%. Incentives are available to offset engineering soft costs and utility rebates exist to lower total construction costs per unit. The long-term operational savings means lower rents for residents and more sustainable Homeowner Association fees (repair & maintenance reserves) for homeowners. We see these requirements as an investment to make housing more economically sustainable for the future.

The library fit-out will be required to meet LEED Silver, to be certified under the LEED for Interior Design and Construction's Commercial Interiors checklist. The proposed MEP systems approach for the library fitout is already intended to be all electric and energy efficient, and is to be considered "Net Zero Carbon (NZC) Ready" with the remaining step to achieve NZC being a combination of on-site PV renewables and/or procured off-site

renewables. The library systems are planned as completely separate from the housing systems, with the assumption of a high performance building envelope.

Operational

- i. Wages. If the Successful applicant is a for-profit firm with 25 or more full time employees, or a non-profit firm with 100 or more employees, you will be required to make 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.
- ii. The Successful Applicant shall maintain a safety and environmental program that complies with all applicable local, state and federal regulations. The Successful Applicant will be ultimately responsible for the condition of the property. They must take any steps necessary to keep the property free of trash, debris, and snow.

Equity and Inclusion

The Mayor's Office of Housing's programs provide opportunities for local and historically disadvantaged businesses, including minority-owned and women-owned business enterprises (MWBES) to grow and enhance their capacity. It is the intent of the Mayor and MOH that our RFP and procurement vehicles provide a framework to ensure that these businesses may access those opportunities. This equity policy has the following goals:

- o Provide fair access to economic opportunities that may arise by participation in MOH program activities.
- o Promote the growth of minority, women owned, and local businesses by encouraging participation in program activities.
- o Promote the creation of a more inclusive workforce in businesses that participate in MOH programs.

All applicants will need to design and propose a comprehensive program for achieving equity and inclusion in the proposed project, including the development team members and construction trades. This Equity and Inclusion Plan should describe the planned approach to meeting the goals outlined in this policy as well as how the project will meet the goals outlined in the Boston Residents Jobs Policy, which can be accessed via the following link:

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

- i. The Equity and Inclusion Plan should ensure that maximum opportunities are afforded to local, small and historically 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 and services, in association with the delivery of services associated with MOH programs for which an application is being submitted.

- ii. The Equity and Inclusion Plan must 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. The Equity and Inclusion Plan should reflect the extent to which the applicant plans to include meaningful participation of MWBEs and/or individuals of color in the following activity areas: Construction, Design, Development, Financing, Operations, Management, and Ownership.

The Equity and Inclusion Plan will be considered as part of the overall evaluation of proposals. Any Plan will be considered and rated based on the comprehensiveness of the applicant's planned approach to achieving diversity of participation, the inclusion of specific strategies to achieve maximum participation of MWBEs in non-traditional functions, and the extent to which the Equity Plan is realistic and executable. In its evaluation of submitted proposals, MOH will take into account development teams with a certified minority-owned business enterprise (MBE) with ownership of 25% or more of the proposed project, or development teams where 25% or more of softs costs go to MBE consultants identified at the time of application. MOH encourages development teams to consider joint ventures and/or partnerships to ensure the greatest benefit for BIPOC-led firms.

Local Business And Job Opportunities

- i. Development of the parcels should enhance the local economy and provide local job opportunities.
- ii. Preference will be given to responses that support local hiring for construction, management and contracted services.
- iii. Projects must pursue best efforts to comply with the Boston Residents Jobs Policy. There is community support for efforts to exceed the policy.

MOH Art Policy

Please note that the disposition of any MOH managed land is subject to the MOH Public Art Policy (https://www.boston.gov/sites/default/files/file/2020/11/DeptofNeighborhoodDevelopment_Public%20Art%20Policy_Final_2020_10_29.pdf). This policy governs both the installation and/or removal of art on such properties.

6. BUDGET REVIEW AND COST

The following information must be included in the relevant One Stop Exhibits, where appropriate, or provided on a separate sheet(s). Costs ineligible for certain funding sources must be broken out separately.

Acquisition

If applicable, explain how the acquisition cost was derived. All debt obligations must be described in detail, particularly those that include a proposed restructure, or full or partial

debt forgiveness. Please explain what parties and steps are involved in any proposed restructure, as well as the anticipated timeline for decision-making. Note: “As-Is” appraisals must be provided to support acquisition costs.

Construction

Applicants are required to provide a General Contractor estimate for hard costs at the time of application. (Section 3 of the One Stop). Who, specifically, prepared the cost estimates? Cost estimating must be within 30 days of the MOH application due. Costs must be broken down by building (if applicable). Commercial and Residential Sources and Uses must be clearly broken out within the One-Stop (if applicable).

Site Work

Base the cost of site work and grading on all foreseeable (known) site dimensions, topography and visible ledge, including what is evidenced on site. Assume building site(s) will contain an old foundation(s) and fill debris when calculating site costs, unless there is accurate historical information that indicates there were no previous structures on the site. All such historical information must be included in the RFP submission.

Environmental Site Costs

In the proposal, the developer shall include sufficient funds to cover environmental remediation costs for typical urban sites (One Stop, Line 150). (The Environmental allowance and Hard Cost contingency should be combined on Line 165, but broken out in the Comments field.) The soft cost budget (Line 170) shall include sufficient funds to cover all expected and unforeseen environmental testing. Fundamentally, the developer is responsible for typical urban site redevelopment costs and these costs must be clearly itemized and carried in the hard and soft cost budgets. See *Section 3: Scope of Project, Environmental Conditions*, for information regarding environmental conditions.

Roads, Walks, and Utilities

Include all fees and costs associated with street and sidewalk reconstruction. It is essential to consult with the Public Works Department to determine the required scope of work for all impacted sidewalks and streets, as well as for curb-cut and street opening permits. Costs of cutting and capping existing utility lines are also the responsibility of the developer.

Contingencies

Contingencies are limited to the following in accordance with MOH policy: The *hard cost contingency* amount shall be 5% of construction costs for new construction projects.

Construction Waste Management

Diverting as much waste from landfills as possible is an important green building and environmental protection goal and, increasingly, due to the escalation in tipping fees, a financially prudent strategy as well. The development team should work with contractors to develop a construction waste management plan, and to identify end markets for construction waste and debris. While this strategy could involve higher trucking costs, tipping fees for mixed debris will be reduced.

Architectural & Engineering

MOH has implemented cost containment requirements that limit costs associated with this line item for developments seeking MOH funding assistance. The total amount of all architectural and engineering fees must not exceed the following:

Project Size	Percent of Estimated Construction Contract
1-35 units	6.8%
36-70 units	6.3%
71+ units	5.8%

This line item must cover all typical architectural services items, including all phases of design, plan development, and construction monitoring. This line item must include all trades subcontracted to the architectural firm and civil engineering expenses. Please provide information on how the architecture and engineering budget has been derived and what is included in the line item (i.e. does it include all necessary civil, MEP, structural, or other engineering) requirements.

Sustainability Consultant

Sustainability consultants work to mitigate a building's environmental impact by incorporating sustainable solutions into the planning, design, construction, and operation of a building. As part of the Department's goal of moving to a net-zero carbon standard for new construction, the Department recognizes the growing need for this service. If sustainability consultants are being utilized, identify who (if known) will provide the services and how the budget was derived. Sustainability consultant fees need not be included to calculate the maximum allowable developer fee and overhead amount.

Survey and Permits

If applicable, include an explanation of what costs are included in this budget item.

Construction Financing Interest

Please provide information on how this line item was determined, including: the interest rate used, the draw on construction loan, terms and other details needed to verify the proposed amount.

Financing Fees and Costs

Bank letters of interest are required from all proposed lenders. Letters must include a term sheet that provides standard DSC requirements, fees, reserve requirements, terms, and amortization. Where terms are not available, the proposal must separately explain what assumptions were used, and how the specific line-item amounts were determined.

Other Financing

Identify and break out the costs associated with the various lenders, including construction, permanent, subsidy, and other third-party fees. Explain how these costs were calculated.

Tax Credit Syndication Cost

Must provide a strong letter of interest that includes the projected raise, and explains the associated costs included in the budget.

Legal

Through Mass Docs, public lenders have worked diligently to reduce legal expenses and reviews associated with soft debt provided in affordable housing developments. In the City's continued effort to control costs, MOH is implementing limitations applicable to the Borrowers legal expenses for proposals seeking MOH funding. The Borrower's legal budget should be sufficient to cover all phases of the development for the Borrower and should not exceed the current legal median cost of approximately \$150,000 for the development. Proposals must include a break-out of all legal expenses. The breakout budget should include amounts for the Mass Docs lenders, Lender Legal and Borrowers Legal costs.

Construction Management

Identify who (if known) will provide clerk and management services on behalf of the owner, and how this budget item was derived.

Consultant

If a consultant or consultants (e.g., environmental, traffic, development) are being utilized, identify who they are and what services will be provided by each. Consultant fees are included in the calculation of maximum fee and overhead for a development.

Carrying Costs

Identify additional costs associated with the pre-development period, including pre-development loans/ interest, maintenance, insurance, taxes. Confirm the time period that these costs support.

Soft Cost Contingency

This line item should not exceed 2.5% of the total soft cost budget.

Developer Fee and Overhead

Confirm that the developer fee, overhead and consultant items in the budget reflect MOH policy.

Sources

For each permanent financing source, identify the reasonableness of the request based upon program eligibility, limits, and/or per unit caps. Sources must be clearly defined for residential and commercial.

Rebates

All projected rebates (e.g., Energy Star, utility, etc.) should be itemized and included as a source of permanent funding in the One Stop.

Reserves

Identify the amount of operating or capital reserves that have been specifically required by either equity or debt lenders. Explain how these reserves were determined and sized.

Operating Budget

Identify anticipated operating expenses. For homeownership, provide a schedule of HOA/Condo Association fees to cover these annual expenses. For rental, provide a property management line item or similar.

NOTE: MOH reserves the right to change the number of affordable units and other aspects

of the development program outlined in this RFP depending on the needs of the development, provided that the rights of the Successful Applicant and other applicants are not prejudiced.

7. PROPOSAL SUBMISSION INSTRUCTIONS AND DEADLINE

How to submit your RFP response:

- **RFP submission requires a G-Suite or Gmail account.** If you do not have access to a G-Suite or Gmail account, visit <https://accounts.google.com/signup> to create your own account.
- In a web browser (preferably Google Chrome), click the link below, or input <https://bit.ly/Boston-MoH-RFP> in the URL bar.
- Select the RFP to which you are responding from the options listed and fill in all required fields.
- Upload all required RFP documents in the document upload page and submit the form.

What to expect after submitting an RFP response:

When you submit an RFP response, a copy of your submission materials will be emailed to the account associated with the form submitter. Respondents will be able to review and edit their responses up to the RFP submission deadline. Respondents are encouraged to edit an existing submission rather than creating a new submission.

How to name your RFP response files:

Please name your document using MOH's naming convention format: **RFPname.company name** (for example: Holborn.Erich and Associates). Please submit your response as a single PDF if you are able. If you must submit multiple documents, please add to the document name a number to account for all parts of the response (for example: Holborn.Erich and Associates.1; Holborn.Erich and Associates.2, etc).

Applicant Conference

Staff from MOH will answer any questions you may have about this Request For Proposals. The virtual meeting will be held on _____, 2023 from _:00-_:00pm. Please visit _____ to register . If you are unable to attend the Conference, formal questions may be submitted by mail or e-mail. Please see Section 13 for contact information.

Deadline

Responses must be submitted by: **XXXXXX XX, 2023, no later than 4:00 PM.**

LATE PROPOSAL SUBMISSIONS WILL NOT BE ACCEPTED.

Under the law, any proposals received after the date and time specified in this RFP must be rejected as non-responsive, and not considered for evaluation. Please plan accordingly.

8. REQUIRED SUBMISSION DOCUMENTS

All documents outlined in the Forms/Documents Required (See Section 16) are necessary for a complete proposal. Submitting these documents in the order outlined in the checklist will facilitate the City's ability to determine if your application is complete and eligible for further review. Incomplete proposals will be rejected.

In addition to the required forms listed in Section 16, the following information must be included in the application. This is an opportunity for the Applicant to convey to the Evaluation Team, in their own words and with backup documentation and material, how the proposed project will be a highly-beneficial use of the Property, 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.

Introduction

- i. A narrative introduction to the Applicant and Proposal that includes a statement of the Applicant's interest in Project, and overview of the proposal.
- ii. A description of the organizational structure, including a list of qualified representatives and key personnel and the roles and responsibilities of each party.
- iii. A description of any lawsuits brought against the Applicant or principals in courts situated within Massachusetts within the past five years.

Development Plan

- i. An explanation of the plan for development and how it coincides with the Project Requirements and the community vision for the site outlined in this RFP. Also, the Applicant must provide a credible plan for accomplishing its stated goals and/or objectives.
- ii. A timeline schedule proposed to meet the tasks listed in *Section 11: Award of Contract and Development Schedule*.
- iii. One Stop Application Development Budget as outlined in *Section 5: Project Requirements; Developmental*.
- iv. A financing letter of interest or a commitment letter to fund from an established financial institution, including letters of interest from equity providers.
- v. Copies of plan drawings in digital and hard copy that best represent your proposed plan and respond to the Development Objectives outlined in *Section 4: Development Guidelines and Objectives*. Residential components are required to comply with MOH's Residential Design Standards, outlined in *Section 5: Project Requirements; Design*. These standards can be found online at the following location:

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

These drawings will also be available to the public to assist in their assessment of your proposal.

- vi. Narrative and description of how the project will meet the Zero Emissions Building requirements outlined in the MOH Design Standards, as well as the LEED for Homes

checklist and HERS index. Note any incentives or sources of green funding.

Equity and Inclusion Plan

- i. An Equity and Inclusion Plan as outlined in *Section 5: Project Requirements; Equity and Inclusion*.

Operational Plan

- i. Summarize your plan for the operation of the facility once development is complete. Include the Operating Budget as part of your full development budget.

Developer Qualifications, Experience and References

- i. Furnish a narrative supported by relevant data regarding qualifications and past experience with similar projects. Applicants must provide a detailed description of previous relevant work completed and the results or outcome of that work. Each Applicant shall also furnish three current references including names, addresses, e-mail addresses, phone numbers, and principal contacts.
- ii. Resumes of development team members.

Permits/Licenses

- i. The Applicant must include a list of relevant business permits/licenses (with expiration dates) for development projects in planning.

Additional Data

- i. Any other relevant information the Applicant 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.

1. First, proposals must meet the City's Minimum Eligibility Criteria as described below
2. Proposals that satisfy the Minimum Eligibility Criteria will then be reviewed based on the General Evaluation Criteria. To facilitate MOH's evaluation of General Evaluation Criteria, MOH may require Applicants to present their plan of development to the community.
3. The Selection Committee shall then assign a composite rating for each proposal it evaluates.

The most advantageous proposal from a responsive and responsible applicant, taking into consideration all evaluation criteria, will be selected.

Prior to designation by the Public Facilities Commission, the "Successful Applicant," one who has satisfied the Minimum Eligibility Criteria and is found to have the highest evaluation score, based on the General Evaluation Criteria, will be subject to a final Statutory

Compliance Review to determine compliance with various City regulations, ordinances and policies.

Minimum Eligibility Criteria

i. Proposal Received by Deadline.

Only proposals that are received by the date, time, and at the location indicated in *Section 7: Proposal Submission Instructions and Deadline* of this RFP will be accepted.

ii. Complete Proposal Submission.

Proposals must contain all necessary forms and documents as required in *Section 8: Required Submission Documents* and *Section 16: Forms/Documents Required* of this RFP, including all required signatures and certifications.

iii. Compliance with Development Objectives.

Proposals must comply with Use Guidelines described in *Section 4: Development Guidelines and Objectives*.

Comparative Evaluation Criteria

i. Development Plan

This Criterion is an evaluation of the Applicant's development plan relative to the Development Guidelines & Objectives set out in *Section 4: Development Guidelines and Objectives*. 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, MOH will seek community input in the form of a developer's presentation with opportunity for public comment.***

- ***Highly Advantageous:*** The Applicant's development plan is highly compatible with the Development Guidelines and Objectives and meets more of the identified objectives than competing proposals.
- ***Advantageous:*** The Applicant'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 Applicant's development plan is not compatible with many of the Development Guidelines and Objectives.

ii. Design Concept

This criterion is an evaluation of the Applicant's development plan relative to the Design Considerations. 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, MOH will seek***

community input in the form of a developer's presentation with opportunity for public comment.

- ***Highly Advantageous:*** The Applicant's development plan is highly compatible with the Design Considerations and Objectives and meets more of the identified objectives than competing proposals.
- ***Advantageous:*** The Applicant'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 Applicant's development plan is not compatible with many of the Design Considerations and Objectives.

iii. Developer Experience and Capacity

This Criterion is an evaluation of the Applicant's experience and capacity to undertake the proposed project. This will be evaluated based on the Applicant's experience relative to that of other Applicants. 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.

iv. Developer's Financial Capacity

This Criterion evaluates the relative strength of the Applicant'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 Applicant is able to provide documentation of necessary cash on hand, lines of credit or other liquid equity and strong bank letters of interest for construction financing to fully satisfy the Preliminary Development Budget as presented.
- ***Advantageous:*** The Applicant 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 Applicant must be able to demonstrate experience in successfully raising funds in this manner for another significant project.
- ***Not Advantageous:*** The Applicant 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 outdated.

v. Development Cost Feasibility

This Criterion evaluates the relative strength and completeness of the Applicant'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.

vi. Equity and Inclusion

This is an evaluation of the relative strength of the proposal for achieving equity and inclusion in the proposed project. Proposals will be considered and rated based on the comprehensiveness of the Applicant's planned approach to achieving minority participation, in the development team and construction trades, including specific strategies to achieve maximum participation of MWBEs in non-traditional functions. The planned approach should be realistic and deliverable.

- Highly Advantageous: The Applicant provides a highly reasonable and justifiable Equity & Inclusion Plan for a project of the type proposed that is clearly superior to that of all other Applicants. The development team includes a certified minority-owned business enterprise (MBE) with ownership of 25% or more of the proposed project, or development teams where 25% or more of soft costs go to MBE consultants identified at the time of application.
- Advantageous: The Applicant provides a reasonable and justifiable Equity & Inclusion Plan for a project of the type proposed that is equal to that of all other Applicants.
- Not Advantageous: The Applicant does not provide a credible or detailed enough Equity & Inclusion Plan for a project of the type proposed, and/or the Plan is inferior to those of all other Applicants.

vii. Housing Affordability

This Criterion evaluates the relative strength and completeness of the Applicant's Housing Affordability Plan relative to other proposals. Proposals that prioritize housing affordability will be considered to be more advantageous. Proposals that are not responsive to these Goals and Actions, or proposals that include no affordability, will be considered less advantageous.

- *Highly Advantageous*: The development includes affordability in excess to that proposed by others and/or beyond that which would otherwise be required as outlined in the RFP.
- *Advantageous*: The development includes affordability equal to that of other Applicants and/or at the minimum that would otherwise be required as outlined in the RFP.
- *Not Advantageous*: The development includes affordability less than that proposed by others and/or does not meet the minimum affordability

Compliance Review (“Disqualifiers”)

i. Tax Delinquency Review.

The City of Boston Collector-Treasurer’s Office will conduct a review of the selected applicant’s property tax history. The selected applicant cannot be delinquent in the payment of taxes on any property owned within the City of Boston. The selected applicant must cure any such delinquency prior to the Tentative Designation of the Property. If the selected applicant has been foreclosed upon by the City of Boston for failure to pay property taxes, then said applicant will be deemed ineligible for Tentative Designation of the Property offered pursuant to this RFP, unless such applicant promptly causes the decree(s) or judgment(s) of foreclosure to be vacated by the Land Court and the City made whole. MOH, in its sole discretion, shall determine the timeliness of the selected applicant’s corrective action in this regard and will disqualify the applicant 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 applicant’s water and sewer account(s). The selected applicant 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 Tentative Designation of the Property.

iii. Property Portfolio Review.

The City will review the selected applicant’s portfolio of property owned to ascertain whether there has/have been abandoned, Inspectional Services Department (ISD) code violations or substantial disrepair. If unacceptable conditions exist in the selected applicant’s property portfolio, MOH may deem the selected applicant ineligible for Tentative Designation of the Property.

iv. Prior Participation Review.

The City will review the applicant’s prior participation in any City of Boston programs, including MOH programs, to ascertain applicant’s previous performance. Applicants found to have not fulfilled their duties or obligations under previous agreement with the City may be deemed to be ineligible for Tentative Designation of the Property.

v. Employee Review.

Neither the applicant, nor any of the applicant’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 City of Boston, including MOH. An “immediate family member” shall include parents, spouse, siblings or children, irrespective of their place of residence. Any applicant who fails to satisfy this requirement may be deemed to be ineligible for Tentative Designation of the Property.

vi. Equal Opportunity Housing.

The City administers its programs in accordance with federal, state and local equal opportunity and fair housing laws, regulations and requirements. This includes affirmatively furthering fair housing and providing equal access to information about development opportunities.

vii. Fair Housing Review.

The Boston Fair Housing Commission will screen applicants for the property offered pursuant to this RFP. Applicants must not have any unresolved housing discrimination complaints or convictions for violating fair housing laws.

10. COMMUNITY PARTICIPATION

MOH has standard community participation policies and procedures. These are designed to:

- Ensure that community residents and local leaders are fully informed about the sale of any real estate sold by MOH.
- Create a uniform and timely structure for this process so that developers and residents alike have a clear understanding of how the process works, enabling both to more effectively plan for and participate in the project development process; and
- Promote equal opportunity and fair housing in the disposition of residential sites.

MOH works closely with neighborhood groups and local residents in construction projects involving city-owned property. This involvement calls for substantial participation by the neighborhood at all stages of planning. The planning disposition and development process includes the following steps:

1. Planning Meetings:

MOH staff holds public meetings with neighborhood residents and abutters to discuss use options and other development criteria for the parcel.

2. Developer Presentation:

MOH holds a public meeting for the developers whose RFP submissions meet Minimum Eligibility Criteria to make detailed presentations to the neighborhood in order to receive comments and recommendations on their proposals.

3. Qualified Developer Selected:

MOH, based on its review of applications against Evaluation Criteria, as set forth in *Section 9: Evaluation Process*, will recommend and select the developer through the Public Facilities Commission.

II. AWARD OF CONTRACT AND DEVELOPMENT SCHEDULE

The City, acting by and through its Public Facilities Commission by the Director of MOH, is soliciting proposals for the acquisition and development of property located 151 Cambridge Street, in the West End. The City will award a contract to the most advantageous proposal from a responsive and responsible applicant, taking into consideration all evaluation criteria.

Proposal Review

MOH staff review of proposals will begin promptly after the submission deadline. If the proposal does not meet the Minimum Eligibility Criteria of the RFP, MOH shall terminate further consideration of the proposal. In the event of minor informalities in a proposal, MOH may attempt to seek clarification in order to determine whether it meets Minimum Eligibility Criteria, but reserves the right to declare the proposal non-responsive.

MOH staff may interview applicants to solicit clarifying information on their proposal and on their ability to finance and complete the project. Further evaluation may include site visits to other buildings constructed by the Applicant, a review of references, and/or examination of additional financial or design information.

MOH reserves the right to award contracts to multiple Applicants, 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. A proposal may be rejected if it is incomplete, illegible, or conditional.

MOH reserves the right to obtain the opinion of Counsel regarding the legality and sufficiency of proposals. The contract will be awarded, if at all, to the most advantageous proposal from a responsive and responsible applicant, taking into consideration all evaluation criteria.

Developer Designation

MOH staff will recommend a developer to the Director of MOH, based on its review of proposals against Evaluation Criteria set forth in Section 9. In turn, the Director will make a recommendation to the Public Facilities Commission which, if in agreement, will vote for a designation of "Tentative Developer."

Following Tentative Developer Designation, all applicants will be notified of their status. MOH will outline conditions of The Tentative Developer Designation in a letter to the Successful Applicant. MOH staff will work with the Successful Applicant to meet and finalize development tasks and timelines outlined in the Developer Designation letter. Upon successfully meeting Developer Designation tasks, MOH staff will recommend a property Conveyance to the Director of MOH. In turn, the Director will make a recommendation to the Public Facilities Commission which, if in agreement, will vote on a Conveyance of the property. MOH's legal counsel will then prepare all necessary conveyance documents. Each property will be conveyed "AS IS" and without warranty or representation as to the status or quality of title. The purchaser shall to the fullest extent permitted by law assume any and all

liability for the property, including that liability related to environmental remediation under Chapter 21E of the Massachusetts General Laws.

Marketing

The Successful Applicant is responsible for all marketing tasks associated with the sale or rental of the units, including Income certifications to determine income eligibility for all proposed new homeowners or tenants, and meeting all MOH policies and funding requirements

The Successful Applicant must identify the marketing agent, if any, and outline the marketing plan for the development and demonstrate that the units will be affirmatively marketed and that a fair and open process for tenant selection will be followed.

Developers are also required to list the availability of the ownership or rental opportunities with the BFHC Metrolist.

- i. Affirmative Marketing and Tenant Selection. Developers of 5 or more units for rent or for sale are required to submit an Affirmative Marketing and Tenant Selection Plan to the Boston Fair Housing Commission (BFHC). The plan must be approved by the BFHC prior to project closing.
- ii. Metrolist. Developers of newly created units which will be available for rent are required to list the availability of such housing with Metrolist.

Notwithstanding any applicant efforts and discussions with City or State agencies regarding Project Based Vouchers (PBV), or other rental support, unless the applicant has a **commitment** for PBV or other rental support, the **applicant must not mention, or imply by certain language, its plan in the application submittal**.

Development Schedule

Below is the predetermined Development Schedule. The developer's failure to meet these established benchmarks may be grounds for de-designation of the project. Should this occur, MOH reserves the right to assume any and all contracts associated with the project.

TASK	DATE
RFP Available on MOH Website	Dates to be added
Applicant Conference	Dates to be added
Proposal Submission Due Date	Dates to be added
MOH Presents Eligible Applicants to Community	Dates to be added
PFC Tentatively Designates Developer	Dates to be added
BPDA Article 80 Approval	Dates to be added
Zoning Board of Appeal Hearing (if applicable)	Dates to be added
DHCD Application for Funding (if applicable)	Dates to be added
DHCD Funding Award (if applicable)	Dates to be added
Construction Bidding/Contractor Selection/Cost Finalization	Dates to be added
Financing/Permitting Secured	Dates to be added
BFHC Approval and Other Marketing Requirements Complete (if applicable)	Dates to be added
Closing	Dates to be added

Construction Begins	Dates to be added
Construction Completed	Dates to be added
Full Lease-Up	Dates to be added

12. 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.

13. QUESTIONS

The MOH contacts for Development are:

Joseph Backer, Senior Development Officer: 617-635-0226 or joseph.Backer@boston.gov
Stephanie Silva, Development Officer: 617-635-0347 or stephanie.silva2@boston.gov

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

14. TERMS AND CONDITIONS

i. Assumption of Risk.

The City accepts no financial responsibility for costs incurred by applicants in responding to this Request for Proposals. applicants are responsible for any and all risks and costs incurred in order to provide the City with the required submission.

ii. Public Property.

Proposals submitted to MOH 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)).

iii. Terms of Sale.

After a final proposal has been selected, the Successful applicant will be contacted by MOH 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.

iv. Design Review.

The Successful applicant must coordinate with and obtain MOH'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.

v. "As Is" Conveyance.

MOH will convey the property in “AS IS CONDITION” without warranty or representation as to the status or quality of title. The Successful applicant/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 applicant.

vi. **Monitoring.**

The Successful applicant must coordinate and comply with MOH’s regular on-site monitoring of the proposed development from construction through final completion, providing reports on progress, schedule, and budget as requested by MOH.

vii. **Negotiations.**

MOH 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, MOH may decline to sell the property even after the selection process is complete and negotiations have begun.

viii. **Restrictions on Transfer.**

Unless authorized in writing by MOH, the Successful applicant 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, automatically transferring title of the Property back to MOH.

ix. **Payment.**

Unless otherwise agreed to by MOH in writing, the Successful applicant 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 applicant 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.

x. **Reservation of Rights.**

MOH 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. MOH reserves the right to cancel a sale for any reason. MOH reserves the right to select the next highest ranked proposal, if the initially Successful applicant is unable to proceed in a timely manner or otherwise fails to satisfactorily perform. MOH reserves the right to waive any requirement or restriction set forth in this RFP or conveyance documents, if such waiver is deemed appropriate by MOH, in its sole discretion.

xi. **Changes to Program.**

MOH 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 applicants are not prejudiced.

MOH THANKS YOU FOR YOUR INTEREST

DRAFT

15. MOH DEVELOPMENT AND UNDERWRITING POLICIES

All proposals seeking MOH funding through its funding Request for Proposals will be expected to comply with MOH's housing development and underwriting policies as listed below and on MOH's website at:

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

- [Bidding](#)
- [General Development Costs](#)
- [Acquisition Costs](#)
- [Developer Fee and Overhead](#)
- [Homeownership Subsidy](#)
- [Rental & Cooperative Subsidy](#)
- [Homeless Units Set-Aside](#)
- [Long-Term Affordability](#)
- [Relocation](#)
- [Design Review](#)
- [Design Standards](#) & [Design Checklists](#)
- [Public Art](#)
- [Income Limits for HUD \(includes DP\)](#)

In addition, all proposals will also be expected to comply with the income limits for HUD and IDP as outlined via the link below:

https://www.boston.gov/sites/default/files/hud_income_rent_allowances_180802.pdf

The above is not a comprehensive list of all federal, State and City laws and regulations that govern affordable housing projects within the City of Boston. For further questions and guidance on the City of Boston or MOH's development and construction requirements, please contact Christine O'Keefe at (617) 635-0351 or christine.okeefe@boston.gov

16. FORMS / DOCUMENTS REQUIRED

Submission Checklist (See Section 8 for details)

- Introduction
- Development Plan
- Equity and Inclusion Plan
- Operational Plan
- Developer Qualifications, Experience and References
- Permits/Licenses
- Additional Data
- Required Forms (links below)

Required Forms

Each of the following forms MUST be completed and returned with your proposal. These are links to fillable forms. Remember to select “save as” on your computer before printing to ensure you retain an electronic copy. MOH will provide paper copies of these forms upon request.

- [Appendix 1: MOH Form Links- Proposal Form](#)
- [Appendix 2: MOH Form Links- Project Summary](#)
- [Appendix 3: Statement of Proposer’s Qualifications Form](#)
- [Appendix 4: Construction Employment Statement Form](#)
- [Appendix 5: MOH Form Links- Property Affidavit Form](#)
- [Appendix 6: MOH Form Links- Affidavit of Eligibility Form](#)
- [Appendix 7: Conflict of Interest Affidavit Form](#)
- [Appendix 8: MOH Form Links- Chapter 803 Disclosure Statement Form](#)
- [Appendix 9: MOH Form Links- Disclosure/Beneficial Interest Statement Form](#)
- [Appendix 10: City of Boston-Beneficiary Affidavit Form](#)
- [Appendix 11 : City of Boston- Beneficiaries of Assistance Form](#)
- [Appendix 12: Notice to Beneficiaries](#)
- [Appendix 13: Housing Development Budget Form](#)