



ADVERTISEMENT

CITY OF BOSTON  
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

**REQUEST FOR PROPOSALS**

**VACANT LAND FOR COMMUNITY GARDENING AND/OR OTHER OPEN SPACE USES AVAILABLE  
TO THE PUBLIC**

Development of Colgate Road, Roslindale

The City of Boston acting by and through its Public Facilities Commission by the Director of the Department of Neighborhood Development, Real Estate Management and Sales Division, sells tax foreclosed or surplus municipal property to buyers who agree to invest in the rehabilitation of the property. Residential, commercial and institutional buildings and land are included in this program.

This Request for Proposals (RFP) is to solicit proposals for development of the parcel for community gardening and/or other open space uses available to the public. The property is being offered As Is.

The Property:

Colgate Road (Ward 19, Parcel #02906000), Roslindale, MA, approximately 4,820 square feet

**Property Viewings:**

It is strongly recommended that prospective developers avail themselves of the opportunity to inspect the site by driving by it so that they may prepare their proposals accordingly.

The RFP package will be available on **Monday, October 1, 2012** at DND, Bid Counter, 26 Court Street, 10<sup>th</sup> Floor, Boston, MA 02108 or it can be downloaded by registering at <http://www.cityofboston.gov/dnd/rfp/>. Completed proposal forms must be submitted as specified and delivered directly to the Bid Counter, 10<sup>th</sup> Floor, DND, 26 Court Street, Boston, MA 02108 by **November 14, 2012, no later than 4:00 PM**. LATE PROPOSALS WILL NOT BE ACCEPTED.

For more information about this Request for Proposals contact Bernard A. Mayo, Project Manager at (617) 635-0297.

Sheila A. Dillon  
Chief and Director

**PLEASE NOTE: DND BID COUNTER HOURS OF OPERATION ARE: MONDAY-FRIDAY 9:00 AM - 12:00 NOON AND 1:00 PM - 4:00 PM. PLEASE PLAN ACCORDINGLY.**

# CITY OF BOSTON

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT  
REAL ESTATE MANAGEMENT AND SALES DIVISION



## REQUEST FOR PROPOSALS PROPERTY SALE AND DEVELOPMENT

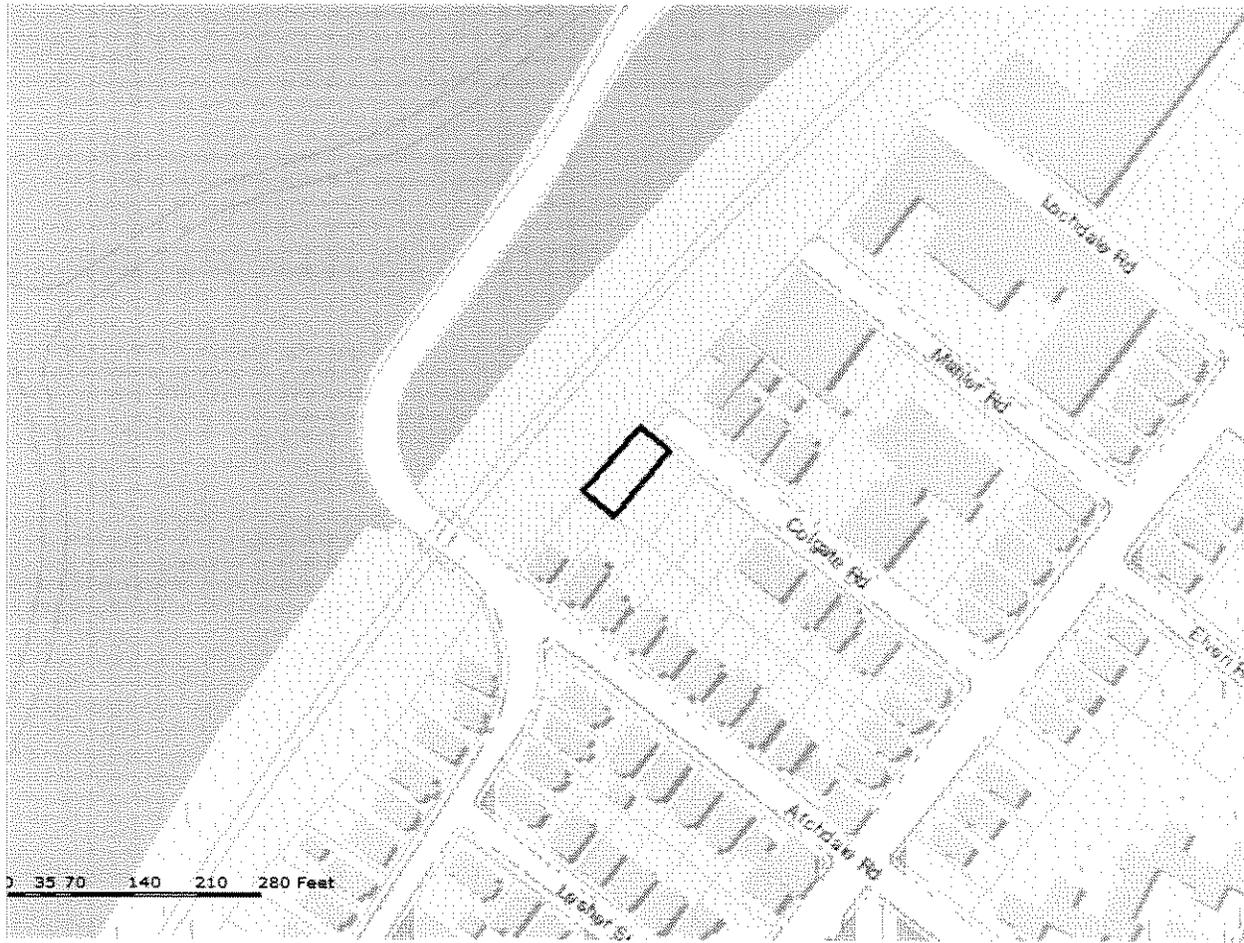
Colgate Road, Roslindale, MA  
Community Gardening and/or other Open Space Uses Available to the Public  
RFP Deadline: November 14, 2012

Project Manager: Bernard A. Mayo, [bmayo.dnd@cityofboston.gov](mailto:bmayo.dnd@cityofboston.gov) or 617-635-0297

Thomas M. Menino, Mayor

Sheila A. Dillon, Chief and Director

**Colgate Road, Roslindale, MA, Ward 19 Parcel 02906000, 4,820 Square Feet**



DND is hereby soliciting proposals to improve and develop this vacant land parcel. Proposals should demonstrate how the proposed project will make use of the offered parcel as community gardening and/or other public open space uses that will enhance the neighborhood and provide benefits to the community. The parcel is located on a residential street in the Roslindale neighborhood of Boston. For detailed information, please consult [www.cityofboston.gov/neighborhoods/roslindale.asp](http://www.cityofboston.gov/neighborhoods/roslindale.asp)

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## SECTION I

### PROGRAM DESCRIPTION

The City of Boston acting by and through the Public Facilities Commission by the Director of the Department of Neighborhood Development (DND), Real Estate Management and Sales Division, sells tax-foreclosed and surplus municipal property to buyers who agree to invest in the redevelopment of the property.

DND 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.

DND, as mandated by Massachusetts General Law Chapter 30B, sells property through Requests for Proposals (RFP) such as this one. DND reviews all proposals it receives under this RFP, disqualifies any that do not meet the "Minimum Qualification Requirements" described in Section IV of this RFP, and then evaluates the remaining proposals according to the Comparative Evaluation Criteria set forth in Section IV. The most advantageous proposal from a responsive and responsible proposer, taking into consideration the composite rating for Non-Price Comparative Evaluation Criteria, will be designated as the selected developer of the property.

### DEVELOPMENT OBJECTIVES

DND invites applicants to submit a proposal to improve and develop this parcel for community gardening and/or other public open space uses that are available for the use and enjoyment of all area residents. The parcel is located on a residential street in the Roslindale neighborhood of Boston. For detailed information on the neighborhood, please consult [www.cityofboston.gov/neighborhoods/roslindale.asp](http://www.cityofboston.gov/neighborhoods/roslindale.asp). The proposed development concept should: (1) include landscaping, fencing and other improvements that result in a property that improves the visual aesthetic of the community; (2) anticipate and address any drainage or other issues that could affect abutting property owners; and (3) identify and mitigate any operational impacts that the proposed use will have on the nearby residents, including, but not limited to, parking, noise or odors, collection and removal of debris from the site, uses of pesticides, insect and rodent control. Further, if any structures, including, but not limited to, sheds for the storage of gardening machinery or greenhouse buildings, are to be proposed, such structures must be located and designed in a manner that is complementary to the visual character of the surrounding community.

If chosen as a finalist, the applicant will be required to make a presentation to the community at a meeting prior to being designated as a Tentative Developer.

DND is offering the property in this RFP in "as is" condition, less any existing wooden fences that may have been installed by the City. It is the applicant's responsibility to make any necessary site improvements, such as utility line extensions or connections. An applicant may not reserve rights or modify a proposal after the submission deadline.

## COVENANTS AND RESTRICTIONS

DND will require that applicants perform according to the representations made in the proposal. The conveyance documents that are signed at closing will include rights and restrictions that will bind all current and future owners of the property. As successful applicants fulfill the obligations set forth in the conveyance documents, DND will undertake the steps necessary to release these obligations. DND reserves the right to waive any requirement, obligation, and/or restriction set forth in this RFP or the conveyance documents, if such waiver is deemed appropriate by DND and is in accordance with applicable law.

## SECTION II

### DESCRIPTION OF PROPERTY AND PRICE

This property consists of 4,820 square feet of residentially-zoned vacant land in the Roslindale neighborhood. The property will be sold with a 30-year covenant that limits its use to community gardening or other publicly accessible open space uses. In recognition of the public benefits resulting from this use, the sale price of this property will be discounted down to \$100.00 which is substantially below its current assessed value of \$28,000. By offering this property at a discounted price, DND hopes to encourage proposals that will invest substantially in improvements to the property, thereby providing greater benefits to the surrounding community.

This price is a fixed, non-negotiable price. The selection of a buyer will be entirely based on non-price comparative evaluation criteria such as design quality, developer experience and financial capacity.

DND believes that the heavy discounting of the purchase price represents substantial public support to promote the successful development of this parcel for the desired use. Accordingly, no additional public funding from DND is being offered with this property. However, the use of public funds in the development and operation of this property is not prohibited; if the selected developer has public funding in their development plan, they will need to compete for and be awarded those funds separate from this Request for Proposals.

| PARCEL ID NUMBER | ADDRESS                  | SQUARE FOOTAGE    | ASSESSED VALUE | PRICE    | ZONING  |
|------------------|--------------------------|-------------------|----------------|----------|---|
| 19-02906-000     | Colgate Road, Roslindale | 4,820 square feet | \$28,000.00    | \$100.00 | District: 2F<br>5,000 sq ft<br>Overlays: none |

### PROPERTY VIEWING

DND strongly recommends the applicant visit the site of the land parcel offered to aid in the preparation of the proposal.

## SECTION III

### INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF PROPOSALS

The RFP package will be available at the Department of Neighborhood Development, Bid Counter, 26 Court Street, 10<sup>th</sup> Floor, Boston, MA 02108 or you can download an RFP by registering at <http://www.cityofboston.gov/dnd/rfp/>.

**DISCLAIMER:** The City of Boston will attempt to communicate any changes/addenda to this application package; however, it is the applicant's responsibility to check the Department's website regularly for any updates, corrections or information about deadline extensions.

Proposals must be submitted as described in the Minimum Qualification Requirements in Section IV. Applicants must place the following information on a sealed envelope containing the proposal:

- Department of Neighborhood Development
- The address of the parcel
- The submission due date of November 14, 2012
- Applicant name and address

### **PROPOSALS WITHOUT SUFFICIENT IDENTIFICATION WILL BE REJECTED.**

**Applicants must submit an original and three (3) copies of the proposal in a sealed envelope to the Bid Counter either in person or by mail before 4:00 pm on November 14, 2012. Any proposals received after the date and time specified in this RFP will be rejected as non-responsive, and not considered for evaluation.**

The Bid Counter is located at:

The City of Boston  
Department of Neighborhood Development  
The Bid Counter  
26 Court Street, 10<sup>th</sup> Floor  
Boston, MA 02108

Bid Counter hours are Monday—Friday from 9:00 AM until 12:00 Noon and from 1:00 PM until 4:00 PM. **Please note the Bid counter is closed Monday through Friday from 12 Noon to 1:00 P.M. and after 4 P.M.**

### APPLICANT'S RESPONSIBILITY FOR PROPOSAL PREPARATION

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

As a public document, proposals are subject to the requirements of the Massachusetts public records law (G.L. c. 4, § 7(26)).

### **WITHDRAWAL OF PROPOSALS**

Prior to the date and time for opening of proposals, an applicant may correct, modify or withdraw his/her proposal only by written notice to the City of Boston at:

The City of Boston  
Department of Neighborhood Development  
26 Court Street  
Boston, Massachusetts 02108  
Attention: Bernard A. Mayo

### **CITY'S RESERVATION OF RIGHTS**

The City 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.

### **QUESTIONS**

Questions regarding this RFP should be directed in writing to the Project Manager, Bernard A. Mayo, via facsimile at (617) 635-0282 or [bmayo.dnd@cityofboston.gov](mailto:bmayo.dnd@cityofboston.gov) no later than October 31, 2012 by 4:00 p.m. DND will post on-line answers to all pertinent questions at <http://www.cityofboston.gov/dnd/rfp> .

## SECTION IV

### MINIMUM QUALIFICATION REQUIREMENTS

DND will disqualify any proposals that fail to comply with any of the Minimum Qualification Requirements set forth below.

- The proposal must be properly signed and notarized where indicated, in a labeled and sealed envelope.
- The proposal must contain all necessary forms, disclosures, and certifications.
- The applicant(s) must satisfy the employee review standards of Section V.
- The proposal must include a letter of interest that describes the development team and its relevant experience, including, as applicable, the developer, the architect and/or landscape architect, general contractor, lead project manager, proposed future owner, and any other consultants necessary to complete the project.
- Applicant(s) must: (1) complete the attached Development and Operating Pro-Forma (pages 25-26) and (2) document their financial capacity to construct the development in accordance with the timetable proposed. **The financial documentation must include evidence of cash on hand, active lines of credit or letters from recognized construction lenders that evidence sufficient capacity to secure the funds that are specified in the Development and Operating Proforma.**
- The following attachments must be fully completed and signed by the applicant(s):
  - Property Affidavit (form enclosed)
  - Affidavit of Eligibility (form enclosed)
  - Beneficial Interest Statement (form enclosed)
  - Ch. 803 Disclosure Statement (form enclosed)
  - Statement of Financial Capacity (form enclosed) (Statement of Financial Capacity shall be completed by those applicants who submit bank statements as evidence of financial capacity)
  - Purchase Price Form (form enclosed)
  - Proposal Form/Application (form enclosed)
  - Development and Operating Pro Forma (form(s) enclosed)
  - Living Wage Forms (form enclosed) (if applicable)

|   |
|---|
| • <b>A proposal price that includes conditions or restrictions shall be disqualified.</b> |
|---|

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|--|
| • <b>The offer price MUST be \$100.00.</b> |
|--|

## COMPARATIVE EVALUATION CRITERIA:

**NOTE: This RFP will not be awarded based on price.** The selected applicant will be the eligible and responsive proposer whose proposal receives the selection committee's highest rating.

DND will use the following criteria to compare the merits of all qualifying proposals. There are several questions or requests for information that appear under each evaluation criterion set forth below; all questions or requests for information must be answered in the order in which they appear. For each evaluation criterion set forth below the City's Selection Committee shall assign a rating of Highly Advantageous, Advantageous or Not Advantageous to each proposal. The Selection Committee shall then assign a composite rating of Highly Advantageous, Advantageous, or Not Advantageous for each proposal it evaluates. All comparative evaluation criteria shall be weighed equally. The most advantageous proposal from a responsive and responsible proposer will be selected.

*1. **Development Concept:** Applicants are to describe, in detail, the proposed end use of the property explaining how this use achieves the Development Objectives defined in Section I of this RFP. This narrative should clearly address all of the identified issues outlined in the City's Development Objectives.*

- Detailed, realistic proposals for development of the property that are consistent with the City's Development Objectives and successfully address all issues identified in the City's Development Objectives will be ranked as **Highly Advantageous**.
- Detailed, realistic proposals for development of the property that are consistent with the City's Development Objectives but do not completely or satisfactorily address all of the issues identified in the City's Development Objectives will be ranked as **Advantageous**.
- Proposals for development of the property that are not consistent with the City's Development Objectives and/or do not address most of the issues identified by the City's Development Objectives will be ranked as **Not Advantageous**.

*2. **Landscape & Building Design:** Applicants shall provide a complete set of site plan drawings for the property that include landscape drawings for all planned landscape improvements (including any parking or fencing) and elevations or renderings of any proposed structures. Applicants shall also provide a narrative description (including a detailed description of the landscaping and structural materials to be used) that explains how this design will meet the Development Objectives as described in Section I of this RFP. All intended amenities or features should be described in detail.*

- Proposals with good designs that achieve all of the City's Development Objectives and include the use of high quality, durable materials will be ranked as **Highly Advantageous**.
- Proposals with designs that achieve most, but not all of the City's Development Objectives and/or utilize adequate, but not high quality, durable materials will be ranked as **Advantageous**.

- Proposals with designs that do not adequately achieve most of the City’s Development Objectives and/or utilize inferior quality materials will be ranked as **Not Advantageous**.

3. ***Proposed Development and Operating Pro Forma:*** *The applicant must complete and submit the attached Development and Operating Pro Forma Worksheet (pages 25-26) for the development of the property. Ranking on this criterion will be highest if the pro forma appears to be reasonable and accurate for the development project proposed by the applicant and is well documented.*

- Proposals that include a Development and Operating Pro Forma that is consistent with the use DND requests in this RFP and includes cost estimates that are appropriate for the proposed project and supported by documents such as estimates from recognized professionals or price quotes from licensed builders or contractors will be ranked as **Highly Advantageous**.
- Proposals that include a Development and Operating Pro Forma that is consistent with the use DND requests in this RFP and includes cost estimates that are appropriate for the proposed project, but do not provide supporting documentation for the most significant costs will be ranked as **Advantageous**.
- Proposals that do not submit a Development and Operating Pro Forma or include a Development and Operating Pro Forma that is lacking in detail, or not realistic or appropriate for the project will be ranked as **Not Advantageous**.

4. ***Financial Capacity:*** *Applicants shall describe how they will obtain the resources for the proposed development that they describe in the Sources of Funds section of their Development Pro Forma. Applicants should provide evidence for each source of funds (both public and private) that shows how these funds will be made available. Evidence of financial capacity should include, but not be limited to, credit line statements, audited financial statements or commitment, pre-approval or interest letters from lenders. If bank statements are offered as evidence of financial capacity, applicants must demonstrate that the funds are available and not otherwise encumbered by signing the attached Statement of Financial Capacity.*

- A proposal will be ranked **Highly Advantageous** if it includes approved or conditionally approved financing commitments to initiate and complete the proposed development within a definitive timeframe, illustrates that the project will be financed without federal, state or local subsidy, and provides a financial plan detailing and evidencing any and all proposed, available resources.
- A proposal will be ranked as **Advantageous** if it provides a feasible financing plan, with public (federal, state or local subsidy) sources as well as private funding, to initiate and complete the development and for which letters of interest are included as sources of private debt and equity financing, and public grant and equity sources are identified with timelines for commitments.
- A proposal will be ranked **Not Advantageous** if it provides a financing plan to initiate and complete the development but does not include letters of interest or any other evidence indicating potential sources of private and public debt and equity financing. In addition, if a proposal includes little to no documentation of a financial plan, it will be deemed **Not Advantageous**.

5. **Development Team Experience:** Applicants shall provide a narrative describing the development team's relevant experience and capacity. DND is looking for demonstrated technical experience in successfully completing developments, in a timely manner, of the type, size and complexity of the one proposed. DND is also looking for an entity that has the resources, capacity and experience to effectively manage the property over the long term. The narrative should include, as appropriate, the experience of the applicant's architect, general contractor, attorney, consultants, marketing agents, and management and operations entities necessary to design, construct, lease, sell, and/or operate the project in a sustainable manner. Applicants shall include the resumes of team members, lists of comparable projects they have completed and reference contact information. DND will consider the past performance of the applicant and members of the development team, both individually and collectively. In evaluating past performance, DND will consider written documentation provided by the applicant and/or DND's prior experience with the applicant.

- If the narrative includes all of the requested information regarding the development team's experience and capacity, demonstrates that the development team has successfully completed one or more similar projects in the City of Boston in the last five years and articulates a demonstrated capacity for long-term management of the property, the proposal will be ranked as **Highly Advantageous**.
- If the narrative includes some of the requested information regarding the development team's experience and capacity, articulates a demonstrated capacity for long-term management of the property, and illustrates that, although the development team has not successfully completed any similar projects in the City of Boston, it has successfully completed one or more similar projects elsewhere or can demonstrate transferable experience from another type of project, the proposal will be ranked as **Advantageous**.
- If the narrative: (1) does not include any of the requested information regarding the development team's experience and capacity; (2) does not demonstrate that the development team has successfully completed a similar project to the one proposed; or (3) does not demonstrate the development team's experience in successfully managing similar projects over the long term, the project will be ranked as **Not Advantageous**.

6. **Development Timetable:** Applicants shall provide a detailed timetable for their project that is appropriate and reasonable for the type of development proposed.

- Proposals that provide a detailed development timetable that is feasible, demonstrate an understanding of the development process, and provide clear indication that the project will be completed within twelve (12) months of conveyance will be ranked as **Highly Advantageous**.
- Proposals that provide a feasible development timetable, demonstrate a general understanding of the development process, but either lack detail and/or indicate that the project will be completed between thirteen (13) months to twenty-four (24) months of conveyance will be ranked as **Advantageous**.
- Proposals that fail to provide a development timetable or, alternatively, propose a development timetable that is either impractical or demonstrates a lack of understanding of the development process will be ranked as **Not Advantageous**.

## **SECTION V**

### **PROCEDURES FOR EVALUATION, SELECTION, SALE AND CONVEYANCE**

Because the City wants to ensure rapid development and utilization of the property, DND shall evaluate all proposals that meet the Minimum Qualification Requirements.

The City will review and evaluate proposals promptly after the submission deadline of November 14, 2012. The applicant will be selected based solely on the applicant's responses to the Comparative Evaluation Criteria. The most advantageous proposal from a responsive and responsible proposer will be selected.

The City reserves the right to waive portions of the Request for Proposals for all Proposers, to waive minor informalities on proposals or to reject all proposals, if deemed in the best interest of the City and in accordance with law.

### **INITIAL REVIEW**

The City will identify any proposals that do not meet the submission requirements and minimum threshold stated in Section I, Section III, Section IV and Section V.

In the event of minor informalities, the City may attempt to clarify a proposal in order to determine whether it meets the requirements of this RFP but reserves the right to declare the proposal as non-qualifying.

### **ARTICLE 80 REVIEW**

If a proposed project exceeds a certain size, it must undergo Article 80 review with the Boston Redevelopment Authority (BRA). Applicants should consult [www.bostonredevelopmentauthority/zoning/zoningmaps.asp](http://www.bostonredevelopmentauthority/zoning/zoningmaps.asp) to determine if the project will require Article 80 review. When applicable, DND reserves the right to amend the project while working with the selected developer to ensure compliance with the Article 80 review process.

### **ADDITIONAL REVIEWS**

All applicants are subject to the following reviews and must satisfy the following requirements prior to, and as a condition of, purchasing property from the City. In the event that applicants do not satisfy these requirements within the time given by the Project Manager, applicants will be disqualified and the City may elect to proceed to select the next highest ranked eligible Proposer, pursuant to this Request for Proposals. Applicants will be required to complete and execute the "City of Boston – Department of Neighborhood Development Property Affidavit" form contained in the RFP so that the City may perform these reviews.

## **1. Tax Delinquency Review**

The City of Boston's Office of the Collector-Treasurer's Office will conduct a review of the applicant's property tax history. The applicant cannot be delinquent in the payment of taxes on any property owned within the City of Boston. A selected applicant must cure such delinquency in order to purchase property from the City. However, any applicant who has been foreclosed upon by the City of Boston for failure to pay property taxes will be deemed ineligible to purchase city-owned property unless such applicant causes the Decree(s) or Judgment(s) of Foreclosure to be vacated by the Land Court, and the City of Boston is made whole; DND, in its sole discretion, shall determine the timeliness of the applicant's corrective action in this regard and will disqualify the applicant if the vacation of the tax title foreclosure is not prosecuted expeditiously and in good faith, so as to avoid undue delay in the conveyance of the property.

## **2. Water and Sewer Review**

The City of Boston Water and Sewer Commission will conduct a review of the applicant's water and sewer account(s). Applicants cannot be delinquent in the payment of water and sewer charges on any property owned within the City of Boston and must cure such delinquency prior to purchasing property pursuant to this Request for Proposals.

## **3. DND/City of Boston Prior Participation Review/Outstanding Obligations**

The City will review the applicant's current and past participation in any City of Boston programs, including DND programs, to ascertain his/her performance with City programs. Applicants not fulfilling requirements under a current or past agreement will be excluded from consideration in this Request for Proposals. Further, applicants must be current with all monies owed to DND in order to close on the conveyance of the property.

## **4. Property Portfolio Review**

The City will review the applicant's portfolio of property owned in the City of Boston to determine whether there are any outstanding Inspectional Services Department (ISD) code violations. If unacceptable conditions exist in the property portfolio or there are outstanding ISD Code Violations or outstanding fines, the applicant will be ineligible for participation in this RFP.

## **5. Employee Review**

Neither the applicant, nor any of the applicant's immediate family, nor anyone with whom he/she has business ties, may be currently or have been within the past twelve months, an employee, agent, consultant, officer, or an elected or appointed official of the City of Boston's Department of Neighborhood Development. An "immediate family member" shall include parents, spouse, siblings or children, irrespective of their place or residence. If an applicant does not satisfy the Employee Review requirements, the applicant will be deemed ineligible and the proposal will not be considered. Applicants will be required to execute the "Affidavit of Eligibility" enclosed in this application packet.

**6. Fair Housing Review**

The Boston Fair Housing Commission will screen applicants' City of Boston property ownership history to determine if the applicant has any unresolved housing discrimination complaints or convictions for violating fair housing laws. Any unresolved complaints and violations with the Fair Housing Commission will result in the disqualification of proposals.

**7. Financial Review and Verifications**

The City shall perform an in-depth analysis of the financial capacity of qualified applicants to complete the proposed project. It is the responsibility of the applicant to designate a competent individual to respond to possible City inquiries. All submissions and responses relative to the Comparative Evaluation Criteria in Section IV herein are subject to verification and confirmation by DND.

## **SECTION VI**

### **RANKING OF QUALIFYING PROPOSALS AND DEVELOPER SELECTION**

Once the City has identified the proposals that satisfy the submission and threshold requirements, the City's Selection Committee will analyze the proposals according to the Comparative Evaluation Criteria set forth in Section IV by scoring each criterion response as either highly advantageous, advantageous, or not advantageous to identify the proposal that best meets the City's objectives. The developer will be selected based solely on the applicant's responses to the Comparative Evaluation Criteria. Selection of the most advantageous proposal will be based upon the Selection Committee's composite rating for each proposal.

The Selection Committee will recommend the Selected Developer to the Director of DND, who will in turn make a recommendation to the Public Facilities Commission (PFC). The PFC will then vote to officially "tentatively designate" the Developer of the property.

Upon official tentative designation of the Developer, the City will notify all Proposers of the decision in writing.

## **SECTION VII**

### **TERMS OF SALE**

After a proposal has been selected, the selected developer will be contacted by the City to negotiate the terms of the sale. The terms of the sale must be consistent with this Request for Proposal, including the required purchase price and the development or rehabilitation required. The use of the property will be restricted to that which is proposed in the selected proposal.

The terms of the sale will require the selected developer to abide by equal opportunity and fair housing laws and not to discriminate or permit discrimination, upon the basis of race, color, religious creed, marital status, sex, age, ancestry, sexual orientation, military status, disability, national origin, source of income, or the presence of children, in the sale and/or rental of the property.

The selected developer must execute a Purchase and Sales Agreement with the City of Boston. DND encourages the selected developer to retain appropriate legal counsel to work with DND's legal staff to complete the sale. Selected developers must close on the sale within ninety (90) days of the execution of the Purchase and Sales Agreement, unless otherwise agreed upon. At closing, the selected developer will be required to sign a DND mortgage/covenant to secure his/her obligations to DND under this conveyance. Failure to comply with these obligations will result in foreclosure on the mortgage. Buyers cannot assign their rights under this agreement without prior written approval of the Director of the Department of Neighborhood Development.

## **CONVEYANCE**

DND's Legal Staff will prepare all necessary conveyance documents. DND will convey the Site in 'AS IS CONDITION' and without warranty or representation as to the Status or Quality of Title.

Applicants are hereby informed that in the event the City/DND has erected a temporary fence upon the property, the City/DND reserves the right, in its sole discretion, to remove the fence at any time prior to conveyance of the property offered pursuant to this RFP. The City/DND shall not, however, be obligated to do so.

The 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.

## **PAYMENT POLICY**

DND requires payment in full by a treasurer's or cashier's check, for the purchase price at the time that the property is conveyed. In addition, the Selected Developer will be responsible for making a pro forma tax payment, as well as paying all recording and registration fees including, but not limited to, the cost of recording the Deed and conveyance documents at the Suffolk County Registry of Deeds.

## **SECTION VIII**

### **AFFIRMATIVE MARKETING AND BUYER/TENANT SELECTION (IF APPLICABLE)**

Developers of five or more units are required to submit an Affirmative Marketing and Buyer/Tenant Selection Plan to the Boston Fair Housing Commission (BFHC). The Plan must be approved by the BFHC prior to final designation.

### **METROLIST**

Developers of five or more newly created or substantially rehabilitated units which will result in at least five vacant units available for sale or rent are required to list the availability of these units with Metrolist ([www.bostonhousing.org](http://www.bostonhousing.org)). Developers who intend to be investor-owners of fewer than five (5) units are required to list units available for sale or rent with Metrolist. Developers who intend to be owner-occupants are strongly encouraged to list available rental units with Metrolist.

## **SECTION IX**

### **CITY'S RESERVATION OF RIGHTS**

#### **NEGOTIATIONS**

The City reserves the right to negotiate changes in 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, the City may decline to sell the property even after the selection as the proposed developer and having entered into the negotiations described in this paragraph.

#### **REJECTIONS**

The City also reserves the right to reject any or all proposals, or any item or items of the proposals, and to waive technical defects which are not of a substantive nature if it is determined that it is in the best interest of the City. The City will proceed with the selection of the proposal which in its opinion represents the most satisfactory response to its selection criteria. The City reserves the right to cancel the sale for any reason. In the event that, on account of default or disqualification, the conveyance of the Site to the Selected Developer, does not transpire, the City may, on each such occasion, elect to affect the conveyance of the Site to the next-highest-ranked eligible and responsive Proposer.

The City reserves the right to cancel a sale at any time for any reason.

## **SECTION X**

### **THE BOSTON JOBS AND LIVING WAGE ORDINANCE**

In accordance with the Boston Jobs and Living Wage Ordinance, and the provisions of the promulgated Regulations, if you are a direct recipient ("Beneficiary") of at least One Hundred Thousand Dollars (\$100,000.00) of assistance as defined by any grant, loan, tax incentive, bond financing, subsidy, debt forgiveness, or other form of assistance of One Hundred Thousand Dollars (\$100,000.00) or more realized by or through the authority or approval of the City of Boston, including, but not limited to Industrial Development Bonds, Community Development Block Grant (CDBG) loans and federal Enhanced Enterprise Community designations awarded after the effective date of this Ordinance, you shall comply with the "First Source Hiring Agreement" provisions of said Ordinance.

Living Wage Forms – B1, B2, B3, 10A

## **ATTACHED FORMS**

Applicants are required to fully complete and submit the following attached forms as part of the proposal submission:

Proposal Form/ Application  
Development and Operating Pro Forma  
Property Affidavit (Applicant's Disclosure of Property Owned)  
Affidavit of Eligibility  
Beneficial Interest Statement  
Chapter 803 Disclosure Statement  
Statement of Financial Capacity (if applicable)  
Purchase Price Form  
Living Wage Forms (if applicable)

**SECTION XI**

**PROPOSAL FORM**

**SUBMITTED TO: DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT  
BID COUNTER  
26 COURT STREET, 10<sup>TH</sup> FLOOR  
BOSTON, MASSACHUSETTS 02108**

**DATE RECEIVED BY DND:** \_\_\_\_\_

**SUBMITTED BY: NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

Under the conditions set forth by the Department of Neighborhood Development, the accompanying proposal is submitted for:

**Property Address:** \_\_\_\_\_

For this proposal to be properly evaluated all questions must be answered by the Proposer. The Awarding Authority (the Department of Neighborhood Development) will regard all responses to questions and all submissions as accurate portrayals of the Proposer's qualifications and any discrepancy between these statements and any subsequent investigation may result in the proposal being rejected.

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

\_\_\_\_\_  
Signature of individual submitting proposal

\_\_\_\_\_  
Title

\_\_\_\_\_  
Legal Name of Organization

\_\_\_\_\_  
Date

**Proposal Form (continued)**

- 1. Name: \_\_\_\_\_
- 2. Address: \_\_\_\_\_  
\_\_\_\_\_
- 3. Telephone Numbers: \_\_\_\_\_

- 4. The name(s) and address(es) of all persons participating in this application as principals other than the undersigned are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Use separate sheet and attach if additional principals are involved.

- 5. The applicant is a/an: \_\_\_\_\_  
(Individual/Partnership/Joint/Venture/Corporation/Trust, etc.)

- A. If applicant is a Partnership, state name and residential address of both general and limited partners: \_\_\_\_\_  
\_\_\_\_\_

- B. If applicant is a Corporation, state the following:

Corporation is incorporated in the State of: \_\_\_\_\_  
President is: \_\_\_\_\_  
Treasurer is: \_\_\_\_\_  
Place of Business: \_\_\_\_\_

- C. If applicant is a Joint Venture, state the names and business addresses of each person, firm or company that is a party to the joint venture:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the joint venture agreement is on file at:  
\_\_\_\_\_ and will be delivered to the Official on request.

**Proposal Form (continued)**

D. If applicant is a Trust, state the name and residential address of all Trustees as: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Trust documents are on file at \_\_\_\_\_  
and will be delivered to the Official on request.

6. Bank reference(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. If business is conducted under any title other than the real name of the owner, state the time when, and place where, the certificate required by General Laws, c.110, §5 was filed:  
\_\_\_\_\_

8. Number of years organization has been in business under current name: \_\_\_\_\_

9. Has organization ever failed to perform any contract? \_\_\_\_\_ Yes/No

If answer is "Yes", state circumstances: \_\_\_\_\_  
\_\_\_\_\_

10. AUTHORIZATION:

Dated at: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 2012.

NAME OF ORGANIZATION:

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**Proposal Form (continued)**

11. ATTESTATION:

\_\_\_\_\_ being duly sworn deposes and says that  
(he/she) is the \_\_\_\_\_ of \_\_\_\_\_ and that all  
answers to foregoing questions and all statements contained herein are true and correct.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_,  
(Month) (Year)

NOTE: This proposal form must bear the written signature of the applicant.

If the applicant is an individual doing business under a name other than his own name the application must state so, giving the address of the individual.

If the applicant is a partnership a partner designated as such must sign the application.

If the applicant is a corporation, trust or joint venture the application must be signed by a duly-authorized officer or agent of such corporation, trust or joint venture and contain written evidence of the authority to bind the entity.

(Please include the name of the agency or department and position held in that agency or department.)

## Proposal Checklist

- Letter of Interest, introducing the development team, including the developer, the proposed architect, general contractor, lead Project Manager, consultant, etc.
- Narrative describing relevant past experience of the development team.
- Project summary, including a description of proposed uses and amenities, proposed ownership structure and anticipated development schedule.
- Narrative responses to each of the questions in Section IV that refer to the evaluation criteria of the disposition.
- Development and Operating Pro Forma
- Detailed construction estimates
- Commitment letters from lending sources
- Bank statement(s) (dated within 60 days) ( if applicable)
- Proposal Form / Application
- Property Affidavit Form (AKA Loops form)
- Affidavit of Eligibility Form
- Beneficial Interest Statement Form
- Ch. 803 Disclosure Statement Form
- Living Wage Forms (if applicable)
- Statement of Financial Capacity (if applicable)
- Proposed Purchase Price Form

**DEVELOPMENT PRO FORMA**

Applicants shall detail what they plan to invest to complete the proposed improvements and how they will finance these costs. Total Sources of Funds should equal Total Development Costs.

---

**I. USES OF FUNDS:**

|                                     |          |   |
|-------------------------------------|----------|---|
| <b>ACQUISITION:</b>                 |          | <b>\$ <u>                  \$100.00</u></b> |
|                                     |          | <b>SUBTOTAL: ACQUISITION</b>                |
| <b>CONSTRUCTION COSTS:</b>          |          |   |
| Hard Construction Costs:            | \$ _____ |   |
| Contingency (___%) included         | \$ _____ |   |
|                                     |          | <b>\$ _____</b>                             |
|                                     |          | <b>SUBTOTAL: HARD COSTS</b>                 |
| <b>SOFT COSTS:</b>                  |          |   |
| Financing Fees:                     | \$ _____ |   |
| Legal Fees:                         | \$ _____ |   |
| Carrying Costs: _____ Months        | \$ _____ |   |
| Construction Loan Interest:         | \$ _____ |   |
| Insurance:                          | \$ _____ |   |
| Property Taxes During Construction: | \$ _____ |   |
| Utilities:                          | \$ _____ |   |
| Other: _____                        | \$ _____ |   |
| Other: _____                        | \$ _____ |   |
| Other: _____                        | \$ _____ |   |
|                                     |          | <b>\$ _____</b>                             |
|                                     |          | <b>SUBTOTAL: SOFT COSTS</b>                 |
| <b>TOTAL DEVELOPMENT COSTS:</b>     |          | <b>\$ _____</b>                             |

---

**II. SOURCES OF FUNDS**

|                           |          |                 |
|---------------------------|----------|-----------------|
| Owner Equity:             | \$ _____ |                 |
| Bank Loan:                | \$ _____ |                 |
| Governmental Assistance:  |          |                 |
| Specify: _____            | \$ _____ |                 |
| Specify: _____            | \$ _____ |                 |
| Fundraising/Philanthropic | \$ _____ |                 |
| Other: _____              | \$ _____ |                 |
| Other: _____              | \$ _____ |                 |
| <b>TOTAL ALL SOURCES:</b> |          | <b>\$ _____</b> |

**OPERATING PRO FORMA**

It is very important to the City that the purchaser of this property is not only able to redevelop the property but is also able to maintain the property in good condition for years to come. In this Operating Pro Forma, applicants will show how much they plan to invest in operating and maintenance costs on an annual basis, and how they plan to pay for these expenses.

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**I. OPERATING ENTITY.** On a separate page, describe the legal entity that will own and operate this property after the development phase is complete, describing its experience in managing properties of this type and its financial capacity to ensure responsible long-term management.

**II. ANNUAL OPERATING EXPENSES**

|                              |          |
|------------------------------|----------|
| Debt Service                 | \$ _____ |
| Property Taxes               | \$ _____ |
| Utilities: _____             | \$ _____ |
| Utilities: _____             | \$ _____ |
| Utilities: _____             | \$ _____ |
| Insurance:                   | \$ _____ |
| Maintenance:                 | \$ _____ |
| Capital Replacement Reserve: | \$ _____ |
| Other: _____                 | \$ _____ |
| Other: _____                 | \$ _____ |
| Other: _____                 | \$ _____ |

**TOTAL ANNUAL OPERATING BUDGET:** \$ \_\_\_\_\_

**III. ANNUAL OPERATING REVENUE**

|                        |          |
|------------------------|----------|
| User Fees/Rents        | \$ _____ |
| Philanthropic Support: | \$ _____ |
| Other: _____           | \$ _____ |
| Other: _____           | \$ _____ |
| Other: _____           | \$ _____ |

**TOTAL ANNUAL OPERATING REVENUE:** \$ \_\_\_\_\_

**City of Boston – Department of Neighborhood Development  
Property Affidavit**

**Property Affidavit Form**

Instructions: List all City of Boston properties currently owned, or previously foreclosed upon for failure to pay real estate taxes or other indebtedness, by the applicant or by any other legal entity in which the applicant has had or now has an ownership or beneficial interest. For any additional properties that do not fit on this form, attach a spreadsheet. (Do not use another loops form. Only one signature page should be submitted.) Entries in this form should be typewritten.

Applicant: \_\_\_\_\_

| List Addresses of Boston Properties Owned:                      | WARD | PARCEL | SUB-PARCEL |
|---|------|--------|------------|
|   |      |        |            |
|   |      |        |            |
|   |      |        |            |
|   |      |        |            |
|   |      |        |            |
| (Additional properties are identified on attached spreadsheet.) |      |        |            |
| Boston Properties Previously Foreclosed Upon by COB:            |      |        |            |
|   |      |        |            |
|   |      |        |            |

I declare under penalties of perjury that the foregoing representations are true, accurate, complete and correct in all respects.

Print Name \_\_\_\_\_ Authorized Representative's Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Applicant Contact (if different from above) \_\_\_\_\_ Telephone Number \_\_\_\_\_

**OFFICIAL USE ONLY:** \_\_\_\_\_ Delinquency Reported (If Y Include Amount):

Boston Water & Sewer Commission Y\$ \_\_\_\_\_ N   
 Signature & Date: \_\_\_\_\_  
 Notes: \_\_\_\_\_

Dept. of Neighborhood Development Y\$ \_\_\_\_\_ N   
 Signature & Date: \_\_\_\_\_  
 Notes: \_\_\_\_\_

Inspectional Services Department Y\$ \_\_\_\_\_ N   
 Signature & Date: \_\_\_\_\_  
 Notes: \_\_\_\_\_

Treasury Department Y\$ \_\_\_\_\_ N   
 Signature & Date: \_\_\_\_\_  
 Notes: \_\_\_\_\_

DND Contact, Division, & Project \_\_\_\_\_

# Affidavit of Eligibility

The undersigned hereby certifies, under the pains and penalties of perjury, that neither they, nor those with whom they have business ties, nor any immediate family member of the undersigned, is currently or has been within the past twelve (12) months, an employee, agent, consultant, officer or elected or appointed official of the City of Boston Department of Neighborhood Development.

For purposes of this Affidavit, "immediate family member" shall include parents, spouse, siblings, or children, irrespective of their place of residence.

This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**Applicant Signature**

\_\_\_\_\_

**Co-Applicant Signature (If Applicable)**

\_\_\_\_\_

# Beneficial Interest Statement

WHEREAS, the undersigned intends to enter into an agreement to purchase real property located at:

(Street Address & Neighborhood) \_\_\_\_\_,  
\_\_\_\_\_

(WARD & PARCEL #) \_\_\_\_\_

MA from the City of Boston, I hereby certify pursuant to section 40J of Chapter 7 of M.G.L.:

The following are the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property.

(Please print names and addresses of applicant and all co-applicants)

**NAME**

**ADDRESS**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Co-Applicant Signature**  
(If Applicable)

# Ch. 803 Disclosure Statement

In compliance with Chapter 60, Section 77B of the Massachusetts General Laws as amended by Chapter 803 of the Acts of 1985, I hereby certify that I have never been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the fraudulent filing of a claim for fire insurance; nor am I delinquent in the payment of real estate taxes in the City of Boston, or being delinquent, an application for the abatement of such tax is pending or a pending petition before the appellate tax board has been filed in good faith.

This statement is made under the pains and penalties of perjury this

\_\_\_\_\_ Day of \_\_\_\_\_, 2012

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Co-Applicant Signature (If Applicable)**

**STATEMENT OF FINANCIAL CAPACITY**

I/we, \_\_\_\_\_ (name(s) of individuals) hereby certify that I/we have the authority to represent the financial capacity of \_\_\_\_\_ (name of developer). \_\_\_\_\_ (name of developer) seeks to evidence financial capacity for \_\_\_\_\_ (description of project) through bank statements indicating available cash on hand. I/we certify that the bank statements, as of this day, are fully available for \_\_\_\_\_ (description of the project) and are otherwise unencumbered.

Signed under the pains and penalties of perjury on this \_\_\_\_\_ day of 2012.

\_\_\_\_\_  
Name  
Address

PURCHASE PRICE FOR Colgate Street, Roslindale

Applicants are instructed to provide the purchase price for the property, along with their name, address and signature, on the below form. Failure to complete this form shall result in disqualification of the proposal.

The asking price for Colgate Street is \$100.00.

OFFER: \$ \_\_\_\_\_

Name of Applicant:

---

Address of Applicant:

---

Signature of Applicant:

---



# CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

## BENEFICIARY AFFIDAVIT

Any for-profit Beneficiary who employs at least 25 full-time equivalents (FTE) or any not-for-profit Beneficiary who employs at least 100 FTEs who has been awarded Assistance of \$100,000 or more from the City of Boston must comply with the **First Source Hiring Agreement** provisions of the Boston Jobs And Living Wage Ordinance.

*If you are submitting a Request for Proposal, Request for Qualification, or Invitation for Bid, or negotiating a loan, grant, or other financial Assistance that meets the above criteria, you must submit this Affidavit along with your proposal. If you believe that you are exempt from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance, complete Section 4: Exemption: First Source Hiring Agreement provisions, or if you are requesting a General Waiver, please complete Section 5: General Waiver Reason(s).*

**IMPORTANT:** Please print in ink or type all required information. Assistance in completing this Form may be obtained by calling The Living Wage Administrator, The Living Wage Division of the Office Of Jobs And Community Services, telephone: (617) 918-5259, facsimile: (617) 918-5299.

### Part 1: BENEFICIARY OF ASSISTANCE INFORMATION:

Name of Beneficiary: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City Zip

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

### Part 2: ASSISTANCE INFORMATION:

Name of the program or project under which the Assistance is being awarded:

\_\_\_\_\_

Awarding Department: \_\_\_\_\_

Bid or Proposal Amount: \$ \_\_\_\_\_

Date Assistance Documents Executed: \_\_\_\_\_ Award End Date: \_\_\_\_\_

Duration of Award:  1 year  2 years  3 years  Other: \_\_\_\_\_ (years)

**PART 3: ADDITIONAL INFORMATION**

Please answer the following questions regarding your company or organization:

1. Your company or organization is: *check one*:

- For Profit
- Not For Profit

2. Total number of employees whom you employ: \_\_\_\_\_

3. Total number of employees who will be assigned to work on the above-stated Award: \_\_\_\_\_

4. Do you anticipate hiring any additional employees?

- Yes
- No

*If yes*, how many additional F.T.E.s do you plan to hire? \_\_\_\_\_

**PART 4: EXEMPTION FROM FIRST SOURCE HIRING AGREEMENT PROVISIONS OF THE BOSTON JOBS AND LIVING WAGE ORDINANCE**

Any Beneficiary who qualifies may request an Exemption from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance by completing the following:

I hereby request an exemption from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance for the following reason(s): Attach any pertinent documents to this Application to prove that you are exempt. Please check the appropriate box(es) below:

- The construction contract awarded by the City of Boston is subject to the state prevailing wage law; and
- Assistance awarded to youth programs, provided that the award is for stipends to youth in the program. "Youth Program" means any city, state, or federally funded program which employs youth, as defined by city, state, or federal guidelines, during the summer, or as part of a school to work program, or in other related seasonal or part-time program; and
- Assistance awarded to work-study or cooperative educational programs, provided that the Assistance is for stipends to students in the programs; and
- Assistance awarded to vendors who provide services to the City and are awarded to vendors who provide trainees a stipend or wage as part of a job training program and provides the trainees with additional services, which may include but are not limited to room and board, case management, and job readiness services, and provided further that the trainees do not replace current City funded positions.

Please give a full statement describing in detail the reasons you are exempt from the First Source Hiring Agreement provisions the Boston Jobs And Living Wage Ordinance (attach additional sheets if necessary):

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**PART 5. GENERAL WAIVER REASON(S)**

I hereby request a General Waiver from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance. The application of the First Source Hiring Agreement provisions to my Assistance violates the following state or federal statutory, regulatory or constitutional provision or provisions.

State the specific state or federal statutory, regulatory or constitutional provision or provisions, which makes compliance with the First Source Hiring Agreement provisions unlawful:

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**GENERAL WAIVER ATTACHMENTS:**

Please attach a copy of the conflicting statutory, regulatory or constitutional provisions that makes compliance with this ordinance unlawful.

Please give a full statement describing in detail the reasons the specific state or federal statutory, regulatory or constitutional provision or provisions makes compliance with the First Source Hiring Agreement provisions unlawful (attach additional sheets if necessary):

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**PART 6: BENEFICIARY OF ASSISTANCE AFFIDAVIT:**

I, (please print or type) \_\_\_\_\_, the Beneficiary, certify and swear/affirm that the information provided on this *Beneficiary Affidavit* is true and within my own personal knowledge and belief.

Signed under the pains and penalties of perjury.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_



# CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

## NOTICE TO BENEFICIARIES

### Requirements Of The Boston Jobs And Living Wage Ordinance

All City of Boston Departments awarding Assistance must provide Beneficiaries with a copy of this Notice.

**IMPORTANT NOTICE:** Beneficiaries are required to comply with the First Source Hiring Provisions of the Boston Jobs and Living Wage Ordinance. Beneficiaries are not required to comply with the Living Wage Provisions of the Ordinance.

- 1. BENEFICIARIES:** Any for-profit employer who employs at least 25 full-time equivalents (FTE) or any not-for-profit employer who employs at least 100 FTEs who has been awarded Assistance of \$100,000 or more from the City of Boston must comply with the **First Source Hiring Agreement Provisions** of the Boston Jobs And Living Wage Ordinance. FTE is defined in the Living Wage Ordinance as a formula to calculate the number of employee work hours that equal one full-time position. For the purposes of this Ordinance, full-time shall mean the standard number of working hours, between 35 hours and 40 hours per week that is used by the Beneficiary to determine full time employment.
- 2. DEFINITION OF ASSISTANCE:** Assistance shall mean any loan, grant, tax incentive, bond financing, subsidy, or other form of Assistance of \$100,000 or more realized by or through the authority or approval of the City of Boston, including, but not limited to Industrial Development Bonds, Community Development Block Grant (CDBG) loans and federal Enhanced Enterprise Community designations. Leases and subleases are not Assistance.
- 3. BENEFICIARY AFFIDAVIT REQUIRED:** All Beneficiaries receiving an award from the City of Boston of \$100,000 or more, must file a **BENEFICIARY AFFIDAVIT, (FORM B-1)**, along with their submission to the Awarding Department.
- 4. FIRST SOURCE HIRING AGREEMENT:** All Beneficiaries who are awarded Assistance from the City of Boston shall sign a **First Source Hiring Agreement (Form B-3)** with one or more Referral Agencies or One-Stop Career Centers.
- 5. THE LIVING WAGE DIVISION:** The Living Wage Division of the Office of Jobs and Community Services is the agency responsible for overall implementation, compliance and enforcement of the Ordinance. They are located at 43 Hawkins Street, Boston, MA, 02114. If you need assistance or further information contact the Living Wage Administrator at (617) 918-5259; fax: (617) 918-5299.
- 6. IMPORTANT TAX INFORMATION/EARNED INCOME CREDIT:** Certain employees who earn less than \$49,000 per year **may** be eligible for certain federal and/or state tax credits called **EARNED INCOME CREDIT**. Your payroll clerk is required to keep on hand the appropriate Internal Revenue Service forms, (Federal Form W5), information and instructions in the event any of your employees requests assistance in this matter.



# CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION ● (617) 918-5259

## FIRST SOURCE HIRING AGREEMENT Beneficiaries of Assistance

*Under the Boston Jobs and Living Wage Ordinance and Regulations, all Beneficiaries (hereinafter referred to as "the Employer" for the purposes of this Agreement) are required to sign a First Source Hiring Agreement with a Referral Agency or Boston One-Stop Career Center (The Employer may sign additional First Source Hiring Agreements with as many Referral Agencies or Boston One-Stop Career Centers as it chooses.) For a complete list of approved Referral Agencies and Boston One-Stop Career Centers, see the attached Form LW-10A.*

**INSTRUCTIONS FOR BENEFICIARIES OF ASSISTANCE:** You are not required to complete this form until after your Assistance has been awarded. After your Assistance is awarded, you are required to do the following:

1. Complete the portions of this agreement that are applicable to you (Parts 1,2 and 5A)
2. Within five (5) business days after your documents are executed, deliver this agreement (or fax) to a **REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER** of your choice.

**INSTRUCTIONS FOR REFERRAL AGENCIES AND BOSTON ONE-STOP CAREER CENTERS:** Upon receipt of this Agreement, you are required to do the following:

1. An authorized person of the Referral Agency or Career Center must complete Part 3 of this Form and sign the Agreement in Part 5B.
2. Submit this Agreement within two (2) days of receipt to:

**LIVING WAGE ADMINISTRATOR  
LIVING WAGE DIVISION  
OFFICE OF JOBS AND COMMUNITY SERVICE  
43 HAWKINS STREET  
BOSTON, MASSACHUSETTS, 02114**

**NOTE:** All parties to this Agreement should carefully read **Part 4: AGREEMENT OF PARTIES** If you have any questions telephone the Living Wage Administrator at (617) 918-5259.

**Part 1: EMPLOYER INFORMATION:**

Name of Employer: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City Zip

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Part 2: NAME AND IDENTIFICATION NUMBER OF THE PROGRAM OR PROJECT UNDER WHICH THE ASSISTANCE WAS AWARDED:**

\_\_\_\_\_  
\_\_\_\_\_

**Part 3: REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER INFORMATION:**

Agency Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address \_\_\_\_\_  
Street City Zip

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-Mail Address \_\_\_\_\_

**Part 4: AGREEMENT OF PARTIES**

The Employer and the Referral Agency or Boston One Stop Career Center signing this agreement agree to the following terms and conditions:

1. Prior to announcing or advertising an employment position for work which shall be performed as a result of Assistance created either as a result of a vacancy of an existing position or of a new employment position, the Employer shall notify the Referral Agency and/or Career Center about the position, including a general description and the Employer's minimum requirements for qualified applicants for such position. The notification shall also contain the words: **BOSTON JOBS AND LIVING WAGE ORDINANCE POSTING**, prominently displayed at the top of the first page of the notification.

2. The Employer shall not make such public announcement or advertisement for a period of five (5) business days after notification to the Referral Agency and/or Career Center of the availability of such position. Such five (5) day period is hereinafter referred to as the *Advance Notice Period*. The Referral Agency or Career Center may make public announcements or advertisements of the job position at any time. Any posting, public announcement or advertisement shall clearly state that only Boston residents may be referred for such job opportunities during the Advance Notice Period.
3. The Referral Agency or Career Center shall post any **BOSTON JOBS AND LIVING WAGE ORDINANCE JOB OPPORTUNITY NOTICE** within the first business day after receipt of the Notification from the Employer in a prominent location for a period of at least the five (5) business days. (*Advance Notice Period*). The Referral Agency or Career Center shall provide information on such job opportunities to all Boston residents who receive services. The Referral Agency or Career Center may refer qualified candidates to the Employer. The Referral Agency or Career Center shall maintain a database of such job opportunities.
4. The *Advance Notice Period* shall be waived if the Referral Agency and/or Career Center has no qualified candidates to refer to the Employer.
5. The Referral Agency or Career Center shall institute a tracking system and record the job postings referred by Employers, the number of applicants referred to jobs during the *Advance Notice Period*, which applicants were interviewed, which applicants were not interviewed, and which applicants were hired for the positions or any other information deemed relevant by the Living Wage Administrator. The Referral Agency or Career Center shall forward this information to the Living Wage Administrator, monthly, in a manner prescribed by the Living Wage Administrator.
6. The Agreement does not require the Employer to comply with these procedures if it fills the job vacancy or newly created position by transfer or promotion from existing staff or from a file of qualified applicants previously referred to the Employer by the Referral Agency and/or Career Center.
7. The Agreement shall not require the Employer to hire any applicant referred under the terms of this Agreement.
8. Beneficiaries who receive Assistance from the City in the amount of one million dollars (\$1,000,000) or more in any twelve month period shall be required to comply with the first source hiring provisions of the Boston Jobs And Living Wage Ordinance for five years from the date such assistance reaches the one million (\$1,000,000) threshold. Beneficiaries receiving less than one million dollars but at least one hundred thousand dollars (\$100,000) of Assistance in any twelve-month period shall be required to comply with the first source hiring provisions of the Boston Jobs and Living Wage Ordinance for one year.





# CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

## CERTIFIED REFERRAL AGENCIES AND BOSTON ONE-STOP CAREER CENTERS

All Covered Vendors and Beneficiaries of Assistance shall sign a First Source Hiring Agreement with one or more Referral Agencies or one or more Boston One Stop Career Centers. Please note that the following entities have been certified by the Living Wage Division of the Office of Jobs and Community Services to meet the First Source Hiring Agreement Requirements of the Boston Jobs And Living Wage Ordinance.

### **BOSTON CAREER LINK**

c/o Morgan Memorial  
1010 Harrison Avenue  
Boston, MA 02119  
TEL: (617) 536-1888  
FAX: (617) 536-1987  
TTY: (617) 867-4687  
Contact: Stella Mereves x 788

### **SOUTH BOSTON RESOURCE CENTER**

489 East Broadway  
South Boston, MA 02127  
TEL: (617) 635-0771  
FAX: (617) 635-0775  
Contact: Edward Downs

### **JOBNET**

210 South Street  
Boston, MA 02111  
TEL: (617) 338-0809  
FAX: (617) 338-2050  
TTY: (617) 338-4311  
Contact: Ed Crognalo x 215

### **ROXBURY EMPLOYMENT RESOURCE CENTER**

2201 Washington Street  
Roxbury, MA 02119  
TEL: (617) 989-9100  
FAX: (617) 989-9125  
Contact: Alan Gentle x162

### **THE WORKPLACE**

29 Winter Street, 4<sup>th</sup> Fl  
Boston, MA 02111  
TEL: (617) 737-0093  
FAX: (617) 428-0380  
TTY: (617) 428-0390  
Contact: Debra Garrett x 118

### **ALLSTON BRIGHTON RESOURCE CENTER**

367 Western Avenue  
Brighton, MA 02135  
TEL: (617) 562-5734  
FAX: (617) 562-5737  
Contact: Cathy Snedeker