

REQUEST FOR PROPOSALS

611 Columbia Rd/“Comfort Station”

CITY OF BOSTON

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT



Contact Information:

Department of Neighborhood Development
26 Court Street, 9th Floor
Boston, MA 02108
Attn: Bernard A. Mayo, Project Manager
bernard.mayo@boston.gov
(617) 635-0297

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

Go to: <http://www.CityofBoston.gov/DND/RFP>
Click on “Request a Copy”.
If you have any problems accessing the system,
please call (617) 635-0297

Proposal Submittal Deadline:

Proposals will be received until **November 12, 2014 at 4:00 p.m. (EST)** at:
Department of Neighborhood Development
26 Court Street, 10th Floor (Bid Counter)
Boston, MA 02108

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1. SUMMARY STATEMENT

Since its inception in 1966, the Department of Neighborhood Development (DND), formerly the Public Facilities Department, 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, DND has been directly responsible for the planning, financing and implementation of publicly assisted housing programs. DND 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.

DND applies its resources to the following areas of work:

1. Creating affordable and mixed-income housing;
2. Supporting the preservation of historic architecture;
3. Developing open spaces, including community gardens and farms;
4. Providing homeownership opportunities and trainings; and
5. Implementing programs to support the economic development of small businesses.

2. SCOPE OF PROJECT

The Commercial Disposition Program, under which this Request for Proposals (RFP) is offered, is a mechanism which allows DND to offer publically-owned real estate at discounted rates to well-deserving commercial enterprises, thereby expanding entrepreneurial and employment opportunities for Boston residents.

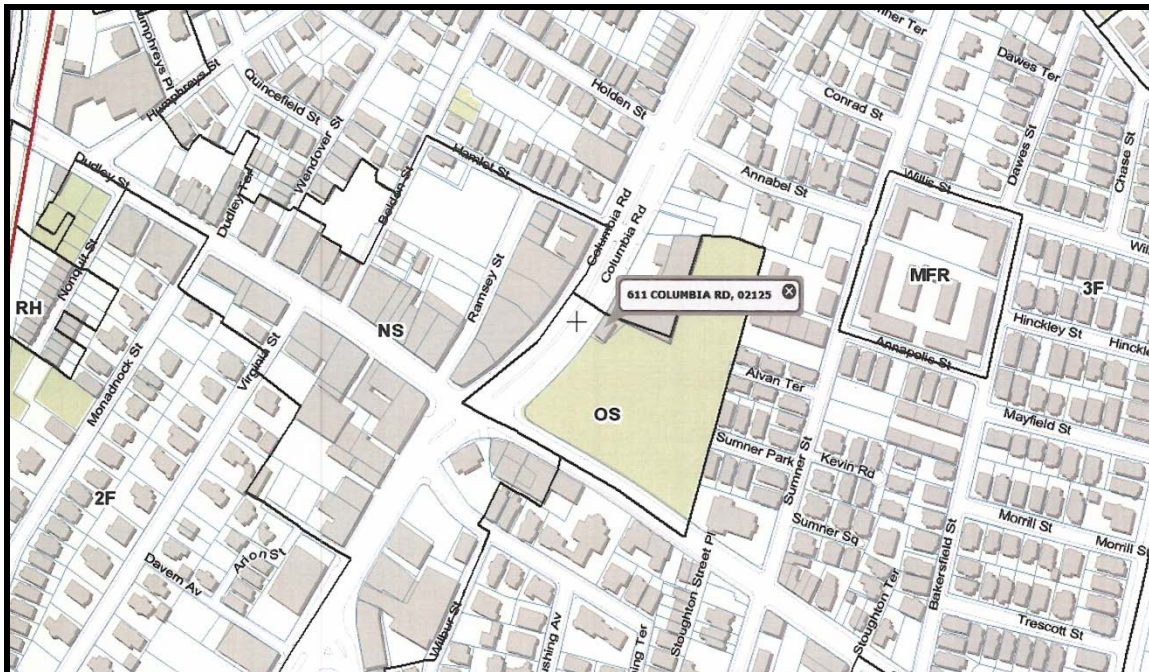
Before offering a property under the Commercial Disposition Program, DND consults extensively with local residents and community leaders to establish a set of guidelines that reflect the community preferences regarding preferred, acceptable and unacceptable community facility uses. Those preferences are then incorporated into the RFP and, eventually, set the parameters of the final contract between the City and the Successful Proposer. DND's property disposition process operates in accordance with Massachusetts General Law (M.G.L.), Chapter 30B which governs municipal property dispositions. Accordingly, DND reviews all proposals it receives under this Request For Proposals (RFP), disqualifies any that do not meet the "Minimum Eligibility Criteria" described in Section 7 of this RFP, ranks the remaining proposals according to the General Evaluation Criteria and Compliance Evaluation Criteria set forth in Section 7, and then designates the selected developer for the property.

The purpose of this request for proposals is to establish a contract with a qualified reputable developer, capable of redeveloping 611 Columbia Road, Dorchester, MA ("Upham's Corner Comfort Station" or the "Property") in a manner satisfactory to the City, including the Boston Landmarks Commission and Massachusetts Historical Commission, which will be reviewing the proposed redevelopment, and the residents of Dorchester.

The Upham's Corner Comfort Station which abuts the North Dorchester Burying Ground is listed in the State and National Register of Historic Places. Also, Massachusetts Historical Commission ("MHC") holds a Preservation Restriction on the Property. (See Appendix 11) Accordingly, the City seeks to preserve the Property's character-defining features which contribute to its architectural, archaeological, and historical integrity. As such, any restoration or rehabilitation work should follow the Boston Landmarks Commission General Standards and Criteria (See Appendix 12).

Finally, as this is a highly sensitive area for archaeology excavation of the area will require consultation with Boston Landmarks Commission and MHC. DND will facilitate any communications and compliance matters between the Successful Proposer and these governmental agencies.

Please note: Rehabilitation of the Property may be eligible for State and/or Federal Tax Credits.



The following parcel is being made available under this RFP. Proposers must offer to redevelop the parcel listed here. Proposals that do not demonstrate a plan to redevelop and maintain the parcel in a manner that is consistent with the Property's MHC Preservation Restriction will be rejected as non-responsive.

Street Address	Assessor Parcel Number	Current zoning	Square Footage
611 COLUMBIA ROAD, DORCHESTER	0703999010	District: Dorchester Sub-District: OS-CM	Lot Size: 2,317 s.f. Bldg. Area: 1,200 s.f.

a. Current Zoning:

This property is currently zoned as:

District: Dorchester

Sub-District: OS-CM (Open Space Cemetery)

Overlay: None

In addition, the Property must be redeveloped in accordance with the MHC Preservation Restriction. (See Appendix 11)

b. The Neighborhood:

The 611 Columbia Road building is a one story stucco and tile “mission style” building built as a “convenience station” in 1912. It has been unused since 1977. The building was designed by architect William Besarick, also the designer of the municipal building at the corner of Columbia Road and Bird Street, as well as many area triple-deckers. The site is near the intersection of Dudley Street and Columbia Road in the Uphams Corner section of Dorchester, which is one of Boston’s oldest neighborhoods, and home to a number of parks, schools, churches, and historic sites. It is adjacent to the Dorchester North Burial Ground, first established in 1634. It is the resting place of such historic figures as Lieutenant Governor William Stoughton and Reverend Richard Mather

The 611 Columbia Road site has easy access to major thoroughfares and modes of transit including the Uphams Corner commuter rail stop on the Fairmount line.

More information about the neighborhood is available at: www.cityofboston.gov/neighborhoods.

c. Property Viewing:

A viewing of the property for prospective Proposers will be held on the following dates: Friday, September 26, 2014 from 10:00 a.m. to 12:00 noon and Friday, October 24, 2014 from 10:00 a.m. to 12 noon.

3. PROJECT REQUIREMENTS

a. General

- i. The Minimum Offer Price for the property is **\$100**. Proposals that do not offer at least this amount will be deemed non-responsive and will be disqualified from further consideration.
- ii. While DND has conducted a title examination of the property, DND makes no warranty or representations as to its accuracy and recommended that Proposers conduct their own title examinations.
- iii. If selected as a finalist, Proposer may be required to present their plan of redevelopment at a community meeting organized by DND.

- iv. Performance under this Request for Proposals will be closely coordinated with the Project Manager and any other staff member designated by DND. Questions pertaining to requests for technical guidance and direction should be directed in writing to the assigned Project Manager, or other designated DND representative. However, such DND representative(s) will only provide necessary background information and guidance; they will under no circumstances change the terms and conditions of this engagement.
- v. The developer shall prepare and deliver to their assigned DND Project Manager a monthly status report. The report should include a description of the work completed that month regarding, but not limited to, the following:
 - 1. Zoning Board of Appeal (ZBA) Application(s)
 - 2. Inspectional Services Department (ISD) Permit(s)
 - 3. Final Design Specifications
 - 4. Environmental Testing or Remediation
 - 5. Acquisition of Financing
 - 6. Community Feedback
- vi. The Successful Proposer shall designate qualified representatives as point of contact to assist DND, as needed, throughout the engagement. Names, phone numbers, and e-mail addresses of proposed representatives are to be listed in the proposal.

b. Developmental

- i. DND held two community meetings with local residents and stakeholders regarding the desired uses of the Property. The community expressed a preference for active uses that serve the public and function as a destination location. Some specific suggestions were the following: mixed-use facility; year-round farmer's market; food store/specialty grocery store/food co-op; art destination; ice cream shop; bakery; sit-down restaurant.
- ii. The Successful Proposer will produce an appropriate plan of redevelopment that satisfies the City's needs within specified time frames and is subject to approval by The Boston Landmarks Commission.
- iii. 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, DND may choose to grant additional time for performance or to rescind the award, at its discretion.
- iv. The determination of whether services were performed satisfactorily is at the sole discretion of DND.
- v. The Successful Proposer will confirm all scheduled project milestones with DND prior to initiating work.

c. Operational

- i. The Successful Proposer shall maintain a safety and environmental program that complies with all applicable local, state and federal regulations.

- ii. The Successful Proposer 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.
- iii. The Successful Proposer will affirmatively and fairly solicit qualified subcontractors from the residents of the local community.
- iv. If the Successful Proposer is a for-profit firm with 25 or more full time employees, or a non-profit firm with 100 or more employees, 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.

d. **Design**

- i. Building redevelopment must conform to existing standards of the community, i.e., building height, mass, and scale and be done in accordance with Appendices 11 and 12.
- ii. Building materials must be of good quality and take advantage of sustainable building principles and MEP systems, if possible.
- iii. Proposer must present a design that includes a thoughtful exterior, with attractive windows, doors, and exterior cladding and/or masonry and in compliance with Appendices 11 and 12.
- iv. Any construction of permanent structures on the property must conform to the already existing design of the neighborhood and must comply with the Boston Zoning Code and Massachusetts Building Code. Further, such construction is only permitted if it complies with the Secretary of the Interior Standards for Historic Preservation and MHC Preservation Restriction (Appendix 11). Also, any restoration or rehabilitation work will be subject to BLC review (Appendix 12).
- v. If the proposed design makes use of adjacent parcels, the Proposer must demonstrate site control of such other parcels by way of a fully executed, and currently dated, Purchase and Sale Agreement or a signed, and currently dated, Option Agreement.

4. **SUBMISSION INSTRUCTIONS**

Proposers **MUST** submit an **original and three (3) copies** of the proposal in the sealed envelope to the Department of Neighborhood Development, Bid Counter (either in person or by mail) by **November 12, 2014** at 4:00p.m.

Department of Neighborhood Development
 The Bid Counter
 26 Court Street, 10th Floor
 Boston, MA 02108

Bid Counter hours are Monday–Friday from 9:00 a.m. - 12:00 noon and 1:00 p.m. - 4:00 p.m.
 The Bid counter is closed Monday–Friday from 12 noon to 1:00 p.m. and after 4 p.m.

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

5. REQUIRED SUBMISSION DOCUMENTS

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

a. Introductory Documents:

- i. Appendix 1: *Cover Sheet Form*
- ii. Proposal Summary

b. General Evaluation Criteria Documentation:

- i. Appendix 2: *Statement of Bidder's Qualifications Form*
- ii. Appendix 3: *Preliminary Development Budget Form*
- iii. Appendix 4: *Preliminary Operating Budget Form*
- iv. Appendix 5: *Redevelopment Timetable Form*
- v. Appendix 6: *Construction Employment Statement Form*

c. Compliance Review Documentation:

- i. Appendix 7: *Property Affidavit Form*
- ii. Appendix 8: *Affidavit of Eligibility Form*
- iii. Appendix 9: *Chapter 803 Disclosure Statement Form*
- iv. Appendix 10: *Beneficial Interest Statement Form*

6. PROPOSAL SUMMARY

In addition to the required forms listed in Section 5, the following information shall be submitted in the Proposer's written Proposal Summary. This is an opportunity for the Proposer to convey, in their own words, to the Evaluation Team 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.

a. Introduction

- i. An overall introduction to the Proposer that includes a statement of the Proposer's interest in Project.
- ii. Provide a description of the Proposer's organizational structure, including a list of qualified representatives and key personnel.

- iii. A description of any lawsuits brought against the Proposer or principals in courts situated within Massachusetts within the past five years.

b. Development Plan

- i. A description that conveys the Proposer understands the services to be performed. The Proposer must indicate and fully explain its plan for redevelopment and how that redevelopment coincides with DND's stated scope for the Project, with particular emphasis on the goal of historic preservation of the structure. Because such plan is subject to review by the Boston Landmarks Commission, the Proposer must explain how its plan will meet the requirements stated in the MHC Preservation Restriction attached herein as Appendix 11. It must also describe in detail how it will accomplish the redevelopment in a manner that will ensure a successful review by the Boston Landmarks Commission as described in Appendix 12. Also, Proposer must provide a credible scheme for accomplishing its stated goals and/or objectives.
- ii. Time schedule proposed to accomplish the tasks listed in Section 3, Scope of Project as well as the goals/objectives unique to the submitted proposal.
- iii. Provide in digital format (one copy either on a CD or a flash drive) copies of some of your drawings that best represent your proposed plan including rendering(s), and site plan(s), and any relevant floorplan(s) if buildings are proposed. These drawings will also be available to the public to assist in their assessment of your proposal.

c. Operational Plan

- i. Summarize your plan for the operation of the facility once redevelopment is complete. Include the anticipated annual costs, as well as the planned sources of funding.

d. Developer Qualifications, Experience and References

- i. Furnish a narrative supported by relevant data regarding qualifications and past experience with similar projects. Proposer must provide detailed description of previous relevant work completed and the results or outcome of that work. Each Proposer shall also furnish three current references including, names, addresses, e-mail addresses, phone numbers, and principal contacts in which the Proposer has provided comparable services.

e. Permits/Licenses

- i. The Proposer must include a list of relevant business permits/licenses (with expiration dates).

f. Subcontractors or Partnerships

- i. If applicable, explain the relationship(s) between the Proposer and any third-party developers, subcontractors, or community partners that might influence the Proposer's redevelopment plan.

g. **Additional Data**

- i. The proposal should include any other relevant information the Proposer believes is essential to the evaluation of the proposal (i.e., aesthetic designs, environmental sustainability goals, property management plans, ideas for selection of subcontractors, methods of obtaining community engagement, etc.).

7. **EVALUATION PROCESS**

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

First, proposals must meet the City's Minimum Eligibility Criteria as described below. The Selection Committee shall then assign a composite rating for each proposal it evaluates. The most advantageous proposal from a responsive and responsible Proposer, taking into consideration all evaluation criteria, will be selected.

Proposals that satisfy the Minimum Eligibility Criteria will then be reviewed based on the General Evaluation Criteria. To facilitate DND's evaluation of General Evaluation Criteria, DND may require that Proposers present their plan of development to the community.

Finally, prior to designation by the Public Facilities Commission, the "Successful Proposer," one who has satisfied the Minimum Eligibility Criteria and is found to have the highest composite 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.

a. **Minimum Eligibility Criteria ("Responsive" Bidder):**

- i. **Proposal Received by Deadline.** Only proposals that are received by the date, time, and at the location indicated in Section 4 of this RFP will be accepted.
- ii. **Minimum Offer Price.** Only proposals that have an offer price equal to or greater than the Minimum Offer Price as described in Section 3 of this RFP will be accepted.
- iii. **Complete Proposal Submission.** Proposals must contain all necessary forms and documents as required in Section 5 of this RFP, including all required signatures and certifications.

b. **General Evaluation Criteria ("Responsible" Bidder):**

- i. **Developer Experience and Capacity.** This is an evaluation of Proposer's experience in developing projects of a nature comparable to the given project.
- ii. **Plan of Development.** This is an evaluation the proposed redevelopment of the property, including all major physical changes to the property and the planned end use of the property, including consistency with Appendices 11 and 12.
- iii. **Development Cost Feasibility.** This evaluation is based on the strength of the Preliminary Development Budget. DND will assess projected development expenses, including site prep, environmental remediation expenses,

construction and all associated soft costs, and will determine whether, in its opinion, the stated cost of development is sufficiently inclusive and reasonable.

- iv. **Developer's Financial Capacity.** This is an evaluation of Proposer's ability to secure, in a timely manner, all financing stated in their Preliminary Development Budget
- v. **Operational Plan.** This is an evaluation of how well the proposal meets the Operational Requirements set out in Section 3, as well as any additional community benefits offered by the proposal.
- vi. **Operational Feasibility.** This evaluation is based on two factors: 1) the relative strength of the proposed operating budget to identify and address all reasonable operating expenses and 2) the relative capacity to raise the necessary resources to fund the operating budget.
- vii. **Development Schedule.** This is an evaluation of the Proposer's planned Development Timetable, relative to other proposals. The total construction time (from developer selection to completion) will be an important evaluation factor.

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

- i. **Tax Delinquency Review.** The City of Boston Collector-Treasurer's Office will conduct a review of the selected proposer's property tax history. The selected proposer cannot be delinquent in the payment of taxes on any property owned within the City of Boston. The selected proposer must cure any such delinquency prior to the conveyance of the Property. If the selected proposer has been foreclosed upon by the City of Boston for failure to pay property taxes, then said proposer will be deemed ineligible for conveyance of the Property offered pursuant to this RFP, unless such proposer promptly causes the decree(s) or judgment(s) of foreclosure to be vacated by the Land Court and the City made whole. DND, in its sole discretion, shall determine the timeliness of the selected proposer's corrective action in this regard and will disqualify the proposer if vacating the tax-title foreclosure is not prosecuted expeditiously and in good faith, so as to avoid undue delay.
- ii. **Water and Sewer Review.** The City of Boston Water and Sewer Commission will conduct a review of the selected proposer's water and sewer account(s). The selected proposer cannot be delinquent in the payment of water and sewer charges on any property owned within the City of Boston and, if found to be delinquent, must cure such delinquency prior to a vote request to the Public Facilities Commission for conveyance of the Property.
- iii. **Property Portfolio Review.** The City will review the selected proposer's portfolio of property owned to ascertain whether there has/have been abandonment, Inspectional Services Department (ISD) code violations or substantial disrepair. If unacceptable conditions exist in the selected proposer's property portfolio, DND may deem the selected proposer ineligible for conveyance of the Property.

- iv. **Prior Participation Review.** The City will review the Proposer's prior participation in any City of Boston programs, including DND programs, to ascertain Proposer's previous performance. Proposers found to have not fulfilled their duties or obligations under previous agreement with the City may be deemed to be ineligible for conveyance of the Property.
- v. **Employee Review.** Neither the Proposer, nor any of the Proposer's immediate family, nor those with whom s/he has business ties may be currently, or have been within the last twelve (12) months, an employee of DND. An "immediate family member" shall include parents, spouse, siblings or children, irrespective of their place of residence. Any proposer who fails to satisfy this requirement may be deemed to be ineligible for conveyance of the Property.

[All forms, disclosures and certifications required for DND's evaluation are included in Appendix Sections 1-12 of this Request for Proposals.]

8. **AWARD OF CONTRACT**

The City, acting by and through its Public Facilities Commission by the Director of DND, is soliciting proposals for the acquisition of property located at **611 Columbia Road, Dorchester**. The City will award a contract to the highest-rated, most advantageous proposal based on the above-listed criteria.

DND will review and evaluate proposals promptly after the submission deadline of **November 12, 2014**.

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

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

- Altering the square footage of the Property;
- Proposing a use for the Property beyond commercial development; or
- Proposing a use for the Property that does not benefit the residents of Boston.

DND reserves the right to obtain opinion of Counsel regarding the legality and sufficiency of proposals. The contract will be awarded, if at all, to the responsive, responsible Proposer(s) that receive the highest overall composite rating in the evaluation process.

9. **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.

10. **QUESTIONS**

The last day for questions is **October 27, 2014 at 5:00 p.m.** All questions must be submitted in writing by either e-mail or U.S. mail and addressed as shown below.

E-mail:

bernard.mayo@boston.gov

U.S. Mail:

Department of Neighborhood Development
Attn: Bernard A. Mayo, Project Manager
26 Court Street, 9th Floor
Boston, MA 02108

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

11. TERMS AND CONDITIONS


- a. **Assumption of Risk.** The City accepts NO financial responsibility for costs incurred by Proposers in responding to this Request for Proposals. Proposers are responsible for any and all risks and costs incurred in order to provide the City with the required submission.
- b. **Public Property.** Proposals submitted to DND will become property of the City. After opening, all proposals become public documents and are subject to the requirements of the Massachusetts Public Records Law (M.G.L. c. 4, § 7(26)).
- c. **Terms of Sale.** After a final proposal has been selected, the Successful Proposer will be contacted by DND to finalize the terms of the sale. The terms of the sale will and **MUST** be consistent with this Request for Proposals, including the advertised purchase price and Project Requirements.
- d. **"As Is" Conveyance.** DND will convey the property in "AS IS CONDITION" without warranty or representation as to the status or quality of title. The Successful Proposer/Buyer shall, to the fullest extent permitted by law, assume any and all liability for environmental remediation pursuant to Chapter 21E of the Massachusetts General Laws. Finally, any and all site improvements, such as utility connections and/or street repairs, are the responsibility of the Successful Proposer.
- e. **Negotiations.** DND reserves the right to negotiate for changes to the selected proposal. These negotiations may encompass values described in the Request for Proposal, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, DND may decline to sell the property even after the selection process is complete and negotiations have begun.
- f. **Closing.** The Successful Proposer must execute a Purchase and Sales Agreement and then close on the sale within ninety (90) days of the date of execution, unless otherwise agreed upon (in writing) by DND. Failure to comply with the obligations of closing may result in the rescission of any prior agreement(s) with DND regarding the Property.

- g. **Restrictions on Transfer.** All properties sold under the Community Facilities Assistance Program will have a 50-year deed rider and mortgage, restricting the use of the Property. Unless authorized in writing by DND, the Successful Proposer may not substantially alter the use of the property; permanently cease operations; transfer title of the property; or have any unauthorized financial liens placed on the property. Such actions will trigger a reversionary clause in the deed, automatically transferring title of the Property back to DND.
 - h. **Payment.** Unless otherwise agreed to by DND in writing, the Successful Proposer is required, at the time of conveyance, to make full payment for the Property by Treasurer's or Cashier's Check. In addition, the Successful Proposer will be responsible for paying all recording and registrations 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.
 - i. **Reservation of Rights.** DND reserves the right to postpone or withdraw this RFP; to accept or reject any and all proposals; to modify or amend the terms of this RFP through an addendum; to waive any informality, and to interview, question and/or hold discussions regarding the terms of any proposal received in response to this RFP. DND reserves the right to cancel a sale for any reason. DND reserves the right to select the next highest ranked proposal, if the initially Successful Proposer is unable to proceed in a timely manner or otherwise fails to satisfactorily perform. DND reserves the right to waive any requirement or restriction set forth in this RFP or conveyance documents, if such waiver is deemed appropriate by DND, in its sole discretion.
 - j. **Changes to Program.** DND reserves the right to change aspects of the development program outlined in this RFP, using its best judgment as to the needs of the program and the furtherance of its mission, provided that the rights of the Proposers are not prejudiced.
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END OF 611 COLUMBIA ROAD REQUEST FOR PROPOSALS.

DND THANKS YOU FOR YOUR INTEREST

The following appendices provide all the instructions and forms necessary to prepare a complete proposal submission. Please read and follow these instructions carefully so that your proposal can be given full consideration.

SOLICITATION, OFFER AND AWARD		3. Date Issued	
1. PROJECT NAME	2. TYPE OF SOLICITATION		
611 Columbia Road, Dorchester	<input type="checkbox"/> Invitation for Bids <input type="checkbox"/> Negotiated (RFP)	September 8, 2014	
4. ISSUED BY: City of Boston, Department of Neighborhood Development 26 Court Street, 9 th Floor Boston, MA 02180		5. ADDRESS OFFER TO: (If other than item 4)	
NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder"			
SOLICITATION			
6. Sealed offers (original and 3 copies) will be received at the place specified in item 4 until 4:00 p.m. (EST) November 12, 2014.			
CAUTION: Late submissions, Modifications, and Withdrawals: See Section 10. All offers are subject to all terms and conditions contained in this solicitation.			
7. For Information Contact:	7a. Name Bernard Mayo Project Manager	7b. Telephone (617) 635-0297	7c. Fax (617) 635-0282
			7d. E-mail bernard.mayo@boston.gov
OFFER			
8. In accordance with the terms of this RFP, the undersigned agrees, if this offer is accepted, to furnish any and all supporting documentation upon request by DND.			
OFFER PRICE:			
9. SUBMISSION CHECKLIST			
(x)		(x)	
	Appendix 1: COVER SHEET		Appendix 6: CONSTRUCTION EMPLOYMENT STATEMENT
	PROPOSAL SUMMARY		Appendix 7: PROPERTY AFFIDAVIT
	Appendix 2: STATEMENT OF BIDDER'S QUALIFICATIONS		Appendix 8: AFFIDAVIT OF ELIGIBILITY
	Appendix 3: PRELIMINARY DEVELOPMENT BUDGET		Appendix 9: CHAPTER 803 DISCLOSURE STATEMENT
	Appendix 4: PRELIMINARY OPERATING BUDGET		Appendix 10: BENEFICIAL INTEREST STATEMENT
	Appendix 5: DEVELOPMENT TIMETABLE		
10. ADDRESS OF OFFEROR		11. Name and Title of Authorized Signatory (Print)	
12. Signature		13. Offer Date	

STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered. All information must be clear and complete. Attach additional pages, if needed.

1. Name of bidder: _____
2. Names and titles of principals: _____

3. Names of authorized signatories: _____

4. Permanent main office address: _____

- Phone: _____ Fax: _____ Email: _____
5. Date organized: _____
6. Location of incorporation: _____

7. Number of years engaged in business under your present name: _____
8. List at least three private or public agencies that you have supplied/provided with similar services to that in this solicitation:
 - a. _____
 - b. _____
 - c. _____

Has organization ever failed to perform any contract? ☐ YES ☐ NO

If YES, attach a written declaration explaining the circumstances.

AUTHORIZATION: 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

PRELIMINARY DEVELOPMENT BUDGET**PROPOSER'S NAME:** _____

Complete this Preliminary Development Budget or you may substitute another form that provides substantially equivalent information. Note: Total of Uses of Funds should equal Total of Sources of Funds.

USES OF FUNDING	AMOUNT
Acquisition - Land	\$
Site Prep/Environmental	\$
Construction	\$
Construction Contingency	\$
Architect(s) and Engineer(s)	\$
Development Consultant	\$
Survey and Permits	\$
Legal	\$
Title and Recording	\$
Real Estate Taxes	\$
Insurance	\$
Construction Loan Interest	\$
Construction Inspection Fees	\$
Other:	\$
Other:	\$
Other:	\$
Other:	\$
Other:	\$
Soft Cost Contingency	\$
Developer Overhead	\$
Developer Fee	\$

TOTAL: ALL USES	\$
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SOURCES OF FUNDING	AMOUNT	Committed
Sponsor Cash In Hand	\$	<input type="checkbox"/>
Additional Sponsor Fundraising	\$	<input type="checkbox"/>
Philanthropic Funding _____	\$	<input type="checkbox"/>
Philanthropic Funding _____	\$	<input type="checkbox"/>
Bank Loans	\$	<input type="checkbox"/>
Donated Materials/Services: _____	\$	<input type="checkbox"/>
Other: _____	\$	<input type="checkbox"/>
Other: _____	\$	<input type="checkbox"/>
TOTAL ALL SOURCES:	\$	

If any of the above-listed funding sources are already in hand or have been committed subject to designation/conveyance by DND, check off the right-hand box under "Committed".

Explanatory notes:

PRELIMINARY OPERATING BUDGET

PROPOSER'S NAME: _____

Provide a Preliminary Operating Budget on the form provided below. You may substitute another form that provides substantially equivalent information.

SOURCES OF FUNDS: ANNUAL OPERATING INCOME	AMOUNT	Committed
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
	\$	<input type="checkbox"/>
ANNUAL OPERATING INCOME: ALL SOURCES	\$	

If any of the above-listed funding sources are already in hand or have been committed subject to completion of the new facility, check off the right-hand box under "Committed".

USES OF FUNDS: ANNUAL OPERATING COSTS	AMOUNT
	\$
	\$
	\$
	\$
	\$

	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
ANNUAL OPERATING COSTS: ALL SOURCES	\$

Explanatory notes:

DEVELOPMENT TIMETABLE

PROPOSER'S NAME: _____

Assuming that you are designated on December 30, 2014, indicate below your target dates for achieving these key development milestones.

MILESTONE	DATE
Designs Complete	
Apply for Permit(s)	
Zoning Relief Anticipated?	<input type="checkbox"/> YES <input type="checkbox"/> NO
All Development Financing Committed	
Permit(s) Issued	
Financing Closed	
Construction Begins	
Construction Complete	

CONSTRUCTION EMPLOYMENT STATEMENT

PROPOSER'S NAME: _____

How many full time employees does your firm currently have?

☐ Under 25 ☐ 25 -99 ☐ 100 or more

Are you a Boston-based business? ☐ YES ☐ NO

"Boston Based": where the principal place of business and/or the primary residence of the Proposer is in the City of Boston.

Are you a Minority-owned Business Enterprise? ☐ YES ☐ NO

If yes, are you certified as such by the State Office of Minority and Women Business Assistance (SOMBWA)? ☐ YES ☐ NO

Are you a Woman-owned Business Enterprise? ☐ YES ☐ NO

If yes, are you certified as such by the State Office of Minority and Women Business Assistance (SOMBWA)? ☐ YES ☐ NO

RESIDENT, MINORITY AND FEMALE CONSTRUCTION EMPLOYMENT

DND encourages developers to seek to achieve the following construction employment goals:

Boston Residents	50% of project hours
Minority	25% of project hours
Female	10% of project hours

These are targets, not requirements, but proposals that provide better evidence of their ability to achieve these targets will be more highly ranked. Explain what actions you will undertake to promote employment of these groups:

If you have additional information demonstrating your capacity to achieve these employment targets, you may provide this information on a separate sheet clearly labeled at the top with "Supplementary Construction Employment Statement" and the Proposer's name.

Note: if you are, according the US Dept. of Housing & Urban Development, a Section 3 certified vendor, this will be considered strong evidence of capacity to achieve DND's employment goals.

If you have completed any development projects in the last five years that have required employment reporting through the City's Office of Jobs & Community Services, please list the most recent here:

Appendix 7

Applicant: _____

Notes:

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 _____, _____
Month Year

Proposer Signature

Co-Proposer Signature (If Applicable)

CHAPTER 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 _____, _____
Month Year

Proposer Signature

Co-Proposer Signature (If Applicable)

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of **every** legal entity and **every** natural person that has or will have a **direct or indirect** beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Write "none" in the blank if none of the persons mentioned in Section 6 is employed by DCAMM. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by the correct person. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGREEMENT, or DOCUMENT:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY (IF NOT AN INDIVIDUAL):

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

☐ Lessor/Landlord

☐ Lessee/Tenant

☐ Seller/Grantor

☐ Buyer/Grantee

Other (Please describe): _____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

(7) None of the above-named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert "none" if none):

(8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or: purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the Securities and Exchange Commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms-length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

(9) This Disclosure Statement is hereby signed under penalties of perjury.

PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM/DD/YYYY)

PRINT NAME & TITLE of AUTHORIZED SIGNER

MHC PRESERVATION RESTRICTION

Please see following 8 pages

PRESERVATION RESTRICTION AGREEMENT
between the COMMONWEALTH OF MASSACHUSETTS
by and through the MASSACHUSETTS HISTORICAL COMMISSION
and the City of Boston, Parks and Recreation Department

The parties to this Agreement are the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission located at the Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, Massachusetts 02125, hereinafter referred to as the Commission, and the City of Boston, Parks and Recreation Department, 1010 Massachusetts Avenue, Boston, MA 02118 hereinafter referred to as the Grantor.

WHEREAS, the Grantor is the owner in fee simple of certain real property with improvements known as Dorchester North Burying Ground, thereon as described in a deed dated May 4, 1820, from William Bird to the Town of Dorchester, recorded with the Norfolk Registry of Deeds, Book 63, Page 153, and which is located at Uphams Corner, Boston, MA 021504 hereinafter referred to as the Premises.

WHEREAS, the Grantor wishes to impose certain restrictions, obligations and duties upon it as the owner of the Premises and on the successors to its right, title and interest therein, with respect to maintenance, protection, and preservation of the Premises in order to protect the architectural, archaeological and historical integrity thereof; and

WHEREAS, the Premises is individually listed in the National Register of Historic Places and is thereby included as an individual listing in the State Register of Historic Places; and

WHEREAS, the preservation of the Premises is important to the public for the enjoyment and appreciation of its architectural, archaeological and historical heritage and will serve the public interest in a manner consistent with the purposes of M.G.L. chapter 184, section 32, hereinafter referred to as the Act; and

WHEREAS, the Commission is a government body organized under the laws of the Commonwealth of Massachusetts and is authorized to accept these preservation restrictions under the Act;

NP
BA

NOW, THEREFORE, for good and valuable consideration, the Grantor conveys to the Commission the following preservation restrictions, which shall apply in Perpetuity to the Premises.

These preservation restrictions are set forth so as to ensure the preservation of those characteristics which contribute to the architectural, archaeological and historical integrity of the Premises which have been listed on the National and/or State Registers of Historic Places, under applicable state and federal legislation.

Characteristics, which contribute to the architectural, archaeological and historical integrity of the Premises, include, but are not limited to, the artifacts, features, materials, appearance, and workmanship of the Premises, including those characteristics which originally qualified the Premises for listing in the National and/or State Registers of Historic Places.

The terms of the Preservation Restriction are as follows:

1. Maintenance of Premises: The Grantor agrees to assume the total cost of continued maintenance, repair and administration of the Premises so as to preserve the characteristics, which contribute to the architectural, archaeological and historical integrity of the Premises in a manner satisfactory to the Commission according to the Secretary of the Interior's "Standards for the Treatment of Historic Properties." The Grantor may seek financial assistance from any source available to it. The Commission does not assume any obligation for maintaining, repairing or administering the Premises.
2. Inspection: The Grantor agrees that the Commission may inspect the Premises from time to time upon reasonable notice to determine whether the Grantor is in compliance with the terms of this Agreement.
3. Alterations: The Grantor agrees that no alterations shall be made to the Premises, including the alteration of any interior, unless (a) clearly of minor nature and not affecting the characteristics which contribute to the architectural, archaeological or historical integrity of the Premises, or (b) the Commission has previously determined that it will not impair such characteristics after reviewing plans and specifications submitted by the Grantor, or (c) required by casualty or other emergency promptly reported to the Commission. Ordinary maintenance and repair of the Premises may be made without the written permission of the Commission. For purposes of this section, interpretation of what constitutes

alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines, which are attached to this Agreement and hereby incorporated by reference.

4. Notice and Approval: Whenever approval by the Commission is required under this restriction, Grantor shall request specific approval by the Commission not less than (30) days prior to the date Grantor intends to undertake the activity in question. A request for such approval by the grantor shall be reasonably sufficient as a basis for the Commission to approve or disapprove the request. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Commission to make an informed judgment as to its consistency with the purposes of this Preservation Restriction. Within (30) days of receipt of Grantor's reasonably sufficient request for said approval, the Commission shall, in writing, grant or withhold its approval, or request additional information relevant to the request and necessary to provide a basis for its decision. However, should the Commission determine that additional time is necessary in order to make its decision the Commission shall notify the Grantor. The Commission's approval shall not be unreasonably withheld, and shall be granted upon a reasonable showing that the proposed activity shall not materially impair the purpose of this Preservation Restriction. Failure of the Commission to make a decision within sixty (60) days from the date on which the request is accepted by the Commission or notice of a time extension is received by the Grantor shall be deemed to constitute approval of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.
5. Assignment: The Commission may assign this Agreement to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of historic properties only in the event that the Commission should cease to function in its present capacity.
6. Validity and Severability: The invalidity of M.G.L. c. 184 or any part thereof shall not affect the validity and enforceability of this Agreement according to its terms. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.
7. Recording: The Grantor agrees to record this Agreement with the appropriate Registry of Deeds and file a copy of such recorded instrument with the Commission.
8. Other Provisions: None applicable.

29446 324

The burden of these restrictions enumerated in paragraphs 1 through 8, inclusive, shall run with the land and is binding upon future owners of an interest therein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 23 day

of SEPTEMBER, 2002



Donald King, Chief of Staff

Boston Parks and Recreation Department

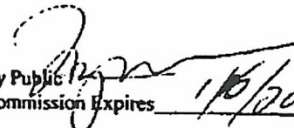
COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Sept 23 2002

Then personally appeared the above named DONALD KING
and acknowledged the foregoing instrument to be the free act and deed of DONALD KING
before me,

Notary Public
My Commission Expires


1/6/2006

RESTRICTION GUIDELINES

The purpose of the Restriction Guidelines is to clarify paragraph three of the terms of the preservation restriction, which deals with alterations to the premises. Under this section permission from the Massachusetts Historical Commission is required for any major alteration. Alterations of a minor nature, which are part of ordinary maintenance and repair, do not require MHIC review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, which must be reviewed by the MHIC, the following list has been developed. By no means is this list comprehensive; it is only a sampling of some of the more common alterations, which may be contemplated by building owners.

PAINT

Minor - Exterior or interior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including murals, stenciling, wallpaper, ornamental woodwork, stone, decorative or significant original plaster.

WINDOWS AND DOORS

Minor - Regular maintenance including caulking, painting and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

EXTERIOR

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - Large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot repointing of masonry. Structural stabilization of the property is also considered a major alteration.

LANDSCAPE/OUTBUILDINGS

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing buildings or property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings; ground disturbance affecting archaeological resources.

WALLS/PARTITIONS

Minor - Making fully reversible changes (i.e. sealing off doors in situ, leaving doors and door openings fully exposed) to the spatial arrangement of a non-significant portion of the building.

Major - Creating new openings in walls or permanently sealing off existing openings; adding permanent partitions which obscure significant original room arrangement; demolishing existing walls; removing or altering stylistic features; altering primary staircases.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor - Repair of existing systems.

Major - Installing or upgrading systems which will result in major appearance changes (i.e. dropped ceilings, disfigured walls or floors, exposed wiring, ducts, and piping); the removal of substantial quantities of original plaster or other materials in the course of construction.

Changes classified as major alterations are not necessarily unacceptable. Under the preservation restriction such changes must be reviewed by the MHC and their impact on the historic integrity of the premise assessed.

It is the responsibility of the property owner to notify the MHC in writing when any major alterations are contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of the preservation restriction is to enable the Commission to review proposed alterations and assess their impact on the integrity of the structure, not to preclude future change. MHC staff will attempt to work with property owners to develop mutually satisfactory solutions, which are in the best interests of the property.

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION

The undersigned hereby certifies that the foregoing preservation restrictions have been approved pursuant to Massachusetts General Laws, Chapter 184, section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By Cara H. Metz
Cara H. Metz
Executive Director and Clerk
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

September 3, 2002

Then personally appeared the above named Cara H. Metz and acknowledged the foregoing instrument to be the free act and deed of the Massachusetts Historical Commission, before

Notary Public

Nancy M. Maida

My Commission Expires

November 19, 2004

**BOSTON LANDMARKS COMMISSION
GENERAL STANDARDS AND CRITERIA**

Please see following 5 pages

8.1 Introduction

Per sections, 4, 5, 6, 7 and 8 of the enabling statute (Chapter 772 of the Acts of 1975 of the Commonwealth of Massachusetts, as amended) Standards and Criteria must be adopted for each Landmark Designation which shall be applied by the Commission in evaluating proposed changes to the property. The Standards and Criteria both identify and establish guidelines for those features which must be preserved and/or enhanced to maintain the viability of the Landmark Designation. Before a Certificate of Design Approval or Certificate of Exemption can be issued for such changes, the changes must be reviewed by the Commission with regard to their conformance to the purpose of the statute.

The intent of these guidelines is to help local officials, designers and individual property owners to identify the characteristics that have led to designation, and thus to identify the limitation to the changes that can be made to them. It should be emphasized that conformance to the Standards and Criteria alone does not necessarily ensure approval, nor are they absolute, but any request for variance from them must demonstrate the reason for, and advantages gained by, such variance. The Commission's Certificate of Design Approval is only granted after careful review of each application and public hearing, in accordance with the statute.

As intended by the statute, a wide variety of buildings and features are included within the area open to Landmark Designation, and an equally wide range exists in the latitude allowed for change. Some properties of truly exceptional architectural and/or historical value will permit only the most minor modifications, while for some others the Commission encourages changes and additions with a contemporary approach, consistent with the properties' existing features and changed uses.

In general, the intent of the Standards and Criteria is to preserve existing qualities that engender designation of a property; however, in some cases they have been structured as to encourage the removal of additions that have lessened the integrity of the property.

It is recognized that changes will be required in designated properties for a wide variety of reasons, not all of which are under the complete control of the Commission or the owners. Primary examples are: Building code conformance and safety requirements; Changes necessitated by the introduction of modern mechanical and electrical systems; Changes due to proposed new uses of a property.

The response to these requirements may, in some cases, present conflicts with the Standards and Criteria for a particular property. The Commission's evaluation of an application will be based upon the degree to which such changes are in harmony with the character of the property. In some cases, priorities have been assigned within the Standards and Criteria as an aid to property owners in identifying the most critical design features. The treatments outlined below are listed in hierarchical order from least amount of intervention to the greatest amount of intervention. The owner, manager or developer should follow them in order to ensure a successful project that is sensitive to the historic Landmark.

- Identify, Retain, and Preserve the form and detailing of the materials and features that define the historic character of the structure or site. These are basic treatments that should prevent actions that may cause the diminution or loss of the structures' or site's historic character. It is

important to remember that loss of character can be caused by the cumulative effect of insensitive actions whether large or small.

- Protect and Maintain the materials and features that have been identified as important and must be retained during the rehabilitation work. Protection usually involves the least amount of intervention and is done before other work.
- Repair the character defining features and materials when it is necessary. Repairing begins with the least amount of intervention as possible. Patching, piecing-in, splicing, consolidating or otherwise reinforcing according to recognized preservation methods are the techniques that should be followed. Repairing may also include limited replacement in kind of extremely deteriorated or missing parts of features. Replacements should be based on surviving prototypes.
- Replacement of entire character defining features or materials follows repair when the deterioration prevents repair. The essential form and detailing should still be evident so that the physical evidence can be used to re-establish the feature. The preferred option is replacement of the entire feature in kind using the same material. Because this approach may not always be technically or economically feasible the commission will consider the use of compatible substitute material. The commission does not recommend removal and replacement with new material a feature that could be repaired.
- Missing Historic Features should be replaced with new features that are based on adequate historical, pictorial and physical documentation. The commission may consider a replacement feature that is compatible with the remaining character defining features. The new design should match the scale, size, and material of the historic feature.
- Alterations or Additions that may be needed to assure the continued use of the historic structure or site should not radically change, obscure or destroy character defining spaces, materials, features or finishes. The commission encourages new uses that are compatible with the historic structure or site and that do not require major alterations or additions.

In these guidelines the verb Should indicates a recommended course of action; the verb Shall indicates those actions which are specifically required to preserve and protect significant architectural elements.

Finally, the Standards and Criteria have been divided into two levels:

Section 8.3: Those general Standards and Criteria that are common to all Landmark designations (building exteriors, building interiors, landscape features and archeological sites).

Section 9.0: Those specific Standards and Criteria that apply to each particular property that is designated. In every case the Specific Standards and Criteria for a particular property shall take precedence over the General ones if there is a conflict.

8.2 Levels of Review

The Commission has no desire to interfere with the normal maintenance procedures for the Landmark. In order to provide some guidance for the Landmark property's owner, manager or developer and the Commission, the activities which might be construed as causing an alteration to the physical character of the exterior have been categorized to indicate the level of review required, based on the potential

impact of the proposed work. Note: the examples for each category are not intended to act as a comprehensive list; see Section 8.2.D.

A. Routine activities which are not subject to review by the Commission:

1. Activities associated with normal cleaning and routine maintenance.
 - a. For building maintenance (Also see Sections 9.0), such activities might include the following: normal cleaning (no power washing above 700 PSI, no chemical or abrasive cleaning), non-invasive inspections, in-kind repair of caulking, in-kind repainting, staining or refinishing of wood or metal elements, lighting bulb replacements or in-kind glass repair/replacement, etc.
 - b. For landscape maintenance, such activities might include the following: normal cleaning of paths and sidewalks, etc. (no power washing above 700 PSI, no chemical or abrasive cleaning), non-invasive inspections, in-kind repair of caulking, in-kind spot replacement of cracked or broken paving materials, in-kind repainting or refinishing of site furnishings, site lighting bulb replacements or in-kind glass repair/replacement, normal plant material maintenance, such as pruning, fertilizing, mowing and mulching, and in-kind replacement of existing plant materials, etc.
2. Routine activities associated with special events or seasonal decorations which are to remain in place for less than six weeks and do not result in any permanent alterations or attached fixtures.

B. Activities which may be determined by the staff to be eligible for a Certificate of Exemption or Administrative Review, requiring an application to the Commission:

1. Maintenance and repairs involving no change in design, material, color or outward appearance.
2. In-kind replacement or repair, as described in the Specific Standards and Criteria, Section 9.0.
3. Phased restoration programs will require an application to the Commission and may require full Commission review of the entire project plan and specifications; subsequent detailed review of individual construction phases may be eligible for Administrative Review by BLC staff.
4. Repair projects of a repetitive nature will require an application to the Commission and may require full Commission review; subsequent review of these projects may be eligible for Administrative Review by BLC staff, where design, details, and specifications do not vary from those previously approved.
5. Temporary installations or alterations that are to remain in place for longer than six weeks. See Section 9.1.
6. Emergency repairs that require temporary tarps, board-ups, etc. may be eligible for Certificate of Exemption or Administrative Review; permanent repairs will require review as outlined in Section 8.2. In the case of emergencies, BLC staff should be

notified as soon as possible to assist in evaluating the damage and to help expedite repair permits as necessary.

C. Activities requiring an application and full Commission review:

Reconstruction, restoration, replacement, demolition, or alteration involving change in design, material, color, location, or outward appearance, such as: New construction of any type, removal of existing features or elements, major planting or removal of trees or shrubs, or changes in landforms.

D. Activities not explicitly listed above:

In the case of any activity not explicitly covered in these Standards and Criteria, the Executive Director shall determine whether an application is required and if so, whether it shall be an application for a Certificate of Design Approval or Certificate of Exemption.

E. Concurrent Jurisdiction

In some cases, issues which fall under the jurisdiction of the Landmarks Commission may also fall under the jurisdiction of other city, state and federal boards and commissions such as the Boston Art Commission, the Massachusetts Historical Commission, the National Park Service and others. All efforts will be made to expedite the review process. Whenever possible and appropriate, a joint staff review or joint hearing will be arranged.

8.3 General Standards and Criteria

1. The design approach to the property should begin with the premise that the features of historical and architectural significance described within the Study Report must be preserved. In general, this will minimize alterations that will be allowed. Changes that are allowed will follow accepted preservation practices as described below, starting with the least amount of intervention.
2. Changes and additions to the property and its environment which have taken place in the course of time are evidence of the history of the property and the neighborhood. These changes to the property may have developed significance in their own right, and this significance should be recognized and respected. (The term later contributing features shall be used to convey this concept.)
3. Deteriorated materials and/or features, whenever possible, should be repaired rather than replaced or removed.
4. When replacement of features that define the historic character of the property is necessary, it should be based on physical or documentary evidence of original or later contributing features.
5. New materials should, whenever possible, match the material being replaced in physical properties and should be compatible with the size, scale, color, material and character of the property and its environment.

6. New additions or alterations should not disrupt the essential form and integrity of the property and should be compatible with the size, scale, color, material and character of the property and its environment.
7. New additions or related new construction should be differentiated from the existing, thus, they should not necessarily be imitative of an earlier style or period.
8. New additions or alterations should be done in such a way that if they were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.
9. Priority shall be given to those portions of the property which are visible from public ways or which it can be reasonably inferred may be in the future.
10. Surface cleaning shall use the mildest method possible. Sandblasting, wire brushing, or other similar abrasive cleaning methods shall not be permitted.
11. Should any major restoration or construction activity be considered for the property, the Boston Landmarks Commission recommends that the proponents prepare an historic building conservation study and/or consult a materials conservator early in the planning process.
12. Significant archaeological resources affected by a project shall be protected and preserved.

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