

BRA

**REQUEST
FOR
PROPOSALS**

Parcel 9 + Parcel 10 Roxbury Massachusetts

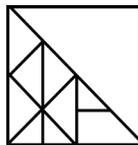


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**Boston
Redevelopment
Authority**

ONE CITY HALL SQUARE BOSTON MASSACHUSETTS 02201
APRIL 2011

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Community workshops



1. INTRODUCTION

The Boston Redevelopment Authority (“BRA”) and the Massachusetts Division of Transportation (“MassDOT”) are pleased to issue this Request for Proposals (“RFP”) for the development of Parcels 9 and 10 located in the Roxbury Neighborhood of Boston. Parcels 9 and 10 are two of seven parcels to be disposed of through the process described in the Roxbury Strategic Master Plan (“Master Plan”).

This RFP is based on the Master Plan and a series of community workshops led by the Roxbury Strategic Master Plan Oversight Committee (“RSMPOC”), which is charged with overseeing the implementation of the Master Plan, in partnership with the Roxbury community and the Boston Redevelopment Authority (“BRA”). With the goal of implementing key provisions of the Master Plan and key community objectives, Parcels 9 and 10 are viewed by the community and the BRA as an important opportunity to stimulate development that will improve physical, economic, and social conditions in Roxbury.

In its planning work for Parcels 9 and 10, the RSMPOC and Roxbury community have arrived at a preference for “wealth-generating” uses that create jobs, equity, and sustainable economic growth for Roxbury residents. Development proposals should consider small to mid-size retail and commercial anchor tenants that complement and strengthen the Dudley Square retail business district.

Disposition Approach The RSMPOC recommends Simultaneous Disposition of both parcels. Separate responses must be submitted for each parcel; teams can respond with proposals for both parcels. Designation will be separate for each parcel but can be the same team for both parcels.

Aerial photo of Parcels 9 and 10 and surrounding context along Melnea Cass Blvd.



The RFP can be viewed on the BRA website at: www.BostonRedevelopmentAuthority.org, click on “Planning Initiative”, click on “Roxbury Strategic Master Plan” and go to the list of “Publications”. All respondents planning to respond to the RFP must register by email. Said registration emails must state legal name of the respondent and include the telephone number and email address of the respondent’s designated contact:

All registration emails are to be submitted to Maura Hendricks.

Maura Hendricks
Executive Assistant, BRA Executive Director/Secretary’s Office
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02210

Maura.Hendricks.bra@cityofboston.gov

Only registered purchasers of the RFP will receive electronic updates, notices and information.

2. SITE LOCATION AND DESCRIPTION

2.1 LOCATION AND ACCESS

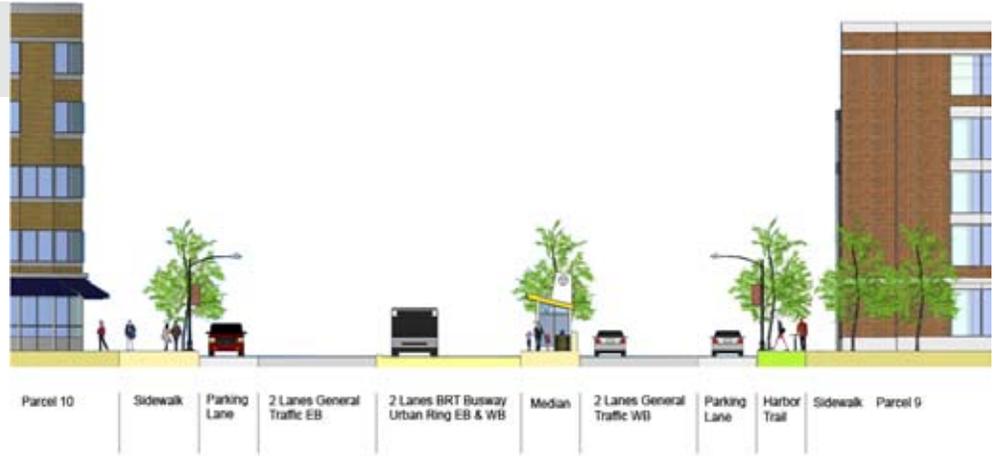
Parcel 9 is located within the South End Urban Renewal Area, Project No. Mass. R-56, and Parcel 10 is located in the Roxbury Neighborhood District, Dudley Square Economic Development Area. These two parcels are separated by Melnea Cass Boulevard. Parcel 9 is on the north side of Melnea Cass Boulevard, while Parcel 10 is on the south side of Melnea Cass Boulevard. Parcel 9 is located in the section of the South End/Lower Roxbury, which is within the South End Urban Renewal Area, Project No. Mass. R-56, and it is also within the Roxbury Neighborhood District, Dudley Square Economic Development Area. Parcel 10 is located in Roxbury, which is within the section of the Dudley Square Neighborhood District. The total land area for both parcels is approximately 3.35 acres of vacant land.

Parcel 9 is approximately 57,238 square foot (± 1.31 acre) in area and consists of two smaller parcels: one is owned by the BRA and consists of approximately 33,111 square feet, and the other is owned by the Massachusetts Department of Transportation (“MassDOT”) and consists of approximately 24,127 square feet. Parcel 9 is bordered by Washington Street to the east, Melnea Cass Boulevard to the south, Ball Street to the north and Shawmut Avenue to the west.

Urban Ring



Urban Ring Street Section



Parcel 10 existing conditions



Parcel 9 existing conditions



Circulation and Connection

Transit

- Green Line - Rail
- Orange Line - Rail
- Urban Ring - BRT
- Silver Line - Bus

Other

- S. West Corridor Trail - bike
- Harbor Trail - Bike

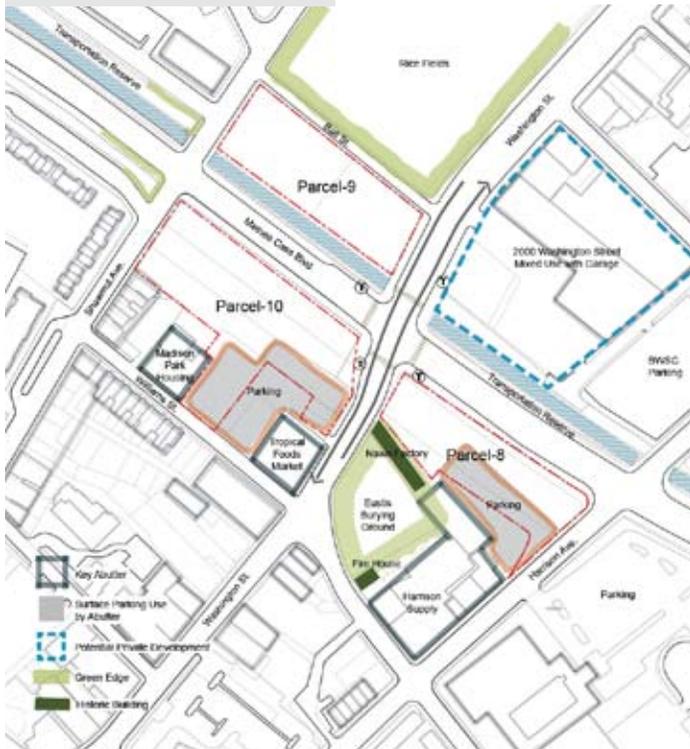


Any potential development scenario for Parcel 9 is also required to accommodate the South Bay Harbor Trail. When completed, the 3.5-mile pedestrian/bicycle trail will connect Roxbury to Boston Harbor. The trail will make use of the existing bike path and green space that runs along the Melnea Cass Boulevard edge of the site. More information is available about the South Bay Harbor Trail at: <http://www.savetheharbor.org/index.php/south-bay-harbor-trail>.

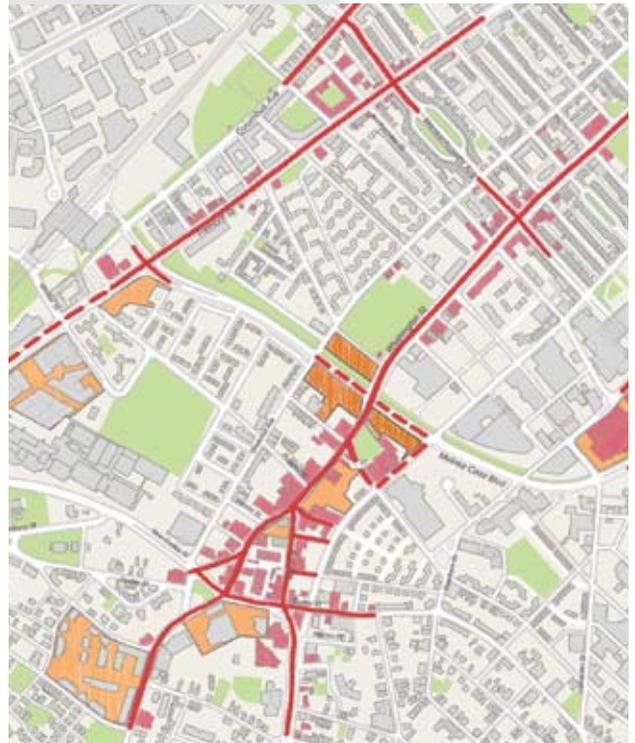
Parcel 10 is approximately 89,185 square foot (\pm 2.05 acre) in area and consists of seven smaller parcels, six of which are owned by the BRA or the City of Boston and consists approximately 63,890 square feet, and one of which is owned by MassDOT and consists approximately 25,295 square feet. Parcel 10 is located at the southwest corner of the Washington Street and Melnea Cass Boulevard intersection and shares the block with residential buildings as well as a long established independent grocery store. Tropical Foods is currently under a temporary License Agreement with the BRA for use of a portion of Parcel 10 for customer parking (see site plan).

Parcel 10 is bordered by Melnea Cass Boulevard to the north, Washington Street to the east, Williams Street to the south and Shawmut Avenue to the west. Both parcels are located near Dudley Square, Roxbury's commercial and historical center, as well as the Lower Roxbury neighborhood on the northern side of Melnea Cass Boulevard.

Existing Site Conditions



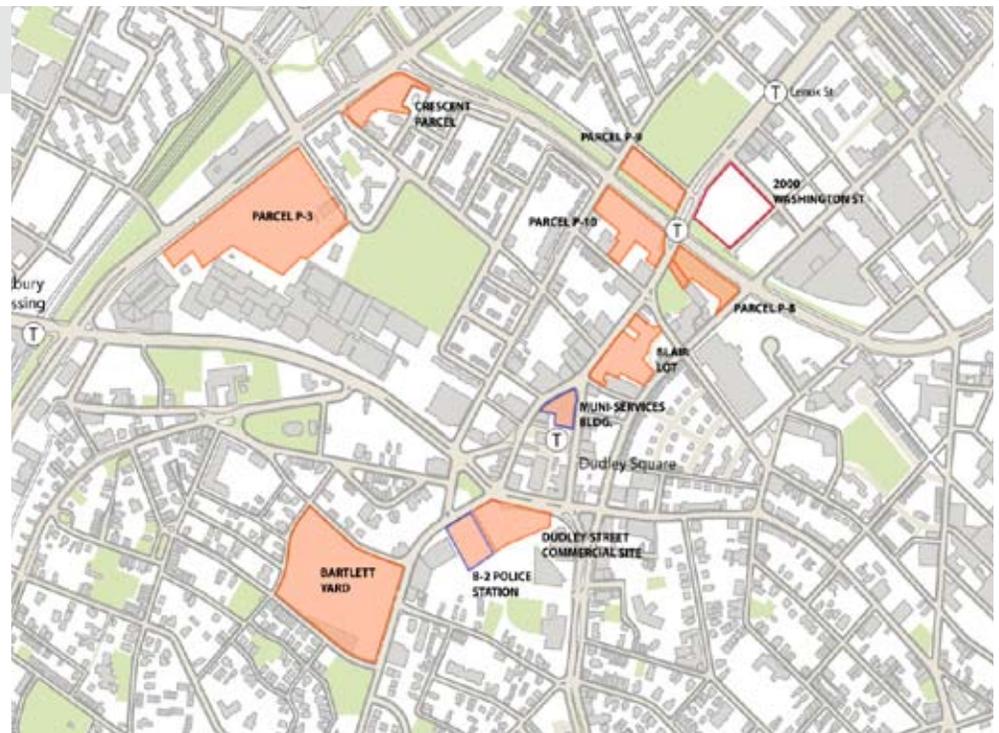
Active Pedestrian Zones



A preliminary survey entitled "Parcels 8, 9 and 10 Melnea Cass Boulevard Boston, MA", prepared by Allen & Major Associates, Inc. and dated August 5, 2010, the survey can be viewed online at: [http://www.bostonredevelopmentauthority.org/pdf/documents/Parcels 8,9,10--884-02-2010.PDF](http://www.bostonredevelopmentauthority.org/pdf/documents/Parcels%208,9,10--884-02-2010.PDF)

The Parcels 9 and 10 are located across from the Melnea Cass Boulevard stop on the Massachusetts Bay Transportation Authority ("MBTA") Silver Line and the proposed Washington Street stop of Urban Ring. The sites are also approximately a quarter of a mile from the MBTA's Dudley Square Bus Station. These connections provide access to the full range of intermodal transit options provided by the MBTA for public transit access throughout the city and region. More information is available about the Urban Ring project at: <http://theurbanring.eot.state.ma.us/>.

Figure 4: Roxbury Strategic Master Plan



Tropical Foods, Rice Field



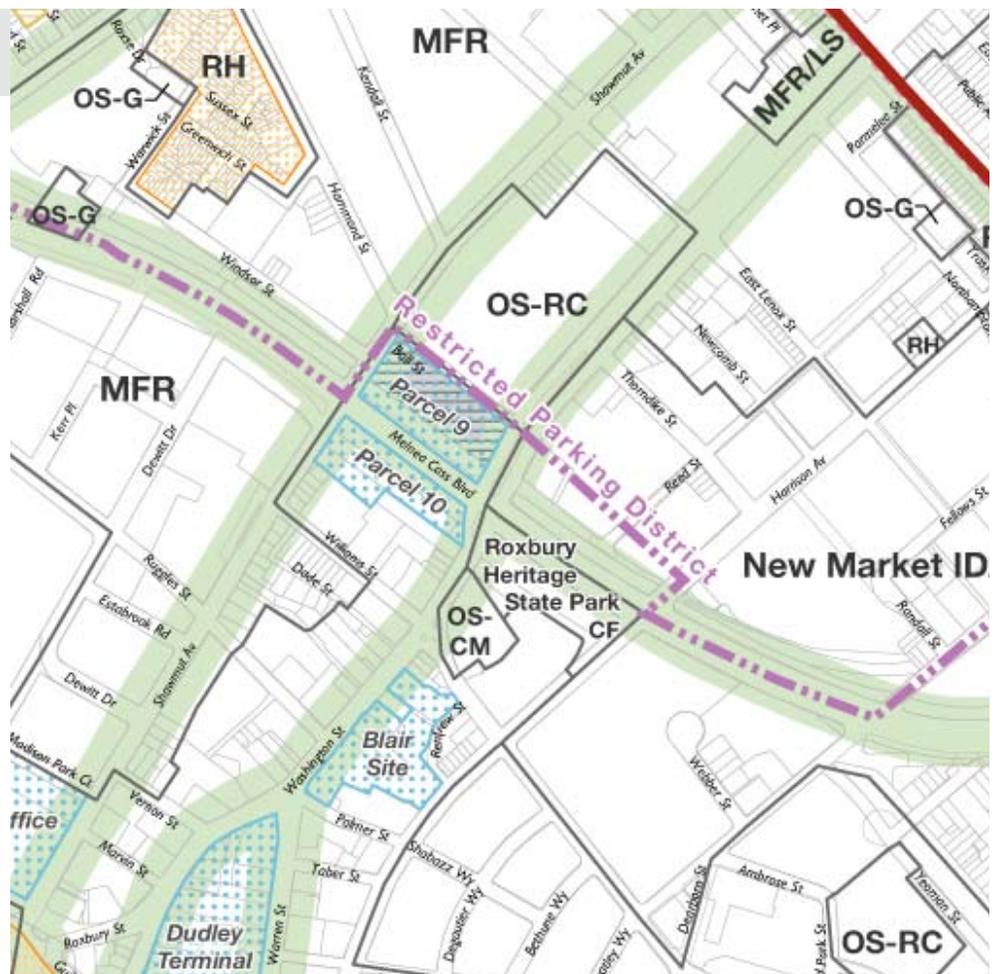
2.2 EXISTING CONDITIONS

Existing Structures and Uses Parcels 9 and 10 are both vacant and under utilized parcels of land with no existing structures. Abutting businesses are currently using some portions of Parcel 10 for parking.

Existing Streets and Underground Utilities The site plans included with this RFP show the general boundaries of Parcels 9 and 10, existing public ways and easements. The BRA and MassDOT make no representations or warranties as to the completeness or accuracy of the property information contained in this RFP. Respondents are responsible for independently verifying all such information including any underground utilities and related easements.

Environmental Investigation and Indemnity Respondents are responsible for making their own determination of existing site conditions and conducting their own environmental investigation of Parcels 9 and 10 and the surrounding area, and the designated developer (s) will be required to assume all responsibility for site conditions and any remediation of hazardous materials on, in, under, or released from the parcels, including costs pursuant to the proposed ground lease. Respondents should refer to the environmental documentation listed in the Additional Documentation and Materials (See Appendix I).

Zoning Map with PDA/EDA Areas



3. PLANNING CONTEXT

3.1 PLANNING

Development proposals will be subject to the provisions of the City of Boston zoning and building regulations and procedures, as well as applicable State (including without limitation the Massachusetts Environmental Policy Act (“MEPA”), M.G.L. Chapter 30, Sections 61 and 62) and City environmental reviews, the Boston Residents Construction Employment Standards which implement the Boston Residents Jobs Policy, and any other applicable City policies.

The preparation and submission of all proposals by any person, group, or organization is entirely at the expense of such person, group, or organization. The designated developer shall be responsible for any and all costs incurred in connection with the planning and development of the Project Site(s). The BRA, MassDOT, and the City of Boston shall not be liable for any such costs nor shall either be required to reimburse the developer for such costs.

Roxbury Strategic Master Plan

The “Master Plan” represents a commitment to continue to build a socially and economically vibrant Roxbury and serves as a guide to shape future policy and activities in the neighborhood. This community-based plan is a product of a three-year partnership with community members, residents’ groups, and City and elected officials.

In addition to presenting broad goals for Roxbury at large, the Master Plan sets out a process for the disposition of several publicly-owned parcels, including Parcels 9 and 10. The roles of the RSMPOC and Project Review Committee (“PRC”) are described in the Master Plan, which is available at the BRA or online [http://www.bostonredevelopmentauthority.org/pdf/PlanningPublications/RSMPOC Roxbury Master Plan.pdf](http://www.bostonredevelopmentauthority.org/pdf/PlanningPublications/RSMPOC%20Roxbury%20Master%20Plan.pdf)

Existing Context



Zoning Under current zoning, Parcel 9 is located in the Dudley Square Economic Development Area and is included in both the Housing Priority and Boulevard Planning overlay sub-districts. Parcel 10 is also located in the Dudley Square Economic Development Area and the Boulevard planning overlay sub-district. Zoning for the area is described in Article 50 of the Boston Zoning Code, adopted by the Zoning Commission in 1991 and shown on the associated Map 6A/6B/6C. Copies of the Boston Zoning Code may be obtained from the BRA, 9th Floor, City Hall or on the BRA website at: www.cityofboston.gov/bra/zoning/zoning.asp.

The community's vision for these sites, as reflected in the Development Guidelines of this RFP, include a wide range of use, urban design, building design, and sustainability goals that may or may not conform to the current zoning code.

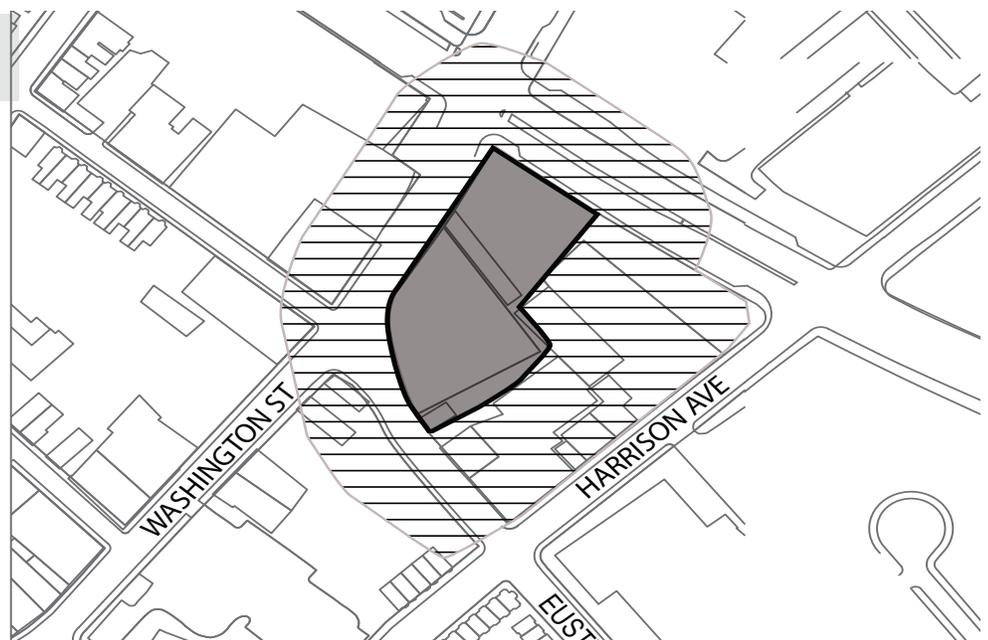
Respondents to this RFP are encouraged to submit proposals that best respond to or exceed the Goals and Guidelines stated within this document. It is expected that respondents shall seek approval for any deviations from the code through the Board of Appeal and/or the Boston Zoning Commission.

Article 50 of the Boston Zoning Code established Economic Development Area ("EDA") sub-districts with the following goals:

- To encourage economic growth and commercial activity in a manner which is sensitive to the needs and interests of the community and to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood. They are established to encourage the diversification and expansion of Boston and Roxbury's economies, the creation and retention of job opportunities and provision of additional economic benefits to the Roxbury Neighborhood District.

Article 50 of the Boston Zoning Code establishes Housing Priority Areas for the Roxbury Neighborhood District as follows:

Eustis Architectural
Conservation District



- This Section establishes several Housing Priority Areas in order to promote and encourage the construction of Affordable Housing. All parcels of land within these areas are owned by a Public Agency and comprise at least one acre, either individually or in combination with contiguous parcels owned by another public agency. Notwithstanding any contrary provision hereof, for any Proposed Project within these areas a minimum of three (3) square feet of Gross Floor Area shall be devoted to allowed Residential Uses for each square foot of Gross Floor Area devoted to other uses. In addition, seventy-five (75%) percent of all Dwelling Units in any such Proposed Project shall be Affordable. The provision of Affordable Housing within the Roxbury Neighborhood District shall not be limited to these areas, and is, in fact, encouraged throughout the Roxbury Neighborhood District.

The Roxbury Neighborhood District establishes the current underlying zoning for the parcels. Under current zoning, the maximum Floor Area Ratio (“FAR”) for the Dudley Square EDA is 2.0 and the maximum building height is 55 feet. Both parcels are Planned Development Area (“PDA”) eligible.

Article 37 of the Boston Zoning Code establishes Green Building standards as follows:

- Any major building project must be planned, designed, constructed, and managed to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Boston. Any Proposed Project subject to the provisions of this article shall be LEED Certifiable under the most appropriate LEED building rating system.

**Architectural
Conservation
District**

The two subject parcels abut the Architectural Conservation District for the nearby Eustis Street area. According to the BLC’s 1981 Eustis Street Area District Study Committee Report, the area “is significant as a unique collection of sites and structures which represent a continuous history of Roxbury from its origins as a farming village through nineteenth century industrialization”. Significant historic assets include the Old Roxbury Burial Ground, Eustis Street Firehouse, and the Nawn Factory. This protection area includes all of nearby Parcel 8 and portions of Parcel 10. Parcel 8 is not included in this RFP. However, proposals for the redevelopment of Parcels 9 and 10 should be aware of the guidelines associated with this conservation district and when applicable, adhere to them. Successful respondents should expect to work with the Boston Landmarks Commission on the detail application of and compliance with the Architectural Conservation District guidelines.

4. DEVELOPMENT GOALS

4.1 DEVELOPMENT GOALS

Development Goals and Use & Design Guidelines will be used by the RSMPOC and the City to determine responsiveness of proposals.

The following are the broad goals for development on Parcels 9 and 10:

- **Implement the Roxbury Strategic Master Plan** with special emphasis on maximizing economic development and job creation potential.
- **Generate wealth** for the Roxbury community. Strategies should consider the following five principal elements: (1) economic linkages to the larger economy; (2) jobs and careers for Roxbury residents; (3) community and/or minority equity and ownership; (4) opportunities for local small business development, and (5) more home ownership opportunities.
- **Catalyze new economic growth**, including redevelopment and new development on the adjoining parcels, in the Dudley Square business district and in the surrounding neighborhoods.
- **Reinforce the physical, social, and economic fabric** of Roxbury by replacing a vacant lot with a project that provides high-quality architecture and urban design, creates community facilities and public gathering spaces, enhances physical connections and creates an integrated and active urban environment, lays the groundwork for long-term economic benefits for the neighborhood, and creates sustained economic opportunity for local residents. Successful redevelopment of these parcels will take into consideration the nearby Dudley Square commercial district and Lower Roxbury residential community.
- **Leverage the resources of Roxbury at large**, including its workforce, youth population, demographic diversity, investment capital, and existing businesses.
- **Build a highly sustainable development** employing the principles and best practices of Sustainability and Green Building design to maximize the social, economical and environmental sustainability of the project and to minimize project related environmental impacts and energy consumption.
- **Create a successful transit-oriented development** by providing a mix of uses, appropriate parking ratios, a strong pedestrian environment, mobility options (e.g., bicycling), safe and easy access to transit, and urban design that is fitting to the area.
- **Maximize the value of Parcels 9 and 10** as an economic development asset for Roxbury and the City. The value is based on the parcel's size, its favorable location within Boston, and its proximity to transportation infrastructure, significant economic engines, and local educational and workforce training infrastructure.

4.2 SPECIFIC DEVELOPMENT GOALS

This section presents specific Programmatic and Economic Development Goals for Parcels 9 and 10. Each stated goal is followed by a list of desired outcomes and/or more detailed descriptions intended to help respondents understand the vision for development of the site. While it is understood that proposals may not satisfy each goal, failure to provide a response for each specific goal will result in a proposal being deemed “non-responsive”.

Goal 1 Create concrete jobs and career opportunities for Roxbury residents and other residents of Boston

- Development must include and attract economic activities with a diversity of occupations, wage levels, and skill requirements. Full-time jobs with benefits and a living wage are a priority.
- Projects should emphasize net job creation opportunities with a focus toward the creation of jobs with career ladder opportunities.
- Efforts should be made to attract companies and organizations in the health, medical and green technology sectors that are able to provide jobs with a variety of entry points.
- The Roxbury community and the BRA have set the following goals for employment related to the development of the Parcels 9 & 10:
 - Consistent with the City of Boston Jobs Policy, at least 50% of the construction jobs should be targeted to City of Boston Residents, targeting at least 25% to minorities and 10% to women.
- Respondents are encouraged to solicit the input of major employers, local educational institutions, training providers, social service agencies, unions, and other entities regarding the training needs of Roxbury residents and possible strategies for meeting the community’s employment goals, but should not enter into specific commitments with such entities at this stage. Respondents are encouraged to integrate employment and training strategy concepts into their development proposals.
- Respondents must be able to demonstrate a history of success meeting hiring and training goals.
- The designated developer is encouraged to work with the BRA (including Jobs and Community Services), and all other appropriate entities, to develop plans to meet hiring, job referral, and training goals through the use of existing or new jobs banks, job referral systems, and coordinated apprentice education and training programs.

Goal 2 Diversify the Roxbury economy and increase economic ties between Roxbury and the larger Boston and regional economy

- To best meet the overall goal of wealth generation, respondents are encouraged to respond creatively to fostering economic activities that diversify Roxbury’s economic base and bring new resources into the broader Roxbury community.

- Development proposals must document and demonstrate the ability to forge connections between economic activities on the Parcels 9 & 10 sites and the rest of the Roxbury economy so that wealth is circulated as broadly as possible. Connections should include opportunities for local businesses.

Goal 3 Maximize the economic development potential of the Project Site without adversely impacting surrounding uses

- Development should consider the existing character of the surrounding community and strive to complement the nearby Lower Roxbury and Dudley Square communities physically, socially, and economically.
- Development should be of appropriate type and of sufficient density to allow the creation of a significant number of jobs while maintaining financial feasibility of the project.
- New development and uses should be compatible with the transportation, urban design, and other goals described in this document. Complementary uses that allow for shared parking arrangements are encouraged.

Goal 4 Create an urban village with a mix of new commercial and retail uses that complement and add to the Dudley Square Business District

- Proposals should contain a significant retail component that can support the development on the Project Site, take advantage of the unique location of Parcels 9 and 10, serve the broader neighborhood, and provide business opportunities for local residents that contribute to and enhance the role of Dudley Square as Roxbury's commercial center.
- New ground floor business, retail and service uses should provide for active day time and evening uses, with an emphasis on the corner of Washington Street and Melnea Cass Boulevard.

Goal 5 Support community and minority ownership

- Proposals should strive to promote community and minority business enterprises ("MBEs"), through the following:
 - Pre-construction contracts (e.g. architecture and engineering) awarded to Roxbury businesses and MBEs.
 - Development contracts awarded to Roxbury businesses and MBEs.
 - Ongoing / permanent service contracts (e.g. marketing and leasing, maintenance, security, etc.) awarded to Roxbury businesses and MBEs.
- The designated developer will be encouraged to prepare and implement a plan for the participation of local businesses and MBEs. (See Appendix XIII: Expression of Community Goals). Appendix XIII is not a requirement of this RFP.

5. URBAN DESIGN

5.1 URBAN DESIGN GUIDELINES

The following guidelines are intended to describe the desired physical qualities of development on Parcels 9 and 10, to ensure that development enhances the adjacent neighborhood and business district. Designs should be creative in interpreting these guidelines.

Roxbury Strategic Master Plan and Oversight Committee Development Vision

RSMPOC directed the BRA to conduct a series of public meetings for the purpose of crafting site specific Use & Urban Design Guidelines for Parcels 9 and 10. The general recommendations put forth in the Master Plan have guided these public discussions and are reflected in these recommendations.

Key urban design concepts are:

- Buildings at the intersection of Washington Street and Melnea Cass Boulevard should serve as a prominent Gateway into the Dudley Square area.
- Promote Melnea Cass Boulevard as an active pedestrian destination with attractive ground floor uses, pedestrian friendly streetscapes and sidewalks, and on-street parking.
- Ensure that proposed buildings respect the historical context of the Nawn Factory building, the Eustis Street Burial Ground and Fire House.

General Use & Urban Design Guidelines

The RSMPOC and area community envision the redeveloped Parcels 9 and 10 as an opportunity to attract uses that generate sustainable economic growth, jobs, and retail opportunities that benefit Dudley Square and Roxbury as a whole.

Each guideline item is followed by a list of desired outcomes and/or more detailed descriptions intended to help respondents understand more fully the use and urban design vision for development of the site.

Creative responses to each guideline are encouraged. Respondents should provide illustrations and descriptions, as necessary, to evidence compliance with each guideline. A community Project Review Committee (“PRC”), and the BRA will review and evaluate proposals to determine if each respondent has met the requirements of the RFP

These guidelines are intended to assist respondents to this RFP in crafting proposals that fulfill community expectations for redevelopment of Parcels 9 and 10.

5.2 PARCEL 9 SITE SPECIFIC GUIDELINES

Defining Characteristics

Parcel 9 will play an important role in activating and filling out the Washington Street and Melnea Cass Boulevard Gateway. Along Melnea Cass Boulevard., new development should respond to bikes and pedestrians on the Harbor Trail. While along the Ball Street side, new complementary uses should enhance the edge of Jim Rice Field, one of Roxbury’s largest public ball fields.

5.2.1 PARCEL 9 - USE GUIDELINES

- Retail Uses** Provide for morning, day and evening time active ground floor retail and service uses, particularly at the corner of Washington Street and Melnea Cass Boulevard. Provide space for locally owned businesses that cater to the community and complement, rather than compete with, existing Dudley Square businesses. Consideration should be given to including a commercial “mini anchor” use to attract customers to the site.
- Commercial Office Uses** Provide multiple stories of commercial / office space above retail spaces. Consider providing space for the health and medical sector and green jobs.
- Residential Uses** Residential uses can be considered but are not required. Locate any new residential units on upper building floors on the Shawmut Avenue end of the site. Provide separate and distinguishable residential building entries.
- Open Space** Use open spaces and green spaces to organize site and building uses and to reduce the apparent length of the site along Melnea Cass Boulevard. Provide a mix of usable semi-private open spaces at each building including outdoor passive open spaces for building occupants. For residential uses provide outdoor passive and active open spaces with play structures for children.
- Ensure adequate space for the continuation and enhancement of the Harbor Trail bicycle and pedestrian path on the Melnea Cass Boulevard side of site. Use landscaping materials and surface treatments to delineate and enhance the pedestrian and bicycle areas.
- Community and Cultural Uses** Space for cultural and/or community uses that serve local residents.

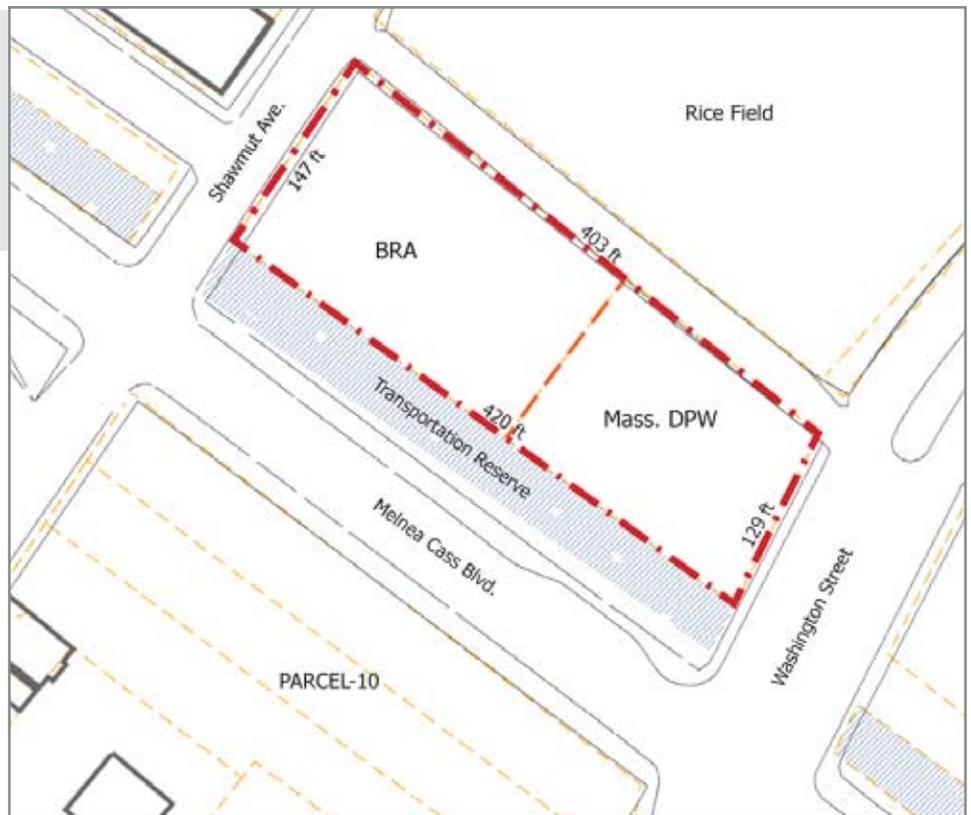
5.2.2 PARCEL 9 – DESIGN GUIDELINES

- Street & Block Pattern** Separate built areas to break up the length of the site and respect the surrounding character. Configure buildings and site features to maximize sunlight and minimize shadows.
- Area Circulation & Connections** Promote an accessible pedestrian environment with circulation along active street edges. Provide direct access to nearby transit including planned transit. Use prominent crosswalks, controlled pedestrian signals, and generous median space to comfortably connect the site across Washington Street and Melnea Cass Boulevard. Situate service and support spaces towards the interior of the block with service and truck access from Ball Street.
- Streetscape** Provide enhanced streetscapes with landscaped sidewalks, attractive street lighting, street furniture and enhanced paving.

Parcel 9
Area: 57,238/1.31 Acres

Ownership:
Mass DOT (included in MOA): 24,127 SF
BRA: 33,111 SF

Map and dimensions are for illustrative purposes only.



Building Height & Massing Proposals should be within the context of the surrounding community. With respect to height and massing, existing zoning regulations should be considered.

Orientation Front new buildings along Melnea Cass Boulevard., Washington Street, Ball Street and Shawmut Avenue, with a focus at the corner of Melnea Cass Boulevard and Washington Street.

Edges & Street Wall Provide minimal set-backs from the street that will allow for a comfortable and lively pedestrian and retail environment. Ensure frequent entrances, transparent facades, tall store front display windows, canopies and attractive building materials.

Building Character & Materials Vary material to reflect different buildings and uses (residential / commercial / community facility). Provide inconspicuous screening of building mechanical equipment and ventilation openings. Provide for high quality materials & detailing throughout.

Landscaping Provide attractive and well maintained plantings throughout the site. Use plants appropriate to the region and to all seasons that require little or no irrigation or irrigate with collected storm water or gray water.

5.3 PARCEL 10 SITE SPECIFIC GUIDELINES

Defining Characteristics Parcel 10 should serve as the primary focus of the Melnea Cass and Washington Street. Gateway, calling attention to and activating the area. New development should help to organize the diverse uses of the block. The developable area of the site is large enough to activate not only the edges, but also the interior of the block.

5.3.1 PARCEL 10 - USE GUIDELINES

Retail Uses Provide for morning, day and evening time active ground floor retail and service uses, particularly at the corner of Washington Street and Melnea Cass Boulevard. Provide space for locally owned businesses that cater to the community and complement, rather than compete with existing Dudley Square businesses.

Commercial Office Uses Provide multiple stories of commercial / office space above retail spaces. Consider providing space for the health and medical sector and green jobs.

Residential Uses Provide residential space along Williams Street at a scale appropriate to the immediate surroundings. Residential uses at the corner of Melnea Cass and Shawmut Avenue can be considered, but are not required. Provide separate and distinguishable residential building entries.

Open Space Use open spaces and green spaces to organize site uses and buildings and to reduce the apparent length of the site along Melnea Cass Boulevard. Provide a mix of usable semi-private open spaces at each building including outdoor passive open spaces for building occupants. For residential uses provide outdoor passive and active open spaces with play structures for children.

Community and Cultural Uses Space for cultural and/or community uses that serve local residents.

5.3.2 PARCEL 10 – DESIGN GUIDELINES

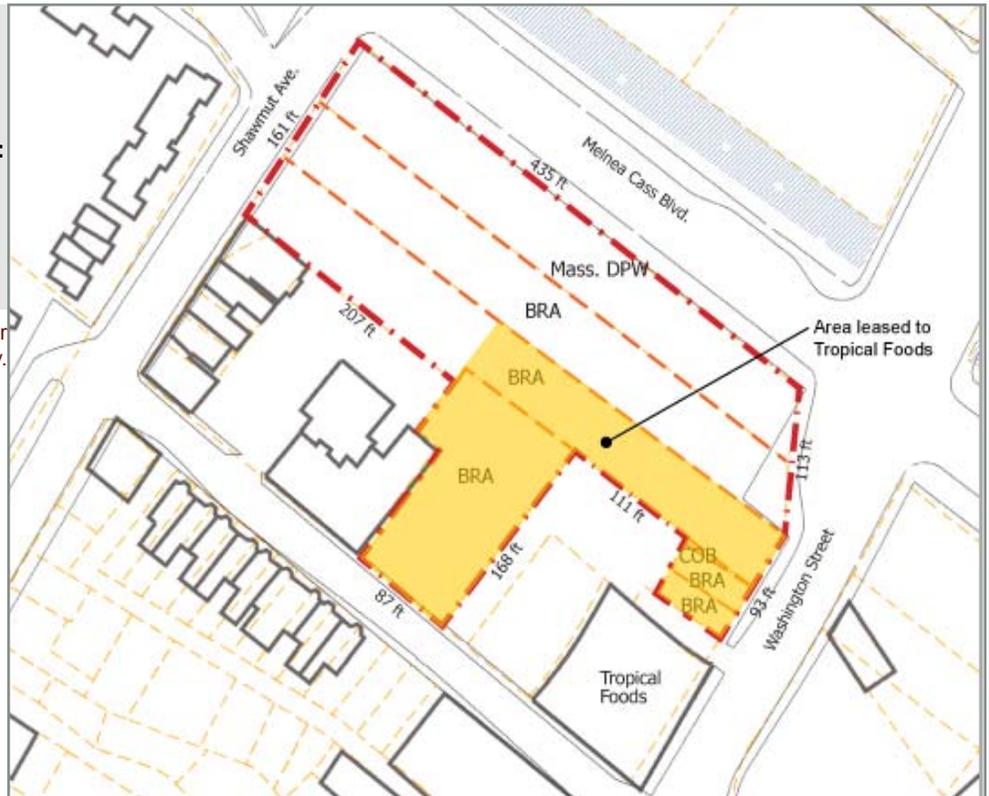
Street & Block Pattern Separate built areas to break up the length and scale of the site and respect the surrounding character. Configure buildings and site features to maximize sunlight and minimize shadows.

Area Circulation & Connections Promote an accessible pedestrian environment with circulation along active street edges. Provide direct access to nearby transit. Use prominent crosswalks, controlled pedestrian signals, and generous median space to comfortably connect the site across Washington Street and Melnea Cass Boulevard. Situate service and support spaces towards the interior of the block with service and truck access from Washington Street so as to minimize impacts on surrounding residential areas.

Parcel 10
Area: 89,185/2.05 Acres

Ownership:
State DPW (included in MOA):
25,295 SF
COB (included in MOA):
171 SF
BRA: 63,719 SF

Map and dimensions are for illustrative purposes only.



Streetscape Provide enhanced streetscapes with landscaped sidewalks, attractive street lighting that will address security, street furniture and enhanced paving.

Building Height & Massing Proposals should respect context of the surrounding community and existing zoning regulations should be considered. For the far eastern portion of the site, refer to height restrictions in the Eustis Street Architectural Conservation District Report. Limit Williams Street building height to four stories. Modulate and step massing to reduce the appearance of size and provide breaks for light, air and views.

Orientation Front new buildings along Melnea Cass, Washington Street, Shawmut Avenue and Williams Street with a prominent feature at the corner of Melnea Cass and Washington Street.

Edges & Street Wall Provide minimal set-backs from the street that will allow for a comfortable and lively pedestrian and retail environment. Ensure frequent entrances, transparent facades, tall store and display windows, canopies and attractive building materials.

Building Character & Materials Vary material to represent different building uses (residential / commercial / community facility). Provide inconspicuous screening of building mechanical equipment and ventilation openings. Provide for high quality materials & detailing throughout.

Landscaping Provide attractive and well maintained plantings throughout the site. Use plants appropriate to the region and to all seasons that require little or no irrigation or irrigate with collected stormwater or gray water.

5.3.2 PARCEL 10 – DESIGN GUIDELINES

Community Expression The Community’s Vision is that Dudley Square be a model for sustainable development and green building including healthy, energy efficient buildings and transit-oriented, neighborhood-scaled development that greatly reduces building and transportation based pollution and carbon emissions impacts. Development projects and buildings are to exceed City requirements for sustainable development and green building employing best practices and technologies.

Sustainable Development The redevelopment of these parcels should enhance the overall sustainability of Dudley Square and the Roxbury neighborhood through a careful mix of new uses and compact, low impact development strategies.

New development and buildings on both parcels must comply with the US Green Building Council (“USGBC”) Leadership in Energy & Environmental Design for Neighborhood Development (“LEED – ND”) rating system. While projects must at minimum earn USGBC Certification at the Silver level, the Community’s vision is for model practices with USGBC Certification at the Gold level or better.

Green Buildings All new buildings must be planned, designed and constructed to comply with the most appropriate USGBC LEED rating system. While projects must at minimum earn Certification by the USGBC at the Silver level, the Community’s vision is for model practices with USGBC Certification at the Gold level or better.

Specific Green Building strategies should include a focus on the following:

- Healthy Indoor Environments – no and low VOC materials and finishes, CO2 monitoring and fresh air systems.
- High Efficiency Building Envelops – including wall, window and roof systems.
- High Performance Equipment – including lighting fixtures, day lighting strategies, controls, mechanical equipment and systems, and heat recovery ventilation systems.
- Passive Low Impact Strategies – including “active living” stairways, bicycling facilities and programs, walk to work programs, and cool roofs.
- On-site Renewable Energy - including solar thermal and photo-voltaic systems.
- On-site Clean Energy and Distributed Generation - including combined heat and power systems.
- Transportation Demand Management – including shared car facilities, preferred car-pool and hybrid parking, public transit use incentives.
- Stormwater Management & “Green Streets” – including rain gardens, bio-swales, stormwater retention / reuse systems.
- Sustainable Landscaping – including heat island reduction / cool sites design strategies, native drought resistant plantings.

5.5 VEHICLE PARKING & ACCESS CONCEPTS

Community Expression The community envisions reducing car dependency by requiring the minimum and maximum parking necessary to allow new uses to flourish. The community also encourages shared parking strategies to maximize off-hours use of parking spaces and the provision of spaces for car sharing to minimize the overall need and cost for off street parking.

Off Street Parking The following are use specific requirements; fewer parking spaces may be provided for unique uses with low car ownership:

- Retail / Services: Business spaces less than 5,000 SF – curb side only; business spaces greater than 5,000 SF – min. 0.75 spaces to max. 1.0 per 1,000 SF.
- Commercial / Non-retail: Min. 0.75 to max. 1.0 spaces per 1,000 SF
- Residential: Min. 0.75 to max. 1.0 spaces per dwelling unit and, for building with more than 10 units, 1 visitor space per 10 dwelling units.
- Locate new parking on site in below grade or structured facilities, with limited surface parking allotted only for short term retail uses. Any surface parking should be located at the side or rear of new buildings.

Loading & Service Access All service loading and unloading facilities should be located off-street and designed to prevent truck back-up maneuvers in the public right-of-way.

Demand Management Provide programs to encourage owner / tenant / employee use of public transit, bicycling and walking for transportation including free or subsidized T passes, unbundling of parking from housing sales/leases, bicycling or walking bonuses and other strategies that discourage use of personal vehicles.

Car Sharing A set-aside of dedicated parking spaces for shared vehicles (such as Zip-car) accessible to the general public (including local residents and businesses) is required.

5.6 BICYCLE STORAGE

Community Expression The community has expressed an interest that all new buildings and uses should promote bicycle use in general and specifically the use of the Harbor Trail and nearby Southwest Corridor for bicycling.

Off Street Parking Following are use specific requirements which may vary for unique uses:

- Retail: Provide visitor bike rack(s) on-site with a minimum of two (2) bike spaces per 5,000 SF or portion thereof, but no less than two (2) bike spaces per business and four (4) bike spaces per building. And provide a minimum of one (1) accessible, indoor, secure bicycle storage space per retail worker for 10% of FTE retail workers, or fraction thereof.

- Commercial Non-retail: Provide visitor bike rack(s) on-site with a minimum of two (2) bike spaces per 5,000 SF or portion thereof but no less than four (4) bike spaces per building. And provide a minimum of one (1) accessible, indoor, secure bicycle storage space per occupant for 10% of planned occupancy. And provide at least one on-site shower with changing facility for any development with 100 or more new workers and one additional on-site shower with change facility for every 150 new workers thereafter.
- Residential: Minimum of one (1) accessible, indoor, secure bicycle storage space per dwelling unit. And on-site, secure visitor bike rack(s) with a minimum of one (1) bike space per 10 dwelling units but no less than four (4) bike spaces per building.
- Visitor and customer bicycle racks must be positioned in areas with active visual surveillance and night lighting, and be protected from damage by nearby vehicles. Bicycle racks must be located within 50 feet of each building's main entry. For buildings with multiple main entries, bicycle racks should be disbursed between entries according to use and access. Bicycle racks should provide for two points of contact with the bicycle frame.

6. SUBMISSION REQUIREMENTS

All submittals with accompanying information must be submitted to by 12 noon on July 25. No submittals will be accepted after said time. Submittals are to be in sealed envelopes and clearly marked as "Proposal Submissions for **Parcels 9 and 10**. The proposals should be submitted to:

Brian Golden, Executive Director/Secretary
 Boston Redevelopment Authority (BRA)
 One City Hall Square
 Boston, Massachusetts 02201
 Attention: Executive Director/Secretary

| Schedule | Event | Time | Date |
|----------|--|----------|----------------|
| | Requests for Proposal Issued | 12 Noon | April 25, 2011 |
| | Site Tour Registration* | 5:00 pm | May 27, 2011 |
| | Site Tour | 11:00 am | June 3, 2011 |
| | (Location: Corner of Washington Street and Melnea Cass Blvd) | | |
| | Questions on RFP due in writing to BRA* | 5:00 pm | June 10, 2011 |
| | Written Responses to RFP Questions | 5:00 pm | June 24, 2011 |
| | RFP Submission Deadline | 12 Noon | July 25, 2011 |

The proposed schedule is subject to change by the sole and absolute discretion of the BRA and Mass-DOT. All requests for additional information must be addressed directly to the BRA contact person listed herein.

Fees There are two (2) separate fees associated with this RFP:

- RFP Purchase Fee - a non-refundable fee in the amount of One Thousand Dollars (\$1,000.00) via a money order, Treasurer's check, or certified check, drawn in the order of or assigned to the Boston Redevelopment Authority; and
- Submittal of RFP Response Fee - a partially non-refundable fee for unsuccessful applicants. The submission fee is in the amount of One Thousand Dollars (\$ 1,000.00) and must be included with the response by no later than the noon deadline on July 25, 2011. For unsuccessful applicants, Five Hundred Dollars (\$500.00) of the submission fee will be retained by the BRA for processing the submission and the Five Hundred Dollar (\$ 500.00) balance will be returned.

* All questions related to the RFP are to be submitted to Maura Hendricks and be received by no later than 5:00 pm on June 10, 2011.

Respondents must submit thirty-five (35) -sealed copies and two (2) original of the Development and Design Submission. Eight (8) sealed copies and two (2) original of the Financial Submission must be provided under separate cover from the Development and Design Submission. Provide one (1) CD-ROM containing a copy of the Development and Design Submission.

The Submission Check List (See Appendix II) provides a reference in order to ensure that all required elements are included. The Submission Checklist should be included in the proposal.

6.1 DEVELOPMENT AND DESIGN SUBMISSION

All proposals must contain a Development and Design Submission with the information and items listed below, although respondents are free to organize this information in ways other than suggested. If it is not possible to provide a given item or piece of information, the proposal should substitute an explanation of why this is the case.

6.1.1 DEVELOPMENT TEAM

Provide a letter of interest signed by the principal(s) of the development team that identifies and describes the following:

- The development team, including the developer(s), attorney, architect, engineer, contractor, marketing agent/broker, management company and other consultants and entities. Indicate whether any of the individuals or businesses is a minority-owned or woman-owned business. Describe the nature of any participation by community-based and/or minority investors, developers, and other entities. For joint ventures, provide a copy of the Partnership Agreement, Limited Liability Company Operating Agreement, or any similar agreement detailing the authority and participation of all parties. A designated contact person for each entity should be listed.
- A description of qualifications, experience, and relevant background information of all team members. This should include a description of functional relations among team members, in particular the principal owner, partners (if any), the project manager and/or development consultants.

6.1.2 DEVELOPMENT CONCEPT AND PROGRAM

Describe the development concept and use program for the proposed development including but not limited to the following:

- A description of the proposed development program, including a tabulation of gross and net square footage of each development type (i.e. retail, office, housing, light industrial, etc.) or project component; a description of the types of commercial spaces proposed (e.g. intended use or user, breakdown of leasable spaces by size, etc.); number of parking spaces by project component; and totals for the complete project.

- A listing and description of each proposed building, including overall building dimensions and gross and net square footage.
- A description of the planned phasing of the project development.
- An explanation of the underlying rationale for the program as a whole, for the mix of development types, and for the proposed phasing, and an explanation of how the proposed project responds to the development goals of this RFP. Note that more specific information requests corresponding to the development objectives are listed below.
- In the case of proposals that exceed the dimensional regulations established in Article 50 of the Boston Zoning Code, an explanation of the rationale for the scale and density of the proposed project, as well as a discussion of the required zoning relief and any zoning amendments or variances that would be required for the proposed development.

Economic Development Strategy Provide a complete description of the Economic Development Strategy for the proposed development (see section IV).

6.1.3 DESIGN

Urban Design The respondent should provide Urban Design materials as indicated below and / or as appropriate to ensuring clarity:

- Presentation boards of 30" x 40" showing the site plan, key diagrams and illustrations, and other drawings deemed necessary.
- Architectural drawings at a scale (1" = 40' for the site plan and 1/16" = 1'-0" for plans, sections and elevations) and other drawings and illustrations at the appropriate scale.
- 11" x 17" hard copies of all design submission materials.
- 300 DPI JPEG versions of all design submission materials.
- Digital 3D model showing building massing with the context of the site. See Appendix IV for more information.
- All materials should include a graphic scale. The Development and Design Submission should include, at a minimum, the following plans, drawings, diagrams and illustrations:
 - A neighborhood plan showing the Project Site, building footprints, street names, and existing buildings on the neighboring sites.
 - A site plan showing building footprints and location of all site improvements including open space, curbside uses, pedestrian and vehicular circulation, and the organization of functions and open spaces.
 - Concept diagrams and illustrations depicting the proposed development and showing how the proposal captures the essence and details of the urban design guidelines and incorporates the urban design guidelines into the development proposal.

- A written description of how the proposed development plan successfully interprets the urban design guidelines.
- Diagrams and illustrations of proposed improvements to existing pedestrian and bicycle realm including connections to transit facilities, the local street network, and existing and planned pedestrian/bicycle trails.
- Circulation plan (at appropriate scale) showing vehicular circulation for passenger and service vehicles, as well as locations, types, and numbers of parking spaces.
- Architectural elevations depicting the façades, architectural details, massing, height, and notations of proposed materials for key building elevations but no less than one elevation of each building.
- Conceptual designs and schematic floor plans of all buildings, showing ground floor and typical upper floor(s).
- Street context elevations (at appropriate scale) showing the relationships of the proposal to the massing and building height of adjacent buildings. This street context drawing may combine drawings with photographs in any manner that clearly depicts the relationship of the new building to existing buildings.
- Perspective drawings drawn at eye-level and bird's eye-level showing the project in the context of the surrounding area.
- Digital 3-D Model.

Sustainable Development

A description of how the project incorporates sustainable design and green building principles, technologies, and practices. Proposals should include the appropriate LEED Project Checklist(s) detailing the anticipated design features and LEED credits and an appropriate narrative description of anticipated green building features. Proposals should also include a list of the LEED-accredited professionals on the development team.

Transportation and Parking

Describe the parking and transportation strategy for the proposed development including but not limited to the following:

- A description of the parking program associated with each proposed use.
- A description of strategies to minimize automobile use and maximize alternative forms of transportation, e.g. transportation demand management (“TDM”) programs such as provision of shared vehicles on-site, subsidized MBTA passes, provision of bicycle facilities, etc.
- A description of the methodology for determining necessary parking ratios.
- See also parking section of Financial Submission

- Infrastructure Provision** Describe the provisions for infrastructure improvements for the proposed development including but not limited to the following:
- A description of the intended approach to the preservation of utility easements and/or the relocation of existing utilities, if any is proposed.
 - A description of the intended approach to provision of streets, including the approach to the existing public streets.
 - An explanation of the groundwater evaluation and monitoring strategy to be implemented as part of the development project.
 - A description of all intended site improvements and off-site improvements, including sidewalks, street lights, and street trees.
- Environmental Remediation** A description of the intended strategy for environmental remediation, including the results of any determination of existing conditions and environmental investigation of the Project Site and surrounding area carried out by the respondent.

Under current MEPA regulations, MassDOT cannot execute a lease of its portions of Parcels 9 and 10 until the completion of any necessary MEPA review. The need for MEPA review is dependent upon whether the proposed development meets or exceeds any of the review thresholds specified in MEPA regulations at 301 CMR 11.03. Successful completion of the MEPA process will include, at a minimum, the submission of a request for an advisory opinion from the Secretary of the Executive Office of Environmental Affairs (“Secretary”) and a response from the Secretary that the proposed development is not subject to MEPA review.

6.1.4 IMPLEMENTATION PLAN

Provide a description of how the development concept will be implemented including but not limited to the following:

- A detailed timeline, indicating all pre-development tasks from the date of Tentative Designation by the BRA through construction loan closing and construction commencement. The respondent should indicate start and end dates for each pre-development task.
- An outline of required regulatory approvals and projected timeline to obtain such approvals.
- Development and construction sequencing and phasing strategies.

6.1.5 CERTIFICATES AND SUPPORTING MATERIALS

Provide the following certificates and materials:

- All certificates included in the Appendices, completed and signed. Note that the respondent must obtain signatures for the Certificate of Compliance with Boston Jobs Policies from the BRA Compliance Department, the Office of Boston Residents Jobs Policy and/or the Boston Employment Commission. The executed original Certificate should be submitted with the proposal. Likewise, the respondent should submit the executed original Certificate of Compliance with Boston Fair Housing Policies along with the proposal.
- Any other materials deemed necessary to indicate the development team's ability to satisfy the selection criteria outlined in Section 5 – Selection Criteria & Process.

6.2.4 DEVELOPER'S FORMATION AND FINANCIAL SUBMISSION

This submission will include in-depth organizational and financial information for the Proponent/developer, along with detailed information regarding both construction and permanent funding sources.

The following list includes the minimum submission requirements. The BRA encourages additional financial data or funding information that supports the applicant's proposal. The BRA will reserve the right to request additional financial information.

Submissions that do not include the minimum requirements will be rejected.

Formation Requirements:

- Articles of Incorporation
- Certificate of Status/Good Standing
- Certificate of Incorporation
- By-Laws
- Certificate of Organization (LLC 1, or LLP 1 in some states, if applicable)
- Borrowing Resolution
- Operating/Partnership Agreement (if LLC or LLP)
- Certificate of Registration as a Foreign Entity (if applicable) ¹

Financial Documents:

- Financial Statements or Annual Reports for the three most recent fiscal years for Proponent and/or parent companies (if applicable) ²
- Interim Financial Statements for Proponent and/or parent companies (if applicable) (most recent month ending within thirty days)

- Disclosure of Beneficial Interest (1% or greater), pursuant to M.G.L. c. 7, § 40J.
- Personal Financial Statement of Principal owners of Proponent and/or parent companies (upon request)
- Financial Statements of any tenants, lessees and occupants extra to Proponent and intended to occupy the premises (if applicable)
- Financing commitments or project specific letters of interest from recognized funding sources ³
- Evidence of the Proponent's financial capability to undertake the proposed project. Recent experience in capital formation for similar type projects of comparable scale may be included.

BRA and MassDOT reserve the right to request additional credit support, including, but not limited to corporate and personal guarantees or other forms of secondary collateral.

- ¹ Required if an entity is formed outside Massachusetts, along with Certificate of good standing from Massachusetts. (State of formation documents still required)
- ² Unaudited statements must be accompanied by signed tax returns
- ³ Include supporting Financial Statements of other foreign, out of state or alternative sources. (Others upon request).

6.1.7 PROJECT SPECIFIC FINANCIAL SUBMISSION

The Financial Submission shall include, but is not limited to, the information listed below. The pro-formas should provide separate sources and uses for each project component (e.g. commercial, retail, parking, etc.) or phase, if applicable, as well as a combined budget for the entire project.

A. SOURCES AND USES OF FUNDS / DEVELOPMENT PRO FORMA.

Each Proponent shall provide a SOURCES AND USES OF FUNDS / DEVELOPMENT PRO FORMA that includes all of the information normally found in a real estate development pro forma. This information includes, but is not limited to:

- Description of Project Components: show the gross square footage (as defined by the City of Boston Building Code) and the rentable square footage for each proposed use and for the total development.
- All hard costs: The breakdown must include: environmental testing and remediation (if required), site preparation, site improvements, demolition, building shell and core, tenant finishes, specialty finishes, general contractor's overhead and profit, and any other major expense categories pertinent to the proposed project.

- All soft costs: The breakdown must include: architectural, engineering, specialist consultants, legal, accounting, developer's fees, mortgage/syndication brokerage fees, other professional fees (e.g., construction manager owner's representative, marketing, leasing, etc.), and other soft cost categories pertinent to the proposed project.
- An implementation plan for the proposed development, including a development schedule with key milestone dates and a projected occupancy date. The development schedule should outline the required regulatory approvals for the proposed development and the anticipated timing for obtaining such approvals. If the Proponent intends to sublease the proposed development, the Proponent should provide a description of the proposed users and the marketing and leasing plan for the development, and should clearly indicate what percentage of the development must be leased (if any) prior to the commencement of the various stages of the development and construction process.
- All contingencies: Specify whether the contingency is for hard costs, soft costs or total costs; design or construction, financing or other critical components of the total project costs.
- Sources of debt and equity for the total project cost.
- All assumptions regarding financing terms on acquisitions, pre-development, construction, and permanent loans. The breakdown must include financing fees, interest rates, draw-down schedule and term, participation, amortization and other critical information.
- Any other project-related expense not included in the above categories.
- Calculation of total project costs.

B. 15 YEAR OPERATING PRO FORMA

Each Proponent shall provide a 15-YEAR OPERATING PRO FORMA that includes all of the information normally found in a real estate operating pro forma, on an annual basis. This information includes, but is not limited to:

- Tabulation of gross and net rentable square feet.
- Proposed fixed rent payments, percentage rent, and/or other forms of rent payable to BRA and corresponding market data supporting all occupancy, rent, and revenue assumptions.
- Schedule of all revenues – total and per square foot.
- Detailed projected capital and itemized operating expenses pertinent to the development project – total and per square foot. Any direct allocation to or reimbursement by tenant of any operating expenses must be identified and explained in detail.
- All "other" expense, capital expenditure and vacancy assumptions used to determine cash flow.

- Anticipated primary leasing terms (35 year, 50 year, etc.), and leasing rates, and calculation.
- Tenant inducements, including free rent, lease up schedules, tenant improvement allowances, and any other adjustments to market rent which yield an “effective rent” lower than the “nominal rate.”
- BRA expects the annual NNN rent to increase by a minimum of the higher of 1) 3.5% or 2) the percentage increase in the Consumer Price Index for the previous lease year.

Upon awarding Tentative Designation, the selected developer shall provide, within two business days of receiving official written notification, a \$50,000 non-refundable option fee to retain site control and access to the respective parcel for a period of 270 days to conduct necessary due diligence. Thereafter developer shall pay \$25,000 every 120 days to maintain said site control and access rights subject to the Tentatively Selected Developer meeting mutually agreed upon due diligence milestones to be negotiated and memorialized in the Lease.

The initial option fee of \$50,000 shall be paid in two separate payments in the form of bank, cashier’s, or certified checks drawn on Massachusetts banks: one delivered to the BRA in the amount of \$33,000 and made payable to “Boston Redevelopment Authority”, and the other delivered to MassDOT in the amount of \$17,000 made payable to “Massachusetts Department of Transportation”. Any subsequent option fee of \$25,000 shall be paid in two separate payments in the form of bank, cashier’s, or certified checks drawn on Massachusetts banks: one delivered to the BRA in the amount of \$16,500 and made payable to “Boston Redevelopment Authority”, and the other delivered to MassDOT in the amount of \$8,500 made payable to “Massachusetts Department of Transportation”.

The \$17,000 portion of the initial option fee payment, together with the \$8,500 portion of any subsequent option fee payment, provided by the selected developer to MassDOT (collectively, the “MassDOT Option Fee”) shall be applied by MassDOT against any and all out-of-pocket expenses that MassDOT incurs in connection with the preparation, review, negotiation and execution of the contemplated ground lease by MassDOT to the BRA, and the Ground Lease by the BRA to the selected developer, including, without limitation, survey, title, financial analysis, appraisal, legal and engineering costs (the “Third Party Costs”).

BRA and MassDOT reserve the right to amend the proposed Minimum Acceptable Lease Terms at their sole discretion if doing so is deemed to be in the best interest of BRA or MassDOT.

6.2.5 MARKET STUDY

Provide a preliminary market study, using empirical market data that demonstrates the feasibility of the proposed sale and/or lease rates of the project and the most likely uses and industries.

6.2.6 FORMS AND DISCLOSURES

Provide disclosure statements and forms including but not limited to the following:

- Disclosure Statement Concerning Beneficial Interest Required by Section 40J of Chapter 7 of the General Laws (See Appendix VI).
- HUD Form 6004: Developer’s Statement for Public Disclosure and Developer’s Statement of Qualifications and Financial Responsibility (See Appendix VII).
- City of Boston Disclosure Statement (See Appendix X).
- Certificate of Tax, Employment Security, and Contract Compliance (See Appendix XI).

6.2.7 PROPERTY MANAGEMENT PLAN

Provide a description and plan for management of commercial, retail and / or residential property components of the proposed development.

6.2.8 CONDOMINIUM SALES PRO FORMA

If applicable, provide a condominium sales pro forma including but not be limited to the following:

- A schedule of unit types showing the average net square feet (“NSF”), number of bedrooms, condominium fees, and price per unit and price per NSF for each unit type.
- Gross Sales Revenue.
- Sales cost, including brokerage, legal, and other conveyance costs.
- Net Sales Revenue.
- Assumptions regarding pre-sales and projected sell-out period.

7. SELECTION CRITERIA & PROCESS

All proposals will be reviewed for compliance with, and are subject to, the criteria, procedures, submission requirements, and development objectives and urban design guidelines outlined in this RFP. The BRA or MassDOT may request additional information from any or all respondents. As in the case of all RFPs, the BRA and MassDOT reserve the right to reject any or all proposals for any reason or no reason.

7.1 SELECTION CRITERIA

All proposals will be evaluated to the extent that they fulfill the Development Concepts and Goals described in Section 3, the Use & Design Guidelines described in Section 4, and meet the criteria listed below in this Section 7.1

Respondents are encouraged to submit evidence supporting the viability of the proposal as evaluated by these criteria, beyond the required information outlined in Section 7 - Submission Requirements.

- The extent to which the proposal complies with all of the submission requirements described in Section 7 - Submission Requirements.
- Evidence that the respondent has the capability, experience, and financing to undertake and successfully complete the project within a reasonable period of time and to fulfill the business terms of this RFP.
- The extent to which the respondent can demonstrate a positive track record of working in Roxbury and of completing and successfully operating projects comparable to the proposed project. All members of development teams should be able to demonstrate appropriate qualifications for their respective roles.
- The ability of the team to plan and realize the development schedule within a reasonable period of time.
- Financial feasibility of the proposed project(s), as documented by development and operating pro forma(s).
- Demonstrated commitment to and experience in Sustainable Development and Green Building.
- Demonstration that the proposal has gained or is likely to gain neighborhood support.
- Any special features which go beyond the minimum criteria for development and which strengthen the project as a whole.
- Certification that the respondent has no unresolved Boston Residence Jobs Policies issues or violations (See Appendix VIII). The respondent must obtain certification from the BRA Compliance Department, the Office of Boston Residents Job Policy and or the Boston Employment Commission, by submitting an executed original Certificate of Compliance with Boston Jobs Policies. Additional submissions to be required after tentative designation are identified in Section 7: Submissions After Tentative Designation.
- Documentation that the respondent and all affiliates thereof have no outstanding property tax delinquency owed to the City of Boston; no outstanding sanitary code violations documented by the Inspectional Services Department on properties owned by the respondent; and no record of conviction for arson, as certified in the City of Boston Disclosure Statement (See Appendix X).

7.2 SELECTION PROCESS

Role of Project Review Committee In accordance with the Master Plan, upon issuance of this RFP the BRA will form a Project Review Committee (“PRC”) for Parcels 9 & 10. The PRC will assist the BRA and MassDOT in determining how well each of the proposals meets the objectives stated in the RFP, as well as the principles described in the Master Plan. The PRC will make recommendations on these matters to the BRA and MassDOT.

The PRC for Parcels 9 & 10 will be made up of a total of fifteen (15) members, with five (5) members to be appointed from the RSMPOC membership. Ten (10) additional members will be appointed by the Director of the BRA from a list of nominations. At least fifteen (15) of the candidates on the list of nominations will be nominated by the PRC and Roxbury’s elected officials. The list will include representatives from groups such as abutters, nearby residents, local neighborhood associations, and other district stakeholders.

During this process, the PRC will retain its role in making recommendations to the BRA based on its typical community review process.

Tentative Designation A public meeting will be scheduled for qualified respondents to present their proposals to the community for input. Development teams submitting proposals may be invited to make formal presentations to the BRA, the PRC, and/or MassDOT during the initial phase of the selection process. If necessary, after the BRA, the PRC, and MassDOT have reviewed all proposals the BRA will select a finalist or finalists who will further develop their proposal(s).

The BRA and MassDOT will recommend tentative designation for the respondent whose proposal best meets the development and urban design objectives and the submission requirements listed in this RFP. Tentative designation requires action by the BRA Board and may also require the approval of the Board of Directors of MassDOT and/or the Secretary/CEO of MassDOT.

Within 60 days of the latter of (i) the tentative designation resolution by the BRA Board and (ii) the approval by the MassDOT Board and/or Secretary/CEO of MassDOT, the designated developer will enter into a License Agreement (with no fee) with the BRA and MassDOT, who may thereafter, and subject to the terms of such License Agreements, conduct soil testing, survey and geotechnical investigation, site preparation, and all related predevelopment activities associated with the planning and development of the Project Site(s). Copies of all surveys, reports, title materials, and other property information shall be provided to the BRA and to MassDOT at no cost to them.

To prepare the Project Site(s) for development, additional soil testing, remediation and/or containment will be required. The designee will assume any and all liability for any environmental cleanup pursuant to Chapter 21E of the Massachusetts General Laws and the Massachusetts Contingency Plan, as well as any other applicable federal and state laws

or regulations, e.g. the Massachusetts Department of Environmental Protection's air quality regulations (310 CMR 7.00 and 7.15) and solid waste regulations (310 CMR 19.00).

**Final Designation
and Leasing**

Authorization to execute a Ground Lease will be granted upon the designated developer's satisfactory completion of all terms and conditions of the Tentative Designation; e.g. granting of any requested zoning relief, approval of the proposed project through the Article 80 process and the MEPA process, securing of financing, granting of building permits, and the BRA Board and, if necessary, the MassDOT Board votes of final designation.

The portions of Parcels 9 and 10 that are owned by MassDOT may have been acquired using Federal highway funds. During the RFP and developer designation processes, MassDOT staff will work to confirm whether this is the case and either revise the RFP accordingly or notify the designated developer. If the MassDOT-owned portions of Parcels 9 and 10 were indeed acquired using Federal funds, then, under regulations of the Federal Highway Administration ("FHWA"), the disposition or change in use or occupancy of property acquired for a project in which Federal funds participated must be approved by FHWA.

Therefore, any Ground Lease by MassDOT of its portions of Parcels 9 and may be subject to all applicable FHWA regulations affecting the disposition of excess right of way, including, without limitation, review and approval by the FHWA of the Ground Lease and any other instruments affecting the disposition of the MassDOT-owned portions of the parcels. Although it is anticipated that FHWA review and approval, if required, will occur primarily after the tentative selection of a developer, MassDOT will keep FHWA informed throughout the selection process. A copy of the applicable FHWA regulations (23 CFR 710) is included in this RFP as Appendix XIV.

MassDOT will not be liable for any costs or damages in the event that MassDOT is unable to deliver a ground lease of its portions of the parcels or that the delivery of a ground lease is delayed because FHWA approval of the disposition of the parcels does not occur or is limited or restricted in any way.

Subject to any necessary approval by the MassDOT Board, the Secretary/CEO of MassDOT will be authorized for and on behalf of MassDOT to execute and deliver a ground lease of its portions of the parcels to the BRA for a term equal to the term proposed for the Ground Lease by the developer and containing such other terms and conditions to be negotiated by the BRA and MassDOT. The Director of the BRA will be authorized for and on behalf of the BRA to execute and deliver a Ground Lease of the entire parcels, including the BRA's leasehold interest in the portions of Parcels 9 and 10 owned in fee by MassDOT, to the developer, containing such terms and conditions as are acceptable to the BRA and

MassDOT. The Ground Lease will supersede the License Agreements.

If the designated developer has not met the specified conditions and the Final Designation and authorization to enter into a Ground Lease has not been granted within 270 days from the date of the tentative designation, the tentative designation may be rescinded without prejudice and without further action by the BRA Board or the MassDOT Board.

8. TERMS AND CONDITIONS

As described in Section 5.2 above, the BRA shall enter into a long-term Ground Lease with the designated developer. The initial term of the Ground Lease shall be for up to 65 years and may be renewed for additional shorter option periods upon mutually agreeable terms, but the initial term and any renewal periods may not to exceed 99 years in total. The initial annual fixed rent shall be a minimum of two dollars and fifty cents (\$ 2.50) per gross square foot of land or gross floor area (as defined in Article 2A of the Boston Zoning Code), whichever is greater. Thereafter, the fixed rent shall escalate every five years at a rate determined by the cumulative annual Consumer Price Index (“CPI”) increase for each year of the preceding five-year period or as shown in Table 1, whichever is higher.

Table 1 Minimum annual fixed rent per square foot by year of lease term:

| Lease Year | Rent Per Square Foot |
|-------------------|-----------------------------|
| 1 - 5 | \$ 2.50 |
| 6 - 10 | \$ 2.88 |
| 11 - 15 | \$ 3.31 |
| 16 - 20 | \$ 3.80 |
| 21 - 25 | \$ 4.37 |
| 26 - 30 | \$ 5.03 |
| 31 - 35 | \$ 5.78 |
| 36 - 40 | \$ 6.65 |
| 41 - 45 | \$ 7.65 |
| 46 - 50 | \$ 8.79 |
| 51 - 55 | \$ 10.11 |
| 56 - 60 | \$ 11.63 |
| 61 - 65 | \$ 13.38 |

Payment of rent will commence upon execution of the Ground Lease but may involve some deferral of rent (e.g., rent could accrue but payment would be deferred until the developer is granted a Certificate of Occupancy).

The BRA is committed to working with the community-advisory board to determine the types of community benefits that could potentially be derived from the development project. Neighborhood priorities will be determined with the input of a community-based advisory body.

The land and improvements will be assessed and taxed by the City of Boston under normal real estate taxation procedures in accordance with M.G.L. Chapter 59 and any Section 46A of M.G.L. Chapter 6C. The above-referenced Ground Lease will require the developer to be responsible for paying applicable taxes and fees as well as the fixed rent. All other material terms and conditions of the Ground Lease will be negotiated following tentative designation of a developer within the time period specified in the tentative designation resolution.

When improvements are completed in compliance with the Ground Lease and according to the approved final working drawings and specifications and the developer has complied with all applicable agreements with the BRA and other City of Boston agencies, the BRA will issue a Certificate of Completion signifying that the project has been undertaken in compliance with all agreements between the BRA and the developer.

LIST OF APPENDICES

- Appendix I:** Additional Documentation and Materials
- Appendix II:** Submission Checklist
- Appendix III:** Format for Employment, Occupation, and Wage Data
- Appendix IV:** Digital 3D Model Submission Guidelines
- Appendix V:** Income Limits, Sale Prices, and Rents for BRA-Sponsored Affordable Housing
- Appendix VI:** Disclosure Statement Concerning Beneficial Interest Required by Section 40J of Chapter 7 of the General Laws
- Appendix VII:** HUD Form 6004:Developer's Statement for Public Disclosure and Developer's Statement of Qualifications and Financial Responsibility
- Appendix VIII:** Boston Jobs Policies
- Appendix IX:** Certificate of Boston Jobs Policies Compliance
- Appendix X:** City of Boston Disclosure Statement
- Appendix XI:** Certificate of Tax, Employment Security, and Contract Compliance
- Appendix XII:** Certificate of Compliance With Fair Housing Policies
- Appendix XIII:** Expression of Community Goals
- Appendix XIV:** Federal Highway Administration Regulations, 23 CFR 710
- Appendix XV:** Preliminary Land Survey

Appendix I: Additional Documentation and Materials

The following documents are available for viewing and/or distribution at the BRA in the office of Brian P. Golden, Executive Director/Secretary, Room 910, Boston City Hall, One City Hall Square, Boston, MA 02201.

A. Roxbury Strategic Master Plan

www.bostonredevelopmentauthority.org/pdf/PlanningPublications/RSMPOCRoxburyMasterPlan.pdf

B. Boston Zoning Code

www.cityofboston.gov/bra/zoning/zoning/asp.

C. Boston's Neighborhood Business Patterns

<http://www.bostonredevelopmentauthority.org/PDF/ResearchPublications//Boston%20Neighborhood%20Business%20Patterns.pdf>

D. South End Urban Renewal Plan

E. http://www.bostonredevelopmentauthority.org/pdf/maps/Citywide/South_End.jpg

F. Preliminary Land Survey

www.bostonredevelopmentauthority.org/pdf/documents/Parcels8,9,10--884-02-2010.PDF

G. LEED NC-2.1 Checklist (also available at the U.S. Green Building Council's website, www.usgbc.org).

Appendix II: Submission Checklist

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

DEVELOPMENT AND DESIGN SUBMISSION

1. Development Team

- Letter of Interest
- Résumés and qualifications

2. Development Concept

A. Development Program

- Description of the proposed development program
- Listing and description of each proposed building
- Description of the planned phasing of the project development
- Explanation of the underlying rationale for the program
- A discussion of the required zoning relief and any zoning amendments or variances that would be required for the proposed development.

B. Housing Component

- Description of the types and sizes of all housing units proposed
- Explanation of compliance with the BRA's Inclusionary Development Policy and the affordable housing objectives of this RFP

C. Transportation and Parking

- Description of the parking program associated with each proposed use
- Description of strategies to minimize automobile use
- Description of the methodology for determining necessary parking ratios

D. Infrastructure Provision

- Description of the intended approach to existing utilities and easements
- Description of the intended approach to provision of streets and to the existing public streets
- Explanation of the groundwater monitoring and replenishment strategy
- Description of all intended site improvements and off-site improvements

E. Environmental Remediation and Sustainability

- Intended strategy for environmental remediation

- Description of sustainable design and green building principles, technologies, and practices to be incorporated into project
- Appropriate LEED Project Checklist(s) and a list of the LEED-accredited professionals on the development team

F. Economic Development Strategy

- Explanation of the project's role in diversifying the Roxbury economy and creating connections to the larger regional economy
- Description of the types of commercial users the project includes or is targeting and the features of the project that support the goal of attracting the target tenants
- Explanation of the project's ability to accommodate a range of uses and to remain adaptable and economically viable over time
- Description of any actual or intended use of financial and technical assistance available for real estate development and business development
- Description of community-based and minority/MBE participation on the development team
- Estimate of the number of construction jobs that will be generated by the proposed project
- Estimate of the number of new permanent full-time jobs and the basis for the estimate
- Estimated occupation characteristics, skill levels, and wages of permanent jobs
- Description of possible and intended strategies for achieving the community goals related to employment in all phases of the project
- Description of the development team's history of meeting hiring and training goals
- Description of potential business partnerships and goods and services contracts, including the estimated amount of such contracts
- A description of possible and intended strategies for achieving the community goals related to business development and subcontracts
- Explanation of other long-term opportunities and benefits for local businesses
- Account of involvement by local businesses and business development specialists in the development of the proposal

G. Urban Design

- Neighborhood plan
- Site plan
- Concept diagrams and illustrations
- Written description of how the proposed development successfully interprets the urban design guidelines
- Diagrams and illustrations of proposed improvements to existing pedestrian and bicycle networks, the local street network, and transit facilities
- Circulation plan
- Building elevations
- Conceptual designs and schematic floor plans of all buildings

- Street elevations
- Perspective drawings
- Digital 3D model

H. Implementation Plan

- Timeline
- Outline of regulatory approvals

I. Certificates and Supporting Materials

- All certificates included in the Appendixes, completed and signed.
- Any other materials deemed necessary to indicate the development team's ability to satisfy the selection criteria outlined in Section VII.

FINANCIAL SUBMISSION

1. Pro Formas

- Development pro forma
- 15-year operating pro forma
- Condominium sales pro forma
- Parking pro forma

2. Financing Statement

- Developer equity statement
- Financing commitments

3. Market Study

- Preliminary market study

4. Forms and Disclosures

- Disclosure Statement Concerning Beneficial Interest (Appendix VI)
- HUD Form 6004 (Appendix VII)
- City of Boston Disclosure Statement (Appendix X)
- Certificate of Tax, Employment Security, and Contract Compliance (Appendix XI)

5. Residential Rental Management Plan

- Residential rental management plan

Appendix III: Format for Employment, Occupation, and Wage Data

The wage and occupational characteristics of the jobs to be created on the site should be described in as much detail as possible. In cases where the future uses and occupants are not known, data should be presented for the industries and activities likely to be attracted based on market research, conversations with commercial real estate brokers, and the building types proposed.

Data presented should include the following:

- Total number of jobs by industry expected to be created on the site. A range is acceptable.
- Average hourly or weekly wage for each industry, based on ES-202 data from the Massachusetts Department of Employment and Training for the City of Boston or other equivalent source.
- For each industry, a list of occupations that compose at least 5 percent of total employment in the industry, and the number of jobs anticipated in each occupational category. The latter can be based on industry-wide data available from the U.S. Bureau of Labor Statistics OES data.
- Average hourly and annual wages by occupation and industry for the most appropriate geographic area based on U.S. Bureau of Labor Statistics OES data.

Sample format for Job Creation, Hiring, and Training Submission:

| INDUSTRY | TOTAL PROJECTED/ ESTIMATED EMPLOYMENT ON PROJECT SITE | AVERAGE HOURLY WAGE IN INDUSTRY | OCCUPATIONS | | | |
|-----------------|---|---------------------------------|--|--------------------------------|------------------|------------------|
| | | | CATEGORIES COMPOSING AT LEAST 5 PERCENT OF TOTAL INDUSTRY EMPLOYMENT | NUMBER OF JOBS ON PROJECT SITE | MEAN HOURLY WAGE | MEAN ANNUAL WAGE |
| Industry A..... | 1,234 | \$29 | Office and administrative support occupations | 629 | \$14 | \$29,010 |
| | | | Business and financial operations occupations | 247 | \$28 | \$57,460 |
| | | | Sales and related occupations | 148 | \$30 | \$61,850 |
| | | | Management occupations | 111 | \$48 | \$99,220 |
| | | | Computer and mathematical occupations | 62 | \$31 | \$64,120 |
| Industry B..... | 567 | \$27 | Computer and mathematical occupations | 153 | \$15 | \$30,450 |
| | | | Architecture and engineering occupations | 74 | \$33 | \$69,140 |
| | | | Management occupations | 68 | \$28 | \$58,720 |
| | | | Legal occupations | 62 | \$32 | \$65,920 |
| | | | Arts, design, entertainment, sports, and media occupation | 45 | \$51 | \$107,050 |
| Industry C..... | 89 | \$17 | Production occupations | 49 | \$14 | \$29,200 |
| | | | Office and administrative support occupations | 12 | \$15 | \$30,380 |
| | | | Transportation and material moving occupations | 5 | \$11 | \$23,360 |
| | | | Management occupations | 5 | \$50 | \$103,610 |
| | | | Architecture and engineering occupations | 4 | \$28 | \$58,620 |
| Industry D..... | 10 | \$22 | Healthcare practitioners and technical occupations | 4 | \$36 | \$74,140 |
| | | | Office and administrative support occupations | 3 | \$13 | \$27,080 |
| | | | Healthcare support occupations | 2 | \$12 | \$24,760 |
| Industry E..... | 23 | \$14 | Installation, maintenance, and repair occupations | 9 | \$17 | \$35,080 |
| | | | Production occupations | 6 | \$15 | \$30,580 |
| | | | Office and administrative support occupations | 3 | \$12 | \$25,770 |
| | | | Transportation and material moving occupations | 1 | \$13 | \$26,230 |

Appendix IV: Digital 3D Model Submission Guidelines

Schematic Design

Proponents must submit a massing model and a context model as shown in Figures 1 and 2 below.

Scale and Coordinate System

Building footprints and streets of the entire city of Boston can be downloaded from **The Boston Atlas** by following the *Maps* link on the BRA's web site.

Building footprints (11.1 MBs) are located at:

http://www.mapjunction.com/places/Boston_BRA/downloads/cadfootprints.zip

Streets (10.44 MBs) are located at:

http://www.mapjunction.com/places/Boston_BRA/downloads/stredgdx.zip

The coordinate system of BRA's context model is *Massachusetts State Plane Feet*. The digital model should be scaled and oriented to fit this coordinate system based on the 2D info downloaded from aforementioned web site.

City Model

A partial digital 3D model of the city is available for download at:

http://www.cityofboston.gov/bra/BRA_3D_Models/Index.html

File Formats

All digital 3D model submitted should be on a CD-ROM in .MAX, .3DS, .DXF, or .DWG format.

Contact

Te-Ming Chang, AIA
Manager, Urban Design Technology Group, Boston Redevelopment Authority
Te-Ming.Chang.BRA@cityofboston.gov
Tel: 617-918-4217
Fax: 617-918-4329

**Appendix V:
Income Limits, Sale Prices, and Rents for BRA-Sponsored Affordable
Housing**

Federal 2010 Income Limits for Metro Boston

| Household size | 70% AMI (Rental) | 80% AMI (Ownership) | 100% AMI (Ownership) |
|-------------------|---------------------|------------------------|-------------------------|
| 1 | \$ 45,000 | \$ 51,400 | \$ 64,250 |
| 2 | \$ 51,400 | \$ 58,750 | \$ 73,450 |
| 3 | \$ 57,850 | \$ 66,100 | \$ 82,600 |
| 4 | \$ 64,250 | \$ 73,450 | \$ 91,800 |
| 5 | \$ 69,400 | \$ 79,300 | \$ 99,150 |
| 6 | \$ 74,550 | \$ 85,200 | \$ 106,500 |
| 7 | \$ 79,700 | \$ 91,050 | \$ 113,850 |
| 8 | \$ 84,800 | \$ 96,950 | \$ 121,200 |

Maximum affordable sales prices

| Bedrooms | 80% AMI | 100% AMI |
|----------|------------|------------|
| 0 | \$ 151,600 | \$ 194,000 |
| 1 | \$ 172,800 | \$ 222,100 |
| 2 | \$ 194,000 | \$ 250,500 |
| 3 | \$ 215,300 | \$ 278,700 |
| 4 | \$ 236,500 | \$ 307,000 |
| 5 | \$ 259,000 | \$ 335,200 |
| 6 | \$ 281,700 | \$ 363,500 |
| 7 | \$ 304,100 | \$ 391,700 |

Maximum Affordable Rents

| Bedrooms | 70% AMI |
|----------|----------|
| 0 | \$ 1,046 |
| 1 | \$ 1,162 |
| 2 | \$ 1,327 |
| 3 | \$ 1,494 |
| 4 | \$ 1,659 |
| 5 | \$ 1,792 |
| 6 | \$ 1,925 |
| 7 | \$ 2,058 |

**Appendix VI:
Disclosure Statement Concerning Beneficial Interest Required by Section
40J of Chapter 7 of the General Laws**

1. Location of Project:
2. Grantor or Lessor: BOSTON REDEVELOPMENT AUTHORITY
3. Grantee or Lessee:
4. I hereby state, under the penalties of perjury, that the true name and addresses of all persons who have or will have a direct or indirect beneficial interest (including the amount of their beneficial interest accurate to within one-half percent) in the above-listed property are listed below in compliance with the provisions of Section 40J of Chapter 7.

Name and residence of all persons with said beneficial interest:

| <u>NAME</u> | <u>Address</u> | <u>Percentage Interest</u> |
|-------------|----------------|--------------------------------|
|-------------|----------------|--------------------------------|

5. The undersigned also acknowledges and states that none of the above-listed individuals is an official elected to public office in the Commonwealth of Massachusetts, nor is an employee of the Boston Redevelopment Authority.

SIGNED under the penalty of perjury.

Signature: _____

Date: _____

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

U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PART I -DEVELOPER'S STATEMENT FOR PUBLIC DISCLOSURE

(If space on this form is inadequate for any requested information, it should be furnished on an attached page, which is referred to under the appropriate numbered item on the form.)

A. Developer and Land

1. Name and address of developer:

2. The land on which the developer proposes to enter into a contract for, or understanding with respect to the purchase or lease of land from:

BOSTON REDEVELOPMENT AUTHORITY
(Name of Local Public Agency)

PARCEL 9 IN SOUTH END URBAN RENEWAL AREA AND PARCEL 10 IN ROXBURY
(Name of Urban Renewal Area)

in the City of Boston, State of Massachusetts, is described as follows:

3. If the developer is not an individual doing business under his own name, the developer has the status indicated below and is organized or operating under the laws of:
 - A corporation.
 - A nonprofit or charitable institution or corporation.
 - A partnership known as
 - A business association or joint venture known as
 - A federal, State or Local Government or instrumentality thereof.
 - Other (explain)

PART I -DEVELOPER'S STATEMENT FOR PUBLIC DISCLOSURE *(continued)*

4. If the developer is not an individual or a government agency or instrumentality, give date of organization:
5. Names, addresses, title of position (if any), and nature and extent of the interest of the officers and principal member shareholders and investors of the developers, other than a government agency or instrumentality, are set forth as follows:
- a. If the developer is a corporation, the officers, directors or trustees, and each stockholder owning more than 10% of any class of stock.
 - b. If the developer is a nonprofit or charitable institution or corporation, the members who constitute the board of trustees or board of directors or similar governing body.
 - c. If the developer is a partnership, each partner, whether a general or limited partner, and either the percent of interest or a description of the character and extent of interest.
 - d. If the developer is a business association or a joint venture, each participant and either the percent of interest or a description of the character and extent of interest.
 - e. If the developer is some other entity, the officers, the members of the governing body, and each person having an interest of more than 10%.

NAME AND ADDRESS

POSITION, TITLE (if any) AND PERCENT OF INTEREST OR DESCRIPTION OF CHARACTER AND EXTENT OF INTEREST

6. Name, address and nature and extent of interest of each person or entity (not named in response to item 5) who has a beneficial interest in any of the shareholders or investors named in response to item 5 which gives such person or entity more than a computed 10% interest in the developer (for example, more than 20% of the stock in a corporation which holds 50% of the stock of the developer; or more than 50% of the stock in a corporation which hold 20% of the stock of the developer):

NAME AND ADDRESS

DESCRIPTION OF CHARACTER AND EXTENT OF INTEREST

U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PART I -DEVELOPER'S STATEMENT FOR PUBLIC DISCLOSURE *(continued)*

7. Names (if not given above) of officers and directors or trustees of any corporation or firm listed under item 5 or item 6 above:

B. RESIDENTIAL REDEVELOPMENT OR REHABILITATION

(The developer is to furnish the following information, but only if land is to be redeveloped or rehabilitated in whole or in part for *residential* purposes.)

1. State the developer's estimates, exclusive of payment for the land, for:
- a. Total cost of any residential development\$
 - b. Cost per dwelling unit of any residential development.....\$
2. a. State the developer's estimate of the average monthly rental (if to be rented) or average sale price (if to be sold) for each type and size of dwelling unit involved in such development:

| <u>TYPE AND SIZE OF DWELLING UNIT</u> | <u>ESTIMATED AVERAGE MONTHLY RENTAL</u> | <u>ESTIMATED AVERAGE SALE PRICE</u> |
|---|---|---|
| | \$ | \$ |

- b. State the utilities and parking facilities, if any, included in the foregoing estimates of rentals:

- c. State equipment, such as refrigerators, washing machines, air conditioners, if any, include in the foregoing estimates of sale prices:

U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PART I -DEVELOPER'S STATEMENT FOR PUBLIC DISCLOSURE *(continued)*

CERTIFICATION

I (we)¹ _____ certify that this Developer's Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

Dated: _____

Dated: _____

Signature

Signature

Title

Title

Address

Address

1. If the developer is a corporation, this statement should be signed by the president and secretary of the corporation; if an individual, by such individual; if a partnership, by one of the partners; if an entity not having a president and secretary, by one of its chief officers having knowledge of the financial status and qualifications of the developer.

PART 11 - DEVELOPER'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

1. Name and address of developer:

2. Is the developer a subsidiary of or affiliated with any other corporation or corporations or any other firm or firms?

YES _____ NO _____

If Yes, list such corporation or firm by name and address. Specify its relationship to the developer, and identify the officers and directors or trustees common to the developer such other corporation or firm.

3. a. The financial condition of the developer as of _____, 20__ is as reflected in the attached financial statement.

NOTE: Attach to this statement a certified financial statement (of the corporation; for each partner in a partnership; or for the individual) showing the assets and the liabilities, including contingent liabilities, fully itemized in accordance with accepted accounting standards and based on a proper audit. (Financial statements for individuals do not need to be audited but they must be dated and signed by the applicant.) If the date of the certified financial statement precedes the date of this submission by more than six months, also attached an interim balance sheet not more than 60 days old.

b. Name and address of auditor or public accountant who performed the audit on which said financial statement is based:

4. If funds for the development of the land are to be obtained from the sources other than the developer's own funds, a statement of the developer's plan for financing the acquisition and development of the land:

PART 11 - DEVELOPER'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY
(continued)

5. Sources and amount of cash available to developer to meet equity requirements of the proposed undertaking:

a. In banks:

| <u>NAME AND ADDRESS OF BANK</u> | <u>AMOUNT</u> |
|---------------------------------|---------------|
| | \$ |

b. By loans from affiliated or associated corporations or firms:

| <u>NAME AND ADDRESS OF SOURCE</u> | <u>AMOUNT</u> |
|-----------------------------------|---------------|
| | \$ |

c. By sale of readily salable assets:

| <u>DESCRIPTION</u> | <u>MARKET VALUE</u> | <u>MORTGAGES OR LIENS</u> |
|--------------------|---------------------|---------------------------|
| | | \$ |

6. Names and addresses of bank references:

7. a. Has the developer or (if any) the parent corporation or any subsidiary or affiliated corporation of the developer or said parent corporation, or any of the developer's officers or principal members shareholders or investors, or other interested parties (as listed in the response to item 5, 6, and 7 of the Developer's Statement for Public Disclosure and referred to herein as "principals of the developer") been adjudged bankrupt, either voluntary or involuntary, within the past 10 years?

YES _____ NO _____

If Yes, give date, place and under what name.

PART 11 - DEVELOPER'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY
(continued)

- b. Has the developer or anyone referred to above as "principals of the developer" been indicted for or convicted of any felony within the past 10 years?
YES _____ NO _____

If Yes, give for each case (1) date. (2) charge, (3) place, (4) court and (5) action taken. Attach any explanation deemed necessary.

8. a. Undertakings, comparable to the proposed development work which have been completed by the developer or any of the principals of the developer, including identification and brief description of each project and date of completion:

| <u>PROPERTY NAME AND ADDRESS</u> | <u>DESCRIPTION</u> | <u>DATE COMPLETED</u> |
|----------------------------------|--------------------|-----------------------|
|----------------------------------|--------------------|-----------------------|

- b. If the developer or any of the principals of developer has ever been an employee, in such supervisory capacity, for construction contractor or builder on undertaking comparable to the proposed redevelopment work, name of such employee, name and address of employer, title of position, and brief description of work.

9. Other federally aided urban renewal projects under Title I of the Housing Act of 1949, as amended, in which the developer or any of the principals of the developer is or has been the developer, or stockholder, officer, director or trustee or partner of such a developer:

PART 11 - DEVELOPER'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY
(continued)

10. If the developer or parent corporation, a subsidiary and affiliate or a principal of the developer is to participate in the development of the land as a construction contractor or builder:

a. Name and address of such contractor or builder:

b. Has such contractor or builder within the last 10 years ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract?

YES _____ NO _____

If Yes explain:

c. Total amount of construction or development work performed by such contractor or builder during the last three years: \$ _____

General description of such work:

d. Construction contracts or developments now being performed by such contractor or builder:

| <u>IDENTIFICATION OF CONTRACT OR DEVELOPMENT</u> | <u>LOCATION</u> | <u>AMOUNT</u> \$ | <u>DATE TO BE COMPLETED</u> |
|--|-----------------|---------------------|-----------------------------|
|--|-----------------|---------------------|-----------------------------|

e. Outstanding construction-construction bids of such contractor or builder:

| <u>AWARDING AGENCY</u> | <u>AMOUNT</u> \$ | <u>DATE OPENED</u> |
|------------------------|---------------------|--------------------|
|------------------------|---------------------|--------------------|

PART 11 - DEVELOPER'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY
(continued)

CERTIFICATION

I (we)¹ _____ certify that this Developer's Statement of Qualifications and Financial Responsibility and the attached evidence of the developer's qualifications and financial responsibility, including financial statement are true and correct to the best of my (our) knowledge and belief.

Dated: _____

Dated: _____

Signature

Signature

Title

Title

Address

Address

1. If the developer is a corporation, this statement should be signed by the president and secretary of the corporation; if an individual, by such individual; if a partnership, by one of the partners; if an entity not having a president and secretary, by one of its chief officers having knowledge of the financial status and qualifications of the developer.

Appendix VIII: Boston Jobs Policies

- A. Non-Discrimination: The redeveloper agrees in connection with the redevelopment of the Project Site that he/she will not discriminate against any employee or applicant for employment on the basis of race, color, sex, sexual preference, religion or national origin. The redeveloper shall take affirmative action to ensure that applicants for development activity on the Project Site are employed and that such employees are treated during the construction period without regard to their race, color, sex, sexual preference, religion or national origin.

- B. Boston Residents Jobs Policy: With regard to any development activity on the Project Site, the redeveloper shall use reasonable efforts to pursue and cause the general contractor and all subcontractors to pursue efforts with the goal of employing workers in construction so that workers hours on a craft-by-craft basis are performed at least 50 percent by bona fide City of Boston residents and at least 25 percent by minorities and at least 10 percent by women. The redeveloper shall incorporate in every general construction contract for activity on the Site an enumeration of the foregoing worker hour goals and impose a responsibility upon the contractor to pursue such efforts and to incorporate such worker hour goals in all subcontracts and impose upon all subcontractors the obligation to pursue such goals pursuant to the Boston Residents Construction Employment Plan.

- C. Small and Local Business Enterprise Development Standards: The redeveloper agrees to comply with any Small and Local Business Enterprise Development Standards, adopted by the Mayor of the City of Boston prior to the execution of the Lease, if determined to be applicable by the BRA.

**Appendix IX:
Certificate of Compliance With Boston Jobs Policies**

(Name)

(Title)

(Name of Respondent)

whose principal place of business is located at

hereby certifies that:

The above-named Respondent or any affiliate thereof has no unresolved Boston Jobs Policies issues or violations as determined by the BRA Compliance Department, the Office of Boston Residents Jobs Policy and/or the Boston Employment Commission. The issues or violations can include but are not limited to the Boston Residents Construction Employment Standards, the Boston Residents Jobs Policy, Small and Local Business Enterprise Development Standards, Davis-Bacon Act or any other wage violations, and non-discrimination policy.

Signed under the penalties of perjury this _____ day of _____, 2011.

(Name)

(Federal Identification Number)

By: _____

Title: _____

I/WE certify that as of the above date, the respondent and any named affiliate thereof has no known unresolved issues or violations of the standards or policies or wage act violations named herein:

BRA Compliance Department

Date:

Office of Boston Residents Jobs Policy

Date:

and/or

Boston Employment Commission

Date:

**Appendix X:
City of Boston Disclosure Statement**

Any person submitting a development proposal to the City of Boston and/or Boston Redevelopment Authority (“BRA”) must truthfully complete this statement and submit it prior to being designated for any project.

1. Do any of the principals owe the City of Boston and/or BRA any monies for incurred real estate taxes, rents, water and sewer charges or other indebtedness?

2. Are any of the principals employed by the City of Boston and/or BRA? If yes, in what capacity? (Please include name of agency or department and position held in that agency or department).

3. Do any of the principals own any real estate in Boston? If yes, where and what type of property?

4. Were any of the principals ever the owners of any property upon which the City of Boston foreclosed for his/her failure to pay real estate taxes or other indebtedness?

5. Have any of the principals ever been convicted of any arson related crimes or currently under indictment for any such crimes?

6. Have any of the principals been convicted of violating any law, code, ordinance regarding conditions of human habitation within the last three (3) years?

SIGNED under the penalty of perjury.

Date: _____

Signature: _____

Address: _____

Appendix XI:
Certificate of Tax, Employment Security, and Contract Compliance

Pursuant to Massachusetts General Laws ch. 62C, §49A¹ and ch. 151A, §19A(b)²

(Name)

(Title)

(Name of Respondent)

whose principal place of business is located at

hereby certifies that:

The above-named Respondent has made all required filings of state taxes, has paid all state taxes required under law, and has no outstanding obligation to the Commonwealth's Department of Revenue.

The above-named Respondent/Employer has complied with all laws of the Commonwealth relating to contributions and payments in lieu of contributions.

The above-named Respondent, or any affiliate thereof, is unaware of any violation of any federal, state, or local law, rule, regulation, or ordinance by the Respondent or any affiliate thereof. If the Respondent, or any affiliate thereof, has any knowledge of any alleged violation, he or she will provide that information to the BRA along with a statement of progress made towards resolution of the issues.

The above-named Respondent has no existing defaults under any contracts with the Boston Redevelopment Authority or any City of Boston Agency.

Signed under the penalties of perjury this _____ day of _____, 2005.

(Name)

(Federal Identification Number)

By: _____

Title: _____

¹ "No contract or other agreement for the purpose of providing goods, services or real estate to any... agencies (of the Commonwealth) shall be entered into, renewed or extended with any person unless such person certifies in writing under penalties of perjury, that he has complied with all laws of the Commonwealth relating to taxes."

² "No contract or other agreement for the purpose of providing ... physical space to any agency or instrumentality of the Commonwealth shall be entered into, renewed or extended with any employer unless such employer certifies in writing under penalties of perjury, that said employer has complied with all laws of the Commonwealth relating to contributions and payments in lieu of contributions."

**Appendix XII:
Certificate of Compliance With Fair Housing Policies**

(Name)

(Title)

(Name of Respondent)

whose principal place of business is located at

hereby certifies that:

The above-named Respondent or any affiliate thereof has no unresolved fair housing complaints as determined by the Boston Fair Housing Commission.

Signed under the penalties of perjury this _____ day of _____, 2005.

(Name)

(Federal Identification Number)

By: _____

Title: _____

**Appendix XIII:
Expression of Community Goals as Recommended by the Roxbury
Strategic Master Plan Oversight Committee (“RSMPOC”)**

Throughout the development of the Roxbury Strategic Master Plan (“RSMP”) residents of Roxbury emphasized that a primary focus had to be wealth creation amongst businesses and enterprises owned by people of color as well as workers of color through future projects and land development in the community. It has been expressed as a goal by members of the Roxbury Strategic Master Plan Oversight Committee (“RSMPOC”) that the redevelopment opportunities associated with Parcels 9 & 10 as outlined in the Request for Proposals are used as a channel by the development team to promote minority participation in all phases of their proposed project for these sites.

- 1) Therefore, the RSMPOC has set a goal of 51% for the participation of developers of color, preferably from the community, in the development team with the understanding that a majority ownership may not be possible. The Oversight Committee has established similar goals for pre-construction contracts as well as ongoing permanent contracts.
- 2) In keeping with the Roxbury community’s emphasis on using development for wealth creation, the RSMPOC has an expectation that 30% of the sub-contractors per trade will be awarded to contractors of color, preferably community based, even though the City has no legally enforceable set aside plan.
- 3) While the City of Boston goals for the hiring of Boston residents, minorities, and women in construction projects are 50%, 25%, and 10%, respectively, the Roxbury Strategic Master Plan Committee has the expectation that contractors in their area reach minimum levels of 51%, 51% and 17% respectively. The expectation of the RSMPOC is that the contractors working on projects within the RSMPOC area will cooperate with these efforts despite the limits of the City’s enforcement and sanction mechanisms.

Appendix XIV: Federal Highway Administration Regulations 23 CFR 710

§ 710.401

23 CFR Ch. I (4–1–09 Edition)

(1)(i) The design-builder must submit written acquisition and relocation procedures to the STD for approval prior to commencing right-of-way activities. These procedures should contain a prioritized appraisal, acquisition, and relocation strategy as well as check points for STD approval, such as approval of just compensation, replacement housing payment calculations, replacement housing payment and moving cost claims, appraisals, administrative and stipulated settlements that exceed determined thresholds based on a risk management analysis, etc. STD's which have an FHWA approved procedures manual, in accordance with 23 CFR 710.201(c), may comply with this section by requiring the design-builder to execute a certification in its proposal that it has received the approved right-of-way manual and will comply with the procedures.

(ii) The written relocation plan must provide reasonable time frames for the orderly relocation of residents and businesses on the project as provided at 49 CFR 24.205. It should be understood that these time frames will be based on best estimates of the time it will take to acquire the right-of-way and relocate families in accordance with certain legal requirements and time frames which may not be violated. Accordingly, the time frames estimated for right-of-way acquisition will not be compressed in the event other necessary actions preceding right-of-way acquisition miss their assigned due dates.

(2)(i) The design-builder must establish a project tracking system and quality control system. This system must show the appraisal, acquisition and relocation status of all parcels.

(ii) The quality control system may be administered by an independent consultant with the necessary expertise in appraisal, acquisition and relocation policies and procedures, who can make periodic reviews and reports to the design-builder and the STD.

(3) The STD may consider the establishment of a hold off zone around all occupied properties to ensure compliance with right-of-way procedures prior to starting construction activities in affected areas. The limits of this

zone should be established by the STD prior to the design-builder entering on the property. There should be no construction related activity within the hold off zone until the property is vacated. The design-builder must have written notification of vacancy from the right-of-way quality control consultant or STD prior to entering the hold off zone.

(4) Adequate access shall be provided to all occupied properties to insure emergency and personal vehicle access.

(5) Utility service must be available to all occupied properties at all times prior to and until relocation is completed.

(6) Open burning should not occur within 305 meters (1,000 feet) of an occupied dwelling.

(7) The STD will provide a right-of-way project manager who will serve as the first point of contact for all right-of-way issues.

(e) If the STD elects to perform all right-of-way services relating to the design-build contract, the provisions in § 710.311 will apply. The STD will notify potential offerors of the status of all right-of-way issues in the request for proposal document.

[67 FR 75935, Dec. 10, 2002]

Subpart D—Real Property Management

§ 710.401 General.

This subpart describes the acquiring agency's responsibilities to control the use of real property required for a project in which Federal funds participated in any phase of the project. Prior to allowing any change in access control or other use or occupancy of acquired property along the Interstate, the STD shall secure an approval from the FHWA for such change or use. The STD shall specify in the State's ROW operations manual, procedures for the rental, leasing, maintenance, and disposal of real property acquired with title 23 of the United States Code funds. The State shall assure that local agencies follow the State's approved procedures, or the local agencies own procedures if approved for use by the STD.

§ 710.403 Management.

(a) The STD must assure that all real property within the boundaries of a federally-aided facility is devoted exclusively to the purposes of that facility and is preserved free of all other public or private alternative uses, unless such alternative uses are permitted by Federal regulation or the FHWA. An alternative use must be consistent with the continued operation, maintenance, and safety of the facility, and such use shall not result in the exposure of the facility's users or others to hazards.

(b) The STD shall specify procedures in the State manual for determining when a real property interest is no longer needed. These procedures must provide for coordination among relevant STD organizational units, including maintenance, safety, design, planning, right-of-way, environment, access management, and traffic operations.

(c) The STD shall evaluate the environmental effects of disposal and leasing actions requiring FHWA approval as provided in 23 CFR part 771.

(d) Acquiring agencies shall charge current fair market value or rent for the use or disposal of real property interests, including access control, if those real property interests were obtained with title 23 of the United States Code funding, except as provided in paragraphs (d) (1) through (5) of this section. Since property no longer needed for a project was acquired with public funding, the principle guiding disposal would normally be to sell the property at fair market value and use the funds for transportation purposes. The term fair market value as used for acquisition and disposal purposes is as defined by State statute and/or State court decisions. Exceptions to the general requirement for charging fair market value may be approved in the following situations:

(1) With FHWA approval, when the STD clearly shows that an exception is in the overall public interest for social, environmental, or economic purposes; nonproprietary governmental use; or uses under 23 U.S.C. 142(f), Public Transportation. The STD manual may include criteria for evaluating disposals at less than fair market value.

Disposal for public purposes may also be at fair market value. The STD shall submit requests for such exceptions to the FHWA in writing.

(2) Use by public utilities in accordance with 23 CFR part 645.

(3) Use by Railroads in accordance with 23 CFR part 646.

(4) Use for Bikeways and pedestrian walkways in accordance with 23 CFR part 652.

(5) Use for transportation projects eligible for assistance under title 23 of the United States Code, provided that a concession agreement, as defined in section 710.703, shall not constitute a transportation project.

(e) The Federal share of net income from the sale or lease of excess real property shall be used by the STD for activities eligible for funding under title 23 of the United States Code. Where project income derived from the sale or lease of excess property is used for subsequent title 23 projects, use of the income does not create a Federal-aid project.

(f) No FHWA approval is required for disposal of property which is located outside of the limits of the right-of-way if Federal funds did not participate in the acquisition cost of the property.

(g) Highway facilities in which Federal funds participated in either the right-of-way or construction may be relinquished to another governmental agency for continued highway use under the provisions of 23 CFR 620, subpart B.

[64 FR 71290, Dec. 21, 1999, as amended at 73 FR 77503, Dec. 19, 2008]

§ 710.405 Air rights on the Interstate.

(a) The FHWA policies relating to management of airspace on the Interstate for non-highway purposes are included in this section. Although this section deals specifically with approval actions on the Interstate, any use of airspace contemplated by a STD must assure that such occupancy, use, or reservation is in the public interest and does not impair the highway or interfere with the free and safe flow of traffic as provided in 23 CFR 1.23.

(1) This subpart applies to Interstate facilities which received title 23 of the

United States Code assistance in any way.

(2) This subpart does not apply to the following:

- (i) Non-Interstate highways.
- (ii) Railroads and public utilities which cross or otherwise occupy Federal-aid highway right-of-way.
- (iii) Relocations of railroads or utilities for which reimbursement is claimed under 23 CFR part 140, subparts E and H.
- (iv) Bikeways and pedestrian walkways as covered in 23 CFR part 652.

(b) A STD may grant rights for temporary or permanent occupancy or use of Interstate system airspace if the STD has acquired sufficient legal right, title, and interest in the right-of-way of a federally assisted highway to permit the use of certain airspace for non-highway purposes; and where such airspace is not required presently or in the foreseeable future for the safe and proper operation and maintenance of the highway facility. The STD must obtain prior FHWA approval, except for paragraph (c) of this section.

(c) An STD may make lands and rights-of-way available without charge to a publicly owned mass transit authority for public transit purposes whenever the public interest will be served, and where this can be accomplished without impairing automotive safety or future highway improvements.

(d) An individual, company, organization, or public agency desiring to use airspace shall submit a written request to the STD. If the STD recommends approval, it shall forward an application together with its recommendation and any necessary supplemental information including the proposed airspace agreement to the FHWA. The submission shall affirmatively provide for adherence to all policy requirements contained in this subpart and conform to the provisions in the FHWA's Airspace Guidelines at: <http://www.fhwa.dot.gov/realestate/index.htm>.

§ 710.407 Leasing.

(a) Leasing of real property acquired with title 23 of the United States Code, funds shall be covered by an agreement between the STD and lessee which contains provisions to insure the safety and integrity of the federally funded

facility. It shall also include provisions governing lease revocation, removal of improvements at no cost to the FHWA, adequate insurance to hold the State and the FHWA harmless, non-discrimination, access by the STD and the FHWA for inspection, maintenance, and reconstruction of the facility.

(b) Where a proposed use requires changes in the existing transportation facility, such changes shall be provided without cost to Federal funds unless otherwise specifically agreed to by the STD and the FHWA.

(c) Proposed uses of real property shall conform to the current design standards and safety criteria of the Federal Highway Administration for the functional classification of the highway facility in which the property is located.

§ 710.409 Disposals.

(a) Real property interests determined to be excess to transportation needs may be sold or conveyed to a public entity or to a private party in accordance with § 710.403(d).

(b) Federal, State, and local agencies shall be afforded the opportunity to acquire real property interests considered for disposal when such real property interests have potential use for parks, conservation, recreation, or related purposes, and when such a transfer is allowed by State law. When this potential exists, the STD shall notify the appropriate resource agencies of its intentions to dispose of the real property interests. The notifications can be accomplished by placing the appropriate agencies on the States' disposal notification listing.

(c) Real property interests may be retained by the STD to restore, preserve, or improve the scenic beauty and environmental quality adjacent to the transportation facility.

(d) Where the transfer of properties to other agencies at less than fair market value for continued public use is clearly justified as in the public interest and approved by the FHWA, the deed shall provide for reversion of the property for failure to continue public ownership and use. Where property is sold at fair market value no reversion clause is required. Disposal actions described in 23 CFR 710.403(d)(1) for less

than fair market value require a public interest determination and FHWA approval, consistent with that section.

[64 FR 71290, Dec. 21, 1999, as amended at 67 FR 12863, Mar. 20, 2002]

Subpart E—Property Acquisition Alternatives

§ 710.501 Early acquisition.

(a) *Real property acquisition.* The State may initiate acquisition of real property at any time it has the legal authority to do so based on program or project considerations. The State may undertake early acquisition for corridor preservation, access management, or other purposes.

(b) *Eligible costs.* Acquisition costs incurred by a State agency prior to executing a project agreement with the FHWA are not eligible for Federal-aid reimbursement. However, such costs may become eligible for use as a credit towards the State's share of a Federal-aid project if the following conditions are met:

(1) The property was lawfully obtained by the State;

(2) The property was not land described in 23 U.S.C. 138;

(3) The property was acquired in accordance with the provisions of 49 CFR part 24;

(4) The State complied with the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4);

(5) The State determined and the FHWA concurs that the action taken did not influence the environmental assessment for the project, including:

(i) The decision on need to construct the project;

(ii) The consideration of alternatives; and

(iii) The selection of the design or location; and

(6) The property will be incorporated into a Federal-aid project.

(7) The original project agreement covering the project was executed on or after June 9, 1998.

(c) *Reimbursement.* In addition to meeting all provisions in paragraph (b) of this section, the FHWA approval for reimbursement for early acquisition costs, including costs associated with

displacement of owners or tenants, requires the STD to demonstrate that:

(1) Prior to acquisition, the STD made the certifications and determinations required by 23 U.S.C. 108(c)(2)(C) and (D); and

(2) The STD obtained concurrence from the Environmental Protection Agency in the findings made under paragraph (b)(5) of this section regarding the NEPA process.

§ 710.503 Protective buying and hardship acquisition.

(a) *General conditions.* Prior to the STD obtaining final environmental approval, the STD may request FHWA agreement to provide reimbursement for advance acquisition of a particular parcel or a limited number of parcels, to prevent imminent development and increased costs on the preferred location (Protective Buying), or to alleviate hardship to a property owner or owners on the preferred location (Hardship Acquisition), provided the following conditions are met:

(1) The project is included in the currently approved STIP;

(2) The STD has complied with applicable public involvement requirements in 23 CFR parts 450 and 771;

(3) A determination has been completed for any property subject to the provisions of 23 U.S.C. 138; and

(4) Procedures of the Advisory Council on Historic Preservation are completed for properties subject to 16 U.S.C. 470(f) (historic properties).

(b) *Protective buying.* The STD must clearly demonstrate that development of the property is imminent and such development would limit future transportation choices. A significant increase in cost may be considered as an element justifying a protective purchase.

(c) *Hardship acquisitions.* The STD must accept and concur in a request for a hardship acquisition based on a property owner's written submission that:

(1) Supports the hardship acquisition by providing justification, on the basis of health, safety or financial reasons, that remaining in the property poses an undue hardship compared to others; and

(2) Documents an inability to sell the property because of the impending

**Appendix XV:
Preliminary Land Survey**
