

# PIER 5—Charlestown Navy Yard Request for Proposals

**Pier 5  
Charlestown Navy Yard**

**Thomas M. Menino, Mayor**

**Boston Redevelopment Authority**

John F. Palmieri, Director

**BRA Board Members**

Clarence J. Jones, Chairman  
Brian P. Golden, Executive Director/Secretary  
Timothy J. Burke, Member

Consuelo Gonzalez-Thornell, Treasurer  
Paul D. Foster, Member  
James M. Coyle, Member

# Table of Contents

I.	Introduction .....	3
II.	Site Location and Description .....	4
III	Planning Context.....	6
IV.	Development Objectives .....	7
V.	Transportation Access .....	8
VI.	Development Design Guidelines.....	9
VII.	RFP Submission Requirements.....	11
VIII.	Selection Process .....	15
IX.	Terms and Conditions.....	19
Appendix A -	Description of Boston Redevelopment Authority (BRA)	
Appendix B -	Area Map with Regional Transportation Network	
Appendix C -	Site Plan of Charlestown Navy Yard	
Appendix D -	Plan for Existing Conditions at Pier 5	
Appendix E -	Availability Notice for	
	1. Waterfront Activation Network Plan for the Charlestown Navy Yard.	
	2. Water Dependent Use Management Plan	
	3. Charlestown Navy Yard Design Guidelines	
	4. Charlestown Navy Yard Master Plan for Yard's End, 1990	
	5. Harborpark Plan: City of Boston Municipal Harbor Plan, 1991	
Appendix F -	Tiered Financial Submittal - Phase I	
Appendix G -	Tiered Financial Submittal - Phase II	
Appendix H -	Nondiscrimination Documents	
	Boston Jobs Policy	
	Minority & Women Business Requirements	
Appendix I -	Developer's Statement of Qualifications and Financial Responsibility	
Appendix J -	State Disclosure Statement Concerning Beneficial Interests (Section 40J)	
Appendix K -	City Disclosure Statement Concerning Beneficial Interests (Section 80B-8 City of Boston Zoning Code)	
Appendix L -	Non-collusion Form	

**Cover photo credit: Aerial Photography by [www.LesVants.com](http://www.LesVants.com)**

## I. Introduction

The Boston Redevelopment Authority (“BRA”) is issuing a Request for Proposals (“RFP”) for the development of **Pier 5** (the “Project Site”) located within the Charlestown Navy Yard (“CNY”). This RFP is being offered in order to solicit proposals from all interested parties who have the ability to undertake the development of the Project Site as described herein and complete such development without undue delay.

Through its redevelopment, the Project Site should be developed in a way which will enhance the waterfront location of the site, bring active uses to the CNY, provide public access to Boston Harbor, and provide services to residents and visitors in the CNY. This RFP is designed to inform interested parties about BRA objectives with respect to the Project Site and to guide prospective developers in the preparation and submission of development proposals.

**The Opportunity**      The Project Site poses an exciting redevelopment opportunity not only because of the potential to reshape the landscape of Boston’s vibrant waterfront, but also because it can solidify the vision for Boston’s economic future via a development that promotes housing opportunities, economic activity, cultural and tourist amenities, or institutional uses.

**The Location**      The Charlestown Navy Yard in Charlestown is a vibrant, mixed-use neighborhood on the north side of Boston Harbor. There is excellent access to Route 93, Route 1, and the Financial District. Bus service and boat service connect the CNY to downtown Boston.

The BRA anticipates that this RFP will result in a development that will revitalize an underutilized real estate asset, while meeting the stated planning goals of the BRA and City of Boston.

All respondents planning to respond to the RFP must register by email. Said registration emails must state the legal name of the respondent and include the telephone number and email address for the respondent's designated contact.

**All registration emails are to be submitted to Geoffrey Lewis and received by 5:00 pm, May 16, 2011.**

**Geoffrey Lewis  
Senior Project Manager  
Boston Redevelopment Authority  
One City Hall Square  
Boston, MA 02210  
[Geoffrey.Lewis.BRA@cityofboston.gov](mailto:Geoffrey.Lewis.BRA@cityofboston.gov)**

**Only registered respondents will receive electronic updates, notices and information.**



## **The Charlestown Navy Yard**

The CNY is a 135-acre former Naval Base in the Charlestown neighborhood of Boston. The CNY is bounded by the USS Constitution National Historic Park to the south, Boston Harbor to the east, the Little Mystic Channel to the north, and Chelsea Street to the west.

The CNY lies less than one mile from the heart of downtown Boston, with direct access via bus and boat to the Financial District.

During the peak of World War II, over 50,000 people worked in the CNY constructing destroyers, frigates, and LSTs. The die-lock method of chainmaking was developed in the CNY and research and development of naval technologies were a key activity in the CNY and the Boston area.

Many Civil War era historic buildings remain in the CNY, including the Ropewalk, Tar House, Muster House, and Joinery Shop. These buildings are part of the Historic Monument Area and contribute greatly to the overall design and character of the Yard.

The BRA acquired the CNY in 1978 after the Boston Naval Shipyard was decommissioned in 1974. Today, the CNY is a vibrant, mixed-use neighborhood with over 1,200 housing units, 1.5 million square feet of office and institutional uses, a 1.5 acre park, and approximately nine acres of open space and HARBORWALK.

## **About Pier 5**

The Project Site is located at Pier 5 on Boston Harbor at the end of Eighth Street in the CNY. The project site also includes an upland Parcel known as Parcel 1C. Together, these parcels contain approximately 82,460 square feet. Pier 5 is a World War II-era pier and has not undergone any significant renovation since the property was transferred to the BRA in 1978. The Project Site is currently vacant and is in disrepair. The site has been fenced-off and is not accessible to the public. The developer will be required to bring any necessary utilities to the Project Site. The BRA will assist with securing any necessary permits regarding the extension of utilities onto the Project Site.

## **Existing conditions** (see Appendix D)

The Project Site and pier, will be conveyed by the BRA in "as-is" condition. Any and all costs, including but not limited to environmental remediation, due to known or unknown conditions, including, but not limited to: any and all, contamination as defined by local, state and federal laws and /or agencies, currently known or unknown to the BRA, the designated developer or any other individual at the project site, will be absorbed and paid for solely by the designated developer. The designated developer will release, indemnify and hold harmless BRA from any and all obligations it may have in regard to or claims that may arise from any known or unknown conditions at the Project Site as stated herein.

### **III. CNY PLANNING CONTEXT**

The BRA, in partnership with the community and regulatory agencies, has developed a plan for the CNY that is outlined in several planning documents and initiatives which are briefly described below.

#### **Planning and Development Program for the Boston Naval Shipyard/Charlestown, 1975-1978**

In preparation for the transfer of the CNY to the BRA, the BRA prepared a master plan for the CNY to replace the manufacturing jobs lost with the closing of the Navy Base and create new housing opportunities for the people of Boston. By the late 1980s and early 1990s it became apparent that national and regional economic realities limited the demand for manufacturing jobs in the CNY.

#### **Charlestown Navy Yard Master Plan for Yard's End, 1990**

The 1990 Charlestown Navy Yard Master Plan for Yard's End was an effort to update and refine the 1975-1978 master plan. This planning exercise grew out of the Harborpark planning program which began in 1984 and governs the entire Boston waterfront, including the CNY, to this day. The 1990 master plan contemplated 110 units of new housing on Pier 5. The 1990 master plan also formed the basis for the current zoning of the CNY under Article 42-F of the Boston Zoning Code (the "Code").

#### **Harborpark Plan: City of Boston Municipal Harbor Plan, 1990**

The Harborpark Plan outlines the vision for the city's waterfront, recognizing Boston Harbor as a unique resource that should be accessible to all residents and provide a balance of uses to support the economic health of the city and residents' quality of life. This plan was approved by the Massachusetts Secretary of Environmental Affairs in 1991 and was informed by an extensive community planning effort in 1987 in the CNY. This plan was intended to guide the completion of the CNY and required the BRA to prepare "Network Plans" to accommodate the distribution of Special Public Destination Facilities throughout each waterfront subdistrict. The approved Harborpark Plan specifically calls for residential uses and public facilities on Pier 5.

#### **CNY Waterfront Activation Network Plan and Water Dependent Use Management Plan, 2007**

These plans lay out a plan to ensure year round public use and enjoyment of the CNY waterfront with activities, public uses and destinations to draw people in from the inland Charlestown neighborhood as well as from other Boston neighborhoods and for the management of the water-dependent uses such as sailing facilities, marinas and water transit facilities along its shore and adjacent watersheet. Both were approved by the Secretary of the Executive Office of Energy & Environmental Affairs ("EOEEA"). As this plan pertains to Pier 5, any development of the Pier which includes Facilities of Private Tenancy ("FPT") must provide a 10,500 square foot special public destination facility designed for flexible use. The facility will be rent free for the term of the Chapter 91 License and provided with a basic build-out finish.

## IV Development Objectives

The BRA's primary objective for the Project Site is the successful redevelopment of the Pier to maximize its potential to promote opportunities for residents and those visiting the CNY to live, work, experience cultural and recreational activities, and enjoy the waterfront of Boston Harbor. Consistent with the environmental and land use requirements of Mass. General Law Chapter 91, the developer selected as part of this RFP process will be required to create uses for the Project Site which are compatible with the plans for the CNY and Chapter 91 (see below for more detail on Chapter 91).

A previously-approved project on Pier 5 proposed 85 residential units with approximately 10,000 square feet of Special Public Destination Facilities ("SPDF") on the ground floor. The project was designed to be in compliance with the Chapter 91 dimensional requirements governing projects over flowed tidelands.

The specific objectives for the redevelopment and operation of the Project Site are as follows:

- Create physical assets that will support any combination of viable economic activity, including tourism and hospitality, housing opportunities, public facilities, and/or recreational and cultural activities, and promote waterfront activation within the CNY.
- Leverage private resources and expertise to improve the site at Pier 5 thereby upgrading the overall appearance of CNY.
- Preserve the CNY's ability to take full advantage of its extraordinary waterfront location and overall accessibility in order help the City of Boston attract, serve and retain employers, workers, and families.
- Promote environmentally responsible and sustainable developments which showcase innovative technology.
- Provide a welcoming environment for public enjoyment of the waterfront.
- Return a dilapidated pier in Boston Harbor to a safe, useful, and enjoyable condition.

### Chapter 91 and the Municipal Harbor Plan

Pursuant to 310 CMR 9.51 (3) (c), any proposed structure with non-water-dependent-uses must provide a Water Dependent Use Zone on the Pier. Additionally, 310 CMR 9.51 (3) (d) requires that no more than 50% of the Project Site can be occupied by a non-water-dependent-building. The Project Site is located on Commonwealth Tidelands and is therefore subject 310 CMR 9.51 (2) (b) requiring that all open space be available to the public for active and passive recreational uses.

## V Transportation Access

The attraction of the CNY is its waterfront location and its proximity to downtown Boston. The CNY boasts easy vehicular access to Interstate 93 and Route 1, and a well-established public transportation network. Additionally, many destinations are within walking distance of the Project Site.

### Roadways

The CNY is located near the intersection of Route 1 and Interstate 93 providing access to points north and south of the City of Boston. I-93 connects directly to the Massachusetts Turnpike and there is a connector with direct access to Storrow Drive from the Charlestown neighborhood, both providing access to points west of the city.

The internal roadway network of the CNY is sufficient for the current and future demands. The Project Site will be accessed via an extension of Eighth Street onto the pier.

### Public Transportation

The principal elements of the public transportation servicing this area of Charlestown are the Massachusetts Bay Transportation Authority ("MBTA") bus service and boat service. The MBTA Bus routes 92 and 93 provide service down Chelsea Street to Haymarket MBTA station. Route 93 also provides service down First Avenue in the CNY. The CNY-Long Wharf MBTA boat service leaves from Pier 3 every 15 minutes during peak hours with service to Long Wharf in the Financial District.

### Air Transportation

Unlike most of the nation's other major urban centers, the City of Boston is fortunate to have its international airport so close in proximity to its industrial and manufacturing sector. The completion of the Central Artery Project provides direct, time-efficient (approximately 20 minutes) travel to Logan International Airport.

### Parking

Due to Chapter 91, no parking will be permitted on the Pier. Currently, easements for 113 parking spaces exist within the adjacent Flagship Wharf garage that may be acquired to support development on Pier 5. The parking needs of any project should be satisfied by acquiring parking spaces proximate to the Project Site. Successful respondents will be encouraged to pursue acquisition of the available parking easements within the adjacent Flagship Wharf garage from the current owner, Flag Wharf, Inc.

On-Street parking in the CNY is limited and is predominantly controlled by parking meters and the City of Boston resident parking program.

## VI. Development Design Guidelines

- The proposed development should be designed in a way to accentuate the Project Site's visible position in Boston Harbor and should, wherever possible, preserve view corridors within the CNY, especially along the HARBORWALK. It should also complement the existing buildings in the CNY and be constructed with high quality materials able to withstand the marine environment of the CNY.
- The massing of the proposed development must be consistent with the CNY design guidelines and M.G.L. Chapter 91 and the 1990 Harborpark Municipal Harbor Plan.
- The proposed development should be consistent with all existing state and city land use regulations and with the plans described in Section III of this RFP.
- The proposed development plan must assume that any construction of new facilities at Pier 5 will occur **entirely within the current footprint of the Project Site**.
- The proposed project must comply with applicable state and city strategies for addressing sea-level rise and climate change.
- Sustainable Development and Green Building strategies should be guiding principles for new construction or redevelopment of the existing building and be incorporated into the project from the earliest stages. Sustainable design principles affect all phases of project development from design, construction, operations and maintenance to demolition and disposal. The proposal should describe all the approaches to Sustainable Development and Green Design and Construction and clearly articulate strategies that will minimize the adverse environmental and health impacts of redevelopment. The designated developer shall:
  1. Register the project with the US Green Building Council and utilize their Leadership in Environmental Energy Design - New Construction v3.0 (LEED-NC) building rating system. The designated developer should set a minimum standard of LEED Certification and a goal of LEED Silver.
  2. In order to achieve the best building outcome, project design and planning should be fully integrated with the involvement of all project design, engineering and construction planning professionals from the initial planning phase of the project.
  3. Include LEED Accredited Professional(s) on the project planning team.
  4. Meet and/or exceed all objectives and requirements of Article 37 (Green Buildings) of the Boston Zoning Code (required if project will be >50,000 sq. ft.).

- New "architectural" elements in the proposed development should reflect the maritime character of the site in terms of materials and design character.
  - A consistent signage design approach should be employed to BRA standards. This signage should clearly indicate locations where the public is welcome.
  - Lighting should consist of high cut-off fixtures to minimize glare and light impacts on surrounding areas.
  - A high standard of landscaping is required in locations along public access ways. Plant materials should be chosen that are tolerant of a marine environment. All plantings must be maintained in good condition by the developer/subsequent owner.
  - Public access ways should be designed to be safe and attractive, with safety crossing signs at points of potential conflict with vehicular traffic.
- All the roadways at CNY (beyond the limits of the Project Site) must be kept free for the benefit of all of the residents and businesses in the CNY.

## VII. RFP Submission Requirements

There is no fee to pick up the RFP however a refundable **Initial Deposit** of **\$10,000** is required from each respondent due upon the submission of the respondent's response to the RFP payable to the "Boston Redevelopment Authority." The Initial Deposit will be returned to respondents that are not ultimately selected for Tentative Designation. For the respondent selected for Tentative Designation, the Initial Deposit will be credited toward the Option Fee which is described in more detail in Appendix F, "Tiered Financial Submittal - Phase I" section of this RFP.

Proposals must be formatted as a single bound volume of no more than fifty (50) pages. One original, ten (10) copies, and an electronic version must be provided. The submittal must include a cover letter with a statement that the individual signing the letter is authorized to obligate the respondent's entity to proceed with the preparation of an expanded submittal and Tiered Financial Submittal - Phase II should the respondent be selected for a short list of qualified developers.

All submittals must also include the Minimum Proposal Requirements described below in subsections "A" through "J."

Due with the respondent's submittal and under separate cover will be the information in Appendix F, Tiered Financial Submittal - Phase I with one (1) original, ten (10) copies, and an electronic version. Elements of the required Tiered Financial Submittal - Phase I are detailed in Appendix F.

The BRA is not obligated to evaluate incomplete submittals or to accept additional and supplemental materials; however, it may choose to do so. All submittals should be concise and address BRA's goals and criteria contained in this RFP.

All submittals with accompanying Tiered Financial Submittal - Phase I must be submitted by **12 noon on July 8, 2011**. No submittals will be accepted after said time. Submittals are to be in sealed envelopes and clearly marked as "Proposal Submission for **Pier 5**." The proposals should be submitted to:

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

As indicated in Section VIII ("Selection Process"), the BRA will host a tour of the Project Site for all interested parties well in advance of the submission deadline. All submittals will be reviewed for compliance with, and are subject to, the criteria, procedures, submission requirements, and development and design guidelines outlined in the document. All submission materials are public documents.

As further detailed in Section VIII-A ("RFP Submittal Review Criteria and Preliminary Designation"), the BRA will award "Preliminary Designation" or short list status to the respondent(s) whose "Proposal Submission for **Pier 5**" meets the objectives, goals and guidelines described in this RFP, in the sole opinion of the BRA. Preliminary Designation may be awarded to multiple respondents. Any respondent(s) obtaining Preliminary Designation or short list status will be subject to subsequent stages of BRA financial, design, and development review prior to consideration for Tentative Designation, and to all applicable state environmental reviews. The BRA reserves the right to reject any and all proposals in its sole discretion. Notwithstanding the above, every effort will be made to hold to the selection schedule detailed in Section VIII. The BRA desires to see Pier 5 restored to its full economic potential in the most expeditious manner possible.

No respondent shall assume any level of exclusive site control until such time that the BRA Board has awarded "Tentative Designation" status to a sole respondent and said respondent has paid the "option Fee" described in the Tiered Financial Submittal - Phase I requirements found in Appendix "F".

## **Minimum Proposal Requirements**

The following subsections (A-J) outline the specific materials to be included and the issues to be addressed by submittals provided in response to this RFP.

### **A. Description of the Operating/Development Entity**

The respondent shall include the name and a description of the legal entity that would serve as the master developer and be party to the Land Disposition Agreement ("LDA") with the BRA. The respondent shall also provide the names and addresses of all persons and entities having a financial interest in the proposed development. For joint ventures, the respondent must summarize the actual or proposed amount of financial participation and control of each party within the partnership. If the entity is a subsidiary of, or otherwise affiliated with another organization, the respondent shall indicate such relationship. The respondent shall also list all proposed tenants and third-party operators of the development.

### **B. Description of the Operating/Development Team**

The respondent shall identify all participants in the operating/development team (both employees of the operating/development entity, as well as third party consultants), including any real estate brokerage firms working on behalf of the respondent and including those members responsible for any building design, landscape and site design, engineering, environmental and other permitting, legal and financial analysis, and community relations. In identifying the operating/development team, the respondent should include a brief profile for each participating firm, as well as, the resumes of the key personnel, who would be assigned to the project. The respondent should also identify any proposed lending institutions that may participate in the proposed development.

Each member of the respondent, development team, or proposed tenants must have absolutely no unresolved delinquencies involving taxes, user fees, or other monetary debt to

the Federal Government, Commonwealth of Massachusetts, or City of Boston including but not limited to income taxes, ad valorem taxes, personal property taxes, parking tickets and the like.

In addition, the respondent shall submit an organizational chart showing all team members, the responsibility of each team member, and the proposed interrelationships of the team with BRA. The respondent shall also identify any prior relations with BRA for each individual team members or firms, members of its Board or its officers. The BRA reserves the right, in its sole discretion, to request additional information from any member of the development team to determine potential conflicts of interest and to limit or prohibit the participation of any team member or firm due to such conflict.

To the extent that M.G.L.268A may be applicable, participants in the development team shall be responsible for complying with the requirements of said Chapter 268A. Finally, the respondent shall also identify firms that are qualified minority or women-owned businesses (pursuant to Massachusetts laws and regulations) within the operating/development team and clearly set forth the nature of the participation of such firms.

### **C. Development Concept**

This section of the submittal should include:

- A narrative description of the size and location of each proposed use at the Project Site and an estimate of the total square footage (gross and net usable) of the proposed development.
- A narrative description of the nature of the improvements that will be necessary at the site to attract the proposed use(s).
- A narrative description of how the proposed use satisfies the "Development Objectives" outlined in Section IV.
- A narrative description of how the general design satisfies the "Development Design Guidelines" outlined in Section VI.

The respondent may also wish to include tables, spreadsheets, schematic plans and/or drawings in this section to assist in illustrating or summarizing the concepts discussed. **All tables, spreadsheets, plans or drawings should be in 8 ½" x 11" format.**

### **D. Summary of Relevant Projects**

The respondent shall summarize relevant experience with projects undertaken by the respondent and other members of the development team.

### **E. References**

Five references are required that can specifically address the capability of the respondent to undertake the Pier 5 project. References should include names, titles, addresses, telephone numbers and a brief description of the relationship to the respondent with regards to previous experience.

**F. Non-discrimination**

Provide evidence of commitment to non-discrimination and affirmative action practices in the respondent's hiring and purchase of goods and services

**G. Other Factors**

Provide a description of other factors not accounted for in the RFP that the respondent believes underscore the respondent's qualifications to undertake the project.

**H. Disclosure Statements Concerning Beneficial Interest**

The respondent must complete and sign the State's "Disclosure Statement Concerning Beneficial Interest – Section 40J provided in Appendix J, and the City's "Disclosure Statement Concerning Beneficial Interests – Section 80B-8 City of Boston Zoning Code" provided in Appendix M.

**I. Non-collusion Form**

The respondent must complete and sign the "Non-collusion Form" provided in Appendix L.

**J. Tiered Financial Submittal - Phase I**

As outlined in Appendix F.

## VIII. Selection Process

### Overview

BRA will review all RFP submittals for completeness. Respondents may be required to submit additional information, respond to questions prepared by BRA in written form, and/or to participate in an interview. A BRA selection committee chosen prior to issuance of the RFP will review all of the BRA Pier 5 submittals. The RFP submittals and selection of a short list of respondents ("Preliminary Designation") is the first step in a multi-phase selection process.

### A. RFP Response Review Criteria and Preliminary Designation

The following criteria will be used to evaluate submittals responding to this RFP to establish Preliminary Designation.

- The extent to which the proposed development will lead to the achievement of BRA goals and objectives as outlined in this RFP.
- The extent to which the proposed development will expand employment opportunities, create housing, and/or increase economic activity and the tax base of the City of Boston.
- Evidence that the respondent has the capability, experience and financial strength to undertake the proposed project, and to complete the project successfully within a reasonable timeframe.
- Demonstrated capability of the "development team" with projects of similar type and scope (i.e. cultural or residential development).
- Overall qualifications of the "development team," including a demonstrated understanding of and experience with the specific regulatory requirements relevant to the development of the Project Site, including but not limited to Chapter 91.
- Upon review of the separately submitted Tiered Financial Submittal - Phase I that the proposed project is financially feasible.
- The amount and surety of revenue to be paid to BRA through a Land Disposition Agreement.
- Each member of the respondent, development team, or proposed tenants must have absolutely no unresolved delinquencies involving taxes, user fees, or other monetary debt to the Federal Government, Commonwealth of Massachusetts, or City of Boston including but not limited to income taxes, ad valorem taxes, personal property taxes, parking tickets and the like.

Respondents receiving Preliminary Designation and obtaining short list status may be asked to provide additional information, including, but not limited to, the following:

- **Tiered Financial Submittal - Phase II**

All respondents awarded Preliminary Designation are required to submit a Tiered Financial Submittal - Phase II. Elements of the required Tiered Financial Submittal - Phase II are detailed in Appendix G.

- **Expansion of initial RFP Submittal**

BRA may require a more detailed description of the development program, financial capability, and/or other items to supplement the initial RFP submittal.

- **Site Planning**

Provide a scaled concept site plan showing the location of each different type of use, as well as the location and nature of the vehicular and pedestrian circulation and public access features of the proposed development.

- **Traffic Planning**

Provide a concept traffic plan showing trip generation during peak and non-peak hours. Indicate the location and configuration of all site entrance, points for vehicles. Indicate the rationale for parking demand. Indicate any traffic management or mitigation measures that would be proposed.

- **Design Guidelines**

Provide written and graphic material to convey compliance with the design and development guidelines provided in Section VI of this RFP.

1. Additional plans, elevations, and sections as may be required to understand the organization of the building(s).
2. Description of the major materials to be used for exterior facades and the major public outdoor spaces.

The selection process will not be complete until such time as BRA makes a final selection ("Tentative Designation") based on a complete evaluation of submittals, subsequent expanded submittals and Tiered Financial Submittals - Phase I and II from respondent(s) in receipt of Preliminary Designation and the BRA Board of Directors approves the final selection. BRA reserves the right to reject all proposals, with or without reason, at its sole and absolute discretion.

## **B. RFP Registration and Notification**

All respondents planning to respond to the RFP must register by email. Said registration emails must state the legal name of the respondent and include the telephone number and email address for the respondent's designated contact.

**All registration emails are to be submitted to Geoffrey Lewis and received by 5:00 pm, May 16, 2011.**

Geoffrey Lewis  
Senior Project Manager  
**Boston Redevelopment Authority**  
One City Hall Square  
Boston, MA 02210  
[Geoffrey.Lewis.BRA@cityofboston.gov](mailto:Geoffrey.Lewis.BRA@cityofboston.gov)

Only registered respondents will receive electronic updates, notices and information.

### C. Process and Schedule

BRA intends to undertake this review in the most expeditious manner possible. At this time, BRA anticipates the process of selecting qualified Developers to be as follows (subject to change):

EVENT	TIME	DATE
Requests for Proposals Issued	12 Noon	April 20, 2011
Registration deadline for Site Tour	5:00 pm	May 9, 2011
Registration email due	5:00 pm	May 16, 2011
Questions on RFP due in writing to BRA	5:00 pm	May 20, 2011
Site Tour	10:30 am	May 23, 2011
Written Responses to Questions to RFP available	5:00 pm	May 27, 2011
RFP Submission Deadline	12 Noon	July 8, 2011

The proposed schedule is subject to change by BRA in its sole and absolute discretion.

All requests for additional information must be addressed directly to the BRA contact person listed herein.

All questions regarding this RFP must be submitted by 5:00 May 20, 2011 in writing or electronically to the BRA contact person.

Answers to submitted questions will be distributed to all Registered Prospective Developers as defined.

All requests for additional information must be addressed directly to the BRA contact person listed herein. No questions of any kind regarding this RFP should be addressed directly any other contact within the BRA. In the event that any respondent has questions of a technical nature, the respondent should contact the BRA contact person for this RFP, who will schedule an appointment if necessary between the respondent (or the respondent's agents) and the appropriate BRA professional(s).

**D. Contact Person**

The contact person for this RFP is:

Geoffrey Lewis  
Senior Project Manager  
**Boston Redevelopment Authority**  
One City Hall Square  
Boston, MA 02210  
Telephone: 617-918-4297  
[Geoffrey.Lewis.BRA@cityofboston.gov](mailto:Geoffrey.Lewis.BRA@cityofboston.gov)

## **IX. Terms and Conditions**

### **A. Disposition of Land**

BRA anticipates entering into a Land Disposition Agreement (“LDA”) with the tentatively designated developer for the Project Site. The following is a summary of certain key terms and conditions that BRA anticipates would be required in the LDA. The final terms and conditions of such an agreement shall be determined by BRA and will require the approval of the BRA Board. The proposed disposition price for the Project Site is \$1,100,000, such proposed disposition price should be included within the development pro forma. The final disposition price is subject to final negotiation with the BRA and may be reduced due to extraordinary environmental and structural conditions of the Project Site. The information in this section is provided only to make respondents aware that the LDA will likely take this form. Under the terms of the LDA, the respondent will be solely responsible for the demolition, construction and rehabilitation of any improvements to the Project Site and for the continued repair and maintenance of these items.

### **B. Environmental Review and Permitting**

The tentatively designated developer will be solely responsible for securing any and all of the federal, state and local permits, licenses, and approvals required of the proposed development. The parcel will be conveyed to the developer in "as-is" condition. Under the terms of the LDA, the respondent will be solely responsible for management and cost of any environmental and engineering studies that will have to be prepared as part of such applications. In addition, any and all cost, including but not limited to environmental remediation, due to known or unknown conditions, including, but not limited to: any and all, contamination as defined by local, state and federal laws and /or agencies, currently known or unknown to the BRA, the tentatively designated developer or any other individual at the project site, will be absorbed and paid for solely by the tentatively designated developer. The designated developer will release indemnity and hold harmless BRA from any and all obligations it may have in regard to or claims that may arise from any known or unknown conditions at the project site as stated herein.

The BRA believes that the thorough review of the physical, economic and legal characteristics of both Pier 5 and the surrounding infrastructure will enable developers to design, and the BRA to select a development plan for the site that can be awarded all of the necessary permits, licenses and approvals. However, it should be noted that the BRA selection of a tentatively designated developer and approval of a proposed development plan does not ensure that all of the necessary permits, licenses and approvals for the approved plan can or will be obtained.

### **C. Miscellaneous Provisions**

1. The BRA reserves the right to withdraw this RFP at any time, with or without reason, at its sole and absolute discretion. In such event, the BRA shall not be liable to any actual or potential respondent for costs or expenses incurred by them as a result of the withdrawal of the RFP. The BRA reserves the unqualified right, in its sole and absolute discretion, to reject any or all submittals, to withdraw at anytime from this process with no recourse for any respondent, to undertake discussions and modifications with one or

more respondent or any third party, and to proceed with that proposal or modified proposal if any, which in its judgment will, under the circumstances, best serve the public interest, and to waive defects in the filing of or contents of any proposal.

2. The information contained in this RFP and in any subsequent addenda or related documents is provided as general information only. Although information has been obtained from sources deemed reliable, the BRA makes no representations, warranties, or guarantees that the information contained herein is accurate, complete, or timely, or that such information accurately represents the conditions that would be encountered at the CNY and its vicinity, now or in the future. The furnishing of such information by the BRA shall not create or be deemed to create any obligation or liability upon it for any reasons whatsoever, and each recipient of the RFP, by submitting a proposal to the BRA, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold the BRA, or any third party who prepares such information for the BRA, liable or responsible therefore in any manner whatsoever.
3. The BRA reserves the right in its sole discretion to develop the project using any chosen approach, or to select for consideration as the respondent any organization, or to request further information from any respondent, or to select a respondent in whatever manner chosen by BRA, or to not proceed with such selection. The BRA reserves the right at its sole discretion to develop the project on any schedule.
4. At any time, or from time to time after the receipt by the BRA of responses to this RFP, the BRA may give written notice to the respondent to furnish additional information relating to its proposal and may give written notice to the respondent to meet with designated representatives of the BRA with respect to its proposal. Neither the furnishing of the RFP to the respondent, nor the submission of any materials, documents, or other information by the respondent, nor the acceptance thereof by the BRA, nor any correspondence, discussions, meetings or other communications between the respondent and the BRA, nor anything stated by the BRA in or at any such correspondence, discussions, meetings or other communications shall be construed or interpreted by the respondent to mean that the BRA has made a determination that the respondent shall be selected as the Tentatively Designated Developer, nor deemed to impose any obligations whatsoever on the BRA to compensate or reimburse the respondent for any costs or expenses incurred in connection with its response to this RFP.
5. The BRA may consult references familiar with the respondent regarding the respondent's prior operations and development or management projects, financial plan, past performance, experience and qualifications, or other matters, whether or not the specific individuals are identified in the Proposal. Submission of a Proposal in response to this RFP shall constitute permission for the BRA to make such inquires, and authorization to third parties to respond thereto.
6. Any information given to the BRA in any Proposal or any correspondence, discussion meeting or other communication between the respondent and the BRA before, with, or

after the submission of the proposal, either orally or in writing, will not be, or deemed to have been, proprietary or confidential, although the BRA will use reasonable efforts not to disclose such information to persons who are not employees or consultants retained by the BRA except as may be required by state and federal law. Use or disclosure of such information by the BRA may be made without obligation or compensation and without liability of the BRA of any kind whatsoever. The foregoing applies to any information, whether or not given at the invitation of the BRA. Any statement which is inconsistent with the foregoing provisions of this paragraph whether made as part of, or in connection with, any information received from the respondent or otherwise made at any time in any fashion and whether made orally or in writing, shall be deemed null and void and of no force or effect. The BRA's receipt or discussion of any information submitted in response to this RFP, including information submitted during discussions after said submittal (including ideas, drawings, or other materials communicated or exhibited) does not, and will not impose any obligations whatsoever on the BRA, or entitle respondent to any compensation.

7. The BRA reserves the unqualified right, in its sole and absolute discretion, to disqualify any team or firm or individual from any phase or component of the selection process or this development opportunity, due to felonies or other criminal record in any jurisdiction (domestic or foreign).
8. By submitting a proposal in response to this RFP, each respondent and each person signing on behalf of any respondent will certify, and in case of a joint venture each party thereto certifies as to its own organization, that the terms of its proposal have been arrived at independently without collusion, consultation, communication agreement, for the purpose of restricting competition, as to any matter relating to such terms with any other respondent or with any competitor; the terms of its proposal have not been and will not be knowingly disclosed, directly or indirectly, by the respondent prior to the official opening of such proposal, to any other respondent or to any competitor; no attempt has been made and none will be made by the respondent to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of influencing competition; the respondent has not made any offers or agreements or taken any other action with respect to any the BRA employee or former employee or immediate family member of either which could constitute a breach of M.G.L. Chapter 268A, Section 23, nor does the respondent have any knowledge of any act on the part of a BRA employee or former the BRA employee relating either directly or indirectly to the respondent which constitutes such a breach; and no person or selling agency, other than a bona fide employee or a bona fide established commercial or selling agency maintained by the respondent for the purpose of securing business, has been employed or retained by the respondent to solicit or secure selection under this RFP or award of this development opportunity on the understanding that a commission, percentage, brokerage, contingent or other fee would be paid to such person or selling agency.

9. The BRA reserves the right, following the initial submission, to short-list the proposals and require a second submission to respond to issues that the BRA may determine appropriate as referenced herein.