

# TOWN OF BROOKLINE

## Kent/Station Street Town-Owned Parking Lot Redevelopment Project



### Request for Proposals Bid Number P-20-05

Issued: July 10, 2019

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- Form A Certificate of Vote - Duly Authorized Representative
- Form B Tax Compliance Certificate
- Form C Certificate of Non-Collusion
- Form D Certificate of Compliance with Article 4.5 of the Town of Brookline By-Laws
- Form E Living Wage By-Law
- Form F Instructions to Proposers
- Form G General Conditions
- Form H Proposal Signature Form

# REQUEST FOR PROPOSALS

Kent/Station Street Town-Owned Parking Lot Redevelopment Project

July 10, 2019

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## 1.0 INTRODUCTION

The Town of Brookline (the Town) invites proposals for the redevelopment of the Kent/Station Street Town-owned parking lot (the Site). The redevelopment opportunity being offered via this Request for Proposals (RFP) is for a 15,997 square foot (.36 acre) lot with approximately 40 public parking spaces that are utilized primarily by area merchants during the daytime and by residents and visitors overnight. The Town is specifically interested in exploring opportunities to redevelop the Site as affordable rental senior housing while also retaining the number and uses of existing parking spaces as part of the development program.



This RFP provides information about the Site, identifies the Town's requirements and reuse priorities, and describes the criteria and process for developer selection. The purpose of this RFP is to solicit proposals for the redevelopment of Town property and to enable the Brookline Select Board to designate a developer whose proposal most clearly responds to the criteria in this document and whose team demonstrates strong experience and capacity to carry out the redevelopment of the Site.

Redevelopment of the Site must comply with all federal, state and local laws. The cost of obtaining all permits, licenses, approvals and other due diligence items is to be borne by the selected team.

## 2.0 PROPOSAL PROCESS

### 2.1 Timeline

#### Issuance of Request for Proposals:

- RFP Issued - *July 10, 2019*
- Briefing and site tour - *July 17, 2019, 10AM*
- Final written questions from respondents due - *July 24, 2019*
- Final written response to questions by Town - *August 7, 2019*
- Proposals due – ***Thursday August 22, 2019 at 2 P.M.***

The following are estimated timelines. The Town reserves the right to adjust the overall process and proposed deadlines.

**Evaluation Process - including interviews and possible requests for additional information:**

- Evaluation Committee review of Technical Proposals and submission of initial recommendation to Chief Procurement Officer (CPO) *+4 weeks*
- CPO review of Evaluation Committee’s initial recommendation and submission of Financial Proposal to Evaluation Committee *+1 week*
- Evaluation Committee Final Evaluation Process *+5 weeks*
- CPO Recommendation to Select Board *+2 weeks*
- Select Board Designation *+12 weeks after commencement of Evaluation Committee review*

**Town Meeting Process**

- Preparation and submission of Zoning Amendment/Letter of Intent and other associated Warrant Articles
- Review of Warrant Articles by Select Board, Advisory Committee and Planning Board
- Town Meeting Approval of Zoning and Disposition

The Town anticipates that, in order to effect the proposed development, a zoning amendment, approved by a 2/3 vote of Town Meeting, will be required. The Town further anticipates that the proposed development will be deemed a “Major Impact Project” under Section 5.09 (Design Review) of the Town’s Zoning By-law—and therefore subject to review by a Design Advisory Team appointed by the Planning Board. However, as expanded upon below, the Town will entertain recommendations relative to alternative approaches including, as an example, a Local Initiative Program (LIP). Regardless of the regulatory approach taken, Town Meeting approval of the terms and conditions of the proposed development, as put forth in a Letter of Intent executed between the Select Board and developer, will be required in addition to a 2/3 vote to dispose (sale or lease) of the land. Respondents should be mindful of the fact that the Town, through the permitting process, will continue to work with the developer on design, site planning, traffic and parking, as well as other issues that may impact the surrounding neighborhood.

**2.2 Deadline and Location for Initial Proposal Submission**

**Proposal Procedures**

Competitive sealed proposals are invited in accordance with the provisions of the Uniform Procurement Act, M.G.L. c. 30B.

Procedures under this RFP require a separate and confidential submission of a Technical Proposal and a separate submission of a Financial Proposal.

Any questions concerning this RFP including but not limited to the scope, availability of referenced materials, or procedures must be submitted in writing to: David Geanakakis, Chief Procurement Officer 333 Washington Street Brookline, MA 02445 Telephone: 617-730-2195 Fax: 617-264-6446 E-mail: [dgeanakakis@brooklinema.gov](mailto:dgeanakakis@brooklinema.gov)

**2.3 Proposal Submission**

Proposals will be received at the:

Town of Brookline  
Town Hall, Purchasing Division  
333 Washington St., 2nd Floor, Room 212  
Brookline, MA 02445

**until Thursday, August 22, 2019 at 2 p.m.** at which time they will be opened in accordance with MGL Chapter 30B, Section 6(d). **Proposals received after that date and time will be rejected.**

It is the sole responsibility of the proposer to insure that the proposal arrives on time at the designated place.

**NOTE:** Technical Proposals must be kept entirely separate from Financial Proposals. Failure to follow this instruction will result in rejection of the entire proposal.

Ten (10) copies (1 original and 9 copies) of each proposal (Technical and Financial) shall be submitted as follows:

**A. Technical Proposal - Envelope A**

Technical Proposals shall be submitted separately, sealed in an envelope marked:

**KENT/STATION STREET TOWN-OWNED PARKING LOT REDEVELOPMENT PROJECT**

**Reference #P-20-05**

Proposer's Name \_\_\_\_\_

**B. Financial Proposal - Envelope B**

Financial Proposals shall be submitted separately, sealed in an envelope marked:

**KENT/STATION STREET TOWN-OWNED PARKING LOT REDEVELOPMENT PROJECT**

**Reference #P-20-05**

Proposer's Name \_\_\_\_\_

In addition to the aforementioned submitted hard copies, electronic versions of the Technical Proposal and Financial Proposal shall be submitted on a flash drive as two independent documents.

**2.4 Additional Information for Proposers**

Proposers should note the following items:

**Rejection of Proposals**

The Town of Brookline reserves the right to accept or reject any and/or all proposals received pursuant to this request, if it is in the Town's best interest to do so.

**Incurring Costs**

The Town of Brookline shall not be liable for any costs or obligations incurred by prospective proposers prior to the execution of formal agreements.

**Addenda to Proposal**

If it becomes necessary to revise any part of this proposal, an addendum or addenda will be provided to all prospective proposers who were provided with the RFP.

Any interpretations of the RFP and supplemental instructions will be in the form of written addenda to the RFP specifications. Requests for clarification or any questions about information contained in the RFP should be addressed in writing to the Purchasing Division.

No request or questions will be accepted after one (1) week prior to the proposal submittal deadline. If answers are deemed necessary, questions and answers will be compiled and sent to all proposers who requested a copy of the RFP before the proposal submittal deadline.

**Disclosure of Proposal Contents**

All materials submitted are subject to Public Information law requirements, become the property of the Town of Brookline and will not be returned. The Town of Brookline reserves the right to use any and all ideas presented in any reply to this proposal. Selection or rejection of the proposal does not affect this right.

**Signed Documents**

In their response to this RFP, proposers MUST submit documents signed in ink in all places requested. Failure to do so may result in the Proposal being deemed non-responsive. The Town reserves the right to waive minor informalities regarding signatures.

**2.5 Site Visit**

The site visit will be an opportunity in a group setting for questions about this project to be asked and answered. The Town will send summary minutes of the meeting to all those registered. While attendance is not mandatory,

the Town is not responsible for ensuring that all aspects of the meeting and group discussion are relayed to anyone not in attendance.

**A site visit will be held on July 17, 2019 at 10 A.M.**

## **2.6 Communications with Town**

Respondents will have an opportunity to submit written questions to the Town. All questions and requests for clarification or interpretation and any other correspondence or communication concerning the RFP, shall be **submitted in writing, by Wednesday July 24, 2019**, to: David Geanakakis, Chief Procurement Officer 333 Washington Street Brookline, MA 02445 Telephone: 617-730-2195 Fax: 617-264-6446 E-mail: [dgeanakakis@brooklinema.gov](mailto:dgeanakakis@brooklinema.gov)

Developers are strongly encouraged to read the materials carefully. Any communication submitted to the Town on behalf of a developer is presumed to be a public record. Likewise, all questions submitted and the corresponding answers will be distributed to all parties who have formally requested this RFP, without attribution. All direct contact with the Town concerning this RFP shall be in writing to the Purchasing Division, which will coordinate responses from other municipal departments.

The Town will not be responsible for, and respondents may not rely upon, any information, explanation or interpretation of the RFP rendered in any fashion, except as provided in accordance with this RFP. Any communication concerning the content of the RFP by a developer, or anyone acting on its behalf, outside of the manner specified above, may result in the rejection of the developer's proposal unless, in the sole judgment of the Town, the communication could not reasonably be believed to have given the respondent a competitive advantage or to have impaired the fair and competitive environment of this RFP.

## **3.0 BACKGROUND INFORMATION**

### **3.1 Project History and Vision**

In the fall of 2016, a citizen-petitioned warrant article asked Brookline Town Meeting to adopt a resolution requesting that the Town study the Kent/Station Street Town-owned parking lot for the purpose of redeveloping the Site as affordable senior housing. Following passage of the resolution, the Select Board appointed the Kent/Station Street Affordable Senior Housing Committee (the Committee). The Committee's focus has been to determine the feasibility of redeveloping the municipal parking lot while continuing to make the existing municipal parking spaces available to the public. Beyond determining feasibility, the Committee's charge was to consult with the neighborhood and report back to the Select Board with recommendations about site redevelopment.

To meet its charge to seek public input, the Committee held thirteen public meetings over the past two years to review and discuss information relevant to Site redevelopment, including the historic and current context of the neighborhood and how a potential new development would fit within the neighborhood's development pattern. Working with technical assistance from the Massachusetts Housing Partnership, the Committee completed an initial site development analysis and preliminary development *pro forma* to better understand the implications of how the Town-mandated goals would affect feasibility. Based on this information, the Committee created a Request for Information (RFI), which was authorized for release by the Select Board in March 2018. The RFI put forth the Town's requirements and goals for the redevelopment of the Site—noting the Town's overriding goals expanded upon in section 4.1: to develop attractive, contextual, high quality senior housing that maximizes the number of affordable units and retains the number and uses of the existing municipal parking.

In April 2018, the Town received five responses to the RFI. The responses provided valuable feedback for the Committee's consideration. The Committee used these responses in its ongoing discussion of how best to develop a program for the redevelopment of the Site that allows for a financially feasible project that meets the Town's goals. After further discussion, the Committee began preparations to host a public meeting to discuss with residents, merchants and interested parties the potential reuse of the municipal parking lot for affordable senior housing.

A Public Information Meeting was held on October 29, 2018. While there was positive feedback and a recognized need for affordable senior housing in Brookline, there were also community concerns that centered on:

- **Traffic volume** - both existing volume and in anticipation of new trips expected to result from substantial development currently underway in Brookline Village.
- **Limited parking supply** – a situation which has been exacerbated during recent construction at a number of construction sites, and which some expect to worsen after build-out due to new demand.
- **Potential loss of parking** on the Kent/Station Street lot if municipal parking spots are not replaced as part of site redevelopment, which would further affect limited parking supply.
- **Construction impacts** - particularly to site abutters whose buildings are most susceptible to damage from site excavation work that would occur during development.
- **Neighborhood character** - where a substantial new building will lead to the loss of light and air for abutters and residents, and could lead to the potential loss of an attractive retaining wall and the existing pedestrian connection between Kent and Station Streets.

With respect to the comments received at the October 29, 2018 meeting, it is of the utmost importance to the Kent/Station Street Affordable Senior Housing Committee that the Evaluation Committee appointed to review proposals, prioritizes the following:

- Requiring RFP respondents to highlight past projects that demonstrate proven experience in overcoming the challenges presented by difficult urban infill sites
- Shortlisting proposals where site planning and building design best account for the concerns of those who will be most directly affected by new development
- Requiring respondents to clearly articulate how they will effectively communicate with and respond to residents and businesses prior to and during construction
- Recommending the selection of a developer whose team carefully considers, develops, and implements mitigation and protective measures meant to lessen the impacts of construction - including a robust construction management plan and other pre-construction mitigation measures such as foundation surveys of abutting properties
- Recommending the selection of a proposal that includes a vision for the Site that enhances the Brookline Village neighborhood, respects neighboring properties, adds to the vitality of the commercial district and improves the current pedestrian connection by providing a well-lit public pathway between Kent and Station Streets

The Committee sought public input in order to create development guidelines for acceptable uses of the Site. The Brookline Select Board held a public hearing on April 23, 2019 to reinforce the Town's commitment to issuing an RFP that is responsive to the comments and concerns of abutters, neighbors and local businesses. After a recommendation from the Committee, the Select Board voted on April 30, 2019 to authorize the release of this RFP. Community preferences have informed the creation of a set of criteria against which proposals will be evaluated.

Additional background documents can be found at <http://bit.ly/kentstcom>.

### 3.2. **The Development Context**

#### A. **The Town of Brookline, Population and Affordable Senior Housing Goals**

Bordered on three sides by the City of Boston, Brookline has a cosmopolitan quality that is balanced by the convenience of a small town. The Town is well known for its excellent public services and is considered a very desirable place to live by a wide range of people. With a population of approximately 60,000, Brookline is predominantly a residential community. According to population and household projections provided by the Metropolitan Area Planning Council, by 2030 Brookline's population could reach 65,951, with significant growth in two age groups: children under 18 and seniors 75 years and older. With respect to seniors 75 and older, this sub-population is expected to increase by 60%.

Brookline has a diverse housing stock with a significant number of multi-family rental and ownership units. While the Town contains over 2,000 affordable units, turnover is rare and housing opportunities are extremely limited for low- and moderate- income people. There is strong demand for both market rate and affordable units (ownership and rental) across all age and income categories. Like much of Metro Boston, private housing production in Brookline over the past several years has primarily come in the form of higher-end units.

As demand for housing continues to outpace supply, prices continue to increase, widening the affordability gap for those that wish to move to or remain in Brookline. According to the Town's most recent Housing Production Plan (HPP), Brookline's median single family sale price in 2015 was \$1,587,500, and the median condominium sale price was \$660,000. These numbers have only continued to increase over the past several years. Brookline rents are also very high and demand for affordable rental options greatly exceeds supply. Average rents for a two-bedroom unit in Brookline currently range from \$2,800 to \$3100+ and one-bedroom units average \$2,100 to \$2,500+ per month.

The Town's HPP was approved and then certified by the Massachusetts Department of Housing and Community Development in November 2016 and again in 2018. During the HPP development process, an online needs assessment survey was conducted asking residents to respond to a number of questions related to housing in town. About 70% of the respondents to the survey said it is important for them to stay in Brookline as they age. Many cited the need for more availability of condominiums and apartments in walkable neighborhoods and pedestrian improvements to help them stay in the community. Additionally, one out of every four respondents said it is likely that they will move out of Brookline in the next five years, and most of them cited high housing/living costs as the primary reason. There is a strong desire for Brookline seniors to have the necessary infrastructure, including affordable housing options, to enable them to age in place. The Town remains committed to supporting projects that further that goal.

The Town of Brookline is committed to expanding its supply of permanently affordable housing serving a range of households with eligible incomes. The Town has a demonstrated history of successfully working with non- and for-profit developers to redevelop existing rental properties and to undertake new housing development.

**B. Brookline Village Neighborhood**

The Brookline Village neighborhood is located approximately three miles from downtown Boston and five miles from Route 95/128, both of which are easily accessed from Beacon Street and Route 9. It is minutes away from a regional shopping destination in Chestnut Hill and within walking distance of other local shopping and dining areas in Coolidge Corner and Washington Square. The neighborhood is well-served by the MBTA Green Line and bus service and is in close proximity to the Emerald Necklace. With its walkability and tree-lined streets, Brookline Village is one of the Town's original centers of activity, a legacy that continues today with a mix of single and multi-family residential neighborhoods insulated by primarily commercial buildings along two of the town's major thoroughfares. The ground floors of many of the commercial buildings in the neighborhood are occupied by local retail shops, restaurants and services, with a mix of office space and residential units above. Town Hall, Health and Public Safety offices and the Main Library are also located within the Village.

**C. Site Information**

While small, the Site represents a unique infill development opportunity with excellent access to public transit and neighborhood amenities. The Site is located in the heart of Brookline Village, a short walk from Harvard Street and across the street from the Brookline Village T-stop on the MBTA's Green Line. The site is also adjacent to the Brookline Village National Register Historic District and is proximate to parcels individually listed on the National Register of Historic Places.

The Site is a 15,997 square foot (.36 acre) parcel currently utilized as a public parking lot. It has frontage on both Kent Street and Station Street and slopes gently downwards from Kent to Station Street. The lot is heavily utilized by area merchants during the daytime and by residents overnight. It is also located across the street from a slightly larger municipal parking lot. The Site is zoned as General Business with a maximum floor area ratio of 2.0. The current zoning allows for both commercial and residential uses.

**3.3 Environmental and Title Considerations**

**A. Site History**

The site's historical use was residential. As late as the 1970's, two dwelling units were located on the site until the structures were demolished prior to the reuse of the land for municipal parking. A review of engineering records shows that the utilities serving the now-demolished residential buildings were cut and capped near the property line at the end of Andem Place, a private way. The municipal parking lot was constructed in the 1980's. Construction plans show that a catch basin and drain were installed to manage storm water on site.

**B. Phase I Environmental Site Assessment**

The Town has conducted a Phase I Environment Site Assessment (ESA) for the site that is available for informational purposes. The Town makes no representations of site conditions and neither the Town nor the firm that produced the ESA, shall be held liable for the accuracy of the information contained therein. If prospective respondents desire to verify the accuracy or completeness of the information, they are encouraged to conduct their own independent study at their own expense.

**C. Title Report**

While the Town engaged a Title Examiner to produce a Title Report for the Site, the Town makes no warranty or representations as to its accuracy and recommends that proposers conduct their own title examinations.

An electronic copy of the Phase I ESA, Title Report and other site information is available [here](#).

**4.0 PROJECT DESCRIPTION**

The Town of Brookline seeks to attract a developer who can construct and operate high-quality, affordable, service-enriched rental senior housing (62+) on this location in Brookline Village. Respondents must demonstrate a solid history of construction experience, and post-construction ownership and management of affordable senior housing. While respondents are not bound to provide a specified number of affordable units as part of their program, the Town encourages respondents to maximize both the number of units and eligible income ranges of affordable units while addressing other municipal priorities, as expanded upon below in Project Goals and Project Requirements and Priorities.

It is required that the project will replace the existing parking spaces on-site for use by businesses during the day and residents at night. Spaces may not be used in fact or theory to provide parking for residents of the development; if additional parking needed for the developer's program cannot be accommodated on-site, the Town may consider, as a last resort, proposals for providing said parking in the immediate vicinity.

To help meet the Town's requirement for replacement parking and to promote durable housing affordability for low- and moderate-income households, the Town may consider discounting the cost of the land (be it through sale or long-term lease) and/or possibly subsidizing development costs by committing Town-controlled resources. However, the commitment of municipal resources in any form will require respondents to substantiate that the investment is both required and will result in significant public benefits. Accordingly, it is expected that prospective developers will have significant, demonstrated experience in leveraging funds from federal, state, local and private sources to support project development costs and to provide documentation of that experience.

**4.1 Project Goals**

- A. Develop an attractive, contextual and sustainable rental senior housing project that both maximizes the number of affordable units and enhances the Brookline Village neighborhood.
- B. Formulate a parking plan that maintains the existing supply and use of municipal parking spaces on-site dedicated to businesses during the day and residents overnight at a cost consistent with costs for nearby municipal lots, and provides separate additional parking for the housing development program on-site or possibly as a last resort in the immediate vicinity of the Site.

**4.2 Project Requirements and Priorities**

Project requirements and priorities were developed by the Kent/Station Street Affordable Senior Housing Committee, appointed by the Brookline Select Board. The following criteria represent specific requirements or program objectives against which the Evaluation Committee will evaluate proposals referred to it by the Chief Procurement Officer. The criteria lists to be applied by the Committee have been divided among four categories. The Threshold Requirements must be met in order for a respondent's proposal to be considered responsive to this RFP. Developers are strongly encouraged to meet the secondary criteria included in Priority lists #1, #2 and #3. While not program requirements, the Secondary Criteria are listed in order of priority, with #1 being the most desirable and #3 being desirable, but of the lowest relative priority. The criteria in each priority section are not listed in any particular order. While proposals must meet the threshold requirements to be considered, proposals that meet most or many of the Secondary Criteria are likely to rate highly in the Town's evaluation process.

**Threshold Requirements: Proposals must meet the following requirements** (in addition to Minimum Eligibility Criteria)

- Retains the existing parking spaces located on-site dedicated for the exclusive use of the public at Town-established parking fees and subject to Town parking regulations
- Provides on-site public pedestrian access between Kent and Station Streets
- Provides age-restricted rental units for seniors (62+) in perpetuity
- Falls within a range of approximately 40 to 65 units
- Provides senior-oriented services for tenants
- Provides parking spaces for service, support providers and visitors that is distinct from the replacement parking spaces referenced above

**Secondary Criteria: Projects are encouraged to meet all or many of these priorities.**

#1 Set of Priorities

- Building envelope is compatible with adjacent/surrounding buildings
- Building design is compatible with adjacent/surrounding buildings
- Building enhances the streetscape on Kent Street and Station Street
- Site circulation minimizes traffic impacts on Kent and Station Streets
- Building footprint minimizes light/shadow/spatial impact upon adjacent residential units
- Affordable housing program maximizes percentage of income-qualified affordable units versus market rate units
- Affordable housing program maximizes total number of income-qualified affordable units (serving <80% AMI)
- Affordable housing program maximizes percentage share of affordable units serving <60% AMI

#2 Set of Priorities

- Building design maximizes on-site space designated for senior supportive services for residents
- Building design provides on-site common meeting/activity space for residents
- Site plan provides functional general support spaces (e.g. package delivery, storage, laundry)
- Proposal demonstrates quality and functionality in its unit design/layout
- Proposal employs energy efficiency and sustainable development principles

#3 Set of Priorities

- Proposal allows for public access to interior meeting space
- Proposal incorporates ground floor retail on Station Street
- Site plan addresses need for on-site parking spaces for residents (if needed) and includes space(s) for car sharing services
- Site design incorporates both outdoor space for residents and green outdoor space and/or landscaping to benefit residents and the neighborhood
- Site design provides public outdoor space, beyond public pedestrian access, which will serve both residents and the neighboring public

**4.3 Guidelines for Affordable Units**

- The Town understands that cross subsidy from market rate rents could potentially supplement public subsidies identified and secured by the developer, and that the project will underwrite affordable housing available to a range of incomes.
- Affordable units should be targeted to households with incomes that enable the developer to maximize the number of affordable units.
- Unit sizes should, at a minimum, be in compliance with applicable state and federal subsidy programs. Ideally, affordable units should be provided in a range of unit sizes and well laid out to serve the needs of seniors.

## 5.0 PROPOSAL REQUIREMENTS

### 5.1 Technical Proposal – (Envelope A)

Technical Proposals will be reviewed and evaluated separately from Financial Proposals. A Technical Proposal for the Site shall include the following information:

#### A. Executive Summary

1. Developer
  - a. Name of team
  - b. Development entity/ies
  - c. Team composition
2. Description of development program
  - a. Total square feet
  - b. Building construction type, gross square footage
  - c. Total number of units by number of bedrooms, net square footage, target income groups
  - d. Retail square footage, if any
  - e. Plan for provision of on-site services or accommodation for off-site services
3. Statement of vision/approach to development, including
  - a. An overall description of the target population, ownership and ongoing post-construction management structure
  - b. How near- and projected long-term market conditions support the developer's vision
  - c. Design approach, including massing, orientation, public/green spaces, circulation, parking and special features, if any
  - d. How the plan responds to the challenges and opportunities presented by the location and physical features of the site, how it fits into the neighborhood context, and how it will create a compelling destination for future residents
  - e. How the team's approach meets and incorporates the Committee's requirements and priorities provided in Section 4.2 of this RFP, particularly in light of public comments received at the October 29, 2018 Public Information Meeting (Section 3.1), and where it differs, if at all
  - f. Narrative about team's strategy for public engagement and community relations over the course of the project from permitting through construction, including a communication plan for project updates, project contacts, community meetings and web site presence
  - g. Narrative of construction mitigation procedures to be implemented, highlighting the team's approach to managing impacts to abutters and neighbors during construction. The narrative should focus on, at a minimum:
    - Pedestrian access and accessibility
    - Access for adjacent residences and businesses
    - Vibrations and noise
    - Construction/trade worker parking
    - Vehicular traffic
    - Increased truck traffic and deliveries
4. Development Entity and Team – Narrative Description
  - a. Development Entity: Describe the proposed development entity (developer), including if and how the developer may differ from the proposer. Include identification of the representative authorized to act on behalf of the developer. If either is, or will be, a subsidiary of, or otherwise affiliated with another organization, describe such relationship. If the developer will partner with another development entity, or if the developer will be a joint venture between two or more development entities, describe the relationship and distribution of responsibilities for this project and any previous relationships the parties have had.
  - b. Development Team: Describe all members of the team, past and current relationships among these professionals, key experiences with regard to comparable market and affordable housing, and experience with community process similar to that envisioned in this RFP.

## **B. Development Team Details**

1. The proposal must clearly identify
  - a. Developer or co-developers
  - b. Architect(s)
  - c. Landscape Architect
  - d. Other consultants: engineering, geotechnical, environment
  - e. Counsel
  - f. General Contractor
2. For each party identified above, provide
  - a. The name of the primary contact person, address, telephone number, email address
  - b. If the developer is not an individual doing business under his/her name, a description of the firm and status of the organization (e.g., whether a for-profit, not-for-profit or charitable institution, a general or limited partnership, a corporation, LLC, LLP, business association or joint venture).
  - c. The names of the principals who will be involved in the project, including professional resumes
  - d. Complete listing of projects undertaken
  - e. Past experience, with a description of no more than three (3) projects that the team deems most relevant to this opportunity, specifically those on challenging sites similar to the Kent/Station Street lot. Include:
    - i. Name and/or address of project, type, year completed
    - ii. Specific role of relevant team member(s)
    - iii. Client/owner or other reference, as relevant, including name, street and email address, phone number
    - iv. General description, number and types of units, broken down by market and affordable units, total square footage, total construction cost
    - v. Renderings and site details
    - vi. Description of financing, highlighting team's success in leveraging sources of public and private subsidy/gap funding
    - vii. Description of community engagement prior to regulatory permitting process, highlighting team's strategy to build community consensus.
    - viii. Description of developer's employment of construction mitigation measures necessary to manage impacts to neighbors and abutters.

## **C. Conceptual Design**

1. Provide team's proposed "image" of the Site, including conceptual perspective, sketches or elevations, and/or graphic examples of projects produced by the team or indicative of the team for this Site.
2. At a minimum, provide size of building (square footage, footprint, number of floors, height, setbacks, etc.), number of units and number of parking spaces (for public and tenants) to be provided (considering Section 4.2). This schematic design is intended to illustrate the relationship and scale of buildings and other project elements.
3. Site Plan: conceptual level site improvements that are envisioned, including sidewalks, street lights, public path, hardscape and landscape.
4. Provide an outline of expected site development approach including land use, environmental, operational and other governmental or regulatory approvals for the necessary permits.
5. Provide a preliminary construction management plan to illustrate how the project will be staged and managed during construction to limit impact on neighbors.

## **D. Project Timetable**

Provide a preliminary project schedule, assuming Town Meeting approval of rezoning, and disposition terms to be included in a Letter of Intent. Assume that a Land Disposition Agreement (LDA) between the Select Board and the developer is executed at the end of month one. Consider other actions (some with parallel timelines), such as the process necessary to pursue a "friendly" Comprehensive Permit or LIP and the need to secure financing, including potential subsidies via a One-Stop Application. Include at least the following:

- Select Board/developer execution of a final Land Disposition Agreement
- Application for/receipt of financial commitments

- Regulatory Process – Major Impact review per Section 5.09 of the Zoning By-law or alternative approach
- Award of funding/financial commitments
- Completion of construction documents
- Closing
- Application for building permit
- Construction start and completion
- Marketing
- Occupancy

## 5.2 **Financial Proposal - (Envelope B)**

The Financial Proposal for the Site shall include the following information

### **A. Financial Proposal Narrative**

The Financial Proposal shall contain a narrative detailing the developer's financing approach for the project. This objective is to provide the Evaluation Committee with sufficient information to understand the project's development costs, net return or cost to the Town, and how Town resources, if deemed required, including the possible discounted land value and the potential award of other Town-controlled development resources, could bridge any financing gap that results from the Town's program requirements. The Town expects that if it pledges municipal resources, those resources will be used to leverage other state, federal and private development sources to the maximum extent possible. Accordingly, each respondent should address how a Town subsidy or subsidies would affect project feasibility and the likelihood that the developer could leverage other public resources.

### **B. Development Budget and Operating *Pro Forma***

To support the narrative, provide as detailed a Development Budget and Operating *Pro Forma* as possible at this stage, demonstrating the feasibility of the proposed project. There should be enough detail to allow the Evaluation Committee to understand and evaluate *pro forma* assumptions.

The Development Budget's breakdown of expenditures shall include, at a minimum, construction (taking into account replacement parking), construction contingency, design and engineering, legal, financing fees and interest, marketing, interim carrying costs, overhead/profit, and other soft costs. Provide, at a minimum, assumptions regarding the number of square feet and construction cost per square foot for proposed building type; construction period interest, number of months of construction, number of months for marketing and occupancy. The breakdown of revenues should indicate both construction period and permanent sources. While said sources may generically refer to lending institutions and equity partners, any reference to affordable housing gap financing shall specify likely sources.

The Operating *pro forma* should provide the Evaluation Committee with sufficient information to understand how rental income meets operating expenses and debt service, and to what extent the project can support permanent debt. The *pro forma* should include a schedule of all rents for units of different types, anticipated operating expenses and real estate taxes and other revenue, expenses and vacancy assumptions that are required to calculate net operating income, debt service, before tax cash flow, and debt coverage ratios.

In its review of the respondent's Financial Proposal, the Evaluation Committee will consider the extent to which the proposal will attract resources and funding. The Committee's review will determine: 1) the reasonableness of the projected development costs in relation to the proposed design; 2) the developer's history of financing similar development projects; 3) the likelihood that projected sources of financing for the project will be committed in a timely manner; 4) the nature and amount of any potential Town subsidy, both in and of itself and relative to other sources of funds and; 5) the overall viability of the developer's financial plan.

## **6.0 REVIEW PROCESS**

Evaluation of proposals will be based on the information provided by respondents in accordance with the requirements of this RFP. Additionally, any references, in person interviews and additional information requested and/or gathered by the Town or the Evaluation Committee will factor into the evaluation process.

### **6.1 Initial Review Phase**

The CPO will create an Evaluation Committee to which he will refer only those Technical Proposals that meet the minimum eligibility criteria set forth in Section 7.1 below. As stated in Section 7.1, if the CPO determines that the minimum eligibility criteria are not fully satisfied, he will not refer the proposal to the Evaluation Committee.

The Evaluation Committee will apply the Evaluation Criteria set forth in 7.3 and eliminate any proposal that fails to meet the Threshold Criteria set forth in Section 7.3.1 from further consideration. The Committee will then apply the Evaluation Criteria set forth in 7.3.1 to the Technical Proposals that meet the Threshold Criteria and refer the highest ranking Technical Proposal(s) to the CPO. The CPO will review the recommendation of the Evaluation Committee and, if he makes a determination that the respondent's Technical Proposal presents an advantageous approach to the redevelopment of the site, the CPO will refer the respondent's Financial Proposal to the Evaluation Committee.

The Evaluation Committee will then review the respondent's Financial Proposal to gain a more thorough understanding of the financial aspects of the program described in the respondent's Technical Proposal. The Committee will apply the Evaluation Criteria set forth in Section 7.3.2. If the Evaluation Committee is satisfied that a joint review of the respondent's Technical and Financial Proposals warrants further consideration, the Evaluation Committee will advance the proposal to the Final Evaluation Phase set forth below in Section 6.2.

The Town reserves the right at any time to reinstitute review of other Technical Proposals in consultation with the CPO and to modify the Review Process to further the best interests of the Town.

### **6.2 Final Evaluation Phase**

Following the Evaluation Committee's recommendation of a respondent's proposal for final evaluation, the Developer will be asked to provide additional information, which may consist, at a minimum, of the following:

#### **6.2.1 Financial Details**

##### **A. Developer**

1. Provide financial statements for the developer (including joint partner entities or associated entities) for the prior three years.
2. Provide disclosure of any bankruptcy, assignment for the benefit of creditors, financial default and/or judicial awards against any the developer (including joint partner entities and associated entities).
3. Provide a Tax Statement confirming that no local, state or federal taxes are due and outstanding for the development team or any critical member of the project.

**B. Project Financing:** Provide letters of interest from recognized private lending and equity institutions for a loan amount sufficient for the developer to construct and operate the project.

#### **6.2.2 Design Elaboration**

- Building perspectives
- Site Plan, including landscape and hardscape features
- Drawings depicting building size, specifications for architecture elements including building materials, civil, structural, mechanical and electrical systems
- Sections including scale and relationship to adjacent properties
- Typical floor plans
- Physical or electronic model

### **6.3 Recommendations**

The Evaluation Committee shall submit a recommendation to the CPO, who will review the recommendation and prepare his own recommendation to the Select Board.

#### 6.4 **Selection**

If the Select Board affirmatively votes to designate a developer, the Town and the developer will then proceed to execute a “Letter of Intent” setting forth preliminary details and understandings related the redevelopment of the Site subject to approval by Town Meeting. At that stage, the selected developer will be required to post a \$25,000 deposit with the Town, refundable only on the condition that Town Meeting does not authorize the Select Board to execute a Land Disposition Agreement with the designated developer.

### 7.0 **EVALUATION CRITERIA**

#### 7.1 **Minimum Eligibility Criteria**

Proposals must meet the Town’s Minimum Eligibility Criteria as described below:

- 7.1.1 The Proposal is complete and meets all proposal requirements in Section 5.0
- 7.1.2 Forms A, B, C, D and H are complete and are duly executed
- 7.1.3 All members of the respondent’s team have a minimum of five (5) years of experience in developing quality market rate and/or affordable housing

No proposal that fails to meet said Minimum Eligibility Criteria will be distributed by the Chief Procurement Officer to the Evaluation Committee for consideration.

#### 7.2 **System:**

An Evaluation Committee appointed by the Chief Procurement Officer will rank Technical Proposals submitted to it by the CPO and subsequently determined to meet the Threshold Criteria against the Evaluation Criteria provided in section 7.3 relative to Technical Proposals. Each Proposal will be categorized by the following:

- Highly Advantageous
- Advantageous
- Not Advantageous

#### 7.3 **Evaluation Criteria**

##### 7.3.1 **Technical Proposals**

###### **Demonstrates Developer Experience:**

In keeping with the Minimum Eligibility Criterion in section 7.1.3, which requires teams to have a minimum of five (5) years of experience, this criterion evaluates the extent of the respondent’s experience developing and managing quality mixed-income or affordable senior housing, particularly on urban infill sites.

- Highly Advantageous: A proposal demonstrating that the development team has greater than five (5) years of significant and substantial experience developing and managing affordable housing projects and has completed two (2) or more projects of a similar scope will be ranked as Highly Advantageous.
- Advantageous: A proposal demonstrating that the development team has at least five (5) years of significant experience developing and managing affordable housing projects and has successfully completed one (1) project of a similar scope will be ranked as Advantageous.
- Not Advantageous: A proposal demonstrating that, while the development team has at least five (5) years of housing development experience, the team has not developed an affordable housing project of similar a scope, will be ranked as Not Advantageous.

###### **Provides Overall Vision for the Proposed Development:**

This criterion evaluates the extent to which the proposal articulates a desirable development vision and approach for the Site that is compatible with neighborhood context and carefully considers Kent/Station Committee and community input as provided in this RFP.

- Highly Advantageous: A proposal that is highly responsive to community input and the project priorities articulated in section 4.2 of the RFP and meets all or most of the identified criteria will be ranked as Highly Advantageous.

- Advantageous: A proposal that is adequately responsive to community input and the project priorities articulated in section 4.2 of the RFP and meets many of the identified criteria will be ranked as Advantageous.
- Not Advantageous: A proposal that is not responsive to community input or the project priorities articulated in section 4.2 of the RFP and meets few or none of the identified criteria will be ranked as Not Advantageous.

**Demonstrates an Advantageous Development Time Table:**

This criterion evaluates the extent to which a respondent’s proposal puts forth a favorable, realistic schedule, charting a clear path from predevelopment activities to construction readiness.

- Highly Advantageous: A proposal that provides a highly detailed development timetable that is feasible, demonstrates a superior understanding of public funding cycles and development processes and provides a clear indication that the project can close on financing in a favorable timeframe after designation will be ranked as Highly Advantageous.
- Advantageous: A proposal that provides an adequately detailed development timetable that is feasible, demonstrates an understanding of public funding cycles and development processes and provides a reasonable indication that the project can close on financing within a favorable timeframe after designation will be ranked as Advantageous.
- Not Advantageous: A proposal that fails to provide an adequately detailed development timetable or proposes a development timetable that is either impractical, demonstrates a lack of understanding of public funding cycles and development processes and/or indicates that the project will not close within a favorable timeframe after designation will be ranked as Not Advantageous.

**7.3.2 Financial Proposals**

**Demonstrates Financial Feasibility:**

This Criterion evaluates the relative strength and completeness of the proposer’s Financial Proposal and how it provides clarity of development costs relative to other proposals. Proposals that most completely and realistically specify all anticipated costs; provide a defensible rationale for the type and extent of Town subsidy, if required; demonstrate a plan to access other sources of subsidy and; provide estimates that are in line with current industry standards will be considered to be more advantageous. Proposals that provide incomplete or inadequate information or have costs that are not consistent with industry standards will be considered less advantageous.

- Highly Advantageous: Financial Proposals that include a thorough, understandable and clear narrative supplemented by a Development Budget and Operating *pro forma* that are consistent with the information requested in this RFP, including reliable, well-reasoned cost estimates that are appropriate for the proposed project and its ongoing operations, will be ranked as Highly Advantageous.
- Advantageous: Financial Proposals that include a reasonably thorough and understandable narrative supplemented by a Development Budget and Operating *pro forma* that are consistent with the information requested in this RFP, including cost estimates that are appropriate for the proposed project and its ongoing operations, will be ranked as Advantageous.
- Not Advantageous: Financial Proposals that do not include a reasonably thorough and understandable narrative and provide a Development and Operating *pro forma* that is lacking in detail, and/or is not realistic or appropriate for the project and its ongoing operations, will be ranked as Not Advantageous.

**8.0 ADDITIONAL TERMS**

**8.1 Examination of the RFP**

Before submitting proposals, each respondent must thoroughly examine the RFP and familiarize itself with prior community planning work, local conditions and with federal, state and local laws, rules and regulations and any other circumstances or conditions that may in any manner affect the cost or performance of the design, permitting or construction of the proposed redevelopment. Failure of any respondent to acquaint itself with the RFP or to review the required documents shall in no way relieve the team from any obligation with respect to its proposal. Each respondent shall promptly notify the Town in the manner set forth in Section 2.0 of any ambiguity, inconsistency or error it may discover upon examination of the RFP or any information provided in connection with the RFP. The Town reserves the right to reject any proposal.

## 8.2 Representations and Warranties

Although the Town believes that the information contained in the RFP is complete and accurate, the Town makes no representations, warranties, or guarantees that the information contained in the RFP or any information provided in connection with the RFP and evaluation process (including, without limitation, any supplemental information) is accurate, complete, or timely, or that such information accurately represents the conditions that will be encountered at the Site and its vicinity, now or in the future. The furnishing of such information by the Town 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 Town, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold the Town or any third party who prepared a report for the Town liable or responsible therefore in any manner whatsoever.

## 8.3 Miscellaneous Provisions

The Town reserves the unqualified right, in its sole and absolute discretion, to amend or withdraw this RFP at any time, to reject all proposals, to withdraw at any time from this process with no recourse for any respondent, to undertake discussions with one or more respondents, and to proceed with that proposal or modified proposal, if any, which in its judgment will, under the circumstances, best serve the public interest, to waive defects in the filing of or contents of any proposal, and to choose or reject any or all Proposals received in response to this RFP, either on the basis of an evaluation of the factors listed in this RFP or for other reasons, including but not limited to, the convenience of the Town.

This RFP has been prepared solely to solicit proposals and it is not a contract offer and is not binding on the Town. No costs of responding to the RFP, nor costs of attending any subsequent interviews or meetings in connection with this development opportunity, shall be reimbursed by the Town for any reason whatsoever including, without limitation, the amendment or withdrawal of the RFP or the rejection of any or all of the proposals.

At any time and from time to time after the receipt by the Town of responses to this RFP, the Town may give written notice to the team to furnish additional information relating to its proposal and may give written notice to the team to meet with designated representatives of the Town with respect to its proposal.

The Town may consult references familiar with the proposer regarding the proposer's prior operations and projects, financial plan, past performance, experience and qualifications, or other matters, whether or not the specific references are identified in the submission. Submissions made in response to this RFP shall constitute permission for the Town to make such inquiries, and authorization to third parties to respond thereto.

Teams should assume that the Town's receipt of any information submitted or generated in response to this RFP including information submitted during discussions before or after the receipt of proposals (including ideas, drawings, or other materials communicated or exhibited) may be deemed to be a public record under Massachusetts law. No information given to the Town in any submission or any correspondence, discussion, meeting, or other communication between the team and the Town before, with, or after the receipt by the Town of the submission, either, orally or in writing, shall be, or deemed to have been proprietary or confidential. Use or disclosure of such information by the Town may be made without obligation or compensation and without liability of the Town of any kind whatsoever. Once submitted, all proposals shall become property of the Town, which shall have the right to use all or portions of submittals as it considers necessary or appropriate.

Neither any employee or official of the Town nor any member of a committee associated with this project shall be charged personally by the team or any third party with any liability or held liable to it under any term or provision of this RFP nor any statements made herein.

The Town reserves the unqualified right, in its sole discretion, to disqualify any team, firm, or individual from any phase or component of the selection process or this development opportunity, due to felonious or other criminal record or activity in any jurisdiction (domestic or foreign), or indictment by any foreign or domestic federal or state jurisdiction for the same or other activity which in the sole opinion of the Town raises a material issue of the team's ability to acquire and redevelop the site in accordance with the contents of its proposal. The teams are required to disclose any such instances or activities or to affirmatively assert that none exists.

**ATTACHMENTS A - H**

**FORM A  
CERTIFICATE OF VOTE**

**TO THE TOWN OF BROOKLINE  
(Town)**

The undersigned, acting as the duly authorized representative(s) of \_\_\_\_\_ (Team), hereby represents that the Team has carefully examined the Request for Proposals (RFP) for the Kent/Station Street Town-Owned Parking Lot Redevelopment Project. The undersigned is authorized to submit this Proposal on behalf of the Team, to enter into a contract(s) with the Town for the purpose of site control to facilitate the redevelopment of the Site.

The undersigned also hereby declares that the Team makes this Proposal without any connection with any other persons or entities making any other Proposal for the Site; that no person acting for, or employed by, the Town is directly or indirectly interested or involved in this Proposal, or in any contract which may be made under it, or in expected profits to arise therefrom; that the Proposal is made without directly or indirectly influencing or attempting to influence any other person or corporation to submit or to refrain from submitting a Proposal or to influence the Proposal of any other person or corporation; and that this Proposal is made in good faith. The undersigned declares that this Proposal is based solely on the Team's own investigation and research and not in reliance upon any plans, surveys, measurements, dimensions, calculations, estimates or representations of any employee, officer, or agent of the Town.

The undersigned certifies on behalf of the Team [and in case of a joint venture each party thereto certifies as to its own organization] that the terms of the Proposal have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such terms with any other Team or with any competitor; the terms of the Proposal have not been and will not be knowingly disclosed, directly or indirectly, by the Team prior to the official opening of such Proposal, to any other Team or to any competitor; no attempt has been made and none will be made by the Team to induce any other person, partnership, or corporation to provide or not to provide a submission for the purpose of influencing competition; and that no person or selling agency has been employed or retained by the Team to solicit or secure selection under the 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.

Name of Team: \_\_\_\_\_

Type of entity: \_\_\_\_\_

Team's address: \_\_\_\_\_

\_\_\_\_\_  
Team's email address: \_\_\_\_\_

Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_

Signature of Authorized Representative \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_  
[attach evidence of authority]

**FORM B**  
**TAX COMPLIANCE CERTIFICATE**

The undersigned certifies, on behalf of the Team and the individual members of the Team, under penalties of perjury that it has complied with all laws of The Commonwealth of Massachusetts related to the payment of taxes.

\_\_\_\_\_  
Signature of Individual Submitting this Proposal

\_\_\_\_\_  
Name of Team

SS No. or FID No. \_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public  
(seal)

My commission expires: \_\_\_\_\_  
Ref: Ch. 233, Acts of 1983, s. 49A(b)1

DUPLICATE OR MODIFY THIS FORM AS NECESSARY SO THAT IT ACCURATELY DESCRIBES THE ENTITY SUBMITTING THE PROPOSAL AND SO THAT IT IS SIGNED ON BEHALF OF ALL PARTNERS, MEMBERS, OR JOINT VENTURERS OF THE TEAM.

**FORM C**  
**CERTIFICATE OF NON – COLLUSION**

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

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Signature of individual submitting bid or proposal

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Name of Business

**FORM D**

**Certificate of Compliance with Article 4.5 of the  
Town of Brookline By-Laws**

I, \_\_\_\_\_ (printed name of individual/employer  
contracting with the Town) hereby certify that I shall not discriminate against any individual because of  
such individual's race, color, religious creed, national origin, sex, sexual orientation, age or ancestry in  
fulfilling the terms of the contract that I propose to enter into with the Town of Brookline, and to which  
this Certificate is appended.

Signed under the pains of penalties of perjury, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

**FORM E**  
**LIVING WAGE BY-LAW**

# Brookline Living Wage

Effective July 1, 2019, the living wage is:

## \$14.54 per hour

Brookline has voted to lead town businesses and contractors by example to engage in and support fair wage practices in Brookline. The Town of Brookline will pay each of its employees no less than the living wage amount listed above with the following exceptions: seasonal employees who work less than six months in any twelve-month cycle; employees participating in a work-study or cooperative educational program; employees whose positions are funded, in full or in part, by Community Development Block Grant or State Elder Services Grant monies; library Junior Pages; Putterham Meadows Golf Course rangers; town junior, part-time positions funded by a recreation revolving fund, specifically, Jr. Swim Coach, Jr. Skate Guard, Jr. Referee, Jr. Assistant Recreation Leader, Jr. Camp Counselor, Jr. Camp Instructor, Jr. Skate Concessions and volunteers and all persons appointed or elected to town committees; or elected officers of the town. The living wage will be adjusted annually by the same percentage and on the same wage adjustment schedule given to full-time, non-union town employees.

Exempt positions will be paid no less than one dollar more than the State Minimum Wage. Employees exempt from the Living Wage will be paid an hourly wage of no less than:

## \$13.00 per hour Effective Jan. 1, 2019

The guidelines outlined in the Living Wage By-Law, shall apply to all service contracts of the Town of Brookline. *Covered Employee* means any employee who performs direct services for the purpose of fulfilling the covered employer's contractual obligations, provided however, employees who perform services that are incidental to the execution of the contract are not covered employees. *Services* means the furnishing of labor, time, or effort by a contractor and/or covered employer. *Service contract* means a contract for services awarded to a vendor by the town for no less than the following amounts: (i) \$25,000.00 for contracts commencing in fiscal year 2006, (ii) \$10,000.00 for contracts commencing in fiscal year 2007 (iii) \$5,000.00 for contracts commencing in fiscal year 2008 and thereafter.

The employer shall not discharge, reduce the compensation of, or otherwise discriminate against any employee for making a complaint to the Town or otherwise asserting his or her rights under this article. A Person claiming to be aggrieved by a violation of this By-Law may file a grievance with the Town or School Human Resources Department. Upon exhaustion of this administrative remedy, a person may seek appropriate legal relief.

Go to [www.brooklinema.gov](http://www.brooklinema.gov) for more information

**ARTICLE 4.8**  
**LIVING WAGE BY-LAW**

SECTION 4.8.1            TITLE

This By-Law shall be known as the "Living Wage By-Law."

SECTION 4.8.2            LIVING WAGE

- (a) The town of Brookline ("town") shall pay each of its employees no less than \$10.30 an hour except as provided in Section 4.8.5 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.
  
- (b) The wage prescribed in paragraph (a) of this Section 4.8.2 shall be known as the "living wage" and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments given to full-time, nonunion town employees on the town's general pay schedule, beginning in the year 2003.
  
- (c) The living wage shall also be adjusted annually at the time of and after the adjustment set forth in paragraph (b) of this Section 4.8.2 if necessary to insure that as so adjusted, it is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

SECTION 4.8.3            MINIMUM WAGE

The compensation of employees exempted from the living wage under paragraphs (a), (b), (c) (d) and (f) of Section 4.8.5 shall be adjusted annually at the same time as the adjustment referred to in paragraph (b) of Section 4.8.2 if necessary to insure that the hourly wage is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

SECTION 4.8.4            NOTICE

The town shall provide each employee with a fact sheet about this By-Law and shall post current notices about the By-Law in conspicuous locations in town buildings and link such notices conspicuously on the home web pages of the town's Human Resources and Purchasing Departments as well as those of the Human Resources and Administration and Finance Offices of the

Public Schools of Brookline (PSB). These fact sheets and postings shall include:

- (a) notice of the living wage amount;
- (b) notice of the town minimum wage amount under Section 4.8.3;
- (c) a summary of the By-Law provisions;
- (d) notice that a person claiming to be aggrieved by a violation of this By-Law may file a grievance under the town's Human Resources By-Law (Section 3.15.11) or, if a PSB employee, a complaint with the Assistant Superintendent for Human Resources or such other person with similar authority and duties or, if a covered employee under Section 4.8.6(a), a complaint with the town's Chief Procurement Officer or the Board of Selectmen as provided under Section 4.8.6(c); notice that upon exhaustion of this administrative remedy, such person may seek appropriate legal relief.

#### SECTION 4.8.5 EXCEPTIONS

The town shall not be required to pay the living wage to the following persons:

- (a) seasonal employees who work less than six months in any twelve-month cycle;
- (b) employees participating in a work-study or cooperative educational program;
- (c) employees whose positions are funded, in full or in part, by Community Development Block Grant or State Elder Services Grant monies;
- (d) town library Junior Library Pages;
- (e) Putterham Meadows Golf Course rangers;
- (f) town junior, part-time positions funded by a Recreation revolving fund, specifically, Jr. Swim Coach, Jr. Swim Instructor, Jr. Lifeguard, Jr. Skate Guard, Jr. Referee, Jr. Assistant Recreation Leader, Jr. Camp Counselor, Jr. Camp Instructor, Jr. Skate Concessions;

- (g) volunteers and all persons appointed or elected to town committees;
- (h) elected officers of the town.

#### SECTION 4.8.6

##### a. Definitions:

In construing SECTION 4.8.6, the following words shall have the meanings herein given, unless a contrary intention clearly applies.

*Covered employer* means anyone who has been awarded a service contract or subcontract with the Town after the effective date of the By-law.

*Covered Employee* means any employee who performs direct services for the purpose of fulfilling the covered employer's contractual obligations, provided however, employees who perform services that are incidental to the execution of the contract are not covered employees.

*Person* means one or more of the following or their agents, employees, servants, representatives, and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and all other entities recognized at law by this commonwealth,

*Services* means the furnishing of labor, time, or effort by a contractor and/or covered employer.

*Service contract* means a contract for services awarded to a vendor by the town for no less than the following amounts: (i) \$25,000.00 for contracts commencing in fiscal year 2006, (ii) \$10,000.00 for contracts commencing in fiscal year 2007 (iii) \$5,000.00 for contracts commencing in fiscal year 2008 and thereafter. Any bids opened prior to fiscal year 2006 shall not be subject to this article.

##### b. Application of Living Wage By-Law to Contracts

After the applicable date of this By-Law, the guidelines outlined in the Living Wage By-Law, Section 4.8.2 Living Wage,

shall apply to all service contracts of the Town of Brookline.

These guidelines shall be followed to ensure that all covered employers shall pay their covered employees (both as defined above) providing services to the Town of Brookline and any of its Departments a Living Wage as defined in Article 4.8 Section 2.

c. Enforcement

*Grievance procedures and nondiscrimination.* Any covered employee who believes that his or her employer is not complying with requirements of this article applicable to the employer has the right to file a complaint with the town's Chief Procurement Officer or Board of Selectmen. Complaints of alleged violations may also be filed by concerned citizens or by a town official or employee. Complaints of alleged violations may be made at any time and shall be investigated promptly by or for the officer or board that received the Complaint. To the extent allowed under the Public Records Law, G.L.c.66, statements, written or oral, made by a covered employee, shall be treated as confidential and shall not be disclosed to the covered employer without the consent of the covered employee.

*Investigations.* The Chief Procurement Officer or Board of Selectmen who received a complaint, as aforesaid, shall investigate or have the complaint investigated and may, in conjunction with the Town Counsel, require the production by the covered employer of such evidence as required. The covered employer shall submit payroll records (meaning records that relate to wages paid) upon request, and the failure to comply with the request may be a basis for terminating any contract between the parties. Upon receipt by the town of information of possible noncompliance with the provisions of this article, the covered employer shall permit representatives of the Chief Procurement Officer or Board of Selectmen to observe work being performed upon the work site, to interview employees and to examine payroll records, the books and records relating to the payrolls being investigated, to determine whether or not the relevant payment of wages complies with this By-Law.

*Retaliation and Discrimination Barred.* A covered employer shall not discharge, reduce the compensation of, or otherwise discriminate against any employee for making a complaint to the Town or otherwise asserting his or her rights under this article, participating in any of its proceedings or using any civil remedies to enforce his or her rights under the article. The Town shall investigate allegations of retaliation or

discrimination and may, in conjunction with Town Counsel, and in accordance with the powers herein granted, require the production by the employer of such evidence as may be deemed necessary or desirable during such investigation.

d. Remedies

In the event that the town shall determine, after notice and hearing, that any covered employer has failed to pay the living wage or has otherwise violated the provisions of this article:

- (1) The town may pursue the following remedies and relief:
  - a. Fines not to exceed \$300.00 for each week, for each employee found to have not been paid in accordance with this article; and
  - b. Suspension of ongoing contract and subcontract payments.
- (2) If the covered employer has failed to pay the living wage, the town may terminate all service contracts with the covered employer unless appropriate relief, including restitution to each affected covered employee, is made within a specified time.
- (3) If the covered employer has discharged, reduced the compensation or otherwise discriminated against any covered employee for making a complaint to the town, otherwise asserting his or her rights under this article, participating in any of its proceedings or using any civil remedies to enforce his or her rights under the ordinance, the town may terminate all service contracts with the covered employer unless appropriate relief, including restitution to each affected covered employee and reinstatement of each discharged covered employee, is made within a specified time.

SECTION 4.8.7 SEVERABILITY

If any portion or provision of this By-Law is declared invalid or unenforceable by a court of competent jurisdiction or the Office of the Attorney General, the remaining provisions shall continue in full force and effect.

**FORM F**  
**INSTRUCTIONS TO PROPOSERS**



# TOWN OF BROOKLINE

## *Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

### INSTRUCTIONS TO PROPOSERS

DAVID C. GEANAKAKIS  
Chief Procurement Officer

RICHARD SAVILLE  
Procurement Officer

1. **REQUEST FOR PROPOSAL**, which is enclosed herewith, is an integral part of these instructions.
2. **BID (VENDOR) LISTS**. Vendors who wish to remain on the active bid list must either submit a proposal or a letter of explanation as to the reason for not submitting same, no later than the official PROPOSAL OPENING.
3. **MARKING ENVELOPS**. The Proposal must be filled out on the form(s) prescribed and enclosed in sealed envelopes which shall be marked on the outside with the word "TECHNICAL PROPOSAL" or "PRICE PROPOSAL", the Proposal Title, Proposal Reference Number, and the name and address of the proposer.
4. **SAMPLE**. The Chief Procurement Officer may require the submission of samples either before or after the award of a contract, at no charge to the Town, in order to ascertain whether or not a product will be suitable for the purpose for which it is intended. If it is specifically stated elsewhere in the proposal documents that samples are required, full size samples must be submitted not later than the official PROPOSAL OPENING. Failure to submit said samples may be regarded as a basis for rejecting a proposal. Samples may be impounded until satisfactory completion of a contract. Otherwise, the bidder must call for all samples within (30) days of the award of contracts or said samples will be presumed abandoned and the Chief Procurement Officer will dispose of them as he sees fit.
5. **TAXES**. Purchases by the Town of Brookline are exempt from federal, state or municipal sales and/or excise taxes.
6. **PRICE PROPOSAL FORM**. The proposal price(s) must be typewritten in or written in ink in the space(s) provided on the official PRICE PROPOSAL FORM. In the event of a discrepancy between the unit price and the extension, the unit price will govern. Proposal prices shall encompass everything necessary for furnishing the item(s) specified in, and in accordance with the specifications, including proper packing and the cost of delivery.

INSTRUCTIONS TO PROPOSERS - Page 2.

7. **CASH TERMS.** Discounts for prompt payment will be considered when making awards. Minimum time for discount consideration is twenty (20) days.

8. **PROPOSAL DOCUMENTS.** The proposer is to familiarize himself thoroughly with all the documents enumerated herewith, as it is conclusively understood that all proposals are based upon full compliance with the various provisions contained in said documents. The documents comprising the proposal consist of (a) Request for Proposal (b) Article XXIX of the Town of Brookline By-Laws relating to non-discrimination in employment (c) Instructions to Proposers (d) General Conditions (e) Special Conditions (if any) (f) Specifications, and (g) Price Proposal Form. The same documents will be incorporated into the contract documents. One set of the Request for Proposal is given to each proposer. A complete, original set of documents is to be returned, properly signed and executed. A copy of the documents submitted should be kept for the proposer's file.

9. **MINORITY BUSINESS ENTERPRISE PROGRAM.** Minority and women owned business enterprises are encouraged to submit bids and will be given every opportunity to participate in Town of Brookline contracts.

10. **NOTICE CONCERNING UNEXPECTED CLOSURES:** If, at the time of the scheduled proposal opening, Town Hall is closed due to inclement weather or other unforeseeable events, the proposal opening will be postponed until 2:00 PM on the next normal business day. Proposals will be accepted until that date and time

**The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at [rsneirson@brooklinema.gov](mailto:rsneirson@brooklinema.gov)**

**FORM G**  
**GENERAL CONDITIONS**



# TOWN OF BROOKLINE

## *Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

### GENERAL CONDITIONS

DAVID C. GEANAKAKIS  
Chief Procurement Officer

RICHARD SAVILLE  
Procurement Officer

- 1. AWARD DATE.** Award will be made within forty-five (45) days after the BID OPENING unless otherwise stated in the specifications or the time for award is extended by mutual consent of all parties concerned.
- 2. EQUIVALENTS.** Where in the specifications, one certain kind, type, catalog number, brand or manufacturer of material is named, it shall be regarded as the required standard of quality. Where two or more are named, these are presumed to be equal and the contractor may select one of the items. If the bidder proposes to offer substitute items as an equal to those named in the specifications, he shall so indicate on the BID FORM the kind, type, catalog number, brand, or manufacturer of material that is offered as an equal, and shall submit data sheets and/or catalog cuts and otherwise describe wherein it differs from the base specifications in similar detail as the description of the component parts of the specified items. Substituted items must be capable of performing all the functions and/or operational features described or indicated in the specifications. Failure to indicate the description of any substitute item on the Bid Form will be interpreted to conclude that the bidder will furnish the specified item.
- 3. DELIVERIES.** The contractor shall pay all freight and delivery charges. Unless otherwise stated, items must be delivered within forty-five (45) days of the notice of award. All deliveries must be made inside the building and to the appropriate storeroom as designated by the custodian. Sidewalk or tailgate deliveries will not be accepted. Town personnel are not required to assist in the deliveries and contractors are cautioned to notify their shippers that adequate assistance must be provided at the point of delivery. All items of furniture must be delivered inside the building, in place, set up ready for use. Deliveries are to be made between 8:30 A.M. and 4:00 P.M., Monday through Thursday, except on holidays. Friday deliveries shall be made between 8:30 A.M. and 12:00 Noon. All damaged items, or items which do not comply with specifications will not be accepted and title therefore will not vest to the Town of Brookline until such items are accepted by the receiving department. The contractor must replace, without further cost to the Town of Brookline, such damaged or non-complying items before payment will be made.

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4. **LABELING.** All packages, cartons, or other containers must be clearly marked with (a) building and room designation; (b) description of contents or item number from specifications; (c) quantity; (d) Town of Brookline's purchase order number; and (e) Vendor's name and order number.

5. **GUARANTEES.** Unless otherwise stipulated in the specifications, furniture, equipment, and similar durable items shall be guaranteed by the contractor for a period of not less than one year from the date of acceptance by the receiving department. In addition, the manufacturer's guarantee shall be furnished. Any items provided under this contract which are or become defective during the guarantee period shall be replaced by the contractor free of charge with the understanding that all replacements shall carry the same guarantee as the original equipment. The contractor shall make any such replacement immediately upon receiving notice from the Chief Procurement Officer.

6. **RIGHT TO KNOW.** Any vendor who receives an order or orders resulting from this invitation agrees to submit a Material Safety Data Sheet (MSDS) for each toxic or hazardous substance or mixture containing such substance, pursuant to M.G.L. C111F SS8, 9 and 10 and the regulations contained in 441 CMR SS21.06 when deliveries are made. The vendor agrees to deliver all containers properly labeled pursuant to M.G.L. C111F S7 and the regulations contained in 441 CMR S21.05. Failure to submit an MSDS and/or label on each container will place the vendor in noncompliance with the contract. Failure to furnish MSDSs and/or labels on each container may result in civil or criminal penalties, including bid debarment and action to prevent the vendor from selling said substances, or mixtures containing such substances within the Commonwealth. All vendors furnishing substances or mixtures subject to Chapter 111F of M.G.L. are cautioned to obtain and read the law and rules and regulations referenced above.

**FAILURE TO COMPLY WITH THESE REQUIREMENTS COULD RESULT IN THE CANCELLATION OF YOUR CONTRACT.**

**FORM H**  
**PROPOSAL SIGNATURE FORM**



# TOWN OF BROOKLINE

*Massachusetts*

DEPARTMENT OF FINANCE

PURCHASING DIVISION

333 Washington Street  
Brookline, MA 02445  
617-730-2195  
Fax: 617-264-6446

## PROPOSAL SIGNATURE FORM

The undersigned, hereafter called the proposer, having fully familiarized himself with all of the proposer documents, hereby agrees and declares:

1. That prices inserted cover all services, labor, materials, transportation, insurance, and all other necessary expenses to fulfill the conditions of the contract within the time stated.
2. That if a substitute manufacturer's name or model number is not inserted by the proposer under the appropriate column, it is understood that the proposer will furnish only the specified item and no substitute will be accepted.
3. Pursuant to M.G.L. Ch. 62C, sec. 49A, the proposer hereby certifies that the proposer has filed all state tax returns and paid all state taxes required under law.
4. The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

### **The following items are to be completed by the proposer:**

Title of Proposal \_\_\_\_\_

Guaranteed Date of Completion \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Social Security or Federal Identification Number \_\_\_\_\_

Our company is: A Corporation \_\_\_\_\_ A Partnership \_\_\_\_\_ Individually Owned \_\_\_\_\_

Signature of Company Official \_\_\_\_\_

Telephone Number \_\_\_\_\_

Facsimile Number \_\_\_\_\_

Email Address \_\_\_\_\_

Terms: \_\_\_\_\_ % \_\_\_\_\_ Days, Net \_\_\_\_\_ Days