

FILE NO. 6217
CITY OF CAMBRIDGE
REAL ESTATE DISPOSITION
REQUEST FOR PROPOSALS

Ames Street (Portion)

SECTION 1. OVERVIEW

The purpose of this Request for Proposals (RFP) is to solicit proposals for the disposition of property owned by the City of Cambridge ("the City") consisting of approximately 8,660 square feet of land. The property available for disposition includes a portion of the existing Ames Street public way bounded by the easterly sideline of Ames Street to the east, a line parallel to and twenty (20) feet west of the easterly sideline of Ames Street to the west, the southerly sideline of Broadway to the north and the northerly sideline of Main Street to the south (the "Property").

The City will consider selling this Property and to discontinuing this portion of Ames Street as a public way in order to allow the development of a residential building with ground floor retail uses on the disposed Property and adjacent parcels. Building design will be subject to review and approval by the Planning Board, based on applicable zoning requirements.

Offerors must meet all minimum evaluation criteria, must complete the enclosed proposal form and price summary form, and must include the requested documents. The City has attempted in this RFP to be as accurate as possible, but is not responsible for any unintentional errors herein. No statement in this document shall imply a guarantee or commitment on the part of the City as to potential relief from state, federal or local regulations.

SECTION 2. INSTRUCTIONS TO OFFERORS

- 2.1. Failure to complete the attached form, to answer any question, or to provide the documentation required will be deemed non-responsive and result in an automatic rejection of the proposal unless the City determines that such failure constitutes a minor informality, as defined in and pursuant to M.G.L. c.30B.
- 2.2. All requests for clarification or any questions about information contained in this RFP must be submitted in writing and addressed to Cynthia Griffin, Purchasing Agent, City of Cambridge, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139 (FAX: 349-4008). No requests or questions will be accepted after **Monday, October 28, 2013 by 4:00 PM**. The name, address, telephone number and FAX number (if available and email address of the person to whom such additional information should be sent must be provided by the offeror. An Addendum with questions and answers will be mailed to all offerors on record and posted to the Purchasing website.

- 2.3. Five copies of the proposal must be received by Cynthia Griffin, Purchasing Agent, City of Cambridge, Third Floor of City Hall **prior to 10:00 AM on Friday, November 8, 2013** Proposals must be delivered in a sealed package labeled "Proposal for Disposition of Real Estate. "Late proposals will not be considered.
- 2.4. Offerors may correct, modify or withdraw proposals prior to the proposal opening. An offeror who wishes to withdraw a proposal must make the request in writing. Any corrections or modifications to a proposal must be submitted in writing. Corrections or modifications must be in a sealed envelope when submitted.
- 2.5. An offeror's proposal will remain in effect for a period of 90 calendar days from the deadline for submission of proposals or until it is formally withdrawn, a contract (Purchase and Sale Agreement) is executed or this RFP is canceled, whichever occurs first.

SECTION 3. EVALUATION OF THE PROPOSALS

All proposals will be reviewed in accordance with M.G.L. c. 30B by an Evaluation Committee, and final selection will be based upon an evaluation and analysis of the information and materials required under this RFP. The bid may be awarded only to an offeror who meets the minimum evaluation criteria, submits the required documents, has the demonstrated experience and resources to fulfill the contract, and best meets the comparative evaluation criteria.

The City may award a bid to only one responsive and responsible, eligible offeror. The City reserves the right to reject any and all proposals if it determines that it is in the best interest of the City to do so. The City also reserves the right to waive any informalities in the proposal process or to accept the proposal deemed to be in the best interest of the City.

SECTION 4. DESCRIPTION OF PROPERTY TO BE DISPOSED

4.1 Overview

The City Property to be disposed consists of approximately 8,660 square feet of land, described as a portion of the existing Ames Street public way bounded by the easterly sideline of Ames Street to the east, a line parallel to and twenty (20) feet west of the easterly sideline of Ames Street to the west, the southerly sideline of Broadway to the north and the northerly sideline of Main Street to the south.

4.2 Ames Street

At present, this segment of Ames Street is used for vehicular, pedestrian and bicycle traffic, providing a through connection from Main Street to Broadway and parking and loading access to the parking garage at Cambridge Center and adjacent uses. Six (6) public on-street metered parking spaces are also present on this segment of Ames Street. This segment of Ames Street is shown on Assessor's Map #44.

The surface of this segment of Ames Street has asphalt paving, brick-pave sidewalks and granite curbing in parts, as well as street lighting, trees, regulatory signage, fire hydrants and safety bollards at curb cuts. There are existing public utilities and conduits below the surface of this segment of Ames Street, including drainage, sewer, water service, electric, telephone, fiber optic and high-pressure gas.

4.3 Zoning Status

The Property to be disposed is located in the Mixed Use Development District: Cambridge Center (MXD), which allows for a mix of uses across a master-planned development area. The regulations for this district are contained within Article 14.000 of the Cambridge Zoning Ordinance.

4.4 Discontinuance of Street as a Public Way

Ames Street is currently a public way; discontinuance of this segment of Ames Street as a public way requires a two thirds vote of the City Council. The City Manager intends to request the discontinuance of this segment of Ames Street as a public way in connection with this disposition. This disposition is contingent on the discontinuance of the specified portion of Ames Street as a public way.

SECTION 5. CONTRACT TERMS & CONDITIONS

- 5.1 Upon the conditional designation of the successful offeror, the City will enter into a Disposition Agreement with the successful offeror contingent upon matters set forth in this RFP.
- 5.2 This Agreement will require a \$150,000 good faith deposit to be held in escrow in an interest bearing account. The successful offeror will be responsible for obtaining the necessary approvals for all permits for the proposed use of the site and for paying the out of pocket costs incurred by the City in connection with the disposition process, including attorneys' fees, appraisers' fees, and any other consultants' fees. The deposit shall be refunded if the conveyances, discontinuance and permits are not granted by the City Council and other applicable authorities, within 12 months of the conditional designation of the successful offeror. The deposit and interest shall be applied to payment of the City's costs set forth above and any remaining amount of the deposit and interest shall be applied to the full purchase price at the closing.
- 5.3 Disposition shall be subject to the discontinuance of the specified segment of Ames Street as a public way; this requires a two thirds vote of the City Council.
- 5.4 Disposition shall be conditioned upon use of the Property, in conjunction with adjacent parcels, for the construction of a new multifamily residential building with retail uses at the ground floor with pedestrian entrances onto Ames Street, as permitted by applicable zoning regulations. No alternate uses or development shall be allowed on the Property.

- 5.5 Final disposition of the Property shall be subject to the procedural requirements set forth in Section 2.110.010 et. seq. of the Cambridge Municipal Code, titled "Disposition of City Property." Disposition of the Property requires a two-thirds vote of the City Council. Disposition of the Property shall be subject to any further such restrictions that may be deemed reasonable by the City Council and accepted by the successful offeror which may be identified during the public processes necessary for the disposition of the Property.
- 5.6 The successful offeror must receive a special permit from the Planning Board pursuant to the project review requirements set forth in the Zoning Ordinance applicable to the residential development described above. Nothing in the Disposition Agreement shall prevent the Planning Board from imposing special permit conditions as would be customary to a project of this type.
- 5.7 Disposition of the Property shall be subject to the agreement by the successful offeror to undertake the following infrastructure reconstruction on Ames Street in conjunction with its development of the site at the successful offeror's sole cost and expense, with final construction plans to be approved in writing by the Cambridge Department of Public Works:
- (a) Relocation of all existing utility or sub-surface easements on the Property, as approved by the City, at the successful offeror's own expense in conjunction with its development of the project site.
 - (b) Full reconstruction of the sidewalks on the eastern side of Ames Street, subject to final plans satisfactory to and approved in writing by the City. Sidewalk improvements shall include tree plantings (in the manner recently installed on Main Street), installation of city standard parking meters, and installation of bicycle racks.
 - (c) Sidewalks on the western side of Ames Street shall also be reconstructed, but only to the extent that they are disturbed in the course of completing the utility relocation described further above.
 - (d) Reconstruction of the Ames Street carriageway, subject to approval of final plans in writing by the City.
 - (e) Replacement of traffic signals at the intersections of Ames Street and Broadway and Ames Street and Main Street, subject to final written approval by the City.
 - (f) Installation of new streetlight poles and lamp heads on both sides of Ames Street pursuant to the City's current standards for LED lighting and the final written approval of the City.
- 5.8 Prior to any construction activities, the successful offeror shall agree to maintain public sidewalk access on the Property at a standard and on terms and conditions acceptable to the City, and during the course of construction, the successful offeror shall agree to provide and maintain pedestrian access routes in accordance with a construction management plan that will be approved in writing by the City.
- 5.9 The successful offeror shall be responsible for all soil disposal and any associated environmental containment or remediation required as a consequence of any

construction that takes place on the Property. Prior to closing, the successful offeror will have the right to perform its own environmental testing, bearing the costs of any expenses associated with additional testing. If the testing reveals hazardous material or environmental contamination by a substance that has not previously been identified as existing or possibly existing on the Property that would cost more than \$500,000 to contain or remediate, the successful offeror will have the right to terminate the Disposition Agreement and receive its deposit back, unless the contamination is determined to be as a result of City operations; in which case, the City shall have the option to contain or remediate the hazardous material or environmental contamination in compliance with the Massachusetts Contingency Plan, Chapter 21E and the successful offeror shall not have the right to terminate the Disposition Agreement or receive its deposit back.

- 5.10 In order to protect the City's financial interests, the successful offeror must agree that if any part of the development site is put up for resale in the future, the Property must first be offered to the City on the following terms:

Until the end of five years from the time the transaction closes, the sale price (received by the City for this sale) plus the seller's costs of acquisition, resale and site improvements, adjusted by the change in the consumer price index over the period.

- 5.11 **Rule for Award.** The most advantageous proposal from a responsive and responsible offeror, taking into consideration price and all other evaluation criteria set forth in this Request for Proposals will be selected.

SECTION 6. EVALUATION CRITERIA

The purpose of information requested in this section is to assist the City in evaluating each proposal. Each proposal shall be evaluated based upon the price offered for the Property by the offeror in conjunction with the other comparative evaluation criteria set forth herein. Responses to the following areas should be complete and full:

- 6.1 **Ability to develop:** A proposal shall be evaluated based on the offeror's ability to assemble the Property to be disposed with adjacent properties under the offeror's ownership or control in order to enable the construction of a multifamily residential building of approximately two hundred thousand (200,000) or more square feet with ground floor retail uses.

A rating of Highly Advantageous will be given if the offeror can demonstrate the capability of constructing the project described above.

A rating of Not Advantageous will be given if no sufficient evidence has been provided demonstrating that the offeror can feasibly enable the project to be constructed as described above.

6.2 **Enhancement of the Urban Environment in Kendall Square.** The design concept shall be evaluated against the Citywide Urban Design Objectives set forth in Article 19.000 of the Zoning Ordinance, the Eastern Cambridge Design Guidelines, and the Kendall Square Urban Design Guidelines, and any additional urban design principles established by the City for this area.

A rating of Highly Advantageous will be given for an extraordinarily successful concept that fully conforms to the citywide and area-specific urban design principles.

A rating of Advantageous will be given for a design concept that meets the intent of the citywide and area-specific urban design principles in a better than average manner.

A rating of Not Advantageous will be given for a design concept that only fairly or poorly addresses the citywide and area-specific urban design principles.

A rating of Unacceptable will be given for a design concept that does not at all respond favorably to the citywide and area-specific urban design principles.

SECTION 7. DOCUMENT SUBMISSION REQUIREMENTS

The following documents must accompany the proposal. Failure to provide any of the requested documents may result in the determination that the offeror is non-responsive.

1. Description of development intent and development concept, both in narrative form and sketch plans.
2. Proposal Form
3. Price Summary Form
4. Disclosure of Beneficial Interest pursuant to G.L. c. 7 § 40J
5. Ownership Certificate demonstrating control of adjacent land
6. A copy of the most recent annual financial report (audited or reviewed by a Certified Public Accountant).
7. A list of three financial references, including contact name and telephone number. The City may contact the references in determining whether the offeror is responsible.

CITY OF CAMBRIDGE, PURCHASING DEPARTMENT
795 MASSACHUSETTS AVENUE, RM. 303
CAMBRIDGE, MA 02139

PROPOSAL FORM FOR THE DISPOSITION OF REAL ESTATE
Ames Street (Portion)

1. Name of person submitting proposal: _____

Address: _____

Telephone: _____

2. Please check one of the following:

() Corporation, incorporated in the State of: _____

() Partnership, names of partners are: _____

() Individual

() Other: _____

Submit this form with your proposal.

3. Minimum Evaluation Criteria

The City of Cambridge will reject any proposal that does not meet the minimum evaluation criteria. A "NO" response or a failure to respond to any of the following minimum evaluation criteria will result in a rejection of your proposal.

Please check YES or NO for each of the minimum criteria listed below:

- A. The offeror has sufficient assets to undertake this project, as demonstrated by its latest annual financial report (audited or reviewed by a Certified Public Accountant).

YES ___ NO ___

- B. The offeror has demonstrated that it controls land resources necessary to undertake this project, as demonstrated by a duly notarized certificate of ownership.

YES ___ NO ___

Submit this form with your proposal.

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, "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals. As required by M.G.L. c. 62C, Section 49A, the undersigned also certifies under the penalties of perjury that the offeror has complied with all laws of the Commonwealth relating to taxes.

Signature

Name of person signing proposal

Title of officer signing for firm, if applicable

Name of business, if applicable

Address

Signature of all firm partners, if applicable

Submit this form with your proposal.

INSTRUCTIONS for PRICE SUMMARY FORM

The attached price summary form must be submitted with the offeror's proposal. Failure to adhere to this instruction will result in automatic disqualification of your proposal. The price summary form must provide (on the attached worksheet):

- a. Your cash offer
- b. A gross square foot breakdown of the anticipated use of the Development Site (consisting of the Property along with adjacent properties on which construction will occur), by the categories listed below.
 - Multifamily dwellings
 - Retail
 - Other
- c. A plan of adjacent parcels owned or otherwise controlled by the bidder, with ownership certificates, deeds, or other documents evidencing your ability to use the disposed Property, and that will be used in conjunction with the disposed Property, to accommodate the anticipated development.
- d. Schematic plans, elevations and other drawings describing the development that is proposed on the Property, along with adjacent properties.
- e. A schedule indicating when the anticipated development will be completed.

PRICE SUMMMARY FORM

(A) *Cash offer* \$ _____

in words (_____)

B. ***Anticipated use of Property***

Indicate the percentage of Development Site (consisting of the Property along with adjacent properties on which construction will occur), by Gross Floor Area, to be used in the following ways:

Multifamily dwellings	_____	%
Retail	_____	%
Other (specify): _____	_____	%

Signature of Offeror: _____

Submit this form with your proposal.