



Project Proposal to the Asset Management Board

Acquisition of South Boston Municipal Courthouse Facility Lease for
Massachusetts Trial Court

Public Hearing – January 6, 2025



DIVISION OF
CAPITAL ASSET
MANAGEMENT &
MAINTENANCE

Project Proposal: South Boston Municipal Courthouse

- This ZOOM Webinar is being recorded and will be posted at:
<https://www.mass.gov/info-details/south-boston-municipal-courthouse-project-proposal>
- Participants are muted to ensure an audible presentation
- After the presentation, if you have a comment, please use the chat function or raise your virtual hand
- Please limit comments to 3 minutes
- The minutes of this hearing will be included in the FPP (*Final Project Proposal*)

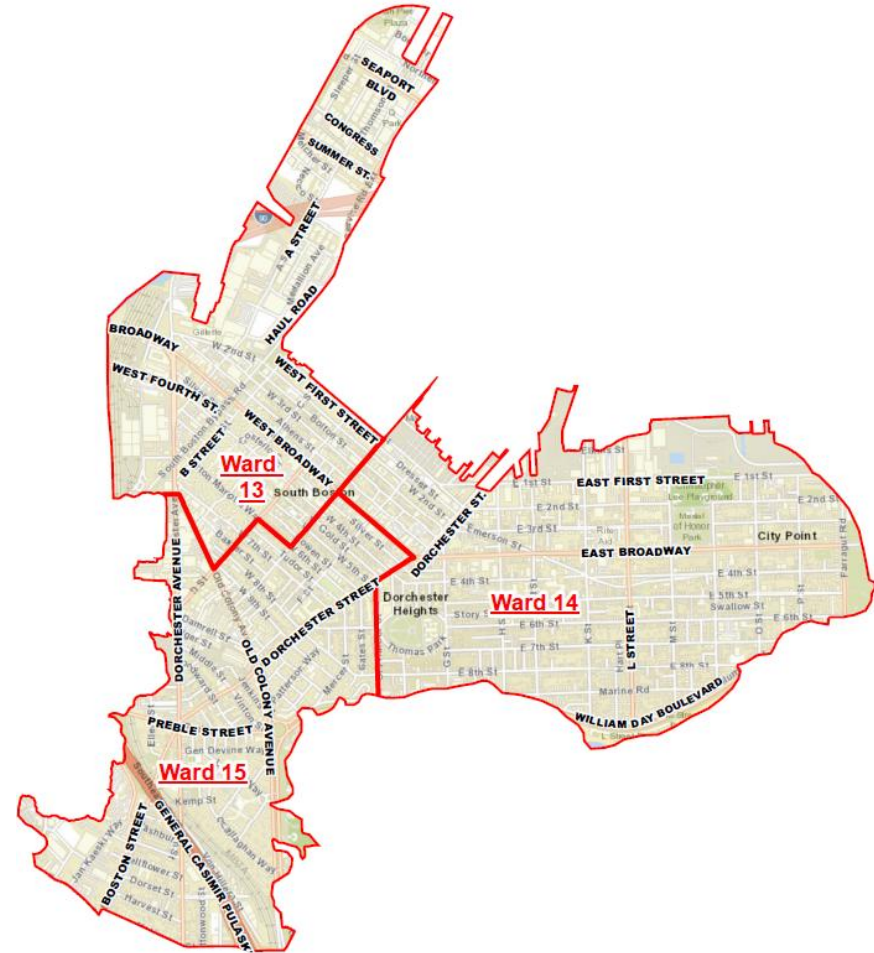


Project Proposal: South Boston Municipal Courthouse

- The Commonwealth currently owns one Courthouse in South Boston, totaling 25,035 square feet: the South Boston Municipal Courthouse (*also known as the Chief Justice Joseph F. Feeney Courthouse*) located at 535 East Broadway, which houses the Boston Municipal Court
- This facility is in need of substantial renovations and no longer meets the needs of the Massachusetts Trial Court
- It is estimated that it would cost up to \$2,000 PSF to build out a new court facility for the South Boston Municipal Courthouse. Assuming a 30,000 SF courthouse, this could cost the Commonwealth approximately \$60M

Project Proposal: South Boston Municipal Courthouse

- Massachusetts Trial Court seeks approval under MGL (*Mass General Law*) Chapter 7B from the Asset Management Board to enter into a lease for:
 - Judicial, administrative, detention, and court services space
 - Not more than approximately 30,000 usable square feet
 - An initial lease term of 40 years and two ten-year extension options, for a maximum term of 60 years
 - A location within South Boston Wards 13, 14, and 15 as shown to the right. Lease catchment area as shown is required under MGL Chapter 218 s. 1.



Project Proposal: South Boston Municipal Courthouse

- In accordance with 810 CMR 2.06(2), the Final Project Proposal includes:
 - A detailed description of the Project with all noted items
 - Secretariat approval
 - Identification of agency needs
 - Public comments received
 - Statement of conflicting laws and regulations to be waived and description of competitive acquisition process
 - Agency plan to assist AMB in monitoring the Project
 - Statement of agency responsible for Project implementation
 - A schedule for implementation showing major milestones and completion dates

Project Proposal: South Boston Municipal Courthouse

- Public Purpose and Benefits

- C. 7C § 35 authorizes leases for a term not exceeding 10 years
- The Asset Management Board has the authority to authorize a longer term
- The goals of the Project are to achieve the following public purposes and public benefits:
 1. Establish a new courthouse that can be procured and developed more efficiently and expediently than a traditional Commonwealth-owned facility;
 2. Release substantial capital funding that would otherwise be necessary for constructing a new Commonwealth-owned facility or renovating the existing site;
 3. Reduce costs associated with leasehold improvements, purchase and installation of specialized fit-up for court use and moving costs that are incurred each time an agency relocates;
 4. Capture the value of improvements and investments made for the Commonwealth; and
 5. Promote sound management of the Commonwealth's use of space and portfolio of leased space

Project Proposal: South Boston Municipal Courthouse

- **Alternative Acquisition Process & Competitive Selection Process:** Following Asset Management Board approval of a Project Proposal for this Project, DCAMM (*Division of Capital Asset Management and Maintenance*), in coordination with the Massachusetts Trial Court, will undertake the following process to select a proposal and enter into a lease:
 1. Prepare RFP (Request for Proposal): DCAMM will prepare and issue the RFP to procure leased judicial, administrative, detention and court services space. The RFP will specify the date, time, and place for submission of proposals. The RFP informs all potential proposers of:
 - the Commonwealth's space needs,
 - the steps proposers must take to submit a proposal,
 - the procedures followed and the criteria used by DCAMM and the User Agency to evaluate proposals and select the proposal most advantageous to the Commonwealth's needs,
 - the Lease to be executed between the property owner and the Commonwealth of Massachusetts acting by and through DCAMM on behalf of the User Agency, and
 - the Landlord's Services and Landlord's Improvements the Landlord must provide under the Lease.
 2. Advertise RFP: The RFP will be advertised in accordance with the provisions of Chapter 7C, Section 36.
 3. Receive Proposals, Evaluate, Select Proposal: Proposals will be evaluated based on the requirements and criteria specified in the RFP. DCAMM will select the most advantageous proposal based on evaluation of the proposals received and the recommendations of the Massachusetts Trial Court.
 4. Documentation: DCAMM, in consultation with the Massachusetts Trial Court, will prepare the necessary legal documents for the lease transaction.
 5. Execute Lease: DCAMM will execute the lease for the Commonwealth on behalf of the Massachusetts Trial Court.

Project Timeline: South Boston Municipal Courthouse

- Anticipated Milestones

Task	Approximate Date
Asset Management Board Approval	1 st Quarter 2025
Issue RFP; advertise in accordance with c. 7C, §36	1 st Quarter 2025
Proposal Submission Deadline	2 nd Quarter 2025
Proposal Selected	4 th Quarter 2025
Lease Executed	1 st Quarter 2026

- Proposers will be required to submit estimated timeline from Lease Execution to Project Completion with their proposal.



Project Proposal: South Boston Municipal Courthouse

- Laws and Regulations to be Waived

- M.G.L. Chapter 7C, Section 33-37, except Section 36 (Acquisition of Real Property by Lease and 10 Year Limitation) – These sections govern the acquisition of real property by lease, including the limitation of the length of the term of any lease acquisition to a maximum of 10 years. These sections should be waived to make clear the acquisition of this lease is pursuant to AMB authorization, not M.G.L. Chapter 7C.
- M.G.L. Chapter 30, Sections 39F through 39R inclusive (but not Section 39H); M.G.L. Chapter 149, Sections 44A through 44J inclusive, except for certification of non-collusion in contracting requirement – These laws govern competitive procurement of construction contracts by state authorities, departments and municipalities. While a competitive process will be required, the selection will be based on factors including, but not limited to, cost of construction and therefore the public construction laws will not apply. The non-collusion in contracting requirement would not be waived, nor would any laws pertaining to the payment of prevailing wages.
- 810 CMR (Code of Massachusetts Regulations) 2.06(2)(c) (Polling Requirement) –The second sentence of Section 2(c) requires the DCAMM Commissioner to certify that the Project does not conflict with the current and foreseeable needs of any agency of the Commonwealth. Since this transaction does not require state polling, the requirement in this second sentence should be waived to make it clear that the Commissioner’s certification is not required.

Project Proposal: South Boston Municipal Courthouse

- Public Participation, Review and Comment

- Massachusetts Trial Court published a “Notice of Intent to Submit a Proposal and Public Hearing” with an invitation for public comment in accordance with regulations as follows:
 - The Central Register for two consecutive weeks
 - The Boston Globe for two consecutive weeks
 - On the Mass.gov website with a downloadable copy of the Project Proposal
- Notices were sent to members of the General Court with districts located within the acquisition search area, the Secretary of the Commonwealth of Massachusetts with a copy to the Executive Office of Administration and Finance, the Planning Council for the acquisition search area, municipal officials located within the acquisition search area, and to members of the Asset Management Board.
- Public comment period closes Saturday, January 11, 2025, at 4:00 P.M. E.T.
- Comments may be emailed to Kendra.Howes@mass.gov



Project Proposal: South Boston Municipal Courthouse

- Conclusion

- The Massachusetts Trial Court believes that this request for authorization to enter into a 40-year lease with two ten-year extension options through a competitive request for proposals process is in the public interest, and meets the standards set forth in M.G.L. Chapter 7B and in 810 CMR 2.02(1)(a) through (g).
- Should the AMB approve this Project Proposal, DCAMM, in collaboration with the Massachusetts Trial Court, will issue a Request for Proposals for the procurement of a lease through the competitive selection process identified in this Project Proposal.

Project Proposal: South Boston Municipal Courthouse

Comments may be emailed to Kendra.Howes@mass.gov
Public comment period closes Saturday, January 11, 2025, at 4:00 P.M. E.T.

