



CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

Retail Interior Accessibility Program Guidelines

INTRODUCTION

The Retail Interior Accessibility Program (RIAP) helps property owners and business tenants improve the accessibility of the inside of their commercial building by paying for a portion of select construction or rehabilitation costs. RIAP funds are paid in the form of a reimbursement check, upon project completion. RIAP funds are a grant, not a loan, and are not considered taxable income.

Past RIAP funds have been reimbursed to projects built according to American with Disabilities Acts (ADA) and the Massachusetts Architectural Access Board (MAAB) standards and regulations, such as:

- Accessible bathrooms
- Bar/Restaurant countertops built to accessible heights
- Checkout or sales register countertops built to accessible heights
- Shelving installed at accessible heights
- Tables, chairs, or other seating built to accessibility regulations
- Interior lifts
- Interior ramps and/or walkways

To qualify for reimbursement funds, interested property owners and business tenants must complete an RIAP application, provide quotes and designs from contractors/vendors, and be approved by the RIAP manager to enter into a contract with the City of Cambridge.

Approved projects are now eligible for 90% reimbursement, **up to \$25,000 in funds.**

If you wish to participate in the Retail Interior Accessibility Program, please contact Christina DiLisio at CDD, (617) 349-4601 (voice) or 617-349-4621 (TTY), or e-mail at cdilisio@cambridgema.gov. The City of Cambridge will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon request.

ELIGIBILITY CRITERIA

The following criteria apply to all Retail Interior Accessibility Program (RIAP) applicants and prospective projects:

- 1. Improvements, or payments to a vendor, that are made prior to a signed RIAP contract with the City/CDD are not eligible for reimbursement.**
2. Proposed improvements must be permanent and remain inside the business for customers to use (e.g., modular shelving or movable carts are not eligible).
3. Applicants must comply with all federal, state, and local laws and regulations pertaining to licensing, permits, building code, accessibility regulations, and zoning requirements.
4. Applicants must be property owners or commercial tenants whose storefronts face onto a Cambridge street.
5. Applicant's storefront must have least one accessible entry and exit way at time of program approval or have a fully executed Storefront Improvement Program contract in place detailing a scope of services that includes the creation of an accessible entry and exit way.
6. Commercial retail tenants must offer goods or services that are open to the public.
7. Tenants must have written approval from property owners to participate in program and must have a current lease that is for a minimum of one year with an option to renew. Month-to-month leases will not be accepted.
8. Property owners must be up to date on all municipal taxes prior to participation in the program.
9. Preference will be given to independent businesses not required by contractual arrangement to maintain standardized décor, architecture, signs, or similar features.
10. Preference will be given to businesses owned by historically excluded persons (women, people of color, veterans, individuals that are disabled, and members of the LGBTQ+ community).

The City of Cambridge reserves the right to apply additional criteria before accepting project if program demand exceeds budgeted resources.

DESIGN PRINCIPLES AND GUIDELINES

All businesses open to the public must comply with local, state, and federal accessibility requirements. The Americans with Disabilities Act (ADA) is a federal law which includes standards for accessible design, to ensure that businesses are accessible to individuals with disabilities. The Massachusetts Architectural Access Board (MAAB) is a state agency that has its own accessibility regulations. While MAAB and ADA accessibility standards are similar in many respects, there are some differences. In cases where the regulations differ, those requiring a greater level of accessibility supersede the others. Though it does not include all regulations, helpful documents to get started are "The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removals" at <http://www.ada.gov/racheck.pdf> and "ADA Guide for Small Businesses" at <http://www.ada.gov/smbusgd.pdf>.

PROGRAM INFORMATION

A. Financial Assistance

Any permanent construction or substantial rehabilitation work that exceeds \$2,000 is subject to the Davis-Bacon and Related Acts (DBRA) under HUD guidelines. DBRA mandates that all workers on the job are paid a locally determined prevailing wage as established by the U.S. Department of Labor. The city is obligated to verify that all DBRA requirements are satisfied. DBRA wages and forms for contractors/vendors are included at the end of these guidelines so that applicants can discuss wage rates with prospective contractors/vendors. Grant awards, and associated contracts, may be withheld until contractor/vendor wages can be confirmed by the RIAP Manager.

City staff from the Community Development Department (CDD) may withhold funds if accessibility upgrades are constructed incorrectly, not to code, and if an MAAB Variance is/has not been granted by the MAAB.

B. Technical Assistance

The RIAP manager and City staff are available to provide guidance on interior accessibility improvements specific to individual businesses. The applicant will hire their own licensed architect to work on the project from start to completion. **Early meetings with the program manager as well as other City staff are necessary in order to help avoid misunderstanding as to the eligibility of proposals.** The program manager and City staff may direct applicants to apply for a MAAB variance(s) to determine the exact nature of improvements required.

PROCEDURES

All prospective applicants must follow the procedures in the order outlined below.

1. Applicant meets with the program manager for initial project discussion and files an application. Additional meetings with the program manager and other City staff may be necessary to discuss building program and design alternatives, depending on proposed scope of work. The program manager and City staff may direct applicant to apply for a MAAB variance(s) in order to determine required improvements.
2. Applicant's architect prepares and submits conceptual designs and budget estimates to applicant and program manager for review (when applicable). A meeting will be set up to discuss these plans.
3. If necessary, applicant's architect prepares final design drawings and submits them to the program manager for review and final approval.
4. Upon approval of final designs, the applicant has thirty (30) days to solicit two written bids from the contractors necessary to complete the improvement scope of work. **Bids from each contractor must be itemized so that a cost is associated with each task or material to be installed.**
5. Upon approval of submitted bids by the program manager, the applicant will enter into a contract for reimbursement with the City of Cambridge. The maximum funding amount indicated on the contract will be based upon the lowest bid for proposed improvement project and program grant limits.
6. A pre-construction meeting takes place between the applicant, the program manager and any additional City staff, selected contractor, and project architect.
7. The program manager sends applicant a "Notice to Proceed with Improvements" or signed contract. **Any work completed prior to receiving the "Notice to Proceed with Improvements" written note or signed contract will not be reimbursed.**
8. Applicant has sixty (60) days from the execution date of the contract to begin implementation of approved improvements. Applicant must provide the program manager with copies of all building permits and certifications received for improvement project.

9. Contractor constructs project improvements as specified in the final design. Any changes previously agreed upon and contracted must have prior written approval of the appropriate City staff (e.g., Inspectional Services Department, Community Development Department). It is up to the applicant to notify all the appropriate City staff of these changes in writing.
10. Applicant must notify the program manager immediately of any unforeseen issues that come up during construction which may alter the agreed upon final design. Site visits by the program manager and any other City staff (as needed) may be required before proceeding, particularly if accessibility will be affected.
11. Applicant notifies the program manager once project is completed.
12. Program manager and City staff certify that the improvements comply with the final drawings and specifications, including any specifications communicated from the MAAB variance application process, if necessary.
13. The architect and/or contractor(s) must submit letters to the program manager acknowledging full payment by the applicant. The applicant must submit to the program manager copies of all paid invoices and copies of cancelled checks or credit card statements.
14. The program manager submits invoices for City of Cambridge to issue reimbursement check.
15. Projects are not eligible for reimbursement until compliance with all Federal and State accessibility regulations have been met and an accessible entrance and exit constructed.

The Retail Interior Accessibility Program reserves the right to make adjustments regarding conditions and parameters outlined in these guidelines.

TERMINATION

The City of Cambridge has the right to terminate any agreement under the Retail Interior Accessibility Program if a participant is found to be in violation of any conditions set forth in these guidelines or if the project has been started prior to an executed agreement with the City of Cambridge.

ADDITIONAL RESOURCES

Visit the Cambridge Community Development Department website for a full list of information about additional business development resources: www.cambridgema.gov/business

NAME OF CONTRACTOR ☐ OR SUBCONTRACTOR ☐		ADDRESS	OMB No.: 1235-0008 Expires: 01/31/2015

FOR WEEK ENDING						PROJECT AND LOCATION							PROJECT OR CONTRACT NO.							
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE									(5)		(6)	(7)	(8) DEDUCTIONS				(9) NET WAGES PAID FOR WEEK
			HOURS WORKED EACH DAY						TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS					
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the payrolls to determine that employees have received legally required wages and fringe benefits.

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W.

Date _____

I, _____ (Name of Signatory Party) _____ (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____ on the _____
(Contractor or Subcontractor)
_____ (Building or Work); that during the payroll period commencing on the _____ day of _____, _____, and ending the _____ day of _____, _____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said _____

_____ (Contractor or Subcontractor) _____ from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	