



Thank you for your interest in the Commonwealth of Pennsylvania's Solicitation for Proposals for the sale of Commonwealth-owned real property consisting of approximately 195.167-acres of land, situate partly in the City of Allentown and partly in the City of Bethlehem, formerly known as the Allentown State Hospital property.

Enclosed you will find **Solicitation for Proposals #95192 (SFP)**. The SFP contains information that will guide you in preparing and submitting a proposal.

Proposals must be received in the office of the Bureau of Real Estate at the address below no later than **3:00p.m., May 18, 2022**. Late proposals will not be considered.

Proposals (including both the Development Submittal and Cost Submittal) must be submitted in a sealed envelope with the word "**ALLENTOWN STATE HOSPITAL PROPOSAL**" printed boldly on the front of the envelope. Also show the following information on the front of the envelope: "**SFP #95192 "Due Date – May 18, 2022**". Do not submit a proposal for another requirement in the same envelope with your proposal for this particular requirement.

Please be advised that this is a Sale of Real Property solicitation process. The Commonwealth of Pennsylvania reserves the right to reject any or all proposals, waive any defect or negotiate for better terms. To ensure that your proposal is considered, please be sure to carefully read the whole document and follow all instructions.

If you have any questions concerning the enclosed SFP, please contact Andrew Lick, the Issuing Officer at (717) 772-8842 or alick@pa.gov.

**Department of General Services
Bureau of Real Estate
503 North Office Building
Harrisburg, PA 17125**

SOLICITATION FOR PROPOSALS # 95192

**SALE OF THE FORMER
ALLENTOWN STATE HOSPITAL PROPERTY**

**1600 HANOVER AVENUE
CITY OF ALLENTOWN
LEHIGH COUNTY
PENNSYLVANIA, 18109**

Date of Issue: **January 19, 2022**

Issuing Office:

Department of General Services
Bureau of Real Estate
503 North Office Building
Harrisburg, PA 17125
(717) 772-8842

SOLICITATION FOR PROPOSALS # 95192

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CALENDAR OF EVENTS

The Commonwealth will make every effort to adhere to the following schedule:

Activity	Responsibility	Date
Deadline to submit Questions via email to Andrew Lick at: alick@pa.gov .	Potential Proposers	April 27, 2022
Deadline for Completion of Inspection of the Property	Potential Proposers	April 27, 2022
Answers to Potential Proposer questions posted to eMarketplace at http://www.emarketplace.state.pa.us/Search.aspx no later than this date.	Issuing Office	No later than May 4, 2022
Please monitor the eMarketplace website for all communications regarding the SFP.	Potential Proposers	On Going
Five identical flash drives containing the electronic proposal must be received by the Issuing Office at: PA Department of General Services Bureau of Real Estate Attn: Andrew Lick 503 North Office Building Harrisburg, PA 17125	Proposers	May 18, 2022

PART I.

GENERAL INFORMATION FOR PROPOSERS

A. PURPOSE:

Through this Solicitation for Proposals (SFP), the Department of General Services (DGS) is seeking proposals under the authority contained in **Act 71 of 2019 (Attachment B)** for the purchase of Commonwealth-owned real property consisting of approximately 195.167-acres of land, situate partly in the City of Allentown and partly in the City of Bethlehem, formerly known as the Allentown State Hospital property ("Property"). The Property consists of Lehigh County Tax Parcel ID#'s 641726847797-1, 641714848376-1 and 641746460329-1. The Property will be sold on an as-is basis.

B. ISSUING OFFICE:

The DGS Bureau of Real Estate has issued this SFP on behalf of the Commonwealth of Pennsylvania (Commonwealth). The sole point of contact for this SFP shall be the Issuing Officer listed below. Please refer all inquiries to the Issuing Officer:

Andrew Lick, Issuing Officer
Department of General Services
Bureau of Real Estate
503 North Office Building
Harrisburg, PA 17125
Phone: (717) 772-8842
Email: alick@pa.gov

C. SCOPE:

The SFP contains instructions governing the proposals to be submitted, the material to be included, requirements that must be met to be eligible for consideration, and a description of the Commonwealth's and the selected Proposer's responsibilities.

D. TYPE OF AGREEMENT:

The selected Proposer will have 15 calendar days following the notice of award to sign the agreement of sale in substantially the form found in **Attachment G, Sample Agreement of Sale**. Failure of the selected proposer to sign the agreement of sale within this timeframe may, in the sole discretion of the Department of General Services, result in rejection of the proposal and forfeiture of the 2% proposal guarantee. A proposer may submit requested changes to the Agreement of Sale as part of their Development Submittal package for consideration by DGS. DGS will, at its sole discretion, determine whether to accept any proposed changes to the Agreement of Sale.

The Agreement of Sale will stipulate that Closing will occur within 90 days of a fully executed Agreement of Sale. Proposers should indicate their proposed timeline for Closing on or before that date.

The Commonwealth reserves the right, through negotiation, to include representations made by Proposers as part of their Development Submittal, including the proposed use of the Property, into the Deed as covenants.

E. INSPECTION OF THE PROPERTY:

Inspection of the Property may be arranged by contacting the Issuing Officer. Inspections of the property must occur on or before April 27, 2022.

F. RESPONSE DATE:

To be considered, proposals must arrive at the Issuing Office on or before the date and time as specified in the cover letter and SFP Calendar of Events. If proposals are mailed, adequate time should be allowed for delivery no later than the proposal due date and time. Please ensure that the mailing envelope is clearly marked "Allentown State Hospital Proposal." **The Issuing Office will reject any late proposals.**

G. SUBMISSION OF PROPOSALS:

- 1. Development Submittal:** To be considered, Proposers must submit a complete response to this SFP to the Issuing Office, using the format provided in **Part I. G.2**, providing five (5) identical electronic copies of the proposal, with each copy containing separate files identified as **the Development Submittal** and **the Cost Submittal**. The electronic submittals must be on flash drive in Microsoft Office or Microsoft Office compatible format and any spreadsheets must be in Microsoft Excel. Proposers may not lock or protect any cells or tabs. The flash drives should clearly identify the Proposer and include the name and version number of the virus scanning software that was used to scan the flash drives before they were submitted. Proposals submitted in paper, on CD or DVD, or through other electronic methods will not be accepted.

Proposals must be signed by an official who is authorized to bind the interested party to its provisions. For this SFP, the proposal must remain firm and binding for at least 120 days from the due date specified in the cover letter. Moreover, the conditions of the selected proposal may be included in the Deed as covenants through negotiation.

Proposers must submit a complete proposal. Failure to include any of the required information or forms will delay evaluation of the proposal and may, at the Commonwealth's sole discretion, result in its rejection.

Proposals must be submitted in a sealed envelope with the words "**ALLENTOWN STATE HOSPITAL PROPOSAL**" printed boldly on the front of the envelope. Also show the following information on the front of the envelope: **SFP # 95192, Due Date – May 18, 2022**. Do not submit a proposal for another requirement in the same envelope with your proposal for this particular requirement.

- 2. Proposal Format:** Proposers must submit their proposals in the format, including heading descriptions, outlined below. To be considered, the proposal must respond to all proposal requirements. Proposers should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal. All Cost Submittal data relating to this proposal should be kept separate from and not be included in the

Development Submittal. Proposers should not reiterate Development Submittal information in the Cost Submittal. Each proposal shall consist of the following **two (2)** separately identified submittals:

- a. **Development Submittal**, in response to **Part IV**: and
- b. **Cost Submittal**, in response to **SFP Part V**.

The Issuing Office reserves the right to request additional information which, in the Issuing Office's opinion, is necessary to assure that the Proposer's competence, number of qualified employees, business organization, and financial resources are adequate to perform according to the SFP.

The Issuing Office may make investigations as deemed necessary to determine the ability of the Proposer to meet any obligations or representations made by the Proposer as part of its proposal, and the Proposer shall furnish to the Issuing Office all requested information and data. The Issuing Office reserves the right to reject any proposal if the evidence submitted by, or investigation of, such Proposer fails to satisfy the Issuing Office that such Proposer is properly qualified to carry out the obligations of the SFP and to complete the sale as proposed, specified, and required.

H. EVALUATION CRITERIA:

Proposals will be evaluated based upon the following criteria: Proposer's development plan and the demonstrated ability and likelihood of performing the plan based on the Proposer's experience and success with plans of similar size and scope; the development plan's benefit to the community, including return on investment, proposed use of the Property, job creation, return to the property tax rolls; appropriate integration of the plan into the surrounding community; redevelopment timeline; public communication strategy; level of future public maintenance obligation requirement including burden of development on the Allentown School District; potential legacy costs to the local municipalities for future expenditures such as public road maintenance, utilities and other infrastructure; consistency with the Allentown Vision 2030 Comprehensive & Economic Development Plan (**Attachment M**); consistency with the Reuse Feasibility Study for Allentown State Hospital (**Attachment N**); and cost.

I. PROPOSER RESPONSIBILITY:

To be responsible, a Proposer must submit a responsive proposal and possess the capability to fully perform the requirements set forth in this SFP in all respects and the integrity and reliability to assure good faith performance of the Proposal and Agreement of Sale.

The Issuing Office will enter into an Agreement of Sale only with a Proposer determined to be responsible in accordance with the most current version of Commonwealth Management Directive 215.9, Contractor Responsibility Program.

J. FINAL RANKING AND AWARD:

1. After any best and final offer process conducted, the Issuing Office will select for negotiations the Proposer providing the best value to the Commonwealth as determined by the Evaluation Committee pursuant to the Evaluation Criteria set forth in Section H; and

2. The Issuing Office reserves the right to: Request additional information, negotiate with any or all proposers and to receive best and final offers, and/or reject any or all proposals and to seek new proposals.

K. INCURRING COSTS:

The Issuing Office is not liable for any costs the Proposer incurs in preparation and submission of its proposal, in participating in the SFP process or in anticipation of sale of the Property.

L. ECONOMY OF PREPARATION:

Proposals should be prepared simply and economically, providing a straightforward, concise description of the interested party's ability to meet the requirements of the SFP.

M. BEST AND FINAL OFFERS:

To obtain best and final offers from Proposers whose proposals are determined by the Commonwealth, in its sole discretion, to be reasonably susceptible of being selected for award, the Commonwealth may (a) enter into discussions; (b) schedule oral presentations; and (c) request revised proposals.

N. QUESTIONS AND ANSWERS:

If a Proposer has any questions regarding this SFP, the Proposer must submit the questions by email (**with the subject line "SFP #95192 Question"**) to the Issuing Officer named in **Part I., Section B** of this SFP. If a Proposer has questions, they must be submitted via email **no later than April 27, 2022**. Proposers shall not attempt to contact the issuing officer for questions by any other means. The Issuing Officer shall post the answers to the questions on the DGS website by the date stated on the Calendar of Events. A Proposer who submits a question *after* the deadline date for receipt of questions assumes the risk that its proposal will not be responsive or competitive because the Commonwealth is not able to respond before the proposal receipt date or in sufficient time for the Proposer to prepare a responsive or competitive proposal. When submitted after the deadline date for receipt of questions, the Issuing Officer *may* respond to questions of an administrative nature by directing the questioning Proposer to specific provisions in the SFP. To the extent that the Issuing Office decides to respond to a non-administrative question *after* the deadline date for receipt of questions, the answer must be provided to all Proposers through an addendum.

All questions and responses as posted on the DGS website are considered as an addendum to, and part of, this SFP. Each Proposer shall be responsible to monitor the DGS website for new or revised SFP information. The Issuing Office shall not be bound by any verbal information nor shall it be bound by any written information that is not either contained within the SFP or formally issued as an addendum by the Issuing Office.

The Commonwealth and its employees shall not be liable for any error in any advertisement, hand bill or announcement made by it or its employees, nor for any agreement, condition, representation or stipulation, oral or written, not specifically set forth herein. All verbal communication by employees or agents of the Commonwealth of Pennsylvania is for information purposes only. DGS does not guarantee the accuracy or the validity of the information conveyed

by its employees or agents.

O. ADDENDA TO THE SFP:

If it becomes necessary to revise any part of this SFP, an addendum will be issued to all Proposers who received the original SFP. For those who download the SFP from the DGS website, it will be their responsibility to check the website for addenda to the SFP prior to submitting their proposals.

P. SELECTED PROPOSER RESPONSIBILITIES:

The selected Proposer will be required to assume responsibility for all services and responsibilities offered in its proposal whether or not the Proposer actually performs them. Further, the Commonwealth will consider the Proposer to be the sole point of contact with regard to contractual matters.

Q. DISCLOSURE OF PROPOSAL CONTENTS:

1. Confidential Information

The Commonwealth is not requesting confidential proprietary information or trade secrets to be included as part of Proposers' Submittals. Accordingly, except as provided herein, Proposers should not label proposal submittals as confidential or proprietary or trade secret protected. Any Proposer who determines that it must divulge such information as part of its proposal must submit the signed written statement described in *subsection 3., Public Disclosure* below. After award, the selected Proposer must additionally provide a redacted version of its proposal, which removes only the confidential proprietary information and trade secrets, for required public disclosure purposes.

2. Commonwealth Use

All material submitted with the proposal shall be considered the property of the Commonwealth of Pennsylvania. The Commonwealth has the right to use any or all ideas not protected by intellectual property rights that are presented in any proposal regardless of whether the proposal is awarded. Notwithstanding any Proposer copyright designations contained in proposals, the Commonwealth shall have the right to make copies and distribute proposals internally and to comply with public record or other disclosure requirements under the provisions of any Commonwealth or United States statute or regulation, or rule or order of any court of competent jurisdiction.

3. Public Disclosure

After the award of an agreement pursuant to this SFP, all proposal submittals are subject to disclosure in response to a request for public records made under the Pennsylvania Right-to-Know-Law, 65 P.S. § 67.101, et seq. If a proposal submittal contains confidential proprietary information or trade secrets, a signed written statement to this effect must be provided with the submittal in accordance with 65 P.S. § 67.707(b) for the information to be considered exempt under 65 P.S. § 67.708(b)(11) from public records requests. If financial capability information is submitted in response to this SFP, such financial capability information is exempt from public records disclosure under 65 P.S. § 67.708(b)(26).

R. PRESS RELEASES:

The Proposer shall not issue press releases, Internet postings, advertisements or any other public communications pertaining to this SFP.

S. ORDER OF PRECEDENCE:

If any discrepancies in interpretation arise, the terms of the Agreement of Sale are the first point of reference, the SFP and all attachments are the second, and the Proposal is the third.

T. PROPOSER'S REPRESENTATIONS AND AUTHORIZATIONS:

By submitting its proposal, each Proposer understands, represents, and acknowledges that:

1. All of the Proposer's information and representations in the proposal are material and important, and the Issuing Office may rely upon the contents of the proposal in determining the award. The Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts relating to the Proposal Submittal, punishable pursuant to 18 Pa. C.S. § 4904;
2. The Proposer has arrived at its Cost in its Proposal independently and without consultation, communication, or agreement with any other Proposer or potential Proposer;
3. The Proposer has not disclosed the exact or approximate price(s) or amount(s) of its proposal to any other firm or person who is a Proposer or potential Proposer for this SFP, and the Proposer shall not disclose any of these items on or before the Proposal Submittal deadline specified in the **Calendar of Events of this SFP**;
4. The Proposer has not attempted, nor will it attempt, to induce any firm or person to refrain from submitting a proposal on this SFP, or to submit a proposal higher than this proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal;
5. The Proposer makes its proposal in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal;
6. To the best knowledge of the person signing the proposal for the Proposer, the Proposer, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four (4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract or lease, except as the Proposer has disclosed in its proposal;
7. To the best of the knowledge of the person signing the proposal for the Proposer and except as the Proposer has otherwise disclosed in its proposal, the Proposer has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Proposer that is owed to the Commonwealth;

8. The Proposer is not currently under suspension or debarment by the Commonwealth, any other state or the federal government, and if the Proposer cannot so certify, then it shall submit along with its proposal a written explanation of why it cannot make such certification;
9. The Proposer has not made, under separate contract with the Issuing Office, any recommendations to the Issuing Office concerning the need for the purchase of the Property described in its proposal or the specifications of the Development plan described in the proposal;
10. Each Proposer, by submitting its proposal, authorizes Commonwealth agencies to release to the Commonwealth information concerning the Proposer's Pennsylvania taxes, unemployment compensation and workers' compensation liabilities; and
11. Until the selected Proposer receives a fully executed and approved written Agreement of Sale from the Issuing Office, there is no legal and valid Agreement of Sale, in law or in equity.
12. The Proposer is not currently engaged, and will not during the duration of the lease engage, in a boycott of a person or an entity based in or doing business with a jurisdiction which the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce.

PART II.

PURPOSE

A. SALE OF FORMER ALLENTOWN STATE HOSPITAL PROPERTY

1. The Department of General Services (DGS) is seeking proposals under the authority contained in **Act 71 of 2019 (Attachment B)**, for the purchase of Commonwealth-owned real property consisting of approximately 195.167-acres of land, situate partly in the City of Allentown and partly in the City of Bethlehem, formerly known as the Allentown State Hospital property ("Property"). The Property boundaries are set forth in **Attachment K**, which is the final survey/subdivision that was recorded in the Recorder of Deeds for Lehigh County. The Property consists of Lehigh County Tax Parcel ID#'s 641726847797-1, 641714848376-1, and 641746460329-1. The Property will be sold on an as-is basis.
2. The property is situated in the IG-Institutional and Government zoning district of the City of Allentown and the RR-Rural Residential zoning district of the City of Bethlehem. Proposers should review the current zoning ordinances before submitting a proposal.
3. The property is subject to a 55-year lease between the Commonwealth of Pennsylvania and the Lehigh County Housing Authority dated December 28, 1989 (**Attachment I**). Sale of the property is subject to the assignment of the Lease to the successful Offeror at Closing.
4. In order to be eligible for selection for award, a Development Proposal must include the following items:
 - a. One acre of ground to be conveyed in fee simple for nominal consideration to the East Side Youth Center for use as a soccer field, which may be located anywhere within

the proposed development but ideally within close proximity to residential development and the proposed location for a school as identified below;

- b. One acre of ground to be conveyed in fee simple for nominal consideration to Community Services for Children to be utilized for parking, which shall be adjacent to Community Services for Children;
 - c. Preservation of the steep slope that traverses the southern portion of the property (that parallels River Drive) by promptly conveying a preservation/recreation easement for nominal consideration to the Wildlands Conservancy. The easement shall run with the land in perpetuity; and
 - d. Six to eight acres of ground to be potentially conveyed in fee simple to the School District of Allentown at fair market value, which shall be located within the property boundaries depicted on Attachment K. The Commonwealth is not certain as to whether the school will be approved and built, therefore the Development Proposal should include an alternate use for those six to eight acres.
5. The Commonwealth will prefer:
- a. Proposals that include mixed-use development and development that is not overly weighted toward residential;
 - b. Proposals that are privately financed (although the Commonwealth will still consider proposals with public financing); and
 - c. Thoughtful accommodation of traffic impacts on the proposed development and surrounding community.
6. The Commonwealth will not consider proposals that contain industrial buildings with a footprint of 100,000 square feet or above used exclusively for logistics distribution.
7. The following documents are available for review, and you may contact Andrew Lick by email (alick@pa.gov) to request an electronic copy:
- a. Site/property plan (**Attachment K**).
 - b. A Phase I & II Environmental Site Assessment. (The **Executive Summary from the Phase I & II Environmental Site Assessment** is included as **Attachment Li**.) DGS does not guarantee the accuracy of the environmental reports and is not responsible for discrepancies between the report and existing conditions.
 - c. The complete as-built plans from demolition (**The general overview map of the as-built plans** is included as **Attachment Lii**).

PART III.

REQUIREMENTS

Proposers must affirmatively indicate their understanding and agreement to the following requirements:

- A. A use restriction which may be placed in the deed of conveyance restricting the use of the property to the use set forth in the awarded proposal.
- B. The following restrictive covenant in the deed of conveyance as required by Act 71 of 2019: “UNDER AND SUBJECT to the condition, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under state law. The condition shall be a covenant running with the land and shall be binding upon the GRANTEE, its successors and assigns. Should the GRANTEE, its successors or assigns, permit any portion of the property to be used in violation of this restriction, the title shall immediately revert to and revest in the GRANTOR.”
- C. The Commonwealth of Pennsylvania’s reservation of a permanent easement to retain an existing air monitoring station on the property. The easement will also provide that the Commonwealth will have reasonable ingress and egress to the air monitoring station. A form of the easement is attached hereto as **Attachment J, Form of Easement for Air Monitoring Station**

PART IV.

DEVELOPMENT SUBMITTAL REQUIREMENTS

This section contains information that will guide Proposers in preparing and submitting a proposal. **To be considered, the proposal should respond to all requirements in this part of the SFP.** Any other information thought to be relevant, but not applicable to the enumerated categories, should be provided as an appendix to the proposal.

A. PROPOSAL COVER SHEET:

Include a **Proposal Cover Sheet, Attachment A**, signed by an individual authorized to contractually bind the selected Proposer to the contents of the proposal. Unsigned proposals will be rejected.

B. WORK PLAN:

1. Describe in detail your development plan. Include a project Pro Forma and a detailed project schedule which identifies all phases of your development plan. Provide documentation demonstrating your ability and likelihood of accomplishing the plan, identifying both private and public financing and identify whether such financing has been secured. Describe requirements for rezoning the property to accommodate the proposed development. Indicate whether the development plan includes the intent to sell portions of the Property to other developers. Provide high-level concept plans for the proposed development. Provide drawings and any other supporting documentation. Describe in detail how your development plan will address or impact the following: return on investment; proposed use of the Property; job creation; return to the property tax rolls; appropriate integration of the plan into the surrounding community; redevelopment timeline; public communication strategy; level of

future public maintenance obligation requirement including burden of development on the Allentown School District; potential legacy costs to the local municipalities for future expenditures such as public road maintenance, utilities and other infrastructure; consistency with the Allentown Vision 2030 Comprehensive & Economic Development Plan (**Attachment M**); consistency with the Reuse Feasibility Study for Allentown State Hospital (**Attachment N**); and any other benefits to the community.

C. ADDITIONAL REQUIRED DOCUMENTATION:

1. Submit a fully completed **W-9 form**, found in **Attachment D**, with your proposal.
2. Submit a completed and notarized **Statement of Non-Collusion**, in the form found in **Attachment E**, with your proposal.

PART V.

COST SUBMITTAL

The information requested in this **Part V.** shall constitute the Cost Submittal. The Cost Submittal shall be submitted electronically in accordance with **Part I., Section G.** The total cost should be set forth in **Attachment C, Cost Submittal.**

Proposals must be firm. If a proposal is submitted with conditions or exceptions, or not in conformance with the terms and conditions of this SFP, it may be rejected.

A minimum acceptable offer of \$5.5 million has been established. **All proposers must submit a certified check, made payable to the Commonwealth of Pennsylvania, for 2% of the proposer's offered purchase price.** Any proposal which does not meet the required minimum acceptable offer of \$5.5 million or does not contain the 2% proposal guarantee will be rejected. The Commonwealth will return the 2% proposal guarantee to Proposers not selected for award. If the selected Proposer later decides to not accept the property, is unable to obtain financing, or for whatever reason has not executed an Agreement of Sale within the allotted timeframe, the 2% deposit will be forfeited.

Proposers should direct in writing to the Issuing Office pursuant to Part I., Section N., of this SFP any questions regarding the Cost Submittal. All Proposers will then have the benefit of the Issuing Office's written answer so that all proposals are submitted on the same basis.