



Philadelphia
Redevelopment
Authority



Request for Proposal
Affordable Homeownership
4900 Block of Girard Avenue
August 12, 2019

Table of Contents

1. Application Process	1
2. Introduction and Description of Project Site	3
3. Scope of Work	6
4. Proposal Submission Requirements.....	7
5. Evaluation/Selection	10
6. Disposition Process	12
7. Events of Disqualification or Default.....	12
8. Reservation of Rights	13

Attachments:

- A. Parkside-Lancaster Redevelopment Area Plan
- B. PRA Homebuyer Application Package
- C. Property Application Form
- D. Homeownership Development Pro Forma
- E. City of Philadelphia Economic Opportunity Plan
- F. Certificate of Non-Indebtedness
- G. Campaign Disclosure Forms
- H. Tax Clearance and Conflict of Interest Form
- I. Scoring Sheet

1. Application Process



The Philadelphia Redevelopment Authority ("PRA") is pleased to issue this Request for Proposals ("RFP") for publicly owned parcels on the 4900 Block of West Girard Avenue.

Prebid Meeting

A pre-bid meeting will be held at PRA's offices (1234 Market Street, 16th Floor) at 10:00 A.M. on August 28, 2019. This meeting is not mandatory; however, all applicants wishing to submit a response to this RFP ("Applicants") must either attend this meeting or express their intention to submit by the deadline specified below.

Intention to Submit

All Applicants must either attend the pre-bid meeting or express their intention to submit either in hard copy mail or email to bradley.vassallo@phila.gov by August 19, 2019 at 5:00 P.M. The names and contact information for all attendees at the prebid meeting and those who responded with intention to submit will be posted on PRA's website as public information.

Questions

All questions and requests for additional information should be directed in writing to Bradley Vassallo at bradley.vassallo@phila.gov. Questions will only be accepted until August 30, 2019 at 5:00 P.M. Questions and/or requests for additional information and the PRA's responses to them will be posted on the PRA website.

Submission Deadline

Applicants must submit proposals no later than September 13, 2019, at 3:00 P.M.; absolutely no proposals will be accepted after that time.

Related Parties

An Applicant, whether an individual or business entity, may submit only one response to this RFP. Individuals that are related to each other or business entities that are legally related to each other or to a common entity may not submit separate proposals. The PRA, in its sole and absolute discretion, retains the right to reject any proposal where: 1) Applicants or principals of Applicants are substantially similar or substantially related parties; or 2) the PRA has determined that the Applicant has violated these conditions or the spirit of these conditions.

Submission Process

Proposal submission will be accepted in either of the following:

1. Online Submission – via PRA's website (<http://www.philadelphiaredevelopmentauthority.org/>);
or
2. Hard Copy Submission – Submit 3 original copies of the proposal and one electronic copy on a USB Flash Drive to the PRA via hand delivery or registered mail. Files on the USB Flash Drive may only be in Microsoft Word or Adobe PDF. Applicants may hand deliver or send proposals via registered mail to: Bradley Vassallo, Philadelphia Redevelopment Authority, 1234 Market Street, 16th Floor, Philadelphia, PA 19107.



Schedule

The timeline for this Development Opportunity is as follows:

Notice of RFP Opportunity Posted	August 12, 2019
Pre-Bid Meeting	August 28, 2019, 10:00 AM
Submission of Intention to Submit (if Applicant did not attend the pre-bid meeting)	August 19, 2019, 5:00 PM
Questions and/or Requests for Additional Information Due	August 30, 2019, 5:00 PM
Proposals Due	September 13, 2019, 3:00 PM
Applicant(s) Selected - (Estimate Only)	October 18, 2019

PRA reserves the right, in its sole discretion, to alter this schedule as it deems necessary or appropriate.

2. Introduction and Description of Project Site

PRA is soliciting proposals for development of affordable housing on the 4900 block of West Girard Avenue (the "Project Site") in the Cathedral Park neighborhood of West Philadelphia. The Project Site is approximately 54,000 square feet spread over thirty-three (33) properties that include twenty-nine- (29) vacant lots and two (2) three-story vacant structures along the 4900 block of West Girard Avenue. The Project Site is composed of vacant lot properties owned by the City of Philadelphia Department of Public Property ("DPP") and PRA; it does **not** include privately-owned land on the block. Properties under the ownership of DPP will be transferred to the ownership of PRA prior to entering into a Redevelopment Agreement with the selected Applicant. The land that is within the Project Site is shown in the following list and map.



RFP PROPERTY LIST		Status		Zoning	SF*	
		Vacant Land	Vacant Structure			
Address	Ownership					
1	4915-17 W Girard	PRA	x	RM-1	3241	
2	4919 W Girard	DPP	x	RM-1	1691	
3	4921-29 W Girard	PRA	x	RM-1	7136	
4	4931 W Girard	DPP	x	RM-1	1029	
5	4933 W Girard	DPP	x	RM-1	1056	
6	4935 W Girard	DPP	x	RM-1	1088	
7	4937 W Girard	DPP	x	RM-1	1134	
8	4939 W Girard	PRA	x	RM-1	1168	
9	4941 W Girard	PRA	x	RM-1	1200	
10	4943 W Girard	DPP	x	RM-1	1237	
11	4945 W Girard	PRA		x	RM-1	1274
12	4947 W Girard	PRA	x	RM-1	1305	
13	4949 W Girard	PRA		x	RM-1	1347
14	4951 W Girard	PRA	x	RM-1	1376	
15	4953 W Girard	DPP	x	RM-1	1408	
16	4955 W Girard	DPP	x	RM-1	1450	
17	4957 W Girard	PRA	x	RM-1	1472	
18	4967 W Girard	DPP	x	RM-1	2080	
19	4969-73 W Girard	PRA	x	RM-1	5178	
20	4981 W Girard	PRA	x	RM-1	1904	
21	4983 W Girard	DPP	x	RM-1	1936	
22	4985 W Girard	DPP	x	RM-1	1968	
23	4987 W Girard	PRA	x	RM-1	2004	
24	4989 W Girard	DPP	x	RM-1	1057	
25	4989 1/2 W Girard	DPP	x	RM-1	1088	
26	4991 W Girard	DPP	x	RM-1	1120	
27	4991 1/2 W Girard	DPP	x	CMX-2	1120	
28	4993 1/2 W Girard	DPP	x	CMX-2	1237	
29	4995 W Girard	DPP	x	CMX-2	1440	
30	4997 W Girard	PRA	x	CMX-2	1296	
31	4997 1/2 W Girard	DPP	x	CMX-2	1203	
TOTAL		29	2		54,513	



*Estimated square footage based on data from Office of Innovation & Technology



The Project Site is located in City Council District 3 and the area includes the following seven (7) Registered Community Organizations (RCOs):

1. Cathedral Park CDC
2. HMC Square Community Association, Inc.
3. Parkside Association
4. Parkside Area Community Association
5. West Philly Pride
6. 44th Democratic Ward
7. 44th Ward Republican Committee

According to the Zoning Code, “If there is more than one RCO whose registered boundaries include the applicant's property, the district councilmember whose district includes the applicant's property shall select one of those RCOs as the Coordinating RCO, or may select two or more RCOs whose registered boundaries include the applicant’s property to serve jointly as the Coordinating RCO.”

With the exception of the five properties closest to 50th Street and zoned Neighborhood Commercial Mixed-Use (CMX-2), the current zoning at the Project Site is for Multi-Family Residential Uses (RM-1) as listed on the previous page. The permitted uses for CMX-2 include household living (but usually not on the first floor), commercial offices, professional services, retail, groceries, sit-down restaurants, educational facilities, government offices, and artist studios. The permitted uses for RM-1 include single family, two-family, or multi-family dwellings to accommodate moderate to high density residential buildings. If your proposed project will require a change in zoning, please indicate as such in the Executive Summary narrative.

About the Area

Cathedral Park is a small neighborhood in West Philadelphia bounded by Cathedral Cemetery and Girard Avenue on its south side. Collectively, this area bounded by Lancaster Avenue to the North and East, N. 52nd Street and Carroll Park, and W. Girard Avenue and Mill Creek to the South. The Centennial District containing the Philadelphia Zoo, the Please Touch Museum, Mann Music Center and portions of Fairmount Park is less than a mile away to the North and East of this neighborhood. To the South and East is the Lancaster Avenue business district.

The area is well served by public transportation including close proximity to SEPTA’s trolley routes 10 and 15, providing access to Center City and destinations in West Philadelphia, as well as connections with the Market/Frankford line, SEPTA regional rail and Amtrak service throughout the Northeast Corridor at 30th Street Station.

The public schools servicing Cathedral Park are the Rudolph Blankenberg School (K-8) and Overbook High School (9-12) as well as several charter schools in the neighborhood such as the Global Leadership Academy, Inquiry Charter School, and Discovery Charter School. A number of recreation facilities located in and around the area include the West Mill Creek Playground and Shepard Recreation Center in the nearby Haddington neighborhood, which is also where this area’s public library branch is located.

Three (3) commercial corridors/centers are near the Cathedral Park neighborhood: Lancaster Avenue, North 52nd Street (south of Lancaster Avenue and north of Wyalusing Avenue), and ParkWest Town Center along North 52nd Street between Lancaster Avenue and Parkside Avenues. The closest supermarket to the site is the ShopRite in ParkWest Town Center. There are many corner convenience stores and a small number of



restaurants, bars and takeout restaurants throughout the area; however few venues for purchasing fresh food and produce.

3. Scope of Work

PRA is soliciting proposals for a developer to construct affordable homeownership on the Project Site. Proposals must be designed to serve very low-, low-, moderate-, and middle-income households (those making below 120% of area median income). The site must be developed in accordance with the Parkside-Lancaster Redevelopment Area Plan (Attachment A). The controls of the Redevelopment Area Plan will run with the site for twenty five (25) years following execution of a Redevelopment Agreement with the selected Applicant. Any proposed changes to the Urban Renewal Plan must be clearly identified in the Applicant's narrative. Proposals should exhibit strong urban design and high-quality architecture, taking into consideration community context.

Parking

Applicants must explain what exceptions to the parking requirements of the requested zoning classification they may seek, and/or strategies for addressing parking solutions on or near the Project Site.

Sale in As-Is Condition

Applicants are solely responsible for all due diligence, including all costs of engineering, structural, geo-technical planning and environmental studies required for construction on the Project Site. The PRA makes no warranty or representation concerning the existence of any structural deficiencies, geo-technical deficiencies and/or environmental contamination on the Project Site, or upon any adjoining land or improvements, and the PRA is not now or at any time hereafter under any circumstance responsible for any of such conditions or for the analysis, care or remedy thereof. The Project Site will be transferred in its "as-is" condition and the selected Applicant is solely responsible for all structural, geo-technical and environmental repairs, stabilization and/or remediation required for construction on the Project Site. Any plans submitted pursuant to this RFP should consider and address the foregoing obligations and requirements.

Homebuyer Eligibility & Approval

Development of affordable housing on the Project Site requires that all homebuyers receive a PRA soft-second mortgage secured in a second lien position. In executing the agreement of sale to purchase, all homebuyers must submit a PRA Homebuyer Application (Attachment B) for the soft-second mortgage.

The PRA soft-second mortgage will require all homebuyers to submit the following information for approval (See Attachment B):

- Homebuyer Income Eligibility Form
- Declaration of Evidence of Citizenship or Eligible Immigration Status
- Conflict of Interest Disclosure Form
- Copies of current pay stubs (30 days)
- Copies IRS 1040 Forms, and W-2 forms (last 2 years)
- Verification of Employment
- Certification of Zero Income for every household member with no income
- Current bank statements (60 days)
- Other documentation as required by PRA in connection with the PRA soft-second mortgage application.



4. Proposal Submission Requirements

Responses to this Request for Proposals must contain the information described below and conform to the following format:

A. Executive Summary and Application Package

A written narrative of the proposed development should be provided in the form of a cover letter addressed to Bradley Vassallo, Senior Development Specialist. The narrative should be no longer than two (2) pages in length and should concisely summarize and describe the proposed development. This summary should seek to address all of the evaluation criteria. At minimum, it should include the project name, developer, type of housing being developed, number of units at each affordability level, number of accessible and visitable units, and total project costs. **Note:** Public funds will only be available to the developer upon the completion of the construction of the housing units at the time of settlement with the homebuyer.

Applicants must also submit a complete Property Application Package Form (Attachment).

B. Financial Summary

Applicants must demonstrate the development team's capacity to carry out the proposed development, as well as the financial feasibility of the proposed project within current market conditions. Creativity and innovative financing approaches are encouraged. Submissions must provide:

- A written narrative of the project financing plan which describes the total development cost, the sources of permanent financing and uses of funds, and price point at which properties are anticipated to be sold.
- Project financials including development budget(s), construction cost breakdown, sources/uses, assumptions, and operating pro forma(s) demonstrating feasibility through predevelopment, construction, and exit. A Homeownership Development Pro Forma has been included with this RFP for reference as Attachment D.
- Evidence of the development team's capacity to finance the total cost of the development project as outlined in the Property Application Package Form. Evidence should include signed letter(s) of interest and/or preliminary term sheets from prospective financing sources that include terms of financing, that reference this specific project, and that reference the pertinent amount of financing as listed on the project budget. Please provide written evidence of interest from as many sources listed on project sources/uses budget as possible.
- Home Sales Analysis including all settlement costs, completed for each unit based on projected price point at which properties are anticipated to be sold. Applicants should provide evidence, such as market comps, to demonstrate that their specified sale price is viable within market conditions.
- Any other information that may support the Applicant's financial position and financial viability of the proposed project.

C. Development Plans

The proposed project should take into consideration the local context and provide for an attractive, well-designed development that enhances the quality of the built environment and improves the overall quality and physical appearance of the community. Where possible, projects are encouraged to complement the buildings and architecture in the surrounding neighborhood and support past private or public investment in



the community. All proposals must indicate what entitlements they may be seeking, including, but not limited to, zoning, easements, exceptions from public entities, street changes, and/or utility alterations (new or relocated). PRA encourages Applicants to incorporate sustainable design features and building materials. Applicants should consider building performance objectives and building design guidelines that integrate energy efficiency. Plans submission should include but are not limited to:

- Detailed scope of work with corresponding construction budgets including line item costs that are as specific as possible.
- Site plan showing extent of proposed development with different project components clearly labeled and in relation to the parcels of land that are available.
- Description of completed properties (house type, square footage, number of bedrooms and bathrooms, parking, lot size, etc.)
- Scaled floor plans.
- Elevations and renderings as appropriate.
- Description of building and finish materials.

D. Development Schedule and Milestones

Please include a detailed schedule broken out into a predevelopment and construction. In the predevelopment schedule please list important milestones and dates, beginning with due diligence activity, securing required government approvals, and financing commitments. Please provide anticipated closing dates for financing and land transfer from PRA. In the construction schedule show critical milestones such as construction commencement and completion dates, including anticipated phasing of unit completion (if applicable).

E. Applicant Team Qualifications

Please provide a description of each member of the development team, including but not limited to the developer, contractor, architect, and key consultants. Describe the legal entity that will be the developer and indicate how a qualifying nonprofit entity will be the controlling interest in the project to comply with HTF funding requirements. Within this narrative, please outline the experience of the development team, overall approach and tasks to complete the work and quality control process. Be sure to include past relevant experience of the team members including past performance and record of successful housing development activity, completed or currently being undertaken by team members particularly within the Philadelphia and on publicly owned land (if applicable). Ventures that further the development team's long-term mission or business plan will be considered.

Applicants must submit audited Financial Statement for last two (2) fiscal years (if audited statements are not available, please provide internally prepared statements including income statements and balance sheets).

The proposal must contain information regarding any litigation (pending or threatened) in which the development entity or any members of the development team are involved and any judgments that have been rendered against the Applicant entity or any member of the development team that may affect the ability to successfully execute the proposed project for the properties.

F. Population Served



Proposals must indicate the population to be served by this development, including an estimate of the number of housing units to be sold to each income level. Applicants must provide estimates based on the following income categories: <80% AMI, <120% AMI. If the project is to provide affordable homeownership opportunities, a sales and affordability analysis for each price point must be provided in the budget section of the proposal.

G. Social Impact Narrative

Applicants should include a narrative explaining the project’s social impact – for the purpose of this RFP, defined as the way that the physical project may have a positive effect on people and communities.

Such impact should be described and quantified with relevant metrics such as the approximate number of people to be served by the project or its social impact component. Applicants are encouraged to think creatively and to seek input and/or partnerships from community-based organizations. Applicants may choose to engage a consultant to assist in developing their social impact approach and methodology for impact assessment. Examples of social impact may include (but are not limited to):

- Creating or retaining permanent (non-construction) jobs for local, diverse, lower-income individuals, including contribution or participation in job readiness and training programs.
- Providing access to quality pre-K and afterschool care.
- Providing important community goods, services, and facilities in the proposed development project.
- Providing affordable healthy food access, if such access is not currently present in the community.
- Providing affordable housing within the proposed development. (The definition of affordable housing for this purpose is the same as that for the Mixed-Income Housing Bonus as defined in the Zoning Code as described here:
<http://www.phila.gov/li/pdf/Code%20Bulletins/Mixed%20Income%20Housing%20Bonus.pdf>)
- Providing opportunities for minority businesses, including flexible lease rates, contracting and supplier opportunities post-construction, and mentorship programs.
- Investment in the local educational unit(s): public elementary, middle, high school or community college.

Investment in proximate community facilities: parks, recreational center, library, health center.

H. Economic Opportunity and Inclusion Narrative

The development team should demonstrate their experience working with Certified M/W/DBE firms—defined as Minority Business Enterprises (MBE), Woman Business Enterprises (WBE), or Disabled Business Enterprises (DBE). Firms must complete the “City of Philadelphia Economic Opportunity Plan” form (Attachment E). In addition, Applicants must provide a narrative describing the team’s track record in M/W/DBE inclusion. The narrative must also discuss the team’s plan and track record for engaging minority workforce. Applicants should note whether key partners, consultants or contractors who are part of the Applicant team are certified M/W/DBEs.

I. Proposal Deposit

Proposals must include a proposal deposit of one thousand dollars (\$1,000) (the “Proposal Deposit”) in one of the following forms, in order of preference: a cashier’s check, certified check, or money order made payable to the “**Philadelphia Redevelopment Authority**.” The Proposal Deposit of the selected Applicant for the



Properties will be credited toward the security completion deposit and ultimately refunded at project completion with the issuance of a Certificate of Completion. The Proposal Deposits of unsuccessful Applicants will be refunded within thirty (30) days after rejection notices are transmitted. Interest earned, if any, on deposits of unsuccessful Applicants will not be returned.

J. Certificate of Non-Indebtedness

All proposals submitted in response to this RFP must contain a fully executed Certificate of Non-Indebtedness to the City of Philadelphia. A copy of this Certificate is attached as Attachment F.

K. Campaign Disclosure Forms

Each member of the development team must complete the Campaign Disclosure Forms attached as Attachment G .

L. Conflict of Interest Form

All proposals submitted in response to this RFP must contain a fully executed Conflict of Interest form. A copy of this form is attached as Attachment H.

K. Fine Arts Requirement

Affordable housing projects are exempt from PRA's Percent for Art requirement.

5. Evaluation/Selection

PRA will initially conduct a Threshold Review of each proposal submitted to determine its compliance with the Proposal Submission Requirements. Only proposals that comply with these requirements will be considered for evaluation. If no proposal meets these requirements, the Authority may allow all Applicants to supplement their submissions to conform to these requirements.

Proposals selected pursuant to the Threshold Review will be evaluated by a Proposal Review Committee using the evaluation factors listed below and based on the values shown in Attachment I: Scoring Sheet. Proposals will be evaluated in their entirety; no one factor, but rather a combination of all of the following factors will determine the successful Applicant. PRA may ask one or more Applicants to give a presentation, and may elect to request supplemental information from all Applicants or a pool of finalists. Final selection will be made by PRA and is subject to approval by the PRA Board and Philadelphia City Council.

The following criteria will guide PRA in using its professional judgment to determine which Applicant has submitted the best proposal. In addition to any other factors that PRA considers relevant in the evaluation of these responses, the following are the evaluation factors:

1. Economic Opportunity Plan - (30 points max)

Points will be awarded in this category for verifiable and meaningful MBE/WBE/DBE inclusion. To be awarded points for MBE/WBE/DBE ownership, proof of ownership must be provided for all individuals, corporations, joint venture partners with a 10% or more ownership interest.

To be awarded points for past performance, documented information must be provided for most recent three projects identifying total development cost, MBE/WBE/DBE contractors and vendors, the percentage of participation of each and the respective dollar amounts awarded to



said contractor and/or vendor.

To be awarded points for General Contractor and Sub-contractor participation, evidence of MBE/WBE/DBE ownership must be provided.

2. Financial Feasibility - (30 points max)

Points will be awarded in this category for demonstrated financial viability and assuredness that the project being proposed will be completed within a reasonable timeframe and at the cost proposed with identified and securable financing sources. Committed funds include a term sheet, commitment letter or cash on hand.

Complete project budget and cash flow must be included identifying all sources and uses in detail and a detailed operations cash flow, if applicable. All costs should be in accordance with industry norms.

Schedule must identify all key milestones and timeframes must be in alignment with the city's entitlement and permitting processes, and the timing of all funding sources identified on the project budget form.

3. Development Team Experience - (20 points max)

Points will be awarded in this category for verifiable project experience. Detailed information should be provided for similar projects completed in the past three years (example form included in application/bid package) and history of development team members working together on prior projects. References for all projects must be provided. Pictures of completed projects should be provided.

4. Public Purpose - (20 points max)

To receive any points for the inclusion of affordable housing, a minimum of 10% of units must be affordable.

To receive points for low-mod job creation, a minimum of 10 jobs must be created.

To receive points for a social impact component, the use must be clearly delineated on the site plan and a detailed description of the component must be provided including specification of population served.

5. Project Design - (10 points max)

Points will be awarded based on the merit of the overall design of the project.

To receive points for Sustainable Design project must include features such as: optimization of site potential, minimization of non-renewable energy consumption, environmentally preferable materials, protection and drainage of groundwater and storm water run-off, designed to LEED Silver or equivalent.

To receive points for Accessibility project must be fully accessible to all individuals.

6. Offer Price – (5 points max)

The full offer price and all terms, limits or exceptions must be fully explained. A deposit of \$25,000 must accompany all offers. Note: If selected, Deposit will be held until such time as all compliance and project requirements are completed to the sole satisfaction of the land disposition agency.



The disclosure statements and other documentation submitted to PRA are important sources of information upon which PRA may base its selection and approval of an Applicant. Accordingly, any substantive misstatement or omission in any such disclosure statement or documentation shall be sufficient for PRA to reject the proposal.

Upon completion of the review and evaluation, PRA will recommend a course of action to PRA Board of Directors. PRA shall make the final decision with respect to development proposals and shall notify all Applicants of the results and return Proposal Deposits to unsuccessful Applicants.

6. Disposition Process

After the PRA reviews the proposals and an Applicant's proposal is selected, the PRA Board, City Planning Commission and City Council approval must be obtained before the PRA can execute the Redevelopment Agreement and construction can commence. Following is a general sequence of events in this approval process:

1. PRA review and approval of schematic architectural plans, and all financial documents (including budgets, sources and uses, pro forma, financing letters, term sheets, and Applicant financial statements)
2. Execution of Redevelopment Agreement by the successful Applicant. At this time the Proposal Deposit is credited toward the deposit required under the Redevelopment Agreement;
3. City Planning Commission approval of the Redevelopment Agreement;
4. PRA Board approval of the Redevelopment Agreement;
5. City Council approval of the Redevelopment Agreement;
6. Execution of the Redevelopment Agreement by PRA;
7. Settlement and transfer of title. At this time PRA requires proof of construction financing;
8. Pre-construction conference;
9. Construction period;
10. Review of the completed development to determine compliance with Agreement. If the development is found to be in compliance with the Agreement, PRA issues a Certificate of Completion and the security completion deposit is returned.

The successful Applicant shall be responsible for securing and paying all costs associated with all permits, licenses, approvals, lot line relocation, or variances necessary to comply with the development controls, City code, and the approved architectural plans.

7. Events of Disqualification or Default

Subsequent to the selection of an Applicant, and before execution of a Redevelopment Agreement, the PRA may treat any of the following as an event of disqualification or default:

1. Unilateral withdrawal by the selected Applicant;
2. Failure to proceed substantially in accordance with the proposal as submitted;
3. Failure by the Applicant for any reason whatsoever to timely execute the Agreement when tendered;
4. Material misrepresentation, omission, or inaccuracy contained in any document submitted either as part of the Request for Proposals, or subsequent thereto. For the purposes of this section, the PRA places particular importance on the information required by the Applicant's Statement of Qualifications and Financial Responsibility and the Applicant's Statement for Public Disclosure;



5. Failure to provide in a timely manner the additional material required after selection throughout the PRA disposition process.

Remedies

Upon the happening of an event of disqualification or default by the Applicant, PRA shall have the right, at its election, to:

1. Rescind its selection of the Applicant; or
2. Declare null and void an Agreement that may already have been executed; and/or
3. Retain the Proposal Deposit as liquidated damages.

8. Reservation of Rights

By submitting a proposal in response to this RFP, an Applicant affirmatively acknowledges: (i) its acceptance of the terms and conditions of this RFP; (ii) the PRA may exercise in its sole discretion the following rights; and (iii) the PRA may exercise the following rights at any time and without notice to any Applicant.

1. to reject any and all proposals;
2. to supplement, amend, substitute, modify or re-issue the RFP with terms and conditions materially different from those set forth here;
3. to cancel this RFP with or without issuing another RFP;
4. to extend the time period for responding to this RFP;
5. to solicit new proposals;
6. to conduct personal interviews with any Applicant to assess compliance with the selection criteria;
7. to request additional material, clarification, confirmation or modification of any information in any and all proposals;
8. to negotiate any aspect of a proposal, including price;
9. to terminate negotiations regarding any and all proposals at any time;
10. to expressly waive any defect or technicality in any proposal;
11. to rescind a selection prior to contract execution if the PRA determines that the proposal does not conform to the specifications of this RFP;
12. to rescind a selection prior to contract execution if the PRA determines that the specifications contained in this RFP are not in conformity with law or that the process in selection of a proposal was not in conformity with law or with the legal obligations of the PRA;
13. in the event a contract is awarded, the successful Applicant or Applicants shall procure and maintain during the life of the contract liability insurance in an amount to be determined prior to the award of any contract;
14. in the event a contract is awarded, all Applicants agree to perform their services as an independent contractor and not as an employee or agent of the PRA;
15. in the event a contract is awarded, all Applicants agree that no portion of performance of the contract shall be subcontracted without the prior written approval of the PRA; and
16. each Applicant agrees to indemnify, protect and hold harmless the PRA from any and all losses, injuries, expenses, demands and claims against the PRA or the City of Philadelphia sustained or alleged to have been sustained in connection with or resulting from (i) the submission of the Applicant's proposal; (ii) the delivery by the Applicant to the PRA of any other documents or information; and (iii) any other conduct undertaken by the Applicant in furtherance of or in relation to the Applicant's proposal. Each Applicant agrees that its duty to indemnify and hold harmless shall not be limited to the terms of any liability insurance, if any, required under this RFP or subsequent contract.



The PRA is under no obligation whatsoever to Applicant as a result of this RFP. The RFP does not represent any commitment on the part of the PRA to Applicant or the project. In no event shall the PRA be responsible for any cost, expense or fee incurred by or on behalf of Applicant in connection with the RFP. Applicant shall be solely responsible for all such costs, expenses and fees.

NOTICE: The PRA is subject to the Pennsylvania Right to Know Law. Any information provided in your response to this Request for Proposals may be subject to disclosure to the public. Documents provided in response to this RFP may also be required to be disclosed by applicable law, subpoena, and/or court order.

