

BOROUGH OF FOREST HILLS
INVITATION TO BID - SPECIFICATIONS FOR PURCHASE OF PROPERTY
LOCATED AT 444 AVENUE D AND ON AVENUE F

1.00. SCOPE OF BID

The Borough of Forest Hills (the “Borough”) invites and will receive bids, on the bid form attached hereto as Exhibit “A”, for the collective purchase of the following two parcels of real property owned by and located in the Borough: (1) property located at 444 Avenue D in the Borough’s R-2 Low Density Residential District, currently designated as Allegheny County Block/Lot No. 374-F-68 (hereinafter referred to as the “Avenue D Parcel”); and (2) property located on Avenue F at its intersection with West Street in the Borough’s R-2 Low Density Residential District, currently designated as Allegheny County Block/Lot No. 374-F-55 (hereinafter referred to as the “Avenue F Parcel”). The Avenue D Parcel and the Avenue F Parcel are referred to collectively as the “Properties”.

2.00 AWARD OF BID

The Borough will award the bid to the highest qualified, responsible Bidder meeting the requirements of these Specifications and the Purchase and Sale Agreement, attached hereto as Exhibit “B”, (hereinafter referred to as the “Agreement”).

3.00 CONDITION OF PROPERTIES

The Avenue D Parcel contains a one and a half story, approximately 3,908 square foot brick building, which was most recently used as the Forest Hills Senior Center. The Avenue D Parcel also contains a paved parking area with approximately 5 parking spaces.

The Avenue F Parcels consists of a paved parking lot with approximately 14 parking spaces.

The Properties are being sold “as is”. The Borough makes no representations with respect to the surface or subsurface conditions of the Properties. The Borough also will not agree to any alternations, preparation or changes to the Properties.

Bidders shall fully acquaint themselves with the conditions of the Properties and shall thoroughly examine and become familiar with these Specifications and the Agreement. The failure or omission of any Bidder to receive or examine any form, instrument, addendum or other document, or to acquaint himself with the existing conditions of the Properties, shall in no way relieve him of any obligations with respect to his Bid or to the Agreement.

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4.00. INSTRUCTIONS TO BIDDERS

4.01 Preparation of Bids

Bids must contain the combined price for the Properties, including any and all buildings or improvements located thereon.

All bids must be prepared and signed by the Bidder in the form attached hereto and without removal from this pamphlet. Additional copies of the Bid Form may be obtained from the Borough Manager. All blank spaces in the Bid form must be completed in full in blue ink or typewritten.

If the price entered by the Bidder on the Bid Form is to be altered, it shall be crossed out with blue ink and the new figure inserted above or below it and initialed by the Bidder in blue ink.

4.02 Name, Address and Legal Status of the Bidder

The Bid must be properly signed in blue ink and the address of the Bidder given. The legal status of the Bidder, whether a corporation, partnership or individual, shall also be stated in the Bid.

A corporation shall execute the Bid by its duly authorized officers in accordance with its corporate by-laws and shall also list the state in which it is incorporated. A partnership Bidder shall give full names of all partners. Partnership and individual Bidders will be required to state in the Bid the names of all persons interested therein.

If incorporated in the State of Delaware, list the place of residence of each Bidder, the office address in the case of a firm or company, with County and State and telephone number, after his or her signature.

If the Bidder is a joint venture consisting of a combination of any or all of the above entities, each joint venture shall execute the Bid.

Anyone signing a Bid as an agent of another must submit with his Bid legal evidence of his authority to do so.

4.03 Receipt and Opening of Bids

Bids will be received by the Borough of Forest Hills at the office of the Borough Manager located at the Forest Hills Borough Building, 4400 Greensburg Pike, Pittsburgh, Pennsylvania 15221, until 1:00 PM on July 1, 2022, and thereafter opened by the Borough Manager. The information received will then be forwarded to Borough Council for subsequent award at its

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regularly scheduled meeting to be held at 7:00 PM on July 20, 2022 in Council Chambers, Forest Hills Borough Building, 4400 Greensburg Pike, Pittsburgh, Pennsylvania 15221.

The envelopes containing a Bid must be sealed and addressed to the Manager, Borough of Forest Hills, and plainly marked "**BID FOR AVENUE PROPERTIES**".

If forwarding by mail, the sealed envelope containing a Bid must be enclosed in another envelope addressed to the Manager, Borough of Forest Hills at 4400 Greensburg Pike, Pittsburgh, Pennsylvania 15221, and plainly marked on the lower left-hand side of such envelope "**BID FOR AVENUE PROPERTIES**".

4.04 Rejection and Withdrawal of Bids

No bid will be accepted after 1:00 PM on July 1, 2022, and any bids received after such date and time will be returned unopened to the bidder.

The Borough reserve the right to, in the exercise of its sole discretion: (1) consider informal any Bid not prepared and submitted in accordance with the provisions in these Specifications; (2) waive any informalities, non-conformities or errors with respect to a Bid; or (3) reject any and all Bids.

A Bid may be withdrawn prior to the scheduled time for the opening of Bids or authorized postponement thereof.

4.05 Competency of Bidder

The opening and reading of the Bids shall not be construed as an acceptance of any Bidder as qualified or responsible. The Borough reserves the right to determine the competency and responsibility of a Bidder from its knowledge of the Bidder's qualifications, the information or documentation submitting by the Bidder, or from other sources.

In order to assist the Borough in determining whether a Bidder is qualified and responsible, all Bidders must submit with their Bid the following information:

- (a) Evidence that the Bidder is in good standing in the Commonwealth of Pennsylvania, and, in the case of a corporation organized under the law of any other state, evidence that the Bidder is licensed to do business in the Commonwealth of Pennsylvania or a sworn statement that it will take all necessary action to become so licensed if its Bid is accepted;
- (b) Brief description of the proposed use of the Properties and any proposed re-development;

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- (c) Certified financial statements showing assets and liabilities of Bidder, detailed in accordance with general accepted accounting principles, which demonstrate Bidder's proposed method of financing the project;
- (d) Person(s) or institution(s), if any, providing financing for the purchase of the Properties;
- (e) Such additional information that the Bidder believes will satisfy the Borough that the Bidder is adequately prepared to fulfill the Agreement.

A Bidder may satisfy any or all of the experience and qualification requirements of this paragraph by submitting the experience and qualifications of its parent organization and subsidiaries of the parent.

4.06 Disqualification of Bidders

Although not intended to be an exhaustive list of causes for disqualification, any one or more of the following causes, among others, may be considered sufficient for the disqualification of a Bidder and the rejection of a Bid:

- (a) Evidence of collusion among Bidders;
- (b) Lack of competency;
- (c) Lack of responsibility;
- (d) Lack of ability to purchase the Properties and/or comply with any and all conditions as set forth in these bid specifications.

4.07 Bid Security

Each Bid must be accompanied by a bond or certified check, drawn on a national bank, payable to the Borough in an amount equal to ten percent (10%) of the Bid amount, as a guarantee on the part of the Bidder that he will, if called upon to do so, accept and enter into the Agreement. Bonds and checks will be returned promptly after the Borough and the selected Bidder have executed the Agreement, or, if no Bid has been selected within ninety (90) days after the date of the opening of the Bids, upon demand of the Bidder at any time thereafter, so long as he has not been notified of the acceptance of his Bid.

4.08 Earnest Money

Upon selection, the successful Bidder shall deposit Ten Thousand and No/100 Dollars

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(\$10,000.00) in earnest money in an escrow account in accordance with Section 2(a) of the Agreement. The successful Bidder will be required to submit the earnest money within one (1) business day of the date of the successful Bidder's receipt of a fully-executed original of the Agreement. The earnest money shall be refunded if the transaction is terminated as permitted under the Agreement. If the transaction is not terminated pursuant to the Agreement, the earnest money will be delivered to the Borough and credited against the purchase price at Closing.

4.09 Failure to Enter into Agreement of Sale

The Agreement shall be deemed as having been awarded when the Borough transmits, via certified mail, return receipt requested, formal notice of award to the highest qualified, responsible bidder.

The Bidder to whom the Agreement is awarded will be required to execute two (2) copies of the Agreement on the form attached hereto. In the case of a bidder's refusal or failure to do so within ten (10) days after his receipt of formal notice of award, the bidder will be considered to have abandoned all his rights and interests in the award, and bidder's bid security may be declared forfeited to the Borough and the award may then be made to the next highest qualified, responsible bidder or the Properties re-advertised for proposal/bid as the Borough may elect. Forfeiture of any required bid security shall not preclude the Borough from asserting a claim against a bidder for damages in excess of the amount of said bid security.

4.10 Addenda and Explanations

Questions or requests for explanations from a Bidder concerning the condition of the Properties, these Specifications, or the Agreement shall be in writing and sent to the Borough Manager, Forest Hills Borough, 4400 Greensburg Pike, Pittsburgh, PA 15221. Any verbal statements regarding the same by any person, prior to the award, shall be unauthoritative and not binding. If an answer or explanation is necessary, a reply shall be made in the form of an Addendum, a copy of which will be forwarded to each person whom acquired a bid package from the Borough. The Borough will answer all questions and provide all explanations to the best of its ability, but will not be responsible for the accuracy or factualness of the information.

5.00 AVENUE D PARCEL WALK THROUGH

Walk throughs of the building on the subject property located at 444 Avenue D are scheduled for Thursday, June 2, 2022 at 5:30 PM, Friday, June 3, 2022 at 9:00 AM, and Thursday June 9, 2022 at Noon. Attendance of a walk through must be confirmed at least 24 hours in advance

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with the Borough Manager. Walk throughs shall not last more than one hour from the scheduled start time. No alternate walk throughs will be permitted.

6.00 TERMS AND CONDITIONS OF SALE

The basic terms and conditions for the sale of the Properties are as follows:

- (a) The sale price shall be the price stated in the Bid of the highest qualified, responsible bidder conforming to these Specifications and the Purchase and Sale Agreement (hereinafter referred to as the “Agreement”).
- (b) The Properties shall be conveyed by Quitclaim Deed.
- (c) The successful Bidder is responsible for, among other things, the payment of the closing costs set forth under Section 3(d) of the Agreement.
- (d) The Properties are being sold in an “as is” condition and the Borough makes no warranties or representations as to the condition of the Properties.
- (e) The Bidder assumes all responsibility for determining the following conditions with respect to the Properties:
 - i. Nature and condition of the Properties and the suitability therefor for any and all activities and uses that the Bidder may elect to conduct thereon;
 - ii. Environmental, structural and engineering matters;
 - iii. Manner, construction, condition and state of repair or lack of repair of any buildings or improvements on the Properties;
 - iv. Compliance of the Properties and the improvements thereon with any laws, rules, ordinances or regulations of the Borough or any other government body; and
 - v. Any other matter whatsoever except as expressly set forth in the Agreement.

7.00 SALE TIMELINE

The timeline for the sale of the Properties is as follows:

Specifications Issued: May 12, 2022

Avenue D Parcel Walk Through: June 2, June 3, and June 9, 2022

Bids Due: July 1, 2022

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Date of Award: July 20, 2022