

REQUEST FOR PROPOSALS FOR
Financing Proposals for Essington Avenue Expansion

RFP No. 24-03

TABLE OF CONTENTS

Part I - GENERAL INFORMATION FOR OFFERORS	page 2
Part II - INFORMATION REQUIRED FROM OFFERORS	page 7
Part III - CRITERIA FOR SELECTION	page 9
Part IV - WORK STATEMENT	page 10
Part V - CONTRACT TERMS AND CONDITIONS	page 12
APPENDIX A – PROPOSAL FORM	

PART I

GENERAL INFORMATION TO OFFERORS

SUMMARY	
When:	Proposals must be submitted by Friday, February 23, 2024 at 12:00 PM.
Where:	Philadelphia Parking Authority Attention: Shannon Stewart, Manager of Contract Administration 701 Market Street, Suite 5400 Philadelphia, PA 19106
How:	Proposals must be delivered to Shannon Stewart in a sealed package via mail, by a recognized overnight courier service (e.g., UPS, Federal Express, etc.), with confirmed receipt, or by certified or registered United States mail, postage prepaid, return receipt requested certified mail, or by hand-delivery no later than Friday, February 23, 2024 at 12:00 PM. Whether mailed or hand-delivered, all envelopes must display the company's name and must be boldly and clearly handwritten (not typewritten) "RFP No. 24-03 Financing Proposals for Essington Avenue Expansion". All proposals must be presented with one (1) original and six (6) copies , individually numbered, and an electronic version consisting of ONE PDF file via USB drive. Please do not password protect the USB drive or file.
Mandatory Pre-Proposal Meeting	<p>A mandatory Pre-Proposal Meeting will be held on Tuesday, January 30, 2024 at 11:00 AM at the offices of the Authority located at 701 Market Street, Suite 5400, Philadelphia, PA 19106. Potential Offerors may attend in-person or virtually using the Microsoft Teams Meeting information below:</p> <p>Microsoft Teams meeting</p> <p>Join on your computer, mobile app or room device</p> <p>Click here to join the meeting</p> <p>Meeting ID: 270 198 001 144 Passcode: ppMnLE</p> <p>Download Teams Join on the web</p> <p>Or call in (audio only)</p> <p>+1 929-346-7319,,664260881# United States, New York City Phone Conference ID: 664 260 881#</p> <p>Find a local number Reset PIN Learn More Meeting options</p> <p>Prospective Offerors who are having trouble accessing the meeting should contact Shannon Stewart for assistance at 215.837.9025.</p> <p>Please complete the Offeror Registration Form to complete your registration for this solicitation.</p>

I-1. Introduction.

This Request for Proposals (“RFP”) is being issued by the Philadelphia Parking Authority, (“Authority”), a body corporate and politic created under the laws of the Commonwealth of Pennsylvania in accordance with the Act of June 19, 2001, P.L. 287, No. 22, 53 Pd. C.S. § 5501 et seq. as amended, known as the “Parking Authority Law”.

The Authority is seeking proposals from qualified lending institutions to provide a construction (or construction to permanent) loan (“Loan”) to the Authority for the Essington Avenue Expansion.

As a Request for Proposals, this is not an invitation to bid and although price is important, other pertinent factors will be taken into consideration.

I-2. Mission Statement.

The mission of the Philadelphia Parking Authority is to contribute to the economic vitality of Philadelphia and the surrounding region by effectively managing and providing convenient parking on the street, at the airport, and in garages and lots; effectively administering automated speed and red-light camera systems; regulating taxicabs, limousines and transportation network companies; and other transportation-related activities.

A number of customer-focused actions flow from the PPA mission:

- Improving cooperation and planning with PPA stakeholders, including state and local transportation partners,
- Implementing cutting-edge technology to improve the customer experience and enhance overall management and agency efficiency,
- Emphasizing employee training on industry best practices,
- Maximizing transparency in hiring and procurement,
- Implementing on-street parking management policies that address neighborhood needs throughout the City,
- Encouraging reasonably priced off-street parking through rate setting policies at seven PPA Center City facilities,
- Maintaining and improving neighborhood parking lots to address both residential and commercial demand,
- Providing leadership in partnering with private and public hospitality and tourism entities to enhance the visitor experience,
- Applying the latest technology for a superior customer experience at the parking facilities at Philadelphia International Airport in support of this important regional economic engine,
- Encouraging safe, clean, reliable taxicab, limousine and transportation network company service through sound regulations and consistent enforcement,
- Improving vehicle and pedestrian safety in targeted intersections through automated speeding and red-light enforcement,
- Applying latest technology and continuing staff development to provide the highest quality public service with maximum efficiency.

I-3. Procurement Questions.

Prospective Offerors are encouraged to submit questions concerning the RFP in writing no later than **Tuesday, February 6, 2024 at 12:00 PM**. Questions concerning this RFP are to be submitted via the Question Submission Form using the link below:

<https://app.smartsheet.com/b/form/f329133a21c44d61838a1ff4a7c7508d>

Questions must be in Word format and uploaded using the Question Submission Form.

If you are having issues accessing or completing the Question Submission Form, please contact Shannon Stewart, Manager of Contract Administration via email at stewart@philapark.org.

Only questions submitted via the Question Submission Form will be addressed.

Responses to all questions and clarification requests will be provided through a written addendum that will be emailed to all eligible Offerors and posted to the Authority's website, www.philapark.org. Responses will not be official until they have been verified, in writing, by the Authority.

The Authority will not be bound by any verbal information, nor will it be bound by any written information that is not either contained within the RFP or formally issued as an addendum by the Authority. The Authority does not consider questions to be a protest of the Work Statement or of the solicitation.

I-4. Clarification of Instructions.

Should the Prospective Offeror find a discrepancy in or an omission from the Work Statement or any part of this RFP or be in doubt as to the meaning of any term contained therein, the Offeror will notify Shannon Stewart, Manager of Contract Administration via the Question Submission Form using the link below, prior to the question deadline.

<https://app.smartsheet.com/b/form/f329133a21c44d61838a1ff4a7c7508d>

Responses to all questions and clarification requests will be provided through a written addendum that will be emailed to all eligible Offerors and posted to the Authority's website, www.philapark.org. Responses will not be official until they have been verified, in writing, by the Authority.

I-5. Restriction of Contact.

From the issue date of this RFP until the Authority's Board approves the selected Offeror, **Shannon Stewart is the sole point of contact concerning this RFP**. Any violation of this condition by an Offeror may result in the Authority rejecting the offending Offeror's proposal. If the Authority later discovers that the Offeror has engaged in any violations of this condition, the Authority may reject the offending Offeror's proposal or rescind the selection. Offerors must agree not to distribute any part of their proposal to anyone other than Shannon Stewart. An Offeror who shares information contained in its proposal with other Authority personnel and/or competing Offeror personnel may be disqualified.

I-6. Proposal Conditions.

Sealed proposals must be received in the office of the Philadelphia Parking Authority, addressed to Shannon Stewart, 701 Market Street, Suite 5400, Philadelphia, PA 19106, by **Friday, February 23, 2024 no later than 12:00 PM**.

Packages must be delivered and received by Shannon Stewart prior to the due date and time to meet the mandatory responsiveness requirement of received timely as described in Part III. Delayed deliveries will not be accepted if received after the due date and time.

Each Offeror shall submit to the Authority the information and forms required, which forms, and information shall become the property of the Authority and will not be returned to Offerors, unless a written request to withdraw is received prior to the opening of proposals. Failure to attach documents required for submittal at the time of submittal will result in the proposal being rejected.

I-7. Signatures Required.

The proposals *must* be signed in all spaces where signatures are required. Corporations must sign through a duly authorized officer of the corporation with the officer's title clearly identified. Other business entities must sign through a duly authorized person with the title of the signer and type of entity clearly identified.

I-8. Instructions for Affidavit of Non-Collusion.

1. The Non-Collusion Affidavit is material to any contract awarded through a public solicitation.
2. This Non-Collusion Affidavit must be executed by the member, officer or employee of the offeror who makes the final decision on terms and prices identified in the proposal.

3. Bid rigging or collusion and other efforts to restrain competition, and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the Affidavit below should examine it carefully before signing and be assured that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the offeror with responsibilities for the preparation, approval or submission of the proposal.
4. In the case of a proposal submitted by a joint venture, each party to the venture must be identified in the proposal documents, and an Affidavit must be submitted separately on behalf of each party.
5. The term "complementary proposal" as used in the Affidavit has the meaning commonly associated with that term in the request for proposal process and includes the knowing submission of proposals higher than the proposal of another firm, any intentionally high or noncompetitive proposal, and any other form of proposal submitted for the purpose of giving a false appearance of competition.
6. Failure to file and attach an Affidavit in compliance with these instructions will result in disqualification of the proposal.

I-9. Business Licenses:

The proposal should include the Offeror's Philadelphia Commercial Activities License (formerly Business Privilege License) number and the Offeror's Federal Tax ID number. If the Offeror does not currently have a Philadelphia Commercial Activity License, it must obtain one no later than five business days after notification of selection. If the Offeror does not believe that it needs a Philadelphia Commercial Activities License, an explanation with references to statute and/or the Philadelphia Code should be included with the proposal.

I-10. Rejection or Acceptance of Proposals.

An Evaluation Committee comprised of Authority employees will review all proposals as detailed in Part III. Discussions and negotiations may be conducted with responsible Offerors for the purpose of clarification and of obtaining best and final offers. Responsible offers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. The discussions with Offerors will not disclose any information derived from proposals submitted by competing Offerors.

The responsible Offeror whose proposal is determined in writing to be the most advantageous to the Authority, taking into consideration price and all evaluation factors, shall be selected for contract negotiation. In the event the negotiations reveal that the proposal selected for negotiation is not the most advantageous or the Offeror selected for negotiation defaults or withdraws from negotiation, the Evaluation Committee may select another proposal then determined to be the most advantageous to the Authority, taking into consideration price and all evaluation factors, for contract negotiation.

The Authority reserves the right to waive any irregularities in the completion of the forms and papers enclosed in this proposal package; to accept or reject any or all proposals; to re-advertise for proposals if desired, and to accept any proposal which, in the judgment of the Authority, will be in the Authority's best interest.

Any form which is required to be submitted and which is incomplete, conditional, obscure, contains additions not called for and not approved by the Authority, or which contains irregularities of any kind, may be cause for rejection of the proposal, in the sole discretion of the Authority.

I-11. Request to Withdraw Proposal.

At any time up to the hour and date set for opening of proposals, an Offeror may withdraw its proposal. Such withdrawal must be in writing and delivered to the Authority at the address set forth herein by a nationally recognized overnight courier service, certified mail, return receipt requested, or delivered in person. Such withdrawal shall be effective only upon receipt by the Authority evidenced by written confirmation of such receipt and will preclude the submission of another proposal by such Offeror.

After the scheduled time for opening of proposals, no Offeror will be permitted to withdraw their proposal, and each Offeror hereby agrees that their proposal shall remain firm for the contract period. A proposal made and opened may be withdrawn with the written permission of the Authority, if the Authority determines in its sole discretion that the proposal is inconsistent with the best interest of the Authority.

I-12. Unacceptable Proposals.

The Authority will not consider and will reject any proposal if the Offeror is in violation or in default of any contract it has with the Authority or if the Offeror has failed in the sole opinion of the Authority to faithfully perform any previous contract with the Authority.

I-13. Subcontracting.

The selected Offeror will not assign or in any way transfer any interest in this agreement. This shall not prohibit the selected Offeror from selling a minority interest or participation in the Loan as long as the successful Offeror is the lead leader or fiscal agent relating to the Loan.

I-14. Notification of Offeror Selection.

The Authority will study and evaluate all proposals which are received in accordance with the instructions set forth in the proposal package and will seek to select an Offeror and notify all other Offerors of the award within sixty (60) days after the date proposals are opened. Written notice will be mailed to the address furnished by each Offeror in the Transmittal Letter.

The selected Offeror shall not start the performance of any work prior to the effective date of the Contract and the Authority shall not be liable to pay the selected Offeror for any service or work performed or expenses incurred before the effective date of the Contract. Costs incurred by the Offeror in the preparation of the proposal or during any review or negotiations shall be borne exclusively by the Offeror.

I-15. Document Disclosure.

While documents exchanged by or with the Authority or its agents during this process may be protected from public release by certain terms of Pennsylvania's Right to Know Law (65 P.S. §§67.101–67.3104), Pennsylvania's Procurement Code, or other laws, many documents may not be protected. All Offerors are advised to seek counsel or otherwise educate themselves regarding open records laws and regulations in Pennsylvania. The determination to award a contract will occur at a Sunshine Act meeting.

I-16. Statement of No Proposal.

All Prospective Offerors that do not intend to submit a proposal are asked to complete the Proposal Decline Form enclosed in the proposal documents.

This document must be emailed to the attention of Shannon Stewart, Manager of Contract Administration at [sstewart@philapark.org](mailto:ss Stewart@philapark.org).

An electronic version of this form can be accessed using the link below. Specific comments and observations are encouraged.

<https://app.smartsheet.com/b/form/6f37dcaf70c741869a63b7c202e8ee59>

I-17. Shipping and Delivery.

The Offeror will be responsible for all shipping and delivery costs of the specified items required to support the proposal.

PART II

INFORMATION REQUIRED FROM OFFERORS

II-1. Proposal Format.

All proposals submitted must conform to the following format requirements. A transmittal letter signed by a person authorized to obligate the Offeror to a contract must be included in your proposal. Proposals must be submitted on letter size (8 ½" x 11") paper. For exhibits, 11x17 paper is acceptable.

Please refrain from using binders and/or special binding when submitting your proposals. Binder clips are preferred when feasible.

An electronic version of the Proposal Form is available on the Authority's website.

Forms that are altered by the Offeror may be grounds for rejection of the Offeror's response.

The tab requirements are as follows:

- Tab A - Transmittal Letter
- Tab B - Qualifications and Experience
- Tab C - References
- Tab D - Proposal Form
- Tab E - Technical Response
- Tab F – Potential Conflicts
- Tab G - Disclosure of Legal Actions
- Tab H - Financial Statements

Tabs that extend beyond the 8.5" x 11" paper, must be used.

II-2. Transmittal Letter (Tab A).

Offerors must submit a cover letter, signed by an officer or individual with authority to bind the Offeror, which provides an overview of the Offeror's proposal, as well as the name, title, email address and phone number of the person to whom the Authority may direct questions concerning the proposal.

II-3. Qualifications and Experience (Tab B).

Offerors must have experience providing credit facilities or other services to governmental and/or quasi-governmental entities, including parking authorities, if any.

Offerors are to provide a summary of their experience providing credit services as described in the Work Statement and detailed resumes of the primary and back-up relationship managers proposed to work directly with the Authority.

Include any personnel or services that set you apart from other qualified lenders and why it would be most advantageous for the Authority to contract with your company.

II-4. References (Tab C).

Offerors must provide a minimum of three (3) references, to whom similar services were provided within the last 5 years. The client references must include the name of the organization, address, email address, telephone number, individual contact person, and a description of the financial services provided.

II-5. Proposal Form (Tab D).

The Proposal Form attached as *Appendix A* must be submitted in its entirety (with the exception of the Proposal Decline Form). All signature lines must be executed.

II-6. Technical Response (Tab E).

Offeror must provide a narrative detailing the terms of the proposed Loan including, without limitation:

- Structure of Loan (tax-exempt, taxable, direct purchase, bond issue, etc.).
- Term, applicable interest rates (or indicative interest rates), and payment dates.
- Fee structure including, without limitation, any commitment fee(s), any other fees or costs associated with advances, or other fees and costs.
- Identify any Insurance Requirements applicable to the Authority during the term of Loan.
- Identify any financial reporting requirements the Authority will need to furnish to the Offeror and the frequency.
- Covenants or conditions required by the Offeror.
- Any other material terms or conditions of the Loan.

The proposal should make clear why the Authority should select the Offeror instead of one of its competitors. Highlight unique qualifications, experience, approach, background, added services, technologies, innovations, or other characteristics of your company that make it the best choice.

II-7. Disclosure of Potential Conflicts (Tab F).

Disclose any potential conflicts of interest that could interfere with the Offeror's proposed Loan with the Authority. If the Authority determines a conflict exists, the Offeror may be disqualified by the Authority or the Offeror may be required to waive the conflict. The Authority reserves the right to be the sole determiner of a conflict of interest.

The Authority has engaged Obermayer Rebmann Maxwell & Hippel LLP as counsel for this RFP and as a condition of its response, any Offeror must agree to waive any conflicts or interest, or potential conflicts of interest, that may arise from Obermayer Rebmann Maxwell & Hippel LLP's performance of this engagement.

II-8. Disclosure of Legal Actions (Tab G).

Provide a summary and the status of any current or ongoing legal actions, suits, proceedings, claims or investigations pending with any governmental agency with which the Offeror has had or currently has a contractual relationship. The existence of any such pending actions, suits, proceedings, claims or investigations may be a factor considered by the Authority in determining which Offeror should be awarded that contract but will not automatically disqualify the Offeror from consideration. Should there be no legal actions, suits, proceedings, claims or investigations pending with any governmental agency with which the Offeror has had or currently has a contractual relationship, a statement to that effect will be included.

II-8. Financial Statements (Tab H).

If selected for contract award, Offeror may be required to provide complete financial statements for the last three years, which have been audited or reviewed by an independent Certified Public Accountant who is not an employee of the Offeror.

Complete financial statements must include, at a minimum, a balance sheet, income statement, reconciliation of equity, and a cash flow statement. Offeror may only submit one copy of their financial statements either with the original proposal or in a separate envelope marked "confidential".

The Authority will maintain the confidentiality of financial information submitted by an Offeror. That information will be reviewed by professionals in the Authority's Finance Department and will not otherwise be released, disseminate, or shared with any third party absent legal mandate and advanced notice to the Offeror.

Financial information submitted in response to an RFP is generally exempt from disclosure under Pennsylvania's Right to Know Law. 65 P.S. § 67.708(b)(26). The Authority will not sign non-disclosure agreements related to an Offeror's financial information.

PART III

CRITERIA FOR SELECTION

III-1. Mandatory Responsiveness Requirements. To be eligible for selection, a proposal shall be (a) submitted by an Offeror who was represented at the mandatory pre-proposal meeting; (b) timely received from an Offeror; (c) properly signed by the Offeror; (d) submitted by an Offeror who does not have a conflict of interest or the conflict has been waived as described in II-7.

III-2. Technical Nonconforming Proposals. The four (4) Mandatory Responsiveness Requirements set forth in Section III-1 above are the only RFP requirements that the Authority will consider to be non-waivable. The Authority reserves the right, in its sole discretion, to waive any other technical or immaterial nonconformities in the proposal, allow the Offeror to cure the nonconformity, or consider the nonconformity in the evaluation of the proposal.

III-3. Proposal Evaluation. Proposals will be reviewed, evaluated and rated by an Evaluation Committee consisting of Authority employees. The Evaluation Committee will recommend the proposal determined to be most advantageous to the Authority as determined by the criteria listed below to the Authority Board.

During the evaluation process, the Evaluation Committee may require an Offeror to answer questions with regard to the proposal and/or require certain Offerors to make formal presentations to the Evaluation Committee.

III-4. Evaluation Criteria. The Authority determined that it is not advantageous for it to use a bidding process in order to secure the services of detailed in this RFP because it wished to consider criteria other than price in the award process, in particular, the Offeror's qualifications and experience.

Proposals will be evaluated consistent with the requirements of this RFP to determine the most responsive Offerors as follows:

- | | |
|---|--------------------|
| a. Responsiveness of the proposal to the submission requirements set forth in the RFP. | Weight: 5% |
| b. Technical response, which includes but is not limited to, term and structure of the Loan and interest rate proposed (please refer to II-6 of this RFP document), and the effect any fees, costs, and expenses associated with the proposed Loan will have on the Authority's finances and operations. | Weight: 45% |
| c. The effect that compliance with any covenants, conditions, or reporting requirements associated with the proposed Loan will have on the Authority's finances and operations. | Weight: 35% |
| d. Offeror's experience working with governmental or quasi-governmental entities, financial capacity, reference feedback and past performance. | Weight: 15% |

PART IV

WORK STATEMENT

IV-1. General.

The Authority is seeking proposals from qualified Offerors to provide a construction or construction to permanent loan for the Authority's expansion at Lot 7 located at 6801 Essington Avenue, Philadelphia, PA 19153 ("Property").

The expansion of the Property includes an approximate 12,500 SF office expansion for towing and impound services on the North side of the existing facility "Office"; the renovation and improvement of an approximate 5,500 SF storage and office facility for fleet maintenance operations "Warehouse" on the South side of the facility; and the repaving of the parking area at the Property (collectively, the "Project").

The Loan will provide funding for the Project at the Authority's Property.

IV-2. Specific.

The Authority is authorized under Pa. C.S § 5505 of the Law to issue bonds, notes, and other evidence of indebtedness that shall have a maturity date no longer than 40 years from the date of the issue. It is the Authority's current intention that the Loan would be structured as the issuance of a tax-exempt bond that would be purchased by the Offeror chosen by the Authority pursuant to this RFP. However, the Authority is willing to entertain other financing structures, including taxable loans, that an Offeror may propose.

Offerors are encouraged to respond with both tax-exempt and taxable loan structures. Offerors are permitted, and encouraged, to offer one or more alternative structures for the proposed Loan.

Please respond on behalf of your organization only. The Authority will not consider joint proposals, but there will not be any prohibition on an Offeror reserving the right to sell participations in the Loan, so long as the successful Offeror retains servicing obligations and at least a 51% ownership interest in the Loan.

As security for the Loan, the Authority will provide a pledge of certain segregated revenues. Please note that the Parking Authority Law **does not** permit the Authority to grant (a) a mortgage against property owned by the Authority, (b) a security interest in personal property owned by the Authority with the Project, or (c) a security interest in certain revenues associated with parking tickets and other parking violations.

The Loan can generally be described as follows:

- (1) **Amount:** Up to Fifteen Million Dollars (\$15,000,000.00).
- (2) **Purpose:** Fund construction of the Project.
- (3) **Term:** The Authority anticipates an 18-month construction period. The term of the Loan should include an advance or draw period of at least 18 months during which only interest will accrue. Proposals that include a permanent term should include any conditions for the conversion of the construction loan to a permanent loan. The permanent portion of the Loan shall be proposed for a term of no less than 15 years at a fixed rate of interest, with straight amortization.
- (4) **Security:** The Loan will be secured by the Authority's on-street parking revenues ("Pledged Revenues"). The Loan will not be construed as an obligation, or a pledge of the credit or taxing power, of the Commonwealth of Pennsylvania or any political subdivision thereof.
- (5) **Guarantors:** None.
- (6) **Additional Terms:** The Authority will establish accounts with the successful Offeror into which (a) Loan disbursements will be deposited and from which Loan payments will be withdrawn during construction, and (b) debt service payments will be deposited. Notwithstanding the foregoing, the Authority will be permitted to maintain its operating accounts with its existing depositories and, absent an Event of Default under the

applicable Loan Documents, there will be no restriction on transfers to and from the depository accounts established pursuant to this paragraph.

IV-3. Additional Resources.

Audited Financial Statements for the past twelve (12) fiscal years are available on the Authority's website at: <https://philapark.org/financials/>.

Copies of bid specifications and any contracts executed for construction of the Project will be made available to all eligible Offerors, when they become available.

These are minimum expectations. The Authority anticipates that Offerors responding to this RFP will provide additional insight, if necessary.

PART V

RESERVATION OF RIGHTS

The Authority anticipates negotiating complete term sheets or commitment letters with the successful Offeror, subject at all times to the Authority's reservation of rights as described below.

This RFP and the process it describes are proprietary to the Authority and are for the sole and exclusive benefit of the Authority. No other party, including any Offeror, is intended to be granted any rights hereunder. Any response, including written documents and verbal communication, by any Offeror, shall become the property of the Authority and may be subject to public disclosure by the Authority, or any authorized agent of the Authority.

This RFP does not commit the Authority to award a contract. The Authority is under no obligation whatsoever to any Offeror as a result of this RFP. This RFP does not represent any commitment on the part of the Authority to any Offeror.

In no event shall the Authority be responsible for any cost, expense, or fee incurred by, or on behalf of, any Offeror in connection with this RFP or for any costs, expenses, or fees incurred in meeting with, or making oral presentations to the Authority, if so requested. Each Offeror will be solely responsible for all such costs, expenses, and fees.

An Offeror may submit only one proposal in response to this RFP. Individuals who are related to each other or business entities that are related to each other or to a common entity may not submit separate proposals. The Authority, in its sole and absolute discretion, retains the right to reject any proposal where (i) Offerors or principals of Offerors are substantially similar or substantially related parties; or (ii) the Authority has determined that the Offeror has violated these restrictions or the spirit of these restrictions.

By submitting a proposal in response to this RFP, each Offeror affirmatively acknowledges its acceptance of the terms and conditions of this RFP and that the Authority reserves and may exercise, in its sole and absolute discretion, the following rights at any time and without notice to any Offeror:

- (a) to reject any and all proposals, in whole or in part.
- (b) to cancel this RFP with or without issuing another RFP.
- (c) to postpone or extend any time period in connection with this RFP.
- (d) to expressly waive any informality, defect, non-responsiveness, exception, deviation, inadequacy, or technicality in any or all proposals.
- (e) to solicit new proposals.
- (f) to negotiate with one or more Offerors concerning any aspect of a proposal including, without limitation, interest rates, terms, and fees.
- (g) to terminate negotiations with any or all Offerors.
- (h) to require additional information or clarification, confirmation, or modification of any information from any or all Offerors.
- (i) to supplement, amend, substitute, modify, or re-issue this RFP including, without limitation, with materially different terms and conditions.
- (j) to conduct interviews with one or more Offerors.
- (k) to reject any Offeror that has been delinquent or unfaithful in the performance of any contract with the Authority or the City of Philadelphia, or any other governmental or quasi-governmental entity known to Authority.

- (l) to permit or reject amendments, modifications, alterations, or corrections by any or all Offerors including, without limitation, information inadvertently omitted; to request that any or all Offerors modify proposals based upon the Authority's review and evaluation.
- (m) to rescind a selection of an Offeror prior to execution of any binding commitment letter or loan documents, for any reason or no reason.

By submitting a proposal in response to this RFP, each Offeror agrees as follows:

- (i) in the event an Offeror is selected to make the Loan to the Authority, such Offeror shall be a lender, and not an agent or representative of the Authority; and
- (ii) in the event a contract is awarded to an Offeror, no portion of the performance of the contract shall be assigned without the prior written approval of the Authority (other than to participants in the Loan as described herein).

Appendix A
Proposal Form

**THE PHILADELPHIA PARKING AUTHORITY
701 MARKET STREET – SUITE 5400
PHILADELPHIA, PA 19106**

**FINANCING PROPOSALS FOR ESSINGTON AVENUE EXPANSION
RFP No. 24-03**

PROPOSAL FORM

1. The undersigned submits this proposal in response to the above referenced **RFP No. 24-03 Financing Proposals for Essington Avenue Expansion** being familiar with and understanding the advertised notice of opportunity, General Information, Work Statement, Proposal Form, Affidavit of Non-Collusion, and Addenda if any (the “Proposal Documents”), as prepared by the Philadelphia Parking Authority and posted on the Authority’s Internet website and on file in the office of the Authority at 701 Market Street, Suite 5400, Philadelphia, PA 19106. The party submitting a proposal is the “Offeror”.
2. The Authority reserves the right to withdraw and cancel this RFP prior to opening or to reject any and all proposals after proposals are opened if in the best interest of the Authority, in the Authority’s sole discretion. If the Authority accepts Offeror’s offer, Offeror agrees to execute a contract memorializing the proposal’s terms if the contract is delivered to Offeror within 60 days of the proposal opening date or other such period that has been accepted by the Authority as part of the Offeror’s proposal. This provision will not be interpreted to preclude the execution of a contract related to this proposal outside of that 60-day period.
3. Offeror acknowledges receipt of the following addenda:

Addendum	Date
_____	_____
_____	_____
_____	_____

4. **Requirement Statement:** The undersigned Offeror agrees to provide financing services as specified in the Work Statement, any Addenda, if issued and the response submitted.

Signature

Name
(Please Print)

Title

Date

5. Offeror Signatures: Complete one section below.

If proposal is by a corporation, form must include the date and be signed here by (a) President or Vice President, and (b) Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, or Officer. If this form is not so signed, a corporate resolution authorizing form of execution must be attached to this proposal.

Signature

Typed or Printed Name

Title

Business Name of Offeror

Street Address

City/State/ZIP Code

Email Address

Telephone Number

Signature

Typed or Printed Name

Title

Date

If offer is by a business entity other than a corporation form must be dated and signed here:

Authorized Signature

Typed or Printed Name

Title

Date

Type of Entity

Business Name of Offeror

Street Address

City/State/ ZIP Code

Telephone Number

6. Affidavit of Non-Collusion:

State of: _____

RFP No. _____

County of: _____

I state that I am _____ (Title) of _____ (Name of my organization) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this proposal and I have placed my signature below.

I state that:

(1) The price(s) and amount of this proposal have been arrived at independently and without consultation, communication or agreement with any other contractor, Offeror or potential Offeror.

(2) Neither the price(s) nor the amount of this proposal, and neither the terms nor the approximate price(s) nor approximate amount of this proposal, have been disclosed to any other firm or person who is an Offeror or potential Offeror, and they will not be disclosed before proposal opening.

(3) No attempt has been made or will be made to induce any firm or person to refrain from submitting a proposal in response to this Proposal, or to submit a proposal higher than this proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal.

(4) The proposal of my organization is made 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. I have read, understand and will abide by the Authority's Contractor Integrity Provisions.

(5) _____ (my organization's name) its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last four 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 on any public contract, except as follows:

I state that _____ (my organization's name) understands and acknowledges that the above representations are material and important and will be relied on by The Philadelphia Parking Authority when awarding the contract for which this proposal is submitted. I understand and my organization understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from The Philadelphia Parking Authority of the true facts relating to the submission of proposals / proposals for this contract.

SWORN TO AND SUBSCRIBED
BEFORE ME THIS ____ DAY
OF 20__

Signature

Printed Name

Notary Public
My Commission Expires: _____

7. Qualifications:

- a. **Type of business:** Banking Institution
Check one Bond Underwriter
Partnership
Corporation
Other

- b. **Number of employees:** Under 25
Check one Under 50
Under 100
Over 100

c. **If you have had previous contracts with the Authority, list date and product or service provided:**

i.....

ii.....

iii.....

d. **Philadelphia Commercial Activities License Number:** _____

e. **Federal EIN Number:** _____

MANAGER OF CONTRACT ADMINISTRATION
THE PHILADELPHIA PARKING AUTHORITY
701 MARKET STREET, SUITE 5400
PHILADELPHIA, PA 19106



Proposal Decline Form: RFP No. 24-03 Financing Proposals for Essington Avenue Expansion

If you did not submit an offer to the Authority for this solicitation, please return this form immediately.

The undersigned contractor declines to submit an offer for this project.

Name: _____

- Requirements too "tight" (explain below)
- Unable to meet time period for responding to this Proposal
- We do not offer this product or service
- Our schedule would not permit us to perform
- Unable to complete Work Statement
- Unable to meet Bond Requirements
- Work Statement unclear (explain below)
- Unable to meet Insurance Requirements
- Unable to meet Contract Requirements (explain below)
- Other (specify below)

Comments:

Upon completion of this form, please email the form to Shannon Stewart, Manager of Contract Administration, at sstewart@philapark.org. A link to the electronic version of this form can be found on our website or by clicking this link, <https://app.smartsheet.com/b/form/b8ea90e4a7a14128a6a986f3b0e1a624>.