



RESPONSES TO BIDDER QUESTIONS

ITB GBA #12-16
PROPERTY LOCATION:

Pullman Yard
225 Rogers Street, NE
Atlanta, DeKalb County, Georgia

Pursuant to the terms of Invitation to Bid GBA #12-16 (“ITB”) for the sale of Pullman Yard (“the Property”), a Pre-Bid Conference was held on January 18, 2017 to provide interested bidders an opportunity to ask questions about the ITB or the Property. Additionally, Bidders were given the opportunity to submit written questions about the ITB or the Property via e-mail to the State Properties Commission by noon March 17, 2017. Provided below are summaries of the questions that were asked during the Pre-Bid Conference or submitted via e-mail by the deadline along with the responses to each.

Pre-Bid Conference Questions:

Question 1: **Why not provide to everyone more in the way of the environmental background documents to understand what’s been the history?**

Answer 1: A 20-year history of final environmental documents in SPC and GBA files was posted online at <http://gspc.georgia.gov/press-releases/2016-04-05/property-sale-dekalb-county> on January 24, 2017.

Question 2: **Would it be inappropriate for bidders to reach out to the consultants to ask questions as follow up outside of SPC email in the process?**

Answer 2: No.

Question 3: **What was the process leading up to not putting in the same historic preservation conditions in this ITB that were in the prior 2007 offering memorandum, that expressly recognized that there are at least 4 structures on the property that were eligible for designation on the State Historic Properties list and the prior offering had said that there will be a deed restriction to protect that? There is a process under the State’s Historic Preservation Code that is to involve DNR and the Historic Preservation Division and I wanted to**

ask the for the process that has been followed relevant to that and the thinking?

Answer 3: This question is not specific to the current ITB and/or the property, therefore, no response is given.

Question 4: What is the role of DNR so far and the effort to satisfy State Historic Preservation requirement?

Answer 4: This question is not specific to the current ITB and/or the property, therefore, no response is given.

Question 5: In addition to the environmental reports you may be uploading, are there any structural reports on those buildings that would follow the same process as getting uploaded to share with the bidders?

Answer 5: All structural reports in SPC and GBA files were posted online at <http://gspc.georgia.gov/press-releases/2016-04-05/property-sale-dekalb-county> on January 24, 2017.

Question 6: The successful bidder has 20-days to do title work and during that period they can do inspections and appraisals and inspections. Would they be allowed to do invasive testing such as soil borings things with structural work, it says inspections I just don't know how far reaching that is?

Answer 6: Yes.

Question 7: Environmental sampling is expensive; can bidders share any sampling info?

Answer 7: Yes.

Question 8: Will all questions asked and answered today also become part of public record and in the response that you will be given written on the 24th of March?

Answer 8: Yes.

Question 9: What due diligence has been completed and is that information going to be available on the website as well?

Answer 9: A survey, appraisals, and certain environmental testing have been performed. Except for exempted appraisals, due diligence items have either been included in the Invitation to Bid or were posted online at <http://gspc.georgia.gov/press-releases/2016-04-05/property-sale-dekalb-county>.

Question 10: Is [there] a way to consolidate our efforts to get a better handle on the environmental?

Answer 10: It is up to potential bidders to work out any consolidation efforts amongst themselves.

Question 11: What is the anticipated timeframe between selecting the successful bidder to the time you have to close?

Answer 11: Current expectations are for a mid-June 2017 GBA Board meeting to consider bids and select a successful bidder. Upon GBA Board approval, closing would be anticipated to occur on or before July 25, 2017.

Question 12: When this property went out to bid back in 2007 what was the reason that no bid was accepted then and are you able to relay what was the highest bid was then?

Answer 12: This question is not specific to the current ITB and/or the property, therefore no response is given.

Question 13: What is the reasoning that historic preservation was taken out of this bid?

Answer 13: This question is not specific to the current ITB and/or the property, therefore no response is given.

Question 14: Would we release the appraisals?

Answer 14: No; appraisals are exempted documents.

Question 15: Other than price, what criteria are going to be looked at in selecting a bidder or deciding who may or may not be input to the best and final round, if that process takes place? Other than price, is there any other criteria that's going to be looked at?

Answer 15: No; refer to the Invitation to Bid.

Question 16: Is it ok if I record this?

Answer 16: Yes, it is okay to record.

Question 17: Are these buildings not considered of historic relevance? Why you guys don't consider this worthy of historic preservation, what are the criteria by which you determine if this is historic? Are there criteria? You don't know if there are criteria for determining if it is historic? Who would be responsible for determining if it is historic?

Answer 17: These questions are not specific to the current ITB and/or the property, therefore, no response is given.

Question 18: What are criteria for historic and omitting them from the bid? Are there criteria?

Answer 18: This question is not specific to the current ITB and/or the property, therefore, no response is given.

Questions Submitted via Email:

Question 1: Will you cause this letter to be posted on the ITB website prior to the bid deadline?

Answer 1: No.

Question 2: Will you cause the ITB to be amended to include historic preservation conditions for the historic buildings at Pullman Yard?

Answer 2: No.

Question 3: Will you cause the notification of prospective bidders via the ITB website that the City of Atlanta has previously nominated the historic buildings at Pullman Yard for historic preservation status under City code and that it has the right to re-nominate them immediately following the transfer of title away from the State to a purchaser?

Answer 3: As stated in the Pre-Bid Conference, anyone intending to bid on the property should be aware that the City of Atlanta may have interest in designating the property as a historic landmark or district under the City's Code provisions. Any questions regarding possible designation as historic should be addressed to the Atlanta Urban Design Commission. Documents related to the previous nomination are public records and are subject to disclosure upon request by any interested party.

Question 4: Will you cause this letter to be posted on the ITB website prior to the bid deadline?

Answer 4: No.

Question 5: Will you cause the State to perform and post the results of additional environmental sampling as recommended above on a pre-bid basis, with a corresponding extension of the bid deadline to accommodate such additional sampling and evaluation of additional sampling results by prospective purchasers?

Answer 5: No; the State will not conduct any additional sampling.

Question 6: Will you cause the proposed Agreement attached as Exhibit A to the ITB to be amended to provide a reasonable time for a prospective Purchaser to conduct additional environmental sampling following entry of the Agreement, with a corresponding opportunity for the prospective Purchaser to terminate or negotiate an amendment of the Agreement with the State to take the ramifications of such sampling into account?

Answer 6: No; the State will not conduct any additional sampling. Prospective purchasers were given the opportunity to conduct sampling during the inspection times listed in the ITB and the Successful Bidder will be given additional time to perform inspections as provided in the Purchase and Sales Agreement. Negotiation of an amendment to the Purchase and Sales Agreement would be up to the Successful Bidder.

Question 7: Will you cause Section 6.1.2 of the proposed Agreement to be revised to correct the misrepresentation that is currently stated therein?

Answer 7: The template Agreement will be modified to note that the Seller has surveyed and performed certain inspection activities related to the property but the property will be sold “as is, where is, and with all faults”. All environmental documents for the past 20-years have been posted online on January 24, 2017 at <http://gspc.georgia.gov/press-releases/2016-04-05/property-sale-dekalb-county>.

Question 8: Will you cause Section 8 of the proposed Agreement to be amended to allow a prospective Purchaser to terminate the Agreement in the event a material title defect is revealed from its title examination in the event that the State does not act to cure such title defect?

Answer 8: No; Section 8 does not require amendment. All bidders are encouraged to consult with an attorney for assistance in interpreting the provisions of the Purchase and Sales Agreement.

Question 9: Does the GBA make a determination whether a building GBA is planning to sell is of historic significance? If so, who makes that determination?

Answer 9: This question is not specific to the current ITB and/or the property, therefore, no response is given.

Question 10: Does another state entity make a determination whether a building GBA is planning to sell is of historic significance? If so, who makes that determination?

Answer 10: This question is not specific to the current ITB and/or the property, therefore, no response is given.

Question 11: What criteria or process is used by GBA or another state entity to determine historic significance of buildings? Or where should I look for that information?

Answer 11: This question is not specific to the current ITB and/or the property, therefore, no response is given.