

# Borough Property Sale

## Comparative Analysis: Legal Notice vs. Request for Proposals

Prepared June 2026

### Overview

This document provides a consolidated analysis of two related instruments governing the Borough's property sale: the Legal Notice and the Request for Proposals (RFP). While both documents pertain to the same transaction, they differ substantially in purpose, audience, scope, and on several material terms. Anyone relying solely on the Legal Notice would miss critical requirements that could result in bid disqualification.

### Purpose and Audience

The Legal Notice is a brief public announcement required by law, intended to inform the general public of the bid opportunity. Its role is formal and statutory — to satisfy the public notice requirement.

The RFP is a comprehensive developer solicitation document aimed at serious bidders. It sets out exactly what the Borough is seeking, how proposals should be structured, and how they will be evaluated. It includes submission requirements, evaluation criteria with point scoring, project goals, property history, zoning information, and financing details — none of which appear in the Legal Notice.

### Side-by-Side Comparison

The table below summarizes how each document addresses key topics. Discrepancies between the two documents are noted.

Topic	Legal Notice	RFP (Request for Proposals)
<b>Format &amp; Purpose</b>	Brief statutory public advertisement required by law.	Comprehensive solicitation with detailed instructions, evaluation criteria, and project goals.
<b>Bid Opening Date</b>	Public opening at 10:00 a.m. on Monday, May 18, 2026.	Bids opened "the following day" after May 15 — implying May 16. <b>DISCREPANCY</b> with Legal Notice.
<b>Award Date</b>	Award at the regularly scheduled Borough Council meeting on May 26, 2026 at 7:00 p.m.	Winning bid announced "within 30 days of bid opening." No specific date given.

Topic	Legal Notice	RFP (Request for Proposals)
<b>Submission Method</b>	Bids on a designated proposal form, sealed and marked specifically to Jack Brommer.	Submission by email, in-person drop-off, or mail, addressed to the Borough Manager (no individual named).
<b>Deposit</b>	4% deposit within 10 days; must be by certified bank or cashier's check.	4% deposit within 10 days. No specification of payment instrument type.
<b>Payment Timeline</b>	Full purchase price within 60 days of acceptance.	Purchase contract executed within 45 days of award. Full payment timeline not specified.
<b>Closing Costs</b>	Buyer pays all transfer costs (title search, insurance, recording fees, taxes, etc.), except deed preparation.	Not addressed.
<b>Bid Withdrawal</b>	No bidder may withdraw their bid for 45 days after opening.	Not addressed.
<b>Borough's Rights</b>	Borough explicitly reserves the right to reject any or all bids and to waive irregularities.	This language does not appear.
<b>Contact Person</b>	Bids directed to Jack Brommer by name.	Submissions addressed to the Borough Manager generically; no individual named.
<b>Scope of Detail</b>	Minimal. Public notice only.	Extensive: includes submission requirements, evaluation criteria with point scoring, project goals, property history, zoning, and financing details.

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## Key Discrepancies and Risks

The following issues represent meaningful conflicts between the two documents that bidders and the Borough should resolve prior to submission:

### 1. Bid Opening Date

This is the most significant conflict. The Legal Notice sets a public bid opening at 10:00 a.m. on May 18, 2026. The RFP implies bids are opened on May 16 ("the following day" after the May 15 closing deadline). Bidders cannot know which date governs without clarification from the Borough.

### 2. Award Timeline

The Legal Notice ties the award to a specific and publicly noticed Borough Council meeting on May 26 at 7:00 p.m. The RFP provides only a 30-day window from bid opening. These are not necessarily inconsistent, but the RFP's vagueness could create confusion about when a bidder's proposal remains binding.

### **3. Payment Instrument**

The Legal Notice specifies that the 4% deposit must be paid by certified bank or cashier's check. The RFP does not mention this requirement. A bidder relying solely on the RFP may submit an unacceptable form of payment.

### **4. Full Payment Deadline**

The Legal Notice requires full payment within 60 days of acceptance. The RFP requires execution of a purchase contract within 45 days but does not address when full payment is due. Bidders relying on the RFP alone would have an incomplete picture of their payment obligations.

### **5. Bid Withdrawal Restriction**

The Legal Notice prohibits bid withdrawal for 45 days after opening. The RFP contains no such provision. A bidder who reads only the RFP might not understand that their bid is irrevocable for this period.

### **6. Closing Costs**

The Legal Notice clearly allocates closing costs to the buyer (title search, insurance, recording fees, taxes, etc.), with the Borough responsible only for deed preparation. The RFP is silent on this entirely. Bidders must factor these costs into their financial projections, but the RFP gives them no guidance to do so.

### **7. Borough's Right to Reject**

Standard in public procurement, the Legal Notice reserves the Borough's right to reject any or all bids and waive irregularities. This protective language is absent from the RFP, which could create ambiguity about the Borough's flexibility in evaluating proposals.

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## **Conclusion and Recommendations**

The Legal Notice and the RFP are complementary documents, but they are not fully consistent. The RFP provides the depth and detail a developer needs to prepare a competitive proposal. The Legal Notice provides the legally required public notice and contains several material terms

— closing costs, bid withdrawal restrictions, deposit instrument requirements, and the Borough's right to reject — that do not appear in the RFP.

The following actions are recommended:

- Issue an addendum to the RFP clarifying the bid opening date (May 16 vs. May 18) and confirm which governs.
- Incorporate closing cost obligations into the RFP so all bidders have complete financial information.
- Add deposit instrument requirements (certified bank or cashier's check) to the RFP submission requirements.
- Include the bid withdrawal restriction and the Borough's right to reject in the RFP for consistency.
- Direct all inquiries through a single named contact to eliminate confusion between Jack Brommer (Legal Notice) and the generic Borough Manager reference (RFP).

*Until these discrepancies are resolved, bidders should treat the Legal Notice as the controlling document on any point where the two instruments conflict, and should seek written clarification from the Borough before submitting a proposal.*