

**Request for Proposals for
Magnolia Hotel, Adjacent Lot and Parking Lot
Between Croesus St and Rue Magnolia
Biloxi, MS 39530
THIS NOTICE OF RFP REPLACES AND
SUPERCEDES THE NOTICE PUBLISHED
MARCH 29, 2018 REGARDING THIS
PROPERTY**

- RESPONSE DUE DATE:** 10:00 AM (local time) **Wednesday, June 6, 2018**
- NOTICE OF REQUEST FOR PROPOSALS:** Invitations are extended for responses using the attached Submission Form
- CONTACTS:** Peter Abide, City Attorney
City of Biloxi
140 Lameuse Street
Biloxi, Mississippi 39530
Telephone: (228) 435-6252
E-mail: PAbide@curriejohnson.com
- SCOPE OF REQUEST:** The City of Biloxi, Mississippi (referred to herein as the "City") is seeking proposals for the opportunity to lease certain surplus real property-i.e., the Magnolia Hotel land and improvements (Tax Parcels: #1410K-03-125.000) and lease/lease-purchase/purchase of two adjacent lots south of the Magnolia Hotel lot, or any one or more of the two parcels, being composed of land and improvements on two Tax Parcels #1410K-03-126- 000, and #1410K-03-127.000.
- COMPLETED RESPONSES MUST INCLUDE:**
- a. Submission by 10:00 AM, local time, June 6, 2018, by sealed and labeled proposal (original and two copies) as set forth herein under Conditions;
 - b. A signed and dated submission form;
 - c. A certified check in the amount of \$5,000.00 earnest money to be applied against the lease payments (will be returned if proposal is not accepted within 45 days of submission). There shall be no modification or withdrawal of the response after the response receipt date.
- Contents of this Package:**
- a. Request for Proposals
 - b. Conditions
 - c. Submission Form
- Agreement:** The successful submitter (the Lessee") will enter with the City into a definitive agreement, depending upon the City's decision, in its discretion, whether to select a proposal and enter into an agreement. The definitive agreement will require that the successful submitter pay at closing (a) at least one-half of the cost of two appraisals of fair market value of the subject real property prepared by qualified appraisers selected by the City, (b) the cost of a survey and legal description of the property to be leased prepared by a qualified land surveyor selected by the City, and (c) all costs of lessee's attorneys fees and costs of certificate of title and/or title insurance for lessee. All other terms and conditions of the definitive agreement must be mutually acceptable to all parties and will be subject to approval by the Biloxi City Council, in its sole and absolute discretion. The

agreement must be fully executed and approved by all parties within 45 days after the Response Due Date, and the effective date of the lease agreement must occur within sixty days of the Response Due Date, unless extended in writing by the Mayor and the selected proposer.

Addendum:

No addendum to this Request for Proposals will be issued prior to two (2) working days of the response due date unless such addendum also amends the response due date to no less than five (5) working days after the date of addendum.

Award Criteria:

The City intends to select a proposal or proposals and enter an agreement or agreements to lease one or more parcels of the subject real property based upon the following criteria that will be evaluated, weighted and measured in the City's sole and absolute discretion:

- a) The City prefers the following uses: boutique hotel with less than 10 rooms, apartments, live music venue, and retail, but the submitter may propose any one or more of the foregoing uses or any other lawful use;
- b) The City intends to impose a City short-term rental occupancy fee on hotel room and short-term rentals;
- c) amount of lease rental;
- d) whether the proposed use of the property for the purpose for which it is to be leased will promote and foster the development and improvement of the community and the civic, social, educational, cultural, moral, economic or industrial welfare thereof and is in the best interest of the economic growth and development of the City;
- e) resulting direct and indirect economic benefits to City;
- f) whether the proposed use is consistent with City ordinances applicable to the downtown area in which the site is located;
- g) whether the proposed use of the Magnolia Hotel and adjacent lots will comply with laws and ordinances pertaining to historic buildings;
- h) submitter may factor cost of improvements into proposed lease rental terms;
- i) any other factors or criteria that the City deems appropriate for evaluation in the circumstances.

The City reserves the right to reject any and all responses with or without cause, to waive minor errors and inconsistencies, and to negotiate with any submitter upon terms that may differ substantially from those set forth herein.

Questions:

Questions should be submitted via email to PAvide@curriejohnson.com. The subject line should reference **Magnolia Hotel and adjacent lots**.

Conditions

Cost of Preparing Response:

The cost of developing and submitting the response is entirely the responsibility of the persons and firms submitting a response to this request for proposals. This includes, but is not limited to, costs to determine the nature of the property and other due diligence for leasing real property, preparation of the response, submitting the response, negotiating for the contract and other costs associated with this request for proposals and the closing of any contract for disposition of the property.

No Oral or Implied Contracts:	There shall be no oral or implied contracts relating to this request for proposals.
Acceptance or Rejection:	The City reserves the right to select, accept or reject any or all proposals or part of a proposal; to waive any informalities or technicalities; clarify any ambiguities in proposals; and to modify any criteria in this request for proposals.
Open Records Law:	All responses become the property of the City. All information contained in the responses shall become open for public review.
Submittal of Responses:	<p>An original and two copies of the response must be received by the City on or before the time and date outlined above, in a sealed envelope marked "PROPOSAL: MAGNOLIA HOTEL & LOTS," addressed to:</p> <p>Keith Stuart City of Biloxi Mayor's Office, 2nd Floor, City Hall Attn: Legal Department 140 Lameuse Street Biloxi, Mississippi 39530</p>
Signature of Responses:	Each response shall give the complete mailing address of the submitter and be signed by an authorized representative with his or her name and legal title typed below the signature line.
Notice of Award:	The award will be announced on or before 45 days after the Response Due Date. No response may be withdrawn until such award or rejection of all responses. Only the City is authorized to issue news releases relating to this request for proposals, selection of the successful submitter, and/or implementation of the resulting agreement.
Prohibition of Gratuities:	Neither the successful submitter nor any person, firm or corporation employed by the successful submitter shall offer or give any gift, money or anything of value or any promise of future award or compensation to any of the City's officials, officers, directors, or employees at any time.
Third Party Beneficiaries:	This request for proposals and resulting agreement shall not be construed as providing an enforceable obligation to any third party.
No Liability:	The City shall have no liability and no obligation to any person nor shall it be compelled to enter into any agreement or any other arrangement as a result of issuing this request for proposals.

**Request for Proposals for
MAGNOLIA HOTEL AND ADJACENT LOTS
Submission Form**

Attach a detailed statement your proposed lease terms and rental payments.

Attach a narrative description of your proposed use of the subject real property and any proposed renovation, addition, alteration, or new improvements on, in or to the subject property. Describe how your proposed use and improvements would satisfy the Award Criteria stated in the RFP, above.

Attach a narrative of your proposed additional conditions (if any):

Submitter's Name and Title: _____

Address: _____

Phone Number: _____

E-mail Address: _____

Signature: _____

Title: _____

MUNICIPAL CLERK

A handwritten signature in black ink, appearing to read "Gary L. Hacker", is written over a horizontal line.

Publish three consecutive weeks: April 5th, 12th, 19th, 2018
Send Proof of Publication.