**REQUEST FOR PROPOSALS FOR LEASING AND DEVELOPMENT**

**OF WATERFRONT PROPERTY AT POINT CADET SOUTH**

**OF HIGHWAY 90**

Biloxi, MS 39530

**Response Due Date:** 10:00 AM (local time) Wednesday, August 22, 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, MS 39530, Telephone: 228-435-6252, Email: [pabide@curriejohnson.com](mailto:pabide@curriejohnson.com); Gerald Blessey, Special Counsel, City of Biloxi, 140 Lameuse Street, Biloxi, MS 39530, Telephone: 228-806-4755, Email: [blesseylaw@me.com](mailto:blesseylaw@me.com).

**Scope of Request:** The City of Biloxi, Mississippi referred to herein as "City" is seeking proposals from for-profit and non-profit business entities to lease and develop all or any part of certain real property, composed of all parcels of undeveloped upland south of Highway 90 and East of extended Myrtle Street that is part of “Point Cadet Property South” jointly held by the City of Biloxi and the State of Mississippi according to the Point Cadet Compromise and Settlement Agreement and more particularly depicted in the City's Point Cadet Waterfront Enterprise Plan of March 2018 (the “Plan”), a copy of which is available for review at [www.biloxiplans.com](http://www.biloxiplans.com), or upon request to Peter Abide, City Attorney or Gerald Blessey, City Special Counsel. The Plan is only an example project, and the submitter (developer) is encouraged to propose any alternate uses and alternate designs that the developer deems most beneficial to City, State, and developer.

**Completed responses must include:** (a) Submission by 10:00 a.m. local time August 22, 2018 by sealed and labeled proposal (original and five copies) as set forth herein under Conditions; (b) a signed and dated Submission Form with all attachments referenced therein; and (c) a certified check in the amount of $500.00 earnest money made payable to the City of Biloxi. (This earnest money will be returned if the proposal is not accepted within 45 days of submission.) There shall be no modification or withdrawal of the response after the response receipt date.

**Agreement:** The successful submitter or submitters (the lessee(s)/developer(s)) will enter into a definitive contract, or respective definitive contracts, for lease and development of all or any one or more parcels of the subject property, depending upon the City and State’s decision in their discretion whether to select one or more proposals and enter into one or more agreements. The definitive agreement(s) will require that the successful submitter (a) pay at closing at least one half the cost of two appraisals of fair market value of the subject real property; (b) pay 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 developer's or lessee's attorney's fees and costs of certificate of title or title insurance for lessee. All other terms and conditions of the definitive agreement must be acceptable to the City and will be subject to approval by the Mayor and City Council of the City of Biloxi and the Secretary of State of the State of Mississippi in their sole and absolute discretion. Any lease agreement(s) will also be subject to approval and execution by the Governor of the State of Mississippi.

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

**Award Criteria:** The selection of a proposal or proposals to enter into an agreement or agreements will be evaluated, weighed and measured in the City's sole and absolute discretion using the following criteria:

A. Amount of estimated private investment in improvements and amount of lease rental or a reasonable process for determining fair amount for lease rental.

B. Whether the proposed use of the parcel(s) of the subject property will promote and foster the development and improvement of the marine resources and economic development of the State of Mississippi and of the City of Biloxi, will enhance and foster the development and improvement of the civic, social, education, cultural, moral, economic, or industrial welfare of the City and the State, is in the best interest of the economic growth, development and quality of life of the City and State, and, where applicable, is consistent with and complies with the public purposes of the Public Trust for Tidelands under Mississippi law.

C. The resulting direct and indirect economic benefits to the City and the State of Mississippi, through production of new jobs and generation of tax revenues to the City, County and State;

D. Whether the proposed lease is consistent with City ordinances applicable to the subject property, including, but not limited to, the Biloxi Waterfront Design Standards and Guidelines Ordinance as stated in the Land Development Ordinances of the City of Biloxi, Mississippi.

The City reserves the right to select, accept or reject any and all responses with or without cause, waive minor errors and inconsistencies, waive any informalities or technicalities, clarify any ambiguities in proposals, modify any criteria, and negotiate with any submitter upon terms that differ substantially from those set forth herein, in the City’s sole discretion.

**Questions:** Questions should be submitted via email to [pabide@curriejohnson.com](mailto:pabide@curriejohnson.com), with a copy to [blesseylaw@me.com](mailto:blesseylaw@me.com). The subject line should reference Point Cadet Property South Proposal.

**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, cost to determine the nature of the property and other due diligence for leasing or preparation of the response or submitting the response, negotiating for the contract and other costs associated with this Request for Proposals and the closing of any contract for consulting services and/or for leasing of the property.

**No Oral or Implied Contracts:** There shall be no oral or implied contracts related to 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 according to Mississippi Open Records Laws, subject to the provisions for protection of proprietary information according to Mississippi Open Records Laws. The City will provide copies of the responses to the Secretary of State, the Mississippi Commissioner of Higher Education, and the President of the University of Southern Mississippi for review and comment. Any information that submitter (developer) seeks to keep proprietary should be so designated, with the understanding that such designation may ultimately be determined by judicial review.

**Submittal of Responses:** An original and five copies of the response must be received by the City on or before the time and date stated above in a sealed envelope marked "Proposal: Point Cadet Property South" addressed to Keith Stuart, City of Biloxi, Mayor's Office, Second Floor, City Hall, Attention Legal Department, 140 Lameuse Street, Biloxi, MS 39530.

**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(s) will be announced on or before 45 days after the response due date. Any news releases shall be subject to approval by the City of Biloxi and State of Mississippi.

**Prohibition of Gratuities:** Neither the successful submitter(s) nor any person, firm, or corporation employed by the successful submitter(s) shall offer or give any gift, money, or anything of value or any promise of future reward or compensation to any of the City's or State’s officials, officers, directors, or employees at any time.

**Third Party Beneficiaries:** This Request for Proposals and resulting agreement(s) should not be construed as proving an enforceable obligation to any third party.

**No Liability:**

The City and State shall have no liability and no obligation to any person nor shall they be compelled to enter into any agreement or any other arrangement as a result of issuing this Request for Proposals.

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**Submission Form: Request for Proposals for Point Cadet Property South**

Attach a narrative description of your proposal, proposed use of the subject real property and proposed new improvements on, in, or to the subject property. Describe how your proposed, investment, development, use and improvements would satisfy the award criteria stated in this RFP above.

Attach a narrative description and enumeration of the estimated private investment and estimated lease rental payments.

Attach a detailed statement of all other proposed terms and conditions for agreement(s).

Attach a narrative description of the experience and qualifications of your business entity and its principals that will be working on your proposed project.

Name and state of organization of submitting business entity (developer): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name & title of person authorized to execute for submitter:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature authorized by submitter:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Municipal Clerk:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Publish once in each of three consecutive weeks: Aug. 2, Aug. 9, and Aug 16, 2018.

Send proof of publication.