

**Request for Proposals for
Purchase or Lease of Lots on Caillavet St.
Biloxi, MS 39530**

RESPONSE DUE DATE: 10:00 AM (local time) **Wednesday, January 30, 2019**

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

Jerry Creel, Director of Community Development
City of Biloxi
676 Dr. Martin Luther King, Jr., Blvd.
Biloxi, Mississippi 39530
Telephone: (228) 435-6280
E-mail: jcreel@biloxi.ms.us

SCOPE OF REQUEST: The City of Biloxi, Mississippi (referred to herein as the "City") is seeking proposals for the opportunity to purchase, lease or lease-purchase certain surplus real property—i.e., lots on Caillavet St., or any one of the lots (parcels), being composed of land on the following Tax Parcels as numbered by the Harrison County Tax Assessor, all of which are zoned RB Regional Business under the City's Land Use Ordinance:
These parcels are on Caillavet St., south of Division:
1410E-02-019.025; 1410E-02-019.024; 1410E-02-019.023;
1410E-02-019.022; 1410E-02-019.021; 1410E-02-019.020;
1410E-02-019.019; 1410E-02-019.018; 1410E-02-019.017;
1410E-02-019.016; 1410E-02-019.015; 1410E-02-019.014;
1410E-02-019.013; 1410E-02-019.012; 1410E-02-019.011;
1410E-02-019.010; 1410E-02-019.009; 1410E-02-019.00.

These parcels are north of Division St., beginning on the NE corner of Division and Caillavet and extending north on Caillavet Street:
1410E-01-010.000; 1410E-01-010.001; 1410E-01-010.003

COMPLETED RESPONSES MUST INCLUDE: a. Submission by 10:00 AM, local time, January 30, 2019, by sealed and labeled proposal (original and three 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 purchase price or 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 RFP Package: Request for Proposals; Conditions; and Submission Form

The successful submitter (the "Purchaser or Lessee") will

Agreement:

enter with the City into a definitive Contract for Purchase and Sale of Real Property, or a Lease Agreement, or a Lease-Purchase Agreement, depending upon the City's decision, in its discretion, whether to select a proposal, or multiple proposals for different lots, and enter into an agreement, or agreements, or to reject all proposals and negotiate with any person. 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 and approved by the submitter, (b) the cost of a survey and legal description of the property to be sold or leased prepared by a qualified land surveyor selected by the City and approved by the submitter, and (c) all costs of purchaser or lessee's attorneys fees and costs of certificate of title and/or title insurance for purchaser or lessee. The definitive agreement and closing documents may include covenants for beginning and completing construction of improvements and reverter clauses for failure to comply with covenants regarding time limits. 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 closing of the sale or effective date of the lease or lease-purchase 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 and Opportunities for Incentives:

The City intends to select a proposal or proposals and enter an agreement or agreements to either sell, lease or lease-purchase 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) amount of purchase price or lease rental;
- b) whether a neighborhood grocery store is one of the proposed uses
- c) proposed dates of beginning construction of improvements and opening improvements for business
- d) whether the proposal(s) for use(s) and development(s) includes mixed uses for commercial and residential units
- e) the amount of private equity proposed for investment
- f) the amount, if any, of the submitter's request for city incentives (which are subject to separate City application criteria)
- g) whether the proposed use of the property for the purpose for which it is to be sold, conveyed or 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;

- h) direct and indirect economic benefits to the City;
- i) whether the proposed use is consistent with City ordinances applicable to the area in which the subject lots (parcels) are located;
- j) any other factors or criteria that the City deems appropriate for evaluation in the circumstances.

U.S. OPPORTUNITY ZONE: The subject lots are within an Opportunity Zone designated on April 9, 2018 by the U.S. Treasury Department and the IRS for income tax incentives under the Tax Cuts and Jobs Act. Submitters should consult their personal legal and accounting tax advisers regarding the incentives available for qualified investments in U.S. Opportunity Zones.

CITY INCENTIVE PROGRAMS: The subject lots are in areas eligible for applications incentives pursuant to the housing incentive program established by City Council Resolution #393-18 and the Downtown Façade and Redevelopment Incentive Program established by City Council Resolution # 453-18. The City, in its sole and absolute discretion, reserves the right to accept or reject any and all applications for City incentives.

Questions:

Questions should be submitted via email to PAbide@curriejohnson.com, with a copy to jcreel@biloxi.ms.us. The subject line should reference **Caillavet Street 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 purchasing, leasing or lease-purchasing 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; City Reservations:

The City reserves the right to select, accept or reject any or all proposals or part of a proposal, with or without cause; negotiate with any submitter or any other person upon terms that do not differ substantially from those set forth herein; waive any informalities or technicalities; clarify any ambiguities in proposals; and modify any criteria in this request for proposals.

Public Records Law:

All responses become the property of the City. All information contained in the responses shall become open for public review pursuant to State and City Public Records laws and ordinances.

Submittal of Responses:

An original and three 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: CAILLAVET ST. LOTS," addressed to:

Keith Stuart, Purchasing Agent
City of Biloxi
Mayor's Office, 2nd Floor, City Hall
Attn: Legal Department
140 Lameuse Street
Biloxi, Mississippi 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 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 not have any liability or obligation to any person nor shall the City be compelled to enter into any agreement or any other arrangement as a result of issuing this request for proposals.

**Submission Form
Proposal for Purchase, Lease,
or Lease-Purchase of One or More
Caillavet St. Lots**

Proposed Purchase Price(s): \$ _____ (If the proposal is for less than all of the lots, attach a separate schedule of proposed purchase prices for each parcel.)

Or

Proposed Lease Term and Rental Payments: (Attach a detailed statement of terms and payments for each lot or groups of lots)

Or

Proposed Lease-Purchase Terms: (Attach a detailed statement of terms and payments for each lot or groups of lots.)

(Submitter may propose any one or more of the foregoing three options, as alternative proposals).

Attach a narrative description of your proposed use of each lot and/or groups of lots and any proposed new improvements on, in or to each lot or groups of lots of the subject property. Describe how your proposed use(s) 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 (PRINT): _____ (If the submitter is a business entity, give the full legal title of the entity, state of origin and mailing address of its principal office.)

Address: _____

Phone Numbers: Work: _____ ; Mobile: _____

E-mail Address: _____

Signature of Authorized Person: _____

Title: _____


Deputy MUNICIPAL CLERK

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